

City of Columbus
Regular City Council Meeting
Feb. 24, 2016

The Feb. 24, 2016 meeting of the City of Columbus City Council was called to order at 7:03 p.m. by Mayor Dave Povolny at City Hall. Present were Povolny, Council Members Denny Peterson, Mark Daly, Jeff Duraine and Bill Krebs; City Administrator Elizabeth Mursko; Attorney Bill Griffith; Engineer Dennis Postler; and Public Information Coordinator Bronwyn Pope.

Absent: None.

Also in attendance were: Pam Wolowski, Pat Preiner, Jesse Preiner, Mary Preiner, Paul Peskar, Kris King, Jody Krebs, Treff Friedman, Heidi Ruzek, and Terri Hodges (Forest Lake Cable Commission).

CONSENT AGENDA

- Motion – Approval of the City Council Meeting Minutes 02/10/16
- Motion – Agenda Approval with Additions
- Motion – Pay Bills as Posted
- Motion – 2016 Park Maintenance Agreement

Motion by Krebs to approve the consent agenda. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

PLANNING COMMISSION REPORT

13932 Lake Drive IUP Cell Phone Tower Request

Wolowski reported Verizon Wireless did not use their CUP in 2014 so they reapplied this year. This year's CUP request does not include a building to hide equipment but instead uses outdoor cabinets. They have included 16 trees in the plan for the screening which is now required. The land owner of the property Verizon is leasing contacted Mursko and said they do not want the screening trees which are in this proposal because they would be planted outside the current lease area. The land Verizon is leasing is currently fenced and does include trees as screening on one side already. Griffith confirmed that screening would have to be placed within the area that is being leased unless there was an agreement with the property owner.

Findings of Fact

1. The City approved a similar Conditional Use Permit ("CUP") application for Verizon Wireless ("Verizon") on January 14, 2015.
2. Verizon was unable to commence construction of the wireless communications facility within twelve months of approval and resubmitted a CUP application on December 23, 2015.
3. The 60-day review (February 21, 2016 deadline) has been extended to 120 days (April 21, 2016), due to holiday and applicant scheduling conflicts.

4. The 130-foot-tall communications tower is proposed to be located on property owned by Sizzler Properties, LLC, located at 13932 Lake Drive and legally described as the North 220 feet of the South 440 feet of the South Half of the Northeast Quarter of Section 33, Township 32, Range 22, lying westerly of CSAH 23 ("Property").
5. The Property is zoned C/I Commercial/Industrial.
6. Communications facilities are conditional uses in the C/I District.
7. Verizon is leasing a 60 feet by 60 feet easement area, approximately 750 west of Lake Drive, for the proposed wireless communications facility.
8. The proposed wireless communications facility includes waterproof equipment cabinets, back-up generator, propane tank, miscellaneous equipment and the tower.
9. The proposed tower is a galvanized steel monopole design with an additional 9-foot-tall lightning rod.
10. The tower and equipment area will be enclosed by security fencing.
11. The monopole is designed to accommodate the Verizon wireless communications antennae and two additional users.
12. The monopole is proposed to be unpainted galvanized steel.
13. The monopole is designed to buckle or fold above midpoint in the event of extraordinary, catastrophic winds causing structural failure. If separation occurs, the pole section will fall within 25% of the pole height or within 32 feet of the base of the tower. The monopole will be set back 39 feet from the property line.
14. There are no special height restrictions or lighting requirements with respect to federal aviation standards.
15. The proposed communications facility and site work have been reviewed by Rice Creek Watershed District and require no permitting.
16. Verizon has submitted a determination of need for the proposed communications facility.
17. The proposed communications tower and facility are designed for non-interference with personal or public communications, broadcasting, computing or other electronic systems.
18. The site improvements and communications tower will be constructed according to federal standards and engineering specifications and "Verizon Wireless MINC Aragorn New Build" plan sheets, dated August 8, 2014, with revisions dated through January 22, 2016.
19. The Property abuts a Rural Residential Zoning District on the westerly side. There are no existing residences within the Commercial/Industrial Zoning District located within 150 feet of the lease area on the Property.
20. Landscape plans for screening on the westerly side of the lease area illustrate plantings of sixteen 6-foot-tall arborvitae (Plan Sheets A-2, A-2.1, A-2.2). The proposed landscape plans are consistent with the recently adopted residential screening requirements in Section 7A-800 K. of the City Code.
21. The Planning Commission held a public hearing for the proposed wireless communications facility CUP on February 17, 2016.

Permit Conditions

The Planning Commission recommended approval of a Conditional Use Permit to Verizon Wireless for a wireless communications facility based upon the following minimum conditions:

1. The wireless communications facility's design, construction, and operation shall be consistent with all federal, state, and local laws, rules, regulations and ordinances.
2. The site improvements and communications facility tower shall be constructed according to federal standards and engineering specifications and "Verizon Wireless MINC Aragorn New Build" plan sheets, dated August 8, 2014, including plan revisions through January 22, 2016, submitted with and including the permit application, received December 23, 2015.
3. ~~Approved landscaping shall be installed in 2016 and shall be maintained and/or replaced throughout the duration of the CUP.~~ Applicant to work with the City staff and land owner to develop a final landscaping plan.
4. Verizon shall obtain all other necessary permits and approvals, including but not limited to building permits, electrical permits, stormwater and erosion control permits, and federal permits and licenses, prior to any site work or construction.
5. Verizon may allow other wireless communications antennae users on the communications tower, subject to the requirements of the Columbus City Code and an amendment to the CUP.
6. The operation of any wireless communications tower, antennae, and equipment shall not interfere with the operation of any other communication devices, radio or television transmissions, electronic equipment or similar devices.
7. The communications tower or antennae shall not be lighted unless required by state or federal regulations.
8. There shall be no signage on the communication tower, antennae or lease property other than company identification and equipment signs and "warning" or "danger" or similar signs, as may be required.
9. The monopole shall be constructed of galvanized steel and shall not be painted.
10. Verizon shall allow access to the wireless communications facility on the Property by the City's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at intervals chosen by the City.
11. The communications facility tower and other improvements shall be removed from the Property upon termination of the Verizon lease or upon cessation of operations of the communications facility, whichever occurs first.
12. Remedies for any violation of the CUP or City code shall be consistent with the provisions of the City Code and available by State law.
13. Verizon shall reimburse the City for all out-of-pocket expenses incurred in the review, approval, permitting and enforcement of the CUP.

Motion PLZ00400 by Peterson to approve the **CUP Cell Phone Tower request for 13932 Lake Drive** (including conditions 1-13 as stated), amending Planner Memo Condition #3 from "approved landscaping shall be installed in 2016 and shall be maintained and/or replaced throughout the duration of the CUP," to require the applicant to work with the City staff and land owner to develop a final landscaping plan. Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Call for Public Hearing on Senior Housing Standards

The Planning Commission finalized a draft of the ordinance for Senior Housing Standards. Some cities allow for three-story development, but this ordinance allows for five stories to accommodate any larger future developments. Council discussed briefly.

Motion PLZ02500 by Peterson to call for a **Public Hearing on Senior Housing Standards**. Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Treff Friedman 17123 (mistakenly identified as 17138) Furman Street

Friedman owns the 40 acres property at 17123 Furman Street (mistakenly identified as 17138 Furman), and currently rents out the home. He would like to build an accessory building on the property and plant popcorn, pumpkins & sweet corn. Because Friedman does not live on the property he can't get a license to sell leftover produce. The property is zoned rural residential and if he lived on the property he could conduct a home occupation for agricultural use. Griffith suggested there might may right to farm provision that trumps local zoning. Council consensus was to direct Griffith to look into the right to farm provision for this case.

PUBLIC OPEN FORUM - No one for public open forum.

Columbus PTO Gambling premise (17345 Notre Dame) approval - Resolution 16-03

The Columbus Parent Teacher Organization (PTO) of Columbus Elementary School submitted a request for permission to hold their annual bingo fundraisers. The gambling license is approved by the State of Minnesota but the City is required to approve the gambling premise. Council briefly discussed this annual request.

Motion PER01900 & ADM 05000 by Krebs to approve **Resolution 16-03 approving the Columbus Parent Teacher Organization's gambling premise to conduct excluded bingo** May 6, 2016 and Nov. 18, 2016 at 17345 Notre Dame Street, Columbus, Minnesota in accordance with the terms and requirements of the Minnesota Gambling Board. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Coon Creek Watershed District Appointments

Council may submit a list of nominees for appointment to the Coon Creek Watershed District. Council discussed briefly and consensus was that they had no nominees to submit.

Notice of Governor's Water Summit

The Governor's Water Summit will be held Saturday, Feb. 27, 2016 from 8:30 a.m. to 3 p.m. at InterContinental/St. Paul Riverfront, 11 East Kellogg Blvd., St. Paul, Minnesota.

ENGINEER REPORT

Water Supply Plan Update

The City of Columbus' Local Water Supply Plan must be submitted and approved by the Minnesota Department of Natural Resources (DNR) by Dec. 30, 2016. Postler explained the process required to update the plan and estimated the cost to be approximately \$12,000-\$15,000, depending on the number of exchanges required with the Minnesota DNR to obtain the City's water supply plan approval. This plan is required every 10 years by the DNR. Council discussed briefly.

Motion UTL 03100 by Krebs to **approve TKDA to complete the City of Columbus' Local Water Supply Plan** with an estimated cost between \$12,000-15,000. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

ATTORNEY REPORT

Griffith, Povolny and Mursko recently met with Speaker Kurt Dowd, Rep. Joyce Peppin, Rep. Tom Hackbarth, and others to press the bridge issue. The meeting was well received.

MAYOR AND CITY COUNCIL MEMBER REPORTS

Council Member Daly – No report.

Council Member Duraine – Midco (formerly Midcontinent) is meeting with Columbus, Forest Lake and Scandia to discuss future planning and expansion of services. Duraine cannot attend the meeting but Mursko will be there. Council direction was to push the limit of the roll out of spacing of the houses, and focus on areas which are not currently served, such as Verlo Acres.

Council Member Krebs – Krebs attended last week's Minnesota Department of Natural Resources (DNR) meeting about White Bear Lake water levels in Hugo. The legislature has directed the DNR to come up with a plan to pump water into White Bear Lake which is projected to be from \$900,000 to \$4.1 million. Hugo asked if neighboring communities opposed to the plan would like to start a coalition. Council discussed briefly and consensus was that the City would like to be involved in a coalition regarding this issue.

Council Member Peterson – Peterson, Mursko, Postler and City Planner Dean Johnson attended a meeting earlier in the day with Running Aces on the County Road 54 realignment. It was an informative meeting but did not include any resolution.

Mayor – No report.

PUBLIC WORKS REPORT – No report.

PUBLIC INFORMATION COORDINATOR REPORT

Mayor Bartholomay Letter regarding 2016 Patriot Ride

Circle Pines Mayor Dave Bartholomay sent a letter to surrounding communities asking them to consider supporting the July 9, 2016 Patriot Ride to raise money for groups supporting

members of the military and their families. Council briefly discussed and consensus was to include information about the ride on the City website and/or social media.

CITY ADMINISTRATOR REPORT

Anoka County Legislative Meeting update cancelled March 3, 2016.

The Anoka County Legislative meeting March 3 has been cancelled. Mursko will let the Council know if something else is scheduled.

Accessory Building Question – 15045 Lake Drive

The owner at 15045 Lake Drive would like to take advantage of the exception rule to build a two-story accessory building in front of their home. Mursko provided an image of the proposed building and photo of the property from the street which showed a row of screening trees on the front of the property. The area is residentially zoned and the building would be used for storage. Council looked at an aerial view of the property and discussed why the homeowner would not use other space on the property for the building. Council asked if there is a home business on the property. The homeowner has indicated there is not a business. Council consensus was that the current vegetative screening met the requirement of the exception rule and the homeowner can put up the building in front of the home.

TREASURER REPORT

Receipts: \$4,255.58

Disburse: \$41,395.78

Balance: \$2,178,024.65

ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting 03/02/16

EDA meeting (6 p.m.) and City Council meeting (7 p.m.) 03/16/16. This is the only meeting of the month.

ADJOURNMENT

Motion by Daly to adjourn. Seconded by Krebs. Meeting adjourned at 7:48 p.m.

Respectfully Submitted:

Bronwyn Pope, Public Information Coordinator