



**City of Columbus  
Regular City Council Meeting  
Alternative Meeting Format  
MN Statute, Section 13D.021  
05.10.2023**

The 05.10.23 meeting of the City of Columbus City Council was called to order at 6:01 p.m. by Mayor Jesse Preiner at City Hall. Present were Councilmembers Rob Busch, Ron Hanegraaf, Janet Hegland and Sue Wagamon; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Kevin Bittner, Public Communication Coordinator Connor Keith (via teleconference) and Public Works Director Jim Windingstad.

Also in attendance: Cindy Angel, Myron Angel, Aaron Bedessem, Barb Bobick, Planning Commission Chair Lynn Carver-Quinn, Olivia Lefto and 651-353-7482

**A. CITY COUNCIL REGULAR MEETING**

1. Call to Order Regular Meeting – 6:01 p.m.
2. Pledge of Allegiance

**B. CONSENT AGENDA**

3. Agenda Approval with Additions
4. Approval of the 04-12-2023 City Council Meeting Minutes
5. Approval of the City Sponsored Community Events Policy
6. Pay Bills as Posted

**Motion by Hegland to approve the consent agenda items No. 3-6 with edits to the April 12, 2023, minutes.**

Hegland detailed her edit on Page 3 under Item No. 11 during the discussion regarding the proposed compromise with the City of Ham Lake for the Sunrise River Watershed Management Organization (SRWMO) funding formula. The minutes needed to reflect that the compromise would require Ham Lake to agree to strike the requirement for unanimous ratification of the SRWMO annual budget and for Ham Lake to contribute \$1,000 towards additional legal work on the JPA documents.

**Seconded by Wagamon. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Preiner – aye. Motion carries.**

**C. PRESENTATION**

7. Public Open Forum

Carver-Quinn, property owner at 7540 152<sup>nd</sup> Lane NE, presented to the City Council about concerns with her neighbor's recent modifications to their property's (15246 Lake Drive NE) grading, particularly over his septic area and up to the property line, alleging that the City did not act appropriately to address her concern to protect her drinking water and drainage into her property. Carver-Quinn felt that the property owner intended to build on his property, potentially within the setback, without a permit despite what he told City Staff.

## 8. Planning Commission Report

Hegland provided a report from the May 3, 2023, Planning Commission Meeting. Hegland said two public hearings were held, the first of which was a Special Events Interim Use Permit for Running Aces. The permit is for concerts hosted at the racetrack and events organized by non-profits that the business hosts. The applicant requested a modification to Condition No. 10 to allow food trucks or other food vendors instead of restricting food service to Running Aces. The Planning Commission voted unanimously to recommend approval with the modified condition.

Griffith clarified two of the conditions within the IUP, saying a new Condition No. 11 was created from Condition No. 10 to separate stipulations food and alcohol restrictions. Condition No. 10 dictates that food and beverage services may be provided by Running Aces or other licensed food vendors, while Condition No. 11 requires Running Aces to be the sole provider of liquor service within its licensed premises. Condition No. 11 also allows licensed caterers to distribute liquor outside Running Aces' licensed premises.

Hegland asked about the drive-in movie listed in the packet, noting that one movie is in association with Fall Fest which would fall within the race season. Mursko said that Condition No. 3 allows City Staff to approve small deviations from the conditions, which could include the stipulation prohibiting drive-in movies during the race season. Bedessem said that Lots A, B and C would be allowed to host drive-in movies during all seasons, while only Lot D was restricted to hosting outside race season per this IUP. Hegland asked Mursko about the differences between recommendations Nos. 2 and 3. Mursko said Recommendation No. 2 said the City Administrator shall approve events that align with the IUP conditions, but No. 3 said the City Administrator may approve slight deviations, which could include additional conditions.

Hegland recommended adding a clause to Condition No. 7 to enforce the Park-and-Ride restriction in Lot B only if Metro Transit resumed express service at Running Aces. Griffith advised that Condition No. 7 was amended to include "...during periods when in which the Park and Ride is in use by MTC or other operators," at the end of the sentence.

Hegland asked for clarification regarding Conditions Nos. 11 and 12, as the conditions stipulate an ending time of 11 p.m. while some of the proposed events are not expected to end until midnight. Griffith noted that the time in the application was for event setup. Bedessem said Running Aces has held musical acts to an 11 p.m. cutoff to comply with state noise standards and have dimmed the lights to what only what is necessary for events to be cleaned up. The Council agreed to edit the Condition No. 11 to allow for lighting until midnight.

Wagamon asked if any comments were received at the Public Hearing. Hegland said a representative from Muddy Paws Play and Stay was the only testimony that night, but that Lefto may have more to add if permitted to speak at this meeting.

Busch asked how Running Aces planned to measure noise and vibrations to respect neighboring properties. Bedessem said Running Aces has employed decibel meters with past acts to ensure noise is staying at an appropriate level. Busch asked how Running Aces ensured security during large events.

Bedessem said Running Aces occasionally hires additional external security to work alongside Running Aces' staff. Busch asked if an agreement had been reached with Muddy Paws. Bedessem said talks had reached a standstill, as Running Aces was unwilling to agree to Muddy Paws' requested compensation for lost business for each event.

Lefto, owner of Muddy Paws, presented to the Council to testify that approval of the Running Aces' IUP could lead to loud events, which could negatively impact the level of care Muddy Paws wants to provide the clients' dogs. Lefto requested the City restrict sound levels reaching Muddy Paws' property to 85 decibels or the City require compensation for loss of business. Griffith advised the Council that it should not force one business to pay another for loss of business, but that it can enforce the State's noise standards for a residential area due to the Preiner's Preserve neighborhood being nearby: 65 decibels for no more than six minutes per hour and 60 decibels for no more than 30 minutes per hour between 7 a.m. and 10 p.m., and 55 decibels for no more than six minutes per hour and 50 decibels for no more than 30 minutes per hour between 10 p.m. and 7 a.m. as measured from a residential complainant's property. Griffith suggested editing Condition No. 13 to add: "In any case, noise will comply with State nighttime noise standards."

**Motion by Hegland to approve the Special Interim Use Permit for Running Aces Casino, Hotel and Racetrack at 15201 Running Aces Blvd. based on the Associate Planner's Report dated April 28, 2023, and revised May 5, 2023 Findings of Fact Nos. 1-25 and subject to Conditions Nos. 1-22 listed in the Attorney's memo dated May 9, 2023, with the change to Condition No. 13 that reads "In any case, noise will comply with State nighttime noise standards," and also the change to Recommendation No. 7 stating that "If the transit lot isn't being used by MTC, that it would be available for use by Running Aces" and Condition No. 12 would permit lighting until midnight on Friday and Saturday for events as listed in the application. Seconded by Wagamon. Roll call vote: Busch – nay; Hegland – aye; Wagamon – aye; Hanegraaf – aye; Preiner – aye. Motion carries.**

Special Interim Use Permit for Running Aces Casino, Hotel and Racetrack Findings of Fact:

1. The City received an application for a Special IUP from Running Aces on April 3, 2023.
2. The 60-day review will terminate on June 2, 2023. The 120-day review will terminate on August 1, 2023.
3. The 2023 Special IUP application is similar to Special IUP applications submitted in 2012 and 2017.
4. There are 12 general categories of special events identified in the 2023 Special IUP application.
5. Four types of events (RV Shows, Outdoor Live Music, Drive-In/Outdoor Movie and Pedestrian/Non-Motorized Race Events) will be conducted in the main parking areas north of the card room/grandstand/hotel and barn overflow parking areas outside of racing season.
6. Four types of events (e.g. General Expos/Shows, Outdoor Expos [Animal & Hunting/Camping Expos] & Shows, Flea Market & Antique Shows, Hayride) will be conducted in the Barn area, with overflow parking in the north parking lots.
7. Three types of events (e.g., Motorcycle & Car Staging Events, Shows [Motorcycle/Car Shows], Pop-Up Shop Location) will be conducted in the main parking areas north of the card room/grandstand building/hotel.

8. Go-kart races and Go-kart charity events will primarily be conducted in the barn area, but events may occasionally take place in the north parking lot depending on the size of the event.
9. The application clearly notes that the Park and Ride Lot will not be used on weekdays for any events.
10. Some of the events to be held may require tents, vending, outside catering, satellite toilets, PA systems or special electrical needs.
11. Some of the events may include tents for vendors, food and beverage service. Food and beverage service is provided through Running Aces' catering and liquor licensing.
12. Some of the events may include PA systems.
13. Some events may require additional electrical services.
14. Some events may require satellite toilets.
15. Advanced notice must be provided to the City Building Official and Fire Marshal for any required approval for tent structures, vending, outside catering, satellite toilets, PA systems or special electrical needs.
16. Running Aces will take the responsibility of having the satellite toilets on the property if they are needed. Satellite toilets may be placed no more than 24 hours in advance of an event and must be removed within 36 hours of the event.
17. There may be overnight parking for exhibitor or vendor display vehicles, trailers and equipment, but not overnight stays by participants in vehicles, trailers, or equipment. The exception to this may be RV overnight parking in accordance with Running Aces' RV policies, approved by the City.
18. Outdoor activities including any extra lighting and PA system usage will end at 11 p.m. and will be operated in compliance with the original Conditional Use Permit (CUP) for the racetrack.
19. Running Aces has identified several events that may require additional security personnel and law enforcement for "crowd" control and traffic management.
20. Running Aces has identified the need to coordinate off-site walk/run events (advance route planning and participant safety) with the City and County Sheriff.
21. Trash and recycling receptacles will be provided for each event.
22. The proposed events in the April 3, 2023, application are planned to occur between April and November and without conflicting regular harness racing events.
23. The Interim Use Permit provisions in the Horse Racing (HR) District allow flexibility for non-date-specific events identified in the IUP, provided such flexibility is stated in the IUP and provided "proper notice is given to the City." Proper notice is currently defined as 15 business days.
24. The flexibility and implementation the City envisioned in issuing a Special IUP is elaborated in Section 7A-711E. of the City Code by requiring a Special Interim Use Permit Agreement based on the following criteria:
  - a) Site plans for each event subject to City Administrator approval;
  - b) Notification requirements and procedures for individual special events;
  - c) Sufficient security, parking and traffic control;
  - d) Plans for Site restoration and surrounding Site cleanup to be completed within 36 hours of the conclusion of each event;
  - e) Food Service is provided in accordance with permits and requirements under City, County and State regulations;
  - f) City Building Inspection of tents and temporary structures, as necessary, for each event;

- g) Necessary limits on any amplified music regarding both level of noise and time of day; and,
  - h) Compliance with City and State laws on alcoholic beverage licenses and permits.
25. The Planning Commission held a public hearing on May 3, 2023, to consider the IUP application by Running Aces.

Special Interim Use Permit for Running Aces Casino, Hotel and Racetrack Conditions:

1. The applicant will be allowed flexibility in the number of Events within the Event categories included in the Running Aces April 3, 2023, Special IUP application and the dates on which the Events may occur, for City Administrator review and approval, provided:
  - a) Written notification from Running Aces for a specific Event is submitted to the City Administrator at least 15 business days before the Events is scheduled to take place.
  - b) The written notification includes the pre-approved description of the Event category from the Running Aces April 3, 2023, Special IUP application to the City.
  - c) The written notification includes a written summary of any activities that are a departure from the pre-approved description of the Event category from the Running Aces April 3, 2023, Special IUP application to the City.
  - d) Running Aces shall submit specific Event Site Plans to the City Administrator at least 15 business days before the Event is scheduled to take place.
2. The City Administrator shall approve the Special Event, provided the Special Event is consistent with the pre-approved description of the Event category from the Running Aces April 3, 2023, Special IUP application to the City.
3. The City Administrator may approve the Special Event, including a departure from the pre-approved description of the Event category in the Running Aces April 3, 2023, Special IUP application to the City, provided said departure is from an activity identified on the pre-approved description of other Events approved in the Special IUP.
4. In each Special Event approval, the City Administrator shall identify any specific security or traffic management measures that are required and shall identify any specific building permit or electrical permit requirements and inspections that are necessary.
5. Any Special Event request that is not a pre-approved Event category described in the Running Aces April 3, 2023, Special IUP application to the City, may be referred to the City Council for consideration and approval consistent with the provisions in Section 7A-711D. of the City Code.
6. Each Special Event approved by the City Administrator or City Council shall be conducted consistent with the Event description in the Running Aces April 3, 2023, Special IUP application to the City, or as modified and approved by the City Administrator or City Council.
7. The Park and Ride Lot (identified as Lot B in the Running Aces April 3, 2023, Special IUP application) shall not be used for Special Events on weekdays during periods when in which the Park and Ride is in use by MTC or other operators.
8. Overnight parking for Special Events shall be limited to unoccupied exhibitor or vendor vehicles, trailers and equipment and RV parking consistent with the original North Metro Harness Initiative facility Conditional Use Permit (CUP).
9. Any off-site Events such as Pedestrian/Non-Motorized Race Events shall require advanced planning and approval by the City Administrator and Anoka County Sheriff's Department.

10. Food and beverage services associated with any approved Special Event shall be provided through Running Aces and/or other licensed food vendors.
11. Liquor service within the Licensed Premises delineated as a condition of Running Aces liquor license shall be provided exclusively by Running Aces. Alcohol service outside the Licensed Premises shall only be provided under a Caterer's Permit with Alcohol issued by the Minnesota Department of Public Safety.
12. The use of any existing or supplemental site lighting for Special Events shall be consistent with the original North Metro Harness Initiative facility CUP and shall not be used between the hours of 11 p.m. and 6 a.m., except for pre-approved Friday and Saturday Event categories requiring lighting until midnight Saturday or Sunday, respectively.
13. The use of any existing or supplemental public address systems shall be consistent with the original North Metro Harness Initiative facility CUP and shall not be used between the hours of 11 p.m. and 6 a.m. In any case, noise will comply with State nighttime noise standards.
14. Animal wastes associated with an animal expo or other live animal approved Special Event shall be managed consistent with the original North Metro Harness Initiative facility CUP.
15. Uncontained wastes, litter and debris resulting from an approved Special event shall be property cleaned and contained from the Running Aces site, public rights-of-way and adjacent properties within 24 hours of the end of the Special Event. The end of the Special Event shall mean the end of public or special invitees' activities on the premises.
16. Litter and debris shall be property cleaned and contained on a daily basis during the monthlong planned Holiday Hayride event.
17. Total site restoration (e.g. removal of trash, recycling, tents, vehicles, equipment and all other external evidence of a Special Event) shall be completed within 36 hours of the end of the Special Event.
18. All other operational aspects and conduct of Special Events shall be in compliance with the original North Metro Harness Initiative facility CUP.
19. The operation and conduct of Special Events shall be in compliance with all other local, state and federal ordinances, rules and laws.
20. The Term of the Special IUP shall be five years from the date of approval by the City Council, subject to annual administrative review.
21. Running Aces shall execute a Special Events Interim Use Permit Agreement with the City and provide a Special Events Interim Use Permit deposit to cover the costs associated with Event mitigation.
22. The Running Aces April 3, 2023, Special IUP application shall be attached as an Appendix to the Special IUP Agreement.

Hanegraaf shared that when he was on the Forest Lake Police Department, they were equipped with decibel meters to measure these types of events.

Turning to the second Public Hearing, Hegland shared that Brown Beagle was heard for a CUP for an industrial park on West Freeway Drive in the Light Industrial District. The industrial park would be built in three phases to total seven buildings encompassing 69,000 square feet. Hegland said one party testified at the hearing, saying they're concerned about the ponds breeding mosquitos and the increase in traffic and noise. Discussion will continue at next week's Planning Commission meeting.

Hegland asked how the City will permit different businesses in this proposal. Griffith said individual businesses will not receive their own CUPs, but zoning compliance certificates. Hegland asked which entities would be held accountable to the CUP conditions. Griffith said both the property owner and the individual businesses would be responsible for adherence, as it is likely the property owner's managing agreement will require them to include all CUP conditions in contracts with renters.

#### **D. STAFF & CONSULTANT REPORTS**

##### **9. Engineer Report**

Bittner updated the Council on the West Freeway Drive project, saying underground utility work is complete. The project now turns to constructing the road proper, and Bittner hopes that the project should near completion in June.

##### **10. Attorney Report**

Griffith shared that the City attended a recent Rice Creek Watershed District (RCWD) Board meeting to request previously promised wetland credits. The discussion resulted in no action being taken, as no reference to the RCWD Board's and City's agreement is in the RCWD minutes. Griffith advised the Council to shift its strategy to one that is insistent, but nonconfrontational in continuing to work with the RCWD board and staff to receive those wetland credits.

Griffith continued, turning to an update from the State Congress and the City's work on the Small City Transportation Bill there. Griffith said the Transportation Committee Chair continues to be receptive to keeping the bill in the omnibus package.

##### **11. Mayor & City Councilmembers' Report**

Busch reported that he, Preiner and Mursko attended the Joint Forest Lake Fire Board meeting at which leadership elections took place. The firetrucks ordered for Columbus' firehall have been delayed by a few months.

Hegland shared that negotiations with the four Cities of the Sunrise River Watershed Management Organization (SRWMO) Joint Powers Agreement (JPA) and Minnesota Board of Water & Soil Resources (BWSR) will hopefully be scheduled by the end of May to initiate withdrawal from the existing JPA to create a new one with amended rules. Griffith advised a motion would benefit the JPA's work.

**Motion by Preiner to support the ongoing negotiations with the members of the SRWMO JPA organization, including amendment or replacement of the JPA. Seconded by Busch.**

Preiner asked how much longer this process would take. Hegland said she anticipates a meeting by the beginning of June.

**Roll call vote: Busch – aye; Hegland – aye; Wagamon – aye; Hanegraaf – aye; Preiner – aye. Motion carries.**

Wagamon shared that she attended the Forest Lake Cable Commission (FLCC) meeting before tonight's City Council meeting, sharing that FLCC is considering merging with the City of Forest Lake government. Hegland asked if this scenario would result in a JPA situation similar to the fire department. Griffith recommended allowing the City of Forest Lake research the idea and make a proposal, allowing the City of Columbus to assess it and make its determination or edits. Wagamon said the City of Scandia pay-per-use for service.

#### **12. Public Works Report**

No report.

#### **13. Public Communications Coordinator Report**

Keith reported that the Spring Newsletter has been printed and that he is optimistic residents and businesses should receive their copies in the mail this week.

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

Mursko submitted a request from City Staff to close City Hall Monday, July 3 to create a four-day weekend with Independence Day on a Tuesday. Staff would be required to take PTO or take the holiday unpaid.

**Motion by Busch to approve closing City Offices on Monday, July 3, 2023. Seconded by Wagamon. Roll call vote: Busch – aye; Hegland – aye; Wagamon – aye; Hanegraaf – aye; Preiner – aye. Motion carries.**

Mursko continued, reminding the Council about the Dakota County Housing Authority's Conduit Bonding Project and the necessity for a motion if they want to move forward.

**Motion by Preiner to approve moving forward with the Dakota County Conduit Bonding Project as described by Julie Eddington, Bond Attorney. Seconded by Hegland.**

Griffith asked how much the fee would amount to. Mursko said it would be \$75,000 for a \$21 million affordable and market-rate housing project.

**Roll call vote: Busch – aye; Hegland – aye; Wagamon – aye; Hanegraaf – aye; Preiner – aye. Motion carries.**

Griffith shared that the Landings at Columbus developers are exercising their 90-day extension. As a result, the \$10,000 earnest money is non-refundable.

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

- Planning Commission Meeting May 17, 2023, at 6 p.m.
- City Council Meeting May 24, 2023, at 6 p.m.
- Joint City Council & Planning Commission Meeting June 7, 2023, at 6 p.m.
- Calendar of Meetings

**F. ADJOURNMENT**

**Motion by Hanegraaf to adjourn. Seconded by Busch. Roll call vote: Busch – aye; Hegland – aye; Wagamon – aye; Hanegraaf – aye; Preiner – aye. Motion carries.**

Meeting adjourned at 7:41 p.m.

Respectively submitted:

*Connor Keith*

Connor Keith, Public Communications Coordinator