

City of Columbus
Regular City Council Meeting
June 12, 2013

The June 12, 2013 meeting of the City of Columbus City Council was called to order at 7:00 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: Mary Preiner, Pat Preiner, Jesse Preiner, Bob Moorhouse, Diane Denzer, Dave Denzer, Jason Windingstad, Craig Mattson, Kathy Haluptzok, Myron Rogan, Rick Robinson, Doug Schliesing, Jan Schliesing, Rod Skoog, Sandra Skoog, Ceil Neihart, Pete Neihart, Bob Rellum, Ken Hansen, Chuck Wynam, Chad Maassen, Sheila Maassen, Rosie Ulrich 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

Mayor Dave Povolny thanked the audience and representatives from the City of Wyoming City Administrator Craig Mattson and Mayor Eric Peterson for attending the meeting tonight.

B. CONSENT AGENDA

1. Motion - Agenda Approval with Additions
2. Motion - Approval of the City Council Meeting Minutes 05/22/13
3. Motion - Pay Bills as Posted

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

C. PRESENTATIONS

6. PLANNING COMMISSION REPORT

Jesse Preiner presented for the Planning Commission tonight.

Motion - John's Black Dirt CUP & IUP Applications (Pages 1-18)

The Planning Commission held a Public Hearing on May 15th to receive testimony regarding the request of Forest Lake Contracting, Inc. to revoke the Conditional Use Permit originally issued to Leroy Haluptzok d.b.a. John's Black Dirt, in exchange for an Interim Use Permit issued to Forest Lake Contracting, Inc. The Planning Commission visited the site on June 5th and had their discussion at their meeting that evening. The Planning Commission made a motion to forward to the City Council a recommendation for approval of the revocation of the Conditional Use Permit held by John's Black Dirt, to coincide with approval of the

application by Forest Lake Contracting, Inc. for an Interim Use Permit for mineral extraction at John's Black Dirt.

A letter dated June 12, 2013 was submitted by Forest Lake Contracting confirming the withdrawal of their Interim Use Permit (IUP) Application. Mayor Dave Povolny asked if the withdrawal of the application has to be accepted by the council. The Attorney acknowledged that the council could accept the withdrawal letter with a motion.

Motion PLZ 01200 by Krebs to accept the withdrawal of the Interim Use Permit application by Forest Lake Contracting for continued excavation or mining operation on properties owned by John's Black Dirt/Forest Lake Contracting. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

There was applause by the audience at this time.

Mayor Dave Povolny explained there is further discussion regarding the existing Conditional Use Permit and road concerns by the City of Wyoming. The City of Wyoming has informed John's Black Dirt that they plan to post 250th Street at 5 tons per axle due to the number of trucks proposed and expressed concern for safety of pedestrian and bicycle traffic on the road.

Mayor Dave Povolny explained that there is an existing Conditional Use Permit for John's Black dirt, the current permit was issued in 1993 the original was in 1973. Hauling has occurred on the northerly route for over 20 years (189th Avenue - Columbus/250th Street - Wyoming). Mayor Dave Povolny said the plan was to direct the City Administrator to work with Wyoming to come to some agreement regarding the haul route.

Mayor Dave Povolny expressed concern regarding access to Columbus properties on 189th by various construction/garbage trucks if the road limit was posted at 5 tons per axle as Wyoming is suggesting.

There was discussion regarding other roads for hauling at this time, there was no decision agreed upon..

The City Administrator reviewed the history of the haul routes and said in 1973 the haul route was Vassar Street to 181st. In 1989 to the early 90's the north route was constructed and the Town Board at that time designated 189th as the haul route. It was understood that the haul route (north) had been exclusively used since that time.

Mayor Dave Povolny asked for cooperation by Wyoming officials to work with Columbus's staff and Forest Lake Contracting to come to a solution.

Mayor Dave Povolny thanked the Wyoming representatives for their time in attending the meeting.

7. PUBLIC OPEN FORUM

The City Administrator explained that letters submitted for the Forest Lake Contracting IUP and are included in the agenda additions. Letters were received from Dave and Diane Denzer 9621 189th Avenue, Chad and Sheila Maassen, 9759 189th Avenue, and Roger Larson, 8936 191st Avenue. The following is a summary of comments made by the public.

The Mayor invited members from the audience to come forward at this time, asked that comments are limited to 2 minutes.

Ceil Niehart 18516 Vassar Street.

Mrs. Niehart said she's lived on Vassar Street on the south end of the pit and said there is dense housing on Vassar, Tulane Streets and 181st, when John's Black Dirt was hauling black dirt the trucks were smaller and there were about 2 per hour. They fought the traffic because of safety concerns, noise and dust. Mrs. Niehart said there would be 24,500 trucks in 5 years, or 40 per day with a 180 day season with the operation proposed now and this is not the same operation as the John's Black Dirt operation. Ms. Ceil suggested that the land could be made a regional park and said she didn't think there is enough room for building houses on that property. Ms Niehart said she doesn't agree that the sand needs to come out of the property or that the CUP cannot be revoked. Mrs. Niehart was concerned that the history of the mine may not be fully understood by the council. Mrs. Niehart said she's concerned about the noise of the trucks and pumps, living in a residential area this noise should not be allowed.

Sheila Maassen 9759 189th Avenue.

Mrs. Maassen said she submitted a letter yesterday. There are many children in the area, there is a Park and she was concerned about safety and the noise issue. She lived in the area in 2010 when the hauling took place for the bridge project in Forest Lake and said it disrupts your life, as pedestrians meet truck traffic there is no place to go, the ditches are deep on 189th and this is a safety matter. Mrs. Maassen asked what the environmental issues are with this work and how does it affect the wells in the area. This is a residential area and she hopes the council thinks about their residents in this matter, not just businesses.

Dave Denzer, 9621 189th Avenue

Dave Denzer: I live at the 9621 189th Avenue, Bob Cooks Tree Farm house. Moved up there in early 90's they said there's about 5 years worth of John's Black Dirt left,

Mayor Dave Povolny: Huh.

Dave Denzer: That was a lie, Iversons's Tree Farm addition there, we were in the second phase is us, they screwed up what they told the city board, our drainage ditch was supposed to go on the east side all the way up to the north and across somebody on the board or nobody they made sure it was followed and who's gonna police these guys. I commend the Chisago County, they're looking out for their own citizens, you guys were elected to watch out for us not to , ya know the hardships on us, the Planning Commission guy said well that \$250,000 that gonna be a hardship on ya, no it's not. They're in business this guy walked up and down the street, Chisago did the they did regular test can you give us the facts on that, how its gonna, I don't believe that roads heavy enough to have all those trucks on there.

Mayor Dave Povolny: What 189th?

Dave Denzer: Yeah. Then you get to the corner there on Kettle River and you've got a, these trucks are gonna be runnin over cars and kids, did you ever drive up there and go north or south on Kettle River,

Mayor Dave Povolny: All the time.

Dave Denzer: you can't see shit from the north.

Mayor Dave Povolny: There's lots of trees grown over,

Dave Denzer: Huh?

Mayor Dave Povolny: There's lots of trees.

Dave Denzer: They cut it back but its still

Mayor Dave Povolny: Not far enough

Dave Denzer: There's a lot of accidents and that there. You know, you guys are elected to represent us and our hardship,

Mayor Dave Povolny: We are, it's a tough decision.

Dave Denzer: No it's not, its (inaudible) is this the only place on earth to get sand - Columbus township, or how much money are you guys , looks like you guys are receiving money cause you're pushin this more than you're representing us.

Mayor Dave Povolny: Ok.

Dave Denzer: I think it looks like that to a lot of people.

Mayor Dave Povolny: Ok, well you can have that

Dave Denzer: If you want to get elected again you better do what's right for the people.

Mayor Dave Povolny: Thanks for your input.

Boyd (inaudible)

Mr. (unknown name) said he lives at Kettle River Blvd and Elmcrest and his parents moved up in 1958 and they helped get Kettle River Blvd paved. He asked how far the additional blacktop went that John's Black Dirt paid for when 189th was paved and stated that excess traffic is not needed in the City of Wyoming or Chisago County and he feels the trucks should be going south.

It was explained that the extra inch went from the jurisdictional line to John's Black Dirt.

Ken Hansen, 9052 189th Avenue

Mr. Hansen said he lives on the edge of the property, north side of John's Black Dirt. When John's Black Dirt was there it was no comparison to 2010. It was insane, it was a dust bowl and noisy. When the amount of dirt came out it changed the whole operation. When the dewatering started his pond went dry. He had no problems with his well. Mr. Hansen expressed concerns about the trees surrounding his property and his foundation with dewatering. Mr. Hansen said the council needs to think about the citizens not just one business. Mr. Hansen said maybe home building shouldn't have been allowed if the mine was going to continue.

Randy Skoog 18366 Kettle River Blvd.

Mr. Skoog said he is a bicyclist and he said he used to ride 189th. There is a federal law that requires 3 feet distance from a bicyclist. Mr. Skoog doesn't agree with the council. The Park is in the area and it's very dangerous for kids, walkers, and joggers. When trucks meet it's very dangerous. Mr. Skoog said they have a development off 189th and felt it would be very

safe for families with children. Mr. Skoog wondered how many houses would make a difference. Mr. Skoog said he will contact the League of bicyclists. Mr. Skoog asked what will you do to the depreciation of the homes in the area. Mr. Skoog thanked the council for their time and work, but thinks the council needs to look at families. A lot of people like it here and want to stay, but this gives people motivation to move.

Rosie Ulrich, 8914 186th Avenue

Ms. Ulrich said she thinks that whoever gets the traffic it will be bad, and she asked if something can be done to make up the taxes so nobody has to put up with the trucks. No one wants this traffic by their house. Ms. Ulrich also said that the road (186th) is a dirt road and she doesn't want to pay for paving the road for the trucks to go by and she doesn't think she will be able to sell either.

Chuck Wyman – 189th

Mr. Wyman said he has a 4 year old and asked can the council terminate the IUP or Conditional Use Permit? Why can't you do that now? There is only one tenant paying taxes back there vs. all the residents.

Diane Denser 9621 189th Avenue

Ms. Densen said she wrote a letter. I don't think this is worth the loss of one little kid's life or maiming and I wish it would go down your road since you seem to be so pro.

Mr. Skoog, 18366 Kettle River Blvd

Mr. Skoog asked if this is going to be in existence then let them build their own road, why can't they have their own road, they're contactors and have the ability to build a road.

No one else asked to speak at this time.

Mayor Dave Povolny asked for comments from the council at this time.

Council Member Duraine said he supports the residents 100%. Nothing has been voted on and nothing will be voted on tonight.

Council Member Messina agreed with Council Member Duraine and said he doesn't think anyone wants to trump the residents and it is difficult as he knows Ms Haluptzok.

Council Member Peterson had no comment.

Council Member Krebs said he'd be concerned about 189th as it is anyway, the speeds to high even with no trucks. Forest Lake Contracting has been a good steward in the community and hopefully a mutual agreement can be obtained.

Mayor Dave Povolny said he lives on Potomac Street with no shoulder and people going 65mph, it's horrible. He would love to have shoulders but reality is the costs are very high and no one wants to pay for them. Mayor Dave Povolny wants a good solution to this problem and thinks the council will come up with a solution everyone can live with. In the

next few months the council will have to listen to the people, and work with Forest Lake Contracting.

It was noted that the city website has a suggestion box that residents can use for additional input.

8. DIRECTION - SUGGESTION BOX (PAGES 19-20)

Four suggestions from the website were included in the agenda packet for council response.

1. Are there any plans to stop the heavy truck traffic on Camp 3 Road?

The City Administrator explained that there are three sections of Camp Three Road but the suggestion did not disclose which area the person is asking about.

The direction from the City Council was to respond back to the sender in order to obtain further clarification on which part and location of Camp Three Road their email referred to.

1. Camp Three between Lake Drive and Kettle River Blvd.
2. Camp Three between Kettle River Blvd and Potomac Street.
3. Camp Three between Potomac and Zodiac Street.

Are there any plans to build an early warning weather system in the city?

There are no plans to build a weather alert due to the large expanse of the city.

2. Do you have a distribution list for emergency news like active fires or active police actions in the area? (Re: smoke coming from the Carlos Avery Area)

This type of notification is usually a paid service like Code Red, which was reviewed in the past, but the cost was prohibitive.

The Attorney noted that the city can send out routine information, i.e. minutes, agendas, etc. but should not be involved in emergency or weather alert messages.

The direction was to look at emergency and non emergency information systems.

3. Re: Not being able to place bets on the Triple Crown races, Kentucky Derby etc. at Running Aces Harness Park.

The direction from the City Council was to direct city staff to direct the sender's email to Running Aces Harness Park so their administration is aware of the communities concerns

4. Disappointment regarding lack of civil defense sirens in Columbus and interest in notifying citizens in emergency situations.

The direction from the City Council is that they have reviewed the number and installation costs of the sirens and at this time it is not included in the city budget.

7A. 1988 GMC S-10 PICKUP BIDS

Bids were received until June 11, 2013 at 4:00 p.m. The minimum bid was \$350.

The Mayor opened and read the bids at this time as follows:

1. \$436.00
2. \$399.00
3. \$380.00
4. \$399.99
5. \$452.00
6. \$350.00

The high bid is Dan Ryappy in the bid amount of \$452.00. The person will have to provide either a certified check or cash. If this sale does not go through the sale will be awarded to the next highest bid of \$436.

Motion ADM 01600 FIN 00400 by Duraine to accept the bid from Dan Ryappy for \$452.00 and if this sale doesn't complete the sale will be awarded to the next highest bid of \$436.00. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

7B. City Phone Contract (Pages 10-11)

The contract for the phone service expired at the end of May. New contracts for 2 year and 3 year terms were included in the agenda packet. The action is approval of one of the terms. Mayor Dave Povolny would like to have Direct Inward Dialing and a new phone system for the city and questioned entering into a contract at this time.

Motion CON 00050 by Peterson to adopt the 2 year contract for phone service from Century Link as depicted on page 10 of the agenda additions. Second by Krebs. Votes as follows: Peterson - aye; Messina - nay; Duraine - aye; Krebs - aye; Povolny - nay. Motion Carries.

D. STAFF & CONSULTANT REPORTS

9. ENGINEER REPORT

Direction - Speed Zone Study Zurich Street & 147th Ave. (Pages 21-22)

A letter dated June 5, 2013 regarding a speed zone study for Zurich Street (Running Aces Blvd.) and 147th Avenue was included in the agenda packet. The procedure is to request the study by resolution. There is no cost for the study and the city would have an answer by the end of summer. The action is approval of the resolution. The city has the right to install an advisory speed sign, but these are not regulatory signs.

Motion PWE 01200 by Duraine to proceed with a traffic study for Zurich Street (Running Aces Blvd). Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion ADM 05000 by Peterson to approve Resolution 13-10 Requesting the Minnesota Commissioner to Transportation Perform a Speed Zone Study on Zurich Street and 147th

Avenue from CSAH 23 (Lake Drive) to CSAH 54 (West Freeway Drive). Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Information - County Ditch 35 - Notice of Repairs and PH (Pages 23-25)

A letter dated May 31, 2013 regarding County Ditch 35 (south branch of the Sunrise River) – Notice of Repairs and Public Hearing was included in the agenda packet. The hearing notice was also included in the agenda packet. The repairs are culvert replacements on Ussuri Street and 181st Avenue. A map was displayed of the Sunrise Watershed.

Motion PWM 00300 by Peterson to direct staff to provide three cost estimates for the work, one for staff to do the work, the second from at least 2 contractor bids and the third from Anoka County and direct the Engineer to set the elevations. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

The direction was to bring the results back to the council. The Attorney clarified that the direction is the council will not contest the obstruction but will investigate options for repair.

Mayor Dave Povolny asked for an opinion on Johns Black Dirt

Mayor Dave Povolny asked the Engineer for additional information regarding John's Black Dirt. The following comments were made:

Water table, will it affect the trees, as the person asked about during public open forum?

The dewatering is regulated by the DNR. In the DNR's permit the 12th condition requires and observation well to be installed between the mining area and the nearest residences, and is monitored for any influence on private wells and if there is an influence than the pumping rate has to be lowered or adjusted. It was noted that this is to protect residential wells not necessarily a dug pond.

Other input regarding roads:

The Engineer said 189th and 250th is not as wide as what would be constructed now, this was a shape and pave project, the road is about 24 feet wide on the Chisago border and gets narrower towards Johns Black Dirt to about 22 feet wide. The normal residential streets are paved with 3" of blacktop, 4" of blacktop was put on 189th, which is the same amount that is put on commercial roads and John's Black Dirt accepted the additional assessment to pay for that extra inch.

It was noted that the truck width plus the required distance from a rider and 3 feet for a bicyclist is less than 22 feet unless trucks met on the road. It was noted that other roads such as Howard Lake Drive was a shape and pave project also. In addition county roads in the City also do not have shoulders such as Potomac, Kettle River Blvd.

The Engineer and PW Superintendent walked the road after the 2010 project and there was no damage to the road. A string line was placed across the road and there were no ruts. It was noted that there were no potholes on 250th, it's an older road but appears to be in good

condition. It was estimated that a 2 inch overlay would cost approximately \$20,000 - \$25,000 for the 1250 feet of 250th St.

It was noted that there is not a provision for bike path's/sidewalks during a road improvement project. The Attorney said people can use the road petition process for a bike path.

10. ATTORNEY REPORT

Motion - Carlos Avery Estates Outlot B Purchase Value

At the last City Council meeting staff was directed to investigate a sale price range for the approximately quarter acre lot known as Outlot B of Carlos Avery Estates along Nebula Street for Mr. Wood. The County was contacted and they gave a value of \$5500/acre for right of way acquisition. It was then reviewed by an appraiser at Larkin Hoffman and they indicated that a 20% discount could be granted in this case due to the irregular shape of the lot. The City can sell the property for \$1100. The quit claim deed will be drawn up if Mr. Wood agrees to the purchase of Outlot B of Carlos Avery Estates.

Motion ATT 00700 by Duraine to approve the sale of "Outlot B, Carlos Avery Estates" an approximately one quarter acre lot PIN# 29-32-22-33-0006 for the amount of \$1,100.00 to Mr. Mike Wood. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye.

Motion Carries.

John's Black Dirt – additional information

The Attorney clarified that the status on the hearing on the CUP, no action was required because that was not an application of the property owner, that was a hearing that was noticed by the City and since the Interim Use permit was withdrawn the revocation is not in front of the council any longer.

Can the restriction be enforced?

The Attorney said since it's been a haul road for 20 years, the condition can be enforced under the CUP that does not allow traffic through the neighborhood, no new uses could be added. The Attorney said this is Wyoming's legal issue not Columbus's.

The permit that was in place has 10 conditions, the haul route was discussed, the intent and the precedent has been set. There was disappointment expressed by the Council regarding the IUP being withdrawn as the City could have placed additional restrictions on the mining operation. The Attorney added that payment for additional blacktop by John's Black Dirt for paving 189th would be considered.

11. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

Council Member Peterson, Jim Fraley, and the City Administrator met with Jim Labarre, the new Wildlife Area Manager for Carlos Avery WMA regarding closing the access road at the west end of Camp Three road. Mr. Yost still wants access. A proposal will be brought back to the council on June 26th. This will help eliminate the problems in that area. Mayor Dave Povolny suggests that whatever is done should not interfere with fire fighting. It was suggested that the city talk to Denny Olson regarding fire fighter access in that area as part of the proposal to be made.

Council Member Messina

Tree Board

Council Member Messina said the Tree Board brought in \$1179 at the Arbor Day event and the event cost \$1200. The event was well attended with 87 residents signed up. The recommendation by the Tree Board is to have future Arbor Day Events inside the Public Works building. Council Member Messina wanted to give a special Thank you to Mr. Lewno for his donation of a cribbage board that was raffled off and the Lions participation at the event.

Play Days

There are 2 sessions that residents can sign their children up for. There are arts and crafts, music, themes, and physical time. Council Member Messina encouraged residents to take advantage of this. The City Administrator will add something to the reader board to advertise it. It was noted that the sign up information is on the city website homepage.

Council Member Duraine

No report.

Council Member Krebs

No report.

Mayor Dave Povolny

Mayor Dave Povolny said he received phone calls for burning permits after the office closed on Friday. The City Administrator explained that after hours any of the DNR personnel can issue a permit. There is a sign directing residents to the location where permits can be obtained. The city could have a Fire Warden and permits could be issued by appointment only.

Motion by Peterson to direct staff to advertise for a Fire Warden. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

12. Deputy Clerk Report

City Website changes

Changes to the Home Page have been made including a sidebar for quick access to current events/news.

Recycle Week

There was good participation for Recycle Week with 15 tons of material collected for the curbside pickup event.

13. City Administrator's Report

Cable Meeting

A meeting was held with Midcontinent last week. They are making efforts toward marketing and more accurate maps of their service access areas. The City Administrator had a discussion with Mr. Grogan and he said he would develop language in the agreement to reflect the meeting. The Franchise agreement went to Midcontinent and has not come back to Forest Lake Cable commission for review yet. There is likely to be another request for an extension.

Treasurer's Report

Disbursements: \$65,081.71
Receipts: \$50,023.97

July 5th, 2013

City Staff is requesting the offices close on July 5th; staff would use vacation or take no pay.

Motion HRS 03400 by Duraine to close the offices on July 5th, 2013. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 06/19/2013 7:00 p.m.
- ▶ Calendar of Meeting (Page 26)

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Duraine.

Meeting adjourned at 9:23 p.m.

Respectfully Submitted:

Emilia S. Robinson
Deputy Clerk