

**City of Columbus**  
**Regular City Council Meeting**  
**06.26.19**

The 06.26.19 meeting of the City of Columbus City Council was called to order at 7:03 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: Joe & Deb Pribyl, Kris King, Paul Peskar, Arlen Logren, Jason Rud, Dan Mike, Cindy Angel, and Julie Parent (Forest Lake Times).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:03 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. Motion – Approval of the 04.24.19 City Council Special Meeting Minutes**
- 4. Motion – Approval of the 04.23.19 Local Board of Appeal and Equalization Minutes**
- 5. Motion – Approval of the 12.27.18 City Council Meeting Minutes**
- 6. Motion – Agenda Approval with Additions**
- 7. Motion – Anoka County CDBG & Home Invest Coop Agreement 1<sup>st</sup> Amend**
- 8. Motion – Pay Bills as Posted**

**Motion by Duraine to approve the Consent Agenda items 3-8. Seconded by Hegland. Motion carried unanimously.**

**C. PRESENTATIONS**

**9. JP E-Commerce MIF Loan**

Columbus' bond Counsel and public finance and development Counsel Julie Eddington from Kennedy & Graven came forward to discuss documents relating to the JP E-Commerce MIF Loan. Based on direction from a previous meeting, Eddington submitted communications from DEED which state that historically they have not held Cities liable for developers that default on their responsibilities. In such a situation, DEED would likely work with the City and developer to create a payment plan, and the City would be expected to help the State by demanding payment under the promissory note or acting under the security agreement.

**Motion by Duraine to approve Resolution 19-16, a resolution approving the loan of the Minnesota Investment Fund Grant to JP E-Commerce, Inc. and execution of related documents. Seconded by Peterson. Motion carried unanimously.**

**10. Planning Commission Report**

Commissioner Barb Bobick presented the Planning Commission report from their 06.19.19 meeting. At the meeting they held two public hearings.

#### Aces Hotel and Racetrack Sign Variance Request

The first public hearing was held for a variance application from Aces Hotel, to wall signs that exceed the allowable dimensions and a roof sign. City Code does not currently allow roof signs. Running Aces is building a 5-story hotel and would like to install two roof signs on the north and south sides of the building to maximize visibility. The signs cannot be installed on the hotel's exterior walls because of the number of windows planned for the building. Roof truss systems will be used to support the signs. In addition, Running Aces would like to replace signage on the existing building with the new signs that are 45" taller than City Code currently allows. All signs use a new LED lighting system. Bobick reported that there were no public comments during the hearing.

#### Thurnbeck Preserve Second Addition Preliminary Plat

The second public hearing held was for the second and third phases of the Thurnbeck Preserve development. There are currently 14 stormwater ponds planned within the development. The development is split between the Rice Creek Watershed District (RCWD) and the Sunrise River Watershed Management Organization (SRWMO). Both authorities are reviewing the application. The Planning Commission is recommending the application for approval.

Bobick reported that one resident spoke during the Public Hearing, who expressed concern about high groundwater levels on his property south of the proposed development. Postler said that their property is in the Rice Creek Watershed District (RCWD), which requires ponding to capture stormwater. There is an existing ditch between the development and this resident that should catch water traveling south. He added that it would be best to discuss water concerns with RCWD or to hold a neighborhood meeting on the topic.

Jason Rud came forward to discuss watershed management with the Council. Mursko explained that there is a jurisdictional watershed boundary within the plat, and RCWD is requiring a joint agreement to accept the agreed upon boundary. Rud said that if everything goes well the agreement should be approved on 07.11.19, after discussion with the SRWMO.

Mursko noted that it came to her attention that this plat will require a vacation of the drainage and utility easement on the southern portion of the property. The easement covers a large area. The easement will be rededicated in the plat, covering a majority of the current easement's area. Griffith said that final plat approval is required, and the vacation of this easement will be taken care of at that time.

#### **Motion by Duraine to approve the Conditional Use Permit for the Planned Unit**

**Development for 57 lots for the Thurnbeck Preserve Phase I, II, and III based on Findings of Fact 1-17, subject to Conditions of Approval 1-11 from the City Planner’s report (dated 06.13.19), as well as Conditions 1-27 from the City Engineer’s Report (dated 06.13.19) as amended by the Planning Commission. Seconded by Logren. Motion carried unanimously.**

Thurnbeck Preserve Second Addition CUP for PUD City Planner’s Memo Findings of Fact:

1. The City received Preliminary Plat and PUD (CUP procedure) applications for Thurnbeck Preserve 2<sup>nd</sup> Addition from Buyback Inc. /Tom Carlisle (“Buyback”), which were found complete on May 29, 2019.
2. The 60-day PUD CUP review deadline is July 28, 2019. The 120-day preliminary plat review deadline or extended PUD CUP review deadline is September 26, 2019.
3. The City previously approved a Preliminary Plat and CUP for PUD for Thurnbeck Preserve 1st Addition, Phase 1 with 17 lots, in October 2016.
4. Thurnbeck Preserve Phases 1, 2 and 3 are a total of 285.21 acres and are located in the southwest of West Broadway Avenue and Furman Street Northeast, in the North Half of the Northeast Quarter of Section 10, Township 32, Range 22 (“Property”). A full legal description is attached.
5. The Preliminary Plat application for Thurnbeck Preserve 2nd Addition (Phases 2 and 3) includes the following:
  - a. Title Sheet and PUD data
  - b. Certificate of Survey
  - c. Preliminary Plat
  - d. Overall Grading Plans
  - e. Grading / Livability Plan (showing lot by lot septic areas, building pads and grading)
  - f. Livability Charts (lot by lot elevations)
  - g. Utility Plans
  - h. Plan Profile Sheets
  - i. Civil Details
  - j. Storm Water Pollution Prevention Plan (SWPPP)
6. There are 57 lots in the overall Thurnbeck Preserve PUD:
  - 17 lots in the already approved Phase 1
  - 28 proposed lots in Phase 2 (Blocks 1, 2 and 3)
  - 12 proposed lots in Phase 3 (Block 4).

7. The CUP procedure is required to consider granting approval of a Rural Residential District PUD on the Property through the Planned Unit Development provisions of the City Code.
8. The minimum lot size within Thurnbeck Preserve Phases 1, 2 and 3 is 2.50 acres. The proposed average lot size for all phases, including right of way is 5.00 acres. This meets the lot density average and minimum lot size standards allowed under PUD.
9. The proposed plat is consistent with minimum lot area, lot averaging, minimum lot dimensions, and maximum density standards allowed by PUD.
10. Each lot identifies home and SSTS locations, consistent with area and setback dimensional standards.
11. Proposed floor elevations in Phase 2 of the plat are based primarily upon eight piezometer location readings taken over a six-month period from February 2018 through July 2018.
12. Drainage and utility easements are located adjacent to all property lines and adjacent to wetlands, consistent with Subdivision Ordinance requirements. Anoka County Ditch 35, Branch 2 generally forms the northerly border of the plat for the 2nd Addition, and Anoka County Ditch 31, Branch 5 is located in the southeast portion of Phase 2 of the plat.
13. There are fourteen stormwater ponds proposed within the plat.
14. The northerly portion of the Plat is located within the Sunrise River Watershed Management Organization (SRWMO), where the City is the LGU for stormwater management decisions, and the southerly portion of the Plat is located in the Rice Creek Watershed District (RCWD). The proposed preliminary plat is being reviewed by both authorities. The jurisdictional division between the two watersheds is the east-west section line running through the middle of the plat. RCWD has preliminarily agreed to recognizing the westerly right-of-way of proposed Yangtze Drive, and the southerly right-of-way of 172nd Court (from Yangtze to Furman) as the new hydrological division between the two watersheds.
15. New rights of way are proposed to serve Phases 2 and 3 of Thurnbeck Preserve.
  - Phase 2 proposes three new right of ways –
    1. 172nd Court NE extending west from Furman Street NE. 172nd Court NE would connect to a new right of way, Yangtze Street NE, running southwest and would end in a cul-de-sac serving 4 lots;
    2. Yangtze Street NE would connect 172nd Court NE on the north and a new right of way, 170th Ave NE, and extend to the southerly plat boundary for a future street extension;
    3. 170th Ave NE would connect Yangtze Street NE to existing 170th Avenue NE to the west.

- Phase 3 proposes one new right of way – right of way name not identified, would extend east off Furman St NE, ending in a cul-de-sac. Approximately 11.99 acres are dedicated for public right of way in Phase 2 and 3 of Thurnbeck Preserve.
16. Furman Street NE was paved from Broadway Avenue to the southerly plat boundary of Thurnbeck Preserve Phase 1, and remains gravel south of that (adjacent to this plat).
17. The Property is vacant with exception of:
- Three existing agricultural buildings which will be removed on Phase 2, Block 1, Lots 5, 6 and 14.
  - One existing agricultural building which will be removed on Phase 2, Block 2, Lot 4.
  - The original Thurnbeck Farms homestead remains on land proposed to become Lot 3 of Phase 2, Block 2. The farmstead includes a residential dwelling, a barn, silos and a couple of other agricultural buildings. Lot 3 is proposed to be 7.52 acres, which allows 8,550 square feet of accessory building(s). The total square feet of the existing accessory buildings to remain on Lot 3 is within the 8,550 square feet allowed.

Thurnbeck Preserve Second Addition CUP for PUD City Planner’s Memo Conditions of Approval:

1. The PUD CUP amendment is contingent upon preliminary plat approval of Thurnbeck Preserve 2nd Addition for Phases 2 and 3.
2. The PUD CUP amendment is contingent upon detailed recommendations of the City Attorney.
3. The PUD CUP amendment is contingent upon detailed recommendations of the City Engineer.
4. The PUD CUP amendment is contingent upon permit approval from the Rice Creek Watershed District (RCWD), for those lots that fall within the hydraulic boundary of the district. The hydraulic boundary is identified as Lots 1 – 11, Block 2 in Phase 2, and all lots in Phase 3. Permit application 19-047 was submitted to RCWD and determined incomplete. Additional information was requested for future consideration by the RCWD Board of Managers.
5. The PUD CUP amendment allows a variation in lot size, such that the minimum lot size allowed is 2.5 acres and the average lot size for all phases of Thurnbeck Preserve (Phases 1, 2 and 3) is 5.0 acres, less dedicated right of way. [Section 7A-819 Planning Unit Development, B.2.a. Lot Averaging]
6. The PUD CUP amendment accepts submitted piezometer readings of 3½ lots per piezometer (8 Piezometer locations for 28 lots in Phase 2), which is less than the

normally required installation and measurement of one piezometer per lot for a minimum of twelve months [Section 7A-803 Minimum Construction Elevations... Subsection b.] Piezometers have not been installed for Phase 3 (Block 4) and will need to be for 12 months prior to determination and acceptance of proposed lowest floor elevations for all houses in this location east of Furman Street.

7. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
8. No further subdivision of any lot for development purposes is allowed.
9. In the event the City Council determines, in its sole discretion, that the development of the Property is not being operated in accordance with any term or condition contained herein, the amended PUD CUP may be revoked by the City upon proper notice and a hearing. The City shall notify regulatory authorities that have issued licenses or permits in connection with the amended PUD CUP of any such revocation.
10. Buyback Inc./Tom Carlisle shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the amended PUD CUP, including any subsequent inspection and enforcement actions.
11. The existing PUD CUP shall be amended, completely, upon approval of the plans submitted with this application and as amended per the recommendations listed above.

Thurnbeck Preserve Second Addition CUP for PUD City Engineer's Memo Conditions of Approval:

**Preliminary Plat:**

1. Drainage and Utility Easements are provided on the preliminary plat to account for perimeter easements, existing wetlands, as well as the proposed stormwater ponds. 66' wide roadway right-of-way is being dedicated for all internal public roadways. The plat goes to the centerline of Furman Street, with 33' of right-of-way being dedicated for public roadway where the plat is adjacent to Furman Street.
2. Eight 20' deep soil borings are provided in a separate Piezometer Summary Report prepared by Haugo GeoTechnical Services dated 7/10/18 and their locations are shown on the Preliminary Plat. 132 shallow soil borings test reports are also provided for septic field purposes prepared by Tradewell Soil Testing dated 7/27/17.

**Site Plans:**

Streets/Layout/Access:

3. Phase 2 of the development will construct three interior public roadways. There will be one access off Furman Street NE, one connection to existing 170th Avenue NE, and a stub to the southerly plat limits for future roadway extension. All lots will access new internal streets, with the exception of Lot 3, Block 2 which are existing buildings and will

retain its access to Furman Street.

4. The City recently updated its Standard Specifications for Roadway Construction. These updates include the typical section for residential streets consisting of 3½" of Bituminous Pavement on 6" of Class 5 aggregate base. Update the detail on Sheet C2.1 accordingly.
5. 172nd Court NE should have a culvert for the Furman Street westerly ditch.
6. Spot elevations should be included for the edges of the cul-de-sac (i.e., is the highpoint of the cul-de-sac in the center or on the far southwesterly edge? From the proposed contours, the highpoint appears to be in the center with the cul-de-sac edges being level. If so, how does storm water runoff exit the area? There are no ditches around the cul-de-sac.)
7. Furman Street: It is City policy for proposed developments to pave gravel roadways adjacent to their platted boundaries. In this case, Furman Street should be paved from the northerly boundary of the 2nd Addition plat (where Phase 1 paving on Furman Street stopped) to the southerly boundary of the 2nd addition plat. The plat boundaries go to the center of Furman Street right-of-way. As such, there are portions of Furman Street adjacent to this plat the City owns half of. On Phase 1 the developer contributed the cost of the actual pavement for all of Furman Street adjacent to the plat, if the City were to pay for all other associated street improvement costs. If this plat is handled similarly, the paving of Furman Street will need to be a City public improvement project due to the City owning half the street for the majority of the plat boundaries. The City could accept the developer's contribution of the pavement costs, thereby reducing the proposed assessments to adjacent property owners.
  - If paving of Furman Street adjacent to this plat were to become a City public improvement project, we would need to have a neighborhood meeting with adjacent property owners that would be assessed. Based on a cursory review, there are up to 7 assessable lots on the east side of Furman, and 1 on the west side. Similar to the first Phase, we would also partially assess the lots within the development that have indirect benefit. In this case  $40 \text{ lots} \times 0.25 = 10$  additional lots, for a net total of 18 assessable lots.
8. No street lighting is being proposed as part of these improvements (no plans have been submitted indicating as such).

#### Grading & Drainage:

9. Proposed grading and drainage on the site generally consists of elevating house pad locations to enable walk-out construction, excavation/fill for roadway construction, protecting existing wetland areas, and constructing new stormwater ponds to account for stormwater runoff retention due to increased impervious area.
10. Floodplain: Ditch 31, Branch 6 in the southeast corner of Phase 2, Block 2, and in Phase 3, and some areas adjacent to it, are in the FEMA flood plain. RCWD had indicated the floodplain elevation in these areas is 904.8. The applicant needs to verify the project does

not impact the floodplain.

11. Wetlands: The northerly portion of the Plat is located within the Sunrise River Watershed Management Organization (SRWMO), where the City is the LGU for stormwater management decisions, and the southerly portion of the Plat is located in the Rice Creek Watershed District (RCWD). The proposed preliminary plat is being reviewed by both authorities. The jurisdictional division between the two watersheds is the east-west section line running through the middle of the plat. RCWD has preliminarily agreed to recognizing the westerly right-of-way of proposed Yangtze Drive, and the southerly right-of-way of 172nd Court (from Yangtze to Furman) as the new hydrological division between the two watersheds.

A MN Wetland Conservation Act Technical Evaluation Panel (TEP) Findings Report was prepared on August 19, 2016 for the portion in SRWMO jurisdiction. In the first phase of the development, the panel determined that the official delineated wetland boundaries needed to reflect historic pre-drainage conditions (pre-drain tile that was installed in 2007). Drain tile does exist in the proposed 2nd Additional plat (in both Phase 2 and 3), but is adjacent to ditches and other delineated wetlands. A MN Wetland Conservation Act Technical Evaluation Panel (TEP) Notice of Decision was prepared on November 13, 2017 for the portion in RCWD jurisdiction. Both TEPs found the delineated wetland boundaries acceptable and recommended approval by the respective LGUs.

12. A Geotechnical Exploration Report was prepared by Hauge Geotechnical Services on July 10, 2018. Eight soil borings were taken at various locations throughout the site to depths of approximately 20 feet. Piezometers were installed at all eight locations as a way to determine existing ground water elevations vs. using mottled soil elevations. Six readings were taken at each location from between 2/20/18 and 7/2/18, indicating ground water elevations ranging from 901.5 to 904.5.

City Code requires piezometers be located 1 per lot and be in existence for a minimum of 12 months. In the PUD for the CUP the developer is requesting 3½ lots per piezometer (8 piezometers for 28 lots), which we find acceptable based on their locations. However, we request additional readings be taken at this time to meet the 12-month duration required, and to verify current ground water elevation.

Piezometers have not been installed for Phase 3 (Block 4) and will need to be for a minimum of 12 months for determination and acceptance of proposed lowest floor elevations for all houses in this location east of Furman Street.

13. A Stormwater Drainage Report dated May 16, 2019 was prepared by Plowe Engineering, Inc. Stormwater ponds were sized to accommodate an additional 10.53 acres of impervious area. There are 14 proposed storm water ponds. Normal Water Level (NWL) elevations for the majority of the stormwater ponds were set at nearest piezometer observed ground water elevations. NWL elevations for several ponds were set 0.5' to 2.0' above nearest piezometer observed ground water elevations.

14. All storm water ponds in the SRWMO area (Ponds 1 - 5, and 8-10) need to identify

Emergency Over Flow locations, and include rip rap outlets at the 100-year high water elevations.

15. Include silt fence on the east side of Pond 2 (adjacent to the wetland), on the east side of Pond 7 (adjacent to Furman Street ditch), and on the south side of future Pond 13 (adjacent to the plat boundary). This Pond straddles Lots 2 & 3, Block 4 in Phase 3, and appears it should be labeled as Pond 14.
16. In the first phase the TEP recommended that existing areas with drain tile be placed under drainage and utility easements. Not all areas of existing drain tile have been placed under drainage and utility easements. Those areas where the drain tile falls within the official wetland delineated areas have been placed under drainage and utility easements. However, there are areas where drain tile exists outside of official wetland delineated areas, and areas have not been placed in drainage and utility easements.
17. For any locations where proposed storm water ponds will be constructed over the existing drain tile, we recommend the existing drain tile outlet be connected to the proposed storm water pond.
18. Building Elevations: The Livability Chart (Sheet 15) submitted lists lowest floor elevations for each Lot. City Code requires lowest floor elevations be set a minimum of 4' above known ground water elevations determined by piezometers. The land survey/grading engineer have set all house lowest floor elevations 5' above nearest piezometer known groundwater elevations.
19. Soil borings for septic system locations show mottled soil ranging from 4" to 40" below existing ground elevations, with the majority being between 12" to 48" below existing ground elevations. Although this results in proposed lowest floor elevations being up to 2' below mottled soil elevations in some locations, all houses meet Section 7 A-803 of the City Code for Minimum Construction Elevations Above Known Water, Paragraph B. Acceptable Elevation for New Construction.
20. It should be noted that in the geotechnical engineer's report, when summarizing or discussing the observed ground water elevations via the piezometer readings, the geotechnical engineer comments on groundwater fluctuations. He states "Fluctuations in the groundwater level may occur due to rainfall, flooding, irrigation, spring thaw, drainage, and other seasonal and annual factors. The intensity and duration of these events or factors can significantly impact groundwater levels. In addition, "extreme" weather rainfall, flooding, snow melt/spring thaw, etc. could result in groundwater levels higher than shown.
21. The developer is adding an extra foot (to 5.0') to lowest floor elevations above piezometer ground water elevation readings, however, based on the comments above, construction of each house should be closely monitored to make sure requirements of Section 7 A-201 98 "Buildable Area" regarding drain tile, back fill, geotextile fabric, drainage rock, slope grades, etc. are explicitly followed.
22. In addition to the requirements of City Code Section 7 A-201 98, we recommend drain

tile outlets be permanently marked and protected.

23. Unlike the previous phase, no pond excavation material (sand) is proposed to be exported from the site.

Utilities:

24. Water Supply. Individual wells are being proposed for each new house. Locations of each well should be shown on the site plans.
25. Septic Systems. Each lot shows the required 6,000 square feet of suitable soil for drain field purposes. Borings information has been provided for all proposed septic sites. Due to the elevations of mottled soils, mound systems will be required.
26. Any existing wells or septic systems to be abandoned shall follow applicable state codes.

Miscellaneous:

27. Due to the importance of constructing all the buildings, drain tile and backyard slopes to the proper designed elevations for this development, we recommend individual Certified As-Built Lot Surveys be prepared after grading and building construction has been completed for each lot and submitted to the City for elevation verifications.

**Motion by Duraine to approve the Thurnbeck Preserve Second Addition Preliminary Plat, based on Findings of Fact 1-17, Conditions of Approval 1-9 as outlined in the City Planner's memo (dated 06.13.19), as well as Conditions 1-27 as outlined in the City Engineer's memo (dated 06.13.19) and amended by the Planning Commission. Seconded by Logren. Motion carried unanimously.**

Thurnbeck Preserve Second Addition Preliminary Plat City Planner's Memo Findings of Fact:

1. The City received Preliminary Plat and PUD (CUP procedure) applications for Thurnbeck Preserve 2<sup>nd</sup> Addition from Buyback Inc. /Tom Carlisle ("Buyback"), which were found complete on May 29, 2019.
2. The 60-day PUD CUP review deadline is July 28, 2019. The 120-day preliminary plat review deadline or extended PUD CUP review deadline is September 26, 2019.
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  - i. Civil Details
  - j. Storm Water Pollution Prevention Plan (SWPPP)
  
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  - 28 proposed lots in Phase 2 (Blocks 1, 2 and 3)
  - 12 proposed lots in Phase 3 (Block 4).
  
7. The CUP procedure is required to consider granting approval of a Rural Residential District PUD on the Property through the Planned Unit Development provisions of the City Code.
  
8. The minimum lot size within Thurnbeck Preserve Phases 1, 2 and 3 is 2.50 acres. The proposed average lot size for all phases, including right of way is 5.00 acres. This meets the lot density average and minimum lot size standards allowed under PUD.
  
9. The proposed plat is consistent with minimum lot area, lot averaging, minimum lot dimensions, and maximum density standards allowed by PUD.
  
10. Each lot identifies home and SSTS locations, consistent with area and setback dimensional standards.
  
11. Proposed floor elevations in Phase 2 of the plat are based primarily upon eight piezometer location readings taken over a six-month period from February 2018 through July 2018.
  
12. Drainage and utility easements are located adjacent to all property lines and adjacent to wetlands, consistent with Subdivision Ordinance requirements. Anoka County Ditch 35, Branch 2 generally forms the northerly border of the plat for the 2nd Addition, and Anoka County Ditch 31, Branch 5 is located in the southeast portion of Phase 2 of the plat.
  
13. There are fourteen stormwater ponds proposed within the plat.

14. The northerly portion of the Plat is located within the Sunrise River Watershed Management Organization (SRWMO), where the City is the LGU for stormwater management decisions, and the southerly portion of the Plat is located in the Rice Creek Watershed District (RCWD). The proposed preliminary plat is being reviewed by both authorities. The jurisdictional division between the two watersheds is the east-west section line running through the middle of the plat. RCWD has preliminarily agreed to recognizing the westerly right-of-way of proposed Yangtze Drive, and the southerly right-of-way of 172nd Court (from Yangtze to Furman) as the new hydrological division between the two watersheds.
15. New rights of way are proposed to serve Phases 2 and 3 of Thurnbeck Preserve.
- Phase 2 proposes three new right of ways –
    1. 172nd Court NE extending west from Furman Street NE. 172nd Court NE would connect to a new right of way, Yangtze Street NE, running southwest and would end in a cul-de-sac serving 4 lots;
    2. Yangtze Street NE would connect 172nd Court NE on the north and a new right of way, 170th Ave NE, and extend to the southerly plat boundary for a future street extension;
    3. 170th Ave NE would connect Yangtze Street NE to existing 170th Avenue NE to the west.
  - Phase 3 proposes one new right of way – right of way name not identified, would extend east off Furman St NE, ending in a cul-de-sac. Approximately 11.99 acres are dedicated for public right of way in Phase 2 and 3 of Thurnbeck Preserve.
16. Furman Street NE was paved from Broadway Avenue to the southerly plat boundary of Thurnbeck Preserve Phase 1, and remains gravel south of that (adjacent to this plat).
17. The Property is vacant with exception of:
- Three existing agricultural buildings which will be removed on Phase 2, Block 1, Lots 5, 6 and 14.
  - One existing agricultural building which will be removed on Phase 2, Block 2, Lot 4.
  - The original Thurnbeck Farms homestead remains on land proposed to become Lot 3 of Phase 2, Block 2. The farmstead includes a residential dwelling, a barn, silos and a couple of other agricultural buildings. Lot 3 is proposed to be 7.52 acres, which allows 8,550 square feet of accessory building(s). The total square feet of the existing accessory buildings to remain on Lot 3 is within the 8,550 square feet allowed.

Thurnbeck Preserve Second Addition Preliminary Plat City Planner's Memo Conditions of Approval:

1. Detailed recommendations of the City Engineer including, but not limited to, low floor elevation standards, stormwater management, and street improvements.
2. Title review and recommendations of the City Attorney.
3. Approval of amended PUD CUP.
4. A subdivision development agreement that addresses public improvements within the plat, the paving of Furman Street adjacent to the plat, and future subdivision of property within the plat.
5. No further subdivision of any lot for development purposes is allowed.
6. Permanent wetland buffer plaques and stormwater ponding easement plaques at intervals determined by the City.
7. Reimbursement of all City expenses associated with preliminary plat approval.
8. Cash in lieu of park land dedication.
9. Future development within the plat is subject to all laws and permitting requirements.

Thurnbeck Preserve Second Addition Preliminary Plat City Engineer's Memo Conditions of Approval:

**Preliminary Plat:**

1. Drainage and Utility Easements are provided on the preliminary plat to account for perimeter easements, existing wetlands, as well as the proposed stormwater ponds. 66' wide roadway right-of-way is being dedicated for all internal public roadways. The plat goes to the centerline of Furman Street, with 33' of right-of-way being dedicated for public roadway where the plat is adjacent to Furman Street.
2. Eight 20' deep soil borings are provided in a separate Piezometer Summary Report prepared by Haugo GeoTechnical Services dated 7/10/18 and their locations are shown on the Preliminary Plat. 132 shallow soil borings test reports are also provided for septic field purposes prepared by Tradewell Soil Testing dated 7/27/17.

**Site Plans:**

Streets/Layout/Access:

3. Phase 2 of the development will construct three interior public roadways. There will be one access off Furman Street NE, one connection to existing 170th Avenue NE, and a stub to the southerly plat limits for future roadway extension. All lots will access new internal streets, with the exception of Lot 3, Block 2 which are existing buildings and will retain its access to Furman Street.
4. The City recently updated its Standard Specifications for Roadway Construction. These updates include the typical section for residential streets consisting of 3½" of Bituminous Pavement on 6" of Class 5 aggregate base. Update the detail on Sheet C2.1 accordingly.

5. 172nd Court NE should have a culvert for the Furman Street westerly ditch.
6. Spot elevations should be included for the edges of the cul-de-sac (i.e., is the highpoint of the cul-de-sac in the center or on the far southwesterly edge? From the proposed contours, the highpoint appears to be in the center with the cul-de-sac edges being level. If so, how does storm water runoff exit the area? There are no ditches around the cul-de-sac.)
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  - If paving of Furman Street adjacent to this plat were to become a City public improvement project, we would need to have a neighborhood meeting with adjacent property owners that would be assessed. Based on a cursory review, there are up to 7 assessable lots on the east side of Furman, and 1 on the west side. Similar to the first Phase, we would also partially assess the lots within the development that have indirect benefit. In this case  $40 \text{ lots} \times 0.25 = 10$  additional lots, for a net total of 18 assessable lots.
8. No street lighting is being proposed as part of these improvements (no plans have been submitted indicating as such).

Grading & Drainage:

9. Proposed grading and drainage on the site generally consists of elevating house pad locations to enable walk-out construction, excavation/fill for roadway construction, protecting existing wetland areas, and constructing new stormwater ponds to account for stormwater runoff retention due to increased impervious area.
10. Floodplain: Ditch 31, Branch 6 in the southeast corner of Phase 2, Block 2, and in Phase 3, and some areas adjacent to it, are in the FEMA flood plain. RCWD had indicated the floodplain elevation in these areas is 904.8. The applicant needs to verify the project does not impact the floodplain.
11. Wetlands: The northerly portion of the Plat is located within the Sunrise River Watershed Management Organization (SRWMO), where the City is the LGU for stormwater management decisions, and the southerly portion of the Plat is located in the Rice Creek Watershed District (RCWD). The proposed preliminary plat is being reviewed by both

authorities. The jurisdictional division between the two watersheds is the east-west section line running through the middle of the plat. RCWD has preliminarily agreed to recognizing the westerly right-of-way of proposed Yangtze Drive, and the southerly right-of-way of 172nd Court (from Yangtze to Furman) as the new hydrological division between the two watersheds.

A MN Wetland Conservation Act Technical Evaluation Panel (TEP) Findings Report was prepared on August 19, 2016 for the portion in SRWMO jurisdiction. In the first phase of the development, the panel determined that the official delineated wetland boundaries needed to reflect historic pre-drainage conditions (pre-drain tile that was installed in 2007). Drain tile does exist in the proposed 2nd Additional plat (in both Phase 2 and 3), but is adjacent to ditches and other delineated wetlands. A MN Wetland Conservation Act Technical Evaluation Panel (TEP) Notice of Decision was prepared on November 13, 2017 for the portion in RCWD jurisdiction. Both TEPs found the delineated wetland boundaries acceptable and recommended approval by the respective LGUs.

12. A Geotechnical Exploration Report was prepared by Hauge Geotechnical Services on July 10, 2018. Eight soil borings were taken at various locations throughout the site to depths of approximately 20 feet. Piezometers were installed at all eight locations as a way to determine existing ground water elevations vs. using mottled soil elevations. Six readings were taken at each location from between 2/20/18 and 7/2/18, indicating ground water elevations ranging from 901.5 to 904.5.

City Code requires piezometers be located 1 per lot and be in existence for a minimum of 12 months. In the PUD for the CUP the developer is requesting 3½ lots per piezometer (8 piezometers for 28 lots), which we find acceptable based on their locations. However, we request additional readings be taken at this time to meet the 12-month duration required, and to verify current ground water elevation.

Piezometers have not been installed for Phase 3 (Block 4) and will need to be for a minimum of 12 months for determination and acceptance of proposed lowest floor elevations for all houses in this location east of Furman Street.

13. A Stormwater Drainage Report dated May 16, 2019 was prepared by Plowe Engineering, Inc. Stormwater ponds were sized to accommodate an additional 10.53 acres of impervious area. There are 14 proposed storm water ponds. Normal Water Level (NWL) elevations for the majority of the stormwater ponds were set at nearest piezometer observed ground water elevations. NWL elevations for several ponds were set 0.5' to 2.0' above nearest piezometer observed ground water elevations.
14. All storm water ponds in the SRWMO area (Ponds 1 - 5, and 8-10) need to identify Emergency Over Flow locations, and include rip rap outlets at the 100-year high water elevations.
15. Include silt fence on the east side of Pond 2 (adjacent to the wetland), on the east side of Pond 7 (adjacent to Furman Street ditch), and on the south side of future Pond 13 (adjacent to the plat boundary). This Pond straddles Lots 2 & 3, Block 4 in Phase 3, and

appears it should be labeled as Pond 14.

16. In the first phase the TEP recommended that existing areas with drain tile be placed under drainage and utility easements. Not all areas of existing drain tile have been placed under drainage and utility easements. Those areas where the drain tile falls within the official wetland delineated areas have been placed under drainage and utility easements. However, there are areas where drain tile exists outside of official wetland delineated areas, and areas have not been placed in drainage and utility easements.
17. For any locations where proposed storm water ponds will be constructed over the existing drain tile, we recommend the existing drain tile outlet be connected to the proposed storm water pond.
18. Building Elevations: The Livability Chart (Sheet 15) submitted lists lowest floor elevations for each Lot. City Code requires lowest floor elevations be set a minimum of 4' above known ground water elevations determined by piezometers. The land survey/grading engineer have set all house lowest floor elevations 5' above nearest piezometer known groundwater elevations.
19. Soil borings for septic system locations show mottled soil ranging from 4" to 40" below existing ground elevations, with the majority being between 12" to 48" below existing ground elevations. Although this results in proposed lowest floor elevations being up to 2' below mottled soil elevations in some locations, all houses meet Section 7 A-803 of the City Code for Minimum Construction Elevations Above Known Water, Paragraph B. Acceptable Elevation for New Construction.
20. It should be noted that in the geotechnical engineer's report, when summarizing or discussing the observed ground water elevations via the piezometer readings, the geotechnical engineer comments on groundwater fluctuations. He states "Fluctuations in the groundwater level may occur due to rainfall, flooding, irrigation, spring thaw, drainage, and other seasonal and annual factors. The intensity and duration of these events or factors can significantly impact groundwater levels. In addition, "extreme" weather rainfall, flooding, snow melt/spring thaw, etc. could result in groundwater levels higher than shown.
21. The developer is adding an extra foot (to 5.0') to lowest floor elevations above piezometer ground water elevation readings, however, based on the comments above, construction of each house should be closely monitored to make sure requirements of Section 7 A-201 98 "Buildable Area" regarding drain tile, back fill, geotextile fabric, drainage rock, slope grades, etc. are explicitly followed.
22. In addition to the requirements of City Code Section 7 A-201 98, we recommend drain tile outlets be permanently marked and protected.
23. Unlike the previous phase, no pond excavation material (sand) is proposed to be exported from the site.

Utilities:

24. Water Supply. Individual wells are being proposed for each new house. Locations of each well should be shown on the site plans.
25. Septic Systems. Each lot shows the required 6,000 square feet of suitable soil for drain field purposes. Borings information has been provided for all proposed septic sites. Due to the elevations of mottled soils, mound systems will be required.
26. Any existing wells or septic systems to be abandoned shall follow applicable state codes.

Miscellaneous:

27. Due to the importance of constructing all the buildings, drain tile and backyard slopes to the proper designed elevations for this development, we recommend individual Certified As-Built Lot Surveys be prepared after grading and building construction has been completed for each lot and submitted to the City for elevation verifications.

Billboard Report for Ordinance Amendment

Bobick reported that the Planning Commission also had a discussion about the Council's recommendations for the new billboard ordinance. City Planning Technician Ben Gutknecht noted some change in language, requiring billboard owners to try to the best of their ability to conceal electrical equipment. He added that the screening requirement of ground equipment has been struck. Gutknecht followed up by asking if the Council has a specific number or percentage to allow for extensions? The current draft ordinance allows extensions to be 2-4 feet above the top of the billboard and requires that the extension itself not be larger than 15% of the billboard's face. Mursko said she felt as if 15% may be too small since billboards are rather large. Hegland commented that she felt 25% of the face would be acceptable, and the Council agreed. Hegland continued to say that this draft does not mention protrusions, which extend outwards from the billboard. Mursko suggested that the ordinance allow protrusions of 2-4 feet in length. The Council agreed that was reasonable.

Gutknecht continued by asking Griffith if there is a way to require the removal of a billboard on a property with a dwelling on it once the property is redeveloped for commercial use? Gutknecht added that this requirement is stemming from the original intention to decrease the overall number of billboards in the City. Griffith said that this can be done by drawing lines between sites that have been redeveloped, sites that haven't been redeveloped but have a billboard, and vacant property. He added that such lines will have to be drawn with care to ensure the distinction is done properly. Gutknecht asked if this is the direction the Council would like to go in? The Council said they are open to this proposal. Griffith said that such language will be added as a proposed addition for the Council to consider.

**Motion by Hegland to direct the City Attorney to draft a Billboard Ordinance for Public Hearing at the 07.17.19 Planning Commission meeting. Seconded by Peterson. Motion carried unanimously.**

Bobick finished by saying that interim City Planner Haila Maze presented an outline of the City's future mixed-use districts and how they may be integrated into the Freeway District. The Planning Commission is generally in agreement that the primary material used should be brick, but some members felt like as if this design is outdated. All Commissioners agreed that vinyl siding should not be used. Bobick finished by saying this is just direction for the Council because draft design standards have not been written yet.

#### Anoka County Parks and Lino Lakes 2040 Comprehensive Plans

The final Planning Commission discussion was regarding the Lino Lakes and Anoka County Parks 2040 Comprehensive Plans. The Planning Commission accepted the following recommended responses to the Anoka County Parks 2040 Comprehensive Plan from City Planner Haila Maze:

1. The City will continue to work with Anoka County regarding bike trails and recreation corridor connections.
2. The future jurisdictional transfer of 141<sup>st</sup> Avenue will need further discussion with the City.
3. The City requests future function class changes on Elmcrest Avenue NE, Lyons Street, and 24<sup>th</sup> Avenue N. Both the City of Columbus and Lino Lakes Comprehensive Plans indicate a future change in function class for these streets, while Anoka County does not.

**Motion by Duraine to accept the Planning Commission's recommendation and direct the City Administrator to draft a response to the Anoka County Parks 2040 Comprehensive Plan to include recommendations from the City Planner's memo (dated 06.10.19). Seconded by Peterson. motion carried unanimously.**

Logren asked what the true possibility is of 80<sup>th</sup> Street becoming a connector for I-35, as the Lino Lakes Comprehensive Plan does not discuss it. Mursko replied that Anoka County studied 80<sup>th</sup> Street as a possible connector because the county is lacking in east-west corridors. The issue with this concept is the large amount of wetland in the proposed road's location. She believes that Anoka County put this idea in the Comprehensive Plan to preserve the possibility, as it was the best scenario at the time. Logren noted that using 80<sup>th</sup> Street as a connector for I-35 would greatly impact Columbus because of the proximity to Columbus neighborhoods.

**Motion by Duraine to reconsider the Anoka County Parks 2040 Comprehensive Plan. Seconded by Logren. Motion carried unanimously.**

**Motion by Logren to make an additional comment to the Anoka County Parks 2040 Comprehensive Plan to explore alternatives to the connection of 80<sup>th</sup> Street that have less impact on wetland and residential areas. Seconded by Hegland. Motion carried unanimously.**

Mursko continued to discuss the Lino Lakes 2040 Comprehensive Plan. The Planning Commission accepted Maze's recommendations for comment. The plan discusses extending utilities along Lake Drive in Lino Lakes. Mursko said dialogue should happen between the two cities if the Council is interested in the possibility of sewer and water services being installed along Lake Drive in Columbus.

Mursko added that the same comment for the 80<sup>th</sup> Street connector that is being recommended for the Anoka County Parks Plan could be used for the Lino Lakes plan. The Council agreed. As such, the Council agreed that the following comments should be made on the Lino Lakes 2040 Comprehensive Plan.

1. The City would appreciate further discussion regarding future utility (sewer and water) to serve the commercial district along Lake Drive/CSAH 23 in Columbus.
2. The City believes any coordination regarding future trail connectivity near the border would help to garner a beneficial symbiotic relationship in the adjacent residential neighborhoods.
3. Further discussion regarding upgrades to roadways that cross city limits (i.e. Jodrell Street NE, 4<sup>th</sup> Avenue N, and Lyons Street/Elmcrest Avenue/24<sup>th</sup> Avenue N).
4. The City would like to discuss the future I-35W/I-35E connector plans, such as the proposed full access interchange on 80<sup>th</sup> Street. They would like to recommend exploring alternative solutions to reduce the potential adverse impacts on existing residential neighborhoods on Furman Street NE caused by an increase in traffic volume.

**Motion by Hegland to accept the Planning Commission recommendations and direct the City Administrator draft a response to the Lino Lakes 2040 Comprehensive Plan to include recommendations from the City Planner's memo (dated 06.10.19), the additional recommendation to explore alternatives to the connection of 80<sup>th</sup> Street that have less impact on wetland and residential areas, and to encourage coordination with the City of Columbus on the extension of utilities along Lake Drive. Seconded by Duraine. Motion carried unanimously.**

## **11. Public Open Forum**

No report.

## **12. City of Ham Lake Letter**

Mursko presented a letter from Ham Lake requesting that costs for the Sunrise River Watershed Management Organization be shared based on jurisdictional percentage, rather than an equal split between the four municipalities. This would require an amendment to the current Joint Powers Agreement. She noted that this topic was raised in 2015, but Columbus did not respond to the letter. Hegland said that her recollection of the proposed change is that Columbus' costs would decrease. Mursko agreed, and the Council expressed support for the proposed change.

**Motion by Hegland to direct the City Administrator to draft a letter to the City of Ham Lake indicating support for the Joint Powers Agreement amendment for allocation of administration expenses for the Sunrise River Watershed Management Organization, as allocated by the operating fees formula. Seconded by Logren. Motion carried unanimously.**

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

##### **11. Engineer Report**

###### Sunrise River Watershed Management Organization (SRWMO) Management Plan

Postler presented a report in response to the SRWMO management plan. The first item is the change in the Joint Powers Agreement to split operating expenses by market value and amount of land from each community in the SRWMO. Postler noted that if the change were to be approved the City could save \$1,120 on annual fees.

Items 2-7 in Postler's report were informational and not intended as feedback to the SRWMO. Overall these items will require spending additional resources, reporting on a more frequent basis, and additional training for Public Works employees.

**Motion by Logren to direct the City Administrator to send a letter to the SRWMO in support of the new formula for annual fees, and to accept items 2-7 as outlined in the City Engineer's memo (dated 06.20.19) as information. Seconded by Duraine. Motion carried unanimously.**

###### NE I-35 Quadrant Utilities Pay Request No. 1

Postler presented a pay request from Metro Utilities, Inc. for the NE I-35 Quad utilities extension project, in the amount of \$205,308.88. The project is roughly 90% complete, and this pay request covers about 80% of the project's cost.

**Motion by Peterson to approve NE I-35 Quad Utilities Pay Request No. 1 in the amount of \$205,308.88 to Metro Utilities, Inc. Seconded by Hegland. Motion carried unanimously.**

###### SW Area Phase II Utilities Pay Request No. 1

Postler continued to present Pay Request No. 1 from Veit Company for the SW Area Phase II (2018-01) project, in the amount of \$317,430.96.

**Motion by Duraine to approve SW Area Phase II (2018-01) Pay Request No. 1 in the amount of \$317,430.86 to Veit Company. Seconded by Peterson. Motion carried**

**unanimously.**

### Transportation Project Status

Postler finished his report by providing brief updates on the transportation projects occurring in the City. The first lift on the Notre Dame Street and 181<sup>st</sup> Avenue NE reconstruction project has been placed, and the driveway work is completed. The plan is to finish the wear course this week depending on weather. The required easement for the SW Utilities project was acquired. As such, the contractor will be back on site next week and full construction will be remobilized in two weeks. The contractor for the SCADA updates and Ziegler water tank conversion project delivered equipment this week, and Postler will have more information on that project at the next City Council meeting. Postler is planning to post ads for the Hornsby Street realignment project by the end of July or the first week in August. The timeframe for construction of the new road is September – November of this year. Postler added that if the Council wants to complete reconstruction of Hornsby Street south, bids will need to be placed in the spring of 2020. Lastly, Postler reported that the northbound ramps on I-35 will be closed starting 07.01.19 and will remain closed for the majority of the month. He added that the southbound ramps will have to be closed as well, but there is not a timeframe for it at this time.

## **12. Attorney Report**

### Hotel Tax Ordinance

Based on previous City Council meetings, Griffith asked the Council about drafting a tourism ordinance which would impose a tax on all hotels in the City. Griffith added that the typical amount for the tax is 1-3%. He continued to explain that 90% of money generated from the tax must fund tourism promotion activities. Running Aces was approached regarding the tax, and they indicated they are not opposed to it but want to ensure they are competitive with hotels in the surrounding area.

Griffith continued by saying that it would be ideal to complete the ordinance before the hotel is finished. With Council approval, he would draft the ordinance and provide a study of how surrounding cities have instituted this tax.

**Motion by Logren to direct the City Attorney to draft a hotel tax ordinance for review. Seconded by Duraine. motion carried unanimously.**

Hegland asked if a public hearing is required? Griffith replied that it is not required but is recommended.

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

### Council Member Logren

No report.

Council Member Hegland

Council Member Hegland reported that she received an email from Michele Betz requested a discussion about Zaczkowski Trucking. Hegland has scheduled a meeting with Betz later this week.

Mayor Preiner

No report.

Council Member Duraine

No report.

Council Member Peterson

No report.

**15. Public Works Report**

No report.

**16. Public Communications Coordinator Report**

Based on previous direction from the City's Park Board, Public Communications Coordinator Jessica Hughes presented a report on a piece of City-owned property off of W. Broadway Avenue. The property was deeded to the City in 1986 with a restriction that limited the use of the property to park, park land, or open space. Such deed restrictions are lifted after 30 years' time, and as such the property is no longer restricted to those uses. The Park Board recommended that the parcel be sold as a rural residential lot.

Hughes explained the process for selling the parcel. The City Council must direct the Planning Commission to prepare a report saying that the sale of the land as rural residential is consistent with the 2040 Comprehensive Plan. Either parallel with the creation of this report or after the report is received, Title Review will take place to determine what portions of the property will need to be retained for public right-of-way. In this case, the property takes access off Volga Street, which is an unimproved publicly dedicated right-of-way. At this time there are also three developed properties taking access off of this street. In order to prepare for future access to this property, an additional 33' of land as well as enough area for a cul-de-sac will need to be retained for public right-of-way.

Once Title Review is complete, Hughes recommends that the City hold a neighborhood meeting to inform properties off Volga Street of the land sale and future development plans.

**Motion by Hegland to amend the City of Columbus draft 2040 Comprehensive Plan to designate parcel 03-32-22-34-0006 as Rural Residential with the intent to dispose of (sell) the property. Seconded by Logren. Motion carried unanimously.**

**Motion by Peterson to direct the Planning Commission to prepare a report stating that the sale of parcel 03-32-22-34-0006 as a Rural Residential lot is consistent with the City's 2040 Comprehensive Plan. Seconded by Duraine. Motion carried unanimously.**

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

### Workshop direction

Mursko reported that the City Council held a workshop on 06.26.19 and continued final discussion on its topics.

The first topic discussed at the workshop was a petition submitted to the City regarding a drainage issue on Pine Street. The Council discussed contacting property owners affected by the issue, to put them on notice of the City's plan and their appropriate share of costs. The cost estimate includes culvert replacement on three properties and impacts to driveway aprons. The Council did not discuss where funding for the project will come from.

**Motion by Hegland to direct the City Staff to send letters to property owners at 6443, 6343, 6139, and 6559 Pine Street as well as 13324 Zodiac Street to put them on notice of the ditch maintenance project and their appropriate cost share of the project for driveway material and culvert replacement. Seconded by Logren. Motion carried unanimously.**

The second topic discussed was the Columbus' City Assessor position. The current City Assessor is retiring when their contract is complete at the end of the year. The Council agreed that the City should request a bid for service from Anoka County as well as other firms that provide assessing services.

**Motion by Duraine to direct City Administrator to receive a bid from Anoka County for City Assessor Services in 2019 and to draft an RFP and advertise for City Contract Services for same services to compare costs. Seconded by Hegland. Motion carried unanimously.**

The third topic discussed was the City Planner. Columbus has been using interim planning services since the previous City Planner retired. In order to find a permanent solution, the Council agreed an RFP should be drafted for planning services and distributed to at least three companies to compare services and cost.



Disbursements:       \$ 829,206.57  
Balance:               \$ 7,808,468.03

## **E. ANNOUNCEMENTS & REMINDERS**

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

The next Planning Commission meeting is on 07.17.19 at 7:00 p.m.

The next EDA meeting is on 07.10.19 at 6:00 p.m.

The next City Council meeting is on 07.10.19 at 7:00 p.m.

The next City Council workshop is on 07.24.19 from 4:00 p.m. to 6:00 p.m.

## **F. ADJOURNMENT**

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

Meeting adjourned at 8:43 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator