

**City of Columbus**  
**Regular City Council Meeting**  
**10.11.17**

The 10.11.17 meeting of the City of Columbus City Council was called to order at 7:06 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Jeff Duraine, Bill Krebs, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Ken Rohlf, Janet Hegland, Barb Olson, Vernon & Margie Roisum, Wil & Judy Tamminen, Randy Kramer, Mike Janorschla, Dustin Ordorff, Joan Musil, Dave Pribnow, Mike Kocina, Tony Deutsch, Ron Pechia, Wayne Olson, Alan Kalal, John Anderson, Sarah Wieseman, Jeff Zahn, Kristi Pechia & Jim Pechia, Jason Schollewaert, Ken Kenow, Paula Peterson, Todd Smedshammer, Anne Peterson, Angela Boesch, George Schwalbe, Jay Gustafson, Shau Prate, Shannon & Chris Belfour, Kathy Joyce, Steve Gmach, John Young, Tracie Wilson, Kent Peterson, Jenny Lysne, Gregory McLeod, John Mihod, John Kittleone, Dave Schueler, Pat Scherber, Tom Schuld, John Freed, Derek Otto, Laurie Myron, Mike Kempf, Mike & Diane Meath, Rick Isle, Armella McKenzie, Dennis Breen, Tom Olson, Kelly & Michael Freudenberg, Richard Buher, Maegre Ruher, Jon Rausch, John Hanneham, Ed Cary, Ellen Schaal, Myron Angel, Tom Schaal, Lynnett Carver-Quinn, Doug Hedberg, Roger Person, Pete & Paulette Szurek, Gail Gaffney, Bob Gaffney, Dave Pope, Andrew Landstrom, Hannah Kachel, Troy Munson, Chad Maassen, Deborah Schmidt, Bob Schmidt, Stacy Brown, Joyce Guttsen, Kimberly Fries-Siow, Anton Paul, Lisa Schwartz, Allen & Shelly Logren, Don Santanni, Raymond Raines, Tim Capistrant, Angie Capistrant, Judy Linnerooth, Tom Muril, Carol Wachter, Rochelle Busch, Jan Busch, Mike Busch, Mary & William Kobilka, Andrew Johnson, Mike & Lori Treb, Greg & Donna Land, Ron Hanegraaf, Pete & Erin Yankowiak, Dana Claseman, Pat Donnahue, Kathleen Lund, Robert Schmidt, Maxine Merrigan, Debora Schmidt, Sean Skubitz, Kim Taylor, John Taylor, Brian Gunderson, Mary Gothier, Emily Gothier, Dennis Nelson, Marlene Nelson, Bob Vidlund, Bonnie Vidlund, Krista Mastel, Jesse Preiner, Pat Preiner, Mary Preiner, Jody Krebs, Public Works Superintendent Jim Windingstad, Julia Parent (Forest Lake Times), and Brandon Taylore (LATV).

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:06 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. Motion – Approval of the Amended City Council Meeting Minutes 09.27.17**
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Pay Bills as Posted**
- 6. Motion – Resolution17-34 approving MnDOT Master Contract No. 1028125**

**Motion by Krebs to approve the Consent Agenda items 3 – 6. Seconded by Daly. Motion carried unanimously.**

**C. PRESENTATIONS**

## 7. Planning Commission Report

The Planning Commission report was given by chair Garth Sternberg. He presented the report on six (6) different topics.

### Sanctuary at Howard Lake Preliminary Plat and CUP for PUD

The Planning Commission held a Public Hearing on October 4<sup>th</sup> for the proposed Sanctuary at Howard Lake preliminary plat and CUP for PUD. The proposal is for a senior housing “planned unit development” creating 26 detached townhomes in the Community Retail (C/R) district. The Planning Commission recommended approval of the preliminary plat and the CUP for PUD. The Council did not have any questions.

**Motion by Peterson to approve PC-17-120 the Sanctuary at Howard Lake Preliminary Plat request (dated 07.28.17 and found complete on 08.18.17) based on findings of fact and conditions 1-16 as outlined in the Planner’s Memo (dated 10.05.17). Seconded by Daly. Motion carried unanimously.**

### Sanctuary at Howard Lake Preliminary Plat Request Findings of Fact:

1. The City received a preliminary plat application from Howard Lake Development, LLC (“HLD LLC”) on July 28, 2017 and supplemented on August 18, 2017. The application was found complete.
2. The 120-day preliminary plat review deadline is December 16, 2017.
3. The proposed 17.04-acre, 27-lot residential plat is located north of Lake Drive NE and west of Zurich Street NE, legally described as part of the Northwest Quarter of the Northwest Quarter of Section 24, Township 32, Range 22, lying north of CSAH 23, (“Property”).
4. The proposed subdivision involves the platting of an existing 13.73-acre parcel and an existing 3.31-acre parcel.
5. The City also received a CUP application from HLD LLC to process the subdivision and development of the Property for senior citizen detached housing units through the PUD provisions of the City Code.
6. The Property is zoned Community Retail (CR), which allows senior citizen housing as a conditional use.
7. The proposed plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Development Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
8. The structure setback requirements for Natural Development Lakes are 150 feet. The apparent or visible shoreline of Howard Lake is approximately 400 feet from proposed improvements; however, the Ordinary High Water Elevation (OHWL) has been established at an 889 feet elevation.
9. HLD LLC is requesting a reduction in the OHWL setback of 150 feet to 50 feet, which is comparable to the setback requirement of General Development Lakes, rivers and streams and which can be considered under the PUD CUP.
10. The proposed plat is also subject to the provisions of the Floodplain Management District and a 100-year regional flood elevation determination.

11. The proposed plat involves the extension of public sewer and water within the development. Twenty-six residential lots are proposed to be served by 25-foot-wide private streets.
12. One lot is a common lot containing all common access drives, ponding areas, and wetlands. An association will be included in the proposed subdivision for lawn care, street maintenance and stormwater management.
13. The residential lots range in size from 5,122 square feet to 13,744 square feet, exceeding the minimum individual lot area requirement of 5,000 square feet.
14. All lots will be individually owned and all homes will be individually maintained.
15. The minimum side yard setback of five feet is met.
16. The proposed minimum front yard setback (garage door) on the majority of lots is 26 feet, which will require a waiver from the 30 feet standard under the PUD CUP.
17. The minimum 18 feet by 24 feet driveway parking standard in front of the garage is exceeded.
18. The guest parking area standard of one half stall per lot is exceeded.
19. The proposed minimum rear yard setback on a number of lots is less than the minimum 25 feet required, which also will require a waiver under the PUD CUP. All lots with exceptions to the minimum rear yard setback abut a common area rather than another lot or adjacent property.
20. Individual lots have 10 feet front and rear yard drainage and utility easements and 5 feet side yard drainage and utility easements.
21. There are two stormwater ponds proposed within the plat which are required for private street drainage.
22. The common area lot, Lot 27, is entirely encumbered with drainage and utility easements.
23. The minimum one rod wetland buffer easement is illustrated adjacent to all wetlands. On at least two lots, the wetland buffer easements are within 10 feet of the proposed residences. Wetland buffer easements also impact a portion of an individual driveway.
24. The applicant has submitted an application to the Rice Creek Watershed District for permitting.
25. Anoka County Transportation Division has submitted comments on the proposed plat. A west bound turn lane and east bound bypass lane are required, along with tree clearing for site distance improvements.
26. There are no sidewalks proposed within the plat; however, a trail access to Howard Lake within the common area is proposed.
27. There are no street lights proposed within the development.
28. The Preliminary Plat public hearing was held by the Planning Commission on October 4, 2017.

Sanctuary at Howard Lake Preliminary Plat Request Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. PUD CUP approval.
4. A subdivision development agreement.

5. A reduction in the wetland buffer depth to a minimum of 15 feet from any residential structure and to eliminate wetland buffer encroachments on any private driveway.
6. A reduction in the OHWL setback from 150 feet to 50 feet. [Note: if it is determined that the modification of this dimensional standard by PUD is not allowable, an application for a variance must be submitted to the City.]
7. The low floor elevation of the residences must be at least two feet above the 100-year regional flood elevation.
8. Homeowner association documentation for private street, ponding and common area maintenance.
9. A street light and stop sign shall be installed at the intersection of the private street and Lake Drive NE.
10. Requirements of the Anoka County Surveyor.
11. Requirements of the Anoka Transportation Division.
12. Requirements of the Rice Creek Watershed District.
13. Permanent wetland buffer plaques at intervals determined by the City.
14. Cash in lieu of park land dedication.
15. Reimbursement of all City expenses associated with plat approval.
16. Future development within the plat is subject to local ordinances and permitting requirements.

**Motion by Peterson to approve PC-17-120 the Sanctuary at Howard Lake CUP for PUD application (dated 08.02.17) based on findings of fact and conditions of approval 1-18 as outlined in the Planner's Memo (dated 10.05.17). Seconded by Krebs. Motion carried unanimously.**

Sanctuary at Howard Lake CUP for PUD Application Findings of Fact:

1. The City received a PUD CUP application from Howard Lake Development, LLC ("HLD LLC") on August 2, 2017 and supplemented on August 18, 2017. The application was found complete.
2. The 60-day review period ends on October 17, 2017 and the 120-day review, if necessary, ends on December 16, 2017.
3. The Property is zoned Community Retail (CR).
4. The CUP is required for the proposed development of senior citizen housing in the Community Retail (CR) District.
5. The PUD allows variations in dimensional standards.
6. The proposed plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Development Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
7. The structure setback requirements for Natural Development Lakes are 150 feet. The apparent or visible shoreline of Howard Lake is approximately 400 feet from proposed improvements; however, the Ordinary High Water Elevation (OHWL) has been established at an 889 feet elevation.
8. HLD LLC is requesting a reduction in the OHWL setback of 150 feet to 50 feet, which is comparable to the setback requirement of General Development Lakes, rivers and streams and which can be considered under the PUD CUP.

9. The proposed plat is also subject to the provisions of the Floodplain Management District and a 100-year flood elevation determination.
10. The proposed Sanctuary at Howard Lake development is a 26-lot senior citizen detached home residential development.
11. The development includes public utilities and private street access for the lots. The public streets are 25 feet in width to the back of the curb.
12. One large common area lot (12.9 acres) covers the street and utility corridors, wetland areas, and ponding areas and is entirely encumbered with drainage and utility easements.
13. Gross residential lot areas within the proposed plat range from 5,122 square feet to 13,744 square feet. The minimum lot size allowed is 5,000 square feet for association managed senior citizen housing.
14. The Sanctuary at Howard Lake will include an association for lawn care, private street and common area maintenance.
15. All lots will be individually owned and all homes will be individually maintained.
16. Proposed minimum front yard setbacks are 26 feet. This is a 4-foot exception to the minimum 30 feet garage setback, which would be allowed under the PUD.
17. The proposed minimum rear yard setback on a number of lots is less than the minimum 25 feet required, which would be allowed under the PUD CUP. All lots with exceptions to the minimum rear yard setback abut a common area rather than another lot or adjacent property
18. There are currently three slab-on-grade house plans included in the PUD submittal. The homes range in size from an approximately 1390 square feet one level home to an approximately 2090 square feet two-level home. Each home has an at-grade patio deck at the rear of the home.
19. The senior citizen detached home design standards require a minimum 35% brick, stucco or stone on the front façade.
20. Each home includes attached 2-car garages, meeting the minimum 11 feet by 24 feet individual stall dimensions.
21. Parking areas in front of the garages exceed the minimum 18 feet by 24 feet driveway standards.
22. The senior citizen detached dwelling standards include a guest parking allocation of ½ stall per unit. This requirement is met with 14 guest parking stalls illustrated. There are also emergency vehicle back-up spaces provided near the end of the southwesterly street and the northwesterly street.
23. The proposed guest parking stall dimensions of 9 feet by 18 feet are less than the required 10 feet by 20 feet standard, which would be allowed by the PUD CUP.
24. There are no sidewalks proposed within the development; however, a trail access to Howard Lake within the common area is proposed.
25. There are two stormwater ponds proposed within the development which are required for private street drainage.
26. On at least two lots the wetland buffer easements are within 10 feet of the proposed residences. The wetland buffer easement also impacts a portion of an individual driveway.
27. The applicant has submitted an application to the Rice Creek Watershed District for permitting.

28. Anoka County Transportation Division has submitted comments on the proposed plat. A west bound turn lane and east bound bypass lane are required, along with tree clearing for site distance improvements
29. The PUD CUP public hearing was held by the Planning Commission on October 4, 2017.

Sanctuary at Howard Lake CUP for PUD Application Conditions of Approval:

1. The PUD CUP is contingent upon approval and recording of the Sanctuary at Howard Lake plat.
2. The PUD CUP is contingent upon detailed recommendations of the City Attorney.
3. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
4. The PUD CUP is contingent upon review and approval of homeowner association documentation and an executed subdivision development agreement.
5. The PUD CUP is contingent upon subsequent detailed plan review and permitting by the City Building Official.
6. The wetland buffer depth shall be reduced to a minimum of 15 feet from any residential structure and to eliminate wetland buffer encroachments on any private driveway.
7. The OHWL setback for principal structures shall be reduced from 150 feet to 50 feet. [Note: if it is determined that the modification of this dimensional standard by PUD is not allowable, an application for a variance must be submitted to the City.]
8. The low floor elevation of the residences must be at least two feet above the 100-year regional flood elevation.
9. The PUD CUP is contingent upon the permitting requirements of Rice Creek Watershed District.
10. The PUD CUP is contingent upon the permitting requirements of Anoka Transportation Division.
11. Development of the Property shall be consistent with the PUD CUP application documentation received including, but not limited to, Preliminary Plat, dated 8/18/17; Civil Plan Sheets C1.1 through C5.2 by Plowe Engineering, dated 8/15/17; Street and Utility Profiles by Plowe Engineering, dated \_\_\_\_\_; Development Narrative received on 8/18/17 and updated on 8/27/17; and three home model designs by Inspire Architects, dated 8/18/17.
12. The PUD CUP documentation is subject to modification by the City or may be modified through amendments approved by the City.
13. The senior citizen detached home design standards require a minimum 35% brick, stucco or stone on the front façade.
14. No further subdivision of any lot for development purposes is allowed.
15. No filling, excavating or other land disturbances are permitted in stormwater ponding or wetland areas without written approval by Rice Creek Watershed District and the City.
16. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
17. In the event the City Council determines, in its sole discretion, that the use of the Property is not being operated in accordance with any term or condition contained herein, the PUD CUP may be revoked by the City upon proper notice and a hearing.

18. HLD LLC shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the PUD CUP, including any subsequent inspection and enforcement actions.

### 6939 135<sup>th</sup> Avenue NE CUP Amendment and Variance Request

The Planning Commission also held a Public Hearing on October 4<sup>th</sup> for a CUP Amendment and Variance request from Zaczkowski Trucking (ZTS). The CUP Amendment request is for building an accessory building on the property, to accommodate growth in the business. The variance request is for the use of a septic holding tank in a commercial district. The City Council held a special meeting on October 10<sup>th</sup> to address this topic. The variance request was denied, with the CUP amendment was approved. There was no further discussion on the topic at this meeting.

### Light Industrial Zoning Text Amendment

At a previous City Council meeting the Council initiated a text amendment to the Light Industrial (LI) zoning code, in an effort to regulate the potential use of asphalt/concrete production facilities in the City of Columbus. City staff and Planning Commission members helped draft the amendment for consideration. At the October 4<sup>th</sup> Planning Commission meeting, Commissioners forwarded the text amendment draft to the Council with a recommendation for denial. City Attorney Bill Griffith explained that because the Planning Commission is simply a recommending body, the Council could still vote to move the text amendment forward to a Public Hearing. He continued to say that the Council can make changes to the draft tonight as well as after the Public Hearing is concluded. Council Member Krebs commented that there are some changes he would like to make to the draft prior to the Public Hearing.

With that, the Council began by considering Section 7A-786, which addresses the requirement for public utilities in the LI district. As the text is currently written, “no use shall be approved for a property in the LI district without connection to public utilities, except Interim Uses.” The Planning Commission made the edit to add an additional exception for when “...the Council approves the phasing for such connection to public utilities with a development agreement applicable to the affected property”. At this time, there are still steps which must be taken before the proposed Bituminous Roadways property could actually connect to public utilities; City Engineer Dennis Postler explained that utilities need to be extended under the freeway, and a sewer lift system needs to be added. The water main would also have to be extended to the Columbus/Lino Lakes boundary. City Attorney Bill Griffith explained that the main question for the Council is whether they would like to require that utilities be extended immediately or if they would rather defer connection as part of a phasing plan. Mayor Povolny elaborated by saying an applicant for an Interim Use Permit (IUP) would not require connection to public utilities, while a Conditional Use Permit (CUP) would. City Council Members Peterson, Daly, and Krebs agreed that they would prefer that Bituminous Roadways applied for a CUP rather than an IUP. Mayor Povolny said that he preferred an IUP, and Duraine said he is against the application altogether. Griffith noted that because the majority prefer a CUP, language will be drafted as such for the Public Hearing.

The next topic of consideration with the LI district text amendment was screening and stockpiles. Griffith explained that in the City's LI district, the only outdoor storage allowed is of finished product. Because of this, the new draft of the LI district zoning requires that "...all stockpiles and storage of asphalt, aggregate, concrete, or similar materials must be stored in an enclosed structure". This requirement has been added because Bituminous Roadways proposes to store stockpiles of unfinished goods at the property in the LI district. Council Member Krebs expressed disapproval of this requirement; he does not think that stockpiles should have to be enclosed in the LI district. Mayor Povolny commented that Cemstone (located off Lake Drive in Columbus) has an enclosure for their cement processing plant, and he thinks it looks nice. Peterson agreed with Krebs, that open stockpiles of unfinished goods in the LI district should be acceptable. After hearing such feedback, Griffith commented that the enclosure requirement will be removed from the draft.

Council Member Krebs had a handful of questions left to address. The first was whether language about concrete production facilities will be eliminated? Mayor Povolny suggested it remain in the code, so that such a use is preemptively regulated. The way the code is written, an additional concrete or asphalt production facility would not be allowed within two (2) miles of another. Next, Krebs asked about traffic management; saying how there was an agreement that Bituminous Roadways would not haul during horse racing nights, but now the text amendment contains language that says they would also not haul during outdoor concerts. Krebs is wondering if this should be changed, because it is vague about what constitutes a concert. Daly agreed, but other Council Members preferred to address that question after they hold the Public Hearing.

**Motion by Peterson to forward the Light Industrial zoning code text amendment to a Public Hearing held on 11.15.17 at 7:00 p.m. in the City Hall located at 16319 Kettle River Boulevard. Seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Povolny – aye; Duraine – nay; Krebs – aye. Motion carries.**

#### Accessory Building Text Amendment

The next topic brought forward by Sternberg was a text amendment to the Accessory Building ordinance. The Planning Commission sent the text amendment to the City Council with a recommendation for approval, after a 4-1 vote. Sternberg explained that he abstained from the vote because of one particular line in the text, which states that all conex boxes must remain in the same condition they were in at the time of purchase. Sternberg noted that he thinks people should be able to upgrade their conex boxes, for example adding windows or a roof. Daly clarified that the original intent of that condition was to prevent people from welding together two conex boxes to make one large conex box. The Council agreed that people should be able to modify or upgrade their conex boxes, but is still against welding two of them together. Mayor Povolny suggested that the portion of section K-4 which disallows any physical modifications be removed, while the portion about stacking remains. The Council agreed.

Mayor Povolny raised the topic of parcel size and conex box regulation. He began by suggesting that in section K-5, the language should read "A property owner shall be permitted one (1) container on a property of 4.75 acres or more", rather than five (5) acres or more. The Council agreed this was desirable. His second point was an argument that the current draft of the text

amendment is overreaching for large parcels, that someone with at least 10 acres of land should not be limited by screening, setbacks, or a certain number of boxes. Daly said that he partially agrees, but is concerned that someone might take advantage and line up a number of conex boxes right on the property line. Mayor Povolny asked Griffith if a conex box could be considered as part of an agriculture designation? Griffith replied that he is not sure that a conex box would apply, as generally for a structure to be designated as agricultural one must show that that specific structure type is necessary for whatever agricultural activity is going on. In light of this information, Mayor Povolny clarified that he would prefer section K-5 stated that on a property of 10 acres or more conex box usage is unregulated except for a screening requirement. Daly commented that in section B it already states that the restrictions in thin Chapter 7A do not apply to lots of 20 acres or more that are classified as agricultural land for tax purposes, and asked if the Council would rather see the amount be 10 acres or more? Krebs, Duraine, and Daly all agreed that the designation should remain at 20 acres or more, and that there should still be screening and setback requirements. Mayor Povolny agreed that screening should be required, but argued that on lots larger than 20 acres the setback should be 20 feet instead of 50. The Council agreed that they would be fine with a 20-foot setback on parcels of 20 acres or more.

The last topic raised by Mayor Povolny was the restriction on adding advertisements or company names to conex boxes. Mursko replied that this restriction is in the City's sign ordinance, which basically states that one cannot use a trailer as advertising. Krebs followed up by asking if there is a requirement for conex boxes to be harmonious in color to the primary structure? It was pointed out that section K-1 states that the container shall be same or similar in color with the Dwelling and there shall be no logos or advertising on the exterior of the container. With that last discussion point, the Council agreed to forward the topic on to a Public Hearing.

**Motion by Peterson to call for a Public Hearing on the Accessory Building Text Amendment during the 11.01.17 Planning commission meeting. Seconded by Krebs. Motion carried unanimously.**

#### Aszmann Addition Final Plat

Mursko presented the Council with the Aszmann Addition Final Plat for their consideration. She reported that City staff reviewed the application and are recommending approval.

**Motion by Krebs to approve PC-17-110 the Aszmann Addition Final Plat (dated 05.16.17) based on findings of fact and conditions 1-7 as outlined in the Planner's Memo (dated 06.22.17). Seconded by Peterson. Motion carried unanimously.**

#### Aszmann Addition Final Plat Request Findings of Fact:

1. The revised preliminary plat application was found complete for review on May 16, 2017.
2. The 120-day preliminary plat review deadline is September 13, 2017.
3. There are a total of 14.51 acres in the proposed plat, located at 6009 141st Avenue NE, in Section 28, Township 32, Range 22.
4. The property is zoned RR Rural Residential.

5. Two residential lots are proposed. There is one existing dwelling on the westerly 7.87-acre lot (Lot 1, Block 1).
6. The proposed easterly lot (Lot 2, Block 1) is 6.47 acres in size and includes adequate areas for a future home and SSTS area.
7. The density of the proposed development is one home per 7.26 acres, which is consistent with the Comprehensive Plan and Zoning Ordinance.
8. Both proposed lots exceed the minimum lot area of 5.0 acres and meet the minimum street frontage of 220 feet. All other dimensional standards and setback requirements are met.
9. Wetland delineations and floodplain illustrations are noted on the preliminary plat.
10. The proposed plat is not affected by shoreland regulations.
11. The wetland areas are protected with drainage and utility easements at least one rod beyond the delineated wetland boundaries. Drainage and utility easements are also located adjacent to all property lines.
12. The wetland delineations have been approved by Rice Creek Watershed District.
13. Wetland buffers are illustrated on the plat.
14. Shared access is proposed for the two lots via the existing driveway to Lot 1, which is partially located on Lot 2.
15. Subsequent NPDES II permits will be required for any individual site grading that exceeds one acre.
16. The Planning Commission held a public hearing on the Aszmann Addition Preliminary Plat on June 21, 2017.

Aszmann Addition Final Plat Request Conditions of Approval:

1. Recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney, including a driveway maintenance agreement.
3. Recommendations of the Anoka County Survey Department.
4. Recommendations of the Rice Creek Watershed District.
5. Permanent wetland buffer plaques at intervals determined by the City.
6. Cash in lieu of park land dedication requirements.
7. Subsequent NPDES II permit(s) for any individual site grading that exceeds one acre.

Preiner's Preserve Drainage & Utility Easement Vacation

The next topic Mursko raised was a resolution for the Preiner's Preserve plat, in order to vacate a drainage and utility easement so that the developer can convert three (3) lots into two (2) lots.

**Motion by Peterson to approve Resolution 17-35, a resolution setting a Public Hearing on the vacation of a drainage and utility easement as described in the City of Columbus, Minnesota. Seconded by Daly. Motion carried unanimously.**

**8. Public Open Forum**

Lynn Carver-Quinn – 7540 172<sup>nd</sup> Lane NE

Carver-Quinn came forward to talk about the City's Comprehensive Plan and overall vision for the City. She said she was on another City's Planning Commission for 15 years and runs a business. In her mind, the Council should be actively approaching businesses they want to see in Columbus, and pitching proposals to them. She continued to say that the people of Columbus want new development that they can patronize, such as restaurants and coffee shops. Mayor Povolny replied that the Council has gone out and tried to secure similar businesses in Columbus. Carver-Quinn replied that she only sees "Land for Sale" signs around the City. Mayor Povolny said that is one part of the City's efforts to bring business to the community, and it is his belief that after the I-35 bridge project is complete there will be renewed interest in development and the area will change drastically.

Dan Mike – 15123 Hornsby Street

Mike came forward to follow up on his previous request to install a traffic control device at the intersection of Hornsby Street and Hwy 97. City Engineer Dennis Postler replied that this topic will be discussed during the Engineer's Report, later in the meeting.

Ron Hagraff – 9222 181<sup>st</sup> Avenue NE

Hagraff asked the Council if it would be possible to hold the November 15<sup>th</sup> Public Hearing on the LI zoning text amendment in a different location? He is concerned that the public cannot hear what is being said during meetings because the Chambers do not have a great audio system and it can be hard to hear when there are a lot of people in the room. Mayor Povolny agreed that it can be difficult to hear, and mentioned that there is money set aside to improve the audio/visual system in the Chambers at some time in the near future. Mursko commented that she knows of previous meetings which were held in the elementary school, and she is fine with a different location as long as she has enough time to publish it in the newspaper. Hagraff finished by saying any location is fine, so long as people can hear what others have to say. Mayor Povolny agreed, and reassured Hagraff that the audio situation will be addressed for the November 15<sup>th</sup> Public Hearing.

## **9. Campaign Finance Board Letter**

City Attorney Bill Griffith presented a letter to the Council that was sent by the Campaign Finance Board, in response to a letter that the City had sent regarding financial disclosures as part of membership on the Sunrise Watershed Management Organization's (SRWMO) board. Griffith summarized the letter by saying the Board understands and sympathizes with the City's position, but they still must do their job. They recommend speaking with the City's Legislators to promote change. Griffith also noted that the City's Legislators were copied on the letter. Mayor Povolny asked Griffith if the City could file an appeal to the judicial branch, asking for their interpretation of the Campaign Finance Board's rules on membership in the SRWMO? Griffith clarified that the Mayor is speaking about what is called a declaratory judgement, which would cost thousands of dollars to complete, without a guarantee that the judicial branch would agree with the City's opinion. He recommends that the City work with the League of Minnesota Cities, the Campaign Finance Board, and the City's Legislators to make a change in policy before going to the judicial branch. Griffith elaborated by saying it seems the Campaign Finance Board is sympathetic to the City's concerns, and reaching out to them could be a good place to

start. The consensus from the Council was that Krebs should not be required to pay the fine to SRWMO. Griffith recommended Krebs not pay the fine to see how things play out. Griffith added that the fine is against Krebs as an individual, and not as the City's representative. Mayor Povolny accepted Griffith's recommendation and said the City will wait to see what happens with the fine. In the meantime he will contact the City's legislators and see if they can come to a meeting to discuss the situation with the Council.

## **10. Columbus Tax-Forfeited Property**

At this time, Mursko presented a tax-forfeited property to the Council to ask if they would like to purchase the land. She said it looks like the property was platted at one time, but there is no house on it. Krebs said the property is on 170<sup>th</sup> Avenue NE and it appears to contain a lot of wetland. Overall the Council agreed that they were not interested in the land.

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

### **11. Engineer Report**

City Engineer Dennis Postler presented a report on five (5) different topics.

#### Neighborhood Meetings – 2018 Road Improvement Projects

Postler suggested holding two (2) neighborhood meetings for 2018 road paving projects, on the evenings of November 14<sup>th</sup> and November 16<sup>th</sup> at 7:00 p.m. He also recommended doing two (2) meetings each night (for a total of four [4] meetings), in order to break up the project based on neighborhoods. The Council agreed with this idea.

**Motion by Krebs to set neighborhood meeting dates for the 2018 road improvement projects on 11.14.17 and 11.16.17 at 6:00 p.m. and 7:15 p.m. both evenings, in the Columbus City Hall, 16319 Kettle River Boulevard. Seconded by Peterson. Motion carried unanimously.**

#### John's Black Dirt Next Steps

Postler reminded the Council that hauling from John's Black Dirt will end in June of 2018. He and Mursko are planning to have a meeting with John's Black Dirt and Forest Lake Contracting to discuss their exit strategy, and they are wondering if the Council would like a member to attend this meeting as well? Mayor Povolny replied that he thinks this is something City staff can handle without a Council Member, and the rest of the Council agreed.

#### I-35 Bridge Design Build and CSAH 54 Realignment Project

Postler, Mursko, and Public Communications Coordinator Jessica Hughes attended a meeting last Friday with MnDOT, Shafer Construction, the City of Forest Lake, and a communications sub-consultant to discuss the overall plan for communicating with the public about the project. Postler provided some highlights from the meeting for the Council. Starting in October of this year there will be intermittent lane closures on I-35. Also happening this fall/winter, Shafer will

be moving their dirt stockpiles closer to the Hwy 97 bridge. The I-35 design build project will begin on the freeway itself in 2018, north of Hwy 97. In 2019 work will be done on the Hwy 97 bridge and south on I-35. This will include a weekend where the bridge must be dropped and freeway traffic will be rerouted up and over off ramps. The goal is to keep at least one lane open on Hwy 97 at all times during the project (except for the one weekend where the bridge is dropped). The contractor also has the ability to close off ramps at the Hwy 97 bridge during 2019 for up to 40 days. Also, the Rice Creek Watershed District is requiring an erosion control and sediment permit for the Shafer land. To finish, Postler reported that I-35E will be closed this weekend from I-694 to the I-35 split, to do joint repair.

#### I-35/Hwy 97 NE Quad & Hornsby Street

At a previous Council meeting, the topic of a traffic control device at the intersection of Hwy 97 and Hornsby Street was raised. The Council directed Postler to look into MnDOT's plans for that intersection, as it is related to their I-35/Hwy 97 design build project. After speaking with MnDOT, Postler confirmed that they do not have any plans to add a traffic control device at that intersection. In terms of the process, MnDOT justifies the installation of new traffic signals by whether existing conditions meet at least one (of nine) warrants. They also require an Intersection Control Evaluation report which identifies the best intersection control through a comprehensive analysis of the technical, economic, and political issues of viable alternatives. City staff have formally requested that MnDOT analyze and consider a traffic signal at the new intersection of Hwy 97 and Hornsby Street. Although MnDOT's traffic signal warrants are based on existing conditions, they are also encouraging the City to provide any documentation of future traffic conditions based on projected development and proposed geometric revisions. As such, Postler recommends that a Traffic Impact Study be performed for this intersection and overall area. A Traffic Impact Study will include analysis of existing traffic volumes, geometrics, and accident history, as well as modeling projected traffic volumes based on proposed development and new geometrics. The estimated cost to complete this analysis is \$16,500, which is a quote given by a traffic engineer. Council Member Duraine asked Postler how long it takes for the study to be completed? Postler replied that it would be roughly 3-4 weeks from start to finish. Mursko recommended that money for the study be taken from the money the City received from Shafer Contracting for their land rental. Mayor Povolny asked if its possible MnDOT would recommend a roundabout for that intersection? Postler said that it is possible. Mayor Povolny asked who would be responsible for installing the traffic control device? Postler replied that that is an entirely separate question, and cannot be answered until the bonding bill issue with Anoka County is resolved.

**Motion by Krebs to direct City Engineer Dennis Postler to perform a Traffic Impact Study for the future Hwy. 97 and Hornsby Street intersection and surrounding area for a not-to-exceed fee of \$16,500. Seconded by Daly. Motion carried unanimously.**

#### Woodland Development Letter of Credit Reduction

The next topic was a request from Woodland Development Corporation, the developer of Preiner's Preserve, for a second reduction to their Letter of Credit (LOC) based upon the amount of work completed to date. Postler has reviewed the quantities completed to date per the contractor pay requests, and have determined that a LOC reduction in the amount of \$253,997.80

is warranted at this time.

**Motion by Daly to approve Woodland Development's Letter of Credit reduction in the amount of \$253,997.80. Seconded by Peterson. Motion carried unanimously.**

## **12. Attorney Report**

At this time, Mayor Povolny closed the meeting.

### CLOSED MEETING DISCUSSION – NE & SE QUAD LAND

This portion of the meeting is CLOSED under Minnesota Statutes Section 13D.05, subd. 3(c); to develop or consider offers or counteroffers for the sale of City-owned Quad 35 property (NE & SE quadrant). Separate minutes are prepared.

Mayor Povolny reopened the regular City Council meeting at 9:30 p.m.

## **13. Mayor and City Council Member's Report**

### Mayor Dave Povolny

Mayor Povolny commented that the situation with the asphalt plant and how the City plans to use the freeway district corridor is a very important issue, and he hopes that the Public Hearing on November 15<sup>th</sup> goes well.

### Council Member Duraine

Council Member Duraine attended the most recent Cable Commission meeting, where they discussed personnel policy. The topic of audio/visual upgrades to the Columbus Council Chambers was not raised.

### Council Member Daly

No report.

### Council Member Peterson

No report.

### Council Member Krebs

No report.

## **14. Public Works Report**

No report.

## **15. Public Communications Coordinator Report**

Mursko reported that after the previous week's meeting about the I-35 design build project, she thinks it would be smart for representatives from MnDOT and the communications sub-consultant attend a City Council meeting to discuss their approach for communicating with the public about events related to the project. They said they would be able to attend the November 20<sup>th</sup> Council meeting, and Mursko is asking if the Council would like to host them? The Council replied that yes, they would like to hear from them at that meeting.

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

Mursko is asking the Council about the December meeting's calendar. December 13<sup>th</sup> will be the truth in taxation meeting, which is the same date as a Council meeting. Looking at the office hours around Christmas; Christmas is a Monday, which makes Christmas Eve a Sunday. Typically, a Sunday holiday is observed on Monday, which is not possible this year. City staff prefer to take off Tuesday December 26<sup>th</sup>, rather than Friday December 22<sup>nd</sup>. The Council agreed to close the office on Tuesday, and staff would take a half day of holiday hours and a half day of vacation hours.

**Motion by Duraine to close the City Offices on 12.26.17 in observance of Christmas Eve. Seconded by Daly. Motion carried unanimously.**

The second topic relating to the December calendar is whether or not the Council would like to have a meeting on December 27<sup>th</sup>. In previous years the second City Council meeting in December has been cancelled due to the holidays.

**Motion by Povolny to cancel the 12.27.17 City Council meeting. Seconded by Daly. Motion carried unanimously.**

The last topic in the City Administrator's report was a drainage and grading plan for the NE quadrant land for sale. City staff are recommending starting on the grading and drainage plan for that quadrant now, in an effort to sell the land as soon as possible. Duraine expressed his opinion that it was too early in the process to do a drainage and grading plan. Mursko replied that it will be very difficult to sell the land if the City does not know where the water is going. Mayor Povolny and Council Member Daly both commented that they believe it should be done, but asked how much it would cost? Postler replied that the rough estimate is between \$22,000 and \$23,000. Griffith commented that it will be impossible to conclude negotiations on the land sale until the drainage and grading plan is complete. Mayor Povolny agreed, but also said the City should only pay for the bare minimum which must be done to sell the property. He asked Postler to come back to the next meeting with a detailed breakdown of the costs for the drainage and grading plan for the Council to consider. Postler replied that he would do so.

## **E. ANNOUNCEMENTS & REMINDERS**

**The next Planning Commission meeting is 10.18.17  
Calendar of Meetings.**

**F. ADJOURNMENT**

**Motion by Daly to adjourn. Seconded by Krebs. Motion carried unanimously.**

**Meeting adjourned at 9:43 p.m.**

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator