

**City of Columbus
Regular City Council Meeting
04.25.18**

The 04.25.18 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, City Attorney Jacob Steen, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: John Young, Ron Hangraaf, John Seibert, Jan Knutson, Shelly & Arlen Logren, Barb Bobick, Kathy Joyce, Kris King, Paul Peskar, Kent Peterson, Roger & Pat Wismer, Dan Mike, Randy Swenson, Tom Swenson, Tom Olson, Janet Hegland, Myron & Cynthia Angel, and Julia Parent (Forest Lake Times).

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 03.14.18~~**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**
- 6. Motion – 2018 Agreement for Residential Recycling Program (SCORE)**

Motion by Daly to approve the Consent Agenda. Seconded by Krebs. Motion carried unanimously.

C. PRESENTATIONS

7. Public Hearing and Motion – Freeway District Sanitary Sewer and Water Main Extensions (Triangle Area) and Resolution Ordering Project

City Engineer Dennis Postler presented a feasibility report for the extension of sanitary sewer and water main to the triangle area of the Freeway District. The report was presented to the Council at a previous meeting, and since that time Postler has met with property owners and further considered the location of private utilities in the area. Based on that new conversation, Postler is now recommending Option 1, where the lift station is located on the west side of W. Freeway Drive. Postler added that Option 1 is less expensive than Option 3, and the total cost will be closer to \$819,000.

Mayor Povolny asked Postler if Option 1 would affect the possibility of adding an exit ramp off I-35E in that area in the future? Postler replied that the off ramp would come in south of the lift station, so it should not be an issue.

There was no further input from the Council.

At this time Mayor Povolny opened the Public Hearing on the making of sanitary sewer and water main extensions from W Freeway Drive north of I-35W to approximately 1,000' south of

I-35W to serve the proposed Bituminous Roadways asphalt production facility and other properties in the I-35W/I-35E Freeway Triangle Area (City Project 2018-1).

Hearing no one, Mayor Povolny asked for a motion to close the Public Hearing.

Motion by Peterson to close the Public Hearing. Seconded by Krebs. Motion carried unanimously.

Postler noted that with the approval of Resolution 18-11, the City would be able to begin work on the improvement immediately, and complete construction in fall 2018. Mursko added that the City would have to bond for the project, and would likely receive proceeds in September. Duraine asked if the cost will be assessed to benefitting property owners? Mursko replied that it would. Duraine finished by saying he is not in favor of starting this project because of the uncertainty of the asphalt plant's future due to current litigation.

Motion by Peterson to approve Resolution 18-11, a resolution ordering improvement and preparation of plans for Sanitary Sewer and Water Main Extensions from W. Freeway Drive 600' north of I-35W to approximately 1,000' south of I-35W to serve the proposed Bituminous Roadways asphalt production facility and other properties in the I-35W/I-35E Freeway Triangle Area (City Project 2018-1). Seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Povolny – aye; Duraine – nay; Krebs – aye. Motion carried.

8. Planning Commission Report

Tom and Randy Swenson from 7643 Camp Three Road came forward to address the Council regarding concerns that were raised at the previous City Council meeting, when Swenson applied to renew his Interim Use Permit (IUP) for a residential zoned car dealership.

Tom reported that he has worked to address the Council's concerns. First, he presented a copy of his current Dealer's License and a letter from the State which says that he is in good standing. Secondly, since there was a question at the last meeting about the number of cars he sold in 2017, he is reporting that he sold 53 cars. In addition, to answer another of the Council's questions, Tom reported that in 2018 he paid roughly \$382 in commercial taxes. Mursko finished by saying Tom contacted Anoka County in regard to a Hazardous Waste permit, he filled out the paperwork indicating how much hazardous waste his business produces, and is currently waiting to hear back on whether they will require him to get a permit.

To continue, Tom asked for clarification about condition number three (3) on his IUP. The condition states that only "light repair work" is allowed on his property, and he would like clarification on the difference between light and heavy repair. He added that he would like to be able to remove bumpers, fenders, struts, and change brakes; and on the other hand, he does not plan on changing engines or transmissions at his location. Mayor Povolny asked how many brakes he changed out of the 53 cars he sold in 2017? Tom said a rough estimate would be 10. Tom continued to say that he never uses air tools on his property, which keeps noise levels at a minimum. Mursko asked if the following list of work allowed seemed sufficient: changing tires, fenders, bumpers, struts, headlights, oil, and perform brake work. While he would not be allowed to do body work, engine work, transmission work, painting, or anything else which is

more intensive than anything on the list of what is allowed. The Council agreed that was sufficient.

Daly asked Tom where he does his work on the property? Tom replied that all work is done in his barn. Mayor Povolny asked if Tom has problems with people finding his location, since there is only one sign on his mailbox? Tom said he rarely, if ever, hears that his location is difficult to find.

Krebs asked if a representative from the State performed an inspection since the last Council meeting? Tom replied that they did not, however he noted that he is typically inspected once or twice a year.

Mayor Povolny asked Tom how much longer he plans to operate his business? Tom replied that he would like to continue operating as long as possible. Daly replied that the Council is concerned about the large number of automotive businesses operating in Columbus' residential district.

Daly commented that he would prefer that the length of the IUP be decreased to two (2) years, with the expiration date of 04.25.20. Krebs noted that he would prefer one (1) year.

Motion by Duraine to approve PC-18-106, an Interim Use Permit application (dated 02.28.18) for a residential zone business at 7643 Camp Three Road for two (2) years (expiration 04.25.20), based on Findings of Fact and subject to Conditions 1-18 as outlined in the Planner's Memo (dated 04.09.18), with the change to condition 3 as described above. Seconded by Peterson. Votes as follows: Peterson – aye; Daly – nay; Povolny – aye; Duraine – aye; Krebs – aye. Motion carried.

7643 Camp Three Road Interim Use Permit Findings of Fact:

1. An application for a Residential Zone Business IUP by Tom Swenson, d.b.a. R & T Auto ("Swenson"), was received on February 28, 2018. The application was found complete.
2. The 60-day review deadline is April 29, 2018. The 120-day review deadline, if extended, is June 28, 2018.
3. Swenson is proposing to renew a 5-year IUP on a 5-acre parcel located at 7643 Camp 3 Road (County Parcel ID 15-32-22-34-0006), legally described as part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 32, Range 22 ("Property").
4. The Property is zoned RR Rural Residential.
5. Residential Zone Businesses are an interim use in the RR District, subject to the conditions and requirements of Sections 7A-806 of the City Code.
6. Swenson resides on the Property and the current IUP to operate a used car business expires on April 24, 2018.
7. The Property includes a 52X76 feet building used to store used vehicles for sale.
8. A maximum of 20 vehicles have been allowed on the Property and must be kept within existing structures.
9. Only minor repairs to vehicles have been allowed, e.g., oil changes, tire and headlight replacement. No body work, painting, engine repair, brake replacement or similar more intensive repairs have been allowed.

10. One existing sign on the “dealer building” is allowed.
11. No other non-residential use of the property is currently allowed
12. The Planning Commission held a public hearing to consider the IUP renewal by Swenson on April 4, 2018.

7643 Camp Three Road Interim Use Permit Conditions of Approval:

1. The Residential Zone Business shall comply with and be subject to all of the provisions of the City’s Zoning Ordinance regarding Residential Zone Businesses, including, but not limited to, the provisions of Section 7A-806.
2. The Permit shall be valid for a term of five (5) years from the date of approval, subject to earlier expiration or revocation as otherwise provided herein.
3. The Residential Zone Business shall be limited to the storage of twenty (20) used cars and light trucks (no heavy trucks or machinery) for sale and some light repair work for the purpose of preparing vehicles for sale (e.g. changing of tires, fenders, bumpers, struts, headlights, oil, and brake work). No body work, engine work, transmission work, ~~brake work~~, painting, or other more intensive repair work shall be permitted in connection with the Residential Zone Business. In addition, no handling of hazardous materials, including petroleum products, shall be permitted in connection with the Residential Zone Business, except as necessary to carryout oil changes as permitted hereunder. The Property shall in no event be operated as a salvage yard.
4. All vehicle inventory, parts, and other material or debris associated with the Residential Zone Business shall be stored indoors out of public view. All vehicle inventory shall be fully operable prior to being brought upon the Property.
5. Absolutely no outdoor display or storage of vehicle inventory shall be permitted.
6. Immediately upon the expiration or earlier revocation of the current Permit, Swenson shall, at his sole expense, repair the Property to meet current City Zoning Code Regulations.
7. The Residential Zone Business shall be operated only within the 52’ by 76’ barn existing on the Property. Business hours shall be limited to Monday through Saturday, from 8 a.m. to 7 p.m.
8. The Residential Zone Business shall not generate odors, gases, hazardous waste, fumes, or other conditions that interfere with or infringe upon the quiet possession and enjoyment of surrounding properties.
9. Swenson shall be permitted to affix one non-illuminated wall sign not to exceed two square feet in area for the purpose of advertising the Residential Zone Business.
10. No other business shall be conducted upon the Property.
11. Swenson, his employees, agents, and assigns shall comply with all local, State, and federal laws, regulations, and ordinances in the conduct of the Residential Zone Business.
12. Prior to re-commencing operation of the Residential Zone Business, Swenson shall pay all costs and expenses incurred by the City in reviewing Applicant’s application for the interim use permit, including reasonable attorney’s fees and consultant fees.
13. Should traffic concerns arise the City Council reserves the right to re-open the Interim Use Permit for review.
14. Swenson is required to present a copy of the Minnesota Motor Vehicle Dealer License to the City forty-five (45) days after the approval of the Permit and each year anniversary date thereafter.

15. Swenson must contact Anoka County Environmental Services to establish whether a permit is needed for hazardous waste disposal.
16. In the event the City Council determines, in its sole discretion, that the Residential Zone Business is not being conducted in accordance with any term or condition contained herein, the Permit may be revoked by the City Council upon proper notice and a hearing. The City shall notify the State licensing authorities that have issued licenses in connection with the Residential Zone Business of any such revocation.
17. Swenson shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the Permit, including reasonable attorney's fees and consultant fees.
18. The Permit provided herein is issued solely for the benefit of Swenson and may not be sold, assigned, or otherwise transferred in any manner whatsoever.

At the conclusion of that discussion, Commissioner Jody Krebs came forward to discuss the Planning Commission's meeting. The Planning Commission met on April 18, 2018 and held one (1) Public Hearing on the application for a hotel at Running Aces Harness Park.

Preliminary and final plat for NMHI plat and app for PUD

During the Planning Commission meeting the applicant for the North Metro Harness Initiative (dba Running Aces Harness Park) Preliminary and Final Plats, and Conditional Use Permit (CUP) for a Planned Unit Development (PUD) came forward to discuss their applications. Commissioner Krebs reported that they made a few changes to the Plat including; adding roughly .8 additional acres, going from four (4) stories to five (5) stories, and changing the height of the building from 50 feet to 69.4 feet. The applicant added that the updates were submitted to Rice Creek Watershed District (RCWD), and the Planning Commission is still waiting to hear back from them. Commissioner Krebs also noted that the Planning Commission discussed a reciprocal easement agreement for shared parking, the location and pipe size for public utilities serving the hotel, and adding Findings of Fact #1 requiring approval and recording and North Metro Harness Initiative Plat 2.

Also at the 04.18.18 Planning Commission meeting, the applicant requested a Conditional Use Permit (CUP) for a Planned Unit Development (PUD). This allows exceptions for items in their application such as lot and yard area, hotel height, setbacks for dumpster enclosures, and the loss of 37 existing parking spaces. This is referenced in number 9 of the recommendations in the Planner's Memo. She also noted that in the PUD recommendations, the date in condition number seven (7) was changed from March 2, 2018 to April 18, 2018.

With that, Commissioner Krebs said that the CUP application for a PUD is being recommended by the Planning Commission with unanimous approval.

At this time the applicant and architect came forward to address the Council.

Jon Seibert – 16271 Royal Road, Ramsey, MN and Jan Knudson – 2417 Bryant Avenue S, Minneapolis, MN

Krebs asked the representatives if they have worked through the Sewer Availability Charge

(SAC) determination for the new hotel? Seibert replied that the Met Council did a preliminary determination, and will be making a final one once plans are resubmitted by the applicant.

Next, Krebs asked if Running Aces' current liquor license will cover the new hotel? City Attorney Jacob Steen said that they are working through the logistics of the liquor license. Part of the issue, Steen explained, is that Minnesota law clearly states that all alcohol sold must stay on the premises. State law also says that one cannot have two (2) liquor licenses and move between them. If a business has two liquor licenses, the areas must be distinctly separate and no beverages can move between the areas. Steen also said that currently Running Aces operates with a restaurant liquor license, which cannot serve a hotel. Therefore, it could be possible for Running Aces to forfeit their restaurant liquor license, obtain a hotel liquor license, and operate the entire facility under that single license. However, in this scenario it would have to be demonstrated that the hotel and remaining facilities are operating as one (1) property that is compact and contiguous. This would also involve an operating agreement that all staff serving alcohol in the facility are insured through the hotel liquor license and trained together. Steen said it is possible to get to this point with collaboration from the applicant.

Steen continued the discussion by saying that if Running Aces wanted to operate under one (1) liquor license, it would have to be a restaurant license. Also, if Running Aces wanted the liquor license through the hotel, the hotel must have a restaurant on site. Seibert said that this situation could work, depending on how strictly the state defines a restaurant. The Running Aces Hotel is designed with a 60-person continental breakfast area that will serve food periodically throughout the day, and will operate with a food license.

Seibert said that he and Running Aces CEO Taro Ito have discussed this situation at length. They agree that it would be ideal for people to move freely throughout the premises with alcoholic beverages, however they are both also willing to consider a scenario with two (2) liquor licenses, where the premises are distinctly separate without any crossover.

Krebs asked when they anticipate beginning construction? Seibert replied that they are hoping to get geopiers installed by the end of May. They will be providing shell documents to the City's Building Official, in the hopes to receive a foundation permit. Once the geopiers are installed, which would likely take up to three (3) months, they would submit the remaining documents to continue with construction. Mursko replied that they are applying for a Preliminary Plat, Final Plat, and CUP for PUD. The Preliminary and Final Plats are subject to title review and developer's agreement. In addition, the CUP for PUD application lists exceptions that the Council will have to consider.

Mursko then moved on to a question of signage. The applicants have included three (3) difference signs on the building. Mursko said that the concept for two (2) of the roof signs is new for Columbus, as they do not have a back wall, and asked what the Council thought of the design? Mayor Povolny and Krebs replied that it does not need out of the ordinary and would be fine with the design. Seibert noted that the sign manufacturer said that they prefer not to have a back wall because it would increase wind load and stress on the building. Steen added that condition number 14 states that the proposal for signage needs to be reviewed. Knudson explained that the sign's locations are meant to maximize visibility from I-35. In addition, the applicants intended to provide their structural engineer all possible locations for signs, to

accurately prepare for the installation of geopiers. He and Seibert are happy to work within the City's signage requirements, even if that means they will not be able to have all three (3) signs.

Mayor Povolny asked them about plans for parking lot lights? Seibert replied that there are no plans to alter the lighting in the parking lot, even after the new hotel eliminates 37 existing parking lots. Mayor Povolny then asked if there are plans for lighting on the hotel itself? Knudson replied that there will be a linear strip of color changing, indirect, RGB lighting on the hotel. Mayor Povolny asked if they believe this lighting will illuminate the property line? Knudson said that they are not sure about the intensity. He said the lights should change color gradually and they will be creating a mockup of the lighting for the Council to consider. Mayor Povolny suggested that their team look into MnDOT regulations on lighting adjacent to the freeway.

Duraine asked the applicants if they have any plans for altering the Park and Ride on Running Aces' property? Seibert replied that at the moment it will be left as is. If the Park and Ride does interfere with Running Aces' development plans in the future, Seibert believes there will have to be a renegotiation of the contract.

Motion to approve the Preliminary and Final Plat applications from North Metro Harness Initiative (dated 03.02.18) subject to Title Review, Developer's Agreement, and Review of the Reciprocal Easement Agreement, also based on Findings of Fact and subject to Conditions 1-8 as outlined in the Planner's Memo (dated 04.11.18) by Krebs. Seconded by Duraine. Motion carried unanimously.

North Metro Harness Initiative Preliminary and Final Plat Findings of Fact:

1. The City received preliminary and final plat applications from Trinity Business Consulting, Inc. on behalf of North Metro Harness Initiative, LLC ("NMHI") on March 2, 2018. The application was found complete.
2. The 120-day preliminary review deadline is June 30, 2018.
3. The proposed 99.38-acre, two-lot plat is located between Zurich Street and CSAH 54, on property legally described as Lot 1, Block 1, North Metro Harness Initiative ("Property").
4. Proposed Lot 2 (1.07 acres) is being created for a hotel site. Proposed Lot 1 (98.31 acres) is the remainder of Block 1, containing the Running Aces Harness Park ("RAHP").
5. The City also received a CUP application from NMHI to process the subdivision of the Property and development of a hotel on the Property through the PUD provisions of the City Code.
6. Proposed Lot 2 is surrounded by Lot 1; but, it's northerly lot line is located within the existing RAHP driveway access and parking area.
7. A Reciprocal Easement Agreement is required between the owners of Lot 1 and Lot 2 to guarantee private access to public streets, shared parking, and public utilities.
8. Required drainage and utility easements are located adjacent to the exterior property lines of Lot 1, but not adjacent to Lot 2.
9. An existing 10-inch water main loop around the existing RAHP building will be relocated to the east of the proposed hotel building site and provide service to the hotel.

10. Sanitary sewer service will extend to the west side of the hotel building from an existing 8-inch sewer line, currently located on the south side of the RAHP building.
11. A wet retention pond is being proposed on the northeast side of the track in the location of an existing infiltration basin.
12. The applicant received a Conditional Approval Pending Receipt of Changes (CAPROC) from Rice Creek Watershed District (“RCWD”) on August 16, 2017. It is not clear whether the revised plans have been reviewed or approved by RCWD.
13. The final plat is consistent with the preliminary plat
14. The preliminary plat public hearing was held by the Planning Commission on April 18, 2018.

North Metro Harness Initiative Preliminary and Final Plat Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. Approval of the PUD CUP.
4. A Reciprocal Easement Agreement.
5. Requirements of the Anoka County Surveyor.
6. Permitting by Rice Creek Watershed District.
7. Reimbursement of all City expenses associated with plat approval.
8. Future development within the plat is subject to local ordinances and permitting requirements.

Motion to approve the Site Plan Review and application for Conditional Use Permit for a Planned Unit Development from Aces Hotel LLC (dated 03.02.18), based on Findings of Fact and Conditions 1-20 as outlined in the Planner’s Memo (dated 04.11.18) by Krebs, seconded by Peterson. Motion carried unanimously.

Aces Hotel LLC Conditional Use Permit for Planned Unit Development Findings of Fact:

1. The City received a PUD CUP application from Trinity Business Consulting, Inc. on behalf of Aces Hotel, LLC (“AH”) on March 2, 2018. The application was found complete.
2. The 60-day review period ends on May 1, 2018 and the 120-day review, if necessary, ends on June 30, 2018.
3. The PUD CUP is required for the proposed construction of a five-story, 116-room hotel (“Project”) on the proposed Lot 2, Block 1, North Metro Harness Initiative Plat 2 plat (“Property”).
4. Hotels are a conditional use in the Horse Racing (HR) District, subject to a planned unit development.
5. The Property is approximately 1.07 acres in area.
6. The minimum lot area in the HR District is 20 acres. The minimum setbacks in the HR District are front yard - 30 feet, side and rear yard - 10 feet. The maximum structure height in

the HR District is 50 feet.

7. The Property does not meet the minimum lot area requirements in the HR District; the front entrance canopy does not meet front yard setbacks; an enclosed vestibule connecting the hotel and the Running Aces Harness Park (“RAHP”) main building is located in the required yard areas of both parcels; the proposed hotel exceeds the maximum structure height, and the dumpster enclosure may not meet setback requirements.

8. The Project also eliminates approximately 37 existing improved parking stalls at RAHP.

9. The purpose of the PUD is to allow variations in conventional dimensional standards in exchange for higher design standards and unique development considerations.

10. The Project is unique in that it is complementary in relationship, design and ownership with RAHP.

11. The Reciprocal Easement Agreement between North Metro Harness Initiative, LLC (“NMHI”) and AH allows shared private access to public streets, shared parking, and shared access to public utilities.

12. The Project will require redevelopment of portions of the approved RAHP.

13. Development of the Project will result in complementary design features of RAHP and the proposed Running Aces Hotel. The Project will also result in complementary security provisions for the hotel and RAHP.

14. Running Aces Hotel will be separated from the RAHP building by approximately 25 feet; but, the buildings are proposed to be connected by an enclosed hallway or vestibule.

15. Public access to the hotel will include a conventional entrance canopy to the lobby and guest registration area. Access from the hotel to the outdoor patio area, to the RAHP building, and to the race track area will be secured.

16. The footprint of the hotel is approximately 76 feet by 231 feet. Total square footage of the building is approximately 17,586 square feet.

17. The first floor of the hotel will include an entry lounge, continental breakfast room and kitchen, three meeting rooms, indoor swimming pool and whirlpool, exercise room, game room, hard wired and wireless internet, and guest laundry. A center hallway, dual elevator and stairwells at each end of the building provide access within the hotel to common areas and guest rooms.

18. Guest rooms include standard king, double queen, king suites, and extended stay suites with kitchenettes. A variety of three ADA units are proposed on each floor.

19. There are 30 rooms on each of the second and third floors and 28 rooms on each of the fourth and fifth floors. There are outside balconies on portions of the second and fifth floors.

20. The Running Aces Hotel is designed to complement the existing RAHP building. The first floor exterior is brick, while the remaining floors are primarily multi-colored EIFS walls, similar to the color schemes of the RAHP building. There are also brick endcaps around nine rooms above the entrance canopy.

21. The main roofline of the hotel is approximately 59 feet in height. The stairwell roof access, elevator shaft and accent parapet are approximately 69 feet in height.

22. The applicant received a Conditional Approval Pending Receipt of Changes (CAPROC) from Rice Creek Watershed District (“RCWD”) on August 16, 2017. It is not clear whether the revised plans have been reviewed or approved by RCWD.

23. RA is requesting construction of the footings and foundation for the hotel upon approval of the PUD CUP and final plat.
24. The landscape plan for the hotel includes a wide variety of deciduous and coniferous trees, ornamental trees, shrubs and flowers.
25. The Planning Commission held a public hearing on the PUD CUP on April 18, 2018.

Aces Hotel LLC Conditional Use Permit for a Planned Unit Development Conditions of Approval:

1. The PUD CUP is contingent upon approval and recording of the North Metro Harness Initiative Plat 2.
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. The PUD CUP is contingent upon detailed plan review and approval by the City Building Official.
5. The PUD CUP is contingent upon detailed plan review and approval by the Fire Marshall.
6. Development of the Property is contingent upon permitting by Rice Creek Watershed District.
7. Development of the Property shall be consistent with the PUD CUP application forms and documentation received including, but not limited to, Civil Plan Sheets 1 through 17, and Landscape Plan Sheets L1.0 & L2.0, prepared by Widseth Smith Nolting, dated March 1, 2018, and building elevations and floor plans, prepared by Cunningham Group, dated March 2, 2018.
8. The PUD CUP documentation is subject to modification by the City or may be modified through amendments approved by the City.
9. The PUD approval authorizes exceptions to minimum lot area, the front yard setback of the entrance canopy, the height of the hotel, the minimum yard areas of hotel Property and RAHP property allowing the hallway vestibule connecting the hotel and RAHP building, the dumpster enclosure setback, and the loss of 37 existing spaces.
10. The PUD CUP is contingent upon a Reciprocal Easement Agreement between North Metro Harness Initiative, LLC and Aces Hotel, LLC.
11. The PUD CUP is contingent upon a Development Agreement between Aces Hotel, LLC and the City.
12. No filling, excavating or other land disturbances are permitted in stormwater infiltration or wetland areas without written approval by Rice Creek Watershed District and the City.
13. All exterior lighting shall be shrouded and directed away from adjacent properties and public streets and shall be reviewed and approved by the City Engineer and Building Official prior to installation.
14. Signage on the Property requires administrative review and permitting by the City.
15. The dumpster enclosure illustrated on the plan sheets shall include a brick façade to match the hotel and include wood gates, except as otherwise approved by the City.

16. All other refuse and recyclables must be stored within the hotel or other structure approved by the City until the day of refuse or recycling collection.

17. The operations on the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.

18. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated 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.

19. AH shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the PUD CUP, including reasonable attorneys' fees and consultant fees.

20. AH shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the PUD CUP, including any subsequent inspection and enforcement actions.

Comprehensive Plan Map

The third topic that the Planning Commission discussed was updates to the 2040 Comprehensive Plan land use map. Haila Maze gave the Planning Commission a PowerPoint presentation including some highlights of the plan. The first was modifications to the Suburban Residential land use, allowing for up to 16 units per acre. The second was a reconfiguration of the Commercial Showroom and Light Industrial districts. Lastly, the residential district in the northwest corner of the Freeway District was moved further west.

Mursko reported on a letter received from Mr. Donald Steinke who requested that his property in the Freeway District be designation as Light Industrial and not Commercial.

Mursko added that once the Land Use map is finalized, she will ask the City's financial consultant to analyze the potential tax impact of the change in land use designations.

Mayor Povolny asked if a property is designated as Light Industrial, could it also be considered Community Showroom? Mursko clarified that Light Industrial is a land use designation, while Commercial Showroom is a zoning district. The Comprehensive Plan map only shows land use, because zoning districts are designated as an additional layer above land use based on City ordinance. Therefore, the answer to Mayor Povolny's question is yes, it is possible to have Commercial Showroom zoning within the Light Industrial land use designation.

Mayor Povolny said that he is still in talks about a new interchange on I-35E. One of the goals for this project is to create an area wide land use map encompassing Columbus, Forest Lake, Lino Lakes, and Hugo. He would like to ensure that the land use designated for the area bordering the proposed interchange is desirable near a freeway exit. Mursko noted that the Comprehensive Plan final draft needs to be submitted by June 30, 2018, at which point surrounding communities will be able to submit comment for a six (6) month period following. Mayor Povolny said that he would prefer to see a cash flow analysis of properties in the Freeway District with consideration of connections to public utilities before that draft is approved.

Mursko replied that in order to do a cash flow analysis, they must finalize the Land Use map. She then asked the Council what they would like to see the Steinke property designated as? Krebs said that he would like to see it designated as Light Industrial. The rest of the Council agreed.

With that, Commissioner Krebs said that she will take this direction from the Council back to the Planning Commission to finish the draft.

Daly then noted he would like the Planning Commission to look at the City's residential zone Business ordinance and how car dealerships are addressed in it. Krebs added that he is concerned with how many auto repair, auto body, and auto dealership businesses are operating in Columbus without permits. He would like to see those businesses operating legitimately in the City, with all appropriate permits and licenses. He finished by saying he would like to see the City enforcing the residential zone business rules more vigorously. Commissioner Krebs said that she would bring that topic to the Planning Commission for consideration.

9. Public Open Forum

No report.

10. Bituminous Roadways Final Plat Request

Mursko presented the Final Plat request from Bituminous Roadways. City staff have reviewed the Final Plat and are recommending approval. Approval would be subject to Engineer recommendations, Planner recommendations, title review, and final developer's agreement.

Motion by Peterson to approve the Bituminous Roadways Final Plat Request (dated 03.08.18) subject to Conditions listed in Resolution 18-01, as well as Title Review and Developer's Agreement. Seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Povolny – aye; Duraine – nay; Krebs – aye. Motion carried.

D. STAFF AND CONSULTANT REPORTS

11. Park Advisory Board Application for Appointment,

The City received an application for the Park Board from Kris King. The Council agreed they would like to appoint King to the Park Board.

Motion by Daly to approve the appointment of Kris King to the City's Park Board. Seconded by Krebs. Motion carried unanimously.

12. Centerpoint Energy Grant Application

Mursko presented a letter from CenterPoint Energy about their Community Partnership Grant program. The letter includes an application for the grant program, which if awarded, could fund safety and emergency equipment in the community.

City Staff have completed the application based on direction from a previous meeting for two (2) solar-powered school zone speed limit signs with flashing beacons, to be placed on Notre Dame Street near the baseball field. Mursko clarified that the cost for the signs was higher than anticipated, so she is recommending asking for one (1) sign this year and another next year (as this program is offered yearly). The maximum amount awarded through the grant program is \$2,500 and the total cost for the two (2) signs is \$9,446. She added that if the Council did not want to wait to apply for the grant again next year the City could find funds to purchase the second sign this year, likely in the General Fund or the Sign Fund.

Mayor Povolny asked if the lights are solar powered? Public Works Superintendent Jim Windingstad responded that they are. He added that they have a flashing beacon of light as well as smaller LED lights around the edge of the sign. Mayor Povolny said that the first sign should be placed on the north side of the road.

Motion by Duraine to apply for the CenterPoint Community Partnership Grant Program for one (1) solar-powered school zone speed limit sign to be placed on Notre Dame Street near the baseball fields. Seconded by Krebs. Motion carried unanimously.

At this time, Duraine asked to address a problem intersection in Columbus. He reported that there was another accident recently at Kettle River Blvd and Camp Three Road, and believes something needs to be done about that intersection. Mursko said that the most recent accidents were caused by drivers who were stopped at the intersection and then pulled out into traffic. Mayor Povolny said that he has been talking to Doug Fisher at Anoka County about that area, and he said that Anoka County is interested in installing a roundabout at that intersection. Mayor Povolny added that the problem with that intersection is that it is not perpendicular, and cars must stop at an irregular angle to the road.

Duraine asked who is responsible for signage on Kettle River Blvd? Windingstad said that Anoka County is responsible. Duraine suggested adding signs that say “incoming traffic does not stop” at that intersection. Mayor Povolny said that he would prefer to see the angle of the road adjusted to be perpendicular. Windingstad said that he could look into how to address the angle of approach at the intersection. Council Members agreed that they would like to look into adding flashing lights to the stop sign and cutting back tree growth to aid in visibility.

Mayor Povolny asked if the City is legally able to trim trees on private property? City Attorney Jacob Steen said that it depends on the circumstance, but any damage done to the property could result in the City paying compensation to property owners. However, if the tree in question is located in the right-of-way of a City street, the City has the right to trim and remove the tree.

Motion by Duraine to, for the intersection of Camp Three Road and Kettle River Blvd, request from Anoka County: Flashing lights on stop signs in both directions and tree trimming to aid visibility. Seconded by Krebs. Motion carried unanimously.

13. Engineer’s Report

City Engineer Dennis Postler presented a resolution to the Council ordering the preparation of a Grading and Drainage plan in the NE Quadrant of I-35, following the Chapter 429 process to

assess the property for costs associated with preparing the plan. Postler said pending approval of this resolution, he would come to the next City Council meeting with a feasibility report on the plan.

Motion to approve Resolution 18-12, a resolution ordering preparation of report on improvements in the NE quadrant of I-35 by Peterson. Seconded by Krebs. Motion carried unanimously.

14. Attorney's Report

No report.

15. Mayor and Council Members Report

Council Member Krebs

No report.

Council Member Peterson

No report.

Council Member Daly

No report.

Mayor Povolny

No report.

Council Member Duraine

No report.

16. Public Works Superintendent Report

No report.

17. Public Communications Coordinator Report

No report.

18. City Administrator's Report

Treasurer's Report

Mursko reported that the Treasurer's Report is not complete yet. In addition, the City is

currently going through audit, and should be completed with that in one (1) day.

Senior Center Phone

At a City Council meeting in 2017 the contract with the Columbus Senior Center was renegotiated. At that time it was resolved that Mayor Povolny would purchase a new phone for the Senior Center, and they could use the City's internet to provide phone service (thus the City would cover the cost for the phone bill). However, the new phone is yet to be installed, and in the interim period the Senior Center has been paying their bill. Senior Center representatives have indicated that they would like to be reimbursed for their bills in April and May, as well as an additional four (4) months' worth of previous bills. Mayor Povolny said that he is working on getting the phone installed and if they would like to accept his donation of paying for service and the phone itself, they must pay all bills during the interim period.

Daly asked why the Senior Center needs a phone? Mursko replied for emergency situations and general communication.

Email from Steve Massey

Mursko reported on an email from the School District Superintendent Steve Massey offering a presentation to the City Council on new construction projects and perhaps a levy referendum. Massey is wondering if the Council would like to receive a presentation, and if so, what date(s) would work for the Council. Mayor Povolny said that he does not think that the Council needs a presentation, they would be able to read about the levy from other sources. The remaining Council Members agreed.

Mobile Traveler Bill – Matt Little (Lakeville)

Many years ago Forest Lake and Columbus joined the Metro Transit Taxing District, which provides tax revenue to a bus service for seniors and people with disabilities. State Senator Matt Little (from Lakeville) is attempting to get an amendment added to a bill by tomorrow 04.26.18) which would benefit those communities utilizing Metro Mobility services. The cost of the bill is \$1.7 million, and could bring \$8-10 million to the state. Little said that a letter of general support before 9:00 am on April 26th would be sufficient and helpful in his endeavor. Mayor Povolny said that he was not comfortable writing a letter of support before discussing and reviewing the details.

E. ANNOUNCEMENTS & REMINDERS

City Attorney Jacob Steen made an announcement that six (6) individuals have served the City with a lawsuit regarding the proposed Bituminous Roadways facility in Columbus' Freeway District. The lawsuit alleges that the manner in which the City responded to requests related to the Bituminous Roadways' project was invalid and the action should be overturned. The League of Minnesota Cities' insurance trust has retained legal services from the law firm Greene Espel to represent the City. These circumstances require legal advice for litigation strategy, which is covered through client-attorney privilege. Therefore, it is beneficial for both the City and members of the public for the Council to discuss the litigation in a closed meeting. Any further

correspondence regarding the litigation should be discussed with the City's legal team at Greene Espel.

At this time Mayor Povolny closed the meeting under Minnesota Statutes Section 13D.05, subd. 3(b); to discuss active litigation in the matter of Bituminous Roadways, Inc. – Janet Hegland et al vs. City of Columbus. The chambers were cleared at 8:46 p.m.

At 9:37 p.m. Mayor Povolny reopened the City Council meeting.

19. Calendar of Meetings.

The next Planning Commission meeting is May 2nd, and there are two (2) Public Hearings scheduled; one (1) for a septic system variance, and one (1) for a housekeeping ordinance.

F. ADJOURNMENT

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

Meeting adjourned at 9:38 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator