

**ANDOVER CITY COUNCIL WORKSHOP MEETING – JANUARY 24, 2023  
MINUTES**

The Workshop Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, January 24, 2023 at 6:05 p.m., at the Andover City Hall, 1685 Crosstown Boulevard, Andover, Minnesota.

Councilmembers present:     Jamie Barthel, Ted Butler, Rick Engelhardt, and Randy Nelson

Councilmember absent:     None

Also present:                 City Administrator, Jim Dickinson  
                                      Public Works Director/City Engineer, David Berkowitz  
                                      Parks and Streets Operations Manager, Jason Baumunk  
                                      City Attorney, Scott Baumgartner  
                                      Others

***DISCUSS DESIGN RFP/23-18, NIGHTINGALE ST. & CROSSTOWN BLVD. NW  
ROUNDAABOUT AND 23-19, NIGHTINGALE ST. NW & VETERANS MEMORIAL BLVD.  
NW ROUNDAABOUT***

The Council is requested to discuss the request for proposal for the design of two roundabouts on Nightingale Street NW. Mr. Berkowitz explained the project is Federally funded and requires additional criteria. He stated the projects are going to be constructed in 2025 and the City needs to begin the process now to meet the timeline. Mr. Berkowitz said the County is considering a reconstruction on Crosstown Boulevard to include turn lanes into City Hall. He stated the roundabouts are one-lane roundabouts with room for expansion at Crosstown Boulevard and Nightingale Street.

Councilmember Butler asked what will be done to have safer pedestrian traffic. Mayor Bukkila stated a plan is in the traffic study. Mr. Berkowitz explained applications for each roundabout will go along with the packet and addresses pedestrian crossing. He stated he will add description to the document regarding pedestrian safety.

***REVIEW & DISCUSS DRAFT PUBLIC WORKS POLICY UPDATES***

The City Council is requested to review and discuss Public Works Policy updates. Mr. Baumunk explained Public Works is updating standard policies to reflect what Public Works is actually doing. He presented the updated Snow Removal and Ice Control Policy. He noted the addition of Item 6, Timing of Plowing Operations. Mr. Baumunk stated the City does not typically plow between the hours of 5:00 p.m. and 1:00 a.m. due to the amount of cars on the street. He added the use of salt brine and granular salt depending on road conditions. Mr. Berkowitz explained the use of salt brine prevents snow from adhering to the pavement and makes it easier to plow.

Mayor Bukkila asked if there was a night shift crew working in the winter. Mr. Baumunk stated there is a three-person crew that floods ice rink but there is not a night shift plowing crew. He explained the crew works their normal hours and comes in to plow when needed. Mr. Baumunk stated he would like the document on the City website for the public to view.

Mayor Bukkila stated she is getting more complaints from cul-de-sacs than about mailboxes. Mr. Baumunk stated he can add information for cul-de-sacs and post a graphic regarding snow storage. Mayor Bukkila stated there is a perception that it is intentional to put more snow in certain lots.

Mayor Bukkila stated she is happy with the public awareness campaign the City is doing on social media. She encouraged staff to put the shoveling diagram on social media. Councilmember Butler recommended placing an article with diagrams for snowplowing in the November 2023 newsletter.

Mr. Baumunk presented the updated Street Sweeping Policy. He explained the policy mostly encompasses text clarification. Mr. Baumunk stated they added Item 9, Storage and Handling of Street Sweeping Materials.

Councilmember Nelson stated he received a comment from a resident concerned about what he is tracking into his house with the ice treating chemicals. He explained that the treatment is safe.

Mr. Baumunk explained the City plows slush, so it does not bond to the pavement and create ruts in the road. Councilmember Nelson stated he has explained to several people why the City plows slush and why they plow multiple times. Mr. Baumunk stated the goal is to get as much snow off the road to minimize the amount of salt the City uses.

Mayor Bukkila asked if stormwater drains would be included in the policy. Mr. Baumunk stated there are some locations where drains are frozen and the City attempts to clear them out. He stated he will add a section on who to call if a stormwater drain is blocked.

Councilmember Butler suggested taking the pronoun “his” out of the document.

Mr. Baumunk presented the Pothole Repair Policy and explained how the City has adapted the policy. He stated crews address potholes by area of the City. Councilmember Nelson asked if there was a difference between the hot and cold patches. Mr. Baumunk stated the cold patch is more pliable, however the hot patch lasts longer.

Mr. Baumgartner suggested a change to terminology: “The work will be focused on priority areas determined by Public Works Management.”

***DISCUSS CROSSTOWN BLVD. NW TRAIL/23-12***

The City Council is requested to discuss the trail along Crosstown Boulevard regarding easement acquisition. Mr. Berkowitz reviewed the location of the trail and stated the City does not have as much right-of-way as it thought it had. He explained the City has 10 feet off the street primarily for snow storage and drainage purposes. Mr. Berkowitz went property by property and explained the status of each. There were several properties that had trees and fences in the easement. Most residents requested trees to provide a buffer.

Mr. Berkowitz identified a property that was not in favor of the trail and has declined the City’s offer. He stated the City is proposing a trail, a water main, and sanitary sewer line which would require a significant easement. The residents do not want people on their property, don’t want to lose trees, and they want to maintain their privacy. Mr. Berkowitz referred to an email attached to the workshop packet from Brandon Riedel who is requesting more per square foot of easement, a fence, and additional trees planted.

Mr. Berkowitz explained why the trail was proposed along the south side. He stated that with the few people who are not in support of selling part of their land, the City is considering approaching the Holasek property because it will eventually be developed and the City can get a trail easement. Mr. Berkowitz explained the north side has a long row of pine trees with a big drop off not leaving much room for a trail. In addition, the railroad tracks require a crossing arm.

Mr. Berkowitz provided the Council with options: increase the offers, consider condemnation, change limits of construction, building the trail in segments, or moving the trail to the north side of Crosstown Boulevard. Mr. Berkowitz stated it is important to get the water main constructed to provide pressure to Millers Woods and the Lennar development. He said if the trail doesn’t go, the City could directionally drill the watermain under the middle of the road. Mr. Berkowitz stated directional drilling is significantly more expensive.

Mayor Bukkila asked how the cost of directional drilling compared to increasing the offer to residents. Mr. Berkowitz stated at \$2 a square foot, the easements would cost the City \$159,000 and if doubled, it would be the same as the watermain cost.

Councilmember Butler stated there are different conditions for different properties which could justify a difference in price. Mr. Berkowitz explained the properties are very similar, with trees that need to be removed and replanted. Mr. Dickinson stated the City will have to find a way to increase the price paid without creating a new baseline.

Mayor Bukkila stated she does not see the hardship across the board, with only a few exceptions. Mr. Baumgartner stated it is not a hardship, but there are flat-out nos. He noted it would be difficult to justify the difference in price paid.

Councilmember Butler stated conditions are different as you go up Crosstown Boulevard. Mr. Berkowitz stated there is an area that is platted. He stated the platted areas are a very small amount of the cost.

Mayor Bukkila suggested acquiring easements wherever the City can get them. She noted there will be holdouts, and if the holdouts sell, the City can offer to purchase an easement at that time. Mayor Bukkila is in no rush to put a trail in, but it makes sense to combine the three projects.

Mr. Berkowitz explained that residents in the platted area were willing to provide the easement because it gets kids off the street. He is concerned that if the City doesn't construct the trail, residents won't agree to an easement with the City. Mayor Bukkila stated it will be a future trail and she is willing to partially construct the trail.

Councilmember Butler agrees to build up to the tracks and construct where the City has an easement. He stated the City can tell the neighbors the entire trail cannot be constructed due to unwillingness to negotiate. Mayor Bukkila stated there will always be a group that does not want to negotiate and will holdout.

Mr. Dickinson summarized the direction of the Council: work to acquire easements and construct the trail where it can. He suggested only building it to Xeon Street due to the liability of the railroad tracks. The City will attempt to get right-of-way where it can now.

Mr. Berkowitz stated the section between the railroad tracks and Prairie Road will be reconstructed to add curb and gutter, which will bring the trail closer to the road. Councilmember Butler asked if the trail needed to be 8 feet wide. Mr. Berkowitz explained a trail needs to be 8 feet; however, a

sidewalk can be 5 feet. Councilmember Butler asked for the cost of a 5-foot sidewalk. Mr. Berkowitz did not have the cost of a concrete sidewalk but explained the difficulties with it.

Mr. Berkowitz noted it is going to be difficult to get the project done this year. Mayor Bukkila asked if the project can be pushed out from a utility perspective to do more planning. Mr. Dickinson stated the City wants to get the water line in sooner rather than later. Mr. Berkowitz said there is a large plan to get water to the Lennar development and it would be one large project in 2024.

Mayor Bukkila asked if traffic would be congested due to having two large projects together. Mr. Berkowitz stated he would have to review the projects and expects it to be more difficult. He noted there would need to be road closures, but it could be coordinated.

Mr. Dickinson asked if Council has interest in eminent domain. Mayor Bukkila stated she was not interested in eminent domain. Mr. Dickinson stated the cost of condemnation may exceed the cost of acquiring easements. Mr. Berkowitz explained the County begins eminent domain process with every project and if negotiations are successful, they can rescind eminent domain. He stated the process takes a year. The Council reached consensus not to pursue eminent domain.

Councilmember Engelhardt asked if there was an option for the potential developing properties to get a park dedication honorarium. Mr. Dickinson stated the City can put anything on the table. The Council requested staff to continue negotiations.

Mr. Berkowitz asked for clarification on acquiring easement and constructing the trail from Bluebird Street to Xeon Street and 157<sup>th</sup> Avenue up Prairie Road. The Council reached consensus to construct those trail segments.

Mayor Bukkila stated she would like to identify what the alternative project will do and how it will set the City up for future acquisition. Staff will get the information to the Council.

Mayor Bukkila recessed the meeting at 7:28 p.m. The Council reconvened at 7:45 p.m.

***REVIEW ANDOVER CITY CODE TITLE 3 CHAPTER 9***

The City Council is requested to review the Cannabinoid Ordinance and provide direction to staff on potential amendments. Mr. Baumgartner stated the definition of cannabinoid in the ordinance included any product derived from hemp and was unclear. Mr. Baumgartner stated there are 100 different strands of the cannabis plant. He identified a different way to define the cannabinoid product to reduce confusion.

Mayor Bukkila stated the City is looking to regulate products that in volume cause an altered state

of mind.

Mr. Baumgartner stated the THC products that were legal in 2022 were always legal but were not regulated by the State. The State regulated the amount of THC in products as .3% or less than 5 mg per serving. The City is licensing what the State has regulated. The previous definition unintentionally prohibited CBD. The City will require a license for any products with a trace amount of THC and higher. The City Council discussed the definitions and asked clarifying questions of staff.

Councilmember Barthel stated if a business is granted a license, and a counseling center moves within the 1,000-foot range, the business should not have to lose their license.

Mr. Dickinson informed the Council a cannabinoid licensing denial appeal will be coming before them at an upcoming meeting. He stated the updated ordinance will be on the agenda for the first meeting in February.

Mr. Baumgartner stated the City should look at updating the employee drug policy.

***COMMUNITY CENTER UPDATE***

The City Council is requested to receive an update on the Community Center. Mr. Dickinson presented the pre-audit 2022 financials. He stated ice rental revenue was down and turf rentals are up compared to 2021. Mayor Bukkila asked what staff were going to do to change and improve in 2023. Mr. Dickinson stated he is presenting 2022 actuals and the Council will be provided updates on 2023 actuals monthly as changes are included in the 2023 budget that was approved in December.

Mr. Dickinson explained ice rentals are projected to bring in around \$800,000 and turf rentals to bring in around \$50,000 in 2023.

Councilmember Butler stated that overall revenue increased in 2022. He encouraged the Council to look at the Community Center overall and the variety of people it serves.

Mayor Bukkila stated the Community Center is spending money to make money and is \$249,000 in the hole. She asked what the revenue under expenses was prior to the expansion. Mr. Dickinson stated the Community Center is not making money, but the loss has been consistent proportionately. He noted if the Council wanted to increase revenue, the City could not install turf, could increase pricing, expand advertising, and look at other avenues for revenue. Mr. Dickinson stated the Community Center is seeking non-prime sales.

Mr. Dickinson explained salaries and benefits were over budget due to overtime of full-time employees. He stated staffing is more stable now than it was in early 2022.

Councilmember Butler stated there are cheaper arenas for ice, but the facilities are not as nice. He said staff do a great job maintaining and operating the Community Center. Mr. Dickinson stated having concessions back is improving the Community Center offerings.

Mr. Dickinson stated residents claimed 1,700 free passes which could have resulted in an additional \$9,000 in revenue if charged.

***GENERAL FUND BUDGET UPDATE***

The City Council is requested to receive the pre-audit General Fund Budget progress report for 2022. Mr. Dickinson noted a significant increase in licenses and permits.

***OTHER TOPICS***

Mr. Dickinson stated the County is looking at acquisition of right-of-way. He presented the County's proposal and stormwater drainage plan. He explained this would result in a parcel less than 2 acres and asked the Council if they are willing to grant a variance to make it buildable and sellable. The Council reached consensus to provide a variance.

Mr. Dickinson sent a letter to a member about their attendance and if they don't respond, they will be considered as resigned. He noted the alternate may need to be appointed.

There is a new Planning and Zoning Commission member that is concerned they don't have enough time to commit. Staff will meet with the member and inform them of the workload.

Mr. Dickinson met with a resident who is having issues with a renter and is considering selling. He asked if the Council was interested in purchasing the property. The Council reached consensus to negotiate for the property if it comes available.

***ADJOURNMENT***

***Motion*** by Barthel, Seconded by Engelhardt, to adjourn. Motion carried unanimously. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

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