



**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 9, 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, Charles Lucia, and Michael Carlson  
**Absent:** Cindy Bruss  
**Others Present:** Chuck Schwartz, Anne Thom, Tanner Jones, Lori Dahle, Josh Hofeld, Rayna Hofeld, Jerry Shroeder, Lynda Schmidt, Tony Janu, Jim Berneche, and Wade Kosman

**Additions to the Agenda**

Additions to the Agenda:

- Gene Olson – Joint Powers/Oxford Township

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

**Public Comment**

None

**Consent Agenda**

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

**Staff Reports**

**Maintenance Department  
Tanner Jones**

**City Truck Use**

The original reason this was placed on the agenda is no longer an issue. The minutes clarified the question.

Mr. Jones presented pictures of the Chevy along with a memo stating that the repairs to the Chevy are not a priority at this time. The council asked Mr. Jones to let the council know if the Chevy is worth repairing or not; what is his idea for replacing it? Should we?

Member Ness stated statistics with using the Ford for everything; regarding the lifting of over 20 pounds over waist height. Safety and OSHA issues are a concern.

**SD License Requirement**

Mr. Jones spoke with the city attorney regarding CLJSTC carrying the SD licensure; someone in the city is required to have the license. He will Keep Mr. Prickett on contract until he obtains the SD Sewer License.



**Storm Sewer Cleaning**

Mr. Jones reported that a couple of storm water discharge locations need attention; he will begin assessing and maintaining them once the weather allows.

**Project List**

Mayor Utecht asked Mr. Jones if the "project list" he created will work for his needs; Mr. Jones said yes. Mayor Utecht then said that the "project list" met the council's requirement placed upon Mr. Jones.

Member Ness would like to see painting of the cross walks at County Road 30 and 19 placed on the list. Also, to repaint the curbs indicating the no parking areas in the city.

**Pressure Washer**

Mr. Jones would like to purchase a pressure washer; the council asked Mr. Jones to prepare a report indicating costs, why this is needed, and how it will benefit the city.

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**Liquor Operations**  
**Lori Dahle**

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**Storm Water Back-up**

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

Ms. Dahle reported that the storm water drainage pipe froze again this year; she had to have someone come out and jet. She had to pay them and she had to pay the city for Mr. Jones also. The bottom line being where does the city's responsibility lie with the costs.

**When should she call the Maintenance Department, or when does she call a repair person?**

Mayor Utecht said he would like her to call the City's Maintenance Department on just about anything; he would rather have the money spent within the city, unless there is a good reason not to. Yes, it costs the Sports Grill to pay the maintenance staff but the money still stays in the city.

To summarize Ms. Dahle should call the City's Maintenance Department first and they can determine if it's something they can do or not. We are not trying to make money from the Sports Grill; we are just covering our costs.

Ms. Dahle then asked what about the issues with the storm drain? The city engineer will review the plans and address the storm water runoff issues; the council indicated they want a permanent fix.

**Deck**

Ms. Dahle presented quotes to add a deck on to the Sports Grill; the deck would not be attached to the building, about 30 inches from the ground, utilized for smokers and diners. She confirmed with Ms. Hill that there are sufficient funds for the project.

The council approved the concept of a deck but required Ms. Dahle to comply with the following request:

- The deck must be ADA compliant
- No steps, all one level

- Keep deck at same grade as building
- Work with the building inspector and city engineer (if necessary) to determine building regulations and parking requirements.

Ms. Dahle will bring back new quotes to include the above changes; for a deck made out of composite type material of medium quality.

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**City Attorney – Peter Grundhoefer**

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**Foxtail Woods Plat 4 Development Agreement**

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

Mr. Schwartz led the discussion on this item in absence of the city attorney; the developer’s representative Mr. Janu was present.

Two recommended changes:

- Removing the property irons; the County Surveyor recommended leaving them.
- Removal of sprinkler line; it is unclear if this is serving any properties – if it determined it is not, then it can be removed.

Motion by Ness to approve the Development Contract, as amended, with Foxtail Woods 4 contingent upon getting final security numbers. Second by Utecht. Ness, Utecht, Carlson, and Lucia voted yes. Mayor Utecht declared the motion carried.

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**City Engineer**

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**Storm Water Drainage Utility – Royal Concrete**

Mr. Schwartz, Mayor Utecht, and representatives of Royal Concrete met today regarding the storm sewer utility fee. Royal pays \$4,200/year and they don’t want to pay that much and would like the council to consider a policy change.

Mayor Utecht said he asked Royal Concrete to come up with an equitable solution; they will prepare a formal request of the city for a policy change along with a proposed policy. That policy can then be reviewed by our city engineer.

**Radium Removal Project Update**

Mr. Schwartz reported that we did get some comments back from Rural Development regarding the environmental review. One of the items is a DNR letter requesting comments from the test well.

Measurements were taken of city hall to move forward with the ADA compliance portion of the grant.

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**City Clerk  
Sharon Payne, Lynda Schmidt**

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**Utility Account – Josh Hofeld**

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

Josh and Rayna Hofeld were present to discuss their utility account. Their concern was mainly around two large amounts \$421.66 billed in July 5, 2012, and \$257.39 billed in October 2, 2012; and the late fees on their utility account.

It was determined that the \$421.66 bill was the result of underestimating the account. The \$257.39 appears to be correct – we cannot verify that the meter was malfunctioning at that time; it has been reading properly for the past six months.

Mayor Utecht asked what is it that Mr. Hofeld wants the council to do; he responded that he wants to assure that his meter is working properly. If he hadn't had the spike in billing he would not have had the late fees – can the city waive the late fees?

Mayor Utecht asked Ms. Schmidt and Mr. Jones if they think the meter is functioning properly – they both stated yes.

What the council has done in the past when it's proven the meter was not reading properly we adjusted the gallonage and invoiced amount; however, in this case we cannot prove that the meter was faulty.

Motion by Carlson to waive all the late fees that originated with the \$257.39 bill and forward; if they fault on their payment plan the late fees will be reapplied to the account. Second by Utecht. Carlson, Utecht, Lucia, and Ness voted yes. Mayor Utecht declared the motion carried.

### **Active Shooter Training**

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

Mayor Utecht contacted the instructor to find out what he would address in this class: The instructor said that it is mostly about paying attention and determining a potential threat long before it gets to any situation where you need to defend yourself. Mayor Utecht thought this would be an excellent opportunity for anyone from the city to attend including the council.

Motion by Ness to allow anybody on city staff or council member who wishes to attend the Active Shooter Class on April 30<sup>th</sup>; if both office staff want to go then close city hall for that day. Second by Utecht. Ness, Utecht, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

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### **Committees Commissions**

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### **History Committee**

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### **Planning Commission**

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The clerk reported that the scan event was a success.

Member Ness reported that the commission should have the code updates ready for council's review at the next meeting regulating garages in the mobile home park and parking regulations.

The clerk asked if the council wants to pursue a Rural Residential district – No.

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**Old Business**

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**New Business**

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**Stacy Lent Fire Department –  
Off-site Gambling Request**

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

Member Ness said that the application to conduct off-site gambling was not completed properly; the fire department does not own the building – Lent Township does.

Motion by Utecht to grant approval of the off-site gambling application contingent upon the application being corrected. Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

Motion by Utecht to approve Resolution Number 2013-4-1, “Resolution Approving the Stacy Lent Volunteer Fire Department Relief Association to Conduct Off-Site Lawful Gambling in the City of Stacy.” Second by Carlson. Utecht, Carlson, Lucia, and Ness voted yes. Mayor Utecht declared the motion carried.

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**League of Minnesota Cities –  
Resolution Supporting  
Street Improvement District  
Bill**

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After review Mayor Utecht said this looks like a new tax; and he is not in favor of it. Member Ness said that you are paying for stuff in the future; he likes to pay as you go. That way the people who are using it pay for it. No action.

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**Stacy Lions Club**

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

Jerry Schroder, Jim Berneche, and Wade Kosman of the Lions Club were present. They reported:

- They are working on the action items from the Minnesota Department of Health.
- Building improvements outside of the Doyle Building are planned regarding fencing the consumption area, fencing along the dug-out areas, and raising the fencing along the dug-out area.
- They would like to add more lime to the field this year and widen the gates going out to the outfield.

Motion by Utecht to waive the permit fees for the fencing improvements that the Lions Club wishes to make at the Rick Doyle Field. Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

- They will be fencing of a “beer garden” area for Stacy Daze as requested by the council.
- They would like to build a band shelter type structure in Lions Park to include a memorial component. They are asking for the city’s permission before moving forward

The council members were agreeable to the structure as long as the structure is safe and the requirements from the city's building inspector are adhered to. They will have to bring the final plans to the council for approval.

Member Carlson asked the club to look at the long-term, not just the immediate future. Should we get rid of the smaller structures and replace with a nicer larger structure.

Mayor Utecht informed the Lions Club that Brakemeier Properties have agreed to contribute \$10,000 for playground equipment at the Sunrise Ball Field as long as the city can match the \$10,000.

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**Land Use Planning  
Workshops**

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Motion by Utecht to approve any Planning Commission member to attend. Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

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**Oxford Fire Contract – Gene  
Olson**

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

Mr. Olson reported that last year he and Mayor Utecht visited Oxford Township regarding their decision to cancel their contract with the Stacy/Lent Fire Department; cautioning them about the inability of Isanti to provide property coverage to all the citizens in the township. Well, this year they have called and asked Stacy/Lent to consider entering into a contract to provide service to sections of Oxford Township.

Mr. Olson, Stacy's Fire Chief, Assistant Chief, and Linwood Fire Chief met with Oxford Township to discuss providing service to Oxford Township. Oxford asked for a cost estimate for Stacy/Lent to resume service: Mr. Olson said same as before \$700 per section; entering into a three year agreement.

Mr. Olson said that the Joint Powers Board does not meet until August; this can't wait until then - protecting the people is his priority

Motion by Ness to allow the Mayor to sign the potential contract coming from Oxford Township for fire protection services. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

The contract will be reviewed by Lent Township's attorney prior to signatures.

Mayor Utecht thanked Mr. Olson for thinking about the people.

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**Mayor/Council**

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**MMBA Conference**

Mayor Utecht said this is a fun and beneficial conference; a good way to network. No other action taken.

**Liquor Operations Bond –  
Ness**

Member Ness asked if the liquor operations bonds have the same step system as the previous business park bonds; or are they relatively level. He would like liquor operations to review their plan for repayment.

**Computer – Ness**

Member Ness said being the clerk will be looking into a new computer next year it is probably a good time to see if a network server would be beneficial for Stacy.

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**Adjourned at 9:50pm**

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

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Sharon MT Payne