

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
NOVEMBER 26, 2018**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday, November 26, 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 7:03 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; Kelli Bourgeois, Human Resources Director/Assistant City Manager; Kevin Hansen, Public Works Director; Lenny Austin, Police Chief; John Larkin, Assistant Fire Chief; 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 Buesgens, seconded by Councilmember Williams to approve the agenda as presented. All Ayes, 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 November 13, 2018

MOTION: Move to approve the minutes of the November 15, 2018; the reconvened November 13th City Council meeting

B. Authorize School Liaison Officer Contract with Columbia Heights School District

MOTION: Move to authorize the Mayor and Police Chief to enter into a Joint Powers agreement with Columbia Heights Public Schools for the provision of a Police School Liaison Officer program as stipulated in the Joint Powers Agreement for the period of January 1 through December 31, 2019.

C. Consideration of a resolution canceling the City Of Columbia Heights regular City Council Meeting scheduled for Monday December 24, 2018

MOTION: Move to waive the reading of Resolution No. 2018-94, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-94, being a Resolution canceling the City Council meeting scheduled for December 24, 2018

D. Consideration of Resolution establishing Precinct and Polling Locations for 2019 Election Year

MOTION: Move to wave the reading of Resolution No. 2018-87, there being ample copies available to the public.

MOTION: Motion to adopt Resolution No. 2018-87, establishing Precinct and Polling locations for 2019 Election Year.

E. Adopt Resolution 2018-90 Accepting the Feasibility Report for Concrete Alley Reconstruction and ordering the Public Improvement Hearing, City Project No. 1906

MOTION: Move to waive the reading of Resolution 2018-90, there being ample copies available for the public.

MOTION: Move to adopt Resolution 2018-90, being a resolution accepting the Feasibility Report for Concrete Alley Reconstruction, City Project No. 1906, and ordering the Public Improvement Hearing beginning at 6:00 p.m. on February 4, 2019.

F. Adopt Resolution 2018-91 Accepting the Feasibility Report For State Aid Street Rehabilitation Program and Ordering the Public Improvement Hearing, City Project No. 1907

MOTION: Move to waive the reading of Resolution 2018-91, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-91, being a resolution accepting the Feasibility Report for State Aid Street Rehabilitation Program, City Project No. 1907, and ordering the Public Improvement Hearing beginning at 6:30 p.m. on February 4, 2019.

G. Adopt a Pothole Repair Policy

MOTION: Move to approve and adopt a Pothole Repair Policy for the City of Columbia Heights

H. Resolution Adopting the 2018-2019 Snow and Ice Control Policy

MOTION: Move to waive the reading of Resolution No. 2018-86, there being ample copies available to the public.

MOTION: Move to approve and adopt Resolution No. 2018-86, being a resolution adopting the 2018-2019 Snow and Ice Control Policy for the City of Columbia Heights.

I. Approve Final Payment for HSIP Central Lighting – City Project No. 1608

MOTION: Move to accept the work for HSIP Central Lighting, City Project No. 1608, and authorize final payment of \$45,050.28 to Thomas & Son, Inc. of Rogers, Minnesota.

J. Final Compensating Change Order and Final Payment for 2017 State Aid Street Rehabilitation and Sidewalk Improvements (39th avenue) and 2017 State Aid Storm Sewer and Street Improvements (40th Avenue), Project Nos. 1705, 1706, and 1712

MOTION: Move to approve the final compensating change order in the amount of \$77,264.10, accept the work for 2017 State Aid Street Rehabilitation and Sidewalk Improvements (39th Avenue) and 2017 State Aid Storm Sewer and Street Improvements (40th Avenue), City Project Numbers 1705, 1706, and 1712, and authorize final payment of \$78,006.13 to Forest Lake Contracting, Inc. of Forest Lake,

Minnesota.

K. Final Payment for Sanitary Sewer Lining, Project 1704

MOTION: Move to accept the work for Sanitary Sewer Lining, City Project No. 1704, and to authorize final payment of \$6,643.02 to Hydro-Klean of Des Moines, Iowa.

L. Extension of GIS Range Rider Contract

MOTION: Move to approve a one-year extension to the GIS Joint Powers Agreement in the amount of \$23,700; and, authorize the Mayor and City Manager to enter into an agreement for the same.

M. Adopt Resolution 2018-92 Establishing Senior Citizens or Retired & Disabled Persons Hardship Special Assessment Deferral

MOTION: Move to waive the reading of Resolution No. 2018-92 there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2018-92, being a resolution establishing a new maximum income of \$35,700.00 for Senior or Retired and Disabled Persons to be eligible for special assessment deferral.

N. Adopt Resolution 2018-93 Updating Income Limit for Senior Citizen Utility Rates

MOTION: Move to waive the reading of Resolution 2018-93, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2018-93, being a resolution updating the income limit for senior citizen utility rates.

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

MOTION: Move to approve the items listed for rental housing license applications for November 26, 2018, in that they have met the requirements of the Property Maintenance Code.

P. Approve Business License Applications

MOTION: Move to approve the items as listed on the business license agenda for November 26, 2018.

Q. 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 \$1,216,281.88.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to approve the Consent Agenda as presented. All Ayes, Motion Carried.

8. PUBLIC HEARINGS

A. Consideration of revocation of the license to operate a rental unit within the City of Columbia Heights is requested against the rental property at 4408 Monroe Street NE for failure to meet the requirements of the Residential Maintenance Codes.

John Larkin, Assistant Fire Chief reported that while some of the issues have been resolved there are still numerous violations.

Motion by Councilmember Buesgens seconded by Councilmember Novitsky to close the public hearing and to waive the reading of Resolution Number 2018-89, being ample copies available to the public.

Motion by Councilmember Buesgens seconded by Councilmember Murzyn, Jr. to adopt Resolution Number 2018-89, being a Resolution of the City Council of the City of Columbia Heights approving

revocation pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(A) of the rental license listed.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

a. Consideration of City Manager Employment Agreement

City Manager Walt Fehst read his letter of resignation, and submitted it to the Mayor and Council. Fehst indicated his last day with the City will be December 31, 2018. Mayor Schmitt thanked Manager Fehst for his dedication over the years. A reception is planned for December 10th at 6:00 PM, prior to the scheduled City Council meeting. Councilmember Williams thanked Manager Fehst for his work in hiring Department Directors over the years.

Mayor Schmitt reviewed some of the key aspects of the employment agreement between the City and Kelli Bourgeois.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Resolution No. 2018-88, there being ample copies available to the public. All Ayes, Motion Carried.

Dewayne Morrell-4212 Reservoir Blvd expressed concern with the selection process. Mayor Schmitt indicated that because Bourgeois was a finalist in another city, the process was expedited. Morrell stated that he would have liked public notification of the appointment.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve Resolution No. 2018-88, authorizing an employment contract for the city manager position to Kelli Bourgeois. 4 Ayes, 1 Nay; Motion Carried. Ayes: Schmitt, Williams, Murzyn, Jr. and Buesgens. Nay: Novitsky.

B. Bid Considerations

C. New Business and Reports

10. ADMINISTRATIVE REPORTS

Councilmember Murzyn, Jr. announced Murzyn Hall will be hosting the Lions wrestling matches on November 30th.

Councilmember Williams complimented the updated City Newsletter. Manager Fehst thanked the council members for their decision to move from a black & white version to a color version. Fehst also thanked Communications Coordinator Ben Sandell for his work on the content and design of the newsletter.

Councilmember Buesgens thanked Manager Fehst for his service to the city, and wished him well in his retirement. Buesgens attended the Minnesota Climate adaption conference, the Columbia Heights High School band concert, and Columbia Heights Athletic Boosters fundraiser at Sarnas.

Mayor Schmitt attended an event at Elsie's in NE Minneapolis with the Kiwanis. Schmitt reported that there was a good turnout at Taste of Heights. She toured the recently opened Fridley civic campus.

City Manager Walt Fehst announced the Library is celebrating 90 years this year. An open house is scheduled on December 1st from 11-4 at the library. Councilmember Williams commented that he has heard positive comments regarding the new sign at the library.

11. COMMUNITY FORUM

Dewayne Morrell-4212 Reservoir Blvd requested the council invite a speaker in from the Mississippi Water Management Organization to speak at a council meeting about the problem of pollution. Morrell suggested that the city consider alternatives to the salt and sand used for ice control. Mr. Morrell again indicated his dissatisfaction with the recent selection process. Mayor Schmitt invited Mr. Morrell to meet with herself and Kelli Bourgeois to address his questions.

12. ADJOURNMENT

Motion by Councilmember Buesgens, seconded by Councilmember Williams to adjourn.

Meeting Adjourned at 7:54 p.m.



Respectively Submitted,
Katie Bruno, City Clerk/Council Secretary

RESOLUTION NO. 2018-86

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

WHEREAS, a Snow and Ice Control Policy has been developed and recommended by City staff; and

WHEREAS, adoption of said policy has been determined to be in the best interest of the City of Columbia Heights,

WHEREAS, the 2018-2019 Snow and Ice Control Policy establishes the procedures, locations, and equipment used for snow and ice control in the city of Columbia Heights.

Now, therefore, in accordance with the foregoing, and all ordinances and regulations of the City of Columbia Heights, the City Council of the City of Columbia Heights makes the following:

FINDINGS OF FACT

1. The City Council hereby approves and adopts a Snow and Ice Policy for the City of Columbia Heights.

RESOLUTION # 2018-87

RESOLUTION ESTABLISHING PRECINCT AND POLLING LOCATIONS FOR 2019
ELECTION YEAR

WHEREAS, Minnesota Statute 204B.16, subd. 1 requires the governing body of each municipality to designate by ordinance or resolution each year no later than December 31st, polling places for each election precinct; and

WHEREAS the polling places designated by resolution in December of each year are the polling places to be used for elections in the following calendar year.

NOW THEREFORE BE IT RESOLVED that the polling locations to be used for municipal precincts in calendar year 2019 are as follows:

Precinct 1	John P. Murzyn Hall	530 Mill St NE
Precinct 2	Immaculate Conception Church	4030 Jackson St NE
Precinct 3	Columbia Heights Library	3939 Central Ave NE
Precinct 4	Highland Elementary School	1500 49th Ave NE
Precinct 5	First Lutheran Church 1555	40th Ave NE
Precinct 6	Highland Elementary School	1500 49th Ave NE
Precinct 7	Valley View Elementary School	800 49th Ave NE
Precinct 8	Valley View Elementary School	800 49th Ave NE

BE IT FURTHER RESOLVED that the Columbia Heights City Council directs the clerk to make all necessary notifications and preparations for elections held in 2019 as required by MN Statute, Rule and Administrative Policy of the City.

RESOLUTION 2018-88

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

WHEREAS, the position of City Manager is anticipated to become vacant on December 31, 2018, due to the retirement of Walter Fehst; and

WHEREAS, at their November 15th, 2018 meeting the City Council made a contingent offer of the City Manager position to Kelli Bourgeois, current Human Resources Director / Assistant City Manager, which she accepted.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Columbia Heights does hereby appoint Kelli Bourgeois, City Manager, of the City of Columbia Heights, effective January 1, 2019, or the day following the current City Manager's last day of employment, whichever occurs last, under the following terms and conditions of employment:

1.POSITION.

Employer agrees to employ Employee as its City Manager. Employee agrees to serve as City Manager in accordance with State Statutes, City Charter, City ordinances and the Code of Ethics of the International and Minnesota City/County Management Associations, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

2.PENSION PLAN.

Employer shall contribute to PERA as required by State law for Employee or an alternate pension plan, if selected by Employee, authorized by State law.

3.DEFERRED COMPENSATION PLAN.

Employer shall contribute to a Deferred Compensation Plan, if selected by Employee, matching up to \$5,000 of the Employee's contribution.

4.SALARY.

Employer shall pay Employee a salary of \$140,000 per year starting January 1, 2019 or the day following the current City Manager's last day of employment, whichever occurs last. Employer and Employee agree that an initial performance review will be conducted by the City Council on Employee after six (6) months, 12 months and annually thereafter. The City Council agrees to consider up to a 2.5% increase in compensation to the Employee dependent upon the results of the 6 month and 12 month performance evaluations. If the City Council fails to do an annual review in a timely manner (one month from the anniversary of the start date), then the Employee will automatically receive a comparable increase as other management employees. The Cost of Living Adjustment (COLA) will be the same as enjoyed by other management employees.

5.SENIORITY. For purposes of employment benefits, personal days, to be used as sick leave, vacation leave, and the like, Employee will be credited with having completed four (4) years of employment with the City upon her first day of employment.

6.PAID TIME OFF.

Effective upon Employee's first day of employment, Employee shall be credited with thirty-two (32) paid time off (PTO) days to be used as sick leave, vacation and the like. A maximum of fifteen (15) days may be carried over into the new year. Effective upon Employee's first day of employment as City Manager, 80 hours of Employee's existing vacation bank will be transitioned over for use in 2019. Effective upon Employee's first day of employment as City Manager, all of Employee's existing sick leave bank will be put into a separate fund to be used in the future for an FMLA qualifying event. If Employee leaves employment with the City, any remaining sick leave balance will be paid into a Retirement Health Savings Account at the percentage payout based on overall years of service as outlined in the Personnel Policy.

7.HOLIDAYS.

Employer shall provide Employee the same holidays as enjoyed by other management employees.

8.GENERAL INSURANCE.

Employer shall provide Employee the same group hospital, medical, dental, life, HSA, and disability insurance benefits as provided to all other management employees.

9.DUES AND SUBSCRIPTIONS.

Employer shall budget and pay the professional dues and subscriptions for Employee which are deemed reasonable and necessary for Employee's continued participation in regional, state and local associations necessary and desirable for Employee's continued professional participation, growth and advancement.

10. PROFESSIONAL DEVELOPMENT.

Employer shall budget and pay necessary and reasonable registration, travel and subsistence expenses of Employee for professional and official travel, meetings and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other committees thereof which serves as a member. Employee shall use good judgement in her outside activities so she will not neglect her primary duties to the Employer.

11. CIVIC CLUB MEMBERSHIP.

Employer recognizes the desirability of representation in and before local civic and other organizations. Employee is authorized to become a member of such civic clubs or organizations as deemed appropriate by Employee and Employer; and at Employer's expense.

12. AUTOMOBILE.

Employee shall be paid a monthly allowance of \$200 a month for use of her personal automobile for Employee business within the seven (7) County Metro area, not including her commute to and from work. If she chooses to apply that allowance towards the use of a plug-in hybrid or a plug-in electric, she would be paid \$400 a month, with a proof of lease or ownership.

13. GENERAL EXPENSES.

Employer shall reimburse Employee reasonable miscellaneous job related expenses which it is anticipated Employee will incur from time to time when provided appropriate documentation.

14. HOURS OF WORK.

It is understood the position of City Manager requires attendance at evening meetings and occasionally at weekend meetings. It is understood by Employee that additional compensation and compensatory time shall not be allowed for such additional expenditures of time over and above her minimum of a forty (40) hour work week. It is further understood that Employee may absent herself from the office to a reasonable extent in consideration of extraordinary time expenditures for evening and weekend meetings at other than normal office hours.

15. TERMINATION BENEFITS.

In the event Employee is terminated by the Employer during such time that Employee is willing and able to perform the duties of City Manager, then in that event, Employer agrees to pay Employee at the time of receipt of her last paycheck a lump sum cash payment equal to the following: If within the first year of employment, three month's aggregate salary and continued Employer paid benefits as set forth in paragraph 8; for all years thereafter, six months' aggregate salary and continued Employer paid benefits as set forth in paragraph 8. However, in the event Employee is terminated at any time because of her malfeasance in office, gross misconduct, conviction for a felony, or conviction for an illegal act involving personal gain to Employee, then Employer shall have no obligation to pay the termination benefits.

If Employee voluntarily resigns her position with Employer, Employee agrees to give the Employer thirty (30) days advance notice. If Employee voluntarily resigns her position with Employer there shall be no termination pay due to Employee.

GENERAL CONDITIONS OF EMPLOYMENT.

16. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employer to terminate the services of Employee at any time, for any reason, subject only to the provisions of this Agreement and statutory and charter requirements. Furthermore, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign at any time from her position with Employer, subject only to the provisions of this Agreement and City Charter.

RESOLUTION NO. 2018-89

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 Brian D. O'Connell (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 4408 Monroe 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 October 25, 2018 of a public hearing to be held on November 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 September 18, 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 October 24, 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 November 14, 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 repair/replace rotted wood above window on north side (west window).
 - b. Shall replace screen with approved window screen in a workmanlike fashion (screen is currently stapled to wood).
 - c. Shall remove illegal/unapproved fencing.
 - d. Shall replace rotted fascia on south side porch eve.
 - e. Shall tuck point blocks on foundation so that there are no gaps.

- f. Shall repair/replace any/all rotted wood around windows and siding.
- g. Shall repair/replace missing kitchen cabinets.
- h. Shall replace missing globe in light fixture in first floor northeast bedroom.
- i. Shall replace missing light globe in main floor hallway (electrical hazard).
- j. Shall replace carbon monoxide detector that is painted over.
- k. Shall immediately replace any/all smoke detectors that have been painted over.
- l. Shall repair broken window in upstairs bathroom.
- m. Shall scrape and paint wherever there is peeling paint around the upstairs bathroom window.
- n. Shall replace missing air vent in bathroom wall.
- o. Shall install an approved CO detector on 2nd floor.
- p. Shall repair/replace door frame around upstairs east bedroom.
- q. Shall remove electrical hazard of multiple power strips daisy chained together in east bedroom or provide more outlets for use.
- r. Shall repair broken west south side window.

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 F17767 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. 2018-90

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

WHEREAS, the City Council of Columbia Heights is proposing to reconstruct select alleys in the city that have not been constructed under the alley program, and

WHEREAS, pursuant to Resolution No. 2018-82, a report has been prepared by the City Engineer with reference to the Program, and the following alley(s):

Washington Street to Jefferson Street, 41st Avenue to 42nd Avenue
 Madison Street to Monroe Street, 40th Avenue to 41st Avenue, and
 Madison Street to Monroe Street, 42nd Avenue to 43rd Avenue

WHEREAS, the report provides information regarding whether the proposed project is feasible, necessary and cost-effective, and

Said report is hereby received by the City Council of Columbia Heights on November 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. The Council will consider the improvement of such streets in accordance with the report and the assessment of abutting or benefited property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$474,034.

2. A public hearing shall be held on such proposed improvement on the 4th day of February, 2019 in the City Council Chambers at 590 40th Avenue N.E. at 6:00 P.M. and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

RESOLUTION NO. 2018-91

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

WHEREAS, the City Council of Columbia Heights is proposing to rehabilitate select state aid streets in the city that have not been rehabilitated under the street program, and

WHEREAS, pursuant to Resolution No. 2018-83, a report has been prepared by the City Engineer with reference to the Program, and the following street(s):

37th Avenue NE, 5th Street to Central Avenue

WHEREAS, the report provides information regarding whether the proposed project is feasible, necessary and cost-effective, and

Said report is hereby received by the City Council of Columbia Heights on November 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. The Council will consider the improvement of such streets in accordance with the report and the assessment of abutting or benefited property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$225,000.

2. A public hearing shall be held on such proposed improvement on the 4th day of February, 2019 in the City Council Chambers at 590 40th Avenue N.E. at 6:30 P.M. and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

RESOLUTION NO. 2018-92

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

WHEREAS, immediate payment of special assessments or installments on special assessments cast an undue hardship on some persons owning homestead properties who are 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make payments, and

WHEREAS, Minnesota Statutes 435.193 – 435.195 makes it possible for a home rule charter city to pass a resolution establishing standards and guidelines for determining the existence of a hardship and for determining the existence of a disability.

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. This deferral procedure shall apply only to assessments which are payable in five or more annual installments.
2. This deferral procedure shall apply only to property owned and occupied by the elderly, retired, or disabled applicant. Ownership and occupancy must be the same nature as would qualify the applicant for a homestead exemption for tax purposes.
3. This deferral procedure shall apply only to homestead property owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make payments. Permanent and total disability shall have the same definition for purposes of assessment deferral as is used for social security purposes.
4. This deferral procedure shall not be construed as to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards and guidelines herein so long as determination is made in a nondiscriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants.
5. In order to obtain a deferral of an assessment, the homeowner must make application on the forms prescribed by the City Clerk.
6. The option of the homeowner to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due and payable upon the occurrence of any of the following events:
 - a. the death of the owner, provided that the spouse is not otherwise eligible for benefits hereunder;
 - b. the sale, transfer or subdivision of the property or any part thereof;
 - c. if the property should for any reason lose its homestead status; or
 - d. if for any reason the City shall determine that there would be no hardship to require immediate or partial payment.
7. No deferral may be granted unless the homeowner makes application to the City Clerk within thirty (30) days after adoption of the assessment by the Council.
8. The deferral shall apply to only 50% of the annual installment payment. If the 50% is not paid in a timely manner, the balance of the annual installment along with all future installments shall become immediately due and payable.
9. No deferral shall be granted to any owner who has a gross annual household income from all sources in excess of \$35,700.
10. No deferral may be continued from year to year unless the owner shall file a renewal application before September 15th of each year.
11. No special assessment may be deferred for a period longer than the time set by the Council as

the time over which the project is to be assessed.

12. Interest on deferred assessments shall be at the rate set by the Council in its resolution adopting the assessment roll, and such interest shall be added to the amount deferred and shall be paid in accordance with Minnesota Statute 435.195 and this Resolution.

RESOLUTION NO. 2018-93

A resolution of the City Council for the City of Columbia Heights, Minnesota, establishing eligibility standards for senior citizen utility rates.

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

WHEREAS, the City Council has previously established eligibility standards for senior citizen rates for refuse service, sewage disposal and water supply; and

WHEREAS, it has been the City's practice to maintain uniform eligibility standards whenever possible:

NOW, THEREFORE, BE IT RESOLVED by the City of Columbia Heights as follows:

That anyone over 62 years of age with a maximum household income of \$35,700 will be eligible for reduced rates.

BE IT FURTHER RESOLVED that the above eligibility standard is effective January 1, 2019

RESOLUTION NO. 2018-94

A RESOLUTION CANCELING THE CITY OF COLUMBIA HEIGHTS REGULAR CITY COUNCIL MEETING

SCHEDULED FOR MONDAY DECEMBER 24, 2018

WHEREAS: The City of Columbia Heights has historically cancelled the second meeting in December; and

WHEREAS: The City Council has agreed to cancel the regular Council meeting scheduled for Monday, December 24, 2018

NOW, THEREFORE, BE IT RESOLVED, that all interested parties be advised of this change.