

**City of Columbus  
Regular City Council Meeting  
September 24, 2014**

The September 24, 2014 meeting of the City of Columbus City Council was called to order at 7:01 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Denny Peterson, Jeff Duraine, Bill Krebs & Jessie Messina. City Administrator Elizabeth Mursko; Attorney Bill Griffith, Jr., Engineer Larry Bohrer and Recording Secretary/Intern Michael Healy.

Absent: None

Also in attendance were: Kris King, Paul Peskar, Garth Sternberg, Britt Sternberg, Jody Krebs, Joan Schlesing, Doug Schlesing, Carol Mike, Tom Mike, Frank Wagaman, Pat Preiner, Mary Preiner, Jesse Preiner, Ruthann Long, Mark Daly, Jim Windingstad, and Paul Ringell of the 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 Minutes on 9/10/14
4. Agenda Approval with Additions
5. Pay Bills as Posted
6. Acceptance of Gifts Resolution

There were no additions to the consent agenda.

**Motion by Krebs to approve the consent agenda. Seconded by Povolny. Votes as follows: Peterson-aye; Messina-aye; Povolny-aye; Duraine-aye; Krebs-aye. Motion carried.**

**C. PRESENTATIONS**

**7. PLANNING COMMISSION REPORT**

The Planning Commission did not meet. Their next meeting will be on October 1<sup>st</sup>.

**8. PUBLIC OPEN FORUM**

**Joan Schlesing of 18507 Vasser Street NE**

Ms. Schlesing made the following inquiries:

1. There have been a lot of trucks going by hauling black dirt. What are they (Forest Lake Contracting) doing with all this dirt and are they allowed to haul black dirt and nothing else?

2. Why is it that nobody ever seems to know exactly what is going on over at John's Black Dirt? There have been some problems with them pumping water in an unauthorized manner and has this been looked into?

Mayor Povolny replied that the trucks of dirt are part of a restoration project. They are allowed to haul dirt but there are limits. Mayor Povolny indicated that City Engineer Larry Bohrer recently completed an inspection of the pumping operations and will share more during the engineer's report. He was there this most recent Friday and is directed by the City to conduct three such inspections each year.

**Carol Mike of 18429 Bassar St NE**

Ms. Mike made the following inquiry:

1. The creek that Forest Lake Contracting is pumping water into is full of debris. There is also a Beaver Dam. It is already backed up and what will happen if this area floods?

Engineer Bohrer says that there are two pumps set up and one of them was operating Friday afternoon when he was on site. Mayor Povolny and Elizabeth believe that this is likely a DNR issue and as far as they are aware, Forest Lake Contracting has gone through all of the necessary steps with the DNR to have permission to operate. The City Engineer stated that he will later be displaying a picture of the area during his presentation and it would be helpful at this time to have Ms. Mike point out the beaver dam and her other areas of concern. Engineer Bohrer did not observe any beaver dams during his site inspection.

## **9. ACKNOWLEDGMENT OF BARNA REQUEST**

The Barnas are hosting a dirt bike riding party at their home at 17252 Lyons Street on Saturday October 18, 2014. The normal negotiated riding hours on Saturdays are 12:00-3:00 PM but the City has historically allowed this event to have extended ride hours from approximately noon to dusk (roughly 7:00 PM). The Barnas are seeking City Council acknowledgement of their party with these conditions. Mayor Povolny asked if anyone on the Council had any reservations about making this acknowledgement. No one on the Council had any concerns.

**Motion by Messina to acknowledge the Barna letter extending their riding hours for the end of year dirt bike riding party on October 18, 2014 from noon to dusk. Seconded by Duraine. Votes as follows: Peterson- aye; Messina-aye; Krebs-aye; Duraine-aye; Povolny-aye. Motion carried.**

## **10. 2015 PRELIMINARY LEVY RESOLUTION**

City Administrator Mursko brought out a summary sheet of budget numbers. This budget has been worked on for several different meetings and is a preliminary

levy for next year. The council has gotten input from several advisory boards and it is now time to adopt a preliminary levy. After adoption of the preliminary levy, the Council will still have the option of lowering the tax levy. They will no longer, however, have the option of increasing the levy at all beyond the amount spelled out in the preliminary levy. There is also debt service on several municipal bonds. The increase from the previous year is about \$217,000 which works out to roughly a 10% increase. The two most significant drivers of this increase are the blacktop fund and the debt reserve. City Staff is recommending a budget of \$2,769,940 for 2015. The levy will include \$76,050 for the Economic Development Authority, and \$194,922 for debt service. The resolution will be to set the preliminary levy at \$2,378,936 for the year 2015. This could be revised later in the year but will leave the City with the maximum amount of flexibility.

Mayor Povolny asked if anyone on the council desired to have a discussion. Councilmember Messina wanted to confirm that the HRA and EDA levies are already at their legal maximum. Mursko confirmed this. Councilmember Duraine offered that the preliminary levy could be set now and then further discussion could take place later in the meeting or at a subsequent meeting.

**Motion ADM 05000 FIN 01310 by Duraine to approve Resolution 14-22 Adopting 2014 Preliminary Tax levy for the City of Columbus in the amount of \$2,378,936.00. Seconded by Peterson. Votes as follows: Peterson-aye; Messina-aye; Povolny-aye; Duraine-aye; Krebs-aye. Motion carried**

## **D. STAFF & CONSULTANT REPORTS**

### **11. ENGINEER REPORT**

Engineer Item #1:

Engineer Larry Bohrer and the Public Works Superintendent visited John's Black Dirt on September 19, 2014 for one of his thrice yearly inspections and made the following observations:

1. On that day there were 5 Forest Lake Contracting and 8 Rental side-dump trucks doing hauling.
2. The trucks were back-hauling topsoil/clay to restore slopes around the pit/pond that developed from the 2010 Washington County- County Road 83 project bridge over I-35. No wetlands were involved in the 2010 excavation.
3. Forest Lake Contracting began hauling on Wednesday, September 17, and may be done this week on the Lino Lakes project. This hauling amounted to about 1,700-1,800 CY/day.
4. Sand removal from Basin 6 is completed and the eastern edges will be restored this fall.
5. Sand is currently being removed from Basin 5.
6. An electric pump is running to dewater Basin 5 by pumping the water to Basin 2. The electric pump is very quiet.

7. A monitoring well was constructed along the south edge of the property. We reviewed the contractor's log of water level readings. The water level has not fluctuated more than a few inches + or - from spring time before excavation began.
8. The trucks were exiting loaded out Tulane Street and returning on Vassar Street. We followed two trucks and they stayed within the 20 mph limit.
9. The public roads seemed moist and dust was not observed. The roads within the pit were watered and graded during our inspection.
10. No employees were on the ground (only in equipment) so the equipment back-up alarms were turned off.
11. Along the north edge of the site was a topsoil stockpile intended to be used for final slope dressing. This pile is estimated to be about 10,000 CY and vegetated (under the 20,000 CY stockpile limit).
12. We have been monitoring the north wheel path on a portion of 181<sup>st</sup> Avenue between Tulane Street and Notre Dame Street for rutting. We have notified FLC about this and they have contacted Rum River Contracting about this and will contract with them to fill in the rut with new blacktop when they are paving Bender Street.

Mr. Tom Mike of 18429 Vassar St NE, a neighbor of the John's Black Dirt property, approached the microphone during the Engineer's report to make several observations of his own about the company's operations. According to Mr. Mike, Forest Lake Contracting has been discharging into a different basin than what has been previously discussed and allowed. Furthermore, he and other neighbors have observed that the company has on some occasions discharged water across the ditch onto another neighbor's private property.

Councilmember Duraine reported that he had received a call from a resident about Forest Lake Contracting property discharging water onto residential properties. He investigated and found that the reports were credible. He contacted Forest Lake Contracting and they responded quickly and rerouted their discharge. According to Mr. Mike, however, there might still be some discharging onto private property. Mayor Povolny asked Mursko if there had been any contact with the private property owner whose property was receiving the discharge. Mursko reports that it has been extremely difficult to get in touch with this individual and may not be possible at this time. It was determined that a note would be sent to Forest Lake Contracting politely requesting that they continue to maintain the ditch and keep it open and that they do not dump water onto any neighboring properties. Mayor Povolny stated that Forest Lake Contracting should be given the benefit of the doubt and be presumed to simply be unaware that they are committing a violation.

Councilmember Krebs requested clarification about whether John's Black Dirt intends to remove the road between dig sites #5 and #6 as they are under obligation to do. Bohrer responded that although site #6 has been exhausted, the road is still being used for extractions from site #5. They will remove the road following the completion of their resource extraction from site #5. Tom Mike requested to know how Forest Lake Contracting determines that they have exhausted a site. Engineer Bohrer replied that this generally is determined when a layer of clay is encountered.

Tom Mike asked whether all of the complaints that have been made to the city have been registered. Mursko replied that they have been. Mr. Mike also requested to know where the monitoring well was located. Engineer Bohrer stated that there is a monitoring well on site, although he does not know the exact location, and that the area is being monitored. Forest Lake Contracting records daily measurements and keeps accurate logs. Mr. Mike also alleges that there have been several instances of speeding by the hauling trucks in the employ of Forest Lake Contracting. Further discussion revealed that most of the speeding grievances likely stem from one independent contractor who is currently engaged in work with Forest Lake Contracting. Mayor Povolny stated that the speeding allegations will be investigated and requested that Mursko make a point of looking into speeding in the area. It may become necessary to contact Forest Lake Contracting and request that they end their affiliation with the independent contractor who seems to be responsible for most of the bad driving behavior. Discussion on John's Black Dirt/Forest Lake Contracting concluded with several neighbors who were in attendance assuring the City Council that they would continue to be vigilant and report back to the city with any violations that they observe.

#### Engineer Item #2:

There was a neighborhood meeting earlier this evening regarding drainage issues along 161<sup>st</sup> Avenue. Less than half of the invitees, all neighbors in the area affected by the drainage issues, attended the meeting. At least one neighbor has had issues with yard flooding and there have been problems with basement flooding as well. Bohrer displayed a picture of the area from the 1930's which showed clear patterns of drainage. A modern picture of the area suggests that drainage patterns continue to be roughly consistent with 1930's trends. Bill Griffith, City Attorney for Columbus, informed the affected individuals that they have three potential courses of action available to them. They can engage in a privately initiated project by coordinating with each other, they can contact Rice Creek Watershed District and entreat them to attempt to find a solution, or they can request a city initiated project. Most of these solutions would likely take several years to be implemented, however, and could require a substantial financial commitment from the neighborhood. He personally thinks that Rice Creek might be in the best position to provide assistance. In the meantime, it might be advisable for the neighbors simply to gather together and discuss small steps that might be taken to mitigate some of the damage if the problem cannot be completely resolved right away. The City's role in this process, unless they are asked to lead a project, will be to follow events, gather information, and help coordinate and inform neighbors if there is any new initiative.

Councilmember Messina asked Griffith if there is a spot where the line is typically drawn on issues of water runoff. Griffith responded that generally when one is undertaking a new development there is a requirement that mitigation techniques be used to ensure that water leaving the property flows in the same way as it did before. One cannot trespass water onto a neighbor's property. In Columbus, the large lot requirements and the setback rules are generally an effective means of ensuring that one neighbor's housing is not redirecting runoff onto neighboring properties.

## 12. ATTORNEY REPORT

### Winiecki Property Drainage Issues

At the last meeting, a draft letter was prepared regarding drainage issues on the Winiecki property. There is a private ditch on the property that drains approximately 400 acres in the surrounding area. This ditch is overgrown and between 40 and 50 large Cottonwood trees currently obstruct the ditch and interfere with drainage.

Discussion centered on whether or not the letter ought to be sent solely to Mr. Winiecki or whether the City should start the process of involving the neighborhood by sending out the letter to all of the properties that depend on the ditch for drainage. It was ultimately agreed that the letter should be sent only to Mr. Winiecki at this time and that the city should await his response before taking additional steps. The letter will request his cooperation in coordinating with the City to reach a solution.

**Motion PWE 01600 by Peterson to approve the letter to Mr. Winiecki as revised. Second by Krebs. Votes as Follows: Peterson-aye; Messina-aye; Povolny-aye; Duraine-aye; Krebs-aye. Motion carried.**

### City Council Meeting Etiquette

Mayor Povolny requested that Griffith go over the general etiquette rules for addressing people in the audience at Council meetings. Griffith responded that he has talked to the League of Minnesota Cities and that they suggest that in some cases it might be necessary to adopt specific rules of conduct. With or without an official code, however, it is advisable for all meeting attendees to treat each other and the councilmembers with respect. Verbally abusive language should be avoided and all participants should be extremely mindful of their speech and how it could be misinterpreted. It is also important to stick to the meeting agenda because if the Council ends up going on a tangent and discussing issues that were not announced for the meeting, residents might miss out on discussions they wanted to attend. Finally, political speech should always be avoided at public meetings. This is especially important during the election cycle as people are especially sensitive at that time. Povolny does not want to create an unwelcoming environment by over-regulating discussion at meetings and does not think that formal etiquette rules are necessary at this time. He wants everyone to be aware of the issues that Griffith brought up, however, and to strive for sensitivity and appropriateness at future meetings.

## 13. MAYOR & CITY COUNCIL MEMBER'S REPORT

### **Council Member Peterson**

The park board met last week. There was some discussion on the need to get more dog-waste bag dispensers since the current dispensers are quite far apart and leave much of the park unserved. Board members walked through the park and engaged a couple who were playing tennis in a discussion over the possibility of adapting the tennis courts to also be able to support pickleball. The couple was receptive to the idea of pickleball. The board will consider painting additional lines on the tennis courts to support pickleball.

The board determined that since they do not have sufficient funds to work on more than a few projects in any given year, there is no need for meetings to occur as frequently as they currently do. The Park Board will now meet only four times per year. A vote was taken concerning lawn maintenance at Hidden Park. It was decided that the back half would no longer be mowed. The final park matter concerns discussions about whether a reservation system is necessary for the tennis courts. Conversations with residents who use the courts suggest that there may not be a need for a reservation system at this time. However, it might be beneficial to erect a sign that asks players to limit their games to one hour if other players are waiting.

Councilmember Peterson also wants to thank Mayor Povolny for building and donating a sign for Fall Fest. He reports that the event was almost entirely supported by donations this year and required only \$189 in City funds.

### **Council Member Messina**

Councilmember Messina attended the Fall Festival and thought it was really well done and it seemed like everyone had a great time. The bridge looked really good.

Councilmember Messina issued an apology over statements that he made towards members of the audience at the last City Council Meeting. He acknowledges that several of the comments were hurtful and should not have been made. He had had a particularly bad day and spoke rashly without fully considering the effect of his words. Councilmember Messina stated that he cares about the community and greatly regrets having offended anyone.

### **Council Member Duraine**

No report.

### **Council Member Krebs**

Councilmember Krebs thanked City Staff for their work in putting together Fall Fest. The bridge was awesome and the car show ended up being really nice.

## **Mayor Dave Povolny**

The City of Columbus should consider putting the city logo above the Forest Lake Fire Department sign on the fire station. It would look nice and would be appropriate considering how much the city has invested in the station.

### **14. City Administrator's Report**

#### Zaczkowski Trucking Site Plan

There is a new business in the community, Zaczkowski Trucking, at the corner of Lake Drive and 135<sup>th</sup> Avenue. There had previously been a house on this property but that is now demolished and Zaczkowski is seeking their certificate of occupancy. They are requesting that the City provide them with some latitude concerning development on the site. Zaczkowski had previously submitted a site plan and still intends to place the building and parking in the same manner as what was proposed. They are requesting, however, an alteration to the site plan concerning the drive area into the site. They would like authorization not to blacktop the area leading up the loading dock as had originally been proposed. Furthermore, they would like permission either to not blacktop the drive aisle or to postpone the blacktopping of the drive aisle as doing it now would present a financial hardship.

Mursko reports that the zoning code does not require loading dock areas to be blacktopped. They could be released from this part of the site plan and still be fully compliant with City code. The zoning code does, however, require that drive aisles be striped and paved. Businesses in Columbus that operate dirt parking lots and unpaved drive aisles must have developed prior to the current zoning code. Mursko recommends giving the company at least a year to pave the drive aisle due to the financial hardship. Additionally, the road is set to be repaved in the very near future and the drive aisle would need to be redone at this time anyways. The Council discussed the matter briefly and determined that it would not be unreasonable to grant them some extra time considering the circumstances.

**Motion PLZ 01200 by Duraine to accept the site plan dated October 23, 2013 and give Zaczkowski Trucking 2 years to blacktop their drive aisle. Seconded by Messina. Votes as follows: Peterson-aye; Messina-aye; Povolny-aye; Duraine-aye; Krebs-aye. Motion carried.**

#### Deputy City Clerk Position

Mursko has prepared a job description for the position of deputy city clerk. The new position description reflects changes that have been made to the position. Parts of the former position have been shifted to a different position and there are some new responsibilities as well. The City is legally required to include in the position description that the employee will handle both public and confidential data. The position description has been revised to reflect this requirement.

Mayor Povolny asked Mursko whether the new employee would still be responsible for handling many of the miscellaneous tasks that the previous deputy city clerk had managed. For instance, would the new employee go out and get food for City events where this was required. Mursko responded that the job description includes a “jobs as assigned” provision that allows for this sort of task to be assigned on an as needed basis. There also was some confusion about exactly what the restructuring of the job pertained to. It was explained that another City employee was now performing many of the duties that used to be assigned to the deputy city clerk. The new position, therefore was going to look different than what it had historically been.

**Motion ADM 00500 HRS 02200 by Peterson to approve the job description for deputy city clerk. Seconded by Krebs. Votes as Follows: Peterson-aye; Messina-aye; Povolny-aye; Duraine-aye; Krebs-aye. Motion carried.**

#### Public Works Clarification

Several meetings ago, several personnel issues were discussed including the phased retirement of Jim Fraley. A memo was written up regarding his retirement and other personnel changes. The memo dated the onset of his phased retirement contract November 3<sup>rd</sup> when it should have been November 1<sup>st</sup>, 2014. This creates an employment gap where there should not be one and needs to be adjusted.

**Motion HRS 01200 by Peterson to accept the revised date of November 1, 2014 in lieu of the original November 3, 2014 date stated in the City Administrator’s Memo for the Phased Retirement Contract with Jim Fraley. Seconded by Krebs. Votes as Follows: Peterson-aye; Messina-aye; Povolny-aye; Duraine-aye; Krebs-aye. Motion carried.**

#### Treasurer's Report

Receipts: \$00.00

Disburse: \$70,850.32

Balance: \$2,077,878.02

#### Miscellaneous

The Webolo Scouts have requested to be able to come before the October 22<sup>nd</sup> meeting at 6:30 to get a chance to meet the mayor and the city council members. Council members expressed excitement over getting to meet these young civic-minded individuals.

The haul report has been posted on the website regarding Forest Lake Contracting’s hauling operations and how many days they have hauled thus far. Mursko has been logging any complaints that City Hall has received and has been making immediate phone calls to attempt to address these complaints. At the end of each week, Mursko sends an email to Bob Volhaber of Forest Lake Contracting to report all complaints so he can resolve as many as possible on his end.

There was some final discussion on the budget, specifically whether it was appropriate to

increase the blacktop allowance by as much as has been proposed. Mayor Povolny stated that it is important to build up some reserves to ensure that there is enough money to get through the following year. Ideally, the blacktop budget would sustain the City through 2015 and allow for some reserves for 2016. This reserve money might be necessary for the City to be able to pay down its debt from the Quad-35 land purchase of several years ago. The City needs the flexibility that that extra budget money will provide. Mayor Povolny wants the City Treasurer to continue investigating what options the City has for doing something with the Quad-35 land. The extra blacktop money may become important if the City ends up deciding to realign Hornsby Avenue, as has been proposed.

Mayor Povolny expressed his continuing concern that Columbus's proposed roundabout will not have a dedicated right turn lane. He visited Princeton recently and used a roundabout with such a lane and feels that it presents a far superior experience. It might become especially important in the future if road closures route lots of traffic through Columbus's roundabout.

#### **E. ANNOUNCEMENTS & REMINDERS**

- Planning Commission Meeting 10/01/14 at 7:00 PM
- Calendar of Meeting (**Page 5**)

#### **F. ADJOURNMENT**

*Motion* by Duraine to adjourn. Second by Messina.

Meeting adjourned at 8:27 P.M.

Respectfully Submitted:

/s/ Michael Healy

Michael Healy  
City of Columbus Intern