

**TAYLORS FALLS CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
MONDAY, JULY 10, 2017 – 7:00 P.M.**

**MINUTES**

The Agenda for this Meeting was posted Wednesday, July 5<sup>th</sup>, 2017 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, Mary Jo Murphy, Larry Julik-Heine, John Tangen

MEMBERS ABSENT: None

OTHERS PRESENT: Adam Berklund – Coordinator/Zoning Administrator, Barb Anderson – 712 West Street, Debi Anderson, Troy Aanonsen – HPC Chair – 347 Government Street.

**ADOPTION OF AGENDA**

The Agenda was amended to add #11 Consider Change Order to Visu Sewer Lining Proposal; and to remove #2 Replacement Beams at Heritage Park.

MOTION BY JULIK-HEINE/RIVARD TO APPROVE THE AGENDA AS AMENDED, FOR THE JULY 10, 2017 TAYLORS FALLS CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

**ADOPTION OF CONSENT AGENDA**

MOTION BY RIVARD/TANGEN TO APPROVE THE FOLLOWING CONSENT AGENDA ITEMS: STAFF REPORTS; COMMISSION/BOARD OR COMMITTEE MINUTES/REPORTS; CONSIDER DONATION TO INITIATIVE FOUNDATION; CONSIDER VACATION REQUEST; CONSIDER APPROVAL OF CLAIMS & PAYROLL; AND CORRESPONDENCE. MOTION CARRIED UNANIMOUSLY.

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

None

**PUBLIC FORUM**

None

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

None

**UNFINISHED BUSINESS**

NONE

**NEW BUSINESS**

**CONSIDER DANGEROUS ANIMAL DETERMINATION APPEAL**

Mayor Buchite explained that on June 4, Deputy Dustin Swenson was dispatched to contact a party in reference to a dog bite. The complainant advised that while at her friend's house in Taylors Falls her four year old child was bit by a dog. Said child was swinging on a rope swing and the dog attacked causing injuries to the child's face and lip which required stitches. Due to the age of the child the incident automatically requires the dog to be declared a "potentially dangerous animal". At the time of the incident the owner advised Deputy Swenson that they were going to put the dog down due to the incident.

### **County Involvement**

The County Sheriff's Office sent a notice of Potentially Dangerous Dog to the owner with a microchipping order, along with their right to appeal. Within this time-frame, the owner (Patrick Tetrault) sent a letter appealing the determination that their dog Layla, was a Potentially Dangerous Animal. As this was sent through the County's process, it was determined that it was now an issue that the City would need to determine as we have our own Ordinance and procedure.

### **City Involvement**

City Clerk, Mary Tomnitz received indication of the incident on Monday July 3<sup>rd</sup> and the processing of the incident began on Wednesday July 5<sup>th</sup>. I talked with Deputy Swenson about the incident and his follow-up and he explained that neither the victim nor the owner of the dog were going to report it, but that the hospital was required by law to inform law enforcement due to the age of the victim. He explained that they were close family friends who all got together for a barbeque and that nobody saw what really happened. I followed up with the victim's mother and she did agree with what Deputy Swenson said, and did not think the dog should be removed from the City, but declined providing an opinion in writing.

### **City Precedence**

The only other time this type of situation happened was in 2004 and 2006 for a dog in the Angel Hill district. The first incident occurred prior to the City's adopting a Dangerous Dog Ordinance, although a Notice of Potentially Dangerous Dog and Microchipping Order were served. Following the attack in 2006, a second Potentially Dangerous Dog was issued and the dog was removed from the City. In 2007 the owner started the process required to bring the dog back into the City. At the Council Meeting Deputy Dustin Swenson reported that the owner was working hard to comply with the Ordinance requirements, but reminded Council that the dog had indeed attacked twice, both being unprovoked incidents, and recommended the Council err on the side of caution if possible.

The dog was declared a Dangerous Animal and the owner was required to abide by all of the requirements of the ordinance, which they did and the dog was allowed to stay.

Coordinator Berklund explained the City procedure as follows:

A declaration of a Potentially Dangerous Animal requires the owner to abide by the following rules:

1. Posting the front and rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in Minnesota Statute 347.51;
2. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in Minnesota Statute 347.51, and the dog must have a microchip implanted as specified by Minnesota Statute 347.515;
3. Shall be registered with Chisago County and shall make available to be photographed for identification by the City and County;
4. Shall pay an annual registration fee of \$250.00, in addition to standard animal licensing fees and be up to date on rabies vaccinations.

In addition, the City Council may require an owner of a potentially dangerous animal to:

1. Provide and maintain a proper enclosure for the animal as specified in Minnesota Statute 345.11, Subd. 3(4);
2. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000, or a surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the City in the sum of at least \$300,000, payable to any person injured by the animal;
3. If the animal is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash

The City Council, in addition to acting on the recommendation, may also establish conditions that the person must meet before a prohibition is partially or completely rescinded, including, but not limited to, successfully

completing dog training or dog handling courses. This request may be reviewed only one time in the course of 12 months.

Council Member Murphy felt strongly about the issue as her daughter was bit by a dog when she was a child, and felt the City needed to do everything they could to protect the residents. She was in strong favor of adding the additional requirement that the dog be muzzled, noting that if the animal did get out, there would still be no threat.

Mayor Buchite agreed with the additional requirement of muzzling and stated that with a child so young (4 years) whether the animal was provoked or not the Council does have to do whatever needs to be done so that it doesn't happen again.

Council Members Rivard, Tangen and Julik-Heine all agreed with the original requirements, and thought having the dog muzzled when it is out of its enclosure was not too much to ask as a precaution to another incident.

**MOTION BY MURPHY/JULIK-HEINE TO DENY APPEAL FROM PATRICK TETRAULT, AT 511 FOLSOM STREET THAT HIS DOG LAYLA IS A POTENTIALLY DANGEROUS ANIMAL.**

**IT WAS FURTHER MOVED TO ORDER ALL THE POTENTIALLY DANGEROUS DOG REQUIREMENTS AS LISTED IN SECTION 345.12 OF THE TAYLORS FALLS CODE OF ORDINANCE, INCLUDING THE FOLLOWING:**

- **POST THE FRONT AND THE REAR OF THE PREMISES WITH CLEARLY VISIBLE WARNING SIGNS, INCLUDING A WARNING SYMBOL TO INFORM CHILDREN, THAT THERE IS A DANGEROUS ANIMAL ON THE PROPERTY AS SPECIFIED IN MINNESOTA STATUTE 347.51;**
- **THE ANIMAL MUST HAVE AN EASILY IDENTIFIABLE, STANDARDIZED TAG IDENTIFYING THE DOG AS DANGEROUS AFFIXED TO ITS COLLAR AT ALL TIMES AS SPECIFIED IN MINNESOTA STATUTE 347.51, AND THE DOG MUST HAVE A MICROCHIP IDENTIFICATION IMPLANTED AS SPECIFIED BY MINNESOTA STATUTE 347.515. THE NAME OF THE MANUFACTURER AND IDENTIFICATION NUMBER OF THE MICROCHIP MUST BE PROVIDED TO THE OFFICER. IF THE MICROCHIP IS NOT IMPLANTED BY THE OWNER, IT MAY BE IMPLANTED BY THE OFFICER WITH THE COSTS BORNE BY THE DOGS OWNER.**
- **ALL ANIMALS DEEMED DANGEROUS BY THE OFFICER SHALL BE REGISTERED WITH CHISAGO COUNTY WITHIN FOURTEEN (14) DAYS AFTER THE DATE THE ANIMAL WAS SO DEEMED AND PROVIDE SATISFACTORY PROOF THEREOF TO THE OFFICER. THE OWNER OF THE DANGEROUS ANIMAL SHALL MAKE THE ANIMAL AVAILABLE TO BE PHOTOGRAPHED FOR IDENTIFICATION BY THE CITY OR COUNTY AT A TIME AND PLACE SPECIFIED BY THE CITY OR COUNTY.**
- **THE OWNER SHALL PAY A DANGEROUS ANIMAL REGISTRATION FEE OF \$250.00, IN ADDITION TO STANDARD ANIMAL LICENSING FEES. IF THE ANIMAL IS A DOG, THE DOG MUST BE LICENSED AND UP TO DATE ON RABIES VACCINATIONS. ALL LICENSING AND REGISTRATION, INCLUDING DANGEROUS ANIMAL REGISTRATION FEES, SHALL BE RENEWED ANNUALLY UNTIL THE ANIMAL IS DECEASED OR REMOVED FROM THE CITY.**

**IT WAS FURTHER MOVED TO ORDER THE ADDITIONAL REQUIREMENT THAT:**

- **IF THE ANIMAL IS A DOG AND IS OUTSIDE THE PROPER ENCLOSURE, THE DOG MUST BE MUZZLED. THE MUZZLE MUST BE OF SUCH DESIGN AS TO PREVENT THE DOG FROM**

BITING ANY PERSON OR ANIMAL, BUT WILL NOT CAUSE INJURY TO THE DOG OR INTERFERE WITH ITS VISION OR RESPIRATION.

MOTION CARRIED UNANIMOUSLY

### **CONSIDER WEST STREET SEWER REPAIRS**

Council Member Rivard described a report from Public Works Superintendent Mike Kriz stating that there is a sewer connection on West Street that needs to be fixed onto the main. This would mean: saw cut the road, dig it up and make a permanent connection. The bid does not include asphalt as Prefer Paving will be out later in the year for other repairs on West and could do the patch then. He reported three contractors were contacted and two were submitted. Olson Sewer sent a quote of \$7,468.60, and R.E. Peterson sent one of \$6,850. Kriz noted that both do very good work, but R. E. Peterson was the lowest.

MOTION BY MURPHY/TANGEN TO APPROVE ESTIMATE FROM RE PETERSON TO REPAIR THE SEWER CONNECTION AT 712 WEST STREET AT A COST OF \$6,850 TO BE PAID FROM THE SEWER REPLACEMENT FUND (301-49450-500).

MOTION CARRIED UNANIMOUSLY.

### **CONSIDER SETTING PUBLIC HEARING DATE FOR BOND REFINANCE**

The Lodge of Taylors Falls, which is an affiliate of Community Asset Foundation proposes to refinance a project, among others, including the refunding of the outstanding principal amount the City's \$2,212,500 Senior Housing Revenue Bonds Series 2014, the proceeds of which were used to finance the acquisition, construction, and equipping of a 24-unit assisted living facility located at 1051 Mulberry Street. The project is and will be owned by Taylors Falls Lodge and managed by The Evangelical Lutheran Good Samaritan Society.

A total maximum aggregate estimated principal amount of notes or other obligations to be issued by the issuer is \$8,000,000.

The obligations, as and when issued, will not constitute a charge, lien, or encumbrance upon any property of the City or the issuer, except the project revenues to be derived from the project. Such notes or obligations will not be a charge against the City's or Issuer's general credit or taxing powers but are payable from sums to be paid by the Obligated Group pursuant to a revenue agreement.

To sum this up, the Community Asset Foundation is taking all of the bonds from their projects across Minnesota and grouping them together with a better interest rate. This will actually take a burden off of the success of our facility in Taylors Falls and place it on the Howard Lake "facility". Briggs and Morgan will be at the public hearing to explain the project and answer any questions. City Attorney Patrick Kelly will review all contracts prior to execution.

MOTION BY RIVARD/JULIK-HEINE TO ADOPT RESOLUTION 17-07-02 SETTING A PUBLIC HEARING DATE FOR MONDAY AUGUST 14, 2017 AT 7:00 P.M. FOR THE PURPOSE OF GIVING HOST APPROVAL TO HOWARD LAKE OF THE ISSUANCE OF SENIOR LIVING FACILITIES REVENUE REFUNDING NOTES.

MOTION CARRIED UNANIMOUSLY.

### **CONSIDER AWARDING BID FOR 2017 GULLY PROJECT**

Council Member Julik-Heine reported that on February 22, 2016 City Council authorized staff to solicit bids for our joint grade stabilization project with Chisago County Soil & Water Conservation District. One bid was received by our June 19<sup>th</sup> deadline. Shoreline Landscaping was the only bid for \$16,076.37. This is the same company that did the 2016 Gully Project and Chisago County is very pleased with all of their work.

Mary Jo Youngbauer from the Chisago County Soil and Water Conservation District informed me that this will fall within their budget. A match is not required by the City, but will be required to maintain along with the other three projects.

Council Members were unanimously in agreement with the project, as they have been very effective in the past, and this one comes at a great price. (zero cost to the City, other than minimal administrative costs)

**MOTION BY MURPHY/JULIK-HEINE TO APPROVE ESTIMATE PROPOSAL FROM SHORELINE LANDSCAPING, TO COMPLETE THE TAYLORS FALLS 2017 SPRING CREEK GULLY RESTORATION PROJECT AT A COST OF \$16,076.37 TO BE REIMBURSED BY THE CHISAGO COUNTY SOIL AND WATER CONSERVATION DISTRICT GRANT FUNDING.**

**FURTHER MOVED TO AUTHORIZE MAYOR AND CLERK TREASURER TO SIGN THE CONSERVATION PRACTICE ASSISTANCE CONTRACT, OPERATION AND MAINTENANCE PLAN AGREEMENT AND GROUP PROJECT ADDENDUM.**

### **CONSIDER PAINTING BID FOR LIBRARY**

City Coordinator Adam Berklund reported that as the Library Board was considering needed repairs to the building it was noticed that the painting done in 2014 was severely peeling on the south side. Upon further inspection there were a number of areas that the paint just did not stick. He discussed this matter with Kevin Hays and his son (who is a professional painter), and his opinion was that the type of primer used was not designed to stick to old wood like the library. You could see that the actual paint stuck to the primer, but the primer easily peels off the building. The board members requested a quote from Kevin to scrape and paint all areas that have failed. Kevin submitted a bid of \$1,758 to the board and they recommended approval at their June 28<sup>th</sup> meeting.

Library Board President Barb Anderson was in attendance to confirm the report from Coordinator Berklund and noted that there is plenty of money in their budget for this project. The Library has \$12,289.81 in their Library Building Fund.

Council Members were in agreement with the project, and thanked Mrs. Anderson for spending the Library's money wisely.

**MOTION BY MURPHY/JULIK-HEINE TO APPROVE RECOMMENDATION FROM THE TAYLORS FALLS PUBLIC LIBRARY BOARD TO ACCEPT THE BID FROM KEVIN HAYS AT A COST OF \$1,758 TO BE PAID FROM THE LIBRARY BUILDING FUND.**

**MOTION CARRIED UNANIMOUSLY**

### **CONSIDER XCEL SIGNAGE AT HERITAGE PARK**

Mayor Buchite noted that He, Executive Vice Mayor Rivard and Coordinator Berklund had recently met with Xcel Energy about the possibility of an interpretive sign at Heritage Park. As part of their dike restoration project they were required to install signage that gives a brief history of the hydroelectric dam. The dike was 110 years old and had begun rapidly deteriorating. In 2015 it was stabilized with compacted earth and is preserved in place beneath rock riprap and seeded topsoil.

Xcel is spending around \$1,500 for the signage and pedestal. They are requesting that we accept the sign as a donation install and maintain. It is very similar to the Riverwalk signage and will be included in our insurance coverage so if damage occurs, it will be easily replaced.

**MOTION BY JULIK-HEINE/RIVARD TO ACCEPT THE DONATION OF AN INTERPRETIVE SIGN FROM XCEL ENERGY AT HERITAGE PARK AND WILL AGREE TO INSTALL AND MAINTAIN GOING FORWARD.**

### **CONSIDER CHANGES TO HPC ORDINANCE**

Council Member Tangen reported that the Heritage Preservation Commission members recently reviewed City Ordinance Section 255 and found some items that seemed either outdated or confusing. He summarized the changes as:

- Membership requiring certain professional classification (now just need a desired interest)
- Different year terms (now two year terms for all)
- Financial Liaison (now City Clerk)
- Fences and solar panels are added to Site Alteration Permitting
- Multiple typo's and numbering were also cleaned up.

MOTION BY JULIK-HEINE/MURPHY TO APPROVE ORDINANCE NO. 17-07-01 CLARIFYING THE LANGUAGE FOR SECTION 255 HERITAGE PRESERVATION COMMISSION.

### **CONSENT AGENDA**

#### **CONSIDER DONATION TO INITIATIVE FOUNDATION**

Each year the Initiative Foundation requests a nominal contribution for the City, which the Council includes in its annual budget. The Initiative Foundation's mission is to work through and alongside Central Minnesota citizens to create healthy and sustainable communities. Taylors Falls has received more than \$35,000 in grants from the Foundation in the past.

CITY COUNCIL APPROVED BY CONSENT AGENDA A CONTRIBUTION OF \$300.00 TO THE INITIATIVE FOUNDATION, TO BE PAID FROM THE GENERAL FUND DONATIONS TO COMMUNITY EVENTS BUDGET ACCOUNT (101-41110-490).

#### **CONSIDER VACATION REQUEST FROM PUBLIC WORKS MAINTENANCE WORKER**

CITY COUNCIL APPROVED BY CONSENT AGENDA TO APPROVE THE VACATION REQUEST FOR PUBLIC WORKS MAINTENANCE WORKER BILL NESKA FOR AUGUST 7-11 2017 FOR A TOTAL OF 40 HOURS.

### **APPROVAL OF CLAIMS & PAYROLL**

#### **LIAISON OR COUNCIL MEMBER REPORTS**

**Larry Julik-Heine** – reported that the Big Yellow Chair is in place and was immediately used by people. He also thought that Public Works has been doing a great job around town this summer.

**John Tangen** – reported that the HPC will be meeting this week.

**Ross Rivard** – reported that the PC will be taking the summer off, after finishing their review of Chapter 2.

**Mary Murphy** – reported that she has started budget talks with the Fire Department.

ADJOURNMENT

MOTION BY JULIK-HEINE/MURPHY TO ADJOURN THE MEETING OF THE TAYLORS FALLS CITY COUNCIL HELD THIS JULY 10, 2017. MOTION CARRIED UNANIMOUSLY.

Being no further business to come before the Council, the Meeting adjourned at 7:31 p.m.

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Michael D. Buchite, Mayor

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Adam Berklund, Coordinator-Zoning Administrator

**APPROVED:** JULY 24, 2017