

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
JULY 23, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday July 23, 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 7:02 p.m.

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

Also Present: Kelli Bourgeois Human Resources Director/Assistant City Manager, Jim Hoeft; City Attorney, Kevin Hansen; Public Works Director, Joe Hogeboom; Community Development Director, Gary Gorman; Fire Chief, Erik Johnston; Police Captain, and Katie Bruno; City Clerk/Council Secretary

2. INVOCATION

Invocation provided by Matt Hinton, Heights 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 Novitsky to approve the agenda as presented. 4 Ayes, 0 Nays; Motion Carried.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

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 July 9, 2018

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

MOTION: Move to approve the items listed for rental housing license applications for July 23, 2018, in that they have met the requirements of the Property Maintenance Code.

C. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for July 23, 2018.

D. 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 \$1,639,459.89.

Motion by Councilmember Buesgens seconded by Councilmember Novitsky to approve the Consent Agenda as presented. 4 Ayes, 0 Nays; Motion Carried.

8. PUBLIC HEARINGS**A. Consideration of declarations of nuisance and abatement of violations within the City of Columbia Heights is requested regarding the properties at 4931 Jackson Street NE, 2103 Fairway Drive NE, and 4441 Central Avenue NE, for failure to meet the requirements of the Residential Maintenance Code.**

Fire Chief Gary Gorman reported the property at 4931 Jackson Street has various issues causing hazardous conditions. The City has been working with the homeowner for months, and will continue to do so. The property at 2103 Fairway Drive needs the address numbers attached to the house, painting, and the railing on the front step requires repairs. The property at 4441 Central Avenue requires repairs to the front steps.

Mayor Schmitt questioned the plans for 4931 Jackson St. Community Development Director Joe Hogeboom indicated the property will need to be cleaned in order to allow for the next inspection, scheduled for August.

Motion by Councilmember Buesgens seconded by Councilmember Murzyn, Jr. to close the public hearing and to waive the reading of Resolution Numbers 018-44 – 2018-46, there being ample copies available to the public. 4 Ayes, 0 Nays; Motion Carried.

Motion by Councilmember Buesgens seconded by Councilmember Murzyn, Jr. to adopt Resolution Numbers 2018-44, 2018-45, and 2018-46, being resolutions of the City Council of the City of Columbia Heights declaring the properties listed a nuisance and approving the abatement of violations from the properties pursuant to City Code section 8.206. 4 Ayes, 0 Nays; Motion Carried.

9. ITEMS FOR CONSIDERATION**A. Other Ordinances and Resolutions****First Reading of Ordinance No. 1650, an ordinance amending City Code of 2005 relating to Public Nuisances Affecting Peace and Safety**

Community Development Director Joe Hogeboom explained that the proposed ordinance adds language to the "Public Nuisance" section of City Code, which would allow the City to implement the Abatement process for: "Structures or other physical property damaged by natural disasters, fire, decay, civil unrest, vegetation, neglect or accident." In the event of future unforeseen tragedies that cause major structural damage, this ordinance will allow the City to intervene sooner and more expediently implement mitigation measures.

Motion by Councilmember Buesgens seconded by Councilmember Murzyn, Jr. to waive the reading of Ordinance No. 1650, there being ample copies available to the public. 4 Ayes, 0 Nays; Motion Carried.

Motion by Councilmember Buesgens seconded by Councilmember Novitsky to set the second reading of Ordinance No. 1650, being an ordinance amending City Code of 2005 relating to Public Nuisance Affecting

Peace and Safety, for August 13, 2018 at approximately 7:00 P.M. in the City Council Chambers. 4 Ayes, 0 Nays; Motion Carried.

B. Bid Considerations

Adopt Resolution 2018-49 Being a Resolution Accepting Bids and Awarding a Contract for 2018 State Aid Street Rehabilitation and Sidewalk Improvement, City Project 1805.

Public Works Director Kevin Hansen reported Project 1805 includes two segments:

1. Main Street NE from 37th Avenue to 40th Avenue

Construction consists of minor utility replacement/repair, spot curb and gutter replacement, and fullwidth mill with 3" bituminous overlay.

2. 37th Avenue NE from Main Street to 5th Street

Construction consists of new storm sewer from Huset Parkway to 5th Street, other minor utility replacement/repair, spot curb and gutter replacement, new sidewalk from 3rd Street to University Avenue and from Huset Parkway to 5th Street, new pedestrian ramps, and edge mill with 2" bituminous overlay.

Hansen stated that Project funding will be provided by assessments, City of Minneapolis JPA (south side of 37th Avenue), State Aid funds, Storm Sewer and other utility funds.

Motion by Councilmember Buesgens seconded by Councilmember Murzyn, Jr. to waive the reading of Resolution 2018-49, there being ample copies available to the public. 4 Ayes, 0 Nays; Motion Carried.

Motion by Councilmember Buesgens seconded by Councilmember Novitsky to adopt Resolution 2018-49 being a resolution accepting bids and awarding the 2018 State Aid Street Rehabilitation and Sidewalk Improvement, City Project 1805, to Astech Corporation of St. Cloud, Minnesota, based upon their low, qualified, responsible bid in the amount of \$711,836.05 with \$86,815.00 from City of Minneapolis, \$167,700 from Fund 415-51805, \$293,089.05 from Fund 402-43191, \$101,843.00 from Fund 653-49699, \$34,684.00 from Fund 601-49430, and \$27,705.00 from Fund 602-49450; and, furthermore, to authorize the Mayor and City Manager to enter into a contract for the same. 4 Ayes, 0 Nays; Motion Carried.

C. New Business and Reports

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Buesgens attended the Planning Commission meeting; Hy-Vee's convenience store was approved, and construction is expected to begin in October. Buesgens attended the school bond kick-off event, the Met Council transportation committee meeting; she participated in a ride along with the fire department's inspections department, and attended the Met Council housing and economic development committee meeting.

Councilmember Murzyn, Jr. attended Coffee with a Cop at the Legends. He announced a dedication for Nawrocki Park is scheduled for July 25th.

Mayor Schmitt thanked all who came to the recent candidate forum.

Human Resources Director/Assistant City Manager Kelli Bourgeois announced the Nawrocki Park dedication will take place prior to the Park & Recreation Commission meeting on July 28th.

Bourgeois announced the Police Department has received the International Association of Police Chiefs 2018 Leadership in Community Award, the City of Peace Neighborhood Center was a key component in the award.

11. COMMUNITY FORUM

DeWayne Morrell-4212 Reservoir Blvd requested that the Council consider installing a stop sign at Reservoir and 42nd. Director Hansen suggested Mr. Morell submit a request to the Traffic Commission for review. Mr. Morrell stated his dissatisfaction with the length of time Councilmember Williams has spent bringing his overflow lot into compliance, and requested Councilmember Williams resign from office. Director Hansen indicated that plans for the site are currently being reviewed.

Joyce Meyer 4933 Jackson St explained to the council that she has been working on cleaning her property, and she is trying to hire a contractor. Mayor Schmitt suggested she continue to work with Chief Gorman and Director Hogeboom.

Suad Isse – 4025 University Ave NE spoke to the council regarding complaints against the daycare located at the property. Director Hogeboom clarified that a Public Hearing is scheduled for August 8th.

12. ADJOURNMENT

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to adjourn. 4 Ayes, 0 Nays; Motion Carried.

Meeting adjourned at 7:47 p.m.



Respectfully Submitted,
Katie Bruno, Council Secretary/City Clerk

Resolution 2018-44

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 Joyce E. Meier (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4931 Jackson Street 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 June 29, 2018.

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 8, 2018, the fire department was called to the property for water leaking in the basement.

2. That on May 9, 2018, the property was declared uninhabitable by the Building Official, who provided instructions with a timeline for corrections and a due date of June 1, 2018.
3. That on June 4, 2018, Community Development initiated assistance to the owner of record with contacting restoration companies, providing a list of five (5) companies with contact information.
4. That on June 29, 2018, quotes for service were provided, hand delivered and mailed to the owner of record with a July 9, 2018 deadline to provide signed contract information.
5. 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. Hazardous condition still exists.

6. 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 4931 Jackson 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 4931 Jackson 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.

Resolution 2018-45

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 Naomi C. Reeves (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 2103 Fairway Drive 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 June 7, 2018.

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 1, 2018, 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 June 6, 2018, 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 3, 2018, 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 install contrasting address numbers on garage.
 - b. Shall paint/seal trim on garage overhead door.
 - c. Shall repair front steps.
 - d. Shall repair side steps and railing.
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 2103 Fairway Drive 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 2103 Fairway Drive 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.

Resolution 2018-46

approving abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by Jessica Lee Larson (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4441 Central Avenue 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 June 25, 2018.

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 16, 2018, 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 June 22, 2018, 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 10, 2018, 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 repair/replace deteriorating front steps.
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 4441 Central Avenue 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 4441 Central Avenue 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.

Resolution 2018-49

A resolution of the City Council for the City of Columbia Heights, Minnesota,
WHEREAS, pursuant to an advertisement for bids for City Project No. 1805, 2018 State Aid Street Rehabilitation and Sidewalk Improvement, three 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

Astech Corporation \$ 711,836.05

Bituminous Roadways, Inc. \$ 714,053.40

North Valley, Inc. \$ 771,018.57

It appears that Astech Corporation of St. Cloud, 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 Astech Corporation in the name of the City of Columbia Heights, for 2018 State Aid Street Rehabilitation and Sidewalk Improvement, City Project No. 1805, 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 Project 1805, shall be funded with City of Minneapolis JPA, Assessment, State Aid, Storm Sewer, Sanitary Sewer, Water, and General Funds.

ORDINANCE NO. 1650

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO PUBLIC NUISANCE STRUCTURES

The City of Columbia Heights does ordain:

SECTION 1:

§ 8.204 Public Nuisances Affecting Peace and Safety.

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(T) Structures or other physical property damaged by natural disasters, fire, decay, civil unrest, vegetation, neglect or accident.

~~(T)~~(U) All other conditions or things which are likely to cause injury to the person or property of anyone.