

**City of Columbus
Regular City Council Meeting
March 22, 2017**

The March 22nd, 2017 meeting of the City of Columbus City Council was called to order at 7:02 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, Engineer Dennis Postler, Attorney Jacob Steen and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Kris King, Paul Peskar, Jody Krebs, Mary Preiner, Pat Preiner, Jesse Preiner, Dan Mike, Betty Thissen, John Young, Megan Koep, Rachel Shepardson, Sugar Martin, Wayne Martin, Rose Latawicz, Chet Latawicz, Sonya & Brent Fritzinger, Greg Newville, Dianne Aszmann, Cathy Skoglund, Sue Radden, Mike Treb, Dennis Hoveland, Susan & Cody Entwistle, Jim & Patty Coquerdo, Gordon & Connie Johnson, Mark & Boni Caine, Paul Peirson, Darrell Thurnbeck, Treff Friedman, Brian & Deb North, Public Works Superintendent Jim Windingstad, and Teri Hodges (LATV).

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:02 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Approval of the City Council Meeting Minutes 03.08.17**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**

Motion by Krebs to approve the consent agenda items 3-5. Seconded by Daly. Motion carried unanimously.

C. PRESENTATIONS

6. Public Hearing & Discussion – RAHP Liquor License

The City of Columbus has received a liquor license application for North Metro Harness Initiative LLC (dba Running Aces Harness Park) for the 2017 renewal of its on-sale retail intoxicating liquor license for the restaurant, card room, patio, fenced grassy areas, and trout pond.

Motion by Krebs to approve the 2017 renewal of Running Aces Harness Park’s Liquor License, subject to conditions 1-12 as outlined in the Attorney’s memorandum dated 03.22.17. Seconded by Peterson. Motion carried unanimously.

North Metro Harness Initiative (Running Aces Harness Park) 2017 Liquor License Renewal Conditions of Approval:

1. The license is for the clearly defined boundaries as submitted in the diagrams Exhibit A (areas identified as A1: First Floor; A2 Outdoor Apron; A3: Fenced Grassy Area; and A4:

- Trout Pond)(together the “Licensed Premises”), including gated entrance and exits with security posted at each such entrance/exit during times when liquor service is available.
2. NMHI must provide the City with a copy of its new restaurant license, if it has not already done so.
 3. NMHI must continue to meet all additional liquor license conditions set forth in the City Code, Section 4-517.
 4. There will be no alcohol allowed on the grounds anywhere outside the Licensed Premises, unless otherwise permitted by catering license.
 5. The general manager of Running Aces Harness Park or its food and beverage manager must certify that: 1) all personnel associated with dispensing or serving alcoholic beverages; and 2) all security personnel posted at gated entrances and exits be trained using the Training for Intervention Procedures (TIPS) and / or Alcohol Liability Education Training (ALE).
 6. This license is subject to compliance with all applicable federal, state and local laws, rules and regulations, including without limitation, licensing regulations for restaurant operations, gambling operations and concessions.
 7. Quarterly Utility payments must be made in a timely manner.
 8. NMHI must adequately fence all exterior areas of the Licensed Premises where liquor sales and consumption will be allowed.
 9. NMHI will ensure that all areas, including Area A3 (outdoor grassy area) and Area A4 (trout pond), will be monitored by surveillance cameras during the hours in which alcoholic beverages are served.
 10. NMHI will provide adequate security guard staffing, including at the gated exits in Area A4. Current staffing levels will be monitored and increased if necessary.
 11. NMHI will ensure that the Section A3, will be within the line of sight of the Trotter's Canteen, which shall be staffed during outdoor events involving sale of alcohol, in order to provide an additional level of security.
 12. NMHI will provide additional screening along the existing fence that runs parallel to the parking lot to ensure that no transfer of alcohol occurs outside the gated area

7. Public Hearing & Discussion – Furman Street Road Improvement Project

The City is considering an improvement to Furman Street NE from West Broadway Avenue to approximately 0.3 miles south (City Project 2017-4); by subgrade preparation, bituminous surfacing, and miscellaneous items of construction. The area proposed to be assessed for such improvements is each lot or parcel which abuts on or gains access from these streets. The estimated cost of the improvement for which assessments will be levied is:

City Project 2017-4 \$92,390

Persons desiring to be heard regarding the proposed improvement came forward at this time.

Treff Friedman 17123 Furman Street NE

Treff Friedman came forward to address some concerns with the proposed improvement. He has a 40 acre parcel off Furman Street NE, which he hopes to farm. At this time he is being given one assessment for his property, but his concerns are for when Sherco Construction advances to phases 2 and 3 of their development off Furman Street NE. Based on Engineer’s estimates for

this future development, Friedman could be given as many as 5 or 6 assessments. Friedman is asking what he can do to be proactive and make a case that he should not be given that number of assessments. The Council asked Friedman if, hypothetically, he were going to divide the land, how that would be done. Friedman replied that he was likely create 5 separate lots and put three of them off the 172nd Avenue NE cul-de-sac that is just east of his property. In this configuration, only two driveways would come off of Furman Street. The Council suggested he put together plans that reflect this, as part of his case that he should not be given 5 or 6 assessments during the second and third phases of the Sherco Development. City Attorney Steen said that there are a few options for Friedman going forward. He could put a deed restriction on his property that states a specific way the parcel must be split, he could split the lot into different parcels ahead of the additional development phases, and as a last resort he could appeal the decision to assess him 5 or 6 lots if that does indeed happen. Friedman understood these options and will work to make a case for his plan to split the lot in such a way where three parcels come off the 172nd Avenue NE cul-de-sac.

At this time Mayor Povolny closed the public hearing.

Motion by Peterson to approve Resolution 17-11, a Resolution ordering the proposed improvement of Furman Street NE from West Broadway Avenue to approximately 0.3 miles south (City Project 2017-4) by subgrade preparation, bituminous surfacing, and appurtenances thereto. Seconded by Krebs. Motion carried unanimously.

8. Public Hearing & Discussion – 141st Avenue Road Improvement

Betty Thissen – Vacant 40 Acres: 29-32-22-44-0001

Thissen is a resident of Woodbury, MN, with a 40-acre property on 141st Avenue NE in Columbus. This property is currently a tree farm, with no access off of 141st Avenue NE. Thissen is concerned with being given 4 assessments for the property, as she has no intention of selling the land or splitting up the parcel. City Administrator Elizabeth Mursko pointed out that based on the size of the lot she could have been given 8 assessments, but due to the number of wetlands she was only given 4. Thissen asked what she can do to try and get the number of assessments reduced. Mayor Povolny said that she could donate the land to Ducks Unlimited or some other organization, which would stop the land from ever being developed in the future. Steen suggested she apply for the Senior Hardship Deferral program to help deal with the cost of assessments. Thissen said that she would be getting in touch with Mursko to file for a Senior Hardship Deferral. Lastly Thissen asked what length of driveway would be paved with the road improvement project, and if that would also include a culvert. City Engineer Dennis Postler explained that culverts are the responsibility of the resident, while Public Works will provide the measurements. In terms of the driveway, the road improvement project includes paving the first 3-5 feet.

Gary Jagiela – 6241 141st Avenue NE

Mr. Jagiela sent an email to the City expressing his concerns with the road improvement project, as he is currently out of town. He also does not believe he should be given two assessments for his property. Jagiela requested the Council wait until he returns home to make a decision on the

project. He stated that he will bring a case forward that he should not be given two assessments when he returns from his trip during the week of May 12th. The Council's consensus was not to wait for Mr. Jagiela's return, in an effort keep the project on schedule. Steen pointed out that if Jagiela wanted to, he could appeal the number of assessments he is given at the assessment hearing.

Dennis Hoveland – 6345 141st Avenue NE

Mr. Hoveland came forward to ask two questions. First, if one person's number of assessments goes down, would the cost go up for the remaining residents being assessed for the project? Mayor Povolny explained that if one person's number of assessments decreases, indeed the cost of each person's assessment will increase. The second question was whether ditches would be cleaned as part of this project. Postler replied no, they are not, and if Hoveland would like to discuss ditch-work further he should get in touch with the City's Public Works department.

Boni Caine – 6965 141st Avenue NE

Mrs. Caine had questions about the properties on the far west end of 141st Avenue NE. Originally those properties were classified as indirectly benefitting lots, and she is wondering if that is still the case. Postler responded that originally the total number of assessments for the very west end of the road was 1, and has since increased to 2.5 Mrs. Caine then asked specifically about the 40-acre lot on the far west end of 141st Avenue NE, that is situated south of the road. This lot does not have an address and is owned by Jeff Schultz. Currently Schultz gets access to the property off Jodrell Street NE, and not 141st Avenue NE. Postler explained that 141st Avenue NE actually curves slightly north at the east end of Schultz's property, so for him to ever gain access off 141st Avenue NE he would have to sell part of his property to have the road realigned. Because he is not interested in doing this, he is not being assessed for this property.

At this time Mayor Povolny closed the public hearing.

Motion by Krebs to approve Resolution 17-12, a Resolution ordering the proposed improvement of 141st Avenue NE from Lake Drive to approximately 1 mile west (City Project 2017-5) by subgrade preparation, bituminous surfacing, and appurtenances thereto. Seconded by Peterson. Motion carried unanimously.

9. Planning Commission Report

No report. The last Planning Commission meeting was a joint meeting with the City Council.

10. Public Open Forum

Jesse Preiner – 14536 West Freeway Drive

Jesse Preiner came forward with a question about his taxes and contribution to fiscal disparity. The fiscal disparity portion of his taxes totaled roughly \$37,000 this year. He is concerned that this large amount of money is being spent on projects in the rest of the metro area, and it does

not make its way back to Columbus. Preiner is asking the Council what the City is willing to do to address this issue. The consensus from the Council was to draft a letter to Columbus' legislators expressing their concern over the fiscal disparity issue.

D. STAFF AND CONSULTANT REPORTS

11. Engineer Report

Zurich Street Traffic Light Question

Postler is bringing a question forward from Anoka County regarding a flashing yellow arrow for left turns at the intersection of Lake Drive NE and Zurich Street NE. Anoka County is wondering if the Council would like to keep the flashing yellow or if it should be changed? The estimated cost for updating the light in 2014 was around \$11,000. Postler suggested that because of the large amount of development and construction going on in that area over the next few years, it could be a good idea to wait. The Council agreed that was a good idea, and Postler will relay this decision back to Anoka County.

Northwest Forest Lake Sanitary Sewer Capacity Update

The next topic Postler is bringing forward is information on the Northwest Forest Lake Sanitary Sewer Capacity. Forest Lake City staff had previously reviewed the sanitary system to determine if there was capacity to serve a proposed development in the northwest portion of Columbus with Forest Lake sanitary sewer. In preparing a detailed cost estimate and researching the depths of the existing sewer pipes, it was discovered that two segments of pipe on the west side of I-35 have been upgraded, which is different than what was previously presented. Thus, it is confirmed that Forest Lake does have the capacity to serve the potential development in Columbus, with minor improvements. The cost of these improvements is estimated at \$550,000. It should be noted as well that the water supply capacity has not been analyzed and will not be until further discussions are had with the Project Representatives.

County Road 54 Project Update

Lastly, Poster has an update on the CSAH 54 project. The County is putting in streetlights on a stretch of TH 97 from the roundabouts and extending east another 3-400 feet. MnDot is putting in streetlights on the TH 97 bridge over I-35, which leaves a gap between MnDot's lights and the County's lights. Anoka County is wondering if the City would like to install some lights in this gap, to make the lighting continuous and uniform. Postler reported that the City would need 2 or 3 lights to fill the gap. Povolny clarified that the City would have to pay for the cost to install and maintain the lights. Overall the consensus from the Council was that they did not want to commit to the lights right now. Mayor Povolny asked Poster to get an exact cost estimate for installing the lights, and for the possibility of adding conduits to the area which could later be used for lighting. Postler agreed to relay this message and ask for cost estimates.

12. Attorney Report

Wayne Martin Letter

City Attorney Jacob Steen is reporting on a letter that the City received from a resident named Wayne Martin. Wayne Martin and his wife Sugar (of 13522 Jodrell Street NE) came forward to speak to the Council about an incident involving firearms that occurred at his neighbor's property on February 19th, 2017. On this day Martin's neighbor had friends over to his house and was shooting guns for a long time. At one point, Martin and his wife were standing on their porch when bullets started to fly near them. At this time the Martin's went inside and called 911. The Anoka County Sheriff's Office sent a Deputy to the property, who then spoke with the group doing the shooting. The group had set up an acceptable berm for the activity, however the Deputy believes that (unbeknownst to those doing the shooting) some bullets were ricocheting off the ground and heading toward neighboring properties. Based on the police report, it seemed that the group was safely and responsibly using their firearms, and said they would not shoot anymore high-powered rounds into the berm.

The Martin's were very shaken by this incident and want the Council to consider instituting an ordinance that limits the amount of time a person can spend shooting guns. They understand that people come to Columbus to have the freedom to target shoot, but would prefer they were not allowed to do it for an extended period (Martin reported that the day of the incident they were shooting from 10:00 a.m. to 5:00 p.m.). The Council agreed that this is a civil issue between neighbors, but also that the amount of time spent shooting was extensive. Mayor Povolny suggested that the City write a letter to the parents of the individual shooting guns warning them that excessive shooting is in violation of the City's public nuisance ordinance. Steen agreed to draft and send such a letter.

Shipping Container Question

On March 15th, the City Council and Planning Commission held a joint meeting to discuss how the City would like to handle the use of shipping containers for storage in Columbus. At that meeting, the consensus was to only allow shipping containers on a temporary basis in Columbus. The City is asking Attorney Steen what will happen to the shipping containers that are currently being used for storage in Columbus. Steen replied that because they were placed on the resident's property prior to an ordinance being adopted, they are considered legal non-conforming and the City cannot ask them to remove it. One thing to note is that if someone gets rid of the shipping container for a period of one year or longer, they will no longer be allowed to keep it.

13. Mayor and City Council Member's Report

Mayor Dave Povolny

No report.

Council Member Krebs

No report.

Council Member Duraine

Council Member Duraine attended a Cable Commission workshop where they discussed the overall vision and mission statement for the Cable Commission and Lakes Area Television. In addition, starting next month their meetings will be held on the second Wednesday of the month.

Council Member Daly

Council Member Daly attended a Fall Fest meeting where they decided to cancel the garage sale, and considered what to replace it with. A couple ideas were a beer tent and a hole-in-one tournament. Lastly, they have moved the time frame up slightly because the committee felt like the event lasted too long.

Council Member Peterson

Council Member Peterson attended the Public Works meeting on March 14th. At the meeting, they discussed blacktopping projects, the 5-year plan, and the schedule for equipment upgrades.

14. Public Works Report

No report.

15. City Administrator's Report

Treasurer's Report

Mursko is reporting that the City recently introduced a new pay policy, which allows Council Members to be paid via Direct Deposit.

Receipts:	\$	00
Disbursements:	\$	37,002.64
Balance:	\$	2,910,830.26

E. ANNOUNCEMENTS & REMINDERS

The next Planning Commission meeting is 04.05.17 at 7:00p.m.

Calendar of Meeting.

F. ADJOURNMENT

Motion by Daly to adjourn. Seconded by Peterson. Motion carried unanimously.

Meeting adjourned at 8:55 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator