

City of Columbus
Regular City Council Meeting
07.24.19

The 07.24.19 meeting of the City of Columbus City Council was called to order at 7:02 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: Tom Hagert, John Young, Robert Allee, Matt Keller, Paul Peskar, Cindy Angel, John Seibert, and Randy Allee.

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 04.10.19 City Council Meeting Minutes**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bill as Posted**

Motion by Hegland approve consent agenda items 3-5. Seconded by Peterson. Motion carried unanimously.

C. PRESENTATIONS

6. Planning Commission Report

Commissioner Jody Krebs gave the Planning Commission report on their 07.17.19 meeting.

9623 192nd Avenue NE – Pool Safety Cover Variance Request

A Public Hearing was held for a variance application to use a different pool safety cover than is allowed by City Code. International safety standards that have been adopted by the United States allow this type of cover. The applicant met all variance criteria, and the Planning Commission is recommending the variance for approval.

City Attorney Bill Griffith noted two (2) conditions that were recommended for the variance; that the pool safety cover must be ASTM certified and meet or exceed the standards outlined in ASTM F1346-91, and the pool safety cover must be closed when unsupervised, including, but not limited to, overnight periods of nonuse.

Motion by Duraine to adopt the Planning Commission Findings and approve the variance application at 9623 192nd Avenue NE to install an ASTM verified pool safety cover that meets or exceeds standards outlined in ASTM F1346-91 in lieu of the required 5' safety fence for a private swimming pool subject to the condition that the pool safety cover must be closed when unsupervised, including, but not limited to, overnight periods of nonuse.

Seconded by Peterson. Motion carried unanimously.

Variance Findings:

1. The landowner proposes to use the property in a reasonable manner.
 - a. Staff finds that the landowner proposes to use the property in a reasonable manner
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
 - a. The proposed use of a pool cover rather than a fence is due to circumstances not created by the property owner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
 - a. 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. The terms of the variance are consistent with the Comprehensive Plan.
 - a. The proposed variance is consistent with the City's Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
 - a. 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.
 - a. The practical difficulties necessitating the variance request are not created solely by economic considerations.

Conditions:

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.

Krebs reported that the Planning Commission discussed adding this type of pool cover to the list of allowed covers in City Code. The Council agreed that a future Planning Commission meeting should have this topic on the agenda for further discussion and a possible text amendment.

7162 and 7222 167th Avenue NE – John Arnt Excavation, IUP, and Variance Request for Aquaculture Fish Pond

This topic has been postponed to a future meeting.

Chapter 8 Road Specifications Ordinance

The Planning Commission also discussed an amendment to City Code Chapter 8, which adds MnDOT nomenclature to City Ordinances and adopts MnDOT standards for road construction. MnDOT's standards for new road construction are 3.5" of bituminous on top of 6" of gravel. The Planning Commission unanimously recommended this amendment for approval.

Motion by Peterson to approve Ordinance 19-03, an ordinance amending Chapter 8 of the City of Columbus Code of Ordinances. Seconded by Logren. Motion carried unanimously.

Mixed-Use Zoning District Update

Krebs reported that the Planning Commission discussed building designs, architectural details, materials, dimensional criteria, and other items for the City's new mixed-use zoning district.

Mursko said that a special Planning Commission meeting on the mixed-use zoning district will be held on 08.05.19 from 4:00 p.m. to 6:00 p.m. Interim City Planner Haila Maze will give the Planning Commission a presentation on mixed-use districts, and the City Council will receive the same presentation during their special meeting from 7:00 p.m. to 9:00 p.m. on the same evening.

Motion by Logren to call special meetings for the Planning Commission and City Council to discuss design standards for the mixed-use zoning district ordinance on 08.05.19, from 4:00 p.m. – 6:00 p.m. and 7:00 p.m. – 9:00 p.m., respectively. Seconded by Duraine. Motion carried unanimously.

Hagert Park Land Sale

Krebs continued to report on the sale of Hagert Park land in the City of Columbus. The Planning Commission made a report for the City Council that stated the sale of a City-owned parcel zoned as rural residential is consistent with the City's 2040 Comprehensive Plan. The PIN number for this property is 03-32-22-34-0006.

Mursko offered some background for the Council. Roughly one (1) year ago the Park Board evaluated all of the City's park land and made a recommendation to the Council to sell the park land parcels which the City has no plans to improve. Two parcels were a part of this discussion, one off Howard Lake Drive and one off W. Broadway Avenue.

Since that time, Public Communications Coordinator Jessica Hughes has been working with City Attorneys to understand process and procedure for disposing of the parcel off W. Broadway Avenue, known informally as Hagert Park.

Hughes noted that the land was deeded to the City with a use restriction limited the land to use as

park, park land, or open space only. State law requires deed restrictions to be lifted after 30 years. Since the land was deeded over 30 years ago, the City is no longer limited by the deed restrictions. The land has not been improved and is only accessible through an unimproved public roadway. The Park Board recommended rezoning the parcel as Rural Residential because of concerns about access.

Next steps for the land sale include Title Review and a neighborhood meeting.

Tom Hagert – 1023 18th avenue SE, Forest Lake

Hagert is the son of Elmer Hagert, who deeded the land to the City in 1986. He said that his family understands that the property is not suited for a park but encouraged the Council to consider the intent with which the property was deeded and to dispose of the land in the most honorable and equitable way. Hagert proposed that the Council offer the property for sale to the original property owner's heirs or to the adjoining neighbors.

City Attorney Bill Griffith said that part of the review process will include consideration of whether the Council is legally able to transfer land back to an heir or if they are required to sell it to the public. The Council agreed that Griffith should research these considerations.

Running Aces Harness Park and Running Aces Hotel Sign Variances Request

Jon Seibert from Running Aces Harness Park (RAHP) came forward to discuss their variance requests. Currently Columbus City Code does not allow rooftop signs in the Horse Racing (HR) district, so RAHP has applied for a variance to install two (2) rooftop signs. The first is an 84'x12' sign on the south side of the building, facing the racetrack. The location is good for visibility from I-35. The second sign is 70'x10', to be located on the north side of the building. This sign is meant to help visitors to the complex find the hotel.

The second variance request is to install a wall sign which projects 45" further than City Code allows. This will be an internally-lit marquee wall sign at the building's main entrance.

Mursko asked Seibert if he is aware of the conditions relating to maintenance and repair of the signs? Seibert replied that he is. He added that the signs use high-end LED bulbs, so if one bulb burns out the whole sign is not affected. He assured the Council that burnt bulbs will be repaired within seven (7) days.

Seibert added that all signs will be installed at the same time, which will likely be the end of November.

Motion by Hegland to adopt the findings from the City staff report dated 06.17.19 and approve the application for a variance at Aces Hotel, 15215 Zurich Street, to allow sign types to permit two (2) roof signs in the HR district, subject to the condition that seven (7) days will be allotted for repairs to lighting. If repairs are unable to be made within that time, complete shutdown of illumination is required until repairs are complete. Seconded by Duraine. Motion carried unanimously.

Motion by Hegland to adopt the findings from the City Staff report dated 06.17.19 and approve the application for a variance at Running Aces Harness Park, 15201 Zurich Street, to increase the allowed projection of a wall sign from two (2) feet to sixty-nine (69) inches in the HR district, subject to the condition that seven (7) days will be allotted for repairs to lighting. If repairs are unable to be made within that time, complete shutdown of illumination is required until repairs are complete. Seconded by Duraine. Motion carried unanimously.

Variance Findings:

1. The landowner proposes to use the property in a reasonable manner.
 - a. Variance to Wall Sign Projection
 - The sign design is consistent with a traditional marquee sign and reasonable under the circumstances.
 - b. Variance to Sign Type-Roof Sign
 - The requested sign types are consistent with the amount of signage otherwise allowed in the HR District and are reasonable under the circumstances.

2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
 - a. Variance to Wall Sign Projection
 - These conditions are unique to the Property and beyond the control of the Applicant.
 - b. Variance to Sign Type-Roof Sign
 - The circumstances necessitating the rooftop signage are unique to the Property and were not created by the Applicant.

3. The variance, if granted, will not alter the essential character of the neighborhood or City.
 - a. Variance to Wall Sign Projection
 - Granting the variance to increase the projection of the marquee wall sign is in harmony with the purpose and intent of the zoning ordinance.
 - b. Variance to Sign Type-Roof Sign
 - Granting the variance to allowed sign types to allow the roof signage is in harmony with the purpose and intent of the zoning ordinance.

4. The terms of the variance are consistent with the Comprehensive Plan.
 - a. Variance to Wall Sign Projection/Variance to Sign Type – Roof Sign
 - Granting the variances to increase the allowed sign projection and to allow roof signage is consistent with goals mentioned in the staff report.

5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
 - a. Variance to Wall Sign Projection
 - The variance to increase the sign projection for the marquee wall sign will not alter the essential character of the neighborhood or the City.
 - b. Variance to Sign Type-Roof Sign
 - The variance to allow the roof signs will not alter the character of the neighborhood or the City.

6. The practical difficulty is not created solely by economic considerations.
 - a. Variance to Wall Sign Projection
 - The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather a confluence of circumstances including location and design of the existing facility, the design of the Property and landscaping that currently exists and blocks views of the signage.
 - b. Variance to Sign Type-Roof Sign
 - The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the location of the existing structure and visibility concerns for vehicles along I-35.

Condition:

1. 7 days will be allotted for repairs to lighting. If repairs are unable to be made within that time, complete shutdown of illumination is required until repairs are complete.

7. Public Open Forum

No report.

8. Park Board Report

Public Works Superintendent Jim Windingstad came forward to give the Park Board report. At the most recent Park Board meeting they discussed budget, which will be formally presented to the Council in September. They also discussed an Eagle Scout project and updates to the park to improve ADA accessibility.

In terms of the Eagle Scout project, the Park Board walked through the City Park to find the best location for the memorial bench that the Scout would like to dedicate. The Park Board also agreed that they would like to install their own bench, in memory of Lions' Members that served Columbus while they were alive. Both benches will be installed in a cement slab. The Park Board is hopeful that they will be able to order benches in time to dedicate them at the City's

Fall Fest event.

Windingstad continued to say that this year the Park Board would like to install concrete walkways from the parking lot to the park shelter and swing set. The board would also like to purchase 5 new picnic tables for the shelter, one of which would be handicapped accessible. The picnic tables will be installed in cement slabs. He noted that the Park Board also discussed adding electricity to the park shelter because they receive many requests for it. A call will be made to Connexus Energy to determine the best way to extend electricity to the shelter. The cost for electricity would go on the City's bill.

Mayor Preiner asked if they are trying to have electricity installed in the shelter before winter? Windingstad said that is their hope. He added that it would be too difficult to complete by Fall Fest because the ground near the shelter will have to be dug up. Logren asked how the electricity will work? Windingstad said that a pedestal with electrical outlets will be installed near the shelter. The pedestal could be lockable, but Windingstad expressed concern that having the option to lock it could become difficult to administer. Mursko added that the picnic shelter is rentable, but many people use it without a reservation.

D. STAFF AND CONSULTANT REPORTS

9. Engineer Report

Transportation Update

City Engineer Dennis Postler presented a brief update on transportation projects occurring in the City. The Kettle River Blvd and 181st Avenue NE reconstruction project is substantially complete, except for some saw cutting and sealing that needs to be finished.

The NE I-35 quadrant utilities project is also substantially complete, with minor items to be fixed.

The SW utilities project will likely be complete by the end of August. The necessary easement was acquired and the subcontractor anticipates remobilizing next week.

Postler added that work is continuing on the Hornsby Street realignment. The project should be advertised in August with construction to begin by September. This project will be split between fall and spring seasons.

The Local Surface Water Management Plan was resubmitted to the City's three (3) watershed districts and the Metropolitan Council. The submittal included their comments and recently updated land use maps.

Postler continued by reminding the Council that if they would like to reconstruct Hornsby Street south next year, design needs to start soon. He said that reconstruction will involve wetlands and will likely not be a straightforward reconstruction. Mursko said that the Council determined at their July workshop that a portion of the August workshop will be dedicated to discussing

Hornsby Street's reconstruction.

Mayor Preiner asked if Postler knew when the northbound ramps for I-35 will be closed? Postler said he is not sure. MnDOT delayed the closure three (3) times due to a concrete shortage. In the mean time work is happening on the south side of TH 97 on the east side of the bridge. Postler added that right now bids for concrete are quite high and contractors are busy.

10. Attorney Report

Lakner 1st Amendment to Development Agreement

Based on direction from a previous City Council meeting, City Attorney Bill Griffith presented the 1st Amendment to the Lakner's Development Agreement, which has been drafted to create some relief to the future escrow requirement. The amendment requires the developer to pay half of the escrow amount at the time of the sale of each parcel. Normally escrow money is collected at the time of platting, but the Lakners have said that requirement is a hardship.

Griffith continued to say that a typical development agreement requires the developer waive rights of appeal for future assessments. In this case, the agreement says that the developer is unable to vote against future road improvement projects. This is done because it would not make sense to require an escrow from the developer, and then give the developer the ability to defeat the project.

Hegland said that she has concerns with the language in the agreement, because it is worded as if the developer must vote yes on a road improvement petition. She would prefer if the language said they will not be allowed to participate in the petition at all, rather than being required to vote yes. Hegland followed up by asking if the language in number 4 could be edited to be clearer? Griffith offered to strike the first part of the second sentence, from the word "Should" to the comma. The second sentence would therefore read "Developer's position shall not be construed as vote in opposition to such a petition and the Parcels shall be excluded from any calculation to determine support of such an improvement project." The Council agreed on the change.

Motion by Hegland to approve the Lakner 1st Amendment to the development agreement with the change of striking "Should the City elect to disregard Developer's vote on such a petition" from #4 in the Agreement. Seconded by Duraine. Motion carried unanimously.

HyVee Access Agreement

This agenda item was postponed to the first City Council meeting in August.

11. Mayor and Council Members Report

Council Member Logren

No report.

Council Member Hegland

Hegland reported that she attended the most recent Fall Fest meeting. Everything is going well. She added that the Sunrise River Watershed Management Organization (SRWMO) was invited to attend the event. They will be bringing members of the Anoka Conservation District as well as a display for their table.

Hegland also reported attending the most recent SRWMO meeting. At that meeting they discussed the Thurnbeck Preserve Phase II Joint Powers Agreement. Hegland asked what the deadline is to complete the Joint Powers Agreement? Mursko replied that it would be best to get final approvals on the agreement at the Public Hearing. Mursko said she forwarded comments on the Joint Powers Agreement to Nick Tomczik from the Rice Creek Watershed District and Jamie Schurbon from the Anoka Conservation District.

Hegland finished by saying she was asked to serve as an alternate at the “One Watershed, One Plan” meeting. She said this is something new that has been proposed to consolidate funding for all watershed districts. Peterson said that this initiative was started a few years ago, but it was not successful at that time.

Mayor Preiner

Mayor Preiner reported that the Council discussed holding additional budget meetings in September.

Motion by Duraine to call for two (2) City Council budget meetings on 09.10.19 and 09.17.19 from 6:00 p.m. to 8:00 p.m. in the Columbus City Hall. Seconded by Hegland. Motion carried unanimously.

Mayor Preiner continued to report that he met with a census director working in the Twin Cities. The census is happening in 2020, and this director is hoping to put together an oversight committee for Columbus. The role of the committee is to strongly support accuracy and timeliness of people reporting for the census. Mayor Preiner said that he will work with City Staff to form this group.

Lastly, Mayor Preiner presented a letter from a person who was involved in an auto accident at the intersection of Kettle River Blvd and Camp Three Road. The letter is requesting a sign for that area indicating an intersection is ahead. Postler said that Anoka County has certain criteria for when they install such signs. He is unsure what they would recommend for that intersection, and suggested contacting Anoka County directly to begin discussion.

Council Member Duraine

No report.

Council Member Peterson

Peterson reported that he attended the most recent Park Board Meeting and Public Works Advisory Board Meeting.

12. Public Works Report

Windingstad reported that he recently noticed seven (7) new “No Parking” signs installed in a 50-foot stretch by the elementary school along Notre Dame Street. He spoke with the school district’s superintendent, Steve Massey, who said the signs were installed because the vehicles parked on the side of the road during baseball games were a safety hazard. He added that a few weeks ago a toddler was almost hit by a car on Notre Dame Street after walking between two (2) parked cars.

Windingstad said the issue with these signs is they cannot be legally enforced because they have not been approved by the City Council. Massey requested that Windingstad raise this topic at a Council meeting to ensure that some “No Parking” signs are legally installed with proper spacing.

Mayor Preiner asked how many signs Windingstad would like to install? Windingstad replied that he would likely install two signs and disallow parking between them. He added that there is no place to park on the west side of the road, so signs are not needed there. Windingstad said he can come back to the next City Council meeting with a resolution for the Council to consider.

Motion by Peterson to direct City Staff to prepare a resolution allowing Public Works Superintendent Jim Windingstad to install “No Parking” signs on Notre Dame Street NE near the elementary school’s baseball field. Seconded by Duraine. Motion carried unanimously.

13. Public Communications Coordinator Report

No report.

14. City Administrator’s Report

Human Resources Memo

Mursko presented a Human Resources memo that recommends step increases for employees based on performance. These employees have been eligible for step increases since March. Employees are eligible for step increases each year on the anniversary of their hiring.

Motion by Duraine to approve performance step increases based on performance for Jim Windingstad (Step 6 to Step 7), Lorie Spangler (Step 5 to Step 6), and William Werner (Step 2 to Step 3), effective pay period 6. Seconded by Logren. Motion carried unanimously.

Mursko continued to report that City Administrative Technician Jeff St. Martin has resigned from the position due to personal reasons. City staff wish him the best, as he was an asset to the

office and had a great sense of humor. Mursko noted that St. Martin processed all building permits for the Zoning Administrator. She plans to bring a proposal for filling his position back to a future City Council meeting.

Motion by Duraine to accept Jeff St. Martin’s resignation. Seconded by Hegland. Motion carried unanimously.

Treasurer’s Report

Receipts:	\$ 2,020,741.23
Disbursements:	\$ 500,099.37
Balance:	\$ 9,723,547.05

E. ANNOUNCEMENTS & REMINDERS

15. Calendar of Meetings.

The next Planning Commission meeting is on 08.07.19 at 7:00 p.m.

The next City Council Meeting is on 08.14.19 at 7:00 p.m.

The next City Council Workshop is on 08.28.19 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 8:32 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator