

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
MARCH 21, 2016**

1. CALL TO ORDER

Mayor Rice called the meeting to order at 7:02 p.m., followed by the Pledge of Allegiance.

2. ROLL CALL

Present at roll call: Mayor Rice, Councilmembers Anderson, Freeburg, Schmidt, and Weaver.

Staff present: City Manager Greg Lee; Associate Planner Chuck Darnell; Finance Director Lori Yager; City Attorney Scott Baumgartner; and Recording Secretary Cathy Sorensen.

Absent at roll call: None.

3. COUNCIL MINUTES

3.1 Minutes of March 7, 2016, Regular Meeting.

Motion by Councilmember Anderson, seconded by Councilmember Weaver, to waive the reading and approve the March 7, 2016, Regular Meeting minutes.

Vote taken. All ayes. Motion carried.

4. OPEN FORUM

No one appeared.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Motion by Councilmember Freeburg, seconded by Councilmember Weaver, to approve Consent Agenda 6.1 through 6.2.

6.1 Approved Verified Bills.

6.2 Revising and Setting Council Calendars.

Vote taken. All ayes. Motion carried.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

7.1 Planning Commission.

7.1.A RES/Variance; 1803 1st Avenue, Impervious Surface Coverage. **RESOLUTION**

Associate Planner Chuck Darnell shared a staff report with background information to the Council stating the applicants, Jeremy Smith and Sharon Untereker, are requesting a variance to allow for the construction of a new garage and driveway at 1803 1st Avenue that will result in exceeding the maximum impervious surface coverage of their lot. There is an existing garage on the property that is nonconforming in a number of ways, is in poor condition and unusable as a garage for vehicle storage in its current state. The applicant is proposing to demolish the existing garage and construct a new 24'x32' (768 sf.) garage that would meet the minimum front and side yard setback requirements. The applicant would also be replacing the existing gravel driveway, which is nonconforming, with a bituminous or concrete driveway.

Councilmember Weaver said he appreciated Planning Commissioner Brahs' comments at the meeting about the importance of having younger families invest in their homes in Anoka and noting that we will run into these challenges. He said he cannot think of a better example for a variance.

Councilmember Schmidt said he favors the variance as well as it exceeds the impervious surface and we have a very large storm water system. He said he cannot imagine that this would be anything but a positive improvement.

Councilmember Anderson agreed commenting that the home is charming and that the garage needed updating.

Councilmember Freeburg said it will be good to have items stored inside as well.

Mayor Rice said while this improvement will increase the property value he thought the City should actually purchase the lot to combine with the surrounding properties the City already owns and said if the property owners are interested they should let the City know. Mayor Rice said otherwise he would be in favor of the variance as it meets the criteria and suggested including some character to match the charm of the home.

Councilmember Weaver suggested selling the surrounding property instead.

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to adopt a resolution approving the variance for the property at 1803 1st Avenue.

Councilmember Weaver thanked the applicants for investing in Anoka.

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

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

NOTE: By motion from Councilmember Schmidt, which was seconded by Councilmember Weaver, and by a unanimous vote of the Council, agenda item 9.1 was moved to the Public Hearing section of the agenda.

9.1 RES/Suspension of Rental Licenses. **RESOLUTION**

Mr. Darnell shared a staff report with background information to the Council stating the City of Anoka renews all rental licenses issued in the City annually, as required by Anoka City Code Chapter 48 Article II Section 48-42 (a). The renewal process for 2016 began in September 2015, when the City notified all current rental license holders of the requirement to submit a rental license renewal application by November 1, 2015. A majority of the current rental license holders completed their rental license renewal applications. However, some rental license holders have not submitted the required applications for rental license renewal. The City sent additional notifications to those that had not submitted their rental license renewal applications on December 10, 2015 and January 19, 2016. Staff is proposing that the City Council suspend the rental licenses for the following properties:

533 Jefferson Street
733 Buchanan Street
862 8th Lane #3
1718 7th Avenue
3627 15th Avenue Court

The owners of these properties were provided with written notice on March 11, 2016 of the City Council's public hearing and potential action to suspend their

rental licenses, which meets the minimum ten-day notification requirement. The reason for suspension of the rental licenses listed above is the failure to pay the license fee that is required by Anoka City Code.

Mayor Rice asked how we enforce rental property without a license. Mr. Darnell said staff will be monitoring these properties but agreed it will be difficult to do. He said if staff discovers continued rental activity the license would be subject to revocation.

Councilmember Weaver suggested monitoring changes in electric users as a way to monitor new rental activity. Mr. Darnell agreed and said staff will notify the Electric Department of any changes.

Mayor Rice opened the public hearing at 7:21 p.m. Being no one appeared the public hearing was closed at 7:21 p.m.

Councilmember Schmidt suggested reporting who is the current tenant. Councilmember Weaver said that is already a requirement for a rental license if requested.

Mr. Darnell said staff can and does request current tenant information and if they refuse will provide cause to move forward in the revocation process. Mr. Darnell said staff processed 496 rental license renewals last year and so far have renewed 454 this year while terminating 37 for various reasons so overall there is a decrease in rental licensing in the City.

Councilmember Freeburg said the City's goal is to monitor rental properties more aggressively than the last couple of years for conditions of junk and blight.

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to adopt a resolution suspending the rental licenses for those property owners that have not completed the required rental license renewal process.

Councilmember Weaver thanked staff for their efforts and asked for further updates and plans for problem properties. City Manager Greg Lee said staff is currently reviewing the rental licensing program to include techniques and cues from the City of Coon Rapids' ordinance as well as working with police liaisons to improve communication and upgrade computers for electronic formatting.

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

9.2 RES/2016 SRP; Accept Bids and Award Construction Contract.
RESOLUTION

Mr. Lee shared a staff report with background information stating on January 19, 2016 the City Council held the public improvement hearing and the assessment hearing for the 2016 SRP project. After the hearings, the Council adopted a resolution authorizing the preparation of engineering plans and specifications. The final engineering plans and specifications were approved on February 1, 2016. The streets that are included in this 2016 SRP project are as follows:

First Avenue Madison Street to Monroe Street
Second Avenue Madison Street to Monroe Street
Eighth Avenue Brisbin Street to Jefferson Street
Adams Street Seventh Avenue to Tenth Avenue
Brisbin Street Seventh Avenue to Ninth Avenue
Madison Street Fifth Avenue to Seventh Avenue
“Tyler” Alley Fourth Avenue to Fifth Avenue

Motion by Councilmember Freeburg, seconded by Councilmember Schmidt, to adopt a resolution awarding a Construction Contract to Kuechle Underground, Inc. in the amount of \$3,317,654.69 for the 2016 SRP project.

Councilmember Schmidt asked how long Bonnell Field will be closed. Mr. Lee said the fields will be closed all summer and that teams have been notified. He said improvements will include irrigation and seed, which will be established by fall.

Councilmember Freeburg said the City has done these projects for the past 18 years and while it appears there is not much discussion these are important improvement projects and the Council trusts the Engineering staff, as they were able to obtain the lowest bid to get the project done.

Mayor Rice said infrastructure is most in need of replacement and these projects have been ongoing for years.

Councilmember Anderson said these projects really improve the entire neighborhoods. Mr. Lee agreed, stating these are really neighborhood revitalization projects as they include new signage, lighting, and boulevards.

Councilmember Freeburg said 2nd Avenue has quite a few cracks and asked if it is scheduled for seal coating. Mr. Lee said the street maintenance program includes seal coating and that the City of Coon Rapids is lead city who coordinates a number of cities to obtain better bids. He said the sealcoating project will be on the Council’s agenda soon for approval and will include a list of streets planned for sealcoating, most from 2012.

Councilmember Freeburg suggested including a street improvement project discussion at a future worksession, as he would like to see Bob Ehlen Drive included this year.

Mayor Rice said this program started 18 years ago and is a huge investment in the City, adding we have annually increased the amount of spending each year. He said while it is true we are spending a lot of money which is past any cost of living increase these projects help renew our neighborhoods.

Councilmember Freeburg noted the City does not bond a lot for these projects but the City's credit rating was affected because our streets were in such poor shape so these projects help in many other areas as well.

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

9.3 RES/City Hall North Parking Lot Project; Accept Bids and Award Construction Contract.

RESOLUTION

Mr. Lee shared a staff report with background information to the Council stating on February 16, 2016 the City Council adopted a resolution waiving the public improvement hearing, approving the plans and specification, set a bid date and authorized the advertisement for bids for City Hall North Parking Lot Project. The overall objective of this project is to reconstruct the City Hall parking lot to enhance both parking and the recreational use to the lot for events while enhancing the downtown area. The scope of the base bid includes a complete reconstruction of the City Hall's north parking lot at Second Avenue and Jackson Street and includes the following improvements/amenities:

- New bituminous surface and concrete curb & gutter (on permeant lot)
- Snowmobile parking area/corral
- Vendor truck pads with electrical and water hook-ups
- Improved traffic circulation
- ADA improvements
- Decorative street lights
- Landscaping & irrigation

Councilmember Freeburg inquired about the bid alternates. Mr. Lee said the bid alternate is to add the electrical work back in to the project, as the City's electric utility is unable to do the work at this time.

Councilmember Weaver said he has tenants in this area and asked if he has to abstain from consideration. City Attorney Scott Baumgartner said Councilmember Weaver will have no financial benefit derived from this project, as it is an improvement project for both the public and his tenants so therefore he can vote on the project.

Councilmember Schmidt commented that bids were approximately 10% less than the City Engineer's opinion and asked if this is an estimate. Mr. Lee said opinion is a new industry-wide term now for engineer's estimate.

Mayor Rice said he will be opposing this project, as the properties from Jackson Street to Ferry Street have been part of a property assembly project and said a builder had come in to propose building on this site and we decided no and this is where this parking lot began. He said if this is not going to be a building site then it should not have a parking site. He said parking is not a big concern in our City and that walking to area stores should be expected.

Motion by Councilmember Freeburg, seconded by Councilmember Anderson, to adopt a resolution awarding a construction contract to Hardrives, Inc. in the amount of \$ 422,959.03 for the City Hall North Parking Lot Project including Base Bid and Bid Alternates #3 and Bid Alternate #4.

Councilmember Freeburg said if we do not build this lot it will remain dust and dirt and full of cars anyway.

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

9.4 RES/Purchase of an Easement at 428 Polk Street for Drainage and Utility Easement Purposes.
RESOLUTION

Mr. Lee shared a staff report with background information to the Council stating as part of the 2016 Street Renewal Project, the stormwater design for Tyler Alley between 4th and 5th Avenue will be improved and a drainage and utility easement is required to have a location to hold and infiltrate the stormwater. He said Public Services has been in negotiation with the property owner at 428 Polk Street to purchase this easement for drainage and utility purposes and within this easement, a stormwater basin will provide storage for the runoff from a 100-year storm event over the new impervious surface. Mr. Lee said the garage at 2715 5th Avenue has a history of flooding during large rain events and by lowering the alley to provide positive drainage away from the garage and directing the stormwater to this basin, it will help this issue. The estimated fair market value of the land purchased is \$7,755 and the City is willing to include the maximum appraisal reimbursement with the City's estimated land value for a total purchase price of \$9,255.

Councilmember Freeburg confirmed this lot is unbuildable. Mr. Lee said this is basically a taking and if they could do something with the lot it would be for less money. He said they have to plan for a 100-year storm event and while a garden may work it may be too much.

Mayor Rice said there is no structure here just a low area that will hold water and we will direct water to it. Mr. Lee said all the water from the alley will be directed to this area.

Motion by Councilmember Freeburg, seconded by Councilmember Anderson, to adopt a resolution approving purchase of an easement at 428 Polk Street for drainage and utility purposes.

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

9.5 ORD/Public Facility Crossover Refunding Bonds. (2nd Reading)
ORDINANCE

Finance Director Lori Yager shared a staff report with background information to the Council stating Finance, with the assistance of Ehlers and Associates, has determined that it is advantageous for the City to refund its current 2008A G.O. Public Facility Bond obligations. After including the costs of issuing the bonds, the savings to the City is projected to be approximately \$128,000 in net present value. The 2016A G.O. Public Facility Crossover Refunding Bond proceeds will pay for the existing debt from the bonds issued in 2008 for the improvements to Greenhaven event center and golf course and the costs of the issuance of the new debt.

Motion by Councilmember Schmidt, seconded by Councilmember Weaver, to hold second reading and adopt an ordinance authorizing the issuance of general obligation public facilities refunding bonds in an amount not to exceed \$1,600,000 to finance the refunding of the City's general obligation public facilities bonds, Series 2008A.

Mayor Rice confirmed this action will ultimately result in a savings to the City.

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

9.6 ORD/Amending Chapter 50, Streets, Sidewalks and Other Places, Article VII, Parades. (2nd Reading)
ORDINANCE

Mr. Lee shared a staff report with background information to the Council stating recently the City adopted an ordinance regarding no camping in the City and part of that ordinance also states that no private property can be stored on public property. During the discussion concerns were raised about the timing for placing chairs on the sidewalk to watch parades. An informal survey was conducted about the appropriate timing for placing chairs before a parade, the results of which indicate that chairs should be placed no sooner than 4am on the day of the

parade. Mr. Lee said the Anoka Chamber also weighed in on this topic and agree with the 4 am timing.

Mr. Baumgartner shared one change since first reading stating the City shall not be responsible for any objects removed and/or stored by the City pursuant to this section.

Mayor Rice summarized the ordinance that beginning in 2016 chairs will not be allowed to be placed until 4am on the day of the parade and until 4pm of the evening parade.

Motion by Councilmember Freeburg, seconded by Councilmember Schmidt, to hold second reading and adopt an ordinance amending Chapter 50, Streets, Sidewalks and Other Places, Article VII, Parades, including additional language in Section 50-255 clarifying the City is not responsible for any items left.

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

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

11.1 Consideration of Issuance of a Special Event License; Bodies by Bob Fitness, 5K Run.

Mr. Lee shared a staff report with background information to the Council stating Bob Blake of Bodies by Bob Fitness, located at 300 Main Street in Anoka has submitted an application for a Special Events License to hold a 5K run. Staff has no concerns or objections to the issuance of this license and does not anticipate any staffing needs for this event that would be billed back to the sponsor. The event is planned to be annual 5K event on Saturday, April 30 on the Rum River path near the Northstar train station. The entire 5K will be run on the existing City trails/pathways. The sponsor will set up two (2) 10x10 tents for registration in the empty space next to the trail and noted the tents will be weighted down as no staking is permitted. Mr. Lee said the sponsor will supply sufficient restroom facilities for the event and there will be no street closures related to this event, as well as no food or alcohol. He said proceeds will cover the cost for Mr. Blake's son to attend an acting/model show in New York City and that Mr. Blake has advised that somewhere between 5% -10% of the event proceeds will also be donated to Hope 4 Youth.

Councilmember Weaver said this is a great event but struggles with using public property for personal gain. He said while a portion of the proceeds is going to

Hope 4 Youth he is concerned about opening this discuss again and suggested the topic be included in a future worksession.

Councilmember Freeburg agreed with Councilmember Weaver's concerns but said he does not think worksession is even necessary.

Mayor Rice said he is not sure of percentage of proceeds from past events and noted the Lions have raised funds through similar events and asked what percentage we would be comfortable with.

Motion by Councilmember Freeburg to deny issuance of special event license for Bodies by Bob Fitness 5K run.

Bob Blake, Ramsey, said he has studio in Anoka and is looking to promote fitness and wellness and while he agrees there will be some personal gain he is only looking for support from his clients and will be promoting the event from within. He thanked the Council for their consideration and said he could do the event later if necessary and will consider giving a larger portion to charity.

Councilmember Freeburg withdrew his motion.

Motion by Councilmember Freeburg, seconded by Councilmember Weaver, to postpone consideration of a special event license for Bodies by Bob Fitness 5K run to May 2, 2016, to allow for further discussion in a worksession on April 25, 2016.

Vote taken. All ayes. Motion carried.

11.2 Consideration of Issuance of a Special Event License; K-9s from Carrie, Dog Walk.

Mr. Lee shared a staff report with background information to the Council stating Kelli O'Neil, on behalf of K9's from Carrie has submitted an application for a Special Events License to hold a Dog Walk. K9's from Carrie is a non-profit organization that purchases dogs and training, to be given to people with Mental Health issues. Mr. Lee said staff has no concerns or objections to the issuance of this license and does not anticipate any staffing needs for this event that would be billed back to the sponsor. The event is planned to be annual dog walk and will be held on Sunday, May 15 from 11:00 a.m. to 3:00 p.m. at the Anoka High School. The dog walk will occur on the already existing City trails/pathways of the Rum River Trail and Anoka Nature Preserve and the sponsor has supplied written permission from Anoka High School that they can utilize their parking lot and property for staging the event. The event will also include an area where information relating to Mental Health services is available, as well as dog related items, treats, etc. School property has sufficient restroom facilities for the event, which will be available on the day of the event, as scheduled by the sponsor.

There will be no street closures related to this event. There will be no food or alcohol sales at this event. Proceeds of this event will go back to the non-profit K9's from Carrie.

Kelli O'Neil shared background on the event and organization and noted all dogs will be leashed and bags provided to the participants to clean up waste from the dogs.

Motion by Councilmember Weaver, seconded by Councilmember Schmidt, to approve issuance of special event license for K-9s from Carrie dog walk request that the Council acts on the issuance of this license.

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 asked for an update on the Eaglebrook Church project. Mr. Darnell said the church has closed on the property and has submitted their first set of building permits to demolish the front elevation of the former K-Mart building. He said their goal is to be open by Easter of 2017.

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: 8:11 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk