

**City of Columbus**  
**Regular City Council Meeting**  
**Nov. 23, 2015**

The Nov. 23, 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; Attorney Bill Griffith Jr.; Engineer Larry Bohrer; and Public Information Coordinator Bronwyn Pope.

Absent: None.

Also in attendance were: Pat Preiner, Jesse Preiner, Mary Preiner, Jody Krebs, Roger Nase, Roger DuFresne, Ken DuFresne, Kathy DuFresne, Dan Mike, Jon Olson, Kathy Anderson (Architectural Consortium), Terri Hodges (Forest Lake Cable Commission), Dennis Postler (TKDA); Anoka County Lt. Bryan Fuerst and Forest Lake Police Detective Ashley LaValle, Jim Watson (Planning Commission), and Paul Rignell Forest Lake Times.

**CONSENT AGENDA**

- Motion – Approval of the City Council Meeting Minutes 11/12/15
- Motion – Agenda Approval with Additions
- Motion – Pay Bills as Posted
- Motion – Forest Lake Cable Commission 2016 Budget (pages 1-4)

**Motion** by Peterson to approve the consent agenda. Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

**7:04 p.m. Recess City Council Meeting – Convene Economic Develop Meeting**

**7:37 p.m. Adjourn EDA Meeting – Reconvene City Council Meeting**

**FOREST LAKE MOST**

Anoka County Lt. Bryan Fuerst and Forest Lake Police Detective Ashley LaValle provided Council with background on the MOST FL Drug Free Communities Coalition’s push to have all communities in the school district enact a Social Host Ordinance. This ordinance would allow police to charge any adult who knowingly hosts an event where minors are drinking. Current law allows someone to be charged a gross misdemeanor for furnishing alcohol, and a minor to be charged a misdemeanor for underage consumption, but the Social Host Ordinance fills the loophole for an adult who does not furnish alcohol but knows there is underage drinking taking place on site. Forest Lake, Scandia and all of Chisago County currently have these ordinances. MOST hopes other communities in the district will have them in time for 2016 prom and graduation. Council discussed benefits of this ordinance and asked LaValle to provide examples of Social Host Ordinances from other communities which the City could use as an example.

Fuerst also provided an update regarding speed monitoring on Howard Lake Drive. A “your speed” sign has been installed on the road and will collect data for about a month. That data will be given to the City for analysis.

## **FOREST LAKE FIRE CHIEF INTRODUCTION**

Al Newman was appointed the full time Forest Lake Fire Department Fire Chief on Sept. 14, 2015 and came before the City to provide updates about the department. For the last four months Newman has been working to address a perceived delay in response for calls in Columbus. Response data was pulled from the system and the department identified a delay when a call originates in Anoka County and comes through Washington County to the department. Dec. 9, 2015 there will be a new haling frequency in place which will allow Anoka County to contact Washington County directly. There has been about a four minute delay on average. In 2016 goals for Columbus and Forest Lake will include reducing the Cities ISO ratings, issued by insurance services offices. Columbus currently has a six and Forest Lake has a five. For homeowners and businesses this higher number can mean substantially higher insurance. Also the new CAD system in Washington County is delayed. Once it is in place in 2016 it will allow the Fire Department to use mutual aid more quickly. Council thanked Fire Chief for coming and asked if there was an update about the Bergen’s fire. The State Fire Marshall expects a preliminary cause of the fire to be released in first quarter 2016.

## **PLANNING COMMISSION REPORT**

### **Lone Oak Acres Preliminary Plat**

Questions regarding drainage and utility easements for Lone Oak Acres have been resolved. Council discussed briefly.

### **Findings of Fact**

1. The revised preliminary plat application received on October 6, 2015 was found complete for review.
2. The 120-day preliminary plat review deadline is February 3, 2016.
3. There are a total of 72.0 gross acres in the proposed plat, which is located on West Rondeau Lake Drive in Section 34, Township 32, Range 22.
4. The property is zoned RR Rural Residential and is located in the Rice Creek Watershed.
5. The property is located within the Rondeau Lake Shoreland Overlay Area and the northwesterly portion of the plat is encumbered by floodplain.
6. Existing and proposed development within the plat is consistent with the Shoreland Management Ordinance.
7. There are private ditches that drain the northerly portion of the plat from east to west and the westerly portion of the plat from north to south.
8. There are four existing parcels of record within the proposed plat, containing two occupied residences and the original farmstead (dwelling has been removed).

9. Platting of the property accomplishes lot consolidation of the three northerly parcels into two parcels with two existing homes; a 5-acre parcel for the original farmstead; and a 35-acre outlot in between.
10. The three residential lots exceed the minimum 5-acre lot area requirements (12-acre lot area average) and exceed the minimum 220 feet road frontage requirements. The outlot has sufficient street frontage and acreage for future subdivision.
11. Thirty-three feet of right-of-way is proposed to be dedicated adjacent to West Rondeau Lake Drive.
12. A twenty-foot-wide drainage and utility easement is provided adjacent to West Rondeau Lake Drive, but nowhere else on the perimeter of the plat.
13. There are 10-foot-wide interior lot line easements on Lot 1, Block 1 (original farmstead lot), but no other easements provided on any other interior lot.
14. The property owners own three quarter-quarter sections to the west of the proposed plat that are land-locked.
- ~~15. Access to the land-locked parcels is provided via an existing driveway along the south edge of the plat.~~
16. The south edge of the plat abuts the City of Lino Lakes.
17. Soil borings on Lot 1, Block 1 (original farmstead lot) provide for adequate SSTS area in redeveloping the site. An existing well on the lot is available for reuse. There are also three existing accessory structures on the proposed lot.
18. Rice Creek Watershed District has commented that the proposed plat does not trigger jurisdictional review under the Wetland Conservation Act at this time, but future subdivision or site development may trigger jurisdictional review.
19. The Planning Commission held a public hearing on the Lone Oak Acres Preliminary Plat on November 18, 2015.

### Recommendation

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Lone Oak Acres Preliminary Plat, subject to the following:

1. Recommendations of the City Engineer, **except the additional right of way to the landlocked parcels.**
2. Title review and recommendations of the City Attorney.
3. Drainage and utility easements shall be located adjacent to all lot lines consistent with requirements of the Subdivision Ordinance.
4. The 100-year flood plain shall be identified on the plat and encumbered with a drainage and utility easement, consistent with the Flood Plain Management Ordinance
5. Floodplain boundary plaques should be installed on Lot 1, Block 2 at intervals determined by the City.
- ~~6. Access to the landlocked parcels owned by the subdividers should be protected with a road easement. This could be accomplished along the south line of the plat over the existing driveway or an alternative location from West Rondeau Lake Drive through Outlot A.~~

7. 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.

**Motion** by Duraine approve the Lone Oak Acres Preliminary Plat with the findings of fact and conditions of approval. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

#### **Chapter 7F – Floodplain Ordinance 15-05**

Planning Commission recommended approval of this ordinance. Council discussed the 100 year flood plain and new FEMA maps. A resident would have to pay the cost of having the City engineer determine flood plain elevation of their property based on the new FEMA floodplain maps.

**Motion** by Peterson adopt the **Chapter 7F Flood Plain Ordinance 15-05**. Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

#### **Chapter 7A - Zoning Regulation regarding Required Residential Screening Ordinance**

Planning Commission and City Planner took under consideration changes suggested to the ordinance from a local resident. Council discussed changes to draft and how it would apply to current and future development, and how it would apply to all of the existing businesses in the City. Resident Roger Nase, 6636 141<sup>st</sup> Ave. NE, showed a map to the Council showing his property and a buffer he is hoping to see between his residential property and the adjacent commercial/industrial property. Council directed the staff to make changes to the draft ordinance to ensure it does not adversely impact existing businesses who may want to make a small change on their property that would not necessarily impact any neighbors. City staff will make updates to the ordinance and bring back to the Council.

#### **Chapter 7A – Senior Housing PUD Ordinance 15-07**

Council briefly this ordinance which will provide clarity to anyone establishing senior housing as a conditional use in the Suburban Residential (SR) District and Community Retail (CR) District.

**Motion** by Peterson approve **Chapter 7A – Zoning Regulation Ordinance 15-07 amending the Senior Housing PUD**. Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

**Motion** by Duraine to approve the summary publication for **Chapter 7A – Zoning Regulation Ordinance 15-07 amending the Senior Housing PUD**. Motion seconded by second Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

## **PUBLIC OPEN FORUM**

Roger Nase, 6636 141<sup>st</sup> Ave. NE, reiterated that he would like a “buffer” for his property from the adjacent commercial/industrial zone. The Mayor reiterated that the Council is working to ensure that what goes into the commercial/industrial area will not be a nuisance to adjacent residential areas. In further clarifying the issue of buffers, Griffith explained that the reasonable regulation of property is the province of the City Council, and a 35 foot yard in some circumstances would be reasonable and in some circumstances would be not which is why the Council would have to apply that when they see a development come through.

## **ENGINEER REPORT**

### **Low Floor Elevation**

In response to requests related to the non-binding concept plan review of the proposed Thurnbeck Preserve, Bohrer investigated nearby municipality’s codes regarding minimum acceptable elevation for new construction, as well as use of piezometers (or groundwater observation wells) to determine highest groundwater level. Columbus City code currently requires a minimum of three feet elevation, and use of soil borings to determine groundwater level. Bohrer concluded that piezometers could not record highest groundwater level over a 6-month period. The MPCA (Minnesota Pollution Control Agency) recommends monitoring for seven years to reliably establish the high water table. Geotechnical engineers recommend adding 4-feet to water levels determined by short duration piezometer readings. Neighboring community codes use separation distances of 1 to 3 feet of elevation for the lowest floor elevation, but said they use extreme caution and look at a variety of evidence when approving low floor elevation. Council asked the City engineer a variety of questions and discussed how to best protect property and residents while also proactively supporting growth and development. Griffith explained that the City can look at each individual property as part of the PUD process and there is also the variance process. Bohrer recommended adding some language used by Andover, “unless evidence is submitted and certified by a geotechnical engineer hired by the City at the expense of the developer and approval by the City Council that a separation of less than three feet can be achieved and is warranted.” Bohrer also suggested there could be a different standard for slab on grade accessory buildings. Krebs asked about how to address accessory building which are not on a slab? Mursko recommended taking into consideration that property owners are building accessory buildings, so these are not high tech plans with grading plans, etc. to address water issues. Residents Jon Olson and Dan Mike also came forward to ask the Council about why accessory buildings need to have elevation for mottled soil, and whether or not the code can be different for accessory buildings. Council directed City staff to have draft an ordinance to include the Andover language. Mursko clarified that it will take 60-90 days to draft a new ordinance and hold a public hearing so that any projects currently underway will need to adhere to the current code. Mursko will also get opinion from building inspector regarding accessory buildings.

### **2016 Utility Fee Schedule**

Bohrer presented a recommended a 2016 utility fee schedule for the Metropolitan Sewer Availability Charge (SAC) remains unchanged. The Local Sewer Availability Charge (LSAC) was not increased last year we recommend increase to \$412 per SAC unit, and Local Water Availability Charge (LWAC).

**Motion** by Peterson to accept the City Engineers recommendation to adjust the fee schedule. Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

#### **Rice Creek Watershed District Repair ACD 31 & ACD 46 Update**

Dennis Postler, ditch repair Rice Creek Watershed District Repair Update for work starting fall 2016. The total cost of the project assessed to the City will be \$49,009 charged at \$9,802/year over five years. The project will impact residents who are adjacent to these ditches. Mursko explained the city's portion of the funding is in the 2016 budget already. Dec. 8 public hearing has been called at Columbus for the projects.

#### **Willamette Road Petition Results**

Petitions were returned for this road improvement request. 9 petitions were sent out, 7 were returned which included 3 yeses and 4 nos. Bohrer recommended the project not be pursued and Council agreed.

#### **ATTORNEY REPORT**

Nothing to report.

#### **MAYOR AND CITY COUNCIL MEMBER REPORTS**

**Council Member Daly** – Daly was happy to see speed indicator on Howard Lake Drive and suggested the City consider purchasing one to use other places.

**Motion** by Daly to direct City staff to get information about purchasing a speed sign for the City. Motion seconded by Povolny. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

**Council Member Duraine** – No report.

**Council Member Krebs** – No report.

**Council Member Peterson** – Peterson suggested the Council send letters to all senators and representatives to request the City not be part of the new wetland buffers. Daly didn't think the City should pursue this issue until the bridge project is done. Griffith recommended Council send a letter to elected representatives asking for exception to wetland buffer. Peterson asked Povolny to write letter to bring back to Council.

**Mayor** – No report.

**PUBLIC WORKS REPORT** – No report.

**PUBLIC INFORMATION COORDINATOR REPORT** - No report.

## **CITY ADMINISTRATOR REPORT**

### **Question – Residential Solar Panels**

As zoning administrator Mursko made the determination that ground solar panels are a structure just like an accessory building. They are six inches off the ground and mounted in cement, 16x100 feet long. Mursko asked if the Council agreed with her determination. A structure needs a building permit and is required to abide by setbacks. Council discussed briefly. Council consensus was to agree with Mursko.

### **Clarification**

The developer of the Thurnbeck property wants to put up a model home. Mursko said there is a 40 acre parcel on Broadway which could work, and he would need to use the current 3 foot mottled soil determination. Council consensus was to agree with Mursko's determinations.

## **TREASURER REPORT**

Receipts: \$00.00

Disburse: \$48,751.68

Balance: \$1,777,836.29

Mursko distributed proposed property tax levies for local government to the Council. Estimated property tax bills have been received by residents and Mursko has taken a few calls from residents with questions. The school referendum is not included in estimates.

## **ANNOUNCEMENTS & REMINDERS**

Planning Commission Meeting 12/02/15 and 12/16/15

Calendar of Meetings

## **ADJOURNMENT**

**Motion** by Duraine to adjourn. Seconded by Krebs. Meeting adjourned at 10: 36 p.m.

Respectfully Submitted:

Bronwyn Pope, Public Information Coordinator