

City of Columbus
Regular City Council Meeting
06.12.19

The 06.12.19 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: Michelle Daubs, Barb Bobick, Arlen Logren, Ron Hanegraaf, Kris King, Paul Peskar, Diane Wagamon, Bill Prinsen, Jason Miles, Steve Wagamon, Chris Farrier, Ralph Dooley, Julie Eddington, Joe & Deb Pribyl, Genia Sjern, Richard Hauer, John Bautch, John Young, Myron & Cindy Angel, Steve Gaffney, Sue Wagamon, 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 – Approval of the 02.27.19 Closed City Council Meeting Minutes**
- 6. Motion – Agenda Approval with Additions**
- 7. Motion – Approval of Resolution 19-12, 6641 – Underdahl Special Assessment Correction**
- 8. Motion – Approval of Resolution 19-13, 6741 – Waldoch Special Assessment Correction**
- 9. Motion – Approval of Resolution 19-14, MNDCP Roth 457 Plan**
- 10. Motion – Pay Bills as Posted**

Motion by Duraine to approve the Consent Agenda items 3, 5-10. Seconded by Peterson. Motion carried unanimously.

C. PRESENTATIONS

11. JP E-Commerce MIF

Julie Eddington, Columbus' bond attorney from Kennedy and Graven, came forward to present a Developer's Agreement with JP E-Commerce to build their building on Hornsby Street. The agreement requires the City to approve JP E-Commerce's MIF loan in the amount of \$964,500 as a conduit lender. The money shall be used for JP E-Commerce's building and business equipment. Eddington noted that JP E-Commerce approved the document and she is now asking the Council for their approval.

Mayor Preiner asked if there is interest on the loan? Mursko replied that the loan was approved at 0% but there is a penalty of 18% interest for missed payments. Mayor Preiner followed up by asking if the City is responsible for administration of the agreement? Eddington replied that the contract requires the developer to pay the City's administration fees. She added that it is possible to also use 10% of JP E-Commerce's TIF money for administration fees.

Hegland asked what the City's risk may be in signing this document? Eddington said that the Security Interest is in the City's name and they are expected to enforce the Security Interest, but she has never seen DEED hold a City liable for money that a developer has defaulted on. Mayor Preiner asked if there is a way to get that expectation in writing? Eddington replied that she can request that from DEED. Griffith suggested that Eddington ask for some background on what DEED has typically done in the past to remedy defaults. Eddington agreed, and noted that in her experience with these scenarios the situation was handled between the developer and DEED. The Council agreed they would like to wait until Eddington discusses these concerns with DEED before approving the Developer's Agreement.

Mr. Joe Pribyl from JP E-Commerce came forward and requested that the Council approve the Developer's Agreement as soon as possible because his business is relying on that money.

12. Planning Commission Report

Planning Commission member Pam Wolowski and City Planning Technician Ben Gutknecht came forward to give the Planning Commission report.

Billboard Ordinance Recommendation

The Planning Commission has been working on an amendment to the current billboard ordinance, Section 7B-310. At this time the City has 36 billboards; 7 with Conditional Use Permits (CUP), 28 with Interim Use Permits (IUP), and one that is up for renewal. 35 signs are static and one is dynamic.

The following amendments to the current billboard ordinance are being proposed:

1. Prohibit billboards in the areas surrounding freeway entrance and exit ramps.
2. All new and reapplying applicants must update the billboard to conceal support columns with brick that matches the new TH 97 over I-35 bridge.
3. Ground equipment and facilities shall be screened from the public utilizing natural plantings.
4. All electrical power connected to the billboard must be run underground.
5. The IUP term limit should be reduced from 20 years to 10 years.
6. New standards for illumination of dynamic signs are as follows:
 - a. Daylight: 5,000 Nits
 - b. Dusk to Dawn: 500 Nits
7. Billboard removal shall be the responsibility of the billboard owner and the billboard owner shall be required to send written notification to the City Administrator when a billboard has been removed.
8. Extends and protrusions from the billboard shall be prohibited
9. The following excerpts shall be added directly to Section 7B-310:
 - a. All dynamic signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
 - b. All dynamic signs must be equipped with an automatic dimmer control or other

mechanism that automatically controls the sign's brightness according to ambient conditions. In addition, all dynamic signs must be equipped with a default mechanism that will eliminate sign lighting or freeze the brightness at 500 nits when a malfunction in the automatic dimmer control occurs.

10. Any new or reconstructed billboards must be setback 20 feet from the public right-of-way.

11. No more than 36 billboards shall be erected in the I-35 corridor.

Regarding the final recommendation for the number of billboards allowed in the I-35 corridor, Wolowski asked Griffith if they can legally limit the number of billboards? Griffith said that they cannot put a cap on the number of billboards, but they can essentially limit the amount through the spacing requirement. Mayor Preiner asked if there is room for additional billboards on the south end of the corridor? Mursko replied that there is not.

Logren asked if it would be possible to instate a rule saying that once vacant land which houses a billboard is developed, the billboard must be removed? Griffith said that the way to make this happen would be to define billboards as principal structures. Because City Code only allows one principal structure on a property, this would require that the billboard be removed when another principal structure is built on the same piece of property. Griffith noted that some properties already have a billboard and a principal structure on it. He added that it would be possible to include a provision in the amendment that requires removal of the billboard at the end of an IUP term if there is another principal structure on the property.

Hegland pointed out verbiage in the current ordinance regarding dynamic billboards that is ambiguous. The Code specifically details the required distance between dynamic boards but does not say how far dynamic boards must be separated from static boards. She suggested that an "and" statement be added that would clarify that dynamic boards must also be 750 feet away from static boards. Gutknecht replied that he would make that adjustment.

Hegland noted that from what she has seen the amount of equipment being stored on the outside of a billboard's tower is typically minimal, so she recommends reconsidering the requirement that all equipment shall be screened. Mayor Preiner followed up on the similar recommendation to ensure that no electrical wires are run above ground, asking Griffith what would happen to the existing billboards that have above ground electrical wires? Griffith replied that the existing billboards with above ground wires would be allowed to remain and would be considered legal-nonconforming.

Hegland continued to say that she believes the recommendation regarding protrusions is too restrictive and that some protrusions on billboards are desirable. Duraine also noted that it might be desirable to prohibit something like smoke coming off the billboard. Mursko noted that the code is currently silent on extensions and protrusions, which essentially disallows them. She added that billboard companies prefer the freedom to use extensions and protrusions, so long as they are not blocking other business signs in the area. Wolowski agreed to add more specific wording about the types of extensions and protrusions that would be prohibited.

Logren asked why the daytime illumination maximum was reduced from 7,500 nits to 5,000 nits? Gutknecht replied that after considering what neighboring communities use, the Planning

Commission decided to decrease the maximum.

Logren continued by asking if the City could simply approve billboards on a case by case basis? Griffith said that it would be difficult to do so because the City has to treat all billboard applications equally so administering them would be difficult for City staff. Mayor Preiner asked Mursko if she could ask a billboard company what a typical request would be for extensions and protrusions? Mursko said she would get that feedback and bring it to the Planning Commission.

Logren asked if we could give variances for certain designs if they are especially unique and desirable? Mursko said that once the Interim Use Permit is granted, the City does not review the face of the billboard because it is not legal to dictate the content of the sign.

Hegland asked, if one billboard company does not intend on renewing their permit, is the intent to allow another company to come in and take over that billboard? Wolowski replied no, that their intent was to not allow the billboard to be used again. Griffith said that the best way to handle this situation would be to allow the current round of renewals to occur, and then amend the Code to say if the billboard company is not interested in renewing then the billboard will be removed.

Griffith continued to say that the next step in the drafting process would be to either have the Planning Commission update their recommendations or have the City Attorney create a draft ordinance based on the Council's feedback. The consensus from the Council was to have the Planning Commission rework their recommendation before sending it to the City Attorney. Griffith reminded the Council that the moratorium can only last one year which will be up in October of 2019.

Mixed Use Designation Presentation

Interim City Planner Haila Maze also gave a presentation during the Planning Commission meeting on mixed use designations. Maze indicated that the apartment developer in the NE I-35 Quadrant would like to break ground this year. Wolowski said that she is just updating the Council on this topic, as more discussions will be had by the Planning Commission. However, she asked the Council if they had anything they would like to add? Mayor Preiner said that he would like the apartment building to have high standards.

Kettle River Boulevard and W. Broadway Avenue Subdivision Variance

Mursko presented a question to the Council about a possible subdivision in the City. The property is a total of 9.47 acres, which includes land going to the center of the road. The landowners are interested in subdividing the property by portioning off a 4.25-acre piece. Mursko informed the Council that Anoka County required road dedication for the roundabout that was installed at the corner of Kettle River Blvd and Broadway Avenue. However, the 9.47 acres includes this dedication, and the property has always been this size. The landowners were not compensated for the dedication. Because the City has a 5-acre minimum requirement for subdivisions, the landowner is not able to subdivide without a variance. Griffith noted that the Council should provide non-binding direction to the landowner on whether pursuing a variance

is the appropriate choice. Mursko continued to explain that a variance requires identifying a hardship that was not created by the homeowner.

Mayor Preiner noted that this corner has been identified as a possible location for commercial zoning in the future because of the proximity to Forest Lake's commercial area on W. Broadway Avenue. Peterson replied that he believes this corner will never be zoned commercial, and the landowner should apply for a variance. He added that the land is high and would be good for building. Hegland said that she doesn't want to set a precedent, noting that the Council will need rationale for why this property is different than other similarly-sized lots.

Mursko noted that the Council could request that the subdivision create one conforming lot of 5 acres with a remnant piece that would be non-conforming. Griffith added that this approach combined with the fact that some right of way had to be dedicated to the County, could be a rationale for treating this property differently.

At the conclusion of discussion, two Council members were in favor of a variance application. The remaining members were undecided, but preferred a subdivision which creates one 5-acre lot and one non-conforming remnant.

12. Public Open Forum

Steve Gaffney

Gaffney came forward to express his disappointment with the Council. He said that he feels like Council Members do not have a "can do" attitude and are approaching applications with negativity. Mayor Preiner responded that there is a difficult balance with zoning, as one person's decision can be positive for them and negative for their neighbors.

13. Lions Lawful Gambling (Raffle) Premise Approval

Genia Sjerven and Dick Hauer came forward to discuss a lawful gambling premise application for the City's Fall Fest event in September. The premise for gambling is the City's Public Works building.

Motion by Duraine to approve Resolution 19-15, a resolution approving Columbus Lions' Lawful Gambling (raffle) Premise at 16345 Kettle River Blvd. Seconded by Peterson. Motion carried unanimously.

14. City of Ham Lake Letter

The topic was continued to a future meeting.

15. Pine Street Drainage Petition

Public Works Superintendent Jim Windingstad came forward to discuss a petition that he received about drainage issues on Pine Street. The petition was signed by 24 residents and requests that the City provide a solution for the flooding problem and prevent it from recurring in

the future. Windingstad explained that over the past four years he has only received complaints about drainage in the area from one resident.

In dealing with requests from the previous complainant, Windingstad and City Engineer Dennis Postler developed a plan for dealing with the issues. The plan was to dig out the ditch on the north side of the street and replace culverts as needed. He added that residents will need to contribute to the cost of the project. That is why the plan was not pursued previously, the Council was not comfortable assessing residents on the street when there has only been one complainant.

At the time when this topic was first raised to the Council, the cost to dig the ditch and replace culverts was around \$20,000. Griffith noted that it would be a public project because the culverts need to be replaced, which are the responsibility of homeowners. He added that the Council has struggled with what the City's contribution to the project should be because there is a benefit to residents, but it is the City's responsibility to maintain the ditch.

Postler presented the Council with maps of the area. He explained that he shot elevations along the north side of the road from Zodiac Street to the County ditch, and found an elevation change of 1/8th of an inch, meaning the ditch is essentially flat. Postler agreed that the ditch is full of water and needs attention. Windingstad noted that it is his expectation that the culvers in this area are original and have seen little to no maintenance. He added that some research needs to be done in the area to see how deep the gas line is, and what amount of soil is required over the top.

Mursko laid out three options for the Council to consider: Direct Windingstad to investigate the project closer, hold a neighborhood meeting with residents, or send a notice to residents that there will be an assessment on their property from the project. Postler noted that he would like to discuss the project with the Rice Creek Watershed District (RCWD) and the City of Lino Lakes.

Windingstad said his intent is to work with Postler and RCWD to come up with a plan, and then hold a neighborhood meeting to discuss it. The Council agreed this is the direction they would like to go.

Motion by Duraine to direct City Engineer Dennis Postler and Public Works Superintendent Jim Windingstad to create a plan for cleaning the ditch and replacing culverts on the north side of Pine Street, detailing costs and allocations between residents and the City before scheduling a neighborhood meeting. Seconded by Peterson. Motion carried unanimously.

16. City Workshop Completion

At the 05.22.19 City Council workshop, Council Members discussed a concept plan for an event space in the Rural Residential district. The proposed location is currently owned by Ralph and Nancy Dooley, who have run a dog kennel there for many years.

Ralph Dooley came forward to address the Council. He began by stating that the property has

been used in a commercial manner for many years. As he and his wife are retiring, they are looking to sell their property and are finding it more difficult than anticipated. It is an 80-acre parcel with unique characteristics and a house that will need significant upgrades.

Dooley continued by saying he believes an event center in that location would be ideal for Columbus, especially since Running Aces Harness Park (RAHP) is in the process of building a hotel nearby. He does not believe that noise or traffic will be a problem on the site, especially because Dooley's neighbors have lived next to a dog kennel with noise for many years and the property is located on a County road. Mursko commented that Dooley has a kennel permit to board dogs, which is a commercial use on the property. However, since the time that the dog kennel was established, the City has disallowed commercial dog boarding in the Rural Residential district.

Griffith noted that as the Code is currently written, an application for a Residential Zone Business (RZB) would be necessary to build an event center on that site. However, the event center concept does not fit into the criteria for an RZB. Therefore, the Council could either rezone this parcel as commercial (which would create an island in the Rural Residential district), or they could amend the RZB Code to allow this use in the Rural Residential district. Griffith continued to say that the latter option gives the Council the ability to include more strict performance standards on things like noise, traffic, and property size. This may minimize the impact on the neighborhood and make it difficult for someone else to build a similar business on other sites in the Rural Residential district.

Hegland responded that she thinks the concept is great but has concerns about zoning being incorrect for that use. Mayor Preiner noted that even though there is some distance between the property and the nearest neighbors, there is no way to guarantee that they will not be affected by noise. He continued to say that those neighboring this property have developed an expectation that they will be surrounded by other Rural Residential lots, not Commercial lots.

Mayor Preiner followed up by asking if the applicable watershed district has been consulted on the plans for the event center? He noted that it was his understanding that the majority of the property is wetland, and if so, most of the sidewalks detailed in their concept would not be allowed. Dooley replied that it is his understanding that the entire site is wetland. Steve Gaffney, the Dooley's realtor, noted that the determination of wetland locations is based originally on overlay maps and can be subjected to an on-site determination.

Council Members agreed that the first step in this process should be to hold a neighborhood meeting to get feedback from residents surrounding the property. If the applicants would like to continue pursuing the project after the meeting, they may submit applications for Comprehensive Plan and Code amendments. The neighborhood meeting must include all properties up to one half mile away, and the cost for postage to properties outside of the legally required 350 feet for public notices would be bore by the applicants. Mursko said she would provide applicants with a list of addresses that should be invited to the neighborhood meeting.

D. STAFF AND CONSULTANT REPORTS

17. Engineer Report

Standard Specifications for New Road Construction

Postler is recommending changes to the City's standard specifications for new roadway construction. These specifications have not been updated for 10 years. Columbus has historically followed MnDOT's recommendations for bituminous pavement types when paving local streets. The biggest change to the bituminous specifications is increasing the amount of blacktop to 3.5 inches and the amount of gravel to 6 inches. A typical roadway section in the past was 3 inches of blacktop on top of 4 inches gravel.

Postler continued to recommend changes to the City's specifications for the types of oil used in new bituminous paving projects. Bituminous is a flexible material that will eventually crack. To mitigate the cracking, the City will "saw and seal" cracks to reduce future maintenance costs. More recently cities have been changing oil type (going from Type B to Type C) in their bituminous paving projects to create a more flexible pavement and reduce the amount of cracking that occurs. The cost for Type C oil is higher than Type B, but will result in savings by eliminating the saw and seal item from new projects and decreasing the amount of future crack filling maintenance.

Windingstad and Postler recently met a colleague with many years of experience specializing in bituminous paving and materials. He said that all of the communities he works with have changed to Type C oil. The recommendation from Postler and Windingstad is to change the City's specifications, beginning with the current reclamation project on Notre Dame Street and 181st Avenue NE. Using Type C oil would increase the contract's cost by \$52,858 but would remove the saw and seal cost of \$15,021. The resulting net increase to the contract would therefore be \$37,858.

Hegland asked if the City will see additional savings elsewhere to make up for the \$37,858 increase in the contract's costs? Windingstad replied that the savings may come gradually. But for example, the City will spend \$6,000 this year filling cracks on Howard Lake Drive, which would be needed less frequently if the bituminous contained type C oil.

The Council agreed they would like more information on this change before deciding.

Motion by Peterson to approve the standard specifications for new roadway construction as presented, while maintaining the use of Type B oil. Seconded by Duraine. Motion carried unanimously.

Transportation Project Status Update

Postler discussed updates on transportation projects currently underway in Columbus. He reported that the Notre Dame Street and 181st Avenue NE reconstruction project is beginning soon. The NE I-35 Quadrant sanitary sewer and water project is expected to be completed in one week. The SW area utilities extension project is briefly on hold because of an unexpected closure of the CSAH 54 bridge over I-35W. Postler is unaware of the timing of reopening. The I-35 design build project is on schedule, and Postler reported that I-35 will be closed overnight on Tuesday and Wednesday of next week. In addition, the Kettle River Blvd shoulder widening

project, the W. Broadway Avenue shoulder widening project, and the CSAH 54 realignment project are all underway.

18. Attorney Report

Amborella House

Following up from a previous Council meeting, Griffith reminded the Council of a concept that was before them of a group home for victims of sex trafficking, located in the Rural Residential district. Because the State does not license this type of group home, the City is unable to automatically allow the home to locate in the City. In addition, the Code currently does not allow group homes in the Rural Residential area. In order to allow this home in the Rural Residential district, a Code amendment would have to be completed to allow the home with a Conditional Use Permit or an Interim Use Permit. Overall the Council agreed they do not want to pursue a Code amendment for this proposal.

20. Mayor and Council Members Report

Council Member Logren

No report.

Council Member Hegland

Hegland reported that the City was able to work out their concerns with the Petting Zoo contract so the attraction will be a part of this year's Fall Fest.

Mayor Preiner

Mayor Preiner reported on a meeting organized by the Metropolitan Council. At that meeting he met Columbus' new Met Council representative, Sue Vento. She has offered to visit the City on 07.10.19 and attend that evening's City Council meeting.

Council Member Duraine

No report.

Council Member Peterson

No report.

21. Public Works Report

Bid Opening and Award of Bid for Ford F150

The City had been advertising the sale of a 1999 Ford F150 pickup truck, but no bids were received. Peterson suggested that the price be lowered, and the truck should be put back on the

market. He suggested a starting bid price of \$750, and the Council agreed on that price.

Motion by Peterson to set the minimum bid for Columbus' 1999 Ford F150 pickup truck at \$750 and to open bids at the 07.10.19 City Council meeting. Seconded by Logren. Motion carried unanimously.

No Haul Signs on Zurich Street/147th Avenue NE

Windingstad also reported that, since the CSAH 54 bridge over I-35W is closed, he would like to remove the no hauling signs on Zurich Street/147th Avenue NE until the bridge is reopened. With the bridge being closed, the only route available for local deliveries is Zurich Street/147th Avenue NE. The Council agreed to delegate this decision to Windingstad.

22. Public Communications Coordinator Report

No report.

23. City Administrator's Report

Treasurer's Report

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

E. ANNOUNCEMENTS & REMINDERS

24. Calendar of Meetings.

The next Planning Commission meeting is on 06.19.19.

The next City Council meeting is on 06.26.19

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 10:36 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator