

Motion by Councilmember Nelson, Seconded by Councilmember Butler, to approve the February 28, 2023, Workshop and the March 7, 2023, Regular meeting minutes as presented. Motion carried 4 ayes, 1 present (Bukkila).

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Award Bid/22-43/Lift Station #1 Piping Improvement & Valve Vault Addition (See Resolution R024-23)
- Item 4 Water Enterprise Fund Budget Adjustment/Well #6 Rehab
- Item 5 Award Bid and Approve 2023 Code Enforcement Abatement/Mowing Contract
- Item 6 Accept Resignation of Park & Recreation Commissioner & Appoint Alternate
- Item 7 Approve Used Vehicle Sales Licenses
- Item 8 Approve Resolution Authorizing Andover City Staff to Execute All Necessary Documents to Ensure Andover City Participation in the Multistate Settlements Relating to Opioid Supply Chain Participants, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement (See Resolution R025-23)
- Item 9 Approve Application for Exempt Permit
- Item 10 Receive February 2023 City Investment Reports
- Item 11 Approve Amendment to City Code Title 12-7-3 Fence Height (See Ordinance 550)

Motion by Councilmember Nelson, Seconded by Councilmember Barthel, to approve of the Consent Agenda as read. Motion carried unanimously.

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Lenzmeier provided the monthly report for February 2023, stating the Department has seen a decrease in calls for service, but an increase in the intensity of calls for service including domestics, DWIs, and mental health calls. He reported 7 felony arrests, 7 gross misdemeanor arrests, 6 misdemeanor arrests, and 5 DWIs. This is a significant increase from last year to this year in those categories. The Sheriff's Department recently responded to a call involving home intruders and exchanged gunfire, which turned out to be a mental health situation, as well as two different house fires. He shared some significant events that have occurred, one involving two individuals with gunshot wounds that were determined to be a murder and a suicide. He expressed that Anoka County has excellent domestic violence resources and encouraged residents to reach out if needed. The SWAT team has been busier in the first two months of 2023 than they were in all of 2022. Commander Lenzmeier stated the Sheriff's Department is working on increasing their SWAT team by combining with the Anoka City SWAT team and an Anoka County multi-jurisdictional team with other agencies throughout the County.

Councilmember Nelson asked if there has been an increase in catalytic converter theft in Andover and Anoka County. Commander Lenzmeier explained cold weather decreases some of that. They are seeing the most theft in areas that are quick to get in and out of. Andover does not

see high levels of theft as compared to other communities.

Mayor Bukkila shared her shock at some of the recent occurrences, stating how difficult winter has been for people. She reminded residents to check in with their neighbors and take care of each other. Commander Lenzmeier shared his hopes that nicer temperatures will decrease the tension that has been happening.

HOLD RESCHEDULED PUBLIC HEARING/ORDER PLANS & SPECS/23-11A THROUGH 23-11L/23-15/PRAIRIE RD. NW & 23-16/ANDOVER BLVD. NW/2023 MILL & OVERLAY

The City Council is requested to hold a public hearing and order plans and specifications for Projects 23-11A through 23-11L, 23-15 Prairie Road NW and 23-16 Andover Boulevard NW for the 2023 Mill and Overlay project. Director of Public Works/City Engineer Berkowitz noted that due to a lack of quorum at the March 7, 2023 City Council meeting, the public hearing for these projects was rescheduled to tonight's meeting. He shared the City is planning to complete 17 miles of roadway work, with 14 different locations in the City needing mill and overlay. The City will also be replacing damaged curbs and gate valves. The estimated total cost is just under \$2.9 million, 25% of which will be assessed, 75% covered by the City. He shared more detailed cost estimates and project descriptions for specific areas within the City. Mr. Berkowitz explained that mill and overlay projects involve a contractor grinding down the first layer of blacktop and overlaying a new surface over the top. Roads should receive mill and overlay work every 15-22 years, and many roads being prioritized for work this year are 19-22 years old. The City hopes to preserve its existing roads so they will not need to be fully replaced. The plan is for construction to begin in mid-June and end in late-August or early-September, 2023. He explained the process for paying assessments after the project is complete, then opened the discussion to questions.

Councilmember Nelson asked about the 75% the City covers, inquiring if it comes from the Road and Bridge fund and the Trunk Fund, also. Mr. Berkowitz explained the majority comes from the Road and Bridge fund, and the rest comes from State Aid. The money all circulates through the City's Road and Bridge fund.

Councilmember Nelson asked if the 17 miles of planned roadwork includes the mill and overlay and the total reconstruction this summer. Mr. Berkowitz shared it does. He added that the 2023 street reconstruction includes full curb replacement reconstruction, \$2.5 million in full depth reclamation, and the mill and overlay. The mill and overlay is meant for preservation, to extend the life of what the City has. The other projects involve full reconstruction.

Motion by Councilmember Nelson, Seconded by Councilmember Barthel, to open the public hearing at 7:40 p.m. Motion carried unanimously.

Administrator Dickinson stated that for anyone who attended the March 7th City Council meeting, the Council received the minutes for that meeting and have them in full detail.

Scott Foyt, 14424 Prairie Road, shared the City personnel have been helpful with giving him a lot of information. He asked if one contractor will do all of the proposed road work projects. He also asked about the assessments against the State Aid projects, saying it seems cut and dry how the City arrived at the assessments for the non-MSA projects. He asked why the City came up with \$9 a foot and inquired why his property is being assessed for the highest amount in the City, other than the high school. He questioned why the State Aid funds haven't been set aside to cover the entire cost of the whole project, eliminating the need to assess the homeowners who live on this roadway. He stated it should be a State Aid project because the travel on the road and benefits of the road to the City should dictate that the State pays for it. He asked why the City decided to reassess the residents who live on Prairie Road, who have to put up with thousands of cars by those who use it every day. He asked why the benefitting property connotation was taken off of Prairie Road. He stated his assessment is four times larger than the average assessment. He stated the comments in the packets he received from the City don't match the comments made at the March 7th City Council meeting.

Steve Pape, 14396 Prairie Road NW, started by thanking Mr. Berkowitz for a good presentation. He asked if Prairie Road is being milled deeper because of the heavy construction traffic. He also asked if the assessment is correct, pointing out that Prairie Road is a County road since so many use it. He thanked Mr. Berkowitz for a prior conversation he had with him about correcting a water issue at his home, stating he appreciates him accommodating a discussion and assessing for a correction. He stated he thinks the City is doing a great job.

John Lorsung, 16470 Uplander Street NW, also thanked Mr. Berkowitz for his presentation stating that although he is a hairdresser and usually doesn't understand numbers, he understood the presentation. He asked how deep they are planning to go on the road, 3 inches or 4 inches. He also asked if you pay the assessment off in the beginning, is there a discount. Mayor Bukkila explained you wouldn't pay interest if the assessment is paid off.

Motion by Councilmember Butler, Seconded by Councilmember Nelson, to close the public hearing at 7:52 p.m. Motion carried unanimously.

Mr. Berkowitz answered the questions from the public hearing. He stated there is one contractor. It was bid as one large project so there is a prime contractor and subcontractors. It will be a black-top contractor as the prime contractor. The curb-replacements will be completed by subcontractors. He explained why the City assesses State Aid projects and stated it's about equity. The Council and City staff had a discussion asking themselves if people who live on State-Aid routes should pay something, and the Council decided yes. He clarified that money is collected for State-Aid routes that the City spreads out over multiple projects. He explained the way to differentiate a standard public street and a State Aid street. State Aid streets are built stronger for volume of traffic. Anything above the standard section of the City - 33 feet wide, 3 inches of blacktop over 4 inches of gravel. State Aid routes are milled deeper because the sections are bigger. To mill, you take off 2 inches of the wear course. The standard on other streets is to take off 1 to 1 ½ inches. On Prairie Road, the width is similar to a standard City street. The City is covering the cost for the extra strength of the road. In regard to front footage,

he stated that he could meet with Mr. Foyt to go over the numbers but explained that 93% of the project is covered by City funds, while 7% is being assessed. This has been common practice. The City has done it on multiple roads, and they've always tried to determine the most equitable way to assess residents. They believed 25% wasn't fair for Mr. Foyt's development, so they decided to use front footage instead of unit price. He acknowledge Mr. Foyt does have a large front footage on Prairie Road of 506 feet, which is why his assessment cost equates to more. He mentioned there are other properties in the City that were assessed for a higher price. In response to Mr. Lorsung's question, they will mill an inch to 1¼ inches, and pave back with 1¼ to 1½ inches. He shared he doesn't know if they will mill then replace curbs or replace curbs then mill.

Councilmember Butler added the City uses front footage on a road like Prairie Road where it is not assessing based on the full length of the project. In this case, front footage gives you a proportion of the project to assess the value of. He shared a hypothetical example that if 40% of the project has no fronting properties, that whole part of the project goes to the City, and then 60% would go to residents. Using front footage gives the City a way to determine how much of the project to calculate into assessment, and how much to assess to each property. Mr. Berkowitz confirmed Mr. Butler's statement and stated side yards and undeveloped properties along roads are not assessed. He shared Andover Boulevard as an example, stating that the high school has to pay the most along that road.

Mayor Bukkila stated a comment making a "savings account" using State Aid funds, as Mr. Foyt suggested. She explained State Aid is never intended to pay for the whole of the system, but is a supplement to the City to assist with the transportation of goods and services that are for the good of the State. There wouldn't be enough money to pay for an entire road project using State Aid funds.

Mr. Dickinson shared the City can borrow ahead on its State Aid allocation. The funds are based on road miles in the community, and are not a perfect system or payment. The funds are also based on how much gas tax was collected in the previous year. The State constitution determines how dollars will be allocated based on road miles. Dollars are received for maintenance and construction, which help maintain streets and are set aside to help assist with construction. The State Aid funds are put into the Road Bridge fund, and are not enough to pay for a whole road. He stated that State allocation dipped during Covid, when people weren't driving as often, which affected revenues received. He clarified that State Aid roads are there to connect to other cities that move traffic throughout the city. State Aid isn't a perfect system, but it's the best we have in Minnesota right now.

Mr. Berkowitz elaborated on the dip seen in State Aid funds during Covid. He explained that construction costs did not go down, they went up. State Aid funds don't seem to keep up with what the need is.

Mayor Bukkila spoke directly to Mr. Foyt, who was sitting in the audience, and stated that whenever you look for a government unit to pay for goods and services in the community, the City is part of the State too. If you want to go bigger, you will start paying for other cities' roads

too, and you would get a smaller portion of the funds. State Aid funds are meant to be supplemental, and are not a major tax collection to support the entire transportation system.

Mr. Dickinson shared this has been a topic of conversation at the current legislative session. They are looking to get more dollars for transportation, and considering using taxes paid on auto parts toward road construction. The State recognizes they aren't paying for everything so they are looking for ways to increase funding.

Councilmember Barthel responded to Mr. Foyt's comment that the minutes from the March 7th meeting were not reflective of what people said during the public hearing. He confirmed the minutes stating that Mr. Ries argued for full reconstruction of the road, and that Mr. Meister said it should be a thoroughfare instead of a two lane road.

Mr. Foyt was making comments from the audience so Mayor Bukkila invited him to return to the podium.

Scott Foyt, 14424 Prairie Road, stated Mr. Berkowitz still hadn't answered his question of how the City arrived at using front footage instead of units. He shared it would cut his assessment price in half if they used units.

Mayor Bukkila responded saying there was an explanation for using front footage instead of units, but Mr. Foyt didn't like the explanation, which she can't fix. She pointed out his use of the term "benefitting properties" and explained the whole reason for an assessment is to assess all benefitting properties. All properties are receiving a benefit therefore the City has the assessment process.

Mr. Dickinson shared the reasons for going to linear footage, stating there are various front footages on the road and opportunities for different properties along Prairie Road. He explained each lot is different, but they don't have the same front footage. This is a way to proportionally allocate those properties that front Prairie Road, while properties that do not front the road or have the ability to be developed are paid for by the City, thus the ratio difference seen in the other projects where 25% is paid for by residents, 75% paid by the city. In this situation on Prairie Road, 7% is paid for by residents and 93% by the City, which includes some State Aid funds in addition to levy funds and bonding dollars.

Mayor Bukkila clarified that if Mr. Foyt wants the residents on Prairie Road to be responsible for 25% of the project, that percentage split between 10 properties would increase his assessment estimate. She stated Mr. Foyt is getting the best deal in terms of the City's policy as it stands today.

Mr. Dickinson added the City looks to the Council to order plans and specifications and these are based on estimates, which tend to be high. When the actual costs come in, they hope to deliver assessments that are cheaper than what is being estimated. He shared that this happens 99% of the time. The City tries to keep actual costs within the estimated costs.

Mayor Bukkila confirmed what Mr. Dickinson said, that these are not final assessment rates. She has routinely seen the actual costs go down from the estimated cost. The bids will give another clue to how much actual costs will be but also after the final project is complete, residents are assessed based on the actual construction costs and the amount of material used. The City gives worst case scenario cost in the initial assessments, hoping the actual costs will be less expensive.

Motion by Councilmember Butler, Seconded by Councilmember Nelson, to approve Resolution No. R026-23 Ordering the Improvement Project Nos. 23-11A through 23-11L, 23-15 Prairie Road NW and 23-16 Andover Boulevard NW/2023 Mill and Overlay and Directing Preparation of Final Plans and Specifications. Motion carried unanimously.

***PUBLIC HEARING/PRIVATE KENNEL LICENSE REQUEST/15570 POTAWATOMI ST.
NW***

The City Council is requested to hold a public hearing to consider the private kennel license requested by Laura Pardo, 15570 Potawatomi Street NW. City Administrator Dickinson explained that Ms. Pardo has four dogs, and the City Code requires she obtain a private kennel license in order to have an excess of three dogs. Ms. Pardo has indicated the dogs are for private enjoyment and not monetary gain. The property meets City Code requirements for a private kennel, the resident has paid the appropriate fees, and has licensed three of her dogs at this point. The resident also noted that the property is surrounded by an invisible fence. Staff received one call prior to the public hearing which was in favor of a private kennel license for that address.

Motion by Councilmember Nelson, Seconded by Councilmember Butler, to open the public hearing at 8:14 p.m. Motion carried unanimously.

There were no public comments.

Motion by Councilmember Nelson, Seconded by Councilmember Butler, to close the public hearing at 8:14 p.m. Motion carried unanimously.

Councilmember Barthel asked how long the kennel license is good for. Mr. Dickinson shared that it is renewed annually.

Councilmember Barthel stated he knows the resident needs a license due to having one extra dog and is not looking for monetary gain, but nothing would prevent the resident from someday seeking monetary gain now that they have this license. Mr. Dickinson shared the City limits the number of dogs within the kennel license. If there was a batch of puppies, there wouldn't be an issue. The resident would have 6 months to move the puppies, but the resident will know what the limit is based on the number of dogs identified for the private kennel license.

Mayor Bukkila asked if license renewal would be impacted if issues or complaints were received. Mr. Dickinson shared if there was an issue, they would communicate with the property

owner and give them an opportunity to correct the issue. He has had one complaint in 22 years of dealing with these licenses. Usually those who come forward for a private kennel license are dog lovers and there are no issues.

Councilmember Butler added usually if a resident is applying for a license, they are trying to comply with the City's rules.

Motion by Councilmember Butler, Seconded by Councilmember Barthel, to approve issuing a private kennel license for Laura Pardo, 15570 Potawatomi Street NW, to have four dogs for private enjoyment for a period of March 22, 2023 through December 31, 2023. Motion carried unanimously.

CONSIDER VARIANCE REQUEST – 17337 ROANOKE ST. NW; PID# 06-32-24-33-0016 – SAMANTHA HAUPERT & COLIN ANDERSON (APPLICANTS)

This item was removed from the agenda.

CONSIDER A CONDITIONAL USE PERMIT AMENDMENT (CUP) – 13655 ROUND LAKE BOULEVARD; PID# 34-32-24-42-0009 AND 33-32-24-42-0007 – BUSCH ARCHITECTS (APPLICANT)

The City Council is requested to consider the request of Busch Architects, who submitted an application on behalf of Grace Lutheran Church, for three building additions that would result in a net addition of 2,748 square feet. Community Development Director Joe Janish displayed a map of the subject site and reviewed the staff report with the Council. He pointed out an additional childcare drop-off and pick-up site, and a landscape plan to prevent headlight glare. This addition would allow for the removal of temporary classrooms that are there. A public hearing was held at the Planning and Zoning Commission meeting on February 28, 2023, where one resident expressed a parking concern. The temporary classrooms need to stay while construction is occurring. The Planning and Zoning Commission provided a positive recommendation to the Council for approval of the conditional use permit on a 6-0 vote, 1 absent. Council is asked to consider the Planning and Zoning Commission's recommendation of approval.

Councilmember Barthel asked when the permits for the temporary structures are due. Mr. Janish stated it expires on December 31, 2023.

Mayor Bukkila agreed that was confusing, this provides for removal. The expectation is for those to be removed, but in response to removal they are moving ahead with the project. She stated it is not a give and take, there is an endnote to the temporary buildings.

Councilmember Butler asked if ARC is still reviewing the Commercial Site Plan for the screening. Mr. Janish said yes, they are still in the process of providing comments to the applicant and receiving those back.

Councilmember Nelson asked if the parking issue is temporary, and if there will be parking on the grounds once the project is complete. Mr. Janish said as part of the CSP, they have gone through a review of the layout of the building and compared it to parking and it has come back acceptable. The City is not asking for additional parking to be provided based on the typical use of the religious institution.

Administrator Dickinson stated residents were concerned about parking on the street, on 136th Lane NW, but they have yet to see a request for a no parking sign. The concerned resident was probably inferring they want to see permanent no parking signs along the street. Parking within the development needs to be met and they will do that through the Conditional Use Permit (CUP).

Councilmember Nelson added that's the same with the farmers market. When people park on the street during the market, it's temporary. Mr. Janish said yes the farmers market is temporary and the church parking will be too.

Mayor Bukkila shared concerns about the new parking lot entrance along 136th Lane NW for the homeowners across the street. She stated if there are evening activities involving drop-offs, residents may have an onslaught of headlights shining into their homes. She asked how it was approached, if the resident was made aware of the potential impact other than the notification of a public hearing. Mr. Janish said the City has just followed the notices for the public hearing process.

Councilmember Barthel asked how many parking stalls there are in the lot along 136th Lane NW. Mr. Janish stated there are 8 parking spots and the turnaround component.

Councilmember Butler asked if the purpose of that lot is primarily for childcare. Mr. Janish said that is his understanding. Councilmember Butler stated if that is the case and it will primarily be used in the morning and afternoon, headlights should not be a problem, but it's hard to know for sure.

Mayor Bukkila stated that CUPs run with the land. Regardless of how the church uses the property, the City doesn't have a mechanism of control on that. Once the permit is authorized, the church can do what they want with it. The only limitation the City could enforce in regard to impacts to the neighborhood is a noise ordinance. If the childcare area and parking lot end up being used for something else, the neighbors could be impacted differently.

Councilmember Barthel agreed that he is concerned for how the church will use the building in the future and how it would impact the neighborhood. It will be used for daycare now but they could decide to use it for something else later that would impact especially the two houses along 136th Lane NW that face the church.

Mayor Bukkila shared she knows places often try to get additional revenue. She doesn't want to

discourage the CUP on a whole and has no issue with the building additions themselves, but is concerned about the design of the driveway.

Councilmember Butler shared he was looking at a map showing the aerial view, and the church driveway would come out directly across the driveway from the home across and the garage, which would mitigate some of the headlight concerns.

Mayor Bukkila shared the issue is that they aren't looking at blueprints or actual site plans yet. Mr. Janish said they are in the process of reviewing the Commercial Site Plans. He would need to look at it to see how the house is oriented on the side. He stated it seems to line up with the house across the street.

Mayor Bukkila shared in general people will turn right out of the parking lot toward Round Lake Boulevard which will impact the corner house. She wants to be respectful to those two residents in terms of the site plan and how it is configured. She doesn't know which came first - the house or commercial district. She stated when you suddenly change the traffic flow it's a game changer, and she is not sure how to address it fairly. She doesn't want to move forward with the project without some protective language or consideration. She shared she could consider the absence of the two residents a non-concern but maybe they just didn't know about the public hearing.

Councilmember Engelhardt asked if the Conditional Use Permit is tied specifically to a childcare/daycare center, or a secondary entrance/exit. Mr. Janish shared the Conditional Use Permit itself is for the expansion of the facility. Councilmember Engelhardt is concerned it could become a secondary entrance/exit, bringing increased traffic.

Councilmember Engelhardt asked if there would be any signal or signage changes between Round Lake Boulevard and 136th Lane NW. Mr. Janish stated there would not.

Mr. Janish mentioned the applicants are present if Council would like to hear from them about the turning movements out of the new proposed parking lot.

Mayor Bukkila stated that speaking with the applicant might not lead to an answer. It's not about making a commitment to not using something a certain way, since they could change their minds.

Mr. Janish said you could place a condition on the parking lot based on potential impacts to surrounding properties, and any other access locations that could lead to lights shining on one of the homes in the neighborhood. There are options that the applicant might be willing to consider in order to mitigate the impact to nearby properties.

Mayor Bukkila stated the City generally does not have commercial properties emptying onto residential streets. Mr. Janish shared there are actually quite a few locations throughout the City where that is the case.

Mr. Dickinson asked if there is an elevation difference between the church property and the residential properties. Councilmember Barthel shared according to Google Maps, the driveway looks flat, and it looks like there are bedroom windows in the front of the house.

Councilmember Nelson asked if there is any vegetation, they could add to mitigate lights. Mr. Janish shared as part of the CUP process; he would suggest asking the applicant. If Council is identifying it as a potential issue, it is up to the applicant to come up with a solution to solve it.

Councilmember Barthel shared they may be raising an issue that isn't a problem to those two homeowners. A conversation with them about their opinions would help the Council know what to do before moving forward.

Mayor Bukkila shared that if the residents are left in the dark and it does end up becoming an issue, there could be turnover, and the homes could even become a restaurant or other business.

Councilmember Butler shared he doesn't believe it would be a problem to contact those two residents across from the church. Looking at the layouts of the homes, it seems to him that it will not be a problem. He doesn't share the same level of concerns about this issue, but he agrees with talking with the residents and making sure they are comfortable with what is being proposed.

Mayor Bukkila shared what if she proposed a condition that architectural design would include slope and angles to reduce residential impact. Mr. Dickinson stated that would be enough. They have looked at potential options requiring the exit is a right turn out, adding channelization so traffic moves the way they want it to.

Mr. Berkowitz added channelization could reduce cut-through traffic to the neighborhood as well.

City Attorney Baumgartner clarified the CUP is for the building additions themselves, not necessarily the additional driveway. He pointed out the Council could approve the CUP relative to the building expansion, and direct that further site plan review relative to the driveway itself must meet approval of City staff and Council.

Mr. Janish shared he thinks that is fair and added it could always be reviewed later and the applicants could come up with a solution.

Mr. Baumgartner wanted to clarify again that the building expansion and parking lot designs are separate, so Council can approve the building expansion CUP. He wanted to ensure there was no misconception that the CUP covers the entire site plan.

Mayor Bukkila said if not for the expansion of the 3 buildings, the driveway isn't needed. It's an added amenity as part of the expansion, allowing access to the new building addition.

Mayor Bukkila asked if the site plan review stays with staff. Councilmember Butler stated staff could be directed to make it part of the site plan, working through channelization options, minimizing impact to neighbors to the south.

Mr. Dickinson shared they did the same thing for Taco Bell, not comparing the church to Taco Bell, but explaining they followed same directive taking care of pedestrian related items.

Mayor Bukkila asked if the Council wants this proposal to come back to Council for approval and asked the opinion of the Councilmembers. Councilmembers Engelhardt and Barthel said yes, Butler said no, and Nelson said he doesn't think it has to but let's see what the general consensus is.

Councilmember Nelson asked if they could consider the issues in the CSP. Mayor Bukkila said yes, so Councilmember Nelson said he would prefer it not come back to the Council.

Mayor Bukkila said she doesn't think it needs to come back to Council, but she wants the impacts mitigated as much as possible. She suggested amending the Conditional Use Permit conditions to include a traffic component and architectural designs to minimize impacts to the residential neighborhood.

Kevin Busch, architect representing the applicant and resident, explained the church wanted to separate the daycare from the rest of the church for security purposes, which is the reason for the second entrance and second parking lot, ensuring a secure entrance for the daycare. He shared daycare hours are from 6:00 a.m. - 6:00 p.m., and the daycare is not open the rest of the day or on the weekends. He thinks it is a good idea to consider shielding the neighborhoods and he appreciated the Council pointing this issue out. He shared an idea to add a "no parking" sign in the lot stating there is no parking after 6:00 p.m. The reason for the additional parking lot is because currently there are people who drop their kids off on 136th Lane NW, parking on the street and then going into the building. The parking lot will allow more direct access, be more secure for children who attend daycare, and be better for residents to get cars off the street.

Mayor Bukkila thanked him for his comments, stating it gives her peace of mind even though the daycare runs until 6:00 p.m., and it is dark in Minnesota at that time for 6 months out of the year. She doesn't want a family sitting at their table for dinner with lights shining on them during pick-up hours. She stated the importance of being good neighbors.

Joanna Mitchell, Senior Pastor of Grace Lutheran Church, 13655 Round Lake Boulevard, stated she concurs with Mr. Busch, people won't have access to come in and out of that door, it will only be used by daycare families. The church wants to provide affordable daycare and safety for the children who attend. She shared her appreciation for the thoughts and concerns for the residential neighbors and stated the church also wants to be good neighbors and love their neighbors as themselves. They will seek to do that and will work to ensure that neighbors have good information and a voice on the topic.

Mr. Janish shared some language he put together for Council to consider as condition 7 of the Conditional Use Permit: “During the CSP review process, staff and applicant shall evaluate vehicle lighting to minimize flashes onto homes from west parking lot.”

Mayor Bukkila shared that the language doesn’t meet her expectations because it’s one thing to evaluate and another thing to do something about it. Mr. Baumgartner suggested to add the language “to evaluate and mitigate to the extent possible”. Mayor Bukkila said she could accept that.

Councilmember Barthel agreed and added a suggestion to also state in the condition that the parking lot is not to be used after 6:00 p.m.

Mr. Dickinson suggested saying that parking should be tied to daycare operation hours, since there may be an event at the daycare that goes past 6:00 p.m.

Mayor Bukkila asked if making a change to the CUP would require an amendment, if someone wanted to change the hours of operation or functions. Mr. Baumgartner said you would have to request an amendment to the CUP.

Mayor Bukkila asked if the Council is interested in doing that by a majority. There was unanimous consent.

Mayor Bukkila stated they are adding in Condition 7 which includes evaluating and mitigating traffic concerns and an additional requirement to limit hours of operation to daycare hours, anticipated to be between 6:00 a.m. and 6:00 p.m. She asked how the applicant feels, and they shared it is fair.

Motion by Councilmember Butler, Seconded by Councilmember Nelson, to approve Resolution No. R028-23 approving the Conditional Use Permit Amendment request for expansion of a Religious Institution on the property at 13655 Round Lake Boulevard as amended. Motion carried unanimously.

CONSIDER LOT SPLIT – 14034 CROSSTOWN BLVD. NW

The City Council is requested to consider the request of Thomas May to split the existing 1.31-acre property at 14034 Crosstown Boulevard NW to create a new residential lot approximately 0.47 acres in size and maintain the existing dwelling on a lot approximately 0.84 acres in size. Mr. Janish displayed a map of the subject site and reviewed the staff report with the Council. He explained the property meets all City Code requirements for a lot split. A Public Hearing was held at the Planning and Zoning Commission’s March 14, 2023 meeting, where one resident expressed some concerns, but the Planning Commission provided a recommendation to City Council at a 6-0 vote, 1 absent.

Motion by Councilmember Barthel, Seconded by Councilmember Nelson, to approve Resolution No. R029-23 approving the lot split request to subdivide into two parcels in the R-4 Single-Family Urban Zoning District for the property located at 14034 Crosstown Boulevard NW, PID #33-32-24-11-0006. Motion carried unanimously.

CONSIDER DEDICATION OF TRAIL EASEMENT – 14034 CROSSTOWN BLVD. NW

The City Council is requested to consider the dedication of a trail easement. Mr. Janish displayed a map of the subject site and reviewed the staff report with the Council. He explained that as part of the lot split just approved, Mr. May was requested to provide a trail easement to the City.

Mayor Bukkila stated this ensures the ability to have access across the front of the property.

Motion by Councilmember Butler, Seconded by Councilmember Nelson to approve the Trail Easement Agreement. 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.

(Administrative Staff Report) Mr. Dickinson shared that past activities have involved dealing with legislation at the State capital, covering a variety of topics including the Red Oaks Neighborhood, legalization of cannabis, and road funding.

(Public Works/Engineering Department Report) Mr. Berkowitz shared updates about pothole patching, stating that in order to report pothole issues, residents can go to the City’s website under “report a problem” and attaching a picture is helpful. The City wants to prioritize the deep ones and is converting the snowplows back to being pothole fillers. He shared road restrictions are in place, which can impact deliveries. Bid openings will be coming in this week for some construction within the City.

(Community Development Department Report) Mr. Janish shared about the North Suburban Home show that happened on March 11th, where there were 100 booths of local businesses and organizations. At the upcoming Planning and Zoning Commission meeting they will be discussing a CUP to add cell antennas to water towers, and they will continue with CSPs including the one that was discussed tonight.

MAYOR/COUNCIL INPUT

Councilmember Nelson mentioned Andover residents have an opportunity to contact the US Environmental Protection Agency about a 5 year review. If residents have any concerns or questions, they can call 1-800-621-8431 until the end of April.

ADJOURNMENT

Motion by Councilmember Butler, Seconded by Councilmember Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 9:04 p.m.

Respectfully submitted,
Kristina Haas, Recording Secretary

REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – MARCH 21, 2023
TABLE OF CONTENTS

[PLEDGE OF ALLEGIANCE](#)..... 1

RESIDENT FORUM..... 1

AGENDA APPROVAL..... 1

APPROVAL OF MINUTES..... 1

CONSENT ITEMS..... 2

Item 2 Approve Payment of Claims..... 2

Item 3 Award Bid/22-43/Lift Station #1 Piping Improvement & Valve Vault Addition
(R024-23)..... 2

Item 4 Water Enterprise Fund Budget Adjustment/Well #6 Rehab..... 2

Item 5 Award Bid and Approve 2023 Code Enforcement Abatement/Mowing Contract.... 2

Item 6 Accept Resignation of Park & Recreation Commissioner & Appoint Alternate..... 2

Item 7 Approve Used Vehicle Sales Licenses..... 2

Item 8 Approve Resolution Authorizing Andover City Staff to Execute All Necessary
Documents to Ensure Andover City Participation in the Multistate Settlements Relating to
Opioid Supply Chain Participants, and in the Minnesota Opioids State-Subdivision
Memorandum of Agreement (R025-23)..... 2

Item 9 Approve Application for Exempt Permit..... 2

Item 10 Receive February 2023 City Investment Reports..... 2

Item 11 Approve Amendment to City Code Title 12-7-3 Fence Height (Ord. 550)..... 2

ANOKA COUNTY SHERIFF’S OFFICE MONTHLY REPORT..... 2

HOLD RESCHEDULED PUBLIC HEARING/ORDER PLANS & SPECS/23-11A
THROUGH 23-11L/23-15/PRAIRIE RD. NW & 23-16/ANDOVER BLVD. NW/2023
MILL & OVERLAY (R026-23)..... 3

PUBLIC HEARING/PRIVATE KENNEL LICENSE REQUEST/15570 POTAWATOMI ST.
NW..... 7

CONSIDER VARIANCE REQUEST – 17337 ROANOKE ST. NW; PID# 06-32-24-33-0016
– SAMANTHA HAUPERT & COLIN ANDERSON (APPLICANTS) Applicants
requested this item be removed..... 8

CONSIDER A CONDITIONAL USE PERMIT AMENDMENT (CUP) – 13655 ROUND
LAKE BOULEVARD; PID #34-32-24-42-0009 AND 33-32-24-42-0007 – BUSCH
ARCHITECTS (APPLICANT) (R028-23)..... 8

CONSIDER LOT SPLIT – 14034 CROSSTOWN BLVD. NW (R029-23)..... 13

CONSIDER DEDICATION OF TRAIL EASEMENT – 14034 CROSSTOWN BLVD. NW 13

ADMINISTRATOR’S REPORT..... 14

MAYOR/COUNCIL INPUT..... 14

ADJOURNMENT..... 14