

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
AUGUST 28, 2017**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday August 28, 2017 in the City Council Chambers, City Hall, 590 40th Ave. N.E., Columbia Heights, Minnesota

1. CALL TO ORDER/ROLL CALL

Mayor Schmitt called the meeting to order at 7:03 p.m.

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

Also Present: Walt Fehst; City Manager, Jim Hoeft; City Attorney, Kevin Hansen; Public Works Director, John Larkin; Assistant Fire Chief, Renee Dougherty; Library Director, Cortni O'Brien; Adult Services Librarian, Joe Kloiber; Finance Director, and Katie Bruno; City Clerk/Council Secretary

2. INVOCATION

Invocation provided by Bill Hugo, St Matthew Church

3. PLEDGE OF ALLEGIANCE

4. MISSION STATEMENT, Read by Mayor Schmitt.

Our mission is to provide the highest quality public services. Services will be provided in a fair, respectful and professional manner that effectively address changing citizen and community needs in a fiscally-responsible and customer friendly manner.

5. APPROVAL OF AGENDA

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Buesgens to approve the agenda as presented. All Ayes, Motion carried.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Introduction of Cortni O'Brien, Adult Services Librarian

Renee Dougherty; Library Director introduced Cortni O'Brien. Cortni began working for the City in July.

B. Comprehensive Plan Open House announcement.

Councilmember Buesgens invited the public to a Community Open House discussing the 2040 Comprehensive Plan taking place on Tuesday September 19th.

C. Columbia Heights Library Foundation Spaghetti Dinner announcement.

Councilmember Novitsky announced the Columbia Heights Library foundation is hosting a fundraiser on September 13th.

D. Flag Retirement announcement.

Jerry Wegscheid representing VFW Post 230 announced a Flag Retirement ceremony will take place on September 16th at 10:00 A.M.

E. Fire Department Open House announcement.

Councilmember Murzyn, Jr. announced the Fire Department will host the annual Open House on Saturday September 23rd from 11:00-2:00.

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.)

Mayor Schmitt requested item C be removed for discussion.

A. Approve Minutes of the City Council

MOTION: Move to approve the minutes of the City Council meeting of August 14, 2017

B. Grant Application for 37th Avenue from Central to Stinson

MOTION: Move to waive the reading of Resolution 2017-86, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2017-86 being a resolution authorizing the application to the Minnesota Department of Transportation Highway Freight Program to reconstruct 37th Avenue from Central Avenue to Stinson Boulevard and comment local funds providing the required local match for Federal funding.

C. Final payment to Ebert Construction for Library Fire Protection Contract, Project No. 1410

**Removed for discussion*

D. Final payment to Breth Zensen Fire Protection for Library Fire Protection Contract, Project No. 1410

MOTION: Move to accept the fire protection work for the new Columbia Heights Public Library, Project No. 1410, and authorize final payment of \$2,366.50 to Breth Zenzen Fire Protection Company of St. Joseph, Minnesota.

E. Consideration of approval of attached list of rental housing applications.

MOTION: Move to approve the items listed for rental housing license applications for August 28, 2017, in that they have met the requirements of the Property Maintenance Code.

F. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for August 28, 2017.

G. 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 167029 through 167207 in the amount of \$719,268.93.

Motion by Councilmember Williams, seconded by Councilmember Murzyn, Jr. to approve the Consent Agenda items A, B, D, E, F, and G. All Ayes, Motion Carried.

The following items were removed for discussion:

C. Final payment to Ebert Construction for Library Fire Protection Contract, Project No. 1410

Mayor Schmitt had a question regarding the title of the item. Director of Public Works Kevin Hansen clarified the title should be:

Final payment to Ebert Construction for Library for General Building Construction, Project No. 1410

Mayor Schmitt also questioned if the landscaping is complete, and if the yellow tape has been removed. Hansen indicated the city has the tape up in order to keep foot traffic off as the area is newly planted.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Williams to accept the general building construction work for the new Columbia Heights Public Library, Project No. 1410, and authorize final payment of \$193,910.46 to Ebert Construction of Corcoran, Minnesota. All Ayes, Motion Carried.

8. PUBLIC HEARINGS

A. Consideration of declaration of a nuisance and abatement of violations within the City of Columbia Heights is requested regarding the property at 4020 Hayes Street NE for failure to meet the requirements of the Residential Maintenance Code.

John Larkin, Assistant Fire Chief reported the property owner has been very cooperative, and is working on the removal of the remainder of a large tree. Larkin explained to the property owner that in the event he is unable to complete the project, this action would give the city leverage to complete the project.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to close the public hearing and to waive the reading of Resolution Number 2017-89, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to adopt Resolution Number 2017-89, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the abatement of violations from the property pursuant to City Code section 8.206. All Ayes, Motion Carried.

B. Consideration of revocation of the license to operate a rental unit within the City of Columbia Heights is requested against the rental property at 1336 43 ½ Avenue NE for failure to meet the requirements of the Residential Maintenance Codes.

John Larkin, Assistant Fire Chief reported there have been numerous issues with the property over the years. Larkin reported they have made 15 visits this year, 27 visits in 2016. The property owner has a history of making corrections at the last minute, while additional violations continue to occur.

Mayor Schmitt opened the Public Hearing at 7:23 P.M.

Jackie Kurki-1337 43 ½ Ave NE reported the property owner does nothing to maintain the property until the city is notified. She reported tenants are frustrated, and she is concerned with the impact this has on her property value.

Laurie Fournier-1320 43 ½ Ave NE expressed concerns with the property, indicating there is a garbage odor near the garage.

Devin Amigani-1331 43 ½ Ave NE indicated he recently moved into the area, and this property was a consideration in a lower offer made on the house he purchased.

Larkin stated he has additional information and documentation if the council is interested. Councilmember Buesgens questioned if there is a program similar to the Police Department's Call for Service ordinance. Larkin indicated the department is looking at various options, including provisional licensing.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to close the public hearing and to waive the reading of Resolution Number 2017-85, being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to adopt Resolution Number 2017-85, being Resolution of the City Council of the City of Columbia Heights approving revocation pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(A) of the rental license listed. All Ayes, Motion Carried.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

B. Bid Considerations

a. Adopt Resolution 2017-87 being a Resolution Accepting Bids and Awarding a Contract for 2017 State Aid Street Rehabilitation and Sidewalk Improvement and for 2017 CSAH 2 Storm Sewer and Street Improvement, City Projects 1705 And 1706

Public Works Director Kevin Hansen reported the projects include 39th Ave from Central Ave to Huset Pkwy, and 40th Ave from Central Ave to Reservoir Blvd. Alternates are included in the bid; residential construction, deduction for work started and finished in 2018, and rehabilitation of Murzyn Hall parking lot, and repairs to 46th Ave near Keyes park.

Mayor Schmitt questioned the process if the project is not completed by June 1, 2018. Hansen reported there is a contract provision, requiring \$1,000/day if the work is not completed.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Resolution 2017-87, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to adopt Resolution 2017-87 being a resolution accepting bids and awarding the 2017 State Aid Street Rehabilitation and Sidewalk Improvement, City Project 1705 And 2017 CSAH 2 Storm Sewer and Street Improvement, City Project 1706, including Alternate 1 for unit priced private construction, Alternate 2 for a deduction provided for extending substantial completion date to June 1, 2018, and Addendum 2 for Rehabilitation of JPM Hall upper lot and Reconstruction of a section of 46th Avenue at Keyes Park to Forest Lake Contracting, Inc. of Forest Lake, Minnesota, based upon their low, qualified, responsible bid in the amount of \$1,698,085.52 with \$488,000 from Anoka County, \$388,470 from Fund 415-51705, \$361,200 from Fund 402-43191, \$242,000 from Fund 653-49699, \$116,800

from Fund 212-43190, \$69,115 from Fund 101-45129, \$17,500 from Fund 601-49430, and \$15,000 from Fund 602-49450; and, furthermore, to authorize the Mayor and City Manager to enter into a contract for the same. All Ayes, Motion Carried.

b. Reject all Bids and Authorize Rebidding for Keyes Park, Project 1610

Public Works Director Kevin Hansen reported two bids were received, both significantly higher than the engineer's estimate. Hansen recommended rebidding the project, noting some modifications would be made. Hansen reported a matching grant for playground equipment was received, equipment would need to be purchased in 2017, and stored until 2018.

Motion by Councilmember Murzyn, Jr., seconded by Buesgens to reject all bids for Keyes Park Improvements, Project Number 1610, and authorize staff to seek new bids. All Ayes, Motion Carried.

C. New Business and Reports

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Buesgens reported she volunteered with HeightsNext and Medtronic with the cleanup of Sullivan Park. She attended the League of MN Cities Local Economics Committee, and the Comp Plan Steering Committee.

Councilmember Williams indicated he thinks the city should consider a dog park, in response to a recent petition received. City Manager Fehst stated it will be brought to the Park & Recreation Commission for consideration.

Councilmember Novitsky reported he attended the Columbia Heights Public Schools Staff orientation.

Mayor Schmitt reported Alene Tchourmoff, Chairperson of the Met Council visited the City on August 22nd. Mayor Schmitt attended the League of MN Cities, Improving Fiscal Futures meeting, they will meet again September 27th, they plan to discuss the lodging tax. The Columbia Heights Public Schools new staff luncheon was attended.

City Manager Walt Fehst congratulated the Fire Department Explorers on a recent competition at the State Fair. Manager Fehst announced the 2018 Budget Books are prepared and will be distributed to the council at the close of the meeting. An overview of the budget will take place at the September 5th work session, with department specific discussions taking place in October and November.

11. CITIZENS FORUM

DeWayne Morrell-4212 Reservoir Blvd NE commented that Circle Terrace Park playground is being well used. Mr. Morrell suggested including a survey regarding upcoming projects in Heights Happenings. Mr. Morrell questioned who is accountable to see that the Mission Statement is being followed. He suggested the city conduct a no cost survey to see what communities our police officers reside in. Mayor Schmitt reminded him that residency cannot be a requirement for employment.

Mr. Morrell suggested an appropriate location for a dog park would be the Minneapolis Water Works area.

Malcom Watson-1717 49th Ave NE encouraged the council to evaluate all alternatives to economize as they look for locations for a new city hall.

12. ADJOURNMENT

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

Meeting adjourned at 8:20 p.m.



Respectively Submitted,
Katie Bruno, Council Secretary/City Clerk

RESOLUTION NO. 2017-85

Resolution of the City Council for the City of Columbia Heights approving revocation pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(A) of that certain property rental license held by Omer Ismael (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 1336 43 ½ Avenue N.E. Columbia Heights, Minnesota,

Whereas, pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(B), written notice setting forth the causes and reasons for the proposed Council action contained herein was given to the License Holder on July 13, 2017 of a public hearing to be held on August 28, 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. That on May 12, 2017, inspectors for the City of Columbia Heights, inspected the property described above and noted violations. A compliance letter listing the violations was mailed by regular mail to the owner at the address listed on the Rental Housing License Application.
2. That on June 14, 2017, inspectors for the City of Columbia Heights performed a re-inspection and noted that violations remained uncorrected. A statement of cause was mailed via regular mail to the owner at the address listed on the rental housing license application.
3. That on July 10, 2017, inspectors for the City of Columbia Heights checked records for this property and noted that the violations remained uncorrected
4. That based upon said records of the Enforcement Office, the following conditions and violations of the City's Property Maintenance Code were found to exist, to-wit:
 - a. Shall remove multiple dead trees on south side of yard.
 - b. Shall remove the dead pine trees (and all of the tree stumps) in the rear of the yard to within 2-4 inches below ground level.
 - c. Shall pay \$100 reinspection fee.

5. That all parties, including the License Holder and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code, Chapter 5A, Article III 5A.306 and 5A.303(A).

ORDER OF COUNCIL

1. The rental license belonging to the License Holder described herein and identified by license number F15854 is hereby revoked.
2. The City will post for the purpose of preventing occupancy a copy of this order on the buildings covered by the license held by License Holder.
3. All tenants shall remove themselves from the premises within 45 days from the first day of posting of this Order revoking the license as held by License Holder.

RESOLUTION NO. 2017-86

A resolution of the City Council for the City of Columbia Heights, Minnesota, supporting submission of a grant application for reconstruction of 37th Avenue from Central Avenue to Stinson Boulevard;
WHEREAS, the City Council of the City of Columbia Heights is the official governing body; and
WHEREAS, the City of Columbia Heights is recommending submitting an application to the Minnesota Department of Transportation's Minnesota Highway Freight Program (MHFP) and commitment of local funds to provide the required local match for federal funding in collaboration with the City of Minneapolis, for the complete reconstruction of 37th Avenue from Central Avenue to Stinson Boulevard, a distance of approximately one mile.

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 City of Columbia Heights has the legal authority to apply for the grant in collaboration with the City of Minneapolis.
2. The total estimated cost of the reconstruction project is \$10,800,000. The application requests \$8,640,000 with a minimum local match requirement of \$2,160,000.
3. That the City Council approves the application to the Minnesota Department of Transportation's MHFP to reconstruct 37th Avenue from Central Avenue to Stinson Boulevard, and commits local funds to provide the required local match for federal funding, which will be split between the City of Minneapolis and the City of Columbia Heights.

RESOLUTION NO. 2017-87

A resolution of the City Council for the City of Columbia Heights, Minnesota,

WHEREAS, pursuant to an advertisement for bids for City Project No. 1705, 2017 State Aid Street Rehabilitation and Sidewalk Improvement, and City Project No. 1706, 2017 CSAH2 Storm Sewer and Street Improvement, four bids were received, opened and tabulated according to law.
Now therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of Columbia Heights makes the following:

FINDINGS OF FACT

The following bids were received complying with the advertisement : Bidder	Base Bid <u>1705</u>	Base Bid <u>1706</u>	<u>Alt 1</u>	(Deduct) <u>Alt 2</u>	Bid <u>Addendum 2</u>	<u>Total Project Bid</u>
Forest Lake Contracting	\$711,633.00	\$887,927.72	\$7,615.00	(\$95,000.00)	\$185,909.80	\$1,698,085.52
Valley Paving	\$617,420.55	\$932,823.60	\$3,819.00*	(\$23,000.00)	\$199,509.30*	\$1,730,572.45*
New Look Contracting	\$638,154.00	\$924,338.00	\$8,370.00	(\$20,000.00)	\$192,032.00	\$1,742,894.00
Bituminous Roadways	\$633,084.15	\$945,957.80	\$4,485.00*	-0-	\$181,127.66*	\$1,764,654.61*

*Corrected

It appears that Forest Lake Contracting of Forest Lake, MN is the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF COLUMBIA HEIGHTS, MINNESOTA

1.The Mayor and City Manager are hereby authorized and directed to enter into a contract with Forest Lake Contracting in the name of the City of Columbia Heights, for 2017 State Aid Street Rehabilitation and Sidewalk Improvement and 2017 CSAH2 Storm Sewer and Street Improvement, City Project Nos.1705 and 1706, according to plans and specifications therefore approved by the Council.

2.The City Engineer is hereby authorized and directed to return, forthwith, to all bidders, the deposits made with their bids except the deposit of the successful bidder and the next lowest bidder shall be retained until the contract has been signed.

3.City Projects 1705, 1706 and Addendum shall be funded with Anoka County JPA, Assessment, State Aid, Storm Sewer, Sanitary Sewer, Water, and General Funds.

RESOLUTION NO. 2017-89

Resolution of the City Council for the City of Columbia Heights declaring the property a nuisance and approving abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by Daniel Anthony Kuch (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4020 Hayes St. N.E., Columbia Heights, Minnesota.

And whereas, pursuant to Columbia Heights Code, Chapter 8, Article II, Section 8.206, written notice setting forth the causes and reasons for the proposed council action contained herein was sent via regular mail to the owner of record on July 28, 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. That on May 25, 2017, an inspection was conducted on the property listed above. Inspectors found violations. A compliance order was sent via regular mail to the owner at the address.
2. That on July 27, 2017, inspectors re-inspected the property listed above. Inspectors noted that violations remained uncorrected. A compliance order and statement of cause was mailed via regular mail to the owner listed in the property records.
3. That on July 31, 2017, inspectors re-inspected the property and found that violations remained uncorrected.
4. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit:
 - A. Shall remove remainder of tree.
5. That all parties, including the owner of record and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code Section 8.206(A) and 8.206(B).

CONCLUSIONS OF COUNCIL

1. That the property located at 4020 Hayes Street N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
2. That all relevant parties and parties in interest have been duly served notice of this hearing, and any other hearings relevant to the abatement of violations on the property listed above.
3. That all applicable rights and periods of appeal as relating to the owner of record, occupant, or tenant, as the case may be, have expired, or such rights have been exercised and completed.

ORDER OF COUNCIL

1. The property located at 4020 Hayes Street N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.