



**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
APRIL 14, 2015, 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, Tony Olivolo, Chuck Lucia, and Samantha Denney

Absent: None

Others Present: Anne Thom, Ted Alliegro, Tim Friberg, Matt Flin, Bob Still, Rodney Hestekin, and Mark Statz

Additions to the Agenda

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- Temporary Signs
- Facebook

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

Public Comment

Tim Friberg, 5880 307th Street: Mr. Friberg stated that the vibrations from Royal Concrete are not acceptable and prevent him from sleeping, the tree berm does nothing to alleviate the noise, and that the dust from Royal Concrete is an issue.

Mayor Utecht said that the city attorney indicated that the concerns over Royal Concrete do not constitute a public nuisance; it is a private nuisance.

Consent Agenda

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

Member Ness asked that Mr. Hachey provide clarification regarding what the freedom panel terminal is.

Staff Reports

City Attorney

Ted Alliegro

Frontage Avenue Gap

Mr. Alliegro reported he is working on the legal description and has found a potential issue; involvement from the county may be necessary.

Sunrise Auto Quiet Title

He said this is ready to go.



City Engineer
Mark Statz

Stacy Sports Grill Sidewalk

Mr. Statz sent a reminder email to Mr. Triplett to follow-up.

Committees Commissions

Chisago Lakes Joint Sewage Treatment Commission

Member Olivolo said that the last meeting was short and the main topic discussed was the budget.

Personnel Committee

The council would like to review the performance review forms at their May meeting.

Public Information Committee

Member Denney asked if the city hall could be used as a CSA (community supported agriculture) drop off site.

Member Ness said that the Doyle Building may be a better site as the city hall is no longer rented out; Member Denney said that someone needs to be there when the produce is delivered. It was determined that the Sports Grill may be a better choice. Member Denney will continue to research the CSA.

On a side note Member Denney said that she has received positive comments regarding the live entertainment at the Sports Grill; people are driving from other communities for it.

Park and Recreation Committee

Member Olivolo reported the Easter Festival was a great success; about 250 kids attended and about 400 people total. He thanked the area businesses for their support.

Stacy Economic Development Authority (SEDA)

Member's Denney and Olivolo toured Metal Crafters; they were quite impressed with the business.

Michael Carlson resigned from the SEDA; therefore Cal Houdek was appointed President and Jeff Hensel Vice-President by the SEDA.

Planning Commission

Member Ness asked the council to review the Temporary Sign section of the city code; the question is: does the code need to be changed? Or does it just need be enforced?

A business owner in Stacy expressed concern to Member Ness regarding the temporary sign ordinance; the issue is that it is confusing and not enforced uniformly.

The Public Hearing for the Hockey Arena Project is next week.

Old Business

LED Sign

No update.

**Midcontinent
Communications**

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

The council would like to see the entire city serviced by Midcontinent and would like to see an expansion plan, with timelines included.

Member Ness asked Mr. Alliegro to note if the contract has an automatic renewal; he would like the contract to expire in five years and be reviewed again then. The reasoning is technology is changing so quickly.

**Special Meeting
Requirements**

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

Mayor Utecht asked Mr. Alliegro to address a scenario as it relates to the open meeting law and the calling of special or closed meetings:

- Council Member A wants a meeting called for employee performance
- Council Member A calls the Mayor to call the meeting; the mayor does not agree and will not call the meeting
- Council Member A then calls Council Member B to call the meeting. Does this create an open meeting violation? As now a quorum of the council has been involved.

Mr. Alliegro said that the purpose of the open meeting law is to assure items are discussed by the council in a posted meeting. However, to schedule a meeting in the above scenario would not constitute an open meeting violation if the Members are talking about the meeting conceptually only. Such as – I have an item I believe deserves the council attention; or I have an employee performance issue for the council to address. No specifics are to be discussed.

**Liquor Store Bookkeeper
Contract**

Motion by Ness to approve the Liquor Store Bookkeeper contract as presented. Second by Denney. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

**Merit Based Compensation
Policy**

The members will review the draft; if they have any changes to the policy let the Personnel Committee know. If they have an issue with the concept in general that will be discussed among the council members.

It was determined to hold a Special meeting to discuss the Merit Based Compensation Policy. The Mayor will call the meeting dependent upon the Personnel Committee meeting progress.

New Business

**Royal Concrete Request for
Well**

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

Representatives from Royal Concrete were present; Bob Still and Matt Flin.

The city received a letter from Mr. Still requesting a variance/conditional use permit to the city code section chapter 51 in order to drill its own private well to accommodate the proposed expansion of their operations.

Several items discussed:

- Can the city provide raw (untreated) water to the plant?
- Can the city accommodate the potential 25,000 gallons per day? Mr. Statz said yes.
- The daily use is anywhere from 3,000-25,000 gallons per day dependent upon work load.
- Can the city guarantee that they can provide water? Dependability is extremely important to Royal Concrete.
- Royal Concrete currently has six wells on their property; can piping accommodate their need? If so is this allowed by the city code?

Mr. Statz said how do we treat this request – is it an expansion of the current Conditional Use Permit (CUP)? Is there anything in the current CUP regarding expansion?

The city engineer and the representatives of Royal Concrete will discuss the options. Member Ness volunteered to be part of this discussion process.

The city attorney was directed to review the city code to determine if a variance for the well would be allowed. Mr. Alliegro said that the question to answer is what does it mean to expand a private water supply system.

Carol Moore – Central Insurance

Motion by Ness that the city does not waive the tort liability. Second by Utecht. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Rodney Hestekin – Haven Estates

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

Mr. Hestekin, owner of Haven Estates, said the sewer and water rates are awful. It's difficult for him to believe the tenants are using so much water. Is there anything that can be done?

The council explained why the rates are set where they are; they did direct the Utility Billing Clerk to prepare a comparison of month to month the use for the property. Also asked Mr. Hestekin to provide an estimate of how much water is used outside.

The item will be discussed again at the May 12th meeting.

MAAC Report – Hazardous Material Assessment, City Hall

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

The report shows the existence of asbestos in the city clerk's office ceiling tile and in the council chambers in the flooring.

It was determined that the hazardous material will be abated, and not included as a bid item in the bid package for the city hall renovation. It was also determined that the city would have M.A.A.C perform the

abatement for the cost proposed of \$5,152. The abatement would not occur until just before the remodeling project commences.

The cost of bidding the city hall renovation separate from the water treatment plant will cost about \$10,000 more. The council discussed this at length and it was ultimately determined that city staff's safety was the priority and to move forward with the city hall project now. The water treatment project construction is not known at this time; and may likely be next year.

Motion by Utecht to bid the city hall renovation project separate from the water treatment plant project and authorize Stantec up to \$10,000 for the bid work. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Chisago County Notice of Tax Forfeited Land Sale

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

Property ID 19.00184.38 is the "old BP property," the parcel forfeited to the State of Minnesota for non-payment of property taxes.

The county auditor is requesting that the city approve the parcel for public auction, auction to adjacent landowners, request conveyance to the city for public use or purchase the property at the appraised value.

Mayor Utecht said that there is no public access to the property, can it be sold at public auction? Probably not. Is there anything about the property that the city can obtain it for public use, like abating the nuisance?

This is a good location if the access issue was resolved; the council may need to solve the access issue. This could be costly for the city.

Member Ness stated he thinks it proper to auction the property to the adjoining landowners; this may be beneficial for the city.

Motion by Ness to approve the county to have a public auction on the property or offer to adjoining property owners. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Minnesota Workforce Seminar

Motion by Ness to require all four supervisors attend the seminar. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

League of Minnesota Cities – Annual Conference

No one will attend.

Lions Club Request for Fire Works

Motion by Olivolo for the city to contribute \$500 to the Stacy Lions Club for the Stacy Daze fireworks. Second by Lucia. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Planned Unit Development Application and Deposit Fee

Motion by Utecht to establish the fees for a Planned Unit Development (PUD) at \$50 application fee and \$5,000 deposit. Second by Ness. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor/Council

Facebook

Member Denney said that Facebook may be a tool to inform people on the events of the city. The council approved utilizing Facebook for the city, however, posting no pictures that the public has not been made aware may be posted to social media.

Adjourned at 9:42p.m.

Mayor Utecht declared the meeting adjourned at 9:42p.m.

Sharon MT Payne