

***REGULAR ANDOVER CITY COUNCIL MEETING – MARCH 20, 2018
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, March 20, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila, Valerie Holthus and James Goodrich

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
Director of Public Works/City Engineer, David Berkowitz
City Attorney, Scott Baumgartner
City Planner, Stephanie Hanson
Others

PLEDGE OF ALLEGIANCE

FIREFIGHTER BADGE PRESENTATION

Fire Chief Jerry Streich detailed the steps that it takes to become a firefighter. At the meeting, two new firefighters were given their badges, pinned on by their family member. With these two new recruits, the fire department is fully staffed. Chris Dvorak and Todd Lindorff were thanked for their service to the community. They were assigned badge numbers 89 and 90.

Councilmember Bukkila formally welcomed the new firefighters on behalf of the City Council.

RESIDENT FORUM

No one was in the audience that wished to speak to the Council.

AGENDA APPROVAL

Additional supplemental information was added:

- Item #10 – Draft excerpt of the Planning and Zoning Commission meeting minutes from March 13, 2018.
- Item #11 – Letter from the applicant, petition from neighbors, photo and draft excerpt of

the Planning and Zoning Commission meeting minutes, from March 13, 2018.

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

APPROVAL OF MINUTES

February 27, 2018 Workshop Meeting: The City Council Workshop meeting minutes were approved as presented.

Motion by Holthus, Seconded by Bukkila to approve the February 27, 2018, City Council Workshop meeting minutes as presented. Motion carried unanimously.

March 6, 2018 Regular Meeting: The Regular City Council meeting minutes were tabled.

Councilmember Bukkila asked for a staff review of page 4, lines 29 – 37.

Mayor Trude requested details be added regarding her State of the City Address and a correction be made to indicate that she had given the presentation to 3 community groups.

Motion by Bukkila, Seconded by Holthus, to table the Regular City Council meeting minutes of March 6, 2018. Motion carried unanimously.

CONSENT ITEMS

Item 2 Approve Payment of Claims

Item 3 Accept Feasibility Report/Order Public Hearing/17-44/Crosstown Blvd. NW Overlay
(See Resolution R016-18)

Item 4 Approve Purchase/Wheel Balancer

Item 5 Approve Easement/17-17/Crosstown Blvd. NW Trail

Item 6 Approve Application for Exempt Permit/Pheasants Forever

Item 7 Approve Application for Exempt Permit/Fishing for Life

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

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Lenzmeier gave the monthly Sheriff's Report. He noted one 911 text was received and there was a subsequent successful response.

Mayor Trude made note that arrests can be made when citizens report erratic driving and encouraged the public to do so.

SHAW’S GLEN 2ND ADDITION – PRELIMINARY PLAT

Ms. Hanson presented information regarding Shaw’s Glen 2nd Addition. The Andover Review Committee has reviewed the preliminary plat. All staff comments have been satisfactorily addressed by the developer; however, staff is recommending the original home be removed. City Code section 11-3-1 states that during the “review of the preliminary plat, it shall be taken into consideration the requirements of the City and the best use of the land. Particular attention shall be given to the arrangement, location and widths of streets, drainage and lot sizes and arrangements.” Removing the existing home will ensure the arrangement of the new homes to fit the character of the surrounding neighborhoods.

The property is located within the MUSA and is zoned Single-Family Urban Residential (R-4). The parcel is allowed to develop into urban lots at a density of 1.75 – 3.6 single-family homes per acre. The proposed density for the 2nd Addition (5 platted lots) is 1.79 units per acre. The 5 lots will be accessed by 157th Lane NW. At the time Shaw’s Glen was developed in 2006, 5 municipal sewer and water stubs were constructed to the 3-acre parcel. The stubs were put into place to allow future urban development of the parcel.

The Coon Creek Watershed District (CCWD) has reviewed the plat and has no issues with the proposal.

The Park and Recreation Commission is recommending cash in lieu of land and payment of a trail fee. A public hearing was held on February 13, 2018. One resident spoke. The Park and Recreation Commission approved the preliminary plat, with a condition that the original home and buildings be removed, with a 3-2 vote (2 absent).

Councilmember Goodrich inquired about the trees along 157th Lane being preserved.

Mayor Trude asked about the plat and a review of the situation related to the recommendation of the home being torn down. Ms. Hanson reported the addition currently on the home does not meet the proper setbacks. There is an additional pole barn and a two-car garage that will need to be moved or removed. A deck will also need to be removed. Mr. Dickinson clarified if the Council chose “Option B,” there would be a requirement to work with the City on where the future house pad would be. Mr. Dickinson stated according to City Code, there is a minimum setback but not a maximum.

Mayor Trude commented all of the homes in that area previously had large acreage before development. It was also noted the street took away some of the side yard of the property. Some of the property was sold off to do the first part of the development. Mr. Berkowitz confirmed 157th Lane had originally been a gravel road. The property owners were assessed a unit assessment for the 5 lots, plus the Shaw’s Glen lots were assessed to the developer. The reason this house does not match the neighborhood is because the access to 157th Lane did not originally exist, the house originally had a driveway to Nightingale Street.

Shelley Almeida, 1950 157th Lane NW, stated she has lived in her home for 45 years. She said she loved living in Andover and maintaining the property. She also disclosed her husband is currently in the hospital with pneumonia and they had personally suffered some financial setbacks over the years.

Mr. Berkowitz indicated the original assessments were deferred until a certain date and then they came due and the owners were required to start paying on that amount.

Mayor Trude pointed out when the property owners were selling off the land, there was income [to offset the assessment]. Mayor Trude inquired if the property owner may be eligible for further deferral. Mr. Dickinson noted if there was another deferral, there would need to be a new resolution. Mayor Trude speculated the developer/owner may be selling the property solely because of the assessments. The resident replied by saying she did not want to “hand the property over to her kids” to deal with the problem.

Jethro Carpenter, 826 Goldenway, Isanti, MN, came to the podium. He noted the house does not sit square with the property line and the driveway, however, the house is close to square. The porch can be removed without significantly devaluing the current property/home. The garage could be moved to lot 5, however, demo might be more feasible. The pole barn will be removed completely and overall the house is in good working order. The configuration of the house is not an issue. The lots have adequate backyards and lots two and four can have their houses set back further. The trees out front would be left, if possible. Mr. Carpenter is hoping the pines can be left with the exception of where the driveways are located. The house itself needs minimal work. The deck will need to be modified and a garage will be added.

Mayor Trude expressed concern with the current home “fitting in” with the neighborhood. Mr. Carpenter claimed it has been found that there really is not any difference between the value of existing homes in new developments and newly built homes. Even in larger lots, this is the case. It was also noted the values of Catchers Creek, compared to his spreadsheet, show no difference. Mayor Trude questioned the validity of the examples.

There was no one else in the audience to speak to this issue.

Mr. Berkowitz noted an engineering review would be required if Option B as noted in the staff report was voted upon.

Councilmember Bukkila asked about the property value of the home being discussed. Mr. Dickinson stated the current property value, as assessed, is \$292,500, with the current property and buildings, two sheds.

Mr. Carpenter originally proposed the value of the new homes developed would be \$350,000 - \$450,000. Another developer has turned down the project when he proposed a price of \$110,000 for the lots.

Mr. Carpenter confirmed he would like to leave the trees, but grading could affect them.

Mayor Trude wondered about the existing home and the challenge of an older home fitting into an existing neighborhood. She expressed her belief that it's going to be hard to resell that house/lot while designing a new neighborhood.

Mayor Trude expressed her dislike for the situation while Councilmembers Goodrich and Holthus express support about keeping the house.

Councilmember Bukkila stated she is not in favor of the Option B plat design.

Mr. Carpenter indicated the house would likely go into foreclosure and would be addressed in about 2 years from now. He would like to have it all graded at one time.

Mayor Trude reminded the Council they are looking at a preliminary plat.

Motion by Bukkila, Seconded by Trude, to approve Resolution No. R017-18, (with the condition of the removal of the existing home). Motion carried 3 ayes, 2 nays (Goodrich, Holthus).

Mr. Baumgartner addressed the assessment related to consideration for elderly individuals. If the property is held, the Council could re-negotiate the terms. Qualifications include the property has to be homesteaded and annual income is also considered.

Mayor Trude expressed the Councilmembers seem to be open to having the applicant come back, pursuant to City Code for an assessment deferral.

CONDITIONAL USE PERMIT AMENDMENT/REVISED PLANNED UNIT DEVELOPMENT AMENDMENT – ANDOVER CLOCKTOWER COMMONS – CLASSIC CONSTRUCTION

Ms. Hanson presented information requesting to amend the existing approved Conditional Use Permit (CUP) to review the approved Planned Unit Development (PUD) on Lot 3, Block 1, Andover Clocktower Commons.

The original CUP/PUD approval was granted in September of 2003.

There was an amendment made in 2009 related to the direct access to Crosstown Boulevard NW in the form of a ¾ intersection which was approved.

An amendment was made in 2014 to convert the “bank” site to a retail trade and service building.

An amendment to the PUD occurred in 2017, for a lot split and building locations, however the project did not carry forward, and the plat was not recorded. The resolution for the 2017 amendment would be proposed to be rescinded by City Council if the request is approved by the

City Council.

The applicant is proposing to construct a 10,445 square foot building for a daycare center. Due to a new building location, a PUD amendment is required.

A public hearing was held at the Planning and Zoning Commission meeting on March 13, 2018. Public comments included concerns with pedestrian safety and architectural standards. The Planning and Zoning Commission recommended approval of the CUP amendment 5-0 (2 absent).

Mayor Trude thought this was a better plan and safer for the kids, compared to the previous proposal.

Motion by Bukkila, Seconded by Knight to approve amended Resolution No. R018-18, for the Conditional Use Permit to amend the Planned Unit Development of Andover Clocktower Commons. Motion carried unanimously.

Motion by Holthus, Seconded by Knight to rescind the previous Resolution No. R042-17, for the Planned Unit Development of Andover Clocktower Commons. Motion carried unanimously.

The applicants came to the podium to describe their daycare service model. They explained they are at their current facility every day to play with the kids and change them. They hope to have the facility open in August and they have a couple of families already enrolled. The name of the daycare will be “Growing Generations.”

CONSIDER VARIANCE REQUEST – 195 OLD CONSTANCE BOULEVARD NW – JASON SCHRAUT

Ms. Hanson presented information regarding the variance request by Mr. Schraut. He has submitted a request for a variance for his property located at 195 Old Constance Boulevard. The request is to construct an accessory building over 19 feet in height and greater than the total square footage of the foundation of the principal structure. The applicant owns 4.32 acres within the R-1 Single-Family Rural zoning district.

Mr. Schraut submitted a letter and is proposing to construct an accessory building of over 19.8 feet in height and 3,200 square feet. The applicant’s home is 1,680 of livable square feet. City Code would allow a 1,680 square foot accessory structure. Under the current requirements, the applicant would be able to construct an accessory building that is equal to the square footage of his principal structure. Under the current requirements, the applicant would be limited to a height of 16 feet, which is the current height of his house. The accessory building itself would exceed the height of the existing home of the property. If the applicant’s lot was 5 acres, the applicant would not be before the City Council as five-plus acre lots would not require a variance. A larger property would not change the height requirement. City Codes states, “variances may be granted when the applicant for the variance establishes that there are practical

difficulties in complying with the official control.”

The Andover Review Committee reviewed the proposed variance request and had no formal comments pertaining to the matter. There were no public comments at the March 13, 2018, public hearing held at the Planning and Zoning Commission meeting. When asked what use would occur within the building, the applicant indicated it is for personal use only.

The Planning and Zoning Commission recommended denial of the variance, primarily based on height.

Councilmember Bukkila stated she is generally supportive, of homeowners, but in this case, the variance is double the size of the home. She found no compelling reason to grant the variance. There is also nothing preventing the applicant from abiding with the law. She did not want to set a precedence where everyone would request and be granted a variance.

Councilmember Holthus noted the lot size is close to not needing a variance, which is why the Council needs to discuss each one.

Mayor Trude commented all of the neighbors have pole barns. The applicant also got a letter from every neighbor and they did not have any concerns.

Councilmember Goodrich expressed his concern that this is a “massive variance request,” for a property just under the 5-acre mark, so the Council could use their discretion.

Motion by Knight, Seconded by Goodrich, to approve Resolution No. R019-18, for the variance request, with removal of the existing accessory structure as a condition (#4). Motion carried 4 ayes, 1 nay (Bukkila)

CITY CODE AMENDMENT – RELIGIOUS INSTITUTIONS – TITLE 12 ZONING REGULATIONS

Mayor Trude noted the City Code amendment is simply to bring the wording more up-to-date.

Motion by Bukkila, Seconded by Knight, to approve Ordinance 480, for City Code changes. Motion carried unanimously.

CONSIDER RECOMMENDATION FOR APPOINTMENT/COON CREEK WATERSHED DISTRICT VACANCY

There were no applicants to be recommended for the Coon Creek Watershed District.

SCHEDULE APRIL EDA MEETING

Mr. Dickinson requested the Council schedule an EDA meeting to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Knight, Seconded by Holthus, to schedule an EDA Meeting on April 17, 2018, at 6:00 p.m. Motion carried unanimously.

SCHEDULE APRIL COUNCIL WORKSHOP

Mr. Dickinson requested the Council schedule an April City Council Workshop meeting to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Holthus, Seconded by Goodrich, to schedule an April City Council Workshop meeting on April 24, 2018, at 6:00 p.m. 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.

(City Administrator) Mr. Dickinson is working on preparations for the Mayors' Prayer Breakfast. This year is the 24th annual event. Last week there was activity at the State Capital through the North Metro Mayors Group. He personally met with legislators individually regarding the WDE site and water issues. Mr. Dickinson offered his support to the legislators, specifically research support related to current efforts.

There are 8 new homes to see in Andover as part of the Parade of Homes, which is still ongoing.

(Public Works/City Engineer) Mr. Berkowitz indicated Byron Westlund is going to let his term expire on the Coon Creek Watershed District Board and then retire. It has been nice to have a developer become part of the Board and then develop such care for water issues. The Council wished to thank him for his service by sending a letter

The Crosstown Boulevard Trail is moving forward with the design work needing to be done for the Boardwalk. The related easements are in "good shape." 2018 street reconstruction is out for bids. The Crosstown Boulevard overlay is under design. There will be a public hearing in the middle of April. There will be an informational meeting regarding plans for Hanson Boulevard from 4:30-6:30 p.m. at the Bunker Hills Activity Center on March 21st.

There are a number of plats moving through the process. The Planning and Zoning Commission will be busy and so will the Council.

MAYOR/COUNCIL INPUT

(Mayor Trude) Mayor Trude stated Maddie Rooney's family have been in contact with her. The City is planning a short outdoor parade. Maddie is enthusiastic about sharing her medal with the kids. The parade will be held on Saturday March 24th at 2:30 p.m. from the outdoor rink to the indoor rink. The community is encouraged to come out and greet her. The Mayor confirmed she is a great role model. She may also be the Grand Marshall this summer for Fun Fest. Maddie has to go back to training again soon. At the Saturday event, the U12 girls will lead the parade with flags. Kids in youth hockey will walk behind with their coaches. People in the community want to celebrate and say job well done. The Hockey Association is helping.

Mr. Berkowitz stated parking would be at Andover Elementary or Sunshine Park lots. The west entrance of Sunshine Park is open.

Mayor Trude reminded the Council of the Mayors' Prayer Breakfast on Friday March 23rd at 7:30 a.m.

The Mayor's Water Challenge starts in April. This year a non-profit organization can be designated for the car they are giving away.

The new QCTV upgraded cameras were noted.

ADJOURNMENT

Motion by Holthus, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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