

**City of Columbus**  
**Regular City Council Meeting**  
**Alternative Meeting Format**  
**MN Statute, Section 13D.021**  
**07.27.2022**

The 07.27.22 meeting of the City of Columbus City Council was called to order at 6:31 p.m. by Mayor Jesse Preiner at City Hall. Present were Councilmembers Robert Busch, Janet Hegland and Sue Wagamon; Assistant to the City Administrator Jessica Hughes (via teleconference), Associate Planner Frank Koenen (via teleconference), City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Kevin Bittner, Planning Tech Ella Giefer (via teleconference), Public Communication Coordinator Connor Keith and Public Works Director Jim Windingstad.

Also in attendance: Cindy Angel, Myron Angel, Planning Commissioner Barb Bobick, Matt Giese (via teleconference), Planning Commission Chairman Ron Hanegraaf, Park Board Vice Chair Kris King, Jen Korus, Roger Nase (via teleconference), Natalie Ryder (via teleconference), John Swanson, Patricia Swanson, Helen Wood and Michael Wood

Not present: Councilmember Shelly Logren

1. **CITY COUNCIL REGULAR MEETING**
  1. Call to Order – Regular Meeting – 6:31 p.m.
  2. Pledge of Allegiance
2. **CONSENT AGENDA**
  3. Agenda Approval with Additions
  4. Approval of the 6-22-2022 City Council Meeting Minutes
  5. Approval of the 6-29-2022 City Council Meeting Minutes
  6. ~~Approval of the 7-13-2022 City Council Meeting Minutes~~
  7. Pay Bills as Posted

**Motion by Hegland to approve the Consent Agenda Nos. 3-5 and 7. Seconded by Wagamon. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

3. **PRESENTATION**
  8. Public Open Forum

J. Swanson of 16646 W. Iverson St. NE presented to the City Council to voice a complaint against his neighbors at 16658 W. Iverson St. NE, who have neglected their property by allowing their landscaping to grow to shoulder level; not building a fence around their pool; parking box trucks, forklifts and junk cars in the lawn; etc.; and is devaluing his property. Preiner said that the process to resolve this property is in action. Griffith discussed roadblocks the City has faced, but that progress is taking place through the courts and abatement processes. Hughes said that the City has scheduled the installation of a safety fence around the pool to take place at the end of August.

M. Wood of 6012 141<sup>st</sup> Ave. NE is also the property owner at 14215 Lake Drive NE. He says he's trying to sell his property on Lake Drive, which is a house, but it is surrounded by commercial properties and has proven difficult to sell as a residence. A prospective buyer wants to convert into office space. His prospective buyer, Korus, also presented to the Council, explaining her intentions for the property. Korus says she wouldn't move into the property until July 2024 since her current lease extends until then, and that she only intends to use property as office space without any residential usage.

Preiner asked how much acreage the property is. Wood and Korus said it is 1.3 acres, with a house and two garages. Wagamon said she empathized with Wood, but is worried the City could have its hands tied. Hegland asked if office space was one of the temporarily restricted uses under the moratorium. Mursko said since it is not listed use in the district, it is a prohibited use. Griffith shared that under normal circumstances without a moratorium, Korus could submit an application for a text amendment or the Council could enact one on its own accord. However, current circumstances stipulate applicants must wait until the moratorium is lifted.

Korus said one of her concerns is about financing for making a potential purchase and needing a specific date for her financing application. Referencing the June 8, 2022, City Council meeting, Mursko said the Council had directed the Staff to try to complete the moratorium within six months, and she felt they were on track to meet that goal or extend approximately two months later. Griffith said that if the Council maintains the permitted uses model, an additional 60 days would need to be accounted for so the buyer could also apply for a CUP after the moratorium is lifted.

Wood said he'd been selective with prospective buyers and felt that Korus' insurance agency would be a good fit for the area. Preiner expressed that he could see that Korus' business could be a good fit, but reaffirmed that the City was unable to issue a permit during the moratorium.

#### **9. Ordinance 22-06 Amending Chapter 4 Regulating the Sale of Tobacco and Related Products**

Mursko said that Anoka County has handled the City's tobacco permitting and regulations on behalf of the City since before incorporation, but with the Love's development being constructed and likely becoming the third tobacco retailer, the County has indicated the City should take over tobacco licensing within its borders.

Hughes said that the only amendment made to Chapter 4 is the inclusion of regulations regarding drug paraphernalia. Griffith said there are specific rules about selling to under-age individuals by verifying ages via checking proper identification.

Hegland asked if the age verification could be edited to say that all individuals are required to be carded instead of allowing the salesclerk to make a judgement call based on the buyer appearing to be over 30 years old. Griffith said that is done in alcohol sales but hadn't heard if that happens as regularly in tobacco sales. Griffith asked if the Council would like the Staff to research this before approving this ordinance or if they would like to approve the ordinance at this meeting and strike the requirement of a buyer appearing to be at least 30 years old. The Council agreed to strike "Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection."

Busch asked there were any stipulations about CBD products in this drafted ordinance. Hughes said the ordinance composed does not prohibit the sale of CBD products. Griffith said a taskforce of City Attorneys are discussing the recent legislation that was passed at the state level regarding CBD gummies. Wagamon asked if the Council could make changes to its ordinance after the State clarifies its ruling. Griffith confirmed that was an option but that the City should try to head in the same legal direction as other cities under the state law.

Busch asked what the driver was for the City taking on tobacco rulings. Mursko said that with Love's coming to Columbus, the City now had three vendors selling tobacco and Anoka County recommended that the City take control of the licensure and become the regulating body. Wagamon asked if the City becoming the regulatory body makes it liable for infractions like underage sales. Griffith said the City would not be liable for underage sales, but that it is responsible for enforcement. Hegland asked if the Anoka County Sheriff's Office would be the City's enforcement arm. Mursko confirmed that would be the case, just as it was with alcohol.

Busch asked if the City should be concerned about items listed in Chapter 4-902Hc, including "capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances," that indicates that distribution is going on in the City. Hughes said that this ordinance prohibits tobacco license holders from selling drug paraphernalia, and this section defines and provides examples of restricted paraphernalia.

Preiner opened a public hearing for public input relating to Ordinance 22-06 at 7:14 p.m. Hearing no comments, Preiner closed the public hearing at 7:15 p.m.

**Motion by Hegland to adopt Ordinance 22-06 amending Chapter 4 regulating the sales of tobacco and related products as presented with the change to section 4-908 as discussed. Seconded by Wagamon.**

Busch verified that the change was to always check IDs for tobacco sales. Hegland confirmed that was the case.

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

**Motion by Preiner to approve Resolution 22-13 amending Chapter 4 regulating the sale of tobacco and related products publication summary as presented with the striking of the line that says "Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection." Seconded by Wagamon.**

Mursko shared that this resolution allows the summary to be published instead of the entire ordinance.

Busch verified the ordinance will be available to be viewed on the website. Mursko confirmed that would be the case.

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

## 10. Planning Commission Report

Hanegraaf recapped the July 20, 2022, Planning Commission meeting, sharing two Public Hearings were held. The first was a renewal for a residential dog kennel IUP for Glen Kothe at 9056 Broadway Ave. The Planning Commission unanimously voted to recommend the IUP based on the associate planner's report and Companion Animal Control's inspection report.

**Motion by Preiner to approve the kennel Interim Use Permit for Glen and Sue Kothe for a term of 10 years at 9056 W. Broadway Ave. based on the Findings of Fact 1-15 and Conditions 1-26 listed in the staff report dated July 22, 2022. Seconded by Hegland. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

### Residential Dog Kennel IUP Findings of Fact

1. An IUP application for a Residential Dog Kennel IUP was received from Glen and Sue Kothe (hereafter the "Applicant"), 9056 W. Broadway Ave. (hereafter the "Property"), on June 9, 2022.
2. The application was found to be complete on June 16, 2022.
3. The 60-day review for the application terminates on August 15, 2022. The 120-day review, if necessary, will terminate on October 14, 2022.
4. The Applicant defines the dogs as domestic pets, which is an animal that is traditionally kept in the home for pleasure rather than for commercial purposes.
5. The Applicant has lived on the Property and has held City licenses and one Interim Use Permit for a residential dog kennel since 1987.
6. The Property is zoned Rural Residential.
7. The Property contains 19.1 acres, according to Anoka County records, and has a six-foot-high privacy fence for confinement of the dogs, which is attached to the residence.
8. The Applicant currently has five dogs on the Property, the owner has stated they have no plan to replace the pets as they pass.
9. The Applicant indicates that the dogs reside within the residence.
10. The Applicant states that the dogs are not left out of doors unattended.
11. There are no adjacent residences within 150 feet of the fenced-in confinement area, and there are no property lines within 75 feet of the fenced-in confinement area.
12. The application for a Residential Dog Kennel IUP is consistent with the kennel regulations in the City Code.
13. An Animal Control Officer conducted an inspection of the Residential Dog Kennel on July 13, 2022.
14. Anoka County Sheriff's Office was contacted on July 16, 2022, and had no records or complaints related to the presence of a Residential Dog Kennel on the Applicant's Property.
15. The Planning Commission conducted a public hearing on the proposed IUP on July 20, 2022.

## Residential Dog Kennel IUP Conditions

1. The Applicant shall be allowed to keep a maximum of 10 dogs, over the age of six (6) months, on the Property.
2. The Residential Dog Kennel IUP is contingent upon recommendations of the Animal Control Officer.
3. Breeding, training and showing of the permitted dogs is allowed.
4. All dogs require up-to-date rabies vaccinations.
5. All dogs allowed out of doors will be contained on the Applicant's Property by a security fence or under voice control outside of the fenced-in area.
6. Dogs kept out of doors unattended for six or more hours shall have access to water and shelter.
7. Dog kennels shall be located in the Principal Building (residence) or in any other location consistent with Section 7A-809 of the City Code.
8. Dogs shall have access to clean water at all times.
9. Dogs shall be fed nutritious foods on a daily basis.
10. Feeding times may be regulated in the Residential Dog Kennel permit.
11. Food and water supplies and containers shall be kept in sanitary conditions.
12. Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
13. All dogs, including those under the age of six (6) months shall be kept in safe conditions and treated in a manner promoting the dogs' health and comfort.
14. Dog excrement shall be removed and disposed properly from out of doors containment areas on a regular basis to prevent odor infestation.
15. All other applicable requirements and provisions for animal control, as described in Chapter 4 of the Columbus City Code, shall be met.
16. Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Chapter 5 of the Columbus City Code.
17. The Applicant shall operate the Residential Dog Kennel consistent with all other requirements of the Columbus City Code.
18. Dogs shall be kept and provided for in a manner consistent with the Minnesota Department of Agriculture's "Best management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers," pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
19. The Applicant shall operate the Residential Dog Kennel consistent with the application submitted to the City and according to all other federal, state, and local laws, rules, regulations, guidelines and ordinances.
20. The Applicant shall allow City personnel and its agents access to the Property at any time, upon reasonable notice, to inspect the facilities.
21. The Applicant shall complete the annual permit review requirements established by the City.
22. IUP fees are intended to cover the City's costs in administering kennel permitting, including at least one on-site inspection.
23. The costs of additional inspections and remedial actions, required as a result of prior inspection follow-ups or resulting from complaints about the facility, shall be borne by the Applicant.

24. Issuance of a Residential Dog Kennel IUP is not a substitute for or intended to replace other applicable requirements for permits, licenses or regulations by federal, state or other units of government.
25. The term of the IUP shall be 10 years from the date of City Council approval of the IUP, contingent upon annual administrative review and the five-year, mid-term animal control officer compliance inspection as defined in Section 7A-809 (2e).
26. Violations of the conditions of the Residential Dog Kennel IUP shall be grounds for permit revocation.

Hanegraaf shared the second Public Hearing was about Park Construction. A discussion will be held next week at the August 3, 2022, Planning Commission meeting about the data collected during that hearing.

#### 4. STAFF & CONSULTANT REPORTS

##### 11. Engineer Report

Bittner provided updates on construction projects in the City, starting with the Hornsby Street project, which is associated with Love's Travel Center, is complete after the roadway was laid that morning. Kettle River Heights has seen its first coat laid and expect an updated schedule next week. The cul-de-sac at 182 Lane NE had an on-site meeting that afternoon with work projected to start within a few weeks. MnDOT turnback right-of-way has been secured for the West Freeway Drive project, which allows the City Attorney and Administrator to meet with Bluhm Brothers to purchase necessary land on Monday.

Under the Wetland Conservation Act, the DNR is requiring a botanical survey to be conducted to determine if any Butternut trees are in the planned construction area before issuing a permit. Bittner requested authorization from the City to conduct the \$7,500 survey and draft the \$6,000 report with the hope that all of that money not be necessary.

Wagamon asked what the repercussions would be if the City did not do the survey since the DNR wanted it done but weren't going to pay for it. Bittner said the DNR would not approve the permit. Busch asked if the City could work a deal with the DNR to split the costs. Bittner said the option was to have SRF perform the survey under their contract, but with the project already surpassing current funding it would be a wash.

**Motion by Preiner to approve a Butternut Tree survey at a cost of \$7,500 and, if necessary, drafting report for submittal to the DNR costing \$6,000 to meet permit requirements. Seconded by Hegland. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

##### 12. Attorney Report

No report.

### 13. Mayor & City Councilmembers Report

Wagamon shared that she'd attended the Forest Lake Cable Commission (FLCC) budget meeting that day. FLCC is under-budget. Wagamon said 646 Columbus properties are serviced by Midco in any capacity (an increase from 608 in 2021), with 600 of them receiving Internet service.

Hegland reported on the July 14, 2022 Park Board meeting, where the proceeds from the sale of Hagert Park were discussed. During their March 29, 2022, meeting, the Park Board had made a motion to request all of the proceeds to be deposited into their three accounts, but Hegland suggested a compromise of half of the proceeds being deposited into the Park capital fund and the other \$40,000 to the City's general fund. The Park Board agreed to that arrangement, targeting the City trail and tennis courts to use the \$40,000 to fix.

**Motion by Hegland to approve the transfer of \$40,000 of the proceeds from the sale of Hagart Park to the City's general fund and the remaining \$40,000 to the park capital fund, to be used towards the replacement and/or repair of the tennis courts and trail maintenance and/or replacement. Seconded by Preiner. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

Hegland continued, sharing she suggested to the Park Board to revisit the Park Master Plan. In the past, the Park Board had tried to develop their own master plan without hiring a consultant in efforts to save costs. After speaking with Karen Blaska, Anoka County Park Planner, and Sue Vento, District 11's Metropolitan Council representative, the Park Board learned about example park master plans from other cities and the Greater Minnesota Regional Parks and Trails Commission, which has developed an online portal cities can use to plan parks. To work on the master plan, the Park Board has agreed to begin meeting bimonthly to complete a master plan in time for the 2024 budget cycle.

The final topic of discussion at the Park Board meeting was about the maple trees at Columbus City Park that predate the ones planted this season. An arborist has found that the roots on these trees are starting to wrap and girdle, putting the trees in danger of dying within five years. Treatment would require excavation, which is estimated to cost \$1,800, or a chemical application that influences growth. Wagamon asked if, when the trees are examined, the arborist will give possible outcomes based on City action. King said if the City took no action, the trees would likely die.

Hegland continued, sharing the City was unable to arrange meetings with the broadband internet vendors that are to expand into Columbus, so it will not be able to apply for this broadband grant this year. However, Hegland wanted to keep working to be prepared for next year's applications.

Hegland continued, sharing the Sunrise River WMO JPA meeting has been scheduled for October 4, 2022, from 5:30-8:30 p.m., with an "if-necessary" meeting scheduled for December 6, 2022, to complete the work.

Hegland also shared about an upcoming meeting with Sue Vento to learn more about the Age-Friendly Minnesota initiative.

Busch shared that he and Preiner serve on the Fire Board, but without an alternate. He proposed that Wagamon be appointed as alternate for meetings when either Busch or Preiner cannot attend Fire Board meetings.

**Motion by Busch to appoint Sue Wagamon to serve as an alternate on the Joint Fire Board to serve in the position if the Mayor or Busch are not available to attend the meeting. Seconded by Hegland. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

#### 14. Public Works Report

Windingstad shared that the City has commenced repairs to the Community Center. The septic pipe has been reconstructed and insulated, and the sidewalk has been repaved and completed with new handrails. Landscaping around the project should be completed within a few weeks.

Windingstad also share that the sound-dampening clouds should be delivered at the end of the week and installed on Monday, August 1, 2022.

#### 15. Public Communications Coordinator Report

No report.

#### 16. Assistant City Administrator Report

Referencing the tobacco ordinance from earlier in the meeting, Hughes shared that currently existing licenses will expire August 31, 2023.

#### 17. City Administrator's Report

Mursko drew the Council's attention to the Autumn 2022 recycling events. Deputy Clerk Lorie Spangler is requesting approval to mail a reminder notice of the event schedule and confirmation that Council still approved the events.

**Motion by Hegland to approve proposed 2022 fall recycling events as shown on the postcard. Seconded by Preiner. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

Mursko continued, saying that Spangler has prepared an application for the 2023 Anoka County Municipal Waste Abatement Grant that details how the City intends to spend awarded funds on different events throughout the year. Hegland asked if the City would add another event, if the amount would increase. Mursko said Spangler is able to relocate funds to different programs, but the City could not request further funding. Spangler is requesting a motion to submit the application to the county in time for the August 1 deadline.

**Motion by Preiner to approve the 2023 Anoka County Municipal Waste Abatement Grant funding application as presented. Seconded by Busch. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

Mursko continued, sharing she'd received information from the Coon Lake Master Planning Public Engagement survey conducted by Blaska and Anoka County Parks. Hegland asked what the timeline would be for turning the park into a regional park. Mursko said Blaska had not shared the timeline, but she can inquire. Hegland asked if parking had been a focus for this proposal. Mursko said the DNR has requested the park's parking availability not be expanded, but since the Council and Anoka County Parks wanted to get parking off the street there could be options.

Mursko asked if the Council was prepared to invite Blaska to a City Council meeting or if they would like to read through the literature first. Wagamon and Busch both wanted to read the materials and generate questions.

Mursko continued, sharing an email had been received from Rhonda Sivarajah about the County's application for broadband funding to expand access, and it requested a resolution of support from Columbus. The county is conducting a study to determine which parts of Anoka cities need service the most, and those results will be used to determine where this grant funding is allocated. Hegland asked if the City were to submit this letter of support, if it would have a negative impact on the City's own application in the future. Griffith did not feel it would have an impact, but that the county's grant indicates that Columbus should be a benefactor of this application.

**Motion by Preiner to approve Resolution 22-14 supporting the Anoka County broadband grant. Seconded by Hegland. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.**

Mursko continued, sharing the City has been working with the St. Clair Lakes development on the permitting process. A CUP amended for the PUD has been completed and submitted to the City, and it requires a public hearing for the three deviations St. Clair Lakes is requesting. The public hearing is scheduled for Wednesday, August 3, 2022, and the soonest the amendment could be approved would be Thursday, August 4, 2022, via special meeting.

**Motion by Busch to call for a Special Meeting for St. Clair Lakes CUP PUD application final action on Thursday, August 4, 2022, at 3 p.m.**

Mursko said the time does not have to be 3 p.m., but she chose a time consistent with previous special meetings. Busch asked if the meeting attendance will be possible in-person or via Zoom. Mursko confirmed the meeting would be available via Zoom.

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

## **5. ANNOUNCEMENTS & REMINDERS**

- 18.** Planning Commission Meeting 08.03.2022 at 6:30 p.m.
- 19.** City Council Workshop 08.09.2022 at 5:30 p.m.
- 20.** EDA Meeting 08.10.2022 at 5:30 p.m.
- 21.** City Council Meeting 08.10.2022 at 6:30 p.m.
- 22.** Calendar of Meetings

**6. ADJOURNMENT**

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

Meeting adjourned at 8:06 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator