

**City of Columbus  
Regular City Council Meeting  
05.22.19**

The 05.22.19 meeting of the City of Columbus City Council was called to order at 7:01 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: Bill Sieban, Kris King, Paul Peskar, Myron Angel, Tom Olson, Arlen Logren, and Julie Parent (Forest Lake Times).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:01 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- ~~**3. Motion – Approval of the 12.12.18 City Council Meeting Minutes**~~
- 4. Motion – Approval of the 03.27.19 City Council Meeting Minutes**
- 5. Motion – Agenda Approval with Additions**
- 6. Motion – Pay Bills as Posted**

**Motion by Duraine to approve the Consent Agenda items 4-6. Seconded by Hegland.  
Motion carried unanimously.**

**C. PRESENTATIONS**

**7. Planning Commission Report**

Billboard Discussion

Planning Commission member Kris King came forward to give the Planning Commission report on their 05.15.19 meeting.

The Planning Commission discussed a new Billboard Ordinance, related to the Billboard Moratorium which was put into effect in October 2018. The main question poised to the Planning Commission was whether they felt like billboards are desired in the community, and specifically along I-35 in the City's Freeway District. Overall the Planning Commission said they were. At this time there are a total of 36 billboards in the City, 28 with an Interim Use Permit (IUP) and 8 with a Conditional Use Permit (CUP).

Another question poised to the Planning Commission is whether they are satisfied with the current spacing, height, and dimensional criteria? King reported that there was some disagreement among the Commission on this question. The current spacing requirement is 750' between static signs and 3,750' between dynamic signs.

In terms of the IUP lengths for billboards, King said the Planning Commission was generally in favor of decreasing the length from 20 years to 5 years.

The Planning Commission also agreed that billboards should be excluded from areas adjacent to Freeway's on and off ramps. In terms of aesthetics, the Planning Commission will also be considering what type of material should be required for the billboard and whether any verbiage will be required.

King noted that her report is simply informational, and the Planning Commission will bring additional information back after their next meeting.

## **8. Public Open Forum**

Bill Sieben – 9623 192<sup>nd</sup> Avenue NE, Columbus MN

Sieben reported that he is interested in installing a pool at his home and has a question about the City's pool fencing requirement. Currently code requires at least a 5-foot tall fence surrounding the pool. Sieben is interested in purchasing a pool safety cover in lieu of the fence. It is his belief that this pool cover is safer than a fence as a child cannot climb over or through it. The pool safety cover also requires a code to open or close and can hold a considerable amount of weight. Sieben added that his insurance company views such covers as equally safe as a perimeter fence.

Sieben continued to say that he lives on 50 acres, and the addition of a fence around the pool would significantly change how his family enjoys their property. In addition, he would like to add an outdoor gathering space near his pool someday, which would require tearing the fence down just years after it would be erected.

Mayor Preiner asked if the pool cover rolls up? Sieben replied that it is on a track built into the sides of the pool and retracts into the pool wall when it is closed.

Mayor Preiner asked when Sieben is considering building the pool? Sieben replied that it depends on how things go with the pool cover, as he is not interested in adding a fence.

Griffith noted that because the pool fencing requirement is under Zoning Code, to allow this type of pool cover either Sieben could apply for a variance to the rule or the Council could make an amendment to City Ordinances. Griffith added that for the Council to consider an amendment he would prefer to see more residents coming forward and requesting the change. The Council gave Sieben direction to apply for a variance.

## **D. STAFF AND CONSULTANT REPORTS**

### **11. Engineer Report**

SW Sewer and Watermain Improvements Phase 2 Change Orders

City Engineer Dennis Postler reported on three change orders that are needed for the SW utilities extension project.

The first item is a remobilization charge. Because the City has been unable to acquire an easement from a property owner, a contractor must move off site and come back, which adds cost to the project. Griffith said that a letter from the City Attorney's Office was sent to the property owner giving the option of allowing contractors right of entry, which would save the remobilization cost, but the property owner did not respond. Griffith added that the increase in cost due to remobilization will increase assessments given to benefitting property owners. There is an order for possession of the property to take place on 06.21.19.

The second additional charge is an added fee for having to move a fiber line which is currently located where the sewer line needs to be placed. Postler explained that when project plans are drafted, utility notices are sent to get information from utility companies on the location of their services. In this case one fiber optic company did not provide that information. An high estimate for the additional cost to move the fiber line is roughly \$10,000, which may be reimbursed by the fiber company. Hegland asked if there are repercussions for utility companies who do not reply to such project notices? Griffith replied that the utility companies have a legal obligation to respond but he is unsure if there is a penalty.

The final change is in the way that directional drilling equipment is placed. Because MnDOT won't allow the City to use land located inside of their fence, the directional drilling machine will have to be moved to the south side of W. Freeway Drive which will result in a few thousand dollars added to the project's cost.

The above referenced changes total \$29,696.00.

**Motion by Peterson to approve \$29,696 for change orders in the SW Sewer and Watermain Improvements Phase 2 project. Seconded by Hegland. Motion carried unanimously.**

#### No Parking on Hornsby Street NE

The second item that Postler presented was a resolution to not allow parking on Hornsby Street NE. Because Hornsby Street is being built using state money and Local Road Improvement funds, it has been designed based on MnDOT's standards, which do not allow room for parking.

**Motion by Hegland to approve Resolution 19-11, a resolution approving no parking on Hornsby Street NE. Seconded by Peterson. Motion carried unanimously.**

#### Transportation Projects Update

Lastly, Postler presented information from Anoka County on the transportation projects they are doing in the City. He explained each handout and noted nothing new in terms of schedules.

## **12. Attorney Report**

#### Policy Direction – Amborella House

Griffith presented a research memo to the Council about a possible group home for victims of sex trafficking to be located in the City's Rural Residential District. The memo explains that the

proposal is to locate a transitional housing facility for 4-6 adult women in an existing rental home.

Griffith explained that such a facility is not licensed by the state, which means that the City can use discretion when determining whether it is a good fit for the area. The Council must make a decision as to whether this type of living arrangement falls under the definition of a single-family home. The City's code currently defines a single-family home as housing 5 or fewer unrelated individuals. An added consideration for the Council is that there will be a staff member on site 24-hours a day.

If the Council determines this use would not fit as a single-family dwelling, the proposed project would only be allowed in the Freeway District with a zoning code amendment. If the Council determines that it would fit as a single-family dwelling, Griffith said that a Code amendment specifically allowing that use with a permit (such as an Interim Use Permit) is recommended. By requiring a permit, the City can better mitigate impacts to the neighborhood such as noise and traffic.

Hegland asked if this organization has other such homes in the state? Mursko replied that they have a home in Waite Park, MN and noted that the Waite Park zoning code has been added to the agenda packet for consideration. Waite Park classifies the property as a group home located in a commercial area.

Peterson asked if this property would be on the tax roll? Griffith said that it would be taxable until they apply for tax exemption. If the group can show that they are truly charitable they would likely receive tax exemption status. Mayor Preiner asked if the City could require that they not apply for tax exemption? Griffith replied that the Council cannot prevent them from applying for tax exemption.

Hegland asked, since the property is being rented, wouldn't the property owner pay the property taxes? Griffith replied yes, the property owner would pay the property taxes. Hegland continued by asking if any conversation has been had with Waite Park about how the community has been affected by the home? Griffith replied that there has not. Hegland asked if the group were licensed would that provide greater assurances on compatibility with the neighborhood? Griffith replied that at this time the state does not offer licenses for the type of group home they are proposing. He said that sober homes are treated in a similar manner by the state.

Mayor Preiner asked if they are required to have security? Griffith replied that it sounds like the 24/7 staff person acts as security on site.

Griffith added that if the Council would like additional information City Staff could request that interested parties come to a meeting and make a presentation. The Council agreed that they would like to obtain additional information and further discuss this topic at a future meeting.

### Senior Center Lease Agreement

Griffith presented an amendment to the City's Senior Center Lease Agreement. Hegland said that she met with the Senior Center Board recently because their lease is coming to an end. The

Board said they are having financial difficulties meeting obligations in the original lease and are asking for more support from the City.

Griffith noted that the amendment would alter the structure of the lease to go from a yearly agreement to a month to month agreement. The tenants and landlord have agreed that this structure is desirable for everyone so that negotiations can continue until another long-term agreement is drafted or the lease is terminated.

Griffith continued to say that the City's ability to help the Senior Center is limited because they are a stand-alone legal entity as a 501c3. Staff requested that the Board discuss the possibility of dropping their status as a 501c3 to obtain additional assistance from the City. In the meantime, the month to month lease will apply until concerns are worked out.

**Motion by Hegland to approve the first amendment to the Senior Center Lease Agreement with the change to add that the lease may be terminated after the Lease becomes a month to month agreement. Seconded by Duraine. Motion carried unanimously.**

#### Mobile Mini CUP Amendment

Mursko proposed an amendment to Mobile Mini's CUP, allowing for a 10-foot tall fence. Typically an application for a CUP amendment would be required to make a change, however this was a misunderstanding and Mobile Mini's intent is clear. Mobile Mini requested a 10-foot tall fence during their Planning Commission meeting. However, the Site Plan they submitted shows a 6-foot tall fence, so the City's Planner used 6-feet for their report.

Mursko said that it is clear to her and Staff that Mobile Mini's intentions were to build a 10-foot high fence. Her recommendation is to amend Findings of Fact number 15 to say that the expanded storage area will be surrounded with 10-foot high fencing. In addition, condition 13 would read "enclosed with 10-foot fencing" and "10-foot fencing would extend...".

**Motion by Duraine to approve the proposed correction to Condition #13 and Finding of Fact #15 of Mobile Mini's CUP to read as discussed above (this is an update to the 09.27.17 City Council minutes, and the updated list of conditions can be found in the CUP file located at Columbus City Hall). Seconded by Logren. Motion carried unanimously.**

## **14. Mayor and Council Members Report**

### Council Member Logren

Logren reported on the Sunrise River Watershed Management Organization's (SRWMO) budget meeting. Ham Lake has requested to amend the Joint Powers Agreement (JPA) between Cities located in the SRWMO so that the amount owed by each City to the organization is no equally distributed. Mursko said that the amended JPAs will have to go back to all participating cities for approval.

### Council Member Hegland

Hegland reported that the Fall Fest Committee is working on new ideas for the event. She looked into adding a Petting Zoo to the event. She found the same vendor that was used for Blue Heron Days in Lino Lakes, but would like to see if a statement about liability in the contract could be struck. Griffith said that as the agreement is currently written the City would take on all liability for the event, which makes the contract difficult to sign. He suggested asking the Petting Zoo if they would be open to striking that language. The Council agreed that City Staff should have that conversation. Hegland noted that her and Logren agreed to monitor the Petting Zoo during the event, if it is approved.

**Motion by Hegland to delegate to City Staff the negotiation of a Petting Zoo contract for the City's Fall Fest event. Seconded by Logren. Motion carried unanimously.**

Mayor Preiner

Mayor Preiner reported that him and Mursko met with the landowner who recently installed a fence around his property on the west side of Lake Drive. He envisions creating something similar to the Garage Solutions Condominiums, but meant for businesses. The work-based condominiums would be maintained by an association. He will also be locating his own roofing company on the site.

Mayor Preiner finished by commending the Park Board on their decision not to add any decorative items to the center of the Lake Drive roundabout.

Council Member Duraine

No report.

Council Member Peterson

No report.

**15. Public Works Report**

Snow Plow Truck Trade in Request

Public Works Superintendent Jim Windingstad reported on a previous meeting where he was granted permission to replace the City's Dump Truck. At that time the request was to replace the 2006 Sterling truck. However, after his request was made the 2006 Sterling truck was repaired. Therefore he is requesting to instead replace the City's 2001 Sterling truck. He added that they would still purchase the same new vehicle but would rather trade in the older Sterling.

Hegland asked how much less the trade in value is for the 2001 truck? Windingstad replied that the trade in value for the 2001 is roughly \$20,000 less than the trade in value for the 2006.

**Motion by Duraine to approve the trade of the 2001 Sterling Dump Truck in lieu of the 2006 Sterling Dump Truck. Seconded by Peterson. Motion carried unanimously.**

Duraine asked, based on a previous meeting, if the bidding process for the City's F150 truck was completed? Mursko said that it is not completed, as bids will be opened at the 06.12.19 City Council meeting.

## **16. Public Communications Coordinator Report**

No report.

## **17. City Administrator's Report**

### Bond Fund Transfer

Mursko presented a cash forecast for end of year shortfalls and overages. Looking at the City's bonds, they are in good shape with the exception of 2018A which has a shortfall of roughly \$177,000. As a result, Mursko is recommending a cash transfer from the General fund to the 308 fund (for Refunds and Special Assessments). This transfer would be effective for the fiscal year ending 12.31.18.

**Motion by Duraine to approve the transfer of a cash balance of \$177,100 from General Fund 100 to 308 Refunding and Special Assessment Bond. Seconded by Peterson. Motion carried unanimously.**

Mayor Preiner asked why there was a shortfall? Mursko explained that there are a number of things that could create a shortfall; including uncollected or unpaid assessments or taxes from deferment programs such as Green Acres. When there are uncollected payments the City can compensate for that by using the bond fund.

Mursko asked if there is anything the Council would like the City's Bond Counsel, Tammy Omdal, to prepare going into budget discussions? Logren said that she would like to see the schedule of each bond to understand where the City is in the life of the bond. Mursko said she could provide possible projections for when bonds may be paid off.

### City Offices Closed July 5th

Mursko reported that Staff are requesting that City Offices be closed on Friday July 5<sup>th</sup>, as the Fourth of July holiday falls on a Thursday.

**Motion by Duraine to close City Offices on 07.05.19 in observance of the July 4<sup>th</sup> Holiday. Seconded by Hegland. Motion carried unanimously.**

### Workshop Next Steps

Mursko asked the Council what they believe next steps should be following their 05.22.19 workshop. Griffith noted that the initial question should be whether or not the concept they considered can be processed under an IUP as a Residential Zone Business. He said, in his opinion, the proposal stretches the definition of a Residential Zone Business. If the Council agrees, there would either have to be a code amendment to allow this type of Residential Zone

Business or the application should be denied. Griffith noted that the advantage of processing the project with an IUP or Conditional Use Permit (CUP) means that the City would be able to set strict standards that must be followed.

Hegland noted that she is concerned about how nearby homeowners would feel if an event center came replaced their current neighbors. Mursko understood but noted that the current property owners would argue that their commercial kennel business has been located on this property for over 20 years. Logren noted that her main concern is traffic on W. Broadway Avenue. Peterson noted that much of the property is marshland and he believes the new owners would have to bring in a lot of fill.

Mayor Preiner said that because there are a number of concerns remaining the topic should be added to the agenda for the next City Council meeting.

#### Treasurer's Report

|                |                 |
|----------------|-----------------|
| Receipts:      | \$ 38,735.78    |
| Disbursements: | \$ 146,261.86   |
| Balance:       | \$ 8,651,369.83 |

### **E. ANNOUNCEMENTS & REMINDERS**

#### **18. Calendar of Meetings.**

The next Planning Commission meeting is on 06.05.19.

The next City Council meeting is on 06.12.19.

The next City Council workshop is on 06.26.19.

### **F. ADJOURNMENT**

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

Meeting adjourned at 8:36 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator