

**City of Columbus
Regular City Council Meeting
November 9, 2016**

The November 9, 2016 meeting of the City of Columbus City Council was called to order at 7:01 p.m. by Mayor Dave Povolny at the City Hall. Present were Council Members Denny Peterson, Mark Daly, Jeff Duraine and Bill Krebs; City Administrator Elizabeth Mursko, Attorney Bill Griffith, Engineer Dennis Postler, Public Works Superintendent Jim Windingstad, and Public Communications Coordinator Jessica Hughes.

Also in attendance were: Jody Krebs, Pat & Mary Preiner, Jesse Preiner, Jody Krebs, Pam Wolowski, Teri Hodges – LATV, Sara Povolny, Elroy Berg, Joann Berg, Pam Olson, Jon Faraci, Mark Thieroff, Ann Knops, Randy Knops, Kathy & Tracy Kirkup, Kyle Somorn, Paul Brandt, Holly Schueler, David Schueler, Todd Olson, Darrell Thurnbeck, and Rick Schlegel.

A. CITY COUNCIL REGULAR MEETING

1. Call To Order - Regular Meeting – 7:01 P.M.
2. Pledge of Allegiance

B. CONSENT AGENDA

3. Motion – Approval of the City Council Meeting Minutes 10/26/16
4. Motion – Agenda Approval with Additions
5. Motion – Pay Bills as Posted
6. Motion – Approval of the Assessor Contract (Ken Tolzmann)

There were no additions to the consent agenda.

**Motion by Krebs to approve the consent agenda items 3-6. Seconded by Daly.
Motion carried unanimously.**

C. PRESENTATIONS

7. PUBLIC HEARING – 159th & Xingu Street Road Improvement

The City Council held a Public Hearing to hear from community members about the proposed blacktop road improvements on 159th Ave NE and Xingu Street NE. City Engineer Dennis Postler explained that the proposed improvement would be a shaping and paving of Xingu Street NE from Kettle River Boulevard to 162nd Ave NE. The assessments would be roughly \$9,950 each and it would be bid for at the same time as the City Park paving project. This Public Hearing was held for residents to come to the Council and voice their opinion either for or against the project.

Randy Knops of 16006 Xingu Street NE came forward to speak first. Mr. Knops asked if the project would cover the entirety of Xingu Street NE, and the Council responded that no, it will stop at 162nd Ave NE. The second question was whether it costs more to maintain a gravel road or a paved road. Public Works Superintendent Jim Windingstad responded that although he does not have any specific numbers on the topic, studies have shown that it is more expensive to

maintain a gravel road over time. Mr. Knops responded by asking when the final decision will be made on this project going forward, and Mayor Povolny responded that the Council will decide at the meeting tonight. Next, Mr. Knops clarified to the Council that he is against the project, because he does not like the idea of a paved road, and he does not want his taxes to increase. Lastly, Mr. Knops questioned whether the cost of this project might be cheaper if it was grouped together with another project. City Engineer Dennis Postler explained that the City is simply reacting to the petition that was given to them, and because of other City paving projects being considered, the timing is not ideal to group this project together with others. In addition, this paving project is already going to be done at the same time as the City Park Parking Lot. Mr. Knops asked why 162nd Ave NE was not included in the project. The Council responded by noting that some residents did petition for this road to be paved a number of years ago, but there was not enough interest at the time for the project to go forward. Lastly, Mr. Knops said he would be curious to see what the entire neighborhood thinks about paving the roads. This is because he thinks that petition is too small of a sample size, and that if the entire neighborhood was polled the majority would not want the road to be paved. Mr. Knops is concerned that the City is going to start paving tiny portions of road because, in his opinion, that is the only way to get a majority of residents in favor of it. Mayor Povolny stated that would not be the case because the Public Works department has advised the Council that a paved road cannot turn into a gravel road at any other location than an intersection.

The second person to speak for the Public Hearing was Kathy Kirkup of 16211 Xingu Street NE. Mrs. Kirkup first stated that she is against the project. She next asked how many people were for and against the petition. City Engineer Dennis Postler (with help from an audience member) responded that 15 properties were involved the petition; 10 in favor, 4 against, and 1 abstained. Mrs. Kirkup then pointed out that the heading on the notice said 165th Ave NE and not 162nd Ave NE, and asked about the legality of the document as a result. City Administrator Elizabeth Mursko clarified that this is a typo and the project will stop at the intersection of Xingu Street NE and 162nd Ave NE. Mrs. Kirkup expressed concern that the increase in taxes will create a financial hardship for her family, and she is worried she will have to sell her house. Mrs. Kirkup then asked if there is a plan to pave all of the roads in Columbus, and what the time frame is for this project. Mayor Povolny responded that the City Council's direction is to work on getting all of the roads in Columbus paved, and yes there is a rough plan in place, which is 5 miles of road every other year.

Next, Ann Knops from 16006 Xingu Street NE came forward to speak. She said she is against the project, and is saddened by the prospect of her road being paved because she enjoys the country feel of the gravel. She said the neighborhood is divided about this issue, because the project stops at 162nd Ave NE, and there will be concerns from residents over the amount of dust being moved around during the paving. Mrs. Knops expressed concern over being able to afford the cost of the new road, and the potential cost of having her driveway paved as a result. Currently Mrs. Knops has a gravel driveway, and she is worried about the transition from a paved road to a gravel driveway, because her daughter drives a car that sits low to the ground. City Engineer Dennis Postler responded that measures will be taken on all driveways to ensure a smooth transition from pavement to driveways.

Tracy Kirkup from 16211 Xingu Street NE came forward to speak next. Mr. Kirkup questioned why the project would stop at 162nd Ave NE, instead of continuing further down Xingu Street NE. Mayor Povolny stated that this was the way the petition came to the City Council, they are keeping in line with what was requested. Mr. Kirkup's second question was how the abrupt change in roadway (from pavement to gravel) at 162nd Ave NE would affect plowing during the winter. Public Works Superintendent Jim Windingstad stated that it would not affect plowing because it will be easy to turn around in the intersection of 162nd Ave NE and Xingu Street NE.

Lastly, Dave Schueler of 16032 Xingu Street NE came forward to speak in favor of the petition, as he is tired of the dust from the gravel road. Schueler mentioned that roughly 7 years ago there was an attempt at a petition to pave Xingu Street NE from Kettle River Blvd all the way to 165th Ave NE, however there was not enough interest to go forward. He also stated that because of large parcels between 162nd Ave NE and 165th Ave NE, including that stretch of road in the petition would actually increase the cost of the project, not make it cheaper.

After hearing the last of the Public Hearing, Mayor Dave Povolny closed the Public Hearing at 7:26 pm.

City Administrator Elizabeth Mursko went on to explain that there will be two Resolutions related to this petition. The first Resolution would be to go forward with the paving of Xingu Street NE from Kettle River Blvd to 162nd Ave NE. The second Resolution would be to use some of bond proceeds to reimburse the city for costs incurred from day one of this petition project. This would include things like administrative costs, engineering costs, and other such items. Lastly, Council Member Jeff Duraine stated he believes this project should be put on hold because of concerns that the area is too small (ie. 162nd Ave NE should be added in), and the petition should be sent out again because of the typo mentioned above.

Motion by Daly to approve Resolution 16-20 ordering the improvement and plans for 159th Ave NE and Xingu Street NE from Kettle River Boulevard to 162nd Ave NE. Seconded by Peterson. Motion carried unanimously.

Motion by Peterson to approve Resolution 16-21 declaring the official intent of the City of Columbus to reimburse certain expenditures from the proceeds of bonds to be issued by the City for the 2017 road improvement project, 159th Ave NE and Xingu Street NE from Kettle River Boulevard to 162nd Ave NE. Seconded by Daly. Motion carried unanimously

8. PLANNING COMMISSION REPORT

Jesse Preiner presented the Planning Commission Report. He stated that Planning Commission Chairman Garth Sternberg was not present at the last meeting, so Board Member Jody Krebs took his place and did a good job. Preiner stated that the majority of their discussion was regarding Amendments to Chapters 7A and 9 of the Columbus City Ordinances, which have to do with excavation, grading, and filling.

Excavation Ordinance and Call for Public Hearing December 7th

Preiner presented the Amendments that were prepared for the Planning Commission. The recommendation from the Planning Commission is to approve the Amendments, with two changes in section 9-105.

The first change has to do with the amount of earthly deposits that can be moved without a permit. The Amendment originally stated that any removal, digging, filling, rearranging, or transportation of more than 100 cubic yards of earthly deposits will require a permit. The Planning Commission is recommending this be changed to 200 cubic yards. Preiner stated that based on advice from Attorney Jacob Steen, the Planning Commission/City Council should make the final call on the amount of earthly deposits that would require a permit, as both 100 and 200 cubic yards are typical numbers. The Council agreed that 200 cubic yards seems like a fair amount.

The second change was regarding exactly when a drainage plan should be required. It is the intent of the Ordinance that no excavation, grading, or filling shall increase drainage flow onto neighboring property or disrupt an existing natural drainage way. Thus the Planning Commission is recommending to require a drainage, erosion, and sedimentation control plan in sufficient detail when any excavation, grading, or filling occurs closer than 20 feet from the property line (the original copy of the Amendment had stated 50 feet.) The Council had some discussion regarding this addition.

Mayor Povolny questioned whether or not requiring a drainage plan is necessary because it is already a state law that activity on a person's land cannot affect the drainage of a neighboring property. Preiner responded by saying that yes, while it is a state law, there is no person responsible for ensuring cooperation. By adding this requirement into the Ordinance, it gives the City something concrete to enforce, as well as forces the homeowner to think about how they are affecting their neighbors.

The second point of discussion was about setting a time frame for projects that include less than 200 cubic yards, in order to ensure a resident does not move, for example, 199 cubic yards of earthly deposits multiple times in a short period. The consensus within the Council was that a 6-month period seems reasonable for moving less than 200 cubic yards. City Attorney Bill Griffith agreed to change the wording of the Amendment to include the 6-month time frame.

Motion by Duraine to set the date for a Public Hearing regarding Ordinance 16-12 (dated 10/27/2016) on December 7th, 2016, during the Planning Commission meeting. Seconded by Daly. Motion carried unanimously.

Winecki Final Plat

The Planning Commission received a Final Plat Review for the Winecki Estates. The Final Plat would be to divide Joseph and Kim Winecki's 15.5 acre property into two buildable lots of 9.1 acres and 6.4 acres. City Engineer Dennis Postler reported that the Final Plat does meet the

engineer requirements of the City Code, and the Planning Commission recommends approval of the Plat.

Motion by Krebs to approve (PC-16-111) Final Plat Review for Winiacki Estates (dated 11/03/2016), dividing the property into two buildable lots. Seconded by Duraine. Motion carried unanimously.

9. PUBLIC OPEN FORUM

No report.

10. DISCUSSION – Letter Olson Subdivision

The Planning Commission is bringing forward a discussion between neighbors regarding the potential subdivision of Ms. Pamela Olson's property, which is adjacent to Mr. Jim Hoffman's property. Ms. Olson wants to divide her property into two properties, and use her current driveway to serve the second property as well. However, based on the subdivision agreement there can be no more than one house coming off of a driveway.

The City received a letter from Ms. Olson's Attorney, Mark Thieroff, and he and Ms. Olson came forward during this meeting to discuss the letter. Mr. Hoffman was unable to attend this City Council meeting, but did send a letter to the City as well.

The direction of the City Council prior to this meeting was to have the two neighboring properties come to an agreement together. This would require a good faith effort from the neighbors to address each other's concerns. Based on Mr. Hoffman's comments, this would mean creating more space between Mr. Hoffman's house and the proposed new driveway, maintaining proper screening of the new driveway with vegetation on Ms. Olson's property, and Ms. Olson agreeing to maintain the driveway going forward. Ms. Olson and Mr. Thieroff presented their case that they have acted in good faith to come to an agreement by; moving the proposed driveway further away from Mr. Hoffman's property (roughly 50 feet), agreeing to keep vegetation screening, and agreeing to maintain the driveway. However, in Mr. Hoffman's letter to the City he stated he is still against this project going forward.

City Attorney Bill Griffith stated that if the neighboring properties cannot come to an agreement, there is another way to get two houses coming off of the driveway. First the subdivision agreement would have to be either amended or terminated, to allow two houses to have access off the single driveway. Secondly, the City would have to grant a variance from the typical 66' easement that is required in the driveway Ordinance. This is because the current driveway easement on Mr. Hoffman's property is 33', and it is not possible to extend the easement to 66' because there is a gas line on the west side of the driveway.

The City Council came to a consensus that they would like to hear from Mr. Hoffman on this issue. The Council has asked Ms. Olson to apply for a variance to the driveway Ordinance's 66' requirement, and at that time (during a Planning Commission meeting) they can hear Mr. Hoffman's argument and make a decision recommending the City Council either approve or

deny the variance request. Lastly, Mr. Griffith wanted to make it clear for the record that any costs associated with the variance process, and any other requirements necessary to try and pass this project, will be the applicants sole responsibility.

D. STAFF AND CONSULTANT REPORTS

11. ENGINEER REPORT

No report.

12. ATTORNEY REPORT

No report.

13. MAYOR AND CITY COUNCIL MEMBER'S REPORT

Council Member Krebs

Councilman Bill Krebs expressed congratulations to the winners of the City Election; Council Members Jeff Duraine, Denny Peterson, and Mayor Dave Povolny.

Council Member Duraine

Councilman Jeff Duraine reported that the Cable Commission met and had a discussion about different positions within the Commission, but did not come to any conclusions.

Council Member Daly

No report.

Council Member Peterson

No report.

Mayor Povolny

No report.

14. PUBLIC WORKS REPORT

No Report.

15. CITY ADMINISTRATOR'S REPORT

RUSH Line Corridor Presentation Question

City Administrator Elizabeth Mursko reported that the RUSH Line Corridor is going through some changes, and have asked if the Columbus City Council would like to hear a report on them between November 17th and December 30th. Mursko noted that this would take place at a City Council meeting, and shouldn't take more than 15-20 minutes. The Council agreed that they would like to hear the report.

Treasurer's Report

Receipts:	\$	49,868.29
Disbursements:	\$	56,636.16
Balance:	\$	2,836,586.61

Local Government Meeting

Mursko reported that there will be a local government meeting on November 30th at Chomonix Golf Course, starting at 6:00pm.

Board of Canvass Election Meeting

Lastly, Mursko reported that Election Day was held the day before (11/08/2016) in Columbus. The City Council is required to hold a Board of Canvass meeting within 10 days after Election Day to Canvass the vote. Because the next City Council meeting does not fall within these parameters, there will have to be an additional meeting held to complete the necessary paperwork and make the results official. Mursko suggested the meeting be held on November 15th. The Council agreed that date is good, and 7:00pm would be an ideal time.

Motion by Daly to hold a Board of Canvass Meeting at the City Hall on Tuesday November 15th, 2016 at 7:00pm. Seconded by Krebs. Motion carried unanimously.

E. ANNOUNCEMENTS & REMINDERS

Planning Commission Meeting 11/16/16 - CANCELLED
Calendar of Meetings

F. ADJOURNMENT

Motion by Krebs to adjourn. Seconded by Daly. Motion carried unanimously. Meeting adjourned at 8:27 p.m.

Respectfully Submitted:

Jessica Hughes, Public Communications Coordinator