

**WORKSESSION OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
APRIL 26, 2021**

1. CALL TO ORDER

Mayor Pro Tem Barnett called the worksession meeting to order at 5:03 p.m.

2. ROLL CALL

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

Staff present: City Manager Greg Lee; City Planner Clark Palmer; Public Services Director Mark Anderson; Police Chief Eric Peterson; Public Services Administrator Lisa LaCasse; Public Services Supervisor Jon Holmes; Community Development Director Doug Borglund; City Attorney Scott Baumgartner.

Absent: Mayor Rice.

3. COUNCIL BUSINESS and/or DISCUSSION ITEMS

3.1 Discussion; Jackson Street Entertainment District.

Community Development Director Doug Borglund shared a staff report with background information stating in the past Council has discussed the concept of Jackson Street becoming more of an entertainment district. Gary Serum of Serums located on Jackson Street has brought forward a proposal regarding outdoor music downtown on certain nights of the week this summer. He shared a copy of the proposal as well as images of the area proposed for the event and stage location. Staff has met with Mr. Serum to discuss the proposal and wanted to bring forward discussion points for the Council to consider that included if the City wanted this type of event on a weekly basis, closing off the parking lot next to Serums for the event and those impacts, serving alcohol within the proposed music events and parking lot area, would this be a City event or special event, and reaction from other bars and restaurants in the area.

Gary Serum, Serums, outlined the area that included 21 stalls and the Council's plans over the past five years to have a true entertainment district in the future and how he would like to see that move forward now. He shared work he had done 15 years ago when the parking ramp was constructed for access and electrical for music and how a stage could easily fit in the area then shared how events would work that included posting no parking in the lot. He said he would like to have all the bars be able to participate by serving alcohol and consumed in this area and how he did not see how a stage could work very well if located on Jackson Street

and that this location would be better as other bars could use the stage too. Mr. Serum added he had spoken with Pete Turok of the Anoka Area Chamber of Commerce who was supportive of this concept as well.

Jesse Hauf of 10K Brewing commented about the need to block parking and provide porta potties as well as liquor liability insurance for serving alcohol off premise.

City Attorney Scott Baumgartner spoke about the difficulties in liquor liability and how to address potential overserving, underage serving and holding people accountable. He said if it was a City-sponsored event that could be addressed but cautioned against the City providing the insurance all the time due to liability concerns.

Councilmember Skogquist said this concept works in other states and asked how it was different than one-day special events then asked what the legal barrier was to hold such an event, adding it should not be on one entity to be responsible, adding he was supportive of the concept.

City Manager Greg Lee said this could be done similar to Riverfest with food trucks and special events licensing.

Jackie Young of MaGillicuddy's spoke about the requirement to donate 80% of profits to charity such as done with Jam at the Dam and suggested hours of 12PM-5PM and removing the profit requirement.

Councilmember Weaver said he would support this concept.

Erin Justen of Billy's Bar & Grill noted the City was supportive of the entertainment district but wanted the bar owners to pay the insurance. Mr. Lee noted other bar owners wanted to see this concept as it would be good for business and that not everyone had to participate.

Jess Pratt of Ambi Wine Bar asked if alcohol was allowed in parks and if that could be extended to the parking lots and if this was proposed as an event by Serums, the City, or all bars and restaurants. Mayor Pro Tem Barnett noted the City wants to help businesses where possible but would not want to take on the liability for such events.

Mr. Serums said music would bring business to downtown even if they could not bring alcohol from the different bars but instead allow for purchase outside. He suggested taking small steps and then adjust as needed.

Jackie Young suggested everyone obtain a State alcohol catering permit and take turns setting up the bar and food outside which would include providing the insurance.

Todd Young of MaGillyCuddy's spoke about how alcohol service had to be in a contiguous area and suggested rotating parking lots instead to address the insurance concerns then shared concerns about the difficulties monitoring underage drinking if people were not seated but instead walking around outdoors.

Mayor Pro Tem Barnett spoke about the expense for police coverage during the proposed event. Police Chief Eric Peterson said he would prefer the hosting agency provide security to prevent people from taking alcohol out of each bar, adding the goal would be to have less police presence needed.

Mr. Lee commented about the possibility of ingress/egress from the parking ramp to Golf Street.

Mayor Pro Tem Barnett suggested the bar owners meet and return with a plan that included a number of events and how insurance would be address, adding the Council would be open to consideration and support.

Todd Young spoke about the current ordinance against amplified music outside and the need to change that should this move forward.

Item 3.6 was heard at this point in the agenda.

Councilmember Skogquist left the meeting at 5:45 p.m. and returned at 6:15 p.m.

3.2 Discussion; Consideration of Adoption of a Residential Targeted Picketing Ordinance.

City Attorney Scott Baumgartner shared the purpose of adopting this ordinance would be to provide another tool for law enforcement to use in the event of a targeted picketing situation similar to those that have occurred in Hugo and Champlin. He said this ordinance could be used to help diffuse a situation if needed and has been tried constitutionally and upheld with regard to freedom of speech. He spoke about the need to remain content neutral and how this would provide the ability for one to be safe in their own home and that it is the government's interest to protect. He said several other cities, both in Minnesota and throughout the country, have adopted similar ordinances and while often incorrectly viewed as a violation of individuals' First Amendment Free Speech rights, these ordinances have been addressed by both the Minnesota Court of Appeals. He said the sample ordinance was narrowly drafted to restrict residential picketing from occurring at residences while providing individuals the ability to communicate or protest in other ways. He said the sample ordinance was based on language similar to other cities such as Elk River, Champlin, Becker, Lino Lakes, Medina, Oak Grove, and Rosemount and that after review of statute was unable to locate any provision that would provide a suitable alternative to this ordinance.

Councilmembers Weaver and Wesp supported the proposed ordinance being brought forward for formal consideration.

Councilmember Skogquist said he felt the proposed ordinance was very restrictive and suggested other ways to address the concern such as ingress/egress, time restraints, and blocking roads instead of targeting protestors. He said it was the City's job to balance many things and that the ordinance was too broad and silenced free speech.

Mr. Baumgartner said currently there were only two sections of code that could be used that included breach of peace and loitering then shared the difficulties in using these sections with enforcement as they were subjective or pertained to businesses and not private homes. He added picketing could include no speech but still include lack of safety and would not address the concern.

Mayor Pro Tem Barnett asked if this ordinance was similar to the City of Champlin, why it was not used last evening when targeted picketing was occurring in their city. Mr. Baumgartner said he felt enforcement did not occur most likely due to the fact that the homeowner was not present at the time and that Champlin felt it was in their best interest to allow the protest to continue to help deescalate the situation.

Councilmember Weaver spoke about how allowing targeted protesting impacted neighboring properties and how to address that situation. Mr. Baumgartner said there are other laws that could address that concern and that while this ordinance could help it still needed to be balanced against free speech and providing safety and peace in one's own home.

Police Chief Eric Peterson spoke about how Champlin was likely prepared to do what was necessary if needed balanced against the importance of treating everyone the same. He noted Anoka did not always need to use the tools provided and could choose not to enforce and allow the picketing to continue but the ordinance would be available should a situation become riotous, adding he would likely confer with Council before enacting any enforcement.

Mayor Pro Tem Barnett confirmed walking by a home continually would be allowed and still provide free speech provisions and the ordinance would only address targeted picketing.

Councilmember Wesp spoke about how the Champlin neighborhood had to endure amplified voices and vulgarity last evening and asked if disorderly conduct provisions could have been used. Mr. Baumgartner said that would be difficult because the situation was too subjective.

Councilmember Skogquist said while he was comfortable with Chief Peterson utilizing this tool appropriately future staff may not and that this ordinance could be too restrictive in any situation.

Mayor Pro Tem Barnett shared similar concerns but said she would be supportive of bringing forward an ordinance for formal consideration that included not consulting with Council before being deployed.

Staff was directed to bring forward a draft ordinance for consideration.

3.3 Discussion; Rum River Bank Stabilization.

Public Services Administrator Lisa LaCasse shared a staff report with background information stating at the November 23, 2020, worksession, staff presented possible options for temporary and long-term solutions for remediation and stabilization of the Rum River riverbank along the Woodbury House property. Council directed staff to develop a short-term solution that could be incorporated into the long-term solution. Anoka County offered to redirect approximately \$65,000 – \$80,000 in remnant funds from a current Minnesota Board of Water and Soil Resources Clean Water Fund grant funds project, however, utilizing any portion of grant funds on this site would eliminate the City's ability to seek additional grant funding support from this funding source for the identified sections of riverbank for a period of 30 years. She explained if utilized, the Clean Water Fund grant could be applied for stabilization of other sections of riverbank, but not this particular section in future. There is currently no City funding allocated for this project then explained the work in detail that included submitting for a grant and if awarded a 25% local match. Estimated project cost for short-term solution/tree cutting is unknown and would depend on the degree of difficulty of accessing the trees to be limbed/cut. She noted a long-term solution has not yet been fully identified but could incorporate riprap/hard armor of the slope toe, installation of rock bend-way weirs to divert flows, and revegetation appropriate for the location/setting.

Councilmember Weaver thanked staff for the effort in this project and asked about the historic element that could disappear and could the stone path be moved. Ms. LaCasse said the historic element has been part of the discussion but cautioned about formal inclusion as it could delay any project and that the best solution would be to build from the toe up and work to preserve the element.

Councilmember Skogquist asked questions regarding including rip rap below to stop deterioration then asked if further vegetation would help. Ms. LaCasse responded how they could install weirs to divert the flow away from the river to help the stabilization remain in place and that vegetation would only be a temporary solution and would need to be replanted and how only natural solutions could be used in line with Wild and Scenic requirements.

Councilmember Weaver shared concerns about the need for stabilization up to the 845 mark to fully address erosion, adding this project will not be enough to have the correction last.

Council consensus was to allow \$20,000 for protection this year with the hope that the City received Clean Water grants in future years and would work to find other solutions.

Mr. Lee said staff can identify funding for this expenditure and would return with a long-term plan.

3.4 Discussion; Demonstration of New Cemetery Information System.

Ms. LaCasse shared a staff report with background information stating in 2020, the City purchased a customizable cemetery data management software and mapping system from Ramaker and Associates, Inc., known as Cemetery Information Management Software (CIMS). Because Ramaker is a multifaceted engineering firm first, their GIS/mapping capabilities and attention to detail is by far the best available in the marketplace. She said it was important to staff to have the same level of detail available electronically as paper maps provide then explained how cemetery data was uploaded for Forest Hill and Oakwood was completed in late 2020. She said staff was working through the paper record filing system to verify the upload of the data and making sure that the information is complete and accurate and once they were confident that data records were complete will archive the paper records. She shared further benefits of the system that included work orders, burial orders, and sales and viewable PDF files, photos of markers, and how documents with sensitive information can be viewer restricted. She said the search feature was available for both Forest Hill and Oakwood cemeteries then answered Council questions during the demonstration.

Mayor Pro Tem Barnett asked about back-up procedures in the event the software was no longer supported. Ms. LaCasse confirmed the data was backed up and could transferred to another software should that occur, adding the City owns the data.

3.5 Discussion; City Code Regarding Diseased Trees.

Ms. LaCasse shared a staff report with background information stating staff has provided an updated draft of the City Code Chapter 74 – Vegetation, Article III, Diseased Trees for Council review and discussion. Staff has utilized information from the League of Minnesota Cities and a variety of other cities as reference materials for the suggested changes and said the majority of changes were related to the identification, inspection, and requirement for removal of diseased or hazardous trees. She said staff has created a draft policy regarding providing financial assistance for hazardous tree removals. The City currently assists home owners with abatement costs via assessment if requested, but there is no formal

policy in place. The policy is modeled after the water/sewer utility service repair assessment policy and Code changes and policy were reviewed and approved by the Park Board. She said staff also confirmed with the City Assessor the ability to assess could be made available to both commercial and residential property owners and there was no need to include cost limits or requirements for proving financial hardship to be eligible for financing assistance. She noted the policy could result in a greater number of residents requesting assessments but there was no risk to the City should this occur.

Councilmember Skogquist asked if the City could remove a tree if needed and assess instead. Ms. LaCasse confirmed the City could remove a tree but that the policy provided a friendlier approach, adding staff provided extensions to homeowners to address when possible. She said while the City would not promote this option if a need was demonstrated it could be offered.

Councilmember Weaver said the proposed interest rate was 4% while all others were 5% and shared concerns about varied rates that should be reviewed before bringing forward.

Council consensus was to bring forward a policy for formal consideration.

3.6 Discussion; Proposed Andover Development Southeast of Bunker Lake Boulevard and North of 41st Avenue in Anoka.

Mr. Lee shared a staff report with background information stating a development proposal in Andover south of Bunker Lake Boulevard and north of 41st Avenue in Anoka is being proposed with a public hearing being held April 27, 2021. He said a resolution had been adopted in 2011 when a similar development in Andover was being proposed that included high density housing and potential traffic concerns that resulted in not allowing Andover to connect into 41st Avenue. He said a traffic study had been conducted in 2011 as well for this area which called for one more intersection on the north side of property as a right-in/right-out but stated Andover would like to see a three-quarter intersection instead. He provided an overview of the project and concerns that included access of the proposed townhomes and the stormwater holding pond being located on the high part of parcel and the removal of trees and how the development would isolate the third parcel and block access from this parcel. Mr. Lee noted the area did not have public utilities and access would occur onto 41st Avenue as there is a single-family home there now and if Anoka had platting authority. He noted he had contacted Andover's city manager to share these concerns but was not very successful in addressing.

Mr. Baumgartner said he could do research of case law on how to address access concerns but wanted Council direction to do so before proceeding.

Councilmember Weaver said the project would allow a second access from Blackfoot Street and spoke about how Andover would have to go through Anoka,

similar to Anoka County going through our City. He said he supported the research being done then discussed further, adding if we choose not to allow access would Anoka County have to create access instead.

Councilmember Wesp asked if not allowed could this be considered trespassing, then noted Mr. Baumgartner represented both Anoka and Andover and the difficulties that could result. Mr. Baumgartner said it was his role to uphold the law but if it became difficult, he would recuse himself.

Mr. Lee discussed the difficulty in justifying utility costs and suggested possibly annexing this portion as one solution. Discussion was held about the possibility of assessing for utilities.

Councilmember Weaver suggested a neighborhood meeting be held with the Anoka neighborhood regarding the project to gauge their reaction as they might be supportive if street renewal costs could be reduced.

Council consensus was to contact the neighborhood regarding the proposed project then conduct the research needed. Mr. Lee suggested the City formally present its concerns to Andover and let them know we are considering not providing access to the two parcels and could possibly suggest annexation.

OTHER BUSINESS

None.

4. ADJOURNMENT

Motion by Councilmember Wesp, seconded by Councilmember Weaver to adjourn the Worksession at 7:31 p.m. Motion carried.

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

Approval Attestation:

Amy T. Oehlers, City Clerk