



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
MAY 13, 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, Mark Utecht, and Michael Carlson

Absent: None

Others Present: Anne Thom, Mark Statz, Dennis Oberloh, Carol Moore, Peter Grundhoefer, Ben Montzka, Teri Kaslow, Sara Asquith, and Lynda Schmidt,

Additions to the Agenda

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- Update on Construction Projects

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

Public Comment

Teri Kaslow, 5690 307th Street:

Ms. Kaslow said that it was exactly five weeks ago she was at the April 8, 2014, council meeting; at that time she expressed concern of the noise coming from Royal Concrete. The noise is now turning out to be a “well-being” issue; she is sleep deprived which is impacting her job performance, and driving safely.

She filed complaints since the last council meeting on the following dates: April 9, April 15, May 5, May 6, May 7, May 8, May 9, and May 15th, and they weren’t even home two weeks. She asked what the council has accomplished in the last five weeks.

Ben Montzka: Chisago County Commissioner:

Commissioner Montza discussed the following:

- CSAH 30 Improvement Project
- Road Realignment (Stacy does not have any roads being turned back)
- Review of 2013
- 2014 Budget
- The bridge over the freeway in Stacy is still an issue, and planning dollars are being reviewed
- The next project is to concrete Stacy through Lent Township on CSAH 30

Sarah Asquith, 22826 Feather Street, Stacy MN:

Ms. Asquith stated that she has been an employee at the Stacy Sports Grill for four years, and recently a few issues have occurred that perhaps



Consent Agenda

put her job in jeopardy; Ms. Asquith was directed to give her written correspondence to the clerk for proper processing.

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

Staff Reports

City Attorney
Peter Grundhoefer

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

Personnel Policy

Motion by Ness to table until next month's meeting. Second by Utecht. Ness, Utecht, Lucia, Bruss, and Carlson voted yes. Mayor Utecht declared the motion carried.

Foxtail Woods 3 Emergency Access

The council had directed review of Foxtail Woods, Plat 3 regarding access to CSAH 30 from the "old driveway;" when the plat was approved there was discussion that the driveway would be part of the trail system, upon further consideration it was made into an emergency access and bollards placed to prevent vehicular traffic.

In checking the recording of Plat 3, there is no indication of a dedicated trail.

The council then asked if this could be dedicated as a trail as part of Plat 5? Mr. Statz said this would need review by the county; he will check with them. The developer is asking for a Planned Unit Development (PUD); this is the time to bring it up. The public hearing is set for May 20th.

Dollar General/Resolution

Motion by Ness to approve Resolution Number 2014-5-1, "Resolution Approving the Exception for the Dollar General Lot Combination Pursuant to the City Code Section 151.09 (A)(2) and (B)." Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Westech Purchase Order

Mr. Grundhoefer suggest one change to the contract; Page 27, Item 22 (b) change laws of the State of Iowa to laws of the State of Minnesota.

Motion by Utecht to approve the Contract with Westech for the pilot study with the change noted by Mr. Grundhoefer. Second by Carlson. Utecht, Carlson, Bruss, Lucia, and Ness voted yes. Mayor Utecht declared the motion carried.

Joint Powers Agreement

Motion by Ness for the city to sign the revised Joint Powers agreement and forward to Lent for their signatures. Second by Utecht. Ness, Utecht, Lucia, Bruss, and Carlson voted yes. Mayor Utecht declared the motion carried.

City Engineer
Mark Statz

2014 Street Improvement Project

Mr. Statz presented the soil boring results for 311th Street, and Frontage Road. The next step is the feasibility report which will outline various options.

Mayor Utecht said that he would like the approach from the Frontage Road to CSAH 30 reconfigured.

Mr. Statz was directed to include costs for the assessment process in his proposal as well as estimated bond issuance fees.

The other street projects presented such as add gravel, crack and chip seal will be reviewed by the Maintenance Supervisor; the city budgeted \$30,000 – he will decide which roads to service this year.

Construction Projects

CSAH 30: Next Tuesday, May 20th, the sewer repair should occur and take a day or two.

Kwik Trip: the project is progressing; they have been battling water on the site. Mr. Statz approved the water main installation by wet tap.

Infraseek Status

The initial set-up is complete; Mr. Statz will test it and then set up staff review.

City Clerk
Sharon Payne & Lynda Schmidt

Dennis Oberloh – Audit

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

Mr. Oberloh presented the 2013 audit and addressed the council's questions.

Motion by Utecht to accept the audit. Second by Ness. Utecht, Ness, Lucia, Bruss, and Carlson voted yes. Mayor Utecht declared the motion carried.

Utility Report

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

Ms. Schmidt presented the utility report and asked for clarification of ordinance 51.27 Second Water Meter, Section (5) which states: *"If a separate connection is made for water only, the customer shall pay 1 additional water access charge for each existing water connection as set forth in the current city fee schedule. No additional city sewer access charge shall be required. Sewer charges shall be paid only for water entering the city sewer system. All water usage shall be charged as a single amount on the water bill. Water through the second meter shall be billed at rates for use in excess of 10,000 gallons based upon use category as set forth in the current city fee schedule. Water from the second meter shall not be discharged into the wastewater system. No sewer charge shall apply to water flowing through the second meter."*

The council directed the City Attorney to prepare a text amendment to the code to accomplish the council's intent basically: the inside and outside

gallons used shall be combined and then the rates will be applied, only one base water rate will be charged; sewer and sewer volume charges will only apply to the inside water use.

The current system we use by Banyon cannot accommodate automatically calculating the sales tax on the outside use when the rate is combined with the inside use.

The council directed that a letter be sent to Banyon stating that we want them to figure out how this can be done automatically if they want to keep us as a customer.

Dog License

Motion by Ness for this year move the dog license renewal deadline to July 7, 2014, due to the construction on CSAH 30. Second by Carlson. Ness, Carlson, Bruss, and Lucia voted yes. Utecht voted no. Mayor Utecht declared the motion carried.

Springstead Meeting

The clerk indicated that she met with the city's financial advisor to discuss the current finances of the city and anticipated future expenditures. Ms. Kettles of Springstead will be preparing a rate study of the sewer and water funds.

Committees Commissions

Personnel Committee

The council directed the Personnel Committee to review what the impact of the minimum wage change will have on the city. Possibly preparation of a new pay matrix. They would like the committee's report by the August Council meeting.

Planning Commission

Member Ness stated that the Commission is reviewing non-conforming uses; a large part of the city is currently non-conforming. Does the council want the Planning Commission to act on expansions of non-conforming uses or does the Council want to make the decision on a non-conformity? The council concurred that they would like to act upon a non-conformity expansion as they are elected by citizens and if an action was disputed the city council would have to address.

Old Business

Ordinance Keeping of Chickens

Motion by Utecht to take off the table. Second by Carlson. Utecht, Carlson, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Motion by Carlson 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;" with summary publication. Second by Utecht.

Member Ness cautioned everyone why chickens were taken out of the city was due to disease and predator problems, we are located right next to Carlos Avery. He thinks it is a bad idea; member Bruss agreed.

Member Lucia said that was 100 years ago not now.

Mayor Utecht said he felt the benefit outweighs the risks.

Members Lucia, Utecht, and Carlson voted yes. Members Ness, and Bruss voted no. Mayor Utecht stated motion passes 3-2.

Royal Concrete Noise

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

Mayor Utecht stated that since the last meeting our Maintenance Department has been out taking readings. We are very fortunate that last Friday readings were being taken at the same time a complaint was received.

The two sound levels are L10 (10% of the time) and L50 (50% of the time). We have received readings during the morning hours that have exceeded both the L10 and L50 levels. However, the Maintenance Department noted no noise was occurring from Royal Concrete and noise from birds and freeway brought the meter up to 50-58 decibels. We don't know at this time what the plant alone is creating. The readings were taken at the bike trail and the nighttime readings should be taken a certain distance from a bedroom window. The expert we consulted with said he could interpret our readings to determine what portion is freeway noise. At no time during the day did the readings exceed the levels.

Mayor Utecht stated he didn't think the readings would exceed the levels; now that we know they may we need to pursue further. The council directed the Maintenance Department to take readings as indicated in Rule 7030. The city will need written permission from property owners to enter their property to take the sound readings.

New Business

Insurance – Carol Moore

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

Motion by Ness that the city does not waive the tort liability. Second by Carlson. Ness, Carlson, Bruss, Lucia, and Utecht voted yes.

Liquor Store Bookkeeper Contract

Motion by Ness to authorize the Mayor to sign the Liquor Store Bookkeeper contract. Second by Lucia. Ness, Lucia, Bruss, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor/Council

Council Compensation

Motion by Ness to increase the Council and Mayor compensation by \$400 per year effective January 2015. Second by Carlson.

If the salary were a little higher we may get more candidates for the election; a larger slate of candidates is always a good thing.

Mayor Utecht said he doesn't necessarily agree with the \$400; if we are 1/2 to 1/3 of other cities he thinks doubling is appropriate based on the market.

This increase would take effect January 2015; after the next election. They are not giving themselves a raise but looking forward to what is right for the city.

Motion by Bruss to table the motion. Second by Carlson. Bruss and Carlson voted yes. Lucia, Ness, and Utecht voted no. Mayor Utecht declared the motion failed on a 3-2 vote.

Vote on the motion. Ness and Utecht voted yes. Lucia, Carlson, and Bruss voted no. Mayor Carlson declared the motion failed on a 3-2 vote.

Motion by Lucia to increase the Council and Mayor by \$1,100 per year effective January 2015. Second by Utecht. Lucia, Utecht, Carlson, and Bruss voted yes. Ness voted no. Mayor Utecht declared the motion carried on a 4-1 vote.

**Maintenance Project List -
Mark Utecht**

Mayor Utecht said that he and Member Carlson met with the Maintenance Supervisor regarding the project list. Mr. Jones said that he uses items on the project list and wants them to remain. Member Ness said that the list was more useful this month as Mr. Jones had added further details making it easier to follow.

Adjourned at 9:30pm

Mayor Utecht declared the meeting adjourned at 9:30pm.

Sharon MT Payne