

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021

03.09.2022

The 03.09.2022 meeting of the City of Columbus City Council was called to order at 6:31 p.m. by Mayor Jesse Preiner at the City Hall. Present were Council Members Janet Hegland, Shelly Logren and Sue Wagamon; City Administrator Elizabeth Mursko, Public Works Director Jim Windingstad, Assistant City Attorney Jacob Steen, City Engineer Kevin Bittner (via teleconference) and Public Communication Coordinator Connor Keith.

Also in attendance were: Ron Hanegraaf, John Young, Natalie Ryder (via teleconference), Ray Strom (via teleconference), Jennifer Waletzko (via teleconference) and Mike Herzog.

Absent: City Councilmember Rob Busch

1. CITY COUNCIL REGULAR MEETING

1. Call to Order – Regular Meeting – 6:31 p.m.
2. Pledge of Allegiance

2. CONSENT AGENDA

3. **Motion** – Agenda Approval with Additions
4. **Motion** – Approval of the 02-23-2022 City Council Meeting Minutes
5. **Motion** – Approval of the 01-12-2022 City Council Meeting Minutes
6. ~~**Motion** – Approval of the 11-22-2021 City Council Meeting Minutes~~
7. ~~**Motion** – Approval of the 12-08-2021 City Council Meeting Minutes~~
8. ~~**Motion** – Approval of the 12-14-2021 City Council Meeting Minutes~~
9. ~~**Motion** – Approval of the 12-29-2021 City Council Meeting Minutes~~
10. **Motion** – Pay Bills as Posted

Motion by Hegland to approve the Consent Agenda items 3-5 and 10. Seconded by Wagamon. Motion carried unanimously.

3. PRESENTATION

11. Public Open Forum

No participation.

12. Planning Commission Report

No Planning Commission Report.

4. STAFF & CONSULTANT REPORTS

13. Engineer Report

Bittner acknowledged that the discussion regarding the 182nd Lane cul-de-sac had continued Tuesday night during a City Council workshop that he could not attend and requested an update from that meeting. Mursko provided an overview of the workshop saying Bittner's amendments to Plans 2 and 3 were very helpful, while also bringing the Council's attention to a plan created by Waletzko that was submitted Tuesday night. Mursko said, after consulting with Windingstad during the Workshop and before the meeting about the wetlands low area, consideration of fill and permitting, it was determined that the Waletzko's plan involved additional permitting and construction materials that would make the option a much higher cost. City Staff preferred using the existing roadbed and upland areas without fill and wetland permitting. Mursko mentioned Option 4, presented by the Herzogs, but that option, given the terrain and area wetlands, has additional costs as well. Mursko and Windingstad recommended amended 2 and 3 as optimal options. The Council left the workshop looking at the options to determine which would be best for the City and they agreed upon moving the 120-foot diameter cul-de-sac easterly. The City Council also agreed that vacating the original temporary easement with a permanent 120-foot easement moved westerly would be an option to discuss with the City Attorney.

Bittner also recommended amended options 2 or 3.

Wagamon inquired Bittner whether it would be feasible to explore Option 4 from the Herzogs. Bittner said there would be additional costs due to fill and environmental issues, as well as clearing.

Windingstad indicated that without the easement in Option 4, Public Works would not be left with any easement or right-of-way on the westerly side, meaning he couldn't push snow or clear trees there.

Motion by Hegland to direct the City Engineer to evaluate Amended Concept No. 3 and come back with a cost estimate for it. Seconded by Wagamon. Motion carried unanimously.

Mursko indicated that Amended Concept No. 3 was shared with all four property owners individually and that the only difference between the the documents showing the original and amended options is the addition of the dotted lines indicating the 120-foot diameter.

Bittner continued to discuss the Love's Travel Plaza under construction, indicating the developer evaluated the section of Hornsby from Minnesota State Trunk Highway 97 to Love's southern entrance and found it required an improvement in the road construction to accommodate a 10-ton standard for anticipated truck traffic. Bittner said he'd been working with the developer to create a design, but that the City needs to bid and oversee that project since the work will be done in a City right-of-way. He recommended putting the project out to bid and approval of the City Attorney's first amendment to the development agreement. Love's engineer provided a cost estimate of \$548,000, meaning the City would require a letter of credit or cash deposit of \$685,000 assurity, a 25 percent markup.

Hegland asked if the road would need to be closed and if detours would need to be created during the construction. Bittner said the contractor would be required to keep at least one lane open for traffic.

Preiner motioned to approve the first amendment to the Love’s Travel Stops & Country Stores, Inc. development agreement as presented to include the proposed design, improvement and reconstruction of a portion of Hornsby St from TH97 to the south entrance of Love’s Travel Plaza to a 10-ton standard. Logren seconded. Motion carried unanimously.

Bittner requested authorization to advertise for bids for the project, contingent upon the approval of the amendment by Love’s.

Preiner motioned to approve the authorization of advertising and receiving of bids for Hornsby improvements in accordance with the amendment to the Love’s Travel Stops & Country Stores, Inc. development agreement, contingent upon approval of the amendment by Love’s. Seconded by Wagamon. Motion carried unanimously.

14. Attorney Report

Steen drew the Council’s attention to the Waldoch Addition Development Agreement, which had been approved by the Council in December 2021. Steen pointed out that there will be a conservation easement granted to the City in conjunction with the plat, as well as a stormwater agreement that will allow for minor non-substitutive changes for apportionment of costs for stormwater management.

Preiner motioned to approve the Waldoch development agreement as presented and allowing the City Attorney to make minor non-substitutive changes. Seconded by Logren. Motion carried unanimously.

Steen continued, requesting an amendment to extend the purchase agreement with David Harchanko by one month.

Motion by Wagamon to approve the first addendum to the purchase agreement with David Harchanko. Seconded by Preiner. Hegland, Preiner and Wagamon in favor, Logren opposed. Motion carried.

At the end of the Attorney’s report, Logren indicated that she got ahead of herself in the vote and voted “nay” on the purchase agreement with Harchanko. Logren noted it did not impact the outcome of the vote, but that she would have preferred to have voted “aye.” She did not request a re-vote.

Steen continued on to a development agreement, and a request for approval of the final plat for the Caribou Cabin concept in the northeast quad. Steen pointed out that there is a waiver of special assessment that the applicant is agreeing to, as well as a provision that allows this to be assigned to another party.

Mursko clarified that the developer is waiving their right to appeal, not the special assessment itself.

Motion by Preiner to approve the E&R Development agreement as presented. Seconded by Wagamon. Hegland, Preiner and Wagamon in favor, Logren opposed. Motion carried.

Motion by Preiner to approve Res 22-04, a resolution approving the recording of the final plat of the northeast Quad Second Addition. Seconded by Hegland. Hegland, Preiner and Wagamon in favor, Logren opposed. Motion carried.

15. Mayor & City Council Member Report

Wagamon had no report.

Logren had no report.

Hegland indicated Ham Lake City Council approved \$2000 to amend the SRWMO JPA and that they liked the idea of levying separately for the Sunrise and Upper Rum. She now thinks that all member communities of the JPA are willing to sit down and negotiate a revised JPA in good faith.

Hegland also inquired about this year's Fall Fest. Mursko shared that the subcommittee last met March 4 and more information will be provided at the next meeting on March 23.

Preiner thanked Hegland for working with Ham Lake.

16. Public Works Report

Windingstad directed the Council's attention to page 25 of their packets to a resolution declaring a 2005 Chevrolet 1500 at the end of its life "surplus equipment" and selling it.

Preiner motioned to approve Res 22-05, a resolution declaring surplus equipment, a 2005 Chevrolet 1500, and authorize the sale thereof. Seconded by Wagamon.

Logren inquired which truck specifically is being sold. Windingstad said the truck in question was originally a building official's truck that had been previously repurposed but is now an extra vehicle that takes up space and is not needed.

Motion carried unanimously.

17. Public Communications Coordinator Report

Keith requested direction regarding 170th Avenue and the petition received from residents nearly two years ago regarding vehicle speed on their road and intention of separating the gravel road from the paved section to the east leading into Thurnbeck Preserve Phase II.

Hegland said the last instance this had been addressed was in August 2021 when a letter was sent to these residents indicating an ongoing traffic count for the street and an intent to update them at a City Council meeting on August 25 or September 8, 2021. However, minutes of those meetings indicated no update was presented.

Windingstad stated he felt a discussion was held at the Council Workshop meeting instead of at an official Council meeting. He indicated that a road count had been done in 2014, and another approximately a year-and-a-half ago. Windingstad felt confident that the traffic numbers were higher in 2014 with it being a no-outlet road than it was as a through street.

Hegland reminded the Council that when this petition was presented, it was because existing residents of 170th Avenue were seeing a lot of traffic, specifically construction vehicles, driving fast down their half-mile dirt road to get to Thurnbeck Preserve while it was under construction. The petition's request was to return the dirt road back to a no-outlet road instead of connecting to the new neighborhood. Steps taken to resolve the problem included reducing the speed limit from 55 mph to 35 mph, which happened in December 2020, and intended to take the second traffic count to determine if the paving of

Furman impacted the number of vehicles on the dirt road. Hegland also shared prior conversations with the fire chief inquiring about making the street a no-outlet would make it difficult for EMS, and the chief said they would be fine either way.

Windingstad confirmed his information from before. In 2014, traffic at Potomac and 170th averaged 149 cars per day, while 2021 saw an average of 104 cars per day after 170th was extended into Thurnbeck Preserve. Hegland surmised that the paving of Furman also played into the reduction in traffic at that intersection and wanted to see cost estimates to know if the Council would even entertain the option of returning it to a no-outlet road.

Mursko brought up the speed study commissioned since this petition was brought forth, which should yield its results in April-June. She also acknowledged that since the last neighborhood meeting with residents of 170th, traffic has changed as the construction vehicles should have diminished in number and families are moving into the newly-constructed homes.

Hegland inquired if the best next step would be to organize another neighborhood meeting to get to the root of why residents feel a problem still persists. Mursko said she feels the neighborhood doesn't have closure. Preiner inquired if a letter could also be used to communicate with the parties involved. Mursko replied that the message could be conveyed in either manner, as long communication was resumed. Logren agreed that a letter should be sent that includes Windingstad's road count numbers.

Hegland felt that ultimately the residents are going to want an official answer from the Council whether their petition is going to be acted upon or not, whether by neighborhood meeting or letter.

Logren recalled that estimates provided the last time this topic of creating two cul-de-sacs came up were expensive, but suggested that a new traffic road count be conducted.

Hegland hypothesized if reducing the speed limit of the paved section of DePaul could make a difference and agreed with Logren that another traffic road count should be conducted. Hegland also thought that a neighborhood meeting could be the easiest way to get this discussion continued.

Windingstad said he could perform another traffic road count, but that it needs to wait until after plow season ends. As far as cul-de-sacs, he indicated he did not know what right-of-way land was available on 170th for the City, but knew for sure that there was no easement on the Thurnbeck side.

Referencing the ongoing speed study, Bittner indicated that there are some designated locations where the City will be conducting speed analyses for actual speed data in the spring, but 170th was not currently a target.

Windingstad suggested a speed sign be set up by Anoka County Sheriff's Office, saying he would reach out to the City's liaison with the office.

Preiner indicated that the immediate response should include a phone call or letter indicating another road count study would be completed after the snow has melted, allowing the City to compare three data sets to reach a final determination. Hegland also felt it should be included that the speed tracker will also be implemented to see if enforcement is a proper solution.

Mursko inquired what exactly should be included in a letter to the impacted neighbors. Hegland felt it should include admission that this issue fell through the cracks and appreciation that it was brought

back to the City's attention, the data from Windingstad, intentions to collect new traffic counts and speed tracking and the potential for a neighborhood meeting after the new data was collected.

18. City Administrator Report

Mursko drew the Council's attention to Deputy Clerk Lorie Spangler's recycling flyer, asking if anyone had any suggestions or edits. Wagamon liked that information was provided in this edition about recycling old batteries. Logren inquired about "Fix-it Day," wondering about attendance. Mursko indicated the County cancelled it last year so the City does not know what to expect regarding turnout.

Motion by Preiner to approve the 2022 Spring Recycling flyer as is. Logren seconded. Motion carried unanimously.

Mursko continued, indicating that she'd been following COVID-19 positivity rates through two different sites, stating Minnesota was at 5.4 percent last time she checked. She pointed out that Anoka County has historically been higher than the state rate. When the mask mandate was put into effect, it was determined that when positivity rates dropped back to five percent the City would reevaluate its mandate. Mursko recommended that the mask mandate be lifted for public facilities with six guidelines.

Hegland inquired if the City would continue to track positivity rates and how the mask mandate would be reinstated if necessary, recommending the CDC's newest guidelines that included positivity rates, hospitalizations and deaths. Mursko agreed to monitor the new metrics in addition to the two sites she's been tracking.

Wagamon moved to remove the mask mandate from Columbus public facilities due to decrease in positivity rate in Minnesota. Preiner seconded.

Mursko asked if the Council was also adopting the new guidelines she'd set forth.

Wagamon moved to modify her previous motion, moving to approve the following guidelines for public facilities as outlined by the City Administrator, plus No. 7 to continue to monitor the rates as they increase. Preiner seconded. Motion carried unanimously.

5. ANNOUNCEMENTS & REMINDERS

19. Planning Commission Meeting 03.16.2022 at 6:30 p.m.

20. City Council Meeting 03.23.2022 at 6:30 p.m.

21. Calendar of Meetings

6. ADJOURNMENT

Motion by Hegland to adjourn. Seconded by Logren. Motion carried unanimously.

Meeting adjourned at 7:35 p.m.

Respectfully submitted:

Connor Keith, Public Communications Coordinator