

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
JANUARY 4, 2021**

1. CALL TO ORDER

After a closed session was held per Minnesota Statute 13D.05, subd. 3(b) for attorney-client discussion regarding negotiations and litigation risks in using eminent domain to acquire and secure control of property for US Highway 10/169 and associated improvements projects, Mayor Rice called the regular meeting of the City Council to order at 7:13 p.m., followed by the Pledge of Allegiance.

NOTE: By motion from Councilmember Wesp, which was seconded by Councilmember Skogquist, and by a unanimous vote of the Council, agenda item 11.1 was moved up on the agenda and acted upon at this point.

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

11.1 Recognizing Councilmember Freeburg for 24 Years of Service on the Anoka City Council.

City Manager Greg Lee said Councilmember Mark Freeburg's term on the Anoka City Council was ending and Council and staff would like to take this opportunity to thank him for the 24 years of service to our City. He shared a presentation highlighting Councilmember Freeburg's many contributions since he began serving in 1996 that focused on historic preservation and downtown beautification then presented a plaque in appreciation of Councilmember Freeburg's service. A round of applause and standing ovation was offered by all in attendance.

Police Chief Eric Peterson presented a plaque on behalf of the Anoka-Champlin Fire Department and Anoka Police Department to recognize Councilmember Freeburg for his support of public safety during his tenure.

Councilmember Freeburg thanked everyone for the honor of serving the City and thanked his fellow Councilmembers. He expressed his gratitude for the City staff in place and thanked them for their hard work.

Mayor Rice and Councilmember-Elect Weaver commented on Councilmember Freeburg's hard work and leadership over the years.

Bart Ward, Anoka, shared his thanks to Councilmember Freeburg for his support in relocating the Anoka County Historical Society many years ago as well as his support for the current Haven for Heroes.

Senator Jim Abeler thanked Councilmember Freeburg for his exemplary leadership, collaboration, and synergy and said it has been a pleasure to serve and represent Anoka. He said Anoka is a City that works hard to look after its residents and businesses and allowed staff to be creative to help solve problems.

2. OATH OF OFFICE

Mr. Lee issued the oaths of office to Councilmember Jeff Weaver, Councilmember Brian Wesp, and Mayor Phil Rice.

ROLL CALL

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

Staff present: City Manager Greg Lee; Community Development Director Doug Borglund; City Planner Clark Palmer; Police Chief Eric Peterson; Public Services Director Mark Anderson; Recreation Manager Nickie Jenks; and City Attorney Scott Baumgartner.

Absent at roll call: Councilmember Barnett.

3. COUNCIL MINUTES

3.1 Minutes of the December 21, 2020, Regular Meeting.

Motion by Councilmember Skogquist, seconded by Councilmember Wesp, to waive the reading and approve the Minutes of the December 21, 2020 Regular Meeting as presented.

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

4. OPEN FORUM

4.1 Police Activity Update.

Police Chief Eric Peterson said the department saw fewer calls during this past holiday season but noted domestic calls had increased year-to-date in 2020. He said staff would use this data to evaluate and address concerns going forward but said the overall reduction in calls for service was likely due to the current pandemic. He added the department had seen very little police activity due to the outdoor dining and felt was going well then said they were currently working with Lexipol to assist with updating department policies to ensure they were legally representable to reduce risk and costly litigation. Chief Peterson shared about the retirement of Officer Antigua who worked for Anoka since 1990 and thanked him

for his service then shared statistics and positivity rates regarding COVID-19 testing and vaccination plans.

Councilmember Weaver asked about winter parking rules and enforcement. Chief Peterson shared the benefits of the City's year-round overnight parking ban from 2AM-6AM then shared options for temporary overnight street parking for residents when needed.

Public Services Director Mark Anderson shared about the importance of having streets clear from vehicles during snow events.

OTHER INFORMATION UNDER OPEN FORUM

None.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Motion by Councilmember Skogquist, seconded by Councilmember Weaver, to approve Consent Agenda 6.1 through 6.5.

6.1 Approve Verified Bills.

6.2 Revising and Setting Council Calendars.

6.3 US Highway 10/169 Improvement Project; Parcel 35 Purchase and Settlement Agreements.

6.4 Issuance of a Massage Business License for Lotus Massage Therapy, 12 Bridge Square, Suite 103A.

6.5 Issuance of a Massage Business License for Jessica Vogt of Lotus Massage Therapy, 12 Bridge Square, Suite 103A.

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

7. REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

7.1 Planning Items.

None.

7.2 Parks and Recreation Board Items.

7.2.A. Aquatic Center Annual Report.

Recreation Manager Nickie Jenks shared a background report sharing the aquatic center annual report. She stated the Aquatic Center was open for 76 days and 46 members on staff created a welcoming and safe environment for the nearly 11,800 customers. Overall revenue for the 2020 season was \$145,249 and expenses were \$299,983. Due to COVID-19 restrictions, capacity was limited to 250 people in the facility at a time. With capacity being at about 27%, this led to a decrease in daily admission revenue of \$45,279. The Aquatic Center sold 417 season passes to City of Anoka residents. With capacity restrictions, staff wanted to ensure that city residents had priority in enjoying the Aquatic Center. In seasons past, around 1,900 season passes had been sold to both residents and non-residents of Anoka. She outlined the 2020 season in further detail and said daily admission was sold with a cap based on season pass sales. Ms. Jenks said staff offered many programs to make up for less open swim hours and other programs and explained with restrictions, staff decided to serve all prepackaged items from the concession stand, nothing that would require any preparation. Revenue was affected by this precaution, bringing in \$9,740. Following the Center for Disease Control (CDC), Minnesota Department of Health (MDH), and Anoka County guidelines, the Aquatic Center put many precautions, guidelines, and mandatory agreements in place for the 2020 season. She stated that overall, patrons followed the guidelines implemented for their safety along with staff and said there were no known COVID-19 exposures within the facility, then outlined 2021 season goals.

Councilmember Weaver commented about the hard work by staff to be able to operate the center during a pandemic with all the imposed restrictions.

Motion by Councilmember Weaver, seconded by Councilmember Wesp, to accept the 2020 aquatic center report as presented.

Councilmember Wesp asked about any potential outbreaks or refusal of attendance due to the pandemic then noted how Anoka was one of only three pools open in the area and thanked staff for how well the facility was managed.

Councilmember Skogquist thanked staff for their hard work to offer this amenity during this time as well as offering expanded programming and new ideas and concepts then asked more about CivicRec and pool pass processes combined with other items such as park shelter rentals. Ms. Jenks explained how CivicRec works to be able to quickly purchase and reserve items with one seamless transaction.

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

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

9.1 RES/Annual Appointments to Various Committees.

Mr. Lee shared a background report stating Anoka City Council Bylaws and Charter require that at the first meeting in January, the Anoka City Council shall select a Mayor Pro Tem, designate the official newspaper, designate official posting location, designate date/time of regular meetings and worksessions, and appoint such officers, employees, and committees, and citizens to various boards and organizations as necessary. He said City received only one proposal for designation of the official newspaper, which came from *ECM Publishers/Anoka County Union* then spoke about related appointments to the Joint Fire Board to choose one elected official and the Police Chief to serve on the Board with Wayne Anderson as the Alternate and then to choose another elected official to begin serving when the Joint Fire Board amends their bylaws.

Motion by Councilmember Weaver seconded by Councilmember Skogquist, to adopt a resolution of annual designations for 2021.

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

City Attorney Scott Baumgartner thanked the Council for the opportunity to serve the City in this capacity then introduced the firm's partners and shared their backgrounds. Attorneys Mark Berglund, Sarah Kimball, and Kurt Glaser thanked the Council for the opportunity to serve.

Councilmember Wesp commented about how only three firms have served the City over the years which benefits the City overall and said he looked forward to working with the firm in the future.

Councilmember Skogquist suggested appointing Councilmember Barnett as Mayor Pro Tem. Mr. Lee shared Councilmember Barnett would like to be appointed to the Anoka-Champlin Joint Fire Board and be removed as liaison from the Lower Rum River Water Management Organization. The Council further discussed appointments and designations.

Motion by Councilmember Skogquist seconded by Councilmember Wesp, to appoint adopt a resolution of annual appointments for 2021 as presented:

ABLA – Councilmember Weaver/Councilmember Barnett - alternate

Fire Board– Councilmember Wesp/Police Chief/Wayne Anderson – alternate if Joint Power Agreement is changed, Councilmember Barnett with Police Chief/Wayne Anderson as alternates

Anoka County Fire Protection Council – Councilmember Wesp/ Councilmember Weaver alternate

Anti-Crime Commission – Councilmember Wesp

School Advisory Council – Recreation Supervisor

Joint Law Enforcement Council – Councilmember Wesp

LRRWMO – Councilmember Weaver/Mayor Rice - alternate

MMPA – Councilmember Skogquist/Utility Director/Ed Evans - alternates

MMUA – Ed Evans/Utility Director/ Councilmember Skogquist - alternates

Twin City Gateway – Pete Turok/ Councilmember Weaver - alternate

North Metro Mayors Association– Mayor Rice

NW Anoka County Community Consortium/Youth First – Finance Director

QCTV- Councilmember Skogquist/City Manager

Youth First – Finance Director

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

9.2 RES/Annual Designations of Depositories.

Mr. Lee shared a background report stating annually the City Council adopts a resolution designating the official depositories and signees, noting no changes were being recommended from 2020.

Motion by Councilmember Skogquist seconded by Councilmember Weaver, to adopt a resolution for designation of official depositories and signees.

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

9.3 ORD/Purchase Agreement; Sale of Property to Anoka-Hennepin School District for Fred Moore School Expansion.

(2nd Reading)

ORDINANCE

Community Development Director Doug Borglund shared a background report stating the City Council discussed this at its regular meeting on December 21, 2020, and questioned why construction had occurred on the property with a building permit if the land had not been sold. As part of the approval of the Fred Moore School expansion it was discussed with Council that additional land was needed from the City. On May 18, 2020 the City Council approved the CUP and Site Plan with the understanding that the project would be moving forward and a purchase agreement for the subject property would be brought back at a later date for approval by the City Council. After many attempts to communicate with District staff and delayed response by the School District and review by its legal counsel the purchase agreement was not worked out until November of 2020. Since that time, the parking lot area was completed, which the land was needed for its construction. The City has been in discussions with the Anoka-Hennepin School District regarding a remnant parcel by the City that is part of the Fred Moore School improvements under construction. The subject property equals 0.102 acres or 4,436 square feet in size. The buyer would like to combine the subject parcel with existing School District property using it as parking area on the south side of the school. The City has received offer of \$11,090.00 for the 0.102-acre parcel contingent upon the City Council's approval to enter into a purchase agreement. Mr. Borglund said the price is based on past transactions of similar size and characteristics as determined by the City Assessor and City Attorney is satisfied with the purchase agreement legally as well as the school district. Mr. Borglund shared the proposed schedule.

Councilmember Wesp said he would support this action but reiterated the importance of Goodrich Field's continued use for youth sports. Councilmember Weaver agreed and asked staff to continue to hold those discussions with the school district.

Motion by Councilmember Wesp seconded by Councilmember Skogquist, to hold second reading and adopt an ordinance to convey real property to Anoka-Hennepin Public School District #11.

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

Item 9.2 was acted upon at this point in the agenda.

- 9.4 ORD/Lease Agreement; Lease of Parking Stalls to Anoka-Hennepin School District.
(2nd Reading)

ORDINANCE

Mr. Borglund shared a background report stating the City Council discussed the proposed lease at its December 21, 2020 regular meeting and the Council had general questions about the terms of the agreement. No changes or concerns were communicated by the Council. The Anoka-Hennepin Public School District #11 purchased the property located at 2829 Verndale Avenue. The property was previously owned by Environmental Resource Council and was then leased to Frazier School before being sold to the School District recently. Historically, the City has leased 6 parking stalls on its Liquor Store property to the 2829 Verndale Avenue building. The School District has requested from the City of Anoka the ability to continue to lease the 6 parking stalls. The proposed lease amount is \$120.00 per stall or \$720.00 per year. The proposed amount includes the lease of real estate and snow removal by the landlord/City and is similar to past leases the City has executed.

Mayor Rice commented about leasing stalls and associated costs and with maintenance and costs and suggested review to create a better way to address these costs as he did not want to increase costs to businesses necessarily but review should be done to see if this is still a reasonable venture for the City. Councilmember Skogquist agreed.

Mr. Lee noted any proposed changes would affect all parking stalls within the City.

Motion by Councilmember Skogquist seconded by Councilmember Wesp, to hold second reading and adopt an ordinance authorizing the conveyance of a real property lease and directed the Parking Advisory Board to review fees and policies.

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

9.5 RES/Approving Purchase Agreement; City's Purchase of 2749 Fairoak Avenue.

Mr. Borglund shared a background report stating the City has identified this property for acquisition in the Highland Park neighborhood. The City would demolish the existing buildings on site and utilize the property for roadway/redevelopment purposes. Under Minnesota Statutes, property owners who occupy the subject property and who must relocate are entitled to compensation sufficient to purchase a comparable property. The seller has accepted the City's offer of \$240,000.00 and anticipates closing on or before January 28. Mr. Borglund outlined in further detail the agreement, history of the property, and availability of replacement housing.

Motion by Councilmember Weaver seconded by Mayor Rice, to adopt a resolution approving purchase of real property at 2749 Fairoak Avenue.

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

9.6 RES/Authorizing Application to the James Metzen Mighty Ducks Grant on Behalf of the Anoka Area Ice Arena Association, Inc.

Councilmembers Weaver and Wesp asked if they could participate in this discussion due to family members who served on Association. Mr. Baumgartner explained reasons for abstaining from discussion and consideration of items due to potential financial gains and confirmed both Councilmembers could participate in discussion and vote on Item 9.6.

Ms. Jenkins shared a background report stating the State of Minnesota / Minnesota Amateur Sports Commission (MASC), is seeking proposals from interested communities for the James Metzen Mighty Ducks Grant Program (Mighty Ducks Grant) to improve ice arenas. The Mighty Ducks Grant was funded by the Minnesota Legislature through a bonding bill in October of 2020. Grant applications must come from a local government unit (LGU) on behalf of the ice arena. Minnesota communities will be eligible to be awarded grants for improving indoor air quality in ice arenas or eliminating R-22 refrigerants. The grant requires a 1:1 local funding match. The Anoka Ice Arena project will consist of a complete replacement of the existing direct R-22 floors (two floors total) and refrigeration systems with a new ammonia centralized plant. She outlined the proposed improvements in detail and shared history of the arena and said the current refrigeration systems has a life cycle of 25 years but are in years 39 and 29 respectively. The new refrigeration system will have an expected life cycle of 30 plus years. The City will act as fiscal agent for the grant funds. A requirement of the grant process is for the City to adopt a resolution authorizing the application and entry into a formal agreement if the project is selected for funding. As the owner/operator of the ice arena, Anoka Area Ice Arena Association, Inc would be the beneficiary of the grant award and would receive reimbursement of costs upon completion of their project. Projects must be completed by February 2022 to be eligible. On November 16, 2020, Council approved a resolution authorizing the City to issue revenue obligations for the purpose of improving public sports facilities. The City of Anoka received a request for tax exempt revenue financing in an amount not to exceed \$5,000,000 from the Anoka Area Ice Arena Association, Inc., for the replacement of the compressor system and the dehumidification system. MASC confirmed that the Anoka Area Ice Arena would be allowed to use the Sports Facility Revenue Note as the required local funding match for the grant. The City of Anoka is not being asked to contribute, nor is the City required to contribute funds for the required 1:1 match. The Anoka Area Ice Arena Association, Inc., will be responsible for

providing the \$500,000 match as part of their bonding if the project is selected for funding.

Councilmember Weaver asked if the City would receive a fee for being the fiscal agent and if so would like to see the fee waived to be invested back into the project.

Motion by Councilmember Weaver seconded by Councilmember Skogquist, to adopt a resolution Authorizing Application to The James Metzen Mighty Ducks Grant on Behalf of The Anoka Area Ice Arena Association Inc. with fee if retained would be waived and returned for additional proceeds in the project.

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

9.7 RES/Waiving Late Fee and Food Sales Requirements for On-Sale Intoxicating Liquor and Wine Licenses for 2021 Renewal Period.

Mr. Lee shared a background report stating on-sale intoxicating liquor licenses and wine licenses expire on December 31st of each year. The licensees are given a deadline to submit their renewal application and payment and are subject to a late penalty fee of 10% for renewal applications that are submitted late (\$520 for Intoxicating Liquor Licenses, \$70 for Wine licenses). Establishments that have been in operation for 12 consecutive months prior to the renewal are required to submit a statement from a Certificated Public Accountant stating that their gross food sales met the City's 35% requirement per our City Code. With the Governor's ordered shutdowns that occurred in 2020 due to the COVID-19 Pandemic, many of our businesses are really struggling. The City has done some things to support them through this, (1) refunding a pro-rated \$ amount for the days they were unable to be open; (2) allowing their license payments to be paid in quarterly payments. We have had some of the renewal applications submitted late, which would add a 10% late penalty fee to their license costs. Also, some of the establishments were unable to meet the 35% gross food sales, which they explained was because of the shutdowns and lack of business. He said since it is currently unknown if the Governor will continue to shut down the establishments, staff is also looking for authorization for us to accept applications up until whatever date the Governor ceases shutting down the bars/restaurants. Current code states if a license is not renewed within 30 days of its expiration date, the licensee must apply as a "new license" and follow the original license process, which is up to a 60-day process, requires a public hearing and would have additional costs to the applicant and to the City.

Councilmember Skogquist clarified if liquor licenses are still valid if renewals are not yet received. Mr. Lee confirmed if a license holder has not applied for a renewal, they cannot sell alcohol.

Councilmember Wesp said he had the same concern and encouraged license holders to prepare for possible reopening in light of the Governor's announcement later this week.

Motion by Councilmember Wesp seconded by Councilmember Weaver, to adopt a resolution waiving late fees and food sales requirements for on-sale intoxicating liquor and wine licenses for the 2021 renewal period.

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

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

11.1 Recognizing Councilmember Freeburg for 24 Years of Service on the Anoka City Council.

ACTED UPON EARLIER IN THE AGENDA

12. UPDATES AND REPORTS

12.1 Tentative Agenda(s).

The Council reviewed the tentative agendas of the upcoming Council meetings. Mr. Lee asked that the February 8 goal session be rescheduled to later in the week.

12.2 COVID-19: City Operations, Changes, and Impacts – Questions, Comments, and Discussion.

Mr. Lee shared concerns received regarding agencies mandating vaccinations. City Planner Clark Palmer shared an email received from residents Darrin and Sue Wagner supporting rejection of vaccine mandates.

Councilmember Wesp asked Council to research if mandates were instituted during past pandemics such as smallpox.

Councilmember Skogquist said the MN Department of Health currently does not require vaccines and agreed with finding more information as suggested by Councilmember Wesp but said this type of action may be a little premature, adding the City was not health experts.

Mayor Rice asked if mandates were required in the future could the City still oppose. Mr. Baumgartner shared opinions on past case law during smallpox in 1905 and said while objections may occur, he believed the State could require based on past precedent. He compared this question similar to blood draws for DWIs and said while he hoped cities would not have to take such actions cities only have limited action against the State.

Councilmember Skogquist shared about the passing of Anoka business owner Terry Overacker due to COVID-19 and offered his condolences.

Mr. Lee asked for further direction on a possible resolution against mandatory vaccination. Mayor Rice said we do not have enough information now but likened this to other items such as public safety and thought this may not be in the City's best interest to make such a proclamation at this time.

12.3 Staff and Council Input.

None.

13. ADJOURNMENT

Councilmember Wesp made a motion to adjourn the Regular Council meeting at 9:09 p.m. Councilmember Weaver seconded the motion.

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

Time of adjournment: 9:10 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk