

**City of Columbus
Regular City Council Meeting
July 23, 2014**

The July 23, 2014 meeting of the City of Columbus City Council was called to order at 7:04 p.m. by Deputy Mayor Denny Peterson at the City Hall. Present were Council Members Jeff Duraine, Bill Krebs & Jessie Messina. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Jr., Engineer Larry Bohrer and Deputy City Clerk Emmy Robinson.

Absent: Mayor Povolny

Also in attendance were: Maxine Merrign, Dan Hair, Jason Kinsella, Jenny Hill, Mike Hill, Dan Mike, Paul Brihn, Art Erickson, Dan Thill, Ron Schroeder, Rena Schroeder, Mark Kotchen, Jackie Kotchen, Rick Robinson, Lee Lillquist, Eady Lillquist, Wade Russell, Gail Baty, David Matzke, Linda Pleski, Dave Klebe, Tim McCluskey, Jeanne McCloskey, Jeremy Oswald, Terry Baty, Tom Miller, John Regnier, Patricia Boesch, Kris King, Paul Peskar, Frank Wagamon, Jody Krebs, Paul Laszowski, Lynne Laszowski, Jean Anderson, Arlie Post, Diane Palmer, Doug Palmer, Doug Heldman, Jeff Pasiak, Mike Splett, Peter Weber, Steven Ericson, Ron Barnes, Tom Sibbald, Dan Hushagen, 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 07/09/14
4. Motion - Agenda Approval with Additions
5. Motion - Pay Bills as Posted
6. Motion - Resolution Accepting Gifts for Bridge Project (Pages 1)

Deputy Mayor Peterson asked that item #6 be removed from the consent agenda for further discussion.

Motion by Krebs to approve the consent agenda removing item #6 at Deputy Mayor Peterson's request. Second by Duraine. Votes as follows: Messina - aye; Duraine - aye; Krebs - aye; Peterson - aye. Motion Carries.

Gifts for Bridge Project

A loaner crosswalk bridge has been used at Fall Fest in the past. Council Member Peterson headed a project to solicit donations to build a bridge. Council Member Peterson wanted to thank all the donors to date including Knife River and MDU Resources Foundation, Columbus Lions, Running Aces Harness Park and Sternberg Electric Service for their generosity to help make the bridge project possible. Donations are still being sought, Council Member Peterson is the contact.

Motion ADM 05000 by Duraine to approve Resolution 14-12 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. PUBLIC HEARING - COLUMBUS WILDS DRAINAGE & UTILITY EASEMENT VACATION (Pages 2-7 & Enclosure & A1)

At the June 25, 2014 City Council meeting Resolution 14-09 was approved to set a public hearing on the vacation of all drainage and utility easements over out lots A and B, of the Columbus Wilds Plat.

Public Hearing

The Public Hearing was called to order at 7:07 p.m. by Deputy Mayor Denny Peterson. The Notice was read at this time.

The Attorney explained that the reason for the vacation is Mr. Hair is donating a perpetual conservation easement to the Board of Water and Soil Resources (BWSR), in order to do that there can be no conflicting easements.

A correction was made to the resolution on page A1 of the agenda packet to change the MN Statute number in paragraph 1 as indicated below. .

RESOLUTION SETTING A PUBLIC HEARING ON THE VACATION OF ALL DRAINAGE AND UTILITY EASEMENTS OVER OUTLOTS A AND B, OF THE COLUMBUS WILDS PLAT IN THE CITY OF COLUMBUS, MINNESOTA.

WHEREAS, the City Council of the City of Columbus (the "City Council") has authority under Minnesota Statutes section 462.358, subd. 7 and section ~~412.821~~ 421.851 to vacate any publicly owned utility, sewer, drainage, electric, telegraph, or telephone easement, or any part thereof, by resolution on its own motion, or on a petition of a majority of the owners of land abutting the property to be vacated; and

Deputy Mayor Denny Peterson asked if anyone would like to speak at this time. The following persons testified: No one asked to speak at this time.

The City Administrator added that an email was received from Rice Creek Watershed District indicating a note of clarity in resolution 14-09. The whereas identifies the intent of Mr. Hair to donate a conservation easement to RCWD that actually is a conservation easement to the State. The City Administrator read the email at this time.

The public hearing ended at 7:10 p.m.

Motion PLZ 02300 ADM 05000 by Messina to approve Resolution 14-13 Vacating Drainage and Utility Easements Over Outlots A and B, of the Columbus Wilds Plat in the City of Columbus, MN. 55025 with the correction to the Statute number in paragraph 1 as stated

above by the Attorney. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye. Motion Carries.

8. PUBLIC HEARING - 177TH LANE - HEIDELBERG -178TH LANE ROAD IMPROVEMENT & BENDER STREET - 184TH ROAD IMPROVEMENT (PAGES 8-30).

At the July 9, 2014 City Council meeting 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) was approved.

Public Hearing for 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)

The Public Hearing for 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) was called to order at 7:11 p.m. by Deputy Mayor Denny Peterson. The Notice was read at this time. Deputy Mayor Denny Peterson asked the Engineer to present the information for the public hearing.

The Engineer began by saying that there are 2 public hearings regarding 2 street improvements. The procedure is the Engineer will make a presentation regarding costs, the method of assessing properties and schedule for the project. Testimony will be taken by the audience and a vote will be taken by the council to decide if the project should proceed.

The notice of hearing on improvement was displayed at this time. The Engineer asked for a show of hands of attendees tonight that were not at the neighborhood meeting, 2 people raised their hands. The Engineer explained that a request was received May 14th, 2014 regarding interest in a road improvement project, a neighborhood meeting was held June 3rd, based on that input the council decided to go to the next step of sending petition forms to property owners for their input and based on these petitions the council ordered the feasibility study and public hearing tonight. The Engineer reviewed the construction of the improvement at this time. A replacement of 1 culvert is being done at city cost. The Engineer reviewed the design and replacement of mailboxes and posts, the council discussed leaving the replacement of the mailbox post for the residents to do, which results in a slightly lower cost of the project. The contractor will remove the mailbox and lay it down in the ditch.

The estimated costs were displayed at this time. The Engineer described the transition from the new road to existing driveways. The estimated cost of \$270,100 would be distributed over the benefitting properties. A map of the neighborhood was displayed showing which lots will be assessed. The Engineer reviewed how the costs are distributed between the lots. There are 33 lots to be assessed resulting in an estimated cost of \$8185 per lot. A proposed schedule was displayed. If the project is ordered the expected project completion is fall this year.

An assessment hearing would be held this fall, exact costs would be presented at this hearing. If the assessment is adopted, full or partial payment can be made within 30 days without interest, any remaining amount would be certified to Anoka County. Payments for the road improvement are included in the property owner's property taxes and can be paid back over a period of years with interest.

Council Questions

If the bids come in lower what happens and what are the chances of it being lower?

If the final project cost is less than the assessment would be lower. Some contingencies (about 10%) have been added for unknowns, labor and cost of asphalt are fairly stable, and typically estimates are very conservative, competition also comes into play.

Will the Engineering and legal costs be close to what the estimate is?

Yes, there are many steps and processes required, the costs include work done to date for the project, future work including staking, inspection, publications for the meetings, hearings, financial professionals to secure the funds, payments to the contractors, etc.

How will some of the costs like mobilization be affected if both projects are ordered?

Both projects were estimated separately because it is not known if both projects will be ordered. Contractors handle bids differently, some will put the cost of bonds and insurance and moving equipment on to the job together, some will put more of their bid toward the asphalt, grading, etc. The bottom line is what is looked at for comparison of bids.

Deputy Mayor Denny Peterson asked if anyone would like to speak at this time. The following property owners on 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) testified at this time:

Doug Palmer, 8353 177th Lane

Mr. Palmer initiated the petition and is very pleased to see it at this point. This is a neighborhood developed in the early 70's and Mr. Palmer is anxious to have property value increased, the dust gone, noise from the gravel gone and he assumes that many neighbors feel the same way. Mr. Palmer is asking the council to consider this a viable project.

Peter Weber, 8555 178th Lane

Mr. Weber is in favor of the project. A big issue this year is with the water and the ditches. Mr. Weber said his ditches are full of gravel, he has talked to the city about it. The ditches can't hold any more water. Mr. Weber hopes the council pushes forward on the project.

Mike Hill, 8354 177th Lane

Mr. Hill has lived in the neighborhood since 1990, Mr. Hill is in favor of paving. There is a lot of work (by residents) with gravel in the ditches from the winter. It will be easier for slow plowing. The dust factor is something that is a problem. Mr. Hill asked the council to approve paving.

Pat Boesch 8415 177th Lane

Ms. Boesch said her ditch is so deep she can't cut it with her riding lawn mower, is there anyway the ditch can be fixed so it's not so deep?

The Engineer said that is not normally done because a shape and pave exempts the city from meeting watershed requirements, if dirt is moved it may require more water quality work. A private landscaping permit can be given to the property owner. This project is strictly grading and paving.

Council Member Duraine asked if lowering the road was considered.

The idea is to use the existing gravel surface and not bring in more gravel, removing gravel may cause problems with strength of the road.

Council Member Peterson asked for comments from the Public Works Superintendent (PWS) regarding the mailbox posts.

Jim Fraley PWS said the Public Works staff will install the posts at no charge for the labor if the property owner purchases the stand from the city. The cost is approximately \$74. The PWS explained that with swing away posts it allows for much easier snow plowing. These mailboxes were used in the last 2 road projects. The PWS asked that interested parties contact the city at least three weeks before the project start date so an order can be placed. It was noted that this does not include the mailbox itself, the homeowner would need to install the mailbox and paper box. The kit includes angle iron for a paper box. City policy is if a mailbox is actually hit by the snowplow wing, not the snow coming off the plow, the mailbox is generally replaced.

Can a picture of the post be put on the website? Yes.

Deputy Mayor Peterson added that these mailbox posts improve the look of the neighborhood and improve plowing.

Tom Sibbald 17748 Heidelberg

Mr. Sibbald said he is in favor of paving and asked about future taxing for future maintenance of the road.

The maintenance on blacktop roads is different than gravel roads. Blacktop roads are maintained by crack sealing, sealcoating (after about 6 years), and eventually overlays. These maintenance tasks are not directly charged back to the property owners. This is handled through the blacktop budget. There is a capital plan and each year money is put into that plan to maintain the roads, a portion of taxes paid by all property owners in the city are used for this fund.

Will the capital fund increase?

The number of miles is calculated each year and the intention of staff is to increase the fund each year. The council has over the last few years kept the maintenance fund flat however. There is a very diligent look at the budget each year.

Does the city have staff to repair asphalt roads (a concern about the intersection of Heidelberg and the culvert to be replaced)?

The road bed has stabilized over time with rock applications and the culvert will be replaced which will help with drainage in the area.

The City Administrator said the city borrows the money to pay for the project and it does not want to borrow more than necessary. With that, the City Administrator asked that people who know they will be paying for the project in full this year should call her and let her know so she can reduce the amount borrowed. It was requested that these individuals call the City Administrator in the next month or so. It is expected the interest rate would be between 4.5 to 5% including the administrative fee, which is typically 1% - 1.5%.

The Public hearing was closed at 7:47 pm.

There were 27 petitions sent out, 33 were received back, 16 were yes and 11 were no.

Motion PWE 01200 by Messina to approve Resolution 14-14 Ordering Improvement and Preparation of Plans for 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). Second by Krebs. Votes as follows: Messina - aye; Duraine - aye; Krebs – aye; Peterson - aye. Motion Carries.

If a resident wants to have an apron put in or their driveway paved could they have this done along with the road project?

The Engineer said a letter will be sent regarding the project including the mailboxes and the contractor information. Property owners can call the contractor to obtain a bid.

A mailbox kit was brought out and displayed at this time

(A short break was taken while people exited the city hall.)

The Public Hearing for Bender Street between 181st Avenue and 184th Avenue, and 184th Avenue from Dimaggio Street was called to order by Deputy Mayor Denny Peterson at 7:55 pm.

The Engineer said the same sequence of events happened as did for the previous road project. An excerpt from the feasibility report was displayed at this time. The Engineer explained that this project has various road widths, a total of 3” of bituminous will be put down in 2 layers. Driveway aprons will be matched with like materials. There are no drainage improvements proposed. Mailboxes would receive the same treatment as the project previously discussed. Saw joints are made at 40 foot intervals to help control cracking of asphalt and this is included in the cost estimates. The estimated cost of the improvement is \$188,790. A map of the neighborhood was displayed at this time. This project has direct and indirect benefit assessments. The indirect will be assessed at 50% of the direct benefit. In addition there is a large property that will be assessed 2 units of benefit. The cost per lot for direct benefit would be \$8581 and the indirect benefit would be \$4291. This is a change from the neighborhood meeting as the council increased the percentage to charge on indirect lots.

The project schedule was displayed at this time, construction is expected this fall. The 2

roads will be bid together as one larger bid package which may result in lower costs.

Council questions

Will there be problems for plowing on the 16 foot wide road?

A one foot gravel shoulder will be left in place, it is not expected to cause problems. These are dead end roads also.

What are the plans on cul-de-sacs?

The east end will remain a “T”, the west end is a modified circle and will be paved as is.

The City Administrator spoke with a property owner who is not in favor of the project and told her the east end cul-de-sac is not a public road easement and it is privately held. The Attorney said if it has been maintained for 6 years the city has right to public use. The public would have the right to continue using this.

The Attorney explained to the public that any council member who has an interest in the project has a right to speak as a property owner but does not have a right to take part in the vote because of conflict of interest rules.

Council Member Duraine recused himself at this time.

Deputy Mayor Denny Peterson asked if anyone would like to speak at this time. The following property owners on Bender Street between 181st Avenue and 184th Avenue, and 184th Avenue from Dimaggio Street to its west terminus (City Project 2014-2) testified at this time:

Arli Post 9241 181st Avenue

Ms. Post said she does not live on Bender or 184th and she is looking at \$20,000 for her assessment, she is opposed to this project. Ms. Post asked what the process is and said her property is 20 acres.

The Attorney said the property has development potential and this process for assessing is consistent with the city’s process on other projects.

Ms. Post asked why the large parcel at the end of 184th is not being assessed for more than 1 lot. Ms. Post said this is a 40 acre parcel, it is being used as pasture land and is prime for development.

The Engineer explained that because the 40 acre parcel does not have the required frontage, a road would need to be built into the property for future development. Ms. Post has considerable more length which meets the subdivision requirements along Bender Street for future development.

Ms. Post added that during the John’s Black Dirt meetings it was mentioned that 181st Avenue would be improved and she wanted to know if she would be taxed for that too.

The Engineer explained that the money for the improvement of 181st would come from the blacktop maintenance fund as the work would be mill and overlay. In addition a bond was taken for repairs from Forest Lake Contracting for any damage to roads from their use. The City's plan to mill and overlay 181st was supposed to be done this year but was delayed due to the Forest Lake Contracting Interim Use Permit.

When it comes to looking at the vote, does she (Ms. Post) get 2 votes or only 1 vote? The Attorney explained that the "vote" (from resident petitions) is advisory only, the council makes the final decision. Property owners are not "voting", they are giving an opinion.

Dave Klebe 9356 184th Avenue NE

Mr. Klebe asked for a breakdown of the costs on the project.

The Engineer displayed the preliminary cost estimate and reviewed it at this time. The cost estimate should be fairly close, costs have been estimated this way for at least 12 years. The feasibility study will be posted to the website. The Engineering includes staking the roads, inspections, etc.

Steve Erickson 9320 184th Avenue NE

\$70,000 seems high (for the professional services on both road project).

The Attorney said these are fairly standard charges, from city to city this type of estimating is fairly close. The Engineer said the estimates were done as standalone projects.

Mr. Erickson asked why there is an amount added to interest for administration.

The City has to pay Anoka County to administer the plan, this pays Truth and Taxation costs and administrative costs.

Dave Klebe 9356 184th Avenue NE

Mr. Klebe said the engineering costs of \$1700 seem high and he asked if the city could help out with this.

The Attorney said these costs are not out of line with other cities.

Jeremy Oswald 11815 Bender Street

Mr. Oswald is against the project, the city maintains the road adequately now, and he doesn't think the benefit is worth the cost.

Terry Baty 18324 Bender

Mr. Baty said he is against the project and thinks the cost is high. Ms. Post being assessed 2 lots is ridiculous. Paving the roads is against being a rural community.

Doug Heldman 18217 Bender

Mr. Heldman is not in favor of the project, he is not interested in paying this. Taxes have gone up and the value has gone down on his home. Mr. Heldman has 3 kids and is concerned about speed.

Tim 18155 McCluskey Bender

Mr. McCluskey is against the project, Mr. McCluskey is looking toward retirement and this is not part of the plan. Speed is an issue currently, there is a blind hill and curve.

Steve Erickson 9320 184th Ave NE

Mr. Erickson is against the project mainly because of the speed, less speed would reduce the dust.

Terry Baty 18324 Bender Street NE

Ms Baty is against the project, the road is better than it's ever been, the dust control is very effective.

Mary Jo Meadow 18235 Bender St. (Letter received July 15, 2014 included in the agenda packet)

Ms. Meadow is against road paving for the following reasons: it will ruin the "county look", dust is not a problem, it will not necessarily make the property more saleable and it will make it less attractive for walking.

The City Administrator spoke to Patrick Shearen at the counter today who said he is against the project. The easement on his property is was used as egress/ingress (and not a public easement) to the north 2 lots on Dimaggio Street and he wanted to make sure that is on the record.

Mr. Klebe 9356 184th Avenue NE

Mr. Klebe is in favor of the project. The "T" was added for a bus turn around.

Jeff Duraine 18319 Bender Street

Mr. Duraine is for the project. Mr. Duraine asked if there been talk about putting money away for paving roads throughout the city.

It has been discussed in the past and can be brought up at the next Public Works Advisory Board meeting.

Ron Schroeder 9257 184th Avenue NE

Mr. Schroeder is in favor of the project. When it rains the road is slime, when its dry it's a dust bowl, Mr. Schroeder has wanted it paved.

Jean Anderson 9301 184th Avenue NE

Ms. Anderson has lived here since 1979 and her dream was to have a tar road, Ms. Anderson agrees with Mr. Schroeder's comments. Every couple years the road is being raised and if it's not tarred will it continue to increase in height? Ms. Anderson said they have the gravel problem (in the ditch) and the ditch is very steep. Ms. Anderson asked why the calcium chloride is put down so late in the year.

Jim Fraley PWS responded by saying typically it is very rainy in the spring and this washes

away the dust control products. The Council had not approved adding money in the budget for a second application. Many years ago the Public Works Department decided to start applying the dust control in July because it is typically a drier month. Application of dust control has been in July for the last 10 years.

Paul Laszwski 18345 Bender Street

Mr. Laszwski is in favor of the project.

Dan Hill 18631 Dimaggio Street

Mr. Hill asked if Dimaggio Street ever gets paved will he have a second assessment for this?

The City Administrator explained that current policy is roads are paved only if a petition comes in from the property owners or a policy is adopted to start paving all roads.

Mr. Hill asked for the map to be displayed. If the property to the north (of 184th Avenue) develops will this create a lot of traffic because the road would go through?
It is difficult to say at this time.

Linda Pleske 9331 184th Avenue NE

Ms. Pleske is for the project, because of the dust, mud and she can't walk the road because of dust. Ms. Pleske thinks it's time to update and the gravel road devalues properties.

Arlie Post 9241 181st Avenue

Ms. Post understands the dust issues, she is facing the fact that she will have to sell or re-mortgage her home to pay for the assessment and she doesn't even use the road. Ms. Post is a single mother with children.

Deputy Mayor Denny Peterson asked if anyone else wanted to testify. No one else responded.

The Public Hearing ended at 8:49 p.m.

Council Member Krebs said this is very close, 7 in favor and 6 against that spoke tonight. The City Administrator said 22 petitions went out and 22 came back. The results were 11 to 11.

Council Member Messina asked if some of the other people said they would pay more to help defray some of the costs.

The City could defer the assessment but the cost would be spread over the city and deferred until the property developed. It was mentioned that deferring assessments is not in the best interest of the city or community at large.

The Attorney re-iterated that this is a council decision.

Motion PWE 01200 by Krebs to approve Resolution 14-15 Ordering Improvement and Preparation of Plans 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 Messina. Votes as follows: Krebs – aye; Messina - aye; Peterson - aye. Motion Carries.

There was discussion whether the council could change its decision. The Engineer advised the council that the only thing to revisit is when the bids come in, they could review if the cost is any lower. There may be a consequence to the bidding if one project is dropped however after bids are received.

Council Member Krebs said this is a very difficult decision. Council Member Peterson and Council Member Duraine both feel it is a good move and in the past people have been happy with the decision.

A short break was taken at this time while audience members exited the Council chambers.

9. PLANNING COMMISSION REPORT

Commissioner Jody Krebs presented for the Planning Commission tonight.

Motion - City View CUP Amendment Request (Pages 31-39 & Enclosure)

The Planning Commission made a motion to forward to the City Council the application of City View Electric for CUP Amendment with a recommendation for approval. The Planner sent a revised memo dated July 17th, 2014 incorporating the Planning Commission's discussion. There are two phases with anticipation for a phase 3.

A representative from City View Electric approached to answer questions and he stated that Phase 1 and 2 are storage buildings and City View expects to move their offices and build an office building in three to 5 years. The neighbors are supportive of the development proposal.

The current building meets all the code requirements, the request is to have 2 accessory buildings on the side and behind the existing building. The Attorney said a code requirement cannot be waived, they meet the code requirements because the additional buildings are accessory and not the principal building.

Motion PLZ 00400 by Krebs to approve the application of City View Electric for a CUP Amendment at 14331 Lake Drive based on the Planners memo dated July 17, 2014 and subject to the Planners memo dated July 17, 2014. Second by Messina. Votes as follows: Messina - aye; Duraine - abstain; Krebs – aye; Peterson - aye. Motion Carries.

Findings of Fact for City View Electric for CUP Amendment PC14-106

1. Buetow Brothers Stucco & Plastering (“Buetow”) received a CUP on November 3, 2003 to construct and operate a contractor shop (office/warehouse building) at 14331 Lake Drive (“Property”).
2. The 2003 CUP application and site plan identified two 5200 square feet office/warehouse buildings planned for the property. A single 5200 square feet office/warehouse building has been approved and constructed.

3. A condition of the 2003 CUP was to amend the CUP when any additional businesses occupied the Property.
4. The 2003 CUP was amended on November 22, 2004 to allow Cutting Edge Landscaping as an additional tenant in the office/warehouse building.
5. The CUP was amended on April 11, 2012 to allow Ironwood Contracting to occupy the space vacated by Cutting Edge Landscaping.
6. The CUP was amended on October 9, 2013 to allow City View Electric, Inc. (“City View”) to acquire the Property and occupy the Property as the sole occupant for electrical service contracting.
7. The subject property is zoned C/I Commercial/Industrial.
8. The C/I District allows building trades and contractor offices, including storage of vehicles, equipment, and materials, as a conditional use.
9. City View is a commercial electrical contractor with a home office in St. Paul and the Property is used for office space, vehicle and equipment parking, parts storage, and minor company equipment and vehicle repair. There is typically one employee at the Property.
10. General hours of operation are 6:00 a.m. to 6:00 p.m. on weekdays and occasional weekends and evenings.
11. City View submitted a complete application for an amendment to the CUP on June 12, 2014.
12. The 60-day review deadline is August 11, 2014. The 120-day review deadline, if necessary, is October 10, 2014.
13. The current CUP amendment application includes a proposal to add two 5000 square feet buildings to the Property, as illustrated on a May 21, 2014 site plan prepared by E. G. Rud & Sons, Inc.
14. Phase 1 of the proposal is to add a 5000 square feet equipment and materials storage building to the north of the existing building.
15. The proposed Phase 1 building addition is located a minimum of 50 feet from the westerly property line and 66 feet north of the existing building.
16. The proposed Phase 1 building will be a steel frame building with colors to resemble the existing building.
17. There are two overhead service doors proposed on the western elevation of the proposed building.
18. The total aggregate impervious surface area on the Property after the proposed Phase 1 building addition is well below the maximum lot coverage.
19. Outdoor vehicle, equipment, and material storage by City View will be located north, south, and east of the existing and proposed Phase 1 buildings.
20. Parts may also be stored in the existing outbuilding.
21. There are no proposed signage plans at this time.
22. The proposed Phase 2 building is a 5000 square feet storage building to be located to the north of the proposed Phase 1 building.
23. The proposed Phase 2 building would include approximately 15 full time employees.
24. There are no parking plans or other site details for the potential Phase 2 building.
25. The relevant conditions of the 2003 Buetow CUP, 2004 CUP Amendment, 2012 CUP Amendment, and 2013 CUP Amendment remain in effect.
26. The Planning Commission held a public hearing on July 16, 2014 to consider the proposed City View CUP amendment.

27. The applicant stated at the public hearing that they have acquired adjacent Lots 10, 11 & 12, Wills Addition, and wish to combine all properties and construct an office building in the future which will meet all standard design criteria in the ordinance.

Conditions for City View Electric for CUP Amendment PC14-107

[NOTE: The relevant conditions from the 2003, 2004, 2012 and 2013 CUPs are combined together here].

1. Access to the Property is subject to jurisdiction by Anoka County.
2. Exterior storage of equipment and materials shall be located on the east, north and south sides of the principal buildings.
3. Equipment and material storage areas shall not occupy any parking areas, stormwater or wetland areas, or sewage treatment areas.
4. Additional Businesses, expansion or intensification of proposed contractor's business from what has been presented to date shall require an amendment to the Conditional Use Permit.
5. All exterior lighting shall be shrouded and directed away from adjacent properties and public streets.
6. All refuse must be stored in a building, trash transport (dumpster), or in covered cans. Any outdoor storage area shall be enclosed on all four sides by screening, compatible with the exterior of the building, not less than two (2) feet higher than the refuse container.
7. The hours of operation for the contractor's shop shall not exceed 6:00 a.m. to 6:00 p.m. Monday through Friday, with periodic use on weekends and evenings.
8. Residential use of the Property is prohibited.
9. The parking area to the west of the buildings must be used only for short-term employee and/or customer parking.
10. Any hazardous materials used or hazardous wastes generated on the Property shall be in compliance with federal, state, and county permitting and licensing requirements.
11. The operation of the contractor's shop must be consistent with all local, Federal, and State laws that apply to the use of the Property.
12. In the event the City Council determines, in its sole discretion, that the contractor's shop is not being operated in accordance with any term or condition contained herein, the Permit may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the Conditional Use Permit of any such revocation.
13. City View shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorneys' fees and consultant fees.
14. There must be a total of 17 striped parking spaces on the property.
15. All accessory buildings must match the appearance of the primary structures.
16. The 2014 CUP Amendment authorizes the only the proposed Phase 1 5000 square feet equipment and materials storage building to the north of the existing building.
17. The 2014 CUP Amendment does not eliminate the requirement for obtaining any other permits and approvals as may be required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, water appropriation permits, and sewage treatment system permits.

18. City View shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the 2014 CUP amendment, including any subsequent inspection and enforcement actions.

Motion - Chapter 7A Lot Alternative Design (PUD) Ordinance (Pages 40-45)

A memo dated July 17, 2014 from the Planner was included in the agenda packet. A public hearing was held by the Planning Commission on July 16th, 2014. The action is approval or denial of the ordinance amendment. There was some discussion regarding the “pencil lot” design, the Planning Commission took out the language which would eliminate this design as they felt there wasn’t many 40 acre parcels that could use this design.

Motion ADM 05000 PLZ 02500 by Krebs to approve Ordinance 14-05 Amending Chapter 7A- Zoning Regulations in the Columbus City Code regarding Planned Unit Developments. Second by Duraine. Votes as follows: Messina - nay; Duraine - nay; Krebs - aye; Peterson - aye; Motion Fails.

Council Member Messina asked if Mayor Dave Povolny knew about the removal of language regarding the pencil lot design. The Planning Commission took out the language to limit (pencil lot design option) by using a percentage of allowable 2.5 acre lots in a subdivision. Council Member Krebs said increasing rooftops are being sought.

Motion ADM 05000 PLZ 02500 by Messina to continue this topic to the next meeting. Second by Duraine. Votes as follows: Krebs – nay; Duraine - aye; Messina - aye; Peterson - nay. Motion Fails.

The Attorney advised the council at this time that if they do not continue the discussion this will have to go back to the Planning Commission and the process starts over.

Motion ADM 05000 PLZ 02500 by Peterson to continue this topic to the next meeting. Second by Krebs. Votes as follows: Messina - aye; Duraine - aye; Krebs – aye; Peterson - aye. Motion Carries.

Discussion - Chapter 7A Buffer Ordinance & PC Workshop (Pages 46-47)

A Planning Commission ordinance recommendation regarding screening and buffering between commercial and residential areas was included in the agenda packet. This ordinance has not had a public hearing at the Planning Commission yet. This is before the council for review and comment. The action, if the council feels is appropriate is calling for a Public Hearing by the Planning Commission.

Motion PLZ 02500 by Messina to call for a Public Hearing by the Planning Commission for Chapter 7A Buffer Ordinance. Second by Krebs. Votes as follows: Messina - aye; Duraine - aye; Krebs – aye; Peterson - aye. Motion Carries.

The Planning Commission will hold a workshop on July 30th at 6:00 p.m. to prepare for their August 6th meeting, this meeting is open to the public.

Planning Intern

Commissioner Krebs said the Planning Commission was introduced to the Planning Intern Michael Healy who is quite a dynamic young man. The Planning Commission is looking forward to working with Mr. Healy to learn, gain tools to enhance the Planning Commission's responsibilities, skills, efficiencies and effectiveness in developing the city.

10. Public Open Forum

Dan Mike 15123 Hornsby Street

Mr. Mike questioned the cost savings for the mailbox installation by the Public Works staff as presented earlier tonight during the road improvement discussions. Mr. Mike said the time and labor involved for the public works department and office staff in processing orders did not seem to make sense.

There was discussion regarding the cost estimates presented tonight and at the neighborhood meeting, the Attorney noted that changes now would result in the process having to start over and that would not be cost effective. No changes were made to the earlier decisions regarding the road projects.

Lee & Virginia Lillquist 17434 Gehrig Street

Mr. Lillquist said he is against the round-about proposed at the intersection of Kettle River Blvd and Broadway. Mr. Lillquist said he disagrees that this would increase safety as it (the roundabout) is too small, the area is residential area with pedestrians and bicyclists. In addition Mr. Lillquist thinks that the lack of rational detours will create havoc in the area during construction. Mr. Lillquist said the costs and environmental impacts involved in forcing the roundabout is not good for Columbus. The driveways are too close to this intersection. He also voiced his concerns about the future costs the city would bear for maintenance.

D. STAFF & CONSULTANT REPORTS

11 ENGINEER REPORT

Update/Direction - John Brown Property

RCWD has agreed to provide technical assistance in two ways; prepare a drainage area map west of Lake Drive to delineate the properties affecting the water and perform a topographic survey between Lake Drive and Crossways Lake on the east side of Lake Drive. The City Administrator clarified that this is as a cost share with the city. The City will take the lead and do the title search across the Winicki property.

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

There was a meeting earlier tonight with the private property owners, city staff and the watershed district. Historical information was obtained regarding drainage directions and patterns. The old historical photos did show the existing drainage ways in place today. There is no resolution at this time.

The Attorney said a 1995 letter was brought forward and there was discussion on placement of culvert A.

Council Member Peterson and Messina said they would like to see further investigation on the 1995 letter. Council Member Messina suggested including 2 other property owners in the discussions. The local contractor who graded the park is still in business and could shed some light on this subject. The consensus was to do further investigation and involve the other 2 property owners.

12. ATTORNEY REPORT

No further report.

13. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

The DNR surveyed Camp Three Road and the process will begin for the vacation of the portion of the road west of Zodiac Street.

Council Member Messina

No report.

Council Member Duraine

No report.

Council Member Krebs

Council Member Krebs has been checking on Vassar and Tulane Streets because of the Forest Lake Contracting hauling activities and he wanted to commend Jim Fraley, Public Works Supervisor for stepping up the evening due of July 11th, 2014 and fixing the road which was left in very poor condition after the grading job by Forest Lake Contracting that day after hauling. The road was left very ruddy. The Attorney suggested that the Forest Lake Contracting should be given notice when a situation like this occurs. Council Member Duraine recommended that Forest Lake Contracting be billed for this work by the Public Works Superintendent.

Mayor Dave Povolny

Absent tonight.

14. Deputy Clerk Report

No report.

15. City Administrator's Report

Update - Humber Street

Work continues with the property owners for the configuration of the turnaround, the original property owner who requested the improvement is cooperating with land easements for the turn around.

Treasurer's Report

Receipts:	\$1,422,710.87
Disburse:	\$358,058.89
Balance:	\$2,394,142.39

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Meeting Cancelled 08/06./14 (In Lieu - CC Workshop)
- ▶ Calendar of Meeting (Page 48)

F. ADJOURNMENT

Motion by Duraine to adjourn. Second by Messina

Meeting adjourned at 9:55 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk