



**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
APRIL 8, 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, Charles Lucia, Cindy Bruss, and Mark Utecht

Absent: Michael Carlson

Others Present: Anne Thom, Mark Statz, Teri Kaslow, Greg Kaslow, Sandra Witkowski, and Paul Witkowski

Additions to the Agenda

Additions to the Agenda:

- Resolution Authorizing Participation in Planning Process for Hazard Mitigation
- Council's Vision for Downtown

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

Public Comment

Teri Kaslow, 5690 307th Street:

Ms. Kaslow stated that she can officially announce that Royal Concrete is out of hibernation. Last year she submitted 22 complaints in 2 months; she knows sound readings were done toward the end of October. At that time Royal is shutting down for the winter and is operating with their doors closed. She has communicated with the Mayor recently through email. Noise from Royal Concrete is occurring every 5-10 minutes for a duration of 5-10 Seconds. The Mayor responded to Ms. Kaslow through email that said that based on evidence that was gathered, the city will not be pursuing any legal action with Royal Concrete. Ms. Kaslow said that she is assuming that this statement was made based on the sound readings taken last fall; the situation is different now. What is it going to take to have this addressed?

Greg Kaslow, 5690 307th Street:

Mr. Kaslow said that he is irritated with the noise from Royal and it is ridiculous that he is woken up every morning by Royal. He asked for a copy of the Conditional Use Permit for Royal Concrete.

Sandra Witkowski, 30562 Fernwood Circle:

Ms. Witkowski concurred with Ms. Kaslow's complaint and added that they complain every year with no results. The noise is constant 7 days a week and it's frustrating. They are not getting anywhere with the council. There is nothing stopping the noise from Royal Concrete; it doesn't appear that the council cares about this issue. She questioned is Royal Concrete controlling the city. The factory has grown since the issuance of the Conditional Use Permit; she said that the council can change the CUP.

This item will be discussed under Council Business.



Consent Agenda

In last month's minutes the reference to April 11 needs to be changed to April 8.

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

Staff Reports

City Engineer

Mark Statz

Water Treatment Project

Rural Development is requesting that Stacy conduct a pilot study for their water treatment plant; basically this is a portable water treatment plant. If the city does not do the pilot study then Rural Development would not fund the project.

Motion by Ness to award the contract Westech for a total cost of \$9,500, Stantec up to \$7,500, and Electrician up to \$600 for the pilot project. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

Kwik Trip

Mr. Statz reported that the project is moving forward the destruction is complete and preconstruction meeting has been scheduled.

Foxtail Woods Plat 5

Mr. Statz is working with the developer on the plat.

Foxtail Woods 4 – Letter of Credit Reduction

The "check list" of items is complete and Mr. Statz recommends release of the letter of credit.

Motion by Ness to release the letter of credit for Foxtail Woods 4. Second by Lucia. Ness, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Sunrise Mobile Home Park – Sewer Reduction Request

Mayor Utecht asked if the breaks happened in the same way; Mr. Statz said yes. Mayor Utecht said that if we do anything then we need to add conditions that if future breaks happen in the same manner then we won't make an adjustment. He thinks this time it is appropriate but also the park owner needs to do something to make sure these breaks don't happen or they are noticed sooner because they are wasting a natural resource.

Motion by Ness to give Sunrise Mobile Home Park a \$663 credit on their sewer bill as a one-time adjustment and no further adjustments for similar failures will be considered. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

CSAH 19/CSAH 30 Sewer Repair – Review Quotes

The sewer line will be replaced at the County Road 30 and County Road 19 intersection in conjunction with the County's CSAH 30 improvements. There is a sag in the sewer lien that creates issues.

Motion by Ness to award the bid to C & L Excavating Inc., for a total cost of \$19,800. Second by Lucia. Ness, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mr. Statz said he would work with the city attorney to prepare a short contract for the project.

The clerk was directed to send a copy of the County's letter to residents on 311th Street and note the potential increase in traffic on 311th.

Wellhead Protection Plan

The city will be moving forward with the second phase of the Water Protection Plan.

Committees Commissions

Letter of Interest

Motion by Ness to appoint Samantha Denney to the EDA, Public Information Committee, and Historical Committee. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

Public Information Committee

The committee was directed to prepare a publication about Stacy Committee's to distribute on Stacy Daze.

Park & Recreation Committee

Motion by Ness to allow the Park and Recreation Committee to utilize \$250 from the park and recreation fund for the Easter Festival. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

EDA

The clerk updated the council on the EDA; one of the items is to welcome businesses to Stacy with a personal visit and plant. Mayor Utecht would like to go with the EDA members when doing this.

Planning Commission

Ordinance – Chickens

Motion by Utecht to approve Ordinance Number 2014-4-1, "An Ordinance Amending Chapter 92 of the City Code of the City of Stacy Establishing Section 92.19 Regulating the Keeping of Domesticated Chickens within the City of Stacy, Amending Section 92.04, and Creating New Compliance and Inspection Fees." Second by Lucia.

The member's discussed the ordinance and a poll of the council was taken: Ness and Bruss said no; Lucia and Utecht said yes. The council deemed it appropriate to wait for a full council to vote on the ordinance.

Motion by Lucia to table until next month. Second by Ness. Lucia, Bruss, and Utecht voted yes. Ness voted no. Mayor Utecht declared the motion carried.

Ordinance – Fire Inspection Program

The Planning Commission felt that the fire inspection program would benefit the entire city as a whole and would like the council to consider paying for the inspections out of the city's general fund. A cost estimate to administer the program by the Building Inspector is \$2,000.

The member's discussed the use of the general fund for the inspection program; this is a non-budgeted item for 2014. The public safety department is budgeted without any extra discretionary funds. This could be budgeted in 2015 or move funds between departments in 2014. Mayor Utecht was not convinced that the program should be paid from the

general fund; typically the city strives to have funds support themselves. He could see maybe the first year but not in perpetuity.

Motion by Ness to approve Ordinance Number 2014-4-2, "An Ordinance of the City of Stacy Adopting the 2006 Edition of the International Fire Code, Regulating and Governing the Safeguarding of Life and Property from fire and Explosion Hazards Arising from the Storage, Handling, and use of Hazardous Substances, Materials, and Devices, and from Conditions, Hazardous Uses or Operations;" with summary publication. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

Agricultural Lots

Member Ness said that the lots annexed are nonconforming lots as our agricultural district states minimum lot size as 40 acres. The commission will be reviewing how to handle the nonconformance. Mayor Utecht reminded the council when the properties were brought into Stacy they were told they would be able to continue to do what they were already doing.

PCI Roads

PCI Roads has applied for an Interim Use Permit for a Concrete Batch plant on the Royal Concrete property. The Public Hearing is scheduled for April 29th, and Special Council meeting on April 30th to process the application.

Alternate Appointment

Motion by Ness to appoint Member Bruss as an alternate to the Planning Commission. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

Old Business

Vision for Downtown Stacy

Member Ness asked what the Council's vision for "downtown Stacy" is; because of the recent change in the CSAH 30 and CSAH 19 intersection that vision needs to be reviewed.

The Council determined the best way to discuss this is concurrently with the Planning Commission. The council will attend the next Planning Commission meeting on April 15th at 7pm.

New Business

MN Department of Health – Sanitary Survey Report

The correspondence from the Minnesota Department of Health titled Sanitary Survey Report for Stacy Public Water System (PWS); was confusing it states there are not deficiencies and then list several action items. Member Ness confirmed with Mr. Jones that we are doing what we are supposed to be doing.

Mayor/Council

Resolution – Hazard Mitigation

Motion by Ness to approve Resolution Number 2014-4-3, "Resolution Authorizing Participation in Planning Process and Execution of Sub-Grant Agreement." Second by Bruss. Ness, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Maintenance Department
Project List**

Member Ness said that he is not satisfied with the project list presented by the Maintenance Supervisor, it shows he has no better understanding of a project list than when he started. Mayor Utecht said that he didn't understand also, the project list has been prepared at the direction of the Maintenance Committee.

It was determined that the only items to include on the project list are items "out of the ordinary" things that aren't considered routine work performed by the department.

Royal concrete

Mayor Utecht said that he understands Ms. Kaslow's point about the noise levels in the fall vs spring and summer. The noise Ms. Kaslow referred to with the frozen ground is the forklifts banging as they slide back and forth on the bumpy ground. Royal Concrete is spending about a million dollars to replace the forklifts.

Mayor Utecht expressed concern about taking additional sound readings; that the noise would not exceed the parameters. The way Ms. Kaslow described the noise intervals of every 5-10 minutes for a duration of 5-10 seconds may not exceed the parameters. Does the council want sound readings to be taken?

Member Ness thinks we owe it to the residents to check the levels again. Member Bruss said that the noise can even bother her and she is across the freeway. Member Lucia said that Royal Concrete has been receptive to concerns from the residents; the residents have to understand the nature of the business, they can't be quiet 7 days a week. Mayor Utecht said after touring the plant; due to the nature of the process Royal Concrete has to operate 24 hours a day.

The council consensus was yes. The Mayor will organize the taking of sound readings.

The council also directed that the Building Inspector review Royal Concrete's Conditional Use Permit.

Adjourned at 9:22pm

Mayor Utecht declared the meeting adjourned at 9:22pm.

Sharon MT Payne