

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
APRIL 10, 2017**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday April 10, 2017 in the City Council Chambers, City Hall, 590 40th Ave. N.E., Columbia Heights, Minnesota

**1. CALL TO ORDER**

Mayor Schmitt called the meeting to order at 7:01 p.m.

**2. ROLL CALL**

Present: Mayor Schmitt, Councilmember Williams, Councilmember Murzyn, Jr. and Councilmember Buesgens

Also Present: Walt Fehst; City Manager, Jim Hoeft; City Attorney, Kelli Bourgeois; Human Resource Director/Assistant to the City Manager, Kevin Hansen; Public Works Director, Elizabeth Holmbeck; City Planner and Katie Bruno; City Clerk/Council Secretary

**3. INVOCATION**

Invocation provided by Bill Hugo, St Matthew Church

**4. PLEDGE OF ALLEGIANCE**

**5. ADDITIONS/DELETIONS TO MEETING AGENDA**

**(The Council, upon majority vote of its members, may make additions and deletions to the agenda. These may be items brought to the attention of the Council under the Citizen Forum or items submitted after the agenda preparation deadline.)**

**Mayor Schmitt announced the following addition to the agenda:**

6D. Community Fundraiser Announcement

**6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

**A. Library Week Proclamation**

Councilmember Williams read the proclamation. Catherine Vesley gratefully accepted the proclamation.

**B. Arbor Day Proclamation**

Councilmember Buesgens read the proclamation. Director of Public Work Kevin Hansen accepted the proclamation. Hansen announced an Arbor Day celebration will take place on April 28<sup>th</sup>, celebrating 25 years of being a Tree City USA.

**C. Prayer Breakfast Proclamation**

Mayor Schmitt read the proclamation, proclaiming Wednesday May 10<sup>th</sup> as the date for the Columbia Heights Prayer Breakfast. Mayor Schmitt extended an invitation to all to attend. Profits will go to the Kiwanis Key Club.

**D. Community Fundraiser Announcement –Alyce Lentz**

Mayor Schmitt announced a benefit for the Lentz family will take place at Murzyn Hall from 5:00-8:00 PM on Wednesday, April 12<sup>th</sup>.

**7. CONSENT AGENDA**

(These items are considered to be routine by the City Council and will be enacted as part of the Consent Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business.)

**A. Approve Minutes of the City Council**

MOTION: Move to approve the minutes of the City Council meeting of March 27, 2017

MOTION: Move to approve the minutes of the City Council work session of March 27, 2017

MOTION: Move to approve the minutes of the Special City Council meeting of April 3, 2017

MOTION: Move to approve the minutes of the City Council work session of April 3, 2017

**B. Accept Board and Commission Meeting Minutes**

MOTION: Move to accept the Planning & Zoning minutes from March 7, 2017

MOTION: Move to accept the Library Board minutes from March 1, 2017

**C. Consideration of a Resolution Approving a Collective Bargaining Agreement Between the City of Columbia Heights and Law Enforcement Labor Services, Inc., Local No. 311, Police Officers**

MOTION: To waive the reading of Resolution 2017-30, there being ample copies available to the public.

MOTION: To adopt Resolution 2017-30 Regarding the Labor Agreement between the City of Columbia Heights and Law Enforcement Labor Services, Inc., Local No. 311, Police Officers, effective January 1, 2017 to December 31, 2018.

**D. Consideration of a Resolution Approving a Collective Bargaining Agreement Between the City of Columbia Heights and Council No. 5, American Federation of State, County and Municipal Employees, Local No. 495**

MOTION: To waive the reading of Resolution 2017-31, there being ample copies available to the public.

MOTION: To adopt Resolution 2017-31 Regarding the Labor Agreement between the City of Columbia Heights and Council No. 5, American Federation of State, County and Municipal Employees, Local No. 495, effective January 1, 2017 to December 31, 2018.

**E. Consideration of a Resolution Approving a Memorandum of Understanding between the City of Columbia Heights and the Public Managers Association and a Resolution Approving Changes to the City Manager's Compensation and Benefits.**

MOTION: Move to waive the reading of the resolutions, there being ample copies available to the

public.

MOTION: Move to adopt Resolution 2017-32, regarding the Memorandum of Understanding between the City of Columbia Heights and the Public Managers' Association, effective January 1, 2017-December 31, 2018.

MOTION: Move to adopt Resolution 2017-33, regarding the changes to the City Manager's compensation and benefits for 2017 and 2018.

**F. Adopt Resolution 2017-34 Establishing a Public Hearing for 39<sup>th</sup> Avenue Mill & Overlay, Central Avenue to Huset Parkway Roundabout**

MOTION: Move to waive the reading of Resolution 2017-34, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2017-34 being a resolution establishing a Public Improvement Hearing for May 1<sup>st</sup>, 2017 at 6:00 p.m.

**G. Goose Management Plan**

MOTION: Move to accept the Goose Management Plan allowing summer removal of birds in high-use public spaces and locations of water quality concerns.

**H. Approve Final Plans and Order Advertisement for Bids for Central Avenue Safety Improvements, Project 1608**

MOTION: Move to accept the final plans prepared by SEH, Inc. and authorize staff to seek bids for the Central Avenue Safety Improvements from 47<sup>th</sup> to 51<sup>st</sup> Avenues, City Project No. 1608.

**I. Library Change Orders**

MOTION: Move to approve contract Change Order No. 8 & 9 for Library Bid Package CP-2, Project 1410, to Ebert Construction in the amount of \$37,630.13 for a new contract amount of \$5,275,726.76.

MOTION: Move to approve contract Change Order No. 5 for Library Bid Package CP-2, Project 1410, to Peoples Electric totaling \$22,304 for a new contract amount of \$849,178.00.

**J. Development Contract for Planet Fitness (Proposed Development at 51<sup>st</sup> Court NE.)**

MOTION: Waive the reading of Resolution No. 2017-35, there being ample copies available to the public.

MOTION: Move to approve Resolution No. 2017-35, being a resolution of the City Council of Columbia Heights, Minnesota, authorizing the execution of the Development Contract for Planet Fitness, between the City of Columbia Heights and Aisling Fitness, LLC.

**K. Approve Business License Applications**

MOTION: Move to approve the items as listed on the business license agenda for April 10, 2017.

**L. Payment of Bills**

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8, the City Council has received the list of claims paid covering check number 165233 through 165383 in the amount of \$ 412,409.54.

*Motion by Councilmember Williams, seconded by Councilmember Murzyn, Jr. to approve the Consent Agenda as presented. All Ayes, Motion Carried.*

## **8. PUBLIC HEARINGS**

### **A. Approving a Final Plat for Aisling Fitness, LLC for the three vacant lots located at 51<sup>st</sup> Ct NE.**

City Planner Elizabeth Holmbeck reported Aisling Fitness, LLC has requested Final Plat Approval for the vacant site located behind La Casita and White Castle. The site is currently comprised of three vacant lots, which do not have assigned addresses.

The applicant is proposing to remove the existing lot lines, and re-plat the property to allow for a fitness facility to be constructed on the south end of the site.

The Preliminary plat and Site Plan were approved by the Planning and Zoning Commission and City Council in January 2017. The Final Plat went before the Planning and Zoning Commission on April 4, 2017, and was unanimously recommended for approval. The applicant has submitted construction plans for review and will be issued pending approval of the Final Plat. Once the Final Plat is approved and recorded Planet Fitness Representatives are anticipating beginning construction at the end of this month.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to close the public hearing and waive the reading of Resolution No. 2017-29, there being ample copies available to the public. All Ayes, Motion Carried*

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Williams to approve Resolution No. 2017-29, approving the Final Plat for the three vacant properties located on 51st Court NE. (PIN:25-30-24-23-0018, 25-30-24-23-0017, and 25-30-24-22-0066), subject to certain conditions of approval. All Ayes, Motion Carried*

## **9. ITEMS FOR CONSIDERATION**

### **A. Other Ordinances and Resolutions**

#### **1. Consideration of Resolution 2017-20, Appointment to fill City Council Vacancy**

Mayor Schmitt read a prepared statement explaining her recent withdraw of support for Nick Novitsky, because of inappropriate verbal statements at a recent Council work session.

Schmitt reported Nick has apologized to each member of the council. Schmitt suggested the council consider appointing Ted Landwehr, who has proven to be level-headed.

*Motion by Mayor Schmitt, seconded by Councilmember Buesgens to adopt Resolution No. 2017-20, appointing Ted Landwehr to the City Council vacant seat, with the term expiring when their successor is elected and qualified in January, 2019. 2 Ayes, 2 Nays, Motion failed.*

*Motion by Mayor Schmitt, seconded by Councilmember Williams to adopt Resolution No. 2017-20, appointing Nick Novitsky to the City Council vacant seat, with the term expiring when their successor is elected and qualified in January, 2019. 3 Ayes, 1 Nay, Motion Carried.*

*Ayes: Schmitt, Williams and Murzyn Jr. Nay: Buesgens.*

Mayor Schmitt explained for the benefit of the City, it is imperative to move on. Schmitt also commented that the council has functioned very well in all other items they have considered. Mayor Schmitt encouraged the other applicants to consider filing for office in the 2018 Election.

Councilmember Williams and Murzyn, Jr. also agreed that the council has worked well on all other items this year, for the benefit of the City. The council congratulated Nick.

**B. Bid Considerations**

**C. New Business and Reports**

**10. ADMINISTRATIVE REPORTS**

Councilmember Buesgens reported she attended the recent HeightsNext volunteer potluck on March 30<sup>th</sup>. The Safer Street talk was attended; Sean Broom was the moderator, discussing concerns with 49<sup>th</sup> Ave.

Councilmember Williams reported he attended the Anoka County Local Government Officials quarterly meeting. County Officials were impressed with our recent All America City designation in 2016. Williams reported we are one of the few cities implementing body cameras for police officers. Williams reported there have been numerous issues occurring at Heights Manor. Williams indicated housing sales have been very good in Columbia Heights, and he attributes this in part to the All America City Award.

Mayor Schmitt reported she attended the Community Connections Conference in Minneapolis, many ideas were presented. The Safe Street discussion was attended at the library, the focus was on safety around the schools and along 49<sup>th</sup> Ave. The Mayor also attended The Wyland Foundations Mayor's Water Pledge Challenge at the Mall of America. Columbia Heights residents are encouraged to sign up.

City Manager Walt Fehst reported the City has purchased a new street sweeper, and city staff will be traveling to Texas for training. Manager Fehst also reported the City has been in discussions with the Lions for planning of the 2017 Jamboree. A citywide garage sale is planned for May 20<sup>th</sup>.

**11. CITIZENS FORUM**

Frost Simula-1700 49<sup>th</sup> Ave NE announced Heights Next will be hosting a movie night on April 13<sup>TH</sup>; where short films about pollination will be shown. Simula encouraged the composting of yard waste.

Jerry Klein-2207 N. Upland Crest commended the council on making a decision to act in the best interest of the City, and congratulated Nick Novitsky.

Malcom Watson-1717 49<sup>th</sup> Ave NE inquired about the date if the Board of Appeals and Equalization meeting.

Mayor Schmitt expressed gratitude to the Candidates, Council and Staff for their commitment during the selection process.

## 12. ADJOURNMENT

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Williams to adjourn. All Ayes, Motion Carried.*

Meeting adjourned at 7:57 p.m.



Respectively Submitted,  
Katie Bruno, Council Secretary/City Clerk

### RESOLUTION NO. 2017-20

#### A RESOLUTION CALLING FOR APPOINTMENT TO VACANT CITY COUNCIL SEAT

WHEREAS: on January 9, 2017, the City Council declared a vacancy on the City Council as a result of Donna Schmitt being elected as Mayor; and

WHEREAS: notice was published of the intention to accept applications for the vacancy on the City Council until February 23, 2017 at 4:30 PM; and

WHEREAS: pursuant to the City Charter, the City Council may appoint an eligible person to fill the vacancy on the City Council until the next regular municipal election.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Columbia Heights:

1. That Nick Novitsky shall be appointed to the City Council to fill the vacancy of the remainder of Donna Schmitt's term, with the term expiring when their successor is elected and qualified in January, 2019.
2. That the appointment of Nick Novitsky shall take effect upon administration of the Official Oath of Office.

### RESOLUTION NO. 2017-29

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Final Plat for Aisling Fitness, LLC for the Three (3) vacant lots located at 51<sup>st</sup> Court NE.

**Whereas**, a proposal (Case # 2017-0401) has been submitted by Aisling Fitness, LLC to the City Council requesting Final Plat Approval from the City of Columbia Heights at the following site:

ADDRESS: Three (3) vacant lots located at 51<sup>st</sup> Court NE (Property Identification Numbers (PIN): 25-30-24-23-0018, 25-30-24-23-0017, and 25-30-24-22-0066).

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING: Final Plat Approval per Code Section 9.104 (M).

**Whereas**, the Planning and Zoning Commission held a public hearing as required by the City Zoning Code on April 4, 2017;

**Whereas**, the City Council has considered the advice and recommendations of the Planning and Zoning Commission regarding the effect of the proposed Final Plat upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**Now, therefore**, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

#### **FINDINGS OF FACT**

Section 9.104 (M) (6) of the Zoning Ordinance outlines conditions that must be met in order for the City to grant Final Plat Approval. They are as follows:

- (a) The Final Plat substantially conforms to the approved Preliminary Plat.
- (b) The Final Plat conforms to the requirements of 9.115.

**Further, be it resolved**, that the attached plans, maps, and other information shall become part of this Final Plat; and in granting approval the City and the applicant agree that the Plat shall become null and void if a Final Plat is not recorded with the Anoka County Recorder's Office within one (1) calendar year after the approval date.

#### **CONDITIONS**

1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.
2. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.
3. Upon approval of the Final Plat, the applicant shall be responsible for filing and recording the Final Plat with the Anoka County Recorder's Office within one year of the date of City

Council action. In the event that a Final Plat is not recorded within this time period, the Final Plat will become void.

4. Separate permanent easements will need to be placed over storm water BMP's to be installed, and the easements will need to be on a recordable document, accepted by Anoka County Recorder's Office.
5. The applicant shall meet the requirements outlined in the attached report from the City's Building Official, dated 3/24/17.

#### **RESOLUTION NO. 2017-30**

A Resolution of the City Council for the City of Columbia Heights, Minnesota, approving a collective bargaining agreement between the City of Columbia Heights and Law Enforcement Labor Services, Inc. Local No. 311 – Police Officers

Whereas, negotiations have proceeded between Law Enforcement Labor Services, Inc. (LELS), Local No. 311, representing Police Officers of the City, and members of the City's negotiation team; and

Whereas, said negotiations have resulted in a mutually acceptable collective bargaining agreement for calendar years 2017 and 2018; and

Whereas, changes to the current agreement are hereby attached as Exhibit A, and a copy of said collective bargaining agreement is available for inspection at the Office of the City Manager and is made a part hereof by reference.

Now therefore, be it resolved that the collective bargaining agreement as negotiated, be and is hereby established as the salary and fringe benefit program for calendar years 2017 and 2018 for LELS, Local No. 311 – Police Officers, bargaining unit employees of the City; and

Be it further resolved that the Mayor and City Manager are hereby authorized to execute this collective bargaining agreement and memorandum of understanding.

#### **RESOLUTION NO. 2017-31**

A Resolution of the City Council for the City of Columbia Heights, Minnesota, approving a collective bargaining agreement between the City of Columbia Heights and the American Federation of State, County and Municipal Employees, Council 5, Clerical and Technical Employees

Whereas, negotiations have proceeded between the American Federation of State, County and Municipal Employees (AFSCME), representing clerical and technical employees of the City, and members of the City's negotiation team; and

Whereas, said negotiations have resulted in a mutually acceptable collective bargaining agreement for calendar years 2017 and 2018; and



Whereas, changes to the current agreement are hereby attached as Exhibit A, and a copy of said collective bargaining agreement is available for inspection at the Office of the City Manager and is made a part hereof by reference.

Now therefore, be it resolved that the collective bargaining agreement as negotiated, be and is hereby established as the salary and fringe benefit program for calendar years 2017 and 2018 for the American Federation of State, County and Municipal Employees, Council 5, bargaining unit employees of the City; and

Be it further resolved that the Mayor and City Manager are hereby authorized to execute this collective bargaining agreement and memorandum of understanding.

#### **RESOLUTION NO. 2017-32**

**A Resolution of the City Council for the City of Columbia Heights, Minnesota, approving a memorandum of understanding between the City of Columbia Heights and the Public Manager's Association**

Whereas, negotiations have proceeded between the Public Manager's Association, representing Division Heads of the City, and members of the City's negotiation team; and

Whereas, said negotiations have resulted in a mutually acceptable collective bargaining agreement for calendar years 2017 and 2018; and

Whereas, changes to the current agreement are hereby attached as Exhibit A, and a copy of said collective bargaining agreement is available for inspection at the Office of the City Manager and is made a part hereof by reference.

Now therefore, be it resolved that the collective bargaining agreement as negotiated, be and is hereby established as the salary and fringe benefit program for calendar years 2017 and 2018 for the Public Manager's Association, bargaining unit employees of the City; and

Be it further resolved that the Mayor and City Manager are hereby authorized to execute this collective bargaining agreement and memorandum of understanding.

#### **RESOLUTION NO. 2017-33**

**A Resolution of the City Council for the City of Columbia Heights, Minnesota, approving changes to the City Manager's Compensation and Benefits for 2017 and 2018**

Whereas, in previous years the City Manager has received an adjustment in compensation and benefits consistent with that given the management employees; and

Now therefore, be it resolved that the City Council of the City of Columbia Heights does hereby make the following modifications to the City Manager's compensation and benefits, consistent with pay adjustments and benefits granted other management employees:

Effective January 1, 2017: 2.25% cost of living adjustment

Effective January 1, 2018: 2.5% cost of living adjustment

\$895 per month Employer contribution to insurances for 2017 and 2018. Contributions are either 1) premium contribution if participating in the high option health insurance plan, or 2) with a \$30 HSA contribution (deducted from the \$895) if participating in a high deductible health plan.

For calendar year 2017, for employees taking family health insurance through the EMPLOYER, the EMPLOYER will contribute an additional \$100 per month towards health insurance premiums, for a total EMPLOYER contribution of \$995 for employees taking family health insurance. For calendar year 2018, for employees taking family health insurance through the EMPLOYER, the EMPLOYER will contribute an additional \$200 per month towards health insurance premiums, for a total EMPLOYER contribution of \$1095 for employees taking family health insurance.

Be it further resolved that the Mayor and City Manager are hereby authorized to execute this collective bargaining agreement and memorandum of understanding.

#### **RESOLUTION NO. 2017-34**

A resolution of the City Council for the City of Columbia Heights, Minnesota,  
WHEREAS, the City Council of Columbia Heights is proposing to rehabilitate select state aid streets in the city

that have not been rehabilitated under the street program, and

WHEREAS, pursuant to Resolution No. 2016-84, a report has been prepared by the City Engineer with

reference to the Program, and the following street(s):

39th Avenue NE, Huset Parkway to Central Avenue

WHEREAS, the report provides information regarding whether the proposed project is feasible, necessary and

cost-effective, and

Said report is hereby received by the City Council of Columbia Heights on April 10, 2017.

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia

Heights, the City Council of the City of Columbia Heights makes the following:

#### **FINDINGS OF FACT**

1. The Council will consider the improvement of such streets in accordance with the report and the assessment of abutting or benefited property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$555,570.

2. A public hearing shall be held on such proposed improvement on the 1st day of May, 2017 in the City Council Chambers at 590 40th Avenue N.E. at 6:00 P.M. and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

**RESOLUTION NO. 2017-35**

A resolution of the City Council for the City of Columbia Heights, Minnesota, authorizing the execution of the Development Contract for Planet Fitness, between the City of Columbia Heights and AF Columbia Heights, LLC.

Whereas, the Planning and Zoning Commission approved the Site Plan for the proposed development on January 4<sup>th</sup>, 2017; and

Whereas, certain improvements which will be completed as components of this proposed development are required to be reviewed and monitored by the City.

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights approves Resolution No. 2017-35, authorizing the execution of the Development Contract for Planet Fitness, between the City of Columbia Heights and AF Columbia Heights, LLC.