



**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 12, 2022, 7:00p.m.
30955 FOREST BOULEVARD, STACY MN 55079**

Call to Order

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

Attendance

Present: Mark Utecht, Mark Ness, Tim Sawatzky, and Jennie Carlson

Absent: Marie Lawrence

Others Present: Dan Boyum, James Mongé, Jim Ness, Dennis Thieling, Thomas Germain, Aerica Benson, Jeremy Dresel, and Ben Montzka

Additions to the Agenda

Addition to the agenda: Resignation of Tanner Jones

Motion by Ness to approve the agenda as amended. Second by Carlson. Members Sawatzky, Ness, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

Public Comment

None

Consent Agenda

Motion by Ness to approve the consent agenda as presented. Second by Sawatzky. Members Sawatzky, Ness, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

Staff Reports

City Attorney

James Mongé

**Lot Purchase – Metal
Crafters of Stacy**

Motion by Utecht to authorize the mayor to accept and sign the Letter of Intent from Metal Crafters of Stacy for the purchase of property located in the Stacy Ponds Business Park, PID 19.00133.15, in the amount of \$38,119.40; with the amendment to the possession date of the property to state on or before October 12, 2022. Second by Sawatzky. Members Utecht, Sawatzky, Carlson, and Ness voted yes. Mayor Utecht declared the motion carried.

Motion by Ness to approve the contract as amended. Second by Utecht. Members Ness, Utecht, Carlson, and Sawatzky voted yes. Mayor Utecht declared the motion carried.

The change to the contract:

9. **LIABILITY.** ~~The PURCHASER~~ Each Party shall indemnify, save, and hold ~~MnSCU~~ the other Party, its representatives and employees harmless from any and all claims or causes of action, including all attorney's fees incurred by ~~MnSCU~~ the indemnified Party, arising from the performance of this contract by the ~~PURCHASER or PURCHASER'S indemnifying Party, its~~ agents or employees.

This clause shall not be construed to bar any legal remedies the PURCHASER may have for MnSCU'S failure to fulfill its obligations pursuant to this contract.

City Engineer

Dan Boyum

Monthly Report

Engineer Boyum's memo included:

1. 2021 Street and Utility Improvements (307th Street and 311th Street – 193805157 and 193805158)

- City staff sent out additional notices on driveway adjustments. 3 more came in for a total of 8 driveway adjustments. We also checked on saw cutting the curb down 2" at driveways as discussed at the last council meeting. We prepared a separate memo on both options. Once a decision is made on these driveways, we will coordinate with the contractor.
- We reviewed raising of castings in preparation of final lift of bituminous on 307th.
- We responded to resident questions.

2. Stacy General (193804175)

- **Sherman Oaks Road** – Reviewed items from public works on street condition. Made site visit and provided an option of spray patching being done by other cities. Called contractor about costs for spray patching.
- **Wheelhouse Commons** – Reviewed schedule. Reviewing preliminary and final plat. Correspondence with developer and septic tank designer.
- **Stacy Trail Mill and Overlay** – the contractor will start on the work in mid-August, but final schedule is being discussed. We prepared a quote and sent out to contractors for replacing the top section on 3

gate valves and redoing the rings on 6 manholes. Quotes should be received by noon on July 12. We will bring to the meeting for review.

Only one quote was received for this work from Dresel Contracting in the amount of \$23,692.50; the council asked if this is an acceptable amount? Engineer Boyum said it was higher than anticipated but it is within 20% of what was expected.

Motion by Utecht to award the project to Dresel Contracting based on the bid submitted in the amount of \$23,692.50 for structure adjustments on Stacy Trail. Second by Ness. Members Utecht, Ness, Carlson, and Sawatzky voted yes. Mayor Utecht declared the motion carried.

- **Pretty Bird Water Service** – Provided some comments to staff on a request from the business owner related to elimination of a water service meter.
- **Fire Department Lot Split** – Provided comments on lot split and shoreland district.

2021 Street Project

- **311th Street Project Concerns**

Concerns expressed by residents on 311th Street included:

- Curb height.
- Material needed for driveways.
- Erosion where curbing is starting to move earth onto my yard and leaving a small washout.
- Not enough dirt placed along curbs.
- Placed black dirt in parking area in front of house.
- Dirt on sides of driveway have settled and needs top soil and seed.
- Load of traprock to match existing driveway to fill low spots created by higher road.
- Would like financial reimbursement for weeding and seeding of property.
- When they dug up the driveway to lay the new pipe, they just placed regular dirt. We had crushed recycled driveway.
- Cement driveway was not finished last year, so there are big gaps from driving on it all winter, need to be filled with dirt before it is finished.

- **Surmountable Curb and Gutter Adjustments**

The cost for saw cutting curb lines is (8 driveways) would be \$6,800. However, three of eight driveways with bituminous driveway patches would need to be redone, and that would add

around \$1,752. The total cost for saw cutting and patching is \$8,552; the cost to remove and replace is \$15,889.

The cost to saw cut is extremely lower than the remove and replace option; the council asked Engineer Boyum to provide additional information:

- Are there long-term issues with saw cutting?
- Will saw cutting disintegrate quicker?

Engineer Boyum will get this information to the council so that it can be discussed at the July 26th Special Meeting.

The other items of concerns expressed by the property owners will be addressed by the contractor (as part of the original contract); the council did not approve reimbursement to the one property owner who requested compensation for the work they performed.

**City Clerk/Finance
Department**

**Stacy Lions Club – Stacy
Daze Liquor License**

Motion by Utecht to approve the Stacy Lions Club Liquor License as presented; contingent upon security being placed at every opening of the fence in Stacy Lions Park and to monitor the top of the hill to assure alcohol is not taken from the border identified on the application. Second by Carlson. Members Utecht, Carlson, and Sawatzky voted yes. Member Ness voted no. Mayor Utecht declared the motion carried.

Member Ness voted no as in past years; does not feel consumption area needs to be the entire park.

Liquor Operations

Stacy Daze

Liquor Operations met today and discussed both the on and off sales plans for Stacy Daze. Any questions from the council?

The council would like a drawing of where the fence will be placed at the Sports Grill.

**Fire Sprinkler Inspection
Proposal**

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

Motion by Utecht to table until the August 9, 2022, meeting. Second by Ness. Members Utecht, Ness, Sawatzky, and Carlson voted yes. Mayor Utecht declared the motion carried.

Stacy Sports Grill – Job Hazard Analysis

The job hazard analysis for the Stacy Sports Grill was accepted.

Stacy Sports Grill – Work Location Safety Inspection Checklist

The work safety inspection checklist for the Stacy Sports Grill was accepted.

Stacy Wine & Spirits – Job Hazard Analysis

The job hazard analysis for Stacy Wine and Spirits was accepted.

Stacy Wine & Spirits – Approval of Job Description, Shift Supervisor

The council would like an explanation of the creation of this new position at Stacy Wine and Spirits.

Motion by Utecht to table until August 9, 2022. Second by Sawatzky. Members Utecht, Sawatzky, Carlson, and Ness voted yes. Mayor Utecht declared the motion carried.

Maintenance Department

Tanner Jones - Resignation

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

Mayor Utecht asked Attorney Mongé if there was any reason the letter could not be considered at this meeting? No, there is no issue.

Motion by Sawatzky to accept the resignation of Tanner Jones as laid out in his letter. Second by Carlson. Members Sawatzky, Carlson, Ness, and Utecht voted yes. Mayor Utecht declared the motion carried.

A special meeting was set up for July 18, 2022, at 6:30p.m. to discuss the many details to address resulting from this resignation.

Committee/Commissions

Park and Recreation

Mr. Jones received a proposal from Peterson Companies for the Richland Meadows Park; a “paired down” proposal will be requested to not include plantings as this is something our maintenance staff can do.

Planning Commission

Penalty for Not Obtaining Pet License

The Planning Commission requested direction, from the commission’s June 21, 2022, meeting:

The Stacy City Fee Schedule contains a penalty for not obtaining a pet license; however, the city code section it references §92.24 does not exist.

Possibly amend §92.02, add an Item (E) Violation of this code section will incur a penalty as established in the city's fee schedule.

§92.02 contains the language requiring the license; later in Chapter 92, after domesticated chickens it states:

§ 92.99 PENALTY.

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) *Petty misdemeanor.* Violations of §§ 92.02, 92.07, 92.13 and 92.14 are petty misdemeanors punishable as provided in § 10.99.

Does the council want to have the penalty for not obtaining a pet or chicken license? Yes, the penalty amount will be determined later; to be based on actual expense incurred in the process of enforcement.

Member Ness clarified that the council's desire was to establish a fee penalty as well as misdemeanor or petty misdemeanor? Yes.

Ordinance Amending Chapter 96 – Adult Use Establishment Location

Motion by Ness to approve ordinance number 2022-7-1, "An Ordinance Amending Chapter 96 of the City Code §96.03 Adult Establishments Location." Second by Utecht. Members Ness, Utecht, Carlson, and Sawatzky voted yes. Mayor Utecht declared the motion carried.

Joint Meeting with Lent Township Planning Commission

Member Ness said that the commission met jointly with the planning commission from Lent Township. They began work on combining the Comprehensive Plans. Once that is complete, they will move onto the zoning codes.

Old Business

Crosswalk County Road 19 and 311th Street

Mayor Utecht requested that Commissioner Montzka pursue having a cross walk button installed at the intersection of County Road 19 and 311th Street. If the cost of this is the prohibiting factor the council would like to discuss options.

Complaint – Rupp Mini-Storage

The light pollution from Rupp Mini-Storage is definitely an issue, as shown on the pictures submitted. The clerk will forward these to MNSPECT for investigation. The council requested as least one of the inspections occur after dark.

The clerk will also provide MNSPECT with the requirements laid out in the Conditional Use Permit.

Pay Matrix Adjustment

Mayor Utecht said that we all know that inflation has been crazy the last two years; the clerk was directed to figure out the inflation since the adoption of the last pay matrix and use that in calculating the new matrix. The proposed matrix will be utilized in preparation of the 2023 draft budget.

New Business

County Commissioner – Ben Montzka

Commissioner Montzka updated the council on the following items:

- The County Road 19 bridge interchange is a high priority, engineering studies have been done on the road and included in the county's 2025 plan. This intersection is very dangerous. The county is also working on Highway 8
- The Chisago County Recorder's office has a new tool to access documents called Landshark
- They are pushing broadband throughout the county utilizing COVID funds.

Mayor/Council

Lent Merger Update

Is there a status update on the annexation process between Lent and North Branch, and Lent and Chisago City? The mayor reached out to Rick Keller who indicated he would be following up with their attorney.

Adjourned at 8:55p.m.

Mayor Utecht declared the meeting adjourned at 8:55p.m.

Sharon MT Payne, City Clerk