

**City of Columbus**  
**Regular City Council Meeting**  
**February 12, 2014**

The February 12, 2014 meeting of the City of Columbus City Council was called to order at 7:01 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Denny Peterson, Jeff Duraine, Bill Krebs & Jessie Messina. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Jr., Engineer Larry Bohrer and Deputy City Clerk Emmy Robinson.

Absent: None

Also in attendance were: Fran Peterson, Britt Fienston, Jeff Joyer, Myron Organ, Perry Wagamon, Frank Wagamon, Robert Immerman, David Waldoch, Tom Waldoch, Mark Daly, Rick Robinson, Mickey Betz, Gordy Johnson, Connie Johnson, Jody Krebs, Steve Wagamon, Sue Wagamon, Joan Schliesing, , Rod Flor, Todd Voelker, Sue Voelker, Reinetta Labernik, Deb Norman, Brian Norman, Kris King, Paul Peskar, Rose Latawicz, Christine Dumke, Barbara Hvass, Roger Nase, Ceil Neihart, Chet Latawicz, Kevin Dunaway, Sam Klocksein, Sue Copeland, Angela Roemhild, Bety Reid, Tom Vacha, John Mastel, Jesse Preiner, Garth Sternberg, Insurance Auto Solutions representatives Mark Kiperston, Micheal Madden, Rusty Wilson, Todd (illegible), Andi Moffett, Becky Hayden and Paul Ringell Forest Lake Times.

**A. CITY COUNCIL REGULAR MEETING**

1. Call To Order - Regular Meeting - 7:00 P.M.
2. Pledge of Allegiance

Mayor Dave Povolny thanked everyone for coming tonight

**B. CONSENT AGENDA**

3. Motion - Approval City Council Meeting Minutes on 01/22/2014
4. Motion - Agenda Approval with Additions
5. Motion - Pay Bills as Posted
6. Motion - State of Minnesota Disability Grant Contract (Pages 1-5)
7. Motion - Res 14-01 Columbus Elementary PTO Excluded Bingo Request (Pages 6-8)

**Motion by Krebs to approve the consent agenda including ADM 03300 State of Minnesota Disability Grant Contract and PER 01900 ADM 05000 Resolution 14-01 Authorizing the Columbus Parent Teacher Organization (CPTO) to conduct Excluded Bingo at the Premise Located at 17345 Notre Dame Street on May 2, 2014 and November 14, 2014. Second by Peterson. Motion carried.**

**C. PRESENTATIONS**

**8. PLANNING COMMISSION REPORT**

The Planning Commission members were in attendance tonight Garth Sternberg presented for the Planning Commission.

Discussion/Motion — IAAI Comprehensive Plan Amendment (CPA) (PC-13-111) / Rezoning Amendment (PC-13-112)/ CUP Request (PC-13-113)

(Pages 9-55 & Please bring Handouts Parts 1 & 2 from previous packet)

At the January 22<sup>nd</sup> 2014 meeting the applicant requested a continuance of the discussion by the council to tonight's meeting.

A public hearing was held for the Comprehensive Plan, Rezoning and CUP request by the Planning Commission on October 16<sup>th</sup>, 2013. The hearing was reopened at the December 18<sup>th</sup>, 2013 Planning Commission meeting at which time the Planning Commission made their recommendations.

Garth Sternberg presented for the Planning Commission and said the Planning Commission voted unanimously to approve the IAAI application. The Attorney added that the applicant submitted a letter requesting the re-zoning be reduced from 40 acres to 33.14 acres to provide a buffer (6.86 acres) between the proposed development and the residences along Zodiac Street.

Planning Commissioner Sternberg said one of the issues was screening/buffering from the residential area.

IAAI representatives were in attendance tonight. Mr. Michael Madden President of Real Estate and Development for IAAI presented. Mr. Madden reiterated that a buffer zone along the western portion of the property that abuts Zodiac Street was submitted; in addition they offered other options for buffering/screening.

Mr. Madden reviewed the application details at this time. Options for the buffer zone were reviewed. The company would not use Pine Street or Zodiac Street unless the Fire Dept made a determination for an access. The property will be paved. There is no parting or dismantling of vehicles on the site. The Volvo loaders would not have the typical backup alarms; instead it would be a “white noise” sound.

Any other vehicles used would also have the white noise devices, which are OSHA compliant. The storm water plan has met the RCWD requirements. City of Columbus would be additionally insured. There will be no artificial lighting other than what is required by City of Columbus code. IAAI would make an annual \$50,000 contribution to the City of Columbus toward police fund for the next 20 years. If needed off duty police officers would be hired.

Mayor Dave Povolny said he visited the facility and he had several questions.

**Is there security/police at the regular auction days?**

Mr. Madden said the St. Paul site is a legacy site and there is no way to prevent buyers from entering the inventory area at this location. Mr. Madden would not object to adding police coverage to the conditions.

**Will there be turn lanes on Lake Drive?**

A diagram of the business layout was displayed at this time and Mr. Madden reviewed the layout. It was explained that IAAI will install a right turn lane (southbound) and northbound there will be a bypass lane.

**Where will the larger haulers arrive at the site where will they park, the concern is congestion on Lake Drive.**

Mr. Madden said the trucks can enter the site and turn around on their property, they would not object to that being a condition of the IUP.

**If haulers arrive in the middle of the night, where do they park, they sit in the Kmart parking lot now in St. Paul**

They will park in the pull out park area. Mr. Madden said they cannot control where they park, but if they are by IAAI they will have directions to the pull out and park area.

A diagram of the area was displayed at this time.

**Mayor Dave Povolny said he saw some spillage from the cars as they were tipped (at the St. Paul facility), is there asphalt in that area?**

There would be recycled asphalt in that area. The yard staff is trained to clean spills with spill kits, licensed vendors remove the product. Mr. Madden said all the facilities are covered by insurance for spills.

**At the St. Paul facility it appeared that snow is packed not plowed, how would the removal of spills be handled on top of packed snow?**

Mr. Madden said the spill would be handled the same way.

**What type of snow removal would be used here?**

Mr. Madden said snow would be pushed out of the way of the drive aisles and where they park the cars.

**Where do the car sales take place?**

The fixed sale has an auction bus and they drive from car to car, this would be immediately to the west of the building. The run and drive occurs inside the building. There would not be an auction along the west side of the property. Fencing will be installed to contain buyers within the selling area.

**Where exactly will the berm be located in the buffer zone?**

Mr. Madden said the berms would parallel Zodiac from north to south and would go about 226 feet toward the east. The fence or berm would be within the 225 feet buffer zone. The swales will remain in place.

**Where does the legal description go to the middle of Zodiac Street?**

It was clarified that the legal description goes to the center of Zodiac Street.

Mayor Dave Povolny asked for input from the public at this time:

**Steve Wagamon 1313530 Zodiac Street for Perry Wagamon 13640 Zodiac**

Mr. Wagamon read a letter from his father regarding his concerns about the project. Following is the letter.

Perry Wagamon letter:

Everyone here knows how I feel about this project. I have nothing against the company in question except that it does not belong in a residential or even in a commercial area.

No matter how you dress up your description, used car sales, salvage auction, ect. to be more palatable to the residents and possibly fit within the comprehensive plan, sadly especially in a case like this perception is reality. If you were to ask 100 people what 40 acres of junk cars is, nearly all would say a JUNK YARD.

This is not a small neighborhood issue. It will change future development and the identity of Columbus forever. Property values and quality of life of our residents will change forever. Google will send your prospective buyer right down Lake Drive past what they perceive as a junk yard, along with whatever else develops around it. WILL THEY EVEN STOP AT YOUR HOUSE ???

Now I believe you people that are voting tonight were elected to represent and help our residents, not to develop our city to your standards for whatever reason!

We have continually been told by city management, "we need the money." THINK ABOUT IT this project is like an egg producer selling His chickens to pay the rent.

Here are some things that I don't think are right.

#1 This project was pretty much kept from the residents for well over a year and then the close neighbors were given a 10 day notice that there would be a public hearing.

#2 The hearing was a sham, in my opinion, designed mostly to fulfill the legal obligation. We were given very little information and we were allowed very little input.

#3 Some council members had their minds made up and would listen to no one. They even stated that they didn't care what the public thought, that they didn't want to be re-elected anyway. Good representation??

#4 Our petition; ignored! One council member said that half of the people weren't even from Columbus. We went door to door in our little neighborhood, hardly anyone had even heard about the project, no one was for it, and everyone signed the petition. We had well over 100 signatures and without a doubt we could have had a 1000 if we had known we had the time.

I could go on and on about what is wrong with this but in conclusion I need to say that there are also some good councilmen up here that didn't have their mind made up.

They spent much time researching, listening to us and telling us when they agreed and disagreed. They really tried to collect information to make a decision that is right for the city and the residents. I appreciate you guys. Now I want to ask You to please vote this down and instead of shutting out the residents, let's get them involved and develop a city we can be proud of.

Sincerely!

Perry Wagamon

**Mickey Betz, 7013 135th**

Ms Betz said she is very disappointed in the council and she thought the council was here for the residents not just commercial businesses.

**Brian Norman 6428 141<sup>st</sup> Ave**

At the last meeting he asked what type of auctions there would be, he questioned why IAAI thinks they need to spend additional money for police services. Mr. Norman said he takes offense to Mayor Dave Povolny apologizing for IAAI's work with RCWD. Mr. Norman asked the council to vote their conscience.

**Frank Wagamon 6559 Pine Street**

Mr. Wagamon said in the absence of the auto auction Columbus doesn't need the \$50,000. Mr. Wagamon said he vehemently opposes the use and he read a letter explaining his concerns and state statutes that he thought applied to the business. Following is the letter.

Honorable Mayor Povolny, ....Members of the City Council..... First off I want to thank you all for reviewing all our input over the past few months. I think you know where I stand by now, but to simplify and summarize briefly I would like to further reinforce the fact that I vehemently oppose the classification of "Used Auto Sales" to accommodate the "conditional use" on this project and to avoid application to the Anoka County Environmental Services. It couldn't be further from reality. You need not go any further than to respect the MN Statutes which specifically spell out the definition of a Used Auto and the difference between that and a Salvage or Junk Dealer. The reason this is important is that a "Salvage Operation" has a certain stigma in the eyes of a potential buyer of residential real estate as further reinforced by General Appraiser Schwartz in her letter and brings with it numerous negatives that do not follow a legitimate "Used Car Lot". For one thing, a legitimate Used Car Lot doesn't need 60 acres and could very easily work with the existing frontage. They typically dress up their store front to attract buyers. Also they're not dragging their products in with a parade of tow trucks all over the highway from morning to night on a daily basis nor do they have broken out windows and damaged vehicles attracting every predatory animal in the area such as rats and mosquitos to name a couple of the worst. That is precisely why all other cities I have spoken with categorize them as **Motor Vehicle Salvage** and are a **Conditional Use** in the **Heavv Industrial Districts of I-2 Or 2A**. Bring me a legitimate Used Car Lot and you 161.242 JUNK YARD ACT.

Subd. 2.Definitions.

(c) "Dealer" means any person, partnership, or corporation engaged in the operation of a junk yard.

(f) "**Junk**" means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, rubber debris, waste, **or junked, dismantled, or wrecked automobiles** or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

I just wanted to make one comment on the rezoning.....

**From League of Minnesota Cities Zoning Guide - Page 27**

An application for a rezoning is a request for an amendment to the zoning ordinance. When reviewing applications for re-zoning, **the court has ruled** that the city continues to act in a legislative capacity, even though the re-zoning application may only relate to one specific parcel owned by one individual. **The existing zoning ordinance is presumed to be constitutional, and an applicant is only entitled to a change if they can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare.**

**• Rezoning may be requested but the applicant is only entitled to a change if the current zoning is unsupported by any rational basis as noted above and the current zoning is supported by the comprehensive plan and has not been demonstrated as irrational to the public health, safety and welfare. The applicant does not meet the standard of review for re-zoning and is not entitled to a change.**

In closing I would just like to say I've never been through a more mind boggling phantasmagoria of events than my experience with Planning and Zoning and this applicants ability to misinform and jerk this city and its community around at will. In three consecutive meetings, non of our concerns were addressed or discussed amongst the planning commission. It's simply amazing how they came to a unanimous decision with no discussion. In no other city would this applicant get past the City Administrator passing themselves off as a "Used Auto Dealer" and expect someone to rezone Rural Residential to Commercial Industrial, say nothing about allowing active local used auto dealers to sit on the council and vote on this. No wonder we need money!! I know this probably doesn't apply to each and every one so I do want to thank those who may have put extra time and effort in this matter.

Respectfully submitted,

Frank E. Wagmon  
6559 Pine Street  
Columbus, MN 55014  
651-464-5795

**Sue Volker, 13434 Lake Drive**

Mrs. Volker and Mr. Todd Volker's property abuts the IAAI property. Mrs. Volker asked what the south side of the property will look (landscaping). Mrs. Volker asked about adding 3 to 5 foot pine trees along the south side

Andy, Engineer for IAAI reviewed a diagram of the property. There were a few landscape options presented to the Planning Commission. A view of the berm, wall and chain link fence was shown at this time. There would be a chain link fence with Christmas tree screening material along the south side and inside the chain link fence is a security fence.

**Gordon Johnson 6770 141<sup>st</sup> Avenue**

Mr. Johnson asked several questions and said he is not looking forward to the noise, and he asked the council to vote no on this project.

What are the proposed hours? Proposed inventory?

8 – 5:30 Monday – Friday. Approximately 5,000 vehicles.

What are the hours of drop off?

During business hours.

How many times does the inventory turnover?

Every couple months

How often is the auction itself held?

Once a week on Wednesday at 9:00 a.m.

**Robert Immerman, 13434 Zodiac St.**

Mr. Immerman said he lives directly behind the junk yard. Mr. Immerman asked about all the other people that would be coming to the facility, and questioned the traffic on Lake Drive especially on Friday evening. Mr. Immerman said he thought the business will bring in crime and he said he will be calling every time something comes down their street.

Mayor Dave Povolny explained that Lake Drive is designed to handle a lot of traffic and the business would be winding down on Friday.

**Roger Nase 6636 141<sup>st</sup> Ave**

Mr. Nase asked for clarification on the fencing as he thought what was shown tonight was different than was shown previously. (Inside electric fence). Mr. Nase said he thought this business belongs closer to the freeway and not in an area that has to be rezoned. There are a lot of tow trucks coming and going.

The electric fence is 8 feet tall and would be at the same height as the outside fence. The understanding is trees on the south side would not be removed as they are located on the adjacent property owner's land.

**Mickey Betz, 7013 135<sup>th</sup> Ave**

What kind of fencing will go along Lake Drive?

The same type of fencing as the rest of the property will be along Lake Drive.

**Discussion**

Council Member Duraine asked if other sites along the Freeway were considered for this business.

Mr. Madden said they looked at a property in the "triangle" area, (convergence of I35W and I35E) but most of that land was jurisdictional wetlands and unbuildable.

Council Member Duraine said he spoke with East Dundee City Administrator Skurla and Mayor of Barrington Hills (Marty McLaughlin) a bordering City that is similar to Columbus with 5 acre lots and wells and septic. Council Member Duraine said he thought the southeast area of Columbus, which has large tracts of farmland, may be a better fit in that area. He attended all the Planning Commission meetings, visited the site 4 times, and made several visits to Copart in Ham Lake which is competition to IAAI. Contacted the Mayor from Ham Lake who said they liked Copart, he also talked to the pollution control from the state, county and city of St. Paul. St. Paul said there wasn't a base line to compare to. East Dundee IAAI was approved after a legal delay. Council Member Duraine said the other sites are smaller than what this site will be. (Mr. Madden said the net acres are less because of setbacks, storm water ponds, swales, etc. and the donation of 6.7 acres for additional green space the net usable acreage is 40 acres, but they would buy 59 acres.) Council Member Duraine said he also looked at sites through satellite imagery, street view, talked to a lot of residents, past council members, and after all the statistic gathering there was no clear direction that evolved, so he needs to rely on his beliefs and vision for the City of Columbus. This doesn't seem to be the right vision for the city and Council Member Duraine told Mr. Madden that he will have a hard time voting in favor of the application. Council Member Duraine said he thinks the company is a great company and he thanked Mr. Madden for considering Columbus.

Council Member Krebs said he's been involved since the start, sat at the Wagamon's table with Planning Commission members, have had sad slandering remarks made about him and other council members, he is concerned for all residents and has no vested interest in the business except the hope to get tax revenue in the community which is needed. The berm will help. Council Member Krebs re-iterated that he has listened to residents for and against.

Council Member Messina said he has struggled with the decision, today he visited auto auctions in Phoenix (Arizona) and took pictures, the area there is made for this type of business, it is very heavy industrial, there were three concrete plants, six to eight miles of scrap and junk yards. Council Member Messina said the other IAAI facilities are smaller than proposed here, and this site would be one of the largest in the country. Mr. Madden said it's important to look at net acres not gross acres and said this would not be one of the biggest in the country. Council Member Messina said that with this site IAAI has the potential for growth with other insurance companies and as all good businesses want to grow, but that is something of concern to him for this property. Council Member Messina said he spoke with an international environmental assessments and mediation company that does site cleanup and they said the typical issues are traffic, property values and environmental and this is what the council has heard.

Council Member Peterson had no comments.

Mayor Dave Povolny asked for clarification on the state statute Mr. Wagamon 168.27 sub1.

The Attorney said the guide is what the council approves as the use, if the council approves an auto auction use and conditions of approval essentially wrap around that use, this is a conditional use permit it is not allowed as a matter of right then that use is what is allowed. The definition under State Statute of what applies to salvage yard, salvage title, selling new cars, they will have to comply with. If the council approves it then it needs to be done with conditions attached to the application. They will have to comply with any other state statues just as any business in the state. The council should focus on the comprehensive plan for zoning for conditions of approval.

Mayor Dave Povolny wanted clarification on allowing junk vehicles, does "wrecked automobiles" open the way for a true junk yard.

The Attorney said the question is what is allowed under the code today, this CUP requires a rezoning but it does not require a text amendment. The City allows this use as a conditional use within that zone if that zone is expanded. If there is a concern of a creeping direction then the council can look closely at the text to address that, which is a separate decision than the one that is before the council tonight.

Doesn't the state definition trump the cities?

There are regulatory regimes either local or state that are about licensing a use. The council is approving a land use, which is a separate question and the state defers to the council. The Attorney explained that whether this is approved or denied the state says with a rational basis for this decision either way, this is a local decision.

Mayor Dave Povolny said this is not easy, the council put a lot of time into this, there is a vision for the city that is written in the comprehensive plan and the council can't anticipate what will come to the city. This is an excellent company with an excellent track record. This is a piece of land that has been vacant for a long time, the problem exists of buffering residential from commercial, and the code may be deficient in this area. Mayor Dave Povolny asked for more comments and a motion at this time.

The Mayor clarified the order of action, a comprehensive Plan amendment needs to be acted on first, then a zoning amendment and finally the CUP request. The Attorney said the comp plan and rezoning require 4 votes and the CUP requires 3.

Comprehensive Plan Amendment (PC-13-111) for 33-32-22-32-0001 (39.68 acres)

The Planning Commission made a motion to forward to the City Council a recommendation for approval of an amendment to the Comprehensive Plan (CPA 2013) identifying the re-designation of the proposed Property from Rural Residential to Commercial/Industrial.

**Motion PLZ 00300 by Peterson to approve the Comprehensive Plan Amendment request of Insurance Auto Auctions, Inc. Westchester, Illinois for the property 33-32-22-32-0001 (39.68 acres) based upon the applicant's amendment of February 12, 2014 for the acreage listed in the letter retaining 6.86 acres in residential. Second by Krebs. Votes as follows: Peterson - aye; Messina - nay; Duraine - nay; Krebs - nay; Povolny - nay. Motion Fails.**

Further discussion:

The process is the comp plan amendment would be reviewed by the Metropolitan Council; it is a minor amendment meaning it is a more streamlined review process. Anything that happens in regard to the other approvals is conditional upon completion of that process.

The planner clarified that the motion should include the amendment for the size of the parcel, the motion maker and seconder agreed to amend the motion to include this. Mayor Dave Povolny asked the Engineer how this would affect their storm water runoff. The Engineer explained that with the larger grass strip it may reduce the requirement; however it does not seem that IAAI is proposing to change the plan.

Council Member Krebs asked if this was to pass the residents would have the choice of screening? Mayor Dave Povolny said input could be taken on that. The Attorney said the council cannot delegate the decision making to the residents but can take their input to get a consensus of fence vs. berm.

The vote was taken at this time.

The Attorney advised the council that even though the comprehensive plan was denied, there are pending applications and the council should vote on each and under the 60 day rule if action is not taken the council could be left with a decision that was not intended; the rezoning motion action would be to deny.

Rezoning Amendment (PC-13-112) for 33-32-22-32-0001 (39.68 acres)

The Planning Commission made a motion to forward to the City Council a recommendation for approval of an amendment to the Zoning Ordinance to rezone the 40-acre Property parcel from Rural Residential to Commercial/Industrial.

**Motion PLZ 02500 by Messina to deny the rezoning amendment (PC13-112) by Insurance Auto Auctions, Inc. for the property 33-32-22-32-0001 (39.68 acres). Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - nay; Povolny - aye. Motion Carries.**

The Attorney said that as part of the 60 day rule the council needs to state their reasons for denial and this would be provided to the applicant. The Attorney will prepare a written findings document and send that to the applicant as required by statute.

Reasons for denial:

- Environmental concerns.
- Traffic volume in the community or surrounding the business.
- Hours of operation.
- Police presence needed.
- Inconsistency between land uses.

The direction from the council was for the Attorney to draft a findings document based on the reasons for denial listed above and the comments by the council earlier tonight.

CUP Application (PC-13-113) for 13834 Lake Drive 33-32-22-31-0005 (18.88 acres) and 33-32-22-32-0001 (39.68 acres)

The Planning Commission made a motion to forward to the City Council the application of Insurance Auto Auctions, Incorporated (IAAI) for a Conditional Use Permit with recommendation for approval based on the findings of fact and recommendations from the Planner's memo dated December 31, 2013.

**Motion PLZ 00400 by Messina to deny the Conditional Use Permit application (PC13-113) by Insurance Auto Auctions, Inc., Westchester, Illinois for the property located at 13834 Lake Drive 33-32-22-31-0005 (18.88 acres) and 33-32-22-32-0001 (39.68 acres). Second by Duraine. Votes as follows: Peterson - nay; Messina - aye; Duraine - aye; Krebs - nay; Povolny - aye. Motion Carries.**

There was applause by the audience at this time. Mayor Dave Povolny thanked IAAI for attending this evening. A short delay of the meeting took place while audience members left the chambers.

Planning Commission Recommendation for PC Chairperson

The Planning Commission nominated Barbara Hvass as the Planning Commission Chairperson and Garth Sternberg was elected as Vice Chairperson. The action is approval of the nomination by the council. Mayor Dave Povolny said he would like to see the position rotate more.

**Motion ADM 01100 by Council Member Messina to deny the Planning Commission's selection. Second by Krebs. Votes as follows: Peterson - nay; Messina - aye; Duraine - nay; Krebs - aye; Povolny - aye. Motion Carries.**

Mayor Dave Povolny stated that this is no reflection on Barbara Hvass's work.

### Planning Commission Goals

The Planning Commission set 3 goals for 2014 at their last meeting. Planning Commissioner Sternberg said the Planning Commission wants to work on getting more housing developments in Columbus to attract more business. Following are the goals the Planning Commission discussed.

**1) Decrease Tax Rates for Property Owners in Columbus**

(Where and how should Columbus grow?)

**A. Increase housing developments:**

Consideration of Residential Planned Unit Development (PUD – cluster housing) or lot averaging concept for residential areas. Should residential density be changed in certain areas?

**2) Increase Potential Land Sales in Commercial Corridors**

Provide higher density housing alternatives in the I-35 Corridor.

**3) How can we step outside the box and take different approaches to encourage development?**

Transitional land use IUP in the residential areas immediately abutting commercial district

There was discussion at this time regarding deliverables to the council from the Planning Commission. It was noted that the only deliverables today include the Planning Commission's recommendation, the Planners memo, Engineer's memo, the Planning Commission minutes. In addition to these the council requests more investigative work by the Planning Commission.

Mayor Dave Povolny said the council would like more information from the Planning Commission similar to the checklist the Planning Commission uses to process variance applications.

Some of the questions the Planning Commission should address included:

- Basic checklist to follow while processing an application.
- What do surrounding communities do? One of the Planning Commissioners obtains this information.
- What are the social impacts on personal property rights - are we infringing on others, their privacy.
- Have a check list of things to do/ask to process applications.
- The Planning Commission is the fact finding group, the council should not have to fact find.
- The Planning Commission is required to follow state statute (the variance checklist is a guide to what is in statute).
- See what other cities do, find similarities to other areas.

The Attorney explained that the Planning Commission in lieu of a planning department is one of the body's required by state statute. Typically deliverable to the council in other cities includes a detailed staff report that lists the findings and conditions. In addition, Columbus' minutes serve the function of detail of the Planning Commission's discussions.

Mayor Dave Povolny said minutes don't provide information if the right questions weren't asked and drilling through the minutes is very time consuming.

The Attorney said that a solution may be staff works with the Planning Commission to present information in a different format. It is up to the council to direct what information is desired.

The Attorney said what is typically seen in larger cities are the applicants packet, the Planning Commission recommendation usually in the form of minutes and the Planner/Engineer memo.

Mayor Dave Povolny stated that the council put in a lot of time researching on their own (IAAI application) and came to a different conclusion than the Planning Commission came to which is not what is desired.

The direction was for staff and the Planning Commission to work towards a check list of questions the Planning Commission should use to process applications.

## **9. Public Open Forum**

### **Rod Flor, 1913 129<sup>th</sup> Lane, Blaine**

Mr. Flor is here to ask about his mother's property and the requirement to connect to the City sewer system. He wants to sell the property and is concerned that if the system fails it will cost them a lot of money to connect because the hook up is 750 foot to the municipal system.

The Attorney said a compliance check is not waivable and relief given is only to the current owner not future. The Attorney offered the following options to Mr. Flor:

- The property could be sold for commercial with sewer connection,
- Sell the property for development with sewer connection
- Hold the property until market conditions improve.

Any future owner is required to connect to the municipal sewer system. However if the septic system is failing and it's not cost effective for the Flors to connect to city sewer staff will work with the the Flor's, not a new owner. The recommendation is to get the system tested.

## **10. Direction - Tree Advisory Board Recommendation (See Tree Advisory Board Minutes)**

Tree Board member Kevin Dunaway and Forester Sam Klocksein presented tonight for the Tree Board. Mr. Dunaway said with the budget cuts there is no funding for a Forester and therefore no tree program. Mr. Klocksein said there were different directions presented to the Tree Board at their last 2 meetings. At the initial meeting to discuss the budget cuts the understanding was the Tree Board should work on a proposal to bring back to the council. A second meeting was held and the message was there wouldn't be any money for 2014 other than the \$1500 for Arbor Day. The Tree Board is here tonight for clarification. To maintain the Tree City USA status the Tree Board felt approximately \$8,000 budget for 2014 would

suffice to provide community outreach and hold the Arbor Day event. Forester Klocksein said his experience is that residents would pay for vibratory plowing. The City Administrator explained that the program in the past was not paid by the city; there was a rebate program.

Council Member Krebs asked what the benefit is in being a Tree City USA city. Forester Klocksein said the city gets recognition, trees increase property values, and green space is important in the city. Council Member Messina added that there is potential for grant money by being a Tree City USA city.

The Attorney outlined the responsibilities of the Tree Board at this time.

**Motion ADM 01100 by Krebs to accept the Tree Boards recommendation that they suspend their activities for 2014. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

Council Member Messina said he hopes the Tree Board members will come together next fall they were a dedicated group and did very good work.

#### **11. Motion - Park Advisory Board Appointment (Pages 56-58)**

Andrew Fraley submitted an application for the Park Board. The action is appointment of Mr. Fraley to the Park Board.

**Motion ADM 01100 by Povolny to appoint Andrew Fraley to the Park Board. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

### **D. STAFF & CONSULTANT REPORTS**

#### **12 ENGINEER REPORT**

##### DIRECTION – FEMA LETTER (HANDOUT)

A letter dated February 7, 2014 regarding the opportunity to appeal the revised Preliminary copies of the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report was included in the agenda packet. A statutory 90-day period for appeals (comments) and copies of the FIRM are available for review at FEMA's website at [www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe) or by calling 1-877-336-2627. A notice will be published in the Anoka County Union this Friday and next Friday. The public can review the flood plain maps. There is no action required of the council tonight. The Engineer will assemble the comments collected to FEMA which will be brought to the council for review.

Direction to staff was to advertise this by putting the notice on the website and in the paper.

##### White Bear Lake

The City received a second subpoena from the Lake Level Restoration Association, the request was to provide the city's water supply plan furnished to the DNR. The Engineer explained that this requirement is for cities of certain size; Columbus is below the statutory threshold for this requirement.

### North and East Metro Groundwater Management

A meeting of the North and East Metro Groundwater Management is scheduled for this Friday, the Engineer will attend. The meeting will be held at the DNR main headquarters in St. Paul. It is a technical group meeting.

### Studies

The Engineer explained that there are several feasibility studies under way by the Metropolitan Council.

1. A Small study for a possible joint water system for the northerly communities (the 6 cities coalition cities)
2. The use of surface water for the northern communities.
3. Augmenting the water level of White Bear Lake with water from the Mississippi River.

### Bridge update

There is a possible new development regarding the interchange study. MnDot invited the city and county to a meeting and said there is planned maintenance on I35 which includes replacing the bridge decks on the TH97 Bridge and the fly over bridge from I35W to I35 north. They became aware of the fact that the city was looking at replacement of the TH97 bridge and there was discussion regarding holding the money for replacement instead of re-decking.

## **13. ATTORNEY REPORT**

No further report.

## **14. MAYOR & CITY COUNCIL MEMBER'S REPORT**

### **Council Member Peterson**

Council Member Peterson attended the Public Works committee meeting last night. Gravel and paving were discussed. The Board wanted to know if flyers could be sent out to people on gravel roads to see if there is any interest in road paving projects. The City Administrator reviewed the process and reminded the council that this is an assessed improvement and will increase those residents' taxes.

### One time flyer

After discussion regarding how to communicate with residents on gravel roads it was decided that a onetime flyer/post card mailer would be send out to everyone in Columbus that would include the following information:

- Road paving,
- the FEMA notice discussed earlier tonight and
- How to sign up for broadcast email.

Staff will bring back 2 solutions and costs for the council to pick from.

### **Council Member Messina**

Council Member Messina said he had many calls on the IAAI vote from residents, businesses and council members. Council Member Messina said his vote was based on moral grounds, not so much on the money. Council Member Messina said he

thought of it (the business) as more of a quince instead of an apple. Council Member Messina said he wants business in the community, but he didn't think this was the correct location for this business.

### **Council Member Duraine**

No report.

### **Council Member Krebs**

Council Member Krebs said he thought they could make this (IAAI) work. Council Member Krebs said the city went through controversy when the horse track application was being processed and it was very vicious. The city needs to get something going and eventually that area will be developed. There are businesses that are very nice along Lake Drive and some that are not, the IAAI building would have looked good. Council Member Krebs said he hopes the city can work on Planned Unit Development (PUD/cluster housing) in the freeway district area. There has been research on this by the Planning Commission including talks with developers.

### 137<sup>th</sup> Avenue Culvert

Council Member Krebs questioned the installation of a culvert at 137<sup>th</sup> Avenue. The culvert was installed too high and holds water. The Engineer will investigate.

### **Mayor Dave Povolny**

Mayor Dave Povolny said the council acts as a body; the people have to understand that this is a tough job. The Council is taking information and wants to get information from the public they can act on, not just unsubstantiated views and personal accusations. Mayor Dave Povolny applauds that the council came up with a decision and it's unfortunate that the council can't get a better vision. Things like the buffer between commercial and residential needs to be addressed, this will be a problem for future councils also, the people who own the land want development but the residents around this property want it to stay a field. Something is going to go on this property some day.

### Business Retention and Expansion Program

Mayor Dave Povolny attended the BR&E final meeting. The report will be presented at ColumBiz. Direction was given to staff to email out the BR&E report to all the council members.

### Youth Service Bureau

The YSB is looking for associate applicants; Columbus will not have representation at this time.

## **15. Deputy Clerk Report**

No report.

## 16. City Administrator's Report

### Treasurer's Report

Receipts: \$131,135.33

Disbursements: \$91,026.42

Balance: \$1,975,884.01

### Volunteer Recognition (Set Date – April 9, 2014)

Nationally April is the month to recognize volunteers. A sample of a pin was distributed that would be given to the Volunteers. The recommendation was the pin should have “city volunteer” and the city logo. Consensus was to hold the volunteer recognition at the April 9<sup>th</sup> meeting.

### Senior Center

A letter was sent to the board regarding meeting with the city to discuss their status and transition. In response their president called and told the City Administrator to contact their Attorney. The City Administrator reviewed the process to the council regarding the transition team which met three times last spring, the options were the Senior Center could operate independently or become a city department. The City Council funded the Senior Center for 2014 through April 24, 2014 as stated by previous motion.

The direction was to send a letter to the Attorney re-iterating the decision of the council and state the results if no action is taken by the Senior Board. The intent of the council is to rent the building to the Senior Center. Council Member Peterson asked if he could work on this and he will bring information back to the next council meeting. The council agreed.

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- ▶ Calendar of Meeting (Page 59)

## F. ADJOURNMENT

*Motion* by Krebs to adjourn. Second by Messina

Meeting adjourned at 10:32 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk