

**City of Columbus
Regular City Council Meeting
May 28, 2014**

The May 28, 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: Council Member Duraine.

Also in attendance were: Jesse Preiner, Pat Preiner, Jody Krebs, Garth Sternberg, Kris King, Paul Peskar, Perry Wagamon, Frank Wagamon, John Brown, Michelle Daubs, Cecilia Woodrich, Ron Barnes, 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 05/14/14
4. Motion - Agenda Approval with Additions
5. Motion - Pay Bills as Posted

Motion by Krebs to approve the consent agenda. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Krebs - aye; Povolny - aye. Motion Carries

C. PRESENTATIONS

6. PRESENTATION/DISCUSSION - DNR GROUND WATER MANAGEMENT AREA (PAUL PUTZIER) (HANDOUT AT MEETING)

The City Administrator said this topic is scheduled for the June 11th meeting.

7. PLANNING COMMISSION REPORT

Garth Sternberg presented for the Planning Commission tonight. The Planning Commission heard from the Planner on changes to allow subdivision design flexibility for housing and the process the city would need to follow to accomplish this. The Planner will have illustrations for the next meeting. The lot averaging concept would be considered throughout the entire rural residential area – it would not affect density.

There was discussion regarding the buffer zones between the commercial and residential areas and what might be appropriate.

8. DISCUSSION - HUMBER STREET GRAVEL REQUEST (PAGES 1-3)

An email from Melanie Hinz requesting the Humber Street be improved to gravel standards on its entire length was included in the agenda packet. The City Administrator explained the history of the area, there was a development agreement that required 975 feet of Humber

Street be constructed at 33 feet wide (up to the turnaround at this time and this is not the entire length of Humber to Ms. Hinz's property at 13305 Humber St). The two businesses abutting Humber Street have given 33 feet for road easement which would allow for the full 66 foot easement for the 975 foot length (up to the current turnaround).

Mrs. Hinz thought that since the remaining distance to her property is public easement she should not be responsible for improving that portion of the road. A diagram of the area and the easement documents associated with the road were displayed at this time.

The Attorney said it appears that this is specific to the one parcel. It was noted that Humber and 135th Avenue have always been 33 feet wide.

The Engineer noted that the standard gravel road is 24 feet. The consensus of the council was to upgrade the area south of the turnaround to the property line with gravel to be installed by the Public Works staff.

Motion PWE 01200 by Peterson to upgrade the road with gravel installed by the Public Works staff for an amount up to \$2000 subject to obtaining easement from the property owner for a turnaround. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye;; Krebs - aye; Povolny - aye. Motion Carries.

The Public Works Department would maintain the road to this location in the future.
(Pictures of the area follow)



Humber Street 13300-13499

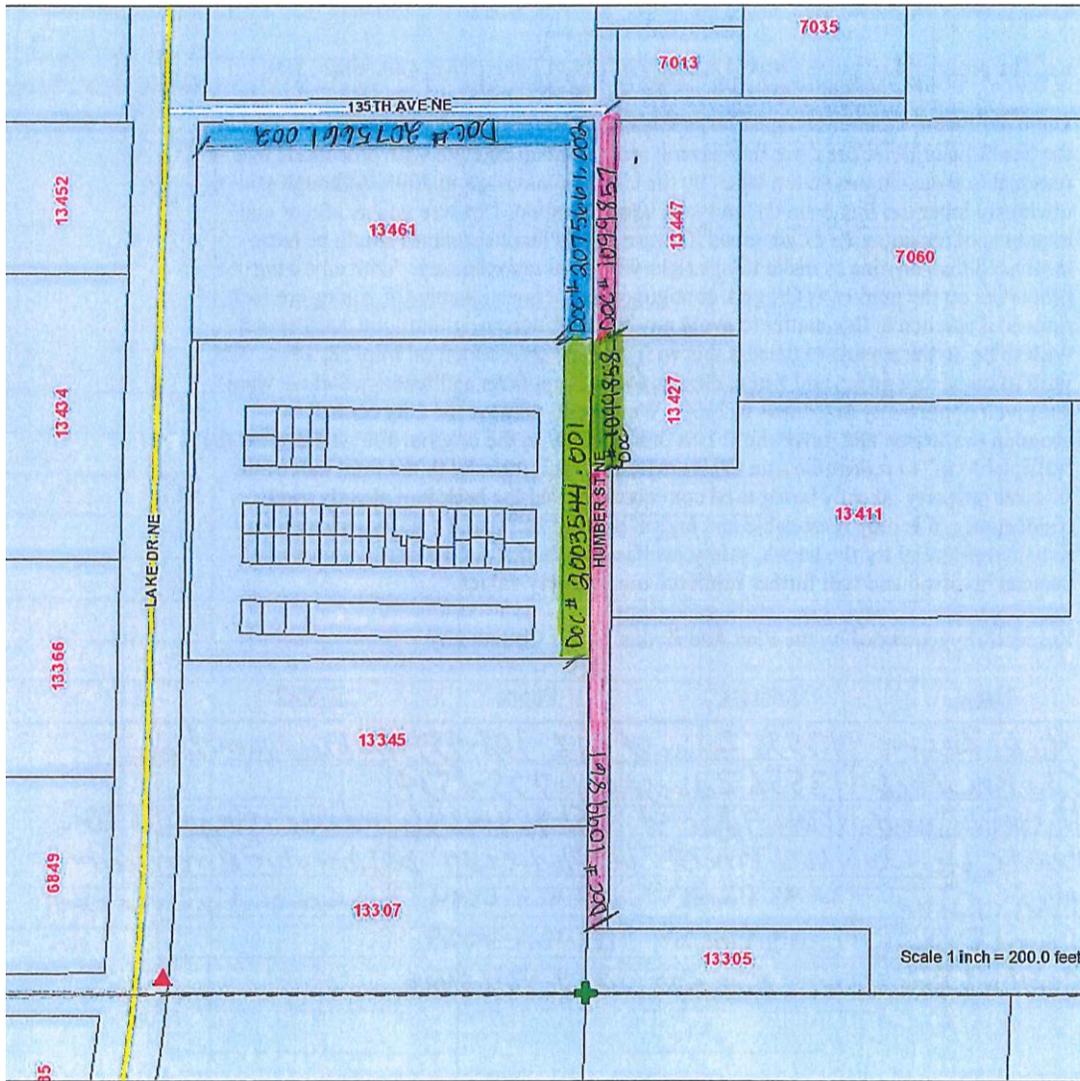


Aerial Photos: Flown Spring 2011





Humber Street Right of Way Documents



Aerial Photo: Flown Spring 2011



9. DISCUSSION - RESIDENT PETITION TO REZONE 13434 LAKE DRIVE (PAGES 4-5)

Pine and Zodiac Street Community Request

A letter dated May 21, 2014 requesting discussion of zoning considerations at 13434 Lake Drive was included in the agenda packet.

The Attorney informed the council that only they can initiate re-zoning action on a property other than the property owner. The owners of the property in the petition have indicated they do not wish to change the zoning on their property and a letter dated May 27, 2014 from their Attorney Miller Legal stating this was included in the agenda packet.

Frank Wagamon approached and read from a handout he distributed to the council members. The handout questioned the process followed by the city for changing the zoning on Lake Drive. Mayor Dave Povolny interrupted Mr. Wagamon after he read several pages and asked him for his conclusion and what he is asking the council to do.

Mr. Wagamon said he wanted the handout to be included in the minutes and he thought he had to read it in its entirety for that to happen. Mr. Wagamon also said he did not think the city followed the legal process for re-zoning the Lake Drive area.

The Attorney said the handout submitted becomes part of the official record and the rezoning was done as part of the regular Comprehensive Plan review, there were a number of public meetings and hearings held that were noticed, and many opportunities for input. The City Council has discretion over the decision; the governing body can make a change.

The Attorney clarified that this is not a public hearing. The Attorney added that Mr. Wagamon would have to prove the city has done something wrong.

Mr. Wagamon replied that the city should prove the public hearings were held. Mr. Wagamon said the petition he submitted and his handout explain what they want.

There was discussion regarding exactly what Mr. Wagamon was asking for and what he wanted from the city council. In addition there was discussion regarding whether staff should create a time line for the Comprehensive Plan review or exercise Data Practices procedures.

The City Administrator explained that the Comprehensive Plan is reviewed every 10 years, and based on input from several property owners in the Lake Drive area regarding difficulties with the existing zoning at the time (split commercial/residential) it was decided that this would become part of the Comprehensive Plan review. Informal meetings were held to determine what the changes should be considered, these were followed by public hearings and the process followed for the informal meetings included notification to all citizens in Columbus and the public hearings included legal notice. It was explained that the review began in 2007 and was not complete until November 2009.

Mayor Dave Povolny said the council will discuss this with staff and come back with a conclusion.

10. PUBLIC OPEN FORUM

Perry Wagamon

Mr. Wagamon expressed his deep concern and frustration with the direction the council is taking with development and disregard for citizens input. Mr. Wagamon said there are water problems at his property because of development that took place. Mr. Wagamon said it's a matter of (the city) having compassion for the people it's working with and he is very upset with the city's process. Mr. Wagamon thanked the council for listening to him.

11. DISCUSSION – JOHN BROWN LETTER (A2-4)

A letter dated May 28th, 2014 from Mr. John Brown regarding water issues at his property was included in the agenda packet. A map of the area was displayed at this time. The City Administrator explained that RCWD and the city investigated and found that the ditch systems running through the area are private (old farm ditches) and there is no jurisdiction by the City or RCWD to clean these ditches.

Mr. Brown said he has had trouble since the Mastell Brothers Trailer Service Inc built. The field was sand and farm culture and rain soaked into the field, since the Mastell Brothers Trailer Service Inc construction the water runs off onto his property through a culvert – gushing at high velocity at times. The holding pond (at the Mastell Brothers Trailer Service Inc) is flooding his property. Mr. Brown asked that the culvert be removed and the Mastell Brothers Trailer Service Inc should be required to keep water on their land. Mr. Brown said he has hauled in dirt to his back property in the past, has had difficulties with his septic system due to the high water.

The Attorney asked how the original approval was given (for Mastell Brothers Trailer Service Inc.) and whether there were violations from these permits. The City Administrator explained that the city works with the watershed district for conditions and the city follows their direction. The Attorney said the question would be if the pond was installed correctly to control the water and if there is something in the permit that can be enforced.

The consensus was to direct staff to look at the permit to investigate if the Conditional Use Permit was followed correctly or if there are any violations and report back to the council.

12. DISCUSSION/DIRECTION/MOTION - SHERIFF'S OFFICE CONTRACT (PAGES 6-15)

The 2012 Law Enforcement Contract currently in affect through December 31, 2014 was included in the agenda packet. The contract auto renews unless notice is given 120 days prior to the contract expiration date. The Attorney reviewed the contract. A draft of the new pricing has been received.

The Attorney explained the timelines that must be followed by the Sheriff's Department and city regarding the contract termination/renewal. If the city wished to cancel the contract notice would have to be given by the end of August to meet the 120 day termination requirement.

The Police Task Force has had meetings and they feel more research needs to be done before any changes are made and they recommended continuing the contract for at least 1 year.

The Attorney said until the Sheriff's Office gives notice of 150 days, the council does not have to take action. The Attorney would like to clarify if notice will be given to the city.

D. STAFF & CONSULTANT REPORTS

13. ENGINEER REPORT

Update - Road Improvement Petitions (Page 16-17)

A Public Meeting Notice for a road improvement neighborhood meeting was included in the agenda packet. The meeting will be held on Tuesday June 3rd, 2014 at 6:30 p.m. It was clarified that the entire council can attend as the meeting was noticed as a public meeting.

Update - Zurich Street Traffic Light

The council previously requested that the Engineer research changing the stop light at Zurich Street and Lake Drive to a flashing red/yellow. The county will do a feasibility study at no charge on this signal and will report back to the Engineer.

14. ATTORNEY REPORT

No further report.

15. MAYOR & CITY COUNCIL MEMBER'S REPORT

Motion - Planning Commission Resignation (Page 18)

A resignation letter dated May 20, 2014 from Barbara Hvass was included in the agenda packet.

Motion ADM 01100 by Peterson to accept the resignation of Barbara Hvass from the Planning Commission and thank her for 25 years of service. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Krebs - aye; Povolny - aye. Motion Carries.

Council Member Peterson

A culvert collapsed on Potomac Street and the county installed a new culvert.

Council Member Messina

Council Member Messina attended the Police Task Force meeting. Council Member Messina observed activity at the Howard lake Park.

Council Member Krebs

No report.

Mayor Dave Povolny

Mayor Dave Povolny attended the Police Task Force meeting. A meeting is planned with Lino Lakes to discuss law enforcement services this Friday.

16. DEPUTY CLERK REPORT

Recycle Week

Spring Recycle and Clean up week will be the first week of June. We will have drop off locations for recycling items and garbage. The curbside pickup will be Friday June 6th. SRC has agreed to a 20% discount on items brought to their facility in Wyoming with proof of residence during this week. All Appliance Disposal will do the curbside pickup of items. The Flyers were distributed in the Peach on May 11th and 18th and is available on the website.

Techno Trash

A container is available at the city offices and city hall for collection of CD's, DVD's, cases, vhs, audio and computer tapes. These items can be dropped off during regular business hours or when the city hall is open for meetings.

17. CITY ADMINISTRATOR'S REPORT

Treasurer's Report

Receipts: \$319.13
Disbursements: \$37,724.02
Balance: \$1,527,030.19

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Meeting 06/04/2014 7:00 p.m.
- ▶ Calendar of Meeting (**Page 19**)

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Peterson.

Meeting adjourned at 8:35 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk