

**WORKSESSION OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL WORKSESSION ROOM
FEBRUARY 27, 2023**

1. CALL TO ORDER

Mayor Rice called the worksession meeting to order at 5:03 p.m.

2. ROLL CALL

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

Staff present: City Manager Greg Lee; Community Development Director Doug Borglund; Police Chief Eric Peterson; Police Captain Andy Youngquist; Communications and Recycling Manager Pam Bowman; Finance Director Brenda Springer; Senior City Planner Clark Palmer; Electric Utility Director Del Vancura; Public Services Director Mark Anderson; and City Attorney Scott Baumgartner.

Absent: None.

3. COUNCIL BUSINESS and/or DISCUSSION ITEMS

3.1 Discussion; Organized Garbage Hauling.

City Manager Greg Lee shared a staff report with background information stating in January 2020 the City held a public meeting regarding organized garbage hauling. At the February 24, 2020, worksession the City Council discussed the results of the public meeting and the implementation of organized garbage hauling and requested staff provide further information. The process of implementation was not able to occur at that time due to the Pandemic Emergency. At the March 22, 2021, worksession the City Council consensus was to not move forward towards developing a ballot question but continue with working towards attrition and creating criteria to not license new businesses. He noted that in August 2015, the City Council amended City Code that implemented an attrition process by prohibiting the issuance of additional garbage collection licenses and prohibited existing licensees from adding additional trucks to their license. At the meeting on January 17, 2023, the City Council directed staff to invite current licensed haulers and the public to the February 27, 2023, worksession and notice was mailed to haulers, published in the *Anoka Union*, and posted on the City website and through social media outlets. The process of implementation of organized garbage hauling is specifically defined and regulated by Minnesota Statutes Chapter 115A.94. Staff is requesting direction from the Council on whether or not to proceed with the process of developing an organized garbage hauling system. If direction to staff to proceed is given, staff will proceed

following the regulations of Minnesota Statutes Chapter 115A.94 and any other related Minnesota Statutes or Rules.

Councilmember Weaver asked if the current policy was based on ordinance. Mr. Lee said he believed it was based on Council direction and that there were discussions in 2020 to revisit for a possible ballot question in 2022 but Council changed direction.

Councilmember Weaver reviewed statistics regarding the current attrition policy put in place stating attrition has worked in decreasing the number of trucks, with the goal of having only three haulers.

Councilmember Wesp said this topic has generated many emails then shared one that said they were against a plan for the City to negotiate contracts and wished the City would just make the decision to open this to the public and requested public input with the majority being against organized hauling. He referred to the importance of following public input and said action has decreased the number of trucks but said there were more delivery trucks overall and felt attrition was working and should continue this process to allow the public to choose.

Mayor Rice said he has received much feedback as well then referred to safety concerns, street impacts, and the number of trucks then spoke about how organized hauling results in lower rates overall. He said the majority understood the need and was supportive then expressed concerns about the current street conditions and how heavy trucks do damage.

Councilmember Weaver said he supported attrition then spoke about adding staff and the need for more wages and benefits which is what would happen if this is managed by staff. Mr. Lee said while additional staff has not been reviewed yet he was not concerned, adding Blaine was already managing organized hauling and estimated 25% of staff time now was already used for billing work for water, sewer, and electric and would not add much for garbage billing.

Mayor Rice and we could include an increase in the rate to reflect increased staff costs and noted the competitive billing would still occur.

Councilmember Skogquist said we have clear evidence that organized hauling is working in other cities but said if we do this process, we can discuss rates with the haulers and address complaints when received. He said the process can be managed in a good way and address many of the current issues and said we need to formally review this which would include a formal contract and process. He shared concerns with the number of trucks but reduced the opportunity for price reductions.

Councilmember Weaver noted the attrition policy was City ordinance.

Councilmember Scott said we need to be good stewards of City assets and if organized hauling can extend the lifetime of a road it should be done and if not could be a potential derelict of duty and should at least be considered.

Mr. Lee shared a report on the effects of heavy vehicles on local roadways.

Mayor Rice said it would be worth asking the haulers why they were in favor of the current system as he felt it would be more efficient to pick up all driveways on a street instead of only a few.

Mr. Lee noted it would be seven years before the City could go out for new competitive bids.

Councilmember Wesp asked about the process in light of the current ordinance. City Attorney Scott Baumgartner reviewed the process outlined in Statute that included a committee to review pros and cons, and after negotiations with the carriers if the ballot question was successful the ordinance would have to be repealed.

Steve Nelson, resident, shared comments about his experiences with changing haulers and the varying rates that can occur and said they currently have three haulers weekly plus recycling as well as compost that results in a number of trips and whether we need to reassess roads.

Mayor Rice commented about the assessing of road conditions, noting Franklin Elementary area is currently in very poor condition.

Resident commented about the current condition of roads due to lack of construction skill and not due to truck damage and said it was unfair to blame the haulers for all road damages because there were different standards in place. Mayor Rice agreed but said heavy trucks are a contributor to road deterioration and suggested the City consider concrete roads instead.

Councilmember Weaver spoke about detours that occurred during MnDOT construction placing stress on City streets as well and the extremely small reimbursement provided for it, including an MTC bus that was stuck on Madison Street.

Resident spoke about how the City applies too much molasses salt that deteriorates roads as well and how there is still the same amount of trash overall that results in the same number of trips then commented about how haulers use rate specials and why they continue to rise. He stated whatever the price is now it will increase because of inflation and expressed frustration with the City's road conditions and how the conditions resulted in having to replace his wheel. Mayor Rice disagreed, stating there will still be the same number of trips with more trucks because the amount of trash would not change.

Resident commented about reviewing surrounding cities' garbage costs and how most were less expensive than Anoka then spoke about the increase in costs for yard waste and if we address regular waste that yard waste has to be addressed as well. He supported organized hauling and the need for senior rates and the ability to suspend service if out of town for an extended period of time and felt it would be easier if the City administers the program.

Kevin Landry, resident, commented about removing trucks making that much of a difference on the roads against allowing residents to choose and suggested the City at least put a cap on the amount of increased garbage as he felt we do not have a choice and should have the right to protect from monopolists.

Mayor Rice said there could not be a cap but would be let for bid every few years and felt the reduced number of trucks would make a difference because we restrict weight limits in the spring. He said he was not sure what the heaviest truck type was but said they still do damage then spoke about objecting to the right to choose haulers as this is a business.

Resident about how we don't have all the capacity and rule-following regulations that the State requires him to bid on, noting the two to three companies that would be qualified to bid all know each other's prices and would not have the historical knowledge of all pricing. He said this was different than the introductory price and knowing how many could service the City.

Mayor Rice shared more about the current system which has been able to collect a fourth of the City and have enough of the business to do in a day, adding while there are varying sizes, they do other cities.

Resident disagreed, stating he did not want to do price checking continually and suggested the City do one to two companies, adding something has to be done.

Resident said she did not like the idea of the City taking away her right to choose and did not like homeowners' associations (HOAs) as well. She said she did not like government managing her business then spoke about the increase in real estate taxes that will result if we change to an organized hauling,

Councilmember Weaver said we had a small snapshot here of what people want, adding while we have an ordinance in place we don't know if we are representing the entire City and should let question go on the ballot.

Resident agreed the City should let the voters choose whether to have organized hauling. Mayor Rice outlined recent history and how the direction changed that resulted in not having this on the ballot, adding we represent the City in many other things such as contracts and streets and if we are doing our job well, we cannot ask the public for direction all the time.

Councilmember Weaver spoke about how the direction changed for a ballot question and if we all agree it should go to the voters.

Mayor Rice noted we should not wait for seven years to implement organized hauling.

Resident said property taxes increase every year so how will garbage rates not increase and that the City should let him make that decision. Mayor Rice disagreed that City taxes have not increased every year and how payroll is the City's largest part of taxes and any increase in positions would be reflected in the rate.

Resident said he did not want to find his own rates and felt the City would save money if organized as well as improve service and decrease the number of trucks.

Kevin Landry, resident, said regardless of the outcome if it went to a vote it would be easier to accept because the people spoke and the majority was heard.

Resident likened this to cigarette taxes and others, adding this is just a fraction of that cost. Mayor Rice explained how property taxes were applied against the value of all properties but it costs more to run the City than it did 10 years ago and even 40 years ago.

Resident said our taxes are very good compared to many other cities and complemented Public Works for their snow removal work.

Resident said road maintenance was a concern and the need for more staff to do the jobs you already have to do and that taking on another project will result in a gap and felt garbage was the property owners' responsibility with the rest being the City's.

Resident suggested asking the haulers on ways to save money such as combined trips for all pickups.

Resident asked about increased personnel costs if this is done. Councilmember Weaver said a new project will need more staff.

Resident spoke about the need for manhole covers and contracting it out and how we are not doing the best job when someone hits a manhole cover. Councilmember Weaver noted not all manhole covers were property of the City and noted there needs to be a balancing act.

Resident shared concerns with garbage pick up in Coon Rapids and difficulty to deal with staff and hoped Anoka could address those concerns here.

Dave Wiggins with Ace Solid Waste spoke about companies being short people for pickups and cure clauses, adding Ace Solid Waste has been in Anoka County for 75 years and how this action will shorten their gain for seven years and greatly affect their business. He said they serve approximately one third of Anoka and the importance of needing to serve all their customers, adding they could lose the recycling service to pricing later but pride themselves on doing a good job as a subscription business.

Mayor Rice agreed that many believe Ace provides great service.

Councilmember Wesp said he lived in an HOA and that Ace was their contracted hauler and that he wouldn't be affected by this most likely but agreed he had no issues with Ace's service and it was a negotiated contract. He said if the City takes this over it will do the billing and collection of delinquent bills.

Mr. Lee said if implemented it would result in one more line item on the utility bill. Councilmember Wesp said if someone doesn't pay then we have to assess and noted Fridley spent \$500,000 negotiating contracts and Bloomington spent 18 months negotiating which was expensive and has to be considered too. He spoke about how the City has prided itself on keeping taxes within reason but that we have to pay for police and other employees as well as an electric utility. He said the public does not have to shop in Anoka's municipal liquor store but to build on and add more services we could lose control and would be in favor of the residents deciding this topic, even though he agreed we are officials elected to make decisions.

Mayor Rice noted we can abandon the process at any time. Councilmember Weaver agreed but said once we start negotiating and a referendum is in place if the votes say no it will be costly.

Councilmember Skogquist said it is important that we know what is needed to talk with haulers, adding many people will have different opinions and that policies will still have to be carried out by staff which we owe to the taxpayers. He said organized hauling is a way to save wear and tear on roads and reduce noise impacts and rates and should be considered.

Councilmember Wesp noted no motions were made the last time but just direction in work sessions and that formal direction is needed at an actual meeting.

Mayor Rice said he would like to begin exploring the process and was inclined to let the voters decide and suggested including an item on the next agenda for formal consideration but said he did not want to wait two years for the outcome of the vote and that we should publish facts to help educate voters.

Councilmember Weaver inquired what Statute states regarding when the process can be stopped once begun.

John Kysylyczyn, Garbage Haulers for Citizen Choice, said he worked for a number of haulers and finds the discussion puzzling and confusing and said this is why the former City Manager created a panel in 2015 to discuss and separate fact from fiction. He said he is not aware of any city changing their PMP because of single hauling then spoke about price comparisons with the lowest rates in Elk River because their tipping fees are paid by property tax. He said Maplewood was less because the City buys and manages carts and Ham Lake uses SCORE funding to buy down recycling. He said it is difficult to compare organizations because tipping fees are different in each county then said Oak Park Heights had only one bidder which was difficult. He spoke about HOAs being included as a three-vote decision of the Council then said Maplewood included HOAs but could never leave and should not be exempt, including commercial. He spoke about school buses and how the Council has the authority to adopt a resolution to ban school buses on City streets during the most vulnerable time for streets and suggested people place cans on one side of the street to reduce the number of miles by 40%.

Mr. Lee noted cities are moving away from sealcoating which is part of the concern then asked if haulers would consider forgoing the weight axle limit and allowing the City to weigh and tipping scale data. He added this spring will be the worst on record and the only protection is Statute in reducing weight on streets during this vulnerable time.

Dave Wiggins with Ace Solid Waste said they had shared truck weight in the past with the heaviest being 60,000 pounds.

Resident shared comments about surrounding areas' rates and huge gaps then said he liked the idea of having all cans on one side of the street.

Comment: there is a list of trucks exempt from weight limits Statute which is not only garbage trucks and the debate is about public policy then said the City could end up like St. Paul and have this included on property taxes.

Mayor Rice said the City had ideas brought forward by petition in the past through the Charter which can be done at any time.

Question: if this is placed on the ballot could it ever change again? Mayor Rice said we cannot encumber future councils for future decisions and that they could decide to change.

Question about the legal process regarding attrition and forming a one-hauler system before the ordinance is removed from City code. Mayor Rice said we can remove this portion from City code and if the residents don't like it petitions could be submitted requesting a ballot question.

Council consensus was to place the item on the next agenda to begin the process for a ballot question. Mr. Baumgartner outlined how the process can be terminated at any point, depending on how much information Council needs to keep moving forward in order to make a final decision, adding we do not have enough information at the moment. He said the requirement is that all parties meet and confirm the reasons for organized hauling as outlined in Statute, including road deterioration, pricing, public safety, and other elements, prior to any next steps.

Councilmember Skogquist said he was in favor of continuing the process to discuss with haulers and have actual data at a meeting regarding terms, etc. as we owe it to the residents to get this information.

Councilmember Scott agreed, stating we need to know about the proposed structure, service, and rates, adding it would be worthwhile to explore while being able to terminate at any point.

Comment about anti-trust waivers and how states have the ability to waive this requirement and allow trash haulers to collude on price and service.

Comment: colluding is already going on, causing fear about increased taxes and agreed we just need information instead of talking about hot button issues, adding he has experienced organized hauling before and the pricing is well worth it.

Mayor Rice noted colluding would be illegal. Councilmember Scott responded (inaudible).

Mr. Lee noted the processes were not mutually exclusive and there needs to be lots of data either way then shared a summary of notes three years ago that will be updated and if the direction is to start the process an item will be on the March 6 agenda.

Mayor Rice thanked everyone for their comments and input.

3.2 Discussion; Homelessness – City Impacts and Solutions.

Police Chief Eric Peterson shared a staff report with background information stating staff would like to discuss with Council the impacts of homeless in Anoka and identify solutions to lessen the impacts. Anoka has had a significant number of homeless adults come to the City for several years and it is believed that the services offered in the City likely contributes to the high numbers of homeless individuals who choose to remain close to the services and subsequently end up camping in and around the down town area. These services include the jail, social services and Stepping Stone Emergency Housing. He said the term “homeless” generally refers to individuals without a home and can be people sheltered or unsheltered, families, individuals, adults or children. The typical police contact in

Anoka involving homelessness consists of adult individuals seeking shelter. These contacts usually consist of loitering, camping and panhandling. In general, these contacts are temporary and police interaction encourages these individuals to more aggressively seek shelter. One of the smallest subsets of homelessness is the chronic unsheltered individual who can often suffer from mental illness and are opposed to shelter and are the ones that have the most police contacts. Police intervention with the chronic unsheltered individual has proven to be an ineffective approach and staff frequently engage with Anoka County Social Services and outside mental health/crisis intervention professionals to develop a plan to assist the individual with their mental health and steer them toward shelter. This effort has also proven to be unsuccessful. He noted Captain Youngquist sits on the board of the 66-bed facility know as Stepping Stone Emergency Housing and progress is being made related to how and who is admitted into the facility and programing to help the sheltered individual is being revised but the number of temporarily unsheltered will not decrease without larger government intervention. Chief Peterson shared the number of chronic unsheltered individuals will remain consistent then shared data on the number of homeless in the City as well as those with mental health concerns which are frequently under reported and difficult to document as an officer. He said they have had 260 documented contacts in two years with one individual, most of which did not include committing a crime and falls into a gap with no real resources then shared more about how they work to address these concerns through other avenues, including Anoka County as the individual refuses to accept any services. He shared how some concerns have decreased over the years, but law enforcement will never be able to solve the concerns or stop individuals from coming to Anoka and wanted to discuss this and look for direction on other ways to implement and address.

Mr. Lee said staff has tried to discuss this with Anoka County as it is more of a community health issue but the discussion was disappointing as they referred the City to the State to change laws on how to address mental health.

Chief Peterson said there is a group of people who do not meet the criteria where anyone can forcibly house an individual as that is reserved for violent individuals or others who need this more which is where the struggle comes in.

Mayor Rice said it's hard to argue that it isn't a danger to sleep outdoors and said he was unsure how many survive the winter but they do.

Councilmember Weaver asked how we are supposed to respond as this cannot be allowed as people are using public property for housing then shared photos of individuals sleeping in public spaces such as the parking ramp. He encouraged Park Patrol to address this because if we are enabling the behavior it will only continue and it doesn't do people any good to allow them to remain.

Mayor Rice noted there are not many places that are open to the public that are warm.

Councilmember Scott asked if the individuals are actively declining help. Chief Peterson said there are places to go but one individual may not have the capacity to agree to it and said they work to have him leave the ramp before morning but that it has to be dealt with every day. He said if arrest the individual nothing will happen and it is difficult for law enforcement to manage when we cannot enforce.

Police Captain Andy Youngquist said the department does not want to see this activity either and that they work to identify and engage people with resources but many choose to be homeless and that many survive through donations of food and supplies so there is no need for housing. He said there are cameras in the roll call room so we can respond quickly and have a very active sworn and non-sworn staff who patrol areas to do what they can but that 15% of calls are handled by non-sworn staff which could be a safety concern. He said everyone does a good job while trying to offer resources and while we do not ignore there is not much we can do.

Councilmember Wesp asked when an officer or CSO identifies some and there is no reaction what is the next step. Chief Peterson said if there is no medical issue we sometimes watch and wait, others we'll identify and trespass and charge after issuing a warning.

Mayor Rice said he has worked with individuals with mental health for many years but noted this individual has everything he needs through donations or asking and encouraged people to call 911 to help address, repeatedly if necessary, so they can be charged so the court can see multiple tickets for trespass which at some point will be unlawful.

Mr. Baumgartner said while he understands the thought process the problem is not the courts because they cannot do anything. He agreed we need to fill the gap but the difficulty is the individual's liberty based on what we feel and that we cannot force help on someone.

Pete Turok, Anoka Area Chamber of Commerce, said this activity is troubling from a business standpoint and asked if it is illegal to sleep in a parking ramp. He said he understands the frustrations but this activity needs to be addressed because the problem will only become worse.

Mayor Rice said we know it's not legal to sleep in public places but it is not illegal according to the courts and compared it to speeding and getting caught. He said the County should be pushing judges harder.

Councilmember Weaver said Anoka County believes it's a policing problem so do we ignore and let it continue or have the police move them along. He agreed writing a ticket does no good but the individuals need to go somewhere else, such as the Super 8, and that we need to be tough and vigilant.

Councilmember Skogquist said or we could blame the court system.

Mayor Rice said there should not be a gap space but a commitment process instead for those continually breaking laws in order to answer for their crimes. Mr. Baumgartner said that was difficult because the question is are they really a danger to themselves or others and likely do not qualify for civil commitment.

Councilmember Wesp asked if we have a directive in place to deal with this person. Chief Peterson said they will continue to engage him to move before customers arrive and if we have an officer staged to not allow him to sit he'll go somewhere else. He noted the person will not leave Anoka and that we cannot violate his civil rights so they will do so very carefully and continue to work with the others but said it was not fair to put this on officers. He said staff will move him every time but noted the individual will just end up somewhere else.

Councilmember Scott asked how the County moves the individual from the government center. Chief Peterson said they just ask him to leave at closing time and he does.

Captain Youngquist said the vast majority of time the individual listens to officers but during chronic issues it is more difficult.

Councilmember Weaver said if we don't repeatedly remove the individual, we are enabling him until early morning hours. Chief Peterson noted if we try to remove him all day it becomes a civil rights violation.

Councilmember Skogquist noted this individual has been around for many years and this activity becomes a drain on everyone but doesn't mean we give up. He said the officers are handling the larger issue very well and we have to understand what we can and cannot do and that it is unfortunate the County won't help but it doesn't make sense for our officers to deal with it either. He said we should keep working with the Legislature as other cities are dealing with this as well but that we cannot move someone outside when it is 10 below as it could be discriminating, adding the County is looking for approval from us for certain items so now is the time.

Mayor Rice said most want a bed but others just move along, adding there is a very small minority who will not move no matter what. He noted we do not spend a lot of money on mental health in the County which needs to be better but we need to move this person out of sight to most people because there is no other option.

Captain Youngquist noted housing was secured for this individual but he would not comply based on his mental health issues so it was no longer an option.

Chief Peterson thanked Council for their input and said staff will remove individuals from the parking ramp and asked for their patience as we work to reeducate then shared about an incident at a local church that resulted in assault which is a concern as it occurred in Coon Rapids as well. He added staff will get calls at times when we cannot find the person but noted he will not get physical with the individual, especially if a CSO is responding, adding while he did not agree with people living in public places it is difficult to address.

Councilmember Scott suggested continued vigilance and enforcing City codes will help us work with the County and others to fill the gap and find a solution, and to use this as an example to help eliminate gray areas.

Mr. Baumgartner said it is difficult to challenge someone's civil rights and suggested working out a deal to best address instead.

Mayor Rice suggested finding a law that has greater weight than misdemeanor trespass to push the system to change.

3.3 Refreshers; Code of Ethics Policy, Conflict of Interest, Open Meeting Law.

Mr. Baumgartner shared a shared a staff report with background information to review the Code of Ethics Policy, Conflict of Interest, and Open Meeting Law on an annual basis going forward, especially with new Councilmembers coming on board. He addressed specifically conflicts of interest notes as a tool to help identify if there is a conflict of interest and encouraged Council to use the form provided, adding while the Council has been very good with this, he wanted to emphasize it again.

Councilmember Weaver spoke about notifying the Mayor and other Councilmembers and not violating open meeting law and said he will continue to abstain even if not a legal conflict of interest based on perception. Mr. Baumgartner suggested Council go through staff regarding announcing conflicts of interest and would rather they ask about the appearance of impropriety and let the City Attorney determine if it's a legal conflict or not because either way it shows transparency while still determining legal conflict. He said he would not want to negate any contract then reviewed other repercussions if not disclosed.

Mr. Lee noted the Councilmember should then participate once it has been determined there is no legal conflict because if too many abstain there could be a voting issue.

Councilmember Skogquist said decision makers should not abstain if there is no legal conflict unless there are extreme circumstances as part of the City's own ethics policy.

Mr. Baumgartner said it is difficult to write something that covers every situation or scenario and encouraged Council use the form so he can be better prepared.

Mayor Rice thought in the past it has always been based on an appearance of a conflict and not a real legal conflict of interest.

Councilmember Wesp outlined 10K Brewing as a tenant of Councilmember Weaver as an example. Mayor Rice said the value we have is being transparent so the public knows, adding the public respects this the most and that votes would not change.

Mr. Baumgartner outlined open meeting law and what meetings have to be closed then outlined examples that had occurred.

Mayor Rice inquired about chance social settings and if it was acceptable for members to discuss topics that were not City business. Mr. Baumgartner said a quorum of members not discussing City business was not a violation of open meeting law, adding if they casually discuss a meeting there is a potential violation, including serial meeting violations and suggested information be shared with the Council as a whole through staff and to not reply all to emails.

Mr. Lee noted the City now has a list of outcomes of closed sessions posted once available to help document and provide transparency.

Councilmember Skogquist spoke about several members attending a ribbon cutting. Mr. Lee said staff posts for those types of events.

Councilmember Weaver shared frustrations with the process and said it would be best if they occur to just leave.

Mr. Baumgartner shared how others can share comments of what you may have said but its not the actual Councilmembers and invited people to the open forum for example.

UPDATES/REPORTS/COUNCIL SUGGESTIONS FOR TENTATIVE FUTURE AGENDA ITEMS

None.

4. ADJOURNMENT

Motion by Councilmember Weaver, seconded by Councilmember Wesp to adjourn the Worksession at 8:33 p.m. Motion carried.

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

Approval Attestation:

Amy T. Oehlers, City Clerk