

MINUTES
TAYLORS FALLS CITY COUNCIL MEETING
City Hall Council Chambers
Monday, November 8, 2021

The meeting agenda was posted Wednesday, 11/3/21 at City Hall, the Post Office, and on the City's website, and was amended 11/6/21 and 11/8/21. The Press was notified and residents were emailed at their request.

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: Ross Rivard, Larry Julik-Heine, Mary Murphy, Troy Aanonsen

Members Absent: Mayor Mike Buchite

Others Present: Clerk-Treasurer Elizabeth Nealley, Sergeant Cliff Sheppeck (Chisago County Sheriff's Office), John Tangen, Richard Berget, Dan __, Geri Aanonsen, Brian Berg, Sandra Berg, Don Doane, Diana Gall, Stephen Gall, JoAnn Kuntemeier, Don Lawrence, Scott Livingston, Barbara Nelson, Julie Samuelson, Carol Schumann, Kevin Schumann, Brandon Weiberg, Dr. Brenda Weierke, Denise Martin (Chisago County Press)

ADOPTION OF AGENDA

The following changes were made to the agenda: Removing item #1, Renewal of Midco franchise agreement. Motion by Murphy / Julik-Heine to approve the agenda as presented for the Monday, November 8, 2021 Taylors Falls City Council Meeting. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Motion by Murphy / Julik-Heine 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 8068-8078 totaling \$10,993.61; as well as check numbers 31933-31973 and electronic check numbers 6302591-6302596 totaling \$86,764.95 for the previous month's expenditures

2022 liquor and tobacco licenses

Liquor: Big Wood LLC (The Goat Saloon); DDMCVI LLC (Romayne's on Main); Halverson Investment Inc (Tangled Up in Blue); Mueller Boat Co (Taylors Falls Scenic Boat); Schoony's Malt Shop & Pizzeria Inc. Tobacco License: Casey's General Store. Approval is with the condition that all necessary documentation, and payments are provided.

Payment of invoice to Lawrence Creek Contracting

Consider payment to Lawrence Creek Contracting of \$8,250.00 for the Lions Park sidewalk.

Motion carried unanimously.

NEW BUSINESS

Renewal of Midco franchise agreement

~~Consider Renewal of Midco franchise agreement Information will be provided Monday, November 8. Motion to deny, table, or approve renewal of Midco franchise agreement~~

Hotel license for Springs Inn

Per Zoning Administrator Heth's report: "City of Taylors Falls Ordinance 17-05-22 requires that hotels operated in the city be licensed. The property owner of the Springs Inn has applied for a Hotel License from the City. The State Fire Marshall has inspected and approved the hotel. The Building Official for the City has issued a certificate of occupancy for the upper two floors, but not the lower level floor. The property has had the front and back parking areas repaved and restriped. 21 parking stalls have been reviewed in the back that meet minimum standards to be classified as functional (3 were reviewed that were not functional), and 8 stalls are designated in the front. It appears that the back parking area serves the upper 2 floors and the front parking area serves the lower level. Per Section 2000.017 of the Zoning Ordinance, hotels require 1 parking stall per dwelling unit. Considering building official approved certificate of occupancy for upper two floors, which are served by the back parking lot, 21 stalls are available. Mr. Berget has submitted that he has 12 rooms on the 3rd floor, 10 rooms on the 2nd floor, and a manager's apartment for a total of 23 rooms. Recommendation: Approve hotel license for a maximum of 20 rooms plus the manager's apartment."

Vice-Mayor Rivard asked if the hotel owner had any comments, but he didn't. Councilmember Aanonsen had some questions and comments.

Aanonsen: The Zoning Administrator is not here tonight? I'm curious as to how our Zoning Administrator came up with \$150.00 for the application fee. The ordinance says it's supposed to come off the fee schedule and I checked the fee schedule and there is no hotel license fee on there at all.

Councilmember Julik-Heine said that would be a question for Steve Heth.

Aanonsen: Who is not here. Our zoning ordinance says that the license issued under this chapter shall expire on December 31st of this year, so is Mr. Berget aware that its \$150.00 for two months and he'll have to pay again at the beginning of the year? Another question for our Zoning Administrator. He then asked Berget if Heth had checked on all the required services listed in the zoning ordinance, and if Heth had been over to count the rooms?

Aanonsen asked about the past fire inspection being for the 2nd and 3rd floor, and said he didn't have a guarantee about the 1st floor and mentioned that the Zoning Administrator should have guaranteed its going to be safe.

Councilmember Murphy said that the first floor is not being recognized at this time.

Aanonsen said that he doesn't have a knowledge of engineering, but he thinks the Zoning Administrator does and again mentioned that he was not there, and questioned not having a guarantee about passing the building code inspection. He said that the City Council doesn't have any proof that the first floor is sound at this point, and brought up the need for documentation. He joked that the 2nd and 3rd floor are on top of the 1st floor, are they not? Then he said that until getting that proof and guarantee, he doesn't see how as a City Councilmember he can guarantee the safety of the guests or tourists or any legal ramifications if something happens.

Vice-Mayor Rivard brought out that only certain floors were specified according to the certification.

Aanonsen said that he hasn't seen this certification and Murphy said it is in the packet, but Aanonsen said he only sees the Certificate of Occupancy and again brought out not seeing anything about the first floor.

Aanonsen said the other issue is: I don't think our Zoning Administrator followed the Zoning Ordinance correctly... He charged you \$150.00 for only two months and he is going to have to charge you again.

Richard Berget said that Zoning Administrator Steve Heth had told him that it was a one time fee.

Aanonsen said: I saw that. He signed it as 8-11-21 to 8-11-22 and you actually can't do that - its in contradiction to the ordinance... it runs to the end of the year. Aanonsen apologized for this to Berget, and repeated that this license was granted without following the ordinance that we are supposed to follow.

Berget said: Before I bought the building I came to your city and asked what I needed... the Certificate of Occupancy, a list of things to fix, and to have the health inspector inspect it. There was no license involved. This is something you guys created afterward.

Discussion followed regarding the timeline of Berget buying the hotel and the passing of the hotel ordinance and the location of the minutes for that meeting.

Aanonsen said that there is nothing on the fee schedule, so where did the Zoning Administrator come up with that figure, and that is just one indication of how I don't feel he has followed the ordinance.

Berget said that the license law was not in place when he bought the property in 2017.

Aanonsen said one of his questions was whether Berget was aware he paid \$150.00 for two months?

Berget repeated that he was told it was a one time fee.

Aanonsen said from his perspective the Zoning Administrator is asking him to ignore the ordinance and just grant the license... the ordinance need to be followed and this could have been done more in the open.

Clerk-Treasurer Nealley mentioned that it is true that the May and June 2017 minutes were not with the other 2017 minutes on the website. She said she found digital (not signed) versions and added them to the website as soon as she found them... but she did not know about any public hearing for the issue (since it was before she was hired.)

Aanonsen brought out that this should be in the open and not just in this case but for anybody else who might be opening a hotel or running a business here. He said they shouldn't be charged an arbitrary fee, and that it should be on the fee schedule.

Julik-Heine said that Aanonsen did bring up some interesting points. But he had come into the meeting fully prepared to grant the license based on the research done by the Zoning Administrator... There has to be a reason for the \$150.00 - that is a question. He said that the Building Inspector granted a Certificate of Occupancy and the Fire Marshall has inspected it. He said part of being on the City Council is having to make difficult decisions like this because he's not just a Councilmember but a resident of Taylors Falls and he would like to grant the license by law and ordinance.

Julik-Heine said that with Aanonsen's suggestions, he is wondering if its possible to grant the license conditionally on the answers to those questions. And once the license is granted, I would hope that Mr. Berget realizes that now he's part of our community just like we are and would strive to maintain the standards at the hotel that all of us as residents would like to see, running a standup operation. So my opinion is we grant the license conditionally on answering some of Aanonsen's questions.

Murphy said that the size of the lot and parking specs match up with the hotel and it all meets the standard for the city... this is all related to the 2nd and 3rd floors, not guaranteeing the 1st floor. And in my humble opinion, to keep delaying this would be detrimental to the owner of the business. That it would, we have to follow, its not arbitrary that we have to follow what we think our emotions or our heart feels. We have to follow the strict law and he meets and he complies within that business restriction that has answered our questions from last month. So I would like to take this opportunity contingency or not, if its \$150.00 that is owed you, we will talk to the City. The Zoning Administrator, the situation is this, is that he doesn't work on Mondays and therefore he is not committed to coming in... I would like to move to make a motion to either accept or decline.

Rivard asked if her motion would be to grant the motel license at a maximum of 20 rooms and a manager's apartment with the conditional approval that all of our questions that Aanonsen brought up be answered by the Zoning Administrator this coming week, then we would issue the license?

Aanonsen brought out that we have enough Councilmembers to pass this tonight if we wish to but he would not be casting an approving vote on this until he knows the questions he has are answered.

Julik-Heine and Rivard felt they could pass it conditionally with the questions being answered afterward. Murphy felt that she could not in all conscience let this go on until the next month because it's a detriment to the business owner.

Motion by Murphy / Julik-Heine to approve the hotel license for the Springs Inn at a maximum of 20 rooms and a manager's apartment, with the condition that all of the questions brought up are answered satisfactorily by the Zoning Administrator this week. Motion carried 3 to 1, with Aanonsen voting nay.

Resolution 21-11-01 accepting sponsorship from Xcel Energy for the Lighting Festival

Resolution 21-11-01 accepting sponsorship donation for the Lighting Festival Committee from Xcel Energy in the amount of \$300.00.

Motion by Julik-Heine / Aanonsen to approve Resolution 21-11-01 accepting sponsorship donation for the Lighting Festival Committee from Xcel Energy in the amount of \$300.00. Motion carried unanimously.

Resolution 21-11-02 accepting donation to the Wannigan Days fund

Resolution 21-11-02 accepting donation to the Wannigan Days fund. This donation is from Clerk-Treasurer Elizabeth Nealley and was paid from the money she received due to the state-mandated Pay Equity wage increase.

Motion by Aanonsen / Julik-Heine to approve Resolution 21-11-02 accepting the donation to the Wannigan Days fund in the amount of \$25.00 from Clerk-Treasurer Elizabeth Nealley's state-mandated Pay Equity wage increase. Motion carried unanimously.

Request from Fire Department to apply for FEMA grant

Per Fire Chief Jake Vodenka-Reed's report: "I would like to ask the council approval to have Neil write another grant for the new pumper that is to replace Unit #2. The cost of the grant writer is \$500. My plan is to submit for a FEMA grant for the next few years in hopes that we are awarded before the city needs to purchase the truck from its own funds. The Deadline to replace Unit #2 is 2026 with the order needing to be placed in 2025. This is to allow for a one year lead time for the manufacturer." He said that its good for the ISO rating if #1 pumper is under 20 years. Moving the #1 to #2 keeps the numbers low for ISO rating. The fire department is considering lead times and being forward thinking.

Motion by Aanonsen / Julik-Heine to Motion to deny, table, or approve request from Fire Department to apply for FEMA grant, and to pay \$500.00 for the grant writer out of the general fund. Motion carried unanimously.

Request from Fire Department for purchase of training manikin

A request from the Fire Department for the purchase of a fire/medical training manikin to use at drills. It will cost \$1,600.00, to be paid from the run payments in Fund 407. Discussion ensued about the name of the manikin and throwing it down a cliff.

Motion by Murphy / Aanonsen to approve request from Fire Department for purchase of training manikin at a cost \$1,600.00, to be paid from the run payments in Fund 407. Motion carried unanimously.

Resolution 21-11-03 transferring funds from the Fire Pension Fund to the Capital Equipment Fund for payment

Resolution 21-11-03 transferring funds from the Fire Pension Fund to the Capital Equipment Fund for payment to Anderson & Koch Ford for the new Fire Department rescue truck. As the Clerk-Treasurer explained in her report: "It is best to make the payments out of the appropriate fund, even if the Council asks for it to be split amongst different funds, as our City has often done in the past. What makes this work is a timely transfer resolution to implement the Council's decisions to have payments be covered by different funds. This will have the benefit of making all of the funds more accurate, and you will all be able to confidently refer to the monthly Cash Balance report. This will also eliminate the need for so many journal entries to adjust these things at the end of the year - which has often been part of the end-of-year 'Audit Prep' that the Council asked me to learn about." Councilmember Aanonsen thanked the Clerk-Treasurer for paying these bills out of the right fund, and several other Councilmembers agreed.

Motion by Aanonsen / Julik Heine to approve Resolution 21-11-03 transferring funds from the Fire Pension Fund to the Capital Equipment Fund for payment to Anderson & Koch Ford for the new Fire Department rescue truck, in the amount of \$42,521.76. Motion carried unanimously.

LIAISON OR COUNCIL MEMBER REPORTS

Council Member Mary Murphy (Parks & Recreation Commission liaison)

- said that the PRC met. She hasn't had a chance to meet with Public Works Maintenance Worker Paul Stenger.

Council Member Larry Julik-Heine (Heritage Preservation Commission liaison)

- said that he was finishing up two projects on the PRC. They finished hand seeding at Heritage Park, and next spring there would be another burn. He also thanked Paster Kevin Schumann for his work with him on the Peony Garden. He mentioned that the HPC have had extra printed Angel Hill Guidelines books for purchase at the cost of printing. Clerk-Treasurer Nealley said that the cost was \$18.50 each.

Council Member Troy Aanonsen ((Economic Development Commission liaison))

- said that the EDC was working on signage.

Council Member Ross Rivard ((Planning Commission liaison))

- said that the PC didn't have much to do, but mentioned the new hotel that would be built on the MNDot lot.

- Fire Chief Vodenka-Reed said that the new airpacks are going into service on Wednesday. The old ones - the bottles are destroyed and the packs are donated. The med truck is at the outfitters and will be ready at the end of the year. Councilmember Murphy asked if there were pictures and the Chief said yes, a few.

ADJOURNMENT

Motion by Julik-Heine / Aanonsen to adjourn the meeting of the Taylors Falls City Council held this Monday, November 8, 2021. Motion carried unanimously.

Being no further business to come before the Council, the meeting adjourned at 7:43 pm.

Ross Rivard, Vice Mayor

Elizabeth Nealley, Clerk-Treasurer

APPROVED

Monday, December 13, 2021

AMENDED

Monday, January 10, 2022

To correct New Business Item #3 - The amount should say \$300.00 instead of \$500.00