

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
AUGUST 1, 2016**

1. CALL TO ORDER

Mayor Rice called the meeting to order at 7:03 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; Deputy Community Development Director Doug Borglund; Police Chief Phil Johanson; City Attorney Scott Baumgartner; and Recording Secretary Cathy Sorensen.

Absent at roll call: None.

3. COUNCIL MINUTES

3.1 Minutes of July 18, 2016, Regular Meeting.

Motion by Councilmember Freeburg, seconded by Councilmember Anderson, to waive the reading and approve the July 18, 2016, Regular Meeting minutes.

Vote taken. All ayes. Motion carried.

4. OPEN FORUM

4.1 Downtown Security Update.

Police Chief Phil Johanson shared an update on downtown security, stating the Police Department has been leading a major effort of foot patrols downtown, on the trails by the boat launch, at Aikin Park and the Anoka Nature Preserve and that the feedback has been very positive. He said this has been a great opportunity for community policing and has been helping residents feel safe and secure. He added he has never seen the trails being used so much before which is great to see and that the department has been working to engage the public and provide assistance wherever they can.

Councilmember Weaver shared about riding his bicycle downtown recently and commented on the large crowds in attendance for the car show and other activities and how he saw a sworn officer riding the trails on a bicycle and asked about all the tools the department is using in this effort. Chief Johanson said the department has a fleet of bicycles as well as a Polaris Ranger which works great

as it can get from Aikin Park to the Nature Preserve quickly. He said they also have a pick-up truck for use in patrol and explained how security officers are on foot helping to get the word out about crime prevention. He said members of the department have met with ABLA and other groups to listen to business owners about their concerns.

Officer Paul Schley shared the multiple ways they patrol the areas including foot, squads, Ranger, and bikes to enforce ordinances such as no roller devices downtown, including bike riding, because of the high number of pedestrians in Anoka. He said they also talk to business owners and individuals and just let their presence be known.

Councilmember Freeburg said activities have really grown in Anoka over the last 20 years and with that congestion we need the security, adding people really appreciate it. He thanked the Police for their work.

Councilmember Schmidt asked if the Ranger can be used on Kings Island too. Chief Johanson said it could but they have not used it on Kings Island yet as they can access the island by squads.

Captain Erik Peterson introduced himself as the new Police Captain and thanked the Council and Chief for the opportunity. He said he has a different outlook on the job then before as he deals mostly with officer praise and appreciation which is great.

Mayor Rice thanked the police for their work, stating Anoka has had a long-standing great relationship with the public and is pleased to hear it is still good. He said he is proud to have Anoka Police representing Anoka.

Councilmember Freeburg welcomed former Councilmember West and his son Mr. West to the Council meeting, noting Mr. West he is a Community Service Officer for Anoka.

Brian West, Anoka, shared how pleased he was to see the bridge lit up with red, white and blue during the 4th of July celebration and how fun the area was and how safe everyone felt and thanked the Council for their work. He added the City recently dedicated the Woodbury House and others historic properties and held a walking tour to showcase the sites and encouraged everyone to do so and thanked the Heritage Preservation Commission and Chair Bart Ward for their efforts.

4.2 Proclamation; Heart Safe Community.

Chief Johanson shared how Heart Safe Communities is a program designed to promote survival from sudden out-of-hospital cardiac arrest and that the City Council is being asked to declare an intention to become a Heart Safe Community that will be championed by personnel of the Anoka Police Department and the Anoka-Champlin Fire Department. The Police and Fire Department plans to

achieve the designation of “Heart Safe” by performing activities such as Public Education and Awareness and AED Implementation and working on AED Implementation.

Officer Paul Schley and Firefighter Mark Beckenbach outlined their efforts including having AEDs in emergency response vehicles and working with other locations, noting there are approximately 95 AEDs in place in Anoka. Officer Schley said other Anoka cities have or are working on this designation and that they hope to eventually become Heart Safe Anoka County. He shared the survival rate of sudden cardiac arrest is 3-5% with no intervention but with AEDs or compressions the survivability can go to 80% and offered to train the City Council and other staff on CPR and use of AEDs.

Firefighter Beckenbach said he recently trained Public Works and Utilities employees and shared a story of an employee who helped save the life of an individual with this training. He said CPR and AEDs are very easy to use and the importance of getting AEDs in the field.

Councilmember Weaver requested the Council be trained in CPR and AED use. Officer Schley noted training is being offered free as a community service.

Chief Johanson thanked Officer Schley and Firefighter Beckenbach for the great job they are doing, adding training has already been completed with Public Works and Green Haven staff and that the City is getting on board through leading by example. He thanked the Anoka Anti-Crime Commission and former Councilmember West for helping to purchase eight AEDs for use in City squads.

An Anoka resident inquired about the necessity of quick response time for cardiac arrest. Firefighter Beckenbach said death can occur within six minutes without an AED and said even if one is not available compressions alone will greatly increase the chance of survival.

Councilmember Schmidt inquired about Firefighter Beckenbach’s history. Firefighter Beckenbach said his great uncle was the former Fire Chief for Anoka-Champlin Fire Department.

Councilmember Weaver shared that Firefighter Beckenbach also is chief cook for the Waterfowl for Warriors event and is very invested in our community.

Mayor Rice read the Proclamation into the record.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Motion by Councilmember Freeburg, seconded by Councilmember Schmidt, to approve Consent Agenda 6.1 through 6.4.

- 6.1 Approved Verified Bills.
- 6.2 Revising and Setting Council Calendars.
- 6.3 Issuance of Temporary On-Sale Liquor License; Walker Plaza.
- 6.4 Approval of Change Order No. 22 and 23; Rum River Regional Trail.

Vote taken. All ayes. Motion carried.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

7.1 Planning Items.

7.1.A. ORD/Amending Chapter 74; Article V, Division 1; Planned Unit Developments.(2nd Reading)

ORDINANCE

RES/Approving Summary Publication; Chapter 74; Article V, Division 1; Planned Unit Developments.

RESOLUTION

Deputy Community Development Director Doug Borglund shared a staff report with background information to the Council stating this is the second reading of proposed amendments to the planned unit development ordinance of the Anoka City Code. The City Council held first reading at their July 18, 2016 regular meeting and there have been no changes since first reading. Mr. Borglund said the ordinance amends the minimum size required for planned unit development districts. The five-acre minimum size no longer accurately reflects the types of development and redevelopment sites that are available in the City of Anoka and is proposed to be two-acre minimum.

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to hold second reading and adopt an ordinance amending Chapter 74; Article V, Division 1; Planned Unit Developments. Upon a roll call vote: Mayor Rice, Councilmembers Anderson, Freeburg, Schmidt, and Weaver voted in favor. Motion carried.

Motion by Councilmember Schmidt, seconded by Councilmember Anderson, to adopt a resolution approving summary publication amending Chapter 74; Article V, Division 1; Planned Unit Developments.

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

7.1.B. ORD/Amending Chapter 74; Article IX, Division 1; Accessory Structure Administrative Site Plan Approval. (2nd Reading)

ORDINANCE

RES/ Amending Chapter 74; Article IX, Division 1; Accessory Structure Administrative Site Plan Approval.

RESOLUTION

Mr. Borglund shared a staff report with background information to the Council stating this is second reading of the proposed establishment of an accessory structure administrative site plan approval process into the zoning ordinance. The City Council held a first reading on the proposed zoning ordinance amendments at their July 18, 2016 regular meeting and there have been no changes to the proposed ordinance amendments since the first reading. Recently, the Minnesota State Building Code was amended to allow for buildings of 200 square feet or less to be constructed without a building permit. Previously, buildings of 120 square feet or less did not require a building permit, and the City of Anoka had not previously reviewed or permitted buildings smaller than 120 square feet in size.

Councilmember Schmidt said he will support the ordinance amendment with the understanding that further discussion needs to occur regarding home occupations.

Motion by Councilmember Schmidt, seconded by Councilmember Freeburg, to hold second reading and adopt an ordinance amending Chapter 74; Article IX, Division 1; Accessory Structure Administrative Site Plan Approval.

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

Motion by Councilmember Weaver, seconded by Councilmember Anderson, to adopt a resolution approving summary publication amending Chapter 74; Article IX, Division 1; Accessory Structure Administrative Site Plan Approval.

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

9.1. ORD/Amending Chapter 46; Article VII; Offenses Related to Drug Paraphernalia. (2nd Reading)

ORDINANCE

RES/ Amending Chapter 46; Article VII; Offenses Related to Drug Paraphernalia. **RESOLUTION**

Mr. Borglund shared a staff report with background information to the Council stating this is second reading of proposed Chapter 46, Article VII, of the City Code establishing Offenses Related to Drug Paraphernalia. During first reading the City Council asked a question related to medical marijuana. Staff has researched the issue and has discussed the issue with the City Attorney. State law which currently allows for the use of medical marijuana in an edible or vapor form only, as opposed to smoking marijuana so at this time staff recommends language addressing medical marijuana not be added to the proposed ordinance.

Mr. Borglund outlined one minor change since first reading relating to a title correction that was transposed during typing.

Shawn Mulberg, Andover, Smokedale, shared that he completed the art mural by the Anoka Dam to help cover graffiti. He expressed concern about the ordinance, stating many like the store and that this ordinance will affect business by loss of wages and profits if some of their products are removed. He said this will affect employees at Smokedale and 4-5 other stores and that residents of community treatment centers and rehabilitation clinics use these products for tobacco and that there is a desire in the community for these products.

Paul Rustad, 3242 12th Avenue, asked about the genesis for the ordinance and if there has been a problem with certain products and asked what defines paraphernalia. He said this is a new shop that just opened and this ordinance could result in its closing and asked if this ordinance was in process during their licensing and if there is a waiting period.

City Attorney Scott Baumgartner said it is not just Anoka but other cities are implementing these ordinances, adding definitions of prohibited products are outlined in the ordinance. He said the ordinance is more descriptive than State Statute which is too subjective and the reasons for the ordinance is the State is taking a harder stance on drug paraphernalia as a third time conviction is no longer a petty misdemeanor but a misdemeanor.

Mr. Rustad asked if the ordinance discussion was in process before the new business opened as they spent a lot of time and money and now there is a change.

He said this seems to be rushed through. Mr. Borglund said they began this process in late spring.

Mr. Baumgartner noted this ordinance is not addressing tobacco or tobacco products and only addresses sold for drug paraphernalia. He noted no product list was provided by the new store and that they were licensed to sell tobacco and tobacco products only.

Mayor Rice said it may seem that the City is acting quickly because the community does not always know the research that goes on before an ordinance is brought forward.

Mr. Rustad agreed, saying he has seen both sides and asked if this idea was brought forward by a Councilmember. Mr. Baumgartner said staff brought the topic to his attention but it was also as a follow up to a challenge in another jurisdiction, stating the City monitors such cases and if they are upheld and then can bring forward and present to Council for consideration.

Motion by Councilmember Weaver, seconded by Councilmember Schmidt, to hold second reading and adopt an ordinance Amending Chapter 46; Article VII; Offenses Related to Drug Paraphernalia.

Rahbi Albulasi, Anoka, said he works for Smokedale and did not like selling some of the products in the store but he does so as part of his job. He said if we stop selling everything we will not make money and said they want to offer the lowest price around so margins are very low on tobacco and if this ordinance passes they may have to close the store. He said he has already removed some of the products from the shelves in response to these concerns.

Councilmember Freeburg said he understands the concern but Smokedale came into the City to be licensed as a smoke shop like the previous owner and the products they are selling does not work for him.

Mayor Rice said the Council is not taking a position on items made for tobacco but on some of the other items so this ordinance will limit those items. He said if that is not profitable that is unfortunate but the City does not want to support the sale of illegal items.

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

Motion by Councilmember Anderson, seconded by Councilmember Freeburg, to adopt a resolution approving summary publication Amending Chapter 46; Article VII; Offenses Related to Drug Paraphernalia.

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

9.2 ORD/Approving a Purchase Agreement for the Sale of 205/207 Fremont Street.
(1st Reading)

Mr. Borglund shared a staff report with background information to the Council stating in the spring of 2016, as part of a real estate transaction between the City of Anoka and Dennis and Beverly Medved, the City of Anoka acquired a residential property known as 205/207 Fremont Street. Based on the assumed value of this property, the City contributed an additional \$200,000 as part of the agreement with Dennis and Beverly Medved to complete the Riverplace Counseling Center real estate transaction. The subject property is an existing residential duplex, which currently has one renter with the second unit currently vacant. The subject property was listed in mid-July, 2016 with an asking price of \$220,000 and the City has received a full price offer contingent upon City Council's approval to enter into the purchase agreement. The City Attorney has reviewed the purchase agreement from a legal perspective and is satisfied. Closing the deal is contingent upon the property appraising at \$220,000 or greater in value and a standard home inspection. Staff expects closing to occur on August 26, 2016.

Motion by Councilmember Freeburg, seconded by Councilmember Weaver, to hold first reading of an ordinance to convey real property to Tim and Phooumma Hoffman.

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 Issuance of a Special Events License; Walker Plaza.

City Manager Greg Lee said Walker Methodist Foundation would like to hold their first Polka Street Dance on September 10. The event will be called Plaza Fest and they propose to close off Monroe Street, between 1st Avenue and 2nd Avenue directly under the skyway. The dance would be from 4:00 p.m. until 7:00 p.m. The Council approved recommending that the State issue a Bingo/Raffle Permit at the last Council meeting and earlier in this meeting, Council acted upon the issuance of a Temporary On-Sale Liquor License so they could sell beer/wine at the dance, to the attendees only. They expect between 150-180 people attending this first time event and planned that this becomes an annual event.

Motion by Councilmember Weaver, seconded by Councilmember Freeburg, to approve issuance of special events license for Plaza Fest for Walker Plaza and require that the event sponsor provide a detailed summary of the event costs, funds generated, and proceeds payout, within thirty (30) days after the event.

Marilyn Nelson, Walker Methodist Foundation, said they are ready to begin marketing and invited everyone to attend.

Councilmember Freeburg said this is another great event in the City of Anoka.

Mayor Rice inquired about Walker Plaza's grand opening. Cory Trembath, Walker Plaza, said the first residents will be moving in August 22 and that a ribbon cutting event will be held on September 22 with an open house sometime in October.

Vote taken. All ayes. Motion carried.

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.

None.

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: 8:07 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk