

**WORKSESSION OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL WORKSESSION ROOM
APRIL 25, 2016**

1. CALL TO ORDER

Mayor Rice called the worksession meeting to order at 5:17 p.m.

2. ROLL CALL

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

Absent: None.

Staff present: City Manager Greg Lee; Planning Director Carolyn Braun; Associate Planner Chuck Darnell; Public Works Superintendent Mark Anderson; City Clerk Amy Oehlers; Associate Planner Clark Palmer; Recording Secretary Cathy Sorensen.

3. COUNCIL BUSINESS and/or DISCUSSION ITEMS

3.1 Discussion; Special Events Ordinance/Policy.

City Clerk Amy Oehlers shared the staff report stating at the March 21, 2016 City Council meeting, the Council was presented with two requests for a Special Events License. Both proposed events were sponsored by private businesses. These applicants stated that a certain percentage of their proceeds would be given to a local non-profit (5% - 10% for one applicant, 10% for the other applicant). During the Council discussion Councilmembers expressed concern about public property being utilized for private monetary gain. Those two requests were postponed until after the Council had the opportunity to discuss private entities using public property for events and whether or not the City should stipulate a specific revenue sharing for Special Events.

Councilmember Weaver asked if we hire staff when we close 2nd Avenue for events such as Riverfest. Public Works Superintendent Mark Anderson said no as Ms. Oehlers was referring to hiring help for tent installation.

Ms. Oehlers said 10K Brewery were planning to install a tent. Mr. Anderson said we have 300 feet of jersey barricades so that work could subcontract with ballasts to hold the tent down. He said this work would just be a street closure that we do internally.

Ms. Oehlers referred to special signage regarding street closures 48 hours ahead of event. Mr. Anderson said jersey barriers were the largest expense of the work

with turn lane closure signs at a few hundred dollars versus \$8,000 for jersey barriers.

Councilmember Weaver said staff has arranged for installation of tent anchors for special events in the new parking lot by City Hall. City Manager Greg Lee said water and electric have been arranged as well.

Councilmember Schmidt said we talk about right-of-way and public property but the description includes private property too. Ms. Oehlers said we have some events on private property too and adopted exemptions in 2013 for events such as St. Stephens' summer event and activities at Castle Field.

Councilmember Schmidt said the ordinance outlines that private events could be required to obtain a license and asked how that coordinates with park rental. Ms. Oehlers said staff wanted to address park rentals too and has been working with Parks and Recreation Coordinator Lisa LaCasse on language as well.

Councilmember Weaver noted a recent event organizer went to the Park Board and then staff. Ms. Oehlers said that was correct, adding they intended to include liquor at their event too.

Councilmember Weaver said he is pleased when we have special events as they are a lot of fun and have a positive effect on businesses and restaurants but said every event should be partnered with a non-profit organization.

Councilmember Schmidt clarified that partnering with a non-profit organization was only if using public property.

Mayor Rice if we are using public space costs should be passed on unless this is really benefiting a non-profit. He said he is not sure of the quality of the non-profit and that we may be more lenient on those costs versus when only a small portion goes to the non-profit.

Ms. Oehlers said current exemptions like Anoka Halloween are not being charged back as they are community events but all others are being charged back.

Councilmember Schmidt suggested Council propose a percentage of net proceeds. Councilmember Weaver agreed.

Mayor Rice said we have been leery of that even with pull tabs because of the overhead costs.

Councilmember Weaver said we saw lots of administrative fees when the car show first started. Mayor Rice agreed but said we should not support that with public space, adding while it is good to have a policy it is difficult to define.

Councilmember Freeburg said the criteria should be based on private versus non-profit use and that public space should not be used for private gain at all. He said a ratio would be hard to define at one specific amount.

Councilmember Schmidt said the event may still require a license but not necessarily cost sharing with anyone else.

Mayor Rice said profits from the event go to a non-profit organization and promotion of their location is the benefit of the event.

Councilmember Weaver suggested 75%-25% to the organizer and that part of the policy should include no salaries as part of the group.

Ms. Oehlers asked if that should apply to just private or non-profit groups. Mayor Rice said it should apply to all organizations.

Councilmember Anderson suggested researching other communities' processes.

Ms. Oehlers shared that school events are hard to regulate if they are City or school trails and that we have an exemption for events that happen on school property.

Mr. Lee said this involves an exclusive right to City property instead of being open to all public to share.

Councilmember Schmidt referred to large turnouts for events such as the Grey Ghost Run. Mr. Lee agreed, stating we should differentiate between exclusive use and shared use.

Mayor Rice said the walk event was on public space but would not involve closing streets and while the event would have gone just fine in the future the event could grow too large to handle.

Council consensus was to research other cities' special event ordinances.

Councilmember Schmidt inquired about the proposed fee. Ms. Oehlers said staff was considering \$75 annually and if no change then no subsequent charge. She said the process currently involves 8-10 staff to review.

Councilmember Weaver said the review should involve using public space for personal gain and the need for a permit and whether or not they close the trail.

Councilmember Schmidt said we still need a fee for private events. Ms. Oehlers clarified the fee should apply for all events except for exemptions.

Mayor Rice said the fee could eliminate a lot of events if it gets too high and suggested a fee based on the proposed budget.

Councilmember Schmidt asked if the suicide prevention event did not involve a park permit. Ms. Oehlers said no but that she would have been notified anyway because of the intent to serve alcohol.

Ms. Oehlers suggested only involving a fee if held in a new public area and running on the trails. Councilmember Schmidt said no as that would involve too much control and referred to the Mt. Olive event.

Mr. Lee said participants of that event were running on public streets and trails without any closure. Mr. Anderson said that event did not require much set-up from Public Works.

Councilmember Schmidt agreed with Councilmember Weaver but wants to ensure that small events can afford the fee as well. He suggested outlining what is allowed and not allowed and then figure an amount to go to the partners.

Mayor Rice said partnering with non-profits probably benefit more than we think as they will advertise the organizer's event, etc. and suggested 75% sharing.

Ms. Oehlers asked if the Council wanted to limit to local non-profit groups only. Mayor Rice said the groups did not have to necessarily be local.

Councilmember Weaver asked about certain non-family-friendly events. Councilmember Schmidt said all events should be family-friendly and suggested 80% after expenses or of the net. Council agreed.

Councilmember Schmidt asked staff to bring events back for consideration that staff knows they want to see.

Ms. Oehlers asked if the use of public roads is acceptable. Mr. Lee said generally events do not involve use of public roads but that can be a question to ask, adding staff is very protective of shutting down public right-of-way, including the 10K Brewery event and the recent Walk a Mile in Her Shoes event.

Mayor Rice noted we close streets for the weekly car show and block parties.

Mr. Anderson asked if we would close a street for a weekend event. Councilmember Weaver said no as a weekend is too long. Mr. Anderson said the new parking lot will help facilitate those requests.

Councilmember Weaver asked how 10K Brewery organizer can sell their own beer from a tent. Ms. Oehlers said they have a license to sell off-site.

Mr. Anderson said the marquee and City-sponsored events are different if they benefit everyone but it is the new private, for-profit groups that are different.

Mayor Rice said an organizer does not have to partner with an organization but could just donate money to it.

Councilmember Schmidt said the MMPA annual meeting will be held on July 26 at Green Haven. He said the meeting will include 150 people from various cities and asked Councilmembers to attend if they can. He said this is the annual board of director meeting and will offer a lot of information about the MMPA.

3.2 Discussion; Related to Rental Licensing.

Associate Planner Chuck Darnell shared the staff report stating that City staff has been reviewing the Rental Licensing ordinance of the City Code. Recently, staff has begun to ensure that all the requirements in the Rental Licensing ordinance are being enforced and that all rental property owners are complying with the requirements. There are some changes that are being proposed to increase the efficiency with which staff can administer the Rental Licensing program, and also to better allow staff to ensure that the purpose of the Rental Licensing program is being accomplished. A reminder that the purpose of the Rental Licensing program is to ensure that those properties that are rented are safe, secure and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; and free from reasonable fears about safety of persons and security of property.

Staff outlined proposed changes that if approved they would like in place before the rental license renewal process begins in late 2016 and asked for Council input.

1) Biannual license renewal - Mayor Rice suggested inspections every three years as the majority are compliant. Council agreed.

2) Increase flexibility in staff determining when re-inspections are required – Councilmember Weaver asked what if one inspection goes bad. Mr. Darnell said the intent is to re-inspect every three years but we can do more if necessary based on specific criteria including the City may inspect if there has not been an inspection in three years.

Councilmember Freeburg inquired about junk and debris. Mr. Darnell said the City can inspect if we receive a complaint.

Councilmember Weaver said the system has been established by staff and Officer Schley and it is very impressive.

Mayor Rice suggested changing the language to be more stringent. Associate Planner Clark Palmer said Coon Rapids' ordinance states 'shall' and that some inspections are a requirement for continued licensing.

Council consensus was to license every three years along with a three-year renewal and change the language to include 'shall inspect' instead of 'may inspect'.

Councilmember Weaver said the term 'shall' should be based on staff discretion to do the minimal percentage of units in building as we do not want to waste time in places where there are no problems.

Mr. Darnell said staff typically inspects a quarter of the units in a complex and then records which units they do in order to rotate inspections.

Councilmember Freeburg asked what staff looks for during an inspection. Mr. Darnell said anything not functioning correctly.

Councilmember Weaver said the inspection is similar to the Section 8 inspection checklist.

Mr. Palmer said they follow the property maintenance chapter and State Fire Code requirements.

Councilmember Weaver inquired about how they address hoarding. Mr. Darnell said the code still refers to cleanliness and can be required to fix it based on lease agreements or revert back to the owner.

Mr. Darnell said staff will verify with the Fire Department too when necessary.

3) Increase re-inspection fee from \$25 per unit to \$100 per unit after third time - Council agreed, stating they would like to have flexibility to work with property owners to progress towards compliance, especially in hoarding cases and when working on evictions.

Mayor Rice suggested adding language such as attempting to make corrections. Councilmember Weaver agreed, stating there are many rights for tenants.

Mr. Palmer said the process already postpones adverse license action for 30 days. Council suggested increasing that time period to allow for eviction proceedings but to use staff discretion for the best intent.

4) Crime-free housing educational course requirements – Staff shared they would like to provide a six-month grace period to allow for an opportunity to train, stating other cities do this partnering, which gives flexibility and formalizes the partnership. Staff asked if Council is comfortable with only taking the training once. Council concurred.

Councilmember Weaver said if a license holder is in jeopardy of being revoked they need to take the training again. Mr. Darnell agreed, stating that will be a condition of license renewal.

5) Addition of conversion fee and nuisance fee to fee schedule - Council agreed.

Mr. Darnell suggested a rebate could be allowed if license holders submit to crime-free training, etc. Council agreed to keep the rebate tool.

Councilmember Freeburg said the rebate should not be refunded and should be a requirement to rent.

Council concurred the nuisance fee should be between \$200-\$500 with the first call free, second call and letter with request for plan to correct with the range determined by the police. They said the range should be defined and not discretionary.

Mr. Palmer said stiff penalties could help focus on who landlords rent to, noting early fines kick in right away with subsequent calls going to Council for potential revocation. He noted medical calls would not be included in this tally and that staff will possibly be working on mapping and rental density data.

6) Require police and fire lock box on exterior doors with existing security systems - Council consensus was to allow for access into the buildings.

Staff outlined other items to consider, including:

1) Change to occupancy standards – staff explained proposed changes, including closets and sharing bathrooms and kitchens with people not related, adding renters can have their own bedroom but share common space.

Mayor Rice suggested an exception be included for a nuclear family. Planning Director Carolyn Braun said that is possible but would need to meet square footage requirements by the State.

Mr. Darnell said the language was intended to focus more on unrelated tenants and not nuclear families.

2) State licensed residential facilities - Council consensus was to license these facilities.

Councilmember Schmidt said he thought we could not license residential facilities. Ms. Braun said staff is trying to verify as she did not think we need to inspect twice. She said the City is not prohibited from inspecting as they have the knowledge of whom they are renting to.

Councilmember Schmidt said there has been discussion on warrants and outstanding warrants and arresting renters depending on the degree of the warrant and that more clarification is needed.

Council consensus was for staff to inform the Police Department of any warrants found on rental property tenants.

Councilmember Schmidt said we should verify first for any data practices concerns as with any other licensing agencies without a State license and suggested other residential licensing. He noted discretion is needed for nursing home/memory care/ and other exceptions.

3) Rental property density restrictions – Staff shared they are doing research about a maximum number of rental properties in a certain area.

Councilmember Schmidt said the CRTV could be a very dense area. Councilmember Weaver agreed but said it is based on the zoning. He said the vision for that area is not R-1 but that it does not turn all into rental, such as a college town.

Council consensus was to still work on density amendments but not as a high priority.

Mayor Rice said he would like to have some education on density though. Ms. Braun said density could be used as part of the process and done when staff has some time.

Councilmember Schmidt thanked staff for the weekly report on code compliance, rental licensing, number of violations, citations issued, and those brought into compliance.

Councilmember Weaver suggested including Officer Shlay's letters with the report as well.

Council thanked staff for their work.

3.3 Discussion; Interim Use Permit; Accessory Structures.

Ms. Braun shared the staff report stating that in December 2015 the City considered a request for an interim use permit to allow a home occupation in a carriage house on the property at 1627 South Ferry Street. The request was denied due the inability of the applicant to show that the proposed use would be temporary in nature, as required by the zoning ordinance. At that time, the Council indicated that they would like to discuss this issue further and discuss whether the zoning ordinance should be amended.

Staff would like direction from the City Council on whether staff and the Planning Commission should draft amendments to the zoning ordinance related to home occupations and listed several options as examples.

Council consensus was not to make home occupations easier as they do not want them because there is too much room for error. Staff will bring forward a sign permit ordinance too at same time.

Council agreed that they do not favor accessory structure businesses and sheds on skids on impervious surfaces, even if it is on wheels. They agreed the structure should include anything placed upon the ground, tires included and that structures over 120 square feet should have foundations. Staff will review the recreational vehicle definition regarding structures such as park models and ice houses.

3.4 Discussion; Sidewalk Snow and Ice Control.

Mr. Anderson shared the staff report stating earlier this winter City staff and several councilmembers received a phone call complaint/inquiry from a citizen regarding ice control on sidewalks; and questions regarding the City's responsibility for ice control and snow removal on sidewalks. He said the inquiry prompted staff review of City code and the Snow Removal Policy 97-107.

Staff provided recommendations for updates to the code sections and snow removal policy, stating the City assists property owners with the snow removal process on sidewalks but does not provide ice control. Staff said they do not recommend that the City take on the responsibility for ice control on sidewalks due to the potential liability risk for slips and fall injuries that could occur on sidewalks and due to the increase costs associated with providing such services. The City will continue to provide ice control on sidewalks adjacent to city owned buildings/facilities.

Mr. Lee said ice control on adjacent areas is ultimately the homeowner's responsibility and that none of this is to be construed to be the City's responsibility.

Councilmember Weaver said it is important to know the intent is that someone is still in charge and that is not going to change, adding the process works very well.

Mr. Anderson said staff makes good decisions and if we define too tightly it could be bad. He said the policy is in line with 2 and 3 inches of snow levels and discretion is still up to the street supervisor while still allowing the Police Chief to make recommendations. He said the question is whether the City salts sidewalks and said staff recommends we do not as it would require more responsibility and more equipment.

Mr. Lee said he is not aware of any cities that salt sidewalks.

Councilmember Schmidt said the language states that City maintains the safest, possible travel and suggested changing that language as it could be construed to mean plowing every 10 minutes for example. Mr. Anderson suggested using the term practicable instead and will revise the policy for Council consideration.

Mayor Rice suggested including plowing on a timeframe instead such as 24 or 48 hours. Mr. Darnell suggested using clearing as practicable instead.

4. OTHER BUSINESS

4.1 Staff Update.

None.

5. COUNCILMEMBERS COMMENTS

None.

6. ADJOURNMENT

Mayor Rice adjourned the Regular Worksession meeting at 7:36 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk