



**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  
DECEMBER 11, 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, Mark Utecht, Cindy Bruss, and Charles Lucia

**Absent:** Michael Carlson

**Others Present:** Peter Grundhoefer, Anne Thom, Mark Ness, Ken Cummings, and Tommy Cummings

**Additions to the Agenda**

Additions to the Agenda:

- Time Off
- Ordinance Adopting the S-8 Supplement
- Doyle Building Lease with the Lions
- Remove Stacy Wine & Spirits from Agenda
- Monthly Day and Time for Park and Recreation Committee Meetings

Motion by Ness to approve the agenda as amended. Second by Bruss. Ness, 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 with the noted change to the December 5, 2012, Special Meeting. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

**Staff Reports**

**City Attorney – Peter  
Grundhoefer**

**Xcel Holiday Light Contract**

Mayor Utecht suggested discussing with the Lions Club what the city thinks the annual costs will be to have the electricity available to us; and if we should move forward incurring additional expense.

We also need to confirm with Xcel that the fees are established per pole, per month, year round. There are also upfront fees for inspection, wiring, and monitoring.

**Foxtail Woods 3 Default  
Notice**

We received a quote for the repair of the Foxtail Woods Plat 3 street lights in the amount of \$3,900 from Witzel Electric.



Motion by Ness to approve the insertion of \$3,900 into the notice of default for Foxtail Woods Plat 3 and begin the process. Second by Utecht. Ness, Utecht, Bruss, and Lucia voted yes. Mayor Utecht declared the motion carried.

Motion by Ness to allow the City Attorney to share the Witzel quote with the interested developer of Foxtail Woods Plat 3. Second by Utecht. Ness, Utecht, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

### **Water System Title Commitment**

The City Engineer, City Attorney, and City Clerk are reviewing what may be needed from Rural Development regarding city owned property as part of the water treatment plant.

We received an email from Mr. Repulske of Rural Development; he indicated that the need for the title work won't be needed until the project funding is obligated.

No action necessary tonight; Mr. Grundhoefer would like to prepare an estimate of costs to process the title work.

### **Curb Stop Ordinance**

Motion by Ness to table until the January 8, 2013, meeting. Second by Lucia. Ness, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

### **Doyle Field Lease**

Mayor Utecht met with three members of the Stacy Lions Club: John Daher, Vernetta Doyle, and Dan Inderlee; they expressed some concerns regarding the lease:

#### **Paragraph 1 reads:**

"Except as provided below, this agreement covers a lease of said premises for the following period from \_\_\_\_\_, 2012 through December 31, 2021. This agreement shall automatically renew for annual one year terms starting January 1, 2022, unless either party provides written notice to terminate this agreement at least 365 days prior to the next period of renewal. The City shall have the right upon sixty (60) days written notice to Stacy Lions to terminate this Agreement in the event the City, in its sole discretion, determines that the land on which the Doyle Field Building is located, or the Doyle Field Building itself, will be developed or used for purposes other than as service to the Doyle Ball Fields."

*The Lions would like the following removed from the paragraph:*  
*The City shall have the right upon sixty (60) days written notice to Stacy Lions to terminate this Agreement in the event the City, in its sole discretion, determines that the land on which the Doyle Field Building is located, or the Doyle Field Building itself, will be developed or used for purposes other than as service to the Doyle Ball Fields*

A quorum of the council did not have an issue with removing the sentence from the paragraph. Member Ness stated that the building is still a city building; he would like to keep the city's options open to accommodate unforeseen needs in the future.

#### **Paragraph 4 and 5:**

These two paragraphs are covered by paragraph 15. The council

approved their removal from the document.

**Paragraph 14 Priority of Use:**

*The Lions Club would like 30 day's notice for scheduled events.*

The council agreed with this with the addition of wording "if declared emergency of the Mayor then the city may bump whoever is using the building."

The city attorney stated he did not have an issue with the ten year term without an automatic renewal.

Several other items were discussed such as cost of utilities and facility maintenance; the council will move forward in good faith with the Lions Club.

All members stated that the Lions Club has made many contributions to the city and have been cooperative in working with the city.

Motion by Utecht to:

- Drop paragraphs 4 and 5
- Change paragraph 14 to 30 day notice for planned events with the ability to "bump" any function in the event the mayor declares an emergency
- Strike sentence from paragraph 1 and modify the term to ten years with no automatic renewal and no right to terminate.

Second by Lucia. Utecht, Lucia, and Bruss voted yes. Ness voted no. Mayor Utecht declared the motion carries three to one.

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**City Engineer**

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**Foster Avenue Pay Request**

Mr. Schwartz was not present at the meeting; however, the following was addressed.

Motion by Ness to authorize payment to New Look Contracting in the amount of \$51,803.25 for the Foster Avenue/CSAH 19 intersection improvements. Second by Lucia. Ness, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

Motion by Ness to utilize funds in the 2008 Road Improvement Bond Fund for payment of these improvements. Second by Lucia. Ness, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

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**City Clerk**

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**Sharon Payne**

**Certify the Final Levy –  
Resolution Number 2012-12-  
3**

Motion by Ness to approve Resolution Number 2012-12-3, "Resolution Certifying the 2013 Levy," in the amount of \$402,090. Second by Bruss. Ness, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Employee Pay Increase for  
2013**

Motion by Ness to increase all city employee wages by 3% effective January 1, 2013, and change the pay matrix to 1% steps. Second by Bruss. Ness, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor Utecht stated that the increase is for all city employees including those involved in union negotiations.

The change of the pay matrix to 1% will be discussed with the City Attorney. The change to a 1% matrix will afford the council more flexibility when awarding pay increases; they would be able to award 1% up to whatever percent they would like based on the number of steps to move an employee.

**On-Line Payment Fee**

Ms. Payne indicated in setting up of Revtrak she was asked about the \$3.00 fee; does the council still want the \$3.00 processing fee. The council concurred unanimously to leave it at \$3.00.

**Sewer Backup on Private Property**

Member Ness vacated his seat for discussion on this item.

Motion by Utecht that the hourly rate be amended to \$20 per hour for a total reimbursement of \$137.43. Second by Bruss. Utecht, Bruss, and Lucia voted yes. Ness abstained. Mayor Utecht declared the motion carried.

**Amount Due from Liquor Fund**

The clerk reported that on the 2011 audit it was reported that \$226,439 is due from Liquor Operations. Does the council want to set up a payment plan with Liquor Operations? This item will be discussed in 2013 with the manager's and bookkeeper.

**Approval to Redeem Fire Equipment CD's**

Motion by Utecht to direct the city clerk to redeem CD number 54953 in the amount of \$14,716.47 and CD number 23266 in the amount of \$17,432.25 and deposit the funds into the city's general fund for purchase of the fire truck. Second by Ness. Utecht, Ness, Lucia, and Bruss voted yes. Mayor Utecht declared the motion carried.

**Final Certification of Delinquent Accounts**

Motion by Ness to approve the final certification for delinquent utility accounts in the amount of \$21,604.72. Second by Utecht. Ness, Utecht, Bruss, and Lucia voted yes. Mayor Utecht declared the motion carried.

**Fire Truck Payment Approval**

Motion by Ness to approve the purchase of the fire truck in the amount of \$142,018.89. Second by Bruss. Ness, Bruss, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

**S8 Supplement to the City Code**

Motion by Ness to approve the S8 Supplement to City Code. Second by Lucia. Ness, Lucia, Bruss, and Utecht voted yes. Mayor Utecht declared the motion carried.

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**Committees Commissions**

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The clerk was asked to have the committee's notify her who they would like to serve as their Committee Chair in 2013; she will then inform the council.

**Park and Recreation Committee**

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

Member Bruss expressed her frustration that the last two committee meetings have been no-show by all members; after they said they would attend. At the last meeting they all attended they agreed that Fridays at 7:00pm would be a good time to meet. The last two meetings were scheduled on Friday.

Member Bruss established the first Thursday of every month at 6:00pm for Park and Recreation meetings. She will communicate to the committee members.

**Personnel Committee**

Member Ness requested that the committee review and report to the council by April 2013 what impact the Affordable Care Act means for Stacy.

**History Committee**

The clerk reported that a scanner has been purchased and utilized by the committee.

**Publication Committee**

Recently a notice was mailed with the utility bills announcing on-line payments coming January 1, 2013. Also the quarterly radium notice including winter parking and snow removal information has been sent out.

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**Old Business**

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**Ken Cummings**

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

Mr. Cummings stated he received a citation from the Chisago County Sheriff for a violation of the City of Stacy ordinance. He is puzzled as to why he received the citation, the work is complete.

The council required that all the work be done by October 31, 2012; he wants to know specifically what is not done. He did say that there were about eight boards that have been placed since the building inspectors' inspection.

The Mayor will contact Mr. Kramer to determine what work is left to be done and if complete contact the County Attorney stating such.

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**New Business**

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**Lions Club Liquor License**

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Motion by Utecht to table the item until we receive a completed application form from the Lions Club. Second by Ness. Utecht, Ness, Bruss, and Lucia voted yes. Mayor Utecht declared the motion carried.

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**Wellhead Protection Plan –  
Public Information**

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No public present.

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**Mayor/Council**

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**Mayor Utecht**

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Mayor Utecht stated that he has two follow up items from the council meeting: contact the Building Inspector regarding Mr. Cummings and speak with the Stacy Lions Club regarding the holiday lights and agreement with Xcel.

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**Member Ness**

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Member Ness said he would like to see a coversheet developed to include with building permits regarding regulations on the permit. The council concurred.

**Adjourned at 9:23pm**

Mayor Utecht declared the meeting adjourned at 9:23 pm.

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Sharon MT Payne