



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

**REGULAR MEETING
APRIL 10, 2024 7:00 p.m.
33155 HEMINGWAY AVENUE, STACY MN 55079**

Call to Order

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

Attendance

Present City Council: Mark Utecht, Tim Sawatzky, Jennie Hirsch (Carlson), Marie Lawrence, and Dennis Thieling

Absent: None

Others Present: Dan Boyum, Phil Carlson, James Monge, Tanya Smolke, Angie Comstock, and Troy Nelson

Public: Dick Stiers, Michele McLane, Jeff Barrett, Carolyn Cagle, Brian Seekon, Matt Silver, Danielle Lennon, Bernice Woods and six additional members of the public.

Additions to the Agenda

The Linwood Township Road Agreement was added as 6D4. The Tractor Sale was added as 6D5. The Sports Grill General Manager was added as 6E2. Town Hall Maintenance was added as 11A, and a closed session regarding employee performance was added as 11B. Motion by M. Utecht to approve the agenda as amended. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Public Comment

None.

Consent Agenda

Member Sawatzky asked about a line in the City Claims Payroll Register for Dave Benson, and inquired as to if he was an hourly employee or being paid a flat rate. The City Clerk explained that he is the hall custodian and is currently being paid in the same way he was under the Township until a job description could be generated for his position. She was unsure if it was an hourly or flat rate. Mayor Utecht instructed that this could be discussed further under Mayor/Council Business item A. Motion by T. Sawatzky to approve the consent agenda as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Staff Reports

City Attorney

32420 Elk Court Code Enforcement

The City Attorney gave a summary of the issue needing enforcement at this property. Member T. Sawatzky asked if this matter would be considered a property dispute and if the city should be getting involved. The City Attorney said it would be considered a boundary dispute and the city would provide enforcement. Motion by M. Utecht to direct the City Attorney to begin the enforcement process for the code violation. Second by M. Lawrence. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Oxford Township Road Agreement

The Deputy Clerk provided an update on the Oxford Township Road Agreement. It was reviewed by the Stacy City Attorney, and Oxford Township is in the process of reviewing it now. If the Township comes back with changes, the agreement would have to re-approved at the next City Council meeting after further review by staff. Motion by M. Utecht to approve the Oxford Township Road Agreement as presented. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried. Mayor Utecht directed that if the Township requested any amendments, that the agreement be brought back to the Council in May.

City Engineer

Dan Boyum

Monthly Engineering Report

1. Stacy General (193804175)
 - Miscellaneous Items
 - i. Miscellaneous Operations and Public Works Items
 1. Forwarded MNDOT gravel specification for staff's use on quotes.
 2. Provided feedback on 5870 – 311th Street water quality questions and upcoming hydrant flushing.
 3. Lead Service Inventory – The engagement request from the Minnesota Department of Health (MDH) was received. Discussed next steps with staff. Prepared memo for the city to accept the engagement request. We prepared a scope of services for the MDH. Due to the time frame for new meter installation as well as it is taking +/- 60 days for MDH to approve scopes of services, there will be a tight schedule to complete items. MDH wants items

submitted by cities who receive grants by July 15, 2024.

4. Met with public works staff to discuss street conditions.
- ii. Indoor and Outdoor Storage Facility – We reviewed the councils request from the March 12, 2024 Council meeting with the City Planner and City Attorney. We prepared a memo and figure drawing to further discuss screening options with the Council.
- iii. Rinker Materials Sewer and Water Extension – Rinker indicated they will be submitting the latest information on the sewer and water extensions to the Department of Labor and Industry for a final permit.
- iv. 32022 Flora Avenue – Pure Pressure Diesel Repair IUP – Home Occupation – The city planner prepared a resolution on IUP approval.
- v. Miscellaneous Code Questions – the city planner provided feedback on an option related to renumbering code sections.
- vi. Xcel IUP application – Received information from city staff to review for an upcoming planning commission meeting.
- vii. Amigos Sign Permit – The city planner provided feedback that the latest proposal meets the zoning standards for permit approval.
- viii. All Mac Fence Permit – The city planner reviewed information from staff and provided comments.
- ix. Miscellaneous Fence Question – The city planner provided comments on a barbed wire fence question from staff.
- x. Novak Garage Proposal – The city planner provided comments to staff and prepared a graphic.
- xi. Kale Permit (23-1832) – Reviewed information from staff with the city planner and gave preliminary feedback. Reviewed information further with city attorney. The city attorney will be reviewing the item with a few other colleagues.
- xii. Stacy Hardware CUP Application – The city planner provided memos on this that will be on upcoming April 16, 2024 meeting.

**Lead Service Line Inventory
MDH Grant Proposal**

The City Engineer provided background on the MDH grant related to the lead service line inventory required by the state that city staff had applied for last fall and the request for the City Council to accept the engagement request from Minnesota Department of Health (MDH). Member T. Sawatzky asked what services would Stantec (the engineering firm) provide that DSG (the new water meter service) would not be. The Engineer explained that DSG would be gathering data during the meter replacement process that would be compiled by Stantec into a database that staff could utilize. Stantec would also assist with reporting to the state on the progress of the inventory. The grant funds would be paid directly to Stantec for their work on this. Motion by M. Utecht to accept the engagement request from MDH. Second by M. Lawrence. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Rupp Indoor/Outdoor
Storage Facility**

The City Engineer reviewed the options provided in the memo to Council. Council members discussed the options provided. Mayor Utecht asked the City Attorney if the City could legally ask them to do more than what they have done. The City Attorney stated that as long as they are compliant with the city code in terms of fencing, lighting opacity, and the conditions of the CUP, the city cannot require any further action. Mayor Utecht requested that staff communicate with them on the remaining elements that need to be dealt with to meet the CUP requirements as well as the city code. An in-person meeting will be held and the Mayor will attend. He will ask the business to assist with any additional items that they are not obligated to do. This doesn't mean that it will happen, but he will make the ask. Mayor Utecht also asked the Engineer to verify the property lines so that the City can ensure that the area between the business and residential properties is maintained and kept free of debris and litter.

**City Clerk/Finance
Department**

**Approval of Tobacco
License Renewals**

Motion by M. Utecht to approve the tobacco license renewals as presented. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Spring Clean Up Day
Approval**

Motion by M. Utecht to approve the Citywide Spring Clean Up Day on May 22, 2024. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Request to Close Lent Town
Hall May 9, 2024**

The City Council approved the change in hours for the Lent Town Hall for May 9, 2024.

**Vacation Request-Michelle
Hayes**

Motion by M. Utecht to approve the vacation request for Michelle Hayes as presented. Second by D. Thieling. Members T. Sawatzky,

D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Maintenance Department

**MNWRA Valve Exerciser
Lease Agreement**

Motion by M. Utecht to authorize Troy Nelson, Maintenance Supervisor to sign the lease agreement as presented. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Seasonal Maintenance
Worker Proposed Job
Description**

Motion by T. Sawatzky to approve the Seasonal Maintenance Worker job description as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Water Tower Pressure
Washing & Resurfacing
Quotes**

Motion by M. Utecht to approve the quote for Maguire as presented and authorize Troy Nelson, Maintenance Supervisor to sign the agreement for service. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Linwood Township Road
Maintenance Agreement**

Motion by M. Utecht to authorize the Mayor to sign the agreement on behalf of the City. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Tractor Sale

Motion by M. Lawrence to authorize the sale of the John Deere tractor and accessories as proposed in the agenda memo by the Maintenance Supervisor. Second by M. Utecht. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Liquor Operations

**Vacation Request - Rod
Olson**

Motion by M. Utecht to approve the vacation request for Rod Olson as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Sports Grill General
Manager**

Mayor Utecht updated the council on the Sports Grill Manager position. The person that the position was offered to has declined. The current manager is willing to stay on part-time and help out until a new manager can be hired. She has provided a list of items she will, and will not take care of during this time. The council will move into a closed session to handle this item further since it covers employee performance after a recess at the end of the regular council meeting.

Committee/Commissions

CLJSTC	Member T. Sawatzky was unable to attend the last meeting, so there was no update from CLJSTC this month.
Personnel	The Personnel committee did not meet.
Public Info	The Public Info committee met to review the postcard and has been working on the set up for the new website.
Spring Clean Up Day Postcard Approval	Motion by M. Utecht to approve the Spring Clean Up Day postcard for mailing. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.
Parks & Recreation	The Parks & Recreation committee meeting was canceled due to inclement weather.
History Committee	The History Committee has not met.
EDA	The EDA has not met.
Planning Commission	Member T. Sawatzky provided an update from the last regular planning commission meeting including discussions on a lot split and a review of the respective Stacy and Lent sign ordinances. He did not attend the work meeting.
Resolution 2024-4-1 32022 Floral Avenue IUP Approval	This item was handled out of order by motion of M. Utecht. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried. The City Planner provided an overview of the IUP application, the variance requested and his findings. Mayor Utecht asked if the planner felt this was an appropriate use of the property. The Planner said that determination was up to the Council as he didn't feel it was completely appropriate or inappropriate. Member T. Sawatzky shared the discussion the Planning Commission had during the public hearing, as well as the fact that the applicant's neighbor was present at the hearing and had no objection to the IUP application. Motion by T. Sawatzky to adopt Resolution 2024-4-1 as presented. Second by D. Theiling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried.
Emergency Plan	The Emergency Plan committee hasn't met.
Lent Town Hall Rental Committee	The Lent Town Hall Rental committee hasn't met. The City Clerk indicated that she would be setting up a meeting soon.
Notices & Communications	None.

Old Business

Cannabis in Public Spaces

This item was handled out of order by motion of M. Utecht. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), M. Lawrence, and M. Utecht voted yes. Mayor Utecht declared the motion carried. Mayor Utecht stated that he was not inclined to pass the drafted ordinance as the city has not been made aware of any issues related to cannabis use in public spaces and asked the City Attorney his thoughts on the matter. The City Attorney said all cities are doing something different and that the wait and see approach was acceptable. He also said that enforcement on the use of THC edibles or beverages would be difficult. Motion by T. Sawatzky to revisit the ordinance under the new City Council in May. Second by D. Thieling. Members T. Sawatzky, D. Thieling, J. Hirsch (Carlson), and M. Lawrence voted yes. M. Utecht voted no. Mayor Utecht declared the motion carried 4-1.

New Business

None.

Mayor/Council

Lent Town Hall Maintenance

Member T. Sawatzky asked if the Town Hall should be considered an enterprise fund, meaning that the hall rental fees should be supporting the building independent of the City's general fund, for auditing purposes and what the statutory requirements are financially for City rentals. Former Township Board Member C. Cagle explained the hall custodians' duties and how the Township had handled that in the past. Mayor Utecht explained that if the custodian carried his own insurance, he could be considered a contractor for the City, but because he does not carry his own insurance, he needs to be considered an employee and that the clerks' department was working on a job description and grade for the position. The consensus of the discussion was that more information will be needed from the city auditor and Finance Director to determine how to move forward with this.

Mayor Unavailable

Mayor Utecht shared that he would be unavailable from May 3-11, 2024.

Miscellaneous Items

Member D. Thieling shared that the Chisago County HRA-EDA would be hosting a summit soon that may be beneficial to attend. He also shared information about the upcoming League of Minnesota Cities conference this summer and suggested that the new City Council members consider attending.

Recess 8:25 p.m.

Motion by M. Utecht to recess for 15 minutes before starting the closed session related to employee performance. Second by T. Sawatzky. Members D. Thieling, M. Lawrence, T. Sawatzky, J. Hirsch (Carlson), and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Move into Closed Session
8:36 p.m.**

Mayor Utecht moved to close the meeting pursuant to Minnesota Statutes Section 13D.05, subdivision 2(b) for employee performance. Second by T. Sawatzky. Members D. Thieling, M. Lawrence, T. Sawatzky, J. Hirsch (Carlson), and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Reopen the Meeting 8:46
p.m.**

Mayor Utecht moved to reopen the meeting. Second by T. Sawatzky. Members D. Thieling, M. Lawrence, T. Sawatzky, J. Hirsch (Carlson), and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Action on Closed Meeting

The Sports Grill Manager will maintain her current pay and benefits and the council agreed to the modified duties. No formal action is needed.

Adjourned at 8:47 p.m.

Motion by M. Utecht to adjourn the meeting. Second by T. Sawatzky. Members D. Thieling, M. Lawrence, T. Sawatzky, J. Hirsch (Carlson), and M. Utecht voted yes. Mayor Utecht declared the meeting adjourned at 8:47 p.m.

Angie Comstock, Deputy City Clerk