

**TAYLORS FALLS CITY COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, MAY 12, 2008 – 7:00 P.M.**

MINUTES

The Agenda for this Meeting was posted Wednesday, May 7, 2008 at City Hall. The agenda was also posted at the Post Office and on 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, May 12, 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.

ROLL CALL

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

MEMBERS ABSENT: None

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Zoning Administrator-Coordinator Larry Phillips, Don Lawrence, Joe Stein, Joanne Frank, Bill Scott, Dr. Bill & Barb Young, Clarence & Geri Nelson, Lee Casperson, Gina Bonin, Elwood & Cynthia Holmberg, Frederick Bechtold, Susan Heaven, Hank Schwegman, and Bob Porter from the Chisago County Press

ADOPTION OF AGENDA

The Agenda was amended to include under New Business, Consent Agenda: **Consider Pay Request #6 to Encomm Midwest, Wellhouse #4 Project; Consider Payment of Infinite Wireless Invoice.**

MOTION BY KINNUNEN/JULIK-HEINE TO APPROVE THE AGENDA AS AMENDED FOR THE MAY 12, 2008 TAYLORS FALLS CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF CONSENT AGENDA

MOTION BY TANGEN/JULIK-HEINE TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: MINUTES OF PREVIOUS CITY COUNCIL MEETINGS; COMMISSION, BOARD OR COMMITTEE MINUTES/REPORTS; STAFF REPORTS; CONSIDER ZA-COORDINATOR VACATION REQUESTS; CONSIDER PURCHASE & PAYMENT OF CHEMICALS FOR SEWER PONDS; CONSIDER DWRP APPLICATION FOR PROJECT PRIORITY LIST; CONSIDER PAYMENT OF BOYER TRUCKS INVOICE; CONSIDER 2008/2009 SOLID WASTE LICENSES; APPROVAL OF CLAIMS & PAYROLL; CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES OF PREVIOUS COUNCIL MEETINGS

THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS CITY COUNCIL MEETINGS HELD ON APRIL 2 AND APRIL 14 BOARD OF APPEALS, APRIL 14, and APRIL 28, 2008.

PUBLIC FORUM

Susan Heaven (and her husband Frederick Bechtold), 366 Plateau Street, submitted written statements regarding the designation of the Angel Hill Heritage Preservation District. Heaven also spoke during the Public Forum portion of the meeting. She stated that they began searching for a home in 2001, throughout thirteen states, and decided upon their new home in Angel Hill in Taylors Falls. She voiced her support of the designation of Angel Hill on the National Historic Registry, and was eager to have the neighborhood designated as a local historic site. She disputed previous comments from property owners/realtors that an historic designation adversely affects property values (see April 28, 2008 minutes). "Historic character" is Taylors Falls' spirit and "brand", and needs to be marketed. One must develop, protect, invest and educate to create this "brand".

Frederick Bechtold, 366 Plateau Street, reiterated much of his written statements, and encouraged the Council to approve the designation of Angel Hill without the choice of “opting out” because it would create market confusion and would be detrimental to City’s Comprehensive Plan.

Joe Stein, 500 Herberg Road, expressed his opposition of the designation process, quoting sections of the Comprehensive Plan that prevents the subordination of rights of the uninformed, which he believes exists in the neighborhood. He also questioned the involvement of the Heritage Preservation Commission’s regulatory power using the Secretary of the Interior’s Standards for Rehabilitation as the preservation plan for the designated district. It was his personal opinion that the Planning Commission had serious issues between the HPC Plan and the City’s Comp Plan. However, a technical error prevented them from commenting. He requested the Council table the plan until the issues can be resolved.

Gina Bonin, 348 Plateau Street, stated that she moved from an historic community in South Minneapolis to the Angel Hill historic neighborhood. In her opinion a designation strengthened a neighborhood, and that its history is too important to be left to chance if the designation were to be a voluntary process.

REPORT ON PREVIOUS PUBLIC FORUM REQUESTS

None.

STAFF REPORTS & REQUESTS

CHISAGO COUNTY SHERIFF’S DEPARTMENT

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA CORPORAL SHANE CARROLL’S APRIL 2008 CHISAGO COUNTY SHERIFF’S DEPARTMENT REPORT.

ADMINISTRATIVE DEPARTMENT

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE APRIL 2008 FINANCIAL REPORTS PRESENTED BY CLERK-TREASURER JO EVERSON.

PLANNING & ZONING DEPARTMENT

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA ZONING ADMINISTRATOR-COORDINATOR LARRY PHILLIP’S APRIL 2008 PLANNING AND ZONING REPORT.

CITY ATTORNEY

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE CORRESPONDENCE AND BILLING STATEMENT FROM THE CITY ATTORNEY’S OFFICE OF KELLY AND LEMMONS, P.A.

COMMISSION, BOARD OR COMMITTEE MINUTES/REPORTS

LIBRARY BOARD

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS LIBRARY BOARD MEETING HELD ON APRIL 30, 2008.

ECONOMIC DEVELOPMENT COMMISSION

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS ECONOMIC DEVELOPMENT COMMISSION MEETING HELD ON APRIL 17, 2008.

PLANNING COMMISSION

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS PLANNING COMMISSION MEETING HELD ON APRIL 7, 2008.

PARK & REC COMMISSION

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS PARK & REC COMMISSION MEETING HELD ON MARCH 19, 2008.

UNFINISHED BUSINESS

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.

The Heritage Preservation Commission (HPC) submitted a request for the City Council to designate certain properties in Angel Hill as a local Heritage Preservation District. The Council tabled action on this issue at their April 28th meeting in order to give them additional time to review the information presented at the Public Forum portion of that meeting. The Mayor acknowledged additional correspondence from the Henry Schwegman family, Charles and Susan Anderson, Dr. Bill and Barb Young, Geri Nelson, Betsy Bradley, Frederick Bechtold and Susan Heaven, and Bill Scott.

Mayor Buchite also acknowledged a letter from Joe Stein calling for a Point of Order, requesting clarification as to how the Council could accept the "Plan" without the Planning Commission's recommendation. Larry Phillips, Zoning Administrator-Coordinator, stated that Section 255 of the Taylors Falls Code of Ordinances does not require the Planning Commission to give a recommendation to the City Council on a proposed designation. It does, however, require them to "comment" relative to the City Zoning Code and Comprehensive Plan. On February 4, 2008 there was discussion by the Planning Commission on the proposed district, although a formal recommendation was not made, nor was the issue officially tabled in order to receive additional information. Therefore the intent of the Ordinance was satisfied.

Mayor Buchite explained that one of the requirements of the Minnesota Historical Society was that the City's Ordinance designating a site or district would not give the option of Voluntary Compliance. This was done so that the City could attain a Certified Local Government (CLG) status. Prior to the submission of the request to designate Angel Hill as a local Historic District, the Heritage Preservation voluntarily removed the Pearson and Doane properties from the original proposed district. Having done this, they may have (inadvertently) put the City's CLG status at risk, and set the voluntary precedence. Mayor Buchite further explained that if the Council should decide to remove the properties that are (now) opposed to the recommended district, it does so with no more risk to the CLG status than when the HPC initially removed the first two properties. The overall goal has always been to preserve the historic value Angel Hill by including as many properties as possible. It was the recommendation of the Mayor to approve the Resolution Designating Angel Hill as a Local Historic Preservation District, with the removal of the parcels owned by D Lawrence Enterprises LLC (Old Jail B&B), R20.00252.00; Charles & Susan Anderson, R20.00288.00; Henry Schwegman, R20.00313.00; and Gregg Hawkinson and Charles Anderson R20.00314.00.

Council Member Zara Kinnunen agreed with the Mayor's recommendation, complimenting the Heritage Preservation on the hard work and intelligence put into the designation process. However, she stated that with her philosophical history in human rights, she could not ethically agree to require properties to be part of a district without voluntary participation. Albeit the new information presented was well thought out and persuasive, there just could not be a solution that would please everyone.

Council Member Ross Rivard agreed with Kinnunen, and expressed his surprise that the Heritage Preservation Commission had included the properties opposing the designation in the first place. When the Ordinance was initially established the Council agreed that future designations would be voluntary only.

Council Member Larry Julik-Heine expressed his appreciation of the small town atmosphere of Taylors Falls, and that we all live here because it is a beautiful and nice place to live. This is a difficult decision because it will offend someone. The compromise must be to allow voluntary participation, and trust that everyone will take appropriate care of their property.

walls would be high enough to alleviate sewer smells

The Council agreed the total expenses for each project would exceed the total of the mitigation funds the City would receive. Council Members were asked to review their projects to reduce and costs if possible (those figures are in red). The consensus was that the Community Center project should be the priority, with any remaining monies to be used towards the costs of the other projects identified. The Clerk-Treasurer agreed to do research whether competitive bidding would be required for the Community Center project.

MOTION BY JULIK-HEINE/RIVARD TO TABLE FURTHER CONSIDERATION OF MITIGATION FUND PROJECTS UNTIL THE MAY 27, 2008 CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

CONSIDER CHAMBER OF COMMERCE REQUEST TO PLACE PORTA POTTIES IN PARKING LOT

The Chamber of Commerce requested permission to place porta-potties in the Marmon Parkway (Bench Street Parking Lot) for the summer months. They also requested the City help pay for the expense. Since this is not an allowable expense under Charitable Gambling donations (it must benefit the community "as a whole"), the Council agreed to a donation for the Chamber to be used as they see fit as long as it benefited the community.

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE REQUEST FROM THE TAYLORS FALLS CHAMBER OF COMMERCE TO PLACE TWO PORTA-POTTIES AT THE MARMON PARKWAY (BENCH STREET PARKING LOT) FROM MID-MAY TO MID-OCTOBER.

IT WAS FURTHER MOVED TO APPROVE A DONATION OF \$500.00 TO THE TAYLORS FALLS CHAMBER OF COMMERCE TO BE USED TO BENEFIT THE COMMUNITY IN A WAY THEY FEEL IS APPROPRIATE. THE DONATION IS TO BE PAID FROM THE CHARITABLE GAMBLING FUND (803).

MOTION CARRIED UNANIMOUSLY.

CONSIDER DEPARTMENT OF AG OFFICE LEASE

The Lease with the State of Minnesota, Department of Agriculture for the downstairs office space expires on May 31st. Staff had hoped to receive the new lease prior to tonight's meeting, but did not. The conditions of the lease should be the same as last year, which has been a good arrangement for the City. The State has agreed to pay the same lease per month as that paid by the Sheriff's Department.

MOTION BY TANGEN/JULIK-HEINE TO TABLE THE LEASE AGREEMENT BY AND BETWEEN THE CITY OF TAYLORS FALLS AND THE STATE OF MINNESOTA, DEPARTMENT OF AGRICULTURE UNTIL THE MAY 27, 2008 CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

CONSIDER KENNEL LICENSE REQUEST FOR 1283 FIRST STREET, EILEEN MILLER

Eileen Miller, 1283 First Street, owns and licenses three 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 KINNUNEN/RIVARD TO AUTHORIZE A KENNEL LICENSE TO BE ISSUED TO EILEEN MILLER, 1283 FIRST STREET, FOR NO MORE THAN FOUR (4) DOGS, WITH THE CONDITION THAT THE ANIMALS ARE UNDER CONTROL AT ALL TIMES. MOTION CARRIED UNANIMOUSLY.

CONSIDER MOWING PROPOSAL

Public Works Council Liaison Larry Julik-Heine explained to the Council that a relatively new mowing service company called the *Rivard Lawn Care Services* (nephews to Vice-Mayor Rivard), had submitted a proposal to perform lawn care services for almost 80% of the City properties. This would eliminate

the need for a 2nd part-time seasonal employee, and would allow more time for the seasonal worker to focus on the maintenance of the Riverwalk Park grounds and hanging baskets. It would also free up time for Public Works Street Worker Eric Garner to attend to his regular duties rather than supervising employees, although he would need to oversee where and when *Rivard Lawn Care* would be utilized. It was suggested that one-half of the 2008 part-time budget allowance (\$4,000.00) be used to pay for the \$350.00/per week cost.

MOTION BY JULIK-HEINE/KINNUNEN TO HIRE RIVARD LAWN CARE FOR MOWING AND TRIMMING SERVICES FOR CERTAIN CITY PROPERTIES AS IDENTIFIED ON THE PROPOSAL, SUBJECT TO REVIEW BY THE CITY ATTORNEY, AT A COST NOT TO EXCEED \$4,000.00 FOR THE SEASON. MOTION CARRIED, WITH RIVARD ABSTAINING SINCE HE IS UNCLE TO THE RIVARD BROTHERS.

CONSIDER GIFT OF HOGLUND PROPERTY

The City received a letter from Barbara Newberry and Barry R. Hoglund, offering a small parcel of land to the City that is along the river and adjacent to the Riverwalk Trail and Bridge. The Council must officially determine if it should accept the property. Once that decision is made, the City Attorney will get involved in the transfer deeds and a Resolution will be presented that will officially accept the "gift".

MOTION BY KINNUNEN/RIVARD TO AGREE TO ACCEPT, WITH GRATITUDE, THE GIFT OF PARCEL R20.00149 FROM THE HOGLUND/NEWBERRY FAMILY; AND

FURTHER MOVED TO DIRECT THE CITY ATTORNEY TO DRAFT THE APPROPRIATE LEGAL DOCUMENTS, AND DIRECT THE CITY CLERK TO DRAFT A RESOLUTION FORMALLY ACCEPTING THE PROPERTY.

MOTION CARRIED UNANIMOUSLY.

CONSIDER ZA-COORDINATOR VACATION REQUEST

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA THE EMPLOYEE LEAVE REQUEST BY LARRY PHILLIPS, ZONING ADMINISTRATOR-COORDINATOR FOR THE DATES OF MAY 13TH AND MAY 16TH, 2008.

CONSIDER PURCHASE OF CHEMICALS FOR SEWER PONDS

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA THE PURCHASE OF ALUMINUM SULFATE SOLUTION FROM HAWKINS CHEMICAL, AT AN APPROXIMATELY COST OF \$3,000.00, TO BE PAID FROM THE SEWER FUND (602).

CONSIDER DWRF APPLICATION FOR PROJECT PRIORITY LIST

Just as the City did in 2005, Ron Seymour of SEH recommended the City request placement on the 2009 Project Priority List for the Drinking Water Revolving Fund (DWRF) Program. The proposed project would be a water transmission main & loop at an estimated cost of \$873,600.00. Because the deadline date was prior to this meeting, Council must approve the Mayor's signature after the fact.

THE CITY COUNCIL AUTHORIZED (AFTER THE FACT) BY CONSENT AGENDA THE MAYOR TO SUBMIT A LETTER TO JOHN SCHNICKEL OF THE MN DEPT OF HEALTH REQUESTING PLACEMENT ON THE 2009 PROJECT PRIORITY LIST FOR THE DRINKING WATER REVOLVING FUND (DWRF) PROGRAM.

CONSIDER PAYMENT OF BOYER TRUCKS INVOICE

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA PAYMENT IN THE AMOUNT OF \$4,402.74 TO BOYER TRUCKS, FOR THE REPAIR OF THE FORD L9000 PLOW TRUCK, TO BE PAID FROM THE PUBLIC WORKS REPAIR BUDGET ACCOUNT (43100-404).

CONSIDER 2008/2009 SOLID WASTE PERMITS

THE CITY COUNCIL APPROVED BY CONSENT AGENDA A 2008-2009 SOLID WASTE LICENSE TO:

CROIX VALLEY PICKUP
9994 292ND STREET
CHISAGO CITY, MN

SRC, INC.
(DBA TOWN & COUNTRY DISPOSAL)
6320 EAST VIKING BLVD
PO BOX 564
WYOMING, MN

CHISAGO LAKES SANITATION
9689 STACY TRAIL
PO BOX 365
CHISAGO CITY MN

There are three companies that continue to do business in Taylors Falls that have not applied for the required license. The Deputy Clerk will follow-up on compliance with Chapter 18 of the Taylors Falls Code of Ordinance that requires an annual license to be issued in order to conduct business here.

CONSIDER PAY REQUEST #6 TO ENCOMM MIDWEST, WELLHOUSE #4 PROJECT

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA PAYMENT OF \$90,245.06 TO ENCOMM MIDWEST, INC. FOR WORK COMPLETED TO DATE ON THE WELLHOUSE #4 PROJECT.

CONSIDER PAYMENT OF INFINITY WIRELESS INVOICE

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA PAYMENT OF \$1,010.69 TO INFINITY WIRELESS, AS PAYMENT FOR A FIRECOM HEADSET ADAPTOR FOR THE TAYLORS FALLS FIRE DEPARTMENT, TO BE PAID FROM THE NEW EQUIPMENT BUDGET EXPENSE ACCOUNT (42260-580).

APPROVAL OF CLAIMS & PAYROLL

THE CITY COUNCIL APPROVED BY CONSENT AGENDA PAYMENT OF CHECK NUMBERS 21567 - 21630 IN THE AMOUNT OF \$135,458.27 FOR CLAIMS AND DISBURSEMENTS; AND CHECK NUMBERS 5264 - 5274 IN THE AMOUNT OF \$12,076.51 FOR APRIL PAYROLL.

CORRESPONDENCE

THE CITY COUNCIL ACKNOWLEDGED BY CONSENT AGENDA CORRESPONDENCE RECEIVED IN THE MAY 12, 2008 COUNCIL PACKET:

1. LETTER FROM PATRICK KELLY, RE: NAME CHANGE
2. LMC FRIDAY FAXES
3. EMPLOYEE LEAVE REQUESTS
4. USDA RURAL DEVELOPMENT COMMUNITY FACILITIES PROGRAM
5. STAFF CORRESPONDENCE & EMAIL'S

LIAISON OR COUNCIL MEMBER REPORTS

Mayor Mike Buchite reported that he had attended the 100th surprise birthday party for Mae Hofford, who was pleasantly pleased with the plaque the City had given her.

Mayor Buchite also updated the Council on the status of the MnDOT building negotiations. He said they were still waiting for drawings on the salt/shed, and once they were received, he would call a workshop for the Council, MnDOT Representatives, Chisago County HRA/EDA Director Chris Eng, and City Attorney Patrick Kelly to fully discuss all aspects of the project.

Ross Rivard updated the Council on the first 50% open space design development the Planning Commission would be working on. Anderson Farms has submitted a sketch plan for a subdivision on their property located west of the City which was recently annexed into the City.

Larry Julik-Heine reported that Lisa Thibodeau has resigned from the Park & Rec Commission as of May 14th. The PRC will have a recommendation to the Council at its next meeting to appoint another Commission member to replace Thibodeau. They are moving forward with Cherry Hill Park Plans, and have initiated a contest for the Taylors Falls elementary age school kids to design the signage for the Heritage Park site.

May 27th at 6:30 the Council will conduct a Performance Evaluation of Jo Everson, Clerk-Treasurer.

ADJOURNMENT

MOTION BY JULIK-HEINE/KINNUNEN TO ADJOURN THE MEETING OF THE MAY 12, 2008 TAYLORS FALLS CITY COUNCIL. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 9:06 p.m.

Michael D. Buchite, Mayor

Jo Everson, Clerk-Treasurer

APPROVED: JUNE 9, 2008