



**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 14, 2020, 7:00p.m.
MEETING HELD VIA TELECONFERENCE DUE TO COVID-19**

Call to Order

The meeting was called to order by Mayor Utecht at 7:00pm.

Roll Call

Roll Call:

Utecht	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Olivolo	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent
Authier	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Thieling	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Others Present: James Mongé, Dan Boyum, Jeff Hensel, Jesse Moxness, Matt Silver, Jim Ness, and Steve Kveton

Additions to the Agenda

Additions to the agenda:

- Vacation Request, Tanner Jones
- Stacy Sports Grill Parking Lot Quote
- Park Closure
- Action on Closed Session
- Remove Michael Haehnel
- North Metro Real Estate Event

Motion by Utecht to approve the agenda as amended. Second by Ness.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.



Consent Agenda

Motion by Utecht to approve the consent agenda as presented.
Second by Authier.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Staff Reports

City Attorney
James Mongé

There were no questions for the city attorney.

City Engineer
Dan Boyum

Mr. Boyum reviewed his report with the council and addressed their questions. The report included:

- **Dollar General** – No feedback yet from Dollar General on past correspondence.

The council directed Mr. Boyum to continue to contact Dollar General; and for the City Attorney to review if we can install the stop sign either at city cost or can we invoice Dollar General?

- **Stacy Retail Center – Storage Container Interim Use Permit (IUP)** – Prepared a review memorandum that was presented at the March 17, 2020 Planning Commission Meeting.
- **Forterra Service** – Forwarded additional information to Forterra for their review and updated them on a future public information meeting to be held.
- **5675 Fenway Court Water Quality Complaints** – Updated Ryan Capelle on the discussions from the March 10, 2020 Council Meeting and to plan to review product information that Tanner Jones in Public Works would forward.
- **Stacy Ponds Mini Storage** – Responded to questions from the architect working on County access along Forest Boulevard for a future storage facility.



- **Peterson Companies Gravel Pit** – Discussed a proposed 6'-12' high berm being proposed by Peterson Companies along the east side of County Road 30 as part of their screening for gravel pit operations. The facility operates under an existing conditional use permit.

The Mayor asked if the berm changes the Conditional Use Permit; it does not.

City Clerk

Sharon Payne

Consider Waiving Late Fee – March Invoice due April 30th

Motion by Ness to waive the late fees for the March utility bills due in April. Second by Authier.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Consider Postponing Rate Increase

Motion by Ness to postpone the utility rate increase until 60 days after the Governor's shelter in place order is removed. Second by Thieling.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Code Enforcement During COVID-19

The council would like Mr. Kramer to continue to do the inspections; if it escalates to needing council involvement then the council will review the violation on a case by case basis.

Pandemic Impact on Tax Payment Delays

The pandemic could result in property tax delays; there isn't anything the city can do about this; however, the clerk reported that our fund balances are healthy.

Utility Bill Adjustment

There was a water pipe break outside of the building downstream from the meter and the water that was lost did not go through the



sewer system. The Utility Billing clerk is recommending waiving the sewer fees.

Motion by Utecht to adjust the utility bill as recommended by the Utility Billing Clerk in her memo dated April 7, 2020; to remove \$485.94 in sewer charges for Escape Salon. Second by Ness.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carries unanimously.

Maintenance

Vacation Request

Motion by Ness to approve the vacation request for the Maintenance Supervisor as presented in his request dated April 13, 2020. Second by Utecht.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried unanimously.

Maintenance Updates

Member Thieling reported:

- Staff checked the questionable fire hydrants; they are usable and they will determine if they are self-draining.
- Cold patch has been done on several roads.
- The lot west of the maintenance building has been cleaned up and old foundation removed.
- The picnic tables in Lions park are done.

Liquor Operations

Parking Lot Quote – Sports Grill

The Sports Grill Manager is anticipating additional quotes; no action taken.

Liquor Financials

Member Ness asked when will they receive the February financials; the clerk will follow-up with Ms. Hayes.



Committees/Commissions

**Park and Recreation
Committee**

Stacy Lions Park Closure:

The council discussed Stacy Lions' Park should it be closed due to COVID-19; they decided that signs should be placed on the North and West side of the play equipment.

The council asked the city attorney to prepare the wording for the signs and provide to the Maintenance Supervisor, who will have the signs made and placed.

EDA

Member Thieling discussed the North Metro Real Estate event; it was postponed until July 30th. The county EDA is looking for sponsors; the cost is \$250. This is an expense the EDA can approve.

Planning Commission

This month's meeting of the commission is cancelled due to COVID-19.

Stacy Retail Center IUP

This item handled out of order by motion of Utecht. Second by Authier.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried.

Mr. Hensel was present to discuss the Interim Use Permit (IUP). He said that he withdrew his application for a Conditional Use Permit (CUP) at the request of the city.

He attended the Planning Commission meeting last month and found that the IUP would be for a period of five years. This does not agree with the Purchase Agreement he has with the buyer. It is most likely that the buyer will pull out if the five-year time frame is in place. Can the IUP be approved for a longer period?

Member Ness stated that our city code regulating IUP's says a maximum of five years; they can reapply for an extension. The City Planner supported a CUP; however, the Planning Commission members didn't agree because the CUP runs with the land; regardless if the suite was sold. The applicant said the association



would remove the CUP if the tenant was to vacate; however, the city cannot enforce private agreements.

The Mayor asked Member Ness a couple questions:

1. From what he understands the original application was for a CUP. Yes.
2. The application for a CUP was withdrawn and IUP application filed. Yes.
3. Is outdoor storage allowed in the zoning district. Yes.
4. Are there other requirements that would allow/disallow using shipping containers as outside storage. Not that he is aware; the City Planner's recommendation was that it should be allowed with a CUP.

Steve Kveton wanted the council to know that the area is located in the Shoreland overlay district and they need to follow city code 153.054. Which requires a shoreland impact plan; which has not been submitted.

The council directed the city attorney to consult with the city engineer to review ordinance 153.054; and to review the 60-day rule for processing the application.

New Business

Northstar Insulation, Jess Moxness

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

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried.

Mr. Moxness from Northstar Insulation introduced himself to the council and made the following comments:

- The business is currently located in Forest Lake.
- They are wanting to expand into a 24,000 square foot building.



- Approximately 3,000-3,500 square feet of the building will be office space.
- He is looking to build a post and frame building, dressed up with stone features and wainscoting.

He had two questions for the council:

1. Would the type of building he is proposing be allowed?
2. Would they consider a reduction in the price of the land?

To summarize the Council's response, they are willing to work with Mr. Moxness to bring his business to Stacy. He needs to submit his plans and proposed purchase price to the City. Once it's received, they can review the plan to see if it meets the guidelines in the city code and if the purchase price is acceptable to the city.

Mayor/Council Business

Motion to go into Closed Session 8:22p.m.

Mayor Utecht stated we are entering into closed session to hold a discussion regarding allegations of misconduct made against a city employee. The following persons will be in attendance at the closed meeting: Mayor Utecht, Councilmembers Authier, Ness, and Thieling, City Attorney Mongé; and City Clerk-Treasurer Payne. Following action to go into closed session, we will dismiss others in attendance.

I move the council enter into closed session pursuant to Minn Stat. 13D.05. Subd. 2(b) to hold a discussion regarding allegations of misconduct made against a City Employee.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried.



Action on Closed Session

Motion by Utecht to handle the personnel complaint as set out in the memo from the Personnel Committee. Second by Ness.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Authier	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Thieling	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Adjourned at 8:38p.m.

Mayor Utecht declared the meeting adjourned at 8:38p.m.

Sharon MT Payne
City Clerk

