

**City of Columbus  
Regular City Council Meeting  
08.22.18**

The 08.22.18 meeting of the City of Columbus City Council was called to order at 7:03 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Denny Peterson, Jeff Duraine, Bill Krebs and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Joanne and Bob Stadnik, Paul Peskar, Kris King, Shelly and Arlen Logren, Dan Mike, Joe Bazey, and Julia Parent (Forest Lake Times).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:03 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 1. ~~Motion—Approval of the City Council Meeting Minutes 07.11.18~~**
- 2. Motion – Agenda Approval with Additions**
- 3. Motion – Pay Bills as Posted**

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

**C. PRESENTATIONS**

**8. Planning Commission Report**

Commissioner Jody Krebs gave the Planning Commission report. The Planning Commission met on 08.15.18 and addressed three (3) items.

Supreme Outdoor Advertising Inc. IUP Application (15252 W. Freeway Drive)

The Planning Commission held a Public Hearing for a request from Supreme Outdoor Advertising to put a billboard at 15252 W. Freeway Drive. Commissioner Krebs reported that the billboard meets the City's placement requirements, and the Planning Commission is recommending approval of the application.

Duraine asked what the City's spacing requirements are for billboards? Mursko said that the requirement is 750 feet (while MnDOT's requirement is 500 feet).

Mayor Povolny noted that most of the IUPs for billboards in the City will be up for renewal in the next two (2) years. He asked the Council if their intention is to continue allowing billboards in the City? He added that there are six (6) in the City with CUPs and 35 with IUPs (that are 20 year permits and will expire in the next two [2] years). He continued to say that the original logic for allowing the billboards was to aid residents financially during the economic recession around 2008. However, since that time the economy has improved, and the County has been able to intercept some of the revenue from billboards.

Duraine asked how many additional billboards the City could put up with a 750-foot separation? Mursko replied that in 1999 the maximum was around 42, but that was as a township. For a City, the rules are less restrictive. For example, in a City there is not a restriction on the distance that billboards must be from a freeway's on/off ramps.

City Attorney Bill Griffith noted that at some point in the past City Staff were informed by a billboard company that the stretch of I-35 through Columbus is overpopulated with billboards. Mayor Povolny agreed, saying that he would like to see less of them in the City. Daly also agreed, and he suggested making the distance between billboards closer to 1,500-2,000 feet. Krebs noted that he is used to them now and believes that it should be up to the landowner to decide if a billboard should be placed on their property. Mursko added that some cities have strict design standards for billboards, and that is an option for the Council if they would like to pursue it.

Griffith said that the current application from Supreme Outdoor Advertising should be approved because it meets current requirements. If the City would like to change the regulations on billboards Griffith recommended asking the Planning Commission to consider a text amendment to the code. Mayor Povolny asked if it would be necessary to put a moratorium on billboard applications until the Council can consider a text amendment? Griffith replied that it would be a smart choice, because a large number of the billboards' IUPs are set to expire this year.

Mayor Povolny asked if the billboard proposed by Supreme Outdoor Advertising would visually block anything? Griffith replied that it would not, and the required 750 feet spacing between signs would remove any possibility of blocking anything. Mursko added that she spoke with Tracie Wilson from Running Aces about the new billboard because she had the same concern. Wilson drove up and down the road to see if the line of sight of Running Aces' sign could be compromised, and she indicated to Mursko that she did not see a problem with the proposed location.

Mayor Povolny asked Mursko to create a map of the billboards in the City indicating; which have CUPs, which have IUPs (and when they expire), and the locations where additional billboards could be placed. He said that he believes it would be a good idea to call for a moratorium on the renewal of current billboards and new billboard applications, and to ask the Planning Commission to consider a text amendment to the billboard regulations. Griffith said that if the Council decides to call for a moratorium he would bring an interim ordinance to the next City Council meeting for consideration.

**Motion by Daly to approve the Supreme Outdoor Advertising billboard IUP application (dated 07.06.18) subject to Findings of Fact and Conditions of Approval 1-11 from the Planner's Memo (dated 08.07.18). Seconded by Krebs. Motion carried unanimously.**

Supreme Outdoor Advertising IUP Findings of Fact:

1. The City received an application for an IUP from Supreme Outdoor Advertising, Inc. ("Supreme") on June 1, 2018. The application was found incomplete. Revised application submittals were found complete on July 6, 2017.

2. The 60-day review deadline is September 4, 2018. The 120-day review deadline, if extended, is November 3, 2018.
3. Supreme is proposing to construct a Large Off-Premises Sign (“billboard”) on property owned by MIDI Property One LLC, located at 15252 West Freeway Drive (Anoka County Parcel ID 24-32-22-42-0004) and legally described as the North 238 feet of the Northwest ¼ of the Southeast ¼ of Section 24, Township 32, Range 22, lying westerly of the westerly ROW of Interstate Highway 35 (“Property”).
4. The Property is zoned CR Community Retail, which allows billboards.
5. The proposed billboard is V-shaped with two sign faces totaling 1344 square feet of sign area, which is consistent with the maximum sign area of 1440 square feet.
6. The proposed billboard exceeds the minimum separation from any existing billboard of 750 feet.
7. The proposed billboard is supported by a monopole and the sign faces meet the minimum setback of 5 feet from existing ROW.
8. The sign faces exceed the minimum ground clearance of 25 feet and meet the maximum height of 45 feet.
9. The proposed billboard exceeds the minimum setback of 750 feet from any state, county, or city park, historic site, public picnic grounds, highway rest area, church or school.
10. The proposed billboard exceeds the minimum setback of 500 feet from any RR Rural Residential or SR Suburban Residential zoned property.
11. There were no lighting plans submitted for the proposed billboard. “Illuminated signs shall be located and the source of illumination shielded so that neither the light source, nor direct visible rays or glare project beyond the surface of the sign to be illuminated. [City Code Section 7B-310 E.6.]
12. The maximum term for billboard IUP is 20 years or “...or until any governmental agency with authority for construction of public roadways requires the underlying property for roadway purposes.” [City Code Section 7B-310 F.]
13. Anoka County is currently planning the reconstruction of CSAH 54 (West Freeway Drive), which abuts the Property.
14. The Planning Commission held a public hearing to consider the IUP for Supreme on August 15, 2018.

Supreme Outdoor Advertising IUP Conditions of Approval:

1. The IUP is subject to detailed recommendations of the City Engineer.
2. The IUP is subject to detailed recommendations of the City Attorney.
3. The IUP is subject to detailed plan review and recommendations by the Building Official.
4. The IUP is contingent upon submittal of compliant sign lighting and illuminations plans.
5. The placement of the proposed billboard shall not be in conflict with Anoka County temporary construction easements and permanent right of way acquisitions affecting the Property for the reconstruction of CSAH 54.
6. The term of the IUP shall be twenty (20) years from the date of approval.
7. The construction and operation of the billboard must be consistent with all local, Federal, and State laws that apply to the use of the Property.

8. In the event the City Council determines, in its sole discretion, that the billboard on the Property is not being operated in accordance with any term or condition contained herein, the IUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that may have issued licenses or permits in connection with the IUP of any such revocation.
9. Supreme shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the IUP, including reasonable attorneys' fees and consultant fees.
10. The IUP 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, electrical permits, stormwater permits, fence permits, and sign permits.
11. Supreme shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the IUP, including any subsequent inspection and enforcement actions.

**Motion by Daly to consider a moratorium on new billboards and billboard renewals in the City. Seconded by Duraine. Motion carried unanimously.**

6926 145<sup>th</sup> Avenue NE Variance Request

Commissioner Krebs presented a variance application for a type 3 septic system at 6926 145<sup>th</sup> Avenue NE. After working through the variance checklist, the Planning Commission is unanimously recommending approval of the application.

**Motion by Peterson to approve the variance request for 6926 145<sup>th</sup> Avenue NE to install a type 3 septic system. Seconded by Krebs. Motion carried unanimously.**

Concept Review – Garage Solution Condominiums (Joe Bazey)

Joe Bazey from Garage Solution Condominiums presented a non-binding concept to the Planning Commission for his business in Columbus. Bazey is interested in building six (6) new buildings dedicated as garage-living space on his property off Lake Drive.

Bazey came forward to discuss the proposal with the Council. Mayor Povolny asked him how many acres are part of his proposal? Bazey replied that he has 22.5 acres and would like to fit nine (9) units. That would meet the Commercial Industrial (CI) district minimum lot size standard of 2.5 acres.

Mayor Povolny said that he thinks the concept is good, but asked if there would be a covenant with the association? Bazey replied that there will be, with rules similar to those already in their CIC. Some regulations that Bazey would enforce on the property are that dogs must be restrained, no outside storage is allowed, and residences are not for families. He added that the majority of people interested in purchasing a unit are snowbirds; only spending a portion of the year in Minnesota. Griffith added that typically the City does not involve itself with association documents, there is only minimal review to consider rights-of-way and drainage.

Mayor Povolny asked how the septic system would work in the facility? Bazey replied that in discussion with the City's Building Official, it seems like a cluster system for the whole complex or a tank and pump system for each unit connecting to a common mound would each be plausible. Mayor Povolny then asked about the plan to provide water to residents. Bazey said there will be one well to supply the new complex. Residents will pay for sewer and water services through their association fees.

Mayor Povolny followed up by asking how the units will separate living space from work space? Bazey replied that the units will be no larger than 1,500 square feet, and the garage area will be lofted. To separate the garage from the living area there will be between one (1) and three (3) hour firewalls. He added that the ceilings will be 10 feet tall, and because of the topography in the area the new units will appear to be the same height as the other Garage Solution Condominiums.

Mayor Povolny then asked where the residents will park? Bazey said that they will park in the garage condos themselves. At the present time, residents can park in front of their units temporarily. There will continue to be no overnight parking allowed outside the units.

Griffith noted that from a legal perspective, some research will have to be done on whether the land use is allowed in the district. There will be consideration of zoning ordinances as well as the Comprehensive Plan to determine whether a text amendment may be needed. Griffith said that Bazey could request to change the zoning of his property to residential, or he could ask for a text amendment to the Commercial Industrial district uses. He finished by saying that any association regulations would not supersede City regulations.

Commissioner Krebs noted that the topic concerning most at the Planning Commission was how existing residents in the area will feel about the new addition. Bazey replied that there are six (6) residents and two (2) businesses nearby. Bazey would like to ensure that 135<sup>th</sup> Avenue NE and Humber Street are paved as part of the expansion of the business, so that an additional entrance can be placed on Humber Street.

Daly commented that he believes it is a good concept but expressed concern over setting a precedent of using garages as living spaces throughout the district. Griffith noted that Daly's concern is about land use, and the City will have to determine if the use would be allowed in other areas of the City and what standards may look like. Conditions of approval and performance standards for the property will be controlled by the City Council.

Bazey continued to say that the only neighbors he has spoken with about the idea is Zaczkowski Trucking. He understands that others on the street may have an issue with paving the roads near them, and asked how the City came about the decision to pave 145<sup>th</sup> Avenue NE? Mursko replied that residents on that street petitioned to have it done. Bazey asked if all condo owners at the Garage Solution Condominiums would be allowed one vote for a road paving petition? Griffith replied that the answer to his question would have to be researched. Assessible units would each receive a vote, however the question is whether they're determined by individual units or on road frontage.

The Council agreed that they liked the concept but need to consider the impact on land use in

that area. Bazey said he will work with Mursko to develop residential guidelines and will consult with other Cities in the state which have similar complexes. Griffith agreed to look into how to assess Garage Solution Condominium owners for improvement projects.

## **9. Public Open Forum**

No report.

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

### **12. Engineer Report**

No report.

### **13. Attorney Report**

Griffith had one (1) announcement for the Council. He said that in the *Hegland v. City of Columbus* litigation, the Court denied a motion for temporary injunction. Therefore, the Bituminous Roadways project and the City's sewer and water extension are able to go forward.

Mayor Povolny asked what is left to decide in the case? Griffith replied that they are still waiting for a decision on the motion for summary judgment filed by the defense council. The deadline for that decision is late October.

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

#### Council Member Krebs

Council Member Krebs discussed the most recent Public Works meeting. Discussion centered around the budget and the need for new trucks, as one (1) dump truck and one (1) pickup truck need to be replaced.

#### Council Member Daly

Council Member Daly reported on a Park Board meeting. Their discussion centered mostly around budget, and Daly reported a minimal increase in budget was agreed upon.

Other items discussed during the meeting were an agreement to sell the City's park land, ridding certain parts of the City of moles and gophers and designing for the City's new roundabout.

Daly asked Postler if Anoka County has regulations on what can be put in a roundabout? Postler replied that there is no hard and fast rule but some amount of hardscaping and landscaping is allowed. He continued to say that the County's end goal with roundabout design is creating a visual impairment so that it is not possible to see headlights coming from the opposite direction. Daly asked how tall the mound of grass will be in the center of the roundabout? Postler replied that he is waiting on an answer to that question from the County.

Mayor Povolny asked if it would be possible to put up a barrier in the middle of the roundabout which could stop a car? Postler replied that he would have to double check, but he has seen other cities install similar items. Postler finished by saying water and electrical will be stubbed to the roundabout.

#### Council Member Duraine

Council Member Duraine discussed his attendance at three (3) National Night Out parties. He said there was a police and fire presence at each of the parties, and that the Howard Lake Drive party attendees discussed the closure of Howard Lake Drive Park.

#### Mayor Povolny

Mayor Povolny reported on his attendance at the Fire Board Meeting. Unfortunately, there were not enough attendees to create a quorum, so another meeting will be held again in the future. Discussion at the meeting was still held.

They are looking at raising on call salaries by roughly \$4.50 per hour over the next three (3) years.

There are also concerns about a tanker truck and an engine truck. The tanker truck is non-repairable, and the engine truck has a leak in the tank. The cost to replace both trucks would be around \$900,000, and Columbus would be responsible for 22.5% of the cost.

Mayor Povolny noted that the real question is whether they should borrow the money for trucks or if something else should be done in the interim. He said the Fire Department Chief is gathering numbers on that question to help the Fire Board make a decision. Mayor Povolny commented that in order for Columbus to afford the trucks, they would likely have to either do a bond sale or raise taxes in order to cover the cost. The Fire Department is currently borrowing a truck from the DNR to get by. Mursko said that the City also has an ISO rating, which is based at least partially on having a tanker truck. Without the truck the ISO rating will increase, which will also increase resident's home owner insurance. Because, as Murkso explained, the capital fund for the Fire Department was not started earlier, there will not be enough time to save money to buy new trucks without affecting budget.

#### Council Member Peterson

No report.

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

No report.

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

No report.

## 17. City Administrator's Report

Mursko handed out a fee proposal from Blue Rose Capital Advisors, a Municipal Advisory firm. Pursuant to Minnesota Statutes Section 475.60, an issuer intending to sell a series of tax-exempt bonds via negotiated sale must retain an independent municipal advisor. Blue Rose Capital, if approved tonight, would advise the City on whether a pricing sale is fair. The representative recommended to the City from Blue Rose Capital is Scott Talcott, and the contract is for \$2,500.

**Motion by Peterson to approve the Blue Rose Capital Advisor's Contract for Series 2018A Bonds. Seconded by Duraine. Motion carried unanimously.**

### Treasurer's Report

Receipts:	\$	0
Disbursements:	\$	142,022.52
Balance:	\$	5,928,062.78

### 2019 Budget Discussion

Mursko said that she will have a budget package for the Council to consider at the next meeting. She is requesting to hold a special workshop to discuss budget. She suggested holding the workshop on 09.05.18, and asked the Council if they would be available that date? All Council Members replied that they would like to hold a budget workshop on that date.

## E. ANNOUNCEMENTS & REMINDERS

### 18. Calendar of Meetings.

The next Planning Commission meeting is 08.29.18.

## F. ADJOURNMENT

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

**Meeting adjourned at 8:16 p.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator