



**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
JULY 9, 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: Chuck Schwartz, Anne Thom, Tanner Jones, Peter Grundhoefer, Carol Moore, Dennis Oberloh, Troy Nelson, Mel Aslakson, Jeanne Aslakson, Teri Kaslow, Tim Friberg, Cindi Vogel, Paul Vogel, Sandy Witkowski, Ben Montzka, Paul Witkowski, Jerry Schroeder, Tom Sampson, Jim Berneche, and Lori Angeli

Additions to the Agenda

Additions to the Agenda:

- Discover Fun Highway 61
- MCFOA Region IV Meeting - Clerk
- MGFOA Annual Conference - Clerk

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

Public Comment

The following citizens were present to complain about the noise from Royal Concrete:

- Tim Friberg, 5880 307th Street
- Teri Kaslow, 5690 307th Street
- Sandy Witkowski, 30562 Fernwood Circle
- Tom Sampson, 30585 Forest Boulevard
- Paul Witkowski, 30562 Fernwood Circle

The following comments were made:

- Traffic from Royal Concrete has turned 307th Street into a "dirt road."
- The noise from Royal Concrete has gotten worse.
- Consistently being awoken at 3am
- They are tax payers of Stacy; nothing has been done on this issue.
- Beeping of vehicles in the early morning hours.
- Royal is now operating 7 days a week; there is no break from the noise.
- The noise from Royal Concrete is totally unacceptable.
- Forklift noise
- Nothing is being done by the city to rectify this issue.
- What about requiring a sound fence along the perimeter? *At this time the city code does not require this; Royal would be a legal non-conforming use and would not have to adhere to the code if it were updated.*



- How can a sound level test be done? – *The sheriff's office can do this test.*

Mayor Utecht stated that the city has been trying to rectify the issue but our authority is limited; the property owners need to contact the sheriff's office to enforce. He also said that he met with Royal Concrete on four separate occasions this year and called the sheriff twice. His attempts to handle this at the city level have not worked – that is why the sheriff needs to get involved. He is still open to receive calls from the citizens; however, it may be more beneficial to call the sheriff's office directly; at this point there is nothing else he can do.

Member Lucia said that maybe a meeting of Royal Concrete, City Council, and Sheriff's Department would help to address the situation.

Mel Aslakson, 5670 307th Street:

Mr. Aslakson expressed concern for traffic safety in Stacy. He thanked the city for clearing the trees on 312th and Gable, you can now see around the corner. The intersection of Forest Boulevard and Stacy Trail needs to be addressed, what the county has done is pathetic. We don't have any signal lights and Wyoming has three. The pine tree on the corner of Stacy Trail and Forest Boulevard needs to be removed.

Paul Witkowski, 30562 Fernwood Circle:

Mr. Witkowski asked for clarification on the newly adopted parking ordinance; is the parking not within 10 feet of the property line? No, it is within 10 feet of the neighbor's primary structure.

Ben Montzka, County Commissioner:

Mr. Montzka stated that he is working on rectifying the inequity that exists in the County regarding roads and how Stacy is being treated unfairly in respect to the rest of the County. There are seven million dollars in need and only two million available to fund.

The County is looking at a zero percent increase in their budget for 2014 and possibly a small reduction due to greater funds received from the State.

Mr. Montzka said that the Forest Boulevard and Stacy Trail intersection striping has helped back-ups; however Member Ness said that it has made turning much more difficult.

Letters Read into Record:

The city received two written items to be read into the city record; Mayor Utecht read the following (which content has been summarized):

Deb Willing: she expressed her dissatisfaction with the newly adopted parking ordinance.

Leonard Pec: complaint regarding the noise from Royal Concrete.

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

Consent Agenda

Staff Reports

Maintenance Department
Tanner Jones

Land Sale

Mr. Jones went out and marked the property and determined there is access from Frontage Road to the parcel. He will go out with the surveyor.

Storm Sewer Wash Out

Member Ness asked how much worse is the wash out by Well 2; Mr. Jones says a little; Member Ness said this should be fixed even if we need to contract it out.

2014 Budget Item - Truck

Mr. Jones presented information on the possible purchase of a new city truck in 2014; the council asked for further information to include pricing for a crew cab, extended cab, and regular cab with all other specifications the same. They would also like the pricing of a new plow included, the cost of affixing the city's logo, lights, and what the anticipated sale of the old truck and plow would be.

City Attorney – Peter Grundhoefer

Foxtail Woods Plat 4

The developer contacted Mr. Grundhoefer and said that the documents will be ready this Friday, signed by the county and then will be ready for city approval. The Letter of Credit needs to be in hand before approval.

Vogel Land Sale

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

Mr. Grundhoefer said that several easements exist around the area to be purchased; he suggests that a survey be done.

The council could approve the Purchase Agreement contingent upon the granting of the necessary easements. He would recommend waiting until after the survey is complete.

The council decided not to move forward with the Purchase Agreement at this time; they want to make sure they have all the necessary information first.

They discussed the potential costs such as the survey, legal, and title search. Mayor Utecht said that any cost the city has in selling the land will be passed onto the Vogel's. The County Assessor said that the 6/10's of an acre is worth \$1,320; so the city would propose to sell the land at the \$1,320 plus costs. The best estimate is \$3,520; is that something the Vogel's are willing accept? If so we will move forward to get everything in place. They responded yes – what does the city need tonight? It was determined that a \$1,500 deposit would be appropriate (which is nonrefundable).

Mr. Grundhoefer will prepare an escrow agreement allowing the city to hold and use the money.

Motion by Ness to authorize the Mayor to sign the escrow agreement for the land purchase. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Motion by Ness to sell the parcel of property to the Vogel's at \$1,320 plus all costs incurred. Second by Carlson. Motion withdrawn.

The utility easement utilizing the Vogel's driveway will be reviewed.

City Engineer
Chuck Schwartz

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

Forest Boulevard and Stacy Trail Intersection

Mr. Schwartz said that the truck turning at the intersection was reviewed. Mayor Utecht said that he spoke with Joe Tripplet at the county; he thought the striping would address the concerns.

Nextera Communications

Currently Nextera has three antennas on the south water tower; they would like to replace two with two new ones, one of which is going from a two foot to a four foot diameter. There fees to their client will go up but the payment to Stacy will stay within the contract parameters and will not go up.

Mr. Schwartz and Mr. Grundhoefer spoke with Nextera today and decided that an amendment to the agreement would address their concerns.

Mr. Grundhoefer said that Nextera is anxious to install the equipment; this item will be addressed at the July 23rd Special Meeting.

City Clerk
Sharon Payne

Audit – Dennis Oberloh

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

Mr. Oberloh presented the 2012 audit and reported no notable actions he also stated that the city is in good financial condition, that budgeting and spending are kept in line.

Insurance – Carol Moore

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

Motion by Ness that the city does not waive the monetary limits on tort liability established by Minnesota Statutes 466.04 per recommendation of Carol Moore. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Computer

Motion by Ness to replace both computers in the clerk's office. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Demolition Permits

The council consensus was not to update the city code to require demolition permits; state law already regulates demolitions.

Liquor Operations Bond Structure

Informational in nature, no action required.

Stacy Sports Complex

The clerk received an application for a rezoning from the North Branch Hockey Association. The application is incomplete. The council will not move forward without a signed purchase agreement.

Minnesota Clerks Finances Officers Association (MCFOA) Region IV Meeting

Motion by Utecht to approve the city clerk to attend the MCFOA Region IV meeting on July 22nd. Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

Minnesota Government Finance Officers Association (MGFOA) Annual Conference

Motion by Ness to approve the city clerk to attend the MGFOA Annual Conference September 18-20th. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Discover Fun Highway 61

Motion by Ness to authorize the city clerk, EDA member, or History committee member to attend; up to a limit of three including the city clerk. Second by Utecht. Ness, Utecht, Carlson, and Lucia voted yes. Mayor Utecht declared the motion carried.

Committees Commissions

Chisago Lakes Joint Sewage Treatment Commission (CLJSTC)

The bonding including the land purchase has not been voted upon; this was discussed at the last meeting of the council. CLJSTC is not sure they will be purchasing the land at this point but may include it with the bond and prepay if the land is not purchased.

Personnel Committee

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

Mr. Grundhoefer will prepare a draft of the electronic communications ordinance for the Personnel Committee's review.

Park and Recreation Committee

Member Lucia said that the committee is working on the Sunrise Ball Field Twins dedication for August 3rd.

EDA

Mayor Utecht attended the County EDA meeting; he is more than happy to continue to attend on behalf of the city unless a member of the EDA would like to attend.

Planning Commission

Fire Inspection Program: this was brought to the commission by the building inspector; Mr. Kramer and the Assistant Fire Chief, Brad Schroeder attended the last Planning Commission meeting and are both in favor of the program.

Member Ness asked if the council wanted to move forward with the code revision; this will cost the city money. The council had a couple of questions: how much does Mr. Kramer charge to perform the inspection; who pays the fee? Does the city receive any of the fee? What do other cities of similar size do? Item will be discussed at the next regular council meeting.

Old Business



Special Assessment Policy – Old Draft 2008

This item handled out of order by Utecht. Second by Ness and carried. Motion by Utecht to table until the next regular meeting. Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

New Business

Troy Nelson – Sunrise Ball Field

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

Mr. Nelson said that the field is looking great; there are still a few things to address before the dedication: get weeds knocked down at the north end of the gate and dug out weeds; he will work with Mr. Jones on any other items.

Mr. Nelson also asked that the city consider the ongoing maintenance of the park now that all the work and upgrades have been done. This is already a budgeted item.

Mr. Nelson asked about the dedication; what is needed from him? Member Lucia said that he spoke with the Twin's liaison about getting a representative there for the August 3rd dedication. It would be nice to have kids play on the field for the dedication.

Does the city want a shed for the park? He was instructed to consult with Mr. Jones.

Lions Club

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

Lion Club Members, Jim Berneche, Lori Angeli and Jerry Schroeder were present to discuss several items:

Stacy Daze Liquor License – Lions Park:

Mr. Berneche presented the “beer garden” area for consumption on Stacy Daze for Lions Park.

The clerk could not recall if the license was approved contingent upon receiving a map of the consumption area or if a motion was necessary. The clerk will research the item and if it was not approved then add it to the meeting on July 23rd.

Hard Beer and Wine License:

If the Lions Club would like to sell hard beer and wine they will need a full liquor license.

The fee for a full liquor license is \$2,500 if they can demonstrate a substantial difference from other licensed on-sale in the city then the city may be able to adjust the fee, if not then no adjustment can be made.

Donation Agreement, Promissory Note, and Lease Purchase Agreement:

The Donation Agreement and Promissory note were signed tonight.

Motion by Ness to authorize the Mayor to sign the Donation Agreement and approve the form of the agreement for \$65,000. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Motion by Ness to approve the Lease Purchase Agreement. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Dumpsters and Porta-potties:

The Lions Club have ordered the dumpsters for the state tournament and Stacy Daze, what about porta-potties? The Lions were directed to work with Mr. Jones.

Mayor/Council

Time Reporting by staff

This item was brought up by Member Bruss who is absent.

Motion by Utecht to table until the next regular council meeting. Second by Lucia. Utecht, Lucia, and Carlson voted yes. Ness voted no. Mayor Utecht declared the motion carried.

Employee Reviews

Mayor Utecht said that at the employee reviews they talked about considering an increase for the city clerk; is there anyone willing to discuss tonight or do we want to wait for a full council?

Motion by Ness to give the City Clerk a 2% merit increase effective July 22, 2013. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Royal Concrete Noise

Mayor Utecht agrees with Member Lucia's recommendation to schedule a meeting regarding Royal Concrete's noise complaints. The meeting will be comprised of Jack Kramer, Peter Grundhoefer, Royal Concrete, City Council, Sheriff Duncan and concerned citizens. Mayor Utecht will coordinate the meeting and call for proper posting.

Pretty Bird – Odor

Mayor Utecht received a complaint about odor from Pretty Bird; the building inspector will contact the citizen with the complaint.

Deb Willing Letter

Member Ness asked if the council would like him to respond to Ms. Willing's letter as he is Chair of the Planning Commission; the council said yes.

Closed Meeting – Union

Motion by Carlson to recess regular meeting and go into closed session at 9:53pm second by Utecht. Carlson, Utecht, Lucia, and Ness voted yes. Mayor Utecht declared the motion carried.

Adjourned at 10:00pm

Mayor Utecht declared the meeting adjourned at 10:00pm.

Sharon MT Payne