

PUBLIC HEARING TO UPDATE ORDINANCE
3.02 ADMINISTRATION AND APPEALS

December 7, 2017

Hearing was called to order at 6:00 P.M. Present were Mayor Ihrke, Dave Iseminger, Cameron Johnson, Melinda Kieffer, Jaime Putzier. See attached sheet for public attendance.

Fred Suhler (attorney for Jody Wiza) takes the floor and states that the existing ordinance is out of sink with the State of Minnesota. Required to publish ordinance and approve. Not effective for another week and ½. Mayor Ihrke said that he asked the City's attorney for his opinion. The attorney stated that the City could adopt the ordinance and continue the hearing for Jody Wiza. Upon a brief discussion the City will propose to concede to Jody Wiza's request for a public hearing and that the ordinance will not be effective until it is published. Fred Suhler does not object to that. Melinda Kieffer feels that updating the ordinance is a good thing because then there will be no questions in the future. Mayor Ihrke then asked 3 times for comments or questions from the public. None received. At this time a motion was made by Jaime Putzier to close the public hearing, motion was seconded by Cameron Johnson. All agreed. Hearing was closed by 6:10 P.M.

Variance hearing called to order at 6:11 P.M. See attached sheet as to the public that was in attendance.

The topic for this hearing is the variance request for parking spaces behind the building for the Hair Shack and the Shack Bar. When the construction of the patio/deck behind the building was being done, some spaces were eliminated. Square footage for parking needs to be replaced and a larger area needs to be in place. Question was asked for any comments from Mr. Fred Suhler and

Jody Wiza. Mr. Suhler is somewhat confused. A picture of the parking lot was presented to view what was in place before the patio addition. There was 1564 square feet. 1620 square feet would be better. What would be gained with 1620 square feet? 6 parking stalls and the traffic lane is already there. Jody is asking when the City will fix the alley way behind her building? It was stated to her that this project is tabled until next year. Jody is willing to replace what was there before the construction at the time the alley is being fixed. She is asking that some of these issues be move along. Jody is also asking for reimbursement of the \$450.00 fee for the variance request because our ordinance was not up to date. Mayor Ihrke recommends 2 conditions:

- 1) variance becomes effective the date the variance is recorded
- 2) a date for Jody Wiza to do this next next year, weather permitting.

Mr. Fred Suhler does not have a problem with these recommendations and findings.

Mayor Ihrke asked 3 times for any additional comments or questions. None received.

Motion was made by Dave Iseminger to close this hearing, motion was seconded by Jaime Putzier. All agreed. Motion carried. Hearing closed at 6:25 P.M.

TNT Meeting was called to order at 7:00 P.M. See attached sheet for public attendance. Mayor Ihrke asked for any comments or questions from the public about the proposed levy and budget for 2018. The levy and budget for 2018 needs to be certified tonight. There were no comments or questions. A motion was made by Jaime Putzier to approve the 2018 proposed levy and budget for

certification, motion was seconded by Cameron Johnson. All agreed. Motion carried.

A motion was made by Cameron Johnson to close this meeting, motion was seconded by Melinda Kieffer. All agreed. Motion carried.

Meeting closed at 7:07 P.M.

December council meeting was called to order at 7:08 P.M. See attached sheet for attendance.

Agenda was presented for approval. Additions were made:

- Shack Bar Sunday Liquor License
- Add November meeting minutes for approval

A motion was made by Dave Iseminger to approve the agenda, seconded by Melinda Kieffer. All agreed. Motion carried.

Meeting minutes for November 2nd and 8th were presented for approval. Motion was made by Dave Iseminger to approve both, seconded by Cameron Johnson. All agreed. Motion carried.

Bills were presented for approval. Motion was made by Melinda Kieffer to approve. All agreed. Motion carried.

Ordinance #3.02, Administration and Appeals Update: Melinda Kieffer feels that it is a good idea to be up to date so that there are no questions. Melinda Kieffer made a motion to approve the updated ordinance, motion was seconded by Dave Iseminger. All agreed. Motion carried. 4/5 voted needed. A roll call was taken. Dave Iseminger – yes, Melinda Kieffer – yes, Jaime Putzier – yes, Cameron Johnson – yes, Mayor Ihrke – yes. All agreed. Motion carried.

Variance Request: A motion was made by Cameron Johnson to approve the findings that Jody replace the parking that was lost in construction of the patio, a total of 1,564 square feet behind Hair Shack and Shack Bar building.. The deadline for this is June 30, 2018. This will be effective upon the recording of this document. Motion was seconded by Jaime Putzier. All agreed. Motion carried.

A motion was made by Dave Iseminger to decline on Jody Wiza's request to refund the \$450.00 that she paid to have the variance hearing. Motion was seconded by Jaime Putzier. All agreed. Motion carried.

Regarding the Sunday Liquor License: Dave Iseminger asked Jody Wiza why she feels she deserves a Sunday Liquor License? Her attorney Fred Suhler stated that after being in court a couple of weeks ago with Judge Chase, the City agreed that they have no reason to not issue this the Sunday Liquor License. A motion was made by Cameron Johnson to approve the Sunday Liquor License thru December 31, 2017 of this year, seconded by Melinda Kieffer. All agreed. Motion carried.

Liquor Licenses for The Neighbors Pub. They are submitting applications to renew Sunday Sale, Off Sale and On Sale. A motion was made by Cameron Johnson to approve, seconded by Jaime Putzier. All agreed. Motion carried.

Liquor Licenses for The Road Trip Bar and Grill. They are submitting applications to renew Sunday Sale, Off Sale, On Sale and the 2 AM. A motion was made by Jaime Putzier to approve, seconded by Melinda Kieffer. All agreed. Motion carried.

Liquor License for the Shack Bar. Mayor Ihrke stated that the dates are not correct on the Insurance Certificate, these need to be

corrected. Mayor Ihrke also stated that the City has been notified by the Olmsted County Sheriff's Department that a citation was issued against the Shack Bar for serving alcohol to a minor in a sting conducted by the sheriffs department that took place on December 6, 2017. Mayor Ihrke noted that Dover's ordinance states in one section that the citation was cause for immediate license revocation. However, in a different section it states that public hearing is required before the City can take any action. He feels that the City should play it safe by holding a public hearing. With the Council aware of the citation, the question then became if Wiza's liquor license for the Shack Bar in 2018 would be renewed. Fred Suhler said that it would be unwise to take action against his client's license without due process. If the citation turns out to be valid, the Shack Bar would still only have three strikes. According to Dover ordinance, four strikes are necessary for the license to be completely revoked. He sees no rush, but no reason to revoke her license, it could generate another lawsuit, when and if this citation was valid. Still up in the air about the other violations until resolved in court of appeals. Jody will take the punishment as handed down at that point, and put this behind her and act appropriately

Sue Ferguson from the Road Trip states that the ordeals with the Shack Bar has brought stress and discontent in the City. It is hurting everybody.

Cameron Johnson states that it is too early to act on the renewal of the 2018 liquor license for the Shack Bar. He suggests that the City approve it with the proper insurance and a hearing after the County goes thru the process with the latest violation. Mayor Ihrke states that it would be cleaner if we have a conviction. Dave Iseminger would like to take care of last years problems before issuing the license. Melinda Kieffer wants legal guidance before making a decision. Mayor Ihrke stated that this is a very difficult situation

for the City of Dover to go through. Dave Iseminger stated that Jody needs to follow liquor laws and ordinances.

Mayor Ihrke suggested the following: The council could continue their meeting at a later date, allowing time to consult with the City's attorney. The Council could also schedule a public hearing to address the citation. If it is discovered that the public hearing is not needed, it can be canceled. We need to consider going down the right path.

The meeting continuation was set for Thursday, December 14 at 5:30 P.M. at Dover City Hall. Another meeting will be set up between the City's attorney, Wayne Schauble and Jody Wiza's attorney, Fred Suhler . Hearing date of Wednesday, December 27, 2017 at 5:30 P.M. at the Dover Firehall will be published in the St. Charles Press.

A motion was made by Cameron Johnson to adopt resolution 2017-E (notice of violation for Shack Bar). Motion was seconded by Melinda Kieffer. All agreed. Motion carried.

A resolution needed by the State of Minnesota is needed for the annual polling place in the City of Dover. A motion was made by Cameron Johnson to approve, seconded by Jaime Putzier. All agreed. Motion carried.

Update on the Dover School: received bid from Custom Alarm for \$932.80 which includes installation, fire monitoring and 50 key fobs. There would be a \$62.50 fee per month for monitoring, and fire and security. Melinda Kieffer suggested a one time fee of \$50.00 per fob and if it is turned back into the City the individual would received a \$25.00 refund.

Cameron presented the following bids for the Boiler maintenance in the Dover School:

WHV: (currently under contract for month of December)

Weekly inspection: \$145 per week. Recently increased rate to \$195.00 per week

Water Testing: In the process of contracting with Fremont Industries

SPRUNG Services:

Weekly inspection: \$110 per week

Water Testing: Multi-functional boiler chemical 5 gallons \$185.00. Will need sulfite test kit and conductivity meter. If city doesn't have these kits can get them for you

HIMEC:

Weekly inspection: \$375 per week.

Water Testing: Not provided

These do not include daily inspections.

Cameron Johnson recommends Sprung Service starting January 2018.

Christmas lights for Dover will be hung up this Sunday AM at 12-10-2017.

The licensed liquor establishments in Dover will be allowed to stay open until 1:00 AM on Sunday, January 1, 2018, in observance of New Year's Eve.

A motion was made by Dave Iseminger to continue this meeting on Thursday, December 14, 2017 at 5:30 PM, seconded by Melinda Kieffer. All agreed.

CONTINUED MEETING FROM DECEMBER 7, 2017

December 14, 2017

Called to order at 5:30 P.M. Present was Mayor Ihrke, Dave Iseminger, Melinda Kefir, Cameron Johnson, Jaime Putzier, Jody Wiza, Harley Ramsey, and Jill from the St. Charles Press.

Agenda:

Motion to approve any addition bills by Dave Iseminger, seconded by Melinda Kieffer. All agreed. Motion carried.

Discussed boiler bids at the Dover School, no action at this time

Resolution regarding the Shack Bar.

Jody disputed part of the resolution, stating that she cannot operate the hair business all the time as she is the only one doing hair there, and that she has many business interests in Florida that she also oversees. Where the bar can operate without her there. Roger reminded Jody that the original liquor license was requested for the purpose of her clients and that is how it was approved by the City. Now that is changed.

Discussed striking #1 regarding hair business being open and replacing it with letter of resignation for a 2AM and Off Sale License.

Discussed no alcohol in the hair salon area due to health concerns. As far as the patio, since it is not approved yet, the City of Dover needs a letter from CMS approving the permit.

Changed #1. The hair salon business must be maintained at this location.

Strike #3 (4 becomes 3, 5 becomes 4) and down

May It Further be Resolved that the #3 be struck down from the resolution.

Jody Wiza submitted a letter withdrawing the 2AM and the Off Sale license requests for 2018.

Cameron made a motion to approve the resolution and renew the Shacks Bar on Sale Liquor and Sunday Liquor Licenses for 2018,seconded by Melinda Kieffer. All agreed. Motion carried.

Cameron Johnson made a motion for a new resolution regarding the Sunday Midnight closing at 12:00 AM for New Year's Eve to 1:00 AM. This motion was seconded by Dave Iseminger. All agreed. Motion carried.

Dave Iseminger made a motion to cancel the public hearing on 12-27-2017 regarding the latest violation with the Shack Bar, seconded by Cameron Johnson. All agreed. Motion carried.

Motion was made by Cameron Johnson to adjourn the meeting, seconded by Melinda Kieffer. All agreed. Motion carried.

Meeting adjourned at 6:25 P.M.

Karen Henry/Clerk of Dover