

**City of Columbus  
Regular City Council Meeting  
Alternative Meeting Format  
MN Statutes 13D.021  
05.13.20**

The 05.13.20 meeting of the City of Columbus City Council was called to order at 7:00 p.m. by Mayor Preiner at the City Hall. Present were Council Members Jeff Duraine, Shelly Logren (via teleconference), Janet Hegland, and Denny Peterson; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Kevin Bittner (via teleconference), and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Kris King (via teleconference), Barb Bobick (via teleconference), Ron Hanegraaf (via teleconference), Tom Swenson (via teleconference), Cathy Skoglund (via teleconference), Sandra Chaussee (via teleconference), and Susan Radden (via teleconference).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:00 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. Motion – Agenda Approval with Additions**
- 4. Motion – Approval of the 04.24.19 City Council Meeting Minutes**
- 5. Motion – Approval of the 06.26.19 City Council Meeting Minutes**
- 6. Motion – Approval of the 03.25.20 City Council Meeting Minutes**
- 7. Motion – Approval of Amended Policy 07-03 Volunteer Recognition Policy**
- 8. Motion – Pay Bills as Posted**

**Motion by Peterson to approve the Consent Agenda items 3-8. Seconded by Duraine. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

**C. PRESENTATIONS**

**9. Planning Commission Report**

Barb Bobick gave the Planning Commission report on their 05.06.20 meeting.

7643 Camp Three Road Interim Use Permit Application

The first topic the Planning Commission considered was an application from Thomas Swenson at 7643 Camp Three Road for a Residential Zone Business Interim Use Permit (IUP) for repair of automobiles. Swenson is familiar with the findings of facts and conditions of the permit and requested a reduction in the maximum number of cars allowed on his lot to fifteen. No members of the public spoke during the Public Hearing.

Commissioner Wagamon suggested removing condition 14 because Swenson does not have any plans to change oil at the property. The Planning Commission agreed.

The Planning Commission also discussed the length of IUP's term. The last time Swenson's IUP was approved the Planning Commission recommended a term of five years, however the City Council approved his application for two. This time the Planning Commission felt like a term of five years was appropriate and unanimously recommended approval of the application for that length of time.

Hegland recommended a change to condition number three, which states that "light repair work" is allowed on the property. She suggested adding to the condition a reference to finding of fact number sixteen which defines light repair work.

Hegland continued by saying she does not believe condition thirteen is necessary, which states that "Should traffic concerns arise the City Council reserves the right to re-open the Interim Use Permit for review", because the original condition fifteen states that the Council has the right to revoke his IUP application.

**Motion by Hegland to approve the Interim Use Permit application for a Residential Zone Business (R&T Auto Sales) at 7643 Camp Three Road for a term of five years, based on findings of fact 1-21 with changes to number three noted above, and subject to conditions 1-16 with the removal of number thirteen. Seconded by Peterson. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

7643 Camp Three Road – Interim Use Permit Application Findings of Fact:

1. The Interim Use Permit application for a Residential Zone Business by Tom Swenson (R & T Auto) was received on March 27, 2020.
2. The application was found complete for review on 04.06.20.
3. The 60-day review deadline is May 25, 2020.
4. The 120-day review deadline is July 24, 2020.
5. Swenson is proposing to renew an existing IUP for the same business for 5 years.
6. Swenson has been operating the business for at least 20 years.
7. The lot is a total of 5.02 acres located at 7643 Camp 3 Rd NE, (PID: 15-32-22-34-0006) on property legally described as that Part of South 685 feet of Southeast ¼ of Southwest ¼ of Section 15 Township 32 Range 22 Lying East of West 309.37 feet Thereof and Lying West of East 699 Feet of SD ¼, 1/4 , EX RD, Subject to Easement of Record.
8. The Property is zoned Rural Residential (RR).
9. Residential Zone Business are an interim use in the RR District, subject to the conditions and requirements of Section 7A-806 of the City Code.
10. Swenson resides on the Property and the Current IUP Expires April 25, 2020.
11. Currently Swenson may store up to 20 vehicles on the Property however, the applicant is requesting to store a maximum of 15 used cars on the property.
12. The vehicles are stored completely within a 52'X76' accessory building (dealer building) that exists on the property. No vehicles are stored outside.
13. The operating hours are by appointment only, 8:00 a.m.- 7:00 p.m. Monday through Saturday.
14. Currently, most vehicles are being sold at other auctions and do not go to the property.
15. Swenson is the only employee and there are no plans to hire any additional employees.

16. Only minor repairs to vehicles have been allowed, e.g. tire, headlight, brake, and strut replacement, and minor body part repair. Most intensive repairs are done offsite, oil changes are done offsite.
17. The cars are washed off property. The vehicles are then vacuumed, and pictures taken on the property.
18. One existing sign on the “dealer building” is allowed.
19. Currently no other non-residential use of the property is allowed.
20. A copy of a Minnesota Dealer License Certificate that expires September 30, 2020 has been provided to the City.
21. The Planning Commission held a public hearing to consider the Interim Use Permit Renewal on May 6th, 2020.

7643 Camp Three Road Interim Use Permit Application Conditions of Approval:

1. The Residential Zone Business shall comply with and is subject to all of the provisions of the City’s Zoning Ordinance regarding Residential Zone Business, including but not limited to the provisions of Section 7A-806.
2. The permit shall be valid for a term of five (5) years from the date of approval, subject to earlier expiration or revocation as otherwise provided herein.
3. The Residential Zone Business shall be limited to the indoor storage of fifteen (15) used cars and light trucks (no heavy machinery) for sale with some accessory light repair work for the purpose of preparing the vehicles for sale. (See Findings of Fact 16 for a definition of “light repair work”). No engine work, transmission work, painting, or other intensive repair work shall be permitted in connection with the Residential Zone Business. The Property shall in no way be operated as a salvage yard.
4. All storage of vehicles and related materials shall be stored indoors and out of public view.
5. The Residential Zone Business will be conducted entirely within the 52’X76’ pole building, indicated on the Site Plan provided in the application submitted March 27, 2020.
6. Business hours shall be 8:00 a.m.- 7:00 p.m. Monday through Saturday.
7. Absolutely no outdoor storage or display of vehicle inventory shall be permitted.
8. No other business shall be conducted on the property.
9. Swenson shall remain the sole employee of the Residential Zoned Business.
10. The Residential Zone Business shall not generate odors, gases, hazardous waste, fumes, or other conditions that interfere with or infringe upon the quiet possession and enjoyment of surrounding properties.
11. Swenson shall be permitted to affix one non-illuminated wall sign not to exceed two square feet in area for the purpose of advertising the Residential Zone Business.
12. Swenson and any employees, agents, and assigns shall comply with all local, State, and federal laws, regulations, and ordinances in the conduct of the Residential Zone Business.
- ~~13. Should traffic concerns arise the City Council reserves the right to re-open the Interim Use Permit for review.~~
- ~~14. Swenson must contact Anoka County Environmental Services to establish whether a permit is needed for hazardous waste disposal.~~
13. ~~14.~~ ~~15.~~ In the event the City Council determines, in its sole discretion, that the Residential Zone

Business is not being conducted in accordance with any term or condition contained herein, the Permit may be revoked by the City Council upon proper notice and a hearing. The City shall notify the State licensing authorities that have issued licenses in connection with the Residential Zone Business of any such revocation.

- ~~14. 15. 16.~~ Swenson shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.
- ~~15. 16. 17.~~ The Permit provided herein is issued solely for the benefit of Swenson and may not be sold, assigned, or otherwise transferred in any manner whatsoever.
- ~~16. 17. 18.~~ The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the IUP and for all ongoing inspections and enforcement actions required for the IUP.

## **10. Public Open Forum**

### Cathy Skoglund – 17041 Furman Street NE

Skoglund came forward to discuss the speed limit on Furman Street NE. She said that people drive too fast on the road, and she is frustrated that the speed limit is 55 m.p.h.

Bittner explained that Minnesota State Statutes establish speed limits for rural residential districts, and because there is no signage in the area the default speed limit is 55 m.p.h. Typically, a speed study is required to change the speed limit in this area, but there are some provisions which allow the City to adjust the speed limit without one. However, Bittner does not believe that Furman Street would qualify for the provisions because they require an average spacing of three hundred feet between homes for at least a quarter of a mile. He added that he could submit a request for a speed study to the Highway Department but noted that they receive a lot of these requests and it could take a while to hear back.

City Attorney Bill Griffith said that an amendment was passed last year which gave greater authority to local governments for setting speed limits. Bittner said that he would look into those amendments and bring his findings to the next meeting.

Hegland asked Bittner how the spacing is determined? Bittner said it is based on homes built, and the Council should keep that in mind as more homes are added to the Thurnbeck Preserve developments.

### Sandra Chaussee – 16856 Furman Street NE

Chaussee also lives on Furman Street and expressed her agreement with the concerns that Skoglund raised.

### Susan Radden – 16928 Furman Street NE

Radden also lives on Furman Street and expressed her agreement with the concerns that Skoglund raised.

Mayor Preiner thanked the residents for speaking and said the topic will be addressed at a future Council meeting.

## **11. Park Board Report**

Kris King gave the Council a report on the Park Board's 05.06.20 meeting. At this meeting they considered three items relating to updates to the park; electricity at the pavilion, additions to the tot lot, and a cement pathway.

### Columbus Park Pavilion Electricity Extension

Originally the Park Capital Fund allowed for \$5,000 to add electricity to the City's pavilion, and the estimate came back at \$6,571. Therefore, the Park Board is requesting that the budget be increased to \$7,000. King explained that the largest portion of the cost is the power hookup from Connexus.

Duraine asked if they could get a second quote? Mursko said that the City has a contract with CountryView Electric and they are giving a state contract bid price.

Hegland explained that the \$5,000 amount was meant to be a ball-park figure. Mursko added that the Park Capital Fund is sufficient to cover the additional dollars.

**Motion by Duraine to approve amending 2020 Park Capital Fund Budget from \$5,000 to \$7,000 covering all costs to bring electricity into the pavilion. Seconded by Peterson. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

### Parkland Dedication Fund – Tot Lot Equipment

King continued to report on equipment that was purchased for the Columbus Park tot lot. The original budget for the equipment was \$8,000, and the actual expenditure is \$28,000. King noted that the order has been placed for the equipment and there are sufficient funds to support the increase in cost.

Mayor Preiner asked why the original estimate for the equipment was so low? King said that the topic of updating the Tot Park equipment has been considered by the Park Board for some time, but was not seriously pursued until recently. Enough funds are available but were not included in the budget because the project was not seriously being pursued.

Griffith noted that Parkland Dedication Funds must be used for the acquisition of park property or the acquisition of park equipment.

Logren suggested that the equipment not be installed after the COVID-19 pandemic is over, because the use of park equipment is currently discouraged. Mursko said that she will talk to Public Works to find a location to store the equipment.

**Motion by Hegland to amend the 2020 Parkland Dedication Budget from \$8,000 to \$28,000 to replace the tot lot playground equipment. Seconded by Duraine. Roll call vote;**

**Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

#### Columbus Park Cement Walkway

Lastly, King reported on the addition of a cement walkway from the Columbus Park parking lot to the pavilion. In 2018 \$1,360 was budgeted for this project, but the work was not completed that year.

Public Works Superintendent Jim Windingstad expects to complete the project this year, and accordingly is requesting that the \$1,360 be moved to the 2020 budget.

**Motion by Hegland to approve moving the \$1,360 from the 2019 Parkland Budget to the 2020 Budget to complete the cement walkway project. Seconded by Duraine. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

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

#### **12. Engineer Report**

##### Zurich Street (North) Extension

Bittner reported on the Zurich Street extension north of TH 23/Lake Drive. The City Council previously authorized plans and specs and has since determined it will be a Chapter 429 project. Based on those decisions, Bittner has begun working on a feasibility report.

The project is extending Zurich Street north a distance of 330 feet. The width of the road will match the southern portion, 40 feet wide with curb and gutter. There will also be a temporary cul-de-sac added at the north end of the road. Based on conditions from the Rice Creek Watershed District (RCWD), two infiltration basins will also be added on either side of the street to prevent overflow into the Lake Drive drainage ditch. The project will also require modifications to the existing traffic light, including the addition of a right turn lane. Because the project involves a County road, the Anoka County Highway Department must approve the City's plans, and they have been submitted to Anoka County for review.

The estimated cost for the project is \$527,000 which includes street improvements, a new turn lane, drainage, signal improvements, contingency factor, and engineering and design. The proposal includes assessing Viking Industrial \$250,000 for the improvement. The assessment would be levied at the end of the year and will be seen on the 2021 tax roll. Mursko added that \$50,000 from the Anoka County HRA will be dedicated to this project.

Right now, there is grading work being done on the north end of the property to clear trees for accommodating future improvements and a connection to Viking Industrial's private driveway.

Bittner added that the City has not closed on the property yet because the tenant is not vacating the house. Once the City officially owns the property, they can order bids for the project.

Hegland asked if the southern portion of Zurich Street is a ten-ton road? Bittner said that he is unsure whether that portion of road is ten-ton or not. The intention was to design the new road to a ten-ton standard because the use of heavy industrial vehicles. Hegland said that because Viking Industrial has indicated they will not have a lot of heavy truck traffic, she would like to see more work done to justify a ten-ton design. Bittner noted that the cost difference between a nine-ton and a ten-ton road is minimal, but he will go back and re-evaluate the plans to see if a nine-ton standard could be used.

#### Anoka County Ditch 15 Regional Ponding Study

Mursko reported that the Anoka County Ditch 15 Regional Ponding Study is completed. The study was an analysis of possible regional stormwater ponding in the City's freeway district. RCWD offered to fund half of the study's cost, which was roughly \$31,000 total.

The recommendation from the study is that stormwater ponding in this area is not cost effective and should not be pursued.

**Motion by Hegland to accept the Anoka County Ditch 15 Regional Ponding Study (dated 04.2020) and adopt the recommendations. Seconded by Peterson. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – nay; Logren – aye. Motion carries.**

#### John's Black Dirt Restoration

Bittner reported on an inspection of the John's Black Dirt site that recently occurred. Bittner, Tim Olson from Bolton & Menk, Bob Vollhaber from Forest Lake Contracting, Public Works Superintendent Jim Windingstad, and Duraine all met on site for the inspection.

Forest Lake Contracting was required to comply with a wetland mitigation plan. Bittner said that the site is essentially restored, but vegetation has not come in yet. Another inspection is required to verify that the vegetation is taking hold, and there may need to be additional work done to correct eroding.

Vollhaber has an as-built plan for restoration and compliance with the wetland mitigation plan. He will pass that information to Mursko. Bittner anticipates the City's involvement in this project will cease after the second inspection.

### **13. Attorney Report**

#### Bonding Bill

Griffith reported that the amendment for funding the extension of W. Freeway Drive has been included in the bonding bill that the Minnesota House considered this week. He will continue to track the bill to ensure the amendment is also included in the Senate's version. State Senator Michelle Benson is the author of the amendment on the Senate side.

Griffith noted that the bonding bill is unusually large because of the desire to fund more public works projects due to the COVID-19 pandemic. He will continue to keep the Council updated on this situation.

### 9155 Lake Drive NE Property Acquisition

Duraine asked Griffith why the tenants have not vacated 9155 Lake Drive? Griffith said that the move out date was 05.01.20. The property owner gave notice to the tenants leading up to the move out date, but the Governor's Executive Order prevents evictions. Until the tenants choose to move out or the eviction prohibition is lifted, the situation is at a standstill.

Hegland asked if the City can move forward with inspections and other steps? Griffith said that on-site inspections can occur, but no one is allowed to enter the house. Due to the delay, it is likely this project will no longer be completed in 2020.

## **14. Mayor and Council Members Report**

### Council Member Logren

No report

### Mayor Preiner

No report

### Council Member Hegland

Hegland asked if there has been any correspondence about re-appointing the chair of RCWD? Mursko said that the City has not been notified of anything, and she anticipates the topic will be on their agenda at the end of the month.

### Council Member Peterson

No report.

### Council Member Duraine

No report.

## **15. Public Works Report**

No report.

## **16. Public Communications Coordinator Report**

Public Communications Coordinator Jessica Hughes reported on a nuisance property in the City located at 16658 W. Iverson Street. Hughes explained that there are multiple unlicensed and/or inoperable box trucks and vehicles parked at the property, which is a violation of City Ordinances. She has been trying to work with property owners to come up with a plan for removing the vehicles for some time. Recently, the property owners have ceased any communication with the City or the Anoka County Community Service Officers. Hughes explained that this property has been out of compliance for over a year and asked the Council for direction on how to respond (especially considering the unique situation of COVID-19).

Mursko added that it is unclear who owns the vehicles, and whether they live at the property. She offered to speak with the Columbus' prosecuting attorney, Joe Murphy, to understand the City's options in this situation. Griffith said that if the vehicles are owned by someone else there is an added layer of complexity for how to remove them, but ultimately the homeowner is responsible for any citations received.

Hughes asked the Council Members to drive by the property sometime before the next City Council meeting in order to discuss appropriate ways to handle the nuisance.

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

### COVID-19 Update

Mursko reported that Governor Tim Walz will lift the Stay at Home Order on 05.18.20. Several measures will remain in place such as social distancing and no gatherings of over ten people. Bars, restaurants, and salons are to remain closed until 06.01.20. Mursko continued to say that there will be no change in the City's operation for the next three weeks.

Logren said that she has researched the spread of the virus and feels that even if surfaces are cleaned regularly it will spread through air circulation. As such, she believes telephonic calls for meetings should be maintained for the foreseeable future.

Hegland asked if the City could require masks inside City buildings? Griffith said that it is possible to require masks.

Mayor Preiner asked Griffith if there is any prohibition on indefinitely running telephonic meetings? Griffith replied that once the Council lifts their emergency order alternative meeting formats are no longer allowed. He added that if the City allows any member of the public inside, all members of the public must be allowed inside. Due to the size of the space and the social distancing requirement, the City would likely need an overflow option for meetings if they are going to allow the public in.

### Fund Transfers

Mursko continued by reporting on fund transfers. She explained that each year the City receives charitable gambling money from the Youth Service Bureau, who has a charitable gambling establishment at Running Aces Harness Park. This money is received monthly and then reallocated to police and fire after twelve months.

**Motion by Hegland to approve charitable gambling fund transfers as outlined in the memo 05.13.20. Seconded by Duraine. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

Mayor Preiner noted that the City may not see this money for some time since Running Aces Harness Park has been closed since 03.17.20 due to COVID-19. Mursko said the last check she received for this money was in February. It appears there will be at least three months where there will not be any contributions toward charitable gambling.

**E. ANNOUNCEMENTS & REMINDER**

**18. Calendar of Meetings.**

The next Planning Commission meeting is on 05.20.20 at 7:00 p.m.

The next City Council workshop is on 05.27.20 from 4:00 p.m. – 6:00 p.m.

The next City Council meeting is on 05.27.20 at 7:00 p.m.

**F. ADJOURNMENT**

**Motion by Duraine to adjourn. Seconded by Peterson. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.**

Meeting adjourned at 8:37 pm.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator