

**Unapproved Minutes  
for Approval**

**MARCH 9, 2021**



**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  
FEBRUARY 9, 2021, 7:00p.m.  
MEETING HELD VIA TELECONFERENCE DUE TO COVID-19,  
ALSO HELD IN PERSON AT 30955 FOREST BOULEVARD,  
STACY MN**

**Call to Order**

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

**Roll Call**

The following roll call of attendees:

**Roll Call:**

Utecht	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Sawatzky	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Lawrence	<input checked="" type="checkbox"/> Present, Webex	<input type="checkbox"/> Absent
Carlson	<input checked="" type="checkbox"/> Present, Webex	<input type="checkbox"/> Absent
Olivolo	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent

**Others Present:**

**In person:** Dan Boyum, James Mongé, Matt Silver, Dennis Thieling, Michelle McLane, and Jeff Hensel

**Webex:** Dan and Elizabeth Vierling, Mark Ness, John Wicklander, Michelle Hayes, Nancy Hoffman, and two callers not identified

**Additions to the Agenda**

Additions to the agenda:

- Jim Kultala

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

**Roll Call Vote:**

Utecht	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

None

**Public Comment**



**Consent Agenda**

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

Roll Call Vote:

Utecht      Yes No      Carlson      Yes No  
Sawatzky    Yes No      Lawrence    Yes No

Mayor Utecht declared the motion passed unanimously.

**Staff Reports**

**City Attorney**

**James Mongé**

**Ordinance – Peddlers, Solicitors, and Transient Merchants**

The following will be inserted into the code:

(3) Any person participating in an organized event; the event organizer is required to provide data to the city regarding the vendor; **at least 7 days prior to the event**, including - name, type of business, and contact information; events held on public property which are not an official organized event require a permit from the city;

Motion by Utecht to approve the amendment to the ordinance adding 7 days prior to the event. Second by Carlson.

Motion by Utecht to table the motion until the March 9, 2021, meeting to allow for posting of the ordinance. Second by Sawatzky.

Roll Call Vote:

Utecht      Yes No      Carlson      Yes No  
Sawatzky    Yes No      Lawrence    Yes No

Mayor Utecht declared the motion carried.

**Stacy Sports Grill – Digital iBoard Lease**

The city attorney conveyed several provisions that were unfavorable to the city. The council did not entertain approval of the lease based on the City Attorney's findings. Mr. Wicklander was asked to address the concerns with Media USA if he wants to move forward.

**Jim Kultala**

Mr. Kultala submitted a letter to the city regarding the clean-up of his property.

Mayor Utecht said he is inclined not to delay the process for the abatement of the nuisance; we were here before since then Mr. Kultala



has accumulated more stuff; in his opinion this is intent. The council concurred.

Attorney Mongé will file the resolution with the court.

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City Engineer

Dan Boyum

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## Monthly Report

Engineer Boyum reviewed his report with the council and addressed questions, the report included:

- **307<sup>th</sup> Street and Utility Improvements** – Working on plans and specifications. We are reviewing the format for bidding the directional drill and open cutting options, and we will update the Council on that at upcoming meetings. We recommend discussing the special benefit analysis and timing with the council and city attorney.
- **311<sup>th</sup> Street and Storm Sewer Improvements** – The council authorized proceeding with the plans and specifications following the public hearing at the January 14, 2021 meeting. Some survey was done on the storm sewer alternate areas. Quotes were obtained from three cleaning and televising companies. The low quote was from Ritter & Ritter Sewer Service for \$2,296. Work will proceed in February 2021 to confirm the condition of the 311<sup>th</sup> Street sanitary sewer main. Notice to residents will be coordinated with City Staff. We recommend discussing the special benefit analysis and timing with the council and city attorney.

### Special Benefit Analysis 307<sup>th</sup> and 311<sup>th</sup> Projects:

The council definitely wants the benefit analysis done on both of these projects. Attorney Mongé and Engineer Boyum were directed to move forward to have this work done. The council wants the assessment hearing prior to the award of the bids.

- **Kwik Trip – Building Expansion** – We are reviewing updated storm calculations.
- **Route 61 Mini-Storage Facility** – Prepared report for the planning commission and attended monthly planning commission meeting. Also responded to questions on zoning.

The Clerk reported that the applicant would like to have the Planning Commission hold another Public Hearing so that they can address public concerns; the hearing will be held on April 20, 2021, the applicant has agreed to pay for this additional hearing.

Regular Meeting – February 9, 2021



- **All-Mac Site CUP (old BP Gas Station site)** – Discussed timing and next steps. Responded to applicant’s land surveyor.
- **Wheelhouse Commons** – We responded to questions from the developer’s engineer and architect.

**City Clerk’s Department**

**Board of Appeal Date**

The Board of Review date is April 15, 2021, at 7p.m.

**Pay Equity – Ann Antonsen**

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

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried.

Ann Antonsen from Bakertilly discussed pay equity with the council.

- There are 4 tests that need to pass under the Pay Equity Act
  - Completeness and Accuracy, passed
  - Statistical Analysis Test, failed
  - Salary Range Test, passed
  - Exceptional Service Pay Test, passed
- We were in compliance in 2017, decisions made by the city since then brought us out of compliance.
- The job classes that need review are:
  - Wait Staff
  - Bartenders
  - Assistant Mangers
  - City Clerk

Ms. Antonsen was directed to prepare a report for the council on what needs to occur to come into pay equity compliance, she will prepare the report for a cost of approximately \$1,500.

The timeline to come into compliance is 60-days from the notice of non-compliance. Because it is unknown what that date may be, Ms. Antonsen recommended the council address it in the next month or so.

Member Sawatzky asked if the city had a step-program, is there a benefit to a step-program. Ms. Antonsen said we do not have a step-

Regular Meeting – February 9, 2021



program (we had in the past); however, the council has greater flexibility in a pay range matrix program – this is the reason the change was made.

**Maintenance Department**

**International Truck**

The International truck is showing wear and will need to be replaced; when exactly it will need replacement is unknown. The Maintenance Supervisor will be directed to start the process for getting bids for a replacement.

**Liquor Operations**

**Request for Removal of Prohibitions**

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

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

**Personnel Policy Changes**

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

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Proposed change to the Personnel Policy

Immediately Dischargeable Actions:

~~j. Serving or selling of alcoholic beverage(s) to a person under the age of 21.~~

j. If an employee has or is suspected of serving or selling alcoholic beverage(s) or tobacco products to a person under the age of 21, he/she will be suspended without pay, except in the case of veterans as outlined above, pending an investigation and hearing by the council. Selling or serving alcoholic beverage(s) or tobacco products to a person under the age of 21 with intent or negligence may be cause for dismissal by the council.



Motion by Utecht to approve the change to the Personnel Policy as it applies to the selling of alcohol and tobacco to a person under age 21. Second by Carlson.

Roll Call Vote:

Utecht           Yes No                      Carlson           Yes No  
Sawatzky       Yes No                      Lawrence       Yes No

Mayor Utecht declared the motion passed unanimously.

The other proposed change to the policy regarding an employee discount needs to be revised; the discount cannot apply to alcohol or anyone other than the employee. Mr. Wicklander will review.

**Committees/Commissions**

**Public Information Committee**

The committee met with Avenet (provider of our website); to update our website to be ADA compliant. The site is now compliant and other changes will be forthcoming.

**Planning Commission**

**Ordinance 2021-2-1**

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

Roll Call Vote:

Utecht           Yes No                      Carlson           Yes No  
Sawatzky       Yes No                      Lawrence       Yes No

Mayor Utecht declared the motion passed unanimously.

Motion by Utecht to approve Ordinance Number 2021-2-1, "Ordinance Amending Chapter 153.121 of the City Code regarding Parking in Residential Districts;" as presented. Second by Lawrence.

Roll Call Vote:

Utecht           Yes No                      Carlson           Yes No  
Sawatzky       Yes No                      Lawrence       Yes No

Mayor Utecht declared the motion passed unanimously.

Attorney Mongé said that the neighboring properties could provide input; however, cannot be the basis for the decision by the council as this could be arbitrary and capricious.



**New Business**

**Tax Abatement – All Mac Inc., Michelle McLane**

Motion by Utecht to call for the hearing on the request for Tax Abatement for All Mac Inc., to be held on March 9, 2021, at 7p.m. or soon as thereafter the matter may be heard. Second by Sawatzky.

Roll Call Vote:

Utecht       Yes  No      Carlson       Yes  No  
Sawatzky    Yes  No      Lawrence     Yes  No

Mayor Utecht declared the motion passed unanimously.

Ms. Hoffman will hold a virtual informational session on tax abatement for the council; prior to the hearing date.

Ms. Hoffman will prepare a sample letter of support for the council to consider at their March 9, 2021, meeting.

**Chisago County HRA/EDA – Letter of Support Request**

**Old Business**

**Stacy Retail Center Invoice – Jeff Hensel**

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

Roll Call Vote:

Utecht       Yes  No      Carlson       Yes  No  
Sawatzky    Yes  No      Lawrence     Yes  No

Mayor Utecht declared the motion passed unanimously.

Because of circumstances unique to this project the following motion was made:

Motion by Utecht that we amend the original invoice in the amount of \$8,049.73 for the Conditional Use Permit/Interim Use Permit for the Stacy Retail Center to a total of \$5,242.10 less the \$1,000.00 deposit which leaves a balance of \$4,252.10. Second by Sawatzky.

Roll Call Vote:

Utecht       Yes  No      Carlson       Yes  No  
Sawatzky    Yes  No      Lawrence     Yes  No

Mayor Utecht declared the motion passed unanimously.





**Mayor/Council Business**

**Acting Mayor for March 9<sup>th</sup> Meeting**

**Adjourned at 8:40p.m.**

The Mayor will not be able to attend the March 9, 2021, council meeting; it is doubtful that Member Olivolo (Acting Mayor) will attend. Is there a volunteer of the Mayor not available March 9<sup>th</sup>? Member Carlson volunteered to serve as Acting Mayor for that meeting.

Mayor Utecht declared the meeting adjourned at 8:40p.m.

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Sharon MT Payne, City Clerk

DRAFT



**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  
SPECIAL MEETING OF THE CITY COUNCIL  
FEBRUARY 16, 2021, 6:30p.m.  
MEETING HELD AT CITY HALL AND VIA WEBEX**

**Call to Order**

The meeting was called to order by Mayor Utecht at 6:43pm.

**Present**

The following is the roll call of attendees:

**Roll Call:**

- Utecht       Present       Absent
- Sawatzky     Present       Absent
- Lawrence     Present       Absent
- Carlson       Present       Absent

**Others Present:**

**In person:** None

**Webex:** None

**Purpose of the Special Meeting**

The purpose of the meeting is to declare a vacancy on the city council.

**Resolution**

Motion by Utecht to approve resolution number 2021-2-1, Resolution Declaring a Vacancy on the City Council." Second by Sawatzky.

**Roll Call Vote:**

- Utecht       Yes     No
- Sawatzky     Yes     No
- Lawrence     Yes     No

Mayor Utecht declared the motion passed unanimously.

Sharon MT Payne





**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  
SPECIAL MEETING OF THE CITY COUNCIL  
MARCH 2, 2021, 7:00p.m.  
MEETING HELD AT CITY HALL AND VIA WEBEX**

**Call to Order**

The meeting was called to order by Mayor Utecht at 6:43pm.

**Present**

The following is the roll call of attendees:

**Roll Call:**

Utecht	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Sawatzky	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Lawrence	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Carlson	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

**Others Present:**

**In person:** Dennis Thieling, Jim Ness, Mark Ness, and Michelle Hayes

**Webex:** None

**Purpose of the Special Meeting**

The purpose of the meeting is to fill a vacancy on the City Council.

**Discussion**

We received three letters of interest from qualified candidates. Mayor Utecht said that applicant Dennis Thieling had received more votes at the election than Jim Clay; this would in some way give the public a say on the appointee. Applicant M. Ness did not run in the election as he had anticipated moving out of the city; however, that has changed.

Motion by Sawatzky to appoint Mark Ness to the Council.  
Second by Lawrence.

**Roll Call Vote:**

Utecht	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed 3-1.



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**Oath of Office**

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The clerk administered the Oath of Office to M. Ness and he took his seat at the council table.

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**Acting Mayor Appointment**

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Motion by Utecht to appoint Member Ness as Acting Mayor. Second by Carlson.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Mayor Utecht declared the motion passed unanimously.

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**Committee Appointments**

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Motion by Utecht to approve the committee appointments as discussed. Second by Sawatzky.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Mayor Utecht declared the motion passed unanimously.

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**Adjourn**

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Motion by Utecht to adjourn. Second by Ness.

Roll Call Vote:

Utecht	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Carlson	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Sawatzky	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lawrence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ness	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Mayor Utecht declared the meeting adjourned at 7:20p.m.

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Sharon MT Payne

