

**City of Columbus
Regular City Council Meeting
08.28.19**

The 08.28.19 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 Jacob Steen, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Barb Bobick, John Arnt, Patrick Rotty, Richard Kowarsch, Bobbi Siemonsma, Doug Hanson, Mike Hylandsson, Marc Manderscheid, Robert Aldridge, John Young, Ellen Wojciechowski, Michael & Deb Jordan, Marr Wriland, Joan Schliesing, Ceil Neihart, Joe Rettnen, Rodney & Joy Kowarsch, Greg Blomker, and Darwin Smith.

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:02 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- ~~**3. Motion – Approval of the 04.24.19 & 05.08.19 City Council Meeting Minutes**~~
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**

Motion by Duraine to approve consent agenda items 4-5. Seconded by Peterson. Motion carried unanimously.

C. PRESENTATIONS

6. Running Aces Harness Park Liquor License Amendment Request

Robert Aldridge, representing Running Aces Harness Park (RAHP) came forward to request a change in their liquor license language. The request is to include a second training option for all servers, as they are currently experiencing difficulty with the old program, TIPS.

Aldridge explained that they are considering using a program called SALES, which is essentially the same as TIPS, but offers an online training option. This change would allow RAHP to train new hires quickly and update current employee's training easier.

Hegland asked Aldridge if he knew of other businesses that use SALES? Aldridge replied that an employee at RAHP has used it in the bar that he owns, and the program is commonly used around the Twin Cities. He noted that the program has been in existence since 1952.

Motion by Logren to accept SALES training program as an alternate to TIPS in the Running Aces Harness Park liquor license conditions issued in March 2019. Seconded by Duraine. Motion carried unanimously.

7. Planning Commission Report

Ron Hanegraaf gave the Planning Commission report on their 08.21.19 meeting.

Arnt Excavation and Variance Applications – 7162 and 7222 167th Avenue NE

The Planning Commission held a Public Hearing on 07.17.19 for an application from residents John Arnt and Richard Kowarsch to build a large recreational fish pond between their properties. The proposed pond is 2.8 acres in size, and the applicants have been working with other agencies to get approvals before coming to the City.

An Interim Use Permit (IUP) is requested for the excavation of 16-18,000 cubic yards of sand. A variance application was also submitted to request the ability to haul on City roads. Hauling for excavation projects of this size require direct access to minor arterial or collector roadways. Hauling is proposed for 90 days with an average of 25 truck trips per day.

During the Public Hearing, one neighbor verbally expressed support for the project, while other Columbus residents expressed concern. Letters from both perspectives were also received by the City.

The Planning Commission unanimously voted to deny the variance request, in agreement with the recommendation from City Staff. Without an approved variance for hauling on City roads, the IUP cannot be granted.

Mursko noted that the City received a letter from Arnt's legal representation at Kelly and Lemmons, P.A. regarding the application. Hegland said that in light of receiving this letter, she would like to continue the conversation to a future meeting.

Motion by Hegland to continue discussion on the Arnt Excavation and Variance request to the 09.25.19 City Council meeting. Seconded by Logren. Votes as follows; Peterson – nay; Hegland – aye; Preiner – aye; Duraine – aye; Logren – aye. Motion carried.

Type III Septic System Variance Application – 15452 Zodiac Street NE

A second public hearing was held for a type III septic system variance request. The Planning Commission unanimously voted to grant the variance. Mursko explained that there is only one location for a septic system on the property, and there is not enough separation from mottled soil to install the standard type of system.

Motion by Hegland to accept the Planning Commission's recommendation of approval based on adopting Findings of Fact 1-6 in the Columbus Staff Report dated 08.16.19 and the Building Official Memo dated 08.05.19 for the variance application at 14542 Zodiac Street to install a type III mound system at 0 inches with 3.0 feet clean sand lift in lieu of 12 inches separation with the following conditions: The type III system shall follow the design, maintenance, and mitigation standards as outlined by Minnesota rules Chapter 7080, and the type III system proposed must follow the maintenance and management plan dated 05.23.19 contained in the application. Seconded by Duraine. Motion carried unanimously.

Type III Septic System Variance Application – 15452 Zodiac Street NE Findings:

1. The landowner proposes to use the property in a reasonable manner.
 - The landowner proposes to use the property in a reasonable manner. The proposed Type III system is to replace the existing noncompliant SSTS. The variance will bring the property owner into compliance with the Code and allow continued use of the residence on the property.
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
 - The plight is due to circumstances unique to the property. Over 50% of the property is low-lying wetland with the remaining part of the property being low-lying yard. Due to the high-water table and topographic conditions of the lot, there is little area in which to install and replace the current SSTS. These circumstances are unique to the property and not created by the landowner.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
 - The City Code, section 14-631(B) acknowledges that a failing system or an SSTS that is not protective of groundwater as defined in Minn. R. part 7080-1500, shall be brought into compliance within 10 months after receiving notice from the Department.
4. The terms of the variance are consistent with the Comprehensive Plan.
 - The proposed variance is consistent with the 2040 Comprehensive Plan, which acknowledges that the high-water table and native soils make it difficult to accommodate on-site septic systems. Knowing this, it would not be unusual to allow replacement systems that bring the homeowner into compliance and better protect the health and safety of the environment and public.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
 - The character of the neighborhood is a mix of > 1.5 and > 5 acre lots and a mix of low land shrubland between lots, with each lot containing its own private SSTS. The variance 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 topographic nature of the property and the location of existing structures.

Type III Septic System Variance – 15452 Zodiac Street Conditions:

1. The Type III System follow the design, maintenance, and mitigation standards as outlined by Minnesota Rules, chapter 7080.
2. The Type III System proposed must follow the maintenance and management plan contained in the application, dated May 23, 2019.

Variance Application – Freeway Mini Storage, 14474 W. Freeway Drive

The Council also held a Public Hearing for a variance application from Freeway Mini Storage to

decrease the required front yard setback for the storage of RVs. No one from the public spoke at the hearing.

The hardship for Freeway Mini Storage was circumstances created by Anoka County when they installed a right turn lane on W. Freeway Drive. The Planning Commission unanimously recommended the application for approval.

At this time Mayor Preiner recused himself for the vote.

Motion by Peterson to accept the Planning Commission’s recommendation of approval based on adopting Findings of Fact 1-6 in the Columbus Staff Report dated 08.16.19 for the variance application at 14474 W. Freeway Drive to allow the accessory use of recreational vehicle storage for Freeway Mini Storage LLC customers within the thirty (30) foot setback at the reduced five (5) foot setback from the southerly entrance for a distance of 300 feet as shown on the Site Plan for the southerly outdoor parking lot only. Seconded by Duraine. Motion carried unanimously.

Variance Application – Freeway Mini Storage, 14474 W. Freeway Drive Findings:

1. The landowner proposes to use the property in a reasonable manner.
 - The landowner proposes to use the property in a reasonable manner. The proposed land use is to allow storage of customer recreational vehicles in the front yard setback along W Freeway Drive. The outdoor storage of recreational vehicles on the southerly 300 feet of Lot 1, Block 3, Preiner Family Addition is authorized by a CUP approved by City Council June 28th, 2017. The proposed storage is 0.6 miles from Coats RV Center, which operates a similar outdoor storage practice for recreational vehicles and is within the same zoning district (Commercial/Showroom).
2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.
 - The reduction in the front yard setback from thirty (30) feet to five (5) feet is due to circumstances not created by the property owner. Due to the topographic nature of the lot, the size of the proposed storm pond for storm water retention is being increased by 30%, which resulted in a shift of the parking area towards West Freeway Drive. Furthermore, Anoka County required a turn lane be dedicated, which resulted in an additional reduction of the front yard of ten (10) feet of right-of-way. A setback distance compliant with the City Code would require the applicant to redesign and plan the layout of the permitted outdoor storage, which may result in a loss of area for storage.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
 - The City Code (7A-770) acknowledges that the Commercial/Showroom district is to allow a greater variety of uses and services. Allowing the indoor and outdoor storage of customer recreational vehicles meets this district goal of mixed business uses and services.
4. The terms of the variance are consistent with the Comprehensive Plan.

- The City’s Comprehensive 2040 Draft Plan points out that the City of Columbus is transitioning from a traditional rural service center to a regional sales, service, and entertainment center. It also states Columbus is home to a number of businesses that provide recreational and service needs, and that the Freeway Corridor is planned for larger scale retail use and service facilities. The proposed variance will allow the applicant to continue to grow its business that aligns with the shift in businesses types within the Freeway Corridor.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
 - The character of the neighborhood is a mix of larger lot retail units such as Coates RV, Gander Outdoors, and Ziegler CAT, which outdoor storage of recreational vehicles as a common feature. Examining the specific lot in question, the layout is similar to other mini storage businesses in the City of Columbus, and the proposed storage is similar to that seen at other businesses that store large vehicles within the C/S zoning district. 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 stormwater ponding requirements which caused the pond size to increase by 30%, thereby reducing the developable area on-site; and the Anoka County requirements for the dedication of an additional ten (10) feet of ROW for a turn lane, reducing the front yard.

Ordinance Amendment to City Code Chapter 7B Sign Regulations – I-35 Corridor Large Off-Premises Signs

The Planning Commission also held a public hearing for the City’s off-premises sign regulations. During the public hearing, representatives from ClearChannel, Schubert, and Huey Outdoors came forward with concerns about the draft ordinance amendment. Hanegraaf explained that the Planning Commission voted 4-1 to recommend the ordinance for approval.

Mursko explained to the Council that there are seven (7) billboards in the City that are regulated with Conditional Use Permits (CUP). These billboards will not be affected by the new ordinance because their CUPs run with the land and do not expire.

Mursko continued to discuss items which the Planning Commission addressed. The first item was whether or not the City wanted to require a 20-foot setback for billboards. Existing billboards have established easements, none of which would meet a 20-foot setback requirement. The Planning Commission agreed that they did not think it would be necessary to require a 20-foot setback for new billboards.

The second item has to do with two (2) billboards located in the Commercial Retail district. One is regulated with a CUP and will not be affected. The other billboard is located within the right-of-way for the Hwy 97 and I-35 interchange. MnDOT limits townships from placing billboards in such right-of-way. Once Columbus became a City and the requirement was lifted, and the

billboard was placed there. The question today is whether the City would like to continue allowing billboards in this right-of-way.

The third item that the Planning Commission discussed was design requirements for billboards. The Planning Commission is recommending requiring a brick façade over the billboard's support, but industry representatives indicated that this would be cost prohibitive. Mayor Preiner asked if anyone has contacted other cities to discuss what the cost would be to add a brick façade? Mursko replied that no one has. Mayor Preiner added that with the completion of the bridge project, it is important that the Freeway District looks its best. Duraine asked how many billboards would be required to add the façade? Steen replied that the 29 billboards regulated with Interim Use Permits (IUP) would be required to upgrade upon renewal of their IUP. The Council agreed they would like to consider cost-effective design alternatives to a brick façade. They added that in general they are supportive of requiring the City's name on the design.

The fourth item discussed was whether to designate a billboard as a primary use. City Code currently allows one primary use per lot. Therefore, billboards located on any property with another primary use would have to be removed. There are 10 billboards that would be affected by this change. Steen said that the draft ordinance has been written to say that either subdivision or redevelopment of a property for a nonresidential or nonagricultural use would terminate the IUP and require the removal of the billboard. This would be a condition of approval for all newly issued IUPs.

Steen summarized the direction as he understood so far. The 20-foot setback would be removed and replaced with a five (5) foot setback. Language will be added to allow the existing billboard in the Commercial Retail district the ability to apply for renewal of their IUP. Billboard companies will be asked to propose more cost-effective designs for a façade improving the look of the billboard supports. And lastly, the ordinance will be written to allow the four (4) existing billboards with a conflicting land use to apply for renewal of their IUP, with the understanding that redevelopment will require removal of the billboard.

Hegland said that the billboard companies should be given four (4) weeks submit design proposals.

Motion by Hegland to direct the City Attorney to draft a final ordinance for City Code Chapter 7B Sign Regulations for I-35 Corridor Large Off-Premise Signs to reflect City Council discussion. Seconded by Duraine. Motion carried unanimously.

Mixed-Use District Design Standards

Mursko reported that the Planning Commission would like to hold workshops with City Planner Dean Johnson to go over progress on mixed-use design standards. Mursko suggested the 09.04.19 Planning Commission meeting night.

Mayor Preiner commented that he would prefer that the City Council holds their workshop from 4:00 p.m. to 6:00 p.m., with the Planning Commission meeting following at 7:00 p.m.

Motion by Hegland to call a special meeting of the City Council on 09.04.19 from 4:00 p.m.

– 6:00 p.m., to discuss mixed-use district design standards. Seconded by Logren. Motion carried unanimously.

8. Public Open Forum

Ceil Neihart – 18516 Vassar Street NE

Neihart came forward to express her opposition toward the Arnt excavation and variance applications. She discussed a previous issue her neighborhood experienced with trucks hauling on City streets, noting her concern that the same problems would occur with this project.

9. Jodrell Street Rural Residential District Speed Posting

Based on direction from the previous council meeting, City Staff researched whether Council Members have the authority to change the speed limit on Jodrell Street. City Planning Technician Ben Gutknecht completed a study on Jodrell Street, 137th Avenue NE, and Nebula Street to determine driveway access points. The study showed that the driveway access points were less than ¼ miles apart, which meets criteria for a reduced speed limit.

Steen explained that there are three (3) ways to establish a speed limit in the City: by a resolution through statutory authority, asking the Commission of Public Safety to perform a traffic study, or establishing a consistent and understandable policy for adopting speed limits outside of what has been set for the statute. Steen recommended drafting a resolution and possibly creating a policy for the future.

Duraine asked if the appropriate speed limit would be 40 mph rather than 35? Postler replied that as the City ordinance is written currently, streets located in the Rural Residential district cannot be posted higher than 35 mph.

Motion by Duraine to draft a resolution approving the posting of Jodrell Street NE from Pine Street NE to the end of Nebula Street NE at 35 mph by establishing as a rural residential district. Seconded by Peterson. Motion carried unanimously.

Motion by Duraine to direct City Staff to prepare an ordinance establishing a policy for setting speed limits on City streets. Seconded by Peterson. Motion carried unanimously.

D. STAFF AND CONSULTANT REPORTS

10. Engineer Report

2019 In Control SCADA Project Pay Request No. 1

Work updating the City's SCADA system has been completed. Postler asked the Council to consider pay request no. 1 for In Control in the amount of \$73,619.30.

Motion by Peterson to approve 2019 In Control Partial Pay Request No. 1 in the amount \$73,619.30. Seconded by Duraine. Motion carried unanimously.

2019 Metro Utilities Partial Pay Request No. 2

A second pay request relates to the NE Quad Utilities project. The request is for Metro Utilities, in the amount \$11,058.00. The project is completed, but there are a few “punch list” items remaining. This is not the final pay request.

Motion by Peterson to approve 2019 Metro Utilities Partial Pay Request No. 2 in the amount \$11,058.00. Seconded by Duraine. Motion carried unanimously.

MnDOT, Anoka County & Columbus Contract No. 1028357

Postler continued by presenting a resolution for work done on TH 97 by MnDOT. The rough total for the work is \$634,000. MnDOT received roughly \$446,000 in cooperative grant money, for the project which leaves roughly \$220,000 that the City of Columbus is responsible for. The resolution is approving a cooperation construction agreement, which details the project’s funding mechanism and states that Anoka County is administering the project on behalf of the City.

Motion by Duraine to approve Resolution 19-21, a resolution approving MnDOT contract No. 1028357, Cooperation Construction Agreement. Seconded by Logren. Motion carried unanimously.

MnDOT Limited Use Permit for Trail on TH 97

The next resolution presented was approving MnDOT’s limited use permit for a pedestrian trail on TH 97, which is part of the design build project. The permit establishes that the City will maintain the trail.

Motion by Duraine to approve Resolution 19-22, a resolution approving the MnDOT Limited Use Permit (LUP #8201-0064). Seconded by Logren. Motion carried unanimously.

Project Updates

Postler gave a summary of the bids received for reconstructing Hornsby Street north of Hwy 97. The most recent Engineer’s estimate for the project was \$2.2 million. The County is administering the project, and as such received the bids. There were five (5) bids received, the lowest of which was for \$1.89 million from Forest Lake Contracting.

Reconstruction of Hornsby Street north of Hwy 97 is anticipated to begin soon after 09.10.19. Construction will go as late into fall as possible. Reconstruction of the road will be completed in 2019 and the full intersection in 2020. There may be changes in the timeframe because of coordination with the I-35 design build project. Shafer’s concrete batch plant will remain on the site while reconstruction occurs. Shafer will simply be accessing the plant from a different driveway.

Hegland asked Postler for an update on two (2) requests that were previously received from

residents. One was about signage on Kettle River Blvd alerting drivers of an upcoming curve in the road, and the second was about adding signage alerting drivers about a blind intersection at Kettle River Blvd and Camp 3 Road. Postler said that he sent a request to Anoka County and has not heard back. He said he will contact them again.

11. Attorney Report

No report.

12. Mayor and Council Members Report

Council Member Logren

No report.

Council Member Hegland

Hegland shared a promotional video for the City's Fall Fest that Paul Peterson from LATV created. She thanked Peterson and LATV for their work on the video.

Mayor Preiner

No report.

Council Member Duraine

No report.

Council Member Peterson

No report.

13. Public Works Report

No report.

14. Public Communications Coordinator Report

Hughes updated the Council on the situation with the Hagert Park land sale. The next step will be to schedule a neighborhood meeting during a future City Council meeting.

15. City Administrator's Report

Workshop discussion

Discussion was had during the City Council workshop on JP E-Commerce's building and construction materials. Mursko explained that the current building elevations at their site are

inconsistent with what was submitted in their Conditional Use Permit application. Steen explained that City Staff should discuss this further and bring the topic back to a future Council meeting.

Hornsby Street

During the workshop it was also decided that the reconstruction of Hornsby Street would be a 2020 project. However, the Council requested additional information on what the benefit value would be for special assessments from the project. Mursko said she would gather that information from Tim Rye, and present it along with additional information about financing options at a future meeting.

Treasurer's Report

Receipts:	\$ 1,077,102.35
Disbursements:	\$ 1,757,480.81
Balance:	\$ 8,796,030.82

E. ANNOUNCEMENTS & REMINDERS

16. Calendar of Meetings.

The next Planning Commission meeting is on 09.04.19 at 7:00 p.m.

The next Special City Council Meeting is on 09.04.19 from 4:00 p.m. to 6:00 p.m.

The first City Council Budget Meeting is on 09.10.19 at 6:00 p.m.

The next City Council meeting is on 09.11.19 at 7:00 p.m.

The second City Council Budget Meeting is on 09.17.19 at 6:00 p.m.

The next City Council Workshop is on 09.25.19 at 7:00 p.m.

F. ADJOURNMENT

Motion by Duraine to adjourn. Seconded by Peterson. Motion carried unanimously.

Meeting adjourned at 8:17 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator