



**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 14, 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 Utecht at 7:00p.m.

Roll Call

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

Absent: None

Others Present: Ryan Capelle, Rod Olson, Amy Schutt, Eric Braun, Rick Duncan, Michelle Jacobson, Ben Montzka, and Greg Odden

Additions to the Agenda

Additions to the agenda:

Schedule Rod Olson's Six Month Review

Kultala Property

Speeding on Stacy Trail

Maintenance Bullet Report

City Building Inspector

Sunday Liquor Sales

Email from Jim Hammer, Rural Development

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

Public Comment

Ben Montzka:

County Commissioner, Ben Montzka, pointed out the following activities of the commission:

- Federal Funds were received to update the intersection of Pleasant Valley Road and Highway Eight.
- They are reviewing an application for a conditional use permit for an Islamic cemetery; potential litigation exists.

He will check into a crosswalk warning system for the bike trail.

Mayor Utecht said that the radio subscriber fees are still an issue for the fire department.

Consent Agenda

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



Staff Reports

City Attorney**Amy Schutt**

Employee Discipline Paid vs. Unpaid Suspension

Postponed until the April 11, 2017, Council Meeting.

5709 Stacy Trail Drainage and Utility Easement

This item handled out of order by J. Ness. Second by C. Lucia. Members J. Ness, C. Lucia, T. Olivolo, and M. Utecht voted yes. M. Ness voted no. Mayor Utecht declared the motion carried four to one.

Property owner, John Vogel stated that he is in favor of the easement change.

Motion by J. Ness to proceed with changing the easements for 5709 Stacy Trail 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.



Proposed

Current

Frontage Avenue Gap Issue

Postponed until the April 11, 2017, Council Meeting.

Sunrise Auto Gap Issue

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

The council asked Mr. Odden what he would like for the portion of the property that is currently part of the Stacy Sports Grill Parking Lot. Mr. Odden said \$7,721 - \$17,589.

Attorney Schutt said that the city has been using the property and may have some possible ownership. She also said that currently there is a lien (~\$11,000) on the property and taxes owing (~\$10,000). Because of the lien and taxes owed it may be possible that the city would gain deed to the property but would not be able to record it at the County.

Things the council needs to consider:

1. Do we need to actually acquire title to this property now or in the future?
2. Whether Quiet Title Action or outright purchase from the property owner.



Motion by M. Utecht to go into closed session pursuant to Minnesota Statutes 13D.05, Subdivision 3(c)(3), to develop and consider an offer for the purchase of real property. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried. (in closed session 9:17-9:30pm)

No action taken.

Mayor Term of Office

Postponed until the April 11, 2017, Council Meeting.

Kultala Property

The city clerk will have the building inspector contact Attorney Schutt.

City Engineer
Ryan Capelle

MN Department of Health
– Variance Approval

The MN Department of Health letter stated in part:

Based on information provided in the variance application, and in accordance with Minnesota Rules, chapter 4725, the request for a variance is granted to install a community public water-supply well, city of Stacy Well Number 3, approximately 22 feet north of the boundary between city of Stacy property and the MNDNR Carlos

Avery WMA, and approximately 22 feet north of an elevation less than 2 feet greater than the 100-year flood elevation of the Sunrise River. The variance is granted because no accessible location on the subject property satisfies all required isolation distances. The proposed well location will remain accessible for well maintenance due to the easement agreement between the city of Stacy and the MNDNR, and the proposed well location is unlikely to flood because of the elevation difference between the Sunrise River and the well site.

**Water Treatment Plant –
Color Selections**

The color choices for the Water Treatment plant need to be made.

This will be handled on March 28th at 6:30pm or on April 5th at 1:45pm.

**Water Treatment Plant –
Filtering Product**

Mr. Capelle would like the council to consider changing the filtering medium for the plant to address the manganese. The coated media (about \$28,000) will reduce staff time, and offer a more consistent product. No decision tonight, next meeting agenda item.

**Email from Jim Hammer –
Rural Development**

Mr. Hammer sent an email regarding the resume of the Residential Product Representative; in his opinion he lacks sufficient experience. Mr. Capelle assured the council that he would be handling this with Mr. Hammer and there will be a qualified person handling the project.

City Clerk

Sharon Payne

**Magney Construction –
Pay Request Number 6**

Motion by J. Ness to approve Pay Request Number 6 in the amount of \$108,450.10 to Magney Construction for the Water Treatment Plant. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Maintenance Department

**MN Department of Health
– Survey Report**

Mr. Capelle reported there were no action items.

**Stacy Wine & Spirits
Rod Olson**

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

Register Issues

Mr. Olson reported that he needs to upgrade the register system at the store, including the purchase of an additional register, credit card reader, and tower for the office.

Motion by M. Utecht to approve up to \$8,500 for the required hardware for cash register and credit card processing equipment at the Stacy Wine and Spirits. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Sunday Sales

Mr. Olson stated he is against Sunday Sales, however with that said he reported that he had checked with area liquor stores and they are all going to be open 11am-6pm on Sundays. If we aren't open the problem is that customers may go elsewhere and not return. He does not anticipate much gain in revenue. He also said this change may be the first of several that will greatly impact the stores revenue, in a negative manner.

Six Month Review

Mr. Olson's six month review was set for March 28, 2017, at 6p.m.

**Committees
Commissions**

**Public Information
Committee**

Approve Newsletter

Motion by J. Ness to approve the newsletter 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.

**Park and Recreation
Committee**

Member Olivolo asked the city to contribute \$500 for the Easter Festival. He said that he has been successful at donations but would like the funds "just in case." He will request the funds at a later time if they are needed.

EDA

Hockey Arena Property

Postponed until the April 11, 2017, meeting.

Planning Commission

**Approval of the Stacy
Ponds Business Park
Sign**

Motion by J. Ness to approve the bonus sign area for the Stacy Ponds Business Park sign. Second by C. Lucia. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Old Business

Ordinance 2017-3-1

Motion by M. Ness to approve Ordinance Number 2017-3-1, "An Ordinance Amending Chapter 34 of the City Code of the City of Stacy – Fee Schedule;" 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.

New Business

Eric Braun – Eagle Scout Project

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

Mr. Braun would like to build a little library in Stacy as his Eagle Scout Project.

Motion by M. Utecht to allow Eric Braun to construct the library by the sign planter box outside city hall. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Mr. Braun anticipates the project to begin next month.

Chisago County Sheriff and Crime Analyst

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

Ms. Jacobson and Sheriff Duncan reviewed the crime statistics for Chisago County and the City of Stacy.

Stacy's Statistics (2015vs.2016):

Violent crimes which include: homicide, sexual assault, robbery, and aggravated assault are down by 33%.

Property crimes which include: burglary, theft, auto theft, and arson are down by 16%

Other crimes which include: domestic assault, damage to property/vandalism, alarms, accidents, simple assault, disorderly/disturbance calls, animal complaints, parking complaints, medicals, and narcotics are down by 11%.

The sheriff's goal for 2017 is to decrease traffic accidents; they do this by analyzing patterns and causes.

The sheriff was informed that speeding on Stacy Trail has become an issue again.

Joint Powers Agreement

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

Audit:

The memo prepared by Attorney Schutt was discussed; the clerk was directed to forward to the Township for their review.

Joint Powers Agreement:

In reviewing the agreement (effective January 1, 2005) sent by the fire chief all the blue comments have been incorporated into the agreement (effective November 12, 2014); however the items in red have not been made (they have been approved but not changed in the agreement).

The clerk will forward to the Township Clerk; the understanding is that Lent Township’s Attorney will be making the changes.

Mayor/Council

Board of Review

Maintenance Report

The Board of Review date has been changed to April 11, 2017, at 6:00pm.

Member M. Ness said that “coming in fresh” he finds the Maintenance Department’s report confusing. He prefers the reports prepared by Ms. Archer and Mr. Olson. Is there a way to have him change the report, to point out the “big ticket” items only? How about instructing him to do both, the information can be the same but highlight the most important items.

Mr. Jones attendance will be requested at the April 11, 2017, meeting to discuss.

Building Inspector

Member M. Ness said that when he receives the report from the Building Inspector he finds it hard to believe there were no new zoning violations. What is our expectation of Mr. Kramer as far as zoning violations - is he supposed to be driving around the city looking for violations?

Mayor Utecht said he doesn’t think it’s appropriate to ask him to drive around.

Member M. Ness said that if it’s in our ordinance then we should enforce it, if not Mr. Kramer then who does this?

Mr. Kramer will be asked to attend the April 11, 2017, meeting.

Adjourned at 10:14p.m.

Mayor Utecht declared the meeting adjourned at 10:14pm.

Sharon MT Payne