

City of Columbus
Regular City Council Meeting
May 22, 2013

The May 22, 2013 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 Clerk Emmy Robinson.

Absent: None

Also in attendance were: Tim Kelly, Scott Brown and Brad Johnson Coon Creek Watershed, Andrew Witter Anoka County, Rick Robinson, Ron Barnes, Mike Wood, Helen Wood, 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 - Agenda Approval with Additions
4. Motion - Approval of the City Council Meeting Minutes 05/08/13
5. Motion - Pay Bills as Posted
6. Motion — Approval of Resolution 13-09 Accept Gifts... (Page 1)

Motion by Peterson to approve the consent agenda including ADM 05000 approving Resolution 13-09 Authorizing Acceptance of Gifts Received by the City of Columbus and to Authorize the City to Administer the Gifts in Accordance with the Terms Prescribed by the Donors. Second by Krebs. Motion carried.

C. PRESENTATIONS

7. PRESENTATION - COON CREEK WATERSHED DISTRICT (TIM KELLY)

Mr. Kelly, Administrator Coon Creek Watershed District, Brad Johnson and Scott Brown both on the Coon Creek Board of Managers were in attendance tonight to update the council on Coon Creek Watershed's comprehensive plan. Mr. Kelly reviewed a power point presentation at this time.

Some of the watershed districts activities include:

- Ditch inspection & maintenance
- Non-Routine Maintenance - Beaver & Tree Removal
- Investigation of a discolored pond.

Future issues include

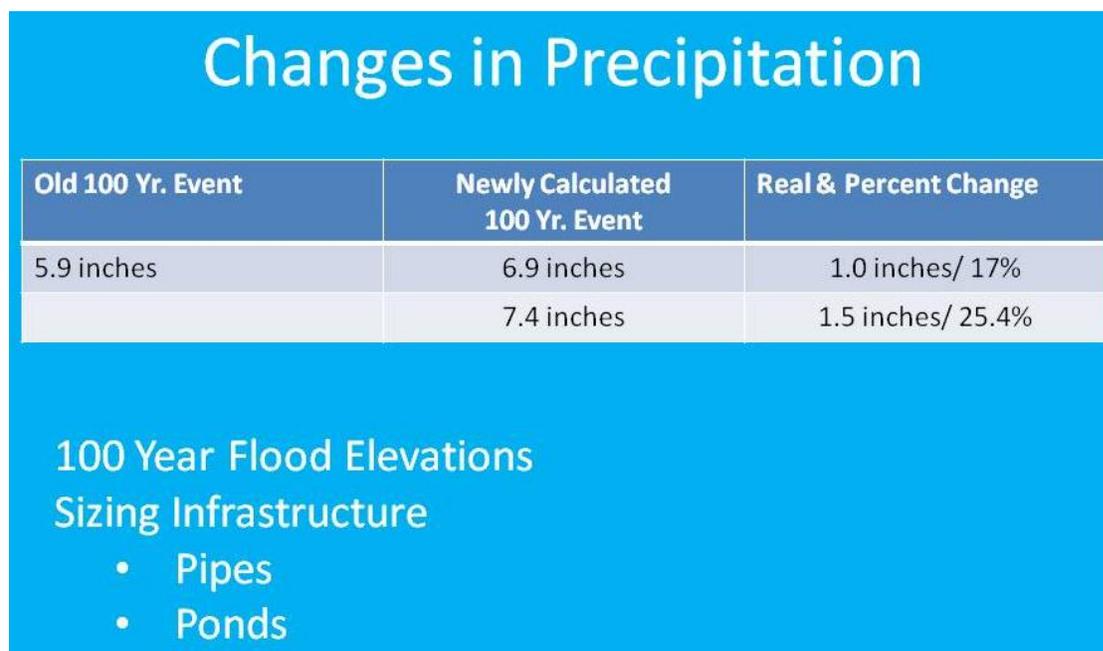
- Aquatic invasive species, Prevention, Early Detection & Monitoring, Rapid Response & Eradication, Long-Term Control & Management, Education & Outreach.
- Precipitation changes

- Effect of Declining Surficial Groundwater on Surface Water Resources (which does not affect Columbus at this time).
- Water quality.

Mr. Kelly re-enforced that flood control and water quality issues require cooperative effort between the local government and watershed district.

The Engineer asked if the slides are in the comprehensive plan and what areas the newly calculated 100 year events represent.

Mr. Kelly replied that the slides are part of the districts comprehensive plan and the 7.4 inches is the Fridley area of Anoka County and 6.9 inches is in the Andover area of Anoka County.



8. PRESENTATION — BROADWAY ROAD IMPROVEMENT PROJECT (ANOKA HIGHWAY DEPARTMENT)

Andrew J. Witter, P.E. Assistant County Engineer attended tonight to present the plans for the proposed overlay project on Broadway Avenue between Potomac Street and Kettle River Blvd. The diagram of the project was displayed on the projector at this time.

The overlay project is 2.4 miles and is a county funded project it is a rehabilitation program for the county. This is a reclaim and overlay project with 2 layers of bituminous (4 inches total). Some safety concerns will be addressed including turn lanes and bypass lanes. This project requires willingness of property owners to sell easements to the county for the safety improvements. Mr. Witter explained that additional property was acquired years ago but was never recorded, so the right of way is not owned by Anoka County and must be purchased from land owners. As proposed, this project is a 1 million dollar project; a complete project would be over 4 million dollars with an additional 1 million required for land acquisitions. A 120 foot corridor is usually needed for turn lanes. It is expected the project will take 3 to 4 weeks.

Council Member Duraine expressed concerns regarding the lack of improvements (left turn lanes, bypass lanes) and asked if there was time for the council to approach property owners that were not willing to sell their property for the project safety improvements.

Mr. Witter confirmed that if the council wanted to contact property owners regarding their property they are free to do that, the project can wait as it is not scheduled to begin until after school is out and changes can be made right up to paving time.

The Attorney suggested that contact by the council may help the project.

Mr. Witter will provide the following to the City Administrator:

The property appraisals.

The project schedule.

A contact person's phone number for the project.

Follow up on the sign currently in place regarding the road closure beginning May 29th.

A question was asked as to the detours that will be used while CR18 is closed.

Mr. Witter confirmed that the detour will use county roads only and will be from Potomac to Lake Drive to Kettle River Blvd.

Roundabout at KRB and Broadway Ave

A map showing the proposed roundabout expected to be installed at the intersection of Broadway Avenue and Kettle River Blvd. in 2015 was displayed at this time. .

Federal funds were obtained for the project and it is scheduled as a 2015 project. This will be a single lane roundabout. There was concern expressed regarding larger vehicles (semis/trailers) navigating the roundabout. Mr. Witter indicated that the concrete apron on a roundabout is designed for semi trailers to ride along. This is a conceptual drawing at this point; updates will be presented to the council as they become available. The center of the roundabout will be mounded to prevent cars from passing straight through. Street lighting is at the entry to the roundabout. Crosswalk areas were displayed on the concept plan.

9. PLANNING COMMISSION REPORT

Forest Lake Contracting, Inc, Revocation of CUP and IUP application (PC13-103).

The City Administrator presented for the Planning Commission tonight. At the last Planning Commission meeting a Public Hearing was held for Forest Lake Contracting, Inc, for Revocation of CUP and IUP application (PC13-103). The Planning Commission members wished to visit the site after hearing resident concerns and would like to begin the meeting at the site at 6 p.m., the applicant agreed to be there to allow Planning Commission members entry. The Planning Commission also requested the City Engineer be present. The Planning Commission made a motion to continue the discussion regarding the Conditional Use Permit revocation and IUP application by Forest Lake Contracting and request that the City Council allow Planning Commission members to make a site visit as a group, with the City Engineer, at their next meeting, June 5, 2013, in order to gather more information.

Motion PLZ 01200 by Peterson to reject the request by the Planning Commission to conduct a site visit with the Engineer and issue the IUP. Second by Krebs. (Motion was rescinded by Peterson after further discussion below).

There was discussion at this time regarding how the council could proceed with issuing the IUP without findings and conditions from the Planning Commission and whether there is a chance the property owner would not relinquish their CUP. The Attorney explained that the current use is outside the limits of the Conditional Use Permit therefore the property owner is in violation. The staff met with the property owner and offered them the option of applying for an IUP if they agreed to relinquish their Conditional Use Permit. The applicant will not oppose the action to relinquish their Conditional Use Permit for an IUP as they are currently out of compliance with their CUP. The City Administrator gave a background of the use of the property. There is a benefit to all parties in moving in this direction as the IUP will allow the city more control over the activities on the site and there is an end date with a plan for the land once the minimum is complete.

The Attorney said the matter is not in front of the council at this time it is still in front of the Planning Commission.

A question was asked if the contractor could continue work at the site while the application is in process.

The Attorney responded that the contractor cannot begin mining at this time as there is a violation of the CUP at this time.

Council Member Peterson rescinded his motion at this time and expressed his displeasure as to the procedure followed and delay the Planning Commission caused for this application.

Motion PLZ 01200 by Duraine to allow the Engineer and Planning Commission to meet at 6 p.m. at Johns Black Dirt with Forest Lake Contracting. Second by Messina. Votes as follows: Peterson - nay; Messina - aye; Duraine - aye; Krebs - nay; Povolny - aye. Motion Carries.

It was noted that there will be no additional cost to the City as the Engineer fees will be reimbursed as part of the escrow for the IUP application fees.

14115 Lake Drive Kennel Inspection (Pages 2-3)

The City Administrator reported that last year the City issued kennel Interim Use Permits and some of these had conditions that needed to be met. One of the kennels had a condition for quarterly inspections in the first year of the IUP. The first inspection has been completed and a report dated April 25, 2013 regarding the first quarterly inspection required by condition # 25 of the Interim Use Permit PC12-120 was included in the agenda packet. The City Administrator explained that originally the CSO would have been the city agent performing the inspection; however with scheduling constraints for the inspection, so the Animal Control Officer is the agent of the city that conducted the inspection. The report indicates conditions that he feels should be addressed and the action by the council is direction regarding the conditions of the inspection report.

The Attorney stated that a permit cannot be revised, this would be compliance with the inspection, and inspection was a condition of the IUP the recommendation is that the IUP

holder complies with the direction of the Animal Control Officer. This is not a new condition it is already in the conditions of the current IUP.

Motion PLZ 01200 by Messina to direct staff to write a letter consistent with the inspection report of the Animal Control officer dated April 25, 2013. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

A question was asked if the city has jurisdiction over the comments regarding the horses. The Attorney replied that the permit does not cover the horses, but the letter can contain the Animal Control Officer's recommendation.

The Attorney added that the letter should also note that if the IUP holder does not achieve compliance the permit can be re-opened for possible revocation.

10. PUBLIC OPEN FORUM

No topic was raised at public open forum.

11. PARK ADVISORY BOARD RESIGNATION (PAGE 4)

A letter dated May 16th, 2013 from Joanne Keyes resigning from the Park Board effective immediately was included in the agenda packet. The council agreed that Ms. Keyes will be missed and the council thanked her for her service.

Motion ADM 01100 by Krebs to accept with regret the resignation of Joanne Keyes from the Park Advisory Board effective immediately. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

D. STAFF & CONSULTANT REPORTS

12. ENGINEER REPORT

Update Neighborhood Meeting Project Map (Handout)

At the last city council meeting direction was given to proceed with a letter to property owners on several gravel roads to see if there is an interest in holding a neighborhood meeting(s). A handout showing the proposed roads and their length was distributed at this time. The Engineer reviewed the handout at this time, it was explained that there are roads scheduled for mill and overlay that could be combined with this project. The proposed road improvements represent 5.43 miles. The mill and overlay project is 3.24 miles.

The City Administrator added that after the article in the paper other people have called in to say they were interested in an improvement also and wanted to be included in the project. The City Administrator asked for clarification regarding if this is considered an area project would the costs be figured as one whole project or by each individual street. The Attorney said the city defines projects, its obligation is to treat all property owners in a similar manner and if it is beneficial to the city the project can be defined as one project. At this point the Engineer will not be involved until the invitation letter responses are received.

The Engineer said there will be a significant savings for the improvement especially if the mill and overlay project proceeds. In addition gravel costs have usually been credited towards road improvement projects if the road was scheduled for gravel at the time the road improvement is ordered.

The Oak Prairie development has an escrow available until 2014 to pave their road.

The Attorney noted that there is a new law which allows deferral until the property is developed; payment is required on one lot and upon sale of the property or when development occurs.

A lot is defined as 220 foot of road frontage and minimum of 5 acres that meet buildable standards for a house.

Motion PWE 01200 by Peterson to combine the mill and overlay project with the neighborhood road project. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - nay; Krebs - aye; Povolny - aye. Motion Carries.

13. ATTORNEY REPORT

6012 141st Ave. (Handout at Meeting)

The Attorney was asked to review the lawful access to property and easement at this property.

Inspection of the property

The Sheriff Deputy report was in the packet. The Deputy noted that he visited the property at the request of the City when Mr. Wood arrived home he followed Mr. Wood up the driveway. The rule is a police officer can in the inspection of a complaint or response of a complaint go onto private property but cannot enter the house or the cartilage or the area immediately surrounding the home. The Deputy did not do this, he spoke with Mr. Wood in the driveway. The practice of the city is to get consent prior to entry for inspection of complaints.

Possible sale of the sliver of land to Mr. Wood

A map of the property was displayed at this time. The property is about one quarter acre. A statutory city can sell the property without a public hearing, but must sell it at fair market value it cannot be sold for nominal value. The property is a tax exempt parcel as the city does not pay taxes therefore the county did not have a value on it. The Outlot B was dedicated by quit claim deed and was signed over to the city in 2004. The Assessor was asked to provide a value for the property and he valued the property at \$1625. The Attorney continued that without an appraisal, which will cost the city additional money the city can use the value given by the Assessor as the value for the property.

Mr. Wood was asked to approach and he said he filed for adverse possession and said his Attorney told him the land was going to transfer to him. Mr. Wood gave a history

of his house permits and septic and asked if he could make an offer to the city. It was suggested that a nominal value be used for the property. The Attorney said nominal value is only allowed for government sales. An alternative would be for Mr. Wood to get an appraisal for the property which the council could accept. A trade of the property for part of the easement could be acceptable also. Another option would be for the city to put an ad in the paper to sell the property and Mr. Wood could make an offer at that time.

Mr. Wood indicated that a trade for road easement was not an option he would consider as he does not want the road to go through.

Mr. Wood asked if he could speak with his wife and continue the conversation later in the meeting. The council agreed.

Mr. Wood returned to the meeting at this point and said the property is non conforming and therefore he wanted to offer \$1,000 for the property otherwise he will get an appraisal on the property.

The City Administrator explained that the property would be conforming if purchased and the city would require Mr. Wood to combine the property with his current property.

The Attorney suggested that the city could ask the Assessor if the offer is acceptable. The City Administrator indicated that the Assessor based the value on the lowest ag classification and she could ask him if there is a range that could be given.

The Attorney said a quitclaim deed could be created so the process could be expedited.

Mr. Wood asked why there isn't a separation for the cul-de-sac to his property. The Engineer explained that the cul-de-sac is considered right-of-way.

Mr. Wood told the council he put up a gate and he has not given anyone permission to cross the right of way. Mr. Wood said he was upset by the officer taking a photograph of his property not him coming to the property.

The next meeting will be June 12th. The Attorney clarified that the deed will be prepared so the council can act on it, but the actual transaction would take place the next day or so.

14. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

No report. Council Member Peterson said he would like to express his displeasure with the handling of the Forest Lake Contracting application by the Planning Commission last week and would like to discuss this at the joint meeting.

Council Member Messina

Council Member Messina said at the last meeting of the Police Task Force it was agreed that there would be two requests for proposal's asking for a letter of intent for either partnership or contract services.

Council Member Duraine

Council Member Duraine attended the Anoka County Commissioners meeting which was held at Columbus City Hall last week. Council Member Duraine said he spoke with Doug Fischer about the Broadway Avenue project.

Council Member Duraine attended the Forest Lake Cable commission meeting today. The franchise contract is in the hands of their attorney at this time.

Council Member Duraine expressed concerns regarding including the mill and overlay projects with the proposed road improvement project. There was discussion regarding blacktop vs. gravel costs. It was explained that for maximum road life mill and overlay projects are done when the road is around 20 to 25 years old and before it is in disrepair. These overlay projects were planned before the road improvement project came up and the cost for this has been budgeted for every year in anticipation of the work.

Council Member Krebs

No report

Mayor Dave Povolny

Mayor Dave Povolny attended the cable commission meeting today.

15. Deputy Clerk Report

Recycle Week June 3rd – June 8th

Flyers have gone out for the week's recycling offerings. Residents can call anytime to be placed on the pickup list for the curbside pickup on June 7th. Bicycles can be dropped off anytime during the week, a call ahead would be requested.

16. City Administrator's Report

Local Government Meeting (Pages 5-6)

The Local Officials Meeting is scheduled for May 29th, at the City of Ramsey Alexander Ramsey Room. RSVP's are required.

Complaint Process (Page 1)

An instruction sheet outlining the process followed for complaints was included in the agenda packet. The City Administrator asked if the council had any comments, there were none.

Audit Review

The audit has been reviewed and the report is ready. The recommendation is to cancel the June EDA meeting and conduct the audit review instead. The action is approval of this request.

Motion FIN 00900 by Povolny to cancel the June 12th EDA meeting and conduct the audit review instead. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Mid Continent Meeting

A meeting was held and it was clear the concerns of the city are outside the franchise agreement except for the one component regarding criteria for providing service. The City Administrator will meet with Mid Continent on June 5th to further discuss service criteria as it relates to Columbus. June 30th is the deadline for the franchise agreement. An addendum to the agreement would be created for the service portion for Columbus if needed.

Council Member Duraine said he is concerned about Attorney costs for the franchise negotiations.

The Attorney said he thinks his role is done other than an addendum if needed.

Treasurers Report

Disbursements	\$42,054.23
Receipts	\$3082.67

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 06/05/2013 6:00 p.m. Site Visit 7:00 p.m. meeting.
- ▶ Calendar of Meeting (Page 7)

F. ADJOURNMENT

Motion by Duraine to adjourn. Second by Krebs

Meeting adjourned at 9:14 p.m.

Respectfully Submitted:

Emilia S. Robinson
Deputy Clerk