

**City of Columbus
Regular City Council Meeting
February 26, 2014**

The February 26, 2014 meeting of the City of Columbus City Council was called to order at 7:09 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Denny Peterson, & Bill Krebs. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Jr., Engineer Larry Bohrer and Deputy City Clerk Emmy Robinson.

Absent: Council Member Messina, Council Member Duraine

Also in attendance were: Rick Robinson, Mark Daly, Dan Mike, Aaron Bedessem, Carol Mike, Duane Guckeen, David Liska, Tom Mike, Ceil Neihart, Kris King, Diane Lincoln, Leslie Lincoln, Jody Krebs, Steve Ulrich, Chad Maassen, Pete Neihart, Joan Schliesing, North Metro Harness Initiative representative Jennifer Reinke, Columbus Senior Center Representatives Joyce Guttsen, Mary Ann Hoyt, Linda Anderson, and Paul Rignell Forest Lake Times.

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

1. Motion - Approval City Council Meeting Minutes on 02/12/2014
2. Motion - Agenda Approval with Additions
3. Motion - Pay Bills as Posted

Motion by Krebs to approve the consent agenda. Second by Peterson. Motion Carried.

C. PRESENTATIONS

6. ANOKA COUNTY SHERIFF'S DEPARTMENT (BRYON FUERST) (PAGES 1-2)

Sheriff James Stuart, Lieutenant Bryon Fuerst (liaison to city) and Tony Nelson, Deputy for Columbus were in attendance tonight. The purpose of the visit is to provide an update to the City on the Sheriff Offices' activities and introduction to the Deputies for Columbus.

The Sheriff's Office is very involved in community charitable activities. The Forensics Lab is in the process of International Accreditation. Sheriff Stuart said that Anoka County faces problems with Human Trafficking and Heroin abuse. These are growing problems not only in the Twin Cities but also in Anoka County. Some of the heroin use begins with abuse of prescription narcotic drugs in the home; Anoka County has 6 locations participating in the prescription drug take back program. Information regarding the Public Safety Data System in Anoka County was included in the agenda packet the physical hardware installation is underway, dispatch is expected by late fall this year. Data from the new software for tracking calls is expected over the next couple years.

Bryon Fuerst is the City's liaison. Sheriff Stuart gave biography on Lt. Fuerst at this time. Lt. Fuerst introduced Deputy Tony Nelson who is the relief deputy for Columbus, Cory Ekum is the primary Deputy, but was unable to attend the meeting tonight.

Sheriff Stuart asked if the Council had any special requests for the Deputies and added that he is available along with Lt. Fuerst.

Council Member Krebs asked that the deputies patrol the local roads to show a presence in the community.

7. PUBLIC HEARING — RUNNING ACES LIQUOR LICENSE RENEWAL (PAGES 3-11)

A public hearing was held at this time to receive testimony for the application by North Metro Harness Initiative for an On Sale Intoxicating, Sunday, and Optional 2 a.m. liquor licenses. Separate minutes are prepared.

Discussion and motion were made during the public hearing.

8. MOTION - RUNNING ACES 5K ROAD CLOSURE REQUEST (PAGES 12-15)

Aaron Bedessem from Running Aces Harness Park explained the event and the request. North Metro Harness Initiative applied for a Special Event license for a 5K Foam Fest planned for August 9th, 2014 from 9am – 2 pm with the event concluding at 4:00 p.m. Signage barricades and trained traffic control volunteers will manage parking and the road closure for the entire duration of the 5K. Specifics of the event were included in an Event Notice dated February 7, 2014 from Stacey Jensen, Running Aces Harness Park. The request is approval to close Zurich Street. The City Administrator added that North Metro Harness Initiative has agreed to comply with conditions which will be added when the application is processed. (The exact conditions were not available tonight).

Motion PLZ 01200 by Peterson to approve closing 147th/Zurich Street for the 5K Event at Running Aces Harness Park on August 9th, 2014 from 8:00 a.m. to 4:00 p.m. as depicted on the map included in the agenda packet. Second by Krebs. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

Mr. Bedessem added that NMHI has another 5K Run planned for May 10th, 2014. This application has not been submitted to the city yet.

9. PLANNING COMMISSION REPORT

Pam Wolowski presented for the Planning Commission tonight. The Planning Commission discussed the revocation of the Conditional Use Permit and application for the IUP by Forest Lake Contracting (FLC). The Planning Commission changed the time period requested from 5 years to 3 years, and reduced the truckloads from 20 per hour to 10 per hour in addition to other changes. The Planning Commission made a motion to forward to the City Council the request of Forest Lake Contracting, Inc. to revoke the Conditional Use Permit originally issued to Leroy Haluptzok d.b.a. John's Black Dirt, in exchange for an Interim Use Permit issued to Forest Lake Contracting, Inc. with a recommendation for approval, based on the findings of fact and conditions in the City Planner's memo dated February 14, 2014 with revisions to conditions #2, #4, #7, #8, #10, #18, #19, #20, and #25 as noted in underlined bold below; and a financial surety amount to be determined in conditions #15 and #29.

A second motion was made recommending proceeding with the revocation of the Conditional Use Permit even if the IUP was not issued.

Mayor Dave Povolny acknowledged that the issue for the residents is the time frame for the IUP. Ms. Wolowski said the Planning Commission would like to see the site cleaned up within the three years they recommended as they agreed that this is not a compatible use for the area.

Motion - Forest Lake Contracting Continuance Letter Request (Page 16) Forest Lake Contracting IUP Request/CUP Revocation (Pages 17-61 & Enclosure)

A letter was received from Forest Lake Contracting dated February 21, 2014 requesting continuance of the Interim Use Permit Application and Conditional Use Permit Revocation to the March 12th, 2014 City Council meeting. The action is approval of the continuance.

Motion PLZ 01200 PLZ 00400 by Krebs to accept the letter requesting a continuance of the Forest Lake Contracting Interim Use Permit application and Conditional Use Permit Revocation to the March 12th, 2014 City Council meeting. Second by Peterson. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

Planning Commission Recommendation for PC Chairperson

At the February 19th Planning Commission meeting the Planning Commission nominated and elected Barbara Hvass as the chairperson for the Planning Commission for 2014. City Code requires approval of the election by the City Council. The action is approval of the nomination.

There was discussion regarding why the Planning Commission members strayed from the direction given by the council to rotate the position. Commissioner Wolowski indicated that the Planning Commission members didn't feel they were seasoned enough to make any changes. Mayor Dave Povolny stated that this will not be sent back to the Planning Commission.

No motion was made at this time for the Planning Commission's nomination.

Discussion/Motion - Chapter 3 Planning Commission Ordinance Amend. (Page 62)

Mayor Dave Povolny re-iterated that the council wanted rotation of the Chair position, the thought is that there are others that would perform well in the position.

The Attorney made a clarification to the ordinance language as follows:

An ordinance amending Section I Chapter 3, Article I Section 3-104 was included in the agenda packet. The sentence was changed as follows: (italics)

“SECTION 3-104. CHAIRPERSON. The Planning Commission shall select one of its members as chairperson for a term of one (1) year with approval of the City Council. ~~or alternative appointment as directed by the City Council.~~ If the City Council does not approve the selection made by the Planning Commission then the City Council shall appoint an alternate Chairperson for a one year term.

The chairperson shall preside at all meetings of the Commission, if present and shall perform all other duties and functions assigned by the Commission or by the City Council. The Commission will appoint from among its members a vice chairperson to act for the chairperson during temporary absence or disability.”

The Attorney clarified that the ordinance language can be revised to reflect the change suggested and brought back to the council for approval, in the meantime the prior Chair continues in that position.

Motion ADM 05000 ADM 01100 by Krebs to approve Ordinance 14-01 Amending the City of Columbus Chapter 3 – Planning Commission in the Columbus City Code with the changes recommended by the Attorney. Second by Povolny. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

Mayor Dave Povolny, Council Member Krebs and Council Member Peterson attended the Planning Commission meeting and agreed they were unhappy with the how the meeting was handled. There was a lack of structure and control of the meeting.

There was discussion regarding the process followed for the nomination process and if the need for nominations. It was noted that there is not a process written in the Planning Commission By-Laws.

Commissioner Wolowski asked if the Vice Chair position was ok with the Council. There was no change suggested to the Vice Chair selection.

The ordinance is not affective until it is published. The Planning Commission is not meeting next week. The City Administrator said this will be published in the paper next week (March 6th).

Mayor Dave Povolny said he would like to have the council decide who they think will do the best job as Chair.

Meeting Date change

Mayor Dave Povolny asked to move the date of the next council meeting of March 12th, 2014 to March 19th, 2014 due to scheduling conflicts and spring break.

Motion ADM 04700 by Krebs to change the Council meeting date from March 12th to March 19th. Second by Peterson. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

FLC continuation

The City Administrator explained that due to the previous motion, the continuation should be changed; the City Administrator was planning to send a 60 day extension letter.

Motion PLZ 01200 PLZ 00400 by Peterson to accept the letter requesting a continuance of the Forest Lake Contracting Interim Use Permit application and Conditional Use Permit

Revocation to the March 19th, 2014 City Council meeting. Second by Krebs. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

D. STAFF & CONSULTANT REPORTS

10. PUBLIC OPEN FORUM

Tom Mike 18429 Vassar Street

Mr. Mike asked why the council doesn't investigate using 189th at least part of the time for Forest Lake Contracting (FLC).

Mayor Dave Povolny said he attended the Wyoming meeting when this was discussed. The Attorney said FLC has the right to challenge this, in his opinion there is no legal basis for the city of Wyoming to exclude those trucks from operating on the road, this is an arbitrary action by Wyoming. FLC has not been willing to spend time and resources to challenge it. The Attorney said that what was discussed is that if they wanted to haul more material then they use 189th.

Mayor Dave Povolny asked Mr. Mike what he felt would be an appropriate number of years.

Mr. Mike said he would rather not answer the question, he understands they need to do a job but thinks they should run on 189th.

David Liska, 18126 Vassar Street

Mr. Liska said he couldn't attend the Planning Commission meeting last week and he asked when he could get a copy of the Planning Commission minutes. The City Administrator explained that draft copies are available if requested; copies were given to Mr. Liska at this time.

Mr. Liska asked if there is a legal standing for the city (against Wyoming) because of their limiting all trucks on 189th Avenue.

The Attorney said no action short of a lawsuit could be done. The Engineer would have to produce proof that the road was constructed to take the heavy trucks.

Mr. Liska said he has a crack in a wall in his home that he never saw before and he said the truck traffic was disturbing. Mr. Liska said he would like to see 2 years maximum. Mr. Liska added that what has been done to the property is not his or the neighborhood's problem that is Kathy and Leroy Haluptzok's problem. Mr. Liska wondered why the city is not enforcing the end plan for all the years the operation was running including maintain the slopes, etc.

(The City Administrator answered this question during the next topic.)

11. MOTION - 2015 SUNRISE WMO BUDGET (PAGES 63-64)

A 2015 draft budget for the Sunrise River Watershed Management Organization was included in the agenda packet. The budget is less than last year. The action is approval of the budget.

Motion FIN 1310 by Krebs to approve the Sunrise River Watershed Management Organization 2015 Budget in the amount of \$8357.70. Second by Peterson. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

The City Administrator explained that this budget covers costs for the Sunrise Water Management Organization only; it does not cover the city's responsibility as the Local Government Unit for wetland permits and inspections. Anoka Conservation District (ACD) does not conduct inspections. In future budgets, inspection services need to be budgeted to handle issues with projects like John's Black Dirt. There have not been inspections done in the past, the monitoring plan was to be conducted by the property owner, but that was not done. Without an inspector there is no follow up on permits. Coon Creek and Rice Creek have inspectors. The Anoka Conservation District only has permit coordinators' and they handle complaints and compliance, they are not inspectors. Ham Lake and Linwood have their Engineering staff do their inspections.

The Engineer explained that they do have staff that could conduct inspections and he suggested that this would be similar to the subdivision oversight they currently conduct.

The consensus was for staff to come back with a recommendation.

D. STAFF & CONSULTANT REPORTS

12. ENGINEER REPORT

Mailer of information – FEMA notice

At the last meeting the council discussed how to disseminate the information on flood maps. The Engineer said he would be willing to have an open house and have the maps available for viewing if the council wished. The 90 day period began Feb 21st. The consensus was to have the maps available at a City Council meeting for review.

A memo dated February 19, 2014 outlining the 2 options for distributing information to the residents on various topics was included in the agenda packet. The Deputy Clerk reviewed the options at this time. The topics to be included are:

- ❖ Financial status of the City
- ❖ Fema Notice regarding floodplain maps
- ❖ Sign up for broadcast email on website
- ❖ DS200 Election equipment - view video on website
- ❖ Paving roads
- ❖ Do not Snowplow across the road, do not pile snow at the end of the driveway.

Motion ADM 02900 by Peterson to proceed with option #1 - mail merged flyer as indicated on the memo. Second by Krebs. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

13. ATTORNEY REPORT

Motion - IAAI Resolution Deny Applications (Pages 65-66)

At the last City Council meeting the council denied the application for a Conditional Use Permit for Insurance Auto Auctions, Inc. At that time staff was directed to create a document for approval by the council outlining the reasons for denial. The action is approval of the Resolution included in the agenda packet.

Motion ADM 05000 PLZ 00400 by Peterson to approve Resolution 14-02 Expressing the Intent to Deny an Application for a Conditional Use Permit the City of Columbus, MN. Second by Krebs. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion - Sanitary Sewer Connection Agreement (Form) (Pages 67-73)

A revised Agreement to Pay Sewer Availability Charges was included in the agenda. This is a result of the decision by the council at the October 23, 2013 meeting to defer the sewer connection requirement to residential properties in the Freeway District and to address the compliance inspection of their current private septic systems.

Motion CON 00050 by Peterson to approve the Agreement to Pay Sewer Availability Charges as depicted on pages 67 to 73 in the agenda packet. Second by Krebs. Votes as follows: Peterson - aye; Krebs - aye; Povolny - aye. Motion Carries.

14: MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

The City Administrator and Council Member Peterson attended the Senior meeting.

Council Member Krebs

No report.

Mayor Dave Povolny

No report.

15. DEPUTY CLERK REPORT

Discussion/Motion Columbus Mailer Information (Page 74)

The discussion was held earlier tonight under the Engineer's report.

16. CITY ADMINISTRATOR'S REPORT

Personnel Committee Report/Senior Center

Discussions were held with the employee involved. No further information was given at this time.

Discussion - Senior Center Proposal (Page 75)

A Columbus Senior Center proposal to City of Columbus was included in the agenda packet.

A meeting was held with the Senior Center, a proposal from the Senior Center was presented to the city. The personnel committee met as there is a city employee involved. There are policy decisions that need to be made. The Council reviewed

the proposal from the Columbus Senior Center that was included in the agenda packet.

The Senior Center indicated they would like to be independent from the city. The consensus was to accept the Columbus Senior Center becoming completely independent from the City effective April 24, 2014.

The following comments were made regarding the memo in the agenda.

- A landlord tenant agreement would be drafted, similar to the Fire Hall lease.
- The lease would most likely be a 3 year term, with a 3 year renewal.
- The Senior Center currently rents and to the Lions for their pancake breakfasts' and to others for private events. There was no opposition by the council regarding other rentals the Senior Center may have.
- The city has had exclusion from alcohol at the Senior Center. There was no opposition by the council regarding dispensing alcohol as long as the Senior Center provides insurance to cover their liabilities.
- The lease should allow for the city to use the facility with notice.
- Rental fee: The Attorney said the facility qualifies as a public purpose, and will check what the rent could be.
- The lease should require the majority of use to be senior related activities. (Use as a wedding hall would not meet this criteria.)
- The \$3500 (item #6 & item #5 on proposal) could be used to cover the building liability insurance, and outside building maintenance (roof, siding, etc.).
- Mayor Dave Povolny strongly recommended setting up a capital plan in the event the City has to buy out of the CDBG Grant.
- The appliances' should be the Senior Center's responsibility (kitchen equipment).
- Item #4. The Senior Center will obtain private mail box from post office.
- Item #7 Ownership of kitchen equipment and other senior center equipment will not be transferred; the city will lease these items to the Senior Center.
- The Senior center will maintain the equipment and keep it in good working order.
- There should be a detailed list of all property at the Senior Center and who owns it.

Mayor Dave Povolny asked the audience members for comments.

Mrs. Anderson Senior Center Coordinator said the senior center has paid for repairs in the past for the kitchen equipment.

Ms. Guttsen said they could not say anything because they are working with an Attorney.

The Attorney said they will draft a lease and bring it back to the council for approval.

Treasurer's Report

Receipts:	\$0
Disbursements: \$	182,171.98
Balance:	\$1,793,712.03

Direction – Volunteer Recognition Pin (Page A-2)

A sample of two options was presented for a pin to be presented to the volunteers. The order can be split to get some pins that have “Columbus Minnesota” and others “Columbus Volunteer”. The cost is \$3.18 each. The consensus was to proceed with the dual order.

Motion by Krebs to purchase the pins. Second by Peterson. Motion Carried.

Suggestion Box - Snow Plowing (Page 76)

An email message was received from the website suggestion box regarding snow plowing. A response was requested by the writer.

The City Administrator explained that the Public Works Department left Thursday night at 7:30 p.m. The plan was to come back at 2am. One of the Public Works staff was called in early to assist the Sheriff. There were 3 plows on the road from 2am until approximately 10 am. At that time the entire city was passable. The problem on 162nd was due to a truck and trailer on the road that made it impossible for the plows to go through. The one ton pickup plow did make a pass on that road. Council Member Peterson said he went down the road with public works staff today, the road is not very wide and there were vehicles parked on the road again.

The city did the best it could and it apologizes for any inconvenience, there was an attempt to plow but there were vehicles in the road which prohibited the large plow truck from accessing the road.

Council Member Peterson commended the public works staff for their work handling the snow storm last Thursday/Friday.

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 03/05/2014 7:00 p.m. Cancelled
- ▶ Calendar of Meeting (**Page 77**)

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Peterson.

Meeting adjourned at 9:16 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk