

**City of Columbus  
Regular City Council Meeting  
May 14, 2014**

The May 14, 2014 meeting of the City of Columbus City Council was called to order at 7:10 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 Recording Secretary Karen Boland.

Absent: None.

Also in attendance were: Curt Kobilarcsik of Anoka County, Tim Arvidson of Stonebrooke Engineering, Frank Wagamon, Kris King, Paul Peskar, Ceil Neihart, Jody Krebs, Doug Schliesing, Jesse Preiner, Pat Preiner, Linda Larson, Loran Larson, Holly Schueler, David Schueler, Jim Windingstad, Jim Fraley, Doug Palmer, Dick Zaccardi, Ron Barnes, Steve Sisco and Paul Ringell Forest Lake Times.

**A. CITY COUNCIL REGULAR MEETING**

1. Call To Order - Regular Meeting - 7:10 P.M.
2. Pledge of Allegiance

**B. CONSENT AGENDA**

3. Motion - Approval of the Columbus/Linwood Joint Meeting Minutes 04/29/14
4. Motion - Board of Appeal & Equalization Minutes on 04/22/14
5. Motion - Approval of the City Council Meeting Minutes on 04/23/14
6. Motion - Agenda Approval with Additions
7. Motion - Pay Bills as Posted

**Motion by Peterson to approve the consent agenda. Second by Messina. Motion Carried**

**C. PRESENTATIONS**

**8. PRESENTATION – BROADWAY & KETTLE RIVER BLVD. ROUNDABOUT PROJECT (ANOKA COUNTY) (Page 1)**

Curt Kobilarcsik, Anoka County Engineering Program Manager, and Tim Arvidson, Consultant from Stonebrooke Engineering presented information on the improvement of the intersection of Broadway Avenue (CSAH 18) and Kettle River Blvd. (CR 62). The most current design was shown. Its layout was developed with comments from City and County staff. Roundabout safety and features were outlined. The planning phase will include a roundabout justification report. Generally speaking, roundabouts are designed for the largest legal vehicle in the state: a semi. There will most likely be some right-of-way impacts; attempts will be made to minimize those while accommodating the turns that need to take place, particularly the turn from eastbound to southbound. An open house is planned for the project for mid-June. By late summer/early fall the County intends to have a detailed design in place. Construction would take place in summer of 2015 if all goes as planned. Anoka County will be coming to the City Council with a joint powers agreement in September. This is to get the City agreement to the design, the cost, and maintenance responsibilities. This will be a single-lane roundabout. Typically, it would be lit. The City would be responsible for the costs of the lighting. City Council members requested making the diameter of the roundabout as large as possible due to

approach angles. The Attorney pointed out the engineers will attempt to fit the maximum size within the existing right-of-way. The County maintains the roadway. Landscaping elements in the center island would be a City responsibility, pending County approval. The next step in this process will be gathering input at the public open house.

**9. DISCUSSION/MOTION – SIGN RETROREFLECTIVITY POLICY (PUBLIC WORKS DEPARTMENT) (Pages 2-13) (A-1)**

By June 13, 2014, all cities who maintain roadways open to the public are federally mandated to adopt a sign maintenance program to maintain sign retroreflectivity at or above specific levels. “Retroreflectivity” describes how light is reflected from a surface and returned to its original source. Traffic signs are made with a retroreflective sheeting material that redirects headlamp illumination back toward the vehicle, making it visible at night. The retroreflective properties of all sign sheeting materials degrade over time. The City must come up with a policy outlining options it will use to measure signs for retroreflectivity, and how signs will be replaced. City staff recommends a combination of two methods:

Assessment Method: Blanket Replacement – meaning a complete inventory will be taken of all signs in the City, extraneous signs would be removed, and all regulatory, warning and guide signs will be replaced in increments beginning with the areas of the City where signage is oldest.

Management Method: Expected Sign Life – when the above signs have been replaced, an expected sign life process will be established, using a combination of expected sheeting warranty life estimation of manufacturers/suppliers, and on-the-ground experience in the field.

It was clarified that the City is not responsible for County road signs, including signs where City and County roads intersect.

**Motion ADM 05400 by Peterson to approve the Sign Retroreflectivity Policy #14-01, with staff recommendations for use of Blanket Replacement and Expected Sign Life to be incorporated in the final draft. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

City Administrator Mursko reported that she and Public Works staff applied for and received a \$2500 grant from Centerpoint Energy toward the purchase of a GPS that can be used to help with the sign inventory. She asked if the Council would accept that grant.

**Motion ADM 03300 by Peterson to accept the \$2500 grant from Centerpoint Energy for purchase of a Global Positioning System. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

**10. DIRECTION/MOTION – 7110 CAMP 3 ROAD ACD 46 CULVERT (Enclosure and A-2)**

The resident at 7110 Camp 3 Road has complained to the City because his culvert has been getting washed out by water coming through his culvert and through a road ditch. He felt the City and Rice Creek Watershed District (RCWD) should do something. RCWD has acknowledged their ditch was re-routed. They’ve indicated they have no jurisdiction over the ditch in the right-of-way, and they don’t have jurisdiction over the re-routing.

RCWD is willing to buy and deliver a culvert to this residence, and three other affected residences. The Council is being asked if they will hire a contractor to install the driveway culverts. The Public Works staff has said they can clean out the culverts when the water goes down. In the recent past the City has not purchased or paid to install driveway culverts. Those have been property owner costs. It is a policy decision whether the City will pay for the installation costs. There was discussion about the ditch being there thirty years before the homes were built. The culverts were placed in the ditch by the homeowners to construct driveways. The City Council determined that the City will not pay for the culvert installation for these homeowners.

## **11. PLANNING COMMISSION REPORT**

Jody Krebs presented for the Planning Commission tonight. A joint meeting was held with the Planning Commission and City Council, to discuss actions to be taken as a result of the Business Retention and Expansion Project. She noted the nine actions identified. The Council directed the Planning Commission to look at one of these actions: re-evaluating land use concepts and zoning categories for Lake Drive, and screening possibilities between business and residential in that area. The Planning Commission will continue to develop ideas for higher density housing options in various areas of the City.

## **12. PUBLIC OPEN FORUM**

No one asked to speak during Public Open Forum.

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

### **13. ENGINEER REPORT**

#### Motion – FEMA Flood Insurance Rate Maps Letter (Page 14)

FEMA has revised their flood insurance rate maps for Anoka County. FEMA published notices, as did the City, soliciting any comments from the public on those maps. The 90-day comment period ends May 22, 2014. A list of has been assembled of approved letters of map amendment (LOMAs) from what were on file at Anoka County, Columbus Township and City records, and from individuals. There is a list of 25 LOMAs. This will be forwarded to the consultants for FEMA, on behalf of the City, with the Council's permission.

**Motion PWE 00500 by Messina to forward the list of approved LOMAs to FEMA. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

#### Motion – Road Petition Calendar & Special Assessment Policy (Pages 15-16 & Encl. A3-A6)

There have been petitions submitted as requests to hold neighborhood informational meetings for two areas of the City. One covers Bender Street between 181<sup>st</sup> and 184<sup>th</sup> Avenue, and 184<sup>th</sup> Avenue. The other covers 178<sup>th</sup> Lane, 177<sup>th</sup> Lane, and Heidelberg Street. The first step in an approximate schedule would be to hold neighborhood meetings. In order to complete these projects during the normal construction season, these meetings would need to be held in early June. At these meetings, cost to residents would be presented. Once property owners know the cost, official petitions go out to individual addresses. Each of those property owners is then asked whether or not they want the road paved at the determined cost. That is when the percentage of residents in

favor of the project comes into play. The current policy says the Council would like to see 60% of residents in favor of the project. The Public Works Committee favors changing this to having “a majority” of affected residents in favor of the project.

**Motion PWE 01200 by Peterson to order a neighborhood meeting for residents of Bender St. between 181<sup>st</sup> and 184<sup>th</sup>, and 184<sup>th</sup>; and residents of 177<sup>th</sup> Lane, 178<sup>th</sup> Lane, and Heidelberg Street to determine the process and cost of paving these roads. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

Council directed that the two neighborhood meetings should be held together. The date will be left up to City staff.

There was further discussion of the requirement that 60% of residents be in favor of a paving project, and whether that should be changed to 51%. The City Attorney said a majority is a pretty typical standard. The Council has the discretion to order any road project. If they don't have 35% in favor, the Council needs a super-majority vote to pass it. City Administrator Mursko said the lower the percentage, the higher the appeal potential. The cost to the City, in general, goes down with more paved roads. Dave Schueler of the Public Works Committee said part of the reason the Committee recommended this policy go to simple majority, was that they didn't feel a minority of property owners should determine the outcome of the project.

**Motion ADM 05400 by Peterson to amend Special Assessment Policy 12-04, so the second sentence in C.6., will now read: “It has been the practice of the Council to support petition requests when 51% of affected property owners are in favor of the assessment.” Second by Krebs. Votes as follows: Peterson - aye; Messina - nay; Duraine - abstain; Krebs - aye; Povolny - aye. Motion Carries.**

#### FYI – DNR Presentation GWMA June 11, 2014 CC Meeting

Per Council instruction, the Engineer presented the DNR with a resolution to exclude the City from the North and East Metro Groundwater Management Area (GWMA). The DNR has asked to attend the Council's June 11, 2014 meeting to talk to the Council about that.

#### **14. ATTORNEY REPORT**

##### Update – Fire Marshall Memo (Page 17)

The Council inquired as to whether the services of a fire marshal/fire inspector are required in the City. The Attorney said the Fire Chief is responsible for enforcement of the Fire Code, and is consequently responsible for hiring the fire inspector and conducting inspections. If the Council wanted to change that arrangement, they would need to modify the Code and notify the Fire Chief.

Council Member Duraine and Mayor Povolny attended a Fire Board meeting and the ability to appeal an inspector's decision was discussed. The Fire Board unanimously voted that in complaints about compliance, the complainant should be informed that they have a right to challenge the complaint through the City of Columbus or the City of

Forest Lake. The City would then direct that challenge to the Fire Board, who would determine who has the authority to consider it. City Administrator Mursko said the City of Forest Lake did not feel the Fire Board needs to be involved. They want challenges to go to the appropriate City Council.

Council Member Krebs asked the Attorney if the Fire Marshal has the authority to say a business will be shut down if a certain thing isn't corrected. The Attorney said that during the interim period, before an appeal could be heard, the Fire Marshal, under the authority of the Fire Chief would have the authority to shut a business down, but it would have to be for an egregious violation raising imminent safety concerns that could be documented. The Attorney said the City Council has authority to act as a board of appeals and adjustments for anybody who is aggrieved by a City decision initiated by an agent of the City. Before the City directs the Fire Board to update its notice-of-violation form to reflect an avenue for complainants to appeal a complaint, the Attorney would like to check statute citation for the correct appeal process.

**Motion – Performance Agreement Forest Lake Contracting (Pages 20-37)**

The Attorney wanted to clarify that the agreement covers both the west and the east parcel for the purpose of relinquishing the CUP. It covers only the east parcel for establishment of the new IUP. Mining operations can only occur on the east parcel. The wetland mitigation and monitoring plan has been incorporated. It makes it clear that the City is in no way responsible for that plan, but the applicant is. As the Council requested, there is a provision allowing the City the authority to come on to the property to make inspections. There is a provision for reimbursement of costs to the City. There is a provision requiring the applicant to make a good faith effort to seek approval from the City of Wyoming to use 189th. The rest of the conditions were adopted at the last City Council meeting.

Council Member Krebs asked if the property will still need to be repaired as required, even if all the allowed days of hauling over the four years have not been used. The Attorney said yes, that is their obligation; they must do their hauling and their mitigation in the four years.

Mayor Povolny asked if this IUP would flow with the land. The Attorney said it runs with the property, but only for the four-year period.

**Motion PLZ 01200 and CON 00500 by Peterson to approve the City of Columbus Interim Use Permit Performance Agreement between the City of Columbus, Minnesota, Forest Lake Contracting, Inc., and Kathryn Haluptzok as depicted on pages 20 through 37 of the agenda packet. Second by Krebs. Votes as follows: Peterson - aye; Messina - nay; Duraine - nay; Krebs - aye; Povolny - aye. Motion Carries.**

City Administrator Mursko requested that the City hire an inspector to inspect the property and look at the mitigation as it progresses. The Attorney said that the cost for that should be reimbursed by the IUP holder.

**Motion PLZ 01200 by Messina to designate up to \$1500 per year to hire an inspector to monitor compliance of the IUP and the mitigation of the property. Second by Duraine.**

**Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

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

### **Council Member Peterson**

#### **Motion – Park Board Resignation & Fence Bid (Pages 18-19) (A-7)**

Per Council instruction, Public Works staff got estimates for putting in fencing in lieu of the existing telephone pole barriers by City Park. The Park Board doesn't have money for this project. The Council will look at this closer to budget season.

Park Board members Terry Phinney and Jim Ingalls submitted their resignations. Both are moving out of the City.

**Motion ADM 01100 by Messina to accept the resignations of Terry Phinney and Jim Ingalls from the Columbus City Park Board effective immediately. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

### **Council Member Messina**

Recognizing that it would be costly, Council Member Messina asked if lighting the City Park ball fields has ever been considered. City Administrator Mursko doesn't believe so.

### **Council Member Duraine**

At the Joint Powers Fire Board meeting there was discussion of rental of the City Center. The rental cost will stay the same. There are now five full-time Forest Lake employees who are on-call for the Fire Department. They are paid more in their positions, but it will not be reflected in the firefighter budget.

Council Member Duraine attended a Local Government Official's meeting.

Lakes Area TV televised a mock car crash and mock funeral at Forest Lake High School. There is a DVD available. That same week there was a MOST launch at the high school to reinforce good choices. Prom was the following Saturday.

### **Mayor Dave Povolny**

The Mayor had a question for the Attorney. If a homeowner has a travel easement across his property for another homeowner, does that mean that that homeowner doesn't have any rights to go onto that property? The Attorney said no; that would only be the case if it was deemed exclusive. Most access easements would be non-exclusive, meaning others can use it.

The Mayor did have one other call about the LOMA. He will check if the person's address is on the list presented earlier. The Engineer said if the person is not on the list, they would have to get that to him quickly, because the deadline is approaching.

## **16. DEPUTY CLERK REPORT**

The Deputy Clerk was not present.

## 17. CITY ADMINISTRATOR'S REPORT

### Motion - City Council iPads

For a state contract bid, there is an opportunity to purchase iPad IIs for \$305 each. At direction of the Council, staff can order these and put together a policy guiding their use. Once in place, Council Members will get their packets electronically. When Council Members were asked if they would use it, three said they would, two said they would not. There was discussion about saving paper. There was discussion about length of use. Povolny said the iPads would last four years or less. Each Council Member would receive one, as would the City Administrator and Deputy Clerk.

**Motion CON 00500 by Messina to purchase seven iPad IIs at \$305/each. Second by Povolny. Votes as follows: Peterson - aye; Messina - aye; Duraine - nay; Krebs - nay; Povolny - aye. Motion Carries.**

### Treasurer's Report

Receipts:	\$59,552.48
Disbursements:	\$57,518.64
Balance:	\$1,564,735.08

### Summer Office Hours

City administrative staff would like to go to summer hours starting Memorial Day weekend, as has been done in the previous three years. The office would close at 3 p.m. on Fridays from Memorial Day weekend through Labor Day weekend. There have been no complaints from citizens in the past. Employees would only be paid for hours worked.

**Motion HRS 03400 by Peterson to allow the City administrative office to close at 3 p.m. on Fridays between Memorial Day weekend and Labor Day weekend. Second by Povolny. Votes as follows: Peterson - aye; Messina - nay; Duraine - nay; Krebs - nay; Povolny - nay. Motion Fails.**

## E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Workshop. 05/21/2014 7:00 p.m.
- ▶ Calendar of Meeting (**Page 38**)

*Motion* by Messina to adjourn. Second by Duraine Meeting adjourned at 9:50 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary