



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
NOVEMBER 13, 2018, 7:00p.m.
STACY CITY HALL**

Call to Order

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

Roll Call

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

Absent: None

Others Present: Amy Schutt, Dan Boyum, Rebecca LaMotte, Peggy Korlath, Stephanie Schneider, and Maria Olson

Additions to the Agenda

Motion by M. Ness to approve the agenda as presented. 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.

Public Comment

Consent Agenda

Member T. Olivolo questioned the VISA payment item in the amount of \$50.40 to Pi Pizzeria (\$40.40 with a \$10 tip) on the Sports Grill Manager's account. This item will be discussed at the Liquor Committee Meeting.

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

Staff Reports

City Attorney

Amy Schutt

Kultala Nuisance Abatement

Motion by M. Utecht to give Mr. Kultala until our January 8, 2019, council meeting to pay any and all of the bill to clean up his property to avoid that amount being assessed to taxes; and adding the sheriff's hours on site during the cleanup to the bill if the law so allows. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.



Tracking Exempt Employee Time

Motion by M. Ness that the managers provide their typical work schedule and add to the job description a minimum of 40 hours per week, but do not track hours. Second by J. Ness. Members J. Ness, M. Ness, and C. Lucia voted yes. T. Olivolo, and M. utecht voted no. Mayor Utecht declared the motion carried 3-2.

Require that PTO or Vacation time be used if lost time is four or more hours? This was not decided upon.

Mark Ness, and Mark Utecht will research further as the members of the Liquor Committee.

Policies

Ms. Schutt said that after the last employment related closed meeting it was brought to her attention that the City has a Policy for Review of Complaints About City Employees, which is separate from the personnel policy. Because the policy deals with the treatment of employees, it would be her recommendation that it be integrated into the personnel policy, rather than being a standalone document.

Motion by M. Ness to approve the revised policy along with the complaint form, incorporating it into the Personnel Policy. Second by J. 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.

Mayor M. Utecht disagrees with the concept that public comment at a city council meeting is not sufficient to be considered a complete complaint. He then said it takes more for a person to come before the council then fill out a form. It was clear from the candidate forum there is perception that the council makes it difficult to make complaints, this to him is making it more difficult and he is opposed to it.

Joint Powers Agreement Change

The Lent Town Board asked the Council to consider reevaluation of the rent every 5 years.

The Council decided to leave it at 10 years; the contract can be amended at any time by agreement of both parties, that can handle any questions on the rental rate going forward.

New Council Member – City Employee

Member J. Ness said because the new council member is also a city employee if the city attorney could prepare a document stating what can/cannot be discussed by the new council member; investigate any potential conflicts of interest.

City Engineer
Dan Boyum

**Water Treatment Plant –
Final Pay Request**

Engineer Boyum was asked: How many gallons of water are being used through the flushing system in the plant? He will provide the answer at the next meeting.

Motion by J. Ness to approve the final payment for the water treatment plant in the amount of \$46,044.07 to Magney Construction; also, approve change order number 4. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**2018 Street Improvement
Project – Final Pay
Request**

Motion by M. Ness to approve pay request number 5 and final to Valley Paving, Inc., in the amount of \$29,331.12. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Stacy Do It Best Hardware
Water Service**

Mr. Boyum's memo stated:

We reviewed with public works, city staff, and the city attorney a leak in a private water line between 6145 Stacy Trail (residential home) and the 6125 Stacy Trail (Stacy Do It Best Hardware) on November 7, 2018. Both buildings are owned by the same property owner, and the water to the hardware store is coming from the private water line between the two buildings, not from the street. The property owner will be fixing the leak. Staff and consultants will review any background information on this connection, discuss options, and review with the Council at a future meeting.

**City Clerk
Sharon Payne**

**Final Delinquent Utility
Report**

Motion by M. Ness to approve the final delinquency list for certification for 2018/2019 in the amount of \$9,003.73. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Stacy Do It Best Hardware
Service – Account
Adjustments**

Per the Utility Report the store used 93,000 gallons over six years, resulting in an amount of \$4,206.29 that the store has paid the city and the renter has also paid the city. The council asked for clarification that this is for water only; also, we would pay any refund to the owner not the renter.

**Canvas City Election
Results**

Motion by M. Ness to approve the Abstract of Votes Cast in the Precincts in the City of Stacy at the State General Election Held Tuesday, November 6, 2018. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Failure to Post Meeting

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

Attorney Schutt said typically you would not post this type of meeting as it is a staff meeting and public does not attend; it is a departmental meeting. She then said that in posting meetings consider intention and action contemplated by the council. If the conversation is about city business then meeting would be posted and open to the public.

Vacation Request

Motion by M. Ness to approve the clerk's vacation as presented in her memo. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Addition of Third Work Station in Clerk's Office

The council said that the quote seemed high for a computer and thought a computer could be purchased elsewhere for less. The clerk was asked to contact Computer Wrangler to see if he conducts the install as quoted if we purchase the computer and monitors.

Member M. Ness will research computer costs. The cost for the third work station will be split between the city and liquor.

SAM Entity Registration

Motion by J. Ness to approve Mayor M. Utecht as signee for SAM and Sharon Payne as representative. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Liquor Operations

Stacy Sports Grill – Assistant Manager

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

Ms. Schneider introduced Maria Olson as the Assistant Manager at the sports Grill.

Stacy Wine & Spirits – Bond Payoff

Motion by Mayor M. Utecht that we direct staff to pay off the bond in the principal amount of \$170,000 and all interest compiled year to date. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Bank Access Change

Motion by M. Ness to remove Amy Hill and add Michelle Hayes to the liquor accounts; add Assistant Manager Maria Olson and Christian Stein to the accounts as deemed appropriate by the managers. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Stacy Wine & Spirits – Pay Increase Proposal

Motion by M. Ness to change the pay request for Rod Olson to 3% and approve the rest of Mr. Olson's proposal dated October 25, 2018, as presented. Second by J. Ness. Members M. Ness, J.

Ness, C. Lucia, and T. Olivolo voted yes. Member M. Utecht voted no. Mayor M. Utecht declared the motion carried 4-1.

Motion by J. Ness that the increases be effective January 1, 2019. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Stacy Sports Grill – Pay Increase Proposal

Motion by J. Ness to approve the Sports Grill pay request as presented effective January 1, 2019. Second by M. Ness. Members M. Ness, J. Ness, M. Utecht, and C. Lucia voted yes. Member T. Olivolo voted no. Mayor Utecht declared the motion carried 4-1.

**Committees
Commissions**

Personnel Committee

The committee met today and discussed drug testing, felony convictions, and the employee appreciation event.

**Public Information
Committee**

It was decided the next newsletter would go out in April, to allow notice that dog licenses are due. Move newsletter to semi-annually as no longer needed by the state for the radium notice quarterly.

EDA

Member T. Olivolo stated that the “old BP” property is going up for auction again; he has contacted Ebenezer homes to see if they would be interested in purchasing the property for senior housing.

Planning Commission

**Resolution Revoking
Conditional Use Permits**

Motion by J. Ness to approve Resolution Number 2018-11-1, “Resolution Revoking Conditional Use Permits”, removing the Mobile Home Park from the list as the permit does not exist (it expired). Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Emergency Plan Meeting

Mark Utecht and Jim Ness will meet with the county to discuss the emergency plan.

Old Business

**Sports Grill Review Form
– Manager**

Motion by J. Ness to approve the Sports Grill Manager Review form as presented. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Sign for City Hall – Quote Update

Motion by J. Ness to approve purchase of the sign as presented from Gateway Signs in the amount of \$3,702.00 to include the photo sensor; per estimate number 17. Second by T. Olivolo. J. Ness, M. Ness, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

New Business

Liquor License – Rustic Inn

Motion by M. Ness to approve the Rustic Inns liquor license for 2018 as presented. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Liquor License – Lions Club

Motion by T. Olivolo to approve the liquor license for the Stacy Lions Club. Second by C. Lucia. Motion fails unanimously.

The application is not complete; Member T. Olivolo will follow up.

Mayor/Council

Annual Employee Recognition Event

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

Ms. Schneider is working on the event, possibly holding it at Split Rocks on December 18th.

League of MN Cities - Conference

Motion by J. Ness to approve any city council member wanting to attend the Experienced Officials Conference and for Rebecca LaMotte to attend the Newly Elected Officials Conference; the city will pay registration, mileage, and lodging. Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Forterra Connection to City Water and Sewer

Mayor M. Utecht said that Bob Stihl from Forterra had contacted him about their offices connecting to city water and sewer.

Committee Assignments

Each member and incoming member should rank which committees/commissions they would like to serve on in 2019. The appointments will be made at the December meeting.

Staff Attendance at Council Meetings

Member M. Ness would like the city staff to attend the council meetings; this will be decided by the incoming council.

Adjourn at 9:51p.m.

Mayor M. Utecht declared the meeting adjourned at 9:51p.m.

Sharon MT Payne