



**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
MAY 12, 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, Dennis Oberloh, Tim Friberg, Cindy Vogel, Paul Vogel, Mark Statz, Tanner Jones, Craig Moline, Bob Stihl, Steve Thorp, Greg Oden, and Joe Triplett

Additions to the Agenda

Additions to the Agenda:

- ASCAP
- Lot Split
- Temporary Signs
- Infraseek Training

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

Public Comment

None

Consent Agenda

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

Staff Reports

City Auditor

Dennis Oberloh

Accept 2014 City Audit

Motion by Ness to approve the 2014 audit as presented. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.



City Attorney
Ted Alliegro

Frontage Avenue Quiet Title Action

Attorney Alliegro reported that he has encountered some issues with preparing a correct legal description for the property, he will need to work in coordination with the county surveyor and county engineer.

Sunrise Auto Quiet Title Action

Attorney Alliegro will meet with the property owner.

Abstracts for Water Treatment Plant

The title opinion on the property is complete; what is the next step? Mr. Alliegro will coordinate with the city engineer.

Royal Concrete Water

Attorney Alliegro's memo to the council states:

"Per its April 1, 2015 letter to the Stacy City Council, Royal Concrete has requested a Variance/Conditional Use Permit to drill a private well. Alternatively, as discussed at the last council meeting, could Royal Concrete reconfigure its current 6 wells so as to avoid the need for a new well, i.e. somehow draw the needed water from the private wells that already exist on the property.

Royal Concrete presently operates under a Conditional Use Permit. Pursuant to §153.189(B)6, no modifications of existing conditional use permit may occur without council approval. Modifications may include but are not limited to "...expansion of structures and/or premises, operations modifications..." I believe reconfiguration of the 6 wells would require a Conditional Use Permit modification.

However, §51.11 of the City Code prohibits the construction of new or expanded water supply systems if the public water system is within 150 feet of the boundary of the property. In the present case it is. As the purpose is to draw more water, even though the wells already exist I believe any reconfiguration would amount to an expansion which is not allowed, even with a Conditional Use Permit or a modification thereto.

Based on the foregoing, I believe the City cannot allow Royal Concrete to drill a new well or reconfigure its existing wells to increase its water supply. I have conveyed this to the City Engineer to begin looking at alternatives."

Mr. Statz said that the city could provide water service to Royal Concrete in two possible ways:

1. Run a service line to Royal Concrete
2. Research ways to service them with non-potable water, this would be the direction he would encourage the council to proceed.

Mr. Still said that if he understands correctly then no expansion of the current wells will be allowed, correct?

Attorney Alliegro said that is correct; an expansion to the business would require an amendment to the conditional use permit and for Royal Concrete to connect to the city's water system.

There are several complicated issues to work out, it was suggested that Royal Concrete and the city engineer work together and then a work session of the council can be called to discuss.

The costs will be a big part of the discussion; how much to run the line, how much to pay for the water?

The council may need to review the ordinance to determine the intent; does the attorney's opinion meet the intent, or is a text amendment necessary?

The engineering costs to come up with the anticipated project costs may be significant; Mr. Statz said that he wants to provide accurate data. Possible cost \$5,000.

Mayor Utecht said we are trying to find a solution that works for everyone; the city has to partner with Royal Concrete to share the expense of the research. Mr. Still said that Royal Concrete would not be agreeable to the expense.

Mr. Still wants to use the infrastructure already in place on Royal Concrete's property. Mr. Statz said that the Stacy Ponds Business Park properties are required to connect to city utilities; what if someone wants to come in and use a well. This could be setting precedence.

Mayor Utecht said that it is clear that Royal Concrete does not want to buy city water; Mr. Still said that it comes down to costs. The next step is to discuss if it's appropriate to modify the ordinance to accommodate the request. We already have the opinion of our attorney. The city attorney was directed to review what modifications need to be made to the ordinance to accommodate the change; then the council will review to see if it's appropriate to change. Mr. Alliegro will work with Royal Concrete; once that is done a work session can be called for the council to discuss.

ASCAP

Mr. Alliegro said that there is basically no way around it; this is an "insurance policy."

Motion by Ness that both the City and Sports Grill enter into an agreement with ASCAP. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

The city will not be paying the Sports Grill the \$2,059.53 they paid for coverage to ASCAP; as it appears they were covered during that time period and ASCAP has made a change.

No other companies offering this type of service will be considered.

Maintenance Department

Water Main Break

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

Member Ness said the report prepared by Mr. Jones helped in providing the history of what happened with the water main break. He said that the mayor had sent out an email regarding the break on Friday evening – what

if a council member disagreed in waiting for the repair; if that was communicated to the mayor would this constitute an open meeting violation? Attorney Alliegro said that it would not you can voice disagreement but cannot discuss the merits or items that lead to a decision.

The water main break would have met the emergency meeting criteria established in the law.

Member Ness said that he is not saying that there was anything wrong with how the water main break was handled; but to learn from it for the future.

Mr. Jones stated that he has ordered some parts to have on hand in case a situation like this occurs again. The council directed Mr. Jones to research costs for traffic management equipment and to check with the county to see if they could help in this type of instance.

City Engineer
Mark Statz

Water Treatment Plant

The plans are at the USDA; comments were received back and addressed. This is the preliminary design review. The final design and authorization to bid still need to be done.

City Hall Improvements

Bruce Paulson worked with staff to come up with a plan for the clerk's office. Mr. Paulson to attend the meeting on the 26th.

Drainage on 307th Street

Item for the May 26th agenda.

Stacy Sports Grill Sidewalk

Mr. Triplett said they would be meeting with the contractor on Thursday.

Infraseek Training

The council will be trained on Infraseek on June 2, 2015, at 7p.m.

Old 61 Bridge (Frontage Avenue)

Mr. Statz said the county asked if the city wanted a quote to remove the old bridge; the cost for the quote is free. The council said yes.

City Clerk
Sharon Payne

Jessica Thompson – Fees

Mayor Utecht said that he thought it appropriate to waive the connection/disconnection fee in this instance as the city's policy was not followed; The notice of shut-off is to be posted on the property prior to shut-off this was done at the same time of the shut-off. Therefore, this did not allow the occupant an opportunity to request a hearing before the council.

Motion by Utecht to waive the \$200 connection/disconnection fee but to restart the shut-off process immediately and notify them they will be shut-off unless they pay the remaining balance or enter into a payment plan as the policy states. Second by Ness. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

The council agreed that three (3) days posted notice would be sufficient prior to shut-off.

The clerk will direct Ms. Schmidt to place a comment on the Utility Bills each month:
Please contact Lynda Schmidt if you have concerns about paying your utility bill.

Utility Billing

Motion by Ness to table to the 26th. Second by Lucia. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Remind Ms. Schmidt the report is to be done in time to meet the council packet deadline.

Committees Commissions

Items Tabled

The following items were tabled until the 26th by motion of Utecht. Second by Ness and carried:

- Chisago Lakes Joint Sewage Treatment Commission
- Personnel Committee
- History Committee
- Public Information Committee
- Park and Recreation Committee
- Stacy Economic Development Authority

Planning Commission

Stacy Ponds Business Park – 2nd Addition Plat Approval

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

Mr. Statz said they are looking for preliminary and final plat approval. The surveyor does not have the final plat done, the wetland delineation has not been received, and clear title.

Motion by Utecht to approve the preliminary and final plat for the Stacy Ponds Business Park 2nd Addition contingent upon the city engineer and city attorney's approval; and authorize the mayor to sign the final plat. Second by Olivolo. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Stacy Ponds Business Park – 2nd Addition Rezoning

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

Motion by Ness to rezone Lot 2 of the Stacy Ponds Business Park 2nd Addition conditional upon the closing of the sale of the property; from parks to light industrial. Second by Lucia. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Hockey Arena Purchase Agreement:

Mr. Alliegro will review the purchase agreement now that the legal is complete.

Mr. Moline said that they are waiting approval from the gambling control board to authorize gambling funds for the lot purchase. They will be

deciding on the 15th of June. Place item for action on the June 9th agenda, to approve the purchase agreement with contingencies.

Ordinance Light Industrial Zoning District

Motion by Utecht to approve Ordinance Number 2015-5-2, "An Ordinance Amending Chapter 153 of the City Code of the City of Stacy Amending Subsection 153.053(B) Permitted Uses in the Light Industrial Zoning District. Second by Denney. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Ordinance Sewer Connections

Motion by Ness to approve Ordinance Number 2015-5-3, "An Ordinance Amending Chapter 52.57 of the City code of the City of Stacy Amending Subsection 52.57 (Q) Amending Sewers and Connections." Second by Lucia. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

Temporary Signs

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

Member Ness asked what direction does the council want the Planning Commission to go in regards to the temporary sign ordinance.

The council decided not to change the ordinance at this time and directed the city clerk to mail a copy of the temporary sign ordinance and note saying that they need to comply with the ordinance by August 1. This includes both of the city owned operations as well.

Lot Split, 19.00047.00

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

Member Ness abstained from this item due to possible conflict of interest and left his seat.

Mr. Triplett said that the county would like to purchase property from the owner to be proactive for the next road project on County Road 30. He said the purchased property would most likely be used for parking.

The Planning Commission had denied the county's request for the lot split due to safety concerns of the road being so close the entrance/exit of the building. The city engineer confirmed that the road cannot be closed than two feet from the building.

Mayor Utecht asked if the city could put some kind of condition on the approval. Mr. Triplett said that the city will sign off on the project plans as they have done before.

Does Mr. Triplett see any change for the property directly south of the 19.00047.00; he said nothing at this point.

Member Olivolo said that parking in front of 19.00047.00 may impact the viewability for the corner property when exiting their property.

This item referred back to the Planning Commission.

Old Business

Tabled Items

The following items were tabled until the 26th by motion of Utecht. Second by Denney and carried:

LED Sign
Merit Based Compensation Policy
Rodney Hestekin – Haven Estates

Midcontinent

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

Motion by Utecht to authorize the mayor to sign Ordinance 2015-5-1, "An Ordinance Amending the Cable Communications Franchise Ordinance:" extending the ordinance six months. Second by Ness. Denney, Lucia, Ness, Olivolo, and Utecht voted yes. Mayor Utecht declared the motion carried.

New Business

Tim Friberg – Royal Concrete

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

Mr. Friberg stated that noise from Royal Concrete on May 1st started at 9:17pm and went until 10:04pm when he contacted the sheriff's office. The sheriff's office called at 10:38pm and said that no officer would be dispensed. The noise at that time was explained as continuous firing noise. The noise continued until midnight.

He also discussed vibrations from Royal Concrete that occurred that he was not able to sleep through.

He asked if the berm of trees had been reviewed; Mayor Utecht said yes they are in compliance with the conditional use permit.

Member Denney asked what Mr. Friberg wanted the council to do. He said put up a sound barrier.

The council went back to the regular order of the agenda and then made the following motion later on in the meeting.

Motion by Utecht. Second by Olivolo to revisit this item. The motion was carried.

Mayor Utecht said it looks like Mr. Friberg would like to have more sound readings done; his opinion is the vibrations will not show on the readings. As far as having someone on call to do the readings is not reasonable. It may be beneficial to take readings during the time periods Mr. Friberg indicates.

The council concurred they would like to have more readings done. The clerk will send a letter to Mr. Friberg asking if he would track the noise he hears for a two week period and then we can conduct readings during those times.

Mr. Still explained the vibrations are caused by the aggregate bins; the more they empty the decibels go up. He will remind staff to keep the bins full.

If a fence were installed for noise it would amplify the freeway noise back into the homes.

**MM Department of
Agriculture – Emerald Ash
Borer**

No action necessary.

**Arts and Culture Heritage
Grants**

No action necessary.

Mayor/Council

None

Adjourned at 9:50p.m.

Mayor Utecht declared the meeting adjourned at 9:50p.m.

Sharon MT Payne