

City of Columbus
Regular City Council Meeting
11.28.18

The 11.28.18 meeting of the City of Columbus City Council was called to order at 7:03 p.m. by Mayor Povolny at the City Hall. Present were Council Members Bill Krebs, Jeff Duraine, Denny Peterson, and Mark Daly; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Dennis Postler, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Jay Gustafson, Kris King, Paul Peskar, Lynn Carver-Quinn, Janet Hegland, Shelly & Arlen Logren, Myron & Cindy Angel, Chase Roth, 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 Minutes 10.17.18**
- 4. Motion – Approval of the City Council Meeting Minutes 10.24.18**
- 5. Motion – Agenda Approval with Additions**
- 6. Motion – Pay Bills as Posted**

Mursko added a motion to the Consent Agenda approving the City Council closed meeting minutes from 09.12.18.

Motion by Krebs to approve the Consent Agenda with the addition of approval of the 09.12.18 City Council closed meeting minutes. Seconded by Daly. Motion carried unanimously

C. PRESENTATIONS

7. Planning Commission Report

Jesse Preiner gave the Planning Commission report for their 11.19.18 meeting.

At the 11.19.18 meeting they held four public hearings, all of which were related to the Sanctuary at Howard Lake Development. This development will create 26 detached senior townhomes on 17.7 acres.

The first Public Hearing was for an amendment to Chapter 7E-760 of City Ordinances, which requires the City to notice the Commissioner of the DNR of any applications which fall under shoreland management control. City Attorney Bill Griffith noted that this amendment is part of a settlement agreement with the DNR. The Planning Commission unanimously recommended approval of the text amendment.

The second Public Hearing was for the Sanctuary at Howard Lake's Preliminary Plat. The Preliminary Plat is being recommended for approval by the Planning Commission. Daly noted

that he is concerned about a lack of signage about the public access to the water being located within the development. The Developer, Jay Gustafson, said that adding signage indicated public water access at the trailhead just off the development's parking lot would be no problem. The Council agreed they would like to see this signage added.

The third Public Hearing was for the Sanctuary's Planned Unit Development (PUD) Conditional Use Permit (CUP). This application is also unanimously recommended for approval by the Planning Commission.

The final Public Hearing was for a variance application to City Code, which would reduce Shore Impact Zone to an average of 75 feet with a 50-foot minimum width as measured from the Ordinary High-Water Level (OHWL).

Motion by Peterson to approve Ordinance 18-05, amending Chapter 7E of the City of Columbus Code of Ordinances. Seconded by Krebs. Motion carried unanimously.

Motion by Peterson to approve the Sanctuary at Howard Lake Preliminary Plat application with the agreement to provide wayfinding signage at the trailhead indicating public water access, subject to findings of fact and conditions 1-15 as outlined in the Planner's Memo (dated 11.12.18). Seconded by Krebs. Motion carried unanimously.

Sanctuary at Howard Lake Preliminary Plat Findings of Fact:

1. The City received a preliminary plat application from Howard Lake Development, LLC ("HLD LLC") on September 17, 2018 and supplemented on October 15, 2018. The application was found complete.
2. The 120-day preliminary plat review deadline is February 12, 2019.
3. The proposed 17.17-acre, 27-lot residential plat is located north of Lake Drive NE and west of Zurich Street NE, legally described as part of the Northwest Quarter of the Northwest Quarter of Section 24, Township 32, Range 22, lying north of CSAH 23, ("Property").
4. The Property is zoned Community Retail (CR), which allows senior citizen housing as a conditional use.
5. The proposed subdivision involves the platting of an existing 13.6-acre parcel and an existing 3.57-acre parcel.
6. The City also received a CUP application from HLD LLC to process the subdivision and development of the Property for senior citizen detached housing units through the PUD provisions of the City Code.
7. The proposed plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Environment Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
8. The structure setback requirements for Natural Environment Lakes are 150 feet. The Ordinary High Water Elevation (OHWL) has been established at an 888.6 feet elevation.
9. The City received a variance application from HLD LLC to consider reducing the setback requirements from the OHWL.
10. HLD LLC, the City and the Department of Natural Resources (DNR) entered into a Settlement Agreement, dated August 8, 2018, which establishes conditions for HLD LLC

- to apply for and the City to consider granting a variance to the OHWL setback standards.
11. The proposed plat is also subject to the provisions of the Floodplain Overlay District. The 100-year regional flood elevation is approximately at an 890 feet elevation and is located within the OHWL setback area.
 12. The proposed plat involves the extension of public sewer and water within the development. Twenty-six residential lots will also be served by 25-foot-wide private streets.
 13. A common lot (13.32 acres) contains all common access drives, ponding areas, and wetlands. An association will be included in the proposed subdivision for lawn care, street maintenance and stormwater management.
 14. The residential lots range in size from 4,978 square feet to 13,391 square feet. The average lot size is approximately 6450 square feet. The smallest lot is less than the minimum 5000 square foot lot size.
 15. All lots will be individually owned and all homes will be individually maintained.
 16. The minimum side yard setback of five feet is met – minimum structure separation is illustrated at 12 feet.
 17. The proposed minimum front yard setback (garage door) on the majority of lots is 26 feet, which will require a waiver from the 30 feet standard under the PUD CUP.
 18. The minimum 18 feet by 24 feet driveway parking standard in front of the garage is exceeded.
 19. The guest parking area standard of one half stall per lot is exceeded (17 spaces proposed).
 20. The proposed minimum rear yard setback on a number of lots is less than the minimum 25 feet required, which also will require a waiver under the PUD CUP. All lots with exceptions to the minimum rear yard setback about a common area rather than another lot or adjacent property.
 21. Individual lots have 10 feet front and rear yard drainage and utility easements and 5 feet side yard drainage and utility easements.
 22. There are seven stormwater ponds proposed within the plat which are required for private street and impervious area drainage.
 23. The common area lot, Lot 27, is entirely encumbered with drainage and utility easements.
 24. The minimum one rod wetland buffer easement is illustrated adjacent to all wetlands. On at least two lots, the wetland buffer easements are within 10 feet of the proposed residences. The standard wetland buffer easement will also impact a portion of an individual driveway and guest parking stall.
 25. HLD LLC has submitted an application to the Rice Creek Watershed District for permitting.
 26. Anoka County Transportation Division has accepted plans for a required west bound turn lane and east bound bypass lane on Lake Drive.
 27. There are no sidewalks proposed within the plat; however, a trail access to Howard Lake within the common area is proposed.
 28. There are no street lights proposed within the development.
 29. The Preliminary Plat public hearing was held by the Planning Commission on November 19, 2018.

Sanctuary at Howard Lake Preliminary Plat Conditions of Approval:

1. Detailed recommendations of the City Engineer.

2. Title review and recommendations of the City Attorney.
3. PUD CUP approval.
4. A subdivision development agreement.
5. A reduction in the City's one-rod wetland buffer depth to a minimum necessary to avoid any residential structure, private driveway or common area parking encroachments.
6. A variance to the Shoreland Overlay District OHWL setback, consistent with the DNR Settlement Agreement.
7. Homeowner association documentation for the private street, ponding and common area maintenance.
8. A street light and stop sign installed at the intersection of the private street and Lake Drive NE.
9. Requirements of the Anoka County Surveyor.
10. Requirements of the Anoka Transportation Division.
11. Requirements of the Rice Creek Watershed District.
12. Permanent wetland buffer plaques at intervals determined by the City.
13. Cash in lieu of park land dedication.
14. Reimbursement of all City expenses associated with plat approval.
15. Future development within the plat is subject to local ordinances and permitting requirements.

Motion by Daly to approve the Sanctuary at Howard Lake CUP for PUD, based on findings of fact and conditions 1-24 as outlined in the Planner's Memo (dated 11.12.18), with the addition of exceptions 1-8 as outlined in the Developer's Narrative Statement. Seconded by Krebs. Motion carried unanimously.

Sanctuary at Howard Lake PUD CUP Findings of Fact:

1. The City received a PUD CUP application from Howard Lake Development, LLC ("HLD LLC") on September 17, 2018 and supplemented on October 15, 2018. The application was found complete.
2. The 60-day review period ends on December 14, 2018 and the 120-day review, if necessary, ends on February 12, 2019.
3. The Property is zoned Community Retail (CR).
4. The CUP is required for the proposed development of senior citizen housing in the Community Retail (CR) District.
5. The Sanctuary at Howard Lake is an association managed detached townhome housing development with 26 individual residential lots and one large common are lot.
6. The PUD allows variations in dimensional standards.
7. The proposed plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Environment Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
8. The structure setback requirements for Natural Environment Lakes are 150 feet from the Ordinary High Water Elevation (OHWL) and the Shore Impact Zone is half of that distance. The OHWL has been established at an 888.6 feet elevation.
9. HLD LLC has applied for a variance to the OHWL setback requirements to allow a minimum 50 feet and average 75 feet Shore Impact Zone or setback from the OHWL.
10. The development is also subject to the provisions of the Floodplain Overlay District. The

100-year regional flood elevation is approximately at an 890 feet elevation and is contained within the proposed Shore Impact Zone.

11. The development includes public utilities and private street access for the lots. The public streets are 25 feet in width to the back of the curb.
12. One large common area lot (13.32 acres) covers the street and utility corridors, wetland areas, and ponding areas and is entirely encumbered with drainage and utility easements.
13. Residential lot areas within the proposed plat range from 4,978 square feet to 13,391 square feet. The average lot size is approximately 6450 square feet. The minimum lot size allowed is 5,000 square feet for association managed senior citizen housing.
14. The Sanctuary at Howard Lake will include an association for lawn care, private street and common area maintenance.
15. All lots will be individually owned and all homes will be individually maintained.
16. Proposed minimum front yard setbacks are 26 feet. This is a 4-foot exception to the minimum 30 feet garage setback, which would be allowed under the PUD.
17. The proposed minimum rear yard setback on a number of lots is less than the minimum 25 feet required, which would be allowed under the PUD CUP. All lots with exceptions to the minimum rear yard setback about a common area rather than another lot or adjacent property
18. There are currently five slab-on-grade house plans included in the PUD submittal. The homes range in size from an approximately 1390 square feet one level home to an approximately 2090 square feet two-level home. Each home has an at-grade patio deck at the rear of the home.
19. The senior citizen detached home design standards require a minimum 35% brick, stucco or stone on the front façade.
20. Each home includes attached 2-car garages, meeting the minimum 11 feet by 24 feet individual stall dimensions.
21. Parking areas in front of the garages meet the minimum 18 feet by 24 feet driveway standards.
22. The senior citizen detached dwelling standards include a guest parking allocation of one-half stall per unit. This requirement is exceeded with 17 guest parking stalls illustrated. There are also emergency vehicle back-up areas provided near the end of the northeasterly and the northwesterly streets.
23. The proposed guest parking stall dimensions of 9 feet by 18 feet are less than the required 10 feet by 20 feet standard.
24. There are no sidewalks proposed within the development; however, a trail access to Howard Lake within the common area is proposed.
25. There are seven stormwater ponds proposed within the development which are required for private street and impervious surface drainage.
26. On at least two lots, the standard one-rod wetland buffer easements are within 10 feet of the proposed residences. The standard wetland buffer easement will also impact a portion of an individual driveway and guest parking stall.
27. No new landscaping has been proposed.
28. The applicant has submitted an application to the Rice Creek Watershed District for permitting.
29. Anoka County Transportation Division has accepted plans for a required west bound turn lane and east bound bypass lane on Lake Drive.
30. The PUD CUP public hearing was held by the Planning Commission on November 19,

2018.

Sanctuary at Howard Lake PUD CUP Conditions of Approval:

1. The PUD CUP is contingent upon approval of a variance to the Shoreland Overlay District OHWL setback standards.
2. The PUD CUP is contingent upon approval and recording of the Sanctuary at Howard Lake plat.
3. The PUD CUP is contingent upon detailed recommendations of the City Attorney.
4. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
5. The PUD CUP is contingent upon review and approval of homeowner association documentation and an executed subdivision development agreement.
6. The PUD CUP is contingent upon subsequent detailed plan review and permitting by the City Building Official.
7. The PUD CUP is contingent upon a reduction in the City's one-rod wetland buffer depth to a minimum necessary to avoid any residential structure, private driveway or common area parking encroachments.
8. The PUD CUP is contingent upon the permitting requirements of Rice Creek Watershed District.
9. The PUD CUP is contingent upon the permitting requirements of Anoka Transportation Division.
10. Development of the Property shall be consistent with the PUD CUP application documentation received including, but not limited to, Preliminary Plat, dated 9/13/18; Civil Plan Sheets C1.1 through C5.2 by Plowe Engineering, last revision dated 10/2/18; Street and Utility Profiles by Plowe Engineering, dated _____; Development Narrative and Variance Petition Narrative received on 10/15/18; and five home model designs by Inspire Architects, dated 7/28/17.
11. The PUD CUP documentation is subject to modification by the City or may be modified through amendments approved by the City.
12. The PUD CUP authorizes the minimum lot size to be 4500 square feet.
13. The PUD CUP authorizes the guest parking stalls to be constructed at nine feet by 18 feet dimensions.
14. The PUD CUP authorizes the minimum setback of the garage from the private street to be 26 feet.
15. The PUD CUP authorizes the rear yard setbacks of residences on the individual lots to be consistent with illustrations on the Preliminary Plat.
16. The senior citizen detached home design standards require a minimum 35% brick, stucco or stone on the front façade.
17. The senior citizen detached home design standards require a minimum of two trees per lot, consistent with standards in the City Code.
18. No further subdivision of any lot for development purposes is allowed.
19. No detached accessory structures are permitted on any lot.
20. No boats, utility trailers, or recreation vehicles shall be kept outdoors on any property.
21. No filling, excavating or other land disturbances are permitted in stormwater ponding or wetland areas without written approval by Rice Creek Watershed District and the City.
22. Development of the Property must be consistent with all local, federal, and state laws that apply to the use of the Property.

23. 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.
24. HLD LLC shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the PUD CUP, variance and Zoning Ordinance Amendment, including any subsequent inspections and enforcement actions.

Sanctuary at Howard Lake PUD CUP Applicant's Narrative Statement Exceptions:

1. We are requesting a variance from the 150ft OHWL setback to allow for a 75ft OHWL average (and 50ft minimum) setback and no impact zone.
2. We are requesting a variation from code for a 6ft side-yard (12ft between structures) for detached town homes.
3. We are requesting a variation from code for a minimum 26ft driveway length. This is necessary on some parcels in order to maintain the wetland setback requirements behind the home site. Driveway length will be 30ft wherever possible.
4. We are requesting a variation from code to the one rod (16.5ft) wetland buffer for lot number 15 to allow for approximately a 12ft buffer, but will maintain at least the required 10ft minimum setback from the wetland delineation.
5. As part of the CUP we are requesting street guest parking stalls of 9ft x 18ft be allowed. This will help accommodate additional guest parking.
6. As part of the CUP we are requesting rear yard, and patio encroachment into wetland buffer zones. HOA contracted lawn care specialists will be required to ensure encroachment lines are maintained.
7. As part of the CUP we are requesting rear yards setbacks abutting private property, and common areas of less than 25ft be allowed.
8. As part of the PUD we are requesting private streets with a 25ft width.

Motion by Duraine to approve Resolution 18-35 approving a new variance and terminating prior variances for the Sanctuary at Howard Lake, based on findings of fact and condition as outlined in the Planner's Memo (dated 11.12.18). Seconded by Peterson. Motion carried unanimously.

Sanctuary at Howard Lake Variance Findings of Fact:

1. The City received a Variance application from Howard Lake Development, LLC ("HLD LLC") on September 17, 2018 and supplemented on October 15, 2018. The application was found complete.
2. The 60-day review period ends on December 14, 2018 and the 120-day review, if necessary, ends on February 12, 2019.
3. The proposed Sanctuary at Howard Lake plat lies within the Shoreland Overlay District. Howard Lake is classified as a Natural Environment Lake. Allowable uses within the Shoreland Overlay District are synonymous with the underlying zoning district.
4. The structure setback requirements for Natural Environment Lakes are 150 feet from the Ordinary High Water Elevation (OHWL) and the Shore Impact Zone is half of that distance. The OHWL has been established at an 888.6 feet elevation.
5. The City previously approved a variance for the Sanctuary at Howard Lake to establish

the OHWL setback and Shore Impact Zone at 50 feet.

6. HLD LLC, the City and the Department of Natural Resources (DNR) entered into a Settlement Agreement, dated August 8, 2018, which establishes conditions for HLD LLC to reapply for and the City to consider granting a variance to the OHWL setback standards.
7. The Settlement Agreement allows consideration for the reduction of the setback criteria from Howard Lake, provided a minimum 50 feet and an average 75 feet Shore Impact Zone is maintained. No temporary or permanent disturbances are allowed in the Shore Impact Zone, except for the proposed trail access and canoe landing.
8. The variance public hearing was held by the Planning Commission on November 19, 2018.

Sanctuary at Howard Lake Variance Condition:

Based upon the above Findings of Fact and completion of the City's Variance Checklist, the Planning Commission recommended approval of the Sanctuary at Howard Lake variance for a minimum 50 feet and average 75 feet Shore Impact Zone from the OHWL on Howard Lake, consistent with the DNR Settlement Agreement. This area shall be considered a wetland buffer area and wetland buffer plaques shall be placed along the 75-foot Shore Impact Zone or the lake facing lot lines of Lots 3-10 where the Shore Impact Zone is less than 75 feet from the OHWL. The spacing of wetland buffer plaques shall be sufficient to clearly delineate the Shore Impact Zone.

8. Public Open Forum

Lynn-Carver Quinn – 7540 152nd Lane NE

Quinn thanked the Council Members who will not be returning for another term. She said that she used to be on the Planning Commission in North St. Paul, where their Mayor has served for over 30 years. She said this Mayor's experience shows that if you do a good job as an elected official and listen to the people you can stay in office for a long time.

9. MnDOT Resolution Acquisition of Lands

Mursko reported that this resolution is not ready for approval and should be stricken from the agenda.

Motion by Duraine to remove the MnDOT Resolution Acquisition of Lands from the meeting's agenda. Seconded by Krebs. Motion carried unanimously.

D. STAFF AND CONSULTANT REPORTS

10. Engineer Report

City Engineer Dennis Postler reported on a resolution which would approve the acquisition of easements for an extension of public utilities along W. Freeway Drive.

Postler showed the Council a map of the area detailing where sewer and water lines will be extended to. He said permanent easements are needed for the access road, lift station, and force main. Temporary construction easements are also needed for the City's receiving pits and for the route to bring in equipment.

Krebs asked when this project will begin? Postler said it should start in spring once the weather warms up.

Griffith noted that the purpose of the resolution for these easements is to see if the parties who are subject to them would be willing to provide them to the City without going through a formal acquisition process. By approving the resolution, Council Members are delegating negotiations to City Staff.

Motion by Krebs to approve Resolution 18-36, a resolution authorizing the acquisition of easements for the extension of public utilities in the City of Columbus. Seconded by Peterson. Motion carried unanimously.

11. Attorney Report

No report.

12. Mayor and Council Members Report

Council Member Krebs

Council Member Krebs noted that the current Council has done an excellent job for a number of years, and all projects currently happening in the City are a direct result of their hard work. He expressed frustration that there continues to be anger and animosity toward current Council Members even after the election is over. He finished by wishing the new Council Members and Mayor good luck in their terms.

Council Member Peterson

No report.

Council Member Daly

Daly reported on the most recent Park Board meeting. He said that they developed some preliminary ideas for the design of the center of the roundabouts in Columbus. He said they are focusing their attention on the new roundabout on Lake Drive rather than the roundabout located at Kettle River Blvd and W. Broadway Ave.

Mayor Povolny said that he would prefer vegetation that does not require any maintenance in the design. Daly said that the Park Board will be talking with an arborist from the University of Minnesota to identify plants that are low maintenance and can handle salt from the road. Mayor Povolny followed up by asking if there is electricity and water connected to the roundabout? Daly replied that there is, and Mayor Povolny suggested that if there is a City monument built

there that it be illuminated with light.

Daly continued to report that Anoka County donated two garbage can systems for the City Park through a grant program. He said they will not be placed on the walking trail and he is not sure whether they will be locked in place.

Mayor Povolny

Mayor Povolny said that he would like to appoint Council Member Daly to the Economic Development Authority (EDA) as an at-large member.

Motion by Peterson to appoint Mark Daly to the EDA as an at-large member as of 01.01.19. Seconded by Krebs. Motion carried unanimously.

Secondly, Mayor Povolny said he would like to use the video system in the City Hall to record Planning Commission meetings with a simple static picture.

Motion by Peterson to activate the video system for Planning Commission meetings. Seconded by Krebs. Motion carried unanimously.

Lastly, Mayor Povolny said that because there continue to be attacks on the current Council Members, he would like to say that all Council Members for the eight years that he has been Mayor have done a great job. He added that he is okay with losing the election because it took a lot of lies to remove him from office. He finished by thanking everyone who supported him with their votes.

Council Member Duraine

No report.

13. Public Works Report

No report.

14. Public Communications Coordinator Report

No report.

15. City Administrator's Report

No report.

Treasurer's Report

Receipts:	\$1,375,925.02
Disbursements:	\$ 151,735.89
Balance:	\$8,611,435.19

E. ANNOUNCEMENTS & REMINDERS

16. Calendar of Meetings.

Announcements – The next Planning Commission meeting will be on 12.05.18.

F. ADJOURNMENT

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

Meeting adjourned at 7:26 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator