

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
NOVEMBER 7, 2016**

1. CALL TO ORDER

Mayor Pro Tem Freeburg called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

2. ROLL CALL

Present at roll call: Mayor Rice (arrived at 7:08 p.m.), Councilmembers Anderson, Freeburg, and Weaver.

Staff present: City Manager Greg Lee; Deputy Community Development Director Doug Borglund; Associate Planner Clark Palmer; Police Chief Phil Johanson; Police Captain Eric Peterson; Electric Utility Director Greg Geiger; and City Attorney Scott Baumgartner.

Absent at roll call: Councilmember Schmidt.

3. COUNCIL MINUTES

- 3.1 Minutes of September 24, 2016, Worksession.
Minutes of October 17, 2016, Executive Session.
Minutes of October 17, 2016, Regular Meeting.
Minutes of October 24, 2016, Worksession.

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to waive the reading and approve the September 24, 2016, Worksession, October 17, 2016, Executive Session, October 17, 2016, Regular Meeting, and October 24, 2016, Worksession minutes.

Vote taken. All ayes. Motion carried.

4. OPEN FORUM

- 4.1 Proclamation; Sons of Norway Day, November 14, 2016.

Carol Hofstedt, Andover, and members of the Anoka Chapter of the Sons of Norway from the Vennekresten Lodge requested the City declare November 14, 2016, as Sons of Norway Day.

President Chet Tollefson shared how the local chapter of the Sons of Norway organization was created. He also thanked the City for the new infrastructure in his neighborhood.

4.2 Introduction of Greg Geiger, Electric Utility Director.

Electric Utility Director Greg Geiger shared his background with the Council, which included four years with the U.S. Air Force, 27 years with Marshfield Utilities serving as journeyman lineman and electric operating supervisor. He shared his education and recent employment history and said he was excited to begin employment with the City of Anoka.

Councilmember Freeburg said the electric utility is very important to the City and said he is excited to hand it off to the next person, adding he knows Mr. Geiger will do great.

Councilmember Weaver welcomed Mr. Geiger to the team.

4.3 Downtown Security/City-Wide Activity.

Police Chief Phil Johanson said the City's Halloween events are completed and all went well, including hosting four parades and tent parties with wine tastings and well-known bands. He shared that no arrests were made during the week and noted that extra foot patrols will continue due to the nice weather.

Councilmember Anderson commented that the new tent location worked well. Chief Johanson agreed, stating The Lions were pleased as well with the position on 2nd Avenue and new configuration.

Councilmember Anderson said he liked how the tent location improved traffic flow by having both entrances open to the ramp.

Chief Johanson announced that after 32 years he will be retiring from the City on November 23, 2016. He said he has been very blessed to work for such a great city and thanked the Council, City Manager Greg Lee and citizens of Anoka for their support. He introduced Captain Eric Peterson as the new Police Chief and shared his background which included starting as Police Explorer in 1986, sworn officer in 1992, patrol, investigator, AMRT, special services sergeant, and emergency management. Chief Johanson shared Captain Peterson's educational background in criminal justice and participation in the State's BCA series, adding he has been named employee and officer of the year numerous times and said he is proud to introduce him as the next Police Chief.

Captain Peterson thanked the City and Chief Johanson for their confidence in him, stating while being raised in Coon Rapids he has spent most of his life in Anoka. He said the City is important to him and he will continue to advocate for

the department and City while using all resources prudently. Captain Peterson said he pledges to work with the citizens and business owners and thanked Chief Johanson for his work.

Councilmember Weaver noted how early Chief Johanson begins work each day and said he hopes that will continue. Captain Peterson said Chief Johanson has brought a lot to this department and has taught the same work ethic of which he will hold to.

Mayor Rice thanked Captain Peterson and said he looks forward to his service to Anoka. He thanked Chief Johanson for his leadership, wisdom, and calm manner and said he has been a blessing to the City. Mayor Rice said he is very proud of the entire Police Department and the relationship it has with the community which shows in the calm mannerism the entire force police has with the community.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to approve Consent Agenda 6.1 through 6.3.

Mayor Rice and Council thanked Commissioner Peters for his service to the City and encouraged citizens to get involved in City commissions.

6.1 Approved Verified Bills.

6.2 Revising and Setting Council Calendars.

6.3 Accept Resignation from Economic Development Commission; Jason Peters.

Vote taken. All ayes. Motion carried.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

7.1 ORD/Amending Chapter 74, Article I, Section 74-2, Definitions and Article V, Division 5, Section 74-265 Main Street Mixed Use District Sub-District (EM-1) East Main Street Historic Downtown Core.
(2nd Reading)

ORDINANCE

Deputy Community Development Director Doug Borglund shared a staff report with background information to the Council stating first reading of the zoning text

amendment was discussed by the City Council at its October 17, 2016 meeting and moved to a 2nd reading. He outlined some changes staff has made since first reading, including adding a definition of a Tobacco Shop, a definition of an Electronic Cigarette/Vaporizer Shop, and adding Electronic Cigarette/ Vaporizer Shop to the list of prohibited uses.

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to hold second reading and adopt an ordinance amending Chapter 74; Article I, Section 74-2 Definitions and Article V, Division 5, Section 74-265 Main Street Mixed Use District Subdistrict (EM-1) East Main Street- Historic Downtown Core of the Code of the City of Anoka, Minnesota.

City Attorney Scott Baumgartner noted some definitions need to be corrected based on statutory language and asked that Council postpone this item until later in the agenda to allow him to clarify the definition.

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to postpone action on Item 7.1 until later in the agenda.

Mr. Baumgartner clarified the definitions as proposed based on State Statute as a retail establishment that derives more than 50% from burning tobacco versus sale of other items.

Mayor Rice clarified the definition of a tobacco shop as premised on 50% of sales and that e-cigs are defined as containing or delivering nicotine used to simulate smoking, adding the definition is standard in statute.

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

RES/Summary of Ordinance Amending Chapter 74, Article I, Section 74-2, Definitions and Article V, Division 5, Section 74-265 Main Street Mixed Use District Sub-District (EM-1) East Main Street Historic Downtown Core.

RESOLUTION

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to adopt a resolution approving summary publication of Ordinance Amending Chapter 74, Article I, Section 74-2, Definitions and Article V, Division 5, Section 74-265 Main Street Mixed Use District Sub-District (EM-1) East Main Street Historic Downtown Core.

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

9.1 ORD/Amending Chapter 1, Article II; Administrative Citations and Penalties. (1st Reading)

Associate Planner Clark Palmer shared a staff report with background information to the Council stating staff is proposing a text amendment to Chapter 1, Art. II (Administrative Citations and Penalties), Section 1-23 (Administrative Hearing) that would require a fee be paid at the time an appeal is requested. Currently there is no fee. The fee would be refunded if the appellant was not found in violation, or the fee may be applied toward the cost of the citation. Mr. Palmer said staff is proposing this change in order to discourage appeal requests filed for no other reason aside from trying to have the citation waived or reduced. He noted staff has found that this happens often as the Hearing Officer has the authority to waive or reduce citations, adding the proposed language is based on the City of Robbinsdale's rental licensing ordinance.

Mayor Rice inquired about the amount of the nominal fee. Mr. Palmer said staff is proposing the fee be \$25.

Mayor Rice said if the ticket is dismissed the resident gets the \$25 back but if they pay the administrative fee then it is applied to the fine, stating he does not feel the City is recouping anything. Mr. Palmer said the intent is not to recoup but deter people who would otherwise choose not to appeal.

Mayor Rice said he feels like this fee would not deter anyone and would like to see the fee less or not refunded if the citation is upheld or waived. He suggested the fee be \$10 as it is not a deterrent as outlined.

Mr. Palmer said staff did not want to charge too high as it would conflict with due process. He noted half of the cities they researched have some form of appeal fee and while many do not some are refundable and others get creative with how to recoup those dollars.

Mayor Rice suggested review for second reading for something more for a frivolous appeal.

Motion by Councilmember Anderson, seconded by Councilmember Freeburg, to hold first reading of an ordinance Amending Chapter 1, Article II (Administrative Citations and Penalties), Section 1-23 (Administrative Hearing) of the Code of the City of Anoka, Minnesota.

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

9.2 ORD/Sale of City-Owned Property, 11th Avenue.
(2nd Reading)

ORDINANCE

Mr. Borglund shared a staff report with background information to the Council stating first reading of the ordinance to sell the subject property was discussed by the City Council at its October 17, 2016 meeting and moved to a 2nd reading. Since that time no changes have occurred. He said updated development drawings have been provided by Shadetree Construction, Inc. and the City has been in discussions with Mark Strandlund of Shadetree Construction regarding the property known in concept as "Eastview". He said the property is zoned R-3 Medium Density Residential and was listed with Premier Commercial Realty, the City's broker. The land price was offered at \$20,000.00 a detached townhome unit. The City has received an offer of \$17,000.00 per detached townhome unit contingent upon City Council's approval to enter into a purchase agreement. Mr. Borglund said the City Attorney has reviewed the purchase agreement and is satisfied from a legal perspective.

Mark Strandlund, Shadetree Construction, shared his background and said this product is a good niche for their development scheme as it focuses on empty nesters by offering one-level patio homes with association-maintained streets and yards.

Mayor Rice asked if there will be adequate space for visitor parking. Mr. Strandlund said the project includes standard setbacks and noted one change occurred by eliminating one lot by the cul-de-sac so there will be extra area for snow removal.

Mayor Rice said adequate visitor parking is important and adds to the quality of a development. Mr. Strandlund agreed, noting the project contains two-car garages and room for at least two more vehicles in each driveway plus off-street parking. He said the garages will be designed for full two-car garages at 22 feet which will allow for storage of other items.

Councilmember Freeburg said he is excited to have Shadetree Construction in the City, adding this product will be well-received.

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to hold first reading of an ordinance to convey real property to Shadetree Construction, Inc. (11th Avenue Residential Development Site).

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

9.3 ORD/Property Exchange with AD Center, LLC.

(1st Reading)

Mr. Borglund shared a staff report with background information to the Council stating the City and AD Center LLC have caused properties to be re-platted, resulting in a new plat to be known as Green Haven Parkway Addition. The Green Haven Parkway Addition plat calls for the establishment of a new roadway to be known as Green Haven Parkway. To accommodate the creation of Green Haven Parkway and allow for the expansion of the AD Center LLC's building located within the Green Haven Parkway Addition, the City and Company shall be exchanging portions of their respective properties with one-another. AD Center LLC is proposing to construct a 61,000-square foot addition for its tenant Vista Outdoors Inc. Mr. Borglund shared maps of the proposal and actual property exchange.

Mayor Rice said moving the road created outlots on the north side of Green Haven Parkway and noted we are returning now to that direction.

Mr. Baumgartner noted while the order of the purchase agreement and development agreement is being done differently than normal in order to get the project moving all components are contained and addressed.

Councilmember Freeburg said the City has done this type of transaction before and is pleased we are making things work for the applicant.

Mayor Rice said this is a good project for Anoka that will provide investment and good paying jobs and is a positive move.

Councilmember Weaver said he is pleased to see this come together as it will be positive for landowners, tenants, and the public as part of the Highway 10 project.

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to hold first reading of an ordinance to exchange real property between the City of Anoka and AD Central, LLC.

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

RES/Development Agreement with AD Center, LLC.

RESOLUTION

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to adopt a resolution approving development agreement between the City of Anoka and AD Center, LLC.

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

9.4 RES/Declaration of Covenants, Conditions and Restrictions Relative to the Anoka CRTV Ramp.

RESOLUTION

Mr. Baumgartner shared a staff report with background information to the Council stating the Anoka County Regional Railroad Authority (ACRRA) participated with the City of Anoka and others in the Northstar Commuter Rail Anoka Station Project, resulting in the Anoka Station, Parking Facility and Pedestrian Overpass which were built on property owned by the City. As part of the project, ACRRA received grant funds from the Counties Transit Improvement Board (CTIB) pursuant to a Capital Grant Agreement to construct Phase II. The CTIB Grant Agreement requires that ACRRA file a declaration that the property upon which the Parking Ramp and Overpass are located be subject to the terms, conditions, and covenants stated in the CTIB Grant Agreement. The City was aware of the CTIB Grant Agreement requirements regarding the declaration, and agreed to abide by those requirements and that this action is merely memorializing that commitment.

Councilmember Weaver said the previous action could be open to interpretation. Mr. Baumgartner agreed, stating the intent is clear now and sets forth the understating that CTIB is investing and that declaration is necessary for CTIB to finance the project.

Mayor Rice asked if CTIB is gaining greater control upon sale or surrendering the property. Mr. Baumgartner said the action is recognizing a partnership and that we understood if other entities are investing we will not sell out from under them.

Motion by Councilmember Freeburg, seconded by Councilmember Anderson, to adopt a resolution approving a Declaration of Covenants, Conditions and Restrictions for Lots 1, 1A and 1B all in Block 1, Anoka Transit Village South.

Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, and Weaver voted in favor. Motion carried.

NOTE: ACTION ON ITEM 7.1 WAS HELD AT THIS POINT IN THE AGENDA

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

None.

12. UPDATES AND REPORTS

12.1 Tentative Agenda(s).

The Council reviewed the tentative agendas of the upcoming Council meetings.

12.2 Staff and Council Input.

Councilmember Freeburg thanked Mr. Borglund for his work and being instrumental in bringing development projects to Anoka.

Councilmember Freeburg thanked an audience member for attending and encouraged her to get involved through City Commissions.

13. ADJOURNMENT

Councilmember Freeburg, made a motion to adjourn the Regular Council meeting. Councilmember Anderson, seconded the motion.

Vote taken. All ayes. Motion carried.

Time of adjournment: 8:18 p.m.

Submitted by: Cathy Sorensen, *TimeSaver Off Site Secretarial, Inc.*

Approval Attestation:

Amy T. Oehlers, City Clerk