

**EXECUTIVE SESSION OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
COUNCIL EXECUTIVE SESSION ROOM
JUNE 7, 2021
EXECUTIVE SESSION COMMENCED AT 6:15 P.M.**

Councilmember Skogquist made motion to hold the Closed Executive Session pursuant to Minnesota Statute 13D.05, Subd 3(b) for the purpose of discussing attorney-client privilege matter regarding negotiations and settlement in using Eminent Domain to acquire property for U.S. Highway 10/169 Improvement Project. Motion was seconded by Councilmember Barnett. Vote taken: All Ayes. Motion passed.

Mayor Rice called the Closed Executive Session to order at 6:16 p.m.

1. ROLL CALL

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

Staff present: City Manager, Greg Lee and Engineering Tech Ben Nelson.

Guests: Attorney Peter Mikhail of LeVander, Gillen & Miller, P.A.

- 3.** After discussion, motion was made by Wesp and seconded by Skogquist to close the Executive Session. Vote taken. All Ayes. Motion passed.

Mayor Rice closed the Executive Session at 6:30 p.m.

Approval Attestation:

Amy T. Oehlers, ACM/City Clerk

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
JUNE 1, 2021**

1. CALL TO ORDER

Following a closed meeting pursuant to MN Statute 13D.05, Subd 3(b) for attorney-client privilege on the negotiation and settlement in using eminent domain to acquire property for U.S. Highway 10/169 improvement project, 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; Finance Director Brenda Springer; City Planner Clark Palmer; Police Chief Eric Peterson; Public Services Director Mark Anderson; Assistant City Manager Amy Oehlers (via Zoom); Engineering Technician Ben Nelson; and City Attorney Scott Baumgartner.

Absent at roll call: None.

3. COUNCIL MINUTES

3.1 May 17, 2021, Regular Meeting

Motion by Councilmember Skogquist, seconded by Councilmember Barnett, to waive the reading and approve the May 17, 2021, Regular Meeting as presented.

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

4. OPEN FORUM

4.1 Presentation; Wipfli 2020 Annual Audit.

Finance Director Brenda Springer shared the 2020 financial statements were completed and reviewed by the City auditors at Wipfli, LLP then introduced the auditor representatives to provide a presentation on the audit.

Lisa Desotelle and Brian Kahl, Wipfli, reviewed the audit reporting package, audit results, financial trends, new accounting standards, and other items. They said the City received an unmodified or clean opinion on the financial statements

and internal controls and compliance. They shared no current year exceptions were noted under Minnesota legal compliance and a clean opinion was issued with no audit findings required to be reported for the federal major program. They complimented the City's Finance Department for their work and thanked the Council for the opportunity.

Councilmember Weaver thanked Ms. Springer for her excellent work.

4.2 Police Activity Update.

Police Chief Eric Peterson congratulated Anoka High School graduates then spoke about the increase in heat-related medical calls and to help monitor those who may be susceptible to this current heat wave. He shared the department's focus on speeding and ticketing efforts on East River Road then updated the Council on a recent drug case outcome. Chief Peterson announced that Officer Jake Sorteberg and K-9 Bravo had received the National Case of the Quarter award from the U.S. Police K-9 Association in recognition of their outstanding work with a recent incident and said would be included for consideration for the organization's national case of the year award in September.

Councilmember Skogquist asked how the department was continuing to address street racing in the City. Chief Peterson said they were working in conjunction with Anoka County on a grant-related program to target street racing and hoped continued education and enforcement would address this concern.

OTHER INFORMATION UNDER OPEN FORUM

None.

5. PUBLIC HEARING(S)

5.1 MS4 Stormwater Pollution Prevention Plan Annual Meeting.

Engineering Technician Ben Nelson shared a background report stating the NPDES Stormwater Program is a comprehensive national program for addressing polluted stormwater runoff. The MPCA issues the NPDES permits for construction sites, industrial facilities, and Municipal Separate Storm Sewer Systems (MS4). As of March of 2003, the City began operating under its own stormwater discharge permit. In May of 2021, the City submitted for reauthorization under the 2020 Small Municipal Separate Storm Sewer Systems General Permit as administered by the MPCA. The purpose of the new permit was to make this permit "clear, specific, and measurable. Once the application is found to be complete, the application will go on public notice for 30 days. After the City has addressed any applicable public comments or hearing request, the MPCA will issue coverage under the new permit. He outlined new requirements to the 2021 permit in detail then noted the public hearing for this topic was

published in the City's legal newspaper. He reviewed the Storm Water Pollution Prevention Program (SWPPP) plan that established annual goals and objectives to meet stormwater quality requirements of the permit then outlined measures required as part of the federal regulations. Mr. Nelson reviewed the City's 2020 MS4 accomplishments and 2021 tasks that included promoting public involvement and others then asked the Council to hold the public hearing and take public comment.

Councilmember Weaver requested the grit chamber be cleaned at the boat ramp to address build up in this area.

Councilmember Barnett thanked the MPCA and staff for creating specific goals where results can be seen then asked about requirements surrounding illicit discharge and potential concerns with businesses and how to monitor. Mr. Nelson said the goal in 2021 will be to further educate staff to detect concerns first then share with businesses how to address through public education on the City's website.

Councilmember Skogquist referred to a recent pollution discharge event at 7th Avenue and North Street and how to address in the future from letting discharge into the Rum River. Mr. Nelson responded storm ponds should be created to prevent these situations in the future as well as training staff on how to respond, adding the Minnesota Pollution Control Agency help respond to that incident.

Chief Peterson added the incident was a result of a criminal act and complimented Public Works staffmember Jon Holmes for working to stop the discharge from reaching the river and that education for staff and first responders was important so they knew who to call in the event of future incidents.

Mayor Rice opened the public hearing at 7:33 p.m.

Jill Thrietch (not signed in), Anoka, shared concerns about drain size safety that could result in children or animals being caught in the drains. Mr. Nelson explained how the drains were constructed to allow more leaves to enter so as to not plug the storm drain system but was still safe for children or animals and said he would provide further information to her on the topic.

Being no further comments Mayor Rice closed the public hearing at 7:37 p.m.

6. CONSENT AGENDA

Motion by Councilmember Skogquist, seconded by Councilmember Weaver, to approve Consent Agenda 6.1 through 6.4.

Councilmember Barnett requested the time be updated for the June 16 Anoka Champlin Fire Board worksession.

Councilmember Weaver thanked Commissioner Strand for his service to the City.

- 6.1 Approve Verified Bills.
- 6.2 Revising and Setting Council Calendars.
- 6.3 U.S. Highway 10/169 Improvement Project; Approve Settlement Agreement for Parcel 7.
- 6.4 Resignation from Charter Commission; Owen Strand.

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

- 8.1 Petition to Repeal the Ordinance Repealing the Human Rights Commission. Consideration to Uphold or Repeal.

City Manager Greg Lee shared that on April 12, 2021, the City received a Notice to Circulate a Referendum Petition to Repeal the Ordinance Repealing the Human Rights Commission Section of the City Code. That notice was sufficient and accepted. The signed petition was submitted to the City prior to the May 14, 2021 deadline and staff verified the signers were residents of the City of Anoka, registered voters in the State of Minnesota, and that the amount of verified signatures met the 3% requirement of the City Code and totaled 380 signatures. He said since the petition met all of the requirements of the City Charter, the Council should vote to accept the certification of the petition then discuss and vote on whether or not they want to uphold the ordinance that was adopted that repealed the Human Rights Section of the City Code or to repeal that ordinance. He outlined actions required to accept certification of petition and said if repealed that section would remain; if not and a vote would be needed on whether to hold a special election or place on the November 2022 election.

Motion by Councilmember Skogquist, seconded by Councilmember Barnett, to accept and certify the petition as presented.

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

Mike Erickson, Anoka, said he did not understand the City's motivation to dismantle the Human Rights Commission and the need to continue based on the

City's current demographic of 25% minority population. He spoke about the importance of representing that constituency and felt the Council was afraid of holding difficult discussions around important movies and books then spoke about promises made to the student leadership group around action.

Councilmember Barnett spoke about how Commissions served at the pleasure of the Council to help research topics, such as the Planning Commission's work on development requests to understand details of projects for recommendation to the Council. She said human rights topics are not complicated and that everyone understands fairness and dignity and the Council did not need to solicit advice on this topic. She shared beliefs how the group may be working in opposition overall and may actually be causing division and felt the group would flourish as a private entity. Councilmember Barnett said the group could have spent time establishing a nonprofit and noted the City offered to assist with legal costs then reviewed past inactivity and history of lack of accomplishments which included the community gardens only and how meetings had not been held for several years.

Motion by Councilmember Barnett, seconded by Councilmember Wesp, to uphold the ordinance repealing the Human Rights Commission section of the City Code.

Mr. Erickson responded to Councilmember Barnett's comments regarding lack of meetings and how they were not supported by the City Council then reviewed the purpose of the Commission to fulfill responsibilities of the Minnesota State Department of Human Rights to educate and advise on social justice issues and discrimination. He said by disbanding the ordinance the City was walking away from this responsibility and said the work could not be upheld by a nonprofit as they could not introduce the necessary topics without City support. He said he felt they would not be supported if not a City commission and if repealed would be a tremendous risk to the City.

Borgie Bonthuis, 712 River Lane, thanked the Council for their comments regarding the Planning Commission's work then stressed the importance of following Roberts Rules and working with City staff as assigned. She asked questions about the group's proposed movie and book discussions that could be accomplished without a commission then suggested they follow Coon Rapids Transformative Circle model. She said in order to change a community we have to change ourselves first and asked why this group should be under the auspices of the City as requested a response.

Councilmember Skogquist shared disagreement with Councilmember Barnett's comments and felt having the Commission would allow advising the Council as a nonprofit could not speak or provide advice. He noted the Commission started in the 1970s and was reestablished in 2003 and while Council did not agree on a lot at that time they agreed on this topic. He shared other accomplishments the

Commission made including the dedication of the State hospital grave markers and was disappointed this discussion had evolved to this level. He suggested the need for further discussion before voting that included the petitioners to create a compromise because once on a ballot it will be very difficult to amend again in the future and stressed the importance of involving different voices at City Hall.

Sue Dergantz, 342 Wilson Street, commented how much of the discussion has been about the past and instead should be focused on moving forward and said the Transformative Circle in Coon Rapids was created when their Commission was disbanded and would like to see that group be reinstated as well. She spoke about the importance of allowing every resident feel part of this community and if no one is given a voice then it is a disservice.

Councilmember Barnett asked why the group needs to be an entity within the City and suggested they be organized instead similar to Coon Rapids' model. She commented on the time and cost impacts involved to operate the Commission which totaled \$26,000 per year and felt the taxpayers should not have to pay for their agenda. She expressed frustration that members of the group had not contacted her to discuss this further then offered support for assistance and discussions, similar to how the City partners with other groups already.

Mr. Erickson noted Councilmember Barnett had not reached out to the group either which was a missed opportunity on both sides then noted the expense to the City was already established regardless of the Commission and was not an additional cost in staffing. He said the Commission was established by ordinance and the City had not made a case that the ordinance should change.

Councilmember Weaver called the question. Councilmember Skogquist called a point of order stating that calling the question needed to be voted upon.

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

Mr. Lee summarized the motion on the table was to uphold repealing of the Human Rights Commission.

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

Mayor Rice stated he supported the Commission and the potential for advising City Council on items of diversity and education then spoke about the need to be educated on our own prejudices and how this work would continue regardless of a City commission. He said he supported the Council in this decision and supported the question being on a ballot for a vote by the citizens.

Councilmember Barnett asked about the expense of a special election. Mr. Lee estimated the cost was estimated at \$30,000 and would take time to establish the question.

Motion by Councilmember Wesp, seconded by Councilmember Barnett, to place question on the ballot for November 8, 2022.

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

City Attorney Scott Baumgartner noted further direction would be needed regarding direction for the Commission as the repeal was no longer in effect and the ordinance remained intact until the ballot question occurred and suggestion a worksession be scheduled for direction for the Commission.

Eric Bobick, 327 Monroe Street, said he was disappointed with the vote but agreed there was no reason to incur the expense of a special election then noted if a worksession was held members of the Commission would not be in attendance as they were told their terms had ended.

Councilmember Wesp confirmed Mr. Bobick had participated in meetings of the Commission even though he was not an actual member.

City Planner Clark Palmer stated Assistant City Manager Amy Oehlers was having audio difficulties but confirmed that current Commissioners' terms remained in effect until 2022 now that the ordinance had not been repealed awaiting a ballot question.

Mayor Rice noted any member of the public may attend a Council worksession and that the topic would be further discussion at a future meeting.

9. ORDINANCES AND RESOLUTIONS

- 9.1 ORD/Adoption of Chapter 46, Article IV, Sec. 46-67, Residential Targeted Picketing.
(2nd Reading)

ORDINANCE

City Attorney Scott Baumgartner shared a background report stating at the April 26, 2021 worksession 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 of adoption at a future City Council meeting. A First Reading of the Ordinance was held at the Council's May 17, 2021 City Council meeting, which passed on a 4-1 vote. The targeted picketing ordinance was drafted as a "time,

place and manner” regulation of protected speech. It does not consider the content of the speech. The ordinance is narrowly drafted to restrict residential picketing from occurring at residences in order to advance the important governmental interest in allowing members of the community to enjoy, in their homes and dwellings, a feeling of wellbeing, tranquility and privacy. Individuals will still have the ability to communicate information in other ways. This ordinance is based on language or contains 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 various cities. A review of the Anoka City Code and the Minnesota State Statutes revealed no other or better suitable alternative to a Targeted Residential Picketing Ordinance. Additionally, the benefit of this particular Ordinance is the fact that its constitutionality has been tested by both the State Courts and the United States Supreme Court.

Councilmember Weaver said he hoped this would provide a tool that would never have to be used but be available at the Police Chief’s discretion then asked staff to share a video of what occurred in Champlin during recent civil unrest.

Mayor Rice said the video showed the activity that targeted a specific home and was different than a protest because it disrupted the safety and peace in neighborhoods.

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

Councilmember Wesp confirmed the event that occurred in Champlin allowed for the right to express freedom of speech but there is case law that supported this ordinance. Mr. Baumgartner confirmed there were both United States and Minnesota Supreme Court cases that supported this ordinance and noted that freedom of speech was allowed but included limitations, such as not restricting content but the right to peace in one’s own home as well as the impacts on the surrounding neighborhood.

Councilmember Skogquist said no one would want this activity to occur but noted the incident shown in the video had occurred when Champlin’s targeted picketing ordinance was in place and not used. He said his concern stemmed because it made the activity a criminal act and suggested there were other tools in place to address such as obscenity and amplification through the noise ordinance.

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

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

11.1 New Special Event License; HopeFest, September 25, 2021.

Mr. Lee shared a background report stating Alexandra House, Inc. has submitted an application for a Special Event License for their event “HopeFest”, which is their annual fundraiser and held in September to lead into October which is Domestic Violence Awareness Month. They are moving this event to Anoka from its previous location with the hope it would become an annual event in Anoka.

Tina Bronson, Communications Marketing Director for Alexandra House, reviewed details of the event to be held on September 25, 2021, and said they were excited to hold this event in the City and thanked them for the partnership with Anoka in supporting awareness surrounding domestic violence. She thanked the police for their support and said they anticipated 500-700 people to attend then outlined how they would honor those lost to domestic violence and the need to educate the public on this important topic. She said they have seen an escalation in calls since the pandemic and encouraged partnerships with businesses and other community resources.

Chief Peterson said he fully supported this event and thanked Alexandra House for serving the residents of Anoka.

Councilmember Wesp said the silhouette display that depicted victims lost was very powerful and said the City and Anti-Crime Commission supported Alexandra House.

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to approve.

Councilmembers Barnett and Weaver suggested a friendly amendment to waive the City’s fees for this special event. Councilmembers Wesp and Skogquist accepted the friendly amendment.

Mayor Rice encouraged residents to further support Alexandra House through the Round-Up Program. Councilmember Barnett suggested further support through advertising on the City’s website and other avenues as well as utilizing the bridge’s purple lights during national awareness month.

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 Staff and Council Input.

Mr. Nelson provided an update on City and MnDOT road reconstruction projects and staff's intent to provide further information to the public on timing and lane closure impacts. The Council discussed the potential traffic impacts the U.S. Highway 10 project will have on the area.

Councilmember Skogquist spoke about the capital budget and the need for a sidewalk on the west side of 7th Avenue to help service the segment as Anoka County has now delayed their project, adding most property owners were in support of a sidewalk in this area.

Mr. Nelson said staff would include the discussion of a sidewalk as part of the 7th Avenue project as well as a trail.

ADJOURNMENT

Councilmember Wesp made a motion to adjourn the Regular Council meeting and enter into the Council worksession. Councilmember Skogquist seconded the motion.

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

Time of adjournment: 9:02 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk