



**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
SEPTEMBER 14, 2021, 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.

Roll Call

The following is the roll call of attendees:

Council:

M. Utecht	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
T. Sawatzky	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent
M. Ness	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
M. Lawrence	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
J. Carlson	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Others Present:

Dan Boyum, James Mongé, Michelle Hayes, Jim Ness, Liz and Dan Vierling, and Matt Silver

Additions to the Agenda

Motion by Ness to approve the agenda as presented. Second by Lawrence.

Roll Call Vote:

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

Public Comment

None

Consent Agenda

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

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

Staff Reports

City Attorney
James Mongé

**Business Subsidy Policy
and Criteria**

The public hearing was scheduled for October 12, 2021.

**Law Enforcement
Contract**

Motion by Ness to authorize the mayor to sign the Law Enforcement contract between the City of Stacy and the Chisago County Sheriff as presented. Second by Utecht.

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

City Engineer
Dan Boyum

Monthly Report

Engineer Boyum's report contained:

- 1. 2021 Street and Utility Improvements (307th Street and 311th Street – 193805157 and 193805158) –** Work is proceeding on 307th Street (sanitary sewer and watermain) as well as storm sewer on Finch Avenue.

Soil conditions and safety issues along 307th led to a variety of discussions on the depth of sanitary sewer, directional drilling, etc. Conversations were held with

representatives of Forterra. They will allow the temporary access road to run along the north side of their property, and that is a big help to the project. Wyoming Machine has also helped with temporary access along their property. The sketch below shows the general location of the access road that will be used during the week. On weekends, existing 307th will be used for access. We are updating the school and other agencies on the new temporary access road location.

The soil conditions may require more discussion on timing of the first lift of asphalt. That lift is scheduled to be done this fall, with the final lift to be done in spring 2022. We will discuss that item more with the contractor and council/staff as the work progresses.



2. Stacy General (193804175)

Apartment Complex – We responded to questions on escrow related to reviewing a concept plan from the developer on the Greg Boleen property to the north of the Post Office and west of Forest Boulevard.

Stacy Indoor-Outdoor Storage (land north of All-Mac or old BP Station) – We reviewed drainage and utility easement information and provided comments.

Foxhill Avenue, 314th Street, Ferris Trail Paving – The Council authorized proceeding with a feasibility report. We are still reviewing a few items and will present a draft report at the October Council Meeting.

Member Ness commented that he is not in favor of issuing another bond at this time; even though he feels that this is a good project. However, to proceed with the feasibility report.

General Engineering Items – Discussions on CUP for Subway with staff and applicant. Permit review for Midco on 307th.

Construction Material Testing

Motion by Carlson to award the 2021 Street and Utility Project Material Testing to Independent Testing Technologies in the amount of \$9,025.00. Second by Lawrence.

Roll Call Vote:

Ness Yes No
Utecht Absent from the room
Carlson Yes No
Lawrence Yes No

Acting Mayor Ness declared the motion passed unanimously.

Finance

Resolution Approving 2022 Levy and Setting the Truth-in-Taxation Hearing Date

Motion by Utecht to approve Resolution Number 2021-9-6, Resolution Approving the Preliminary City Levy and Setting the Truth-in- Taxation hearing date as presented. Second by Ness.

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

City Clerk's Department

Liquor License - Trochman

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

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

The council will postpone action on this item until all the data is received for their review.

Resolution Approving Stacy Lent Fire Relief Association Off-Site Gambling

Motion by Ness to approve Resolution Number 2021-9-7, Resolution Approving the Stacy Lent Volunteer Fire Department Relief Association to Conduct Off-Site Lawful Gambling in the City of Stacy, for October 2, 2021; as presented. Second by Lawrence.

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

2021 Street Project Assessment – Public Hearing

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

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

The public hearing for the 2021 Street Project Assessment was set for October 12, 2021, at 6p.m.

Maintenance Department

Maintenance Staff Hours

The hours for the Maintenance Department will be 7a.m.-3:30p.m. Monday-Thursday.

Liquor Operations

Mayor Utecht wanted to openly thank Rod Olson, and Aerica Benson for handling the circumstances at the sports grill. He has heard positive comments regarding what is occurring at the bar.

Committees

Park and Recreation

Proposal to Create a Native Landscape at the Stacy Ponds Business Park

The member’s discussed the proposal, the following points were made:

- Questionable if the project is worth the money.
- The format of the proposal does not include a total of the cost
- Ongoing expense
- Prairie restoration is good for the environment

The council would like something from the Park and Recreation Committee explaining this project; if they want to move forward. Also, to obtain a quote that includes the total amount for the project; and how can the city take over the maintenance of the project.

Veteran’s Memorial Dedication

The Veteran’s memorial dedication will be on October 2, 2021, at 10:30a.m. in Stacy Lions Park.

EDA

The Business Appreciation Event will be held on October 28, 2021, from 8:00a.m.-10:00a.m. at the Rick Doyle Building. The Stacy Lions Club will be serving breakfast.

Planning Commission

Ordinance Replacing Chapter 93 – Streets and Sidewalks

Ordinance 2021-9-1, Replacing Chapter 93, Streets and Sidewalks. The clerk was directed to provide the “redline” copy for the council.

Ordinance Repealing Chapter 114 - Mobile Home Park Closing

Motion by Utecht to approve Ordinance Number 2021-9-2, An Ordinance Repealing the Stacy City Code Chapter 114 Regulating Manufactured Home Park Closing and Relocation. Second by Ness.

Roll Call Vote:

- | | |
|----------|---|
| Ness | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Utecht | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Carlson | <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

Ordinance Amending Chapter 115 – Peddlers, Solicitors, and Transient Merchants

Motion by Utecht to approve Ordinance 2021-9-3, An Ordinance Amending the Stacy City Code Chapter 115 Regulating Peddlers, Solicitors, and Transient Merchants, with summary publication. Second by Ness.

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously

**Ordinance Amending
Chapter 112 – Alcoholic
Beverages**

Motion by Utecht to approve Ordinance 2021-9-4, An Ordinance Amending Chapter 112 of the Stacy City Code Regulating Alcoholic Beverages with summary publication. Second by Carlson.

Roll Call Vote:

Ness Yes No
Utecht Yes No
Carlson Yes No
Lawrence Yes No

Mayor Utecht declared the motion passed unanimously.

The Planning Commission was directed to review distilleries and micro-breweries, including tap rooms.

**Ordinance Amending
Chapter 94 – Junked
Property**

Mayor Utecht asked if there is some type of way to allow car enthusiasts to have vehicles outside of an enclosure, such as behind the home. The members supporting this type of use were tasked with coming up with some language to include in the ordinance to allow this use.

**Mosquito Control
Infiltration Ponds**

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

Roll Call Vote:

Ness Yes No
Utecht Absent from the room.
Carlson Yes No
Lawrence Yes No

Acting Mayor Ness declared the motion passed unanimously.

Engineer Boyum stated that typically the standard storm water pond that hold water have an inlet and outlet. The water tends to be moving through those ponds, and it is my understanding mosquitos like habitat where the water is not moving through it.

As it relates to infiltration basins, since the water is gone after a shorter period of time, I don't believe those offer the right habitat for mosquitos.

I am not aware of communities requiring private property owners or cities themselves to manage mosquitos on ponds.

The council will not take action on mosquito control for this type of situation.

Camping at Doyle

The council said that camping at Doyle is not allowed under any circumstance.

New Business

Email re Rezoning Foxtail Woods

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

Roll Call Vote:

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

The council discussed the email from Mr. Lohmann:

"I hate to bring this up again but I just heard they pulled the application for the route 61 mini storage. So, I would like to talk about changing all of the R3B in the foxtail woods neighborhood. I believe it shouldn't even be a question in the developed areas to be R1. The undeveloped areas knowing what we know about access to forest boulevard I'm not sure how it makes any sense to be anything higher than R2. I don't believe we should be held hostage to we can build "this" or apartments. That's not fair. I know we've talked on this more than either of us would like but if there isn't an active application to rezone and there not building apartments, I believe this deserves a look."

The mayor asked Attorney Mongé at this point can a city rezone a property without an application from the owner? Attorney Mongé said yes, however, the problem a city can run into is possibly a reverse condemnation claim. The property owner could seek damages to recover loss due to rezoning.

The members determined that the current zoning meets the city code and comprehensive plan; and provides a buffer between Industrial and single family residential. The city will not seek to have the property rezoned; also, it is noted that the property owner is the only person that can apply for a rezoning of the parcel.

Mayor/Council Business

Emergency Plan Committee

Motion by Utecht to appoint Mark Ness to the Emergency Plan Committee. Second by Lawrence.

Roll Call Vote:

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

Adjourned at 8:33p.m.

Mayor Utecht declared the meeting adjourned at 8:33p.m.

Sharon MT Payne, City Clerk