

City of Columbus
Regular City Council Meeting
03.27.19

The 03.27.19 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 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: John Young, Troy & Sarah Meyer, Myron & Cindy Angel, Barb Bobick, Pam Wolowski, Joleen Kuennen, Joe & Deb Pribyl, David Murphy, Sandra Wood, Kris King & Paul Peskar, Jason Miles, Arlen Logren, David Kuennen, Julia Parent (Forest Lake Times).

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

- ~~**3. Motion – Approval of the 02.13.19 City Council Meeting Minutes**~~
- 4. Motion – Approval of the 11.28.18 City Council Meeting Minutes**
- 5. Motion – Approval Resolution 19-04 Yang Special Assessment Correction**
- 6. Motion – Approval Resolution 19-05 Hirsch Special Assessment Correction**
- 7. Motion – Agenda Approval with Additions**
- 8. Motion – Pay Bills as Posted**

Hegland requested to remove the 02.13.19 minutes from the agenda in order to make an adjustment to the Rice Creek Snowmobile Trail Association motion to approve trail alignment.

**Motion by Hegland to approve the Consent Agenda items 4-8. Seconded by Logren.
Motion carried unanimously.**

C. PRESENTATIONS

9. Anoka County CSAH 54 Joint Powers Agreement

Joe McPherson from Anoka County came forward to discuss a Joint Powers Agreement for the CSAH 54 realignment project. He said that the project is just beginning.

McPherson started by addressing the section of the agreement regarding costs. The estimated total City share of this project is \$362,372.59, prior to the application of LRIP funds. McPherson noted that LRIP funds will cover all of the City's cost, while any changes made after this point will be 100% the City's cost.

The next topic covered was stormwater ponds. Stormwater pond maintenance is typically handled by the City, while the County maintains catch basins and catch basin leads. Hegland asked why the City has to maintain the ponds if they are going to be located on land which the County owns? McPherson replied that the County must own the land that the pond is on because the pond is servicing runoff from a County road. Mayor Preiner asked what pond maintenance

typically entails? McPherson said mowing, pickup up trash, and occasionally dredging the pond.

McPherson continued by giving the Council a rough timeframe for the work to be completed. As soon as the weather warms up they will begin the project and hopefully complete the main curve by June. The goal is to complete the project by the middle of summer.

The plan is to construct a two-lane road with shoulders going south from the roundabout. There will be a left turn lane to access developable land to the east of the relocated road. The south portion of the road will transition to a rural section with curb and gutter, and then connect to the old W. Freeway Drive. The north end of the old W. Freeway Drive will be converted into a cul-de-sac. The cul-de-sac will still allow for entrance into the Holiday Station. McPherson clarified that when exiting the Holiday Station onto Lake Drive there will only be a right turn option. However, there will still be full access to W. Freeway Drive which will leave the choice to eventually turn left onto Lake Drive via the roundabout just west of the station.

McPherson said that a big question for timing is when the old W. Freeway Drive will be severed from Lake Drive. He said that because the project is design build, they are not sure when it will occur.

In order to facilitate construction W. Freeway Drive will be closed for roughly 3-4 weeks. During this time there will be a detour available south of the project.

Motion by Duraine to approve the Joint Powers Agreement with Anoka County (C0005558) for the reconstruction of CSAH 54 (Freeway Drive West) from 3,500 feet north of 147th Avenue NE to CSAH 23 (Lake Drive NE) in the City of Columbus. Seconded by Hegland. Motion carried unanimously.

Duraine asked if McPherson could update the Council on the other County projects happening in the City? McPherson said that this summer Kettle River Blvd north of Broadway Avenue will be reclaimed up to the County line and a 3-foot shoulder will be added. The County is considering a southbound right turn lane to 181st Avenue NE as part of the project. The project will be let in May and begin in June. This summer the County will also install a traffic signal at the intersection of Lexington Avenue and Broadway Avenue. Lastly, Broadway Avenue east of Lexington Avenue to the Kettle River Blvd roundabout will be redone to add 8-10-foot-wide shoulders, bypass lanes, and turn lanes. They are in the final permitting stage of this process and will be advertising for bids in April.

10. Planning Commission Report

Commissioner Pam Wolowski gave the Planning Commission report from their 03.20.19 meeting.

California Cars Connection CUP Request

The first application considered by the Planning Commission was a CUP request California Cars Connection. Their business is restoring cars which were purchased in California and selling them online by appointment. The plan is to store roughly 15-20 cars on site in a fenced area, and

to sell 20-30 cars each year. They have a 3-year lease with the landowner and plan to have 3 employees on site. They have begun the process to obtain a Dealer's License. The anticipated business hours are 8:00 am – 8:00 pm, 7 days a week.

Inside of the building on their site they plan to have a paint booth, lift, and frame rack. They will be working with the state of Minnesota and Anoka County to ensure they have a means to dispose of hazardous waste in an appropriate way. The City's Building Official Leon Ohman noted that they will need to install a fan for ventilation. Wolowski noted that at the time of the Planning Commission meeting there was some concern about a drain inside the building, but Mursko confirmed that the drain has been sealed. The Planning Commission unanimously recommended the application for approval.

Mayor Preiner said that he would like to add a 14th condition, requiring an inspection to ensure compliance with the CUP's conditions. Applicant Doug Dykstra said that they would be available for this inspection on 06.01.19.

Motion by Duraine to approve the California Cars Connection CUP application (dated 01.28.19) with the addition of condition number 14, requiring a compliance inspection on 06.01.19, based on findings of fact and conditions of approval 1-14 from the Planner's Memo (dated 03.22.19). Seconded by Peterson. Motion carried unanimously.

California Cars Connection CUP Application Findings of Fact:

- A. The use will be harmonious with and in accordance with the general objectives, or with any specific objective of the City Comprehensive Plan and the Zoning Ordinance.
- This finding is partially met.
 - The Comprehensive Plan identifies this property for commercial / industrial use, which is consistent with the proposed use.
 - Dimensional zoning standards for the property, including building height, setbacks, lot coverage, width and depth are met, with the exception of minimum lot size, which is 2.5 acres for commercial properties in this district. That makes this a nonconforming lot size. Zoning standards for outdoor storage, including vehicles, require that it be located in the side and rear yards of the property, which conforms with the proposed placement in the site plan.
 - Site standards for landscaping are partially met. Section 7A-820 states that all proposed development activities, including site modifications, shall be subject to landscaping improvements. In the C/I district, one (1) tree is required for every 6,000 square feet of site area, which equals 15 trees for this property. The site currently has about 15 trees. Foundation plantings are encouraged around buildings, sign bases, berms and other visible locations. This site currently has attractive vegetation on the south side of the driveway but has no vegetative planting on the north side.
 - Site standards for parking are partially met. Under the City code, parking spaces for employees and customers must be paved. According to the site plan, the identified parking area for customers is paved, ~~but the area shown for 3 employee~~

~~parking spots is not paved.~~ Applicant will use the additional paved parking spaces in front of building for employee parking to meet standard as there is a total of 7 parking spaces. Under the code, vehicles being stored before or after service can be on Class 5 aggregate.

- B. The use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- This finding is met.
 - The property is in an area characterized by industrial and commercial roadside businesses. Adjacent uses to the property are Wreck Brothers Auto Body to the north, KRT Affordable Self-Storage to the south, and Bergens Greenhouses to the east. The proposed commercial use of auto repair, storage and sales is compatible with existing and intended uses for the area.
- C. The use will not be hazardous or disturbing to existing or future neighboring uses.
- This finding is met.
 - The use will involve minimal visitation and the repair of vehicles will occur inside the building, keeping noise and exterior emissions to a minimum. The applicant describes repair activities and the planned handling of hazardous material in the application materials, on the attachment with letterhead “California Cars Connection”.
- D. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services
- This finding is met.
 - The property has direct driveway access to Lakeshore Drive NE, has existing water and septic services which have adequately served prior uses of similar intensity at the site, the property is within a police and fire service area, and the property has enclosed dumpsters and access to disposal services.
- E. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- This finding is met.
 - The property is already established and has access to existing public facilities and services. It will not create additional service demands or require economic assistance from the city.
- F. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or orders.
- This finding is met.
 - The exterior portions of the property will be used for employee and visitor parking, as well as limited parking of some vehicles being serviced. The parking spaces are organized in an orderly fashion with a drive aisle between. Auto repair will occur inside the building, keeping noise, fumes or orders within the building.

- G. The use will have vehicular approaches to the property which shall be designed not to create an interference with traffic on surrounding public thoroughfares.
 - This finding is met.
 - The existing access drive to Lake Drive NE has been used by previous businesses and is designed in accordance with city requirements.
- H. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
 - This finding is met.
 - The configuration and use of the property is similar to past uses and does not propose new excavation or site work that would disturb native plant communities or historic features.
 - No plan for stormwater management was submitted with the application.
- I. Additional Findings:
 - The Landowner of the Property (Don Waldoch) has new vehicles stored on the North portion of the Property as depicted on the site plan 01.22.19.
 - Applicant will designate seven (7) parking spaces in the paved area for both customer and employee parking.

STAFF RECOMMENDATIONS

Based on the above Findings of Fact, the Planning Commission recommends approval of the Dykstra Conditional Use Permit (CUP), subject to the following:

1. The CUP authorizations the auto repair, sales and storage in areas as indicated on the application site plan and is subject to review, approval and requirements of the Rice Creek Watershed District.
2. Foundation plantings shall be added as landscaping behind the front fence line on the north side of the driveway to provide some visual screening along the public right-of-way. The landscaping shall include coniferous and deciduous shrubs, planted at a minimum of one-third (1/3) of the mature spread and height of a typical growth. Ornamental grasses or small trees may be proposed as alternative elements in the landscape mix. A simple landscape plan shall be reviewed and approved by the City Administrator or designee.
3. The Conditional Use Permit, once issued, may be revoked upon a finding by the City Council that the property and/or use is not in compliance with the conditions for approval of such use, following notice and hearing.
4. Conduct of the business shall be consistent with the application materials received by the City on January 28, 2019, which are attached to the CUP by reference.
5. All equipment and activities associated with repair of vehicles shall be kept and conducted in the enclosed structure.
6. All uses allowed in the CUP shall be constructed and maintained consistent with all applicable federal, state and local laws and regulations.
7. The business may have up to 25 vehicles stored in storage area as depicted on the site plan. There shall be no ~~unlicensed~~ storage of inoperable vehicles used only for parts allowed on the Property.
8. Typical hours of operation on the Property are 8:00 a.m. to 8:00 p.m., seven days a week.

9. There are to be no chemicals, odors, gasses, hazardous wastes or fumes on the Property as a result of this business, excepting normal emissions and discharges associated with the operation of motor vehicles.
10. No other uses or intensifications are allowed on the Property without an amendment to the CUP.
11. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the CUP and for all ongoing inspections and enforcements actions required for the CUP.
12. The applicant shall comply with the Building Official correspondence conditions dated 01.10.19.
13. Signage on the Property will require the applicant to apply for a sign permit from the City.
14. On or around June 1, 2019 the applicant will notify the City when all work is completed so staff can inspect the use for compliance with the conditions of approval.

11. Joe & Deb Pribyl Waiver Seasonal Road Weight Restrictions

Joe Pribyl from JP E-Commerce and Kris Ikeler with Bauer Design Build came forward to address the Council. They were surprised to see a road restriction notice for their project on Hornsby Street. Pribyl said that it was his understanding that they were going to be able to work on that site despite the condition of the road, and therefore are requesting a waiver to the weight restrictions. He added that they are in a construction phase and require 260 truck trips above the weight limit to continue making progress. If the road restrictions are followed that would essentially double the number of trucks needed to complete the job. In addition to truck traffic, they also need to bring in a crane to continue construction. Pribyl is concerned that having to wait until road restrictions are off will delay progress on construction and negatively affect their business. Postler asked Pribyl and Bauer what other equipment they need to bring on site? Bauer said that they don't have any equipment on site right now and they need to bring some in to dig exterior footings.

Postler offered some background on Hornsby Street and the weight restrictions. He said that a fully loaded semi-truck, while it may be just 20 times heavier than a car, it will end up doing roughly 3,000 times more damage to the road than a car would. So in this case, a 10-ton per axle vehicle such as a fully loaded dumptruck will do 12 times the damage that a 5-ton per axle vehicle would. JP E-Commerce's proposal to run 260 fully loaded dump trucks would end up doing roughly 30,000 times the damage that a 5-ton per axle truck would do. In terms of Hornsby Street itself, it is old and parts of it are in disrepair. Going another year without repairing the road will certainly cause damage, especially with the use of snowplows in the winter. The City originally planned for Hornsby Street to be a 2021 project, and the earliest it could be done is 2020.

Pribyl asked if the weight restrictions will shut down his business each spring? Hegland explained that weight restrictions do not apply to local deliveries, and Postler clarified that local deliveries is not the same as construction equipment deliveries. He added that in this case it would still be possible to continue truck trips so long as each trip does not exceed the weight limit.

City Attorney Bill Griffith raised two questions for the group to consider; typically when do road restrictions come off? And what is the City Staff's expectation about damage that will be done if the waiver is granted? He added that in other situations where such a waiver has been granted, the developer will post an associated letter of credit or bond. This posted security could be used to repair damage to the road. Postler noted that the posted security would be for repairing the damaged pavement only, not for the entire roadway. Pribyl replied that for financial reasons they would be unable to post a security for damage to the road. Postler said that road restrictions usually come off in mid to late April, and the maximum amount of time allowed for road restrictions to be on is 8 weeks

Hegland asked why the heavy equipment was not brought on site sooner? Bauer said that they started excavation at the end of November and their focus was on getting the footings and foundation in. In addition, the ground is sinking a lot from the quick thaw which makes storing heavy equipment on site difficult.

At this time Public Works Superintendent Jim Windingstad came forward to address the Council. He said that his recommendation is to not grant the waiver to road restrictions. This is because since road restrictions went on, the road in front of the Bare Home site has already begun breaking up. The ground under Hornsby Street is very saturated and he is concerned that if hauling occurs on the road it will destroy the asphalt that remains to the point of preventing plowing next winter. Because these concerns are related to public safety he is not comfortable granting a waiver to road restrictions.

Mayor Preiner asked if it was typical for the City to grant waivers to road restrictions? Postler said that he has never experienced such waivers. Griffith said that the only time he has seen a waiver to road restrictions there has been some posted security requirement. However, Griffith noted, that the posted security option was offered under the assumption that the road could still be repaired after hauling was completed. If, as Windingstad alluded to, the road could potentially be destroyed by this hauling, getting a letter of credit for the damage would not be sufficient. He added that the City has an obligation to ensure that the road is passable. Windingstad noted that it could be possible to lay asphalt over what material is currently there, but it would be a temporary fix that does not address the underlying issue, so the same problem could arise next spring when weight restrictions go back on.

Hegland asked if the northern section of Hornsby Street, which was recently redone, would be damaged by hauling? Postler said that because the new section of the street is at least a 10-ton roadway, it is unlikely that it would see much damage. Hegland followed up by asking how Windingstad knows when to lift road restrictions? Windingstad replied that the Department of Transportation tells him.

Pribyl noted that he feels like the City should not have allowed a business to apply for a permit on Hornsby Street if they knew the road was in such bad shape. He expressed sentiment that the Council has broken a promise to him to not prevent hauling to his site. Mayor Preiner disagreed and asked to listen to a selection of City Council recording from the 10.10.18 and 09.25.18 meetings.

Windingstad responded to a selection of the meeting recording. In it he said that he “would not

prevent trucks coming to and from the site”. He clarified by saying this statement was with the assumption that Hornsby Street was going to be paved in 2020. In that situation, Windingstad explained, he would have allowed trucks to come to and from the site because the road was to be redone in a short time following.

Griffith said that his recollection of discussions about Hornsby Street were all regarding whether or not the road would be reconstructed, and the Council was having a difficult time making a decision about funding for that project. He said that there was never conversation about spring thaw, road restrictions, or the expectation of a waiver. If there had been some agreement about a waiver to road restrictions, he would have required the City to obtain construction schedules and the developer to post a security requirement. Griffith finished by suggesting that the Council focus on the question of whether or not they would like to lift road restrictions.

At this time Pribyl and Bauer returned to their seats.

The consensus from the Council was that they are against a waiver to the road restrictions. Mayor Preiner addressed Pribyl and said to reach out to Mursko if they change their mind about posting a security requirement.

Motion by Peterson to enforce seasonal weight restrictions on Hornsby Street. Seconded by Logren. Motion carried unanimously.

12. Public Open Forum

John Arnt – 7162 167th Avenue NE

Arnt came forward to discuss digging a pond on his property. He has gotten approval for his project from the Army Corps, DNR, Rice Creek Watershed District, the State of Minnesota, and Anoka County. His next step is to gain approval from the City.

Mursko explained some history from the project. The City received an application from Arnt for an excavation permit, which would require hauling on City roads. The application submitted was found to be incomplete. Additional materials such as a drainage plan were requested and have not yet been submitted.

Mursko continued to say that City Ordinances do not allow hauling for profit on City roads, and there is no variance process. She said that the question for the Council to consider is whether you want to allow Arnt to haul 16,000 cubic yards on 167th Avenue NE to Potomac Street. Arnt said that the distance on 167th Avenue NE is less than a quarter mile.

Duraine asked how many truck loads would be required to remove the pond spoils? Arnt said 1,100 to 1,200 truck trips. Peterson asked why the pond is being installed? Arnt said it will be for entertainment like fishing. Duraine asked what the acreage of the pond will be? Arnt replied that it will be around 2.8 acres. Mayor Preiner asked if there was any space to spread the spoils out on his property? Arnt replied that, based on Agency feedback, the spoils need to be hauled off site immediately.

Griffith offered some context for the Council. The City experienced an extensive hauling project in a residential neighborhood a couple years ago. Based on how disruptive that activity was to the neighborhood, the Council made the City's mining regulations stricter. The City is still able to accept an application for the project, but the Council will be faced with the question of whether there should be a change in the Ordinance to allow Arnt to complete his project. Because right now hauling on a residential street is not allowed.

Mursko followed up by saying her intention is, once the application is complete, to bring it to Postler for a discussion and a Public Hearing will be scheduled. There are application materials which both Mursko and Postler have requested that still need to be turned in.

13. Discussion and Direction – Legislature Bills

Mursko presented letters regarding two bills that are being proposed at the legislature.

The first is to alter the formula for Local Government Aid (LGA) distribution to ensure that all Minnesota Cities will be included. At this time Columbus does not receive LGA. Mursko said that she thinks the bill is a good idea but is curious about where the funding will come from. Griffith said that LGA comes from the State's General Fund so the money would likely come from a redistribution of that fund or from a new source. He continued to say that City Staff could contact these representatives to understand where the money will come from. The Council expressed their support for the initiative.

Motion by Duraine to direct Mursko to write a letter in support of HF 2031. Seconded by Hegland. Motion carried unanimously.

The second bill was brought to Mursko's attention by the League of Minnesota Cities (LMC). The LMC sent out an alert that this bill regarding street maintenance money will be going before the legislature. Griffith said that this proposed legislation is a result of a legal case with the City of Woodbury. In order to charge developers for impact fees on City roads, the City would need authority from this bill. The Council agreed they were not comfortable expressing their support at this time. Mayor Preiner encouraged Council Members to send letters of support individually if they are interested.

14. Sunrise WMO 2020 Budget

Hegland and Logren attended the most recent Sunrise River Watershed Management Organization (SRWMO) meeting where they discussed their 2020 budget. The budget itself needs to be approved prior to May 1. Hegland noted that a decent amount of money is spent on carp studies in lakes that are not in Columbus but recognized that the City has an obligation to support the organization. Mursko noted that there is not an option for the City to opt out of their obligation with the SRWMO.

Motion by Hegland to approve the Sunrise WMO 2020 budget. Seconded by Duraine. Votes as follows; Peterson – aye; Hegland – aye; Preiner – aye; Duraine – aye; Logren – aye. Motion carried unanimously.

D. STAFF AND CONSULTANT REPORTS

15. Engineer Report

Postler presented to the Council the NE Quad sanitary sewer and water main extension plans and specs for future development. Sanitary sewer and water is currently laid on the north side of TH 97, and will be extended to the east side of Hornsby Street, following the curve of the new road. He anticipates construction of the utilities in June or July, with construction of Hornsby Street occurring in July. The intention is to complete utilities and the road realignment by November. He finished by saying some of the project costs will be assessed to the future developer.

Motion by Duraine to approve Resolution 19-06, a resolution approving plans and specs and authorizing advertisement of bids for the NE Quad sanitary sewer and water main improvements project, Project #2018-03. Seconded by Peterson. Motion carried unanimously.

16. Attorney report

Chapter 6 Road Weight Restrictions Ordinance Amendment

Based on direction from a previous meeting, Griffith presented a proposed amendment to the City's weight restrictions ordinance. The amendment shifts back to a 5-ton standard. When this was discussed there was some miscommunication and a 7-ton standard was applied. Based on direction from the Council it was determined that a 5-ton standard is appropriate.

Another proposed change is for emergency weight restrictions. The change adds clarifying language stating that the Public Works Superintendent has been delegated authority from the Council for these matters.

Mursko noted that she and Windingstad would like to add clarifying language to sections A and B to state that this authority is for "City" roads only (as opposed to County roads).

Mursko's last note is that the City will post a "no truck route" sign with another sign underneath that says, "except local deliveries". Griffith clarified that "local delivery" terminates somewhere nearby the road restriction.

Griffith said that he believes this combination of signage will be sufficient to meet the City's enforcement goals. If there are questions about the exact language of the rule, City Code will have to be referenced. This is because it is difficult to convey the entire regulation from City Code on the road sign itself.

Motion by Duraine to approve Ordinance 19-01, an ordinance amending Chapter 6 of the City of Columbus Code of Ordinances, with the above referenced changes to sections A and B from Mursko. Seconded by Peterson. motion carried unanimously.

Griffith deferred his remaining agenda items to a future meeting.

17. Mayor and Council Members Report

Council Member Logren

No report.

Council Member Peterson

No report.

Council Member Hegland

No report.

Mayor Preiner

No report.

Council Member Duraine

No report.

18. Public Works Report

No report.

19. Public Communications Coordinator Report

No report.

20. City Administrator’s Report

Treasurer’s Report

Receipts:	\$	0.00
Disbursements:	\$	152,491.80
Balance:	\$	8,952,888.16

E. ANNOUNCEMENTS & REMINDERS

21. Calendar of Meetings.

F. ADJOURNMENT

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

Meeting adjourned at 9:20 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator