

**TAYLORS FALLS CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, APRIL 27, 2009 – 6:30 P.M.**

**MINUTES**

The Agenda for this Meeting was posted Wednesday, April 22, 2009, at City Hall, the Post Office and the City's Web Site. Copies were e-mailed to residents requesting such, and the Press was notified.

The Taylors Falls City Council met for a regular meeting on Monday, April 27, 2009 at 6:30 p.m. in the Council Chambers at City Hall, 637 First Street, Taylors Falls, Minnesota.

**CALL TO ORDER**

The Meeting was called to order at 6:30 p.m. by Mayor Mike Buchite.

**PLEDGE OF ALLEGIANCE**

All those present at the meeting recited the Pledge of Allegiance to the United States flag.

**ROLL CALL**

MEMBERS PRESENT: Mike Buchite, Ross Rivard, John Tangen, Zara Kinnunen, Larry Julik-Heine

MEMBERS ABSENT: None

OTHERS PRESENT: Clerk-Treasurer Jo Everson

**ADOPTION OF AGENDA**

The Agenda was amended to include under Staff Requests: Consider Repairs to Manhole at Chestnut and Pine Street.

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE AGENDA, AS AMENDED, FOR THE APRIL 27, 2009 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

**ADOPTION OF CONSENT AGENDA**

MOTION BY RIVARD/TANGEN TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: CONSIDER AUTHORIZING SIGNATURE ON STREET VACATION PETITION; CONSIDER AUTHORIZING SUBMISSION OF CITY EXCELLENCE AWARD APPLICATION; CONSIDER ANIMAL CONTROL CONTRACT; CONSIDER 2009 FIRE CONTRACT WITH SHAFER TOWNSHIP; CONSIDER APPOINTMENT OF HPC MEMBER; CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

**ANNOUNCEMENT**

The Mayor stated the Council would enter closed session for the purpose of an annual performance review of Jo Everson, the City Clerk-Treasurer. The Council entered closed session at 6:33 p.m.

**RETURN TO OPEN MEETING**

The Mayor declared that the Council ended its closed meeting at 6:48 p.m.

MOTION BY KINNUNEN/JULIK-HEINE TO RETURN TO OPEN SESSION. AYES: ALL. MOTION CARRIED UNANIMOUSLY.

**PERSONS PRESENT AT RETURN TO OPEN MEETING**

MEMBERS PRESENT: Mike Buchite, Ross Rivard, John Tangen, Larry Julik-Heine, Zara Kinnunen

MEMBERS ABSENT: None

OTHERS PRESENT: City Clerk-Treasurer Jo Everson

**SUMMARY OF CLOSED MEETING**

The Mayor declared the Council evaluated the job performance of Jo Everson, City Clerk-Treasurer, in its closed meeting. The closed meeting tape was sealed by the Mayor and placed in the locked employee file cabinet.

**OPEN MEETING CALL TO ORDER**

The Taylors Falls City Council continued their regular meeting on Monday, April 27, 2008 at 6:48 p.m. in the Council Chambers at City Hall, 637 First Street, Taylors Falls, Minnesota.

**ROLL CALL**

MEMBERS PRESENT: Mike Buchite, Ross Rivard, John Tangen, Zara Kinnunen, Larry Julik-Heine

MEMBERS ABSENT: None

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Sandra Berg, Fay Caneday, Barb Anderson, Kurt's Lawn Care Owner, and Bob Porter from the Chisago County Press

**PUBLIC FORUM**

None.

**UNFINISHED BUSINESS**

**CONSIDER RESOLUTION 09-04-02 ACCEPTING THE HOGLUND PROPERTY DONATION**

Since April of 2008 the City Attorney has been working on several legal obstacles to finalize the gifting to the City of a small parcel of property along the St. Croix River owned by the decedents of Dean Hogleund. It is located adjacent to the Riverwalk Trail and would be an asset to the City as the project progresses. Remaining to be done is the official acceptance of the property, the recording of the final documents, payment of the 2009 property taxes, and the erection of a small plaque.

MOTION BY KINNUNEN/JULIK-HEINE TO ADOPT RESOLUTION 09-04-02, AS PRESENTED, ACCEPTING THE DONATION OF PROPERTY FROM THE ESTATE OF DEAN S. HOGLUND. (attached)

IT WAS FURTHER MOVED TO AUTHORIZE PAYMENT OF THE 2009 PROPERTY TAXES ON SAID PROPERTY IN THE AMOUNT OF \$1,214.00 TO BE PAID FROM THE CITY COUNCIL CONTINGENCY BUDGET ACCOUNT (41110-900). MOTION CARRIED UNANIMOUSLY.

Staff was directed to seek proposals for the plaque for future review and approval.

**RECONSIDER ART LENDING AGREEMENT**

Council Member Larry Julik-Heine explained the history of this Agenda Item. In 2004 Artist Sara Hanson approached the Taylors Falls Park & Rec Commission (PRC) with an offer to place a sculpture at the Heritage Park (Overlook) for public display for a period of one year. In November of 2008, an Art Lending Agreement was submitted by Hanson's Attorney, reviewed by the City Attorney, and approved by the City Council with an amendment to terminate the Agreement if the City should so chose. Hanson found the amendment unacceptable and would not sign the Agreement. The PRC continued discussions with hopes that a compromise could be found.

The Council reviewed the proposed language changes allowing the City to maintain control and yet protect the City, but would also provide an acceptable commitment to the artist. Council Member Zara Kinnunen questioned the intent of Section 7D, which was determined should be included in 7C.

MOTION BY JULIK-HEINE/KINNUNEN TO RECONSIDER THE ART LENDING AGREEMENT APPROVED BY COUNCIL ON NOVEMBER 10, 2008 BY AND BETWEEN SARA HANSON AND THE CITY OF TAYORS FALLS. MOTION CARRIED UNANIMOUSLY.

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE AMENDED ART LENDING AGREEMENT BY AND BETWEEN SARA HANSON AND THE CITY OF TAYLORS FALLS, ESTABLISHING THE TERMS OF THE CITY BORROWING THE SCULPTURE CREATED AND OWNED BY SARA HANSON FOR A PERIOD OF ONE YEAR, TO BE LOCATED AT THE HERITAGE PARK, TO BE SPECIFICALLY LOCATED NEXT TO THE NORTH TREE LINE, THIRTY YARDS WEST OF THE PARK BENCH, ALONG THE LIMESTONE TRAIL. THE INSTALLATION OF SAID SCULPTURE IS TO HAVE THE LEAST ENVIRONMENTAL IMPACT ON PARK PROPERTY. MOTION CARRIED UNANIMOUSLY. \*\*

## **NEW BUSINESS**

### **CONSIDER AWARDING BID FOR THE 2009 WATERMAIN IMPROVEMENT PROJECT**

The City has a water restriction problem in the 6" watermain near Well #3 which was caused by a buildup of manganese creating a significant pressure problem. The main was "pigged" last year with little improvement. If the pressure issue on the well were not resolved, the City could not drain the water tower to conduct the necessary repairs without concern that there would be enough water flow through the main if there were to be a fire at the same time the tower was drained.

The project would involve replacement of 1,800' – 2,300' of watermain with a 12" pipe beginning east of Well #3 along County Road 37. Originally bids were requested in August of 2008, but were rejected because they were too high. New bids were opened April 23, 2009, with eleven bids received. The Council discussed whether to do the 1,800' alone, or do the entire 2,300' bid as the alternate. Council Member Ross Rivard recommended the entire 2,300' project. To do the 1,800' would eliminate only 80% of the problem, but to do the entire 2,300' would remove the problem completely.

MOTION BY KINNUNEN/JULIK-HEINE TO AWARD THE 2009 TRUNK WATERMAIN PROJECT, INCLUDING THE ALTERNATE, TO REDSTONE CONSTRUCTION CO., INC., MORA, MINNESOTA, AT A COST OF \$154,743.01, PER THE PLANS AND SPECS DRAFTED BY CITY ENGINEERS AT SHORT ELLIOT & HENDRICKSON (SEH).

IT WAS FURTHER MOVED TO FUND SAID PROJECT BY DEPLETING MONIES AVAILABLE IN THE WATERWORKS FUND (603), WITH THE REMAINING MONIES TO BE PAID FROM THE WATER FUND (601). MOTION CARRIED UNANIMOUSLY.

### **CONSIDER RAILING REPAIR PROPOSAL**

There are several rod iron railings in the City that are in need of repair due to damage and/or rust. Because this is a unique type of work, only one proposal was submitted to complete the repairs.

MOTION BY JULIK-HEINE/RIVARD TO ACCEPT THE PROPOSAL FROM TMS ENTERPRISES FROM DRESSER, WISCONSIN, TO REPAIR THE ROD IRON RAILINGS ON BENCH STREET, EAST OF COFFEE TALK, THE NORTH SIDE OF FIRST STREET BY THE SPRINGS INN, AND GOVERNMENT STREET NEAR THE MEMORIAL COMMUNITY CENTER, AT A COST OF \$3,250.00, TO BE PAID FROM THE PUBLIC WORKS BUDGET STREET MAINTENANCE ACCOUNT (43100-244). MOTION CARRIED UNANIMOUSLY.

### **CONSIDER ACQUISITION OF LARSON BLUFF PROPERTIES**

John Larson has indicated an interest in gifting two properties to the City. Property #1 is located east of Larson's house and east of platted River Street, with +/- 6,000 s.f. of unbuildable property along the St. Croix River. If approved by the Council, the City would be responsible for costs associated with transferring land ownership and assuming the 2009 property taxes.

Property #2 is located south of the Heritage Park property with +/- 5 acres with a house on the property. It would need to be surveyed and subdivided with the City assuming the cost of the survey. The house would remain on the parent parcel. It is unknown at this time how much of the +/- 5 acres is intended to be gifted.

The Council discussed the potential costs associated with the process to transfer ownership of these properties, which could exceed \$3,500.00. While the Council agreed that it would be beneficial to own both properties, they were in agreement that it may be difficult to spend this kind of money during the City's current budget constraints. It was suggested that it might be worthwhile to delay acquisition of Property #2 until next year and proceed with only Property #1 since a survey would not be required so therefore the cost would not be as significant.

MOTION BY KINNUNEN/RIVARD TO AUTHORIZE STAFF TO PROCEED WITH NEGOTIATING AND OBTAINING THE BLUFF PROPERTY #1 (R20.00152.00) FROM JOHN LARSON, ACKNOWLEDGING THE APPROXIMATE EXPENSE OF \$1,000 TO COMPLETE THE TRANSACTION. MOTION CARRIED UNANIMOUSLY.

#### **CONSIDER LAWN CARE PROPOSALS**

Two proposals were submitted to provide lawn care and landscape maintenance as specified in the City's maintenance schedule. Council Member Julik-Heine recommended to contract with Rivard Lawn Care for the season. Not only was their bid the lowest, but they are most familiar with the properties, and did a fantastic job last season.

MOTION BY TANGEN/KINNUNEN TO ACCEPT THE PROPOSAL FROM RIVARD LAWN CARE TO PROVIDE LAWN CARE SERVICES AND LANDSCAPING MAINTENANCE AT A TOTAL COST OF \$485 +TAX, PER OCCASION, ON AN AS-NEEDED BASIS AT THE DISCRETION OF THE PUBLIC WORKS COUNCIL LIAISONS. MOTION CARRIED UNANIMOUSLY, WITH RIVARD ABSTAINING SINCE HE IS RELATED TO THE OWNERS OF THE COMPANY.

#### **CONSIDER STREET SWEEPER PROPOSALS**

The City previously contracted with the City of St. Croix Falls to provide street sweeping services, but recently terminated the contract. Four proposals were submitted, with Council Member Ross Rivard recommending Pearson Brothers, Inc., from St. Paul, Minnesota, who also contract with the Cities of Stacy, Wyoming and Chisago County. There was discussion as to what monies were available in the budget for the service. Julik-Heine explained that the \$1,430 would allow for twenty (20) hours of sweeping, and would eliminate investing any more monies in the repair of the City's sweeper, which has seen better days.

MOTION BY RIVARD/JULIK-HEINE TO ACCEPT THE PROPOSAL FROM PEARSON BROTHERS., INC., TO PROVIDE STREET SWEEPING SERVICES AT A COST OF \$70.95 PER HOUR, ON AN AS-NEEDED BASIS AT THE DISCRETION OF THE PUBLIC WORKS COUNCIL LIAISONS. MOTION CARRIED UNANIMOUSLY.

#### **CONSIDER TF HISTORICAL SOCIETY'S PROPOSAL TO USE COMMUNITY CENTER**

The Taylors Falls Historical Society has expressed interest in the use of the lower level of the remodeled Community Center when it is completed. The use would include the office space, the relocation of a large number of historical artifacts and archived documents, the construction of two show case enclosures in the meeting room, and use of the larger of the three new storage areas. The Council agreed that it would be a good opportunity for the Historical Society, as well as for the City and the community, to share the history of Taylors Falls. Discussed were the heating and cooling needs for the artifacts, security and insurance needs, and the anticipated date of completion.

Council Member Ross Rivard reported that completion of the remodeling would depend upon the remaining monies in the budget. At this time it appears that the cost of a new furnace and air conditioner may exceed what is available. Sandra Berg, representing the Historical Society, urged the Council to keep them informed as they may be able to provide some financial support through fundraising efforts.

MOTION BY RIVARD/JULIK-HEINE TO AGREE IN CONCEPT FOR THE TAYLORS FALLS HISTORICAL SOCIETY TO USE THE NEW LOWER LEVEL OFFICE SPACE AT THE MEMORIAL COMMUNITY CENTER, THE LOWER LEVEL CONFERENCE ROOM TO DISPLAY HISTORICAL ARTIFACTS, AND TO USE THE LARGER OF THE NEW STORAGE AREAS FOR STORAGE PURPOSES.

IT WAS FURTHER MOVED TO MEET ONCE AGAIN WITH THE HISTORICAL SOCIETY TO FINALIZE THE DETAILS OF THAT USE ONCE THE MODELING OF THE MEMORIAL COMMUNITY CENTER HAS BEEN COMPLETED (OR NEAR COMPLETION). MOTION CARRIED UNANIMOUSLY.

**CONSIDER REINSTATING CHISAGO PROJECT STEERING COMMITTEE**

In 2002 the Cities of Taylors Falls, St. Croix Falls, Northern States Power Company (now Xcel Energy) and Dairyland Power Company, entered into a Settlement Agreement as result of a mediated legal court case involving the Chisago Project. One of the important elements of the Agreement was the implementation of a Steering Committee. The functions of this Committee were to: 1) ensure effective communication between the Parties regarding the parties' performance of the Agreement 2) share information between the parties regarding the Applicants' preparation of the documents that must be

submitted to regulatory and governmental authorities in order to secure approval for construction of the line and 3) strive to achieve consensus among the parties.

Each party had one representative on the Steering Committee. Originally representing Taylors Falls were voting member Loren Caneday (City Council Member then Mayor during that time), and Vice-Mayor Ross Rivard, who was not an "official member" and had no voting powers.

In light of the recent controversy regarding Xcel Energy's Route Permit from the Minnesota Public Utilities Commission, which both Taylors Falls and St. Croix Falls have taken a public stance in opposition of (see Minutes from the April 21, 2009 Council Meeting), it was agreed that the Steering Committee must be officially recognized and re-appointed in order to attend the ensuing meetings that must occur. Mayor Buchite's recommendation was to continue with the City's current representatives, except exchange voting powers.

MOTION BY KINNUNEN/JULIK-HEINE TO REINSTATE VICE-MAYOR ROSS RIVARD AS THE OFFICIAL TAYLORS FALLS VOTING MEMBER ON THE CHISAGO PROJECT STEERING COMMITTEE, WITH LOREN CANEDAY AS THE UNOFFICIAL MEMBER, WITH NO VOTING POWERS. MOTION CARRIED UNANIMOUSLY.

#### **CONSIDER AUTHORIZING SIGNATURE ON STREET VACATION PETITION**

The Minnesota Interstate State Park (DNR) plans to petition the City to vacate nine platted but unimproved streets within the Park. Only one of these nine abuts a property owner other than the DNR. Taylors Falls is a fee title owner of a property adjacent to 50' of Basaltic Street, and as such has the option to sign the petition. In order for the DNR to receive the "majority of abutting property owners" to sign the petition, the City will need to sign. The Chisago County Historical Society is also owner of property abutting this street. The Public Hearing to consider the proposed street vacations is scheduled for July 13, 2009.

THE TAYLORS FALLS CITY COUNCIL AUTHORIZED BY CONSENT AGENDA, MAYOR MIKE BUCHITE TO SIGN THE PETITION TO VACATE BASALTIC STREET, LEGALLY DESCRIBED AS *That part of Basaltic Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the easterly extension of the north line of Lot 11, Block 35 of said plat and lying northerly of the ordinary high water mark of the St. Croix River.*

#### **CONSIDER AUTHORIZING SUBMISSION OF CITY EXCELLENCE AWARD APPLICATION**

The League of Minnesota Cities awards an annual City of Excellence Award through a program that "provides a unique opportunity to showcase outstanding work that promotes quality of life in our communities, through both individual and team efforts [by making] Minnesota cities excellent places to live."

THE TAYLORS FALLS CITY COUNCIL AUTHORIZED BY CONSENT AGENDA FOR ZONING ADMINISTRATOR-COORDINATOR LARRY PHILLIPS TO SUBMIT THE CITY OF EXCELLENCE AWARD APPLICATION TO THE LEAGUE OF MINNESOTA CITIES, NOMINATING THE TAYLORS FALLS RIVERWALK TRAIL PROJECT.

#### **CONSIDER ANIMAL CONTROL CONTRACT**

THE TAYLORS FALLS CITY COUNCIL APPROVED BY CONSENT AGENDA THE 2009 ANIMAL CONTROL CONTRACT BY AND BETWEEN ANIMAL CONTROL SERVICES, RICK RUZICKA, AND THE CITY OF TAYLORS FALLS.

#### **CONSIDER 2009 FIRE CONTRACT WITH SHAFER TOWNSHIP**

THE TAYLORS FALLS CITY COUNCIL APPROVED BY CONSENT AGENDA THE 2009 FIRE SERVICE CONTRACT BY AND BETWEEN SHAFER TOWNSHIP AND THE CITY OF TAYLORS FALLS.

#### **CONSIDER APPOINTMENT TO HPC**

THE TAYLORS FALLS CITY COUNCIL APPOINTED BY CONSENT AGENDA DAN BROWN AS AN ALTERNATE HERITAGE PRESERVATION COMMISSION MEMBER.

### **CONSIDER MANHOLE REPAIRS**

Public Works Utilities Worker Bill Neska submitted a report requesting authorization to repair/replace a manhole at the intersection of Chestnut Street and Pine Street, which has deteriorated to the point that the lid and casting no longer stay in place. Since it now has become a safety issue, it is imperative that the replacement occur as soon as possible. Six proposals were received.

MOTION BY KINNUNEN/JULIK-HEINE TO ACCEPT THE PROPOSAL FROM GUSTAFSON EXCAVATING, TO REPAIR AND REPLACE THE MANHOLE AT THE INTERSECTION OF CHESTNUT AND PINE STREET, AT A COST OF \$3,317.00, TO BE PAID FROM THE SEWER FUND (602). MOTION CARRIED UNANIMOUSLY.

### **LIAISON OR COUNCIL MEMBER REPORTS**

**Mayor Mike Buchite** reminded the Council of the Special Closed Council Meeting on Thursday, April 30, 2009 at 1:30 p.m. to consult with the City Attorney regarding the Xcel Energy/Chisago Project. He also reported on a meeting he had attended regarding the 2010 Highway 243 Osceola Bridge project, which will have traffic impacts in Taylors Falls when the bridge is closed for the repairs.

**Zara Kinnunen** reported that the railings at the Riverwalk Trail area are in the process of installation.

**Ross Rivard** reported that Veit & Company has begun the sewer lining on Chestnut Street and should be done by Wednesday evening. He also reported that the Sentence-to-Serve group continues to do carpentry work at the Memorial Community Center.

**John Tangen** reported that the Heritage Preservation Commission recently held a public hearing on a proposed Heritage Preservation Site. Their recommendation will now go to the City Council for consideration. Tangen also reported that he would be meeting with Interstate State Park Manager Ron Erickson and Dave Pauley from the Minnesota Department of Natural Resources to discuss the 2009 Deer Herd Management Hunt in the City.

**Larry Julik-Heine** reported that the Park & Rec Commission and the Public Works Department have co-organized a City-wide clean up day on May 2<sup>nd</sup> and will serve hot dogs at the Memorial Community Center to those that volunteer. He also stated that work has again begun on the pavilion at the Cherry Hill Park with hopes it will be completed before summer arrives.

### **CORRESPONDENCE**

THE CITY COUNCIL ACKNOWLEDGED BY CONSENT AGENDA THE FOLLOWING CORRESPONDENCE PROVIDED IN THE APRIL 27, 2009 CITY COUNCIL MEETING PACKET:

1. INVOICE FROM MSA PROFESSIONAL SERVICES, RE: SCF WASTEWATER TREATMENT FACILITY PROJECT
2. NOTICE FROM MPCA, PHARMACEUTICAL WASTE AND DISPOSAL
3. PAMPHLET FROM ECRDC
4. MEETING NOTICE, RE: SWEDISH IMMIGRANT TRAIL
5. CORRESPONDENCE FROM THE RIVERBANK
6. LMC FRIDAY FAXES
7. STAFF CORRESPONDENCE & EMAIL'S

### **ADJOURNMENT**

MOTION BY TANGEN/JULIK-HEINE TO ADJOURN THE MEETING OF THE TAYLORS FALLS CITY COUNCIL HELD ON APRIL 27, 2009. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 8:10 p.m.

---

Michael D. Buchite, Mayor

---

Jo Everson, Clerk-Treasurer

**APPROVED: MAY 11, 2009**

**\*\* ARTIST SARA HANSON INFORMED THE CITY THAT SHE WOULD BE PLACING THE SCULPTURE AT A LOCATION OUTSIDE OF TAYLORS FALLS, THEREFORE THE ART LENDING AGREEMENT IS NO LONGER NEEDED AND IS INVALID.**