

**City of Columbus**  
**Regular City Council Meeting**  
**Alternative Meeting Format**  
**MN Statute, Section 13D.021**  
**07.13.2022**

The 07.13.22 meeting of the City of Columbus City Council was called to order at 6:33 p.m. by Mayor Jesse Preiner at City Hall. Present were Councilmembers Robert Busch, Janet Hegland, Shelly Logren (via teleconference) and Sue Wagamon (via teleconference); City Administrator Elizabeth Mursko, City Attorney Bill Griffith (via teleconference), City Engineer Kevin Bittner (via teleconference) and Public Communication Coordinator Connor Keith.

Also in attendance: John Swanson and Patty Swanson

1. **CITY COUNCIL REGULAR MEETING**
  1. Call to Order – Regular Meeting – 6:33 p.m.
  2. Pledge of Allegiance
2. **CONSENT AGENDA**
  3. Agenda Approval with Additions
  4. Approval of the 5-25-2022 City Council Meeting Minutes
  5. Approval of the 6-8-2022 City Council Meeting Minutes
  6. Approval of the 6-8-2022 Closed City Council Meeting Minutes
  7. Approval of the 6-22-2022 Closed City Council Meeting Minutes
  8. Pay Bills as Posted

**Motion by Busch to approve the Consent Agenda. Seconded by Preiner. Roll call vote: Hegland – aye; Busch – aye; Logren – aye; Wagamon – aye; Preiner – aye. Motion carries.**

3. **PRESENTATION**
  9. Public Open Forum

No participation.

10. Planning Commission Report

No meeting, so no report.

11. MnDOT Master Partnership Contract

Mursko explained the MnDOT Master Partnership Contract, sharing a new contract from the state is submitted every three years for future projects for cost share and to create a Joint Powers Agreement. Griffith indicated the contract does not obligate the City to anything unless there is a project.

**Motion by Preiner to approve Resolution 22-12, entering into a master partnership with MnDOT with MnDOT Contract No. 1050141. Seconded by Hegland. Roll call vote: Hegland – aye; Busch – aye; Logren – aye; Wagamon – aye; Preiner – aye. Motion carries.**

#### 4. STAFF & CONSULTANT REPORTS

##### 12. Engineer Report

Bittner provided updates on three ongoing projects in the City. The reclamation project in Kettle River Heights went underway Monday, July 11, 2022, and should have new finished pavement by the end of next week. The Hornsby Street project also started this week. Old pavement has been milled off and grading will commence soon for the new pavement section, which could start taking shape as soon as next week. West Freeway Drive's design work and bidding is on hold while the City works on right-of-way acquisition. Official word on MnDOT's turnback should be returned soon.

Hegland asked if there was an estimate of when the City could go out to bid on West Freeway Drive. Griffith said since the City is trying to avoid eminent domain, providing a forecast is difficult and dependent upon reaching an agreement with the private property owners.

Regarding the petition received from residents of 170<sup>th</sup> Avenue to sever the connection to DePaul Street, the City has the option to deny the petition, accept the petition and move to close 170<sup>th</sup> Avenue and DePaul Street with two cul-de-sacs or defer the decision until more information can be collected. Based on the data collected, Bittner recommended denying the petition and leave the roads connected.

Mursko continued, sharing that the Council had wanted to confirm with the City Attorney if Chapter 429 was available to the City to assess the cost of constructing these cul-de-sacs to the residents of the impacted roads. Griffith said Chapter 429 could be used to make the homeowners cover the costs, but would need to demonstrate the benefit to the property equal to or greater than the value of the assessment. Griffith recommended, if the City was to follow through with the project, including a clause to require the property owners to waive their rights of appeal.

Mursko said that if the City was to follow the Chapter 429 process, a feasibility study would be required, which would cost an estimated \$10,000.

Hegland asked if the same petitioning mechanism would be utilized as when neighborhoods ask for their gravel roads to be paved. Mursko said that would be the process, but that a feasibility study would be required before a potential follow-up neighborhood meeting so residents knew the amount they'd be paying. Hegland expressed reservations about spending \$10,000 on a project that could stop so quickly.

Griffith said that the difference between this potential project and a paving petition is that there isn't an agreed upon process between the neighbors and the City for how this project could be achieved. Griffith was also not confident the submitted petition followed all procedures laid out in Chapter 429. Griffith recommended the Council reach a decision on Chapter 429 being used on this project or not before continuing the discussion with the neighborhood. Hegland asked how to determine if project costs equal the cost of the improvement. Griffith said that isn't something that can be done on the front end of a project, but that a petition with at least 50 percent indicating they want to go forward with the project after seeing the cost estimate. Griffith felt the starting point for the Council is, if the Council decides it wants this project to be assessed to property owners instead of covered by the City's transportation fund, then a letter needs to be sent to these residents telling them that and everyone who's deemed to benefit will be assessed and that a new petition following Chapter 429 rules needs to be created.

Logren asked if the City was opening a can of worms for a potential minority of residents that don't view the severance as a benefit to their property but still being forced to pay for it. Griffith pointed the Council to the Engineer's recommendation if they feel that way. Busch asked if the City declining this petition would prevent them from coming back in the future. Griffith said it would not. Preiner asked how that message would be conveyed. Mursko said the message could be conveyed as directed by Council.

Hegland said she empathized with the residents who didn't know they were buying on an unfinished through road, but didn't feel this should be a City expense. Hegland said if the residents followed the Chapter 429 process and found a majority that would pay for the construction, she'd be willing to approve it. Wagamon agreed with Hegland that Chapter 429 is the appropriate way for this project to happen if it were approved.

Logren felt the City has already spent enough tax dollars and doesn't feel comfortable approving more spending for a problem the City has not found to exist. Hegland agreed that the City should not shoulder any additional costs. Logren pointed out that Public Works Director Jim Windingstad said that roads being connected is a benefit to the City.

**Motion by Logren to deny the petition. Seconded by Wagamon.**

Busch indicated he struggled with this, but felt it would be important to remember in the future in these road extension situations to involve the appropriate parties in the existing development, which may exceed state minimums. Hegland expressed that this could be difficult since the road extension was part of the public hearing for the overall development when it was proposed. Mursko confirmed the public hearing was when extending the road was discussed, but that the development was noticed to the public three times.

**Roll call vote: Hegland – nay; Busch – nay; Wagamon – aye; Logren – aye; Preiner – aye. Motion carries.**

Mursko asked if the letter should include that the current petition was denied but that a Chapter 429 petition where the residents would pay for the improvement could be considered.

**Motion by Hegland to direct Staff to include in the letter that the City denied their petition, but that if they wanted to pursue Chapter 429, they could come back with that. Seconded by Busch. Roll call vote: Hegland – aye; Busch – aye; Logren – aye; Wagamon – aye; Preiner – aye. Motion carries.**

Griffith indicated that the letter should make it clear that residents can petition under Chapter 429, but that the Council is not proactively approving that project.

**13. Attorney Report**

Griffith provided clarification on the upcoming public hearing, drawing the Council's attention to two letters they had been provided. The first letter was sent to Park Construction, an applicant whose proposal will be heard at the public hearing, which is a standard notice when the City has to extend the 60-day period. A letter, the second in the Council's packet, was received from Park Construction's

attorneys after the Council adopted a moratorium on Lake Drive that detailed adopting the resolution does not pause the 60-day rule for accepted applications. Griffith said the moratorium prohibits the City from accepting new applications and issuing permits in the defined district, but it is necessary to comply with existing statute for the City to process applications accepted before the moratorium went into effect.

Wagamon asked if the Council approved the application in the midst of the moratorium, the project would still not be permitted until the moratorium was lifted. Griffith confirmed that was his understanding, but that there isn't a court case that affirms or denies that position.

#### 14. Mayor & City Councilmembers Report

Hegland shared that she had asked Mursko about the Community Center rental contract with the Lions Club at the workshop on July 12 before speaking with Gina Sjerven indicating she hoped the contract could be returned by the end of the next week when the Lions Club meets again.

Hegland continued, sharing that she, Griffith and Mursko had been working on the broadband grant, sending letters to seven different Internet providers, with all but two responding. The City cannot submit the grant without Broadband partners, and the deadline for submitting an application is August 4, 2022. Mursko indicated that CenturyLink had shared they want a project, so she hopes they submit a letter of recommendation. Griffith said this might be a good dry run for broadband opportunities from the State and Federal governments, and encouraged the Council to consider preparing matching funds in the budget as this grant is similar to most in requiring them from the local government or partners.

Hegland also shared that the process is underway to arrange a City meeting for the Sunrise River WMO JPA, with the intent of ratifying the edits to the JPA at an August or September meeting. That meeting will be held at Columbus City Hall.

Busch shared that he'd been invited to look at Muddy Paws' renovations and upgrades, saying that it looked good. Additionally, Busch said he'd heard reports of inspectors not fulfilling appointments with contractors or doing picture-based inspections. Mursko said the City had not approved photo inspections with MnSPECT unless residents didn't invite them in due to the pandemic or for roofing, but that she hadn't heard of any issues with inspections.

Logren, Wagamon and Preiner had no report.

#### 15. Public Works Report

On behalf of Windingstad, Mursko shared that because fans are running in City Hall for the summer heat, they have created audio problems during meetings. As a result, Windingstad had requested a quote for six sound-dampening clouds to be hung from the ceiling for \$2,480.

**Motion by Hegland to approve the additional acoustics in the City Council Chambers in the amount of \$2,480 for six new panels. Seconded by Preiner. Roll call vote: Hegland – aye; Busch – aye; Logren – aye; Wagamon – aye; Preiner – aye. Motion carries.**

**16. Public Communications Coordinator Report**

No report.

**17. Assistant City Administrator Report**

No report.

**18. City Administrator's Report**

Mursko shared that she'd received questions about why fencing around pools over 3,000 gallons are required to be a minimum of 5 feet tall and if the City Council would reexamine this requirement. Busch said he felt it was odd for above-ground pools and would be open to having the rule reexamined. Preiner felt it is an important safety issue, but he and Hegland found it reasonable to reexamine the rule.

Mursko continued, calling for an additional City budget meeting. She recommended August 31, 2022, at 6 p.m.

**Motion by Busch to call for a 2023 Budget Meeting on August 31, 2022. Seconded by Hegland. Roll call vote: Hegland – aye; Busch – aye; Logren -aye; Wagamon – aye; Preiner – aye. Motion carries.**

**5. ANNOUNCEMENTS & REMINDERS**

**19.** Planning Commission Meeting 07.20.2022 at 6:30 p.m.

**20.** City Council Meeting 07.27.2022 at 6:30 p.m.

**21.** City Council Workshop 08.09.2022 at 5:30 p.m.

**22.** Calendar of Meetings

**6. ADJOURNMENT**

**Motion by Hegland to adjourn. Seconded by Busch. Roll call vote: Hegland -aye; Busch – aye; Logren -aye; Wagamon – aye; Preiner – aye. Motion carries.**

Meeting adjourned at 7:33 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator