



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

**Mayor**  
*Amada Márquez Simula*  
**Councilmembers**  
*Connie Buesgens*  
*Kt Jacobs*  
*Rachel James*  
*Justice Spriggs*  
**Interim City Manager**  
*Kevin Hansen*

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**MINUTES**

The following are the minutes for the Meeting of the City Council held at 6:00 pm on Monday, February 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 and noted that Items A and B would be switched in the Agenda.

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

Also Present: Lenny Austin, Chief of Police; Andrew Boucher, City Planner; Aaron Chirpich, Community Development Director/ Assistant City Manager; Kevin Hansen, Interim City Manager; Sara Ion, City Clerk; Klamada Aboubakr, resident of Maple Grove; Donia Abu Ammo, City resident; Naatii Ahmed, City resident; Kevin Aldumir, business owner in the City; Nemeh Al-Sarra, resident of Spring Lake Park; Jeffrey Berger, City resident; Kathy Copper, City resident; Laura Dorle, City resident; Mena Elbadawi, City resident; Taher Herzallah, City resident; Ed Higgins, City resident; Zelia Hoke, City resident; Carolyn Laine, City resident; Kiki Latham, City resident; Qamar Mohamed, resident of Burnsville; Laura Newby, City resident; Naeem Qureshi, resident of Minneapolis; Dirk Schmitz, City resident; Degha Shabbeleh, City resident; Sime Shakshari, resident of St. Paul; Alejandro Sota Bonilla, resident of Blaine; Joseph Spitzer Resnick, resident of Minneapolis; Le'O Wallace, resident of St. Paul; Maryam Wawaz, resident of Brooklyn Park; Maysoon Wazwaz, City resident; Sabry Wazwaz, resident of Brooklyn Park; Sana Wazwaz, Spring Lake Park 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**

Mayor Márquez Simula reordered the agenda to consider the Community Forum after Proclamations, Presentations, Recognition, Announcements and Guests.

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

## **PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

### **A. Black History Month Proclamation.**

Mayor Márquez Simula explained that a guest, Kiki Latham, would sing the Black National Anthem, "Lift Every Voice and Sing." She read the history of the Black National Anthem.

Kiki Latham sang the Black National Anthem.

Mayor Márquez Simula recognized the month of February as Black History Month and Councilmember Spriggs read the City's proclamation.

Deputy Zelia Hoke accepted the Black History Month Proclamation, thanked the Council for having her, and noted she is part of the County Sheriff's office and lives in Columbia Heights.

### **B. World Hijab Day Proclamation.**

Mayor Márquez Simula proclaimed February 1, 2024 as World Hijab Day and Councilmember James read the City's proclamation.

Mena Elbadawi and Naatii Ahmed accepted the World Hijab Day Proclamation. Ms. Elbadawi thanked the Council for the proclamation. She honored the sisters that are facing disaster in Gaza and recognized all of the women that continue to wear their hijab. Ms. Ahmed noted that after 28,000 deaths, she still sees many Palestinians thanking God for all that they have. She mentioned the many brave people who have gone through rubble, reported the news onsite, doctors, and countless other people. She noted that because of the perseverance of the Palestinian people, she can see the light at the end of the tunnel. She explained that the cease fire resolution is more humanitarian than it is political. Ms. Elbadawi and Ms. Ahmed stated "Free Palestine."

### **C. Maria Lourey-Bowen and Darcy Hokkanen from Anoka County Job Training Center.**

Darcy Hokkanen explained that the Anoka County Job Training Center is located in Blaine.

Maria Lourey-Bowen stated her job is to work with the employers for the County, schools, colleges, and job counselors when it comes to the workforce and providing resources and jobs. She added that Ms. Hokkanen and her team have worked hard to collaborate with cities in the County to provide more jobs and opportunities for jobs. She mentioned the hiring events hosted at the Columbia Heights Library and announced an upcoming hiring event in May.

Ms. Hokkanen noted that all of the City Staff can support their programming. They serve ages 14-24 in their youth programs. She explained they have services that can help pay for training, books, or paid internships. She added that they can help place youth people with

employers but have restrictions on not supporting a political campaign or teaching a religious faith.

Ms. Hokkanen mentioned that they are doing a college fair on March 23, 2024 and providing interpreters for Spanish speaking people. There will be a hiring event at Anoka Tech on April 10, 2024, for those who may want to change their job. She added that there are events for youth and adults and encouraged the community to use their services.

Ms. Lourey-Bowen added that if anyone is looking for a job, or a career change, to use the Anoka County Job Training Center. Ms. Hokkanen mentioned that for employers, the funding that is provided for the Anoka County Job Training Center pays for the wages and worker's comp. It allows people to give back to the community as well as allows employers to provide the job training skills that are needed for people to be successful.

Mayor Márquez Simula asked about the best way to find the information. Ms. Hokkanen replied that people can go to the website at [careerforcemn.com](http://careerforcemn.com) and the general phone number is 763-324-3200. She noted that on the website, there is a brief form to fill out and they will receive a phone call back that same day from a counselor to talk about individual needs and services that are of interest.

Mayor Márquez Simula added that if anyone has questions about the Career Center, they can contact one of the Councilmembers for help in making the connection.

**D. Laura Palmer, School Board Member and Council Liaison.**

Laura Palmer reported that the School Board is working on their strategic plan and there are a number of focus groups that are participating and providing their feedback. The desire is to hear from as many voices in order to best serve the students and families.

Mayor Márquez Simula asked if the strategic plan information was on the school website. Ms. Palmer replied that it was.

**E. Recognition of Building Official Ryan Smith.**

Community Development Director/Assistant City Manager Chirpich recognized Community Development Member Ryan Smith who is the only building inspector in the City. He noted that a partner State agency reached out to the City to mention how good of a team member Ryan Smith is. Recently, Mr. Smith was a presenter at the 68<sup>th</sup> Annual Institute for Building Officials where he participated and led a day-long discussion on building code and field inspections.

Community Development Director/Assistant City Manager Chirpich read comments from the State's building official Gregory Metz. He noted that Mr. Smith is working with a 100-year-old community where he has to bring knowledge, expertise, and solutions for old buildings that are to meet new standards and codes. He thanked Mr. Smith for his work on behalf of Columbia Heights.

Mr. Smith thanked the Council and Staff for this recognition.

## COMMUNITY FORUM

Mayor Márquez Simula offered a reminder that the Community Forum was being moved in the agenda. She noted that many community members were in attendance to speak on the cease fire resolution. She added that she brought the resolution to the attention of the rest of the Council last week and they have been working on a resolution and will be brought forth for the Council to consider during the February 26, 2024, City Council meeting. She encouraged community members to provide new information instead of repeating comments in order to have more efficiency during the meeting. She added that the Council would still like to hear from everyone.

Jeffrey Berger, City resident, explained that his ancestors immigrated to America shortly after the Civil War. The efforts for rebuilding failed and the era of Jim Crow arrived. He noted that while his grandparents were growing up, the KKK was active and white people were being recruited to oppress black people. He stated this has caused him to think about what is happening in Palestine and Israel. He stated most of the men and women who are Israeli citizens are required to serve in the IDF and one of its main functions is to maintain “order” in the occupied territories. He added that there is no middle path in this issue and it is clear that Zionism is causing the problem.

Le’O Wallace, resident of St. Paul, explained that he met the Mayor and a School Board member at a recent event and saw that there can be change for the black LGBTQI community in the City. He explained that he is the owner and founder of Le’O’s Lifting Factory and is a fitness and life coach. He is on the Twin Cities Pride Board and currently working to start a 501c3 for a ballroom scene, which originally started in the 70s as an underground scene for LGBT youth. He was asked to come to the City to bring that change to the City. He mentioned that he is a man of Trans experience and runs a Trans masculine group in Minneapolis. His website is [leosliftingfactory.net](http://leosliftingfactory.net)

Joseph Spitzer Resnick, resident of Minneapolis, noted that he is a Jewish community member and has many Palestinian friends from the City. He asked that people put themselves in the shoes of the friends and families in Gaza and Rafah and in the shoes of their friends and families that are in front of the Council. He mentioned his friend who is a 25-year-old poet in Gaza, came to the festival in September, and now he does not know if he will see his friends and family again. He added that it is pathetic that it took four months after viewing a live genocide, for the world to lift a finger to consider doing anything about it. He noted that this is not two sides of a conflict. It is a colonial power, mass murdering people. He stated in the past few months, hundreds of the Jewish community here have felt the deep need for the genocide to stop. He explained the deep amount of labor and care and love it takes to have people in positions of power to wake up and do something about what is happening. He added that many people in his family and community either turn a blind eye and continue their lives as normal or say they do not know what to do. He explained to the Council that it is not their job to pat themselves on their back, but to stop a genocide and to seek justice for all those who have experienced colonization and apartheid. He noted the Council’s constituents have been begging the Council to do anything and everything to stop the massacre and mass murder of their families. He referenced the history of his family and the genocide that happened to Jewish people. He encouraged the Council to do the right thing with the most love, care, and rage as the constituents present at the meeting tonight.

Mayor Márquez Simula acknowledged how challenging it is to come up and speak because it is not just sharing words but a whole story. She added that she is hearing and listening and understands the amount of depth that it takes to come up and speak.

Dirk Schmitz, City resident, noted that during the last City Council meeting, he referenced a 112-acre Medtronic site. He corrected himself and mentioned that it was one 12-acre site. He commended the City Staff for their quick response and meeting with him in person.

Taher Herzallah, City resident, stated he is a member of the Parks and Recreation Commission. He is a Palestinian with family in Gaza and has lost seven family members to the Israeli assault on Gaza. He explained that he is watching his own family burn due to weapons supplied to Israel by his own tax dollars. He added that the City has to deal with this issue because there are residents in the City that have lost family members in Gaza. Since other resolutions have been passed in other cities in the Country, it shows that this is all a local politics issue. He mentioned that many people are able to go about their day while many other people are worried about their family members in Gaza, knowing that they are starving to death. He encouraged the City to be at the forefront of justice and community. He asked the Council to vote for a cease fire.

Sabry Wazwaz, resident of Brooklyn Park, stated he used to live in Columbia Heights and has many friends that own businesses in the City. He explained that in America, people were segregated by the color of their skin but just because the President has stayed silent and allowed the genocide to happen, the people cannot sit quietly and allow that it happen. He noted that everyone on the Council can make a difference and encouraged them to be brave, stand up, and speak out when they see a genocide taking place. He mentioned that he would fly anyone on the Council to Palestine so they can see what was happening there. He wondered why Israel was not allowing international observers to come in. He mentioned that the Council can make a difference and save lives by making a cease fire resolution. He encouraged the Council to not only declare a cease fire, but to stand up for humanity.

Carolyn Laine, City resident, expressed her concern that the City Attorney was hired to provide the City with legal advice and keep the City out of legal trouble. She noted that part of the City Attorney's role is to work with the Charter Commission to be sure the Charter is up-to-date regarding State law. She asked why the previous City Attorney did not keep the City out of legal trouble and mention that the Charter language was inconsistent with State law regarding the need to prove malfeasance in order to carry out a recall election. She added that she knows the previous City Attorney was absent during the Charter Commission meeting where questions regarding the recall election were raised. She asked who should have been made aware of the requirement to prove malfeasance and explained that the previous City Attorney is responsible for preventing waste of tax dollars. She stated if she were on the Council, she would be reconsidering the source of the City's legal support.

Laura Dorle, City resident, mentioned that when she ran for City Council, she was told she cared too much about global matters. She supports and stands with the statements that have already been made about why a cease fire resolution is a local issue. She added that there is a large Palestinian community in the City and it is important that they are represented. She commented on the importance of the voice of the Palestinian community being front and center in the resolution and that it specifically call out the government of Israel and the U.S. government for what we are perpetrating upon the people

of Palestine. She explained that she is a Christian and wondered what it would be like if Jesus was alive today and amongst the rubble in Gaza. She reiterated the importance of including language in the resolution that condemns the genocide of the Palestinian people perpetrated by the Israeli government and also calling on State and local leaders to divest from apartheid.

Degha Shabbaleh, City resident, thanked the Council. She noted that she often stands feeling invisible but felt like the Council affirmed her identity through the hajib proclamation. She explained that she is Muslim and not from Palestine. She stated the City is known for its diversity and humanitarian rights. She hopes that the Council will vote yes for the cease fire. She quoted a saying in the *Quran* that says: "the one that kills one human has killed all of humanity, and the one that saved one life, saved all of humanity." She asked the City to save humanity.

Sana Wazwaz, Spring Lake Park, resident agreed with the previous comments regarding the cease fire. She added that she is an organizer with the American Muslims for Palestine and with the Free Palestine Coalition. She believes that the Council should not only stand for a cease fire, but an end to the occupation that has put us in this position to begin with. She explained that in the 1980s it was the cities around the Country that took a stand against apartheid in South Africa that helped dismantle the apartheid system, noting change comes from the bottom up. She stated there are four reasons that this is a local issue. The first reason is that the City's taxpayers are funding the expense of their own local institutions. These institutions are losing out on funding because of the allocation of the tax dollars to a foreign military. She stated \$314,057 of taxpayer dollars from the City are funding the Israeli military every year, noting that same amount of money could provide 894 households with solar electricity, or 109 kids with low-cost or free health care. The second reason is that Columbia Heights residents are losing their families. The third reason is that the tax payer's money is funding a deadly exchange between U.S. police and the IDF. The fourth reason is that there has been an explosion of hate crimes against people in the Twin Cities. She encouraged the Council to not just stop at a cease fire, but to consider strong language in the resolution that includes ending the occupation and funding towards the Israeli military. She added that she would like to see language that included sanctions on the apartheid regime of Israel.

Ed Higgins, City resident, stated he recently heard a phone call of a six-year-old to emergency services. She was escaping with her family from the constant bombardment on the north end of Gaza to the south. Soldiers fired upon the car and killed all of her family members except for her. She called emergency services and an ambulance was dispatched to get her. The soldiers gave clearance for the ambulance to come through but as the ambulance came close to the car, the Israeli military fired at the ambulance and destroyed it while also killing the six-year-old girl and the two ambulance workers. He explained that Rafah is the only place refugees can go to right now and Israel bombed Rafah using 2,000 pounds of bombs. He reviewed his family's history and how his family has fought for America for generations. He added that he is a United States Marine Corps Veteran and he always thought that no matter what, America would stop the next genocide but now, receiving this information, he has lost faith in the Country. He noted the bare minimum of what is being asked for is a resolution for a cease fire.

Sabry Wazwaz, City resident, stated that 30-35% of Palestinians are Christian. He explained that for some Americans, it takes them knowing that harm is happening to Christians for them to care about what is happening in Palestine.

### **Recess and Reconvene**

Mayor Márquez Simula recessed the regular meeting at 7:48 pm. The regular meeting reconvened at 7:56 pm.

### **COMMUNITY FORUM – continued**

Mayor Márquez Simula asked if anyone wanted to wait to speak at the next City Council meeting when the Council would be voting on the cease fire resolution. She added that it does not mean that she does not want to hear it but wanted to be conscious of the rest of the agenda.

Donia Abu Ammo, City resident, mentioned that she graduated Columbia Heights High School in 2020. She expressed her pride in being a member and resident of the City and has always felt like her identity as a Palestinian-American Muslim woman was honored. She hopes that the Council will continue to honor and support her by voting in favor of a cease fire resolution that calls for end of the genocide of the Palestinian people and an end to the extensive support and military aid that Minnesota and the U.S. sends to the Israeli regime. She explained that she witnessed her cousins and their children get senselessly murdered by the Israeli regime. She has family that is resisting the Israeli regime and is now eating animal feed because food is unavailable, and it is shameful that the world has turned the genocide into a political issue instead of fighting to end the genocide in Gaza. She noted a resolution is the bare minimum and it is important the City Council votes to end the genocide as well as work to protect and support their Palestinian residents by condemning the violence and the genocide committed by the Israeli regime.

Nemeh Al-Sarra, resident of Spring Lake Park, noted that she is half Palestinian-American. Her biological father is from Gaza and at least five of his relatives have been killed. She noted that people with disabilities in Gaza were already struggling due to a lack of resources and services and Gaza has one of the highest rates of depression and suicidal ideation because of the occupation that has been suffocating the people. Since October, resources have gone down to no rehabilitation services. She explained that people with disabilities in Gaza have struggled to be able to seek safety and we cannot allow taxpayer dollars to support the slaughter of any innocent person over there, especially those that are the most vulnerable. She stated that the tax dollar money from the City that is supporting Israel could instead be used in the City to help those who have disabilities.

Sime Shakshari, resident of St. Paul, mentioned that she is Muslim, does the majority of her grocery shopping in the City, and is a professor at the University of Minnesota. She explained that many students at the University of Minnesota are Palestinian and have to continue their studies worrying about their family members being killed. She stated this is a local issue because there are Palestinian students and people who live in Columbia Heights and she hopes that the Council would vote for a cease fire. She stated the money that should go towards education in the State are being spent and invested in Israeli companies and that money should be spent here at home, for the students and houseless people rather than being spent on bombing people in Gaza.

Maysoon Wazwaz, City resident, read a poem from a doctor that was killed in Gaza around December: *"If I must die, you must live to tell my story, to sell my things, to buy a piece of cloth and some strings. Make it white with a long tail so that a child somewhere in Gaza, while looking heaven in the eye, awaiting his dad, who left in a blaze and bid no one farewell; not even to his flesh, not even to himself, sees the kite, my kite you made flying up above and thinks for a moment an angel is there bringing back love. If I must die, let it bring hope, let it be a tail."* She explained that she constantly calls for a cease fire because she hears the stories of friends in Gaza and Palestine and wants every person to speak up and use their voice.

Kevin Aldumir, business owner in the City, echoed the comments that have been shared about the cease fire. He explained this struggle has been going on for 100 years. He shared that in 1994, he was praying in a mosque when an Israeli settler, a U.S. citizen, walked in and open fired on everyone in the mosque. The Israeli settler was seen as a hero in Israel. He mentioned if he had done that, he would be in some dark place getting tortured. He asked the Council to support a cease fire.

Laura Newby, City resident, explained that she had nothing to add from what has already been said by the previous comments but would like to express her solidarity with what has been shared and support for a ceasefire resolution.

Qamar Mohamed, resident of Burnsville, explained that she has family and friends in Columbia Heights and is from Yemen. She added it is not fair that people like her are dying because of the bombing that is happening in Yemen and the surrounding area. She asked that the U.S. stop the bombing and for a cease fire and to stand with humanity.

Maryam Wawaz, resident of Brooklyn Park, stated she grew up in Columbia Heights. She noted that during the war in Ukraine, city councils around the United States put resolutions out there without the people asking for it. She explained now that this is dealing with people of a different color, people in the United States are having mixed feelings about whether or not people deserve to die or if they are human enough to live. She asked why the issue in Ukraine was not questioned as a local issue during that time, but now it is. She added that just like in the 1980s when cities made resolutions to end the apartheid in South Africa, that is what people are asking for now. People are asking that the tax dollars are put back into America. She quoted a pastor in Palestine that mentioned that if Jesus was born today, it would be under the rubble of the devastating Israeli war on the Gaza strip. In addition, the pastors in the area would not accept apologies for staying silent. She stated it is an issue for everyone because it is about being human. She asked the Council to stand for a cease fire resolution.

Klamada Aboubakr, resident of Maple Grove, mentioned that he has friends and relatives that live in Columbia Heights and he used to worship in the City. He immigrated from Egypt in 2013. When he began his PhD program in America, he looked up to the U.S. democracy as a role model of something that could be created in his home country. Unfortunately, he started to lose hope and see that the role model is broken because of all he has seen in these last few months. He added that he saw no difference in what he observed and experienced in Egypt. In Egypt, dictatorship is hidden in democracy so it is not surprising that the leaders do not reflect the opinions and values of the people since they were not elected by the people. However, in America, we are witnessing an elected president and his cabinet that are not reflecting the values of the majority of Americans who elected them. He



encouraged the Council that while America's democracy has been sick for a while, it is still able to correct itself and restore its health. He demanded that the elected members represent well and to represent the values and hopes of the people who elected them. He warned that Council that if they stand on the wrong side of history, they would be the real losers. He asked the Council to vote for the cease fire resolution, not for the Palestinians, but rather for the Americans who believe in their democracy and its values. He encouraged the audience that their actions were saving the lives of thousands of people.

Kathy Copper, City resident, explained that she tries to attend most of the City Council meetings and has a disability where she is in chronic pain. She has issues parking in the parking ramp. She mentioned that the parking ramp indicated it was opened, so she took a ticket and went into the ramp. She found the ramp was difficult to navigate and there were no available parking spots. She noted there does not seem to be sufficient handicap parking. She asked how many handicapped parking spots there were in the garage. Community Development Director/Assistant City Manager Chirpich replied that there are two handicap parking spots.

Ms. Copper replied it does not seem like sufficient parking for a brand new facility and asked who could address this issue with her at a later date. Mayor Márquez Simula replied that a Staff member would follow up with Ms. Copper and added that the ticket machine does not have a count when multiple cars come through under one ticket, which is why the parking ramp did not register that it was full.

Mayor Márquez Simula thanked everyone who spoke and explained that it brought tears to her eyes that everyone was so respectful.

Alejandro Sota Bonilla, resident of Blaine, spoke from the audience to state that he would like to speak at the next council meeting on this subject.

### **CONSENT AGENDA**

Councilmember James requested more information regarding item 9. Mayor Márquez Simula asked that Interim City Manager Hansen elaborate on item 9 when he reviews the items instead of pulling the item for a separate discussion.

Interim City Manager Hansen reviewed the items on the Consent Agenda. He explained that he would provide more detail for both items 7 and 9 since they were related to each other. Item 7 is to update the City's Solid Waste Operating Policy (SWOP). The City has been both approving and updating the SWOP since 2018, which helps guide the City in the program. It is before the Council tonight because the location the City typically does composting is no longer accepting combined yard waste with food waste and there is a cost impact. The SWOP update helps aligns the practice and the costs for providing the service by separating yard waste and food organics.

Interim City Manager Hansen explained that item 9 is a contract for curbside organics. Based on a survey that the City conducted, there is still a strong interest to provide curbside composting. The contract will include picking up for curbside and purchasing containers in the seven- to ten-gallon range for the service to pick up. There will be separate yard waste and separate organics. The Recycling Coordinator wants to roll out the changes in April and have a two-year time frame to evaluate the

effectiveness of it. It is a subscription service, so residents will need to contact the City in order to have their food waste picked up.

Councilmember James noted that for item 13, under contract license, one license is listed at \$0. She asked why there was no cost for the registration. Community Development Director/Assistant City Manager Chirpich replied that he did not know if it was a misprint or for a City-sponsored event where fees are waived.

Councilmember James referenced item 9 and asked if \$13.50 was the subsidized rate. Interim City Manager Hansen replied the only thing that is subsidized will be for composting for food waste. The yard waste cost is full price but the food waste price will be brought down because the City receives grant funds for it.

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

**1. Approve the January 22, 2024 City Council Meeting Minutes.**

MOTION: Move to approve the January 22, 2024 City Council Meeting minutes.

**2. Approve the January 29, 2024 Joint City Council School Board Meeting Minutes.**

MOTION: Move to approve the January 29, 2024 Joint City Council School Board Meeting minutes.

**3. Approve the February 5, 2024 City Council Work Session Meeting Minutes.**

MOTION: Move to approve the February 5, 2024 City Council School Board Meeting minutes.

**4. Accept the October 19, 2023 Charter Commission Meeting Minutes.**

MOTION: Move to accept the October 19, 2023 Charter Commission Meeting Minutes.

**5. Accept the December 06, 2023 Park & Recreation Commission Meeting Minutes.**

MOTION: Move to accept the December 6, 2023 Park & Recreation Commission Meeting minutes.

**6. Accept the September 5, and October 23, 2023 Regular EDA Meeting Minutes.**

MOTION: Move to accept the September 5, and October 23, 2023 Regular EDA Meeting Minutes.

**7. Adopt Resolution 2024-16, Updating the Solid Waste Operating Policy (SWOP).**

MOTION: Move to waive the reading of Resolution 2024-16, there being ample copies available for the public.

MOTION: Move to adopt Resolution 2024-16, being a Resolution approving the updates for the Solid Waste Operating Policy (SWOP).

**8. Adopt Resolution 2024-017 being a Resolution Ordering Preparation of a Report for 2024 Alley Reconstruction.**

MOTION: Move to waive the reading of Resolution 2024-17, there being ample copies

available for the public.

MOTION: Move to adopt Resolution 2024-17, being a Resolution ordering preparation of a feasibility report for 2024 Alley Reconstruction, Project 2406.

**9. Contract for Curbside Organics Collection Pilot Project.**

MOTION: Move to approve a contract with Better Futures MN to conduct a pilot test for organics collection services; and authorize the Mayor and City Manager to enter into an agreement for the same.

**10. Capital Equipment Replacement of Unit #250: 4x4 7.3 Liter Cab and Chassis.**

MOTION: Move to approve the acquisition of a 2024 Ford F-350 XLT 4x4 pickup truck through alternative quotes from Midway Ford, along with necessary attachments from state-contracted vendors, for a total expenditure of \$85,000. Fund 431-5200-45150.

**11. Capital Equipment Replacement of Unit #250: 4x4 7.3 Liter Cab and Chassis Upfit and Accessories.**

MOTION: Move to authorize the purchase of one (1) Switch-n-go model 11-4016-15E-10T system, truck bodies, and related accessories from Stonebrooke Equipment off of the State of Minnesota Purchasing contract in the amount of \$137,578.33, to be installed on new 2024 Ford F-550 XLT 4x4 7.3 Liter cab and chassis.

**12. Rental Occupancy Licenses for Approval.**

MOTION: Move to approve the items listed for rental housing license applications for February 12, 2024, in that they have met the requirements of the Property Maintenance Code.

**13. License Agenda**

MOTION: Move to approve the items as listed on the business license agenda for February 12th 2024, as presented.

**14. 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 \$2,651,461.38.

**PUBLIC HEARINGS**

**15. Consideration of Resolution 2024-011, Vacation of Existing Utility Easement Serving 1650 40th Avenue NE.**

City Planner Boucher stated the City initiated the application and is proposing to vacate the sanitary sewer easement because the current 30-foot easement incorporates more additional property than what is required to maintain the sanitary sewer. Easement vacations are subject to the required findings for easement vacations per 9.104J. Staff confirmed with the City Engineer as well as the Pioneer engineer, who did the survey work, that it encumbered more than just the sanitary sewer pipe.

City Planner Boucher explained one easement that is serving 1650 40<sup>th</sup> Avenue NE is proposed for vacation and is described with legal descriptions that are attached to the report. All of the sanitary sewer easement is described in document number 177165. There are two required findings that the City Council shall make before vacating a street, alley or other public right-of-way. The first finding is that no private rights will be injured or endangered as a result of the vacation. This requirement is correct and is an administrative item. The other required finding is that the public will not suffer loss or inconvenience as a result of the vacation. No one is losing property and Staff feel that the criteria has been met.

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

*Motion by Councilmember James, seconded by Councilmember Buesgens, to close the hearing and waive the reading of draft Resolution No. 2024-011, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember James, seconded by Councilmember Buesgens, to recommend that the City Council approve Resolution No. 2024-011, vacating the sanitary sewer easement at 1650 40th Avenue NE as presented. All Ayes, Motion Carried 5-0.*

## ITEMS FOR CONSIDERATION

### **16. Consideration of Resolution 2024-012, a Variance for 1650 40th Avenue to allow an attached garage within the Front Yard Residential Setback.**

City Planner Boucher stated April Leaveck and Karen Thompson are requesting a variance for a proposed attached garage to be located at 1650 40th Avenue NE. The City received a residential variance application from the property owners to allow for a proposed attached garage to encroach five feet, five inches into the required 25-foot front yard setback per 9.109C. The City has been working with the property owner to replace an existing garage with a larger garage that would abut or encroach within the front yard setback and upon an area which required a vacation of the existing utility easement.

City Planner Boucher mentioned that upon review of the easement vacations, Staff determined during the process that the applicant would require a variance to accommodate the potential building. Variances are subject to the required findings for variances per 9.104G.

City Planner Boucher noted that the property is a corner lot abutting a diagonal street with unique setback requirements that apply to the subject property in relation to the neighboring lots. The property technically does not have a rear lot line. City code states that the lot line having the shortest dimension of street frontage is considered the front lot line. At the time of construction in 1985, the street frontage along 40th Avenue NE was considered the front. The front yard setback is 25 feet, the interior side lot line has a side yard setback of five feet and the side along Johnson Street has a side yard setback of ten feet. The attached garage is proposed to be located 20.4 feet from the north front property line which is the exact same distance as the existing principal structure.

City Planner Boucher explained that there are five findings of fact that are required to be found before the City can grant approval for a variance. The City Council shall make each of the following findings before granting a variance:

1. Because of the particular physical surroundings, shape, configuration, topography, or other conditions of the specific parcel of land involved, strict adherence to the provisions of this article would cause practical difficulties in conforming to the zoning ordinance. The applicant, however, is proposing to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The conditions upon which the variance is based are unique to the specific parcel of land involved and are generally not applicable to other properties within the same zoning classifications
3. The practical difficulties are caused by the provisions of this article and have not been created by any person currently having a legal interest in the property.
4. The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.
5. The granting of the variance will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements in the vicinity.

City Planner Boucher stated that Staff have found that all of the findings for the variance are met.

*Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to close the hearing and waive the reading of draft Resolution 2024-012, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to adopt Resolution 2024-012, being a Resolution of the City Council of the City of Columbia Heights approving a residential variance for 1650 40th Avenue NE to allow a five (5) foot, five (5) inch encroachment of an attached garage into the front yard setback as presented. All Ayes, Motion Carried 5-0.*

**17. Approve Purchase of 675 37th Avenue NE.**

Community Development Director/Assistant City Manager Chirpich stated that the property, 675 37th Avenue NE has been previously discussed by the Council in a closed executive session. The property is 1.7 acres, and is roughly an industrial zone site located south of the City's Municipal Service Center. It has been vacant and undeveloped for many years and came onto the market at the time when the City was looking at different design iterations for the potential redevelopment of the City's Municipal Service Center. This purchase would allow the potential of the City not having to close Madison Street NE. If the City were to acquire the site, it would also open a variety of different and better design alternatives to the City.

Community Development Director/Assistant City Manager Chirpich explained that Staff think this acquisition should be pursued by the City. He noted that on January 2, 2024, the

City met in a closed executive session to discuss the item. The City is allowed to do this when it involves discussing offers on real estate and negotiations related to the purchase of property. During that meeting, the Council directed Staff to pursue the property under certain parameters. Staff made an offer on the property. The list price for the site was \$1,078,000 and the City presented an initial offer of \$700,000, which was countered by the seller at \$900,000. The City responded with an offer of \$875,000, which the seller declined. The City accepted the offer contingent upon the City Council's approval. He noted that the potential costs of a roadway reconfiguration would cost more than the price for the property.

Councilmember Jacobs explained the reason the Council is looking at purchasing the property is that it ties into what the City needs to do for the Public Works location. It would be to the City's advantage to purchase the property. She added that there are no apartments going into the property.

*Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to waive the reading of Resolution 2024-15, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

Community Development Director/Assistant City Manager Chirpich noted there was a slight change in the Resolution where it specifies which fund the City intends to appropriate the money for this purchase. The fund is 411 and the project will reside in the fund over the long term because it is where the City generates projects and holds land for City-owned facilities. A copy of this amended Resolution had been provided to the Council and the room.

*Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to adopt amended Resolution 2024-15, being a Resolution of the City Council of the City of Columbia Heights approving purchase agreement to acquire the property located at 675 37th Avenue NE, Columbia Heights. All Ayes, Motion Carried 5-0.*

## **Ordinances and Resolutions**

### **18. Consideration of a Rental License Exemption for 3815 2 ½ Street NE.**

City Planner Boucher stated on January 31, 2024, the owner of 3815 2 ½ Street NE reached out to the Community Development Department requesting an exemption from the single-family rental density cap. Staff included in tonight's meeting packet a copy of the letter that staff received. City Planner Boucher noted that Section 1 of Ordinance 1685, which established the single-family rental density cap, states that:

"If the number of detached single-family dwellings rental properties meets or exceeds the permitted number of rental properties per defined block on the effective date of the ordinance from which this section is derived, a property owner may request a temporary license to allow an additional rental property for that block. The City Council may grant or deny a temporary license in its sole discretion. Persons requesting a temporary license

must make an annual application to the City. No property owner shall hold a temporary rental license for the same property for more than two consecutive years.”

City Planner Boucher explained that as it is the homeowners’ right to appeal to the Council, Staff brought forth the appeal along with supporting documents for discussion and review. If approved, Resolution 2024-014 would grant a temporary rental license exemption to the homeowner with a few additional requirements. The homeowner is required to complete the license application process within 3 months from the passage of the resolution. This puts a limit on how long they can take to bring the house into rental compliance, if needed. The temporary rental license will be valid for one year from the date that the license is approved. This provides the homeowner and tenant the ability to rent the home for a full one-year lease. After the term of the temporary license, the persons requesting a temporary license must make an annual application to the City. No property owner shall hold a temporary rental license for the same property for more than two consecutive years.

Councilmember Buesgens asked if someone could share the supplemental information for the resolution that was given to the Council by Assistant Fire Chief Dan O’Brien. Community Development Director/Assistant City Manager Chirpich asked Councilmember Buesgens if she wanted a recap. Councilmember Buesgens replied that she would like a recap that shows the history of the property and its rental property.

Community Development Director/Assistant City Manager Chirpich stated that Assistant Fire Chief O’Brien provided additional background information on the licensing history that was brought to the Council. In 2009, the property went into foreclosure and was purchased out of foreclosure in 2012 by Al Saadon Muna. Later in 2012, it was licensed as a rental by the same owner. There is a rental license history by that individual for the years 2012 through 2016. The licensing dropped off from the property in 2016. On March 10, 2016, an inspection note was made stating that per the property owner, the property is vacant and going up for sale. On November 15, 2019, the ownership of the property was transferred by quit claim deed from owners Al Saadon Muna and Zahran Ziad to MAS Enterprises LLC. The manager and agent was Ziad Zahran.

Community Development Director/Assistant City Manager Chirpich noted that on January 27, 2020, an inspection note was made that states severe water problems were found in an incident over the weekend and the property was found to be illegally occupied by tenants. The inspection officer spoke with the property owner, who stated he would go to Community Development to schedule the rental inspection to obtain a license. On January 30, 2020, Community Development Staff sent the owner an illegal rental letter acknowledging that the property was in need of a license. On February 19, 2020, Community Development records indicated that the property owner had not scheduled the initial licensing inspection after the letter was sent.

Community Development Director/Assistant City Manager Chirpich mentioned that on February 20, 2020, an illegal rental investigation was opened by the Fire Department

because the license had not been applied for. In the letter, a deadline of February 28, 2020, was indicated to schedule the rental inspection with the Community Development Department. On March 20, 2020, the City inspectors found that the property appeared occupied and then on June 9, 2020, inspectors found that the property appeared to be vacant. The illegal rental investigation was then closed.

Mayor Márquez Simula noted everything that was explained seems to be about a different owner since the ownership was transferred to MAS Enterprises LLC in 2019 and then was quit claim deed to Al Saadon Muna in 2021.

Councilmember Jacobs explained that the owner basically sold the property to themselves. Community Development Director/Assistant City Manager Chirpich replied that it was hard to decipher without the Assistant Fire Chief present to help walk through some of those details.

Mayor Márquez Simula explained it seemed that there were issues between the years 2019 and 2021. City Planner Boucher noted the applicant was present in the meeting for any questions.

Councilmember Buesgens stated she spoke with Assistant Fire Chief O'Brien and he mentioned the applicant had sold the property to themselves through an LLC and then back to themselves again.

Councilmember Jacobs agreed and mentioned that she heard the same thing.

Mayor Márquez Simula stated that she would like to hear from the property owner.

Ozzy Zahran, landlord, stated the property owner is his father. Mayor Márquez Simula asked if they were using the same property management company. She noted the history is showing that the property management company is not able to take care of the water leakage and the illegal renting situation. Mr. Zahran replied that his father became ill four years ago and entrusted the property to a local property manager in the area. That particular property manager took advantage of the situation. He explained that the situation and vacancy of the property was brought to his attention recently. He added that it fell on his lap to take responsibility since his father has been bedridden. He apologized because he rented the property in January and assumed that there was a valid rental license on the property. His father also assumed that the property manager kept the rental license up-to-date. He explained that once he received the notice, he went to the City and filled out all of the forms that were required and explained the situation. He added that he is a property owner of several properties in North Minneapolis and St. Paul and would be happy to show his track record of being on top of things.

Councilmember James asked what city the owner resided in. Mr. Zahran replied that he resides in Brooklyn Park. Councilmember James asked if Mr. Zahran resided in Columbia Heights. Mr. Zahran replied that he did not. Councilmember James asked if the rental property was for an additional income. Mr. Zahran replied that it was.



Councilmember Jacobs expressed her concern that throughout the last six years, the property has been in flux of a rental license, not being licensed, and having occupants without a license. She expressed her sympathies for Mr. Zahran father's health and noted that as a business owner, it is his responsibility to stay on top of their business, even if there is a management company since the owner of the property is held liable for any issues. She added her concern of the sale of the property going back and forth between the same people. Mr. Zahran replied that he was not aware of the history of the sale but moving forward it would not be a continued pattern.

Councilmember Jacobs noted that the property had been rented in January without Mr. Zahran seeing if there was a rental license on the property even while knowing that the property management company was negligent. Mr. Zahran replied they were unaware that the property management company was negligent until they realized that there was no rental license.

Councilmember Jacobs asked if he was unaware that the property management company was not operating correctly since 2016. Mr. Zahran replied that it was news to him and that he is new to the discussions with his father. He added that he would like to do what he could to resolve the issue with the City.

City Planner Boucher explained that while working with the applicant, it seems that his timeline of when he approached the City was immediately after he received the notice at his door.

Councilmember Buesgens asked Mr. Zahran if he was aware of what was happening at the property after it was no longer licensed between 2016 and 2020. Mr. Zahran replied that he was unaware of the history during that time and he started to take responsibility in January 2024.

Councilmember James thanked Mr. Zahran for being at the meeting. She commented that the purpose of the rental cap is to reduce how many homes are not available for purchase with the exemptions of those who have family that live in it or plan to live in it again. She explained that since it is a property that was purchased to rent, she believes it is outside of the exemption guidelines.

Councilmember Spriggs agreed with the comments of Councilmember James and added that the rental exemptions are for someone who is in a special circumstance that is needing short-term income to cover something else or plan to return to the property. He explained that he does not believe it fits in those parameters so he will not be in favor of granting an exemption.

*Motion by Councilmember Spriggs, seconded by Councilmember Buesgens, to waive the reading of Resolution 2024-014, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to adopt Resolution 2024-014, being a Resolution of the City Council of the City of Columbia Heights approving the single-family rental exemption request for the rental application at 3815 2 ½ Street NE, Columbia Heights, MN 55421. All Nays, Motion Failed 5-0.*

## **CITY COUNCIL AND ADMINISTRATIVE REPORTS**

### **Report of the City Council**

Councilmember Buesgens congratulated Tasty's that was voted Readers Choice awards in the *Life Newspaper*, noting Crestview and the City's Top Value Liquor store were also awarded. She noted that in the *Minneapolis Saint Paul Magazine*, three Columbia Heights businesses were highlighted as a way to spend an afternoon or evening. The Heights Theater, Jimmy's pool hall, and Miller's were featured. She attended the Sensible Land Use Coalition and toured the West Rock Paper Mill. She added that she also attended the City Council and School Board meetings, the local government meeting for Anoka, the City official's quarterly meeting, the retirement for Police Officer Paul, SnowBLAST, the kick offs for those involved with the City, and stories from Palestinian neighbors at First Lutheran Church. She noted that Mary Kunesh included a reminder in her newsletter to check out tax refunds that residents can get for their property taxes and there are also rebates for electrical vehicles. For those who are interested in helping pollinators, the State is providing lawns to legumes applications and are currently opened.

Councilmember James stated she attended a retirement worship service for Chaplain Bob Lyndes of Crestview and the swearing in ceremony for two new Columbia Heights Police Officers. She completed the Board of Appeal and Equalization training with the Minnesota Department of Revenue. She attended the joint City Council and School Board meeting where safety concerns were raised regarding 49<sup>th</sup> Avenue in front of Columbia Heights Academy. She met with a few people including the City Engineer. The City Engineer and the Anoka County Engineer are willing to do what they can but a solution may take some time. In the meantime, drivers are being asked to be careful during the drop off and pick up times in the area. She attended the Anoka County Elected Officials meeting, SnowBLAST, stories from our Palestinian Neighbors, and the Teach In held at the Church of All Nations to hear from Palestinian schools and Jewish scholars. She was able to visit the Capitol for the first day of the legislative session.

Councilmember Jacobs mentioned that she attended some of the same meetings mentioned by other Councilmembers and SnowBLAST. She made the following statement: *"On February 9, 2024, the State Supreme Court of Minnesota determined that malfeasance nor nonfeasance were met, the meter required to execute a recall election in the State of Minnesota. By the ruling of the highest court in the State, I will legally and ethically remain a member of this Council for at least the next nine and a half months. It is my expectation and entitlement, by the ruling of that higher court, that the biased behaviors, disregard, accusations and perpetuation of lies directed at and about me, all documented, will immediately cease. I look forward to the respect and treatment equal to that given to every other Councilmember sitting at this dais. Finally, I'd want to extend my deepest gratitude to all those that stood by me for the past 19 months. Words cannot convey the appreciation both I and my husband have for your belief in me, your kindness, and your support. To say thank you just is simply not enough."*

Councilmember Spriggs noted that he attended SnowBLAST, the work session, the Library Board meeting, and a meeting with multiple State Representatives and Senators from across the Twin Cities regarding affordable housing concerns.

Mayor Márquez Simula explained that with very short notice, the City was given the update to cancel the special election. She thanked the Staff for pivoting and being able to work through setting up the election and also getting the information out to the community that it had been canceled. She especially thanked the City Clerk for coordinating all of the work with the community, with Staff, and Public Works. She noted that not only was it a lot of work, but it cost the City a lot of money. She thanked all of the schools, churches, and other buildings that are used for public elections as they had to cancel events and reschedule their programming for the election. She expressed her appreciation for the communications team to get the information out. She noted the community involvement in getting information out as well as running for Councilmember.

Mayor Márquez Simula reported that she attended a Regional Council of Mayors meeting, a Polish American Cultural Institute of Minnesota event, the stories of our Palestinian neighbors at First Lutheran Church, prayer at the Columbia Heights Mosque, and the Anoka County Virtual Breakfast meeting. She spent three days at the Minnesota History Center as a part of a St. Paul Capitol Mall focus group. She commented on a survey to provide feedback on what community members would like to see at the Capitol Mall. She stated the new Saint Anthony Mayor toured the Columbia Heights City Hall, and together they wrote a letter supporting the Silverwood programming at the park and sent it to the Silverwood Board. She attended the Fire Department Association meeting, a meeting with Senator Tina Smith's staff, a Rotary meeting, the Council work session, SnowBLAST, Community Coffee, and the retirement party for Paul Bonesteel. She emceed the Anoka County elected leaders meeting and attended the joint Council and School Board meeting, the swearing in for the two new Police Officers, and the virtual Latin governors' meeting. In addition, she hosted an infrastructure meeting for Congresswoman Omar and Representative Koegel, and attended the Parks and Recreation Commission meeting.

Mayor Márquez Simula explained that on September 21, 2024, the Columbia Heights Pride Festival will be held at Kodiak Park. On March 2, 2024, CoHi Con, a gaming convention, would be held at Murzyn Hall from 10 am until midnight. Next week, on Thursday at 2 pm, Coffee with a Cop will be held at the Legends Apartment building.

### **Report of the City Manager**

Interim City Manager Hansen thanked Staff and the residents for supporting SnowBLAST. He added that the newsletter is completed and will be mailed out this week and an enewsletter is available by calling the City or going to the City's website to sign up. He noted the two parks that were voted best parks were Huset Park and Silver Lake Beach took second place.

### **COMMUNITY FORUM**

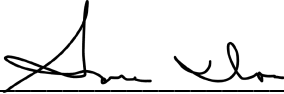
This item was considered prior to the Consent Agenda.

### **ADJOURNMENT**

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

Meeting adjourned at 9:54 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Sara Ion", is written above a horizontal line.

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Sara Ion, City Clerk/Council Secretary