

**ANDOVER CITY COUNCIL SPECIAL MEETING – APRIL 30, 2019
MINUTES**

The Special Meeting of the Andover City Council was called to order by Mayor Julie Trude, April 30, 2019, 6:03 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Councilmember absent: Mike Knight

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

PUBLIC HEARING/APPEAL OF DENIAL OF PEDDLER LICENSE

City Administrator Dickinson presented the staff report, stating on March 28, 2019, Faysal Hasan, owner of Blaine Anoka Ice Cream, applied for a peddler license, which was denied administratively by the City Clerk's office. On April 11, 2019, Mr. Hasan requested a public hearing before the City Council to appeal the denial.

Mr. Dickinson explained as part of the license application, a background check is done by the Anoka County Sheriff's Office. The Anoka County Investigator denied the application due to prior violations of selling ice cream in the City without a City License. It was noted the violations occurred on May 13, 2017, July 24, 2017, and June 13, 2018. Also, Mr. Hasan indicated on the application #6 that he was licensed in Blaine, Anoka, and Ramsey. Staff contacted those cities and at the time of application, Mr. Hasan only had a license to sell ice cream in the City of Ramsey. He noted that subsequent follow-ups have identified a license in Blaine as well.

Mr. Dickinson reviewed City Code 3-5-5 that details reasons a license may be denied. He stressed items C and D within that section of City Code. Mr. Dickinson stated the City Council is requested to conduct a public hearing and determine whether the denial should be upheld.

Motion by Holthus, Seconded by Barthel, to open the public hearing at 6:07 p.m. Motion carried unanimously.

Faysal Hasan, 548 Ferry Street in Anoka, stated he has worked in Andover for over 20 years and has never had problems or complaints from residents. He stated he did receive tickets from Andover, noting that the Andover process is different than other cities. He explained other communities have a one-year license while Andover requires a license each month and there is a lag in the time before he is able to obtain a new license for the next month.

Mayor Trude stated there was information in the application that was not correct.

Mr. Hasan confirmed he recently moved. He explained he has had trouble with finding the right place to live because of challenges he has had with rental properties and having electricity for his freezer.

Mayor Trude asked if the applicant was attempting to hide his home address on the application.

Mr. Hasan explained he previously lived in St. Francis but provided a Ramsey address on Waco Street. He stated the home in St. Francis was foreclosed and has since had trouble finding a home that fits the needs of his business.

Mayor Trude stated on the application it also stated that the applicant had licenses in other cities. She confirmed the applicant has licenses in Ramsey and Blaine. She asked if the applicant has a license in Anoka.

Mr. Hasan stated he does not have a license in Anoka.

Councilmember Bukkila asked for clarification on when the applicant lived in St. Francis, as the address the applicant stated was actually in Ramsey.

Mr. Hasan stated he lived in St. Francis about two years ago.

Gary Reimann, 18008 Waco Street, stated he has lived in Ramsey for 50 years. He stated the applicant lived across the street from him for about 12 years. He stated the applicant sometimes does not understand the rules, noting that the Andover license requires the applicant to apply ahead of time in order to have a smooth transition on a renewal. He stated Mr. Hasan currently rents a home from him in Anoka on Pierce Street.

Mayor Trude stated it is really important to know an applicant's address when applying for a peddler's license in case there is an issue that arises.

Mr. Reimann stated he came tonight to assist the applicant. He noted Mr. Hasan is from another country and is sometimes confused by the process. He explained in Andover, the applicant would simply need to apply ahead of time for the next month to ensure there is not a lapse.

Mr. Dickinson confirmed the Andover licenses are only good for one month. He explained that some applicants pass a background check and then fail the background check later in the year

with renewals. He stated the primary client for this business is children and staff takes a cautious approach to knowing who is going around in the community.

Councilmember Holthus asked if there are any other ice cream vendors in the community.

Mr. Dickinson confirmed there has been one other applicant in the past, but that person has not yet applied for a license this year.

City Attorney Baumgartner asked if Mr. Hasan was living across from Mr. Reimann in July of 2017.

Mr. Reimann replied he did not believe that Mr. Hasan lived in Ramsey at that time and believed that Mr. Hassan lived in St. Francis then.

City Attorney Baumgartner stated the application in 2017 had the Waco address but was returned and then when Mr. Hasan provided the St. Francis address, that citation was returned stating that Mr. Hasan did not live there.

Mayor Trude asked if Mr. Reimann has experience of the applicant attempting to defraud him in the past or had any issues with neighbors or children in the neighborhood.

Mr. Reimann stated he has never had any problems and Mr. Hasan always got along with others in the neighborhood.

Mr. Baumgartner stated on July 6, 2017 the application had the wrong address. He noted that a different address was given the following day, for an address in St. Francis, and that letter was returned. He stated the May 17, 2018 application had the wrong address. He noted on the June 4, 2018 application there is a note that the address does not match the driver's license address. He noted a letter was sent and a violation of the peddler license was sent. He stated on June 28, 2018 the applicant was stopped and provided an address on Thurston Avenue rather than Pierce Street address. He stated his concern is with the ongoing address problems of Mr. Hasan. He explained the reason there are these applications is to ensure the vendor can be reached. He stated he is still not clear on the address that the applicant has provided.

Mr. Reimann stated Mr. Hasan has lived at his rental home on Pierce Street in Anoka for 18 months.

Mr. Hasan explained his address has changed multiple times in the past few years because of challenges he has had with housing.

Mayor Trude asked if the applicant has a permanent address.

Mr. Hasan confirmed his address is 548 Pierce Street in Anoka.

Motion by Bukkila, Seconded by Barthel, to close the public hearing at 6:30 p.m. Motion carried unanimously.

Councilmember Bukkila stated she agrees with the comments of the City Attorney regarding the issues with the address. She stated there are inconsistent statements in the June 28, 2018 police report that she is also concerned with. She stated that the applicant already had citations in 2017 and was therefore aware of what Andover requires, but yet the applicant continued the behavior in 2018 and made untruthful statements. She stated the applicant continues to knowingly violate the law, with the reason that the Andover law is overly burdensome to him and yet no one else has an issue with the law. She stated she does not find the applicant to be credible and does not support overturning the decision of City staff.

Councilmember Barthel agreed with the comments from Councilmember Bukkila. He stated the applicant has always had good interaction with the children in his neighborhood, but this is a business decision. He stated if there is a vendor that is not providing the correct address, the City is not aware of a correct address, and the vendor has done business in Andover without a license and has received multiple citations for that activity, he cannot support overturning the decision of City staff.

Motion by Councilmember Holthus, Seconded by Councilmember Bukkila, to uphold the City Clerk's denial of a peddler license for Faysal Hasan, Blaine Anoka Ice Cream, due to prior violations as determined by the Anoka County Sheriff's Office investigator.

Further discussion: Mayor Trude stated she perceives that there has been instability in housing, and she has not read any complaints from people that have worked with him or from residents. She stated it appears his housing is more stable and asked at what time the City would consider a new application with current information.

Mr. Baumgartner stated the citations concern him, as there have been multiple citations since 2017. He stated the applicant has also been cited in Elk River for doing business without a license. He stated he was unsure, after three years, at what point this goes above a lack of understanding.

Mayor Trude stated her purpose on the inquiry was simply to provide the applicant information on when he could reapply, if desired.

Councilmember Bukkila stated she would request a one-year period. She stated she would like to see a one-year period of better conduct prior to considering a new application. She explained the applicant knows what is expected of him and he continues to violate that. She noted she would also like to see truthful and accurate information on the next application.

Motion carried unanimously.

ADJOURNMENT

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Motion by Councilmember Barthel, Seconded by Councilmember Bukkila, to adjourn. Motion carried unanimously. The meeting adjourned at 6:44 p.m.

Respectfully submitted,

Amanda Staple, Recording Secretary