

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
NOVEMBER 12, 2019**

The following are the minutes for the regular meeting of the City Council held at 7:00 pm on Tuesday, November 12, 2019, in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, Minnesota.

1. CALL TO ORDER/ROLL CALL

Council President Buesgens called the meeting to order at 7:00 pm.

Present: Councilmember Buesgens; Councilmember Murzyn, Jr.; Councilmember Novitsky;
Councilmember Williams

Not present: Mayor Schmitt

Also Present: Lenny Austin, Police Chief; Paul Biernat; Kelli Bourgeois, City Manager; Aaron Chirpich, Community Development Director; Mitch Forney, Community Development Coordinator; Elizabeth Hammond, City Planner; Kevin Hansen, Public Works Director; Jim Hoeft, City Attorney; Charlie Thompson, Fire Chief; Nicole Tingley, City Clerk

2. INVOCATION

None

3. PLEDGE OF ALLEGIANCE

4. MISSION STATEMENT, Read by Council President Buesgens

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 manner.

5. APPROVAL OF AGENDA

Motion by Councilmember Novitsky, seconded by Councilmember Williams, to approve the agenda as presented. All Ayes, Motion Carried 4-0.

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

None

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 October 28, 2019.

MOTION: Move to approve the minutes of the City Council Executive Session of July 11, 2016.

MOTION: Move to approve the minutes of the City Council Executive Session of July 25, 2016.

MOTION: Move to approve the minutes of the City Council Executive Session of September 12, 2016.

MOTION: Move to approve the minutes of the City Council Executive Session of September 26, 2016.

MOTION: Move to approve the minutes of the City Council Executive Session of November 14, 2016.

MOTION: Move to approve the minutes of the City Council Executive Session of November 28, 2016.

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the minutes of the EDA meeting of October 7, 2019.

MOTION: Move to accept the minutes of the Traffic Commission meeting of October 7, 2019.

MOTION: Move to accept the minutes of the Library Board meeting of October 2, 2019.

C. Adopt Resolution 2019-84 Establishing Precinct and Polling Locations for the 2020 Election Year

MOTION: Move to waive the reading of Resolution 2019-84, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2019-84, establishing Precinct and Polling Locations for the 2020 Election Year.

D. Adopt Resolution 2019-86 Accepting the Feasibility Report for Zone 3 Street Seal Coat Project and Ordering the Public Improving Hearing, City Project No. 1801

MOTION: Move to waive the reading of Resolution 2019-86, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2019-86, being a resolution accepting the Feasibility Report for Zone 3 Street Seal Coat, City Project No. 1801, and ordering the Public Improving Hearing beginning at 6:00 pm on February 3, 2020.

E. Adopt Resolution 2019-87 Accepting the Feasibility Report for Zone 4, Phase 1, Street Rehabilitation Program and Ordering the Public Improvement Hearing, City Project No. 1802.

MOTION: Move to waive the reading of Resolution 2019-87, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2019-87, being a Resolution accepting the Feasibility Report for Zone 4, Phase 1, Street Rehabilitation Program, City Project No. 1802, and ordering the Public Improvement Hearing beginning at 6:00 pm on January 27, 2020.

F. Adopt Resolution 2019-88 Approving Plans and Specifications and Ordering Advertisement for Bids for Madison Street Curb and Gutter and 37th Avenue Multiuse Trail, City Projects 1902 and 1907.

MOTION: Move to waive the reading of Resolution 2019-88, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2019-88 approving Plans and Specifications and ordering Advertisement for Bids for Madison Street Concrete Curb and Gutter Construction and 37th Avenue Multiuse Trail, City Projects 1902 and 1907.

G. Approve Change Order No. 1 for Silver Lake Pond and Jefferson Street Median, Project No. 1808

MOTION: Move to approve Contract Change Order No. 1 for the Silver Lake Water Quality Pond Reconstruction, Project 1808, and addition of Jefferson Street Median Restoration to Sunram Construction, Inc. of Corcoran, Minnesota, in the amount of \$63,826.00 for a new contract amount of \$386,278.00.

H. Designate No Parking on the South Side of 45th Avenue from Stinson Boulevard to 50' West of Stinson Boulevard and on Both Sides of Stinson Boulevard from 45th Avenue to 50' South of 45th Avenue

MOTION: Move to designate No Parking on the south side of 4th Avenue from Stinson Boulevard to 50' west of Stinson Boulevard and on both sides of Stinson Boulevard from 45th Avenue to 50' south of 45th Avenue.

I. Designate No Parking on Both Sides of Madison Street from 37th Avenue to 38th Place

MOTION: Move to designate No Parking on both sides of Madison Street from 37th Avenue to 38th Place.

J. Designate No Parking on the West Side of Grand Avenue from 47th Avenue to 49th Avenue

MOTION: Move to designate No Parking on west side of Grand Avenue from 47th Avenue to 49th Avenue.

K. Consideration of Approval of the Attached List of Rental Housing Applications

MOTION: Move to approve the items listed for rental housing license applications for November 12, 2019, 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 November 12, 2019, as presented.

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 \$1,018,375.67.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky, to approve the Consent Agenda items. All Ayes, Motion Carried 4-0.

8. PUBLIC HEARINGS

A. First Reading of Ordinance 1657, an Ordinance Authorizing the Conveyance of Certain Real Property by the City of Columbia Heights to the Columbia Heights Economic Development Authority

Community Development Coordinator Forney reported that there are three parcels attached to 3989 Central and the attempt is being made to redevelopment the site. It had been recommended by EDA's legal counsel that the City move these properties from the City's funds to the EDA's funds, and so the process will be conveying the property from one to the other.

Council President Buesgens opened the public hearing.

Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky, to close the public hearing and waive the reading of Ordinance 1657, there being ample copies available to the public. All Ayes, Motion Carried 4-0.

Motion by Councilmember Novitsky, seconded by Councilmember Williams, to set the second reading of Ordinance 1657, being an Ordinance authorizing the conveyance of certain real property by the City of Columbia Heights to the Columbia Heights Economic Development Authority located at 961 Gould Avenue NE, 950 40th Avenue NE, and Tract B Registered Land Survey No. 250, for November 25, 2019, at approximately 7:00 pm in the City Council Chambers. All Ayes, Motion Carried 4-0.

B. Consideration of Revocation of the License to Operate a Rental Unit within the City of Columbia Heights was Previously Requested Against the Rental Property at 966/968 44-1/2 Avenue NE for Failure to Meet the Requirements of the Residential Maintenance Codes

Fire Chief Thompson reported that, in accordance with Council direction given to the Fire Department on October 28, 2019, regarding Resolution 2019-80, the department performed a follow-up rental compliance inspection of the property located at 966/968 44-1/2 Avenue NE on October 29. He said Fire Captain O'Brien also met with property manager and found all the outstanding violations were corrected at that time. Prior to the October 28 Council meeting, reinspection fees totaling \$350.00 had been paid, which satisfied the fee for the pre-Council inspection on October 16. There was an outstanding \$150.00 inspection fee that has also been paid, so the property is in full compliance of the Residential Maintenance Codes.

Councilmember Murzyn, Jr. added that he accompanied Fire Captain O'Brien on the inspection and reconfirmed that the property was in compliance.

Council President Buesgens opened the public hearing.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to close the public hearing and to waive the reading of Resolution 2019-80, there being ample copies available to the public. All Ayes, Motion Carried 4-0.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to deny Resolution 2019-80, 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. All Ayes, Motion Carried 4-0.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

a. Consideration of revocation of the license to operate a rental unit within the City of Columbia Heights was previously requested against the rental property at 4543 Taylor Street NE for failure to meet the requirements of the Residential Maintenance Codes

Fire Chief Thompson reported that, in accordance with Council direction given to the Fire Department on October 28, 2019, regarding Resolution 2019-82, the department performed a follow-up rental compliance inspection of the property located at 4543 Taylor Street NE on October 29. He said Fire Captain O'Brien also met with property manager and found all the outstanding violations were corrected at that time. Prior to the October 28 Council meeting, reinspection fee totaling \$150.00 had been paid, which satisfied the fee for the pre-Council inspection. There was an outstanding \$150.00 inspection fee that has also been paid, so the property is in full compliance of the Residential Maintenance Codes.

Councilmember Murzyn, Jr. added that he accompanied Fire Captain O'Brien on the inspection and reconfirmed that the property was in compliance.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to deny Resolution 2019-82, 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. All Ayes, Motion Carried 4-0.

Councilmember Williams thanked Chief Thompson for the Fire Department being open to resolve the issue satisfactorily.

b. Approve Resolution 2019-83, adopting the Columbia Heights 2040 Comprehensive Plan

Planner Hammond reported the 2040 Comprehensive Plan update is a compilation of policy statements, goals, standards and maps for guiding the overall development and redevelopment of the City of Columbia Heights. She said the resolution represents an important planning document for the City and then described what a comprehensive plan is and the process for updating the document over the past few years, since 2016. The Metropolitan Council deemed the Plan complete and in conformance and authorized the City of Columbia Heights to adopt the plan on September 25, 2019, at their regular meeting. Planner Hammond thanked the Council and City Manager for entrusting the Community Development staff with the process.

Council President Buesgens thanked Planner Hammond, the Community Development and other staffs who worked on the project, as it was a difficult one and is very important to provide guidelines for the City's future.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to waive the reading of Resolution 2019-83, there being ample copies available to the public. All Ayes, Motion Carried 4-0.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to approve Resolution 2019-83, adopting the Columbia Heights 2040 Comprehensive Plan. All Ayes, Motion Carried 4-0.

c. Approve Resolution 2019-85, adopting the Anoka County 2019 Multi-Jurisdictional All-Hazard Mitigation Plan

Fire Chief Thompson reported that hazard mitigation is the effort to reduce loss of life and property by lessening the impacts of disaster and is most effective when implemented under a comprehensive long-term mitigation plan. He then provided background regarding the subject and said the Plan offers potential opportunity for grants and training events in the future. Once approved by FEMA, the City will receive an overall copy of the County's Plan. He said it is vital for the emergency management field to ensure current status. Chief Thompson said the project occurs every five years and recommends that the Council adopt Resolution 2019-85.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to waive the reading of Resolution 2019-85, there being ample copies available to the public. All Ayes, Motion Carried 4-0.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to approve Resolution 2019-85, adopting the Anoka County 2019 Multi-Jurisdictional All-Hazard Mitigation Plan. All Ayes, Motion Carried 4-0.

B. Bid Considerations

None

C. New Business and Reports

None

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Novitsky reported that the Columbia Heights Lions will hold its annual Fall Wrestling on November 22 at Murzyn Hall.

Councilmember Williams expressed condolences to Councilmember Murzyn, Jr., on the passing of his 43-year-old son, John. He then reported that there was a great turnout for the recent Traffic Commission meeting and acknowledged the great work of Kathy Young.

Councilmember Buesgens attended the HeightsNEXT Ted Talk on "How to be a Good Neighbor," the Camerata Brass Ensemble event on November 2 at Community United Methodist Church, the Lions Club boxing event, the City safety training for City employees, the HeightsNEXT Board meeting and the Library Board meeting.

City Manager Bourgeois reported that City newsletters will be distributed by early next week, budgets are being finished and last discussions, if needed, will be at the December work session for adoption, as there will only be one Council meeting in December.

11. COMMUNITY FORUM

Paul Biernat, Columbia Heights resident, reported that he was representing the condominium homeowners association and that the recently passed “no parking” on Grand Avenue will be a hardship for residents of nearby condominiums. He said, with the Memorandum of Understanding with Dominion, there was an understanding of extra parking, but there was a significant number of parking areas that were not fulfilled. An argument, he said, resulted between Dominion and homeowners of the townhomes and single-family homes, and Dominion then backed out of that portion of the Memorandum. He said any help the City can provide regarding Dominion would be appreciated. He further noted that Dominion’s garages are half empty, and the issues on Grand Avenue are strictly related to Dominion. In addition, he said the homeowners association would even entertain four-hour parking restrictions to allow for events and enabling homeowners to have more than two visitors at any one time.

The second issue, Mr. Biernat said, is that when the development happened, Dominion was given title to half of all the private roads and common property in the master association of the condos, townhomes and cottage homes. He was told that the association owns the title and residents may do what they want but they would have to pay for it. He said the private roads are to the Master and now those are being shared with Dominion as well as the pocket park, which was never supposed to be their title. This is raising problems with homeowner deeds and documents, which transpired when the property was divided. Mr. Biernat said he would like the City to investigate the issue and try to help rectify it.

City Manager Bourgeois said it was the first time she’d heard of the issue and would look into it and report back to Mr. Biernat.

12. ADJOURNMENT

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to adjourn. All Ayes, Motion Carried 4-0.

Meeting adjourned at 7:34 pm.

Respectfully Submitted,



Nicole Tingley, City Clerk/Council Secretary