



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
MAY 8, 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, Kitty Shultz, Audrey Drury, Dennis Oberloh, Tim Friberg, Dennis Thieling, Dave Cook, and Ben Montzka

Additions to the Agenda

Addition to the agenda: Dave Cook

Motion by M. Ness to approve the agenda as amended. Second by J. Ness. 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 that she thought the public shaming regarding the Facebook post was not in the job description nor function of the City Council; she thinks it's wrong; accusing someone and it's not true.

Audry Drury: Ms. Drury owns property at 6121 Stacy Trail. She would like help enforcing the fire lane as it has become a loading dock. The tenants of the building do not always have access to their apartment as it is blocked. She is concerned that emergency personnel would not be able to get to the building due to the blocked easement. She had a survey done and knows exactly where the easement is.

Mayor Utecht will contact the building inspector to see what the city can and cannot do in this circumstance; if he feels an ordinance violation exists he will process accordingly.

Ms. Drury asked about painting the area no parking, it is posted but ignored. She suggested that the three properties who share the easement split the costs. Mayor Utecht said that the driveway is private property and we can't dictate that they paint it, he recommended that she contact the properties to see if they could come up with a solution.



Tim Friberg: Mr. Friberg said that its occurring again. The vibrations caused in his home from Forterra. He wanted to know what the city was going to do about it. Mayor Utecht said that we will follow the ordinance, he will also contact Forterra.

Ben Montzka:

Commissioner Montzka gave a brief summary of the “Annual Report State of County;” He noted that the walking trails were heavily damaged by the snow mobiles; they are working on solutions.

Consent Agenda

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

Staff Reports

City Auditor
Dennis Oberloh

Mr. Oberloh presented the audit to the council and addressed their questions.

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

City Attorney
Amy Schutt

Public Comment - Schultz

Mayor Utecht asked if he handled Ms. Schultz appropriately during the public comment portion of the meeting. Attorney Schutt said that the Mayor has the authority to dictate how the meeting runs. The reason for cutting her off did not seem unreasonable.

City Engineer
Jeremy Hauser

Water Treatment Plant Project

The grading has been done, the paving will be done later in the spring.

2018 Street Project

The following updates were discussed:

- They plan on finishing the project by July 2, 2018.
- The letter to the impacted residents was approved by the council for mailing.
- The updates to the website regarding the project should be done as quickly as possible.

Construction Material Testing Quotes:

Motion by J. Ness to award the bid to Independent Testing Technologies, Inc., for \$10,485. 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 (Forest Blvd)
Reconstruction**

Mr. Hauser said that the project started and at the Precon meeting he stressed the importance of access to properties and communication as priority items to the contractor. They plan on completing the project before July 2, 2018. The weekly construction meetings are being held at city hall at 10:30 and 11:30am on Wednesdays. Mr. Jones will attend.

Maintenance

Mayor Utecht said that they did not have a meeting; however, reported that he spoke with Mr. Jones regarding the Lions Park restrooms, he said that they were open all last summer without issues. He will coordinate access with Troy Nelson for ball games.

The clerk reported that Mr. Jones is working with the sign company (sign outside city hall) to assess the issues. Member M. Ness reported that while in attendance at the MMBA conference he spoke with a sign company that said you can now lease a sign instead of paying out a large sum up front.

Liquor Operations

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

Ameriprise Contract:

Attorney Schutt recommends removal of the indemnity clause. In the event a product injures someone, if they sued Ameriprise we would have to defend against that situation.

Mr. Olson told Ms. Schutt that applied to only items they would wear (per salesman). She did not find anything in the contract stating that. It was a blanket indemnification.

If they have the indemnification clause in the contract it is not worth the deal. If they want our business they will remove it.

MMBA Conference TIPS Training:

Member J. Ness said that he attended the TIPS training at the MMBA conference. They suggested that the city keep two years of video recordings. Where people are getting burned is when nothing happens – if they have the tape they can prove it. This item forwarded to the Liquor Committee.

City Clerk

Sharon Payne

Vacation Request

Motion by J. Ness to approve the vacation request for the city clerk. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Set Employee Review Date

Place on the next meeting agenda; possible date the first Tuesday of August.

**Committees
Commissions**

Letter of Interest

Motion by J. Ness to appoint Kathleen Davidson to any of the committees she listed (Park and Recreation, Planning Commission, History Committee, EDA, and Public Information Committee) that she's willing to serve on and ask her to consider Park and Recreation Committee and Planning Commission as our largest need. Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

History Committee

The committee met and read past meeting minutes and reviewed the draft history document.

Public Information Committee

Member M. Ness reported the committee met and attempted to create a Facebook page that does not allow comments; there is not a way to do this. However, you can block certain messages that include certain words. The committee went back and forth on allowing comments; it may be a good tool to see what the public is thinking as well as address misinformation. Does the council want to move forward with the Facebook page? The council decided no, stating that the downside outweighs the benefits and would not provide any different information than what the city's website already does.

Park and Recreation Committee

Member Olivolo said he talked with Troy Nelson regarding a soccer field at Lions Park. The area can accommodate both a soccer field and baseball field. The nets cost about \$600; storing of the nets is a concern.

The committee members went over to Pinehaven to see their pavilions; they received information on who built them. They will be working with the Lions Club on the project.

Planning Commission

Who Can Serve

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

Member M. Ness said that with the resignation of Marie Noe from the commission they are down to three members; he asked the

city attorney to review if a business owner could serve on the commission. Her opinion was yes business owners could serve. does anyone have a conflict with business owners serving on the commission? None expressed.

EDA

The sign to the industrial area is not being seen. Item for the EDA to discuss.

Old Business

Performance Review Forms

Clarify on the Off-Sale review forms under Adherence to Policy, change D1 as follows:

From: Attired and groomed in an appropriate manner.

To: Follows the dress code established for the department.

Motion by M. Utecht to approve the review forms as presented with the correction noted above. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

MN Department of Health Compliance Agreement

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

Motion by J. Ness to authorize the mayor to sign the contract with the Minnesota Department of Health. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Utility Account – Dave Cook

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

Mayor Utecht spoke with Mr. Jones regarding Mr. Cook's property. Mr. Jones reported that he had no doubt that Mr. Cook was impacted for the month of February.

Member J. Ness said that his sewer would have been impacted also for the extra water running.

Motion by M. Utecht to reduce the water and sewer utility bill for Mr. Cook's property by \$100. 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

Hockey Arena Property

The association will be having a fund raiser at the arena site on May 22nd from 6:00-6:45p.m.

The clerk received a complaint regarding the property, is there anything we can do to make them finish the project? It is an eyesore. The building inspector will review if the property is secure and if a zoning violation exists.

**Xcel Energy –
Decorations on Utility
Poles**

The correspondence from Xcel Energy said that they do not allow anything on their poles.

Maybe the county would work with the city on installing lights on Stacy Trail. Mr. Montzka will send a note to Joe Triplett at the county regarding.

Mayor/Council

Public Comment - Schultz

Mayor Utecht asked the council if they felt he handled the situation with Ms. Schultz appropriately. They said yes. He said that if he does something as mayor as far as running the meeting that they object to please speak up right then. His intention is to do his best to have them stop speaking and not kick them out when they are being inappropriate. He then went on to say that he wished it never happened, but as long as they agree it was handled acceptably, not necessarily the best way.

**Ballot Question – Jim
Ness**

To put a question on the ballot when is the deadline to do this?

Adjourn at 9:05p.m.

Mayor Utecht declared the meeting adjourned at 9:05p.m.

Sharon MT Payne