

**City of Columbus
Regular City Council Meeting
June 22, 2016**

The June 22, 2016 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 Mayor Dave Povolny, Council Members Denny Peterson, Jeff Duraine, and Bill Krebs; City Administrator Elizabeth Mursko, Attorney Jacob Steen, Engineer Dennis Postler, and Secretary Karen Boland.

Absent: Council Member Mark Daly

Also in attendance were: Byron Westlund – Woodlund Homes, Mary Preiner, Pat Preiner, Jesse Preiner, Jody Krebs, Paul Rignell – Forest Lake Times, and Tim Schingen- LATV.

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 of the City Council Meeting Minutes on 06/08/16
4. Motion – Agenda Approval with Additions.
5. Motion – Pay Bills as Posted.
6. Motion – Appoint Election Judges for the 2016 Primary and General Elections (**Pgs. 1-2**)
7. Motion – Approve edit to March 16, 2016 City Council Meeting Minutes (**A1-2**)

There were no additions to the consent agenda.

**Motion by Krebs to approve the consent agenda. Motion seconded by Peterson.
Motion approved unanimously.**

C. PRESENTATIONS

8. PLANNING COMMISSION REPORT

Planning Commissioner Jody Krebs reported on the following:

Review – Woodland and Faulkner Concept Review (Pages 3-5 & Enclosures)

PC members unanimously support concept plans presented for senior citizen housing on the former Trout Air property, in the form of attached townhomes, an assisted living facility, and a two-story apartment building. Woodland Development is building the townhomes. They still have some work to do with the Army Corps of Engineers and Watershed district. There will be a private drive maintained by a homeowner's association. The sight distance triangle is being worked out based on a recommendation by the City Engineer. Faulkner Properties is building the assisted living and apartment buildings. Both builders would like to begin the preliminary plat process. They will coordinate the design and materials used on the properties, and would like to begin building around the same time.

Council members asked about Outlots A & B. These are wetlands and will stay in the ownership of the association. Council members also asked about density. The Code calls for a maximum density of 30:1. This will stay well below that.

The Council supports the concept plans.

Review – Chicken Discussion (Page 6)

PC members began discussion about chickens in the City. One of the talking points has been how many chickens should be allowed. They are looking at 16 chickens/acre with the number moving up or down incrementally based on that number. For instance, 4 birds would be allowed on ¼ acre, and 320 birds would be allowed on 20 acres.

Another talking point was commercial use. Should an IUP be required? How would this be enforced? The mayor said incidental sales should be allowed. Krebs asked if the Council now wants this regulated, as some residents are already doing this and, for instance, selling chicks. Shelters were discussed: designs, fencing, coops. What parameters does the CC want? Do they want the PC to set them? The mayor said there is a public nuisance law that takes care of a lot of these issues; the City does not want to overregulate this. We may need to be reactive rather than proactive, and address things under the nuisance ordinance.

The mayor said the ordinance should clear up things that aren't so clear: Can chickens roam onto other people's property? Can they be covered in tarps? Can you have a thousand of them? Can you have chickens on less than five acres? The PC can write this up for CC's review. It should be as simple and least restrictive as possible.

The City Attorney recommended working with the Planner to identify some best practices, particularly to deal with noise issues, so that you don't establish an ordinance that you have to selectively enforce.

PC members will come back with more findings and a draft ordinance as they move forward, including looking at ordinances in other cities.

9. PUBLIC OPEN FORUM

There was no topic raised for discussion for Open Forum.

10. DIRECTION – FOREST LAKE CABLE COMMISSION JPA (Enclosure)

Duraine reported that last night the Forest Lake Council had a workshop meeting and unofficially supported remaining part of the Cable Commission.

Mursko gave CC members the Cable Commission's PowerPoint presentation from June 9th, which was the joint meeting. Columbus has 252 cable subscribers. The City Administrators of Columbus, Forest Lake, and Scandia, reviewed the facts and came up with three options: 1) to do nothing; 2) to dissolve the Commission; or 3) there would be withdrawal or dissolution, but then they would come back with contract-for-service agreements, looking at overall services and then reorganizing and delivering services more focused on a government format. The consensus was to allow the Cable Commission to come up with an option also.

Scandia passed a resolution to withdraw, but they are indicating that they would be willing to explore a cooperative agreement in the event of the Commission's dissolution.

Duraine reported that at the last Cable Commission meeting they had a vote to see what direction they wanted to go. The recommendation was to continue with the joint powers agreement with the intent to reduce costs, to relocate the facilities within the community, to direct staff to have more community involvement, and to expand public involvement as a community resource.

LATV is funded by subscribers through their cable bills and franchise fees. They also get revenue from DVD sales. They get sponsorship for some of their filming. Subscribers receive local channel broadcasts, sports, concerts, plays, church services, and local events. Duraine believes we can do more things using the Forest Lake revenue, as they have many more subscribers. He reported they the Cable Commission has purchased a state-of-the-art broadcast playback system

and new cameras, and plans to purchase and implement internet streaming and video on demand. Duraine recommends we continue with joint powers. He believes it is easier to hold onto what we have and make changes than to start from scratch.

The Cable Commission's budget is \$205,000. Columbus' share is about \$12,000 in franchise fees. The PEG fees are the franchise fees. That recently increased with the franchise agreement; it almost doubled. If we opt out of the Commission, cable bills for City residents would not go down. The franchise fees are rent of the right-of-way. Franchise access fees for the City are about \$1200/mo. Franchise agreements are for cable services, not internet.

Council meetings can now be uploaded to the internet. It is on vimeo the next day. Two or three days later it is edited for the cable channel, Channel 10.

The Cable Commission's current lease is up in October.

Peterson thinks we should go for option three and reorganize. He doesn't know if the Cable Commission can stand on its own without Scandia. Scandia is financially obligated for two more years.

Krebs doesn't believe the Council should dissolve it tonight with no plan in place.

PEG stands for Public, Education, and Government. Each of those has a separate channel.

Channel 10 is the government channel, Channel 22 is the educational channel, and the public channel has never been engaged.

The consensus of the Council is that change is needed, but the current joint powers agreement should not be dissolved without a plan.

If given the direction, involved City Administrators could come up with something similar to the Cable Commission's PowerPoint presentation and come back to the individual cities. Peterson would like to give it three months and see what the City Administrators come up with.

Tim Schingen with LATV asked to clarify some things. He said Channel 10 has been the community and government channel since 1985. In 2010, he decided to start a school channel.

The thought was that they could create the content and hand it over to the schools and partner with them. The schools did budget cuts and cut their television class program, so the channel never was turned over to the schools. A motion was passed at the Cable Commission to create a community channel and a government channel with 86 extra hours of government programming. That was passed before talk of anyone wanting to leave the Commission. With dissolving and reorganizing, the PEG dollars and the access fees would no longer come together. Schingen said the plan from here was to begin updating City halls; that will go away if the Commission is dissolved.

The consensus of the City Council was that things have to change. The franchise agreement was done two years ago and there are still no origination points even established in the City Hall.

Council members said accounting issues must be solved – there has to be some oversight since the Commission must abide by the accounting rules for public entities; internet connectivity problems must be solved; there must be a more effective hierarchy; there must be a decision about location.

Schingen said that while the lease is up in October, it will go month-to-month if a 60-day notice is not given by either party.

D. STAFF AND CONSULTANT REPORTS

11. ENGINEER REPORT

Update – County Road 54 Realignment Project

City Engineer Postler reported that at the last meeting with the County, there was further

discussion about roundabouts and trail access. The roundabout at 54 and 23 will probably start out as one lane, with the ability to expand it to two in the future. There was also discussion of a roundabout ¼-mile south of 23, with a ¾ access in between.

Other geometric items discussed were moving the cul-de-sac north, allowing stormwater ponding. Roughly one acre is needed. There may be ponding needed north of 23 and west of 54. The trail seems more logical on the west side of 54 in the event it goes down as far as the freeway. That is where it will be shown on the plan, and estimates will be done using the west side. There will be a 10-foot boulevard between the edge of the roadway and the trail.

The proposed traffic volumes don't require a 4-lane roadway. The latest speed limit discussion was 55 mph. They are still gathering final traffic projection data.

Mursko said Anoka County is continuing to apply for federal funds. There are several grant programs they can apply to. The next deadline is July 15th. There is a very good chance of success at the legislature, but there have been hurdles in trying to get the bonding bill passed, and Anoka wants to continue to apply for funds, in case there is an issue or things need to move forward more quickly than anticipated. The proposed resolutions are in support of the grant applications with July 15th deadlines.

Motion ADM 05000 by Peterson to approve Resolution No. 16-10, Supporting Anoka County Federal Funding Application for CSAH 54. Second by Duraine. Votes as follows: Peterson - aye; Duraine -aye; Krebs - aye; Povolny - aye. Motion carries.

Motion ADM 05000 by Peterson to approve Resolution No. 16-11, Supporting Anoka County Federal Funding Application for the I-35 and TH 97/CSAH 23 Interchange Area. Second by Krebs. Votes as follows: Peterson - aye; Duraine -aye; Krebs - aye; Povolny - aye. Motion carries.

12. ATTORNEY REPORT

Motion – Ordinance Amendment Chapter 5 – Sexual Offenders & Predators (Pages 7-10)

City Attorney Steen presented an ordinance that he described as virtually identical to 39 other city ordinances in the state on this issue. He said that similar ordinances in other states have been struck down as violating civil rights. It has not been challenged in Minnesota. He said that if the Council wants this type of ordinance, he does not recommend deviating much from this one. It identifies particular locations in the community where sex offenders are prohibited from establishing residence. Some analysis should be done, prior to adopting this, to make sure that, with the spacing required in the ordinance, not all areas of the community will be eliminated as potential places of residence. He would not recommend precluding more than 95% of the community. Some exceptions are built into the ordinance, including daycares established after a registered offender has taken up residence. It becomes a difficult ordinance to enforce. Enforcement is the same as for any other ordinance. City ordinance is the responsibility of the City to enforce.

There was discussion about whether an ordinance like this solves the problem. In the case of a recent registered offender, it would have made no difference, as residing with family is an exemption in the proposed ordinance.

Steen expressed the opinion that at some point an ordinance like this will face a legal challenge. The consensus of the CC is to go ahead and get a map from Anoka County GIS that will be analyzed by the Attorney with relation to the proposed ordinance. It will show how much of the

community would be precluded based on the proposed ordinance.

Direction – Temporary Family Care Dwellings (Pages 11-13)

Steen sought direction from the Council on legislation wherein the State established a permitting system for temporary family healthcare dwellings. They are typically RVs or small trailers, less than 300 feet. They are not permanent structures, and are permitted for six months with the option to renew once for another 6 months. Steen said that by doing nothing, the CC agrees to the statute. If they wish to opt out, they must do so by September 1st.

The consensus of the Council was to do nothing.

13. MAYOR AND CITY COUNCIL MEMBER’S REPORT

Council Member Duraine – Reported on an item in the newspaper about Counties Transit Improvement Board (CTIB). It was enacted in 2008, at a .5% sales tax for the seven county area. It went down to .25%. Two counties dropped out. Now Dakota County voted last night to drop out. Anoka County is looking at it also. The CTIB has 100 members. All are County Commissioners, except the Met Council which has five votes.

Council Member Krebs – Reported on the June 21st fundraiser for Tom Hackbarth at Running Aces. The primary is August 9, 2016.

14. PUBLIC WORKS REPORT

No report.

15. CITY ADMINISTRATOR’S REPORT

Update – Internet Neighborhood Meeting (Enclosure)

Twenty letters were sent to homes in the Jennings/Evers/189th Ave. neighborhood, regarding a meeting to discuss internet service. Five families attended; each had internet issues. A representative of Midcontinent Communications was also there. Midco was unable to get federal grant money for this neighborhood. Frontier and CenturyLink are not interested in pursuing it. Following Midco’s business plan, they will run cable to homes if the cost is \$1500 or less per home. In the case of this neighborhood the cost is estimated to run \$2300/home. In order to make it financially viable for Midco, 75-90% of homes would have to be willing to sign up and sign a two-year contract to cover the extra costs. Mursko informed residents that the City doesn’t provide service, but was willing to help facilitate a solution by holding the meeting. After some questions and answers, those in attendance agreed to speak with some of the other 20 affected residents to get their contact information and see if they would be interested in a call from Midco to explain options. Another meeting will probably be held with this neighborhood.

Mursko told the Council that residents in attendance shared that they would not have bought or built here if they’d known internet service was so poor. They fear it will negatively impact their home values. She asked if the Council wants to explore possibilities for City residents in areas with similar internet problems.

The mayor advised Mursko to keep facilitating the people by allowing for these kinds of meetings.

FYI-Legislature – Bonding Bill Update (Pages 14-15)

Mursko reported that she attended the Capital Investment Committee hearing. They read through the bill and received testimony. There was no vote.

Treasurer's Report

Receipts: \$ 3,031.48

Disburse: \$ 89,289.68

Balance: \$ 1,795,791.34

Mursko asked for some policy direction from the Council. This time of year City staff are receiving a large number of complaints about neighbors not keeping their grass cut. The public nuisance ordinance addresses this matter broadly. Is there a policy standard the Council would like to use for a better understanding of what constitutes a public nuisance? The mayor does not want to go there at this time. The City Attorney will do an analysis of public nuisance ordinances and what the standards are in other cities.

Mursko reported that the City has a signed purchase agreement for two acres in the northeast quadrant. Per the purchase agreement, the City will need to plat it, which is the next step. Mursko requested and the Council granted authorization to do the wetland delineation and preliminary plat.

E. ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting 07/20/16

Calendar of Meetings (**Page 16**)

F. ADJOURNMENT

Motion was made by Duraine to adjourn. Motion seconded by Peterson.

Meeting adjourned at 9:07 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary