

**City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statutes 13D.021
12.29.21**

The 12.29.21 meeting of the City of Columbus City Council was called to order at 7:00 p.m. by Mayor Preiner at the City Hall. Present were Council Members Robert Busch, Shelly Logren (via teleconference), Sue Wagamon and Janet Hegland; City Administrator Elizabeth Mursko, City Attorney Bill Griffith (via teleconference), City Engineer Kevin Bittner (via teleconference), Public Works Director Jim Windingstad (via teleconference), and Public Communications Coordinator Jessica Hughes (via teleconference).

Also in attendance (via teleconference): D. Scotty Lene, Kris King, STW's iPad, Natalie Ryder, Meghan Turcotte, 761-785-5534, and keriryan.

Also in attendance (in person): Tom Hagert, Julie Eddington, Wendy Lene, Paul Guidera, Greg Hayes, and Robert Allee.

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order - Regular Meeting – 7:00 P.M.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. Motion – Agenda Approval with Additions**
- 4. ~~Motion – Approval of the 09.14.2021 City Council Meeting Minutes~~**
- 5. ~~Motion – Approval of the 10.13.2021 City Council Meeting Minutes~~**
- 6. ~~Motion – Approval of the 10.13.2021 Closed City Council Meeting Minutes~~**
- 7. ~~Motion – 1st Amendment to Purchase Agreement E&R Investments~~**
- 8. Motion – RES 21-32 establishing Columbus Precinct and Polling Location**
- 9. Motion – Pay Bills as Posted**

Motion by Hegland to approve Consent Agenda items 3, 8, and 9. Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

C. PRESENTATIONS

10. Public Open Forum

No report.

11. Drainage and Utility Easement Vacation

The Council began by considering a lot line adjustment between two properties to allow the construction of an accessory building. The property's drainage and utility easement is in a location which would interfere with the accessory building. City Administrator Elizabeth Mursko is

recommending vacating the current drainage and utility easement and reestablishing the drainage and utility easements in accordance with the lot line adjustment.

Mayor Preiner opened a public hearing on the topic. Hearing no one interested in speaking, he closed the public hearing.

Motion by Mayor Preiner to approve Resolution 21-28, a resolution vacating a drainage and utility easement at 16225 and 16201 Kettle River Blvd. and approving a lot line adjustment subject to the condition stated above. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

12. Conduit Bonding Proposal

City Bonding Attorney Julie Eddington presented an opportunity to the Council for issuing tax-exempt conduit bonds in the amount of \$10 million to Blake School. The cities in which Blake School has campuses are unable to issue conduit bonds, because they are unable to extend conduit bonding to Blake due to bonding for other projects. As such, they are reaching out to other communities for assistance.

Eddington explained that Columbus has issued conduit bonds for projects outside of the City before. Blake School would pay a \$75,000 fee to the City for issuing the bonds. She added that there is no liability to the City and the issuance would not impact Columbus' credit rating. Issuing the bonds is free of risk. The true owner of the debt would be the bank.

Hegland asked if there are any restrictions on what the \$75,000 can be used for? Eddington replied no, the money is unrestricted. The only requirement of the City is to add a note in financial statements regarding the conduit bonds that have been issued.

City Attorney Bill Griffith noted that the only risk to the City, albeit a very small one, is reputational risk. Some may argue that the City should not issue bonds for projects which are not located in Columbus. However, this is a service that cities may extend to educational institutions and non-profits for the good of the community. Blake has an excellent reputation and is a long standing (>100 years) institution.

Motion by Mayor Preiner to approve the conduit bonding proposal from Blake School as presented. Seconded by Wagamon. Roll call vote; Busch – nay; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

13. Planning Commission Report

Planning Commission Member Bob Berens gave the Planning Commission report from their 12.15.21 meeting.

E&R Investments Site Plan – Caribou Coffee

The Planning Commission considered a site plan submitted by E&R Investments proposing the development of a Caribou Coffee Cabin. Berens explained that the design is for a small building offering drive-thru service and walk up ordering only.

The Planning Commission addressed concerns over lighting and exterior décor. The outside lights are labeled as wall lanterns on the site plan and are without any shrouding. City Code requires all outdoor lighting to be shrouded. Commissioners recommended that the Council review the code to determine if it applies to the proposed lighting.

In terms of the exterior décor, the original site plan did not contain enough masonry to meet City Code. Applicants have updated the site plan to meet requirements but would prefer to use the original design and have requested that the Planning Commission and Council consider the original design.

After discussion, the Planning Commission made a motion recommending approval, with a request for the Council to consider the lighting and exterior décor concerns.

Greg Hayes from Hebert Construction and Paul Guidera from Caribou Coffee came forward. They explained that the hardie board shown for exterior décor is a cement product that they consider to be masonry. If the Council agrees that it is a masonry product the original site plan would meet City Code. Hayes added that the plan is to break ground around April 1 and open in mid-September or early October.

City Attorney Bill Griffith explained that for the original site plan to be approved the Council could make a finding that hardie board is a masonry product, or the applicant could apply for a variance.

Griffith also noted that he interprets the shrouding requirement as not applicable to the proposed lighting plan because the lights would not reach the one-foot-candle at the property line level. Hayes added that the manufacturer of the does not provide a lumen amount because it produces such low levels of light. Griffith said the Council could find that the code does not apply because the lights are decorative and at such a low level, they have the same effect as shrouded lights. Or, he continued, the applicant could apply for a variance.

Logren expressed concern that when the land sale was being contemplated applicants did not disclose they were proposing a drive-through only concept rather than a full-service coffee shop. She feels strongly that the Council did not envision a drive-thru-only coffee shop for this area of the City. Her expectation at the time of the land sale was for a place that residents could gather – a type of small, informal, restaurant. She is disappointed the proposal is not for a typical coffee shop like the group originally expected and therefore does not support this proposal.

Mursko explained that the City Code applicable to this application does not define “coffee shop”. However, the recently updated code lists a “restaurant or coffee shop, including accessory drive through” as a conditional use in this district. Griffith explained that when most cities want to mandate that a restaurant or coffee shop have a dining area the code will have a seating requirement, which Columbus’ code does not. Guidera explained that most of Caribou’s recently opened stores, and stores to open in the next few years, are drive-thru only.

Motion by Hegland to approve the E&R Investments Caribou Coffee Site Plan, contingent on the submission of a variance application for the lighting and building materials or bringing the site plan into compliance with the current City Ordinance, based on Findings

of Fact 1-21 and subject to Conditions of Approval 1-12 from the City Staff report (dated 12.03.2021), and Comments from the City Engineer’s report (dated 12.09.2021). Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – nay. Motion carries.

E&R Investments – Caribou Coffee Site Plan Review Findings of Fact:

1. The City received a site plan review application from E & R Investments (“E & R”) to construct a Caribou Cabin on November 15, 2021. Upon receipt of additional information on November 30, 2021, the application was found to be complete.
2. The 60-day review deadline is January 29, 2022. The 120-day review, if extended, ends on March 30, 2022.
3. The proposed Caribou Cabin will be constructed on property located in the CR Community Retail Zoning District on property generally described as the southerly 145.55 feet of the westerly 309.60 feet of Outlot C, NE Quad 35 (“Property”). [The Property may ultimately be described as Lot 1, Block 1, NE Quad 35 Second Addition]
4. The Property is approximately 33,389 square feet in area, or roughly 0.77 acres.
5. Access to the Caribou Cabin includes a full access driveway from Hornsby Street on the southerly side of the parcel and an exit only driveway to the north.
6. The Caribou Cabin concept is a drive-thru only retail business; although, a patio will be constructed for seasonal outdoor seating and walk-up service window.
7. Site development includes a 627 square feet building, 1542 square feet patio and sidewalk area, 11 parking spaces (including one accessible), drive-thru stacking for 11 cars, a bypass lane around the drive-thru lane and a dumpster enclosure.
8. The number of parking spaces provided, stacking capacity for the drive-thru and dimensional standards of the parking spaces and drive aisles are consistent with ordinance requirements.
9. Total impervious surfaces on the Property are approximately 16,000 square feet. Lot coverage is approximately 48%.
10. A Rice Creek Watershed District stormwater and erosion control permit application is pending. There are no wetlands on the Property.
11. The 0.77-acre proposed parcel exceeds the minimum 0.5-acre minimum lot size requirement. The 30-foot front yard and 10-foot side/rear yard building setbacks are met. The 20-foot front yard parking setback is met (one-third encroachment of the front yard setback for parking is allowed).

12. The proposed Caribou Cabin building exteriors match corporate colors, which include a chocolate brown stone veneer and sky blue lap siding. Excluding windows and doors, the stone represents 100% of the southern and northern elevations, 55% of the western elevation and 59% of the eastern elevation. The service door, window trim, corner trim and metal roof are dark bronze. The building also features 2-3 carriage lights on each elevation.
13. The site lighting includes four 23-feet-tall, single lamp, downcast light standards. There is also one downcast, shrouded wall pack above the service door on the east elevation. Site lighting does not exceed one foot candle at any property line.
14. A 14-feet by 22-feet trash enclosure is located at the southerly end of the parking lot. The 8-feet-high concrete enclosure will be covered with stone to match the principle structure.
15. The landscape plan features a mix of six shade trees, 24 shrubs, 11 catmint perennials and 37 feather reed grasses. The landscape quantities and planting sizes are consistent with ordinance requirements.
16. Site signage includes a 20-feet-tall, 100 square feet pylon sign near the entrance to the Property. There are a variety of directional signs throughout the Property, which are four feet in height and four square feet in area. There is a 10-feet-tall “Vehicle Clearance” or vehicle height mast over the drive-thru lane.
17. There is a 32 square feet “menu preview” sign, which is approximately 6 feet in height. There is an “Order Here” pedestal with canopy on the north side of the building which is approximately 10 feet tall.
18. The “full menu” order board sign is 32 square feet in area and approximately 6 feet tall.
19. Wall signs in the CR District allowed at a maximum of 15% of the square footage of walls “with direct public street frontage.” The maximum lettering height allowed is 36 inches. Caribou Cabin has 20-inch inline lettering (31-inch Logo) on the north and south side of the building, which are approximately 7% of the wall area and has 16-inch inline lettering (25-inch Logo) on the west and east side of the building, which are approximately 6% of the wall area.
20. The signs proposed for Caribou Cabin are consistent with the sign ordinance with exception of the number of wall signs. The south and west walls of the building have direct public street frontage on the curvilinear Hornsby Street. One may argue the north wall has similar public street frontage. The east elevation does not have direct public street frontage.
21. The Planning Commission completed the Caribou Cabin site plan review on December 15, 2021.

E&R Investments – Caribou Coffee Site Plan Review Conditions of Approval:

1. The site plan approval is contingent upon detailed recommendations of the City Engineer and Public Works Director.
2. The site plan approval is contingent upon recommendations of the City Attorney.
3. The site plan approval is contingent upon detailed building permit plan review by the Building Official.
4. The site plan approval is contingent upon recommendations of the Fire Department.
5. The site plan approval is contingent upon recording of a final plat for the subdivision of the Property.
6. Development of the Property shall be consistent with site plan review application materials, including but not limited to, E & R Site Plan Review Application, dated 11/15/21 and supplemented 11/30/21; Caribou Cabin civil and site plan details, prepared by Otto Associates, dated 11/30/21; Stormwater report, prepared by Otto Associates, dated 11/30/21; Landscape Plan, prepared by Calyx Design Group, dated 11/15/21; Architectural Plans, by reprise Architects, Inc., 10/29/21; Sign Plan, by Everbrite, LLC, dated 9/14/21 and supplemented 11/30/21; and Lighting Plan, by GraybaR, dated 9/16/21 and supplemented 9/30/21 and by Davis and Associates, Inc., dated 9/16/21.
7. The site plan approval is contingent upon the permitting requirements of the Rice Creek Watershed District.
8. The proposed site signage is approved for permitting, except that the wall signs are limited to the southern, western and northern sides of building elevations.
9. Any and all uses allowed in the site plan approval shall be constructed, maintained, and practiced consistent with all applicable federal, state, and local laws and regulations, including but not limited to air quality, water quality, noise standards and odor regulations.
10. Approval of the site plan is not a substitute for any other permitting required to improve the Property, as authorized.
11. E & R shall reimburse the City for its expenses associated with the site plan approval.
12. Intensification of the use of the Property or a change of use shall require a new permit review.

E&R Investments – Caribou Coffee Site Plan Review Engineer’s Comments:

- Storm sewer CB 2 should be connected to CB 1 rather than to the catch basin on Hornsby Street.
- The existing water service stub is an 8” line and the proposed service to the building is a 1½” line. The plan should call out how this connection will be made.

- The existing sanitary sewer service is an 8” line while the proposed service to the building is a 4” line. The plan should call out how this connection will be made.
- The storm sewer outfall line will discharge to the city pond to the south. An easement will be required from the city to place this storm sewer on city property.
- (Advisory comment) The 4’ sidewalk along parking stalls 5 through 11 is quite narrow when car bumper overhang is factored in. A minimum 6’ sidewalk is recommended.
- (Advisory comment) Access to the trash enclosure would seem to be a tight maneuver for a garbage truck, particularly given the location of the directional sign, bollard, and clearance arm on the north side of the curb that will restrict back-up maneuvers.

First Amendment to E&R Investments Purchase Agreement

The Council continued by considering the first amendment to the purchase agreement with E&R Investments for City-owned property. The amendment contains two changes: moving the completion date and addressing the pile of dirt on the property. The City will be responsible for moving the dirt pile off site by a specific date.

Motion by Mayor Preiner to approve the first amendment to the E&R Investments Purchase Agreement as presented. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – nay. Motion carries.

14. 2022 Fee Schedule Ordinance and Publication Summary

Mursko presented the 2022 Fee Schedule Ordinance and Publication Summary to the Council for consideration. Staff is recommending adopting the ordinance as presented with the understanding that the planning and zoning and parkland dedication fees will be brought back to the Council for addition to the schedule.

Mursko added that the Community and Senior Center will not be used for some time due to COVID-19 considerations and asked the Council if the rental fee should be added to the fee schedule or if a placeholder should be used. The group agreed the fee schedule should read “TBD” until the space is rented again.

Busch asked about the increase of the STSS inspection fee. He feels that the amount is high for the area. Mursko said the increase came directly from MNSPECT, due to hiring someone to complete SSTs plan review and inspections. In order to cover their costs, the fee had to be increased. If the fee remained the same, the City would have had to cover the difference in cost.

Motion by Hegland to adopt Ordinance 21-10, an ordinance relating to and regulating the 2022 Fee Schedule for the City of Columbus, as presented, with the change to the Community and Senior Center fee to read “TBD”. Seconded by Wagamon. Roll call vote; Busch – nay; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Motion by Hegland to approve the Publication Summary of Ordinance 21-10, with the change to the Community and Senior Center fee to read “TBD”. Seconded by Wagamon. Roll call vote; Busch – nay; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

15. Hagert Park Land Sale

Assistant to the City Administrator Jessica Hughes explained that City Staff have been working to sell land which was deeded to the City in 1986. The City recently collected closed bids for the sale of the property, to be opened during this meeting. Property owners immediately adjacent to the land for sale were given the opportunity to submit bids for the property, contingent on it being combined with their own property. The Council set the minimum sale price at \$75,000.

Mayor Preiner opened the bids. The first bid was received from Meghan Turcotte for \$77,000. The second bid was from Robert Allee for \$80,000. The third bid was from Dennis and Wendy Lene for \$30,000.

Motion by Hegland to accept bids from Meghan Turcotte and Robert Allee and to reject the bid from Dennis and Wendy Lene for the vacant City-owned property located at PIN # 03-32-22-34-0006. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Motion by Hegland to accept the \$80,000 offer from Robert Allee for the City-owned property located at PIN # 03-32-22-34-0006, subject to legal review and preparation of documents. Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Griffith said that next steps are to review the title, prepare the deed, and complete a certificate of real estate value. Once those are complete the closing date will be scheduled.

D. STAFF AND CONSULTANT REPORTS

16. Engineer Report

Camp 3 Road Closure Results

City Engineer Kevin Bittner reported that results from the Camp 3 Road closure survey and traffic counts will be presented to the City Council at their 01.11.2022 workshop by Anoka County representatives.

17. Attorney Report

Commercial Kennels Moratorium

Based on direction from a previous City Council meeting, Griffith prepared an interim ordinance and resolution ordering a study of the City’s commercial dog kennel ordinance. Hegland asked if training can be added to the study. Griffith said he will add that to the ordinance and resolution.

Logren asked what the impact of the moratorium will be on City Staff. Mursko explained that staff will defer applications over the moratorium, so the impact will depend on the volume of applications received.

Busch asked if the moratorium would affect current businesses? Griffith replied that it would not. Existing CUPs will continue even if they are not legally conforming with the changes being made. He added that the ordinance contains a hardship waiver that the Council could choose to apply on a case-by-case basis.

Motion by Mayor Preiner to approve Resolution 21-29, a resolution to order a study for the regulation of pet boarding, training, and grooming. Seconded by Hegland. Roll call vote; Busch – nay; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Motion by Mayor Preiner to adopt Ordinance 21-11, an interim ordinance establishing a moratorium on the issuance of permits for small animal indoor boarding, training, grooming, or day care within the City of Columbus. Seconded by Hegland. Roll call vote; Busch – nay; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

18. City Council Member's Report

Council Member Logren

No report.

Mayor Preiner

No report.

Council Member Hegland

Hegland recognized and thanked Commissioners Bobick and Wolowski for their excellent service to the City of Columbus on the Planning Commission.

Personnel Committee Report

Hegland presented a Personnel Committee report regarding the completion of Pam Wolowski and Barb Bobick's Planning Commission terms. Wolowski has not asked to be reappointed while Bobick has.

Motion by Hegland to reappoint Barb Bobick to the Planning Commission for a three-year term ending on December 31, 2024. Seconded by Mayor Preiner. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Hegland continued by recommending the approval of a cost-of-living increase for City employees as well as step increases as indicated in the report.

Motion by Hegland to approve the 3% cost-of-living and 2022 step increases for City employee pay rates as presented effective December 30, 2021. Seconded by Wagamon. Roll

call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Council Member Busch

No report.

Wagamon

No report.

19. Public Works

No report.

20. Assistant to the City Administrator's Report

Council's Corner Schedule

Hughes presented a schedule for the Council's Corner message to be sent out after each Council meeting. The Council noted that Mayor Preiner should not be included in the schedule, as he writes a separate message. Hughes said she will remove Mayor Preiner from the list and recirculate it to Council members.

Iverson Street Public Nuisance Abatement Order

Hughes continued by presenting a resolution scheduling a public hearing on the issuance of an abatement order for a public nuisance issue located at 16658 W. Iverson Street NE. Based on previous direction from the Council, the City is pursuing abatement of a swimming pool fence which was never installed at a property on Iverson Street and is a condition of the permit issued.

Busch asked if the public hearing notice can be sent to all residents on Iverson Street? Griffith replied that it can.

Motion by Busch to approve Resolution 21-30, a resolution setting a public hearing on the issuance of an abatement order at 16658 W. Iverson Street NE, with the mailing to include all residents on Iverson Street. Seconded by Hegland. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

21. City Administrator's Report

ARPA Funds Allocation

Mursko presented a resolution authorizing the expenditure of funds from the American Rescue Plan Act and related budget adjustments.

Motion by Mayor Preiner to approve Resolution 21-31, a resolution authorizing American Rescue Plan Act Expenditure and making related budget adjustments. Seconded by Busch. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

LBAE Dates

Mursko reported that Anoka County is requesting that the City set the date for their Local Board of Appeal and Equalization meeting. The meeting must be held sometime between 04.01.2022 and 05.11.2022. The Council must propose two dates to the County. The group agreed to propose 04.26.2022 and 04.28.2022 at 6:30 p.m.

E. ANNOUNCEMENTS & REMINDER

22. Calendar of Meetings

The next Planning Commission Meeting is on 01.05.2022 at 6:30 p.m.

The next City Council Workshop Meeting is on 01.11.2022 at 5:30 p.m.

The next EDA Meeting is on 01.12.2022 at 5:30 p.m.

The next City Council Meeting is on 01.12.2022 at 6:30 p.m.

F. ADJOURNMENT

Motion to adjourn by Hegland. Seconded by Wagamon. Roll call vote; Busch – aye; Hegland – aye; Mayor Preiner – aye; Wagamon – aye; Logren – aye. Motion carries.

Meeting adjourned at 9:31 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator