

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
JUNE 11, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday June 11, 2018 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, Keith Dahl; Economic Development Manager Elizabeth Hammond; City Planner, Joe Hogeboom; Community Development Director, Ben Sandell; Communications Coordinator, and Katie Bruno; City Clerk/Council Secretary

2. INVOCATION

Invocation provided by Rachel James, First Lutheran

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 Buesgens, seconded by Councilmember Novitsky to approve the agenda as presented. All Ayes, Motion Carried.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Presentation of Outstanding Citizen Award to Tanya Moore.

Mayor Schmitt presented the award to Tanya Moore.

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 May 29, 2018

MOTION: Move to approve the minutes of the City Council work session of June 4, 2018

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the Traffic commission minutes from May 7, 2018

MOTION: Move to accept the EDA commission minutes from May 7, 2018

MOTION: Move to accept the Planning Commission minutes from May 1, 2018

C. Consideration of Revocation of Rental Licenses for 4625 and 4633 Tyler Street NE.

MOTION: Move to table the Public Hearing to consider the revocation of rental licenses at 4625 and 4633 Tyler Street NE until the City Council meeting of August 13, 2018.

D. Approval of Out of State Conference Attendance

MOTION: Move to approve attendance of Councilmember Buesgens at the 11th Annual Growing Sustainable Communities Conference October 2-3 2018, as budgeted monies are available, and to authorize payment in advance for registration and lodging and provide reimbursement for mileage.

E. Approve Agreement re Anoka-Hennepin Narcotics And Violent Crimes Task Force

MOTION: Move to authorize the Mayor, City Manager and Police Chief to enter into a Joint and Cooperative Agreement for the Formation and Administration of the Anoka-Hennepin Narcotics and Violent Crimes Task Force.

F. Amendment Consideration of the Fiscal Year 2018 Contributions Fund Budget.

MOTION: Move to waive the reading of Resolution 2018-34, there being ample copies available to the public.

MOTION: Move to approve Resolution 2018-34, a resolution authorizing an amendment to the Fiscal Year 2018 Contributions Fund budget.

G. Approve Permits for the 2018 Jamboree

MOTION: Move to authorize staff to close Huset Parkway from 39th to 40th Avenues for the time period from Tuesday afternoon, June 19, through Sunday, June 24, 2018.

MOTION: Move to authorize the Police Department to issue a parade permit for the Jamboree Parade to be held on Friday, June 22, 2018 beginning at 6:00 p.m. for the following streets: Central Avenue from 45th Avenue to 40th Avenue, west on 40th Avenue to 5th Street and 5th Street to Mill Street.

MOTION: Move to authorize fireworks at dusk on Saturday, June 23, 2018 and to waive the Fire Department fireworks display permit fee.

H. Consideration of Resolution No. 2018-35, a Resolution Amending the Fiscal Year 2018 Special Projects Fund Budget; and Authorization for Condition Assessments of the Parking Ramps.

MOTION: Move to waive the reading of Resolution No. 2018-35, there being ample copies available to the public.

MOTION: Move to approve Resolution No. 2018-35, a resolution of the City Council for the City of Columbia Heights, Minnesota, authorizing an amendment to the Fiscal Year 2018 Special Projects Fund budget.

MOTION: Move to accept the proposal from Kimley-Horn & Associates in the amount of \$15,400 for professional services in connection to the inspection of both Municipal parking ramps located in the Central Business District, and authorize the City Manager to take all actions necessary to perform the City's obligations under the Professional Service Agreement as a whole, including without limitation to execution of any documents to which the City is a party referenced in or attached to the Professional Service Agreement.

I. Approve Resolution for a Joint Grant Application Supporting the Reconstruction of 37th Ave

from Central Avenue to Stinson Boulevard

MOTION: Move to waive the reading of Resolution 2018-37, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-37 in support of the request for Federal STP funds for the 37th Avenue Improvements from Central Avenue to Stinson Boulevard.

J. Request Authorization to Expend Funds for 2018 Pathways program

MOTION: Move to approve the expenditure of approximately \$12,000 to send one current employee to the 2018 Pathways program.

K. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for June 11, 2018.

L. Review of Bills

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list of claims paid by check and by electronic funds transfer in the amount of \$899,806.64.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve the Consent Agenda as presented. All Ayes, Motion carried.

8. PUBLIC HEARINGS

A. First Reading of Ordinance No. 1649, an Ordinance amending City Code of 2005 relating to institutional uses in commercial areas within the City of Columbia Heights.

Elizabeth Hammond, City Planner explained that the proposed text amendment would disallow certain institutional uses (Religious Facilities, Convents or Monasteries, and K-12 Public or Private Schools) from locating in the Limited Business Zoning District. Currently, these uses are permitted as a conditional use, requiring a Conditional Use Permit to be obtained from the City prior to operation. The proposed text amendment is an effort by the City to guide and protect commercially zoned property for future commercial retail development or redevelopment. There are four areas of the City which contain parcels zoned Limited Business. Existing Religious Facilities, Convents or Monasteries, and K-12 Public and Private Schools that are currently located on a property which is zoned Limited Business are still able to operate as a legal non-conforming use of land. The text amendment would affect future proposals for these uses in the Limited Business District. The proposed Ordinance went before the Planning Commission on June 5th, 2018. The Planning Commission voted unanimously to recommend that the City Council approve Ordinance No. 1649. Councilmember Murzyn, Jr. reported the Planning Commission had an extensive discussion prior to their approval.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to waive the reading of Ordinance No. 1649, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to set the second reading of Ordinance No. 1649, being and Ordinance amending City Code of 2005 relating to institutional uses in commercial areas within the City of Columbia Heights, for June 25th, 2018 at approximately 7:00 p.m. in the City Council Chambers. All Ayes, Motion Carried.

B. First Reading of Ordinance No. 1647, an ordinance amending City Code of 2005 relating to Zoning and Land Development, and establishing a PUD District

Keith Dahl, Economic Development Manager reported notices were sent to tenants as well as property owners as suggested by Councilmember Novitsky at the May work session.

Dahl explained that a PUD District is generally described as a type of development or redevelopment that follows a separate regulatory approval process, which results in a development outcome that exceeds the typical development achievable through the standard requirements of the primary zoning district.

On June 5, 2018, the Planning Commission unanimously approved the recommendation to the City Council for approval.

Mayor Schmitt asked if this will affect current properties. Dahl explained that interested property owners could submit an application.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Ordinance No. 1647, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to set the second reading of Ordinance No. 1647, being an ordinance amending City Code of 2005 relating to Zoning and Land Development, and establishing a Planned Unit Development District within the City of Columbia Heights, for June 25, 2018 at approximately 7:00 P.M. in the City Council Chambers. All Ayes, Motion Carried.

9. ITEMS FOR CONSIDERATION

Other Ordinances and Resolutions

a. SECOND Reading of Ordinance 1648 Amending Chapter 2, Section 10 and Chapter 6, Section 53 pertaining to the Direction of the Police Department.

City Attorney Jim Hoeft reported that the Charter Commission has submitted an Ordinance to amend the City Charter to change the oversight of the Police Department from the Mayor to the City Manager. Hoeft clarified that a unanimous vote by the Council is required for approval. If there is not a unanimous vote, the item goes back to the Charter Commission. The Charter Commission can then determine whether to add the item to the ballot as a question or to leave the Charter as is.

Councilmember Buesgens asked Mayor Schmitt why she has changed her view on the item, noting that she requested the change be considered last year. Mayor Schmitt commented that as she has served as Mayor, she has observed the way things are being run, as well other cities where the City Manager oversees the Police Department. Schmitt stated that it is easier for the public to remove a Mayor than a City Manager.

Schmitt commented that she relies on the council for input, and this structure has been working well for a long time. Schmitt stated that she does not feel the Charter should be amended. Councilmember Murzyn, Jr. stated he would like to see the item be placed on the ballot for the voters to decide.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of the Ordinance No. 1648, there being ample copies available to the public. All Ayes, Motion Carried

Rachel James-Columbia Heights Resident stated she would like the Charter to remain as is.

Mike Novitsky-5252 5th St NE agreed with Mayor Schmitt, that the oversight should be by an elected official.

Fehst clarified that all other city departments are run through the Council/Manager form of government, and the current police structure is antiquated, political, and non-efficient.

Dave Pallies-5253 4th St agreed with Mayor Schmitt, commenting that there are no problems with the current structure, and he suggested leaving the Charter as is.

City Manager Fehst clarified that it is no quicker for a Mayor to dismiss a Police Chief than it would be for a City Manager to do so, and he suggested that the candidate forums scheduled in July address the proposed amendment.

KT Jacos-4101 Monroe stated she understood Mayor Schmitt to say it is easier for the voters to get rid of a Mayor (through the election process) than it is to terminate a City Manager.

Manager Fehst stated the Mayor implied it is easier to remedy a problem situation with the Mayor in charge of a department. Fehst stated he feels it is preferred to have all five elected official oversee the Police Department.

Dave Pallies-5253 4th St questioned why Manager Fehst feels the City Manager should direct the department.

Fehst stated he would like more discussion from the candidates, in order to inform the public.

Councilmember Novitsky said there has been plenty of discussion up to this point.

Grant Nichols-1601 N Innsbruck Dr, Fridley asked the council who they work for, and specifically asked Councilmember Buesgens if she listens to Residents or the City Manager. Councilmember Buesgens reported the residents she has spoken with are in favor of the proposed amendment. Buesgens expressed concern with the decision-making authority being with one person.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve Ordinance No.1648, being an ordinance amending Chapter 2, Section 10 and Chapter 6, Section 53 of the City's Charter pertaining to the Direction of the Police Department. 2 Ayes, 3 Nays Motion failed.

A. Bid Considerations

B. New Business and Reports

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Novitsky announced Jamboree week events include: the Community Picnic, Medallion Hunt, Kids Fishing Clinic, Carnival, Parade, Citywide Garage Sale, Boosters 5k race, Art Class, Peace Fest, Softball Tournament, and Fireworks.

Councilmember Murzyn, Jr. attended the Royalty Meet and Greet event at Tasty Pizza, and the City of Peace Neighborhood Center dedication.

Councilmember Williams announced the Library will be celebrating it's 90th year this year.

Councilmember Buesgens attended the Emergency Management Training, Cheers for Beers, Traffic Commission meeting, and the Grand Opening of the City of Peace Neighborhood Center. She participated in a police ride along, and expressed her pride in the department's work. She also attended the Royalty Meet and Greet.

Mayor Schmitt attended the Grand Opening of the City of Peace Neighborhood Center, and the Royalty Meet and Greet.

City Manager Walt Fehst thanked the Lions Club for their hard work in planning the Jamboree. Mayor Schmitt shared the Jamboree Event book, and also thanked the Lions for all of their work for the Event.

11. COMMUNITY FORUM

Rachel James-First Lutheran Church announced the Summer Meal Programs planned for the children of the community. Breakfast and lunch are available various days at Highland Elementary, the Family Center, the High School, the Library, The City of Peace Neighborhood Center and Murzyn Hall. There is dinner available at some locations in NE Minneapolis. James also announced the Peace Fest, June 23rd from 10:00-7:00 PM at the Science and Spirituality Meditation Center.

Kathy Ahlers-4010 Hayes requested a large public forum be scheduled to discuss any plans for a new City Hall.

Joyce Meier, 4931-4933 Jackson St NE requested additional time be granted to allow her to clean her property. Joe Hogeboom, Community Development Director commented that he has assisted Ms. Meier with locating restoration companies, and that she has been cooperating with the City. The request was made to have the door repaired, in order to allow access to the house.

Dave Pallias- 5253 4th St expressed his opposition to the City considering a new City Hall. Pallias is concerned about the increase in his taxes, commenting that a neighbor moved out of the City because of taxes. Mayor Schmitt stated that the current building requires expensive maintenance. Manager Fehst reported the current building is larger than necessary.

Councilmember Buesgens commented that property values are increasing in Columbia Heights, resulting in tax increases.

Grant Nichols-1601 N Innsbruck Dr questioned if the City has funding set aside for a new City Hall. Mayor Schmitt stated depending on a final cost, there may enough funds.

Dave Pallias 5253 4th St was concerned that he received a notice to reduce water usage, while the splash pad is using water that is not being reused. Councilmember Buesgens acknowledged Mr. Pallais concern, and noted the City is looking for grant funds to implement a way to reuse the water for watering Huset Park.

12. ADJOURNMENT

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

Meeting adjourned at 8:40 p.m.



Respectively Submitted,
Katie Bruno, Council Secretary/City Clerk

RESOLUTION 2018-34

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2018 CONTRIBUTIONS FUND BUDGET.

BE IT RESOLVED, by the City Council (the "Council") for the City of Columbia Heights (the "City") as follows:

WHEREAS, the City Council approved Resolution 2017-130, a resolution which subsequently adopted the initial Fiscal Year 2018 City Operating budget; and

WHEREAS, certain additional revenues and expenditures have been identified in the Contributions Fund Budget; and

WHEREAS, the General and Other category of the Contributions Fund has been identified to be used for various community event activities and City merchandise purchases and sales.

NOW, THEREFORE, in accordance with all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

ORDER OF COUNCIL

IT IS HEREBY RESOLVED, that the Fiscal Year 2018 Contributions Fund budget 883 is amended to increase expenditures in the amount of \$4,800.00.

RESOLUTION NO. 2018-35

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2018 SPECIAL PROJECTS FUND BUDGET.

BE IT RESOLVED, by the City Council (the "Council") for the City of Columbia Heights (the "City") as follows:

WHEREAS, the City Council approved Resolution 2017-130, a resolution which subsequently adopted the initial Fiscal Year 2018 Special Projects Fund budget; and

WHEREAS, certain revenues and expenditures of the Special Projects Fund budget will exceed the amount initially adopted; and

WHEREAS, it is necessary to increase the Special Projects Fund budget to reflect the additional activity not originally anticipated for prior to the approval of Resolution 2017-130; and

NOW, THEREFORE, in accordance with all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

ORDER OF COUNCIL

IT IS HEREBY RESOLVED, that the Fiscal Year 2018 Special Projects Fund budget 226.46317 is amended to increase revenues in the amount of \$20,000.00 and increase expenditures in the amount of \$20,000.

RESOLUTION NO. 2018-37

A resolution of the City Council for the City of Columbia Heights, Minnesota, supporting Federal Surface Transportation Program (STP) funding application submittal for 37th Avenue Improvements

WHEREAS, the City Council of the City of Columbia Heights is the official governing body; and

WHEREAS, the centerline of 37th Avenue from Central Avenue to Stinson Boulevard represents the municipal boundary between the cities of Columbia Heights and Minneapolis; and

WHEREAS, the cities of Minneapolis and Columbia Heights jointly desire to reconstruct 37th Avenue from Central Avenue to Stinson Boulevard; and

WHEREAS, the improvements are intended to create a safe, efficient, pedestrian friendly, "green", multimodal compatible roadway; and

WHEREAS, the project is consistent with the City of Columbia Height's Comprehensive Pedestrian and Trail Plan; and

WHEREAS, the proposed pedestrian improvement on 37th Avenue will provide east- west connectivity of the local pedestrian system; and

WHEREAS, the City of Columbia Heights accepts responsibility for an amount equal to or greater than 20 percent (cost is shared with the City of Minneapolis) of the eligible project construction cost, together with the cost for design, administration, right-of-way, and peripheral project costs; and

WHEREAS, the City of Columbia Heights is committed to the operation and maintenance of the improvements under the City's jurisdiction for the design life of these improvements;

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

1. The Council adopts this Resolution in support of the request for Federal RSP funds for the 37th Avenue Improvements.
2. That a copy of this Resolution be provided to the Metropolitan Council Transportation Advisory Board and Technical Advisory Commission as part of the 37th Avenue Improvements application for Federal

Funds under the Regional Solicitation Program (RSP).

ORDINANCE NO. 1647

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO ZONING AND LAND DEVELOPMENT, AND ESTABLISHING A PLANNED UNIT DEVELOPMENT DISTRICT WITHIN THE CITY OF COLUMBIA HEIGHTS

The City of Columbia Heights, Minnesota (the "City") does ordain:

SECTION I: That Chapter 9, Article 1: Zoning and Land Development of City Code is hereby amended to read as follows, to wit:

§9.113 PLANNED UNIT DEVELOPMENT DISTRICT.

~~§9.113~~ 9.114 OVERLAY DISTRICTS.

~~§9.114~~ 9.115 PUBLIC AND OPEN SPACE DISTRICT.

~~§9.115~~ 9.116 SUBDIVISION REGULATIONS.

SECTION II: That Chapter 9, Article 1, Section 9.113: Planned Unit Development District shall hereafter read as follows, to wit:

§9.113 PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *Purpose.* The purpose of the PUD, Planned Unit Development District is to provide greater flexibility with development and redevelopment; preserve historical, environmental, and aesthetically significant features; promote a high quality of design; and encourage more technological and energy efficient developments. This is achieved by undertaking a process that results in a development outcome that exceeds the typical development achievable through standard zoning controls.

(B) *General Provisions.*

(1) *Relationship to other applicable regulations.*

(a) Property located within a PUD District shall be subject to the land use controls described in the primary zoning district, as well as the rules and regulations prescribed in the PUD District plan. Where the provisions of the primary zoning district and the PUD District plan are in conflict, the PUD District plan shall govern.

(b) The PUD District plan review process, in accordance with the provisions of this section, constitute and supersede the requirements set forth in §9.104, subdivision (N)(2).

(2) *Right of application.* Any person having a legal interest in the property may file an application for the establishment of a PUD District to the Zoning Administrator.

(3) *Authority.* The City retains absolute authority and discretion to establish a PUD District, and reserves the right to deny the establishment of a PUD District if the City Council determines that the proposed benefits of the development do not justify the requested flexibilities of a PUD District.

(4) *Administration.* The administration and enforcement of this section shall be in accordance with the provisions of §9.104.

(5) *Application.* An application for establishment of a PUD District shall be filed with the Zoning Administrator on the approved form and shall be accompanied by an application fee as set forth in §9.104, subdivision (C)(5). An application shall include a narrative; a vicinity map; an accurately scaled site plan showing the locations of proposed and existing buildings, existing and proposed topography, vehicular access and parking areas, landscaping, and other site features; a stormwater management plan; elevation views of all proposed buildings and structures; and any other information determined by the Zoning Administrator to be necessary.

(6) *Approval.* Approval of a PUD District plan shall be by ordinance, a simple majority vote, and in full force and effect from and after 30 days after its passage.

(7) *Physical Development Contract.* After City Council approval of a PUD District plan, a Physical Development Contract shall be required prior to site development. The Physical Development Contract shall reference all the approved plans and specify permitted uses; allowable densities; development phasing if applicable; required public improvements; construction commencement and completion dates of the minimum improvements; an irrevocable letter of credit, or cash deposit in an amount sufficient to ensure the provision or development of public improvements; and any other requirements determined by the Zoning Administrator to be necessary. The Physical Development Contract shall be signed by the applicant or an authorized representative within sixty (60) days after its approval by City Council.

(8) *Time Limits.* An established PUD District shall be validated by the construction commencement of the minimum improvements pursuant to the Physical Development Contract. If the construction commencement fails to meet the deadline specified in the Physical Development Contract, the approval of the PUD District plan by the City Council shall be rendered invalid and void. Notwithstanding the construction commencement time limitations, the City Council may, at its own discretion, approve an extension by approval of an Amendment to the Physical Development Contract if requested by the applicant in writing.

(C) *Areas of Flexibility.* Development flexibility provided through the establishment of a PUD District will not be approved in avoidance of the regulations set forth by the primary zoning district. However, if a development is able to achieve a higher quality of design, efficiency, and technology than what current market conditions allow, the establishment of a PUD District will provide flexibility to the following areas:

- (1) Building Heights.
- (2) Building Materials
- (3) Building and Parking Setbacks.
- (4) Landscaping Requirements.
- (5) Multiple Building Placement.

(6) Parking and Vehicular Requirements.

(7) Public Art Requirements.

(8) Public Spaces.

(9) Signage Requirements.

(10) Site Density.

(D) *Review Procedure.*

(1) *Pre-application meeting.* Prior to filing an application to the Zoning Administrator for the establishment of a PUD District, the applicant shall meet with City staff for a pre-application meeting. The primary purpose of the pre-application meeting is to allow the applicant and City staff to discuss land use controls, appropriate uses of the site, specific development design standards, the application process, and required information that shall be submitted with an application, as well as evaluate how the development will achieve a higher quality of design, efficiency and technology.

(2) *Development Review Committee.* After filing a completed application, the Development Review Committee, comprised of the Zoning Administrator, Building Official, Fire Chief, City Engineer, and his/her appointee, shall conduct an administrative review of the application. All findings and determinations by the Development Review Committee shall be forwarded to the Planning Commission.

(3) *Neighborhood Meeting.* Prior to the consideration of a PUD District plan or a major amendment to a PUD District plan by the Planning Commission, the applicant shall hold a Neighborhood Meeting within City limits, and mail a notification of the Neighborhood Meeting to all property owners and tenants within three hundred and fifty (350) feet surrounding the proposed PUD District. The purpose of the meeting is to inform the neighborhood of the proposed development and obtain input from the affected property owners and tenants.

(4) *Planning Commission.*

(a) *Informal Public Hearing.* The Planning Commission shall hold an informal public hearing for the consideration of a completed application for the establishment of a PUD District in accordance with the requirements of this section. The Planning Commission shall make the following findings of fact before approving the establishment of a PUD District:

(i) The PUD District plan conforms to all applicable requirements of this article.

(ii) The PUD District plan is consistent with the applicable provisions of the Comprehensive Plan.

(iii) The PUD District plan is consistent with any applicable area plan.

(iv) The PUD District plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

(b) *Recommendation.* The findings and recommendation of the Planning Commission shall be forwarded to the City Council. The Planning Commission may impose conditions of recommended approval or modifications to any PUD District plan, and require guarantees deemed necessary to ensure compliance with the requirements of this section.

(5) *City Council.*

(a) *Formal Public Hearing.* The City Council shall hold a formal public hearing for the consideration of a completed application for the establishment of a PUD District in accordance with the requirements of this section.

(b) *Action.* The City Council shall review and consider the recommendations of the Planning Commission, the Development Review Committee, and the public before approval or denial, in whole or in part, is made for establishment of the PUD District. A denial shall only be based on findings of fact that the PUD District plan is not in substantial compliance with the provisions of this section or City Council determines that the proposed benefits of the development do not justify the requested flexibilities of a PUD District.

(E) *Amendments.* An approved PUD District plan may not be changed or modified without prior approval by City Council. A request for an amendment to an approved PUD District plan shall be submitted and reviewed by the Zoning Administrator to determine if it is a minor or major amendment.

(a) *Minor Amendments.*

(i) An amendment shall be deemed minor in nature if a change or modification to the approved PUD District plan increases or decreases a provision to be in conformance with the primary zoning district; increases the density of units per acre or gross floor area in any structure by less than equal to ten percent (10%); demolishes or adds an accessory structure; significantly alters the original intent of the landscape plans or elevation views; or is not determined by the Zoning Administrator to be major in nature.

(ii) A minor amendment shall be placed on the Consent Agenda of City Council without the review by the Planning Commission. The City Council may remove the minor amendment from the Consent Agenda for discussion before approval or denial.

(b) *Major Amendments.*

(i) An amendment shall be deemed major in nature if a change or modification to the approved PUD District plan increases or decreases a provision to not be in conformance with the primary zoning district; increases the density of units per acre or gross floor area in any structure by more than ten percent (10%); demolishes or adds a principle structure; alters the placement of buildings or roads; introduces a new use; decreases the amount of public spaces by more than equal to three percent (3%) or alter it in such a way to change its original intent; creates a conflict with the original conditions of recommended approval; eliminates, substantially diminishes, or compromises the

original intent of the PUD District as prescribed in subdivision (A) of this section; or is not determined by the Zoning Administrator to be minor in nature.

(ii) A major amendment shall require the submittal of a revised PUD District plan to the Zoning Administrator for full review and approval in accordance with the provisions of this section.

(F) *Cancellations.* An approved PUD District plan shall be cancelled and revoked only upon City Council approving a resolution rescinding the PUD District. Cancellation of a PUD District plan shall include findings of fact that demonstrate that the district is no longer necessary due to changes in local regulations; becomes inconsistent with the Comprehensive Plan of the City; threatens public safety, health, or welfare; or at the request of the applicant or assignee in writing.

Ordinance 1648

THE CITY OF COLUMBIA HEIGHTS DOES ORDAIN:

CHAPTER 2, FORM OF GOVERNMENT

Section 10. THE MAYOR. The mayor ~~shall have the appointment, control, and direction of all police officers of the city, and shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law.~~

Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs. ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~

ORDINANCE NO. 1649

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO INSTITUTIONAL USES IN COMMERCIAL AREAS WITHIN THE CITY OF COLUMBIA HEIGHTS

NOW, THEREFORE, BE IT RESOLVED The City Council (Council) of the City of Columbia Heights, Minnesota (City) does ordain:

SECTION 1:

§9.110 (D) (3), City Code of 2005, as it currently reads is amended as follows:

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the LB, Limited Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) Religious facility/place of worship
- (b) ~~Convent or monastery, when accessory to a religious facility.~~
- (c) ~~School, public or private, K-12.~~
- (d) School, vocational or business.

- (e) School, performing/visual/martial arts.
- (f) Licensed day care facility, child or adult.
- (g) Government maintenance facility.
- (h) State licensed residential care facility.
- (i) Congregate living facility, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facility, traditional housing and emergency housing.
- (j) Bed and breakfast home, when accessory to a single-family dwelling.
- (k) Community center.
- (l) Recreational facility, indoor.
- (m) Recreational facility, outdoor.
- (n) Single-family dwelling, when accessory to a commercial use.
- (o) Food service, limited (coffee shop/deli).
- (p) Hospital.
- (q) Museum/gallery.
- (r) Retail sales, not exceeding 2,500 square feet in area.
- (s) Hotel or motel.
- (t) Fences greater than six feet in height.
- (u) Brewer taproom, not exceeding 2,000 barrels of malt liquor a year.
- (v) Brew pub, not exceeding 2,000 barrels of malt liquor a year.

SECTION 2:

Chapter 9.110, (D) (3), City Code of 2005, shall hereafter read as follows, to wit:

(3) *Conditional uses.* Except as specifically limited herein, the following uses may be allowed in the LB, Limited Business District, subject to the regulations set forth for conditional uses in § 9.104, Administration and Enforcement, and the regulations for specific uses set forth in § 9.107, Specific Development Standards:

- (a) School, vocational or business.
- (b) School, performing/visual/martial arts.
- (c) Licensed day care facility, child or adult.
- (d) Government maintenance facility.
- (e) State licensed residential care facility.
- (f) Congregate living facility, including rooming houses, group living quarters, nursing homes, senior housing, assisted living facility, traditional housing and emergency housing.
- (g) Bed and breakfast home, when accessory to a single-family dwelling.
- (h) Community center.
- (i) Recreational facility, indoor.
- (j) Recreational facility, outdoor.
- (k) Single-family dwelling, when accessory to a commercial use.
- (l) Food service, limited (coffee shop/deli).
- (m) Hospital.
- (n) Museum/gallery.
- (o) Retail sales, not exceeding 2,500 square feet in area.
- (p) Hotel or motel.
- (q) Fences greater than six feet in height.
- (r) Brewer taproom, not exceeding 2,000 barrels of malt liquor a year.
- (s) Brew pub, not exceeding 2,000 barrels of malt liquor a year.