

**City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statutes 13D.021
06.23.21**

The 06.23.21 meeting of the City of Columbus City Council was called to order at 7:00 p.m. by Mayor Preiner at the City Hall. Present were Council Members Robert Busch, Shelly Logren, Janet Hegland, and Sue Wagamon; City Administrator Elizabeth Mursko, City Attorney Jacob Steen, City Engineer Kevin Bittner, and Public Communications Coordinator Jessica Hughes (via teleconference).

Also in attendance (via teleconference): Tammy Omdal, Joe Lefto, and Max Seitz.

Also in attendance (in person): Ron Hanegraaf and John Young.

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:00 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Agenda Approval with Additions**
- 4. Motion – Approval of the 05.26.2021 City Council Meeting Minutes**
- 5. Motion – Approval of the 05.12.2021 City Council Meeting Minutes**
- 6. Motion – Approval of the 05.12.2021 Closed City Council Meeting Minutes**
- 7. Motion – Pay Bills as Posted**

Motion by Wagamon to approve Consent Agenda items 3-7. Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

C. PRESENTATIONS

8. Public Open Forum

No report.

9. 2021A Bond Issuance and 2012A Bond Refunding

Tammy Omdal from Northland Securities gave a brief overview of the bond sale which occurred on 05.12.21. General Obligation Street Reconstruction bonds in the amount \$1,485,000 were issued to finance the reconstruction of Hornsby Street. General Obligation Bonds, Series 2012A, were also refunded at this time.

A resolution officially awarding the sale was presented to the Council.

Motion by Hegland to approve Resolution 21-12 awarding the sale of General Obligation Street Reconstruction Bonds, Series 2021A, and Refunding Bonds, Series 2012A, in the original aggregate principal amount of \$1,485,000; fixing their form and specifications;

directing their execution and delivery, providing for their payment; and providing for the partial redemption of bonds refunded thereby. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

10. Planning Commission Report

Ron Hanegraaf gave a report on the Planning Commission's 06.16.21 meeting.

Variance Application – 9743 192nd Avenue NE

A variance request was received to install an ASTM certified pool cover rather than the required 5-foot safety fence on a swimming pool in the residential district. The City approved a similar request in 2019. The Planning Commission unanimously recommended approval.

Motion by Mayor Preiner to approve the variance application at 9743 192nd Avenue NE from the required 5-foot safety fence to install an ASTM certified pool cover based on Findings of Fact 1-6 and subject to Conditions 1-2 from the City Staff Report (dated 06.02.2021). Seconded by Logren. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Variance Application – 9743 192nd Avenue NE, Findings and Recommendations:

1. The landowner proposes to use the property in a reasonable manner.

Staff finds that the landowner proposes to use the property in a reasonable manner. The proposed safety cover is intended to act as a horizontal safety fence to reduce and prevent accidents regarding pool safety. The cover will have locking capabilities to ensure that only a few individuals will have access to the pool. To qualify for ASTM Standard Performance the cover must hold a weight of at least 485 lbs. The cover also has to meet surface drainage test and demonstrate that any opening is sufficiently small and strong enough to prevent the test subject from being passed through. A variance for a similar situation and location was approved in 2019. The proposed pool is approximately 210 feet from the ROW and the property itself is situated at the end of 192nd street and directly southeast of Carlos Avery Wildlife Management Area.

2. The plight of the landowner is due to circumstances unique to the property and is not created by the landowner.

The use of a pool cover rather than a fence is due to circumstances not created by the property owner. Due to the topographic nature of the lot and existing open pond, there is little area in which to install a pool, and most of the lot remains low-lying wetland. A fence compliant with the City Code would require additional unnecessary expenses for stabilization and footings due to the wetlands and spongy soils present.

3. Granting the variance is in harmony with the purpose and intent of the Zoning Ordinance.

The City Code (7A-807 (k.)) acknowledges that the structure or fencing is required for the public safety of the residents, which is the intent of the proposed pool cover. An ASTM Certified Pool Safety Cover can accomplish the same level of safety if operated

in compliance with the operation instructions, along with the proposed conditions of approval.

4. Granting the variance is consistent with the City's Comprehensive Plan.

The City's Comprehensive 2040 Plan includes the following goal for pools and water resources:

1. Require swimming pools to be covered (to prevent evaporation).

The cover helps to prevent evaporation and adding more than necessary chemicals to the water. Based on manufacturer's statistics, the Pool Safety Cover can decrease evaporation up to 90%. Granting the variance to allow a pool cover would reduce the amount of water used for recreational private pools. The proposed variance is consistent with the City's Comprehensive Plan.

5. The variance if granted, will not alter the essential character of the neighborhood or City.

The character of the neighborhood is a mix of > 5 acre lots and low-lying wet forest land in between each lot. Looking specifically at the lot in questions, due to the dwelling and its immediate area being at the end of a cul-de-sac and 200 feet from the roadside and shielded almost entirely by vegetation this would have very little impact on the character of the neighborhood. The variance, if granted, will not alter the essential character of the neighborhood or the city.

6. The practical difficulty is not created solely by economic considerations.

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the hydrologic and site functionality and aesthetic appeal.

Staff Recommendation(s)/Conditions of Approval:

Staff recommends that the Planning Commission and City Council adopt the above findings and **approve** the application for a variance to install a Pool Safety Cover subject to the following conditions of approval:

1. The Pool Safety Cover must be ASTM Certified and meet or exceed the standards outlined in ASTM F1346-91.
2. The Pool Safety Cover must be closed when unsupervised, including, but not limited to overnight periods of non-use.

Conditional Use Permit for Planned Unit Development and Text Amendment Applications – Ecofun Motorsports, PIN # 24-32-22-21-0002

The Planning Commission also considered applications from Ecofun Motorsports for a conditional use permit for planned unit development (CUP for PUD) and text amendment.

The Planning Commission added condition number 35, requiring the applicant to submit a safety plan addressing the testing of motorized vehicles by customers on the property. Hanegraaf asked the Council and City Attorney Jake Steen if the addition of this condition is advisable. Steen commented that the City has authority to impose conditions on the permit, but there must be a

nexus between the use and the condition. In this case, there is not a clear nexus, especially because the vehicle testing will be conducted entirely on private property. The Council agreed that this condition shall be struck.

The Planning Commission unanimously recommended approval of both the CUP for PUD application and the text amendment.

Motion by Mayor Preiner to approve the Ecofun Motorsports Conditional Use Permit for Planned Unit Development application (dated 04.21.2021) at vacant property PIN # 24-32-22-21-0002, based on Findings of Fact 1-28, and subject to Conditions of Approval 1-19 from the City Planner's Report (dated 06.17.2021), site plan (dated 06.17.2021), building elevations (dated 04.30.2021), and approval of the text amendment. Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Ecofun Motorsports CUP for PUD Application Findings of Fact:

1. The City received a planned unit development conditional use permit (PUD CUP) application from Terry Bluhm, dba Ecofun Motorsports (“Ecofun”) on April 30, 2021. The application was found to be complete.
2. The 60-day review deadline is June 29, 2021. The 120-day review, if extended, ends on August 28, 2021.
3. Ecofun has acquired property in the CR Community Retail Zoning District on property legally described as the East 293 feet of the South three-fourth of the West one-half of the Northeast Quarter of the Northwest Quarter of Section 24, Township 32, Range 22, Anoka County, Minnesota, except the North 431 feet thereof (“Property”).
4. Ecofun has applied for a Zoning Ordinance Text Amendment to allow the use as a conditional use within the CR District.
5. The City has been updating the Zoning Ordinance with new zoning districts to be consistent with 2040 Comprehensive Plan.
6. The proposed new zoning district for the Property will be the GC General Commercial Zoning District.
7. The existing CR District does not allow the proposed motorsports use; however, the proposed use is allowable as a conditional use in the pending GC District.
8. Ecofun has applied for the PUD CUP to construct a 29,873 net square feet building on the Property.
9. The PUD consideration is to allow a masonry building in the existing CR District that is inconsistent with current design standards, but will be consistent with the pending GC District design standards. Other variations to dimensional standards may be allowed.
11. The proposed building includes 13,610 net square feet of retail showroom display, 1300 net square feet of office/breakroom/restrooms, 1233 net square feet of parts storage, 3845 net square feet of service and repair, 7070 net square feet of warehousing, and 2815 net square feet of mezzanine space. The proposed building

meets all setback requirements. The parking lot is set back 5.7 feet from the west property line, which is consistent with a 5 feet setback allowed in the Off-street Parking provisions in the City Code.

12. The building exterior is primarily a dark gray raked architectural precast panel with a dark gray smooth texture precast panel on the upper four feet of the walls.
13. The two south corners of the building include light gray smooth architectural precast panels with parapets extending three feet above the remaining parapets.
14. A blue accent exists between the raked and smooth precast panels on the dark gray walls. Blue metal ridge caps are on top of all parapets and blue metal accents are used on all canopies.
15. The roof elevation is approximately 20.75 feet above grade. The normal parapets are 3.75 feet above the roof and the corner parapets are three feet above the regular wall parapets.
16. The customer entrance to the building is at the southwest corner of the building. There are six overhead doors serving the showroom (1), the service area (3), and the warehouse (2).
17. There are no details of any roof top mechanical systems for the building. The main parapet around the entire building is approximately 3.75 feet above the roof. This may be adequate to prevent any line of site view (from a property line) of any roof top mechanical systems, depending on their location and height.
18. A trash and recycling area is identified on the northeast corner of the building. A total enclosure is required, comprised of materials compatible with the principal structure.
19. The Property is accessed directly from Lake Drive with restricted right-in and right-out access. Anoka County Highway Division offered preliminary comments on the proposed development, including the access restriction and required right turn lane into the Property, in a memo dated February 5, 2021.
20. The Property has the potential for future connection to Zurich Avenue via a potential public road extension north of Viking Supply to the Property.
21. The wetland delineation was approved on November 18, 2020. A wetland impact exemption was approved on May 28, 2021.
22. Civil plans for permitting were submitted to Rice Creek Watershed District on April 19, 2021. A Conditionally Approved Pending Receipt of Changes (CAPROC) status letter was issued by the District on June 9, 2021.
23. Impervious surface area after improvements is approximately 1.87 acres. The 54% proposed lot coverage is consistent with the City Code, subject to final stormwater analysis and permitting.
24. Parking is illustrated with 10'X20' stalls and a 26-foot-wide primary drive aisle. Thirty-six total parking spaces are proposed, including 2 accessible stalls. Based upon a conservative interpretation of the parking requirements for the different uses in the building, 103 parking stalls would be required in the City Code. A very liberal interpretation of the parking requirements for the different uses in the building would require 49 parking spaces. The middle of that range would be 76 parking spaces.

25. The amount of parking proposed could be approved, provided there is a “proof of parking” analysis done, illustrating where the additional parking spaces could be built on the site if needed. The “proof of parking” required could range between an additional 13 spaces (49-36) to perhaps an additional 40 spaces (the midpoint calculation of 76 spaces – 36 spaces), or more spaces.
26. Landscaping is well designed in quantities, locations and varieties of plant materials, including 20 deciduous trees, 17 conifers, 17 ornamental trees, 163 shrubs and 69 perennials. The quantities and planting sizes of the overstory trees are consistent with City Code requirements.
27. An electrical lighting plan identifies the use of three light standards and four wall packs with a property line illumination at less than one foot candle.
28. The Planning Commission held a PUD CUP public hearing on June 16, 2021.

Ecofun Motorsports CUP for PUD Application Conditions of Approval:

1. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
2. The PUD CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon detailed building permit plan review by the Building Official.
4. The PUD CUP is contingent upon recommendations of the Fire Department.
5. The PUD CUP is contingent upon approval of a zoning ordinance text amendment, which will allow the proposed use in the current CR Community Retail Zoning District.
6. Development of the Property shall be consistent with CUP application materials, including but not limited to, Ecofun Motorsports PUD CUP application, dated 4/30/21; Civil, Electrical and Landscape Plans (13 Sheets), prepared by Loucks Associates, dated April 30, 2021; Ecofun Motorsports Floor Plans and Building Elevations (6 sheets), prepared BDH Design, dated 4/30/21; and Stormwater Management Report, prepared by Loucks Associates, dated 4/28/21.
7. The PUD CUP is contingent upon submittal and approval of a “proof of parking” plan, identifying the location of 40 additional parking spaces on the Property. Upon a finding of need and upon reasonable notice, the City Council may require all or a portion of the additional “proof of parking” spaces to be constructed, consistent with the approved plan.
8. The PUD CUP is contingent upon the requirements of the Rice Creek Watershed District.
9. The PUD CUP is contingent upon the requirements of the Anoka County Highway Division.
10. The PUD CUP authorizes approval of the design and exterior materials of the building.
11. Any roof top mechanical systems shall be located to preclude any line of sight view of the mechanical systems from any property line. If a line of sight view of the

mechanical systems cannot be avoided, Ecofun shall submit a screening plan for the mechanical systems, compatible with the primary exterior building design, for City approval.

12. A detailed plan for the trash enclosure, with materials compatible with the principal structure, shall be submitted to the City for review and approval.
13. All site and building lighting shall be downcast and shrouded and shall not emit light in excess of one foot candle at any property line.
14. Any and all uses allowed in the PUD 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.
15. Approval of the PUD CUP is not a substitute for any other permitting required to improve the Property, as authorized.
16. Ecofun shall reimburse the City for its expenses associated with the PUD CUP approval.
17. Use of the Property shall be limited to those uses authorized by the PUD CUP.
18. The PUD 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 public hearing.
19. Ecofun acknowledges that the City will be rezoning the Property from CR Community Retail to GC General Commercial. Said GC District will allow Ecofun's proposed use as a conditional use.
- ~~20. Ecofun shall submit a 'customer safety plan' for City review, which addresses customer safety when testing motorized vehicles on the Property.~~

Motion by Hegland to approve Ordinance 21-04, an ordinance amending Chapter 7A of the City of Columbus Code of Ordinances as presented. Seconded by Logren. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Preliminary Plat, Final Plat, and Conditional Use Permit Applications - Kinsella Properties, LLP/City View Electric, PIN # # 28-32-22-44-0002 and 28-32-22-44-0003

The Planning Commission also considered applications from City View Electric for a preliminary plat, final plat, and conditional use permit (CUP). The applicants are proposing a 100% steel building in colors that match the current buildings on their campus. City Ordinances currently require buildings which face public streets to have no more than 50% metal exteriors. Other buildings on City View's campus do not meet the 50% or less metal standard because they are not visible from Lake Drive. The building in question faces Lake Drive, but is not adjacent to Lake Drive because there is a vacant lot in between. The Planning Commission felt that because the building will not be adjacent to Lake Drive, it does not need to meet the 50% or less

metal standard. As such, the Planning Commission unanimously recommended approval of the three applications.

Mursko explained that the preliminary plat is combining two lots into one, and the CUP covers activity on that lot. This lot and the CUP all operate under City View Electric's business.

City Attorney Jacob Steen recommended that the City Council make a policy decision regarding how the ordinance shall apply in this situation. City View Electric is planning on purchasing additional property adjacent to this one, and their decision today will affect buildings on that property as well. Hegland commented that she believes the ordinance should not apply in this situation because there is a vacant lot between the proposed building and Lake Drive. Logren agreed.

Motion by Hegland to approve the Preliminary and Final Plat application from Kinsella Properties, LLP for vacant property PIN # 28-32-22-44-0002 and 28-32-22-44-0003 (dated 03.05.2021), based on Preliminary Plat Findings of Fact 1-15, Final Plat Findings of Fact 1-6, and subject to Preliminary Plat Conditions of Approval 1-10, Final Plat Conditions of Approval 1-10 from the City Planner's Report (dated 06.17.21), Title Review, and updated sketch to include the 33-foot access easement. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Kinsella Acres, LLP Preliminary Plat Application Findings of Fact:

1. The City received a preliminary plat application from Kinsella Properties, LLP, ("Kinsella") on March 5, 2021. The application was found to be incomplete. Upon receipt of additional submittals, the application was found complete on April 21, 2021.
2. The 120-day preliminary plat review deadline is August 19, 2021.
3. The proposed plat is located in the C/I Commercial/Industrial Zoning District.
4. The 18.5-acre property consists of two parcels legally described as Lots E5 and E6, Will's Addition ("Property").
5. The Property is proposed to be platted into a single 18.5-acre parcel, Lot 1 Block 1, Kinsella Acres 1st Addition.
6. The vacant Property is currently landlocked with no public access.
7. Kinsella proposes to provide access to the Property via a private 28-feet- wide access easement, located across the southerly portion of Lot 1, Block Kinsella Acres, which is also owned by Kinsella and adjacent to the Property.
8. The proposed private access easement does not eliminate the existing nonconformity of the landlocked Property.
9. The Property is proposed to be improved with a 21,120 square feet office, warehouse and light assembly building for City View Electric.
10. The Property is located in the Rice Creek Watershed District.

11. The wetland delineation for the north half of the Property was approved on 12/2/21. The delineation for the south half of the Property was approved on 5/3/21.
12. An application for stormwater management was submitted to the Rice Creek Watershed District on 4/16/21. A Conditional Approval Pending Receipt of Changes (CAPROC) was issued by the District on 5/19/21.
13. There is no correspondence from the Anoka County Highway Division regarding the plat.
14. The preliminary plat includes standard 10-foot drainage and utility easements along property lines and large drainage and utility easement covering the wetland, including the minimum 1-rod buffer adjacent to the wetland.
15. The Planning Commission held a public hearing on the proposed preliminary plat on June 16, 2021.

Kinsella Acres, LLP Preliminary Plat Application Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. A public road easement to be established along the southerly 33 feet (or greater) of Lot 1, Block 1, Kinsella Acres to reduce the nonconforming status of Lot 1, Block 1, Kinsella Acres 1st Addition. Said public access easement will allow interim private road access and ownership and may be terminated upon implementation of permanent public road frontage benefiting Lot 1, Block 1, Kinsella Acres 1st Addition.
4. Requirements of the Anoka County Surveyor.
5. Any requirements from the Anoka County Highway Division regarding additional development access to Lake Drive.
6. Requirements of the Rice Creek Watershed District.
7. Cash in lieu of park land dedication.
8. Reimbursement of all City expenses associated with plat approval.
9. No further subdivision of the Property for development purposes is allowed.
10. Future development within the plat is subject to all laws and permitting requirements.

Kinsella Acres, LLP Final Plat Application Findings of Fact:

1. The City received a final plat application from Kinsella Properties, LLP, (“Kinsella”) on March 5, 2021. The application was found to be complete.
2. The final plat was submitted concurrent with the preliminary and the review period for the final plat is coterminous with the preliminary plat.
3. The 18.5-acre property consists of two parcels legally described as Lots E5 and E6, Will’s Addition (“Property”).
4. The proposed final plat will change the legal description of the Property to Lot 1, Block 1, Kinsella Acres 1st Addition.

5. The Property is proposed to be used by City View Electric as a 21,120 square feet office, warehouse and light assembly building.
6. The final plat is consistent with the proposed preliminary plat, subject to the establishment of a public road easement across Lot 1, Block 1, Kinsella Acres.

Kinsella Acres, LLP Final Plat Application Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. A public road easement to be established along the southerly 33 feet (or greater) of Lot 1, Block 1, Kinsella Acres to reduce the nonconforming status of Lot 1, Block 1, Kinsella Acres 1st Addition. Said public access easement will allow interim private road access and ownership and may be terminated upon implementation of permanent public road frontage benefiting Lot 1, Block 1, Kinsella Acres 1st Addition.
4. Requirements of the Anoka County Surveyor.
5. Any requirements from the Anoka County Highway Division regarding additional access to Lake Drive.
6. Requirements of the Rice Creek Watershed District.
7. Cash in lieu of park land dedication.
8. Reimbursement of all City expenses associated with plat approval.
9. No further subdivision of the Property for development purposes is allowed.
10. Future development within the plat is subject to all laws and permitting requirements.

Motion by Hegland to approve the Conditional Use Permit application from City View Electric for vacant property PIN # 28-32-22-44-0002 and 28-32-22-44-0003 for a business consisting of light assembly, storage, and office space, based on Findings of Fact 1-23 and subject to Conditions of Approval 1-17 from the City Planner's Report (dated 06.17.2021), City Engineer's Memo Comments (dated 06.17.2021), site plan (dated 05.19.2021), and building elevations (dated 05.19.2021). Seconded by Logren. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye, Logren – aye. Motion carries.

City View Electric CUP Application Findings of Fact:

1. The City received a CUP application from Kinsella Properties, LLP, (“Kinsella”) on April 21, 2021. The application was found to be incomplete. Upon receipt of additional submittals, the application was found complete on May 20, 2021.
2. The sixty-day review period ends on July 19, 2021. The 120-day review period, if extended, ends on September 17, 2021.
3. The CUP application is for a proposed 21,120 square feet office, warehouse and light assembly building on property legally described as Lots E5 and E6, Will's Addition (“Property”), which is adjacent to other property with existing City Electric buildings.

4. The Property is currently being platted will tentatively be described as Lot 1, Block 1, Kinsella Acres 1st Addition, containing approximately 18.5 acres.
5. The Property is located in the located in the C/I Commercial/Industrial Zoning District. The proposed use is an allowable conditional use.
6. The Property is legally nonconforming, in that, it is landlocked and has no direct frontage on a public road.
7. Access to the Property is proposed via a 28 feet private road easement across the southerly portion of Lot 1, Block 1, Kinsella Acres, also owned by Kinsella.
8. A wetland delineation for the north half of the Property was approved on 12/2/21. The delineation for the south half of the Property was approved on 5/3/21.
9. The upland portion of the Property is approximately 3.3 acres.
10. Site improvements include the 20,000 square feet building footprint, approximately 59,000 square feet of new surfacing, retaining walls, a stormwater pond, septic system and private well.
11. The total impervious area on the Property is 1.81 acres, which is approximately 54.85% of the upland area but only approximately 9.73% of the total lot area.
12. One retaining wall, 10 feet off the westerly lot line, will be visible from the west at a height of approximately 0.5 feet. Visibility of the wall on the easterly side of the wall ranges from approximately 0.5 feet to 5.5 feet in height. The purpose of the wall is to allow grade changes controlling drainage to flow on the west side of the proposed building and parking lot to a central collection inlet, which is then piped to the stormwater pond.
13. A second retaining wall is located on the easterly edge of the developed area and is intended to contain runoff, in the same manner as the westerly retaining wall, to a central inlet and pipe outlet to the stormwater pond. The easterly retaining wall ranges in height from 0.5 feet to 3 feet.
14. The proposed building is 80 feet by 250 feet with 20 feet sidewalls. The 20,000 square feet footprint also includes an 1120 square feet mezzanine. The building height is approximately 32.4 feet.
15. The mezzanine includes two kitchenettes, served by separate stairways, including a bathroom with each kitchenette (one with a shower).
16. The main floor includes 1120 square feet of office space below the mezzanine, including an open reception area, four offices and four bathrooms. The remaining 18,880 square feet of space is open warehousing and assembly.
17. The office entrance and parking is on the westerly side of the building. The easterly side includes two recessed loading docks, two at-grade overhead doors and two service doors.
18. The building is proposed with all-steel ribbed panel walls and roof with yellow and brown color tones that match the existing City View Electric color scheme.

19. Required parking for the proposed use of the Property includes 9 spaces for office uses and 10 spaces for warehousing. The plan identifies 18 spaces, including one accessible parking space. The width of the parking stalls is inconsistent with the minimum 10 feet width required in the City Code. There is ample room on the property for additional parking designation.
20. The parking plan is for one-way angled parking, which can be approved by the City Council.
21. There are no details for landscaping.
22. There are no details for site or exterior lighting; although, the CUP application Narrative indicates light exposure will not exceed one foot candle at any property line.
23. The Planning Commission held a CUP public hearing on June 16, 2021.

City View Electric CUP Application Conditions of Approval:

1. The CUP is contingent upon detailed recommendations of the City Engineer.
2. The CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon detailed building permit plan review by the Building Official.
4. The CUP is contingent upon recommendations of the Fire Department.
5. The CUP is contingent upon Kinsella Acres 1st Addition final plat approval.
6. The CUP is contingent upon dedication of a public road easement to be established along the southerly 33 feet (or greater) of Lot 1, Block 1, Kinsella Acres to reduce the nonconforming status of Lot 1, Block 1, Kinsella Acres 1st Addition.
7. Development of the Property shall be consistent with CUP application materials, including but not limited to, Kinsella Acres 1st Addition Civil Plans (8 Sheets), prepared by Plowe Engineering, dated May 19, 2021; City View Floor Plans and Building Elevations by Milaca Building Center, undated; and City View Electric color building elevations by unknown and undated.
8. The CUP is contingent upon the requirements of the Rice Creek Watershed District.
9. The CUP is contingent upon any access drive intersection improvements at Lake Drive that may be required by the Anoka County Highway Division.
10. The City Council approves the angled parking layout, subject to an increase in the parking stall width to 10 feet and the designation of at least 19 total parking spaces on the Property. A revised parking plan shall be submitted to the City for administrative review and approval, prior to issuance of a building permit.
11. The CUP is contingent upon submittal of a landscaping plan, consistent with Section 7A-820 of the City Code, for administrative review and approval, prior to issuance of a building permit.
12. All site and building lighting shall be downcast and shrouded and shall not emit light in excess of one foot candle at any property line.

13. 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.
14. Approval of the CUP is not a substitute for all other permitting required to improve the Property, as authorized.
15. Kinsella shall reimburse the City for its expenses associated with the CUP approval.
16. No further subdivision of the Property for development purposes is allowed.
17. 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 public hearing.

City View Electric CUP Application Engineer's Memo Comments and Conditions:

- The proposed building project consists of an 20,000 SF building with 18 stalls of parking and bituminous yard. Modular block retaining walls on the easterly and westerly sides of the building area level up the lot for the building pad and bituminous pavement area. Stormwater management is provided by an infiltration basin on the south end of the site along with two catch basins and storm sewer piping. A 7,750 SF septic area on the southwest corner of the site is reserved for the primary and reserved septic systems. A well for potable water is assumed but is not shown on the plan.
- The civil plan set was developed by Plowe Engineering. The original plan submittal was dated 4/16/21 and updated with a civil plan set dated 5/19/2021.
- A drainage report was developed by Plowe Engineering and is dated 4/16/21. This report is based on the civil plan set dated 4/16/21. An updated drainage report will need to be submitted to conform to the civil plan set dated 5/19/21.
- The CAPROC issued by the RCWD is based on the civil plan set and drainage report dated 4/16/21. The applicant will need to resubmit their updated 5/19/21 civil plan and updated drainage report to the RCWD for review and re-issuance of a CAPROC based on the current plan.
- A geotechnical report dated May 5, 2021 was prepared by Haugo Geotechnical Services.
- The floor elevation of the proposed building is 905.0. The soil borings obtained at the building corners indicate a ground water level in the range of 895 to 898. There is no identification of mottled soils on the boring logs. The site drops off sharply in elevation to the east into a wetland area with the edge of wetland elevation approximately 894, plus/minus a foot. Therefore, it is reasonable to conclude, given the soil boring data and the wetland elevation, that the HWT is sufficiently separated from the building elevation.
- Access to the site is proposed through a 28' wide ingress/egress easement across the driving lane of Lot 1, Block 1, Kinsella Acres. This access is less than ideal as a public access as it travels through the City View Electric lot and has a gated entrance. To conform as a public access, the gate would need to remain open.

- Referencing Sheet C1 of the civil plan, the arrows indicating the site access at the north end of the site cuts through a grass area, according to 2020 aerial photography. There must be a continuous paved or gravel access, a minimum of 16 feet wide, connecting the access easement to the site.
- The retaining wall is of sufficient height that a fence at the top of wall should be considered for safety reasons and may be required by building code.

Preliminary Plat and Conditional Use Permit for Planned Unit Development Applications – Ralph and Nancy Dooley, 6907 W. Broadway Avenue NE

Lastly, the Planning Commission considered a preliminary plat and conditional use permit for planned unit development (CUP for PUD) application for NanDool Preserve at 6907 W. Broadway Avenue NE. The group unanimously recommended the application for approval.

Motion by Hegland to approve the NanDool Preserve Preliminary Plat application for 6907 W. Broadway Avenue NE (dated 04.19.2021), based on Findings of Fact 1-23 and subject to Conditions of Approval 1-19 from the City Planner’s Report (dated 06.17.2021). Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

NanDool Preserve Preliminary Plat Application Findings of Fact:

1. The City received a preliminary plat application from Ralph and Nancy Dooley, 6907 West Broadway Avenue NE, (“Dooley”) on February 19, 2021. The application was found to be incomplete. Upon receipt of additional information, the application was found complete on March 4, 2021.
2. The 120-day preliminary plat review deadline is September 1, 2021.
3. The proposed plat is located in the RR Rural Residential Zoning District.
4. The 79.52-acre property consists of three parcels legally described as the East 825 feet of the Northeast Quarter of the Southwest Quarter, Section 4, Township 32, Range 22; that part of the Northeast Quarter of the Southwest Quarter of Section 4, Township 32, Range 22, lying West of the East 825 feet of said Northeast Quarter of the Southwest Quarter; and the Southeast Quarter of the Northwest Quarter of Section 4, Township 32, Range 22 (“Property”).
5. There is one existing residence on the Property.
6. The proposed preliminary plat involves the creation of four lots, including one lot for the existing home. The lots range in size from 13.61 acres to 24.91 acres.
7. The existing residence is served by an existing driveway from Broadway Avenue. The three new lots are proposed to be served by a 12 feet private road within a 66-feet-wide public easement via an existing driveway access off Broadway Avenue.
8. Proposed Lot 4 has over 300 feet of frontage on Broadway Avenue, qualifying it as meeting public street frontage requirements. Access, however, is proposed from the private road, which the lot also abuts for nearly the entire length of the road.

9. Lots 1 and 2 represent the maximum number of additional lots, therefore, that can be served by the private road. All three lots will be required to enter into the development contract and maintenance agreement for the private road.
10. The majority of the Property is impacted by wetlands. The Ordinary High Water (OHW) elevation of the wetlands on the Property is 901 feet. The existing and proposed buildable areas are approximately at elevations ranging from 902-906 feet.
11. The Property is located in the Sunrise River Watershed District.
12. The wetland delineation for a portion of the Property was approved on 8/3/20. A Notice of Application for an amended wetland delineation on a portion of the Property was issued on 4/30/21. No decision has been issued at this time.
13. The three new building sites are located in Zone A on the Flood Insurance Rating Map (FIRM). Zone A is determined by the Federal Emergency Management Agency (FEMA) to have a 1% chance of flooding annually and a 26% chance of flooding during the life of a 30-year mortgage.
14. Zone A is a floodplain area without a pre-determined Base Flood Elevation (BFE). The DNR has established the BFE for Zone A on the Property at a 904.3 feet elevation.
15. The Columbus Code does not allow septic systems in Zone A, and residential buildings are allowed only under certain provisions (e.g., base floor elevation must be located in the Flood Fringe and be at least two feet above the BFE or at the Regional Flood Protection Elevation [RFPE]).
16. Flood Insurance is mandatory for all property located in Zone A.
17. The existing residence on the Property is located in FIRM Zone X, which is property located at or above the 500-year flood elevation. Flood insurance is optional within Zone X.
18. There are no grading plans to confirm the elevations of buildable areas and details for proposed septic systems. Fill will likely be required to raise certain elevations required to be above the Regional Flood Protection Elevation.
19. The typical cross section for the private driveway identifies the road elevation at 904. According to City Code, the elevation of roads must be within two feet of the Regional Flood Protection Elevation, or at an elevation of 904.3. Private roads must also be at least 16 feet wide.
20. A FEMA mapping change will be necessary to remove building areas from the Zone A designation on the FIRM map, allowing septic systems on the three new lots.
21. The DNR has approved a fill permit for a minor encroachment to existing wetlands for the private road construction.
22. Anoka County Highway Division reviewed the plat and will require a permit for improving the intersection of the private road and Broadway Avenue.

23. The Planning Commission held a public hearing on the proposed preliminary plat on June 16, 2021.

NanDool Preserve Preliminary Plat Application Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. A subdivision development agreement.
4. A private road maintenance agreement.
5. Requirements of the Anoka County Surveyor.
6. A ROW permit from the Anoka County Highway Division for work within the Broadway Avenue right of way.
7. An approved, amended wetland delineation for a portion of the plat.
8. Requirements of the Sunrise River Watershed District.
9. A grading plan for Lots 1, 2 and 4, which identifies proposed fill areas and final grade elevations for structures and the septic system, consistent with requirements maintaining the minimum Regional Flood Protection Elevation.
10. Notations on the final plat or standalone document identifying the floodplain, the floodway and the flood fringe.
11. A FEMA mapping change for Lots 1, 2 and 4, which removes the proposed buildable areas from the FIRM Zone A designation (likely a Conditional Letter of Mapping Revision – based on fill [CLOMR-F]).
12. An approved PUD CUP, which authorizes any fill requirements on the buildable areas that may otherwise require a CUP.
13. A revision to the minimum private road width from 12 feet to 16 feet, except where the road encroaches on the wetlands.
14. A minimum driveway elevation at 904.3 feet.
15. Permanent wetland buffer boundary plaques at intervals determined by the City.
16. Cash in lieu of park land dedication.
17. Reimbursement of all City expenses associated with plat approval.
18. No further subdivision of any lot for development purposes is allowed.
19. Future development within the plat is subject to all laws and permitting requirements.

Motion by Hegland to approve the NanDool Preserve Conditional Use Permit for Planned Unit Development application at 6907 W. Broadway Avenue NE (dated 02.19.2021), based on Findings of Fact 1-23 and subject to Conditions of Approval 1-13 from the City

Planner's Report (dated 06.17.2021). Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

NanDool Preserve CUP for PUD Application Findings of Fact:

1. The City received a planned unit development conditional use permit (PUD CUP) application from Ralph and Nancy Dooley, 6907 West Broadway Avenue NE, (“Dooley”) on February 19, 2021. The application was found to be incomplete. Upon receipt of additional information, the application was found complete on March 4, 2021.
2. The sixty-day review period ends on July 3, 2021. The 120-day review deadline, if extended ends on September 1, 2021.
3. Dooley is proposing a four-lot subdivision on approximately 79.52 acres of property legally described as the East 825 feet of the Northeast Quarter of the Southwest Quarter, Section 4, Township 32, Range 22; that part of the Northeast Quarter of the Southwest Quarter of Section 4, Township 32, Range 22, lying West of the East 825 feet of said Northeast Quarter of the Southwest Quarter; and the Southeast Quarter of the Northwest Quarter of Section 4, Township 32, Range 22 (“Property”).
4. The Property currently contains one residence and creates three additional building sites.
5. The Property is located in the RR Rural Residential Zoning District.
6. The minimum lot area is 13.61 acres, while the average lot size is nearly 20 acres.
7. The PUD CUP application is concurrent with the preliminary plat application and is intended to address private road access and serve as the permitting approval for any fill required within the floodplain.
8. The three new lots will share access via a 12-foot-wide private road located within a 66-foot-wide public easement. One of the three lots sharing access also abuts Broadway Avenue in excess of the minimum 220 feet frontage.
9. Section 7A-800 C. of the City Code restricts the use of private roads to two lots, which do not have any other public road frontage.
10. Section 7A-800 C. also requires private roads to be constructed at a minimum width of 16 feet.
11. A subdivision development agreement and private road maintenance agreement are also required.
12. The majority of the Property is impacted by wetlands. The Ordinary High Water (OHW) elevation of the wetlands on the Property is 901 feet. The existing and proposed buildable areas are approximately at elevations ranging from 902-906 feet.
13. The Property is located in the Sunrise River Watershed District.
14. The wetland delineation for a portion of the Property was approved on 8/3/20. A Notice of Application for an amended wetland delineation on a portion of the Property was issued on 4/30/21. No decision has been issued at this time.

15. The three new building sites are located in Zone A on the Flood Insurance Rating Map (FIRM). Zone A is determined by the Federal Emergency Management Agency (FEMA) to have a 1% chance of flooding annually and a 26% chance of flooding during the life of a 30-year mortgage.
16. Zone A is a floodplain area without a pre-determined Base Flood Elevation (BFE). The DNR has established the BFE for Zone A on the Property at a 904.3 feet elevation.
17. The Columbus Code does not allow septic systems in Zone A, and residential buildings are allowed only under certain provisions (e.g., base floor elevation must be located in the Flood Fringe and be at least two feet above the BFE or at the Regional Flood Protection Elevation [RFPE]).
18. Flood Insurance is mandatory for all property located in Zone A.
19. The existing residence on the Property is located in FIRM Zone X, which is property located at or above the 500-year flood elevation. Flood insurance is optional within Zone X.
20. There are no grading plans to confirm the elevations of buildable areas and details for proposed septic systems. Fill will likely be required to raise certain elevations required to be above the Regional Flood Protection Elevation.
21. The typical cross section for the private driveway identifies the road elevation at 904. According to City Code, the elevation of roads must be within two feet of the Regional Flood Protection Elevation, or at an elevation of 904.3.
22. A FEMA mapping change will be necessary to remove building areas from the Zone A designation on the FIRM map, allowing septic systems on the three new lots.
23. The Planning Commission held a PUD CUP public hearing on June 16, 2021.

NanDool Preserve CUP for PUD Application Conditions of Approval:

1. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
2. The PUD CUP is contingent upon recommendations of the City Attorney.
3. The PUD CUP is contingent upon a subdivision development agreement.
4. The PUD CUP is contingent upon a private road maintenance agreement.
5. The PUD CUP is contingent upon an approved Nandool Preserve Final Plat.
6. The PUD CUP is contingent upon an approved, amended wetland delineation for a portion of the Property.
7. The PUD CUP is contingent upon a grading plan for Lots 1, 2 and 4, which identifies proposed fill areas and final grade elevations for structures and the septic system, consistent with requirements maintaining the minimum Regional Flood Protection Elevation.

8. The PUD CUP is contingent upon a FEMA mapping change for Lots 1, 2 and 4, which removes the proposed buildable areas from the FIRM Zone A designation (likely a Conditional Letter of Mapping Revision – based on fill [CLOMR-F]).
9. The PUD CUP requires construction of the private road at a minimum 904.3 feet elevation.
10. The PUD CUP authorizes any fill requirements on the buildable areas on the Property that may otherwise require a CUP.
11. The PUD CUP requires a private road width of 16 feet, except where the road encroaches on the wetlands, the width may be reduced to 12 feet. Any such areas shall be appropriately signed to warn of the design change.
12. Dooley shall reimburse the City for its expenses associated with the PUD CUP approval.
13. No further subdivision of any lot for development purposes is allowed.

Conditional Use Permit Application – Muddy Paws, 15120 W. Freeway Drive NE

This item was continued from the previous City Council meeting to allow time for the applicant to address questions raised by the Council. Answers were not received from the applicant until Monday 06.21.21, which did not give City Staff sufficient time to update the Staff Report. There is also a desire to have the City's animal control contractor review the application prior to further discussion. As such, the Council is recommending continuing the application to the next City Council meeting.

Motion by Hegland to continue discussion on the Muddy Paws Conditional Use Permit application to the 07.21.2021 City Council meeting. Seconded by Logren. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Motion by Hegland to approve Ordinance 21-05, an ordinance amending Chapter 7A of the City of Columbus code of ordinances. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Motion by Hegland to amend her earlier motion to continue discussion on the Muddy Paws Conditional Use Permit application to the 07.14.21 City Council meeting. Seconded by Logren. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

D. STAFF AND CONSULTANT REPORTS

11. Engineer Report

City Engineer Kevin Bittner reported that the Hornsby Street reconstruction project is progressing well and may be complete the week of 07.05.21.

The City's crack sealing project will also be complete by the end of next week.

Forest Lake Contracting Payment Request No. 2

Bittner presented payment request number 2 from Forest Lake Contracting for the Hornsby Street reconstruction project in the amount \$212,116.10.

Motion by Mayor Preiner to approve payment request number 2 from Forest Lake Contracting for the Hornsby Street reconstruction project in the amount \$212,116.10. Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

North Valley, Inc. Payment Request No. 1

Bittner continued to present payment request number 1 from North Valley, Inc. for the Furman Street NE paving project in the amount \$49,341.79.

Motion by Mayor Preiner to approve payment request number 1 from North Valley, Inc. for the Furman Street NE paving project in the amount \$49,341.79. Seconded by Logren. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

12. Attorney Report

No report.

13. City Council Member's Report

Council Member Logren

Logren viewed the billboard column which Outfront Media indicated has the same material as is being proposed for the Columbus billboard. She does not believe the billboard column she viewed is the product proposed for the Columbus location. Hegland also viewed the suggested column and agreed with Logren.

Mayor Preiner

No report.

Council Member Hegland

Hegland reported that discussions are ongoing with the City's broadband expansion efforts.

Hegland also determined that the Council Corner newsletter shall begin with this meeting. Each Council member will write a brief summary of what occurred at a particular Council meeting and send it to Public Communications Coordinator Jessica Hughes within one week of the meeting for publication. Council members signed up for dates.

Council Member Busch

No report.

Council Member Wagamon

No report.

14. Public Works Report

No report.

15. Public Communications Coordinator Report

No report.

16. City Administrator's Report

Local Fiscal Recovery Funds Under the American Rescue Plan Act

Additional COVID-19 recovery funds are being awarded to Cities. To receive funding, Cities must certify that they intend to accept the funds.

Therefore, a resolution was presented to the Council which authorizes Mayor Preiner, Mursko, and the City Attorney to certify this intent.

Motion by Wagamon to approve Resolution 21-13, a resolution to accept the coronavirus local fiscal recovery fund established under the American Rescue Plan Act. Seconded by Hegland. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

EDA Meeting Schedule Change

Mursko asked the Council to reschedule the next EDA meeting so that the new Economic Development Specialist from Anoka County can attend. She is unable to join the 07.14.21 meeting but can join on 08.11.21.

Motion by Busch to reschedule the 07.14.2021 EDA meeting to 08.11.2021 at 6:00 p.m. Seconded by Mayor Preiner. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Workshop Items

At today's City Council workshop, the Council discussed possible ways to address the intersection of Kettle River Blvd. and Camp Three Road, which the Council agrees is poorly designed and has caused many accidents. Anoka County representative Joe McPherson reported that the property owner on the northeast corner of the intersection agreed to have brush cleared to improve site lines. Bittner recommended installing temporary barriers on Camp Three Road to test the idea of closing the portion of Camp Three Road connecting Kettle River Blvd. to Lake Drive. To do so will include engineering costs.

The Council agreed to wait until the northeastern property owner has cleared the brush to begin necessary work to install barriers on Camp Three Road. As such, this topic will be raised at a future meeting once the brush is cleared.

182nd Lane NE Turnaround

Bittner indicated that the proposed cul-de-sac area will be surveyed tomorrow to determine a preliminary design. After that is complete, another neighborhood meeting will be held. Hegland indicated that another proposal for this issue has been raised, which is moving the cul-de-sac slightly to the east if the City vacates a portion of the east-west easement that is on the Waletzko property. However, if the City pursued that option the survey planned for tomorrow would be useless and it would change the plan for utilities located in the area.

City Attorney Jacob Steen was asked whether he would recommend vacating a portion of the east-west easement? Steen said that legal counsel would never recommend vacating a City-owned easement of that size and in this location.

The original plan for this area was to improve the hammerhead turnaround where it currently is. Public Works Director Jim Windingstad said improving this turnaround has been a priority for some time because the current configuration is constraining for large vehicles to turn around. The Council expressed some interest in approaching Waletzko to see if she would be open to that option without vacating any of the east-west easement and with reinstating the 55-foot north-south easement. The City would also need more land to improve the turnaround in its current location and make it as safe as necessary.

The overall direction from the Council is to cancel the survey planned for tomorrow, and to do further research on the 55-foot north-south easement.

E. ANNOUNCEMENTS & REMINDER

17. Calendar of Meetings

The next City Council meeting is on 07.14.2021 at 7:00 p.m.

The next Planning Commission meeting is on 07.21.2021 at 7:00 p.m.

The next City Council workshop is on 07.28.2021 from 4:00 p.m. to 6:00 p.m.

The next EDA meeting is on 08.11.2021 at 6:00 p.m.

F. ADJOURNMENT

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

Meeting adjourned at 9:05 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator