

**REGULAR MEETING OF THE ANOKA CITY COUNCIL  
ANOKA CITY HALL  
CITY COUNCIL CHAMBERS  
MAY 2, 2016**

**1. CALL TO ORDER**

Mayor Rice 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, Councilmembers Anderson, Freeburg, Schmidt, and Weaver.

Staff present: City Manager Greg Lee; Planning Director Carolyn Braun; Associate Planner Chuck Darnell; Finance Director Lori Yager; Police Chief Phil Johanson; and City Attorney Scott Baumgartner.

Absent at roll call: None.

**3. COUNCIL MINUTES**

3.1 Minutes of April 18, 2016, Local Board of Appeal and Equalization.  
Minutes of April 18, 2016, Regular Meeting.

Motion by Councilmember Weaver, seconded by Councilmember Schmidt, to waive the reading and approve the April 18 Local Board of Appeal and Equalization and the April 18, 2016, Regular Meeting minutes.

Vote taken. All ayes. Motion carried.

**4. OPEN FORUM**

No one appeared.

**5. PUBLIC HEARING(S)**

5.1 Public Hearing; Issuance of an On-Sale Intoxicating Liquor and Sunday Liquor License to MN Tavern Development Group, LLC, dba; 201 Tavern & Grill, 201 Jackson Street, Suite 102.  
RES/Issuance of an On-Sale Intoxicating Liquor and Sunday Liquor License to MN Tavern Development Group, LLC, dba; 201 Tavern & Grill, Jackson Street, Suite 102.

**RESOLUTION**

City Manager Greg Lee shared a staff report with background information to the Council stating a new business has moved into the location that was previously operated as River City Saloon. The new business is MN Tavern Development Group, LLC, dba; 201 Tavern & Grill and they have applied for an On-Sale Intoxicating Liquor & Sunday Liquor License. Staff has conducted the necessary background investigations and no concerns or objections have been expressed. The business has been doing some remodeling of the building and plans to re-open within the first couple weeks of May. The approval of this license will be contingent upon final inspections and issuance of a Certificate of Occupancy.

Mayor Rice opened the public hearing at 7:05 p.m.

Being no comments Mayor Rice closed the public hearing at 7:05 p.m.

**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 up on the agenda and acted upon at this point.**

Motion by Councilmember Freeburg, seconded by Councilmember Anderson, to adopt a resolution approving the issuance of an on-sale intoxicating liquor & Sunday liquor license to MN Tavern Development Group, LLC, dba; 201 Tavern & Grill, 201 Jackson Street, Suite 102, Anoka, Minnesota.

Councilmember Freeburg said he is excited to see this new business open.

Chad Johnson, Scandia, said he is the owner of The Well in Coon Rapids and plans to implement a rustic theme at this location with homemade, smoked foods.

Councilmember Freeburg noted current customers will be surprised with the change and wished them the best of luck.

Councilmember Weaver said he is excited to see the new ambience at this location and welcomed them to Anoka.

Councilmember Schmidt asked if they intend to serve breakfast as well. Mr. Johnson said they plan to offer brunch on Saturdays and Sundays with lunch and dinner each day of the week.

Councilmember Schmidt asked if the menu will be similar to The Well. Mr. Johnson said it will in some regard, especially with regard to their chicken wings, but said other offerings will be included such as pastrami sandwiches and Mahi Mahi.

Mayor Rice asked if they intend to have a 2am license. Mr. Johnson said no, they plan to close at 1am on the weekends and 11pm during the week.

Mayor Rice thanked Mr. Johnson for investing in Anoka and wished him all the best.

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

5.2 Public Hearing Improvement Hearing; Stormwater Pollution Prevention Annual Report (SWPPP).

Mr. Lee shared a staff report with background information to the Council stating this public hearing is one of the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit to update the City Council and provides an opportunity annually for the public to provide input on the adequacy of the City's Storm Water Pollution Prevention Program (SWPPP). This plan establishes annual goals and objectives for the City in an effort to implement policies and procedures that will meet stormwater quality requirements of the permit. Mr. Lee outlined the improvements made over the year as part of stormwater quality management.

Mr. Lee said no formal action is required but asked the Council to take any public input.

Councilmember Schmidt said he looks forward to hearing how many tons are moved from catch basins each year. Mr. Lee said he does not have the exact figures but knows it is in excess of 100 tons. He said this material is filtered out before being dumped back into the river.

Councilmember Schmidt inquired about the catch basins with direct outfall to the river. Mr. Lee said they did not eliminate any catch basins in 2015 and while adding storm sewer sceptors they did not add any additional discharge points.

**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 Items:

7.1A ORD/Rezoning: 6058 Highway 10. (2<sup>nd</sup> Reading)  
**ORDINANCE**

Associate Planner Chuck Darnell shared a staff report with background information to the Council stating the City is proposing to change the zoning classification of a City-owned property located at 6058 Highway 10. The property is currently zoned R-6 Manufactured Home. Staff has proposed that the zoning classification be changed to R-3 Medium and High Density Residential. The Planning Commission considered and recommended approval of the change in zoning classification at the April 5, 2016 regular meeting. The Planning Commission determined that the rezoning met the criteria required to change the zoning classification of the property, based on the outlined findings.

Don Kidd, Ramsey, asked if the rezoning is the first part of this item. Mayor Rice said yes, stating the Council will consider the rezoning, then the plat, and finally the Planned Unit Development (PUD).

Mr. Kidd said he was curious of the effect the five -acre variance would have on the rezoning to be made buildable on 3.8 acres and would the rezoning still be considered from R-6 to R-3. Mr. Darnell said the variance was for the PUD, which is five acres while the variance was for a smaller portion not related to the zoning but to the PUD, which would be akin to apartment complexes.

Mayor Rice said there are many different structures that could fit on this site but the question is more about how many people fit per acre.

Mr. Kidd said so an allowed use could be a business like the condo type and would R-3 be the best fit or would commercial be better since there will be so much rotating traffic as residents change. Mayor Rice said it is an opinion but the business climate on Highway 10 and the uses around the site we believe it is a good fit. He said there are businesses challenged by on/off access, which will only get worse, adding access is important.

Mr. Kidd asked if egress for pedestrian walkways are common as there is nothing there now and asked if there are any plans for walkways. Mr. Darnell said the rezoning to R-3 could constitute pedestrian activity and a plan for the frontage road on Highway 10 and reserving space for trail connections.

Mr. Kidd asked if the plan includes a trail similar to the Mississippi River Trail (MRT) or a sidewalk-type trail. Mr. Lee said the TH10 study showed that Riverdale Drive would be extended east to a trailhead to connect into the MRT system with access to the east and west to connect. He said Anoka started preliminary designs of the road, which are necessary to reserve right-of-way, and is looking for the City of Ramsey to move forward with their design. He said once that is complete Anoka can move forward with the grant application.

Mayor Rice said we will see more details and locations once the plat is designed.

Mr. Kidd referred to the silt setback for riparian lots and asked how much is left of buildable acreage and does that comply with the variance. Mayor Rice said that area is the setback and while the property may or may not be useable it is even if it is not all buildable.

Mr. Kidd said when the silt fence was installed do they keep part of it and give the rest to the new owners and asked how much is left, 3.6 acres or less. Mr. Darnell said the outlots are approximately .8 acres in Outlot A and while he is not sure if it took the entire 100-foot the full development will be 30% impervious surface coverage.

Mr. Kidd said the silt fence line of the .8 acres was allocated and unbuildable. Mr. Darnell said the silt fence is a temporary construction feature and will be removed.

Mr. Kidd said when the fence is removed the area is 3.6 acres how much will be deeded back to the City. Mr. Darnell said the area included in the PUD is 3.8 acres with two lots and one outlot and the acreage is about .8 acres. He clarified the variance includes all lots and the two lots which will be entire 3.8 acres.

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to hold second reading and adopt an ordinance amending Chapter 74, Article III, Section 74-62 of the Anoka City Code regarding the City of Anoka Zoning Map.

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

7.1.B RES/Final Plat; 6058 Highway 10.  
**RESOLUTION**

Mr. Darnell shared a staff report with background information to the Council stating the City is requesting approval of the final plat for Fellowship Place. This plat encompasses the properties currently addressed 6058 Highway 10. The Planning Commission held a public hearing on April 5, 2016 and recommended approval of the preliminary plat for Fellowship Place. The City Council also reviewed and approved the preliminary plat for Fellowship Place on April 18, 2016.

Mr. Darnell said that since that time staff has determined two minor changes that have been reflected on the final plat. Those include a wider drainage and utility easement on Lots 1 and 2 to allow for utility access and still preserve trees on the site, and the change of the area shown as right-of-way on the preliminary plat to Outlot B on the final plat. These changes were described during the staff

presentation to the City Council on April 18, 2016, before the approval of the preliminary plat.

Mr. Kidd asked for clarification on preliminary versus final plat approval. Mayor Rice said plat approval does not address zoning but how a site is divided up and the plans for each of those lots.

Motion by Councilmember Freeburg, seconded by Councilmember Schmidt, to adopt a resolution approving the final plat for Fellowship Place.

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

7.1.C ORD/Planned Unit Development; 6058 Highway 10. (2<sup>nd</sup> Reading)  
**ORDINANCE**

Mr. Darnell shared a staff report with background information to the Council stating the applicant, Dennis Medved, has submitted an application for a planned unit development (PUD) to develop townhomes and an office building on the property at 6058 Highway 10. The property will be used as the new facilities for Riverplace Counseling Center. The City Council completed a site plan review and approved the site plan and a variance for the development on April 18, 2016. The applicant is requesting that the PUD be created as Planned Residential Development-5 (PRD-5) with mixed land uses, as allowed under Anoka City Code. PRD-5 would be based on the underlying zoning district of R-3 Medium and High Density Residential. The mixed land use would encompass the office building, which is allowed because offices are a use that is permitted in one of the City's four types of PUDs and the office use will not occupy more than one-third of the area within PRD-5.

Councilmember Anderson confirmed there are no required changes on the PUD.

Roxanne Terstee, 6263 Rivyln Avenue, said she was unaware of the project from the beginning and was told it was going to be a parking lot to serve the nearby park after contacting the owner. She said the City of Ramsey held a workshop to express their concerns but told this project was going to happen. Ms. Terstee said presented a petition from the neighborhood, stating she has lived there for over 30 years and while some issues mentioned are someone else's fight she wants to focus on the most important things, including serious safety concerns, security and liability issues. She said not one Anoka resident feels the sting of this move but the Ramsey residents do. Ms. Terstee said she was told the DNR gave permission and the Mississippi River Critical Corridor (MRCC) is fine with the project but asked when the City is the owner and hands it over to a private citizen will the DNR still feel the same way about the project.

City Attorney Scott Baumgartner said the DNR rules do not apply differently to a municipality versus a private entity. He said any developer that impacts or is close to waterways involves DNR review because they oversee the critical areas along the river way, whether it is the City or a private industry.

Ms. Terstee spoke about contamination and that realtor Marty Fischer said these issues make the site unbuildable. She said he shared that the flood plain runs right through the lot and while it is difficult to see on the flood plain maps he has seen water logged areas and asked if this is an issue. Mr. Darnell outlined the flood plain area and the building restrictions in the 100-year flood zone but not the 500-year flood zone, which the building is outside of.

Ms. Terstee shared concerns about building in this area because the water does not follow the topography and the DNR requirements, adding no there are building restrictions imposed in the 500-year flood plain area and asked if the project meets all standards required for a flood plain area. She said she reviewed the permit from the Lower Rum River Water Management Organization (LRRWMO), an organization that meets at City Hall. She said the permit from March stated Dennis Medved was the owner and the project was for Riverside Counseling Center and since he is not the owner and the center is not the same name is the permit still valid. Mr. Baumgartner said the same rules would have applied whether the permit was issued to the City or a private entity as the review looks at the underlying uses of the property.

Councilmember Weaver clarified the LRRWMO meets at City Hall but is comprised of representatives from all area cities.

Ms. Terstee asked if the permit is still legal based on the name it is issued in. Mr. Baumgartner said the permit is still valid.

Ms. Terstee said the MnDOT permit referred to Riverview Counseling Center and asked why so many names have been used. Mayor Rice said the different names are likely typographical errors.

Ms. Terstee referred to the study and how it affects local neighborhoods, stating concerns that right now the center is blocks from the police station but now be miles away. Mayor Rice said the City has not reviewed police calls recently but said he does not believe the new location will be any concern.

Ms. Terstee asked if the Mayor was referring to Ramsey police not being unduly burdened. Mayor Rice said that is correct, stating the center will still be within the City of Anoka and we will still respond to all calls in Anoka. He noted the center has onsite staff 24/7 and supervise what is happening but that will not relieve the City from responding when called.

Police Chief Phil Johanson said he does not expect any major problems regarding responding, stating Anoka is only 7.5 square miles so we can likely respond quicker than Ramsey. He noted larger facilities usually generate more calls, like Anoka Technical College, but said our response will still be quick.

Ms. Terstee said there is no existing sidewalk and the service road is years away. She expressed concern about people walking the highway to get to the convenience store and their safety as vulnerable adults protected by Rule 25.

Mayor Rice said the City is aware that residents will go to the convenience store and would not be surprised to see a path worn into the area feeding into the former K-Mart area to access the convenience store.

Ms. Terstee expressed safety concerns regarding residents from the center crossing Highway 10 and entering the bar to purchase cigarettes. Mr. Baumgartner said he does not believe the residents can enter a bar as part of their treatment.

Councilmember Freeburg noted Kwik Trip would be much closer for the residents to purchase items.

Ms. Terstee reiterated her safety concerns. Councilmember Freeburg noted the City of Ramsey allowed a large townhome project awhile back and was not concerned about safety then. Ms. Terstee said this project will bring about more pedestrians than that townhome project.

Councilmember Freeburg referred to Ms. Terstee's concerns, stating the City is not moving the center because they are bad neighbors, adding they have not generated a lot of calls. He said the center is relocating so the City can beautify our riverfront and the site is available and located in Anoka. Councilmember Freeburg said he is not sure how many shelters Ramsey has but Anoka has several and this center is not going to decimate this neighborhood.

Ms. Terstee said she did not say the center will decimate the neighborhood but said this is a dangerous location and has liability and safety concerns. She said she is not saying anything mean or malicious as the facility does good work but said there is a better place for it.

Mayor Rice said the treatment facility is comprised of sober adults who are in treatment and does not believe a river bluff or traffic poses any greater safety concern than any other facility located here. He acknowledged that higher density uses brings more public transportation but that would happen with any high-density use.

Ms. Terstee said the point is they thought there was a better fit for the facility and the property because they had to fit the building on the site and said she does not know if the City would have done that for everyone.

Mayor Rice said that typically when a resident comes for a variance we are pleased because it means they are investing in their property and we try to accommodate investment. He said it is not their fault that the owner is in the difficult situation they are in and what they needed for a PUD.

Planning Director Carolyn Braun said the Code requires a five -acre granted variances and before this project staff was discussing changing the requirement to three –acres because there are not many five-acre lots in Anoka any longer. She said they could have made it larger but chose to make it this size in the public realm so we can keep control, adding the City took good environmental provisions to protect the area.

John Terstee, Ramsey, asked if the Council received the letter from the Ramsey City Council, which states they believe Anoka is moving too fast with this project.

Councilmember Weaver asked staff to share the timeline of how long this project discussion has been going on.

Mr. Terstee asked why they were not notified of the project. Mr. Darnell said Anoka has been working with Ramsey regarding the Joint Powers Agreement (JPA) for utility access as far back as 2015 and maybe earlier with the center as a potential end user of the site. He said there were discussions with the applicant when they applied for the PUD and staff met with Ramsey and shared that information. He outlined the 60-day rule and the 350-foot notification requirements as well as published notice, adding Ramsey requested a neighborhood meeting but it was held after our Planning Commission meeting.

Mr. Terstee said the service road will give access and without that will MnDOT allow the building to be constructed. Mayor Rice said they are allowing the project now as it was approved this year without a service road, adding they are optimistic about the timing.

Mr. Kidd thanked the Council for their time, stating they love their neighborhood and understand this is a 20-year program with issues of blight, which will be more positive. He said but for us to live with it they ask that the Council consider the feedback, stating while they understand this project is going through they ask for consideration of safety of Rule 25 on a high-speed highway. Mr. Kidd said they just want to be heard even though they are were beyond the 350-foot notification and asked Council to look at Ramsey's letter and consider pedestrian connectivity and bluff setback. He said they want to be allies and asked that they be considered regarding screening and timing of anything within 1,000 feet and that Ramsey will do the same. Mr. Kidd said he spoke with another Mayor earlier today and was enlightened, stating Anoka is doing this in the best interest of Anoka but from their angle the project looks rushed and sketchy. He asked that

the Council do its due diligence as people will be meandering in their neighborhood.

Mayor Rice said the Council has been very patient allowing the neighborhood to express their concerns and understands that with less than one-month notice to them they feel this project is moving very fast but if they look at a calendar they should realize discussions have been going on much longer. He said Anoka has made significant investments to create a beautiful entrance to our City, including assisting the Volunteers of America to build a nursing home in Anoka on a very prime lot where we left money on the table. He said 60,000 cars per day use this road and the center has been part of our community for over 22 years and will continue to be part of our community, good or bad. Mayor Rice said he hopes this will be a quality addition to the area on land that was not very usable without utilities. He noted he thought houses were going to be built on the end of Rivlyn Avenue.

Mr. Kidd said we are good neighbors and want to be kept in the loop and help throughout the process.

Motion by Councilmember Anderson, seconded by Councilmember Freeburg, to hold second reading and adopt an ordinance amending Chapter 74, Article III, Section 74-62 of the Anoka City Code regarding the City of Anoka Zoning Map.

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

Jack Nukum, Rivlyn Avenue, said the Ramsey Council acted last week regarding this strip of land, stating in 2016 and 2020 this will be a different section. He said the City is going to spend \$1 million on the intersection by McDonald's for a fence to cut down on pedestrian traffic across Highway 10 and eventually a pedestrian bridge, which is at least five years out. He said there is no plan to build a road on the south side of Highway 10 and we are worried about pedestrian crossing Highway 10 in this area too. Mr. Nukum said of all the accidents from Rum River Road to Elk River half occur between Thurston and Sunfish Lake Boulevard. He said there is has no alternate now and they want this project to be the best thing it can be and have concerns with the river trail and accidents. He asked for help with the miscommunication.

Gage Terstee, Ramsey, said the plans have been in the works for 16 months but referred to a report that says January 2015 the center could be relocated, same as with the sewer and drainage, but earlier it was stated the site could be used for multiple condos and asked when was moving the counseling center discussed. Mayor Rice said the discussions have been going on for more than 16 months, adding it takes months to get a JPA to another city such as Ramsey.

Mr. Terstee said 15 months was mentioned but the project was not set in stone until 1-2 months ago and this feels like it is going much faster than intended. Mayor Rice said the project is still not set in stone but will be soon with these approvals. He said he understand and have compassion on how the residents feel because you as a neighborhood you were not aware of the project until four weeks ago.

Ms. Terstee said the timing was what we knew and said look at what we missed, an opportunity for input. She said from January 2015 they referred to a service road and trailhead but nothing about the counseling center, adding they believed the sewer and water was going to be for restrooms at the park. She said the EDC discussed the project on March 12, 2015, but was not decided until just recently, adding she was ever told by the owners that the site was going to be a parking lot.

Mayor Rice said he is just as surprised with the parking lot idea as the residents because that did not come from the City. Ms. Terstee said the center has good people but this whole thing feels wrong.

Councilmember Freeburg said the City has done nothing wrong, explaining the septic system failed at the mobile home park and the owner could not afford the upgrade so he liquated and residents had to move. He said it was the park owner's option to spend the money and while he could have upgraded the septic he did not.

Ms. Terstee said she thought the owner had permission to connect to Ramsey. Mayor Rice said Anoka tried to negotiate for connection but they chose not to.

Ms. Braun noted it was not Anoka that closed the park but the State of Minnesota Health Department, adding no one has authority other than them. She said the State worked with the property owner to try to address the septic concerns and notified them of the concerns in 2004 and then leveled administrative penalties, which would have been but pulled if they closed the park. She added the park could not connect to the west because it was private ownership at the time.

Ms. Terstee said the owner had a purchase agreement and permission from Ramsey to connect. Ms. Braun said the owner did not ask us to connect or purchase and the result would be the same as we are doing today or to the east.

Mayor Rice said the Police Department will work with the neighbors and the City of Ramsey and will make the quarterly police activity reports accessible for review.

## **8. PETITIONS, REQUESTS AND COMMUNICATION**

None.

## 9. ORDINANCES AND RESOLUTIONS

- 9.1 RES/Issuance of an On-Sale Intoxicating Liquor and Sunday Liquor License to MN Tavern Development Group, LLC, dba; 201 Tavern & Grill, Jackson Street, Suite 102.

### **ACTED UPON AFTER THE PUBLIC HEARING**

- 9.2 RES/Recommended Approval of an LG214 Premise Permit; Northstar Search and Rescue at 10K Brewing.

### **RESOLUTION**

Mr. Lee shared a staff report with background information to the Council stating the City has received a request from Northstar Search & Rescue, Golden Valley, MN, requesting that they be allowed to obtain a Premise Permit to operate gambling at 10K Brewing, 2005 2nd Ave. A premise permit allows an organization to sell pull tabs, tip boards, etc. The Minnesota Gambling Control Board is the entity that actually grants Premise Permits; however, MN GCB requires that the municipality in which the gambling takes place provide a recommendation or comment on the issuance of a premise permit. A few years back, the Anoka City Council discussed “out of City” organizations that want to obtain a premise permit in Anoka. The Council chose to amend the City ordinance so that our local gambling organizations and non-profits are given the first option on operating gambling.

Councilmember Anderson confirmed the address on 2<sup>nd</sup> Avenue.

Motion by Councilmember Freeburg, seconded by Councilmember Schmidt, to adopt a resolution recommending the issuance of a State issued LG gambling license & premise permit for North Star Search & Rescue; at 10k Brewing, 2005 2nd Avenue, Anoka, Minnesota.

Mayor Rice asked if the organization will be donating within our service area. Mr. Lee said he believes a small percentage stays within the local area.

Councilmember Weaver said he believes 50% of proceeds stays within the local area.

Donna Staffonick, 609 Independence Avenue, Golden Valley, said they have been serving local communities since 1989, adding within the five-state region they pursue helping with search and rescue efforts. She said they regulate as medical response units, similar to the Fire Department, and would like to join with 10K Brewing to bring in meat raffles and bingo but not necessarily pull-tabs.

Mayor Rice inquired about the organization. Ms. Staffonick said they help recover lost and missing people and have worked with Anoka in the past.

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

9.3 RES/Approval of Purchase Agreement; Dennis and Beverly Medved.  
**RESOLUTION**

Ms. Braun shared a staff report with background information to the Council stating consistent with past discussions a real property exchange agreement was shared that facilitates the exchange of land between the City of Anoka and Dennis and Beverly Medved. The land acquired from the Medved's will be incorporated into the City's River Walk project in the South Ferry Street corridor. The land acquired by the Medved's will be used for the development of a counseling center with on-site client residential facilities. In addition to the exchange, the City of Anoka will pay additional consideration to the Medved's in the amount of \$3,150,000.00.

Mr. Baumgartner noted that some of the site work has already begun outlined within the purchase agreement, which refers to due diligence, title work, and soil borings. He said these topics are essentially moot and that staff will be modifying or adding language since the current language is no longer applicable. He asked that Council include in their motion authorization to review future amendments.

Mr. Darnell said that language has been included in proposed resolution.

Motion by Councilmember Weaver, seconded by Councilmember Schmidt, to adopt a resolution approval of real property exchange agreement, including amendment language regarding due diligence, title work, and soil borings as noted by the City Attorney.

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

9.4 RES/Fellowship Place Utility Extensions; Accept Bids and Award Construction Contract.  
**RESOLUTION**

Mr. Lee shared a staff report with background information to the Council stating on February 2, 2015, the City Council adopted a resolution to enter into a Joint Powers Agreement with the City of Ramsey for the construction and maintenance of the utilities to serve 6050 & 6058 Highway 10. On August 3, 2015 the City Council adopted a resolution amending this Joint Powers Agreement with the City of Ramsey for the construction and maintenance of the utilities to serve 6050 & 6058 Highway 10. Mr. Lee noted they do not believe Ramsey has an easement over that line which is an issue they have to deal with when approaching Ramsey businesses. He said they need to require Ramsey to change their comprehensive

plan, adding they thought about connecting to their own utilities and charge them back so as to connect into our own and go across Highway 10 on the Anoka Technical College (ATC) site.

Mr. Lee said they receive four bids with Douglas-Kerr being the lowest at \$242,752.50. He said they will have to construct a lift station at a cost of \$35,000 along with the easement cost from ATC of \$11,202.

Councilmember Anderson confirmed the process will include jacking underneath the highway. Mr. Lee said that is correct along with casing and piping.

Councilmember Anderson asked if there could be one jacking for both sides. Mr. Lee said they intend to use one jacking pit at 10 feet apart, adding the parking lot will be jacked under the lot to help minimize disruption.

Motion by Councilmember Freeburg, seconded by Councilmember Anderson, to adopt a resolution approving Fellowship Place utility extension project; accept bids and award construction contract.

Councilmember Weaver said staff did a magnificent job on this project, adding they had spoken with neighbors about this project as far back as 2014.

Mayor Rice said the Medveds negotiation was tenuous over time and was even doubtful until just a few months ago.

Councilmember Schmidt said the evolution of the site goes far back, adding the State closed it and established a specific process to handle the needs of renter and staff to ensure all money possible. He said we did help financially and a failed mobile home park has a lot of impact.

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

9.5 RES/Purchase of an Easement at Anoka Technical College for Drainage and Utility Purposes.  
**RESOLUTION**

Mr. Lee shared a staff report with background information to the Council stating as part of the Riverplace Counseling Center project, the City will be providing sewer and water services to the parcel at 6058 Highway 10. As a result of the sewer service, a drainage and utility easement is required over the force main across Anoka Technical College's parking lot to Anoka's sanitary sewer manhole. Public Services have been in negotiation with the college to purchase this easement for drainage and utility purposes. This will be for a 20' wide easement centered over the force main.

Motion by Councilmember Schmidt, seconded by Councilmember Weaver, to adopt a resolution approving purchase of an easement at Anoka Technical College for drainage and utility purposes.

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

9.6 ORD/Amending Chapter 46; Offenses and Miscellaneous Provisions, Article III. Offenses Involving Public Safety.  
(1<sup>st</sup> Reading)

Ms. Braun shared a staff report with background information to the Council stating in response to U.S. District Court Judge Donovan Frank's ruling that Minnesota's program for confining predatory offenders is equivalent to permanent confinement without a clear path to release and ruling the program to be unconstitutional, many communities are enacting local ordinances to restrict where Level III predatory offenders can live after they are released. One news article indicated as many as 39 communities have enacted such ordinances. In research to date, the following communities are either studying adoption of a residency restrictions ordinance, have enacted a moratorium on to study the issue, or have adopted a residency restriction ordinance.

Ms. Braun referred to the housing shortage and other concerns, stating the ordinance prohibits Level III offenders from establishing within 2,000 feet of a school, daycare, place of assembly or a park. She said the ordinance includes many exceptions or grandfathered statuses, including living with parents as a minor. She said the Halloween parade of a person in costume has been included as well as added restrictions for rental properties.

Mayor Rice said schools, parks, and churches only choose this path and that a similar map outlining these areas makes sense as it is appropriate and full of these areas. He noted it is the City's responsibility to provide people with a safe place.

Ms. Braun agreed, stating especially since the City is only seven square miles.

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to hold first reading of an ordinance amending Chapter 46 Article III Offenses Involving Public Safety of the Code of the City of Anoka.

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 Events License; MN Brewery Running Series; "5K-10K Fun Run".

Mr. Lee shared a staff report with background information to the Council stating Nathan Herrington of Apple Adventure Racing, on behalf of MN Brewery Running Series, has submitted an application for a Special Events License to hold a 5K-10K Fun Run in Anoka on June 4, 2016. Staff has no concerns or objections to the issuance of this license. There will be no City staff assistance for this event that would be billed back to the sponsor. The event is planned to be annual event. 100% of proceeds, after expenses, will be donated to ACBC Food Shelf.

Councilmember Weaver inquired if the event organizers intent to close the River Plaza parking. Mr. Lee said the applicant intends to close the River Plaza parking area.

Councilmember Weaver said with the parking lot under construction will we create more confusion, which may result in moving the date.

Mayor Rice inquired about the hours. Mr. Lee said the hours will be 10am-1pm with the lot open after that.

Councilmember Weaver asked who will monitor the lot in the morning for cars left from Friday night. Mr. Lee said City staff will place barricades and stay onsite for the 3-hour period, which can be charged back.

Motion by Councilmember Anderson, seconded by Councilmember Freeburg, to approve issuance of a special events license; MN Brewery Running Series; "5K-10K Fun Run".

Councilmember Schmidt suggested addressing these events a worksession, adding while there is no end to the worthy causes and non-profits they need to address how to handle major lot closure each weekend and determine how many can we handle.

Mayor Rice said this was discussed at a worksession where criteria was established and he is comfortable with staff saying there are no concerns but if it is getting to be too much staff will let us know. He said a worksession could be scheduled to discuss outlining a basis.

Councilmember Schmidt said if one lot is closed then not another within the City it might be a coincidence but parking needs to be addressed.

Mr. Lee said it is a balancing act regarding closing lots versus encouraging people to come to Anoka, adding staff will take this into consideration.

Councilmember Schmidt said Riverfest's parking needs as well as another special event would have a big impact on Riverfest attendance.

Mayor Rice said these events bring people to the City but there is a responsibility to be prudent.

Vote taken. All ayes. Motion carried.

11.2 Consideration of Issuance of a Special Events License; Anoka Masonic Lodge "Get Out the Grill Out".

Mr. Lee shared a staff report with background information to the Council stating Anoka Masonic Lodge is hosting the "Get Out the Grill Out" event on Saturday, May 21, 2016. This event will be similar to their annual Ribs, Bibs & Blues Fest. Staff has no concerns or objections to the issuance of this license. There will be no City staff assistance for this event that would be billed back to the sponsor. The event is planned to be annual event. They are requesting the closure of the City owned parking lot next to the Masonic Lodge, which they use for Ribs, Bibs & Blues Fest, adding that 100% of the proceeds will go back to Masonic Lodge for charitable contributions.

Mr. Lee noted this event is scheduled for the same day as a Walk a Mile in Her Shoes event, which is proposing to close City Hall parking lot

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to approve issuance of a special events license; Anoka Masonic Lodge "Get Out the Grill Out".

Councilmember Weaver said he agreed with Councilmember Schmidt about overlapping events as closings area a valid point and staff should take that into consideration.

Mayor Rice agreed, stating approval should be on a first come first serve basis rather than ranking the organizations.

Vote taken. All ayes. Motion carried.

11.3 Adoption of Waterfowl Management Policy.

Mr. Lee shared a staff report with background information to the Council stating new this year the DNR is requiring a policy for all agencies that conduct management practices involving trapping geese, egg addling, and/or other management practices typically performed at area golf courses or parks. The DNR is requiring all public entities establish a goose management policy in order to be eligible to request permits to remove/trap geese. Rather than be specific to only

geese, staff felt that the policy should be inclusive of waterfowl in general to help address issues we may encounter with ducks/geese in the parks as well. Green Haven staff plans to hire a contractor this spring to trap/removal geese and/or addle eggs, which will not be an annual activity. Mike Bruals, Golf Superintendent, does utilize his Labrador retriever, Hogan, on a daily basis to temporarily displace geese from the course but it is staff understanding that the flock size has grown requiring more permanent removal approach being implemented for 2016.

Councilmember Weaver suggested using the term displacement techniques instead of harassment techniques in the policy.

Mr. Lee noted updated a recent code revision, which includes striking the term “currently” in Section 3 and adding the term “issues”.

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to approve adoption of the Waterfowl Management Policy with changes as outlined by staff.

Vote taken. All ayes. Motion carried.

## **12. UPDATES AND REPORTS**

### **12.1 First Quarter Financial Report.**

Finance Director Lori Yager provided a staff report with background information to the Council stating the Finance Department provides the City Council and City Manager with quarterly reports according to the Anoka City Charter. She shared financial reports for the period ending March 31, 2016 along with some comparative information and shared some general comments in regards to the quarterly reports for the City.

Ms. Yager shared that there is very little overall change in the general fund operating revenues as of March. She said general fund operating expenditures are up about \$162,000 or 8% over last year at this time and salary and benefit expenses increased slightly with new positions and open positions. She stated transfers out to other funds are up substantially by \$1,042,000 compared to last year at this time.

Ms. Yager said governmental fund type reserves include the general, special revenue, debt, capital, TIF, Internal Service and HRA. The reserves are up about \$1 million or 6% over last year at this time, which is a result of transfers in from electric for capital and infrastructure projects throughout the City. She shared electric, sewer, golf, refuse and recycling, are all experiencing operating losses in the first quarter, adding golf and recycling typically experience operating losses in

the first quarter, (excluding depreciation and debt). She noted electric typically is profitable by the end of the summer.

Ms. Yager stated total cash and investments are up about \$500,000 over March 31, 2016 and the City continues to invest in infrastructure throughout the City. She shared general fund graphs illustrating where revenues and expenditures are derived and spent compared to figures for years 2013 thru 2016 with period end dates of March 31<sup>st</sup> as well as a spreadsheet and graphs depicting current and historical operations for the enterprise funds.

Councilmember Freeburg thanked Ms. Yager for the work the Finance Department does.

12.2 Tentative Agenda(s).

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

12.3 Staff and Council Input.

Mr. Lee said tonight's actions were big regarding the Riverplace Counseling Center. He said staff will be speaking with ABLA and the Rotary Club regarding future riverwalk plans on the west bank. He said the Parks and Recreation Commission will be meeting with the Heritage Preservation Commission soon as well and a worksession will be scheduled to discuss the riverwalk vision and the fate of the existing buildings.

Mr. Lee confirmed that Council is able to meet with MnDOT to discuss the TH47/Ferry Street railroad grade crossing feasibility study on Thursday, May 12, 2016 at 1:00 p.m.

Councilmember Schmidt confirmed the meeting notice will be sent and posted. Mr. Lee said it will but noted the meeting is web-based and intended for those most greatly impacted at this point but said an open house will be held sometime in June for the general public.

**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: 9:27 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk