



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
FEBRUARY 12, 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 M. Utecht at 7:00p.m.

Roll Call

Present: Rebecca LaMotte, Chuck Lucia, Mark Utecht, Tony Olivolo, and Mark Ness (left meeting at 7:35p.m.)

Absent: None

Others Present: Amy Schutt, Dan Boyum, Jim Ness, Peggy Korlath, Nancy Hoffman, Matt Silver, Dennis Thieling, TJ Potrament, and Shane Carroll

Additions to the Agenda

Agenda Revisions:

- Vacation Request - Liquor Operations
- Board of Review April 9, 2019

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

Public Comment

Jim Ness: At the January 8th meeting, he was listed in a complaint by the new council member, since he has not been interviewed, he believes there is not merit to the complaint.

Consent Agenda

Motion by Ness to approve the consent agenda withholding check number 26790 in the amount of \$3,872 to Clark Equipment. Second by Lucia. Members Ness, Lucia, LaMotte, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Motion by Utecht to approve the previous item withheld from the previous motion. Second by Lucia. Members LaMotte, Utecht, and Olivolo voted yes. Members Ness, and Lucia voted no. Mayor Utecht declared the motion carried 3-2.

Public Hearing – Tax Abatement 7:05-7:12p.m.

Notice is hereby given that on Tuesday, February 12, 2019, at 7:00p.m. or as soon thereafter as the matter may be heard, the Stacy City Council will conduct a public hearing in the Council Chambers of City Hall, 30955 Forest Blvd, in the City of Stacy, MN for the purpose of receiving written or oral comments on the proposed tax abatement to assist Fox Valley Metrology, for a tax abatement to finance costs relating to a building expansion of 7,290 sq. Ft and expanding fiber to the Stacy Ponds Business Park, in an amount not to exceed a total of \$95,935 for a period of not more than nine (9) years. Current Tax Parcel number is:

19.00133.13, 30477 Stacy Ponds Drive, Stacy, MN. Said hearing is being held pursuant to M.S. 469.1812 to 469.1815.

Approval of Contract for Private Development – Fox Valley Metrology

This item will be considered for approval at the time the Developer’s Agreement is also considered.

Resolution Approving Tax Abatement – Fox Valley Metrology

Motion by Utecht approve Resolution Number 2019-2-1, “Resolution Approving Tax Abatement Assistance for Twin Pines Metrology, LTD, dba Fox Valley Metrology, LLC., in the City of Stacy, Minnesota;” as presented. Second by Ness. Members Lucia, Olivolo, LaMotte, Ness, and Utecht voted yes. Mayor Utecht declared the motion carried.

Staff Reports

City Attorney
Amy Schutt

Litigation Threatened

Mayor Utecht asked if the threat of litigation qualifies going into closed session? Attorney Schutt said that it did not; typically, this applies to ongoing litigation and a case has already been filed.

Employee Issues

Mayor Utecht said that he has been in communication with the city attorney over the last six weeks or so regarding employee complaints, and how to handle certain items, including to terminate the employee. He is convinced that the council acted within our city attorney’s opinion how to legally handle these issues. The city attorney concurred. Mayor Utecht then went on to say that that he does not think any ethics violation exists.

City Engineer
Dan Boyum

Mr. Boyum reviewed his report with the council and addressed questions.

Water Tower Freezing

Mayor Utecht asked about the possibility of the water tower freezing; Mr. Boyum will review.

City Hall Flooring

The clerk asked if the floor grout at city hall is still under warranty as there is a spot where it is coming up. Mr. Boyum will research.

City Clerk
Sharon Payne

Water and Sewer Rate Study and Ordinance Amending Chapter 34 Fee Schedule

Motion by Utecht to table this item and the Ordinance Amending Chapter 34 until next month. Second by LaMotte. Members Utecht, LaMotte, Olivolo, and Lucia voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

Office Computers

Motion by Utecht to approve the purchase of the clerk's office computers as quoted. Second by Olivolo. Members Lucia, Olivolo, LaMotte, and Utecht voted yes. Member Ness absent for motion. Mayor Utecht declared the motion carried.

Vacation Request

Motion by Utecht to approve the vacation request for the city clerk. Second by Olivolo. Members Olivolo, Lucia, LaMotte, and Utecht voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

Liquor Operations

Sports Grill Management

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

Motion by Utecht to immediately terminate the employment of Stephanie Schneider with the City of Stacy. Second by LaMotte. Utecht, Lamotte, Lucia, and Olivolo voted yes. Ness voted no. Mayor Utecht declared the motion carried.

Prior to the vote on the motion Member Ness said that he objected to the fact that we should have a closed meeting with the employee before termination and that he thinks the council was doing this unethically.

Motion by Utecht to take a 15-minute recess. Second by LaMotte. Members Ness, Olivolo, LaMotte, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried. (7:22-7:35p.m.)

Upon reconvening the meeting member Ness said that he believed the council acted unethically and left the meeting at 7:37p.m.

Motion by Utecht to remove Stephanie Schneider from all bank accounts. Second by LaMotte. Members Utecht, LaMotte, Olivolo, and Lucia voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

Motion by Utecht to appoint Maria Olson as acting manager for the Sports Grill. Second by Olivolo. Utecht, Olivolo, Lucia, and LaMotte voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

Mayor Utecht will contact Paul Death to see if he can help out; he helped during the previous transition in management.

The clerk was directed to post the position.

Vacation Request

Motion by Utecht to approve Mr. Olson's vacation request. Second by Olivolo. Utecht, Olivolo, LaMotte, and Lucia voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

**Committees
Commissions**

**Requirements for
Investigation by the
Personnel Committee**

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

Motion by Ness to approve the requirements as presented. Second by Lucia. Member Ness voted yes. Members Lucia, Olivolo, LaMotte, and Utecht voted no. Mayor Utecht declared the motion fails 4-1.

**Chisago Lakes Joint
Sewage Treatment
Commission (CLJSTC)**

Member Lucia said the budget may be lower than anticipated.

Park and Recreation

The committee continues to determine the best use of Meadows Park. They are also reviewing updates to Lions Park.

Planning Commission

Member LaMotte provided the update on the Planning Commission: they are continuing review of the city code, snowmobile map, and clarification of the R2 zoning district.

**Notices and
Communications**

The following items were informational in nature and did not require any council action:

- A. Wastewater Facilities Plan
- B. Budget Year-to-Date Report
- C. Utility Report Water Billed vs. Pumped
- D. Data Practices Act Review
- E. Board of Review Date – April 9, 2019, at 6:00p.m.

Old Business

None

New Business

**Ordinance – Chapter 30
Committees**

Motion by Utecht to approve Ordinance Number 2019-2-2, “An Ordinance Amending Chapter 30 of the City Code Regarding Committees.” As presented. Second by LaMotte. Members Olivolo, LaMotte, Lucia, and Utecht voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

**Radio Contract with
Chisago County**

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

Fire Chief, TJ Potrament, was present to discuss the radio contract with Chisago County. The following are the highlights:

- The radios are not supported by Motorola at year end 2018, that does not mean they quit working; they just quit manufacturing replacement parts for them.
- The county spent the money on the radios and then came to us to pay; we offered to take the radios at no charge and the county agreed but they want total control.
- Mr. Potrament said we shouldn't pay for the infrastructure of the communications system.
- The county is not charged by the number of radios on the system, but a flat rate.
- Would like to form a communications group that includes fire chiefs.
- The next step is to talk to the county commissioner's directly.

Personnel Policy Changes

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

Motion by Utecht to approve the changes to the Personnel Policy as presented. Second by Olivolo. Members LaMotte, Lucia, and Utecht voted yes. Member Ness absent for the motion. Mayor Utecht declared the motion carried.

Mayor/Council

Censure of Council Member

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

Member Ness said the city should have a policy to censure a council member; he then read a statement and made the following motion:

Motion by Ness to have the city attorney or law enforcement investigate the complaint dated January 24, 2019. Motion fails for lack of a second.

Motion by Ness to censure Tony Olivolo based on alleged conduct. Motion fails for lack of a second.

Claims for approval

Mayor Utecht asked if the council needs the level of detail presented in the claims; this will be discussed when a full council is present.

Adjourn at 8:41p.m.

Mayor M. Utecht declared the meeting adjourned at 8:41p.m.

Sharon MT Payne