

**City of Columbus
Regular City Council Meeting
June 26, 2013**

The June 26, 2013 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. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Jr., and Deputy Clerk Emmy Robinson.

Absent: Council Member Messina

Also in attendance were: Pat Preiner, Mary Preiner, Jesse Preiner, Roger Nelson, Sue Nelson, Dan Mike, Brad Reardon, Carol Reardon, Rick Robinson, Jody Krebs, Myron Organ, Running Aces Harness Park Representatives Jennifer Reinke, David Kremsdorf, Aaron Bedessem, 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 Audit Workshop Minutes 6/12/13
5. Motion - Approval of the City Council Meeting Minutes 06/12/13
6. Motion - Pay Bills as Posted
- 6a. Accept 2012 City Audit conducted by Taughes Redpath

Motion by Peterson to approve the consent agenda including FIN 00900 to accept the 2012 City Audit conducted by Taughes Redpath. Second by Duraine. Motion Carried.

C. PRESENTATIONS

7. PLANNING COMMISSION REPORT

Jody Krebs presented for the Planning Commission tonight. Planning Commissioner Krebs stated that in addition to two public hearings this was a joint meeting of the city council and Planning Commission.

8. 5027 190th Lane Variance Request (Pages 1-5) (PC-13-104)

The Planning Commission held a public hearing regarding a variance request for 5027 190th Lane, Columbus, MN. The property owners and applicants are Roger and Susan Nelson.

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 5027 190th Lane N.E., from the required minimum side yard setback of ten feet (10) to a five (5) foot side yard setback on the east side of the property with a recommendation for approval based on the findings that the Zoning Ordinance causes a practical difficulty.

Motion PLZ 00200 by Krebs to approve the variance request for 5027 190th Lane, Columbus, MN by Roger and Susan Nelson for the property at 5027 190th Lane N.E., from the required minimum side yard setback of ten feet (10) to a five (5) foot side yard setback on the east side of

the property with a recommendation for approval based on the finding that the Zoning Ordinance causes a practical difficulty. Second by Peterson. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

The City Administrator said there was a question regarding the property to the east of the Nelson's and how it was built on the property line. The lot is 60 feet wide not 50 feet and it does have an 11 foot setback.

9. 8503 178th Lane Variance Request (Pages 6-11) (PC-13-105)

The Planning Commission held a public hearing regarding a variance request for 8503 178th Lane N.E., Columbus, MN to permit and construct a mound type septic system of "other construction". The property owners are Gary and Colleen Lynn Orde. The applicant is Kevin Dunaway. 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 8503 178th Lane to permit and construct a mound type septic system of "other construction" with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. The building official reviewed the request and submitted a letter dated June 14, 2013 recommending approval by the City Council.

Motion PLZ 00200 by Krebs to approve the request by Kevin Dunaway for Gary and Colleen Lynn Orde for a variance for the property at 8503 178th Lane, Columbus, MN to permit and construct a mound type septic system of "other construction" with a recommendation for approval based on findings that the Zoning Ordinance causes a practical difficulty. Second by Peterson. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Joint Meeting Discussion

The Planning Commission and City Council held a joint discussion during the meeting. Planning Commissioner Krebs wanted to clarify that the Planning Commission understood that the direction from the council was to investigate ideas to market the commercial district and promote housing development. The council concurred.

10. RAHP 5K EVENT 147TH / ZURICH STREET ROAD CLOSURE REQUEST (PAGE 12)

Aaron Bedessem from Running Aces Harness Park presented and explained that they were approached to hold an event which would require the closure of Zurich Street for the event planned on Saturday August 3rd, 2013. RAHP is already approved for this type of event except for the road closure. This is a 5k run event for women that will be held from 8am to 4 or 5 pm, this event won't affect the racing schedule. A link to event details is on the RAHP's website, events section. RAHP will work with Anoka County Sheriff Department for traffic control; the event sponsors will coordinate porta-potties, and other details. The estimated attendance is 4,000 to 5,000 people. There will be road closure signs installed on Lake Drive as the closure will be south of the entrance to RAHP so full access is available to the Harness Track and barns. Signs will not be installed at 147th/W Freeway Drive as the road closure will be visible from Gander Mountain.

Motion PLZ 01200 by Krebs to approve closing 147th/Zurich Street for the 5K Event at Running Aces Harness Park on August 3rd, 2013 from 7:00 a.m. to 5:30 p.m. Second by Peterson. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

11. RAHP LIQUOR LICENSE / ORDINANCE REQUEST (PAGES 13-30)

Jennifer Reinke, Bar Manager for Running Aces Harness Park was in attendance to answer questions and explain their request for clarification and changes to their liquor license and liquor license city code. A memo dated June 21, 2013 from the City Attorney's office regarding these clarifications/changes was included in the agenda packet. A letter dated April 19, 2013 from Alcohol Liability Education Training (ALE) was included in the agenda packet.

1. City Code, Chapter 4, 4-517 - Liquor License Requirement #5 – Add a different company for alcohol liability training

Ms Reinke explained that ALE is a local company and can provide training more specific to Minnesota whereas TIPS is a nationwide company. The request being made is to allow RAHP to use both companies at their discretion for training. Ms Reinke indicated that the request is to provide more variety to their employees for training.

The Attorney noted that the ALE program has more information regarding Minnesota Laws. At the time of the original license TIPS was better known.

Motion PER 02100 by Duraine to allow Running Aces Harness Park to use TIPS or ALE for liquor liability training. Second by Krebs. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

2. Clarification regarding number of drinks served to one person. City Code, Chapter 4, 4-517

RAHP interpreted the section of the city code to be for drinks served per person as one drink to one person. They have encountered difficulty with this procedure from patrons wishing to purchase more than one drink.

The Attorney explained the interpretation by city staff is the establishment does not have to limit a patron from purchasing more than one drink. With that, this request does not require a code amendment change.

Motion PER 02100 by Krebs to confirm staff interpretation that the provision does not limit a patron from buying more than one drink. Second by Peterson. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

2. Time extension to serve drinks at a discounted price.

RAHP is asking the City Council to amend the Code to extend the period of time when discounted drinks can be sold. The Code currently limits this period to 9:00 p.m. RAHP would like the specials to go until 10:00 pm.

Ms Reinke said they have food and drink specials every day and the races are still going after 9:00 p.m. but the drink specials must end at 9:00 pm. The direction is to create a code amendment to allow drink specials until 10:00 pm. It was noted that this will affect any future license holders.

Motion PER 02100 ADM 02300 by Peterson to direct staff to modify City Code, Chapter 4, 4-517 (G) 1 to change the drink special time restriction from 9:00 p.m. to 10:00 p.m. Second by Krebs. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

The City Administrator informed RAHP that the training request and number of drinks sold to one person take affect tonight, but the time change for drink specials will not take effect until the code amendment is in place.

12. PUBLIC OPEN FORUM

No one asked to speak during public open forum.

13. DIRECTION — SUGGESTION BOX (PAGES 31-33)

1. Legal Notices

A suggestion was received regarding change in procedure for legal notices. At this time the city follows state statute which requires publication in the official paper for the city (Forest Lake Times) and mailed notice to property owners within 350 feet of the property for the notice. In addition the notice is also posted on the City's website.

This is a general policy question. The City Administrator explained that this was the process used for the John's Black Dirt IUP.

The following suggestions were made and consensus by the council was to proceed with these suggestions.

- Put a link to the notices section of the website on the home page.
- Put an "opt in" for notices on the website.

There was no suggested change to the process for notices from the practice today of following state statute.

2. Heavy Truck Traffic

As per the direction of the council at the last meeting, a response was sent to the suggestion sender regarding the portion of Camp Three road the complaint involved. The response received indicated the traffic was from Lake Drive to Potomac Street.

Council consensus was to thank the sender for their information and let them know that at this time it does not seem to be a problem and if there are more complaints the city will take another look into this.

D. STAFF & CONSULTANT REPORTS

14. ENGINEER REPORT

The Engineer was not in attendance tonight.

15. ATTORNEY REPORT

Intent to vacate portions of Camp III Road (DNR) (Pages 34-37)

At the April 10, 2013 City Council meeting directed staff to investigate closing the westerly portion of Camp Three Road. Aerial maps of the road were included in the agenda packet. The Attorney indicated that the resolution is to begin the discussion with the DNR as they requested direction from the governing body.

Motion ADM 05000 by Peterson to approve Resolution 13-11 Expressing the Intent to Vacate a Portion of Camp 3 Road Northeast in the City of Columbus, Minnesota.

Second by Krebs. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

John's Black Dirt Update (Pages 1-2)

Copies of 2012 Minnesota Statutes regarding load restrictions were included in the agenda packet. The Attorney explained that Wyoming has posted 250th Street for a 5 ton load limit, the intended haul route for Forest Lake Contracting. The Attorney reviewed the statute. The question would be is it a legitimate posting, or is it a prohibition on Forest Lake Contracting using a route that has been used 189th/250th from 1989 or for 20 plus years. The City has had a limitation within the Conditional Use Permit that requires them to go north, and they followed this route (189th/250th St.) since 1989.

Mayor Dave Povolny said all the residents on 189th must travel through Wyoming and questioned if this posting restricts access to Columbus residents as this is a dead end road. The Attorney said Wyoming officials indicated that some limited truck service could occur such as garbage trucks, etc. can use the road.

It was noted that Forest Lake Contracting could use the north route if they are under the weight limit.

The City Administrator explained that at the last meeting staff was directed to meet with Forest Lake Contracting and Wyoming officials to try to come to some agreement. A meeting is scheduled this Friday (June 28th) with Forest Lake Contracting to get a better idea of what they plan for hauling and their needs and then the plan is to go to Wyoming and offer some concessions regarding the safety concerns and road damage from the trucks. Wyoming held a meeting last week and voted to post 250th street at 5 tons. Staff is looking for direction regarding how to proceed and if the council allows travel on the south route if notice should be given to residents on the alternate route proposed as all the testimony at the hearing given was that the haul route is 189th.

It was noted that notifying the residents on the alternate route as the public hearing was for the Interim Use Permit not the Conditional Use Permit.

The Attorney reviewed the history of the operation at this time; the first approval was an excavation permit, which then became a conditional use permit at a later date.

Mayor Dave Povolny said that the city worked with Forest Lake Contracting to provide a solution with an end plan (Interim Use Permit) for the John's Black Dirt operation and he would like to see the residents come back with better ideas or work with Forest Lake Contracting for a better solution.

The Attorney explained that staff is asking whether the city council will force a hauling limitation within Columbus. The south route is Vassar, 181st, Vassar, 181st, Notre Dame, ultimately a south route. The material for the current project is Lexington Avenue.

The end result is 6 lots. Mayor Dave Povolny added that the area could also be used as a park that the people in the area could enjoy.

Council Member Duraine asked if posting the road by Wyoming was illegal. The Attorney responded that the question is whether it is arbitrary based on the fact that these roads have been used this way for 20 plus years and do they show more damage than other roads. That burden is on John's Black Dirt to prove this; however the motivation to do that is not there at this time.

The Attorney re-iterated that is why staff is asking for direction on whether a south route will be allowed.

As far as the City is concerned the haul route was 189th since 1989.

The City Administrator explained that Forest Lake Contracting said they need to haul soon and they have one contract this year. The City Administrator told Dan that this topic would be discussed at the council meeting tonight.

Council Member Krebs suggested that FL Contracting go in the north side empty and go out the south side, this will limit the truck traffic on all routes and the city would expect that calcium chloride is used on the road for dust control and the road is graded and kept in good condition.

Mayor Dave Povolny asked that a synopsis of what has occurred be compiled so the residents would fully understand what vision the city would like for the property. The council consensus is for the end plan to be achieved with the proposed six lots and houses and potentially a park area. The question is how to get to this end plan.

The city's understanding is Forest Lake Contracting has a lease agreement to access the material with an option to buy. The documents have not been reviewed by city staff.

It was noted that the permit goes with the land not the owner. A Conditional Use Permit can be sold.

Council Member Duraine said that originally if John's Black Dirt said they were going to haul all day long every day the permit would probably not have been granted. The operation was small with minimal trucks; the type of hauling Forest Lake Contracting wasn't approved and thought the people should be notified. Council Member Duraine said he thought the people on the south should be notified.

Council Member Peterson suggested holding a community meeting; the City Administrator said a neighborhood meeting could be scheduled, getting the facts on the table and come to some resolution.

Has Forest Lake Contracting indicated the time frame for hauling?
Council Member Peterson said he spoke with Forest Lake Contracting and they indicated to him that they could have the sand out in 5 years, depending on the workload.

It was noted that the reason the city wanted the IUP was to give FL Contracting and the city certainty of the future for the property and the business.

The City Administrator said the meeting on Friday is to find out details on the time frame for hauling and dates, discuss speed limits, trucks meeting on the roads, if Forest Lake contracting can use 189th/250th with empty trucks and other details for the operation. The electric pumps are in place, the blowing sand issue has been addressed. The purpose of the neighborhood meeting is to provide assurance that there will not be trucks passing each other, and trucks will travel at a slow speed. Council Member Duraine and Council Member Krebs said they would like to attend the meeting Friday.

The council consensus is everyone on 189th/250th including the Wyoming residents and the south haul route Vassar Street, 181st should be notified.

The meeting will be posted so the council can attend. The meeting date will be Monday July 8th, 2013 at 7:00 p.m. *(The meeting date was changed to July 9th, 2013 at 7:00 p.m.)*

American Tower Lease Amendment (Pages 3-10)

A copy of The Second Amendment to Lease Agreement with American Towers LLC was included in the agenda packet. The action is approval of the amendment.

Motion CON 00050 by Peterson to approve Resolution 13-12 Approving the Second Amendment to Lease of a Portion of Land To American Towers, LLC. . Second by Krebs. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

16. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

No report.

Council Member Messina

Council Member Messina was not in attendance tonight.

Council Member Duraine

Park Board met Thursday. Phase 3 of the Columbus City Park playground equipment installation is underway.

The Park Board requested permission from the council to proceed with the installation of a 40 foot fence for ball field #1 for \$1900. The consensus of the council was to proceed with the installation.

The Park Board would like to have the telephone poles removed as they are rotting and unsightly. There was a suggestion to plant flowers in their place, but that would be too costly.

YMCA Play Days began in the Columbus City Park, attendance is low, there is another session planned in July. Flyers went out to the school to advertise Play Days.

The Cable Commission met Wednesday, the franchise agreement was sent back to them, they are asking for another extension.

The Park Board requested permission from the council to proceed with a sign or marker indicating the distance of the trails in the Columbus City Park. The consensus of the council was to proceed, but the recommendation was to do something besides a sign, such as painting on the trail itself, or a plaque with the distance.

Cable Commission Franchise Agreement Extension (Pages 38-40)

The Franchise Agreement negotiations have not been completed at this time, the last extension was through June 30th, 2013. A resolution was included in the agenda packet for an extension from July 1, 2013 through and including December 31, 2013. The action is approval of the Resolution.

Motion ADM 05000 by Duraine to approve Resolution 13-13 Granting Midcontinent Communications a Franchise Extension to December 31, 2013. Second by Krebs. Votes as follows: Peterson - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Council Member Krebs

No report.

Mayor Dave Povolny

Attend Youth Service Bureau; they are anxious to have the City lower the 10% to zero from the electronic pull tabs.

17. Deputy Clerk Report

No report.

18. City Administrator's Report

Budget Meetings (July 24th, ??)

The City Administrator said it's time again to schedule budget meetings. The direction was to schedule the first meeting in place of the August EDA meeting.

Flag Border Donation

A local landscape company has offered to supply lighted borders to surround the flag poles at the city offices; his only request was that a plaque naming Palumbo Landscaping as the donor be installed. The direction was to proceed with the installation, but to limit the time the plaque is up to 5 years. A resolution will come back for approval.

Treasurer's Report

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|---------------|-------------|
| Disbursements | \$39,250.63 |
| Receipts | \$3,652.14 |

F. ADJOURNMENT

- ▶ Planning Commission Mtg. 07/03/2013 7:00 p.m. Cancelled
- ▶ Calendar of Meeting (Page 41)

Motion by Krebs to adjourn. Second by Duraine.

Meeting adjourned at 8:22 p.m.

Respectfully Submitted:

Emilia S. Robinson
Deputy Clerk