

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
JANUARY 11, 2021**

The following are the minutes for the regular meeting of the City Council held at 7:00 pm on Monday, January 11, 2021 in the City Council Chambers, City Hall, 590 40<sup>th</sup> Avenue N.E., Columbia Heights, Minnesota. Due to the COVID-19 pandemic this hybrid meeting was held both virtually and in-person.

**CALL TO ORDER/ROLL CALL**

Mayor Márquez Simula called the meeting to order at 7:00 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 and Interim City Planner; James Hoeft, City Attorney; Amrish Patel; Katherine Russel; Nicole Tingley, City Clerk

**PLEDGE OF ALLEGIANCE**

**MISSION STATEMENT**, Read by Mayor Márquez Simula

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

**APPROVAL OF AGENDA**

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to approve the agenda as presented. A roll call vote was taken. All Ayes, Motion Carried 5-0.*

**PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

**A. Oath of Office: Mayor Márquez Simula, Councilmember Buesgens and Councilmember Jacobs**

Clerk Tingley administered the Oaths of Office separately for Mayor Márquez Simula, Councilmember Buesgens and Councilmember Jacobs; and the newly-elected individuals offered their personal remarks.

**CONSENT AGENDA**

(These items are considered to be routine by the City Council and will be enacted as part of the Consent Agenda by one motion. Items removed from consent agenda approval will be taken up as the next order of business.)

*Motion by Councilmember Murzyn, Jr., seconded by Councilmember Jacobs, to approve the Consent Agenda items as presented. A roll call vote was taken. All Ayes, Motion Carried 5-0.*

**1. Accept December 1, 2020 Planning Commission Meeting Minutes**

MOTION: Move to accept the minutes of the Planning Commission Meeting of December 1, 2020.

**2. Accept December 7, 2020 EDA Meeting Minutes**

MOTION: Move to accept the minutes of the EDA Meeting of December 7, 2020.

**3. Accept December 21, 2020 EDA Meeting Minutes**

MOTION: Move to accept the minutes of the EDA Meeting of December 21, 2020.

**4. Approve June 17, 2020 Special City Council Meeting Minutes**

MOTION: Move to approve the minutes of the Special City Council Meeting of June 17, 2020.

**5. Approve November 30, 2020 Special City Council Meeting Minutes**

MOTION: Move to approve the minutes of the Special City Council Meeting of November 30, 2020.

**6. Approve December 7, 2020 Minutes of the 2021 Seal Coat Program Public Improvement Hearing**

MOTION: Move to approve the minutes of the 2021 Seal Coat Program Public Improvement Hearing of December 7, 2020.

**7. Approve December 7, 2020 Minutes of the 2021 Street Rehabilitation Program Public Improvement Hearing**

MOTION: Move to approve the minutes of the 2021 Street Rehabilitation Program Public Improvement Hearing of December 7, 2020.

**8. Approve December 7, 2020 Minutes of the State Aid Street Rehabilitation Program Public Improvement Hearing**

MOTION: Move to approve the minutes of the State Aid Street Rehabilitation Program Public Improvement Hearing of December 7, 2020.

**9. Approve December 14, 2020 Special Executive Work Session Meeting Minutes**

MOTION: Move to approve the minutes of the Special Executive Work Session of December 14, 2020.

**10. Approve December 14, 2020 City Council Meeting Minutes**

MOTION: Move to approve the minutes of the City Council Meeting of December 14, 2020.

**11. Adopt Resolution No. 2021-01 Designating Official Depositories for the City of Columbia Heights**

MOTION: Move to waive the reading of Resolution No. 2021-01, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-01, being a resolution designating official depositories for the City of Columbia Heights.

**12. Adopt Resolution No. 2021-02 to Accept Certain Donations Received by the City of Columbia Heights**

MOTION: Move to waive the reading of Resolution No. 2021-02, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-02, being a resolution to accept certain donations received by the City of Columbia Heights.

**13. Adopt Resolution No. 2021-03, Appointing Council Liaisons and Staff Assignments to City Boards and Commissions and External Boards**

MOTION: Move to waive the reading of Resolution No. 2021-03, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-03, being a resolution appointing liaisons to City Boards and Commissions and External Boards.

**14. Appointment of Council President for 2021**

MOTION: Move to appoint Councilmember John Murzyn, Jr. as Council President for 2021.

**15. Appointments to Columbia Heights Volunteer Firefighters Relief Association Board of Trustees for 2021**

MOTION: Move to appoint Councilmember John Murzyn, Jr. and Kelli Bourgeois to the Columbia Heights Volunteer Firefighters Relief Association Board of Trustees for 2021.

**16. Designation of Legal Newspaper for 2021**

MOTION: Move to designate *Life* as the City of Columbia Heights official legal newspaper for 2021.

**17. Adopt Resolution No. 2021-04, Amending Resolution No. 2020-112, Approving the City of Columbia Heights Fee Schedule for 2021**

MOTION: Move to waive the reading of Resolution No. 2021-04, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-04, being a resolution amending Resolution No. 2020-112, approving the City of Columbia Heights Fee Schedule for 2021.

**18. Authorization to Purchase Police Vehicles**

MOTION: Move to authorize the purchase of two (2) 2021 Ford Police Interceptor Utility Vehicles from Tenvorde Ford and one (1) unmarked Chevy Traverse from Range GM under the State of Minnesota bid, with funding to come from 431.42100.5150, in the amount of \$101,503.00 and that the Mayor and City Manager are authorized to enter into a contract for the same.

MOTION: Move to authorize the Police Chief to expend up to \$441,174.00 to set up and outfit these police vehicles as outlined above.

**19. Authorize the Mayor and City Manager to Enter into a Contract for Police Service with the City of Hilltop**

MOTION: Move to authorize the Mayor and the City Manager to enter into a Police Service Contract with the City of Hilltop for the years 2021 to 2023 at the rates specified in the contract.

**20. Public Works Blanket Orders for 2021 Purchases**

MOTION: Move for approval to authorize staff to process blanket purchase orders in an amount not to exceed the 2021 budget amounts for: de-icing salt for salt/sanding operations purchased off the State of Minnesota Purchasing Contract, fuel (unleaded and diesel) for City vehicles from the State of Minnesota Purchasing Contract and the Anoka County Cooperative Agreement, bituminous asphalt for patching/paving City streets and alleys from Commercial Asphalt or City of St. Paul or T.A. Schifsky & Sons Inc., curb stop and service repairs for delinquent accounts and foreclosed properties.

**21. Authorization to Seek Bids for 2021 Sanitary Sewer Lining Project**

MOTION: Move to authorize staff to seek bids for the 2021 Sanitary Sewer Lining Program.

**22. Authorization to Purchase 2021 International Chassis and 800 HPR Jetter**

MOTION: Move to authorize the purchase of one (1) new 2021 international Chassis 800 HPR Jet Truck with attachments off the State of Minnesota Purchasing Contract from Flexible Pipe Tool Company, Cold Spring, Minnesota, in the amount of \$274,127.44. Funding shall be provided from Public Works Sewer Equipment fund 433-49449-5150. The estimates trade-in value of the 2006 Jet Truck is \$40,000.00. The total cost to purchase the new Jet Truck and attachments is \$234,127.44.

**23. Adopt Resolution No. 2021-05, Approving and Adopting the 2021-2022 Snow and Ice Control Policy**

MOTION: Move to waive the reading for Resolution No. 2021-05, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-05, being a resolution approving and adopting the 2021-2022 Snow and Ice Control Policy for the City of Columbia Heights.

**24. Adopt Resolution No. 2021-06, Authorizing Contract with Houston-Galveston Area Council**

MOTION: Move to waive the reading of Resolution No. 2021-06, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-06, authorizing the City Manager to enter into a cooperative purchasing contract with Houston-Galveston Area Council.

**25. Adopt Resolution No. 2021-07, Approving a Grant Agreement with the Minnesota Historical Society for a Historical Context Study**

MOTION: Move to waive the reading of Resolution No. 2021-07, there being ample copies available to the public.

MOTION: Move to adopt Resolution No. 2021-07, approving a grant agreement with the Minnesota Historical Society and for a Historical Context Study.

**26. Approve Attached List of Rental Housing Applications**

MOTION: Move to approve the items listed for rental housing license applications for January 11, 2021 in that they have met the requirements of the Property Maintenance Code.

**27. Approve Business License Applications**

MOTION: Move to approve the items as listed on the Business License Agenda for January 11, 2021 as presented.

**28. Review of Bills**

MOTION: Move that in accordance with Minnesota Statute 412.271, subd. 8, the City Council has reviewed the enclosed list of claims paid by check and by electronic funds transfer in the amount of \$2,525,664.82.

**PUBLIC HEARINGS**

**29. First Reading of Ordinance No. 1663, an Ordinance Amending Chapter 9.110 of the City Code of 2001 to Establish Health/Fitness Clubs Not Exceeding 4,000 Square Feet in an Area as a Conditional Use in the City's Limited Business Zoning District**

Director Chirpich reported that the City received an application for a zoning ordinance amendment to accommodate the introduction of Health and Fitness Clubs into the City's Limited Business zoning districts, to convert the existing multi-tenant commercial building located at 700 40<sup>th</sup> Avenue NE into a small "boutique gym." In order to do so, the City's zoning code will need to be amended, and City staff is supportive of the request. The Planning Commission held a public hearing on January 5, 2021 and voted unanimously to recommend that the City Council approve the text amendment outlined in draft Ordinance No. 1663 as presented.

Councilmember Novitsky inquired as to why there would be a difference in square footage for retail versus health club in the zone, and Director Chirpich said it relates to parking demand, how much is needed to direct traffic to each site and is a direct way to scale the amount of people coming to each site.

Councilmember Buesgens said she is very excited about an independent business being brought into the cited street area.

Mayor Márquez Simula opened the public hearing.

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to close the public hearing and waive the reading of Ordinance No. 1663, there being ample copies available to the public. A roll call vote was taken. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Novitsky, seconded by Councilmember Jacobs, to set the second reading of Ordinance No. 1663, an ordinance amending Chapter 9.110 of the City Code of 2001 to establish health/fitness clubs not exceeding 4,000 square feet in area as a conditional use in the City's Limited Business zoning district for January 25, 2021 at approximately 7:00 pm in the City Council Chambers. A roll call vote was taken. All Ayes, Motion Carried 5-0.*

**30. Adopt Resolution No. 2021-08, Approving a Conditional Use Permit for a Health/Fitness Club Not Exceeding 4,000 Square Feet in an Area to be Located at 700 40<sup>th</sup> Avenue NE**

Director Chirpich reported that Amrish Patel, on behalf of Rocky's Gym, requested approval of a Zoning Ordinance Amendment and Conditional Use Permit (CUP) to accommodate the establishment of a 24-hour "boutique gym" upon a 9,375 square-foot site located at 700 40<sup>th</sup> Avenue between Monroe and Quincy Streets. The applicant plans to convert an existing 3,510 square-foot building into a health/fitness club and the use would occupy the entire building. Director Chirpich described the site and said the gym would focus on one-on-one training in small group classes with access to cardio and weight machines, with members accessing the gym via a key fob with 24-hour surveillance, and would offer some unique fitness classes including yoga in the adjacent park. He then described the site plan and said, following staff review and/or Planning Commission discussion, additional recommendations to Council would be that the applicant provide one disabled parking stall to the rear of the building, change the orientation of parking to angle towards the building rather than at the single-family home to the west, to limit business hours from 5:00 am to midnight, and work with the property owner to the west regarding the current fencing in order to provide better screening. Some design guidelines for the district to be considered include colors (black is preferred) and signage. The CUP, if approved, is contingent upon the successful adoption of the ordinance amendment previously reviewed.

Councilmember Jacobs inquired about the hours of operation and whether staff would be on site during those hours. Director Chirpich replied that the applicant proposed a 24-hour operation but the Planning Commission recommended 5:00 am to midnight. The applicant, Mr. Patel, stated client access would be via key fob 24 hours a day but staff would be on site by appointment for classes. Councilmember Jacobs said she would not approve a 24-hour opening but would be supportive of the business. She then inquired as to how the business would be secured during a midnight to 5:00 am closure given key fob access for clients, and Mr. Patel replied that the doors would have to be automatically shut at midnight but he would need to further consider options as to how to confirm all clients have left the building.

Councilmember Jacobs said Monroe Street is a one-way going south and she has safety concerns about drivers going the wrong way, the deficit number of parking spaces; potential problems securing offsite parking from independent entities; allowing additional spacing for higher-end vehicles; the business' close proximity to a bus stop and potential hazards for pedestrians at crosswalks; and congested parking spaces along the wall in the driveway area.

She recommended that the disabled parking space be placed at the front of the building rather than the rear but added, considering all comments she cited, that another location may suit the business better.

Councilmember Buesgens said she loved the mural on the side of the building and hoped it would be included in the site plan, had no issues regarding parking “as there is available parking in the lot and on the street,” and would prefer a 24-7 operation to accommodate clients who may be nurses or students who have off-hours, though she would be agreeable to a midnight to 5:00 am closure. She welcomed the business to Columbia Heights.

Mr. Patel followed up by saying that with his business he hoped to promote health and wellness and would like to be able to offer extended hours should clients, as stated by Councilmember Buesgens, work off-hours, have body issues or COVID-19 proximity concerns.

Councilmember Novitsky said he liked the business idea but preferred the midnight closure given the business would be located in a residential area. He inquired about timing of classes, and Mr. Patel said the latest would be around 7:00 pm. Councilmember Novitsky also expressed concerns that, first, an agreement be reached in advance should the residential owner remove the current fencing and, secondly, that a written agreement be made in advance with any secured off-street parking entity.

Councilmember Murzyn, Jr. agreed with a midnight and 5:00 am closure given the residential area.

Mayor Márquez Simula asked how many clients would utilize the business between midnight and 5:00 am, and Mr. Patel estimated it would be handful of people. She then asked Director Chirpich whether the entertainment center at the old library location had a midnight closure and whether on-street parking was allowed for that business. He said he was unsure of their hours or if there were any related problems, also confirming that on-street parking on 40<sup>th</sup> would not be issue.

Councilmember Buesgens said she envisions pedestrians walking to the business in addition to those driving.

Mayor Márquez Simula inquired as to whether bike racks would be available, and Mr. Patel confirmed so.

Councilmember Jacobs said a mitigating factor is the bus stop with nearby drivers trying to access the business while others are driving out from it. Director Chirpich said there is no great resolution to the area but the City’s long-term plans seek to calm 40<sup>th</sup>, with the road being reduced to two lanes, buffering both sides of the street where one would only have parking either north or south, so it could be scaled to be more pedestrian friendly.

Councilmember Murzyn, Jr. asked about parking space limitations following snow removal during the winter season, and the applicant said there would be space available at the back of the building that could hold quite a bit of snow.

Mayor Márquez Simula said she is excited about the business coming into the City and their plan to use City parks for their classes.

Councilmember Novitsky asked for confirmation as to whether the disabled parking space would be located at the front of the building, and the applicant confirmed so. Councilmember Novitsky also said he would like a written agreement provided in advance of a CUP.

Councilmember Jacobs said she still had issues with the parking and any off-street parking agreement with outside entities.

Mayor Márquez Simula opened the public hearing.

Frost Simula, City resident, said he was excited about the idea of having another gym within the City and was unsure what the risk would be to having a 24-hour operation.

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to close the public hearing and waive the reading of the amended Resolution No. 2021-08, there being ample copies available to the public. A roll call vote was taken. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to adopt Resolution No. 2021-08, being a resolution of the City Council for the City of Columbia Heights, Minnesota, approving a Conditional Use Permit for a health/fitness club not exceeding 4,000 square feet in an area to be located at 700 40<sup>th</sup> Avenue NE, subject to certain conditions and the amendment of condition two to state that the shared parking agreement must reviewed and filed for the conditional use permit to be valid instead of within 60 days after approval of the conditional use permit. A roll call vote was taken. Ayes: Buesgens; Márquez Simula; Murzyn, Jr.; Novitsky. Nay: Jacobs. Motion Carried 4-1.*

## **CITY COUNCIL AND ADMINISTRATIVE REPORTS**

### **Report of the City Council**

Councilmember Jacobs said she is getting organized in her new position as a member of the Council, volunteers weekly at SACA and looks forward to the onset of additional meetings of the Council.

Councilmember Novitsky attended the Library Board Meeting and said their staff has done a lot to ensure that everyone has something to do during the pandemic and is adding a new streaming service that will be available to the public.

Councilmember Buesgens continues to deliver leftover produce from SACA to local chicken



keepers and said she is excited about the recent \$9,600.00 grant from the Minnesota Historical Society that will fund a historical context study during the City's 100<sup>th</sup> Celebration.

Mayor Márquez Simula said she is excited to do City work over the next couple years and has been very busy, meeting with the Regional Council of Mayors and networking with mayors and leaders in land development and other avenues for Columbia Heights. She said, citing the recent snowstorm over the winter break, that she appreciates the City's new Code Red emergency phone system and expressed thanks to Public Works.

**Report of the City Manager**

Manager Bourgeois said she looks forward to working with the Council and the upcoming orientation and is glad that new technology be going out to all members.

**Report of the City Attorney**

Attorney Hoeft had no update.

**ADJOURNMENT**

*Motion by Councilmember Novitsky, seconded by Councilmember Murzyn, Jr., to adjourn. A roll call vote was taken. All Ayes, Motion Carried 5-0.*

Meeting adjourned at 8:12 pm.

Respectfully Submitted,



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Nicole Tingley, City Clerk/Council Secretary