

MINUTES
TAYLORS FALLS CITY COUNCIL MEETING
City Hall, Council Chambers
Wednesday, August 11, 2021

The Agenda for this Meeting was posted Friday, August 6, 2021 at City Hall, the Post Office, and on the City's website. 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 Vice Mayor Ross Rivard.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Members Present: Vice Mayor Ross Rivard, Larry Julik-Heine, Troy Aanonsen

Members Absent: Mayor Mike Buchite

Others Present: Clerk-Treasurer Elizabeth Nealley, John Tangen, JoAnn Kuntemeier, Barbara Nelson, Amy Frischmon, Dominick Raedeke, Kevin Schumann, Carol Schumann, Brian Berg, Sandra Berg, Becky Caneday, Don Lawrence, Dan O'Shea, Geri Aanonsen, Molly Irish, and another resident

ADOPTION OF AGENDA

Vice Mayor Ross Rivard made the following changes to the Agenda: Remove item #4 (Request from Zoning Administrator Heth regarding downtown porta-potties) from the Consent Agenda, to be discussed as New Business item #9; add item #8 (Request from the First Lutheran Church to sell Maple Syrup in the Marmon Parking Lot) to the Consent Agenda; add item #10 (Consider hiring an independent appraiser to advise the Council regarding market values for the sale of City property) to New Business; and add item #11 (Hire Independent Investigator for Employee Issue) to New Business. Council Member Julik-Heine questioned if the New Business items #1 - #3 could be presented if there was no quorum at the July EDC meeting. Council Member Aanonsen explained that the recommendations were voted on by the EDC at the June EDC meeting. Motion by Julik-Heine / Aanonsen to approve the Agenda as presented for the Wednesday, August 11, 2021 Taylors Falls City Council Meeting. Motion carried unanimously.

The Agenda items were followed in this order: Items #1-3 of New Business, Public Forum, New Business items #4-11 in order.

APPROVAL OF CONSENT AGENDA

Motion by Julik-Heine / Aanonsen to approve/accept the following Consent Agenda items: Minutes from previous meetings; Staff reports; Commission, Board, or Committee minutes/reports; Correspondence; as well as the following items:

Claims & payroll

Payment of payroll check numbers 8019-8034 totaling \$16,410.58; as well as check numbers 31806-31846 and electronic check numbers 6302568-6302573 totaling \$78,181.35 for the previous month's expenditures

Request from Lions Club for gambling permit

Request from the Lions Club for a gambling permit for bingo on 9/10/21 at the Community Center

Payment of invoice to Allied Generators

Payment to Inv Payment of \$1,095.01 for invoice 27631 for battery and tank replacement for Public Works

Payment of invoice to Jefferson Fire and Safety

Payment to Jefferson Fire and Safety of \$2,078.90 for invoice IN130428 for equipment for the Fire Department

Recommendation from the EDC of new member

Recommendation from the EDC of new member, Brandon Weiberg

Payment for services to the Rockin' Hollywoods from the Wannigan Days fund

Payment to The Rockin' Hollywoods of \$1,500.00 (total \$3,000.00) for their performance on 7/16/21 for the Wannigan Days Committee

Payment of invoice to the Chisago County Press from the Wannigan Days fund

Payment to the Chisago County Press of \$1,414.00 for invoice for advertising for the Wannigan Days Committee

Request from the First Lutheran Church to sell Maple Syrup in the Marmon Parking Lot

Request from the First Lutheran Church to sell maple syrup in the Marmon parking lot during fall weekends

Motion carried unanimously.

PUBLIC FORUM

Resident Dan O'Shea said that when the Chisago County Sheriff's office was first hired, there was a patrol at all hours and that there were patrols on West Street before and after school to slow the traffic. He said that kids are playing in the street on West Street, traffic still goes through at 35 to 40 miles per hour, and kids are almost getting hit. He suggested Lakes Area Police, but would love to see Taylors Falls go back to their own patrol. Vice Mayor Rivard said that he was meeting with the Sheriff's Office next week, and that he would bring up the concerns. Council Member Julik-Heine said that he had his own issues to discuss with the police department. He explained this goes back to the fall of 2020 during the election. His daughter's car window was broken outside his home. A week later, his car window was broken. Council Member Julik-Heine said that he didn't know if the Sheriff's Office looked into it because he didn't get a response from them. He went on to say that he is speaking as a resident, not as a Council Member. He said that he was targeted, for whatever reason, and he felt scared in his own neighborhood, and that it is worth having the discussion. Vice Mayor Rivard invited him to join the upcoming meeting with the Sheriff's Office.

Resident and Pastor of the Baptist Church Kevin Schumann was concerned about the Pay Equity Notice of Noncompliance that is item #6 in New Business. It says a new report is due August 7th, and the Request for Reconsideration asks that the City have until August 15th to file. Today is the 11th, and he didn't understand what was or wasn't filed. Also, he wanted some understanding on why the City of Taylors Falls was in noncompliance. Vice Mayor Rivard said they would explain it later in the meeting.

STAFF REQUESTS

OLD BUSINESS

NEW BUSINESS

Recommendation from the EDC to purchase property

Council Member Aanonsen explained that the EDC was recommending the City discuss with the family of Lowell Nelson the purchase of property, valued at \$2,100.00, for the use of temporary vendors.

Recommendation from the EDC regarding the Bench and First Streets intersection

Council Member Aanonsen explained that the EDC would like to have walk/don't walk lights synchronize with the existing traffic lights that are at the Bench Street intersection, and to have the City consult with MNDOT (the Minnesota Department of Transportation) about this.

Recommendation from the EDC regarding the Osceola Bridge Project

Council Member Aanonsen said the EDC was concerned about how this project would affect traffic in Taylors Falls, and that the EDC recommended the City having a discussion with MNDOT about it. Council Member Julik-Heine mentioned that he had additional information to provide that he would explain at the round table. Discussion followed and Vice Mayor Rivard suggested tabling all three items until more information could be provided.

Motion by Julik-Heine / Aanonsen to table until more information is available the three recommendations from the EDC regarding 1. the purchase of the property from the family of Lowell Nelson; 2. the discussion with MNDOT for walk/don't walk lights at the Bench Street intersection; and 3. the meeting with MNDOT regarding the Osceola Bridge Project's impact on traffic in Taylors Falls. Motion carried unanimously.

Resolution 21-08-01 Proclaiming National Night Out

Kevin Schumann explained that due to construction projects at Taylors Falls Elementary School, the gym was unavailable, and so the meal (provided by the school) and displays would be from 6:00 pm to 8:00 pm at the First Baptist Church on West Street (accessible by the lower entrance in the parking lot), with additional events outside of the school. Some events include a performance by the Interstate Band from 6:00 to 7:00, a drone demonstration by the Sheriff's Office at 6:30 and 7:30, a drawing for two bikes (provided by the City of Taylors Falls) at 7:15, a SWAT vehicle, ATV rides, and possibly a helicopter.

Motion by Aanonsen / Julik-Heine to adopt Resolution 21-08-01 (amended to remove St. Croix Regional Hospital as a donor) Proclaiming August 17, 2021 as National Night Out in Taylors Falls. Motion carried unanimously.

Request from Public Works regarding tree removal

Council Member Julik-Heine explained the request from Public Works Superintendent Mike Kriz regarding tree removal on Walnut Street, River Street, West Street, and Locust Lane. Two proposals were submitted. Discussion followed.

Motion by Aanonsen / Julik-Heine to approve the request from Public Works for tree removal on Walnut Street, River Street, West Street, and Locust Lane by Lawrence Creek Contracting at a cost of \$2,200.00 to be paid from Public Works Tree Removal in the General Fund, 101-43100-545. Motion carried unanimously.

Status regarding Pay Equity Report letter of non-compliance

****It should be noted that the Clerk-Treasurer did not initiate this situation; it occurred because a mandatory report filed every three years to the state of Minnesota was found to be in noncompliance. The Clerk-Treasurer did not ask for nor want a raise. The Clerk-Treasurer called the Minnesota State of Management and Budget to find out if the raise could be turned down by the Clerk-Treasurer.****

Vice Mayor Rivard explained that the Pay Equity report is used by the state of Minnesota to determine if a fair wage is being paid to government employees. He said that City Attorney Patrick Kelly went back to them and said here's our position on it and after going back and forth a few times it was the opinion of the attorney that the City has to come into compliance. Council Member Julik-Heine said that the recommendation is to correct the disadvantage. Vice Mayor Rivard further explained that to keep everyone in compliance with the state's standards, the Clerk-Treasurer needs a pay raise of \$6.50 per hour. Council Member Aanonsen asked for clarification on what was being voted on and Vice Mayor Rivard explained that it would be just one vote to approve the recommendation, not to extend it. Council Member Aanonsen said that he had a number of questions for the Council regarding this Agenda item, and that he realizes that some may need to be answered by the city attorney.

Are complaints filed by City employees a matter of public record? Council Member Aanonsen asked.

Why are we are considering a May 7 Notice of Noncompliance on August 11th? Council Member Aanonsen asked.

Vice Mayor Rivard explained that the City Attorney went back and forth with the state of Minnesota on questions of the phrasing of the job description. Council Member Aanonsen had several more questions.

How did our attorney know on June 3rd that we would need exactly one more week in August; and going back to the original question, why are we hearing this consideration on August 11th when it came up the 7th of May? Council Member Aanonsen asked.

Is this the first time our city attorney has been involved in resolving a pay equity issue? Council Member Aanonsen asked.

Vice Mayor Rivard said it came up quite a few years ago. Council Member Aanonsen elaborated that it was in 2012 and that at that time the attorney advised not to file a Request for Reconsideration, but instead, equalization of pay (so just pay them right away). He said this would have been Jo Everson (former Clerk-Treasurer) at that time, and that something is different here now in this case where the city attorney wanted to extend it by another week past the deadline. In 2012 he did not.

Vice Mayor Rivard said that it depended upon at that time the job description as to why the attorney is discussing it so much. Council Member Aanonsen then asked about an invoice that he had for June from the city attorney that differed from the July Council Meeting invoice that was pulled off of the Consent Agenda as a billing error. He said that this second invoice had a lot of notes about the Pay Equity noncompliance.

Why wasn't the City Council given this invoice so that they knew there was some consulting going on and that the attorney was doing some work regarding this issue? Council Member Aanonsen asked. I don't know if maybe that is a practice of not disclosing all the work that's done, he said. Vice Mayor Rivard suggested having the city attorney come in and discuss it.

Council Member Aanonsen noted that the invoice from City Attorney Patrick Kelly said that as of June 3rd, the City had no notice of the May 7th noncompliance notice. Clerk-Treasurer Nealley said that she could answer that and explained that she had received the letter from the state on May 7 (Friday) and that she had given it to Council Member Mary Murphy on May 10 (Monday). Vice Mayor Rivard asked Clerk-Treasurer Nealley if she knew what Council Member Murphy had done with it and she replied that she did not know; Council Member Murphy had just said that she would take care of it.

Council Member Julik-Heine said there is nothing nefarious going on and that all these things have to be investigated to the fullest extent of the law, and that he would also like the attorney to come in and explain the process so that everybody would know it is transparent. Council Member Aanonsen said that he still thinks these are fair questions and that he had a couple more. Vice Mayor Rivard suggested that they can all address them when they have the attorney there. Council Member Aanonsen said that would be good and that maybe we could just get the questions out.

Looking through some of the history here - why did Jo Everson (former Clerk-Treasurer) quit in 2015? Council Member Aanonsen asked. Vice Mayor Rivard replied that he thought she was burned out; she was a Clerk for many years.

Why did Mary Tomnitz (previous Clerk-Treasurer) quit in 2018? Council Member Aanonsen asked. Vice Mayor Rivard replied that she got a better job - instead of doing everything, she only did water billing, that's it, and she could make more money.

Why did Council Member Murphy walk out of the chamber last month? Council Member Aanonsen asked. (Note - although the Clerk-Treasurer was told that a resignation letter was turned in, no resignation letter has been confirmed to have been received. Therefore the procedure of accepting the resignation by resolution was unable to be scheduled on the August Agenda by the Clerk-Treasurer.) Council Member Julik-Heine said: You'd have to ask her.

Kevin Schumann in the audience asked if the City was still in noncompliance and if the request for an extension was granted, and Vice Mayor Rivard said that the next motion would put them into compliance. Council Member Aanonsen said that penalties would have been assessed from January of 2021, so he assumed they were in compliance as of July 7, and asked when the pay raise had actually taken place. It didn't, said Clerk-Treasurer Nealley. Vice Mayor Rivard explained that it would be retroactive from July 7 and asked for a motion.

Motion by Aanonsen / Julik-Heine to approve the recommendation from City Attorney Patrick Kelly to increase the Clerk-Treasurer pay by \$6.50 per hour to comply with state Pay Equity requirements, effective July 7, 2021. Motion carried unanimously.

Resolution 21-08-02 Accepting donations to the Wannigan Days fund

Vice Mayor Rivard explained that there were two donations toward the Wannigan Days fund from the Taylors Falls Historical Society (Folsom House) and from Bolton and Menk.

Motion by Aanonsen / Julik-Heine to adopt Resolution 21-08-02 Accepting Donations for the Wannigan Days Fund for donations in the total amount of \$700.00. Motion carried unanimously.

Resolution 21-08-03 Accepting funds from the Friends of Taylors Falls Parks and Recreation

Council Member Julik-Heine explained that they had a full house for bingo in the Community Center and that they had made more than they usually do.

Motion by Julik-Heine / Aanonsen to adopt Resolution 21-08-03 Accepting funds from the Friends of Taylors Falls Parks and Recreation raised at the Wannigan Days bingo fundraiser in the total amount of \$1,551.00. Motion carried unanimously.

Request from Zoning Administrator Heth regarding downtown porta-potties

Vice Mayor Rivard said that the request was actually to move the portable toilets from the Downtown Lot by the Drive-In back to the city parking lot. Council Member Julik-Heine explained that they would still be busy through leaf season and that it made sense to move them to the Marmon lot which is more centrally located until the end of October. Council Member Aanonsen mentioned having them moved back away from the sidewalk. Discussion followed.

Motion by Aanonsen / Julik-Heine to approve the recommendation to keep the two portable toilets, and put them in the Marmon parking lot through the fall at a cost of \$260.00 per month for both, and not to exceed \$1,200.00 for the year. Motion carried unanimously.

Consider hiring an independent appraiser to advise the Council regarding market values for the sale of City property

Vice Mayor Rivard explained that there is someone interested in purchasing Lots 1, 2, 3, 4, 5, and Lots 14, 15, 16, 17, and 18 of Block 20 of the Downtown Commercial Property. The city attorney has advised that it be appraised to get the fair market value. Two proposals were received, one from Peter Sampair for \$2,000.00 - \$2,500.00, and one from Julie Jeffrey-Schwartz for \$2,750.00. Vice Mayor Rivard said the cost was close for each so it was matter of which one would do the best job for the City. Council Member Julik-Heine brought out that Julie Schwartz had a lot of experience working with cities. Council Member Aanonsen brought out that Chisago County had the property valued at about \$89,000.00 and that they should try to recoup some of the debt. Discussion followed.

Motion by Julik-Heine / Aanonsen to approve hiring Julie Schwartz of Lake State Realty Services to conduct the appraisal of the commercial property at a cost of \$2,750.00 out of Council Contingency in the General Fund - 101-41110-900. Motion carried unanimously.

Hire independent investigator for employee issue

Vice Mayor Rivard brought out that the last item on the list is that they have to appoint an investigator for a City issue - an independent investigator for an employee issue. He asked the other Council Members if they had received the packet on that. He said there were three people listed, and asked if they had any preferences on them.

Council Member Aanonsen said that he had a question - does the employees or employers involved in the investigation still have the right to hire or consult with their own legal council if there is an investigation going on?

Vice Mayor Rivard said that he assumed that they would, and said that this was an independent person who has nothing to do with the City. He said that the idea is to get an impartial opinion on it. The Vice Mayor listed the three people and their rates. Michelle Soldo at \$155.00 per hour - she has worked for cities; Kristi Hastings at \$250.00 per hour plus mileage - she has done a lot of work like this too; and Isaac Kaufman at \$145.00 per hour - he is going to be out of town next week. Vice Mayor Rivard said: I would think maybe Michelle Soldo who has worked for cities in situations like this would be probably the best pick.

Council Member Aanonsen brought out that she also looks like she has some H.R. experience. Vice Mayor Rivard said that he just wanted to make sure it is fair. Council Member Julik-Heine said he agreed and that she was the most experienced and most qualified.

Motion by Aanonsen / Julik-Heine to hire the independent investigator Michelle Soldo for the investigation of a complaint against an employee and against an elected official at the rate of \$155.00 per hour to come out of Council Contingency in the General Fund - 101-41110-900. Motion carried unanimously.

LIAISON OR COUNCIL MEMBER REPORTS

Council Member Troy Aanonsen

- said that he met with Fire Chief Jake Vodenka-Reed about the budget. There had been no quorum at the last EDC meeting. He mentioned Wannigan Days and that the Council Members should be in the dunk tank. Council Member Julik-Heine said that he had already done his time in that dunk tank!

Council Member Larry Julik-Heine

- mentioned that Wannigan Days bingo was wildly successful. He said that they were in the middle of a street paving project right now. He also said that regarding the Osceola Bridge Project, he had spoken with Adam Josephson, the East Metro Area Construction Manager for MNDoT. He said that it will be a complete redo, so the current bridge will continue to be safe to use during the construction. There will probably still be some redirecting of traffic north to Taylors Falls, but not as much as previously thought. Council Member Julik-Heine also gave an update about the Highway 8 project. Next year they might start coming up with design features and environmental impact studies. There is also optimism for the infrastructure bills in Congress now. They are going to try to do four lanes from Forest Lake to Chisago City.

Council Member Ross Rivard

- said that the Planning Commission didn't have anything to do. He also said that every year we do seal-coating. They are doing a lot of streets all over town, and this gives them another 5 to 7 years of life, at a relatively inexpensive cost. So that is why there is gravel all over. They sweep up everything that doesn't stick and then spray another layer on. He brought out that the streets in Taylors Falls look pretty good in comparison to the back streets in other towns. Discussion followed regarding the holes in the culverts by the Drive In and by the Methodist Church, and that they are putting in new ones.

ADJOURNMENT

Motion by Aanonsen / Julik-Heine to adjourn the meeting of the Taylors Falls City Council held this Wednesday, August 11, 2021. Motion carried unanimously.

Being no further business to come before the Council, the meeting adjourned at 7:55 pm.

Ross Rivard, Vice Mayor

Elizabeth Nealley, Clerk-Treasurer

APPROVED

Monday, September 13, 2021