

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
SEPTEMBER 10, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday, September 10, 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; Elizabeth Hammond, City Planner; Keith Dahl, Economic Development Manager; 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 Williams, seconded by Councilmember Buesgens to approve the agenda as presented. All Ayes, Motion Carried.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Constitution Week Proclamation

Mayor Schmitt read the Proclamation, designating September 17th through 23rd as Constitution Week.

B. Medicare Education Week Proclamation

Mayor Schmitt read the Proclamation, designating September 15 through 21 as National Medicare Education Week. She will be attending a presentation scheduled for September 18th at Murzyn Hall.

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 G be removed for clarification.

A. Approve Minutes of the City Council

MOTION: Move to approve the minutes of the City Council meeting of August 27, 2018

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

B. Accept Board & Commission Meeting Minutes

MOTION: Move to accept the Economic Development Authority minutes from August 6, 2018.

MOTION: Move to accept the Library Board minutes from August 1, 2018.

C. Request to Purchase Speed Enforcement Equipment

MOTION: Move to authorize the purchase of the following items from Stalker Radar for the purpose of speed enforcement and communication:

-A new speed trailer in the amount of \$7,588, and

-A speed data collection device in the amount of \$1,990,

-An Electronic Message Trailer in the amount of \$14,924, purchase to be split with Public Works

Total cost of the purchase is \$17,040.

D. City Of Peace Neighborhood Center Facility Use Moratorium

MOTION: Move to place a moratorium on the rentals of the City of Peace Neighborhood Center until a new policy is developed.

E. Consideration of Resolution 2018-66, Amending the 2019 Water Supply Rates Set by Resolution 2015.98.

MOTION: Move to waive the reading of Resolution 2018-66, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-66, being a resolution amending the 2019 water supply rates set by Resolution 2015-98.

F. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for September 10, 2018.

G. Review of Bills **Removed for clarification*

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky to approve the consent agenda items A, B,C, D, E, and F as presented. All Ayes, Motion Carried.

The following item was removed for clarification:

G. Review of Bills

Mayor Schmitt had a question related to a payment to the City of Fridley for the Home & Garden show. Keith Dahl, Economic Development Manager explained that the City has participated in the Home & Garden Show for a few years, and due to lack of sponsorship the portion the cities have been asked to pay is greater than expected. The City is planning a local City Expo and Town Hall Meeting in March of 2019.

Motion by Councilmember Novitsky, seconded by Councilmember Williams to 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 \$749,397.33. All Ayes, Motion Carried

8. PUBLIC HEARINGS

A. Resolution No. 2018-64, approving variances for the property located at 685 49th Ave NE

Elizabeth Hammond, City Planner reported that the property owner has requested a Variance to the front and side yard setbacks for the subject property. Currently, there is a one car attached garage on the property. The current garage is in disrepair and the property owners wish to remove the existing garage and replace it with a new two car attached garage. The Planning Commission voted

unanimously to recommend that the City Council approve the requested variance to allow for the proposed garage to be constructed.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to waive the reading of Resolution No. 2018-64, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to approve Resolution No. 2018-64, as presented. All Ayes, Motion Carried.

B. First reading of Ordinance No. 1651, being an ordinance amending City Code of 2005 relating to zoning and land development, and removing the planning and zoning fee schedule from the zoning code.

Elizabeth Hammond, City Planner reported that Staff is recommending a Zoning Text Amendment, to remove the fee schedule chart currently displayed in City Code, Section 9.104. The way the Zoning Code is set up currently, when a fee is changed by the City Council, staff must bring an ordinance to the Planning Commission and then to the City Council for approval, as this action is technically amending the literal language (the fee chart) in the code. Alternatively, staff has added language to the code referencing that the Community Development Department will keep a record of the current fees. Removing this chart will ultimately save staff time going forward, and lessens the likelihood that outdated fees are left in the Zoning Code. In addition, it will save money on publication fees associated with ordinance changes.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Ordinance No. 1651, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to approve the ordinance on first consideration and set the second reading of Ordinance No. 1651, for September 24th, 2018 at approximately 7:00 P.M. in the City Council Chambers at the Columbia Heights City Hall. All Ayes, Motion Carried.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

a. Approval Consideration of Resolution 2018-65, a Resolution Approving the Entering into of an Agreement and Grant License with Certain Property Owners

Keith Dahl, Economic Development Manager reported that in a collaborative effort between the City of Columbia Heights, the Police Department and the EDA, a Facade Improvement Grant Program was offered to businesses and commercial property owners along Central Ave. The intent of the Grant Program was to encourage businesses and commercial property owners to revitalize, rehabilitate, and restore their existing store fronts, but also for the CHPD to provide monitored surveillance along Central Ave with the installation of security cameras at selected grantee locations.

Each individual grantee is required to enter into an agreement and grant license with the City since the CHPD desires to retain ownership of these exterior surveillance systems for the next ten years. The agreement will allow the CHPD to install security cameras on the exterior of the primary structure; install recording equipment inside of the primary structure in a locked and secured location to prevent destruction or tampering; and allow for annual maintenance inspections for a period of ten years.

Currently, the CHPD is in the process of obtaining proposals from security consultants to provide the design and installation services of the exterior surveillance systems.

Councilmember Buesgens questioned if the cameras will be installed in alleys. Dahl indicated that two of the businesses will have alley facing cameras. Buesgens asked what happens after the ten year contract is up. Dahl

stated that the cameras may not last more than ten years, and this will give the city an opportunity to reevaluate the program.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to waive the reading of Resolution 2018-65, there being ample copies available to the public. All Ayes, Motion Carried.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to adopt Resolution 2018-65, a resolution of the City Council for the City of Columbia Heights, Minnesota, approving the entering into of that certain Agreement and Grant of License with various property owners. All Ayes, Motion Carried.

B. Bid Considerations

C. New Business and Reports

10. ADMINISTRATIVE REPORTS

Councilmember Novitsky attended Cuts with a Cop, Coffee with a Cop, and the very informative North Metro Chamber meeting. The VFW Flag Retirement ceremony was well attended. Novitsky, along with the Boosters participated in tailgating prior to the high school football game.

Councilmember Murzyn, Jr. attended the swearing in ceremony for Police Officer Thomas Hall, and the VFW Flag Retirement ceremony.

Councilmember Buesgens attended the League of Minnesota Cities Local Economy Committee, and Fiscal Futures Committee. She also attended Cuts with a Cop, the swearing in of Officer Thomas Hall, and an MWMO meeting.

Mayor Schmitt was at Columbia Heights High School to welcome students on the first day. She also attended the MWMO meeting. A plaque was sent over to our Sister City, Lomianki from the City of Columbia Heights in honor of Poland's Centenary of regaining independence.

City Manager Walt Fehst reminded the Council of a Library Fundraiser on September 12th at Murzyn Hall. He announced a Candidate Forum is scheduled for Thursday, September 20th.

11. COMMUNITY FORUM

12. ADJOURNMENT

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

Meeting adjourned at 7:35 p.m.



Respectfully Submitted,
Katie Bruno, City Clerk/Council Secretary

RESOLUTION NO. 2018-64

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving Variances for the property located at 685 49th Ave. NE.

Whereas, a proposal (Case # 2018-0901) has been submitted by Ivan and Randeelyn Clauson to the City Council requesting variances from the City of Columbia Heights Zoning Code at the following location:

ADDRESS: 685 49th Ave. NE. (PID 26-30-24-13-0004)

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING RELIEF:

1) Waiver to Section 9.109 (C)-allowing an attached accessory structure to be located 20.5' feet from the front (east) property line.

2) Waiver to Section 9.109 (C)-allowing an attached accessory structure to be located 4.4' feet from the side (north) property line.

Whereas, the Planning Commission has held a public hearing as required by the City Zoning Code on September 5, 2018;

Whereas, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concern related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area;

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

(a) Because of the particular physical surroundings, or the shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.

(b) The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classification.

(c) The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.

(d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

(e) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

RESOLUTION NO. 2018-65

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COLUMBIA HEIGHTS, MINNESOTA, APPROVING THE

ENTERING INTO OF THAT CERTAIN AGREEMENT AND GRANT OF LICENSE WITH VARIOUS PROPERTY OWNERS.

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

WHEREAS, the Columbia Heights Economic Development Authority (the “EDA”) and the City have collaborated to create a certain Façade Improvement Grant Program (the “Program”); and

WHEREAS, pursuant to guidelines established for the Program, the EDA is to award and administer a series of grants to eligible commercial property owners and/or tenants for the purposes of revitalizing existing store fronts, increasing business vitality and economic performance, and decreasing criminal activity along Central Avenue Northeast, in the City’s Central Business district; and

WHEREAS, pursuant to the Program, the City is to coordinate a surveillance camera monitoring program by placing surveillance cameras on some of the storefronts that are part of the Program for the purposes of improving public safety in and around the Central Business District.

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

FINDINGS OF FACT

1. The Program guidelines have been reviewed and approved by both the City and the EDA and the guidelines are tailored to fulfill the objectives set forth in such guidelines.
2. The Agreement and Grant of License with various property owners (the “License Agreement”) is necessary for the placement, use, and maintenance of the security cameras, as contemplated under the Program guidelines, and the License Agreement, as presented to the Council on the date of this resolution, is in acceptable form, on advice of the City attorney.
3. In order to implement and carry on the Program, City staff will be required to secure the agreement of various property owners to the License Agreement, and City police personnel will be required to carry on the surveillance activities described in the License Agreement.

NOW THEREFORE, BE IT RESOLVED, that the Council hereby makes the following:

ORDER OF COUNCIL

1. The Council hereby approves the form and substance of the License Agreement, and approves of the City entering into the License Agreement with various property owners, as recommended by City staff in accordance with the Program guidelines.
2. The Council hereby authorizes and directs Donna Schmitt, as Mayor, and Walter Fehst, as City Manager, to execute and deliver each License Agreement on behalf of the City.

The Council hereby authorizes Donna Schmitt, as Mayor, and Walter Fehst, as City Manager, to take such other action as is necessary on behalf of the City to carry out the purposes of the foregoing resolutions.

**RESOLUTION NO. 2018-66
A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF COLUMBIA HEIGHTS, MINNESOTA,
AMENDING THE 2019 WATER SUPPLY RATES SET BY RESOLUTION 2015-98.**

Whereas, the rates for water, sanitary sewer, storm sewer, refuse , and recycling services, billed on or after January 1, 2019, by the City of Columbia Heights were established by resolution 2015-98; and

Whereas, based on current estimates, the rates established by resolution 2015-98 for water services billed on or after January 1, 2019, are not sufficient to meet the necessary operating and infrastructure costs of the City’s water utility fund;

Now, therefore, in accordance with the foregoing and with M.S. 103G.29 and 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 2019 water supply rates stated in section 2 of resolution 2015-98 are amended to be as follows:

2. Water Supply Rates:

Customer Classification	Year 2019
<u>Residential Single Family</u>	
Fixed Fee	\$ 30.05
Tier 1 Per 1000 gallons	\$ 4.50
Tier 2 Per 1000 gallons	\$ 5.63
Water Meter Surcharge	\$ 3.00
 <u>Residential Multi-Family</u>	
Fixed Fee (Per Dwelling Unit)	\$ 30.05
Tier 1 per 1000 gallons	\$ 4.50
Tier 2 per 1000 gallons	\$ 5.63
 <u>Non-Residential Commercial</u>	
Fixed Fee (Based on Meter Size)	
Less than 1" Meter	\$ 30.05
1" Meter	\$ 60.12
1.5" Meter	\$ 75.16
2" Meter	\$ 120.24
3" Meter	\$ 270.53
4" or Larger Meter	\$ 480.94
Tier 1 per 1000 gallons	\$ 4.50
Tier 2 per 1000 gallons	\$ 5.63

BE IT FURTHER RESOLVED
resolution 2015-98 remain in force as originally adopted.

that all other rates set by

ORDINANCE NO. 1651

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO ZONING AND LAND DEVELOPMENT, AND REMOVING THE PLANNING AND ZONING FEE SCHEDULE FROM THE ZONING CODE.

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

SECTION 1:

§9.104 (c) (5), City Code of 2005, as it currently reads is amended as follows:

(5) Application fees. Fees for all applications for development or land use approval shall be a flat rate and established by resolution of the City Council. The city retains the right to require an escrow and additional payment for any out-of-pocket expenses for consultants and professional services and/or to obtain an escrow for cases that are extraordinary in size or complexity. Remaining escrowed funds not spent in reviewing the application shall be returned to the applicant. Payment of all fees is a condition of application approval. The fee schedule shall be:

<i>PLANNING AND ZONING FEE SCHEDULE</i>	
<i>Land Use Action</i>	<i>Flat Rate Fee</i>
Appeal	\$185
Comprehensive Plan Amendment	\$500
Conditional Use Permit	\$200
Preliminary Plat	\$500 + Escrow
Final Plat	\$100
Interim Use	\$250
Minor Subdivision (Lot Split)	\$275
Site Plan Review	\$250
Vacation	\$150
Variance	\$200
Zoning Amendment	\$500

SECTION 2:

Chapter 9.104, (c) (5), City Code of 2005, shall hereafter read as follows, to wit:

(5) Application fees. Fees for all applications for development or land use approval shall be a flat rate and established by resolution of the City Council. The city retains the right to require an escrow and additional payment for any out-of-pocket expenses for consultants and professional services and/or to obtain an escrow for cases that are extraordinary in size or complexity. Remaining escrowed funds not spent in reviewing the application shall be returned to the applicant. Payment of all fees is a condition of application approval. The Community Development Department will keep a record of current fees for all land use applications.

SECTION 3: This Ordinance shall be in full force and effect from and after 30 days after its passage.