

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
JANUARY 3, 2022**

1. CALL TO ORDER

Mayor Rice called the regular meeting of the City Council to order at 7:00 p.m., followed by the Pledge of Allegiance.

ROLL CALL

Present at roll call: Mayor Rice, Councilmembers Barnett, Skogquist, Weaver, and Wesp.

Staff present: City Manager Greg Lee; Director of Public Services Mark Anderson; Utility Director Greg Geiger; City Planner Clark Palmer; Police Chief Eric Peterson; Police Captain Andy Youngquist; and City Attorney Scott Baumgartner.

Absent at roll call: None.

3. COUNCIL MINUTES

3.1 December 20, 2021, Executive Session and Regular Meetings.

Councilmember Wesp said changes were needed to Page 8 of the December 20, 2021, Regular Meeting: “Councilmember Weaver noted the budget reserve was already 12% over City Charter requirements.”

Motion by Councilmember Wesp, seconded by Councilmember Weaver, to approve the December 20, 2021, Executive Session and Regular Meeting minutes as corrected.

Vote taken. All ayes. Motion carried.

4. OPEN FORUM

4.1 Swear in Officer Jake Sorteberg and Sergeant and Police Activity Update.

Police Chief Eric Peterson said it is the practice to formally swear in Anoka Police Officers as they receive their promotion. He shared Sergeant Jake Sorteberg joined the Anoka Police Department on December 11, 2011 as a part-time Security Officer and was hired as a patrol officer in June 2013. Prior to being promoted, Officer Sorteberg served many roles in the department, most recently as K-9 handler and has been considered for this promotion because of his work

ethic, communication skills and his leadership ability. Chief Peterson said Sergeant Sorteberg will maintain his role as a K-9 handler until further notice then issued the oath of office. A round of applause was offered by those in attendance.

Councilmember Wesp shared his thanks for the work of Sergeant Sorteberg and K-9 Bravo in 2021 during a critical incident and how difficult it must be to send a K-9 to respond knowing the danger that exists.

Councilmember Skogquist spoke about Sergeant Sorteberg's work with the DARE program and the community connections that result.

Councilmember Weaver commented how many of Anoka's sworn officers began as reserve officers and how that speaks to the organization's leadership.

Councilmember Barnett thanked Sergeant Sorteberg and all members of the department for how well they served Anoka and showed other cities how they benefit from your experience. She thanked him for serving.

Mayor Rice thanked Sergeant Sorteberg for his great work now and in the past.

Chief Peterson shared an update how during holidays there are typically an increase in domestic assaults and over intoxication but overall incidents were very manageable then shared about a recent incident that involved a threatened assault with use of a gun between neighbors that resulted in an arrest. He shared an update on the Home Alone safety class for youth and thanked staff and the Ambassadors for their help with the program.

Councilmember Weaver shared his disappointment how there is no longer a skating rink at Lincoln School as a result of school administration deeming it unsafe for City vehicles to flood the rink and how while there are other joint partnerships at Wilson, Enloe, Rudy Johnson, and Sorenson Parks Lincoln School covers a large area for youth and asked if there were any options available to address.

Public Works Director Mark Anderson shared background on the school district's position regarding no longer wanting the rinks as it affected playground space during the warmer months and was not a result of the City's direction.

Councilmember Weaver asked what happens to the warming house and infrastructure paid for by the taxpayers if the rink no longer exists. Mr. Anderson said he is unsure of next steps and how to address as there is a cooperative agreement in place with the school and if no longer used as an ice rink would have to be addressed.

Councilmember Skogquist said it is important to have a rink in this area but noted the school additions were not present years ago and how the amount of green

space is less than two acres and therefore much smaller and suggested other locations be considered for a rink such as on Brisbin.

Councilmember Barnett asked about the popularity of this rink and if the existing four rinks is adequate for the City, adding it was a good lesson not to invest in property that is not ours.

Mr. Anderson said Lincoln was one of the lesser popular rinks compared to Sorenson and Wilson as they are busier, adding the trend is moving towards more larger parks and ice rinks versus pocket parks.

OTHER INFORMATION UNDER OPEN FORUM

None.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Councilmember Barnett noted a calendar correction for the Council meeting on Monday, February 7, 2022.

Motion by Councilmember Barnett seconded by Councilmember Weaver, to approve Consent Agenda 6.1 through 6.4 as corrected.

6.1 Approve Verified Bills.

6.2 Revising and Setting Council Calendars.

6.3 U.S. Highway 10/169 Improvement Project; Approve Stipulation of Settlement Agreement for Parcel 10.

6.4 Issuance of a Tree Care/Arborist License; Arbortech Stump and Tree Removal.

Vote taken. All ayes. Motion carried.

7. REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

None.

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

9.1 RES/Annual Appointments to Various Committees.

RESOLUTION

City Manager Greg Lee shared a background report stating the 2022 Anoka City Council Bylaws and Charter require that at the first meeting in January, the Anoka City Council shall: (1) choose a Mayor Pro Tem (Acting Mayor) from the Council who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City, or in the case of a vacancy in the office of Mayor, until a successor has been appointed and qualified; and (2) designate the official newspaper, (3) designate official posting location, (4) designate date/time of regular meetings and worksessions, (5) appoint such officers, employees, and committees, and citizens to various boards and organizations as may be necessary; He said the City received only one proposal for designation of the Official Newspaper, which came from ECM Publishers/Anoka County Union then spoke about the bylaws for the Joint Fire Board that were amended, which indicated that two elected officials from the City would serve as the representatives. He said last year, Councilmember Barnett was appointed but did not get a chance to serve on because the Bylaws were just amended at the end of December. He shared alternates to the Joint Fire Board would be the Police Chief and Wayne Anderson. Mr. Lee outlined the rotating process for Mayor Pro Tem (Acting Mayor) on a rotation basis, which if followed would be Councilmember Wesp. He said since the City no longer financially supports the Community School organization, the Council may want to consider not having City representation on it as well as Youth First.

Mayor Rice said he supported Councilmember Wesp as Mayor Pro Tem.

Mr. Lee suggested the representative for Anoka Business and Landowners Association should be Councilmember Weaver and with the Fire Board structure change suggested Councilmembers Wesp and Barnett,

Councilmember Skogquist thanked Chief Peterson for filling the Joint Fire Board role during the interim period.

Mr. Lee referred to the Fire Protection Council which was Councilmembers Wesp and Weaver and Anti-Crime Commission as Councilmember Wesp. He noted the City was no longer financially contributing to the Community School Advisory Council and asked if the City Council wanted representation.

Councilmember Skogquist said the City should retain Recreation Manager Nicki Jenks on the Community School Advisory Council as she had good input then said he would like to continue as well as an ad hoc member.

Councilmember Wesp shared concerns about Councilmember Skogquist not disclosing his involvement in the Community School Advisory Council during the budget discussions as he advocated for funding.

Councilmember Barnett agreed, stating she was not comfortable with information Councilmember Skogquist advocating for funding as a member as it lacked transparency and should have been disclosed, adding he should no longer serve as a member but could attend in an unofficial capacity.

Councilmember Skogquist said he was only advocating for youth and would continue to attend meetings as a resident of Anoka.

Mr. Lee shared about the representation for MMPA that was directed for only two representatives and no alternates and how that should be Councilmember Skogquist and Electric Utility Director Greg Geiger and no longer include resident Ed Evans as an alternate.

Councilmember Weaver shared concerns about no longer having Dr. Evans be part of the MMPA.

Mayor Rice agreed, stating it is always good to be challenged as a Council by residents such as Dr. Evans as it forces us to reconsider all options.

Electric Utility Director Greg Geiger said he had thanked Dr. Evans for his time and help during his employment transition as he fully understood the utility and was a respected member of the board.

Councilmember Barnett noted Dr. Evans could still participate on the MMUA with responsibilities. Mr. Geiger agreed, adding the group submitted Dr. Evans for an award as he had done a lot for the City and understood the new representation structure that included only Councilmember Skogquist and himself.

Councilmember Barnett spoke about the need for Council representation at the North Metro Mayors Association meetings. Mayor Rice suggested a worksession be schedule to discuss this topic further as he agreed NMMA had a great influence on City direction.

Mr. Lee spoke further about Youth First as if we are no longer participating, we should no longer be part of the group. He said a letter had been sent regarding the financial contributions but noted Anoka had not yet been removed from the JPA.

Motion by Councilmember Weaver seconded by Councilmember Barnett, to adopt a resolution of Annual Designations and Appointments for 2022 including Official Newspaper *Anoka County Union/ECM Publishers*, Official Posting Location Anoka City Hall 2015 First Ave N Anoka, MN 55303 City Council

Regular Meetings Anoka City Hall Council Chambers 2015 First Ave N Anoka, MN 55303 1st & 3rd Monday at 7:00 P.M. (Moves to the following business day if date falls on a holiday) City Council Worksessions Anoka City Hall Council Worksession Room 2015 First Ave N Anoka, MN 55303 4th Monday At 5:00 P.M. (Moves To The Following Business Day If Date Falls On A Holiday) City Attorney Berglund, Baumgartner, Kimball & Glaser, LLC (BBKG, LLC) (Civil & Criminal) 2140 4th Ave #5 Anoka Mn 55303 City Engineer Hakanson Anderson & Associates 3601 Thurston Ave Anoka, Mn 55303 City Secretarial Services for Meeting Minutes Timesavers Off-Site Secretarial Inc. 28601 Hub Dr Madison Lake, Mn 56063, Acting Mayor Councilmember Wesp.

Upon a roll call vote: Mayor Rice, Councilmembers Barnett, Skogquist, Weaver and Wesp voted in favor. Motion carried.

9.2 RES/Annual Designations of Depositories.

RESOLUTION

Mr. Lee shared a background report stating annually the City Council adopts a resolution designating the official depositories and signees. There were no changes from 2021 and the resolution for designations for 2022 was shared.

Motion by Councilmember Wesp seconded by Councilmember Skogquist, to adopt a resolution of Designation of Official Depositories and Signees.

Upon a roll call vote: Mayor Rice, Councilmembers Barnett, Skogquist, Weaver and Wesp voted in favor. Motion carried.

9.3 RES/Summary Publication of Ordinance Amending Chapter 14 Animals; Relating to the Licensing and Inoculation of Dogs.

RESOLUTION

Chief Peterson shared a background report stating the 2022 at the December 20, 2021 meeting, the Council adopted an ordinance amending Chapter 14 in the City Code related to the licensing and inoculation of dogs and cats. Ordinances are required to be published in our legal paper *Anoka County Union*. State Law allows for a resolution to be adopted summarizing the ordinance, which is then published in the legal paper instead of the ordinance. This can save a substantial amount of money for the City in cases where the ordinance is quite lengthy. He outlined the proposed resolution for Council to adopt as a summary of the ordinance described.

Motion by Councilmember Skogquist seconded by Councilmember Barnett, to adopt a resolution for summary publication of the Amendment to Chapter 14, Animals, Relating to Licensing and Inoculation of dogs and cats.

Councilmember Wesp asked if website publication fulfilled the legal obligation. Mr. Lee said Statute still requires newspaper publication but that as times have changed and other options are available for publication such as the City's website that his hope is that work would continue to change that in the future.

Upon a roll call vote: Mayor Rice, Councilmembers Barnett, Skogquist, Weaver and Wesp voted in favor. Motion carried.

- 9.4 ORD/Amending Chapter 78, Article IX, Division 1, Section 78-562, Walls, Fences and Hedges.
(2nd Reading)

ORDINANCE

Councilmember Weaver abstained from discussion on Item 9.4

City Planner Clark Palmer shared a background report stating first reading of this item was heard at the December 20, 2021, regular meeting and no changes have occurred since first reading. The Community Development Department is proposing a text amendment to City Code Section 78-562 (e). This section of the Zoning Code regulates fence heights in residential zoning districts. Staff is proposing to amend the language because the current language uses undefined terms such as "line," "lines" and "along." Although the Zoning Code defines "lot line" and "building line," the existing language is not clear. Therefore, the existing language may not be easily understood by the general public or staff, causing challenges and possible inconsistencies with the administration of regulations. Staff seeks to amend the code using clear language and clearly defined terms. Staff recommends regulating fence height based on a fence's location relative to its placement in the respective yards. "Yard" and the types of yards (i.e., front, side, rear) are clearly defined and easily understood within the existing Zoning Code and were noted for reference. He outlined the proposed amendment in detail stating in section (e) in single- and two-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these two districts, fences along the side lines to the rear line, including rear lines abutting street or highway right-of-way, may not exceed six feet in height above the ground level. Mr. Palmer referred to the question at first reading regarding riparian lots and how the front yard was designated as riverside and that this definition would be added to the R-1 zoning district as well.

Councilmember Skogquist referred to the new homes on Benton and Ferry Streets that had privacy fence of six feet that that face Ferry Street and how these homes have two front yards and should therefore not be allowed. He shared frustrations

as to why we have not been able to review these issues as the process was taking too long to address and was still not addressed.

Mr. Palmer responded how there have been new fences installed without a permit which would have to be addressed and how staff will work with the developer but that corner lots have two front yard per regulations and how staff worked not to change the spirit and intent but instead redraft for existing instances into new terms that were clear. He said staff could wait until we address all aspects with the Planning Commission as some may be grandfathered in but that staff was trying to make the language clearer as a result of litigation, which complicates the process.

Councilmember Skogquist said the entire ordinance should be addressed now to be the most clear and logical. Mr. Palmer agreed as clearer language would help residents understand regulations.

Mayor Rice said he thought we believed the language was already clear and consistent with the ordinance's intent and that fences not compliant with or based on former language should be a separate issue. He said he would support residents applying for a variance because of reasons such as a home being located on a busy street for example but the new fences currently installed were not compliant as well as the others along 7th Avenue.

Motion by Councilmember Skogquist seconded by Councilmember Barnett, to hold second reading and adopt an ordinance amending Chapter 78, Article IX, Division 1, Section 78-562 (e) of the Code of the City of Anoka Minnesota, and direct staff to work with the Planning Commission to continue to review for future amendments.

Upon a roll call vote: Mayor Rice, Councilmembers Barnett, Skogquist, and Wesp voted in favor. Councilmember Weaver abstained. Motion carried.

- 9.5 ORD/Zoning Text Amendment; Chapter 78, Article V, Division 3, Section 78-265(c), B-1 Highway Business Conditional Uses and Chapter 78, Article V, Division 3, Section 78-265(i) Specific Conditional Use Permit Standards.
(2nd Reading)

ORDINANCE

Mr. Palmer shared a background report stating first reading of this item was heard at the December 20, 2021, regular meeting. He outlined changes since first reading as recommended by the City Attorney which included the requirement that the business have a used motor vehicle dealer license for the property, issued by the State of Minnesota and addition of language prohibiting "dismantling for parts" as part of the business operation. He said Star Auto Sales Inc./Eugene DuBois was seeking a zoning text amendment to allow the establishment of a used auto sales business at 901 Highway 10. He said the applicant describes the

proposed use as a small specialized online auto sales dealer with showroom by appointment only. The proposed use would include no outdoor storage or display of vehicles. The Subject Property is located within the B-1 Highway Business District. The current Zoning Code would allow an auto-oriented sales use at the Subject Property with a Conditional Use Permit (CUP) if the Subject Property included a minimum 1.5-acre sales lot. Since the location of 901 Highway 10 does not include a minimum 1.5-acre sales lot, the use is not permitted at the location. The Applicant is therefore seeking a zoning text amendment to the B-1 Highway Business District to allow the proposed use without a 1.5-acre sales lot because the proposed use differs from a traditional auto sales use in that no vehicles are displayed for sale outside (they are only displayed inside the showroom and advertised for sale online) and showings are by appointment only. Mr. Palmer said if the City Council considers recommending approval of the proposed text amendment, staff further recommends amending the code to include specific conditional use permit standards as drafted by staff and intended to carefully regulate the use as proposed and as it is intended to operate such as no outdoor storage or display of vehicles, limiting the number of vehicles within the showroom to no more than six, no auto repair, body work, detailing, etc., showings by appointment only and conducted within the showroom, and adequate parking be provided.

Motion by Councilmember Weaver seconded by Councilmember Wesp, to hold second reading and adopt an ordinance Amending Chapter 78, Article V, Division 3, Section 78- 265(c) B-1 Highway Business Conditional Uses and Chapter 78, Article V, Division 3, Section 78-265(i) Specific Conditional Use Permit Standards of the Code of the City of Anoka Minnesota as amended by staff.

Mayor Rice noted the applicant should be made aware of the text amendment to include the requirement of a conditional use permit. Mr. Palmer assured the Council the applicant was aware of the need for a conditional use permit and noted the applicant had requested the proposed amendment.

Upon a roll call vote: Mayor Rice, Councilmembers Barnett, Skogquist, Weaver and Wesp voted in favor. Motion carried.

9.6 RES/Clarification of Buyers Identified in Purchase Agreement and Deed for the American Senior Cooperative Project.

RESOLUTION

Mr. Baumgartner shared a background report stating the City entered into a purchase agreement with Gramercy Development, LLC for the sale of a 4.01-acre site in the City of Anoka allowing Gramercy to construct an 87-unit senior cooperative building with an effective date of July 4, 2019. On August 16, 2021, the City Council approved an assignment and assumption of the purchase agreement for the property between Gramercy and TAC JV I, LLC, a Minnesota

Liability Company. The documents submitted to the Examiner of Titles for the recording of this transaction were rejected as the buyer identified in the purchase agreement did not match the buyer identified in the deed for property. This resolution is needed to clarify the discrepancy between the buyers identified in the purchase agreement and subsequent deed. He noted the proposed documents would allow the property to be recorded as required.

Motion by Councilmember Barnett seconded by Councilmember Skogquist, to adopt a the resolution of Clarification of Buyers Identified in Purchase Agreement and Deed for the American Senior Cooperative Project.

Upon a roll call vote: Mayor Rice, Councilmembers Barnett, Skogquist, Weaver and Wesp voted in favor. Motion carried.

9.7 RES/Minnesota Opioids State-Subdivision Memorandum of Agreement.

RESOLUTION

Mr. Lee shared on August 20, 2021, the Attorney General's Office joined historic \$26 billion multistate settlement agreements with pharmaceutical distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Johnson & Johnson. The parties to these settlements are states and cities and counties and the settlement agreements, which remain subject to sign-on by local governments and final approval by the companies and courts, resolve investigations into the companies' roles in distributing and marketing opioids. He said Minnesota's maximum share of the settlements is nearly \$300 million but could be as little as half that amount if cities and counties do not sign on. On December 6, 2021 the Attorney General's Office announced an agreement with Minnesota cities and counties on how funds from these settlements will be allocated: 75% to counties and cities that sign on, and 25% to the State, to be spent on opioid abatement. In order to receive payments, cities and counties must sign the Minnesota Opioids State-Subdivision Memorandum of Agreement (MN MOA), and separately sign on to both settlement agreements with Distributors and Johnson & Johnson.

Councilmember Barnett shared concerns about the proposed agreement, stating while it looked good, we would be releasing some of the largest firms from civil liability opportunities.

Mr. Baumgartner explained how this action was similar to a class action lawsuit and how parties came up with a settlement agreement for all parties that included states throughout the country for a sum of \$296 million available to State of Minnesota. He said there was a larger coalition who worked on the process and explained the formula of funds was based on the number of cases and deaths by overdose and how the funds were allocated. Mr. Baumgartner said in order to be eligible for the State's portion the City had to participate in this settlement

agreement and by signing the joint powers agreement we state Anoka will waive the right to independently go after the firms but noted he could not see how Anoka would ever litigate separately anyway as it would be very costly and would require the need to show damages for Anoka only. He explained how all cities would get direct funding based on more than 30,000 population and while Anoka did not fall in that category Anoka County would receive 5% of funding which could be used by law enforcement for training and preventative education and would be a help to law enforcement.

Councilmember Barnett spoke how companies have taken steps to improve and address these concerns and how the State will take money to allocate to recovery and ways to address the opioid epidemic concerns but if those actions did not work what recourse would the City have. She shared excerpts from the proposed resolution which affected so many people and the amount of money proposed over the number of years which did not seem adequate.

Mr. Baumgartner said companies will be subject to far more oversight as part of this settlement agreement which would include a centralized clearinghouse for distribution of drugs which would help raise red flags on suspicious orders. He said if the companies violated the agreements, they are in violation which would be similar to a breach of contract. He noted financial distribution if misused would be placed on the individual cities and counties as a task force was created to provide input on the needs and how funding would address those needs and concerns.

Motion by Councilmember Skogquist seconded by Mayor Rice, to adopt a resolution authorizing the signing and execution of Minnesota Opioids State-Subdivision Memorandum of Agreement, the Distributor Subdivision Settlement Participation Agreement and the Janssen Subdivision Settlement Participation Agreement.

Upon a roll call vote: Mayor Rice, Councilmembers Skogquist, Weaver and Wesp voted in favor. Councilmember Barnett voted nay. Motion carried.

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

11.1 Consideration of Appointment to Charter Commission.

Mr. Lee shared a background report stating currently the City had one opening on the Charter Commission, a partial term that has an expiration date of March 1, 2022. He said staff received two applications for the vacancy, Louise Jankowski of Anoka and Angela Eaton of Anoka. He noted appointments to the Charter

Commission were done by the 10th Judicial District Court and Council action tonight would make a recommendation on the appointment. He distributed ballots for voting and after tally the majority of votes were cast for Angela Eaton for the Charter Commission vacancy for a term to expire March 1, 2022.

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 Skogquist shared an MMPA update that included how the group was now meeting in Chaska, how supply chain issues were affecting them as well, inflation of seven percent, and Xcel Energy's rate increase request by the Public Utilities Commission resulted in an approved 6.4% rate for residential and 9.4% for businesses and how MMPA rates for 2022 was 3% lower than actual but 3% higher than last year.

Councilmember Wesp said in light of the earlier conversation he believed there was a code of ethics violation regarding Councilmember Skogquist not disclosing participation in an organization where the City did not appoint as direct representatives. He expressed his frustrations with not having Councilmember Skogquist disclose the being a member of Community Education and while he did not stand to personally gain financially this disclosure should have occurred.

Councilmember Skogquist noted the code of ethics referred to financial conflicts of interest such as family or business and not as a governing entity as an advisory board only. He said the code was ambiguous then spoke about his requested need to disclose family members on certain items then added the only reason for the proposed fence ordinance was because of a lawsuit with a current Councilmember and how that was not referred to in a similar fashion. He said he supported the City Attorney rendering an opinion but noted he did not control funds for the school board or could direct staff but was just trying to participate as a way to better the youth. He said it was difficult to function as a Council with these situations occurring as they appeared to be very hypocritical.

Mayor Rice said it would be appropriate to have an opinion rendered then asked about the process. Mr. Lee said the process was up to the Council.

Councilmember Barnett said when there was a question of ethics it was important to review and refer to the City Attorney for guidance and said she would like to see that guidance submitted.

Council consensus was to bring the topic forward for a future agenda topic.

ADJOURNMENT

Councilmember Weaver made a motion to adjourn the Regular Council meeting.
Councilmember Wesp seconded the motion.

Vote taken. All ayes. Motion carried.

Time of adjournment: 8:49 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk