

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
JANUARY 9, 2017**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday January 9, 2017 in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, Minnesota

**1. CALL TO ORDER**

Mayor Schmitt called the meeting to order at 7:03 p.m.

**2. ROLL CALL**

Present: Mayor Schmitt, Councilmember Williams, Councilmember Murzyn, Jr. and Councilmember Buesgens

Also Present: Walt Fehst; City Manager, Jim Hoeft; City Attorney, Joe Hogeboom; Community Development Director, Keith Dahl; Economic Development Director, Elizabeth Holmbeck; City Planner, Kevin Hansen; Public Works Director, Joe Kloiber; Finance Director, and Katie Bruno; City Clerk/Council Secretary

**3. INVOCATION**

Invocation provided by Sam Snyder, Bethel Christian Fellowship

**4. PLEDGE OF ALLEGIANCE/OATH OF OFFICE**

City Clerk, Katie Bruno administered the Oath of Office to Councilmember Buesgens, Councilmember Williams and Mayor Schmitt.

Motion by Councilmember Buesgens, seconded by Councilmember Williams to take a five minute recess. A five minute recess was taken, the meeting reconvened at 7:13 PM.

**5. ADDITIONS/DELETIONS TO MEETING AGENDA**

**(The Council, upon majority vote of its members, may make additions and deletions to the agenda. These may be items brought to the attention of the Council under the Citizen Forum or items submitted after the agenda preparation deadline.)**

**6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

**A. Update from Tony Rendle regarding 2017 Fire and Ice Plunge.**

Tony Rendle thanked the Council for their past and continued support of the Fire and Ice Plunge. This years event is scheduled for Saturday January 28<sup>th</sup> from 12:00-3:00 PM. Funds raised go directly to SACA to assist families in need.

**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 December 12, 2016

MOTION: Move to approve the minutes of the City Council work session of January 3, 2017

**B. Accept Board and Commission Meeting Minutes**

MOTION: Move to accept the EDA minutes from November 7, 2016.

MOTION: Move to accept the Planning & Zoning Commission minutes from December 6, 2016.

MOTION: Move to accept the Draft Planning & Zoning Commission minutes from January 4, 2017

**C. Appointments to Columbia Heights Volunteer Firefighters Relief Association Board of Trustees for 2017.**

MOTION: Move to appoint Councilmember John Murzyn, Jr. to the Columbia Heights Volunteer Firefighters Relief Association Board of Trustees for 2017.

**D. Adopt Resolution 2017-01 Designating Official Depositories for the City of Columbia Heights**

MOTION: Move to waive the reading of Resolution 2016-01, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2016-01, being a resolution designating official depositories for the City of Columbia Heights.

**E. Adopt Resolution 2017-02 to Accept Certain Donations Received by the City of Columbia Heights**

MOTION: Move to waive the reading of Resolution 2017-02 there being ample copies available to the public.

MOTION: Move to adopt Resolution 2017-02 being a resolution to accept certain donations received by the City of Columbia Heights.

**F. Designation of Legal Newspaper for 2017.**

MOTION: to designate the Sun Focus as the City of Columbia Heights official legal newspaper for 2017.

**G. Appointment to vacant EDA and HRA positions.**

MOTION: Move to approve the mayor's appointment of Mayor Schmitt, Bobby Williams and Connie Buesgens to the vacant EDA positions.

MOTION: Move to approve the mayor's appointment of Mayor Schmitt, Bobby Williams and Connie Buesgens to the vacant HRA positions.

**H. Appointment of Council Liaisons and Staff Assignments to City Boards & Commissions and External Boards.**

MOTION: To approve the recommended listing of Council/Staff Assignments.

**I. Appointment of Council President for 2017 *\*Removed for discussion***

**J. Approving a Subordination of Mortgage in connection with the City's Single Family Deferred Loan Program.**

MOTION: Move to close the public hearing and wave the reading of Resolution No. 2017-06, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2017-06, being a Resolution approving a Subordination of

Mortgage in connection with the City's Single Family Deferred Loan Program.

**K. Public Works Blanket Orders for 2017 Purchases**

MOTION: Move for approval to authorize staff to process blanket purchase orders in an amount not to exceed the 2017 budget amounts for:

- De-icing salt for salt/sanding operations purchased off the State of Minnesota Purchasing Contract.
- Fuel (unleaded and diesel) for City vehicles from the State of Minnesota Purchasing Contract and the Anoka County Cooperative Agreement.
- Bituminous asphalt for patching/paving City streets and alleys from Commercial Asphalt, or City of St. Paul, or T.A. Schifsky & Son's.

Curb stop and service repairs for delinquent accounts and foreclosed properties.

**L. Final Compensating Change Order and Final Payment for 2015 Concrete Alley Construction, Project No. 1402**

MOTION: Move to approve the final compensating change order and accept the work for 2015 Concrete Alley Construction, City Project No. 1402, and authorize final payment of \$17,705.55 to New Look Contracting, Inc. of Rogers, Minnesota.

**M. Capital Equipment Replacement of the Elgin Crosswind Street Sweeper**

MOTION: Move to purchase off the State of Minnesota purchasing contract one new Tymco 600 regenerative air sweeper from Environmental Equipment and Services Inc. of Elko, Minnesota in the amount of \$237,755 less a trade allowance \$50,000 for a total purchase price \$187,755 for the capital equipment replacement of the Elgin Crosswind sweeper, with equal funding provided by the Street and Storm Sewer Capital Equipment replacement funds.

**N. Consideration of Resolution Authorizing the Submittal of the 2017 Community Development Block Grant Application. *\*Removed for discussion***

**O. Approve Business License Applications**

MOTION: Move to approve the items as listed on the business license agenda for January 9, 2017.

**P. Payment of Bills**

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8, the City Council has received the list of claims paid covering check number 163956 through 164362 in the amount of \$2,576,139.13.

Councilmember Buesgens requested Items I and N be removed for discussion.

*Motion by Councilmember Williams seconded by Councilmember Murzyn, Jr. to approve the Consent Agenda, as amended. All Ayes, Motion Carried.*

**The following items were removed for discussion:**

**I. Appointment of Council President for 2017**

Councilmember Buesgens announced the Council has appointed Council member Murzyn, Jr. to serve as

Council President for 2017.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to appoint Councilmember John Murzyn, Jr. as Council President for 2017. All Ayes, Motion Carried*

**N. Consideration of Resolution Authorizing the Submittal of the 2017 Community Development Block Grant Application.**

Keith Dahl, Economic Development Manager reported that the proposed project consist of three phases where the City would partner with an environmental consultant. Phase I is intended for the land acquisition of the Root Property from the State of Minnesota. The County Assessor estimates the Root Property to have a total land value of \$163,200. Phase II would mainly consist of contamination investigation. Staff anticipates the contamination investigation will cost a total of \$50,000, of which 75% or \$37,500 would be requested through an investigation grant program offered through the DEED. Phase III would entail the contamination cleanup. The total project cost is estimated to be \$563,200 and if federal and state funds are leveraged, the City may pay up to \$54,500. Staff would like City Council's consideration to authorize the submittal of the 2017 CDBG application requesting \$163,200 for the funds necessary to purchase the Root Property. Dahl explained the property is at University Ave and 40<sup>th</sup> Ave NE.

*Motion by Councilmember Williams seconded by Councilmember Buesgens to waive the reading of Resolution 2017-07, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Murzyn, Jr. seconded by Councilmember Williams to adopt Resolution 2017-07, a resolution authorizing the submittal of the 2017 Community Development Block Grant Application to Anoka County. All Ayes, Motion Carried.*

**8. PUBLIC HEARINGS**

**A. Approving a Preliminary Plat for Aisling fitness, LLC for the three vacant lots located at 51st Court NE.**

City Planner Elizabeth Holmbeck reported that Aisling Fitness LLC, on behalf of Planet Fitness has requested Preliminary Plat approval. The application went before the Planning and Zoning Commission on January 4<sup>th</sup>, 2017. At the meeting, the Preliminary Plat was unanimously recommended for approval. There were no concerns from members of the public or the Planning and Zoning Commission.

Councilmember Murzyn, Jr. confirmed that the planning commission had no objections to the proposal. Mayor Schmitt questioned if the lot line is in the city of Fridley. Holmbeck displayed a diagram of the site, noting the applicant is interested in purchasing the property to the north of the proposed project from the City of Fridley to use as an access point to the property.

Malcom Watson-1717 49<sup>th</sup> Ave NE asked if a privacy fence will be installed between the abutting residential properties. Holmbeck displayed the site plan of the building site, indicating screening along the east property line.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to close the public hearing and waive the reading of Resolution No. 2017-03, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to approve the Preliminary Plat for the three vacant properties located on 51st Court NE. (PIN:25-30-24-23-0018, 25-30-24-23-0017, & 25-30-24-22-0066), subject to certain conditions of approval. All Ayes, Motion Carried.*

**B. Approving a Zoning Amendment for the property located at 820 40th Avenue NE.**

City Planner Elizabeth Holmbeck reported that Mulita Associates, LLC has requested a change the zoning designation of the property located at 820 40th Ave. NE. from 'Public and Open Space' to 'Central Business'. The applicant is planning to purchase the City's former Library building to allow for an adult daycare to operate in the building. In addition to the daycare, the applicant is proposing to use the building as a community center. There are some conflicts regarding the specific types of uses that are being proposed for the building and the City's zoning regulations. The proposed uses do not meet the Specific Development Requirements that are called out in the City's Zoning Code for an Adult Daycare and Community Center. Holmbeck noted the applicant is aware of the conflicts, and have chosen to proceed with the application.

Holmbeck reported a resident expressed concerns at the Planning & Zoning commission meeting regarding parking and accessibility concerns.

Lisa Peterson-3977 Quincy expressed concern with the potential increased traffic and late night activity if a community center is opened at the site.

Mayor Schmitt noted the item addresses only the zoning classification of the property, not uses at this time.

*Motion by Councilmember Williams seconded by Councilmember Murzyn, Jr. to close the public hearing and waive the reading of Resolution No. 2017-04, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Buesgens seconded by Councilmember Williams to approve Resolution No. 2017-04, rezoning the property located at 820 40th Avenue NE. from 'Public and Open space' to 'Central Business'. All Ayes, Motion Carried.*

**C. Denying the Variance request for the property located at 3801 Hart Blvd. NE.**

City Planner Elizabeth Holmbeck reported Scenic Sign Corporation representing New Perspectives Senior Living is requesting a variance to allow for the installation of a new monument sign that exceeds the maximum allowed 16 square feet. The proposal calls for the sign face to be 24.20 square feet, with 5.8 square foot concrete pillars on either side of the sign face. The Planning and Zoning Commission considered the request on January 4th, 2017, and unanimously recommended the City Council deny the request. After the meeting, the applicant modified the rendering to depict a smaller version of the sign, and submitted an updated narrative.

Staff recommends that the City Council deny request. Although the applicant has modified the proposed sign to a smaller size, the applicant has not submitted a request based on the Findings of Fact outlined in the City's Zoning Ordinance. These findings are required by the City Council in order to approve a variance. Based on the application and renderings received for review, it is not evident there is a practical difficulty present in order to grant the variance. While there appears to be no issue with the request to move the sign closer to the street for visibility, no justification has been provided that demonstrates the application meets the Findings of Fact.

Councilmember Murzyn, Jr. reported the Planning & Zoning Commission had a lengthy discussion, and did not see a hardship in the case. It was also noted that the original sign may have been installed without a sign permit.

Holly Osters, representing New Perspectives Senior Living reported that a new sign is requested in order to reflect the new name of the business as well as improve visibility.

Community Development Director Joe Hogeboom explained that in order to grant a variance, certain Findings of Facts need to be met. Hogeboom reported this sign could be moved, replaced or refaced. Osters stated the sign cannot be moved without causing damage. City Attorney Jim Hoeft explained the materials of the sign do not constitute a hardship.

Mayor Schmitt suggested the applicant meet with Community Development staff to address any additional questions.

*Motion by Councilmember Murzyn, Jr. seconded by Councilmember Buesgens to close the public hearing and deny the Variance request for a monument sign for the property located at 3801 Hart Blvd., due to Findings of Fact not being met. All Ayes, Motion Carried.*

**D. Adopt Resolution 2017-08 being a resolution levying and adopting the Assessment for one Alley Light, Area No. 677-46.**

Director of Public Works, Kevin Hansen reported eight of nine affected property owners signed a request for an alley light in the area between 42<sup>nd</sup> and 43<sup>rd</sup>, and Main St and 2<sup>nd</sup> Ave. The cost of the light would be \$1 per month to all nine property owners for as long as the light is in operation.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to close the public hearing and waive the reading of Resolution 2017-08, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Murzyn, Jr. seconded by Councilmember Williams to adopt Resolution 2017-08, being a Resolution levying and adopting the assessment for alley light, area no. 677-46. All Ayes, Motion Carried.*

**9. ITEMS FOR CONSIDERATION**

**A. Other Ordinances and Resolutions**

**a. Consideration of Resolution 2017-09 declaring a vacancy on the Council.**

City Manager Walt Fehst explained the process, indicating applications are due February 23, 2017. Mayor Schmitt reported all applicants will be interviewed, tentatively scheduled for March 2<sup>nd</sup> and 3<sup>rd</sup>.

*Motion by Councilmember Murzyn, Jr. seconded by Councilmember Williams to waive the reading of Resolution 2017-09 there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to adopt Resolution 2017-09 being a resolution declaring a vacancy on the Council. All Ayes, Motion Carried.*

**B. Bid Considerations**

**C. New Business and Reports**

**10. ADMINISTRATIVE REPORTS**

Mayor Schmitt indicated Councilmembers will have an opportunity to report on their respective commission, and other events they attend.

### **Report of the City Manager**

City Manager Walt Fehst announced an HRA meeting will follow the Council meeting.

### **Report of the City Attorney**

#### **11. CITIZENS FORUM**

Malcom Watson-1717 49<sup>th</sup> Ave NE requested the Council be cautious when making decisions, especially in the case where there is citizen input.

Frost Simula-1700 49<sup>th</sup> Ave NE congratulated the newly elected officials, noting the many accomplishments in the City, indicating he hopes the current leadership continues to make progress. Mr. Simula suggested promotion of an electric vehicle service shop, as well as improving transparency and city wide communication with the public.

Mayor Schmitt thanked the many attendees at the meeting, and introduced Julienne Wyckoff, the first woman Mayor of Columbia Heights.

#### **12. ADJOURNMENT**

Meeting adjourned at 8:32 p.m.



Respectively Submitted,  
Katie Bruno, Council Secretary/City Clerk

#### **RESOLUTION NO. 2017-01**

A resolution of the City Council for the City of Columbia Heights, Minnesota, designating official depositories for the City of Columbia Heights.

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**

IT IS HEREBY RESOLVED, that Northeast Bank, Wells Fargo Bank of Minnesota, N.A., and U.S. Bank are hereby designated as depositories of the funds of this corporation.

IT IS FURTHER RESOLVED, that checks, drafts, or other withdrawal orders issued against the funds of this corporation on deposit with said banks shall be signed by the following:

Mayor  
City Manager  
Treasurer-Finance Director

and that said banks are hereby fully authorized to pay and charge to the account of this corporation any checks, drafts, or other withdrawal orders.

BE IT FURTHER RESOLVED, that Northeast Bank, Wells Fargo Bank of Minnesota, N.A., and U.S. Bank are hereby

requested, authorized and directed to honor checks, drafts or other orders for the payment of money drawn in this corporation's name, including those drawn to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signatures of the following:

Mayor  
City Manager  
Treasurer-Finance Director

and that Northeast Bank, Wells Fargo Bank of Minnesota, N.A., and U.S. Bank shall be entitled to honor and to charge this corporation for all such checks, drafts or other orders, regardless of by whom or by what means the facsimile signature or signatures thereon may have been affixed thereto, if such facsimile signature or signatures resemble the facsimile specimens duly certified to or filed with the Banks by the Treasurer or other officer of his corporation.

BE IT FURTHER RESOLVED, with respect to limited-purpose imprest bank accounts at Northeast Bank, the applicable signatories in the foregoing part of this resolution, for both original and facsimile signatures, shall be any two of the three persons listed above.

BE IT FURTHER RESOLVED, that any and all resolutions heretofore adopted by the City Council of the corporation and certified to as governing the operation of this corporation's account(s) with it, be and are hereby continued in full force and effect, except as the same may be supplemented or modified by the foregoing part of this resolution.

BE IT FURTHER RESOLVED, that all transactions, if any, relating to deposits, withdrawals, re-discounts and borrowings by or on behalf of this corporation with said banks prior to the adoption of this resolution be, and the same hereby are, in all things ratified, approved and confirmed.

BE IT FURTHER RESOLVED, that any bank designated above as a depository, may be used as a depository for investment purposes, so long as the investments comply with authorized investments as set forth in Minnesota Statutes.

BE IT FURTHER RESOLVED, that any brokerage firm with offices in the State of Minnesota may be used as a depository for investment purposes so long as the investments comply with the authorized investments as set forth in Minnesota Statutes.

**RESOLUTION NO. 2017-02**

A resolution of the City Council for the City of Columbia Heights, Minnesota, to accept certain donations received by the City of Columbia Heights.

Whereas, the City Of Columbia Heights has received the following donations:

<b>Date</b>	<b>Donor</b>	<b>Fund</b>	<b>Amount</b>	<b>Purpose</b>
8/2/2016	Columbia Heights Activity Fund	883	\$ 17,373.31	All American City
10/25/2016	Columbia Heights Activity Fund	883	358.68	All American City
4/29/2016	Danny Hedermann	883	50.00	Fire
7/25/2016	Danny Hedermann	883	100.00	Fire
10/25/2016	First Lutheran Church	883	130.00	Fire



6/8/2016	Financial One	881	250.00	Heights Idol
6/8/2016	Northeast Bank	881	150.00	Heights Idol
6/8/2016	Columbia Heights Sister City	881	200.00	Heights Idol
6/8/2016	Columbia Heights Post No 23	881	100.00	Heights Idol
6/8/2016	Columbia Heights Athletic Boosters	881	125.00	Jamboree
6/8/2016	Columbia Heights Lions Club	881	125.00	Jamboree
7/18/2016	Columbia Heights Public Library Foundation	450	384.00	Library
11/16/2016	Columbia Heights Public Library Foundation	450	65,269.00	Library
1/12/2016	Columbia Heights Activity Fund	883	2,000.00	Branded Supplies
12/13/2016	Columbia Heights Activity Fund	883	1,040.00	Branded Supplies
5/23/2016	The Lift Man	883	50.00	Police
3/1/2016	Columbia Heights Athletic Boosters	881	5,150.00	Recreation
4/4/2016	Columbia Heights Athletic Boosters	881	5,000.00	Recreation
4/19/2016	Columbia Heights Lions Club	881	1,300.00	Recreation
11/4/2016	Columbia Heights Athletic Boosters	881	5,000.00	Recreation
7/12/2016	Friends of Fridley Seniors	881	350.00	Senior Program
			\$ 104,504.99	

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:

**ORDER OF COUNCIL**

BE IT HEREBY RESOLVED by the City Council of the City of Columbia Heights, that the City of Columbia Heights accepts these donations, subject to the donor-prescribed terms listed.

**RESOLUTION NO. 2017-03**

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Preliminary Plat for Aisling Fitness, LLC for the Three (3) vacant lots located at 51<sup>st</sup> Court NE.

**Whereas**, a proposal (Case # 2017-0102) has been submitted by Aisling Fitness, LLC to the City Council requesting Preliminary Plat Approval from the City of Columbia Heights at the following site:

**ADDRESS:** Three (3) vacant lots located at 51<sup>st</sup> Court NE (Property Identification Numbers (PIN): 25-30-24-23-0018, 25-30-24-23-0017, and 25-30-24-22-0066).

**LEGAL DESCRIPTION:** On file at City Hall.

**THE APPLICANT SEEKS THE FOLLOWING:** Preliminary Plat Approval per Code Section 9.104 (L).

**Whereas**, the Planning and Zoning Commission held a public hearing as required by the City Zoning Code on January 4, 2017;

**Whereas**, the City Council has considered the advice and recommendations of the Planning and Zoning Commission regarding the effect of the proposed Preliminary Plat upon the health, safety, and welfare of the

community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**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**

Section 9.104 (L) (6) of the Zoning Ordinance outlines conditions that must be met in order for the City to grant a Preliminary Plat. They are as follows:

- (a) The proposed Preliminary Plat conforms to the requirements of City Code Section 9.115.
- (b) The proposed Subdivision is consistent with the Comprehensive Plan.
- (c) The proposed Subdivision contains parcel and land subdivision layout that is consistent with good planning and site engineering design principles.

**Further, be it resolved**, that the attached plans, maps, and other information shall become part of this Preliminary Plat; and in granting approval the City and the applicant agree that the Plat shall become null and void if a Final Plat is not submitted to the City Council within one (1) calendar year after the approval date, subject to petition for renewal.

#### **CONDITIONS**

1. All required state and local codes, permits, licenses and inspections will be met and in full compliance.
2. The applicant shall be responsible for the cost of filing and recording written easements with the Anoka County Recorder's Office.
3. An approved Preliminary Plat shall be valid for a period of one year from the date of the City Council approval. In the event that a Final Plat is not submitted to the City Council within this time period, the Preliminary Plat will become void.

#### **RESOLUTION NO. 2017-04**

A resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Zoning Amendment for the property located at 820 40<sup>th</sup> Avenue NE.

**Whereas**, a proposal (Case # 2017-0103) has been submitted by Mulata Associates, LLC to the City Council requesting a Zoning Amendment from the City of Columbia Heights at the following site:

**ADDRESS:** 820 40<sup>th</sup> Avenue NE

**LEGAL DESCRIPTION:** On file at City Hall.

**REQUEST:** Zoning Amendment (Rezoning).

**Whereas**, the Planning and Zoning Commission held a public hearing as required by the City's Zoning Code on January 4, 2017;

**Whereas**, the City Council has considered the advice and recommendations of the Planning and Zoning Commission regarding the effect of the proposed Rezoning upon the health, safety, and welfare of the community

and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**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) The amendment is consistent with the Comprehensive Plan
- (b) The amendment is in the public interest and is not solely for the benefit of a single property owner.
- (c) Where the amendment is to change the zoning classification of a particular property, the existing use of the property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification.
- (d) Where the amendment is to change the zoning classification of a particular property, there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its current zoning classification.

**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 hereby rezones the property at 820 40<sup>th</sup> Avenue NE to "Central Business".

**RESOLUTION NO. 2017-06**

**Resolution Approving a Subordination of Mortgage In Connection with the City's Single Family Deferred Loan Program**

BE IT RESOLVED By the City Council ("Council") of the City of Columbia Heights ("City") as follows:

Section 1. Recitals.

1.01. The City has heretofore established a deferred loan program for the rehabilitation of single-family homes (the "Program"), administered by the Economic Development Authority of the City (the "Authority"), and has approved certain deferred loans to individual applicants in connection with the Program.

1.02. Each loan under the Program is secured by a mortgage (the "City Mortgage"), which is subordinated to the mortgage of the applicant's primary lender (the "Primary Mortgage") pursuant to the Authority's Subordination Policy (the "Policy").

1.03. Jerome A. McAllister and Pauline A. McAllister, husband and wife (together, the "Applicants"), who received a loan secured by a City Mortgage under the Program, now wish to refinance their Primary Mortgage, and have requested that the City subordinate its City Mortgage to the new Primary Mortgage.

1.04. City staff and legal counsel have reviewed Applicant's request and documentation, have determined that subordination of the City Mortgage to the new Primary Mortgage complies with the Policy in all respects, and have prepared a Subordination of Mortgage (the "Subordination"), attached as Exhibit A, for review and approval by the Council.

1.05. The Council has reviewed the Subordination and finds that the approval and execution of the Subordination are in the best interest of the City and its residents.

Section 2. City Approval; Other Proceedings.

2.01. The Subordination as presented to the Council is hereby in all respects approved, subject to modifications that do not alter the substance of the transaction and that are approved by the Mayor and City Manager, provided that execution of the Subordination by such officials shall be conclusive evidence of approval.

2.02. The Mayor and City Manager are hereby authorized to execute on behalf of the City the Subordination.

2.03. City staff and consultants are authorized to take any actions necessary to carry out the intent of this resolution.

**RESOLUTION NO. 2017-07**

**RESOLUTION OF THE CITY COUNCIL OF COLUMBIA HEIGHTS, MINNESOTA, AUTHORIZING THE SUBMITTAL OF THE 2017 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO ANOKA COUNTY.**

**BE IT RESOLVED BY** the City Council (Council) of the City of Columbia Heights (City), Minnesota that the City has approved the 2017 Community Development Block Grant (CDBG) funding application on January 9, 2017.

**BE IT FURTHER RESOLVED** that the City act as the legal sponsor for the project contained in the 2017 CDBG funding application to be submitted to Anoka County (County) on or before January 13, 2017 and that the City Manager, or his designee is hereby authorized to apply to the County for funding of this project on behalf of the City.

**BE IT FURTHER RESOLVED** that the City has the legal authority to apply for financial assistance, and the institutional, managerial and financial capability to ensure adequate project administration.

**BE IT FURTHER RESOLVED** that the City has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practices.

**BE IT FURTHER RESOLVED** that upon approval of its application by the County, the City may enter into an agreement with the County for the above-referenced project, and that the City certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

**NOW, THEREFORE BE IT FINALLY RESOLVED** that the Mayor and the City Manager are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City.

**RESOLUTION NO. 2017-08**

A resolution of the City Council for the City of Columbia Heights, Minnesota, adopting assessment roll according to the City Charter for the following local improvement and determining that said improvement will be made, and ratifying and confirming all other proceedings, heretofore had: Special Assessment for alley light area numbered 677-46.

Whereas, the City Council of the City of Columbia Heights, Minnesota, met at 7:00 p.m. on the 9th day of January, 2017, in the City Council Chambers, 590 40th Avenue N.E. Columbia Heights, Minnesota, being the

time and place set when and where all persons interested could appear and be heard by the Council with respect to benefits, and to the proportion of the cost of making the local improvement above described, a notice of such hearing having been heretofore duly published as required by law, and a notice mailed to each property owner of record, stating the proposed amount of the assessment; and,

Whereas, this Council has heretofore estimated the cost of such local improvement and has prepared an assessment roll therefore,

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:

Section 1. That this Council does hereby adopt the aforesaid assessment roll known and described as "Assessment Roll for Local Improvements" numbered 677-46 for alley lighting, a copy of which is attached hereto and made a part hereof.

Section 2. That this Council hereby finds and determines that each of the lots and parcels of land enumerated in said assessment roll was and is especially benefited by such improvements. This Council further finds and determines that the proper proportion of the cost of such improvement to be especially assessed against each lot or parcel of land is the amount as billed annually by Xcel Energy Company.

Section 3. That the assessment will be added to the utility bill prepared and mailed by the City of Columbia Heights to property owners or occupants on record with the Finance Department.

Section 4. This resolution shall take effect immediately upon its passage.

RESOLUTION NO. 2017-09  
A RESOLUTION DECLARING A VACANCY ON THE COUNCIL.

WHEREAS: Donna Schmitt assumed the duties of Mayor of City of Columbia Heights, and

WHEREAS: Donna Schmitt will be unable to complete her term as a City Council member;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Columbia Heights, that a vacancy on the City Council is hereby deemed to exist.