

**REGULAR ANDOVER CITY COUNCIL MEETING – MAY 1, 2018
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, May 1, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: James Goodrich, Valerie Holthus and Mike Knight

Councilmember absent: Sheri Bukkila

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

PLEDGE OF ALLEGIANCE

PROCLAMATION

Mayor Trude read the Arbor Month proclamation. The proclamation is one of the requirements of being a tree city.

RESIDENT FORUM

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

AGENDA APPROVAL

It was requested that the Closed Session be removed from the agenda.

Motion by Holthus, Seconded by Goodrich, to approve the Agenda as amended. Motion carried 4 ayes, 1 absent (Bukkila).

APPROVAL OF MINUTES

April 16, 2018 Board of Review: The Board of Review meeting minutes were approved as presented.

April 17, 2018 Regular Meeting: The Regular meeting minutes were approved as presented.

April 17, 2018 Closed Meeting: The Closed meeting minutes were approved as presented.

Motion by Holthus, Seconded by Goodrich, to approve the April 16, 2018, Board of Review, April 17, 2018, Regular, and April 17, 2018, Closed Meeting minutes, as presented. Motion carried 4 ayes, 1 absent (Bukkila).

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Approve Easements/17-17/Crosstown Blvd. NW Trail
- Item 4 Approve Plans & Specs/Order Advertisement for Bids/17-44/Crosstown Blvd. NW Overlay (See Resolution R030-18)
- Item 5 Approve Joint Powers Agreement & Amended De Minimis Determination 15-16/Hanson Blvd. NW Improvements from Jay St. NW to Crosstown Blvd. NW
- Item 6 Approve Temporary 3.2% Liquor License/Andover Lions/Fun Fest
- Item 7 Approve Application for Exempt Permit/Andover Lions Club
- Item 8 Approve Application for Exempt Permit/Andover Center Ice Club
- Item 9 Approve 2018 Residential Recycling Agreement with Anoka County
- Item 10 Declare Surplus Equipment

Motion by Knight, Seconded by Holthus, approval of the Consent Agenda as read. Motion carried 4 ayes, 1 absent (Bukkila).

CONSIDER REMOVING NO PARKING SIGNS ALONG HEATHER STREET NW

Mr. Berkowitz explained this unique situation where no parking signs were being considered for removal.

The no parking signs were installed in 2000 to keep residents from having to cross the street to play games and/or practices at Green Acres Park. The neighbors had indicated that vehicles parking on the east side of Heather Street NW created a safety hazard for residents using the park. Now that ballfield has been removed from the park just a few years ago, no games/practices have been scheduled except for an occasional practice early in the spring when the teams do not have access to the playing fields as the association waits for the fields to dry out due to spring thaw. Staff has allowed the associations to practice in parks that may have enough green space but not on ballfields until staff gives them the go ahead to use them.

The removal of the signs was requested by Virgil Westlund, a resident who lives at 14183 Heather Street NW which is the side of the street where the no parking signs are located. Staff did send out letters to adjacent residents that live next to the park about the proposed removal of the no parking signs and the City received one response from the Hager's who would prefer the no parking signs remain in place. Both residents have received copies of the agenda item in case

they wanted to attend the meeting to discuss further with the City Council.

There was no further discussion.

Motion by Holthus, Seconded by Knight, to approve Resolution No. R031-18, to remove the existing no parking signs on the east side of Heather Street NW from Ivywood Street NW to 142nd Avenue NW, which were used to regulate parking from April 1st to September 30th. Motion carried 4 ayes, 1 absent (Bukkila).

CONSIDER REZONING – R-1, SINGLE FAMILY RURAL TO R-4, SINGLE FAMILY URBAN – CATCHER’S CREEK EAST – MARK OF EXCELLENCE

Mr. Janish explained the proposed request was to rezone the parcels located east of the Hickory Meadows Subdivision and along the City of Ham Lake/Andover border from R-1 Single-Family Rural to R-4 Single-Family Urban as requested by Mark of Excellence.

The property is located within the MUSA and also within the current stage of sewer expansion. Times and conditions have changed with the extension of municipal sewer and water into this area of the City. The Comprehensive Plan has the properties guided as Transitional Residential; which contains properties within the MUSA currently zoned rural but guided for urban development. It has been requested by the property owner to rezone the properties so the land can be developed into urban residential lots for the proposed development known as Catcher’s Creek East.

The Planning and Zoning Commission held a public hearing on April 10, 2018. The Planning and Zoning Commission received no comments from the public in regard to the rezoning and made a positive recommendation for rezoning to the City Council.

Mayor Trude noted this matter really goes back to early 1990s, when all of the City’s land was farmland. This matter was part of the master plan, and the foundation for such a development proposal was laid out 25 years ago. It is a matter of conforming to the Comprehensive Plan.

Motion by Holthus, Seconded by Goodrich, to approve Ordinance 482, an ordinance amending City Code Title 12-3-4, zoning district map of the City of Andover. Motion carried 4 ayes, 1 absent (Bukkila).

CONSIDER PRELIMINARY PLAT – CATCHER’S CREEK EAST – MARK OF EXCELLENCE

Mr. Janish explained the proposed plat contains 39 urban residential lots as proposed by Mark of Excellence. The property is located in the MUSA and is currently zoned R-1, Single-Family Rural Residential. However, the comprehensive land use plan has it guided as transitional residential which contains properties within the MUSA currently zoned rural but guided for urban development. A rezoning of the properties to R-4 Single Family Urban accomplishes this

request.

Each of the 39 lots meet the minimum lot width, depth and area requirements of the R-4 Zoning District.

Public street access to Catcher's Creek East would be provided from Andover Boulevard. A temporary fire lane will be constructed on the west side of the proposed development as required by the Fire Department. This temporary access would be removed when the property to the west develops, creating an additional access to this proposed development.

Staff requested the developer remove the "eyebrow" cul-de-sac from the proposed plat. With the removal of the "eyebrow" the developer would then likely have one less lot. The City has not allowed an "eyebrow" cul-de-sac to become constructed since incorporation as a City. This cul-de-sac design would require a "cul-de-sac truck" to remove snow from the area. It also requires additional street maintenance time and funds over the lifetime of the improvement. Research also pointed to "eyebrows" create "an uncertainty for the driver" if they take a wide turn, leading them unexpectedly into the cul-de-sac area.

Staff is requesting the developer provide a 93' diameter permanent cul-de-sac design on the eastern edge of the development at 144th Avenue. The reason is due to the fact that the future roadway extension is up to a different City.

The Anoka County Highway Department has indicated they would prefer to see University Avenue extend to the south, that extension is unlikely.

Water and sewer for this development will be obtained from the south and staff has requested from the developer the status of obtaining a right of entry or temporary easement from the property owner along Butternut Street, south of the plat for construction of the sanitary sewer and water main.

The Coon Creek Watershed District completed the review of the preliminary plat. The applicant will need to satisfactorily address all comments prior to the submittal of the final plat.

The property has burial grounds on it that has been inventoried by the State Archeologist. Requirements are yet to be determined.

The Comprehensive Plan shows regional trails along the Coon Creek and along Andover Boulevard. Construction may be challenging due to the location of wetland and flood plain.

Existing trees around the two homes currently contained with the proposed development will be removed.

The Park and Recreation Commission reviewed the preliminary plat at the December 7, 2017 meeting. A recommendation of a cash contribution in lieu of land was made.

The Planning and Zoning Commission held a public hearing for the preliminary plat at the April 10, 2018 meeting. Several comments were received during their meeting. The Planning and Zoning Commission made a recommendation to deny the Preliminary Plat. The City Council was asked to consider the recommendation made by the Planning and Zoning Commission.

Mayor Trude noted some of the concerns were really a matter between the County and the developer.

Arlene Elin, 137 Andover Boulevard expressed concern about the bypass lane measurements on Andover Boulevard. Mayor Trude noted this was really not part of the preliminary plat. Mr. Janish agreed. Mr. Berkowitz stated this would be considered as part of the street construction, when the project is at that phase. Residents can contact the County with questions regarding the right-of-way, since it is really not under the control of the City.

Councilmember Holthus noted the City does not have control of what the City of Ham Lake is considering in this case. The current answer has been the adjacent owners are not interested in developing.

Mr. Janish asked if the Council found the proposed buffering to be appropriate. He confirmed the landscaping plan only includes buffering along Andover Boulevard.

Mayor Trude stated most of Ms. Elin's concerns were covered in the discussion.

Councilmember Holthus asked if all questions by the Planning and Zoning Commission were addressed in the resolution. Mr. Janish confirmed that was the case, except concerns related to the "eyebrow." The Planning and Zoning Commission was uncomfortable recommending it, not knowing what it would look like if removed.

Mr. Berkowitz noted the "eyebrow" basically allows for one more lot in the development.

Councilmember Holthus pointed out the approval resolution mentions removing the "eyebrow."

Mayor Trude asked if the lots fit the City requirements, and commented that as for the streets, policy covers those matters.

Mr. Dickinson confirmed the project can go forward with preliminary plat contingencies. Generally speaking, removal of one lot and slight changes are not substantial changes. Mayor Trude asked about a previous preliminary plat being denied. Mr. Dickinson noted if there were significant changes to the preliminary plat, the plat would go back through the review process.

Councilmember Holthus asked about if the concerns by the Planning and Zoning Commission were addressed in the resolution. Mr. Dickinson confirmed the City Council would approve the final plat, that would not be reviewed by the Planning and Zoning Commission.

Mr. Smith, the developer stated he would like to have the “eyebrow” remain. He confirmed it makes lots more affordable and homeowners like it because the “eyebrow” is a safety buffer. It was stated that cul-de-sacs have been done in Shoreview and Savage.

Councilmember Knight asked about mailbox issues. The response was that mailboxes would be clustered.

Mayor Trude asked what would happen if there was not a cul-de-sac in the identified location. Mr. Smith confirmed it would likely be a 90-degree turn.

Mr. Berkowitz confirmed there would be a temporary easement on the cul-de-sac bordering Ham Lake, so if the road was ever continued, things would be in place to move forward.

Mr. Smith asked if the easement would be a temporary size or permanent size because of setback concerns. Mr. Berkowitz responded there is a distinct difference between right-of-way and easement when determining setbacks.

Councilmember Knight asked about snow plowing an “eyebrow”. It was noted that it is different than standard streets, likely requiring special processing.

Mr. Smith showed where temporary cul-de-sac would be and it was displayed.

Mayor Trude confirmed a lot of questions were already answered during the preliminary information that was shared, with not much related to the specific preliminary plat being considered. Traditionally, the County gets whatever they want in their right-of-way. Mr. Dickinson confirmed the turn lanes outlined and requested by County Highway are reasonable for safety and are consistent with other developments.

Mayor Trude stated the Council does not always have all of the information at preliminary plat stage. At a preliminary plat hearing, a lot of things are not determined, but must be done before moving into the final plat phase. She went on to say the Councilmembers have to trust the staff to do their day-to-day jobs. This is normal operating procedure and by the final plat time, all questions must be answered or it is not approved to move forward.

Mr. Dickinson stated a lot of things do get worked out in the process. There is also a development contract with the City. The main thing to review at this point is to consider the neighborhood issues based on City Code and normal development processes. If the Council denies the approval of the preliminary plat, the Council needs to think about findings of fact for the denial.

Mayor Trude expressed her support for the preliminary plat, including the “eyebrow.” She noted the challenge of developing the remnant parcels in the City.

Councilmember Goodrich liked the plan, feeling there was a pretty exhaustive list that included most concerns. He was also comfortable with the “eyebrow, as long as they were not setting a precedent.

Councilmember Knight agreed that he liked the plat.

Councilmember Holthus also expressed support for the conditions placed, and approval for the eyebrow.

There was additional discussion regarding the eyebrow. Mr. Dickinson indicated the Council would need to remove condition #14 if they want to approve the preliminary plat with the “eyebrow”.

Motion by Holthus, Seconded by Goodrich, to approve Resolution No. R032-18, removing condition #14 and approving the preliminary plat of “Catcher’s Creek East.” Motion carried 4 ayes, 1 absent (Bukkila).

SCHEDULE MAY EDA MEETING

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

The Council discussed the draft agenda and available dates.

Motion by Knight, Seconded by Holthus, to schedule a May EDA meeting on May 15, 2018, at 6:00 p.m. Motion carried 4 ayes, 1 absent (Bukkila).

ADMINISTRATOR’S REPORT

City Staff updated the Council on the administration and city department activities, legislative updates, updates on development/CIP projects, and meeting reminders/community events.

(City Administrator) Mr. Dickinson has been busy with Youth First meetings as a member of the Executive Committee of that board. As part of the North Metro Mayors organization, he has been monitoring the legislature and provided letters of support related to legislation. The annual audit for 2017 has been completed. There were no issues identified in the exit interview. Mr. Dickinson reported he has been participating in property negotiations. These discussions are ongoing. There is a meeting occurring next week with YMCA leadership regarding the potential Community Center expansion. Leadership there is fully engaged. Regarding the WDE hazardous waste pit removal project, there is ongoing work to secure additional funding beyond the current \$11 million. This work is moving through the legislative process quite well and they are getting positive feedback. At this point they are stressing the emergency/contingency side. He reminded the Council this is not a City project, it is a State project, but the City is facilitating communication with the public and legislature.

(Public Works/City Engineer) Mr. Berkowitz confirmed the sports fields are open. The fields could use some rain already. On May 23rd there will be an open house regarding the Public Works Maintenance Facility from 4:30 – 6:30 p.m. Residences within 1,500 feet will get notified by mail. Site drawings are available. Mr. Berkowitz reminded everyone that with construction season coming up, residents need to be very cautious as the City wants people and construction workers to be safe, both in the City and elsewhere.

Councilmember Knight asked about spring flooding. Mr. Berkowitz confirmed there have been no calls.

(Community Development) Mr. Janish stated the number of permits is increasing. Growing Generations Daycare is under construction. At a future date, Comprehensive Plan text language will be brought forward. There are some sketch plans under review.

Mayor Trude noted there has been a lot of discussion regarding sketch plans. Sketch plans are optional and focused on testing the waters with something new. She also described how it was easier to layout [developments] when there was plenty of land within the City. Mr. Janish noted they are looking at modifying general requirements as developers do not want to go through the expense of a PUD, if it is not in line with the City. Whether or not to put a sketch plan together is up to the developer. If a developer meets every rule in the City Code, the Council cannot add new requirements or could be in court.

Councilmember Knight complimented the staff about the newsletter.

MAYOR/COUNCIL INPUT

(Mayor Trude) The City's Recycling Day was the previous Saturday. Residents were reminded about the Mayors Water Challenge opportunity. The line for the shredding truck was long and 10,000 pounds of paper were shredded. The second Saturday of every month, residents can come to the recycling center and have their paper shredded. There were 651 cars counted that came to recycling day, but that did not include the shredding line. Several residents came to pick up tree seedlings and the City Natural Resources staff provided advice.

ADJOURNMENT

Motion by Holthus, Seconded by Knight, to adjourn. Motion carried 4 ayes, 1 absent (Bukkila). The meeting adjourned at 8:44 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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