



MINUTES

BOARD OF SUPERVISORS MEETING

November 15, 2022 7:00 PM

Location: Zoom Call 1 312 626 6799 US (Chicago) Meeting ID: 867 1669 2909 Password: 674399

Town Hall 33155 Hemingway Avenue, Stacy, MN 55079

CALL MEETING TO ORDER

Pledge of Allegiance

R. Keller called the meeting to order at 7:03pm.

Members present: Chairperson R. Keller, Vice Chair T. Nelson, Supervisor B. Seekon, Supervisor C. Cagle, Supervisor J. Eischens

Members Absent: None

Others Present: Treasurer S. Aker, Clerk T. Smolke, Planning Commission Member D. Stiers, Town Engineer J. Pelawa, and 11 members of the public signed in/attended virtually

REVIEW & APPROVE THE AGENDA

T. Nelson made a motion to approve the agenda with changes. Second by B. Seekon. R. Keller said Stacy Mayor M. Utecht is in attendance to discuss the Stacy-Lent Fire Department so we will add that as the first item under New Business. B. Seekon said he received a note from T. Smolke to strike the Lion's donation. Votes via roll call, Ayes 5, Nays 0. Motion carried.

APPROVE BOARD MEETING MINUTES FROM OCTOBER 18, 2022

T. Nelson made a motion to approve the meeting minutes from October 18, 2022. Second by C. Cagle. Votes via roll call, Ayes 5, Nays 0. Motion carried.

REVIEW & APPROVE CONSENT AGENDA

B. Seekon made a motion to approve the Consent Agenda with some inquiries.

B. Seekon confirmed with the City Mayor that the bill from Evergreen Recycling (Fall Cleanup Day) will be split between both entities. J. Pelawa said the majority of his invoice was for Cliff's Falcon View and the Olson property on Karmel. C. Cagle asked if we are reimbursed from them and J. Pelawa said yes, through the escrow funds. T. Nelson questioned training simulator funds and what is included. C. Cagle asked the former Clerk awhile back to run numbers on cell phone reimbursements. The majority of people eligible for mileage and cell phone reimbursements previously never submitted for them, but now are and true costs are showing. We may need to adjust the budget. The Board asked Treasurer S. Aker for some sort of explanation. S. Aker said the fees forwarded from the Township Engineer and Planner have added up with the recent developments and lot splits. B. Seekon asked if we are starting the year out with a specific deficit amount and S. Aker replied that the number in question reflects just last month as we are not getting payments for permits like years prior. The county now forwards 25% to the Township quarterly. K. Lindquist asked how we are tracking escrow. S. Aker said the former clerk had a spreadsheet and she will work with the current clerk to put a process in place. There was only one project with escrow collected in recent months. She asked how reimbursements are handled and if escrow amounts are increasing. She asked if we are not fully refunded on every project, is that deficit covered by the Township. If any escrow is collected, it goes into the Planning and Zoning, or P&Z, line. K. Lindquist explained the different escrows. T. Nelson pointed out that the few developments do not equal the debt reflected here. B. Seekon said he has a feeling it is added as income into the P&Z and now we give it back when it is signed and done. C. Cagle compared it to when the Township was taking rent for the building and not putting it into the building fund like it should have been. S. Aker asked how



the escrow dollars should be handled as the applicant is not typically getting it all back. C. Cagle requested it be a separate line item as it is money held for projects. That way we can tell if we are not getting enough back. B. Seekon agreed and added, since it is money to be returned, it should be separate. R. Keller said if residents should be charged if their escrow is drained. S. Aker asked if this is getting approved and R. Keller replied saying the Board needs to know where they stand. B. Seekon said they do not know what these numbers actually mean. S. Aker put a plan together to work with T. Smolke to get the status on current projects and clarification to the escrow dollars collected in general. S. Aker said this has been in the negative for quite a while and R. Keller disagreed.

Votes via roll call, Ayes 5, Nays 0. Motion carried.

TREASURER COMMENTS

None

NEW BUSINESS

Stacy-Lent Fire Department & the Joint Powers Agreement

Mayor Utecht said we all saw the communication and there was a late email today. The City Attorney said the Joint Powers, or JP, agreement trumps the Standard Operating Procedures, or SOP, from Fire Chief Potrament. In the JP agreement, there is no clause that gives away authority from JP, according to the City Attorney. Mayor Utecht said he would also like to hear from the Township Attorney. T. Nelson said he believes the mayor is correct. JP only stays out of the daily operations. If the City Attorney says we have to be involved, we have no choice. He also made the point that the City Attorney is 50% of JP, so why bother with the Township Attorney. The mayor said if the Township Attorney can disagree with an explanation, perhaps the City Attorney might agree with his findings. C. Cagle said JP does not want to handle employee reviews and such. Mayor Utecht said the city handles reviews for their Supervisors and those Supervisors do them for all employees. When the employees are hired, they are on the consent agenda for approval. When it comes to firing and employee, the Council takes a vote on the termination. The employee can request to make the meeting public or private. T. Nelson asked if the attorney is present for those meetings, to which the mayor replied: Absolutely. C. Cagle said, referring back to the Fire Department, or FD, that they are their own entity and JP does not get involved with hiring. T. Nelson said JP is not involved with hiring, just firing. Mayor Utecht said we need to act today and ratify the SOP. This clause needs to be voted on and there will be no termination until the process is clear. T. Nelson said this can be addressed at our December 5, 2022 JP Meeting. N. Peltier said the termination was scheduled for the following Friday. With payroll coming up, M. Peltier needs to know if she should turn in all SLFD property and documents. She has not received bills in her mailbox because the chief will not put them in there. There is no one that can sign checks and this is just a bad decision all around. T. Nelson explained that JP will not get into an argument centered around hearsay. They are reviewing legalities. The termination date will be postponed until after the JP Meeting in December. N. Peltier said there are bills that are not getting paid and it makes M. Peltier look bad but she is not late on her end. T. Nelson advised him to document what he sees fit and asked if there was anyone else on that bank account. N. Peltier said the chief's wife is on it but has never signed a check. B. Seekon redirected with stating that she has not been terminated at this point. N. Peltier said if the chief's wife signs checks, that would not technically be in-house. C. Cagle said this is an issue to be dealt with by N. Peltier's superiors, end of story. There is no need for JP to micromanage. An answer is needed from the attorney. N. Peltier told JP they might have to start micromanaging stuff from here on out. M. Peltier explained JP hired her to do bookkeeping, invoicing, and data entry. The FD also hired her to do data entry. She wanted it to be clear she receives two different paychecks.



T. Nelson made a motion to allow M. Peltier to continue her position until the final word from Joint Powers. Second by B. Seekon. Votes via roll call, Ayes 5, Nays 0. Motion carried.

M. Peltier asked how she will know this information has been forwarded to the chief so she can pay the bills. The mayor replied explaining the purpose of the conversation tonight was not to address the personnel issues within the FD. B. Seekon asked about the JP post-merger. The mayor said it will cease to exist and the FD will all be City FD employees.

9080 347th St Complaint – Bur Oak Stables Interim Use Permit Request (Resolution 2022-36)

B. Seekon said the resolution was reviewed by the Planning Commission to allow for an Interim Use Permit, or IUP, and there was a lot of discussion to allow 15 horses. The requested horses per acre is far from what the ordinance allows. K. Lindquist added that the specific IUP would allow for more horses per acre than said ordinance. The number of horses allowed is a Board decision. C. Cagle mentioned the recent ordinance update but said, in all fairness, the horses are transient. They are trained then they leave. The lack of acreage is the matter at hand. K. Lindquist said the property is set up the exact way as it was before it was purchased by the applicant. C. Cagle asked the applicant if, when they purchased, the business would be against zoning code. S. Bell replied that they bought the property specifically for the business. C. Cagle and S. Bell discussed numbers and typically, there would be two or three there. S. Bell said someone at the Planning Commission meeting said to go much higher so they went with 15. N. Stener said they have eight horses that are retiring soon and they do not want 15. The Board questioned permits versus ordinances and K. Lindquist defined all. T. Nelson requested a smaller number.

R. Keller made a motion to approve the IUP for Bur Oak Stables (Resolution 2022-36). Second by T. Nelson. Votes via roll call, Ayes 5, Nays 0. Motion carried.

Lions LG555 - \$500 Parks and Rec (Resolution 2022-37)

Stricken from agenda per T. Smolke

Cliffs Falcon View – accept development, start 2-year warranty

R. Keller said this cannot be discussed until it is clear on what charges have been forwarded from the Planner and Engineer.

Assessment Roll & Assessment Resolution (Resolution 2022-38)

B. Seekon made a motion to accept into record the delinquent services and fees, then proceeded to read the parcel numbers with the amounts with Resolution 2022-38. Second by R. Keller. Votes via roll call, Ayes 5, Nays 0. Motion carried.

Public Hearing

R. Keller made a motion to open the public hearing at 8:27pm.

B. Seekon made a motion to close the public hearing. Second by T. Nelson. Votes via roll call, Ayes 5, Nays 0. Motion carried.

R. Keller closed the public hearing at 8:28pm.

OLD BUSINESS

Stacy Lent Annexation Report

The board discussed rights and privileges in the OAA Contract with the City. B. Seekon said we have to watch the interim council as the Board was told no big changes would be made during their seated period. B. Seekon said the Board requested the employee section be rewritten as the city employees are not protected in any way.

T. Nelson made a motion to approve the Stacy Annexation draft. Second by B. Seekon. Votes via roll call, Ayes 5, Nays 0. Motion carried.



COMMITTEE REPORTS

Planning & Zoning

B. Seekon announced that T. Schroeder was nominated for Chairperson by the Planning Commission. **B. Seekon made a motion appoint T. Schroeder as the Planning Commission Chair. Second by T. Nelson.**

Votes via roll call, Ayes 5, Nays 0. Motion carried.

The Board discussed the opening on the Planning Commission and the two alternates needed. T. Schroeder said the City of Stacy currently has four members, two of which are City Council members and one is a resigned Council Member. She said representation was needed at this meeting so she is currently missing a meeting in Stacy. B. Nelson reported on two items (Bur Oak Stables and Countryview Marine) as he attended the last P&Z meeting as acting liaison. T. Schroeder added that the Planner is drafting a letter for the Marine as the other agencies contacted have closed the issue leaving the Township as the sole governing body. K. Lindquist has a call into the Township Attorney concerning the boat parts for sale. The building inspector said the pipe needs to be capped and the county said they do not deal with that sort of structural issue. Solid waste and wetland have washed their hands of it. C. Cagle said the township has ordinances about waste and T. Schroeder said the Conditional Use Permit, or CUP, requires proper disposal of waste. D. Stiers said when he went out on the counter-complaint, they noticed another drain tube running the other direction from the first. B. Seekon reported the counter complaint has been addressed and closed.

Roads

Ready for winter, did crack sealing on some roads (grand, 34th) but was really bad, think about overlay for any of you going on city council

Parks

T. Nelson said T. Smolke will cancel the Parks meeting if the gentleman requesting Frisbee Golf upgrades fails to respond to her emails again. R. Keller informed the Board there is a list of grants from the county that was provided by J. Pelawa.

Building

B. Seekon said there is not much to report on. Elections went well although the handicap door broke but it has been fixed. The lot split on the rental house is \$3000 to apply and water and sewer would be \$10000 plus install. He talked to the mayor after the last meeting and they weighed the pros and cons of moving forward or demolishing it. C. Cagle asked if the FD can use it for training and burn it down. T. Nelson said that requires a permit from the state, an asbestos check, a well cap, and a property transfer. T. Nelson said it would cost between \$5000 and \$8000 to burn and anything running off into the river would be a major concern. With that information, B. Seekon suggested it not be burned and told the board the utilities have been disconnected. C. Cagle said they also need to worry about vandalism. B. Seekon said insurance may not cover the house if it stands empty. T. Nelson said they demolition can feasibly be done mid-December. R. Keller asked the Board if they would rather see a use for it. T. Nelson said if a developer wants to purchase it and pay the fees, let them. B. Seekon said the lot split would have to occur prior to selling. The Mayor, when asked, said the lot split should happen before the merger. T. Nelson said SLFD should be approached first and asked what is holding up the lot split, to which B. Seekon replied: acreage. The Board discussed the lot split and bringing the house up to code, then listing it.



Broadband

J. Eischens said that Hometown Fiber has not responded to her and Starlink is looking more reasonable and is currently laying fiber.

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

J. Barrett said he was at the Stacy Board meeting and there was discussion about not demanding anyone get on city sewer and water. There are homes next to the city so he wondered if they would be forced. He asked if this was a verbal agreement as it was not in the orderly annexation contract. T. Nelson said it is already part of their ordinance. If you are within 150 feet of the city and your system fails, you will need to get on city sewer and water.

CLERK COMMENTS

Deputy Clerk

T. Smolke asked to utilize the former Township Clerk as needed to fill the Deputy Clerk roll for approximately eight hours per month at her last rate of compensation.

R. Keller made a motion to approve the new Deputy Clerk's compensation. Second by B. Seekon. Votes via roll call, Ayes 5, Nays 0. Motion carried.

SUPERVISOR COMMENTS

J. Eischens reported that the county received a federal grant for 2.2 million to address the opioid crisis and are looking for an advisory committee.

C. Cagle said she has secured a holiday tree to light from J&M Tree Farm for the Stacy Lion's Park.

UPCOMING MEETINGS

- ❖ County Workshop – Wednesday, November 16, 2022 – 12:30pm
C. Cagle is going and T. Nelson might also.
- ❖ Parks Meeting – Tuesday, November 29, 2022 – 6:00pm
- ❖ CCATO Meeting – Wednesday, November 30, 2022 – 7:00pm – TBA
B. Seekon said there is no meeting this month. November and December's meetings will be combined in Amador Township on December 7, 2022.
B. Seekon mentioned that the township is housing the Stacy plow in the shop
- ❖ Joint Powers – Monday, December 5, 2022 – 7:00pm
T. Nelson addressed the fact that there will be no discussion on personnel issues. C. Cagle pointed out that if something is in their SOP, it was voted on by JP.
- ❖ Planning Commission – Wednesday, December 14, 2022 – 7:00pm
- ❖ Board Meeting – Tuesday, December 20, 2022 – 7:00pm

ADJOURN

R. Keller made a motion to adjourn the meeting at 9:44pm. Second by T. Nelson. Votes via roll call, Ayes 5, Nays 0. Motion carried.



Board Chair Signature



Clerk Signature

