

***ANDOVER CITY COUNCIL WORKSHOP MEETING – JANUARY 28, 2020
MINUTES***

The Workshop Meeting of the Andover City Council was called to order by Mayor Julie Trude, January 28, 2020 at 6:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Sheri Bukkila, Mike Knight, Valerie Holthus, and Jamie Barthel

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
Community Development Director, Joe Janish
Director of Public Works/City Engineer, David Berkowitz
Chief Building Official, Fred Patch
Others

CONNECTION OF 162ND LANE NW AND 161ST AVENUE NW

Mr. Janish stated Mr. Kruse's property is 10 acres and has been on the market for a few years. Staff has been discussing a lot split with Mr. Kruse. Mr. Janish indicated to the property owners that 162nd Lane should be extended to 161st Avenue and stated the City Code supports that concept. Mr. Janish stated the Andover EDA discussed the roadway and desires it to be extended through the property.

Mr. Janish stated 161st Avenue is a County Road and access points need to be approved through the County Highway Department. The County has spacing guidelines for access points to County roads and it is likely there would only be one access point in the area discussed.

Councilmember Bukkila asked why the County has spacing guidelines. Mr. Berkowitz responded for moving traffic and road safety. Councilmember Bukkila stated she understands the guideline in high volume areas but does not see this area having high volume.

Mr. Berkowitz stated the City can ask for a conditional access, but staff is representing the County guidelines. Mayor Trude stated it depends on the classification of the roadway, either urban or rural, and the City can ask for more leeway if it is rural.

Councilmember Holthus asked the difference between 161st Avenue and Round Lake Boulevard. Mr. Janish stated other counties have more requirements than Anoka County, however, Anoka

County is starting to catch up to those standards.

Mr. Janish stated the roadway is required if the lot is split. If the lot is sold without splitting, the road would need to be identified, if buildings are proposed to be built.

Mayor Trude stated you cannot have a driveway unless you have street access. Mr. Janish asked if the Council desires 162nd Lane to connect to 161st Avenue.

Councilmember Bukkila stated the road needs to go through for future use, for when the water lines ultimately go through, and maintaining it as a usable industrial area.

Councilmember Barthel agrees with Councilmember Bukkila. He stated if the road doesn't extend to 161st Avenue, it will at least need to extend to the adjacent property.

Mayor Trude asked Renee Hogendorf, 2875 161st Avenue NW to state her opinion. Ms. Hogendorf stated she has concerns and is gathering more information and will return with comments. Her concern is regarding where the road is going and if there will be assessments. Mr. Janish stated the developer pays for the infrastructure needs.

Ms. Hogendorf asked if the road would encroach on her land. Mayor Trude stated that is yet to be determined. Mr. Berkowitz concurred that it is up for discussion. Mr. Janish stated it is up to the developer to acquire the property for streets to go through.

Mayor Trude told Ms. Hogendorf she can have an opportunity to speak at the end of the discussion as well.

Mayor Trude invited Mr. Kruse to the table to speak. Mr. Kruse stated his property is zoned industrial for future use. He has a potential buyer and found out he has to put in a road. He stated it is an unfair burden. He originally wanted to sell the back 6 acres for industrial and keep the front for residential. Mr. Kruse stated he listed the entire 10 acres for sale due to the roadway condition. Mr. Kruse stated the rezoning of the property requires him to donate land for the roadway whether or not the property is split. He stated he is not a developer and he feels paralyzed. He stated he is presenting a simpler proposal, splitting his property in the middle. He has not found a buyer for the entire 10 acres.

Mayor Trude stated he cannot sell a part of it without dividing it and once he divides it, it has to be rezoned. She stated it starts the whole development process. Mayor Trude stated an administrative lot split would still require a zoning change and a process of going through the Planning and Zoning Commission.

Mr. Kruse stated the split would depend on the sale and he wants to make sure both parts retain value. He stated if he splits in two, there would be access to each section from existing roads. He stated the plan he proposed does not require a new roadway on his property, just a driveway. Mr. Kruse presented written materials to support this plan. He stated he doesn't agree that the

burden should be on the property owner to build a road when he sells his property. He stated he believes his plan is reasonable and already has an egress to his property from two access points.

Mayor Trude stated a case where children wanted to build houses on their parents' property and the City required the family to go through the development process, including construction of a road.

Mr. Janish responded to the comment Mr. Kruse made about putting in a road no matter how he sells his property. Mr. Janish stated the road only needs to be constructed if there is a split on the property. If it is sold as 10 acres, the road is identified but not needed. Mr. Janish further stated the change in zoning is just changing the type of usage for the land and does not trigger building a road.

Mr. Kruse stated he has to forfeit the value of the land and build the road if he splits the lots. He stated most of his money from the sale is gone if he must do that and he feels it is an unnecessary burden.

Mayor Trude stated he can sell it for residential use. She explained the City needs orderly development and street access for public safety purposes. The City is not putting the burden on him, he is coming to the Council and making a request to change. She stated the lot split and road adds value to land.

Mr. Kruse stated he understands if he splits the north section in more than one piece it will require a road. However, if he sells it to a single buyer, he would be required to provide setbacks for the road, restricting where the buyer can place buildings.

Mr. Janish responded by reading the applicable City Code. He stated it would be up to the buyer how that road would go through the property and propose it to the City.

Councilmember Bukkila asked Mr. Kruse when he bought the property. Mr. Kruse stated he bought it in 2009. Councilmember Bukkila stated when he purchased the property, it was his responsibility to ask what the future of the land was. Mr. Kruse stated he did and there were no requirements at that time. Councilmember Bukkila stated the buyer should go to the City and gather information about access, zoning, and future development. She stated the onus of the roads goes on the developer because they benefit from the development of the roads. She stated if he changes the land, those are the expectations and they were in place before he bought the property.

Mr. Kruse stated he talked to the City and he was told it was never going to be industrial and then later found out it could be. He stated he did ask the question and the answers changed.

Mr. Dickinson asked Mr. Janish to go through the options for the property and when setback and easements would take effect.

Mr. Janish stated there are three options: 1) If Mr. Kruse sells the entire property, a future roadway would need to be identified and setbacks area applied for structures; 2) If there is a split, it would be up to the Council if they would be willing to identify an easement and not actually requiring the construction of a road; and 3) If the property is split into multiple lots it would require the road to be put in.

Mayor Trude stated there is no plan being put in front of the Council and she asked if Council was comfortable stating an opinion prior to seeing a plan. The Council indicated they are not.

Marty Fisher, Premier Commercial Properties spoke and stated Mr. Kruse wants to divide the property into 2, sell the north piece, and sell the south half in the future.

Mayor Trude stated the EDA does not want to see the property split in half but would like the entire property rezoned at the time of sale.

Mr. Janish stated if the entire property was zoned industrial, the home on the property would become a non-conforming use which means the home couldn't be expanded but could remain on the property.

Mr. Kruse asked how zoning would affect his taxes. Mr. Janish responded the assessors would assess it for what the property is physically being used for.

Mayor Trude asked if staff was comfortable with what Mr. Kruse was proposing. Mr. Janish clarified that any split would require the construction of a road. He stated the sale of the entire property would require identification of a future road.

Councilmember Bukkila stated she doesn't want to get to a point where the property is split, and no one can afford to build a road when it is split beyond that.

Councilmember Holthus asked why the road couldn't go south from the cul-de-sac along the west property line. She stated there wouldn't be the expense going all the way across the property.

Councilmember Barthel stated he does not support this because then Ms. Hogendorf's property becomes isolated and future development of her property is limited.

Ms. Hogendorf stated her concern is where the road is going to go and how it affects her property value. She stated the change will affect how the farm is operated. Mayor Trude stated she has seen people buying 10 acres and putting a million dollar home on it.

Councilmember Barthel stated when Ms. Hogendorf is ready to do something with her property, he wanted to make sure that all options are on the table and that she is not limited by something that was done adjacent to her property.

Mr. Janish stated the road is being proposed where it is to provide access to adjacent property and conform to the County's access spacing to County roads. Mayor Trude stated having Ms. Hogendorf's input on where the road goes is important to her and although there is no proposed plan, she encouraged Ms. Hogendorf to stay in touch with City staff.

Mayor Trude asked if Council gave enough information for staff to work with Mr. Kruse. Mr. Janish asked if the Council is open to the roadway running on the west side. Councilmember Bukkila stated she has no opinion where it goes, as long as it connects 162nd Lane to 161st Avenue.

Mr. Fisher stated Mr. Kruse's property is the end of the industrial zone. Mr. Fisher stated Mr. Kruse is concerned that he will lose money if he has to put the road in.

Mayor Trude confirmed that staff and Mr. Kruse each had enough information.

REVIEW SOLAR ORDINANCES

Mayor Trude moved the Solar Ordinance item up and stated there are 3 residents in attendance. Mr. Fred Patch, Building Official gave background of the item, stating that in October, Cedar Creek Energy submitted applications to install solar panels in a residential district. Mr. Patch went through the building code about roof and ground mounted solar and stated a public hearing would need to be held if a zoning ordinance was changed. He stated staff treat ground mounted solar panels as an accessory structure. Staff has found that on larger properties, the 400 square feet limitation seems too restrictive. Mr. Patch provided a comparison to other cities and information from Cedar Creek Energy. Patrick Farnham a Project Manager from Cedar Creek Energy came forward and summarized the issue their company came across when working with Andover residents. He stated having a larger square footage allowance would be more cost effective.

Mayor Trude stated this is a significant investment and asked what it would cost to put in 1,000 square feet of panels. Mr. Farnham responded around \$72,000-\$100,000 for 1,100 square feet.

Mayor Trude stated the City has residents who want to do this who have significant acreage. She stated she had the Code reviewed by the League of Minnesota Cities and they said it was one of the most restrictive they have seen. Mr. Patch stated these are the first two ground mounted systems that have applied in Andover while he has been with the City. Mayor Trude stated the issues of glare, aesthetics and distance from neighboring properties are of importance. Mr. Patch stated the Code, as provided in the staff report, take those conditions into consideration.

Mayor Trude introduced a neighbor, Tom Dequattro, 515 165th Avenue NW who had concerns about solar panels on neighboring properties. Mr. Dequattro stated he has nothing against solar power but disagrees with a specific application. He stated his HOA is restricting usage of solar panels. He stated he is scared he is going to get glare coming into his windows and he showed photos of his view.

Councilmember Barthel asked if the HOA does not have solar regulations at this time. Mr. Dequattro replied they just established a regulation for the HOA. He stated they didn't think they needed to worry about it because the City had a strict code related to solar panels.

Mayor Trude stated the HOA has brought up issues that are already in City Code such as aesthetics and glare. Mr. Dequattro stated the HOA put the restriction in place after the homeowner requested to add solar panels. Mr. Dequattro stated the screening proposed is a chain link fence and that is insufficient.

Darren Lazan, 16380 Juniper Street NW stated the HOA was developed to address the aesthetics and structures and they put controls in place for accessory structures. He stated solar panels do not match the aesthetics in the neighborhood. Now that the City is considering expanding the square footage, the HOA does not have the ability to react to that, since the homeowner has already applied. They have put a policy in place that the Architectural Control Committee must approve the plan.

Jesse Roessler, 16410 Juniper Street NW stated the roof top solar is supported and the proposing house has 6,000 square feet of roof top available.

Councilmember Bukkila stated there are two separate issues: is the City going to address anything having to do with an HOA. She stated she is looking at a plan that is good for the entire City and is not responsible for what an HOA would set in place.

Councilmember Holthus asked, why the resident isn't considering rooftop solar. Mr. Farnham stated a rooftop installation can be difficult and ugly. Mr. Patch stated rooftop is not always the answer because it destroys the architecture of the house. Mr. Farnham stated they started looking at the roof first and found that ground mount was the better solution in this case.

Mayor Trude stated the two issues at hand: 1) should the council increase the square footage; 2) are the aesthetics of the neighborhood important in the code.

Mr. Dickinson stated the Council is being asked to focus on ground mounted systems, if it should be increased over 400 square feet, and how does that apply to a lot based on its size. Mr. Dickinson stated they are only allowed in the R-1 (rural) district. He reported that lots less than 1 acre are limited to 400 square feet and lots greater than 1 acre can expand to up to 1,200 square feet based on the proposed changes. He asked if 1 acre is the right number to differentiate the square footage limitations.

Councilmember Barthel stated he does not know enough about solar to make a decision this evening. He is fine with the code as it is until he gets more information.

Mayor Trude stated seeing what 1,000 square feet of solar panels looks like is helpful. She indicated she wants to look at the concerns of the neighborhood because every neighborhood will have concerns if they don't see the code working to deal with the size and neighborhood impact.

Mayor Trude asked if Council had consensus on lots larger than 3 acres having more square footage of solar. Council consensus was yes as long as aesthetics are looked at.

Councilmember Bukkila stated she is used to presentations of reasonable projects and feels this coming to her so undone. She is trying to figure out how it is supposed to be done in her City and she doesn't feel it is her role.

Mayor Trude stated Council needs more time and asked Mr. Patch if there is a way to do this in the City. Mr. Patch stated it is possible, but difficult. Mr. Patch stated when he is replaced the boundaries need to be defined at that time or the code is up to new interpretation.

Councilmember Holthus stated larger lots can have more solar panels as long as there is screening from neighbors.

Mayor Trude stated it isn't looking positive for the acre and a half due to the closeness of the neighbors and recommended Mr. Farnham come back with a better sales pitch.

Mr. Dickinson stated anyone who wants to install 400 square feet of ground mounted can do it within the current code. Mr. Dickinson proposed looking at the larger square footage, closer to 1,000 square feet, for 3 acres plus properties. He stated the City has the option to leave it alone and state to residents the current options or the City could increase the lot size and allow increased square footage.

Mayor Trude stated she would like to look at the options for over 3 acres in the R-1 district. Councilmembers concurred. Staff will bring the item back to a future workshop.

COMPREHENSIVE PLAN UPDATE DISCUSSION

Mr. Janish provided an update on the 2040 Comprehensive Plan. The Met Council stated the plan the City presented is too conceptual and would need to do comprehensive plan amendments each time. In response Mr. Janish stated the circles will be outlined and defined in text and then should meet the Met Council's requirements.

Mayor Trude asked if the Met Council was happy with the plan. Mr. Janish stated he expressed to the Met Council that it was not what the City would have chosen to do and the Council did not want to develop in the manner the Met Council was dictating.

Mr. Janish will conduct a work session with the Planning and Zoning Commission and get moving on seeking approvals on the updated plan. The Met Council stated it is an option for the City to have an open house on the updated plan, but not required. Councilmember Bukkila stated it should go through the public process. Mayor Trude stated a public hearing will take a month or two and asked if a presentation at a Council meeting is adequate. Mr. Janish stated hosting an open house after the other parts of the plan have been updated is what staff would like to do. He indicated it will take a few months to update the other segments of the plan.

Mayor Trude stated there can also be a presentation at Council. Mr. Janish stated staff will present it to the Council and the Planning and Zoning Commission. Councilmember Bukkila asked if cable could do a news segment with staff as well.

Mayor Trude asked if the population has been adjusted. Mr. Janish stated it has been adjusted to around 38,000 by 2040 which does exclude the Rural Reserve area.

TEMPORARY CUL-DE-SAC DISCUSSION

Mr. Berkowitz reviewed the history of development in Andover and temporary cul-de-sacs. He stated staff members work hard on reviewing the impact on the neighboring parcels surrounding a new development. The purpose of the temporary cul-de-sac discussion is to provide development opportunity to the adjacent parcel to maximize future development. Staff brought forward the cul-de-sac discussion because homes are being built at the end of the temporary cul-de-sacs which block development to the adjacent property.

Mr. Janish stated if there is a property at the end of the cul-de-sac, the property owner needs to provide a plan for how a road will go through and provide a set-back. He explained how the current code is holding off development in other areas. Mr. Janish pointed out several cul-de-sac parcels that inhibit the continuation of roads for future development.

Mr. Berkowitz described a property in the Stacks Woods development area where a state aid road route is identified. He stated a buyer came in and purchased land to build a house and it could stop the road from going through to develop the area to the south.

Staff has identified 86 temporary cul-de-sacs. Mayor Trude stated the policy the City is using isn't in code and she supports putting it in the code and allowing a variance. Mr. Janish stated if they update the code, the City creates many non-conforming lots that are recently constructed.

Mr. Berkowitz wants Council to understand the dilemma staff is in and if there is support in addressing the issues. He stated there will be backlash about extending the road to build just one home.

Mayor Trude asked if the City could use the Transportation Plan to identify these future roadways and if someone buys the land, the road is on the map. Mr. Janish stated local connections aren't typically on the Transportation Plan, only collector and major roads. Mayor Trude stated when they come to the City for a development, the City should identify that they want to see a street come through. Mr. Berkowitz stated the issue is that a buyer purchases land and only needs to provide a setback for a future road and does not need to build it. He stated the question is who builds the road and who pays for it.

Councilmember Holthus clarified that staff is looking for a better solution. Mr. Janish stated staff was seeking Council opinion and staff will go back and look for solutions and bring it back for more discussion.

OTHER BUSINESS

Veterans Memorial Wall

Mr. Berkowitz stated he has met with the Veteran's Memorial Wall Committee and had some great discussion. He stated there is nothing like it in the north metro. He wanted to discuss a change in design, the cost per plaque, and a brochure versus a policy, and what happens in the future.

Mr. Berkowitz stated the original plan was a curved wall with a seating bench for 348 plaques. Since the committee thinks there is going to be a high demand, the committee would like to get rid of the bench and run a full wall accommodating for 960 plaques.

Councilmember Bukkila asked about skateboarders using the wall and damaging it. Mr. Berkowitz stated the top of the wall will be marble with a sign for each branch of the military and pegs to prevent skateboarding. The committee is suggesting adding an option for a bench to be donated as a memorial.

The committee discussed who is eligible and decided anyone and their family members are eligible if: 1) they formerly lived in Andover; 2) currently live in Andover; or 3) if they worked for the City. Councilmember Bukkila stated she feels it needs to be narrowed down. Mr. Berkowitz stated he researched what other cities did and they left it open to anyone. Mr. Berkowitz stated the committee can generate enough revenue to expand the wall when it is filled. He reported the committee settled on a \$300 cost per plaque.

Mr. Berkowitz stated the committee believes there should be a policy and Fire Chief Jerry Streich volunteered to draft it. Mayor Trude stated the policy should regulate the names to make sure they are authentic.

Mr. Berkowitz stated the memorial plaques would generate money for the construction, maintenance, and expansion. He reported there was talk about adding a statue when enough money is generated.

Mr. Berkowitz asked Council if they thought the committee was on the right track. Council expressed consensus that the committee is on the right track.

Mayor Trude stated she saw a plaque that had a nice quote on it that would apply to anyone who served.

Planning and Zoning Commissioner Karen Godfrey stated she would like to see the public be able to make a donation to the memorial without buying a plaque. Councilmember Bukkila would like to see information available at Fun Fest.

Mr. Berkowitz stated the Committee would like to get a policy completed by the end of March,

advertise in the newsletter, and promote it at Fun Fest. Councilmember Bukkila would like to see donations through the website. Mr. Berkowitz stated there could be options for a plaque or a donation. Councilmember Bukkila would like to see a coordinated marketing plan.

ADJOURNMENT

Motion by Bukkila, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary