The following is the agenda for the regular meeting of the City Council to be held at 7:00 p.m. on Monday, August 08, 2011 in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, MN.

The City of Columbia Heights does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs, or activities. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all City of Columbia Heights' services, programs, and activities. Auxiliary aids for disabled persons are available upon request when the request is made at least 96 hours in advance. Please call the City Clerk at 763-706-3611, to make arrangements. (TDD/706-3692 for deaf or hearing impaired only)

1. CALL TO ORDER/ROLL CALL/INVOCATION
   Invocation by Pastor Bob Lyndes, Crest View Senior Communities

2. PLEDGE OF ALLEGIANCE

3. 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.)

4. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS
   A. Congressman Keith Ellison

5. 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 July 25, 2011 City Council meeting.
      MOTION: Move to approve the minutes of the July 25, 2011 City Council meeting.
      p5
   B. Accept minutes of Boards and Commissions
      MOTION: Move to accept the minutes of the May 24, 2011 HRA meeting.
      MOTION: Move to accept the minutes of the June 6, 2011 EDA meeting.
      MOTION: Move to accept the minutes of the August 3, 2011 Planning and Zoning Commission meeting.
      MOTION: Move to accept the minutes of the July 6, 2011 Library Board meeting.
      p18  
      p25
      p29
      p35
   C. Authorization to seek engineering proposals for the Argonne sanitary sewer lift station improvement.
      MOTION: Move to authorize staff to obtain engineering proposals from consultants for the design, inspection, and construction management of the Argonne sanitary sewer lift station improvement.
      p38

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D. Municipal Service Center: Surface Water Management Improvements (Phase I)
   MOTION: Move to authorize the purchase of one Stormceptor unit, along with the storm sewer and paving materials as detailed for the MSC Surface Water Management Improvements, up to the budgeted amounts.

E. Adopt Resolution 2011-73, being a Resolution calling a Public Hearing for Scattered Site Housing TIF District
   MOTION: Move to waive the reading of resolution 2011-73, there being ample copies available to the public.
   MOTION: Move to adopt Resolution 2011-73, being a Resolution calling for a public hearing by the City Council on the proposed modification of the Downtown Central Business District (CBD) Revitalization Plan for Downtown CBD Redevelopment project and the proposed establishment of the city-wide Scattered Site Housing Tax Increment Financing District therein and the adoption of the TIF plan therefore.

F. Approval of attached list of rental housing applications.
   MOTION: Move to approve the items listed for rental housing license applications for August 8, 2011 in that they have met the requirements of the Property Maintenance Code.

G. Approve Business License Applications
   Move to approve the items as listed on the business license agenda for August 8, 2011 as presented.

H. Review payment of the bills
   MOTION: Move that in accordance with the MN Statute 412.271, subd. 8 the City Council has received the list of claims paid covering check number 139842 through 140018 in the amount of $791,799.85.
   MOTION: Move to approve the Consent Agenda items.

6. PUBLIC HEARINGS
   A. Adopt Resolution 2011-074 being Resolution for the Approval of an assembly/manufacturing/processing operation located at 5150 Central Ave, and Resolution 2011-075 being a Resolution for the Approval of a Minor Subdivision at 5150 Central Avenue.
      MOTION: Move to waive the reading of Resolution 2011-074, there being ample copies available to the public.
      MOTION: Move to adopt Resolution No. 2011-074, approving the Conditional Use Permit for an assembly/manufacturing/processing business located at 5150 Central Avenue, subject to the conditions outlined in Resolution No. 2011-074.
      MOTION: Move to waive the reading of Resolution 2011-075, there being ample copies available to the public.
      MOTION: Move to adopt Resolution No. 2011-075, approving the Minor Subdivision of the property at 5150 Central Avenue, subject to the conditions outlined in Resolution No. 2011-075.

   B. Establish the date for the 2011 public special assessment levy hearing for: Zone 5 Seal Coat Program, Zone 6 Street Rehabilitation, and delinquent accounts
      MOTION: Move to establish Monday, October 3, 2011 at 6:00 p.m. as the Public Special
Assessment Levy Hearing for City Project #1101 Zone 5 Seal Coat Project, to be held in the City Council Chambers.

MOTION: Move to establish Monday, October 3, 2011 at 6:15 p.m. as the Public Special Assessment Levy Hearing for City Project #1102 Zone 6 Street Rehabilitation, to be held in the City Council Chambers.

MOTION: Move to establish Monday, October 3, 2011 at 6:30 p.m. as the Public Special Assessment Levy Hearing for Delinquent Accounts, to be held in the City Council Chambers.

7. ITEMS FOR CONSIDERATION
   A. Other Ordinances and Resolutions - none
   B. Bid Considerations - none
   C. New Business and Reports - none

8. ADMINISTRATIVE REPORTS
   Report of the City Manager
   Report of the City Attorney

9. CITIZENS FORUM
   At this time, citizens have an opportunity to discuss with the Council items not on the regular agenda. Citizens are requested to limit their comments to five minutes. Anyone who would like to speak shall state his/her name and address for the record.

10. ADJOURNMENT

    Walter R. Fehst, City Manager

    WF/pvm
OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING

The following are the minutes for the regular meeting of the City Council held at 7:00 p.m. on Monday, July 25, 2011 in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, MN.

CALL TO ORDER/ROLL CALL/INVOCATION
Youth Pastor Brenna Zeimet, Columbia Heights Assembly of God, gave the invocation.

Present: Mayor Peterson, Council member Williams, Council member Nawrocki, Council member Diehm, Council member Schmitt

PLEDGE OF ALLEGIANCE - recited

ADDITIONS/DELETIONS TO MEETING AGENDA
Peterson removed Resolutions #2011-57, 58, 61, 62, 64, and 65 in that the properties have been brought into compliance.

Nawrocki requested to remove, under Consent, items E and G for discussion.

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS
A. Proclamation
   National Night-Out: Police Officer Terry Nightingale
   Nightingale indicated he will coordinate the 28th National Night Out celebration. This is a gathering to focus on crime prevention in our country. Close neighbors create groups that take a bite out of crime. There are now 30 blocks registered in the city for their block party on August 2. This event is also helpful to organize Neighborhood Watch Block Groups.

   Mayor Peterson read the National Night Out 2011 Proclamation.

   Nawrocki questioned the video system not working. Fehst indicated it may be an operation error.

B. Presentation
   Anoka County Public Safety SACA Charity softball game - Paul Eich
   Eich stated this is the 9th annual charity softball game to benefit our local food shelf, SACA. This event has expanded to a pig roast and an increase in the number of teams participating from surrounding communities and the Anoka County Sheriff’s office. All proceeds go to SACA. The event is Wednesday, August 3, beginning at 6:00 p.m. Peterson thanked him for the work he puts into this event. Eich stated that Officer Bonesteel also helped to organize the event this year.

C. Presentation
   Dave Mol, CPA with Tautges Redpath - the City Auditors
   Mol covered the various reports issued, the “clean” opinion on the financial statements, the Audit Standards and Federal Government Audit standards followed, and the GFOA Award received for Excellence in Financial Reporting, received since 1990. Mol also reported on internal controls, i.e. payroll and the dispersing process. He explained the report on Compliance with Minnesota Legal Compliance Audit Guide and the report on compliance with Federal program requirements. This was required because of federal monies expended, mainly for the pedestrian bridge. There were 14 compliance categories. There were no categories of non-compliance. Mol indicated that there were no disagreements with management under the “communication to those charged with governance”. Under a new requirement, there were five immaterial timing
differences which will not result in a change. He covered the 2010 financial results, indicating a total cash balance of $29,949,000. Mol stated that this was a summary of the more detailed information in the CAFR booklet. There is a clean opinion of the Columbia Heights financial report, with good results.

Nawrocki asked the cost for of the GFOA award. Joseph Kloiber, Finance Director, stated the application fee was $435. Nawrocki questioned special funds, such as Wargo Court and the County HRA levy. Kloiber indicated the HRA levy is an Anoka County fund; we are reimbursed for eligible projects, which are recorded in fund 202. He indicated that Wargo Court is in fund 883, the contribution fund. This fund also includes other aggregated contributions, not including fund 881 for recreation. Nawrocki questioned compensated absences. Mol stated that is unused sick or vacation leave as calculated on December 31 and is the total of hours accrued. Kloiber stated there are fund in the bank for this. Nawrocki asked if the City Manager made any budget revisions in 2010. Mol stated that formal amendments are listed, but did not recall any at that level. Kloiber agreed. Nawrocki referred to our outstanding debt as roughly $44,000,000 through 2038. Half of that amount will require payment within the next 20 years. (Video recording began.)

Nawrocki questioned the current TIF projects. Kloiber referred to the broad, different structures of TIF, such as “pay as you go” loans, internal loans, and TIF bonds. Nawrocki questioned the Huset TIF project. Fehst stated that Huset is a “pay as you go” project. They are underpaid at this time, due to the economy. Fehst suggested the EDA attorney explain our obligations at a later date. Fehst stated that Shafer Richardson may come in and ask for reconsideration. Kloiber stated the two old items through inter-fund loans will be collected. Nawrocki referred to the water line cleaning project and asked how we are paying for this, Kloiber stated that income to water fund comes from the water utility bills, with some projects bonded to pay for them up front. Kevin Hansen, Public Works Director, stated the payment of the debt service was included in the rate study and we do not anticipate a rate increase. Nawrocki questioned the administration staff going from five to ten employees. Fehst stated this now includes the part time cleaning people, as supervised by Assistant to the City Manager Magee. Nawrocki referred to the minor instances noted. Mol indicated one suggestion was to include the total dollar amount in assessment resolutions, with the detailed information attached to allow for support of council approval. The other item, recreation documentation and completeness of the revenue recorded, has been reported and continues to show improvement. Nawrocki indicated the complexity of the CAFR document. Mol stated it is a large, comprehensive, and technical document.

Diehm complimented staff and the auditor, as our city finances are very complex. When you look through this you realize how complicated our finances are. She stated that she was the most impressed with the small summary book for a good overview of our finances. She listed the budget percentage for some departments, liquor sales, and ratings. This was a great job in providing a comprehensive document.

Schmitt thank Kloiber for his answers to her multiple, long questions prior to the meeting. She stated that he is doing a great job.

She questioned carryovers from 2009 to 2010 and if this would happen next year with the pedestrian bridge. Kloiber stated that we have not defined any differences with the pedestrian bridge.

Nawrocki asked if we made $550,000 profit with our liquor operations and if that included the debt service to pay for the new stores. Mol indicated the liquor operations net income was
$541,000. There was $244,000 in debt deducted and $140,000 transferred out. The final profit was $157,000. Peterson thanked Mol for his report.

D. Presentation
Renee Dougherty, Adult Services Librarian - Report on E-books and Audio Books
Dougherty spoke on E-books and audio books now available at our library through E-drive, with a metro library card. E-books are offered and are available to metro library card holders. There are 2,465 E-book titles available to lend for seven to fourteen days and up to four books at a time. Dougherty listed the E-readers the E-books are compatible with. There were 16,590 check-outs from January through July. The web site is: www.anoka.lib.mn.us.

Miscellaneous –
Malcolm Watson left information that Peterson read indicating that Watson, representing VFW Post 230, would deliver the opening ceremony invocation on July 26, for the Anoka County Fair. “Honor the Patriots Day” will be held on September 16 at Spring Lake Park High School.

CONSENT AGENDA
City Manager Walt Fehst took Council members through the consent agenda items.
A. Approve Minutes of the July 11, 2011 City Council Meeting
   Motion to approve the minutes of the July 11, 2011 City Council meeting.
B. Approve Business License Applications
   Motion to approve the items as listed on the Business License Agenda for July 25, 2011 as presented.
C. Approve Attached List of Rental Housing Applications
   Motion to approve the items listed for rental housing license applications for July 25, 2011 in that they have met the requirements of the Property Maintenance Code.
D. Authorize Payment of Emergency Repair of 8” Sanitary Main Located Under 40th Avenue near 3rd Street
   Motion to authorize payment to InterState Pavement Maintenance in the amount of $28,738.00 from the Sanitary Sewer fund for the emergency repair of the 8-inch sanitary main located under 40th Avenue between University Avenue and Main Street.
E. Authorize Upgrade of Network Data Storage System - removed
F. Approve Transfer of Funds from General Fund to Police Department Budget re Unique Thrift and CHHS Overtime
   Motion to transfer $1,850.00, the amount of money received from Unique Thrift for overtime details during June; and $1,410.63, the amount of money received from Independent School District 13 for overtime details worked at CHHS during June be moved from the General Fund to the Police Department 2011 Budget, Overtime line item.
G. Review Payment of the Bills - removed
   Motion by Williams, second Schmitt, to approve the Consent Agenda items with the exception of items E and G.
E. Authorize Upgrade of Network Data Storage System
   Kloiber stated we are currently at 98 percent storage capacity and the two existing units are old
and are no longer supported by the manufacturer. The new units will get us to 40 percent of storage capacity. The new units would allow expandability for more storage capacity.

Schmitt stated her son, who works for an IT company, stated this is a good deal for what we are obtaining. A larger system could have been obtained, but at a cost of approximately $50,000. She complimented Aleksandr Chernin and his staff on their research and recommendation.

**Motion** by Diehm, second by Nawrocki, to authorize the purchase of two EMC VNXe storage modules and three year support agreement from Emergent Networks for the price not to exceed $26,300 plus taxes and shipping. Upon vote: All ayes. **Motion carried.**

**G. Review Payment of the Bills**

**Motion** by Diehm, second by Schmitt, that in accordance with MN Statute 412.271, Subd. 8, the City Council has received the list of claims paid covering check number 139666 through 139841 in the amount of $1,685,444.78.

Nawrocki questioned the LTB Mechanical payment of $7,483 in city hall security improvements. He thought the contract with Doc Smith, EDS, was to include all of this. Fehst stated that is part of the total contract.

Upon vote: All ayes. **Motion carried.**

**PUBLIC HEARINGS**


Fire Chief Gary Gorman listed violations or non-response to license issues with Resolutions 2011-59 and 60.

**Motion** by Williams, second by Schmitt, to close the public hearing and to waive the reading of Resolution Numbers 2011-59, and 60, being ample copies available to the public.

Upon vote: All ayes. **Motion carried.**

**Motion** by Williams, second by Schmitt, to adopt Resolution Numbers 2011-59, and 60, being resolutions 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 licenses listed. Upon vote: All ayes. **Motion carried.**


Nawrocki questioned the requirement to install house numbers on the front and rear of a property. Gorman stated that is a generic statement, depending on where access is.

**Motion** by Williams, second by Schmitt, to close the public hearing and to waive the reading of
Resolution Numbers 2011-63, 66, 67, 69, 70, and 71, there being ample copies available to the public. Upon vote: All ayes. **Motion carried.**

**Motion** by Williams, second by Schmitt, to adopt Resolution Numbers 2011-63, 66, 67, 68, 69, 70, and 71, being resolutions of the City Council of the City of Columbia Heights declaring the properties listed a nuisance and approving the abatement of violations from the properties pursuant to City Code section 8.206. Upon vote: All ayes. **Motion carried.**

**ITEMS FOR CONSIDERATION** - none

**ADMINISTRATIVE REPORTS**

Report of the City Manager
Fehst referred to the heavy rains and storm sewer event on July 16, 2011. Staff checked basements and distributed claim paperwork if there was sewage backup. Kevin Hansen, Public Works Director, stated the July 16 event was 3.7 inches of rain in three hours, and it followed an additional heavy rain the previous day. There were a few areas in town with problems that had not previously had back-ups. 36 homes were impacted by failures. Those affected were put in contact with our insurance carrier, the League of Minnesota Cities. The City of Fridley was also impacted by this storm.

Nawrocki stated there were some places flooded in the Jackson Pond area. The devices we put in have back up valves. If they failed, who would we hold responsible. Hansen stated there were multiple homes that had slice gate valves installed in 2003 and in some instances they did not work. Some of the residents were not home and some were new owners that did not know how the valves work. The valves need yearly maintenance and may not have been cleaned. Hansen stated that based on these instances, we will again send out information to remind owners how to clean the valves. Fehst added that we will again inform residents that the valves are available to put in to their homes. Hansen stated that the City’s assistance program is still available.

Peterson thanked Hansen and his crews for the work they did. Residents appreciated the kindness and the way they were treated. Peterson also passed on the compliments received about the plantings around the gazebo and the flowers around the city.

Report of the City Attorney – nothing to report.

**CITIZENS FORUM**

Joyce Thompson, 4249 Van Buren, stated she was not home when her valve failed and now her basement is flooded. She thanked Mayor Peterson and Council member Nawrocki for returning her call. She gave details of the damage and stated that Lauren McClanahan was at her home and gave her the insurance paper work to submit. Thompson indicated that she does have a valve, but it did not work. She asked what the city was going to do for her. Fehst stated that McClanahan was at the home and there was a lot of stuff stored in the basement and there were items piled on top of the valve. We offered to have volunteers from the fire department help with the cleanup. She stated she is leery of volunteers. Fehst stated he would contact the insurance company on this. Hansen stated that he would visit the home tomorrow and inspect the valve. Nawrocki indicated his disappointment that she would not allow the good firefighters to volunteer to help in the cleanup.

As the video equipment was not recording at the beginning of the meeting, Diehm reiterated the information given earlier on E-books and audio books now available at our library. Peterson reiterated the August 2nd National Night Out and the 9th Annual SACA police and fire charity softball game information.
Peterson stated “Don’t forget your service men and women, don’t take yourself too seriously, and do a random act of kindness.”

**ADJOURNMENT**
Mayor Peterson adjourned the meeting at 8:43 p.m.

____________________________
Patricia Muscovitz CMC City Clerk

**RESOLUTION 2011-59**
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 residential rental license held by Carlos Mogrovejo (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 1325 Pierce Terrace 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 July 12, 2011 of an public hearing to be held on July 25, 2011.

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 May 23, 2011 inspection office staff sent a letter requesting the owner of the property to submit a rental license application and schedule a rental inspection for this property. The letter was mailed by regular mail to the owner at the address listed in the property records.
2. That on July 12, 2011 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 Residential Maintenance Code were found to exist, to-wit: Failure to submit the required Rental License Application and failure to schedule a rental property 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 FU1325 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 2011-60**
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 residential rental license held by Mohammed Khan (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 1225 43-1/2 Avenue 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 July 12, 2011 of an public hearing to be held on July 25, 2011.

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 May 31, 2011 inspection office staff sent a letter requesting the owner of the property to submit a rental license application and schedule a rental inspection for this property. The letter was mailed by regular mail to the owner at the address listed in the property records.
2. That on July 12, 2011 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 Residential Maintenance Code were found to exist, to-wit: Failure to submit the required Rental License Application and failure to schedule a rental property 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 FU1225 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 2011-63
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 Nelson Moore (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 1323 41st 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 July 14, 2011.

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

FINDINGS OF FACT
1. That on September 17, 2010 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.
2. That on November 10, 2010 a seasonal extension was granted to the property owner. A seasonal extension letter was sent via regular mail to the owner at the address.
3. That on June 14, 2011 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.
4. That on July 14, 2011 inspectors re-inspected the property and found that violations remained uncorrected.
5. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit: Shall remove the dead tree (and all of the tree stump(s)) in the _back yard___ to within 2-4 inches below ground level.
6. 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
1. That the property located at 1323 41st Avenue N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
2. 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.
3. 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
1. The property located at 1323 41st Avenue N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

RESOLUTION 2011-66
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 Catherine Bauer (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 3848 Main Street 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 June 13, 2011.

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, 2011 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.
2. That on June 13, 2011 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.
3. That on July 12, 2011 inspectors re-inspected the property and found that violations remained uncorrected.
4. 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 scrape and paint wherever there is peeling paint on the structure. SOFFIT/FASCIA ON HOUSE & GARAGE AND SHED
   B. Shall repair the roof on the shed
   C. Shall remove all/any vehicles from landscaped areas of the property. Vehicles can only be parked on concrete or asphalt/tar parking pads or driveways. - TRAILER ON UNPAVED AREA
5. 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
1. That the property located at 3848 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 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.
3. 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
1. The property located at 3848 Main Street N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

RESOLUTION 2011-67
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 Peter Haeg (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 3859 2nd Street 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 June 13, 2011.

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, 2011 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.
2. That on June 13, 2011 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.
3. That on July 12, 2011 inspectors re-inspected the property and found that violations remained uncorrected.
4. 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 scrape and paint wherever there is peeling paint on the structure. SOFFIT/FASCIA ON HOUSE & GARAGE AND SHED
   B. Shall repair the roof on the shed
   C. Shall remove all/any vehicles from landscaped areas of the property. Vehicles can only be parked on concrete or asphalt/tar parking pads or driveways. - TRAILER ON UNPAVED AREA
5. 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
1. That the property located at 3859 2nd 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 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.
3. 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
1. The property located at 3859 2nd Street N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

RESOLUTION 2011-68
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 Fausto Ortega (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 964 42nd 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 June 16, 2011.

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 5, 2011 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.
2. That on June 16, 2011 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.
3. That on July 13, 2011 inspectors re-inspected the property and found that violations remained uncorrected.
4. 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 the garage door that is damaged
   B. Shall repair/replace the rotted wood on the garage
   C. Shall repair/replace the damaged storm doors
   D. Shall install address numbers in the following location(s) - FRONT AND REAR OF THE PROPERTY
5. 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
1. That the property located at 964 42nd Avenue N.E. is in violation of the provisions of the Columbia Heights City Code as set forth in the Notice of Abatement.
2. 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.
3. 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
1. The property located at 964 42nd Avenue N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

RESOLUTION 2011-69
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 Banco Popular North America (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 3915 Tyler Street 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 June 23, 2011.

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 16, 2011 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.
2. That on June 23, 2011 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.
3. That on July 14, 2011 inspectors re-inspected the property and found that violations remained uncorrected.
4. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit: Shall install address numbers in the following location(s) - ON GARAGE
5. 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
1. That the property located at 3915 Tyler 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 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.
3. 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
1. The property located at 3915 Tyler Street N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

RESOLUTION 2011-70
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 Rolland Henning (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4325 2nd Street 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 June 23, 2011.

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 18, 2011 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.
2. That on June 23, 2011 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.
3. That on July 14, 2011 inspectors re-inspected the property and found that violations remained uncorrected.
4. That based upon said records of the Fire Department, the following conditions and violations of City Codes(s) were found to exist, to wit: Shall repair the steps on the side of the house and in front. Deteriorating and falling apart
5. 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
1. That the property located at 4325 2nd 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 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.
3. 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
1. The property located at 4325 2nd Street N.E. constitutes a nuisance pursuant to City Code.
2. That a copy of this order shall be served upon all relevant parties and parties in interest.

RESOLUTION 2011-71
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 Luis Moncada (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4323 3rd Street 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 June 30, 2011.

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 26, 2011 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.

2. That on June 30, 2011 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.

3. That on July 15, 2011 inspectors re-inspected the property and found that violations remained uncorrected.

4. 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 remove all/any outside storage from the property. Shall store in shed or garage. Items include, BUT NOT LIMITED TO - SNOW PLOWS, PALLETS, CEMENT MIXER
   B. Shall remove all/any vehicles from landscaped areas of the property. Vehicles can only be parked on concrete or asphalt/tar parking pads or driveways. TRAILERS, VEHICLES
   C. Shall remove the brush pile/yard waste from the property. Items include, BUT NOT LIMITED TO - brush pile by street next to fence north side

5. 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

1. That the property located at 4323 3rd 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 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.

3. 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

1. The property located at 4323 3rd Street N.E. constitutes a nuisance pursuant to City Code.

2. That a copy of this order shall be served upon all relevant parties and parties in interest.

CITY OF COLUMBIA HEIGHTS

Public Works Department

SUBJECT: STORM EVENT SATURDAY, JULY 16, 2011

DATE: JULY 21, 2011

This memo is intended to serve as a documentation of events during and following the severe rainfall event that occurred the early morning of July 16, 2011. I will try to provide a chronological detail of the impacts to City facilities and private property. The impacts can be described to fall in one of three main categories:

- City facilities
- Private property (sanitary sewer backups)
- Private property (storm sewer flooding)

Our tipping gauge at the Municipal Service Center measured 3.70 inches of rain in a 3-hour time period. For reference, Mn/DOT and Met Council identify a 100-year storm event for the same time period as 3.49 inches of rain (3-hour event). During the course of the storm event, approximately 29 calls were received through 911 on July 16th.

Rainfall

The rainfall amounts measured at Public Works are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Rainfall (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 12, 2011</td>
<td>0</td>
</tr>
<tr>
<td>July 13, 2011</td>
<td>0</td>
</tr>
<tr>
<td>July 14, 2011</td>
<td>0.2&quot;</td>
</tr>
<tr>
<td>July 15, 2011</td>
<td>1.62&quot;</td>
</tr>
<tr>
<td>July 16, 2011</td>
<td>3.70&quot; (duration ≤ 3 hours)</td>
</tr>
<tr>
<td>July 17, 2011</td>
<td>trace</td>
</tr>
<tr>
<td>July 19, 2011</td>
<td>1.1&quot; (duration 30 minutes)</td>
</tr>
</tbody>
</table>

Cumulative rainfall near 100 yr. storm

Ground conditions up to the July 16th 100 year storm were near saturated.
City Facilities

City facilities incurred multiple problems during the storm event, detailed as follows:

Water bodies experienced significant-immediate elevation rises:

- Jackson Pond was at the top surface elevation, but did not flow into the street.
- Silver Lake was up 18 inches and continued to rise. Lake Area Homeowners Association reported rise of over 24 inches.
- Tertiary Pond rose to within 15 feet (horizontal) of house on St. Imier Drive.
- Huset Park pond (Zurik Pond) topped and flowed into the street.

Sanitary sewer lift stations (4) high level alarms and rapid cycling of the pumps.

Cars stalled in flooded intersection on University Avenue at 47th Avenue.
Flashers placed at 47th & University and 49th & Central due to high water.
Significant erosion and soil migration onto Central at 49th Avenue due to the Anoka County project on 49th Avenue.
All ponds and low areas routinely checked to keep open following the rainfall event.

Private Property (sanitary sewer backup)

Multiple calls were received related to water flooding through basement floor drains, toilets, showers, or laundry tubs. A complete listing is attached.
The area hit the hardest was a four-block area from 43rd to 42nd Avenue on Van Buren, Jackson and Quincy Streets and Quincy from 43rd to 44th Avenue.

Private Property (storm sewer flooding)

Additional calls were received related to actual surface water or storm sewer flooding. Those are also on the attached listing.
The main area impacted by surface water flooding was at the new Ryland Development just west of the Roundabout.
The Public Works Superintendent called out crews to respond to the multiple call-outs during the event to address individual calls and checked/repaired public facilities.

**CITY OF COLUMBIA HEIGHTS**

**Public Works Department**

TO: KEVIN HANSEN
PUBLIC WORKS DIRECTOR/CITY ENGINEER
FROM: LAUREN MC CLANAHAN
PUBLIC WORKS SUPERINTENDENT
SUBJECT: STORM EVENT SATURDAY, JULY 16, 2011 (Page 1 of 2)
DATE: JULY 20, 2011

Below is a chronological summary of events regarding the heavy rainfall that took place on Saturday, July 16, 2011.

**Saturday, July 16, 2011  7:00 AM**
Ed Raati, weekend duty person, called me at approximately 7:00 a.m. to report on the condition of the city.

**Saturday, July 16, 2011  7:20 AM**
I reported to work and reviewed the status of calls with Ed. I directed him to call in four additional workers. I then proceeded to check the lift stations and storm water ponds on the east side of Central Avenue. Pictures were taken. **Ponds were overtopping.**
The Tertiary Pond level was within 15 feet of the back door of the house located in Fridley on St. Imier Drive.

**Labelle Pond** Water level was spilling over the top of the debris guard.

**Silver Lake** Water level was up approximately 1-1/2 feet. Water was up to the north curb of the beach.

John Murzyn and Ed Raati responded to the multiple sanitary sewer backup calls. Mike O’Reilly and Kelly Fetzer responded to the storm sewer issues listed below.

- Cleaned out fall and removed debris at Sullivan Lake Park
- Fenced off storm sewer washout at 4151 Stinson Boulevard due to suspect joint separation.
- Cleaned up Pierce Terrace – erosion from water main lining project.
- Swept debris from Huset Parkway and several other areas following the street flooding.

Tim Lund and Adam Cordes responded to the following.

- Removed tree damage at 37th Avenue and Hayes Street
- Pumped water out of the Library stairwell

I checked the pond levels west of Central Avenue.

**Jackson Pond** Water rose to the top of the pond but did not spill over.

**Sullivan Lake** Water level was over the pathway at the retaining wall.

**Zurik Pond** Overtopping--water rose to the top of the pond and spilled over onto 5th Street
I also followed up on several sanitary sewer backup complaints on Van Buren Street, 42nd to 43rd Avenue, while John and Ed were assisting Fridley.

The crew was on duty until about 3:00 p.m. without any breaks or lunch.

The City Manager called me and requested follow up with 4249 Van Buren Street. The resident was not home when flooding occurred. I met with the resident and called the City Manager to report the situation at address. The water had receded. The resident lives alone and has a medical condition. Items on the basement floor were wet; the water depth may have reached six inches. The furnace and water heater may have been damaged.

When I returned to the shop there was a pump fail alarm at Chatham lift station and I took care of that problem.

<table>
<thead>
<tr>
<th>Address</th>
<th>Problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>1195 Polk Place</td>
<td>Water backup</td>
</tr>
<tr>
<td>2129 N Upland Crest</td>
<td>Water in basement</td>
</tr>
<tr>
<td>2201 N Upland Crest</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>4915 W Upland Crest</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>3909 2nd Street (Vacant)</td>
<td>Water in basement</td>
</tr>
<tr>
<td>3910 Reservoir Blvd</td>
<td>Water in basement</td>
</tr>
<tr>
<td>3945 Reservoir Blvd</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4030 7th St</td>
<td>Broken water line</td>
</tr>
<tr>
<td>4404 7th St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4030 Tyler St</td>
<td>Possible plug</td>
</tr>
<tr>
<td>4261 Tyler St</td>
<td>Broken water line</td>
</tr>
<tr>
<td>4033 6th St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4047 6th St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4056 6th St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4128 6th St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4129 5th St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>423 40th Ave</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4230 Van Buren</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4240 Van Buren</td>
<td>Possible water in basement</td>
</tr>
<tr>
<td>4244 Van Buren</td>
<td>Possible water in basement</td>
</tr>
<tr>
<td>4243 Van Buren (Vacant)</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4249 Van Buren</td>
<td>Fire Dept. was there-Sewer backup</td>
</tr>
<tr>
<td>4250 Van Buren</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>4253 Van Buren</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>4233 Jackson St</td>
<td>Water backup</td>
</tr>
<tr>
<td>4256 Jackson St</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>4257 Jackson St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4251 Quincy St</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>4257 Quincy St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4300 Quincy St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4324 Quincy St</td>
<td>Water in basement /sewage from toilet</td>
</tr>
<tr>
<td>4336 Quincy St</td>
<td>Water in basement</td>
</tr>
<tr>
<td>4350 Quincy St</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>4356 Quincy St</td>
<td>Left a pump - Water in basement</td>
</tr>
<tr>
<td>685 51st Ave</td>
<td>Sewer backup</td>
</tr>
<tr>
<td>707 43rd Ave</td>
<td>Water in basement</td>
</tr>
<tr>
<td>949 44th Ave</td>
<td>Water in basement</td>
</tr>
<tr>
<td>Library</td>
<td>Water in lower level</td>
</tr>
<tr>
<td>Silver Lake Beach</td>
<td>High water level/pond overtopped</td>
</tr>
<tr>
<td>Jackson Pond</td>
<td>High water level/pond overtopped</td>
</tr>
<tr>
<td>Huset Park</td>
<td>Pond overtopped/localized flooding in park</td>
</tr>
<tr>
<td>Sewer Lift Stations</td>
<td>Continuous pumping</td>
</tr>
<tr>
<td>City of Fridley</td>
<td>Call for assistance - train derailment. Met</td>
</tr>
<tr>
<td></td>
<td>Council line not flowing.</td>
</tr>
</tbody>
</table>
1. **Call to order** – The meeting was called to order by Chair Diehm at 7:00 pm

2. **Oath of Office** - Irene Sufka could not be sworn in as she was not present at this meeting.

3. **Roll Call** – Members present: Bruce Nawrocki, Gary Peterson, Donna Schmitt, Tammera Diehm, and Bobby Williams.

   Staff Present: Executive Director-Walt Fehst, Community Development Director-Scott Clark, Assistant Community Development Director -Sheila Cartney, and Secretary-Shelley Hanson

   Parkview/CommonBond staff: Laura Sheak, Jennifer Eels, Laura Frost, and Lisa Wilcox-Erhart.

4. **Pledge of Allegiance** - Recited

**CONSENT AGENDA**

5. Approve Minutes from January 25, 2011 (regular and special meeting) and the special meeting of April 7, 2011.


   Questions from members:
   There were no questions.

   Motion by Williams, seconded by Nawrocki, to approve the consent agenda items as listed and to adopt Resolution 2011-03, Resolution of the Columbia Heights Housing and Redevelopment Authority (HRA) approving the Financial Statement and Payment of Bills for the months of January, February, March, and April 2011. All Ayes. MOTION PASSED.

   **HRA RESOLUTION 2011-03**

   RESOLUTION OF THE COLUMBIA HEIGHTS HOUSING & REDEVELOPMENT AUTHORITY (HRA) APPROVING THE FINANCIAL STATEMENT AND PAYMENT OF BILLS FOR JANUARY, FEBRUARY, MARCH AND APRIL, 2011

   WHEREAS, the Columbia Heights Housing and Redevelopment Authority (HRA) is required by Minnesota Statutes Section 469.096, Subd. 9, to prepare a detailed financial statement which shows all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the HRA's credits and assets and its outstanding liabilities; and

   WHEREAS, said Statute also requires the HRA to examine the statement and treasurer's vouchers or bills and if correct, to approve them by resolution and enter the resolution in its records; and

   WHEREAS, the financial statement for the months of January, February, March, and April of 2011 and the list of bills for the months January, February, March, and April 2011 are attached hereto and made a part of this resolution; and

   WHEREAS, the HRA has examined the financial statement and the list of bills and finds them to be acceptable as to both form and accuracy.

   NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Columbia Heights Housing & Redevelopment Authority that it has examined the attached financial statements and list of bills, which are attached hereto and made a part hereof, and they are found to be correct, as to form and content; and

   BE IT FURTHER RESOLVED the financial statements are acknowledged and received and the list of bills as presented in writing are approved for payment out of proper funds; and
BE IT FURTHER RESOLVED this resolution and attachments are to be made a part of the permanent records of the Columbia Heights Housing & Redevelopment Authority.

Passed this 24th day of May, 2011.

BUSINESS ITEMS

7. **Report of the Management Company**

Laura asked if there were any questions on the newsletter items or on the maintenance reports.

Nawrocki asked what the status was for hiring an architect for the second floor remodeling. Lisa explained that CommonBond went to BWBR who has done the previous floors to see if they would adjust their price. They came back with the same fee as last year. So CommonBond put it out for bids which resulted in four companies bidding on the project. Two came in higher and one came in approximately $3,500 lower than BWBR. The contract has not been awarded yet since Lisa wanted to discuss this with the HRA Commission members. The low bidder was WAI Continuum. Staff has been reviewing the bids and she will do a “HUD scan” on the company also before proceeding to award the bid. She stated they have found BWBR very good to work with, but wanted feedback from the Board on whether they wanted to award the second floor to the low bidding company.

Nawrocki stated if they are qualified, then the decision should be to go with the low bidder. Peterson said he felt comfortable going with the low bidder also since the scope of the project is basic updating that has already been defined.

Schmitt asked if the HUD scan does show anything detrimental about the new company if we could just go back to BWBR without re-bidding. Lisa said yes, they would go back to BWBR and that the amount of this project for the architectural services is within CommonBond’s limit for entering into a contract.

Nawrocki then asked about the number of police calls recorded for April. He said the report indicated an increase that month. Laura stated that two of the calls were welfare checks on residents and a report was made on property damage, but the details of that are unknown. She also noted that police calls generally increase in the warmer months once residents have their windows open and call about noise coming from the Star Bar’s bands.

8. **Resident Council Minutes**

Rita Nelson reviewed the minutes from the Resident Council Meeting with HRA members. She also introduced the other officers of the current Resident Council and said things around the building seemed to have settled into place.

9. **Citizen Forum**

Vernie Harper-Unit #408- asked if the building was for sale. Diehm explained that the City opened a dialogue with various companies to establish what interest there is for the possible sale of the buildings. She said they will be entering into a Memo of Understanding later in the meeting with Aeon to further explore this possibility. Diehm told residents that this is a complicated process due to many HUD requirements and the HRA wants to ensure the transition is as smooth as possible for the tenants.

Perry Miller-Unit #803-asked what the ramifications are for residents if the building is sold. Diehm said the Board set goals in the Memo of Understanding to limit the impact on residents. She reviewed them with the residents. She stated this a priority for the City and that the company they have chosen to partner with is in agreement with this goal.
Lyn Miner-Unit #202-Residents are concerned that they be kept informed as the process moves forward. They don’t want to receive move out notices without prior warning. Diehm assured her that would not happen. She said this will be openly discussed at the meetings and that residents will be kept up to date. She encouraged residents to call staff or Board members with any questions or concerns. She reminded residents that rumors get started, and often times they are false, and she doesn’t want any residents to get upset or panic about the process the City is exploring.

Clark introduced Winifred Smith and James Lehnhoff, representatives from Aeon, and explained they will be present at future meetings and also strive for a smooth transition if the ownership changes. He said it may take up to two years for this to be complete, but communication with the residents is a priority.

Diane Powell-Unit #905-told members she had served on the entertainment committee for the building and had arranged for several outings that never happened because she couldn’t get 90% vote to approve. She said it is because many residents don’t come to the meetings and don’t want to get involved, but that limits the entertainment options for those who do want planned activities. She asked for suggestions on how to change this.

Nawrocki responded that is a Resident Council issue and that they may have to change the by-laws to possibly adjust the percent needed for approval or change the language to reflect that a majority of those present would decide. Diehm encouraged people to participate in activities in the building and also through the City’s Senior Center.

Barb Camp-Unit #608-believes CommonBond has been very good managers and their staff is wonderful. She would like to see them kept on.

Lois Pap-Unit #323-asked who the residents make the rent checks out to. Diehm said nothing has changed, and they continue to make them out to the City of Columbia Heights.

Ken Bloch-Unit #315-He said there will probably be more calls about the noise from the Star Bar now that it is warmer out. Clark said he will be in contact with the Police Chief and if this becomes a constant problem, staff will contact the owner since there is a mitigation plan in place with him.

10. Procurement Policy, Resolution 2011-04
HUD has brought to our attention that “PHAs are required to establish and follow a written procurement policy that is consistent with 24 CFR 85.36” And furthermore, “The policy need not contain detailed working-level procedures, but should require establishment of such procedures to carry out the policy.” HUD provided a sample procurement policy and sample supplemental forms that will ensure that the policies in the HRA procurement policy are followed in a consistent manner. Management staff has made the revisions to the HUD sample form that will be submitted to HUD for approval after a board resolution is passed. This is formalizing the procedures currently being followed as required by HUD.

A copy of the proposed procurement policy and the supplemental forms were provided to members. Clark said the HRA attorney had reviewed the plan and found no issues with it.

Questions from members:
Schmitt asked about page 5-evaluation-she wanted to know who the evaluation committee was. Lisa
said that refers to the management staff who make the initial evaluations of situations. She then asked about page 6-justification-who is responsible Contracting Officer? Lisa said that she would be the point of contact, but that Mr. Fehst would be the final signatory on any documents.

Nawrocki commented on page 3-Administration Costs-he said he hopes there would be a savings in this category.

Lisa told members that HUD had provided a sample policy and once this one was prepared, they reviewed it and suggested it be approved. This will fulfill the obligation as required. She further explained that the guidelines that we currently have in place will continue. This document is only a supplement to our present policies.

Motion by Peterson, seconded by Williams, to move to waive the reading of Resolution 2011-04, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Peterson, seconded by Williams, to move to approve Resolution 2011-04, being a Resolution of the Columbia Heights Housing and Redevelopment Authority approving the HRA Procurement Policy dated May 24, 2011.

HRA RESOLUTION 2011-04
RESOLUTION OF THE COLUMBIA HEIGHTS HOUSING AND REDEVELOPMENT AUTHORITY APPROVING THE PROCUREMENT POLICY

Whereas, the City of Columbia Heights Housing and Redevelopment secures goods and services as part of its operation as a Public Housing Agency; and
Whereas, the Department of Housing and Urban Development (HUD), who provides operational subsidy to Parkview Villa North, seeks to memorialize a procurement policy per their established guidelines; and
Whereas, past operations at Parkview Villa North have been consistent with these guidelines; and
Whereas, in order to satisfy HUD’s regulatory and policy requirements.

Now Therefore Be It Resolved, The Columbia Heights Housing and Redevelopment Authority adopts a Procurement Policy dated May 24, 2011 and authorizes its submittal to the Department of Housing and Urban Development.

Passed this 24th day of May, 2011.

11. Memorandum of Understanding between Aeon and City of Columbia Heights

In 2010, the Housing and Redevelopment Authority gave staff direction to determine if there was private market interest for the purchase of Parkview Villa North and South. Interest was very limited since the dissolution of the PHA status to Parkview Villa North is controlled by the Department of Housing and Urban Development, meaning a third party could negate an otherwise successful negotiation. In the end, two parties elected to answer a Request for Proposal that clearly spelled out the uncertainty of this transaction.

On April 7, 2011 the HRA conducted interviews with the two firms that submitted a RFQ proposal, Aeon and CommonBond. After the interviews, there was unanimous consensus to partner with Aeon based on a number of considerations. The next step in this process is to mutually agree to a Memorandum of Understanding (MOU) that is attached for review and action by the Board. The MOU outlines the desired outcomes, establishes that each party is reasonable for their own costs, each party may terminate the process without cause and that there is no recourse for termination actions.

Clark read the goals set by the Board that are included in the MOU as follows:
   1. Maintaining the property as a strong vibrant senior community,
   2. Protecting the existing rental price point for a particular period of time,
3. A long term convenant of maintaining the property as senior,
4. Need for the sale to be at a market price,
5. Maintaining a Columbia Heights residency priority

Clark also assured those present that CommonBond will be retained as managers of this site and things will stay just as they are during this process. He recognized the fantastic job they have done since taking over as managers.

If approved by the Board, the next step will be HRA staff and Aeon developing a master plan in terms of all of the necessary steps, processes, etc. necessary to complete this transaction.

As part of this action, there is a second motion to appropriate $7,500 from the Parkview Villa South fund balance for the use of expert and professional services as commissioned by the HRA for the subject negotiations. As usual, all individual expenditures from this appropriation will be acted on as part of the monthly financial review.

Staff is recommending approval of the Memorandum of Understanding as written.

Questions from members:
Nawrocki asked if the numbers discussed during the Executive Session were still confidential? Diehm stated they were. Nawrocki then went on to say he didn’t want this to turn into a “make work” situation for staff. He doesn’t believe this process will take two years or more to complete. He’s concerned that the longer it goes on the harder it will be to get a fair value for the building. He addressed several issues such as the EMV of the building, the fund balances on the buildings, and the affect it will have on tenants to drag it out too long.

Williams said he was satisfied with the terms of the Memo of Understanding and this is the first step in the process.

Schmitt said not to put too much weight on the Estimated Market Value. It is only a figure. In reality, the building is only worth what someone is willing to pay for it.

Peterson said we need to go to first base before we can go to second. This Memo of Understanding is necessary to gather information so decisions can be made for the sake of both parties. This doesn’t lock either party into anything at this point. This is a step process, and we need to take the first step to see if it can be accomplished or not.

Diehm agreed with Peterson. If it’s a profit we’re looking at, we could raise rents and make it a more lucrative deal, but the Board has already decided to protect the residents and maintain the rent structure as much as possible.

Williams said that as stated in the Memo of Understanding, each party is responsible for their own costs, and that the Agreement can be terminated at any time by either party if it is deemed to be a non-workable deal. Therefore, there is no reason not to move forward with this agreement.

Motion by Williams, seconded by Schmitt, to approve the Memorandum of Understanding between Aeon and the City of Columbia Heights Housing and Redevelopment Authority dated May 24, 2011. All ayes. MOTION PASSED.

Motion by Peterson, seconded by Schmitt, to approve an appropriation of $7,500 from the Parkview Villa South fund balance (Fund 213) to be used for expert and professional services as part of the Aeon negotiations. All ayes. MOTION PASSED.
MEMORANDUM OF UNDERSTANDING BETWEEN AEON AND THE CITY OF COLUMBIA HEIGHTS HOUSING AND REDEVELOPMENT AUTHORITY

THIS MEMORANDUM OF UNDERSTANDING is made by and between AEON and the CITY OF COLUMBIA HEIGHTS HOUSING AND REDEVELOPMENT AUTHORITY (“HRA”) to outline the parties’ understanding concerning their joint efforts to establish a process for the anticipated sale of two multi-unit residential housing facilities within the City of Columbia Heights subject to the express goals of the HRA.

RECITALS

WHEREAS, the HRA owns and oversees operations of Parkview Villa South and Parkview Villa North, which are attached multi-unit residential housing facilities located at 965 40th Avenue NE in Columbia Heights, Minnesota (collectively “the Subject Properties”); and

WHEREAS, Parkview Villa South is a senior 45-unit residential facility with a current minimum age requirement of 55; and

WHEREAS, Parkview Villa North is a 9 story, 101-unit residential Public Housing Agency (“PHA”) facility; and

WHEREAS, the HRA issued a Request for Qualifications and Interest (“RFQ”) seeking established housing development entities, for profit or non-profit, that have the ability to perform the following as part of the sale of the Subject Properties: (1) technical expertise to partner with the HRA in a submittal to the Department of Housing and Urban Development’s (“HUD”) Special Application Center for the dissolution of Parkview Villa North’s PHA status; (2) demonstration of ability to obtain new financing for both facilities; and (3) meet and maintain the established goals of the HRA for the Subject Properties; and

WHEREAS, the RFQ specifically identified the following goals of the HRA in connection with the sale of the Subject Properties:
   a) Maintaining the property as a strong vibrant senior community,
   b) Protecting the existing rental price point for a particular period of time
   c) A long term covenant of maintaining the property as senior
   d) Need for the sale to be at a market price
   e) Maintaining a Columbia Heights residency priority; and

WHEREAS, the RFQ specifically advised applicants for consideration that the HRA retained the right to terminate the process until the signing of a purchase agreement, with no recourse against the HRA for time and/or materials expended in responding to the RFQ; and

WHEREAS, on or about March 18, 2011, Aeon submitted a Statement of Qualification for the purchase of Parkview Villa South and North in response to the RFQ issued by the HRA; and

WHEREAS, after due consideration of all the applicants in response to the RFQ, the HRA identified Aeon as a qualified party of interest for purchasing the Subject Properties subject to parties establishing a process for the sale of the Subject Properties consistent with the expressed goals of the HRA in the RFQ; and

WHEREAS, the parties wish to enter into a Memorandum of Understanding which outlines the goals and expectation of each of the parties during the process leading up to the execution of a purchase agreement for the sale of the Subject Properties by the HRA.

NOW THEREFORE, parties agree and understand the following:
1. Subject to the termination provisions of paragraph 5, the parties will cooperate and exercise reasonable efforts in establishing a process and entering into a purchase agreement and any other related documents for the sale of the Subject Properties to Aeon, or an entity managed by Aeon, pursuant to the expressed goals of the HRA in the RFQ. In particular, Aeon will provide
The parties will identify and pursue alternative means of financing for purposes of completing the sale of the Subject Properties pursuant to the HRA’s expressed goals.

3. The HRA reserves the right to clarify, modify and/or add to its expressed goals and objectives to be achieved by the sale of the Subject Properties. Modifications and/or additions to the HRA’s expressed goals resulting from the sale of the Subject Properties shall be communicated to Aeon in writing as soon as practicable.

4. Unless otherwise agreed in writing, each party to this Memorandum of Understanding shall be responsible for their own costs, time and materials expended in pursuing the parties’ mutual interest in establishing a process for the eventual sale of the Subject Properties.

5. Upon written notice to the other party, either Aeon or the HRA may terminate this Memorandum of Understanding and cease all its efforts to establish and pursue a process for the eventual sale of the Subject Properties. Upon the termination of this Memorandum of Understanding, neither party will be entitled to receive or permitted to seek compensation from the other party for any time, materials or moneys expended in connection with their efforts for establishing and pursuing a process for the sale of the Subject Properties.

6. Aeon agrees to immediately report to the HRA any requests from third parties for information relating to this Memorandum of Understanding, or services provided hereunder. The HRA agrees to promptly respond to inquiries from Aeon concerning data requests.

7. Any notice authorized or required under this Memorandum of Understanding shall be in writing and shall be sent by certified mail to the other party as follows:

To Aeon: Aeon
         Attn: Alan Arthur
         822 3rd Street, Suite 300
         Minneapolis, MN 55415

To the HRA: City of Columbia Heights
             Attn: Scott Clark
             590 40th Avenue NE
             Columbia Heights, MN 55428

8. This Memorandum of Understanding may be modified by mutual agreement of the parties in writing.

12. **Other Business**

The next regular HRA meeting is scheduled for July 26, 2011 at Parkview Villa.

The meeting adjourned at 7:58 pm.

Respectfully Submitted,

Shelley Hanson
Recording Secretary
The meeting was called to order at 6:30 pm by President-Gary Peterson.

Members Present: Bruce Nawrocki, Gary Peterson, Tammera Diehm, Gerry Herringer, and Marlaine Szurek. Donna Schmitt arrived at 7:00 pm after the Traffic Commission meeting.

Members Absent: Bobby Williams

Staff Present: Walt Fehst, Scott Clark, Sheila Cartney, and Shelley Hanson.

2. PLEDGE OF ALLEGIANCE- RECITED

3. CONSENT AGENDA
   1. Approve the Minutes of May 2, 2011.

Questions from members:
Nawrocki noted he would like to see the location of the meetings indicated in the minutes.

Motion by Nawrocki, seconded by Szurek, to waive the Reading of Resolution 2011-05, there being ample copies available to the public. All ayes. MOTION PASSED.

Motion by Nawrocki, seconded by Szurek, to approve the minutes and to adopt Resolution 2011-05, approving the Financial Report and payment of bills for April 2011. All ayes. MOTION PASSED.

EDA RESOLUTION 2011-05
RESOLUTION OF THE COLUMBIA HEIGHTS ECONOMIC DEVELOPMENT AUTHORITY (EDA) APPROVING THE FINANCIAL STATEMENT/PAYMENT OF BILLS FOR APRIL 2011.

WHEREAS, the Columbia Heights Economic Development Authority (EDA) is required by Minnesota Statutes Section 469.096, Subd. 9, to prepare a detailed financial statement which shows all receipts and disbursements, their nature, the money on hand, the purposes to which the money on hand is to be applied, the EDA's credits and assets and its outstanding liabilities; and

WHEREAS, said Statute also requires the EDA to examine the statement and treasurer's vouchers or bills and if correct, to approve them by resolution and enter the resolution in its records; and

WHEREAS, the financial statement for the month of April 2011 has been reviewed by the EDA Commission; and

WHEREAS, the EDA has examined the financial statement and finds them to be acceptable as to both form and accuracy; and

WHEREAS, the EDA Commission has other means to verify the intent of Section 469.096, Subd. 9, including but not limited to Comprehensive Annual Financial Reports, Annual City approved Budgets, Audits and similar documentation; and
WHEREAS, financial statements are held by the City’s Finance Department in a method outlined by the State of Minnesota’s Records Retention Schedule,

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Columbia Heights Economic Development Authority that it has examined the referenced financial statements including the check history, and they are found to be correct, as to form and content; and

BE IT FURTHER RESOLVED the financial statements are acknowledged and received and the check history as presented in writing is approved for payment out of proper funds; and

BE IT FURTHER RESOLVED this resolution is made a part of the permanent records of the Columbia Heights Economic Development Authority.

BUSINESS ITEMS

4. BIG BOB’S FLOORING PARTNERSHIP FOR REHAB PROGRAMS

Cartney explained that the Residential and Commercial Sales Representative from Big Bob’s Flooring has approached the city about partnering with them on a discount program they offer. Basically they would like us to offer a certificate/coupon to Big Bob’s flooring for people that use our Rehab incentive programs, and the certificate would offer some sort of a discount.

While it is beneficial to our residents to receive discounts at various establishments it is a policy decision for the EDA to decide if they want to partner with a business outside of Columbia Heights. If we do partner with a business outside of Columbia Heights, where does the City draw the limit? There are several home improvement businesses surrounding our community. This is also a means of advertising for these companies.

Staff seeks direction on partnering with home improvement businesses regarding the rehab incentive program. If the EDA would like to have said partnerships, staff recommends not limiting the partnerships to one business.

Cartney told members that to date we have processed 10 Rebate applications, completed 7 rebate projects and processed three single family deferred loan applications. Staff has answered approximately 90 phone calls regarding these programs and have mailed out 60 applications.

Questions from members:
Diehm asked if the certificates would only be available to those residents using the Rebate or Deferred Loan Program. If that is the case, she feels that is giving some residents something of value, and not others.

Szurek had a concern that by giving out certificates/coupons from selected vendors that it looks like the City is giving a recommendation to use a particular company and that could cause problems if people are not satisfied with the product or service. She suggested giving out a list of various businesses in the area where they can go to obtain home improvement materials or to obtain bids.

Nawrocki was also concerned about residents who don’t necessarily qualify for our programs, but still want to fix up their properties. He also felt that residents should be encouraged to shop around and get numerous bids for work they want done.
The general consensus was not to participate in giving out certificates or coupons in conjunction with our programs.

5. OTHER BUSINESS
   A. There was a discussion about when to hold the July meeting. It was decided not to hold one the week of July 4th since several members would not be available. If a meeting is needed in July it will be held the fourth Tuesday of July in conjunction with the HRA meeting. Nawrocki stated his preference that he feels all the EDA meetings should be held on the fourth Tuesdays as they originally were. Clark told members that issue will be re-evaluated in August.

   B. Clark reported that negotiations have started with Aeon since the Memorandum of Understanding was approved by the HRA. Staff is in the process of preparing letters to Federal, State, and County legislators to inform them of our desire to sell Parkview Villa to Aeon and to ask for their support in the process if the need should arise as we move forward to seek HUD approval.

   Nawrocki said he thought earlier comments about the process taking two years or more was too long. He would like to see a schedule prepared and followed. He said the first issue should be to get HUD’s approval so we don’t waste time in other areas if they refuse to allow it to happen.

   Clark said he believes the process could take up to 18 months or so, not 2-3 years, as stated by Nawrocki. He explained to members that Aeon and staff are working to put “all their ducks in a row” prior to meeting with HUD. HUD will require information in order to give their approval and that is what Aeon is working on now. This would involve securing financing from various funding sources, and implementing a plan, to show the HUD Officials that the process will work.

   Szurek asked if any other entities had ever gone through the process of dissolving a PHA and selling to a private entity. Clark responded that Bloomington did it with a different type of housing, not a high rise building. He also thought that either Scott or Dakota County was successful in doing a similar transaction.

   Clark again reminded members that it is a complex process and diplomacy must be used. We need to build allies along the way so they support our efforts and can intercede on our behalf if needed.

   Nawrocki agreed that we need to get legislators on our side to help us through the process. He is concerned about the funds currently committed to Parkview and if the City will be able to protect this funding and any equity that could potentially come to the City through the sale process.

   C. Clark told members that staff had received a written offer from the current owner of 500 Summit St for the City to purchase the property. Clark explained that the City had tried to purchase this property for $30,000 a couple of years ago when it became available. We lost the bid to the current owner for $32,000. He now is asking the City to purchase it for $43,200.

   The EDA decided not to purchase this particular property at this time.

   D. Clark updated the members on the Root property located at 40th and University. He said
that a DEED Grant of $19,000 was available to do a Phase 1, Phase 2, and to prepare a WRAP Plan for the site. In order to secure the grant, the owners had to put up $6,000 for their share in order for us to get the grant. Neither the owners, nor the bank will do so. Clark told members there is already over $100,000 in abatement expenses against the property. Staff thinks the property will go into tax forfeiture, not foreclosure. The bank does not want the property. It is already 4 years into tax delinquency now.

Nawrocki said the property is in hazardous shape, and he thinks something should be done to make it safer. Clark said the City would most likely have to pay for anything done on the site since the owners are letting everything go through the abatement process and have no intention of paying.

E. Nawrocki asked why a list of properties was put in the green sheet. Cartney said the list was meant to update the members on the properties that have been purchased by Anoka County.

F. Members asked about the status of the property at 47th and Central. Clark told them Jeff Sargent had contacted the owner of the property to give him 30 days notice that the Development Agreement is in default and that we are taking the Letter of Credit.

Herringer asked about the silt fence along Central Avenue and whether the company who did the pipe bursting project had left it there. Clark will check with Public Works regarding this matter to see if it can be removed. The Board thought it was visually unappealing.

G. Nawrocki asked about the abatement process for properties around Hart Lake. Clark said this matter will be discussed by the City Council at the work session as it is not an EDA matter.

H. Nawrocki said that Annual Reports and Budgets are coming due and he will be asking for details on several funds. He wants staff to prepare detailed information on TIF funds, and any Anoka County Levy Money expenditures and balances.

The meeting was then adjourned to an executive session to discuss the possible sale of 828 40th Avenue lot.

The meeting and Executive Session were adjourned at 7:53 p.m.

Respectfully submitted,

Shelley Hanson
Secretary
The meeting was called to order at 7:00 pm by Acting Chair-Rob Fiorendino.

Commission Members present- Peterson, Fiorendino, and Kinney.
Members Absent- Thompson and Szurek

Also present were Jeff Sargent (City Planner), and Shelley Hanson (Secretary).

Motion by Kinney, seconded by Peterson, to approve the minutes from the meeting of June 7, 2011. All ayes. MOTION PASSED.

PUBLIC HEARINGS

CASE NUMBER: 2011-0801
APPLICANT: David Lu and Gerry Herringer
LOCATION: 5150 Central Avenue
REQUEST: Conditional Use Permit and Minor Subdivision

Sargent told members that David Lu is requesting a Conditional Use Permit (CUP) per Code Section 9.110 (E)(3)(l) in order to operate a business that entails the assembly, manufacturing and/or processing of goods. Currently, the property at 5150 Central Avenue is owned by Gerry Herringer, and the sale of the property to David Lu is contingent on the approval of the CUP. As part of the sale of the property, Mr. Herringer would like to split off a portion of the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue (Blockbuster Video), which he also owns.

The building at 5150 Central Avenue currently houses retail space on the top level and several racquetball courts on the lower level. If the CUP is approved, Mr. Lu will purchase the property and move his business into the building. His initial plan is to retain the retail component of the building and continue to lease out space to retail establishments. The racquetball courts will be removed to make room for his business. Mr. Lu is requesting a Conditional Use Permit to allow for the assembly, manufacturing and/or processing of goods. As described in his letter to the Planning Commission, his business involves the repackaging/processing of food and nutrition products, such as repackaging powdered milk into cans and bulk nutrition supplements (like vitamins, calcium, and energy drinks) into individual pouches and bottles. This is considered value-added manufacturing, as no products are actually being made, rather just being repackaged into sellable units.

There is currently a mezzanine level in the building, above the racquetball courts and below the retail space. Mr. Lu will extend the mezzanine level across the entire floor, creating a third floor to the building. The created space will serve as office space for his business. The Building Code requires Mr. Lu to add an elevator to the building, which he is willing to do. Mr. Lu has indicated that the building has sufficient room to add the elevator without expanding the building.

COMPREHENSIVE PLAN

The Comprehensive Plan guides this area for commercial use. Being that the business will add office space and a repackaging operation that is consistent with the types of uses allowed in the zoning district, the proposed use is also consistent with the Comprehensive Plan.

ZONING ORDINANCE

The property is zoned GB, General Business, as are the properties to the north, south and east. The properties to the west are zoned R-3, multiple family residential. Some of the properties to the east are
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located within the City of Fridley.

PARKING. The proposed minor subdivision will result in the removal of some of the parking spaces located at 5150 Central Avenue. Mr. Lu is also proposing to add additional office space to the building, which increases the number of required parking spaces on the property.

When the minor subdivision is complete, the plan indicates that there will be 87 parking spaces remaining on the property at 5150 Central Avenue. The City Code requires 1 parking stall for each 300 square feet of office and retail space, and 1 parking stall for each 1,000 square feet of assembly, manufacturing and/or processing space. The plans show that there is a total of 9,338 square feet of retail space on the first level, a total of 5,084 square feet of office space on the second level, and a total of 5,600 square feet of manufacturing space on the lower level. Given the city’s parking requirements, the property will need a minimum of 54 on-site parking stalls. As indicated previously, the property will have 87 parking stalls on site, meeting the minimum requirements.

MINOR SUBDIVISION. The proposed minor subdivision will transfer 55 feet from the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue. Given that this is a transfer of land and that no new buildable lots will be created, there will be no Park Dedication Fee associated with the proposed request. Staff will require a new driveway easement for joint use of the land in question.

**FINDINGS OF FACT (Conditional Use Permit)**
Section 9.104 (H) of the Zoning Ordinance outlines nine conditions that must be met in order for the City Council to grant a Conditional Use Permit. They are as follows:

(a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.  
*Assembly, manufacturing and/or processing is specifically listed as a Conditional Use in the GB, General Business District.*

(b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.  
*The Comprehensive Plan guides this area for commercial use. Being that the business will add office space and a repackaging operation that is consistent with the types of use allowed in the zoning district, the proposed use is also consistent with the Comprehensive Plan.*

(c) The use will not impose hazards or disturbing influences on neighboring properties.  
*The proposed use of the building for manufacturing/assembly/processing will be located on the lower level on the back side of the building. No outward expansion of the building will be required for the business either. The business does not require heavy machinery or equipment that generates excessive noise when operating. For these reasons, the proposed use of the building should have no disturbing influences on neighboring properties.*

(d) The use will not substantially diminish the use of property in the immediate vicinity.  
*The use of property in the immediate vicinity will not be impacted by the new business.*

(e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.  
*All activity will remain indoors with no change to the existing building located on the property.*

(f) The use and property upon which the use is located are adequately served by essential public facilities and services.  
*This is correct.*

*Adequate measures have been or will be taken to minimize traffic congestion on the public*
The use will not generate any excess traffic than what would normally occur for businesses located in the GB, General Business District. The applicant stated that once every two months a delivery truck will drop off supplies for the business. All outgoing shipments of goods are handled through normal postal service deliveries, which would not disrupt normal traffic activities.

The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses is the immediate vicinity. The use is a listed Conditional Use for the district and will abide by the Specific Development Standards as listed as conditions for its approval. This should ensure that the proposed use will not cause a negative cumulative effect.

The use complies with all other applicable regulations for the district in which it is located. This is correct.

**FINDINGS OF FACT (Minor Subdivision)**

Section 9.104 (K) of the Zoning Code outlines specific conditions in order for the City Council to approve a minor subdivision. They are as follows:

1. The proposed subdivision of land will not result in more than three lots. The proposed minor subdivision will not be creating a new lot. The action is needed in order to split off a portion of the property at 5150 Central Avenue in order to add it to the property located at 5220 Central Avenue.

2. The proposed subdivision of land does not involve the vacation of existing easements. No vacation of existing easements will occur as a result of the minor subdivision.

3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located. No new lots will be created.

4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property. No new dedications of public rights-of-way will be needed for the purpose of gaining access to the property.

5. The property has not previously been divided through the minor subdivision provisions of this article. This is a true statement.

6. The proposed subdivision does not hinder the conveyance of land. This is a true statement.

7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments. This is a true statement.

8. The proposed subdivision meets all of the design standards specified in Section 9.114. This is a true statement.

Staff recommends approval of the proposed Conditional Use Permit to allow for a manufacturing/assembly/processing operation to locate at 5150 Central Avenue. Staff also recommends approval of the minor subdivision of land at 5150 Central Avenue for the purpose of adding to the property located at 5220 Central Avenue.

Questions from members:
Sargent reviewed the survey of the lot split with members.
Peterson questioned why it was necessary to split this piece off, since Mr. Herringer now owns both pieces. He wondered if it was required for some reason he wasn’t aware of. Sargent explained that the lot split approval is a contingency of the sale of 5150 Central Avenue going through. He said it is Mr. Herringer’s legal right to ask for the lot split.

Gerry Herringer, 1731 Innsbruck Pkwy- is the current owner of both 5150 Central Ave and 5220 Central Ave. He told members that the reason he is requesting the lot split is actually two fold. The first is to reduce the size of the parcel being purchased, so the price point could be met to make it affordable to the purchaser. The second is to add some land to the parcel at 5220 Central Avenue so that it leaves that site more marketable in the future. Herringer stated it would provide more space for parking at 5220 Central Avenue if the use of that building ever changes.

Fiorendino stated he understands the reason to keep the 5220 Central Avenue site viable for future business use. Fiorendino then asked Sargent if the Conditional Use of 5150 Central Ave could continue if Mr. Lu ever decides to sell it to someone else. Sargent explained that it could continue to be used in a similar fashion as the Conditional Use does stay with the property.

Public Hearing Opened:

No one was present to speak regarding this issue.
Public Hearing Closed.

Motion by Kinney, seconded by Peterson, that the Planning Commission recommends the City Council approve the Conditional Use Permit to allow for a manufacturing/assembly/processing operation to locate at 5150 Central Avenue, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

1. The applicant will apply for all necessary building permits prior to any construction to the building.

All ayes. MOTION PASSED.

Motion by Kinney, seconded by Peterson, that the Planning Commission recommends the City Council approve the minor subdivision of the property located at 5150 Central Avenue, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

1. The applicant will reestablish any necessary driving or parking easements in relation to the minor subdivision and shall record them with Anoka County.

All ayes. MOTION PASSED.

The following Resolutions will go to the City Council at the August 8th Council Meeting.

RESOLUTION NO. 2011-XX
RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
DAVID LU TO ALLOW AN ASSEMBLY/MANUFACTURING/PROCESSING BUSINESS IN THE GENERAL BUSINESS DISTRICT IN THE CITY OF COLUMBIA HEIGHTS, MINNESOTA

WHEREAS, a proposal (Case #2011-0801) has been submitted by David Lu to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 5150 Central Avenue
LEGAL DESCRIPTION: On file at City Hall.
THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.110 (E)(3)(l), to allow an assembly/manufacturing/processing business in the GB, General Business District at 5150 Central Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on August 3, 2011;

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit 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; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia Heights after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.
3. The use will not impose hazards or distributing influences on neighboring properties.
4. The use will not substantially diminish the use of property in the immediate vicinity.
5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
6. The use and property upon which the use is located are adequately served by essential public facilities and services.
7. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.
8. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
9. The use complies with all other applicable regulations for the district in which it is located.

FURTHER, BE IT RESOLVED, that the attached conditions, maps, and other information shall become part of this permit and approval; and in granting this permit the city and the applicant agree that this permit shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal of the permit.

CONDITIONS ATTACHED:
1. The applicant will apply for all necessary building permits prior to any construction to the building.

DRAFT RESOLUTION NO. 2010-XXX
RESOLUTION APPROVING A MINOR SUBDIVISION AT 5150 CENTRAL AVENUE NE WITH CERTAIN CONDITIONS FOR THE CITY OF COLUMBIA HEIGHTS

WHEREAS, a proposal (Case No. 2011-0801) has been submitted by Gerry Herringer requesting a subdivision from the City of Columbia Heights Subdivision Code at the following site:
WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed subdivision upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area; and has held the required public hearing on this proposal on August 3, 2011.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia Heights after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposed subdivision of land will not result in more than three lots.
2. The proposed subdivision of land does not involve the vacation of existing easements.
3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
5. The property has not previously been divided through the minor subdivision provisions of this article.
6. The proposed subdivision does not hinder the conveyance of land.
7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
8. The proposed subdivision meets all of the design standards specified in the §9.114.

FURTHER, BE IT RESOLVED, that the attached condition, plans, maps, and other information shall become part of this subdivision approval.

CONDITIONS:

1. The applicant will reestablish any necessary driving or parking easements in relation to the minor subdivision and shall record them with Anoka County.

NEW BUSINESS

Sargent gave an update on the progress on Aldi’s construction—they should be open by November.

There was no other New Business.

The meeting was adjourned at 7:21 pm.

Respectfully submitted,

Shelley Hanson
Secretary
The meeting was called to order by Chair Patricia Sowada, at 6:35 p.m. Members present were: Nancy Hoium, Patricia Sowada, Steve Smith, and Catherine Vesley. Also present: City Council Representative Tami Diehm, Becky Loader, and Stacey Hendren. Not present: Barbara Tantanella.

The minutes of the June 1, 2011 Board meeting were approved as mailed.

The bill list dated 6/13/11 of 2011 bills was reviewed. It was moved, seconded, and passed that the bills be paid.

The bill list dated 6/22/11 of 2011 bills was reviewed. It was moved, seconded, and passed that the bills be paid.

The bill list dated 7/6/11 of 2011 bills was reviewed. It was moved, seconded, and passed that the bills be paid.

The 2011 accounting dated 7/6/11 was reviewed.

The Summer Operational Reports for the Children’s Department are being written by Dan Kleinfhehn, Children’s Department Assistant, with collection information added by John Brosnahan, Evening Supervisor.

Old Business:
1. Progress on maintenance projects continues.
   a. The boiler is still not completely installed, radiator covers are not painted, and wiring still needs to be fixed. There is a temporary fix for the downstairs air conditioner, but a permanent solution needs to be implemented.
   b. The rooftop air conditioners are installed and working properly.
   c. Bids have been taken for the plumbing project.
   d. Loader continues progress on elevator updates.
   e. Cabinet selection and installation is delayed due to damage of the Boardroom ceiling from a leaky valve during the boiler installation.
   f. DALCO will perform roof maintenance now that the air conditioners are installed.

2. The public copier began making copies on July 5, 2011. Hauf continues to work on the printer interface.

3. The new tables and chairs were delivered. The tabletops were not completed and had to be reordered. The Library expects the new tables to be delivered soon and Steve Sherry, from Contact Source will put the tables together and remove the unusable pieces. Hauf will then install the new Gates Grant computers.

4. The Foundation has not received results from the Linder’s Fundraiser.

5. There has been no progress on the security proposal this month.

6. Due to the Federal grant used to purchase the vacant lot, the use of the lot must follow certain guidelines. Loader has been notified by Community Development that a parking lot does not fit into those guidelines.

7. The Board received an updated draft of the 2012 proposed budget. The Board noted a few comment changes and the update concerning the janitor/building manager from recently received documentation.
In the Other Services & Charges section Loader explained that the Library is not currently seeing a savings from in-house cleaning and is showing an increase of expenses by about $8,000-$9,000. The Library has two requests from the general building account for replacement carpet, and lounge furniture.

8. The Jamboree parade was a success. The Library booth was very well received and many tattoos, brochures and buttons were handed out to parade goers.

9. Loader and Magee will be hiring a Children’s Librarian on a contractual basis to cover the extended absence of Marsha Tubbs.

**New Business:**
1. The Board reviewed the May crossover statistics and appreciated the new, easier to read format.

2. The Board reviewed the Unique Management Status Report.

3. Hoium offered the resolution to honor the graduating Page, Rukia Sheikh-Mohamed. It was moved, seconded and passed that the graduating Page be honored for her accomplishments.

4. Board members were notified of and invited to the upcoming Volunteer Recognition ceremony on August 25th at 2:00 p.m.

5. The City Council is considering implementing the Model Performance Measure for Cities from the state. There is no information concerning city libraries; therefore Loader has reviewed the Model Performance Measure for Counties in preparation.

   The Board discussed the effects of the state shutdown on the Library. The Library is unable to process Inter Library Loan requests, the Workforce Center is closed, and reimbursement from the 21st Century grant has been delayed.

6. The Library has been written up in the Audit Management Letter for several years for not having enough funds in the reserve account. Loader worked with Joe Kloiber, Finance Director, to transfer funds to cover the reserve. This year the library met the requirement and was positively written up in the report.

**Items from the Floor:**
1. Loader notified the Board of the proposed 2011 budget reductions for Anoka County Libraries as discussed at the ACL Board meeting on May 21. The ACL Board recommended a reduction in open hours on Fridays, multiple staff reductions, selection restructuring, and a reorganization of the cataloging/technical services department. Anoka County has offered retirement benefit packages for voluntary separation and many library employees have taken advantage of this program.

2. The Board received the revised list of donations added to the collection.

3. Loader notified the Board of the recent donation from the Friends of the Library to purchase new CD books for the Adult and Juvenile collection, a document storage box for historical documents, including blueprints, and a tabletop book display for the adult reading room.

4. Loader requested refinishing of a small table that is from the original library. Smith gladly took on the project.

5. Smith requested clarification of the mission statement and asked what part the Library Board plays in the Comprehensive Plan for the City. The Board discussed the plans for a new building and steps the Board can take to promote the need for a new library to the City Council. Loader collected the ideas and will coordinate planning.
6. Sowada requested an ad be placed in the Jamboree booklet by the Board. Loader stated there is an ad for the Library summer reading program, but the Board is welcome to place one in future years.

There being no further business, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Stacey R. Hendren
Secretary, Library Board of Trustees

*The City of Columbia Heights does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its services, programs, or activities. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all City of Columbia Heights services, programs, and activities.*
Background:
The sanitary sewer lift station located at 2330 Argonne is a “packaged” style duplex 5 hp vacuum pump type system. The area serves just over 60 single family homes. It will be 30 years old next year and has now exceeded its useful life. The location of the lift station is in the front yards of a residential area – including the above ground pumping chamber housing and controls. The lift station has been experiencing an increase in failures with both the mechanical and control components. Most important is that parts for the mechanical system are becoming increasingly difficult to obtain.

Analysis/Conclusions:
This area has had numerous power outages and although there is a generator hookup available on site, there is not a standby generator. If the lift station fails overflow would go into Tertiary Pond, which is surrounded by private homes. During storm events, storm water runs down the curb line and enters the lift station wet well access manhole and causes the wet well to surcharge.

Mechanically, we are getting to the point where it is more cost-effective to replace the station than it is to replace parts on old equipment. For example, we are currently replacing the motor starters at another lift station because the cost of replacement is less than one-half of the cost of repair. Due to the age of the equipment, troubleshooting is becoming more frequent making the cost of repairs more expensive. Night time and winter repairs are difficult due to the style of lift station. Much of the repair work must be done while working out in the elements.

Recommended Motion: Move to authorize staff to obtain engineering proposals from consultants for the design, inspection, and construction management of the Argonne Sanitary Sewer Lift Station Improvement.
Background:
In 2009, Public Works’ staff had proposed to acquire an adjacent parcel to the rear yard located at 675 37th Avenue for the following municipal needs:

- Storm water ponding to meet NPDES Phase II requirements for construction and our municipal operations.
- Covered storage for mixed salt/sand storage (now stored in the open) – enough for one season’s use. City currently uses 700 ton per year average, salt.
- Materials storage such as for water main break excavations, asphalt, concrete, wood chips, and other Public Works excavations (currently being stored on other City-owned land – City Parks and formerly NEI).
- Materials / Excavations storage for the annual water main cleaning and lining project and other construction projects.
- Snow storage for snow removal operations.
- Reserve future use (land lease or other)

The acquisition of this parcel was not approved by the council.

Analysis/Conclusions:
All cities with populations over 5,000 fall under the NPDES Program, administered by the MNPCA in the State. Affected entities, referred to as Municipal Separate Storm Sewer Systems or MS4’s are required to hold permits regulated by the MNPCA. The first permit cycle was issued in 2003, and was then reissued due to litigation involving the MNPCA in 2007. Currently, the MNPCA (Minnesota Pollution Control Agency) is in the process of re-issuing the permit for the State. The permit gives the following rule in regards to Pollution Prevention/Good Housekeeping for Municipal Operations (Part 3.E.6.a)

“Existing permittee’s shall continue to develop and implement, and new permittee’s shall develop and implement, an operation and maintenance program designed to prevent or reduce the discharge of pollutants from permittee owned and/or operated facilities and operations. The operation and maintenance program shall include, at a minimum, the following components:

a. Design and Implementation of BMPs

Where any facility or operation contributes pollutants to stormwater runoff, the permittee shall, to the MEP, design and implement BMPs that eliminate exposure of stormwater to potential pollutants. Where exposure cannot be
eliminated, the permittee shall develop and implement BMPs that divert, treat, infiltrate, reuse, contain, or otherwise reduce pollutants in stormwater discharges. The permittee shall base the design and implementation of BMPs on the following factors:

1. Typical urban pollutants and stormwater runoff characteristics that may adversely affect downstream receiving waters that include, but may not be limited to: sediment, nutrients, metals, hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), pesticides, chlorides, thermal impacts, excessive stormwater volume and rate, trash, and bacteria.”

BMP – Best Management Practices
MEP – Maximum Extent Practicable

Most of the above possible pollutants are available in runoff from the City’s rear yard with the exception of the runoff having thermal impacts. Currently the city lot has no BMP’s that eliminate or minimize the exposure to possible stormwater pollutants. In addition, it is not unconceivable that future rules could establish numerical benchmarks for removal of pollutants. Having a structural BMP that the city can quantify removal amounts is critical.

Stormwater ponding is a traditional and effective means, or BMP, of meeting the rule. Because the space to build a pond is not available, another method to provide treatment will be needed.

Mechanical Structures as BMP: Three mechanical structures were looked into as possible BMP’s to remove pollutants from stormwater runoff. The three structures and their costs were as follows:

First Defense Unit – $17,000 – 20,000 +/-
Stormceptor - STC-2400 – $20,600
CDS Structure - $23,200

For comparison, the structures were sized to treat the runoff from a 1” rainfall event. All three units remove roughly 80% of the TSS (Total Suspended Solids), which is a typical industry standard and meets the rule. Public Works recommends the Stormceptor, because maintenance is easier. Sediment collected in the structures needs to be removed, a task that can be completed by city employees. The setup of the Stormceptor facilitates an easier task. A study of mechanical structures performed by the University of Minnesota showed that the Stormceptor structure retains sediment and prevents re-suspension, as long as the structure maximum sediment storage is not exceeded with regular maintenance.
To facilitate drainage to the Stormceptor unit, portions of the rear yard will need to be re-graded along with additional catch basins and storm sewer pipe. A washout area has also been included for the street sweepers to filter out leaves and debris and drain through a newly created swale area. A site plan and cost estimate is attached.

**Funding:**
Beginning in 2008, Public Works has available the on-site cell tower revenue, providing over $20,000 annually. The Public Works 2011 budget has $65,000 programmed for this work in Capital Improvements.

**Recommended Motion:** Move to authorize the purchase of one Stormceptor unit, along with the storm sewer and paving materials detailed above for the MSC Surface Water Management Improvements, up to the budgeted amounts.
BACKGROUND:
At the April 28, 2009 EDA meeting, the commission directed staff to implement all the necessary processes to create a Scattered Site Housing District. This included the use of all remaining TIF District C8 funds (fund balance and revenue derived until the end of the District in 2010) as a revenue source for the immediate acquisition of properties that met policy guidelines established by the EDA. To date 14 properties have been purchased through the scattered site program, in addition the Plan’s initial proposal will include seven other lots owned by various parties.

In order to create the district, the first step is for the City Council to call for a public hearing to modify the Downtown CBD Revitalization Plan for the CBD Redevelopment project and the Establishment of the City-Wide Scattered Site Housing TIF District. The EDA approved a resolution on August 1, 2011 requesting such action of the City Council. The public hearing shall take place at the September 26, 2011 City Council meeting. The TIF plan modification will be discussed and voted on at this meeting.

RECOMMENDATION: Staff recommends the City Council call a public hearing for September 26, 2011.

RECOMMENDED MOTION:
Motion: Move to waive the reading of Resolution 2011-73, their being ample copies available to the public.

Motion: Move to approve Resolution 2011-73, a Resolution calling for a public hearing by the City Council 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 city-wide Scattered Site Housing Tax Increment Financing District therein and the adoption of the TIF plan therefor.

Attachments: Resolution 2011-73
COLUMBIA HEIGHTS CITY COUNCIL LETTER

Meeting of: August 8, 2011

<table>
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<tr>
<th>AGENDA SECTION: Consent NO:</th>
<th>ORIGINATING DEPARTMENT: Community Development</th>
<th>EXECUTIVE DIRECTOR APPROVAL</th>
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<td>ITEM: Resolution 2011-73, Calling a public hearing – Scattered Site Housing Tax Increment District</td>
<td>BY: Sheila Cartney DATE: August 2, 2011</td>
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Attachments: Resolution 2011-73

**EDA ACTION:**
Meeting of August 8, 2011

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<td>ITEM: Rental Housing Licenses</td>
<td>BY: Gary Gorman</td>
<td>BY:</td>
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<tr>
<td>NO:</td>
<td>DATE: August 3, 2011</td>
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Approval of attached list of rental housing applications.

RECOMMENDED MOTION: Move to approve the items listed for rental housing license applications for August 8, 2011 in that they have met the requirements of the Property Maintenance Code.
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**Total # of Licenses:** 51
**BACKGROUND/ANALYSIS**

Attached is the business license agenda for the August 8, 2011 Council meeting. This agenda consists of applications for Contractor licenses for 2011.

At the top of the license agenda you will notice a phrase stating *Signed Waiver Form Accompanied Application. This means that the data privacy form has been submitted as required. If not submitted, certain information cannot be released to the public.

**RECOMMENDED MOTION:**

Move to approve the items as listed on the business license agenda for August 8, 2011 as presented.

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**CONTRACTOR’S LICENSES -2011**

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| *Prairie Plumbing Co.          | 3134 Colorado Ave So. St Louis Pk | $60 |
| *Versant Plumbing Co.          | 5601 331st Ave NW, Cambridge      | $60 |
| Team Mechanical Inc.           | 3508 Snelling Ave, Mpls          | $60 |
| Legacy Mechanical Services     | 223 Sandberg Rd, Monticello      | $60 |
| Integrity Pl & Htg             | 19664 Ironton Cir NW, Elk River  | $60 |
| Artic Mechanical               | 5255 Edinburgh Way, Big Lake     | $60 |
| *Royalton Heating              | 4120 85th Ave N, Brooklyn Park   | $60 |
CITY OF COLUMBIA HEIGHTS

FINANCE DEPARTMENT

COUNCIL MEETING OF: August 8, 2011.

STATE OF MINNESOTA

COUNTY OF ANOKA

CITY OF COLUMBIA HEIGHTS

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 139842 through 140018 in the amount of $791,799.85.

These checks have been examined and found to be legal charges against the CITY OF COLUMBIA HEIGHTS, and are hereby, recommended for payment.
Report Selection:

Optional Report Title.......08/08/11 COUNCIL LISTING

INCLUSIONS:
Fund & Account............... thru
Check Date.................. thru
Source Codes................ thru
Journal Entry Dates.......... thru
Journal Entry Ids........... thru
Check Number.............. 139842 thru 140018
Project..................... thru
Vendor...................... thru
Invoice...................... thru
Purchase Order............... thru
Bank........................ thru
Voucher ..................... thru
Released Date............... thru
Cleared Date............... thru
Include Exp/Rev Closing Entries N

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REPORT TOTALS: 791,799.85

RECORDS PRINTED - 000772
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**Total All Funds:** 791,799.85

## Bank Recap:

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**Total All Banks:** 791,799.85
BACKGROUND:
At this time, David Lu is requesting a Conditional Use Permit (CUP) per Code Section 9.110 (E)(3)(l) in order to operate a business that entails the assembly, manufacturing and/or processing of goods. Currently, the property at 5150 Central Avenue is owned by Gerry Herringer, and the sale of the property to David Lu is contingent on the approval of the CUP. As part of the sale of the property, Mr. Herringer would like to split off 55 feet of the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue (Blockbuster Video), which he also owns.

The building at 5150 Central Avenue currently houses retail space on the top level and several racquetball courts on the lower level. If the CUP is approved, Mr. Lu will purchase the property and move his business into the building. His initial plan is to retain the retail component of the building and continue to lease out space to retail establishments. The racquetball courts will be removed to make room for his business. Mr. Lu is requesting a Conditional Use Permit to allow for the assembly, manufacturing and/or processing of goods. As described in his letter to the Planning Commission, his business involves the repackaging/processing of food and nutrition products, such as repackaging powdered milk into cans and bulk nutrition supplements (like vitamins, calcium, and energy drinks) into individual pouches and bottles. This is considered value-added manufacturing, as no products are actually being made, rather just being repackaged into sellable units.

RECOMMENDATION:
The Planning and Zoning Commission held a Public Hearing for the request on August 3, 2011. The Planning Commission recommended approval of the Conditional Use Permit with a 3-0 vote.

RECOMMENDED MOTION:

MOTION: Move to waive the reading of Resolution 2011-074, there being ample copies available to the public.
MOTION: Move to adopt Resolution No. 2011-074, approving the Conditional Use Permit for an assembly/ manufacturing/processing business located at 5150 Central Avenue, subject to the conditions outlined in Resolution No. 2011-074.

MOTION: Move to waive the reading of Resolution 2011-075, there being ample copies available to the public.
MOTION: Move to adopt Resolution No. 2011-075, approving the Minor Subdivision of the property at 5150 Central Avenue, subject to the conditions outlined in Resolution No. 2011-075.

Attachments: Resolution 2011-074; Resolution 2011-075; P+Z Memo; Location Map; Floor Plans
WHEREAS, a proposal (Case #2011-0801) has been submitted by David Lu to the City Council requesting a conditional use permit from the City of Columbia Heights at the following site:

ADDRESS: 5150 Central Avenue

LEGAL DESCRIPTION: On file at City Hall.

THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit per Code Section 9.110 (E)(3)(l), to allow an assembly/manufacturing/processing business in the GB, General Business District at 5150 Central Avenue NE.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on August 3, 2011;

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit 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; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia Heights after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.

2. The use is in harmony with the general purpose and intent of the Comprehensive Plan.

3. The use will not impose hazards or distributing influences on neighboring properties.

4. The use will not substantially diminish the use of property in the immediate vicinity.

5. The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

6. The use and property upon which the use is located are adequately served by essential public facilities and services.
7. Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

8. The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

9. The use complies with all other applicable regulations for the district in which it is located.

**FURTHER, BE IT RESOLVED**, that the attached conditions, maps, and other information shall become part of this permit and approval; and in granting this permit the city and the applicant agree that this permit shall become null and void if the project has not been completed within *one (1) calendar year* after the approval date, subject to petition for renewal of the permit.

**CONDITIONS ATTACHED:**

1. The applicant will apply for all necessary building permits prior to any construction to the building.

Passed this 8th day of August, 2011

Offered by:
Seconded by:
Roll Call: Ayes: Nays:

Mayor Gary L. Peterson

Attest:

__________________________
Patricia Muscovitz, CMC
City Clerk
RESOLUTION NO. 2011-075

RESOLUTION APPROVING A MINOR SUBDIVISION AT 5150 CENTRAL AVENUE NE WITH CERTAIN CONDITIONS FOR THE CITY OF COLUMBIA HEIGHTS

WHEREAS, a proposal (Case No. 2011-0801) has been submitted by Gerry Herringer requesting a subdivision from the City of Columbia Heights Subdivision Code at the following site:

ADDRESS: 5150 Central Avenue NE

EXISTING LEGAL DESCRIPTION: On File at City Hall

PROPOSED LEGAL DESCRIPTION: On File at City Hall

THE APPLICANT SEEKS APPROVAL OF A MINOR SUBDIVISION.

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed subdivision upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to traffic, property values, light, air, danger of fire, and risk to public safety, in the surrounding area; and has held the required public hearing on this proposal on August 3, 2011.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Columbia Heights after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposed subdivision of land will not result in more than three lots.

2. The proposed subdivision of land does not involve the vacation of existing easements.

3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.

4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.

5. The property has not previously been divided through the minor subdivision provisions of this article.

6. The proposed subdivision does not hinder the conveyance of land.

7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.

8. The proposed subdivision meets all of the design standards specified in the §9.114.
FURTHER, BE IT RESOLVED, that the attached condition, plans, maps, and other information shall become part of this subdivision approval.

CONDITIONS:

1. The applicant will reestablish any necessary driving or parking easements in relation to the minor subdivision and shall record them with Anoka County.

Passed this 8th day of August, 2011

Offered by:
Seconded by:
Roll Call:        Ayes:    Nays:

Mayor Gary L. Peterson

Attest:

Patricia Muscovitz, CMC
City Clerk
INTRODUCTION
At this time, David Lu is requesting a Conditional Use Permit (CUP) per Code Section 9.110 (E)(3)(l) in order to operate a business that entails the assembly, manufacturing and/or processing of goods. Currently, the property at 5150 Central Avenue is owned by Gerry Herringer, and the sale of the property to David Lu is contingent on the approval of the CUP. As part of the sale of the property, Mr. Herringer would like to split off a portion of the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue (Blockbuster Video), which he also owns.

BACKGROUND
The building at 5150 Central Avenue currently houses retail space on the top level and several racquetball courts on the lower level. If the CUP is approved, Mr. Lu will purchase the property and move his business into the building. His initial plan is to retain the retail component of the building and continue to lease out space to retail establishments. The racquetball courts will be removed to make room for his business. Mr. Lu is requesting a Conditional Use Permit to allow for the assembly, manufacturing and/or processing of goods. As described in his letter to the Planning Commission, his business involves the repackaging/processing of food and nutrition products, such as repackaging powdered milk into cans and bulk nutrition supplements (like vitamins, calcium, and energy drinks) into individual pouches and bottles. This is considered value-added manufacturing, as no products are actually being made, rather just being repackaged into sellable units.

There is currently a mezzanine level in the building, above the racquetball courts and below the retail space. Mr. Lu will extend the mezzanine level across the entire floor, creating a third floor to the building. The created space will serve as office space for his business. The Building Code requires Mr. Lu to add an elevator to the building, which he is willing to do. Mr. Lu has indicated that the building has sufficient room to add the elevator without expanding the building.
COMPREHENSIVE PLAN
The Comprehensive Plan guides this area for commercial use. Being that the business will add office space and a repackaging operation that is consistent with the types of uses allowed in the zoning district, the proposed use is also consistent with the Comprehensive Plan.

ZONING ORDINANCE
The property is zoned GB, General Business, as are the properties to the north, south and east. The properties to the west are zoned R-3, multiple family residential. Some of the properties to the east are also located within the City of Fridley.

PARKING. The proposed minor subdivision will result in the removal of some of the parking spaces located at 5150 Central Avenue. Mr. Lu is also proposing to add additional office space to the building, which increases the number of required parking spaces on the property.

When the minor subdivision is complete, the plan indicates that there will be 87 parking spaces remaining on the property at 5150 Central Avenue. The City Code requires 1 parking stall for each 300 square feet of office and retail space, and 1 parking stall for each 1,000 square feet of assembly, manufacturing and/or processing space. The plans show that there is a total of 9,338 square feet of retail space on the first level, a total of 5,084 square feet of office space on the second level, and a total of 5,600 square feet of manufacturing space on the lower level. Given the city's parking requirements, the property will need a minimum of 54 on-site parking stalls. As indicated previously, the property will have 87 parking stalls on site, meeting the minimum requirements.

MINOR SUBDIVISION. The proposed minor subdivision will transfer 55 feet from the property at 5150 Central Avenue and add it to the property located at 5220 Central Avenue. Given that this is a transfer of land and that no new buildable lots will be created, there will be no Park Dedication Fee associated with the proposed request. Staff will require a new driveway easement for joint use of the land in question.

FINDINGS OF FACT (Conditional Use Permit)
Section 9.104 (H) of the Zoning Ordinance outlines nine conditions that must be met in order for the City Council to grant a Conditional Use Permit. They are as follows:

(a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.
   Assembly, manufacturing and/or processing is specifically listed as a Conditional Use in the GB, General Business District.

(b) The use is in harmony with the general purpose and intent of the Comprehensive Plan.
   The Comprehensive Plan guides this area for commercial use. Being that the business will add office space and a repackaging operation that is consistent with the types of uses allowed in the zoning district, the proposed use is also consistent with the Comprehensive Plan.
(c) The use will not impose hazards or disturbing influences on neighboring properties.

The proposed use of the building for manufacturing/assembly/processing will be located on the lower level on the back side of the building. No outward expansion of the building will be required for the business either. The business does not require heavy machinery or equipment that generates excessive noise when operating. For these reasons, the proposed use of the building should have no disturbing influences on neighboring properties.

(d) The use will not substantially diminish the use of property in the immediate vicinity.

The use of property in the immediate vicinity will not be impacted by the new business.

(e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

All activity will remain indoors with no change to the existing building located on the property.

(f) The use and property upon which the use is located are adequately served by essential public facilities and services.

This is correct.

(g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

The use will not generate any excess traffic than what would normally occur for businesses located in the GB, General Business District. The applicant stated that once every two months a delivery truck will drop off supplies for the business. All outgoing shipments of goods are handled through normal postal service deliveries, which would not disrupt normal traffic activities.

(h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses is the immediate vicinity.

The use is a listed Conditional Use for the district and will abide by the Specific Development Standards as listed as conditions for its approval. This should ensure that the proposed use will not cause a negative cumulative effect.

(i) The use complies with all other applicable regulations for the district in which it is located.

This is correct.

FINDINGS OF FACT (Minor Subdivision)

Section 9.104 (K) of the Zoning Code outlines specific conditions in order for the City Council to approve a minor subdivision. They are as follows:

1. The proposed subdivision of land will not result in more than three lots.
The proposed minor subdivision will not be creating a new lot. The action is needed in order to split off a portion of the property at 5150 Central Avenue in order to add it to the property located at 5220 Central Avenue.

2. The proposed subdivision of land does not involve the vacation of existing easements.
   No vacation of existing easements will occur as a result of the minor subdivision.

3. All lots to be created by the proposed subdivision conform to lot area and width requirements established for the zoning district in which the property is located.
   No new lots will be created.

4. The proposed subdivision does not require the dedication of public rights-of-way for the purpose of gaining access to the property.
   No new dedications of public rights-of-way will be needed for the purpose of gaining access to the property.

5. The property has not previously been divided through the minor subdivision provisions of this article.
   This is a true statement.

6. The proposed subdivision does not hinder the conveyance of land.
   This is a true statement.

7. The proposed subdivision does not hinder the making of assessments or the keeping of records related to assessments.
   This is a true statement.

8. The proposed subdivision meets all of the design standards specified in Section 9.114.
   This is a true statement.

RECOMMENDATION
Staff recommends approval of the proposed Conditional Use Permit to allow for a manufacturing/assembly/processing operation to locate at 5150 Central Avenue. Staff also recommends approval of the minor subdivision of land at 5150 Central Avenue for the purpose of adding to the property located at 5220 Central Avenue.

Motion: That the Planning Commission recommends that the City Council approve the Conditional Use Permit to allow for a manufacturing/assembly/processing operation to locate at 5150 Central Avenue, subject to certain conditions of approval that have been found to be necessary to protect the public interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

1. The applicant will apply for all necessary building permits prior to any construction to the building.

Motion: That the Planning Commission recommends that the City Council approve the minor subdivision of the property located at 5150 Central Avenue, subject to certain conditions of approval that have been found to be necessary to protect the public
interest and ensure compliance with the provisions of the Zoning and Development Ordinance, including:

1. The applicant will reestablish any necessary driving or parking easements in relation to the minor subdivision and shall record them with Anoka County.

ATTACHMENTS

- Draft Resolution
- Location Map
- Floor Plans
- Site Survey
Total Health Advanced Nutrition

1027 E. Moore Lake Dr., Fridley, MN 55432

Date: July 5, 2011

City of Columbia Heights

Re: Conditional Use Permit

Dear Sir/Madam,

We would like to apply a Conditional Use Permit for the location at 5150 Central Ave., Columbia Heights, MN 55421.

We would like to use the ground floor to repackaging/processing food and nutrition products, such as repackaging powder milk into cans, bulk nutrition supplement (like vitamins, calcium, energy drink) into individual pouches and bottles. There is no contamination and hazard to the environment.

We have a food manufacture and processing license from the Department of Agriculture Department.

If you need any additional information regarding to this application, please feel free to contact me at 763-586-1012.

Sincerely yours,

David Lu
VP

71
Total Health Advanced Nutrition

1027 E. Moore Lake Dr., Fridley, MN 55432

A) Floor Plan:

1) Upper level floor (exciting plan) office area: 9,338 sqf
2) 2nd/mid level floor (extend from mezzanine level) office area: 5,084 sqf
3) Lower level floor production area: 5,600 sqf

Total office and production area: 20,018 sqf

B) Floor Plan:

1) Upper level floor (exciting plan) office area: 9,338 sqf
2) 2nd/mid level floor (extend from mezzanine level) total area: 10,400 sqf
3) Lower level floor (manufacture) total area: 10,400 sqf

Parking spaces: 87

Attachments:
One: Upper level plan
Two: 2nd/mid level plan
Three: Lower level plan
## Upper Level Plan

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- Hall Way
- 21'-0" x 47'-60"
- 20'-10" x 47'-60"
- Office Seven: 999sqf
- Office Eight: 956sqf

**Upper level total office: 9338 sqf**
# 2<sup>nd</sup> /Mid Level Plan

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2<sup>nd</sup>/mid level total office area: 5,084 sqf (28 rooms @ 160 sqf + 4 rooms @ 151sqf)
2<sup>nd</sup>/mid level total floor: 10,400 sqf
### Lower Level Plan

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<th>Conference RM</th>
<th>Lunch RM</th>
<th>Supply/ Equip. RM</th>
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**Lower level production area:** 5,600 sqf  
**Lower level total floor:** 10,400 sqf
Background:
Special assessments are certified to Anoka County for inclusion on the property tax statements. To be included with the 2012 tax statement, the assessment hearing needs to be held on or before October 15, 2011.

Analysis/Conclusions:
Staff is recommending Monday, October 3, 2011 for the Assessment Hearings on the following three projects:

1. Zone 5 Seal Coat, Project No. 1101
2. Zone 6 Street Rehabilitation, Project No. 1102
3. 2011 Delinquent Accounts

Recommended Motion: Move to establish Monday, October 3, 2011 at 6:00 p.m. as the Public Special Assessment Levy Hearing for City Project #1101 Zone 5 Seal Coat Project, to be held in the City Council Chambers.

Recommended Motion: Move to establish Monday, October 3, 2011 at 6:15 p.m. as the Public Special Assessment Levy Hearing for City Project #1102 Zone 6 Street Rehabilitation, to be held in the City Council Chambers.

Recommended Motion: Move to establish Monday, October 3, 2011 at 6:30 p.m. as the Public Special Assessment Levy Hearing for Delinquent Accounts, to be held in the City Council Chambers.