



CITY COUNCIL WORK SESSION
Public Safety Bldg—Training Room, 825 41st Ave NE
Monday, February 06, 2023
6:00 PM

Mayor
Amáda Márquez Simula
Councilmembers
Connie Buesgens
Kt Jacobs
Rachel James
Justice Spriggs
City Manager
Kelli Bourgeois

MINUTES

The following are the minutes for the Work Session Meeting of the City Council held at 6:00 pm on Monday, February 6, in the Public Safety Training Room 825 41st Avenue NE, Columbia Heights, Minnesota.

CALL TO ORDER/ROLL CALL

Mayor Márquez Simula called the meeting to order at 6:05pm

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

Also Present: Lenny Austin, Police Chief; Kelli Bourgeois, City Manager; Erin Buller, Embedded Social Worker; Aaron Chirpich, Community Development Director; Kevin Hansen, Public Works Director; Sara Ion, City Clerk/Council Secretary; Erik Johnston, Police Captain; Matt Markham, Police Captain; Eileen Sowry, Embedded Social Worker; Ben Sandell, Communications Coordinator; Jessica Torrey, Canvas Health.

WORK SESSION ITEMS

1. **Embedded Social Worker Update.**

Jessica Torery of Canvass Health led the presentation on the Columbia Heights Embedded Social Worker program.

Councilmember Jacobs stated that it thrills her that Columbia Heights was one of the first communities to have an embedded social worker.

Captain Johnston reviewed how Columbia Heights began in the program with Canvass Health. Our two-year grant period will be ending in 2023. The Department will have access to excess funds thru April 2024. The Department will look forward to applying to the Federal Government for a continuation of the grant. The Police Department would look to the Council to add this to the 2024 operating budget.

Councilmember Buesgens stated that she appreciates the program. She asked the Social Workers what resources the community needs to provide. She would like to know what the County could also provide. She also asked about what the status of the homeless population was as well. She wants to make sure that we keep this item in the budget.

Social Worker Sowry stated that she there needs to be more access to mental health services and drop in sites.

Chief Austin stated that there is money earmarked in the State Public Safety Bill. State funding can be good, but we do need to be careful with finding additional grant funding as well. Overall there needs to be a plan on building this into the budget.

Captain Johnston stated that the model we have chosen for this program has allowed us to take faster action than many other police departments.

Captain Markham stated that he is doing some upcoming training for other departments in the next week.

Councilmember James asked Eileen if she is meeting with her cohorts for ideas and support.

Social Worker Sowry stated that she has cohorts that are direct hire, she is meeting with them and it is a great resource for her and she looks forward to it.

Councilmember Spriggs stated that he would really like to focus on getting a clinic back in Columbia Heights.

Ms. Torrey from Canvass Health stated that one thing Canvass Health is looking forward to is that they will be able to do addiction treatment in the future when they are licensed.

2. Police Council Academy.

Chief Austin discussed the recent Memphis Police Video and questions that were brought to him by Councilmember Spriggs. He spoke to the partnership with the MAC here in Columbia Heights. He also addressed questions related to use of force complaints, and the follow through of the police department. This is something that can be reviewed in further depth during the Police Council Academy.

Mayor Márquez Simula asked if we have a special use of force group.

Chief Austin stated that we do not have a special group. He stated that there are several red flags with this incident, with supervision and training.

Councilmember James inquired if all use of force incidents are reviewed.

Chief Austin clarified that all use of force incidents are reviewed by Captain Markham and Captain Johnston.

Mayor Márquez Simula inquired if there was a new complaint format. She thought that it was a great way for the department to be transparent.

Chief Austin stated that there was a new form.

Councilmember Buesgens clarified that Minnesota Police Officers need a lot more training than other states.

Captain Markham stated that other states take candidates with half the college credits, some criminal background items and much lower pay.

Chief Austin would like to have a Police Council Academy, and to get a few dates on the calendar for April. He would like to do 4 or 5 days with two-hour sessions. Overall Council was better with afternoon hours after the 13th of April (1 -3pm, on Thursdays).

3. Sustainability Commission Discussion.

Presentation led by Assistant City Engineer Sulmaan Khan related to the timeline and creation of the Sustainability Commission.

Councilmember Buesgens feels that we need more members than 5 to 7. She would like to see 8 to 12 members. She is very excited to have this commission in the works.

Mayor Márquez Simula would like to see the Commissioners being able to attend conferences or travel to other cities to learn more about what other cities are doing.

Councilmember Jacobs inquired about what is happening with the Traffic Commission seats. Will they be considered a priority applicant to this commission.

City Manager Bourgeois stated that all applicants would be treated equally. Related to the budget, if the members wanted to do a project that costs money or want to attend a conference it can be factored into the budget for 2024.

Councilmember James is very excited about this commission. She would also like to see the commission reaching out to businesses and other community partners.

Councilmember Spriggs inquired if this would be a monthly commission. Would the date and time be the same as the traffic commission.

Assistant City Engineer Khan stated that yes, this would be monthly and likely would be the same day and time.

City Manager Bourgeois stated that Council will have input on when the meetings will be held.

City Engineer Kevin Hansen spoke to some of the upcoming grants that the City will be receiving and how they may play into the commission. The first grant that we will be receiving is the Central Avenue Grant. We were also recently notified that we will be receiving the Federal Safe Streets for All Grant, to do a planning action plan. This is something that the Sustainability Commission could be involved in. We will be getting more information out on these grants as they are still developing information and getting the agreement drafted for the funds.

Mayor Márquez Simula asked if this grant would cover an analysis for stop signs.

Assistant City Engineer Khan stated it will be a total city review.

Assistant City Engineer Khan stated that at the March work session there will be a draft Ordinance and possibly interview questions for review.

4. 42nd Avenue Parking Process.

City Manager Bourgeois stated that this item has to do with the Prodeo Parking issues and adding restricted parking similar to what is on 4th Street. Knowing that we are phasing out the Traffic Commission this is an item that would be brought to the Council directly.

Councilmember James clarified that this item would not be going to the Traffic Commission.

City Manager Bourgeois would like to bring the item to the fourth Monday meeting of the Month. This item is a very specific piece of the puzzle of what staff is reviewing to address this problem.

Councilmember Spriggs stated that he had stopped by the area again today. He inquired if there ever been a discussion about making a section of the street a one way? There is still parking in the restricted parking area so there needs to be more enforcement.

Mayor Márquez Simula stated that she would like to have this is in the Public Hearing section of the meeting. During the item, staff will update on what staff is able to address and what Council is specifically voting on.

5. New City Hall Update - Condominium Transfer Process (20 Minutes).

City Manager Bourgeois stated that we are now getting to the point where we will be transferring the title to the Condominium to the City. In the past the discussion has been that the City Manager would be appointed as the member of Condominium Association.

City Manager Bourgeois offered to have Councilmember James and Spriggs review all the documents related to the Condominium as they are new to the Council if they were wanting to get up to speed prior to the next meeting. She has a binder of the documents that have been previously reviewed and approved. She noted that there will be a Resolution drafted that the City Manager or Acting City Manager would hold the position for approval at the next Council meeting.

Community Development Director Chirpich would like to have a tour of the Ratio / City Hall tour soon for the new Councilmembers.

Councilmember Buesgens inquired about the occupancy rate of the building.

Director Chirpich stated that it is increasing steadily at around 40%

Councilmember Buesgens Inquired about the former Rainbow site.

Mayor Márquez Simula inquired about the Dollar store lease.

Director Chirpich stated that Alatus wants to get the demo started at the site starting this summer. He would like to do the vision planning and reintroduce Alatus to the new Council.

6. **The Legends, Columbia Heights.**

Councilmember Spriggs introduced this item to the Council. The residents of the Legends are concerned about rent increases and life safety issues. He would like to send the letter he drafted that was in the packet and would like the Council's support in sending the letter to Dominion and to other email contacts.

Councilmember Buesgens would like to also send the letter to Owen related to the life safety issues. She understands that there are issues at a federal level with preventing these rent increases. She wants to better understand why the Coon Rapids locations was able to negotiate a lesser rent increase. She would also like some signage in Spanish and Somali language at The Legends.

Mayor Márquez Simula asked if the Council was interested in acting as a body. She is concerned about the maintenance issues, like the carpets not being cleaned. She is worried about the large building in our city not being cleaned and having a blight on this important corner.

City Manager Bourgeois clarified that if the Council wanted to proceed as a body, we could put it on city letter head and send the letter.

Councilmember Buesgens is in support of sending the letter.

Councilmember Jacobs feels that this is a management issue.

Director Chirpich feels that this is less than impressive behavior from a company that is receiving State funded tax breaks.

Councilmember James thanked Councilmember Spriggs for preparing the letter and would like to send the letter.

Councilmember Spriggs stated he is very concerned that many of the residents are having to rely on SACA for food.

Councilmember Jacobs is concerned about the wording in the letter. She confirmed that now that the Council as a body has consensus it is ok to send the letter.

There was consensus from the council to draft and send the letter.

7. City Council Handbook Review.

City Manager Bourgeois lead the discussion on the items in the City Council Handbook that were being updated. Items were reviewed by page number with the Council. Once updates are made the Handbook will go before the Council for review and approval at a Council meeting.

During a conversation clarifying social media pages Mayor Márquez Simula asked if Councilmember Jacobs has a closed Facebook page.

Councilmembers James and Buesgens clarified that Councilmember Jacobs page is closed, as she has a screening question to join.

Mayor Márquez Simula and Councilmember James clarified that they have open Facebook pages, but they are not campaigning and not soliciting donations, so it is permissible per what was researched on the LMC handbook.

Councilmember Spriggs stated that he wanted to address the Council Code of Conduct with the Group. He wanted to address the investigation that occurred over the summer into Councilmember Jacobs and how the Council wants to move forward.

Mayor Márquez Simula stated that moving forward as a body, Council needs to stay on topic, not discount each other, and use council and staff time well. It is hard to talk about a code of conduct when Councilmember Jacobs has not addressed the issue.

Councilmember James stated that she is new to the Council, and she knows that she will make mistakes. She wants for the Council to own mistakes that are made, to take responsibility and apologize. There has been no agreement on what happened.

Councilmember Jacobs stated that she has lived through hell and back and she will not give it any more power. She has apologized for what has occurred. She stated that there are efforts to recall her. People want her to pay for the investigation. She is sorry that she sounds angry and bitter, but she can not do anything more than what she has done. She does not know what else to say. If anyone knew her background, they would understand that she is not racist. She was not raised to be racist. She has become completely ineffective on this council. She does not understand why anyone wants to do a recall election and spend \$30,000. She was elected to do a job, and she is not walking away from that. She feels she has not complained about people reporting her activity on social media. She has paid a great price, and she is not saying that Justice has not. Her husband has lost his family.

Mayor Márquez Simula stated Councilmember Jacobs still has a vote and she still has power and effects the council.

Councilmember Buesgens stated that Councilmember Jacobs has never taken accountability for what occurred. She stated that when she first joined the Council was one

against four. Councilmember Buesgens stated that she would have made the person Councilmember Jacobs claims made the call have consequences.

Councilmember James stated that there are no consequences for the person who made the call. She stated that the investigation stated that there was no other person anyways.

Mayor Márquez Simula clarified to Councilmember Spriggs that he heard Councilmember Jacobs voice on the call.

Councilmember Spriggs stated that the two-hour call was her phone number.

Councilmember Jacobs stated that she was not sure of the timeline she gave the investigator. The script that the family member used was something that she created, she had bullet points of concerns related to Councilmember James and Councilmember Spriggs campaign. Because of what occurred she is dealing with health concerns.

Mayor Márquez Simula confirmed that the investigator could not locate this family member who made the phone call.

Councilmember Jacobs stated that she felt that her witnesses were not called, but that Councilmember Spriggs father was a witness that was contacted. She feels that the family member who made the call can be found on Facebook.

Councilmember Jacobs was concerned that Councilmember Spriggs reached out to Mayor Márquez Simula to clarify that it was Councilmember Jacobs phone number that made the call to him.

Mayor Márquez Simula stated that the only thing they discussed was confirming the phone number.

Councilmember Spriggs stated he did not understand why she was bringing this up as an issue.

Councilmember Jacobs stated that it was irrelevant and does not put any weight into it.

Councilmember James stated that she was glad to hear Councilmember Jacobs perspective, however she does take the weight of the professional investigator higher. She is glad that this has been discussed. She wonders how Councilmember Spriggs feels, and as a broader perspective how diverse candidates may not want to run for office because they are concerned about racist comments.

Councilmember Jacobs stated that residents have voice the concern "if someone is getting beat up on the phone for two hours who stays on the phone that long".

Councilmember Spriggs clarified that he felt like he was trying to address a potential constituents' questions and concerns when he originally took the call from her and that is why he stayed on the phone for as long as he did. At the time of the call, he thought that if he hung up the person would think he could not handle the questions or could not handle the job.

He feels that Councilmember Jacobs is questioning why he stayed on the phone call. In this scenario one of side is factual and not because you are saying one thing and I am saying another. The investigator looked at the information presented and did not believe. . . .

Councilmember Jacobs interrupted Councilmember Spriggs and stated that she felt the investigation was "a draw". She felt that the investigation was complete. She felt that the investigation found her guilty and that she has been censured. The censure has stripped her of nothing other than her board and commission appointments. She has taken responsibility from her perspective and made her apologies. She walked into the investigation with full faith that it would be fair.

Councilmember Buesgens would have wanted to know the items that she disagreed with so it could have been on public record.

Councilmember Jacobs left the meeting at approximately 9:00 pm.

Councilmember Spriggs stated that he appreciated being able to discuss the topic with Council. He still has questions as to why he was shut down at the Council meeting in July when he tried to discuss this item after he received the phone call. He finds it disheartening that his heritage and racial identity was questioned and opened the City to potential liability. Immediately after the Council meeting in July Councilmember Jacobs did try to speak to him in the hall. She did call and follow up with him, but other than that she has not followed up with him.

Councilmember James commented that she has spoken with people of color in the community, and they are concerned about things like this happening. She was disappointed that all this time was just spent listening to her story.

Councilmember Spriggs stated that he wishes no ill will for Councilmember Jacobs, and has concerns for her health conditions however no one has chosen to put her in this situation. She was the one who initiated the call, and he finds it disingenuous that she claims to have left her phone unattended for six hours and had a bullet point list of all these concerns and things she had planned to use against him and his campaign.

Councilmember Buesgens stated that she heard a lot of inconsistencies in Councilmember Jacobs information this evening.

Councilmember Spriggs stated that he had been to many meetings where he had heard Councilmember Jacobs voice. It was her phone number, it was her voice, it was her

concerns related to his campaign. This was something he never thought he would encounter.

Councilmember Buesgens would like to see a professional Council that holds itself accountable. She wishes there was more she could do to fix this.

Councilmember Spriggs stated that he does not expect to get a formal apology, nor does he need one. Being in the medical field it is a concern that this behavior is placed on family member being mentally ill.

Mayor Márquez Simula has concerns that she does not take her censure seriously. She has not taken a pause in attending community events, and board and commission meetings. The community is concerned that she is taking the minimum amount of accountability. Councilmember Jacobs does not understand that there is a review of the Code of Conduct because of her behavior not just related to the investigation, but her behavior the past two years.

City Manager Bourgeois concluded the review of the Handbook with a clarification abstention votes and what is outlined in the City Charter. All votes must be an Aye or No.

Clerk Ion further clarified that if there is a full abstention due to a conflict of interest the Councilmember must step down from the dais and sit in the audience.

Mayor Márquez Simula also clarified the not voting due to conflict vs. not having enough information per the City Charter.

8. Community Forum Discussion

City Manager Bourgeois presented the updated information for the Community Forum. This new language has been reviewed by the City Attorney as well. The new language will be used at the next Council meeting.

Councilmember Buesgens liked the updated language, as well as the language for the public hearing section as well.

Councilmember James confirmed that this language will be read by the City Attorney as well.

9. Review Board and Commission Appointment Questions and Set Interview Dates.

City Clerk Ion presented information related to the vacancies on the Planning Commission, Charter Commission, Park and Recreation Commission and Library Board. Appointment timelines, and advertisement timelines were presented to the Council.

Clerk Ion asked for dates in that would work well for the Council to conduct interviews in mid March. Consensus of the Council was that the afternoon preceding the Council meeting on March 13 would work well. March 14th starting at 5:30 – 8pm would work well.

Councilmember James overall liked the questions but she wants to consider the skills and experience in contrast to people that are already on the Board and Commission.

Councilmember Buesgens would like for this to be the case so that we have different perspectives on the Board and Commissions.

Mayor Márquez Simula would like to have a way to prompt people to think about their unique perspective from the standpoint of being a diverse candidate. She has a different perspective because not everyone knows she has a background of being a person of color and her experiences.

Councilmember Buesgens does not want to make assumptions about people or re affirm stereotypes.

Clerk Ion clarified that at this time the application cannot be updated but the interview question can be.

Question 5 in the interview packet will be updated to read:

“We strive to have diverse Board and Commissions representative of our community. What unique qualities, perspectives and life experiences would you bring to this position?”

10. Discuss March 9th City Day on the Hill.

City Manager Bourgeois led the discussion on this topic. She mentioned that the City of St. Anthony attends this event as a group and asked if the Council wanted to do this as well. Councilmembers James and Spriggs as well as Mayor Márquez Simula stated that they would like to attend. Clerk Ion stated that she would register them for the event.

11. Select Date for 2023 Local Board of Appeal & Equalization Meeting / February Schedule / Confirm March Date for Joint School Board Meeting.

Dates we confirmed for the following meetings: Joint School Board Meeting on March 7, 2023 at 6pm, LBAE prior to the April 10th City Council Meeting at 5pm (if Anoka County is available). February Schedule was briefly reviewed related to City Manager dates out of office and when there would be an acting City Manager.

ADJOURNMENT

Mayor Márquez Simula adjourned the meeting at 10:20pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary