



CITY COUNCIL MEETING
City Hall—Council Chambers, 590 40th Ave NE
Monday, May 23, 2022
7:00 PM

Mayor
Amada 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 23, 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 Jacobs; Councilmember Murzyn, Jr.; Councilmember Novitsky

Absent: Councilmember Buesgens

Also Present: Lenny Austin, Chief of Police; Kelly Bourgeois, City Manager; Aaron Chirpich, Community Development Director; Jim Hoeft, City Attorney; Sara Ion, City Clerk; Erik Johnston, Police Captain; Joe Kloiber, Finance Director; Ben Sandell, Communications Coordinator; Tom Letness, Heights Theater Owner; Amina Jama, Columbia Heights Student; Jin S. Kim, Church of All Nations; Annabell Johnson, Youth Commission Member; Degha Shabbeleh, City Resident

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Councilmember Murzyn Jr., seconded by Councilmember Novitsky, to approve the Agenda as presented. All Ayes, Motion Carried 4-0.

PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Recycling Champion Certificate for Heights Theater

Mayor Márquez Simula read the success story of the Heights Theater's recycling efforts, noting that an estimated 14,456 pounds of recycling is diverted annually from the landfill.

Tom Letness, Heights Theater Owner accepted the Recycling Champion Certificate and thanked the Council for the award.

B. Menstrual Hygiene Day: May 28, 2022

Mayor Márquez Simula proclaimed May 28, 2022, “Menstrual Hygiene Day” and read the City’s proclamation. She added that Columbia Heights Student, Amina Jama, writes for the school newspaper, the Heights Harold, and wrote an article on period poverty and menstrual hygiene; she also testified at the State Capitol on a bill. She stated the City’s school district is ensuring that all those who menstruate have access to the hygiene products that they need.

Amina Jama accepted the proclamation and thanked the Council.

C. Asian and Pacific Islander Minnesotan Heritage Month: May 2022

Mayor Márquez Simula proclaimed May 2022, “Asian and Pacific Islander Minnesotan Heritage (AAPI) Month” and read the City’s proclamation.

Jin S. Kim, Pastor of Church of All Nations, accepted the proclamation and thanked the Council. He stated they are grateful to be part of the community and that the church was founded in 2004 by Korean American immigrants. He said that there are 25 nations from all over the world that stand by the AAPI people.

He stated that it’s important to remember the history, such that in 1869, some 15,000 Chinese workers helped build the Trans Continental Railroad and were later defrauded of their wages and their rights to testify in court, and they were also not allowed to go back to China or intermarry; there was a slow drawn-out genocide of these people after their contributions. He said that 70 years later, when war broke out, 120,000 Japanese Americans were rounded up in ten concentration camps; they lost their homes and businesses as white squatters took over and the courts allowed a transfer of title; this history makes it uncertain that those of color would have equal protection under the law. He also gave the example of the riots after the beating of Rodney King by Police and that there was a perimeter set up by L.A. Police around white owned businesses to protect those, however, Korean businesses and others were left with no protection.

He again thanked the Council on behalf of the diverse church community and asked for continued efforts to the commitment for justice, equity, and prosperity for all within the community.

D. Youth Commission Summary Report

Sandell report that the Youth Commission had a great inaugural year. Ten commissioners were appointed in March and three meetings were held before the summer break. Guest speakers included Kelli Bourgeois, City Manager; Sara Ion, City Clerk; Ben Sandell, Communications Coordinator; Will Rottler, Community Engagement Specialist; and Tony Palumbo, Anoka County Attorney. At their second meeting, the Youth Commission voted to elect a Chair, Vice-Chair, and Secretary/Treasurer. At their final meeting before break, they reviewed, discussed, and approved the included By-Laws, discussed the included application packet for next year’s term, and volunteered for Board and Commission liaison responsibilities.

The Youth Commission members are looking forward to resuming meetings when the new school year begins. Existing members will return to their regular monthly meetings September 14, 2022. Newly appointed members will begin their first term October 12, 2022. There are 10 seats currently open on the commission, applications are available online at www.columbiaheightsmn.gov/youth, and due on September 9, 2022.

Annabell Johnson, Youth Commission Member, stated that through the three meetings that were held that they accomplished a lot and thanked Sandell and Ion for everything they have taught them so far. She added that she is thankful for this opportunity to meet other people and be involved in the community.

CONSENT AGENDA

Motion by Councilmember Jacobs, seconded by Councilmember Murzyn Jr., to approve the Consent Agenda as presented. All Ayes, Motion Carried 4-0.

1. **Approve May 9, 2022 City Council Meeting Minutes**
MOTION: Move to approve the City Council Meeting Minutes of May 9, 2022.
2. **Accept March 15, 2022 Traffic Commission Meeting Minutes**
MOTION: Move to accept the Traffic Commission Meeting minutes of March 15, 2022.
3. **Accept April 19, 2022 Traffic Commission Minutes**
MOTION: Move to accept the Traffic Commission Meeting minutes of April 19, 2022.
4. **Accept March 1, 2022 Planning Commission Meeting Minutes**
MOTION: Move to accept the Planning Commission Meeting minutes of March 1, 2022.
5. **Accept March 7, 2022 EDA Meeting Minutes**
MOTION: Move to approve the EDA Meeting Minutes of March 7, 2022.
6. **Accept April 13, 2022 Youth Commission Meeting Minutes**
MOTION: Move to accept the Youth Commission Meeting Minutes of April 13, 2022.
7. **Approve Permits for the 2022 Jamboree**
MOTION: Move to authorize staff to close Huset Parkway from 39th to 40th Avenues beginning Tuesday afternoon, June 21, 2022, through Sunday, June 26, 2022.
MOTION: Move to authorize the Police Department to issue a parade permit for the Jamboree Parade to be held on Friday, June 24, 2022, beginning at 6:00 p.m. for the following streets: 45th Avenue to Quincy Street South to 40th Ave West to 5th Street.
MOTION: Move to authorize fireworks at dusk on Saturday, June 25, 2022, and to waive the Fire Department fireworks display permit fee.
8. **Approve Change Order No. 1 to FER-PAL Construction for Water Main Lining and Rehabilitation, City Project 2203**
MOTION: Move to approve Compensating Change Order 1 to FER-PAL Construction USA

LLC in the amount of \$102,282.38, for a revised contract amount of \$1,101,133.38, for Water Main Lining and Rehabilitation, City Project 2203.

9. Approval of Fencing Consortium Joint Powers Agreement.

Motion: Move to approve the Fencing Consortium Joint Powers Agreement.

10. License Agenda

MOTION: Move to approve the items as listed on the business license agenda for May 23, 2022, as presented.

11. Rental Occupancy Licenses for Approval

MOTION: Move to approve the items listed for rental housing license applications for May 23, 2022, in that they have met the requirements of the Property Maintenance Code.

12. 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 \$975,060.96.

ITEMS FOR CONSIDERATION

13. Approve 42 Central Limited Partnership Development Planning Contract (Reuter Walton Project)

Chirpich reported that in June of 2021, Reuter Walton Development, LLC (the "Developer") received land-use approvals for the construction of a 62-unit affordable housing project (the "Project") to be located on the vacant portion of the City's Public Safety campus at 825 41st Avenue NE. Reuter Walton is currently under contract to purchase the property from the City, and the project is expected to break ground in early July.

As a condition approval for the project, Reuter Walton is required to enter into a Development Planning Contract (the "Contract") with the City to ensure proper completion of the site improvements that are located in the public right-of-way (the "Public Improvements"). As part of Contract, the Developer is obligated to deposit escrow funds with the City that cover the cost of the Public Improvements and the cost of City inspections for the installation of the improvements. If the developer fails to complete the Public Improvements in a manner consistent with City expectations, the City can use the escrow funds to complete the work. In addition to the City's escrow requirements for the project, there are escrow requirements imposed by the primary lender for the project, in this case, the U.S. Department of Housing and Urban Development ("HUD"). Because of the additional escrow requirements of HUD, the City has agreed to reduce the escrow amount collected by the City because HUD is collecting escrow funds for the same improvements.

In addition to stating the standards for the completion of the Public Improvements and securing the required escrow, the Contract also specifies the amount of park dedication funding owed by the Developer as part of the Project approval. In this case, the Developer will pay the City a park dedication fee of \$70,000.

Motion by Councilmember Jacobs, seconded by Councilmember Novitsky, to waive the reading of Resolution 2022-55, there being ample copies available to the public. All Ayes, Motion Carried 4-0.

Motion by Councilmember Jacobs, seconded by Councilmember Murzyn Jr., to approve Resolution 2022-55, a resolution of the City Council for the City of Columbia Heights, Minnesota, approving the execution of a Development Planning Contract, between 42 Central Limited Partnership and the City of Columbia Heights. All Ayes, Motion Carried 4-0.

14. Annual Declaration That the City of Columbia Heights Does NOT Waive the Monetary Limits on the Municipal Tort Liability Under Minnesota Statutes, Section 466.04

Kloiber reported that the City purchases its liability insurance from the League of Minnesota Cities Insurance Trust (LMCIT). Staff is currently preparing the renewal application for the policy period June 1, 2022, through May 31, 2023. The LMCIT requires that member cities document annually whether or not they waive the tort liability limits established for municipalities by Minnesota Statutes, Section 466.04.

With certain exceptions, the City's general liability insurance provides up to \$2 million per claim and up to \$3 million in aggregate claims per year. In addition, the City carries coverage termed "excess liability" or "umbrella" coverage for up to an additional \$1 million. Minnesota Statutes Section 466.04 however, limits a city's liability for certain types of claims to less than this policy coverage. If the City does not waive these lower limits provided by statute, LMCIT will only payout the (lower) statutory limit for any applicable claims.

Consequently, the LMCIT prices its liability premiums lower for Cities that do not waive the statutory limits. The City's insurance agent is aware of no MN cities that chose to waive these statutory limits for the most recent policy period. Staff estimates that the annual savings in premium costs for the City of Columbia Heights are \$15,000 by not waiving the statutory limits.

The waiver form was included from LMCIT provides additional detail on the effects of waiving or not waiving the statutory limits under different scenarios.

He added this item is required to be approved annually, which could be added to the consent agenda in the future.

Motion by Councilmember Novitsky, seconded by Councilmember Murzyn Jr., to declare that the City of Columbia Heights does NOT waive the monetary limits on municipal tort liability under Minnesota Statutes, section 466.04. All Ayes, Motion Carried 4-0.

CITY COUNCIL AND ADMINISTRATIVE REPORTS

Report of the City Council

Councilmember Jacobs stated that she observed the Traffic Commission meeting, where several residents were opposed at the recommendation to reduce speed limits and therefore it failed when considered by the commission; she continues to work with residents surrounding rental issues; attended the Fire Department awards night, “it was great to see so many being recognized for their commitment to our safety”; observed the Metro Fire Training Event; and facilitated nine resident reach outs.

Mayor Márquez Simula stated that she attended the Sister’s City meeting, where Councilmember Jacobs presented information regarding her travels and Ed Higgins, a community member, with whom the City is sending some gifts for the Mayor of Lomianki when he travels there soon; attended the JLAC meeting and discussed the fence consortium; she is teaching a class “Discussing Race and Racism”, the last class is this week; she judged the “Cooking with a Cop” event at the high school, the dish that won was a Somali crepe-type bread and a spicy stew; ran in the Kiwanis 5k at Sullivan Lake Park; was invited to the Police’s annual ceremony for fallen police officers at the Saint Paul Capitol grounds, where she laid a wreath for Officer Ramsdell; attended the fundraiser for the high school 2022 senior all-night party at the VFW, they are still accepting donations; stopped at the senior’s bingo event at Murzyn Hall; talked about the project to bring more awareness to the safety needs of Central Avenue; had a Monarch Festival meeting which will be held on August 17, 2022; attended the Traffic Commission meeting; showed the Mayor’s Monarch Pledge movie “Flight of the Butterflies” to the seniors at Murzyn Hall; she attended Downton Abbey at the Heights Theater; and attended the Metro Fire Ops 101 Activity in Maplewood, where she had a peek into what it’s like to be a firefighter. She added that currently the Fire Department is hiring for paid on-call firefighters.

Report of the City Manager

Manager Bourgeois reported that the “No Mow May” signs sold out, there is a wait list, and the City will look at doing that again next year; June 1, 2022, is the deadline to register for the citywide garage sale, which will be held June 10-12, 2022; June 1, 2022, is also the kickoff to the Music in the Park Series which starts at 6:30 pm; June 23, 2022, is the Art and Info Fair at Husset Park. She stated she has been serving on the school’s Career and Technical Education Committee; they were able to meet for the first time in person and tour a lot of the high school areas.

COMMUNITY FORUM

Mayor Márquez Simula opened the community forum.

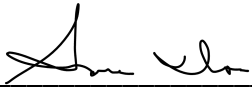
Degha Shabbeleh, City resident, spoke regarding Waste Management, stating there are a lot of ongoing issues with service and asked if something could be done by the City, such as looking at reconsidering the contract.

ADJOURNMENT

Motion by Murzyn Jr., seconded by Councilmember Novitsky, to adjourn. All Ayes, Motion Carried 4-0.

Meeting adjourned at 7:39 pm.

Respectfully Submitted,



Sara Ion, City Clerk/Council Secretary