

**OFFICIAL PROCEEDINGS  
CITY OF COLUMBIA HEIGHTS  
CITY COUNCIL MEETING  
SEPTEMBER 9, 2019**

The following are the minutes for the regular meeting of the City Council held at 7:00 pm on Monday, September 9, 2019, in the City Council Chambers, City Hall, 590 40<sup>th</sup> Avenue N.E., Columbia Heights, Minnesota.

**1. CALL TO ORDER/ROLL CALL**

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

Present: Mayor Schmitt; Councilmember Buesgens; Councilmember Murzyn, Jr.; Councilmember Novitsky; Councilmember Williams

Also Present: Keith Anderson; Kelli Bourgeois, City Manager; Reverend David Briley; Rick Campion; Aaron Chirpich, Community Development Director; Ashley Denaway; Ben Ford; Steve Forseth; Elizabeth Hammond, City Planner; Jim Hoeft, City Attorney; KT Jacobs; Joe Kloiber, Finance Director; Reverend Bob Lyndes; Connie Moore; Bob Odden; Amada Marquez Simula; Frost Simula; Nicole Tingley, City Clerk; Jerry Tollefson; Wade Tollefson

**2. INVOCATION**

Invocation provided by Reverend Bob Lyndes, Crest View Senior Communities

**3. PLEDGE OF ALLEGIANCE**

**4. MISSION STATEMENT, Read by Mayor Schmitt**

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 manner.

**5. APPROVAL OF AGENDA**

Mayor Schmitt announced the additions of Item 6C, "Kiwanis Recognition," and Item 9C(a), "School Board and City Council Meeting."

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to approve the agenda as amended. All Ayes, Motion Carried 5-0.*

**6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS**

**A. Constitution Week Proclamation**

Mayor Schmitt read the proclamation announcing September 17-23, 2019, as Constitution Week in the City of Columbia Heights, recognizing the 232<sup>nd</sup> anniversary of the drafting of the Constitution of the United States. In addition, she noted the upcoming 18<sup>th</sup> anniversary of the September 11 foreign attacks on the Country, for which she asked all to be mindful.

**B. Domestic Violence Awareness Month Proclamation**

Mayor Schmitt read the proclamation announcing October 2019 as Domestic Violence Awareness Month in the City of Columbia Heights.

Connie Moore, Executive Director of Alexandra House, accepted the proclamation and described the services provided by the organization's community programs in the criminal system, hospital, Allina clinics, local schools and the Alexandra House shelter. In addition, the "Hope Fest," partnered with the YMCA, will be held in Lino Lakes on September 28, kicking off Domestic Violence Awareness Month.

### **C. Kiwanis Recognition**

Steve Forseth, Lt. Governor of Division 7 Minnesota-Dakotas Kiwanis International, congratulated the Columbia Heights-Fridley Kiwanis Club for being the recipient of the Kiwanis International Distinguished Service Award and cited criteria which need to be met in order to be recognized, such as membership and education, community impact, completion of a signature project and sponsorship of at least one service leadership program and financial viability.

Bob Odden, President of the Columbia Heights-Fridley Kiwanis, accepted the award and cited the group's work in its Key Club (which educates over 200 youth in leadership and service) and the recycling center. He encouraged those interested to become members. Mr. Forseth also reported a recent honor was bestowed upon a Fridley youth from the Key Club as the International President of Key Club International, which is active in 80 countries.

## **7. 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.)

### **A. Approve Minutes of the City Council**

MOTION: Move to approve the minutes of the City Council Meeting of August 26, 2019

### **B. Accept Board and Commission Meeting Minutes**

MOTION: Move to accept the minutes of the Economic Development Authority Meeting of August 5, 2019

MOTION: Move to accept the minutes of the Library Board Meeting of August 7, 2019

MOTION: Move to accept the minutes of the Planning Commission Meeting of August 7, 2019

### **C. Approve New Personnel Policy**

MOTION: Move to approve the new Personnel Policy effective immediately.

### **D. Approve New Family and Medical Leave Policy**

MOTION: Move to approve the new Family and Medical Leave Policy effective January 1, 2020.

### **E. Approve City Council Handbook**

MOTION: Move to approve the City Council Handbook as presented.

### **F. Approve Business License Applications**

MOTION: Move to approve the items as listed on the Business License Agenda for September 9, 2019, as presented.

## **G. 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 \$524,753.32.

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

## **8. PUBLIC HEARINGS**

### **A. Resolution 2019-70, approving a Conditional Use Permit for the Property Located at 3836 Stinson Boulevard NE**

Planner Hammond described the request for the Conditional Use Permit, a Dynamic LED monument sign for Minnesota Family Church at 3836 Stinson Boulevard NE, for which the Planning Commission held a public hearing and approved unanimously on September 4 its recommendation to the City Council to approve.

Mayor Schmitt inquired as to whether the light could be turned off at night due to it being in a residential area.

Planner Hammond responded that there is already a condition in the request, approved by the Planning Commission, to dim the signage on a timer from dusk until dawn and that staff also recommended a site visit to obtain a better understanding of the impact on residents to the south of the light.

Councilmember Murzyn, Jr., said the Planning Commission thought that further action regarding dimming could be considered in the future should area residents complain.

Mayor Schmitt stated her preference that a condition be added to the proposed permit citing dimming hours be 10:00 pm to 6:00 am, and Councilmembers Buesgens and Novitsky recommended further that the lights be turned off completely during those hours.

Mayor Schmitt opened the public hearing.

Keith Anderson, Minnesota Family Church, stated that the proposed LED signage is light sensitive, adding that the church has no objection to it being dimmed or turned off 10:00 pm to 6:00 am, which is currently the practice for its parking lot lights.

Amada Marquez Simula, City resident, expressed her preference that the church signage be turned off at night, noting that previous school lighting was too bright for area residents, that adjustments could possibly be made in the future if warranted.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to close the public hearing. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to waive the reading of Resolution 2019-70, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to approve Resolution 2019-70, approving a Conditional Use Permit for the property located at 3836 Stinson Boulevard NE subject to certain conditions of approval along with a condition that the sign be turned off between 10:00 pm and 6:00 am. All Ayes, Motion Carried 5-0.*

**B. Resolution 2019-72, Approving a Preliminary Plat for the Property Located at PID 35-30-24-43-0125 (unassigned address) Known as "The Remnant Parcel"**

Planner Hammond described the property and request for a Preliminary Plat for a three-story 77-unit senior living community located at Huset Parkway and Jefferson Street NE, for which the Planning Commission held a public hearing and approved unanimously on September 4 its recommendation to the City Council to approve.

Mayor Schmitt inquired as to where laundry rooms would be situated in the building, whether one would be placed in every unit.

Wade Tollefson, Contractors Capital Company, clarified that laundry rooms would be placed in independent living units and there would be a laundry area available to building staff in the assisted living and memory care units located on the first level.

Mayor Schmitt expressed a concern that there doesn't appear to be in the plans a large enough area dedicated for independent living residents to gather.

Mr. Tollefson responded that independent living would be constructed on the second and third levels and a small meeting area would be on one of those levels and an exercise room on the other, adding that the first level would have a larger kitchen and dining area that could be used for gathering, as well as three patio areas outside the building.

Mayor Schmitt opened the public hearing.

*Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to close the public hearing and to waive the reading of Resolution 2019-72, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to approve Resolution 2019-72, approving a Preliminary Plat for the property located at PID 35-30-24-43-0125 (unassigned address) known as "the remnant parcel." All Ayes, Motion Carried 5-0.*

**C. Resolution 2019-71, Approving a Conditional Use Permit, Site Plan and Variances for the Property Located at 4141 University Avenue NE**

Planner Hammond described the property and request for a Conditional Use Permit, Site Plan and Variances for Prodeo Academy at 4141 University Avenue NE, which would be a K-8 school constructed after tearing down the current buildings on the site. The plan includes 67 parking stalls, access from two entry points (University service road and 4<sup>th</sup> Street) and landscaping and zoning that meet City requirements. The applicant requests a height variance for a portion of the building on the south end of the property, from 35 feet to 41 feet, and a parking variance, reducing the setback from 30 feet to 15 feet from the property line, both of which City staff believes are reasonable, and the final variance request is a zoning variance allowing for a 2,518 square-foot building footprint.

The Planning Commission held a public hearing and approved unanimously on September 4 its recommendation to the City Council to approve, adding a condition that a sidewalk be included if possible.

Mayor Schmitt inquired as to whether a bus drop-off could be incorporated into the service road.

Rich Campion, Executive Director at Prodeo Academy, responded that the grade on the west side of the property is severe so that the buses would be directed as proposed.

Ben Ford, Civil Engineer for Rehder & Associates, confirmed Mr. Campion's response and said there isn't a feasible alternative from the other roads.

Mayor Schmitt opened the public hearing.

Reverend David Briley, Pastor Emeritus at Oak Hill Baptist Church, reported that Prodeo Academy expressed interest in purchasing the church and was invited to attend its board meeting. The school's plans and vision were then presented to the church board, and the church board voted to bring them before the congregation, who approved, and a purchase agreement was signed. He said all parties involved are in favor of the school.

Ashley Denaway said she has been a teacher at Prodeo for seven years and would be excited, both as a parent of a child and teacher, to return to Columbia Heights should Council approve the school site.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to close the public hearing and to waive the reading of Resolution 2019-71, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to approve Resolution 2019-71, approving a Conditional Use Permit, Site Plan and Variances for the property located at 4141 University Avenue NE. All Ayes, Motion Carried 5-0.*

## **9. ITEMS FOR CONSIDERATION**

### **A. Other Ordinances and Resolutions**

#### **a. Resolution 2019-67, Adopting a Proposed Budget for the Year 2020, 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 2020**

Director Kloiber reported that the items cited in the proposed Resolution fall within the annual budget process and the proposed budget was discussed by the City Council at its most recent work session. The process begins with the proposed amount by a local government and then it's submitted to the County, the County calculates what the effect would be for each individual property owner and mails them a notice, and then the local government schedules a public hearing when the public and City Council come to a final decision on the 2020 budget and property taxes on the second Monday of December. The proposed property tax increase is 8.5%, a proposed 7% operating expense increase for the taxable funds and smaller increase of approximately 4.5% for utility funds.

Mayor Schmitt clarified further that, should the City Council approve the preliminary budget and property taxes, the preliminary increases would be the maximum numbers, that percentages could be reduced if the City Council thought it was warranted. She also said the public is welcome to the attend the upcoming City Council work sessions when these items will be discussed.

*Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to waive the reading of Resolution 2019-67, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Buesgens, seconded by Councilmember Novitsky, to adopt Resolution 2019-67, being a Resolution adopting a proposed budget for the year 2020, 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 2020 of December 9, 2019, at approximately 7:00 pm in the City Council Chambers. All Ayes, Motion Carried 5-0.*

**b. Resolution 2019-68, Authorizing the Issuance of Conduit Revenue Bonds (Prodeo Academy Project)**

Director Chirpich discussed the proposed work involved with the approved Prodeo Academy upcoming project, for which public financing in the form of revenue bonds are being sought and the charter school is requesting that the City participate as issuer of the bonds. He stated that conduit bonds are paid for with lease revenue generated by the school and the City would not pay debt service or other costs related to the transaction. The bonds would have no effect on the City's credit rating and would not be counted against any statutory limitations on borrowing for the City. The City Council had approved a preliminary resolution in support of the issuance, and the Minnesota Department of Employment and Economic Development reviewed and found the project to be compliant and approved issuance of the bonds. The total amount is estimated between \$22 million and \$24 million, and the City would receive 1% of that total amount once determined.

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to waive the reading of Resolution 2019-68, there being ample copies available to the public. All Ayes, Motion Carried 5-0.*

*Motion by Councilmember Buesgens, seconded by Councilmember Williams, to adopt Resolution 2019-68, being a Resolution authorizing the issuance of conduit revenue bonds for the benefit of Friends of Prodeo Inc. and Prodeo Academy and authorizing the execution and delivery of conduit revenue bonds and related documents. All Ayes, Motion Carried 5-0.*

**B. Bid Considerations**

None

**C. New Business and Reports**

**a. School Board and City Council Meeting**

Mayor Schmitt reported that there is a scheduled combined meeting of the School Board and City Council on September 12, but she will be unable to attend due to a conflict and her request is to reschedule to another day so she may be able to attend. Councilmembers agreed that it would be helpful to have the full Council in attendance and Director Bourgeois will contact the School Superintendent to reschedule.

## **10. CITY COUNCIL AND ADMINISTRATIVE REPORTS**

Councilmember Novitsky reported he is coordinator for the upcoming "Walk for Apraxia," which will be held at Sullivan Lake Park on September 14. Registration is at 10:00 am and the walk begins at noon, and he encouraged all to attend.

Councilmember Murzyn, Jr., reported that the VFW will hold its flag burning ceremony at 10:00 am on October 5.

Councilmember Williams reported that the property owners of Heights Manor will need to obtain a quick claim deed in order to complete their proposed trail.

Councilmember Buesgens went with the Economic Development Authority and City staff to tour the Alatus building in New Hope, toured the New Hope City Hall and attended the North Park Elementary groundbreaking ceremony and the Library Board meeting (first strategic planning meeting will be on October 22 after the regular board meeting, and the Spaghetti Dinner fundraiser is 4:30-7:00 pm on September 11 at Murzyn Hall). She thanked everyone in the City who grew plants in their yards for the pollinators this year.

Mayor Schmitt toured with Councilmembers and Director Bourgeois the New Hope City Hall; and, along with Director Bourgeois, met with the County Commissioner for an update. She attended the Chamber's "Donuts and Coffee," to which all businesses are invited to attend; City resident Harold Hoyum's funeral; and the Northeast Bank annual picnic and Oak Hill Baptist farewell.

Director Bourgeois cited the following upcoming events: Columbia Heights Public Library will host citizenship classes on Mondays and Wednesdays 5:30-8:30 pm from September 9 through October 30; the Library Foundation Spaghetti Dinner will be held 4:30-7:00 pm on September 11 at Murzyn Hall; residents may consult with the Anoka County Law Librarian 5:00-7:00 pm on September 11 at the Columbia Heights Public Library; Mobile Menders event will be held noon to 2:00 pm on September 14 at the Columbia Heights Public Library; a Fire Safety Open House will be held 11:00 am to 2:00 pm on September 28 at the Columbia Heights Public Safety Building; and "Truck or Treat" event will be held 1:00-4:00 pm on October 26 at Huset Park East.

## **11. COMMUNITY FORUM**

Frost Simula, City resident, said business tax revenue is always preferred and 48<sup>th</sup> and Central is prime for businesses. He said putting a nontaxable property such as a proposed new City Hall in that location would be counterproductive.

Mayor Schmitt recommended that Mr. Simula contact Director Chirpich for further details.

Amada Marquez Simula, Adult Enrichment/Senior Program Manager for Columbia Heights Public Schools, reported that the new fall Community Ed Class Catalog is being distributed and will be available at City Hall and includes "55+" classes for seniors; generally classes are held at the Family Center, 1460 49<sup>th</sup> Avenue NE in Columbia Heights, and free Senior Passes to school events are available to residents over age 60 in the Columbia Heights School District. HeightsNEXT will hold its "Stories From Our Somali Neighbors" 6:30-7:30 pm on September 11 at First Lutheran Church, and a podcast on diversity is done every month. The Fix-It Clinic will be held on October 5 from 10:00 am to 1:00 pm.

KT Jacobs, City resident, said she wished to address the City Council on its upcoming combined meeting with the School Board. She cited a distributed December 13, 2018, ISD13 School Board letter which “divulged the identity and impugned the integrity of Councilmember Novitsky, who is the liaison to the School District.” She provided further details and said the consequence of ISD13’s actions included heated discussions concerning Councilmember Novitsky’s ability and right to maintain his position as liaison. Her concerns are as to why, after the City Council twice requested a combined meeting, it is not being held on City property; why Mayor Schmitt didn’t pursue answers to the pertinent issues brought up at the most recent City Council work session; and why will there be no open forum. She said “Councilmember and liaison Novitsky deserves an apology from ISD13, in my opinion, and it should be no less public than their December 2018 letter calling into question his integrity, as well as an apology from the Council on which he serves for this meeting being delayed nine months and then back-seated on the issue as a last item on the agenda.” Ms. Jacobs said it is her hope that, with the remaining days before the joint meeting, the City Manager and Council will consider making these changes and moving the issue forward as it was originally discussed.

## 12. ADJOURNMENT

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

Meeting adjourned at 8:28 pm.

Respectfully Submitted,

  
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Nicole Tingley, City Clerk/Council Secretary