



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
APRIL 10, 2018, 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, Lynda Schmidt, Kristi Nelson, Troy Nelson, Ian Santos-Meeker, Eric Nelson, Kitty Shultz, Chuck Welte, Jerry Schroeder, Noelle Olson, Nancy Hoffman, Tammy Schroeder, and Dave Cook

Additions to the Agenda

Addition to the agenda:

- Eagle Scout Hearing
- Posting of Notices – Quorum of the City Council
- Water Plant Change Order Number 3

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

Public Comment

Kitty Schultz: Ms. Schultz said she noted that the cash handling at the Wine & Spirits had not improved in the last 12 months; is the council concerned about this or are they addressing it?

She is concerned about a recent post to Facebook, that it could create some liability for the city.

Consent Agenda

Motion by M. Ness to approve the consent agenda as presented Second by J. Ness. 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

Lions Club Request for Employee

The attorney's opinion indicted that this is not a good idea for the city. The council will follow the attorney's direction.



Stacy Sports Grill Band Issue

The council will go into brief closed session later in the meeting per Minnesota Statute 13D.09,3(b).

Posting of Meeting Notices – Quorum of the Council

Posting that a quorum of the council may be present does not meet the criteria for posting a Special Meeting; the posting of a quorum dictates that the meeting notice be specific to what is being discussed. So, if a council member wants to attend the Planning Commission meeting or any other committee meeting (where two council members will already be present) they need to notify the clerk so the meeting can be properly posted.

The clerk asked Ms. Schutt what makes a committee meeting public or not public, as we have both. She will research.

**City Engineer
Jeremy Hauser**

Water Treatment Plant

Mr. Hauser reported:

- Radium sampling has been taken, the results will come back in about two months.
- The “punch list” continues to be worked on.

Pay Request:

Motion by M. Ness to approve Pay Request Number 19 in the amount of \$77,929.27 to Magney Construction for the Water Treatment Plant. Second by J. Ness. Members M. Ness, T. Olivolo, J. Ness, C. Lucia, and M. Utecht voted yes. Mayor M. Utecht declared the motion carried.

Change Order:

Change order number three includes:

Well 1 rehabilitation	\$11,282.52
Provide curb around detention weir	\$651.00
Add Grading at overflow	\$7,108.17
Total	\$19,041.69

Motion by J. Ness to approve change order number three as presented. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

2018 Street Improvements

The contracts for the project have been reviewed by the city attorney.

Motion by J. Ness to authorize the Mayor to sign the contracts. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

CSAH 30 Reconstruction

The county anticipates awarding the contract to Shafer Contracting in mid-April; the pre-con meeting will be scheduled.

Lift Station Controls

The information has been sent to the contractor, we're waiting for the schedule when they can do the work.

A second check with PFA indicated that the controls do not meet the criteria for using WIF funds.

Maintenance

It should be noted that per Mr. Jones staff report, at this time he is not in need of additional staffing for the water treatment plant.

Liquor Operations

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

Cash Variances

This item was brought up under public comment; Mayor Utecht asked the council if they felt that the manager adequately explained these cash variances; everyone said yes. This item will be discussed at the Liquor Committee meeting.

Facebook Shoplifting Post

Member M. Ness summarized what happened regarding the Facebook post – three individuals were caught on surveillance video allegedly stealing; then the manager and assistant manager posted the picture on Facebook along with a vehicle description and partial license plate number. They were asking for help identifying the individuals.

Mayor Utecht noted that Facebook was instrumental in identifying the individuals; with one being charged with theft. The Chisago County Sheriff's Office investigated the theft.

Ms. Schutt was asked for her opinion regarding the liability of the Facebook posting, she stated the following regarding degrees of liability:

- If not posted no liability.
- Wait and post once the person is prosecuted and found guilty.
- Truth is a defense in any defamation claim.
- Liability can be limited on how the posting is phrased.
- A policy should be developed regarding when we make these posts, in this particular scenario there was pretty clear footage of theft.

The topic was discussed at some length with the question posed should the posting be removed once we receive the information we need? All members said yes except Mayor Utecht who said the public shaming has a purpose.

**Stacy Sports Grill Band
Issue (Closed Session
8:50-9:00p.m.)**

The city attorney will come up with wording for a policy for posting to social media regarding crimes at both the bar and store.

Motion by M. Utecht to go into brief closed session per Minnesota Statute 13D.09, 3(b). Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor Utecht declared the meeting back to order and made the following motion: Motion to have the city attorney defend us in conciliation court on action brought by Kevin Absey. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Assistant Manager –
Sports Grill**

Mayor Utecht asked what the members thought about Ms. Schneider's decision regarding an Assistant Manager; spreading the duties over several people. This is a change from what the council had wanted in the past; they wanted someone with the title of manager on duty as many hours as possible. The council said they supported Ms. Schneider's decision. It was also noted that the procedural items were fine to assign, however, not the management duties such as employee concerns.

City Clerk

Sharon Payne

**Utility Shut-Off
Properties, Lynda
Schmidt**

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

Dave Cook was present to dispute his bill; he stated that for about a month his water was not usable. The maintenance staff worked with him to clear out the line; the "muddy" water was a result of him being at the end of the line and the main being turned off. He said that it impacted his water heater and that he would be replacing it. He is requesting that the water portion of his bill for that month (February 2018) be removed.

Ms. Schmidt said that the water was \$30.52 for the month.

Mayor Utecht proposes that we do not shut-off water to Mr. Cook's property until after the May meeting and get specific dollar amounts for February and any penalties for that month, and whatever is compounding since then. He will verify with the Maintenance Supervisor what happened.

Motion by Mayor Utecht that Mr. Cook pay \$400 within seven days from tonight (7p.m. next Tuesday). Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Ms. Schmidt indicated she will be moving forward with the rest of the shut-offs beginning April 17, 2018.

**Committees
Commissions**

Personnel Committee

Personnel Policy Change

The compensation for on-call pay will be added to the city's pay matrix and the wording changed in the proposed amendment to the Personnel Policy.

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

**Liquor Manager
Guidelines**

Motion by M. Utecht to adopt the Liquor Manager Guidelines. Second by J. 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 said that the Veterans Camp will make the handicap benches and the Lions Club will pay for them.

The Easter festival had a great turnout.

Planning Commission

**Conditional Use Permit
for Hi-Lo Manufacturing**

Mayor Utecht is concerned about the number of requirements place on the approval, he thinks it is excessive.

Member J. Ness said that because the property is next to residential the requirements are appropriate.

Mayor Utecht asked representative of Hi-Lo, Ian Santos-Meeker, if the owner of Hi-Lo had any concerns regarding the conditions? Mr. Santos-Meeker said that he did have one concern regarding the trees along the western property line, the trees don't grow well in that area.

Mayor Utecht said that If the tallest panels are 18 inches off grade and the fence is 4 feet tall he doesn't see the need for the trees.

Members M. Utecht, C. Lucia and T. Olivolo said no to the trees on the western property line. Members M. Ness and J. Ness say yes to the trees.

The Finding of Fact and Decision will be amended as follows:
Item "5" under Decision will be removed entirely:

~~5. Evergreen type trees with a five-foot minimum height be planted between the building and western property line between the building and south property line; and be maintained. The trees shall be manicured in such a manner that they go to the ground.~~

Item "7" under Decision wording added:

7f. Build a visually solid fence around the array. *The fence must be at least 30 inches taller than the height of the array.*

The Conditional Use Permit will be amended as follows:

Item "e" remove entirely:

~~e. Evergreen type trees with a five-foot minimum height be planted between the building and western property line between the building and south property line; and be maintained. The trees shall be manicured in such a manner that they go to the ground.~~

Item "g" amended to read:

gf. Build a visually solid fence around the array. *The fence must be at least 30 inches taller than the height of the array.*

Member M. Ness stated for the record he is against removing the trees on the western property line.

Motion by M. Utecht to accept the Findings of Fact and Decision and Conditional Use Permit as amended. Second by M. Ness. Members M. Utecht, M. Ness, C. Lucia, and T. Olivolo voted yes. Member J. Ness voted no. Mayor Utecht declared the motion carried 4-1.

Ordinance Fire Code

Motion by J. Ness to approve Ordinance Number 2018-4-1, "An Ordinance Amending Chapter 155 of the City Code Regarding Fire Code." Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Old Business

Performance Review Forms

Motion by M. Utecht to table until the May 8, 2018, meeting. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

New Business

Stacy Lions Club

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

Lions Member, Kristi Nelson presented the following information to the council for updates to Lion's Park:

Step #1 – Remove the existing storage shed.

- Not suitable for a park atmosphere.
- Save the school bell. Remove other contents.
- Sell the shed at auction with the condition that they remove it within a short time frame.

Step #2 - Create a smaller basketball area closer to the parking lot and trail area.

Step #3 - Creating a stage area.

- Likely removing the existing blacktop area and adding grass.
- Groups could use the stage area for presentations, meetings, gatherings.
- Many parks in the area have such places. One of the photos below is from Lindstrom.



Step #4 - Refurbishing the rest rooms.

Step #5 - Add a covered pavilion over closer to the bike path.

These changes would be done in phases as dollars and time permit. But I feel could be accomplished in the next 2-3 years if the Council is on board.

Ms. Nelson wanted to know if there were any requirements for removal of the building; the council concurred that the Lions paid for the building and they can have it removed. Whoever removes the building will need to provide a certificate of insurance.

Per the attorney's recommendation once the Lions' Club know the specifics of the building removal the council will adopt a resolution approving the removal.

Lion's Member, Troy Nelson, asked if the bathrooms could be removed and replaced with portable restrooms. New restrooms will be incorporated into the new pavilion in the future. The council decided to leave the restrooms for now and see how this summer goes; access to the bathrooms will be coordinated by the Maintenance Department.

**Chisago County HRA/EDA
Housing Study**

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

Nancy Hoffman of the Chisago County HRA/EDA presented information to the council on a recent housing study completed by Maxfield Reach and Consulting. Further information will be available on their website.

**Water Treatment Plant
Compliance Agreement**

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

Member J. Ness said he had an issue with the agreement; well number three was not included. Mr. Hauser will contact the state regarding this and discussed at the April 24, 2018, meeting.

Mayor/Council

Eagle Scout Hearing

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

An Eagle Scout hearing needs to occur for the scout that built the GaGa Ball Court; Mayor Utecht and Member T. Olivolo were asked to be a part of the six-member hearing panel. They would like to hold the meeting here at city hall; does the council have an issue with the meeting be held at city hall? No, because members of the council will be present.

**Tablets for Council -
Update**

Per follow-up from the February 27, 2018, meeting: "Member's J. Ness and M. Ness researched costs for tablets, they are about \$200 each. Prior to purchasing it needs to be determined if they will be used; member J. Ness said he would like to "test" the use by using his personal tablet to determine if going paperless will work for him. Item will be discussed again at the April meeting."

Member J. Ness said the projector is working well; he will utilize his personal tablet if he chooses. No further action.

Recess at 9:50p.m.

Motion by M. Utecht to recess the meeting until April 24, 2018, at 7:00p.m. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Sharon MT Payne