



**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
MARCH 12, 2013, 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, Cindy Bruss, Charles Lucia, and Michael Carlson (arrived at 7:15pm)

Absent: None

Others Present: Peter Grundhoefer, Chuck Schwartz, Anne Thom, Tanner Jones, Troy Nelson, Mark Ness, and Jerry Rosenbach

Additions to the Agenda

Additions to the Agenda:

- Maintenance Department - Tanner Jones
- League of Minnesota Cities – Annual Conference and Marketplace
- Brief Closed Session

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

Public Comment

None

Consent Agenda

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

The clerk was directed to provide the council member's a copy of the invoices from Computer Wrangler.

Staff Reports

**Maintenance Department
Tanner Jones**

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

Snow Removal

The council indicated they had received several positive emails regarding the recent snow removal performed by the Maintenance Department and extended their appreciation to Mr. Jones.

Street Lights

Mr. Jones indicated that Xcel had been out and fixed their street lights; and he will be taking care of the city owned street lights once he has a maintenance worker on staff.

Use of the City Truck

Mr. Jones would like to take the city truck home; this would allow for faster response time for on call and he wouldn't have to start up his truck



to come .4 miles to change trucks. The council said that any personal benefit to Mr. Jones will not be considered in the decision to take the vehicle home or not.

The reason for the recent policy change was from a cost standpoint; the two candidates being considered for the position lived well outside the city limits. Therefore, the council decided that the benefit didn't offset the cost enough to continue to allow the city owned vehicles to be taken home.

The clerk indicated we don't actually have a written policy; the use of the city vehicles has been controlled by motion of the city council.

The council postponed further discussion on this item until Member Carlson arrives.

Motion by Lucia to approve taking the city vehicle home on weekends. Second by Carlson.

Several points were noted:

- Member Bruss felt that the supervisor should take the vehicle home all the time as he is on call 24/7; and is located .4 miles from the city limits.
- Mayor Utecht said that this is something that can be handled based upon each unique situation.
- Benefit to the city is faster response. The additional expense is minimal.

Motion by Lucia to amend the motion that the vehicle may be taken home every day. Member Carlson did not second the amendment to the motion. Therefore, the amendment died.

Hearing no other discussion the following members voted in favor of the original motion Lucia, Carlson, and Utecht. Member Ness and Bruss voted no. Mayor Utecht declared the motion carried.

It was made clear that Mr. Jones can take the city vehicle home from Friday-Sunday as the maintenance staff does not work on Friday.

Mr. Jones asked the council to reconsider; he would not misuse taking the city vehicle home. Mayor Utecht said that it was not a question of misuse but the change had been made from merely a cost perspective.

Motion by Bruss that Mr. Jones takes the truck home during the week and on the weekends. Second by Lucia.

Points made:

- Member Ness would like to see what the true costs are.
- Mayor Utecht said that he feels that the minimal additional expense in this situation is worth the benefit we get in response time.
- The fact that Mr. Jones is on call 24/7 makes a difference.

Motion by Bruss to amend the motion that the vehicle be used only for work purposes and only the Chevrolet accept in exceptional circumstances. Second by Lucia.

Members Bruss, Lucia, Utecht, Carlson, and Ness voted yes on the motion and the amendment. Mayor Utecht declared the motion carried.

Water License

Mr. Jones received his Class D water license, which puts him one step closer to getting his C. What he has now meets Stacy's water supervision requirement.

The previous maintenance supervisor was supervised by the CLJSTC and did not hold a sewer license; if Mr. Jones were supervised by the CLJSTC does the city meet the requirement for sewer supervision?

The reason this is brought up is that we may be able to terminate our contract with Charles Prickett for overseeing the water and sewer departments and save money.

Mr. Schwartz said that it is a grey area and recommended that Mr. Jones contact Mark Nelson at the CLJSTC to confirm their supervision meets the state requirements.

Motion by Ness for Mr. Jones to confirm with Mark Nelson at the CLJSTC that they cover us for sewer; then notify Mr. Prickett that we will be cancelling contract with the 30 days required notice. Second by Utecht. Ness, Utecht, Bruss, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

Maintenance Worker 1 – Hiring Process

Mr. Jones indicated that the deadline for applications is March 20, 2013, at 5:00pm for the Maintenance Worker One position. He wanted to clarify his understanding of the process:

1. He will review the applications and chose candidates to interview.
2. That two council members will interview the candidate with Mr. Jones

The council said that yes, Mr. Jones will chose the candidates to interview but the change is the entire council will interview the candidates.

Public Hearing 7:15-7:20

Member Ness called point of order that a public hearing had been published for 7:05pm.

Mayor Utecht recessed the Council meeting and opened the public hearing at 7:15pm.

The purpose of the public hearing is to gather public input on considering the vacation of all drainage and utility easements in the areas legally described as follows:

Lots 2 through 9 and 12 through 20, inclusive, in Block 2 of Foxtail Woods Plat 3 Chisago County Minnesota.

Representative of the applicant, Jerry Rosenbach was present.

City Attorney – Peter Grundhoefer

Foxtail Woods Plat 4

Variance:



- **Variance**
- **Preliminary and Final Plat**
- **Vacation of Drainage and Utility Easements**

Motion by Utecht to grant the variance requested based on the Findings of Fact and Decision as presented contingent upon preliminary and final plat approval of Foxtail Woods 4. Second by Ness. Utecht, Ness, Lucia, Carlson, and Bruss voted yes. Mayor Utecht declared the motion carried.

Preliminary and Final Plat:

Mr. Grundhoefer reported that the street lighting in the plat was not completed in the first place this is a public improvement that will need to be completed and recommends that the developer provide that improvement.

Mr. Rosenbach stated that the developer is agreeable to the request for the street lights.

Motion by Ness to approve the Foxtail Woods 4 preliminary and final plat based on the Findings of Fact and Decision as presented. Second by Bruss. Ness, Bruss, Lucia, Utecht, and Carlson voted yes. Mayor Utecht declared the motion carried.

Mr. Grundhoefer will have the Development Agreement at the next meeting for approval.

Vacation of Drainage and Utility Easements:

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

Motion by Utecht to approve Resolution Number 2013-3-1, "Resolution Vacating Drainage and Utility Easements Dedicated on Lots 2 through 9, and Lots 12 through 20, Inclusive, Block 2, Foxtail Woods Plat 3 in the City of Stacy Chisago County Minnesota;" contingent upon approval of the variance and preliminary and final plat approval of Foxtail Woods 4. Second by Ness. Utecht, Ness, Lucia, Carlson, and Bruss voted yes. Mayor Utecht declared the motion carried.

Brief Closed Session 8:24-8:30pm

Motion by Ness to go into brief closed session. Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor Utecht called the meeting back to order at 8:30pm.

Motion by Ness to approve the minutes from both the open and closed meeting of February 11, 2013. Second by Utecht. Ness, Utecht, Lucia, Carlson, and Bruss voted yes. Mayor Utecht declared the motion carried.

City Engineer

Radium Removal Project Update

Mr. Schwartz reported that the funding application has been submitted to DEED and the preliminary engineering report submitted to Rural Development.

Foster Avenue Intersection Improvements Pay Request 2 – Final

Motion by Ness to release the retainage for the Foster Avenue intersection improvements in the amount of \$2,726.50. Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor

**County Road 19 and 30
Traffic Counts**

Utecht declared the motion carried.

Mr. Schwartz said that a traffic count will be conducted at the County Rd 19 and 30 intersections during the summer weekend traffic high volume period.

Mr. Schwartz also reported that the county will be seal coating County Rd 19 this summer.

The council discussed right and left turn lanes with Mr. Schwartz; a “suicide” lane was a definite no from the council.

The council approved the vacation request as submitted.

Liquor Operations

Committees Commissions

**Chisago Lakes Joint Sewage
Treatment Commission
(CLJSTC)**

Member Lucia reported that the commission has been considering the purchase of land (80 acres) abutting the treatment plant; the members are having a difficult time agreeing on a price.

An offer was made of \$4,000/acre for 40 acres and \$3,500/acre for 40 acres; the property owner came back and requested \$5,000/acre for 80. The commission would like to purchase the land as a buffer for any future EPA requirement that may be placed upon the facility. The member’s agreed to offer the property owner \$3,500/acre. Member Lucia thought the price to high – there are 8 commission members: 5 voted yes and 3 no to the offer.

Personnel Committee

The meeting for March will be cancelled.

Member Ness would like the Personnel Committee to review the city’s health insurance.

History Committee

The committee is holding a scan event on April 2nd from 6-8pm; this will give an opportunity to the public to have their pictures scanned on the spot or to share a story about Stacy.

**Public Information
Committee**

The clerk presented the quarterly radium notice along with other information for approval; the publication was approved for mailing.

**Parks and Recreation
Committee**

Easter Egg Hunt:

Member Bruss said the 2nd Annual Easter Egg Hunt is being held on March 30th at Noon.

The committee is asking the city to consider contributing \$250 towards the event; this is the same as last year. Member Ness asked if the committee actually has a budget for the event. They do not this year but plan on it for future years.

Member Bruss reported that they don’t have as much help this year as last year; she hasn’t heard from Family Pathways-Teen Center. Member Carlson will contact Family Pathways about their involvement; when they were at the last meeting they said they would still be helping Stacy with events.



Motion by Utecht to contribute \$250 towards the Easter Egg Hunt. Second by Ness. Utecht, Ness, Bruss, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

EDA

The clerk reported that the EDA had not met due to a lack of a quorum.

Planning Commission

- **Resignation – Mark Ness**

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

Mr. Mark Ness submitted his resignation from the Planning Commission as he has taken a full-time position with the city attorney to avoid any potential conflict of interest.

The council expressed their appreciation to Mr. Mark Ness and thanked him for his service to Stacy. Mr. Mark Ness thanked the city for the opportunity to serve.

Member Ness accepted Mark Ness' resignation. Second by Lucia. Ness, Lucia, Bruss, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

- **Membership**

Removal of Jim Kultala:

Motion by Ness to remove Jim Kultala from the Planning Commission effective immediately due to the lack of attendance. Second by Bruss. Ness, Bruss, Lucia, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor Utecht said it is tough to get people to volunteer to serve but we have to have people who can attend the meetings.

Appointment of Tony Olivolo:

Motion by Ness to move Tony Olivolo from an alternate to the Planning Commission to a full member of the commission. Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Old Business

Stacy Daze

Member Ness thought it would be a good time to talk about the issues from Stacy Daze last year: people walking around with alcohol, and the lack of security.

The clerk was directed to notify the Lions Club that they have to have a "beer garden" clearly identified and secured; and also have easily identifiable security. These will be conditions upon the approval of their one day liquor license.

New Business

Troy Nelson – Sunrise Ball

This item handled out of order by motion of Ness. Second by Carlson

Field

and carried.

Mr. Nelson congratulated Stacy on getting a state men's tournament this year; August 9-11. He anticipates 25-35 teams.

He indicated that some things need to occur this spring:

- Installation of team benches
- Bases
- Meet with the City's Maintenance Department to identify other items.

**League of Minnesota Cities –
Safety and Loss Control
Workshops**

The clerk was directed to provide to Mr. Jones; no further council action.

**League of Minnesota Cities –
Legislative Conference**

No action.

**League of Minnesota Cities –
Annual Conference and
Marketplace**

Mayor Utecht will attend the Annual Conference and Marketplace June 19-21, 2013, in St. Paul.

**Ordinance – Regulating
Peddlers, Solicitors, and
Transient Merchants**

Motion by Ness to approve Ordinance Number 2013-3-2, "An Ordinance Regulating the Conduct of Peddlers, Solicitors, and Transient Merchants within the City of Stacy, Minnesota, Creating Permitted Use for Farmers Market in the Park Zone, and Establishing City Fee for Registration;" with the noted change to 20 miles from 5; and approve summary publication. Second by Utecht. Ness, Lucia, Carlson, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

The council asked that Mr. Kramer to enforce the ordinance.

Mayor/Council

**Member Ness – Stacy Sports
Grill**

Member Ness stated he had reviewed the annual report prepared by Ms. Dahle and was quite impressed; she is to be commended. The other members concurred.

Adjourned at 9:50 pm

Mayor Utecht declared the meeting adjourned at 9:50pm.

Sharon MT Payne