

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

MINUTES

The Agenda for this Meeting was posted Wednesday, July 24, 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, July 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, Zara Kinnunen

MEMBERS ABSENT: Larry Julik-Heine

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Zoning Administrator-Coordinator Larry Phillips, Tom Delaney, Mike Lunde, Joe Stein, Amy Martin, Dudley Parkingson, Lynn Longnecker, Al Hausen, Representative Jeremy Kalin, Senator Rick Olseen, and Bob Porter from the Chisago County Press.

ADOPTION OF AGENDA

The Agenda was amended to include under New Business: **Consider Installation of Air Conditioner for Wellhouse #3.**

MOTION BY KINNUNEN/RIVARD TO APPROVE THE AGENDA, AS AMENDED, FOR THE JULY 28, 2008 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF CONSENT AGENDA

MOTION BY TANGEN/KINNUNEN TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEM: CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS

VACATION OF UNAMED ALLEY IN BLOCK 105

Mayor Buchite called the Public Hearing to order at 7:03 p.m. The Clerk-Treasurer read the Public Notice into the record:

The Taylors Falls City Council will conduct a public hearing on Monday, July 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 part of Block 105, Taylors Falls, Chisago County, Minnesota, being the 20 foot wide alley lying between the east lines of Lot 9 through 16 and the west lines of Lot 1 through 8.

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

Larry Phillips, City Zoning Administrator-Coordinator, reported that this particular vacation process was initiated by Mike Lunde, with the petition unanimously signed by the abutting landowners along the 20' platted but unimproved un-named alley in Block 105. No city utilities are in the alley, and it appears that it has been used as the backyard for the landowner's for several years. It runs north and south, with the southern end of the alley dead-ending into a portion of Grove Street, which was vacated in 1998. Since it is now private property, the street could never be used for thru traffic.

The alley is not identified in the Parks and Trails Master Plan for a future trail corridor or park, nor is it likely the City of Taylors Falls will use this alley for pedestrian or vehicular transportation.

If the vacation is granted, 10' or half of the alley would be divided and combined with the respective abutting property as private ownership, therefore increasing the City's tax base. As such, it would be in the public's best interest to vacate this alley.

Phillips recommended the Council approve the vacation of the alley identified in that part of Block 105.

The Mayor requested comments IN FAVOR of the proposed street vacation. Hearing none, the Mayor requested comments OPPOSED to the proposed street vacation and those NEUTRAL to the proposed street vacation. Hearing none:

MOTION BY KINNUNEN/TANGEN TO CLOSE THE PUBLIC HEARING TO CONSIDER THE PETITION TO VACATE THE ALLEY OF THAT PART OF BLOCK 105. MOTION CARRIED UNANIMOUSLY. The Hearing closed at 7:07 p.m.

VACATION OF PORTION OF PLATEAU STREET

Mayor Buchite called the Public Hearing to order at 7:08 p.m. Council Member John Tangen recused himself from discussion due to a conflict of interest because he is an adjoining property owner. He left the dais to sit in the audience. The Clerk-Treasurer read the Public Notice into the record:

The Taylors Falls City Council will conduct a public hearing on Monday, July 28, 2008 at the Taylors Falls City Hall in Council Chambers, 637 First Street, at approximately 7:15 p.m. or after the conclusion of the first public hearing of the evening. The Council will be considering vacating that part of Plateau Street in the plat of Taylors Falls, Chisago County, Minnesota, lying westerly of the southeasterly extension of the southwesterly line of Military Road, and lying easterly of the following described line:

Beginning at the southwest corner of Lot 1, Block 107 of the plat of Taylors Falls; thence South 00 degrees 47 minutes 42 seconds West, along the southerly extension of the westerly line of said Lot 1, a distance of 30.00 feet to the centerline of Plateau Street; thence South 88 degrees 07 minutes 05 seconds East, along said centerline, a distance of 49.69 feet; thence South 00 degrees 11 minutes 21 seconds West, a distance of 30.01 feet to the southerly line of Plateau Street and said line there terminating.

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

Larry Phillips, Zoning Administrator-Coordinator, reported that on February 16, 2008, the house on parcel 20.00504.00 (a.k.a. – the “Evan’s” property) was victim to arson and burned; the house was a total loss and was demolished along with the two accessory building that were on the lot. As a result, the lot became unbuildable due to zoning regulations and the narrow width of the lot. To make this lot buildable a variance from setback requirements would have to be obtained or this portion of Plateau Street would need to be vacated. Plateau Street in this location is not serving a public benefit; therefore the vacation would be the better option.

This portion of Plateau Street is unimproved and no city utilities are present on the site. Trap rock outcroppings characterize this portion of the Street. It is important to note Plateau Street west of this location had previously been vacated and is now part of Interstate State Park. The street dead ends into the state park and could never be used for thru traffic. The street location is not identified in the Parks and Trails Master Plan for a future trail corridor or park, nor is it likely the City of Taylors Falls will use this portion for pedestrian or vehicular transportation.

Vacating this portion of Plateau Street would allow land to go into private ownership therefore increasing the City's tax base. The proposed vacation would also create a buildable lot (parcel R20.00504.00). For these reasons it would be in the public's best interest to vacate this portion of Plateau Street.

Phillips recommended the Council approve the vacation of the alley identified as that part of Plateau Street.

The Mayor requested comments IN FAVOR of the proposed street vacation.

Amy Martin, owner of parcel R20.00504.00, voiced her support of the proposed street vacation. She testified that she is a member of the Hastings Heritage Preservation Commission and had previously worked with Phillips (in a former position). She and her partner currently own the property and had hoped to build a suitable building in the historic Angel Hill District; however, at this time the property is listed for sale. They expect that the new owner would honor the historic value of the neighborhood when they consider what structure to place on this beautiful piece of property.

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

MOTION BY KINNUNEN/RIVARD TO CLOSE THE PUBLIC HEARING TO CONSIDER THE PETITION TO VACATE A PORTION OF PLATEAU STREET. MOTION CARRIED UNANIMOUSLY. The Hearing closed at 7:14 p.m., and Tangen returned to the dais.

PUBLIC FORUM

Senator Rick Olseen gave an overview of the last legislative season. He was proud of his sponsorship of a bill to insure that firefighters or other personnel who respond to emergencies across state borders are covered by liability insurance through the state. The bill carried through the house and senate. He explained that he was also especially proud of his sponsorship of a bill to exempt disabled veterans from paying property taxes for their homes with a value up to \$300,000.00.

Olseen reminded the Council that the Governor had placed a 3.9% levy cap on property tax increases, although Taylors Falls would be exempt from that requirement because it has a population of fewer than 2,500. Chisago County, however, would be subject to that cap which in turn may impact services provided to the City.

Representative Jeremy Kalin reported that his sponsorship of a bill to exempt cities from paying sales tax did not pass, despite the fact that it impacts city spending by 1-2% each year.

The additional government aid for Taylors Falls was approved in the omnibus tax bill in late 2007, which allocates \$30,000.00 to Taylors Falls for providing emergency services to Interstate State Park. Kalin indicated that there was work to be done yet to move the Border Cities Development Zone forward. He recently met with Chris Eng, Chisago County HRA/EDA Director and a representative of DEED to discuss business development, which he felt was a very encouraging meeting. He hopes to see progress on this issue within the coming months.

Kalin and Olseen expressed concern with the projected \$1 billion to \$2 billion State budget deficit in 2009, and agreed that the State needs to address the budget offensively.

Lastly, Kalin spoke to the MnDOT Highway 8 project that will begin on August 11th. The City only learned of the project through incidental means, so did not have time to prepare the businesses for the upcoming road closure. Kalin expressed frustration that there appeared to be a lack of communication between the parties so therefore set up a meeting with the City, MnDOT, representatives of Chisago County, and he and Senator Olseen. The agenda is to improve future communications.

The Mayor directed the City Clerk to send a letter to the downtown businesses explaining the project – MnDOT intends to install drainage structures and stabilize retainer walls on the Highway 8 bluff beginning east of Herberg Road and continuing down Highway 8 to the Interstate State Park entrance. Highway 8 will be completely closed to traffic in that area. Work is to begin on August 11th and will continue for 19 days (including potential rain dates).

Because the State can only use State Highways for their official detours, the detour for this project will be Highway 95S to Highway 243, (Osceola bridge) to Highway 35N to St. Croix Falls, to Highway 8W to Highway 95 Taylors Falls. MnDOT assured Mayor Buchite and Representative Kalin that there would be sufficient signage along the detour route indicating that the road to Taylors Falls is open and its businesses are open.

STAFF REQUESTS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

CONSIDER RESOLUTION 08-07-03 APPROVING VACATION OF UNNAMED ALLEY IN BLOCK 105

Council began their deliberations regarding the information received during the Public Hearing on the proposed vacation of the alley in Block 105. City Zoning Administrator-Coordinator Larry Phillips established six (6) findings of facts:

1. Approving the vacation will increase the City's tax base, thus being in the public interest.
2. The Alley is not improved, nor is it intended to be improved by the City of Taylors Falls.
3. There are no municipal utilities located within this part of the Alley right-of-way.
4. Vacating this Alley will not impede access to other properties now or in the future.
5. Abutting property owners have enjoyed the benefit of using the unimproved Alley as their yard for many years, without the expense of property taxes that would have been required if the property was privately owned.
6. The southernmost end of the alley dead ends at a portion of vacated Grove Street, therefore the alley could never be used for thru traffic.

MOTION BY TANGEN/RIVARD TO ADOPT RESOLUTION 08-07-03 VACATING AN ALLEY DESCRIBED AS A PART OF PLATTED BUT UNIMPROVED AND UN-NAMED ALLEY IN BLOCK 105, AS DESCRIBED AS THAT PART OF BLOCK 105, TAYLORS FALLS, CHISAGO COUNTY, MINNESOTA, BEING THE 20 FOOT WIDE ALLEY LYING BETWEEN THE EAST LINES OF LOT 9 THROUGH 16 AND THE WEST LINES OF LOT 1 THROUGH 8. MOTION CARRIED UNANIMOUSLY. (copy attached)

CONSIDER RESOLUTION 08-07-04 APPROVING VACATION OF A PORTION OF PLATEAU STREET

Council Member John Tangen reminded Council that he had reclused himself from discussion and the Council vote on this agenda item declaring an official Conflict of Interest. The remaining Council began their deliberations regarding the information received during the Public Hearing on the proposed vacation of the portion of Plateau Street. City Zoning Administrator-Coordinator Larry Phillips established five (5) findings of facts:

1. Approving the vacation will increase the City's tax base, thus being in the public interest.
2. Approving the vacation will cause parcel R20.00504.00 to become buildable.
3. This portion of Plateau Street is not improved, nor is it intended to be improved by the City of Taylors Falls.
4. There are no municipal utilities located within this part of the alley right-of-way.
5. This portion of Plateau Street could never be used for thru traffic due to rock outcroppings and the fact that the west end of the street dead-ends into the Interstate State Park.

MOTION BY KINNUNEN/RIVARD TO ADOPT RESOLUTION 08-07-04 VACATING A PORTION OF PLATEAU STREET AND LEGALLY DESCRIBED AS THAT PART OF PLATEAU STREET IN THE PLAT OF TAYLORS FALLS, CHISAGO COUNTY, MINNESOTA, LYING WESTERLY OF THE SOUTHEASTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF MILITARY ROAD, AND LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 107 OF THE PLAT OF TAYLORS FALLS; THENCE SOUTH 00 DEGREES 47 MINUTES 42 SECONDS WEST, ALONG THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 30.00 FEET TO THE CENTERLINE OF PLATEAU STREET; THENCE SOUTH 88 DEGREES 07 MINUTES 05 SECONDS EAST, ALONG

SAID CENTERLINE, A DISTANCE OF 49.69 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 21 SECONDS WEST, A DISTANCE OF 30.01 FEET TO THE SOUTHERLY LINE OF PLATEAU STREET AND SAID LINE THERE TERMINATING.

MOTION CARRIED WITH TANGEN NOT VOTING. (copy attached)

CONSIDER APPROVING BIDS & SPECS & AUTHORIZING SEH TO SOLICIT BIDS FOR COUNTY ROAD 37 WATER MAIN REPLACEMENT PROJECT

As discussed in previous Council Meetings, a solution to the challenge of pumping sufficient water through the 6" main from Wells #3 and 4 would be addressed in the proposed 2,300 lineal foot County Road 37 12" dip trunk water main improvement project. Short Elliot Hendrickson had drafted the specs for the project and is read to go out for bids pending Council authorization. The timeline is:

July 28 th	Council approve bids & specs
1 st Publication	July 31 st
2 nd Publication	August 7 th
Bid Opening	August 22 nd at 10:00 a.m.
To Council	August 25 th for award (possible)

Council Member Ross Rivard reminded the Council that this project has always been included in the City's long range planning in order to loop water throughout the City. Because of the water restriction caused by the manganese problem, the project is needed sooner than expected for the benefit of the citizens who use the City's water services.

MOTION BY RIVARD/KINNUNEN TO APPROVE THE BIDS & SPECS FOR THE COUNTY ROAD 37 TRUNK WATER MAIN IMPROVEMENT PROJECT AS DRAFTED BY THE CITY ENGINEER AT SHORT ELLIOT HENDRICKSON, INC. MOTION CARRIED UNANIMOUSLY.

MOTION BY TANGEN/KINNUNEN TO AUTHORIZE SEH TO SOLICIT BIDS FOR THE COUNTY ROAD 37 TRUNK WATERMAIN IMPROVEMENT PROJECT, WITH BID OPENEING TO BE AUGUST 22, 2008 AT 10:00 A.M. AT CITY HALL IN TAYORS FALLS, AND BID CONSIDERATION BY THE CITY COUNCIL AT THEIR AUGUST 25, 2008 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

CONSIDER RESOLUTION 08-07-2 APPROVING GAMBLING PREMISE PERMIT AT BORDER BAR & GRILL

The Border Bar & Grill currently contracts with North Branch Hockey Association to conduct lawful gambling at their establishment. They have requested that the Council approve a Premise Permit to allow the Shafer-Franconia Fire Department to begin September 1st, once the legal notices have been served to the Hockey Association. Lynn Longnecker, the former Taylors Falls Fire Department Gambling Manager, voiced his support of this transition, since both departments provide mutual aid to each other. In fact, Al Hausen, the Fire Chief from the Shafer Department, requested that the Council allow the required 50% contribution requirement to remain with the Shafer Fire Department for purchase of fire equipment. The Clerk-Treasurer recommended that the City Attorney be contacted for his opinion as to the "local trade area" requirement in the City's Code of Ordinance. Hausen indicated that he would still be interested in moving forward with the application although the Attorney's opinion may alter those plans in the future.

MOTION BY RIVARD/KINNUNEN TO ADOPT RESOLUTION 08-07-J02, A RESOLUTION APPROVING A GAMBLING PREMISE PERMIT AT JERR'S BORDER BAR & GRILL, 367 BENCH STREET, IN THE CITY OF TAYLORS FALLS. MOTION CARRIED UNANIMOUSLY. (copy attached)

SET DATES FOR COUNCIL BUDGET WORKSHOPS

MOTION BY KINNUNEN/RIVARD TO SET THE FOLLOWING DATES FOR THE CITY COUNCIL TO MEET IN BUDGET WORKSHOPS TO PREPARE THE 2009 BUDGET:

AUGUST 6TH – 8:00 A.M. AUGUST 20TH – 8:00 A.M. SEPTEMBER 3RD – 8:00 A.M. (if necessary)

AUGUST 13TH – 8:00 A.M. AUGUST 27TH – 8:00 A.M.

MOTION CARRIED UNANIMOUSLY.

CONSIDER AIR CONDITIONER PURCHASE FOR WELL #3

Council Member Ross Rivard reported that the installation of the SCADA equipment and the Variable Speed Drive for the new Well #4 and Well #3 have been completed. Because this equipment heats these small well houses to well over 90° on some days, Rivard recommended that an air conditioner be installed at Well #3 (the new Wellhouse #4 already has the cooling system installed)

MOTION BY RIVARD/KINNUNEN TO AUTHORIZE THE PURCHASE AND INSTALLATION OF A COMFORTAIRE AIR CONDITIONER 13 SEER UNIT, 11,500 BTU 115 V 10.5 AMPS SYSTEM FROM BRYANT HEATING FROM ST. CROIX FALLS, WI., AT A COST OF \$1,602.00 TO BE PAID FROM THE WATER CAPITAL IMPROVEMENTS BUDGET ACCOUNT (602-500). MOTION CARRIED UNANIMOUSLY.

LIAISON OR COUNCIL MEMBER REPORTS

Zara Kinnunen reported that the Chisago County Sheriff's Department did a wonderful job at Wannigan Days this year, as did the Public Works Department.

Ross Rivard also complimented the Public Works Department for a good job at Wannigan Days, despite the water main break on Bench Street that they had to contend with at a very unfortunate time. Water hoses were needed to provide water to several houses for the weekend until the repair could be made. Rivard commented that this break was another example of why the City needed to proceed with the County Road 37 water main project that was addressed earlier at this meeting.

John Tangen reported that the EDC did not have a quorum for their last meeting, and recently lost a member due to residency requirements. He also reported that he had met with the Fire Department to discuss their 2009 budget requirements.

Mayor Mike Buchite complimented the Taylors Falls residents and Fire Department who won the *Tug Across the St. Croix River* contest sponsored by the Lion's Club this past weekend during Wannigan Days.

Buchite also informed the Council that Mike Nelson, a resident who lives on Folsom Street, recently returned from a 15 month tour in Iraq. As a tribute to the young man, the Mayor presented him with a plaque in recognition of his contribution to this Country.

CORRESPONDENCE

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

1. STAFF CORRESPONDENCE & E-MAIL'S

ADJOURNMENT

MOTION BY KINNUNEN/TANGEN TO ADJOURN THE MEETING OF THE TAYLORS FALLS CITY COUNCIL HELD ON JULY 28, 2008. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 8:12 p.m.

Michael D. Buchite, Mayor

Jo Everson, Clerk-Treasurer

APPROVED: AUGUST 11, 2008