

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
AUGUST 27, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday, August 27, 2018 in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, Minnesota

1. CALL TO ORDER/ROLL CALL

Mayor Schmitt called the meeting to order at 7:04 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; Gary Gorman, Fire Chief; Kevin Hansen, Public Works Director; Ben Sandell, Communications Coordinator; and Katie Bruno, City Clerk/Council Secretary

2. INVOCATION

Invocation provided by Bob Lyndes, Crestview Senior Communities

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

Mayor Schmitt announced the following changes to the agenda:

The addition of Item 6B, Flag Retirement.

Consent Item J, the correct year is 2018.

8B-Resolution 2018-60 (3927 Reservoir Blvd.) is to be removed; the property has come into compliance.

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

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. City Council Letter of Support to the Northeast Minneapolis Arts District for an Update to the Northeast Arts Action Plan

Margo Ashmore, representing the Northeast Art District explained to the council that this is an opportunity for the City to offer support for an Arts District Plan. Ms. Ashmore clarified that there is no monetary request being made. An Art Plan was last approved in 2003, about ½ of the 24 objectives have been implemented.

Ashmore announced a photo contest will be taking place through October 1st. This is being sponsored by the Public Arts Committee.

Mayor Schmitt expressed concern with the letter bearing her signature which was included in the packet; stating she did not write or review the letter. Councilmember Novitsky was also concerned about this, and requested time to approve the 2003 plan. Ms. Ashmore explained the letter was provided to the city as a draft. Buesgens commented that the 2003 plan is outdated, and tonight's request is to offer support for the updated plan, which she is in support of.

Motion by Mayor Schmitt, seconded by Councilmember Novitsky to table the tem until the next meeting in September. 3 Ayes, 2 Nays, Motion Carried. Ayes: Schmitt, Novitsky and Murzyn, Jr. Nays: Buesgens and Williams

B. Announcement of Flag Retirement Ceremony

Jerry Wegscheid representing VFW Post 230 announced there will be a Flag Retirement service on Saturday, September 8th at 9:00 AM. Mr. Wegscheid requested a ceremony be scheduled for the second Saturday of September annually. Fire Chief Gary Gorman agreed that would be a good idea.

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 August 13, 2018

B. Accept Board & Commission Meeting Minutes

MOTION: Move to accept the Traffic Commission from June 4, 2018.

MOTION: Move to accept the Planning Commission from July 10, 2018.

C. 2018 Capital Equipment Replacement: F-450 1-Ton Dump Truck

MOTION: Move to authorize the purchase of one new 2018 Ford F450 Super Duty 1-ton truck off the State of Minnesota purchasing contract from Midway Ford of Roseville, MN in the amount of \$23,447.75 (includes \$11,000 trade-in); and dump box and lighting package from Aspen Equipment in the amount of \$28,257 for a total purchase price of \$51,704.75, plus sales tax. Funding shall be split equally from the Sewer and Water Capital Equipment funds 432-49449-5150 and 433-49449-5150.

D. 2018 Capital Equipment Replacement: F-350 1-Ton Truck with Utility Box

MOTION: Move to authorize the purchase of one new 2018 Ford F350 Super Duty 1-ton truck off the State of Minnesota purchasing contract from Midway Ford of Roseville, MN in the amount of \$29,874.75; and utility box and lighting package from Aspen Equipment in the amount of \$17,384 for a total purchase price of \$47,258.75, plus sales tax. Funding shall be provided from the Central Garage Capital Equipment fund 434-49950-5150.

E. Approval to Purchase a Sewer Televising Camera and Transport

MOTION: Move to authorize the purchase of one new Cues sewer televising camera from Hydro-Klean in the amount of \$22,306; and transport in the amount of \$18,193 for a purchase price of \$40,499. Funding shall be provided from funds 432-49449-5180 and 438-49650-5180.

F. Establish Date for 2018 Public Special Assessment Levy Hearing for: Seal Coat, MSAS Mill and Overlay, Petition and Waiver, and Delinquent Accounts

MOTION: Move to establish Monday, October 1, 2018 at 6:00 p.m. as the Public Special Assessment Levy Hearing for City Project #1701 Zone 2A Seal Coat, to be held in the City Council Chambers.

MOTION: Move to establish Monday, October 1, 2018 at 6:15 p.m. as the Public Special Assessment Levy Hearing for City Project #1705 MSAS Mill and Overlay, to be held in the City Council Chambers.

MOTION: Move to establish Monday, October 1, 2018 at 6:30 p.m. as the Public Special Assessment Levy Hearing for City Project #1805 MSAS Mill and Overlay, to be held in the City Council Chambers.

MOTION: Move to establish Monday, October 1, 2018 at 6:45 p.m. as the Public Special Assessment Levy

Hearing for Delinquent Accounts, to be held in the City Council Chambers.

G. Final Compensating Change Order and Final Payment for Zone 2a Seal Coat

MOTION: Move to approve the final compensating change order and accept the work for 2018 Seal Coat, City Project No. 1701 (Zone 2A), and authorize final payment of \$77,486.944 to Pearson Bros, Inc. of Hanover, Minnesota.

H. Final Compensating Change Order and Final Payment for 2017 Water Main Construction and 2017 Water Main, Hydrant, and Gate Valve Construction, Project Nos. 1703 and 1710

MOTION: Move to approve the final compensating change order and accept the work for 2017 Water Main Construction and 2017 Water Main, Hydrant, And Gate Valve Construction, City Project Numbers 1703 and 1710, and authorize final payment of \$41,727.14 to Northdale Construction Company, Inc. of Albertville, Minnesota.

I. Approval to accept Bid to Tear-Off and Reroof Pump Station #3

MOTION: Move to award the tear-off and reroof of Pump Station #3 to Central Roofing Company of Fridley, MN based on their low, qualified responsible bid in the amount of \$ 29,600 with funds to be appropriated from Fund 601-49430-5120; and, furthermore, to authorize the Mayor and City Manager to enter into a contract for the same.

J. Approve the purchase of a 2018 Braun Chief XL Ambulance

MOTION: Move to approve the purchase of a 2018 Braun Chief XL ambulance from North Central Emergency Vehicles for the bid price of \$207,983, and approve a graphics package for the vehicle up to \$3000.00.

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

MOTION: Move to approve the items listed for rental housing license applications for August 27, 2018, in that they have met the requirements of the Property Maintenance Code.

L. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for August 27, 2018.

M. 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 \$870,002.81.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to approve the consent agenda as presented. 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 properties at 4250 4th Street NE and 4924 Tyler Street NE for failure to meet the requirements of the Residential Maintenance Code.

Fire Chief Gary Gorman reported that the property at 4520 40th St has a dead tree that has fallen. The property at 4924 Tyler St has a driveway that is deteriorating.

DeWayne Morrell-4212 Reservoir Blvd. questioned why a tree at the vacant lot on McLeod is not being taken care of. Chief Gorman said he will look into it.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to close the public hearing and to waive the reading of Resolution Numbers 2018-56 and 2018-57, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to adopt Resolution Numbers 2018-56 and 2018-57, 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. All Ayes, Motion Carried

B. Consideration of revocation of the licenses to operate rental units within the City of Columbia Heights is requested against the rental properties at, 4518/20 Fillmore Street, and 4521 Madison Street, for failure to meet the requirements of the Residential Maintenance Codes.

Fire Chief Gary Gorman reported that the property 4518/4520 Fillmore St has not submitted their Rental Application and applicable fees. The property at 4521 Madison St has not scheduled an inspection with the Building Official.

Motion by Councilmember Williams, seconded by Councilmember Murzyn, Jr. to close the public hearing and to waive the reading of Resolution Numbers 2018-61- 2018-62, being ample copies available to the public. All Ayes, Motion Carried

Motion by Councilmember Williams, seconded by Councilmember Buesgens to adopt Resolution Numbers 2018-61 – 2018-62, being Resolutions 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 licenses listed. All Ayes, Motion Carried

C. Adopt Resolution for Emergency Abatement, 5050 Central Ave.

Fire Chief Gary Gorman reported that the parking lot behind Super America and Wendy's was in serious disrepair. The lot has been repaired and will be inspected later in the week.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to close the public hearing and to waive the reading of Resolution 2018-53, there being ample copies available to the public. All Ayes, Motion Carried

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr. to adopt Resolution Number 2018-53, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the emergency abatement of violations from the property pursuant to City Code section 8.206. All Ayes, Motion Carried

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

B. Bid Considerations

C. New Business and Reports

10. ADMINISTRATIVE REPORTS

Councilmember Buesgens attended the MWMO Citizen Advisory Committee, the Met Council Transportation Committee, and the Met Council Housing & Economics Committee. Buesgens reported 500 people have shown interest in the Grand Central Lofts apartments. HeightsNEXT will be partnering with the City's Public Works department to offer a Fix-it Clinic on October 6th.

Mayor Schmitt met with the St. Paul Association of Realtors, who would like to work with the City on a training event for Realtors, and to work with City Staff. Mayor Schmitt attended the Columbia Heights School District luncheon for new staff members.

City Manager Walt Fehst reported that the recent abatement on Jackson Street is complete, and the City is working with Anoka County to assist the resident. Mayor Schmitt commented that Sergeant Monberg has done an excellent job throughout this process.

Fehst announced various transportation options for people to get to the SACA Food Shelf.

The City's Manager 2019 Budget Message and Summary were sent to the council on the preceding Friday. The upcoming budget meeting schedule was announced.

Mayor Schmitt asked for an update on Keyes Park. Director Hansen reported construction is complete, with the exception of a couple of minor items. Hansen indicated the field will be ready for use next summer.

11. CITIZENS FORUM

Dewayne Morrell-4212 Reservoir Blvd. suggested the City consider hiring a special prosecutor to investigate the possibility of preferential treatment by Senior Staff members regarding the impound lot operated by Bobby & Steves. Morrell also questioned why a contract with another towing company was terminated.

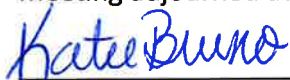
City Attorney Jim Hoeft explained the towing company in question violated the police departments chain of custody protocol.

Mr. Morrell stated he is not in favor changing the oversight of the Police Department from the Mayor to the City Manager.

12. ADJOURNMENT

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

Meeting adjourned at 8:03 p.m.



Respectfully Submitted,
Katie Bruno, City Clerk/Council Secretary

RESOLUTION 2018-53

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

Whereas, the owner of record is the legal owner of the real property located at 5050 Central Avenue N.E. Columbia Heights, Minnesota.

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 August 14, 2018 the City of Columbia Heights responded to a complaint at the address listed above. Inspection determined that the parking lot/driveway was damaged and unsafe.
2. That on August 14, 2018 the Fire Chief had his designee order City Of Columbia Heights Public Works Department repair unsafe potholes and conditions.
3. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist and have been abated, to wit:

A. Approve the emergency abatement of the hazardous situation located at 5050 Central Avenue N.E.

CONCLUSIONS OF COUNCIL

1. That the property located at 5050 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 the emergency abatement of the hazardous situation located at 5050 Central Avenue N.E. is hereby approved.

ORDER OF COUNCIL

1. The property located at 5050 Central Avenue N.E. constitutes a nuisance pursuant to City Code.
- 2.

RESOLUTION NO. 2018-56

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 Crystal J. Haynes (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4250 4th 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 July 26, 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 June 22, 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 July 25, 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 August 15, 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. Per the City Forester, it is required to remove the dead tree (and all of the tree stump(s)) in the front yard to within 2-4 inches below ground level.

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 4250 4th 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 4250 4th 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 NO. 2018-57

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 Maria Elvia Lema (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4924 Tyler 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 July 10, 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 August 8, 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 10, 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 August 15, 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 driveway.

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 4924 Tyler 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 4924 Tyler 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 NO. 2018-61

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 Ahmed Abdelhakeem (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 4518/20 Fillmore Street 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 27, 2018 of a public hearing to be held on August 27, 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 June 26, 2018, 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 July 26, 2018, 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 August 10, 2018, 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 clean gutters on building.
 - b. Shall scrape and paint garage trim/window trim.
 - c. Shall submit rental renewal application and fee.
 - d. Shall submit reinspection/late fees.
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 F16368 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. 2018-62

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 Juan Carlos Lema Sinchi (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 4521 Madison Street NE, 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 18, 2018 of an public hearing to be held on August 27, 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 or about June 25, 2018, inspection office staff sent a letter requesting the owner of the property complete the rental licensing process by scheduling an inspection with the Building Official.
2. That on July 18, 2018, inspection office staff reviewed the property file and noted that the property remained unlicensed. A Statement of Cause was mailed by regular mail to the owner at the address listed in the property records.
3. 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. Failure to schedule a rental license inspection with the Building Official.
4. 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 UNLIC-2018 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