

TAYLORS FALLS CITY COUNCIL MEETING MINUTES
City Hall, Council Chambers
Monday September 11, 2023

The Agenda for this Meeting was posted Sept. 7, 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 7:00 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, Troy Aanonsen

Absent: Larry Julik-Heine

Also present: Attorney F. Knaak, Michele Hanson, JoAnn Kuntemeier, Rich Smith, Sharon Morley, Julie Samuelson, Mike Brady, Pete Sanstead, Kyle Jones, Buck Duncan, Sheryl Grote, Kevin Schumann, Brandon Thyen

There was a moment of silence to acknowledge the 22 year anniversary of 9/11.

ADOPTION OF AGENDA

Aanonsen requested adding to Old Business a discussion on long-term debt facing Taylors Falls.

Samuelson requested adding to #9 of New Business repair of collapsing culvert at West and Grove Streets.

Moved by Aanonsen, second by Samuelson, to adopt the amended agenda. Motion unanimously approved.

APPROVAL OF CONSENT AGENDA

Grote complimented the Public Works Department for purchasing large items tax free rather than have contractors purchase the items and paying tax.

Moved by Grote, second by Samuelson, to adopt the consent agenda. Motion unanimously approved.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

There were no minutes of previous meetings.

PUBLIC FORUM

There were no speakers at Public Forum

OLD BUSINESS

1. Budget continued

Weiberg state the final budget meeting would be Wednesday of that week. They will meet again to review before sending it to the county.

2. Long-term Debt Facing Taylors Falls

Aanonsen distributed a long-term debt chart to council members that was not in the packets. He said the city still has \$1,392,000 in outstanding debt. He has asked the Clerk/Treasurer to let council know what funds these are paid from. He reviewed some of the previous debts that have been paid off or rolled into another loan.

Grote stated Minnesota Statute 475.53 has a debt limit of 3% of estimated market value of a taxable property. Taylors Falls is at 33% of debt capacity as of the end of 2022.

NEW BUSINESS

1. Sheriff Thyen - Sgt. Kyle Jones - 2024 Law Enforcement Services Contract (LESC) / 2nd Quarterly Newsletter
Sheriff Thyen said the LESC has been an annual contract, running January through December. His office has six such contracts in the county. The contracts cover expenses and cost, and are not designed as money makers. The new contract rate is \$69.17 per hour for next year, a 7.9% increase. The bulk of this increase is due to deputy wage increases based on a study by the county. The difference between the 2023 and the 2024 contracts is the new rate, and dates of the contract. It calls for 40 hour work weeks, 2080/year, with more coverage during the summer tourist season.
Sheriff Thyen reported on the monies designated by the State Legislature for public safety. Taylors Falls will be receiving \$46,691, probably in late December. The Council can use some of those funds to upgrade the contract, such as increase hours of coverage. There is no time limit for using the funds.
Grote asked if the Sheriff's quarterly newsletters and statistics can be posted on the city's website. Thyen approved.
2. Mike Brady - Industrial Park development
Mike Brady, corporate real estate developer, introduced himself and development experiences. He envisions industrial condominiums with outdoor storage units on part of the site, and lease or lease-to-own, starting first on the east side of the site. He would want a six month exclusive right to develop, expiring in March 2024. Possible tenants are a butcher, and auto service. If he gets the go-ahead, milestones can be established marking progress.
Weiberg requested financial information and letters of intent from prospective buyers/renters.
Business that would not be welcome would include pornography, marijuana-related, etc. The goal is a synergy of small businesses.
Aanonsen asked how much say the city will have as businesses express interest. (Answer: that can be established at the beginning.)
Grote asked for a sample development agreement council can consider.
Weiberg said they would discuss this item at next council meeting, if they get the financial information they requested.
3. Peter Sanstead/Larry Unger - Minor Subdivision - 356/358 Briar Lane
Mr. Sanstead is interested in purchasing 4.72 feet of property from his adjacent neighbor at 358 Briar Lane in order to build a new 14' x 24' accessory building at a certain location. In order to meet setback requirements, a subdivision is required. Zoning Administrator Elizabeth Haas said the subdivision does meet all the subdivision requirements, and the Planning Commission has recommended approval of the request with conditions: a) any future development of the subject properties be in accordance with city zoning and subdivision ordinances; b) applicant provides city with a recorded copy of certificate of survey; c) applicant is not required to pay fees in-lieu of parkland dedication; d) all title company requirements are met, and e) certificate of survey and city resolution be recorded with the county at applicant's expense.

Motion by Grote, second by Aanonsen, that Resolution 2023-09-00 approving the minor subdivision for Peter Sanstead be approved. Motion carried unanimously.

4. Buck Duncan - CUP - Cannabinoid Product Retail Establishment at 366 Bench St.
Mr. Duncan requested a conditional use permit to operate a cannabinoid product retail establishment at 366 Bench Street. Elizabeth Haas reported all conditional use requirements were met, and the request is consistent with the Comprehensive Plan and development policies of the city. On September 5 the Planning Commission recommended approval for the CUP for 366 Bench Street with additional conditions of: a) limiting hours of operation from 8:00am to 10:00pm, b) any change in ownership of business, property or business name will require a new CUP, c) applicant is required to get a Cannabinoid Product Retail License prior to selling cannabinoid products, d) The use and Duncan must operate in accordance with applicable CUP requirements found in Section 1000.08 in the Zoning Ordinance. Aanonsen questioned the use of terms "shall be" and "will be" required... Is there any difference between the two. Attorney explained that if a condition is required, he recommends using "shall be."
Grote asked if it is usual to state hours of operation for other businesses in downtown? Haas answered that across the board, usually hours are added to a CUP due to a certain concern after a certain period of time. Planning Commission

compared it to alcohol sales. Mr. Duncan commented that right now they are thinking of hours from 10:00am to 7:00pm.

Grote asked why the business owner/renter would need to reapply for a CUP if the building is sold. Haas explained council can delete that requirement. Knaak said that CUP usually run with the land and does not matter who the owner is. Duncan's business is a very new kind of industry, and city has the right to keep an eye on it, so to speak. In this country what is now a local business could, in time, become a franchise McDonald's or whatever. Without this language, the character of the city could change. The requirement could be eliminated in the future.

Motion by Aanonsen, second by Samuelson, to approve the Conditional Use Permit at 366 Bench Street for Buck Duncan. Motion carried unanimously.

5. Buck Duncan - Cannabinoid Product Retail License Application

Mr. Duncan applied for a Cannabinoid Product Retail License for his business in Taylors Falls.

Elizabeth Haas said the background check is still in progress. There have been no problems, the process just isn't finished yet. Duncan has passed a Federal (FBI) background check, which checks all 50 states.

Motion by Grote, second by Aanonsen, to approve the Cannabinoid Retail License contingent on staff receiving a positive background check validated by the Mayor and Clerk. Motion carried unanimously.

6. Shawn and Mary Ann Morley - CUP: Cabinet Manufacturer at 736 Chisago St.

Shawn Morley requested a CUP for a manufacturing facility at 736 Chisago St. The business is named Lake Area Custom Cabinetry, Inc. and is registered with the Minnesota Department of Labor and Industry.

Elizabeth Haas stated the building is in the St. Croix River II District, and has hosted manufacturing businesses over the years. Manufacturing is allowed as a conditional use within the St. Croix II District. There is no conditional use on file to apply to the proposed manufacturer and the manufacturing has been discontinued for approximately three-four years. Haas stated Planning Commission recommends approving the traditional use permit application including the recommended conditions set by Zoning staff, and that owner works with Zoning on the outdoor lights and dust abatement issues. Zoning staff recommends the city council make a motion to approve the proposed conditional use permit application of the cabinet manufacturing with conditions. The conditions are itemized in the "Conditional Use Permit for Shawn and Mary Ann Morley" on pages 4 and 5.

Motion by Aanonsen, second by Grote, to approve the Conditional Use Permit for Shawn and MaryAnn at 736 Chisago Stree with the following conditions. Motion carried unanimously.

1. Best efforts and best practices are applied by the applicant when implementing the dust collector system to minimize noise nuisances to neighbors. The dust collector system is subject to inspection and modifications instructed by the Zoning Administrator and/or City Council upon installation to assure there is not an unreasonable nuisance to the neighboring residences.
2. The applicant must contact the Zoning Administrator for a site inspection regarding Section 2000.018Subd. 1 (F)(2)(i) of the Taylors Falls Zoning Ordinance (lighting requirements) to assure there is no *glaring, direct source of light* visible from adjacent residential areas or from the public streets. The inspection must be performed when there are not leaves on the trees and when it is fairly dark out (aka fall/winter).
3. Outdoor lighting must be turned off when not in use, with the exception of minimal security lighting, to minimize light nuisances to the neighboring residences.
4. Consult with Public Works Superintendent, Kevin Gruber, on how to plug or disconnect the floor drain. Call Public Works or Zoning Administrator with final drain information to keep on record.
5. The addition of operations related to finishing process will require an amendment to the Conditional Use Permit.
6. Contact Clerk/Treasurer for any separate requirements through the City.
7. The conditional use permit shall expire upon change of business, change of the type of manufacturer, or change of property owner.

7. Zoning Ordinance Amendment Regarding Small Accessory Buildings
Elizabeth Haas, Zoning Administrator, proposed changes to Section 2000.012 ACCESSORY STRUCTURES of the current Taylors Falls Zoning Ordinance. Zoning ordinance regulates the location, quantity, use, material, and color of accessory buildings. Staff requested council discuss exempting certain small accessory buildings from the quantity allowed on a property. Such buildings include dog houses, chicken coops, small storage sheds and play houses. The proposed changes to the ordinance would exempt a) one chicken coop or tractor under 50 square feet, b) two dog houses accessory to residential use, each under 30 square feet, c) child playhouse buildings under 64 square feet, and d) one accessory building without foundation under 64 square feet on lots greater than or equal to one half of an acre. Planning Commission requested the last item (d) be tabled for further discussion. Weiberg asked if bee hives fall under this ordinance. Haas said bees fall under domestic farm animal, which then falls under agricultural use. Attorney Knaak didn't think bee hives fall under definition of structure.

Motion by Aanonsen, second by Grote, to approve Resolution 2023-09-02 exempting the small accessory buildings, such as chicken coops, doghouses, playhouses and small storage sheds with changes: the removal of (d). Motion carried unanimously.

8. Zoning - Cannabinoid Product Retail License Ordinance Amendment Regarding the Definition of "Cannabinoid Product Retail Establishment"
Elizabeth Haas recommended council to make a motion to redefine Cannabinoid Product Retail Establishment within existing city code of Section 311.01 clarifying which types of businesses qualify for a cannabinoid retail sales license. The proposed ordinance change would exclude hotels, motels, residences, restaurants, bars, gas stations and other retail establishments and other businesses, and modify the definition of cannabinoid product retail establishments accordingly. Harry Davis, Bolton & Menk, said this definition would be easier to regulate from an enforcement standpoint. Aanonsen suggested rewriting the change to say "...locations that do not qualify as cannabinoid product retail establishments are residences, hotels, motels and locations where people stay overnight.

Motion by Samuelson, second by Aanonsen, to update Chapter 3, Section 311.0 with the following amendments. Motion carried unanimously. "Cannabinoid product retail establishment" means a business that sells cannabinoid products, including incidental sales, where retail functions as the primary use of a property. Locations that do not qualify are residences, hotels, motels, and, where people stay overnight.

9. Public Works - Sidewalk Repairs and Repair of Collapsing Culvert at West and Grove Streets
Grote reported Public Works received a number of proposals for fixing the sidewalk that was torn up during sewer replacement at City Hall, and a downtown sidewalk.

Grote made motion, second by Samuelson, to approve Mid State Masonry proposal to make repairs to both sidewalks. Motion carried unanimously.

Grote explained the repair expenses for sidewalk at City Hall will go against the sewer fund because it was part of that project.

Samuelson said one of the culverts at West and Grove streets has collapsed. The culvert is high in the ground, and has rusted out. He has found some heavy pipe that be put in as a culvert, costing around \$3,000. It is 45 feet of 1/2 inch 14inch pipe. He estimates around \$1,500 to have someone dig with a backhoe.

Grote asked if this would come from the storm water fund. Samuelson responded, Yes.

Grote made motion, second by Aanonsen, to approve the replacement of the culvert on West and Grove Streets, not to exceed \$5,000 and charged against the storm water fund. Motion carried unanimously.

10. Public Works - Alarm Phone Dialer

Grote explained the city has devices on the critical water and sewer systems to alert us when there are alarms or other issues going on. Wells 3 & 4 require replacement equipment to function properly. Public Works supervisor, Kevin Gruber, was able to obtain a proposal from Total Control Systems, Inc. for \$7,083.00.

Grote said the alarms devices are non-functioning today. He said in the future council will be seeing a proposal for another alarm system for the lift station near the river, as it is non-functioning. That will also require a land line be installed. He expects these alarms have a life expectancy of about 10 years.

Motion by Aanonsen, second by Samuelson, to approve the quote from Total Control Systems for wells 3 and 4. Motion carried unanimously.

11. Public Works - Crack/Seal Repair on Repaved Roads from Last Year

As there was only the one quote, Council decided to postpone action until the Sept. 25, 2023 council meeting, hoping there can be another quote to consider.

12. Alyssa Auten - Randy Krey HPC Applications

Alyssa Auten and Randy Krey applied to serve on the Heritage Preservation Commission. These applications would fill all vacancies on the HPC.

Motion by Grote, second by Samuelson, to accept both Alyssa Auten and Randy Krey's applications for HPC. Motion passed unanimously.

13. HPC - Preserve MN 2023

Geri Aanonsen will be attending the PreserveMN 2023 conference in Mankato on Sept. 27-29. The HPC does have an account to cover costs of hotel, meals and travel. The conference is free.

Motion by Grote, second by Samuelson, to approve Geri Aanonsen to attend the PreserveMN 2023 conference in Mankato. Motion carried unanimously.

14. Brandon Weiberg - Discuss Changing City Council Meeting Start Time to 6:00pm - Time Limit

Weiberg requested council discuss a new possible meeting start time. He suggested 6:00pm with a two hour cap. Weiberg said some meetings may need to go longer. Grote said he's always been opposed to having new items added to the agenda at the meeting. He suggested the mayor and a council member come up with rules of order. He's looked at some rules where the speaker is limited to 2 minutes of conversation on a topic. During Public Forum we have allowed people longer than 2 minutes.

Aanonsen opposed the time limit, "because this is our job." Speeding things up concerns him because people have important things they want to say. He supports rules of order. With the really big issues coming up, he feels they need time to express their thoughts and opinions. He does not oppose adding agenda items at a meeting.

Grote suggested having special meetings just for items they know will take a long time.

Attorney Knaak said Robert's Rules of Order are archaic. There are modern rules and procedures which are largely recommended by the League of Minnesota Cities. He will get a copy and send to council.

Weiberg liked Grote's idea of two council members preparing a set of rules.

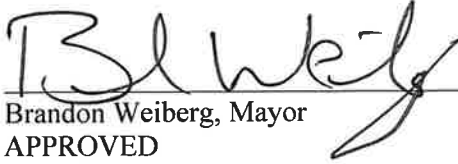
Motion by Weiberg, second by Grote, to change council meeting start time to 6:00pm versus 7:00pm. Motion carried unanimously.

Motion by Aanonsen, second by Grote, to set a time limit of two hours for council meetings. (This motion was dropped after discussion.)

ADJOURNMENT

Moved by Grote, second by Aanonsen, to adjourn the meeting of the Taylors Falls City Council held this Monday, September 11, 2023. Motion passed unanimously.

Being there was no further business to come before the Council, the meeting adjourned at 9:45pm.



Brandon Weiberg, Mayor
APPROVED
February 12, 2024



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