

**City of Columbus
Regular City Council Meeting
March 19, 2014**

The March 19, 2014 meeting of the City of Columbus City Council was called to order at 7:03 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: Pat Preiner, Jesse Preiner, Mary Preiner, Jody Krebs, Jeff Joyer, David Liska, Paul Peskar, Kris King, Joe Dina, Cindy Dina, Frank Wagamon, Steve Wagamon, Carol Mike, Tom Mike, Curt Nelson, Doug Schliesing, Joan Schliesing, Cecile Neihart, Steve Ulrich, Rosie Ulrich, Pete Neihart, Chad Maassen, Sheila Maassen 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

B. CONSENT AGENDA

3. Motion - Approval of the North Metro....Liquor License Renewal Mtg. Minutes on 02/26/14
4. Motion - Approval City Council Meeting Minutes on 02/26/14
5. Motion - Agenda Approval with Additions
6. Motion - Approval of Group (PEIP) Health Insurance Program (**Page 1-2**)
7. Motion - Pay Bills as Posted

Motion by Krebs to approve the consent agenda including HRS 00800 to adopt the PEIP Health Insurance Program for group health insurance for the employees of Columbus to run from April 1, 2014 through March 31, 2016. Second by Peterson. Motion carried.

C. PRESENTATIONS

8. Planning Commission Report

Motion - Forest Lake Continuance Letter Request (**Page 3**) Forest Lake Contracting IUP Request/CUP Revocation (**Pages 4-51**)

A letter dated March 14, 2014 from Forest Lake Contracting, Inc. (FLC) requesting a continuance to allow time for a workshop meeting was included in the agenda packet. The City Administrator explained that the workshop format gives the council the opportunity to ask questions of the applicant. During the workshop there are no decisions, motions or public testimony taken. FLC requested a workshop as they have questions and also want feedback from the council directly. The Council can deny the request if they wish. Mayor Dave Povolny asked who from FLC would attend the meeting because unless the decision makers for FLC are at the workshop it

would not be productive. It was not known who from FLC would attend. The City Administrator will contact FLC and ask that the property owner, applicant and decision makers from FLC attend.

Motion PLZ 01200 PLZ 00400 by Krebs to hold a workshop with Forest Lake Contracting on March 26th, 2014 in place of the regular City Council meeting. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Council Member Messina said there has already been a lot of discussion and questioned the need for the workshop.

The meeting would include the council only. The Attorney added that typically the council does not sit at the dais instead they are at the table with the applicant. A record of the meeting is required.

Council Member Messina said the MOU was a base line and it seems that what they (FLC) came back with was different than the MOU. Council Member Messina said he wants a solution and doesn't want to see this to continue.

Council Meeting - reschedule

There was discussion regarding the date for the workshop, the Attorney indicated that the regularly scheduled meeting can repurposed as the workshop and therefore it does not need to be posted as the city has a published meeting schedule. A 60 day extension letter has already been sent to FLC, the new deadline is April 29th.

It was suggested the council hold onto the copies from tonight for next week's workshop meeting.

Appointment - Planning Commission Chairperson (Page 52)

A copy of Ordinance 14-01 was included in the agenda packet. The ordinance amends Chapter 3 by allowing the City Council to appoint an alternate Chairperson if they do not support the selection of the Chairperson by the Planning Commission. The Planning Commission nominated and approved Barbara Hvass for the Chairperson at their last meeting.

A question was asked if there is a conflict in nominating Jody Krebs (Council Member Krebs spouse), the Attorney explained that there is no conflict if Jody Krebs was appointed and Council Member Krebs can abstain from the vote if he wishes.

Nominations were taken at this time:

Council Member Messina nominates Jody Krebs for the Chair position. Second by Povolny.

Council Member Duraine nominates Garth Sternberg for the Chair position. Second by Peterson.

There was discussion regarding a discomfort level by some of the Council members of the nomination of Commissioner Krebs as she is Council Member Krebs spouse. Commissioner Sternberg has experience in the trades.

Motion ADM 01100 by Duraine to appoint Garth Sternberg to the Chair position and Jody Krebs as the alternate. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

The Attorney re-iterated that there is nothing wrong with nominating Commissioner Krebs. The City Administrator will pass this forward to the Planning Commission

9. PUBLIC OPEN FORUM

David Liska, 18126 Vassar St.

Mr. Liska asked what day the workshop meeting will be held and when the FLC application will go for a vote. Mr. Liska asked the Attorney how this went from a permit to a CUP.

The City Administrator clarified that the workshop will be next Wednesday, March 26th at 7:00 pm and the application will go to the Council at their April 9th meeting.

Mr. Liska said he understands that the CUP that is in place now at Johns Black Dirt is a continuation of the mining permit they had before. There is no written CUP.

The Attorney explained they did a memo on the history of the mining permit, special use permit, and conditional use permit. The best that could be pieced together is that the mining permit was converted to a special use permit then to a conditional use permit. The CUP is recognized under state statute. What is in existence today is a Conditional Use Permit with the conditions attached.

Mr. Liska said his understanding of the mining permit is it was for the mining of black dirt, it says nothing about sand, where does that fall into that permit?

The Attorney explained that without direction from the council to investigate he did not have an answer tonight. Mayor Dave Povolny said he would wait until the discussion next week. The Attorney said he will be prepared once the application comes to the council for the final decision.

Will the residents have any input at the workshop?

No, residents can attend and listen only. The Council suggested that questions can be given to the council ahead of time for the workshop.

Kris King 18339 Tulane Street

Why is cleaning up the property the responsibility of the city.

Mayor Dave Povolny said the city wants the residential zoned area to be residences. The City will not be responsible to get the property in shape, it's the city's responsibility to facilitate the laws and execute zoning regulations.

The Attorney added that part of that process is the reclamation of the property, which is typical of any mining operation.

Mrs. King stated that she does not want the trucking, and does not feel it is the responsibility to get the property to a state for sale. The slopes are the only thing out of compliance with the city, not making a lake, not doing anything else and that is all that should be focused on.

The Attorney interjected a reminder at this time to the council and audience that open forum is for items not on the agenda and not for testimony. The testimony should be limited on this topic at this time.

Mayor Dave Povolny suggested Mrs. King put her comments in writing for the council.

The Attorney said the laws of due process is that if there is an applicant and a hearing that everyone needs to be part of the discussion.

Steve Ulrich 8914 186th Ave.

Mr. Ulrich said he is concerned that the council doesn't think the residents care about this. At the last meeting there was discussion regarding using 189th Ave., why not make FLC sue Wyoming for access and change the signage on the dirt roads to prevent truck traffic. Then FLC would have to decide what to do.

Mayor Dave Povolny re-iterated that residents submit their suggestions, concerns, and questions in writing to the council for the workshop.

Ciceil Neihart 18516 Vassar St.

Mrs. Neihart said she wanted to share her disappointment that this isn't moving along very fast and noticed that FCL is not here again tonight. Mrs. Neihart said she wonders if they will show up for a workshop as they (FLC) have not been present at meetings. They have had so much time to present to the council and yet are asking for another time via a workshop. It doesn't seem right that FLC is being given another option for a workshop where they can talk but the residents cannot. Mrs. Neihart said the residents have posed every single question, offered every bit of information that we have and FLC gets to have a private time with the council. This just doesn't seem

right and is resentful that the residents have put a year of their time into this.

10.MOTION - COLUMBUS NEWS FLASH (PAGES 53-54)

At the February 26, 2014 City Council meeting staff was directed to create the flyer for distribution to all property owners in Columbus. A sample was included in the agenda packet. The action is approval of the flyer for mailing. The following changes were suggested:

- Change the Introduction to include the Broadcast Email Sign Up information and indicate this is the last snail mail the city will send.
- Move the Gravel Roads article to the front of the flyer.
- Reduce the size of the FEMA Floodplain Notice. The Engineer will pare down the information for the News Flash and add “see website for full notice”.
- Add Letter of Map Amendment (LOMA) and Letter of Map Revision (LOMR) to the article.
- Add Committee Openings.
- Add Fire Fighter Openings.

Motion ADM 04500 by Peterson to approve the News Flash with changes indicated above. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

11.INFORMATION - COON CREEK WATERSHED DISTRICT APPOINTMENT (PAGES 55-58)

A letter dated February 28, 2014 and Public Notice of Vacancy regarding Coon Creek Watershed District Appointments was included in the agenda packet. A vacancy for hydrologic subunit 2 which includes Columbus will occur on May 27th, 2014. The city can submit a list of at least three eligible nominees for a manager’s position by March 28th, 2014, without a list from the City the Anoka County Board of Commissioners may appoint any voting resident of the Coon Creek Watershed District who is not a public officer of the county, state or federal government. The City Administrator explained that the City does not have any names to submit at this time. No further action was taken.

D. STAFF & CONSULTANT REPORTS

12. ENGINEER REPORT

Update - DNR Groundwater Management Area (GMA)

The Engineer started by explaining a preliminary GMA area was established and it includes Columbus. The direction of the Council was to try to have Columbus excluded from the GMA. The Engineer said his approach was twofold, first to point out that Columbus is not part of the problem because we draw our municipal water from a different aquifer than has been identified as a possible cause of the lake lowering of White Bear Lake. A GMA gives the Commissioner of Natural Resources the ability to put further regulations on individual private wells and fees associated with those. The GMA has an advisory team which advises the DNR on the boundary.

The Engineer attended the second meeting and was allowed to make a verbal presentation and he followed up with a letter to the DNR project manager. There have been 2 subsequent meetings and the boundary issue has not been addressed. The Engineer inquired about the boundary decision and Columbus' request to be excluded. The DNR's external experts determined that the low water level of White Bear Lake is not due to municipal pumping but from historical climate and low precipitation levels, therefore the DNR did not think Columbus' reason was valid to be excluded. The Engineer said the next step would be a resolution by the council asking to no longer be considered as part of the groundwater management area. There was discussion regarding the flow of water in Columbus. The consensus was to have the Engineer bring a draft resolution to the next City Council meeting.

Discussion - HF 2528 Legislative Bill (Pages 59-60)

A copy of the bill was included in the agenda packet. This bill proposes to change the authority to an advisory team instead of the DNR. The new advisory team has a stronger municipal participation. The current advisory team is made up of less than 1/3 of municipalities and they are strictly advisory. This bill takes more power away from the DNR and puts it into the hands of municipalities.

Motion 02900 by Peterson to send a letter from the Mayor in support of Legislative Bill HF2528. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Update - Six City Water Collaboration Study (Enclosure)

The Metropolitan Council and Barr Consulting made a presentation to the Six City Coalition. The Joint Water System Feasibility Study PowerPoint presentation handout was included in the agenda packet. The City Administrator reviewed the handout at this time.

13. ATTORNEY REPORT

Discussion/Use - Voluntary Release...Claim Waiver (Page 61)

A draft Voluntary Release and Waiver of Claims Agreement was included in the agenda packet. This is for groups using the Park. The question is when would this be used. This came from staff looking at best practices. The Attorney said this would only be used for large groups that take over the park for their event. There was discussion regarding how this would work, who should have to sign it and whether it would be better to obtain certificate of liability insurance with the city named as additionally insured. The Attorney will discuss this with the city's risk managers to determine the best option.

Discussion/Motion - Senior Center Lease (Pages 62-75)

At the February 26th, 2014 City Council meeting the Attorney was directed to draft a lease agreement for the Senior Center. The document was included in the agenda packet. The Attorney said the action is direction to forward the lease to the Senior Center's Attorney for review.

There was discussion regarding what to charge for rent, it was suggested that the rent be based on square footage.

Motion CON 00050 by Peterson to send the lease agreement to the Senior Center Attorney. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Discussion/Direction – Billboard Spacing (Handout)

This agenda item was an addition to the agenda; the Attorney did not have time to review this. The Council directed the Attorney to review the billboard spacing and report back at the next meeting.

14. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

Park Board Report

Andrew Fraley, the new Park Board member attended the last Park Board meeting. The YMCA program – Park Play Days will be run again this year. The maintenance task list was reviewed by the park Board. RVS Snow and Turf will resubmit a bid to reflect the changes to field maintenance. The Park Board is recommending concrete pads be installed under bleachers, picnic tables and equipment boxes. The telephone pole replacement discussion continues the Park Board is exploring ideas that won't create a lot of maintenance.

Suggestions from the council included:

- ❖ Chain link fence along Kettle River Blvd. by the playground area.
- ❖ Berm
- ❖ Posts with metal or wire between.

Bridge update

Contributions are still needed for the bridge project.

Motion P&R 01500 by Peterson to authorize \$6500 for concrete pads under bleachers, picnic tables and equipment boxes by the backstops in the Park. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion - Building Official Truck (Page 76)

The Building Inspectors vehicle has rust on the back fender wells. The direction was to obtain estimates for repairs.

Six City Coalition

Council Member Peterson chaired the six city coalition meeting.

Council Member Messina

Council Member Messina attended a course on Tree City USA. Adjacent properties to DNR property can request help from the DNR with oak wilt. There is money available for Arbor Day Events.

Health Insurance

Council Member Messina asked for clarification of how the money allotted for health insurance is distributed to employees.

The City Administrator explained the PEIP Plan. A question was asked about employees buying insurance through MnSure. The City Administrator explained that MnSure is not a program for government entities at this time, only private business and individuals.

Council Member Duraine

The Lakes Area Cable Commission met. Tight Rope Cable Cast Systems gave a presentation for new video servers; the cost is about \$24,000. No decision was made. The Forest Lake Cable Commission is seeking a replacement for the Columbus resident representative.

Lino Lakes decided to leave the Centennial Fire District. The City Administrator clarified that Lino Lakes gave the Centennial Fire Dept their 2 year notice that they are planning to opt out of the Joint Powers Agreement. A feasibility study for a Lino Lakes Fire Department is being created by Springsted.

There was discussion regarding the changes by Forest Lake in using firefighters to fill staff positions. The Fire Technician was hired at Forest Lake.

Council Member Krebs

Council Member Krebs received his property tax statements, the city portion was slightly changed, and the business taxes went up due to fiscal disparities.

Mayor Dave Povolny

The Fire Inspector cost is 20% of the salary for the Fire Marshall. The City Administrator said all the churches in Columbus and some businesses on West Freeway Drive were inspected this past year.

Mayor Dave Povolny asked about the status of Ipads for the council. The City Administrator said that is on the list of things to do.

15. Deputy Clerk Report

No report.

16. City Administrator's Report

March 26, 2014 City Council Meeting date Cancellation

(It was decided earlier in the meeting to repurpose the March 26th, City Council meeting with a workshop for the FLC application).

Outstanding 2013 Business

Police Task Force

The last direction from the task force was to send out Request for Proposals (RFP) for law enforcement services. The direction from council is the rfp should mirror the current services now, not the 12 hour day as Anoka County. The direction was to set up another meeting of the Police Task Force.

Treasurer's Report

Receipts: \$21,185.46

Disburse: \$79,595.01

Balance: \$1,735,302.48

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 04/02/2014 7:00 p.m.
- ▶ Calendar of Meeting (**Page 77**)

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Peterson. Motion Carried.

Meeting adjourned at 9:15 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk