



**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  
JUNE 12, 2012, 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, Michael Carlson, Mark Utecht, Cindy Bruss (leaves at 9:25), and Charles Lucia (leaves at 9:00)

**Absent:** None

**Others Present:** Peter Grundhoefer, Anne Thom, Charles Schwartz, Dennis Oberloh, Jon Ehlert, Jim Kultala, and Gina Hoveland

**Additions to the Agenda**

Additions to the Agenda:

Building Inspector Direction

Closed Session to Approve Closed Meeting Minutes

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

**Staff Reports**

**City Attorney**

**Peter Grundhoefer**

**City Ball Field**

Motion by Ness that if the Sunrise Estates Mobile Home Park mortgage company is agreeable to a permanent easement then we will move forward with the \$500 expense to have a survey and legal description of the ball field property done. Second by Utecht. Ness, Utecht, Lucia, Bruss, and Carlson voted yes. Mayor Utecht declared the motion carried.

**Foxtail Woods Plat 3 Water Bill**

Central Bank contacted Mr. Grundhoefer and stated they are willing to pay a portion of the invoice but only one of the lots is owned by them; they would like to contact the other benefited property owners.

Motion by Ness to table the item until the July 10, 2012, council meeting. Second by Utecht. Ness, Utecht, Bruss, Carlson, and Lucia voted yes. Mayor Utecht declared the motion carried.



**BP Station**

Mr. Grundhoefer met with the County Auditor, Dennis Freed regarding the status of the BP Property. The property is now eligible for tax forfeiture; the auditor agreed to preserve the city's special assessments on the property.

The council stressed the importance of this item being handled sooner vs. later; Mr. Grundhoefer has communicated this to Mr. Freed.

**Odor and Corrosion Control Ordinance**

Motion by Ness to approve Ordinance Number 2012-6-1, "An Ordinance Amending Chapters 52, 150 and 151 of the Stacy City Code Relating to Wastewater Connection Permits Requiring Applicants to Submit Plans and Specifications for Methods of Addressing Odor and Corrosion Control from Proposed New Wastewater Connections and to Provide Adequate Financial Security to the City as Assurance of the Compliance with Required Methods;" and approve summary publication. Second by Carlson. Ness, Carlson, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Policy of Disposal of Unsafe Equipment**

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

Motion by Ness to adopt the Disposal of Unsafe City Equipment and Property policy. Second by Utecht. Ness, Utecht, Bruss, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

**Doyle Field/Lions Lease Agreement**

The council directed Mr. Grundhoefer to revise the agreement as noted and forward to the Lions Club for their review.

**Nextera Water Tower Lease**

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

Can we figure out a way to get the Stacy Sports Grill hooked up into Nextera? Ms. Hoveland committed that she would review the possibility of connecting them; previously a line of sight issue existed. Is it possible to bounce off city hall?

A couple of things will occur:

1. The city will be reimbursed for the electric used since the equipment was installed on the tower.
2. Reimbursement of costs to the city in reviewing of the upgrade.

Motion by Ness to authorize the mayor to sign Addendum 2 to the Agreement with Nextera. Second by Carlson. Ness, Carlson, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Tree Maintenance Policy**

Motion by Utecht to adopt the Tree Maintenance Policy as published in the memo from the city attorney as items 1-4. Second by Carlson. Utecht, Carlson, Bruss, Lucia, and Ness voted yes. Mayor Utecht declared the motion carried.

Mr. Ehlert asked who pays for the work. Ultimately the property owner.

The policy allows the Maintenance Supervisor to address trees that present an immediate safety hazard and gives the Maintenance Supervisor 100% authority to handle as he deems appropriate.

**Planning Commission –  
Purpose Defined**

Member Ness asked if the city could get into trouble by the Planning Commission reviewing ordinances that are not zoning ordinances. The function of the Planning Commission is defined in Section 31.04; the City Attorney will review and prepare a code revision if necessary.

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**Brief Closed Session 8:20-  
8:35pm**

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

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

**Action on Closed Meeting of  
June 7, 2012**

Motion by Utecht to present the formal verbal warning to the employee as discussed during the closed meeting of June 7, 2012. Second by Ness. Utecht, Ness, Bruss, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

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**City Engineer  
Charles Schwartz**

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**2012 Sanitary Sewer  
Cleaning and Televising**

Motion by Ness to contract with Pipe Service Corporation for a base rate of \$5,037.50 and \$210 per hour for root cutting. Second by Utecht. Ness, Utecht, Carlson, Bruss, and Lucia voted yes. Mayor Utecht declared the motion carried.

**Radium Removal Project**

Motion by Ness to authorize the city engineer to complete a topographic survey, wetland delineation, solicitation for soil boring work, and test well for the property just south of city hall. Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Foster Avenue Project  
Update**

Mr. Schwartz spoke with Chisago County Highway Department about coordinating the work for the Foster Avenue street repair. The county will be replacing the catch basin and storm manhole. The city will split the cost of work for the curb.

He will be soliciting quotes for the project; and indicated the work to be completed by the end of August with the stipulation that the road needs to be open for Stacy Daze.

Mr. Schwartz will coordinate the detour route with Mr. Ehlert.

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**Maintenance  
Jon Ehlert**

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

**Stacy Lions Park**

The new equipment will be installed June 22-23; and the seesaws removed.

**Crack Sealing**

Mr. Ehlert is currently working with the city engineer to get quotes for crack and seal coating and preparing budget figures for 2013.

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**City Clerk  
Sharon Payne**

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**Audit – Dennis Oberloh**

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

Mr. Oberloh presented the 2011 audit and addressed the council's questions.

**Set Date for Employee Reviews**

The employee reviews will be held on July 24, 2012, at 5:00pm. The employee self-assessment is due to the council by July 10<sup>th</sup>.

**Set Date for Budget Work Session**

Budget work session set for August 7, 2012, at 7:00pm.

**Payment Arrangement for Connection to City Utilities**

The city clerk has a citizen that needs to connect into the city's utilities; they asked if they can make payments to the city for the connection including contractor costs. The council responded with a firm no.

**Pedestrian Sign**

The clerk reported that a new pedestrian crossing sign has been ordered for the bike path; this is at least the fourth sign at over \$300 each. They are either stolen or destroyed.

The clerk will contact the sheriff's department to see if they can conduct a "sting" at the trail crossing.

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**Committees Commissions**

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**Planning Commission**

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Motion by Ness to appoint Jim Clay to the full position on the Planning Commission. Second by Carlson. Ness, Carlson, Bruss, and Utecht voted yes. Lucia absent for the motion. Mayor Utecht declared the motion carried.

Member Ness stated the reasoning behind his motion to appoint Mr. Clay; Mr. Clay has previous service on a Planning Commission in another state his experience from another city may be valuable; also the benefit of getting someone new involved.

Motion by Ness to appoint Tony Olivolo to the alternate position on the Planning Commission. Second by Utecht. Ness, Utecht, Bruss, and Carlson voted yes. Lucia was absent for the motion. Mayor Utecht declared the motion carried.

Member Ness reported that the Planning Commission is working on updates to the conditional and interim use ordinances as well as beginning review of a wind energy ordinance.

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**Old Business**

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**Stacy Special Utility Newsletter – Springsted Update**

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The council questioned the need for a 10% increase in water year after year. What does the increase amount need to be to reach the recommended cash balances each year?

The clerk will ask Ms. Kettles to revise the projections.



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**New Business**

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**Correspondence from AMW, Incorporated**

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The city has a right to access a property to abate any health or safety issue; that is what was being done on May 10, 2012, by the Maintenance Department.

The clerk was directed to send AMW, Inc., a letter indicating that the Maintenance Department was abating a health/safety issue.

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**Midcontinent Cable Television Franchise Renewal**

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The council would like to find out if Midcontinent Communications would commit to serving the entire city.

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**Local Board of Review Training**

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It's important for Member Lucia and Carlson to attend the training as they are not up for election in November.

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**Stacy Daze Ad – Approval of City Logo**

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Motion by Utecht to authorize the use of the city logo for Stacy Daze. Second by Ness. Utecht, Ness, and Carlson voted yes. Members Lucia and Bruss were absent for the motion. Mayor Utecht declared the motion carried.

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**Joint Powers Audit**

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In preparation of Lent Township's audit it was determined that the Joint Powers books need to be audited as well; the township needed direction to proceed. The Mayor gave approval for the audit and Stacy will contribute their percentage of the costs. The council concurred that the action was appropriate.

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**State Demographer Estimates – Not Public**

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The population and household estimates have been provided by the State, these estimates are not public at this point.

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**Relay for Life, American Cancer Society – Paint the Town Purple**

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Motion by Utecht to table until the July 10, 2012, meeting. Second by Ness. Utecht, Ness, and Carlson voted yes. Members Lucia and Bruss were absent for the motion. Mayor Utecht declared the motion carried.

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**Insurance Waiver of Liability**

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Motion by Ness that the city does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04. Second by Carlson. Ness, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried. Members Lucia and Bruss were absent for the motion. Mayor Utecht declared the motion carried.

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**Building Inspector Direction – James Kultala**

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

Mr. Kultala was present to discuss the zoning violations that exist on his property; one is the fence built without a permit and the other excessive outside storage.

The city wants to treat all residents uniformly; how much more time does Mr. Kultala need to get his property cleaned up? Mr. Kultala said another month would be good and he could update the council at their July meeting.

Mayor Utecht thanked Mr. Kultala for serving on the Planning

Commission and EDA but wanted to let him know this does not give him preferential treatment if anything it holds him to a higher standard.

The council approved the additional month and thanked Mr. Kultala for coming to the council to discuss.

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**Mayor/Council**

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**Report Exploring Police Services from the City of Wyoming**

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The city will not be pursuing this any further.

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**Union Negotiations, Closed Session**

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No update at this time; no meeting has taken place since the last meeting where the entire council attended.

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**Respectful Workplace Training**

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The council approved the online course for all managers and department supervisors.

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**Dog License Letter**

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The city received a letter from a resident stating that unless the city could provide proof that all dogs and cats in Stacy are licensed we could not cash her check and issue her dog license.

The council directed that a letter be sent to the resident stating that we are unable to prove all dogs and cats are licensed in the city. Her check will be cashed and her licenses issued; however, they will not be mailed but can be picked up. The additional cost to mail is not necessary.

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**Mayor Utecht – Personnel Committee Investigations**

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Mayor Utecht stated that the question he had was for the two members who serve on the Personnel Committee so it will wait until the next meeting.

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**Adjourned at 9:41pm.**

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Mayor Utecht declared the meeting adjourned at 9:41pm.

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Sharon MT Payne