

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
MAY 22, 2017**

The following are the minutes for the regular meeting of the City Council held at 7:00 PM on Monday May 22, 2017 in the City Council Chambers, City Hall, 590 40th Ave. N.E., Columbia Heights, Minnesota

**1. CALL TO ORDER**

Mayor Schmitt called the meeting to order at 7:07p.m.

**2. ROLL CALL**

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

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

**3. INVOCATION**

Invocation provided by Bill Hugo, St. Matthew Church

**4. PLEDGE OF ALLEGIANCE**

**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.)**

Mayor Schmitt announced the following item will be removed from the Agenda:

*Resolution Number 2017-50 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 held by 2015-2 IH2 Borrower LP regarding rental property at 5050 Mulcare Drive NE.*

City Manager Walt Fehst requested the council consider scheduling the Goals & Objectives meetings for May 31<sup>st</sup> from 5:00-7:00 PM at the Columbia Heights Library, and a follow-up meeting on June 5<sup>th</sup> from 4:00-6:00 PM at City Hall. The council agreed to meet on the proposed dates.

*Motion by Mayor Schmitt, seconded by Councilmember Buesgens to approve the agenda as amended.*

*All Ayes, Motion Carried.*

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

**1. Public Works Week Proclamation**

Mayor Schmitt read the proclamation, and acknowledged Public Works Director Kevin Hansen for his work in the City. Councilmember Williams commended Director Hansen on the tremendous job that is done with the keeping the City parks maintained. Hansen noted that the City is fortunate to have many volunteers to assist with park upkeep.

## **2. Max Richter Proclamation**

Mayor Schmitt read the proclamation, and announced there will be a reception for Pastor Max on Wednesday May 31st at Community United Methodist Church.

## **3. Boy Scout Troop 167- 50<sup>th</sup> Anniversary Celebration.**

Mayor Schmitt congratulated Troop 167 on their anniversary.

## **4. Anoka County Recycling Recognition**

Jesse Davies, Public Works Administrative Assistant reported that several residents were recently honored with the Anoka County Recycling Champion Award.

Laura Grunloh, Jennifer Pyper-Muno (2016 winner), Stan Mraz; North Park Elementary School, Taj Kahn and Bob Odded; Kiwanis were all mentioned and thanked for their efforts.

Anoka County Commissioner Jim Kordiak thanked the council for their support in continued recycling efforts. Kordiak presented the City with a certificate of appreciation for recycling 213,963 tons of material in 2016. Mr. Davies announced the Kiwanis will be opening up the Recycling Center over the Memorial Day Holiday weekend on Saturday May 27<sup>th</sup>.

## **7. CONSENT AGENDA**

(These items are considered to be routine by the City Council and will be enacted as part of the Consent Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business.)

Mayor Schmitt requested item E be removed for discussion.

### **A. Approve Minutes of the City Council**

MOTION: Move to approve the minutes of the City Council meeting of May 8, 2017

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

MOTION: Move to accept the Library Board minutes from April 5, 2017

### **C. Annual declaration that the City of Columbia Heights does NOT waive the monetary limits on the Municipal Tort Liability under Minnesota Statutes, Section 466.04.**

MOTION: Move to declare that the City of Columbia Heights does NOT waive the monetary limits on municipal tort liability under Minnesota Statutes, section 466.04.

### **D. Final Payment for Central Avenue Median Closure, Project No. 1410**

MOTION: Move to accept the work for Central Avenue (TH 65) Median Closure for Columbia Heights Public Library, Project No. 1410, and authorize final payment of \$3,695.25 to Midwest Asphalt Corporation of Hopkins, Minnesota.

### **E. Public Hearing Request for Proposed Establishment of the 47th and Grand TIF District *\*Removed for Discussion.***

### **F. Consideration of approval of attached list of rental housing applications.**

MOTION: Move to approve the items listed for rental housing license applications for May 22, 2017, in that they have met the requirements of the Property Maintenance Code.

### **G. Approve Business License Applications**

MOTION: Move to approve the items as listed on the business license agenda for May 22, 2017.

### **H. 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 165720 through 165912 in the amount of \$858,572.45.

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr. to approve the Consent Agenda items A, B, C, D, F, G, and H. All Ayes, Motion Carried.*

The following item was removed for discussion:

### **E. Public Hearing Request for Proposed Establishment of the 47th and Grand TIF District**

Keith Dahl, Economic Development Manager reported that Dominion has requested public financial assistance from the Columbia Heights Economic Development Authority (EDA) for the redevelopment of the property located at the corner of 47th and Grand Avenue NE. Dahl reported that City Staff is working with our financial consultant to determine the developer's need for assistance. Dahl explained that tonight's item is simply to schedule the Public Hearing for July 10, 2017. City Manager Walt Fehst questioned the process if the TIF District is granted, and the project is unable to be completed. Dahl stated all TIF agreements contain a condition allowing for the EDA to decertify the district in the event the developer defaults. Councilmember Williams questioned if the Dominion project on 37<sup>th</sup> and University is in a TIF district. Dahl reported the district was established long before the project began.

*Motion by Councilmember Williams, seconded by Councilmember Novitsky to waive the reading of Resolution 2017-51, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Williams, seconded by Councilmember Buesgens to adopt Resolution 2017-51, a resolution calling for a public hearing by the City Council on the proposed modification to the Downtown Central Business District (CBD) Revitalization Plan for the Downtown CBD Redevelopment Project and the establishment of the 47th and Grand Tax Increment Financing District. All Ayes, Motion Carried.*

## **8. PUBLIC HEARINGS**

### **A. Adopt Resolution for Emergency Abatement - 4329 Main St NE**

Fire Chief Gary Gorman reported the property was found damaged and unsecured. The city hired a contractor to secure the property.

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Williams to close the public hearing and to waive the reading of Resolution 2017-45, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Williams to adopt Resolution Number 2017-45, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the emergency abatement of violations from the property pursuant to City Code section 8.206. All Ayes, Motion Carried.*

**B. Consideration of declaration of a nuisance and abatement of violations within the City of Columbia Heights is requested regarding the property at 726 40th Avenue NE and 4240 Stinson Blvd. NE for failure to meet the requirements of the Residential Maintenance Code.**

Fire Chief Gary Gorman reported the property at 726 40<sup>th</sup> Ave NE needed address numbers installed on the garage. The property at 4240 Stinson Blvd required replacement of hanging soffit and fascia.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to close the public hearing and to waive the reading of Resolution Numbers 2017-46 and 2017-47, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to adopt Resolution Number 2017-46, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the abatement of violations from the property pursuant to City Code section 8.206. All Ayes, Motion Carried.*

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr. to adopt Resolution Number 2017-47, being resolution of the City Council of the City of Columbia Heights declaring the property listed a nuisance and approving the abatement of violations from the property pursuant to City Code section 8.206.*

**C. Consideration of revocation of the license to operate a rental unit within the City of Columbia Heights is requested against the rental properties at 3804 5th Street NE and 4653 Tyler Street NE (5050 Mulcare Drive NE has been removed from the agenda) for failure to meet the requirements of the Residential Maintenance Codes.**

Fire Chief Gary Gorman reported the property at 3804 5<sup>th</sup> St NE failed to submit their rental application and fees. The property at 4653 Tyler St NE failed to submit the renewal rental fee and schedule the required inspection.

*Motion by Councilmember Buesgens, seconded by Councilmember Murzyn, Jr. to close the public hearing and to waive the reading of Resolution Numbers 2017-48, and 2017-49 being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn Jr. to adopt Resolution Number 2017-48, being 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.*

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Novitsky to adopt Resolution Number 2017-49, being 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.*

**9. ITEMS FOR CONSIDERATION**

**A. Other Ordinances and Resolutions**

**1. First Reading Ordinance No. 1640 – Proposed Bar Close at 2:00 a.m.**

Joe Hogeboom, Community Development Director reported a business owner the community has requested to serve liquor until 2:00 AM in order to keep with competition. Hogeboom reported the neighboring cities of Minneapolis, Fridley and New Brighton all have 2:00 AM licensing available. Police Chief Scott Nadeau reported he has no concerns at this time with offering the 2:00 option. Hogeboom reported there are

currently 10 establishments holding a liquor license in Columbia Heights, six are for full liquor, four are beer and wine only. Staff is proposing an additional \$300 fee, in addition to the State's fee of \$200-\$1000. Hogeboom commented that there are some areas of confusion in the code pertaining to Sunday sales. For consistency purposes it was recommended to allow opening at 10:00 AM on Sundays for all establishments, and to include this change in the ordinance.

*Motion by Councilmember Williams, seconded by Councilmember Novitsky to waive the reading of Ordinance No. 2017-1640 as amended, as there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Williams, seconded by Councilmember Novitsky to set the second reading of Ordinance No. 2017-1640 as amended, being an ordinance related to allowing liquor sales to occur until 2:00 am, to June 12, 2017. All Ayes, Motion Carried.*

## **2. First Reading of Ordinance No. 1641 - Adult Day Care Facilities Outdoor Space Requirements**

Joe Hogeboom, Community Development Director reported at the April Work Session, the City Council discussed regulations for Adult Day Care facilities. The City of Columbia Heights currently requires 150 square feet of outdoor space available on site for each adult at the facility under care. The state of Minnesota, which regulates and provides licensing for adult day care facilities, does not require that outdoor space be provided. Staff polled a number of communities, and discovered that many do not require that outdoor space be provided for adult day care facilities.

Staff is proposing a general 150' outdoor space requirement. If the applicant is unable to meet the requirement, staff is proposing allowing the applicant to provide a written alternative for meeting recreation needs for clients. Hogeboom indicated there is currently one licensed facility in the City. This facility does not meet the outdoor space requirement; however it has been grandfathered in.

DeWayne Morell-4212 Reservoir Blvd was concerned about smokers and non-smokers sharing the same 150' space. Director Hogeboom indicated the area could be designated "Non-smoking."

*Motion by Councilmember Buesgens, seconded by Councilmember Williams to waive the reading of Ordinance No. 2017-1641, there being ample copies available to the public. All Ayes, Motion Carried.*

*Motion by Councilmember Novitsky, seconded by Councilmember Williams to set the second reading of Ordinance No. 2017-1641, amending Section 9.107(C)(16)(d) regarding adult day care facility outdoor space requirements, to June 12, 2017. All Ayes, Motion Carried.*

## **B. Bid Considerations**

## **C. New Business and Reports**

### **10. ADMINISTRATIVE REPORTS**

Report of the City Council

Councilmember Williams reported the School District recently awarded \$245,000 in scholarships.

Councilmember Novitsky attended the Silverwood Art Fest, North Park Elementary barbeque and 2<sup>nd</sup> grade track & field event. Dominion held an informational meeting at the library regarding a proposed housing project at 47<sup>th</sup> and Grand, Novitsky attended the meeting.

Councilmember Buesgens attended the School Board meeting, the Community Prayer Breakfast and Coffee with a Cop. Buesgens reported the HeightsNext group will be discussing merging with the Farmer Market group at an upcoming meeting.

Mayor Schmitt thanked Councilmember Buesgens for her assistance with the Prayer Breakfast. Schmitt reported 177 people attended, over \$200 was collected in the red kettles, and \$1,200 was donated to the Kiwanis Key Club.

Schmitt reported a group of 2<sup>nd</sup> graders from North Park Elementary visited City Hall on May 11th.

Many of the garage sales scheduled for May 20<sup>th</sup> closed up early due to rain, Schmitt was able to attend 13 of the 35 registered sales.

Mayor Schmitt announced Anoka County and the City of Columbia Heights have Memorial Day events planned.

The Community Picnic is scheduled for June 7<sup>th</sup> at Huset Park.

#### Report of the City Manager

City Manager Walt Fehst reported city departments have participated in a communications audit, more information will be available in the coming weeks.

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

DeWayne Morrell-4212 Reservoir Blvd. requested the City look into the display practices at the Aldi store, as it could block escape for customers.

Mr. Morrell asked what the procedure is regarding follow up with residents. City Manager Walt Fehst responded staff will follow up based on the complaints. Mayor Schmitt suggested Mr. Morrell contact the City with specific concerns.

Frost Simula-1700 49<sup>th</sup> Ave NE requested the City consider ways to make meeting materials more accessible.

#### **12. ADJOURNMENT**

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

Meeting adjourned at 8:30 p.m.



Respectively Submitted,  
Katie Bruno, Council Secretary/City Clerk

#### **RESOLUTION 2017-45**

Resolution of the City Council for the City of Columbia Heights declaring the property a nuisance and approving emergency abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by Bart Mady (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4329 Main Street N.E. Columbia Heights, Minnesota.

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 May 4, 2017 the Fire Department responded to a complaint at the address listed above. Inspectors noted that the structure was damaged, open, and unsecured.
2. That on May 4, 2017 the Fire Chief ordered that Advanced Companies secure the structure.
3. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist and have been abated, to wit:
  - A. Approve the emergency abatement of the hazardous situation located at 4329 Main Street N.E.

**CONCLUSIONS OF COUNCIL**

1. That the property located at 4329 Main Street N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
2. That the emergency abatement of the hazardous situation located at 4329 Main Street N.E. is hereby approved.

**ORDER OF COUNCIL**

1. The property located at 4329 Main Street N.E. constitutes a nuisance pursuant to City Code.

**RESOLUTION 2017-46**

Resolution of the City Council for the City of Columbia Heights declaring the property a nuisance and approving abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by Sammy Peters (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 726 40<sup>th</sup> Avenue N.E., Columbia Heights, Minnesota.

And whereas, pursuant to Columbia Heights Code, Chapter 8, Article II, Section 8.206, written notice setting forth the causes and reasons for the proposed council action contained herein was sent via regular mail to the owner of record on April 18, 2017.

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**

4. That on March 10, 2017, an inspection was conducted on the property listed above. Inspectors found violations. A compliance order was sent via regular mail to the owner at the address.
5. That on April 18, 2017, inspectors re-inspected the property listed above. Inspectors noted that violations remained uncorrected. A compliance order and statement of cause was mailed via regular mail to the owner listed in the property records.
6. That on May 9, 2017, inspectors re-inspected the property and found that violations remained uncorrected.
7. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit:
  - A. Shall install address numbers on garage.

8. That all parties, including the owner of record and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code Section 8.206(A) and 8.206(B).

#### **CONCLUSIONS OF COUNCIL**

3. That the property located at 726 40<sup>th</sup> Avenue N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
4. That all relevant parties and parties in interest have been duly served notice of this hearing, and any other hearings relevant to the abatement of violations on the property listed above.
5. That all applicable rights and periods of appeal as relating to the owner of record, occupant, or tenant, as the case may be, have expired, or such rights have been exercised and completed.

#### **ORDER OF COUNCIL**

2. The property located at 726 40<sup>th</sup> Avenue N.E. constitutes a nuisance pursuant to City Code.
3. That a copy of this order shall be served upon all relevant parties and parties in interest.

#### **RESOLUTION 2017-47**

Resolution of the City Council for the City of Columbia Heights declaring the property a nuisance and approving abatement of ordinance violations pursuant to Chapter 8, Article II, of City Code, of the property owned by Richard C. Miller (hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4240 Stinson Blvd. N.E., Columbia Heights, Minnesota.

And whereas, pursuant to Columbia Heights Code, Chapter 8, Article II, Section 8.206, written notice setting forth the causes and reasons for the proposed council action contained herein was sent via regular mail to the owner of record on May 3, 2017.

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**

9. That on December 9, 2016, an inspection was conducted on the property listed above. Inspectors found violations. A compliance order was sent via regular mail to the owner at the address.
10. That on May 2, 2017, inspectors re-inspected the property listed above. Inspectors noted that violations remained uncorrected. A compliance order and statement of cause was mailed via regular mail to the owner listed in the property records.
11. That on May 11, 2017, inspectors re-inspected the property and found that violations remained uncorrected.
12. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit:



- A. Shall repair/replace hanging soffit/fascia on north and south sides of home.
13. That all parties, including the owner of record and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code Section 8.206(A) and 8.206(B).

#### **CONCLUSIONS OF COUNCIL**

6. That the property located at 4240 Stinson Blvd. N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
7. That all relevant parties and parties in interest have been duly served notice of this hearing, and any other hearings relevant to the abatement of violations on the property listed above.
8. That all applicable rights and periods of appeal as relating to the owner of record, occupant, or tenant, as the case may be, have expired, or such rights have been exercised and completed.

#### **ORDER OF COUNCIL**

4. The property located at 4240 Stinson Blvd. N.E. constitutes a nuisance pursuant to City Code.
5. That a copy of this order shall be served upon all relevant parties and parties in interest.

#### **RESOLUTION 2017-48**

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 Deqa Hussein (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 3804 5<sup>th</sup> 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 May 5, 2017 of a public hearing to be held on May 22, 2017.

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 or about March 1, 2017, and April 1, 2017, inspection office staff sent letters requesting the owner of the property submit the rental license application for this property. The letters were mailed by regular mail to the owner at the address listed in the property records.
2. That on May 5, 2017, inspection office staff reviewed the property file and noted that the property remained unlicensed. A Statement of Cause was mailed by regular mail to the owner at the address listed in the property records.
3. 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. Failure to submit renewal rental license application and fees.
4. 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 F15304 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 2017-49**

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 Pyramidgroup LLC (hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 4653 Tyler St. 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 April 25, 2017 of a public hearing to be held on May 22, 2017.

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 or about April 25, 2017, inspection office staff sent a letter requesting the owner of the property submit the rental license application for this property. The letter was mailed by regular mail to the owner at the address listed in the property records.
2. That on May 9, 2017, inspection office staff reviewed the property file and noted that the property remained unlicensed. A Statement of Cause was mailed by regular mail to the owner at the address listed in the property records.
3. 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. Failure to submit renewal rental license application and fees.
  - b. Failure to schedule interior inspection.
4. 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 F15408 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 2017-51**

**RESOLUTION CALLING FOR A PUBLIC HEARING ON THE PROPOSED MODIFICATION OF THE DOWNTOWN CENTRAL BUSINESS DISTRICT (CBD) REVITALIZATION PLAN FOR THE DOWNTOWN CBD REDEVELOPMENT PROJECT AND THE PROPOSED ESTABLISHMENT OF THE 47<sup>th</sup> AND GRAND TAX INCREMENT FINANCING DISTRICT THEREIN AND THE ADOPTION OF THE TIF PLAN THEREFOR.**

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

Section 1. Public Hearing. This Council shall meet on July 10, 2017, at approximately 7:00 P.M., to hold a public hearing on the proposed modification of the Downtown Central Business District (CBD) Revitalization Plan for the Downtown CBD Redevelopment Project (the "Modification"), the proposed establishment of the 47<sup>th</sup> and Grand Tax Increment Financing District (a housing district), and the proposed adoption of a Tax Increment Financing Plan ("TIF Plan") therefor, all pursuant to Minnesota Statutes, Sections 469.090 through 469.1082, and Sections 469.174 to 469.1794, inclusive, as amended, in an effort to encourage the development and redevelopment of certain designated areas within the City.

Section 2. Notice of Public Hearing, Filing of Plans. City staff is authorized and directed to work with the City's consultants to prepare the Modification and TIF Plan and to forward the Modification and TIF Plan to the appropriate taxing jurisdictions, including Anoka County and Independent School District No. 13. The City Clerk is authorized and directed to cause notice of the public hearing, together with an appropriate map as required by law, to be published at least once in the official newspaper of the City not later than 10, nor more than 30, days prior to July 10, 2017, and to place a copy of the Modification and TIF Plan on file in the Deputy Clerk's office at City Hall and to make such documents available for inspection by the public.

**ORDINANCE 1640**

**BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO LIQUOR, BEER AND WINE LICENSES WITHIN THE CITY OF COLUMBIA HEIGHTS**

The City of Columbia Heights does ordain:

**SECTION 1:**

**§ 5.502 3.2% MALT LIQUORS (BEER).**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(3) No sale of 3.2% malt liquor (beer) may be made between 21:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 21:00 a.m. and 102:00 a.m. ~~noon~~ on Sunday.

**SECTION 2:**

**§ 5.503 ON-SALE CLUB LIQUOR.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(2) The off-sale of malt liquor shall only be permitted during the same days and hours of Municipal Liquor Stores, and between the hours of 10:00 a.m. on Sundays and 21:00 a.m. on Mondays; and

**SECTION 3:**

**§ 5.504 ON-SALE CLUB LIQUOR.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(1) No sale of ~~any or~~ intoxicating liquor may be made between 21:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 21:00 a.m. and 102:00 a.m. ~~noon~~ on Sunday.

**SECTION 4:**

**§ 5.505 INTOXICATING LIQUOR.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(M) No sale of intoxicating liquor for consumption on a licensed premises may be made between 21:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 21:00 a.m. and 102:00 a.m. ~~noon~~ on Sunday.

**SECTION 5:**

**§ 5.506 ON-SALE WINE LICENSES.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(O) No sale of wine may be made between 21:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 21:00 a.m. and 102:00 a.m. ~~noon~~ on Sunday.

**SECTION 6:**

**§ 5.508 SUNDAY ON-SALE LIQUOR LICENSES.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(A) Establishments to which on-sale licenses have been issued or hereafter may be issued, pursuant to §§ 5.502 and 5.503 may serve intoxicating liquors between the hours of 10:00 a.m. on Sunday and 21:00 a.m. on Mondays in conjunction with the serving of food, provided that such establishment is in conformance with the Minnesota Clean Air Act.

**SECTION 7:**

**§ 5.510 ON-SALE TEMPORARY LIQUOR LICENSES.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(1) No licensee of his agent may sell or permit the sale of intoxicating liquor licensed to be sold under this section between the hours of 24:00 a.m. and 8:00 a.m. on days Monday through Saturday, nor between the hours of 24:00 a.m. and 102:00 a.m. ~~noon~~ on Sunday. No licensee or his agent or any other person shall consume or allow to be consumed on the licensed premises any intoxicating liquor between the hours of 2:00 ~~1:30~~ a.m. and 8:00 a.m. Should the Council decide to additionally restrict the hours of sale in granting the license, no licensee or his or her agent may sell or permit the sale of intoxicating liquor at any time not specifically allowed in such license.

**ORDINANCE 1641**

**BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO ADULT DAY CARE ZONING REGULATIONS**

The City of Columbia Heights does ordain:

**SECTION 1:**

**§ 9.107 SPECIFIC DEVELOPMENT STANDARDS.**

City Code of 2005, is proposed to include the following addition and shall hereafter read as follows, to wit:

(C)(16)(d) For adult day care facilities, at least 150 square feet of outdoor area for seating and exercise shall be provided ~~for each adult under care.~~ If 150 square feet of outdoor is not available on the site, the property owner must submit a written proposal that demonstrates recreational activities for adults under the facility's care will be provided off-site. The City Manager, or his or her designee, is authorized to approve or deny this proposal.

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