

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
MAY 17, 2021**

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, Weaver, Skogquist, and Wesp.

Staff present: City Manager Greg Lee; Community Development Director Doug Borglund; City Planner Clark Palmer; Police Chief Eric Peterson; Fire Chief Ted Massicotte; Public Services Director Mark Anderson; Public Services Administrator Lisa LaCasse; Engineering Technician Ben Nelson; and City Attorney Scott Baumgartner.

Absent at roll call: None.

3. COUNCIL MINUTES

3.1 April 26, 2021, Worksession.
May 3, 2021, Regular Meeting

Councilmember Wesp noted clarification was needed on the regular meeting as Item 9.3 was moved forward but not adopted. City Manager Greg Lee explained the item contained both a resolution which required a simple majority vote and was adopted as well as an ordinance which required a 4/5 vote but was not adopted. He should staff would clarify the minutes for the record.

Councilmember Wesp said the building still needed funding then asked if further action would be needed. Mr. Lee said an item for Council action would be scheduled for the June 7 agenda.

Councilmember Barnett said the worksession minutes for Item 3.2 should read "...consideration that included not consulting with Council before being deployed."

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to waive the reading and approve the April 26, 2021, Worksession and May 3, 2021, Regular Meeting as corrected.

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

4. OPEN FORUM

4.1 Proclamation; National Public Works Week; May 16-22, 2021.

Public Services Director Mark Anderson shared National Public Works Week (NPWW) is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as Public Works. Instituted as a public education campaign by the American Public Works Association (APWA) in 1960, NPWW calls attention to the importance of public works in community life. The Week seeks to enhance the prestige of the often – unsung heroes of our society – the professionals who serve the public every day with quiet dedication. Through NPWW and other efforts, APWA seeks to raise the public’s awareness of public works issues and to increase confidence in public works employees who are dedicated to improving the quality of life for present and future generations. He shared photos of just some of the work Anoka’s Public Works Department does and thanked the Council for their support.

Councilmember Wesp asked about the annual board installation at the dam and why it was critical to maintain river levels. Mr. Anderson explained the reasons why it was important to control how fast water flows through the dam that included safety for employees and the hope for an automated switch possibly in the future.

Councilmember Weaver said from installing rinks, docks, and buoys to fountain maintenance, streets, and plowing, Public Works staff does it all very well, adding while the group was small, they were remarkable and very much appreciated.

Councilmember Barnett said the team brings so much knowledge and experience and thanked them for their work, adding it’s not always recognized when things are going well, adding when concerns arise, they are addressed right away.

Mayor Rice read the Proclamation in full for the record.

4.2 Introduction; Fire Chief, Ted Massicotte.

Anoka Champlin Fire Department Fire Chief Ted Massicotte introduced himself to the City Council and community and said he was excited to be part of the department. He spoke about the recent civil unrest, house fires, and other incidents that have occurred since he started then shared his work around meeting neighboring partners and how honored he was to be in a department with a lot of tradition with more good things coming.

Councilmember Wesp said as chair of the joint fire board he pleased to have Chief Massicotte on board. He spoke how Anoka was a mature community with some 19th century construction that made it harder to protect and that the knowledge from Chief Massicotte from his previous cities will be invaluable.

Police Chief Eric Peterson said Chief Massicotte was an excellent partner and that they will be a great team.

Councilmember Skogquist said he was excited to have Chief Massicotte and thanked Mr. Lee and staff for assisting in the process as well as the firefighters for coming forward and sharing concerns that resulted in this good outcome. He said this process has made the department stronger and that it was important to pay attention to the organization, adding he would like to see regular updates from Chief Massicotte going forward.

Chief Massicotte agreed that Anoka-Champlin was a great department who did wonderful work for two cities during the interim period and was excited to work with two cities, councils, and counties.

4.3 Police Activity Update.

Chief Peterson shared the department's work on an enforcement detail with Anoka County Towards Zero Death grant initiative that addressed DWIs and distracted driving but noted most recently they have had to address street racing. He said the detail resulted in 125 stops and six arrests and outlined their work to address problem areas. He shared an increase in disorderly behavior has occurred after bar closing and that they were monitoring the activity closely to determine measures to address then outlined their work on multiple special events this summer and how they help provide relationship-building and problem-solving processes. Chief Peterson spoke about the mask mandate being lifted but how some locations still required them then explained Anoka County's vaccination work, including mobile vaccine sites, and how infection rates continued to decline.

OTHER INFORMATION UNDER OPEN FORUM

None.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Motion by Councilmember Skogquist, seconded by Councilmember Barnett, to approve Consent Agenda 6.1 through 6.7.

- 6.1 Approve Verified Bills.
- 6.2 Revising and Setting Council Calendars.
- 6.3 Approving a Senior/Disabled Deferment for David and Ann McNeil, 648 School Street.
- 6.4 Issuance of a Tree Care/Arborist License; J&C Tree Services, LLC.
- 6.5 Issuance of a Massage Therapist License for Jodi Bourgoin of Anoka Massage and Pain Therapy, 710 East River Road.
- 6.6 U.S. Highway 10/169 Improvement Project; Parcel 20 Approve Settlement Agreement.
- 6.7 2017 Christian Hills Street Renewal Project; Final Payment and Project Close-Out.

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

7. REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

None.

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

- 9.1 ORD/Amending Chapter 74; Article III, Diseased Trees.
(2nd Reading)

ORDINANCE

Public Services Administrator Lisa LaCasse shared a background report stating staff was proposing a comprehensive amendment to City Code Chapter 74; Article III, Diseased Trees. The City Council held the first reading of the ordinance on May 3, 2021. Two revisions were recommended upon review by the City's Attorney Scott Baumgartner. Proposed Revisions: Sec. 74.60 Standard abatement procedure; item (E) had an incorrect reference to section 74.59. The correction has been made to reference the correct section which is 74.60 Sec. 74.63 Appeal procedure; item (B) text had originally specified that a hearing would be held within 7 days of a request by a property owner to appeal a notice of a required tree removal, but due to the council meetings being scheduled on a bi-

monthly basis, the requirement to hold a hearing within 7 days of receipt of appeal could have required a special meeting by council to hold the hearing.

Councilmember Barnett thanked staff for the thorough update at worksession and said she supported the proposed ordinance.

Motion by Councilmember Barnett seconded by Councilmember Weaver, to hold second reading and adopt an ordinance Amending Chapter 74 Vegetation Article III Diseased Trees Sections 74-52 through 74-66 of the Code of the City of Anoka Minnesota.

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

9.2 RES/Green Haven Parkway Phase II Project; Approve Bids and Award a Construction Contract.

Engineering Technician Ben Nelson shared a background report stating on March 1, 2021, City Council approved the plans and specifications, authorized the advertisement for bidding and set the bid date for the Green Haven Parkway Phase II Project. The project will include constructing a public parkway between Verndale Avenue and Fair Oak Avenue with bike and pedestrian accommodations. Garfield Street will intersect the parkway at the existing location as part of the city project. He outlined the scope of the base bid and that the City received a total of seven bids ranging from \$1,642,150.55 to \$2,148,449.40, with S.R. Weidema Inc. being the selected contractor at \$1,918,600. When the project was ordered by the City Council in October 21, 2019, the feasibility report had estimated the total project cost to be \$2,317,000 not including the landscaping or property acquisition. The revised cost based upon S.R. Weidema Inc. bid is approximately a reduction of \$400,400 or 21% less than the original estimate. Funding for the project is included in the 2021 budget.

Councilmember Weaver asked about mature oaks in the area and if they will they be preserved and requested they be marked to save some wherever possible.

Councilmember Skogquist asked more about the trees being preserved and types going in then asked about MnDOT funding sources and the paved trail access. Mr. Nelson explained MnDOT contributed to the parkway project because Anoka did not receive the solicitation requested then shared how the 12-foot paved trail would support a 20-foot wide for fire access.

Councilmember Skogquist spoke about avoiding the current Highland Park and asked if the timeline for moving the park to the west side of Green Haven Parkway was established to ensure residents always have a place to recreate. Ms. LaCasse explained planning for the new park would be starting soon and that no equipment removal would occur until the new park begins.

Motion by Councilmember Wesp, seconded by Councilmember Weaver, to adopt a resolution to approve bids and award a construction contract to S.R. Weidema Inc. in the amount of \$1,642,150.55 for the Green Haven Parkway Phase II Project

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

9.3 ORD/Adoption of Chapter 46, Article IV, Sec. 46-67, Residential Targeted Picketing.
(1st Reading)

City Attorney Scott Baumgartner shared a background report stating Targeted Residential Picketing Ordinances have been a popular topic among municipalities lately, primarily in response to protests that occurred in Hugo last August directed towards Minneapolis Police Federation President Bob Kroll. Following that incident, Hugo adopted a Targeted Residential Picketing Ordinance to provide a mechanism for addressing such incidents should they occur in the future. Several other cities, both in Minnesota and throughout the country, have adopted similar ordinances. At the April 26, 2021 Council Work Session, Council discussed and considered adopting a Targeted Residential Picketing Ordinance, much like several of the other nearby cities, and directed staff to prepare a Targeted Residential Picketing Ordinance for consideration. While often incorrectly viewed and/or criticized as a violation of individuals' First Amendment Free Speech rights, these ordinances have actually been addressed by both the Minnesota Court of Appeals and the U.S. Supreme Court. In each case, the constitutionality of Targeted Residential Picketing Ordinances was reviewed, addressed, and upheld. Residential picketing ordinances must be narrowly drafted to avoid unconstitutionally limiting individuals' First Amendment freedoms. He explained unprotected speech includes words aimed at inciting violence, or "fighting words, actual threats of violence and obscenity" and how it was permissible for cities to provide reasonable restrictions on the time, place, or manner of protected speech. Mr. Baumgartner said the ordinance was based on language similar to that found or proposed in targeted residential picketing ordinances in Elk River, Champlin, Becker, Lino Lakes, Medina, Oak Grove, Rosemount, and other cities then shared a video from the incident in Hugo and how the concern was not what individuals were saying but the place and location and how a person's home provided for a captive audience with nowhere to retreat. He said while he hoped it would never be used, he sees this ordinance as an opportunity to address a situation early on if needed.

Chief Peterson shared other agencies' policies and how if adopted he would do the same which would supplement current first amendment policies and how while he was fully aware of the ordinance impacts would allow people the opportunity to comply to avoid escalation and work to educate first before any use of the ordinance. He noted the goal would be to gain compliance first through all

avenues and treat all targeted picketing events the same, no matter what the content.

Mr. Baumgartner commented how the ordinance can be enforced without consideration of content, thereby shielding law enforcement from concerns from groups regarding content.

Councilmember Skogquist asked questions about how enforcement would occur then shared examples of when the ordinance would be used. He shared concerns about overreaching and making a protest into a criminal act and felt such a situation could be handled in other ways. Mr. Baumgartner explained how the ordinance was directed at marching, standing, or patrolling by one or more persons only at another's home and noted labor picketing was not considered targeted picketing but would apply if directed against a specific individual.

Councilmember Weaver said he supported the ordinance stating this would provide for an important tool if needed under the police chief's discretion.

Motion by Councilmember Weaver seconded by Councilmember Barnett, to hold first reading of an ordinance amending Chapter 46, Article IV, Offenses Involving Public Peace and Order of the Code of the City of Anoka, Minnesota.

Councilmember Barnett spoke about officer discretion and how they would address an issue and not confer with Council for guidance but would do so independently then update Council in a timely manner.

Councilmember Skogquist asked about the sanctity of a neighborhood and if Champlin's ordinance was in effect when the targeted picketing incident occurred there and felt there were other tools available and better ways to address those concerns. He said he had a lot of faith in Chief Peterson but said there were better ways to address concerns and would not be supporting the ordinance.

Mayor Rice said the intent of the ordinance would be to address the threat of violence and the ordinance would address a peaceful demonstration differently. He said he would support the ordinance as it would ensure continuance of one's right to enjoy one's own home.

Mr. Baumgartner said the ordinance would allow the sanctity of home balanced with the right to be heard and the important component was that it was difficult to move from peaceful to unruly without being subjective and that this ordinance would help address that.

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

9.4 RES/Approving Purchase Agreement; City's Purchase of 763 Brighton Street.

Community Development Director Doug Borglund shared a background report stating the City has identified this property in the Highland Park neighborhood as the last property to be acquired as part of this project. 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 City has obtained a real estate appraisal for 763 Brighton Street determining its value at \$204,000 and that the seller has accepted the City's offer of \$225,000. He shared the schedule for closing and additional estimated costs related to the purchase, adding the house was currently unoccupied.

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to adopt a resolution approving purchase of real property, 763 Brighton Street.

Mayor Rice said this has been an expensive project but was looking forward to a wonderful development and a parkway as a result.

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

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

11.1 City Policy; Procedure for Adding Items to Council and Worksession Agendas.

Mr. Lee shared a background report stating in recent months there have been several requests from Council to add items to either the regular City Council agenda or as a discussion item for a future worksession agenda. He said staff was suggesting a procedure for adding items to the agenda so as to give staff clear direction. He outlined the current process discussed at the last Council meeting and asked the Council to adopt the proposed policy.

Motion by Councilmember Skogquist, seconded by Mayor Rice, to adopt a City policy; procedure for adding items to Council and worksession agendas.

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

12. UPDATES AND REPORTS

12.1 Tentative Agenda(s).

The Council reviewed the tentative agendas of the upcoming Council meetings.

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

Mr. Lee shared the Governor’s three-step process relating to COVID-19 restrictions that included removal of the masking requirement, distancing restrictions and limits for outdoor dining and events, and mandatory closing time for bars, restaurants, and food and beverage service at other places of public accommodation. He said work on vaccines will continue and that staff would continue to monitor changes as they occur.

12.3 Staff and Council Input.

Councilmember Skogquist said the petition item on the June 7 agenda should be included under Petitions/Requests/Communications then spoke about the current policy under the emergency declaration and if the City would continue to provide the virtual meeting option via Zoom for the public indefinitely. Chief Peterson said staff has checked with Anoka County and other cities about their local orders and will share more information when received.

ADJOURNMENT

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

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

Time of adjournment: 8:15 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk