

**City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statutes, Section 13D.021
04.22.20**

The 04.22.20 meeting of the City of Columbus City Council was called to order at 7:02 p.m. by Mayor Preiner at the City Hall. Present were Council Members Jeff Duraine, Shelly Logren (via teleconference), Janet Hegland, and Denny Peterson; City Administrator Elizabeth Mursko, City Attorney Bill Griffith (via teleconference), and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Pam Wolowski (via teleconference), Cindy Angel (via teleconference), Barb Bobick (via teleconference), Ron Hanegraaf (via teleconference), Andre Green (via teleconference), Keith Brune (via teleconference), and Kris King (via teleconference).

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

- 3. Motion — Agenda Approval with Additions**
- ~~**4. Motion — Approval of the 04.24.19 City Council Meeting Minutes**~~
- ~~**5. Motion — Approval of the 06.26.19 City Council Meeting Minutes**~~
- 6. Motion — Approval of the 09.11.19 City Council Meeting Minutes**
- 7. Motion — Pay Bills as Posted**

Motion by Peterson to approve the Consent Agenda items 3, 6, and 7. Seconded by Duraine. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

C. PRESENTATIONS

8. Planning Commission Report

Planning Commission Chair Ron Hanegraaf delivered the Planning Commission Report from their 04.15.20 meeting. The Planning Commission considered three topics; a variance request, a CUP request, and an architectural alteration to a site plan.

Variance Request — 14323 Lake Drive, Andre Green

Hanegraaf reported that the homeowner at 14323 Lake Drive, Andre Green, would like to repair and expand his home. Because his home is located in a commercial district, the home is legal non-conforming. Green is requesting to tear down a breezeway, garage, and perform other renovations on his property. The property has suffered hail damage multiple times in the past.

Hanegraaf reported that Green has read the staff recommendation, and he understands and agrees to abide by them. Hanegraaf added that there were no concerns from neighbors during the

Public Hearing, and this variance request does not present any conflicts with the current Comprehensive Plan. As such, the Planning Commission is recommending approval of the variance request.

Motion by Duraine to approve the variance application based on Findings of Fact 1-6 and subject to Conditions of Approval 1-2 in the Columbus Staff Report (dated 04.15.20) at 14323 Lake Drive to repair and expand the existing legal non-conforming structure (house) consistent with plans submitted on 03.13.20. Seconded by Hegland. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

Variance Request – 14323 Lake Drive Findings of Facts and Recommendations:

1. The landowner proposes to use the property in a reasonable manner.

Staff finds that the landowner proposes to use the Property in a reasonable manner. The Property is developed as an existing single-family dwelling in an area of mixed residential, commercial, and industrial uses. The proposed expansion is a reasonable use and consistent with the historic use of the Property, as well as the use of several surrounding parcels.

2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.

The existing single-family dwelling was constructed in 1948 and is an approximately 850 square-foot home with two beds and one bath. The existing structure is uniquely small by modern standards and is in need of repairs. The applicant's request will provide an affordable solution to maintaining existing housing stock. The applicant did not construct the residence and did not create the circumstances necessitating the request.

3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.

The purpose and intent of the C/I District is to limit development based on soil conditions, high water table and lack of public utilities in the district. Under the current circumstances, the Property has existing septic and private water and the construction is taking place largely in the existing footprint, with minor expansions. The City Code is intended to further the health, safety, and public welfare. The proposed variance will allow for the construction of a modern code-compliant addition and is consistent with these purposes and intent.

4. Granting the variance is consistent with the City's Comprehensive Plan.

The City's 2040 Comprehensive Plan includes several Housing Goals that support the

application, including: preserving existing housing stock, maintaining homeownership, and availability of affordable housing as a long-term community value. Comp Plan 48-49. While the Property is not strictly affordable housing, it is market rate and within the “modest home” category of under \$250,000. Accordingly, the variance is consistent with the Comp Plan’s goals to preserve existing housing stock and maintain affordability.

5. The variance if granted, will not alter the essential character of the neighborhood or City.

The character of the neighborhood is largely made up of Commercial and Industrial business, situated along the main arterial (Lake Dr.) that the applicant’s parcel is located on. Additionally, there are roughly 11 similarly sized legal nonconforming lots located near the applicant’s property also located along Lake Dr. If the variance is granted the essential character of the neighborhood and City will not be altered.

6. The practical difficulty is not created solely by economic considerations.

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the legal nonconformity of the applicant’s parcel and the City Code regulating the amount of value in improvements that can be made to a structure.

Staff Recommendation(s):

Staff recommends that the Planning Commission adopt the above findings 1-96 and **approve** the application for a variance to City Code Section 7A-470 to repair and expand an existing legal nonconforming single-family dwelling in the C/I district to allow for the replacement and expansion of an attached two-car garage as shown in the proposed drawings dated 3/26/2020, subject to the following conditions of approval:

1. Applicant must meet the standards outlined in Section 7A-805, including compliance with well and septic requirements, accessory building must be harmonious with the principal dwelling, accessory building must meet all required setbacks, and meet requirements outlined by the City Building Official
2. The applicant must submit any and all other materials required by the building official to complete a Building Department review.

CUP Request — 13733 Lake Drive, Unique Street LLC

Hanegraaf continued by presenting a CUP request from Keith Brune at Unique Street LLC. The request is to operate a vehicle repair and customization business. Hanegraaf said that most vehicles will be stored inside, and any small amount of overflow will be stored on the side of the building. Existing signage on site will be used by Unique Street. Brune does not have plans to

obtain a dealers license. The paint booth and filtration system on the property will be used, and waste removal will be done by an outside service.

The previous renters of this location was California Cars Connection, and their inventory will be removed after the COVID-19 situation has subsided.

Brune said that he understands and accepts the Planning Commission's findings and recommendations. The Planning Commission unanimously recommended the application for approval.

Motion by Duraine to approve the Conditional Use Permit application at 13733 Lake Drive for the operation of a vehicle repair and customization business consistent with application materials (dated 03.12.20) based on findings of fact 1-28 and subject to conditions of approval 1-18 from the City Planner's Report (dated 03.31.20). Seconded by Peterson. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

CUP Request – 13733 Lake Drive, Unique Street LLC Findings of Fact:

1. The Conditional Use Permit application was received on March 3, 2020, and upon further information submitted March 12, 2020 was found complete for review.
2. The 60-day review deadline is May 11, 2020.
3. The 120-day review deadline is July 10, 2020.
4. The lot is a total of 2.27 acres located at 13733 Lake Dr. NE, on property legally described as that Part of the Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ of Sec 33-32-22 Anoka County, MN Lying ELY of the ELY Right-Of-Way Line of County State Aid Hwy No 23 (Formerly known as US Hwy No 8) Lying NLY of the S 239.10 Ft as Measured at Right Angles to & Parallel with the S Line of Said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ & Lying SLY of the North 865 Feet as Measured Along the East Line of Said Southeast $\frac{1}{4}$ of Northwest $\frac{1}{4}$ EX RDS Subj to Ease of Rec.
5. The Property is zoned Commercial/Industrial (C/I).
6. The neighboring property to the north is a van conversion/car collision center. The neighboring property to the east is a large greenhouse center, and the property to the south is a mini storage facility.
7. There is an existing building on the Property that the applicant proposes to use.
8. The proposed use and configuration of the Property will be similar to the past uses or vehicle repair and sales and there is no proposed new excavation or site work.
9. The Conditional Use Permit application is to permit a body repair and customization and minor engine repair shop in the C/I district.
10. The applicant noted that there is a minute opportunity for there to be vehicle sales on the premises. To this date they have not resold a vehicle, if it were to happen the applicant states it would be less than five (5) times a year.
11. The C/I district conditionally permits vehicle service and repair businesses and body shops.
12. The use will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental or generate excessive production of traffic, noise, smoke fumes, glare, or odors.

13. All work is client based and typically based on a customer looking to repair, restore, or customize a vehicle as a project.
14. All painting will be done inside the existing building in an enclosed paint booth on site indicated by the floor plan dated 03.12.20.
15. The removal and recovery of any air conditioning freon or hazardous liquids will be done off site at a sublet mechanic.
16. All customization and repairs would be made inside the existing building as indicated on the floor plan dated 03.12.20.
17. The floor plan dated 03.12.20 also depicts an office area, reception, car lift, spray booth, frame rack, and work stalls all inside the existing building.
18. The applicant does not expect to have multiple vehicles stored on the property due to the nature of the appointment scheduling; however, any vehicles storage would be inside or on the Class 5 gravel indicated on the site plan dated 01.22.19.
19. Including the applicant, there are currently a total of two (2) employees, with plans on hiring one additional employee.
20. The Landowner of the property (Don Waldoch) has new vehicles stored on the North portion (approximately 60 feet by 240 feet fenced in area) of the Property as depicted on the site plan dated 01.22.19.
21. There will be three (3) employee parking spots as indicated on the site plan dated 01.22.19.
22. There will be seven (7) paved customer parking spots west of the entry fence as indicated on the site plan dated 01.22.19 and noted by the applicant in memo dated 03.12.20.
23. The business hours for customers will be 9:00 a.m. to 6:00 p.m. Monday- Friday.
24. Working hours will be 8:00 a.m. to 8:00 p.m. Monday- Friday.
25. The Property already has existing utilities such as electric, water, and septic installed. The SSTS location is outlined on the site plan dated 01.22.19.
26. A CUP was issued to Northern Technologies International Corporation in September 2017 for a corrosion management manufacturing and services business. The business is no longer on the Property.
27. A CUP was issued to California Cars Connections in March 2019 for car storage repair and sales business. The business is no longer on the Property.
28. The Planning Commission held a public hearing on the Unique Street Conditional Use Permit Application on April 15th, 2020.

CUP Request – 13733 Lake Drive, Unique Street LLC Conditions of Approval:

1. The CUP shall be contingent upon any access permitting requirements of Anoka County.
2. The CUP shall be contingent upon any permitting requirements of Rice Creek Watershed District.
3. The CUP shall be contingent upon any permitting requirements of the Minnesota Pollution Control Agency, including but not limited to air quality and hazardous materials.
4. 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.

5. Conduct of the business shall be consistent with the application and additional materials received and deemed complete by the City on March 12, 2020.
6. All repairs, customization, framework, and painting shall be conducted inside the building in areas outlined on the Floor Plan dated 03.12.20.
7. All equipment associated with repair and customization of the vehicles shall be kept in the building on the Property.
8. Any and all uses allowed in the CUP shall be constructed, maintained, and practiced consistent with all applicable federal, state, and local laws and regulations.
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 operation of motor vehicles.
10. Typical hours of operation on the Property are 8:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Monday through Friday for customers.
11. There shall be no storage of vehicles used only for parts allowed on the Property.
12. There shall be no storage of junked or abandoned vehicles allowed on the Property.
13. Signage on the Property will require the applicant to apply for a sign permit from the City.
14. An updated Site Plan is required to show all information outlined in the applicant's memo dated 03.12.20 and the Floor Plan submitted 03.12.20, so that all information is on a single Site Plan.
15. No other uses or intensification are allowed on the Property without an amendment to the CUP.
16. The abandoned CUP issued to Northern Technologies International Corporation on September 13, 2017 is hereby terminated.
17. The abandoned CUP issued to California Cars Connection on March 27, 2019 is hereby terminated.
18. 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 enforcement actions required for the CUP.

Viking Industrial Site Plan Architectural Alteration

Hanegraaf reported that Viking Industrial has submitted site plans and elevations that show a small change in site plan; some of the lighter building panels have been moved to other areas and the landscaping has been updated. Hanegraaf reported that at the time of the Planning Commission meeting the City had not received a response from Viking Industrial after they were asked why the changes were being made.

Hanegraaf added that all Planning Commission members were pleased with the landscaping changes and asked the Council for their feedback on the change in paneling. The Council agreed they were comfortable with the changes.

9. Public Open Forum

No report

10. Local Board of Appeals and Equalization Meeting

Mursko provided the Council with an update on the Local Board of Appeals and Equalization (LBAE) meeting that was rescheduled from 04.23.20 to 05.07.20. Because Anoka County went through an update to their computer system, the tax statements were mailed later than anticipated. Mursko is anticipating that Columbus residents will be receiving them later this week.

However, there is concern that the Columbus tax assessor will not have a lot of time to talk through tax statement issues with citizens. Columbus assessor Todd Smith has indicated that it would be difficult at this point to conduct visual inspections before the LBAE meeting.

As such, Smith has suggested holding the LBAE meetings knowing that he does not have enough time to get through all of the questions that citizens may have, and then announcing during the meeting that it shall be extended to the last possible day to hold the meeting, 05.26.20. As long Columbus residents speak with the City assessor first, they will also be able to defer the issue until the County's LBAE meeting.

Hegland said she would prefer to defer all issues to the County level because there has not been an adequate amount of time for residents to review their tax statements. City Attorney Bill Griffith researched the applicable statute which says that the County Assessor fixes the date of the LBAE meeting, and the Council does not have any authority change the date or choose not to hold the meeting. Griffith added that if a municipality does not hold an LBAE meeting, those powers are shifted to the County for a period no less than three years. So if Columbus does not hold a meeting, they will lose the ability to do so for at least three years.

The Council agreed that they will hold their meeting on 05.07.20, and announce that they will reconvene again on 05.26.20.

D. STAFF AND CONSULTANT REPORTS

11. Engineer Report

Workshop Discussion - 2021 Hornsby Street Reconstruction

City Engineer Kevin Bittner followed up on discussion from the earlier City Council workshop regarding the reconstruction of Hornsby Street. Based on initial feedback, Bittner will prepare a preliminary design and engineering report for the new road. He will also consult the estimate from TKDA to thoroughly evaluate all that will be required for the project.

Motion by Hegland to direct Bolton & Menk to complete the preliminary design work for Hornsby street south (City Project 2021-01) in the amount of \$30,000. Seconded by Peterson. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

John's Black Dirt Final Steps

Bittner continued to report that he has an inspection scheduled for the John's Black Dirt site on 04.30.20 to evaluate if the site is in compliance with their Interim Use Permit (IUP). Public

Works Superintendent Jim Windingstad, Water Resources Engineer Tim Olson, and Forest Lake Contracting representatives will all attend the inspection with Bittner.

Hornsby Street North Lighting

Mayor Preiner reported on an additional topic that was discussed at the workshop; the lighting for Hornsby Street north of TH 97. The Council's consensus at the workshop was to authorize Public Works to purchase new decorative lights for this road at a not to exceed price of \$20,000.

Motion by Duraine to approve the change from the standard lighting posts on Hornsby Street north of TH 97 to decorative lighting posts for a price not to exceed \$20,000. Seconded by Peterson. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

12. Attorney Report

Legislative updates

Griffith reporting that he and his staff are continuing to monitor the bonding bill. All feel strongly that there will be a bonding bill this year.

Griffith added that he will provide Mursko with information on any legislative bills that may contain opportunities for municipal relief during COVID-19.

13. Mayor and Council Members Report

Council Member Logren

No report

Mayor Preiner

Mayor Preiner reported that during the 04.08.20 EDA meeting that he would like to nominate Robert Berens to the EDA.

Motion by Hegland to ratify the Mayor Preiner's appointment of Robert Behrens to EDA. Seconded by Duraine. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

Mursko explained that Berens will be fulfilling Jon Rausch's unfinished term which began in 2019 and will terminate on December 31, 2024.

Council Member Hegland

Hegland reported that the Personnel Committee has created a new policy for showing appreciation to the City's volunteers, and presented that policy to the Council for consideration.

The Personnel Committee would like to institute the policy in April (volunteer recognition month) and plan to hold a social gathering recognizing volunteers once the COVID-19 restrictions are lifted. Until that time, the volunteers shall be recognized on the City's website.

Motion by Hegland to direct the Personnel Committee to update the current volunteer policy to resume annual recognition of volunteers during volunteer appreciation month, to direct the Personnel Committee to choose a date for a modest social event to commemorate their work, and to direct Staff to post a note of thanks on the City website. Seconded by Duraine. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

Hegland continued to report that her and Logren received a request from Bare Home to meet with them regarding their previous issue with building elevation discrepancies. They are interested in repainting the outside of the building in a way that has not been approved by the City Council, and add a small retail component to their building. They have asked if they can submit a revised plan for these changes. Hegland told them that they should not put forward a proposal that the Council has already denied, but they could submit a different design that they believe would achieve the same goals that the Council has communicated previously.

Hegland is wondering if her and Logren should meet with Bare Home to review their changes or if they should present their ideas directly to the Council. Griffith said that if they have intentions of amending their Conditional Use Permit (CUP), then the proper procedure is to apply for a CUP amendment and come before the Council.

Griffith also said that feedback could be given that the old design is preferred so long as that is the consensus of the Council, but that does not prevent Bare Home from applying for a CUP amendment with the City. The consensus from the Council was that they should require Bare Home to submit a CUP amendment application and forego any preliminary meetings with Council members. Hegland said that a message will be delivered to Bare Home that the Council is satisfied with the design that was previously approved, and if they want to change it they should formally apply for a CUP amendment. They will also be put on notice that if work does not begin on the current plans by mid-summer the property will be out of compliance and there may be enforcement action take.

Council Member Peterson

No report

Council Member Duraine

Duraine reported that he will attend the inspection at John's Black Dirt on 04.30.20.

14. Public Works Report

No report.

15. Public Communications Coordinator Report

No report.

16. City Administrator's Report

COVID-19

Mursko reported that Governor Walz extended the State of Emergency to 05.15.20.

Midco internet service contract

Mursko continued to report that the contract with Midco expired this year. She said that the City has not had great internet service recently, and operating meetings over conference calls has required a higher bandwidth. Because all of the City's phones use the same bandwidth, City Employees have been experiencing dropped calls.

For an additional \$23 per month, the City was able to get a better internet service contract with Midco. Mursko is asking the Council to approve the new contract.

Motion by Peterson to approve the Midco three-year service order for \$158.00 per month for internet 500 services. Seconded by Duraine. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye. Motion carries.

E. ANNOUNCEMENTS & REMINDER

17. Calendar of Meetings.

The next Planning Commission meeting is on 05.06.20 at 7:00 p.m.

The next City Council meeting is on 05.13.20 at 7:00 p.m.

The next City Council workshop is on 05.27.20 from 4:00 - 6:00 p.m.

F. ADJOURNMENT

Motion by Duraine to adjourn. Seconded by Peterson. Roll call vote; Peterson - aye; Hegland - aye; Mayor Preiner - aye; Duraine - aye; Logren - aye.

Meeting adjourned at 8:10 pm.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator