

**OFFICIAL PROCEEDINGS
CITY OF COLUMBIA HEIGHTS
CITY COUNCIL MEETING
OCTOBER 28, 2019**

The following are the minutes for the regular meeting of the City Council held at 7:00 pm on Monday, October 28, 2019, in the City Council Chambers, City Hall, 590 40th 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: Nour Abdelahakem; Kelli Bourgeois, City Manager; Liam Genter, Urban Forestry Specialist; Jim Hoeft, City Attorney; Hussain Khan; Pastor Bob Lyndes; Amada Marquez-Simula; Lorien Mueller; Halima Muhumed; Joe Murphy; Dan O'Brien, Fire Captain; Ben Sandell, Communications Coordinator; Nicole Tingley, City Clerk; Malcolm Watson

2. INVOCATION

Invocation was provided by Pastor 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

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

6. PROCLAMATIONS, PRESENTATIONS, RECOGNITION, ANNOUNCEMENTS, GUESTS

A. Columbia Heights Lions Club Donation for Gravel Bed

Joe Murphy, Columbia Heights Lions Club president, presented a donation of \$1,500.00 from the organization to Liam Genter, on behalf of the City of Columbia Heights Public Works, for construction of a tree gravel bed.

The Council thanked the Lions Club and welcomed Liam Genter, who is serving in his new capacity as the City's Public Works urban forestry specialist. Mr. Genter explained the use of the tree gravel bed, which is to plant new bare-root nursery stock, which arrives in the spring without soil, into the gravel bed. It's then watered intensely over the summer and replanted in the fall in City rights-of-way and parks, which leads to much higher success rates. Mayor Schmitt added that Mr. Genter may be contacted at Public Works to schedule presentations about the work that he does.

Mr. Murphy also announced "Fights in the Heights" will be held on Sunday, November 3, at Murzyn Hall, with doors open at 1:00 pm and fights begin at 2:00 pm; and wrestling on Friday, November 22,

with doors open at 6:00 pm and matches begin at 7:00 pm.

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 Work Session of October 7, 2019.

MOTION: Move to approve the minutes of the City Council Meeting of October 14, 2019.

B. Accept Board and Commission Meeting Minutes

MOTION: Move to accept the minutes of the Charter Commission meeting of June 28, 2018.

MOTION: Move to accept the minutes of the Charter Commission meeting of January 17, 2019.

MOTION: Move to accept the minutes of the Charter Commission meeting of July 18, 2019.

C. Approve Expanding Lease Space for the Golden Gloves Firehouse Gym

MOTION: Move to approve an amendment to the lease with Firehouse Gym allowing them use of the space from the door jamb of the watch room to the north wall, 28 feet, and from the door jamb to the second yellow line along the east wall, 28.6 feet. The use shall be restricted to weekday evenings from 6:00 pm to 10:00 pm and anytime on the weekends and government holidays; the use shall be restricted to youth classes supervised by an adult coach only; and the use shall be prohibited anytime there is a public meeting at City Hall.

D. Consideration of Approval of the Attached List of Rental Housing Applications

MOTION: Move to approve the items listed for rental housing license applications for October 28, 2019, in that they have met the requirements of the Property Maintenance Code.

E. Approve Business License Applications

MOTION: Move to approve the items as listed on the Business License Agenda for October 28, 2019, as presented.

F. 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 \$644,171.82.

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

8. PUBLIC HEARINGS

A. Consideration of Revocation of the License to Operate a Rental Unit within the City of Columbia Heights is Requested Against the Rental Property at 966/968 44-1/2 Avenue NE for Failure to Meet the Requirements of the Residential Maintenance Codes.

Captain O'Brien reported that he did not have anything additional to add to the findings of facts

regarding the property at 966/968 44-1/2 Avenue NE but said there was a property representative who wished to speak to the Council.

Mayor Schmitt opened the public hearing.

Hussain Khan said he was representing Penrod Lane LLC, the management company for the property at 966/968 44-1/2 Avenue NE, and wished to present some evidence and make a case as to why the rental license should not be revoked. He stated that the company has an A+ Better Business Bureau rating and has been operating properties for over 30 years in various cities in Minnesota, including Columbia Heights, and has never had a license revocation during this time.

He reported the City's revocation letter was mailed on October 7 to the correct address but was directed to one of the Penrod Lane LLC managers (who had left the country on October 8 for a religious pilgrimage and did not return until October 23) rather than being directed to Penrod Lane LLC, which caused a delay. In addition, Mr. Khan's house in Maple Grove had a major fire on October 10; one of his colleagues was gone, as noted above; and the deadline for repairs was cited on the letter as October 16, which allowed only nine days to obtain estimates, secure contractor bids and schedule work for corrections. The City Fire Department inspected the property on October 16 and issued a citation for repairs not done; Mr. Khan said he hastily hired a contractor to begin the corrections and called Chief O'Brien to return for another inspection, who determined that the work done was still not up to code (which Mr. Khan agrees with and apologized to Chief O'Brien). A second citation was then issued at the time, and Mr. Khan said he has since paid both citations and brought the contractor back to complete the violations in a professional manner, for which he has photos, invoices to reflect repairs as well as other pertinent information for which he is able to provide. He added that the tenants have been very accommodating and are happy with the work that was done, he would like his company to continue to be able to offer affordable housing in the current competitive market in Columbia Heights and would appreciate the Council's consideration and decision not to revoke the license.

Mayor Schmitt asked for verification about the first inspection date, which Captain O'Brien responded was August 28 and reinspection October 3. In addition, he reported that City rental license letters are sent to persons identified as "licensees" on applications (which was Mr. Ali for Penrod Lane LLC and

Mr. Kahn was identified as "property manager" and his title was not checked on the application, so he would not have received any copies of letters sent from the City regarding the property in question). Reinspection repairs that were required included a water leak in the laundry room, siding of house near the entrance, foyer, entry door numbers and lower unit of the property.

Councilmember Williams said the management company has had a decent record in the past (Mr. Kahn said since 1985), Mr. Kahn has been cooperative and he would like Council to give them another chance -- to ensure required repairs have been completed before another reinspection of the property and Council's further consideration of possible revocation.

Councilmember Novitsky expressed concern about the City not licensing LLCs for rental units and the property in question is managed by an LLC.

Attorney Hoeft clarified that the City does license LLCs but a rental license application requires an LLC or business entity to provide a principal contact person who is responsible, whether in town or not, to handle internal business and all mail will go to that person.

He recommended that Mr. Kahn talk with Captain O'Brien about correcting the contact name on the license document and suggested Council either 1) proceed with the revocation and, if corrections are made, have the property license holder pay for a reinspection or 2) table the matter without action to the next Council Meeting and obtain a report from Captain O'Brien about the status at that time; he added that the City will continue to follow procedures and recommended that Council work within that framework. It was his recommendation Council not revoke the license but, rather, give the management company another chance and have Council discuss revocation at its next meeting on Tuesday, November 12.

Councilmember Murzyn, Jr. received reassurance from Mr. Kahn that all required repairs had, indeed, been completed up to code but added that he would vote for revocation at the next Council Meeting if they had not.

Motion by Councilmember Williams, seconded by Councilmember Novitsky, to table Resolution 2019-80 to Tuesday, November 12. All Ayes, Motion Carried 5-0.

B. Consideration of Revocation of the License to Operate a Rental Unit within the City of Columbia Heights is Requested Against the Rental Property at 3919 Ulysses Street NE for Failure to Meet the Requirements of the Residential Maintenance Codes.

Captain O'Brien said he had nothing additional to add to the findings of facts regarding the property at 3919 Ulysses Street NE.

Mayor Schmitt opened the public hearing.

Motion by Councilmember Buesgens, seconded by Councilmember Williams, to close the public hearing and to waive the reading of Resolution 2019-81, 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 2019-81, being a Resolution of the City Council of the City of Columbia Heights approving revocation pursuant to City Code, Chapter 5A, Article IV, Section 5A.408(A) of the rental license listed. All Ayes, Motion Carried 5-0.

C. Consideration of Revocation of the License to Operate a Rental Unit within the City of Columbia Heights is Requested Against the Rental Property at 4543 Taylor Street NE for Failure to Meet the Requirements of the Residential Maintenance Codes.

Captain O'Brien said he had nothing additional to add to the findings of facts regarding the property at 4543 Taylor Street NE.

Halima Muhumed, Columbia Heights property owner, reported that the smoke detector didn't work and sanding/painting of a wall had not been completed before the Fire Department's inspection on October 16; but she said those repairs have been done and had a photo available to show to Council they had been done. She added that the property is identified as a Section 8.

Responding to Mayor Schmitt's inquiry, Captain O'Brien stated that the City's initial inspection was September 4 and reinspection was October 4.

Ms. Muhumed clarified that initial repairs were done October 5-15, which included work on the gutters and bedrooms, but the smoke detector and wall sanding/painting had not yet been completed during the October 16 reinspection, but which she said have now been done. She was informed that another reinspection would be required, including a \$150 fee, to ensure that all repairs have now been completed.

Councilmember Williams recommended that the Council table further consideration of the property's license revocation to the next Council Meeting on Tuesday, November 12. Mayor Schmitt recommended that Ms. Muhumed meet with Captain O'Brien to arrange for a reinspection and its associated \$150.00 fee after the evening's meeting.

Mayor Schmitt opened the public hearing.

Motion by Councilmember Williams, seconded by Councilmember Murzyn, Jr., to close the public hearing and to waive the reading of Resolution 2019-82, there being ample copies available to the public. All Ayes, Motion Carried 5-0.

Motion by Councilmember Williams, seconded by Councilmember Buesgens, to table Resolution 2019-82 to Tuesday, November 12. All Ayes, Motion Carried 5-0.

9. ITEMS FOR CONSIDERATION

A. Other Ordinances and Resolutions

None

B. Bid Considerations

None

C. New Business and Reports

None

10. CITY COUNCIL AND ADMINISTRATIVE REPORTS

Councilmember Novitsky attended the second annual "Truck or Treat," which was attended by 740 children; the Columbia Heights Lions meeting, during which he thanked them for their recent donation; and Fridley's public meeting on the 53rd Avenue sidewalk discussion.

Councilmember Murzyn, Jr. attended "Truck or Treat," the controlled house burn at 48th and University and the Columbia Heights High School Alumni Scholarship Foundation Dinner.

Councilmember Williams attended the Crest View fundraiser and the Traffic Commission meeting, which resulted in passage of requests by residents/neighbors who attended -- and non-passage of requests for those who did not. He encouraged affected residents to attend the Traffic Commission meetings if they wish to change traffic operations, as it makes a significance difference in outcomes.

Councilmember Buesgens attended the Columbia Heights High School Alumni Scholarship Foundation Dinner; volunteered at the "Truck or Treat" (1,000 attendees), where she provided instruction on how to recycle/compost and encouraged attendees (coming from various parts of the Twin Cities) to join the program; met with County Commissioner Mandy Meisner to learn about social services provided by the City.

She also thanked all who brought recyclables to the Recycle Center, where 800 pounds of household batteries, 400 pounds of Christmas lights, 225 gallons of used oil, 723 florescent lightbulbs and 6,000 pounds of scrap metal were turned in.

Mayor Schmitt attended the "Truck or Treat," which she said seemed to appeal to all, and the Prodeo School groundbreaking ceremony.

Manager Bourgeois also attended the "Truck or Treat"; and the controlled house burn, which she said was viewed by the original builder's son, and beforehand had provided the Fire Department with 13-14 training scenarios prior to the final burn; and the Columbia Heights High School Alumni Scholarship Foundation Dinner, where the City's former assistant chief, John Larkin, was recognized as "Alumni of Distinction."

11. COMMUNITY FORUM

Lorien Mueller, Columbia Heights Public School Board member, provided an update to the Council. Friday, November 1, will be the last day of the first quarter and there will be no school the next Monday or Tuesday (in-service day). Highland Elementary will have its annual Turkey Bingo fundraising event for the Parent Teacher Organization on Friday, November 1. There will be a new format for the school board listening sessions, which will now be held at schools during conferences (first two were at Highland Elementary and Columbia Academy in October); upcoming listening sessions will be at the high school and North Park Elementary in November and on January 15 at the public library for the community 6:00-7:00 pm. She also wants to get the word out that student attendance really matters, and there are reading material and tips on the Columbia Heights Public Schools website available (under the "Families" tab) to encourage students. Students who miss school 1-2 days per month are in serious risk of not meeting grade-level expectations. She also noted that breakfast is free for all students.

Councilmember Williams said he would like to know how much money was raised during the very well-attended Columbia Heights High School Alumni Scholarship Foundation Dinner, and asked Ms. Mueller to thank John Larkin, who is the school board chairman. She said that she would try to obtain that number for him from the Foundation.

Malcolm Watson, Columbia Heights resident and former Columbia Heights City Manager, shared some history regarding spreading cinders on City intersections during the winter. He said, while he

was City Manager years ago, he kept diaries beginning in 1951, and directed his staff to do the same, of work done during the week to share each Monday morning and then compile into a report that was then distributed to the mayor and council.

Amada Marquez-Simula, HeightsNEXT, reported the organization would host a view of a TED Talk on “Being a Good Neighbor” on Saturday, November 2, 3:30-4:30 pm at the Library, with discussion to follow. On Wednesday, November 6, HeightsNEXT will partner with First Lutheran Church an “Our Next Stories in Our Neighborhood” 6:30-7:30 pm. On Monday, November 11, HeightsNEXT will hear from Columbia Heights veterans; the organization is looking for a few more veterans who would like to speak for 15-20 minutes; those interested can email HeightsNEXT.org. She invited all to attend the third annual Pet Bed Workshop, which will be held on Saturday, December 14, 12:00-3:00 pm at the Library, where pet beds will be made and donated to local animal shelters; no sewing is needed (all hand tying), and donations of old polar fleece, old blankets and old sweaters would be appreciated.

Nour Abdelhakem, Columbia Heights property owner, said she used to teach in Egypt and worked two jobs. She and her husband have owned a duplex for 23 years (they reside on one side of the building), and its rental license for the second side was revoked last June, though she has continued to pay the mortgage. Ms. Abdelhakem’s daughter moved from Arizona and would like for her and her children to live in their second side and wonders what action she should take to allow them to do so, though her daughter has recently secured a rental unit in New Brighton.

Captain O’Brien provided clarification regarding the duplex’s history, stating that the “family exempt” status is not possible because their rental license has been revoked twice and another wouldn’t be possible until five years have passed. He’d directed Ms. Muhumed to attend the evening’s City Council Meeting and speak with the Council directly regarding her situation, as the Council would be only entity that might be able to offer further action.

Attorney Hoeft said if no rental license can be obtained, a property can be occupied by its owners; if it’s a duplex, however, they are the only ones who may occupy it. According to the City, a building is considered a rental property if it’s non-owner occupied. He also said the mortgage issue is irrelevant as to the City’s licensing procedure.

Captain O’Brien stated that the duplex’s rental side has been posted as “Unlawful to Occupy.”

Councilmember Murzyn, Jr. said he believes no one should occupy the building until the revoked licensed electrical repairs have been completed, regardless of residents being owners or not.

Ms. Muhumed stated that she and her husband didn’t understand the citation/revocation process. Mayor Schmitt recommended she attend owner meetings for rental properties, where questions can be addressed and answered.

12. ADJOURNMENT

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

Meeting adjourned at 8:16 pm.

Respectfully Submitted,



Nicole Tingley, City Clerk/Council Secretary