



**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  
AUGUST 10, 2016, 7:00p.m.  
RICK DOYLE MEMORIAL BUILDING**

**Call to Order**

The Stacy City Council met in regular session and was called to order by Mayor Utecht at 7:00p.m.

**Roll Call**

**Present:** Jim Ness, Chuck Lucia, Tony Olivolo, and Mark Utecht

**Absent:** None

**Others Present:** Anne Thom, Diane Ness, Jessica Ness, Mark Ness, Ben Montzka, TJ Potrament, and Mark Statz

**Letters of Interest – City  
Council**

Motion by Olivolo to appoint Mark Ness to the City Council. Second by Utecht. Olivolo, Utecht, and Lucia voted yes. Ness abstained. Mayor Utecht declared the motion carried.

The clerk administered the Oath of Office to Mark Ness who then took his seat at the council table.

**Additions to the Agenda**

Additions to the agenda:

- North Branch School Advisory Board
- Stop Sign – Dollar General
- Fair Labor Standards Act – Exempt Compensation
- Quorum of Council on Planning Commission
- Committee Appointments

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

**Public Comment**

**Ben Montzka:**

County Commissioner, Ben Montzka reported:

- The Rushline Corridor will not be located on the Sunrise Prairie Bike Trail, possibly up the middle of Interstate 35
- The jail is in the bid process
- It is proposed the taxes for the County will go up in 2017 at a 3% maximum.

**Consent Agenda**

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

**Staff Reports**



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**City Attorney**

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The city attorney was not present at the meeting, however the following was discussed:

**Frontage Avenue**

Based on the city attorney's memo regarding access to the city property by utilizing Frontage Avenue the council directed that the city attorney prepare a release of the city's easement over the Vogel's property for approval at their September meeting.

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**City Engineer**

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**Mark Statz**

Motion by J. Ness to table this agenda item until Mr. Statz arrives. Second by M. Utecht and carried.

Motion by J. Ness to take the engineer off the table. Second by M. Utecht and carried.

**Water Treatment Plant Update**

Mr. Statz said that it looks like the water treatment plant will break ground this fall. The council requested a schedule of events for the project; Mr. Statz will get this at the preconstruction meeting. He said we are still working with the DNR for an easement.

**City Hall Project**

The city hall project should be completed 100% by August 26<sup>th</sup>.

The council asked for a status of Stantec's possible responsibility of \$2,000 in writing for:

*From May 24, 2015, meeting: Motion by Ness to approve Proposal Request Number 1 and Number 2 without the stump removal for a total cost of \$15,989.97. Second by Denney. Ness, Olivolo, Denney, and Lucia voted yes. Acting Mayor Ness declared the motion carried.*

*Motion by Ness to request that Stantec cover \$2,000 of the drywall expense; reasoning that they should have caught this during their inspection. Second by Olivolo. Ness, Olivolo, Denney, and Lucia voted yes. Acting Mayor Ness declared the motion carried.*

**Dollar General – Release of Letter of Credit****Letter of Credit:**

Motion by J. Ness to release the remaining letter of credit for Dollar General. Second by T. Olivolo. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Stop Sign:**

The clerk received a complaint about patrons at the store not stopping when entering 312<sup>th</sup> Street; the council directed the clerk to contact Dollar General to request the installation of stop sign.

**Pay Request – Allied Blacktop**

Motion by M. Utecht to approve invoice Number 22352 in the amount of \$30,359.40 for the 2016 Seal Coat Project. Second by J. Ness. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Sunrise Estates Mobile Home Park Expansion**

Mr. Statz said that the mobile home park will need to install a lift station to accommodate the expansion; the lift station will be owned and operated by the mobile home park. He will be working with the

park owner to assure that the pump used is sufficient for its intended use.

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**City Clerk**  
**Sharon Payne**

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**Utility Billing Report**

The council requested that the two departments coordinate the reporting of the gallons pumped to billed on the same day.

**City Hall Change Order –  
Additional Outlets in the  
Clerk’s Office**

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

The quote to install two additional 4-plex outlets in the amount of \$605 was not approved by the council; they felt the quote was excessive.

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**Committees  
Commissions**

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**Committee Appointments**

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Due to the resignation of Samantha Denney vacancies exist on various committees; the following appointments were made:

- Personnel, Chuck Lucia
- Liquor Operations, Tony Olivolo
- EDA, Chuck Lucia
- Public Information, Mark Ness

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**Chisago Lakes Joint  
Sewage Treatment  
Commission**

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Member Olivolo said that the solar power company is looking for a 35 year lease; the commission does not agree.

He also reported that the union negotiations are complete; they agreed to about half of what they were looking for. He said that they receive \$25/day for on-call pay.

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**Personnel Committee**

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**League of Minnesota  
Cities Social Media Policy  
Recommendations**

**Social Media Policy:**

Motion by M. Utecht to approve the amendments to the Social Media Policy as presented. Second by M. Ness. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Personnel Policy:**

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

**Job Description Changes**

Motion by M. Utecht to revise the City Clerk’s job description as discussed. Second by M. Ness. J. Ness, C. Lucia, M. Ness, T.

Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

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**Park and Recreation  
Committee**

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Member Olivolo reported that the Lion's Club agreed to work to get the sandbox installed in Lions Park; the council asked Member Olivolo to contact the League regarding any regulations for the sandbox.

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**Planning Commission**

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**Membership Change**

Due to the swearing in of Mark Ness tonight; this creates a quorum of the council on the Planning Commission. Because Member Olivolo serves on many committees and that the Planning Commission meets in the evening it was decided that Member Olivolo would step down from the commission.

Motion J. Ness to remove Tony Olivolo from the Planning Commission. Second by T. Olivolo. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Comprehensive Plan  
Changes**

Motion by J. Ness to approve the updates to the Comprehensive Plan as presented. Second by M. Utecht. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Findings of Fact &  
Decision Stacy Lent Fire  
Department Conditional  
Use Permit**

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

TJ Potrament, representative of the fire department was present to discuss the sign.

Mr. Potrament asked what the reasoning was for not allowing images; the response is they tend to be brighter and may impact the neighboring property owners.

The council decided that images would be allowed except between the hours of 10pm and 7am. The council may review this at any time without requiring an amendment of the conditional use permit.

Motion by M. Utecht to approve the Findings of Fact and Decision for the Stacy Lent Area Fire Department for an Electronic Reader Board Sign in the R1 Zoning District as amended. Second by M. Ness. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Public Information  
Committee**

Member J. Ness will prepare the memo from the council for the September publication. The newsletter will be presented to the council for approval at their September meeting.

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**Old Business**

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**2017 Budget**

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**Off-Sale Interim Manager Compensation**

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Motion by M. Utecht to table this item until the fourth Tuesday in August. Second by J. Ness. J. Ness, C. Lucia, M. Ness, T. Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried

The question was posed to the council what does everyone think of the interim manager's request to be compensated at \$22/hour; she reported that it will take her 45hours/week to perform the additional duties of manager.

Points pondered:

- Limit hours to 40/week; concern if the work can be done.
- Some pay increase for taking on additional duties.
- Would a non-public sector job receive an increase in a similar situation?
- Ms. Anderson's serving as interim manager affords her an opportunity to show what she can do.

Motion by M. Utecht to increase Jessica Anderson's wage to \$21/hour limiting her hours to 45hours/week while she is acting off-sale manager. Second by T. Olivolo. Members M. Utecht, and T. Olivolo voted yes. C. Lucia, M. Ness, and J. Ness voted no. Mayor Utecht declared the motion fails 3-2.

Motion by J. Ness to limit Ms. Anderson's hours to 45/week. Second by C. Lucia. J. Ness, C. Lucia, and M. Ness voted yes. T. Olivolo, and M. Utecht voted no. Mayor Utecht declared the motion passes 3-2.

Mayor Utecht stated he does not agree with no salary increase especially with the limit on hours.

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**New Business**

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**North Branch Area Schools**

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North Branch Area Public Schools would like a representative from Stacy to serve on the Community Education Advisory Council; Member Olivolo volunteered.

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**Department of Labor Changes to Fair Labor Standards Act (FLSA)**

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The FLSA change takes effect December 1, 2016; this change impacts the salaried employees for the city – they will need to be compensated at a minimum of \$47,476 annually.

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**Stacy Lent Volunteer Fire Department Relief Association Off-Site Gambling Permit**

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Motion by J. Ness to approve Resolution Number 2016-8-1, "Resolution Approving the Stacy Lent Volunteer Fire Department Relief Association to Conduct Off-Site Lawful Gambling in the City of Stacy." Second by T. Olivolo. J. Ness, C. Lucia, M. Ness, T.

Olivolo, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

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**Mayor/Council**

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**Affidavit of Candidacy**

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Member Olivolo asked what happens if no-one files to fill the vacancies on the council. Mayor Utecht said that the council would need to appoint in that situation.

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**Adjourned at 9:18p.m.**

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

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Sharon MT Payne