



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
AUGUST 8, 2023, 7:00 p.m.
30955 FOREST BOULEVARD, 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, Marie Lawrence, Jennie Carlson, and Dennis Thieling

Present Lent Town Board: Rick Keller, Brian Seekon, Troy Nelson, Carolyn Cagle, and Jeff Barrett

Absent: None

Others Present: Dan Boyum, James Monge, Matt Silver, Dick Stiers, Ben Montzka, Danielle Lennon, and four additional members of the public.

Additions to the Agenda

The following items were added to the agenda:

- 7C3-Form Approval-Utility Billing Payment Arrangement Form
- 11E-Stacy Daze Fireworks Complaints

Motion by M. Utecht to approve agenda with the additions as presented. Second by T. Sawatzky. Members T. Sawatzky, D. Theiling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Public Hearing - Interim Ordinance 2023-8-3 Interim Cannabis Moratorium (7:01-7:09 p.m.)

M. Utecht asked the city attorney about the current verbiage of the moratorium at section 1F. He would like the city to defer to state guidelines as far as personal cultivation and not restrict it further. The attorney verified he can change the language to reflect the fact that the moratorium is geared toward commercial cannabis distribution and business. The City Attorney will amend the language and have it ready for the City Council meeting in September.

M. Utecht asked if anyone in the audience would like to comment on the proposed interim moratorium. C. Cagle asked about the current items being sold at the smoke shop in the city and if this moratorium will affect them. M. Utecht explained that the lower-potency products that were legalized last year will still be allowed, the moratorium affects the newly legalized full-potency products. There was more discussion on the state legislature

relating to cannabis and the proposed timelines for the Department of Cannabis to be ready to issue licenses.

Public Comment

None.

Consent Agenda

Motion by M. Utecht to approve the consent agenda as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Staff Reports

City Attorney
James Mongé

Action on Public Hearing

No action was taken.

Ordinance 2023-8-4
Prohibiting Cannabis in
Public Places

Mayor Utecht shared his opinion that the city should treat cannabis use the same as tobacco use. The state addresses the use of both products in the Clean Indoor Air Act. D. Thieling stated he was concerned about use in public spaces, such as the city parks, playgrounds, sports complexes, and the patio at the Stacy Sports Grill, basically any area where minors could come into contact with the smoke. No action motion was made at this time.

Public comment from C. Cagle. She stated that if a patron came into an establishment to purchase and consume a cannabis product, it would be one thing, but if they are at the bar consuming alcohol, and then brought personal cannabis out to the patio to use, it creates a loss of income to the establishment and creates a potential for more volatile issues, as the person would be consuming multiple mind-altering substances. She stated that it is similar to a patron bringing in outside liquor to a liquor establishment. She also said that if we don't allow alcohol in the public park, cannabis should also not be allowed, the rules should be the same for both substances.

Motion by D. Thieling to reconsider the adoption of ordinance 2023-8-4. Second by M. Lawrence. Discussion: Member T. Sawatzky said the drafted ordinance was too broad and if it was tightened up, it would be worth considering. M. Utecht said he would like it to be more precise, he would like to separate the sports grill from other public places. M. Utecht asked the city attorney to revise the draft to address the Sports Grill and come

up with language for other public places, specifically parks, so they will all be the same. Motion by M. Utecht to table the discussion until the September City Council meeting. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, M. Lawrence, Jennie Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Resolution 2023-8-5
Amending the Stacy-Lent
Orderly Annexation
Agreement**

Mayor Utecht thanked the city and township attorneys for working with the city and the township staff. He also thanked the clerk's departments for both the city and township for their work on figuring out what needed to be done and stated that he was satisfied that this is the correct path forwards for the city. Township Chairperson R. Keller concurred with Mayor Utecht, adding that it was a lot of work for the staff and attorneys but he is confident that the proper solutions are in the amended document. B. Seekon expressed some frustration with the delays and there was discussion on the reason for the delays; which were the merging of the Township and City finances as well as the County's requirements for special election dates. M. Utecht asked the city attorney if he was confident that the MBAU was going to accept the amendments and he said per the conversation he had with the administrative law judge, he was confident that there would be no problem with issuing the annexation order on September 1st, 2023. J. Barrott referenced Article 1 Section 6 of the agreement and brought up the fact that of those elected to the new city council in the April 2024 special election, the two council members with the second highest votes and the mayor will only have an eight-month term. The two council members with the most votes will have a two-year and eight-month term. The Council and the Board did not want to amend that portion of the agreement but wanted to make sure that everyone was aware of the shortened initial terms.

Motion by M. Utecht for Stacy City Council to adopt resolution 2023-8-5 as presented to amend the joint resolution for orderly annexation. Second by M. Lawrence. Members T. Sawatzky, D. Thieling, M. Lawrence, Jennie Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Motion by R. Keller to adopt resolution 2023-36 for the Township to concur with Stacy on the amendment to the orderly annexation agreement. Second by B. Seekon. Members R. Keller, B. Seekon, C. Cagle, T. Nelson, and J. Barrett voted yes. Chairperson Keller declared the motion carried.

**Additional Business
Related to the Annexation
Agreement**

Mayor Utecht proposed that the City and Township start combining the staff and start having the Township and the City staff work together to do the jobs of both entities. Both entities

will continue to pay the wages of their respective staff, but he would like to see the clerk and maintenance departments start working together on training and determine who will work in what roles. By doing this, conversations can be had with the current council and town board so both sides can have a say in these decisions rather than waiting until January 2024.

B. Seekon voiced concerns that if the Lent workers are in Stacy, the Township maintenance could potentially suffer. J. Barrett said that each entity has its own tasks to do, but he doesn't see why both departments can't meet a couple of times a week to begin the training and familiarization of each other's roles.

M. Utecht stated that he was trying to solve the short-staffing issue with the Stacy maintenance department in the short term. The maintenance supervisor has been the only on-call person for Stacy and needs some support. He would like to rotate the Lent maintenance into the on-call schedule. The current city would pay the on-call worker at their current on-call rate. There was a discussion about the water treatment plant and the license requirements.

T. Nelson recommended giving the Lent maintenance department notice regarding a new on-call schedule and putting it into effect on September 1st, 2023 when the annexation agreement would be issued. The Board and the Council were in agreement on that date and that the current city would pay the on-call worker, whether they are from Lent or Stacy, at the current Stacy on-call rate.

Motion by T. Nelson to adjourn for the Township at 7:55 p.m. Second by B. Seekon. Chair Keller declared the motion carried.

**Purchase Agreement-
Xpress Trucking**

Motion by M. Utecht to accept the purchase agreement with the amendment of changing any reference to "Village of Stacy" to "City of Stacy". Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**City Engineer
Dan Boyum**

Monthly Report

- 1. 2021 Street and Utility Improvements (307th Street and 311th Street – 193805157 and 193805158)**
 - A meeting to review the sanitary sewer claim on

307th Street was held on July 12, 2023. The council approved proceeding with Option 4, an additional payment of \$92,419.80.

- Change Order 2 and Payment Request 7 are covered under a separate memo. They reflect payment for the sanitary sewer claim discussed above.
- We are waiting for additional information from the contractor related to the request for dewatering costs and remobilization on 311th Street. Once we have that information, we will review the request in accordance with the contract documents and provide an update to the council.

2. Stacy General (193804175)

- **Miscellaneous Permit Items/Questions**
 - i. **31345 Genesis Avenue** – We reviewed a cable tv ROW permit.
 - ii. **30181 Stacy Ponds Drive** – Xcel Gas Service Line – we reviewed a ROW permit related to the gas service line to a new Northstar Building.
 - iii. **Rupp Storage Facility** – We are reviewing next steps for a final resolution on the fencing, lighting, and opacity items.
 - iv. **Combined Zoning/Land Use Map** – the city planner responded to staff questions on this item.
 - v. **Rinker Materials Sign Permit** – the city planner reviewed the sign permit and provided comments.
 - vi. **MN Lead Service Line Inventory** – we responded to staff questions related to filling out paperwork for grant assistance with the requirement to inventory lead services.
- **Equipment Transport Site Plans** – We reviewed a passing water pressure test and will forward a memo reflecting that passed test.
- **Road Conditions** – Streets needing improvement have been identified by staff. We will prepare some planning type estimates for street improvements for further discussion at an August 23 budget meeting.

- **ALS – Grammercy Housing Community** – This housing proposal was discussed at the July 11, 2023 city council meeting. The housing developer has asked for past estimates of utility related costs. In 2020, there was some planning estimates done showing the costs could be in the range of \$1,430,000 to extend sanitary sewer and water from the east to the west side of I 35W and along the north side of Wheelhouse Commons. A lift station would be constructed on the west side of Falcon Avenue. That planning estimate was prepared when discussing the Wheelhouse Commons site and different routes to get utilities extended through the development. The north side of their site was eventually chosen. An easement was provided.

As discussed at the July 11 meeting, land use, size of area to be served, etc. would need to be known in order to do a more detailed cost estimate. A feasibility study could layout different options for funding the improvements. The Grammercy staff have asked for more information on costs. We should review with the council what type of costs could be shared at this time.

Change Order No. 2 & Payment Request No. 7-2021 Street & Utility Improvements

Motion by M. Utecht to authorize Change Order Number 2 and Payment Request Number 7 as presented. Second by M. Lawrence, Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

City Clerk/Finance Department

Stacy Lent Fire Dept. Firehouse Bash Temporary Liquor License

Motion by M. Lawrence to approve the Stacy Lent Fire Department Bash Temporary Liquor License application as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Resolution 2023-8-6 Stacy Lent Fire Dept. Charitable Gambling

Motion by M. Utecht to adopt Resolution 2023-8-6 Stacy Lent Fire Department Charitable Gambling. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson,

and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Form Approval-Utility
Billing Payment
Arrangement Form**

Motion by M. Utecht to make this payment agreement form an official form for the City of Stacy. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Maintenance Department

**Allen Anderson Time Off
Request**

Motion by M. Utecht to approve the time off, knowing that the dates may change. Second by T. Sawatzky. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Agenda Memo-
Maintenance Supervisor
Time Off On-Call
Designee**

No action was taken, the matter was addressed in the additional business related to the annexation agreement.

Liquor Operations

**Rod Olson Time Off
Request**

Motion by M. Utecht to accept the time off request as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Aerica Benson Request

Mayor Utecht asked that a personnel performance meeting be scheduled with Ms. Benson and directed the clerks' department to make the arrangements for the meeting.

Committee/Commissions

CLJSTC

Member T. Sawatzky provided a CLJSTC update.

Personnel

Mayor Utecht provided the personnel committee update.

Public Info

Deputy Clerk A. Comstock provided the public information committee update.

Planning Commission

Member T. Sawatzky provided the update from the last Planning Commission meeting.

Notices & Communications

None.

Old Business

None.

New Business

**Ordinance 2023-8-1
Amending §92.06 Kennels**

It was determined that the ordinance cannot be passed until the additional zones are defined in the current city code. The clerks' department will follow up with that. The ordinance will be tabled until the next Council meeting in September.

**Ordinance 2023-8-2
Amending §153.034
Alternative Energy
Systems**

Motion by M. Utecht to approving Ordinance 2023-8-2 Amending Alternative Energy Systems as presented. Second by M. Lawrence. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Parcel Combination
Request & Potential
Utility Easement**

Motion by M. Utecht to proceed with the easement and parcel combination documents as presented. Second by D. Thieling. Members T. Sawatzky, D. Thieling, M. Lawrence, J. Carlson, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**A Parent's Guide to
Fentanyl-addicted.org**

The Council determined that this information would not be linked to the city website, but they are welcome to post the material on the bulletin board at City Hall.

**Stacy Daze Fireworks
Complaints**

The Council reviewed the complaints submitted via the website regarding the countdown "booms" prior to the Stacy Daze fireworks display. The clerks' department was directed to send a communication to the Lions Club asking that the pyrotechnics be limited to the main event next year with no countdown leading up to it.

Mayor/Council

Adjourned at 8:59 p.m.

Mayor Utecht declared the meeting adjourned at 8:59 p.m.

Angie Comstock, Deputy City Clerk

DRAFT