

**TAYLORS FALLS CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, JULY 27, 2009 - 7:00 P.M.**

**MINUTES**

The Agenda for this Meeting was posted Wednesday, July 23, 2009 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 23, 2009 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, John Tangen, Zara Kinnunen, Larry Julik-Heine

MEMBERS ABSENT: Ross Rivard

OTHERS PRESENT: Clerk-Treasurer Jo Everson, Zoning Administrator-Coordinator Larry Phillips, Public Works Street Worker Eric Garner, Ron Erickson, Laird Mork, Barbara Young

**ADOPTION OF AGENDA**

The Agenda was amended to include under New Business: **CONSIDER PAY REQUEST #11 TO ENCOMM FOR WELLHOUSE #4 PROJECT** and **CONSIDER FINAL PAY REQUEST TO REDSTONE CONSTRUCTION FOR COUNTY ROAD 37 WATERMAIN PROJECT.**

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE THE AGENDA, AS AMENDED, FOR THE JULY 27, 2009 COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

**ADOPTION OF CONSENT AGENDA**

MOTION BY JULIK-HEINE/KINNUNEN TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: CONSIDER LIGHTING FESTIVAL DONATION; CONSIDER PRC RECOMMENDATIONS: A) APPOINT ALTERNATE MEMBER, B) APPROVE HERITAGE PARK EXPENSE, C) APPROVE LANDSCAPING EXPENSES FOR CHERRY HILL PARK; CONSIDER REIMBURSEMENT OF LIQUOR LICENSE FEES TO KEVIN IRWIN; CONSIDER ADDITIONAL EXPENSE FOR RIVERWALK TIMBER BRIDGE RAILINGS; CONSIDER HPC TRAINING REQUEST; CONSIDER PAY REQUEST #11 TO ENCOMM FOR WELLHOUSE #4 PROJECT; CONSIDER FINAL PAY REQUEST TO REDSTONE CONSTRUCTION FOR COUNTY ROAD 37 WATERMAIN PROJECT. MOTION CARRIED UNANIMOUSLY.

**PUBLIC HEARING – 7:05 P.M.**

**STATE PARK STREET VACATIONS**

The Mayor opened the Public Hearing for the State Park Street Vacations at 7:05 p.m. The City Clerk read the Notice of Public Hearing into the record:

*CITY OF TAYLORS FALLS  
NOTICE OF PUBLIC HEARING*

*The Taylors Falls City Council will conduct a public hearing on Monday, July 27, 2009 at the Taylors Falls City Hall in Council Chambers, 637 First Street, beginning at approximately 7:05 p.m. to consider a request from the Department of Natural Resources to vacate nine platted streets within Interstate State Park:*

1. That part of Mulberry Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the southerly right of way line of Mill Street, as originally dedicated in said plat and lying northerly of the ordinary high water mark of the St. Croix River.
2. That part of Folsom Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the southerly right of way line of Mill Street, as originally dedicated in said plat, and lying northerly of the easterly extension of the southerly line of Block 121 in said plat.
3. That part of Basil Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the southerly right of way line of Mill Street, as originally dedicated in said plat, and lying northerly of the ordinary high water mark of the St. Croix River.
4. That part of Taylor Street originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the easterly extension of the northerly line of Lot 4 Block 38, of said plat and lying northwesterly of the northwesterly right of way line of St. Croix Street, originally dedicated in said plat.
5. That part of High Rock Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the easterly extension of the south line of Lot 3 Block 39, of said plat and lying northerly of the ordinary high water mark of the St. Croix River.
6. That part of St. Croix Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying easterly of the easterly right of way line of Basil Street, as originally dedicated in said plat and lying westerly of the westerly right of way line of High Rock Street, as originally dedicated in said plat. And that part of St. Croix Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying easterly of the easterly right of way line of High Rock Street, as originally dedicated in said plat and lying westerly of the westerly right of way line of Basaltic Street, as originally dedicated in said plat.
7. That part of Basaltic Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the easterly extension of the north line of Lot 10, Block 35 of said plat and lying northerly of the ordinary high water mark of the St. Croix River.
8. That part of Rapid Street, originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying easterly of the easterly right of way line of Basaltic Street, as originally dedicated in said plat and lying westerly of the westerly right of way line of Trap Rock Street, as originally dedicated in said plat.
9. That part of Trap Rock Street originally dedicated in the plat of Taylors Falls, according to the recorded plat thereof, lying southerly of the southerly right of way line of South Street, as originally dedicated in said plat and lying northerly of the ordinary high water mark of the St. Croix River.

*All interested persons are invited to attend the hearing and be heard on this matter.*

*Dated: July 1, 2009*

Larry Phillips, City Zoning Administrator-Coordinator, explained that in 1982 the City vacated ten segments of streets within the statutory boundary of the State Park, primarily located between City Hall and the Angel Hill District. The Minnesota Department of Natural Resources has now petitioned to vacate another nine platted but unimproved streets, all of which abut State owned land and are not adjacent to private property. In his report Phillips recommended the vacation of all nine streets based upon certain findings of fact that were included in the approving Resolution:

1. The streets are within the statutory boundary of the State Park, which provides public recreation, thus vacating the streets is in the public interest.
2. The State Park has been using these platted streets for Park purposes for many years.
3. The streets are not improved, nor are they intended to be improved by the City of Taylors Falls.
4. There are no municipal utilities located within these streets.
5. Vacating these streets will not impede access to other properties now or in the future.
6. Vacating these streets will not impede access to the St. Croix River now or in the future.

Mayor Buchite acknowledged correspondence from the City Engineer and from the Minnesota Department of Natural Resources, both governmental agencies had no objections to the proposed street vacations.

Mayor Buchite called for comments from the public in favor, opposed, and neutral to the proposed street vacations. Hearing none,

MOTION BY JULIK-HEINE/KINNUNEN TO CLOSE THE PUBLIC HEARING TO CONSIDER THE STATE PARK STREET VACATIONS. MOTION CARRIED UNANIMOUSLY. The Hearing closed at 7:11 p.m.

### **PUBLIC FORUM**

None.

### **UNFINISHED BUSINESS**

#### **DETERMINE PUBLIC WORKS MAINTENANCE WORKER POSITION**

In May of 2009 the Council began the process of reorganizing the Public Works Department, which included the decision to hire a Public Works Superintendent who would supervise all aspects of the Public Works Department rather than be supervised by the Public Works Council Liaisons. The Council is expected to offer this position to someone at its August 10, 2009 meeting. The two existing positions would then merge into a single Public Works Maintenance Worker position, which would have similar functions of the two jobs it replaces. The determination as to which of the two existing employees (if any) should be appointed to this position was tabled until this meeting.

Mayor Buchite explained that the Personnel Liaisons (he and Council Member John Tangen) sought legal counsel prior to the meeting to assist the Council in making their decision. It is the opinion of the City Attorney that because William Neska is an honorably discharged Veteran, the Veteran's Preference Act (Minnesota Statute §197.46) forces the City's hand in two ways. The Act prevents termination of a veteran from City employment except for misconduct or incompetence, and it requires the City to use seniority when considering layoffs or terminations. Neska is entitled to be appointed to the new position under both scenerios.

MOTION BY TANGEN/JULIK-HEINE TO APPOINT WILLIAM NESKA, JR. TO THE NEW POSITION OF TAYLORS FALLS PUBLIC WORKS MAINTENANCE WORKER.

IT WAS FURTHER MOVED TO AUTHORIZE MAYOR BUCHITE TO SIGN AN OFFICIAL TWO-WEEK NOTICE OF TERMINATION TO ERIC GARNER FROM HIS POSITION AS TAYLORS FALLS PUBLIC WORKS STREET WORKER. UNLESS GARNER IS HIRED AS THE NEW PUBLIC WORKS SUPERINTENDENT, HIS LAST DAY OF EMPLOYMENT WITH THE CITY OF TAYLORS FALLS WOULD BE AUGUST 10, 2009, AT 4:30 P.M.

MOTIONS CARRIED UNANIMOUSLY.

### **NEW BUSINESS**

#### **CONSIDER RESOLUTION 09-07-04 APPROVING THE VACATION OF CERTAIN STREETS**

The Council began their deliberations regarding the proposed street vacations within the statutory boundaries of Interstate State Park in Taylors Falls following the Public Hearing held earlier during this meeting.

Council Member Zara Kinnunen stated that the vacation of the proposed streets would be an asset to the Park, since they were primarily bluff areas.

Council Member John Tangen expressed concern that one of the proposed streets to be vacated had an address assigned to it after checking the 911 addressing system. It appears that the

address belongs to the visitor center or the ticket booth in the Park. A new address may need to be reassigned once Trap Rock Street is vacated. Tangen agreed to look into it further.

Council Member Larry Julik-Heine stated that the street vacations would benefit both the City and the Park system.

MOTION BY JULIK-HEINE/KINNEN TO ADOPT RESOLUTION 09-07-04 AS PRESENTED, APPROVING THE VACATION OF CERTAIN STREETS IN INTERSTATE STATE PARK. MOTION CARRIED UNANIMOUSLY. (copy attached)

**CONSIDER AUTHORIZING MAYOR'S SIGNATURE ON SWEDISH IMMIGRANT TRAIL GRANT CERTIFICATION FORM & ENVIRONMENTAL ASSESSMENT STATEMENT**

Laird Mork, Chisago County Parks Director, made a presentation to the Council regarding the progress of the proposed Swedish Immigrant Trail. Chisago County was recently awarded a matching grant of \$73,500 from the State of Minnesota for the project, and is in the process of complying with several requirements in the grant agreement. One of which was to obtain signatures from from all "administrators of public lands crossed/utilized in the proposed project". Secondly, to have these same "administrators" sign off on an Environmental Assessment Statement that states "[the City] has reviewed the plans for development on lands that are under its jurisdiction, and agree with the conclusions contained within the EAS. [The City] also finds that the project creates no undue environmental impact and that is no prudent and feasible alternative to the project."

According to Mork, the project's east terminus is at the Taylors Falls Community Center. The trail departs from the Community Center on the former railroad corridor which is now part of Interstate Park. At a point of intersection with Mill Street the trail turns 170 degrees and is routed up Mill Street northeast through a cooperative agreement with the City of Taylors Falls. Also through a cooperative agreement with the City the trail continues north on Basil Street then west on Hill Street and again into Interstate Park Land. At this point the trail will continue from east to west through Interstate Park Land via a cooperative agreement with the MN DNR Commissioner and State Park Authorities.

From the west boundary of the State Park the trail will continue west along the north 100' of the Karen Grossman property, which Chisago County will purchase. At the intersection of Grossman and Herberg Road, the trail will turn south along the east side of Herberg under a cooperative agreement with the City of Taylors Falls. At the intersection of the driveway of Joe Stein, Sr. the trail will cross Herberg Road from the east side to the west side. On the West side of Herberg the trail will continue south westerly on a 50' parcel purchased from Joe Stein, Jr. to the south end of Stein's property, then turning west along a 50' parcel purchased from Stein along his south fence line to a point of intersection with the Xcel Power company property. At this point the trail will follow the power company property southwest into Wild Wood Campground. The trail will meander through the Wild Wood Campground south and then west under a trail easement that will bring it through Tern Avenue. From Tern Avenue the trail will continue west on the former rail corridor and along the south 50' property purchased from Robert and Rita Hughs. The trail will continue west along the south boundary of the Nassman property which was previously purchased by Chisago County. At this point the trail will terminate until the last two property owners find agreement with the proposal to connect this segment to the segment in Shafer.

Both Taylors Falls and the Minnesota Department of Natural Resources Parks and Trails Division would be required to sign both documents supporting the trail as proposed.

MOTION BY JULIK-HEINE/KINNUNEN TO AUTHORIZE THE MAYOR'S SIGNATURE ON THE TRAIL GRANT PROGRAM CERTIFICATION FORM AND THE ENVIRONMENTAL ASSESSMENT STATEMENT FOR THE SWEDISH IMMIGRANT TRAIL GRANT ACQUIRED BY CHISAGO COUNTY FROM THE STATE OF MINNESOTA. MOTION CARRIED UNANIMOUSLY. (on file)

**CONSIDER TF FIRE DEPARTMENT RELIEF ASSOCIATION PENSION INCREASE**

The Mayor removed this item from the Agenda for discussion during the budget process.

**CONSIDER 2009 STREET WORK PROJECTS**

In preparation for receiving quotes to crack seal and seal coat certain streets in Taylors Falls, the Public Works Department met with the Cities of Lindstrom and Chisago City to cooperatively seek proposals for all three cities with the hopes to obtain substantial cost savings for the larger project. Four proposals were received, with costs ranging from \$1.35 per square yard to \$2.35 per square yard.

MOTION BY KINNUNEN/TANGEN TO ACCEPT THE PROPOSAL FROM PEARSON BROTHERS, INC. FROM HANOVER, MINNESOTA, TO CRACK SEAL AND SEAL COAT THE FOLLOWING STREETS AT A COST NOT TO EXCEED \$44,500.00, TO BE PAID FROM THE STREET IMPROVEMENT FUND (650):

- WEST STREET – FROM FIRST STREET TO THE END OF THE STREET
- WALNUT STREET – FROM WEST STREET TO CHESTNUT STREET
- COLBY STREET – FROM FIRST STREET TO WALNUT STREET
- FOLSOM STREET – FROM FIRST STREET TO PINE STREET
- PINE STREET – FROM FOLSOM STREET TO CHESTNUT STREET
- RIVER STREET – FROM BENCH STREET TO MAPLE STREET

MOTION CARRIED UNANIMOUSLY.

**CONSIDER DONATION TO THE LIGHTING FESTIVAL COMMITTEE**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA A \$500.00 DONATION TO THE LIGHTING FESTIVAL COMMITTEE TO BE PAID FROM THE COUNCIL CONTINGENCY BUDGET ACCOUNT (41110-900).

**CONSIDER PRC RECOMMENDATIONS**

**APPOINT ALTERNATE MEMBER:** THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE APPOINTMENT OF JULIE HANSEN AS THE ALTERNATE MEMBER OF THE TAYLORS FALLS PARK & REC COMMISSION.

**CONSIDER APPROVING HERITAGE PARK EXPENSES:** THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA THE EXPENSES NOT TO EXCEED \$800.00, TO 'BY THE YARD', FOR THE DESIGN, SIGN PRODUCTION, SLEEVES AND POSTS FOR THE HERITAGE PARK SIGN, TO BE PAID FROM THE HERITAGE PARK FUND (409) AND PARK FUND (404).

**CONSIDER LANDSCAPING EXPENSES FOR CHERRY HILL PARK:** THE CITY COUNCIL AUTHORIZED SPENDING UP TO \$2,500.00 FROM THE CHERRY HILL PARK FUND (403) FOR LANDSCAPING MATERIALS FOR THE CHERRY HILL PARK, WITH REIMBURSEMENT OF \$1,000.00 OF THESE EXPENSES FROM THE GRANT MONIES EXPECTED FROM THE LAKE STATE CREDIT UNION.

**CONSIDER REIMBURSEMENT OF LIQUOR LICENSE FEES TO KEVIN IRWIN**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE REFUND OF \$1,075.00 TO KEVIN IRWIN, FORMER OWNER OF SMITTY'S BORDER BAR 'N' GRILL, FOR PRO-RATED LIQUOR LICENSE FEES FROM JULY 1<sup>ST</sup> – DECEMBER 31<sup>ST</sup>.

**CONSIDER ADDITIONAL EXPENSE FOR RIVERWALK TIMBER FRAME BRIDGE RAILINGS**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA PAYMENT OF \$303.35 TO BRUCE CARLSTED AS ADDITIONAL EXPENSES FOR THE TIMBER FRAME BRIDGE RAILINGS TO BE PAID FROM THE RIVERWALK FUND (345) AND REIMBURSED FROM THE ECONOMIC DEVELOPMENT FUND OPERATING BUDGET (230).

**CONSIDER HPC TRAINING REQUEST**

THE CITY COUNCIL AUTHORIZED BY CONSENT AGENDA THE TRAINING REQUESTS FROM THE TAYLORS FALLS HERITAGE PRESERVATION COMMISSION TO SEND HPC CHAIR BARBARA NELSON AND MEMBER JULIE HILDEBRAND TO THE ANNUAL STATEWIDE HISTORIC PRESERVATION CONFERENCE IN CHASKA, MINNESOTA ON SEPTEMBER 17<sup>TH</sup> AND 18<sup>TH</sup>, 2009, AT A COST OF \$90.00 EACH, TO BE PAID FROM THE HPC TRAINING BUDGET ACCOUNT (41450-208), WITH MILEAGE REIMBURSEMENT TO APPLY.

**CONSIDER PAY REQUEST #11 TO ENCOMM FOR WELLHOUSE #4 PROJECT**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA PAYMENT OF PAY REQUEST #11 IN THE AMOUNT OF \$5,000.00 TO ENCOMM MIDWEST, AS FINAL PAYMENT OF THE WELLHOUSE #4 PROJECT, TO BE PAID FROM THE WATER FUND NEW WELL BUDGET ACCOUNT (601-590).

**CONSIDER FINAL PAY REQUEST TO REDSTONE CONSTRUCTION FOR COUNTY ROAD 37 WATERMAIN PROJECT.**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA PAYMENT OF \$151,830.53 TO REDSTONE CONSTRUCTION – CLEARWATER, AS FINAL PAYMENT OF THE COUNTY ROAD 37 WATERMAIN PROJECT, TO BE PAID FROM THE WATERWORKS FUND (603) AND WATER FUND (601).

**LIAISON OR COUNCIL MEMBER REPORTS**

**Zara Kinnunen** reported that according to the Sheriff's Department, Wannigan Days went well with very few problems.

**Mike Buchite** reminded the Council of the tractor parade that would be occurring at noon(ish) on Sunday, August 2<sup>nd</sup>, involving 40-65 tractors. They would be traveling from St. Croix Falls down the Highway 8 hill into Minnesota, and then heading north on Highway 95 to River Street then to County Road 16 and then onto Almelund.

**Larry Julik-Heine** reported that the Park & Rec Commission had a very busy week. The Friends of Taylors Falls Parks donated \$899.50 of BINGO profits to the City to be used for park improvements. Work sessions continue on Saturdays for the Cherry Hill Park pavillion. The plans are to complete the landscaping within the next couple of weeks.

**CORRESPONDENCE**

THE CITY COUNCIL ACKNOWLEDGED BY CONSENT AGENDA THE FOLLOWING CORRESPONDENCE PROVIDED IN THE JULY 27, 2009 CITY COUNCIL MEETING PACKET:

1. LETTER FROM MPCA, RE: MEETING TO DISCUSS WASTE LOAD ALLOCATION
2. DRINKING WATER LAB RESULTS
3. STAFF CORRESPONDENCE & EMAIL'S

**ADJOURNMENT**

MOTION BY JULIK-HEINE/TANGEN TO ADJOURN THE MEETING OF THE TAYLORS FALLS CITY COUNCIL HELD ON JULY 27, 2009. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 7:52 p.m.

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Michael D. Buchite, Mayor

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Jo Everson, Clerk-Treasurer

**APPROVED: AUGUST 10, 2009**