

**WORKSESSION OF THE ANOKA CITY COUNCIL
ANOKA CITY HALL
CITY COUNCIL CHAMBERS
FEBRUARY 24, 2020**

1. CALL TO ORDER

Mayor Rice called the worksession meeting to order at 5:00 p.m.

2. ROLL CALL

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

Staff present: City Manager Greg Lee; Community Development Director Doug Borglund; Public Services Director Mark Anderson; Communications & Recycling Manager Pam Bowman; Engineering Technician Ben Nelson; Associate Planner Clark Palmer; Housing and Development Manager Darin Berger.

Also present: Charter Commission members.

3. COUNCIL BUSINESS and/or DISCUSSION ITEMS

3.1 Discussion; Review Data on Organized Garbage Hauling.

City Manager Greg Lee stated after discussion at the October 28, 2019 City Council worksession, Council directed staff to schedule an open house to provide information to the public about organized garbage hauling and the process the City would need to follow, should the City Council wish to pursue it. The open house was held on January 23 with 42 attendees, including residents and hauler representatives and feedback forms were provided to all present. Following the open house, the presentation, video, and feedback form were posted to the City website and an online survey was added to provide an alternative way to respond on the topic. Mr. Lee shared a report categorizing (support – opposed – undecided) the responses from residents and noted the responses in the report only included those compiled through the feedback form, the online survey, and emails sent directly to City Council and/or staff. Comments posted directly on social media at the January 23, 2020 open house and from the February 3, 2020 City Council meeting were not included in this report; however, they are easily accessible through our Facebook page, the open house video produced by QCTV on our website, and the February 3, 2020 City Council meeting minutes.

Mr. Lee noted 40% of respondents were in support of organized hauling, 54% against, and 6% undecided. He explained as a Charter city, citizens have options should Council decide something resident did not want and could begin a petition process to bring the question forward for a public vote. He also stated the Council could bring the question forward to a public vote without a petition as well.

Councilmember Freeburg asked if a referendum has been done in the past.
Councilmember Skogquist referred to the ballot question regarding Green Haven.

Councilmember Barnett asked if there was enough time in the process to include a ballot question on this year's ballot. Mr. Lee said any question could be included on this year's ballot but noted it would take several months to craft the question in order to properly educate residents on the proposal such as a proposed contract and suggested drafting a contract first. He noted the cost of a standalone election ranges between \$30,000 and \$40,000 so it is more likely the question would be included on the 2022 ballot which would provide for further dialogue, more informational meetings, and time to create the process.

Councilmember Skogquist said by law the first step is for the City to notify the haulers of the intent to move to organized hauling so they can create a proposal and noted they know what information we have to have versus the City drafting a contract. He said a ballot question would allow time to provide the most information and allow the citizens the ability to choose in the most open and fair way possible.

Councilmember Freeburg agreed, stating it is the citizens' job to pay for streets so they should be able to make the choice on how to protect their street investment.

Mr. Lee said the City would have to provide notice to both residents and haulers of the intent to explore organized hauling.

Councilmember Barnett commented about the feedback and concerns received through this process that did not involve single hauling necessarily but included pick-up concerns, speeding, spilling of materials, and other customer service issues and suggested addressing those concerns and perception independent of any vote, separate from the organized hauling question overall.

Councilmember Wesp said he did not see much difference from the public's position in 2015 where a large number of residents wanted to retain their choice of haulers and explained the City's action to decrease from open hauling to six haulers. He said he is not convinced trucks were the single reason for road deterioration as it could be a road base issue and was not interested in the City being in the garbage business and competing with other free enterprises. He shared he lives in a homeowners' association and their roads have already been resurfaced and said reasons could include freezing/thawing and salt use and was in favor of residents deciding.

Councilmember Freeburg said the concern is not around garbage trucks but around weight, especially in the spring, and with more school buses and delivery trucks if we can reduce weight we should try. He said going to a single hauler will not put the City in the garbage business but will allow us to select one hauler to decrease the overall weight on the roads.

Councilmember Barnett said she did not forward every piece of communication but stated those in support qualified their opinions of maintaining choice if their service did not change and cost decreased less and included the ability to stop service over winter months, adding people just want choices.

Mayor Rice noted we were not receiving a random sample of input and those residents who have not weighed in may not care one way or the other. He shared a story of how the lower half of his new driveway was destroyed after only 15 years because the garbage truck drove on that portion only and said staff has spoken with the school district to request buses only drive on feeder streets when not picking up students to help address the concern of vehicle weight during road restrictions.

Public Services Director Mark Anderson commented on their limited success to alter school bus routes in the past but was hopeful going forward.

Councilmember Freeburg said public education is important and explained how the roads change in the spring during thawing and how garbage trucks' quick start and stop moves affect tar cracking.

Councilmember Skogquist agreed input received was not a random sample but recognized the importance of public input and while we cannot require only one school bus company, it was important to be efficient with City resources.

Councilmember Barnett asked if the process allowed us to approach the haulers for quotes first before any decision for organized hauling. City Attorney Scott Baumgartner explained the legislation was put in place to protect the haulers and did not think we'd have participation from the haulers absent that first step of a decision of organized hauling.

Mayor Rice asked if we voted in favor of a single hauler and a referendum was called for in 2022 and if the vote was one way or other does that take us off that timeline. Mr. Baumgartner explained a loophole existed and if we put a question to the voters, we would still be on that seven-year timeframe and the 2022 option would allow for clarification into the law. He said if it goes to a vote, we have to wait the seven years which makes no sense but it was an omission in Statute now but would allow time for clarification.

Mayor Rice asked if other cities were in this process now. Mr. Baumgartner said Bloomington and other cities have gone through this process, including St. Paul.

Councilmember Wesp said Bloomington passed single hauler and citizens sued the city which was upheld to place the question on a ballot and asked if the City would be customer service contact for billing, collection, etc. if organized hauling occurred. Mr. Lee said those details would be included in any contract we write, adding we already have organized recycling and could be done in a similar way.

Councilmember Wesp asked who bills recycling and if we have ever gone to collections if an account was not paid. Mr. Lee said monthly billing was done by the City and we collect non-payment.

Councilmember Wesp said we need much more detail before any direction can be given.

Councilmember Freeburg said if someone does not pay the City the cost can be included through property assessments.

Dave Wiggins, Ace Solid Waste, commented on the number of issues and steps needed and suggested a meeting with the haulers as required by Statute. He said he offered that during the last open forum and that the haulers would welcome that meeting to help answer questions and concerns. He added during weight restrictions haulers already lighten their loads and referred to the negative assumptions that keep occurring around garbage hauling.

Councilmember Wesp asked if all haulers were required to be weighed at weigh stations. Mr. Wiggins said every commercial truck over 26,000 pounds is required to be weighed at DOT weigh stations and noted while garbage trucks are exempt from being ticketed they lighten their loads as good stewards and that some loads out of Anoka are 44,000 pounds which is barely over the five-ton limit on a four-axle truck.

Councilmember Skogquist thanked Mr. Wiggins for his information but noted he is only one company and that the City is trying not to make assumptions as there are many variables. He said he has heard good feedback from his firm but the concern was what was in place to hold all haulers accountable and when there is a negative effect on public resources, we need to figure out ways to address the concern. He said he appreciated transparency but not everyone is good and we need the best information available as opposed to mailers and lobbyist information.

Councilmember Wesp asked if approved, would the next group of regulated businesses include dentists or insurance agents for example. He said if Ace is not a good business that is for the customer to decide, not the City, and said there were many reasons roads deteriorate including the 87,000 cars on Highway 47 daily which shows there is a lot more traffic overall.

Councilmember Barnett said this was a big topic and that we lack knowledge right now and that we have not invited the haulers to provide more information and while it may be skewed that is occurring on the other side too.

Mayor Rice said this process is just beginning and we need to know whether or not to explore the idea. He said while we have received some response from the community we have to start somewhere and should now involve our haulers and possibly school buses as the next area to control road impacts where we can.

Councilmember Wesp said that was a logical statement instead of others that have been broad strokes and agreed we need more information then referred to how cemetery roads were constructed differently and stated he did not think it was fair to say all hauling trucks are bad as it was not appropriate for a business, especially when our streets are in poor shape already.

Councilmember Freeburg said we cannot manage cars and may not be able to school buses but we can manage haulers and their weight was a detriment to roads and we should just explore the option, share the information with the community, and let them decide.

Mr. Lee summarized Council's direction to continue the process or organized hauling and notify the public and haulers with the end result to bring forward as a ballot question.

Mr. Baumgartner confirmed the Council was not indicating statutory notification but more of a broad information gathering process and compared it to the same process used for rental licensing by including landlords in the process early which resulted in a good ordinance acceptable to all involved. Mayor Rice said that was correct, that the direction was to gather more information for public education.

3.2 Discussion; Proposed Charter Amendments (Salaries and Filling Vacancies).

Mr. Baumgartner provided an update to the City Council regarding Elected Officials and Vacancies in Elected Office. At that meeting, the Council did not come to a consensus on the changes proposed by the Charter Commission and requested the item be sent to a future worksession for discussion and invite Charter Commission members to attend. He shared an overview of the Charter Commission's recommendations and said staff was suggesting the section be further amended to change the last sentence as follows:

A review of the Mayor and Councilmember salaries shall be conducted by the City Council every three (3) years. A review of the Mayor and Councilmember salaries shall be conducted by the City Council in June of every even numbered year.

Mr. Baumgartner said Council requested to discuss both of these sections further for reconsideration every three years and that staff is recommending every odd year in June. He said it was easier to keep this in a set timeframe with no need to increase every odd year but a given timeframe for review and consideration was acceptable to the Charter Commission. He suggested staff bring back the proposed language on the next agenda for consideration that included "shall be conducted by City Council every year of odd-number years."

Mr. Baumgartner referred to information provided by Councilmember Skogquist relating to how other cities address filling vacancies in elected offices and also how Anoka addressed its most recent City Council vacancy.

Councilmember Skogquist asked if the Charter Commission has to vote on this amendment before going back to Council. Mr. Baumgartner agreed they should consider it at another meeting to establish a set timeframe for review.

Councilmember Freeburg clarified the next discussion would be June 2021 and Councilmember Wesp said a pay raise could then go into effect in 2021.

Mr. Baumgartner reviewed the vacancies language outlined in Charter and the difficulty the language presented unless there was unanimous agreement and how a mayor could appoint whoever they wanted. He said the Charter Commission reviewed other cities' Charters including Ramsey, Blaine, Brooklyn Center, and Columbia Heights and the consistent theme was timing depending on when the vacancy occurred during the term and the need for a special election as they are expensive and the preference would be to include with a general municipal election. He spoke about the need for filling a vacancy when super majority votes were required and the need to conduct business and how appointing someone to fill a vacancy was important.

Councilmember Wesp said the language states the decision must be by unanimous vote and suggested the language remain in place. Mr. Baumgartner said staff will go back to the Charter Commission first as required by State Statute.

Councilmember Barnett clarified when a vacancy is under a year an appointment should be for a temporary period as a full Council is essential but that at the first opportunity as practical a duly elected individual should be seated.

Councilmember Skogquist said we want to be prudent and include any vacancy with the regular election where possible but there are times when a vacancy period is too long to have an appointed individual and that has happened four times in 20 years and is not acceptable. He said it is important for citizens to have a choice.

Mr. Baumgartner asked how long the Council would be comfortable with an appointed position before a special election is called. Mayor Rice said it could be 27 months if a vacancy occurs right after an election and that he was comfortable with two years and waiting until the next general election.

Councilmember Skogquist said he does not like the current system and habit of Council bequeathing seats to the next member. He said this process makes it easier for a smaller group to appoint someone for a long time and is not necessarily unanimous but a compromise of Council choosing to do a special election.

Mayor Rice suggested going back to the Charter Commission for more review and take the onus from the body appointing as it was not easy to subvert process. Mr. Baumgartner suggested a joint worksession with the Charter Commission to share a summary of the other cities' appointment processes.

Councilmember Freeburg noted the City has followed the process outlined in Charter for the last four vacancies.

Council consensus was a joint meeting with the Charter Commission for further review.

Mayor Rice left the meeting at 6:00 p.m.

3.3. Discussion; MN Highway 47 (St. Francis Boulevard) Corridor Project Open House Recap.

Engineering Technician Ben Nelson shared a staff report with background information stating the MN Highway 47 (St. Francis Boulevard) Corridor Project open house was held at Green Haven Golf Course & Event Center on February 20, 2020. Staff provided a summary of comments received at the open house and addressed questions. A generalized feedback summary of the comments was provided to Council that included support for a temporary signal at McKinley as part of the MnDOT project and a permanent signal after 2024. He said comments were received about how many projects were occurring in Anoka including Highway 10, Highway 47 grade separation project, and why Dunham and McKinley was a cul-de-sac, and tree trimming on the east side of Highway 47. He said the attendees were grateful for the proposed safety and mobility elements and the majority of those present were supportive of the proposed project.

Councilmember Wesp asked about the cul-de-sac of two streets and if people understood and were supportive about trimming versus tree removal. Mr. Nelson responded they were supportive and that a fly-through video model helped outline the right-in/right-out at Wilson and that while some mature trees would be taken, they understood the need for removal for a trail.

Councilmember Barnett asked how many invitations were sent for the open house and if the property owners on the two cul-de-sacs were contacted regarding the need for easements. Mr. Nelson said he was not sure how many invitations were sent but said they had a good turnout with 50 people. He said the regional solicitation grant application was due in April for \$7 million and if awarded would pursue project funding with more neighborhood conversation.

Councilmember Freeburg asked if any land taking would occur on the cul-de-sacs. Mr. Nelson said some taking is required but it would be by right-of-way and not full property and that a negotiation process would occur for this as well as for a permanent signal, adding we usually have good success with property owners in these negotiations.

Councilmember Skogquist shared support was received after the concept was shared and that the video was very helpful as it clearly showed the trail and tree impacts.

Mr. Anderson agreed, adding while there was contention most understood this proposal helped address many concerns such as the signal and cul-de-sac and an explanation of how truck would turn around for snowplowing.

Mr. Lee said timing was important and having the temporary signal in place for two years would help understanding when the permanent signal is installed.

4.1 Staff Update.

None.

4. COUNCILMEMBERS COMMENTS

None.

5. ADJOURNMENT

Motion by Councilmember Freeburg, seconded by Councilmember Wesp to adjourn the Worksession at 6:35 p.m. Motion carried.

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

Approval Attestation:

Amy T. Oehlers, City Clerk