



CITY COUNCIL MEETING
City Hall—Council Chambers, 590 40th Ave NE
Monday, September 12, 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 12, 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: Kelli Bourgeois, City Manager; Aaron Chirpich, Community Development Director; Kevin Hansen, Public Works Director; Jim Hoeft, City Attorney; Sara Ion, City Clerk; Sulmaan Khan, Assistant City Engineer; Will Rottler, Community and Events Specialist; Ben Sandell, Communications Coordinator; Thomas Zahn, Historical Context Study Conductor; Carolyn Laine, Charter Commission Vice President; Jamie Bordewick, City Resident; Cliff Johnson, City Resident

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.

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. Historical Context Study Presentation

Community and Events Specialist Rottler stated that in 2020, the City was awarded a Minnesota Historical & Cultural Heritage Grant from the Minnesota Historical Society for a historical context study. From 2021-2022, Tom Zahn and his team compiled research on the City. Earlier this year, Zahn submitted his final report to Minnesota State Historic Preservation Office, which was approved in July.

Rottler thanked Tammy Schmitz for leading this project, member of Centennial Committee, and Crystal Boyd of the Golden Valley Historical Society. He stated that with their work, the City received a grant for \$9,750 from the Minnesota Historical Society.

Rottler introduced Zahn who provided an overview of the study. The study covered from 1863-1975, into modern architecture. Themes included in the study were: early settlement, urban expansion, suburban development, transportation, commerce and industry, cultural life, city services and utilities, and residential architecture. Zahn stated that the study is used as a framework for evaluating historic resources, as an organizational tool for categorizing the past, as a planning tool for guiding future city planning, and educational sources for outreach activities advocating a sense of pride in the community's history. He added that the study identifies properties that had significant contributions to the City's history or persons of significance to the community's past and also those properties that may be eligible for evaluation for the registrar of historic places.

Mayor Márquez Simula made note of the water filtration plant and a few historical homes within the City. The Council thanked Zahn for his presentation.

Rottler stated that the report was sent to Tom Letness, Heights Theater Owner, who was unable to attend that evening, but said that Letness stated that the City should support an evaluation of eligibility of the Heights Theater to the national registrar of historical places. He said that he would defer to Zahn and Staff to look into next steps.

Recognition of the 2022 Northern Lights Awards

Communications Coordinator Sandell stated that every year, the Minnesota Association of Government Communicators, a statewide non-profit composed of communications and community engagement staff from all government organizations within the State, holds the Northern Lights Awards to honor special achievements in a range of categories. Out-of-state judges score all entry submissions and choose to recognize winning entries in one of four awards categories: merit, bronze, silver, and Northern Lights. The bronze, silver, and Northern Lights awards go to one entry in each category while the merit awards may go to multiple submissions.

Sandell said that in 2022, the City of Columbia Heights earned four MAGC awards which included: Northern Lights 1st Place in the category of Community Engagement for "Roll Call, a CHPD Podcast", Northern Lights 1st Place in Photography for Fire Burn Demo photo, Silver Award, 2nd Place in website design for the City's website redesign, and Bronze Award, 3rd Place in Special Events for the 2021 Centennial Celebration.

Rottler stated the Centennial Celebration was a lot of fun, several groups contributed, and that the podcast is another way to reach residents and have police department and other members of the community share their story.

The Council congratulated Sandell and Rottler.

Mayor Márquez Simula asked about possible submissions for 2022. Sandell stated that the newsletter or annual report, videos that Rottler works on, SnowBlast event, and Centennial Calendar are all possibilities.

Introduce Sulmaan Khan, Assistant City Engineer

Director Hansen introduced Khan and stated he comes from MNDOT, where he worked for 16 years. He further stated that the City is happy to be onboarding Khan with his background and experience as the City works with the State on several projects.

Khan stated he is pleased to be there; he has considered the City a second home and has several family members who have lived in the area and he himself has visited the mosque there. He said he looks forward to working with the Council and the community.

Mayor Márquez Simula welcomed Kahn and thanked him for attending that evening.

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 August 22, 2022 City Council Meeting Minutes**
MOTION: Move to approve the August 22, 2022 City Council meeting minutes.
2. **Approve July 5, 2022 EDA Meeting Minutes**
MOTION: Move to approve the July 5, 2022 EDA Meeting Minutes.
3. **Approve August 3, 2022 Planning Commission Meeting Minutes**
MOTION: Move to approve the Planning Commission Meeting Minutes of August 3, 2022.
4. **Accept August 3, 2022 Library Board Minutes**
MOTION: Move to Accept the Library Board Minutes from August 3, 2022.
5. **Approve Change Order for Replacement of Unit #456: Recreation Department Passenger Van**
MOTION: Move to approve Change Order authorizing the additional \$12,497 for replacement of Unit #456 and purchase one (1) new 2023 Ford Transport T-350 XLT from Ford of Hibbing in the amount of \$58,985 which includes tax, freight and license off the State of Minnesota purchasing contract, to be funded through the City's Capital Replacement Fund.
6. **Resolution 2022-79 Authorizing Certain 2022 Inter-Fund Transfers**
MOTION: Waive the reading of Resolution 2022-79, there being ample copies available to the public.
MOTION: Approve Resolution 2022-79, transferring fund balance to the Governmental Equipment Fund 431 and the Governmental Buildings Fund 411 in the amounts of \$2,000,000 and \$3,331,655 respectively, from the City and Economic Development Authority Funds listed in the resolution.
7. **Approve Resolution 2022-080 Authorizing the Pursuit of the Safe Streets for All Planning Grant**
MOTION: Move to waive the reading of Resolution 2022-080, as there are ample copies

available to the public.

MOTION: Move to adopt Resolution 2022-080 authorizing the pursuit of the Safe Streets for All Planning Grant.

8. Rental Occupancy Licenses for Approval

MOTION: Move to approve the items listed for rental housing license applications for September 12, 2022, in that they have met the requirements of the Property Maintenance Code.

9. License Agenda

MOTION: Move to approve the items as listed on the business license agenda for September 12, 2022, as presented.

10. Review of Bills

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8 the City Council has reviewed the enclosed list to claims paid by check and by electronic funds transfer in the amount of \$2,289,333.78.

PUBLIC HEARINGS

11. First Reading of Ordinance 1681, Amending Chapter 2 Section 9 of the City Charter Regarding Vacancies in the Council

Charter Commission Vice President Carolyn Laine stated that on July 21, 2022, the Charter Commission held a seconding reading of the proposed amendment to the City Charter, Chapter 2 Section 9. The Charter Commission has recommended that the Council amend the Charter by Ordinance to shorten the length of vacancy. She stated that with the proposed change, the Council would interview candidates that submit an application in a manner they agree upon, and the Council would vote for an appointment within 45 days of the vacancy; if there is deadlock with a vote of 2-2 for three votes in a row, the mayor would then have 15 days to appoint from the remaining applicants.

Mayor Márquez Simula opened the public hearing.

Cliff Johnson, City resident, stated he agrees with shortening the length of time for the appointment but doesn't agree with if there is a deadlock that the mayor chooses. He believes it is undemocratic to give one person the power and it's a disincentive for the Council to work out an appointment because as long as the mayor has one person who votes similar with them, there isn't any reason for them to change their vote because in 15 days, they can ultimately choose. Johnson recommended rank choice voting as a solution or drawing out of a hat, which then is more incentive for the Council to just come to an agreement.

Laine stated she is in support of rank choice voting; however, the Charter Commission as a whole is not.

Councilmember Jacobs asked if Laine knew of the number of Charter Cities that use this same method as proposed. Laine stated of the 107 Charter Cities, she does not know how many use this method.

Mayor Márquez Simula asked what the current process is and how long it takes for an appointment. Laine stated that if the Council cannot decide, it goes back to the Charter Commission, and they can decide if it goes to the voters.

Mayor Márquez Simula clarified her question and asked how many days the Council has to choose an appointment currently. Laine stated it is 95-105 days.

Councilmember Novitsky stated that they do take long, and the timeframe should be shortened but he doesn't agree with the mayor having "two votes", one for the tie, and then to make the appointment. He suggested that the Council would sit down and discuss the appointment further.

Councilmember Buesgens stated she was fine with the change and that this happens rarely. She asked the Council what anyone would suggest we do, and it would be up to the Charter if we send it back.

Councilmember Jacobs said that she agrees with the Council to shorten the timeframe. She doesn't believe it's the Council's responsibility to come up with an alternative, it's the Charter Commission's, and that she has concerns about the mayor casting a vote, and then making the appointment.

Mayor Márquez Simula stated she would like to come up with an alternative because it had been discussed by the Charter Commission since 2017. She further noted that other cities handling this process this way is wisdom of how it works and the Council to move forward.

Councilmember Jacobs said even though this has been an issue since 2017, it hasn't been a continuous effort since that timeframe.

Laine said with the pandemic, four meetings weren't held, but it has been discussed several times that they want to be "done with it". She said that at some point the appointment has to be decided and the appointment by the mayor happens so rarely.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to close the public hearing and waive the reading of Ordinance No. 1681, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Buesgens, to set the second reading of Ordinance No. 1681, being an Ordinance Amending Chapter 2 Section 9 of The City Charter for September 26, 2022, at approximately 6:00 p.m. in the City Council Chambers. A roll call vote was taken. 2 Ayes, 2 Nays, 1 Abstention (Jacobs and Novitsky opposed, Murzyn Jr. abstained). Motion Failed 2-2-1.

ITEMS FOR CONSIDERATION

Ordinances and Resolutions

12. Minor Subdivision (Lot Line Adjustment) 4221 and 4217 Reservoir Boulevard NE

Director Chirpich reported that Michael Hamman has requested approval of a Minor Subdivision, per City Code Section 9.104 (k), for abutting parcels of land located at 4217 and 4221 Reservoir Boulevard NE.

The subject sites, both occupied by single family homes, are zoned R-1, Single Family Residential and are surrounded by similarly zoned properties.

Director Chirpich stated that the applicant, the owner of the 4221 parcel, has reached agreement with the neighboring property owner to the south to shift the shared side lot between the two lots such that a “pie-shaped” area of land measuring 3,430 square feet in size will be conveyed to the north property. Basically, the minor subdivision calls for the shared rear yard corner monument (between the two properties) to be shifted to the south a distance 40 feet.

He further noted is that lot configurations along the west side of Reservoir Boulevard NE are characterized by side lot lines which run diagonally from the street right-of-way line (as opposed to more typical side lines which are perpendicular to streets). These side lot line conditions tend to create triangular-shaped side yards which oftentimes result in widely varied side yard structure setbacks and limited side yard usability. The proposed land conveyance will result in a new, more centrally located shared side lot line between the two homes.

Director Chirpich stated that Staff, Planning Commission, and Council when reviewing a proposal such as this, according to the R-1 zoning district, should consider the lot minimum size and width requirements, that setbacks not less than 7 feet, and impervious surface calculations. He concluded that the lot line adjustment would result in two compliant lots and meet the criteria of the zoning code.

Staff finds that the proposed Minor Subdivision (lot line adjustment) application meets the requirements of the Zoning Ordinance. On September 7, 2022, the Planning Commission voted 7-0 to recommend approval to the City Council on this matter. During their deliberations, the commission members requested that Staff a condition of approval to ensure that the newly adjusted property line be marked with an official property pin set by the surveyor that includes a stamped and numbered cap to identify the licensed surveyor responsible for the work.

Staff recommends that the City Council approve the Minor Subdivision as presented, subject to the conditions listed below.

1. The applicant shall be responsible for the filing the approved subdivision with the Anoka County Recorder’s Office. The approved minor subdivision shall become invalid if the

subdivision is not filed with the Anoka County recorder's Office within one year of the date of City Council approval.

2. The adjusted property corner shall be marked with a newly placed rebar pin that includes a stamped and numbered cap that identifies the licensed surveyor responsible for placing the new boundary marker.

Motion by Councilmember Jacobs, seconded by Councilmember Murzyn Jr., to waive the reading of Resolution 2022-78, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Jacobs, seconded by Councilmember Novitsky, to approve Resolution 2022-78, a resolution approving a Minor Subdivision (lot line adjustment) for the properties located a 4221 and 4217 Reservoir Boulevard NE (Lots 5, and 6, Block 11, Auditor's Subdivision of Walton's Second Addition), within the City of Columbia Heights, Minnesota, subject to certain conditions stated in the resolution. All Ayes, Motion Carried 5-0.

New Business and Reports

13. Youth Commission Appointment Timeline Update

Sandell reported that the deadline for candidates to submit applications for consideration to join the Columbia Heights Youth Commission was September 9, 2022. Newly appointed Youth Commission members would join the 10 current members on the commission. The City has received two applications and therefore Staff has extended the deadline to September 16, 2022. Sandell stated that applications can be found at www.columbiaheightsmn.gov/youth.

Jacobs asked if the two applications were new candidates. Sandell stated this was the case and that the 10 current members are returning for two years.

Sandell stated that there are ten open seats currently and the terms are staggered. He added that members need to be a resident of the City and between the ages of 14-18 years old at the start of the appointed term. Sandell encouraged listeners to let any possible candidates know about the opportunity.

Sandell said due to the quick turnaround time and there being only two applicants at this time, he recommends the Council just review the applications rather than conducting interviews. The official appointment will be September 26, 2022.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Manager

Manager Bourgeois stated the youth commission application deadline is the end of the day on September 16, 2022, and the last Movie in the Park, "Encanto", will be playing on September 16, 2022, at 7:30 pm at McKenna Park. She reported that the library is hosting several events such as: the bike fix

it clinic is on Saturday 16, 2022, from 10:00 am – 12:00 pm and the same day, “Traditions and Folk Art of India” where residents can sign up online; on September 20, 2022 from 6:00 pm -7:30 pm there is resume writing and a second class will be held on October 18, 2022, from 1:00 pm – 2:30 pm. Manager Bourgeois provided an update on the City’s yard waste hauling, and said that Better Futures has been completing yard waste collection on a call-basis, but it will be changing to daily beginning on September 26, 2022; residents will not need to call for pick up and updates can be found at www.columbiaheightsmn.gov/wasteupdates. She stated that additionally the City will be mailing a postcard notice about the change to daily pick up to all residents.

Councilmember Buesgens asked about the number of days yard waste will be collected and clarified if it was 10 days. Manager Bourgeois stated that is 10 days but needed to confirm the exact date it ends.

Manager Bourgeois further stated that the dumpster at Public Works will be removed.

Manager Bourgeois provided the Council with an update about the investigation. She stated that the City contracted with an independent investigator to conduct the investigation into the allegations against Councilmember Jacobs. She stated that the investigation is wrapping up, and the report should be completed in the next week or so. Manger Bourgeois said the Council will then meet to review the report and determine next steps, if any; the Council will be informed of its receipt and a meeting date will be scheduled.

Report of the City Council

Councilmember Buesgens stated that the Council toured Atlatus’ new building, on 40th and Central Avenue; attended via Zoom the Metro Council Housing and Economic Committee meeting; attended the Somali soccer games; and attended the middle school open house to help get signatures for a petition for a skateboard park.

Councilmember Jacobs said she attended the tour at the new city hall with Councilmember Buesgens and encouraged community members to attend the upcoming open house; attended a virtual meeting with Director Hansen and MNDOT regarding the Central Avenue project; and attended Officer Justin’s oath ceremony. She asked people to think about 9/11, remembering the shock and horror of the event, how it impacted us after that, and those who lost their lives that day.

Councilmember Murzyn Jr. stated that on September 17, 2022, at 10:00 am at the VFW, the flag retirement ceremony will be held; they will be collecting torn and tattered flags at the event.

Councilmember Novitsky said that he attended the Academy and High School open houses; he stated that the schools were well staffed and organized and thanked them for their efforts.

Márquez Simula said she attended the middle school open house; attended the new teacher lunch at Murzyn Hall; attended the “Cuts with a Cop” at the Moler Barber School for free haircuts and backpacks; the City’s Blooming Sunshine Food Forest Garden hosted the Fridley/Columbia Heights Rotary sponsored “Good Morning Gardening” party, where doughnuts from Heights Bakery and coffee from Caribou Coffee were provided and \$200.00 of pollinator plants were planted, and Sister Cities members and HeightsNext members were both there. She attended the Islamic Center of Minnesota’s

annual picnic day, which had about 700 people; she is working on the City's Pride Festival, which is October 8, 2022, from 11:00 am – 5:00 pm at Sullivan Park.

COMMUNITY FORUM

Mayor Márquez Simula opened the community forum.

Jamie Bordewick, City resident, stated he has been a resident for seven years and a member of Community United Methodist Church, where he is co-chair of the core leadership team. He said he values the City and desires to see it flourish. He is encouraged by the new City Hall and housing location, and the church has had their parking lot closed due to the construction being completed. Bordewick expressed concerns about the parking for his church and the West African Church, Miracle Palace, which worships in the same building. He said that they have expressed concerns about parking prior to the former lot being demolished and were told that guests of the building will abide by parking in a lot west of the building and construction crews would also refrain from parking in the private lot, but this has not been the case. He said there is damage to the parking lot and sidewalk, and they are concerned about the likely use of the lot in the future. Bordewick stated they are looking for guidance on the situation and to work with the City to reach an equitable solution.

Cliff Johnson, City resident, gave a "shout out" to the Heights Theater and the Dairy Queen for dealing with the impacts of the construction of the new city hall and housing.

ADJOURNMENT

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

Meeting adjourned at 7:20 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary