

**TAYLORS FALLS CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, NOVEMBER 10, 2008 – 7:00 P.M.**

**MINUTES**

The Agenda for this Meeting was posted Wednesday, November 5, 2008 at City Hall. The agenda was also posted at the Post Office and on 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, November 10, 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 Vice-Mayor Ross Rivard.

**ROLL CALL**

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

MEMBERS ABSENT: Mike Buchite

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Zoning Administrator-Coordinator Larry Phillips, Bob Porter from the Chisago County Press, and a Reporter from the Standard Press.

**ADOPTION OF AGENDA**

The Agenda was amended under New Business: **Consider Payment of Wild River Contracting Invoice.**

MOTION BY TANGEN/KINNUNEN TO APPROVE THE AGENDA, AS AMENDED, FOR THE NOVEMBER 10, 2008 TAYLORS FALLS CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

**ADOPTION OF CONSENT AGENDA**

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: MINUTES OF PREVIOUS CITY COUNCIL MEETINGS; COMMISSION, BOARD OR COMMITTEE MINUTES/REPORTS; STAFF REPORTS; CONSIDER AGREEMENT WITH FIRSTLAB SERVICE FOR DRUG & ALCOHOL TESTING; CONSIDER PAY REQUEST #9 FOR THE WELLHOUSE #4 PROJECT; CONSIDER APPROVING TF LION'S CLUB BINGO FOR NOVEMBER 21, 2008; 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 OCTOBER 13 AND OCTOBER 27, 2008; AND NOVEMBER 5, 2008.

**PUBLIC FORUM**

None.

**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 OCTOBER 2008 CHISAGO COUNTY SHERIFF'S DEPARTMENT REPORT.

**ADMINISTRATIVE DEPARTMENT**

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE OCTOBER 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 OCTOBER 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.

**FIRE DEPARTMENT**

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA FIRE CHIEF KEVIN RIVARD'S SEPTEMBER AND OCTOBER FIRE REPORTS.

**COMMISSION, BOARD OR COMMITTEE MINUTES/REPORTS**

**LIBRARY**

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS PUBLIC LIBRARY BOARD MEETING HELD ON OCTOBER 29, 2008.

**PARK & REC COMMISSION**

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS PARK & REC COMMISSION MEETING HELD ON SEPTEMBER 17, 2008.

**STAFF REQUESTS**

**PUBLIC WORKS DEPARTMENT**

**Training Request.** Public Works Street Worker Eric Garner requested authorization to attend the 5<sup>th</sup> Annual MRWA Water Utility Management Seminar in order to attain the final credits for his water license for this year.

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE REQUEST FROM PUBLIC WORKS STREET WORKER ERIC GARNER TO ATTEND THE MRWA WATER UTILITY MANAGEMENT SEMINAR ON DECEMBER 2, 2008 IN ST. CLOUD, MN, AT A COST OF \$100.00 TO BE PAID FROM THE WATER FUND (601). MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

**CONSIDER AWARDDING BID FOR PUBLIC WORKS BUILDINGS PROJECT**

Vice-Mayor Ross Rivard indicated that he had a conflict of interest with this agenda item, as he currently has existing contracts in place with several of the bidders. He stepped down from the dais. Council Member Larry Julik-Heine assumed the Chair position.

The City previously advertised, received, opened and considered bids for the Public Works Buildings Projects. At the September 25, 2008 Council Meeting the bids were rejected since so few were received and what was received appeared very high. Council authorized the rebidding of the project, and they were opened October 21, 2008. Since that time the City has been negotiating with the Minnesota Department of Transportation regarding a lease agreement for the two buildings in return for the real estate transfer of their land on Pine Street. The goal is to develop it so that it becomes a viable commercial, taxable property for Taylors Falls. These negotiations are near completion; therefore the award of the bid is necessary.

There were fifteen (15) bids, of which Milcon, Inc. submitted the lowest bid at \$229,279.00. However, the legal counsel from the City Attorney was that the bid should be awarded to the next "lowest responsible bidder", which is Mark Haug Construction, Inc., at \$253,000.00. This is due to the fact that there is a pending lawsuit between Milcon and the Chisago County HRA/EDA. Taylors Falls and the HRA/EDA will be partners in the financing of the project,

The award must also be conditional upon the execution of a Construction Contract with the bidder, the execution of a Lease Agreement/Real Estate Transfer with the Minnesota Department of Transportation, and the execution of a bond agreement with Chisago County HRA-EDA prior to Construction of the building.

MOTION BY KINNUNEN/TANGEN TO AWARD THE BID FOR THE TAYLORS FALLS PUBLIC WORKS BUILDINGS PROJECT TO THE LOWEST RESPONSIBLE BIDDER MARK HAUG CONSTRUCTION, INC., FROM PINE CITY, MINNESOTA, IN THE AMOUNT OF \$253,000.00. THE COUNCIL MAKES THIS FINDING DUE TO THE CURRENT LAWSUIT BETWEEN THE CHISAGO COUNTY HRA/EDA AND THE LOWEST BIDDER, WHICH INVOLVES WORKMANSHIP ISSUES. BECAUSE THE HRA/EDA IS THE CITY'S FINANCIAL PARTNER IN THE BUILDING PROJECT, IT WISHES TO AVOID SIMILAR QUALITY ISSUES IF THE PROJECT WERE TO BE AWARDED TO THIS BIDDER.

THE AWARD TO MARK HAUG CONSTRUCTION, INC. IS CONDITIONAL UPON THE FOLLOWING:

- ❖ EXECUTION OF A CONSTRUCTION CONTRACT WITH THE BIDDER, AUTHORIZING THE MAYOR / VICE-MAYOR AND CITY STAFF TO NEGOTIATE THE TERMS OF THE CONTRACT, TO BE APPROVED BY THE CITY COUNCIL PRIOR TO EXECUTION.
- ❖ EXECUTION OF A LEASE AGREEMENT/REAL ESTATE TRANSFER WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION.
- ❖ EXECUTION OF A BOND AGREEMENT WITH CHISAGO COUNTY HRA-EDA PRIOR TO CONSTRUCTION OF THE BUILDING.

MOTION CARRIED WITH RIVARD ABSTAINING DUE TO HIS CONFLICT OF INTEREST.

Staff will continue to bring forward these required documents for Council approval once they have completed. Vice-Mayor Rivard returned to the dais.

### **NEW BUSINESS**

#### **CONSIDER REVISED DRAFT OF INTERSTATE PARK MANAGEMENT PLAN**

The City Council began discussion with the Interstate State Park Management Team in October of 2002 through August of 2003, at which time the Council approved a letter to be written ending the discussions until certain conditions were met. Since that time new Management has been appointed and the Plans have resurfaced. Zoning Administrator-Coordinator Larry Phillips met with Park Manager Ron Erickson for preliminary discussion. Erickson also made a brief presentation to the Council at this meeting to summarize proposed changes to the 2003 version of the Plan.

Erickson stated that the intent of the Plan was to provide a broad long-term (20-year) management plan for the Park. The original Plan in 2003 was not signed by the Commissioner; therefore the Park has operated for five (5) years without one.

Phillips, the City's Zoning Administrator-Coordinator, compared the Draft Park Management Plan with Taylors Fall's Comprehensive Plan and Parks and Trails Master Plan:

The three plans share many goals and in many ways are cohesive. The Comprehensive Plan encourages preservation of natural features and pedestrian access to the two Interstate State Parks and Bryant Woods Environmental School Laboratory. To explore mutually beneficial opportunities between the City and the Minnesota DNR for a coordinated expansion of City Parks, particularly for expansions that would help to preserve significant natural resources and scenic areas for the benefit of the community and the people of Minnesota. Furthermore the Parks and Trails Master Plan encourages coordinated efforts with the DNR to make Minnesota Interstate State Park more accessible to the community, and to extend the qualities of the park along logical corridors through the community (as environmental corridors, trails, reserved lands or other similar methods).

The draft Interstate Park Management Plan places a high priority on new pedestrian and bicycle trails including the Swedish Immigrant Trail and Gateway Trail proposed by Chisago County. The Swedish Immigrant trail will enter Taylors Falls from the west and follow the old railroad route or an alternative route within the State Park. Changes will need to be made to update the mapping in the Plan to reflect the revised route.

The Park Management Plan establishes the City to be a “hub” for trail activities (pedestrian and bicyclists). This goal would work well with the proposed terminus of the Swedish Immigrant Trail to be at the Taylors Falls Memorial Community Center. This goal is very positive for the City especially due to the recent improvements to the Community Center and its close proximity to downtown. Staff supports the proposal for connection of trail systems in the Park Management Plan.

The proposed park boundary expansion is significantly less than what was originally proposed in 2003. It includes 140 acres of park expansion rather than the former +/- 2,200 acres. “Area 3” is +/- 100 acres, located north of City Hall. There are thirteen (13) different property owners in this area including the City of Taylors Falls, Xcel Energy, and Bryant Woods School Laboratory (School District). Within this area the City has a 152,000-gallon water stand pipe (water tower) 106,000-gallon water reservoir, plus water mains that are within some of the platted streets and alleys. A portion of this area was part of the 1857 Plat of Taylors Falls, hence the reason there are many platted but unimproved streets and alleys in this area. There are three (3) residences within this area.

Staff does not support the Park Management Plan proposal to expand into all the land mapped in Area 3, specifically properties owned by the City along with City infrastructure (i.e. stand pipe, reservoir, water mains). However, Staff does support the DNR’s proposal to connect the State Park to Bryant Environmental School Laboratory. This could be done with a combination of trail easements, on-street trails (Chestnut Street), or the use of platted but unimproved rights-of-way within a portion of Area 3.

“Area 5” is +/- 40 acres. This is one parcel of land, with one property owner and one house on the property. The property abuts the State Park and is not separated by a road or any other boundary. With the exception of the house, the property is wooded. The ravine that eventually becomes Curtain Falls begins on this property. Staff supports the Park Management Plan proposal to expand the State Park into Area 5.

Erickson reminded the Council that in order for the Park to increase its boundaries it needs to go through an extensive process. He encouraged the Council to attend the Open House this week for more information.

Vice-Mayor Rivard indicated that the issue would need to be tabled until the next meeting in order to allow the Mayor input. Final comments are due to the State by December 5<sup>th</sup>.

**MOTION BY TANGEN/JULIK-HEINE TO TABLE FURTHER CONSIDERATION OF THE REVISED DRAFT OF THE INTERSTATE STATE PARK MANAGEMENT PLAN UNTIL THE NOVEMBER 24, 2008 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.**

**CONSIDER ART LENDING AGREEMENT**

In 2004 the City Council approved a request to install an interstellar sculpture at Heritage Park for one year. The artist, Sara Hanson, is ready to install the 19’ tall by 7’ base sculpture at the Park. The location of the sculpture was discussed, with the Council in agreement that it must be placed next to the north tree line, 30 yards west of the park bench, along the limestone trail. This location will have minimal impact to the property. The terms of the Art Lending Agreement were clarified. (attached)

Council Member Zara Kinnunen expressed her support of the endeavor stating that the unique piece of art would be a great addition to the City. However, Council Member Larry Julik-Heine questioned if the Council had any opinion regarding the fact that the final product was significantly different than the original proposal. The Council had no objections.

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE 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, 30 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.

**CONSIDER PREMISE PERMIT FOR SMITTY'S BORDER BAR 'N' GRILL**

The Chisago Lakes Area Recreation requested the Council approve a Premise Permit for them to provide pull-tabs at Smitty's Border Bar "n" Grill (now owned by Kevin Irwin). Once approved it is then sent to the MN Gambling Control Board for approval.

MOTION BY JULIK-HEINE/KINNUNEN TO ADOPT RESOLUTION 08-11-02 APPROVING A GAMBLING PREMISE PERMIT AT SMITTY'S BORDER BAR 'N' GRILL, 367 BENCH STREET IN TAYLORS FALLS, SUBJECT TO THE SUBMISSION OF REQUIRED DOCUMENTATION REQUIRED BY CITY ORDINANCE. MOTION CARRIED UNANIMOUSLY.

**RESOLUTION 08-11-02**

**A RESOLUTION APPROVING A GAMBLING PREMISE PERMIT AT SMITTY'S BORDER BAR 'N' GRILL**

WHEREAS the Chisago Lakes Area Recreation Association has submitted a Premises Permit Application in order to conduct Class B Lawful Gambling, including pull-tabs, tipboards, paddlewheels and raffles at an establishment known as Smitty's Border Bar 'n' Grill, 367 Bench Street, in the City of Taylors Falls; and

WHEREAS said organization has filed all the necessary information as required in Section 350.03 of the Taylors Falls Code of Ordinances; and

WHEREAS said organization is an established local government entity and does not require a criminal investigation; and

WHEREAS Minnesota Statute 349.213 Subd 2 requires that the local unit of government must pass a resolution approving the issuance of a Premise Permit by the Gambling Control Board for any establishment where gambling will be conducted; and

SO THEREFORE BE IT RESOLVED by the City Council of the City of Taylors Falls that it hereby authorizes the Gambling Control Board to issue a Class B Premise Permit to Smitty's Border Bar 'n' Grill, 367 Bench Street, Taylors Falls, Minnesota, in order to allow the Chisago Lakes Recreation Association to conduct lawful gambling on the premises.

/s/ Ross Rivard, Vice-Mayor  
Jo Everson, Clerk-Treasurer

**CONSIDER AGREEMENT WITH FIRSTLAB SERVICE FOR DRUG & ALCOHOL TESTING**

The City was notified that the Minnesota Counties Insurance Trust would be discontinuing their Drug and Alcohol Testing Program/Consortium (one of DOT compliance requirements) as of December 31<sup>st</sup>. At that time the City would be forced to look for a new arrangement with another company.

The company FirstLab currently provides the actual testing services to the members of the Consortium and has done so since 2005. They are proposing to continue the program under their management, pending the City entering into an agreement with them. An Attorney from the League of Minnesota Cities reviewed the agreement and submitted proposed changes, which FirstLab has agreed to provide as an amendment to the original agreement.

THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE AGREEMENT, AND AMENDMENT TO THE AGREEMENT, BY AND BETWEEN THE CITY OF TAYLORS FALLS AND FIRST LAB, TO PROVIDE DRUG & ALCOHOL TESTING IN CONFORMANCE WITH DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING REQUIREMENTS FOR FTA AND FMCSA COVERED EMPLOYEES. (on file)

**CONSIDER PAY REQUEST #9 FOR WELLHOUSE #4 PROJECT**

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA PAYMENT OF \$14,293.23 TO ENCOMM MIDWEST, INC., FOR PAY REQUEST #9 FOR THE WELLHOUSE #4 PROJECT, TO BE PAID FROM THE NEW WELL BUDGET ACCOUNT (601-590).

**CONSIDER APPROVING TF LION'S CLUB BINGO**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE APPLICATION FOR EXCLUDED BINGO ACTIVITY AT THE TAYLORS FALLS MEMORIAL COMMUNITY CENTER BY THE TAYLORS FALLS LION'S CLUB ON NOVEMBER 21, 2008.

**CONSIDER PAYMENT OF WILD RIVER CONTRACTING INVOICE**

The Public Works Department was informed that there was an erosion issue on Herberg Road needing immediate attention. A culvert was causing significant undermining of the road. Wild River Contracting was able to respond quickly to make the necessary repairs, although the cost exceeded the \$1,000 limit without prior Council approval for payment.

MOTION BY TANGEN/JULIK-HEINE TO APPROVE PAYMENT OF \$2,224.00 TO WILD RIVER CONTRACTING FOR REPAIR WORK ON HERBERG ROAD. THE \$1,111.26 COST OF THE CULVERT SHALL BE PAID BY THE PROPERTY OWNER. MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF CLAIMS & PAYROLL**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA PAYMENT OF CHECK NUMBERS 22037 - 22114 IN THE AMOUNT OF \$66,997.83 FOR CLAIMS AND DISBURSEMENTS; AND CHECK NUMBERS 45350 - 5388 IN THE AMOUNT OF \$20,430.01 FOR OCTOBER PAYROLL.

**CORRESPONDENCE**

THE CITY COUNCIL ACKNOWLEDGED BY CONSENT AGENDA CORRESPONDENCE RECEIVED IN THE NOVEMBER 10, 2008 COUNCIL PACKET:

1. EMPLOYEE VACATION REQUESTS
2. LAKES AREA YOUTH SERVICE BUREAU DONATION REQUEST
3. PRIVATE DONATION REQUEST
4. MN RURAL WATER ASSOCIATION AWARD
5. MEMO FROM SEH, RE: PRIVATE PROPERTY DRAINAGE ISSUE
6. STAFF CORRESPONDENCE & EMAIL'S

**LIAISON OR COUNCIL MEMBER REPORTS**

**Larry Julik-Heine** reported that there has been little work competed on the Cherry Hill Park Pavilion. The Park and Recreation Commission would be meeting this week.

**John Tangen** reported that there was a paged incident for the Taylors Falls Fire Department and Chisago County Sheriff's Department to respond to the Coffee Talk for a gas leak. The response time was seven (7) minutes. Tangen commended the Departments.

**Ross Rivard** reported that the Fire Department would be hosting the 2<sup>nd</sup> Annual Dinner for the local Veterans on Veterans Day.

**ADJOURNMENT**

MOTION BY JULIK-HEINE/TANGEN TO ADJOURN THE MEETING OF THE NOVEMBER 10, 2008 TAYLORS FALLS CITY COUNCIL. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 7:50 p.m.

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Ross Rivard, Vice-Mayor

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Jo Everson, Clerk-Treasurer

**APPROVED: DECEMBER 8, 2008**