

City of Columbus
Regular City Council Meeting
Jan. 13, 2016

The Jan. 13, 2016 meeting of the City of Columbus City Council was called to order at 7:15 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 Jr.; Engineer Dennis Postler; and Public Information Coordinator Bronwyn Pope.

Absent: None.

Also in attendance were: Jim Windingstad (Public Works Supervisor), Pat Preiner, Jesse Preiner, Mary Preiner, Jody Krebs, Terri Hodges (Forest Lake Cable Commission), Barb Ruppe, Sandy Learned, Jason Rud, Tim Sibley, Kris King, Paul Peskar, Scott Weight, Darrell Thurnbeck and Tom Carlisle.

CONSENT AGENDA

- Motion – Approval of the City Council Meeting Minutes 12/09/15
- Motion – Agenda Approval with Additions
- Motion – Pay Bills as Posted
- Motion – Approval of the Public Works Maintenance Worker Job Description

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

PLANNING COMMISSION REPORT

Jesse Preiner reported for the Planning Commission.

Adolfson & Peterson (5A Partnership I) CUP Amendment (PC 15-116)

Council briefly discussed the Adolfson & Peterson CUP Amendment to allow a 180x60 storage building at 13621 Lake Drive NE to house items which are currently being stored outside.

Findings of Fact

1. The City received an application for a CUP amendment from 5A Partnership I on October 28, 2015 to construct a new 60 feet by 180 feet open sided storage building within the current open storage yard for Adolfson & Peterson Construction (“A&P”), located at 13621 Lake Drive NE (“Property”).
2. The 60-day review deadline is December 27, 2015. The extended 120-day review deadline is February 25, 2016.
3. The City approved a CUP for A&P on April 25, 2007.
4. The City approved a variance for A&P to exceed the maximum 50% site coverage on April 25, 2007. [The Zoning Ordinance has since been modified to allow exceedance of the 50% lot coverage standard on a case by case review by the City Engineer.]
5. The Property is zoned C/I Commercial/Industrial, which allows contractor businesses by conditional use permit.
6. The Property is approximately 7.96 acres.
7. The Property includes two buildings. The north building is 17,280 square feet and is approximately

80% leased to other tenants. The south building is approximately 17,880 square feet with approximately 2700 square feet used for A&P office and approximately 15,180 square feet used for A&P warehousing.

8. Employee and visitor parking spaces on the Property are located adjacent to the westerly ends of the existing buildings.
9. The balance of the Property is used for SSTS area, landscaping, outside storage of construction equipment and materials, and storm water ponding.
10. The storage yard is enclosed with security fencing. Westerly and southerly portions of the security fencing include "privacy slats" for screening.
11. Outside storage includes construction forms, construction materials, equipment, office trailers, semi-trailers, and lunch trailers.
12. A&P disassembles/assembles and cleans materials and equipment stored on the Property, but does not use washing agents or chemicals.
13. A&P also stores pallets of materials, such as brick and block, left over from construction projects to be used for future repairs or additions.
14. The maximum height of outside equipment and material storage is 16 feet.
15. Inside storage may include tools, small equipment, concrete sealers and thinners in sealed containers, and other construction materials.
16. No major repair of vehicles is conducted on the Property.
17. An above-ground fuel tank (500 gallon maximum) is located on the Property.
18. Typically there are one or two A&P employees on the property. Additional employees are temporarily on site for several days when staging major equipment and material moves. Four to five truck loads per day may be associated with peak material and equipment staging.
19. Typical hours of operation are 6:00 a.m. to 5:00 p.m., Monday through Friday. There are seldom any evening or weekend activities.
20. The current proposed 10,800 square foot storage building is open on the north and south sides with 20 foot side wall openings for covered storage of materials. The height of the building at the roof peak is approximately 32 feet. The east and west gable ends of the buildings are closed walls and include an 8-foot-tall masonry wainscot and three-toned painted metal panels and trim for aesthetic treatment. The proposed storage building is complementary in appearance with the existing buildings.
21. The proposed building addition does not increase the lot coverage of the Property, as the storage yard on which it is proposed is currently compacted impervious gravel and recycled pavement.
22. The Planning Commission conducted a public hearing on December 16, 2015 to consider the proposed A&P CUP amendment and recommended approval subject to 17 conditions.

Conditions

On the basis of the above Findings of Fact and recommendation by the Planning Commission, the City Council approves A&P CUP amendment, subject to the following conditions for use of the Property:

1. Lot coverage of the Property may not be increased without a CUP amendment.
2. Outdoor storage includes the parking of construction-related trailers, construction forms, construction materials, and construction equipment.
3. The height of any materials stored outside shall not exceed 16 feet.
4. Use of northerly building includes approximately 80% leased tenant space, users of which must be allowed in the C/I District.
5. Use of the southerly building includes A&P warehousing and office space.
6. The addition of the 10,800 square foot open storage building is approved, consistent with the building elevations plan, dated December 6, 2015, and contingent upon building permit approval.

7. The storage of hazardous materials is limited to approved containers of fuel, concrete sealer, and concrete thinner, none exceeding 500 gallon capacity.
8. The cleaning of materials and equipment shall be done without washing agents or chemicals.
9. There shall be no other chemicals, odors, gases, hazardous wastes, or fumes generated on the Property, except those customarily associated with equipment and vehicle usage.
10. Use of the Property by A&P and its tenants shall be in compliance will all federal, state, and local laws, rules, standards, and ordinances.
11. No repair of A&P vehicles or equipment is allowed on the Property other than emergency repairs, such as flat tires, broken belts and hoses.
12. Existing parking spaces must be surfaced, striped, and maintained according to City standards, including two marked handicapped accessible spaces.
13. The existing storm water pond shall be cleaned and maintained as needed to remain functional.
14. Relevant conditions in the original Waldoch CUP on the Property related to tenant usage of the northerly building remain in effect.
15. No other structures, uses, or intensifications of uses on the Property are allowed without amending the CUP.
16. The CUP may be revoked, after proper notice and a public hearing, upon a finding by the City Council that the use of the Property is not in compliance with the conditions approved for the CUP, as amended.
17. A&P shall be responsible to reimburse the City for its out of pocket expenses incurred in the review and approval of the CUP amendment, including any subsequent inspection and enforcement actions.

Motion PLZ 00200 by Krebs to approve **Adolfson & Peterson (5A Partnership I) Conditional Use Permit (CUP) Amendment (PC 15-116)** at 13621 Lake Drive NE for an additional 180x60 storage building based on the Planner's Report dated 12-17-15 findings of fact and conditions 1-17 replacing conditions 1-15 on CUP permit PC07-104 recorded as doc#2004919.002 subject to approval. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries. (As amended in the Feb. 10, 2016 City Council minutes.)

Ordinance 16-01 Amendment to Chapter 7A - Property Access

Council briefly discussed Ordinance 16-01 which would allow two houses off an unimproved roadway with a driveway easement subject to conditions of the City Council.

Motion ADM 05000 PLZ 02500 by Krebs to adopt **Ordinance 16-01, amending Chapter 7A Property Access**. Motion seconded by Duraine. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

8830 191st Ave. NE Variance Request (PC 16-101)

Council reviewed and discussed the variance request for 8830 191st Ave. NE to allow the property owners to install a new Type III septic system because there is nowhere on the property with the required 12 inches of soil separation. The amended site plan would reuse the current septic site located in the front yard (north side of property).

Motion PLZ 02400 by Krebs to approve the **8830 191st Ave. NE Variance Request (PC 16-101)** a Type III septic system based on the recommendation of the Planning Commission with the condition to accept and approve the new septic system location in the amended site plan dated January 12, 2016. Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Ordinance Amendment to Chapter 7A (201.9B & 803.B1&2) – Low Floor Elevation

Council discussed Ordinance Amendment to Chapter 7A – Low Floor Elevation which will amend Chapter 7A Low Floor Elevation to allow piezometers in addition to mottled soil to determine the high water bench mark. Jason Rudd, of E.G. Rudd & Sons, provided additional information and answered Council questions. Thurnbeck Preserve would like to have the piezometers in place for the spring thaw. Postler explained how this amendment relates to current code. Council asked that Griffith add language “subject to approval by the City Engineer” to Section 7A-803 B.1. Council discussed some confusion in the language around accessory buildings and asked Griffith to rewrite Section 7A-803 B.2 to clarify when evidence from a certified geotechnical engineer is required.

PUBLIC OPEN FORUM

Sandy Learned, 8830 191st Ave. NE, asked for clarification regarding next steps for the septic variance granted on her property earlier in the evening, and for guaranties that the rest of the project would be approved. Mursko explained both the variance and permit process. Griffith explained that the City cannot guarantee that a septic permit will be issued when the permit application and septic design have yet to be submitted.

Sibley Driveway Request (Property ID 31-33-22-32-0005)

Tim Sibley, owner of newly purchased Property ID 31-33-22-32-0005 on Xtra Street off 182nd Lane, explained his request to secure an easement from the City for a driveway into the property. Sibley is working with the Anoka County to address wetland issues on the driveway and plans to get a wetland permit and purchase wetland credits for the project. Council discussed the request and consensus was that Sibley would be able to place a driveway over the public right of way subject to an easement agreement.

Board of Appeal & Equalization Meeting Dates

Council briefly discussed 2016 Board of Appeal & Equalization meeting dates. Anoka County requires these are scheduled between April 13 and May 10, 2016.

Motion ADM 04700 by Duraine to schedule the 2016 **Board of Appeal & Equalization Meeting Dates** for April 25 as the first choice, and April 18 as the second choice. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

ENGINEER REPORT

Howard Lake Drive Shoulder Trail Clarification & Survey Review

Postler reviewed the options for improving safety on Howard Lake Drive and asked the Council for clarification regarding what type of trail and shoulder should be researched, and if there was direction regarding whether to place the trail on the north or south side of the road. Council discussed whether to gather estimates for the costs of shoulders and/or a trail first, or if a survey should first go out to residents along Howard Lake Drive.

Motion PWE 01200 & PWE 01800 by Daly to approve the survey presented and send it to residents along Howard Lake Drive regarding interest in a trail and/or shoulders, including tracking the responses by address. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Howard Lake Drive Rural Residential District Resolution 16-01

Council discussed the proposed resolution to establish Howard Lake Drive from Kettle River Boulevard (Anoka CSAH 62) to the City's east jurisdictional line as a Rural Residential District and establish a 35 mile per hour speed limit. Povolny questioned the data that was initially used to determine Rural Residential District eligibility, and provided additional expert feedback regarding a reasonable speed limit for this road. Postler agreed that the initial data was inaccurate and provided an updated determination of 245 feet between primary access points of the adjacent visible dwellings, which would still meet the criteria for Rural Residential District designation. Postler also clarified that if the City passed the resolution it would supersede the MnDOT speed study request. Council discussed the issue in depth.

Motion ADM 05000 PWE 01200 PWE 01800 by Peterson to approve **Howard Lake Drive Rural Residential District Resolution 16-01** establishing Howard Lake Dr. from Kettle River Blvd (Anoka CSAH 62) to the City's east jurisdictional line as a Rural Residential District and establishing a 35 mph speed limit there over, using the updated determination of 245 feet between primary access points of adjacent visible dwellings. Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – nay; Povolny – nay. Motion carries.

ATTORNEY REPORT

Social Host Ordinance 16-02

Council discussed the draft Social Host Ordinance which would hold a person criminally responsible for hosting or allowing any event on their property where alcohol is present for consumption or possession by underage people. Povolny questioned whether or not this ordinance was an overstep, putting the City in the position of policing social behavior and creating a new category of crime. Some neighboring municipalities have opted similar ordinances, Anoka County has not. Council discussed the issue in depth.

Motion by Duraine to adopt **Social Host Ordinance 16-02** holding a person criminally responsible for hosting or allowing any event on their property where alcohol is present for consumption or possession by underage people. Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – nay. Motion carries.

MAYOR AND CITY COUNCIL MEMBER REPORTS

Council Member Daly – No report.

Council Member Duraine – Recommended two upcoming free League of Minnesota Cities webinars: Jan. 20 “Planning the Future of Minnesota’s Transportation Systems;” and Jan. 26 “Cities and Buffers – What You Need to Know.”

Council Member Krebs – No report.

Council Member Peterson – Warned of mail disappearing from his mailbox and suggested outgoing mail be dropped off at the post office.

Mayor – No report.

Organizational Meeting Discussion

Mursko presented the current organizational chart for Council review. Council Committee Assignments were reviewed and no changes were made from the 2015 assignments. Peterson nominated Daly for Deputy Mayor and Daly accepted the nomination. Terms for Planning Commission members Jim Watson and Pam Woloski expired and both submitted requests to be appointed for another term. Council agreed to reappoint both Watson and Woloski. Public Works Advisory Board Member Bob Cockburn submitted his resignation and Krebs nominated Paul Peskar to fill the spot. Peskar accepted the nomination. Terms for Park Board Members Andrea Messina and Marilyn Didling expired and both submitted requests to be appointed for another term. Council agreed to reappoint Messina and Didling. Mursko recommended the City continue to use the Forest Lake Times as the newspaper of record. Council discussed all of the publication options and decided to stay with the Forest Lake Times. Krebs asked Times reporter Paul Rignell if the newspaper could provide more coverage for the City. Duraine asked if the Council would consider sending out Requests for Proposals (RFPs) for the Civil Attorney and City Engineer contracts, and Council briefly discussed.

Motion by Povolny to eliminate Rush Line Corridor Committee Assignment. Motion seconded by Krebs. Votes as follows: Peterson – nay; Daly – nay; Duraine – nay; Krebs – nay; Povolny – aye. Motion fails.

Motion by Krebs to approve **2016 Organizational Chart** with changes as noted as attached. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

PUBLIC WORKS REPORT

New Public Works employee Bill Karth started on Monday, Jan. 11, and the new dump truck will be picked up Thursday, Jan. 14.

PUBLIC INFORMATION COORDINATOR REPORT

Pope asked the Council how they would like to respond to resident Perry Wagamon's December email regarding water problems on his property. Griffith advised that the City and Council are not obligated to respond. Council consensus was to not send a reply.

CITY ADMINISTRATOR REPORT

2016 Calendar of City Meetings

Council reviewed the March calendar and decided to eliminate one Planning Commission and one City Council meetings as they did in 2015 to accommodate spring break vacations. In March the only Planning Commission meeting will be held Wednesday, March 2, and the only City Council and EDA meetings will be held on Wednesday, March 16.

Motion by Duraine to approve changing the March 2016 City Calendar to hold only one Planning Commission meeting on March 2, one City Council meeting on March 16, and one EDA meeting on March 16. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Internet & Phone Contract Midcontinent

Council reviewed Midcontinent internet and phone contract options, as the City's internet contract is up.

Motion by Povolny to approve a Midcontinent internet and phone contract for three years at 100Mbps/10Mbps. Motion seconded by Peterson. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Council discussed purchasing new City office phones. The phone service contract offers caller ID and direct dial, with which the current phones/system are not compatible. Povolny directed Mursko to bring back pricing information for a variety of options.

TREASURER REPORT

Receipts: \$00.00

Disburse: \$1,262,352.44

Balance: \$2,263,777.63

ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting 1/20/16 Canceled
Calendar of Meetings

ADJOURNMENT

Motion by Krebs to adjourn. Seconded by Peterson. Meeting adjourned at 9:13 p.m.

Respectfully Submitted:

Bronwyn Pope, Public Information Coordinator

Deputy Mayor	Mark Daly		
Depository	Wells Fargo		
Legal Paper	Forest Lake Times		
Engineer	TKDA/Dennis Postler		
Planner	Resource Strategies/Dean Johnson		
Civil Attorney	Larkin Hoffman/Bill Griffith		
Criminal Attorney	Carson, Clelland/Joseph Murphy		
City Auditor	2015 Tautges Redpath		
City Assessor	Ken Tolzman		
Animal Control	Hillcrest Animal Hospital		
Forester	Sam Klocksien		
Data Practices (Responsible Authority)	City Administrator		
Data Practices (Compliance Official)	City Administrator		
Petty Cash Custodian	Deputy Treasurer		
Planning Commission Members:	YEAR TERM ENDS		
Jody Krebs	2018		
Jim Watson	2019		
Pam Woloski	2019		
Garth Sternberg	2017		
Jesse Preiner	2017		
Park Advisory Board:			
Sandra Wood	2017		
Andy Fraley	2018		
Andrea Messina	2019		
Marilyn Didling	2019		
Bob Bodene	2017		
Public Works Advisory Board:			
Paul Peskar			
Mike Boland			
Jerry Auge			
Dan Mike			
Lloyd Rehbein			
Dave Schueler			
Russ McPherson			
Forest Lake Cable Commission:			
Doug Wood			

City Council Committee Assignments					
	Dave	Denny	Jeff	Bill	Mark
Building Inspector Liaison		M		A	
Issues with builders					
Office Liaison	M				
Issues in the office					
Joint Fire Board (Mtgs as needed)					
	M		M		
Personnel Committee (Mtgs as needed)					
	M			M	
Park Board (Mtgs 3rd Thurs. Quarterly)					
		A			M
Public Works Advisory Board (Mtgs. as needed)					
		M		A	
Met Council (As Needed)					
	M				A
FLCC - Cable TV (Monthly)					
		A	M		
Rush Line Corridor (Quarterly)					
			M		
Watersheds:					
Rice Creek				M	A
Coon Creek					
Sunrise (Monthly Meetings):		M		A	
Sunrise 2nd Member: Reinette Labernik					
M = Primary Representative					
A = Alternate Representative					