



**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
JULY 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 Acting Mayor J. Ness at 7:00p.m.

Roll Call

Present: Jim Ness, Chuck Lucia, Mark Ness, and Tony Olivolo
Absent: Mark Utecht
Others Present: Amy Schutt, Mark Statz, Melissa Archer, and Ben Montzka

Additions to the Agenda

Additions to the agenda:

- Stacy Wine and Spirits Burglary from 2014
- Planning Commission Zoning Parks and Open Space
- Flooring in City Hall

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

Public Comment

County Commissioner, Ben Montzka said:

- The Sunrise Prairie Trail is being repaired (the council expressed concern regarding the Stacy Daze 5K; Commissioner Montzka will coordinate communication between Joe Triplett and Ms. Kroll).
- He anticipated about a 3% increase in the levy this year.
- The county administrator may be leaving for a new position with Rochester. He is a great asset to the County.

Consent Agenda

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

Staff Reports

City Attorney

Amy Schutt

Stacy Trail Easement

Attorney Schutt reported that the property owner has signed the easement, sent it to his mortgage company, and they sent him back a list of required documents. She has contacted the property owner for an update, but has not heard back from him.



The council consensus was to have Attorney Schutt execute the easement document even though the mortgage company has not signed the document it gives the city something in writing to allow them to go in and maintain the storm water pond.

Tax Forfeited Parcel

Excerpt from Attorney Schutts memo:

I spoke with the county, and they are willing to deed us the area we asked for. They said they would follow our lead with respect to completing that transfer. I have reviewed the code, and I believe that this transfer of property qualifies as an exemption to the subdivision requirements, per City Code Section 151.12(D). Additionally, although this is technically a purchase of property, it does not appear to bear any relation to the comprehensive plan; therefore, planning commission review could be waived by the Council.

Based on those conclusions, my suggestion would be that this proceeds as a simple "lot line adjustment." The county would quitclaim deed us the property, and we would record the deed with the county, with the request that it be recorded against our Outlot B and that that new property be covered under one tax ID number. To that end, Stantec is drafting the legal description for the area to be transferred, I will draft the deed, staff will have the County sign the deed, and it will then be presented to Council for your approval as soon as possible.

See map attachment A to these minutes.

The County EDA and City EDA will meet to discuss development of the property once we have the property access.

Liquor license Temporary Expansion

The temporary expansion for the Rustic Inn for Stacy Daze is not allowed by our city code; Attorney Schutt recommended adoption of an ordinance amending §112.26.

Motion by M. Ness to approve Ordinance 2017-7-2, "An Ordinance Amending Chapter 112, Alcoholic Beverages, Section 112.26, Description of Premises, of the City Code of Stacy." Second by C. Lucia. M. Ness, C. Lucia, T. Olivolo, and J. Ness voted yes. Acting Chair Ness declared the motion carried.

The council directed Attorney Schutt to review the city code for updates to the liquor section; to include regulations for increase in consumption area.

City Engineer
Mark Statz

City Heating/Cooling

Mr. Statz said he had reached an agreement with Ebert Construction; they will split the cost of the repair of the HVAC system. He asked that the city pay the \$750 to Ebert Construction and then Stantec would show a \$750 credit on our invoice from them. The council had no objection to this.

Minnesota Department of Health Compliance Agreement

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

Motion by J. Ness to authorize signature of the compliance agreement with the Minnesota Department of Health. Second by T. Olivolo. J. Ness, T. Olivolo, C. Lucia, and M. Ness voted yes. Acting Mayor J. Ness declared the motion carried.

County Road 30 Project

Mr. Statz presented four proposed layouts for County Road 30.

The consensus of the council is they preferred Drawing 1. They also noted they do not want to move parking from a parking lot onto the street.

The council wants to know that there is a plan in place to assure that property owners have access to their property during the entire construction process.

Once the plan is formally approved then an open house will be scheduled with the public.

City Hall Parking Lot

Mr. Statz is preparing a sketch of the parking lot at city hall and proposed paving areas. The council agreed that something needs to be done with the entire site.

City Clerk
Sharon Payne

Magney Construction Pay Request Number 10

Motion by T. Olivolo to approve Pay Request Number 10 in the amount of \$281,979.05 to Magney Construction for the Water Treatment Plant. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, and C. Lucia, voted yes. Acting Mayor J. Ness declared the motion carried.

Set Budget Work Session

Budget Work Sessions were scheduled for August 1 and August 22 at 7p.m.

City Hall Flooring

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

Several areas of the floor in the council chambers have seams that are separating; Mr. Statz will speak with Ebert. Also, Stantec will conduct a warranty inspection.

Liquor Operations

Stacy Daze Band

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

The history is that about eight years ago the Rustic Inn and the Stacy Sports Grill both had a band on Saturday of Stacy Daze; what happened is the bands kept getting louder to overcome the other. There were many complaints from the citizens. So, the Rustic Inn and the Sports Grill entered into a “handshake” agreement that the Sports Grill would have a band Friday and the Rustic on Saturday. Historically prior to that they also did not have bands the same day. The Rustic had Saturday and the Sports Grill Friday. There is also a band in Lions Park on Saturday of Stacy Daze.

The consensus of the council is that the band at the Sports Grill on Saturday night will be inside. Going forward the Sports Grill will not have a band on Saturday night of Stacy Daze. Member M. Ness said that he was against having the band on Saturday night and would like to have the band cancelled.

Motion by M. Ness that for Stacy Daze 2018 and going forward that the Sports Grill to have band outside on Friday night and not Saturday night; any entertainment (no band) will be inside only on Saturday night. Second by T. Olivolo. M. Ness, T. Olivolo, C. Lucia, and J. Ness voted yes. Acting Mayor J. Ness declared the motion carried.

**Stacy Wine & Spirits –
Burglary Suspect**

Mr. Olson reported that the suspect for the July 24, 2014, burglary had been identified by DNA. The suspect is currently serving a 15-year sentence in Illinois. If the city wants to prosecute they would need to transport the suspect to Minnesota for trial. The cost to do this would be about \$5,000-\$10,000 to the County. If he was found guilty he would not serve additional time; it would run concurrently. The council sees no benefit to bring him to trial here.

**Committees
Commissions**

Personnel Committee

The committee is working on updates to the job descriptions and will also be reviewing the performance evaluation forms (trying to make them more easily understood and user friendly).

**Park and Recreation
Committee**

Member Olivolo said that they have ordered the sandbox border from Xccent. They will also be working on the National Night Out event.

EDA

A meeting will be set up to discuss the old BP property with the county EDA.

Member Olivolo has been going to each business in Stacy to determine what we can do for them; what are we doing right, what could be done better?

Planning Commission

Member M. Ness said the commission is working on the sign ordinance; does the council want to approve sign permits or do they want the Planning Commission to approve permits and the council only address appeals? The council directed the Planning Commission approve the permits.

The commission also decided not to discuss microbreweries or distilleries at this time; they will wait until an interested party approaches the city.

**Rezoning Open Space
and Park Properties**

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

The commission held a public hearing to clarify park and open space areas in the city. The city attorney will draft an ordinance for approval adopting the changes.

Motion by J. Ness to table until the August meeting. Second by M. Ness. J. Ness, M. Ness, C. Lucia, and T. Olivolo voted yes. Acting Mayor J. ness declared the motion carried.

**Ordinance – Inoperative
Motor Vehicles**

Motion by M. Ness to approve Ordinance Number 2017-7-1, "An Ordinance Amending Chapter 153.074 Inoperative Motor Vehicles, of the City Code of Stacy." Second by T. Olivolo. M. Ness, T. Olivolo, C. Lucia, and J. Ness voted yes. Acting Mayor J. Ness declared the motion carried.

Old Business

**Rod Olson Payne
Increase**

Motion by T. Olivolo to award Rod Olson a \$1,000 per year increase. Motion fails for lack of a second.

It was decided to move this item to the October meeting. This will allow the employee review to be done; and Mr. Olson will have been here a year at that point.

Chisago County Sheriff

Member M. Ness expressed concern regarding Sheriff Duncan's email:

- His email is not clear if when calls are placed to 911 if those calls are counted against our contract hours; if this is the case he disagrees with this. They would have to respond even if we didn't contract.
- Section V. 5.3 of the contract with the Sheriff's Office states: The Chisago County Sheriff's Office shall submit to the Municipality quarterly activity reports detailing the activities of the Sheriff's Office within the Municipality. Said reports shall contain, at a minimum, the number of calls answered and the number of citations issued, however, no information will be provided which would violate State Data Practices Act or impede and active investigation. The city has been receiving these reports. However, Member M. Ness finds it unacceptable that he is unable to generate the report the council wants. He is requesting that a report be provided indicating when a deputy is here working our contract hours beginning at what time and ending at what time. Member M. Ness will not support a new contract without this report; we need to know what we are paying for.
- The city has requested speed enforcement on County Road 19, he hasn't seen this being done.
- Request was made to enforce the noise nuisance ordinance at County Road 19 and 30; this also has not been done.
- He does not see their presence here other than driving through to the fire department.

County Commissioner, Ben Montzka said the county board does not have authority over the Sheriff's office. The Sheriff is an elected position and is responsible for the department. He would like to be notified when Sheriff Duncan will meet with the council.

The council concurred they want the report detailing when the contract is being worked; what hours – dates and specific times.

The council is unhappy enough with the service they are receiving that they are considering non-renewal of a contract.

This item will be discussed at the budget meeting.

Paperless Council Meetings

Stacy Lent Cemetery

Motion by J. Ness to give the Stacy Lent Cemetery Committee \$2,500 for the columbarium. Second by C. Lucia. J. Ness, C. Lucia, M. Ness, and T. Olivolo voted yes. Acting Mayor J. Ness declared the motion carried.

New Business

Rustic Inn – Permit for Stacy Daze

Motion by T. Olivolo to approve the one-day permit for Stacy Daze, August 5, 2017, for the Rustic Inn. Second by C. Lucia. T. Olivolo, C. Lucia, M. Ness, and J. Ness voted yes. Acting Mayor J. Ness declared the motion carried.

Stacy Lions Club – One Day Liquor License Stacy Daze Lions Park

Member M. Ness did not like the entire park being designated as the liquor consumption area. He would like to see it reduced. The consumption area has gotten out of hand.

The council asked that the Lions Club consider shrinking the consumption area next year.

Motion by T. Olivolo to approve the one-day permit for Stacy Daze, August 5, 2017, for the Stacy Lions Club for Lions Park. Second by C. Lucia. T. Olivolo, C. Lucia, and J. Ness voted yes. M. Ness voted no. Acting Mayor J. Ness declared the motion carried.

National Night Out

A new law authorizes cities to expend and raise funds on a limited basis for events that foster positive relationships between law enforcement and the community.

Extended Bar Hours – Super Bowl

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

From the Minnesota Law 2017 Summaries publication: provides that licensing jurisdictions that issue on-sale intoxicating liquor licenses under Minn. Stat. ch. 340A, may at their discretion, issue special permits for service of alcohol through extended hours lasting until 4a.m. during the Super Bowl, February 2-February 5, 2018. No action taken by the council; no interest of the Sports Grill manager also.

Small Cities Assistance Account

The city was awarded \$12,365 for use towards road projects from the Small Cities Assistance Account. The money will be used for general maintenance of the streets.

Mayor/Council

Member J. Ness – Employee Reviews

Member J. Ness would like to have Ms. Payne's review scheduled for 6pm. He is not sure if he and M. Ness will be here at 6 due to traffic. This is the one review he wouldn't mind being late for. The council concurred that Ms. Payne's review will be scheduled for 6p.m.

Member T. Olivolo – Press

Member T. Olivolo said that he is unhappy with the service we have been getting from the Post Review; members of the public have expressed concern to him. The clerk will contact the editor.

Adjourned at 9:37p.m.

Acting Mayor J. Ness declared the meeting adjourned at 9:37pm.

Sharon MT Payne

Stacy BP Site Alternate Access Concept



- Legend**
- New Road
 - Existing Parcel Boundaries
 - Deleted Existing Parcel Boundaries
 - New Parcel Boundaries
 - Potential Access
 - Existing Access
 - Pending Purchase from County
 - City Owned Properties