



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
MARCH 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: Chuck Lucia, Mark Utecht, Tony Olivolo, Rebecca LaMotte, and Mark Ness

Absent: None

Others Present: Amy Schutt, Dan Boyum, Jim Ness, Dennis Thieling, Peggy Korlath, Paul Authier, Patty Kettles, Stefanie Blommer, Dallas Nestvold, and public not identified.

Additions to the Agenda

Additions to the Agenda:

- Springsted Change to Baker Tilly Municipal Advisors LLC
- County Radio Threat Letter and Contract
- Collaboration Services – League of MN Cities
- Stantec – Letter Regarding Cleerio
- Liquor Bank Account Change
- Change Order of Items Under 6D3 and 6D4
- Alternate Interview Date
- Claims for Approval – Detail Desired
- Remove Committee Appointments
- Correctly Number Items Under 6 (D listed twice)

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

Public Comment

Dennis Thieling:

Mr. Thieling expressed concern regarding work done on Forest Boulevard where it intersects 312th and 311th Street. He has contacted the County as their contractor performed the work.

He also expressed concern regarding snowmobiles causing a large frozen berm at the bike trail and 311th Street.

Paul Authier:

Mr. Authier had several things to say which included: the events that occurred at the last council meeting, the direction to research the closing of the bar and defaulting on the loan, the amount the bar lost over the last year was way beyond normal and should be investigated, there are a lot of people paying attention to what the

council is doing, do what they were elected to do and work for the taxpayers of the City.

Mayor Utecht said that the employees of the Sports Grill have been given the authority to ask someone to leave if they don't leave then the sheriff's office will be called; he never wants an employee to feel threatened.

Consent Agenda

Mayor Utecht said that the first draft of the minutes of February 12, 2019, section titled "censure of councilmember" reflected accurately what occurred. Member Ness requested the clerk to add verbatim what he said at the meeting resulting in Draft 2.

Motion by Utecht to approve the consent agenda as amended, without the verbatim to the minutes of February 12, 2019. Second by Olivolo.

Discussion occurred on if the minutes should be verbatim. The city attorney said that the legal obligation under MN Statute requires summarizing what the meeting said; there is not requirement of how broad or narrow the minutes are. It doesn't appear in the past that we have done verbatim minutes. If you let one quote in then you need to do it universally.

Vote on the motion:

Members Utecht, Olivolo, Lucia, and LaMotte voted yes. Member Ness voted no. Mayor Utecht declared the motion carried 4-1.

Staff Reports

City Attorney

Amy Schutt

Data Access Policy

This item tabled until the April meeting.

City Engineer

Dan Boyum

Engineers Report

Mr. Boyum went over his engineering report and addressed questions from the council.

Cleerio Program

Mr. Boyum presented a letter indicating that Stantec is discontinuing their relationship with Cleerio and going back to their original program, Infraseek. They apologized for the inconvenience this has caused the city.

Financial Advisor

Patty Kettles

Utility Rate Review

Ms. Kettles presented the utility rate review and addressed the council's questions.

There will be no increase in sewer rates, water rates will increase by 3.5%.

City Clerk

Sharon Payne

Email Administration

Because of recent events and in consultation with the City Attorney and Mayor all city emails will be set up by the City Clerk using the stacymn.org extension. This will allow the city to immediately change access to accounts and not worry about getting passwords. It was also decided that the email addresses will be paid for by the city.

Facebook Access

Again because of recent events the City Clerk is to be set up as an administrator on all Facebook accounts being utilized by the city departments.

Resolution Declaring Costs to be Assessed

Motion by Utecht to approve Resolution 2019-3-1, "A Resolution Declaring Costs to be Assessed, and Ordering Preparation of Proposed Assessment;" as presented. Second by Ness. Members Utecht, Ness, Lucia, LaMotte, and Olivolo voted yes. Mayor Utecht declared the motion carried.

Resolution for Hearing on Proposed Assessment

Motion by Utecht to approve Resolution 2019-3-2, "A Resolution for Hearing on Proposed Assessment;" as presented. Second by Ness. Members Utecht, Ness, Lucia, LaMotte, and Olivolo voted yes. Mayor Utecht declared the motion carried.

Springsted Merger with Baker Tilly

Motion by Utecht to authorize the Mayor and Clerk to sign the Consent to Assignment as presented from Springsted. Second by Olivolo. Members Utecht, Olivolo, Lucia, LaMotte, and Ness voted yes. Mayor Utecht declared the motion carried.

Maintenance

Truck Repairs

Mayor Utecht said that the truck repairs were not out of the ordinary or predictable. Member Ness said he appreciates Mr. Jones updates on the repairs to the truck.

Liquor Operations

Liquor Manager Guidelines - Update

The Manager Guidelines is a "living document" the proposed changes have been reviewed by Rod Olson and Michelle Hayes. The city attorney has been asked to research what can be done to

enforce the no “wiping” of the cell phones upon termination of employment.

Bank Account

Motion by Utecht to remove Maria Olson from the liquor accounts and add Rod Olson as a temporary user. Second by Ness. Members Utecht, Ness, Lucia, LaMotte, and Olivolo voted yes. Mayor Utecht declared the motion carried.

Maria Olson, Termination of Employment

The Mayor said that Ms. Olson had agreed to stay on at the Sports Grill until Tuesday, March 12th; however, she contacted him late on March 9th and quit. So, her original resignation stands, her last day was March 8th.

**Committees
Commissions**

CLJSTC

Personnel Committee

The consensus of the council approved the Wastewater Plan.

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

**Personnel Committee
Complaints**

Attorney Schutt stated that she had advised both the Standing Personnel Committee and Personnel Committee on how to address the complaints. Her concern is that the nature of the complaints coming up before the Personnel Committee to investigate are not violations of the Personnel Policy. However, this does not mean that the council could not choose to investigate them or direct staff to investigate; it just isn't proper for *personnel committee* investigation.

**Personnel Committee
Reports on Complaints**

Complaint dated January 4, 2019, against Mark Ness:

Motion by Mayor Utecht to approve the findings of the Standing Personnel Committee as it relates to Mark Ness. Second by Lucia. Members Utecht, Lucia, and Olivolo voted yes. Member Ness abstained due to conflict of interest. Member LaMotte also abstained. Mayor Utecht declared the motion carried.

Complaint dated January 4, 2019, against Jim Ness:

Motion by Mayor Utecht to approve the findings of the Standing Personnel Committee as it relates to Jim Ness. Second by Lucia. Members Utecht, Lucia, and Olivolo voted yes. Member Ness abstained due to conflict of interest. Member LaMotte also abstained. Mayor Utecht declared the motion carried.

Complaint dated January 4, 2019, against Mark Utecht:

Motion by Member Ness to approve the findings of the Standing Personnel Committee as it relates to Mark Utecht. Second by Olivolo. Members Ness, Olivolo, and Lucia voted yes. Member

Utecht and LaMotte abstained. Mayor Utecht declared the motion carried.

Complaint dated January 4, 2019, against Stephanie Schneider:

Motion by Mayor Utecht to approve the findings of the Standing Personnel Committee as it relates to Stephanie Schneider. Second by Olivolo. Members, Olivolo, Utecht, and Lucia voted yes. Member LaMotte abstained. Member Ness voted no. Mayor Utecht declared the motion carried 3-1.

Complaint dated January 4, 2019, against Stephanie Schneider:

Motion by Mayor Utecht to approve the findings of the Personnel Committee as it relates to Stephanie Schneider. Second by Olivolo. Members, Olivolo, Utecht, LaMotte, and Lucia voted yes. Member Ness voted no. Mayor Utecht declared the motion carried 4-1.

Complaint dated January 7, 2019, against Stephanie Schneider:

Motion by Mayor Utecht to approve the findings of the Personnel Committee as it relates to Stephanie Schneider. Second by Olivolo. Members, Olivolo, Utecht, LaMotte, and Lucia voted yes. Member Ness voted no. Mayor Utecht declared the motion carried 4-1.

Complaint dated December 11, 2018, against Stephanie Schneider:

Motion by Mayor Utecht to approve the findings of the Personnel Committee as it relates to Stephanie Schneider. Second by Olivolo. Members, Olivolo, Utecht, LaMotte, and Lucia voted yes. Member Ness voted no. Mayor Utecht declared the motion carried 4-1.

**Meeting Regarding
Management Hours**

Member Ness said he does not think the motion from November was completed, adding 40 hours per week to the job descriptions; the clerk will prepare the updates.

From the November 13th meeting:

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.

**Park and Recreation
Committee**

Member Olivolo said he spoke with Craig Moline from the North Branch Hockey Association regarding the hockey arena; he said that Mr. Moline is disappointed at the cost from Excel Energy for electric service; approximately \$40,000.

EDA

The committee is reviewing the Park Plan.

Mr. Thieling has been attending the County EDA meetings with Member Olivolo he reported that they are trying to develop vacant land in the city, including the land north of the post office and the Stacy Ponds Business Park.

He also reported that the county board approved the Tax Abatement for Fox Valley Metrology.

Planning Commission

City Code – Defined Term Links

The clerk will contact American Legal to precede with the defined term link to the city code signage section.

Update

Member Ness updated the council on the activities of the commission:

- The auto repair in the Light Industrial (LI) code is currently not allowed, a public hearing is being held next week to add to the allowed uses in LI.
- Hi-Lo is expanding their business within the current building in the business park.
- The commission is currently reviewing the Comprehensive Plan.
- We have not heard anything more from the person who purchased the Old BP Property.

Notices and Communications

None

Old Business

Ordinance - Fees

Motion by Utecht to approve Ordinance 2019-3-3, An Ordinance Amending Chapter 34 of the Stacy City Code, Fee Schedule;” with summary publication. Second by Ness. Members Utecht, Ness, LaMotte, Lucia, and Olivolo voted yes. Mayor Utecht declared the motion carried.

New Business

Set Public Hearing Date for City Code Changes

The public hearing regarding the city code changes will be held on May 14, 2019, at 7:00p.m. Include the hearing notice in the city newsletter.

Lions Easter Festival

Member Olivolo asked the city to consider contributing to the Easter Festival.

The council would like to see a budget for the event; to contain what they project for donations, where they're at and what they would like to do with the donations; after further discussion it was determined that no contribution would be made this year. A post event report will be provided to the council this year for possible donation in 2020.

Mayor/Council

Chisago County Radios

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

The radio contract was discussed at the Joint Powers meeting; the Lent Town Board and Council agreed "we" being the majority of users group should negotiate with the county to come up with a reasonable decision.

After that meeting the fire chief received the letter from the County Administrator, Bruce Messelt, threatening disconnection effective April 1.

Mayor Utecht attended a meeting of the county Mayor's and they agreed to negotiate with the County. Mayor Utecht will be the representative to speak to the board on Wednesday, March 20, 2019, at 6:30p.m.

Mayor Utecht said that they cannot shut-off the radios as this is blatant disregard for public safety.

Collaboration Services

Mayor Utecht said at the Mayors meeting last week he found out that the League of Minnesota Cities offers Collaboration Services; they come in and help councils and commissions work better. Is the council interested in this free service? Yes, the mayor will contact the League and let them know we are interested.

On Sale Manager Position

Mayor Utecht and Member Lucia reviewed the applications for the Manager at the Sports Grill; they chose four to interview. One of the applicants asked for an alternate interview date.

Mayor Utecht said that the applicant had not responded to his email requesting further information by the return date indicated. Concern that is an indicator.

Because of the no response from the applicant and the timeliness of filling the position the council did not set an alternate date for the interview.

Claims for Approval

The council packet has become quite thick; does the council need the level of detail included on the claims? There are members that

do use the detail; no change in the claim process other than separating liquor and city.

Re-election Talk

Mark Utecht said he heard some people talking about re-election and how the council do their job; he said that he doesn't do the job to get re-elected he does the job that is in the best interest of the city in every decision that is made. The council agreed.

Adjourn at 8:54p.m.

Mayor M. Utecht declared the meeting adjourned at 8:54p.m.

Sharon MT Payne