



SPECIAL CITY COUNCIL MEETING
Public Safety Bldg, Training Room, 825 41st Ave NE
Wednesday, September 28, 2022
2:00 PM

Mayor
Amáda Márquez Simula
Councilmembers
John Murzyn, Jr.
Connie Buesgens
Nick Novitsky
Kt Jacobs
City Manager
Kelli Bourgeois

MINUTES

The following are the minutes for the Special Meeting of the City Council held at 2:00 pm on Wednesday, September 28, 2022, in the Public Safety Building Training Room, 825 41st Avenue NE, Columbia Heights, Minnesota.

CALL TO ORDER/ROLL CALL

Mayor Márquez Simula called the meeting to order at 2:00 pm.

Present: Mayor Márquez Simula; Councilmember Buesgens; Councilmember Jacobs; Councilmember Murzyn, Jr.; Councilmember Novitsky

Also Present: Kelli Bourgeois, City Manager; Sara Ion, City Clerk; Erik Johnston, Police Captain; Isaac Kaufman, Manager and Lead Investigator, Red Cedar Consulting, LLC; Scott Lepak, Assistant City Attorney; Will Rottler, Community Engagement Specialist.

ITEMS FOR CONSIDERATION

1. City Council Receipt and Consideration of the Investigative Report Regarding City Councilmember Kt Jacobs.

City Manager Bourgeois introduced the item for the Council as well as Assistant City Attorney Lepak and Lead Investigator Kaufman. She wanted to give Council the opportunity to ask any questions related to the memo and investigative report that were prepared.

Mayor Márquez Simula asked the Council if they had any questions.

Councilmember Buesgens inquired about item E of the memo. She has been asked questions from members of the community and wanted to clarify what removal from office and being charged with a misdemeanor related to this incident would look like.

Assistant City Attorney Lepak stated that there is a very high bar to remove elected City Officials. There is a process where if conduct is rising to that level, it would be investigated and prosecuted, in his experience it is a very high bar, and he has not seen something like that in thirty years. Criminal intent would need to be proven.

Councilmember Murzyn asked that the highlights of the investigation be reviewed for those in the audience that may need further information.

Investigator Kaufman gave a high-level review of the investigation that was conducted. He determined based on the preponderance of evidence that more likely than not that

Councilmember Jacobs did make the phone call on July 24th and that she had not been truthful prior to and during the investigation in answering questions regarding the phone call.

City Manager Bourgeois clarified that the full report can be found in the packet that is posted on the website.

Mayor Márquez Simula stated that this was not a public hearing and that they would be moving forward with hearing options related to the action that the Council would be able to take related to this issue.

Assistant City Attorney Lepak stated that as per his memo there are two extremes for moving forward: doing nothing, and censure with the addition of removal of appointments from Boards and Commissions, with the exception of the HRA and EDA. The action that is being taken is a governing body that is policing its own member.

Mayor Márquez Simula would like to formally recommend censuring and removing Councilmember Jacobs from Boards and Commissions appointments. She would also like to request that Councilmember Jacobs step down from office. She has lost trust in Councilmember Jacobs making decisions for our community.

Councilmember Novitsky thanked Investigator Kaufman for the detailed report and investigation. He encouraged those in the audience to read the report, as it leaves no doubt that Councilmember Jacobs was untruthful. It makes a tough decision easier knowing that it was thoroughly investigated, and he agrees with the Mayor that Councilmember Jacobs should be censured and removed from Board and Commissions. She was untruthful to not only the council at multiple meetings, with fake tears but also the residents deserve more. We have worked hard as a Council to build integrity, transparency, respect, and trust. This is in jeopardy right now depending on how we move forward.

Councilmember Novitsky inquired about Councilmember Jacobs voluntarily stepping down from the EDA and HRA.

Assistant City Attorney Lepak stated that the position on the EDA and HRA are based on being an elected official. His opinion is that she could not voluntarily resign.

Councilmember Novitsky stated that he is very disappointed in the conduct, and the theatrics and what he believes is a made-up story from Councilmember Jacobs. He does not know how he could trust further statements knowing that the show has been this great and the evidence proves it was a lie. He is very disappointed and will be voting for censure.

Councilmember Murzyn agrees that censure is called for because of the way the investigation turned out. He would like for the Investigator and City Attorney to be at the

next City Council meeting so that there is continued transparency for all members of the community.

Councilmember Buesgens supports a censure and removal from Commissions and Boards. She is disappointed that she can not be removed from HRA and EDA. She stated that the comments in this report made by Councilmember Jacobs are appalling, she is angry about the behavior and the fact that she lied about it. She will be making a motion for Councilmember Jacobs resignation. She feels that the Council has the right to have on record that based on her outrageous racist behavior and lying to the residents and council that she resigns. She feels that this behavior is abhorrent, and it infuriates her.

Mayor Márquez Simula added that the amount of lying by Councilmember Jacobs to the City Attorney, staff, and Council has been hard on everyone. The Council may disagree at times, but there has always been trust. After this investigation has been made public, she has had other people in the community come forward with similar stories. She feels that Councilmember Jacobs has a heavy community track record of this behavior. She has been personally subjected to many rude conversations and comments, and this is also brought up in the report. She feels that this investigation has summed up things we have heard from the community, and that others including herself have experienced.

Assistant City Attorney Lepak stated that the direction to staff is that he will prepare a resolution related to the censure and removal from Board and Commissions for the City Council meeting on October 10, 2022.

Councilmember Novitsky inquired about the motion that Councilmember Buesgens proposed related to voluntary resignation.

Mayor Márquez Simula clarified if that motion could be added to the agenda.

Assistant City Attorney Lepak stated that councilmembers will need to make a verbal motion following consideration of the resolution for censure. It would not need to be a part of the packet.

Mayor Márquez Simula asked where any additional follow up questions should be directed.

City Manager Bourgeois stated that further questions can be directed to her and she will forward them to Assistant City Attorney Lepak or Investigator Kaufman.

ADJOURNMENT

Meeting adjourned at 2:22 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary