

**REGULAR ANDOVER CITY COUNCIL MEETING – MARCH 5, 2019
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, March 5, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
Community Development Director, Joe Janish
City Attorney, Scott Baumgartner

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

No one wished to address the Council.

AGENDA APPROVAL

Mayor Trude requested the addition of the following Agenda Item:
Item #5A – 2019 Used Vehicle Sales Business License

Motion by Holthus, Seconded by Knight, to approve the Agenda as amended above. Motion carried unanimously.

APPROVAL OF MINUTES

February 19, 2019, Regular Meeting

Mayor Trude requested the following corrections to the February 19, 2019 Regular meeting minutes:

-Page 1, last paragraph, first sentence should read: "PulsePoint app"

-Page 1, last paragraph, last line should read: ". . . which helps those in need of getting help with CPR and helps locate nearby AEDs"

Motion by Bukkila, Seconded by Barthel, to approve the February 19, 2019 Regular meeting

minutes with amendments as indicated above. Motion carried unanimously.

February 26, 2019, Workshop Meeting

Motion by Bukkila, Seconded by Barthel, to approve the February 26, 2019 Workshop meeting minutes as presented. Motion carried unanimously.

CONSENT ITEMS

Item 2 Approve Payment of Claims

Item 3 Approve Plans and Specs/Order Ad for Bids/18-38/University Avenue NW
Reconstruction (See Resolution R021-19)

Item 4 Approve Plans and Specs / Order Ad for Bids/19-2/2019 Street Reconstruction (See
Resolution R022-19)

Item 5 Approve Offer/Authorize Entering into Purchase Agreement/Winslow Cove 2nd Addition
Lot 5 Block 3 (See Resolution R023-19)

Item 5A 2019 Used Vehicle Sales Business License

Motion by Knight, Seconded by Barthel, approval of the Consent Agenda as read. Motion carried unanimously.

CONSIDER INTERIM USE PERMIT/PORTABLE CLASSROOMS/GRACE LUTHERAN CHURCH

Community Development Director Joe Janish reviewed a request for an extension of an Interim Use Permit (IUP) from Grace Lutheran Church for existing portable structures. In 2010, a four-year IUP extension was approved for the original 2006 Conditional Use Permit (CUP). An additional five-year IUP was approved in 2014. The classroom structures are used weekly for youth ministry, day care programs and other church events, and are available for use by other local organizations.

In 2017, Grace Lutheran Church's senior pastor retired, and the congregation has been in a period of transition since then. Church leaders are currently undergoing a process of evaluation related to Church facilities as well as additional property owned by Grace Church. City Staff have provided a letter from the Grace Church Construction Committee for the City Council's review, staff review included draft drawings that have not gone through the formal application/review process.

The Planning and Zoning Commission held a public hearing on February 12, 2019, related to this issue. A resident commented that cars coming from Grace Church use her driveway as a turnaround, and many cars park in front of her home. She suggested that any future additions to the church should be located on the Bunker Lake Boulevard side of the property. She asked how long a temporary structure can be kept before it becomes a permanent structure.

The Planning and Zoning Commissioners discussed concerns related to continued extensions, and Grace Church's future plans. The Planning and Zoning Commission and City Staff are recommending City Council approval of this request.

Councilmember Barthel asked the applicant if there is a time frame for how long they will need the portable structures, and whether Grace Lutheran Church has a plan for what will be built on the site.

Scott Christianson, representing Grace Lutheran Church, stated Grace Lutheran Church has been an active community member in the City of Andover for over 50 years, providing services and ministries to its congregation and the greater community. The IUP application is of great importance to the Church community, as the Church has been in a period of transition since 2017.

Interim Pastor Bruce Arnevik presented a timeline of events at Grace Lutheran Church leading to this IUP request. He added a new Pastor is anticipated to be onboard by September 2019 at the latest. A new capital campaign will be rolled out in Spring 2021, with construction planning in 2021, and groundbreaking in Spring 2022, and project completion by 2023, at which time the portable structures will be removed.

Councilmember Knight asked how many students use the portable structures. Kate Morpew, Church Administrator, stated there are four catechism classes with approximately 100 students enrolled, and 90 registered Sunday School children. She added the day care is licensed for 14 children.

Mr. Christianson expressed appreciation for the City Council's support and guidance as permits and extensions have been requested over the years, and especially at this critical time in the congregation's history.

Mayor Trude stated she is a member of Grace Lutheran Church, but it has been determined that she does not need to recuse herself from this vote.

Councilmember Holthus stated she served on the Planning and Zoning Commission, and the issue of portables and interim use was discussed. She noted there are many other portable structures around Andover and portables can last forever if they are kept in good shape, well-maintained, and pass inspections. She noted she is in favor of allowing the portables at Grace Lutheran Church and approving the IUP request.

Councilmember Barthel stated he is not a big fan of portables, as they undermine building standards requirements for permanent structures. He added he understands the situation, but the

portables in question have been in place for 16 years, which, in his opinion, is not temporary. He noted an extension of two years might be more appropriate.

Councilmember Bukkila stated she supports the IUP request for the additional four years that the Church is requesting. She added this would likely be the last time an IUP request will be considered without a significant action plan.

Councilmember Barthel stated he will support the motion as there are children and families who would be impacted by denial of this application.

Motion by Bukkila, Seconded by Holthus, to approve Resolution No. R024-19 granting an Interim Use Permit for extending the time of removal of subordinate classroom structures on property located at 13655 Round Lake Boulevard (PIN 32-32-24-42-0009). Motion carried unanimously.

CONSIDER CITY CODE AMENDMENT – SWIMMING POOL ACCESS BARRIER

City Administrator Jim Dickinson reviewed a proposed amendment to the City Code related to swimming pool access barriers. This issue was reviewed by the City Council at its February 2019 workshop, at which requirements of other local communities were discussed.

Mr. Dickinson stated proposed language changes include the definition of “access barrier” to add the phrase “or equally protective barrier” which would provide options for homeowners. He added this also identifies that a pool cover alone is not adequate and an additional barrier would be required. He noted an on-site inspection would be required to determine whether the additional barrier is sufficient. City Staff recommends City Council approval of the City Code language amendment related to swimming pool access barriers.

Councilmember Bukkila asked whether residents’ preliminary plans will be reviewed before they begin architectural design. Mr. Dickinson confirmed this, adding in-ground pools require a building permit and review and unique circumstances would be required for permit approval without a fence.

Mayor Trude requested clarification regarding how the Ordinance would be enforced. She asked if an additional provision could be considered that an access barrier would be required after the second violation.

City Attorney Baumgartner advised that both criminal and civil processes would be engaged. He added, in his opinion, this type of remedy is not necessary if there are only a small number of such cases.

Mr. Baumgartner stated, regarding the enforcement process, City Staff sends a letter to the resident and if they do not comply, he sends a legal letter. He added most residents come into compliance after the citation process, and those who do not are subject to the abatement process. Councilmember Bukkila asked, regarding the citation process, what happens if there is no resident at home to acknowledge the officer. Mr. Baumgartner stated citations are issued in person or by mail, and a formal complaint is issued if there is no response from the individual.

Councilmember Bukkila expressed concern regarding the safety risks involved and compliance. She added perhaps an officer could go to the property and remedy the infraction.

Mr. Baumgartner stated there is case law pertaining to an officer entering private property without homeowner's consent. He added the property could be deemed a public nuisance, which would trigger the abatement process. Mr. Dickinson stated an emergency abatement can be initiated through the City Code in case of imminent threat.

Mayor Trude stated perhaps the discussion should be held over. Councilmember Bukkila agreed, adding that would give the City Council an opportunity for further review. Mr. Dickinson stated City Staff would bring forth a policy for administration of the amendment once it has been approved.

Councilmember Bukkila stated a fence provides a barrier and prevents immediate access. She added there would not be an expectation of intervention unless there was no fence, and access was an immediate danger.

Mr. Baumgartner recommended an addition to the definition to read: "equally protective barrier as determined by the City". The City Council agreed.

Mayor Trude thanked Building Official Fred Patch for his hard work on the Ordinance amendment.

Motion by Bukkila, Seconded by Holthus, to adopt Ordinance No. 488, an Ordinance amending the City Code Title 9, Chapter 4, Relating to Swimming Pools, Spas and Hot Tubs, and Summary publication. Motion carried unanimously.

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.

(2019 Housing Starts) Mr. Dickinson stated the City has 18 new homes approved to be built in Andover in 2019.

(2019 Projects) Mr. Dickinson stated City Staff is working on 2019 Street Reconstruction Project reviews related to plats and other projects, such as the potential Community Center and Public Works facility expansion. Tree removal will commence at the Public Works site in the next few weeks, which will change the appearance of the site in a significant way. It is anticipated that residents will comment on that significant change. City Staff hopes to minimize the number of trees to be removed.

Mr. Dickinson commended Public Works employees for their hard work over the past few weeks on snow removal and storage. He added it is difficult to prevent impact to resident's yards and mailboxes. He encouraged residents to contact City Hall so any issues can be addressed immediately.

(Home Improvement Show) Mr. Janish stated the North Suburban Home Improvement Show will be held this weekend, Saturday March 9, 2019, at the Andover Community Center from 8:00 a.m. – 2:00 p.m.

(Comprehensive Plan Open House) Mr. Janish stated a Comprehensive Plan Open House held last weekend was attended by approximately a dozen residents, and a few comments were received. A Public Hearing is scheduled for the Planning and Zoning Commission's March 26, 2019, meeting.

(Preliminary Plats) Mr. Janish stated the Planning and Zoning Commission will be reviewing two preliminary plats at their March 12, 2019, meeting: 43 lots at Catcher's Creek, and a rural development with 6 residential lots at Estates of Cedar Ridge.

(WDE Landfill) Mr. Dickinson gave a review of the WDE Landfill hazardous waste removal project, which was fully funded as of 10:00 a.m. that morning. He added the project will begin sooner than anticipated. He expressed his thanks to many residents and officials who have supported this effort, especially Mayor Trude. He noted Peggy Scott did an excellent job on behalf of the City of Andover. He also thanked Senators Abeler, Benson, Ingebrigtsen, and Senjem, who provided support and assistance with moving the project along.

Mayor Trude stated there have been many questions from residents regarding the clean-up effort. She stressed that City water, private wells and shallow irrigation wells as well as Coon Creek near the landfill site have been tested and no contaminants have been found. The landfill site will be covered, and a mitigation specialist, Clean Harbors, Inc. will conduct the site clean-up. Public information meetings will be held in May or June 2019, and information will be published in the City newsletter. After mitigation is complete, wells on the site will continue to be monitored, and tested regularly.

Councilmember Holthus asked whether the mitigation project will have an impact on summer activities at Andover Station North. Mayor Trude stated periods of high use will be discussed, but the facility will have negative air flow so they do not expect any fumes.

Mr. Dickinson stated air quality will be constantly monitored at both the interior and exterior of the project perimeter.

Councilmember Holthus asked where and how the contaminated material will be taken. Mr. Dickinson stated Clean Harbors Inc. owns incinerators and materials will be removed from the site by truck, and then potentially by truck or rail to the incineration site. He added Clean Harbors Inc. conducts these types of specialized projects on a worldwide basis.

Councilmember Knight asked whether the landfill will be refilled. Mr. Dickinson stated there is enough dirt on the site for backfill, which will be graded down and blended with the surrounding landscape.

Mayor Trude stated questions can be directed to the MPCA, information regarding which is available on their website.

Councilmember Holthus asked whether the site will remain completely fenced in, and whether it will ever be used for anything other than a landfill site. Mr. Dickinson stated some potential uses are being contemplated, including a solar garden, but no residential development would occur on the property in the foreseeable future.

MAYOR/COUNCIL INPUT

(Home Improvement Show) Mayor Trude stated attendees to the North Suburban Home Improvement Show are asked to bring a non-perishable food item for the food shelf. She added an Architects Booth will be featured this year, at which attendees can sign up for a 20-minute consultation with a licensed architect.

ADJOURNMENT

Motion by Barthel, Seconded by Holthus, to adjourn. Motion carried unanimously. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Mary Mullen, Recording Secretary

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