

**WORKSESSION OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL WORKSESSION ROOM
APRIL 24, 2023**

1. CALL TO ORDER

Mayor Rice called the worksession meeting to order at 5:05 p.m.

2. ROLL CALL

Present at roll call: Mayor Rice, Councilmembers Scott, Skogquist (participating remotely from 211 Woodman Ave, Dovray, MN); and Wesp.

Staff present: City Manager Greg Lee; Community Development Director Doug Borglund; Police Chief Eric Peterson; Golf Course Manager Larry Norland; Senior City Planner Clark Palmer; Electric Utility Director Del Vancura; and City Attorney Scott Baumgartner.

Absent: Councilmember Weaver.

3. COUNCIL BUSINESS and/or DISCUSSION ITEMS

3.1 Discussion; Initial Discussion of Organized Collection with Residential Haulers.

City Manager Greg Lee shared a staff report with background information stating on January 17, 2023, the City Council directed staff to invite the current licensed residential garbage haulers and the public to the February 27, 2023 worksession. That worksession was held. Following that worksession, at your March 6, 2023 regular meeting, staff was directed to begin the process of consideration of organized collection. Notice was mailed to the residential haulers and a public notice of this worksession was published. Staff confirmed, by phone, with the residential haulers that they would be to attend this worksession. This worksession is intended to be an informal discussion with the licensed collectors. The City would like to hear history from haulers that have been through this process with other cities and determine what information each party would like to have researched for preparing to share with one another during the initial first step in the process and throughout the proposal/negotiations period. The process of implementation of organized garbage collection is specifically defined and regulated by Minnesota Statutes Chapter 115A.94. Pursuant to Minnesota Statutes § 115A.94 Subd 4e, the initial first step in the process will be for the City Council to meet with the current licensed collectors and discuss waste collection issues including road deterioration, public safety, pricing mechanisms, and contractual considerations unique to organized collection. The first step meeting will be scheduled for a later date that is agreeable to the City and the licensed collectors. The second step in the process will be for the City Council and the licensed

collectors to exclusively meet to discuss and negotiate. There must be a period of at least 60 days in which these meetings and negotiations shall occur. During this period, a formal proposal/organized collection agreement shall be prepared. He outlined areas that are required by Statute to be researched and discussed during the proposal/negotiations period and said prior to any execution of a mutually agreed upon agreement and implementation of an organized collection system, the City must provide the public of its intent to implement an organized collection system and conduct at least one public hearing before deciding whether or not to implement organized collection. Organized collection may not begin sooner than six months after the effective date of the decision City to implement organized collection. This discussion does not start any 60-day period, would be next meeting, this is more an informational topic.

Mayor Rice shared comments regarding the City's consideration of implementing organized hauling to help address noise, commotion, safety, and road deterioration then spoke about how attrition has made some progress but that the City would like to consider organized collection.

Mr. Lee reiterated the City's current ordinance does not allow any additional licenses for residential collection which was implemented to help reduce the number of trucks on City streets and was currently capped at four haulers.

David Wiggins, Ace Solid Waste, asked for data regarding safety concerns and any serious accidents as well as road wear/tear that had occurred in Anoka balanced against impacts by school buses and other industries. Mayor Rice said he was not aware of any accidents that had occurred and said the City already encourages buses to stay on feeder streets unless picking up students to provide some protection to roads from heavy vehicles during spring road restrictions.

Mr. Lee noted road restrictions were five tons spring axle weight limit.

Christopher DeLaForest, Ace Solid Waste, inquired about the process Anoka has done to date and if this meeting satisfied the obligation outlined in Statute. City Attorney Scott Baumgartner said this meeting was intended to identify talking points for the follow up meeting and identify what questions to address to the haulers.

Mr. Lee said no schedule had been made at this point and noted a possible 2024 ballot question could change things significantly but that the City wanted to talk about schedules and next steps at this meeting in preparation for a possible ballot question.

Mayor Rice recognized discussion on organized hauling and a possible ballot question were in contradiction of each other.

Councilmember Wesp noted the Council was unanimous on the ballot question but not on moving to organized hauling. Mayor Rice agreed but said if we go to organized hauling and restrict single haulers by day that would satisfy many of the concerns.

Mr. DeLaForest said these points are important distinctions because moving to organized hauling requires a long lead time to purchase trucks and hire and said they were not sure how these two directions can exist together.

Mike Moroz, Walters Recycling and Refuse, asked how the City could negotiate in good faith with an initial seven-year agreement when everything could change based on a ballot question.

Mr. Lee said the organized hauling topic is separate than the seven-year period as there has to be a contract with haulers for seven years, after which the City could go to competitive bids. Mr. Moroz said that is all part of the process to obtain a competitive proposal.

Jennifer Parkos, Curbside Waste, said she was not understanding the difference between organized hauling and splitting up the City then going to competitive bids and asked if they would still be allowed to charge current rates for seven years. Mr. Lee said those points would be part of the negotiation. He said the groups would need to flesh out what organized hauling means which would be part of the ballot question education component and could run in tandem with each other.

Councilmember Wesp asked what other cities have done this process. Mr. Lee said St. Anthony and Centerville did this process and that after seven years those cities can move to organized however, they choose.

Councilmember Wesp asked about how Bloomington outlined their process. Mr. DeLaForest responded any city organized prior to 2013 could do so under other methods as the Statute was not in place and could be negotiated as a collective. He said he has seen the process done in different ways but said it was important to know the statute outlines anti-trust and potential price fixing and sharing proprietary information could be a concern if organized hauling does not happen. He said he wanted to ensure the City was interested in this step and was acting in good faith and serious about getting this done.

Jamie Pierce, Republic Services, clarified the process would include negotiating with the haulers collectively or through individual contracts, adding they will have to negotiate together so we have to be in agreement with pricing and other elements.

Mr. Moroz said the haulers would all agree on a proposal with escalators built in, adding they did not want to do this unless the Council was serious because the step would require sharing their pricing structures.

Councilmember Wesp clarified that after negotiations homeowners' associations could lose their selected haulers then spoke about when Bloomington and St. Paul went to organized and why the cost of negotiations was so much for these cities. Bev Mathieson, Republic Services, said costs could be handled in many ways, depending on the negotiations.

Mr. DeLaForest said much of the cost was due to legal fees because there are many decisions that are needed regarding carts, routing, etc. even when the process goes well.

Mr. Moroz added Bloomington legal fees were more because there were some resident groups suing the city as well about the process.

Councilmember Wesp said we wanted the residents to consider a question in 2024 and while we were not sure of the question yet how does that affect the haulers knowing the residents may say no.

Jamie Pierce, Republic Services, said Anoka had single hauler many years ago. Mr. Lee shared the City changed from single hauler in 1991 then moved to open hauling.

Chad Master, Curbside Waste, asked if staff will respond to calls and recycling questions, adding they cannot service the City with only two trucks and was unsure of the goal. He shared how St. Paul had to hire staff to answer resident calls when they moved to organized hauling.

Ms. Pierce said she would like to see the City consider one hauler each day as suggested earlier. Mr. Master said he did not think the City would need that many days.

Mr. Baumgartner clarified the process would not include having more than one truck on the street the same day. Jennifer Parkos, Curbside Waste, responded they would have to split up the customer base that way in order to restrict the number of trucks.

Ms. Pierce asked how they could negotiate in good faith if we know there will be a question on the ballot as there is too much currently unclear, and asked if the community is even interested as that would be important to know before we could even meet to discuss.

Mr. Lee suggested the pricing component be removed from the ballot question and focus instead on logistics of organized hauling.

Mr. Wiggins noted the City already moved to single recycling and compost pick up.

Mayor Rice suggested sharing the number of addresses each hauler serves and their high and low rates to establish a range of pricing and possible average to start the conversation. Ms. Parkos said that wouldn't be helpful as each hauler is charged a different rate to dispose of the trash based on the size of haulers and whether they own landfills.

Ms. Pierce said there are many logistic components such as removing/delivery new carts which have to be part of the conversation.

Councilmember Wesp saw that change with moving from Republic to Ace with recycling and that the City understood those changes and questions that come to staff and was not in favor of organized hauling for many reasons but asking the residents the question is important, adding he was unsure how negotiations will occur during this time.

Mr. Wiggins suggested determining the ballot question first.

Councilmember Wesp said the concern was some may not have the opportunity to gather more customers and that the City should work to reduce wear and tear on streets instead. He said we could stay with the current haulers and work towards reducing traffic through the current number of haulers then still ask the residents on a ballot question in 2024.

Ms. Parkos asked what the difference would be because there would still be a truck stopping at each address. Mayor Rice explained limiting the number of haulers would help even though we will never get to one trip.

Mr. Wiggins suggested combining yard waste and waste collection instead.

Mayor Rice shared concerns with how school districts schedule ballot questions on non-state election years which results in an unfair sample and suggested a survey be done through utility billing but would likely result in not much response.

Councilmember Scott noted residents currently do not have a real choice because we limit haulers already so this is not a true free market then questioned next steps because it could be foolhardy to mix them up. He said an informed electorate was important then spoke about how special assessments were always higher due to material and inflation costs but it was important to keep our assets lasting longer and the need to explore all options.

Mr. Wiggins said the City was asking them to give up their business but not asking the same of the school buses which was not fair.

Mr. Moroz commented how other cities that have moved to organized hauling have not saved money for roads, even factoring out inflation, and said roads are bad because of winter and that trucks are very safe. He said City vehicles do the same damage as haulers and that the City should focus on that instead.

Chad Master, Curbside Waste, shared comments about difficulties picking up garbage in Bloomington this year due to lack of drivers and that residents should be allowed a choice. Mr. Moroz agreed, stating they received calls from haulers in organized cities asking for pick up assistance.

Ms. Pierce said we they are not necessarily opposed to organized as they would like to be more efficient but said their biggest concern was the ballot question and suggested doing a survey first. She said there are plenty of cities already organized where we can get information from for a survey but said it is difficult to negotiate when there is a good chance organized will not come to fruition.

Mr. Moroz said independent haulers like Walter's are shorted in these negotiations as Republic or Ace can buy the contracts.

Councilmember Scott commented that if we agree as a Council that trucks have no impact on roads then why are there road restrictions in place during the spring.

Ms. Parkos said she was not against having more haulers.

Mr. Wiggins shared how New Hope proved a study did not show that garbage trucks caused street damage. Mr. Lee disagreed, stating the study was conducted by MnDOT and was correct then suggested the goal was to create a seven-year contract, see how things go, then schedule the ballot question.

Ms. Parkos shared concerns the haulers have to negotiate on rates and there won't be time and if the question is voted down what was the point of sharing proprietary information. She noted customers may not be truthful in sharing current rates and said others can undercut because they will know each other's bottom line in other cities as well, especially for the smaller haulers.

Ms. Pierce said this step will make haulers share strategies and suggested gathering information from other cities instead who have organized to create a typical contract without actual pricing.

Mr. Wiggins said this is an unfair situation. Mr. Lee said a ballot question will not work without actual pricing as there are strong lobbyists in this process and suggested staff could study rates and contracts from other organized cities but that would require much work and result in still many questions.

Councilmember Scott spoke about the need for an informed electorate.

Ms. Pierce said there a lot of pushback from residents already and asked why the shift now after 10 years. Mayor Rice noted the Council has changed over time as well as the discussion, adding the Council will change again in the future.

Discussion was held on current resident input and how many want their own choice.

Councilmember Wesp said it will be important to know the average cost to negotiation any contract to share with voters as well.

Mr. Baumgartner said the concern with surveys is they will result in uninformed opinions and there needs to be an educational component first. Ms. Parkos suggested sharing the road information to inform the residents and said many understood organized recycling already.

Councilmember Scott noted there will be a survey in 2024 in the form of a ballot question. He said if there were no long-term benefits, he would not be in favor of this move but that the City needed to know what the benefits are and find ways to expand the life of our assets.

Mayor Rice thanked the haulers for the education and information they shared and said all are good companies who provide excellent service.

Councilmember Skogquist said he wanted to have good faith discussions with the haulers and come back with real ideas and costs because the residents deserve that without grandstanding or scare tactics. He said these questions cannot be answered until we go down this path and wanted to start the negotiations. He said there does not need to be a lot of time spend but we need to get a result to move forward.

Mayor Rice said the City understands the reluctance of sharing pricing data knowing the ballot question could change that but the City needs to know direction and agree on one or the other.

Councilmember Wesp said that question has already been answered when the Council unanimously agreed on a ballot question. He said the Council was not unanimous to move to organized hauling and that we moved towards reduction in the number of trucks through attrition in 2015 and once the ballot question is answered the City will be bound by the results but until then he was not comfortable moving forward.

Mayor Rice said the two directions were incompatible with each other and that prior Councils cannot encumber current Councils and said to the three Councilmembers who were interested in single hauler were they still in support of a ballot question because it's impossible to negotiate otherwise.

Councilmember Skogquist said getting the data was most important and if incompatible we move to the State law route because we need to know what this could look like for Anoka and if this changes in seven years it changes. He said the majority of people contacting him want to see a ballot question and look at all options.

Mayor Rice thanked the group for attending and said staff would be in touch regarding next steps.

Council consensus was to discuss the topic of organized hauling further at either another worksession or at a regular meeting.

3.2 Discussion; Green Haven Event Center and Golf Course Study (Develop Scope of Study).

Mr. Lee shared a shared a staff report with background information stating on August 8, 2022, the City Council conducted a 2023 Proposed Budget review at Green Haven Event Center. As part of those discussions, the City Council indicated that they were interested in conducting a study of the golf operations at Green Haven. The Council then gave direction to hire a consultant to study and analyze the golf operations to ensure maximum profitability. In addition to golf parameters, the consultant may also be directed to analyze other operations at Green Haven including the event center, restaurant, and other activities conducted at Green Haven. John Wait of Sirius Golf Advisors has been hired by the City and will share the scope of the Green Haven Event Center and Golf Course Study. He said it was important for the Council to communicate its vision and goals for Green Haven so all aspects of your goals can be included in the study, including fee structure, cart rental analysis, other recreation opportunities, driving range, and others. He said the purpose of this item was for Council to identify what they would like to see studied then Sirius Golf Advisors would develop a scope of work proposal for consideration at a future meeting. If approved, the study will commence this spring and be completed by mid-summer 2023.

Councilmember Scott thanked Mr. Wait for attending and said he would like to see more year-round activities occur such as frisbee golf.

John Wait, Sirius Golf Advisors, said the main question he would like to see answered is the mission statement for Green Haven and if the course was an amenity or profit center as there are different implications depending on the direction and recommendations. Said he the City would look at more than just current operations but how the course could be best positioned then noted how some cities use a course as a recruiting tool for businesses and economic development and could include real estate or a hotel. He spoke about the need to consider market mismatch and having a nice course balanced with matching residential opportunities as well as the importance of a nice clubhouse and the potential renovation that matches as well. Mr. Wait said his firm can do the

residential development as well then commented about the need to do more than less if the City wanted to do this right.

Mayor Rice said we have viewed Green Haven as an amenity for a long time and that he was interested in a study for many reasons as there was substantial development happening and there was an opportunity for more so we should renovate the golf course. He said Green Haven has been able to make a profit, especially over the last 18 years, and said the course has been an amenity for 85 years while being profitable.

Councilmember Wesp said we have seen renovation of the course over time from nine holes to what it is today and noted the course was exclusive years ago but changed as society changed, as the population grew, and expansion of outer rings of the City and Bunker Hills was constructed. He said he believed the course was amenity but could be more of an amenity again then spoke about Green Haven Parkway in anticipation of Highway 10 construction and purchasing homes to give the City 14 acres for the road. He shared history regarding discussions of closing Keller Golf Course in St. Paul which was done mostly because of memories then shared differences in other courses such as TPC and Bunker and how we should support \$300,000-\$500,000 homes. Councilmember Wesp spoke about creating the coop and how it can be difficult for municipal courses to be profitable but that we should create expensive real estate around the course and invest in the clubhouse as this could result in a diamond development.

Mr. Wait said Green Haven could be like Keller Golf Course and an icon and focus on the community and bringing in other people as an economic driver. Councilmember Wesp said that would be fine but noted 78% of golfers are non-Anoka residents already.

Mayor Rice said the Highland Park was in need of changes and it bordered the course and worked well to sell those homes and create development around the course.

Councilmember Scott said we need to look at everything to see what can be sustainable.

Mr. Wait said they would first look at current and needed housing and provide scenarios for consideration, adding the issues with incorporating a driving range is the current proposal was too narrow and would need netting for safety. He cautioned against spending a lot of money and not having a nice range and suggested development could include condo developments as well.

Mayor Rice asked if we should spend money on the course, clubhouse, and range and do that with the golfers or have the new housing pay for it. Mr. Wait said the question goes back to economic development and if it is easier to justify having

non-golfers increase the tax base or fund differently, adding they could lease part of it and bring in developers depending on the scope.

Councilmember Wesp said this would be a generational change as the neighborhood was tired and noted the area was landlocked already and a good driving range was a bare minimum for use by high school teams.

Councilmember Scott said if not profitable we need to have more amenities and offer other things for non-golfers, similar to the aquatic center.

Mr. Wait said a driving range opens up other opportunities such as tournaments and clinics, adding people are typically loyal to the course they learned on and this would help build loyalty.

Councilmember Wesp said he wanted to make this equitable to property owners and asked if revenue bonds are the best way or creating a partnership with a developer.

Mayor Rice said the City is not concerned if we lose money on the aquatic center because it provides an important life skill in swim instruction but said there are enough people who love golf and that the course should pay for itself.

Mr. Wait said one component was to obtain community feedback as part of any process. Mayor Rice said while he wanted to be transparent, he did not want to do a survey because it would result in a skewed response.

Golf Course Manager Larry Norland suggested a study deadline of July 15 to coincide with the budget process for 2024.

Mr. Lee asked if an operational study would be different from a development study. Mr. Wait said both would be incorporated.

Council consensus was to direct Sirius Golf Advisors to develop a scope of work proposal for consideration at a future Council meeting.

Councilmember Wesp asked about the potential for veteran pricing. Mr. Norland said historically they have not offered discounts for residents versus non-residents but certainly could.

Mr. Wait noted the amount of discount did not matter it was the fact of being recognized as a veteran but noted it may not make sense to do many pricing changes if the City was going to make major renovations to the course.

Councilmember Skogquist said he would like to see pricing as part of any potential change and viewed the course more like pool than the City liquor stores in that while we have to cover costs it does not need to be a revenue maker. He

said if we want to make this a great amenity for as many Anoka residents as possible how do we do so and cover our costs.

Mr. Lee confirmed Mr. Wait will submit a proposal for formal Council consideration at the next meeting, possibly under the Consent Agenda.

3.3 Discussion; River Lane Easement.

Community Development Director Doug Borglund shared a shared a staff report with background information stating in November of 2017, a resident had brought forward concerns regarding the ability to utilize an existing 30-foot public walkway easement that is located between existing single-family residential parcels known as 442 River Lane and 502 River Lane at the end of 5th Avenue. The existing 30-foot walkway easement was put in place in 1979 at the time of platting the subdivision known as Sandra Terrace, allowing public access to the Mississippi River between 442 River Lane and 502 River Lane. The current property owner of 502 River Lane during the time-period of 2007-2008 (according to the property owner) constructed a retaining wall and stairway with a majority of the private improvement located in the existing drainage, utility, and walkway easement area. After the November Anoka City Council worksession, the City received a petition to vacate the existing walkway easement from the owners of property adjacent to the existing easement that is directly impacted on December 26, 2017. He shared history of the item's discussions in detail then noted the public easement was still in place and five private quit claim deeds have been signed deeding back the easement with the exception of one property owner at 401 River Lane who has yet to sign the quit claim deed and asked for Council direction.

Scott Nielson, attorney, asked why the City want a public easement for people to access and suggested vacating the easement as there is no purpose for this access and it was not necessarily safe. He noted the City has more parks now than in 1979 with other access points and that times have changed.

Mr. Baumgartner clarified there are people who want the public access and that all but one property owner has responded.

Mayor Rice said the easement is open to the public and should not be given away.

Frank Manella, 502 River Lane, said there were a few people in neighborhood who wanted access but there is a liability in having it and that if they obtained the deeds, they would make an exclusion for access but that has not occurred.

Mr. Nielson said this action would allow this to be a more saleable property but something changed and this no longer makes sense and that the City should no longer have the public easement to prevent safety concerns.

Councilmember Skogquist said the City has a national asset in the Mississippi River and how the developer then wanted more houses so the easement was created and did not support giving away access to the river as negotiated in 1977.

Mr. Nielson said this would not be the best location today to create an access between two homes and noted there are many other accesses to the river, adding this area was not good for a boat ramp as there was not enough room to turn around.

Mr. Manella noted the majority of the neighborhood was against any easement because of parking concerns.

Mr. Baumgartner said the potential for City ownership puts greater risk for liability but noted there is still a risk even if there is no ownership.

Councilmember Skogquist said there are not a lot of other access points to the river and reiterated the City should not give that up as fundamentally anyone should have access to the river.

Mr. Nielson noted all other accesses are maintained and designed and that this is a liability issue. He agreed no one can take away the right to use the river but that it should not be given between two homes.

Mr. Manella added this area was not a good point to launch a boat because there is a long walk down to the river from this access.

Mayor Rice said Mr. Manella has been more than generous during this situation in trying to work with the neighbors. Mr. Manella thanked the Mayor for his comments and said the compromise was supposed to be a trade for neighbor access instead of public but it didn't work.

Councilmember Skogquist said he would not change his direction and if so, the private improvements would have to be removed from the public access.

Councilmember Scott said the area seems to be a random kayak access and not easy to find and understood the safety concern and difficulty to access if not improved and supported the easement vacation.

Councilmember Wesp said he did not support St. Stephen's vacating for Jackson Street and felt the same way regarding the Van Buren Street vacation but said this river access was not a practical location. He said he would like to see Councilmember Weaver be part of the discussion and suggested the easement be brought to a Council meeting for final decision.

Mr. Nielson cautioned against floating docks not being safe for youth due to the cavities underneath and sticks and debris that get caught.

Mr. Lee clarified Council consensus was to bring this item forward for formal consideration at the May 15 meeting then shared there may be a future vacation request for Jackson Street from St. Stephen's Church as well.

Mr. Baumgartner said staff will review an encroachment agreement regarding removal of the private improvements and noted the recorded deeds will just remain in place then noted a public hearing was required for a vacation easement.

Discussion was held on whether to hold the public hearing simultaneously on May 15 or wait for Council direction and then schedule the hearing if needed. Consensus was to hold the public hearing on May 15 as well.

**UPDATES/REPORTS/COUNCIL SUGGESTIONS FOR TENTATIVE
FUTURE AGENDA ITEMS**

None.

4. ADJOURNMENT

Motion by Councilmember Wesp, seconded by Councilmember Scott to adjourn the Worksession at 8:28 p.m. Motion carried.

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

Approval Attestation:

Amy T. Oehlers, City Clerk