

**TAYLORS FALLS CITY COUNCIL MEETING
COUNCIL CHAMBERS
MONDAY, JANUARY 28, 2008 – 6:30 P.M.**

MINUTES

The Agenda for this Meeting was posted Wednesday, January 23, 2008 at City Hall, 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, January 28, 2008 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: Deputy Clerk-Treasurer Jayna Yeske, Zoning Administrator-Coordinator Larry Phillips, City Attorney Trevor Oliver, City Planner Bill Weber, Clarence Nelson, Betsy Bradley, Donald and Carol Lynn Lyttle, Diane Dedon, Bill Scott, Kevin Buck, Dick Genung of the Shafer/Franconia Fire Department, Lynn Longnecker, Angela Moulton from the Ledger Press Newspaper, Bob Porter from the Chisago County Press

ADOPTION OF AGENDA

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE AGENDA AS PRESENTED FOR THE JANUARY 28, 2008 TAYLORS FALLS CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ADOPTION OF CONSENT AGENDA

MOTION BY RIVARD/TANGEN TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: CONSIDER PAY REQUEST #3 – ENCOMM MIDWEST, INC.; CONSIDER AUTHORIZING EMPLOYEE LEAVE REQUEST; CONSIDER PAYMENT TO WILD RIVER CONTRACTING & RE PETERSON FOR MAPLE STREET REPAIRS; CONSIDER CONTRACT TO PROVIDE OSHA TRAINING FOR PUBLIC WORKS DEPARTMENT; CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

REPORT ON PREVIOUS PUBLIC FORUM REQUESTS

None.

PUBLIC FORUM

None.

STAFF REPORTS & REQUESTS

PUBLIC WORKS DEPARTMENT – CONSIDER TRAINING REQUESTS

Public Works Employees Bill Neska and Eric Garner have asked permission to attend a one-day training in "Locating Equipment" at Northern Water Works Supply Company in Blaine MN at a cost of \$30.00 per person. Training date will be determined by a representative confirmation which will either be February 12th or 13th.

MOTION BY JULIK-HEINE/KINNUNEN TO AUTHORIZE THE REQUEST FROM PUBLIC WORKS EMPLOYEES BILL NESKA AND ERIC GARNER TO ATTEND A ONE-DAY COURSE IN LOCATING EQUIPMENT AT NORTHERN WATER WORKS SUPPLY COMPANY IN BLAINE, MN, AT A COST OF \$30.00 PER PERSON, TO BE PAID FOR BY THE PUBLIC WORKS TRAINING REQUEST BUDGET (43100-208). MOTION CARRIED UNANIMOUSLY.

Public Works Street Worker Eric Garner has asked for permission to attend a one-day training on Innovative Approaches to Wastewater Operational Problems at the Holiday Inn in St. Cloud MN.

MOTION BY RIVARD/JULIK-HEINE TO APPROVE THE REQUEST FROM PUBLIC WORKS STREET WORKER ERIC GARNER TO ATTEND A ONE-DAY INNOVATIVE APPROACHES TO WASTEWATER OPERATIONAL PROBLEMS CONFERENCE AT THE HOLIDAY INN IN ST. CLOUD, MN, AT A COST OF \$55.00, TO BE PAID FROM THE SEWER FUND (602). MOTION CARRIED UNANIMOUSLY.

ZONING ADMINISTRATOR-COORDINATOR – CONSIDER PURCHASE OF GIS SOFTWARE

Zoning Administrator-Coordinator Larry Phillips has requested that the City Council authorize the purchase of an ArcView GIS License software system. The system will offer a means of organization that would eventually offer a return on initial investment in terms of staff, consultant and contractor's time and knowledge. The software would stay with the City and could be utilized by all departments from locating water and sewer lines and vacated streets to measuring areas for zoning and public hearing address lists.

MOTION BY JULIK-HEINE/KINNUNEN TO AUTHORIZE ZONING ADMINISTRATOR-COORDINATOR'S REQUEST TO PURCHASE GIS SOFTWARE AT A COST OF \$1,318.66 FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI, INC.), TO BE PAID FROM THE PLANNING AND ZONING DEPARTMENT BUDGET (41910). MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

None.

NEW BUSINESS

DELIBERATIONS FROM JANUARY 14, 2008 PUBLIC HEARING (6:30 – 7:00)

Zoning Administrator-Coordinator Larry Phillips explained that there were a few housekeeping issues that needed to be addressed that included adding verbiage to Chapter One – Definitions, Subd. 203, Recreation, Use Active: *“A recreational outdoor use including structures conducive to the outdoor use, such uses, include but are not limited to ball or playfields, tennis courts, golf courses and golf course driving ranges”*. There was one typographical error in Chapter Two - Zoning Regulations, Section 2000.011 Yard, Area, and Building Regulations, Subd. 5, D Architectural Requirements, 1: Dwelling shall exceed *“eighteen (18)”* feet in width and shall be over 30 feet in length. And finally, the Zoning Map had a few minor changes due to an annexation, a home being on the property, property being owned by the State Park and two properties that had been rezoned to R-3 in 2004.

Open Space

Larry Julik-Heine questioned if bowling alleys and miniature golf were acceptable open space recreational uses.

John Tangen stated that he would prefer to see 40% vs. 30% for open space design and would prefer that “dirt bikes” be a prohibited use.

Zoning Administrator-Coordinator Larry Phillips stated that all uses are listed in the definitions and that on Page 19 – 2.4 the verbiage should be changed to read: Continuation of agricultural uses, ~~or~~ passive recreational uses *“and active recreational uses as approved by the City”*.

Mayor Mike Buchite stated that at the last meeting there was a split vote on the initial percentage of open space dedicated being 30% vs. 40%. The open space is there for the City, not the Developer and that he is somewhat concerned about density. The City is not advertising for growth but is aware that growth is inevitable.

Zara Kinnunen stated that 40% initial open space would be a more appropriate number and with parks and trails and 8% for Right-of-Way (ROW) that 40% is her decision.

Ross Rivard stated that 40% appeared to be the consensus, however it worries him that we may make the land as undevelopable, from a developers point of view and cautions that we may have issues in the future.

Zoning Fees

Julik-Heine stated that the Park and Recreation Commission estimated the fees within their master plan and that they worked very hard to get those fees established.

Rivard stated that this is the course the City has to take and that the fees are finally getting caught up to what they should be.

Buffering & Screening

ZA Phillips stated the requirement for trees at the cemetery is spruce trees planted at 6' high and every 15' (trunk to trunk) along the property lines. When Spruce trees are mature the limbs are approximately 7'-7½'.

Tangen, speaking on behalf of the Cemetery Board, expressed concerns that there be restrictions on garages, accessory buildings and sheds and that he would like to see an honest 50' buffer between any developments and the cemetery.

City Planner Bill Weber explained that those would be required by the City of the developer.

Downtown Commercial Business

Buchite questioned if any of the recommendations made by the Design Guidelines Task Force absorbed into these documents and if so, how.

Phillips stated that their recommendations were not ignored. That he and Bill Weber did extensive studying of what was recommended and pointed out areas where they did incorporate ideas of the Task Force into the Downtown Commercial District, such as store front designs and setbacks.

Zoning Map

Phillips stated that the former Buck property located next to the cemetery is currently zoned as Rural Transitional (RT). It was re-zoned from Agricultural to R-3 in 2004 and that the Planning Commission felt that zoning this parcel as RT meets the intent of the Comprehensive Plan and Development Code.

City Attorney Trevor Oliver stated that you cannot base your decision on the color and aesthetics of a zoning map. The map needs to be interpreted from the Comprehensive Plan for the purpose of writing and has to conform to the property as it exists. The Comprehensive Plan has lofty ideas and turns it into law without legislative decision. It is a policy decision, it is not illegal, and is based on testimony and recommendations. The location is well served by highways and pushes development from the edge of town to the middle.

Kinnunen stated that RT is not as highly dense as the Small Town (ST) zone is and she supports the decision to zone the parcel as RT.

Rivard agreed with Kinnunen and stated that development has temporarily stopped because of the moratorium that was set in place and that RT is as close to what the zone was (R-3) at the time. RT zone is less dense and more consistent with what was discussed with the developer.

Tangen stated the original intent was to require 40 houses on 2½ acre lots. RT abuts ST and they have the Hwy 95 corridor. They would need to install a traffic signal light at the intersection of Mulberry Street and Hwy 95 and questioned where the kids would go to school.

Buchite stated that he had recently had a conversation with Joe Thimm, Elementary School Principal, and that he stated that the school will build to the City's demand.

Julik-Heine stated that he is struggling with this issue and does not agree it should be zoned RT. However, it could be zoned RT if there was some assurance the City can require the developer to use an open space design.

Buchite stated that RT is more dense than RC, however, the developer has the option to develop the land as an open space design development.

Weber, stated the City cannot require a developer to use an open space design.

CONSIDER ADOPTING RESOLUTION 08-01-06, AMENDING THE TAYLORS FALLS COMPREHENSIVE PLAN

Zoning Administrator-Coordinator Larry Phillips gave a brief summary of the proposed Comprehensive Plan amendments as listed in Resolution 08-01-06. He explained that the process of drafting the Open Space Development section of the zoning ordinance to best mirror the vision of the Comprehensive Plan has brought to light items in the Comprehensive Plan that need to be amended to encourage such types of development. It currently does not allow City water and sewer to be extended into the Rural Countryside zone but that by allowing the utilities to be extended will help make that type of conservation development feasible.

The amendments to the Taylors Falls Comprehensive Plan are based on findings of fact, which are listed in Resolution 08-01-06. The following are changes due to deliberations that are to be made to the Comprehensive Plan:

1. Open space requirement increased from 30% to 40%
2. Page 19 – 2.4 final line to read: “continuation of agricultural uses, ~~or~~ passive recreational uses and active recreational uses as approved by the City.
3. Findings of fact #9 to read: *The cost of extending sewer and water will be paid for by land developers rather than existing residents of Taylors Falls.*

MOTION BY JULIK-HEINE/RIVARD TO ADOPT RESOLUTION 08-01-06, AS AMENDED, AMENDING THE TAYLORS FALLS COMPREHENSIVE PLAN. MOTION CARRIED UNANIMOUSLY.

CONSIDER ADOPTING ORDINANCE 2008-01-28, ADOPTING THE TAYLORS FALLS DEVELOPMENT CODE

Zoning Administrator-Coordinator Larry Phillips gave a brief summary explaining that he, Consulting City Planner Bill Weber the Planning Commission have been rewriting the Taylors Falls Development Code for over a year to mirror the vision of the Comprehensive Plan. The chapters of the Development Code cover a multitude of regulatory items that will implement the Comprehensive Plan. The goals and policies the Comprehensive Plan establishes for conservation development through the drafting of an Open Space Design Section.

The Zoning Map is very similar to the current Zoning Map in the fact that the actual boundaries of the zoning districts have not changed except for two large parcels of land located on the northwest corner of State Highway 95 and County Road 71. These two large parcels have been changed from the current zoning district of R-3 to the proposed Zoning District of Residential Transitional (RT).

The proposed Zoning Fees are listed under Appendix A in Chapter One. The Zoning related fees have not changed from what the City currently requires. The Zoning Fees are itemized as two categories, which are Zoning Related Fees and Land Dedication Fees. The Land Dedication Fees are the fees that are proposed to be increased.

MOTION TO ADOPT ORDINANCE 2008-01-28, ADOPTING THE TAYLORS FALLS DEVELOPMENT CODE. AYES, RIVARD/KINNUNEN/BUCHITE; OPPOSED, TANGEN/JULIK-HEINE. MOTION CARRIED.

CONSIDER ADOPTING RESOLUTION 08-01-07, AUTHORIZING PUBLICATION SUMMARY OF THE TAYLORS FALLS DEVELOPMENT CODE

Zoning Administrator-Coordinator Larry Phillips gave a brief summary stating that since the Development Code was adopted by Ordinance that it must be published in the City's official newspapers. Resolution 08-01-07 authorizes publication of the Ordinance in a summarized version.

MOTION BY JULIK-HEINE/KINNUNEN TO ADOPT RESOLUTION 08-01-07, A RESOLUTION AUTHORIZING AN OFFICIAL PUBLICATION SUMMARY OF THE TAYLORS FALLS DEVELOPMENT CODE. MOTION CARRIED UNANIMOUSLY.

CONSIDER ADOPTING ORDINANCE 2008-01-29, REPEALING MORATORIUM ORDINANCES

Zoning Administrator-Coordinator Larry Phillips gave a brief summary stating that in February of 2007, the City adopted a moratorium in order to protect the City's planning process and the health, safety and welfare of its citizens to allow the City to conform its zoning ordinance to the newly adopted Comprehensive Plan. The moratorium is no longer needed as the Comprehensive Plan has been adopted.

MOTION BY TANGEN/JULIK-HEINE TO ADOPT ORDINANCE 2008-01-29, A RESOLUTION REPEALING ORDINANCE 2007-02-12 (AN INTERIM ORDINANCE PURSUANT TO MINN. STATUTE §462.355, SUBD. 4 PRESERVING THE STATUS QUO IN THE CITY OF TAYLOR SFALLS PENDING THE CONSIDERATION AND ADOPTION OF AMENDED OFFICIAL CONTROLS IN CONFORMANCE WITH THE TAYLORS FALLS COMPREHENSIVE PLAN) AND ORDINANCE 2007-07-30 (AN INTERIM ORDINANCE PURSUANT TO MINN. STATUTE §462.355, SUBD. 4 PRESERVING THE STATUS QUO IN THE CITY OF TAYLORS FALLS PENDING THE CONSIDERATION AND ADOPTION OF AMENDED OFFICIAL CONTROLS IN CONFORMANCE WITH THE TAYLORS FALLS COMPREHENSIVE PLAN). MOTION CARRIED UNANIMOUSLY.

CONSIDER TF FIRE RELIEF ASSOCIATION PENSION INCREASE ALLOCATION

Lynn Longnecker of the Taylors Falls Fire Department explained to the City Council that the Taylors Falls Fire Relief Association must come before the City Council for approval each time there is an increase in the pension allocation. Longnecker explained that the monies invested have faired very well and that they have had a very good return on investment. He also explained that Shafer and Lindstrom City's have begun allocating monies to the Relief Associations and that maybe Taylors Falls would consider donating monies starting next year.

MOTION BY KINNUNEN/TANGEN TO APPROVE THE TAYLORS FALLS FIRE RELIEF ASSOCIATION PENSION INCREASE ALLOCATION FROM \$1,200 TO \$1,400. MOTION CARRIED UNANIMOUSLY WITH RIVARD ABSTAINING AS HE IS A MEMBER OF THE TAYLORS FALLS FIRE DEPARTMENT.

CONSIDER PREMISE PERMIT FOR ROMAYNE'S ON MAIN BY SHAFER/FRANCONIA VOUNTEER FIREMAN'S BENEFIT ASSOCIATION

Taylors Falls Gambling Manager Lynn Longnecker has informed the City that the TF Fire Relief Association will no longer be providing pull-tabs and is opening the lease to the Shafer/Franconia Volunteer Fireman's Benefit Association to begin selling pull-tabs at Romaine's on Main, 391 Bench Street. Dick Genung of the Shafer/Franconia Fire Department gave a brief overview of what the City will expect and noted that the letter submitted stated that the organization would contributing 10% of the gross earnings; this should be net earnings.

MOTION BY KINNUNEN/JULIK-HEINE TO ADOPT RESOLUTION 08-01-08, APPROVING A GAMBLING PREMISE PERMIT AT ROMAYNE'S ON MAIN, 391 BENCH STREET, TO ALLOW SHAFER/FRANCONIA VOLUNTEER FIREMAN'S BENEFIT ASSOCIATION TO CONDUCT LAWFUL GAMBLING ON THE PREMISES AND TO FURTHER AUTHORIZE MAYOR AND DEPUTY CLERK-TREASURER SIGNATURES ON SAID RESOLUTION. MOTION CARRIED UNANIMOUSLY. (copy attached)

RESOLUTION 08-01-08

A RESOLUTION APPROVING A GAMBLING PREMISE PERMIT AT ROMAYNE'S ON MAIN

WHEREAS the Shafer/Franconia Volunteer Fireman's Benefit 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 Romayne's on Main, 391 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 Romayne's on Main at 391 Bench Street, Taylors Falls, Minnesota, in order to the Shafer/Franconia Volunteer Fireman's Benefit Association to conduct lawful gambling on the premises.

/s/ Michael D. Buchite, Mayor
Jayna Yeske, Deputy Clerk-Treasurer

CONSIDER CONTRACT AGREEMENT WITH AMERIPRIDE LINEN & APPAREL

AmeriPride Linen & Apparel has offered an agreement renewal at a term of 60 months with the City. Public Works Utility Worker Bill Neska spoke with a representative of the company who in turn stated that we can enter into any length of term agreement. Council Liaisons Rivard and Julik-Heine agreed that it would be in the best interest of the City to enter into a 2-year, or 24 month service agreement.

MOTION BY TANGEN/JULIK-HEINE TO APPROVE A RENTAL SERVICE AGREEMENT WITH AMERIPRIDE LINEN & APPAREL, MINNEAPOLIS, MN, FOR THE TERM OF 24 MONTHS, EFFECTIVE DATE OF JANUARY 10, 2008, AND NOT TO EXCEED THE 24 MONTHS WITHOUT PRIOR APPROVAL FROM CITY COUNCIL. MOTION CARRIED UNANIMOUSLY.

MOTION BY JULIK-HEINE/KINNUNEN TO FURTHER AUTHORIZE MAYOR'S SIGNATURE ON SAID AGREEMENT. MOTION CARRIED UNANIMOUSLY.

CONSIDER PAY REQUEST #3 - ENCOMM MIDWEST, INC.

THE CITY COUNCIL APPROVED BY CONSENT AGENDA TO APPROVE PAY REQUEST #3 TO ENCOMM MIDWEST, INC., IN THE AMOUNT OF \$42,844.10, TO BE PAID FROM THE NEW WELL ACCOUNT (601-590).

CONSIDER AUTHORIZING EMPLOYEE LEAVE REQUEST

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA THE EMPLOYEE LEAVE REQUEST OF LARRY PHILLIPS, ZONING ADMINISTRATOR-COORDINATOR, FOR THE DATE OF FEBRUARY 19, 2008.

CONSIDER PAYMENT TO WILD RIVER CONTRACTING AND RE PETERSON FOR MAPLE STREET REPAIRS

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA PAYMENT OF \$2,000.00 TO WILD RIVER CONTRACTING FOR THE PURPOSE OF REPAIRING AN EMERGENCY WATERMAIN BREAK AT 469 MAPLE STREET, TO BE PAID FROM THE WATER BUDGET (601-404).

IT WAS FURTHER MOVED TO AUTHORIZE PAYMENT OF \$356.78 TO R.E. PETERSON FOR THE

PURPOSE OF REPAIRING AN EMERGENCY WATERMAIN BREAK AT 469 MAPLE STREET, TO BE PAID FROM THE WATER BUDGET (601-404).

CONSIDER CONTRACT TO PROVIDE OSHA TRAINING FOR PUBLIC WORKS DEPARTMENT

THE CITY COUNCIL APPROVED BY CONSENT AGENDA TO APPROVE THE CONTRACT BY AND BETWEEN THE CITY OF TAYLORS FALLS AND HENNEPIN TECHNICAL COLLEGE CUSTOMIZED TRAINING SERVICES TO PROVIDE OSHA COMPLIANT TRAINING FOR THE PUBLIC WORKS DEPARTMENT EMPLOYEES, TO BE HELD BY KEVIN VITO AT THE FOREST LAKE SENIOR CENTER IN FOREST LAKE, MN AND FURTHER AUTHORIZE MAYOR AND DEPUTY CLERK-TREASURER'S SIGNATURES ON SAID CONTRACT.

LIAISON OR COUNCIL MEMBER REPORTS

Zara Kinnunen stated that the Heritage Preservation Commission will be holding an open forum with the residents of Angel Hill to discuss potential designation of the Angel Hill district. Kinnunen also stated that Vice Chair Bill Scott would be taking over as Chair as Betsy Bradley has accepted a position in the state of Washington and will be moving from Taylors Falls.

Larry Julik-Heine spoke for both he and **Ross Rivard** stating that when the Public Works employees are not snow plowing they will be working on projects such as straightening out the shop and that the garland and decorations from the downtown area will be removed after January 31.

John Tangen reported that the Economic Development Commission (EDC) met at Coffee Talk and voted Wade Vitalis as Chair, Clarence Nelson as Vice Chair, and Sara Okstad as Secretary and that there is a business owner interested in serving on the EDC and the recommendation would be presented to the Council some time in February.

Mayor Mike Buchite reported that he and Kinnunen attended the League of Minnesota Training on Ethics and Code of Ethics.

Buchite stated that he plans on beginning to attend Commission meetings at least every other month beginning in February.

Buchite received a call from St Croix Falls Mayor Brad Foss stating that they are gathering information on erecting a suspension bridge to link the City's of St Croix Falls and Taylors Falls.

Finally, Buchite reported that he and Vice Mayor Rivard continue to work with MnDot and that the City Attorney will be obtaining an additional appraisal on the property. Chris Eng of the Chisago County HRA-EDA has expressed interested in helping to pay for the appraisal.

CORRESPONDENCE

THE CITY COUNCIL ACKNOWLEDGED CORRESPONDENCE RECEIVED IN THE JANUARY 28, 2008 COUNCIL PACKET:

1. INFORMATION FROM MINNESOTA DEPARTMENT OF HEALTH:
 - A. LEAD AND COPPER RULE SHORT-TERM REVISIONS
 - B. TAYLORS FALLS WATER SUPPLY
2. THANK YOU FROM ANDY & GERI SWENSON
3. STAFF CORRESPONDENCE & EMAILS

ADJOURNMENT

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

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

Michael D. Buchite, Mayor

Jayna Yeske, Deputy Clerk-Treasurer

APPROVED: FEBRUARY 11, 2008