

**City of Columbus
Regular City Council Meeting
September 25, 2013**

The September 25, 2013 meeting of the City of Columbus City Council was called to order at 7:04 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, Jody Krebs, Cheryl Nelson, Ilene Gucheen, Duane Gucheen, Kris King, Paul Peskar, Dave Dostal, Jeff Linnerooth, Gerry Thue, Dough Schliesing, Joan Schliesing, 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 City Council Meeting Minutes on 09/11/2013
4. Motion - Agenda Approval with Additions
5. Motion – Approval of City Council Budget Meeting Minutes on 8/28/13
6. Motion - Pay Bills as Posted

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

C. PRESENTATIONS

7. PLANNING COMMISSION REPORT

Jesse Preiner presented for the Planning Commission tonight. The Planning Commission met and continued their discussion regarding how to stimulate residential and business growth and balancing the two. This was a joint meeting between the Planning Commission and City Council. Jesse Preiner thanked Commissioner Krebs for putting together a summary report of their findings with developers.

The topic of addressing light pollution was discussed, it was noted that this can be discussed in November since the October meetings have several public hearings each.

8. MOTION - NELSON PLAT WAIVER REQUEST (PAGES 1-7)

Cheryl Nelson presented tonight, she lives at 9461 189th Avenue, Columbus, MN. Mrs. Nelson thanked the council and staff for listening to her request. A memo dated September 16, 2013 from Cheryl and Philip Nelson regarding their request for waiver of certain platting items was included in the agenda packet. Mrs. Nelson reviewed the information at this time. A memo dated September 20, 2013 from the City Planner was included in the agenda packet. The

Planner recommended that the platting of the 30-acre property include provisions that preserve the subdivision potential on the proposed 25-acre parcel and the abutting 40-acre parcel.

Mrs. Nelson said they will agree to install a 66 foot easement down the 25 acre parcel to allow access to the 40 acre lot to the north; however she was concerned that this may cause a setback issue for them on the proposed new 5 acre lot. Mrs. Nelson asked about if they could get a variance on the new 5 acre lot - "lot #1". The Attorney noted that this request could not be considered at this time. The Engineer stated that until the wetland is delineated the setback for the house on Lot1 cannot be addressed.

The Planner recommended the following regarding the waiver of platting.

1. Waive wetland delineation on 25-acre parcel. (Article V. Section 8-500B.4)

I agree the wetland delineation can be limited to the 5-acre parcel. Future property subdivision will be required to submit corresponding delineations.

I would recommend that the preliminary plat also show adjacent properties, including all of the 40-acre parcel owned by the applicant, with the National Wetland Inventory superimposed and marked as such (including on the proposed 25-acre parcel).

2. Waive tree inventory. (Article V. Section 8-500B.5)

I concur – this is no longer required.

3. Waive topographic detail on the 25-acre parcel. (Article V. Section 8-501b.7)

I concur that accurate 2-foot contours can be limited to the 5-acre parcel.

I would also recommend that the preliminary plat include the 2-foot contours readily available on the County GIS website for illustrative purposes only (and marked as such) to include adjacent properties and the 25-acre parcel, as requested in response #1.

4. Waive subdivision design features. (Article V. Section 8-501 C 1 through 11)

Subdivision design features required will include standard drainage and utility easements adjacent to all platted lot lines as recommended by the City Engineer; drainage easements across the delineated wetland and one rod buffer areas on the 5-acre parcel; and 66 feet of right-of-way or public easement across the 5-acre parcel and 25-acre parcel, benefiting the 40-acre parcel.

5. ((Article V. Section 8-501d.D.6) Waive soil tests on 25-acre parcel.

Agreed. The soils testing can be limited to the 5-acre parcel to determine building and SSTS site suitability.

5. (Article V. Section 8-501D.7) Waive description of 'unsafe conditions' on 25-acre parcel. 7)

Agreed.

5. (Article V. Section 8-501D.8.) Waive agency review on 25-acre parcel.

Disagree. The plat referral to agencies will include the entire plat. The fact that no further development is proposed on the 25-acre parcel typically results in no action responses until further development is proposed on the 'undisturbed' parcel. The City Administrator explained that Mrs. Nelson still has to go to Anoka Conservation District for review for the Sunrise Water Management Organization.

7. Sales prohibited until subdivision requirements are met. (Article V. Section 8-404)

This cannot be waived on the 25-acre parcel. The parcel doesn't exist until the plat has been approved and filed. The Attorney explained that until the plat is created there is no legal description for the properties.

Mrs. Nelson indicated that they are looking at different configurations for the 30 acre parcel, possible having a 10 acre "L" lot and 20 acres for the existing house. It was noted that what was submitted for review tonight was subdividing the 30 acre lot into a 5 acre parcel and a 25 acre parcel with the existing house. Mrs. Nelson lobbied for waiver of item #7 so they can sell the 25 acre parcel before platting is complete.

The Attorney said Mrs. Nelson can show the property, and have conversation with potential buyers but cannot sell before the plat is complete and item #7 cannot be waived. .

There was discussion at this time regarding the easement to the northerly 40 acre parcel and how access would be provided to assure future development potential. The easement on the westerly side of the 30 acre parcel allows access to the 40 acre parcel to the north at this time. The westerly easement is on the neighboring property and continues across the north west corner of the 30 acre property (property abutting 189th). There is a driveway to the northerly property not a city road. The City Administrator explained that there is enough road frontage for 2 lots with this easement, however without improved road frontage to the 40 acres it would not be sub dividable. The Engineer added that a standard city road could not be built where the existing easement exists.

There was also a question raised about an alternate septic for the existing house if 10 acres is kept instead of 5.

The consensus was to have the applicant return when the lot sizes have been decided upon. The Attorney clarified that a different plan can be presented later, the council can still act upon the waiver request tonight, the action could be approving the waiver requests on items (on the Planners memo) 1,2,3 and 5(d.7). The waiver request for items 4.Waive subdivision design features, 5.(D.6) Waive soil test on 25-acre parcel, 5.(D.8) Waive agency review on 25 acre parcel and 7. Sales prohibited until subdivision requirements are met would not be acted upon tonight.

Motion PLZ 01300 PLZ 01400 by Messina to approve the waiver of platting request for items:

- 1. Waive wetland delineation on 25-(20) acre parcel.**
- 2. Waive tree inventory.**

3. Waive topographic detail on the 25 (20) acre parcel.

5.(D.7) Waive description of “unsafe conditions” on 25 (20) acre parcel.

Based on the Planner’s memo dated September 20, 2013. Second by Duraine. Votes as follows: Peterson - nay; Messina - aye; Duraine - aye; Krebs - nay; Povolny - aye. Motion Carries.

9. PUBLIC OPEN FORUM

West Freeway Drive (A1 – A6)

Mr. Jeff Linnerooth, 13715 West Freeway Drive.

A letter dated September 19, 2013 from “Homeowners along West Freeway Drive” was included in the agenda packet (eight properties were on the letter). Mr. Linnerooth said they received a letter from the city regarding hooking up to the municipal system and he felt the goal is to get them to leave the city. Mr. Linnerooth thought there is a conflict of interest with the city owning property in the area and said he and others did not feel they should have to hook up to the municipal sewer unless they have a failing system. Mr. Linnerooth also expressed concern for the cost when water hook up is required and how that will affect residents living the area. Mr. Linnerooth said the purchasers of the foreclosure properties did not know about the assessments.

The Attorney addressed the responsibility of the staff regarding answering the questions in the letter submitted. The policy is public documents will be made available for people to review. Unless the city council directs staff to spend time researching the questions, the questions on the memo will not be answered. The Public can also call the City Administrator and ask questions.

Mayor Dave Povolny explained the City does work with developers to steer them toward private properties. The EDA has been working on ideas to promote the area as has the Planning Commission. The Mayor invited comments from the group and said there have been discussions regarding holding joint meetings with property owners for their input to help facilitate development in the area.

Mr. Linnerooth said he asked for a copy of the ordinance and has not received a copy yet.

The City Administrator gave an overview of the history for the municipal sewer system.

Mayor Dave Povolny explained that the rest of the community will have to subsidize this cost until connections are made; the levy has been increased to cover the debt.

The City Administrator did work with the county to get assistance for homeowners to connect to the municipal system through a grant program. This was not successful as property owners either did not meet the requirements or were not eligible for other reasons. The City Administrator said both realtors and foreclosure agents were fully aware of the connection fees for the foreclosed properties.

Council Member Messina said he spoke with someone who decided not to buy one of the foreclosures because of the assessments and was told about those by the realtor. Residents knew this was coming and petitioned for the project. The city needs to start collecting to support this decision.

The City Administrator explained that water connection is not due for another 3 years. The code allows the zoning administrator to work out a payment plan for water. There are agreements that have been completed and others are in process.

How is the fine for not hooking up handled?

The fine is at the zoning administrator's discretion.

Can WAC and SAC be paid but connections not made?

The Attorney said there is potential on a voluntary agreement basis for this depending on whether the Metropolitan Council will agree. There would be a triggering mechanism for connection, such as septic system failure. The recommendation is to defer fines for a short period of time so options can be presented at the next meeting to the council. The council agreed that staff should investigate this option.

Motion UTL 03100 by Duraine to waive fines for homeowners only in the Freeway District required to hookup to municipal sewer for one month from tonight (October 25, 2013). Second by Peterson. Votes as follows: Peterson - aye; Messina - nay; Duraine - aye; Krebs - nay; Povolny - aye. Motion Carries.

There was discussion regarding a joint meeting of the Council and neighbors in the Freeway District, however as explained by the Attorney the council cannot gather at a private meeting as this would violate open meeting law.

The Council consensus was not to allow another extension.

Council Member Messina added that there was a petition, Council Member Duraine spoke with everyone and there was well over 50% in favor of the project.

Myron Organ, 14210 W Freeway Drive

Mr. Organ said he will have about \$20,000 to connect and there may be more people losing their homes.

The consensus of the council was to investigate the option for paying the Metropolitan Council fees and city fees but delay connecting to the system

Dave Doscal 13935 Freeway Drive

Mr. Doscal said when the project was originally discussed it was going to be paid for by incoming businesses, this has not happened. Mr. Doscal explained issues he faces and doesn't think he's benefitting from the system.

The response was the benefit is in the future value of the land.

The Planning Commission and City Council at the last meeting worked to figure out ways to help the property owners in that area. The vision for the area is for property owners and the city to come together with suggestions to help facilitate development. Attendance by property owners at other meetings that have been held for the area such as the interchange design were not attended by some of the people expressing concern about the connection to the system.

Council Member Peterson suggested that property needs to be listed with realtors if the intention is to sell.

10. DIRECTION & MOTION – HAUNTED HAY RUN & ZOMBIE HUNT (PAGES A7-A10)

5K Race

An IUP has been issued to RAHP for special events and those applications are approved administratively. The City Administrator would like direction from the Council when it involves city roads. A haunted hay run is being held and the operators do not want to close Zurich Street (Running Aces Blvd), but rather provide traffic controllers to aide runners crossing. The question is whether the council will allow the traffic controllers or require the road to be shut down. It was explained that the traffic controllers are not Anoka County deputies. The city bears liability with this because the event will use Zurich Street (Running Aces Blvd). The City is required to use Anoka County Deputies for the Fall Fest event which has a cross walk over Cty Rd 62 (Kettle River Blvd.)

The consensus is to give RAHP the option to hire an Anoka County Deputy squad or shut the road down.

Zombie Hunt

There will be 3 to 4 trailers that hold approximately 24 people, a licensed vehicle will pull the trailer. A map of the route was included in the agenda packet. The City Administrator asked for direction on other conditions the council would like for this event.

The consensus was to require the following:

1. Put a slow moving vehicle sign on the trailer(s).
2. Put lights on the trailer(s).
3. Install a sign indicating “Event ahead” on the road from both directions.

D. STAFF & CONSULTANT REPORTS

11. ENGINEER REPORT

Update/Next Steps - Anoka County Ditch #35 Partial Abandonment

A map of the ditch map was displayed at this time, the Engineer reviewed the map. The Engineer attended the meeting on September 19th and said that there have been obstructions to the ditch over the years at 2 locations where the culverts have been blocked. The county indicated that the county ditch was replaced by private ditches in the area. The Engineer has concerns whenever a public easement is vacated because it can never be re-obtained, and to rely on private drainage ditches could create a hardship

in the area and the city has no jurisdiction over a private ditch. The Engineer added that the county recently ordered the city to fix two culverts for the same reasons, blockage, one on Ussari Street and the other on 181st Avenue. It's unknown why the county isn't requiring corrections to unblock the obstructions at these culvert locations also. The Engineer suggested the city take a position on this and send a letter or attend the public hearing.

Motion PWE 02100 by Peterson to direct the Engineer to prepare a letter opposing the vacation of Anoka County Ditch 35. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Status Report - FEMA Flood Insurance Rate Maps

The paper maps and electronic map files were sent to the Engineer. One concern is the majority of the floodplain is zone A, which does not have an elevation attached to it and he suggested that this would be a comment that could be submitted to FEMA. In addition how will the city disseminate this information to home owners?

The consensus was to see if the maps can be uploaded to the website. A public notice from FEMA will be in the paper regarding the appeal time period. The city should not be the conduit for comments but could provide the maps for review.

There is contact information to FEMA the public can use for comment. The Engineer will provide the electronic maps and some verbiage regarding the process to the Deputy City Clerk.

12. ATTORNEY REPORT

The MOU was signed yesterday by Forest Lake Contracting; the city is awaiting the IUP application before the deadline.

13. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

Key Box/Fire Marshal

A business owner called Council Member Peterson and said that the Fire Marshal required a key box to be installed on his business. The business owner contacted his insurance company and they advised him not to do this. The consensus was not to make the key box mandatory in Columbus, it was noted however that without a key box, in the event of a fire the property owner will be required to come and secure the building and should expect Fire Fighters to enter the building using force if needed. The consensus was to have staff prepare a policy to address this question. Key boxes are mandatory in Forest Lake.

Motion ADM 05400 by Peterson to direct staff to prepare a policy statement regarding key boxes in Columbus not being mandatory and instruct the Fire Marshal to inform

businesses of the consequences of not having a key box. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Blacktop mailing

Council Member Peterson asked if the mailer could be sent out now.

The City Administrator explained that the project was pushed out to 2015 because of Forest Lake Contracting hauling which will delay the overlay project for 181st Avenue and Notre Dame St.

The consensus was to delay the road improvement mailing until the outcome of John's Black Dirt operation is determined.

The Engineer added that anyone can bring in a separate petition if they wish, the purpose of the combined project was for economies of scale.

Fall Fest

Council Member Peterson thanked the City staff , City Administrator, his son and daughter in law, Myron Organ and his son for their great work efforts at the Fall Fest Event last Saturday. There were 60 participants at the car show – which is an all time high number; Council Member Duraine did a great job with the grease fire demonstration trailer.

Upcoming applications for the Planning Commission

The applications include West Moore Fluid, City View Electric and an IUP for a new tenant in the old Artic Cat building. Council Member Peterson suggested the council attend the Planning Commission meeting to hear the discussion and ask questions first hand.

Council Member Messina

Council Member Messina said as he has been working with pole building companies he has met with some resistance from them with some of the city's requirements.

Municipal Sewer

Council Member Messina asked if the city could install its own free standing treatment facility for other areas of the city.

The Engineer said this would be very costly, however higher density housing may help increase the chances for a MUSA extension.

Council Member Duraine

Rush Line

Rush Line Task force met last week, a MNDot representative was there and discussed the MNPass Lane which will be from downtown to Little Canada Road. Shoulders will be maintained for bus traffic.

Park Board

The Park Board meeting was cancelled.

Forest Lake Cable Commission

The Forest Lake cable commission sent the franchise agreement to MidContinent for review. The agreement has the spacing requirement at 6 houses per quarter mile; there is also a provision for shared cost. The agreement extends running cable 200 feet from the road, it was 150 feet.

Council Member Krebs

Fall Fest

Council Member Krebs thanked everyone for the good job done at Fall Fest including the car show, city staff; he said it was a very good event.

Telephone Polls in the park

The council consensus is to remove the poles from the Park; a fence along the playground will be required. Council Member Duraine interjected that the Park Board wants this also.

Mayor Dave Povolny

Fire Department

The Fire Department is answering the phone as City of Forest Lake and Mayor Dave Povolny questioned why they didn't say Columbus also. This can be addressed at the next Fire Board meeting.

Road restriction Update

Mayor Dave Povolny asked if there is any update on the City of Wyoming road restrictions on 189th/250th.
The Attorney is still looking into this.

4 wheeler/golf cart ordinance

Ham Lake has adopted a 4wheeler/golf cart ordinance. The City Administrator will send a copy to the council members.

14. Deputy Clerk Report

14115 Lake Drive IUP non-compliance Update

Mrs. Copeland called and said the fence is fixed and asked for the Animal Control Officer to come out to inspect. He is scheduled to go out this Thursday. Mrs. Copeland also said she plans on having all her Akita's vaccinated this week.

Recycle Day on the Move

There is still time to sign up for a pickup on Friday, appliances, electronics, metal, aluminum; yard equipment will be taken for a \$10 stop fee. The Flyer is on the website, call today or tomorrow to be added to the pickup list.

Household Hazardous Waste Collection Event

Anoka County will hold a Household Hazardous Waste Event in Centerville on Saturday October 12, 2013 from 9:00 a.m. to 1:00 p.m. The event is open to the public.

15. City Administrator's Report

Treasurer's Report

Receipts: \$3,395.61
Disbursements: \$71,732.97

FYI – Forest Lake Fire Department Letter (A11)

An email was received from Jennifer Wadzink Thanking the Forest Lake Fire Department for the help they provided at the crash on Kettle River Blvd and Broadway Avenue her daughter and daughter's friends were involved in. No one was hurt even though this was a very serious accident. Captain Bill Reller was at the scene and assisted the victims.

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 10/02/2013 7:00 p.m.
- ▶ Calendar of Meeting (Page 8)

F. ADJOURNMENT

Motion by Peterson to adjourn. Second by Messina

Meeting adjourned at 9:46 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk