



**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  
OCTOBER 9, 2018, 7:00p.m.  
STACY CITY HALL**

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**Call to Order**

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The Stacy City Council met in regular session and was called to order by Mayor M. Utecht at 7:00p.m.

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**Roll Call**

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

**Absent:** None

**Others Present:** Amy Schutt, Jeremy Hauser, Jason Bordewyk, Paul Authier, Peggy Korlath, Rebecca LaMotte, Chris Ross, Tim LaCasse, and Denise LaVassuer

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**Additions to the Agenda**

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Additions to the agenda:

- Maintenance Vacation Request

Motion by M. Ness to approve the agenda as amended. Second by J. Ness. Members J. Ness, M. Ness, C. Lucia, M. Utecht, and T. Olivolo voted yes. Mayor M. Utecht declared the motion carried.

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**Public Comment**

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**Rebecca LaMotte:**

Ms. LaMotte said that if the council approved the proposed change to the Personnel Policy this would cause her to lose her job; this is not right. She then went on to say that she needs to talk about her hostile work environment:

- A family member talked to a council member about concerns at the Sports Grill; she received a phone call from the manager regarding this and was told that she needed to stop the rumors. She then received a phone call from a coworker at the bar who said they heard she got into an argument with Stephanie. If she talked to Stephanie how did the other employee know; shouldn't this have been confidential between her and Stephanie?
- Stephanie has stopped communicating with her, she has no idea how to do her job.
- She has been taken off shifts.
- The daytime staff has shunned her.
- She has been told by customers that Stephanie is trying to get rid of her.

She thinks the council is negligent in what is happening to her; the council has been made aware of the issues.



**Peggy Koralath:**

Ms. Koralath is the family member that went to the council regarding situations at the bar. Her daughter was threatened to get the rumors to stop; these are situations not rumors. What she saw happening is what is happening. Additional comments made by Ms. Koralath:

- Her daughter is losing her Wednesday shift to the 20-year-old girlfriend of Stephanie's son. She's had that shift pretty much since she was hired.
- She has come to council meetings every month and said nothing because she did not want to put her daughter's job in jeopardy.
- She observed on August 19<sup>th</sup> a bean bag tournament in the parking lot; the persons serving alcohol other than Stephanie are not employees of the Sports Grill. No permit was pulled for the event.
- Background checks have not been done on most employees at the bar.
- Stephanie is not present; the bartenders and servers are running the bar.
- If the council looks beyond the performance then they should look at the numbers; since Stephanie started she has lost over \$14,000.
- She felt threatened that she could not talk to the council members after Rebecca got the call from Stephanie.

**Chris Ross:**

Ms. Ross said she went to the Sports Grill tonight for dinner and said the bartender (Shannon) was there with 45 customers; she was running around like a "chicken with its head cut-off." She is super frustrated with the bar manager:

- The cash machine was empty again and Stephanie told the customer she didn't feel like doing it and told them to go to Casey's.
- There used to be bar hours posted; they aren't now.
- There is an assistant manager position open that no-one knows about; shouldn't it be posted. Yet she's interviewing and costing money at a restaurant.

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**Consent Agenda**

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Motion by J. Ness to approve the consent agenda as presented. Second by M. Utecht. Members M. Ness, J. Ness, T. Olivolo, and M. Utecht, and C. Lucia. Mayor M. Utecht declared the motion carried.

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**Staff Reports**

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**City Attorney****Amy Schutt**

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**Kultala Nuisance  
Abatement**

The nuisance abatement began today; the rain has cut short the progress. Mr. Kramer and the Sheriff's department were involved in getting the process started.

**Amendment to Stacy Lent  
Joint Powers Agreement**

The proposed amendment will be forwarded to Lent for their review.

**Restricting Employees  
Holding City Office**

Member J. Ness said that due to the fact that the change would be to the personnel policy he does not think it would be fair to approve the resolution as it would impact current employees who have already filed for office. He would suggest tabling the item until the next council takes office.

Member C. Lucia asked if we need to do this before the election? Member J. Ness said yes if we want to impact the current candidate.

Mayor M. Utecht said we need to follow state statute.

Motion by M. Utecht to rescind the motion made last month regarding changing the ordinance or policy restricting part-time employees from holding office. Member J. Ness said point of order the motion made last month was directing the attorney to draft something not approve something. Motion failed for lack of second.

**Motion from September 11<sup>th</sup> meeting:**

*Motion by J. Ness to have the city attorney draft an ordinance preventing city staff from running for elected city office. Second by C. Lucia.*

*Mayor M. Utecht said that he does not like the circular management; however, does not think we should make the change now because of current circumstances. Have the new council handle it.*

*Vote: Members J. Ness, M. Ness, C. Lucia, and T. Olivolo voted yes. Mayor M. Utecht voted no. Mayor M. Utecht declared the motion carried 4-1.*

Motion by T. Olivolo to wait until after the new council is seated in January. Second by M. Ness. Members T. Olivolo, M. Ness, J. Ness, and C. Lucia voted yes. Mayor M. Utecht voted no. Mayor M. Utecht declared the motion carried 4-1.

**Salaried Employees Work Schedule**

Attorney Schutt said that you can set a minimum number of hours for a salaried employee to work but it cannot be attached to pay. For example, the minimum is set at 40 hours per week and they work 36 you cannot reduce their pay. You can treat the missed hours as not meeting anticipated performance.

Motion by T. Olivolo to require salaried employees work at least 40 hours per week. Second by J. Ness.

Member J. Ness how will the hours be monitored? T. Olivolo said timeclock?

Attorney Schutt said this happens in other government offices; how do they handle it? We will contact the League of Minnesota Cities to see what other municipalities are doing.

Liquor Operations is meeting this Thursday and they can talk with the manager's about tracking hours, track how other employees are tracking hours and audited by the city council.

Motion by M. Ness to table until next month pending further information from the League. Second by C. Lucia. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Liquor Operations Bookkeeper Contract**

Motion by J. Ness to approve the Liquor Store Bookkeeper Contract with Hayes Common Cents Bookkeeping and Accounting, Michelle Hayes, as amended. Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Amendment:

17. The contractor shall secure and maintain such insurance as will protect the contractor from ~~claims under the Worker's Compensation Acts, and from~~ claims for bodily injury, death, or property damage which may arise from the performance of services under this Agreement.

**Liquor Committee Meeting**

Member T. Olivolo would like to attend the committee meeting, can he? He cannot attend as this would be a quorum. Mayor M. Utecht said they can discuss later in the meeting to determine if he or member M. Ness would be willing to not attend; then Member T. Olivolo could.

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**City Engineer  
Jeremy Hauser, Jason  
Bordewyk**

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**Water Treatment Plant**

The contractor is preparing final documentation; and will be paying the city for electric used by their construction trailer.

Mayor M. Utecht said that overall, he is happy with the project in its entirety.

**2018 Street Improvement Project**

The contractor completed final punch list of items. The final pay request will be presented next month.

**DNR Water Supply Plan**

This item handled out of order by motion of M. Ness. Second by J. Ness and carried.

Mr. Bordewyk said the plan is required every 10 years and is due the 15<sup>th</sup> of October. He worked with Mr. Jones and Ms. Payne to get the plan done. Once the DNR reviews and provides their comments then the council will adopt the plan.

One addition to the plan is that water conservation will be included in the utility bills periodically.

**Casey's General Store**

Casey's is being cooperative in working on a punch list of items.

**Lift Station Controls**

The lift station controls have been installed.

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**City Clerk  
Sharon Payne**

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**Resolution – Establishing Polling Place**

Motion by M. Ness to approve Resolution Number 2018-10-1, "Resolution Establishing Polling Place for the City of Stacy." Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Resolution – Appointing General Election Judges**

Motion by J. Ness to approve Resolution Number 2018-10-2, "Resolution Appointing Election Judges for the November 6, 2018, General Election." Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Third Work Station**

The clerk was directed to research the costs to set up a third work station in the office; this will be discussed at the November meeting.

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**Maintenance**

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Motion by M. Ness to approve the vacation request for Tanner Jones. Second by C. Lucia. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

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**Liquor Operations**

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**Stacy Sports Grill**

This item handled out of order by motion of M. Ness. Second by J. Ness and carried.

This item is on the agenda because of member C. Lucia's comment (under Public Comment, Chris Ross) from the September meeting: *Ms. Ross said that if the council were interested in leasing or selling the bar she may be interested. Member C. Lucia said this will be discussed.*

Member M. Ness asked the city attorney if we would have to go out for proposals; Attorney Schutt said yes anything over \$100,000.

The council decided that they would consider any offer made for a lease or purchase. If it appears appropriate they would then follow the necessary steps required.

Mayor M. Utecht expressed concern regarding what the work environment is or isn't; will only get worse if we at the council are actively seeking someone to take over the business. Member J. Ness said **we are not** actively looking; but will consider offers presented.

Member C. Lucia said this is a business decision for the city; we need to do what is best for the city.

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**Committees  
Commissions**

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**EDA**

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**Planning Commission**

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**Ordinance – Replacing  
Sign Ordinance**

Member T. Olivolo is trying to get a job fair in Stacy and is contacting the Stacy businesses to see if they are interested.

This item handled out order by motion of M. Ness. Second by J. Ness and carried.

Motion by M. Utecht to approve Ordinance Number 2018-10-1, "An Ordinance Amending Chapter 153 of the City Code Replacing the Sign Ordinance;" with summary publication. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

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**Old Business**

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**Approve Sports Grill  
Review Forms**

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Motion by M. Ness to approve the review forms for the Stacy Sports Grill Assistant Manager; and Restaurant Bar Employee. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

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**New Business**

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**Employee Appreciation  
Event**

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Member J. Ness asked if we want an event similar to last year; we need to realize that liquor employees will not come. Need to come up with something other than a Tuesday dinner. The Liquor Operations Committee will discuss.

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**Mayor/Council**

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**Liquor Operations  
Meeting**

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Mayor M. Utecht reviewed the items to be discussed by the committee:

- Cash machine empty
- Allegations of retaliation
- Bar hours not posted
- Assistant Manager interview
- Possible conflict of interest in shift changes
- Manager review form
- Raises for 2019
- Employee holiday gathering
- Tracking manager's hours

Who will attend the meeting; it is clear that member T. Olivolo would like to attend. Mayor M. Utecht said he would be willing to step back from the meeting; Member M. Ness said that it is not the proper venue or productive for this meeting. Personnel performance cannot be discussed.

Member T. Olivolo would like a closed meeting called regarding employee performance for Stephanie Schneider. The meeting was called for Wednesday, October 17, 2018, at 7:00p.m. The council members are to supply their agenda items to the clerk by the end of the day on October 10<sup>th</sup>.

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**Adjourn at 8:48p.m.**

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Mayor M. Utecht declared the meeting adjourned at 8:48p.m.

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Sharon MT Payne