



**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
AUGUST 13, 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, Steve Thorp, Tim Friberg, Tony Olivolo, Cal Houdek, Craig Moline, Sandy Witkowski, Paul Witkowski, Leonard Pec, John Seiberlick, Tom Garin, and public not identified.

Additions to the Agenda

Additions to the Agenda:

- County Road 30 Project - Joe Triplett
- Cal Houdek – Wells
- 169 TIF
- Patio Sports Grill
- Action on Closed Meeting

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

Tim Friberg:

Mr. Friberg called the sheriff's office regarding the noise from Royal Concrete; the officer told him that he had nothing to go on to enforce.

Leonard Pec:

Mr. Pec said that he thinks a lot of the noise from Royal Concrete is unnecessary; he also said that Royal used to be receptive and responsive to concerns.

A written complaint was read into record from Paul Witkowski.

Consent Agenda

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.

Staff Reports

**Maintenance Department
Tanner Jones**

Mower

Motion by Ness to approve the Maintenance Department to purchase the Toro ZTR 29hp Kohler EFI 72" Turbo F John Deere 757 Ztrac with



bagger for a cost up to \$7,100. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Stacy Sports Grill

Mayor Utecht conveyed that the Sports Grill Manager was grateful for all the work they did getting ready for Stacy Daze.

City Attorney – Peter Grundhoefer

Mr. Grundhoefer's items were discussed elsewhere on the agenda. No additional items required.

**City Engineer
Chuck Schwartz**

Radium Removal Project Update

Mr. Schwartz stated that he is working with Rural Development and the state on the project. One of the issues is the lack of records regarding maximum gallons of water pumped per day. These records are an important factor in the sizing and type of plant. These numbers stopped being tracked in 2007, so older records will be used. Current staff know about the recording requirement.

**City Clerk
Sharon Payne**

Pay Matrix

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

Motion by Ness to approve the 1% pay matrix as presented. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Discover Fun on Highway 61

The clerk will send an email to the EDA to see if anyone would like to attend this meeting; if not the Mayor will attend.

Committees Commissions

Planning Commission

Mayor Utecht said that the Planning Commission sometimes struggles with getting a quorum; for that reason he would like to appoint another alternate to the Planning Commission until Member Bruss returns.

Motion by Ness to appoint Mayor Mark Utecht to the alternate Planning Commission seat until Member Bruss returns from absence. Second by Carlson. Ness, Carlson, Utecht, and Lucia voted yes. Mayor Utecht declared the motion carried.

Member Ness asked if the council wants the Stacy Sports Complex to pay a park dedication fee; all members concurred they do not.

Old Business

Assessment Policy

Member Ness said that he does not want to adopt the policy, he wants to maintain flexibility. The rest of the council concurred.

Ordinance 2013-5-1, Parking Permit Fee

Motion by Utecht to set the annual permit fee to \$10.00. Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

Fire Inspection Program

The council consensus was to move forward with the Fire Inspection Program for Stacy.

Stacy Sports Complex

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

Subdivision Requirement:

Steve Thorp said that the land had already been platted with the business park; why should they have to go through the subdivision process. Mr. Grundhoefer said that he has made it clear that the subdivision process needs to be followed per our city code.

Water Tower Easement:

The association does not want to pay for the easement; the council said that they do. Mr. Thorp asked them if they could change the amount of land being purchased to exclude the easement. Because of setback requirements they need to purchase the easement; additionally if they do not purchase to the property line an unbuildable lot would occur. Mr. Thorp asked if they could pay less for the land in the easement. The council said no.

Mayor Utecht said he understands that they are trying to be fiscally responsible for the association, we're trying to do the same for the city.

Purchase Agreement:

The purchase agreement for the land was given to Mr. Grundhoefer by the Hockey Association's attorney today. There has been no time to review. Mr. Grundhoefer recommends that the council not take any action tonight. The certificate of survey is required to complete the purchase agreement.

Public Hearing:

The association directed the cancellation of the Public Hearing scheduled for August 26, 2013.

The application for rezoning received by the city on August 8, 2013, will be put on hold for the other parts of the project to be put into place. The city will ask for an extension from the association.

Time Reporting by Staff

A salaried employee is paid for the job not the hours; remove from the agenda, no council action to be taken.

Noise Complaint

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

Mayor Utecht said that after speaking with the sheriff and others that our ordinance in its current state is too vague to enforce. He reviewed Minnesota State Statute 116.07 and MPCA Rule 7030. The city cannot enact any more restrictive regulations than what is allowed by the State or MPCA.

He sees the problem with these two rules being the noise pressure has to be over a certain amount of time. About 15 years ago sound level testing was done and Royal Concrete was well within the guidelines at that time. The only way to test these levels is to pay someone to conduct the sound study, rather the city will do that or not has not been decided.

Member Ness thought that the sheriff could enforce State statute. Mr. Grundhoefer believed they can enforce statutes statewide. Member Lucia said that it's hard to enforce without proof. Mr. Grundhoefer said that typically nuisances are handled by the city code enforcement officer; once the data is collected then he gives the information to the sheriff to write the citation.

Member Ness would like to see a quote for what the costs would be to have the sound study conducted.

Additional Public Comment:

Tim Friberg: doesn't the MPCA provide sound studies?

Paul Witkowski: we are going after noise as a nuisance.

Sandy Witkowski: she's sick of the early morning noise.

Leonard Pec: said that when the testing was done 13 years ago, Royal was aware of the testing, and is afraid that may happen again.

Mr. Grundhoefer will review if the noise can be enforced through the State nuisance ordinances.

Stacy Sports Grill Patio

Motion by Utecht to authorize the patio for the Stacy Sports Grill for a cost not to exceed \$15,000. Second by Carlson. Utecht, Carlson, Lucia, and Ness voted yes. Mayor Utecht declared the motion carried.

New Business

Tax Forfeited Property

The clerk will notify the County Auditor that the city is not interested in either lot.

Family Pathways – Bail or Jail Event

No action.

Resolution 2013-8-1 – Authorizing Stacy Sports Grill VISA Card

Motion by Utecht to approve Resolution Number 2013-8-1, "Resolution Amending Original Resolution Number 2007-02-03 Authorizing the Stacy Municipal Liquor Store to Open a VISA Account now Known as the Stacy Sports Grill." Second by Ness. Utecht, Ness, Lucia, and Carlson voted yes. Mayor Utecht declared the motion carried.

**County Road 30
Improvements – Joe Triplett**

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

Mr. Triplett indicated that there will intersection improvements at County Road 19 and County Road 30:

- Enlarge the radius for turning utilizing current County ROW
- The project will be from Wyoming (intersection of County Road 30 and County Road 22) to Stacy (intersection of County Road 30 and County Road 19).
- The project to bid in December or January
- LED Stop signs at the intersection will be installed

Items the council will consider: replacement of the sewer line under the section to be improved (current problem area); storm water run-off; and if there would be a benefit to improving Frontage Road at the same time.

Wells – Cal Houdek

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

Mr. Houdek said that he did not know he was in violation of the city code when he put in an irrigation well until the Building Inspector would not approve the plumbing permit. He also stated that the owner of St. Paul Engraving also just put in a well.

Mayor Utecht said that the ordinance was passed last year; Mr. Houdek said that he reviewed the code and did not see that it prohibited the outside irrigation well.

The Council would like the Planning Commission to review the ordinance to clarify its intent; which was to not allow any new wells in the city including irrigation. The city attorney will also define the intent of the current ordinance and communicate to the Building Inspector.

169 TIF 1.1

Motion by Ness to approve the Mayor to sign the Estoppel Letter for TIF 1.1 169 Industrial Park Development. Second by Carlson. Ness, Carlson, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor/Council

Closed Meeting Action

Motion by Utecht that we prepare and present a formal verbal written warning for the Sports Grill Manager regarding discussing employee issues with other employees. Second by Ness. Utecht, Ness, and Lucia voted yes. Carlson voted no. Mayor Utecht declared the motion carried.

**Council Temporary
Replacement**

Mayor Utecht said that Member Bruss has missed the following meetings: July 9, July 23, August 6, and tonight. He believes our policy says that three months absence then the council could consider declaring the seat vacant. He tried to contact Member Bruss but was unable to speak with her. He's not trying to get her out of here by any means – but we need someone able to do the job.

He would like to appoint a temporary to get someone in right away; we would submit letters of interest and temporary fill at our September meeting. We're not sure how long we'll need the temporary appointment.

Motion by Utecht that provided that it is allowed we advertise for letters of interest to fill a temporary council position until council Member Bruss can return to her position. Second by Carlson. Utecht, Lucia, Ness, and Carlson voted yes. Mayor Utecht declared the motion carried.

BP Station

The building has been vandalized again – is there anything we can do to expedite the tax forfeiture process? This is an ongoing/unsightly issue.

Re-alignment of County Road 30

Member Ness said that he was shocked how quickly the striping occurred at the intersection of County Road 30 and County Road 19; he also said that the business owner directly to the north of him was not happy he lost parking space in front of his building.

Adjourned at 9:46pm

Mayor Utecht declared the meeting adjourned at 9:46pm.

Sharon MT Payne