

City of Columbus
Regular City Council Meeting
July 24, 2013

The July 24, 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 Julie Perrus, Engineer Larry Bohrer and Deputy Clerk Emmy Robinson.

Absent: None.

Also in attendance were: Myron Organ, Joan and Doug Schliessing, Carol Mike, Duane Guckeen, Ilene Guckeen, David Liska, Matthew Nygaard, Kris King, Paul Peskar, Rick Robinson, Ellen Wojciechowski, Mary Erkenbrack, Ceil Neihart, Pete Neihart, Jeff Zaczkowski, Kate Zaczkowski, Brad Srasky, Leslie Lincoln, Diane Lincoln, Boyd Bonty, Rosie Ulrich, Steve Ulrich, David Sugg, Keith Welch, Michelle Welch, Sheila Maassen, Ron Hanegraaf, David Guzzo, Paul Zahradka, Cheryl Zahradka.

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 Meeting Minutes 07/10/13
5. Motion - Pay Bills as Posted

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

C. PRESENTATIONS

6. Planning Commission Report

The Planning Commission meeting was re-scheduled from July 17, 2013 to July 23, 2013. Pam Wolowski presented for the Planning Commission tonight.

7. Motion — Conditional Use Permit (CUP) 69XX 135th Ave. NE (Pages 1-10 & Enclosures) PC13-106

The Planning Commission held a public hearing to receive testimony for a CUP for Zaczkowski Trucking Services for parking and maintaining six to eight class-8 trucks and 10 – 12 trailers, in addition a shop for vehicle maintenance and parking for company employees and contracted owner operators is planned. Copies of the building plans were included in the agenda packet. The Planning Commission recommended approval of the CUP based on the findings of fact and recommendations in the City Engineer's letter dated July 17, 2013 and the Planner's memo dated July 18, 2013 with an additional condition #11 to read: "**The CUP is contingent upon the applicant resubmitting a building elevation plan for approval by the Planning Commission.**". A revised memo from the Planner was included in the agenda additions. This condition addresses the minimum of 50% non metal standard of the city's code.

Motion PLZ 00400 by Peterson to approve the Conditional Use Permit application for Zaczkowski Trucking Services located at 69XX 135th Ave (13461 Lake Drive) PC13-106 based on the Planners memo dated July 18, 2013, the Engineers letter dated July 17, 2013 and the Planning Commission minutes dated July 23, 2013 and subject to the Planners memo dated July 18, 2013, the Engineers letter dated July 17, 2013 and the Planning Commission minutes dated July 23, 2013. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

A question was asked regarding if there were any concerns by the neighboring residents of the startup time for the trucks.

The Planning Commissioners were assured that because the equipment is new it is less noisy, the trucks would be started inside the building and the traffic leaving the building would be staggered so it should not create noise issues.

Are there issues with easements?

There were no easement issues. The City Administrator explained the trade is to dedicate right of way with the understanding that the city would bring the road up to gravel road standards.

Public Works will work with the engineer to determine what needs to be completed for road improvements.

Findings of Fact for Zaczkowski Trucking Services (“ZTS”) 69XX 135th Ave (13461 Lake Drive) PC13-106

1. Zaczkowski Trucking Services (“ZTS”) submitted an application for a CUP to construct a new trucking/service facility on July 1, 2013 that was found complete.
2. The 60-day review deadline is August 30, 2013. The 120-day review deadline, if necessary, is October 29, 2013.
3. ZTS proposes to construct a freight trucking business at 13461 Lake Drive (CSAH 23), located in Section 33, Township 32, Range 22 (“Property”).
4. The Property is zoned C/I Commercial/Industrial.
5. The C/I District allows contractor businesses, company-owned vehicle repair and storage as conditional uses.
6. There is an existing residence, outbuildings and private sewage treatment system on the Property that will be removed.
7. There is an existing private well on the Property that will be retained and used in the new business.
8. An existing Property access drive on Lake Drive will be removed. New access will be provided on the north side of the Property via 135th Avenue NE.
9. ZTS is proposing to construct a 7536 square feet building on the Property, including approximately 500 square feet of office area and an approximately 1536 square feet attached lean-to.
10. The proposed building will be accessed by a paved driveway and served by a paved 14-stall parking lot.
11. The proposed development also includes a larger gravel truck maneuvering and parking area.
12. The proposed building and parking areas exceed all minimum setback requirements in the C/I District.

13. The proposed site coverage or impervious surface area is approximately 31%, which is well within the 50% limitation.
14. The proposed office/shop building is approximately 30 feet in height, which is well within the maximum 50 feet height limit in the C/I District.
15. The proposed building will include steel exterior wall panels, trim and roofing. A 3-foot-high stone wainscoting adorns the west and north sides of the building facing Lake Drive and 135th Avenue.
16. The exterior building materials are similar to the Waldoch shop building on the north side of 135th Avenue, but they do not appear to meet the minimum non-metal surfacing standards for street facing elevations.
17. The shop building will be used for vehicle maintenance and parking.
18. There will be typical oils, lubricants, solvents and cleaners associated with vehicle maintenance. The service will be required to maintain a Very Small Quantity Generator license for hazardous wastes.
19. Up to 12 flatbed trailers or tractor trailer combinations will be parked in the outside truck maneuvering area at any time.
20. The site plan identifies a proposed SSTS drain field area and storm water ponding area between Lake Drive and the proposed building.
21. Numerous existing trees will remain on the Property after development, which exceed any new landscaping requirements.
22. There have been no plans submitted for site or building signage or site lighting. Site signage and lighting can be permitted administratively.
23. There are no wetlands or floodplain on the Property. Rice Creek Watershed District (RCWD) has reviewed the development plans and issued a conditional permit (CAPROC), dated June 26, 2013.
24. Anoka County will require a right-of-way permit for removal of the existing driveway onto Lake Drive.
25. Properties to the north, east, and south of the Property have dedicated 33 feet easements for 135th Avenue and Humber Street. Portions of 135th Avenue and Humber Street encroach on the Property. There have been no easements dedicated on the property for 135th Avenue or Humber Street.
26. Properties to the north and south of the Property have dedicated additional 10 feet easements to Anoka County along CSAH 23 as a part of their site development.
27. The City Engineer provided comments and recommendations in a letter dated July 17, 2013.
28. The Planning Commission held a public hearing on July 23, 2013, to consider the proposed CUP for ZTS **and recommended approval of a CUP subject to the following Conditions:**

Conditions for Zaczkowski Trucking Services (“ZTS”) 69XX 135th Ave (13461 Lake Drive) PC13-106

1. The CUP is contingent upon final recommendations of the City Engineer.
2. The CUP is contingent upon final recommendations of the City Building Official.
3. The CUP is contingent upon final requirements of the Rice Creek Watershed District.
4. The CUP is contingent upon requirements of Anoka County to close the existing driveway onto Lake Drive.
5. The CUP is contingent upon acknowledgment by ZTS that the CUP approval does not eliminate the requirement for obtaining all other permits and approvals as 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, storm water permits, sign permits, driveway permits, water appropriation permits, and sewage treatment system permits.

6. All proposed site improvements and construction shall be consistent with the CUP application accepted by the City on July 1, 2013 (except as modified by the City, county, or watershed district).
7. ZTS shall provide 33 feet easements to the City along 135th Avenue and Humber Street and a 10 feet easement to Anoka County along CSAH 23.
8. ZTS shall operate the facility in full compliance with all federal, state, and local laws, rules, regulations, and ordinances.
9. Hazardous wastes generated on the Property shall require licensing through Anoka County.
10. Any proposed site lighting or security lighting shall require plan review and approval by the City and shall include shrouded fixtures to prevent direct lighting on adjacent properties or public right-of-way.
11. **The CUP is contingent upon the applicant resubmitting a building elevation plan for approval by the Planning Commission.**

Following are the Conditions from the Engineer's memo dated July 17, 2013

1. The existing septic system be abandoned/removed in accordance with applied Codes.
2. Remove the existing driveway access from Lake Drive. Obtain Anoka County permit to do this work.
3. Dedicate additional right-of-way as follows:
 - a. The west 10 feet for Lake Drive (CSAH 23)
 - b. The north 33 feet for 135th Avenue
 - c. The east 33 feet for Humber Street
4. The City should widen 135th Avenue between Lake Drive to the applicants' new driveway to the City's gravel road standard of 24 feet.

8. Public Open Forum

David Liska, 18126 Vassar St. - Mr. Liska asked if there has there been any movement on the Forest Lake Contracting /John's Black dirt pit permit.

The City Administrator explained that this will be addressed under the Attorney's report later this evening.

Mr. Liska asked about the driveway that was installed to John's Black Dirt at the north end of Vassar Street and if a permit is required for this.

The City Administrator explained there is not a permit required to install a driveway.

The Conditional Use Permit that they hold, did his original excavation permit have direction, the permit for the mining of black dirt, can they mine sand under the current CUP?

The City Administrator explained that in 1973 an excavation permit was required annually, after that time the Town Board changed it from an annual excavation permit to a special use permit, the discussion regarding routes which occurred in 1989 was due to complaints of truck traffic. In 1992 there is a public hearing notice for a Conditional Use Permit, and the minutes talk about the restrictions,

today they are called conditions, at that time it's clear that those conditions were adopted in the minutes for that permit.

Mayor Dave Povolny interjected that it talks about depth and sand could not be reached at those depths. The founders of the pit's intention were to have open water not a marsh.

Matt Nygaard, 18261 Tulane Street - Mr. Nygaard said he is moving at the end of August, and he expressed great concern in putting his house on the market and the effect truck traffic will have on its resale value. Mr. Nygaard said he could instantly loose a great deal of money and he feels this will greatly affect his sale. Mr. Nygaard said on an average day 10 cars go down the road, this is just the people who live in the area, now this will change the whole environment.

Mayor Dave Povolny said as a city council they are trying to end this sand pit and as quickly and economically as they can. The goal is for the end game for this property to be implemented on the property, which will be different from the original plans; the long term goal is to increase the value of everyone's property by having a nice piece of water and some buildable lots. Mayor Dave Povolny added that low traffic roads end up turning into walking, biking paths, there is no park in the area to do these activities. That's why the city has park dedication fees to develop parks in areas where new houses are built.

Ceil Neihart 18156 Vassar St.

Mrs. Neihart asked if this will be the only opportunity to talk tonight as it may be more appropriate after the report on the agenda later.

Mayor Dave Povolny said he will open the floor for comments after the Attorney's report.

Mayor Dave Povolny asked for other public open forum comments on subjects other than John's Black Dirt at this time. No one asked to speak.

D. STAFF & CONSULTANT REPORTS

9. ENGINEER REPORT

Additional Item - Fema Letter (Pages A4-A7)

The preliminary maps have been received; the Engineer will begin the review and report back to the council. Letters of Map revision have been made; LOMA's are usually too small to show on the map so the Engineer said a list of properties will be submitted to go along with the maps. No action is required tonight.

10. ATTORNEY REPORT

Motion - Chapter 4 - Licensing Ordinance Amendment (Page 13)

At the June 26, 2013 meeting the Council approved modifying 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. An ordinance amendment was included in the agenda packet. The action is approval of the ordinance.

Motion ADM 05000 PER 02100 by Peterson to adopt Ordinance No. 13-03 Amending the City of Columbus Chapter 4 – Licensing. Second by Duraine. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Update - John's Black Dirt (Pages 11-12)

The Attorney began by explaining that at the last meeting the council chose option #3/c which directed staff to meet with Forest Lake Contracting (FLC) to discuss a voluntary application for an Interim Use Permit rather than deal with revocation or suspension of the CUP. The meeting was held last Thursday, July 18th, 2013. The outcome of the meeting was FLC is willing to move forward with some voluntary conditions and a re-submittal of an IUP application which is expected to come in the next 30 days. There will likely be 2 to 3 more meetings; there was no permanent resolution of what the agreement will be at this time. FLC is willing to limit truck traffic in the meantime as much as possible.

The City Administrator added that at the meeting staff re-iterated that the application would not be a 5 year term it had to be a much shorter duration. FLC said they would work with the city and take into consideration the discussion during that meeting. They will do limited hauling under the CUP that is in place.

Mayor Dave Povolny asked for more information on quantities, directions and routes? The City Administrator said FLC understands the concerns, they will keep hauling to a minimum and they explored different routes, the north route cannot be used at this time. The gate was being constructed because FLC realize if they bring all the truck traffic down one road it would have a greater impact on those residents, they indicated that trucks would be coming out of John's Black Dirt and would either take Tulane or Vassar Street. They have indicated they will start hauling July 29th; there will be approximately 3 trucks an hour on Vassar and Tulane.

The Attorney noted that these are voluntary limitations, but not an enforceable number.

A letter was received from David Guzzo including several questions and concerns regarding the John's Black Dirt CUP.

The Attorney noted that generally these types of involved questions are not something staff addresses because of the time involved. The record is available for review to the public.

When requests are received the general practice is if the document is addressed to mayor and city council it goes to them at their next meeting. Then they give direction as a group, not one council member can make a decision on their own. Staff takes direction from council. Administrative questions can be answered by staff. There is a summary of the record that was compiled and is available to the public.

The direction from council was to make the record available and give the City Administrator authority to answer questions she can. Data practices doesn't require creating reports, it says that documents will be made available.

Council Member Messina said one of the questions he has is who will be responsible for the enforcing the completion of the mitigation plan.

Ultimately if FLC does not complete the plan it falls back to the property owner under the CUP. With the IUP the responsibility transfers to the person who agrees to do this under the IUP.

The Attorney explained that staff will work with FLC to get specifics on numbers of trucks, and implementation of the mitigation plan. This would require another public hearing. This would ensure the timeline for mining and provide certainty of when the property would be reclaimed.

Council Member Messina said he would encourage that a deadline be determined for FLC to obtain the IUP.

The expectation is that 2 to 3 more meetings will be held and a re-submittal is expected within 30 days.

Council Member Duraine asked who is responsible for the road damage; the current bond is so low it would not be helpful to cover costs for damages. In addition to gravel how will the city address damages to the blacktop roads?

The City holds a \$5,000 bond per year. The Attorney said this is an old bond and an old amount and certainly not up to current practices. The plan is to have this resolved in the next 30 days through an IUP.

Council Member Duraine suggested that the city document the road conditions now so the city can determine if they are deteriorating from the truck traffic.

The City Administrator said the city is the road authority and therefore required to maintain the road. The Conditional Use Permit does have a condition that John's Black Dirt (JBD) is required to provide dust control and grading. FLC has agreed to put magnesium/calcium chloride on the road for dust control and grade when necessary. The City Administrator asked them to coordinate this with the Public Works Superintendent; he will talk to the foreman on the project to make sure the maintenance is being done. It was noted by the Engineer that the city has a good understanding of the condition of the blacktop roads at this time. 181st and Notre Dame were scheduled for an overlay project next year.

The City Administrator explained that this has been discussed in meetings with FLC and they understand they will be responsible for damage they cause.

Can a gravel road be damaged and will that cost extra to fix?

The Engineer said direct evidence of damage would be evident is if a load broke through the gravel the sand or underlying sub grade would be exposed through the gravel. The concern is discovering any soft spots in the sub grade; a heavy truck will find these spots where car traffic would not find these soft spots. This could happen anytime of the year; the roads are softer in the spring.

The Engineer suggested documenting the road surface condition by slowly video tapping the entire road surface. The Engineer and PW Superintendent can discuss how to do this. There was discussion regarding the overlay project and the trucks

damaging the new overlay if it's done next year. Part of the IUP has to be to look at the length of the IUP because of the overlay project as this will present a problem next year.

Consensus of the council was to direct the Engineer to work with the PW Superintendent to video tape 181st, Notre Dame, Tulane and Vassar Streets to document their condition at this time.

Mayor Dave Povolny asked for comments from the audience at this time:

Ceil Neihart 18516 Vassar - Mrs. Neihart said she has a lot of experience on a gravel road and she can't understand the thought that a gravel road cannot be damaged. The years previous when the dirt trucks ran the roads were in a constant wash board condition. A grader going by every day is not desired to correct this. Mrs. Neihart expressed concern that this problem still exists at the pit because of a lot of incompetence of the Town Board we had. The easy out was to move the route to 189th. In 2010 the problem (of non compliance) was discovered by current staff. It took 2 years to get IUP to be brought forward. Ms Neihart said she could not understand why the City Council is intent on letting FLC continue operating at John's Black Dirt. Mrs. Neihart described the noise they are experiencing now from the equipment in the pit and disappointment in the idea of delaying improvements on the blacktop roads because of the truck traffic created by FLC, in addition she expressed concern over the number of trucks proposed per day (at this time 24). Mrs. Neihart said the person from FLC turning the pumps on and off almost hit her pregnant daughter in law at the end of their driveway. Mrs. Neihart expressed concerns regarding the visibility on the road from the hill. Mrs. Neihart repeatedly asked why the council is working for FLC and questioned if money was involved. Mrs. Neihart asked if there is the fear of a lawsuit.

Mayor Dave Povolny said they are trying to do the best to balance everyone's rights and added that the city budget is very low and Attorney's costs are high.

Council Member Messina added that at the last meeting the council did say they understand the residents' issues and that taking money is an absurd accusation, the council is clearly on the residents' side.

There was further discussion at this time regarding the condition of the JBD property, the time to mitigate and balancing rights.

Mayor Dave Povolny re-iterated that the council is behind the residents to help mitigate the problem.

Council Member Krebs added that he understands the issue Mr. Nygaard faces and he feels for him, the council is trying to balance this by bringing this to a close, keeping a good contractor from having major issues with their business and clean up the piece of property.

Mrs. Neihart said they (FLC) has another sand pit in Stacy which they are hauling from now. She finished by asking the council to stop the trucks.

Michele Welch 18745 Jennings Street - Mrs. Welch questioned why the permit is not pulled when conditions have not been met, she said in 2010 one of the conditions was to clean up dirt from 189th, this was not done.

Mayor Dave Povolny responded that the Council decided against the revocation option and decided to proceed with meeting with FLC to discuss voluntary IUP application. FLC will be under the microscope with this council. Mayor Dave Povolny said they will be required to follow the conditions and if not the council will pull the permit.

David Liska, 18126 Vassar - Is there MSDS sheets on the Magnesium Chloride?
Yes, a copy will be made available at the city offices.

Mr. Liska asked for clarification on the legal status of property, and what the arrangement is between Kathy Haluptzok and FLC, why is the city talking to FLC not Kathy Haluptzok.

There is a private arrangement between Kathy and FLC. FLC will be mining and will be the IUP applicant. At that point FLC will be responsible for performing to the conditions placed in the IUP. Kathy Haluptzok has been a party to every meeting held and is fully aware of what has been discussed. The Attorney explained that the Conditional Use Permit extinguishes upon approval of the IUP. The IUP will be issued to FLC, the ownership is irrelevant.

Matthew Nygaard 18261 Tulane - Has MNDot been notified that these routes will be used?

They have no jurisdiction over the roads.

Sheila Monson 189th - Ms Monson asked if FLC could come back for another IUP, the concern is what happens if the next council that comes in decides to extend the IUP, can there be a restriction for renewal added to the IUP?

The Attorney explained that any applicant has the right to re-apply; the goal is to have a plan in place that will allow FLC to finish their work at the end of the term of the IUP. It would be the council's discretion to make the decision for an extension. A condition to fulfill the IUP could be that FLC has to finish the mitigation plan and terminate the IUP. Conditions that can be added to the IUP could include the property will be back to a pre-determined state, the trucks will be done hauling; the sand will be done being mined.

The intention of statute is to provide for temporary use of land in the transition period between one use and another.

Mayor Dave Povolny asked for constructive suggestions from residents that can be given to the Planning Commission as conditions for the anticipated IUP.

The Attorney said property rights cannot be restricted through an IUP, however what could be done is the council can clarify its intention for the record, so if there are new council members there is a very clear direction that this is intended to be a one time use and that the intention resolves the issue and that this is the only IUP allowed. The council could state this for the record. It doesn't mean that the council couldn't deny anything else that came through.

Council Member Krebs said the intention is that this will all get cleared up, the property will come into compliance and they will leave. Up till now nobody has made sure there was an end plan executed. This council will make sure the end plan is completed. Mayor Dave Povolny agreed. That didn't happen in the past. They(FLC/Kathy Haluptzok) need to understand when they are done they are out of there and there will be developable lots for sale.

Who is going to make sure that while they are digging the mitigation plan is being followed. What is the enforcement mechanism?

This could be one of the conditions for the IUP, establish a work plan, and set parameters for time limits for reclamation and mitigation.

The City Administrator explained that staff members must have expertise in this area to monitor this. There is no one on staff that can do this.

Council Member Krebs asked if the property has been staked and is the property been set up for the mitigation?

The Engineer stated that there is a survey for wetland delineation. This was a few years ago, the Engineer suggested that there be a once a month inspection to look at the progress, is it progressing from east to west, are they doing the restoration as they remove the sand, that is in the mitigation plan. The DNR is involved in the pumping, monitoring of the dewatering because they issued the permit. The mitigation plan enforcement lies with the city. The Engineer or Planner could do these inspections. This should be addressed in the IUP also.

Dave Sugg 18302 Tulane - Has the EPA stopped at the property? - Mr. Sugg asked if the council knows whether there are any EPA records for the JBD site.

It was not known if there were any reports from the EPA on the site.

Mr. Sugg said it looks like there are miscellaneous items lying around the property. (Tires, garbage, tanks). Mr. Sugg added that his family is out walking, biking, running on 181st, Tulane, Vassar almost every day and he asked if the FLC job is 7.5 million dollars, he continued by saying it seems like the tone has changed by the council in the residents favor. Mr. Sugg thinks if the contract FLC has is 7.5 million dollars and if somebody gets killed by one of the FLC trucks, the council has to make the right decision, it still doesn't feel like that's happening, Mr. Sugg asked the council to look in the mirror and make the right decision.

Joan Schliessing 18507 Vassar, two houses from the pit. Monday the dump trucks ran with millings. She took pictures of the trucks coming up the road and

the truck is almost as wide as the road. A neighbor had to pull in a driveway to get by the truck. Mrs. Schliessing said they have decided that if the trucks coming and they are coming the other way, the truck is going to stop and go back, why should the residents have to pull in driveways to let trucks go by. Her daughter lives next to the pit, there house is shaking from the heavy equipment work. In the past, a school bus and big truck have gone off the road. Mrs. Schleissing said a lot of the people on the road are retired and home all day. Mrs. Schliessing said they have been there 43 years.

Mayor Dave Povolny asked how the road got so narrow and if that could be rectified as it seems to have been a problem for a long time. It was unknown how the road was constructed and when. Today's roads are a minimum of 24 feet with a 4 to 1 slope. Mayor Dave Povolny asked Mrs. Schliessing if there is an easement in front of their house.

Mrs. Schliessing said they have a 33 feet easement. Mrs. Schleissing said a school bus and car together on the road is an issue also. Mrs. Schliessing also complained about the gravel and rocks on the road.

Mayor Dave Povolny asked the council for direction on improving the road width. Council Member Krebs agreed that the road should be widened.

Mrs. Schliessing expressed concerns about the noise of the equipment in the pit also and said that a lot of the people are retired in the neighborhood. Mayor Dave Povolny said the goal is to have no trucks.

Doug Paulson 17933 Rutgers Street - Mr. Paulson said he has lived on Rutgers Street 37 years and he thinks the council is trying to do the right thing and are in a very difficult position, he wouldn't envy that position. Mr. Paulson said the council knows there will be problems. There is a lot of legitimate concerns from the citizens, their families, livelihood, houses at stake, (Mayor Dave Povolny interjected the enjoyment of their property). We live in Columbus because we didn't want to live in Edina; we want five acres and enjoy the wildlife and outdoors. The council has to make a tough decision of balancing a business and hundreds of residents, and the council has to make the right decision based what you (the council) think is the right thing if you were to live there, what would you do if you were the lady that has to back up on that hill? If the IUP goes through and there are problems, citizens of this world now are hooked up, it's a global community. You can't hide things; the people have talked about the problems already, noises from the pit. Who is going to enforce the IUP, who will enforce if there's damages, will there be a hotline set up that people could call? Will the Sheriff be involved, who will be the front person to protect the citizens of Columbus in this area, so that we know that if something does go wrong, which things will most likely go wrong when you start with a bad proposition. Is there someone who will be responsible if something goes wrong? I think you have to ask yourself if there is a hotline or something that we can call because of any problems that these citizens will be affected by these trucks coming and going, and we should have a contact person with authority to say you have violated

these terms and it's not next week that you stop hauling it's right now, if you violate the conditions of the IUP.

Mayor Dave Povolny asked at what point the citizens have the right to complain to the company.

The Attorney responded that the citizens have the right to make any type of call to a business. In response to Mr. Paulson, Mayor Dave Povolny answered the question of responsible contact person as the City Staff; City Administrator, Engineer, Anoka County Community Service Officer (CSO).

If there is a complaint will it be looked at immediately?

The city will be responsible for the items in the IUP that the city has established. Other entities (EPA, DNR, etc) will police their permits.

Mayor Dave Povolny gave the example of compliance with the dog kennel IUP's; there is an enforcement aspect for their conditions that are handled by city staff and Animal Control Officer.

Dave Guzzo 18512 Tulane St - Mr. Guzzo said he sent out the questionnaire letter to the city (that was discussed earlier). Mr. Guzzo said hopefully the council understands that he put the letter out to help everyone. Mr. Guzzo said he is worried about what the council said, which is the council said if we shut it down we have to deal with what we have out there today. Mr. Guzzo said he is not convinced that there is anything in place to protect us from something worse. The out of compliance hole they dug is, he thinks, crossing over on his property, and he is concerned about that.

Following is a summary of suggestions made during the public comment that were identified as suggestions that could be considered for conditions for the IUP:

- Part of the IUP has to be to look at the length of the IUP because of the 181st/Notre Dame overlay project. The consensus was the city would not want the truck traffic on a newly overlaid road project.
- A condition could be that to fulfill the IUP, FLC has to finish the mitigation plan and terminate the IUP. Conditions that can be added to the IUP could include the property will be back to a pre-determined state, the trucks will be done hauling; the sand will be done being mined.
- Who is going to make sure that while they are digging the mitigation plan is being followed. What is the enforcement mechanism? This could be one of the conditions for the IUP, establish a work plan, and set parameters for time limits for reclamation and mitigation. The Engineer suggested that there be a once a month inspection to look at the progress of the mitigation, that is it progressing from east to west, are they doing the restoration as they remove the sand, these are outlined in the mitigation plan. The DNR is involved in the water pumping, monitoring of the dewatering because they issued the permit. The mitigation plan enforcement lies with the city. The Engineer or Planner could do these inspections.
- Keep the property clean, no garbage, misc tires, tanks, fence, etc.

- Have the Engineer look at Vassar St to determine what would be required to widen the road, not only for the IUP but for other traffic in general (school buses)

11. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

Public Works Update

Council Member Peterson spoke with the Public Works Superintendent Jim Fraley and he said graveling and dust control is complete.

Cemstone

Council Member Peterson was approached by a citizen who asked why Cemston's tower wasn't painted. The consensus is to send a letter to Cemstone.

Fall Fest

The Fall Fest meeting was held. A final print for the flyer has been received. More volunteers are needed, either to work the event or provide donations of money for the event.

Council Member Messina

No report.

Council Member Duraine

Park Board

Budget

The Park Board met last week, they reviewed the budget, and no recommendations were made at this meeting.

Ball Field Fence

The fence was installed at the ball field.

Telephone Poles

The Park Board is waiting for the League of MN cities to determine if there is a risk and what to replacement should be. It was suggested to install posts every six feet or so. The City Administrator said the League said something has to be installed. It was explained that this is a service the LMC does. There was no conclusion on the telephone poles at this time.

Council Member Krebs

Council Member Krebs said he called Wyoming twice regarding 250th Street (5 ton limit sign) and they could not provide the Engineer's report on the road. They have not provided anything to him.

There was discussion regarding the recent sign posting Wyoming has made on 250th Street for "local residential traffic only". There is an exception for every other type of truck except those coming from FLC. The question is how this will be enforced. It is not known at this time if Columbus' trucks are restricted.

There was discussion regarding truck scales at this time. The Attorney will investigate this further.

Mayor Dave Povolny

No report.

12. Deputy Clerk Report

Update - 14115 Lake Drive Sue Copeland Kennel report

The Animal Control Officer visited the kennel on July 3, 2013. At this time there are 4 dogs that need rabies vaccinations renewed that expired in April of this year. The Deputy Clerk contacted Mrs. Copeland regarding the 4 dogs requiring rabies vaccinations. The third inspection will be scheduled in September, at that time the south fence is required to be fixed. The final inspection will be scheduled for November or December.

Update – 18824 Lexington Ave (Page A8)

The Animal Control Officer while conducting a kennel inspection observed a horse that he thought needed veterinarian care. His request is direction from the Council to proceed with further investigation of the status of the horse's health and care.

The Attorney said if an Animal Control Officer witnesses something that is problematic during an inspection; the council would have the ability to direct further investigation. This is not a criminal matter, it is an evidentiary issue, and if someone witnesses animal cruelty or animal abuse the city has the right to investigate this issue. City Code allows the Animal Control Officer to go onto property to inspect animals. This is not someone trespassing on property. Council Member Messina added that he has knows of a rescue facility that could be used if needed.

Direction by council was to allow the animal control officer to further investigate the status of the horse.

13. City Administrator's Report

Fund Transfers

Since the city became a city, auditors suggested merging funds. The City Administrator explained to meet policy for the transfers. *(Page A9 follows)*

Motion FIN 03400by Duraine to make the fund transfers as indicated on page A9 of the agenda packet. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

TO: Mayor & City Council Members
FROM: Elizabeth Mursko, City Administrator
DATE: July 24, 2013
RE: Internal Fund Transfers – June 30, 2013

Fund Transfers to be dated June 30, 2013
Fund Changes to dated January 1, 2013

Fund 160 (Tree Board) to be merged with Fund 100 (General)
Fund 160 (Tree Board) (\$58,000) Transfer Balance to Fund 100 (General)

Fund 120 (Public Works) transfer \$250,000.00 to Fund 100 (General)

General Fund Balance Cash = \$165,000 (2012)
2012 General Fund Balance Per Policy = \$460,500 (GF) + \$11,500 (TB) = \$472,000

General Fund Balance Transfers/Changes = \$165,000 + \$58,000 + \$250,000 = \$473,000

Treasurer's Report

Receipts: \$1,359,812.77
Disbursements: \$650,373.50

A question was when the sales tax exemption goes into effect?
The City Administrator said it's effective January 1st, 2014.

F. ADJOURNMENT

Motion by Krebs to adjourn. Second by Peterson

Meeting adjourned at 8:55 p.m.

Respectfully Submitted:

Emilia S. Robinson
Deputy Clerk