

April 1, 2019 (Regular)

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**REGULAR MEETING OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
APRIL 1, 2019**

1. CALL TO ORDER

Mayor Rice called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

2. ROLL CALL

Present at roll call: Mayor Rice, Councilmembers Freeburg, Skogquist, Wesp.

Staff present: City Manager Greg Lee; Police Chief Eric Peterson; Community Development Director Doug Borglund; Public Services Director Mark Anderson; Engineering Technician Ben Nelson; and City Attorney Scott Baumgartner.

Absent at roll call: Councilmember Barnett.

3. COUNCIL MINUTES

3.1 Minutes of the March 18, 2019, Regular Meeting.
Minutes of the March 25, 2019, Worksession.

Councilmember Skogquist requested the following changes for the March 18, Regular Meeting minutes:

Page 4 – “Councilmember Freeburg asked what items would be stored in the shed at the mission.”

Page 7 – “Councilmember Skogquist said this was a perfect example for the Planning Commission and Historical Preservation Commission to create building standards with minimum building size general characteristics.”

Page 12 – “Mayor Rice spoke about how up to 9th Street Avenue would be total reconstruction but the westerly portion would be asphalt replacement only and asked if we would use the existing base.”

Councilmember Skogquist requested the following changes for the March 25, Worksession minutes:

Page 5 – “Councilmember Skogquist disagreed with the concept of remote meeting participation and said it is important for elected officials to be in attendance as this is our job to be there for the people and interact in person because it was part of the process. He said if allowed to happen it would need to be on a limited basis.”

Motion by Councilmember Skogquist, seconded by Councilmember Wesp, to waive the reading and approve the March 18, Regular Meeting and March 25, Worksession minutes as corrected.

Vote taken. All ayes. Motion carried.

4. OPEN FORUM

4.1 Anoka Car Show; Brad Holmbo.

Brad Holmbo, Anoka Car Show, shared information on their 12th annual car show. He said the first show will be held May 18 and the same location with the on October 5. He noted cars up to 1985 will be displayed and encouraged the City to share any concerns they may have throughout the season as they will work quickly to address them.

Public Services Director Mark Anderson said the car show has been wonderful for the City and complimented the group for working so hard to maintain and clean up after each weekend that can include up to 600 cars.

Mr. Holmbo said they will be partnering with the Boy Scouts again and said the storage cages will need to be locked to ensure their trash cans and supplies will be ready and available.

Councilmember Wesp said the Boy Scout partnership worked well to benefit this local group and inquired about the number of cars each Saturday evening. Mr. Holmbo said they typically have 300-350 cars on display that attracts 2,000-3,000 people each weekend. He noted they do not overlap with large events such as Riverfest or the food truck event.

Chief Eric Peterson agreed the weekly car show is run very well and requires very little police resources, if any.

Councilmember Skogquist said this event was well organized and a great draw for the City and benefit to the businesses.

Mayor Rice thanked them for their work and being such a great addition to the City.

4.2 Police Activity Update.

Chief Peterson said the warm weather has resulted in more activity in the downtown area and parks. He updated the Council on a recent medical event that involved a car crash near Coon Rapids that resulted in the use of the AED. He said the officers were well trained and equipped to help the victim who was doing well. He said staff continues to closely monitor river levels and while it did raise

to 11.86 feet over the weekend that resulted in closing some park trails the water is receding and did not reach flood stages.

Chief Peterson said body worn camera use began and everyone has been trained on both equipment use and policy and that it was going smoothly. He shared about the Heroes Walk for Women on May 18, formally Walk a Mile in Her Shoes. He said the Anti-Crime Commission will be sponsoring the event at the \$5,000 level and said all proceeds go to Alexandra House.

Dennis Sieben of Anoka, spoke about Council trust and accountability then shared concerns about the Lennar townhome project that was approved for 2.5 stories and 32 feet but is actually being advertised and constructed as 3 stories and 35-36 feet tall. He said this height was not what was approved or shared and that the neighborhood felt they had been lied to.

Community Development Director Doug Borglund explained how a building was measured as an average between the peak and the roof eve and how the approved Planned Unit Development was 32 feet but would review the plans and follow-up.

City Manager Greg Lee commented the City did not deceive the neighborhood and that there was a misunderstanding instead as the project was never intended to be 2.5 stories as one story would be partially buried, adding site slopes vary from building to building.

Mayor Rice explained how floor space was usually 10 feet with additional space between for living but confirmed staff would follow up after confirming they met that standard.

Mr. Sieben shared concerns about trust with the Council and how this has happened before with projects on Park Street and Freemont Avenue.

Councilmember Skogquist said he had invited Mr. Sieben to the meeting to share his concerns and said while he was not on the Council at the time of project approval, he was not supportive of the project either and the changing height. He said the split entry was a half basement below grade and much different than what the City was told and that he was not impressed with the project quality and finishes either. He said trust is very important and while the Council cannot know every detail the project needs to fit the community for years to come.

Mr. Borglund said before building permits are issued staff completes a zoning analysis and that the buildings were consistent with the changed approved grading and the proposed structures approved by City Council.

Mayor Rice recalled the presented renderings and facades were consistent with what is being constructed but said staff will follow up and confirm.

Mr. Sieben commented how Council work revolves around their honor and asked why residents should trust Council when they do not attend to their own honor first. He said he shared his concerns as he cares about Anoka. Mayor Rice disagreed with Mr. Sieben that the Council was without honor or tried to deceive the neighborhood but that staff would confirm elevations and respond.

5. PUBLIC HEARING(S)

None.

6. CONSENT AGENDA

Motion by Councilmember Freeburg, seconded by Councilmember Skogquist, to approve Consent Agenda 6.1 through 6.2.

6.1 Approve Verified Bills.

6.2 Revising and Setting Council Calendars.

Vote taken. All ayes. Motion carried.

7. REPORTS OF OFFICERS, BOARDS AND COMMISSIONS

None.

8. PETITIONS, REQUESTS AND COMMUNICATION

None.

9. ORDINANCES AND RESOLUTIONS

9.1 RES/2019 Combined Street Improvement Project; Approve Bids and Award Construction Contract(s).

RESOLUTION

Engineering Technician Ben Nelson shared a staff report with background information stating on February 4, 2019, City Council approved the plans and specifications, authorized the advertisement for bidding and set the bid date for the 2019 Combined Street Improvement Project. The streets that are proposed to be included in the 2019 Combined Street Improvement Project (Street Renewal Project (SRP) Area) are the area bounded by South Street, Fifth Avenue, Jefferson Street and Seventh Avenue and the easterly portion of South Street (121st Avenue) and in the neighborhood of the Southview Addition bounded by North Street, Seventh Avenue, Grant Street, and Eleventh Avenue and the alley north of

Oakwood Drive. He shared the proposed schedule and stated staff recommended accepting the proposed bid.

Councilmember Skogquist asked why the one-two blocks on Grant Street near 7th Avenue were not included in the project. Mr. Nelson said these streets were completed with a previous project.

Councilmember Wesp asked if staff had any concerns about working with two contractors, noting one missed the bid by \$300,000. Mr. Nelson said it was typical to work with two contractors and explained how these were bid under one contract for bonding requirements and that hopefully would result in good bids for the North Street project.

Motion by Councilmember Wesp, seconded by Councilmember Freeburg, to adopt a resolution for the 2019 combined street improvement project; approve bids and award construction contracts to Kuechle Underground, Inc., in the amount of \$3,297,080.83 and Douglas-Kerr Underground LLC in the amount of \$2,018,100.29.

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

9.2 RES/2019 Street Maintenance Project; Authorize Project.

RESOLUTION

Mr. Nelson shared a staff report with background information to the Council stating in 2004, a group of cities joined together to form the North Metro Regional Street Maintenance Consortium. The purpose of the group was to combine maintenance service contracts in an effort to obtain a financial benefit for maintaining city streets. The benefit of the joint powers agreement (JPA) is that it allows participating cities to share administrative costs associated with street maintenance projects, including: advertising, preparation of plan, and specifications documents, bid review and tabulation, contract documentation administration, legal review of documents, and preconstruction administration. There is also the possible benefit of receiving more favorable bids from a larger project. The City of Coon Rapids estimates that there is typically a savings of 10 to 15 percent to the cities that are part of this JPA agreement. He reviewed the crack sealing, fog sealing, and seal coating contracts and proposed schedule and requested Council authorize the project as proposed.

Councilmember Freeburg said residents will be pleased to see this project happen as the roads were in poor condition.

Councilmember Skogquist confirmed this bid was just for Anoka and Coon Rapids. Mr. Nelson said cities can opt out 30 days after Coon Rapids approves the project and confirmed we only pay for Anoka street work.

Mayor Rice inquired about the administrative fee and when the public can drive on roads that had been fog sealed. Mr. Nelson said the fee has not been determined yet but last year was approximately \$3,500 divided amongst all cities. He explained how fog sealing has to be done during the day due to specific temperatures and how they will complete one lane each side in both directions to allow for sufficient curing time.

Motion by Councilmember Skogquist, seconded by Councilmember Wesp, to adopt a resolution for the 2019 street maintenance project; authorize project as proposed.

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

9.3 RES/North Street Reconstruction Project; Designate No Parking Restriction on North Street from 7th Avenue to East City Limits.

RESOLUTION

Mr. Nelson shared a staff report with background information to the Council stating on November 19, 2018, City Council adopted a resolution approving the advancement of Municipal State Aid Funds for North Street (Municipal State Aid Street No. 158) from 7th Avenue (CSAH 7) to the easterly City limits. This project is being funded by Municipal State Aid funds which require the construction plans to be approved by the Minnesota Department of Transportation State Aid office prior to receiving bids. The striping plan for North Street has shoulder widths that do not meet State Aid Standards under Minnesota Rules, Chapter 8820 and does not allow for parallel parking along the south side of the road. Whereas, the striping will only allow for adequate parallel parking along the north side of North Street from 7th Avenue to the easterly City limits. Such as, the State requires the local municipality to submit a letter of resolution supporting the parking restriction. Once City Council approves a resolution designating North Street as no parking along the south side of the road, the State will conduct its review, approve and sign off the construction plans. The bid date for the project is set for April 23, 2019 and will be presented to City Council at the May 6 regular meeting.

Councilmember Skogquist asked about the number of no parking signs as he did not want to see as many as had been placed south of North Street and 7th Avenue by the aquatic center. Mr. Nelson said the project included a total of seven signs placed at each intersection and mid-block and that more could be added if needed.

Mayor Rice commented on how the City spends \$7-8 million per year on street reconstruction projects while still allowing multiple garbage and recycling trucks as well as school bus traffic, all of which are heavy and known to be destructive and asked Council to consider ideas to better protect City streets from excessive damage. He said streets used to last 80 years or longer but that it no longer the case.

Councilmember Freeburg agreed the topic should be reviewed again. Mr. Lee said staff would schedule a worksession.

Motion by Councilmember Skogquist, seconded by Councilmember Freeburg, to adopt a resolution approving the North Street Reconstruction project; designate No Parking Restrictions on North Street From 7th Avenue to East City limits.

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

9.4 ORD/Motion to Amend Something Previously Adopted; Ord #2019-1705; Purchase Agreement with TLK Enterprises LLC for the City's Sale of the Woodbury House, 1632 South Ferry Street.
(2nd Reading)

ORDINANCE

Mr. Borglund shared a staff report with background information to the Council stating at the February 19, 2019, meeting the Council held second reading of an ordinance approving a Purchase Agreement with TLK Enterprises LLC for the City's Sale of the Woodbury House, 1632 Ferry Street. The purchase agreement has not been executed and after further discussions with the Buyers, an amendment to the Purchase Agreement is being proposed as follows:

Section. 7. J. The parties agreeing to amend the current bluff line easement to restrict Seller's use of the easement as a trail as follows:

- (1) Seller shall be required to construct the Ferry Street Trail before constructing the Bluff Line Trail;
- (2) If the Ferry Street Trail is constructed and the Bluff Line Trail is then constructed, Buyer could, upon notice to Seller, close the Bluff Line Trail while having outdoor events on the Property;
- (3) The above provisions would run with the Property, meaning that if Buyer sells the Property, these provisions would remain and be applicable for the new owner, as long as the Property was continued to be used as a restaurant; and
- (4) The above provisions and restrictions on Seller's use of the bluff line easement as a trail would only last for a total of thirty (30) years from the Date of Closing, regardless of whether the above referenced trails are constructed or not.

Motion by Councilmember Wesp, seconded by Councilmember Freeburg, to amend the purchase agreement as approved in Ordinance #2019-1705(2) on February 19, 2019, to reflect the amendments as indicated in the staff memo and as shown in the revised purchase agreement as outlined in the agenda packet to convey real estate property to TLK Enterprises LLC for the City's sale of the Woodbury House, 1632 South Ferry Street.

Councilmember Skogquist asked if there was funding for both trail projects at the same time. Liz Koch, Mad Hatter, said she was not supportive of the river easement as it was a hinderance for ongoing projects and said how the language was worded in the beginning was best.

Councilmember Freeburg asked what triggered the trailway along the bluff. Mr. Lee said the trail was part of the Riverwalk plan and that the City was actively seeking grants so the trigger would be an approved walkway project along the river.

City Attorney Scott Baumgartner referred to doing both the Bluff Line Trail and the Ferry Street Trail at the same time but that likely the Ferry Street Trail would be done first with MnDOT as it was least expensive. He said the reason to have both available was to have alternative routes if closed down and that this afforded the flexibility to bypass the Bluff Line Trail should the Mad Hatter have an outdoor event and if not removes that option for the Kochs.

Tim Koch, Mad Hatter, stated they encouraged their customers to walk the Bluff Line Trail while on property and said they would work hard to maintain the grounds, especially the trail. He said they appreciated the history but would like to preserve that trail for as long as possible.

Councilmember Freeburg confirmed the trail and stonework would remain.

Mayor Rice said the trail easement was owned by Anoka and part of a plan for many years. He said the Bluff Line Trail may be challenging and the easement on the Ferry Street Trail was an attempt to consolidate movement and provide an option and felt this would be a compromise to the view and unwelcoming and expressed concern about giving away an easement.

Mr. Baumgartner clarified the easement restrictions would be on the seller's use and would last 30 years and then opened.

Councilmember Freeburg said he was excited to get this agreement concluded and was pleased that the Kochs would continue to maintain the property. He said they provided a great service to the community and complimented them on their recent national recognition.

Upon a roll call vote: Councilmembers Freeburg, Skogquist, and Wesp voted in favor. Mayor Rice voted nay. Motion failed.

Mayor Rice recognized that the front trail had to be complete in order to close the back trail but said like with SRP joint contracts are always cheaper and that he would like to complete the first trail before the second so they could be worked on simultaneously.

Mr. Baumgartner confirmed Mayor Rice was suggesting that Section. 7. J. state the seller would be required to construct the Ferry Street Trail either before or simultaneously with the construction of the Bluff Line Trail. Mayor Rice agreed, stating the buyer is looking for the ability to close the trail when completed and that requires the other trail to be open. He said he wanted the Ferry Street Trail completed prior to completion of the Bluff Line Trail so they can maintain that ability and said he did not think the intention was to build one and then the other next summer as the Kochs wanted to close the trail for outdoor functions.

Councilmember Skogquist clarified if Council passed the language amendment the Kochs could accept the revised purchase agreement or counter again. Mr. Baumgartner said he did not want the Kochs uncomfortable with making a decision without their legal counsel present but had confirmed they would support a new motion relative to potential simultaneous construction of trail easements.

Motion by Mayor Rice, seconded by Councilmember Skogquist, to amend the purchase agreement as approved in Ordinance #2019-1705(2) on February 19, 2019, to reflect the amendments as indicated in the staff memo and as shown in the revised purchase agreement as outlined in the agenda packet to convey real estate property to TLK Enterprises LLC for the City's sale of the Woodbury House, 1632 South Ferry Street, with possible simultaneous construction of the Bluff Line Trail and Ferry Street Trail provided the Ferry Street Trail was open prior to opening of the Bluff Line Trail.

Mr. Baumgartner clarified the seller would be required to construct the Ferry Street Trail either before or simultaneously with the Bluff Line Trail.

Councilmember Wesp confirmed the Kochs were comfortable with the proposed motion.

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

Ms. Koch said it has been almost six years since they approached the City with the restaurant concept at the Woodbury House and said it has been a pleasure working the City staff. They thanked everyone for their support and that they will continue to support the community as well.

Councilmember Freeburg wished the Kochs the best of luck.

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

12.1 Tentative Agenda(s).

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

12.2 Staff and Council Input.

Mr. Anderson shared an update on snow removal, potholes and sweeping and said the aquatic center was currently selling swimming lesson and season passes for the 2019 season. He said 45,000 people visited the center last year over the 85 days it was open and said they sold 1,900 season passes and conducted 1,100 swimming lessons. He said the aquatic center opened May 25 and encouraged people to visit.

Mr. Lee said the Housing and Redevelopment Authority had invited the City Council to join them in a closed session to discuss the property at the southwest corner of east Main Street and 7th Avenue on April 8 beginning at 6:00 p.m.

Councilmember Skogquist invited the public to attend the annual May breakfast at Anoka Congregational Church, noting this event has been held for the past 109 years.

13. ADJOURNMENT

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

Vote taken. All ayes. Motion carried.

Time of adjournment: 8:25 p.m.

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

Approval Attestation:

Amy T. Oehlers, City Clerk