

City of Columbus
Regular City Council Meeting
May 24th, 2017

The May 24th, 2017 meeting of the City of Columbus City Council was called to order at 7:04 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Jeff Duraine, Bill Krebs, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Bob Schaller, Ed Hughes, Mary Hoyt, Mike Volighy, Shirley Faber, Sherry Organ, Barb Gramer, Joan Butler, Fran Swenson, Joyce Proulx, Patty Hoyt, Duane Sommerfeld, Colleen Cassidy, Barb Sommerfeld, Julia Parent (Forest Lake Times) and Joe Scharenbroch (LATV)

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:04 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Approval of the City Council Meeting Minutes 05.10.17**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**

Motion by Daly to approve the consent agenda items 3-5. Seconded by Peterson. Motion carried unanimously.

C. PRESENTATIONS

7. Planning Commission Report

The Planning Commission did not meet on May 17th, 2017. The one item for the Council's consideration is the Final Plat for Gadsden Acres, with recommendation for approval.

Gadsden Acres Final Plat

This Final Plat came before the Council in 2014. The revised Gadsden Acres Final Plat is identical to the original plat approved; except that, adjacent property was also platted and recorded prior to the filing of the Gadsden Acres Final Plat, necessitating a revised depiction of the adjacent property legal description on the plat

Motion by Peterson to approve (PC17-113) the Gadsden Acres Final Plat (dated 02.15.17), based on findings of fact and subject to conditions 1-7 in the Planner's memo (dated 05.16.17). Seconded by Krebs. Motion carried unanimously.

Gadsden Acres Findings of Fact

1. The City approved the Gadsden Acres Final Plat on November 12, 2014.
2. The revised Gadsden Acres Final Plat is identical to the original plat approved; except that, adjacent property was also platted and recorded prior to the filing of the Gadsden Acres Final Plat, necessitating a revised depiction of the adjacent property legal description on the plat.
3. The revised Gadsden Acres Final Plat is consistent with the approved Preliminary Plat.

Gadsden Acres Conditions of Approval

1. Recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. Cash in lieu of park land dedication requirements.
4. Recommendations of Anoka County Survey and Highway Departments.
5. Recommendations of Rice Creek Watershed District.
6. Future development in the plat is subject to local ordinances and permitting requirements.
7. The developer shall reimburse the City for all out of pocket expenses incurred in the review and approval of the final plat.

7. Public Open Forum

Ed Hughes – 16412 Indus Street NE

Mr. Hughes came forward to ask about ditch 46, near his home. He is reporting that water levels are extremely high, and is wondering what can be done to help it drain, whether it be to dig the ditch or remove a beaver that is making dams in the area. Hughes said he spoke with the wildlife supervisor of Carlos Avery Wildlife Management Area, Jim LaBarre, who said it would be fine to remove the beaver, they would just have to report that to him. Also, Krebs said that he spoke to someone who claimed that part of that ditch is in the Carlos Avery Wildlife Management Area, and therefore can't be worked on.

LaBarre also told Hughes that the City of Columbus was planning to put a culvert near the intersection of Zodiac Street NE and Camp Three Road. Krebs reported that in that area there are some flags in the ground, which could indicate a plan to install a culvert there. Jim Windingstad (Public Works Superintendent) was not at the meeting to confirm or deny. Krebs also said there is a City-owned culvert in the same area that appears to be plugged and may need to be replaced. Mursko clarified that in regard to ditch 46, some culverts will be replaced by the Rice Creek Watershed District, and some will be replaced by the City.

Hughes asked the Council for some type of a timeline for drainage work to be done in the area. Peterson said he would talk to Windingstad, and get back to Hughes.

8. Discussion – Senior Center Renovations

Based on the April 26th, 2017 City Council meeting the decision was made to get a second quote on the renovations to the Senior Center. The City did receive a second quote, which came in at \$5,171.00. However, City Administrator Elizabeth Mursko noted that the second one did not

contain the same amount of work as the first. City Attorney Bill Griffith also noted that these are simply estimates for the work and not actual bids.

At this time, Barb Sommerfeld came forward representing the Senior Center with some questions and clarifications. Sommerfeld asked if it is the City's intention to keep the Senior Center long term? Mursko replied that this is a decision that the Senior Center needs to make. If the Seniors would like to continue using the current building, they can operate as a Senior Center or a Community Center. Mursko noted for clarification that because the building was built using Community Development block grant funds, at least 51% of activities held must be geared towards low income residents. Sommerfeld's next question was what would be different if they changed to a Community Center? Povolny explained that essentially the Seniors would lose autonomy over the Center, because all funds relating to the Community Center would have to be allocated by the City Council. Sommerfeld asked if there was a plan to have a Community/Senior Center in the new City Offices building? Mayor Povolny said that it is in the long-term plans, but not necessarily in the short-term plans. The intention is to pay off a loan on the Public Works building before the City Offices move in. As a side note, Mayor Povolny also said that he would like to get information on what the cost would be to buy out the remaining money from the Community Development block grant, because that would help give the City more freedom with the Senior Center.

Sherry Organ asked about money that is given to the Senior Center from Running Aces Casino & Racetrack. Running Aces gives the Senior Center \$3,600.00 a year, and Organ is wondering if any of that money is remaining from the last three years, and if so, could it be used for these renovations? Mursko explained that essentially there is not any money left from this because of the amount that had to be spent on repairs last year.

The specific question that needed to be addressed at this meeting was whether to accept the quote for the cleaning/renovations that need to happen to the Center. The current problem is that the City is legally required to recoup the money that is spent on the Senior Center with what they receive in rent, because the City cannot legally give money to a non-profit. Therefore, with a one-year lease, the limit on the amount that can be spent on renovations is \$3,600.00.

To find a solution that both parties could agree to, Griffith suggested that the lease is changed to two-years, with a 60-day termination clause. With this lease, the City will be able to complete all the renovations/cleaning that were agreed to, and if the Senior Center is unhappy in the lease they can leave with a 60-day notice. Senior Center representatives and City Council members all agreed that this was a good idea.

Griffith agreed to draft a two-year lease, and research how the Senior Center would operate as a Community Center. Mayor Povolny requested that some of the renovations be listed as repairs to the City's building, so that it is not included as an expense for the Senior Center.

Mayor Povolny also assured the Senior Center representatives that most repairs would be done as soon as possible, and he offered to install a phone line with the new system in the Center for free. Mayor Povolny also clarified that the change in garbage responsibilities is outlined in the lease. And lastly that the main door will have to be repaired next year, while the door jam and weather strips will be addressed this year.

Motion by Duraine to update the Senior Center lease to a two-year lease, with a 60-day termination clause from either party, for \$3,600.00 a year in rent, and to execute the cleaning/renovations with Commercial Systems LLC for the amount \$5,171.00. Seconded by Peterson. Motion carried unanimously.

9. MnDOT Agreements (Utility and Cooperative)

Ryan Coddington from MnDOT came to the meeting to discuss two agreements associated with the I 35 TH 97 bridge project.

The first is a Cooperative Agreement regarding the addition of “Columbus” on the side of the bridge. The cost to implement this design is \$5,775.00. MnDOT will be doing the installation, and Columbus will reimburse them for the costs. Coddington clarified that the design had to be moved to the east side of the interchange, based on requirements from Anoka County. The Cooperative Agreement also includes the City of Columbus taking ownership of the Louie Attenuation Basin as well as maintenance and cost responsibilities that occur on the City’s Right-of-Way. The City will own the pond itself, while MnDOT will own all of the pipes and structures leading to it. The last point made about the Cooperative Agreement had to do with lighting. MnDOT will install pedestrian lights going west from the bridge to the W Freeway Drive roundabout, however the cost to hookup and maintain the lights will be the City’s.

Motion by Peterson to approve Resolution 17-18, a Cooperative Construction Agreement with MnDOT (MnDOT Agreement No. 1027135). Seconded by Duraine. Motion carried unanimously.

The second agreement Coddington presented was the Master Utility Agreement. This agreement was given to the City’s attorney to review earlier this year. This agreement is necessary because some of the City’s utilities must be adjusted during the construction of the new I 35 TH 97 bridge. Griffith wanted the City Council to be made aware of a concern he and City Engineer Dennis Postler have, from page 19 of the agreement. The agreement states that if there are any delays with the process the owner of the utilities (the City) could be held liable and be required to pay damages to MnDOT and the Contractor. The only way for the City to not be held responsible for delay damages is if the City obtains all applicable approvals and shows reasonable effort to not cause delays in the project. If the City does this, then responsibility for delays will shift to the Contractor. However, the issue is that this contract also has a provision that says if the responsibility falls on the Contractor, there is a 4-day limit on the amount of delay damages the Contractor is at risk for. Griffith explained that there should be a similar limitation on the amount of delay damages that the City is at risk for, and recommends that the City Council ask MnDOT to update their contract to reflect this. The Council agreed to do so. Coddington replied that this shouldn’t be an issue, and he is happy to go back and ask for the damage risk to the City be capped.

Anoka County has a deadline of June 14th to have the issue resolved, if it is not resolved by then MnDOT will attend the City Council meeting that evening to give an update.

Motion by Duraine to approve Resolution 17-19, a Master Utility Agreement with MnDOT

(MnDOT Agreement No. 1027750), subject to resolving the issue mentioned above. Seconded by Peterson. Motion carried unanimously.

10. US Again Recycling Bin

Mursko presented the Council with an opportunity to work with a for-profit recycling business. US Again is a business that collects unwanted textiles and resells them in the U.S. and abroad, by collecting items from bins placed in various locations. The City would receive a \$50.00 payment for signing up, as well as \$20.00 a month providing the collection bin is kept on site. No contract is required and US Again agrees to monitor and collect items on a regular basis. Mayor Povolny said that he is concerned that having this collection bin on site would result in more work for the City if people put items in there that are not textiles. The Council agreed they are against placing this recycling bin on City Hall grounds.

D. STAFF AND CONSULTANT REPORTS

11. Engineer Report

City Engineer Dennis Postler presented the Engineer's report, which contained two topics; the County Road 54 trail and an overview of improvements and developments going on in the City.

County Road 54 Trail Discussion

At the May 10th, 2017 City Council meeting, the Council agreed to a small change in the pedestrian trail along the new W Freeway Drive. The Council's direction was to move the pedestrian trail to the east side of the road, and have it connect to the south cul-de-sac on Evers Street NE. Postler is reporting back that the final plan for the trail is to have it on the east side of the road, as the Council suggested, and have it end up on the shoulder of the road south of the southern roundabout, before the Evers Street NE cul-de-sac. At the point where the trail meets the road, the east side of the shoulder will widen from 8-feet to 10-feet.

Columbus Improvements and Developer Projects

Postler submitted a handout with information regarding the current improvements and developments happening in Columbus. Updates are as follows:

In terms of public projects, the 159th Avenue NE and Xingu Street NE wear course paving was completed on 05.23.2017, and the contractor is going to be providing a schedule for completing the gravel shoulders, new mailbox posts installation, and pavement sawing & sealing. The 2017 Crack Sealing project is anticipated to be finished in the next few days. Material quantities were over contracted amount due to the type of material being used, but the City will get credit for the difference. The crack sealing company used a less common material for the project, which was not included in the bid. Mayor Povolny asked that the next time crack sealing is done in Columbus, the City should make it required to use the more common material. Sealcoating is anticipated to take place 05.30.2017 and 05.31.2017. The preconstruction meeting for the 141st Avenue NE and Furman Street NE paving project is anticipated to take place the week of 05.29.2017 or 06.05.2017, and construction is anticipated to begin in mid to late June. Lastly,

construction for the Zeigler water tank conversion project should begin in mid-June, and the City is working with Anoka County on new driveway location permit requirements.

In terms of private developments in the City, the pavement base course for Thurnbeck Preserve has been completed, and construction on Lot 17 has begun. In addition, the contractor is addressing erosion control issues from the recent heavy rainfall. Site grading is continuing at Preiner's Preserve, after a one week setback due to rain. Utility construction is anticipated to begin the 2nd or 3rd week of June, and will come with the closing of 147th Avenue NE for up to one week during the sanitary sewer and water main connections.

Lastly, updates were heard on the two agency projects happening in Columbus. The CSAH 54 realignment project is finalizing plans for trail locations, cul-de-sac locations, and City utility impacts/relocations. Construction contract letting is anticipated for November 2017. In terms of the I 35 TH 97 bridge project, contractor's technical proposals were turned in on 05.18.2017, and project letting will take place 06.02.2017. The project will be awarded in July of 2017, and construction prep will take place that month as well. Postler finished by saying the expectation is to break ground on the project in September of this year.

12. Attorney Report

Griffith gave a legislative update regarding the capital bonding bill. He reported that the bonding bill passed, but he is still waiting to see if funding for the realignment of Hornsby Street NE will be included in the overall I 35 TH 97 bridge project funding. Lastly, Griffith said Anoka County is expected to receive around \$9 million for the project.

13. Mayor and City Council Member's Report

Mayor Dave Povolny

No report.

Council Member Duraine

No report.

Council Member Daly

Council Member Daly reported on a Fall Fest meeting, where they discussed various events that may take place during the festival such as a hole-in-one competition, a cornhole tournament, and potentially a farmer's market.

Council Member Peterson

No report.

Council Member Krebs

Council Member Krebs presented an email from Planning Commission member Jim Watson announcing a Memorial Day celebration that will start at 6:00pm on May 30th, 2017 at the Forest Lake VFW.

14. Public Works Report

No report.

15. City Administrator's Report

Treasurer's Report

No report.

Water Connection Question

Mursko is asking the Council about a request from a resident on Lake Drive, who is planning to purchase the adjacent lot to their property. This resident is asking the Council if it would be possible to enter an agreement that would delay connecting to City sewer and water utilities for 24 months. The City currently requires that anyone moving into a property which is located within the area where City utilities are available, must connect to City utilities. The land they plan to acquire has a single-family home on it, but they hope to tear it down and develop the land. After the agreement expires, they will connect to the City's utilities. Daly asked what will be used for throughout the duration of the agreement? Mursko said it was her understanding that they will be renting the house. Griffith assured the Council that the agreement could include language which requires that the property be assessed the City's utility connection charges if this resident decides to sell it.

Motion by Duraine to enter the agreement with this resident which would defer the City's utility connection charges for up to 24 months, subject to having the right to implement a special assessment. Seconded by Peterson. Motion carried unanimously.

E. ANNOUNCEMENTS & REMINDERS

**The next Planning Commission meeting is 06.07.17 at 7:00 p.m.
Calendar of Meetings.**

F. ADJOURNMENT

**Motion by Duraine to adjourn. Seconded by Peterson. Motion carried unanimously.
Meeting adjourned at 8:18 p.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator