

City of Columbus
Regular City Council Meeting
09.25.19

The 09.25.19 meeting of the City of Columbus City Council was called to order at 7:00 p.m. by Mayor Preiner at the City Hall. Present were Council Members 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: Ron Hanegraaf, Barb Bobick, Rich Kowarsch, Patrick Kelly, Wayne Jacobson, Kris King, Paul Peskar, Randy Allee, Robert Allee, Rodney & Joy Kowarsch, Gene & Vicki Wichelmann, Bobby Siemonsma, Doug Hansen, Greg Blomkra, John Young, D. Denfer, Ceil Neihart, and Chad Green.

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

- 3. Motion – Agenda Approval with Additions**
- 4. Motion – Approval of 08.05.19 Special City Council Meeting Minutes**
- 5. Motion – Approval of Acceptance of Gifts for 2019 Fall Festival (RES 19-25)**
- 6. Motion – Pay Bills as Posted**

Motion by Duraine to approve consent agenda items 3-6. Seconded by Peterson. Motion carried unanimously.

C. PRESENTATIONS

7. Discussion and Motion 7162 and 7222 167th Avenue Variance, IUP, Excavation Applications – Aquaculture Fish Pond

Based on direction from a previous meeting, Arnt's applications for a variance, IUP, and excavation permit are being reconsidered by the Council. The Planning Commission heard the topic six (6) weeks ago at their meeting, where they recommended the applications for denial with a 5-0 vote.

City Attorney Jake Steen drafted a memo regarding the applications and went over its main points for the Council. The current form of the excavation ordinance has been in effect since 2016. The ordinance was drafted in part as a response to concerns about losing upland in the City. The ordinance creates classes of excavation permits: Projects that move under 200 yards of soil do not require a permit, while permits are required for projects moving over 200 cubic yards of soil or for any commercial extraction activities.

The ordinance also requires an Interim Use Permit (IUP) for all mineral extraction. A prerequisite for this permit is that the property must have road frontage on a minor arterial or collector roadway.

Following adoption of the ordinance, there was an amendment made to prevent further loss of upland. This change limited instances where residential excavation could occur to only those where there was a minimal loss of upland. The definition of “minimal” for this ordinance is the amount required for stormwater ponding.

Steen continued to say that Arnt’s project falls into this final category because the proposed excavation will result in more than one (1) acre of recreational ponding, which is a loss in upland that exceeds what is necessary to handle stormwater.

The applicant has applied for a variance to the prerequisite of frontage on a minor arterial roadway. The Planning Commission recommended denial of the variance. Without the variance the applicant is unable to meet the IUP requirements. Therefore, the IUP application was also recommended for denial.

At this time Public Works Superintendent Jim Windingstad came forward to discuss the complaints that he has received regarding hauling operations on residential roads in the City. When the City was dealing with a previous hauling operation that was similar to the one proposed by Arnt, Windingstad and other City employees would have to manage complaints every day that hauling occurred. The result was hours of staff time dedicated to addressing the complaint. Either Public Works would have to go on site or City employees would be fielding phone calls in the office, or both. Public Communications Coordinator Jessica Hughes confirmed that it was typical to receive at least one complaint every hauling day. Types of complaints received included large amounts of dust, rough roads, hauling trucks going off the road, and property damage from trucks driving around other vehicles.

Hegland addressed concerns that she had about the application which are unrelated to hauling complaints. In working through this project, the applicant made applications to various agencies stating that the project was for an aquaculture pond. State statute defines aquaculture as “for consumption or sale...within an aquatic farm...[and] is an agricultural pursuit.” The application sent to Rice Creek Watershed District (RCWD) describes “one fish pond to grow and market in the local area. A secondary purpose is recreational fishing.” Hegland continued to say that she is confused why the project is not being proposed to the City as a residential zone business if the purpose is commercial (as it states in non-City applications). She is concerned that other agencies are operating under the presumption that the project is for a commercial and agricultural use, while the City has only been asked to consider it as for recreational uses. It appears that the applications contain conflicting descriptions of proposed activities.

Hegland continued to say that she is also concerned about statements that were made to neighboring residents about the project. The letters stated that dewatering will not affect the operation of wells, however the City Engineer has stated that such a promise cannot be made. In addition, the Minnesota DNR has a condition on permits that state if there are any affects on nearby wells all operations must cease. Hegland noted that if there was no chance that their activity would affect neighboring wells, the DNR would not require this condition. Hegland finished by saying these two (2) concerns are above and beyond the applicant’s nonconformance with performance standards in the City ordinances.

At this time Patrick Kelly and Wayne Jacobson (Arnt's legal and environmental representatives) came forward to discuss the application. Jacobson explained that they have been working on the project for two (2) years and have obtained permits from every natural resources agency required. These agencies have detailed narrow expectations that they had to meet in terms of water quality and how the project is completed, and Jacobson explained that they have met all expectations. Jacobson continued to say that Arnt did not state in any of the applications that he intends to market the fish that are caught in the pond.

Arnt's legal representative Kelly said that they have been working closely with the DNR and they do not have a problem with dewatering. He also reiterated that the intended purpose of the project is a recreational fish pond.

Hegland said that she quoted the proposed activity described in the RCWD application directly, to which Jacobson replied that the language about commercial activity was not provided by Arnt. City Engineer Dennis Postler noted that the DNR also did not have concerns about other dewatering projects in the City that ended up creating issues.

Motion by Hegland to adopt findings of fact 1-6 from the Staff Report dated 07.15.19, and recommendation from the 07.17.19 Planning Commission meeting, and direct City Attorney to draft a resolution denying the variance request at 7162 and 7222 167th Avenue NE. Seconded by Logren. Motion carried unanimously.

Motion by Hegland to adopt findings of fact 1-4 from the Staff Report dated 07.15.19, and recommendation from the 07.17.19 Planning Commission meeting, and direct City Attorney to draft a resolution to deny the Interim Use Permit request for 7162 and 7222 167th Avenue NE. Seconded by Logren. Motion carried unanimously.

Arnt Applications – City Engineer Memo dated 07/15/19:

The applicant has applied for an Excavation Permit and an Interim Use Permit to excavate approximately 16,000 – 18,000 cubic yards of material to deepen and connect two existing ponds. We have reviewed the engineering features of the Excavation Permit and Interim Use Permit applications for the proposed Arnt fish pond improvements and offer the following comments:

Excavation Permit:

1. The City Attorney's memo dated April 15, 2019, which is part of the application packet, provides a detailed background of the Excavation Permit criteria. Since no storm water ponding is required for this pond excavation project, all the proposed upland excavation (10,251 cubic yards per the applicant's grading plan) is in excess of the amount necessary to accommodate required stormwater ponding. As such, an Interim Use Permit is required pursuant to Section 7A-822 Mineral Extraction, of the City Code. (See comments related to the IUP below.)
2. The Excavation Permit Application packet includes a letter dated 3/1/19 that the City Administrator prepared listing eight items required for processing the Excavation Permit Application. The applicant prepared a response dated 3/8/19 addressing these eight items. Engineering has the following comments on the following items:
 - a. Item 2. The applicant indicates they will be installing several 20' deep sand point

- wells to dewater the area within 2 – 3 days. If the excavation is estimated to take up to 90 days (as noted in the Project Description in the IUP Application), will these wells be pumping for the entire 90-day period to keep the excavation areas dry?
- b. Item 3. Update the proposed construction schedule based on the anticipated permit approval dates.
 - c. Item 6. Provide a copy of the soils borings.
 - d. Item 7. The applicant lists five Permits that are needed for this project (USACOE, RCWD, MPCA, DNR, City). There are actually six, as two are needed from the DNR; an Aquaculture Permit and a Water Appropriation (Dewatering) Permit. Permits/Approvals for Items iii., iv., and vi. below are still required:
 - i. USACOE – Approval (No permit required) letter dated 9/10/18 is provided.
 - ii. RCWD – A permit has been issued and is provided.
 - iii. MPCA – The applicant indicates it will be obtained through Arnt Construction (once permits are approved and prior to construction starting).
 - iv. DNR Aquaculture – The applicant indicates this can be obtained with the WCA (RCWD) Permit.
 - v. DNR Water Appropriation – A permit has been issued and is provided.
 - vi. City – Excavation Permit, Interim Use Permit, Variance Request.
 - e. Item 8. The applicant has indicated they have equipment to regrade 167th Avenue and water it for dust control. A Letter of Credit will be required pursuant to City Code Section 9-104. The amount will be determined once the Excavation Permit, Interim Use Permit, and Variance Request have been approved by the City.

Interim Use Permit:

3. An Interim Use Permit Application has been submitted including a Project Description. Some of the items in the Project Description include the following:
 - a. It is stated that truck hauling will involve approximately 25 trucks per day over a 90-day period, with up to three trucks on site at one time. Hauling times are proposed to be from 8:00 am – 6:00 pm M-F and 8:00 am – Noon on Saturdays. The Planning Commission and City Council should decide whether to allow hauling on Saturdays in this residential area.
 - b. It is also stated that a DNR water appropriations permit has been granted for employing 20-foot long sand point wells and 3 low-noise diesel pumps for dewatering, and that this will be done “in a very localized manner that will not disturb any neighboring water wells.” Depending on the depth of neighboring residential wells, it is difficult to predict if there will be any impacts. The DNR Permit does include conditions such as:
 - i. “If notified by the DNR that a water use conflict is suspected and probable from your appropriation, based on confirmation of a formal well interference complaint or a preliminary hydrologic assessment, all appropriation authorized by this permit must cease immediately until the interference is resolved. The permittee may be required to obtain additional data to support the technical analysis, such as domestic well

information within a radius of one and one-half miles of the production well. The permittee and impacted party may engage in a negotiated settlement process and there may be modifications made to this permit in support of conflict resolution.” (In this case, it would be the sand point dewatering wells vs. a production well.)

- ii. Also, Flow Meters, or other methods, for measuring the quantity of water appropriated shall be installed.
 - iii. Additionally, monthly records of the amount of water used shall be recorded for each installation.
4. Even if there are no impacts to neighboring residential wells, there will likely be impacts to adjacent/connected wetlands. A small portion of the existing southerly pond to be excavated lies on the adjacent property to the south (16524 MacKenzie St. NE), as does the delineated wetland is lies within. This wetland also lies on the adjacent property to the east (7260 167th Avenue NE). These wetlands will likely be drained during the dewatering period.
 5. Will the dewatering sand point wells pump continuously for the duration of the excavation? The applicant states the wells will dewater the area within 2 – 3 days. However, to maintain the excavation areas stay dewatered during the duration of the excavation, will they be utilized over the entire 90-day period?
 6. The applicant shall guarantee that no excavation/access/damage will occur to the property to the south (16524 MacKenzie Street NE). Property lines/corners shall be verified by a Professional Land Surveyor and clearly marked.

Miscellaneous:

7. Contour lines cannot “tee” or “fork”. The proposed 904 contours shown in the southeast and southwest areas on the grading plan should be corrected (as noted on the attached grading plan). This will also help to ensure the existing outlet elevation of the pond is maintained and does not impact existing water levels.
8. To ensure the pond does not encroach with the 167th Avenue road right-of-way, we also recommend the proposed 904 contour be added adjacent to the 902 contour (as noted on the attached grading plan.)
9. We are still unclear as to the ultimate use for this project. The applicant has stated in several meetings with City staff that the enlarged fish pond will be used only for recreational purposes, for himself and also for the neighborhood. However, in the applicant’s original backup documentation provided to the City, he states in two different places in a Joint Application Form for Activities Affecting Water Resources in Minnesota provided to the RCWD that “Arnt Construction Company is proposing to build one fish pond to grow and market largemouth bass, sunfish and yellow perch in the local area. A secondary purpose would be for recreational fishing for the landowner.” and that “The pond will be accessible to remove fish for marketing purposes from the driveway on the west, a 10 foot wide earthen haul road on the west, and 167th Avenue NE which is a gravel road on the north.” Will the pond be only for recreational purposes, or will fish be marketed for sale?

Arnt Applications – Staff Report dated 07.15.19:

Variance and Interim Use Permit
7162 & 7222 167th Ave NE
07.15.2019

Project Name: Interim Use Permit for Mineral Extraction
Variance to Mineral Extraction Access Requirements

Applicant: John Arnt

Property Owner: John Arnt & Richard Kowarsch

Legal Description of "Property": THE E 240 FT of SW1/4 of SE1/4 of SEC 09 TWP 32 RGE 22, EX RD, SUBJ TO EASE of REC.

AND

THE N1/2 or W1/2 or SE1/4 SEC 0 TWP 32 RGE 22, EX RD, SUBJ TO EASE of REC

Property Identification #(s): 09-32-22-43-0003 & 09-32-22-44-0004

Property Zoning: Rural Residential (RR) District

Report approved by: Elizabeth Mursko, City Administrator

Date of Application: 06.17.2019

Date Application found incomplete: N/A

Materials missing: None

Date Application complete: 05.29.19

Date of Public Hearing: 07.17.19

Date notice published: 07.04.19

Date notice mailed / posted: 06.28.19

60-limit for action: 08.16.19

60-day extension / letter sent: N/A

Project Description and Applicable City Ordinance Provisions:

The Property owner ("Applicant") is seeking an interim use permit (IUP) for Mineral Extraction to remove approximately 16,000-18,000 cubic yards of sand from the Property to create an approximately 2.8-acre aquaculture pond for recreational purposes. Applicant is also seeking a variance to the City code of ordinances ("City Code") provision requiring that mineral extraction activities occur only on properties that have direct access to a minor arterial or collector roadway.

Applicant has estimated the removal of sand from the Property to require approximately 25 trucks per day over a 90-day period. Hauling times would be 8:00 am to 6:00 pm Monday through Friday and 8:00 am to noon on Saturday, with no hauling on Sundays. Applicant is proposing the use of a water truck to control dust on the gravel road, and a letter of credit to

be provided to the City to cover any costs for road repair or regrading. The project will require dewatering of the Property during the period of excavation.

City Code IUP Provisions

City Code section 9-102.B requires that excavation and removal of earthly deposits resulting in the loss of upland and in excess of the minimum amount required to accommodate stormwater ponding shall be subject to the Mineral Extraction permitting requirements under Chapter 7A of the City Code. City Code Section 7A-822 requires an IUP for mineral extraction subject to several findings and performance standards discussed further below.

The application is inconsistent with the following performance standards governing IUPs for mineral extraction under City Code Section 7A-822.G:

1. Hours of operation for Mineral Extraction, including hauling of material, shall be limited to 8:00 a.m. through 7:00 p.m., Monday through Friday, excluding federal holidays.
4. No Mineral Extraction activity may occur within one hundred fifty (150) feet of any adjacent property residence and within fifty (50) feet of any adjacent property line, road right-of-way or public utility. Screeners, crushers, other processing equipment or manufacturing equipment may not be located closer than five hundred (500) feet without berming or two hundred fifty (250) feet with berming from any adjacent property residence.

Applicant has not addressed performance standard No. 1 or No. 4 within the application, nor has a variance request been requested to either provision. Performance standard No. 1 requires hours of operation that are more restrictive than the hours of operation proposed by Applicant by prohibiting hauling on Saturdays. If approved, the Applicant would be able to comply by amending its hours of operation.

Performance standard No. 4 regulates the location of all mineral extraction activities and prohibits extraction within 150 feet of any adjacent property residence and within fifty (50) feet of any property line, road right-of-way or public utility. **As proposed, the application would violate this performance standard. The application indicates the pond adjacent to 167th Avenue NE will be excavated. Applicant must amend the application to request a variance to this requirement or to modify the location of the mineral extraction activities.**

City Code Variance Provisions

Applicant is seeking a variance from Section 7A-822.D of the City Code, which states:

Property on which mineral extraction may be considered must have direct access to a minor arterial or collector roadway as defined and illustrated in the City of Columbus Comprehensive Plan. Transportation access or haul routes for Mineral Extraction vehicles shall similarly be limited to minor arterials or collector roadways as defined and illustrated in the City of Columbus Comprehensive Plan.

City Code Sec. 7A-822. The Applicant's Property is located on 167th Avenue NE, a gravel road, and does not have direct access to a minor collector roadway as defined and illustrated in the Comprehensive Plan.

Variance Findings:

A variance is a legally permitted deviation from the literal requirements of the City Zoning Ordinance. Variances may be granted in instances where the landowner establishes that there are practical difficulties in complying with the Zoning Ordinance and the landowner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance. The Planning Commission, acting as the Board of Adjustment, must hold a public hearing and make a recommendation on the application to the City Council. In examining practical difficulties, pursuant to City Code Section 7A-525 the Board of Adjustment and City Council must make the following findings:

1. 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.
3. The variance, if granted, will not alter the essential character of the neighborhood or City.
4. The terms of the variance are consistent with the Comprehensive Plan.
5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.
6. The practical difficulty is not created solely by economic considerations.

Staff has analyzed the following variance application: A variance to allow the truck hauling of large quantities of sand on gravel local city roads.

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

The City Code offers diversity regarding reasonable uses for a Property in the Rural Residential district. The proposed use of the Property is a single-family dwelling with an accessory aquaculture pond. A single-family dwelling is a permitted use in the Rural Residential District. The proposed pond is intended for recreational purposes. A recreational pond accessory to a single-family dwelling is reasonable use of the Property.

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

The plight to the landowner is due to circumstances unique to the property and not created by the Applicant. The circumstances necessitating the variance are due to the function classification of the roadway in the City of Columbus Comprehensive Plan. The Property is accessed from a rural gravel street and does not have direct access to minor arterial or collector roadway, which is required for Mineral Extraction permits. Given the Property's

location and the adjacent roadways, the Property is uniquely situated so that it could not comply with the requirements mandating direct access to a minor arterial or collector roadway under any circumstances.

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

The purpose and intent of the mineral extraction standards are as follows:

It is the intent of these provisions to allow limited opportunities for Mineral Extraction in special circumstances and under specific conditions that minimize the impact on neighboring properties, minimize the impact on public streets, and minimize the loss of buildable, upland acreage in the City.

City Code Sec. 7A-822.A. The current mineral extraction performance standards were established in December 2016 in response to concerns regarding mineral extraction activities within City limits that resulted in the loss of upland and significant truck traffic in residential areas. The intent was to limit the impact of truck traffic on residential roads and ensure that only minor arterial or collector roadways would be utilized for truck traffic. The nearest minor arterial or collector roadway is Potomac Street NE, which is classified under the 2030 comprehensive plan as a minor arterial. Potomac Street NE is located 0.25 miles to the east, which would require truck traffic to pass six separate properties adjacent to the roadway. It should be noted that under the 2040 Draft Comprehensive Plan, which has been adopted by the City Council but not yet in effect, Potomac Street NE is neither a minor arterial nor a collector roadway.

Furthermore, the application indicates that mineral extraction would occur adjacent to 167th Avenue NE, in violation of performance standard No. 4 under City Code Sec. 7A-822.G. Staff finds that given the intensity of the proposed trucking levels on residential roadways and the proximity of the proposed mining to 16th Avenue NE, the application would not be in harmony with the purpose and intent of the zoning ordinance.

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

The City's Comprehensive Plan classifies 167th Street as a local residential street, as described under finding No. 3, the nearest minor arterial or collector roadway is Potomac Street NE, which is classified under the 2030 comprehensive plan as a minor arterial. Potomac Street NE is located 0.25 miles to the east, which would require truck traffic to pass six separate properties adjacent to the roadway. Under the 2040 Draft Comprehensive Plan, which has been adopted by the City Council but not yet in effect, Potomac Street NE is neither a minor arterial nor a collector roadway. Staff finds that given the intensity of the proposed trucking levels on residential roadways, the application would not be consistent with the City's Comprehensive Plan

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

The hauling of material is proposed to take no more than 90 days, and the applicant states that they will provide a water truck to control dust. However, the traffic levels on 167th Street NE are currently very low as it is a rural residential roadway. The proposed level of trucking will be approximately 25 trucks per day for 90 days. Staff finds that given the intensity of the proposed trucking levels on residential roadways, the application would alter the essential character of the neighborhood, even if only on a temporary basis.

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 classification system of the road in which the property resides.

Interim Use Permit Findings:

An Interim Use Permit (IUP) is a land use approval subject to the requirement that it is temporary in nature. The Planning Commission must hold a public hearing and make a recommendation on the IUP application to the City Council. In examining the application, the City Council must make the following findings pursuant to City Code Section 7A-530:

1. That the use is allowed in the District and conforms to the regulations of this Section;
2. That the date or event that will terminate the use can be identified with certainty;
3. That permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
4. That the user agrees to any conditions that the City Council deems appropriate for permission of the use.

An IUP shall terminate upon the termination date of the permit, upon the violation of the conditions of the permit, or a change in zoning regulations. The maximum term for a Mineral Extraction Interim Use Permit shall be twelve (12) months, including all site restoration. City Code Sec. 7A-822.

Staff has analyzed the IUP Application as follows:

1. That the use is allowed in the District and conforms to the regulations of this Section.

The proposed use of mineral extraction is allowed as an IUP in the Rural Residential District where the mineral extraction will result in the loss of upland and in excess of the minimum amount required to accommodate stormwater ponding. The IUP will eliminate upland to allow for excavation of an approximately 2.8 acre aquaculture pond for recreational purposes accessory to a single-family dwelling, which is a permitted use in the Rural Residential district.

However, a mineral extraction permit is subject to a requirement that that Property on which Mineral Extraction must have direct access to a minor arterial or collector roadway as defined

and illustrated in the City of Columbus Comprehensive Plan. Further, transportation access or haul routes for mineral extraction vehicles shall similarly be limited to minor arterials or collector roadways as defined and illustrated in the City of Columbus Comprehensive Plan. As detailed above, staff recommends denial of the Applicant's request the mineral extraction access and haul route requirements. Staff finds that without approval of the variance, this finding cannot be met.

2. That the date or event that will terminate the use can be identified with certainty;

The date of the IUP termination can be identified with certainty, as the Applicant has proposed an IUP Term of 90 days, commencing upon approval of the IUP.

3. That permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

The proposed excavation will result in the creation of an aquaculture pond on the Property which will serve recreational purposes. Staff does not foresee additional costs to the public if the City were to take the Property in the future.

4. That the user agrees to any conditions that the City Council deems appropriate for permission of the use.

The IUP shall be subject to the performance standards under City Code Section 7A-822.G. In addition to the performance standards, should the City Council approve the application, staff has identified several conditions of approval.

Staff Recommendation(s):

Variance to Mineral Extraction Standards for Access Requirements

Staff recommends that the Planning Commission and City Council adopt the above findings and **deny** the application for an variance to the requirements of City Code Section 7A-822.D. that the IUP for mineral extraction at the Property have direct access to a minor arterial or collector roadways and that all haul routes shall similarly be limited to minor arterials or collector roadways.

Interim Use Permit for Mineral Extraction

Staff recommends that the Planning Commission and City Council adopt the above findings and **deny** the Application for an Interim Use Permit for 90 days to allow mineral extraction for the Property.

Should the Planning Commission and City Council approve the Application, staff recommends the following conditions of approval:

1. The IUP shall operate subject to all performance standards, including hours of operation, under City Code Section 7A-822.G.
2. Applicant shall implement all requirements of the City Engineer's report.
3. Any dewatering of the Property shall immediately cease upon a written order from the City in the event that the dewatering is determined to have adverse effects on properties within the vicinity of the Property.

8. Planning Commission Report

Planning Commission Chair Ron Hanegraaf came forward to discuss the Planning Commission's meeting on 09.18.19.

Planned Unit Development Ordinance and 10.02.19 Public Hearing

The Planning Commission voted unanimously in favor of the newest revision of the Planned Unit Development (PUD) ordinance. The next step for the City Council is to call a Public Hearing on 10.02.19.

Steen explained that this ordinance formally defines PUDs as an allowed use in all of the City's districts. The previous version of the ordinance arguably allowed this to occur, but upon reviewing Staff decided it would be helpful to firm up language and establish additional standards. The new draft takes into consideration the future mixed-use districts to be established in the City.

Mursko explained that in order to meet the 10-day notice requirement before the 10.02.19 Planning Commission meeting, she has already published the public hearing. If the Council felt like the draft is incomplete, this public hearing can be canceled.

Motion by Duraine to set a public hearing for the new PUD Ordinance on 10.02.19. Seconded by Peterson. Motion carried unanimously.

MnDOT Landscaping Presentation

Hanegraaf continued to report that Todd Carrol (from MnDOT) came to the Planning Commission meeting to give a presentation on landscaping, fencing, monument signs, and branding. Carrol will be working on these items as they relate to the new Hwy 97 bridge over I-35. Such work would not begin until 2021.

Mursko noted that MnDOT does not have a large budget for landscaping and said that if the Council would like landscaping beyond what they provide, the City will have to pay for it. Going forward, Carrol will be in contact with Council Member Logren to ensure any landscaping will be consistent with the City's branding efforts.

9. Public Open Forum

No report.

10. Josh Pribyl Question

No report.

D. STAFF AND CONSULTANT REPORTS

11. Engineer Report

Ziegler Water Tank Conversion Phase II Electrical Payment No. 2 Request

Postler presented pay request number two (2) for the Ziegler water tank conversion project. This pay request is for phase II, the tank and electrical modifications, which make up roughly 40% of the contract. The pay request is for \$22,734.45.

Motion by Duraine to approve 2019 partial pay request no. 2 to EIM (Electrical Installation and Maintenance) in the amount of \$22,734.45 for Phase II (Project 2018-07). Seconded by Peterson. Motion carried unanimously.

Project Updates

Postler continued by providing general updates on projects occurring in the City. The stormwater management plan in the Freeway District has received approval from RCWD and Coon Creek Watershed District.

The Hornsby Street project is encountering some bad soil with the new alignment. Some modifications have been made to the plan to address this.

The lift station associated with the sanitary sewer and watermain extension to the SW quadrant is close to completion. Postler said that it is likely that a request for additional funds toward the project will be proposed to the City Council for addressing problematic soil conditions.

12. Attorney Report

Windingstad said that he is looking for direction on the City's no haul route ordinance that was recently approved. The ordinance contains commercial vehicle restrictions for certain roads including Howard Lake Drive, Zurich Street, Notre Dame Street, and 181st Avenue NE. The question Windingstad has is what the Council considers a commercial vehicle?

He continued to say that when the ordinance was originally conceived, there were attempts to peg the definition to a certain weight limit, but that language did not make it into the ordinance. The goal of the ordinance is to maintain the integrity of City's roads.

This is a policy decision that could be made by the Council. Peterson suggested that trucks which are greater than 26,001 tons should be restricted. Windingstad replied that this was his initial idea for the definition but noted that this could prevent heavy trucks being used for non-commercial purposes (like U-hauls) from driving on these routes. It would also prevent a resident who has a Commercial Drivers License (CDL) from driving their trucks back to their

residences on these routes.

Peterson and the remaining Council Members agreed that defining “commercial vehicle” under this ordinance should be delegated to City Staff.

13. Mayor and Council Members Report

Council Member Logren

Logren reported that the EDA established a branding subcommittee that she is the chair of. The group is in beginning stages and has held one (1) meeting. At this time the goal is to collect information from citizens to understand what they believe the essence of Columbus is. There is a special emphasis on the NE quadrant area, but the overall goal is to develop a brand that encompasses the entire City. Mayor Preiner asked how often the group meets? Logren replied that right now they are meeting every two (2) weeks, but that is not set in stone for the long term.

Council Member Hegland

Hegland said that she believed Fall Fest was a success. She felt that there was good turnout and the new displays and attractions were good additions.

Mayor Preiner

No report.

Council Member Duraine

Duraine reported that some residents have requested that the City add a sign on Kettle River Blvd that says something to the effect of “Howard Lake Drive ahead”, because people unfamiliar to the area have a difficult time locating the road. Postler said that he can talk to Anoka County to see if this is a possibility.

He continued to ask if the City is replacing stop signs soon? Windingstad replied that they are, and Duraine suggested they add the Howard Lake Drive stop sign to the list of signs to replace.

Wendy Tester also reached out to Duraine asking where the City is at in the Hagert Park process? Steen replied that the Title Review should be completed within the week.

Lastly, Duraine reported that the City’s Recycle Day is this Saturday September 28th from 9:00 am – 1:00 pm. The City website has a list of prices for recycling certain items, and there will be free paper shredding.

Council Member Peterson

Peterson said that Fall Fest was successful. He reported that the Car Show featured 60 cars, two (2) tractors, and a trailer with motors on display. Peterson finished by saying this was the last year that he will be running the Car Show and is working on finding new people to run the event

in the future.

14. Public Works Report

No report.

15. Public Communications Coordinator Report

No report

16. City Administrator's Report

Appointment of Election Judges and Absentee Ballot Board Judges

Mursko reported that there will be three (3) elections in the next couple of months. She is requesting the Council's approval to appoint election judges and absentee ballot board judges, as well as pay rates.

Motion by Duraine to appoint the listed election judges and absentee ballot board judges for the fiscal year 2019-2020 election cycle at wages indicated in the memo dated 09.25.19. Seconded by Hegland. Motion carried unanimously.

Preliminary Levy and Truth in Taxation Meeting

Mursko continued to report that the City's preliminary levy is due at the end of September, which is the last opportunity to adopt it. Based on feedback from the Council's September workshop, Mursko has drafted a resolution approving the preliminary levy which reflects that feedback.

She continued to say that when the preliminary levy is adopted, the City also needs to choose a date and time for the Truth in Taxation hearing. The hearing should be held between 11.25.19 and 12.30.19, in order to give the public notice of it. Mursko said that historically the hearing has been held during a Council meeting. The Council agreed they would like to hold this hearing at the 12.11.19 City Council meeting.

Motion by Duraine to approve Resolution 19-26, a resolution approving the 2019 preliminary tax levy & tax abatement for property taxes collectable in 2020. Seconded by Peterson. Motion carried unanimously.

Motion by Duraine to set a Truth in Taxation meeting on 12.11.19 at 7:00 pm. Seconded by Peterson. Motion carried unanimously.

Treasurer's Report

Receipts:	\$ 59,331.90
Disbursements:	\$ 347,419.09
Balance:	\$ 9,320,691.55

E. ANNOUNCEMENTS & REMINDERS

17. Calendar of Meetings.

The next Planning Commission meeting is on 10.02.19 at 7:00 pm.

The next City Council meeting is on 10.09.19 at 7:00 pm.

The next EDA meeting is on 10.09.19 at 6:00 pm.

The next City Council Workshop meeting is on 10.23.19 from 4:00 – 6:00 pm.

F. ADJOURNMENT

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

Meeting adjourned at 7:51 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator