

TAYLORS FALLS CITY COUNCIL MEETING MINUTES  
City Hall, Council Chambers  
Monday, May 8, 2023

The Agenda for this Meeting was posted May 4, 2023 at City Hall and the Post Office. Copies were emailed to residents requesting such, and the Press was notified.

**CALL TO ORDER**

The Meeting was called to order at 7:03 pm by Mayor Brandon Weiberg.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the United States flag was recited.

**ROLL CALL**

Members Present: Mayor Brandon Weiberg, Vice Mayor Lee Samuelson, Tim Grote, Larry Julik-Heine, Troy Aanonsen  
Also present: Attorney F. Knaak, clerk/Treasurer Mary Tomnitz, Mary Murphy, Sandra Berg, Brian Berg, Harry Davis, JoAnn Kuntemeier, Tim Lauer, Peter Smothers, Larry Long, Carol Schuman, Tana Havumaki, Julie Samuelson, Darrel Caneday, Becky Caneday, Sheryl Grote

**ADOPTION OF AGENDA**

*Moved by Grote, second by Samuelson, to adopt the agenda as published. Motion unanimously approved.*

**APPROVAL OF CONSENT AGENDA**

Add to packet: Fund Balance Cash Sheet, contract for Midco, two bills from Abdo, a bill from the League of Minnesota Cities (for Work Comp insurance) and an invoice from the attorney's firm.

*Moved by Julik-Heine, second by Grote, to add the five items to the consent agenda. Motion unanimously approved.*

*Motion by Julik-Heine, second by Samuelson, to adopt the amended consent agenda, including previous minutes. [April 10 and February 13 meeting minutes were included with the packet].*

Discussion: Aanonsen wanted the following items noted: January minutes still not available, the invoice from League of Minnesota Cities is past due, the fund balance is a negative -\$151,291.77 and wants to pull out the Abdo and League of Minnesota invoices for discussion before they are approved for payment. It was decided the two invoices (on pages 31, 32) would not be a part of the consent agenda, but would be discussed under New Business. Tomnitz said the fund balance would continue showing a negative until the property tax disbursement comes in June.

*Mayor called for all in favor of approving the amended consent agenda. Motion unanimously approved.*

**PUBLIC FORUM**

Mary Murphy's concerns: Fire Chief should be included in contract negotiations; objections to the mask ordinance; Council meeting videos on YouTube were not sanctioned by Council; continue working to find a replacement for Zoning Administrator.

Sandra Berg: reported on the Taylors Falls Concerned Citizen event held April 13; noted May 20 is Downtown Clean-up Day; thanked Paul Stenger for his work for the City. Tomnitz asked if having Samuelson help with the clean-up day constitutes a quorum. Knaak responded Council members can meet socially from time-to-time, but posting it would prevent a problem.

**OLD BUSINESS**

1. Shafer Fire Contract - Update

Aanonsen reported he reached out to the Shafer Township Clerk in March and April, but had no response from her. A Township Supervisor reached out to Aanonsen, and they will meet tomorrow along with the Township Chair, who

had some concerns. Aanonsen stated the Fire Chief met with the negotiating team in February, and will be invited to tomorrow's meeting.

2. City Coordinator/Zoning Administrator - Update

Weiberg introduced two applications for the Zoning Administrator vacancy, and asked for a motion.

***Grote moved, second by Aanonsen, to extend an offer of employment to Elizabeth Rose Ulrich Haas as a full time, 40 hours/week employee for the City Coordinator/Zoning Administrator position at a rate to be negotiated by Mayor Weinberg as Administration liaison and Council Member Julik-Heine as Personnel liaison so long as it falls within the salary range included in the posting. Also any other employment conditions that are normal and customary so long as they are in keeping with the City's personnel policies and any offer is to be conditional on satisfactorily completing a background check and reading our personnel policy.***

Discussion. Julik-Heine commented both candidates were terrific. Elizabeth had a little bit more experience, having four years zoning experience, and seemed eager to play a supportive role as part of Taylors Falls staff. Aanonsen agreed with Julie-Heine and added he felt she had excellent written and verbal communication skills. He said she seemed very engaged in wanting to look into zoning issues she may encounter. Grote stated her zoning experience was far superior [to the other candidate] and was what the City is looking for. Samuelson concurred with the other Council members. Weiberg reported he liked both candidates, but felt Elizabeth was excited about coming into a smaller city where she could play a bigger role. He stated the advertized pay range was \$25 to \$30, which was at the low end of the candidates' expectations. He wondered if we could go up to \$32.00. Julik-Heine commented that considering the difficulty of finding a qualified candidate, and Elizabeth fit the bill, he felt \$32.00 was a good rate. Grote was comfortable with the higher wage. Aanonsen asked if there was a trial or probationary period where the pay would increase after that? Grote responded that could be negotiated, but there is a probationary period regardless of whether or not the pay increases. He would leave that up to the two liaisons to negotiate.

***Weiberg asked Council if they approve hiring Elizabeth Rose Ulrich Haas as the new Zoning Administrator to say "Aye." Motion unanimously approved.***

Tomnitz clarified the wage to be \$32.00/hour and Weiberg agreed.

3. Community Garden - Update

Weiberg stated they are looking for a location for the community garden as it cannot go by the holding pond as the State was opposed to the idea. There is no fence to prevent people from falling in. He said he is committed to finding a location. Grote questioned if Excel would be open to leasing a swath of land east of the business park. Weiberg spoke to someone in the audience about talking further on this idea. This item will remain on agendas until resolved.

4. City Hall Roof Proposal - Update

Two quotes for roof repair are in the packet and waiting for a third. One company said they would rip off the roof and use spray foam over that with a metal roof. The other company would put on a heavier rubber, and foam boards. Grote stated spray foam was not advisable, based on his extensive experience.

***Moved by Grote, second by Julik-Heine, to solicit at least two proposals for a fixed fee from roofing consultants; the scope of work would include recommendations for products used, develop specifications of bid packets and would assist the awarded contract and also monitor the work and complete close-out documentation. Motion unanimously passed.***

Discussion. Grote gave reasons for his motion. He had reached out to Bolton Menk for recommendations of roofing consultants. Grote admitted he didn't know how this would be funded. Because repairs seem to have mitigated the problem, he feels this could be put off until 2024 when funding has been decided.

Aanonsen asked if the fire department roof is as bad as the office roof. Grote responded that roof is leaking and is older than the office roof, and it would be cost effective to do both roofs at the same time. Aanonsen informed the meeting attendees that one bid for roof repair was \$109,500 and the other was \$89,000.

Weiberg said the Council does not have money set aside for roof repair, so it would be best if they could wait until 2024.

5. Public Email Policy Follow-up - Continue Discussion

Weiberg reached out to the League of Minnesota Cities. Their first recommendation was to put all emails in the packet. Their second recommendation was to require people to come to the Public Forum, and not take email. He doesn't mind including email in the packet. He asked Knaak how it would work to put in packet when people ask their names not be included. Knaak said names could be redacted on those email. Weiberg then suggested redacting all names on emails.

Grote compared receiving email to having a citizen stop him on the street, when there is no way to report that conversation. Julik-Heine suggested asking a the email sender if it's OK to address the email at a Council meeting, answer it on the website, or put in packets.

Aanonsen asked if the public knows when they send an email it becomes public information. He asked if email could be put on the city website. He believes if someone sends an email they want to be heard, and should be heard. Grote responded if an email is sent to all five Councilmen, it's almost like a public forum comment.

Weiberg feels emails should be in the packet under Public Forum, using only email where sender said s/he wants to be heard. Knaak saw no issues with including email in packets as long as sender is using the city/council email addresses and sender understands the emails are discoverable. Certain private information should be redacted.

***Motion by Weiberg, second by Aanonsen, to put emails under Public Forum that are asked to, redacting names only as requested. Motion unanimously passed.***

Discussion: Aanonsen commented names would remain on the email unless asked to have them removed. He again suggested uploading citizen emails to the website.

Weiberg stated the cut-off would be Wednesdays before Council meetings to be included in packet.

6. Midco Televised Meetings - Update - Contract

Weiberg explained a contract with Midco was signed by the last Council. He was assured Midco will be able to get televised meetings up and running quickly on either web or cable channel; council's choice. As soon as updated equipment is installed in Council chambers, Midco can hook up to their equipment.

Samuelson reviewed equipment proposals received from In-Focus Systems, Intermedia Systems Group (camera system) and Music Connection (sound system). The Music Connection quote for equipment is \$6,686.00, including an Assistive Listening System with four receivers. New microphone bases with on/off switch are optional. Samuelson and Weiberg would do the installation. Music Connection uses the Intermedia group for the video portion. Their quote was \$1,189. An inexpensive laptop would need to be purchased to work with the sound system.

***Motion by Julik-Heine, second by Samuelson, to move forward with updating the Taylors Falls City Hall sound system with the assistance of Music Connection and the proposal of video of our meetings with Intermedia. Motion unanimously passed.***

Grote asked where the money would come to pay for this. Weiberg reported there is a special project fund of about \$20,000. Tomnitz didn't know if this fund was already ear-marked for other projects. She would have to look at budget reports. Julik-Heine said this account was designed for projects such as this so there is no impact on the general fund.

When Aanonsen expressed concern about the cost, Grote suggested continuing with the current audio and go with new video. Weiberg said for Midco to record we need a camera and system to plug into.

7. Bolton & Menk - Update on Proposal for Updating Zoning and Ordinances

Harry Davis was present to discuss a proposal for updating zoning and ordinances. The proposal focuses on reviewing current ordinance and amendments, drafting updated ordinance amendments and meeting with planning commission for the adoption of code, at a cost of \$7,840.

Aanonsen and Weiberg stated they would like to have the new Zoning Administrator review the proposal before it is adopted.

Grote expressed concern about the legality and accuracy of ordinances that are on the city's website. He would like them validated before the new Zoning Administrator begins so she knows what she's working with. Julik-Heine supported that position.

Aanonsen opposed the suggestion stating the new Zoning Administrator should have opportunity to review what we do have and decide if she wants to be the one validating the ordinances.

***Motion by Aanonsen, second by Grote, to postpone a decision until a definite period of time, at next meeting, May 22. Motion passed unanimously.***

8. Short Term Rental Ordinance Discussion - Update

Weiberg asked for Council discussion. The packet included Chisago County's short-term rental licensing ordinance. Grote reported there are a handful of Minnesota communities that ban short term rentals. He has heard support for them so long as they're well-managed. He would like to see the Planning Commission make some recommendations based on the comprehensive plan. Aanonsen agreed both the Planning Commission and Heritage Preservation Commission should review and provide feedback. He spoke to the difference between property rights and property responsibility.

Julik-Heine spoke to the CUP for short-term rentals on the agenda under New Business. He asked Harry Davis, Bolton & Menk, what his experience was for putting together the recommendation, which Davis then explained. He went on to say Council has a lot of leeway in how restrictive they want the code to be. Too restrictive can be difficult in dealing with detail.

***Motion by Weiberg, second by Aanonsen, to send back to Planning Commission the Short-Term Rental Ordinance and involve the Heritage Commission. Motion passed unanimously.***

9. Discussion on City Website Contract with GovOffice

GovOffice was the previous website manager. Aanonsen reported the GovOffice contract was dated May 2004, but the first payment he could find was May 2020. The second payment was in November 2020 for \$7,350, of which \$6,700 was COVID money. The October 12, 2020 Council minutes state the rationale for using COVID monies: "The website is an effective tool for communication during emergency situations, but the current site is disorganized and hard for residents to navigate." He went on to say "Unfortunately nothing was done. GovOffice got over \$7,000 and the people of Taylors Falls pretty much got nothing." He went on to wonder if any of those payments were refunded.

**NEW BUSINESS**

1. Wannigan Days

A. Junk Park for kids

Tim Lauer requested \$600 from the Charitable Gambling fund to hire an organization called "Junk Park" to provide activities for kids during Wannigan Days. Sandra Berg thanked Council for their \$1,500 donation to Wannigan Days.

***Motion by Grote, second by Aanonsen, to approve a donation of \$600 to Wannigan Days committee for the purpose of the Kids Junk Park during the Wannigan Days celebration. Motion passed unanimously.***

B. Lions Club Lawful Gambling Permit

***Motion by Grote, second by Julik-Heine, to approve the Lawful Gambling Permit for the purpose of Bingo during Wannigan Days on July 14, 2023. Motion passed unanimously.***

C. Sites for Fireworks

Lauer reported the Wannigan Days committee is considering moving the fireworks site to the Minnesota side. Two options: Excel property near the dam (preferred) and scenic overlook.

***Motion by Aanonsen, second by Grote, to approve the fireworks at one of the two sites during the Wannigan Days celebration. Motion passed unanimously.***

2. Pay increase for Paul Stenger  
The increase of \$1.00 per hour for Paul Stenger was approved by the previous council to be effective after he obtained his sewer license, which he has now done. The amount was included in the 2024 budget. No motion was necessary.
3. CUP - Short Term Rental Approval - 661 River Street  
Weiberg referred to materials in the packet regarding CUP requests for three short term rental properties. He said the Planning Commission supported the requests of all three properties.

***Motion by Julik-Heine, second by Aanonsen, to approve the Conditional Use Permit for 661 River Street with conditions the Planning Commission has recommended per staff report. Add condition of 30 minutes response time from the manager and provide contact information and notify neighbors. (Retracted; see below.)***

Discussion. Grote commented this property is missing the 30 minute response time requirement. Samuelson noted in the application the owner lives an hour away, but back-up manager lives 15 minutes away. Harry Davis, Bolton & Menk, referred to Condition D.1 of CUP for 297 West Street as having the correct language on this issue. Same language was used in the 418 Colby Street CUP. To use it for 661 River Street CUP would be consistent.

Julik-Heine then retracted his original motion regarding 661 River Street CUP.

Harry Davis, Bolton & Menk, stated how the motion should read: ***Motion by Aanonsen, second by Grote, to approve the commission's permit for 661 River Street using finding of fact established before with the following conditions. First, that the applicant will appear to absolute requirements of conditional use permits found in Section 1000.008 in the Zoning Ordinance; the applicant will appear to absolute requirements for short term rentals found in section 2000.020 in the Zoning Ordinance with the exception of that the conditional use permit will not require the dwelling on the subject property due to it not being his primary residence. For number 3, that the applicant shall provide contact information to anyone within 350 feet of the property and have a representative or themselves be available within a half hour of the property who can respond should a need arise. Number 4 that the applicant must surely state in the rules for renting the dwelling that no renter is allowed to use the river access point and staircase at 737 River Street without express permission of the property owner of that address and property. Motion passed unanimously.***

4. CUP - Short Term Rental Approval - 418 Colby Street

***Motion by Grote, second by Julik-Heine, to approve the Conditional Use Permit for 418 Colby Street with conditions the Planning Commission has recommended per staff report. Motion passed unanimously.***

Discussion. Aanonsen pointed out the owner-occupied requirement as stated in Section 1000.008 and Section 2000.020 of the Zoning Ordinance is being waived. Harry Davis clarified the Planning Commission did initially require all access roads, driveways, parking areas, and outside storage, service or sales area be surfaced. However, he found the existing driveway is adequate and the commission is not recommending this requirement after all.

5. CUP - Short Term Rental Approval - 297 West Street  
***Motion by Aanonsen, second by Julik-Heine , to approve the Conditional Use Permit for 297 West Street with the conditions the Planning Commission has recommended per staff report. Motion unanimously approved.***

Discussion. Aanonsen stated the owner/occupant requirement as spelled out in chapter one in the administration is actually the definition of short term rental, Section 1000.02 and chapter two the zoning regulation section 2000.02 for a bed and breakfast is being waived in this case as well. Harry Davis concurred.

6. Revise Community Center Rental Application and Rental Policy to remove law enforcement requirement
- Aanonsen reported he and Weiberg met with the Sheriff. Soon law enforcement will not be available to be at the community center if alcohol is going to be served, so the renter will have to find someone else. One reason for this is the Sheriff's department is having staffing issues. The other issue is that having someone there during an event means there is one less person on patrol. The proposed change to the rental agreement takes out the requirement that law enforcement must be present if alcohol is being served.
- Julik-Heine commented that in the past the law enforcement has always been an off-duty police officer. Officers like this because it's extra money, and often times, is a free meal for them. He is also concerned about public safety, not having a police officer present. He is opposed to removing an off-duty police officer from the community center when alcohol is being served.
- Grote felt it was uncommon to pull officers off the street to staff an event. He would prefer an off-duty officer, and if they can't staff the event, then no alcohol can be served. His three options: off-duty officer, no alcohol, or a hired liquor licensed person, such as a bartender.
- Chris Smith of League of Minnesota Cities sent email stating there is no Minnesota law requiring the presence of law enforcement unless required by city ordinance. The email also stated, "If the city did not have immunity, an injured person would still need to prove the city's negligence cause the injury. Every case is of course dependent on the specific facts, but I think proving the city's negligence caused any injury would be tough. The city (but not the renter) would still be covered by its LMCIT coverage for any claims against the city related to an occurrence at the community center. The presence of or lack of security does not affect the applicability of the city's coverage. In regard to the hold harmless agreement, I think it looks pretty good."
- Grote felt law enforcement provided the coverage needed to handle an intoxicated person. He thinks the renter can be given the option of hiring a licensed beverage holder if the Sheriff's department cannot provide staff.
- Julik-Heine stated the Sheriff's department may not be involved if an off-duty officer is hired for the event.

***Motion by Aanonsen, second by Samuelson, to update the Community Center rental agreement to no longer require law enforcement at events serving alcohol. (No action was taken; see below.)***

Discussion. Weiberg noted surrounding cities require events to have a liquor license. Aanonsen asked if he should make a motion to substitute law enforcement for a security agency. That way they pay it on their own.

Aanonsen retracted his previous motion.

***Motion by Aanonsen, second by Samuelson, to replace the law enforcement requirement in the rental policy for the community center with a security company that they hire on their own or a licensed liquor provider. Motion called. Aye - Weiberg, Aanonsen, Samuelson, Grote. Nay - Julik-Heine.***

7. Public Works - Street Sweeper Approval/Repairs, Force Main Repair
- A. Street sweeper repair
- Weiberg reported the city purchased a used street sweeper that needed repairs, some of which city staff cannot repair. Grote said the total Public Works budget as of today is at 28.46%. There is a sweeper repair budget of \$1,000. Also a budget for repair and maintenance of machinery and equipment of \$5,000, but have spent \$22,000.
- Motion by Grote, second by Aanonsen, to approve the equipment repairs for the street sweeper at \$3,155.90. Motion passed unanimously.***
- B. Force main repair at 637 First Street
- Weiberg reported this is an emergency repair that needed to be done, except for some minimal concrete work yet to be done. Grote reported the entire section should be repaired, but hoped we could make it through this year first. Samuelson reported the road freezes and pushes the pipe sideways. Aanonsen requested the clerk send council an email when the invoice comes through.

*Motion by Julik-Heine, second by Grote, to approve the repairs to the force main at 637 First Street to Olson's Sewer not to exceed \$5,000. Motion passed unanimously.*

8. Abdo Financial Solutions Contract Extension

Weiberg reported that Tomnitz said there were issues in the accounting, she is caught up and doing well, but there are certain things she needs guidance with on an as-needed basis.

*Motion by Weiberg, second by Julik-Heine, to approve the contract extension through January 31, 2024, on an as-needed basis per approval by the liaison before contacting Abdo Financial Solutions. Aye - Weiberg, Julik-Heine, Grote. Nay - Aanonsen, Samuelson*

Discussion.

Aanonsen spoke to three invoices from Abdo and Abdo Financial Services (AFS) included in the packet dated January 31 and March 31, 2023. His concern was how old the invoices are and just now getting paid in May. Tomnitz explained that was during the whole time we were waiting and AFS was supposed to do it, but it got mixed up in all the papers. That was for the 1099 and W-2s we didn't get out before the end of the year.

The third invoice is from Abdo Financial Services for work completed in September 2022; work completed by an Abdo LLC employee (Brad Falteysek). Tomnitz didn't know why this old charge is just now coming to us, but she did say Falteysek was helping out and charged the Abdo LLC rate. She will check on why the charge is late. Aanonsen suggested these invoices not be paid until his questions are answered. When Falteysek was here in March he said they were all caught up and should not need Abdo services again. Tomnitz reminded Aanonsen the contract was extended to April 30, 2023.

Aanonsen reviewed council actions on contract extensions to April 30, 2023. April 30 is past and now council is being asked to extend the contract for services that, in his opinion, should be done by city staff. The January 23, 2023, agenda said the services have not been included in previous budgets. Why not? Weren't they needed before? Why now? Why must Abdo be included in future budgets? Why paying outside firm to do work city staff is paid to do? As of tonight there are 3 city staff - can't at least one of them do this work? He referred to the first page of the Expenditure Budget Report, Auditing Services Department. Have spent \$26,693.50 ytd of the \$18,600 budgeted and the budget balance is negative by \$8,093 (143% of the budget). And it's only May. Abdo Financial Services should be used at council discretion and not that of city staff.

Samuelson suggested looking into other accounting help as needed rather than extend the contract.

Grote understands the reason we are so far over budget is because of clean-up work from 2022. He appreciates that Tomnitz lets council know what should be budgeted. He suggested receiving historical financial reports for the two firms.

Julik-Heine clarified that this extension is on an as-needed basis, and not regular monthly charges.

Weiberg reported he contacted the League of Minnesota Cities for names of auditing firms. Abdo wasn't anywhere on the list. He sent an email to one firm on the list and will share information when he hears back. Abdo is expensive and that worries him. He's not opposed to getting their help for a few minutes here and there, but wants to have extreme control over it.

Weiberg asked Tomnitz to share what things she needs help with and cannot do on her own. She replied all the parts of the accounting system (fund balance, utility billing and payroll) need to mesh. Sometimes you get to the end and it doesn't balance and you don't know where to look. Doesn't know how the bottom line is affected based on where an entry was made until it comes out. Made suggestions to previous council re: their budget needs. She was hired in Aug 2022 and needed to fix the accounting entries. She did fix them but with help from people who know how to do it.

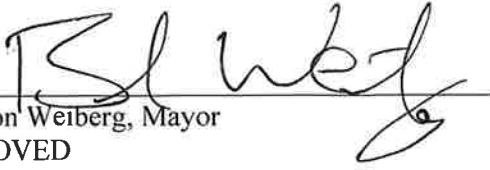
Council Member Report

Weiberg met with Michelle Hansen, Mary Tomnit, Attorney Knaak and Grote to work on two job descriptions, splitting the clerk position from the treasurer position. He expects to have them ready for next council meeting.

**ADJOURNMENT**

*Moved by Member Aanonsen, second by Member Grote, to adjourn the meeting of the Taylors Falls City Council held this Monday, May 8, 2023. Motion passed unanimously.*

Being there was no further business to come before the Council, the meeting adjourned at 10:18 pm.



Brandon Weiberg, Mayor  
APPROVED  
date



Fay Caneday