

**CITY OF COLUMBUS  
PLANNING COMMISSION MEETING  
INTERACTIVE TECHNOLOGY MEETING FORMAT  
STATUTES SECTION 13D.021  
6-21-2023**

The 6-21-2023 Planning Commission meeting for the City of Columbus was called to order by Planning Commission Chair Lynn Carver-Quinn at the City Hall at 6:02 PM. Present were Planning Commission members Judy Huntosh, Barb Bobick, and Bethany Barrette, City Council Liaison Janet Hegland, City Administrator Elizabeth Mursko, City Planner Dean Johnson, Associate Planner Frank Koenen, and Planning and Zoning Permit Tech Eleanor Hahn. Also in attendance were Mayor Jesse Preiner, Council Member Ron Hanegraff, Jerry Schueller, Dale Peterburs, Dan Magadanz, and Taylor and Andrew Rineck.

In attendance via interactive technology were Jennifer Waletzko, Brian Nyberg, and Council Members Rob Busch and Sue Wagamon.

The meeting was held in an interactive technology meeting format.

- 1. CALL TO ORDER –PLANNING COMMISSION MEETING – 6:02 P.M.**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MEETING AGENDA Motion Huntosh. Second Barrette. All in favor**
- 4. JUNE 1, 2022, PUBLIC HEARING MINUTES, KINSELLA ACRES SECOND ADDITION PRELIMINARY & FINAL PLAT** *Motion* Bobick to approve June 1, 2022, Public Hearing Minutes, Kinsella Acres Second Addition Preliminary & Final Plat. Second Huntosh. Motion carried with all members in favor.
- 5. JUNE 1, 2022, PUBLIC HEARING MINUTES, SW QUAD PRELIMINARY & FINAL PLAT** *Motion* Bobick to approve June 1, 2022, Public Hearing Minutes, SW Quad Preliminary & Final Plat. Second Barrette. Motion carried with all members in favor.
- 6. APRIL 5, 2023, PLANNING COMMISSION MEETING MINUTES** *Motion* Barrette to approve April 5, 2023, Planning Commission Meeting Minutes. Second Huntosh. Motion carried with all members in favor.
- 7. MAY 3, 2023, PLANNING COMMISSION MEETING MINUTES** *Motion* Bobick to approve May 3, 2023, Planning Commission Meeting Minutes. Second Huntosh. Motion carried with all members in favor.
- 8. MAY 3, 2023, PUBLIC HEARING MINUTES, SPECIAL INTERIM USE PERMIT – RUNNING ACES’ EVENTS** *Motion* Huntosh to approve May 3, 2023, Public Hearing Minutes, Special Interim Use Permit. Second Barrette. Motion carried with all members in favor.
- 9. MAY 3, 2023, PUBLIC HEARING MINUTES, CONDITIONAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT – COLUMBUS INDUSTRIAL PARK** *Motion* Barrette to approve May 3, 2023, Public Hearing Minutes, Columbus Industrial Park. Second Huntosh. Motion carried with all members in favor.
- 10. PUBLIC HEARING AND DISCUSSION – CONDITIONAL USE PERMIT AMENDMENT – CONSTRUCTION TECHNOLOGY, INC. 13305 HUMBER STREET NE (EXPANSION OF USE – ADDITIONAL (1) GARAGE CONDO BUILDING) (PAGES 1-18 & ENCLOSURE E1-E12)** At this time a public hearing was held to consider a

request to amend the existing Conditional Use Permit to add (1) one additional building to the facility at 13305 Humber Street NE. Separate Public Hearing minutes are prepared.

**Motion Huntosh to recommend approval of the Construction Technology, Inc. 13305 Humber Street Northeast Conditional Use Permit Amendment for expansion of use for one additional garage condominium building, based on findings of fact #1-13 and recommendations #1-22 of the Planner's Report dated June 14, 2023, and findings of fact of the Engineer's Report dated June 15m 2023. Second Barrette. Motion carried with all members in favor.**

11. **DISCUSSION –CHAPTER 7A – SWIMMING POOL FENCING REQUIREMENTS (PAGES 10-74, ADDITION PAGES A1-A7, AND HANDOUT)** At this time a discussion was held regarding the proposed ordinance No.23-05, amending Chapter 7A regarding swimming pool fencing requirements. This ordinance was first brought to city staff by a direct inquiry from resident to research fence height requirements for aboveground pools. Associate Planner Frank Koenen outlined the changes in a presentation, with an emphasis on Section 7A-807 subsection K regarding pool fencing. Koenen explains the research process for health and safety concerns, by (a) speaking to the City Planner and Plan Reviewer at MNSPECT, (b) reviewing guidelines from US Consumer Product Safety Commission and (c) reviewing existing ordinances in 10 surrounding cities (Bayport, Blaine, Corcoran, East Bethel, Forest Lake, Grant, Hugo, Lake Elmo, North Oaks, and Ramsey).

Blaine, Corcoran, East Bethel, Hugo, Lake Elmo, North Oaks, and Lake Elmo all have rules specific to aboveground pools of 4 ft. in height. Hugo still requires a fence height of 4 to 6 ft. and Lake Elmo includes all other applicable provisions but does require removeable ladders or steps. Corcoran only requires the pool height to be 4 ft. and does not include any provision for removeable ladders or steps. Blaine and North Oaks require all entry points are surrounded by barriers. East Bethel also requires the entry point to be surrounded by a barrier and to have removeable steps or ladder. Ramsey allows removeable steps or ladders to function as a barrier and a 3 feet guard rail to be used for aboveground pools with surrounding decks. Koenen explained that of the cities researched, Bayport, Blaine, East Bethel, Forest Lake, Lake Elmo, North Oaks, and Ramsey include ordinance language for self-closing and self-latching or self-locking door. Ramsey specifies the latch should be 4 feet above ground level, so as not to be accessed by small children. Koenen argued that if a pool fence has easy access through a gate left open, it negates the primary purpose of the ordinance. He stated the height of the latch is not necessary, as retaining the five-foot fence height will make it extremely difficult for children to access the latch. Koenen also noted that Bayport, Blaine, and Grant all include ordinance that allows inground pools to be exempt from pool fence requirements if a cover is included. The listed cities like Columbus use ASTM International standards but all cities cite the specific ASTM International statue F1346.

The proposed ordinance adds language regarding self-closing or self-latching gates, adds specific conditions to allow a pool cover meeting specific standards to replace a pool fence for inground pools, allows a 4-foot sidewall and removable steps to replace the 5-foot barrier requirement for aboveground pools, and aboveground pools with surrounding decks would require a 3-foot-high guardrail. Koenen explains how his research supports adopting these changes.

The commission agrees that their intent is to recommend the safest possible guidelines for all pools in this ordinance. Carver-Quinn says that an automatic pool cover should not be a replacement for a fence. Barrette asks if there is language that elaborates on when the cover needs to be closed when not in use. Carver-Quinn requests clear definitions of in-ground and aboveground pools. A discussion is held regarding the requirement of a self-closing or self-latching gate, concluding that the requirement should stay as it is the safest possible guideline. The commission discusses whether any barrier under 5-feet is significant enough to prevent a child from climbing into the pool area and decided that the 5-foot barrier minimum should remain the same. Huntosh asks how some of these requirements will be enforced. City

Administrator Elizabeth Mursko says that although we can outline standards and best practices in the ordinance, the responsibility and liability of proper use falls to property owner.

The Commission requests the following changes be made to the proposed ordinance before the next Planning Commission meeting:

- a. Adding clear definitions for both inground and aboveground pools
- b. That option to substitute an automatic pool-cover in lieu of a fence (7A-807, subsection K, item 2) is limited to in-ground pools, must be key operated, and closed when the pool is unattended.
- c. That the language surrounding self-latching gates (7A-807, subsection K, item 1) should be changed from 'one' to 'any', and that the latch should be on the inside of the gate.
- d. That the 5-foot non-climbable barrier requirement is not changed, and that the option to instead have a 4-foot sidewall and removable steps for an aboveground pool (7A-807, subsection K, item 3) be removed from the ordinance.

The commission agrees to continue discussion at the next Planning Commission Meeting, July 19, 2023, with changes discussed.

12. **PUBLIC OPEN FORUM** Jennifer Waketzko asks for clarification on whether 4-foot sidewalls on an above-ground pool would exempt you from a fence in the new proposed ordinance no.23.05. The commission is in consensus that a 5-foot non-climbable barrier will continue to be the requirement, but that a 4-foot sidewall with a 1-foot railing on top would satisfy this requirement.

**13. PLANNING COMMISSIONER'S REPORT** Nothing at this time.

14. **ASSOCIATE PLANNER'S REPORT** Koenen reminds the commission that there will be no meeting on July 5, 2023, and that the next Planning Commission Meeting will be held on July 19, 2023. Koenen also announced that staff has received updated maps for those members who have requested one.

15. **ADJOURN** *Motion* Huntosh. Second Barrette. Motion carried with all in favor

*Eleanor Hahn*

Respectfully Submitted: Recording Secretary Eleanor Hahn.