

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
08.24.2022

The 08.24.22 meeting of the City of Columbus City Council was called to order at 6:30 p.m. by Mayor Jesse Preiner at the City Hall. Present were Councilmembers Robert Busch, Janet Hegland, Shelly Logren and Sue Wagamon; City Engineer Kevin Bittner, City Attorney Bill Griffith, Public Communication Coordinator Connor Keith, City Administrator Elizabeth Mursko and Public Works Director Jim Windingstad.

Also in attendance were: Planning Commissioner Barb Bobick, Carrie Gazdik, Planning Commission Chairman Ron Hanegraaf, Chris Harchanko (via teleconference), Natalie Ryder (via teleconference), Barb Waldoch, Don Waldoch, John Waldoch, Sheila Waldoch and Paul & Holly (via teleconference)

A. CITY COUNCIL REGULAR MEETING

- 1. Call to Order – Regular Meeting – 6:30 p.m.**
- 2. Pledge of Allegiance**

B. CONSENT AGENDA

- 3. MOTION – Agenda Approval with Additions**
- 4. MOTION – Approval of the 07-27-2022 City Council Meeting Minutes**
- 5. MOTION – Approval of the 08-04-2022 City Council Meeting Minutes**
- 6. MOTION – Approval of the 08-10-2022 City Council Closed Meeting Minutes**
- 7. MOTION – Approval of the LMCIT Insurance Waiver Disclosure**
- 8. MOTION – Approval of the Acceptance of Gifts Resolution 22-15**
- 9. MOTION – Approval of the Surplus Equipment Resolution 22-16**
- 10. MOTION – Pay Bills as Posted**

Motion by Wagamon to approve the Consent Agenda items 3-10. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

C. PRESENTATION

11. Public Open Forum

John Waldoch of 13824 Lake Drive NE presented to City Council. Reading a pre-transcribed statement, he shared his account of the moratorium and its impact on the Waldoch Business Park, concluded by asking how the business park is to move forward and when the moratorium is expected to be lifted. Mursko said work has commenced on the Commercial/Industrial moratorium on Lake Drive, and the next public meetings on the associated ordinances will take place at the September 7, 2022, and September 21, 2022, Planning Commission meetings. Griffith said the Council was clear that the ordinances should be expedited once the moratorium was adopted, and that the moratorium is on track for completion around the end of the calendar year. J. Waldoch asked who is working on the moratorium ordinances. Griffith said it is the City Attorney's office that is developing a model with input from City Administrative staff, which is first presented to the Planning Commission and then to City Council for edits and modifications before passage, with an opportunity for public hearing on the package.

Don Waldoch of 13821 Lake Drive NE presented to City Council. D. Waldoch expressed his frustrations over the moratorium and its negative impact upon his business and family, but said he is still looking forward to working with the City to make the project a success.

12. Love’s Travel Center 3-2 Beer License Request

Mursko edited the memo on page 5 of the agenda packet to reflect Love’s Travel Stops & Country Store’s correct address: 15402 Hornsby Street.

Griffith detailed that the application was for a permit to sell “non-intoxicating” malt liquor and pointed out that State Law had been changed to permit those under 18 years-old to work in the same room where this variety of beverage is sold – a change that is not reflected in the City code.

Logren asked if City Code is preventing Love’s from hiring people under 18 years-old from working at the service station. Griffith said people under 18 years-old can work in the two restaurants within Love’s and suggested the Council adopt a liberal interpretation of the code to restrict people in this age range from being behind the counter.

Motion by Preiner to approve the 3.2 percent off-sale malt liquor license in the identified cooler area as depicted in A-102 for the Love’s Travel Center at the convenience store located at 15402 Hornsby St. subject to Conditions 1-4 as outlined in the City Attorney Memo dated August 24, 2022. Seconded by Logren.

Hegland asked if the motion needed to be amended to permit the suggested stipulation that people under 18-years-old could work at Love’s, but were restricted from working behind the counter and selling beer. Griffith suggested modifying the motion to permit this scenario if that was the Council’s intention, using language including, “the rule will be enforced within the counter checkout area.”

Preiner amended his motion to include an edit to Condition No. 4: “No person under the age of 18 years shall be employed to sell intoxicating liquors or 3.2 percent malt liquor” and striking the rest of the Condition. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – nay; Preiner – aye. Motion carries.

Love’s Travel Center 3-2 Beer License Conditions:

1. This license is subject to compliance with all applicable federal, state and local laws, rules, and regulations.
2. No sale of 3.2 beer may be made between 2 a.m. and 8 a.m. on the days of Monday through Saturday, nor between 2 a.m. and noon on Sunday.
3. Love’s must continue to meet all additional liquor license conditions set forth in the City Code, Section 4-517:
 - a. Licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of a licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.
 - b. Licensee shall allow any peace officer, health officer, City employee or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect and search the premises of the licensee during business hours and

after business hours during the time when customers remain on the premises without a warrant.

- c. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license.
 - d. The city may require the production of such documents or information, including but not limited to books, records, tax filings, audited financial statements or pro forma financial statements as it deems necessary or convenient to enforce these provisions. The City may also obtain its own audit or review of such documents or information, and all licensees shall cooperate with such a review, including prompt production of requested records.
4. No person under the age of 18 years shall be employed to sell intoxicating liquors or 3.2 percent malt liquor.

13. Planning Commission Report

Hanegraaf recapped the August 17, 2022, Planning Commission meeting. The meeting's first task was a public hearing and discussion regarding the ordinance updating the City's shoreland code within 7A and 7E to align with state regulations. The Planning Commission voted unanimously to recommend the drafted ordinance to City Council for approval.

Mursko said it is a model ordinance with language from the DNR for shoreland requirements. After City Staff added a few tweaks to that model, the DNR provided edits of its own to create draft now submitted to City Council for approval.

Motion by Preiner to approve Shoreland Ordinance 22-02, which is in Pages 11-35. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

Motion by Preiner to approve Shoreland Ordinance 22-02 Publication Summary on Pages 36-37. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

14. Approval of David Harchanko Development Agreement & Minor Updates in Plans

Harchanko updated the City Council on minor updates made to the design of the apartment project, including adding three units and relocating an entrance to the underground parking garage to improve grading.

Griffith said these types of minor modifications are typical in zoning ordinances under a PUD to make minor modifications without going through the entire planning process. The Council is able to approve these modifications while approving the development agreement.

Motion by Preiner to approve the minor plan changes as listed in the memo dated August 23, 2022, for the Landings of Columbus Project by Apollo Development (Chris & David Harchanko). Seconded by Wagamon.

Hegland and Wagamon asked if the Landing of Columbus' approved PUD CUP included a condition requiring the development to abide by provided community standards. Griffith said the only condition added to the PUD CUP approval on June 8, 2022, was one requiring the development to require the

amenities listed on Page 11 of the Overview Document, while community standards could be provided voluntarily.

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

Griffith said Harchanko has requested a 60-day extension on the purchase agreement. Harchanko said the reason for the extension is that Rice Creek Watershed District (RCWD) has delayed their approval numerous times, with a decision currently scheduled for September 28, 2022. Since the current purchase agreement is set to expire September 1, 2022, the extension would allow time for RCWD to reach a decision and for Apollo Development to implement any modifications to its design if necessary.

Motion by Preiner to approve the development agreement as presented, delegating to City Staff and the City Attorney the authority to make minor edits and add updated exhibits. Seconded by Hegland.

Logren asked what is meant by “minor edits.” Griffith said edits are considered minor when they don’t change the substance of the document or conditions of approval, such as adding previously-approved exhibits.

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

Motion by Preiner to approve the third amendment extending the purchase agreement with David Harchanko for 60 more days. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

Harchanko said the project is making good progress on building designs and that they anticipate breaking ground before winter.

D. STAFF & CONSULTANT REPORT

15. Engineer’s Report

Bittner updated the Council on ongoing projects in the City. Paving has been completed on the Kettle River Heights project, with shouldering and topsoil work continuing into next week. 182nd Lane’s enhanced turnaround will commence Thursday, August 25, 2022, and should complete quickly.

Property acquisition for the West Freeway Drive is a separate agenda item for this meeting, and environmental permitting work is ongoing. Bittner requested Council approval of the right-of-way plat, which establishes right-of-way for the roadway’s new alignment.

Motion by Preiner to approve City of Columbus right-of-way plat No. 2 for the North West Freeway Drive project. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

Bittner continued, requesting approval of a two pay requests for Park Construction Company for the 2022 Hornsby Street reconstruction project, totaling \$454,577.45, and Valley Paving Inc. for the 2022 Kettle River Heights improvement project, totaling \$306,295.36. While the City is paying Park Construction Company, those funds will be reimbursed Love’s.

Motion by Hegland to approve Pay Request No. 1 from Park Construction Company for the 2022 Hornsby Street reconstruction project in the amount of \$454,577.45. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

Motion by Wagamon to approve Pay Request No. 1 for Valley Paving Inc. for the 2022 Kettle River Heights improvement project in the amount of \$306,295.36. Seconded by Preiner.

Busch asked Bittner about water pooling at the end of the cul-de-sac. Bittner said the draining and water pooling is on the list of things to complete for the project.

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

16. Attorney’s Report

Griffith pointed the Council to the drafted Resolution of Denial for the Park Construction application. Wagamon recused herself from the discussion. Silence 53:51-56:04

Logren said that she did not notice any mention of a traffic increase in the area in the drafted document. Griffith said that the Council could add its concern regarding the concentration of heavy trucks in the area to the resolution on their own accord, but that the City Attorney’s office did not include it because planning and engineer reports indicated Lake Drive is rated for the estimated traffic added by Park Construction’s proposal. Hegland pointed out that the eighth paragraph on Page No. 62 of the agenda included information about traffic impact during peak hours. Logren said that while the County might rate the highway for that level of traffic, the City may not want to create conditions that would increase the volume of traffic within its borders. Griffith said the referenced passage was composed based on the Planning Commission’s public hearing, but that the Council can make edits to reflect their concerns. Logren said her concerns were not only about the immediate area, but also about heavy trucking going through the City.

Hegland said she felt the eighth paragraph on Agenda Packet pp. 62 reflected Logren’s concerns. Logren said this passage was still focused on proximity to the site and doesn’t take into account the impact of the potential truck traffic on the entire City and the City’s accumulation of trucking-heavy industries.

Griffith modified No. 5 in the final paragraph of the resolution to No. 6, and added a new No. 5 that reads: “The amount of ingress and egress by heavy trucks and equipment to and from Lake Drive.”

Motion by Hegland to approve Resolution 22-18, a resolution recommending denial of a Conditional Use Permit for a building trade/contractor office for Park Construction located at 137th Avenue NE with a new No. 5 reading “the mount of ingress and egress by heavy trucks and equipment to and from Lake Drive.” Seconded by Logren. Roll call vote: Logren – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Griffith continued, drawing the Council to a purchase agreement for acquisition of property for the North West Freeway Drive project.

Motion by Preiner to approve Resolution 22-17, a resolution authorizing the execution of a purchase agreement and acquisition of Bluhm Brothers property for use as a public right-of-way. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

17. Mayor & City Council Members’ Report

Reporting on behalf of the Personnel Committee, Hegland shared the Park Board received an application from a resident named Steven Ray, who was interviewed August 16. Ray has history serving on the City of Shoreview's Bikes and Trails Committee. Preiner said he felt Ray was a good candidate.

Motion by Hegland to approve the appointment of Steven Ray to the Columbus Park Board for a term of two years (ending December 31, 2024). Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

Hegland continued, recommending a six-month step increase for Keith from Step 1 to Step 2, effective August 27, 2022.

Motion by Hegland to approve advancing Connor Keith from Step 1 to Step 2 effective pay period 19 (August 27, 2022) based on his six-month satisfactory performance review. Seconded by Preiner. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

18. Public Works' Report

Windingstad shared a Public Works Advisory Board (PWAB) meeting was held Tuesday, August 23, 2022, where he informed the board about the road grader that had been ordered in April and his intention to request increased funding for different line items discussed at the City Council's budget workshop on August 11, 2022. The PWAB approved raising the Public Works budget by \$20,000, raising the equipment and blacktop multipliers, increasing calcium chloride by \$5,000, increasing gravel by \$10,000, fuel by \$5,000 and salt by \$5,000.

19. Public Communications Coordinator's Report

Keith discussed a memo submitted to City Council about signing up for ArchiveSocial, a web-based tool that streamlines social media archiving. Keith shared that ArchiveSocial is offering promotional pricing of \$249 per month compared to the usual \$299 charged per month for the same service if the City enrolls in time for September. Keith recommended either enrolling in the service in time for the promotional service or budgeting for it for the 2023 fiscal year.

Motion by Preiner to approve ArchiveSocial service for the remainder of 2022 at a rate of \$249 per month starting September 1, 2022, for a total of \$996 for the remainder of the year. Seconded by Wagamon.

Logren asked how Mursko felt about the service. Mursko said with the City developing more businesses and attractions that bring in people from out side the City, she felt this was a good opportunity start on this type of record retention.

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

20. Assistant City Administrator Report

No report.

21. City Administrator's Report

Mursko drew the Council to Resolution 22-19, which amends Resolution 21-31 pertaining to the City's allocated American Rescue Plan Act (ARPA) funds to add a furnace and air conditioner to improve air circulation in the City administration offices.

Motion by Preiner to approve Resolution 22-19, a resolution authorizing American Rescue Plan Act expenditure and making related budget adjustments. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland -aye; Busch – aye; Preiner – aye. Motion carries.

Mursko continued, requesting approval of the furnace, air conditioning and ductwork bid.

Motion by Preiner to approve the furnace/AC/ducts upgrade and replacement bid from Kramer Mechanical in the amount of \$12,050. Seconded by Hegland.

Busch asked if multiple companies had the opportunity to bid. Windingstad said he extended an offer to multiple entities, but only Kramer submitted a bid.

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

E. ANNOUNCEMENTS & REMINDERS

22. City Council 2023 Budget Meeting 08.31.2022 at 6 p.m.

23. Planning Commission Meeting 09.07.2022 at 6:30 p.m.

24. EDA Special Meeting & City Council Workshop 09.13.2022 at 5:30 p.m.

25. City Council Meeting 09.14.2022 at 6:30 p.m.

26. Calendar of Meetings

F. ADJOURNMENT

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

Meeting adjourned at 8:02 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator