

**City of Columbus  
Regular City Council Meeting  
12.12.18**

The 12.12.18 meeting of the City of Columbus City Council was called to order at 7:01 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: Cory & Tom Richter, Dan Mike, Kris King, Paul Peskar, Tom Olson, Jim Watson, Emmy Robinsom, Rick Robinson, Myron & Cindy Angel, Barb Bobick, Janet Hegland, Shelly Logren, Don Santanni, John & Kim Taylor, Bill Bobick, Lynn Carver-Quinn, and Julia Parent (Forest Lake Times).

**A. CITY COUNCIL REGULAR MEETING**

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

**B. CONSENT AGENDA**

- ~~**3. Motion – Approval of the City Council Meeting Minutes 09.26.18**~~
- 4. Motion – Agenda Approval with Additions**
- 5. Motion – Hennepin Tech OSHA Compliance and Safety Training Contract**
- 6. Motion – Columbus Precinct and Polling Locations for 2019**
- 7. Motion – 2019 Schedule of City of Columbus Regular Meetings**
- 8. Motion – 2019 and 2020 RVS Park Lawn Care and Park Maintenance Contracts**
- 9. Motion – Approval 165<sup>th</sup> Road Improvement Neighborhood Meeting Minutes 11.13.18**
- 10. Motion – Approval 176<sup>th</sup> 178<sup>th</sup> Rutgers Tulane 186<sup>th</sup> Vassar Road Improvement Neighborhood Meeting Minutes 11.13.18.**
- 11. Motion – Pay Bills as Posted**

Mursko struck item 3 from the Consent Agenda.

**Motion by Duraine to approve the Consent Agenda items 4-11. Seconded by Daly. Motion carried unanimously.**

**C. PRESENTATIONS**

**12. Forest Lake Fire Discussion – Alan Newman**

Newman had two items to discuss with the Council. The first was that he will be returning to the 12.27.18 Council meeting to declare a surplus and discuss with the Council. The second was that a Fire Department truck is severely damaged. Newman said the frame of the truck is breaking down. His tentative plans are to replace the truck in 2020 because the cost to repair is too high. He is working with vendors to get bids and anticipates that it will be anywhere from 8 months to one year before a new truck is purchased.

The final item in Newman's discussion was the number of calls from the City of Columbus to the Fire Department which are cancelled. He provided some statistics. So far in 2018, 56% of auto accidents have been canceled before the Fire Department arrives on scene. Also, 46% of

medical calls were cancelled before the Fire Department arrived on scene. Newman said that he met with the Anoka County Sheriff's Office to determine the cause of cancelled calls.

Newman reported that the dispatch systems in Anoka County and Washington County are different. Washington County has a medical dispatching system, which means they triage the call when it comes in to determine what the type is before emergency services are called. In Anoka County they do not have a medical dispatching system, so emergency services are notified of every call that is related to an injury.

Newman said that Anoka County is changing their policy to only call fire services when they are specifically requested rather than for all injury calls. He anticipates this change will decrease the call run volume by 50-60%. Each response costs the Fire Department roughly \$800, so this change should also have an impact on the Fire Department's budget.

The final update Newman gave was that mutual aid agreements with neighboring jurisdictions are almost in place. These agreements say that a neighboring jurisdiction will be called at the same time as the Forest Lake Fire Department for all structure fires. He is hopeful this will help decrease overall call time.

### **13. Planning Commission Report**

Commissioner Jody Krebs gave the Planning Commission report.

#### IUP Residential Zone Business David Povolny – Davco Technologies Inc.

At this time Mayor Povolny stepped down as to not take part in the action.

At their 12.05.18 meeting the Planning Commission held a Public Hearing and discussion for an Interim Use Permit (IUP) for Davco Technologies Inc. This is an electrical, contracting, networking, and machine automation business.

Commissioner Krebs discussed statements that were raised during the Public Hearing. There was concern about the size of the business (in terms of annual sales and number of employees), and whether a business of that size should be allowed to operate in the residential district. Commissioner Krebs noted that the Columbus City Code does not define what a small business is and does not restrict residential zone businesses based on their size. The second concern expressed was that there are two locations for the business. Commissioner Krebs said that the City's IUP will only cover the operation in Columbus and not any activity in other Cities. The third concern had to do with junk that is piled on the property line. Griffith said that any junk piled on the property line which is not related to the business will have to be dealt with separately from the IUP approval process with the City's normal complaint procedures. Griffith added as such, the Council cannot require screening at this time. She finished by saying that three of the Planning Commission members have visited the site.

In reference to findings of fact number 5, where the applicant had requested a 10-year term for the IUP, Griffith said that City Code does not allow terms longer than five years. The applicant stated that a five-year term would be acceptable.

In addition, findings of fact number 9 were changed to reflect Monday – Saturday days of operation, which is consistent with City Code.

The Planning Commission is unanimously recommending the application for approval.

**Motion by Daly to approve the Davco Technologies Inc. Interim Use Permit application (dated 11.08.18) for a 5-year term based on findings of fact and conditions 1-10 as outlined in the Planner’s Memo (dated 11.29.18). Seconded by Peterson. Motion carried unanimously.**

Mayor Povolny returned to his seat following the completion of the vote.

Davco Technologies Inc. Interim Use Permit Findings of Fact:

1. The City received an IUP application from Dave & Deanna Povolny (“Povolny”), on November 8, 2018 and supplemented on November 15, 2018. The application was found complete.
2. The 60-day review deadline is January 14, 2019. The 120-day review, if necessary, is March 15, 2019.
3. Povolny currently occupies a residence at 16731 Potomac Street NE on approximately 58.04 acres of property, legally described as the South Half of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 10, Township 32, Range 32 [Anoka County PIDs 10-32-22-32-0003 and 10-32-22-32-0004] (“Property”).
4. The Property is zoned RR Rural Residential.
5. Povolny is requesting a 10-year IUP to operate an electrical contracting, networking, software, machine automation and on-line sales Residential Zone Business (“RZB”) on the Property.
6. There will be no on-site sales and only infrequent clientele accessing the Property for routine business operations.
7. Outside employees or subcontractors associated with the RZB will access the Property on a non-regular, as-needed basis.
8. Other traffic associated with the RZB will be limited to occasional delivery vehicles.
9. Normal hours of operation will occur ~~on weekdays~~ Monday through Saturday between the hours of 7:00 am and 7:00 pm.
10. The RZB be conducted only in the residence and accessory building.
11. There is no visible outside storage associated with the RZB and any junk, debris or waste will be kept in containers designed for refuse disposal.
12. The proposed RZB will not emit any noise, glare, odor, fumes, or vibrations, nor impact the use of adjacent properties for residential purposes.
13. The Property is densely vegetated.
14. There is currently no proposed signage for the RZB on the Property.
15. The IUP public hearing was held by the Planning Commission on December 5, 2018.

Davco Technologies Inc. Interim Use Permit Conditions of Approval:

1. The term of the IUP shall be ~~ten~~ five years from the date of City Council approval. Povolny may reapply for an IUP upon expiration of the term, according to procedures in the Columbus City Code.
2. There are no vested rights in the issuance of the IUP and the IUP is not transferrable.
3. Conduct of the Residential Zone Business shall be consistent with the application materials received by the City on November 8, 2018 and November 15, 2018, which are attached to the IUP by reference.
4. Outside employees, subcontractors or clientele shall access the Property only on a non-regular, as-needed basis.
5. Normal hours of operation shall occur ~~on weekdays~~ Monday through Saturday between the hours of 7:00 am and 7:00 pm.
6. There shall be no outside storage, visible from adjacent properties, associated with the Residential Zone Business.
7. The RZB shall not generate any noise, glare, odor, fumes, or vibrations, nor impact the use of adjacent properties for residential properties. Any junk, debris or waste will be kept in containers designed for refuse disposal.
8. Conduct of the Residential Zone Business shall be consistent with all applicable federal, state and local laws, rules, licenses and ordinances.
9. 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 IUP may be revoked by the City upon proper notice and a public hearing.
10. The IUP is contingent upon reimbursement of all City expenses associated with IUP issuance, inspections and enforcement.

Columbus 2040 Comprehensive Plan Comments

Commissioner Krebs reported that all comments have been received and all housekeeping edits are complete on the Columbus 2040 Comprehensive Plan. The Plan will come back to the Planning Commission in its final form at a future meeting.

Hornsby Street Barricades

Commissioner Krebs added that during Open Forum of the Planning Commission meeting residents spoke about a safety concern relating to barricades which have been placed near the intersection of Hornsby Street and TH 97. Krebs said that the barricades are near the right turn lane to get onto Hornsby Street, and they are blocking sight lines for anyone trying to turn left onto TH 97 from Hornsby Street. He said they need to be moved back or it could cause accidents. Public Works Superintendent Jim Windingstad said that the barricades are MnDOT's and he is working with City Engineer Dennis Postler to find a solution with them.

**14. Troy Meyer Drainage and Utility Easement Vacation Resolution**

Mursko reported that property owner Troy Meyer would like to erect a pole building within a drainage and utility easement on his property. She said that Becky Wozney from the Anoka Conservation District inspected the property and determined that the location does not contain wetland and recommended that the easement be vacated. Mursko said the resolution before the Council will be to set a Public Hearing and begin the process of vacating the easement. This will allow him to build the pole building in his preferred location.

**Motion by Krebs to approve Resolution 18-37, a resolution setting a Public Hearing for a drainage and utility easement vacation at 19158 Lyons Street NE. Seconded by Peterson. Motion carried unanimously.**

## **15. Public Open Forum**

### Dan Mike – 15123 Hornsby Street

Mike followed up on the brief discussion on the barricades near Hornsby Street. He said that if the barricades were lowered that would help the problem significantly. He added that he believes a very bad accident will happen at that intersection because of the barricades. City Engineer Dennis Postler said that the City does not have jurisdiction over the barricades, but they will be working with MnDOT to see what can be done about moving them or lowering them.

### The Richters – 8136 174<sup>th</sup> Court NE

The Richters are new residents in the Thurnbeck Preserve development. They asked the Council what the developer's requirements are for completing the retention pond that is south of the 174<sup>th</sup> Court cul-de-sac? They said that over the course of the summer the pond eroded and is much shallower now. Postler said that the developer is required to fix erosion and restore the pond to the planned design. The Richters said that they have spoken with the developer a number of times about the issue and there has progress has been made. Postler said he will address these concerns with the developer in the spring. A full inspection will be completed and they will be expected to restore the pond to its original design.

## **16. Public Comment and Motion – 2019 Columbus Levy and Budget**

Mursko handed out Columbus' final 2019 Levy and Budget. She asked the audience for any comments they may have on the budget. Hearing no one, Mursko continued discussion by highlighting a number of points from the budget and levy.

First discussing the summary, she noted that operations have increased because of an increase in staffing. There has also been an increase in capital funds, resulting in the City's ability to pay cash for more items. She clarified that the debit service line item details where money has been borrowed for different projects such as road improvements, the public works building, and general obligation bonds.

Mursko continued to discuss the levy. The levy represents actual taxes which are paid. The difference between the budget and the levy is that the levy takes into account money that the City collects.

She continued to explain that tax capacity is a number that is used in a formula to determine a tax rate for citizens. In 2019, the City will have an 8.92% increase in tax capacity which equals roughly \$221,000. This means that if the budget were to increase by \$221,000, citizens will theoretically see no increase in taxes. Mursko added that there are a number of factors which go into the formula for citizen's tax rates. For example, Columbus' tax assessor reviews all building permits to determine which properties may have increased in value. Because of this, it is possible for citizens to see an increase in their taxes even though the City's tax rate remains the same.

Mayor Povolny noted that the City has been paying a considerable amount of money in debit service for land that the City purchased. He said that hopefully that land will be sold in a timely manner, and asked how such sales would affect the levy? Mursko said that the breakeven point for debit services is around \$4.2 million, and the City is not close to that number yet. Taking into consideration the interest involved, her best guess is that debt may be paid off in 3-4 years. Mayor Povolny continued to ask where cash will be allocated once the \$4.2 million is paid? Mursko said that it will be up to a future Council to decide how that money will be utilized, but the original intent was to dedicate that money to paying down bond payments.

Duraine asked what percentage the levy increased? Mursko replied between 1.2 and 1.7%.

**Motion by Krebs to approve Resolution 18-38, a resolution approving the 2018 final tax levy and tax abatement for property taxes collectable in 2019. Seconded by Peterson. Motion carried unanimously.**

**Motion by Peterson to approve Resolution 18-39, a resolution approving the 2019 final budget. Seconded by Krebs. Motion carried unanimously.**

## **17. MnDOT Resolution**

Continued to next meeting.

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

### **18. Engineer Report**

#### 2019 Street Improvement – Shape and Pave

City Engineer Dennis Postler presented the results from formal petitions for the consideration of road improvement projects (shape and pave) in the City. He reported that a total of 96 petitions were sent and 73 were returned. Of the 73 returned petitions there were two votes that were eliminated because one resident voted yes and the other voted no. The remaining petitions were split at 24 yes and 45 no. Postler noted that the votes on 176<sup>th</sup> Avenue NE were 3-2 in favor of paving, and that Vassar Street was a tie. However, the cost to only pave those roads would be significantly higher than the current estimate because it was for paving multiple roads at once to save money. The Council agreed they would like to discontinue the road improvement process with this group of roads.

## 2019 Street Improvement – Reclaim

Public Works previously presented the City Council with a recommended street improvements project for 2019, which includes the pavement reclamation of Notre Dame Street and 181<sup>st</sup> Avenue. Windingstad commented that those roads were meant to be reclaimed in 2015, but his team delayed it because of the John's Black Dirt hauling situation that was happening at the time. Postler said that he is looking for a motion authorizing plans and specifications for the reclaim projects, and he would bring back the bids in roughly one or two months.

Duraine asked the Council if they felt like efforts to have City roads paved should be discontinued entirely? Windingstad said that City staff agree that offering road paving projects to residents is not worth the time and effort when so few are interested. Griffith said that if the Council would like to change their policy on road paving projects the topic should be considered at a future meeting as an agenda item.

**Motion by Peterson to authorize plans and specifications for the 2019-01 street improvement – reclaim projects for Notre Dame Street NE and 181<sup>st</sup> Avenue NE. Seconded by Krebs. Votes as follows; Daly – aye; Povolny – aye; Duraine – nay. Motion carries.**

## Southwest Area Sanitary Sewer and Water Main Improvements – Phase 2

Postler presented plans and specifications for the southwest area sanitary sewer and water main improvements – phase 2 project.

**Motion by Peterson to approve Resolution 18-40, a resolution approving plans and specifications for the southwest area sanitary sewer and water main improvements – phase 2 project, ordering advertisement of bids, and setting a bid opening date for Wednesday February 6<sup>th</sup>, 2019. Seconded by Krebs. Motion carried unanimously.**

## Woodland Development Letter of Credit Reduction Request (Preiner's Preserve)

Postler is recommending reducing Woodland Development's letter of credit to 20% of the surety amount.

**Motion by Krebs to approve the reduction of Woodland Development's Letter of Credit to 20% of the surety amount that equals \$215,000. Seconded by Peterson. Motion carried unanimously.**

## Sherco Construction Letter of Credit Reduction Request (Thurnbeck Preserve – Furman Street)

An additional letter of credit reduction request came before the Council for Sherco Construction. The reduction request is for their second letter of credit which was attained to protect Furman Street from mining operations occurring at the development. Postler inspected the road and said there is a small crack on the edge of the pavement. He is recommending reducing the letter of credit from \$62,500 to \$10,000. There will be additional inspections of Furman Street during the spring.

Krebs asked if there is going to be another lift added to the road? Postler said that the road is complete and another lift is not needed.

**Motion by Duraine to approve reducing Sherco Construction's Letter of Credit from \$64,500 to \$10,000 for Furman Street. Seconded by Peterson. Motion carried unanimously.**

#### 2019 Utility Fee Schedule Update

In response to inflation, the local SAC and WAC charges are adjusted annually. Postler presented the new fees to the Council as information. The changes are to be approved with the 2019 Fee Schedule Ordinance.

#### Anoka County 5-year CIP

Anoka County's 5-year CIP plan shows all work in Columbus being completed in 2019. This includes the realignment of CSAH 54/W. Freeway Drive, traffic signal installation at Broadway Avenue and Lexington Avenue, shoulder widening on Broadway Avenue, and the reclaiming and shoulder addition on Kettle River Blvd.

Mayor Povolny asked if there is a way to determine if County roads in other Anoka County Cities do not have shoulders? He is wondering if the County would consider adding shoulders to some County roads in Columbus? Postler replied that the City would have to request that information, and he will take the question to the County.

### **19. Attorney Report**

#### Chapter 6 Road Restrictions Ordinance

Griffith presented a draft ordinance to the Council amending Chapter 6 to place road restrictions on Howard Lake Drive and Zurich Street/Running Aces Blvd/147<sup>th</sup> Avenue NE. The ordinance includes an exception for buses and local delivery trucks.

Mayor Povolny asked where the 5-ton per axle limit came from? He was under the impression that 26,000-pound trucks would be allowed. Postler said that a 5-ton limit per axle is typical for city streets. Mayor Povolny said that he would like to see the limit at 7-tons per axle, because the intent is to eliminate cement truck traffic and not traffic from lighter trucks. The rest of the Council agreed that a 7-ton weight limit per axle was appropriate.

Windingstad asked if the intent is to have no haul routes or to enforce a weight limit? Griffith replied that they would be considered no haul routes and the best way to enforce that is through weight limits.

**Motion by Peterson to approve Ordinance 18-06, an ordinance amending Chapter 6 of the City of Columbus Code of Ordinances, with a 7-ton limit per axle rather than 5-tons. Seconded by Krebs. Motion carried unanimously.**

Preiner Preserve Stormwater Management Agreement

Griffith presented an agreement for the maintenance of a pond in Preiner's Preserve. In the development agreement there is an allowance for the City to bill back a portion of the maintenance fees. The pond will be the City's responsibility to maintain and a portion of the cost will be billed back to the Developer.

**Motion by Daly to approve the Preiner Preserve Stormwater Management Agreement. Seconded by Peterson. Motion carried unanimously.**

CSAH 54 Realignment Project – New Road Names

Griffith explained that this is an ordinance which will not be codified, for renaming the leftover piece of W. Freeway Drive after the realignment as Evers Street.

**Motion by Krebs to approve Ordinance 18-07, an ordinance renaming a portion of W. Freeway Drive/CSAH 54 to Evers Street. Seconded by Peterson. Motion carried unanimously.**

Approve No Parking CSAH 54 & Evers Street

Griffith continued to say that the last resolution before them would be approving the prohibition of parking on W. Freeway Drive/CSAH 54 and Evers Street. No parking would be allowed from Lake Drive/CSAH 23 to a point 3,900 feet north of 149<sup>th</sup> Avenue. Parking would also be prohibited on Evers Street from W. Freeway Drive/CSAH 54 to TH 97.

**Motion by Peterson to approve Resolution 18-41, a resolution to approve no parking on W. Freeway Drive/CSAH 54 and Evers Street. Seconded by Krebs. Motion carried unanimously.**

**20. Mayor and Council Members Report**

Council Member Krebs

No report.

Council Member Peterson

No report.

Council Member Daly

Council Member Daly reported that he is glad that Anoka County cleared Kettle River Blvd's right-of-way of trees.

Mayor Povolny

No report.

### Council Member Duraine

Council Member Duraine asked if the City should call and inform businesses that Zurich Street/147<sup>th</sup> Avenue NE and Howard Lake Drive will be posted as no haul routes? The Council agreed to direct City staff to inform businesses of this change.

## **21. Public Works Report**

No report.

## **22. Public Communications Coordinator Report**

No report.

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

### 2019 Fee Schedule Ordinance

Mursko discussed the 2019 Fee Schedule and pointed out some amendments that were made for 2019. The Building Official, Leon Ohman, recommended billing for four hours of work for demolition permits, which would increase the fee for such permits to \$188. Also, the window and door permit fee has been increased to \$50. Lastly, the previous fee schedule did not have anything listed for Tax Increment Financing (TIF) district applications, and Mursko recommended adding \$15,000 to the fee schedule for that type of application.

Mayor Povolny asked if the fee for liquor licenses has been reviewed recently, because it seems low. Mursko said that it had been awhile since the fee was reviewed. Griffith said that the important question to consider relating to the fee is how much administrative time goes into processing, and whether or not there is a shortfall for that specific line item. Mursko said there is no shortfall for the liquor license application fees.

Duraine asked why background checks cost \$10,000? Griffith replied that it is a one-time fee and is only for applicants from out of state.

Mayor Povolny asked if the park rental fees seem appropriate? Daly responded that the Park Advisory Board has discussed increasing fees for the field, but they are unsure about it. He added that the price is very reasonable compared to surrounding communities.

**Motion by Duraine to approve Ordinance 18-08, the 2019 City of Columbus Fee Schedule. Seconded by Peterson. Motion carried unanimously.**

### Interim Planner Merritt Capp-Smith TKDA

Mursko presented a proposal to the Council for interim planning services because the City's

Planner Dean Johnson is retiring. The proposal is for up to 120 days while the City determines the best direction to go; whether that is an FRIP process or to hire an in-house Planner.

**Motion by Krebs to approve the proposal for interim planning services with Merritt Clapp-Smith, to be completed by March 30, 2019. Seconded by Peterson. Motion carried unanimously.**

#### 2019 Cost of Living Increase for Employees

Mursko proposed a 3% cost of living increase for employees. She said such an adjustment has not been approved for City Employees since 2012.

**Motion by Daly to approve the 2019 Cost of Living Increase for City Employees. Seconded by Peterson. Votes as follows; Povolny – aye; Duraine – nay; Krebs – aye. Motion carried.**

#### Treasurer's Report

Receipts:	\$	0.00
Disbursements:	\$	118,336.22
Balance:	\$	10,066,246.62

#### **24. Closed meeting**

At this time Mayor Povolny 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 8:52 p.m. Mayor Povolny reopened the City Council meeting.

#### **E. ANNOUNCEMENTS & REMINDERS**

##### **25. Calendar of Meetings.**

The next Planning Commission meeting is on 12.19.18.

#### **F. ADJOURNMENT**

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

Meeting adjourned at 8:53 pm.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator