

City of Columbus
Regular City Council Meeting
02.27.19

The 02.27.19 meeting of the City of Columbus City Council was called to order at 7:01 p.m. by Mayor Preiner at the City Hall. Present were Council Members Janet Hegland, Jeff Duraine, Denny Peterson, and Shelly Logren; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Michele Whitney, Mel Mettler, Arlen Logren, Joe & Deb Pribyl, Erika Weymann, Susan Wendel, Robert Wendel, John Bautch, and Julia Parent (Forest Lake Times).

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:01 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Approval of the 01.23.19 City Council Meeting Minutes**
- 4. Motion – Approval of the 10.10.18 & 11.14.18 City Council Meeting Minutes**
- 5. Motion – Agenda Approval with Additions**
- 6. Motion – Resolution 19-03 CPTO Approval of Premise to Conduct Excluded Bingo**
- 7. Motion – Pay Bills as Posted**

Mayor Preiner noted that item 3 should be struck from the Consent Agenda. Hegland requested to move the proposed residential zone business worksheet ahead of the discussion on Dan Waldoch's IUP application.

Motion by Hegland to move discussion on the residential zone business worksheet ahead of the Waldoch IUP application discussion on the Consent Agenda. Seconded by Logren. Motion carried unanimously.

Motion by Peterson to approve the Consent Agenda with changes mentioned. Seconded by Duraine. Motion carried unanimously.

C. PRESENTATIONS

8. Planning Commission Report

Planning Commission Chair Ron Hanegraaf and Commission Member Pam Wolowski gave the Planning Commission report.

Proposed Residential Zone Business Worksheet

Hegland said that she has been working with staff to develop a comprehensive interim use permit (IUP) application which would require more specific information than the previous application did.

Hegland thought it may be appropriate for first time residential zone business applicants to receive an IUP for a shorter time frame than is usually offered, such as one year. In the past,

residential zone business permits had been given for five years regardless of whether it was a first-time application. Hegland explained that her reasoning is to provide applicants the chance to show that their business is truly invisible to neighbors, as well as give the City an opportunity to review the business' activities after a short time, and if necessary, opt out of renewing the permit after that year.

Mayor Preiner said that he is in favor of the idea and reiterated that running a business in the residential district is a privilege and needs to be invisible to neighbors. Duraine said he thinks it's a good idea but expressed concern that one year is not long enough for someone to establish a business and mitigate compliance issues that may arise. Peterson agreed that one year was not a long enough period.

Duraine asked if an applicant would be required to pay the \$1,500 escrow when applying for their next permit? Mursko said that because the applicant would be applying for a new IUP the \$1500 escrow is needed to pay for the Planner's Report and any other necessary reports from the City Engineer, Planner, or Attorney.

Logren said that her hope was that the first year would be probationary in nature. Mursko replied that the City uses IUPs to permit residential zone businesses, and such permits are approved for a certain time frame which, by its nature, must expire at some point. Therefore, the owner of a residential zone business would never be renewing their IUP, they must instead apply for a completely new permit. Hanegraaf asked if the application for a new IUP would require an additional Public Hearing as well? Mursko replied that it would.

City Attorney Bill Griffith said that issuing a one- or two-year permit rather than a five-year still falls within the City's ordinance because it allows IUPs to be granted for up to five-year terms. He finished by clarifying that there is nothing stopping the Council from granting two-year terms at this meeting, if they chose to do so.

Mursko recommended keeping the ordinance language reading "up to five years" so that the option for a longer term is still there. Griffith agreed saying that the reason the code offers up to five years is to take factors about the business' operation into consideration.

Motion by Hegland to adopt a practice limiting first time IUP/RZB applications to not more than two years with the option to come back and reapply for a longer period. Seconded by Duraine. Motion carried unanimously.

Residential Zone Business IUP Application – Dan Waldoch, Waldoch Lawn and Snow, Inc. 16915 Potomac Street NE

Hanegraaf reported that Dan Waldoch (16915 Potomac Street NE) is applying for an Interim Use Permit for his Residential Zone Business, Waldoch Lawn and Snow Inc. Waldoch attended the most recent Planning Commission meeting and explained that for his business he stores 5 bobcats, a bobcat trailer, lawn mowers, trailers, and other trucks on the property. His hours of operation are roughly 7:00 am – anywhere from 4:00 pm to 7:00 pm. He added that in the winter he operates with on-call hours and stores his bobcats on site in Minneapolis. Hanegraaf noted that Waldoch discussed bringing some yard waste back from his business for the purpose of

composting behind his house. Hanegraaf also noted that Waldoch said he would be able to fit all business-related equipment in the pole building on his property. One resident spoke during the Public Hearing and said positive things about Waldoch and his business.

With that, Hanegraaf said the application was unanimously recommended for approval by the Planning Commission. Mursko pointed out two conditions that were added to the permit as a result of the Planning Commission discussion. Griffith also noted that there is an error in condition 8, and that the last portion of the sentence should read "...may be revoked by the City upon proper notice and public hearing." Mursko noted that the application from Waldoch is a for a 5-year term, and Mayor Preiner noted that should be changed to two years.

Hegland asked if the City is going to ensure compliance with the requirement that all equipment fits into the pole building? Mursko said that Waldoch expressed his understanding that he must comply with all of the permit's conditions, which state that no equipment can be stored outside. He identified only the 32'x38' pole building as being used for business equipment storage. Mursko recommended that a note in the conditions be added that specify this building as being part of a compliance inspection.

Mayor Preiner asked if the question about his composting operation should have been addressed tighter? Mursko said that his operation appears to be much smaller than any composting operations that have caused problems in the City before, and it is mostly for personal use. Griffith said that the way the conditions are written, if the compost was entirely related to the business it would have to be stored inside the 32'x38' pole building.

Griffith recapped changes suggested for the permit; condition 1 should state that the term of the IUP shall be 2 years instead of 5, condition 6 should specifically state that the 32'x38' pole building identified by the site plan will be the location that all activities and equipment will be kept, and condition 8 should read "proper" instead of "property". Mursko asked the Council if they would like to keep condition 10, which requires a compliance site inspection annually after issuance date? She said that if the Council believes changing the term to 2 years instead of 5 will address compliance issues, it could be struck from the conditions. Mayor Preiner said that he has no problem keeping condition 10, and the remaining Council members agreed.

Motion by Duraine to approve PC-19-101, the Waldoch Lawn and Snow IUP application (dated 12.28.18), for a 2-year term, subject to Findings of Fact and Conditions of Approval 1-9 as outlined in the Planner's Memo (dated 02.26.19), with the above referenced changes to conditions 1, 6, and 8. Seconded by Peterson. Votes as follows; Peterson – aye; Hegland – aye; Preiner – aye; Logren – aye; Duraine – aye. Motion carried.

Waldoch Lawn & Snow IUP Application Findings of Fact:

1. The City received an IUP application from Daniel Waldoch III ("Waldoch"), on December 28, 2018. The application was found complete.
2. The 60-day review deadline is February 26, 2019. The 120-day review, if necessary, is April 26, 2019.

3. Waldoch will operate the business and is the current resident at 16915 Potomac Street NE on 5.0 acres of property, legally described as: S 330 FT OF W 660 FT OF NW1/4 OF SEC 10 TWP 32 RGE 22, EX RD, SUBJ TO EASE OF REC
4. The property is zoned RR Rural Residential.
5. Waldoch proposes to use the Property as the base for his lawn and snow business.
6. There will be very few instances of customers visiting the Property.
7. All lawn and snow services are performed off-site.
8. There will be one (1) employee in addition to the applicant working with the Residential Zone Business (“RZB”).
9. The equipment for the business consists of 2 trucks, 2 trailers and 5 bobcats. The bobcats are stored off-site in the winter and only a couple of them are kept onsite during the summer. Daily maintenance and repair of equipment will be performed inside the pole barn. All equipment will be kept in the pole barn, except as it leaves and enters the Property between jobs.
10. There will be no outside storage of materials or display of products associated with the RZB.
11. Deliveries to the Property will be infrequent.
12. Only one sign not exceeding two square feet in area will be displayed for “Waldoch Lawn and Snow”. Vehicles and equipment with business identification will not be parked or displayed on the premise for advertising purposes.
13. The IUP public hearing will be held by the Planning Commission on February 20, 2019.

Waldoch Lawn & Snow IUP Application Conditions of Approval:

1. The term of the IUP shall be ~~five~~ two years from the date of issuance of the permit. Waldoch may reapply for an IUP upon expiration of the term, according to the procedures of the Columbus City Code.
2. There are no vested rights in the issuance of the IUP and the IUP is not transferrable. The applicant has requested that the IUP be filed under the business name: Waldoch Lawn & Snow, Inc.
3. Conduct of the Residential Zone Business shall be consistent with the application materials & site plan dated received by the City on December 28, 2018, which are attached to the IUP by reference.
4. There shall only be one sign associated with the business, to be placed parallel to and affixed to the plane of a wall of the principal structure and not exceeding two square feet in area.
5. There shall be no outside storage associated with the Residential Zone Business.
6. All equipment and activities associated with the business shall be kept inside the 32’x38’ accessory building identified on the site plan submitted by applicant.
7. Conduct of the Residential Zone Business shall be consistent with all applicable federal, state and local laws, rules, licenses and ordinances.

8. In the event that the City Council determines, at its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the IUP may be revoked by the City upon property notice and public hearing.
9. The IUP is contingent upon reimbursement of all City expenses associated with IUP issuance, inspections and enforcement.
10. The City will conduct a compliance site inspection annually after issuance date of 02.27.19.

Residential Zone Business IUP Application – Michele Whitney, Happy Tails Grooming, 7640 Crossways Lake Drive

Hanegraaf presented information about a second residential zone business application that the Planning Commission is recommending for approval. The applicant, Michele Whitney, runs a dog grooming business (Happy Tails Grooming) in a 12’x12’ portion of her attached garage at 7640 Crossways Lake Drive. The space is insulated, heated, and has running water. The dogs stay in the garage until they are picked up. The typical hours for dog grooming are 9:00 am – 5:00 pm.

Whitney came forward to discuss her business with the Council. She said that she has a small number of clients and would like to continue operating the business for the next few years.

Griffith noted that two changes should be made to the conditions of approval from the Planner’s Report: Number 1 should list a term of two years instead of five, and in number 10 the second occurrence of the word “property” should be changed to “proper”.

Motion by Peterson to approve PC-19-102, the Happy Tails Grooming IUP application (dated 01.11.19), subject to Findings of Fact and Conditions of Approval 1-12 from the Planner’s Report (date 02.27.19) with the above-mentioned changes to Conditions 1 and 10. Seconded by Duraine. Motion carried unanimously.

Happy Tails Grooming IUP Application Findings of Fact:

1. The City received an IUP application from Michele Whitney (“Whitney”), on January 11, 2019.
2. The application was found complete.
3. The 60-day review deadline is March 12, 2019. The 120-day review, if necessary, is May 10, 2019.
4. Whitney will operate the business and is the current resident at 7640 Crossways Lake Drive, located on 5.85 acres of property, legally described as: THAT PRT OF FOL DESC TRACTS LYG NLY OF LINE "A": THAT PRT OF NE1/4 OF SW1/4 OF SEC 22 TWP 32 RGE 22 LYG SLY OF CROSSWAYS LAKE DR & ELY OF FOL DESC LINE: BEG AT A PT ON S LINE OF SD 1/4 1/4 435 FT E OF SW COR THEREOF, TH N 20 DEG E 858.2 FT TO C/L OF SD RD & SD LINE THERE TERM, TOG/W THAT PRT OF SD 1/4 1/4 DESC AS FOL: COM AT SW COR THEREOF, TH N 3 DEG 28 MIN W ALG W LINE THEREOF 180 FT, TH N 28 DEG 11 MIN E 150 FT,

TH ALG A 2 DEG CUR TO LFT 98.28 FT TO POB, TH S 77 DEG 27 MIN E 450.49 FT, TH N 20 DEG E 504.30 FT TO S R/W LINE OF CROSSWAYS LAKE DR, TH N 77 DEG 27 MIN W 432.9 FT +OR- TO ELY R/WLINE OF CSAH NO 23, AKA LAKE DR, TH SLY ALG SD ELY R/W LINE TO POB, SD LINE "A" IS DESC AS FOL: COM AT SE COR OF SD 1/4 1/4, TH N 0 DEG 48 MIN 57 SEC W, ASSD BRG, ALG E LINE THEREOF 455.73 FT TO POB OF SD LINE, TH S 89 DEG 11 MIN 03 SEC W 479.85 FT, TH N 77 DEG 40 MIN 01 SEC W 637.59 FT TO ELY R/W LINE OF CSAH NO 23 & SD LINE THERE TERM, SUBJ TO EASE OF REC

5. The property is zoned RR Rural Residential.
6. Whitney proposes to operate a pet grooming business on the Property.
7. There will be 1-6 customers per week visiting the Property between the hours of 9:00 a.m. to 5:00 p.m. Monday through Saturday.
8. There will be no outside employees associated with the Residential Zone Business ("RZB").
9. There will be no outside storage of material or display of products associated with the RZB.
10. The RZB is proposed to be conducted in a 12 foot x 12 foot shop in a corner of the garage attached to the residence.
11. Dogs visiting the business may bark.
12. Vehicles associated with the RZB are limited to personal passenger vehicles.
13. Customers visiting the Property will park on the driveway in front of the garage and enter the grooming shop along a path to a side door entrance to the garage.
14. Signage for any RZB is limited to one sign, parallel to and affixed to the plane of a wall of the principal structure and not exceeding two square feet in area.
15. The IUP public hearing will be held by the Planning Commission on February 20, 2019.

Happy Tails Grooming IUP Application Conditions of Approval:

1. The term of the IUP shall be ~~five~~ two years from the date of issuance of the permit. Whitney may reapply for an IUP upon expiration of the term, according to the procedures of the Columbus CityCode.
2. There are no vested rights in the issuance of the IUP and the IUP is not transferrable. The applicant has requested that the IUP be filed under the applicant name: Michelle Whitney. Michelle Whitney will add her name to the business owernship throught SOS Office.
3. Conduct of the Residential Zone Business shall be consistent with the application materials and site plan received by the City on January 11, 2019, which are attached to the IUP by reference, with the exception of signage as noted in Recommendation 4.
4. The only signage for the business must comply with the code requirements, which limits signage for an RZB to one sign, parallel to and affixed to the plane of a wall of the principal structure and not exceeding two square feet in area.
5. There shall be no outside storage associated with the Residential Zone Business.

6. Dogs visiting the business shall be kept inside the shop and garage at all times, except when walking to and from their owner's vehicles or when taking a bathroom break, in which cases, they shall be on leash and accompanied by a person.
7. Dogs shall not be allowed to habitually bark and cause a public nuisance, per Chapter 5 of the City Code.
8. All applicable requirements and provisions for animal control, as described in Chapter 4 of the City Code, shall be met.
9. Conduct of the Residential Zone Business shall be consistent with all applicable federal, state and local laws, rules, licenses and ordinances.
10. In the event that the City Council determines, at its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the IUP may be revoked by the City upon property notice and public hearing.
11. The IUP is contingent upon reimbursement of all City expenses associated with IUP issuance, inspections and enforcement.
12. The City will conduct a compliance site inspection annually after issuance date of 02.27.19.

Logren asked why the City does not allow a residential zone business sign to be placed close to the street? She noted that because the City has a 5-acre minimum, many homes and accessory buildings are placed far back from the road. Mursko said that the rule came from the idea that a residential zone business should be invisible to the neighborhood. She added that to allow a bigger sign or placement closer to the road a code amendment would be necessary.

9. Public Open Forum

No report.

D. STAFF AND CONSULTANT REPORTS

10. Engineer Report

Hornsby Street Feasibility Study

City Engineer Dennis Postler presented a feasibility study for the reconstruction of Hornsby Street south of TH 97. The report has three options, each respectively costing \$1.5 million, \$2.2 million, and \$2.2 million.

Mayor Preiner asked what the anticipated timeframe for the project is? Postler said that the design should be completed this summer and fall, bids would be let over the winter, and construction would take place in 2020. Mayor Preiner followed up by asking what impacts this project will have on wetlands? Postler said it should not be a large impact, but there are some wetlands that will have to be mitigated on the east side of the road. He said that the cost of mitigation has been included in the plans.

Mursko said that she is looking into options for some type of hybrid funding mechanism. The current proposition is to construct the new road with general funds, no special assessments to adjacent property owners are proposed. Griffith noted that the feasibility study could be accepted with consideration of multiple funding sources.

Motion by Peterson to accept the feasibility study for the reconstruction of Hornsby Street, to be constructed from general funds with consideration of using multiple funding sources including special assessments, developer's fees, tax increment financing, and City maintenance funds. Seconded by Hegland. Motion carried unanimously.

Ziegler Water Tank

Postler also discussed the Ziegler Water Tank Conversion project with the Council. He noted that it is broken into two separate projects.

The first is the Phase 2 mechanical work and realignment of the water main. This phase includes the completion of all remaining electrical and tank modifications. The lowest bid for this project was \$65,200 from EIM.

The second project is system-wide SCADA improvements that will allow for improved communication between the system's functions. The lowest bid for this project was \$79,154 from In Control, Inc.

The cost for the whole project is about \$174,000. Roughly \$136,000 from the City's HRA fund will be used to fund the projects, while the rest will be funded by connection charges. Postler anticipates these improvements to be completed by the end of May.

Motion by Peterson to award the Ziegler Water Tank Conversion – Phase 2 Electrical project to EIM for \$65,200. Seconded by Logren. Motion carried unanimously.

Motion by Peterson to award the SCADA System improvements project to In Control, Inc. for \$79,154. Seconded by Logren. Motion carried unanimously.

11. Attorney report

Discussion – Lighting Ordinance Interpretation Clarification

Based on discussion from a previous meeting, Griffith took a closer look at the City's lighting ordinance to clarify how it should be enforced. He said that the ordinance defines a light as a nuisance if it is observable at the property line at a minimum intensity of 1 foot-candle. The 1 foot-candle limit provides a quantifiable and objective measurement of the term "glare".

Griffith continued to say that there are two components of the lighting ordinance. The first is a nuisance provisions which states that direct glare or light from a private fixture exceeding 1 foot-candle is a nuisance. The second is from a new lighting provision that was added in 2015, which requires all newly installed, repaired, or replaced lighting to include cutoff luminaires. In summary, all residential lighting exceeding a 1 foot-candle measurement at the property line is

considered a nuisance, and all newly installed, replaced, or repaired lights must include a cutoff luminary.

Rice Creek Snowmobile Trail Association Request

Based on direction from a previous meeting, Griffith presented two items to be amended on the Rice Creek Snowmobile Trail Association's permit for a permanent trail alignment. The first is adding to condition 1 that the City shall review the permit after each snowmobiling season for damage to property that may require mitigation. The second is removing language about a sponsor's approval from condition 4.

Mursko added that the Association's insurance policy needs to list the City as additionally insured, and that the City requires full coverage insurance including property damage. Griffith noted that these changes can be done administratively outside of a Council meeting.

Motion by Peterson to approve the Rice Creek Snowmobile Trail permit as shown on Site Plan dated 02.27.19 with the two amendments referenced above. Seconded by Hegland. Motion carried unanimously.

12. Mayor and Council Members Report

Council Member Logren

Logren attended the Sunrise River Watershed Management Organization's meeting. A decision was made at that meeting to increase funds to support carp tracking primarily in Linwood's lakes.

Logren also attended the most recent Fall Fest meeting. Definitive dates were set for future Fall Fest meetings, which will now be posted publicly. She added that the event is coming along well, and the committee is excited for new attractions to be added.

Council Member Peterson

No report.

Council Member Hegland

Hegland reported that interviews for Planning Commission members are still being completed.

Mayor Preiner

Mayor Preiner reported that he recently attended a meeting for the MN Tech Corridor, and a meeting with Al Newman, Forest Lake Fire Chief.

Council Member Duraine

No report.

13. Public Works Report

No report.

14. Public Communications Coordinator Report

No report.

15. City Administrator's Report

Mursko reported that her and Interim City Planner Haila Maze have been discussing the City's 2040 Comprehensive Plan update. Maze recommended holding a meeting to discuss changes to the Comprehensive Plan, including a policy discussion about adding mixed use designations. Mursko suggested holding the meeting with the Planning Commission on 04.03.19 from 4:00 p.m. – 6:00 p.m. Council members agreed that this date and time would work.

Hegland asked if the updates to Columbus' Comprehensive Plan will have to be recirculated to other municipalities? Mursko replied that they will not.

Motion by Hegland to hold a workshop on the 2040 Comprehensive Plan changes on 04.03.19 from 4:00 p.m. – 6:00 p.m. in the City Hall. Seconded by Logren. Motion carried unanimously.

16. Closed Meeting Discussion

At this time Mayor Preiner closed the City Council meeting to execute a closed meeting under Minnesota Statutes Section 13D.05, subd. 3(c) to consider offers or counteroffers for the sale of the City-owned Quad 35 property.

Motion by Duraine to close the City Council meeting. Seconded by Hegland. Motion carried unanimously.

At 8:54 p.m. Mayor Preiner reopened the City Council meeting.

Treasurer's Report

Receipts:	\$ 26,246.99
Disbursements:	\$ 259,192.80
Balance:	\$ 9,019,866.84

E. ANNOUNCEMENTS & REMINDERS

17. Calendar of Meetings.

The next City Council workshop will be held from 4:00 p.m. – 6:00 p.m. on 03.06.19. The next

Planning Commission meeting will be held on 03.06.19 at 7:00 p.m. The Local Board of Appeal and Equalization meeting will be held on 04.23.19 at 7:00 p.m.

F. ADJOURNMENT

Motion by Hegland to adjourn. Seconded by Duraine. Motion carried unanimously.

Meeting adjourned at 8:54 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator