

City of Columbus
Public Hearing – Municipal & Zoning Code Amendment (Chpts. 7A, 9, 14) (PC 18-110)
May 2, 2018

The May 2, 2018 Public Hearing to receive testimony regarding a request to consider amending the Columbus City Code in the following sections: CHAPTER 7A SECTION 7A-803-B. MINIMUM CONSTRUCTION ELEVATION ABOVE KNOWN HIGH WATER AND DRIVEWAY DESIGN REQUIREMENTS; CHAPTER 7A SECTION 7A-201-48A. DEFINITION OF “HIGH WATER TABLE”; CHAPTER 9 SECTION 9-102-B. APPLICATION WITH OTHER DEVELOPMENT WORK; CHAPTER 14 SECTION 14-637-F. ADD: APPENDIX A “ESCROW AGREEMENT”; and Minor housekeeping amendments (i.e. spelling, official reference or word) to correct sections in City Zoning & Municipal Code, was called to order at 7:03 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members: James Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko; and Recording Secretary Rochelle Busch.

Also in attendance were John Young, Barbara Bobick, and Larry Lundy

Sternberg: So we are going to, have a public hearing and discussion for ordinance housekeeping amendment chapter 7A, 9 and 14 request pages 34-41 and at this time I would like to ask the recording secretary to read the notice as published.

Notice was read at this time by the recording secretary.

Sternberg: Thank you.

Mursko: In looking at the ordinances this evening it’s mostly housekeeping, which is just changing words out that were from the past and such. I think the biggest area that we need some further changes is in the piezometer data area. We really thought there was not enough criteria of how long they should monitor the piezometer, and whether or not they should have surveys and I think that Dennis felt, because there wasn’t a whole lot of guidance in the ordinance, that you were presented with data, and some of the data was only three months’ worth of data, it wasn’t a full season. It really put us at a disadvantage to know where the true high water table was. If you take three months you could do it in the warmest season, and not really have any data. So, if you look on page 37, he talks about the new construction to be at least four feet above the high water table using piezometers, but then you would have to monitor for 12 months of the year.

Krebs: Why did he choose four over three that we had before? Isn’t our standard three.

Sternberg: I think with these they had four though because of the turkey farm, he made them go four.

Mursko: Yep

Sternberg: If they allow these piezometers reading instead of the mottled soil and then they increase one foot above but then that was the tradeoff for

Krebs: Using the piezometers for a short period of time, I think that's why right?

Mursko: No, I think he only said, I think it was always four feet above. I think when he looked at Ham Lake and I forget the other ordinance, they were all four feet above. That was the standard in the industry, of those that use piezometer readings vs mottled soil.

Krebs: Okay, so if they went mottled soil, they could do the three feet?

Mursko: Three feet, yep.

Krebs: Okay, so they take the choice then, when they go ahead and do that portion of it. Okay, okay, that sounds good.

Mursko: Looking at the,

Wolowski: Before we go further, Mr. Chair, 12 months is that realistic? I mean, is that, I know you guy's need more data, but that is quite a long time. That's a whole, that's a year. I mean people are, that's what we feel we need?

Mursko: You know, he is saying that you should go through every season to actually know where water table is. We have wet seasons in the spring, drier seasons in the winter.

Wolowski: Well, there just wet, but ok alright. Could that be a deterrent? You know what I mean? Just in the sense of that's a long time.

Mursko: You know for wetland delineations they can only be done April through October. So I think there's, I think you really, if you're going to subdivide, I think you really have to know your timing. Because there's only certain seasons you can do certain things and I just think you need to time it in that season. Whether or not 12 months, I mean that was the recommendation of the engineer after doing two developments, using piezometers.

Wolowski: Perfect. Alright, thank you.

Mursko: I think the last section per chapter 9. That having to do with excavation. Thurnbeck Preserve, is using fill or I shouldn't say fill, their using the development not so much for building pads, in other words to do grading work. They were doing it to create storm water ponds, and then create dollars, you know what I mean, for the development. The last section talks about, the minimum required, and if you're going to use it for your development, that's great. But if you're going to do it, as a business, then you need to apply for an excavation permit.

Krebs: Because you're, moving it away from the site.

Mursko: Right, you're not, the premise of us using the grading and drainage plan, to move dirt, bring in dirt, was under the premise that you needed it for your development, and so it's in the

development plans. What we found out was, some of the excavation work that was being done had really nothing to do with the development, but it was more another entity coming in and operating as business and selling. And that's a very different operation than grading for your building pads. And so, this is just saying with developing work, you're going to do the minimum amount to do your development and if you decide to do something else, you need to get the proper permit and go through the proper process. Because in this particular case, none of the neighbors got hearing notices, you had trucks going up and down the road, you had neighbors complaining their ponds were being impacted from dewatering. And none of those people got a hearing notice because, well they got a hearing notice on the subdivision, but they never got a hearing notice that all that trucking was going to happen in their neighborhood. And so, it circled back to the process. Everyone else when they get an excavation to fill permit there's a public hearing and you get to voice your opinion. This is what this paragraph is for, its saying you can have your development but if you're going to exceed that, you need to go through the proper permit process.

Wolowski: Because weren't they hauling sand out of there?

Mursko: Yeah

Krebs: And they did eventually go through that process, right?

Mursko: They did not.

Krebs: Oh they haven't yet?

Mursko: The council allowed them to complete, their excavation, but they did not go through the public hearing process

Krebs: Not the public hearing but I mean I think they had to do some extra permitting through the county, didn't they and stuff?

Mursko: They did what was required of them. But I could tell you, we did have a neighbor, or a couple neighbors call us for different things, quite upset, that they didn't have an opportunity to. Dewatering does effect other properties around them. I mean yes the water is eventually going to come back. This particular gentleman said that most of his fish died, you know what I mean, that the pond was impacted so much that it did impact him. So we sent them out to the DNR because that was dewatering permit, so I don't know the outcome of it.

The other one is in Chapter 14, Leon was working with a gentleman and we found out in Chapter 14 we went to use an escrow agreement and it wasn't there. So, Jake put together an escrow agreement which this will be the new Appendix A to that chapter. And it has to do with when you cannot install a septic system, the title company will put the money in escrow. So in spring when you can install a septic system, there's a way for us to guarantee the septic system is going to be replaced, in when the weather conditions will allow it.

Sternberg: Well it's nice to have that, in there.

Krebs: Yeah, it's just one of those catch-all.

Sternberg: Like literally have it in there. Any questions on the ordinance?

Watson: Looks good

Sternberg: OK, then I suppose Ill open the hearing to the public, anyone from the public want to speak? Ok I'm going to close the hearing with the right to reopen.

Motion by Krebs to recommend to the City Council for approval of the Municipal and Zoning Code amendments, Chapters 7A, 9 and 14, in addition minor housekeeping amendments. Seconded by Preiner. Motion carried unanimously.

At this time Chair Sternberg closed the Public Hearing. Hearing closed at 7:13 p.m.

Respectfully submitted:

Rochelle Busch, Recording Secretary