

REGULAR ANDOVER CITY COUNCIL MEETING – MAY 3, 2022
MINUTES

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, May 3, 2022, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Valerie Holthus, Jamie Barthel, Ted Butler, and Randy Nelson

Councilmembers absent: None

Also present: City Administrator, Jim Dickinson
Public Works Director/City Engineer, David Berkowitz
Community Development Director, Joe Janish
City Attorney, Scott Baumgartner
Others

PLEDGE OF ALLEGIANCE

RECESS AND RECONVENE

Mayor Bukkila recessed the Regular City Council Meeting at 7:00 p.m. to hold the Board of Review Meeting, continued from April 18, 2022.

The Council reconvened at 7:13 p.m.

RESIDENT FORUM

No one appeared before the Council.

AGENDA APPROVAL

Motion by Nelson, Seconded by Holthus, to approve the Agenda as presented. Motion carries unanimously.

APPROVAL OF MINUTES

*April 18, 2022 Board of Review Minutes
April 19, 2022 Regular Meeting Minutes*

Motion by Nelson, Seconded by Butler, to approve the April 18, 2022 Board of Review minutes and the April 19, 2022 Regular Meeting minutes as presented. Motion carries unanimously.

CONSENT ITEMS

- Item 3 Approve Payment of Claims
- Item 4 Approve Plans & Specs/Order Ad for Bids/22-18, Pine Hills North & South Parking Lot Paving/22-26, City Hall Parking Lot Reconstruction/22-29, Oak Bluff Park Basketball Court/22-32, Veterans Memorial Blvd. NW Parking Area/22-22, Dog Park Parking Lot & Trail Paving (See Resolution R035-22)
- Item 5 Approve JPA For Reconstruction of CSAH 7 at 143rd Avenue (Added Traffic Signal) in Andover and Anoka/21-45B
- Item 6 Approve Resolution-Authorizing the sale of Winslow Cove 2nd Addition Lot 5 Block 3 (See Resolution R036-22)
- Item 7 Approve 2023-2025 Urban County Requalification for participation in CDBG and HOME Programs
- Item 8 Adopt Resolution Setting Annual Income Level for Senior Citizen and Disabled Individuals for Deferral of Assessments and Reduced Sewer Rates (See Resolution R037-22)
- Item 9 Approve Appointment - Maintenance Worker
- Item 10 Approve Full-time Deputy Fire Chief Recruitment
- Item 11 Accept Proposals/Authorize Lease Negotiation/Community Center Concessions

Motion by Barthel, Seconded by Nelson, to approve the Consent Agenda as read. Motion carries unanimously.

CONSIDER REZONING REQUEST - REZONE PROPERTY FROM R-1: SINGLE-FAMILY RURAL TO R-4: SINGLE-FAMILY URBAN PIN 22-32-24-24-0017 - TAMARACK LAND -NIGHTINGALE VILLAS, LLC (APPLICANT)

The City Council is requested to consider rezoning property from R-1: Single-Family Rural to R-4: Single-Family Urban for the Nightingale Villas Development. Community Development Director Janish identified the location of the development. He explained the development is within the MUSA and is guided transitional residential. Mr. Janish stated the Planning and

Zoning Commission approved the rezoning with 6 in favor and 1 abstention.

Motion by Holthus Seconded by Barthel, to adopt Ordinance No. 536 amending City Code Title 12-3-4 rezoning from R-1:Single-Family Rural to R-4: Single-Family Urban for Pin# 22-32-24-24-0017. Motion carried unanimously.

CONSIDER CONDITIONAL USE PERMIT (CUP)/PLANNED UNIT DEVELOPMENT (PUD) REQUEST - NIGHTINGALE VILLAS - PIN 22-32-24-24-0017 - TAMARACK LAND-NIGHTINGALE VILLAS, LLC (APPLICANT)

The City Council is requested to consider a Conditional Use Permit (CUP)/Planned Unit Development (PUD) for Nightingale Villas. Community Development Director Janish stated the City Council reviewed the sketch plan for this development in November of 2020. The Development proposes 22 single-family units governed by an HOA. Mr. Janish identified the proposed deviations from City Code including lot size, lot width, side yard setback, and driveway intersection setback. Mr. Janish displayed the buffering and landscaping plan. Mr. Janish stated the Planning and Zoning Commission held a public hearing on April 26, 2022. They discussed the development and recommended approval with 6 yes and 1 abstention.

Councilmember Barthel commented that the development claims to have similar styles of homes as the development to the south. He stated it appears that the homes are smaller and asked Mr. Janish to address his comment. Mr. Janish stated the development is pulling in some of the same architectural details. He stated the lots are smaller, and they are trying to blend one from one neighborhood to the next. Councilmember Barthel stated the homes to the south are two story ramblers and the proposed houses are one story small ramblers. Mr. Janish stated the homes are smaller but will have similar characteristics.

Mayor Bukkila stated the deviations look good on paper but when she sees it on the map, the drainage pond doesn't show how much distance is between the home and the pond. Mr. Janish highlighted the drainage and utility easements. He stated the buildable depth of the lot is 135 feet and the builder is not deviating from that requirement. Mayor Bukkila asked how steep the slope will be from the 135-foot line to the pond. Public Works Director/City Engineer Berkowitz stated that the slope is gradual until you hit the top of the pond then it becomes steeper. Mr. Berkowitz stated the pond will be a 5-foot-deep pond. Mayor Bukkila asked if the depth was the same on the north side of the pond. Mr. Berkowitz explained the pond depth is the same, however, there is less usable back yard space on the north side.

Mayor Bukkila asked what the distance is from the last lot to the farm road. Mr. Berkowitz stated

there is about 5-7 feet to the plat line and then 20-30 feet to the home pad. Mr. Janish stated there is a 50-foot easement due to the power line. Mr. Berkowitz clarified the power line easement is 33 feet, plus an additional 7 feet for the side yard setback. Mayor Bukkila asked if there could be landscaping within the power line easement. Mr. Berkowitz stated the burden is on the property owner to contact the power company on what can and can't be done. Mayor Bukkila stated the City will get complaints that there is no screening on the temporary farm road. Councilmember Nelson stated the City is getting complaints from other developments even though they were aware of the farm road. Mr. Berkowitz stated there are some trees being preserved in that area. Mr. Janish showed the area of trees being preserved. Mayor Bukkila questioned if the last lot should be built upon and instead used as a buffer. Mr. Berkowitz stated the last lot is 92 feet wide. Mr. Berkowitz stated the tree preservation area is about 12 feet.

Councilmember Holthus stated the buyer of the home to the south is going to be aware of what they are purchasing and that there are power lines and a farm road.

Councilmember Nelson stated he agrees with Mayor Bukkila and that the resident is going to be upset in the future. He stated he thinks there should be a better buffer.

Councilmember Butler understands the concern, but it should be obvious to the buyer that the farm road is there, and it will be disclosed at the time of sale.

Councilmember Barthel stated the farm road is already there and the purchaser should be aware. He said the reduction of the side yard setbacks does concern him. He stated if they left the side yard setback at 10 feet, there would be a larger buffer to the farm road.

Mayor Bukkila stated she is concerned they are adjusting setbacks to make more lots. She stated the benefit of a PUD is an enhanced development with a benefit. She only sees concessions on the City's part and no upgrades. Mr. Janish stated if this development were in a standard R-4 development, the house in question would be exactly where it is at because it would meet the R-4 side yard setbacks.

Councilmember Barthel stated the side yard setbacks throughout the rest of the development would need to be 10 feet if it was built at the R-4 requirements. Mr. Janish stated the side yard setback is 10 feet on the house side and 6 feet on the garage side. He explained the developer is asking for 7.5 feet on both sides. Mr. Berkowitz noted the side yard setbacks is only asking for a 1-foot difference.

Councilmember Barthel noted Outlot B would be given to the south property owner. He stated

there is an open area between the outlot and the next home. Mr. Janish stated the outlot is being deeded to provide access to the south when the property develops. He noted this came from comments provided at the sketch plan phase. Councilmember Barthel stated his concern that the property to the south will not be able to access Nightingale Street and he wanted to ensure access when they chose to develop. Mr. Berkowitz stated the deeding of Outlot B meets Councilmember Barthel's concern.

Councilmember Barthel asked how many residents showed up at the Planning and Zoning Commission meeting. Mr. Janish stated four residents were at the meeting: 2 were rural and 2 were affected by receiving something from the development. Mr. Janish stated the City followed notification procedures.

Councilmember Holthus asked if there was a sign on Quinn Street that noted it was a temporary cul-de-sac. Mr. Janish confirmed there is.

Councilmember Holthus asked what the expected asking price would be for the villas.

Brad Theis, Tamarack Landmark Development, came forward and introduced Dane Willenbring who is going to be the home builder. Mr. Willenbring stated the asking prices will be the low \$400s at minimum to \$700s. He stated the homes will be up to 2,500 square feet, slab on grade. He stated there are 5 homes that will have basements. Mr. Willenbring stated they are a custom builder, and their models can be adjusted.

Councilmember Nelson asked if there would be a buffer between the south homes and the farm road. Mr. Willenbring stated landscaping includes rock garden, sod, irrigation, shrubs, and perennials. His intent is to have as much separation between the home and the plat line as possible without disturbing the tree preservation area. Mr. Theis stated they are saving trees along the property line and will enhance it with additional plantings. He does not have the concern about the buffer and the easement will be disclosed to the buyer.

Mayor Bukkila asked what the benefits of the PUD were. Mr. Theis stated losing lots will affect the house prices. He stated they are also on the edge of the density requirement. He explained centering the home helps with drainage. Mr. Willenbring stated the goal is to have the homes look different from each other.

Mayor Bukkila stated they look for something above minimum standards for a PUD and asked what the developer was providing. Mr. Janish stated the developer provided a letter with deviations and the purpose of them which was provided in the packet. He reviewed the reasons

with the Council. Mr. Janish stated the developer is adding a villa component and the benefit of an HOA which will reduce complaints.

City Administrator Dickinson explained the purpose of a PUD is to allow for more efficient utilization of the property. He stated the PUD gives them the ability to preserve trees, more efficient ponding and drainage, and the reduction on the amount of street. He stressed the State Statute guiding a PUD is not necessarily enhancements, but more efficient use of the property.

Councilmember Barthel asked that the Mayor's question be answered. He reiterated the developer is asking for all these variances from the City and what does the City get in return for allowing the variances. Mayor Bukkila stated Mr. Dickinson has answered the question by the ponding and street width. Councilmember Holthus stated it is a guarantee that it will be a nice neighborhood and well maintained. Mr. Dickinson stated if this were a cookie cutter development, there would be more trees taken out, the lots would be squared up, and the ponds would be on the back side of the lots. He stated the City is getting tree preservation, a more attractive development, and the ability to have an HOA.

Councilmember Barthel stated he understands Mr. Dickinson's comments, however, he cannot understand what this development is. He asked if it is villas or regular homes? He said this feels like trying to mismatch a variety of products depending on what someone wants. Councilmember Barthel stated they are trying to build villas and getting a 65-foot lot. He said the builder will put a larger product on the same lot.

Mr. Willenbring stated it is a villa style development with single-family slab on grade homes. He stated there is an element that he wants the homebuyers to have a choice. Mr. Willenbring stated he does not have a two-story option; he has 1 and 1 ½ story options. He noted most of the homes have stone on the front, front porches, front porch posts, and an option for a three-stall garage.

Mr. Theis stated this development is geared toward the single level living with options for additional space for a second level. He stated it's for the buyer who wants a little more space between homes and the feel of a single-family home that they do not have to maintain.

Councilmember Butler sees a villa development that allows a high degree of customization and higher end product. He stated a buyer interested in this development doesn't want a traditional townhome but wants to appear in a single-family neighborhood without the required maintenance. Councilmember Butler noted there is a demand for this product and supports this development.

Motion by Butler, Seconded by Holthus, to adopt Resolution No. R038-22 approving the Conditional Use Permit and Planned Unit Development shown as Nightingale Villas Preliminary Plat. Motion carried 4 ayes, 1 nay (Barthel).

CONSIDER PRELIMINARY PLAT REQUEST - NIGHTINGALE VILLAS - PIN 22-32-24-24-0017 - TAMARACK LAND - NIGHTINGALE VILLAS, LLC (APPLICANT)

The City Council is requested to consider a preliminary plat request for Nightingale Villas. Community Development Director Janish reviewed the preliminary plat request as presented in the staff report. He explained the Park and Recreation Commission reviewed the plat and recommended cash-in-lieu of land. The Planning and Zoning Commission held a public hearing and discussed the development. They recommended approval with 6 yes and 1 abstention.

Mayor Bukkila stated the point of Council discussion is to flush out all issues and to gather opinions. She said what swayed her is if the development was built as a standard R-4 versus a PUD. She explained there are things they can control and things they can't.

Motion by Holthus, Seconded by Butler, to adopt Resolution No. R039-22 approving the preliminary plat request of Nightingale Villas. Motion 4 ayes, 1 nay (Butler).

ADMINISTRATOR'S REPORT

City Staff updated the Council on the administration and city department activities, legislative updates, updates on development/CIP projects, and meeting reminders/community events.

(Administration) Mr. Dickinson updated the Council on Boards and meetings he has attended. He spent time assisting Representative Scott and Senator Abeler on the bonding proposals. Mr. Dickinson explained the funds are there for mitigation to bring water to the Red Oaks neighborhood. Staff are working on the budget and CIP. The City is at 30 new home permits year to date.

(Public Works/City Engineer) Mr. Berkowitz stated all fields are open for athletic use. Pothole patching is underway. The apron has been raised for the water tower painting. The 2022 mill and overlay and the 2022 street reconstruction projects are underway. The Andover Crossing development has begun moving dirt. The City will hold Veterans Memorial Dedication Ceremony on May 21, 2022 at 1:00 p.m. Information is on website and Nightingale Street will be closed during the event.

(Community Development) Mr. Janish stated they are working on rental licensing and code enforcement complaints. Working on several development projects.

MAYOR/COUNCIL INPUT

(QCTV Committee) Councilmember Barthel has been elected as the Chair of the QCTV Committee. Mr. Dickinson stepped down as Treasurer.

(Turf Use) Councilmember Butler stated it has been a difficult spring and there has been a lot of use of the indoor turf time.

(Andover High School) Councilmember Nelson congratulated Andover High School for being the #1 High School in the Anoka Hennepin School District, #21 in the State of Minnesota, and #1606 in the United States according to U.S. News and World Reports. Mayor Bukkila commented there are several high schools that serve Andover and no matter where you live, you will get a good education.

ADJOURNMENT

Motion by Holthus, Seconded by Butler, to adjourn. Motion carries unanimously. The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary
TimeSaver Off Site Secretarial, Inc.

REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – MAY 3, 2022
TABLE OF CONTENTS

PLEDGE OF ALLEGIANCE..... 1
 RECESS TO BOARD OF REVIEW (CON’T FROM APRIL 18, 2022)..... 1
 RECONVENE REGULAR CITY COUNCIL MEETING..... 1
 RESIDENT FORUM..... 1
 AGENDA APPROVAL..... 1
 APPROVAL OF MINUTES..... 2
 CONSENT ITEMS..... 2
 Item 3 Approve Payment of Claims..... 2
 Item 4 Approve Plans & Specs/Order Ad for Bids/22-18, Pine Hills North & South Parking
 Lot Paving/22-26, City Hall Parking Lot Reconstruction/22-29, Oak Bluff Park
 Basketball Court/22-32, Veterans Memorial Blvd. NW Parking Area/22-22, Dog Park
 Parking Lot & Trail Paving (R035-22)..... 2
 Item 5 Approve JPA For Reconstruction of CSAH 7 at 143rd Avenue (Added Traffic Signal) in
 Andover and Anoka/21-45B..... 2
 Item 6 Approve Resolution-Authorizing the sale of Winslow Cove 2nd Addition Lot 5 Block 3
 (R036-22)..... 2
 Item 7 Approve 2023-2025 Urban County Requalification for participation in CDBG and
 HOME Programs..... 2
 Item 8 Adopt Resolution Setting Annual Income Level for Senior Citizen and Disabled
 Individuals for Deferral of Assessments and Reduced Sewer Rates (R037-22)..... 2
 Item 9 Approve Appointment - Maintenance Worker..... 2
 Item 10 Approve Full-time Deputy Fire Chief Recruitment..... 2
 Item 11 Accept Proposals/Authorize Lease Negotiation/Community Center Concessions..... 2
 CONSIDER REZONING REQUEST - REZONE PROPERTY FROM R-1: SINGLE-FAMILY
 RURAL TO R-4: SINGLE-FAMILY URBAN PIN 22-32-24-24-0017 - TAMARACK
 LAND -NIGHTINGALE VILLAS, LLC (APPLICANT) (Ord. 536)..... 2
 CONSIDER CONDITIONAL USE PERMIT (CUP)/PLANNED UNIT DEVELOPMENT
 (PUD) REQUEST - NIGHTINGALE VILLAS - PIN 22-32-24-24-0017 -
 TAMARACK LAND-NIGHTINGALE VILLAS, LLC (APPLICANT) (R038-22)..... 3
 CONSIDER PRELIMINARY PLAT REQUEST - NIGHTINGALE VILLAS - PIN 22-32-24-
 24-0017 - TAMARACK LAND - NIGHTINGALE VILLAS, LLC (APPLICANT)
 (R039-22)..... 7
 ADMINISTRATOR’S REPORT..... 7
 (Administration)..... 7
 (Public Works/City Engineer)..... 7
 (Community Development)..... 7
 MAYOR/COUNCIL INPUT..... 8
 (QCTV Committee)..... 8
 (Turf Use)..... 8

*Regular Andover City Council Meeting
Minutes –May 3, 2022
Page 10*

(Andover High School).....8
ADJOURNMENT..... 8