

***ANDOVER CITY COUNCIL WORKSHOP MEETING – FEBRUARY 26, 2019  
MINUTES***

The Workshop Meeting of the Andover City Council was called to order by Mayor Julie Trude, February 26, 2019 6:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Jamie Barthel, Sheri Bukkila, and Valerie Holthus  
Councilmember absent: None  
Also present: City Administrator, Jim Dickinson  
Director of Public Works/City Engineer, David Berkowitz  
Chief Building Official, Fred Patch  
Fire Chief/Emergency Management Director, Jerry Streich  
Others

***RECESS TO COMPREHENSIVE PLAN UPDATE OPEN HOUSE***

The Council recessed the workshop at 6:00 p.m. to receive an update on the Comprehensive Plan with the Planning and Zoning Commission.

***RECONVENE CITY COUNCIL WORKSHOP***

The City Council reconvened at 6:40 p.m.

***DISCUSS/UPDATING SWIMMING POOL ACCESS BARRIERS CODE AMENDMENT***

Mr. Patch stated in October the Council requested staff to further study alternative options to pool barrier fencing. He stated he sampled ten cities and reviewed the results.

Councilmember Bukkila asked if there is a code, outside of the City or the State, that requires some type of a barrier.

Mr. Patch replied there is for commercial pools but not for residential pools. He confirmed a municipality could adopt that code, but it is very restrictive.

Councilmember Barthel stated his homeowner's insurance policy has a requirement for fencing.

Mr. Patch stated some insurance carriers may require that.

Mayor Trude noted not everyone contact's their homeowner's insurance when they make a

change to their home or add a feature like a pool or fireplace.

Mr. Patch provided examples of pool safety covers.

Councilmember Bukkila stated some alternatives require action, such as flipping up a ladder or putting the cover onto the pool, and therefore there is a human measure of error.

Mr. Patch stated the current ordinance requires a self-closing gate with latch for fences. He reviewed some of the equivalent barriers to a fence and the proposed language that he drafted that would encompass those alternatives.

Councilmember Holthus stated she will always prefer to have a fence around her pool, noting they previously had a cover but got rid of it because they did not like it.

Mayor Trude suggested that fence remain in the language.

Councilmember Bukkila stated she would only be looking at rural properties rather than making the change universal across the City.

Mayor Trude stated some of the issues have been on smaller properties that have large retaining walls and therefore those could qualify.

Mr. Dickinson believed there is only one property that is not compliant at this time, but the City cannot require compliance because of the original approval that was given.

Mr. Patch reviewed the proposed language that would allow alternatives as approved by the Building Official.

Mayor Trude stated she would still like to see a fence even on rural properties.

Councilmember Knight stated the barrier is specifically defined to prevent access.

Councilmember Holthus stated she would agree with the language as proposed. She stated she would be hesitant to define a number of acres because the placement of the pool could be near a neighbor's yard. She noted the issue is sometimes not with children from other properties, but more with friends of the children that live on the property.

Councilmember Bukkila stated she would think the property in question would be fine without fencing.

Councilmember Bukkila asked if a specific property that uses boulders would meet the requirement for alternative barriers.

Mr. Patch confirmed that property would meet the requirement. He reviewed the process that a

property owner could follow if they feel that their property would not require a fence, first going before ARC and then to the City Council.

Mr. Dickinson explained this would be all encompassing across the City and there would need to be an evaluation for a property to not have a fence.

Mr. Streich stated he would be in favor of requiring a fence, as when the fire department is on site, they are walking around a property and therefore if there is not a fence, it is easier for someone to fall in. He used the example of the winter time when a firefighter fell into a pool because it was covered in snow. He noted it also applies to animals, as they had to rescue a deer out of a pool.

Mr. Dickinson stated staff would intend to bring this amendment to code to the next City Council meeting for adoption.

#### ***EMERGENCY SIREN UPDATE***

Mr. Patch identified gap areas within the City with the current siren coverage and identified the proposed locations for two new sirens. He stated the proposal would be to install the sirens at the parks and confirmed that the Park and Recreation Commission did provide authorization to install the sirens in the parks. He provided details on the logistics of siren location.

#### ***PORTABLE ON DEMAND (POD) QUESTION***

Mr. Patch stated staff has received a proposal to convert a storage pod/shipping container into a shed. He stated the proposal was brought to ARC and reviewed at length and the decision was made that it would still be a pod/storage container.

Mr. Dickinson stated part of the architectural compatibility, there should be like type siding on the POD to match the structure.

Councilmember Bukkila agreed a structure would need to match the theme of the surrounding buildings.

Mayor Trude commented that 50 feet long is very long, longer than a semi-trailer or train car. She confirmed the consensus of the Council to agree with ARC and decline the request.

#### ***DISCUSS FUTURE EXTENSION OF 141<sup>ST</sup> AVENUE NW***

Mr. Berkowitz introduced Mark Menth, 14122 Prairie Road, noting that the development occurred around his property and a long cul-de-sac was extended to the rear of his property which exceeds City Code. He stated Mr. Menth approached the City and staff was unsure how to direct him. He stated staff is looking for direction on whether the road connects to Prairie Road or whether there is an extension of the cul-de-sac.

Mayor Trude stated she likes the cul-de-sac because the view angles are compromised on Prairie Road.

Councilmember Barthel asked why a cul-de-sac cannot exceed 500 feet.

Mr. Berkowitz replied it is a safety measure.

Mr. Dickinson stated fire hydrant placement is also a consideration, as well as the length a fire hose can reach to a property.

Mr. Berkowitz identified how a road would connect to Prairie Road and the path that most neighborhood traffic would take.

Mayor Trude noted the speed of traffic and stated there will be more people turning left off Prairie Road without left turn lanes.

Mr. Berkowitz stated at minimum a right turn lane going south would be required. He stated the impact for four lots would not require a left turn lane. He identified trees that would be removed with grading.

Mr. Menth stated he will be open to either option, but simply wants to follow the preferred direction rather than wasting money on a plan that will not be approved. He asked if a stub road could run off the cul-de-sac to feed the other lots.

Mr. Berkowitz noted that would not be allowable as the cul-de-sac is not properly sized, and what he proposed is a flag lot which is not allowed.

Mayor Trude stated Prairie Road is a feeder road and from the County standpoint, they typically like to limit access onto County roads.

Mr. Berkowitz stated he does not like the length of the cul-de-sac but is also torn with the impact on the residents, as a through road would completely change the characteristics of the neighborhood. He stated therefore he is leaning towards the cul-de-sac.

Mayor Trude stated that she prefers the cul-de-sac.

Councilmember Holthus agreed she likes the cul-de-sac as those other residents would be very unhappy with the change.

Mr. Berkowitz explained if the cul-de-sac is extended, a variance would be needed. He confirmed if the road were put through, that would not require a variance.

Mr. Menth clarified that if the road goes through there would not be any problems.

Mr. Dickinson stated if the road goes through there will likely be neighborhood opposition.

Councilmember Bukkila stated she would also favor the cul-de-sac option. She commented that cul-de-sac lots are more desirable.

Mr. Berkowitz cautioned against setting a precedent. He stated there will have to be a good justification when the variance is reviewed.

Councilmember Bukkila stated the public benefit would be an element.

Mr. Dickinson agreed there would be a reduction in conflicts on Prairie Road and to the flow of traffic as other areas will be developed along Prairie Road.

Mayor Trude confirmed a majority of the Council prefer the cul-de-sac option as that will eliminate an additional conflict point onto Prairie Road.

Mr. Berkowitz stated Mr. Menth will cost out both options and will choose the better option price wise. He noted if the through road option is chosen, a right turn lane on Prairie Road would be needed.

### ***RECESS AND RECONVENE***

Mayor Trude briefly recessed the meeting. Mayor Trude reconvened the meeting.

### ***DISCUSS FIRE REGULATIONS CODE (TITLE 7)***

Mr. Streich stated this proposal would only apply to the fire regulations and would update language that has been in place since 1977. He provided an overview of the fire department, which is considered a paid on-call department.

Councilmember Bukkila asked if the minimum number of 50 firefighters should remain or whether the language should be simplified to use a calculation, should the population grow.

Mr. Streich confirmed that language could be changed but noted he would not want less than 50. He reviewed the organization of the department and specific responsibilities for employees. He reviewed proposed changes to language within the code. He provided specific details on the proposed changes for open burning allowances and regulations.

Mayor Trude referenced the requirement to be 25 feet from the wild land interface, noting that most fire circles in her neighborhood would be out of compliance because of the proximity to the woods.

Mr. Streich explained the 25-foot requirement from structures could be kept, but perhaps the other distances could be adjusted.

Councilmember Bukkila agreed, noting that a lot of the backyards in Andover are 35 feet and therefore there would not be space for a fire circle.

It was the consensus of the Council to change the language to simply state, 25 feet from a structure.

Mr. Streich noted the portable fire bowls, with the screen on top, could be ten feet from a structure. He stated there have not been any fires from the portable fire circles, but they have seen burns on skin from people bumping into them. He continued to review proposed changes to the code specific to burning restrictions and burning bans.

Councilmember Bukkila referenced language that should be changed to a recreational fire rather than an open burn. She noted the statement related to burning bans could be simplified to just one statement and the additional language could be removed.

Mayor Trude referenced the materials to be burned section and stated that perhaps that should be reorganized.

Mr. Dickinson stated perhaps it should state materials not to be burned or prohibited materials.

Mr. Dickinson noted this will be brought forward to a March Council meeting.

Mayor Trude asked the current number of firefighters.

Mr. Streich replied there are 58 firefighters and a long waiting list. He provided details on the duty crew concept that has been implemented. He noted many other communities are looking at the duty crew model. He provided details on requests for lift assists, for residential properties and senior care properties. He stated he is working with the State Fire Chiefs Association to work on a solution to manage this in-home care situation. He reviewed an option that could provide a revenue stream for the fire department, which would be similar to a public health nurse type service.

Councilmember Bukkila stated when there are fully staffed senior care facilities that are using the fire department to lift their residents to save on workman's compensation claims, there should be a charge for that service.

Mr. Streich stated because they have called 911, there is a duty to respond.

Councilmember Bukkila stated she would like Mr. Streich to continue to have discussions on this topic with the support of the Council and confirmed the consensus of the Council.

Mr. Streich stated overall the department is doing well, and morale is high.

Mayor Trude stated perhaps lift service is added to the fee schedule and then those facilities

would no longer call for that service.

Mr. Streich stated his concern would be with a resident that does not have family and would then hesitate to call for help.

Councilmember Bukkila agreed that the change should apply to senior care facilities that have the staff and equipment to complete the service themselves.

Mr. Streich stated perhaps the first step would be to meet with the management of the senior care facilities to discuss the issue.

***DISCUSS T SQUARED STORAGE (ABC MINI STORAGE) LAND SWAP REQUEST***

Mr. Berkowitz stated T Squared is looking at an expansion and the layout for the site is too small. He stated the options would be to deny the request, to allow a zero setback, or agree to a land swap. He stated Andover would receive more land than it would give up, and the additional land could be used for expansion of the stormwater pond, if necessary, in the future.

Councilmember Bukkila stated she does not see an issue with the land swap.

Mayor Trude asked if the commercial site plan review would be acceptable with the land swap.

Mr. Berkowitz confirmed with the land swap, the layout would work. He stated the facility will have to hook-up to City water for fire protection, which will have a cost of about \$51,000 for the sewer and water connections.

Mr. Dickinson stated if the project does not move forward, the land swap should not be recorded.

Mr. Berkowitz confirmed the land swap would be contingent upon the applicant obtaining all approvals and beginning on the project.

Councilmember Holthus stated she would like to see some landscaping along Hanson Boulevard.

***DISCUSS LIQUOR CONTROL CODE/TEMPORARY ON-SALE PERMITS***

Mayor Trude confirmed the consensus of the Council to allow the Lions to serve beer at Fun Fest and for staff to provide the necessary code changes.

Mr. Dickinson confirmed if a temporary intoxicating liquor license is granted, it would be limited to wine and beer.

***DECEMBER 2018 GENERAL FUND BUDGET PROGRESS REPORT***

Mr. Dickinson reviewed the December 2018 General Fund budget progress report. He stated the budget planned for a use of fund balance of \$424,000 and instead the City added to the fund

balance. He stated a dollar amount of unassigned, or surplus, fund balance will be brought forward for assignment in March or April.

Mayor Trude asked the status on building permits.

Mr. Dickinson replied that the City has issued 15 single-family building permits thus far. Mr. Dickinson stated there will be homes in the Spring Parade, two models are priced below \$400,000.

### ***2019 BUDGET PROGRESS REPORT***

Mr. Dickinson noted the report was included in the packet.

### ***2019 CITY INVESTMENTS REVIEW***

Mr. Dickinson noted the report was included in the packet.

### ***OTHER BUSINESS***

There was none.

### ***ADJOURNMENT***

***Motion*** by Bukkila, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Amanda Staple, Recording Secretary