



CITY COUNCIL MEETING
City Hall—Council Chambers, 590 40th Ave NE
Monday, May 09, 2022
7:00 PM

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

MINUTES

The following are the minutes for the Meeting of the City Council held at 7:00 pm on Monday, May 9, 2022, in the City Council Chambers, City Hall, 590 40th Avenue NE, Columbia Heights, Minnesota. Due to the COVID-19 pandemic, this hybrid meeting was held both virtually and in-person.

CALL TO ORDER

Mayor Márquez Simula called the meeting to order at 7:00 pm.

MISSION STATEMENT

Our mission is to provide the highest quality public services. Services will be provided in a fair, respectful and professional manner that effectively addresses changing citizen and community needs in a fiscally-responsible and customer-friendly manner.

ROLL CALL

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

Also Present: Lenny Austin, Chief of Police; Aaron Chirpich, Community Development Director; Kevin Hansen, Public Works Director; Jim Hoeft, City Attorney; Sara Ion, City Clerk/Council Secretary; Erik Johnston, Police Captain; Ben Sandell, Communications Coordinator; Rachel James, City Resident

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Police Week Proclamation

Mayor Márquez Simula proclaimed May 15-21, 2022, “Police Week” and read the City’s proclamation.

Chief Austin accepted the proclamation and recognized the Police Officers that have died in the line of duty since 1791, including 472 in 2021, three of which were from Minnesota. He stated that 2022 marks 45 years since Columbia Heights Police Officer Curt Ramsdell was killed in the line of duty; on July 30, 1977, Ramsdell was shot when transporting a prisoner. He added that Ramsdell was with the department for 14 years and was survived by his wife and two children. He stated that they take time to remember police officers, not for the way they died, but the way they lived. Chief Austin stated that the candlelight

vigil will take place in Washington D.C. on Friday, May 13, 2022, at 7:00 pm Central and can be livestreamed at the National Law Enforcement Officers Memorial Fund website. He said that on Sunday, May 15, 2022, the Minnesota Law Enforcement Memorial Association will be conducting a memorial service at 7:00 pm at the Minnesota Law Enforcement Memorial in Saint Paul, Minnesota, at the Capitol.

CONSENT AGENDA

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

- 1. Approve April 25, 2022 City Council Meeting Minutes**
MOTION: Move to Approve the City Council Meeting Minutes of April 25, 2022.
- 2. Approve May 2, 2022 City Council Work Session Meeting Minutes**
MOTION: Move to Approve the City Council Work Session Meeting Minutes of May 2, 2022.
- 3. Accept October 2021 Charter Commission Meeting Minutes**
MOTION: Move to accept the Charter Commission Meeting Minutes of October 21, 2021.
- 4. Accept April 6, 2022 Library Board Minutes**
MOTION: Move to accept the Library Board Minutes of April 6, 2022.
- 5. Purchase of Network Equipment – New City Hall**
MOTION: Move to approve purchase of network components for the new City Hall building from PDS in the amount of \$82,890.83
- 6. Firewall Replacement**
MOTION: Move to approve purchase of 2 FortiGate 400Es from PDS in total amount of \$28,935.18
- 7. Computer Replacement**
MOTION: Move to approve purchase of departmental computer replacements from Baycom and Everyday Technology totaling \$72,505.00.
- 8. Purchase of Network Equipment – City Wide**
MOTION: Move to approve purchase of City wide network components from PDS in the amount of \$59,542.90
- 9. Approve Leo A Daly Change Order for City Hall Floorplan and Design, City Project 1911**
MOTION: Move to approve Change Order No. 1 from Leo A Daly in the amount of \$108,380 for additional work items for the new City Hall, Project 1911, to be appropriated from Fund 411.9999.43050.1911.
- 10. Approve Change Order for City Hall Snow Melt System, Project 1911**
MOTION: Move to approve Change Order No. 1 amending the Transfer Agreement with Alatus in the amount of \$167,116 for a Snow Melt System for City Hall, Project 1911, to be

funded partially through project escrow (\$12,000) and a grant obtained from the MWMO (\$131,000).

11. Approve Change Order No. 1 to Meyer Contracting for Central Avenue Sanitary Sewer Improvements, City Project 2204

MOTION: Move to approve Change Order No. 1 to Meyer Contracting, Inc. in the amount of (\$292,701.40) deduction, for a revised contract amount of \$1,819,595.29, for Central Avenue Sanitary Sewer Improvements, Project 2204.

12. Adopt Resolution 2022-56, Accepting Bids and Awarding a Contract for the 2022 Miscellaneous Concrete Repairs and Installations, City Project 2200

MOTION: Move to waive the reading of Resolution 2022-56, there being ample copies available to the public.

MOTION: Move to adopt Resolution 2022-56 being a Resolution accepting bids and awarding the 2022 Miscellaneous Concrete Repairs and Installations, City Project No. 2200, to Standard Sidewalk, Inc. of Blaine, Minnesota, based upon their low, qualified, responsible bid in the amount of \$32,835.50 from Fund 415-6400; and, furthermore, to authorize the Mayor and City Manager to enter into a contract for the same.

13. Award of Professional Services for Construction Materials Testing for Central Avenue Sewer Manhole Improvements, Project 2204

MOTION: Move to approve the proposal for Construction Materials Testing for Central Avenue Sewer Manhole Improvements, Project 2204, with American Engineering Testing, Inc. of Saint Paul, Minnesota, based on project testing requirements for an estimated cost of \$31,732.80 appropriated from Fund 652-9999-43050-2204.

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 \$1,190,951.77.

PUBLIC HEARINGS

15. Consideration of Resolution No. 2022-53 for a Conditional Use Permit and Variance for the Public Safety Site Perimeter Security Fence located at 825 41st Avenue NE

Hark reported that the City has applied for a Conditional Use Permit and Variance for the property located at 825 41st Avenue NE. The project site is home to the City's Police and Fire Departments, which was constructed in the year 2009. The applicant proposes to construct 8-foot-high perimeter security fencing in order to improve the overall security and safety of the Public Safety campus. The proposed fencing on the western and a portion of the eastern property lines will be black steel palisade anti-scale fencing with the top turned outwards. The property's proposed rear fencing will be chain link, with north and south chain link pivot gates that meet the pavement. No fencing is proposed along the site's front property line.

The subject property is located in the PO – Public and Open Space Zoning District. It is adjacent to a Planned Unit Development (PUD #2021-01) to the north, One- and Two-Family Residential District (R-2A) to the west, and Multiple-Family Residential District to the east (R-4) and the south (R-3). Since the site is directly adjacent to residential zoning districts, the fencing itself is considered “residential.” Per City Code §9.106(E)(2), fences exceeding six feet in height shall be deemed structures and shall require a Conditional Use Permit. The Zoning Ordinance further requires that fences cannot exceed seven feet in height. Because the proposed fence exceeds this height, a Variance is also requested.

The Comprehensive Plan guides this area for Institutional Use, which is consistent with its current use as the City’s Public Safety campus. The proposed perimeter security fencing is compatible with the institutional use guided for this site by the Comprehensive Plan.

Section 9.104 (H) of the Zoning Code outlines nine conditions that must be met in order for the City to grant a Conditional Use Permit. They are as follows:

(a) The use is one of the conditional uses listed for the zoning district in which the property is located, or is a substantially similar use as determined by the Zoning Administrator.

City Code §9.106(E)(2) stipulates that residential fences that exceed six feet in height shall require a Conditional Use Permit. This application is consistent with the requirements of the Code.

(b) The use is in harmony with the general purpose and intent of the comprehensive plan.

The Comprehensive Plan guides this property for institutional use. Installing a perimeter security fence around the City’s Public Safety Building is in harmony with the purpose and intent of the Comprehensive Plan.

(c) The use will not impose hazards or disturbing influences on neighboring properties.

The proposed 8-foot height perimeter security fencing should not cause hazards or disturbing influences on neighboring properties.

(d) The use will not substantially diminish the use of property in the immediate vicinity.

The proposed project should not diminish the use of the property in the immediate vicinity.

(e) The use will be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

The proposed black steel fencing is of high-quality material that is under 25% opaque. Additionally, the proposed chain link fencing will also have very low opaqueness, which will contribute to preserving the current appearance and character of the neighborhood.

(f) The use and property upon which the use is located are adequately served by essential public facilities and services.

This is correct.

(g) Adequate measures have been or will be taken to minimize traffic congestion on the public streets and to provide for appropriate on-site circulation of traffic.

This is correct. The fencing should not affect traffic congestion on public streets or on-site traffic circulation.

(h) The use will not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

This is correct. The fencing should not cause a negative cumulative effect.

(i) The use complies with all other applicable regulations for the district in which it is located. This is correct. The fence will be constructed of approved fencing materials per the Zoning Ordinance and State Building Code.

Additionally, Section 9.104 (G) of the Zoning Code outlines five conditions that must be met in order for the City to grant Variance. They are as follows:

(a) Because of the particular physical surroundings, or the 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.

The parcel in question serves as the home of the City's Police and Fire Departments. The public safety use warrants a two-foot increase in allowable fence height and is permissible by the zoning ordinance through the Variance process. 104 Item 15. Page 3

(b) 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 classification.

The specific parcel of land in question serves as the City's sole public safety center, making the conditions unique to the parcel.

(c) 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.

The variance allowing additional height on the fence will help improve the overall security and safety of the Public Safety campus.

(d) The granting of the variance is in harmony with the general purpose and intent of the Comprehensive Plan.

The property is guided for institutional use. The proposal is consistent with the general purpose and intent of the Comprehensive Plan.

(e) 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.

It does not appear that the 8-foot fencing proposed for this site would be detrimental to the public welfare or affect the overall enjoyment, use or value of the property in the area.

The applicant is requesting a Conditional Use Permit and Variance to construct 8-foot fencing around the perimeter of the City's Public Safety Campus located at 825 41st Avenue NE. In review of the application, Staff finds the Conditional Use Permit and Variance requests to be reasonable and will not negatively impact the health, safety, or welfare of the City, its residents, and property owners. On May 3, 2022, the Planning Commission unanimously voted (with two absences) to recommend approval to the City Council on this matter. Staff recommends that the City Council approve the Conditional Use Permit and Variance as presented, subject to certain conditions.

Mayor Márquez Simula opened the public hearing.

No one wished to speak.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn Jr., to close the public hearing and waive the reading of Resolution No. 2022-53, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn Jr., to approve Resolution No. 2022-53, a resolution approving a Conditional Use Permit and Variance for the Public Safety site perimeter security fence to be located at 825 41st Avenue NE, subject to the conditions stated in the resolution. All Ayes, Motion Carried 5-0.

ITEMS FOR CONSIDERATION

16. **Approve Metropolitan Council LCDA Loan Agreement**

Chirpich reported that on January 26, 2022, the Metropolitan Council awarded the City a \$1,232,000 Livable Communities Demonstration Account Development Grant (LCDA grant) to support the Reuter Walton affordable housing, and Southern Anoka Community Assistance (SACA) food shelf project that is being developed on the City's Public Safety remnant parcel. The City is required to administer the grant and distribute the funds for eligible project related costs. Eligible expenses include, stormwater infrastructure, site preparation, engineering, soil remediation, placemaking, and public art.

Of the \$1,232,000 LCDA grant, the City intends to distribute \$820,000 to Reuter Walton and \$412,000 to SACA. Reuter Walton will be using the funds exclusively for stormwater infrastructure, site grading, and soil corrections. To ensure compatibility with their overall project financing, Reuter Walton has asked the City to provide their portion of the LCDA funding in the form of a loan. This type of arrangement is common for affordable housing projects that receive LCDA funding, and the LCDA grant agreement between the City and Metropolitan Council permits such an arrangement.

The primary terms of the loan agreement and ancillary agreements are as follows: The loan term is 40 years (same term as the primary project financing); the interest rate is 1% (simple interest); payment of the loan is deferred for the full term and due in full as a balloon payment upon maturity; loan funds will only be disbursed for grant eligible expenses; loan funds will only be disbursed by the City after they are received by the Metropolitan Council; the City/LCDA loan will be subordinate to the primary project financing.

Mayor Márquez Simula congratulated them on receiving the grant and stated that the infrastructure and affordable housing is what the City needs. Chirpich said this project has utilized several sources of funding and thanked the Metropolitan Council for the grant.

Motion by Councilmember Jacobs, seconded by Councilmember Murzyn Jr., to waive the reading of Resolution 2022-54, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to approve Resolution 2022-54, a resolution approving the execution and delivery of documents in connection with a Livable Communities Demonstration Account Grant from Metropolitan Council with respect to a housing project. All Ayes, Motion Carried 5-0.

Bid Considerations

17. Accept Bids and Award Contracts for City Hall Buildout, Project 1911

Director Hansen reported that at the Special City Council meeting of March 23, 2022, the Council approved the final plans and specifications and authorized bidding for the buildout of the new City Hall. The bidding process is being administered by the Construction Manager, Doran Special Projects (DSP). Bids were obtained by two means – price quotes for cost items under \$175,000 and sealed bids for items over \$175,000. Bids were provided in 28 construction areas identified in the project specifications. The bid opening was conducted on Wednesday, April 27, 2022.

The initial bid tabulation for the City Hall Buildout (only) provided a total project cost of \$6.4 million. DSP is still analyzing the bids received so the project costs may change. The 3/23/22 budget and DSP pricing check prior to bidding established an estimate of cost (range) of \$5.3 – 5.7 million. While the project budget was updated to reflect anticipated

price increases due to inflation, pandemic induced supply chain disruptions, and labor shortages, the bids received exceeded those estimates.

Based on evaluation of the bids received, DSP is recommending either award of contract or reject and rebid (in an effort to reduce costs) as follows:

PUBLICLY BID: 6A Carpentry Install \$120,000; 6B Architectural Woodwork Reject and Rebid; 8A Aluminum Frame Entrances Reject and Rebid; 9A Gypsum Board \$599,969; 9B Ceramic Tile Reject and Rebid; 9C Acoustical Panel Ceilings \$332,833; 22A Plumbing Reject and Rebid; 23A HVAC \$1,170,000; 26A Electrical \$746,000; 27A Data Communications \$127,537.

Director Hansen stated that those that are rejected and rebid would be brought back to the Council on June 6, 2022, for approval.

BID QUOTES: 1A Final Cleaning \$9,637; 4A Concrete Masonry and Stone \$222,275; 5A Metal Fabrication Materials \$20,835; 5B Metal Fabrication Installation \$11,600; 7B Joint Sealants \$9,670; 8B HM Doors/Frames \$90,078; 9D Tile Carpeting \$129,900; 9E Painting \$69,675; 10A Signage \$11,560; 10B Specialties \$52,202; 10C Fireplace \$20,550; 11A Appliances \$5,000; 12A Roller Window Shades \$23,755; 12B Quartz Countertops \$103,228; 21A Fire Suppression \$142,390; 27B AV Communications Reject and Re-quote; 28A Security Systems Reject and Re-quote; 28B Fire Detection and Alarm \$21,995.

Director Hansen said that the bid quotes were the items that were estimated to be below \$175,000, those that are recommended to be rejected and requoted came in above that amount.

The bid tabulation was included for each section. The bids were reviewed and tabulated by DSP and their recommendation letter was included. In each bid section, the low bidder was provided for contract award. Staff concurs with DSP's recommendations in both the publicly bid and quoted categories and recommends accepting and awarding 22 contracts.

Motion by Councilmember Buesgens, seconded by Councilmember Jacobs, to accept bids and award contracts, and reject bids and authorize rebidding, for the City Hall Buildout, Project 1911, to contractor(s) as listed on the attached summary, based upon their low, qualified, responsible bids, in the total amount identified in each category, with funding from Fund 411.9999.45120.1911, and furthermore, to authorize the Mayor and City Manager to enter into contracts for the same. All Ayes, Motion Carried 5-0.

18. Approve Furniture Acquisition for City Hall Buildout, Project 1911

Director Hansen reported as they are in the project bidding stage for the buildout of the new City Hall, other aspects also need to be developed, approved and ordered to be ready for the opening for late Fall 2022. The contract with Leo A Daly included design and project administration for FF&E – furniture, fixtures, and equipment. As furniture can currently

have a lead time of 10-14 weeks, procurement needs to occur now to allow for an October installation.

Staff used a process similar to the City Library for the furniture, fixtures and equipment selection process. Site visits to multiple vendors occurred (Fluid Interiors, Henricksen, General Office Products & iSpace); furniture manufacturers and their product lines were reviewed and a single vendor was selected. As the selected vendors had contract pricing available on Contract Purchasing Agreements such as the State of Minnesota, Omni, or Sourcewell, competitive bids were not necessary.

A review committee with representatives from each department in the new City Hall participated in the vendor selection and chose Fluid Interiors. (As a side note - Fluid Interiors provided the furniture for the Fridley City Hall). The review committee worked with Fluid and LAD in the development and selection of FF&E for the new space. In the current economy, the primary furniture manufacturer (Haworth) informed us that an 8% price increase would occur for all orders placed after April 30th of this year. To avoid the cost increase a partial order was placed with Haworth furniture for office and work station furniture. Another order completing the FF&E for the new City Hall will be presented to the City Council at a later date.

Staff recommends approving the partial order of Haworth furniture from Fluid Interiors in the amount of \$311,993.15.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn Jr., to approve the partial furniture purchase from Fluid Interiors for office and work station furniture in the amount of \$311,993.15 from Fund 411.9999.45180.1911. All Ayes, Motion Carried 5-0.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Councilmember Jacobs stated she wanted to make a correction to a statement she made at the previous meeting regarding her visit to the Sister City, she misstated that there were 3,000 refugees but there are roughly 2,000 refugees. She said she attended the recent "Coffee with a Cop" and the drug drop off; attended a premiere viewing of the Inn-Dependent, which is airing on Channel 5 for the next several Saturdays at 7:00 pm, it follows the journey of nine local women who came together to purchase, renovate, and rebrand a local bed and breakfast into the guesthouse. She stated she facilitated seven resident reach outs; she acknowledged that May is the national observation of Asian American Pacific Islander Heritage month and stated that there are a number of Asian Americans and Pacific Islanders living in the City; she listed several of those that made substantial contributions to our history.

Councilmember Buesgens stated that the Lomianki Food Forrest group met to start planning the planting and cleaning up of the garden Lomianki Park; she invited anyone who wanted to help on Tuesdays at 5:30 pm through the end of summer or early fall. She said she attended the Parks and Recreation meeting; was part of the "Central Avenue, Bring Back Our Main Street" group; was outside

the Iftar Dinner that was hosted at Murzyn Hall, had conversations with community members about their concerns about Central Avenue, and was invited in to the Iftar Dinner; attended the take back of prescription drugs and “Coffee with a Cop; attended the Planning Commission meeting; had a meeting with MN DOT in regards to the “Central Avenue, Bring Back Our Main Street” meeting that is being planned for June 2022; had coffee with the Fire Department at Heartlake Apartments; and met with the Central Avenue committee to plan the meetings in June 2022.

Mayor Márquez Simula thanked Councilmember Jacobs for mentioning that it is Asian American Pacific Islander Heritage Month. She stated that May is also Mental Health Month, reminded people that there is support out there, and there will be a proclamation at the next meeting; she said that we need to work on the stigma that mental health is a problem that people should not be addressing. She stated that May is also Garden for Wildlife Month; people can plant native plants, leave fresh water out, have bushes and plants that can provide cover for wildlife. She attended the Cinco de Mayo Celebration with the Fire Department at Heartlake Apartments; she is teaching a Wednesday evening, “Discussing Race and Racism” with First Lutheran Church; had Tibetan Community Zoom meeting last week, it was well attended; attended the Fridley and Columbia Heights Rotary Operation Pollination meeting, along with the City Forester and members from the School District; attended the EDA meeting and work session meeting last week; helped stop by the Police Iftar that was hosted at the Columbia Heights mosque; had a Mayor’s Monarch Pledge and national meeting with the National Wildlife Federation; attended a Girl Scout River Valley Council interview; met with MN DOT; reminded everyone of “No Mow May” (yard signs are available for \$15.00 in utility billing), leaving dandelions and clovers for bees and small pollinators that are just coming out of the ground.

Report of the Public Works Director

Director Hansen reported that 37th Avenue water main structure lining is going well; there will be a residential meeting on May 24, 2022, for the street zone rehab work, and the contractor plans on starting work in the last week of May and working through the end of the summer; the schedule for sanitary sewer work on Central Avenue is pending due to a delay in scheduling materials. He stated that CenterPoint Energy has been doing a large amount of gas line replacements in the City.

COMMUNITY FORUM

Mayor Márquez Simula opened the community forum.

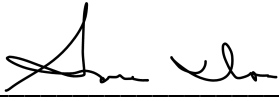
Rachel James, City resident, thanked the Council for their decisions they made in the work sessions to continue to keep their democracy open, transparent and accountable. She stated she appreciates the opportunity to attend via Zoom, that residents can watch the meetings on the community channel, that she can speak during the community forums, and for the Councilmembers that voted for the work sessions to continue to be available via Zoom. She added she is thankful for the opportunities for residents to speak at the meeting and voice their concerns.

ADJOURNMENT

Motion by Murzyn Jr., seconded by Councilmember Novitsky, to adjourn. All Ayes, Motion Carried 5-0.

Meeting adjourned at 7:39 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary