



**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 8, 2017, 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 Utecht

Absent: None

Others Present: Amy Schutt, Mark Statz, Gordon Anderson, Tammy Anderson, Noelle Olson, Kathryn Schultz, Matt Stark, Lynette Nadeau, Chris Nadeau, Barbara Kirchoff, John Vogel, and other public not identified,

Additions to the Agenda

Additions to the agenda:

- Water Treatment Plant Pay Request Number 11
- Eagle Scout Project – Doyle Ballfield

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

Public Hearings

Anderson Annexation

Mayor M. Utecht opened the public hearing at 7:02p.m. The purpose of the public hearing is to consider annexation of the following property, for which the City has received a petition for annexation from all property owners:

The Southeast Quarter of the Southeast Quarter (SE 1/4 of the SE 1/4) of Section Thirty (30) and the Northeast Quarter of the Northeast Quarter (NE 1/4 of the NE 1/4) of Section Thirty-one (31), all in Township Thirty-four (34) North, Range Twenty-one (21) West, Chisago County, Minnesota.

PID Numbers: 05.00460.00, 05.00461.00;

Public Comment:

Barbara Kirchoff, 31290 Falcon Avenue: will this annexation impact their property? No, it will not.

There was no other public comment and the public hearing was closed at 7:04p.m.



Stacy Trail Easement

Mayor M. Utecht opened the public hearing at 7:06p.m. The purpose of the public hearing is to conduct a public hearing pursuant to Minnesota Statutes § 412.851 to consider the vacation of the following:

drainage and utility easements existing on Lot Two (2), Block One (1), Sunrise Pines, Chisago County, Minnesota, which were dedicated by the recording of the plat of Sunrise Pines recorded with the Chisago County Recorder on September 11, 1991, as Document No. 234205.

Public Comment:

Lynette Nadeau, 5685 Fenway Court: is the city going to maintain the drainage pipe easement on the south side of the parcel? Yes.

John Vogel, 5709 Stacy Trail: is the property owner responsible to remove the trees around the pond? No, the city will be maintaining the pond and the area around the pond.

There was no other public comment and the public hearing was closed at 7:11p.m.

Public Comment

Kitty Schultz:

Ms. Schultz expressed concern regarding the performance of the liquor store:

- Compared to last year they are \$5,000 behind.
- Inaccurate inventory in November, December and January.
- On the Memorial Day holiday, the store was down for 9 hours resulting in a loss of sales; also, again on the July 4th holiday down an hour.
- She is wondering if the council will be taking any action to possibly impact the profitability of the store; looks like their heads are buried in the sand.
- Isn't the manager's compensation based on a 48-hour work week? Mayor Utecht stated that a salaried employee is not required to work a set number of hours each week. She thinks management should punch a timeclock.

Consent Agenda

Motion J. Ness to approve the consent agenda. Second by M. Ness. 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**

**Ordinance Amending
Chapter 112 – Alcoholic
Beverages**

Change item (6):

(6) The use of the expansion area ~~will not~~ may decrease available parking below that required by the zoning ordinance for the licensed premises;

Motion by J. Ness to approve Ordinance Number 2017-8-4, “An Ordinance Amending Chapter 112 of the City Code Regarding Alcoholic Beverage Licensing;” as amended with summary publication. Second by M. Ness.

Mayor M. Utecht would like an opportunity to review the proposed ordinance further.

Motion by M. Utecht to table until the September 12th meeting. Second by T. Olivolo. Members C. Lucia, M. Ness, and J. Ness voted no. Mayor M. Utecht declared the motion failed.

Vote on the original motion: Members J. Ness, M. Utecht, C. Lucia, and M. Ness voted yes. Member T. Olivolo voted no. Mayor M. Utecht declared the motion carried.

**Ordinance – Anderson
Annexation**

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

Motion by J. Ness to approve Ordinance 2017-8-2, “An Ordinance Annexing Land Located in Lent Township, Chisago County, Minnesota Pursuant to Minnesota Statutes §414.033, Subdivision 2(3), Permitting Annexation by Ordinance.” Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

**Resolution Vacating
Drainage and Utility
Easements**

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

Motion by M. Ness to approve Resolution Number 2017-8-3, “A Resolution Vacating Drainage and Utility Easements Over Parts of Lot Two (2), Block One (1), Sunrise Pines, Chisago County, Minnesota;” contingent on recording of the new easement. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Tax Forfeited Parcel

The proposal for the parcel has been forwarded to the state for approval.

Kultala Property

The court found that Mr. Kultala had violated his probation by not cleaning the property, but the court refused to impose any type of jail or fine. The court ultimately closed the case.

Mayor M. Utecht said that he didn't think we should spend money on a civil action. Member M. Ness said that he has concern that this is setting precedence; if we don't force the clean-up then other property owners will also feel they don't have to comply.

Mayor M. Utecht asked if there was something we could put in our ordinance that would allow us to go in and clean-up the property and assess to taxes?

Attorney Schutt said there are three ways to handle:

1. The easiest option is to approach the property owner to clean-up; they agree to the city cleaning up the property and assess to taxes (sometimes they are unable to do the work themselves).
2. Self-Serving abatement structure, notify the property owner of violation and give 30 days to clean-up. If they do not abate the violation the city will clean-up the property and assess to taxes. There is a public hearing process to follow.
3. Adopt a similar abatement process to number two above; with the addition of obtaining a District Court order to abate.

The council directed Attorney Schutt to draft an ordinance; they lean toward number three above.

The council asked to have Mr. Kultala cited again.

City Engineer
Mark Statz

CSAH 19 Improvements

The preferred alternative to the CSAH 19 project was presented; no action taken.

City Hall Floors

A warranty walk through of city hall will be scheduled.

City Hall Parking Lot

Mr. Statz presented plans for paving and traffic flow for City Hall. The council asked that the parking spaces to the south of city hall not be paved but remain grass/dirt. The ones south right next to city hall should be paved. The current access to the property should remain as this is also utilized by Sunrise Auto; they preferred Concept 2 with the removal of the new access.

Magney Construction Pay Request Number 11

Motion by M. Ness to approve Pay Request Number 11 in the amount of \$382,945.39 to Magney Construction for the Water

Treatment Plant contingent upon Stantec's approval. Second by M. Utecht. J. Ness, M. Ness, T. Olivolo, and C. Lucia, voted yes. Mayor M. Utecht declared the motion carried.

City Clerk
Sharon Payne

Vacation Request

Motion by M. Ness to approve the vacation request for Sharon Payne. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Resolution Polling Place

Motion by M. Ness to approve Resolution Number 2017-8-1, "Resolution Establishing Polling Place for the City of Stacy." Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Liquor Operations

Mayor M. Utecht said that he is in the process of investigating a concern and will get Member T. Olivolo involved should he substantiate the issues.

Maintenance Department

Mayor M. Utecht and Member C. Lucia met with Mr. Jones last week and discussed Stacy Daze and the dump body.

Regarding the dump body; Mr. Jones was told if he could find the money in the budget this year he should move forward with the purchase. Also, he will speak with him regarding steel vs. stainless steel.

Motion by M. Ness to approve the vacation request for Tanner Jones. Second by J. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Committees
Commissions

Public Information
Committee

Who would like to write the article for the September newsletter?
Member M. Ness.

Park and Recreation
Committee

Member T. Olivolo said that National Night Out was successful, they gave a way bikes and had the sheriff give ATV rides. Next year the event will be held in the evening.

He also reported that the sandbox should be going in next week.

EDA

Former BP Site

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

Proposed new road location directly east of the maintenance garage; to line up with Fenway Court.

The EDA asked the council to direct city staff to engage with the county on logistical options to create the proposed road and/or create an easement for the road.

Mayor M. Utecht said that he is not in favor of expending city funds to make the property more marketable; however, did support Mr. Statz communication with the county.

Letter of Interest

Motion by M. Ness to appoint Dennis Thieling to the EDA. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Old Business

Legal Newspaper

The reporter is present at the meeting; the clerk will send the agenda to her via email.

New Business

Fire Department Mutual Aid Agreement – Linwood Township

Motion by J. Ness to table the item until the September Joint Powers meeting. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Parking on City Streets

Mayor M. Utecht reported that we received a complaint from a property owner who owns property by Pretty Bird. She had a problem tenant that she evicted, since that time there has been a truck parked in front of the building; she said that she doesn't know who owns it. The Chisago County Sheriff's Department came out, ran the plate and found it properly registered and stated they couldn't do anything to remove it. The mayor has found out since that the truck is owned by a friend of the evicted tenant.

The property owner wants the city to tow the vehicle; we don't have anything in our ordinance that permits us to do this. Does the council want to consider a long-term parking ordinance? Basically, stating if a vehicle is parked on the street for X period of time then it can be towed and impounded.

Discussion regarding enforceability? Who would enforce? How to enforce? Towing and impound fees?

The council did not support changing our ordinance regulating parking on the street; this historically has not been an issue.

Roadwork

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

Member M. Ness said that something needs to be done with the roads; he is tired of nothing happening. Not really concerned if we bond or assess for projects; but we need to take action.

Member J. Ness said assessing is the right thing to do; we need to decide and move forward.

Is there a road improvement plan? This was requested in the past but not received. Mr. Statz said there was something in the file which is out of date. He will provide something to the council at their September 12th meeting.

Chisago County Sheriff Contract

Member M. Ness said that it seemed that from the meeting with the sheriff everyone is happy. He would like to contact the City of Wyoming to see if they are interested in contracting with us; not saying he is not for renewing the contract. He wants to explore our options.

Member C. Lucia stated that the Chisago County Sheriff's office has a bigger impact; the citizens are used to seeing them here.

Member J. Ness received the electronic version of the contract hours; he would like time to analyze the data to determine if we want to add some verbiage to the contract.

Member T. Olivolo said he sees the sheriff's office presence in Stacy all day.

Mayor M. Utecht does not want to go to other agencies; the county sheriff's office has more resources available to them to serve the city than a city force would have.

Motion by M. Utecht to table until the September 12th meeting. Second by M. Ness. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

Eagle Scout Service Project – Matt Stark

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

Matt Stark was present to request approval to build a GAGA Ball court in Rick Doyle Memorial Park.

Member T. Olivolo said the Lions Club committed \$250 for the project.

Motion by M. Ness to accept the proposal for the Eagle Scout Service Project for a GAGA ball court. Second by T. Olivolo. J. Ness, M. Ness, T. Olivolo, C. Lucia, and M. Utecht voted yes. Mayor Utecht declared the motion carried.

City Hall Rental

Member J. Ness asked if the city wanted to rent out city hall for events such as caucuses? The records are now securely stored out of the Council Chambers. It was determined no because of prior vandalism and security system.

Mayor/Council

Alternate Location for City Council Meeting

The primary location for an alternative meeting location will be the Rick Doyle building.

Kitty Schultz Comments

Mayor M. Utecht asked the council if they wanted to do anything with what Ms. Schultz had brought up under public comment.

The council said they are watching the profitability of both the bar and the store; as they have done in the past and will continue to do so.

Stacy Daze

Mayor M. Utecht said that the Lions Club liquor permit for Stacy Daze included the entire park; however, there was a gap in fencing that allowed patrons to go in and out to obtain alcohol and take out of the consumption area. The area needs to be patrolled. Member T. Olivolo said he would bring this to the attention of the Lions Club.

Member J. Ness said that on Saturday night there was a large number of people walking the streets with drinks. This needs to be patrolled next year.

Adjourned at 9:31p.m.

Mayor M. Utecht Ness declared the meeting adjourned at 9:31 p.m.

Sharon MT Payne