

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
08.10.2022

The 08.10.22 meeting of the City of Columbus City Council was called to order at 6:34 p.m. by Mayor Jesse Preiner at City Hall. Present were Councilmembers Robert Busch (via teleconference), Janet Hegland, Shelly Logren and Sue Wagamon; City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Kevin Bittner, Public Communication Coordinator Connor Keith and Public Works Director Jim Windingstad.

Also in attendance: Cynthia Angel, Myron Angel, Planning Commissioner Bob Berens, Michelle Daubs, Simeon Daskalyuk, Planning Commission Chairman Ron Hanegraaf, *iPad (100)* (via teleconference), Planning Commissioner Kris King, Ivan Kozhokar, Roger Nase, Sherri Nase, Holly Peirson, Paul Peirson, Natalie Ryder (via teleconference), Perry Wagamon and Steve Wagamon

A. CITY COUNCIL REGULAR MEETING

1. Call to Order – Regular Meeting – 6:34 p.m.
2. Pledge of Allegiance

B. CONSENT AGENDA

3. Agenda Approval with Additions
4. Approval of the 6-23-2022 170th Avenue Neighborhood Meeting Minutes
5. Approval of the 7-13-2022 City Council Meeting Minutes
- ~~6. Approval of the 7-27-2022 City Council Meeting Minutes~~
7. Pay Bills as Posted

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

C. PRESENTATION

8. Public Open Forum

Ivan Kozhokar of 14755 Lake Drive NE presented to the Council to request a hardship for his property. He purchased this land to run an auto dealership, and was working with former Associate Planner Ben Gutknecht to complete an application seeking to get full approval from the City Council to move KI Auto Body & Sales from its rented location in Lino Lakes, where its lease expires at the end of September. He requested an exception to turn the house currently on the property into an office and begin conducting business there.

Preiner asked the Council if everyone knew where the property is located. Kozhokar said his property is across the street from L & R Auto. Preiner asked Kozhokar if he definitely had to be out of his current location by September 30. Kozhokar said that was the date set by his current landlord, but he didn't know if he could work out a deal with the next developer for an extra couple months.

Griffith reminded the Council that the moratorium was constructed to prohibit only specific uses in the district and not all uses, so he could see if the use Kozhokar is proposing would be allowable under the current moratorium.

Kozhokar continued, saying catalytic converters were cut from some of his vehicles stored at his current location in Lino Lakes and that he would like to construct a concrete fence around his property while vehicles are stored there in the interim. Griffith said the CUP process would still need to be followed to get business authorized on the property

9. Planning Commission Report

Wagamon recused herself from the Planning Report.

Berens presented to the Council to recap the August 3, 2022 Planning Commission meeting. A public hearing was held to discuss St. Clair Lakes' PUD CUP amendment, which requested three additional variations to the PUD request, including reducing the setback from the garage to the curb from 30 feet to 25 feet. The Planning Commission recommended approval of the PUD CUP amendment.

Berens continued, sharing Park Construction's CUP application was also discussed for a contractor shop consisting of an office, mechanical shop, equipment storage, material storage and crushing activity in the Commercial/Industrial District on Lake Drive at Property #33-32-22-23-0004 in the Waldoch Addition. After discussion and testimony, the Planning Commission recommended to deny Park's CUP application based on the proposal and operations of the project not meeting the criteria within the City's zoning ordinances and the project not being aligned within the City's Comprehensive Plan to provide for a harmonious and transitional existence with the surrounding community. Berens said the Planning Commission had questions about safety at the site and nuisances, such as noise, silica dust, traffic and visual aesthetics.

Preiner reminded the Council that this proposal is only for the Park Construction CUP application, not the Waldoch Addition, and indicated that no new testimony will be heard at the evening's meeting. Preiner asked Berens what the Planning Commission's major concerns were for recommending a denial. Berens said the Planning Commission did not feel the applicant met the criteria for being a transitional piece in the area to the existing residents and surrounding neighbors, nor a cohesive fit under the criteria set by the Comprehensive Plan, which calls for harmonious and transitional usage of the Commercial/Industrial usage for that area. In addition, Berens said the Planning Commission felt the nuisances that would be created through the project would be overwhelming to the community around the proposed project.

Logren read remarks she'd prepared before the meeting, detailing how she had once been excited about the Waldoch Business Park proposal and the positive effect it could have on the City, but how she's grown disappointed with how it has devolved into a heavy industry dumping ground for the Twin Cities and that Park Construction did not seem to be addressing identified nuisances (full report attached).

Hegland shared that she'd spoken with both Jeff Carlson, owner of Park Construction, and Don Waldoch to learn more about their companies and situations regarding this application. Hegland said she would vote to deny based on two uses listed within the application that are not permitted in the district, as well as placing a heavy-industrial use near a residentially-zoned area, and not being able to draft conditions that would mitigate nuisances created by the business at its selected location.

Busch said that while he was campaigning for his City Council seat, he spoke to many residents who were upset with the heavy industrial trucks running through the City and how they don't feel heavy industrial businesses are harmonious with the existing landscape.

Preiner said he didn't feel the proposed location was appropriate for Park Construction.

Motion by Hegland to direct the City Attorney to draft a resolution of denial based on the Findings of Fact in the Staff Planning Report, the City Council discussion and recommendations of the Planning Commission. Seconded by Logren. Roll call vote: Logren – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Griffith said the resolution of denial will be ready for action at the City Council meeting on August 24, 2022.

D. STAFF & CONSULTANT REPORTS

10. Engineer Report

Bittner provided an update on ongoing projects in Columbus, sharing Kettle River Heights is nearing completion. All public improvements to St. Clair Lakes are complete, including the first layer of asphalt. The West Freeway Drive project survey for the rare butternut tree was approved at the last City Council meeting and is ongoing.

Bittner continued, sharing a request from Mark Olson, the developer for St. Clair Lakes, for a reduction in the projects letter of credit. After reviewing invoices submitted by Joshua Markum Builders, Bittner recommended approval for the reduction of credit in the amount of \$295,842.87.

Motion by Preiner to approve St. Clair Lakes line of credit reduction of \$295,842.87 from \$490,102.09 to a new line of credit amount of \$194,259.22. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Preiner – aye. Motion carries.

Busch temporarily disconnected from the meeting and was unavailable for the vote.

11. Attorney Report

No report.

12. Mayor & City Councilmembers Report

Wagamon shared that she filled in for Busch at the Forest Lake Fire Department (FLFD) Board. FLFD is in need of a new pumper truck costing \$863,000, and Wagamon shared Fire Chief Al Newman wants to raise the wages of all volunteers on-call firefighters. Mursko said Newman will provide a formal presentation at the budget meeting on August 31, 2022.

Hegland said she and Preiner attended two Night to Unite events last week. Both parties were well-attended, and Anoka County Sheriff's Office liaison Lt. Jessica Slavik and deputies were in attendance at both events.

Hegland continued, saying the meetings among all involved cities to update the Sunrise River JPA will be held October 4, 2022, and, if necessary, on December 5, 2022, at the Columbus Community Center at 6 p.m.

Busch clarified that the pumper truck Wagamon mentioned has already been ordered so the FLFD Board could lock in a lower price before inflation.

13. Public Works Report

Windingstad said that during the last round of equipment replacement, not all of the furnaces and air conditioners in City Hall were attended to as the focus was on rooms and areas where meetings are held and people congregate. Two furnaces and one air conditioning service the north end of City Hall in the offices that are original to the building, but airflow is impaired and does not reach that wing's bathrooms or the accounting office. Windingstad said now could be the right time to replace the furnaces, the existing A/C unit and add an A/C unit as well as redo the ductwork to increase circulation. Bids have been received, and the best one came in around \$12,000.

Wagamon asked if the American Rescue Plan dollars had all been spent. Windingstad said the City had used the initial funds, but there were some leftover funds from the well project being completed underbudget, and funding from the new American Rescue Care Act is available. Hegland asked if this is new funding or a second year of existing funding. Mursko said this is not new funding, but it's funding that has already been allotted, but an amended resolution would be necessary to include this project.

Hegland asked if there is existing duct work in this portion of City Hall. Windingstad said City Hall currently has transient heat, but that installing new ceiling duct work is preferred to destroying the concrete floor to add to the existing air flow. Hegland asked if the problem with the northern offices is that they only get warm in the summer, but they are an appropriate temperature during winter. Windingstad said he hadn't heard complaints during the winter, but during the summer these offices can get up to 80 degrees.

Logren asked how the City settled on the particular bid that has been submitted to Council. Windingstad said he talked to numerous companies. While he's used Kramer in the past, he said Kramer as the only company that could give him a bid with materials already on hand. Logren felt this price was reasonable.

Motion by Preiner to direct the City Attorney to amend the ARPA resolution to include the City Administration furnace, air conditioning unit and A/C ducts upgrade as the current system is not keeping a consistent airflow return rate and temperature throughout the office for all employees. Seconded by Wagamon. Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Busch asked if any demolition would be necessary to get the ductwork into the ceiling. Windingstad said that since the City offices utilize ceiling tiles, it should be easy to install the ductwork.

Hegland asked if a motion was needed to approve the bid. Griffith said that would be a part of the amended resolution that would be submitted to the Council at its next meeting.

- ~~14. Public Communications Coordinator Report~~
- ~~15. Assistant City Administrator Report~~
- ~~16. City Administrator's Report~~
- 17. (North) West Freeway Drive – PROW Acquisition

This will be a CLOSED meeting under Minnesota Statute Section 13D.05, subd. 3(c)(3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

E. ANNOUNCEMENTS & REMINDERS

- 18. City Council Workshop 08.11.2022 at 5:30 p.m.
- 19. Planning Commission Meeting 08.17.2022 at 6:30 p.m.
- 20. City Council Meeting 08.24.2022 at 6:30 p.m.
- 21. City Council Budget Meeting 08.31.2022 at 6 p.m.
- 22. Calendar of Meetings

F. ADJOURNMENT

Meeting closed at 7:34 p.m.

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

Meeting adjourned at 7:49 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator

Logren's Report on Park Construction's Application

I guess my remarks should start at the Waldochs' proposal for a plat of seven parcels within an industrial park. With the Waldochs being respected business owners and long-standing leaders in our community, this proposal was favorably received. My trust level in their ability to provide improvements to our community was high due to the professional look and business conduct of their past businesses along Lake Drive.

The first proposed buyer of one of the parcels was Street Smart Rental. This was the type of business I expected in our anticipated business park exhibiting minimal disruption to the nearby residential neighborhood and falling into my definition of a transitional use. This business was welcomed with a minimum of compromise.

The second prospective buyer was Equipment Transport, offering storing and maintenance of large trucks and construction equipment. I approved the concept that was stated with trepidation, as I realized it would add more heavy truck traffic to Lake Drive. My true concern was heightened when the representative from Equipment Transport claimed that their business had a relationship with Cemstone and Pine Aggregate, and that their physical proximity would enhance, and therefore possibly increase truck traffic on Lake Drive.

I began to see a disturbing pattern where hauling and heavy industrial activities were becoming a major draw to Columbus by future heavy industrial businesses. This level of use was not indicated by the Waldoch's initial proposal of seven parcels. The nature of the industrial park was beginning to morph. People have come to the meetings, and I talk about that we are presented with something and all of a sudden it starts to change around the edges.

We are now presented a request to accept into our community a company that claims to offer tax dollars, jobs and a desire to improve our community. Park Construction presented a large and all-encompassing presentation to our Planning Commission. I can speak firsthand of what transpired since I attend all Planning Commission meetings and I'm familiar with their supporting documents. Mr. Carlson came prepared with an attorney, his realtor and a set of answers to perceived problems with their business in Columbus.

We were informed that noise would be measured by decibels and not by nuisance factor. The most egregious noise of the crusher would be mitigated by residents having their windows shut in the winter. Personally, I find this dismissive if not insensitive to the people who live here. Additional noise by backup alarms and tailgate slamming were to be controlled by signs on the property and employee instruction. Columbus has already experienced the lack of success with these mitigating measures with Zaczowski Trucking and Pine Aggregate, especially with the use of independent truckers.

We were apprised of the danger of dust, specifically silica dust and the mitigation efforts that were suggested were largely protecting the workers, which although admirable, did not speak to the residents in the area. Discretionary watering, although promised, was not formally regulated. Although the street dust was addressed, the dust from the piles of cement and asphalt and the daily adding to those piles

were not. Testimony by a Columbus resident was made that additions to the piles were not watered at the current site of this business.

When asked by the Planning Commissioners about increased and slow-moving truck traffic entering and leaving Lake Drive, they were told it would be handled like all other businesses along Lake Drive. This comparison to other businesses seemed to be a theme throughout the Park narrative, displaying a lack of knowledge about the area, past problems and concern for their actual effect on the community. I have personally talked to many members of our community at their homes and have instigated information gathering of how the people of Columbus view their community, and I assure you increased truck traffic is of concern.

Columbus has not been open to heavy industry by this Council. Park Construction lists heavy industry first on its promotional materials on the Internet. [The City of] Blaine, who recently rejected Park Construction, considered it to be a heavy industry. It is interesting to note that Blaine was notified of four weeks of crushing and a 15-foot pile of recycling material, while Columbus was offered six weeks of crushing and 25-foot piles of rubble.

In addition, representatives for Park Construction indicated a desired increase of the in-house hauling truck fleet from 12 to 24, coupled with a desire to increase their building size, we can only assume an increase in noise, dust and traffic.

Ron Hanegraaf, head of the Planning Commission, noted the inconsistency and the numbers provided in the application and subsequent packets on several items that would impact the surrounding community. Commissioner Hanegraaf also indicated that there was confusion as to the nature of the business being recycling or truck maintenance and storage. These inconsistencies bespoke of possible prevarication of intent and scope of the business.

I would like to address Mr. Carlson of Park Construction at this time.

You came to us with the preconceived idea that we were to help you assimilate into our City with no regard for the existing Community. Your comments on the length of time afforded the citizens of the public hearing and their only time to be heard was insensitive. The decisions we make here will affect their lives in Columbus forever. Their comments reflect many of the feelings of our general population. The time afforded to the citizens affected is a miniscule fraction of the time spent on your behalf by the staff and each and every member of the Planning Commission and the City Council in reading and researching your application and supporting packet, and I brought it as Example A.

Your schooling of our City officials was presumptuous and your comment regarding the Planning Commission as having, I quote, "utterly failed in their duties" is insulting and it's slanderous. Your stated desire to improve and work with the City of Columbus rings hollow. Your promise of jobs held by others already in the job market and where applicants are few brings little to the table. Your purchase of 26 acres of commercial industrial property where the majority will be used for outside storage makes your boast of taxes to be paid ludicrous in light of the actual cost to the City to referee disputes between your company and the residential neighbors in perpetuity.

I would like to address to the Waldochs.

We've been neighbors and I hope we both want what's best for Columbus. Upon meeting John Waldoch a few years ago, I exclaimed to him it was like meeting local royalty to our little City because of their respected name. That the proposed seven-parcel business park has devolved into a large, heavy industrial site is a disappointment for me. My respect for your past contributions and success in Columbus make me believe that there is a way to improve Columbus and still be profitable to you and your family. Concept meetings with greater detail may have improved both of our futures. I feel it would tarnish the Waldoch legacy to saddle the community with heavy industrial business.

I have a few remaining words for Mr. Kepler, who I don't see in attendance, but who is the attorney for Park Construction, and in the interest of keeping these remarks on record, I would like to speak to him. Your labeling Columbus, not just Lake Drive, as a truck corridor, and encouragement of clustering heavy industry here does not speak to your understanding of our ordinances or Comprehensive Plan. Just as Blaine does not wish to be a repository of rejected businesses, we do not wish to be branded and sought after as the trucking epicenter to meet the needs of the Twin Cities. We house a cement company, an aggregate company and an asphalt company, and I feel Columbus is already more than paying the price for being a fringe city to a major metropolitan area. Our steadfast support of a rural feel with five acre limit lots is a testament to what we wish to promote as a community.

In conclusion, based on my aforementioned comments and the Staff recommendations by Dean Johnson, City Planner, I would reject the Park Construction CUP request on the basis of Findings of Fact 63 through 68 being the opinions of the Columbus Planning Commissioners. Item 68, crushing and backhauling item; Item 70, pre-existing non-conforming status of current businesses; Item 77, failure to meet harmony standard; Item 80, ongoing costs to the City; Item 83, failure to meet transitional status; and with Items 85 and 86, damaging the rural nature of Columbus. Thank you.