

City of Columbus
Regular City Council Meeting
March 16, 2016

The March 16, 2016 meeting of the City of Columbus City Council was called to order at 7:05 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: Senator Michelle Benson, Pat Preiner, Jesse Preiner, Mary Preiner, Paul Peskar, Kris King, Jody Krebs, Garth Sternberg (Planning Commission), Taro Ito, Tracie Wilson, Jim Windingstad (Public Works Superintendent), Lewis Martin, Nathan & Kristin Whiting, and Terri Hodges (Forest Lake Cable Commission).

CONSENT AGENDA

- Motion – Approval of the City Council Meeting Minutes 02/24/16
- Motion – Agenda Approval with Additions
- Motion – Pay Bills as Posted

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

PUBLIC HEARING – RAHP Liquor License

(Separate minutes)

MnDOT 35W-TH97-Highway 8 Bridge Replacements & Overlay Project

Povolny welcomed Senator Michelle Benson in the audience and thanked her for coming. MnDOT representatives Adam Josephson and Ryan Coddington (Project Manager) presented an update regarding the 2017/2018 35W-TH97-Hwy 8 Bridge Replacements and Overlay Project. The project will include six miles of overlay, and replacement of three bridges (35W crossover bridge, Hwy 97 bridge and Hwy 8 bridge). MnDOT is 20% complete with planning for this entire project. Preparation for the project is scheduled to begin in 2017 and then last the whole 2018 construction season. The current project estimate is \$50 million. The crossover bridge will be replaced by a new structure which will be offset from the current location, with drivers able to use the current bridge during construction to minimize traffic upset. The Hwy 8 bridge will be replaced with an entirely new single-lane loop-style bridge ramp directing traffic south on 35. Hwy 8 is still not scheduled to have a ramp for northbound 35 traffic. The Hwy 97 bridge, between Columbus and Forest Lake, was originally planned as only a re-decking but will now be entirely replaced. The project is currently budgeted to be a three-lane bridge, but with high existing traffic volume in the area, and significant increases projected for the future, the legislature will hopefully allocate additional funding this year for a larger bridge and interchange. Coddington explained that roughly 75,000 vehicles travel I35 daily in this area,

with the bridge being used by commuter, commercial, recreation, emergency, school bus and transit traffic. The current plan for the project is to maintain two lanes of traffic on the existing bridge during the initial phase of the project, add a temporary lane to Hwy 8 for northbound traffic, and then close Hwy 97 eastbound for 4-5 months (likely during the summer to minimize impact on school buses). The closure of eastbound Hwy 97 will require significant detours for traffic in the area as there are no nearby alternatives for directing that traffic. Traffic will likely move to Howard Lake Drive and through the Kettle River Blvd/Broadway roundabout. Anoka County has asked MnDOT to find a plan that would allow for traffic to continue to flow both directions on Hwy 97 during the entire project. A MnDOT community Open House is scheduled for May 12 from 5-7 p.m. at Eagle Brook Church in Lino Lakes to hear feedback from the public and answer questions. Daly asked if MnDOT would consider opening the temporary northbound exit ramp again onto Howard Lake Drive during the project. If the full version of the Hwy 97 interchange is funded by the legislature it would become an Anoka County project and will still take place during the same construction time period. If the project does not receive additional funding then the replacement bridge which goes in will include beams which could support a larger bridge in the future. Povolny asked what the City can do beyond current efforts at the legislature, to help MnDOT get what they need to complete the full interchange. The City has applied for transportation grants and funding in the past that has not been successful which leaves the legislature as the only remaining source for funding. The existing Hwy 97 bridge is inspected regularly to monitor and address crumbling concrete until the bridge is removed. Povolny pointed out that the existing bridge is quite noisy and Josephson explained that the new bridge will, at least initially, be quieter. MnDOT is 20% with planning for the entire I35 project. Council also asked about the noisy paint test strips on northbound 35E. Those tests are a federal project, not MnDOT, and stay in place until they wear off. Council asked Senator Benson for feedback regarding the efforts at the legislature to secure additional funding for the interchange. Benson described the City's lobbyist as relentless on the issue and explained funding will depend on keeping the project in the bonding bill.

13932 Lake Drive CUP Verizon Cell Phone Tower Request

There was a question regarding whether additional screening was required for the 13932 Lake Drive CUP Verizon Cell Phone Tower, or if the existing property screening was sufficient. This is a cell tower site built within an existing commercial industrial site. The recommendation is that the existing property screening is sufficient for the cell tower screening, with the condition that screening would be provided by the underlying property owner based on what is there today, if the underlying property owner ever decides to remove that screening for any reason then the easement holder, the proposer of the CUP, would be required to provide screening per City code. Duraine asked why they Verizon equipment could not have been hooked onto the existing tower in the City Park, but that tower is too far out of range.

Motion PLZ00400 by Krebs to approve the Verizon **CUP Cell Phone Tower request at 13932 Lake Drive** amending condition #3 (CC minutes from Feb. 24, 2016) stating that screening would be provided by the underlying property owner based on existing landscaping today (3-16-16), if the underlying property owner ever decides to remove that screening (landscaping) for any reason then the easement holder, the proposer of the CUP, would be required to

provide screening per City Code (other CUP conditions stand as approved ~~March~~ February 24, 2016). Motion seconded by Daly. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

PLANNING COMMISSION REPORT

The Planning Commission met March 2 and Member Jim Watson brought four issues forward to the Council recommending approval on all four.

9458 189th Ave. Variance Request

Nathan and Kristin Whiting, owners of 9458 189th Ave., requested a variance to the side lot property setback for construction of a pole barn to avoid impact to wetlands on the property. Request is for a 10 foot setback instead of the required 20. Povolny asked about the height requirements of the project and Mursko explained the variance covers the whole project, so that height is not an issue because the project is varying from the entire standard.

Motion PLZ02400 by Daly to **approve a variance request for the side lot property setback from 20 feet to 10 feet for construction of a pole barn to avoid impact to wetlands at 9458 189th Ave.** Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Preiner Senior Housing Rezone Request – Ordinance 16-05

The request is to rezone property in the northwest quadrant of the intersection of 147th Ave. NE and West Freeway Drive from CS (Commercial Showroom) to CR (Community Retail). The Preiners are developing the property for senior housing. The Planning Commission recommended that the City Council approve the application for rezoning of the Preiner property, based upon the following Findings of Fact:

Findings of Fact

1. The City received an application on February 8, 2016 from Mary, Pat and Jesse Preiner (“Preiner”) for a property rezoning.
2. The 60-day review period ends on April 8, 2016 and the 120-day review period, if extended, ends on June 7, 2016.
3. The property in question is located in the northwest quadrant of the intersection of 147th Avenue NE and West Freeway Drive, legally described as the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 25, Township 32, Range 22 (“Property”) AND part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Twenty-five (25), Township Thirty-two (32) North, Range Twenty-two (22), lying West of the Right of Way Line of I-35, Anoka County, Minnesota.
4. The Property is currently zoned CS Commercial Showroom and is proposed to be rezoned to CR Community Retail.
5. Preiner is proposing to develop the Property for senior citizen housing, which is not allowed in the CS District but is a conditional use in the CR District.

6. The Property is contiguous with property owned by Preiner to the west, which is currently zoned CR Community Retail.
7. The proposed rezoning from CS Commercial Showroom to CR Community Retail is consistent with the Columbus Comprehensive Plan.
8. The Planning Commission held a public hearing on March 2, 2016 to consider amending the Zoning Ordinance to rezone the Property.

Motion PLZ05000 by Peterson to adopt **Ordinance 16-05 amending Chapter 7A of the Columbus City code, Article VI Section 7A-600 “Official Zoning Map”** by rezoning the property at the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-five (25), Township Thirty-two (32) North, Range Twenty-two (22) West, Anoka County, Minnesota and AND part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Twenty-five (25), Township Thirty-two (32) North, Range Twenty-two (22), lying West of the Right of Way Line of I-35, Anoka County, Minnesota from CS Commercial Showroom to CR Community Retail based on all findings. Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

Anson Street Vacant Lot (Schwartz) Variance Request

This request is to grant a variance to allow three homeowners to access their property on a shared unimproved road. The variance is recommended with the condition that it is subject to the execution of a maintenance agreement consistent with City Code section 7A-800(C)(6)(b).

Motion PLZ02400 by Peterson to **approve a variance request for the three Anson Street properties off 189th Ave. to use the same shared unimproved road for driveway access,** subject to the execution of a maintenance agreement consistent with City Code section 7A-800(C)(6)(b). Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

AT&T IUP Amendment Request

AT&T requested an IUP Amendment to replace three panel antennas, add three panel antennas, add nine RRHs, add one Raycap surge protector, and associated equipment in the existing shelter at 8762 165th Ave. NE. The proposed installation will not extend the height of the existing structure, will not expand the existing fenced compound, will not add any lighting to the tower, and will not change the existing use of the wireless communication tower. The Planning Commission recommended this IUP Amendment request for approval. Council discussed briefly.

Findings of Fact

- 1) The City received an application on February 8, 2016 from SMJ International, on behalf of AT&T Mobility Corporation (“AT&T”), to amend the existing communications facility IUP on City Park property located at 8762-165th Avenue NE (“Property”).
- 2) The IUP amendment application included nine plan sheets, prepared by Edge Consulting Engineers, Inc., dated February 2, 2016 (“Plan A”).

- 3) The 60-day review period ends on April 8, 2016 and the 120-day review period, if extended, ends on June 7, 2016.
- 4) The existing IUP for the 175-foot-tall communications tower and associated equipment was approved in July 2009.
- 5) The term of the IUP is coterminous with the Property lease, which essentially runs through July 2034.
- 6) The purpose of the amendment to the IUP is to allow the addition of three panel antennae, nine remote radio heads, one surge protector, and the replacement of three panel antennae on the antennae platform at the top of the monopole. There will also be miscellaneous electrical components added within the existing equipment shelter on the ground.
- 7) The Planning Commission held a public hearing on March 2, 2016 to consider amending the IUP.

Recommendations

The Planning Commission should consider recommending that the City Council approve the IUP amendment for AT&T, subject to the following conditions:

- 1) AT&T shall construct all improvements consistent with Plan A.
- 2) AT&T shall construct and maintain the communications facility consistent with all federal, state, and local laws, rules, regulations and ordinances.
- 3) The IUP is not a substitute for permits or other approvals and AT&T shall obtain all other necessary permits and approvals, including but not limited to building permits, electrical permits, and federal permits and licenses, prior to any construction.
- 4) The IUP may be revoked upon a finding by the City Council that the Property and/or use is not in compliance with the conditions of the IUP, following proper notice and a public hearing.
- 5) All other relevant conditions of the 2009 IUP shall remain in effect.

Motion PLZ00400 by Daly to **approve the AT&T Mobility IUP Amendment Request** replace three panel antennas, add three panel antennas, add nine RRHs, add one Raycap surge protector, and associated equipment in the existing shelter at 8762 165th Ave. NE. Motion seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

The next meeting of the Planning Commission, April 6, 2016, will include four applications and a public hearing.

PUBLIC OPEN FORUM - No one for public open forum.

ENGINEER REPORT

Postler provided an update on the Ziegler water tank conversion. The project is about ½ way through plans and specs and they are working with the MN Dept. of Health and Rice Creek Watershed District. The project is slated to be done by the end of the summer.

ATTORNEY REPORT

Griffith provided an update on the potential land sale on the NE Quadrant. Since the special meeting during which the Council approved a letter-of-intent, the Mayor executed and delivered the letter-of-intent. The purchase agreement for that land has been through two rounds of negotiation and is now close to completion. Griffith requested that the Council provide authority for the purchase agreement to be approved as long as it complies with the letter-of-intent once negotiations are complete. If the final agreement is outside the conditions of the letter-of-intent it will be brought back to Council for approval.

Motion HRA01200 by Peterson to **authorize execution of the NE Quadrant purchase agreement** with the condition that it comply with the letter-of-intent. Seconded by Krebs. Votes as follows: Peterson – aye; Daly – aye; Duraine – aye; Krebs – aye; Povolny – aye. Motion carries.

MnDOT Master Contract - moved to the next City Council meeting agenda.

MAYOR AND CITY COUNCIL MEMBER REPORTS

Council Member Daly – No report.

Council Member Duraine – Duraine received PILT (payment in lieu of taxes) information in the mail today and asked for clarification regarding how the amount is determined. PILT is for land in the wildlife management area and the City does receive PILT for that land. It is a formula based on market values and the number of acres someone has. Columbus receives about \$40-42K annually from PILT.

Council Member Krebs – No report.

Council Member Peterson – Peterson attended an Anoka County meeting about West Freeway Drive with Mursko, Dean Johnson (City Planner) and Postler, and says the plan is starting to come together.

Mayor – No report.

PUBLIC INFORMATION COORDINATOR REPORT - No report.

CITY ADMINISTRATOR REPORT

FLCC Midco Construction Update

Mursko attended a Midco meeting with Scandia and Forest Lake regarding their construction update for the year. Midco indicated that they will still work with Columbus. The cost is

\$9.60/linear foot to lay cable for internet service, \$3/linear foot for overhead lines, and only \$1/linear foot if they co-locate cable so Midco is encouraging developers to use common trenches and co-locate cable. Mursko said new Columbus developments do follow these suggestions but there is still a problem getting the service there to the new developments. Mursko indicated that there are residents calling every week asking for service.

Mursko asked if the Council wanted to move forward with new office phones. Povolny recommended doing a bit more research first.

TREASURER REPORT

Receipts: \$67,323.57

Disburse: \$74,249.82

Balance: \$2,171,098.40

ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting will be 04/06/16.

ADJOURNMENT

Motion by Peterson to adjourn. Seconded by Duraine. Meeting adjourned at 8:04 p.m.

Respectfully Submitted:

Bronwyn Pope, Public Information Coordinator