



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 12, 2017, 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, Jeremy Hauser, and Dustin Brakemeier

Additions to the Agenda

Additions to the agenda:

- Maintenance – Sidewalks
- City Cell Phone
- Stacy Sports Grill – Entertainment Cancellation
- Property Owner – Fire Inspection
- Property Owner – Zoning Violation
- Training Opportunities – League of MN Cities
- Joint Powers Agreement Amendment

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

Public Comment

None

Consent Agenda

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

Staff Reports

City Attorney

Amy Schutt

Sports Grill Band Invoice

The City received an invoice from Kevin Asbey, DBA Blue Earth Entertainment. The invoice is requesting compensation for bands booked in 2018 and cancelled at the city's request. The amount requested is \$1,305. The council asked if the city has an obligation to pay the invoice?



Ms. Schutt asked if there is a contract or any type of agreement in place? If none exist then there is no clear reason we legally need to pay them.

The clerk was directed to contact Mr. Absey to provide any contract or agreement he has with the city.

Property Owner – Fire Inspection

The property owner located at 5685 Stacy Trail, DBM Commercial Services has not returned the building inspector's phone calls to set up his fire inspection for 2017. The clerk will check with Mr. Kramer to see if he sent the property owner a certified letter; if not a certified letter should be sent.

Ms. Schutt recommended that the city code section regulating the inspections (§155.03 and 155.04) be reviewed. The council directed the city attorney work with the building inspector to prepare changes to the code and forward to the Planning Commission.

Property Owner – Unlicensed Vehicles

The property owner located at 31020 Gable Avenue, Jim and Kathleen Nelson, continue to have unlicensed motor vehicles on their property. Attorney Schutt will issue a letter to the property owner and if they are still non-compliant then the violation will be forwarded to the sheriff for ticketing.

**City Engineer
Jeremy Hauser**

2018 Street Improvement Project

Mr. Hauser presented three options for the cul-de-sac on Gable:

- Option One – rebuild as is
- Option Two – change radius to 40 feet
- Option Three – change radius to 46 feet.

The council decided on Option one.

Resolution – No Parking CSAH 30

Motion by M. Ness to approve Resolution Number 2017-12-1, A Resolution Banning Parking on Both Sides of CSAH 30 (Forest Boulevard) between CSAH 19 (Stacy Trail) and 312th Street in the City of Stacy." Second by M. Utecht.

Motion by M. Ness to withdraw his motion. Mayor M. Utecht did not second the withdrawal stating that if the reason behind the withdrawal was to prevent the double pass lane then it would be inappropriate. Member M. Ness said that his reasoning for the withdrawal is he would like to see the 90% plans prior to the adoption of the resolution; with that said Mayor M. Utecht withdrew his second on the motion.

Water Treatment Plant

Update:

Mr. Hauser gave the council and update on the progress of the water treatment plant. The start-up is proposed now for mid-late January, a couple weeks of testing will occur before water goes into the system.

Underground Issues:

The council expressed concern regarding what is being hit underground and the costs associated. How was the gas line hit? Was it due to our plans? Concern regarding safety.

Utility Bill Adjustments:

Any request for adjustment to a water bill for running water due to discoloration, needs to be made in writing and will be considered by the council on a case-by-case basis.

Pay Request:

Motion by T. Olivolo to approve Pay Request Number 15 in the amount of \$122,614.36 to Magney Construction for the Water Treatment Plant, per engineer approval. Second by M. Ness. Members M. Ness, T. Olivolo, J. Ness, and M. Utecht voted yes. Member C. Lucia voted no. Mayor M. Utecht declared the motion carried.

City Clerk

Sharon Payne

Resolution Approving the 2018 Levy

Motion by J. Ness to approve Resolution Number 2017-12-3, "A Resolution Approving the Final City Levy for 2018," in the amount of \$423,969. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

Resolution Reserving Fire Equipment Funds

Motion by J. Ness to approve Resolution Number 2017-12-2, "A Resolution Designating Reserves General Fund Fire Equipment," in the amount of \$22,873. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

Employee Pay Increase 2018

Maintenance Supervisor:

Motion by M. Ness to increase the pay for the Maintenance supervisor for 2018 by 3%. Second by C. Lucia.

The budgeted amount for 2018 is a 5% increase.

Motion by M. Ness to table the motion. Second by T. Olivolo. All members voted yes. Mayor M. Utecht declared the motion carried.

Discussed proposed Pay Scale (Matrix).

Motion by M. Utecht to take off the table. Second by M. Ness. All members voted yes. Mayor M. Utecht declared the motion carried.

Mayor M. Utecht said that he thinks the work that Mr. Jones performs is worth the 5% increase, with the fact that we are most likely behind on the pay matrix. Member T. Olivolo agreed.

Vote on the motion:

Members M. Ness, and J. Ness voted yes. Members C. Lucia, T. Olivolo, and M. Utecht voted no. Mayor M. Utecht declared the motion fails 3-2.

Motion by T. Olivolo to increase the pay for the Maintenance supervisor for 2018 by 5%. Second by M. Utecht. Members T. Olivolo, M. Utecht, and C. Lucia voted yes. Members J. Ness, and M. Ness voted no. Mayor M. Utecht declared the motion carried 3-2.

Maintenance Worker:

Motion by J. Ness to increase the pay for the Maintenance Worker for 2018 by 3%. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

City Clerk:

Motion by M. Ness to increase the pay for the City Clerk for 2018 by 4%. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

Utility Billing Clerk:

Motion by M. Utecht to increase the pay for the Utility Billing Clerk by 2%. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

Pay Scale (Matrix) Update

Mayor M. Utecht said that a couple things jumped out for him on the proposed pay matrix: Grade 19 and Grade 17 specifically. He does not think the city can afford the pay range for those two positions. He has questions regarding the research and the matrix and assumes the council does also. Ms. Antonsen from Springsted will be invited to the January 2018 meeting to address the council's questions.

City Auditor Contract

Motion by J. Ness to approve the contract with Dennis E. Oberloh, LTD for the 2017 audit. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

Maintenance Department

Sidewalks

Motion by M. Ness to start the process to change the city code to state that the maintenance staff will remove snow from all city sidewalks. Second by J. Ness.

Member M. Ness said the reasoning behind his motion is:

1. Disappointed in staff not removing the snow December 5th after snow on the 4th; the sidewalks still have not been cleared.
2. Mr. Jones purchased the angle broom which would work perfect for snow removal.
3. Public safety issue
4. We are requiring sidewalks with the CSAH project, and property owners not given the option if they want to clear them.
5. If the ordinance is not enforced why do we have it?

Member J. Ness said he has always thought the city should remove the snow from the city sidewalks.

This has been brought to the maintenance department in years past.

Mayor M. Utecht said he would like to see the full ordinance before he votes on it. What are the costs involved?

Vote on the motion:

Members J. Ness, and M. Ness voted yes. Members C. Lucia, T. Olivolo, and M. Utecht voted no. Mayor M. Utecht declared the motion fails 3-2.

**Committees
Commissions**

**Chisago Lakes Joint
Sewage Treatment
Commission**

Personnel Committee

Member C. Lucia said the commission settled the disposable wipe issue with two companies in the amount of \$25K-\$40K. the commission will determine where the money will go.

The Personnel Committee met today, the following discussed: revisions to the Personnel Policy, pay matrix, and performance review forms.

The council is ok with the proposed format to the performance review forms.

**Public Information
Committee**

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

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

Old Business

Joint Powers Agreement

The clerk will distribute the agreement to the council after accepting the changes; the agreement will be considered for approval at the March 2018 Joint Powers meeting.

New Business

**Sunrise Mobile Home
Park**

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

Mr. Brakemeier asked that the city's ordinance regulating seasonal parking be amended to remove mobile home park streets from the regulation. He has in place their own parking policy.

The council was in favor of the amendment as long as the sheriff's office, and fire department did not express any safety concern with the amendment.

The clerk will prepare the code amendment for possible approval by the council at their January 2018 meeting.

**Ordinance – Second
Water Meter Requirement**

Motion by J. Ness to approve Ordinance Number 2017-12-4, "An Ordinance Amending Chapter 51 of the City Code Regarding Second Water Meters." Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

**Personnel Policy
Changes**

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

Time Reporting

Full-time, non-exempt employees are expected to work 32 hours or more per workweek and will be paid according to the time reported on their time sheets.

Time Reporting:

- *To comply with the provisions of the federal and state Fair Labor Standards Acts, hours worked and any leave time used by non-exempt employees are to be recorded daily and submitted to payroll on a biweekly basis.*
- *Each time reporting form must include the signature of the employee and immediate supervisor.*
- *Reporting false information on a time sheet may be cause for immediate termination.*
- *Employees are not authorized to clock in for another employee.*

- *Employees are not authorized to work outside of their scheduled hours unless approved by supervisor.*
- *Non-Salaried employees can punch in within five minutes before their shift and punch out up to five minutes after their shift end; if there is a variance greater than five minutes then the manager/supervisor needs to approve.*
- *An employee who works overtime without prior approval may be subject to disciplinary action.*
- *Any edits done to timesheets must have noted the reason why and approved by the manager/supervisor.*

**Training Opportunities –
League of MN Cities**

Each department head will determine what training their staff will need; including Right to Know requirements.

Mayor/Council

**Experienced Officials
Conference**

Motion by M. Utecht to pay the registration fee and mileage for Mark Ness to attend the Leadership Training for Experienced Officials being held on January 26-27, 2018, in Brooklyn Park. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

City Cell Phone

Mayor M. Utecht did get a city cell phone; recent events have necessitated additional communication through his personal cell phone; his understanding was the council had approved the cell phone about a year ago but at that time no phone was purchased. With the additional activity he does not want his personal phone “discoverable.”

Motion by C. Lucia that the mayor has a city issued cell phone. Second by T. Olivolo. Members C. Lucia, T. Olivolo, M. Ness, and J. Ness voted yes. Mayor M. Utecht abstained. Mayor M. Utecht declared the motion carried.

Adjourned at 9:39p.m.

Mayor M. Utecht declared the meeting adjourned at 9:39p.m.

Sharon MT Payne