



**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 13, 2019, 7:00p.m.  
STACY CITY HALL**

**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:** Mark Utecht, Tony Olivolo, Dennis Thieling, and Mark Ness

**Absent:** None

**Others Present:** James Mongé, Dan Boyum, Jim Ness, Jacob Hay, Tim Sawatzky, Brandon Thyen, and John Wicklander

**Additions to the Agenda**

Additions to the Agenda:

1. Vacation Request – John Wicklander
2. Possible Termination of Employment
3. MN Public Utilities Commission
4. Rib Fest

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

**Public Comment**

None

**Consent Agenda (City Claims, Liquor Claims, New Hires for Approval)**

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

**Staff Reports**

**City Attorney  
James Mongé**

**Chisago County Sheriff's Contract**

Motion by Utecht to authorize the Mayor to sign the contract with the Chisago County Sheriff as presented. Second by Olivolo. Members Utecht, Olivolo, Thieling, and Ness voted yes. Mayor Utecht declared the motion carried.

**Public Utilities Commission**

In April 2018, the Minnesota Public Utilities Commission opened a docket to investigate the customer service, service quality, and



billing practices related to Frontier Communication's telephone service. On August 2, 2019, the Minnesota Department of Commerce and Frontier filed a Proposed Stipulation of Settlement.

On August 7, 2019, the Commission issued a Notice to accept comments on that Stipulation of Settlement and related filings and issues in this matter.

No council action necessary.

Mr. Boyum reviewed his engineering report with the council and addressed questions.

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**City Engineer**  
**Dan Boyum**

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

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**Vacation Request**

Motion by Utecht to approve the vacation request for the city clerk as presented. Second by Olivolo. Members Olivolo, Thieling, Ness, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Resolution Polling Place**

Motion by Ness to approve Resolution Number 2019-8-1, Resolution Establishing Polling Place for the City of Stacy." Second by Thieling. Members Olivolo, Thieling, Ness, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Utility Billing Position**

The council forwarded this to the Personnel Committee to research.

**General Fund Reserve**

The clerk presented a report to the council regarding the general fund reserve; the state auditor recommends cities maintain a fund balance of 35% to 50% of fund operating revenues or no less than 5 months of operating expenditures. The council asked the clerk to check with the Doug Green for his recommendation. The council would like to have it more at 100%; in case the state unallocated local government aid.

**Pet Licenses**

The council concurred that they want to continue requiring pet licenses; enforcement is an issue; some solutions may be:

- Send notice to the property owners who obtained previous licensure.
- Change the license period to the duration of the vaccination period.
- Host a free licensure day.
- Coordinate with a local vet to offer a vaccination and license day.

The city code will need to be revised to accommodate the license period matching the vaccination period; forwarded to the Planning Commission.

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**Liquor Operations**

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**Vacation Request**

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

Motion by Ness to approve the vacation request for John Wicklander as presented. Second by Thieling. Members Olivolo, Thieling, Ness, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Termination of Employee**

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

Motion by Utecht to terminate the employment of Kim Drake based on the information provided by the manager effective immediately. Second by Olivolo. Members Utecht, Olivolo, and Thieling voted yes. Ness voted no. Mayor Utecht declared the motion carried 3-1.

**Probationary Review**

John Wicklander will be completing his six-month probationary period; his review has been scheduled for October 1, 2019, at 7:00p.m.

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**Committees  
Commissions**

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**Park and Recreation  
Committee**

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Member Olivolo said that the Boy scouts did not paint the grills as they agreed to; Member Thieling painted the grills; the council thanked Member Thieling for doing this.

The committee would like to put away funds for future playground upgrades; new playground equipment without other park improvements is projected to be \$120,000.

The committee would also like to develop a veteran's memorial.

Member Thieling said that they want a 10-yard roll-off dumpster for the Rib-fest event.

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**Planning Commission**

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**Fox Valley Metrology –  
Variance, Preliminary and  
Final Plat Approval**

Motion by Ness to approve the preliminary plat and final plat for Stacy Ponds Business Park 3<sup>rd</sup> Addition as submitted, and vacate the drainage and utility easements as described on the plat

documents. Second by Utecht. Members Ness, Utecht, Olivolo, and Thieling voted yes. Mayor Utecht declared the motion carried.

Motion by Utecht approve the variance for encroachment of the parking lot into the required front yard as submitted. Second by Thieling. Utecht, Thieling, Olivolo, and Ness voted yes. Mayor Utecht declared the motion carried.

The engineers report and findings attached.

**City Code Change –  
Dwelling Units**

Motion by Utecht to approve Ordinance Number 2019-8-3, “An Ordinance Amending the Stacy City Code Chapter 153;” with summary publication. Second by Ness. Members Ness, Olivolo, Thieling, and Utecht voted yes. Mayor Utecht declared the motion carried.

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**Old Business**

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**Pay Matrix Review**

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Motion by Utecht to table until the regular meeting in September. Second by Ness. Utecht, Ness, Olivolo, and Thieling voted yes. Mayor Utecht declared the motion carried.

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**Personnel Policy Change  
– Regarding Dismissal**

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

Motion by Utecht to approve the changes to the Personnel Policy as presented. Second by Olivolo. Members Ness, Olivolo, Thieling, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Dismissal**

The City Council may dismiss an employee for any reason or no reason for substandard work performance, serious misconduct, or behavior not in keeping with City standards.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided and all rights will be afforded the veteran in accordance with Minnesota law.

During the first twenty-one days of employment for new employees, the employee’s supervisor may suspend the employee for any reason pending termination by the council. The supervisor shall immediately notify the city clerk of this suspension, so that a special meeting can be called by the Council.

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**New Business**

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**Complete Count  
Committees**

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The council will not participate.

**Community Solar Garden  
Subscription – Jacob Hay**

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

Mr. Hay presented information on the city participating in a community solar garden subscription and how it could save the city money on their energy bills.

The council would like the city attorney and city financial advisor to review the contract.

**Resolution Fire  
Department**

Motion by Ness to approve Resolution Number 2019-8-2, "Resolution Approving the Stacy Lent Volunteer Fire Department Relief Association to Conduct Off-Site Lawful Gambling in the City of Stacy." Second by Thieling. Members Utecht, Ness, Olivolo, and Thieling voted yes. Mayor Utecht declared the motion carried.

**Mayor/Council**

**Complaints Public/Private**

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

From the attorney: The only notable rule related to complaints is that "The identities of individuals who register complaints with the city concerning violations of state laws or local ordinances related to the use of real property are classified as confidential data." Aside from that, it's just going to depend on substance, pursuant to the Data Practices Act.

During the public comment portion of the meeting if an individual start to discuss employee performance they will be directed to file a written report for investigation.

**Volunteer of the Year**

Member Thieling brought this up to the Lions Club, they do not have an issue with it. Member Thieling will be working to develop a policy regarding the criteria on who can receive the volunteer award.

**Council Invite to Forterra**

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

The council was invited to an open house at Forterra on August 21, 2019.

**Adjourn at 9:06p.m.**

Mayor M. Utecht declared the meeting adjourned at 9:06p.m.

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Sharon MT Payne

TO: **Stacy Planning Commission**  
FROM: Phil Carlson, AICP, Stantec, Senior Planner  
MEETING DATE: July 16, 2019  
APPLICANT: Chris Kuczynski, Fox Valley Metrology  
OWNER: Chris Kuczynski  
ADDRESS: 30447 Stacy Ponds Drive  
REQUEST: Subdivision (plat, lot combination) and Variance (front setback)  
ZONING: LI – Light Industrial

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## **BACKGROUND**

Fox Valley Metrology occupies a building at the north end of Stacy Ponds Drive in the City's business park that is adjacent to a vacant lot they also own. The owner wishes to expand the building and parking lot, extending into the vacant lot. To accomplish they are requesting to combine the two lots into one new platted lot as Stacy Ponds Business Park 3<sup>rd</sup> Addition. The expansion of the parking lot includes minor revisions to bring the existing parking lot up to City standards, which have changed since the original building and parking lot were built. With the larger dimension for parking stalls, the parking lot would extend into the required front yard, needing a variance.

## **PROPOSED PROJECT**

The plans included with the application include a survey showing the existing two lots, a proposed plat of the new single-lot Stacy Pond Business Park 3<sup>rd</sup> Addition, and a site plan showing the proposed building and parking expansion.

The existing building has a single bay of parking on the front (west) side of the building. The proposed project would add about 8,000 square feet of building and additional parking on the south and east sides of the building, plus widen the existing parking bay slightly to meet the current City standard of 44 feet (20-foot stall plus 24-foot drive aisle).



Section 153.188 of the Zoning Code deals with variances, requiring the Planning Commission to hold a public hearing and make a recommendation to the City Council, which acts as the Board of Adjustments and Appeals. Paragraph (C) of that section lists the criteria to consider for variance requests, which are then discussed separately below:

(C) Standards for review of variance requests. The Board of Adjustments and Appeals shall consider variance requests in accordance with the following standards.

- (1) Variances shall only be permitted when they are in harmony with the general purposes and intent of this zoning code.
- (2) Variances shall only be permitted when consistent with the comprehensive plan.
- (3) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning code.
  - (a) “Practical difficulties” shall mean that the property owner proposes to use the property in a reasonable manner not permitted by the zoning code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality.
  - (b) Economic considerations alone do not constitute practical difficulties.

#### *Consistency with Zoning Code and Comprehensive Plan*

The use of the building and parking are consistent with the Comprehensive Plan and allowed by the Zoning Code.

#### *Practical Difficulties – Reasonable Manner*

A parking lot for the building, including expansion of it to comply with City standards is a reasonable use of the property.

#### *Practical Difficulties – Unique Circumstances*

The existing parking lot was built to City standards, but those standards were changed by the City. This specific situation is unique to this property and was not created by this landowner.

#### *Practical Difficulties – Essential Character*

This criterion asks whether the requested variance would disrupt the expected look and feel of this part of the City. Encroachment of a parking lot by less than a foot into the required yard in a business park setting will not alter the essential character of this area.

#### *Economic Considerations*

The economic criterion is generally understood to mean that the applicant could accomplish essentially the same thing and meet the Code if they spent more money. That is not the case here. The situation involves minor modifications to comply with City dimensional standards.

## **RECOMMENDATIONS**

Th two requests – subdivision and variance – should be dealt with as separate motions.

### *Subdivision*

We recommend that the Planning Commission recommend approval of the preliminary plat and final plat for Stacy Ponds Business Park 3<sup>rd</sup> Addition as submitted, with the condition that the City Council also order vacation of the drainage and utility easements as described on the plat documents.

#### Findings

- 1) The plat conforms to City requirements for lot size and shape.
- 2) The plat conforms to City requirements for information required on the plat documents.

### *Variance*

We recommend that the Planning Commission recommend approval of the variance for encroachment of the parking lot into the required front yard as submitted.

#### Findings

- 1) The use of the building and parking are consistent with the Comprehensive Plan and allowed by the Zoning Code.
- 2) Expansion of the parking lot to comply with City standards is a reasonable use of the property.
- 3) The existing building and parking lot were built to City standards, but those standards were changed by the City. This specific situation is unique to this property and was not created by this landowner.
- 4) Encroachment of a parking lot by less than a foot into the required yard in a business park setting will not alter the essential character of this area.
- 5) The requested variance involves minor modifications to comply with City dimensional standards and is not an economic issue.