

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
11.09.2022

The 11.09.22 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, Associate City Planner Frank Koenen, City Administrator Elizabeth Mursko, City Attorney Bill Griffith, City Engineer Kevin Bittner and Public Communication Coordinator Connor Keith.

Also in attendance: Cindy Angel, Myron Angel, Planning Commissioner Barb Bobick, Planning Commission Chairman Ron Hanegraaf, *iPad (100)* (via teleconference), Planning Commissioner Kris King (via teleconference), Kiki Lissack (via teleconference), Brenda Miller, John Waldoch (via teleconference) and LeeAnn Weight

A. CITY COUNCIL REGULAR MEETING

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

B. CONSENT AGENDA

4. Agenda Approval with Additions
5. Approval of the 09-28-2022 City Council Meeting Minutes
- ~~6. Approval of the 10-26-2022 City Council Closed Meeting Minutes~~
7. Approval of the 2023 Law Enforcement Contract
8. Pay Bills as Posted

Motion by Hegland to approve Consent Agenda items Nos. 4, 5, 7 and 8. Seconded by Logren.

Wagamon asked about the law enforcement contract and about the proposed coverage and other details. Mursko said Lt. Jessica Slavik, Columbus' liaison to the Anoka County Sheriff's Office (ACSO), has been scheduled for the December City Council workshop, but that the ACSO contract is the standard template used by all cities. Mursko said the contract stipulates daily 12-hour coverage.

Busch asked when the 12-hour shift is performed. Mursko said ACSO operates on two 12-hour shifts plus power shifts that overlap the shift change. Mursko said ACSO makes their recommendation of which shift would best suit the City based on call load, but have the flexibility to alter that schedule as necessary.

Hegland asked if the overtime listed in the contract is built in on an "if necessary" basis or if overtime is anticipated. Mursko said ACSO generally averages the last year to help cities anticipate appropriately for budgeting purposes.

Hegland continued, saying that the 09-28-2022 City Council meeting minutes inappropriately referred to a public open forum as a public hearing. Griffith said this type of edit can be made without a separate vote by City Council.

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

C. PRESENTATION

9. Public Open Forum

No participation.

10. Planning Commission Report

Bobick presented to City Council to report on the November 2, 2022, Planning Commission meeting. Bobick shared that Koenen presented on Ordinance 22-01 regarding Commercial Design Standards, recommending Class II and III building materials be used in all districts except the Light Industrial District. The Planning Commission also agreed with Koenen to remove all instances of the word *façade* in the drafted ordinance due to its ambiguity. Building colors and sizes were also clarified. Lighting requirements were recommended to not exceed a one half-foot candle as measured from residential property lines, and one foot-candle at property lines abutting streets and property zoned non-residential. Bobick said the restrictions would be applied to decorative and practical lighting. Corrugated steel fences were recommended to be prohibited. With these edits, the Planning Commission recommended submitting Ordinance 22-01 to City Council for approval.

Hegland asked if more information was available about tax valuations as impacted by this ordinance and that she would like to know that information before passing the ordinance. Hegland asked if the Council could defer two weeks to get that information before approval. Griffith said that the Public Hearing could be called at this meeting despite the ordinance still requiring edits. Busch said he'd like to see a final draft before putting the ordinance to public hearing. Wagamon agreed with Hegland that she'd prefer to wait to hear about the tax valuations before taking the next step.

Logren said diagrams were included in her packet about veneer and other sorts of materials and didn't know how it correlated to value to the City. Koenen presented on the types of buildings that the Planning Commission envisioned being constructed in the Light Industrial District, detailing the difference between a masonry building and one with a masonry veneer.

Busch asked, if the City is going to steer away from using the word *façade*, what the City is calling the front face of a building to define the standards. Koenen said the direction he'd received from the Planning Commission is to focus on the building's materials and whether it is the same material used to construct the structure. Busch asked if the City is only concerned with the building's front face being a certain percentage of masonry materials. Mursko said it depends on the district: in the Freeway District near the Interstate 35 and CSAH 23 intersection, the City is concerned with all sides of a structure; in the Light Industrial District, the City is concerned only with the building's front. Koenen asked how the

current City code defines *façade*. Griffith said the City's code currently in effect considers all exterior walls the *façade* unless excepted.

Hegland asked Koenen how it was determined what materials would go in which proposed classification. Koenen said Class I materials include conventional brick, natural or cultured stone, cast stone, masonry stucco, decorative block tile and pre-cast textured concrete panels. Class I materials are required to make up 70 percent of materials used in buildings in all commercial districts. Class II includes fiber-cement exterior siding; specialty concrete blocks; glass panels, windows and trim; thin brick, stucco or stone veneer sidings; exterior insulation and finish systems; composite wood panels and lap siding; metal panels; ceramic; composite metal panels; and wood. Class III materials include opaque panels, ornamental metal, copper, smooth concrete blocks, bare cinder blocks, pre-stressed panels, smooth concrete tip-up panels and glass block – all of which are restricted to no more than 20 percent of building materials, and usually limited to 10 percent, depending on district. Hegland expressed confusion about seeing materials listed that the City has not been interested in seeing in the past and asked if these classifications are in order of desirability. Koenen said other cities were used as a model, but all materials are eligible to be reclassified or struck entirely.

Wagamon asked if these definitions applied to all districts. Bobick said it would only pertain to the Freeway District.

Griffith clarified that these types of Classifications are used throughout the metropolitan area, sharing that cities usually organize the classifications from most to least valuable and desirable materials.

Logren asked if both conventional brick images in Koenen's presentation are Class I. Koenen confirmed that was the case and that the next image with the thin brick veneer would be a Class II. Logren asked what recent builds Caribou Coffee and Love's Travel Center's exteriors would be considered under these classifications. Mursko said Caribou's hardie board would be Class II and Love's veneer would be Class I. Logren asked what the difference in the tax valuations would be for these classifications. Mursko said that would be a question for Anoka County. Logren expressed wanting to learn this information before putting the ordinance to public hearing. The Council expressed agreement with Logren.

The Council reached a consensus to consult building professionals to guide their decision-making.

Koenen continued, defining low-lumen lighting, which has proposed to be measured at 50 lumens or less, and prohibiting corrugated steel fencing. Bobick asked Koenen if the Planning Commission had decided to strike defining low-lumen lighting altogether. Hegland and Koenen felt City Attorney Megan Rogers had recommended the City settle on defining low lumen to make it enforceable.

Hegland asked if the original reason for prohibiting corrugated steel fencing was for the Council to define decorative fencing. Preiner said the reason this topic came up was because one property had proposed a wooden fence before lumber prices went up, so they switched to a metal fence without getting approval from the City, arguing they had agreed to install a decorative fence. Hegland told Koenen that defining decorative fencing would be the ultimate goal instead of simply prohibiting corrugated steel fencing.

Bobick continued with her report, sharing the Planning Commission moved on to the Commercial/Industrial (C/I) District moratorium study. In efforts to preserve the residential environment for residential properties bordering the C/I District while promoting the business opportunities of the district, the Planning Commission discussed the proposal to split the district into eastern and western portions and how that suggestion has not been unanimously agreed to. Rogers suggested further dividing the existing district into four quarters, marked by the intersection of Lake Drive and 141st Avenue NE. More information will be provided at the next Planning Commission meeting when the C/I moratorium is discussed.

11. Variance Fee Schedule

Koenen submitted a memo to Council, comparing the City's variance fees to other municipalities in the Twin Cities metro area comparable to Columbus. Koenen said most cities sampled fell within the \$300-\$1,000 range, which averaged to \$749.58. By taking into account his, City Staff and City consultants' time spent on these variances, Koenen estimated the City's billable rate to be approximately \$850 per variance. Administrative variances were estimated to have a billable rate of \$212.77.

Wagamon asked why the applicant for the variance has to pay for time that is already being paid by taxes under City Staff salary. Griffith said revenue from fees is taken into account during budgeting and expected to fund payroll for these types of variances. Wagamon asked about the variance escrow. Mursko said applicants are made aware that the City utilizes consultants and that they are responsible for costs incurred for their services for their particular application. The escrow proactively collects money for these costs, and the applicant either receives or pays any difference after the project is complete.

Hegland asked about administrative variances and what they cover. Mursko said there are only administrative variances for septic systems in Columbus at this time. Logren asked how many variances applications the City receives in one year. Mursko said the City has received 10 administrative variances and 1-2 normal variances in 2022.

12. Residential Zone Business Moratorium

Hughes shared that the PowerPoint provided in the packet has been edited with red fonts to indicate City Council edits to the Residential Zone Business (RZB) ordinance. Returning to the discussion about truck weights, Hughes provided examples of different sizes of box trucks and their GVW. The original recommendation was to limit RZB to one delivery per week by a vehicle over 20,000 GVW, but Hughes' recommended limit has been increased to one delivery per week by a vehicle over 26,000 GVW after sharing her research with the Council.

Preiner said his goal was to make a hard limit to be enforceable in a residential neighborhood. Busch asked Bittner what weight limit most roads in Columbus are built to. Bittner said most paved and gravel residential road limits are at 7 tons, but that the roads would be able to handle limited deliveries by vehicles in the proposed weight range. Mursko expressed that variables of road surface and available turnarounds need to be kept in mind.

Hughes reiterated her question to the City Council and if it wanted to restrict deliveries to RZB. Wagamon said deliveries should be regulated and that she thinks limiting deliveries by vehicles 26,000 GVW or larger to one per week is reasonable. Hegland pointed out that she would think daily deliveries by 20,000 GVW vehicles would be a problem. Busch asked if any RZB in Columbus was receiving deliveries from trucks of this size on a regular basis or if the City is proactively setting a rule to avoid complaints in the future. Hughes said she has received complaints in the past, and her guess about the unpermitted business that was receiving complaints was that it was receiving deliveries from vehicles over the proposed 26,000 GVW limit. Hegland said in terms of invisibility, she does not feel anything more than a cargo van on a regular basis belongs in a residential area. Wagamon proposed limiting RZB deliveries from any vehicle larger than a cargo van to only once per week, but restricting that weekly delivery to a vehicle weighing no more than 13,000 GVW.

Logren asked how Wagamon's proposal would apply to properties in Columbus that board horses for Running Aces. Griffith indicated that he did not feel this scenario would be considered a home business and that, if it is determined to be a home business, that it would qualify in the "trips" category as opposed to the deliveries. Busch asked how much a horse trailer weighs. Hegland said her empty two-horse trailer weighed 7,000 pounds, but that the trailers that deliver horses in Columbus are regularly larger and carry 6-8 horses. Wagamon asked if there was a way to grant an exception to this sort of delivery. Griffith said it is possible, but cautioned that it might be better to increase the weight to avoid creating exceptions. Busch suggested increasing the limit of deliveries to a 20,000 GVW once a week to ensure these types of businesses are not impacted, or staying consistent with other weight restrictions in the City and setting the limit at 26,000 GVW.

Hegland voiced an interest in breaking down delivery limits based on what type of road the property is situated on. Hughes asked the Council for proposed restrictions on gravel roads. Busch proposed a delivery limit by vehicles no larger than 20,000 GVW once per week. Hughes turned the Council to non-arterial paved City roads and asked if it would want to increase the weight limit to 26,000 GVW. Hegland liked that the weight limit would match others in the City. The Council decided not to limit deliveries on arterial roadways.

Moving to traffic recommendations, Hughes shared that she'd completed a survey of existing RZB in Columbus. Based on the research, Hughes did not recommend a limit on the types of vehicles making trips to and from a RZB, but to restrict trips to and from the RZB, including customers, to 10-20 trips per day depending on variables including road surface, arterial status and neighboring property access points within 100 feet in efforts to control variables like noise, dust and other nuisances. Hegland said she felt 8-10 trips by a car is different than 8-10 trips by a large truck and felt it important to differentiate within the trip counts. Hughes asked if the Council would want to restrict permitted vehicles to be owned at a Home Occupation 2. Wagamon said she felt dump trucks would be too large. Griffith said it would be able to craft an ordinance that classifies prohibited vehicle types except for vehicles being parked overnight in the instance of an over-the-road worker.

13. Ordinance 22-10 Chapter 4 Licensing (Animal Control) Amendments

Hughes presented amendments to Chapter 4 as recommended by the City's animal control agency. Hegland asked if the previous animal control agency's concerns that led to the conditions in Muddy Paws' CUP were addressed in these amendments. Hughes said the Animal Control contract stipulated a review of animal control ordinances within the first 90 days of signing to ensure they could execute their jobs. Mursko said she does not know if the commercial standards were part of this initial review. Hegland asked to table the discussion to the next City Council meeting. The Council reached a consensus agreement to continue the discussion November 21, 2022. Mursko said she would ask the animal control agency to join the meeting to answer questions.

D. STAFF & CONSULTANT REPORTS

14. Engineer Report

Bittner updated the Council on ongoing projects in the City, sharing that work on West River Freeway has commenced. Bittner said the speed study should be ready for Council review at the next meeting.

15. Attorney Report

Griffith shared that a purchase agreement has been signed for three parcels in the Southwest Quadrant and a resolution should be submitted to the Council by the end of the year to finalize the sale.

16. Mayor & City Councilmembers' Report

Wagamon attended the November 9, 2022, Forest Lake Cable Commission (FLCC) meeting and shared that Paul Peterson will be attending the November 21, 2022, City Council meeting to submit the FLCC's 2023 budget.

Hegland updated the Council on the Sunrise River Watershed Management Organization (WMO) Joint Powers Agreement's (JPA) funding scenario discussion. The cities involved in the WMO have narrowed the original options from four to two, the existing funding scenario and an option that takes private lands, lakes and rivers into account and does not differentiate between operating and non-operating costs. Hegland recommended Columbus vote for the new funding scenario, as it did not take market values into account. In the existing scenario, Columbus would be responsible for paying \$9,012.49. Variation A of Hegland's recommended scenario would have Columbus responsible for paying \$1,165 less than it is now (and is Hegland's preference), and Variation B would reduce Columbus' costs nearly \$800 (Hegland's second choice).

Motion by Hegland to approve the Sunrise WMO JPA Fund Formula 4a as the first choice and 4b as the second choice and to forward that along to the JPA City Group for the City of Columbus as its recommendation. Seconded by Preiner.

Busch asked what Hegland means by valuation. Hegland says it's the market valuation of Columbus properties within the Sunrise River WMO boundaries.

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

17. Public Works Report

No report.

18. Public Communications Coordinator Report

Preiner recused himself from the Rice Creek Watershed District Board of Managers discussion.

Keith submitted a memo to Council detailing a list of three Columbus residents requesting nomination to the Rice Creek Watershed Board of Managers. Griffith detailed that Anoka County is required to consider a combined list from all cities if that list reaches or exceeds three nominations. Griffith recommended the Council nominate any and all of the candidates it felt was qualified. Busch suggested putting forth all three to give all the opportunity to be interviewed. Hegland countered that it would make sense to only put forth candidates who were qualified for the position, and that she felt only Pat Preiner fit that description.

Motion by Hegland to approve Resolution 22-30 nominating Pat Preiner for the Rice Creek Watershed District Board of Managers and sending the list of Pat Preiner to Anoka County for appointment to the Rice Creek Watershed District. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – nay. Motion carries 3-1.

19. Assistant City Administrator Report

No report.

20. City Administrator's Report

Mursko shared that the City needs to correct a transfer that moved \$30,000 to the fire hall operating fund and send those monies to the fire hall capital fund, which will be used to fund the new roof.

Mursko continued, sharing that the proceeds from the \$80,000 sale of Hagert Park need to be transferred to the intended accounts. The proceeds are proposed to be split into: \$40,000 into the Parkland Dedication Fund; \$15,000 in the fire hall capital fund; and the remainder into the general fund.

Regarding the sale for Caribou Coffee's land, 20 percent of the proceeds were designated to payback the interfund loan, \$20,000 being put in the blacktop fund and \$7,000 into the general capital fund.

Mursko said bond funds have been paid off or were refunded. Fund 340 was refunded and the remaining funds should go to the 377 Fund, the HRA fund levied to fund projects like Hornsby Street South. Fund 350 was paid off and the remaining \$147,761 is recommended to be moved to Fund 375, which is used to fund bonding shortfalls.

Motion by Preiner to approve the fund transfers as presented in the memo dated November 9, 2022. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Mursko continued, sharing that the City Council needs to convene as the Board of Canvass to accept the 2022 Election Results.

Motion by Hegland to set the Board of Canvass special meeting for 5:30 p.m. on November 16, 2022, prior to the workshop. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Mursko continued, sharing a request by City Staff to close City Hall on December 23, 2022, for the four work hours that are not considered a holiday. Staff would have the option of taking the time unpaid, using comp time or using vacation time. This would have City Hall

Motion by Busch to close the City Offices on December 23, 2022, with the understanding that the City Employees will use their comp time, vacation or no pay for the half day. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

E. ANNOUNCEMENTS & REMINDERS

- City Council Special Meeting (Board of Canvass) 11-16-2022 at 5:30 p.m.
- Joint City Council and Planning Commission Meeting 11-16-2022 at 6 p.m.
- City Council Meeting 11-21-2022 at 6:30 p.m.
- Calendar of Meetings

F. ADJOURNMENT

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 9:44 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator