

City of Columbus
Regular City Council Meeting
April 9, 2014

The April 9, 2014 meeting of the City of Columbus City Council was called to order at 7:04 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: Frank Wagamon, Phyllis Linder, Joyce Guttusen, Colleen Cassidy, Mary Hoyt, Jody Krebs, David Liska, Myron Organ, Duane Guckeen, Ilene Guckeen, Rick Robinson, Dave Schueler, Lloyd Rehbein, Mark Daly, Robin Wood, Jan Palmer, Carol Mike, Tom Mike, Wayne Krueger, Diane Lincoln, Leslie Lincoln, Joan Schliesing, Doug Schliesing, Tom Bergum, Robin Bergum, Ron Hanegraaf, Pete Neihart, Jim Labarre, Chad Naassen, Sheila Naassen, Bob Vollhaber Forest Lake Contracting, Dan Mike, Ceil Neihart, Kathy Haluptzok, Pam Wolowski, Jim Swanson, Ken Hansen, Chuck Weymann, Patty Hoyt, Fran Swenson, Paul Peskar, Kris King, Reinette Labernik, Cheryl Nelson, Mary Lakner, Tom Lakner, Steve Wagamon, Sandie Wood, Matt Stendahl, Ashley Stendahl, Steve Ulrich, Rosie Ulrich, Michelle Welch, Keith Welch, Arly Post, Paul Zahradka, Jesse Preiner, Pat Preiner, 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 City Council Meeting Minutes on 03/19/14
4. Motion - Approval City Council Workshop Meeting Minutes on 3/26/2014
5. Motion - Agenda Approval with Additions
6. Motion - Pay Bills as Posted

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

The Senior Center report was moved to #9

C. PRESENTATIONS

7. COLUMBUS VOLUNTEER RECOGNITION (MAYOR)

April is Volunteer month and National Volunteer Week is April 6-12, 2014. The City invited its volunteers tonight to participate in a short recognition ceremony.

The Mayor thanked the volunteers for their time and efforts and Council Member Duraine presented each of the volunteers in attendance with a token of appreciation. Each volunteer was asked to come forward and receive their award.

The following volunteer names were called and those present were personally thanked by the Mayor. (The names listed in bold face type were present tonight)

Fall Fest

Pam Reeves
Cal Grubbs

Phyllis Linder
Barb Sommerfeld

Linda Anderson

Denny Peterson

Bill Monson

Mike Boland

Garth Sternberg

Brittney Funston

Lynn Roberts

Lloyd Rehbein

Public Works Advisory Board

David Schuler

Mark Daly

Dan Mike (was recognized later in the evening as he left for a fire call at this time)

Lloyd Rehbein

Bob Cockburn

Jerry Auge

Mike Boland

Tree Advisory Board

Kevin Dunaway

Reinette Labernik

John Krantz

Mike Anderson

Brian Biernat

Park Advisory Board

Terry Phinney

Sandie Wood

Bob Bodene

James Ingalls

Marilyn Diddling

Andrew Fraley

Joanne Keyes

Andrea Messina

Planning Commission

Myron Organ

Barbara Hvass

Pam Wolowski

Jesse Preiner

Andy Anderson

Garth Sternberg

Jody Krebs

Mark Daly

8. UPDATE/DIRECTION - VACATE PORTION OF CAMP 3 ROAD (PAGES 1-9)

Various aerial maps and previously approved resolutions regarding the vacation of a portion of Camp Three Road were included in the agenda packet. The City Administrator reviewed the history of this request and the documents included in the agenda packet. An aerial of the area was displayed at this time. A meeting was held with the DNR last week to discuss the next steps. It was determined that a survey of the road is needed; the DNR Surveyor is willing to do this for a cost of \$1800. The recommendation is to proceed with this offer. A public hearing is required for this vacation.

Jim LaBarre and Tim Marion from the DNR were in attendance to answer questions and approached at this time.

Mr. LaBarre explained that the DNR would install barricades on the road and it would be maintained as a service road. A small parking lot (east side of gate) would be built; this would be easily visible by neighboring property owners and from Zodiac Street for law

enforcement. The Fire Department would have a key for the gate. The DNR would pay for installation of the parking lot and plow it in the winter. Snow removal by the city was discussed at the meeting and the Public Works Superintendent and DNR agreed that the Columbus Public Works snow plows would deposit snow from the road into the parking area. If there is dumping in the parking lot area the DNR would be responsible for clean up. The property is deeded to the DNR; the current owner has no objection to this vacation as the property on either side of the vacated portion of the road is intended to be turned over to the DNR.

Motion PLZ 02300 by Peterson to proceed with the DNR survey of Camp Three Road west of Zodiac Street for \$1800. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion PLZ 02300 by Peterson to call for a public hearing for the vacation of Camp Three Road west of Zodiac Street. Second by Duraine. Motion Carried.

The DNR expected the survey to be completed in about three months.

9. MOTION - DNR LAND ACQUISITION REQUEST (PAGES 10-14)

Two resolutions were included in the agenda packet regarding the request by two property owners to sell 3 parcels of land to the DNR. The City Administrator gave details on the parcel locations and noted that these parcels are part of Resolution 08-01 outlining the acquisition plan of the DNR that was approved by previous council. A map of the parcels was displayed at this time. The City does not approve the sale it supports the sale, the resolutions will be brought to Anoka County and they approve the sale. It was explained that the Hanowski property is accessed from a private road (not city road) and is considered unbuildable and the Aney property has no legal access.

Motion ADM 05000 by Peterson to approve Resolution 14-04 Recommending the Approval of the Sale of Approximately 30 acres in the City of Columbus to the Department of Natural Resources (northerly 30 acres of SE1/4 of the NE1/4 of the NE1/4 Sec 26 Township 33N Range 22W (Hanowski parcel). Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - nay; Krebs - nay; Povolny - aye. Motion Carries.

Motion ADM 05000 by Peterson to approve Resolution 14-05 Recommending the Approval of the Sale of Approximately 80 acres in the City of Columbus to the Department of Natural Resources (NE1/4 of the NW1/4 Sec 25 Township 33N Range 22W and the NW1/4 of the NE1/4 Sec 25 Township 33N Range 22W – Aney parcels). Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

There was discussion regarding the possibility of building sites on the Aney property. The DNR said they acquire properties from willing sellers only. The owners have approached the DNR and this property has been on the market for quite some time. A photo of the northerly property was distributed to the council at this time. There was discussion regarding the difficulty of building roads with wetland restrictions, and watershed restrictions.

Mayor Dave Povolny added that the City has given approval for a lot of property to the DNR. DNR property should be available to the residents in the city for other uses besides hunters. Mayor Dave Povolny hoped the DNR was listening to his concerns regarding this issue and would take some action to make changes for other uses in the future.

(See map of parcels at end of minutes)

9A. DISCUSSION/MOTION - SENIOR CENTER LEASE (PAGES 109-123 & A4)

The Columbus Senior Center Lease agreement was included in the agenda packet. The Attorney explained that through negotiations an agreement was made. The city Attorney reviewed the major points including

- Running Aces Harness Park will be asked to pay \$3600 directly to the Senior Center beginning May, 2014 and will be used for rent and building maintenance.
- The Senior Center will pay one quarter of the cost for garbage service
- The Senior Center will split the costs for sewer pumping with the city.
- The city would be responsible for the maintenance of equipment in the Senior Center.

The Senior Center was given the opportunity to be a city department or become an independent entity; they chose to become an independent entity. The Senior Center Board reviewed the lease and they are in agreement with it.

Motion CON 000700 by Peterson to accept the Columbus Senior Center Lease agreement as depicted on pages 109 through 123 of the agenda packet and direct that staff request North Metro Harness Initiative (RAHP) to pay \$3600 directly to the Senior Center once a year beginning in May 2014 and the agreement is conditioned upon documentation that the Senior Center is a non-profit entity. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

The Attorney explained that other events will be allowed at the Senior Center and there is a provision for use by the City with notice. The Senior Center can sublet the facility for a catered event and alcohol would be allowed with the proper insurance and use of a vendor with an on sale caterer permit. The percentage of low income usage has to remain at least 50% of the events; the Senior Center will be required to provide information regarding requests for use by others to the City Administrator to make sure the compliance with the low income percentage is maintained.

10. Planning Commission Report

Commissioner Mark Daly presented for the Planning Commission tonight.

Motion - 5107 190th Land (Swanson) Variance Request (Pages 15-22) PC14-102

The Planning Commission reviewed the variance checklist and made a motion to forward to the City Council the application for a variance for the property at 5107 190th Lane NE, to allow 9 inches of native soil from the ground surface to mottled soil, instead of the 12 inches required by City Code, to construct a Sub-Surface Soil Treatment System (SSTS), with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty.

Motion PLZ 02400 by Peterson to approve the application (PC14-102) for a variance by James & Leoda Swanson for the property at 5107 190th Lane NE to allow 9 inches of native soil from

the ground surface to mottled soil, instead of the 12 inches required by City Code to construct a Sub-Surface Soil Treatment System (SSTS) based on findings by the Planning Commission at their April 2, 2014 meeting that the Zoning Ordinance causes a practical difficulty and the memo dated March 17, 2014 from the City Building Official. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion - Housekeeping Ordinance 14-XX (Pages 23-32)

The Planning Commission held a public hearing to receive testimony regarding housekeeping amendments to the Columbus City Code. The Planning Commission made a motion to forward to the City Council the Housekeeping Amendments with a recommendation for approval. It was clarified that housekeeping amendments are typographical error corrections, a clarification on wetland setbacks, but do not involve content changes.

Motion ADM 05000 by Duraine to adopt Ordinance 14-02 Amending the City of Columbus Chapter 7A General Zoning Regulations and Chapter 7C Wetland Zoning Regulations in the Columbus City Code. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Direction - Cherrywood Preserve (Pages 33-34)

Cheryl Nelson property owner, and Tom Carlisle, President of Sherco Construction presented a plan for development of the Nelson property on 189th Ave NE to the Planning Commission at their meeting last week. A concept drawing was included in the agenda packet. The current concept is to split the existing lot into three lots, including one that would use an existing approach from 189th, and the other two would share the existing driveway, which is currently allowed by city code. A future Phase 2 could possibly include three more lots. The Planning Commission was in favor of the plan.

No action is required tonight. The Attorney explained that during the subdivision process a trigger will be established for installation of the blacktop road. There would be no cost to the city for the road. The consensus was that as long as there is a clear trigger for installing the blacktop road the council approved of the concept.

Mr. Tom Carlisle, contractor and Cheryl Nelson property owner approached. Mr. Carlisle said he thought in the development agreement the trigger would be the next lot that goes in the developer pays for the road without assessing the other people. The Attorney said this suggestion would work fine, but there needs to be a backup plan if the developer doesn't put the road in the city needs to maintain their assessment rights against the other properties. Their protection is the developer comes in and does what the developer says; the city's protection is it has assessment rights if the developer doesn't perform.

The Attorney offered two options: There are two legal options and the contractor and property owner can choose either.

#1. The subdivision is made with lot approvals and a subdivision agreement is agreed upon with the developer with all of the properties which says A – the developer is going to put in the road or B it's going to be assessed to all the benefitting properties. As long as the property owner has a responsible developer who is going to put in the road no one else will be assessed.

#2. The alternative is the property owner comes back in a second application it's an out lot so it's undevelopable and the only way it gets approved on the second application is that the road is provided for.

The property owner and contractor said they prefer option#2 presented by the Attorney.

Vice Chair Planning Commission

Jesse Preiner was voted in as Vice Chair at the Planning Commission last meeting.

Planning Commission Workshop

The Planning Commission would like to hold workshops to work on other projects outside of applications if a regular Planning Commission meeting is cancelled. The request is approval from the council to hold Planning Commission workshops. The consensus of the council was to support this request.

Motion – Accept Andy Anderson Planning Commission resignation. (A3)

A letter dated April 2, 2014 from Howard (Andy) Anderson resigning from the Planning Commission was included in the agenda packet. The action is to accept the letter. Mayor Dave Povolny thanked Mr. Anderson for his time and work.

Motion ADM 01100 by Krebs to accept the resignation by Howard (Andy) Anderson with regrets from the Planning Commission and thanked Mr. Anderson for his time. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

The other Council members also thanked Mr. Anderson for his work and time and expressed their regrets for this resignation.

Motion - Forest Lake Contracting IUP Request/CUP Revocation (35-102)

A workshop was held on March 26th between the Council and Forest Lake Contracting (FLC). As agreed at the workshop FLC submitted a letter dated April 3, 2014 regarding their proposal for the IUP.

Mayor Dave Povolny began by stating that there have been many discussions, the decision does not have to be made tonight. Mayor Dave Povolny wanted to quantify the days of hauling with the amount of sand removed. Forest Lake Contracting sent a letter and asked for 300 days and had some revisions for conditions.

Bob Vollhaber Forest Lake Contracting and Kathy Haluptzok Johns Black Dirt approached for questions.

Mayor Dave Povolny asked how they can work to resolve the problem which is both inconveniencing the residents in the area and provide for the property owner's use of her Conditional Use Permit.

Mayor Dave Povolny said the city can revoke the Conditional Use Permit, allow hauling and create a situation where the residents would file a lawsuit and this is not good for anyone.

The Attorney said there is a time limitation on the application which runs through the end of April; the request is clear direction on how the council wished to proceed tonight.

Mayor Dave Povolny said the concept of number of days is a good concept, the school issue would need to be worked out, and the number would have to be somewhere in between what FLC has proposed and what the residents would want.

Mayor Dave Povolny asked for input from the residents at this time.

Ceil Neihart 18516 Vassar St

Mrs. Neihart said she would like to hear input from the council.

David Liska 18126 Vassar

Mr. Liska said he understands there is no mitigation required to get the property into compliance other than the slopes. Mr. Liska read the memo from Larkin Hoffman dated November, 2012. The understanding was mining was going to continue until the black dirt was gone, which it is now.

Wayne Krueger, Tulane 18242

North Columbus edition is a working class neighborhood and both sides are concerned about money. Mr. Krueger said his understanding was once all the lots were sold (in the North Columbus Edition) John's Black Dirt would be out of business. The applicants do not live in the area; this will wreck property values and potential property sales. The past permit was approved over and over. Mr. Krueger said the city is leaving the residents no option but to pursue a lawsuit.

Rita Ferraro 18263 Vassar St.

Ms. Ferraro submitted a letter. The City Administrator read the letter at this time.

Carol Mike, 18429 Vassar ST

Mrs. Mike said she has lived in the neighborhood for 43 years. The road is used for recreational purposes, Mrs. Mike said last fall she had a truck (FLC) travel by her and it scared her. Mrs. Mike asked what residential means, there should be no room for these kind of trucks allowed in a residential area.

Michelle Welch, 18745 Jennings Street

Mrs. Welch stated that FLC/JBD has been out of compliance then why can they continuously dig and work?

Mayor Dave Povolny responded that they (FLC) are in the process of complying. The Conditional Use Permit cannot be pulled without allowing them to comply.

Mrs. Welch said that during hauling in 2010 they were supposed to clean the street and water it down, they did not do that.

Mayor Dave Povolny acknowledged that this can be addressed and a mechanism to hold them accountable for the conditions of the IUP can be established.

Joan Schliesing, 18507 Vassar St

Asked for clarification of whether the CUP will be revoked if the IUP is issued.

Yes. The Attorney explained that the Conditional Use Permit goes with the land and the property owner is voluntarily relinquishing the Conditional Use Permit for both properties in exchange for an IUP.

Paul Zuradka 186th Ave

Mr. Zuradka said his property is at ground zero and he asked if the trucks could use the other gate (west end of 186th Ave) to exit as they used the east gate (Vassar Street/186th Ave) to enter and exit during hauling last fall. Mr. Zuradka also asked if there are chemicals or just water being used for dust control.

Mr. Vollhaber (FLC) said he thought the trucks were using both gates and he couldn't guarantee exiting out the west gate in the long term as they do not have an option to purchase that property, as far as dust control only water was used by FLC last fall.

Mayor Dave Povolny asked Mr. Zuradka for his opinion if shorter years with more hauling per day would be preferred to a longer term and less hauling.

Mr. Zuradka said shorter term, get it done.

Rosie Ulrich 186th Ave

Mrs. Ulrich said the property is a mess, there are no continuous fences around the property, and she asked FLC how they can run the trucks with children waiting for the bus on the side of the road.

Council Member Duraine reviewed the IUP application history and said the first application FLC made was for 10 years, which FLC ultimately withdrew, the second application was for 5 years, the Planning Commission recommended 3 years, the council has in the past said 1 year. At the rate FLC was asking for (3500 cu yards/day) the material could be moved out in 100 days at 20 trucks an hour, at the workshop the council wanted to see if that would work and asked FLC to come back with their best offer. FLC came back and stayed with 5 years and are asking for 300 days. Council Member Duraine said he felt the number is way too high. Council Member Duraine suggested 150 days of hauling and then negotiate how many years are reasonable.

Mr. Vollhaber said 300 days was based on how many cubic yards was a realistic average for them to haul. The 3500 cubic yards per day is a maximum per day amount. Most projects would require 800 – 1000 cubic yards per day. At 300 days this would be 1100 cubic yards per day average. A construction season is about 8 months long. The number of days in a construction season would be 8 months times 4 weeks times 6 days/week equals 192 days of hauling (including Saturdays)

Mayor Dave Povolny interjected that without Saturdays it would be 160 per season.

Mr. Vollhaber said they are trying to come up with a reasonable number of how much they can truck per day and still get the 340,000 yards out of the pit and restore the property. If using the number of days trucking count method, then it's clear to everyone how much is left

to do if we're counting days, FLC would like the opportunity over a number of years to actually pick the days and do the hauling. There might be one year like last year FLC hauled thirteen days, next year we may haul 50 days and get it half way done in one year, FLC understands that it's an issue with the residents, we reduced the size of the mining, initially the request was for both properties and almost 500,000 cubic yards, this has been reduced to 340,000 cubic yards, understanding the residents' concerns.

Mayor Dave Povolny asked Council Member Duraine for his comments in response to this.

Council Member Duraine said 150 days and everything is done completely in 2 years is what he thinks is appropriate.

Council Member Peterson asked what the bare minimum number of days FLC requires and added that 300 days will not fly.

Mr. Vollhaber responded that 190 days (one construction season) spread out over 5 year period is what they could work with.

Council Member Peterson asked if FLC would accept 4 years.

Mr. Vollhaber responded that with more restrictions they would like to discuss other conditions such as working hours and the ability to move out 3500 cubic yards a day if the right job would come about. Mr. Vollhaber said it's open for discussion. (It was noted that FLC could potentially haul up to 4500 cubic yards per day but Mr. Vollhaber said he thought that may be too much traffic for the residents to handle).

Council Member Messina said originally the discussion was one year, 2 years at the most. The Planning Commission was more liberal and they recommended three years, the current IUP application is requesting 5 years. Council Member Messina reviewed the Planning Commission recommendations and the proposal from FLC at this time. There has not been one person in support of the John's Black Dirt business; there has been no mitigating at all. Council Member Messina referred to a letter from one of the residents about Leroy and how he tried to work with the residents in the area and seemed to be very accommodating. There has not been anything accommodating or a good faith effort by FLC and Council Member Messina said he thinks that the intent of the law and revocation of the Conditional Use Permit could be won by the city in court. Council Member Messina is not in favor of this and he doesn't think the residents are in favor of it either. (Applause at this time.)

Council Member Krebs asked for clarification of when mitigation starts.

Mr. Vollhaber said the mitigation starts after FLC excavates the roads in between the ponds right now, FLC digs them deeper than 6-1/2 feet, the wetland law says that's a loss of wetland so they have to be replaced, FLC had not gotten to the point where they have disturbed or ruined any wetlands yet so that's why the mitigation follows after mining. In addition there is restoration which is different from mitigation. Restoration is putting in the safe slopes, seeding, applying top soil and that happens as excavating occurs.

It was confirmed that there is no mitigation occurring at this time.

Council Member Krebs said the city can't afford a fight from the residents or FLC, the goal of the council is to come to a solution and get the problem solved and have the operation come to an end. Council Member Krebs said he is not in favor of Saturdays or 5 years. Council Member Krebs said he has read letters, seen videos and thinks there is some untruths. Council Member Krebs has been in the area during hauling and said he understands the concerns of the residents and he is not in favor of a lot of truck traffic in a short period of time or a lot of hauling days bunched up close together.

Council Member Krebs - Not for 5 years, not for Saturdays, supports 190 days but not too close together.

Mayor Dave Povolny reiterated that FLC doesn't know when they will need product. Mayor Dave Povolny said he thinks the school hour restriction would have to stay and he wants to find a compromise. Mayor Dave Povolny speculated on what the compromise might be.

The conditions FLC proposed were reviewed at this time:

The Attorney explained that as work is happening on a site the city should not be liable for injuries that occur to someone who may enter the site or by FLC trucks on the roads. In a subdivision approval the city is not liable for any injuries that may occur at the site whether it's during road construction for the subdivision or other work activities on the site. With this IUP injuries that occur either on the roads or on the site itself, the city as the permit issuer should not be liable for damages. The Attorney said that he's never had anyone who rents a park facility, does a subdivision or hauls heavy equipment through town say they won't indemnify the city and that clause is a deal breaker because it's not the City's trucks on the roads it's FLC trucks.

Mr. Vollhaber responded that FLC understands they are responsible they would agree with indemnifying the city.

Condition #42 – Development agreement – This would be a way to memorialize the conditions of the IUP, address the indemnification, incorporate the requirement for a surety and an end plan and put that as a record against the property. Anyone who buys the property from Forest Lake Contracting or from Kathy Haluptzok understands that if FLC does not comply with the conditions, those conditions run with the land. This would be in the title, which is standard procedure with any other development in the city.

Mr. Vollhaber said the development agreement was vague at this time and he said they need to see the agreement, but understood the requirement.

Condition #18 & 19 – truckloads per hour would be resolved with the number of days chosen. Mr. Vollhaber said it's easier to control trucks per day than how many trucks are running per hour.

Mayor Dave Povolny added that on hauling days FLC would post the “trucks hauling signs” and submit weekly reports to the city on the number of days hauling occurred and the amount of sand removed.

Road watering - The issue is of accountability needs to be addressed. For example as the owner of FLC he (Mr. Vollhaber) should be more aware of road conditions and what is taking place with watering.

The City Administrator said that there is a difference between the standard of what dust control and road sweeping means to FLC and the residents. There needs to be a better job done to resolve the dust issue. There is an inconsistency between Vassar Street and Tulane Street, Vassar being more shaded may need less water whereas Tulane Street is sunnier and has better drainage and needs more water.

The Attorney added that the type of condition is a liquidated damages penalty for not doing something right. There would be an opportunity to fix problems and there would be some recourse to the surety.

Mr. Vollhaber said this type of activity should be defined in the IUP and he said it's very common to set schedules for sweeping, and defining dust control. For example with other jobs they have had with Anoka County the requirement for sweeping was once per day or if the dirt gets too thick that it covers up road striping. Mr. Vollhaber said with watering FLC held water back 50 feet from 181st so the calcium chloride isn't dragged out onto 181st. Mr. Vollhaber said there will be some dust at those locations if they stay back the 50 feet.

Mayor Dave Povolny asked for input from the other council members at this time:

Council Member Messina – no hauling at all.

A question was asked about costs to the city if this does go to court.

The Attorney said there would be costs as the city has a deductible and some costs are not covered for litigation, there is insurance through the LMC, but there is loss of staff/others time, depositions, etc.

Council Member Duraine – 100 days, and 1 year.

Council Member Krebs – Wants to see a solution and see the operation end.

Is there anything else that can be done, pea gravel, different types of rock?

Mr. Vollhaber said the best control is calcium chloride and watering, if it becomes too expensive to keep watering FLC may ask the city if they can do another application of calcium chloride as they will be looking at what is more expensive.

Mayor Dave Povolny suggested 140 days, 4 years.

Mr. Vollhaber rejected this suggestion and said 192 days and 4 years is minimum for them.

A question was asked whether stockpiling at the FLC facility could be done.

Mr. Vollhaber said that is not economically feasible for them.

Council Member Duraine asked about the watering permit and how can the DNR can give them a dewatering permit and build a lake 22 feet deep. The Engineer replied that the

excavation will maintain a certain groundwater level, the water will be removed only for access to the soil and will likely stay in the area.

Will the depth of the lake create any issues?

The Engineer said the concern is that the slopes are correct as that is a real issue for safety reasons.

Mayor Dave Povolny said he spoke with Mr. Vollhaber today and asked what it would take to get out of the deal and sell the land right now.

Mr. Vollhaber said they don't want to entertain that, they need the sand to be competitive in the business and to get local work.

Motion PLZ 01200 by Council Member Duraine to deny the IUP. Second by Messina. Votes as follows: Peterson - nay; Messina - aye; Duraine - aye; Krebs - nay; Povolny - nay. Motion Fails.

Mayor Dave Povolny asked the Attorney to review how this action would affect the operation.

The Attorney clarified that 2 motions would be required if denial of the IUP was the direction. A second motion for revocation would need to be made. The Attorney reviewed the revocation process - how it would take place, what is involved and how it could affect city staff, council and residents depending on the outcome.

There were comments by the council regarding the end result and whether this action is in the best interest of the city and residents, that the city may be getting taken advantage of, that it appeared that the negotiations were one sided and the advantage the city would have with added controls by issuing a new Interim Use permit vs. the current Conditional Use permit.

Motion PLZ 01200 by Povolny for 3 years and 150 days of hauling with other clarifications for establishment of an indemnification clause, no Saturday hauling and a 9 am start time during school months. Second by Krebs. Votes as follows: Peterson - nay; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Council Member Peterson said he would not support the 150 days but he would agree with everything else.

The intent is that there would be three years to split up the 150 days, which would be the total number of days, and the maximum hauling amount would be 3500 cubic yards, in addition all the other conditions would apply. If this is approved, the CUP would be pulled on both parcels.

Mayor Dave Povolny spoke directly to Mr. Vollhaber and reminded him that property values will be reduced immensely if the CUP continues.

The Attorney suggested finding out if the property owner can live with this, the Attorney could negotiate the final terms and bring back an agreement to the council for their next

meeting. The Attorney said an agreement could be to FLC within 5 days and that would give FLC 7 or 8 days to react.

11. PUBLIC OPEN FORUM

No one asked to speak during Public Open Forum.

12. INFORMATION/MOTION - COON LAKE HERBICIDE TREATMENT (PAGES 103-105)

A letter was received from the Coon Lake Improvement District regarding a herbicide treatment planned on Coon Lake. The letter is being sent to all property owners within the Coon Lake Improvement District boundaries and is intended to meet two requirements of the State of Minnesota. These are; information on how to opt out of herbicide treatment of Aquatic Invasive Species (AIS) control and of the CLID Annual Meeting Notice. The action is whether the city wants to opt out of the herbicide application.

Motion PWM 03000 by Krebs to approve the herbicide treatment for City property on Coon Lake. Second by Peterson. Votes as follows: Peterson - aye; Messina - nay; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

D. STAFF & CONSULTANT REPORTS

13. ENGINEER REPORT

Motion - DNR Groundwater Management Area Resolution (Pages 106-107)

At the last meeting the Engineer was directed to bring back a resolution excluding Columbus from the North and East Metro Groundwater Management Area. The Resolution was included in the agenda packet; the action is approval of the resolution.

Motion ADM 05000 by Messina to approve Resolution 14-03 Requesting the City of Columbus be excluded from the Proposed North and East Metro Groundwater Management Area. Second by Krebs. Motion Carried.

Update - Broadway & Kettle River Roundabout (Page 108)

A letter dated April 4, 2014 from TKDA regarding the improvement of the intersection of Broadway Avenue (CSAH 18) and Kettle River Blvd (CR62) was included in the agenda packet. The County would like to introduce the project and schedule at the May 14th City Council meeting. Construction is planned for 2015. There may be costs imposed upon the city for lights, curbs etc, however before the project can go forward the city has to approve the design.

Motion PWE 01200 by Povolny to direct the Engineer to schedule the meeting for the Broadway & Kettle River Roundabout project for the May 14th City Council meeting. Second by Krebs. Motion Carried.

14. ATTORNEY REPORT

Senior Center Coordinator Position

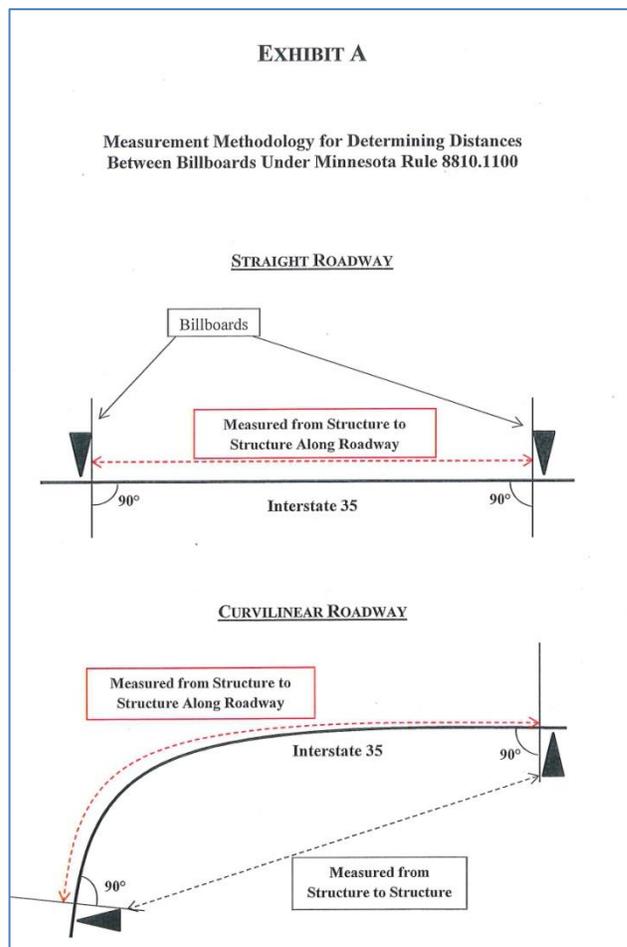
The personnel committee met and based on the lease agreement made is recommending elimination of the Senior Center Coordinator position. A letter dated April 8, 2014 regarding the Senior Center Coordinator Position was included in the agenda packet.

Motion HRS 03300 by Krebs to approve the elimination of the Senior Center Coordinator position. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Interpretation/Motion - Billboard Spacing (Handout)

At the March 19, 2014 City Council meeting the Attorney was asked to review a question regarding how billboard spacing is measured. A memo dated April 9, 2014 from the City Attorney was included in the agenda packet. The Attorney reviewed the memo and explained Minnesota Statutes, rules and the City Code regarding this question. The conclusion was the city's general policy for measuring distances between structures could be applied and that this should be adopted and used to ensure measurement consistency in the future. The action is approval of Exhibit A on page 4 of the Attorney's memo to be used as the measurement methodology for determining distances between billboards.

Motion PER 03120 by Peterson to approve the Exhibit A of the Attorney's memo dated April 9, 2014 as the Measurement Methodology for determining distances between billboards Under Minnesota Rule 8810.1100. Second by Messina. Motion Carried.



Motion – Park Board Waiver (A5-7)

At the last meeting the Attorney was directed to review the waiver document with the city's risk managers to determine the best option. A Park Use Agreement was included

in the agenda packet. This is intended for large groups that take over the vast majority of the park, including the Home School group, FLAA, YMCA and Columbus Softball League or other groups of this type. .

Motion CON 00050 by Krebs to approve the Park Use Agreement as depicted on pages A-5 through A-7 of the agenda additions. Second by Duraine. Votes as follows: Peterson - aye; Messina - nay; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

15. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

YMCA Park Play Days

The YMCA said they want a minimum of 10 children to schedule a program. The Park Board may not have enough money to cover the 2nd program.

Park Board Report (Page 124 & A8-12)

A 2014 Park Maintenance schedule and estimates for various supplies in the park was included in the agenda packet. In addition a 2014 Park Maintenance Agreement including the task list with RVS Turf & Snow, Inc. was included in the agenda packet.

Motion CON 00050 by Peterson to approve the Park Maintenance Contract with RVS Snow and Turf for \$12,000. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Other Park Board Business

A new message board was ordered. The Park Board discussed replacing the telephone poles; there are no funds available for replacement. They discussed extending the parking lot to the north, but the land is very low and would not yield that many parking spaces. The consensus was to continue to investigate removing the trees for additional parking spaces at the Columbus City Park. (*Parking lot along Notre Dame Street*)

Residential PUD

There was discussion regarding the status of Planned Unit Developments. Council Member Krebs suggested that the Planning Commission discuss this at their next meeting/workshop.

Council Member Messina

No report.

Council Member Duraine

Council Member Duraine said as follow up on the issue regarding the cable access request made recently, he met with John Adams from Midcontinent and he said they will send a sales person into the area to discuss service. The resident said she was going to approach her neighbors to see if there was more interest for service. It was noted that the Cable Commission is interested in TV service not necessarily internet. The Cable Commission wasn't clear who should handle these calls. The Attorney said the Cable Commission should provide this basic service. The City Administrator suggested holding another meeting with Midcontinent to discuss needs in areas in Columbus not serviced.

Council Member Krebs

Council Member Krebs attended the ColumBiz breakfast the attendance was very good and the event went well. Mayor Dave Povolny added that several people said they looked forward to the event and the EDA may need to reconsider whether to continue holding the event in the future.

Mayor Dave Povolny

A Fire Board meeting will be coming up soon and they will discuss the rent of the new Forest Lake building. Forest Lake has hired 8 hour per day fire fighters. There was discussion regarding adding "Columbus" to the Fire Hall and to the trucks.

16. Deputy Clerk Report

Resident Flyer

The resident flyer was mailed to all property owners in Columbus last week one of the items was to sign up for broadcast emails. Since that time we have received 45 requests to sign up.

17. City Administrator's Report

Motion - Building Official Truck (Page 125)

Three bids were received for the rust repair. The action is to award the contract. There was discussion regarding the need for the repair and the unexpected high results of the bids received. The consensus was to install fender flares instead, which would be much lower cost and the Publics Works staff would install them on the truck.

Motion ADM 03900 by Krebs to install fender flares on the truck on all 4 fenders for up to \$500. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion - RAHP 5K Run Road Closure (Pages 126-130) PC12-107

RAHP has scheduled another 5K Hit and Run event and is requesting closing Zurich and 147th Avenue Streets from 8 am to 4 pm.

Motion PLZ 01200 by Messina to approve closure of Zurich Street (Running Aces Blvd.) and 147th Avenue from 8 am to 4 pm subject to the conditions of permit #2-2014 under IUP PC12-107. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Conditions for 5K Hit and Run Event Special Event License Permit #2 -2014 under PC12-107 (Hit & Run 5K Race)

1. Road Barricades must be used to block road traffic at points as indicated on site plan. Road Barricades must be provided by Running Aces or Vendor of event.
2. City Public Works Department must be provided with phone number prior to the event of event coordinator cell phone on the day of the event.
3. Traffic control signs must be posted on Lake Drive and W. Freeway Drive of 147th and Zurich Street road closure.

4. Event Coordination with Anoka County Sheriff's Department is required for this event. Anoka County deputy must be present and is required to control traffic where event runners are crossing the road (Zurich- 147th) for the entire time of the road closure.(vendor or RAHP must arrange and compensate Anoka County Sheriff's department for services) (approx. 8:00 a.m. – 4:00 p.m.)
5. If tents larger than 120 square feet are being used for this event a permit must be applied for no later than **May 1, 2014** and an inspection will be needed no later than **May 9, 2014** and can be completed no later than at noon on that day. Phone: 651-464-3120 Ext. 13.
6. Submit Certificate of Insurance from Vendor naming City of Columbus additional insured prior to event.
7. RAHP is required to notify City if race details change from Event notice dated March 5, 2014. If changes occur, permit is subject to additional conditions if 5k race departs from the event description due to vendor or RAHP.

Treasurer's Report

Receipts:	\$26,651.03
Disburse:	\$72,172.28
Balance:	\$1,689,781.23

Police Task Force

The City Administrator is sending a letter to Linwood Township requesting a joint meeting to discuss law enforcement options. The City Administrator will notify the council on the date chosen.

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 04/16/2014 7:00 p.m.
- ▶ Calendar of Meeting (**Page 131**)

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Duraine.

Meeting adjourned at 10:37 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk

