

***REGULAR ANDOVER CITY COUNCIL MEETING – APRIL 16, 2019  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, April 16, 2019, 7:05 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***

***RESIDENT FORUM***

Ben Riechers, 15844 Martin Street NW, stated his concerns related to the Community Center and Ice Arena projects. In particular, that fewer than 1,000 hours of ice rental time is forecasted at this time. He stated while generally the City has not hidden the fact of the debt, no one has talked about the \$800 or \$500 per hour subsidy. Mr. Riechers explained if 400 ice hours are added to the current forecast it will bring down the hourly subsidy to \$400 per hour rented. He stated the City can talk about \$15 or \$13 per month for a \$250,000 home but no one has talked about that subsidy, which he views as a waste and reckless use of money, in his opinion.

Larry Schalo, 4208 161<sup>st</sup> Lane NW, explained he builds homes in this area and was talking to Director of Public Works/City Engineer Berkowitz about the trail due to be put in behind one of his properties. He learned that at this time, there is no more money to spend on trails. However, the proposed Community Center funding includes \$1 million from the Park and Recreation Department, which he believes is not there. Mr. Schalo stated he also asked the City Administrator if the Community Center balanced out and he said no, it lost \$200,000 last year. Mr. Schalo stated his belief that the Community Center expansion will never make any money as it is already losing \$200,000 a year and that may increase to \$600,000 per year. He is concerned with the recklessness of the City Council in making this decision because these dollars could instead be used for other alternatives such as subsidizing ice hours at another area.

***AGENDA APPROVAL***

Mayor Trude noted the supplemental information received:

- Item #7 – Anoka County Sheriff’s Office Monthly Report
- Item #8 – Consider Approval of Submittal of 2040 Comprehensive Plan Update to Metropolitan Council
- Item #11 – Consider Classifying Dangerous Dog Hearing/17729 Eidelweiss Street NW

City Administrator Dickinson requested the addition of two agenda items:

- Item #12a. – Schedule Construction Ground Breaking/17-27/Public Works Vehicle Maintenance Facility, Cold Storage Building & Site Work
- Item #12b. – Schedule April 30<sup>th</sup> Special City Council Meeting/Change Meeting Start Time for April 30<sup>th</sup> City Council Workshop

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

***APPROVAL OF MINUTES***

*April 2, 2019, Regular Meeting:* Correct as written.

***Motion*** by Knight, Seconded by Bukkila, to approve the April 2, 2019, Regular Meeting minutes as presented. Motion carried unanimously.

***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Approve Bid/18-38/University Avenue NW Reconstruction (See Resolution R031-19)
- Item 4 Approve Bid/19-2/2019 Street Reconstruction (See Resolution R032-19)
- Item 5 Approve Plans & Specs/Order Ad for Bids/18-39/Lift Station #10 Improvements (See Resolution R033-19)
- Item 6 Approve 2019 Code Enforcement Abatement/Mowing Contract

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

***ANOKA COUNTY SHERIFF’S OFFICE MONTHLY REPORT***

Commander Paul Lenzmeier provided a monthly report including 1,206 calls for service and 119 CSO calls during the month of March. He noted there were one burglary and 23 domestic arrests versus 11 domestic arrests last year at this time. He presented significant events including a fire at a residence, heroin overdose resulting in a death, and DWI arrests. Commander Lenzmeier described events occurring at the high school relating to Distracted Driving Awareness Month,

which is April. He noted on August 1, 2019, the hands-free legislation goes into effect. Commander Lenzmeier encouraged all interested to volunteer for the May 18<sup>th</sup> Hero's Walk event that supports Alexandra House.

***CONSIDER APPROVAL OF SUBMITTAL OF 2040 COMPREHENSIVE PLAN UPDATE TO METROPOLITAN COUNCIL***

Community Development Director Janish reviewed that in May of 2014, the Metropolitan (Met) Council adopted *Thrive MS 2040* and following that, adopted the System Statements related to Transportation, Parks, Water Resources, and Housing policies for the metropolitan area. It was then the obligation of each city to meet the requirements of the System Statement, which triggered Andover's obligation to review and amend its Comprehensive Plan. He stated all of these System Statements were reviewed as part of the process.

Mr. Janish provided an overview of revisions made to each Comprehensive Plan chapter including the City's population forecast; Land Use Plan dealing with densities and urban and rural growth forecast to address projected growth for sewerred and unsewerred areas; Housing Plan to address the City's aging housing stock; and, provision of low- and moderate-income housing through 2040 with Andover's requirement to provide 483.

Mr. Janish displayed a chart of Area Median Income and described how it is used to calculate qualification for low-income housing; existing housing assessment in Andover; Solar Protection Plan; and Land Use map, which was displayed. He summarized past discussions related to future development of the Rural Residential Area.

Mr. Janish presented the maximum density information and proposed increase from 14.4 units per acre with a Planned Unit Development (PUD) increase to 16 units per acre, and potential to go up to 20 units per acre for particular parcels. However, if over 12 units per acre, the project would have to include a PUD with the developer proving public benefit in order to obtain the additional units.

Mayor Trude noted the EDA just learned that neighboring communities are allowing up to 50 units per acre for rental housing, which she finds shocking. Mr. Janish stated that is correct because additional rental units are needed to offset the costs to provide requested amenities (i.e., pet washing station, community room). This higher density makes the project more affordable to construct.

Mr. Janish presented components within the Transportation Plan, which was approved August 17, 2018; water related plans as included in Chapter 4; and, Parks and Open Space Plan that was adopted on January 16, 2018.

Mayor Trude clarified that park dedication fees going towards the Community Center expansion will be paid from construction of new homes to be built in Andover which are dedicated to parks only (not trails). City Administrator Dickson explained the need to provide nexus between park

improvements and park dedication fees and that is what the Park Dedication Study does. It also identifies the types of parks to be improved and the amenities within the parks. The funding forecast towards the Community Center is a portion of 2 million dollars identified within the Park Dedication Study for parks within the City Campus. The proposal is to allocate one-half of that amount towards indoor activities within the Community Center expansion project.

Mr. Janish outlined the Implementation Plan for programs to obtain the City's goals, noting the additional information that is required to be included. He presented next steps after tonight's consideration to submit the Plan to the Met Council. It is expected the City will hear back from the Met Council late summer/early fall and following that, the Plan will be considered by the Council for approval.

Councilmember Bukkila requested clarification on the supplemental information from Coon Rapids that included a list of issues. Mr. Janish explained some items relate to aquatic invasive species that staff believes are separate from the Comprehensive Plan. Other issues may be conversation starters and staff expect that others will be flagged by the Met Council related to the Park and Ride and bus service that will have to be addressed prior to formal adoption.

Councilmember Bukkila stated the second issue relates to the sign policy that Coon Rapids suggests, and stated if there is a major change, it should come before the Council. Another issue relates to buffers during construction and post construction, which has been discussed previously. Councilmember Bukkila stated the list was concerning to her if it was to be implemented into Andover's Comprehensive Plan or asked whether Coon Rapids was gently trying to push its politics on Andover. Mr. Janish agreed some issues relate more to policy than Comprehensive Plan language so there will be discussions around those issues. He stated once the Comprehensive Plan is done, the City will determine whether any ordinances need to be revised to address Plan implementation and the City Council will provide direction on those comments.

Councilmember Bukkila stated the City needs to adhere to State law but has not gone overboard. Mr. Janish clarified the list from Coon Rapids is considered Plan comments and Andover is not required to incorporate them into its Comprehensive Plan.

Councilmember Barthel asked whether the comments are not included in the Comprehensive Plan under consideration tonight. Mr. Janish confirmed that is correct, the comments are not included.

Councilmember Holthus asked about a Chapter 5 statement relating to site selection criteria for Parks and Open Space. She noted in 2006, the City put aside money to purchase open space and asked how much is left to buy more open space and how much property is still available. Mr. Dickinson stated there are zero dollars available to purchase open space.

Mayor Trude stated the City can still accept land donations and dedicated easements. Mr. Janish stated that is correct and through the PUD process, the Council may find public benefit to set

aside some property for a public purpose.

Councilmember Holthus asked whether property by the turkey farm would be set aside as open space. Mr. Dickinson explained it depends on how the land is received as part of the plat. That will determine who has jurisdiction over the property.

Mayor Trude stated the decision before the Council tonight is whether to move the Comprehensive Plan forward to the Met Council. She asked if the Council's minor corrections would be made prior to that submittal. Mr. Janish stated minor corrections and modifications may be made prior to submittal and will be brought to the Council's attention prior to final adoption.

Mayor Trude noted the Council can bring up additional comments or requests for corrections during future Workshops and the Council has already indicated it will be discussing land that may work for solar panels, so this is a living document that will be amended as changes occur in Andover. Mr. Janish stated that is correct, it is a document that is to follow the direction of the City Council and Planning and Zoning Commission so it may be amended in the future if elected and appointed officials feel a change is warranted. Mayor Trude thanked staff and Commissioners for their work on this Plan.

**Motion** by Barthel, Seconded by Knight, to approve Resolution No. R034-19 approving the submittal of the Andover Comprehensive Plan update to the Metropolitan Council. Motion carried unanimously.

***CONSIDER APPROVING PLANS & SPECS/ORDER AD FOR BIDS/17-26/ANDOVER YMCA COMMUNITY CENTER EXPANSION***

City Administrator Dickinson explained the Council is asked to consider approval of final plans and specifications and order advertisement for bids for Project 17-26, Andover YMCA Community Center Expansion. He displayed the full set of plans and specifications that are available at City Hall for review. Mr. Dickinson reviewed the components of the base bid that included the addition of a sports complex, administration offices and meeting rooms, new west entrance and lobby, teen/senior/multi-purpose room and fieldhouse crash space, and site work that includes reworking and expanding the west parking lot. The east side includes the teen/senior multiple purpose room and hallway crash space to support fieldhouse overuse.

Mr. Dickinson stated the staff report also shows east parking lot 2 as an alternate. He explained it is not listed in the recommendation from RJM but staff wants the cost to be bid separately since it is a shared parking with the YMCA and will be subject to future negotiation. Alternate No. 1 would construct the fieldhouse, changing and toilet rooms, check-in, and associated storage rooms. Alternate No. 2 would repair flooring in the existing fieldhouse, remove Pulastic flooring in the existing fieldhouse, install new Pulastic flooring, and pour a new top coat throughout and restripe. Alternate No. 3 includes maintenance items that have a revenue stream in place and will utilize replacement reserve dollars to repair flooring in the existing fieldhouse.

Alternate 4 would tie in the existing glycol piping to the new ammonia refrigeration plant at an addition of \$286,920. However, if this was a standalone project, it would cost more than \$1 million.

Mr. Dickinson stated the total project estimate of \$17,849,782 includes all alternatives for a Community Center expansion and would be funded through the sale of G.O. Tax Abatement Bonds and a cash donation of \$231,000 from the Anoka Huskies Youth Hockey Association. With the donation, the project budget to fund by bond proceeds is estimated to be \$17,618,782. The G.O. Tax Abatement Bonds are anticipated to be 20-year bonds supported by the City property tax levy, future park dedication revenues of up to \$1 million, and contributions by the Anoka Huskies Youth Hockey Association of \$500,000 paid over ten years through a signed contract at the time of bid award.

Brad Barickman, RJM Construction, explained the bid process and three bids received for each category. There is a lot of interest in the project so they have confidence in the numbers being presented tonight. The total project is \$17,849,782, which is slightly down due to value engineering.

Mayor Trude noted staff had to work hard to bring down cost because some items came in higher so it is not a static process. Mr. Barickman agreed it is a fluid process because contractors get busy.

Mr. Barickman stated the plan is to carry the fieldhouse alternate through the bidding process and include capital improvement projects as well. He presented the proposed milestone schedule, noting if approved they will advertise for bids on April 19, 2019, anticipated bid opening May 14, 2019, award on June 4, 2019 and start construction in July. The east parking lot will be constructed first so the west parking lot can be taken out of commission to start the sports complex addition. Then, it will be wrapped up the following year of 2020 and the existing ice arena converted. Mr. Barickman reviewed the staging of the projects.

Councilmember Barthel asked about the need to repair the existing fieldhouse flooring already. Mr. Dickinson explained the repair involves cracking within the concrete floor, which can split the sports flooring and create a hazardous situation. It was noted the concrete has been in place for 15 years so it is beyond the warranty period. Councilmember Barthel asked if the floor was painted cement.

Mark Wentzell, 292 Design Group, explained the concrete floor settled irregularly at the corners so there is a plan to remove some of the flooring and pin the concrete together so it can't happen again. The rest of the work is recoating the floor with a new finish, which is a reasonable project after 15 years of time. He estimated the new floor should last for 20 years.

Councilmember Bukkila asked if something can be done to prolong the life of the concrete that will be poured. Mr. Wentzell stated the floor should not have settled but it happened and is beyond warranty at this point. He explained the new floor in the multipurpose arena will be the

most sophistic concrete pour available and will not fail. But, if it did fail, there will be a warranty and the contractor will have to pay to fix it.

Councilmember Barthel asked about the second level multipurpose center and if the athletic fitness area will be used for activities like baseball and lacrosse. Mr. Wentzell stated it will have ceiling space of 12-15 feet where a variety of sports, like baseball and lacrosse, can take place. It will be used for dry land activities.

Councilmember Holthus commented on the need for adequate storage for those sport activities. Mr. Wentzell used the plan to point out an ample generous storage area that will hold the turf during ice events and sports equipment. Mr. Dickinson stated the current facility also needs more storage so this space will also provide for that need as well.

Councilmember Holthus asked about a place for gymnastics to practice and if there is adequate storage for that type of activity. Mr. Wentzell stated storage is always an issue and they have tried to create as much storage space as possible but may not be able to accommodate all sports.

Councilmember Bukkila stated with gymnastics, generally there would have to be pre-planned anchors for some of that apparatus. Mr. Dickson stated this plan does not accommodate that type of activity, noting it usually occurs in gym space specifically designed for gymnastics. Mayor Trude stated that was a group that did not come forward with a need.

Mayor Trude stated the project is still mostly the same as presented in January but changed to control the budget. Mr. Wentzell agreed and stated the restrictions the Council placed to find savings helped to streamline the project, remove inefficiencies in the earlier designs, and squeeze all the 'fat' from the project. Mr. Wentzell stated this is an efficient building that uses space wisely.

Mayor Trude noted it also include spaces to accommodate a County library, should that happen in the future. Mr. Wentzell agreed that could plug very easily into this building.

Councilmember Knight asked for details on the senior spaces. Mr. Wentzell used a plan to point out the multipurpose room for teen space and senior center space off the hallway that will be preserved for that use. Mr. Dickinson stated there is space that will be primarily dedicated to accommodate senior programming. Teen space is also provided. Utilizing the existing space makes better use of the upper space in the new sports complex for smaller-sized meetings.

Councilmember Knight asked about the Pickleball courts. Mr. Wentzell stated there will be three new Pickleball courts with the fieldhouse expansion.

Councilmember Holthus asked about the dedicated space for a teen center. Mr. Dickinson used a plan to point out the location and explained that if it is not being utilized for teens, it can be used for other activities. Mr. Wentzell stated there may be a pool table in that space but there can still be other activities such as an art class or weekend activities.

Councilmember Knight asked if there will be a computer center. Mr. Dickinson stated there is not such a dedicated location, but it could be more of a mobile use.

Mayor Trude thanked staff for their thoroughness and making the plan more efficient to stay within the budget.

**Motion** by Barthel, Seconded by Holthus, to approve Resolution No. R035-19 approving final plans and specifications and ordering advertisement for bids for Project 17-26, Andover YMCA Community Center Expansion. Motion carried 4 ayes, 1 nay (Bukkila).

***CALL FOR A PUBLIC HEARING ON PROPOSED PROPERTY TAX ABATEMENTS FOR A COMMUNITY CENTER EXPANSION PROJECT***

City Administrator Dickinson explained this is the first step in financing the facility. The Council will be asked to consider issuing General Obligation Tax Abatement Bonds to finance the Community Expansion Project, which would provide for bond issuance fees and a construction budget. The bonds as currently proposed would not exceed \$18,200,000. He reviewed the fees included within the bond issue and stated it may be resized if favorable bids are received.

Mr. Dickinson stated staff and Ehlers and Associates, the City's financial advisor, looked at a number of financing options and are of the opinion that the Council should consider abating property taxes levied by the City on property benefited by or in close proximity to the Andover YMCA/Community Center. He described tax abatement financing, noting it is not an exemption from paying property taxes. It is a designation of taxes from a geographic area towards an eligible project.

Mr. Dickinson displayed a map identifying the abatement area as well as the previous abatement area used to refinance the original community center in 2012. He described the lease revenue financing that was used with the original community center but that is not an option at this time due to the high interest rates with that type of issuance. Mr. Dickinson stated the properties identified have the tax capacity to provide for the needed abatement. He noted there is a restriction on how much the City can abate, which is 10% of the City's net tax capacity. The 2018 tax capacity of \$31 million means the City can levy approximately \$3.1 million through abatement. Mr. Dickinson explained that between the two projects, it will be at about \$2.4 million so the levy is not at that limit.

Councilmember Barthel asked whether it is normal to set a public hearing for the financing as the bids are not yet received and may be dramatically different. Mr. Dickinson explained if the project goes forward, the City needs to look at when the money will be needed and then work the process backwards. He recounted the anticipated timeline and noted that tonight, the Council is looking at tax abatement as being the financing process to follow if construction bids are approved, the bond sale would not be called for until June 4, 2019 after the construction bids are

in hand. To do that, staff needs to know whether tax abatement will be the financing vehicle and that process requires a public hearing. Mr. Dickinson noted the City is currently involved in two large street projects, a Public Works facility, and putting dollars towards the Hanson Boulevard project. In addition, the interest rates are favorable at this time to get into the market.

Councilmember Barthel asked what happens if the bids are significantly above the estimate and the Council does not move the project forward. Mr. Dickinson stated then the City will stop the financing and abatement process.

Mayor Trude noted housing borrowing rates went down one-quarter percent and asked about the anticipated interest number. Mr. Dickinson explained that is difficult to predict but the market maybe lost one-half a percent on the original projected interest rate. He noted staff and the fiscal advisor will do a presale report and predict the interest rate before the Council is asked to call for the sale of bonds. Because the total issuance will be over \$10 million, the bonds will not be bank qualified. Mr. Dickinson stated the call dates will have to be structured to assure the interest rates are not pushed up.

Councilmember Holthus asked if there was still a concern about the increase of steel prices and potential tariffs. Mr. Dickinson stated the price of steel can be volatile, but it is currently not as volatile as it has been in the past and this is being closely followed by the construction managers.

**Motion** by Knight, Seconded by Barthel, to approve Resolution No. R036-19 calling for a Public Hearing on proposed property tax abatements for the Community Center Expansion Project, and the issuance of tax abatement bonds. Motion carried 4 ayes, 1 nay (Bukkila).

***CONSIDER CLASSIFYING DANGEROUS DOG HEARING/17729 EIDELWEISS STREET  
NW***

City Administrator Dickinson explained the Council is asked to receive a presentation, gather testimony, and consider adopting a resolution declaring Gracie, a Pitbull, a dangerous dog. He referenced the police reports and correspondence describing the circumstances of incidents with this dog while visiting Brett Mallam, 17729 Eidelweiss Street, in Andover. He noted the Council information includes the police reports, definition of a dangerous dog, and additional information received including a letter from a witness of the event.

Mr. Dickinson noted that Ms. Lorri Monster of Ogilvie, Minnesota, Mr. Mallam of Andover, and the property owner of 17729 Eidelweiss Street have been informed of the time and place of this meeting so they can provide testimony. Mr. Dickinson read the Code definition of a dangerous dog and chronology of incidents leading to this request.

Mr. Dickinson stated the information speaks for itself, there is a resident letter, and police reports, and a resolution staff recommends for Council approval. He requested a revision in the second WHEREAS to add: ‘...and was deemed potentially dangerous by Kanabec County.’

Mayor Trude stated City Code requires the Council to accept public testimony, which will be handled by City Attorney Baumgartner. City Attorney Baumgartner presided over public testimony and invited Ms. Monster, the dog owner, to make public comment.

Lorri Monster, 1423 Delta Street, Ogilvie, Mn, stated she has owned Gracie four years, never had incidents like this occur, and just heard about the Kanabec County incident. Before, she was told Gracie had knocked a kid down when she was running. That is all she had heard about it. Then a second officer stated the same thing to her: Gracie had knocked him down when she was running.

Ms. Monster explained she was told, when the most current incident happened, that Gracie went after the dog, which is not okay with her, and the owner did not technically get bitten but got scraped on his hand from trying to reach in and grab them. Ms. Monster stated she was not there so she doesn't know exactly what happened. Ms. Monster stated she does not know what to say about this as Gracie has never had something like this happen before. Gracie is her mental health dog and when quarantined Gracie did nothing wrong, was very well behaved, and very well mannered. Ms. Monster stated Gracie does not technically live in Andover and since Mr. Mallam is moving, Gracie will not be in Andover any more.

City Attorney Baumgartner referred to the October 10, 2018 Kanabec incident, noting the police report indicates Ms. Monster arrived at the scene. Ms. Monster replied she was actually in the house. City Attorney Baumgartner referred to the police report of that date and identifies Ms. Monster coming to that incident to retrieve the dog (Gracie). He asked Ms. Monster whether she was now disputing that. Ms. Monster stated yes, she is. Ms. Monster stated she was inside the house, the homeowner came in and told her that Gracie was out on the road, and she does not know how she (Gracie) got out on the road.

City Attorney Baumgartner noted Ms. Monster had just indicated she was not informed about the Kanabec incident until the most recent incident occurred. Ms. Monster clarified she had not been told she (Gracie) had bitten anybody. She was told by the second officer that Gracie had knocked him down while running.

City Attorney Baumgartner asked Ms. Monster if she was informed by Kanabec Officer Frisch that he deemed Gracie a potentially dangerous dog and she (Ms. Monster) would be receiving a potentially dangerous dog letter because of the attack on that child. Ms. Monster stated she was told, as she recalls, that Gracie could possibly be deemed a dangerous dog and it would follow Gracie for life. Ms. Monster stated she was not told Gracie bit him, nothing of the sort. She stated she did not see the child after until a few days later when he was going into the house.

City Attorney Baumgartner asked Ms. Monster if it was a chaotic scene when she arrived on scene. Ms. Monster agreed it was. City Attorney Baumgartner asked if it was true that Ms. Monster did not stay at the scene much longer. Ms. Monster stated that is correct. City Attorney Baumgartner asked if she wanted to share the reason why she wasn't on the scene very long. Ms. Monster stated that was not relevant.

City Attorney Baumgartner stated it goes to whether or not Ms. Monster is aware of Kanabec County Officer Frisch, telling Ms. Monster, according to the police report, he had found the dog to be potentially dangerous. The report indicates that when Ms. Monster arrived, the officer told Ms. Monster she would be receiving the notice of a potentially dangerous dog based on the officer's observation of what he saw. Ms. Monster stated she can't remember exactly what he said.

City Attorney Baumgartner asked if a recollection that occurred on that date (the police report) would be more accurate than Ms. Monster's recollection 6-7 months later. Ms. Monster stated she can't talk right now because she does not know his exact words and cannot say them verbatim. She stated it was chaotic, there was a lot of stuff going on that day, and she knew her dog had gotten out on the road.

City Attorney Baumgartner stated at least Ms. Monster knew Gracie had gotten on the road, run up to a child, and at least knocked the child over. Ms. Monster stated that is exactly what she had been told, knocked him down while running.

City Attorney Baumgartner stated despite her recollection of whether or not that deputy used the term 'potentially dangerous,' it's in his report that he deemed Gracie potentially dangerous. Ms. Monster does not have any reason to dispute that other than the fact that she does not recall.

Ms. Monster stated the first time she heard was on the 10<sup>th</sup>, the recent incident, when the County was deeming Gracie a dangerous dog. Justin (the officer) came to her parent's house, where she resides and where Gracie has been for the last two years. She explained that Andover called Kanabec because that is where she resides.

City Attorney Baumgartner asked when Officer Frisch came to her house. Ms. Monster stated after the March incident, Officer Frisch came to speak to her. Officer Frisch told her that Gracie had gotten out and attacked the dog next door while Brett (Mr. Mallam) was watching Gracie and had to quarantine Gracie. Officer Frisch wanted to know if Gracie's rabies shots were up to date. Ms. Monster stated she gave him that information, Gracie is up to date on everything. Officer Frisch also told her she had to bring Gracie to quarantine and she brought Gracie in that evening.

City Attorney Baumgartner stated there is an acknowledgement that on two different occasions, Gracie got out. On one occasion, Ms. Monster does not know that there was a bite. Ms. Monster stated on both occasions she wasn't there directly to see or know and she hadn't spoken to them since. She has not talked to them, the neighbor in Andover, because she has not been there to do so.

City Attorney Baumgartner stated the Council has the Kanabec police report from Deputy Justin Frisch, a photograph of the notice of potentially dangerous dog with the same date and ICR number by Deputy Frisch, the sheriff's report from Andover on the most recent incident, and a letter/email from an Andover resident who witnessed the incident. City Attorney Baumgartner

stated what the Council has in front of it is basically eye witnesses who were there and did witness this. He stated he understands that Ms. Monster knows her dog and has had her dog for four years but what the Council is faced with is testimony from individuals who actually observed what happened, including the Deputy from Kanabec County that just happened to be across the corner from the child that got, essentially, knocked down or attacked by Gracie in the first incident. He asked Ms. Monster whether she has anything to refute or rebut that information.

Ms. Monster stated she does not since she was not there and Gracie has never done anything like this before, never in her care. She stated she does not know what happened, Gracie got really excited, but she could not tell you because she wasn't there.

City Attorney Baumgartner stated he does not have any more specific questions.

Mayor Trude stated Gracie is with Ms. Monster in another location now but there are State-wide laws and the Council wants every child and property owner to be protected from a dog making unprovoked attacks.

Ms. Monster stated she agrees, keeps Gracie leashed, and does not take her to parks. She stated she does not leave the dog with many others.

Mayor Trude stated the Council is now faced with bite incidents that were unprovoked in two communities. She noted the State law protects the public and the Council has heard the testimony.

City Attorney Baumgartner stated the City Council is considering this case because an incident occurred in Andover. This is a statutory ruling and Andover also has an ordinance. He explained that once a dog is deemed dangerous, the owner has an obligation, if they relocate, to inform the new community of the designation placed on the dog. That designation follows with the dog and does not remain only in the location where the incident occurred.

Mike Kautz, 2925 177<sup>th</sup> Avenue NW, stated he was on the scene, with his wife, and walking his dog. He explained his wife usually walks the dog alone. Mr. Kautz stated it was an unprovoked attack and happened so instantly, there was not much he could do. He tried to pry the dog's (Gracie's) mouth open, which caused a puncture to his hand. He stated he had the dog in a choke hold until it let go of his dog. Mr. Kautz stated he was told there were two other unprovoked attacks with family dogs that were not reported. He stated he does not want anyone else to go through this and his wife has not walked their dog since. Mr. Kautz stated the Pitbull was on a leash but unaccompanied by the owner.

Mayor Trude stated she is sorry Mr. Kautz had that experience and thanked him for his testimony. She explained that in some cases, the Council has ordered the dog abated but staff is only recommending adoption of the resolution to declare Gracie dangerous.

**Motion** by Holthus, Seconded by Bukkila, to approve Resolution No. R037-19 declaring a dog

owned by Lorri Monster, 1423 Delta Street, Ogilvie, MN, and Brett Mallam, 17729 Eidelweiss Street NW, Andover, MN, as a Dangerous Dog. Revised in second WHEREAS to add: ‘...and was deemed potentially dangerous by Kanabec County.’

Mayor Trude stated she is concerned that this dog will be involved in another unprovoked incident and would prefer to abate the dog. She asked if staff is instead recommending the dangerous dog declaration. City Administrator Dickinson stated that is correct and described the notification the City will make relating to this incident in addition to notifying Ms. Monster what she needs to do with this designation of a dangerous dog.

Mayor Trude asked whether it matters that the owner was not aware of what was happening at the time of the incident. City Attorney Baumgartner advised that in the end, dogs are animals, and owners cannot always predict their behavior. He noted there is a two-step process in designating first as a potentially dangerous dog to place the owner on notice and when a second incident occurs, there should have been a heightened sense of awareness of this occurring again.

Councilmember Bukkila stated the minimum standard is whether the dog attacked unprovoked, not whether a bite occurred. So, this is a sufficient standard to be met. She stated the City Council cannot move forward with an abatement as this is the second occurrence and there needs to be three before abatement can occur. But, after this ruling, if this dog gets lose again in Andover, it would be considered the third occurrence and abatement would then be ordered. Mr. Dickinson confirmed that after a third occurrence, the City would proceed with an abatement process. With tonight’s action, the owner has 14 days to comply with providing insurance, microchipping, muzzling the dog when in public, providing an adequate kennel if outdoors and other requirements.

City Attorney Baumgartner explained the penalty should the dog owner not comply, which could be both a civil or criminal complaint.

Motion carried unanimously.

***SCHEDULE CONSTRUCTION GROUND BREAKING/17-27/PUBLIC WORKS VEHICLE MAINTENANCE FACILITY, COLD STORAGE BUILDING & SITE WORK***

***Motion*** by Barthel, Seconded by Bukkila, to schedule a City Council ground breaking for Project 17-27, Public Works Vehicle Maintenance Facility, Cold Storage Building and Site Work on May 7, 2018 at 6:00 p.m. Motion carried unanimously.

***SCHEDULE APRIL 30<sup>TH</sup> SPECIAL CITY COUNCIL MEETING/CHANGE MEETING START TIME FOR APRIL 30<sup>TH</sup> WORKSHOP***

***Motion*** by Barthel, Seconded by Bukkila, to schedule a Special City Council Meeting on April 30, 2019, at 6:00 p.m. to consider an administrative appeal. 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 reported the WDE project will have an informational meeting on May 8, 2019, with an open house and presentation. Staff is working with the MPCA and contractor, attended a preconstruction meeting, and also discussed emergency response and City response, which gave staff assurances that this contractor knows what they are doing. Finance staff is working with the auditors, which is going well, and may conclude a day sooner than anticipated.

***(Upcoming Meetings)*** Mr. Dickinson stated tomorrow he will be hosting the North Metro Mayor Operating Committee Meeting at City Hall. In addition, there will be a Youth First Board Meeting and a City/County/School meeting relating to the Zayo Project and the replacement of equipment through fees that have been collected.

***(Development Activity)*** Mr. Dickinson reported on Building Department activity, noting that 37 new homes have been permitted this year. Mr. Janish stated staff is working on the development review process, Code enforcement, rental licensing, and planning items that will be coming before the Council. Staff is also working on potential plats and meeting with developers who want to help restore lot inventory.

***(Public Works Projects)*** Mr. Berkowitz provided an update on the Public Works Vehicle Maintenance Facility project, advising that trees are now down, they are grinding stumps, and today they started taking down structures so there will be significant changes each week. He stated the reconstruction activity on Hanson Boulevard will continue through the end of the summer/early fall with the first phase paved by winter. The contract for the University Avenue project was awarded and that work may start the middle of next week. Mr. Berkowitz reported the 2019 Street Project will start construction in 2-3 weeks, so staff has been very busy with projects under design, being bid, and under construction. He noted the boardwalk at Crosstown Boulevard was designed with the flow of the road and is turning out well. Staff is also coordinating work with Catcher's Creek East and Shadowbrook North developments to assure the timing works for everybody.

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

***(Crosswalks)*** Mayor Trude stated she wants the Council to talk about crosswalks for people who use the sidewalk on Veterans Memorial Boulevard and the trails by Nightingale Street. City Administrator Dickinson stated that item is on the next workshop agenda.

***(My Water Pledge)*** Mayor Trude reminded residents of the My Water Pledge that continues in April.

***(Recycle Day)*** Mayor Trude announced Recycle Day will be the Saturday after Easter. During

that event, tree seedlings will be handed out. In addition, documents are shredded the second Saturday of each month.

**(Solar Ordinance)** Mayor Trude asked staff to schedule a future workshop discussion of the Solar Ordinance to include the WDE property as an allowable site.

**(Landscaping)** Mayor Trude stated Mickmans will install landscaping on the Bunker Boulevard medians by Wal-Mart as well as the endcaps to create a more attractive community.

**(Community Center Commission)** Councilmember Holthus reported on the recent Community Center Commission meeting when they reviewed the plans and exterior building elevations.

***ADJOURNMENT***

Motion by Holthus, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 9:09 p.m.

Respectfully submitted,

Carla Wirth, Recording Secretary

**REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – APRIL 16, 2019**  
**TABLE OF CONTENTS**

PLEDGE OF ALLEGIANCE.....	1
RESIDENT FORUM.....	1
AGENDA APPROVAL.....	2
APPROVAL OF MINUTES.....	2
CONSENT ITEMS.....	2
Item 2 Approve Payment of Claims.....	2
Item 3 Approve Bid/18-38/University Avenue NW Reconstruction (R031-19).....	2
Item 4 Approve Bid/19-2/2019 Street Reconstruction (R032-19).....	2
Item 5 Approve Plans & Specs/Order Ad for Bids/18-39/Lift Station #10 Improvements (R033-19).....	2
Item 6 Approve 2019 Code Enforcement Abatement/Mowing Contract.....	2
ANOKA COUNTY SHERIFF’S OFFICE MONTHLY REPORT.....	2
CONSIDER APPROVAL OF SUBMITTAL OF 2040 COMPREHENSIVE PLAN UPDATE TO METROPOLITAN COUNCIL (R034-19).....	3
CONSIDER APPROVING PLANS & SPECS/ORDER AD FOR BIDS/17-26/ANDOVER YMCA COMMUNITY CENTER EXPANSION (R035-19).....	5
CALL FOR A PUBLIC HEARING ON PROPOSED PROPERTY TAX ABATEMENTS FOR A COMMUNITY CENTER EXPANSION PROJECT (R036-19).....	8
CONSIDER CLASSIFYING DANGEROUS DOG HEARING/17729 EIDELWEISS STREET NW (R037-19).....	9
SCHEDULE CONSTRUCTION GROUND BREAKING/17-27/PUBLIC WORKS VEHICLE MAINTENANCE FACILITY, COLD STORAGE BUILDING & SITE WORK.....	13
SCHEDULE APRIL 30 <sup>TH</sup> SPECIAL CITY COUNCIL MEETING/CHANGE MEETING START TIME FOR APRIL 30 <sup>TH</sup> WORKSHOP.....	13
ADMINISTRATOR’S REPORT.....	13
(Staff Activities).....	13
(Upcoming Meetings).....	14
(Development Activity).....	14
(Public Works Projects).....	14
MAYOR/COUNCIL INPUT.....	14
(Crosswalks).....	14
(My Water Pledge).....	14
(Recycle Day).....	14
(Solar Ordinance).....	14
(Landscaping).....	14
(Community Center Commission).....	14
ADJOURNMENT.....	15