

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
09.28.2022

The 09.28.22 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, Janet Hegland, Shelly Logren and Sue Wagamon; Assistant to the City Administrator Jessica Hughes (via teleconference), City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Kevin Bittner, Public Communication Coordinator Connor Keith, Public Works Director Jim Windingstad and Senior Accountant Cheryl Jenkins.

Also in attendance: Cindy Angel, Myron Angel, Planning Commission Chairman Ron Hanegraaf, Barb Hearley, Fran Hearley, Jody (via teleconference), Joseph O’Leary (via teleconference), Andrea Rasmussen and Jennifer Waletzko (via teleconference).

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

3. **Motion** – Agenda Approval with Additions
4. **Motion** – Approval of the 08-31-2022 City Council Special Meeting Minutes
5. **Motion** – Approval of the 09-14-2022 City Council Closed Meeting Minutes
- ~~6. **Motion** – Approval of the 09-14-2022 City Council Meeting Minutes~~
7. **Motion** – Pay Bills as Posted

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

Motion by Hegland to amend the agenda, removing Agenda Item No. 17 and tabling it to the next meeting. Seconded by Preiner. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

C. PRESENTATION

8. Public Open Forum

Waletzko, of 5348 182nd Lane NE, presented to City Council to ask the Council to reassess the turnaround installed at the end of 182nd Lane. She said that it needs to be widened to allow for turnaround for larger vehicles like a bus or truck with a trailer. Bittner said many different plans and options for the 182nd Lane turnaround were reviewed, and the City Council directed the maximum roadway be built within the public right-of-way it had at its disposal. Hegland asked if Windingstad had spoken to anyone at the Forest Lake Schools bus garage to know if they had any feedback about the road and if the current configuration was restricting them from establishing a bus stop in this turnaround. Windingstad said that the bus garage had put the bus stop at 182nd Lane and Vauxhall Street, using that intersection to

make a three-point turn instead of turning around at the end of 181st or 182nd. Waletzko said that she forwarded an email from the bus garage's safety coordinator to Mursko, Preiner and Windingstad regarding the safety of the area. Windingstad said that the Council had decided to work within the 66 feet easement it had at its disposal. Busch asked Waletzko how far her children had to walk to the existing bus stop. Waletzko said her children walk a little less than half a mile each way. Hegland asked to defer this conversation for two weeks so that the City may make contact with the Forest Lake bus barn.

9. Planning Commission Report

Hanegraaf presented to the Council to summarize the Planning Commission's meeting on September 21, 2022, which had two public hearings. One was for Andrea Rasmussen and Sean Homa, owners of 9743 192nd Ave. NE, who was requesting a variance for an accessory structure setback. The Planning Commission voted unanimously to recommend the variance for approval.

Wagamon asked what the neighbor's concern was. Hanegraaf said they were mostly concerned about where the structure would be, which would not be adjacent to the neighbor's property. Busch asked if there is still a secondary septic site on the property, which Hanegraaf said it would.

Motion by Preiner to approve the variance request to reduce the wetland setback from 16.5 feet to 15.5 feet to the north, and the side yard setback from 20 feet to eight feet to the east at 9743 192nd Avenue based on the Findings of Fact Nos. 1-6 and subject to Conditions Nos. 1-2 recommended by the Planning Commission. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

9743 192nd Ave. NE Variance Findings of Fact:

1. The landowner proposes to use the property in a reasonable manner.

Staff finds that the landowner proposes to use the property in a reasonable manner. The property is developed as a rural residential single-family dwelling in an area of single-family residential uses. The proposed accessory structure will be consistent with the existing use of the property. Further, the construction of the accessory structure will allow the resident to store trailers. Reducing the side yard setback distance from the required 20 feet to eight feet and wetland setback from the required 16.5 feet to 15.5 feet will prevent the resident from striking the garage with vehicles or trailers when navigating the property, due to the presence of a retaining wall near the house. The proposed expansion and replacement are a reasonable use and consistent with the use of several surrounding parcels.

2. The practical difficulty or plight of the landowner is unique to the subject property and is not created by the landowner.

The Property is an approximately 42-acre parcel in the Rural Residential District. The lot primarily consists of wetlands, which limits the buildable area of the 42-acre parcel to approximately 2-2.5 acres of upland that is contiguous and accessible from the road. The amount of land that would be accessible by vehicles is further limited, as several buildable acres of the property are separated from access points by large amounts of wetlands. The lot has limited opportunities for building an accessory structure that

is reachable by vehicles due to other existing structures, the required septic drain field, wetlands, and other setback requirements. These circumstances are unique to the property and were not created by the landowner.

3. The variance, if granted, will not alter the essential character of the neighborhood or City.

The purpose and intent of the Rural Residential District is to provide residents in Columbus' primary zoning category adequate areas and use restrictions for residential development that provides for pleasant and safe living. The accessory structure would be adjacent to an overhead powerline easement and wetlands on the adjacent eastern property located in Wyoming. The adjacency to wetlands on the eastern property line would keep the spacing from other potential nearby structures consistent with existing structure spacing in the City of Columbus. Additionally, the soffit roof overhang of the accessory structure would be the only portion of the accessory structure in the wetland setback, while the base and walls of the building would remain out of the setback area. The proposed variance will allow for the accessory structure to be constructed and is consistent with the purpose and intent outlined in the City Code.

4. The terms of the variance are consistent with the Comprehensive Plan.

The City's 2040 Comprehensive Plan includes several Land Use Goals that support the application, including: preserving existing rural residential character and manage growth in environmentally sensitive areas. Although in the setback, there is no impact on wetland areas in the proposal. While the accessory building does not conform to the current Rural Residential District standards for setback requirements, it will continue to be reflective of the current residential character and the various range of residential housing and land uses.

5. The variance, if granted, is in harmony with the purpose and intent of the Zoning Ordinance.

The character of the neighborhood is a mix of 6-40+ acre lots acre residential lots, large undeveloped land, and public land (Carlos Avery Wildlife Management Area). There is a prevalence of low-lying wet forest land in between or on each lot. The lack of proximity to existing structures on the eastern property line and the presence of wetlands likely precludes the building of structures in the future. Due to the current conditions of the Property, and neighboring area, the variance, if granted, will not alter the essential character of the neighborhood or the city.

6. The practical difficulty is not created solely by economic considerations.

The practical difficulties necessitating the variance request are not created solely by economic considerations, but by the topography of the site and lack of contiguous developable land accessible from the roadway.

9743 192nd Ave. NE Conditions:

1. The Applicant's proposed accessory structure shall not exceed the proposed dimensions as outlined in the building application packet received July 21, 2022, and Variance packet dated and completed August 19, 2022.

2. The Applicant must submit any and all other materials required by the Planning and Zoning and Building Departments to complete the building permit application review.

Hanegraaf turned to the second public hearing, a 10-year IUP application by the Hearlys, of 8145 Broadway Ave, to operate a dog kennel. The Planning Commission voted unanimously to recommend the IUP application to Council for approval.

Motion by Preiner to approve the IUP request for a domestic dog kennel at 8145 Broadway Ave., based on the Findings of Fact 1-18 and Conditions 1-26, recommended by the Planning Commission for a term of 10 years. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

8145 Broadway Ave. Dog Kennel IUP Findings of Fact:

1. An IUP application for a Residential Dog Kennel IUP was received from Barb and Fran Hearley (hereafter the “Applicant”), 8145 Broadway Ave. NE (hereafter the “Property”) on August 22, 2022.
2. The application was found to be complete on August 22, 2022.
3. The 60-day review for the application terminates on October 21, 2022. The 120-day review, if necessary, will terminate on December 20, 2022.
4. The Applicant defines the dogs as family pets, which is an animal that is traditionally kept in the home for pleasure rather than for commercial purposes.
5. The Applicant has held one Interim Use Permit for a residential dog kennel since 2012.
6. The Property is zoned Rural Residential.
7. The Property contains 8.54 acres, according to Anoka County records.
8. The Applicant currently has six dogs on the Property.
9. The Applicant indicates that the dogs are not considered outdoor dogs and remain within the residence, except for exercise and relief.
10. The Applicant indicates that there are no outdoor kennels.
11. A small potty yard behind the residence is enclosed with a six-foot-high wooden privacy fence, accessed through a dog door.
12. A larger one-acre enclosed area behind the house is also available, the applicant indicates the gate to this area is closed after dark.
13. The Applicant states that the dogs are not left out of doors unattended.
14. There are no adjacent residences within 150 feet of the fenced-in confinement area, and the applicant states that the area is screened from the nearest home.
15. The application for a Residential Dog Kennel IUP is consistent with the kennel regulations in the City Code.
16. An Animal Control Officer conducted an inspection of the Residential Dog Kennel on September 13, 2022.
17. No complaints related to the presence of the Residential Dog Kennel were found within the Anoka County Sheriff records nor the Animal Control Officer’s records were reviewed on the date of September 13, 2022.
18. The Planning Commission conducted a public hearing on the proposed IUP on September 21, 2022.

8145 Broadway Ave. Dog Kennel IUP Conditions:

1. The Applicant shall be allowed to keep a maximum of 10 dogs, over the age of six 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. A 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 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 and 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 the 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 continued, sharing that the residential zoned business (RZB) and Commercial/Industrial (C/I) District moratorium studies were also discussed, which led to a public open forum where many businessowners discussed their plights regarding the moratorium on Lake Drive. Wagamon asked if Mursko has received any written comments from the businessowners. Mursko said she has received verbal comments, but no emails yet. Wagamon expressed hope that the City would be able to collect their opinions to take them into account as this ordinance is fine-tuned.

Griffith shared that the next topic for discussion within the C/I District moratorium study is Performance Standards.

Logren asked who the people are who have talked to Mursko. Mursko said all that have reached out to her are businessowners on Lake Drive who had plans in the near future for expanding or selling their properties, which is now halted by the moratorium. Busch asked if these correspondences will be shared with the City Council. Mursko said they would be sent to both Council and the Planning Commission.

Hanegraaf asked how the Planning Commission should go forward in future meetings to get feedback. Griffith advised the Planning Commission to wait to take public hearings until a fully drafted ordinance has been put forth.

10. 2023 Budget

Mursko summarized the changes to the budget provided in the agenda packet, sharing the only edit was adding \$400 to the natural gas budget for the Fire Hall.

Motion by Hegland to approve Resolution 22-21 for the Columbus 2022 Preliminary levy for 2023 collection in the amount of \$4,233,069, which includes the 2022 HRA EDA levy of \$120,000. Seconded by Preiner.

Preiner asked for a reminder of the City's bottom line, including revenue and expenditures. Mursko said Columbus' market value increased from \$7.98 million to \$9.517 million, allowing the flexibility to increase the budget by \$540,000 without increasing the tax rate (45.81 percent).

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

Motion by Hegland to call for a Truth in Taxation Hearing on December 14, 2022, at the regular City Council meeting at 6:30 p.m. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

11. Call for Special Assessment Public Hearing 2018-01, 2018-02 and 2018-03 Projects

Motion by Preiner to call for special assessment hearing for Projects 2018-01, 2018-02 and 2018-03 on October 24 or 25, 2022, at 6:30 p.m. Failed for a lack of second.

Mursko explained that the special assessment public hearing is necessary to certify the referenced special assessments. Following the public hearing, the property owners have a 30-day repayment period to avoid having the costs assessed to their 2023 taxes – for which the deadline to do so is November 30, 2022.

Motion by Preiner to call for a special assessment hearing Projects 2018-01, 2018-02 and 2018-03 on Tuesday, October 25 beginning at 6:30 p.m. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

D. STAFF & CONSULTANT REPORTS

12. Engineer Report

Bittner shared that Anoka County accepted bids on the W. Freeway Drive project on September 27, 2022. Six bids were submitted, with the lowest being from Forest Lake Contracting at \$2.4 million, \$325,000 below the engineer's estimate. The project still has a \$270,000 shortfall that does not take into account any future additional costs. Bittner recommended recommending Forest Lake Contracting Inc.'s bid to Anoka County. Busch asked why the County is involved. Bittner said since the County sponsored the City's funding received for this project, they officially have the final say.

Hegland asked if the City can fill the shortfall without borrowing. Mursko confirmed that is possible by utilizing the HRA EDA levy.

Preiner asked if work can begin before winter. Bittner said the County will be voting on this project next week, and approval by the County could lead to contracts being in place by the end of October so that soil correction work can take place in early November.

Mursko added that right-of-way acquisition from the Bluhm brothers was completed Tuesday, September 27, 2022. Preiner asked about the butternut trees involved in this project. Bittner said work regarding the butternut trees will continue over the winter. The City is currently waiting for the DNR to confirm the identified trees as butternuts.

Motion by Hegland to recommend the award to Anoka County for Forest Lake Contracting in the amount of \$2,404,151.69. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Bittner continued, recommending approval pay request No. 2 for Park Construction Co. for the Hornsby Street project in the amount of \$24,814.59 and reducing the retainage on the project to one percent.

Motion by Wagamon to approve payment request No. 2 for Park Construction in the amount of \$24,814.59. Seconded by Preiner.

Busch asked if this is the project associated with Love's Travel Stops and Country Store, which Bittner confirmed.

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

Bittner continued with another pay request, with this one being request No. 2 for Valley Paving, Inc. for the Kettle River Heights project in the amount of \$63,711.18 with a five percent retainage. Bittner said this retainage amount is sufficient to cover the remaining problems with the project.

Motion by Preiner to approve pay request No. 2 for Valley Paving, Inc. in the amount of \$63,711.18. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

13. Attorney Report

No report.

14. Mayor & City Councilmembers Report

Hegland shared that the Sunrise River JPA meeting will be held at Columbus City Hall on October 4, 2022.

Busch reported that he stopped by Street Smart and Blake Drilling and saw that they are making good progress on their construction projects.

15. Public Works Report

No report.

16. Public Communications Coordinator Report

Keith reported that American Legal Publishing had completed publishing the Columbus City Code online and will be made available on the City's website soon.

17. Assistant City Administrator Report

No report.

18. City Administrator's Report

No report.

19. SW Quad – Land Sale

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

- Planning Commission Meeting 09.21.2022 at 6:30 p.m.
- Special City Council Meeting 09.22.2022 at 5 p.m.
- City Council Meeting 09.28.2022 at 6:30 p.m.
- Calendar of Meetings

F. ADJOURNMENT

The meeting closed at 7:32 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 8:11 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator