

**City of Columbus  
Regular City Council Meeting  
03.28.18**

The 03.28.18 meeting of the City of Columbus City Council was called to order at 7:04 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Bill Krebs, Jeff Duraine, Mark Daly, and Denny Peterson; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Janet Hegland, Barb Bobick, Tim Melchior, Brent Jensen, Paul Peskar, Kris King, Vern Roisum, Dan Mike, Shelly Logren, Arlen Logren, Tom Olson, Norma Heuer, and Julia Parent (Forest Lake Times).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:04 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. Motion – Approval of the City Council Meeting Minutes 02.28.18**
- 4. Motion – Approval of the Closed City Council Meeting Minutes 02.28.18**
- 5. Motion – Agenda Approval with Additions**
- 6. Motion – Pay Bills as Posted**

**Motion by Krebs to approve the Consent Agenda. Seconded by Peterson. Motion carried unanimously.**

**C. PRESENTATIONS**

**7. Planning Commission Report**

The Planning Commission did not meet on 03.21.18, as such there was no Planning Commission report.

**8. Public Open Forum**

Tim Melchior – 8306 177<sup>th</sup> Lane NE

Melchior came forward to serve the Mayor and City Council with litigation documents relating to the approval of the Bituminous Roadways CUP, Site Plan, and Preliminary Plat applications.

**9. Thurnbeck Preserve Sand Mining Permit Request**

At this time Mayor Povolny stepped down, and Deputy Mayor Krebs took over leading the meeting.

Brent Jensen from North Pine Aggregate came forward to discuss extending their mining permit at Thurnbeck Preserve, which expires on 03.30.18. He reported that they were unable to complete the final pond at Thurnbeck Preserve, and therefore have not been able to haul away

the remainder of the sand prior to seasonal road postings. They are requesting a 120-day extension from the time seasonal road restrictions are removed. Jensen added that they have roughly 20,000 to 30,000 yards of sand to haul away, and they will continue to honor their dust control plan and haul routes, utilizing Furman Street as an entrance and exit to the pond area.

Peterson asked Jensen what the plan is if they are unable to haul away all the sand in 120 days? He replied that they would have to stockpile the material, but he is confident in their ability to finish. Postler and Daly both suggested that stockpiling be a requirement if North Pine cannot finish hauling in 120 days.

City Attorney Bill Griffith noted that number 15 on the Conditions of Approval should be modified to read “All sand mining activities must be completed by 07.31.18, and all stockpiling will be done off site”. Jensen replied that the Developer of Thurnbeck Preserve was talking about stockpiling on site, and expressed concern about their ability to stockpile off site. Griffith replied that any stockpiling related to the development would be considered separate from sand mining activity. Adding that any stockpiling unrelated to the development cannot be done on site.

Mursko then asked Jensen if they are renewing all Anoka County permits as well? Jensen said that he is not sure it will be necessary to do so, because the Anoka County permit was just for Broadway Avenue. Mursko said she is not sure what the permit said, but wanted to confirm that North Pine is also consulting with the County to ensure compliance with their requirements.

City Engineer Dennis Postler asked when North Pine’s dewatering permit expires? Jensen said that he did not know.

**Motion by Peterson to approve the amendment to number 15 on North Pine Aggregate’s Conditions of Approval list to read, “All sand mining activities must be completed by July 31, 2018, and all stockpiling will be done off site”. Seconded by Daly. Votes as follows – Peterson – aye; Daly – aye; Povolny – abstain; Duraine – aye; Krebs – aye. Motion carries.**

## **10. Anoka County Community Action Program Letter**

Mursko presented a report from the Anoka County Community Action Program (ACCAP) on their Senior Outreach Program. The report indicates the number of individuals served during the past program year, and the different referrals made. The report is informational in nature and is produced for the City each year.

## **11. Rice Creek Watershed District Letter**

Mursko reported on a letter from the Rice Creek Watershed District, which lists the Legislative issues they are supporting and why. Mursko is asking the Council if they are interested in supporting these legislative initiatives (HF 2687/SF 2419) as well? Mayor Povolny replied that he would like additional time to research, and will come to the next meeting prepared to discuss.

## **12. Bituminous Roadways Final Plat Question**

Mursko reported on a change in the Bituminous Roadways Final Plat. The City received a letter explaining that since the approval of the Preliminary Plat, Bituminous Roadways became aware that the interest acquired by the State of Minnesota via eminent domain in 1973 for “Ditch Parcel 75” was a fee title interest of the ditch property rather than an easement interest. Consequently, the Final Plat has been adjusted to reflect that “Ditch Parcel 75”, which is owned by the State of Minnesota, is an exception to the Final Plat. This exception shown on the Final Plat only affects the unimproved areas of the site, and does not affect the proposed site improvements, including but not limited to; grading and drainage, wetland replacement, building and asphalt plant improvements, etc...

Mursko asked the Council if they felt like this was a minor change that could be done without an amendment to the Preliminary Plat, or if they would like to see a new Preliminary Plat with an amendment? Mayor Povolny said that he believes this is a minor issue that should not require an amendment, and the Council agreed.

**Motion by Krebs to approve the amendment to the Bituminous Roadways Preliminary Plat to reflect that “Ditch Parcel 75” owned by the State of Minnesota, which will be reflected in the Final Plat. Seconded by Peterson. Motion carried unanimously.**

### **13. Resolution Amending Special Assessment on Schroeder Property**

Mursko is reporting on a special assessment payment that, due to a clerical error, was not submitted on time to Anoka County, for project number 84812 at 9257 184<sup>th</sup> Avenue NE. She asked the Council for a resolution to change the certified amount from \$842.79 to \$00.00 as Ronald A. and Rene C. Schroeder paid the special assessment principal balance on 11.07.18.

**Motion by Daly to approve Resolution 18-08, a resolution authorizing amending the special assessment payment schedule for Ronald A. & Rene C. Schroeder (PIN # 36-33-22-31-0007). Seconded by Krebs. Motion carried unanimously.**

## **D. STAFF AND CONSULTANT REPORTS**

### **12. Engineer Report**

City Engineer Dennis Postler gave his report on CSAH 54 updates and a feasibility report for sewer and water improvements in the Freeway District triangle area.

#### CSAH 54 Realignment Project Update

Postler recently attended the CSAH 54 realignment monthly meeting. At the meeting they discussed that construction on CSAH 54 and Lake Drive will still occur in 2019. One change that was discussed at the meeting was pond sizes. The ponds to the northwest and southwest of the Lake Drive/W Freeway Drive roundabout both increased in size to handle drainage in the area and to account for future development in the area. In addition, Postler reported that it is likely that the pond located where the old W Freeway Drive meets the new W Freeway Drive will also have to be increased to capture drainage from future developments.

Mayor Povolny asked Postler how many acres of high land will be used for the project? Postler said that he is not sure about the specific number, but believes that most of what will be taken for the realignment is not upland. Mayor Povolny responded by saying he believes that if the southerly intersection was moved further south, more upland would be conserved.

#### Resolution Accepting Feasibility Report for Sewer & Water Improvements

Postler presented a Feasibility Report for sewer and water improvements to the triangle area in the City's Freeway District. The report details three different options for the layout of the improvements with the lift station in a different spot. Each option also includes four (4) new fire hydrants. Postler added that the costs range from \$820,000 to \$840,000 for the different proposals.

The first proposal is to place the lift station south of I-35W and west of W Freeway Drive. The second option is placing the lift station north of I-35W and also west of W Freeway Drive. And lastly, the third option is placing the lift station south of I-35W but east of W Freeway Drive. Regarding the third option, Postler commented that it would be more difficult to place the lift station to the east of W Freeway Drive.

There are two properties that will benefit from the sewer and water improvement. The proposals for assessments show total costs divided by square footage (of developable private property), equaling roughly 46 cents per square foot.

Daly asked Postler which option he recommended? Postler replied that the best option would likely be the second because all of the utility pipes are located to the east of the lift station. He continued to say that tonight he is looking for a motion accepting the feasibility report and setting a Public Hearing on 04.25.18. In the meantime, additional feedback and research will be considered to determine which option truly is the best.

Mayor Povolny asked if the new knowledge about MnDOT's land on the north side of the property would change anything? Postler said that it could, and he will need to look at it more closely. He believes there is still 30 – 40 feet of land that is not owned by MnDOT, and if so, the City could locate a water line through there. Mayor Povolny then asked how the City will be able to gain access to the pipes to service them? Postler replied that part of the Bituminous Roadways plat is a drainage and utility easement in the north of the property for access to the utility pipe. In addition, no matter where the lift station is located, there will need to be an additional drainage and utility easement to gain daily access. Mursko asked if there was a way that the City could arrange to use the current driveway to access the lift station? Postler replied that he believes where the current driveway is located is where Bituminous Roadways has plans to place their "right in/right out" driveway as well, so the City vehicles may be able to use that for access.

Mayor Povolny commented that he does not believe the Council has a preference for options at this time, and the Council Members agreed. Daly asked Postler which of the options is most affordable? He replied that it is the first option, with the lift station located south of 35 W and west of W Freeway Drive.

Mayor Povolny said that he would prefer to not incumber any land near the southwest quadrant of W Freeway Drive and I-35 because of the potential for an exit ramp located there in the future. Krebs agreed. Postler said that there is a billboard in that quadrant that they are trying to avoid as well.

**Motion by Krebs to approve Resolution 18-09, a resolution receiving the Feasibility Report as presented and calling a Public Hearing for the improvement of Sanitary Sewer and Water Main Extensions from W. Freeway Drive 600' north of I-35W to approximately 1,000' south of I-35W for 04.25.18 (Project 2018-1). Seconded by Peterson. Motion carried unanimously.**

### **13. Attorney Report**

City Attorney Bill Griffith presented a Right of Entry agreement for soil testing in the southeast quadrant of the I-35/Hwy 97 intersection.

**Motion by Daly to approve the Right-of-Entry agreement between the City of Columbus and Developer. for soil testing in the southeast quadrant of the I-35/Hwy 97 intersection. Seconded by Krebs. Motion carried unanimously.**

### **14. Mayor and City Council Member's Report**

#### Council Member Krebs

No report.

#### Council Member Peterson

No report.

#### Council Member Daly

Council Member Daly attended the most recent Fall Fest meeting, where there was some discussion about possibly adding a family friendly wrestling event.

#### Mayor Povolny

Mayor Povolny asked Griffith about the City's Data Retention policy works. Specifically, he asked how the City should approach creating a data retention policy for documents that are not listed on the State's data retention requirements? Griffith replied that as long as the City has a system and reasoning behind the retention policy there should not be issues. He added a recommendation to look at best practices resources from the League of Minnesota Cities as a starting point.

### **15. Public Works Report**

Public Works Superintendent Jim Windingstad reported that Public Works purchased a new

tractor and insurance recently.

## **10. Public Communications Coordinator Report**

No report.

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

### Treasurer Report

Mursko announced that the new Deputy Treasurer Bill Werner is working on completing a Treasurer's Report for the next Council meeting.

### Question: Platted Lots Acreage Total for Zoning Purposes

Mursko posed a question to the Council regarding how to define the total acreage on platted lots in the City. There is a resident that is considering adding an accessory building on their property, the size of which is dependent on the total number of acres that he owns. When he purchased the property, he was told that the lot was five (5) acres in size. However, when factoring in the amount of land that is part of the right-of-way, he only has 4.84 acres (the right-of-way is .17 acres). Mursko added that the City's subdivision ordinance says that in a platted lot the right-of-way is dedicated to the public, and is therefore no longer owned by the resident. Because of this, some lots in the City meet the five (5) acre minimum standard and some do not.

Thus the maximum size of the accessory building this resident can place on his property is decreased. Mursko is asking the Council if it was their intent to include the right-of-way in the consideration of things like accessory building size, or not?

Mayor Povolny replied that the intent of a five (5) acre minimum is not to nickel and dime residents, and would like to see the public right-of-way added into the total acreage. He added that he believes a large number of people in the City have this issue from historical subdivisions.

Griffith commented that this problem could be amended with either a variance or a text amendment to the City's code. Mayor Povolny said that he believes there should be a text amendment which clarifies that the City's definition of total acreage of a lot should include any publicly dedicated right-of-way that is adjacent to the property. He added that there should be a limit of .17 acres that can be added back to the total acreage, which is the equivalent of 220 feet by 33 feet. Mayor Povolny finished by saying this should be the case for all considerations in the City which depend on total acreage, such as owning roosters, building an accessory building, or owning a Storage Container.

Daly asked if the variance process would be any faster than the text amendment process? Griffith said that because it would be a simple text amendment and the time frame would be about the same.

After hearing the Council's feedback Griffith agreed to draft a text amendment for the Council to

review at a later date.

#### Personnel committee correction

Mursko presented a minor correction to a Personnel Committee memo which was approved at the 02.28.18 City Council meeting. The payroll date and the frequency were corrected to their intent.

**Motion by Peterson to approve the corrections to the Personnel Committee memo from the 02.28.18 meeting. Seconded by Daly. Motion carried unanimously.**

#### Fund Closure and Transfers

In reviewing fund balances, the Finance Department is proposing three (3) fund transfers for 12.31.17 due to projected negative fund balances.

The first is a \$300,000 transfer from Fund 100 (General Fund) to Bond Fund 371 (NE NW & SE Water Sewer Pipes). The second is a \$50,000 transfer from Fund 241 (HRA-EDA Debt Service) to Bond Fund 350 (2012A Refunded Bonds). And the third transfer is from Fund 417 (2017 Road Construction) and 317 (2017 Road Improvement Fund) to Fund 125 (Blacktop/Gravel Special Revenue) as Project construction costs were captured using Fund 417 and future special assessment revenue will be deposited into Fund 125.

**Motion by Daly to approve all transfer actions listed in the memo dated 03.28.18, effective 12.31.17. Seconded by Peterson. Motion carried unanimously.**

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

#### **20. Calendar of Meetings.**

The next Planning Commission meeting is 04.04.18. Mursko reported that there will be two (2) Public Hearings at each of the next two Planning Commission meetings. She added that the Local Board of Appeals and Equalization meeting is being held at 7:00 pm on 04.23.18.

### **F. ADJOURNMENT**

**Motion by Daly to adjourn. Seconded by Krebs. Motion carried unanimously.**

**Meeting adjourned at 8:04 p.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator