



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
OCTOBER 8, 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: Anne Thom, Tanner Jones, Peter Grundhoefer, Mark Statz, Tony Olivolo, Ryan Capelle, Carissa Pullis, John Ulvin, Judy Lartch, Randy Lartch, Paul Vogel, Cindi Vogel, Barbara Ulvin, Bill Ulvin, Dustin Brakemeier, Michelle Ruotsinoja, R. Teigen, Scott Teigen, Paul Witkowski, Maggie St. Sauver, and public not identified.

Special Note: Tony Olivolo was sworn in at 7:40pm

Additions to the Agenda

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- Caltronic's Irrigation Meter
- Committee Appointment
- Real Estate
- DEED Application
- Tanner Jones Remove from the Agenda
- Kwik Trip Utilities

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

Public Comment

Carissa Pullis:

Ms. Pullis received a letter from Jack Kramer regarding the keeping of chickens on her property; she said the chickens are pets, do not smell and are not noisy. Other cities allow chickens in residential districts including Minneapolis and St. Paul. She feels the ordinance should be changed. She would like to see that a resident be allowed five chickens as long as they are humanely kept. This item will be discussed further under City Attorney.

Paul Witkowski:

Mr. Witkowski said that the noise from Royal Concrete continues and his lack of sleep is having a negative impact in his personal and work life. He would like the third shift to be quiet.

Consent Agenda

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



Staff Reports

Maintenance Department
Tanner Jones

City Attorney – Peter
Grundhoefer

Zoning Enforcement Letter
Regarding Chickens

Vogel Land Sale

Mr. Jones was not present at the meeting due to a family commitment. If anyone has questions for him contact him directly.

A couple items discussed:

- Locating utility line equipment.
- Vortex pump for the mobile home park

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

Ms. Pullis asked if the deadline for compliance could be extended beyond the 15 days as indicated in the letter from Mr. Kramer. Mr. Grundhoefer said that the zoning administrator has this authority.

Motion by Utecht that he talk with Jack Kramer regarding the complaint – if the complaint was the fact the chickens are not zoned for that district then direct Mr. Kramer that the chickens can remain. If the complaint is something the chickens are doing impacting health and safety then they need to be removed from the property. Second by Ness. Utecht, Ness, Lucia, Olivolo, and Carlson voted yes. Mayor Carlson declared the motion carried.

Does the council want the Planning Commission to review; yes.

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

The potential access to PID 19.00104.00 is along the east side of the City parcel. In speaking with the surveyor, and in communication with the County Surveyor's Office, the right-of-way for CSAH 30 does not appear to be contiguous to the eastern line of the City parcel. The "gap" between the two is identified as Frontage Avenue. The County does not claim any ownership interest in the area marked as Frontage Avenue. Ownership of Frontage Avenue will need to be determined. If the City has no current ownership of record, the City may want to consider a Quiet Title Action to settle its ownership interest.

In the meantime, if the sale of the City parcel to the Vogel's is to proceed, He recommends the City reserve the 20-foot easement for access.

The Quiet Title Action will take about six months; if the Vogel's desire the sale could occur afterwards. Otherwise, proceed with the sale with the city maintaining the easement from the Vogel property.

The city has two options: 1) Title Search; 2) Quiet Title Action.

With the title search we may not receive a definitive answer; the quiet title action will take longer and be more expensive but we will have a definitive

answer. The cost of the quiet title action will not be passed on to the Vogel's, it is a separate issue.

Mayor Utecht would like to move ahead with the sale of the property to the Vogel's, maintaining the twenty foot easement. Once the quiet title action is complete and the city has clear access from Frontage Avenue at that point the city could consider abandoning the easement across the Vogel's property; however, he cautioned that this is no guarantee – the easement may still not be vacated by the city. At this point in time the council does not see they would need the easement if they had access through Frontage Avenue.

Motion by Utecht to approve the sale of the parcel to the Vogel's and authorize conveyance of the deed at the agreed upon price reserving the 20 foot easement. Second by Ness. Utecht, Ness, Lucia, Olivolo, and Carlson voted yes. Mayor Utecht declared the motion carried.

Motion by Utecht to direct the city attorney to start the Quiet Title Action on the city property abutting Frontage Road. Second by Ness. Utecht, Ness, Lucia, Olivolo, and Carlson voted yes. Mayor Utecht declared the motion carried.

Unemployment Appeal

The council consensus was not to request a reconsideration from Minnesota Unemployment Insurance.

Kwik Trip CUP Application

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

Member Ness gave the council an overview of the project; the need for the conditional use permit is that they will have compressed natural gas which was not on the original conditional use permit. It was determined to issue a new Conditional Use Permit.

Member Ness said that he had an issue with requiring the property owner to allow misuse of their property by maintaining the access from Stacy Trail into the mobile home park. If they want to they can, he just doesn't think the city should require it as part of their conditional use permit; it is there decision. The council concurred.

The amendments to the draft Findings of Fact and Decision include removal of Item Number 11 and adding no use of canopy speakers from the hours of 10pm and 7am, Monday-Sunday.

Motion by Ness to approve the Findings of Fact and Decision for Kwik Trip's Conditional Use Permit for Convenience Store with Gas and Diesel Fueling/Compressed Natural Gas as amended. Second by Utecht. Ness, Utecht, Carlson, Olivolo, and Lucia voted yes. Mayor Utecht declared the motion carried.

Sunrise Auto Parcel

Mr. Grundhoefer stated that Sunrise Auto's parcel PID19.00111.00 boundary extends across the center line of CSAH 30 into the city's on-sale property. He recommends the preparation of a corrective deed conveying that portion lying westerly of the center line of CSAH 30 from Sunrise Auto.

No action on this item; pending outcome of the County's intersection project in 2014.

City Engineer

Mark Statz

**Radium Removal Project
Update – Ryan Capelle**

Mr. Capelle updated the council on the status of the radium removal project. He is responding to Rural Development's request for further data. He has submitted what they have requested; however, the federal shut-down is impacting the process. The new anticipated completion date of the treatment facility is July of 2015. He will work with the Minnesota Department of Health regarding the delay.

Chuck Schwartz, our previous engineer, sent an email stating he would be willing to meet with DEED to discuss our previous application for funding; he would do this at no charge.

Mr. Statz said that Stantec would do this at no charge also. The council consensus was to have Stantec handle.

**No Parking Zones on County
Road 19 and County Road 30**

At the previous council meeting the council took public comment; one of the comments was the parking in front of the First State Bank of Wyoming; basically they would like it removed, when was it established, and was it officially established? The clerk presented the data establishing the no parking area (action taken via Resolution 2006-05-02). Mayor Utecht talked with the bank employees and they said they would like to maintain this as a no parking area. No further action on this item taken.

Mr. Statz said that to accommodate parking around the intersection of CSAH 30 and CSAH 19 would require the county to acquire land.

Mayor Utecht said that it may be a solution to establish parking time lines in front of businesses based upon traffic flows.

Mr. Joe Triplett, County Highway Engineer, will be invited to the next council meeting.

Kwik Trip Utilities

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

Mr. Statz spoke with the Kwik Trip representatives regarding the utility issues; the storm sewer, sanitary sewer, and water are all privately owned. The city will want to know the conditions of the lines prior to taking a portion over and making public.

The water system presents a number of complications; the main one is locating the service line. Kwik Trip will have the line identified.

Mr. Statz received a quote to televise and inspect the sewer service line.

Motion by Ness to approve the quote from Pipe Services to inspect and televise the sewer line for cost up to \$1,260. Second by Carlson. Ness, Carlson, Lucia, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

City Clerk
Sharon Payne

Unpaid Utility Certification

Motion by Ness to approve the preliminary unpaid utility delinquency certification in an amount of \$17,850.33. Second by Utecht. Ness, Utecht, Lucia, Olivolo, and Carlson voted yes. Mayor Utecht declared the motion carried.

Utility Report

The clerk presented the report from the Utility Billing Department. The council requested Ms. Schmidt attend the next council meeting to address questions.

Rustic Inn Liquor License Renewal

Motion by Ness to approve the liquor license renewal for the Rustic Inn contingent upon receiving all the necessary paperwork. Second by Olivolo. Ness, Olivolo, Lucia, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

Caltronic's Irrigation Meter

The clerk received a request from Cal Houdek of Caltronic's requesting approval to remove his irrigation meter; he recently put in a well. The reason he wants the meter removed is to stop the minimum billing.

The council consensus was yes he could remove the meter, he would have to bear the expenses for the removal and capping of the service line.

Committees Commissions

Park and Recreation Committee

Motion by Ness to appoint Lynda Schmidt to the Park and Recreation Committee. Second by Carlson. Ness, Carlson, Lucia, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Member Olivolo, Chair of the Park and Recreation Committee, reported that the committee is working on the Easter Egg Hunt, and a fall Christmas break event as well.

Planning Commission

Because of the appointment of Member Olivolo to the temporary vacancy on the council we now have a quorum of the council on the Planning Commission; which is not allowed.

It was determined that Member Olivolo continue to serve on the Planning Commission as he is a "full" member where Mayor Utecht is an alternate.

None

Old Business

New Business

Financing Your Community Projects Seminar

The clerk was directed to see if someone from Stantec will be attending the seminar.

East Central Regional Development Commission

The clerk was directed to complete the survey.

**Resolution Adopting the
Chisago County All-Hazard
Mitigation Plan**

Motion by Ness to approve Resolution Number 2013-10-3, "Resolution Adopting the Chisago County All-Hazard Mitigation Plan." Second by Carlson. Ness, Carlson, Lucia, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor/Council

Council Letters of Interest

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

The city received two letters of interest for the temporary vacancy on the city council: Margaret St. Sauver, and Tony Olivolo.

Member Ness brought to the attention of the council that if Mr. Olivolo was appointed then an adjustment would need to be made to the Planning Commission.

The council discussed "new blood" vs. experience in the appointment. Positives were found in both scenarios.

Motion by Lucia to temporarily appoint Tony Olivolo to the vacant council seat until Member Bruss can return; we are not replacing Cindy Bruss this is just until she is able to return. Second by Utecht. Lucia, Utecht, and Ness voted yes. Carlson voted no. Mayor Utecht declared the motion carried.

Mr. Olivolo was sworn in and took his seat at the council table immediately following his appointment.

Board of Public Health

The clerk was directed at the September 10th council meeting to research if the city has to have a Board of Public Health.

The response from the League of MN Cities is that a city no longer has to have a health officer or a board of public health.

**Board of Equalization – Jim
Ness**

Member Ness attended the Board of Equalization training and his certificate is on file in the clerk's office.

Real Estate – Mark Utecht

Mayor Utecht said that some things have come up regarding the condo previously occupied by Sacred Grounds; he would like to schedule a work session to discuss in more depth. Work Session is scheduled for October 22, 2013, at 7:00pm.

Adjourned at 10:03pm

Mayor Utecht declared the meeting adjourned at 10:03pm.

Sharon MT Payne