

***REGULAR ANDOVER CITY COUNCIL MEETING – APRIL 2, 2019  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, April 2, 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  
Director of Public Works/City Engineer, David Berkowitz  
City Attorney, Scott Baumgartner  
Others

***PLEDGE OF ALLEGIANCE***

Mayor Trude recognized and welcomed Boy Scouts who were in attendance.

***PROCLAMATION – ARBOR MONTH***

Mayor Trude read in full a Proclamation declaring April 2019 to be Arbor Month in the City of Andover. She stated the City has a Forester on staff and tree seedlings will be handed out during Recycling Day later this month.

***RESIDENT FORUM***

Tracy Strombeck, 16401 Uplander Street NW, requested an update on the Community Center expansion.

Bud Holst, 4276 165<sup>th</sup> Avenue NW, stated his understanding the City Council received a meeting packet with information relating to Consent Agenda items. He stated most Consent Agenda items appear to be straight forward but to him, Item #15, Financial Policy Update/Post-Issuance Debt Compliance Policy, seems like it could be a timebomb waiting to happen. Mr. Holst stated his concern this may be a ‘sweep it under the rug’ non-citizen item and something that should have been completed months ago before considering a Community Center expansion. He asked the Council to share what was included in the City Council’s meeting packet, to amend this item to include a public hearing or open forum at some later date, or at least have a discussion in front of the camera tonight on Item #15.

City Administrator Dickinson offered to address Item #15. He explained when bonds are issued or there are substantive changes in the City's finances, follow-up reporting is required to the IRS, SEC, and other agencies. The auditor has suggested the City adopt a formal policy, similar to policies the City has relating to revenue, expense, fund balance and budgeting. Mr. Dickinson stated the City has historically made those reports complying with issuance resolutions and this action puts it into a City policy and formally adopts it by a resolution.

Mayor Trude stated a public meeting packet is available at the meeting tonight and on-line meeting packets are also available. Mr. Dickinson stated the public packet includes all of the information and any supplemental information provided to the City Council the night of the meeting.

Councilmember Bukkila stated what may raise concern is reference to private activity bonds. City Mr. Dickinson clarified the City does not currently have that specific type of bond but if the City were to issue private activity bonds, the City would be required to report on that activity just like all the other bonds.

### ***AGENDA APPROVAL***

Mayor Trude noted the additional information received:

Item #15a – Approve City of Andover Public Right-of-Way Small Wireless Facility Aesthetic Requirements & Construction Criteria Policy (Supplemental)

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

### ***APPROVAL OF MINUTES***

*March 19, 2019, Regular Meeting:* Correct as written.

***Motion*** by Bukkila, Seconded by Barthel, to approve the March 19, 2019 Regular meeting minutes as presented. Motion carried unanimously.

*March 26, 2019, Workshop Meeting:* Correct as amended.

Mayor Trude requested the following corrections:

Page 3, Line 40, add: "...when they see them in the community or use messaging or e-mail to ask questions."

Page 4, Line 3, add: "...her personal Mayor Facebook page tends..."

Page 4, Line 4, add: "...snippets of information available on Twitter or Facebook or a website are also effective and can..."

Councilmember Barthel requested a correction on Page 6, Line 8: change 'the majority' to 'many.'

**Motion** by Holthus, Seconded by Barthel, to approve the March 26, 2019 Workshop meeting minutes as indicated above. Motion carried unanimously.

**CONSENT ITEMS**

- Item 2 Approve Payment of Claims
- Item 3 Award Bid/19-3, 2019 Crack Sealing/19-4, 2019 Seal Coating/19-7, 2019 Trail Maintenance/19-10, 2019 Parking Lot Maintenance (See Resolution R023-19)
- Item 4 Approve No Parking Resolution/Xeon Street NW/Winslow Cove 2<sup>nd</sup> Addition (See Resolution R025-19)
- Item 5 Approve Request to Waive Tournament Fee for The Heroes Tourney–Tribute to MN Troops
- Item 6 Approve Resolution Revoking MSAS/167<sup>th</sup> Avenue NW, 170<sup>th</sup> Avenue NW and Jivaro Street NW (See Resolution R026-19)
- Item 7 Approve Resolution Designating MSAS/Guarani Street NW, Jivaro Street NW, 170<sup>th</sup> Lane NW, Navajo Street NW, Bluebird Street NW, and 173<sup>rd</sup> Avenue NW (See Resolution R027-19)
- Item 8 Approve Permanent Drainage & Utility Easements/19-2/2019 Street Reconstruction
- Item 9 Approve 2020-2022 Urban County Requalification for participation in CDBG and HOME Programs
- Item 10 Approve Massage Therapist License
- Item 11 Accept Resignation/Retirement Fire Marshal
- Item 12 Declare Surplus Equipment
- Item 13 Accept Resignation/Planning and Zoning Commission Member Kyle Nemeth/Appoint Alternate
- Item 14 Approve Appointment/Planning and Zoning Commission Member Karen Godfrey
- Item 15 Financial Policy Update/Post-Issuance Debt Compliance Policy (See Resolution R028-19)
- Item 15a Approve City of Andover Public Right-of-Way/Small Wireless Facility Aesthetic Requirements and Construction Criteria Policy (Supplemental)

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

**CONSIDER PRELIMINARY PLAT AND VARIANCE – ESTATES OF CEDAR RIDGE – 16474 HANSON BOULEVARD NW – JEFF AND JOSH BERGERON**

Community Development Director Janish displayed a proximity map of the subject site. The Council is asked to review the preliminary plat and variance request of Jeff and Josh Bergeron, 16474 Hanson Boulevard, for the plat known as Estates of Cedar Ridge. He presented details of the preliminary plat and stated the plat has been reviewed by the Lower Rum River Water Management Organization (LRRWMO). The Park and Recreation Commission recommended cash-in-lieu of land, and coordination with other agencies. He noted each of the lots meet the

requirements for a rural lot, except for Lot 5, Block 1, which meets all rural lot requirements except for the lot width at the front yard setback. Code states rural lots must be 300 feet in width, measured at the front yard setback. Lot 5, Block 1 is 94 feet; however, once the property to the south develops and the temporary cul-de-sac is extended, the width at the front yard setback will be increased from 94 feet to approximately 470 feet, thus being in compliance. Mr. Janish presented the criteria required to consider a variance.

Mr. Janish stated on March 12, 2019, the Planning and Zoning Commission considered this request, held the public hearing, discussed the variance request and criteria, and unanimously recommended approval on a 5 aye, 0 nay, and 2 absent vote.

Councilmember Barthel stated all of the other lots meet the City's criteria and guideline so if not for this road issue, it would not need to be considered for a variance request. Mr. Janish stated that is correct. Councilmember Barthel asked when the road will go through. Mr. Janish stated that is difficult to predict as it will depend on when the property to the south is developed.

Mayor Trude stated a year ago, the Council considered a proposal for this property with a PUD and loop street that did not go through. At that time, the developer was asked to redraw the Preliminary Plat with large lots, which he has now submitted. She stated her support to approve this request.

**Motion** by Holthus, Seconded by Bukkila, to approve Resolution No. R029-19 approving the Preliminary Plat of "Estates of Cedar Ridge". Motion carried unanimously.

***CONSIDER PRELIMINARY PLAT-CATCHER'S CREEK EAST-BUTTERNUT STREET/ANDOVER BOULEVARD – MARK OF EXCELLENCE***

Community Development Director Janish displayed a proximity map of the subject site. The Council is asked to consider a revised Preliminary Plat for Catcher's Creek East that is proposed to contain 43 urban residential lots as proposed by Mark of Excellence. The original Catcher's Creek East Preliminary Plat was reviewed by the Planning and Zoning Commission and City Council in 2018. Since then the property owner was able to purchase additional property, the proposed revisions include the elimination of Butternut Street NW and provision for an extension of University Avenue.

Mr. Janish stated the property owner is working with the owner to the south to bring utilities to that site as well. He reviewed other modifications as detailed in the staff report to move access for the proposed development to an alignment with University Avenue, which provides better traffic movement and allows for the removal of the proposed continued connection of Butternut Street to Andover Boulevard; removal of the proposed outlots along the west property line; and, removal of the 'eyebrow,' which had been proposed in the northeast corner of the development.

Mr. Janish described the public street access to Catcher's Creek East from Andover Boulevard that conforms to City standards. He noted the location of the grass/gravel temporary fire lane

constructed on the west side, as required by the Fire Department, that would be removed in the future when the property to the west develops, creating additional access to the proposed development. With the extension of University Avenue, a portion of the right-of-way will be located within the City of Andover and other portions within the City of Ham Lake. He noted a condition has been included in the resolution that the right-of-way needs to be secured to access the property. Mr. Janish described the proposed block lengths and explained that at this time, staff has not requested the internal trail connection to be constructed and the Planning and Zoning Commission indicated they did not support the internal trail either.

Mr. Janish referenced the letter received during the public hearing addressing the following: a visual buffer with trees between the rural and urban areas to make it safer, reduce sound, and create a visual barrier; a start and end date for the road development and construction, limited hours for truck hauling and loads; to control dirt flying onto their properties to reduce damage from windblown sand; placing the City and Mark Smith, the Developer, on official written notice of potential future claims should there be future damage; traffic speed; and, preference for a four-way stop; however, traffic counts do not justify that type of traffic control.

Mr. Janish stated the Planning and Zoning Commission was concerned how a berm would blend into lots to the south that do not have a berm. Also, a berm can pose issues should a resident want to construct a fence so the Planning and Zoning Commission determined to not require a berm.

Mr. Janish presented the tree preservation and landscaping plans and modifications requested by the Planning and Zoning Commission. He displayed the proposed screening plan and revision to shift the location of the trees. He displayed another screening plan that provided more detail on the drainage easement and tree location within it so the City can work with the aesthetics.

Mayor Trude stated the proposal is to place the trees on the side of the ditch toward Andover Boulevard. Mr. Janish stated there is no grading change between the drainage pockets than what was originally proposed but it would open it up so it can be used for plantings. The Engineering Department is recommending against removing the drainage and utility easement as property owners may make changes in that area, such as constructing a shed.

Councilmember Holthus noted the City has received complaints about privacy fences and trees closer to the road may not necessitate a privacy fence.

Mr. Janish provided an explanation of options for tree placement in the drainage and utility easement, noting this proposal would create an area for stormwater to flow.

Councilmember Bukkila asked whether it will appear to be a ditch. Mr. Janish stated it will appear to be more of a swale. He displayed the grading plan showing how the water would flow through that area.

Director of Public Works/City Engineer Berkowitz described the drainage and cross drainage

flow patterns, stating it is critical to not impact other properties upstream from the flow so improvements (sheds, firepits, fences, swimming pools) cannot be constructed in that area. In addition, the trees would also be placed to not restrict the flow of drainage.

Mayor Trude stated the Council supports tree planting to create screening, noting for the two corner lots, trees are not located as close to the street. Mr. Berkowitz stated that is correct and explained it is to assure the trees do not block visibility of oncoming traffic.

Mr. Janish stated the City Engineer's letter would eliminate the pocket area and allow the trees to be planted on the northern property line.

Mayor Trude stated the request is to have larger useable lots and staff is recommending against that due to concern the property owner will construct something that blocks stormwater flow. Mr. Janish described the types of improvements staff has seen in rear residential lots that impact drainage.

Mayor Trude stated she hears the Council saying they support tree placement closer to the road.

Councilmember Bukkila stated if the property owner can't have a fence, then she supports doing what can be done to address the high traffic volume on Andover Boulevard NW.

Councilmember Barthel stated he understands having trees along the roadway, which is a nice buffer, but the issue is that young buyers do not think about variances and easements, go out and buy it, and then get told 'no' by the City.

Councilmember Holthus stated she likes trees along the road because of complaints about privacy fences in different styles and colors.

Mr. Janish stated the proposal is to locate the trees within an easement instead of within a drainage pocket.

Councilmember Bukkila asked about the measurement of the back yard minus the easement. Mr. Berkowitz stated the two corner lots are 120 feet from the front to back property line swale and the City's minimum is 110 feet. Mr. Janish stated the typical in this proposal is 130 feet.

Councilmember Holthus asked whether University Avenue will only go as far south as shown in the diagram due to the location of the Indian burial grounds. Mr. Berkowitz stated the County, at one time, wanted that road extended but that is not feasible due to the large wetlands.

Councilmember Holthus stated she does not want the Indian burial grounds to be disturbed. Mr. Janish assured the Council that will not occur as State agencies are involved as well.

Mayor Trude asked about the abutting Shadowbrook North property and whether University Avenue will provide access. Mr. Janish used a map to draw in proposed property lines. Mayor Trude noted Butternut Street disappears with the two projects. Mr. Janish confirmed that is

correct and described the proposed road alignment.

Mayor Trude asked if the Shadowbrook North lots will be developed this year or if the City can facilitate extending the sewer pipe. Mr. Berkowitz stated the developer is waiting to get through the Watershed review and if that does not happen, then the City would have to secure easements for the sewer pipe to run into this property. The City also needs a roadway easement on University Avenue before construction can occur in that area.

Mr. Janish stated staff has reviewed three plans for the Shadowbrook North area.

Councilmember Barthel asked who will pay for the costs to extend University Avenue. Mr. Janish stated it will be paid by the developer.

Mark Smith, 2120 Otter Lake Drive, Lino Lakes, developer, indicated he understood that was the case.

**Motion** by Holthus, Seconded by Knight, to approve Resolution No. R030-19 approving the Preliminary Plat of “Catcher’s Creek East”. Motion carried unanimously.

Mayor Trude stated the Council has seen several iterations of this development and congratulated the developer on this proposal.

Councilmember Knight asked about the selling price for homes in this development. Mayor Trude noted it costs \$120,000 to \$140,000 for the lot so with a home, it will be in the low-\$400,000. Mr. Smith confirmed that is correct.

### ***SCHEDULE EDA MEETING***

**Motion** by Barthel, Seconded by Holthus, to schedule an EDA Meeting on April 16, 2019, at 6:00 p.m. Motion carried unanimously.

### ***SCHEDULE APRIL WORKSHOP***

The Council discussed the draft agenda and available dates.

**Motion** by Bukkila, Seconded by Barthel, to schedule a Workshop Meeting on April 30, 2019, at 6:00 p.m. with a recess for the Board of Review meeting. 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.

**(Staff Activities)** Mr. Dickinson provided an update on the QCTV strategic meeting, the 25<sup>th</sup>

Annual Prayer's breakfast sponsored by Youth First on April 12, 2019, 7:30 a.m. to 9 a.m. with guest speaker Kat Perkins presenting on being fearless in the struggle, and the North Metro Mayors operating meeting in two weeks. He reported that staff is busy with development and road construction projects. Mr. Dickinson stated the Parade of Homes went well and the City is now at 30 new homes, which is high compared to recent years. Staff anticipates seeing new homes approaching 75 by the end of the year and had budgeted at 50 homes.

**(Legislative Bills)** Mr. Dickinson stated he is monitoring Legislative bills and those that impact cities relative to contracts, development process, and bills requiring third-party contractors being required to provide estimates on development work they will perform.

**(WDE Project Update)** Mr. Dickinson stated the WDE Hazardous Waste Pit removal project is fully funded and the MPCA has a signed contract. Staff will work with the MPCA to host a preconstruction meeting as well as a community meeting on May 8, 2019 in the Council Chambers. This meeting will be advertised in the City's newsletter and the MPCA may send direct letters to the critical notification area.

**(Community Center Expansion Update)** Mr. Dickinson stated he will review the Community Center expansion timeline from a project perspective and financial perspective. Staff is working with the construction manager and architect on final plans and specs to meet a budget of \$17.8 million. Approval of the plans and specs and advertisement for bids will be considered on April 16, 2019, bid opening mid-May, and bid award on June 4. If approved, construction will start in July. On the financing side, the calling for a public hearing on the tax abatement program will be done on April 16, 2019. Staff will ask the YMCA whether they will seek financing or use donations for their construction. Mr. Dickinson stated staff will also put into place a hearing to identify a 501C3 qualification for the YMCA expansion. The public hearing on those items will be the first meeting in May and if approved, bonds will be sold in July and close at the end of July or early August to start paying for bids that are awarded.

**(Street Project Update)** Mr. Berkowitz reported on the boardwalk project, which is under construction. He stated the University Avenue and 2019 Street Construction Projects are out for bids with a bid opening scheduled for next Tuesday. Staff has started tree clearing for the Street Construction Project. With the Veterans Memorial Boulevard project and Public Works facility, trees have been cleared from the site and demolition work will start in two weeks once frost is out of the ground followed by grading. Mr. Berkowitz stated pothole patching is on-going and started with the areas in most need. He reminded residents to stay off athletic fields as there is no turf growth at this time so use will damage the turf.

**(Comprehensive Plan Review)** Mr. Janish stated staff continues to hear from interested residential developers. He noted that the Comprehensive Plan discussion will be before the Council on April 16, 2019. Once reviewed, it will be submitted to the Met Council for their review followed by formal adoption. Mr. Janish noted abatement and mowing for rental properties will be before the Council in the near future.

Mayor Trude stated letters have been received in response to the Comprehensive Plan Update relating to changing the solar code and the high demand for entry level housing or townhomes on slabs. She asked if changes have been made to the Comprehensive Plan to address those needs. Mr. Janish stated those things can be accommodated in the Comprehensive Plan, but the next step is to look at the City's codes and ordinances since the zoning ordinance is not aimed for that particular product. He stated staff will work with the Council and Planning and Zoning Commission on those suggestions.

### ***MAYOR/COUNCIL INPUT***

***(My Water Pledge)*** Mayor Trude announced the My Water Pledge started for April and explained how residents can sign up and agree to options to reduce water use. She described the benefits and awards for the winning City and encouraged residents to take part and pledge to conserve water.

***(Pedestrian Crossings)*** Mayor Trude asked staff to schedule an agenda item at a workshop to discuss pedestrian crossings. She commented that something is needed for the Crosstown Boulevard crosswalk where school students cross as well as the Nightingale Street crossing that gets heavy use with the trails.

***(Parade of Homes and Residential Development)*** Mayor Trude reported that ten Parade Homes were on display in Andover and very busy so she anticipates the City will be busy with additional housing development. She noted residents have expressed interest in a housing product for those who want to downsize from their single-family homes.

***(WDE Project)*** Mayor Trude stated she hopes the WDE project is completed by year end and thanked staff and State Representatives for their work to make that happen.

### ***ADJOURNMENT***

***Motion*** by Holthus, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Carla Wirth, Recording Secretary

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