

City of Columbus
Regular City Council Meeting
May 27, 2015

The May 27, 2015 meeting of the City of Columbus City Council was called to order at 7:02 p.m. by Mayor Dave Povolny at the City Hall. Present were Mayor Dave Povolny, Council Members Denny Peterson, Mark Daly, Jeff Duraine, and Bill Krebs. City Administrator Elizabeth Mursko; Attorney Jacob Steen; Engineer Larry Bohrer; and Public Information Coordinator Bronwyn Pope.

Absent: None

Also in attendance were: Pat Preiner, Jesse Preiner, Mary Preiner, Jody Krebs, Aaron Bedessem, Stacy Jensen, Taro Ito, Dennis Postler (TKDA), Jason Rud, Peg Hoffman, Marta Bradshaw, Chris Bradshaw, Ron Barnes, Jim Watson (Planning Commission), and Terri Hodges (Forest Lake Cable Commission).

A. CITY COUNCIL REGULAR MEETING

1. Call To Order - Regular Meeting – 7:02 p.m.
2. Pledge of Allegiance

B. CONSENT AGENDA

3. Motion – Approval of the City Council Meeting Minutes 05/13/15
4. Motion – Approval of the Special City Council Meeting Minutes 05/20/15
5. Motion – Agenda Approval with Additions
6. Motion – Pay Bills as Posted

Motion by Krebs to approve the consent agenda. Motion seconded by Peterson.

Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

C. PRESENTATIONS

7. PLANNING COMMISSION REPORT

The Planning Commission met May 20, 2015. Four items were brought from that meeting to the Council. It is the opinion of Planning Commission that the Council move forward on the first three which are detailed below. The Planning Commission has not yet completed their work on the fourth issue, exterior lighting.

• **Motion – Johnson Preserve Preliminary Plat**

Johnson Preserve is looking for the Council to approve the preliminary plat for three parcels off Lexington near Coon Lake. Anoka County has made a recommendation regarding how the property driveways access Lexington. Council discussed concerns regarding driveway access because this property sits along a significant curve on Lexington. Jason Rudd and Chad Johnson answered questions from the Council and provided background on Anoka County's input on the design. Bohrer explained the requirements regarding securing city right of way in case Anoka County widens Lexington in the future.

Motion PLZ 01200 by Peterson to approve Johnson Preserves Preliminary Plat PC-15-02 subject to the additional condition that the final plat is moved to a single northerly access point subject to County approval, based on the findings of fact and recommendations from the Planner's memo dated May 14, 2015, with an amendment to Recommendation #4 per the recommendation of the City Attorney, as noted below.

Motion seconded by Krebs.

Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Findings of Fact for the Johnson Preserves Preliminary Plat PC 15-02

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 storm water 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.

Conditions

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

1. Recommendations of the City Engineer, including storm water 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.** (City Council determined that the cul-de-sac right of way was to be dedicated with plat.)
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.

- **Motion – Running Aces Zoning Code Amendment request**

The Planning Commission recommended approval of the Running Aces Zoning Code Amendment request to update their CUP. Running Aces representatives Taro Ito, Aaron Bedessem and Stacey Jensen answered questions from the Council regarding the type of events likely to be held, how they will address sound issues, end time for events, parking plans and a potential schedule. Concerts will most likely be held Thursday or Friday, and end by 11 p.m. Running Aces will notify immediate neighbors of upcoming concerts. Traffic is not anticipated to be bigger than a Saturday race night.

Motion PLZ 02500/ADM 02300 by Peterson to amend Chapter 7A of the Columbus City Code covering Section 7A - 777B. Horse Racing Conditional Uses, and Section 7B-307G. Horse Racing District Directional Signs, with a recommendation for approval based on the findings of fact and recommendations from the Planner’s memo dated May 14, 2015 (I – City Code Amendments), with amendments to Findings of Fact #3 & 6, as noted below; and with changes to Draft Ordinance No. 15-02, referred to in Finding of Fact #11, from: “9.

Captive raising and fishing of freshwater game fish, located within the secured race track and outdoor entertainment areas.” to “9. Water feature, rainbow trout fee fishing, within a secure perimeter fence.”

Motion seconded by Krebs.

Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

Findings of Fact for Running Aces Zoning Code Amendment

1. The zoning ordinance and sign ordinance amendment application received on April 23, 2015 was found complete for review.
2. The 60-day review deadline is June 22, 2015 and the 120-day review deadline, if needed, is August 21, 2015.
3. The proposed Zoning Ordinance amendment includes adding three conditional uses within the HR Horse Racing District: indoor and outdoor stage acts; on-site ~~raising and~~ fishing for game fish; and outdoor volleyball and miniature golf facilities.
4. Outdoor stage acts would be seasonal, with a portable stage located on the race track, and with seating contained within the secured outdoor entertainment area and indoor viewing areas.
5. Stage acts would also be allowed indoors on a year-round basis and include music and comedy and similar entertainment acts.
6. ~~The captive game fish raising and~~ Rainbow trout recreational fishing area would be located in a secured area attached to the building.
7. The outdoor volleyball and miniature golf facilities would be located within the secured outdoor entertainment area.
8. The proposed zoning amendments allow uses compatible with existing uses at the harness park, uses historically allowed in the area, and uses compatible with regional destination entertainment facilities.
9. The proposed Sign Ordinance amendment includes increasing the allowable directional and public information signs at the harness park from two square feet in area to 18 square feet and increasing the allowable height of directional signs and public information signs at the harness park from four feet in height to eight feet in height.
10. The proposed sign amendments are compatible with other sign regulations within the HR District and other zoning districts within the Freeway Corridor and do not create safety concerns or aesthetic issues with respect to other sign provisions in the City.
11. Draft Ordinance No. 15-02 was reviewed by the Planning Commission.
12. The Planning Commission held a public hearing on the City Code Amendment Application on May 20, 2015.

Code Amendment Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Running Aces City Code amendments – Ordinance No. 15-02, subject to recommendations of the City Attorney.

- **Motion – RAHP CUP Amendment Request**

Motion PLZ 00400 by Krebs to approve the request by Running Aces to amend its existing conditional use permit to allow indoor stage music and seasonal outdoor stage music, and fishing of freshwater game fish located within a secured outdoor entertainment area, with a recommendation for approval based on the findings of fact and recommendations from the Planner's memo dated May 14, 2015 (II – CUP Amendments).

Motion seconded by Peterson.

Votes as follows: Peterson - aye; Daly - aye; Duraine - nay; Krebs - aye; Povolny - aye. Motion Carries.

Findings of Fact for Running Aces CUP Amendment Request

1. A CUP amendment application for indoor and seasonal outdoor stage acts was received on April 23, 2015 and found complete.
2. The 60-day review deadline is June 22, 2015 and the 120-day review deadline, if needed, is August 21, 2015.
3. A CUP amendment application for a Trout Pond was received on April 28, 2015 and found complete.
4. The 60-day review deadline is June 27, 2015 and the 120-day review deadline, if needed, is August 26, 2015.
5. The proposed stage acts and trout pond uses require an amendment to the conditional uses section of the HR Horse Racing District (applied for) and an amendment to the original North Metro Harness Initiative CUP, which was conditionally approved in 2004.
6. Proposed outdoor stage acts will be contained entirely within the existing secured outdoor entertainment areas, lying between the track and south side of the building.
7. A portable stage for music acts will be located within the secured race track, separated from patrons by existing fencing.
8. Patrons for outdoor stage acts will be confined to existing secured outdoor entertainment areas or locations within the building.
9. Capacity for outdoor stage acts will be limited to the capacity of authorized parking areas.
10. Temporary/portable lighting and PA systems will also be used in conjunction with the outdoor stage acts.
11. PA systems associated with outdoor stage acts will be used no later than 11:00 pm on any day.
12. Noise levels for the outdoor stage acts will be consistent with MPCA noise standards.
13. Outdoor vending of food and beverages will be consistent with food and beverage regulations.
14. Additional portable toilets and waste/recycling containers will be provided, as needed.
15. Additional security and traffic/parking control personnel will be provided, as needed or requested.
16. Outdoor stage acts will not interfere with live racing events or impact the park and ride lot on weekdays.
17. Running Aces management anticipate approximately six outdoor stage events per year.
18. Running Aces management will notify The City and Anoka County Sheriff's Department in advance of every planned outdoor stage event.
19. Indoor stage acts will be contained entirely within the existing building throughout the year and will be operated consistent with existing regulations.
20. The proposed seasonal trout pond will be located in the existing yard area on the

northwesterly side of the building.

21. The proposed trout pond will be enclosed by new security fencing and will only be accessible to Running Aces patrons.
22. Trout pond patrons will pay a fee to fish and to keep any fish caught.
23. The pond will be irregular-shaped, approximately 64 feet by 50 feet in area. The depth of the pond will be approximately four feet.
24. The pond will be artificially lined to contain water, will be fed by a new private well, and will be drained into the City's storm water system.
25. Security and oversight within the proposed trout pond area will be provided by existing Running Aces staff and security personnel.
26. There are no additional services or facilities anticipated to be provided in the trout pond area other than waste/recycling receptacles and possible security lighting.
27. Accidental falls in the pond could a concern, without preventive measures or rescue measures in place, because the slopes of the pond are steep and the plastic liner may inhibit exiting the pond without assistance.
28. The proposed seasonal outdoor stage acts, indoor stage acts, and trout pond uses are consistent with existing harness park uses and compatible with regional destination entertainment facilities.
29. The Planning Commission held a public hearing on the CUP Amendment Application on May 20, 2015.

CUP Conditions

Based upon the above Findings of Fact, the Planning Commission recommends approval of the amendment to the North Metro Harness Initiative CUP for seasonal outdoor stage acts, indoor stage acts, and the trout pond, subject to the following conditions:

1. Adoption of Ordinance No. 15-02.
2. Detailed recommendations of the City Engineer.
3. Detailed recommendations of the City Attorney.
4. Detailed recommendations of the City Building Official.
5. Review and recommendations of the Fire Marshal.
6. Permitting and licensing by other jurisdictions having authority over the proposed CUP amendments including, but not limited to, Rice Creek Watershed District, Anoka County, Minnesota Department of Natural Resources, and Minnesota Department of Health.
7. Outdoor stage events shall be conducted consistent with the application materials submitted on April 23, 2015 and shall be limited to twelve event days per year.
8. The capacity for outdoor or indoor stage events shall be limited by the capacity of existing on-site parking at the harness park. Exceptions to parking limitations shall only be approved by action of the City Council.
9. Running Aces personnel shall notify the City and Anoka County Sheriff's Department at least 15 days prior to any outdoor stage event.
10. On-site security, traffic control, and parking assistance at outdoor stage events shall be consistent with recommendations of the City and Anoka County Sheriff's Department.
11. Outdoor or indoor stage events shall not impact weekday usage of the park and ride lot.
12. Noise levels associated with outdoor stage events shall be consistent with Minnesota Pollution Control Agency standards.
13. Running Aces shall submit and the City shall approve a safety plan for patrons in the trout

pond area before use of the pond is approved.

14. Additional permanent lighting in the trout pond area shall be down cast and shrouded and require plan review by the City Engineer and permitting by the Electrical Inspector.

15. All other relevant conditions of the original CUP shall remain in effect.

After the vote the Council clarified that the CUP does not include an 11 p.m. noise curfew for concerts. That information will be recorded though with the background letter and findings of fact filed with the CUP.

8. PUBLIC OPEN FORUM

Marta Bradshaw, 18125 Tulane Street NE, asked the Council for “Autistic Child” road signage to be added outside her property along 181st and Tulane. Bradshaw explained that two of her children are autistic, and their disability includes impulsive behavior and the potential to roam. Bradshaw’s property is fenced and they strive to keep the children safe, but signage would alert drivers to the potential of a child running into the road. The city currently has a least one similar sign which alerts drivers regarding deaf residents. Council discussed who would pay for, put them up and maintain the signs. Bradshaw will work with Public Works regarding sign design, wording, cost and installation.

Motion by Peterson to approve the posting of “Caution Autistic Child” signs posted on Tulane street subject to Bradshaw paying for signs. Motion seconded by Daly. Vote as follows: Peterson - aye; Daly - aye; Duraine - nay; Krebs - aye; Povolny - aye. Motion Carries.

D. STAFF AND CONSULTANT REPORTS

9. ENGINEER REPORT

- **Motion – MnDOT Municipal Agreement Program Grant Submittal Resolution 15-17**

Council discussed Resolution 15-17 to request funding from Minnesota Department of Transportation through the municipal agreement program for the intersection realignment improvement project on Hornsby Street located north of Trunk Highway 97 in the City of Columbus for the maximum allowed request amount of \$710,000.00.

Motion by Krebs to adopt Resolution 15-17 requesting funding from Minnesota Department of Transportation through the municipal agreement program for the intersection realignment improvement project on Hornsby Street located north of Trunk Highway 97 in the City of Columbus.

Motion seconded by Peterson.

Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs - aye; Povolny - aye. Motion Carries.

10. ATTORNEY REPORT

Nothing to report.

11. MAYOR AND CITY COUNCIL MEMBER'S REPORT

Mayor Povolny -

The Mayor asked the City Attorney to look into potential ordinances regarding drones, information collected from drones in the city, and what jurisdiction the city might have.

Council Member Peterson –

The Fall Fest committee met, and Council was asked to pass along any ideas they might have for activities at the event.

Council Member Daly –

Forest Lake has confirmed they will not hire a fire inspector for three years. Council discussed whether or not Columbus should contract with a fire inspector during that time. Council also discussed whether or not there is a benefit to privatizing building inspector services.

Council Member Duraine –

Nothing to report.

Council Member Krebs –

Nothing to report.

12. PUBLIC WORKS REPORT

Nothing to report.

13. PUBLIC INFORMATION COORDINATOR REPORT

- Discussion & Motion – Social Media Policy
A draft social media policy was presented to the Council. Council asked to review and discuss at a later date. Facebook would be the city's initial social media presence.

14. CITY ADMINISTRATOR'S REPORT

- FYI – Metropolitan Council Annual Population Estimate
Updated document provided to Council.
- Question – Presentation of Flag/Audit Presentation

Resident Ken Defresne donated a 48 star flag last flown over the Township of Columbus town hall in 1958. Depending on Defresne's availability, the Council will formally accept the flag at the upcoming June 10 or June 24 City Council meeting.

The audit presentation will be given during a June City Council meeting, depending on the auditor's availability.

- Treasurer's Report - Receipts

Treasurer's Report

Receipts: \$00.00

Disburse: \$118,307.11

Balance: \$1,609,784.74

E. ANNOUNCEMENTS & REMINDERS

Columbus Planning Commission Meeting 6/03/15 canceled, joint meeting 6/10 and regular meeting 6/17.

Calendar of Meetings.

F. ADJOURNMENT

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

Meeting adjourned at 8:24 p.m.

Respectfully Submitted:

Bronwyn Pope, Public Information Coordinator