

**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
MAY 15, 2023**

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.

2. ROLL CALL

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

Staff present: City Manager Greg Lee; Public Services Director Mark Anderson; Police Chief Eric Peterson; Public Services Administrator Lisa LaCasse; Assistant City Engineer Ben Nelson; Golf Course Manager Larry Norland; Finance Director Brenda Springer; Senior City Planner Clark Palmer; City Inspector Keith Demarest; City Attorney Scott Baumgartner; and Electric Utility Director Del Vancura.

Absent at roll call: None.

3. COUNCIL MINUTES

- 3.1 April 24, 2023, Worksession.
May 1, 2023, Local Board of Appeals and Equalization.
May 1, 2023, Regular Meeting.

Motion by Councilmember Skogquist, seconded by Councilmember Wesp, to approve the April 24, 2023, Worksession, May 1, 2023, Local Board of Appeals and Equalization, and May 1, 2023, Regular Meeting as presented.

Vote taken. All ayes. Motion carried.

4. OPEN FORUM

- 4.1 Police Activity Update.

Police Chief Eric Peterson shared an update on a shooting incident in the 2600 block of Cutters Grove resulting from a domestic dispute and shared one person was in custody. He shared about two arrests over the weekend then announced the designated safety exchange zone for public use. He spoke about Peace Officers Memorial Day to honor those who have lost their lives in duty that included 42 so far this year in the country, 19 by gunfire. Chief Peterson honored those officers in Anoka who have lost their lives since the City began and thanked Council and the public for their support.

Councilmember Weaver inquired about the current conditions and concerns at the Woodlawn Park Apartments. Chief Peterson shared an update on staff's response to concerns raised at a recent open forum and said that management was receptive to the City's demands and is working with them and will continue to monitor and address.

Community Development Director Doug Borglund said since the issue was raised at open forum staff has been working to address concerns and are already interacting with management on code enforcement issues that will include the ability to reinspect to ensure compliance continues.

City Inspector Keith Demarest shared a summary of inspections and items addressed to date at Woodlawn Park Apartments and said staff was working proactively on actions including outside clean-up and other concerns including rotting food odors and animal feces. He spoke about the implemented one-month response time and that staff re-inspected a sinkhole issue today which has been corrected, stating management has been very receptive to addressing concerns then spoke about the importance of the City's strong maintenance code which helps address concerns more quickly.

Councilmember Skogquist noted some were standard concerns while others were more serious and thanked staff for the thorough inspections as it was important to show the tenants that the City was responding.

4.2 Highway 10 Anoka Construction Update.

Assistant City Engineer Ben Nelson shared an update regarding Highway 10 construction.

Councilmember Weaver inquired about the property after The Bamboo Village restaurant and the possibility of a frontage road. Mr. Nelson said staff met with Bolton Menk to propose a possibility that will be presented to Council for direction at the July worksession.

Councilmember Skogquist noted the entire construction area is difficult to navigate as traffic movements change each day and encouraged the public to continue to monitor these carefully.

4.3 Proclamation; National Public Works Week, May 21-27, 2023.

Public Services Director Mark Anderson said 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. He said the Week is done to enhance the prestige of the often-unsung heroes of our society who serve the public every day with quiet dedication. He said the proclamation is done to help 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.

Mayor Rice read the proclamation into the record.

Public Services Administrator Lisa LaCasse recognized recent retired employees Jerry Tri, Jim Comeau, Colin Hogue, and Dale Weidner who represented 140 years of combined service to the City then highlighted all Public Works staff which included 28 fulltime, 6 part-time, and many seasonal employees and recognized them all for their hard work.

Councilmember Wesp shared the important work Public Works does and thanked them for their hard work as unsung heroes. A round of applause was offered by all.

Councilmember Weaver thanked staff for the recognition of all the people working hard making the City look good.

Councilmember Skogquist said Public Works makes the City look good and thanked them for addressing issues so quickly when they arise.

Councilmember Scott said the absence of complaints is a testament to the great work by staff and thanked them for their dedication.

Mayor Rice said when problems do arise Public Works quickly responds to address the health, safety, and welfare of the City.

OTHER INFORMATION UNDER OPEN FORUM

Michael Steel, 2733 Rivers Bluff Lane, said he was on the board of directors for Weston Woods and thanked staff for the update on the recent shooting but said these should not occur in the City at all and that this was not the first time a shooting occurred. He spoke about fear that is amplified quickly if not resolved which is a bigger concern and hoped the work continues to address these situations.

Mayor Rice encouraged the public to call if there is a concern as it helps to address complaints more quickly.

Councilmember Wesp said he had the same concerns about the recent shootings and asked about direction from command staff when they occur. Chief Peterson said their officers were proactively doing extra patrols on their own as it helps provide a sense of safety for everyone but noted shootings happen in every city in the area and Anoka is no different.

Sharon Doffing, Weston Woods, thanked the Council for their work to keep the City moving forward then spoke about crime prevention work in apartments and the need to make the current crime-free prevention program more uncomfortable and strict because once problem tenants are in they are difficult and costly to remove. She requested the City strengthen those requirements and develop a task force to review ways to address crime and make the entire community strong and safe and not just downtown.

Councilmember Skogquist thanked Chief Peterson for establishing the safe zones for property exchange.

Chief Peterson shared how Part I serious crimes are trending down but Part II crimes are trending upward, partly due to the current culture, then shared how they were working to address those concerns through continued enforcement but noted the results will not happen overnight.

Councilmember Weaver said the crime-free addendum tries to address issues in rental housing and agreed the City may want to review the addendum to further strengthen restrictions.

Chief Peterson said staff member Nicole Nies is president of the Crime Free Association and will review the current addendum to recommend updates and changes.

Jeff Lee, 706 River Lane, said the City had made changes to the crime-free addendum to limit the number of rental licenses per block and suggested more work be done on that then spoke about redevelopment being positive and how Blaine's recently held an economic development summit to show developers available properties and suggested conducting a hospitality market analysis to help identify potential sites for more hotels in Anoka.

5. PUBLIC HEARING(S)

- 5.1 Vacating a Public Access Easement for Lot 9, Block 1 Sandra Terrace and Lot 10, Block 1, Sandra Terrace.
RES/Vacating a Public Access Easement for Lot 9, Block 1 Sandra Terrace and Lot 10, Block 1, Sandra Terrace.

RESOLUTION

Mr. Borglund shared a background report stating in November of 2017 a resident 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. During the platting

process, a portion of 5th Avenue had been vacated and the City retained a 30-foot drainage and utility easement for storm sewer as part of the plat. Also, during the subdivision process, the developer contributed cash in lieu of parkland dedication and was required to agree to sign and record a separate 30-foot wide public walkway easement allowing public access to the Mississippi River between 442 River Lane and 502 River Lane in favor of the City of Anoka. 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 2017 Anoka City Council work session meeting, 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. Since that time, a property owner affected by the current easement has worked with a private attorney to create a new walkway easement exclusively for the purpose to provide access from River Lane to the Mississippi River over the westerly 15 feet of Lot 10, Block 1 Sandra Terrace and 7 feet of easement for walkway purposes over the existing staircase on Lot 10, Block 1 Sandra Terrace. Those parcels that are named in the new easement shall also have exclusive permission to walk on the easement to access the Mississippi River and use the Grantors dock when the dock is on the Mississippi River. The lots affected by the newly recorded easement include Lots 1, 2, 3, 3A, 4, and 4A, block 1 and Lots 1, 2, 3, Block 2 of the Sandra Terrace subdivision. The private easements are still in place today and currently, the Council is considering vacation of the existing public access easement to address the concerns.

Councilmember Weaver asked about the resulting action if Council moved forward with the vacation. Mr. Borglund said staff would work with Mr. Manella on an encroachment agreement for the existing improvements or require removal of the existing private easements. He said staff had contacted the property owners who had agreed to deed easements back to the City but only five of the six signed quit claim deeds so if the vacation was approved the easement would stand and staff would work with Mr. Manella regarding the stairway improvements.

Mayor Rice opened the public hearing at 8:09 p.m.

Barb Kinney, 5th Avenue in Anoka, asked how many times the City will reconsider this easement, stating she uses it for canoeing and sees no concerns with that and that the access should remain then asked how the property was allowed to be given to the neighbors. Mayor Rice explained the action was a compromise for those who typically use the easement and would like to continue to do so.

Ms. Kinney said she wants to be able to continue to use the access as well and this action would take public property away and remove the river access.

Frank Manella, 502 River Lane, shared this action was not as a result from him but a neighbor who had a concern. He said he had concerns with his neighbors using the stairway but came up with a solution to grant further rights through a deed for access which would be permanent but had concerns with liability for anyone to use the access. He said very few people use the access and noted this was not a City park and was not maintained by the City or contained lighting and without some action his property title is now clouded.

Dan Bodelson, 1120 5th Avenue, said he was hesitant to sign his quit claim deed but then understood if not signed he wouldn't be able to use it and was unsure why the topic kept coming forward.

Scott Nielson, attorney, said the 1979 agreement said there would be a small boat landing and launching facilities but the area was not large enough and provided no parking or maintenance. He said floating docks portray a safety concern then spoke about the legal arguments for an attractive nuisance, adding this access is not really used and is not useful.

Bill Lee, 412 River Lane, agreed people do not use the access and it was not logical and for the sake of their neighborhood requested the Council vacate the easement.

Ms. Kinney said she knows people who use this access for pulling out canoes and said the neighbors knew about the easement when they purchased their homes then spoke about recruiting people to purchase the easement and said she wanted to deed part of her property as well. Mayor Rice clarified there was no property purchase but signed quit claim deeds only.

City Attorney Scott Baumgartner explained the difference between a quit claim deed and easement that provides no ownership rights just the right to use and agreed there was a concern for liability. Ms. Kinney said she thought the City's insurance covered liability concerns and that using the access for a canoe should not be a huge concern.

Mr. Manella responded to concerns raised and how the deeds worked and felt a canoe would be difficult to maneuver in this area.

Being no further comments Mayor Rice closed the public hearing at 8:35 p.m.

NOTE: By motion from Councilmember Wesp, which was seconded by Councilmember Weaver, and by a unanimous vote of the Council, agenda item 9.1 was moved up on the agenda and acted upon at this point.

Councilmember Skogquist said he grew up in this neighborhood and was not able to access the river because of private property and spoke about how accesses have decreased over time. He said if the access was safe for the 14 people living on

River Lane it should be safe for others living farther out which was frustrating. He said this action would give away a City resource for access to a national recreation area and there are many floating docks on the river with no concerns. He said it was important to retain this easement to allow people access to the river and would not support the vacation.

Councilmember Scott confirmed the end of the cul-de-sac was not privately owned and asked if the access could be moved there instead. Councilmember Skogquist said that area could be a public easement for utilities but not for public access.

Councilmember Weaver confirmed the end of 3rd Avenue was a public easement.

Councilmember Wesp said he used the access in 1979 and typically was not in favor of giving up easements, such as Van Buren for a parkway, but said he would support this vacation, adding there was never any money solicited for the deeds.

Motion by Councilmember Wesp, seconded by Councilmember Weaver, to adopt a resolution vacating a public access easement for Lots 9 and 10, Block 1, Sandra Terrace/442 and 502 River Lane.

Councilmember Weaver stated not vacating the easement is getting rid of one of the easements which is unfair to the property owner and believed 3rd Avenue was open to the public, has parking and a wider access and should work very well.

Councilmember Scott said the platting does not show the two properties adjoin and could be a great secondary option for an improved access that could include even more improvements. He said 3rd Avenue was an attractive option relative to the easement on River Lane.

Mayor Rice spoke about the 1185 property where the property owner planted trees planted in the public area and how some wanted the Council to take a position not to plant trees in the boulevard but how the City liked trees being planted and likened it to this situation.

Councilmember Scott asked if this area could be used for access. Mr. Baumgartner said the area was already public property and it appeared to be a continuation of public right-of-way and could be used.

Councilmember Skogquist thanked everyone for the discussion and wanted to make sure there was no other recorded vacation in place for 3rd Avenue before moving forward but said he still supported not vacating the easement to ensure continued river access.

Mayor Rice said some areas don't look like an easement and if we have right-of-way to the river it may not be public and will need to be defined.

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

- 5.2 Vacation of Trail Easement; Lot 3, Block 1, Anoka Enterprise Park Third Addition.
RES/Vacation of Trail Easement; Lot 3, Block 1, Anoka Enterprise Park Third Addition.

RESOLUTION

Senior City Planner Clark Palmer shared a background report stating Graco Minnesota Inc. was proposing to expand their existing facility with an approximate 177,000 square-foot building addition. Their existing facility is about 195,000 sq. ft. and will be expanded to approximately 372,000 sq. ft. The expansion project includes new factory space with supporting spaces, such as office, meeting rooms, restrooms, and utility rooms. The project will also include new surface parking, a new loading dock, internal circulation drives, stormwater management ponds, and landscaping. Total estimated project valuation is 46.5 million dollars. The project is being master planned to allow for a potential future facility expansion to the north of the new addition. Routing of site utilities, stormwater basin locations, Bunker Lake access drive, plantings, and other considerations have been located to accommodate this potential addition. Additionally, the project requires installation of new private and public utilities. Part of development proposal requests the vacation of utility easements where construction is planned as well as vacation of a trail easement to make room for a stormwater basin located at the northwest portion of the development site. He outlined the several easements proposed to be vacated to make room for the new addition and related improvements and said staff recommended condition of approval for the proposed variance and site plan approval to include the applicant dedicating new public utility easements, as determined by staff, for proposed public utilities to serve the site. He outlined the proposed easements in detail and asked for Council action to adopt the three proposed resolutions.

Councilmember Skogquist confirmed there were would be no public utilities under a private building.

Mayor Rice opened the public hearing at 9:00 p.m.

Ms. Kinney asked what happens to the trail and if there were easements in place north of the docks. Mr. Nelson said there is no existing trail just a platted easement for any future trail.

Mr. Palmer said when the enterprise park was established the City sold the land to Ryan Companies which was Precision Tool and established easements but said that did not lead to anything. He said any concerns about vacating the easements were for new development sometime in the future.

Being no further comments Mayor Rice closed the public hearing at 9:03 p.m.

NOTE: By motion from Councilmember Skogquist, which was seconded by Councilmember Scott, and by a unanimous vote of the Council, agenda items 9.2, 9.3, and 9.4 were moved up on the agenda and acted upon at this point.

Councilmember Skogquist confirmed the ponding and current easement locations and asked if the electric utility moved and why it was created. Mr. Palmer said all electric was underground and the overhead line was Great River Energy and a separate easement. He said staff researched minutes to understand the underground electric utility and speculated it could have been for another stormwater pond with walking path for future employees of the enterprise park.

Motion by Councilmember Weaver, seconded by Councilmember Scott, to adopt a resolution vacating a trail easement for Lot 3, Block 1, Anoka Enterprise Park Third Addition subject to the condition of approval that the development proposal include a variance and site plan review.

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

- 5.3 Vacation of Utility Easement; Lot 3, Block 1, Anoka Enterprise Park Third Addition.
RES/Vacation of Utility Easement; Lot 3, Block 1, Anoka Enterprise Park Third Addition.

RESOLUTION

Motion by Councilmember Skogquist, seconded by Councilmember Scott, to adopt a resolution vacating the utility easement for Lot 3, Block 1, Anoka Enterprise Park Third Addition subject to the easement being vacated subject to approval of the development proposal including a variance and site plan review.

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

- 5.4 Vacation of Utility Easement; Lots 2 and 3, Block 1, Anoka Enterprise Park Third Addition.
RES/Vacation of Utility Easement; Lots 2 and 3, Block 1, Anoka Enterprise Park Third Addition.

RESOLUTION

Motion by Councilmember Scott, seconded by Councilmember Skogquist, to adopt a resolution vacating the drainage and utility easement for Lots 2 and 3, Block 1, Anoka Enterprise Third Addition subject to the condition that the easement be vacated subject to approval of the development proposal to include a variance and site plan review and subject to the condition that Grace Minnesota, Inc., establish a private utility easement (sanitary) in benefit of the property to the north.

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

6. CONSENT AGENDA

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to approve Consent Agenda Items 6.1 through 6.11 as presented.

Councilmember Wesp asked if the cannabinoids licenses were based on new legislation. Mr. Baumgartner said the licenses are only for five milligrams of THC and added approval of licenses was contingent upon passing inspection. He spoke about the differences in the House and Senate bills which were currently in conference committee and how licenses could be limited based on population and that staff will continue to monitor the bill's final passage.

Councilmember Skogquist stressed the need to make sure businesses were in compliance with City code and how things could change based on any new laws. He asked if our license was appropriate based on the work that went into this and his desire to ensure we don't charge for a City fee if the law changes to licenses being issued by the State. Mr. Baumgartner said that would be considered too and if so, the City could prorate if needed.

Mayor Rice thanked Mr. Hoffein for his service to the Parking Advisory Board and encouraged other residents to apply.

Councilmember Weaver noted Mr. Hoffein had to resign from the Board in order to work as a seasonal employee per City Charter and felt that requirement was unfortunate.

- 6.1 Approve Verified Bills.
- 6.2 Revising and Setting Council Calendars.
- 6.3 Issuance of License to Sell Cannabinoid Products at Main Floral, 1917 2nd Avenue.

- 6.4 Issuance of License to Sell Cannabinoid Products at House of Oilworx, 1919 2nd Avenue.
- 6.5 Issuance of License to Sell Cannabinoid Products at Ibiza West, 227 East Main Street.
- 6.6 Issuance of License to Sell Cannabinoid Products at Billy's Bar & Grill, 214 Jackson Street.
- 6.7 Issuance of License to Sell Cannabinoid Products at Anoka Tobacco Shop, 2010 2nd Avenue.
- 6.8 Resignation from Parking Advisory Board; Roger Hoffhein.
- 6.9 U.S. Highway 10/169 Improvement Project; Approve Change Orders Number 40, Number 44, Number 45, Number 47, and Number 48.
- 6.10 Waiving Monetary Limits for Liability Coverage and Annual Insurance.
- 6.11 Recommended Approval of an LG220 Permit; Anoka Area Chamber of Commerce for Raffle at Green Haven Golf Course on July 25, 2023.

Vote taken. All ayes. Motion carried.

7. **REPORTS OF OFFICERS, BOARDS AND COMMISSIONS**

7.1 Planning Items:

7.1.A. RES/Preliminary Plat; Silverstar Addition, 601/637 West Main Street.

RESOLUTION

Councilmember Wesp noted he works for PumpTech/Air Mister of North America who supplies equipment for carwash companies and while he was not aware of any product sales for this project, he wanted the fact disclosed.

Mr. Palmer shared a background report stating Dan Nelson/Midwest Fidelity Partners, LLC is requesting approval of a preliminary plat, conditional use permit and site plan review for a proposed Silverstar Car Wash facility to be located at 637 West Main St. (former location of Pizza Hut) as well as for the preparation of a future development site located at 601 West Main St. (former location of Perkins Restaurant and Bakery). The future development at 601 West Main St. will be a later phase and at this time it has not been determined what the proposed use may be; as part of this application the site will be platted, graded and prepared for future development. The existing site consists of 4 parcels. The parcels are proposed to be combined into two development sites. The preliminary plat subdivides the development site into 3 lots. Lot 1 and Lot 1A are proposed to be

developed with a car wash. Lot 2 will be developed as a future phase. The preliminary plat includes the dedication of a 10-foot-wide drainage and utility easement surrounding the development site. The development site is located within the B-1 Highway Business District. Car washes are allowed as a conditional use in the zoning district, thus requiring approval of a conditional use permit (CUP). Additionally, per City Code, prior to the issuance of a building permit for a commercial development, approval of a site plan review is required. The Planning Commission conducted a site plan review and held a public hearing for the requested CUP at their April 4, 2023, regular meeting. At the meeting, the item was postponed because the Planning Commission requested updates to the architectural, lighting, and landscaping plans. The Planning Commission continued their site plan review and public hearing for the requested CUP at their May 2, 2023, regular meeting and concerns were expressed regarding many car washes already in the area, aesthetics, traffic, noise, business operations and hours of operation, lighting, environmental, icy roads, and impacts to property values. He said the Planning Commission recommended denial of the application, finding that the architectural plan did not meet City Code. Since the May 2nd Planning Commission meeting, the applicant has revised plans again to show they were now meeting those requirements and because of this staff is recommending approval with additional conditions.

Councilmember Weaver asked about the red brick arm/canopy is included in the revised plans. Mr. Palmer confirmed the canopy is no longer being proposed.

Councilmember Skogquist inquired about the 60-day rule for this application due to the delays and if both are single vote actions. Mr. Palmer confirmed with the 60-day extension letter the action deadline was July 8, 2023.

Councilmember Weaver inquired about the photometrics and exterior signage. Mr. Palmer said those approvals are typically done under separate sign permit and that staff will work with the group regarding sign allowances and dimensions and the applicant will have to meet the requirements in the B-1 zoning.

Councilmember Weaver said the applicant was proposing a 48-foot sign which is higher than the adjacent Riverway Clinic and had concerns as normal sign height was 25 feet and the site is already higher than Highway 10. He said the sign should not need to be that high and the additional allowances should be reserved for other properties instead, including reducing the height of light poles. Mr. Borglund said the ordinance was amended in 2021 due to the increased road height of Highway 10 and the ability for businesses to be seen but that the ordinance could be reviewed again for further changes.

Mr. Palmer played a video to share more about Silverstar and how they were addressing the Planning Commission's concerns, including noise concerns.

Mayor Rice commented on the perfusion of lighting and reader board and shared about another carwash in Andover whose lighting was too bright and should be better directed for the neighbors.

Councilmember Wesp said this discussion was similar to signage at Main Motors and the Anoka County Fairgrounds both of which were reduced and asked if the sign was part of the overall approval. Mr. Borglund said signage was covered under separate permit and would meet the sign ordinance regulations and would be addressed administratively unless there is a variance request.

Mr. Baumgartner spoke about Council's limited discretionary approval and if the applicant was meeting Code they were entitled to approval and should Council wish to amend the proposed sign the Code would need to be amended. He said he understood how the amendments occurred due to Highway 10 but may have resulted in unintended consequences and if Council wanted changes, they would have to first address amendments prior to approval of the site plan and CUP.

Dan Nelson, Midwest Fidelity Partners/Silverstar, said they would be fine not having a reader board and would accept signage at the height of other signs as it was not a key part of their business, they just did not want to be disadvantaged. He said they have invested millions into this project two years ago and that many developers were backing out and that they were excited to invest in Anoka and create 225 jobs and will agree to the Council's request regarding signage in writing if needed.

Mr. Palmer said this site was a little different and suggested conditioning approval that there would be no reader board and signage limited to no more than adjacent grade of the highway then spoke about foot candles, distancing, and available auto dimming technology.

Councilmember Weaver appreciated Silverstar's support and suggested postponing the items until the Planning Commission addressed the Code. Mr. Borglund spoke about the 60-day limit and that an ordinance amend may take longer than the required deadline.

Mayor Rice said if the applicant was willing to agree to a condition to the CUP for sign height restriction at 25 feet that would be acceptable.

Howard Roston, Fredrikson & Byron, said they were aligned both in terms of height and display and requested the Council let them proceed with a condition to the CUP to direct staff to work on a development agreement approved by the Council which could be recorded to become an encumbrance, adding he was confident this would be legal and address the City's concerns. Mr. Baumgartner agreed a condition could be added to include an agreement relative to sign height and type in agreement with the City Attorney.

Councilmember Weaver asked how the applicant will address customers playing stereos while vacuuming cars. Mr. Nelson said the vacuums were located on the opposite side and that they would include signage regarding loud music as well as have lot attendants to help address and if not followed memberships could be revoked if needed.

Mr. Baumgartner suggested a moratorium be enacted to study signage in order to meet the deadline or if the applicant was willing to have conditions included then action could occur.

Councilmember Skogquist said there were many residents present concerned about this project but confirmed this was an allowed use and if the criteria was met the Council cannot arbitrarily deny if they meet Code. He said he supported the topic going to Planning Commission regarding signage and other concerns before final plat approval and was pleased there would be another site prior to the carwash.

Mr. Palmer said final plat would require another application and new time clock which could be done at the June 6 Planning Commission and June 20 Council meeting. Councilmember Weaver agreed this timeframe would allow for new signage language.

Mr. Palmer asked for Council input on the architectural proposals. Mr. Smith said they would like to use the Anoka red but the architect proposed gray at the Planning Commission but that red would be preferred.

Mr. Borglund said the location was so prominent in the City and the applicant carried through with the architectural characteristics to move them more to the Anoka flavor.

Councilmember Wesp thanked the residents for their input and investment in the American Club and understood their concerns but felt the carwash fit as allowed in this area. He said the architectural aspects the Planning Commission didn't like have been addressed as well as concerns about noise and suggested bringing the item directly back to Council for a decision and not through the Planning Commission again. Mayor Rice agreed then invited attendees to speak.

Mr. Smith thanked the City for their comments and asked that the public judge them against their new technology which will help address area concerns. Mayor Rice thanked the applicant for investing in the City.

Jack Wagner, Anoka, said there were 19 carwashes, 10 gas stations, and 9 standalone carwashes within a five-mile radius.

Wayne Benfid, Anoka, said they moved here three months ago for the golf course vision and forethought for planned upgrades on the northwest side of City and the

excellent layout of Green Haven Parkway then spoke about the desire for other businesses east of the Parkway including auto repair and pawnshop which are good businesses due to low traffic but how the east end has a clean slate to begin with and how a carwash was not a good fit for a parkway. He suggested other uses such as professional offices or daycares are more appropriate and said a carwash has a high environmental impact and should be located along a thoroughfare and asked to consider this for the City.

Lori Kimball, Anoka, moved here from Blaine because of the walkability of Anoka and shared concerns about safety in the roundabout already and the anticipated 225 visits a day which will affect pedestrians and hoped this would be addressed.

Kirby Miller, Anoka, thanked the Council for allowing their homes to be built in Anoka then said as a retired garage door technician the overhead doors would be closed during the drying cycle in the winter but not in the summer which would result in excessive noise.

Owen Aesthete, Anoka, said the amount of light emitted by signs and on the building along with the pole lights at 20 feet high was a concern and while he was pleased to see the changes proposed the light would be too bright and unacceptable. He said the lighting will shine in their area and needs to be decreased at night then spoke about light pollution in general and how other states were passing legislation about light pollution and asked Anoka to consider the same.

Lois Ohlhauser, Anoka, said she found Anoka to be a quaint, riverfront city packed with charm and liked the historical aspect, restaurant and shops, sound barriers and bridge abutments, use of stone and brick, and careful City planning that new structures conform to the historic feel. She shared concerns about how the carwash does not fit that vision and will be the first thing people will see driving into Anoka as it will be very elevated and bright and not appropriate.

Loren Kindred, Anoka, shared concerns with the effect the project will have on property values with noise, light and increased traffic, stating the American Cooperative was top of list when they retired and how this project would be 500 feet away from residential homes, adding the proposed snow storage was too small as the area was covered by trees.

Ron Brokot, Anoka, thanked everyone for their attention then shared concerns about contaminants including detergents and others then invited Council to review the applicant's ratings which was low. He questioned the proposed extra drive lane all off of four-lane roads and said this would not be an attractive view when first proposed. He thanked the City for the opportunity for input then presented a petition of 124 signatures against the project, which had included 30 employees from Riverway Clinic but was since redacted due to their company policies.

Mayor Rice noted the last point regarding light, sign, structure and color has been changed which showed the group has made a great impact.

Michael Tody, Anoka, asked if it was appropriate for the City Attorney to be speaking with the developer's attorney during a meeting then said his main concern was traffic with the two roundabouts as they were not designed for heavy traffic. He said he understood if properly zoned the project could be built but said the residents chose to live on the south side and wanted their opinions heard.

Mayor Rice said cities try to step down development away from residential areas but noted cities cannot deny based only on public input then stated it was appropriate to have the City Attorney speak at Council direction.

Mr. Baumgartner said the item could have been tabled unless agreement was made by both sides regarding the newly proposed conditions and that he was only trying to get a sense if the applicant wanted to comply without requesting additional time. He noted the applicant was willing to agree to the new condition even though Code currently allows them to have a higher sign which was encouraging.

Mr. Tody inquired about how sound levels and light levels were monitored and established, as the original proposal was 4.5 lumens and was now .5 which was an improvement but still opposed the project.

Mayor Rice spoke about the science of light and sound and if they could be turned down at night. Mr. Palmer this was a practice at their other sites and that a condition will be added to dim lights at night.

Councilmember Wesp said he liked to hear why people move to Anoka, adding all Councilmembers have lived here a long time then spoke about how many wanted to sell their property which resulted in Green Haven Parkway and while the carwash may not be the right business it fit the current ordinance. He said while we may have made mistakes organizing the City that resulted in errors such as the Carnegie Library, he agreed about the roundabouts and if built the carwash will be part of the community and will be used then suggested Item 7.1 be postponed to allow the applicant and City Attorney to finalize the new conditions.

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to postpone consideration of a resolution for approval of a preliminary plat at 601/637 West Main Street (Silverstar Addition) and to June 5 and direct staff and City Attorney to meet with the applicant to address the potential conditions raised.

Councilmember Weaver thanked the residents for attending and said the proposed resolution will be posted online for public viewing prior to the meeting.

Councilmember Skogquist said more red brick would be appreciated and well received.

Mayor Rice thanked everyone for their decorum and concise, respectful thoughts shared.

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

7.1.B. RES/Conditional Use Permit and Site Plan; 637 W. Main Street (Silverstar Car Wash).

RESOLUTION

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to postpone consideration of a resolution for approval of a conditional use permit and site plan review 637 West Main Street, Silverstar Car Wash to June 5, 2023.

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

The Mayor declared a short recess at 11:00 p.m. The Council reconvened at 11:06 p.m.

7.1.C. RES/Variance and Site Plan Review; 1201 Lund Boulevard (Graco).

RESOLUTION

Mr. Palmer shared a background report stating Graco Minnesota Inc. (the Applicant) is proposing to expand their existing facility with an approximate 177,000 square-foot building addition. Their existing facility is about 195,000 sq. ft. and will be expanded to approximately 372,000 sq. ft. The expansion project includes new factory space with supporting spaces, such as office, meeting rooms, restrooms, and utility rooms. The project will also include new surface parking, a new loading dock, internal circulation drives, stormwater management ponds, and landscaping. Total estimated project valuation was \$46.5 million dollars. In addition to the site plan review, the applicant was requesting a variance from the rooftop equipment screening requirement that says "All buildings shall be constructed so as to screen all electrical and mechanical equipment on the roof." The Planning Commission reviewed the application and held a public hearing at their May 2, 2023, regular meeting and no public comments were received. In summary, all zoning standards are found to be met with exception for the requested variance. The Planning Commission considered the requested variance and the Zoning Code requires all electrical and mechanical equipment on roofs to be screened. In lieu of providing roof-top equipment screening, the project proposes to minimize equipment visibility per several strategies.

Mr. Borglund said there will be \$1 million of utility work to relocate utilities which Graco will be bearing.

Councilmember Skogquist said this was a very significant investment in the City and to make this more usable it was important to approve and thanked the applicant for their investment.

Motion by Councilmember Skogquist, seconded by Councilmember Weaver, to adopt a resolution for approval of a variance and site plan review 1201 Lund Boulevard, Graco Minnesota.

Mayor Rice thanked Graco for their investment in the City.

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

7.1.D. RES/Variance and Site Plan Review; 700 Bunker Lake Boulevard (Kittelsohn Marketing).

RESOLUTION

Mr. Palmer shared a background report stating Kittelson Marketing was requesting approval of a site plan review and variance for two proposed building additions located at 700 Bunker Lake Blvd. The building additions are designed to match the existing structures. One of the additions requires a setback variance from the south property line. Prior to the issuance of a building permit for a commercial addition, City Code requires a site plan review by the Planning Commission and approval by City Council. The applicant is proposing to construct a 1,156 square-foot building addition which will connect the existing office building to the existing warehouse building and a second building addition of 696 SF located at the rear of the existing warehouse. The second addition will expand the warehouse and enclose an existing uncovered loading dock located at the southeast corner of the site. The new addition that will enclose the loading dock requires a variance from the minimum side-yard setback of 20 feet. The new addition will be setback 8.2 feet from the south property line. The applicant is therefore requesting a variance of 11.8 feet. There are no proposed changes to parking, lighting, landscaping or mechanical equipment. The Planning Commission conducted a site plan review and held a public hearing for the requested variance at their May 2, 2023, regular meeting, and found the criteria met for the granting of a variance and found the site plan acceptable. The Planning Commission voted to recommend approval of the variance and site plan subject to conditions.

Councilmember Skogquist clarified the reason for the variance was due to new construction or connecting the two existing buildings. Mr. Palmer said the loading dock was existing and the applicant plans to cover it but the Code describes these activities need to be done in screened areas.

Motion by Councilmember Weaver, seconded by Councilmember Scott, to adopt a resolution for approval of a variance and site plan review, 700 Bunker Lake Boulevard.

Mayor Rice thanked the applicant for investing in Anoka.

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

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

9.5 RES/Approval of Development Agreement with Graco.

RESOLUTION

Mr. Borglund shared a background report stating staff along with the City Attorney have drafted a development agreement between the City of Anoka and Graco Minnesota, Inc. which encompasses the construction of a 177,000 square foot industrial/manufacturing building expansion including all necessary site improvements on a site held in fee ownership by Graco Minnesota, Inc. The agreement included points of interest such as the Developer will be required to construct the project as approved by the City of Anoka City Council through its development review process, the developer will be responsible for the construction and all cost associated with all necessary utilities and related public and private improvements, will pay normal development fees including building permit, utility connection charges, and any other financial requirements stated in this agreement. Graco Minnesota, Inc. has been provided a copy of the development agreement for review and comment. The resolution authorizes the City Attorney to make necessary adjustments based on Graco's comments that are forthcoming but if there are any changes that would alter the intent of the agreement it would be brought back to the City Council for review and consideration.

Motion by Councilmember Wesp, seconded by Councilmember Skogquist, to adopt a resolution approving a development agreement with Graco Minnesota, Inc. for development of an industrial/manufacturing building expansion.

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

9.6 ORD/Amending Chapter 66; Golf Carts, UTVs and Similar Vehicles.

(1st Reading)

Mr. Borglund shared a background report stating based on the City administrative process two Councilmembers requested staff bring forward an amendment regarding permitting golf carts to travel on Grant Street and 4th Avenue.

Currently, UTVs are only allowed to travel on Grant Street and 4th Avenue. The issue of amending the ordinance to allow for UTV/golf carts to operate on County roads of which the City has no jurisdiction over brings forward concern. The City Attorney has pointed out that this would open the City up to increased liability and said it could be that an accident was a direct result of the City issuing a permit for a street where the City has no authority. He noted an operator of a UTV/Golf cart could be issued a fine by an Anoka County Deputy for operating said vehicle on a County Road.

Councilmember Weaver said he was one member of the Council who brought this forward as residents had interest in getting to the golf course by golf cart and that he knows people are already doing it. He said these carts included mirrors and tires and were more like electric vehicles and that we already have ebikes and hover boards on streets and the liability is no more of a concern than that and encouraged the Council to adopt the ordinance.

Mr. Baumgartner said he understood the Council wanting to allow the practice but the potential was the jurisdiction that Council does not have per Statute and trying to allow something on a road that we don't have jurisdiction over could be a concern.

Mayor Rice noted the roads will be turned over to the City at some point anyway and this action may result in that moving forward sooner which may not be a bad thing.

Councilmember Skogquist said this is a difficult situation and proposed instead adding three, random no parking signs next to a City park which all could be addressed on Grant Street and include a bicycle lane instead. He said it was important for connections outside of cars to be used but would like some control of the road first as the neighborhood develops instead of adopting an ordinance that is against State law.

Councilmember Weaver said he did not want wait for the road to be turned over to the City.

Motion by Councilmember Weaver, seconded by Councilmember Wesp, to hold first reading of an ordinance Amending Chapter 66 Traffic and Vehicles; Article VI, Division 2 Use of Motorized Golf Carts and Utility Task Vehicles of The Code of the City of Anoka Minnesota and continue discussions on taking over the road with Anoka County.

Councilmember Scott stated concerns with sanctioning golf carts and while this would tie the community together what happens if a deputy issues a citation to a person based on our approval. Mr. Baumgartner said there is a risk and suggested issuing a disclaimer if adopted.

Mr. Nelson said the County was willing to turnback the north part of 4th Avenue through a MOU to allow development but was still not official and that staff could discussion with the County the understanding and move forward with the trailways. Mr. Lee said this could happen quickly, adding he was unsure of the amount of compensation yet to the City for the road.

Councilmember Scott requested a friendly amendment to include a disclaimer to residents who are issued a permit. Councilmember Weaver accepted the friendly amendment.

Councilmember Skogquist requested an update on logistics prior to second reading as he believed this would be difficult to do on a County road but was willing to have the discussion.

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

9.7 RES/Harrison Street Surface Improvement Project; Approve Bids and Award Construction Contract.

RESOLUTION

Mr. Nelson shared a background report stating pursuant to Council discussion at the March 27, 2023 worksession meeting, City Council provided unanimous consent to develop an Emergency Street Maintenance Program to address the acceleration/increased deterioration in road surfaces from the current freeze thawing over the winter/spring months and committed \$1.25M towards repairing roads that were not budgeted in 2023. As part of the Emergency Street Maintenance Program, Council directed staff to resurface Harrison Street from 3rd Avenue to 7th Avenue in the 2023 construction season. On April 3, 2023, City Council adopted a resolution approving the plans and specifications and setting the bid date for the Harrison Street Surface Project. He outlined the project in detail and said the City received a total of nine bids ranging from \$435,000 to \$545,000. He shared the complete bid tabulation and proposed schedule with construction to start May 29 with completion by September 5.

Councilmember Skogquist said we haven't charged assessments for SRPs in the past but costs are increasing and we don't have the funds without charging back some of the costs. He said the program for next year will include assessments and this project would be a prime candidate for assessments and suggested saving the money and do the SRP project next year with the new assessment policy in place.

Councilmember Weaver said Harrison was used as a detour to 4th Avenue which MnDOT allowed when the bridge was out and the detour was made worse. He said he was not opposed to the new assessment program but said assessments equal a tax and that the City should have received restoration funds for that project. He said we need to do the project this year and not charge residents for our mistake.

Councilmember Skogquist said Harrison was poor condition five years and was 30 years old and that other roads are more in need of repair and that since this is an MSA route it was important to use those funds.

Councilmember Weaver said the assessment rate is 20% then spoke about inflation and that he would rather do the project now and include consideration compensation for any future road detours.

Mr. Lee said Harrison or Park Avenue was only a pedestrian detour otherwise staff would have requested compensation from MnDOT. Councilmember Weaver disagreed, stating Harrison was also used as bus detour.

Councilmember Wesp said he would support the project as Harrison was needed for public safety.

Motion by Councilmember Wesp, seconded by Councilmember Weaver, to adopt a resolution award the bid to ACM, LLC, in the amount of \$435,515.94 Harrison Street Surface Improvement Project: approve bids and award a construction contract.

Councilmember Scott thanked Councilmember Skogquist for his concern for financing and thanked Councilmember Weaver for the need for emergency funding, adding we haven't charged residents before and will need to provide clear guidance to residents going forward about charging residents back for mill and overlay projects in the future.

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

9.8 RES/Awarding the Sale of Bonds.

RESOLUTION

Finance Director Brenda Springer shared a background report stating the City Council has determined that it is necessary to issue the City's \$6,325,000 General Obligation Capital Improvement and Utility Revenue bonds, Series 2023A to fund the 2023 and 2024 Street Reconstruction Projects. The City has retained Ehlers & Associates as its independent municipal advisor for the bonds and asked

the Council to consider proposals and award the sale of the bonds. Passing this resolution would allow the Council to issue General Obligation Improvement Bonds in the amount of \$6,325,000 and pay for the 2023 and 2024 Street Reconstruction Projects.

Stacie Kvilvang, Ehlers and Associates, said the bonds were rated and upheld as AA+, adding it was not a long rating process but more of an update. She said the City had a strong credit rating that resulted in eight bids, the lowest of which was Northland Securities at 3.3% and recommended the award.

Councilmember Wesp asked if the rate surprised Ehlers at all. Ms. Kvilvang said the rate was appropriate as they included 3.4% in the preliminary report.

Motion by Councilmember Wesp, seconded by Councilmember Scott, to adopt a resolution awarding the sale of \$6,325,000 General Obligation improvement and utility Revenue Bonds, Series 2023A Fixing Their Form and Specifications; Directing Their Execution and Delivery; And Providing for Their Payment.

Councilmember Scott said Northland Securities was a boutique firm who does good work and was pleased they were the successful bidder.

Mayor Rice said this money will fund a lot of projects and with inflation the 3.3% rate is not that bad.

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

10. UNFINISHED BUSINESS

10.1 Green Haven Event Center and Golf Course Study – Contract Approval.

Mr. Lee shared a background report 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 addressed the City Council at the April 24, 2023 worksession. Mr. Wait discussed and defined the scope of the Green Haven Event Center and Golf Course Study. The City Council communicated their vision and goals for Green Haven and defined the areas they were interested in including in the study. Based on this input, John Wait of Sirius Golf Advisors has developed a proposal for a comprehensive evaluation of Green Haven. Funds for this study would be derived from both the golf fund and the

general event center fund. If the City Council wishes to proceed with the study, either as proposed or a modified version, the City Council should make a motion to proceed with the study and authorize the execution of a contract with Sirius Golf Advisors. If a motion is granted to proceed with the study, the study will commence as soon as the contract is executed. The study will be completed in approximately 26 weeks and will cost \$90,500 with an additional \$7,500 for the optional agronomic study.

Councilmember Skogquist asked if the agronomic study was targeted more towards Mr. Wait and worth the additional fee. Golf Course Manager Larry Norland said the study would look at all types of grasses and help staff manage them better, such as on putting greens, and if not done could be a barrier for charging more and was a small price to pay and include.

Motion by Councilmember Skogquist, seconded by Councilmember Weaver, to enter into a contract and proceed with the study including the agronomic study, and authorize execution of the contract.

Mr. Lee said the study will take 26 weeks and will focus on golf first with agronomics this fall.

Councilmember Weaver said there were many people in Chambers earlier who moved here because of the golf course and it will be important to determine what this course could be and how it can remain sustainable into the future if we aren't willing to make the recommended changes.

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

10.2 Organized Residential Garbage Collection Process and Procedures.

Mr. Lee shared a background report stating at your meeting on March 6, 2023 the City Council discussed Organized Residential Collection. At that meeting a motion was made, voted upon and unanimously approved to place the question of whether or not the City should implement an Organized Residential Collection System in the City on the 2024 Election ballot. The City Council also discussed beginning the process of developing an Organized Residential Collection System according to Minnesota Statutes. A motion to begin that process was made, voted upon and approved by the City Council. The City Council also asked for clarification from the City Attorney on whether or not the City can move forward on this in a dual-track manner. While theoretically the Council can do this in a dual-track manner, there would be no incentive for the haulers to participate in the process or negotiations since ultimately the Council is leaving it up to the voters to decide. He spoke about the possibility of Council wanting to rescind the vote taken at the March 6 meeting the reviewed options for Council to consider. Regardless of which option is chosen, staff will need to begin gathering

information on the impact that garbage trucks have on the City to share with the residents and the overall public safety and welfare of the community. He spoke about the possibility of a Councilmember making a motion to rescind one or both of the votes from the March 6, 2023 meeting which included placing a question on the 2024 ballot or proceeding with implementing organized residential collection system then spoke about the voting requirements should that occur.

Councilmember Skogquist asked if a ballot question is advisory only or something that obligates the Council. He said if we put something on a ballot it is not usually something that State law governs and knowing we are obligated to go forward with a single hauler puts us in an odd scenario like we are trading one for another. Mr. Baumgartner responded if it goes to the ballot Council can do what they want but we cannot run a dual track and force haulers to negotiate. He shared about a Supreme Court case in St. Paul but that was not necessarily because of contract impairment but potential remedies if the city was in a contract with the haulers. He said it unconstitutional if they don't conflict, and absent commitment by the City, there's no obligation that haulers come to table.

Councilmember Scott said it would be difficult for haulers to negotiate in good faith and if the ballot binds the Council, adding we can't negotiate in good faith either and have to accept their bid which takes away some of our negotiating power. Mr. Baumgartner clarified the Council doesn't have to accept a contract as it has to be mutually agreed upon and once turned over to voters and they have spoken a new Council could come in and change in the future. He said the Council will have to balance the people against what they want.

Mr. Lee said Council is obligated after the vote but what if the question was do residents want to start the State statute process instead, which delays the process for a year and half.

Councilmember Skogquist said having a binding vote can result in binding future Councils by our decisions. He said it makes sense to see what the impacts would be specific to Anoka and how organized hauling would actually address concerns about traffic, noise, and costs. He said we cannot continue the dual path with haulers but need to get good information.

Councilmember Weaver said the question could be added to a ballot through an initiative petition anyway and we'd be in the same position. He said St. Paul didn't pass their referendum and their dual track never happened but it did cost a lot in attorney's fees for both St. Paul and the haulers and we can't do anything in good faith not knowing what will happen in 2024.

John Kysylyczyn, Garbage Haulers for Citizens Choice, said he understood the issue for St. Paul wasn't for government managed but how to pay for it and Mayor Carter was going to impose a 15% property tax increase to pay for the

hauling system, making inequities between the wealthier and poorer sides of the city.

Councilmember Weaver said we can still do both paths as voters will likely have the question whether through us or an initiative, so we need to get as much research as possible.

Mayor Rice suggested stopping the ballot question and start the organized process and see where we go, stating if we have both at the same time we risk the haulers colluding which could result in being disingenuous. He said as a leader in the community he felt we should have organized hauling so we should get the data and then citizens can follow our leadership or choose to make this a ballot question.

Councilmember Weaver said this was an important topic to the people and haulers and asked if staff notified all the haulers about this discussion tonight. Mr. Lee said Council directed that this item be put on the agenda and that staff does not notify everyone about every item.

Councilmember Skogquist noted the haulers' lobbyist is monitoring the proceedings being at the meeting tonight.

Councilmember Weaver said this will be an expensive process and the haulers will charge the public for it and suggested the vote be postponed to notify the haulers first.

Mayor Rice noted haulers are more experienced than us and likely looked at our agenda and are aware.

Mr. Kysylyczyn shared two handouts with the Council, one a letter and one information on lack of road damage issues in Shoreview then stated he did not represent the haulers but was the executive director for his organization. He said two haulers were members of the organization but two others were not and that he did not have their contact information and was unsure if they knew about this discussion. He shared Statute that stated if an existing hauler opts to be excluded from any proposal the City may allocate their portion of customer share to the remaining haulers who choose to negotiate so everyone will likely negotiate rather than risk losing customers.

Councilmember Weaver suggested postponing to the next meeting to let the haulers know about a possible vote to overturn a unanimous vote to take away the ballot question direction from the voters.

Councilmember Skogquist thanked Councilmember Weaver and Mr. Kysylyczyn for their comments but said this topic is very well known in Anoka and did not want to delay any further. He said he wanted conversations with the haulers to

seriously consider costs associated in looking at this and if we have this cloud about the ballot question it will difficult. He said the ordinance already has been changed no more than three haulers so this is not an open system and spoke about how Curbside Hauling undercut pricing a few years ago as a result. He said there are existing haulers with less and less competition with no new haulers coming in to make this a free market and that we are not using the power of government to limit pricing for residents and the longer we wait the worse this scenario continues to be.

Motion by Councilmember Skogquist, seconded by Councilmember Scott, to rescind the motion regarding direction for a ballot question in 2024 for organized residential collection and continue the Statute process to negotiate with the haulers.

Councilmember Wesp if we want open haulers, we should make that motion instead. He said he was not passionate about single hauler so he chose to let the voters decide and now rescinding that direction is unfair. He said residents he talks to ask for proof about damaged roads and pricing and he didn't like the comments made about direction received in a worksession as they needed to be in a regular meeting and that Council voted 4-1 to go Statute process so we should let the people decide. He clarified Council wasn't notified of a possible rescinding and if previous notice was given what are the voting requirements. Mr. Baumgartner explained if a motion is brought without prior notice there needs to be a 2/3 vote, not a super majority.

Councilmember Skogquist said since there are five members present it only needs to be a majority. Councilmember Wesp questioned if that interpretation was correct.

Mayor Rice said HOAs fix the price most likely because one hauler can offer better pricing and said Champlin pays less through one hauler then shared his proof about road damage that resulted from a garbage truck backing up their driveway and ruining only half, concluding that weight is destructive to road surfaces.

Councilmember Wesp said his driveway was concrete and only five years old with no trucks while his neighbor's driveway was bad so that did not necessarily prove weight damage. He said we unanimously voted to put this to the voters and should let the people decide.

Mayor Rice said have to do one or the other and while he would love to let the voters decide the dual track will not work.

Councilmember Scott said he learned new information at the worksession which was his reason for supporting the rescinding, stating the haulers can't negotiate in

good faith with this cloud and the process should be one or the other. He noted if the voters want a referendum, we can't control that anyway.

Councilmember Weaver said actions will keep the cloud in place anyway and we will have to do a seven-year contract that we'd have to get out of so how can we be in good faith with a potential question.

Councilmember Scott agreed but said we can negotiate in good faith but the voters won't have all the information and it will become ambiguous.

Councilmember Skogquist said there are only two options, negotiations in good faith or go out for bids if can't come to agreement by Statute. He said he hoped the haulers would negotiate in good faith with needs specific to Anoka, stating there are smaller cities with pricing at \$15/can which is important to know then called the question.

Councilmember Wesp raised a point of order that calling the question ends the discussion and he still had a question regarding voting requirements. Mr. Baumgartner clarified the voting requirements would be a majority vote of the Council.

Councilmember Skogquist rescinded his motion to call the question.

Motion by Councilmember Wesp, seconded by Councilmember Weaver, to postpone discussion regarding organized residential collection and notify all haulers of the postponement and date.

Councilmember Wesp said it's important to know there are national companies that will be bidding against smaller haulers and that residents know the Council is considering rejecting the question to the voters because we want to give them the opportunity to weigh in by ballot question.

Councilmember Weaver said it's important to let the people know and not take a vote at 1:00 A.M. without the public notification.

Councilmember Skogquist said he was tired about hearing members were not being open to the citizens as this occurred in 2020 and Council changed direction then accused others about lack of transparency. He said he did not want to postpone this further.

Councilmember Wesp clarified worksessions were for consensus and not binding action and that all members have changed their minds from time to time after a worksession then said Councilmember Skogquist criticized members in campaign material about private meetings which was untrue and said we told the voters we'd let them decide and should continue that path.

Mr. Baumgartner clarified the postponement was to a definite date of June 5, 2023.

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

11. NEW BUSINESS

11.1. Consideration of Appointment to Planning Commission.

Mr. Lee shared a background report stating the City has a vacancy on the Planning Commission for a partial term to expire December 31, 2026. City staff published notice of the vacancies per policy and received three applications: Joelle Alvord, Michele Schnitker, and Logan Thompson. Mr. Thompson currently serves on the Economic Development Commission (EDC) and has expressed more interest in serving on the Planning Commission and if appointed will resign his position from the Economic Development Commission.

Councilmember Wesp said Mr. Thompson has served as Chair on the EDC and even though the City would be losing him on the EDC Planning Commission would further his knowledge which was great. He said the other applicants were great and encouraged them to apply for the EDC.

Councilmember Weaver agreed all the applicants were great but that Mr. Thompson is always here and shows a passion.

Councilmember Scott said Mr. Thompson is a great person for Anoka provides good experience which will serve him well and thanked him for his perspective.

Motion by Councilmember Wesp, seconded by Councilmember Weaver, to appoint Logan Thompson to the Planning Commission for a partial term to expire December 31, 2026.

Vote taken. All ayes. Motion carried.

12. UPDATES AND REPORTS

12.2 1st Quarter Financial Report.

Ms. Springer shared the first quarter financial reports that included revenues of \$11.5 million and expenditures of \$16 million. She reviewed the general fund revenue comparisons over years, operating expenditure comparisons, percent of expenditures by department, then shared the unassigned fund balance report of total accumulation of operating surpluses since the fund was created. She said the report did not include enterprise funds as they have a specific purpose and are available for spending then spoke of the reserve up to \$1 million for emergency

road repair program. Ms. Springer reviewed cash and investments and types totaling \$20,338,629 which mature at different times and how reinvestments work then noted the fund balance policy which will be reviewed with all City policies in June.

Councilmember Scott thanked staff for their work, especially regarding securities and the need for waiting for par and when they can be accessed for specific projects as that was important.

12.2 Emergency Street Repairs Program.

Mr. Nelson shared that pursuant to Council discussion at the March 27, 2023, worksession, Council provided unanimous consent to develop an Emergency Street Maintenance Program to address the acceleration/increase in deterioration in road surfaces from the current freeze thawing over the winter and spring months and committed \$1.25 million towards repairing roads that were not budgeted in 2023. As part of the Emergency Street Maintenance Program, Council directed staff to perform bituminous patching, spray patching, mill and overlays, and other required road repair work. Mr. Nelson reviewed the current contractors and streets being worked on as part of the emergency street repair program, stating the patching cost estimate was \$19,770. He shared the proposed mill and overlay locations and photos of work to date then reviewed the total budget committed was \$1,250,000 and completed emergency repair work to date was \$1,023,420 including Harrison Street.

12.3 Legislative Discussion and Updates.

Mr. Lee shared the opportunity to discuss any legislative updates.

Councilmember Weaver shared an update about the dam bill being in conference committee and was in a strong position to be approved.

12.4 Tentative Agenda(s).

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

Councilmember Skogquist requested an update on the approved housing bill impacts regarding affordable housing and other aspects.

Mr. Lee noted staff would be proposing to cancel the July 3 meeting at the June 5 meeting.

12.5 Staff and Council Input.

None.

ADJOURNMENT

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

Vote taken. All ayes. Motion carried.

Time of adjournment: 1:18 a.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk