



**MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF STACY IN THE COUNTY OF CHISAGO  
AND THE STATE OF MINNESOTA PURSUANT TO DUE  
CALL AND NOTICE THEREOF**

**SPECIAL MEETING  
JANUARY 28, 2014, 7:00p.m.  
STACY CITY HALL**

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**Call to Order**

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The meeting was called to order by Mayor Utecht at 7:00pm.

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**Roll Call**

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**Present:** Jim Ness, Mark Utecht, Charles Lucia, and Tony Olivolo

**Absent:** Michael Carlson

**Others Present:** Mark Statz, Chad Schwartz, Ben Montzka, Bob Barrett, Rick Olseen, Cindy Vogel, and Paul Vogel

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**Purpose of the Special Meeting**

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The purpose of the meeting is to discuss:

- Cell Phone Access by Law Enforcement
- Infraseek, Utility Mapping Software
- Personnel Policy
- Vogel Application for Lot Rezoning
- Kwik Trip Application for Variance Regarding Signage

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**Vogel Application for Lot Rezoning**

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Motion by Ness to approve the Findings of Fact and Decision for Paul and Cynthia Vogel for Rezoning from Park District to R-2 One and Two Family Residential. Second by Olivolo. Ness, Olivolo, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

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**Cell Phone Access by Law Enforcement**

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Bob Barrett, Rick Olseen, and Ben Montzka were present to discuss this very important topic with the Council.

The access of law personnel to cell phone data occurs by use of cellular exploitation equipment. The equipment is not able to listen to voice conversations, text messaging, email, data, etc. No specific personal identification data is viewed, only a number (similar to a serial number) is observed by the operator's.

Mayor Utecht said this is a big issue for him, where does law enforcement end and privacy begin.

Mr. Barrett said this is a big legislative issues, the law has not kept up with technology; the government should be addressing in the next year or so.

Mr. Montzka shared the Mayor's concern; currently he is not aware that the County is using this equipment, he would be concerned if they were.



Rick Olseen, from Senator Nolen's Office, said this needs to be addressed at the federal level. The concern is that innocent people's data is being gathered with other data. He cited that data from 5 billion cell phone calls is collected overseas every day.

Jason Jafez is working on a bi-partisan bill to update the 4<sup>th</sup> Amendment to include wireless communications. Requiring law enforcement to obtain a warrant to access data. This item will be addressed by Congress.

Mayor Utecht said that he brought this before the council after he saw it on TV; he wants Stacy to pass an ordinance making it illegal to do it in Stacy. However, it is more appropriate that a higher level of government address.

Mayor Utecht said personally a warrant for a specific phone number or person would be required to access data; otherwise prohibited period.

Member Lucia felt differently about it, he doesn't care if they access his data.

Member Ness said that meta-data is nonsense, it's a way for them to get away from what they are doing. We are not a policed state. Doing everything under the guise of "security" is not acceptable.

Member Olivolo said that gathering the data in an emergency is nice, his question is who has the data and what are they doing with it?

The lead to regulate cellular exploitation equipment will have to come at the federal level so all 50 states are doing the same thing.

Mayor Utecht thanked Mr. Olseen, Mr. Barrett, and Mr. Montzka for attending to discuss this important issue; and that it was nice to have those tasked with representing the citizens actually doing it.

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**Infraseek**

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Mr. Schwartz and Mr. Statz presented information on Infraseek and addressed the council's questions.

The proposal presented included:

- Sanitary Sewer
- Storm Sewer
- Water Distribution

The council would like to add:

- Parks
- Streets
- Buildings

To add these it would cost an additional \$1,800 per year starting the second year. With a total 2014 cost of \$15,400; which was budgeted.

The council concurred that this would be a valuable asset to Stacy, other than the initial setup the amount of money per year doesn't appear to exceed the benefit.

Motion by Utecht for Stantec to start the process of the utility base mapping with the inclusion of the three extra plug-ins as discussed for the first year cost of \$15,400 and annual maintenance of \$300 per month or \$3,600 per year, beginning the second year. Second by Ness. Utecht, Ness, Lucia, and Olivolo voted yes. Mayor Utecht declared the motion carried.

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**Kwik Trip – Application for  
Variance Regarding  
Signage**

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Motion by Ness to approve the Findings of Fact and Decision for Kwik Trip, Inc., for a Variance to Allow Sign. Second by Olivolo. Ness, Olivolo, Utecht, and Lucia voted yes. Mayor Utecht declared the motion carried.

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**Personnel Policy**

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Mayor Utecht said that the committee had come to a split decision on a couple of items in the Personnel Policy:

**1. Banning the carrying of weapons by employees in city buildings.**

There was a question whether the city can ban the public from bringing weapons into a city building. The clerk will ask the city attorney for his input; after we receive the response then the council can discuss this matter further.

**2. The maximum amount of vacation time an employee can have at any one time.**

Our current policy allows an employee to accumulate 320 hours of vacation; propose changing to 160. The council discussed how to bring the employees having over 160 hours down to the 160. The clerk was directed to calculate the payout to bring the employees down to the 160 hours. Also, the council will discuss further the ability for an employee to "cash out" up to 1 week of vacation per year in lieu of time off. The clerk was directed to have the city attorney research what the city's requirement is regarding payment of vacation time.

The clerk was also directed to have the city attorney revise the FLMA section; remove what we are required to do and leave what we are doing. As it stands now it's confusing.

A Work Session was scheduled for February 25, 2014, at 7:00pm;

the council would like the department heads and city attorney to attend.

**Adjourn at 9:54pm**

Motion by Ness to adjourn. Second by Olivolo. Ness, Olivolo, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

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Sharon MT Payne