

**City of Columbus**  
**Regular City Council Meeting**  
**11.25.19**

The 11.25.19 meeting of the City of Columbus City Council was called to order at 7:04 p.m. by Mayor Preiner at the City Hall. Present were Council Members Janet Hegland, Jeff Duraine, Denny Peterson, and Shelly Logren; City Administrator Elizabeth Mursko, City Attorney Jacob Steen, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Cindy Hanson, Kris King, Paul Peskar, Lloyd Rehbein, Cindy Angel, John Seibert, Joe & Deb Pribyl, Shawn Kupcho, Tiffany Townsend, and Erik Mattson.

**A. CITY COUNCIL REGULAR MEETING**

- 1. Call to Order - Regular Meeting – 7:04 P.M.**
- 2. Pledge of Allegiance**

**B. CONSENT AGENDA**

- 3. Motion – Agenda Approval with Additions**
- 4. Motion – Approval of the 06.26.19 & 08.28.19 City Council Meeting Minutes**
- 5. Motion – Approval of the 2020 Agreement for Residential Recycling Program**
- 6. Motion – Approval of the 2020 OSHA Compliance & Safety Training Contract**
- 7. Motion – Approval of the MnDOT Land Acquisition RES 19-32**

**Motion by Duraine to approve consent agenda items 3-7 with the change to move the LATV Budget Report to before the Planning Commission Report. Seconded by Peterson. Motion carried unanimously.**

**C. PRESENTATIONS**

**8. LATV 2020 Budget**

Paul Peterson came forward to present the 2020 LATV budget to the City Council.

The main topic he raised regarding the budget was that the Federal Cable Commission (FCC) recently made a ruling that cable companies can begin charging for services which were originally rendered for free in their agreements. The ruling left the amount to charge up to the individual cable companies. As of this meeting, he has not heard what the fee will be, but he should know by the end of the year. This has impacted the budget as there is still a large unknown factor to be added in. As a precautionary measure they have taken \$14,000 out of their budget. This will not affect their contract with the City of Columbus.

Peterson continued to say that he has been working with students at the high school quite a bit. They have been doing morning announcements and making movies.

**Motion by Duraine to approve the 2020 Forest Lake Cable Commission Budget. Seconded by Peterson. Motion carried unanimously.**

**9. Planning Commission Report**

Barb Bobick came forward to give the Planning Commission report on their 11.20.19 meeting.

The first topic raised was a public hearing held for a Variance request from Aces Hotel. They have requested a variance to the refuse storage container setback requirement. City Code requires a minimum of 10 feet and they are requesting 0 feet. The reason they are requesting the variance is that the Fire Department asked for wider fire access. Running Aces had to move a Fire Hydrant to accommodate that request which impacted the location of the container.

The Planning Commission unanimously recommended approval.

**Motion by Logren to approve the Variance Application from Aces Hotel, LLC reducing the refuse storage container setback from ten (10) feet to zero (0) feet based on Findings of Fact 1-6 and Conditions of Approval 1-3 as outlined in the Staff Report (dated 11.21.19) and recommended by the Planning Commission. Seconded by Duraine. Motion carried unanimously.**

Variance Request – 15215 Zurich Street, Aces Hotel LLC Findings of Fact and Recommendations:

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

Staff finds that the landowner proposes to use the property in a reasonable manner. The proposed land use is to store refuse in a compliant manner following Section 7A-813 of the City Code. The enclosure will be constructed of masonry on a free-floating slab. The exterior will be a split face block painted to match the buildings lower structure or of stone to match existing building. The trash refuse enclosure shall service the collection of trash from the new Running Aces Hotel, which is connected the Running Aces Casino and Horse Racing Track.

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

The reduction in the side yard setback from ten (10) feet to zero (0) feet is due to circumstances not created by the property owner. Due to the size of the existing Hotel Parcel any other proposed location for a trash refuse enclosure is would be out of compliance at the same or greater degree, similarly necessitating a variance. Furthermore, the Fire Chief has requested that the planned fire access road be twenty-four (24) feet in width. A compliant setback of ten (10) feet would have resulted in a structure that would have been out of compliance with the Fire Code and Fire Chief's recommendations, thus potentially creating a situation dangerous to public health.

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

The City Code (7A-813) acknowledges that all refuse must be stored in a storage area that shall be enclosed on all four sides by screening, compatible with the exterior of the building and not less than two (2) feet higher than refuse container. The proposed enclosure shall meet these standards. Additionally, the structure will be constructed of masonry, which is compliant with the zero-set back allowed by the Building Code.

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

The proposed variance will continue to protect the health, safety, and welfare of the public and environmental systems by allowing a refuse enclosure that effectively shields and stores trash and recycling and is consistent with the City Building Code and recommendations from the Fire Chief. The proposed variance is consistent with the City's Comprehensive Plan.

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

The character of the neighborhood is dominated by the Running Aces Casino and Horse Racing Track, which will be connected to the hotel. Outdoor storage of trash within an enclosed refuse is a common feature among similar commercial uses and is consistent with a higher-quality visual appearance. Furthermore, the Hotel Parcel and Racetrack Parcel currently function as one with a cross easement agreement is currently in place to allow vehicle access to service the hotel's trash. This indicates that the owners of both parcels are already open to cooperation to service the trash enclosure. The variance, if granted, will not alter the essential character of the neighborhood or the city.

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#### **6. The practical difficulty is not created solely by economic considerations.**

The practical difficulties necessitating the variance request are not created solely by economic considerations, but rather the size of the lot and fire lane requirements creating a situation in which the compliant buildable area was reduced.

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#### **Recommendation(s):**

Planning Commission adopted the above findings 1-6 and recommends approval to the City Council for the variance application to reduce the ten (10) foot setback to zero (0) feet to allow for the accessory use of a refuse storage enclosure for the Running Aces Hotel, subject to the following conditions of approval:

1. Applicant must meet the standards outlined in section 7A-813 (C). *All refuse must be stored in a building, a trash transport (dumpster) or in covered cans. The storage area shall be enclosed on all four sides by screening, compatible with the exterior of the building, not less than two feet higher than the refuse container.*
2. Trash refuse enclosure must be constructed of a non-combustible material, per City of Columbus Building Code
3. Applicant to submit and updated site plan indicating the fire access lane at 24 feet, along with the building materials of the split face block that are compatible with the primary

building.

Bobick continued to report on a suggestion from City Staff to change future Planning Commission meetings to a workshop format for a period of time. The goal of this change would be to gain a better understanding of zoning and the work that needs to be completed developing new ordinances. Commissioners were asked to make a list of questions or concerns that they have about the process.

Mayor Preiner noted that City Council members will do their best to be in attendance at these workshops as well.

### **10. 14744 Hornsby Street – Bare Home CUP Amendment**

Josh Pribyl, CEO of Bare Home, Tiffany Townsend, from Bare Home, and Eric Mattson, from Bare Home came forward to discuss the Bare Home CUP Amendment.

Hegland reported that her and Logren were asked to meet with Pribyl and his staff to try and reach an agreement on the redesign of the north, south, and west building elevations. The goal for redesigning the elevations was to break up the large expanse of white on the building. Hegland presented the plan that they arrived at and summaries of the meetings that were held. She said she believes that they have arrived at a good compromise.

Pribyl noted that there is one error on the north side elevations, and that the light grey color will be extended to the top of the north elevation. He said this will be changed on their new submittal of elevations. Pribyl finished by saying the dark grey color will not be added until after the winter season.

**Motion by Hegland to adopt Findings of Fact 1-10 as recommended by the Planning Commission along with the summary of Bare Home’s exterior building design meetings (dated 10.17.19 and 11.01.19) and approve the Conditional Use Permit Amendment application (dated 09.13.19) at 14744 Hornsby Street subject to Conditions 1-16 as outlined in the Planner’s Report (dated 09.24.19, revised 10.02.19) with changes to condition 7 to say “All building elevations (north, south, east, and west) prepared by Josh Pribyl for Bare Home submitted on 11.19.19 will be updated by the applicant with the date of this meeting and labeled with paint colors”, also subject to Pribyl’s correction that the light grey color will be carried to the top of the building in the north side elevation, as well as the addition of Condition 17 directing the City Attorney to draft conditions addressing required maintenance of the painted surfaces. Seconded by Duraine. Motion carried unanimously.**

#### Bare Home CUP Amendment Application Findings of Fact:

1. The City received a complete application from Josh Pribyl, dba Bare Home, on September 13, 2019 for an amendment to the JP Ecommerce, Inc. CUP, approved by the City Council on October 10, 2018.
2. The 60-day review period ends on November 12, 2019 and the 120-day review, if necessary, ends on January 11, 2020.
3. The CUP Amendment is for a revision to the exterior building elevations, approved in the

2018 CUP.

4. The property is located at 14744 Hornsby Street NE and is zoned C/S Commercial/Showroom (“Property”).
5. The applicant is requesting a modification from the approved pre-cast exposed aggregate building exterior to a smooth pre-cast painted panel and metal clad building exterior.
6. The 2018 building elevations featured gray tones and the 2019 proposed building elevations feature white and gray tones, with blue metal accents.
7. The proposed building exterior is consistent with the design standard requirements of the C/S District.
8. A provision of the approved 2018 CUP included a pending re-designation of the Property in the City of Columbus 2040 Comprehensive Plan from “Commercial” to “Light Industrial” and a subsequent rezoning of the Property from C/S Commercial/Showroom to LI Light Industrial. The land use re-designation did not occur.
9. No other provision to the approved 2018 CUP is affected by the proposed CUP Amendment.
10. The Planning Commission held a public hearing on the CUP Amendment on October 2, 2019.

Bare Home CUP Amendment Application Conditions of Approval:

1. The CUP is contingent upon recommendations of the City Engineer.
2. The CUP is contingent upon recommendations of the City Attorney.
3. The CUP is contingent upon detailed plan review and approval by the City Building Official.
4. The CUP is contingent upon detailed plan review and approval by the Fire Marshall.
5. The CUP is contingent upon permitting by Rice Creek Watershed District.
6. Phase 2 development on the Property will be subject to building department review unless amended.
7. Development of the Property shall be consistent with the CUP application forms and documentation received for Phase 1 including, but not limited to, Phase 1 Site Improvement Plans, pages 1-11, by Carlson McCain, dated August 13, 2018; floor plans, prepared by Bauer Design Build, dated August 13, 2018; all building elevations (north, south, east, and west) prepared by Josh Pribyl for Bare Home submitted on 11.19.19, which will be updated by the applicant with the date of this meeting and labeled with paint colors; the “Description of proposed Conditional Use,” prepared by JP Ecommerce, undated narrative; and the Bare Home CUP amendment application and narrative , dated September 12, 2019. No other development is authorized on the property.
8. Approval of the 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, water appropriation permits, and sewage treatment system permits.
9. The CUP documentation is subject to modification by the City prior to issuance to JP Ecommerce.
10. All exterior 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.

11. Signage on the Property requires administrative review and permitting by the City.
12. The outdoor dumpster location shall be enclosed with sidewalls matching the building consistent with City Code requirements and landscaping shall be installed to screen the dumpsters. No other outside storage shall be permitted.
13. The operations on the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
14. 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 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 CUP of any such revocation.
15. Ecommerce shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the CUP, including reasonable attorneys' fees and consultant fees.
16. Ecommerce shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP, including any subsequent inspection and enforcement actions.
17. The City Attorney shall draft conditions addressing required maintenance of the painted surfaces.

## **11. Rehbein Oaks Final Plat**

The next topic for the Council to consider was a Preliminary Plat application for Rehbein presented to the Planning Commission that left some requirements to be completed.

The Engineer's Report submitted for this plat requested that driveways be shown on the Preliminary Plat, which has been updated to reflect this. The two new parcels that have been created share a single access but the driveways themselves are on each property. A cul-de-sac was added at the end of 168<sup>th</sup> Avenue NE where Rehbein will take access from.

A letter from Anoka County was submitted which said that the only requirement from them is that whoever builds a residence a newly created lot will be required to apply for a driveway permit with them.

Moving forward a minor adjustment to the southerly lot line may occur during plat check, as well as minor changes to the title review. There will also be a Development Agreement drafted by the City Attorney. With that, Mursko said that City Staff are recommending approval of the Preliminary Plat application.

**Motion by Logren to approve the Rehbein Oaks Final Plat (dated 11.15.19) subject to Title Review conditions, CUP PUD Findings of Fact and Conditions of Approval, and directing the City Attorney to draft a Development Agreement. Seconded by Duraine. Motion carried unanimously.**

Rehbein Oaks Title Review Conditions:

1. Legal Description. The legal description for the underlying property (the “Property”) as referenced in the Commitment is inconsistent with the legal description on the Final Plat. The legal description must be reconciled between the Commitment and the Final Plat.
2. Fee Title. As of the date of the Commitment, fee title to the Property is shown to be vested in the abovementioned Owner. The Owner must sign the Final Plat and any other related documentation.
3. Tax Information. The Commitment states that the property taxes due and payable for 2019 are paid in full. If the Final Plat is not recorded in 2019, all taxes, penalties, and interest for the Property which are due and payable in 2020 must be paid prior to, or contemporaneously with, the recording of the Final Plat.
4. Mortgage. There are no mortgages identified on the Commitment.
5. Special Assessments. There are no special assessments shown in the Commitment. Any special assessments, penalties, and interest for the Property which are due and payable in 2019 must be paid prior to, or contemporaneously with, the recording of the Final Plat.
6. Park Dedication Fee. A cash in lieu of park land dedication fee of \$762.50 is required. The Applicant must remit payment for park dedication fees to the City prior to recording of the Final Plat.
7. Reimbursement of Expenses. Applicant must reimburse the City for all expenses associated with plat review, processing, and approval (“Expenses”). Applicant must reimburse the City for any outstanding Expenses incurred to date prior to release of the Final Plat. Within 60 days of City approval, the City will prepare a final invoice (“Final Invoice”) to include any remaining un-reimbursed Expenses and any outstanding utility fees. The Final Invoice will be due upon receipt.

Rehbein Oaks CUP for PUD Findings of Fact:

1. The City received Preliminary Plat and PUD (CUP procedure) applications for Rehbein Estates from Lloyd and Debra Rehbein on June 21, 2019, which were found complete.
2. The 60-day PUD CUP review deadline is August 20, 2019. The 120-day preliminary plat review deadline or extended PUD CUP review deadline is October 19, 2019.
3. Rehbein Estates is a total of 15.06 acres and is located along Kettle River Boulevard NE, Parcel Identification #12-32-22-31-0011.
4. The Preliminary Plat application for Rehbein Estates includes the minimum information necessary to review the proposed lots for meeting the requirements to be buildable parcels. The current plans do not provide detailed grading, building elevations, exact septic location or other information that will be required when plans for single-family construction are proposed.
5. There are three (3) lots proposed for the Rehbein Estates:
  - Lot 1 –3.48 acres; 200 foot lot width; access to Kettle River Boulevard. This lot will be a new residential parcel and has no existing buildings.
  - Lot 2 - 3.76 acres, 200 foot lot width; access to Kettle River Boulevard. This lot will be a new residential parcel and has no existing buildings.
  - Lot 3 - 7.45 acres, 66 foot lot width; access to 168th Avenue Northeast. This lot has an existing residence, a well and independent septic system.
6. The CUP procedure is required to consider granting approval of a Rural Residential District PUD on the Property through the Planned Unit Development provisions of the City Code.
7. The applicant requests a variation in minimum lot size standards under a Conditional Use

Permit to allow two lots of less than 5.0 acres. The proposed minimum lot size within Rehbein Estates is 3.48 acres. The proposed average lot size for all three lots, including right of way, is 5.0 acres. This uses the Lot Averaging provision allowed under a PUD to meet the lot density average and minimum lot size standards.

8. The applicant requests a variation in lot dimensional standards under a Conditional use Permit to allow Lots 1 and 2 to have a minimum width of 200 feet, which is less than the standard minimum width of 220 feet.
9. The proposed plat is consistent with minimum lot area, lot averaging, minimum lot dimensions, and maximum density standards allowed by PUD.
10. Appropriate Drainage and Utility Easements are provided on the plat to account for perimeter easements for the three proposed lots (2 new houses and existing house), and for existing wetlands. Additionally, 60' of right-of-way is being dedicated to Anoka County for Kettle River Boulevard (CSAH 62).
11. The proposed plat falls within the Rice Creek Watershed District (RCWD) boundaries. A Notice of Decision for Wetland Delineations from RCWD was provided. A permit from RCWD is not required, as proposed improvements do not exceed their thresholds.
12. Anoka County Highway Department review and approval needs to be provided for the two proposed driveway accesses to Kettle River Blvd.
13. Six soils borings were taken and sufficient area exists for the proposed septic systems and alternate sites for both proposed lots.
14. Lowest house floor elevations should be shown on the Preliminary Plat maintaining three (3) feet of separation above mottled soil, the depths of which are shown in the soils borings.
15. There are no new stormwater management facilities required within the plat.

Rehbein Oaks CUP for PUD Conditions of Approval:

1. The PUD CUP amendment is contingent upon preliminary plat approval of Rehbein Estates.
2. The PUD CUP amendment is contingent upon detailed recommendations of the City Attorney.
3. The PUD CUP amendment is contingent upon detailed recommendations of the City Engineer.
4. The PUD CUP amendment is contingent upon permit approval from the Rice Creek Watershed District (RCWD).
5. The PUD CUP amendment allows a variation in lot size, such that the minimum lot size allowed is 3.48 acres and the average lot size for all phases of Rehbein Estates is 5.0 acres, less dedicated right of way. [Section 7A-819 Planning Unit Development, B.2.a. Lot Averaging]
6. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.
7. No further subdivision of any lot for development purposes is allowed.
8. In the event the City Council determines, in its sole discretion, that the development of the Property is not being operated in accordance with any term or condition contained herein, the amended 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 amended PUD CUP of any such revocation.
9. Lloyd and Debra Rehbein shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the amended PUD CUP, including any

subsequent inspection and enforcement actions.

## **12. Public Open Forum**

No report.

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

### **13. Engineer Report**

#### Ziegler Water Tank Phase II

City Engineer Dennis Postler presented two partial payments for the Ziegler Water Tank Phase II Electrical SCADA project. The partial payments are going to EIM for the electrical portion. The project is complete and was finished slightly under the original bid amount. There will be an additional final pay request in the future.

**Motion by Hegland to approve partial payment No. 3 in the amount of \$26,051.85 and partial payment No. 4 in the amount of \$6,816.60 to EIM for the Ziegler Water Tank Phase II Electrical SCADA project. Seconded by Duraine. Motion carried unanimously.**

#### Hornsby Street Update

Postler reported that the new Hornsby Street is officially open. In a short time MnDOT will also be opening the left turn lane on TH 97 for access to Hornsby Street. The diverging diamond configuration on the new bridge is also functioning but not complete. The remaining improvements to be done on TH 97 will be completed in the spring.

Duraine asked if Shafer's batch plant is no longer in the NE I-35 Quadrant? Postler replied that it is gone, but they left some gravel on site so that developers can use it as fill in the parcel.

### **14. Attorney Report**

City Attorney Jacob Steen reported that John Arnt has appealed the City's denial of his variance and IUP applications. The League of Minnesota Cities has assigned a lawyer to the City to work on the case. Steen said that the lawyer assigned to us will likely come to a closed meeting in the future to discuss the case.

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

#### Council Member Logren

Logren reported on progress being made by the EDA's Branding Subcommittee. She distributed a survey that the committee would like to use and a list of steps in the branding process. The goal for the survey is to gather a general idea of what respondents feel the City of Columbus is all about.

Logren continued by discussing the steps being taken in the branding process. The steps are as

follows:

Assessing: Collecting information to understand perception of the City.

Analysis and Advantage: Determining what the City will be known for using responses from the survey.

Alignment: Understanding where Columbus stands in the larger community.

Articulate: Expressing the brand physically.

Activation: Making the brand come to life by launching marketing efforts into the public.

Adoption and Attitude: Provide those who will promote the City's brand with a pathway for doing so.

Action and Afterwards: Understand how to keep the brand moving forward steadily.

Logren continued by saying tonight she is hoping to get approval of the survey from the City Council. The committee is also looking at holding an informal open house style event at Running Aces to distribute the survey and discuss branding initiatives with business leaders.

Mayor Preiner asked when they would like to hold the event? Logren said that it would likely be January, but the date will be finalized at the next Branding Subcommittee meeting. Mayor Preiner continued to ask what business leaders should expect from the event? Logren replied that they will hear about efforts to brand the City. The goal is to introduce them to the branding process and hear any ideas or feedback that they have. Logren added that they are thinking about including MnDOT in the event to provide basic information about transportation projects in the area.

Public Communications Coordinator Jessica Hughes said that the survey will be emailed out to the business list, included in the ColumBiz newsletter, posted on the City website, and on the City's social media sites. The same survey will be given to businesses as residents.

Mayor Preiner asked if it would be possible for City Council members to personally approach businesses and ask them to complete the survey? Hegland said that was a good idea and suggested having Council Members pick people they know from the business list to visit.

**Motion by Hegland to approve the Branding Subcommittee survey for residents and businesses to be posted on the City's website and social media, available at City Offices, directly emailed to businesses, and hand delivered to businesses, and to direct staff to post the open house notice when a meeting date is established. Seconded by Duraine. Motion carried unanimously.**

#### Council Member Hegland

Council Member Hegland reported on two issues going on with the Sunrise River Watershed Management Organization (SRWMO).

The Joint Powers Agreement with East Bethel, Ham Lake, and Linwood is still open for renegotiating language. If any member of the Council has comments about the agreement, they should be sent to Hegland.

The reason the agreement is being negotiated is because Cities are debating how the organization's

administrative costs should be allocated. There is a desire to change from an equal distribution of costs to allocation based on land mass percentage. The agreement has not been updated since 2011, so that there is opportunity to negotiate all aspects of the agreement.

The second topic raised was the “One Watershed, One Plan” program that the Minnesota Board of Water and Soil Resources (BWSR) is spearheading. The SRWMO is still debating whether the larger Lower St. Croix Watershed should establish an entity or a collaborative. There are legal ramifications based on the type of group established. An entity is a legal organization that carries liability as a group and has a representative board. In a collaborative each member carries separate liability and there is no overseeing board.

A few members of the SRWMO have requested additional information to make this decision, so that will be brought to their meeting in January to discuss.

#### Council Member Peterson

No report.

#### Mayor Preiner

Mayor Preiner reported that he has driven the new diverging diamond interchange on the bridge and the new Hornsby Street.

### **16. Public Works Report**

No report.

### **17. Public Communications Coordinator Report**

Hughes presented a report concerning a nuisance property in the City. The City has been trying to work with the property owner to decrease the number of inoperable or unlicensed vehicles on the property as they are out of compliance with this ordinance. At this point the residents are no longer responding to letters or visits from Community Service Officers. The residents were informed that the topic would be raised at this City Council meeting, but they were not in attendance. Hughes is asking the Council how they would like to address the situation.

Steen said that this issue is common in communities. It would be possible to issue citations for each day that the property is out of compliance, which is often how Cities handle it. However, Steen said that many times the violator will pay the citations to temporarily remedy the situation and then things typically return back to the nuisance state.

Hughes suggested the possibility of sending an attorney certified letter reiterating that the property is out of compliance and detailing what steps the City may take to rectify if there is no good faith attempt to bring the property into compliance. Peterson agreed, and suggested adding something in the letter that states the cars could be removed from the property if there is no cooperation. The remaining Council Members agreed.

Hegland added that the nuisance ordinance addressing multiple vehicles on a property should also be reworked. She recommended that the ordinance be worded in a stronger manner to prevent situations like this occurring throughout the City.

Steen said that he will work on drafting the letter and share it with City Staff when complete.

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

### Dog Kennel Interim Use Permit

Mursko presented a report from Deputy City Clerk Lorie Spangler about a dog kennel's compliance with their Interim Use Permit (IUP), which the permit holders have not provided for this year. The IUP for a dog kennel requires annual documentation showing rabies certification. At this time Spangler has called the permit holder 5 times and sent 3 letters to update their records, with no response. To the best of the City's knowledge, they continue to operate a kennel.

Mursko suggested considering having the City Attorney draft a memo with the process for IUP revocation, as it has been some time since the City has revoked an IUP. An alternative option she raised was having the City's Animal Control officer visit the property to determine if they are still boarding dogs. The Council agreed that they would like to pursue the latter option before having the attorney draft a memo on IUP revocation.

Logren asked at what point a kennel IUP is required? Mursko said that if a property owner has four or more dogs they are required to have an IUP.

### Precinct and Polling Location for 2020 Election

Mursko reported that the City will be holding three elections next year and is asking for a motion designating the Public Works building as the precinct's polling location.

**Motion by Duraine to approve Resolution 19-33, a resolution establishing the Columbus precinct and polling location for the 2020 election year. Seconded by Peterson. Motion carried unanimously.**

### Fund Transfers

At a previous City Council budget meeting internal fund transfers were discussed. There will be money allocated from the land sale to capital funds. There will also be a dedication to debt service from the EDA levy.

**Motion by Duraine to approve fund transfers (transfer action items) as indicated in the Staff Memo (dated 11.25.19) effective 09.30.19. Seconded by Peterson. Motion carried unanimously.**

### Next Steps – Zurich Street North

At the last workshop the City Council discussed long and short-term plans for the extension of

Zurich Street to the north. City Staff were contacted by the owner of the property straight north of the intersection with Lake Drive because the property is for sale and they are interested in possibly working with the City on a sale. The house on the property is currently being used as a rental.

Mursko suggested that two Council Members work with City Staff on possibly moving forward with land acquisition. While two Council Members would work on this, every purchase decision would still go before the Council for approval.

Hegland asked if the City was able to connect with EcoFun? Mursko replied no, but they should be contacted because the timing of possible land acquisition may require their input.

Mayor Preiner and Peterson agreed to work with City Staff on this. Duraine offered to reach out to EcoFun involve them in the conversation.

### Treasurer's Report

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| Receipts:      | \$ 223,194.58  |
| Disbursements: | \$ 514,864.34  |
| Balance:       | \$8,667,684.97 |

### **19. Closed Meeting**

At this time Mayor Preiner closed the City Council meeting to execute a closed meeting under Minnesota Statutes Section 13D.05, subd. 3(c) to consider offers or counteroffers for the sale of the City-owned Quad 35 property.

At 10:02 pm Mayor Preiner reopened the closed meeting.

## **E. ANNOUNCEMENTS & REMINDERS**

### **20. Calendar of Meetings.**

The next Planning Commission meeting is on 12.04.19 at 7:00 pm.

The next City Council Workshop I on 12.11.19 from 4:00 pm – 6:00 pm.

The next City Council Meeting is on 12.11.19 at 7:00 pm.

## **F. ADJOURNMENT**

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

Meeting adjourned at 10:03 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator