

**TAYLORS FALLS CITY COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, APRIL 28, 2008 – 7:00 P.M.**

MINUTES

The Agenda for this Meeting was posted Wednesday, April 23, 2008 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 28, 2008 at 7:00 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 7:00 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, Larry Julik-Heine, Zara Kinnunen

MEMBERS ABSENT: None

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Zoning Administrator-Coordinator Larry Phillips, Ron Dahlquist, Don Lawrence, Charlie & Sue Anderson, Joanne Frank, Betsy Bradley, Bill Scott, Don Doane, Randy Pearson, Kevin Schumann, Lee Casperson, Joe Stein, Michael & Mary Matz, and Bob Porter from the Chisago County Press.

ADOPTION OF AGENDA

The Agenda was amended to include under New Business: **Consider Solid Waste License for Evergreen Recycling.**

MOTION BY KINNUNEN/JULIK-HEINE TO APPROVE THE AGENDA, AS AMENDED, FOR THE APRIL 28, 2008 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF CONSENT AGENDA

MOTION BY TANGEN/RIVARD TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: CONSIDER CHANGE ORDER #2 FOR WELLHOUSE PROJECT; CONSIDER PAY REQUEST #5 FOR WELLHOUSE #4 PROJECT; CONSIDER REIMBURSEMENT OF BUILDING PERMIT FEE TO SCHOOL BUILDING CONTRACTOR; CONSIDER PURCHASE OF FILE CABINETS; CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING

GROVE STREET VACATION

Mayor Buchite called the Public Hearing to order at 7:04 p.m. The Clerk-Treasurer read the Public Notice into the record:

The Taylors Falls City Council will conduct a public hearing on Monday, April 28, 2008 at the Taylors Falls City Hall in Council Chambers, 637 First Street, beginning at approximately 7:05 p.m. to consider the vacation of that portion of platted but unimproved Grove Street that lies east of the east line of Center Street and west of the west line of Basil Street, within the City of Taylors Falls, Chisago County.

All interested persons are invited to attend the hearing and be heard on these matters.

Mary and Michael Matz, 446 Center Street stated they are the property owners on both the north and south side of the portion of Grove Street that they are proposing to vacate. If the vacation is successful, they intend to remodel their existing garage into bedrooms, and build a detached garage as required by ordinance. However, in order to do that, they would need to vacate the platted street to meet the setback requirements.

Zoning Administrator-Coordinator Larry Phillips reported that this portion of Grove Street is unimproved and no City utilities are present on the site. Furthermore, the street runs east and west, eventually going down a steep slope in the direction of Bench Street. City Engineer Steve Heth has reviewed the proposal and finds no reason not to approve it from an engineering standpoint. This portion of Grove Street is not identified in the Parks and Trails Master Plan for a trail or park nor will it ever be paved for a road by the City of Taylors Falls.

The current use of the house is used as an Adult Foster Care facility for five (5) persons and which is licensed by the Minnesota Department of Human Services. If a group-home facility (adult foster care) is licensed by the State and has six (6) or fewer people, by statute it is a single-family residence and must be treated in all respects as any other single-family residence. The east side of the property is defined by the City's Development Code as a steep slope (greater than 24%). Any structures built on the property must be reviewed for compliance with the Development Code; specifically any new structures must be 30' from the bluff line.

If the petition to vacate is approved, the Matz's will receive the entire 60' of platted Grove Street because they are the property owners on both sides of the street. Currently, one parcel has only 80' of frontage on Center Street and is considered non-conforming because 100' of frontage on the right-of-way is required. Furthermore, a shed is currently located in the platted street area, and by default would be on the other parcel where there is no principal building. Accessory buildings are not allowed on a parcel without a principal building. Given the fact that there would be two non-conformities, the street vacation provides an opportunity for the City to correct the non-conformities by requiring the parcels to be combined. Additionally, if this portion of Grove Street were to be vacated, it would go into private ownership and on the tax roll increasing the City's tax base, thus being in the public interest to vacate this portion of Grove Street.

The Mayor requested comments IN FAVOR of the proposed street vacation. Hearing none, the Mayor requested comments OPPOSED TO the proposed street vacation.

Ron Dahlquist, 419 Center Street, expressed his objection to the petition to vacate Grove Street for three reasons:

1. It is his belief that public lands should not be given to a private party for the purpose of making their adjacent properties more "buildable". Especially since they have used the area already without the need of the vacation.
2. The public would be losing an existing corridor for access to the adjacent lots. If sub-divided at a later date, they would need to use Center Street to provide utilities, which was just newly paved three years ago and lined with mature trees that may be at risk during utility work.
3. By granting a vacation of Grove Street the City would be acting to allow an expansion of a business in an area zoned as residential. *The State regulates this type of foster care business if it has six or fewer people, and requires it to be treated in all respects as any other single-family residence.*

Clarence Nelson, 343 Basil Street, submitted written testimony to be considered at this hearing. In summary:

1. Relinquishment of public ownership of Grove Street is not essential for the objective cited by the petitioner. In his opinion there is room to build a garage on the existing parcel.

2. The petitioner intends to expand a commercial business operation in a residential area, which is not consistent with the new comp plan and new zoning code, and would be inappropriate as public policy. *The State regulates this type of foster care business if it has six or fewer people, and requires it to be treated in all respects as any other single-family residence.*
3. The City should keep open its options for future develop without abandoning anymore public rights-of-way which may provide pedestrian links or utility access between Bench Street and River Street and West Street. *The existing Grove Street would not provide these benefits since it eventually leads down a steep bluff, and in all probability, not feasible for this purpose.*

The Mayor requested comments NUETRAL to the proposed street vacation. Hearing none:

MOTION BY KINNUNEN/JULIK-HEINE TO CLOSE THE PUBLIC HEARING TO CONSIDER THE PETITION TO VACATE GROVE STREET. MOTION CARRIED UNANIMOUSLY. The Hearing closed at 7:17 p.m.

PUBLIC FORUM

Don Lawrence, 340 Government Street, owner of the Old Jail Bed & Breakfast, spoke to the proposed local Heritage Preservation District of Angel Hill, which was on the Council's Agenda later at this meeting. Lawrence stated that he has consistently expressed his opposition to the designation; however, the Heritage Preservation Commission (HPC) has included his parcel despite his opposition. Lawrence commented that the designation of a commercial piece of property would be at a disadvantage over a residential property, since its maintenance and/or replacement costs could be higher. There have been 88 owners of this business since its inception, demonstrating that operating a business in Taylors Falls is difficult enough without adding additional restrictions. He assured the Council that he is, and would continue to be, a good custodian of the property and would continue to respect its historic value. His opinion was that a designation, and subsequent compliance with any restrictions as a result of the designation, should be voluntary only.

Susan Anderson, 330 Plateau Street, spoke as a homeowner on Angel Hill and as a realtor. She provided information with regard to property values, which she maintains contradicts previous information that states that values of historic homes increase once designated. Her documents included information from the National Association of Realtors which profiles what the 2007 preferences are for a home-buyer, many of which cannot be provided by an historic home. Anderson stated that she agreed with the intentions of the designation process, but does not agree with the restrictions. Anderson also pointed out an error in the documentation for her property's history.

Charlie Anderson, 330 Plateau Street, spoke against involuntary designation of property, specifically their property on Angel Hill. His rationale included:

1. Taylors Falls is too small to have a Historic District.
2. He questioned what would happen if energy were to become rationed and an older home would not receive enough to get them through the heating season. What would happen if all homes were required to be brought up to efficiency standards?
3. He disputed that there weren't any famous mansions on Angel Hill like those in the Twin City area. What would happen if these homes wanted to add wings to the homes?
4. He questioned who would make up the committee [to review permits]?
5. He stated there are only three or four people pushing this control, and those are the only houses worth anything. Why should the rest comply when they are plain houses?
6. He stated he was not in favor of the restrictions, and that some were "looking through rose colored glasses at utopia". Their property was their investment and he expressed concern that they may not be able to do what they want with the property in the future because of the mandatory restrictions.

UNFINISHED BUSINESS

CONSIDER TF ELEMENTARY SCHOOL REQUEST TO PAINT CROSS WALK

The Council tabled action on this request at their last meeting pending further discussion with Principal Joe Thimm. Mayor Buchite clarified that children would not be using this crosswalk, in fact, when school opens in the fall the new drop off area will be on the south side of the school with a turn-around. Its primary use would be to guide those parents and teachers who park in the Church Parking Lot to the new sidewalk in front of the Elementary school. There would be no need for crossing guards.

MOTION BY RIVARD/JULIK-HEINE TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PAINT A CROSS WALK ON WEST STREET, FROM THE BAPTIST CHURCH PARKING LOT TO THE ELEMENTARY SCHOOL SIDEWALK, AND TO INSTALL APPROPRIATE SIGNAGE. WORK IS TO BE COMPLETED NO LATER THAN AUGUST 1ST, 2008. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDER RESOLUTION RECOGNIZING MAE HOFFORD

Mae Hofford, who lives at 806 West Street, is celebrating her 100th birthday on May 7th. The Council chose one of the several sample certificates of achievements to present to her at the May 10th surprise birthday party.

MOTION BY KINNUNEN/TANGEN TO AUTHORIZE A CERTIFICATE TO BE PRESENTED TO MAE HOFFORD IN RECOGNITION OF CELEBRATING 100 YEARS OF LIFE AS AN EXTRAORDINARY ACHIEVEMENT, AND HEREBY PROCLAIMING THAT THE BIRTH DATE OF MAY 7TH, 2008 AS MAE M. HOFFORD DAY. MOTION CARRIED UNANIMOUSLY. The Mayor will present the Certificate at the birthday party.

CONSIDER RESOLUTION 08-04-04 VACATING A PORTION OF GROVE STREET

Council deliberated on the information received during the Public Hearing portion of this meeting concerning the proposed vacation of a portion of Grove Street. Each of the Council Members expressed their empathy to the neighborhoods with these group homes that operate similar to a business yet are located in residential districts. State Statute restricts the City in considering this fact when determining their ruling on the petition. Ultimately the Council agreed that there was no evidence presented that would give cause to legally oppose the petition.

MOTION BY KINNUNEN/JULIK-HEINE TO ADOPT RESOLUTION 08-04-04 APPROVING THE VACATION OF A PORTION OF GROVE STREET. MOTION CARRIED UNANIMOUSLY. (attached)

CONSIDER RESOLUTION 08-04-05 DESIGNATING ANGEL HILL AS A LOCAL HISTORIC PRESERVATION DISTRICT

Council Member John Tangen reclused himself from this discussion due to a conflict of interest, in that he owns one of the homes recommended in the Angel Hill District. Tangen left the dais to sit in the audience.

In accordance with the City of Taylors Falls Code of Ordinances, Section 255.05, the Heritage Preservation Commission (HPC) submitted a request for the City Council to designate Angel Hill as a local Heritage Preservation District following the required April 8th public hearing. The Planning Commission concurred, as did the Minnesota Historical Society.

The Council was concerned that they had not had the opportunity to review the information submitted during the Public Forum portion of this meeting. They also wanted additional time to consider whether to require mandatory designation or to allow voluntary participation in the program. Therefore, they agreed that it would be prudent to table action on the issue until the next Council Meeting.

MOTION BY JULIK-HEINE/RIVARD TO TABLE ACTION ON RESOLUTION 08-04-05, DESIGNATING ANGEL HILL AS A LOCAL HISTORIC PRESERVATION DISTRICT UNTIL THE MAY 12, 2008 CITY COUNCIL MEETING. MOTION CARRIED. Tangen joined the Council at this time.

CONSIDER KENNEL LICENSE REQUEST FOR 691 WEST STREET

Kevin & Carol Schumann raise springer spaniels at their home on West Street, and currently have 4th generation puppies and dogs. City Ordinance only allows two (2) dogs unless a kennel license is obtained. Deputy Clerk-Treasurer Jayna Yeske indicated that all requirements have been met and the City has received no comments in favor or opposed to the proposed kennel license.

MOTION BY JULIK-HEINE/KINNUNEN TO AUTHORIZE A KENNEL LICENSE TO BE ISSUED TO KEVIN AND CAROL SCHUMANN, 691 WEST STREET, FOR NO MORE THAN FOUR (4) DOGS, WITH THE CONDITION THAT THE ANIMALS ARE UNDER CONTROL AT ALL TIMES. MOTION CARRIED UNANIMOUSLY.

CONSIDER CHANGE ORDER #2 FOR WELLHOUSE PROJECT

THE CITY COUNCIL APPROVED BY CONSENT AGENDA CHANGE ORDER #2, MODIFYING OPERATING POINTS FOR VERTICAL TURBINE WELL PUMP (+\$1,756.20), AND CHANGE IN ELECTRIC SERVICE CIRCUITRY (-\$8,542.52).

CONSIDER PAY REQUEST #5 FOR WELLHOUSE #4 PROJECT

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA PAYMENT OF PAY REQUEST #5 IN THE AMOUNT OF \$93,090.22 TO ENCOMM MIDWEST, INC. FOR THE WELLHOUSE #4 PROJECT, TO BE PAID FROM THE NEW WELL CONSTRUCTION BUDGET ACCOUNT (601-590).

CONSIDER REIMBURSEMENT OF BUILDING PERMIT FEE TO SCHOOL BUILDING CONTRACTOR

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA, REIMBURSEMENT OF \$7,323.75 TO PARKOS CONSTRUCTION CO., INC. FOR THE INCORRECT PAYMENT OF A BUILDING PERMIT FEE PAID TO THE CITY THAT SHOULD HAVE BEEN PAID TO THE STATE OF MINNESOTA.

CONSIDER PURCHASE OF FILE CABINETS

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA THE ADMINISTRATIVE DEPARTMENT TO PURCHASE TWO FILE CABINETS FROM QUILL OFFICE SUPPLY COMPANY, AT A COST OF \$1,544.22, TO BE PAID FROM THE ADMINISTRATIVE CAPITAL IMPROVEMENTS FUND (408).

CONSIDER SOLID WASTE LICENSE FOR EVERGREEN RECYCLING

Evergreen Recycling, located in Rush City, will be conducting the City's annual clean-up day on May 3rd. However, they do not have a license to operate in the City.

MOTION BY RIVARD/TANGEN TO APPROVE A ONE DAY SOLID WASTE LICENSE FOR SATURDAY, MAY 3, 2008, TO EVERGREEN RECYCLING, INC., WAIVING THE \$150.00 FEE SINCE HE IS PROVIDING A SERVICE TO THE CITY RESIDENTS. IF EVERGREEN CONTINUES TO RECEIVE BUSINESS AS A RESULT OF THE CLEAN-UP DAY, HE WILL BE REQUIRED TO PAY THE \$150.00 ANNUAL LICENSE FEE. MOTION CARRIED UNANIMOUSLY.

LIAISON OR COUNCIL MEMBER REPORTS

Larry Julik-Heine reported that the PRC had their first session with a Developer to discuss parks and trails within the plat. They agreed that it was a positive learning experience. The PRC continues to work on plans for the Cherry Hill Park and Heritage Park.

Mayor Mike Buchite reported that he and Vice-Mayor Ross Rivard recently met with representatives from MnDOT to continue the negotiations on the relinquishment of the state property on Bench Street. At this point there will be a third appraisal done since the first two have such a wide variation in value. MnDOT continues to work on its drawings for the building and salt storage.

CORRESPONDENCE

THE CITY COUNCIL ACKNOWLEDGED BY CONSENT AGENDA THE FOLLOWING CORRESPONDENCE PROVIDED IN THE APRIL 28, 2008 CITY COUNCIL MEETING PACKET:

1. LETTER FROM VALLEY GRAPHICS, RE: BUSINESS CHANGES
2. LMC FRIDAY FAXES
3. HIGHWAY 8 TASK FORCE MINUTES
4. STAFF CORRESPONDENCE & EMAIL'S

ADJOURNMENT

MOTION BY KINNUNEN/JULIK-HEINE TO ADJOURN THE MEETING OF THE TAYLORS FALLS CITY COUNCIL HELD ON APRIL 28, 2008. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 8:18 p.m.

Michael D. Buchite, Mayor

Jo Everson, Clerk-Treasurer

APPROVED: MAY 12, 2008