



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
FEBRUARY 11, 2014, 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: Jim Ness, Mark Utecht, Charles Lucia, Michael Carlson, and Tony Olivolo

Absent: None

Others Present: Anne Thom, Peter Grundhoefer, Mark Statz, Tanner Jones, Bill Schmidt, Dustin Brakemeier, Leann McGowen, and Audrey Drury

Additions to the Agenda

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- Short Term Land Lease for Concrete Plant and Road Improvement plans for 311th Street and Frontage Road (both of these items related to the County Road 30 project)
- Kwik Trip Correspondence to City Engineer

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

Public Comment

None

Consent Agenda

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

Staff Reports

Public Works

Tanner Jones

Bullet Report and Project List

Mayor Utecht stated that the Project List is greatly improved this month. He asked if the council member's had any requested changes to either the Bullet Report or Project List; the members do not have any at this time.

Snow Removal at the Stacy Sports Grill

Member Lucia asked who does the plowing at the Sports Grill, All City Irrigation. He then said he has received complaints that it isn't being done sufficiently. The Mayor asked Member Lucia to get the specifics on the complaints so the contractor is able to address responsibly.

Discussion why this is contracted and not done by the City Maintenance Department; basically it was cheaper to outsource.



Cost of Living Increase

Member Ness stated the original motion did not say that the two step increase given to employees was a cost of living increase. Original motion:

Motion by Ness effective the first pay period in January 2014 for a two-step pay raise for all city employees except those in their probationary period, or those that came out of their probationary period in the last 60 days and received more than a two-step pay increase. Second by Olivolo. Ness, Olivolo, Carlson, Utecht, and Lucia voted yes. Mayor Utecht declared the motion carried.

The clerk indicated that she has been referring to this increase as a cost of living increase and apologized.

Motion by Olivolo to give the Maintenance Supervisor a two-step pay increase effective the next payday. Second by Utecht. Utecht and Olivolo voted yes. Lucia, Carlson, and Ness voted no. Mayor Utecht declared the motion fails.

City Attorney
Peter Grundhoefer

Joint Powers Agreement

Motion by Ness for the clerk to forward the draft to Lent Township for review. Second by Utecht. Ness, Utecht, Lucia, Olivolo, and Carlson voted yes. Mayor Utecht declared the motion carried.

City Engineer
Mark Statz

Land Lease

Mayor Utecht received two phone calls from bidders on the County Road 30 Project. They are interested in a short-term land lease for a temporary concrete plant. The Mayor suggested the land south of the Doyle building. Something may be able to be worked out with the contractor regarding the use of the land and the 311th Street and Frontage Road projects.

The council was agreeable to working out something with the contractor; the specifics will need to be addressed by the city engineer and city attorney.

Items to be addressed are: define location, set rent, lot restoration, material on the road, light pollution, run-off, and hours of operation. This could be accomplished through an Interim Use Permit.

Kwik Trip

Mr. Statz has been in communication with Joe Triplett, County Highway Engineer and Leah Berlin, Kwik Trip Project Manager; regarding the access to the property.

Mr. Triplett, as stated from his email to the city engineer, "Not included in the grading plan comments are our concerns about the traffic coming over the bridge and using the first "driveway" from the freeway. I am anticipating this will be a great success and quite the traffic generator. There really isn't room for a left turn lane. We (The City, Kwik Trip and the County) will have to monitor how this is going to work. We may need to look at a right-in, right-out if the traffic issues dictate it. I just want to be

sure all parties are aware of this concern and I would be looking for feedback from both you and Kwik Trip on this matter.”

The council discussed the access; the city engineer will continue to work with the county and Kwik Trip. No council action necessary.

Water Plant

Mr. Statz spoke with MN Rural Development today, the plant size will be changed from a 400 gallon per minute plant to a 300 gallon per minute plant. The current water use does not dictate the large plant. The engineer may approach the council about paying the difference between the 300/minute and 400/minute plant. The 300/minute does not accommodate any growth.

City Clerk

Sharon Payne

Sunrise Mobile Home Park, Sewer

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

Mr. Brakemeier of Sunrise Estates Mobile Home park was present to request an adjustment to the sewer portion of his bill for January 2014 due to a leak in the system. He calculated an overbilling of 72,960 based on average use. He is not requesting an adjustment on the Water portion of the bill, only the sewer as the water did not go into the sewer system.

The council directed the city engineer to work with Mr. Brakemeier to determine if any of the water entered the sewer system.

Motion by Utecht to delay the fees for 73,000 gallons of sewer until the issue is resolved. Second by Olivolo. Utecht, Olivolo, Lucia, Carlson, and Ness voted yes. Mayor Utecht declared the motion carried.

Fire Inspection Program

Mr. Brakemeier indicated support of the fire inspection program. Ms. Drury was also present, owner of apartments behind First State Bank of Wyoming. She had questions regarding the program. This item is set for public hearing next Tuesday – she will attend.

Utility Report

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

Ms. Schmidt provided the council with an update on the utility billing department; she met with Banyon and worked out many issues. She and the Maintenance Department are working to rectify the gallons pumped vs. billed. They are making progress.

MCFOA Conference

Ms. Schmidt will be attending the Minnesota Clerks and Finance Officer's Conference this year.

Tobacco Shop – Stacy Mall

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

Mayor Utecht stated that the city had been contacted by a party interested in opening a tobacco shop in the Stacy Retail Center.

Mr. Grundhoefer said the city had adopted the County Ordinance by reference and the county does the tobacco licensing for the city. The new MN Statute allows the sampling of tobacco products on site, this is an exception to the clean indoor air act. The city may want to review regulations prior to a business coming into the city.

The council discussed several items:

- Because of the changing tobacco product market it would be difficult for the city to keep up with the changing products.
- E-Cigs – what are the health impacts to non-users? What do the studies show? Should they be regulated?
- If people want to use what is legal, then allow businesses to sell what is legal.
- The “sampling room” now allowed by statute, assure that it does not impact other tenants in the mall; properly ventilated.

The city attorney said the council could adopt a moratorium on tobacco shops until they have an opportunity to review the regulations. The council consensus was not to adopt a moratorium; they do not want to unnecessarily impede a business from operating in Stacy.

The council directed the City Attorney to review considering E-Cigs as tobacco products; Member Lucia disagreed.

Committees Commissions

Chisago Lakes Joint Sewage Treatment Commission (CLJSTC)

Member Lucia said the commission will be meeting with Viola Management Company regarding taking over the operation of the plant. They were solicited by the company.

EDA

The meeting was cancelled due to a lack of quorum.

Planning Commission

The Planning Commission will be holding a public hearing next week regarding the fire inspection program. They are working on revisions to the chicken ordinance, and reviewing the nonconforming use issue.

Old Business

Frontier Communications

The clerk is still conducting research; no action necessary at this time.

New Business

Stacy Lions Club – Playground Equipment Doyle

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

Ms. McGown of the Stacy Lions Club asked for approval for installation of play equipment at Doyle. She said that Xcent, from Wyoming, has been awesome to work with and they are giving them a picnic table for free.

Motion by Ness to allow the Stacy Lions Club to install the equipment contingent that it meets all the city's insurance requirements. Second by Olivolo. Ness, Olivolo, Lucia, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

The council thanked Ms. McGown for her work on the project and expressed their appreciation to the Lions Club.

Local Board of Review

The Board of Review meeting will be April 16, 2013, at 6:00pm.

Mayor/Council

None

Adjourned at 9:29pm

Mayor Utecht declared the meeting adjourned at 9:29pm.

Sharon MT Payne