

**City of Columbus
Regular City Council Meeting
November 13, 2013**

The November 13, 2013 meeting of the City of Columbus City Council was called to order at 7:12 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 City Clerk Emmy Robinson.

Absent: None

Also in attendance were: Sarah Chatwin, Maris Strautmanis, Kris King, Paul Peskar, Steve Brunsberg, Tim Przybilla, Chris Przybilla, Dan Nelson, John Adams, 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 10/23/2013
4. Motion - Agenda Approval with Additions
5. Motion - Pay Bills as Posted
6. Motion - Liability Coverage Waiver Form (Page 1)

Motion by Krebs to approve the consent agenda including INS 01240 to authorize staff to execute the Liability Coverage Waiver Form and not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

C. PRESENTATIONS

7. PLANNING COMMISSION REPORT

No report was given for the Planning Commission.

8. PUBLIC OPEN FORUM

Tim Przybilla - 5056 Evergreen Road

Mr. Przybilla's son is interested in building a dock on Howard Lake for an Eagle Scout project and he wanted to find out if the city was the appropriate authority to approve this project.

The Mayor responded that the land belongs to the DNR; Mr. Przybilla's son can contact the City Administrator who can give him the appropriate contact information for the DNR. The City Administrator added that if this project does not work out there are other projects available through the City.

8A. REVIEW/DISCUSSION/MOTION – FOREST LAKE CABLE COMMISSION (FLCC) FRANCHISE AGREEMENT (ENCLOSURE)

A final FLCC Franchise Ordinance and a summary report dated November 1st, 2013 was included in the agenda packet. There are several actions required by the council tonight, approval of the Franchise Ordinance, approval to repeal the existing Cable Franchise Ordinance, and approval of the publication summary for the ordinance.

Sarah Chatwin Executive Director for FLCC and Steve Brunsberg, the City's FLCC representative for Columbus were in attendance tonight. Ms. Chatwin reviewed the summary of the agreement at this time. The cable commission unanimously approved the franchise agreement. The term is 15 years, access improvements were made. Ms Chatwin reviewed Exhibit A, a list of public buildings which will get cable service at no charge. Ms Chatwin also said City Hall location gets program origination. The City Administrator noted that there are cable TV drops not included in the list, the Public Works Building; which currently has no charge cable TV service, the Senior Center, and City Hall. The City Administrator expressed concern that if the City Hall is on the list does that mean the Public Works building would lose its service.

Mr. Dan Nelson, Governmental Affairs for Midcontinent approached and addressed the City Administrator's concern by stating the public works building cable TV service will not be taken away and will continue to receive service at no charge, in addition Mr. Nelson said they would work with the Cable Commission to update the list for Exhibit A to include the Public Works building, Senior Center and City Hall, with City Hall having program origination.

The Franchise agreement starts 90 days after the publication of the ordinance, so it is expected to take effect early 2014.

Motion CON 00600 by Duraine to approve Ordinance 13-05 Granting a Franchise to Midcontinent Communications to Construct, Operate, and Maintain a Cable System in the City of Columbus, Minnesota; Setting Forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System; and Prescribing Penalties for the Violation of its Provisions contingent on changes to Exhibit A to include cable origination at City Hall 16319 Kettle River Blvd., Cable TV drop to the Senior Center 16321 Kettle River Blvd., and Public Works building 16345 Kettle River Blvd. at no charge. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion ADM 05000 ADM 00400 by Duraine to approve the Summary Publication for Ordinance 13-05 Cable Franchise. Second by Peterson. Motion carried.

Motion ADM 05000 CON 00600 by Peterson to approve Ordinance 13-06 Repealing the Cable Television Regulatory Ordinance. Second by Krebs. Motion carried.

The Engineer asked the contact person is for MidContinent when new cable is installed in right of ways.

The contact person is John Adams, Fulfillment Manager. The Engineer and Mr. Adams exchanged business cards at this time.

The City has a copy of the Midcontinent cable access map and the City Administrator explained that this is proprietary information. Mr. Nelson explained the reason for the proprietary nature is for the security of customers and Midcontinent's business practices.

Council Member Peterson thanked Ms. Chatwin and Mr. Nelson for their work on the franchise agreement.

D. STAFF & CONSULTANT REPORTS

9. ENGINEER REPORT

Direction – Citizen Suggestion Street Light at Howard Lake Dr and KRB

The Engineer was directed at the last City Council meeting to investigate costs from Connexus for installation and powering a light at this intersection. Connexus has not had a chance to look at the site yet. This topic will be continued to the next meeting.

Update - White Bear Lake vs. DNR Subpoena

A letter dated November 12, 2013 from the City Attorney was in the additions of the agenda regarding the subpoena request; the result was the number of documents has been reduced to 4 points. The Engineer has a draft of what has been identified in the letter. Testimony by the Engineer is still required. The Engineer said the aquifer the City draws its water from is different from White Bear Lake. No action is required of the council at this time.

FYI - North & East Metro Groundwater Management Area Planning (Pages 2-3)

A memo dated October 28, 2013 from the DNR regarding the first project team meeting, its agenda, and outcomes was included in the agenda packet. The next meeting will be in mid-December, the exact time and date is yet to be determined. The meetings are open to the public, information and project updates can be received at <http://tinyurl.com/gw-metro>.

The Engineer called attention to an existing statute MS103G.287 subd.4 which deals with restriction of water.

No action is required of the council at this time.

10. ATTORNEY REPORT

Discussion & Motion — Chapter 5 Code Amendment ATV-UTV's language (Enclosure)

The Attorney was directed to make revisions to the ordinance. A revised ordinance was included in the agenda packet. The Attorney explained that the amended ordinance reflects streamlining language and what remains is language that are more restrictive than state statute, in addition it is to be in line with the DNR ATV regulations.

The consensus of the council was to send this back for review so it is more in line with the Ham Lake ordinance. A suggestion was to possibly remove the current ordinance completely and replace it with language similar to Ham Lake's ordinance.

Review – Youth Service Bureau (YSB) Letter (Page 4)

At the last City Council meeting the Attorney offered to write a letter for the Mayor to address the disagreement by the YSB that charitable gambling proceeds replace contributions from the city directly. A letter dated November 7, 2013 was included in the agenda packet for approval by the council.

Motion ADM 02900 by Duraine to approve the letter on page 4 of the agenda packet and direct staff to send it the Lakes Area Youth Services Bureau. Second by Peterson. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

11. MAYOR & CITY COUNCIL MEMBER'S REPORT

Council Member Peterson

Council Member Peterson, Council Member Duraine, Council Member Messina and the Deputy City Clerk attended the Local Board of Appeal and Equalization (LBAE) training on Tuesday. Council Member Peterson said a fact he took away from the training is that the LBAE does not deal with taxes only valuations of property.

Council Member Messina

Council Member Messina attended the LBAE meeting and his take away from the training was if the LBAE changes the valuation for someone's property and lowers the valuation it just increases everyone else's share of the taxes due, the amount of tax (levy) collected does not change.

Council Member Duraine

Council Member Duraine attended the Forest Lake Area Partnership for Families meeting. Council Member Duraine signed up as an individual representative.

Council Member Duraine attended the MOST meeting, the National Guard is involved and they want to come in to do a presentation of the program at the December 11th meeting.

Council Member Duraine attended the Youth Service Bureau open house this afternoon.

Council Member Krebs

No report.

Mayor Dave Povolny

No report.

12. DEPUTY CLERK REPORT

Discussion & Direction - Election Grant (Pages 5-13)

A memo dated November 6, 2013 regarding an Election Assistance grant from the MN Office of the Secretary of State for federal funds. The action is approval of the resolution included in the agenda packet. The grant information and application were included in the agenda packet.

Motion ADM 03300 by Messina to approve Resolution 13-19 to authorize staff to apply for a grant from the Office of the Secretary of State of Minnesota for Federal funds pursuant to Title II, Section 261 of the Help America Vote Act for improving access to polling places. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Motion - Animal Impound Services (Page 14)

The City has received notice from Animal control Officer Rick Ruzicka that he will not be providing animal control services to the city beginning January 1, 2014. The recommendation is to allow staff to cancel the agreement with the current animal impound facility so one can be obtained closer to Columbus. Animal Control service options are being reviewed at this time.

Motion CON 00050 by Messina to authorize staff to send a notice of cancellation for animal impound services to HillCrest Animal Hospital. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

13. CITY ADMINISTRATOR'S REPORT

Information - Anoka County Public Safety Data System (Pages 17-18)

An update from the Anoka County Joint Law Enforcement Council in partnership with the Anoka County Fire Prevention Council regarding improving data sharing across agency boundaries of the public safety data system was included in the agenda packet. The major components of this shared system are computer aided dispatch and mobile data, fire records management system, law enforcement records management and jail records managements system. No action is required by the council.

Motion - Resolution Special Assessment Schedule Change (Page 15-16)

A resolution regarding a change in payment of special assessments was included in the agenda packet. The action is approval of the Resolution.

ADM 05000 by Messina to approve Resolution 13-20 Authorizing a change in payment of special assessments schedule for 15252 W Freeway Drive Parcel Identification number 24-32-22-42-0004. Second by Krebs. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Treasurer's Report - Receipts: \$XX Disbursements: \$XX

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|----------------|--------------|
| Receipts: | \$286,296.36 |
| Disbursements: | \$125,504.12 |

Motion - Holiday Calendar (Move Dec. 26 CC Mtg. to Dec. 30)

The City Council meeting was scheduled for December 26th, the request is to move the meeting to December 30th instead, this will allow staff to close the books closer to the end of the year which would save considerable staff time.

The consensus was to keep the meeting on December 26th.

Close Tuesday the December 24th

The consensus is to approve closing the office for the day on the December 24th.

Motion by Duraine to close the city offices December 24th, 2013 for the full day with employees taking, comp time, vacation time or no pay for the time. Second by Messina. Votes as follows: Peterson - aye; Messina - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

E. ANNOUNCEMENTS & REMINDERS

- ▶ Planning Commission Mtg. 11/20/2013 7:00 p.m.
- ▶ Calendar of Meeting (Page 19)

The next council meeting is on Monday the 25th.

F. ADJOURNMENT

Motion by Peterson to adjourn. Second by Messina.

Meeting adjourned at 8:21 p.m.

Respectfully Submitted:

Emilia S. Robinson

Deputy City Clerk