

City of Columbus
Regular City Council Meeting
04.24.19

The 04.24.19 meeting of the City of Columbus City Council was called to order at 7:09 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: Arlen Logren, Dan Mike, Dave Schueler, Cindy Angel, Joe Bazey, Kris King, Matt Joyer, Anne Haslerud, Mark Daly, and Julia Parent (Forest Lake Times).

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:09 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. ~~Motion—Approval of the 12.12.18 City Council Meeting Minutes~~**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**

Motion by Peterson to approve the consent agenda items 4 and 5. Seconded by Duraine. Motion carried unanimously.

C. PRESENTATIONS

Ron Hanegraaf gave the Planning Commission report from their 04.17.19 meeting. Two Public Hearings were held at that meeting.

Gronquist Addition Preliminary and Final Plat

The first Public Hearing was for the Gronquist Addition Preliminary and Final Plats. The applicants are Wilkerson and Hegna, P.L.L.P, and are purchasing 7.4 acres of the 10+ acres that the Gronquist's own and are subdividing into two lots. The Gronquists will continue living on the smaller parcel. Wilkerson and Hegna do not have plans to develop the land at this time, and as such would prefer not to hook up to City utilities until development occurs. Representative from Wilkerson and Hegna, Anne Haslerud, noted that if the Gronquists sell their parcel, they may combine the lots at a future date. Hanegraaf noted that this application was unanimously recommended for approval by the Planning Commission.

Mursko noted that the Gronquists will have to connect their lot to public utilities, but the lot that Wilkerson and Hegna is purchasing will not have to connect until there is development on the property. Postler added that when this occurs Wilkerson and Hegna will also have to pay for the installation of a stub from the water line to their property.

Mursko continued to say that her recommendation, along with all conditions from the City Engineer, is to require a Developer's Agreement for both parcels that would spell out the timing of connection responsibility for continuing utility services to Wilkerson and Hegna's lot, as well as other such details.

Logren asked if the Gronquists can sell their property as a residential lot? Mursko said that the Gronquist's lot is commercially zoned with a residential use, so they could sell their property as is. However, Wilkerson and Hegna's property cannot have a house built on it because it is zoned commercial and is currently vacant. Logren continued by asking if Wilkerson and Hegna would be able to leave the house on the Gronquist's lot if they purchased it? Mursko said it would be possible to maintain a residential use on the property if they purchase it, and it would continue to be considered legal non-conforming.

Hanegraaf asked if the applicants could recombine the properties? Griffith said that they could, but the Developer's Agreement associated with this subdivision will require Wilkerson and Hegna's property to be connected to City utilities.

Motion by Duraine to approve PC-19-105 the Gronquist Addition Preliminary and Final Plat applications (dated 03.14.19), subject to Title Review Conditions 1-6 as outlined in the City Attorney's Memo (dated 04.18.19), Findings of Fact and Conditions of Approval 1 – 6 as outlined in the Planner's Memo (dated 04.17.19) with the addition of recommendation number 7 requiring a Developer's Agreement, and subject to the City Engineer's Memo Comments (dated 04.14.19). Seconded by Peterson. Motion carried unanimously.

Gronquist Addition Preliminary and Final Plat Findings of Fact:

1. The City received a preliminary and final plat application from Wilkerson & Hegna, PLLP ("Applicant") on March 14, 2019. The application was found complete.
2. The 120-day preliminary and final plat review deadline is July 26, 2019.
3. The proposed 10.443-acre plat is located at 9252 Lake Drive NE on the south side of the road, PID 24-32-22-24-0007, ("Property").
4. The Property currently has a single-family residence, a paved driveway, a small shed, a detached garage and a pole barn.
5. The proposed plat will split the Property into two lots. Lot 1 would be 3.003 acres and contain the existing residence and structures. Lot 2 would be 7.440 acres and is currently vacant.
6. Public sewer and water utilities are available along Lake Drive. One 6" sanitary sewer service and one 6" water service were provided to the current parcel as part of the original utility improvements, but were not connected to the residence on Lot 1.

7. There are no proposed new development plans associated with the application for preliminary plat review and approval.
8. Access to Lot 1 is an existing paved driveway onto Lake Drive NE. Access to Lot 2 is currently a gravel driveway onto Lake Drive NE.
9. Yard area and wetland area easements on lots are consistent with the City Code.
10. Two wetlands were identified on Lot 2 by a wetland delineation, the results of which were supported as accurate by Rice Creek Watershed District under a Notice of Decision on January 3, 2019. The U.S. Army Corps of Engineers concurred with the delineation of the aquatic resources in a letter of February 5, 2019. The Plat identifies wetland drainage and utility easements covering each wetland.
11. There are no new stormwater management facilities required within the plat.
12. Anoka County Transportation Division reviewed the plat and issued comments on 03.12.19. The County stated that the right of way is adequate for future reconstruction purposes. The County also reviewed the two access drives. The County approves of the existing access to Lot 1. For Lot 2, the County noted that the existing gravel drive was never formally approved. It will permit an access drive for Lot 2, but reserves the right to review the design and location of the future access when development on the parcel occurs.

Gronquist Addition Preliminary and Final Plat Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. Requirements of the Anoka County Surveyor and Anoka County Highway Department.
4. Requirements of Rice Creek Watershed District.
5. Reimbursement of all City expenses associated with plat approval.
6. Future development within the plat is subject to local ordinances and permitting requirements.
7. City Attorney to prepare a development agreement as a requirement for the subdivision, addressing public utilities for Lot 2.

NE I-35 Quadrant Preliminary and Final Plat

Hanegraaf explained that the City is processing several applications and requests that are related to the NE I-35 Quadrant. The Planning Commission received applications from Columbus 3597 JAMP LLC for Preliminary and Final Plats, a CUP for PUD (Conditional Use Permit for Planned Unit Development), and a Site Plan Review from Hy-Vee. The applications are interrelated, so they were discussed together.

City Attorney Bill Griffith described his edits to the Planner's Report from TKDA. For Condition 6, he added language regarding design guidelines and park fees. In Condition 7, he dropped the word "operating" and replaced it with "developing", as a PUD is concerned with development-based criteria. Griffith added that additional language in Condition 7 preserves design criteria for future development to ensure they guide the entire area.

Griffith continued to explain the process for this application, as the City has never seen a commercially phased PUD. A PUD is approved through the approval of a CUP. The PUD sits over the entire property and allows for flexibility in the normal requirements for a development. This PUD covers 22 acres, and when individual developers apply to locate on a site in the development an application for an amendment to the PUD's site plan will be submitted to reflect that particular development.

In an application for a PUD, certain variations from typical development requirements are requested. If the Council approves the application, the requested variations will be incorporated with conditions of approval into a Developer's Agreement. He added that the Developer's Agreement will make design guidelines clear so that there is a uniform look and feel to the area.

At this time Phil Hoey from Hy-Vee came forward to discuss the four variations that they are requesting for their site.

The first is to reduce the front yard setback requirement from 30 feet to 12 feet to accommodate signage. The second is for an increase in the maximum impervious average coverage from 50% to 70%. TKDA has designed the ponds on site to meet this percentage. The third is a request to allow a shared parking agreement across certain parcels in the development. And the last variation is for less than 5 feet of greenspace between the property lines and any maneuvering areas, access aisles, driveways, or parking spaces.

Mursko noted that she does not believe any of the requested variations will take away from the overall development. She added that the City has requested that the area be walkable, and the fourth variation request is one way to ensure that.

Hoey asked the Council if they will be vacating drainage and utility easements associated with Hornsby Street? Mursko said that there are not any on the property. Hoey followed up by asking if there are any power line easements on the property? Griffith said that the City does not have any authority over power lines or their easements. Postler clarified that the power line easements will be vacated and resituated along the new alignment of Hornsby Street.

Griffith noted that the applicant may be making boundary line adjustments of a few feet (the maximum of which would be 10 feet), and these adjustments should not require another meeting. Hoey explained that this is because there is a 10-foot easement requirement behind the planned Hy-Vee building that currently lies in a drive aisle. If any above ground utilities had to be run

there it would disrupt the drive aisle, which would require shifting the property line to accommodate the easement. He said that there are no plans for above ground utilities at this time.

With that, Hanegraaf noted that the Preliminary and Final Plat application, the CUP for PUD application, and Hy-Vee Site Plan Review application were all unanimously recommended for approval by the Planning Commission.

Motion by Hegland to approve the NE Quad 35 Preliminary and Final Plat Application (dated 04.12.19) subject to the vacation of all existing easements. Seconded by Duraine. Motion carried unanimously.

Motion by Duraine to approve PC-19-106, the Columbus 3597 JAMP CUP for PUD application (dated 03.20.19), adopting Findings of Fact 1-10 as outlined in the Planner’s Memo (dated 04.17.19), and subject to Conditions of Approval 1-8 as outlined in the City Attorney’s Memo (dated 04.23.19). Seconded by Peterson. Motion carried unanimously.

Columbus 3597 JAMP CUP for PUD Findings of Fact:

1. The City received a Conditional Use Permit application for a Planning Unit Development from JAMP, LLC (“Applicant”) on March 20, 2019. The application was found complete.
2. The 120-day preliminary and final plat review deadline is August 2, 2019.
3. The proposed 20.33 acre PUD is located at northeast corner of Interstate 35 and County Road 97, (“Property”).
4. The CUP procedure is required to consider granting approval of a Community Retail District PUD on the Property through the Planned Unit Development provisions of the City Code.
5. The CUP – PUD application is associated with a ‘NE Quad 35’ Preliminary and Final Plat application from the City of Columbus, which currently owns the property, and a Site Plan application from Hy-Vee for the southeast portion of the PUD area.
6. The Property is currently vacant, with Hornsby Avenue NE running north-south through it.
7. The PUD proposes a mixed-use development, to include a Hy-Vee grocery, a multi-family residential development, and future commercial uses to be determined.
8. The Preliminary and Final Plat associated with this phase of the PUD development propose the creation of one lot (‘Lot 1’) for the Hy-Vee store and four (4) outlots. Further subdivision of the outlets is anticipated in the future, through preliminary and final plats and site plans.
9. The PUD proposes a few deviations from the general City Code requirements in the Community Retail District, as follows:
 - a. Reduce front building setbacks from thirty feet (30’) to twelve feet (12’), to bring the buildings closer to the Hornsby Avenue NE public right-of-way with parking placed more to the rear and side of buildings, where it will be less visually prominent.

- b. Increase the allowable impervious surface area coverage above the general maximum of 50%, if reviewed and approved by the City Engineer on a case-by-case basis for each lot to be created in the PUD. The impervious coverage will be reviewed in relation to the capacity of the ponding areas and stormwater management system across the PUD area.
 - c. Allow shared parking areas between uses when the anticipated days and hours of parking demand for those uses are determined to enable shared parking spaces without the demand at peak times exceeding the available parking provided.
 - d. Allow deviation from the requirement that maneuvering areas, access aisles, driveways and parking spaces shall be no closer than five (5) feet from property lines, to enable shared drives and parking areas between adjacent uses and parcels, upon review and approval by the City Engineer on a case-by-case basis.
10. Owners of parcels that share parking and access will grant mutual cross access easements for operation and maintenance of those areas, as well as ponding areas.

Columbus 3597 JAMP CUP for PUD Conditions of Approval from 04.23.19 City Attorney's Memo:

1. The PUD CUP is contingent upon approval and recording of the NE Quad 35 Preliminary and Final Plats.
2. The PUD CUP is contingent upon detailed recommendations of the City Attorney.
3. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
4. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of each Property.
5. Further subdivision of one or more of the outlots is anticipated in the future.
6. A development agreement between the applicant and the City shall be required per City Code Section 7A-819 A.5, for Planned Unit Development, to ensure that the PUD is constructed and maintained as approved, including but not limited to installation, design and maintenance of streets, utilities, amenities, design guidelines, park fees or other aspects of the PUD.
7. In the event the City Council determines, in its sole discretion, that the Property is not being developed in accordance with any term or condition contained herein, the PUD CUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the PUD CUP of any such revocation.
8. The Applicant shall reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP and PUD, including any subsequent inspection and enforcement actions.

Motion by Duraine to approve the HyVee Site Plan (dated 03.20.19), with the site plan deviations 7a-d and subject to comments 1-6 listed in the City Engineer's Report (dated 04.13.19), building elevations (dated 03.01.19), landscape plan L-1.0 - L-1.1 (dated

03.20.19), photometric plan (dated 03.20.19), sign plan (dated 03.01.19), and civil plans C-2.0 - C-6.2 (submitted 03.20.19). Seconded by Logren. Motion carried unanimously.

Hy-Vee Site Plan Review Application Comments:

Layout:

1. The proposed site will be utilizing two driveway accesses to the newly realigned Hornsby Street. One primary access that aligns with between the front of the store and the gas pumps, and one secondary access to the northwest that will be shared with other future development. The site layout is also providing for two internal cross-access points in the southwest corner to adjacent future development.
2. A small portion of the parking area adjacent to Hornsby Street is in the drainage and utility easement, and a portion of the driving area south of the gas pumps is in the existing watermain and sanitary sewer easement. Landscaping improvements are proposed in these areas as well. This is acceptable with the caveat that if repair/replacement/relocation of any utilities in these easements become necessary in the future, the repair/replacement of any development surface improvements are the responsibility of Hy-Vee.

Grading and Drainage:

3. Drainage for the entire development is collected on site and conveyed to a proposed storm water pond on the east side of the site. This proposed pond will be constructed as part of the Hornsby Street Realignment project as it functions hydraulically as part of a larger proposed pond on the east side of Hornsby Street.
4. Storm water ponding for this development site is part of the Hornsby Street Realignment project, and as such is being permitted through Rice Creek Watershed District as part of that project. However, each individual development with this PUD, including Hy-Vee, will need to apply for its own permit from the RCWD relative to specific site improvements.
5. Benchmark information should be shown on the grading, drainage and erosion control plan.

Utilities:

6. The proposed store will use existing 6" sanitary sewer and water services stubbed to the parcel along the north side of TH-97 as part of a previously installed city sanitary sewer and watermain extension project.

Hy-Vee Site Plan Review Application Deviations:

7. The PUD proposes a few deviations from the general City Code requirements in the Community Retail District, as follows:
 - a. Reduce front building setbacks from thirty feet (30') to twelve feet (12'), to bring the buildings closer to the Hornsby Avenue NE public right-of-way with parking placed more to the rear and side of buildings, where it will be less visually prominent.
 - b. Increase the allowable impervious surface area coverage above the general maximum of 50%, if reviewed and approved by the City Engineer on a case-by-case basis for each lot to be created in the PUD. The impervious coverage will be reviewed in relation to the capacity of the ponding areas and stormwater management system across the PUD area.
 - c. Allow shared parking areas between uses when the anticipated days and hours of parking demand for those uses are determined to enable shared parking spaces without the demand at peak times exceeding the available parking provided.
 - d. Allow deviation from the requirement that maneuvering areas, access aisles, driveways and parking spaces shall be no closer than five (5) feet from property lines, to enable shared drives and parking areas between adjacent uses and parcels, upon review and approval by the City Engineer on a case-by-case basis.

7. Park Board Report

Mark Daly came forward to give the Park Board Report.

Roundabout Design

Based on direction from a previous meeting, the City's Park Board was tasked with creating a design for the center of the City's new roundabout at the intersection of Lake Drive and CSAH 54/W. Freeway Drive. Daly said that after discussions the Park Board is recommending not adding any design elements to the center of the roundabout due to constant accidents and vandalism. The concern is that the City would incur significant costs to repair and maintain whatever design elements are placed there. Instead the Park Board is recommending simply adding prairie grass with flowers lining the edge of the roundabout. The Council agreed and accepted the Park Board's recommendation.

Eagle Scout Project Proposal

Daly continued to report on Columbus resident, Jacob Kirkeeide of 16210 Potomac Street NE, who is interested in installing a bench in the City Park that would be dedicated to the armed forces for his Eagle Scout project. Daly said that he suggested to the resident that logos of the five armed forces branches be added to the bench. The Park Board is in favor of the project but would like to secure a vote from the City Council to keep the project moving forward. The expected timeline is to install the bench next summer.

Peterson asked if the plan is for one bench or more? Daly said it would be one bench. He added that the Park Board will determine the best location for the bench. Peterson continued to ask if the bench will be fastened to the ground? Daly replied that it will be set in concrete with a one-foot wide perimeter surrounding the bench. The logos would be a type of metal which would be embedded into the bench.

Logren asked who the adult supervisor is for the project? Daly replied that it is Kirkeeide's parents, and they are very involved. He finished by saying that they may hold a dedication ceremony once the bench is completed.

Mursko noted that if it was determined that installing the metal logos was too costly the Park Board would contribute money to ensure that all branches are represented. Public Works Superintendent Jim Windingstad was appointed as the responsible City party and will act as the City's point of contact during the project. In addition, the City will be the beneficiary of the project and Hegland will sign all paperwork.

Motion by Duraine to approve the Park Bench Project for Jacob Kirkeeide's Eagle Scout Merit Badge. Seconded by Logren. Motion carried unanimously.

Park Field Reservation Policy

Daly said that the City's previous policy for reserving park fields needed to be revised. As such, he presented a new policy for the Council's consideration. All field reservation requests would have to be submitted by 4:00 p.m. on the second Monday in January. Then the Park Board at their first meeting of the year would review the requests and assign reservations in the fairest way possible, giving priority to games over practices. Then Deputy City Clerk Lorie Spangler will distribute a calendar of reservations.

Motion by Duraine to approve Policy 19-01, the City of Columbus Field Reservation Policy. Seconded by Peterson. Motion carried unanimously.

Park Field Fees

Daly reported that the fees for reserving fields in the City Park have not increased in 8 years, and some on the Park Board felt like they should be increased. He continued to say that the costs to maintain the fields have increased, the fields are maintained very well, and as such he is in favor of an increase. The Board is not recommending a specific amount to increase the fees by, they are simply looking for direction from the Council at this time.

Duraine and Peterson said that they both believe the field reservation fees should be increased. Hegland said that the gap between the reservation fees and maintenance costs is so wide that an increase would not serve much of a purpose.

Overall the Council agreed that they would consider an increase in the park reservation fees but would like to see more information such as what other Cities charge for reserving their fields. Daly understood and said that they will bring that information back to a future Council meeting after their next Park Board Meeting.

8. Public Open Forum

No report.

D. STAFF AND CONSULTANT REPORTS

11. Engineer Report

Accept Bids for NE I-35 Quadrant Utilities Project

Postler presented a memo summarizing bids received for the extension of sewer and water service to the NE I-35 Quadrant. He explained that the water and sewer lines will run along the new alignment of Hornsby Street to service development.

He continued to say that 8 bids were received, with Metro Utilities Inc. submitting the lowest bid at \$246,774.00, which was over \$100,000 less than the Engineer's estimate.

Motion by Duraine to accept bids for the NE I-35 Quadrant Utilities Project (2018-03) as presented in the tabulation of bids (dated 04.18.19). Seconded by Peterson. Motion carried unanimously.

Motion by Duraine to award the contract for the NE I-35 Quadrant Utilities Project (2018-03) to the lowest responsible bidder, Metro Utilities Inc., for the base bid of \$246,774.00. Seconded by Peterson. Motion carried unanimously.

14. Mayor and Council Members Report

Council Member Logren

Logren reported that she attended the most recent Fall Fest meeting and plans are progressing along for the event.

Council Member Peterson

Peterson reported that a Public Works Advisory Board meeting was held, and that Windingstad will address the subject matter during his report.

Council Member Hegland

Hegland reported that her, Mursko, and Logren attended a safety and loss training session. At the event they saw presentations on a number of items, primarily about ways to reduce risk to the City. She said that Columbus has many of the suggested items already in place but will have to address some items related to ADA compliance.

Mayor Preiner

Mayor Preiner noted that the Council held their Local Board of Appeal and Equalization meeting on 04.23.19. He added that the meeting was recessed, as two residents will return to the 05.08.19 City Council meeting after City Assessor Ken Tolzmann has an opportunity to revisit their properties.

Council Member Duraine

No report.

15. Public Works Report

Public Works Advisory Board Report

Jim Windingstad and Dave Schueler presented a Public Works Advisory Board (PWAB) report.

Based on direction from a previous City Council meeting, Windingstad asked the PWAB to discuss a new approach for road paving initiatives in the City. At this time a neighborhood petition with a simple majority in favor of paving would be sufficient to start the road pavement process. Mursko clarified that this process is only for citizen-initiated petitions, and the Council recently decided that the City should not be actively pursuing road paving. Schueler added that the PWAB did not like that the process required a simple majority of all the ballots sent, rather than of the ballots that were actually returned.

Schueler continued to say that the PWAB unanimously recommended the process should require a simple ballot of the ballots that were returned. He added that the PWAB discussed a percentage requirement but thought that a simple majority would be best. This is because most of the road petition projects include a small number of properties. For example, say the percentage requirement was 60%, there were 7 properties in the petition, and 4 were returned in favor. The 4 in favor represents over half of the total petitions but would not be 60%. To get to at least 60% 5 votes would be needed, which would be equal to 71% of the petitions sent out, a percentage considerably higher than 60%. It is because of situations like this that the PWAB is recommending a simple majority of petitions returned.

Windingstad said that the PWAB also discussed notifying residents on gravel roads that are adjacent to paving projects, to make them aware that paving is happening and see if they would

like to do their own petition. Schueler added that this would be the best way to take advantage of an economy of scale. The Council was generally in favor of this idea.

Logren noted that the Council should consider whether or not they want the City to maintain its rural feel, as many people move to Columbus because of rural attributes like gravel roads. She continued to say that she is concerned that a policy requiring paved roads to be redone every 30 years may not be sustainable. In addition, asphalt prices are increasing.

Windingstad clarified that the Council will continue to have the final say for paving projects, as a simple majority is just for direction. Schueler added that it may be true the cost of asphalt is increasing, but so is the cost of aggregate and gravel. In addition, road graders are over \$1 million each, and to continue maintaining gravel roads the City will eventually have to purchase additional road graders in the next 20 years.

Griffith offered some perspective that most City's independently develop paving schedules and follow them. The Council is offering a considerable amount of deference to citizens on this issue.

Overall the Council suggested moving forward with the idea of notifying residents on gravel roads adjacent to paving projects but wanted additional time to consider the simple majority policy. Postler offered the piece of advice that a simple majority could also be described as a 51% requirement in favor.

16. Public Communications Coordinator Report

No report.

17. City Administrator's Report

No report.

Treasurer's Report

Receipts:	\$	0.00
Disbursements:	\$	218,518.07
Balance:	\$	8,782,568.94

E. ANNOUNCEMENTS & REMINDERS

18. Calendar of Meetings.

The next Planning Commission meeting will be held on 05.01.19 at 7:00 p.m.

The next City Council Meeting will be held on 05.08.19 at 7:00 p.m.

The next City Council Workshop will be held on 05.22.19 from 4:00 p.m. – 6:00 p.m.

F. ADJOURNMENT

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

Meeting adjourned at 8:25 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator