



**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 10, 2019, 7:00p.m.  
STACY CITY HALL**

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**Call to Order**

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

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**Roll Call**

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**Present:** Mark Utecht, Tony Olivolo, Dennis Thieling, Mark Ness, and Paul Authier

**Absent:** None

**Others Present:** James Mongé, Jim Ness, Tim Sawatzky, John Wicklander, Matt Silver, Connor McCarthy, and Allie Loschen

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**Additions to the Agenda**

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Additions to the Agenda:

1. Liquor Bookkeeper Resignation
2. Fire Department Phones
3. Review of Water, Sewer, and General Funds

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

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**Public Comment**

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**Jim Ness:**

Mr. Ness expressed his concerns regarding the city's participation in a solar garden subscription.

**Tim Sawatzky:**

Mr. Sawatzky had several questions:

- Who does the city supply uniforms for?
- In the 2020 budget it says we are keeping the old mower; why?
- Does the city have any intentions on labeling city equipment?

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

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

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**Staff Reports**

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**City Attorney  
James Mongé**

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**Subscription Agreement  
for Solar Rewards  
Community Project**

The council will not consider entering into a contract without all the City Attorney's comments addressed.

**Midcontinent Franchise  
Fees**

The FCC's Third Report and Order acknowledges the 5% cap on franchise fees and narrows the contributions that are exempted from the cap. Some public, educational, government (PEG) services will now be counted under the cap as will free and discounted cable service to public buildings.

The City's franchise agreement requires Midcontinent Communications to offer PEG access. It also requires Midcontinent to provide free cable service to City buildings and schools within the City. However, the City franchise fee is only 3%. If the additional PEG access and free cable service do not push the franchise fee over the 5% cap, then nothing need be done. If the cap is exceeded then Midwest Communications, may seek to limit its franchise fee payments (including the provision of PEG access and free cable service) to no more than 5% of its gross revenue.

The FCC Order goes into effect in mid to late September and there will likely be legal challenges.

On a separate note the council wants Midcontinent to serve the entire city.

**Building Inspector  
Contract**

The city attorney will make changes to the contract; once they have been made the contract will be given to the building inspector for his review.

**Liquor Store Bookkeeper  
Contract and Bookkeeper  
Resignation**

Ms. Hayes has decided to renew the contract for a three-month period and then month to month; she has decided to give notice to end her contract with the city. The council appreciates her generous notice and willingness to train the new person.

The council will be changing this position to an employee instead of an independent contractor due to the Utility Billing Clerk's retirement in November 2020.

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

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**City Clerk**

**Sharon Payne**

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**Vacation Request**

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

**Resolution Approving the Preliminary Levy for 2020 and Set Truth-in-Taxation Date**

Motion by Authier to set the Wastewater 2006 PFA Payable to CLJSTC levy at \$45,000. Second by Utecht. Members Utecht, and Authier voted yes. Members Ness, Olivolo, and Thieling voted no. Mayor Utecht declared the motion fails 2-3.

Motion by Ness to set the Wastewater 2006 PFA Payable to CLJSTC levy at \$50,000. Second by Olivolo. Ness, Olivolo, Thieling, and Authier voted yes. Utecht voted no. Mayor Utecht declared the motion carried. 4-1.

Motion by Utecht to approve Resolution Number 2019-9-1, "A Resolution Approving the Preliminary City Levy for 2020;" with amendments made this evening. Second by Authier. Utecht, Authier, Olivolo, Thieling, and Ness voted yes. Mayor Utecht declared the motion carried.

Member Ness said (for the record) he disagrees with the Maintenance Department increase because they were both given increases in 2019.

Mayor Utecht announced the Truth-in-Taxation date of December 10, 2019, at 6:30p.m.

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**Liquor Operations**

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**Time Off Request – Stacy Wine & Spirits**

Motion by Ness to approve the time off request as presented. Second by Utecht. Ness, Utecht, Authier, Olivolo, and Thieling voted yes. Mayor Utecht declared the motion carried.

**John Wicklander – Stacy Sports Grill Financials**

Mr. Wicklander told the council he compared this year's year-to-date with prior years and it is vastly improving. The council concurred.

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**Committees Commissions**

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**Letter of Interest**

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Motion by Ness to appoint Tim Sawatzky to the Park and Recreation Committee, and Planning Commission. Second by Utecht. Ness, Utecht, Olivolo, Thieling, and Authier voted yes. Mayor Utecht declared the motion carried.

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**Committee Appointments**

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Member Authier expressed interest in the Liquor Committee, and Personnel Committee. However, the members on those committees would like to continue to serve. He also expressed interest in the Public Information Committee and was appointed to that committee

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**Park and Recreation  
Committee**

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Motion by Ness to take at least one more quote, to be emailed to the council; and approve up to \$4,000 for the tree trimming in Lions Park; staff is to use the lowest quote. Second by Olivolo. Ness, Olivolo, Authier, 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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Postponed until the October 8, 2019, meeting.

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**New Business**

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**Stacy Lions Club Liquor  
License – Fire Bash**

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Motion by Utecht to grant the temporary liquor license to the Stacy Lions Club for October 5, 2019. Second by Thieling. Utecht, Thieling, Ness, Olivolo, and Authier voted yes. Mayor Utecht declared the motion carried.

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**Community solar Garden  
– Novel Energy**

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

Connor McCarthy and Allie Loschen presented information to the council on their company, Novel Energy Solutions, LLC. Regarding the city's potential participation in a subscription to a community solar garden.

They were directed to provide a contract to the city for review by the city attorney.

Motion by Utecht to authorize the clerk to sign the consent form to allow access to our Xcel Energy data for city and liquor accounts. Second by Ness. Utecht, Ness, Authier, Olivolo, and Thieling voted yes. Mayor Utecht declared the motion carried.

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**Water, Sewer, and  
General Fund**

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Member Ness would like to schedule a meeting with Baker Tilly regarding the water, sewer, storm sewer, and general funds. What is being requested from the financial advisor is:

- What the fund balance is for each account, if that fund balance is good, why or why not.
- What the fund balance should be and why. Provide a percentage of how firm the city should adhere to the recommended fund balance.
- What should the city reserve amount be for each fund?

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**Mayor/Council**

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**League Training**

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The League Training will be November 20, 2019, at 7:00p.m.

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**Fire Department Phones**

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At the Joint Powers meeting there was a motion to get phones for the Fire Chief and two Assistant Chiefs for a cost of \$50 per month or less.

The phones will be added to Stacy's invoice; and split with Lent Township utilizing the usual percentage.

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**Adjourn at 9:34p.m.**

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Mayor M. Utecht declared the meeting adjourned at 9:34p.m.

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Sharon MT Payne