

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
11.21.2022

The 11.21.22 meeting of the City of Columbus City Council was called to order at 6:33 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 and Public Works Director Jim Windingstad.

Also in attendance: Planning Commissioner Barb Bobick, Dave Crihfield (via teleconference), Doug Hill (via teleconference), Kelly (via teleconference), *moto z4* (via teleconference), Paul Peterson, Frank Ramisch, Natalie Ryder (via teleconference) and Gary Zahler.

A. CITY COUNCIL REGULAR MEETING

1. Call to Order
2. Regular Meeting – 6:33 p.m.
3. Pledge of Allegiance

B. CONSENT AGENDA

4. Agenda Approval with Additions
5. Approval of the 10-26-2022 City Council Closed Meeting Minutes
6. Approval of the 09-28-2022 City Council Special Budget Meeting Minutes
7. Pay Bills as Posted

Motion by Preiner to approve Consent Agenda items Nos. 4-7. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

C. PRESENTATION

8. Public Open Forum

No participation.

9. Planning Commission Report

No report as the last Planning Commission meeting was a Joint Meeting with City Council.

10. Holiday Stationstores (9444 Lake Drive) 3.2 percent off-sale Malt Liquor License Request

Preiner opened the Public Hearing at 6:35 p.m.

Holiday Stationstores Regional Director of Operations Gary Zahler, of 16019 Evans Ave. NW in Clearwater, Minn., presented to Council, explaining that the station has applied for a 3.2 percent malt liquor sales license in efforts to better cater to customer demands and keep up with competition in the

marketplace. Zahler said the 3.2 percent malt liquor selection would make up between one-half and one full door of the station's walk-in cooler.

Griffith explained the application and the license Holiday was applying for, recommending editing the condition to remove the prohibition of persons less than 18-years-old from being employed by the business, instead requiring persons of at least 18-years-old to be responsible for completing transactions involving alcoholic beverages. Griffith continued, recommending the Council add a condition stipulating that Holiday provide formal training regarding alcohol sales. Zahler said Holiday has faced similar rules in other cities in the past and is prepared with a training program for both alcohol and tobacco for their Columbus location.

Preiner closed the Public Open Hearing at 6:40 p.m.

Hegland asked for clarification for the first sentence of Section 3A. Griffith said it was an editing error during drafting and altered the sentence to end "...order in the business."

Motion by Hegland to approve Holiday Stationstores at 9444 Lake Drive 3.2 percent off sale malt liquor license subject to Conditions Nos. 1-4 and the additional Condition No. 5 to provide a summary of the security and identification requirements to ensure the safe service of 3.2 percent alcohol and a site plan dated October 29, 2018, in the attorney memo dated November 21, 2022. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Holiday Stationstores 3.2 Percent Off Sale Malt Liquor 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. Holiday 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 the business. 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.
5. Applicants shall provide security and identification requirements to ensure safe and legal service of 3.2 percent malt liquor.

11. Certification of Costs Public Nuisance Abatement

Preiner opened the Public Hearing at 6:43 p.m.

Griffith told the Council that this agenda item is to assess the City's incurred costs of abatement at the property at 16658 W. Iverson St., where the City constructed a fence around an in-ground pool.

Preiner closed the Public Hearing at 6:44 p.m.

Motion by Preiner to approve Resolution 22-33 adopting the assessment roll for swimming pool abatement costs at 16658 W. Iverson St. in the amount of \$7,792.50. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

12. Forest Lake Cable Commission 2023 Budget

Peterson of Lakes Area Television (LATV) presented to Council requesting approval of LATV's 2023 budget.

Hegland asked Peterson what he meant by "special features" in his memo regarding LATV's new broadcast system. Peterson said much of this broadcast system is online. The station is developing apps for Amazon, Apple, MidCo and Roku systems to allow for live streaming and a way to make the City's agendas interactive, allowing users to click on specific agenda items to be taken directly to that point in the video file.

Motion by Preiner to approve the Forest Lake Cable Commission 2023 Budget as presented. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

D. STAFF & CONSULTANT REPORTS

13. Engineer Report

Bittner provided the Council with an update on ongoing projects in the City, sharing the West Freeway Drive project is making progress and has been both aided and inhibited by the freezing temperatures as excavating continues.

Turning to the City's speed study, Bittner said the final draft has been submitted to Council with recommendation for approval, as well as recommendations for immediate changes.

Preiner asked which roads are recommended to have their speeds impacted first. Bittner said that the table on Page 3 of the report listed Howard Lake Drive – currently signed at 35 mph, Camp 3 Road, parts of Crossways Lake Drive, Notre Dame Street, Lyons Street, Furman Street, DePaul Street, 170th Avenue, 172nd Avenue and 181st Avenue.

Hegland asked why the City wouldn't make Crossways Lake Drive 30 mph for its entirety within Columbus. Bittner says the drafted policy would provide the Council that leverage. Logren said she'd be OK with the speed limit dropped to 40 mph, but said part of the problem is that the City of Lino Lakes controls East Rondeau Lake Road, which provides a lot of the northbound traffic on Furman Street and Crossways Lake Drive.

Hegland asked how the proposed speed limits on two different sections of 181st Avenue was determined. Bittner said it was determined on a case-by-case basis.

Wagamon asked if the goal is for the Council to review the report and approve the results or if it is to set speed limits. Bittner said accepting the report sets a City policy to allow for Council to have an avenue to change speed limits on City streets. Wagamon asked if the recommended policy requires the Council to hold a public hearing or otherwise gather public input. Bittner said it was not included in the drafted policy, but if the public encourages a speed change, it would be good practice to get further public input.

Hegland asked what the borders of the different sections of Camp 3 Road are. Bittner clarified the drafting error, saying Camp 3 Road is a collector road from Lake Drive to Potomac Street, a local residential road from Potomac Street to its western terminus.

Hegland asked Bittner to explain the proposed process for City Council to alter speed limits. Bittner said a resolution would be required to change speed limits. Mursko indicated that would be a subsequent meeting, but asked how that meeting would occur. Bittner said the conversation could happen at a workshop where the different recommendations could be further discussed.

Motion by Preiner to accept the Columbus speed study dated November 2022 (Policy 2022-01). Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

14. Attorney Report

Griffith pointed the Council to a memo detailing the ordinance associated with the Commercial/Industrial (C/I) District moratorium, as well as the drafted ordinance itself.

Hegland said she'd emailed City Attorney Megan Rogers with a proposal to remove the C/I-Light districting on the east side of Lake Drive, as well as a rule that limits a particular use from being within a specified diameter of another property also being used that way similar to the rule in the Light Industrial District. Griffith said Rogers had drafted a proposed performance standard to include a spacing requirement of a quarter-mile, as well as controls for dust, matricular matter proximity of storage lots to residential properties and public streets. Hegland said another point to consider would be the nonconforming residential lots on Lake Drive in the C/I District, and asked where some of the existing businesses in the district would fit within the new definitions. Griffith said that if something is not listed,

it is not allowed without the Council permitting a non-conforming use. However, Griffith continued to explain an expansion clause that would allow the Council to approve a conditional use permit (CUP) or planned use development (PUD) for a nonconforming use to allow for a modest expansion of that use. Griffith said if a currently unlisted use is the type of business the Council would like to see in the district, there is still time to add those definitions to the list of permitted uses. Hegland asked if the expansion clause would allow the existing nonconforming residential properties to expand. Griffith said the expansion clause is drafted to apply to residential properties, but may be edited to be restricted to commercial properties at the request of the Council.

Logren expressed her problem with trying to restrict businesses based on what is already existing and prohibiting similar types within a certain radius, as she's worried a business may claim to be one type of business but turn out to be similar to an existing business. Griffith said that's why special attention should be given to defining permitted types of businesses so that the City makes clear what industries it does and does not want in the C/I District. Mursko emphasized the importance of definitions and explained that she did not see some existing uses in the district listed in the definitions.

Busch asked if it was the Council's intent to prohibit equipment repair and storage from the west side of Lake Drive as had been pitched during a non-binding concept review. Hegland said upon initially hearing about the company, she hadn't been excited about that proposal, but learning more about the business model made her more interested. Hegland said that was a reason she would prefer avoiding permitted uses.

Mursko is concerned that she can't fit some existing uses into the current definitions. She explained the process for applying this type of ordinance in the Zoning Department, sharing that her first question is about the business and how they intend to use the property, answers that are then applied to the district's permitted uses to determine eligibility. Griffith advised the Council to accept that the new ordinance will make some businesses nonconforming and to plan on allowing those properties to expand through the CUP process to define what types of uses the Council wants to see on Lake Drive. Griffith asked the Council if it wanted to permit truck terminals on Lake Drive or not. Busch asked how the City would describe a truck terminal. Griffith said it would be a business where big trucks would deliver product for other, smaller vehicles to take those deliveries to their final destinations. Hegland said she's heard from many Columbus residents that they want new businesses on Lake Drive to not generate more truck traffic. City Council reached a consensus to restrict truck terminals and trailer storage and allow equipment rental with outdoor storage in the C/I District.

Griffith summarized the consensus the Council had reached through the discussion, saying the Council wanted to prohibit truck terminals and trailer storage, but wanted to permit equipment rental with outdoor storage. The Council agreed to those directions.

Logren asked about changing the amount of outdoor storage from 50 to 30 percent of the lot size. Preiner said the goal was to have nice buildings without lots of outdoor storage around it. Logren said she wanted to avoid putting too many restrictions on the existing buildings. Hegland pointed out that an existing CUP would not be impacted by ordinance changes. Griffith explained that a CUP is active as long as a business continues to operate under it within the conditions, even if the property is sold. Hegland asked if additions to a property would be subject to the new ordinance. Griffith said new buildings and

uses on a property would be held to the new ordinances and the Council would have the power to apply the ordinance in-effect to existing uses so long as the Council had a reasonable enforcement.

Hegland asked if the drafted outdoor storage rules only pertained to the C/I-Light District. Griffith confirmed that was the case, as the C/I-Light District is on the west side of Lake Drive. Mursko said that she didn't think many of the existing businesses in this proposed district would be able to comply with the drafted storage restrictions of 30 percent.

Hegland restated the three goals that she had when the work on the moratorium started and reaffirmed her problem with making many existing businesses on Lake Drive legal nonconforming, especially those that have been good actors. Griffith advised following a quarter-mile performance standard to grandfather these businesses into the new ordinance, as it would allow the Council to declare existing CUPs as legal conforming or state that you are phasing out the use but if you existed on this date, you can continue as a legal conforming use.

Griffith summarized the Council's decisions, saying no definition would be added for *truck terminal, trucking businesses or outdoor storage of trailers* and that existing businesses of that type would be considered legal non-conforming, but to include a stipulation within the ordinance that any existing contractor yard would be legal conforming within the ability to expand under a CUP, with contractor yards limited to 30 percent outdoor storage. The Council agreed to Griffith's summarization.

Mursko asked what the boundaries would be between the C/I and C/I-Light Districts. Griffith said using Lake Drive as an east/west boundary would be easiest and cleanest. Wagamon agreed with the logic, but asked why part of the C/I-Light District was included on the east side of Lake Drive near 141st Avenue NE. Hegland voiced her opinion that the districts should not need to cross Lake Drive, but wondered if the reason it was drawn this way is because of the non-conforming houses on Lake Drive. It was agreed to keep Lake Drive as the boundary between C/I and C/I-Light, and the houses on the east side of Lake Drive remain non-conforming.

Hegland asked to remove the following new permitted uses from both C/I and C/I-Light Districts: offices with no outdoor storage and office/showroom with no outdoor storage. Griffith said it is common practice to include permitted uses in City ordinances in order for a City to better promote the types of uses it is trying to attract to the district, but that the Council does have the ability to eliminate permitted uses and make all applicants come before the Planning Commission and Council.

Logren expressed interest in restricting the introduction of *heavy* manufacturing to the C/I District, which Griffith described as taking raw materials to manufacture usable materials or final products. A consensus agreed with Logren.

A consensus decided to retain A-G of Section 7A-746 and strike H-J in the C/I-Light District and H-I as conditionally permitted in the C/I District. A consensus also agreed to permit mortuaries only without crematoriums in both districts.

Hegland asked Mursko if she could identify any other businesses or properties in the C/I District that were being unintentionally negatively impacted by the ordinance as it had been drafted. Mursko said

the only one that came to mind is a proposed business park and the previously discussed existing trailer repair company. Hegland asked if that proposal would be considered as a collection of contractor shops. Mursko said it could, but each property would be limited to 30 percent outdoor storage. Hegland asked if the trailer repair takes place inside or outside. Mursko said all trailers are stored outside, but the repairs are indoors. Griffith said he was under the impression that the property in question was going to be declared legally nonconforming, but would be able to create an exception or add it to the carve-out for contractor shops. Busch said he doesn't see a problem with allowing the property to remain unimpacted since he didn't view it any differently than the allowed similar properties in the freeway district. A consensus agreed to consider existing machinery and equipment repair business with a CUP would be allowed to continue as a legal conforming use.

Logren requested a list of businesses in the C/I District that would be considered legally conforming under the drafted ordinance. Mursko said the City Staff could go through that exercise during a Planning Commission meeting or a workshop. Hegland proposed the Planning Commission meeting on December 7, 2022.

Motion by Hegland to approve C/I District proposed ordinance with the changes discussed and call for a public hearing on December 21, 2022, at 6:30 p.m. with a publication date of December 8, 2022. Seconded by Preiner. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carried.

15. Mayor & City Councilmembers' Report

Hegland provided a report from the Personnel Committee, recommending the immediate appointment of Frank Ramisch to the Planning Commission.

Motion by Hegland to approve the appointment of Frank Ramisch to the Columbus Planning Commission to fill the position vacated by Pam Wolowski for a two-year term ending December 31, 2024. Seconded by Preiner.

Busch asked if Ramisch was the only applicant to the position. Hegland said there were two applicants, but one had to reschedule his interview and will be eligible for other Planning Commission vacancies.

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

Hegland continued, sharing that she attended the Lions Club Pancake Breakfast on Sunday. She said it was well attended.

Turning to the Park Board, Hegland shared work is progressing on developing the Park Master Plan. As part of that discussion, the Park Board has prioritized how to implement a fiscal planning process to continue maintenance, establishing a replacement schedule for park assets and devising ways to link to other regional trails or parks. The Park Board also requested direction from City Council to explore options for selling the two lots Howard Lake Park used to occupy.

Motion by Hegland to authorize the Park Board to explore disposal of the Howard Lake Park land and come back with a report.

Logren asked how many acres the two lots contained. Busch said the total of the two properties is 3.6 acres.

Seconded by Preiner. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – nay; Preiner – aye. Motion carried.

Hegland said the Park Board also discussed the Field and Park Fee Schedule. The ball fields were reserved 348 times in 2022 and 29 picnic shelter reservations, with all but six picnic shelters being reserved by Columbus residents for free. Total revenue generated by these reservations in 2022 was \$7,500. Due to increased costs pertaining to park maintenance, lawncare and portable toilets, the Park Board recommended increasing the four-hour baseball field reservation fee from \$20 to \$27 and increasing the baseball/softball tournament fee from \$350 to \$375.

Motion by Hegland to approve Park Board proposed 2023 Fee Schedule as presented.

Logren asked if the City increased park fees last year. Mursko said the field reservation went from \$15 to \$20 two or three years ago. Hegland said that since the last price increase, the City has not seen a decrease in the number of reservations.

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

Hegland concluded with a discussion about the park pedestrian bridge that needs repair. Windingstad said Public Works is keeping an eye on it and has plans to finish fixing the area after the thaw.

16. Public Works Report

No report.

17. Public Communications Coordinator Report

No report.

18. Assistant City Administrator Report

No report.

19. City Administrator's Report

Mursko brought the City Staff's request for a Flexible Spending Account (FSA) program to the Council, recommending implementation of a program through a company called Further. A one-time setup fee charged to the City is \$250, followed by \$75 every year after to continue the program. The benefit not only is helpful to City employees, but also to the City payroll, as if every employee contributed \$1,000, the City would save \$918 on taxes which would pay the expense of administrating the FSA program.

Logren asked about a \$600 fee for non-discrimination testing and if it was an annual charge. Mursko said the charge does not apply to the FSA plan.

Motion by Preiner to approve the FSA plan, working with the company Further (Health Equity) to implement the plan to the 12 employees starting January 1, 2023, at a cost of \$1,150. Seconded by Busch. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carried.

Mursko continued, sharing that Redpath Companies informed the City that they would not be able to continue providing auditing services. Mursko requested recommendations from CiftonLarsonAllen and Redpath, two of which have submitted proposals for auditing to the City. Mursko recommended contracting with MMKR in the amount \$32,500 for a one-year contract.

Motion by Preiner to contract with MMKR for auditing services for Fiscal Year 2022 in the amount of \$32,500 and that the City would ask MMKR to file the OSA form. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carried.

Mursko asked the Council to close City Hall at 4 p.m. instead of the usual 5 p.m. on Wednesday, November 22, 2022, due to no meetings being held that day.

Motion by Preiner to close City Hall at 4 p.m. on Wednesday, November 22, 2022. Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carried.

E. ANNOUNCEMENTS & REMINDERS

- Planning Commission Meeting 12-07-2022 at 6:30 p.m.
- City Council Meeting 12-14-2022 at 6:30 p.m.

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 9:13 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator