



CITY COUNCIL WORK SESSION
City Hall—Shared Vision Room, 3989 Central Ave NE
Monday, August 05, 2024
6:00 PM

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

MINUTES

CALL TO ORDER/ROLL CALL

The meeting was called to order by Mayor Márquez Simula at 6:33pm.

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

Also Present: Andrew Boucher, City Planner; Aaron Chirpich, City Manager; Mitch Forney, Community Development Director; Sara Ion, City Clerk; Joe Kloiber, Finance Director; Andrew Splinter, Assistant Finance Director, Rebecca Peterson, Red Path and Co.

WORK SESSION ITEMS

1. Presentation by Independent Auditor, Regarding Audit of the 2023 City of Columbia Heights Financial Statements.

Finance Director Joe Kloiber introduced Rebecca Peterson from Red Path and Co. and also gave Council a hard copy of the audit of the [2023 Financial Statements](#) (an electronic copy of the documents can be found on the city website). Ms. Peterson gave the council a high-level review of the final audit as well as the takeaways that she had related to the audit.

Mayor Márquez Simula inquired if the amount in the general fund balance gave sufficient breathing room for City operations.

Ms. Peterson indicated to the Council that she felt that this was a healthy spot to be in.

Director Kloiber indicated that there will be further information available related to the refuse and water funds at the September budget introduction meeting.

Councilmember Buesgens thanked the Finance Director for the hard work that he does to keep the finances of the City in great standing.

Director Kloiber stated that this is a brief presentation and that he is available for additional comments or concerns as needed.

Mayor Márquez Simula clarified that if there were questions, that these questions be forwarded on to the entire Council.

2. Cannabis Retail Business Moratorium Discussion.

Community Development Director Mitch Forney led an overall review of the status of this

item with the Council. He clarified that at the July Council Work Session, staff spoke with the Council about creating a cannabis business ordinance establishing rules and regulations for businesses that deal with the newly established cannabis market. After that meeting, staff began working with the City attorney to draft an ordinance that met the goals outlined by the Council. Staff have a draft ordinance that is almost ready to be moved forward but would not be officially in place until October 2024 at the earliest. Normally this would not be an issue, as state licensing will commence in January of 2025, but equity applicant preliminary approvals are set to start locating business prospect locations sometime after August 12.

Director Forney informed the Council that there was the option of enacting a short-term cannabis retailer moratorium to halt any retailers from moving in or establishing themselves prior to the City's registration procedure and regulations being enacted.

Director Forney recommended establishing a short-term moratorium to allow the City's ordinance to be in place prior to the entrance of new cannabis retailers.

Council consensus was to move forward with the interim ordinance creating a moratorium until the state licensing can come into effect.

3. Discussion on Humane Pet Stores Ordinance.

City Planner Andrew Boucher relayed to the council that he received direction to examine a Humane Pet Store ordinances after Council received correspondence from the MN State Director for the Humane Society of the United States informing the City of a model ordinance that municipalities across the country have enacted, including 7 cities in Minnesota including Roseville, Eden Prairie, St. Paul, Carver, Cloquet, Minneapolis, and Coon Rapids. Minnesota Statutes Section 412.221, Subdivision 21 allows municipalities to regulate the keeping of animals, and to protect the health, safety, and welfare of the community. Each of these cities have adopted similar version of a model ordinance including Definitions, Prohibition on Sales, Certificate of Source, and Violations. Some cities included inspection language. The model ordinances adopted by the cities listed above reflect the language in Minnesota SF 1317 and HF 1276, proposed bills in the 2023-2024 legislative session that did not pass but is expected to be reintroduced in the 2025 session.

City Planner Boucher recommended updating the existing ordinance to reflect the following:

1. Adding a policy section identifying that the City Council has the authority under Minnesota Statute Section 412.221, Subdivision 21 to regulate the keeping of animals regarding the sale of dogs and cats at pet stores.
2. Amending the Definitions section of 5.607 to remove the definition of Animal and Veterinary Hospital, revise the language in Kennels and Pet Shop, and include definitions for Animal Control Authority, Animal Rescue Organization, Animal Shelter, Cat, Certificate of Source, Dog, and Pet Store Operator.

3. Introducing a Certificate of Source process and procedures for enforcement and inspections including that the Certificate of Source is required to be provided as part of the adoption of any cat or dog; the Certificate of Source shall be posted and maintained within three feet of the cat or dog's enclosure and is required to be immediately provided upon request; and that falsification of a Certificate shall be considered a violation of this section.
4. Identifying violations of this section as an administrative offense under 5.701 of the City Code and subjects Pet Store Operators to the procedures and penalties contained therein.

Councilmember Buesgens clarified that as it currently stands, the State Legislature would not be acting on the bill introduced in the 2024 session. She would prefer to pass an ordinance here in Columbia Heights and to make edits later if the State moves their legislation forward.

Councilmember James clarified that the ordinance was updated to reflect the Human Society suggested language.

Council consensus was to move forward with this ordinance as presented for the August 12, 2024, City Council meeting as presented in the packet.

4. Discussion on Administrative Citations.

City Planner Boucher introduced the topic to the council and stated that the updates to administrative citations was in direct feedback to the City's use of criminal citations and examining the Administrative Citation processes and fines ordinances to provide an alternative means to achieving compliance with code enforcement cases in a more informal, less intimidating, and more effective method than utilizing the Anoka County Court System.

City Planner Boucher outlines that Minnesota Statute 462.362 – Enforcement and Penalty enables a municipality to, by ordinance, provide for the enforcement of ordinances or regulations adopted; Chapter 6 – Administration of City Affairs in the City Charter explicitly states that the City Manager has the authority to prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure and suggest amendments to the same.

City Planner Boucher further clarified that the Cities of Crystal, Fridley, Hopkins, New Hope and Richfield and their administrative enforcement processes were examined in preparation for the Work Session. Each of these cities that have implemented administrative enforcement ordinance violations have several common components that the City Council should address in a draft ordinance such as: purpose; general provisions defining administrative offense, exemptions, civil penalties, and schedule of fines and fees; procedures for administrative citations and hearings, and payments/recovery of civil penalties.

Additionally, Boucher clarified that the City Manager will need to provide a list of lawyers for the City Council to approve as hearing officers, these officers cannot be city employees, and the fee schedule will need to either address fines based on the type of offense or whether a flat consistent fee is desired.

Councilmember Jacobs inquired as to when and where this subject matter has been called to Staff's attention. She would like to know if other departments are in approval of these updates.

City Planner Boucher informed the Council that this was brought forward related to the Police Department, Fire Department and Community Development need for consistency between departments. Only in the case of appeals would their need to be a hearing by the hearing examiner or via the City Council. The fees for this would be paid for by the citations.

City Manager Chirpich informed the Council that this update will go hand in hand with the computer software that will be utilized in the future. He believes this will be a more efficient process and will limit the staff time to chase these items to bring compliance.

Community Development Director Forney informed Council that this has been discussed with the staff and all departments that it impacts. Additionally, the Fire Department would like to make sure that there is a carve out for the abatement process.

Councilmember James stated that she appreciates how this process will go hand in hand with the software that we will be using in the future. She also inquired about what a "good faith effort is" and wants to make sure that the homeowner is not in charge of setting the timeline.

City Manager Chirpich stated that he would follow up with the City Attorney to see what the correct language is for "good faith effort".

Councilmember Spriggs asked if the Council should play more of role in the process.

City Manager Chirpich stated that would be unduly burdensome to the Council.

Councilmember Buesgens stated that she is looking forward to this updated ordinance. She inquired about if a CUP (Conditional Use Permit) can be revoked. She wanted to make sure that the standard of abatement was consistent. She also liked the fee structure in Crystal. She asked when the fee schedule would be updated.

Director Forney stated that they would bring the fee schedule to the Council at the time the Ordinance update is completed.

It was the consensus of the council to move forward with this ordinance with the clarification of "good faith effort" and if there is the ability for a CUP to be revoked, as well as the ability for the Fire Department to continue to utilize the abatement process.

Added Item: Update on Charging and Fueling Infrastructure.

The Council asked Planner Boucher for additional details on providing a letter of support for the Metropolitan Council as they are applying to the U.S. Department of Transportation discretionary grant program for Charging and Fueling Infrastructure so the Met Council can provide a competitive bid process for municipalities in the Twin Cities region. The goal is to accelerate the adoption of EVs and achieving shared climate goals by expanding access to Level 2 charging infrastructure. The Metropolitan Council seeks to identify that there is a need for this infrastructure in strategic locations such as: Neighborhoods and multi-family dwellings such as apartment complexes, condominium buildings, and areas with high residential density; Multi-modal hubs such as transit stations, park-and-ride facilities, or intermodal transportation center; Shared-use fleets and services such as car-sharing services, bike-sharing stations, or ride-sharing hubs; Multi-purpose workplaces and destinations such as office buildings, retail centers, hospitals, or educational institutions.

City Planner Boucher informed the council that he was in the process of drafting the letter of support on behalf of the City.

5. Review Applicants for the Park and Recreation Commission Opening.

City Manager Chirpich informed the Council that The City posted for and received two applications for the Park and Recreation Commission seat left vacant by Dana Gulley giving notice that she was not able to complete the remainder of her term expiring on March 31, 2025. The recommendation is that the Council review the attached applications and select one person to fill the remaining term of eight months. Whoever is appointed to the vacant position can then re-apply for a full term if they wish when the term expires in March of 2025. A resolution will be drafted for Council's approval on the consent agenda at the upcoming August 12th City Council meeting.

The council briefly discussed the appointment of Mr. Timm and that they would like the resolution to be drafted appointing him to the vacancy on the Park and Recreation Commission for the remainder of Dana Gully's term, expiring in March of 2025.

6. City Hall Condo Transfer Update.

City Manager Chirpich reviewed the status of the transfer with the Council: in October of 2020, the City executed a City Hall Transfer Agreement with BPOZ Columbia Heights, LLC (Alatus). The Transfer Agreement specified the terms for completion and conveyance of the new City Hall condo unit by Alatus to the City. Since execution of the agreement, Alatus has completed the City Hall condo unit and delivered on their obligations under the agreement. However, the City has not taken ownership of the unit. Rather, the City was allowed to move into the new City Hall under a Move In Agreement that was executed in July of 2023.

The delay in transferring ownership to the City was initially related to challenges and delays at the County level with recording the CIC plat (condo plat). Due to the complex chain of ownership for the underlying parcels that make up the redevelopment site, it took the City,

Alatus, and the County more time than expected to unpack all the encumbrances that impacted the title transfer and recording of a new clean plat.

City Manager Chripich additionally clarified that the title and plat issues were resolved in late 2023, and the City was set to close on the transfer of the City Hall condo in March of 2024. However, during the final review of the closing documents, the City's general counsel at Barna Guzy identified issues with the property insurance that is in place for the condo association. The primary concern is the type of coverage that is now in place for the association and whether the policy is consistent with the association declarations. Currently, the association is covered by a policy that does not guarantee full replacement of the project in circumstances of total loss like a catastrophic fire or severe tornado occurrence. In other words, under the current policies in place, if the entire building (City Hall, apartments, and commercial space) were damaged to the point where everything was demolished completely, there is no guarantee that the project would be rebuilt in its current form with insurance proceeds. City Manager Chripich emphasized that there was currently sufficient coverage on the condo unit however this coverage is not fully compliant with the association declarations as currently drafted. It is important to note that currently, in cases of total loss, the City would be covered for its own unit and paid out for the replacement cost of the City Hall condo including all contents. However, if Alatus as the majority stakeholder in the association decides not to rebuild, there would be no City Hall condo rebuilt, as the City Hall condo is integrated into the larger project.

City Manager Chripich stated that since March of this year, staff and the City's general counsel have worked with the Alatus team to try to find a solution to the insurance coverage challenges. Alatus has taken the position that the association cannot secure coverage that guarantees full replacement of the project following catastrophic loss and Alatus represents a 95% stake in the association given the size of their condo in comparison to the City Hall unit. Rather than moving forward with a contested closing, staff believe it is prudent to renegotiate the terms of the association covenants in a way that allows the City to manage risk at acceptable level while maintaining a productive partnership with Alatus and BPOZ. Following discussion with the Council, he intends to bring revised association covenants to the Council for review and approval at a regular meeting and finalize closing on the transfer of the City's Condo.

Councilmember Buesgens clarified that she thinks the City should move ahead with a compromise, and that this is not unreasonable.

Consensus of the council was to allow staff to manage the process and move forward as outlined.

7. City Council Travel Options for 2025.

City Manager Chripich informed Council that staff are preparing the preliminary 2025 budget for review by the Council in September. To finalize the City Council 2025 travel/conference schedule, he wants to have a conversation about the official Council travel plans that are expected in 2025. Some of the typical conferences to consider include:

The League of Minnesota Cities Annual Conference (June 25-27, Duluth MN, 2025), The National League of Cities, Congressional City Conference (March 11-13, Washington DC, 2025), Sensible Land Use Coalition events (local, TBD).

Councilmember Buesgens and Mayor Márquez Simula asked for clarification related to what the budget would be.

Councilmember Buesgens would like to see a variety of MN based training and conferences to be available. She would like to include topics such as sustainability, revitalizing downtown areas and the local recycling conference.

Councilmember James would like to see it staggered for attendance and for the approved educational opportunities to be expanded.

City Manager Chirpich clarified that there is currently approximately \$6500 budgeted for learning and development opportunities for the Council and that there would be further discussion for 2026 and beyond opportunities.

8. Malcolm Watson Sign at Silver Lake Beach Park.

City Manager Chirpich informed the council that the City has been approached by former City employee Malcolm Watson and his family with a request to commemorate Mr. Watson's involvement in the development of Silver Lake Beach Park. Malcolm Watson was the City Engineer for Columbia Heights starting in 1951 and then served as City Manager from 1957 to 1977. During his time with the City, he played an instrumental role in the creation of Silver Lake Beach Park. The Council has considered recognition for Mr. Watson on two occasions recently. The first was the October 2022 Work Session, where the Council considered a request by the family to place a plaque in Silver Lake Park. The second occasion was the April 2023 Work Session (minutes attached), where the Council discussed the installation of a commemorative bench to be paid for by the City. In both cases, no action was taken. Most recently, in the fall of 2023, Mr. Watson and his family approached the Council at the end of a Council meeting with a request to install a plaque once again. Following the meeting, the family contacted the City to further the conversation.

Additionally, City Manager Chirpich informed the Council that the family has agreed to pay for the sign, and he would support this effort to be overseen by the Public Works Department.

Mayor Márquez Simula felt that Mr. Watson was personally and professionally involved in the community and that giving credit for the beach, not renaming the beach.

Consensus of the council was to allow a plaque to be installed recognizing Mr. Watson.

9. Council Corner.

City Attorney

Councilmember Jacobs brought up concerns related to replacing the City Attorney. City Manager Chirpich stated that this is an item for review at a future Work Session to decide if the Council would like to see the City go out to bid for new representation.

Tracking of Council Corner Items

City Manager Chirpich stated that there is a tracker in development for the to the council related to when and what things the Council would like to see on the Council Corner Agenda as well as the Work Session and Council Meetings.

Councilmember Buesgens would like to make sure that there is clear department and the specific item was aligned with a specific part of the mission statement and goals of the City.

Winter Parking.

City Manager Chirpich stated that Councilmember James requested that this item be added to the work session agenda. City staff is currently working on a cross-department plan to amend the City code to accurately reflect the Council's initiatives to enforce winter parking requirements. He inquired if the Council would like to use the same condensed time frame for enforcement as last year, as they would need to be incorporated into an ordinance to amend the City Code.

Mayor Márquez Simula stated that the Public Works team would like to see the threshold amended to two inches instead of three and a half inches of snow. Additionally she would like to use December 1 to March 15 as the time frame. She would like to see the Police Department CSO's utilized to tow cars and not to write advisory / warning tickets.

Councilmember Jacobs stated that she is not in support of changing the dates for the enforcement of winter street parking. She feels that "we have been too nice for too long".

Councilmember Buesgens would like to see if this year would be a better measure of snow fall impact related to the time frame adjustment of winter parking. She would like to see cars towed immediately (if a towing company can be found to take on the task). Additionally she would like to see what the inflow of parking permits would be if they were granted to everyone requesting one. She would be ok with updating the dates for enforcement if we are able to get a contract for towing when the snow threshold meets two inches of snow.

Councilmember James would like to see the measurement of snow fall updated to two inches. She would like to see permits to be revoked as an enforcement mechanism, and for anyone who applies for a permit to be granted.

Councilmember Spriggs would like to see the process simpler for people to apply for permits, and to update the timeframe for winter parking as well as reducing the snow fall threshold overall.

City Manager Chirpich clarified that he would like to speak to the department heads about how to proceed before making commitments to the Council about drafting an ordinance to update the City Code. This information would be brought to the Council at a future date.

Proclamation Updates

Mayor Márquez Simula informed the council that she would be simplifying the proclamation language to eliminate the “whereas” and “therefore”.

Invitation from Council to Use Council Chamber Space

Councilmember Buesgens would like to invite the High School student government to use the Council Chambers.

Councilmember James will follow up with the 9th grade civics class advisor to see if they would like to attend a meeting.

Piano

Councilmember Buesgens would like to see the piano with the mural used at City Hall for events.

City Manager Chirpich stated that he would like to check in with the public works department about their ability to safely and securely move the piano related to City events. Additionally he wanted to clarify if this is related to wanting music in chambers or to highlight the piano in the community.

Councilmember Buesgens also stated an alternate option would be for the piano to be placed at a local business like the Central Fixx. So that it was in a permanent location and protected from the elements.

Mayor Márquez Simula would like to see a special event scheduled for the piano, and plan accordingly.

Blue Zones

Councilmember Spriggs indicated that he had a meeting with the Mayor and a Blue Zone representative to discuss the opportunities and costs involved. The cost of the program could be up to a million dollars. He will have more information in the future.

Upcoming Events

Mayor Márquez Simula mentioned upcoming events regarding National Night Out and the Monarch Festival.

Impervious Surface Calculations

Mayor Márquez Simula brought up her concerns related to a lawn that is paved in her neighborhood.

City Manager Chirpich stated that the Planning Commission is reviewing information related to the current ordinance and there will be updates presented to the Council for review and approval.

10. Old Business.

There was no old business to discuss.

ADJOURNMENT

Meeting adjourned at 9:20 pm

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary