

**TAYLORS FALLS CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, MAY 14, 2018 – 7:00 P.M.**

**MINUTES**

The Agenda for this Meeting was posted Wednesday, May 9, 2018 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.

**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, Larry Julik-Heine, Mary Jo Murphy, John Tangen

MEMBERS ABSENT: None

OTHERS PRESENT: Adam Berklund – Coordinator/Zoning Administrator, Troy Aanonsen – HPC Chair, Denise Martin – Chisago County Press, Greg Marsten – Inter County Leader, Jacob Guzik – Bolton & Menk, Brett Lincoln, Melissa Lincoln, Tammy Lincoln.

**ADOPTION OF AGENDA**

THE AGENDA WAS AMENDED TO ADD #12 CONSIDER TREE REMOVAL AT HERITAGE PARK AND TO REMOVE #4 CONSIDER SETTING INTERVIEW DATES.

MOTION BY MURPHY/RIVARD TO APPROVE THE AGENDA AS AMENDED, FOR THE MAY 14, 2018 TAYLORS FALLS CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

**ADOPTION OF CONSENT AGENDA**

MOTION BY JULIK-HEINE/TANGEN TO APPROVE/ACCEPT THE FOLLOWING CONSENT AGENDA ITEMS: STAFF REPORTS; COMMISSION/BOARD OR COMMITTEE MINUTES/REPORTS; CONSIDER APPROVAL OF CLAIMS & PAYROLL; AND CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF MINUTES OF PREVIOUS CITY COUNCIL MEETING MINUTES**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE MINUTES OF THE TAYLORS FALLS CITY COUNCIL MEETINGS HELD ON APRIL 9, 2018.

**PUBLIC FORUM**

NONE

**STAFF REQUESTS**

NONE

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

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MEETING MINUTES OF THE TAYLORS FALLS PRC MEETING HELD ON DECEMBER 18, 2017.

THE CITY COUNCIL ACCEPTED BY CONSENT AGENDA THE MEETING MINUTES OF THE TAYLORS FALLS LIBRARY BOARD HELD ON APRIL 25, 2018.

**UNFINISHED BUSINESS**

NONE

## **NEW BUSINESS**

### **CONSIDER RIVER STREET RECONSTRUCTION BIDS**

City Engineer Jacob Guzik published the Advertisement for Bids in the Chisago County Press on April 19 & 26 for the River Street Reconstruction Project. Bidding was open until 10:00 a.m. on Tuesday May 8<sup>th</sup>. Four bids were received and all were complete.

- Valley Paving \$190,325.00
- Park Construction Co. \$191,271.00
- Dresel Contracting Inc. \$191,397.52
- Knife River Corp. \$198,670.00

Engineering was \$29,000

Valley Paving was the lowest but the City has decided to refuse doing business with them. A few years ago they gave us a bid (approved by Council) to do Ravine and a portion of W. Government Street, they got busy and fell behind with the Hwy 95 project and asked if they could come back and do it in the fall and the City agreed to it. That fall they came back with a bid that was about two thousand dollars more and they refused to warranty their work.

This history with the company allows the City to reject their bid. Jacob Guzik is recommending awarding the bid to Park Construction Co. due to prior history.

The breakdown of funds that will be used is as follows:

Street Improvement	\$176,000
Stormwater Utility	\$25,000
<u>Special Projects</u>	<u>\$19,271</u>
Total	\$220,271 (will cover everything including engineering)

MOTION BY JULIK-HEINE/RIVARD TO APPROVE RECOMMENDATION FROM JACOB GUZIC TO AWARD THE RIVER STREET RECONSTRUCTION PROJECT TO PARK CONSTRUCTION CO. AT A COST OF \$191,271.00 TO BE PAID FROM THE STREET IMPROVEMENTS FUND (650-43100-540), THE STORMWATER UTILITY FUND (600-49500-500) AND THE SPECIAL PROJECTS FUND (413-25300).

### **CONSIDER CONTITIONAL USE PERMIT FOR BRETT LINCOLN**

Coordinator-Zoning Administrator Adam Berklund summarized the following report:

Brett Lincoln, new owner of the property at 422 Bench Street, is requesting to use the land and building to open a nano-brewery. His nano-brewery will also have a tap room to serve patrons their beer on the premises. The building is already in place and the exterior will stay the same outside of the addition of a new sign for the brewery, while the interior will be altered to suit brewery operations.

Permission is granted by the City by obtaining a Conditional Use Permit for a light manufacturing.

#### **The Conditional Use Permit Review Specific Requirements**

*a. The land area and setback requirements of the property containing such use or activity shall be the minimum established for the district.*

- No new structures are included at this time. There is a zero foot setback requirement in DC zone. Future plans are to tear down existing and build up by Bench Street.

*b. When abutting a residential use in a district permitting residences, the property shall be appropriately screened and landscaping.*

- There are no adjacent residential structures.

*c. Where applicable, all City, County, State and Federal laws, regulations and ordinances shall be complied with and all necessary permits secured.*

- The City will see that applicable alcohol license is obtained.

*d. Signs shall not adversely impact adjacent or surrounding conforming uses.*

- Signage will comply with City Sign Regulations; Section 2000.018.

*e. Adequate off-road parking and loading shall be provided. Such parking and loading shall be screened and landscaped from abutting residential uses.*

- Brett will speak to this Monday night.

*f. The road serving the use or activity is of sufficient design to accommodate the proposed use or activity; and such use or activity shall not generate such traffic to create a nuisance or hazard to existing traffic or to surrounding land uses, or result in the need for excessive road improvements.*

- We will need to address this per James Wilson email.

*g. All access roads, driveways, parking areas, and outside storage, service, or sales areas shall be surfaced to control dust.*

- There will be no changes to the property at this time.

*h. All open and outdoor storage, sales and service areas shall be screened from view from abutting residential uses or districts.*

- There will be no outdoor storage or sales.

*i. All lighting shall be designed with shrouds or lenses to direct or diffuse light as to not have a glaring, direct source of light visible from adjacent residential areas or from the public streets.*

- Existing lighting is adequate and will not change.

*k. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence.*

- The existing building exterior will be maintained as is until business is established. Future plans will be reviewed through a Site Alteration permit.

*l. Where structures combine residential and nonresidential uses, such uses shall be separated and provided with individual outside access, and the uses shall not conflict in any manner.*

- Property is located in the Downtown Commercial district, there are no adjacent residential uses.

### **Zoning Ordinance Compliance**

*Downtown Commercial (Section 2000.006) applicable provisions:*

- Sub. 3. G: Enclosed light manufacturing
  - Applicant is proposing a use that is allowed, through CUP, in the Downtown Commercial district.

### **Comprehensive Plan Compliance**

- Chapter Four – Goals
  - 4.0 Commerce., . . . . To support our goal for growing employment opportunities that only lightly touch the environment.
  - 4.2 Economics., Work to expand our local employment base. Preference for business and commercial development should be for those uses and activities that offer high technology jobs, those that employ people with unique skills, crafts, or trades, and governmental facilities, particularly those with missions related to our natural environment.

### **Proposed Findings of Fact**

1. The Conditional Use Permit is consistent with the Comprehensive Plan and development policies of the City.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will not be deterrence to development of vacant land.
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
6. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
7. The use will not cause traffic hazard or congestion.

He included minutes taken from the public hearing held by the Planning Commission on May 7<sup>th</sup>. There were two letters of property owners that were unable to attend on by Wade Vitalis in favor of the proposal and one neutral from James, Abby, and Max Wilson neither in favor or opposed but discussed issues with parking and traffic.

There were also two residents that attended the meeting and commented at the request of neither in favor nor oppose. First was Lesli Johnson who questioned the commitment to enhance the community, whether there will be music, a place for smokers and what steps he will take with concerns of the city's sound and curfew ordinances.

Second was Brian Pigott who reiterated the concerns Lesli brought up and also asked how the City would address parking, specifically weekends in the summer. Not just with the initial small operations, but once it grows.

Brett was glad to address their concerns he explained that he has already been looking into property in the location, had a place in mind but the seller would not work with them. Their future plans are to move closer as the business expands. Also that he has submitted an application to join the Economic Development Commission.

He also explained that their goal is to cater to the locals and that a nano-brewery is a much different crowd than a typical bar. With the State Park and future Swedish Immigrant Trail coming to town, that is the type of customers they expect to see. They do not plan on using glass growlers, but rather aluminum as they are easier to recycle and if you drop one they do not shatter.

He explained that State law only allows breweries to be open until 10:00, so it would not be the typical 2:00 am crowd. The smoking ordinance, he asked if staff would look into that.

Lastly, he explained the smells for the different steps to the process, and that it would not be nearly as offensive as the deep frying smell from the bars. Also that they would only be brewing once a week, on Sundays.

With no more comments Chair Andersen closed the public hearing. Deliberations with the Commission resulted in a unanimous motion to the Council:

**MOTION BY BECHTOLD/OMAN TO RECOMMEND APPROVAL OF A CONDITIONAL USE PERMIT REQUEST TO THE CITY COUNCIL FROM BRETT LINCOLN TO OPERATE A BREWERY AT 422 BENCH STREET BASED ON THE FOLLOWING FINDINGS OF FACT:**

**Proposed Findings of Fact**

1. The Conditional Use Permit is consistent with the Comprehensive Plan and development policies of the City.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will not be deterrence to development of vacant land.
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.

5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
6. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
7. The use will not cause traffic hazard or congestion.

**MOTION CARRIED UNANIMOUSLY; LYLE JOHNSON ABSTAINING**

City Council agreed with the Commission's recommendation and the Mayor called for the following motion:

**MOTION BY MURPHY/JULIK-HEINE TO APPROVE THE RECOMMENDATION FROM THE PLANNING COMMISSION FOR APPROVAL OF AN APPLICATION FROM BRETT LINCOLN FOR A CONDITIONAL USE PERMIT TO OPERATE AND MAINTAIN A NANO BREWERY LOCATED AT 422 BENCH STREET BASED ON THE FOLLOWING FINDINGS OF FACT:**

1. The Conditional Use Permit is consistent with the Comprehensive Plan and development policies of the City.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will not be deterrence to development of vacant land.
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the City is reasonably related to the overall needs of the City and to the existing land use.
6. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
7. The use will not cause traffic hazard or congestion.

**MOTION CARRIED UNANIMOUSLY.**

#### **CONSIDER RESIGNATION OF CLERK/TREASURER**

Mayor Buchite explained that as everyone is well aware, our Clerk/Treasurer Mary Tomnitz submitted her letter of resignation on April 24, 2018. Along with this she did give the City permission to post for the position so it has been on the League of Minnesota Cities Website, the Municipal Clerks & Finance Officers Association Website, and has been published in the Chisago County Press and Ledger Press on May 3<sup>rd</sup> & 10<sup>th</sup>. Mary's last day at the office was Thursday May 21<sup>st</sup>. Deadline to apply is May 17<sup>th</sup> at 4:30 p.m.

**MOTION BY TANGEN/JULIK-HEINE TO ACCEPT THE RESIGNATION OF CLERK-TREASURER MARY TOMNITZ, EFFECTIVE A THE END OF THE DAY ON THURSDAY MAY 21<sup>ST</sup>.**

**MOTION CARRIED UNANIMOUSLY.**

#### **CONSIDER BIDS FOR REMOVING MONUMENTS AT HERITAGE PARK**

Mayor Buchite reported that at the last meeting City Council awarded the bid to Kevin Hays Construction to build the new fence at Heritage Park. After talking with him about his schedule, we decided that if he started now he would be able to get it done before he goes out of town for a week. The week he was referring to was Memorial Day week and if he didn't get started it wouldn't be done before Memorial Day weekend.

During the course of this it was found out that some of the monuments and footings were still in the ground, and that the equipment the City owns is not big enough to handle the job. Two bids were received:

RE Peterson                   \$4,250.00  
Olson's Sewer Service \$6,185.86

As this was a timing issue, Public Works Liaisons approved this prior to the Council approval.

MOTION BY MURPHY/RIVARD TO APPROVE THE PROPOSAL FROM RE PETERSON TO REMOVE EXISTING MONUMENTS AT HERITAGE PARK AT A COST OF \$4,250 TO BE PAID FROM THE HERITAGE PARK IMPROVEMENTS FUND (409-45200-500).

MOTION CARRIED UNANIMOUSLY.

**CONSIDER 2018 SEWER LINING**

Council Member Rivard explained that PW Superintendent reported that this year's sewer lining will be 604 linear feet of 8" pipe and 214 linear feet of 10" pipe and that this will complete all lining for the entire wastewater system that we know of. This lining will go from the lift station up First Street to the Community Center. Three companies were contacted for quotes: Lametti & Sons, Viet, and Visu-Sewer. Visu-Sewer was the only response and quoted \$39,294.60. He explained that Visu-Sewer has done the majority of the lining around town and they do a very good job.

Rivard explained that the lining that we do every year will extend the life of our pipes for up to 80 years.

With Council in agreement the Mayor called for a motion:

MOTION BY TANGEN/RIVARD TO APPROVE PROPOSAL FROM VISU SEWER TO LINE 604 LINEAR FEET OF AN 8 INCH SEWER LINE AND 2014 LINEAR FEET OF 10 INCH FROM NEAR THE LIFT STATION TO NEAR THE COMMUNITY CENTER AT A COST OF \$39,294.60 TO BE PAID FROM SEWER FUND (602).

MOTION CARRIED UNANIMOUSLY.

**CONSIDER FINISHING GRAVELING POND ROAD**

Council Member Rivard also explained that because of limited funds only the north half of the pond road was reconstructed in 2017. Two contractors were contacted; RE Peterson - \$6,700 and Dressel contracting - \$13,250. PW Superintendent Mike Kriz reported that RE has done a lot of work for the City and they do a good job.

Council was in agreement with awarding the lowest bid to RE Peterson so the Mayor called for a motion:

MOTION BY MURPHY/JULIK-HEINE TO APPROVE RECOMMENDATION FROM PUBLIC WORKS TO HIRE RE PETERSON TO FINISH GRAVELING THE SEWER POND ROAD AT A COST OF \$6,700 TO BE PAID \$3,350 FROM THE STORMWATER UTILITY FUND (600-49500-500) AND \$3,350 FROM THE SEWER FUND (602-49450-500).

MOTION CARRIED UNANIMOUSLY.

**CONSIDER PART-TIMER**

Council Member Julik-Heine reported that he had talked with PW Superintendent Mike Kriz and found out that it has been difficult to find anyone for seasonal help this year. A request was sent to Chisago Lakes School in February, has been on the City web site and on the League's website. One application was received by Devin Olson, who filled the position last year. Being he worked here before and knows the job there would be no need for training. Kriz recommended hiring Devin as the seasonal employee for the 2018 summer at \$12 an hour.

Council Member Rivard agreed, he is someone who can work alone with minimal supervision.

Council Members were all in agreement so the Mayor called for a motion:

MOTION BY JULIK-HEINE/RIVARD TO APPROVE RECOMMENDATION FROM PUBLIC WORKS SUPERINTENDENT MIKE KRIZ TO HIRE DEVIN OLSON AT AN HOURLY RATE OF \$12.00 PER HOUR. MOTION CARRIED UNANIMOUSLY.

**CONSIDER 2018 MOWING PROPOSAL**

Council Member Julik-Heine also reported that it is time for the mowing season to begin. For the past few years B & K has been mowing parks and has done an excellent job. The cost of mowing is the same as last year (\$890 per mow) and we have budgeted for it PW is recommending the renewal of their services.

Council was all in agreement that they do a great call and the Mayor called for a motion:

MOTION BY JULIK-HEINE/MURPHY TO APPROVE RECOMMENDATION FROM PUBLIC WORKS SUPERINTENDENT MIKE KRIZ TO HIRE B & K FOR MOWING SERVICES AT A COST OF \$890 PER MOW TO BE PAID FROM THE CONTRACT MOWING FUND (311). MOTION CARRIED UNANIMOUSLY.

**CONSIDER TREE TRIMMING PROPOSAL**

Council Member Julik-Heine also reported on another request from Public Works that there are two trees that are in need to be taken down immediately before the fall down. One is at Locust and Briar and the other is on Basil. There are two quotes. The first is from Wild River Tree Service for \$1,450 and the second is from Arbor Tree Service for \$1,603.

Council discussed and agreed that they both do good work and that Wild River Tree Service was the lowest bid so we should award it. The Mayor called for a motion:

MOTION BY JULIK-HEINE/MURPHY TO APPROVE PROPOSAL FROM WILD RIVER TREE SERVICE TO REMOVE TWO TREES AT A COST OF \$1,450 TO BE PAID FROM THE TREE REMOVAL FUND (545). MOTION CARRIED UNANIMOUSLY.

**CONSIDER INSTALLATION OF ADA DOOR OPENER AT CITY HALL**

Coordinator-Zoning Administrator Adam Berklund reported that With elections coming up in November, it was decided to look into getting ADA door openers at City Hall. Looking into it, two companies were contacted with one submitting a quote. The quote we received was from Indianhead Glass for \$5170.00.

This could come out of the Special Projects fund that has plenty of funding. Another project we are looking into for this fund is to replace the railings on Bench Street from the She Shop building to the Catholic Church.

Council was in agreement that this is a much needed upgrade to City hall and recommended it come out of the Special Projects fund. The Mayor called for a motion:

MOTION BY MURPHY/JULIK-HEINE TO APPROVE THE PROPOSAL FROM INDIANHEAD GLASS TO INSTALL ADA AUTOMATIC OPENERS AT THE ENTRANCE OF CITY HALL AT A COST OF \$5,170 TO BE PAID FROM THE SPECIAL PROJECTS FUND (413-25300). MOTION CARRIED UNANIMOUSLY.

**CONSIDER TREE REMOVAL AT HERITAGE PARK**

Mayor Buchite explained that Heritage Park is starting to look really nice and thought it would look nicer if the "scruff" cedars were removed. He reached out to Wright Tree Service and found out they were too busy to even submit a bid, so he reached out to Arbor Tree Service and they submitted a proposal of \$7,085. If approve this would be completed before Memorial Day.

All Council members agreed that the park is really coming together and that there are sufficient funds in the Heritage Park fund so the Mayor called for a motion:

MOTION BY MURPHY/JULIK-HEINE TO APPROVE THE PROPOSAL FROM ARBOR TREE SERVICE TO REMOVE SCRUB CEDARS AT HERITAGE PARK AT A COST OF \$4,250 TO BE PAID FROM THE HERITAGE PARK IMPROVEMENTS FUND (409-45200-500).

MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF CLAIMS & PAYROLL**

THE CITY COUNCIL APPROVED BY CONSENT AGENDA THE PAYMENT OF CHECK NUMBERS 30098 – 30193 AND CHECK NUMBERS 63022 - 63023 TOTALING \$132,175.43 FOR APRIL EXPENDITURES.

**LIAISON OR COUNCIL MEMBER REPORTS**

**Larry Julik-Heine** – reported that the PRC meeting was postponed until May 23, they will be discussing a “pocket park” featuring a canoe type bench. Also that PW has been busy cleaning streets and he will be attending a Highway 8 task force meeting on May 21<sup>st</sup>.

**John Tangen** – reported that the HPC met last week and had discussions on the CLG grant that was submitted.

**Ross Rivard** – reported that the PC held a public hearing for Brett Lincoln’s nano-brewery.

**Mary Murphy** – reported that at the EDC meeting the County presented their housing study. Also that Brett has applied to join the EDC. The next CERT meeting they will be touring the new jail. Lastly that the Wannigan Days committee is progressing, and that we will be having a joint parade again this year.

**Mayor Buchite** – reported that he called the new Mayor in St. Croix Falls and congratulated him on his win. Also that they planned on sharing a convertible in this year’s Wannigan Day parade.

**ADJOURNMENT**

MOTION BY JULIK-HEINE/MURPHY TO ADJOURN THE MEETING OF THE TAYLORS FALLS CITY COUNCIL HELD THIS MAY 14, 2018. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 7:47 p.m.

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Michael D. Buchite, Mayor

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Adam Berklund, Coordinator-Zoning Administrator

**APPROVED: JUNE 11, 2018**