

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
10-12-2022

The 10-12-2022 meeting of the City of Columbus City Council was called to order at 6:40 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 (via teleconference), Public Communication Coordinator Connor Keith and Public Works Director Jim Windingstad.

Also in attendance: Jennie (via teleconference), Jody (via teleconference), Planning Commissioner Bob Berens, Planning Commissioner Barb Bobick, Myron Angel, Leo Tetrault, 16128 (via teleconference), Jennifer Waletzko (via teleconference), *iPad (100)* (via teleconference)

A. CITY COUNCIL REGULAR MEETING

1. Call to Order
2. Regular Meeting – 6:40 p.m.
3. Pledge of Allegiance

B. CONSENT AGENDA

4. **Motion** – Agenda Approval with Additions
5. **Motion** – Approval of the 09-14-2022 City Council Meeting Minutes
6. **Motion** – Approval of the 09-28-2022 Closed City Council Meeting Minutes
7. **Motion** – Pay Bills as Posted

Motion by Wagamon to approve Consent Agenda Items No. 4-7. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

C. PRESENTATION

8. Public Open Forum

Leo Tetrault, of 16303 Kettle River Blvd, presented to Council to ask about the moratorium in the Commercial/Industrial (C/I) District on Lake Drive. Preiner said the reason the Council initiated the study is so it could determine the types of businesses the Council and the Columbus residents wanted in that district. Preiner shared that the Staff is making headway and intends to finish around the holidays. Hegland added that the discussion has been forming since the City drafted its newest Comprehensive Plan and was discussing the Freeway District, as they realized similar discussions were being had regarding the C/I District on Lake Drive. Tetrault said the moratorium could be considered controversial and hopes to learn what the City's vision is for that district. Preiner said the moratorium will not impact the existing businesses in the long-term, it only will redefine what new businesses will be permitted in the future.

9. Planning Commission Report

Berens provided an update to the Council from the October 5, 2022, Planning Commission meeting, where it reviewed the moratorium on Residential Zoned Businesses. The Planning Commission focused its discussion on prohibited business types, culminating in agreeing the following list: vehicle sales and maintenance; excavating businesses; welding and machine shops; tow truck businesses; ammunition manufacturing; staging areas or dispatch centers; retail sales without appointments; trash or junk haulers; businesses involving explosives; and wedding venues and event centers. The Planning Commission then reviewed the entire drafted ordinance that reflected their previous discussions and voted to recommend it to the Council for adoption.

The Commission continued to the moratorium in the Commercial/Industrial (C/I) District on Lake Drive, focusing on performance standards. Berens said City Attorney Megan Rogers recommended splitting the C/I District into eastern and western segments as separated by Lake Drive. The Planning Commission's goal is to encourage low-intensity commercial uses in the western portion, such as retail or restaurant establishments. The Commission then considered setbacks on the west side of Lake Drive.

Mursko shared that the Planning Commission meeting on October 19, 2022, has been converted into a Joint City Council and Planning Commission meeting, allowing both groups to discuss the C/I design standards and the Residential Zoned Business moratorium. This will push the next discussion regarding the Commercial/Industrial moratorium to November 2, 2022.

Preiner moved to the next agenda item: an IUP extension for a Domestic Dog Kennel at 7538 Broadway Ave. NE. Preiner voiced support for the request. Busch asked if the City was officially extending the IUP or simply suspending enforcement. Griffith confirmed that since the City hasn't received an application, it cannot grant an extension and can only agree to not prosecute.

Motion by Hegland to suspend enforcement of the expired IUP for the kennel license at 7538 Broadway Ave. for one year. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – all ayes. Motion carries.

10. Anoka County Letter Rice Creek District Vacancy

Mursko shared that Rice Creek Watershed District (RCWD) will require an appointment due to the expiration of a current member's term. Griffith said that the state statute has been amended to clarify what was meant by the "list of three" to mean the Council can make one or more nominations to the County-wide list that must reach three or more submissions to obligate the Board of Commissioners to review it.

Hegland asked how much time the Council had to compile its list of nominees. Mursko confirmed that November 18, 2022, is the deadline. Hegland suggested sending a letter to all Columbus residents in the RCWD to provide options if interested in serving on the RCWD Board. Griffith recommended the mailing encourage interested applicants to apply both through the County and request nomination from the City.

Motion by Wagamon to send notice to Rice Creek Watershed residents that live in Columbus of the vacancy and the opportunity to apply for the position. Seconded by Hegland.

Preiner asked if the candidates had to be from Zone 3. Griffith said it is not a requirement, but that RCWD tries to distribute representation.

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

11. Special Assessment Hearing Projects 2018-01, 2018-02 & 2018-03

Mursko shared that the City is required to hold Assessment Hearings for completed projects. Three projects were bonded in 2018, but work didn't get underway until 2019, 2020 or 2021, and all three are now ready for hearing. Project 2018-01 was an extension of water and sewer public utilities servicing two parcels within the triangle between I-35E and I-35W along W. Freeway Drive. The City's costs for Project 2018-01 were \$1.169 million. Project 2018-02 and 2018-03 were both in the NE Quad of I-35 and Lake Drive along Hornsby Street. Project 2018-02 was the grading and ponding to create a regional stormwater ponding system, which cost \$380,605.48. Project 2018-03 extended sewer and water lines up Hornsby Street, costing the City \$261,968.28. Mursko recommended approving Resolutions 22-22 and 22-23, respectively calling for a Public Hearing on October 27, 2022, and declaring the proposed cost of Project 2018-01.

Hegland asked about the difference in the total dollar amount in the resolution (\$1,169,285.90) and on the worksheet (\$1,169,287.64). Mursko said the error is due to rounding, but that the rounding will be apportioned.

Wagamon asked if the people and businesses are aware of this assessment. Mursko said that for a Chapter 429 process, the City sent out public hearings before starting the project. All property owners at the time the projects started received notice.

Motion by Preiner to approve Resolution 22-22 for the hearing on proposed assessments for the City Project 2018-01 on October 27, 2022, at 6:30 p.m. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Motion by Preiner to approve Resolution 22-24 for the hearing on proposed assessments for the City Project 2018-02 on October 27, 2022, at 6:30 p.m. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Motion by Wagamon to approve Resolution 22-23 declaring cost to be assessed and ordering preparation of proposed assessment for City Project 2018-01 in the amount of \$1,169,285.90. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Mursko detailed Project 2018-02, the grading and stormwater project. The City used grant money to extend Hornsby Street to the north and improve the intersection of Hornsby and Lake, but the City footed the bill for the utility extensions and the grading and ponding unassociated with the road. Mursko recommended approving Resolutions 22-24 and 22-25.

Motion by Wagamon to approve Res 22-25 declaring the cost to be assessed and ordering preparation of proposed assessment for City Project 2018-02 in the amount of \$380,605.48. Seconded by Preiner. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Mursko detailed Project 2018-03, the water and sewer public utility extensions.

Motion by Preiner to approve Resolution 22-27 declaring the costs to be assessed and ordering preparation of proposed assessment for City Project 2018-03 in the amount of \$261,968.28. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – all ayes. Motion carries.

Motion by Hegland to approve Resolution 22-26 for the hearing on proposed assessments for the City Project 2018-03 on October 27, 2022, at 6:30 p.m. Seconded by Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – all ayes. Motion carries.

D. STAFF & CONSULTANT REPORTS

12. Engineer Report

Bittner updated the Council on projects throughout the City, sharing that Anoka County was scheduled to award the contract for W. Freeway Drive to Forest Lake Contracting on Tuesday, October 11, 2022. A butternut tree was confirmed near the project, so mitigation work is ongoing with the DNR. Kettle River Heights' contractor will return next week to complete work on the project.

Bittner continued, sharing a request for a reduction in the letter of credit for Thurnbeck II Edition to \$0. The outstanding balance is \$241,740. Lien waivers have been received and all problems have been resolved, so Bittner recommended releasing the balance in the letter of credit.

Motion by Preiner to approve the Thurnbeck Preserve II final letter of credit release in the amount of \$241,740. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries. Motion carries.

Bittner continued, sharing that the City needs to accept the roads from the developer.

Motion by Preiner to accept Thurnbeck Preserve II public improvements as listed on the map. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Bittner shared a request for a reduction in the letter of credit from Ryback Inc. for Thurnbeck Preserve III Edition in the amount of \$448,448. City Staff recommends a reduction in the letter of credit by \$387,274.56 after review of the detailed invoice, leaving a balance of \$173,285.44.

Motion by Preiner to approve Thurnbeck Preserve III letter of credit reduction in the amount of \$387,274.56, leaving the remainder of the letter of credit in the amount of \$173,285.44. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Bittner received a request for a reduction in the letter of credit from St. Clair Lakes, but it was not received in time to be put on the agenda and will be scheduled for the City Council meeting on October 26, 2022.

13. Attorney Report

No report.

14. Mayor & City Councilmembers Report

Hegland shared that the Sunrise River WMO JPA held a meeting was held on October 4, 2022. Hegland asked the Council what it thinks is the best of eight options regarding the funding formula. Preiner asked Hegland for her recommendation. Hegland said she wanted to avoid taking market values into account, but otherwise didn't have an opinion on the remaining scenarios as it wouldn't have a major impact on the City's expenditure. The City's cost would range from approximately \$1,500 less than it currently spends to \$1,500 more, depending on the decision made. The Council reached a consensus to provide feedback via email to Mursko.

Hegland continued, sharing about a meeting with MidCo to discuss internet and DEED grant opportunities. Expectations are that the next wave of grants should be begin accepting applications towards the end of 2022 and due in early 2023. Hegland said MidCo has rescheduled the three areas of Columbus that had been planned to receive broadband internet this year but had to be postponed due to supply chain problems to April or May 2023, pending weather.

Hegland continued, sharing about a meeting she and Preiner had with the Seniors Club to use the Community Center for their gatherings and to hire a coordinator. The Senior Club asked the City to mail a letter to members to determine goals for the coordinator, which the Seniors intended to be funded through grant money. Mursko said the grant money is intended to be used on capital investments, such as amenities. Mursko said the grants are due October 21, 2022 and proposed using it to fund a second luncheon per month or to extend the sidewalk from Running Aces through Preiner's Preserve, a length of approximately 1,400 feet.

Logren expressed concern about spending City dollars and potentially levying in the future for a Seniors Club that does not consist of a majority of Columbus residents.

Motion by Preiner to direct City Staff to apply for two grants: one regarding the extra luncheon each month at Running Aces and one to extend the sidewalk on Zurich Street. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Preiner asked how often these grants are made available. Mursko said it has not been made clear, but guesses that it will be dependent on interest and applications.

Busch shared that he and Preiner attended the Joint Powers Fire Board meeting. The board voted unanimously to approve Fire Chief Al Newman's proposed wage increase for paid/on-call firefighters by \$4 per hour, the first draw on Engine No. 1's replacement at the cost of \$342,131 with the remaining \$534,280 due upon delivery. Busch shared that four of eight applicants were advanced to the second round of the fire department's hiring process.

15. Public Works Report

Windingstad shared his research on the turnaround at the end of 182nd Lane. After speaking with a representative from Forest Lake Area School's (FLAS) bus garage, he learned about the criteria for establishing a bus stop and how bus routes are planned. According to FLAS' turnaround criteria, a 115-foot diameter turnaround is necessary for school buses, which prohibits 182nd from being used. FLAS also has guidelines on how far away a child can walk from their home to the bus stop and feels the bus stop at the intersection of Vauxhall and 182nd is usable for Waletzko's children. Griffith said he agrees with FLAS that the current bus stop is within the school district's guidelines. Hegland asked if the school district would move or add a bus stop to the turnaround if it was expanded to their criteria. Windingstad said there is no guarantee as the existing stop is within the prescribed walking distance from the home. The Council reached a unanimous consensus that no further action needs to be taken.

16. Public Communications Coordinator Report

No report.

17. Assistant City Administrator Report

Hughes submitted a resolution to the City Council to set a public hearing to certify costs to abate a public nuisance by constructing a fence around the unfinished pool at 16658 W. Iverson St. The fence was constructed on August 30, 2022, and a bill was sent to the property owner that has gone unpaid. City Staff recommended assessing the cost of the fence and related expenses to the property owner's taxes, with a public hearing scheduled for Monday, November 21, 2022, at the regularly scheduled City Council meeting.

Motion by Preiner to approve Resolution 22-28 setting a hearing to certify cost to abate public nuisance to the county auditor for collection with 2023 property taxes for 16658 W. Iverson St. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

18. City Administrator's Report

No report.

E. ANNOUNCEMENTS & REMINDERS

- Joint City Council & Planning Commission Meeting 10/19/2022 at 6 p.m.
- City Council Meeting 10/26/2022 at 6:30 p.m.
- EDA & City Council Workshop Meeting 11/01/2022 at 5:30 p.m.
- Planning Commission Meeting 11/02/2022 at 6:30 p.m.
- Calendar of Meetings

F. ADJOURNMENT

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

Meeting adjourned at 8:37 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator