

**City of Columbus  
Regular City Council Meeting  
July 27, 2016**

The July 27, 2016 meeting of the City of Columbus City Council was called to order at 7:05 p.m. by Mayor Dave Povolny at City Hall. Present were Povolny, Council Members Denny Peterson, Mark Daly, Jeff Duraine and Bill Krebs; City Administrator Elizabeth Mursko; Attorney Bill Griffith; Engineer Dennis Postler; and Recording Secretary Lorie Lemieux.

Absent: None.

Also in attendance were: Jody Krebs, Kris King, Paul Peskar, James Watson, Taro Ito (Running Aces Harness Park), Pam Olson, Mark Thieroff, Jim Hoffman, Ted Flohrs, and Terri Hodges (Forest Lake Cable Commission).

**CONSENT AGENDA**

3. Motion - Approval of the City Council Closed Meeting Minutes 06/22/16
4. Motion - Agenda Approval with Additions
5. Motion - Pay Bills as Posted
6. Motion - Approve edit to 06/08/16 City Council Meeting Minutes
7. Motion - Approve edit to 03/16/16 City Council Meeting Minutes
8. Motion - Motion – Resolution 16-12 2040 Grant Application Comprehensive Plan
9. Motion - Approve Redpath 2016 Audit Contract

**Motion ADM0500 by Krebs to approve the consent agenda items 3-9. Second by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.**

**PLANNING COMMISSION REPORT**

The Planning Commission met July 20, 2016 and James Watson reported. The Commission discussed Chapter 7A (H) which pertains to animals. Suggested amendments to the Ordinance were to remove the 5-acre minimum requirement. Feed lots with ten (10) or more animal units and the raising of with hogs/swine's are not allowed on parcels less than twenty acres. Animal density was discussed and a recommendation was made to clarify hooved vs. non-hooved animal density. Hooved animals (horses, cows, swine, sheep, goats and other non-poultry) will require one-half habitable acre per animal unit while the farm density for non-hooved animals a maximum of sixteen (16) poultry, fowl, or other farm-birds, rabbits and other furbearing farm animals per habitable acre. The maximum number of animals shall apply to animals over the age of 3 months. Animal structures are to be of permanent wood or pre-manufactured farm animal structures and shall not be located closer than 100 feet from an existing adjacent residence or in the front yard. Mayor Povolny questioned the stated 100-foot provision; if this related to your own residence or your neighbor's house. Povolny requested to replace "adjacent" with other language such as "neighboring residents". Daly was concerned that roosters were not addressed in this

Amendment. He felt that there should be a provision considering minimum acreage to allow roosters. Planning Commission members felt that rooster crowing would be considered a nuisance and would be addressed in Chapter 5 and would have to have some form of measurement to qualify as a nuisance. Daly suggested no roosters under 5 acres and add it also under Chapter 5 – Nuisance. **Motion PLZ 02500 by Daly to amend proposed Chapter 7A with the revision in H (4) adding no roosters allowed under 5 acres and adding excessive rooster crowing in Chapter 5 nuisance. Additionally, amending H (5) language from adjacent to neighboring residents. Second by Peterson. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – aye. Motion Carries.**

**Motion PLZ 02500 by Duraine to call for a Public Hearing for Amending Chapter 7A-804(H) Ordinance 16-XX. Second by Peterson. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – aye. Motion Carries.**

Excavation Guidelines -

Watson explained to the Council that the Planning Commission held a workshop to discuss excavation guidelines and during this workshop they divided the guidelines into 2 criteria's:

1. Excavation/filling not to include mining or extraction. This is directed to residents who want to groom their property via digging a pond, providing a pad to build a shed, or landscaping by moving or bringing in soils, however, there will be no removal of the soils from the property. This process will require an administrative permit from the City and a consultation from the City Engineer for any amount over 100 cubic yards.
2. Mining/Extraction. In this scenario soils would be removed from the property. Done for commercial gain, requiring a 1 year IUP with the possibility to receive a one-year extension. Applicant would be required to completely restore all developable upland to its original elevation. The material taken out is restricted to county roads or roads that are capable to carrying the trucks. The volume of the material to be removed is limited to the size of the trucks and number of trips needed to remove materials.

Consensus was to move forward with these suggestions.

## **PUBLIC OPEN FORUM - No one presented**

### **Olson Access Question- Peterson recused himself from discussion**

Pamela Olson and Todd Olson have applied for a subdivision application to subdivide the existing parcel at 6550 145<sup>th</sup> Ave NE. The current resident (Pam Olson) has access to this property by a 33-foot private easement over the property to the North owned by James Hoffman. The easement language, granted by a Deed dated February 7, 1985 (provided in packet), provides access for the benefit of 6550 145<sup>th</sup> Ave. The easement also states that the Grantee has the right to assign the easement rights to the City to establish a public roadway in the future. In addition to the Easement, the original Development and Subdivision Agreement for 6550 145<sup>th</sup> Ave. dated August 26, 1986, states that the property cannot be further subdivided until it has access and frontage via the public right-of-way. One option for meeting this requirement would be Olson's conveying the Easement to the City for public road purposes.

*Mr. Thieroff* (Pam Olson's attorney) stated that he understands that 33 feet may be substandard in terms of width however, the City can authorize the acceptance of a 33 feet roadway under the

zoning ordinance if conditions warrant it. He believes with the addition of one single household will create minimal traffic and the road will end at this additional property. Mayor Polvony responded to the comment regarding traffic, adding that could possibly change in the future with a new owner. Thieroff explained to the Council the location of new driveway would run along the northern boundary. Duraine inquired where the additional 33 feet would come from if the City required the road to be 66 feet. Mursko clarified that the additional 33 feet would come from the neighbor to the west of the present easement.

*James Hoffman (7554 145<sup>th</sup> Ave.)* shared with the Council that he owns and pays the taxes for this easement and bought this property knowing that if the subject property were subdivided they would need to acquire an additional 33 feet. Hoffman added that it was noted in the Town Board minutes in 1986 that the additional 33 feet would be unobtainable to the east side as there is an existing Williams pipeline easement in that location.

Griffith said as an alternative to building a 66-foot public road the City Council could amend the Subdivision Agreement to allow two residences off a private driveway, therefor not changing the current arrangement. Hoffman objects to having a driveway running 90 feet from his house.

Griffith outlined four options for the City Council: **1.** Stating there is not sufficient right of way for a public road and this is a condition of Subdivision Agreement therefore the applicant cannot go forward;. **2.** Applicant needs to get an additional 33 feet before the application can go forward; **3.** Accept 33 feet as a public road, however this could create a precedent for future property owners; and **4.** Amend the Subdivision Agreement allowing a private road over the 33-foot easement allowing two residences off one driveway; however the driveway will need to be upgraded to the requirement of 16 feet wide with class five material and the ability for emergency vehicles to pass.

Postler inquired if the applicant would consider moving the proposed driveway further South (away from Hoffman's southerly property line). Applicant stated that the DNR said it was not possible.

*Ted Flohrs (6616 145<sup>th</sup> Ave.)* showed the Council the location of his property on the overhead map and testified that there is a lot of traffic on this road and one cannot foresee what the future owners traffic would entail. Flohrs questioned if they did allow the extra driveway access why they could not move the existing one closer to the Olson home.

The Council provided consensus that the Applicant cannot meet the access requirement for this property until the property owners agree on the location for a private driveway. The Council does not have an obligation to force a solution on the adjoining property owners if there is not a three party agreement. The response to Coon Creek will be at the moment there is not sufficient access for subdivision of the property.

**Telephony Solutions** – Povolny recused himself from the vote.

Mursko explained to the Council that the existing analog phone system is over 15 years old. The existing system does not allow you to direct dial your contact therefore you have to go through the switch board/ automatic attendant and make your extension selection. Six bids were submitted and specifics were provided in the agenda packet. Davco was one of the vendors who submitted and were the lowest bid. With Davco's bid the city would be buying the phones and

necessary hardware, owning them out right and entering into a monthly service contract agreement.

**Motion by Krebs to upgrade the existing phone system in the City offices to a more current operation. Second by Peterson Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – Recused. Motion Carries**

**Motion by Peterson to award the lowest bidder, Davco, for \$3,770 to purchase new phones to update the new telephone system and upgrade the computer system switches for \$1,240 and a recurring monthly cost of \$225.00.**

**Second by Krebs. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – Recused. Motion Carries**

### **City Council Salaries**

A survey was conducted of surrounding communities Mayor and City Council meeting pay. The results were provided in the agenda packet. Most cities are on an annual payment program. The City's current process was put in place 2006. The present budget is \$22,500. The proposed meeting pay would take effect in 2017 and would be \$3,500 per year to council members and \$4,500 for Mayor, which includes scheduled committee meetings, allowing for an additional \$40.00 per extra meeting to be paid out.

**Motion HRS 01150 by Peterson to accept the recommended meeting pay as presented \$3,500 per year for each City Council member and \$4,500 per year for Mayor subject to the adoption of an Ordinance. Second by Povolny. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – aye. Motion Carries.**

### **ENGINEER REPORT**

#### **County Road 54 Realignment Project**

Postler provided an update on this project. During the recent monthly meeting the geometrics were discussed allowing for 2 roundabouts, one at 23/ Lake Dr. and CSAH 54, providing right in right out with a large enough radius for truck traffic by Holiday. The council discussed the placements of the proposed cul-de-sacs. Krebs questioned the cul-de-sac at the North end of CSAH 54 as it seems to eliminate another access into Holiday. Postler stated that it may turn into a private driveway still allowing an access to Holiday. An open house held at the City Hall is scheduled for the last week of August for further discussion and information.

#### **Neighborhood Meeting August 4, 2016 Xingu & 165<sup>th</sup> Road Improvement**

Neighborhood meetings are scheduled for Thursday, August 4<sup>th</sup>. Two separate meetings will be held for this discussion; 6:00 p.m. for 159<sup>th</sup> & Xingu Street and 7:15 p.m. 165<sup>th</sup> Ave. and three city park parking lots. Postler stated estimates will be presented to the residents and these meetings.

#### **North Hornsby Street Grant Update**

Postler reported that 14 applications were received with 7.3 million requested and 3 million available to award which results in a 41% chance to be awarded. As of date they are a few weeks behind. Postler feels we should have an answer late September. This is Columbus's second time applying for this grant.

## **ATTORNEY REPORT–**

### **RAHP Liquor License**

On July 11, 2016 Anoka County Sheriff's Office conducted a routine alcohol compliance inspection at Running Aces Harness Park (RAHP). On this said evening a minor was served without being asked for identification. Under the city's liquor ordinance this is a civil violation with a mandatory penalty. Krebs noted that RAHP has been serving alcohol for 7 years and this is the first offense and feels that revocation or suspension is not appropriate at this time. The Ordinance provides a schedule of fines with the first violation carrying a \$500.00 fine within any three-year period, \$1,000 for a second violation, and \$2,000 for the third and subsequent violations. Mr. Ito expressed his sincere apology on behalf of RAHP for this incidence and they are taking additional measures to make sure that this does not happen again including all employees attending a presentation from Anoka County Sheriff's office, continual TIP training, and providing their own "shoppers/spotters" on a quarterly basis for self-regulating purposes.

**Motion PER 02100 by Peterson upon finding the licensee has failed to comply with the liquor license City code and the City imposes a \$500.00 fine in lieu of revocation or suspension. Second by Daly. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – aye. Motion Carries**

### **HR Hotel Use & PUD Ordinance Call for PH**

Griffith informed the Council that the City will need to amend the zoning code to allow a hotel in the HR district and to also allow a Planned Unit Development (PUD) allowing the hotel lot to be located within the horse track lot with shared parking. A public hearing is needed to amend the HR district to allow a Hotel Use and a PUD Ordinance.

**Motion PLZ 02500 by Krebs to call for a Public Hearing to be scheduled at the August 17th Planning Commission meeting to amend the HR District to allow for Hotel use and PUD.**

**Second by Peterson. Votes as follows: Peterson - aye; Daly - aye; Duraine - aye; Krebs – aye; Povolny – aye. Motion Carries.**

## **MAYOR AND CITY COUNCIL MEMBER REPORTS**

**Council Member Peterson** – No report

**Council Member Daly** – Park Board met last week and discussed Budget. He stated they are proposing a 2% increase for lawn care.

**Council Member Duraine** – Crossroads Church contacted Duraine and informed him that they will be applying for another fireworks display permit for this fall and Duraine inquired if the Council would waive/reduce the fee since it is a duplicate of this summer's event. Griffith explained per statute fees are set annually at the beginning of each year and they need to adhere to them, however, they can be changed at the end of the year and be installed for the following year.

Shared a few Articles: American Indian Communities bought property in Lake Elmo (Prairie Island Indian Community) seeking Federal Trust Status for 112 acres on I-94/Manning for a possible casino in 4-5 years. Adding 3<sup>rd</sup> lane to I-35W from County Road C to Lexington which will be a MnPass, construction will be in 2019. State large employers minimum wage will increase to \$9.50/hour. A minimum wage of \$15.00/hour for Minneapolis

businesses will be on their ballot and a requirement for all St. Paul businesses to have paid sick leave will be on their ballot.

**Council Member Krebs** – No report

**Mayor** – No report

**PUBLIC WORKS REPORT** - No report

**CITY ADMINISTRATOR REPORT**

**2017 Budget Workshop Dates**

Dates were set to discuss the 2017 budget: August 10 – 6:00 p.m. and August 24 – 6:00 p.m.

**TREASURER REPORT**

Receipts: \$1,752,699.56

Disburse: \$428,966.19

Balance: \$3,119,524.71

**ANNOUNCEMENTS & REMINDERS**

The Planning Commission meeting for August 3<sup>rd</sup> is cancelled however there are three public hearings on the agenda for August 17<sup>th</sup>.

**ADJOURNMENT**

*Motion* by Krebs to adjourn. Seconded by Duraine. Meeting adjourned at 9:34 p.m.

Respectfully Submitted:

Lorie Lemieux, Recording Secretary