



CITY COUNCIL MEETING
City Hall—Council Chambers, 590 40th Ave NE
Monday, September 26, 2022
6:00 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 6:00 pm on Monday, September 26, 2022, in the City Council Chambers, City Hall, 590 40th Avenue NE, Columbia Heights, Minnesota.

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 Murzyn, Jr.; Councilmember Novitsky

Also Present: Airreon Austin, Police Officer; Ricardo Basurto Ayala , Police Officer; Kelli Bourgeois, City Manager; Aaron Chirpich, Community Development Director; Jackie Urbaniak, Police Sergeant; Leon Fletcher, Police Officer; Jim Hoeft, City Attorney; Sara Ion, City Clerk; Joe Kloiber, Finance Director; Jason Piehn, Police Sergeant; Becky Romanik, Police Lead Records Technician; Angela Montero, City Resident; Jack Isrealson, City Resident; Amanda Fulk, Alexandra House Community Engagement Coordinator; Naty Severson, School Liaison; Rachel James, City Resident

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Hispanic Heritage Month Proclamation

Mayor Márquez Simula proclaimed September 15, 2022 – October 15, 2022, as “Hispanic Heritage Month” and read the City’s proclamation.

Angela Montero, City Resident, then read the proclamation in Spanish.

B. National Recovery Month Proclamation

Mayor Márquez Simula proclaimed September 2022 as “National Recovery Month” and read the City’s proclamation.

C. Polish American Heritage Month Proclamation

Mayor Márquez Simula proclaimed October 2022 as “Polish American Heritage Month” and read the City’s proclamation.

Mayor Márquez Simula acknowledged the members from the Sister City organization that were in attendance.

D. Library Card Sign Up Proclamation

Jack Isrealson, City Resident, and member of the Youth Commission read the City's proclamation which proclaimed September 2022 as "Library Card Sign Up Month".

D. Domestic Violence Awareness Month Proclamation

Mayor Márquez Simula proclaimed October 2022 as "Domestic Violence Awareness Month" and read the City's proclamation.

Amanda Fulk, Alexandra House Community Engagement Coordinator, accepted the proclamation.

Fulk stated that during Domestic Violence Awareness Month, Alexandra House has a few initiatives that they are holding in October 2022 in order to promote awareness about domestic violence, support victims and survivors, and remember those that they have lost in the County. Fulk said that over the past weekend there was the event, "Hope Fest", where they had a walk to build awareness. She added that throughout October, residents can put up a yard sign in support of victims and survivors or light their house or any other area in purple. She stated that they could also participate in "Purple Thursday" which helps to spread awareness and talk about those conversations of what contributes to a healthy, unhealthy, and abusive relationship. Fulk said that all the event information is listed on their website along with other resources and ways to volunteer.

E. Police Staff Introductions

Police Chief Austin stated that the department just recently promoted a few Staff. He said that Becky Romanik was promoted to Lead Records Technician, Sergeant Jackie Urbaniak was promoted to Sergeant and has been with the department since 2016, and Sergeant Jason Piehn was promoted to Sergeant and has been with the department since 2005. Chief Austin then introduced the department's new officers: Officer Airreon Austin, Officer Ricardo Basurto Ayala, and Officer Leon Fletcher.

The new officers introduced themselves to the Council.

Romanik and Sergeant Urbaniak thanked the Council for their new opportunity at the City.

Sergeant Piehn stated that he's been with the department for 17 years and this promotion is another step in the progression of his commitment to the City. He thanked the City for making a commitment in him and for the mentorship he has received; he pays forward the mentorship in the same respect. Sergeant Piehn said he is honored to work with the newest officers to the seasoned veterans in the department.

F. School Liaison Guest

Naty Severson, School Liaison, provided the Council with a “Back-to-School” update. She stated they implemented a “Heighten Up Plan” which hopes to progress students in their learning after COVID. Severson stated that they are focusing on the idea of transformation, which puts emphasis on pushing the dial forward rather than staying in the status quo; by evaluating inequitable outcomes, health and safety, focusing on literacy, collaboration, community, and student voice which allows students to give feedback to administration. Severson thanked Mayor Márquez Simula for bringing gifts on her trip to students in Poland. She said that they are having their “Alumni Foundation Dinner” on October 27, 2022, that supports scholarships from the community. She reminded residents and emphasized to pet owners that October 14, 2022, is homecoming and that there will be fireworks after the game.

Mayor Márquez Simula asked about if there was a fire truck parade. Severson stated she was not aware of one.

Mayor Márquez Simula asked which team they were playing. Severson did not know but Isrealson, who was in the audience, stated it was Roosevelt.

Mayor Márquez Simula stated that the teachers in Poland were thankful for the t-shirts and the other presents that were provided by the school district.

CONSENT AGENDA

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

- 1. Approve September 6, 2022 City Council Work Session Meeting Minutes**
MOTION: Move to approve the September 6, 2022 City Council Work Session Meeting Minutes.
- 2. Approve September 12, 2022 City Council Meeting Minutes**
MOTION: Move to approve the September 12, 2022 City Council Meeting Minutes.
- 3. Adopt Resolution 2022-81, Appointing Youth Commission Members**
MOTION: Move to waive the reading of Resolution 2022-81, there being ample copies available to the public.
MOTION: Move to adopt Resolution 2022-81, appointing Youth Commission members.
- 4. Approve Contract for Bulky Item Removals**
MOTION: Move to approve a four-year contract with Shoreview Hunks LLC (a franchise of College H.U.N.K.S. Hauling Junk & Moving) for professional bulk removal services; and, authorize the Mayor and City Manager to enter into an agreement for the same.
- 5. Acquisition of Temporary and Permanent Easements at 3701 Reservoir Boulevard, Project 2110**
MOTION: Move to approve payment of \$25,000 to Fadia Salem at 3701 Reservoir Boulevard, for permanent and temporary easements, Project 2110.

- 6. Adopt Resolution 2022-83, Establishing Amount of City Share and Amount of Special Assessments on Projects to Be Levied**
MOTION: Move to waive the reading of Resolution 2022-83, there being ample copies available for the public.
MOTION: Move to adopt Resolution 2022-83, being a resolution establishing amount of City share and amount of special assessments on projects to be levied.
- 7. Adopt Resolution 2022-84, Designating “No Parking” on the North Side of 37th Avenue from Central Avenue to 100 Feet East of Hayes Street, continuing 425 Feet East of Hayes Street to Stinson Boulevard; and on 37th Place from 37th Avenue to Stinson Boulevard**
MOTION: Move to waive the reading of Resolution 2022-84, there being ample copies available to the public.
MOTION: Move to adopt Resolution 2022-84 designating “No Parking” on the north side of 37th Avenue from Central Avenue to 100 feet east of Hayes Street, continuing 425 feet east of Hayes to Stinson Boulevard; and on 37th Place from 37th Avenue to Stinson Boulevard.
- 8. Adopt Resolution 2022-85, Ordering Preparation of a Report for 37th Avenue Street Reconstruction and Multi-use Trail**
MOTION: Move to waive the reading of Resolution 2022-85, there being ample copies available for the public.
MOTION: Move to adopt Resolution 2022-85, being a Resolution ordering preparation of a feasibility report for 37th Avenue and 37th Place Street Rehabilitation and Multi-use Trail, Project 2110.
- 9. Adopt Resolution 2022-86, Ordering Preparation of a Report for 53rd Avenue Turnabout and Street Rehabilitation from Central Avenue to 1,100 Feet West**
MOTION: Move to waive the reading of Resolution 2022-86, there being ample copies available for the public.
MOTION: Move to adopt Resolution 2022-86, being a Resolution ordering preparation of a feasibility report for 53rd Avenue Turnabout and Street Rehabilitation from Central Avenue to 1,100 Feet West, Project 2007.
- 10. Adopt Resolution 2022-87, Ordering Preparation of a Report for 53rd Avenue Trail, Sidewalk and Street Rehabilitation from 1,100 feet West of Central Avenue to University Avenue**
MOTION: Move to waive the reading of Resolution 2022-87, there being ample copies available for the public.
MOTION: Move to adopt Resolution 2022-87, being a Resolution ordering preparation of a feasibility report for 53rd Avenue Trail, Sidewalk and Street Rehabilitation from 1,100 feet west of Central Avenue to University Avenue, Project 2305.
- 11. Rental Occupancy Licenses for Approval**
MOTION: Move to approve the items listed for rental housing license applications for

September 26, 2022, in that they have met the requirements of the Property Maintenance Code.

12. License Agenda

MOTION: Move to approve the items as listed on the business license agenda for September 26, 2022, as presented.

13. 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 \$1,953,478.45.

ITEMS FOR CONSIDERATION

Ordinances and Resolutions

14. Resolution 2022-74, Adopting a Proposed Budget for the Year 2023, Setting the Proposed City Levy, Approving the HRA Levy, Approving a Tax Rate Increase, and Establishing a Budget Hearing Date for Property Taxes Payable in 2023

Director Kloiber reported that as required under the city charter, the city manager provided the Council with a proposed 2023 budget and tax levy at a regular council meeting in August. That document explains the proposed 2023 budget with summary and detail information, including comparisons to both the current year budget and to two prior years of actual expenses and it is available on the city website.

He stated that the draft resolution includes one change recommended by Staff from the August version of the proposed budget. To clarify, a new budget disclosure now required by state law to be included in the annual Notice of Proposed Property Taxes to be mailed to each property owner by the County, Staff recommends including the Public Improvement Revolving (PIR) Fund 415 in the proposed budget for informational purposes. This does not change the proposed property tax levy. This recommendation, as well as a review of the overall 2023 proposed budget, were presented to the Council at the September 6, 2022, work session.

Staff notes that until now, the budget for PIR Fund 415 has been approved on a project basis by the Council through the separate statutory process for adopting special assessments. Including PIR Fund 415 for informational purposes in the annual proposed budget resolution will not eliminate the requirement for the Council to hold separate public hearings to adopt any new special assessment rolls. This year, those special assessment hearings will be held on October 4, 2022.

Director Kloiber said that by statute, the Council must adopt a proposed budget and tax levy resolution by September 30, 2022. The Council must also adopt a final version at a budget hearing December 12, 2022. The final tax levy can be less than, but not greater than, the proposed levy adopted in September.

Motion by Councilmember Buesgens, seconded by Councilmember Murzyn Jr., to waive the reading of Resolution 2022-74, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Buesgens, seconded by Councilmember Jacobs, to adopt Resolution 2022-74, being a resolution adopting a proposed budget for the year 2023, setting the proposed city levy, approving the HRA levy, approving a tax rate increase, and establishing a budget hearing date for property taxes payable in 2023 of December 12, 2022, at approximately 6:00 p.m. in the city council chambers. All Ayes, Motion Carried 5-0.

15. Consideration of a Rental License Exemption for 5149 University Ave NE

Director Chirpich reported that on September 16, 2022, the owner of 5149 University Avenue NE, reached out to the community development department requesting an exemption from the single-family rental moratorium. Included for the Council was the letter that Staff received. Section 2 of Ordinance 1678, which established the single-family rental moratorium, states that “The City may make exception for any application in individual cases in the event that extreme financial hardship as determined by the City in its sole discretion”, as it is the homeowner’s right to appeal to the Council. Staff brought forth the appeal along with supporting documents for discussion and review.

Director Chirpich stated that if approved, Resolution 2022-82 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 three months from the passage of the resolution which 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 license will be revoked without the ability to renew. The homeowner will then have to apply for a traditional rental license. At this time the moratorium and all its changes shall be in effect and the traditional license application will be subject to any limitations and requirements adopted into the city code. The resolution clearly states that by giving the homeowner a temporary license it is in no way ensuring that a traditional license shall be given or available after the revocation of the temporary license by the City.

Staff recommends approving Resolution 2022-82, approving the single-family rental exemption request for the rental application at 5149 University Avenue NE.

Councilmember Buesgens asked about after the moratorium expires and the new code is in effect, if this house is in an area where it is above the 10% density that it wouldn’t be able to be a rental. Director Chirpich stated that was the case and that Staff did an analysis of the ratio in this vicinity under the current map as drafted and a license wouldn’t be available.

Councilmember Jacobs stated she was concerned that part of the reason for the moratorium was to address issues with landlords that are not local. She asked for clarification on his letter, stating that it is assuming that the rent would cover his mortgage payment. Chirpich stated he thought this was the case but couldn't speak for the owner.

Councilmember Jacobs asked further about how he would have money for purchasing a new home and stated how most companies will help with relocation costs. She said she was disappointed the owner was not in attendance that evening to answer questions.

Mayor Márquez Simula stated that she sees how Staff doesn't think this is going to become a problem next year, if the potential proposed ordinance that puts a rental density cap in place. Director Chirpich stated this is going to be discussed and considered over the next twelve months.

Mayor Márquez Simula asked if the property is not qualified for renting now. Director Chirpich said that because of the moratorium the inspection has not been completed so Staff doesn't have that information.

Councilmember Murzyn Jr. clarified that the inspection has not been completed to know that it can be a rental. Director Chirpich said that any new applicants would have an inspection completed by the Building Official to determine if there are any health and safety code issues but that didn't take place because of the moratorium. He said that if it didn't pass, it would be similar to other rentals prior to the moratorium, and the applicant would not receive a license until its compliant.

Mayor Márquez Simula asked when the rental license would expire, specifically if it would be the length of the moratorium. Director Chirpich stated that the applicant would need to secure the rental license within three months, and then the rental license would be in effect for one-year from the approval so there would be a little bit of a buffer if there is a change to the city code.

Councilmember Jacobs asked about if the applicant gave any timeline of when he interviewed and when he needed to relocate for the job. Director Chirpich said that Staff has only spoke to a representative of the applicant, which is the property management company, who the owner hired to help take care of the property and work through the licensing process.

Councilmember Jacobs stated that the owner's letter leaves a lot up for interpretation because the owner states that he would have to sell the home for less than market value, which could mean that the house needs work, so there are still several questions without the applicant or the management company in attendance.

Councilmember Novitsky asked if this consideration could be delayed as the letter provides more questions than answers and neither the owner or the property manager are in attendance to answer questions. He stated he is not for approval at this time.

Councilmember Jacobs stated she would be interested in delaying it or she will vote against it.

Councilmember Buesgens said she wasn't against it because this was just to get the application started and the house will be inspected to make sure it is compliant and it's temporary. She also said it is unlikely to be a rental in the future.

Mayor Márquez Simula stated that there doesn't seem to be a risk to the City approving this and Staff has pointed out that they have three months they need to be ready to have it licensed, it provides the owner with the option to rent it as he is moving forward, and the owner knows that he will unlikely be able to rent it in the future.

Councilmember Novitsky stated the moratorium was put in place for this reason, for absentee landlords and property management that cannot show up.

Councilmember Murzyn Jr. said that if they wanted this, someone should have showed up to answer the questions. He stated if it's postponed that it should be explained to the applicant and property management company that someone needs to appear to answer the Council's questions and that he would like to postpone the decision.

Mayor Márquez Simula stated she would still like to have the vote tonight so a decision can be made if the applicant can move forward.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to waive the reading of Resolution No. 2022-82, 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 No. 2022-82, a resolution approving the single-family rental exemption request for the rental application at 5149 University Ave NE, Columbia Heights, MN 55421. A roll call vote was taken. 2 Ayes, 3 Nays. Motion Failed 2-3 (Jacobs, Murzyn Jr. and Novitsky opposed).

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Councilmember Murzyn Jr. thanked those who attended the VFW's flag retirement ceremony, and stated the flags were disposed of properly.

Councilmember Jacobs stated that she attended the flag retirement ceremony; attended the candidate forums; attended the World Fest in Blaine and the Ukrainian Festival; attended the oath ceremony for the new officers; and before the meetings that evening, attended the promotions ceremony for the police department's staff. She said she facilitated three resident reach outs.

Councilmember Buesgens said that her and some residents rescued four feral kittens; they were unable to catch the mother to be able to spray her and return her to the neighborhood, but the kittens are being fostered until they can be adopted. She attended the Mississippi Watershed Management Organization Meeting and stated that they will be raising their levy due to an increase in costs. Buesgens stated that she continues to volunteer at the Blooming Sunshine Gardens, where they still have some tomatoes, peppers, and eggplant; there is a 5-foot diameter thyme plant. She attended the MN Climate Adaptation meeting that focused on climate change is affecting people's mental health and possible solutions; attended the Metro Council Housing and Economic Committee meeting; attended the swearing in of Officers Basurto and Fletcher. She stated that her and her husband had a date night through the Parks and Recreation program for the family paddling on Silver Lake. Buesgens said she was briefly able to attend the police department's promotion ceremony earlier that evening.

Councilmember Novitsky stated that the schools are doing great, and the teams are doing well; he said he also attended the police ceremony that evening.

Mayor Márquez Simula stated that she traveled to Lomianki, Poland, Sister City, and attended their WWII remembrance events and she hopes to do a presentation at the library soon. She said that she unfortunately had to miss the mayoral candidate forum but was able to send in her statement.

Report of the City Manager

Manager Bourgeois stated that the Boards and Commissions Ice Cream Social will be held September 29, 2022, at 5:00 pm at the Public Safety Building. She said that the "Movie in the Park" will be on September 30, 2022, "Encanto" with Spanish subtitles, at McKenna Park at 7:15 pm. Manager Bourgeois said that the assessment hearings will be held on October 4, 2022, beginning at 5:30 pm. She stated that yard waste pickup started, and Forester Liam Genter is still looking for adopt-a-tree volunteers to contact him at Public Works.

COMMUNITY FORUM

Mayor Márquez Simula opened the community forum.

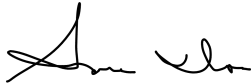
Rachel James, City Resident, thanked the Council for directing an investigation into the allegations of Councilmember Jacobs. She stated that there was no mention of the special council meeting that will be held on September 28, 2022, at 2:00 pm to discuss and receive the report; she is thankful the City decided to make the report public for transparency. She further stated that finding number one from the report from the independent investigator said, "Based upon a ponderous of evidence into allegations against Kt Jacobs regarding the July 24, 2022, phone call to Justice Spriggs are sustained" and the second finding, "Based upon the same ponderous of evidence, Kt Jacobs has been untruthful regarding the July 24, 2022, phone call." She said that based on those findings she would like to request that the Council does a public censure and a removal from commissions and boards representing citizens. James stated that she was uncomfortable having a councilmember who has been found through an independent investigation to be untruthful. She further thanked the City for making the public meeting available via Zoom.

ADJOURNMENT

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

Meeting adjourned at 7:05 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary