



CITY COUNCIL MEETING
City Hall—Council Chambers, 3989 Central Ave NE
Monday, September 11, 2023
6:00 PM

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

MINUTES

The following are the minutes for the Meeting of the City Council held at 6:00 pm on Monday, September 11, 2023, in the City Council Chambers, City Hall, 3989 Central Avenue NE, Columbia Heights, Minnesota

WELCOME/CALL TO ORDER/ROLL CALL

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

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

Also Present: Lenny Austin, Chief of Police; Aaron Chirpich, Community Development Director/ Assistant City Manager; Jim Hoeft, City Attorney; Sara Ion, City Clerk; Kathy Cooper, City resident, Barbra DeLaria, City resident; City resident; Margarita Donayre, City resident; Charisma McIntyre, City resident; Dewayne Morrell, City resident; Joan Moses, Daughters of the American Revolution President of the Minnesota Chapter; Emma Schultz, City resident; Diane Tieden, City resident; Scott Veencamp, City resident

MISSION STATEMENT

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

PLEDGE OF ALLEGIANCE

Mayor Márquez Simula read a remembrance for September 11th and held a moment of silence.

APPROVAL OF AGENDA

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

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Constitution Week Proclamation.

Mayor Márquez Simula proclaimed September 17 through September 23, 2023 as Constitution Week and read the City's proclamation.

Joan Moses, Daughters of the American Revolution President of the Minnesota Chapter, accepted the proclamation. Ms. Moses thanked the Council for inviting her and explained the Daughters of the American Revolution is a social group that has 185,000 members in the Country with 25 chapters in Minnesota. They support history, heritage, and patriotism. They are non-political and non-religious with the only requirement being to trace back to an ancestor or someone who helped procure the freedom of America. She mentioned that she reads to children in schools about the Constitution and the American Revolution. She thanked the Council for being able to receive the proclamation.

Renee Riemersma stated she was a part of the chapter in Shoreview. She thanked the Council for giving out the proclamation.

B. Hispanic Heritage Month Proclamation.

Mayor Márquez Simula proclaimed September 2023 as Hispanic Heritage Month and read the City's proclamation.

Margarita Donayre, City resident, accepted the proclamation. She stated she is a business woman and has been in the community for 20 years. She thanked the Council for the proclamation.

CONSENT AGENDA

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

1. **Approve the August 28, 2023 City Council Meeting Minutes.**
MOTION: Move to approve the August 28, 2023 City Council Meeting minutes.
2. **Approve the September 5, 2023 City Council Work Session Meeting Minutes.**
MOTION: Move to approve the September 5, 2023 City Council Work Session meeting minutes.
3. **Approve August 7, 2023, Regular EDA Meeting Minutes.**
MOTION: Move to approve the August 7, 2023, Regular EDA meeting minutes.
4. **License Agenda.**
MOTION: Move to approve the items as listed on the business license agenda for September 11, 2023 as presented.
5. **Rental Occupancy Licenses for Approval.**
MOTION: Move to approve the items listed for rental housing license applications for September 11, 2023, in that they have met the requirements of the Property Maintenance Code.
6. **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 \$1,141,410.65.

ITEMS FOR CONSIDERATION

Ordinances and Resolutions

7. **Centerpointe Franchise Agreement - Renewal**

Interim City Manager Hansen stated the existing franchise agreement for Centerpointe Energy expires at the end of this year. Staff reviewed the existing agreement and the renewal agreement and had minor changes. He highlighted the changes made which included updating the contact information for the City and Centerpointe Energy. This is a 20-year franchise agreement. It is important that the reference and the documents required for how they do their work and restoration have been updated so it is consistent with the ordinance for street restoration and the State's street restoration requirements.

Interim City Manager Hansen noted that Centerpointe Energy has required a six-month notice of work that is coming up in the City. The agreement allows for a franchise fee. He noted Staff will come back to the Council with what the fees would be and how it would impact the City.

Motion by Councilmember Buesgens, seconded by Councilmember James, to close the public hearing and waive the reading of Ordinance No. 1689, there being ample copied available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Buesgens, seconded by Councilmember James, to set the second reading of Ordinance 1689, pertaining to the renewal of the franchise agreement with Centerpoint Energy for Monday, September 25, 2023, at approximately 6:00 pm in the City of Columbia Heights City Council Chambers. All Ayes, Motion Carried 5-0.

8. **Second Reading of Ordinance 1688, Prohibiting Smoking Within Parks and Amending the Definition of Public Place.**

Community Development Director/Assistant City Manager Chirpich stated the item was in regard to the legalization of marijuana in the State. In order to get ahead of the recent changes to the new laws, during the first reading, the Council requested to change language for gender specific cleaning of bathrooms in public parks. Staff recommends to remove the language, not have maintenance language in the ordinance, and instead take care of it in policy.

Mayor Márquez Simula agreed.

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to waive the reading of Ordinance No. 1688, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Spriggs, to approve Ordinance No. 1688, being an ordinance amending chapter 10 article II of the Columbia Heights city code to prohibit smoking within city parks and amending the Columbia Heights

City Code to redefine the definition of public place and direct staff to send the summary ordinance for publication in the legal newspaper. All Ayes, Motion Carried 5-0.

9. Approval of Resolutions 2023-49 and 2023-50 Requesting Funds from the Anoka County HRA and Transferring Said Funds to the EDA

Community Development Director/Assistant City Manager Chirpich stated the item addresses the acquisitions for a couple of properties. One of the properties is a single-family home that has been converted into office space and the other property is a small commercial store front with an apartment above it. Both properties were recently reviewed for purchase during the EDA meeting in September. The EDA approved both properties to be for demolition and redevelopment at a future date. Staff recommended the City use the Anoka County HRA levy for the Economic Development Authority. Funds have been transferred to the EDA in the past. The funds would first need to be requested from the Anoka County HRA and then transferred to the EDA with the authorization of the City. For the interim the EDA would use its fund 408 to cash fill the project and then receive the funds when available.

Motion by Councilmember Spriggs, seconded by Councilmember Jacobs, to waive the reading of Resolutions numbered 2023-49 and 2023-50, there being ample copies available to the public. *All Ayes, Motion Carried 5-0.*

Motion by Councilmember Spriggs, seconded by Councilmember Buesgens, to approve Resolution No. 2023-49, a resolution requesting funds from the Anoka County Housing and Redevelopment Authority to support economic development activities within the City of Columbia Heights. *All Ayes, Motion Carried 5-0.*

Motion by Councilmember Spriggs, seconded by Councilmember Buesgens, to approve Resolution No. 2023-50, a resolution transferring \$780,000 of ACHRA grant funds from the City of Columbia Heights to the Columbia Heights Economic Development Authority for the purchase, abatement, utility work, and demolition of 3853 and 3851 Central Ave.

Councilmember James thanked the Staff for finding the properties in order to continue to build the central business district and remove properties that need to be removed for new business opportunities.

All Ayes, Motion Carried 5-0.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Councilmember Buesgens continues to work in the Blooming Sunshine Garden. She mentioned she attended the Metro Council Housing Economic Meeting, the Heights Next gathering, and the town hall for Representative Omar.

Councilmember James noted she attended a training opportunity through the League of Minnesota Cities, Representative Omar's town hall, Columbia Heights Business Council, and the open house for SACA Food Shelf. She added she did some advocacy work for protecting workers' rights in the construction industry and signed onto a letter for building and construction workers to have a safe working environment. She also had meetings regarding the resource officers including meeting with other mayors and local officials.

Councilmember Jacobs stated she continues to meet with the residents of Gould and Peters Place regarding the parking issues created by Ratio Apartments. She met with residents from Upland Crest attended the special session at ISD 13 regarding the closed enrollment, and attended the SACA picnic as a Kiwanis member. She reminded the community that Kiwanis will be celebrating 40 years of recycling this coming Saturday from 9 am to 12 noon at the recycling center at 3801 Madison Street. She also facilitated eight resident reach outs. She mentioned there was an editorial in the *Northeastern* entitled "Can we just do better?" where concerns were expressed about how residents are taking care of their properties and reminded community members that bee gardens should be more distinct. She paid homage to those who lost their lives during September 11th.

Councilmember Spriggs stated he attended the EDA meeting, the work session meeting, and the library board meeting. He mentioned to reach out to him if anyone wanted further information about the library board. He also attended the Minnesota Department of Health meeting, town hall with Representative Omar, and a virtual webinar with the League of Minnesota Cities.

Mayor Márquez Simula mentioned she attended a press conference regarding workers' rights, the regional conference of mayor's luncheon, and a meeting with the police chief. She mentioned there is a clerical position open at the police department. She added that she attended the SACA picnic, Columbia Heights business council meeting, Representative Omar's town hall, Mission Heights Sobriety event, Valley View School to welcome students with Lieutenant Governor Peggy Flanagan, the EDA meeting, and work session. She stated this Wednesday is the first Youth Commission meeting.

Report of the City Manager

Interim City Manager Hansen stated there are two primary road construction projects in the city with the first being 37th Avenue. That project is three to four weeks behind schedule due to soil issues and additional utility work. It is anticipated the roadwork will be completed by the end of the year. The second project is 53rd Avenue with two separate projects within it. The first is the east side with the round-about project and is scheduled to be completed at the end of October. The other project goes from Main Street to the Medtronic site and he will continue to provide updates.

Interim City Manager Hansen noted there are several Boards and Commission openings currently. There is one Charter Commission position open, two positions for the EDA, and ten openings on the Youth Commission. Applications can be found at City Hall or online.

Interim City Manager Hansen noted that that "Adopt a Tree" volunteers are needed to help water the newly planted trees. Information can be found on the City's website. Movie in the Park will be on Friday at McKenna Park at 7:30 pm. The movie to be shown will be Trolls World Tour. The fall newsletter is out and residents should be receiving them in the next couple of days.

Mayor Márquez Simula added that the fall newsletter will include an update on winter parking coming soon.

COMMUNITY FORUM

Diane Tieden, City resident, expressed her concern with the mall and added that the parking is horrible and the look of the storefronts needs to be addressed. She asked what is moving into the Asia Chow Mein building.

Community Development Director/Assistant City Manager Chirpich replied that a new restaurant will be going into the space but he does not have a timeline for opening. It will be a similar type restaurant.

Ms. Tieden noted the only type of American restaurant in the City is Applebee's and it would be refreshing to have an additional American restaurant. She asked for continued diversity with restaurants in the community and what would be going into the Pizza Man space in the mall.

Community Development Director/Assistant City Manager Chirpich replied that it will be a brewery and restaurant. It is expected to open in the fall.

Ms. Tieden noted the poles in the intersection are crazy and she is worried there could be an accident.

Interim City Manager Hansen mentioned the temporary poles are a demonstration project and the City is looking for feedback. He added that a link would be included on the City's website in order to provide feedback. The poles were intended to provide safety for pedestrians.

City Clerk Ion added that there is a link in the newsletter to provide feedback.

Scott Veencamp, City resident, stated his wife previously addressed the Council regarding the property that abuts his property. He noted they have not received any communication from the City regarding the status of the adult day care license and inspection progress on the property. Since addressing the Council, there has been progress on the grass being cut and landscaping being complete on the property. There is additional work that needs to be done such as the driveway and upheaved sidewalk blocks. He expressed his concern that clients will be moved into the property before the improvements have been made and the inspection completed. He asked the City to provide clarification on whether a business license has been granted, if they have an active adult daycare license through the State, if the property is zoned for an adult day care business, when a final inspection is scheduled for, and if neighboring residents will be involved in the process. He asked what happens if residents are moved in before inspections are completed. He added his concern that there are different standards for this property than other residences since other residents get citations for not cutting grass. He asked why they have not heard from the City.

Mayor Márquez Simula apologized for there not being any communication but noted that City Staff have been working on the issue.

Community Development Director/Assistant City Manager Chirpich stated he would be happy to follow up with any residents that have concerns. He added there is not a City license for adult daycares since it goes through the State. The property owner presented the City with the license paper work that

asked the City to sign off on zoning and land use. The City has worked with the owner to ensure the zoning is permitted. There were no residents that were moved in due to property maintenance issues. The City works with the Fire Department for enforcement on property maintenance. He added that there will be a new operator at the property. If there is a new operator, they will need to go through the same verification process if the State is keeping track of the license. Staff have not met with a new owner or operator at the property.

Councilmember Jacobs asked to clarify what would happen if there was a new operator.

Community Development Director/Assistant City Manager Chirpich replied that he was not certain but if the State required there to be a new license, the City would analyze to ensure the proper steps were taking place. He added that from a site specific perspective, they were required to have an outdoor recreation space. The zoning checklist is relatively small when a use is permitted in the district.

Councilmember Jacobs noted there has been an issue with squatters on the property.

Charisma McIntyre, City resident, noted the barricades around the parking are dangerous. She added the barricades go nine feet into the road. She added the parking along the Ratio Apartment building has yellow areas that are taking up parking spots and she does not understand why they are there.

Interim City Manager Hansen replied that yellow curbing is included to signify no parking areas. Some of the areas were marked yellow to provide visibility on Central Avenue and visibility in the overhang.

Dewayne Morrell, City resident, asked to clarify when the public can speak on matters during the meeting and noted he had some comments regarding the items under "Items for Consideration." Mayor Márquez Simula replied that "Items for Consideration" are separate from the public hearing. Mr. Morrell stated he did not understand the urgency of purchasing the two properties. He noted the \$780,000 seemed like too much money upfront. He provided some history on what the City has purchased in the past and noted that some of the properties that have been purchased by the City have still not been redeveloped. He noted when people do not speak into the microphone it is difficult to hear what is being said in the gallery. He asked why Columbia Heights is in the Top 10 All American City.

Interim City Manager Hansen replied that the All American City was awarded to Columbia Heights in 2016. The City applied and ten awards were made and noted the City is one of the ten that received an award.

Mr. Morrell provided three examples of buses speeding on Reservoir Boulevard. He suggested that including a stop sign at Reservoir Boulevard and 42nd Avenue could help prevent accidents. In addition, having police action could also help prevent accidents and provide results.

Emma Schultz, City resident, stated she is with the Versus Race Team and noted they would be hosting a cycle cross race at Huset Park on Sunday, October 8, 2023. Cycle cross racing is bicycle racing on drop bar bikes off road. She added that it is enjoyable to spectate and bring a family friend to this event in the park. Races will begin at 9 am and run through mid-afternoon. There will also be a bouncing house,

sausage vendor, and one-on-one bicycle studio that will demo bikes. She invited the community to the event.

Kathy Cooper, City resident, stated on August 2, 2023 she went to the police department and filled out a request for information to get the police report from October 15, 2021 when she feels individuals were aided and abetted by the Columbia Heights police department in trespassed on her property, and taking two vehicles. She stated her understanding that the police were supposed to protect and serve instead of abuse and financially exploit disabled elderly adults. She went to the police department two weeks later and there was no record that she had filled out the form and requested that she fill out a new one. She noted she is unwilling to do so since there is no reason she should not have the information she requested already. She added that she filled out a theft report but was told that she was unable to do so since the vehicles were in her husband's name instead of her name. She would like an answer on when she can receive the police report.

Barbra DeLaria, City resident, stated she is waiting to hear from the Council from a month ago.

Community Development Director/Assistant City Manager Chirpich replied that he would speak with Ms. DeLaria after the meeting.

ADJOURNMENT

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

Meeting adjourned at 7:15 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary