

City of Columbus
Regular City Council Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
12.14.2022

The 12.14.22 meeting of the City of Columbus City Council was called to order at 6:35 p.m. by Mayor Jesse Preiner at City Hall. Present were Councilmembers Robert Busch, Janet Hegland, Shelly Logren and Sue Wagamon; 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: Planning Commissioner Bob Berens, Bridget Edgar, Olaf Edgar, Planning Commission Chairman Ron Hanegraaf, Britt Harmon (via telephone), Julie Kirkeeide (via teleconference), Natalie Ryder (via teleconference) and Joel VanCanneyt

A. CITY COUNCIL REGULAR MEETING

1. Call to Order
2. Regular Meeting – 6:35 p.m.
3. Pledge of Allegiance

B. CONSENT AGENDA

4. Agenda Approval with Additions
5. Approval of the 10-26-2022 City Council Meeting Minutes
6. Approval of the 10-27-2022 City Council Special Meeting Minutes
7. Approval of Resolution 22-34 Establishing Polling Location 2023 City Elections
8. Pay Bills as Posted

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

C. PRESENTATION

9. Public Open Forum

No participation.

10. Chapter 4 Animal Control Ordinance 22-10

Harmon explained that part of the new Animal Control contract is a request by the City for the Animal Control agency to review ordinances pertinent to its role.

Hegland asked about Harmon’s drafted ordinance edits and how it related to the conditions within Muddy Paws’ Conditional Use Permit. Mursko said that this draft is focused on how Animal Control exercises its role and that would be a focus during a second review. Hegland continued, asking if the ordinance differentiated between animal ownership and fostering. Harmon said ownership can be defined as anyone harboring shelter and care for an animal. Hegland continued, asking if restraints include electronic restraints. Harmon said the code can go deeper to define differences in types of

restraints if the Council desires. Hegland suggested adding a stipulation that animal owners be able to produce vaccination records. Griffith said the word “retain” implies that recordholders can also produce the record. Hegland suggested defining shelter to better stipulate animal welfare rules. Harmon said state statute may cover these sorts of definitions, but that the City ordinance can be compared to the state’s rules to ensure the City can enforce welfare rules the way it wants to. Hegland said the previous Animal Control agency had brought up changes it had wanted to make to the City ordinance and if these amendments addressed those issues. Harmon said she can reach out to that Animal Control agency to request that information.

Consensus agreed to table the discussion to the next Council meeting.

11. Planning Commission Report

Berens provided an update to the Council from the December 7, 2022, Planning Commission meeting, sharing that the Commission held three public hearings: (1) for the Bonfire Farmstead Preliminary Plat, (2) for Bonfire Farmstead Conditional Use Permit (CUP) Planned Unit Development (PUD) and (3) for the 2023 fee schedule.

The Bonfire Farmstead Preliminary Plat is a proposal to create two reconfigured lots in the Highway Commercial District to construct a Blaine Brothers Truck Aline indoor vehicle services, repair, sales and storage business with outdoor storage. Classic Construction, Blaine Brothers’ contractor, submitted the request, and both companies testified at the first two public hearings. During the second public hearing, Planning Commissioners inquired about outdoor storage, parking, landscaping and screening. The Planning Commission will review collected information during the December 21, 2022, Planning Commission meeting.

During the public hearing for the 2023 fee schedule, Associate Planner Frank Koenen proposed altering building department fees, community and senior center fees, tobacco licensing fees, park fees, planning and zoning fees and public utilities fees. The Planning Commission voted to recommend the fee schedule to City Council for approval.

Wagamon noted that all increases in the fee schedule were reasonable percentages, but asked about the addition of nuisance abatement inspections being charged at \$60 per visit and who it gets charged to. Mursko said MnSPECT bills hourly for these types of visits instead of per visit. Wagamon asked if these costs get assessed to the complainer or the complainant. Mursko said these fees are paid out of the City’s general fund. Hegland asked if this fee was included to allow the City to charge inspection fees to an abated property. Mursko confirmed that was the case. Hegland also pointed out a holdover instance of the City referring to itself as a township that needed to be edited.

Busch asked what came of the Blaine Brothers screening conversation. Berens said the main result was for the requested further details to be further discussed at the next Planning Commission meeting. Berens said Blaine Brothers’ screening is intended to provide both security and screening for dismantled parts on the east side of the proposed building. Hegland said City Planner Dean Johnson will be working with Classic Construction and Blaine Brothers on a detailed plan that will be provided at the next Planning Commission meeting.

Motion by Preiner to approve Ordinance 22-12 City of the Columbus Fee Ordinance with two amendments: changing the \$60 per visit to \$60 per hour in the nuisance abatement inspection and editing “Township” to “City” in “Permit Renewal within six months of expiration” under “Other Inspections and Fees.” Seconded by Logren. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Motion by Preiner to approve publication summary for Ordinance 22-12 as presented with corrections. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Mursko explained that the Planning Commission is projected to drop to two members in 2023, with Planning Commission Chairman Ron Hanegraaf being elected to City Council, the resignation of Planning Commissioner Kris King at the end of 2022 and Planning Commissioner Bob Berens’ term expiring at the end of 2022. With only two members, the Planning Commission will not have a quorum. During the interim of the City Council appointing new Planning Commissioners, Hanegraaf has agreed to be appointed to continue service on the Planning Commission for the first quarter of 2023.

Busch asked what the plan would be if a member of the Planning Commission was to be appointed to the chair. Griffith said what would likely happen the Council would appoint new Planning Commissioners and that body would appoint its own new chairperson. The resolution allows Hanegraaf to either step down or serve the entirety of the 2023 first quarter.

Motion by Preiner to approve Resolution 22-35 approving continued service for Ron Hanegraaf as a member of the Planning Commission. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

12. Resolution 22-36 2023 Final Levy & Resolution 22-37 2023 Budget

Mursko presented the Columbus 2023 budget, sharing that City Staff, boards and City Council met to discuss budget goals and priorities. Mursko said the budget is mindful of inflation and other budgetary constraints while also maintaining City assets, provide services and allowing the City to invest in Council initiatives. Major points of interest were public communications, addressing public nuisances and code enforcement, IT services and software upgrades and reestablishing community events.

Mursko said the City Council is considering approving the resolutions for the 2023 City Budget and the levy. The levy represents monies collected through 2023 property taxes, while the budget represents the proposed amount of money to cover City expenses. The difference between the two amounts is the estimated City revenue expected during the year. The Council settled on a budget and levy that saw a 2023 tax rate of 45.71 percent, a 2.84 percent decrease from 2022’s 48.55 percent.

Three areas saw increased budgets: fire and public safety of \$101,000; an increase in the Capital Improvement Plan of \$158,000; and City Staff and IT costs of \$160,000.

Preiner opened the floor to public comment.

Olaf Edgar of 7444 159th Ave. NE said he owns property in Columbus and Hugo. He pointed to the proposed general government line item which has increased from \$818,556 to \$1.53 million. He asked why Columbus' 4,231 people being taxed at \$272 per person for \$1.1 million compared to Hugo's 16,000 people being taxed at \$123 per person for \$9 million. Mursko said different Cities and communities have different ways of handling their books and budgeting (such as Columbus' operations and capital budgets being mixed), which makes it difficult to compare between cities. She said the general fund did not increase 40 percent as indicated by Columbus residents' Truth in Taxation paperwork, but that the way the state makes the county report City taxes has made it appear that way.

Joel VanCanneyt, of 17010 Kettle River Blvd. NE, expressed similar sentiments as Edgar and asked how the commercial improvements played into the City's tax revenue, as he felt the residents shouldn't have to bear as much burden due to these new businesses. Mursko said benefits of these added businesses is the reduced tax rate, but that businesses usually take 18 months to fully reveal their tax benefits to the City. Mursko said commercial properties pay twice as much property tax as residential properties.

Julie Kirkeeide asked for clarification about taxes going up despite the introduction of new businesses to the City. Mursko reiterated that the new businesses the City has seen in the last year will start adding value to the City's value in 2024, and added that the City is a "net loser" in terms of the state's fiscal disparities, which means the City pays more than it receives benefit.

Hegland asked Mursko to further explain fiscal disparities and the numbers that pertain to Columbus. Mursko shared that Columbus pays \$739,319 into the area-wide taxbase. Anoka County puts that money into a pool with other municipalities in the county, and then using a formula it that pool gets redistricted across the seven-county metro area. This year, Columbus is only receiving \$248,582 out of that pool (33.6 percent of money collected), meaning the City must collect \$490,737 that it cannot use in its own budget. Griffith added that Columbus residents also pay gas taxes at the pump and pay into local government aids, and the City also doesn't receive monies from those funds either.

Motion by Preiner to approve Resolution 22-36 approving the final levy in the amount of \$4,233,069 for taxes payable in 2023. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Motion by Preiner to approve Resolution 22-37 approving the final 2023 budget in the amount of \$5,097,764. Seconded by Hegland.

Busch asked about the road and maintenance budget and if it includes the salt and calcium chloride. Windingstad said it was in dust control. Busch voiced his disagreement with cutting the Community Service Officer contract with the Anoka County Sheriff's Office, but asked where those funds would be directed. Hegland said those funds would be put towards code compliance, whether it was a personnel addition or another option.

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

13. Chapter 16C Abatement & Chapter 5 Public Nuisance Ordinance Amendments 22-08

Griffith presented drafted ordinance edits to Chapters 5 and 16C and asked the Council if it had any questions about the draft in front of them. Wagamon said she read through the edits and comments and found her earlier questions answered. Logren asked if there were rules about proper storage, burial and otherwise disposal of animal carcasses and recommended adding a stipulation that requires veterinary or other expert assistance. Busch asked if Logren was talking about road kill or euthanized. Logren said her specific concern is about animals destroyed by chemicals that are harmful to scavengers and preventing those scavengers from ingesting those chemicals before, during and after proper carcass disposal. Griffith said existing City code considers animal carcasses junk and a public nuisance. Logren agreed, but also thought a carcass should be secured before final disposal is completed and that stipulations should be included in the case of an animal being destroyed by chemical means.

Busch asked about the piling or storing of old machinery and considering it junk, specifically regarding farms or other large properties that collect old machinery. Preiner asked if what Busch is referencing would fall under an attractive nuisance. Griffith said an attractive nuisance is one that invites potential engagement, especially by children, such as a pile of dirt or a swimming pool without a fence. Griffith turned back to Busch's question and said "or keeping" could be struck from the draft in order to delineate between a collector of old machinery and a hoarder of junk. Hegland asked if Busch is more concerned with the collection not being visible to neighboring properties. Busch agreed with Hegland's clarification. Griffith suggested adding "...unless screened from public view and neighbors." A consensus agreed with the edit.

Hegland asked if these edits allow the City to abate these types of nuisances. Griffith confirmed that this ordinance allowed the City to take that action.

Griffith summarized the Council's suggested edits. A consensus agreed to the changes.

Hegland asked if the City was protected from a public nuisance complaint regarding a stormwater pond and if the law is on the City's side in the case someone wandered into one and drowned. Griffith said stormwater ponds are built to specific specifications in order to protect cities from their ponds being considered public nuisances. Bittner added that one of the specifications of stormwater ponds is that there is a 10-foot-wide flat section that creates a second tier in the pond in the case someone falls in so that they can get out easily.

D. STAFF & CONSULTANT REPORTS

14. Engineer Report

Bittner reported on ongoing projects in the City, sharing that work continues on the West Freeway Drive and is on schedule to complete the work expected to be finished before the winter freeze.

Bittner continued, sharing he talked with Anoka County Highway Department (ACHD) Assistant Engineer Jerry Auge about the roundabout project at the intersection of Kettle River Boulevard and Lake Drive. ACHD is planning on construction beginning on this project beginning in 2025 after a year of planning in 2023 and another year of design in 2024.

Bittner continued, sharing a final payment request by Park Construction has been submitted for work on Hornsby Street in the amount of \$4,842.34. These costs are being paid through the City by Love's.

Motion by Preiner to approve Payment No. 3 (Final) for Park Construction Company in the amount of \$4,842.34 for the Love's Travel Project (2022-01) on Hornsby Street. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Bittner said Anoka County is requesting approval of easements for the West Freeway Drive project as required by the state. The easements are required because the City is receiving funding from the state for the project, but the county had to act as a pass-through because the City could not apply for the funding on its own behalf. Griffith did not voice any concerns with the request as he does not feel ownership of the easement is being transferred and recommended approval.

Hegland asked what happens when the easement expires after 37.5 years. Bittner said the expiration would transfer the easement fully back to the City upon request.

Motion by Preiner to approve easements from MnDOT as presented for the (North) West Freeway Drive improvement project. Seconded by Hegland. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

15. Attorney Report

Griffith pointed the Council to drafted Resolution 22-38 approving the sale of City-owned land to Running Aces Harness Park. Griffith said the agreed upon price is in the range the Council had prescribed during a closed meeting.

Motion by Preiner to approve Resolution 22-38 approving the sale of City-owned property to Running Aces Harness Park. Seconded by Logren.

Preiner asked which properties are being sold. Mursko said the land is the available property in the southwest quad of I-35.

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

Griffith shared a legislative update, saying he and Margaret Vesel have been invited back to state congress. Griffith said the most-likely relief Columbus could pursue would be transportation funding for small cities, as it is difficult to separate Columbus from cities along Lake Minnetonka that are among the wealthiest in the state within the local disparities bill and the transportation fund is a state-wide initiative. Griffith requested direction from the Council at its next meeting to form a coalition of cities in a similar to Columbus to further the transition bill.

Logren asked if Griffith knew the list of cities that would fall into Columbus' situation. Griffith said he could distribute this list before the next City Council meeting.

16. Mayor & City Councilmembers' Report

Hegland provided an update on the Sunrise River Watershed Management Organization (Watershed Management Organization) Joint Powers Agreement (JPA) negotiations, sharing that the WMO is currently awaiting Ham Lake's decision on resigning from the JPA or not.

17. Public Works Report

Windingstad asked Griffith if the City needed to remove its signage on the land discussed. Griffith advised that the contract stipulates the land should be sold free and clear of debris.

18. Public Communications Coordinator Report

No report.

19. Assistant City Administrator Report

No report.

20. City Administrator's Report

Mursko pointed the Council to the proposed 2023 schedule of meetings, sharing that the main change is adjusting City Council and Planning Commission meetings to a 6 p.m. start time as compared to the current 6:30 p.m. start, which would also impact the quarterly EDA meetings to start at 5 p.m. compared to the current 5:30 p.m. Mursko also proposed changing office hours to a uniform 8 a.m.-4 p.m. Monday-Friday schedule, as visitors to City Hall during the 4-5 p.m. hour on Wednesdays have been few and many of the services they've required may be completed online. The City will continue to offer extended hours during election seasons.

Motion by Preiner to approve 2023 Schedule of Meetings as presented with the change for City Council meetings and Planning Commission meetings starting at 6 p.m. along with changing office hours to 8 a.m.-4 p.m. Monday to Friday. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

Mursko continued, sharing that the motion to pass the budget did not include the 4.5 percent cost of living adjustment (COLA) for City Staff as had been discussed at the workshop meeting. Mursko said if the Council is still in favor of approving the COLA, the motion would need to be amended to include it.

Motion by Preiner to amend the motion to approve Resolution 22-37, approving the 2023 budget in the amount of \$5,097,764 to include a 4.5 percent cost of living adjustment for employees. Seconded by Wagamon. Roll call vote: Logren – aye; Wagamon – aye; Hegland – aye; Busch – aye; Preiner – aye. Motion carries.

E. ANNOUNCEMENTS & REMINDERS

- Planning Commission Meeting 12-21-2022 at 6:30 p.m.
- City Council Meeting 12-28-2022 at 6:30 p.m.
- Planning Commission Meeting 01-04-2023 at 6 p.m.
- Calendar of Meetings

F. ADJOURNMENT

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

Meeting adjourned at 8:52 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator