



**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
OCTOBER 13, 2015, 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, Jim Ness, Chuck Lucia, and Samantha Denney

Absent: None

Others Present: Anne Thom, Mark Statz, Ted Alliegro, Melissa Archer, Dustin Brakemeier, Cindy Vogel, Paul Vogel, Jeff Klemz, Tony Olivolo, and Greg Oden

Additions to the Agenda

There were no additions to the agenda.

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

Public Comment

A letter from resident, Jean P. Nichols read into record: "To the City Council of Stacy, I cannot tell you exactly how much it meant to the residents of Sunrise Estates Park to have Councilman Anthony Olivolo stand up for us against the illegal taxes being added to our water and sewer bills. It is nice to know the council is willing to address issues such as this. Thank you."

There was no other public comment.

Consent Agenda

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

Staff Reports

City Attorney

Ted Alliegro

**Frontage Avenue Quiet Title
Action and Sunrise Auto
Quiet Title Action**

Attorney Alliegro presented a survey indicating the land for the Frontage Avenue quiet title action; the council concurred with the survey. Attorney Alliegro will move forward with the preparation of the legal and quiet title action paperwork.

He will use the same survey for the quiet title action on the Sunrise Auto property.



**Midcontinent
Communications**

Attorney Alliegro updated the council on the Midcontinent contract; items to point out:

- They are not agreeable to the no automatic renewal for an additional five years after the original five year term.
- Providing Stacy with what Linwood has as far as a government channel; Midcontinent will provide the City with \$5,000 towards accomplishing whatever it wishes to accomplish in this regard.
- Complimentary service to City buildings; this will not change from what we currently have.

The contract should be ready for signatures at the next council meeting on November 10th.

City Engineer
Mark Statz

**Water Treatment Plant
Project**

Mr. Statz reported that they received a request from the state for additional information and have responded.

City Hall ADA Compliance

No update.

Pavement Management Plan

Mr. Statz presented a plan for a 15 year overlay cycle on all city streets; the report also included anticipated levy amounts to accommodate the work. The amount to levy is approximately \$60,000/year (inflation was not factored in).

Mr. Statz was directed to add in maintenance of gravel roads; and prioritize the list with those needing attention first at the top. He was directed to work with Mr. Jones.

Stacy Sports Grill
Melissa Archer

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

**Stacy Sports Grill Visa
Account**

Motion by Ness to add Melissa Archer to the Stacy Sports Grill Visa credit card account. Second by Denney. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Kitchen Manager Position

Ms. Archer would like to move Joey Bistodeau into a kitchen manager type position; the council said instead of changing his job title to change the job description. The council will then approve the revised job description.

She would like to give Mr. Bistodeau a \$1/hour increase for this change. The council approved for Ms. Archer to award an increase as she deems appropriate.

City Clerk
Sharon Payne

**Delinquent Utility Accounts
– Property Taxes**

The list of preliminary delinquent utility accounts to certify to taxes is \$16,173.48, plus the additional fee for a total of \$19,883.48.

Utility Customer – Jeff Klemz

The council asked if commercial properties were handled differently than residential for shut-offs, the clerk indicated they are not. The Mayor then said that the city shouldn't have to wait for commercial users to pay us.

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

It appears that this property had a faulty meter.

Motion by Utecht that we amend the billing for the month of July to the same amount for the full month with the new meter. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

As far as adjusting months prior to July; more data is necessary, possibly six months of usage with the current meter. No further action taken on retro adjustment prior to July.

Sunrise Mobile Home Park – Dustin Brakemeier

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

Mr. Brakemeier stated he is one meter, and is residential. He wants to pay his utility account using his credit card. He also said he wants to pay the same \$3 fee as everyone else does, or that an amount be set for all utility customers at a certain percentage. It needs to be fair.

Mayor Utecht said the mobile home park has a commercial meter, the city does not consider them a residential customer. The city only allows residential utility customers to use their credit cards for payment. No other businesses are allowed to do so.

No motion was made to change the policy; the policy will remain that only residential utility customers can use their credit card to pay their bill.

Liquor License Renewal – Rustic Inn

Motion by Olivolo to renew the liquor license for the Rustic Inn. Second by Utecht. Motion withdrawn and seconded pending paperwork.

Committees Commissions

Chisago Lakes Joint Sewage Treatment Commission (CLJSTC)

A copy of a "Notice of Violation" from the Minnesota Pollution Control Agency was presented to the council; no action required.

History Committee

History event will be held on October 19th from 6-8p.m.

Motion by Olivolo to have a dance hall. Second by Denney. Motion withdrawn.

Park and Recreation Committee

Member Olivolo informed the committee that the city is no longer able to solicit funds for the Easter Festival but will need to ask the Lions Club.

He asked if the city could accept a contribution for handicap playground equipment. The opinion was yes we could accept, we can't ask.



The council would like an opinion from the city attorney on:

- Confirm we can accept contributions for a specific item.
- Can the city contribute money to the Easter Festival?

The unused funds from the Easter Festival were discussed; can't the city simply issue those funds to the Lions Club for the festival.

Planning Commission

**Ordinance 2015-10-1,
Section 51.01**

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

Motion by Utecht to approve Ordinance Number 2015-10-1, "An Ordinance Amending Chapter 51.11(C). Second by Denney.

Member Ness stated he doesn't think it's the right thing to do; it's going against the Comprehensive Plan – trying to get everyone in the city limits connected to city water and sewer. This is going in the wrong direction where we want to go.

Question to Mr. Statz does he know of other cities with large water users not on city services? He said if they are they are in a similar situation to Stacy, the wells were prior to city services. A grandfathering situation. He suggested a clause in the ordinance that when a private water supply is changed or expanded they need to connect their potable water to city services. This can be covered during the conditional use permit process.

Attorney Alliegro said that the push at the state is away from wells.

Vote on motion:

Denney, Lucia, Olivolo, and Utecht voted yes. Ness voted no. Mayor Utecht declared the motion carried 4-1.

Alternate Member Removal

Motion by Ness to remove Dan Winberg as alternate to the Planning Commission. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Accessory Buildings

The state code regulating accessory buildings now says up to 200 square feet does not require a building permit; update our code to reflect this change.

Old Business

**Merit Based Compensation
Policy**

The council communicated to Ms. Archer to prepare a report recommending pay increases for 2016 for her staff. This same request should be made to Mr. Hachey. (The direction was done previously and not at this meeting, just discussed).

The policy will be placed on the October 27th agenda.

Performance Review Forms

The council indicated the review forms had been approved at a previous meeting, except the Off-Sale Assistant Manager review form. The Manager was directed to correct the form.

The Department Head should conduct the employee reviews with the exception of the new on sale manager.

The department head reviews:

The review forms will be presented to the Manager's (except On-Sale), the self-assessments due to the clerk by 6pm, October 27th. Presented to the council, no action that night.

The council will conduct their review of the three managers, due November 10th; given to the employee for review for the actual review on November 24th.

Grant Training Opportunities

Member Denney has found some free on-line training; she will be compiling a list.

New Business

**Perry Schneller – Invoice
Payment Request**

Mr. Schneller's request for reimbursement for survey work was denied.

**Dog Bite in the Mobile Home
Park**

Member Olivolo said that a vicious dog bite occurred in the mobile home park. The victim ended up having to have the rabies shots. There are many dogs in the park that are not licensed or vaccinated; is there anything we can do?

This is a citywide issue also.

Possible solution for the mobile home park to require all dogs in the mobile home park be vaccinated and licensed with the city.

If anyone has a question of whether a dog has license with the city they can contact Lynda Schmidt; if no license then Jack Kramer can investigate.

Mayor/Council

**Individual Council Member –
Representing Entire Council**

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

The clerk received a report that council member Olivolo stated on behalf of the city council he directed an action by the mobile home park.

Member Olivolo responded that he gave them a copy of a tax law and asked them to review. She asked if it was a council action, he said no but he would bring it to the council. He said he asked Mayor Utecht about it and the Mayor said forget it. He also said that he did not say he represented the council

It looks like we have a she said he said situation.

All council cautioned that they make it very clear when communicating with the public they are acting on their own and not on behalf of the council unless the council directed them to do so.

To summarize the issue being referenced: the mobile home park was invoicing for line items called Stacy Water Tax and Stacy Sewer Tax; the handout given to the park by Member Olivolo indicated this was not allowed. They have credited all their accounts for this mistake.

Mayor Utecht said that he remembers the discussion with Member Olivolo and does not recall saying forget about it. Rather that the council cannot tell the mobile home park what they can and can't bill.

Member Lucia said that it is a big deal the mobile home park broke the law. As far as he is concerned the council is responsible to uphold the rights of the citizens.

Member Denney said do we want to take the law into our own hands, is this something we should be doing?

Member Lucia said it is matter of principle.

Mayor Utecht said he doesn't think we have the authority to tell them what to do; even though he doesn't like what happened.

Member Ness asked if some residents from the mobile home park would be willing to submit copies of their bills to the city and have the city attorney review for possible ramifications for the city. Is there something the city should be doing?

**Council Member Payroll
Taxes**

The council members can submit a W4 to the clerk if they would like payroll taxes withheld from their compensation

Adjourned at 9:52p.m.

Mayor Utecht declared the meeting adjourned at 9:52p.m.

Sharon MT Payne