

**City of Columbus
Special City Council Meeting
Alternative Meeting Format
MN State Statute 13D.021
06.18.20**

The 06.18.20 meeting of the City of Columbus City Council was called to order at 3:10 p.m. by Mayor Preiner at the City Hall. Present were Council Members Jeff Duraine, Shelly Logren (via teleconference), Janet Hegland, and Denny Peterson; City Administrator Elizabeth Mursko, City Attorney Bill Griffith (via teleconference), City Engineer Kevin Bittner (via teleconference) and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Ron Hanegraaf (via teleconference), Megan & Chad Toft (via teleconference), Kris King (via teleconference), Steve Wagamon (via teleconference), City Planning Technician Ben Gutknecht (via teleconference), Chris Stotko (via teleconference), Kathy & Robert Osterberg (via teleconference), Greg Stotko (via teleconference).

A. CITY COUNCIL SPECIAL MEETING

1. Call to Order – Special Meeting – 3:10 P.M.

B. CONSENT AGENDA

2. Motion – Agenda Approval with Additions

Windingstad requested to add an additional item to the agenda – a discussion on the Hornsby Street traffic light.

Motion by Hegland to approve the consent agenda, including a discussion on Hornsby Street’s traffic light. Seconded by Duraine. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.

C. PRESENTATIONS

3. CUP Application – 14045 Lake Drive NE, CST Companies

Mursko reported that the Planning Commission met yesterday to discuss the findings of fact and conditions for a CUP application from CST Companies for property located at 14045 Lake Drive NE to operate a mostly wholesale and retailer of dry goods (firewood, softener salt, stone, mulch), along with storage of tree waste and warehousing of equipment. Together with the applicant the Planning Commission made amendments to the Staff Report, and the application was forwarded to the Council with a recommendation for approval.

Mursko noted the main areas of the report which were discussed regarded the coloring machine, traffic, the tree waste operation, site plan updates, and clarification on noise.

Hegland asked if there needs to be anything added to the conditions which discusses the requirement that the coloring machine use the MSDS sheets? M. Toft replied that all manufacturers of the colorants are required to use those sheets. There are roughly fifty colorant

companies and CST Companies use two. She added that OSHA requires the MSDS sheets to be kept on site and made available to anyone who requests.

Mursko continued to the next issue of traffic. Various types and levels of traffic were identified and quantified in conditions seventeen through nineteen. The applicant anticipates twenty to thirty public cars and ten to fifteen public trucks each day. CST Companies themselves will have one to two trucks on non-grinding days and twelve to seventeen trucks on grinding days. There will also be ten to twelve tree waste drop-off vehicles each day during normal business hours.

Hegland asked if Anoka County requires building a turn lane for access to their property? M. Toft replied that right turn lane is required on Lake Drive NE going north.

Logren asked, since the other CST Companies location is in Elk River, which direction their trucks will take to get to their Elk River location? M. Toft said they will travel south on Lake Drive NE to access I-35W.

Mursko continued to say that the tree waste drop-off will be open to contractors from any location as long as the wood they would like to drop off is appropriate. Tree waste drop off will also be available to Columbus residents at no charge. This does not include leaves or compost, and tree stumps will be accepted for a fee.

There also was discussion on fire risk with Forest Lake Fire Chief Al Newman. He offered comments, and a condition was added based on those comments.

Another topic was noise. The applicants had not completed a noise study on the grinder, so Planning Commission members performed their own study. The noise from the grinder was at seventy-four to seventy-seven decibels at a distance of twenty-five to thirty meters. Columbus follows Minnesota Pollution Control Agency (MPCA) guidelines on daytime and nighttime noise. Applicants indicated they would be able to meet the City's noise guidelines with the grinder.

Duraine asked how big the property is? Mursko replied that the lot is twenty-five acres in size, but the majority is wetland. The usable area is closer to four acres. Duraine asked if the applicants have any intention of using the wetland area? M. Toft said they do not.

Duraine followed by asking the applicants if they have connected with their nearest neighbors? M. Toft said they have met, and the neighbors offered comments during the public hearing. She feels confident they will work well together and comfortable with the accommodations that CST Companies will need to make.

Danielle DeVito, from the Minnesota Department of Agriculture, also offered some comments on the application. They requested the addition of a condition which essentially requires the applicant to follow any new regulations which are released relating to their operation.

Lastly, Mursko presented an email from M. Toft indicating there is one condition they will be unable to meet. M. Toft explained the condition about the coloring machine must be amended

because they have made a decision to add the machine to their property in year one, rather than a later date in the future. The future location of the coloring machine is indicated on the site plan. She continued to say the machine will be run at least once each hour and may sit idle for periods of time. The colored mulch will be stored on the blacktop in small piles. In order to regulate the number and size of the piles of colored mulch, M. Toft recommended the condition allow three hundred to four hundred yards of mulch in multiple piles. Mursko said that the condition discussing piles of colored mulch was updated to reflect that there will be three to four different piles of roughly 80-110 cubic yards of colored mulch on the site's blacktop. Griffith suggested that the portion of condition thirteen which reads "...not to exceed 100 cubic yards" be struck, and M. Toft agreed.

Mursko asked the Council if they would like to regulate the area in which mulch piles are stored? Hegland said that her understanding was that the mulch must be stored in the mulching area. Mursko replied that the colored mulch must be stored on blacktop, and the mulching area is gravel. M. Toft explained that the mulch will sit outside for one to two days to dry, and then it is placed into bins. With that in mind, Hegland suggested the piles be regulated by a dimensional space and a timeframe. An agreement was reached that condition thirteen will be amended to convey that up to 4 piles of colored wood mulch may be located on the pavement west of the tree waste area, as indicated on the site plan, for short term drying and staging. Hegland added that M. Toft shall update the site plan to label this area accordingly.

M. Toft continued discussion by saying finding of fact number thirteen is inaccurate. This item states that "CST would own the location, and lease back to CST Distribution LLC and CST Transportation Inc.". She said that CST Companies LLC will own the location and lease it to a separate company, which is yet to be named. Griffith replied that the findings of fact are simply background, and the conditions alone control the activity of the business. In light of this, the Council agreed that finding of fact thirteen should be struck.

M. Toft reported that her last concern is finding of fact thirty-two. She would like to change the wording from "fresh mulch" to "fresh wood mulch", so that it is consistent with condition nineteen. The Council agreed this was appropriate.

Additional changes were made. Condition eight was reworded to say, "The grinding of wood for mulch shall not be a regular use of the property and shall only occur when necessary to keep the size of the tree waste pile within the height limits...". Condition seven was updated to read today's date rather than June 17, 2020. Finding of fact twenty-six was reworded to replace "wood material" with "tree waste". And lastly, finding of fact twenty shall be reworded to say:

"The CUP application is to permit a business consisting of an estimated 60% contractor wholesale of dry goods, and 15% retail sale of dry goods. An estimated 25% of the business will be dedicated to the grinding/storage and coloring of tree waste to produce mulch for resale. Additionally, the property will have an outdoor showroom of landscape products. The building will consist of an indoor office and warehousing facility for distribution and storage of bulk dry goods. The vast majority of ground mulch will be hauled off site."

Mursko continued by presenting architectural materials that CST Companies submitted. M. Toft pointed out the rendering of the insulated metal panels and explained that the panels will be located on all buildings and warehouses.

Mursko followed up by asking Greg Stotko if they will require flexibility on colors? Stotko replied yes, because they have not seen the renderings, they would like the ability to make minor color changes. He added that once the renderings and samples are complete, he will share them with the Council.

Mursko asked the Council about finding of fact number twenty-eight, which says that a small amount of mulch will remain on site for coloring, how they would like to address this given the changes previously made related to coloring. Agreement was reached that finding of fact twenty-eight will be removed.

Duraine asked if the plan is to start grinding first or to build first? M. Toft replied that they hope to begin building in July and open for business in March or April of 2021. They will not receive or stage tree waste until their building is complete.

Mursko noted that the site plan provided indicates four trailers although the recommendation was to allow five. M. Toft said that her understanding was that the agreement was for storing five trailers.

Logren ended discussion by noting that the Council's original expectation for the type of business and extent of activity that CST Companies proposed for Columbus was quite different from what it will actually be. The Planning Commission and Council did a lot of work to learn about the potential affects to residents that this type of business would have. She added that the plans for their storefront look very nice and she hopes the mulching portion of their business does not end up overshadowing the retail portion. She finished by thanking Megan and Chad for their work with the City in getting this application through the approval process.

Motion by Hegland to approve the CUP application for 14045 Lake Drive NE, CST Companies LLC, for the operation of a landscaping/dry goods product wholesale/retail/warehouse/distribution business and wood mulch processing in the C/I district with changes to findings of fact 1-37 and conditions 1-28 as listed below, discussed above, and read into the record. Seconded by Duraine. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.

CST Companies LLC – 14045 Lake Drive NE Conditional Use Permit Application Findings of Fact:

1. The City received a Conditional Use Permit (CUP) application from CST Companies, LLC (“CST”) on February 28, 2020 and deemed incomplete with a letter sent on March 12, 2020.
2. Upon review of further information submitted by CST on April 15, 2020, the Planning staff deemed the CUP application complete for review with a letter sent April 17, 2020.
3. The 60-day review deadline is June 16, 2020.
4. The 120-day review deadline is August 15, 2020.

5. A 60-day written notice of extension was sent and delivered to applicants on June 11, 2020, extending the review deadline from June 16, 2020 to August 15, 2020.
6. The property in question is a total of 25.57 gross acres, with 4.4 net usable acres, located at 14045 Lake Dr. NE, legally described as Part of the North Half of the Northeast Quarter (N1/2 of NE1/4) of Section 33, Township 32, Range 22, lying Easterly of County State Aid Highway (CSAH) 23, subject to easement of record, Anoka County, Minnesota (PIN 33-32-22-11-0003).
7. The Property is zoned Commercial Industrial (C/I).
8. The neighboring properties directly to the north include a used car dealership and two single-family residences. The neighboring property to the east is a single-family dwelling, and the property to the south is a mini storage facility.
9. The residential property to the east takes its access through the Property via documented easement, however the private driveway does not remain entirely within the easement of record.
10. There is an existing building (Single-family dwelling) on the Property, which the applicant proposes to demolish.
11. The applicants propose to erect a 14,688 square foot building on the southerly portion of the Property, with 21 paved parking proposed in the front, consistent with City Code.
12. The architectural design plan dated 04.14.20 and proposed building materials described on June 17, 2020 appear to be consistent with the intent of Section 7A-795 of the City Code.
13. ~~CST would own the location, and lease back to CST Distribution LLC and CST Transportation Inc.~~
14. The applicant's hours of operation are currently estimated to be:
 - a. Monday through Friday, 7:00 a.m. to 7:00 p.m.
 - b. Saturday will be 8:00 a.m. to 5:00 p.m. for the months of April through June, and 8:00 a.m. to Noon for the months of July through October.
 - c. They may be open some Sundays from 10 a.m. to 4 p.m.
15. The applicant proposes to have four to five full time employees and the owner on site.
16. The equipment on site will consist of pay loaders, forklifts, a coloring machine, and a portable wood grinder.
17. Employee and contractor/retail sales activities traffic are anticipated to be 20-30 automobiles per day and 10-15 trucks per day.
18. CST company truck traffic are anticipated to be approximately 1-10 trucks per non-grinding days, and approximately 12-17 trucks on grinding days.
19. Tree waste drop off traffic is anticipated to be 10-12 vehicles per day during normal business hours.
20. The CUP application is to permit a business consisting of an estimated 60% contractor wholesale of dry goods, and 15% retail sale of dry goods. An estimated 25% of the business will be dedicated to the grinding/storage and coloring of tree waste to produce mulch for resale. Additionally, the property will have an outdoor showroom of landscape products. The building will consist of an indoor office and warehousing facility for distribution and storage of bulk dry goods ~~in the C/I district~~. The vast majority of ground mulch will be hauled off site.

21. The site plan dated 06.02.20 indicates a landscaped showroom area at the very front of the property to show available product, which is shown in "Landscape Supply Display Area" dated April 2020.
22. Directly east of the landscaped area is proposed outdoor storage of palletized pavers, wall block, natural stone, and bagged mulch which is proposed to be stacked no higher than six (6) feet and organized in three rows. On the other side of the palletized product is proposed material bins, ranging from four (4) feet to ten (10) feet in height, within the bins is mulch, soil, sand, and aggregate rock for bulk sale.
23. South of the outdoor display of products is the proposed 14,688 square foot building, which consist of the office (3,001 s.f.), warehouse 4,920 s.f.), equipment service (4,512 s.f.) and washing bay (2,256 s.f.).
24. Directly east of the proposed wash bay is a proposed fuel station with double wall fuel storage tank at 2,000-3,000 gallons within a concrete containment and an outdoor storage area for five (5) semi-trailers, as indicated on the Civil Plans dated 06.02.20.
25. The Site Plan, dated 06.02.20, indicates the wood mulching and manufacturing area as 35,000 square feet (200'x179') and is located northeast of the building, lying just west of the existing residential property.
26. The wood mulching and manufacturing area is proposed to be used for the storage of tree waste ~~wood material~~, with plans to bring in a portable grinder up to ten (10) times per year when an adequate amount of material has been collected.
27. The applicant will allow tree waste to be dropped off for mulching by City of Columbus contractors and homeowners as well as other regional residents, contractors, developers, tree trimers, etc.
28. ~~The mulch product will be hauled offsite. With only a small amount remaining onsite for bulk sale.~~
29. Currently the applicant plans to bring the coloring machine to the Columbus site in 2021.
30. The piles of tree waste or ground mulch piles for resale are anticipated to be a maximum of fifteen to eighteen feet (15-18') in height.
31. Applicants are confident all state noise regulations will be met.
32. The applicants will not compost any product on the Property. The only smell anticipated is that of fresh wood mulch. ~~mulched cedar.~~
33. The applicants propose a ten (10) foot privacy fence to be constructed on the north property line, stretching from Lake Dr. entrance to the residential property on the east.
34. Applicants submitted an updated Civil plan and Landscape plan dated 06.02.2020. Updates include, updated landscaping and screening on the east lot line, proposed to be a coniferous tree species meeting the 95% opacity. Updated fencing height on northern property line at a proposed 10 feet. Updated gate locations and driveway access as to not restrict access to neighboring property. The addition of the preliminary location of mulch coloring machine for proposed future use.
35. The Planning Commission held a public hearing on the CST CUP Application on May 20th, 2020.
36. Applicant met with the neighbors to the east on 05.22.20 to discuss property access, screening, and noise concerns.
37. CST testified at the 05.20.2020 Public Hearing that they will inspect every vehicle dropping off tree waste for the chipping pile to ensure the correct wood is being accepted.

CST Companies LLC – 14045 Lake Drive NE Conditional Use Permit Application
Conditions of Approval:

1. Approval of the CUP is contingent upon recommendations and comments made by the City Engineer.
2. Approval of the CUP is contingent upon recommendations and comments made by the Fire Marshal/Fire Chief, Building Official and an annual fire department inspection.
3. Approval of the CUP is contingent upon recommendations and comments made by the City Attorney.
4. Approval of the CUP is contingent upon requirements by the Anoka County Highway Division.
5. Approval of the CUP is contingent upon requirements by Rice Creek Watershed District.
6. Approval of the CUP is subject to state and federal regulated pest and quarantine movement guidelines and regulations.
7. Conduct of the business shall be consistent with the application and additional materials received and deemed complete by the City on April 17, 2020 and as revised and supplemented through the June 17, 2020 meeting, and the June 18, 2020 meeting.
8. The grinding of wood for mulch shall not be a regular use of the property and shall only occur when necessary to maintain tree waste piles at heights outlined in condition number 12, and is allowed ten (10) weeks per year, forty (40) hour a week or less, and shall only occur during the week day from 8:00 a.m. to 4:30 p.m. CST Companies shall notify the three adjacent residential neighbors and the City of Columbus via email one week prior to anticipated grinding activities.
9. CST Companies shall provide written protocol that conveys they can thoroughly inspect delivery of wood and materials that Columbus residents and contractors bring to ensure that there shall be no disposing of rotten wood or other organic materials on site.
10. All equipment associated with moving dry goods and mulching material shall be kept in the building on the Property. With the exception of the Mulching Machine and Coloring Machine.
11. The business may have up to 5 semi-trailers stored on site in the area indicated on the Site Plan. ~~dated 04.14.20.~~
12. Piles of tree waste and ground mulch shall not exceed heights of fifteen (15') through eighteen (18') feet.
13. Up to four (4) piles of colored mulch may be located on the pavement in the “Color Drying Area” indicated on the revised site plan dated 06.02.20, received on 06.18.20. ~~west of the tree waste area, not exceeding one hundred (100) cubic yards per color.~~
14. The palletized materials shall not be stacked higher than six (6') through ten (10') feet.
15. Bulk material (i.e. colored mulch) bins shall not be higher than ten (10') through twelve (12') feet in height.
16. The palletized materials, bulk bins, and mulching area shall all be cleaned such as to not cause tracking beyond its respective site, and to prevent tracking of materials on the public right of way.
17. A revised access easement and driveway maintenance agreement must be negotiated with the residential property owner to the east, located at 14063 Lake Dr. to permit permanent and reasonable access.

18. CST shall submit updated Architectural Plans that outlines the proposed colors and materials on the building as presented at the June 17, 2020 Planning Commission meeting.
19. There are to be no chemicals, gasses, hazardous wastes, fumes, or odors including that of composting organic material, on the Property as a result of this business, excepting normal smells associated with that of fresh mulched wood during the mulching process, and excepting normal fumes associated with properly maintained vehicles and equipment.
20. All CST trucks and equipment with back up alarms shall be retrofitted with “white noise” or “broadband” back-up alarms or similar quiet back up alarms.
21. Signage on the Property will require the applicant to apply for a sign permit from the City.
22. Site lighting information must be included in final set of civil plans.
23. A final Site Plan shall be submitted with clarifications from the June 17, 2020 Planning Commission Meeting. No other uses or intensification are allowed on the Property without an amendment to the CUP.
24. Any and all uses allowed in the CUP shall be constructed, maintained, and practiced consistent with all applicable federal, state, and local laws and regulations, including but not limited to air quality, water quality, noise standards and odor regulations.
25. The Applicant must maintain valid certification received from all relevant State of Minnesota regulatory agencies for all permitted use on the property.
26. Approval of the Conditional Use permit does not absolve the applicant of any other permitting requirements such as Building, Watershed District, County, etc.
27. The applicant shall reimburse the City for all out of pocket expenses incurred in the review and issuance of the CUP and for all ongoing inspections and enforcement actions required for the CUP.
28. The CUP, once issued, may be revoked upon a finding by the City Council that the property and/or use is not in compliance with the conditions for approval of such use, following notice and hearing.

4. Hornsby Street Traffic Light

Public Works Superintendent Jim Windingstad addressed the Council regarding items associated with the relocation of Hornsby Street north of TH 97. In order to complete the traffic signal at that intersection TH 97 had to be widened. Due to there being more undesirable soil in that location than originally expected, additional right-of-way had to be acquired and utility lines will have to be moved again.

CenturyLink is one of the utility companies which must relocate, and they have indicated to Windingstad that they are unwilling to move their lines again. The cost for CenturyLink to relocate utilities is around \$90,000 - \$100,000. Windingstad attended a meeting today in which a decision was made to send CenturyLink a letter and order to relocate from Anoka County, on behalf of the City and others. CenturyLink replied that they are going to consult their legal Counsel on the issue.

Joe McPherson from Anoka County, City Engineers Larry Poplar and Dennis Postler, as well as Windingstad discussed the possibility of offering funds to CenturyLink to negotiate a better solution. CenturyLink had previously indicated the relocation project would cost them \$100,000, and the suggestion from City Staff is to offer them \$25,000. This option may require the City to fund the negotiation entirely.

City Attorney Bill Griffith commented that the law requires utility companies to relocate their lines if there is a new project. Therefore, the question is whether the bridge project and the Hornsby Street project were the same or separate. He noted that the first time CenturyLink was required to move their utility lines it was due to the TH 97 bridge over I-35 project, and not the Hornsby Street project.

Hegland asked if the traffic light was always included in the Hornsby Street project? Windingstad replied that it was not. When MnDOT began the bridge project, Columbus was also working on the realignment of Hornsby Street. When CenturyLink moved their utility lines for the bridge project, there were no plans to add a traffic light. Mursko noted, however, that in the long term the City knew that a traffic light would need to be added to this intersection. MnDOT said that they would contribute funding to traffic light if the City was willing to purchase an easement over their property for it, which they did.

Griffith said that he has always viewed the bridge project and the Hornsby Street realignment project as separate because they have consistently had different funding sources and separate permitting.

Griffith followed up by asking if the County would be contributing to the \$25,000 for negotiation? Windingstad replied no, the County will not be contributing anything.

Griffith expressed concern that \$25,000 is only roughly one quarter of the total cost to relocate utilities and said that he would expect CenturyLink to decline the offer. Windingstad said that he feels confident in the argument that they are separate projects. He added that there is an additional rule which limits the timeframe for an additional line relocation to one year after the first relocation. Because CenturyLink moved the utility lines nearly two years ago, he also feels like the second request to relocate is acceptable.

Hegland noted that the timing of the traffic light at this intersection is important for the HyVee development, as they will not begin construction until the light is built.

Griffith recommended that the City wait to see how CenturyLink responds. If they do not respond in a timely manner, a letter can be sent on behalf of the City from Griffith's office. Griffith added that the Council should authorize negotiation from \$25,000 to \$50,000 as a precaution.

Duraine recommended that discussion on this item be continued to a closed meeting in the future. Griffith and the Council agreed.

Council members thanked Windingstad for his report.

F. ADJOURNMENT

Motion by Duraine to adjourn. Seconded by Peterson. Roll call vote; Peterson – aye; Hegland – aye; Mayor Preiner – aye; Duraine – aye; Logren – aye. Motion carries.

Meeting adjourned at 5:08 pm.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator