



CITY COUNCIL MEETING
City Hall—Council Chambers, 3989 Central Ave NE
Monday, August 12, 2024
6:00 PM

Mayor
Amáda Márquez Simula
Councilmembers
Connie Buesgens
Kt Jacobs
Rachel James
Justice Spriggs
City Manager
Aaron Chirpich

MINUTES

The following are the minutes for the Meeting of the City Council held at 6:00 pm on Monday, August 12, 2024, in the City Council Chambers, City Hall, 3989 Central Avenue NE, Columbia Heights, Minnesota

WELCOME/CALL TO ORDER/ROLL CALL

Mayor Márquez Simula called the meeting to order at 6:00 pm.

Present: Mayor Márquez Simula; Councilmember Buesgens; Councilmember Jacobs; Councilmember Spriggs; Councilmember James

Also Present: Andrew Boucher, City Planner; Aaron Chirpich, City Manager; Sara Ion, City Clerk; Scott Lepak, City Attorney; Charlie Thompson, Fire Chief; Julie Zapp, City resident; Cathy Gomez, City resident

MISSION STATEMENT

Columbia Heights is a vibrant, healthy and connected City. We are here to actively support the community, deliver equitable services, build and strengthen connections, improve upon our past, and uphold our successes. We strive to be better and ensure Columbia Heights is a great place for everyone, today and in the future.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

APPROVAL OF AGENDA

Motion by Councilmember Buesgens, seconded by Councilmember James, to approve the Agenda as presented. All Ayes, Motion Carried 5-0.

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Monarch Butterfly Day Proclamation.

Mayor Márquez Simula mentioned that the Monarch Festival was last Thursday and that it is a bilingual event. Part of the Mayor's Monarch Pledge is that every year there is a proclamation which highlights the work the City does to protect and sustain monarchs.

Mayor Márquez Simula proclaimed August 8, 2024, as Monarch Butterfly Day and read the City's proclamation.

Mayor Márquez Simula explained that the event is bilingual because the butterflies migrate to Mexico in the winter. She expressed appreciation for Staff's support and help with the festival. There were over a dozen different community organizations at the festival including the Anoka County Master Gardeners, the extensions office, and other groups.

B. Senior Citizen Day Proclamation.

Mayor Márquez Simula shared that she wanted to honor the senior citizens for being a part of the community, noting senior citizens carry the history, share their wisdom, and remain pillars of strength. She explained that she is saddened by the insensitive remarks made about elders, particularly regarding dementia, Alzheimer's, and even the president. She encouraged the community to challenge ageism and celebrate the immense value our seniors bring. She mentioned that she invited people from the Legends to receive the proclamation.

Mayor Márquez Simula proclaimed August 21, 2024, as Senior Citizen Day and read the City's proclamation.

Julie Zapp, City resident, accepted the proclamation and explained that she was accepting the proclamation on behalf of the residents of the Legends in Columbia Heights and other senior citizens in the City. She expressed her appreciation for the support of the City Council, Staff, School Board members, and many others. She noted that there is a wonderful group of residents at the Legends who work diligently to give back to the community.

CONSENT AGENDA

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to approve the Consent Agenda as presented. All Ayes, Motion Carried 5-0.

- 1. Approve the July 22, 2024 City Council Meeting Minutes.**
MOTION: Move to approve the July 22, 2024 City Council Meeting minutes.
- 2. Approve the August 4, 2024 City Council Work Session Meeting Minutes.**
MOTION: Move to approve the August 4, 2024 City Council Work Session Meeting minutes.
- 3. Accept April 18, 2024 Charter Commissioner Meeting Minutes.**
MOTION: Move to accept the April 18, 2024 Charter Commission Meeting minutes.
- 4. Accept July 1st EDA Meeting Minutes.**
Motion: Move to accept the July 1st, 2024, EDA Meeting minutes.
- 5. Accept May 7, 2024 Planning Commission Meeting Minutes.**
MOTION: Move to accept the May 7, 2024 Planning Commission Meeting minutes.

- 6. Accept June 5, 2024 Library Board Minutes.**
MOTION: Move to Accept the Library Board minutes from June 5, 2024
- 7. Adopt Resolution 2024-58, Appointing Park and Recreation Commission Member Brian Timm.**
MOTION: Move to waive the reading of Resolution 2024-58, there being ample copies available to the public.
MOTION: Move to adopt Resolution 2024-58, appointing City of Columbia Heights Board and Commission Member Brian Timm.
- 8. Corrective Resolution of a Minor Subdivision (Lot Line Adjustment) 334 and 344 40th Avenue NE.**
MOTION: Move to waive the reading of Resolution 2024-56, there being ample copies available to the public.
MOTION: Move to approve Resolution 2024-56, a resolution approving a Minor Subdivision for the properties located at 334 and 344 40th Avenue NE, within the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution.
- 9. Renew Lease Agreement for Mailing Equipment With Quadient Leasing.**
MOTION: Move to approve renewal of the mailing equipment lease with Quadient leasing at the nationally bid price of \$418.63 per month
- 10. License Agenda.**
MOTION: Move to approve the items as listed on the business license agenda for August 12th, 2024, as presented.
- 11. Rental Occupancy Licenses for Approval.**
MOTION: Move to approve the items listed for rental housing license applications for August 12, 2024, in that they have met the requirements of the Property Maintenance Code.
- 12. Review of Bills.**
MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list to claims paid by check and by electronic funds transfer in the amount of \$2,811,325.58.

PUBLIC HEARINGS

- 13. Consideration of Resolution 2024-050, Revocation of the License to Operate Rental Units Within the City of Columbia Heights against the rental property at 3849 Edgemoor Place NE for failure to meet the requirements of the Residential Maintenance Codes.**
Fire Chief Thompson explained that this item was a continuation of the June 24, 2024 Council meeting. On June 25, 2024, Staff scheduled a re-inspection of the property but due to an incident response that day, Staff were unable to make it to the property. The inspection was rescheduled for July 1, 2024. When Staff arrived, they found units one and two were under construction due to a water main break inside the building. Staff re-

inspected the property on August 1st and the inspectors were unable to gain access. To date, the fire extinguishers were completed which was one of the violations. He explained that he does not know the status of violation two due to not having access to the property. Violation three is a storage violation and is still not completed.

Mayor Márquez Simula opened the public hearing. There were no public comments.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to close the public hearing and waive the reading of Resolution 2024-050, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to adopt Resolution 2024-050, being a Resolution of the City Council of the City of Columbia Heights approving revocation, pursuant to City Code, of the rental license listed. All Ayes, Motion Carried 5-0.

14. Consideration of Resolution 2024-57, Revocation of the License to Operate Rental Units Within the City of Columbia Heights against the rental property at 4207/4209 2nd Street NE for failure to meet the requirements of the Residential Maintenance Codes.

Chief Thompson stated on May 30, 2024, inspection office staff sent a letter requesting the owner of the property submit the rental license application for this property. The letter was mailed by regular mail to the owner at the address listed in the property records. On July 15, 2024, 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. To date, Staff have not had any contact with the homeowner or had an application submitted. Therefore, the renewal process has not been initiated. There are outstanding fees that have not been paid.

Councilmember James asked if the address had prior revocation. Chief Thompson replied that he did not see a previous revocation.

Mayor Márquez Simula opened the public hearing. There were no public comments.

Motion by Councilmember Jacobs, seconded by Councilmember James, to close the public hearing and waive the reading of Resolution 2024-57, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to adopt Resolution 2024-57, being a Resolution of the City Council of the City of Columbia Heights approving revocation, pursuant to City Code, of the rental license listed. All Ayes, Motion Carried 5-0.

ITEMS FOR CONSIDERATION

Ordinances and Resolutions

15. First Reading of Ordinance No. 1700, an Ordinance to Amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, and 9.111 Industrial Districts.

City Planner Boucher stated at the July Work Session, Staff briefed the City Council on discussed potential amendments and updates to the City Zoning Code – Chapter 9 Land Use based on observations, feedback, and recommendations from Staff and community members to provide more flexibility in the Zoning Code that reflect the needs of the community while encouraging consistency as future development occurs. The Council directed Staff to prepare a zoning text amendment application for the August 7, 2024, Planning Commission meeting, which was approved unanimously 6-0.

City Planner Boucher mentioned some of these updates include 9.103 Definitions for uses that are presently allowed in residential, commercial, and industrial districts and have specific development standards but are not currently defined in code such as: arcade, billiards hall, consignment/secondhand store, firearms dealer, professional service, professional studio, etc. These definitions will also more accurately reflect housing and family trends as currently there are no definitions for single-family dwelling, two-family dwellings, and rental unit. Other changes will include an amendment to the existing definition of “Family” to remove unrelated occupancy maximums, new definitions for “Dwelling Unit, Accessory” and “Family, Shared Living Arrangement” to reflect current housing trends and a growing need to reduce housing expenses while encouraging social contact, mutual support, and assistance amongst diverse communities.

City Planner Boucher explained that 9.104 Administration and Enforcement includes language to allow minor subdivisions (lot line adjustments) to be approved through administrative review if the proposal does not require additional right-of-way or alters utility easements. Language in 9.105 Nonconformities is proposed to be amended to be consistent with MN Statute 934.36 Nonconformities Subd. 4. Nonconformities; certain classes of property. 9.105 Non-Conformities is being proposed to be amended to be consistent with Minnesota Statute 462.357, official controls regarding the damage or destruction of non-conforming uses.

City Planner Boucher stated 9.106 General Development Standards includes language to clarify the square footage requirement for building permits for accessory structures from 120 sq. ft. to 200 sq. ft. as well as introducing standards for accessory dwelling units. Other sections of 9.106 General Development Standards being updated include establishing a process for reviewing artificial turf through the existing code for Land Alteration to demonstrate that the proposed turf is permeable, the types of materials used, and whether there is a potential for illicit discharge, and Tree Preservation and Planting Standards will address turf as an impervious surface unless a land disturbance permit is issued and approved. Off-street parking and loading clarifies the parking requirements for residential care facilities (six or fewer) and (seven or more) to reflect the single-family parking requirements for facilities serving (six or fewer). A maximum paving of 50% of the

front yard setback for residential properties is being introduced. Building Design and Sign Regulations are being updated to allow for painted public art and murals.

City Planner Boucher noted 9.107 Specific Development Standards includes removing any seasonal sales stands that explicitly have development standards and including these uses under "Seasonal Sales Stands"; updating the outdoor play area requirements for "Day Care, Home" to reflect the language for Adult and Child Day Care Centers; and amending the Residential Care Facility standards to exempt facilities serving six or fewer residents from the distance radius and zoning regulations except as otherwise required by law.

City Planner Boucher explained 9.109 Residential Districts includes streamlining the list of permitted accessory uses in all residential districts as well as allowing accessory dwelling units as a permitted accessory use for single-family properties and for shared family living arrangements. One significant change is to establish an impervious surface coverage maximum for residential lots instead of building coverage maximum; these percentages are the same as was required for building coverage; 35% impervious surface coverage for lots less than 6,500 sq. ft. and 30% for lots greater than 6,500 sq. ft. Another significant change is to utilize the language used to address minimum lot areas for duplexes in the R-2B district and use that same language to address the minimum lot area and lot width for single-family residences in the R-2A, R-2B, R-3, and R-4 districts to remove the legal nonconforming status for properties below that minimum lot area of 6,500 sq. ft. as this significantly restricts these properties. For the R-2A and R-2B, One/Two Family Residential and Built-As-Duplex districts, twin homes and duplexes are proposed to be permitted uses by law.

City Planner Boucher stated 9.110 Commercial Districts and 9.111 Industrial Districts will include adjustments to uses that were previously conditional uses, but did not have specific development standards or standards that are being addressed through performance standards as well as allowing Seasonal Sales Stands as permitted accessory uses.

Councilmember Jacobs mentioned during the Council work session, the Mayor said she would like the accessory building to be a footprint instead of the total square footage. She added that it sounded like it would be the total square footage of the existing residents. City Planner Boucher replied that it would be a maximum of 50% of the total floor area of the primary house up to 1,000 square feet.

Councilmember Jacobs noted that 50% of the front yard can be paved. She asked if that would be holding the setback. City Planner Boucher agreed and explained it is specifically the setback. The backyard setback can be paved up to 50%.

Councilmember Buesgens explained that this topic had been brought to the Council years ago but it did not go anywhere. She added that people from various cultures came to the Planning Commission and expressed their happiness in seeing the item discussed since many people have multi-generational families. She suggested adding greenhouses to streamline, permitted, and accessible uses. She noted that chicken coops were already

allowed. She asked the Council if they were fine adding greenhouses as long as requirements are met.

Councilmember Buesgens noted two inconsistencies on page 278, section 6, number A which lists carports but she had heard they were not allowed in the City. There was an additional conflict with the number of people that could be in a house boarding or renting rooms which is list on page 278, item D. It conflicts with removing the limited number of people.

Councilmember Buesgens asked what the Council thought about adding greenhouses. Councilmember Jacobs asked if there was a limit on how many outbuildings could be on a property. City Planner Boucher replied that the City has limits to accessory structures per property. Councilmember Jacobs noted that someone could not have an accessory building, greenhouse, and chicken coop all on their property. City Planner Boucher replied that there is language in the City's development standards that says that residential greenhouses do not count toward the number of accessory structures. Councilmember Jacobs stated she was fine with the greenhouses as long as there were not a lot of structures on a small property. City Planner Boucher added there would potentially be an impervious surface requirement which would limit the number of buildings that could be constructed on a property. Councilmember Jacobs replied that she was fine with greenhouses as long as the requirement was honored and conditional use permits did not get issued each time someone wanted to add a structure.

Councilmember James thanked the Staff and Planning Commission for their work regarding accessory dwelling units. She asked the definition of sufficient parking. City Planner Boucher replied it means the current parking requirements for single-family houses need to be met. The requirement is two per unit, two enclosed with a potential additional spot for the ADU.

Councilmember James asked why carve-out dates for the legal non-conforming status do not apply for R1. City Planner Boucher replied most of those properties are not present in R1 since they are bigger lots and typically meet the requirements already. Councilmember James asked if they should all be consistent. She stated she would like to know of any R1 lots that do not have a 70-foot requirement so it can have the same rights as the rest of the City.

Councilmember James expressed her excitement about the public art that is being included. She asked if there would be any standards adopted for public art. City Planner Boucher replied that it would be case by case.

Councilmember James noted that community members have expressed concern about ADU'S and have asked if the City is maintaining the current setbacks for neighbors. She explained that the City is maintaining the borders about homes to protect neighborhoods.

Mayor Márquez Simula stated she supported the greenhouses. She expressed her surprise that carports were not allowed. City Planner Boucher replied that it is a contradiction in the

zoning code. They are prohibited because they do not meet the material standards of an accessory structure, but in the permitted accessory uses it says that it allows private garages and carports. He asked what the Council would like to do to make the requirement consistent.

Mayor Márquez Simula replied that she would not want to take car ports away from people but most of them are seasonal and could be taken down. City Manager Chirpich mentioned there is a distinction between a temporary structure like a carport and a permanent carport that is attached to a garage that meets building code. He added there is sufficient code language to prohibit the temporary structure. The building official has concerns regarding wind load on temporary carports if they are allowed to be kept up year-round. He explained the Council would need to decide if they would like to keep the permanent building code-compliant carport versus a temporary structure. Mayor Márquez Simula agreed that the code should be cleared up.

Councilmember Jacobs agreed with the temporary structure if the structure is meeting building code and is existing and would have no problem grandfathering them in. She asked if canopies that are over boats and recreational vehicles fell under the same standards. City Manager Chirpich replied that it would be placed into a temporary structure similar to one that would cover a car. He added that all temporary carports of all sizes are not prohibited from being up year-round but are seasonal. Mayor Márquez Simula stated it would be good to have an additional definition.

Mayor Márquez Simula asked how the Council could add the greenhouses to the Ordinance. City Manager Chirpich replied that after consulting with the City Attorney, moving the greenhouses to a year-round permitted accessory use would be acceptable to change between the first and second reading and bring it back to the Council with the changes.

City Planner Boucher asked if the Council would like to make any changes with the board and renting language in the permit accessory uses. He asked if the Council would like to remove it. Councilmember Buesgens agreed.

Mayor Márquez Simula noted on page 222, there is a pronoun for “him” referring to the inspector and asked that it would be changed to be gender neutral. City Planner Boucher replied that he would make sure it is updated for the next reading.

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to waive the reading of Ordinance No. 1700, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to set the second reading of Ordinance 1700, being an ordinance to amend Chapter 9 - Land Use: 9.103 Definitions, 9.104 Administration and Enforcement, 9.105 Nonconformities, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts,

9.110 Commercial Districts, and 9.111 Industrial Districts, in the City of Columbia Heights for August 26, 2024 at approximately 6:00 pm. All Ayes, Motion Carried 5-0.

- 16. Approval of Ordinance 1703, Establishing a Moratorium on Cannabis Retail Businesses.** City Manager Chirpich stated at the July 2024 Council work session, Staff spoke with the Council about creating a cannabis business ordinance establishing rules and regulations for businesses that are involved with the newly established cannabis market. After that meeting, Staff began working with the City Attorney to draft an ordinance to meet the goals outlined by the Council. Staff have a draft ordinance that's nearly ready to proceed, but it won't officially take effect until October 2024 at the earliest. Normally this would not be an issue, as State licensing will commence in January of 2025. However, equity applicant preliminary approvals are set to start locating prospective business locations sometime after August 12th. To buy the City time to establish its cannabis retailer registration and regulation process, Staff are proposing Ordinance 1703 which establishes a temporary moratorium on cannabis retailers. This moratorium will stay in effect until the proper ordinance changes can be put in place. This action is similar to the moratorium placed on hemp-derived THC items when those products were legalized in 2022.

Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to waive the reading of Ordinance No. 1703, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to approve Interim Ordinance 1703, being an interim ordinance establishing a moratorium on cannabis retail businesses within the City of Columbia Heights. All Ayes, Motion Carried 5-0.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Councilmember James mentioned she volunteered with the Columbia Heights booster's wagon and attended the Police eat and greet at McKenna Park. She explained she was a member of the Metro City's Housing Policy Committee with Councilmember Buesgens. She attended the EDA meeting and Council work session. She highlighted that the Council received a presentation from the auditor and finance director and noted that residents in the City can look online for a copy of the audit. She visited National Night Out parties with Councilmember Spriggs. She added that she attended the League of Minnesota Women Voter's Summer Social meeting. She mentioned that the Council is working on the winter parking process and encouraged community members to provide feedback.

Councilmember Buesgens stated she attended the Crestview picnic, the school garden farmers' market, Music in the Park, the Blooming Sunshine Garden potluck, the grand opening for Golden Nuts, the Metro Counseling and Economic Committee, INCA relief charity event, and National Night out with City Manager Chirpich and Police Chief Markham. She added she volunteered at Xcel Energy Planning Committee and the garden tours. She added that she continues to volunteer with Blooming Sunshine Garden.

Councilmember Jacobs noted she attended National Night Out at 12 different locations, the Crestview picnic, two area parades, and a virtual presentation on private farms. She added that she facilitated five resident reach outs.

Councilmember Spriggs explained he went to National Night Out with Councilmember James. He mentioned he attended the Council work session, the EDA meeting, and the Library Board meeting. He gave an update from the Library Board meeting and noted they discussed mid-year usage comparisons and the 2025 budget. He mentioned that tomorrow is the primary election and encouraged the community to vote. City Clerk Ion added that if community members do not know where to go to vote, they can visit the Minnesota Secretary of State website and type in “find my precinct”.

Mayor Márquez Simula stated she attended National Night Out, the Crestview picnic, the Joint Law Enforcement Committee for Anoka County meeting, the Parks and Recreation meeting, the backpack giveaway at Keys, the potluck event for the Columbia Heights/Fridley Rotary Club with HeightsNext and the Sister Cities, the grand opening for the Golden Nuts, the Metro Cities Transportation and General Governance meeting, the Art to Change the World Board meeting, the EDA meeting, and the Council work session. She mentioned that the Council decided to update the proclamation wording to remove the formal statements of “whereas” because it is hard to translate that for other languages. She noted she attended the Monarch Festival and thanked the Staff for their help. She also thanked City Planner Boucher for coordinating the Xcel Energy Committee.

Report of the City Manager

City Manager Chirpich thanked all of the organizations and entertainers that participated in the Monarch Festival. The City is getting close to finishing the Comprehensive Plan amendment with the Metropolitan Council with a final revised deadline of August. A parks master plan is needed for Sullivan Lake Park since the City is contemplating a sport court to be constructed there. The plans for the sport court and authorization of the contract will come before the Council in September.

City Manager Chirpich stated there would be two Music in the Park concerts on Wednesday, August 14, 2024, with one being at 11:00 am and the other at 6:30 pm at Huset Park East. Movie in the Park series will kick off with Back to the Future on August 16, 2024, at 8:30 pm, at Huset Park West. The Police Department is hosting cone with a cop on Wednesday, August 14, 2024, from 5:00-7:00 at Dairy Queen. Cuts with a cop will be on Saturday, August 17, 2024, at the Moler Barber School in Fridley from 11:00 am to 3:00 pm.

City Manager Chirpich explained the fall newsletter should be in mailboxes in the next couple of weeks. September 1, 2024, is the deadline to adopt a boulevard tree and is free for residents. September 13, 2024 is the deadline for youth to apply for the revamped Youth Commission program in Columbia Heights. Information can be found on the City’s website.

City Manager Chirpich provided an update on the Rainbow site. Discussions are starting to pick up with the development partner Alatus. The plan would hopefully be a grocery store but the City has agreed that the project needs to move forward. The first phase would begin in the spring of 2025.

COMMUNITY FORUM

Cathy Gomez, City resident, stated the vent next to Ratio apartments makes a lot of noise. City Manager Chirpich apologized that the vent was not fixed sooner and explained there was a plan in place. The City is working with the engineering firm that created the HVAC for the building to create a solution. He added that there is fan noise on the northeast corner of the building which occurs during the summer season and the City knows that it needs to be addressed. The City is telling residents that there will be a solution by next summer.

Ms. Gomez asked if the alley next to the vent was where City Staff parked. She added that people from Ratio apartments are parking there and throwing garbage in the area. She asked if the City could do anything about it. City Manager Chirpich replied that the parking area is the City's and plans will be presented to the Council in September to pave the gravel area. The area would be for City use and would not allow Ratio tenants to park there.

ADJOURNMENT

Motion by Councilmember James, seconded by Councilmember Jacobs, to adjourn. All Ayes, Motion Carried 5-0.

Meeting adjourned at 7:39 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary