

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
FEBRUARY 10, 2020**

The following are the minutes for the regular meeting of the City Council held at 7:00 pm on Monday, February 10, 2020, 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 7:00 pm.

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

Absent: Councilmember Williams

Also Present: Kelli Bourgeois, City Manager; Aaron Chirpich, Community Development Director; Jim Hoeft, City Attorney; KT Jacobs; Rachel James; Cliff Johnson; Bob Lux; Pastor Bob Lyndes; Amada Marquez-Simula; Dewayne Morrell; William and Denise Roberts; Paul Saarinen; Nicole Tingley, City Clerk; Wade Tollefson; Malcolm Watson

2. INVOCATION

Invocation was provided by Pastor Bob Lyndes, Crest View 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 manner.

5. APPROVAL OF AGENDA

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., 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 January 27, 2020.

MOTION: Move to approve the minutes of the City Council Work Session of January 6, 2020.

MOTION: Move to approve the minutes of the City Council Special Meeting of January 27, 2020.

MOTION: Move to approve the minutes of the City Council Special Meeting of February 3, 2020.

MOTION: Move to approve the minutes of the City Council Work Session of February 3, 2020.

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the minutes of the Economic Development Authority Meeting of November 4, 2019.

MOTION: Move to accept the minutes of the Planning Commission Meeting of December 3, 2019.

MOTION: Move to accept the minutes of the Library Board Meeting of January 8, 2020.

C. Second Reading of Ordinance 1659, an Ordinance Concerning Access to Multi-Unit Housing Structures by United States Census Bureau Employees

MOTION: Move to waive the reading of Ordinance 1659 and the summary of Ordinance 1659, there being ample copies available to the public.

MOTION: Move to adopt Ordinance 1659, being an Ordinance Amending Chapter 8 of the Columbia Heights City Code Concerning Access to Multi-Unit Housing Structures by United States Census Bureau Employees and direct staff to send a summary of the ordinance, as presented, for publication in the legal newspaper.

D. Approve Business License Applications

MOTION: Move to approve the items as listed on the Business License Agenda for February 10, 2020, as presented.

E. 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 \$2,375,126.16.

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

8. PUBLIC HEARINGS

A. Resolution No. 2020-18 Approving a Conditional Use Permit (CUP) for a Brew Pub Located at 4001 Central Avenue N.E.

Director Chirpich provided background information regarding the property, located at 4001 Central Avenue N.E. in the central business district, and a request for a CUP by Rail Werks Brewing Depot and building owner Columbia Heights Center, LLC. He reported that the Planning Commission on February 4, 2020, unanimously recommended Council approval of the CUP for the brew pub subject to conditions. Some of the more significant conditions addressed at that meeting included mitigation of nuisance characteristics (loading and deliveries stipulated to occur between 6:00 am and 10:00 pm and a poly trash container required), installation of bike racks at the front of the building; should an outdoor patio or dining area be planned in the future, an amendment to the CUP would be required; no alcoholic beverages be allowed outside of the enclosed building and customers not be allowed to enter at the east end of the site or rear of the building; and applicant narrative be sent to City staff concerning malt liquor byproducts disposal. City staff recommended Council approval.

Council requested clarification on the completion timeline and whether a patio would be planned in the near future.

Applicants William and Denise Roberts, Rail Werks Brewing Depot, cited a completion date by the end of 2020 and said a patio would not occur in year one but would be something to discuss in the future.

Mayor Schmitt opened the public hearing.

Dewayne Morrell, City resident, inquired as to whether there is a Minnesota or City ordinance in effect requiring alcoholic beverage businesses to be a certain distance from a school (referring to the brew pub being near the New Horizon daycare facility). Director Chirpich stated there is no Minnesota law or City ordinance concerning proximity of a brew pub to a school or daycare, and Mayor Schmitt added that daycare would not qualify under such an ordinance if it were in effect.

Rachel James, City resident, cited her support for the brew pub, noting that it would provide evening activities for City and area residents.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr., to close the public hearing and waive the reading of Resolution No. 2020-18, there being ample copies available to the public. Motion Carried 4-0.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr., to approve the Conditional Use Permit for a brew pub to be located on the property at 4001 Central Avenue N.E., subject to certain conditions of approval. Motion carried 4-0.

B. Resolution No. 2020-19 Approving a Conditional Use Permit (CUP) for an Arcade Located at 4001 Central Avenue N.E.

Director Chirpich reported that the arcade's location would be next to the brew pub, previously discussed, in the same strip mall and the CUP request is requested by applicants Starcade, LLC and building owner Columbia Heights Center, LLC. He described the arcade as retro-themed that would provide video games from 1980's and 1990's and try to target ages 35-55. The Planning Commission requires poly trash containers, bicycle racks, loading and delivery stipulation between 6:00 am and 10:00 pm, arcade noises not audible at the property line and no customers should leave the building to the rear or east of the site. There may be a future conversation regarding a potential passageway link between the brew pub and arcade, so the arcade may provide alcoholic beverages as well, though it is not allowed at the current time.

Attorney Hoeft clarified for Council that liquor licensing requirements do not include arcade or rooms outside the brew house, as well as any outside patio area. Applicants would need to come back to the City to clarify and redefine the premise for a liquor license.

Council invited applicant Paul Saarinen, Starcade, LLC, to introduce himself, who reported having an arcade site will allow his company to host business events in the City, rather than bringing arcade machines offsite for business events, such as for Target, Medtronic and other Fortune 500's. He said it will be one of the top five arcades in the country on day one. Arcade capacity is expected to be 400, and party rooms will have movable walls that may accommodate approximately 100.

Mayor Schmitt opened the public hearing.

Motion by Councilmember Novitsky, seconded by Councilmember Buesgens, to close the public hearing and waive the reading of Resolution No. 2020-19, there being ample copies available to the public. Motion carried 4-0.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to approve Resolution No. 2020-19, approving the Conditional Use Permit for an arcade to be located on the property at 4001 Central Avenue N.E., subject to certain conditions of approval. Motion carried 4-0.

C. Resolution No. 2020-20 Approving a Preliminary and Final Plat for a 29-Unit Assisted Living Facility on the Property Located at PID 35-30-24-43-0125 (Unassigned Address) Known as “the Remnant Parcel”

Director Chirpich provided brief background information regarding “the Remnant Parcel,” located south of Huset Park at the intersection of Huset Parkway and Jefferson Street. Contractors Capital has applied for a preliminary plat, final plat and site plan review for a 29-unit memory care and assisted living facility on the property. The developer plans to dedicate the right-of-way and will demonstrate to the City that a private-street access from McKenna is appropriate. City staff recommended Council approval.

Council asked Wade Tollefson, Contractors Capital Company, for clarification on whether solar panels would be incorporated into the Westgate Senior Living facility and the site’s parking capacity. He stated that solar panels are not part of the plan and, instead, will utilize radiant heat throughout the building; and there will be 25 parking spots and two additional handicapped parks, approximately doubling expected requirements.

Mayor Schmitt opened the public hearing.

Cliff Johnson, City resident, asked whether there will be in-house lift-assist capability, alleviating some of the requests made to the City Fire Department. Mr. Tollefson said the management company, Sweet Living, will provide full-time trained staff and equipment to manage emergency lift-assist requests and would not rely on the Fire Department.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr., to close the public hearing and waive the reading of Resolution No. 2020-20, there being ample copies available to the public. Motion carried 4-0.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr., to approve Resolution No. 2020-20, approving the Preliminary and Final Plat as presented, subject to certain conditions of approval. Motion carried 4-0.

D. Resolution No. 2020-21, Resolution No. 2020-22 and Resolution No. 2020-23, Approving an Easement Vacations, Preliminary Plat and Final Plat for Property Located in the City of Columbia Heights, Minnesota

Director Chirpich provided background information regarding the property at 3989 Central Avenue N.E.

A complete redevelopment is planned for the site, including removal of an office tower, the plaza structure and parking ramp. Primary project components include the 20,650 SF City Hall, 3,400 SF café/coffee shop and 265 market-rate residential rental units with best-in-class amenities and underground parking.

Land-use approvals include a Planned Unit Development District (PUD) - rezoning by ordinance, preliminary and final plat and two easement vacations.

The Comprehensive Plan guides the project area for Transit Oriented Development (TOD). TOD development seeks to promote high-density mixed-use development along primary transportation corridors. Key guiding principles for the include: 1) Uses should include retail, office, restaurants and other commercial uses along with housing; 2) Buildings along the east side of Central Avenue should have front walls that abut the sidewalk edge, similar to buildings on the west; 3) Parking for multi-family should be underground or covered; and 4) Redevelopment plans should include public gathering spaces, such as plazas.

He detailed the site plan, multi-family density standards, easements and plat, access and loading, landscaping and open space, second-floor amenities, sixth-floor plan and miscellaneous items that have been or will be reviewed including utility connections, drainage, building design and materials, lighting, Anoka County (40th Avenue) and MnDOT (Central Avenue). There are no setbacks for the district. There will be 346 parking stalls across all uses, which include 30 for City Hall and café visitors (8), shared stalls for employees and residents (316) (one stall designated for one-bedroom unit and two stalls for two-bedroom unit). City staff asked for Council approval of the easements and plat and the first reading of the Ordinance.

Mayor Schmitt opened the public hearing.

Mr. Johnson expressed concern about a potential conflict regarding shared parking stalls between employees and residents, parking availability for residential visitors, parking signage and parking options for nearby businesses. He also inquired about a possible bus shelter for tenants using mass transit; Mayor Schmitt responded that the transit hub is located in the shopping mall.

Amada Marquez-Simula, City resident, inquired about parking for those utilizing the community room; Director Chirpich responded that there is no specific plan designated for those attending meetings other than for City Council and City committees. She also requested that longer time be allowed at the traffic light at Central and 40th, specifically for the elderly or those with young children, if the public needs to park elsewhere and walk across the intersection to City Hall.

Mr. Morrell said he was astounded how the City develops its available space and how congestion will be affected by putting so many people in the center of the City. Councilmember Novitsky stated that walkability has been one of the City's goals and the parking ramp Mr. Morrell referenced is not too great a distance. Mr. Morrell then described his "20-year development plan" that he believed would eliminate congestion and encourage people to move to the City. Mayor Schmitt expressed appreciation to City staff for their foresight to earmark money for the project and stated that bonding will not be required by City residents for its completion.

Developer Bob Lux, Alatus, LLC, commended the City and said the first meeting with staff began in 2018. He said the project will be a great long-term asset to the City and the complexities of the site are not complex, though nuances need to be addressed. There are four elements to the project, which include the City Hall, coffee shop, residential and parking. An electronic access garage door will be used to manage parking as well as an electronic indicator board, which will indicate designate parking-only for an evening City event or meeting when used for that purpose and then switch to an open parking indication after adjournment. A high-speed hydraulic garage door will be used, which rolls on oscillators, and the wall between nearby residential unit will be double insulated, as well as the ceiling. There will likely be 80-85% residential parking saturation at any one time. He said the evening's public concern about traffic light timing will need to be addressed. He also said the brew pub and arcade, approved at the evening's meeting, will be desirable to the project.

Councilmember Buesgens agreed that the timing at the traffic light in question needs to be addressed by MnDOT. Mayor Schmitt suggested an island be installed for those needing additional time to cross, especially when unexpected emergency vehicles enter the intersection.

Mr. Johnson asked who will address electronic ticket violations, and Director Chirpich said that will need to be determined.

Malcolm Watson, City resident, inquired about how much is being expended by grants for the project and what impact the plan will have on residents in the future in tax-increment financing. Director Chirpich described the difference between tax-increment financing, which will be used over a 20-year period, and bonding, which will not be used; and he said the City is not fronting the cost of the project.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to close the public hearing for Resolution Nos. 2020-21, 2020-22 and 2020-23, approving easement vacations, preliminary plat and final plat for property located in the City of Columbia Heights, Minnesota. Motion carried 4-0.

Resolution No. 2020-21

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to waive the reading of Resolution No. 2020-21, there being ample copies available to the public. Motion carried 4-0.

Motion by Councilmember Novitsky, seconded by Councilmember Buesgens, to approve Resolution No. 2020-21, approving an easement vacation for property located in the City of Columbia Heights, Minnesota, subject to certain conditions of approval. Motion carried 4-0.

Resolution No. 2020-22

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to waive the reading of Resolution No. 2020-22, there being ample copies available to the public. Motion carried 4-0.

Motion by Councilmember Novitsky, seconded by Councilmember Buesgens, to approve Resolution No. 2020-22, approving an easement vacation for property located in the City of Columbia Heights, Minnesota, subject to certain conditions of approval. Motion carried 4-0.

Resolution 2020-23

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr., to waive the reading of Resolution No. 2020-23, there being ample copies available to the public. Motion carried 4-0.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to approve Resolution No. 2020-23, approving the Preliminary and Final Plat for a Planned Unit Development District located at 3989 Central Avenue N.E., 3889 Central Avenue N.E., 961 Gould Avenue N.E. and 950 40th Avenue N.E. Motion carried 4-0.

E. First Reading of Ordinance No. 1660, an Ordinance Pertaining to the Rezoning of Certain Property Located at 3989 Central Avenue N.E., 3889 Central Avenue N.E., 961 Gould Avenue N.E. and 950 40th Avenue N.E., from Mixed-Use Development District to PUD, Planned Unit Development District No. 220-01

Mayor Schmitt opened the public hearing.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to close the public hearing and waive the reading of Ordinance 1660, there being ample copies available to the public. Motion carried 4-0.

Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to set the second reading of Ordinance 1660, being an Ordinance pertaining to the rezoning of certain property located at 3989 Central Avenue N.E., 3889 Central Avenue N.E., 961 Gould Avenue N.E. and 950 40th Avenue N.E. from Mixed-Use Development District to PUD, Planning Unit Development District No. 220-01, for February 24, 2020, at approximately 7:00 pm in the City Council Chambers. Motion carried 4-0.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

None

B. Bid Considerations

None

C. New Business and Reports

None

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Buesgens said she'd met with Kathy Kelly, school district superintendent, who gave her an informal tour of the high school band room and performing arts center; met with City resident Joe Schluender, a rail yard enthusiast, and viewed the sorting yard for the trains; as liaison for the Planning Commission, she attended their last meeting; and attended the "City Services Expo" on February 8 at the Public Library.

Councilmember Novitsky said he also attended the “City Services Expo,” which he described as well attended.

Mayor Schmitt attended the “Community Connection” in Minneapolis, which she described as a place to share constructive ideas; and attended a pre-grand opening party for a new business that sells sports memorabilia, located in Suite 201 at 4110 Central Avenue.

Manager Bourgeois reported there will be openings in March for residents interested in serving on the Planning Commission, Library Board, Parks and Recreation Board, Traffic Commission and Charter Commission. Application is available on the City website and the City Clerk will be available to answer questions.

11. COMMUNITY FORUM

Mr. Morrell said he received a vehicle violation ticket in January for his vehicle, which had an expired license plate, and said he saw approximately four other vehicles in the City that had also been expired; attempted to determine the cost of the citation, which was \$175.00, and inquired about towing and storage fees at the impound lot. He expressed concern about 39th Avenue vehicles that are also in violation. Mayor Schmitt suggested he speak with Lenny Austin, Chief of Police, regarding his concerns. Mr. Morrell also said the impound lot was not in compliance and inquired about the difference in level of enforcement. Councilmember Buesgens offered reassurance that the City has not singled him out and 1,100 citations were distributed last year for vehicle violations; and suggested residents contact the Police Department about enforcement issues.

Ms. Marquez-Simula, speaking for Ms. James, said First Lutheran Church has a pancake breakfast, \$5.00 per person, from 8:30 am to 12:30 pm on Sunday, February 16, benefitting “Hope for Youth,” a nonreligious nonprofit that provides services to homeless youth aged 16-24.

KT Jacobs, City resident, asked the Council to please have a sign installed on the ramp at 40th Avenue that states that it is municipal or City parking, as well as signs on Central Avenue that direct people to that facility as well as the municipal lot. She also noted that cars are parked at Bobby and Steve’s that have 6-8” snow piles on them; the parking issue problem at the business was an issue previously raised at a Council meeting. Councilmember Novitsky agreed that he would like it addressed.

12. ADJOURNMENT

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

Meeting adjourned at 9:10 pm.

Respectfully Submitted,



Nicole Tingley, City Clerk/Council Secretary