

**City of Columbus
Regular City Council Meeting
July 9, 2014**

The July 9, 2014 meeting of the City of Columbus City Council was called to order at 7:06 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., and Deputy City Clerk Emmy Robinson.

Absent: None.

Also in attendance were: Pat Preiner, Jesse Preiner, John Brown, Paul Peskar, Kris King, Rick Robinson, Perry Wagamon, Frank Wagamon, Doug Schliesing, Ron Barnes.

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 06/25/14
4. Motion - Agenda Approval with Additions
5. Motion - Pay Bills as Posted
6. Motion - Appointment of Election Judges for 2014 Primary & General Elections (Pages 1-2)

Motion by Krebs to approve the consent agenda including ADM 01100 approve the list of names on page 2 of the agenda packet appointing election judges for the 2014 Primary and General Elections and approve any substitutions or appointment of additional judges for both elections and appoint the Absentee Ballot Board as listed on page 2 of the agenda packet for the 2014 Primary and General elections or substitute other appointed election judges as needed. Second by Peterson. Motion Carried.

C. PRESENTATIONS

7. PLANNING COMMISSION REPORT

The July 2nd, 2014 Planning Commission meeting was cancelled. The Planning Commission membership ordinance was published and is now in effect.

8. PUBLIC OPEN FORUM

No one asked to speak during Public Open Forum.

D. STAFF & CONSULTANT REPORTS

9 ENGINEER REPORT

Motion - 176th 177th 178th Bender 184th - Road Improve Projects

At the last council meeting a motion was made for the Engineer to proceed with the feasibility reports for the two road projects. The feasibility reports were included in the agenda packet for

both road improvement projects along with the resolution to receive the reports and call for the hearing. A timeline schedule was included in the feasibility reports. The action tonight is for the council to approve the resolution.

Motion - Receive Reports & Public Hearing Resolution (Page 3 & 2 Enclosures)

Motion ADM 05000 PWE 01200 by Peterson to approve Resolution 14-11 Receiving Report and Calling Hearing on Improvement for the improvement of 177th Lane between Notre Dame Street and Heidelberg Street, 178th Lane between Notre Dame Street and Heidelberg Street, and Heidelberg Street between 177th Lane and 178th Lane (City Project 2014-1) and for Bender Street between 181st Avenue and 184th Avenue, and 184th Avenue from Dimaggio Street to its west terminus (City Project 2014-2). Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Information - Public Hearing July 23, 2014 at 7:00 p.m.

The Public Hearing for both roads will be held during the same public hearing.

Update/Direction - John Brown Property

This topic was discussed during Council Member Krebs report.

Update - Paul Brihn Culvert/Water Issue 161st Ave.

This topic was discussed during Council Member Krebs report.

10. ATTORNEY REPORT

Motion - Park Board Ordinance (Page 4-7)

At the last council meeting a motion was made to reduce the size of the Park Board to 5 members due to the lack of interest for 2 vacancies that have existed for some time. A resolution was included in the agenda packet for council approval. An email dated June 20th, 2014 from the Attorney's office explained the authority to amend the Park Board size and procedure to follow. The Attorney added that there are non-substantive changes he made to the Resolution and the motion should include these changes. The action is approval of the resolution.

A question was asked about the assignment of terms in the resolution. It was explained that there have not been terms for Park Board members in the past, the terms given were assigned based on length of service.

Following are the Attorney suggested changes:

**CITY OF COLUMBUS
COUNTY OF ANOKA
STATE OF MINNESOTA**

**A RESOLUTION ESTABLISHING THE NUMBER OF MEMBERS FOR
THE CITY OF COLUMBUS PARK BOARD**

WHEREAS, the City of Columbus (the “City”) established a Park Board to manage and maintain the parks and recreational facilities within the ~~Town~~City;

WHEREAS, under Minnesota Statute § 412.501, the City is authorized to establish the number of Park Board members as appointed by the Mayor with the consent of the City Council;

WHEREAS, the City Council has determined that it is in the City’s interest to have the membership of the Park Board ~~be~~ reduced from seven (7) members to five (5) members; and

WHEREAS, the City Council has determined that it is in the City’s interest to have the current Park Board members continue to advise the City Council in city park matters; and

WHEREAS, the current park members will serve in the following terms:

Sandie Wood	3 year Term	2017
Bob Bodene	3 year Term	2017
Andrea Messina	2 year Term	2016
Marilyn Didling	2 year Term	2016
Andrew Fraley	1 year Term	2015

NOW, THEREFORE, based upon the foregoing, the following Resolution establishing the number of Park Board members was duly made by the City Council of the City of Columbus establishing a five-member Park Board. The members that served on the Park Board for the City of Columbus will continue to remain on the Park Board.

Passed and adopted by the City Council of the City of Columbus this 9th day of July, 2014.

Motion ADM 01100 ADM 05000 by Peterson to approve Resolution 14-10 Establishing the Number of Members for the City of Columbus Park Board subject to changes by the Attorney as indicated above. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Interest on Oak Prairie Deposit

The City Administrator explained that when the Oak Prairie Plat subdivision occurred it affected only half the road. Money was put into escrow (by the developer) for a future road improvement and the developer agreement indicated it would not be an interest bearing account. This applies to the 6 lots of this subdivision only. The Attorney was asked to respond to a question from one of the property owners regarding whether the city is required to pay interest on

this money. The Attorney said the city is not required to pay interest on this money, the money on deposit would be returned to the property owners. There was a 10 year holding period for the deposit for a road improvement that expires this year.

Motion PWE 01200 by Peterson to return the Oak Prairie Development Road Improvement deposit to the current property owners in the Oak Prairie Subdivision without interest. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

11. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

The Public Works crew have started on the (Fall Fest) bridge construction. Another donation came in from Knife River Concrete, more donations are still being sought. It was suggested that the word "Columbus" be added on the side of the bridge.

Council Member Messina

Council Member Messina questioned the dollar amount for Attorney fees this check run and asked if this is a typical one month bill.

The City Administrator explained that in addition to the monthly retainer of \$3500, the bill also includes charges to developers, projects, etc. that are fully reimbursed to the city. The Attorney said the fixed fee amount of \$3500 has been that amount for many years and the additional charges could be due to a lag of charges from to the Forest Lake Contracting (John's Black Dirt) Interim Use Permit/Performance Agreement work.

Road Improvement Projects

Council Member Messina is concerned about the interest on these projects and how that will affect the city's bond rating whether it would be better to re-think proceeding. The City Administrator explained that money is borrowed which is used to pay the contractor. Special Assessments are levied and money is collected through taxes to make bond payments in February and August. These projects are 100% funded by revenue from the property owners. The City is the middle man – it is funded 100% by Special Assessment, Columbus does not cost share on road improvement projects.

Council Member Duraine

Upcoming Road Improvement Projects

Council Member Duraine asked what the line item on the feasibility report listed as contingencies refers to.

These are costs for unforeseen items, actual cost is assessed not estimates.

Council Member Duraine thought the Engineering costs seem high and asked how this was determined?

The City Administrator explained the estimates include all the paperwork involved in the projects, contract preparation, bid documents, etc. The last road

project was several years ago and comparing costs to that would not be a valid comparison.

Youth Service Bureau

The annual fund raiser “The Taste” is coming up next Thursday July 17th at Stars and Strikes in Wyoming.

WCCO

Council Member Duraine watches WCCO and every eight minutes they do a traffic report and he recently heard them describe traffic at the convergence of I35W and I35E as the Forest Lake/Columbus split. Council Member Duraine is going to follow up to find out how this got changed. The council was pleased to hear this.

Johns Black Dirt/Forest Lake Contracting (FLC) Update

What is the status of the Conditional Use Permit?

The Attorney stated that when Forest Lake Contracting and Kathy Haluptzok signed the Performance Agreement the Conditional Use Permit was immediately revoked. In addition, the Conditional Use Permit expired on the property that was sold and therefore they have no claim to the Conditional Use Permit.

Can the council get a copy of the complaints on the FLC Interim Use Permit and why complaints are not brought to the council?

The City Administrator explained that the suggestion box is brought to the council, complaints have not typically been given to the council in the past. The Attorney explained that the name of the complainant is private information and anything given to the council is public data. The City Administrator said she can give the council a list of the complaint content. The list of complaints is sent to Forest Lake Contracting at the end of the week. If there is a more urgent matter the City Administrator calls FLC. A hauling calendar and the weekly report submitted by FLC has been added to the website under “About Columbus – Resident Information”.

How will the amount of material being removed be monitored?

The City Administrator explained there is no monitoring of cubic yards being hauled from the site. The number of days is being monitored.

Can the Performance Agreement be posted on the website? Yes

Can a Common Sign for Businesses be installed at Hornsby Street?

This is not allowed in the right of way. The landowner needs to sell the property, there are many issues that would need to be addressed to make this happen.

Council Member Duraine will follow up with the person who asked.

Council Member Krebs

Update/Direction - John Brown Property

The meeting with RCWD to discuss Mr. John Brown's water issue was held. The direction from the council was to find out if all the conditions were followed on the RCWD permit which RCWD reviewed and said there are no issues and Mastel Trucking is in compliance with the permit. The area involved includes about 400 acres and 12 to 24 property owners that serve the drainage area. The location of the ditch is the lowest section of this area. RCWD is willing to partner with the City however they do not feel they have jurisdiction over the ditch and also feel the city should be the lead on this request.

The next step suggested was to shoot elevations. RCWD said they would do this but wanted direction from the council and thought there should be a cost share with the city. It is estimated that shooting the evaluations would cost a couple thousand dollars. Some title work would also be needed to look at history of the property (to determine if easement was deeded.) Mastel Trucking said they were willing to allow changes to their property. All of the water in the area goes through the ditch, its origin is difficult to pinpoint.

Mayor Dave Povolny supports the work. Council Member Peterson added that all the relevant properties should be included in the elevations study. The City Administrator explained that the solution is a private matter, the city is acting only as the conduit in helping private property owners to possibly discover a solution. It is the burden of the property owners to implement the solution.

Motion PER 03450 by Peterson to approve up to \$2000 as a cost share with Rice Creek Watershed District to have elevations shot and marked and complete title research on relevant properties involved in the John Brown/Mastel Trucking Services water issue. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Update - Paul Brihn Culvert/Water Issue 161st Ave.

There is public infrastructure in this area, a neighborhood meeting is scheduled for July 23rd at 5:30 p.m. before the council meeting. The council can attend the City Administrator will post the meeting. The City Administrator asked if the Attorney could attend this meeting. The Attorney said he will attend on retainer.

Mayor Dave Povolny

No report.

12. Deputy Clerk Report

No report.

13. City Administrator's Report

Treasurer's Report

Receipts: \$8,001.78

Disbursements:\$189,165.95

Balance:\$1,309,490.41

Code Book

Updated Code Books were distributed to the council, they are codified as of June 1, 2014 and include ordinance changes through Ordinance 14-02.

Luncheon – Anoka County Picnic

Council Member Peterson asked if the cost (of the food) is paid by the city or the council members who attend. The City pays for the meal, there is no meeting pay. Council Member Peterson didn't think the city should pay for the food. Council Member Krebs agreed.

Motion ADM 05400 by Peterson to change the city policy to not pay for meals for council members attending meetings including sandwiches for the EDA. Second by Krebs. Votes as follows: Peterson - aye; Messina - nay; Duraine - nay; Krebs - aye; Povolny - aye. Motion Carries.

There was discussion regarding what the policy would include. It was determined the city will not pay for a meal for council members who attend any meetings /picnics, etc. and will discontinue the sandwiches for EDA meetings. It was clarified if training/meetings that include a meal is ok.

Workshop July 15th

The City Administrator said the workshop on July 15th at 6:00 p.m. has 2 people scheduled to attend for discussions. The Planning Commission will have 2 public hearings at their next meeting. The Park Board has cancelled their July meeting. The 5:30 meeting on July 23rd is for the 161st (Brihn) culvert/water issue. Council Member Krebs indicated that he may not be in attendance on the 15th.

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Meeting 07/16/2014
- ▶ Calendar of Meeting (Page 8)

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Messina.

Meeting adjourned at 8:03 p.m.

Respectfully Submitted:

Emilia S. Robinson
Deputy City Clerk