



**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
JUNE 9, 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 checked="" type="checkbox"/> Present	<input 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, Brian Schauer, Jim Ness, Jason Sachs, Ben Montzka, Jesse Moxness, and John Wicklander

Additions to the Agenda

Additions to the agenda:

- In Person Meetings
- Stacy Sports Grill – Cooler
- Stacy Sports Grill – Job Description Delivery Driver
- Time Off Request – John Wicklander
- COVID-19 Preparedness Plan

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

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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.



Consent Agenda

Motion by Authier to approve the consent agenda as presented.
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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Staff Reports

**City Attorney
James Mongé**

**Restaurant Bar Serving in
Parking Lot**

The City Attorney's memo stated:

Cities that are permitting outdoor food/alcohol service are doing so by resolutions that temporarily allow the sales "notwithstanding any city code provision to the contrary." That is consistent with the Governor's order that "Local governments are encouraged to work collaboratively with establishments to allow for outdoor service." The area where alcohol sales occur would have to be "compact and contiguous"; the retailer would have to provide proof that their insurance covers any expanded outdoor space; and the City would have to approve a map of the expanded service areas.

The council directed Attorney Mongé to prepare a resolution detailing the approval for this type of use. Item will be discussed at the June 23, 2020, Special Meeting.

**NorthStar Insulation
Purchase Agreement**

Attorney Mongé did not recommend signing the Purchase Agreement as presented; calling out item on page 10, item 17(b):

Currently Reads:

If Seller defaults on any of its material obligations under this Agreement and fails to cure such default within ten (10) days after receiving written notice thereof, Buyer shall be entitled as its sole remedies: (i) to the immediate return of the Earnest Money; (ii) to apply for and to receive from a court of competent jurisdiction equitable relief by way of specific performance to enforce Seller's performance of the terms of this Agreement; and/or (iii) in the event of a breach of any representation or warranty described in Section 9,



pursue any remedies available to it at law or in equity. Buyer shall otherwise not have the right to recover any other damages of any kind from Seller or to obtain other equitable adjustment to the terms of the sale of the Property.

Change to Read:

If Seller defaults on any of its material obligations under this Agreement and fails to cure such default within ten (10) days after receiving written notice thereof, Buyer shall be entitled as its sole remedy ~~remedies: (i) to the immediate return of the Earnest Money; (ii) to apply for and to receive from a court of competent jurisdiction equitable relief by way of specific performance to enforce Seller's performance of the terms of this Agreement; and/or (iii) in the event of a breach of any representation or warranty described in Section 9, pursue any remedies available to it at law or in equity.~~ Buyer shall otherwise not have the right to recover any other damages of any kind from Seller or to obtain other equitable adjustment to the terms of the sale of the Property.

Mr. Moxness agreed to the above change to the agreement.

Motion by Utecht to accept the amended Purchase Agreement and authorize the Mayor to sign with the amendment to item 17b. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

The clerk will forward the amended Purchase Agreement to the city attorney for review; if approved by Attorney Mongé the Mayor will sign.

City Engineer
Dan Boyum

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

- **Stacy Retail Center – Storage Container Conditional Use Permit (CUP)** – Attended the May 19 Planning Commission meeting to answer questions on the CUP.



- **NorthStar Insulation – Stacy Ponds Business Park –** Attended joint Council/Planning Commission meeting where land purchase price was discussed.
- **Wheelhouse Commons –** Reviewing drawings and information submitted for upcoming Planning Commission discussions of the development.
- **Chisago Lakes Joint Sewage Treatment Commission (CLJSTC) –** Provided feedback on equivalent residential units for non-residential property and reviewed table prepared by Staff in response to Public Facilities Authority (PFA) funding of CLJSTC work.
- **Frontier Communications Permit –** Reviewed ROW permit application near Falcon Avenue.
- **Stacy Ponds Mini Storage –** City Staff copied us on the correspondence sent to the County.
- **Peterson Companies Gravel Pit –** Forwarded drawing from Peterson Companies showing property in the SE corner of CR 30/CR 36 is part of the mining operations.
- **Finch Avenue Drainage –** Reviewing information sent from public works as it relates drainage in the area shown in red below. A catch basin was added near Stacy Trail in 2006.



City Clerk
Sharon Payne



LMC – Cyber Security Coverage

The city will not increase coverage for cyber security this year; will review again next year.

Bank Accounts – Add Michelle Hayes

Motion by Olivolo to add Michelle Hayes to all bank accounts. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Resolution Appointing Election Judges

Motion by Utecht to approve Resolution 2020-6-1, “Resolution Appointing Election Judges for the August 11, 2020, Primary Election,” 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Schedule Employee Reviews

The employee reviews were set for July 28, 2020. The department heads will be requested to provide their self-assessments to the city clerk by July 7, 2020. The council will then perform their reviews, returning them to the clerk by July 21st; this will give the employee a week to review the assessments and address any comments/concerns. The Mayor will prepare the summary of performance scores prior to the review date of July 28th.

Schedule Budget Work Session

The budget work session was set for August 4, 2020, at 7p.m.

Liquor Operations

Stacy Sports Grill



Cooler

Mayor Utecht will work with Mr. Wicklander to purchase the equipment; in case the cooler exceeds the spending limit allowed the manager.

Vacation Request – Wicklander

Motion by Olivolo to approve the vacation request as presented. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Job Description – Delivery Driver

The city attorney will review the liability waiver form the driver will sign.

Amendment to the description; change the footer to state Delivery Driver, not Grill Cook; and update the date of approval.

Motion by Utecht to approve the job description as amended. Second by Authier.

Roll Call Vote:

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

Mayor Utecht declared the motion passed 4-1.

COVID-19 Contingency Plan

Motion by Utecht to designate the preparation of the plan to the Sports Grill Manager. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.



COVID-19 Preparedness Plan

Due to new executive order all departments will need to have a Preparedness Plan. The department heads will prepare their plans for review by the Emergency Plan Committee. The plans will need to be approved by the council on June 23, 2020.

Stacy Wine & Spirits

Vacation Request - Olson

Motion by Utecht to approve the vacation request as presented. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Committees/Commissions

Park and Recreation Committee

CLJSTC

Motion by Utecht to amend the committee appointments to have Paul Authier serve on the Chisago Lakes Joint Sewage Treatment Commission.

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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Member Authier said that the plant superintendent is retiring earlier than anticipated; they are currently looking to hire three positions.

Public Information Committee

Approve the Newsletter for mailing:

The clerk will add wording to the newsletter regarding grass clippings or leaves in the street.



Motion by Ness to approve the newsletter as amended. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Old Business

Access to County Road 30

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

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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried unanimously.

The city attorney will review the documents from the county; how can the city pursue the access.

Midco Service to the Entire City

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

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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

The city would like Midco available to every property in Stacy; this is very important to the residents of our city.



Mr. Sachs said that he would be willing to work with Stacy to provide service to all the residents; his mapping shows the majority of the properties have access. Typically, Midco will pay \$1,500 per property to provide the service. The Mayor will work with Mr. Sachs.

New Business

**Forterra and Peterson’s
Traffic and Noise Concerns**

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

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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion carried unanimously.

Member Authier said that the problem on Stacy Trail with the heavy trucks has resolved as quickly as it came up.

Forterra – Noise

Member Ness said that the noise from Forterra has been a long-term issue. He understands the citizen’s concerns and, in his opinion, this is not the city favoring business over the citizens. There is a state statute that regulates noise levels that the city has adopted; and after many sound readings Forterra has not exceeded those limits established in the statute.

Member Olivolo asked if a fence may help?

Member Ness also said that there had been some confusion regarding the Kwik Trip carwash signage; the signage states hours of operation due to city code. However, the hours of operation were established as a condition of their Conditional Use Permit (CUP). When Forterra’s CUP was granted this type of condition was not on their permit. The city cannot change a CUP unless requested by the property owner or if a violation of the permit occurs.

A citizen asked so the noise ordinance does not apply to Fortera? Mayor Utecht said that was not the case, however, sound readings show they are not in violation. She then asked what she should do when they make noise at 3a.m. she was directed to contact the sheriff.



Mayor/Council Business

In Person Meetings

The council will return to a mixed Webex and in person meeting for their July 14, 2020, meeting.

Chisago County – Short-term Rental Licensing Ordinance

Mayor Utecht said that this program was put in place by the county regarding short-term rental properties; he does not see a big impact on Stacy as we do not have many properties for this type of use.

The council directed the city attorney to review to make sure that the ordinance does not place the city in a compromised situation.

Joint Powers – Hiring/Firing

The clerk was directed to ask the city attorney regarding the hiring/firing of fire department employees as the city cannot give up this right to hire/fire; should this be an item that the council would vote on at the joint powers meeting? Or is it handled differently because of the fact it is a joint powers situation.

Recognition of Graduates

Motion by Ness that we get colored ribbon for at least the schools of North Branch, Forest Lake, Chisago Lakes, and North Lakes Academy; to decorate one tree per school to honor the graduates of 2020; also place on the board at city hall and on the website. 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
Olivolo	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Mayor Utecht declared the motion passed unanimously.

Member Authier will provide the names of other schools that he is aware of.

The clerk was directed to contact the Maintenance Department to handle this project.

Adjourned at 9:18p.m.

Mayor Utecht declared the meeting adjourned at 9:18p.m.

Sharon MT Payne
City Clerk



Regular Meeting – June 9, 2020