

**City of Columbus
Regular City Council Meeting
November 12, 2014**

The November 12, 2014 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 Jessie Messina, Jeff Duraine, and Bill Krebs. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Engineer Larry Bohrer and Secretary Kathy Laur.

Absent: Denny Peterson.

Also in attendance were: Myron Organ, Jody Krebs, John Dewer, Mike Nelson, Jim Kelly, Jolene Organ, Frank Wagamon 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 of the City Council Meeting Minutes on 10/22/14
4. Motion – Agenda Approval with Additions.
5. Motion – Pay Bills as Posted.
6. Motion – CPTO Resolution 14-30 Bingo date change

There were no additions to the consent agenda.

**Motion by to approve the consent agenda made by Krebs, seconded by Messina.
Approved unanimously.**

C. PRESENTATIONS

7. PLANNING COMMISSION REPORT

Introduction – RAHP (New President – Taro Ito)

Ito is from California and is very excited and optimistic about Running Aces. Card room rivals any card room he's ever been in. Running Aces is a fun place not just to gamble. Ito came from Hollywood Park in CA and says there are a lot of similarities between both venues. Mayor Povolny mentioned the pre-approved designs for the bridge, and that Ito should pay close attention to that. The city is unanimously in favor of the race track. Ito wants to create relationships with a new style of openness and transparency.

8. PLANNING COMMISSION REPORT

Pam Wolowski presented for the Planning Commission tonight.

Motion PLZ 01200 by Krebs to approve the application for Broadway Acres Preliminary Plat PC 14-109 based on the findings of fact in the Planners memo dated October 24, 2014 and the Planning Commission minutes dated

November 5, 2014 and subject to the conditions of the Planners memo dated October 24, 2014 and the Planning Commission minutes dated November 5, 2014. Second by Duraine. Motion approved unanimously.

Findings of Fact for the Broadway Acres preliminary Plat application PC14-109:

1. The preliminary plat application received on September 12, 2014 was found complete for review.
2. The 120-day preliminary plat review deadline is January 10, 2015.
3. There are a total of 19.68 acres in the proposed plat, which is located north of Broadway Avenue (CSAH 18), at the intersection of Furman Street NE, in Section 3, Township 32, Range 22.
4. The property is zoned RR Rural Residential.
5. Two residential lots are proposed. There are no existing dwellings within the property.
6. The density of the proposed development is one home per 9.8 acres, which is consistent with the Comprehensive Plan and Zoning Ordinance.
7. Both proposed lots exceed the minimum lot area of 5.0 acres and exceed the minimum street frontage of 220 feet. All other dimensional standards and setback requirements can be met.
8. Soil boring locations are illustrated on the preliminary plat.
9. Wetland delineations and floodplain elevations are noted on the preliminary plat.
10. The wetland and floodplain areas are protected with drainage and utility easements at least one rod beyond the delineated wetland boundaries. Drainage and utility easements are also located adjacent to all property lines.
11. The wetland delineations and floodplain elevations are subject to review by the Sunrise River WMO.
12. There are no Shoreland areas located within the plat.
13. The apparent home locations can allow accessory structures to be placed "behind" the principal structure.
14. Driveway access permits and plat review are required by Anoka County.
15. Subsequent NPDES II permits will be required for any individual site grading that exceeds one acre.
16. The Planning Commission held a public hearing on the Broadway Acres Preliminary Plat on November 5, 2014.

Conditions for the Broadway Acres preliminary Plat application PC14-109:

1. Recommendations of the City Engineer, including confirmation of SSTS suitability.
2. Title review and recommendations of the City Attorney.
3. Recommendations from Anoka County Highway Department and Survey Department.
4. Recommendations of the Sunrise River WMO.

5. Permanent wetland buffer plaques at intervals determined by the City.
6. Cash in lieu of park land dedication requirements.
7. Subsequent NPDES II permits will be required for any individual site grading that exceeds one acre.

Motion PLZ 01200 by Duraine to approve the application for Gadsden Acres Preliminary/ Final Plat PC 14-110 based on the findings of fact in the Planners memo dated October 23, 2014 and the Planning Commission minutes dated November 5, 2014 and subject to the conditions of the Planners memo dated October 23, 2014 and the Planning Commission minutes dated November 5, 2014. Second by Krebs. Motion approved unanimously.

Findings of Fact for the Gadsden Acres Preliminary/Final Plat application PC14-110:

1. The combined preliminary and final plat application, received on September 16, 2014, was found complete for review.
2. The 120-day combined plat review deadline is January 14, 2015.
3. The proposed plat is a replat of Lots 14-16 and the northerly 50 feet of Lot 17, Wills Addition, Section 28, Township 32, Range 22.
4. The property abuts Lake Drive (CSAH 23).
5. The vacant property is zoned C/I Commercial/Industrial.
6. Platting of the property will create a single 3.17-acre parcel.
7. The proposed lot area and lot width are consistent with the C/I District dimensional standards.
8. A CAPROC was issued by Rice Creek Watershed District on September 24, 2014.
9. There are no wetlands on the property.
10. A primary and secondary SSTS area is identified on the preliminary plat. Soil borings have been received.
11. The proposed plat is not affected by either Shoreland or Floodplain management standards.
12. Drainage and utility easements are located adjacent to all property lines.
13. The Planning Commission held a public hearing on the Gadsden Acres Preliminary Plat on November 5, 2014.
14. The Final Plat for Gadsden Acres is consistent with the Preliminary Plat.
15. **A revised preliminary plat, with 6000 square feet SSTS area identified, was dated and received on November 5, 2014.**

Conditions for the Gadsden Acres Preliminary/Final Plat application PC14-110:

Based upon the above Findings of Fact, the Planning Commission recommends approval of the Gadsden Acres Preliminary Plat and Final Plat, subject to the following:

1. Recommendations of the City Engineer, including confirmation of SSTS suitability.

2. Title review and recommendations of the City Attorney.
3. Cash in lieu of park land dedication requirements.
4. Recommendations of Anoka County Survey and Highway Departments.
5. Recommendations of Rice Creek Watershed District.
6. Future development in the plat is subject to local ordinances and permitting requirements.

Motion PLZ 01200 by Duraine to approve the application for 14331 Lake Dr Conditional Use Permit Amendment PC 14-111 for City View Electric based on the findings of fact in the Planners memo dated November 5, 2014 and the revised Planners memo dated November 7, 2014 and subject to the conditions of the Planners memo dated November 7, 2014 and the Planning Commission minutes dated November 5, 2014. Second by Krebs. Motion approved unanimously.

Findings of Fact for the 14331 Lake Dr Conditional Use Permit Amendment PC14-111 for City View Electric:

[Note: the chronology of the CUP on this property preceding City View Electric is contained in PC14-106, July 23, 2014 City Council Minutes]

1. City View Electric, Inc. ("City View") acquired property located at 14331 Lake Drive, legally described as the south 200 feet of Lot E3 and all of Lot E4, Will's Addition ("Property"), in 2013 to operate a contractor shop under an existing CUP.
2. The Property is zoned C/I Commercial/Industrial.
3. The C/I District allows building trades and contractor offices, including storage of vehicles, equipment, and materials, as a conditional use.
4. City View is a commercial electrical contractor with a home office in St. Paul and the Property is used for office space, vehicle and equipment parking, parts storage, and minor company equipment and vehicle repair. There is typically one full time employee at the Property.
5. The CUP was amended on July 23, 2014 to allow City View to construct a 5000 square feet equipment and materials storage building (Phase 1) on the Property, north of the existing building.
6. The CUP also identified a future 5000 square feet office building (Phase 2) for approximately 15 employees, to be located to the north of the Phase 1 building addition.
7. City View has also acquired Lot 10, except the northerly 25 feet, and Lots 11 - 13, Will's Addition, adjacent to the Property on the westerly side, and will ultimately combine all properties and construct an office building on the expanded property with direct access to Lake Drive.
8. The current CUP amendment application, dated October 9, 2014, is to allow the original proposed Phase 2 building to be used for equipment and materials storage, rather than office use.

9. The 60-day review deadline is December 8, 2014. The 120-day review deadline, if necessary, is February 6, 2015.
10. The proposed Phase 2 building will be located on the Property, as illustrated on the May 21, 2014 site plan prepared by E. G. Rud & Sons, Inc.
11. Access to the proposed Phase 2 building is from the existing service drive.
12. The proposed Phase 2 building is located a minimum of 70 feet from the westerly property line (interpreted as a rear yard), 25 feet from the northerly property line (interpreted as a side yard), and approximately 125 feet northeasterly of the Phase 1 building.
13. The proposed Phase 2 building will be a steel frame building with building exteriors and colors to match the Phase 1 building.
14. The total aggregate impervious surface area on the Property after the proposed Phase 2 building addition is well below the maximum lot coverage.
15. General City View hours of operation are 6:00 a.m. to 6:00 p.m. on weekdays and occasional weekends and evenings.
16. Outdoor vehicle, equipment, and material storage by City View will be located between buildings and east of the buildings.
17. Parts may also be stored in the existing outbuilding.
18. There are no proposed signage plans at this time.
19. The relevant conditions of the 2003 Buetow CUP, 2004 CUP Amendment, 2012 CUP Amendment, 2013 CUP Amendment, and 2014 CUP Amendment remain in effect.
20. The Planning Commission held a public hearing on November 5, 2014 to consider the proposed City View CUP amendment.

Conditions for the 14331 Lake Dr Conditional Use Permit Amendment PC 14-111 for City View Electric

[NOTE: The relevant conditions from the 2003, 2004, 2012, 2013, and 2014 CUPs are combined together here].

1. Access to the Property is subject to jurisdiction by Anoka County.
2. Exterior storage of equipment and materials shall be located between the storage buildings and to the east of the storage buildings.
3. Equipment and material storage areas shall not occupy any parking areas, stormwater or wetland areas, or sewage treatment areas.
4. Additional businesses, expansion or intensification of proposed contractor's business from what has been presented to date, including development or use of Lots 10 – 13, Will's Addition, shall require an amendment to the Conditional Use Permit.
5. All exterior lighting shall be shrouded and directed away from adjacent properties and public streets.
6. All refuse must be stored in a building, trash transport (dumpster), or in covered cans. Any outdoor storage area shall be enclosed on all four sides by screening, compatible with the exterior of the building, not less than two (2) feet higher than the refuse container.
7. The hours of operation for City View shall not exceed 6:00 a.m. to 6:00 p.m. Monday through Friday, with periodic use allowed on weekends and evenings.
8. Residential use of the Property is prohibited.

9. The parking areas to the west of the buildings must be used only for short-term employee and/or customer parking.
10. Any hazardous materials used or hazardous wastes generated on the Property shall be in compliance with federal, state, and county permitting and licensing requirements.
11. The operation of the contractor's shop must be consistent with all local, Federal, and State laws that apply to the use of the Property.
12. In the event the City Council determines, in its sole discretion, that the contractor's shop is not being operated in accordance with any term or condition contained herein, the CUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the Conditional Use Permit of any such revocation.
13. City View shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the CUP, including reasonable attorneys' fees and consultant fees.
14. There must be a total of ~~17~~ **10** striped parking spaces on the property.
15. All buildings must be complementary in appearance with each other.
16. The November 2014 CUP Amendment authorizes the proposed Phase 2 5000 square feet building addition to be used for equipment and materials storage, consistent with the May 21, 2014 site plan prepared by E. G. Rud & Sons, Inc., and consistent with detailed building plans approved by the City Building Official.
17. The CUP Amendment does not eliminate the requirement for obtaining any other permits and approvals as may be required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, water appropriation permits, and sewage treatment system permits.
18. City View shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP amendment, including any subsequent inspection and enforcement actions.

East Anoka County Regional Trail Master Plan Amendment & Resolution

No recommendation by the Planning Commission. They would like for this to be further discussed at next meeting. Will affect residents on Lexington Avenue, they should be involved in discussion. This will cost the city money - \$12M project of the far west side of Columbus.

No action take at this time.

9. DISCUSSION/DIRECTION – PERRY WAGAMON LETTER

Mayor Povolny takes personal exception to some of the phrasing in the letter. The problem stems from when the freeway went in. Krebs - the DNR is holding us up on doing a fix on any of this. Mayor - we have nothing to do with the letter. The DNR establishes the elevation of the culvert. The issue is with the DNR.

Attorney - the city is not responsible for private ditches. Duraine - thinks we should try and do something for this property. Krebs - DNR has tied the cities hands. More and more land is being turned over to them. Rice Creek has gone down as far as they can with their ditches the next step is up to the DNR.

Motion by Duraine to send a letter to the DNR saying we are supporting our neighbors here and see if there is a solution, second Messina. Motion approved unanimously.

10. MOTION – FOREST LAKE CABLE COMMISSION 2015 BUDGET

The Cable Commission has been busy building a good relationship with Mid-Continent Communications. They have participated in a Broadband grant initiative and developed a communications plan that will be implemented in a couple of weeks. They have worked with Mid-Continent on the stations audio. They have upgraded their system at the expense of \$25,000. They've gone digital. They currently air the Forest Lake Area weather. Tying what's on the station with YouTube and working on streaming channels to website. The goal is to web stream live eventually. Revenue is up because on the station side we've been doing really well with DVD sales. We also have increased access fees. Franchise fees are up because there are more subscribers. Last year \$5000 went into reserves this year \$10,000. Set aside \$5000 every year to build franchise. It was decided last year to build a base reserve so there won't be a hardship on the station. General fund not meant to be spent. They are looking at getting new camera equipment and two new editing bays, upgrade the software, and film some sports and school board meetings.

Motion was made by Duraine to accept the FLCC 2015 budget, seconded by Krebs. Motion approved unanimously.

11. DISCUSSION/MOTION – FREEWAY DISTRICT RETAIL STUDY PROPOSAL/RESOLUTION

In 2009, \$17,600 was spent by the city on initial Freeway District retail study completed by the McCombs Group. There is a request by the EDA to get the study updated. Columbus would ask Anoka County for HRA funds in the amount of \$12,000 for a new study. Resolution 14-31 is in support of this study. McCombs Group submitted the proposal.

Motion ADM 05000 FIN 00300 by Krebs to approve Resolution 14-31 Identifying the Need for Funding to Complete a Market Analysis for the City of Columbus Authorizing a Request for HRA Funds. Second by Messina. Motion approved unanimously.

12. RESOLUTION SUPPORTING ANOKA COUNTY FEDERAL FUNDING APPLICATION FOR CSAH-54

Project that they would like to apply for federal funding for the realignment of CSAH 54.

Motion ADM 05000 FIN 00300 by Messina to approve Resolution 14-32 Supporting Anoka County Federal Funding Application for CSAH 54. Second by Duraine. Motion approved unanimously

13. PUBLIC OPEN FORUM

No comments.

14. FYI – METROPOLITAN MOSQUITO CONTROL DISTRICT REPORT

Mayor still has mosquitoes in his bar. This is the first time we have received a Columbus specific report.

15. CANVASS OF LOCAL ELECTION RETURNS (City Council convenes as Board of Canvass)

The Board of Canvass examined the summary statements, abstract and other election materials with election data.

The election results were as follows:

Party	Candidate	Totals
Nonpartisan	DAVE POVOLNY	1261
Write-In	WRITE-IN**	51
Council Member at Large (Columbus)		
		.
Party	Candidate	Totals
Nonpartisan	MARK DALY	1083
Nonpartisan	JESSIE MESSINA	596
Nonpartisan	BILL KREBS	949
Write-In	WRITE-IN**	32

Motion was made by Krebs to approve abstract of election for the local City of Columbus election, seconded by Jessie Messina. Motion approved unanimously.

D. STAFF AND CONSULTANT REPORTS

16. ENGINEER REPORT

- **Neighborhood Meeting 153rd Road Improvement on October 27.**

A number of interested parties came to meeting to learn more even though they will not be affected. The hand count was 7 yes's and 6 no's to pave road. Staff recommends a petition letter be sent out to all affected residents. There will be a 25% assessment for affected residents. Assessments will be on PIDs. Staff will send out letters. Only 50% of people invited to attend attended.

17. ATTORNEY REPORT

Nothing to report

18. MAYOR AND CITY COUNCIL MEMBER'S REPORT

Council Member Messina – 1) Has received complaints about school bus drivers speeding. 2) Couldn't we paint lines on our roads and have a bike lane? That could potentially slow

down traffic. 3) Look at ways to make cuts and save money and reallocate those saved dollars. 4) City engineer will be retiring should we share a new city engineer with another city? Jeff - City engineer Larry has done a great job. Look at putting in a bid for a new city engineer. Larry's firm TKJ has been with the City of Columbus since 1978. Larry won't be retiring for a year or so.

Council Member Duraine – Looking at changing our bus service. Instead of express to St. Paul they are looking at making two stops. We were supposed to get a shelter and now there will be no bus shelters for Columbus. He's still looking into this.

Council Member Krebs – Attended Sunrise Water Shed filled in for Dennis.

Council Member Peterson – Nothing to report

Mayor Povolny – Nothing to report

- **Personnel Report** – There were 27 applications for the Public Works Director position. Ten candidates were interviewed and three came back for a second interview. The position will be offered to Sean Vessel at \$24.40 an hour. If he declines then the position will be offered to Timothy Swatzky for \$21.94 an hour with a “step” increase in six months based on performance.

Motion to approve was made to personnel report – the public work maintenance worker position will be offered to Sean Vessel at \$24.40 an hour. If he declines then the position will be offered to Timothy Swatzky for \$21.94 an hour with a “step” increase in six months based on performance by Krebs, seconded by Duraine. Motion approved unanimously

- **Review – 2015 Transportation Budget** – Used to put in \$50,000 every year for 3-5 years for transportation to be used on road repairs etc if needed. Budget was cut in 2014 and only \$10,000 has been allotted for 2015. Budget has been flat and below the last five years. Jeff recommends that we move gravel fund to the bridge. We spend \$50,000 in gravel each year. A talk with public works about needs for next year will determine if that's a feasible option. December 10th is the final date for a decision.

19. CITY ADMINISTRATOR'S REPORT

- **Preciado Potentially Dangerous Dog.** A letter has gone out requesting that the dog is micro chipped. Owner said the dog was put down however Sheriff Grover was at the property and the dog there was identical to the dog the owner said was put down. The dog is dangerous and the owner refuses to micro chip the dog. October 31 was deadline date to micro chip the dog. The homeowner asked the renter who owns the dog to remove the dog from the property. Attorney, deputy needs to write up report that dog is the same and seek a court order to remove the dog. Failure to chip the dog is a misdemeanor.

Motion was made by Duraine for the attorney to address a letter to the dog owner to get the dog micro-chipped, otherwise the city will be seeking a court

order to remove the dog, seconded by Krebs. Motion approved unanimously.

Treasurer's Report

Receipts: \$ 44,733.01

Disburse: \$ 103,268.20

Balance: \$ 1,956,991.14

E. ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting 11/19/2014

Calendar of Meeting

F. ADJOURNMENT

Motion was made by Krebs to adjourn, seconded by Messina.

Meeting adjourned at 9:40 p.m.

Respectfully Submitted:

/s/ Kathy Laur

Kathy Laur
Interim Secretary