



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 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, Mark Statz, Tim Friberg, Bob Still, Cindy Hoffman, and Ben Montzka

Additions to the Agenda

Addition to the Agenda:

- Minnesota Green Step Cities

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

Public Comment

Tim Friberg:

Mr. Friberg stated that the noise from Royal Concrete was excessive on several dates. He contacted Jack Kramer on June 27th regarding the noise, the noise subsided that day. Most of the noise is in the form of vibrations and on one occasion banging noise.

Consent Agenda

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

Staff Reports

City Attorney

Mr. Alliegro was not present at the meeting; however, the following were discussed:

North Branch Hockey Association

Mr. Statz reported that several things were revealed in the title search that need to be addressed.

Royal Concrete

Motion by Utecht to take the agenda out of order to handle item 5(A)(2) Royal Concrete Wells, and item 8(E) Royal Concrete Ditch. Second by Olivolo and carried.

- Ditch

Mr. Still reported that the Minnesota Pollution Control Agency (MPCA) had received an anonymous complaint that Royal Concrete was dumping concrete wash directly into the Sunrise River. Mary West an Environmental Specialist with the MPCA came out to investigate the complaint. She reviewed Royal Concrete's Storm Water Pollution



Prevention Plan (SWPPP), including best management practice, monitoring and recordkeeping files. She also conducted a site investigation.

The inspection of the facility grounds, including storm water catch basins (BMP's), concrete tailings piles, storm water ponds, and storm water outlet. Ms. West suggested that Royal Concrete contact the city and encourage them to reshape the ditch at Royal Concrete's outlet; this runs along 307th Street.

The city maintenance staff will work on this project; Mr. Still will provide a full copy of Ms. West's report.

- **Wells**

The Planning Commission recommended changing the code to require a Conditional Use Permit (CUP) for an expansion of a private water supply.

City Code §51.11 Private Well Regulation (C) states:

"Properties located in the A-Agricultural District requiring water as part of the non-residential portion of a farming operation, and properties lawfully engaged in a business requiring in excess of 100,000 gallons of water per month in the production process, not discharged into the city sewer system, may apply for a conditional use permit to install a replacement private water supply system within the city. No construction of new or expanded private water supply systems shall be allowed under this division. Conditional use permits authorized pursuant to this division shall constitute an exception to the requirement of mandatory connection to city water pursuant to the City Code."

Royal Concrete uses approximately 900,000 gallons of water in their product per month; the water does not enter into their septic system.

The costs to connect Royal Concrete to the city's water supply and the time frame to recoup those costs was discussed. The current users of the system should not have to pay increased rates to cover these costs.

Mr. Statz said that a more concrete study needs to take place regarding the connection, it can be fairly complicated with many things to consider.

Mayor Utecht said that based on what is already in existence in city code §51.11 he is inclined to do a text amendment to allow Royal Concrete to reconfigure their existing plumbing, utilizing the capacity of the current wells. Both the expansion of the operation and wells will trigger a review of the CUP.

The requirement to connect to city water and sewer for their domestic use could be a requirement of the CUP.

Motion by Utecht to direct the city attorney to draft the language to amend the city code to allow a business that uses in excess of 100,000 gallons of water per month for production to expand and maintain their water system, but such expansion will trigger a review of their CUP or new CUP. Second by Lucia. Utecht, Lucia, and Olivolo voted yes. Denney, and Ness voted no. Mayor Utecht declared the motion carried 3-2.

The clerk will ask the city attorney to have this draft ready for the Planning Commission meeting July 21.

- **Noise**

Mr. Still said that it helps to address the noise complaints when he is given specific details. As noted previously the vibration is caused by the aggregate bin when it is close to empty or empty. This is somewhat a personnel issue; also, a review of the machine will be done to see if it operating correctly.

He also said that MPCA received an anonymous complaint regarding the noise; they are investigating. They are a heavy industrial business and will make noise, however, he thinks they are well within sound levels.

Frontage Avenue Project

No Update

Sunrise Auto Quiet Title Action

No Update

Midcontinent Communications

No Update

City Engineer
Mark Statz

Water Treatment Plant

We received comments back from United States Department of Agriculture (USDA); the comments have been addressed and a resubmittal is under review.

City Hall Update

The plans have been presented to USDA; but are in the que and not under review at this time.

The costs of the project is a concern; it may not be beneficial to spend an anticipated \$184,000 on city hall. Is USDA willing to contribute additional funds for the ADA compliance of city hall?

Mr. Statz said that is most likely dependent on the bid results for the water treatment plant; if we are under then maybe but if we are over then no.

We will need to hold off on city hall until we know what the city's costs may be for the project.

When the renovation of city hall occurs; city hall will need to be temporarily relocated. This is a future item for discussion.

Sports Grill Sidewalk

Mr. Statz reported the work has been done and is satisfactory.

City Clerk
Sharon Payne

Sunrise Mobile Home Park – Water Meter

Mayor Utecht said that he is disappointed that the malfunctioning meter begin in September 2013 and was not addressed until now.

He calculated the average use for the first eight months of 2013 at 991,000 gallons per month. He feels we need to do an adjusted billing going back to September 2013; proposes billing them 500,000 gallons per month back to September 2013. He knows the mobile home park management won't like it but we owe it to the rest of the fee payers of the

system to address this. The mobile home park owner has already invoiced the tenants of the park for their usage; he probably has already collected the funds.

Motion by Utecht to recalculate the billing for Sunrise Mobile Home Park water and sewer to reflect the difference of what was previously billed to an amount of 500,000 gallons per month for every month from September 2013 through when the six inch meter is replaced. Second by Ness. Utecht, Ness, Lucia, Denney, and Olivolo voted yes. Mayor Utecht declared the motion carried.

Copier Lease

Motion by Ness to authorize the city clerk to change our copier lease to Marco. Second by Olivolo. Ness, Olivolo, Lucia, and Utecht voted yes. Denney was absent for the motion. Mayor Utecht declared the motion carried.

Set Budget Work Session Date

The budget work session was set for August 6, 2015, at 7:00p.m.

Committees Commissions

Chisago Lakes Joint Sewage Treatment Commission (CLJSTC)

- **Green Wastewater**

A large volume of green wastewater was discharged into the CLJSTC facility. It was tracked back to the commission's lift station next to Stacy City Hall. The staff tracked the line back as far as they could and could not determine where it originated. The commission would like to have the material identified; at time of the email on June 24th there was no adverse impact on the facility.

The clerk was asked to check with the CLJSTC to see if there was any damage done because of the material in the system.

Personnel Committee

- **Performance Review Forms**

The council questions for the supervisor rating section were discussed. The Personnel Committee will discuss at their meeting on August 21st.

Public Information Committee

The Social Media Policy will be presented for approval at the next council meeting.

The committee is working on updates to the city's website; one item to include is an online contact form. The clerk was directed to see if that form could directly link into Infraseek. Updates to the city's website will be included in the 2016 proposed budget.

Park and Recreation Committee

Member Olivolo said National Night Out is August 4th; an event is planned for Stacy Lions Park which will be a collaboration with the sheriff's office. The event will include ATV rides, bike raffle, games, and food.

Family Pathways: Member Denney met with Family Pathways regarding what services they provide to Stacy. They provide domestic abuse

**Stacy Economic
Development Authority
(SEDA)**

Planning Commission

- **Ordinance Amending
§150.02**

Old Business

**Merit Based Compensation
Policy**

**Paul Witkowski – Royal
Concrete**

New Business

**County Commissioner – Ben
Montzka**

services, food shelf, senior services, and teen center. She discussed ways the city could collaborate with them to serve Stacy.

The council approved the directional signs to the industrial (business park) areas of the city.

Motion by Ness to approve Ordinance Number 2015-7-1, "An Ordinance Amending Chapter 150 of the City Code of the City of Stacy Amending Subsection 150.02(B) Copies Available from Clerk." Second by Lucia. Ness, Lucia, Olivolo, Denney, and Utecht voted yes. Mayor Utecht declared the motion carried.

No Action

Mr. Witkowski had been at a previous council meeting regarding Royal Concrete noise. Mayor Utecht checked into his concerns; Mr. Witkowski stated that Royal Concrete's CUP required the doors to be closed, this is not included in the CUP. He also asked why the back of the complaint form was not signed; this is because not all the forms go the building inspector; sometimes no investigation was necessary or the city council was addressing the complaint.

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

County Commissioner Montzka provided an update to the council on the following:

- The county received an award for the County Road 30 project for outstanding performance from the Minnesota Department of Transportation and the Concrete Paving Association.
- Federal dollars have been awarded to continue the County Road 30 project from Stacy to North Branch.
- The Sunrise Prairie bike trail is in bad repair; currently the county's budget committee has tentatively \$900,000 of levy funds for repair. Otherwise they may apply for Legacy Funds.
- Legacy Funds are grants available to communities supported by sales tax dollars. He encouraged the city to apply.
- The board is committed to no budget increase this year.
- The state is requiring that a jail be built in Chisago County or they will assess steep fines. The jail will be built on Highway 8, close to Pleasant Valley Road; the 911 center is located there. The jail

will fill an anticipated 20 year need, include 120 beds at a cost of \$22-\$24 million.

- He has made the Stacy Trail (County Road 19) bridge over the freeway a priority; it definitely needs to be done.

Lions Club

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

One Day Liquor License – Stacy Daze

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

The permits included:

- 1 Day Liquor License – Stacy Daze, August 1, 2015
- 1 Day Liquor License – Fire Bash, October 3, 2015

Raffle – Stacy Daze

Motion by Ness to approve Resolution Number 2015-7-2, “Resolution Approving the Stacy Lions Club to Conduct Off-Site Lawful Gambling in the City of Stacy.” Second by Denney. Ness, Denney, Olivolo, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

2016 Law Enforcement Contract

Motion by Ness to authorize the Mayor and City Clerk to sign the law enforcement contract as presented. Second by Denney. Ness, Denney, Olivolo, Lucia, and Utecht voted yes. Mayor Utecht declared the motion carried.

Mayor/Council

MN Green Step Cities

Informational, no action.

Adjourned at 9:47p.m.

Mayor Utecht declared the meeting adjourned at 9:47pm.

Sharon MT Payne