

**City of Columbus**  
**Regular City Council Meeting**  
**10.23.19**

The 10.23.19 meeting of the City of Columbus City Council was called to order at 7:01 p.m. by Mayor Preiner at the City Hall. Present were Council Members Janet Hegland, Jeff Duraine, Denny Peterson, and Shelly Logren; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: William Norton, Deb & Joe Pribyl, John & Julie Seibert, Kris King, Paul Peskar, Cindy Angel, and Arlen Logren.

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:01 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. Motion – Agenda Approval with Additions**
- 4. Motion – Approval of 03.13.19 City Council Meeting Minutes**
- 5. Motion – Approval Resolution Hazardous Mitigation Plan (RES 19-28)**
- 6. Motion – Approval Publication Summary PUD Ordinance**
- 7. Motion – Pay Bills as Posted**

**Motion by Peterson to approve the consent agenda items 3-7. Seconded by Hegland.  
Motion carried unanimously.**

**C. PRESENTATIONS**

**8. Public Hearing and Discussion – Running Aces Harness Park Hotel Liquor License**

At this time, Mayor Preiner opened a Public Hearing on Running Aces Harness Park's (RAHP) Liquor License application.

John Seibert came forward to represent RAHP. Due to the construction of a hotel on the site, he is requesting a revision to the current license. The intent is to allow guests in the casino and hotel areas to travel between the two with alcoholic beverages.

Seibert said that they have not had issues with people leaving the premises with alcohol, and he attributes that to a good monitoring system. They have security guards and a 24-hour camera system, including a control room with security guards monitoring activity.

RAHP is aware that, as part of extending the license, the area where drinks may be carried through must be contained. There will be a fence extending from the corner of the hotel to the racetrack area. There will also be a link between the hotel and the casino designed as a walkway from the parking lot to the racetrack. This is intended to allow customers to pass directly from the parking lot to the racetrack. The doors to this link would only be open during racing hours.

The only condition in the Attorney's memo that RAHP is concerned about is the requirement of

posting a guard at every exit point during times when alcohol is being served. Seibert is recommending striking language in the agreement that requires “posting” and replacing that word with “monitoring”.

Griffith noted some changes that were already made to the memo. A change was made in terminology from “security guard” to “security personnel”. This is because of the understanding that trained servers can function as security personnel, giving RAHP more flexibility on security requirements. An additional change was made to clarify that the President/CEO or food and beverage manager must certify the requirements for alcoholic beverage services and the security arrangements.

Griffith continued to provide some history for the Council on the license. As they were previously operating under a restaurant license, there was a requirement that all areas where alcohol was to be served would be compact and contiguous. For the past 12 years, the City has consistently required posting of security personnel at various entrances, which has worked well for the facility. In order to allow RAHP to serve guests at an outdoor patio, the City required employees to be posted at entrances with additional cameras, to ensure that customers were not leaving the premises with alcohol. Years later when RAHP added the trout fishing pond, where alcohol was also to be served, the City required similar precautions such as fencing, gates, and monitoring of the gates by security when service occurred outside.

In order for RAHP to now serve alcohol at both the restaurant and the hotel, the restaurant license is being changed to a hotel license. However, there is still a breezeway in the facility that will be open to both the parking lot and the racing area. Griffith’s recommendation after reviewing the license materials was to require monitoring of this breezeway by security personnel on race days. The existence of this breezeway and access to the parking lot creates a problem with the compact and contiguous requirement of the license. Requiring security personnel at the breezeway exits would help ensure that RAHP is in compliance with the compact requirement.

Hegland asked if there are cameras posted in the walkway? Seibert replied that there are, in both directions.

Mayor Preiner asked Griffith what the definition of a security personnel is? Griffith replied that it is any server who is trained to spot overconsumption or underage drinking. Mayor Preiner asked if the City performs inspections of the security personnel? Griffith replied that generally the City does not, but reiterated that having posted security personnel has been a consistent requirement since RAHP has had a liquor license.

Griffith continued by asking why the applicant is asking for deviations to the security requirement? His understanding is that RAHP anticipates that people will not be drinking the breezeway regularly. The area is not set up well for customers to drink alcohol, especially because it is a direct access point to the parking lot and racetrack.

Seibert commented that RAHP will have roving security throughout the complex that could respond to anyone attempting to take alcohol where it is not allowed. Griffith said that with their operations growing, his recommendation is to not make changes to the posted security requirement. Seibert replied that it would be too restrictive to require security personnel to be

posted. They would prefer to allow them to be mobile around the facility.

Hegland noted that City Staff already removed the word “posted” in condition 1, allowing security personnel to be mobile. She added that she would prefer that the memo included a definition of security personnel to make it clear that RAHP has some flexibility in which employees can act as security. Griffith replied that he will add “and/or trained servers” after the term “security personnel” to allow for more flexibility.

At this time, Mayor Preiner closed the Public Hearing.

Mayor Preiner asked Griffith if he is comfortable with the changes? Griffith replied that he is confident there will be sufficient monitoring with the changes. The amendment to condition 1, will change the language to say, “...gated entrances and exits with security personnel and/or trained servers at each such entrance.” This amendment will also be made to condition 9 where it will read “...provide adequate security personnel and/or trained servers...”.

**Motion by Hegland to approve the North Metro Harness Initiative dba Running Aces Casino, Hotel, & Racetrack Liquor License at 15201 and 15215 Zurich Street, subject to Conditions 1-10, as outlined in Exhibit B of the City Attorney’s memo (dated 10.23.19), and the amendment to Condition 1 carrying through to 9. Seconded by Peterson. Motion carried unanimously.**

Running Aces Harness Park Liquor License Application – City Attorney Memo  
Conditions:

1. The license is for the clearly defined Licensed Premises as submitted in the diagrams in Exhibit A (areas identified as A1: Running Aces first floor; A2 Outdoor Apron; A3: Fenced Grassy Area; A4: Trout Pond; and A5 Hotel)(together the “Licensed Premises”), including gated entrance and exits with security personnel and/or trained servers at each such entrance/exit during times when liquor service is available.
2. NMHI must continue to meet all additional liquor license conditions set forth in the City Code, Section 4-517.
3. There will be no alcohol allowed on the grounds anywhere outside the Licensed Premises, unless otherwise permitted by a catering license.
4. The President and CEO of NMHI or its food and beverage manager must certify that: 1) all personnel associated with dispensing or serving alcoholic beverages; and 2) all security personnel ~~posted at~~ monitoring gated entrances and exits be trained using the an alcohol services training program, which must consist of Training for Intervention Procedures (TIPS); Alcohol Liability Education Training (ALE); or Selling Alcohol Legally, Effectively, and Safely (S.A.L.E.S).
5. This license is subject to compliance with all applicable federal, state and local laws, rules and regulations, including without limitation, licensing regulations for restaurant operations, gambling operations and concessions.
6. Quarterly Utility payments must be made in a timely manner.
7. NMHI must adequately fence and secure all exterior areas of the Licensed Premises where liquor sales and consumption will be allowed.
8. NMHI will ensure that all areas of the Licensed Premises, including outdoors, will be monitored by surveillance cameras during the hours in which alcoholic beverages are

served.

9. NMHI will provide adequate security personnel and/or trained servers as dictated by conditions. Current staffing levels will be monitored and increased if necessary.
10. NMHI will provide additional screening along the existing fence that runs parallel to the parking lot to ensure that no transfer of alcohol occurs outside the gated area.

The second item for RAHP's approval is the Food and Liquor Vender Service Agreement. This agreement will relinquish the restaurant license and replace it with a new license that covers both the hotel and the restaurant. All alcohol sales will be managed by the North Metro Harness Initiative (NMHI). Griffith explained that both RAHP and NMHI will need to sign the agreement.

Mursko asked, since the hotel is not officially open, when the license will go into effect? Griffith explained that the restaurant license will be relinquished once operations are inspected, personnel are trained, and adequate food service is implemented. City Staff will work with the Building Official to determine when those items are complete, and the date on the license will be updated to reflect the actual start date. The license will expire one year from that date.

**Motion by Hegland to approve the NMHI Food and Liquor Vendor Service Agreement, as required to have a liquor license for Running Aces Hotel, Casino, and Racetrack. Seconded by Logren. Motion carried unanimously.**

## **9. Planning Commission Report**

Kris King came forward to give the Planning Commission report from their 10.16.19 meeting. The majority of their discussion at this meeting was about the text amendment to the City's Sign Regulations Ordinance.

At a previous Council meeting, direction was given to request that billboard companies operating in the area bring the Planning Commission examples of alternative designs for billboard supports. No company submitted designs, but they did send letters talking about what the City could install on their own to enhance the billboard supports. The Planning Commission made the decision to continue requiring the billboard companies (not the City) to install enhancements on billboard supports.

The Planning Commission discussed having a consistent look to the billboards with stone colored bricks and signage. A discussion with the City Engineer will need to occur to discuss cost for updating the current signs, taking into consideration the condition of their foundations and wind loads.

As the moratorium on billboards began one year ago, a final report has been completed and approved by the Planning Commission. The Planning Commission has also developed some criteria for billboard support designs which will be presented to the Council at a later date.

Mursko asked City Engineer Dennis Postler what it would take to put a column over the billboard's support structure? The goal would be to enhance the design of support columns without increasing the cost exponentially. Postler replied that he has not looked into that question, but in general it would depend greatly on the type of material used. If the design elements for the support structure

are free standing, they would act like a façade and likely would not affect the structural integrity of the supports. Mayor Preiner asked what the effect would be if they required brick materials? Postler said that he would have to consult a structural engineer but reiterated that attaching the material to the supports would have a different effect than a free standing façade. If they went with a free-standing design, the question is whether the concrete pad underneath the billboard could support the structure.

Hegland asked what date the moratorium ended? Mursko replied that it ended on 10.18.19. Hegland followed up by asking if the City is now required to accept new applications for billboards? Griffith replied that the Council would be required to consider new applications under the current ordinances because the moratorium cannot be extended. Mayor Preiner noted that no billboard permits will expire until next year. Griffith finished by noting that the ordinance is almost complete, so the Council could approve it and then work with the billboard industry to amend it in the future.

The Council agreed to consider the ordinance again at their next meeting, after the Planning Commission has had the opportunity to finalize design criteria for support structures.

**Motion by Hegland to accept the final Billboard Report from the Planning Commission. Seconded by Logren. Motion carried unanimously.**

King added that the Planning Commission has continued discussions on the mixed-use ordinance and design guidelines. She said they are getting closer to finalizing the draft and will be bringing their recommendations to the Council at a future date.

#### Comprehensive Plan

Mursko reported that the Met Council found some issues with tables included in the City's Comprehensive Plan Summary Statement. The tables will be updated by City Staff and incorporated when the City Code is updated.

#### Bare Home CUP Amendment Application

King reported that the Planning Commission passed along the Bare Home CUP Amendment application. They felt as if the building elevations that were submitted did not meet their expectations. It was decided that two Council Members should meet with the applicants to discuss. This meeting has occurred, but new building elevations have not yet been submitted. As such, a 60-day extension letter was sent to the applicants and discussion will be continued to the 11.13.19 meeting.

**Motion by Hegland to continue discussion on the Bare Home CUP application to the 11.13.19 meeting. Seconded by Peterson. Motion carried unanimously.**

#### Viking Industrial

King also reported that the Viking Industrial CUP for PUD application has outstanding items regarding access that will need to be addressed.

Mursko reported that there was a meeting at Anoka County today, looking at short- and long-term plans for access to the site. The applicant accepted a right in and right out scenario, with the understanding that the City may build a fourth leg north of the intersection of Zurich Street and Lake Drive. Discussions were had about cost, traffic lights, and traffic light alternatives. She noted that a roundabout in this location was likely ruled out.

The County said that there is nothing indicating that U-turns at the Zurich Street and Lake Drive intersection would not be allowed. However, the applicant is open to the idea of adding updates to the intersection to allow more space for U-turns.

Mursko also noted that a development agreement would be required to outline the short- and long-term plans for access.

Mursko continued to say that the Council also had a discussion at today's workshop about details regarding possible future backage roads in this area. Hegland said that the Council has several questions to discuss with applicants to ensure that they are aware of outstanding questions that relate to this parcel.

At this time Aaron Waller, R.J. Construction, Mick Carmichael, Alliant Engineering, and William Norton, President of Viking Industrial, came forward to represent the applicant.

The first of the Council's concerns was that the driveway to properties northeast of Viking Industrial's proposed location is partially located on the property. Aaron Waller from R.J. Construction Inc. said that Tom Norton has sent correspondence to the property owners regarding this issue, but he is not sure if they have heard back. Waller said they are seeking a mutually agreeable solution, with the understanding that the driveway would likely need to be moved. The applicants are considering a shared access agreement for their driveway, which would allow them to use the same driveway as Viking Industrial and would decrease the number of driveways on Lake Drive.

The second concern relates to public utilities. There are sewer and water lines that may not have enough cover (are located too shallow). Postler said that the area where the utilities are located cannot be driven on or paved. Mursko said that there is not an easement for the utilities. Waller responded that he doubts there is an issue with the depth of the utilities, and regardless, the street's elevation cannot be changed. Because of that, he is not anticipating that the driveway will have to be moved very far.

The third issue is overhead power lines. A set of supports for the power lines are located very close to the proposed right in and right out driveway location. Mursko asked if there has been a conversation with the power line owners, and whether they have concerns? Waller said that they have had a brief conversation with them. They indicated that there is no issue with the proposed location of the driveway, and the support poles are located outside of the drive lane.

The next concern is with Viking Industrial's customers and delivery trucks taking U-turns at the Zurich Street and Lake Drive intersection. The intersection is very tight for making U-turns. Waller reported that he was able to complete a U-turn at this intersection in a full-sized SUV.

Mayor Preiner asked the applicants if they would be willing to pay for widening Lake Drive on the south side, in an effort to allow more space for U-turns? Norton replied that they would be willing to do so. Waller noted that an alternative approach could be to tell all delivery trucks that they are not allowed to take U-turns at that intersection but finished by saying paying for widening the road is not out of the question.

The fifth issue has to do with truck traffic proposals. The issue is Zurich Street's designation as a No Truck route. This means that any vehicle over 26,000 pounds per axle would not be allowed to drive on it. Many of Viking Industrial's delivery vehicles would not be allowed on Zurich Street due to this designation. The applicants had suggested a local delivery exception, where if drivers can prove that they just made a local delivery to Viking Industrial, they could use Zurich Street. The Council is amenable to this idea. Norton said that they will be averaging three delivery trucks per day.

Another concern is that the house which is located on the property encroaches on the property to the west. Mursko asked if their intention is to demolish the entire house? Norton replied that they would like to do so and are working on making that happen.

The next issue has to do with long term plans for the backage road. Mursko wanted to put the applicants on notice that if the road is built, the City will have to look at the northern 30 feet of Viking Industrial's property, spanning the length of the property, for a future east-west roadway.

Relating to the backage road, is the long-term plan for configuring the lot. If the current long-term plan is to build a fourth leg of the intersection for access, Viking Industrial's right in and right out driveway would be closed. With that in mind, Mursko encouraged the applicants to configure their property so that a right in right out driveway onto Lake Drive and a northern access point to the new backage road would each be feasible. Norton replied that they will be able to handle this concern, and Waller added that it appears like they would only need to slightly modify the parking lot.

Mursko continued by noting that Viking Industrial has indicated on their Site Plan that a pond would be located on the northern end of the property. The location of this pond could be problematic when the backage road is built, considering the 30 feet of the property that would need to be purchased by the City for the road. Waller replied that this could be a problem because the development requires a stormwater retention tank system stored on site, and the best location for that is the north end of the property. Postler replied that it could be possible to keep the pond on the north side if they can handle losing some of the area planned for a future expansion. Waller said this could compound the issue because the size of the pond is based on the amount of impervious surface on the property, and the planned expansion would require additional impervious surface for parking. However, Waller finished by noting that they are open to finding a solution such as subsurface tanks if the pond has to move.

Griffith noted that before the backage road is built there will be a development impact analysis done to understand the cost impact on properties. Staff will work to minimize impact to properties, and if a developer is required to relocate a pond the cost will be worked in to the overall road project cost. Mursko asked Postler if there might be a way to create one large pond that will handle stormwater from both the Viking Industrial development and the new road? Postler replied yes,

that a regional pond could be designed to deal with the area as a whole. However, if the City wanted to go this route, they would need to start considering things like purchasing right-of-way soon, as the process will take some time. Griffith finished by noting his confidence that these considerations can be handled properly with a developer's agreement. He added that because he saw general concurrence on the issues raised tonight, that will also be incorporated into the developer's agreement.

Waller asked if the City has considered placing the fourth leg of the intersection on the 9155 Lake Drive property? Griffith said that the City is not foreclosing any options at this time.

In terms of elevations, Waller noted that they have been updated to show the remaining elevations in color;  $\frac{3}{4}$  of the building is charcoal grey and the other quarter is a white precast panel that contrasts well with the grey. The materials are maintenance free and do not require painting. Waller also noted that the west elevation is most favorable for facing Zurich Street. Griffith requested that the applicants submit a new copy of the elevations with the date of the most recent updates.

Norton finished by saying they are closing on the property tomorrow and they are eager to get going on the project, despite any contingencies or issues that may arise.

**Motion by Logren to approve, based on adopting the findings of fact 1-33 in the Planner's Report (dated 09.25.19), the CUP application for a Planned Unit Development at 9203 Lake Drive; approving the site plan and allowing construction of a supply and safety equipment retail store, corporate office and warehouse facility with the deviation from the design standards in the Community Retail district consistent with the application submittals (dated 08.19.19) and building elevations (dated 10.23.19), subject to the Engineer's Report comments (dated 10.02.19) and conditions 1-21 as outlined in the Planner's Report (dated 09.25.19), with the additional condition that "Public right of way access by this business and future businesses be further discussed with the applicant", Anoka County and City Staff to determine if alternatives for access by this business and future businesses can better be accommodated. Seconded by Peterson. Motion carried unanimously.**

Viking Industrial CUP for PUD Application - Planner's Report Findings of Fact:

1. The City received a PUD CUP application from Viking Industrial Center ("Viking") on August 28, 2019, which was supplemented on September 18, 2018. The application was found complete.
2. The 60-day review period ends on November 17, 2019 and the 120-day review, if necessary, ends on January 15, 2020.
3. The PUD CUP is for a construction supply and safety equipment retail store, corporate office and warehouse facility.
4. The property is located at 9203 Lake Drive NE ("Property") and is currently zoned CR Community Retail.
5. Adjacent properties to the north, east and south are zoned CR Community Retail. Properties to the west are designated Mixed Use - Medium Density in the 2040 Comprehensive Plan and subject to future rezoning.
6. The Property contains approximately 3.82 acres in area, net of right-of-way.

7. Public utilities are available to serve the Property.
8. There is an existing residence, two outbuildings and two driveways on the Property.
9. There is also a shared private driveway, which encroaches on the easterly side of the Property, serving two residences to the north of the Property.
10. There is an 11,576 square feet wetland delineated on the Property. Notice of the wetland delineation has been published by Rice Creek Watershed District (“RCWD”). An application for wetland replacement has been forwarded to RCWD and the US Army Corps of Engineers for review.
11. A 200-foot-wide overhead powerline easement encumbers the southeasterly portion of the property.
12. Viking proposes to construct a 30,064 square feet building on the Property, and a potential future 9000 square feet expansion to the north is identified.
13. The proposed building includes approximately 4800 square feet of retail space, approximately 4800 square feet of office space and approximately 20,400 square feet of warehousing.
14. All minimum building setback requirements are met.
15. The building is approximately 29 feet in height, with 2-foot-high parapets on the building corners facing Lake Drive extending above the roof line.
16. The proposed building exterior is primarily pre-cast exposed aggregate with burnished block and ACM panels on the southerly street exposure and burnished block wrap-arounds on the southerly 48 feet of the east elevation and along the southerly 88 feet of the west elevation. The “Viking” name is represented on the parapets extending above the roof line at the southwest and southeast corners of the building, facing Lake Drive.
17. The current design standards in the CR District are “primarily face brick with combinations of other materials that do not detract from the overall appearance of brick structures.” While the purpose of a PUD is to allow flexibility in the overall development of a site or project, a PUD is not intended to compromise “the quality of the appearance or construction of residential or commercial development,” including design standards.
18. The City is currently establishing new design standards for mixed use developments. Those standards will be applicable for the development of the properties to the west of the Viking Industrial Center. The City may also revisit the design standards currently in the CR District. It may be appropriate to require modification of the proposed Viking exterior building materials to be complementary with the new mixed use district design standards.
19. The preliminary building [plans do not identify any rooftop mechanical systems.
20. Access to the Property is proposed via a single right-in/right-out access on Lake Drive on the easterly edge of the Property. This access would also serve the existing shared private drive. A right-in/right-out access severely limits normal vehicle movements entering and leaving the Property, particularly truck movements.
21. Viking has submitted an application for access to Anoka County Highway Department.
22. Proposed site grading and development of the Property conflicts with the existing location of the shared private drive, which encroaches on the Property.
23. The westerly side of the Property aligns with the easterly edge of the Zurich Street NE right-of-way. The City developed a concept plan for the extension of Zurich Street to the north. Such an extension could initially serve the Property and ultimately provide safe and efficient access for all properties to the west and north.

24. Customer and employee parking are proposed to be constructed on the south side of the building. The parking stalls meet the minimum 10 feet by 20 feet dimensions and 24 feet minimum parking aisle.
25. Based upon ordinance requirements, 24 stalls are required for the retail use, 24 stalls are required for the office use, and 10 stalls are required for warehousing, totaling 58 minimum parking spaces.
26. The site plan identifies 37 parking spaces to be constructed immediately, including two ADA accessible spaces, and 32 “proof of parking” spaces located on the west side of the building. The 69 total possible parking spaces shown provide adequate parking for the use of the Property, including the potential future 9000 square foot building expansion.
27. A large truck delivery and maneuvering area with access to the loading docks is located on the easterly side of the building.
28. Total site coverage of impervious surface is approximately 40.6%.
29. The landscape plan identifies the plantings of 20 deciduous trees, 10 conifers, 118 broadleaf and coniferous shrubs, and 88 perennial flowers and grasses. Landscape quantities are consistent with ordinance requirements.
30. The grading plan reveals the total clearing of existing trees on the Property. There are no new plantings illustrated on the west side or north side of the Property. It would appear appropriate to add landscaping along all property lines.
31. An outdoor trash enclosure is identified adjacent to the building on southeasterly side near the loading docks. A “sample illustration” for the type of enclosure identifies a composite wood fencing alternative.
32. A detailed site lighting plan was not available for immediate review; however, the applicant has noted that the site lighting will be comparable with the style and height of lighting approved for the Hy-Vee Fast & Fresh development.
33. The Planning Commission held a public hearing on the PUD CUP on October 2, 2019.

Viking Industrial CUP for PUD Application - Planner’s Report Conditions of Approval:

1. The PUD CUP is contingent upon the review and recommendations of the City Engineer.
2. The PUD CUP is contingent upon the review and recommendations of the City Attorney.
3. The PUD CUP is contingent upon the detailed building plan review and recommendations of the Building Official.
4. The PUD CUP is contingent upon the review and recommendations of the Fire Department.
5. The PUD CUP is contingent upon the review and recommendations of the RCWD.
6. The PUD CUP is contingent upon the review and recommendations of the Anoka County Highway Department.
7. Development of the Property shall be consistent with the PUD CUP application documentation for Phase 1, including but not limited to, the City PUD CUP application forms and Narratives, dated August 19, 2019 and received August 28, 2019; “Viking Industrial Site Plan Review Submittal” (plan sheets C-0.0 through L-1.1), dated August 19, 2019 and received August 28, 2019; and Wetland Delineation and Joint Application for Wetland Replacement, dated August 28, 2019 and received on September 18, 2019;

- subject to modifications by the approving authorities prior to permitting.
8. Phase 2 development on the Property will be subject to subsequent PUD CUP amendment review and approval by the City.
  9. Approval of the PUD CUP does not eliminate the requirement for obtaining any other permits and approvals as may be required by City, watershed, county, or state laws, rules, ordinances, and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, and sewer and water system permits.
  10. The PUD CUP is approved with a “proof of parking” provision, which identifies a total of 69 parking spaces that may be constructed on the Property but includes only 37 spaces to be installed, initially. Upon a finding by the City that additional parking is needed and upon reasonable notice, Viking shall improve the additional parking spaces.
  11. All exterior site and building lighting shall be shrouded and directed away from adjacent properties and public streets and shall be reviewed and approved by the City Engineer and Building Official prior to installation.
  12. Any rooftop mechanical systems shall be fenced or screened with materials compatible with the building exterior.
  13. Signage on the Property requires administrative review and permitting by the City.
  14. Screening for the outside trash receptacle(s) shall be subject to subsequent detailed plan review and approval by the City.
  15. The landscape plan shall be resubmitted for review and approval by the City for the inclusion of landscape screening along the westerly and northerly property lines.
  16. The proposed exterior building elevation design must be approved by the City Council, or Viking shall submit exterior building elevation modifications to the City for review and approval.
  17. The proposed right-in/right-out access to the Property, including the shared private driveway access of two adjacent property owners, must be approved by the City Council. Alternatively, the City could take the lead on establishing a full access opportunity for the Property with an interim extension of Zurich Street to the north of Lake Drive.
  18. The construction of all improvements and eventual operations on the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
  19. 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. The City shall notify regulatory authorities that have issued licenses or permits in connection with the PUD CUP of any such revocation.
  20. Viking shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the PUD CUP, including reasonable attorneys' fees and consultant fees.
  21. Viking 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.
  22. Public right of way by this business and future businesses be further discussed with the applicant.

## Viking Industrial CUP for PUD Application – Engineer’s Report Comments:

### Layout:

1. An existing shared gravel driveway serving two residential properties to the north of this development encroaches onto the eastern edge of this site. Proposed site improvements for this development conflict with the existing driveway. Who will relocate/reconstruct the driveway to its correct location?
2. The proposed driveway improvements provide for "Neighbor Access to Remain". This means the relocated existing shared gravel driveway will access this development's new paved driveway access. This proposed driveway is right-in, right-out only access for the development, which will result in right-in, right-out only access for the existing residences. Are they aware their full access will become right-in, right-out only access?
3. The proposed driveway access to Lake Drive (CSAH 23) for this development encroaches in front of the undeveloped lot to the east. We recommend the driveway be located further west to allow for flexibility for the driveway access location for the future development of the lot to the east.
4. Lake Drive right-turn lane plans have been submitted to the Anoka County Highway Department for review. This turn lane will likely need to be extended further east when that lot is developed. A concept plan has been received for this lot, showing a driveway location slightly left of center of that lot's dimensions.
5. Consideration could be given to alternative access locations/configurations for this development:
  - a. A shared common driveway could be utilized by this development, the future development to the east, as well as the existing residences to the north. This would result in one access point to Lake Drive, vs. two that will end up being fairly close together.
  - b. The City Planner makes note in his report that the City had developed a concept plan for extending Zurich Street to the north. Zurich would extend north, teeing into two cul-de-sacs that would serve all the properties on the north side of Lake Drive in this vicinity. This would eliminate any new driveway accesses onto Lake Drive, resulting in better controlled, and presumably safer, access locations. However, this would require right-of-way acquisition from the parcel west of this site, and several other parcels, would likely be a public street improvement, possibly with utility extensions, and also require modifications to the existing traffic signal on Lake Drive to convert the three-way intersection into a four-way.

### Grading and Drainage:

6. The development is proposing a stormwater pond in north/northeast corner of site. A proposed flared end outlet and rip rap is outside of the property lines, and needs to be located within the development boundaries. Additionally, this outlet exits onto, or very near to, the existing residential gravel driveway to the north.
7. A 12" CMP culvert is proposed under the proposed driveway for the Lake Drive ditch. Confirm with Anoka County the size and material required for this culvert.

### Utilities:

8. Existing 6" sanitary sewer and 6" water services for this lot are located near the

- southwest corner. It appears a 1" corp stop, curb stop and pipe were constructed at the end of the 6" water service and connected to the existing house. This development is proposing not to use the existing services.
9. Site Utility Plans show construction of a new sanitary sewer service connecting to existing Manhole 40-2. Due to the deep depth of the existing manhole, they are proposing to utilize an internal drop. City Public Works should be contacted to determine if this is acceptable.
  10. Site Utility Plans show construction of a private 8" water service (with a 6" hydrant on site) connecting to an existing 8" water service stub. This existing 8" water service is located in the driveway right-of-way for the residential lots, and presumably provided for future development of those lots to the north.
  11. Proposed development should use the existing services provided if at all possible. A note is included on the Site Utility Plans to "Remove existing watermain service (per Columbus requirements) ..... " We recommend if the existing services are not going to be used, to not remove them, and abandon them in place to avoid disruption to Lake Drive.

Permits/Approvals:

12. A Minnesota Wetland Conservation Act - Notice of Decision has been approved by the RCWD.
13. A Joint Application Form for Activities Affecting Water Resources in Minnesota has been submitted to the RCWD and the USACE for wetland impacts. The project will impact the entire existing wetland on site. The applicant proposes to purchase wetland bank credits for mitigation. Approval is pending.
14. Stormwater calculations have been submitted. Approval from RCWD is pending.
15. Lake Drive right-turn lane plans have been submitted to the Anoka County Highway Department for review. Approval is pending.
16. Five soils borings and six test pits logs prepared by Braun Intertec have been provided.

## **10. Public Open Forum**

No report.

## **11. Rice Creek Watershed District Appointment**

According to a notice published by Anoka County, a term for manager on the Rice Creek Watershed District Board of Managers is expiring at the end of 2019.

**Motion by Hegland to send a letter of support for Patricia Preiner to Anoka County for reappointment to the Rice Creek Watershed District Board of Managers. Seconded by Logren. Motion carried unanimously.**

## **12. Columbus 2040 Comprehensive Plan**

Mursko presented a final copy of Columbus' 2040 Comprehensive Plan for approval by the Council.

**Motion by Hegland to approve Resolution 19-30, a resolution approving the Columbus 2040 Comprehensive Plan. Seconded by Peterson. Motion carried unanimously.**

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

### **13. Engineer Report**

City Engineer Dennis Postler provided a brief update on transportation projects in the City. Hornsby Street north of TH 97 has all been graveled. When weather improves curb and gutter will be installed and then paving will take place. Also, the SW utility extension project is still underway.

### **14. Attorney Report**

#### Development Agreement for Thurnbeck Preserve.

Mursko provided some background on the Thurnbeck Preserve development agreement. This project involves a public improvement on Furman Street, which the developer will be providing funds to the City for. Griffith noted that the improved Furman Street will be turned over to the City upon completion by the developer.

Public Works Superintendent Jim Windingstad said that the question that the Council will have to consider is whether they would like bituminous to be laid until the end of the project, or if bituminous should continue all the way to 165<sup>th</sup> Avenue NE. Extending the bituminous to 165<sup>th</sup> Avenue NE would require assessing benefitting properties and holding a neighborhood meeting. The developer would inform the City how much they would be willing to contribute if bituminous was extended that far.

Mursko continued to say that the developer is using piezometers to obtain elevations for homes in the development, as they did in the first phase of the project. However, piezometers were not used for accessory buildings. The developer is requesting the use of piezometers for accessory buildings. The original piezometer readings on the property showed 5 feet above mottled soil (the building code requirement for accessory buildings is that the foundation is laid at least 2 feet above mottled soil). City Staff agreed that they would feel comfortable approving accessory building locations outlined in the developer's agreement that have piezometer readings of at least 5 feet to mottled soil.

Griffith also noted that some flexibility was granted to the developer for the ability to construct homes on partially improved streets. Postler replied that was correct, and this flexibility will depend on the timing of homes being built. Essentially, if heavy equipment is going to be driven on the partially improved road, two lifts of asphalt is required. Griffith followed up by saying if the developer would rather utilize a gravel base, they would have to work with Postler to ensure that the base can make it through the season.

Mursko finished by noting the project is in two watershed districts, Sunrise River Watershed Management Organization (SRWMO) and Rice Creek Watershed District (RCWD). As such a Joint Powers Agreement was prepared, approved, and included in the developer's agreement.

At this time Tom Carlisle, developer, came forward to discuss with the Council. The first topic raised was the two lifts of asphalt, as Carlisle's understanding was that they would be able to get the majority of homes built before a second lift is added. Postler replied that after discussing with Windingstad, Staff agreed that they were going to require two lifts before homes are built in an effort to reduce damage to the first lift. Carlisle continued to say that he has concerns about this requirement because he has never done a second lift before building homes, and the chance of causing damage to the second lift is high. Postler replied that in the first phase of the development there was only one lift of asphalt before homes were built, and it caused structural damage to the new road. The logic behind requiring two lifts is that under those conditions there will only be superficial damage to the road, not structural. Carlisle noted that the developer's agreement allows him to build one model home before adding the second lift. Postler said that would be acceptable, as long as both lifts are added prior to constructing any additional homes. Carlisle agreed.

Mursko noted that the improvement to Furman Street will be a 2020 project. The City will need to go through the Chapter 429 process to assess benefitting properties. At this time, it is likely this project would be completed in summer/fall.

**Motion by Logren to approve the Thurnbeck Preserve Phase 2<sup>nd</sup> Addition Developer's Agreement as presented. Seconded Peterson. Motion carried unanimously.**

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

### Council Member Logren

No report.

### Council Member Hegland

Council Member Hegland wanted to commend the City's Building Official Leon Ohman, as her neighbor had great things to say about him including that he was very helpful.

### Mayor Preiner

No report.

### Council Member Peterson

No report.

### Council Member Duraine

No report.

## **16. Public Works Report**

No report.

## 17. Public Communications Coordinator Report

No report.

## 18. City Administrator's Report

Mursko reported on the City Council workshop that was held prior to tonight's City Council meeting. The City will move forward with lobbying for additional LRIP dollars for the extension of W. Freeway Drive to the north. Lobbying services will be provided through Larkin Hoffman. Griffith explained that the team from Larkin Hoffman will put together a bill to introduce to the legislature and bring through committee. They have been successful with this initiative in the past, but success often depends on the types of bills being introduced to the legislature. Mursko finished by saying the City will also move forward with applying for the DNR grant to possibly secure additional funds for the extension of W. Freeway Drive.

**Motion by Logren to approve submittal of the DNR Grant application, communicating to Anoka County that the City will pursue the acquisition of the remaining LRIP Grant funds at the 2020 legislative session, for the north leg of W. Freeway Drive, with legislative services from Margaret Vessel, from Larkin Hoffman, for the sum of \$10,000 per month (for a term of five months). Seconded by Hegland. Motion carried unanimously.**

### Treasurer's Report

Receipts:	\$	0.00
Disbursements:	\$	311,452.58
Balance:	\$	9,363,435.56

## E. ANNOUNCEMENTS & REMINDERS

### 19. Calendar of Meetings.

The next Planning Commission Meeting is on 11.06.19 at 7:00 p.m.

The next City Council Meeting is on 11.13.19 at 7:00 p.m.

The next City Council Workshop is on 12.11.19 from 4:00 p.m. – 6:00 p.m.

## F. ADJOURNMENT

**Motion to adjourn by Hegland. Seconded by Peterson. Motion carried unanimously.**

Meeting adjourned at 9:03 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator