

City of Columbus
Regular City Council Meeting
Aug. 26, 2015

The Aug. 26, 2015 meeting of the City of Columbus City Council was called to order at 7:03 p.m. by Mayor Dave Povolny at City Hall. Present were Povolny, Council Members Denny Peterson, Mark Daly, Jeff Duraine and Bill Krebs; City Administrator Elizabeth Mursko; Engineer Larry Bohrer; Attorney Bill Griffith; City Planner Dean Johnson and Public Information Coordinator Bronwyn Pope.

Absent: None.

Also in attendance were: Public Works Supervisor Jim Windingstad, Deputy Treasurer Lynette Olinger, Dennis Postler (TKDA), Pat Preiner, Jesse Preiner, Mary Preiner, Jody Krebs, Terri Hodges (Forest Lake Cable Commission), Steve Wagamon, John Waldoch, Myron Organ, Jeff Joyer, Frank Wagamon, Perry Wagamon, Roger Nase, Sherri Nase, Paul Peskar, Kris King, Jim Watson, Todd Voelker, Lani Thorne.

A. CITY COUNCIL REGULAR MEETING

1. Call To Order - Regular Meeting – 7:03 p.m.
2. Pledge of Allegiance

B. CONSENT AGENDA

3. Motion – Approval of the City Council Meeting Minutes 08/12/15
4. Motion – Agenda Approval with Additions
5. Motion – Pay Bills as Posted
6. Motion – Constitution Week **Proclamation 15-03**
7. Motion – Approval 2015 Prosecution Services Agreement

Motion by Krebs to approve the consent agenda items 3-5, along with Constitution Week Proclamation 15-03 and the CON/00050 2015 Prosecution Services Agreement. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

C. PRESENTATIONS

8. Planning Commission Report

- Motion – Waldoch/Joyer Comp Plan Amendment & Rezone Application

The Planning Commission approved the Waldoch/Joyer Comp Plan Amendment and Rezone Application and brought it forward to the Council. Johnson explained the Met Council requires that the City Council has favorably recommended the Comp Plan amendment contingent on their review. Zoning for the project would be tabled until the Comp Plan amendment is complete.

A letter in opposition to the project was submitted into the record from Tim Keane, a lawyer representing neighbors Nase, Wagamon & Zebro, citing portions of the City's Comp Plan which address the rural residential character of the area.

City Attorney Griffith explained that cities have broad authority to alter Comp Plans at their discretion as long as they have rationale to support their decision. The Comp Plan has a number of policies including residential protection, but also a number of general and specific policies supporting commercial and industrial development. Page 19 of the Comp Plan states, “provide a variety of development opportunities in the city including rural and urban business centers; promote opportunities to expand employment opportunities and tax base in the City; and evaluate areas for potential future industrial expansion.” On page 26 under commercial industrial policies, the plan includes “allow for an intensification of commercial industrial opportunities in the Lake Drive corridor consistent with the rural character of the City and compatible with the adjacent residential uses.” Griffith further explained, as the City looks to expand those opportunities it is appropriate that the Council is talking about a buffer consistent with the residential uses nearby, but it doesn’t prevent the Council from taking the action being considered.

City Planner Johnson shared that the two properties in the application are each owned by applicants who already have property in the district so the back properties are contiguous. That is not always the case, as many Comp Plan amendments are for completely different properties and different property owners. Johnson pointed out that this project is clearly a contiguous expansion the existing commercial industrial area. The Joyer property did include, as Council has discussed, keeping a portion of the west 10 acres of the property that currently abuts rural residential to remain as rural residential. The Joyers also discussed a concept plan for the re-subdivision of the property which would ultimately divide the property so there is front and back on both parcels for a better layout, as mentioned at the Planning Commission meeting. Johnson further explained there are also a lot of policies in the Comp Plan which promote the expansion of commercial industrial uses that tend to balance those sited in the submitted letter which only focused on those protecting residential uses. All of the previous discussions, beginning with the IAI proposal, have focused on trying to create balance which is the basis for the decision being made on this application.

Council discussed the project’s impact on adjacent property and traffic patterns, as well as how to support growth while maintaining the quiet and peaceful atmosphere which is so important to many Columbus residents. Council members would like to allow commercial growth with as little detrimental impact on adjoining residents as possible. Council members discussed the project’s inclusion of buffers on the southwest parcels, and determined all other buffer requirements could be addressed in the CUPs for each parcel.

The city recently drafted a potential buffer ordinance which will now be brought forward for public hearing to establish tools to mitigate conflicts between different land uses like these types of projects in the future. All the materials that were submitted for tonight’s meeting related to this project will be included in the file.

Motion PLZ/00300 & PLZ/02500 by Peterson to accept the recommendations of the Planning Commission to approve the application for and support the amendment of, the Waldoch/Joyer Comp Plan Amendment & Rezone Application, consistent with the Planners findings and recommendations to the Planning Commission dated Aug. 11, 2015, subject to Met Council review and approval; based on the recommendations and findings of the Planning Commission and the further discussion at tonight's meeting by professional staff and Council Members, and to continue the zoning action until completion of Met Council approval. Motion seconded by Daly. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Findings of Fact – Comprehensive Plan Amendment and Rezoning Application

1. The applicants submitted complete applications for a rezoning on June 2, 2015 and CPA on June 26, 2015.
2. The 60-day review deadline on the rezoning is August 2, 2015, which was extended to the 120-day review deadline on September 30, 2015.
3. The 60-day review deadline on the CPA is August 26, 2015, which will be extended to the 120-day review deadline on October 25, 2015.
4. The applicants will be asked to voluntarily extend the Columbus 120-day review periods in order to accommodate the additional 120-day CPA review required by the Metropolitan Council.
5. The Waldoch property application includes approximately 38.56 acres located in the Southwest Quarter of the Northwest Quarter of Section 33, Township 32, Range 22, lying westerly of property along Lake Drive.
6. The Joyer property application includes the East 30 acres of the Northwest Quarter of the Southwest Quarter of Section 33, Township 32, Range 22, lying westerly of property along Lake Drive.
7. Both properties are currently designated Rural Residential in the Comprehensive Plan and zoned Rural Residential.
8. The applicants are seeking a Comprehensive Plan land use re-designation and rezoning to Commercial/Industrial.
9. Both properties are contiguous to properties currently designated Commercial/Industrial in the Comprehensive Plan and zoned Commercial/ Industrial along Lake Drive and owned by respective family members.
10. The westerly 10 acres of the Joyer property, abutting Zodiac Street, is proposed to remain Rural Residential.
11. The proposed CPA and rezoning on the combined properties are for a Comprehensive Plan re-designation and Zoning Ordinance reclassification from Rural Residential to Commercial/Industrial of approximately 69 acres.
12. The Planning Commission and City Council previously approved non-binding, concept review of the proposed land use re-designation and rezoning.
13. There are no formal applications for the proposed use of either property.
14. Future uses of the properties will be limited to uses allowed in the Commercial/Industrial Zoning District and will likely involve future subdivisions and/or combinations of properties owned by each family.

15. CPA consideration is contingent upon review by adjacent communities, Anoka and Washington counties, Rice Creek Watershed District, the Forest Lake School District, and the Metropolitan Council.
16. The Metropolitan Council will not accept a CPA for review without conditional approval of the proposed amendment by the City Council.
17. The Metropolitan Council will not commence review of a proposed CPA until 60 days after the referral of the CPA has been made to adjacent communities and other review authorities, unless a comment letter or comment waiver is received from entities all prior to the 60-day period.
18. Rezoning consideration is contingent upon approval of the CPA.
19. The Planning Commission held public hearings on the CPA and rezoning on August 19, 2015.

- Review of PC Workshop Discussion

The Planning Commission asked the Council for direction regarding whether or not to allow an existing house to remain on less than five acres in the freeway district. Some freeway district homeowners would like to keep their homes on lots as small as ½ acre and sell the remainder of their property for commercial development. These homeowners would be required to hook up to sewer and water.

Council discussed the desire to provide relief to these property owners who are currently unable to sell their land, while also not creating future problems by having homes on small lots in the midst of a commercial district.

Council discussed the long-term plans for the freeway district compared to pressing short-term needs of homeowners who are not able to afford their assessments and unable to sell the land as it is. Griffith and Dean offered information regarding what is currently allowed, how it can be controlled in the future and potential downsides.

Motion PLZ/02500 by Peterson to accept the Planning Commission findings and recommendations for allowing the freeway corridor land owners to sell a portion of their land but keep their homes on lots of less than five acres. Motion seconded by Krebs. Votes as follows: Peterson - nay; Daly - nay; Duraine - nay; Krebs – nay; Povolny - nay. Motion Fails.

Motion PLZ/02500 by Peterson to direct the Planning Commission for further study this issue and bring more information back to the City Council. Motion second Krebs. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

Planning Commission made a recommendation not to allow residential use on a commercially zoned property with a new commercial use. In the Commercial Industrial district there have been

requests for buyers of commercial property to keep an existing home on property to use as a residence themselves or to rent it out as a residence.

Council discussed the advantages and disadvantages of allowing a home on commercial property in this area and how this fit in to the overall commercial development plan for the city and the difficulty in enforcing any restrictions. Council determined the City's focus continues to be growing commercial areas on Lake Drive and the Freeway District, but to also look at creating a new zone for dual commercial/residential use on a single property, where residents could live on the back of their property and maintain a business on the front. Council consensus was to direct the Planning Commission to come back to the Council with more options and further research on this issue.

9. Motion – Final Plat Johnson Preserve Approval

Council briefly discussed this final plat and the final decision made regarding access to Lake Drive. The request included naming the access street Johnson Bay, but Council determined the road will be 185th Court to comply with existing naming criteria. Delineation of the wetlands changed from the preliminary plat to the final plat but did not affect the buildable area.

Motion PLZ/01300 by Daly to approve Final Plat Johnson Preserve subject to any conditions of the title work development, any conditions of the developer's agreement, and the renaming of Johnson Bay to 185th Court. Motion seconded by Peterson. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

Findings of Fact

1. The preliminary plat application received on March 23, 2015 was found complete for review.
2. The 120-day preliminary plat review deadline is July 21, 2015.
3. There are 89.66 gross acres in the proposed plat, which is located at 185th Avenue NE and Lexington Avenue NE (CSAH 17) in Section 31, Township 33, Range 22.
4. The property is vacant and is zoned RR Rural Residential.
5. The proposed plat is located in the Sunrise River watershed.
6. The easterly boundary of the proposed plat abuts Carlos Avery WMA. Other properties abutting the plat are currently developed for rural residential use.
7. A total of three residential lots (6.40 acres, 19.71 acres, and 57.95 acres) and one outlot (5.0 acres) are proposed. Right-of-way dedication is 0.6 acres.
8. The purpose of the proposed outlot is for the sale and attachment of the outlot to the adjacent parcel on the south side of the plat.
9. The gross density of the proposed development is approximately one home per 30 acres, which is consistent with the Comprehensive Plan and Zoning Ordinance.
10. An unimproved cul-de-sac is proposed to connect the subdivision to CSAH 17.
11. The preliminary preference of Anoka County Highway Department is to allow three private driveway accesses to CSAH 17, rather than a public road or single private access connection, because of the sharp 90 degree curve in CSAH 17 abutting the plat.

12. All three proposed lots meet the minimum 60 feet frontage requirement along the proposed cul-de-sac configuration and meet the 220 feet minimum lot width requirement.
13. Proposed building and SSTS areas are illustrated on each lot.
14. Floodplain determinations and wetland delineations need to be confirmed in the water resources review.
15. Wetlands are protected with a drainage and utility easement at least one rod beyond the illustrated wetland boundaries.
16. Drainage and utility easements are also located adjacent to all property lines (10 feet) and along public right-of-way (20 feet).
17. The proposed plat is compatible with City zoning and subdivision regulations.
18. Subsequent stormwater permits will be required for any individual site grading that exceeds one acre.
19. The Planning Commission held a public hearing on the Johnson Preserve Preliminary Plat on May 20, 2015.

Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Johnson Preserve Preliminary Plat, subject to the following:

1. Recommendations of the City Engineer, including stormwater management and confirmation of SSTS suitability.
2. Title review and recommendations of the City Attorney.
3. Highway access and platting recommendations by Anoka County.
4. In the event recommendations by Anoka County include elimination of the cul-de-sac adjacent to CSAH 17, the applicant must **either** apply for and be granted a variance for minimum street frontage in order to retain three buildable lots, **or the applicant must amend the plat to dedicate the cul-de-sac to the City as future right-of-way, subject to Anoka County approval and the execution of a development agreement between the applicant and the City,**
5. Water resources review and recommendations by Anoka Conservation District.
6. Wetland delineation approval and floodplain verification by the City.
7. Permanent wetland buffer plaques on the westerly buildable portions of Lots 1-3, installed at intervals determined by the City.
8. Cash in lieu of park land dedication requirements.
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.
10. Subsequent stormwater permits will be required for any individual site grading that exceeds one acre.
11. Outlot A must be combined with adjacent property by July 1, 2016 or it must be combined with Lot 3 of the proposed plat.

10. PUBLIC OPEN FORUM

Roger Nase, 6636 141st Ave NE, and Frank Wagamon, 6559 Pine Street, presented objections to the Waldoch/Joyer Comp Plan Amendment & Rezone Application. Griffith clarified that Public Open Forum is in part an opportunity to raise topics which are not on the agenda, but it would not be appropriate to revisit a decision made earlier in the meeting, in particular since the applicants had already left the meeting. Objections to an application can be presented during the public hearing for that application. Griffith reiterated that reasons for the approval of this application were stated at previous Planning Commission and City Council meetings and can be found in the minutes for those meetings. Council will be able to address buffer requests for this project during the CUP process for specific parcels.

11. Motion – Rice Creek Watershed Letter & Request

Rice Creek Watershed District requested the City of Columbus support the District’s request for additional Met Council funding, and the importance of expanding their grant program, to pay for innovative stormwater reuse practices so the costs do not solely fall back on the District and municipalities. Council briefly discussed sending a similar letter to the Met Council.

Motion by Povolny to direct city staff to send a letter to the Met Council requesting expansion of their grant program to pay for innovative storm water reuse practices, to be signed by the Mayor. Motion seconded by Peterson. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

12. Motion – Anoka County Support Resolution TED

Council briefly discussed **Resolution 15-24** in support of the Anoka County efforts to secure funding for improvements to I-35/Lake Drive interchange.

Motion ADM/05000 by Krebs to adopt Resolution 15-24 in support of the Anoka County effort to secure funding for improvements to I-35/Lake Drive interchange. Motion seconded by Peterson. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

D. STAFF AND CONSULTANT REPORTS

13. ENGINEER REPORT

- Direction & Motion – Willamette Street Neighborhood Meeting Request

Five of the nine property owners (or 55%) on Willamette St. NE submitted a neighborhood meeting petition to request a meeting regarding paving their road. The Council called for a neighborhood meeting, which will be scheduled by city staff in October. Any new road projects would be for 2016.

Motion ADM/05300 by Peterson to direct city staff to schedule a Willamette Street neighborhood road meeting. Motion seconded by Krebs. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

- Motion – Shared Sanitary Sewer Service Freeway District Policy

Some residents in the Freeway District have recently found the need to connect to City sewer. Due to significant setbacks, or other economic reasons, some have requested to construct shared sewer services with a neighbor. Plumbing and city code are silent on this issue. City Engineer Bohrer presented the Council with three options: develop policy that city services should not be shared, develop policy that sanitary/sewer services could be shared under certain circumstances, or address each request on an individual basis. Most cities have adopted policies that individual services are preferred. Bohrer cautioned the Council on some of the pitfalls of shared services gave examples of pros and cons for each option. If approved, certain construction standards would be recommended. Council discussed pros and cons, and determined they would direct these freeway district residents to bring a plan shared services in front of the Council for consideration. If shared services were allowed in this district, once property are converted for commercial use, each lot would need to hook up individually. Council directed staff to advise the residents to come forward and present a proposal to the Council for a shared services hookup.

14. ATTORNEY REPORT

- Motion – **Ordinance 15-04** Amending Liquor License Requirements

Council briefly discussed this ordinance amendment for Running Aces, which is effective once it is published.

Motion AMD/05000 by Krebs to approve Ordinance 15-04 Amending Liquor License Requirements. Motion seconded by Duraine. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

- Motion – Forward Floodplain Management Regulations **Ordinance 15-05**

This Floodplain Ordinance Amendment updates the current regulation on the books, including new maps and new flood insurance study. Once approved it will go to the DNR for review and then be published and effective. Council gave Griffith the authority to correct any typos before the ordinance is sent to the DNR.

Motion AMD/05000 by Krebs to approve draft Floodplain Management Regulations Ordinance 15-05 and forward to the Minnesota Department of Natural Resources for review. Motion seconded by Duraine. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny - aye. Motion Carries.

15. MAYOR AND CITY COUNCIL MEMBER’S REPORT

Council Member Daly – Nothing to report.

Council Member Duraine – Gave a brief update regarding the Cable Commission which is launching a new website and redoing the City of Columbus EDA promo video. A recent Rush Line Task Force meeting included discussion of a third lane added for buses south of 96, and a new northbound lane to Little Canada. The Fire Board voted down adding a fifth member, and were proceeding with a firefighter meeting to discuss offering interim chief Al Newman the permanent position. Mursko added that the firefighters did approve supporting

a recommendation for Newman, and it will now be taken up at the Sept. 15 Forest Lake City Council meeting.

Council Member Krebs – Along with Council Member Daly and City Administrator Elizabeth Mursko, attended a positive meeting today with Congressman Tom Emmer to discuss the I-35 bridge project. Emmer will hold a town hall meeting tomorrow at 7 p.m. in the Forest Lake City Hall.

Council Member Peterson – Gave a brief update about planning for Fall Fest on Sept. 19, and asked for any volunteers interested in helping with the vintage car/tractor/snowmobile show.

Mayor – Asked fellow council members for assistance completing some signs for the City.

16. PUBLIC WORKS REPORT

No report.

12. PUBLIC INFORMATION COORDINATOR REPORT

Six new Economic Development tabs and pages have been added to the City website, including ED pages for Business Outreach, Community Profile, Development Tools, Marketing Data & Reports and New Commercial Development. Staff is working with LATV to update the EDA video in the next month and will also finalize the 2014 EDA annual report which will be added to the website. The 97/23 bridge project video shown on the bus tour earlier today is now also up on the City website.

Duraine asked if marketing materials could be send to companies to promote the City. Mursko updated the Council regarding plans for EDA marketing materials and draft architectural plans. Murkso also mentioned the upcoming Sept. 10 workshop for Freeway District property owners to discuss options for the district.

18. CITY ADMINISTRATOR'S REPORT

- Motion – City of Columbus Electrical Contract

Two parties are interested in doing minor electrical contract work for the City. The bidding would involve a business owned by one council member and a business owned by one planning commission member. This would follow the same process as the recent computer contract and maintain the state contract preferred rate. Council directed staff to proceed with documentation and bring it back to the Council at a future meeting.

Mursko also asked the Council to discuss a recent road request which would trigger the third house in guideline for converting driveways to public roads. In the location in question, off Kettle River, it is estimated that the property owners would each need to pay approximately \$50,000 to establish the city road. Council discussed how to solve the issue of the middle lot having no access unless all three lots pay for a road, and the code requiring third house in

requires improved road. Council decided to stay with the prevailing guideline and require the landowners to pave the road if all three continue to use the same access driveway. Mursko will communicate with the property owners.

- **Treasurer's Report – Receipts: \$00.00 Disburse: \$57,665.11 Balance: \$1,994,218.16**

E. ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting 9/02/15

Calendar of Meetings

F. ADJOURNMENT

**Motion was made by Krebs to adjourn.
Seconded by Duraine.**

Meeting adjourned at 9:55 p.m.

Respectfully Submitted:

Bronwyn Pope, Public Information Coordinator