

**City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
05.24.2023**

The 05.24.23 meeting of the City of Columbus City Council was called to order at 6 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 and Public Works Director Jim Windingstad.

Also in attendance: Amber (via teleconference), Cindy Angel, Myron Angel, Planning Commissioner Barb Bobick, Julie Eddington (via teleconference), Marcus Lee and Jon Sawyer

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

3. Agenda Approval with Additions
4. Pay Bills as Posted

Motion by Hegland to approve the consent agenda items No. 3 and 4. Seconded by Wagamon. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

C. PRESENTATION

5. Public Open Forum

No participation.

6. Planning Commission Report

Reporting on the May 17, 2023, Planning Commission meeting, Hegland said the discussion started with the CUP application for Columbus Business Park (CBP). CBP has requested the Anoka County Highway Department (ACHD) reconsider its requirement of both left and right-turn lanes into the property due to minimal expected traffic created, and no other business on West Freeway Drive has been required to install both varieties of turn lane. Marcus Lee (Windsor Engineers, Minneapolis) and Jon Sawyer (4 Hawk Lane, North Oaks, MN 55127) presented to the Council, sharing that ACHD has dropped its requirement for a north-bound left-turn lane, but is still going to require a right-turn bypass lane.

Hegland said City Planner Dean Johnson modified Condition No. 11 which clarified the process as businesses lease space in the development to require a letter of zoning compliance be issued to each lessee.

Motion by Wagamon to approve Columbus Business Park Conditional Use Permit for the Phased Planned Unit Development subject to the May 8, 2023, Planner’s Report Conditions Nos. 1-25 and April 5, 2023, Engineer’s report comments.

Mursko and Griffith confirmed that ACHD’s decision on turn lane requirements was included in Condition No. 6. Griffith continued, explaining that the zoning compliance letter will be used to avoid requiring multiple CUP for each lot on the property, lessening that burden on the property owner, tenants and City Staff.

Seconded by Hanegraaf.

Hegland asked if the letter of occupancy is required for sub-lessees. Griffith confirmed that was the case.

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

Columbus Business Park CUP Phased PUD Findings of Fact:

1. The City received a Planned Unit Development Conditional Use Permit (PUD CUP) application from Windsor Engineers on behalf of Jon Sawyer, Brown Beagle LLC (“Brown Beagle”), on January 4, 2023. The application was found to be incomplete. Upon receipt of additional information, the application was found complete on April 5, 2023.
2. The 60-day review period ends on June 4, 2023, and the 120-day review period, if necessary, ends on August 3, 2023.
3. The proposed development is located at 137XX W. Freeway Drive NE (CASH 54) on property legally described as part of the North 330 feet of the North Half of the Southeast Quarter of Section 36, Township 32, Range 22, Anoka County, Minnesota, lying westerly of the center line of CSAH 54, except road and easements of record (“Property”).
4. The Property is currently zoned LI Light Industrial.
5. The Property is designated Light Industrial in the 2040 Comprehensive Plan.
6. The vacant Property is approximately 10.45 acres in area.
7. The proposed development of the Property includes seven independent buildings, which will be owned by Brown Beagle and leased to individual business owners. A private drive will provide access to four 80 feet by 135 feet buildings (10,800 square feet each) on the north half of the Property and two 80 feet by 100 feet buildings (8000 square feet each) and one 100 feet by 100 feet building (10,000 square feet) on the south half of the Property.
8. Anoka County is requiring a south bound turn lane on CSAH 54, and Brown Beagle is dedicating an additional 10 feet of right-of-way along the highway.
9. The property will be served by the extension of City owned and maintained sanitary sewer and water lines in the east-west access driveway. The City will receive a drainage and utility easement over the utility corridor for access and maintenance.
10. Total impervious site coverage on the Property is approximately 35 percent. The development will be served by private stormwater management ponds.
11. Total site development includes 69,200 square feet of building space and 149 surface parking spaces, including 14 handicapped accessible stalls. Minimum driveway access aisles are 24 feet in width through the center of the development and between the individual buildings. All parking stalls are a minimum of 10 feet width and 20 feet depth.

12. The exact uses of the buildings is unknown at this time; however, some assumptions about usage may reveal potential parking adequacy or inadequacy. The assumptions relate to total building square footage of 69,200 and a percentage of the total for three primary uses (office, warehouse and service):
- Office: 15 percent [10,380] at 1:200 sq. ft. requires 52 parking spaces
 - Office: 20 percent [13,840] at 1:200 sq. ft. requires 70 parking spaces
 - Warehouse: 20 percent [13,840] at 1:2000 sq. ft. requires seven parking spaces
 - Warehouse: 40 percent [27,680] at 1:2000 sq. ft. requires 14 parking spaces
 - Service: 65 percent [44,980] at 1:500 sq. ft. requires 90 parking spaces
 - Service: 60 percent [41,520] at 1:500 sq. ft. requires 83 parking spaces
 - Service: 45 percent [31,140] at 1:500 sq. ft. requires 63 parking spaces
 - Service: 40 percent [27,680] at 1:500 sq. ft. requires 56 parking spaces
 - 15 percent office + 20 percent warehouse + 65 percent service = 149 parking spaces
 - 15 percent office + 40 percent warehouse + 45 percent service = 129 parking spaces
 - 20 percent office + 40 percent warehouse + 40 percent service = 140 parking spaces
 - 20 percent office + 20 percent warehouse + 60 percent service = 160 parking spaces
13. In the event higher percentages of office use rather than warehousing use become evident, a potential parking problem could arise. Brown Beagle has prepared a “Proof of Parking” plan which identifies the potential to add 18 parking spaces around the central wetland area.
14. All parking is considered “communal” within the development, which should also allow for some averaging of higher parking-oriented uses with lower parking-oriented uses.
15. Use of the property will be strictly limited to Permitted and Conditional Uses listed in the LI Light Industrial Zoning District.
16. The proposed development is planned to be constructed in three phases. Phase 1 includes the easterly two buildings in 2023; Phase 2 includes the middle three buildings in 2023 or 2024; and Phase 3 includes the westerly two buildings in 2024 or 2025. Phase 1 will also include the entire site grading, sanitary sewer and water installation, stormwater ponding, turn lane on CSAH 54 and the easterly portion of landscaping. A central mailbox location will also be located near the front entrance to the Property.
17. Building details have been provided for the Phase 1 buildings, including building elevations and renderings. The buildings are 18-feet-tall at the eave line and approximately 20-feet-tall at the peak of the roof line. The exterior walls include a 6-foot-tall stone veneer wainscot and beige stucco finish metal wall panels. The standing seam metal roof is a dark bronze color.
18. Each of the buildings in Phase 1 includes two overhead doors on the west elevation and passage doors on at least three elevations. Windows are illustrated on at least two of the elevations on each building. A sign band location is identified for each building. Plumbing, electrical and HVAC systems are located within each individual building.
19. The basic building features, exterior materials and color schemes will remain the same in all phases of the development.
20. A trash dumpster will be dedicated to each building. A 6-foot-tall white vinyl fence is located between the buildings along the property lines in lieu of a trash enclosure. This will allow better flexibility in trash collection and will also serve to screen vehicles, equipment and any other authorized outdoor storage from abutting properties.

21. Site lighting is limited to downcast and shrouded wall packs. There are two wall packs on the east and west parking lot sides of each building on the north half of the Property and one wall pack on the east and west parking lot sides of each building on the south half of the Property. There are also two lights on each building facing the east-west service drive. All lights are 32W LED lamps, except the east side of Building 1 and the north side of Building 7 have 109W LED lamps. Light intensity does not exceed one foot candle at any property line.
22. Site landscaping includes 12 deciduous trees (American Linden, Blaze Maple, Hackberry, Red Maple) along West Freeway Drive and 80 coniferous trees (Black Hills Spruce and Austrian Pine) along the north and south sides of the Property. The quantities and planting sizes are consistent with ordinance requirements. Conifers represent 85 percent of the trees proposed, reflecting a preference for site screening.
23. There are two wetlands on the property. A smaller wetland is located between Building 6 and Building 7, and the westerly one-third of the Property is encumbered with a wetland. The Notice of Decision for the wetland delineations was approved by the Rice Creek Watershed District (RCWD) on February 27, 2022. 50-foot wetland buffers are established adjacent to each delineated wetland edge.
24. A revised Conditionally Approved Pending Receipt of Changes (CAPROC) stormwater management permit from RCWD was approved on January 25, 2023.
25. The Planning Commission held a public hearing on the Brown Beagle Columbus Industrial Park PUD CUP application on May 3, 2023.

Columbus Business Park CUP Phased PUD Conditions:

1. The PUD CUP is contingent upon detailed recommendations of the City Engineer.
2. The PUD CUP is contingent upon detailed recommendations of the City Public Works Director.
3. The PUD CUP is contingent upon detailed recommendations of the City Attorney, including but not limited to structuring the final conditions of the PUD CUP for recording.
4. The PUD CUP is contingent upon Phase 1 detailed plan review and approval by the Building official.
5. The PUD CUP is contingent upon detailed plan review and approval by the Forest Lake Fire Department.
6. The PUD CUP is contingent upon requirements of the Anoka County Highway Department.
7. The PUD CUP is contingent upon requirements of the Rice Creek Watershed District.
8. The PUD CUP authorizes the phased development of the Property, provided Phase 1 shall be completed by December 31, 2024, Phase 2 shall be completed by December 31, 2025, and Phase 3 shall be completed by December 31, 2026. Failure to meet the deadlines established for the Phased Developmental Approval shall result in a mandatory amendment to the PUD CUP to address the disposition and completion of the proposed development.
9. Phases 2 and 3 require the submission and administrative review and approval of detailed building plans, including floor plans, utility plans, building elevations and final landscape and screening plans, prior to the issuance of any building permits in either phase.
10. All uses of the Property shall be strictly limited to the Permitted Uses and Conditional Uses allowed in the LI Light Industrial Zoning District.

11. The future lease and occupancy of any building on the Property is contingent upon formal written notice from Brown Beagle to the City with the contact information, business description and zoning use compatibility of each lessee. The City must furnish Brown Beagle with a written letter of zoning compliance prior to the original occupancy or reuse of any building.
12. Outdoor, overnight vehicle and equipment parking shall be limited to those parking spaces on the east and west sides of the buildings; except, no overnight parking is permitted on the east side of Building 1 and overnight parking shall be permitted on the north side of Building 7.
13. The outdoor storage of other approved materials shall be similarly restricted as in Condition No. 12 above; except, no outside storage may occupy a parking space.
14. Once authorized, Brown Beagle shall construct and maintain all site improvements consistent with the Conditional Use Permit Application, dated January 4, 2023; Planned Unit Development CUP application received February 20, 2023; revised Narrative, dated March 21, 2023; architectural plans (sheets A3.01 and G0.02), by Erik Walker, received April 5, 2023; revised Engineering Plan for Columbus Industrial Park (pages 1-22), by Windsor Engineers, dated March 21, 2023, and received April 5, 2023; except as may be modified with City approval.
15. Approval of the PUD CUP does not eliminate the requirement for obtaining any other permits and approvals as may be required by City, watershed, county or state laws, rules, ordinances and policies, including but not limited to grading permits, building permits, plumbing permits, electrical permits, stormwater permits, sign permits, driveway permits, public water connection and public sew connection.
16. All site lighting shall be shrouded and downcast.
17. All site signage requires administrative review and permitting.
18. The PUD CUP authorizes the construction of 6-foot-tall vinyl fencing between the buildings in lieu of dumpster enclosures. The fencing shall be extended along the parking lot on the west side of Building 6 and along two sides of the trash dumpster for Building 7. The fencing shall be a non-white color that matches or is complementary to the color schemes of the building exteriors.
19. Buildings on the Property shall be properly maintained, physically and aesthetically, throughout the duration of the PUD CUP.
20. Approved landscaping and screening shall be maintained and replaced, as needed, throughout the duration of the PUD CUP.
21. Upon reasonable notice and a finding that additional parking is needed on the Property, the City Council may require that Brown Beagle construct additional parking as illustrated on the "Proof of Parking" plan, dated February 16, 2023.
22. 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. The City shall notify regulatory authorities that have issued licenses or permits in connection with the PUD CUP of any such revocation.
23. Any expansion or intensification or change in the approved use of the Property requires an amendment to the PUD CUP.
24. Brown Beagle shall be obligated to pay all costs and expenses incurred by the City in connection with any proceeding to revoke the PUD CUP, including reasonable attorneys' fees and consultant fees.

25. Brown Beagle shall be responsible to reimburse the City for its out-of-pocket expenses incurred in the review and approval of the PUD CUP, including any subsequent inspection and enforcement actions.

Columbus Business Park CUP Phased PUD Engineer's Comments:

- The Engineering Plan was developed by Windsor Engineers and has a signature date of March 21, 2023.
- The following additional permits will be required by other agencies and copy provided to the City when obtained:
 - Sanitary sewer Extension Permit – Minnesota Pollution Control Agency
 - Plan Review for Watermain – Minnesota Department of Health
 - Right-of-Way Permit for Utility Installation – Anoka County
- The City will own and operate the sanitary sewer main and water main upon completion and acceptance. As such, a 30-foot wide public utility easement will be required over these utilities, with the easement straddling 10 feet on either side of the sanitary sewer and watermain.
- The sanitary sewer and water main shall be constructed in accordance with the specification of the City Engineers Association of Minnesota (latest edition).
- The City will inspect the construction of the sanitary sewer and water main, with cost of such inspections born by the developer.
- Technical advisory comment – the pavement slope away from the east face of the buildings is less than a desirable 1.5 to 2 percent. With the short eaves on the buildings and the potential for overhead doors on the east side, this condition could lend itself to backsplash under the doors and icing issues in the winter.

Hegland continued reporting on the meeting, sharing that two public hearings were held for ordinance amendments. The first public hearing was held for an ordinance amendment creating an administrative variance for low floor elevations for dwellings built before 1990 with septic systems.

Motion by Preiner to approve Ordinance 23-03 Chapter 7A Administrative Variance for Low Floor Elevation Regulations as presented. Seconded by Wagamon. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Hegland continued, sharing that the Sunrise River Watershed Management Organization (SRWMO) has requested the City update its Wetland Zoning and Stormwater Management regulations in Chapter 7C and 7D, respectfully, to harmonize the City's ordinances with the rules of the three different watersheds within its borders.

Bittner said some questions were raised at the Planning Commission meeting, one of which pertained to the City's definition of "emergency overflow" withing Section E. Bittner confirmed that the City Engineers are not recommending any changes to the drafted definition. Hegland suggested prohibiting emergency overflow from being directed into private property. Bittner thought it would be better to stipulate that overflow would be directed into a drainage easement, as some retention areas are constructed in backyards in some developments.

Hegland asked how the proposed ordinance defined *excavation*. Bittner said *excavation* was defined in this ordinance to pertain to the removing of materials, but not adding fill. Bittner said fill would be considered under *land-disturbing activities*, and that including fill with excavation may conflict the ordinance's usage and is not recommended for change.

Wagamon asked Bittner how this ordinance works. Bittner said the City defers to the watershed in Coon Creek and Rice Creek Watershed Districts since they issue their own permits, but since the City issues permits on behalf of Sunrise River Watershed Management Organization, permitting processes can be consistent and expedited if both sets of rules aligned. Wagamon asked if there is a master drainage plan for the entire City. Bittner said there isn't one, but that the intention is that the watershed's rules and state's laws are followed to ensure the watershed ditches work as optimally as possible.

Discussion pertaining to Ordinance 23-04 was continued to the June 14, 2023, City Council meeting to allow definitions to be clarified and answer questions regarding increasing or decreasing wetland diversity.

7. 2024 Anoka County Recycling Grant

Pointing the Council to the memo from Deputy Clerk Lorie Spangler, Mursko shared that Anoka County's window for Municipal Waste Abatement Grant applications is now open. Spangler has identified various initiatives the City can use awarded funds to encourage recycling in the community, but is open to the Council's suggestions before the June 6, 2023, application deadline. Wagamon asked if the City automatically gets what it applies for. Mursko said that is effectively correct, as long as the City shows how the funds will be allocated.

Hegland asked if it was possible to add a third recycling drop-off event or a fourth event overall considering how successful Columbus recycling events have been in the past. Mursko said the request could be made, and that she's also suggested the City explore partnering with a facility to accept drop-off recyclables and junk.

Motion by Preiner to approve Anoka County Municipal Waste Abatement Grant and direct Spangler to look into the changes discussed. Seconded by Hanegraaf. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

8. RES 23-06 Providing Preliminary Approval to the Issuance Revenue Bonds

Julie Eddington presented to City Council to request \$29 million in bonds housing allocations on behalf of the Dakota County Community Development Agency (CDA) for a 164-bed affordable housing project in Rosemount, Minn. Mursko said that approval of bonds requires a public hearing, which is anticipated to be scheduled in August.

Busch asked if this project stipulated that workers will earn prevailing wages. Eddington said that state statute does not require it, so it is not in the drafted resolution. Busch requested the rule be included to ensure public funds are protected from tax fraud. Eddington said a clause will be added to the bond documents to ensure no wage theft.

Motion by Preiner to approve Resolution 23-06 providing preliminary approval to the issuance of revenue obligations under Minnesota Statutes Chapter 462C and 474A as amended and taking other actions in connection therewith. Seconded by Busch. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

D. STAFF & CONSULTANT REPORTS

9. Engineer Report

Bittner reported on the W. Freeway Drive project, saying that curb installation is in progress. Bittner also shared that grading work has commenced on the 3 Beacon LLC property.

10. Attorney Report

Griffith provided a report on the state legislative session, sharing that the Small Cities Transportation Bill was passed, which will result in Columbus receiving \$99,400 this year and permanent funding in the future. A full summary will be provided in a memo submitted at the next City Council meeting.

Griffith continued, sharing that the letter of credit in the amount of \$750,000 has been received from 3 Beacon LLC to cover grading, construction of the public street, stormwater and landscaping improvements. The development agreement has been submitted as well, with the preconstruction meeting to be scheduled in the near future.

Motion by Preiner to approve 3 Beacon Holdings LLC Development Agreement subject to non-substantive changes and updating exhibits to approved plans. Seconded by Busch. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Griffith continued, sharing that the stormwater maintenance agreement is a separate document to ensure the plan continues with the property should it be sold.

Motion by Preiner to approve 3 Beacon Holdings LLC Stormwater Maintenance Agreement subject to non-substantive changes. Seconded by Hanegraaf. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

11. Mayor & City Councilmembers' Report

Hegland shared that the SRWMO Joint Powers Agreement (JPA) meeting will be held May 30, 2023, at 9 a.m. The intention of the meeting is for Columbus, East Bethel and Lindwood Township to either agree to a funding formula or dissolve the current JPA and reform under new rules due to Ham Lake not agreeing to the funding formula and not agreeing with a non-unanimous approval for the WMO budget.

Turning to the Personnel Committee report, Hegland shared that a prior interested party has expressed re-interest in the Code Compliance Inspector, pending updates to the job description. An interview will be scheduled should the applicant meet the qualifications.

Hegland continued, sharing a proposal for City Staff to adhere to Summer Hours from Memorial Day until Labor Day. City Hall’s operating hours would stay the same Monday-Thursday, but change from 8 a.m.-4 p.m. to 8 a.m.-1 p.m. on Fridays. Staff would still be expected to work 40 hours per week or take PTO to make up the difference.

Motion by Hegland to designate summer hours for the time period from Memorial Day through Labor Day for this calendar year with the provisions that are discussed in the memo. Seconded by Wagamon.

Preiner asked how the summer hours went in the past. Mursko said the program was successful for accommodating employees schedules.

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

Continuing, Hegland shared that the State legislature has adopted Juneteenth (June 19) as a state holiday effective this year as opposed to next year as originally drafted.

Motion by Hegland to adopt Juneteenth into the City’s schedule of holidays and add it to the list of paid holidays in the benefit schedule. Seconded by Wagamon. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Hegland continued, sharing that State Senator Michael Kreun is recommending Grant Larson, one of his interns from this legislative term, for a 20-hour internship with the City.

Motion by Hegland to authorize the Personnel Committee to interview this candidate, draft a job description and, upon agreement that the candidate is a good fit, offer the summer intern position with a salary commensurate with his education and experience not to exceed a total of \$8,600, and the position would be considered seasonal and not eligible for benefits. Seconded by Busch. Roll call vote: Hanegraaf – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

12. Public Works Report

No report.

13. Public Communications Coordinator Report

No report.

14. City Administrator’s Report

Mursko announced that a quorum will be present at an Anoka County Municipal Government event. A Public Notice has been posted.

E. ANNOUNCEMENTS & REMINDERS

- Local Elected Officials Meeting May 31, 2023, at 6 p.m.
- Joint City Council & Planning Commission Meeting June 7, 2023, at 6 p.m.
- City Council Workshop Meeting June 13, 2023, at 5:30 p.m.
- City Council Meeting June 14, 2023, at 6 p.m.
- Calendar of Meetings

F. ADJOURNMENT

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

Meeting adjourned at 7:25 p.m.

Respectively submitted:

Connor Keith

Connor Keith, Public Communications Coordinator