

**City of Columbus  
Regular City Council Meeting  
August 27, 2014**

The August 27, 2014 meeting of the City of Columbus City Council was called to order at 7:08 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Denny Peterson, Jeff Duraine, Bill Krebs & Jessie Messina. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Jr., Engineer Larry Bohrer and Deputy City Clerk Emmy Robinson.

Absent: None.

Also in attendance were: Sandra Wood, Rick Robinson, Andrew Fraley, Jody Krebs, Dave Schueler, Jesse Preiner, Pat Preiner, Mary Preiner, John Brown, Cheryl Nelson, Frank Wagamon.

**A. CITY COUNCIL REGULAR MEETING**

1. Call To Order - Regular Meeting - 7:00 P.M.
2. Pledge of Allegiance

**B. CONSENT AGENDA**

1. Motion - Approval of the City Council Budget Meeting Minutes on 8/13/2014
2. Motion - Approval of the City Council Workshop Minutes on 08/20/14
3. Motion - Agenda Approval with Additions
4. Motion - Pay Bills as Posted

The City Administrator explained that the August 13, 2014 meeting minutes should be pulled from the consent agenda for a correction.

**Motion by Krebs to approve the consent agenda. Second by Duraine. Motion Carried**

Motion - Approval of the City Council Meeting Minutes on 08/13/14

The policy number given to the Crosswalk Policy adopted at the August 13<sup>th</sup> meeting should have been 14-02, the sign reflectivity policy was 14-01.

**Motion by Krebs to approve the August 13<sup>th</sup> minutes changing the Crosswalk Policy number to 14-02. Second by Duraine. Motion carried.**

Update - John Brown Property

The Mayor asked to hold this discussion earlier tonight than during the Engineer's report. The Engineer began saying RCWD conducted the survey and TKDA did the mapping. A picture of the site (Mr. Brown's home) was displayed at this time. Mr. Brown said the water came in the basement door and was up to the 2<sup>nd</sup> level of the sandbags he had installed. Various pictures were displayed showing water levels, the picture from August 8<sup>th</sup> showed that the ditch had stopped flowing, and the pond (Mastell Trucking Service) stopped flowing. A picture of the ditch along Mr.

Winicki's property was displayed, the Engineer explained that there is a lot of debris in the ditch including up to 30 inch diameter trees. There is a 48 foot culvert under Lake Drive. The survey shows that there is 600 – 1000 foot of high area in the ditch that is higher than the Lake Drive culvert. The Engineer displayed an aerial of the entire area and described the flow of water.

The Attorney added that the easement along Mr. Winiki's property does not provide for drainage, only a road easement that was dedicated to the public, it was not known if this easement is county, township (city). In addition the easement did not go all the way to the east. The council requested copies of the elevation map, the Engineer will send this to the council electronically. There is no further action at this time.

Mr. Brown said he moved to the location in 1978 and there was an existing house on the property. A meeting with RCWD is scheduled for September 8<sup>th</sup>.

## C. PRESENTATIONS

### 8. Planning Commission Report

#### Motion - Nelson Acres Preliminary & Final Plat (Pages 1-29 & Enclosures)

Phil and Cheryl Nelson, 9641 189<sup>th</sup> Ave NE, requested to be on the agenda tonight. Mrs. Nelson presented tonight and said this is the original request from last year, the requirements have been fulfilled for a subdivision of 1 - 5 acre parcel out of a 30 acre property they currently own.

The City Administrator reviewed the plat map displayed at this time. A memo dated November 21, 2013 from the Planner was reviewed at this time. The discussion revolved around the road easement provided for in the plat map being less than required by code, whether the new 5 acre lot would be buildable if the required 66 foot road and utility easement was provided for and whether a variance could be guaranteed from front yard setback of 75 feet in the future. There are wetlands on the west side of the proposed 5 acre lot which restricts the placement for a new house. There was clarification that the northerly 40 acre lot was sold, a wetland permit was obtained to install a driveway (not roadway) easement to access the property, the current owner plans to build one house. There is no other access to this northerly lot.

The Attorney suggested that there could be a restriction on further development of the remaining lot, until full width right of way was provided for, and that it become a condition on title so that in the future if someone wants to further develop the property they need to come up with 66 feet of road right of way, it does not have to be dedicated at this time but needs to be clear with notice to the public, this would be accomplished by putting this into the legal property records.

Mrs. Nelson said they would not object to a 33 foot easement to the immediate west of the 33 foot driveway providing they could have some guarantee that a building site would be approved so a house could be constructed via a variance.

The Attorney said a future variance can only be addressed if there is an application and it goes to the Planning Commission and the process. Therefore the options the council has is to accept the Planners proposed condition or in lieu of that there be a restriction on further development on this property until public street access (66 foot road easement) can be provided.

There was discussion at this time regarding conditions 6 and 7, the plat shows a driveway

easement of 35 feet and how this then restricts the placement of a house on this lot, including the size/style of house. The goal is to find a solution that meets code and doesn't prevent the road from being constructed in the future for this subdivision.

**Motion PLZ 01400 by Peterson to approve the Nelson Acres Plat PC13-117 based on the Planners memo dated November 21, 2013 and subject to the Planners memo dated November 21, 2013 and a 66 foot easement for future road access and the easement to be shown on the Preliminary and Final Plat and the surveyor to indicate where the 75 foot setback line will be to show where the house can be placed on the Preliminary and Final Plat. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

**Findings of Fact for the Nelson Acres Plat PC13-117 located at 189<sup>th</sup> Avenue, located in Section 25, Township 33, Range 22**

1. The combined preliminary and final plat application received on October 23, 2013 was found complete for review.
2. The 120-day combined plat review deadline is February 20, 2014.
3. There are 29.96 gross acres in the proposed plat, owned by Philip and Cheryl Nelson, 9461-189<sup>th</sup> Avenue, located in Section 25, Township 33, Range 22 (Property).
4. The City Council waived certain plat submittal requirements.
5. There is one existing residence on the Property.
6. The Property is currently zoned RR Rural Residential.
7. The purpose of the plat is to create a 5-acre buildable lot (Lot 2) and a 25-acre lot (Lot 1) with existing residence.
8. A total of 0.5 acres of 189<sup>th</sup> Avenue right-of-way will be dedicated.
9. Both proposed lots have the minimum 220 feet of frontage on 189<sup>th</sup> Avenue.
10. Both proposed lots meet other minimum dimensional standards for residential use.
11. Both proposed lots include standard drainage and utility easements.
12. A Wetland Conservation Act wetland delineation on Lot 2 has been completed for approval by Sunrise River LGU.
13. A surveyor's wetland delineation and proposed drainage easements are identified on Lot 1.
14. Soil borings have been completed on Lot 2 for potential home and SSTS locations on Lot 2.
15. Access to Lot 1 is provided via a proposed 35-foot-wide corridor attached to Lot 1 that includes the existing driveway to the existing residence.
16. Access to Lot 2 is available directly from 189<sup>th</sup> Avenue.
17. The Property is not located within a shoreland area. The 100-year flood elevation is contained within the wetland easement areas.
18. Lot 1 is capable of further subdivision for multiple building sites.
19. The Nelsons recently sold a 40-acre parcel to the north of and contiguous to the Property, which has multiple potential building sites that may only be served with public access through the Property.
20. The Planning Commission held a public hearing on the Nelson Acres Preliminary Plat on November 20, 2013.
21. The Nelson Acres Final Plat is consistent with the Preliminary Plat.

**Conditions for the Nelson Acres Plat PC13-117 located at 189<sup>th</sup> Avenue, located in Section 25, Township 33, Range 22**

1. Recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. Wetland delineation approval and plat recommendations by Sunrise River LGU.
4. The Final Plat shall be consistent with the approved preliminary plat.
5. Permanent wetland buffer plaques shall be installed on wetland easement boundaries of both lots, at intervals and design determined by the City.
6. The driveway corridor on Lot 1 shall be reduced to 33 feet in width and a contiguous 33-foot-wide street, drainage and utility easement shall be created along the easterly lot line of Lot 2. *The additional easement would be over the easterly thirty one feet of Lot 2 as shown on the drawing.*
- ~~7. The City Council should require a 66-foot-wide street easement to be created on Lot 1, from the northerly lot line of Lot 2 to the northerly lot line of Lot 1, to facilitate the potential future development of the landlocked, 40-acre parcel lying north of Lot 1, as well as future resubdivision of Lot 1. The road easement would end at the northerly lot line of "LOT 2". The easement must be shown on the preliminary plat and the surveyor must show where the 75 foot setback line is.~~
8. Cash in lieu of park land dedication is required.
9. Future development in the plat is subject to local ordinances and permitting requirements and may be subject to additional review and permitting under the Wetland Conservation Act.

The Attorney clarified that a house can be built on this site, maybe it would be backed up to the wetland, if someone wants to place it in another location they are free to apply for a variance. The City has to make sure that it is platting a buildable lot, the hardship would be based on the location of the wetland. The Attorney further said that if someone came in and asked if this lot was buildable the answer would be yes, subject to all the usual building requirements for a house.

The City Administrator asked that the easement be shown on the preliminary plat and the surveyor show where the 75 foot setback line is, so the Nelson's know where the house would have to be.

The Attorney clarified that the Final plat before it will be signed will show the right of way on the plat.

The City Administrator asked where the end of the road easement is. The Engineer said that recommendation #7 no longer applies because the northerly 40 acre parcel is now in different ownership. Condition #7 should be eliminated and it was clarified that the road easement would end at the northerly lot line of "LOT 2". The Engineer stated that the additional easement would be over the easterly thirty one feet of Lot 2 as shown on the drawing.

Mrs. Nelson thanked the Council.

## **9. PUBLIC OPEN FORUM**

No one asked to speak during Public Open Forum.

## **10. MOTION - 2015 ANOKA COUNTY SHERIFF'S OFFICE CONTRACT (PAGES 30-37)**

At the last meeting the council asked the Attorney to review the Law Enforcement contract before considering approval. The Attorney has one recommendation regarding section "V"

Renewal/Automatic Renewal. The recommendation is to remove “Automatic” from the heading and the entire verbiage and replace it with “this contract is renewed for a 1 year term from January 1, 2015 through December 31, 2015.”

**Motion CON 00050 by Peterson to approve the 2015 Anoka County Law Enforcement Contract No. C003579 with the revision to item “V.” as follows:**

**~~V. RENEWAL/AUTOMATIC RENEWAL~~**

**Replace all verbiage with: *This contract is renewed for a 1 year term from January 1, 2015 through December 31, 2015.***

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

**D. STAFF & CONSULTANT REPORTS**

**11. ENGINEER REPORT**

Update - John Brown Property

Mayor Povolny asked that this topic be discussed first on the agenda tonight. (See discussion after the Consent Agenda Section.

Update - Hidden Park Drainage Update

The Engineer displayed an aerial of the area and explained that at the last meeting there was discussion regarding installing a pond at a cost of approximately \$15,000 which the council did not agree to do. Rice Creek Watershed District (RCWD) has a cost sharing rain garden program that could cover up to 50% of the cost. The Engineer has made an appointment on September 4<sup>th</sup> to meet with RCWD and Anoka County Staff person to walk the property to see if a rain garden could work.

Mayor Dave Povolny asked whether this would require the city to keep this (the rain garden) in place into perpetuity. The Engineer would have to investigate this question.

There was concern regarding the cost for this meeting, the Engineer explained that he will be in the area for other meetings that day and the cost would only be for the time he is actually on site at the Park.

There is a slight enhanced function with a rain garden vs a pond, but by enlisting the help of the other entities there will be access to drainage area maps that affect this area.

The consensus was to have the Engineer attend the meeting on September 4<sup>th</sup>.

Motion/Direction - NE Metro Groundwater Advisory Committee Candidate (Page 38-39)

An email from Paul Putzier regarding the city's interest in being included in the candidate mix for the North & East Metro Ground Water Advisory Committee was included in the agenda packet. The Engineer has attended meetings in the past. The committee is advisory only, they expect to have 4 more meetings this year and a couple next year. The consensus of the council was to have the Engineer considered for the appointment to the committee.

**Motion ADM 01100 by Peterson to direct the Engineer to advise the North & East Metro Ground Water Advisory Committee to consider Larry Bohrer, City Engineer for an**

**appointment to the committee. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

## **12. ATTORNEY REPORT**

No further report.

## **13. MAYOR & CITY COUNCIL MEMBER'S REPORT**

### **Council Member Peterson**

#### Park Board Report

The Park Board met last Thursday and the Park Board made a recommendation to accept the contract for RVS Turf and Snow. Council Member Krebs has some suggestions for expanding parking at the Columbus City Park that will be presented to the Park Board. There was discussion on installing a pickleball overlay on the tennis courts. Reservations for the tennis courts were discussed, a sign regarding time restrictions when people are waiting to play tennis was suggested for the Park Board to consider.

#### Bridge Project

The bridge is completed and is over budget, painting was more expensive than expected. Donations are being sought to cover costs.

### **Council Member Messina**

Council Member Messina suggested that the Park Board consider a concession stand for the park to produce revenue. Council Member Messina supported the idea of putting in a drive in theatre on city property. Mayor Dave Povolny interjected that he would like to have a tour of city property organized with the Planning Commission and City Council to look at what could be done to help market the city property, such as a drive in theatre. Movies in the park was suggested also. There was discussion regarding trails and Mayor Povolny said there is no mechanism for that to happen in Columbus like there is for road improvements.

### **Council Member Duraine**

#### Forest Lake Cable Commission

The Forest Lake Cable Commission met, the new play system is in place. The cable commission will be hiring film makers at an hourly rate instead of per event, the pay starts at \$10 per hour and goes up to \$14 per hour. FLCC will be approaching Wyoming to see if they will join. LATV created a video for the Fall Festival.

#### Centennial Fire District update

The question as to whether this is administrative or legislative decision was determined, the question will not be on the ballot this fall.

#### Fire Board update

The City Administrator met with Forest Lake regarding the budget changes the council made at the August 13<sup>th</sup> meeting. The Fire Marshall position was discussed, Forest Lake's comment was that Columbus should put a proposal in

writing regarding what it would like for coverage. Mayor Dave Povolny clarified that Columbus wants its own inspector not the FLFD Fire Marshall it's understood that this person would report to the Fire Chief. The City should put Forest Lake on notice regarding its desire to hire its own Fire Marshall. The Attorney was directed to review the Joint Power Agreement to determine what would need to be done to move this along. Mayor Dave Povolny asked that this topic be put on the Fire Board agenda for more discussion, and asked for the plan of what inspections are conducted by the Forest Lake Fire Marshall.

### **Council Member Krebs**

Council Member Krebs attended a Browns Preserve Wetland restoration tour. Ditches have been diverted along Lyons Street which helps protect the wetland and provide for drainage. It was a very educational tour.

### Personnel Committee Report

The Personnel committee met this morning. A handout was distributed at this time regarding several personnel issues.

#### A. PW Superintendent Position (Pages 43-44)

At a previous City Council meeting the council approved an internal posting for the Public Works Superintendent position. One application was received from Jim Windingstad. The Personnel committee reviewed the application and conducted an interview and recommends offering the Public Works Superintendent position to Jim Windingstad effective September 1, 2014 at an hourly rate of \$29.25 (Step 2), with the understanding that he would be eligible for a step increase \$30.43 (Step 3) on January 1, 2015 based on performance.

**Motion HRS 03500 by Peterson to offer the Public Works Superintendent position to Jim Windingstad. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

#### 2. Phased Retirement

A Phased Retirement Agreement was included in the agenda packet for Jim Fraley. The goal is to go up to 20 hours per week for projects, inspections, sign inventory program, etc. The pay rate would be \$25.10 and there would be no health insurance benefit. Personnel Committee recommends that the City enter into a Phased Retirement Agreement with Jim Fraley effective November 3, 2014 for a one year period – Agreement is included in the agenda packet.

**Motion HRS 03500 by Peterson to approve the Phased Retirement Agreement with Jim Fraley. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

#### B. Deputy Clerk Position (Handout at Meeting)

3. Emmy Robinson has submitted her resignation/early retirement paperwork – her last day as Deputy Clerk with the City is on Friday, August 29, 2014. The Deputy Clerk position will not be replaced with the same job duties.

4. The Personnel Committee recommends that we advertise for an Information Tech. Specialist for partial replacement of duties – to include website management, IT work, electronic file management, equipment etc. at 32.5 hours per week.
5. Personnel Committee recommends that the City promote Lorie Lemieux to Deputy Clerk (Title) at an hourly rate of 21.12 (Step 1) at 32.5 hours per week for partial replacement of duties of Deputy Clerk.
6. Personnel Committee recommends that we advertise for City Council Secretary for City Council meeting and workshop minutes.
7. Personnel Committee recommends that City alter Administrative Office hours from 42.5 hours per week to 40 Office hours per week with looking at one day with later office hours (preferably Wednesday).
8. Personnel Committee recommends that the Deputy Treasurer hours will be 35-38 hours per week depending on work load.

**Motion HRS 03300 by Krebs to accept the resignation of Emmy Robinson with regret from the Deputy City Clerk position. Second Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

**Motion HRS 03300 by Peterson to accept 4 through 8 as indicated above. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

#### **Mayor Dave Povolny**

##### Constitution Week (Page 40-42)

A request from the Daughters of the American Revolution, Anoka Chapter was received requesting the City recognize September 17 through the 23<sup>rd</sup>, 2014 as the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United State of America by the Constitutional Convention. Several sample proclamations were included in the agenda packet along with a final proclamation.

**Motion ADM 05600 by to Peterson to direct the Mayor to select a proclamation for Proclamation 14-01 Constitution Week September 17 – September 23, 2014. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.**

#### **14. City Administrator's Report**

##### Motion - Guidelines Electronic Communications (Pages 45-47)

At the last meeting the guidelines for electronic communications for councilmembers was presented to the council, at that time the request was for comment before approval. A one page policy was created and given to the Attorney for review for approval at the next meeting.

##### Treasurer's Report

Receipts:           \$2,154.77  
Disburse:         \$144,300.29  
Balance:          \$2,139,783.20

The City Administrator had refreshments for a short recognition and invited everyone to participate. The Attorney added that as someone who looks at a lot of minutes around the metro, there is a high standard here and he appreciated Emmy's work. Mayor Povolny added that Emmy will be missed.

**E. ANNOUNCEMENTS & REMINDERS**

- ▶ Planning Commission Meeting 09/03/14 Cancelled
- ▶ Calendar of Meeting (Page 48)

**F. ADJOURNMENT**

*Motion* by Krebs to adjourn. Second by Messina.

Meeting adjourned at 9:16 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk