



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
DECEMBER 10, 2019, 7:00p.m.
STACY CITY HALL**

Call to Order

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

Roll Call

Present: Mark Utecht, Dennis Thieling, Mark Ness, and Paul Authier

Absent: Tony Olivolo

Others Present: James Mongé, Jim Ness, Dan Boyum, John Wicklander, Matt Silver, Dale Walick, and Tim Sawatzky

Additions to the Agenda

Additions to the Agenda:

1. Social Media
2. ARMER Agreement
3. Board of Equalization Training
4. See also Addition under Liquor Operations

Motion by Ness to approve the agenda as amended. Second by Authier. Members Ness, Thieling, Authier, and Utecht voted yes. Mayor Utecht declared the motion carried.

Public Comment

None

Consent Agenda

Motion by Ness to approve the consent agenda as presented. Second by Authier. Members Ness, Thieling, Authier, and Utecht voted yes. Mayor Utecht declared the motion carried.

Staff Reports

City Attorney

James Mongé

**Community Solar Garden
Subscription – Novel
Energy**

Motion by Utecht to authorize the Mayor to sign the VOS Commercial Solar Garden Subscription Agreement on behalf of the City. Second by Authier. Members Utecht, Authier, Ness, and Thieling voted yes. Mayor Utecht declared the motion carried.

**Coordinated Business
Systems Contract**

Motion by Authier to authorize signatures to the Coordinated Business Systems Contract. Second by Ness. Members Authier,

Ness, Utecht, and Thieling voted yes. Mayor Utecht declared the motion carried.

Mueller Agreement

Motion by Utecht that we sign the contract with Mueller Systems for the water meters and software as originally presented. Second by Authier. Members Utecht, Authier, Ness, and Thieling voted yes. Mayor Utecht declared the motion carried.

Mueller will be notified that where the contract conflicts with Minnesota State Statutes the city is bound to follow Minnesota State Statute.

ARMER Agreement

Motion by Utecht to authorize the Mayor to sign the Communications System User Agreement for the period of 2020-2023 as presented. Second by Ness. Members Utecht, Ness, Authier, and Thieling voted yes. Mayor Utecht declared the motion carried.

Member Ness stated for the record that he thanked everyone for working on this agreement; Members Thieling and Authier concurred.

Social Media

Mayor Utecht asked when social media, not an official city group, reflects inaccuracies about the city; is the city responsible for correcting the inaccuracies?

Attorney Mongé said that he does not see a need to respond if not from city staff or council.

Engineer

Dan Boyum

Engineers Report

Mr. Boyum reviewed his report with the council and addressed their questions. The report included:

- **Forterra Service** – Discussed planning costs at the November Council meeting. Coordinating dates for a 4:30 pm meeting with Forterra, Mayor, and others.
- **Fox Valley Metrology – Industrial Park** – Responded to follow-up items on final plat.
- **Revived Iron** – Reviewed timing of sewer and water service extension with property owner and need to know when they will do for city inspection. They have contacted contractor for schedule. We anticipate the work will be done in Spring 2020.city
- **Kramer Multi-Use Development** – Attended planning commission meeting where concept plans were presented. Staff forwarded PUD information to developer. Phil Carlson from the

planning group is reviewing comments from the city attorney and the concept plans to provide feedback.

- **Comprehensive Plan Figures** – Worked on updates to figure drawings.
- **Infraseek** – linked plat information to City’s data base.
- **Future Projects** – Reviewing past information on proposed 311th Street Improvements and CSAH 30 (Forest Boulevard) storm sewer capacity.
- **Finch Avenue Drainage** – reviewed property owner question to staff on winter drainage and provided comments.

City Clerk
Sharon Payne

**Resolution Approving
2020 Levy**

Motion by Utecht to approve Resolution Number 2019-12-2, “Resolution Approving the Final City Levy for 2020”, as amended tonight. Second by Authier. Members Utecht, Authier, Thieling, and Ness voted yes. Mayor Utecht declared the motion carried.

**Resolution Designating
Reserves – Water Fund**

Motion by Ness to approve Resolution Number 2019-12-3, “Resolution Designating Reserves Water Fund Asset Replacement,” as presented. Second by Authier. Members Ness, Authier, Utecht, and Thieling voted yes. Mayor Utecht declared the motion carried.

**Resolution Designating
Reserves – Truck F550**

Motion by Utecht to approve Resolution Number 2019-12-4, “Resolution Designating Reserves General Fund Capital Equipment Truck (Replace F550)”, as presented. Second by Ness. Members Utecht, Ness, Authier, and Thieling voted yes. Mayor Utecht declared the motion carried.

**Resolution Designating
Reserves – Fire
Equipment**

Motion by Utecht to approve Resolution Number 2019-12-5, “Resolution Designating Reserves from the General Fund for Fire Equipment,” as presented. Second by Thieling. Members Utecht, Thieling, Authier, and Ness voted yes. Mayor Utecht declared the motion carried.

**Employee Pay Increase
2020**

Motion by Utecht to approve a 4% increase for the Maintenance Supervisor beginning January 1, 2020. Second by Thieling. Members Utecht, Thieling, and Authier voted yes. Member Ness voted no (stating he disagreed with the percentage). Mayor Utecht declared the motion carried 3-1.

Motion by Utecht to approve a 4% increase for the Maintenance Worker One beginning January 1, 2020. Second by Authier. Members Utecht, Authier, and Thieling voted yes. Member

Ness voted no (stating he disagreed with the percentage). Mayor Utecht declared the meeting adjourned 3-1.

Motion by Utecht to approve a 4.68% increase for the City Clerk beginning January 1, 2020. Second by Ness. Members Utecht, Ness, Thieling, and Authier voted yes. Mayor Utecht declared the motion carried.

USDA – Deobligation of Remaining Grant Funds

Mayor Utecht said thank you to all those who worked on behalf of the city on the water treatment plant project; they did a great job! We came in under the projected expense.

Motion by Utecht to authorize the Mayor to sign the Letter of Deobligation for the rural development program funds. Second by Ness. Members Utecht, Ness, Thieling, and Authier voted yes. Mayor Utecht declared the motion carried.

Liquor Operations

Liquor Financials

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

Member Authier expressed his concern regarding the lateness of the liquor financials; we received August today. The managers have the same concern. Per an email sent today it sounds like Ms. Hayes is planning on having the September and October financials done this week.

The clerk notified the council of the statutory requirement that the liquor balance sheet be published by the end of January, so that means to her by the third week of the month.

Point of Sale System

Motion by Authier to add an addition to the agenda: Point of Sale System at the Sports Grill. Second by Ness. Members Authier, Ness, Thieling, and Utecht voted yes. Mayor Utecht declared the motion carried.

Manager Wicklander said that the current Point of Sale (POA) is not functioning properly and support is virtually non-existent. The council approved for him to research options and present the one he thinks is best to the council for approval.

Possible Property Purchase (Closed Session 8:15-8:27p.m.)

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

The city would like to discuss the possibility of purchasing the property directly south of the Stacy Sports Grill.

Motion by Ness to go into closed session pursuant to Minn. State §13D.05 subd. 3 (c), to develop or consider offers or counteroffers

for the purchase of sale of real or personal property. Second by Thieling. Members Ness, Thieling, Authier, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Committees
Commissions**

**Public Information
Committee**

Motion by Ness to approve the newsletter as amended. Second by Authier. Members Ness, Authier, Thieling, and Utecht voted yes. Mayor Utecht declared the motion carried.

EDA

Member Thieling reported that a business owner has shown interest in purchasing 2-3 lots in the business park.

Old Business

**Water and Sewer Rate
Study Proposal**

Motion by Utecht to authorize the \$10,000 for the water and sewer rate study, request that Ms. Kettles provide the number of years the study will be valid forgoing any major changes in the financial status of the two funds; and authorize the Mayor to sign the proposal. Second by Ness. Members Utecht, Ness, Authier, and Thieling voted yes. Mayor Utecht declared the motion carried.

**Private Wastewater
Disposal**

The city cannot change the ordinance; Minn. Rules 7080.2450 requires that individual sewage treatment systems (ISTS) be assessed “no less frequently than every three years.”

**Stacy Wine & Spirits
Wage Increase Proposal**

Motion by Utecht to increase the Off-Sale Manager’s salary to \$65,000 per year effective January 1, 2020. Second by Thieling. Members Utecht, Thieling, and Authier voted yes. Member Ness voted no (stating he disagreed with the percentage). Mayor Utecht declared the motion carried 3-1.

**What Can Be Assessed to
Property Taxes**

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

Per the city attorney’s memo:

There is authority in Minn. Stat. § 429.101 subd. 1 to specially assess for removal of snow, ice or rubbish from sidewalks and weed elimination from private property (which would include mowing grass). See City Code § 93.03 (Weed Elimination).

Due process requires that the property owner be given notice of the existence of the nuisance and the opportunity to abate the nuisance themselves or come before the Council for a hearing on why there is no nuisance.

Here are the unpaid special charges cities are authorized to specially assess for:

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

The council discussed at length who should remove snow from the sidewalks:

- It is the property owner’s responsibility
- The city should remove the snow due to public safety

Ultimately it was decided to follow the city code as it is currently written.

Building Permit Fee Review

Forwarded to the Planning Commission to prepare an ordinance revision.

New Business

Ordinance Amending – Liquor Hours and Sale

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

Motion by Ness to approve Ordinance Number 2019-12-1, “An Ordinance Amending Section 112.33 of the City Code Relating to Hours and Days of Sale for Intoxicating Liquor.” Second by

Authier. Members Ness, Authier, Thieling, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor/Council

No Parking Signs

Member Thieling said that he has an issue with trucks parking on 311th Street by Casey's as they are parking within 15 feet of a hydrant. The maintenance staff will be directed to post a no parking sign by the hydrant that states per MN Statute ___ no parking within 15 feet of a fire hydrant.

No Dogs Allowed

Member Thieling stated that the property owned by the city north of the maintenance shop and east of the wellhouse has an issue with owner's walking their dogs and not cleaning up after them. The maintenance staff will be directed to post a sign.

Towing and Impounding

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

Member Thieling said that there have been trucks illegally parked overnight; they have been ticketed. Can the city establish regulations regarding towing and impounding?

The Planning Commission will research this; and the city attorney will investigate the requirements.

**Elected Officials
Conference**

Motion by Utecht to reimburse for lodging, mileage, and registration for council member Ness to attend the League of Minnesota Cities Elected Officials Institute: Advanced Learning Program. Second by Authier. Members Utecht, Authier, Thieling, and Ness voted yes. Mayor Utecht declared the motion carried.

**Board of Equalization
Training**

Mayor Utecht encouraged those who haven't taken the online training that they do so if possible.

Adjourned at 10:00p.m.

Mayor M. Utecht declared the meeting adjourned at 10:00p.m.

Sharon MT Payne