

**City of Columbus
Regular City Council Meeting
11.08.17**

The 11.08.17 meeting of the City of Columbus City Council was called to order at 7:03 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Bill Krebs, Jeff Duraine, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Jacob Steen, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Jesse Preiner, Mary Preiner, Pat Preiner, Jody Krebs, Garth Sternberg, Jim Watson, Tracie Wilson, John Derus, Paul Peterson (LATV), and Julia Parent (Forest Lake Times).

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:03 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Approval of the City Council Meeting 10.10.17 & 10.11.17 Minutes**
- ~~**4. Motion – Approval of the City Council Meeting 10.25.17 Minutes**~~
- 5. Motion – Agenda Approval with Additions**
- 6. Motion – Pay Bills as Posted**

Motion by Krebs to approve the Consent Agenda items 3, 5, and 6. Seconded by Peterson. Motion carried unanimously.

C. PRESENTATIONS

7. Woodland Development Drainage & Utility Easement Vacation Application in Preiner's Preserve

Mayor Povolny opened the Public Hearing for the vacation of drainage and utility easements for the Preiner Preserve development.

Hearing from no one, Mayor Povolny closed the public hearing.

Byron Westlund from Woodland Development came forward to discuss the vacation of easements as well as their revised plat request. They would like to take three (3) lots which are already platted and replat them into two (2) lots. This requires the vacation of easements along lots 13, 14, and 15; as the replat will recreate drainage and utility easements on the common line between the two (2) new lots.

City Attorney Jacob Steen suggested adding a condition to the Resolution which would make it subject to the approval of Preiner Preserve's Second Addition preliminary and final plat, as well as the recording of the final plat. Westlund added that the sewer has been abandoned and the well has been capped. Mursko finished by saying it's her understanding that there is a fire hydrant on Lot 13, and the Applicant plans to work around it.

Motion by Duraine to approve Resolution 17-40, a Resolution vacating of drainage and utility easements affecting Lots 13, 14, and 15 in the Preiner's Preserve plat. Seconded by Daly. Motion carried unanimously.

Motion by Peterson to approve Preiner's Preserve Second Addition's Preliminary and Final Plat applications (dated 09.20.17) and subject to findings of fact and conditions 1-9 as outlined in the City Planner's Memo (dated 10.25.17). Seconded by Krebs.

Preiner Preserve Second Addition Preliminary and Final Plat Findings of Fact:

1. The City received a combined preliminary and final plat application from Woodland Development ("Woodland") for Preiners Preserve 2nd Addition on September 20, 2017. The application was found complete.
2. The 120-day preliminary plat review deadline is January 18, 2018.
3. The proposed plat is a replat of Lots 13, 14, and 15, Block 1, Preiners Preserve.
4. The proposed plat will create two larger lots out of three existing lots.
5. The proposed plat is consistent with the approved Preiners Preserve PUD.
6. The Preiners Preserve 2nd Addition Final Plat is consistent with the preliminary plat.
7. A public hearing has been set with the City Council to consider the vacation of existing interior common lot line drainage and utility easements on Lots 13, 14, and 15, Block 1, Preiners Preserve.
8. The Planning Commission held a public hearing on the Preiners Preserve 2nd Addition Preliminary Plat on November 1, 2017.

Preiner Preserve Second Addition Preliminary and Final Plat Conditions of Approval:

1. Detailed recommendations of the City Engineer.
2. Title review and recommendations of the City Attorney.
3. Vacation of existing interior common lot line drainage and utility easements on Lots 13, 14, and 15, Block 1, Preiners Preserve.
4. Abandonment of the sewer and water service stubs on former Lot 14, Block 1, Preiners Preserve, according to City specifications.
5. Adequate separation of the private driveway on proposed Lot 2 from the existing fire hydrant or relocation of the fire hydrant.
6. Requirements of the Anoka County Surveyor.
7. Requirements of Rice Creek Watershed District.
8. Permanent wetland buffer plaques and stormwater ponding easement plaques at intervals determined by the City.
9. Reimbursement of all City expenses associated with plat approval.

8. Planning Commission Report

Planning Commission chair Jim Watson gave the report from their 2017 meeting. He presented on two (2) topics.

Chapter 7A Ordinance Amendment – Conex Boxes

Watson reported that the Planning Commission voted 4-1 in favor of recommending approval of the ordinance in its current form. The Council had a brief discussion about changing the language to allow for one (1) Conex Box for every 4.75 acres, based on Mayor Povolny's suggestion. The current language allows for one (1) Conex Box on all lots of 4.75 acres or larger, and Mayor Povolny suggested it say one (1) Conex Box per each 4.75 acres. Krebs argued that Conex Boxes should not be allowed on parcels less than 4.75 acres because they will be rather visible on lots of that size.

Mayor Povolny asked what happens to the Conex Boxes that are currently on Columbus' properties? City Attorney Jacob Steen replied that they'll be allowed to remain standing, as they would be "grandfathered in". Steen clarified that if the Conex Box was destroyed however, they would only be allowed to repair 50% of it.

Motion by Duraine to approve Ordinance 17-02 as recommended by the Planning Commission, an ordinance amending Chapter 7A General Zoning Regulations, governing the design and location of accessory buildings, and to establish standards for multi-modal storage containers as accessory structures. Seconded by Daly. Votes as Follows; Peterson – aye, Daly – aye, Duraine – aye, Krebs – aye, Povolny – nay.

Motion by Daly to approve Ordinance 17-02 Summary Publication. Seconded by Peterson. Votes as Follows; Peterson – aye, Daly – aye, Duraine – aye, Krebs – aye, Povolny – nay.

Comprehensive Plan Discussion

The second topic brought forward for discussion was the City's Comprehensive Plan. The Planning Commission is working through the process and updated the Council on their work. Watson summarized that the Commission is working to determine where additional residential zoning should go in the City. One possibility the Planning Commission discussed is removing the suburban overlay district and designating the area as solely residential. Watson reported that the Met Council expects Columbus to grow by about 50% which would require the development of denser residential housing. However, there is some disagreement on where additional residential housing should go. Mayor Povolny said that he feels that area should be zoned commercial.

The Council agreed that they're should be an additional meeting with the Planning Commission to work through the new comp plan together. At their 10.25.17 meeting, the Council agreed to hold a neighborhood meeting with landowners in the freeway district to discuss the vision for the area. Mursko asked the Council if they would like to schedule the meeting with landowners for the same time as the joint Planning Commission and City Council? Mayor Povolny commented that the meetings should be separate, and the joint Planning Commission and City Council

meeting should occur first. He added that it would be important to him to see figures on the financial benefit to have commercial versus residential zoning in the suburban overlay district. Mursko replied that in order to get those numbers together, this meeting would need to happen in early January. The Council agreed that after the meeting in January, they would also like to have a separate meeting with the landowners in the freeway district to discuss the future for the area. Mursko commented that there would likely be three separate meetings based on location.

Public Hearing Procedure Discussion

In light of what is expected to be a well-attended Public Hearing on November 15th, City Attorney Jacob Steen updated the Public Hearing procedure for the Council to consider. Columbus has always had a Public Hearing procedure that details how to govern the hearing, and Steen simply restated what was on the document previously, and made some formatting changes. He asked the Council for their input on the procedure. Consensus was that the Public Hearing procedure as presented were appropriate for future Public Hearings.

Peterson clarified that this Public Hearing is about a text amendment to Chapter 7A of the City Code. Mayor Povolny confirmed, and noted that there are two pending applications for Bituminous Roadways' Conditional Use Permit and Preliminary Plat. Steen continued by saying that these applications will also have a Public Hearing portion.

9. Public Open Forum

Marge Roisum – 14016 Julliard Street NE

Roisum asked what time the doors will open for the Public Hearing on November 15th? Mursko replied that doors open one half hour before all Planning Commission and City Council meetings.

Jessie Messina -8841 167th Lane NE

Messina came forward to comment on Columbus' growth as a City. He said Columbus is really turning a curve, and that is a good thing. He encouraged the Council to recall all of the people in the community that they met when they campaigned for their position, and reinforced the fact that they represent those people and their interests.

Tracie Wilson – CFO, Running Aces Harness Park

Wilson approached the Council as a representative of the largest business in the City, and presented some statistics on what Running Aces contributes to the community. As the largest employer and largest contributor to the city, Running Aces has contributed \$2.3 million, which does not include property taxes. Running Aces really appreciates everything Columbus has done to support them, and is very committed to this area.

Wilson continued by saying that the zoning in that area around the freeway is key to development. Businesses rely on zoning of an area to make sound investments. This is why the text amendment which the City is currently considering could be problematic. This is especially

so, Wilson argued, because it is not consistent with the City's 2040 Comprehensive Plan. She commented that Columbus is poised to grow a significant amount, and being able to rely on the zoning of an area is critical for successful growth.

Wilson finished by saying that the McCombs Study which was completed in 2015 had certain recommendations for the freeway district, which included combining the Commercial Retail and Commercial Showroom Districts. She pointed out that the study does not suggest creating a Commercial Industrial zone in that district.

10. Discussion – Joint meeting with the City of Forest Lake City Council

Mayor Povolny commented that the Mayor of Forest Lake would be interested in having a joint City Council to discuss upcoming projects, vision for the area, and to keep each other informed on what has been happening in the area. Daly agreed that this would be a good idea, and Krebs suggested that the meeting should happen in early 2018 because Columbus has a lot going on right now. Mursko agreed and said she will plan for a joint meeting around January of 2018.

11. Discussion – Mercil Accessory Building Permit

Mursko posed a question to the Council about a situation with a building permit in the City. Todd Mercil, a resident in Columbus, has a building permit for a new garage. Building permits expire after 6 months if there is no progress being made. Mursko continued to say that the permit was issued in March of this year so the permit is nearing expiration. The City's building official stated that the building permit requires gutters for the garage, which have not yet been added. This is a problem because Mercil's garage is very close to the property line, and his neighbor has claimed that the runoff from the garage is going onto his property. At this time Mursko played a video which was submitted by Mercil's neighbor, showing rainwater flowing off of the garage and onto his property.

Mursko is asking the Council for direction on this issue, as both herself and the building official have not had success impressing upon Mercil that the gutters must be added. Duraine suggested reaching out to Mercil now and giving him a few weeks to finish the gutters. Mayor Povolny agreed, and added that if the gutters were not installed by that time, legal action should be taken.

Motion by Duraine to give Todd Mercil of 5137 190th Lane NE one week from November 9th, 2017 to provide the City with a date to complete the installation of gutters on his new garage. Seconded by Krebs. Motion carried unanimously.

12. Discussion – Anoka County CSAH 54 Realignment Letter & Resolution

In coordination with the State's plans to improve the I-35 and TH-97 interchange, Anoka County is required to realign CSAH 54. The City of Columbus and Anoka County previously reached an agreement on the location of the realignment, however based on several concerns and comments about the long-term impact of the realignment, the County has re-examined the realignment and is recommending a new layout. The new layout would not affect the current design for the intersection of Lake Drive and the new W Freeway Drive. Mursko explained that there were concerns about the allotment of dollars and whether there was money available for

construction, design, and Right-of-Way acquisition. Anoka County believes this new realignment greatly reduces the amount of Right-of-Way acquisition that is required. The Anoka County Board of Commissioners has approved the new design, and they are asking the Columbus City Council to consider a resolution in support of the realignment. Mayor Povolny asked if the new realignment would still require Anoka County to purchase land from the City? Mursko replied yes, and added that in a recent meeting she emphasized that it is important to the City that upland is preserved as much as possible. She added that the new realignment would decrease the size of the pond on the City's parcel, and she asked Anoka County to move the new pond as close to (the new) W Freeway Drive as possible.

Mayor Povolny asked how one would access the southwest parcel of land? Mursko replied that that area is majority wetland. Mayor Povolny asked if there was the intention to develop that parcel, could there be a right in right out access between the first and second roundabouts on W Freeway Drive? Mursko said that they would consider that option, depending on the type of development being considered. Tracie Wilson, CFO of Running Aces Harness Park, asked if there will be a way to access the Running Aces property to the west of W Freeway Drive? Postler replied that there could be access allowed off the roundabout, or the County could allow a right in right out access just north of the roundabout. Overall the Council agreed that the new realignment design is acceptable.

Motion by Peterson to approve Resolution 17-41, a Resolution approving the new proposed realignment of CSAH 54. Seconded by Krebs. Motion carried unanimously.

D. STAFF AND CONSULTANT REPORTS

13. Engineer Report

City Engineer Dennis Postler presented a report on two (2) topics.

NE Groundwater Management Area Meeting

The first topic was an update on the White Bear Lake lawsuit relating to groundwater levels. Postler reported on a meeting that he attended the previous week, as a representative on the technical advisory committee. He reported that the courts recently ruled that the DNR failed to protect White Bear Lake by mismanaging groundwater pumping permits in the area. The ruling requires the DNR to review all groundwater permits within a five (5) mile range of White Bear Lake, and prevents them from issuing new permits in that range until they have fully complied with state laws. Postler said that this decision is likely to affect new development in that five (5) mile range, since certain permits (such as dewatering permits) cannot be issued until further notice. Postler finished by saying that this is all just for informational purposes, since no part of Columbus is in the five (5) mile range surrounding White Bear Lake.

Anoka County Signal Installation – Broadway Avenue and Lexington Avenue.

Postler reported that Anoka County is planning on installing a new signal at Broadway Ave and Lexington Ave in 2019. This project will be completed at no cost to the City of Columbus, and would also include improvements on the north and south side of the intersection. Mayor

Povolny asked if the intersection is truly in need of a signal? Peterson replied that it is, as he lives near that intersection and believes it is dangerous.

Postler finished by reminding the Council that next week on 11.14.17 and 11.16.17 there will be neighborhood meetings held for the City's proposed 2018 road improvement projects.

14. Attorney Report

City Attorney Jacob Steen reported on one (1) topic that requires some direction from the Council. This is regarding the Sanctuary at Howard Lake, which was recently approved for a PUD (Planned Unit Development). However, the DNR is raising some concerns that must be addressed for the project to continue forward.

The first issue is with the minimum structure setback from Howard Lake. A setback of 150 feet from the Ordinary High Water Level (OHWL) for Natural Environment Lakes is required by the DNR, and this PUD has only a setback of 50 feet. City staff and the Applicant had been under the impression that the OHWL was in the vicinity of the visible water elevation on Howard Lake, when the OHWL is actually closer to the floodplain elevation on the property.

The second issue has to do with the shoreland alteration standards. The DNR claims that the amount of land alteration and vegetation removal within the shore impact zone, is excessive and contradicts the City's shoreland ordinance and state law. This ultimately boils down to an issue with density.

Steen is suggesting that the Applicant go through a variance process to address these issues, since one of the conditions of the preliminary plat was that if the DNR had any objections the Applicant should apply for a variance. If the DNR ultimately determines that the results of the variance are unacceptable, then the City may be able to adopt an ordinance amendment that would allow the City to resolve at least one of the issues. Daly asked how long it would take the DNR to consider the variance? Mursko replied that the DNR gets the same comment period as any other Public Hearing, and they have the right to appeal if they object to the decision.

At this time Jay Gustafson, the Applicant, came forward to discuss the situation with the Council. He began by saying the setback issue is a great one for Gustafson and the Development overall. He added that it is unusual for the OHWL to be at the same level as the 100 year floodplain, which creates some extenuating circumstances for the project. In addition, there is a significant buffer distance on the lake because of the wetlands on the property. The density issue, Gustafson said, was a surprise, and could turn out to be an even larger issue. Mursko explained the density issue further; Since Howard Lake is a Natural Environment Lake (as categorized by the DNR), they have a two-tiered density policy. This means that the DNR has additional density requirements for residential uses than they do for commercial uses. Gustafson added that this problem, even without considering the additional setback issue, would decrease the number of townhomes on the site from 26 to 14.

Mayor Povolny asked how many properties the density issue affects in the suburban overlay district (where this project is located)? Mursko said that it affects all of them, and thus the City needs to address the problem regardless of the application currently under consideration. She

anticipates considerable negotiation with the DNR will occur throughout the process. Mayor Povolny then asked if the density problem could be solved with a variance? Steen replied that going through the variance process is what he recommends at this time. Gustafson agreed that he would like to go through the variance process to address both the setback and density problem.

15. Mayor and City Council Member's Report

Mayor Dave Povolny

No report.

Council Member Daly

Council Member Daly reported on a recent Fire Board meeting that he attended. At the meeting they discussed allocating money for pre-plan inspections. These inspections would be paid for by money that was originally budgeted for a fire inspector. The idea is to have pre-plan inspections of properties for information gathering purposes. In this way, firefighters could save time by being able to access the building and locate pertinent items in a much quicker fashion. Daly finished by saying the budget is around \$30,000 and the pre-plan inspections should be done by August of next year.

Council Member Peterson

Council Member Peterson was informed by Anoka County that they are planning on installing a roadkill incinerator at a park near his home. He said it is a small, natural gas incinerator that should not emit any bad smells or create any mess. Peterson added that he was unaware of the plan until his neighbors spoke with a County representative when they were at the park. Since that time, Commissioner Sivarajah sent out a letter detailing the plan to affected residents. Peterson said that if there truly is no smell and no mess he does not see a problem with the plan.

Council Member Krebs

Council Member Krebs reported that he received a letter from the Campaign Finance Board releasing him from all fines and penalties related to not submitting all of the required documents to be a member on the board.

Council Member Duraine

No report

16. Public Works Report

No report.

17. Public Communications Coordinator Report

No report.

18. City Administrator's Report

Zaczkowski Trucking Services CUP Amendment Clarification

On October 10th, 2017 the City Council held a special meeting to discuss a CUP amendment application from Zaczkowski Trucking Services (ZTS), for their facility at 6939 135th Avenue NE. At that Council meeting, discussion was had about an informal neighborhood meeting that was held the previous Saturday, October 7th. At that informal meeting were the three (3) neighbors who live nearest to the ZTS facilities. They discussed what the expectations would be for the business going forward, as there have been numerous complaints generated from the ZTS facility in the past. Based on the discussion at the informal meeting, the Council added new language to ZTS' CUP in an effort to address complaints that the neighbors had about trucking activity.

Mursko reported back to the Council that after the October 10th City Council meeting, she received voicemails and emails that contradicted what was reportedly agreed upon at the October 7th meeting. The messages suggest that a wall might be added after one years' time, and that there is the possibility that a sound barrier will be considered for the property. Mursko is asking the Council if their interpretation of the October 10th meeting included those items? Mayor Povolny said that he does not recall any discussion about readdressing the situation in one years' time, and suggested Mursko send them a copy of the minutes for their consideration. Krebs added that the informal meeting resulted in an agreement that the neighbors would like to see trees used as screening for the property, and that neither sound barriers nor walls were considered as solutions. Steen commented that from a legal perspective, the appeal period for the CUP amendment is over, and any further issues that the neighbors may have regarding their CUP amendment should be addressed at a future City Council meeting. And if they further disagree with the City Council they have the right to appeal the decision to the district court.

E. ANNOUNCEMENTS & REMINDERS

The next Planning Commission meeting is 11.15.17

Calendar of Meetings.

F. ADJOURNMENT

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

Meeting adjourned at 9:07 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator