



**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
NOVEMBER 13, 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, and Charles Lucia

Absent: None

Others Present: Peter Grundhoefer, Anne Thom, Chuck Schwartz, Mark Ness, and Paul Witkowski

Additions to the Agenda

Additions to the Agenda:

- Pay for Planning Commission Alternates
- Discuss Process for Backed up Sewers

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

Public Comment

Paul Witkowski:

Mr. Witkowski is concerned about Fernwood Circle; the road is too narrow for two cars to pass; there are also several potholes. He has expressed his concerns to city staff and has seen little progress.

Mayor Utecht said that he went out to the area and observed that two vehicles could not easily pass; there is about four feet of road taken up by brush.

It was noted that trees had been marked for removal but no letters have been sent to the property owners to remove the trees. Mayor Utecht said that this is a priority; when sending the letter note to property owner that trees and brush removed have to be disposed of properly.

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**

**Foxtail Woods Notice of
Default**

Mr. Grundhoefer said that his understanding was that the Maintenance Supervisor was still working on getting the estimates for repair of the street lights.



Motion by Ness for the city attorney to proceed with the default notice once we have the cost estimates for the lighting repair. Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Foxtail Woods 3 Re-plat

Is it correct to state that when Foxtail Woods 3 is re-platted the developer will pay to fix the street lights? Mr. Grundhoefer said it would be dependent upon the cost.

Member Carlson asked that the path (previous private drive) be addressed in the re-plat; also have the barriers replaced that have been removed.

The clerk noted that we do not have an official application to re-plat or any money deposited to cover expenses that are being incurred. The council asked that costs on the project occur only out of necessity until funds are deposited with the city to cover costs. The costs incurred to date can be reimbursed from the future deposit.

Water Treatment Site

The city has a limited warranty deed on the property; does the council want Mr. Grundhoefer to move forward in obtaining a title commitment for the entire parcel? The question was posed is this required as part of the project? The answer is unknown at this time. The council decided to wait to have the title commitment done until it is deemed necessary.

The property has a lease purchase (loan) with a local bank; this may have to be paid off if the city gets PFA funding for the water treatment project.

Doyle Field Lions Lease

This item informational in nature and required no council action.

Tree Maintenance in Right of Way

This item informational in nature and required no council action.

Council Meeting Adjournment

Mr. Grundhoefer reported that there is no issue for the council to set an adjourn time of 10pm. However, he recommends not placing the adjourn time on the agenda.

City Engineer
Chuck Schwartz

Foster Avenue Intersection Improvement Project Update

The project is complete; he will have a pay request at the next meeting.

Test Well Results

Mr. Schwartz reported that there is more than enough capacity in the FIG.

The test well showed radium in the water, however, it is below drinking water standards. The manganese is high.

Mayor Utecht asked if given the results is blending an option. Mr. Schwartz said yes however, the radium levels were higher than what was found in the Royal Concrete Well and Fire Department Well.

The next step is to prepare a Preliminary Engineering Report (PER) for consideration by Minnesota Rural Development. They will review and

determine what the best treatment option is for Stacy.

The council concurred that if a blending plant is put in and an upgrade to a water treatment plant has to occur in the future the city wouldn't see much return on the investment. If a water treatment plant is necessary they would like to do that from the beginning.

**Test Well Project Pay
Request Number One and
Final**

Motion by Ness to approve Keys Well Drilling pay request for \$24,275 for the water well test drilling. Second by Bruss. Ness, Bruss, Lucia, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Water System Improvement
Project Update**

This item will be added to the Special Meeting scheduled for December 5, 2012, at 7:00pm.

**DEED Grant Pre-Application
Submittal**

Mr. Schwartz reported that the pre-application was submitted to DEED.

**Chisago County
Transportation Plan Update**

Mayor Utecht attended a meeting regarding the transportation plan he reminded the County that the County Road 19 bridge over the freeway is a significant concern for Stacy; because of the crown of the bridge makes site lines difficult at best.

The County indicated that it is on their radar however, it has to be weighed against other projects in the County and at the Federal level as well. Mayor Utecht stated the best thing we can do is to keep reminding them we would like this addressed sooner verses later.

Wellhead Protection Plan

Member Ness asked for a status update. Mr. Schwartz will review and report at the next council meeting.

**Financial Advisor
Doug Green**

Bond Sale Resolution

Motion by Ness to approve Resolution Number 2012-11-1, "Resolution Providing for the Issuance and Sale of General Obligation Improvement Refunding Bonds, Series 2013A, in the Proposed Aggregate Amount of \$2,180,000." Second by Carlson. Ness, Carlson, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Post Issuance Compliance
Policy**

Item will be handled at an upcoming meeting.

**City Clerk
Sharon Payne**

**Authorized Expense Limits
for Department Heads and
Mayor**

The clerk was directed to place this item on the agenda regarding spending limits for Mayor and Department Heads.

The current spending limits are \$3,000 Mayor and \$2,000 for Department Heads. This does not prevent authorization of expenses higher than the allowed limits if the expense is a public health and/or safety item requiring immediate attention.

At this time the council will not make any changes to the spending limits;

they seem to be working.

Vandalism North Branch Parks

The clerk received notice from the City of North Branch regarding vandalism to park lights – the copper wiring was removed. They wanted to inform the surrounding communities to be on alert.

Parking Poles

The clerk said that the Maintenance Supervisor is looking at the installation of poles to block car damage to the Xcel Energy box at Doyle. He is also looking at poles for outside city hall. The council would like to wait on the poles for outside city hall until the ADA assessment is complete.

Pay Online Status

Member Ness asked for a status update on online payment processing. The clerk stated that we are set up to offer this service January 1, 2013. The clerk was directed to get the news out there as much as possible.

Committees Commissions

Historical Committee

The clerk reported the committee had met and that we received old text books from the original school from a stranger who contacted the clerk; The books are greatly appreciated.

Park and Recreation Committee

Member Bruss will schedule a meeting.

Public Information Committee

The committee may want to review the development of a community involvement program, similar to neighborhood watch.

Planning Commission

Private Wells

Member Ness reported that the majority of the Planning Commission wanted to regulate private wells as opposed to prohibiting them; this was not practical right now as the state does not have the infrastructure to regulate at this time. The Commission would like the Council to reconsider private wells once the state is able to accommodate regulating.

The proposed ordinance was presented and Section 51.11 (C) required discussion:

(C) Properties located in the A-Agricultural District requiring water as part of the non-residential portion of a farming operation, and properties lawfully engaged in a business requiring in excess of _____ gallons of water per month in the production process, not discharged into the city sewer system, may apply for a conditional use permit to install a replacement private water supply system within the City of Stacy. No construction of new or expanded private water supply systems shall be allowed under this subsection (C). Conditional Use Permits authorized pursuant to this subsection (C) shall constitute an exception to the requirement of mandatory connection to city water pursuant to the City Code.

The Commission did not feel equipped to address the blank above, how many gallons?

Motion by Utecht to approve Ordinance Number 2012-11-2, "An Ordinance Amending Chapter 51 of the Stacy City Code Establishing Point of Sale Regulations for Private Wells and Prohibiting New Private Wells in the City, With Exceptions and Establishing Exceptions and Conditional Uses Pursuant to Sections 153.052, 153.053, and 153.056 of the City Code;" adding 100,000 in the open field in item C on page 2 as presented. Second by Carlson. Utecht, Carlson, Lucia, Ness, and Bruss voted yes. Mayor Utecht declared the motion carried.

Curb Stops

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

Pay for Alternates

Member Ness said that having alternates to the Planning Commission has worked out great; they show up more often than the regular members of the commission. They are only paid if they are actually voting members. He would like to see them be paid; they have to do the same preparation for the meeting as everyone else – they don't know if they'll be voting until after the meeting begins.

Motion by Ness to revise the ordinance regulating the pay for alternates to the Planning Commission, so they are paid for every meeting they attend. Second by Bruss. Ness, Bruss, Lucia, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

December Meeting

There will be no Planning Commission meeting in December.

EDA

The council asked the EDA to consider getting a sign for the business park. Member Carlson stated that a few years ago it was cost prohibitive. Maybe the Chisago County EDA would be willing to help?

Old Business

Ken Cummings – Update on Building Permit

All members of the council expressed frustration that the work has not been completed on the property located at 6000 Stacy Trail.

The clerk was asked if we have fining capabilities: she said the only thing she was aware of was the fine for more than three zoning violation notices per year of \$50.

Motion by Ness to direct the Building Inspector to take the steps to get the work completed, if court is necessary then its court. Second by Bruss. Ness, Bruss, Lucia, Carlson, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor Utecht stated he's not convinced this is the best way to go forward but is not aware of any other way to proceed.

New Business

Chisago County Water Plan Meeting

Informational in nature no action necessary.

**Lakes & Pines Literacy
Classes**

Informational in nature no action necessary.

Sewer Backup Policy

Member Ness indicated that he had issues in his home resulting from the recent jetting out of the sewer line. He said staff handled the situation well but would like to see some type of process put in place.

For example the Maintenance Supervisor said to call someone to clean it up – maybe beneficial to have some contact phone numbers for the homeowner.

He would like to see a process identified for the resident; what do we need to submit to insurance. Should we have a policy that if a backup costs less than the city's deductible then just pay for the repair. The council said yes to this. If the amount is larger than the deductible then submit to insurance.

The clerk will contact the city's insurance carrier regarding what they need from us to process a claim; and if they already have some type of checklist.

Mayor/Council

Fine for Vacant Properties

Mayor Utecht said that on the Mayor's mailing list it was brought up that some city's charge vacant properties that are not being maintained – does the city want to consider this?

Adjourned at 9:37pm

Mayor Utecht declared the meeting adjourned at 9:37pm.

Sharon MT Payne