



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 15, 2018, 7:00p.m.
STACY CITY HALL**

Call to Order

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

Roll Call

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

Absent: None

Others Present: Amy Schutt, Jeremy Hauser, Dennis Thieling, Brandon Thyen, Peggy Korlath, Paul Authier, Scott Leibke, Lola Leibke, Jim Kultala, Kathi Lawrence, Bruce Lawrence, and Jim Paulson

Additions to the Agenda

Additions to the agenda:

- City Hall Sign
- Sheriff Brandon Thyen
- Stacy Daze
- Maintenance Truck
- Liquor Accountant

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

Also, see under city attorney amendment to the agenda.

Public Comment

Bruce Lawrence:

Mr. Lawrence asked for clarification of the parking of cars on your own property rule; Member M. Ness read from the city code (§153.121).

Kathi Lawrence:

Ms. Lawrence was upset that she received a letter from the building inspector regarding violation of city code §153.121. She said that they were preparing vehicles for the fair; the cars were gone before she even got the letter. They should be able to have fun, she does not agree with the code.

Mayor Utecht said if she doesn't think the code is appropriate then she can make suggestions to what she thinks is appropriate; the city will then review if its appropriate citywide.

Jim Paulson:



Mr. Paulson also received a letter regarding city code §153.121, so if he heard correctly if he pays money he can have up to six cars. His vehicles are not in public view, he has two trailers with vehicles in them for the past 19 years with no issues. Mayor Utecht posed the same proposal to Mr. Paulson as he did for Ms. Lawrence; provide something he thinks will work for the council to consider.

Jim Kultala:

Mr. Kultala said that the cars are his big issue, he uses them for artwork. Mayor M. Utecht said that speaking for himself the issue at Mr. Kultala's property is more than cars. Mr. Kultala said that he is feeling attacked by the council in this situation. Member. J. Ness said that the city has been working with Mr. Kultala for ten years and has heard this story for too long. Mayor M. Utecht said that Mr. Kultala was found in violation by our building inspector, the sheriff's office, and the court.

Consent Agenda

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

Staff Reports

City Attorney

Amy Schutt

**Kultala Nuisance
Abatement**

Attorney Schutt notified the council that the court granted the city approval to move forward with cleanup of the parcel; the estimated cost is \$15,000-\$20,000.

Motion by M. Ness to get quotes for cleaning up the Kultala property, and authorize the Mayor to approve the quote. Second by J. Ness. Members M. Ness, J. Ness, T. Olivolo, and C. Lucia voted yes. Member M. Utecht voted no. Mayor Utecht declared the motion carried 4-1.

Mayor M. Utecht said he would like the entire council to review the quotes.

Mr. Kultala said he is making progress in cleaning up the property. Attorney Schutt recommends that the city not delay the clean-up process.

Mr. Kultala would like to be present while a contractor inspects the property in their preparation of a quote for clean-up, he would like four days' notice and mornings work best. Mayor M. Utecht said that Mr. Kultala would be provided the four days' notice and it

would be scheduled in the morning. The court order gives the contractor the right to be on the property. Ms. Schutt said in her conversations with the Building Inspector that no outside storage is allowed.

Stacy Sports Grill Band Issue

Motion by M. Utecht to close the meeting pursuant to Minnesota Statutes 13D.05, subdivision 3(b) for purposes of discussing a settlement offer by Mr. Absey for pending litigation. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Emergency Plan

Attorney Schutt said that in researching if the Emergency Plan Committee was to be an open meeting or closed she needed to review the Emergency Plan to determine if it contained non-public data; she requested the information from the County who determined through the County Attorney they would not supply the plan as it contained non-public data.

She said that even though the document may not be public the meeting may be public unless there is an exemption under statute.

The clerk was directed to see what other cities are doing regarding their emergency plans. Also, to contact Ben Montzka to help us figure out what's appropriate regarding the County's plan.

Employment and Council Positions

Motion by M. Utecht to discuss "employment and council positions." Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

The question is if a city council member can be a city employee? The state law prohibits the mayor and councilmembers from being employed full-time by their city.

In her opinion a part-time server at the Sports Grill can hold office and be employed by the city. The employee needs to be aware of any possible conflicts of interest.

City Engineer
Jeremy Hauser

Water Treatment Plant Project

The council toured the water treatment plant prior to this meeting. Mr. Hauser reported that a "punch list" of items continues to be worked on.

2018 Street Project

The project was substantially complete on August 3, 2018, there is one day of liquidated damages in the amount of \$500. They are working on a "punch list" of items.

Pay Request Number 3:

Motion by J. Ness to approve Pay Request Number 3 in the amount of \$220,614.59 to Valley Paving Inc., for the 2018 Street Improvement Project. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Change Order Number 2:

Motion by J. Ness to approve Change Order Number 2 as presented. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Resident Complaints:

Mr. Hauser indicated he had a couple complaints from property owners:

1. Cracked driveway, about 13 feet from the road.
2. Cracked foundation.

The council concurred with Mr. Hauser that there isn't a way to determine if these items were caused by the road construction; no remediation of any kind will occur.

City Hall:

Someone drove over the newly planted grass area in front of city hall; should some type of barrier be placed on the northern edge of the property? No concrete curbing was placed there due to drainage. At this time no action will be taken.

County Project – CSAH 30

Mr. Hauser reported that this project is complete.

County Project - CSAH 19

The anticipated completion date is the end of September. The clerk reported she received a complaint that the contractor is working at 6am; Mr. Hauser will communicate to the contractor that they need to adhere to the city code.

DNR Water Supply Plan

They have begun working on gathering data for the plan.

Lift Station Controls

Last week one of the lift stations went online; they are working on two this week. The transition will occur in the next few weeks.

Maintenance

City Truck

Member M. Ness asked if the city truck was back? Yes. He asked why wasn't the council notified then?

Liquor Operations

The managers would like to request proposals for the liquor operations accountant position. The manager's do not feel they are getting what they need from our current accountant. About a month ago the liquor committee met with the accountant to try and iron out a few things; there was a difference of opinion of how

some things should be done and how information is provided. Its clear that there is some pushback from the accountant towards the managers. They just want to see if there is another option, so they can have tools they need as far as the financials.

Motion by J. Ness to put out for proposals the liquor operations accountant. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

City Clerk
Sharon Payne

Property Tax Deferral

Motion by M. Ness to approve the deferral request as laid out in the Clerk’s memo dated August 15, 2018. Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Human Resource
Function of Position**

Forwarded to the Personnel Committee.

Utility Report

Was the almost 500,000 gallons in water rectified? Not at this point. If everything is working correctly this should show more accurately in August. If it doesn’t then maybe there is something in the new water plant we aren’t accounting for.

Vacation Request

Motion by M. Ness to approve the vacation request as presented in the Clerk’s memo dated August 15, 2081, Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

City Hall Sign

The clerk presented the proposed sign for city hall. The council would like to see if an auto dimmer type capability is available, or a photo eye sensor. They want to make sure that the sign does not negatively impact the residential properties across the street.

**Committees
Commissions**

EDA

The drone proposal forward to the EDA.

Old Business

**Approve Sports Grill
Review Forms**

The review forms have not been received; the manager was told they are needed.

2019 Budget

Member T. Olivolo said yes to include the angle brush (he was the swing vote).

Respectful Workplace Policy

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

New Business

Fire Hall Maintenance

The council discussed asking if they could set up a rental arrangement with Lent rather than paying for maintenance costs as they occur.

The council agreed to ask Lent if they would be interested in this type of arrangement; the Mayor will contact Rick Keller about the idea and propose the city pay \$6,000 per year.

Mayor M. Utecht said he is in favor of the concept of paying rent but does not agree with not paying for the roof, because they hadn't paid rent in the past.

311th Street Speed Bumps

A property owner on 311th said that because the road is so narrow it creates a safety concern regarding the children in the area. Could they get speed bumps? Mayor M. Utecht said that the sheriff's office said that the narrow road actually slows down traffic, he also said that when the council considered updates to the road the citizens on the road unanimously said no to any changes. If the property owners would like to reconsider road improvements then the council would consider their request.

Truck Traffic on 307th Street

The sign on County Road 30 directing truck traffic needs to be larger, 2x4 would be appropriate. Have Forterra post on the north gate no trucks exiting.

Post all roads with the weight limit they were built for.

Mayor/Council

Closed Meetings

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

The research conducted on who can call closed meetings (which are actually Special Meetings or part of a Regular Meeting) determined that the Mayor has the authority to call these meetings at his discretion or two council members. This is no change than how meetings have been processed in the past.

**Chisago County Sheriff –
Brandon Thyen**

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

Mr. Thyen gave a brief introduction of his experience in law enforcement. He then went on to update the council on the recent events in the sheriff's department and addressed their questions.

Member M. Ness asked that Mr. Thyen provide the reports as detailed in Stacy's contract item 5.3.

He was asked about enforcement of snowmobiles on sidewalks, he will review the city code prior to the season and inform the deputies to enforce. Last year they had snowmobile deputies, however, the lack of snow was an issue. They did do enforcement in Lions Park.

Mayor M. Utecht asked what can be done about alcohol on Stacy Daze, how can we enforce the removal of alcohol from service areas to other parts of the city. Sheriff Thyen said require the establishments provide security to enforce. Also, they can contract directly with the sheriff's office for a deputy to be onsite.

Sheriff Thyen said that the sheriff's office has moved to the Public Safety Center on Highway 8.

Stacy Daze

Member M. Ness said that generally Stacy Daze went well. He did see people leaving Lions Park with beer, he is disappointed with the Lions Club enforcement. He also heard that this occurred with the Rustic as well but did not see it. He said he did not see these problems before the entire Lions Park became the service area.

Mayor M. Utecht said this will be continued effort from the Rustic, Sports Grill, Lions Club and Sheriff's department.

Candidate Forum

Mayor M. Utecht said that he's not sure this is something the city should organize; we should leave it up to the citizens. Dennis Thieling will work with M. Ness to set up a candidate forum most likely at the end of October.

Adjourn at 10:04p.m.

Mayor M. Utecht declared the meeting adjourned at 10:04p.m.

Sharon MT Payne