

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
MONDAY, JANUARY 23, 2012**

The following are the minutes for the regular meeting of the City Council held at **7:00 p.m. on Monday, January 23, 2012** in the City Council Chambers, City Hall, 590 40th Avenue N.E., Columbia Heights, MN.

CALL TO ORDER/ROLL CALL/INVOCATION

Reverend Bob Lyndes, Crest View Communities, gave the Invocation.

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

Absent: Council member Williams

PLEDGE OF ALLEGIANCE - recited

ADDITIONS/DELETIONS TO MEETING AGENDA

Peterson removed Resolution Numbers 2012-12 and 2012-11, as the rental license has been brought into compliance.

Peterson added the Fire Association appointments under New Business.

Nawrocki – cost of doing business at liquor store, citizen academy library task force COM dev task force and Anoka County newsletter.

4. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Recognition of POC Firefighter Tim Ryan

Fire Chief Gary Gorman gave recognition to Paid On Call (POC) Firefighter Tim Ryan. Ryan served four years in the Explorers Program and 17 years as a POC firefighter. He is a hard worker and uniquely graceful. He married one of our other POC. Gorman presented Ryan with a plaque for his service. Ryan spoke of his years of service and the pleasure to work for this department. Fehst stated his appreciation for the work he has done and wished him good luck. Peterson added the appreciation of the Council for his years of service and thanked his wife.

B. Allina Stork Pin Awards

Gorman stated that on December 11 Shannon Abbott (POC) and Firefighter Tom Mattson arrived on a birth call on 3rd Street. Dave Matteson, Allina Operations Transportation, presented the Stork Pin award to Abbott and Mattson. Matteson explained the difficulties with this type of delivery. He stated that they are fortunate to have the training of the Columbia Heights Fire Department to help them.

C. Library - Winter Jackets (adult) and Book Warms (children) reading programs

Renee Dougherty spoke on the library winter reading program called Winter Jackets. Author Julie Kramer will visit the library on February 8th. The library is also collecting donations of warm beverages for the food shelf. Mia Kaoxiong, Children's Librarian, spoke of the unique Book Warms children and teenager reading program.

Miscellaneous

Peterson indicated that past Council member Rita Petkoff passed away a week ago Friday. She served from 1982 -1990 and seven months in 1995 to help fill a vacancy. Nawrocki stated that Roy Hedblath, who served in our police department, has also passed away.

CONSENT AGENDA

Nawrocki requested to remove items B, E, F, G, H, J, and K for discussion.

City Manager Walt Fehst took Council members through the remaining consent agenda items

A. Approve City Council meeting minutes

Motion to approve the minutes of the January 9, 2012 City Council meeting.

B. Establish Local Board of Appeal and Equalization meeting date for Monday, April 9, 2012 at 6:00 p.m. – removed

C. Appointment to the Economic Development Authority.

Motion to approve the Mayor's appointment of Gerald Herringer to the vacant six year EDA position.

D. Approve Raffle, Little Voyageurs' Montessori School, St. Timothy's Church

Motion to direct the City Manager to forward a letter to the State Charitable Gambling Control Board indicating that the City of Columbia Heights has no objection to a raffle event to be conducted by Little Voyageurs' Montessori School at St. Timothy's Lutheran Church, 825 51st Avenue, Columbia Heights, on April 29, 2011; and furthermore, that the City of Columbia Heights hereby waives the remainder of the thirty-day notice to the local governing body.

E. Authorize Purchase of Police Vehicles - removed

F. Approve Public Works Blanket purchase orders for 2012 budgeted items - removed

G. Adopt Resolution 2012-14, being a Resolution authorizing MnDOT Agreement 99724R for the signal replacement on TH 65 at 50th Avenue. - removed

H. 2012 Agreement for Residential Recycling Program with Anoka County - removed

I. Approval of attached list of rental housing applications.

Motion to approve the items listed for rental housing license applications for January 23, 2012 in that they have met the requirements of the Property Maintenance Code.

J. Approve Business License Applications - removed

K. Review payment of the bills - removed

Motion by Diehm, second by Schmitt, to approve Consent Agenda items A, C, D and I.

Nawrocki stated that we are to appoint yearly the Council president. Schmitt stated that is only a suggestion and as we have no new members, she felt it would stay the same. Hoefstated that it is not necessary unless someone wants to nominate someone else. Peterson stated it can be discussed later.

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

B. Establish Local Board of Appeal and Equalization meeting date for Monday, April 9, 2012 at 6:00 p.m.

Motion by Schmitt, second by Diehm, to establish the Local Board of Appeal and Equalization meeting date for Monday, April 9, 2012, at 6:00 p.m. in the City Council Chambers.

Nawrocki stated this meeting should be part of the regular council meeting or recorded to play on cable. City Clerk Muscovitz stated that Anoka County determines the date and time of this meeting. We do not have the option of picking a time. Nawrocki requested that the cable cast on April 9 begin with the Board of Equalization meeting. Schmitt stated that would depend on the availability of the video technician.

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

E. Authorize Purchase of Police Vehicles

Nawrocki stated these cars are more expensive than in the past and go faster. Police Chief Nadeau stated the cars ordered will replace the Crown Victoria, which is no longer being produced. This is the small platform car with a V6 engine. It should be more economical and has the benefit of all-wheel drive. This will be a cost savings and be a good fit for us. The vehicle outfitting will be a little more expensive, as we are not able to transfer all of the current equipment. Peterson indicated that most cities will now have to change their vehicle type. Nadeau explained the different types of vehicle available for police use. Fehst questioned the Turbo being rejected. Nadeau stated it was considered, but was determined unnecessary.

Motion by Schmitt, second by Nawrocki, to authorize the purchase of two 2013 Ford Police Interceptor Sedan vehicles under the State of Minnesota bid, with funding to come from 431.42100.5150, in the amount of \$49,380.22 and that the Mayor and City Manager are authorized to enter into a contract for same. These vehicles will be used as marked patrol cars. Upon vote: All ayes. **Motion carried.**

Motion Schmitt, second by Nawrocki, to authorize the Police Chief to expend up to \$30,553.00 to set up and outfit two marked patrol cars. Upon vote: All ayes. **Motion carried.**

F. Approve Public Works Blanket purchase orders for 2012 budgeted items

Nawrocki questioned the stop box repairs. Public Works Director Kevin Hansen stated one of these items is for delinquent accounts. We bid out our water line cleaning program also. We are analyzing the bids now. They are fixed rates.

Motion by Diehm, second by Schmitt, approval to authorize staff to process blanket purchase orders in an amount not to exceed the 2012 budget amounts for:

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

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

G. Adopt Resolution 2012-14, being a Resolution authorizing MnDOT Agreement 99724R for the signal replacement on TH 65 at 50th Avenue.

Nawrocki stated that we had discussed doing work here, but MnDOT would not get involved. Hansen stated that we requested to have turn lanes included into this project; however that did not rank out for funding. The signal replacement is still planned. We are required to share in the cost for this. Hansen stated he met with the signal director and they are putting in lines for future turn lanes. The placement of the lights would not change. The additional costs were the painting of the poles and the backlit street sign. Nawrocki questioned the cost. Hansen stated that a new signal light is approximately \$250,000.

Motion by Diehm, second by Schmitt, to waive the reading of Resolution No. 2012-14, there being ample copies available to the public. Upon vote: All ayes. **Motion carried.**

Motion by Diehm, second by Schmitt, to adopt Resolution 2012-14, being a resolution authorizing the City Of Columbia Heights to enter into Agreement No. 99724R with MnDOT for the replacement of the traffic signals on Trunk Highway 65 at 50th Avenue. Upon vote: All ayes. **Motion carried.**

Nawrocki questioned the five cluster indications. Hansen stated that is where the lights are to include flashing yellow for right turns.

H. 2012 Agreement for Residential Recycling Program with Anoka County

Nawrocki questioned the difference from the present agreement. Hansen stated it is a grant the County gets from the State to help with recycling. We previously received \$5,100 and it will now be \$4,800, which is affected by the household reduction determined by the census. Our tonnage requirement will also increase next year.

Motion by Nawrocki, second by Schmitt, to authorize the Mayor and City Manager to execute the 2012 SCORE Agreement for Residential Recycling Program with Anoka County to provide cooperation between the City and the County in the implementation of the Residential Recycling Program and with funding available up to \$49,630 as reimbursement for eligible expenses. Upon vote: All ayes. **Motion carried.**

J. Approve Business License Applications

Nawrocki indicated that the courtesy bench license should require clean up around the site and asked if this is the same vendor. Diehm stated it is a new business. Nawrocki stated there should be a requirement for trash containers at their site. Hansen stated the current vendor was contacted and they did come and clean up the area. Schmitt stated that a container would be nice, but someone has to empty them. There are not trash containers at most shelters. People need to be more responsible. Peterson stated that people have to be responsible for their own trash. Some behavior shows that people will not walk two feet to a trash container. Fehst suggested reconsideration of this in the spring. We have people that use the available trash cans, but some people do not. Peterson suggested an “adopt a corner” project.

Motion Schmitt, second by Diehm, to approve the items as listed on the business license agenda for January 23, 2012 as presented. Upon vote: All ayes. **Motion carried.**

K. Review payment of the bills

Nawrocki questioned check 142147 for the purchase of 4236 Cleveland from Anoka County. We paid \$6,000 and used storm sewer construction funds. Hansen stated this came through the tax forfeiture system. It is on the extension of Cleveland and is a low lying area. It is a good purchase for future water quality issues. Diehm stated this is better than trying to purchase land under eminent domain. Hansen stated he would put together an aerial of the area.

Motion by Diehm, second by Schmitt, that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has received the list of claims paid covering check number 142029 through 142199 in the amount of \$1,144,471.39. Upon vote: All ayes. **Motion carried.**

PUBLIC HEARINGS

- A. Adopt Resolutions 2012-08, 3900 Jackson Street NE, and 2012-09, 4414 Quincy Street NE being declarations of nuisance and abatement of violations within the City of Columbia Heights. Assistant Fire Chief John Larkin listed the violations at the respective properties. Nawrocki questioned the Jackson property. Larkin stated there are soffit areas missing.

Motion by Diehm, second by Nawrocki, to close the public hearing and to waive the reading of Resolution Numbers 2012-08, and 09 there being ample copies available to the public. Upon vote: All ayes. **Motion carried.**

Motion by Diehm, second by Schmitt, to adopt Resolution Numbers 2012-08, and 09 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.**

- B. Adopt Resolutions 2012-10, 4223 7th Street N.E., 2012-11, 5005 7th Street N.E., 2012-12, 3807 Pierce Street N.E., and 2012-13, 1827 41st Avenue, being Resolutions of the City Council of the City of Columbia Heights approving rental license revocation for failure to meet the requirements of the Property Maintenance Codes.

Larkin stated the reasons for the license revocation request.

Motion by Diehm, second by Schmitt, to close the public hearing and to waive the reading of Resolution Numbers 2012-10, and 13 there being ample copies available to the public. Upon vote: All ayes. **Motion carried.**

Motion by Diehm, second by Schmitt, to adopt Resolution Numbers 2012-10, and 13 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.**

ITEMS FOR CONSIDERATION

- A. Other Ordinances and Resolutions - none
- B. Bid Considerations - none
- C. New Business and Reports

Appoint Mayor and City Manager to the Fire Relief Association

Motion by Nawrocki, second by Schmitt, to appoint the Mayor and City Manager to the Columbia Heights Volunteer Firefighters Relief Association Board of Trustees for 2012. Upon vote: All ayes. **Motion carried.**

Motion by Nawrocki, second by Schmitt, to elect Council member Diehm, as Council President. Upon vote: All ayes. **Motion carried.**

ADMINISTRATIVE REPORTS

Report of the City Manager

Fehst indicated that on February 6, the EDA will meet prior to the City Council work session. Work session items for discussion: insurance on water and sewer lines as suggested by Schmitt, 50th Avenue turn lane, property maintenance inspection process, Council corner, and 2012 staff liaison

assignments.

Diehm suggested everyone check out our new web site. It has a great calendar. The new web site is very user friendly.

Fehst indicated that the Citizens Academy began last Thursday. He presented information, along with the City Clerk and the Finance Director. Next Thursday is the Community Development Department's presentation.

Nawrocki requested a short recess.

Nawrocki again requested a presentation on the profitability of the liquor store, and information on the Citizens Academy and library task force. Fehst stated the Citizens Academy information was in the green sheet. The "how and who" of the library task force appointments was discussed.

Nawrocki requested to know how many hours the gym is open. Fehst referred to a complaint received on the amount of heavy parking there. Nawrocki again questioned the profitability of the liquor stores and if principal and interest are included. Diehm suggested the Finance Department do a presentation on this in the spring at a City Council meeting.

Nawrocki requested to be on the mailing list for information given to the Citizens Academy and the Library Task Force.

Nawrocki referred to hearing of a possible task force being formed to review signage. Peterson indicated that the Council suggested the Planning and Zoning Commission review this and that Schmitt suggested also speaking to business owners.

Nawrocki referred to a publication called the "Anoka County Record" and indicated he would like to receive a copy. Fehst suggested he contact them to be put on their mailing list. Schmitt stated that the Anoka County Herald is available on line. Nawrocki again requested to receive the publication. Diehm stated that it is available on line.

Report of the City Attorney – nothing to report

CITIZENS FORUM

No one came forward.

Peterson stated "don't take life too seriously and don't forget our service men and women. Show them our appreciation and remember them in our thought and prayers. Do a random act of kindness."

ADJOURNMENT

Mayor Peterson adjourned the meeting at 8:30 p.m.

Patricia Muscovitz CMC City Clerk

RESOLUTION NO. 2012-14

AUTHORIZING AGREEMENT NO. 99724R WITH MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT and MAINTENANCE OF THE EXISTING TRAFFIC CONTROL SYSTEM ON TRUNK HIGHWAY 65 AT CENTRAL AVENUE

WHEREAS, the traffic control system on TH 65 at 50th Avenue NE has reached its useful life; and,

WHEREAS, MnDOT has planned to reconstruct the existing traffic controls system; and,

WHEREAS, the cost of the improvements are apportioned based upon MnDOT's Signal Participation Cost Share Policy.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Columbia Heights enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the City to the State for the City's share of the costs of the Signal System, APS, EVP System and Internally Lit Signs construction and other associated construction to be performed on Trunk Highway No. 65 (Central Avenue) at 50th Avenue NE within the corporate limits of Columbia Heights under State Project No. 0207-93 and State Aid Project No. 113-010-021 (TH 65=005), in accordance with the terms and conditions set forth and contained in Agreement No. 99724R, a copy of which was before the Council.

BE IT FURTHER RESOLVED that the Mayor and City Manager be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

RESOLUTION 2012-08

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 Shafer Richardson (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 3900 Jackson Street NE, 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 November 29, 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 October 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 November 29, 2011 inspectors reinspected 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 January 10, 2012 inspectors reinspected 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 replace the missing soffit on the southwest corner of the east office building
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 3900 Jackson 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 3900 Jackson 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 2012-09

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 Scott Nichols (Hereinafter "Owner of Record").

Whereas, the owner of record is the legal owner of the real property located at 4414 Quincy Street NE, 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 December 29, 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 November 15, 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 December 29, 2011 inspectors reinspected 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 January 10, 2012 inspectors reinspected 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/remove/replace all/any sections of fence that on damaged/deteriorated
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 4414 Quincy 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 4414 Quincy 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 2012-10

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 Bernard Szymczak (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 4223 7th Street N.E., Columbia Heights, Minnesota,

Whereas, pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(B), written notice setting forth the causes and reasons for the proposed Council action contained herein was given to the License Holder on November 30, 2011 of an public hearing to be held on January 23, 2012.

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 July 15, 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 November 30, 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 schedule a rental property inspection and failure to submit a rental license application and fees.
4. That all parties, including the License Holder and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code, Chapter 5A, Article III 5A.306 and 5A.303(A).

ORDER OF COUNCIL

1. The rental license belonging to the License Holder described herein and identified by license number FE-4223-11 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 2012-13

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 Federal Home Loan Mortgage (Hereinafter "License Holder").

Whereas, license holder is the legal owner of the real property located at 1827 41st 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 December 15, 2011 of an public hearing to be held on January 23, 2012.

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 November 14, 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 December 15, 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 schedule a rental property inspection and failure to submit a rental license application and fees.
4. That all parties, including the License Holder and any occupants or tenants, have been given the appropriate notice of this hearing according to the provisions of the City Code, Chapter 5A, Article III 5A.306 and 5A.303(A).

ORDER OF COUNCIL

1. The rental license belonging to the License Holder described herein and identified by license number U1827 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.