



**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 11, 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: Jack Kramer, Amy Schutt, Mark Statz, Tanner Jones, Deb Henton, Kirby Ekstrom, and Noelle Olson,

Additions to the Agenda

Additions to the agenda:

City Hall Heating/Cooling

City Hall Building Sign

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

Public Comment

None

Consent Agenda

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

Staff Reports

City Attorney

Amy Schutt

Employee Discipline Paid vs. Unpaid Suspension

The council discussed if we should have paid or unpaid suspension. They lean towards having paid suspension; they agree that all employees full-time and part-time should be treated fairly.

This item forwarded to the Personnel Committee to develop a policy incorporating paid suspension and the criteria for paid



suspension as well as how to calculate the pay for full-time and part-time employees.

Mayor Term of Office

Mayor Utecht asked the council to consider changing the term of office for the Mayor to a four-year term from a two-year term for several reasons:

- he said one is a selfish reason he doesn't want to run every two years
- the council members serve a four-year term
- a presidential election is held every four years which results in greater voter turnout.

One negative was brought up, currently the voters can change a quorum of the council every two years; this would change to every four years.

Item will be discussed again at the May 9, 2017, meeting.

Fire Department Audit

Attorney Schutt was asked to address two questions:

1. Is the fact that the annual payment to the fire department is listed on Lent's books, which are audited, enough to satisfy the requirements of the statute?

It does not appear that simply listing its annual payment to the fire department in its books, is enough to satisfy the statute.

2. What constitutes "revenue" for purposes of determining how often an audit must be done.

The State Auditor representative indicated that for purposes of "total annual revenue," you would have to include all money received by the fire department from Stacy and Lent.

The clerk presented a memo stating that the City Auditor would charge between \$3,000-\$4,000 to perform the audit.

This item will be discussed at the next Joint Powers meeting.

Stacy Trail Easement

Attorney Schutt reported that she has not heard back from the property owner.

Sunrise Auto

Attorney Schutt reviewed adverse possession of the property; we have a legal right to the property. Unless there is some reason to acquire title to the property it looks like we don't need to do anything else.

No action. Remove from the agenda.

Frontage Avenue Gap

It doesn't sound like anyone is claiming interest in the property. The city has maintained the property for a longer period of time necessary to establish statutory dedication of the road.

Member J. Ness said that he would like to move forward with a quiet title action to clear everything up; the city owns property to the west of Frontage Avenue and that is the access to the property.

Attorney Schutt said that even if you were determined not to have legal interest in the property, state statues allow property owners to gain access to landlocked parcel. She also said the amount quoted of \$3,000 for the quiet title action was in her opinion too low.

No further action taken by the council regarding the quiet title action. Remove this item from the agenda.

Bridge on Frontage Road Over the Sunrise River

Mr. Statz said that the county shows that the city owns the bridge over the Sunrise River. He would like to contact the county to see if they have documentation establishing the city's ownership of the bridge. The council approved Mr. Statz to contact the county.

He also mentioned that the state would pay to have the bridge removed but they would not pay the estimated \$40k in engineering costs.

Off Sale Ordinance Amendment

No change in the ordinance is required for the liquor store to be open on Sundays.

Kultala Junk Property

This item handled under Building Inspector.

City Engineer

Mark Statz

Water Treatment Plant – Filtering Product

Mr. Statz did not have the costs for the filtering product upgrade.

The council indicated they would like to be kept informed regarding the progress of the plant.

Water Treatment Plant – Colors

The council approved the colors for the water treatment plant.

Engineers Report

Mr. Statz report included:

1. Stacy Water Treatment Plant
2. Sunrise Estates Expansion
3. CSAH 30 (Forest Boulevard) Reconstruction 2018
4. CSAH 19 (Stacy Trail) Reconstruction 2018
5. Kwik Trip
6. Casey's

The council discussed both the CSAH 30 and CSAH 19 projects at length; they want to assure that residents are able to access their driveways. Also, regarding the CSAH 30 project they would like to see sidewalks installed on both sides of 30; parking on the street is not a priority.

City Clerk

Sharon Payne

**Magney Construction –
Pay Request Number 7**

Motion by M. Ness to approve Pay Request Number 7 in the amount of \$118,370.95 to Magney Construction for the Water Treatment Plant. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Closed Meeting
Attendance**

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

Attorney Schutt indicated that there is no restriction on who can attend a closed meeting; whoever the council deems necessary. The City Clerk would seem appropriate to attend.

When an employee brings someone with them, can the council tell them they are not allowed? Attorney Schutt said its probably best to allow their attendance; however, stated it is the council's decision how they want to operate the meeting.

The council will have the clerk attend the closed meetings; except employee performance reviews.

**Maintenance Department
Tanner Jones**

Bullet Report Format

Mr. Jones will prepare a new format for his monthly report; it will include a simplified list of the activities of the Maintenance Department that are out of the ordinary. He will also continue to prepare his old report for a couple months. The council will let him know if the new format is acceptable.

City Hall Heat/Cooling

It continues to be an issue regulating the temperature in city hall. In Mr. Jones review of the building plans it appears there was supposed to be a thermostat installed in the clerk's office. Mr. Statz will research. Mr. Jones was directed to request an official quote for the work to establish the two zones.

City Hall Building Sign

Ms. Payne said that visitors to city hall do not know municipal building means city hall. She asked the council to consider installation of a sign utilizing the city logo.

The council asked for costs of the sign as well as replacing the current signage to say city hall.

**Building Inspector
Jack Kramer**

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

Zoning Enforcement

Mr. Kramer was asked how he conducts zoning enforcement; does he drive around looking for violations or on complaints received. Mr. Kramer said both. He does not specifically drive the city looking for violations but while he is conducting business in the city he looks for them.

In processing a zoning violation, he investigates the reported issue, sends a letter, if it is not abated then brings the violation to the city council to authorize the sheriff to issue a ticket.

The length of having some zoning violations was discussed; specifically, the Kultala property. Why has it taken so long? The answer is once the ticket is issued by the sheriff it is out of our hands; if we would like to abate somewhat more quickly then we could possibly enforce by civil action suit. This would take city attorney involvement and could be costly to the city.

Attorney Schutt said that cities enforce zoning violations in one of two ways: enforcement by complaint, and proactive enforcement. Most small cities enforce by complaint.

The council asked Mr. Kramer to provide a cost estimate for him to conduct proactive enforcement.

Can the city ask the county to keep us informed with a zoning enforcement issue?

It was suggested that Mr. Kramer attend the hearing for Mr. Kultala; Ms. Schutt said this may urge the judge to act by having a city representative present.

Licenses Motor Vehicles

Mr. Kramer asked if the council would consider amending the city code to state that current license tabs must be affixed to the license plate; this would help him with enforcement. Currently he has one citizen who purchases the tabs and places in the window – technically this is ok. However, it makes it difficult for Mr. Kramer to know they are actually licensed without going on the property.

Liquor Operations

Increase – Rod Olson

The council discussed the request from Mr. Olson for \$1,000 annual increase. The following points were considered:

- Member M. Ness is against the increase because the liquor store has not shown the same profits as in the past. He's looking at the bottom line. Member J. Ness concurs with M. Ness.
- Member T. Olivolo disagrees he likes the changes he sees at the store.
- Member C. Lucia said what he sees and reality are two different things. He would like to wait and see what happens to the profitability of the store.
- Mayor Utecht said that the improvements he sees are huge, he questions the numbers we've received are accurate due to inventory issues.
- The bottom line is the number.

No decision made on the increase; this will be an agenda item at the May 9th meeting.

Liquor Bank Accounts

Motion by M. Ness to add Jefferey Mussetter and Tyler Corbin to the appropriate liquor accounts at the bank. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Committees
Commissions**

**Chisago Lakes Joint
Sewage Treatment
Commission**

Member Lucia presented a memo to the council that indicated that there are ammonia issues at the plant that they are working on addressing.

Personnel Committee

The committee had several questions and would like the city attorney to attend next month's meeting.

**Park and Recreation
Committee**

The committee is working on the Easter Festival.

They would also like to organize a garage sale as a fundraiser for playground equipment.

EDA

Member Olivolo attended a conference on bringing business to your community. One of the things they said to do is to visit the current businesses to see if there is anything the EDA can do for them.

Planning Commission

The Planning Commission recommends the council leave the ordinance and standard for curbing as they are and deal with curbs on a case by case basis.

The Planning Commission will be holding a public hearing to clarify the park and open space property in the city.

Old Business

Hockey Arena Property

The EDA asked what can the city do to have the hockey arena project complete? The clerk was directed to contact the Building Inspector.

New Business

North Branch School Superintendent – Deb Henton

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

Ms. Henton and Mr. Ekstrom presented information to the council on the upcoming levy election on May 23, 2017. The levy is for three main things: maintain the schools, improve athletic spaces, and invest in classroom technology.

Mayor/Council

City Attorney - Mark Ness

Member M. Ness said that he is really impressed with the new city attorney and the information she is providing.

ATV – Mark Ness

Member M. Ness was absent when the consent agenda was approved and questioned the ATV purchase. The clerk explained it was purchased from surplus services for use by the Maintenance Department.

Adjourned at 9:41p.m.

Mayor Utecht declared the meeting adjourned at 9:41pm.

Sharon MT Payne