

***REGULAR ANDOVER CITY COUNCIL MEETING – JUNE 2, 2020
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, June 2, 2020, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Jamie Barthel and Ted Butler

Councilmembers absent: Sheri Bukkila and Valerie Holthus

Also present: City Administrator, Jim Dickinson
 City Attorney, Scott Baumgartner
 Community Development Director, Joe Janish
 Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

No one appeared before the Council.

AGENDA APPROVAL

Motion by Barthel, Seconded by Butler to approve the Agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

May 19, 2020 Regular Meeting

Motion by Butler, Seconded by Barthel, to approve the May 19, 2020 Regular meeting minutes as presented. Motion carried unanimously.

May 19, 2020 Workshop Meeting

Motion by Barthel, Seconded by Butler, to approve the May 19, 2020 Workshop meeting minutes as presented. Motion carried unanimously.

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Receive Assessment Roll/Adopt Assessment Roll/20-33/3522 – 142nd Avenue NW
(See Resolution R047-20)
- Item 4 Approve Veterans Memorial Policy & Brochure
- Item 5 Approve Refuse/Recycler Hauler Licenses

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

**CONSIDER APPEAL OF DETERMINATION OF ARCHITECTURAL COMPATIBILITY -
1393 141ST LANE NW - JENNIFER HEILMER (APPLICANT)**

Community Development Director Janish stated the City of Andover received a complaint regarding the color of a shed that had been constructed at 1393 141st Lane NW. Staff brought the complaint to the Andover Review Committee (ARC) and they made a determination that the color of the shed is not consistent or complementary to the principal structure, use and surrounding neighborhood and staff sent notice to the property owner informing them that modifications would be required.

Mr. Janish stated the property owner appealed the decision, requiring the issue to come before Council. Mr. Janish stated the Council may uphold the ARC's decision or allow the homeowner to retain the current color. Mr. Janish explained staff will use the decision Council makes in similar situations.

Mayor Trude asked if the issue came up because of a resident complaint. Mr. Janish replied that is correct.

Mayor Trude asked the applicant to approach the Council. The applicant, Jennifer Heilmer, came forward and stated the shed is the color of a home in her neighborhood. She stated the shed is up-to-date and the complaint is just a neighbor's opinion. She stated the utility boxes are the same color as the shed. She also stated the color of her shed matches with nature.

Mayor Trude asked how they decided to go with the green. Ms. Heilmer stated the shed came in that color and thought it looked good with house and yard.

Councilmember Barthel asked if Ms. Heilmer pulled a permit for the shed. Ms. Heilmer stated she did not build it, it was already built, and she called the City and asked if they needed approval. Mr. Dickinson stated the size of the shed did not require a permit and it meets setback requirements.

Mayor Trude clarified the City's process: The City received complaint, researched the code, and brought it before the ARC (Andover Review Committee) for a decision. Mayor Trude stated the

property is a corner lot and is viewable from two streets, making it more visible.

Mayor Trude asked to see the house and the shed side by side. She stated the shed does not tie in with the main structure and encouraged the resident to add brown to the shed.

Councilmember Butler asked staff how “complementary colors” are defined. Mr. Dickinson stated the ARC typically deals with new construction to ensure the houses’ rooflines and colors work in the neighborhood. Mr. Dickinson stated this neighborhood has been around since the 1990s and houses are primarily lighter colors, ARC looks for neighborhood compatibility. Mayor Trude stated the definition of complementary would be “enhancing one another”. She stated the two structures do not appear to be tied together by color. She stated it can be remedied by bringing the house colors into the shed or the shed colors into the house. She stated it is not about bad colors, but about coordination of the two structures. Mayor Trude stated she supports ARC’s decision.

Mayor Trude summarized the applicant’s comments from the audience: Ms. Heilmer stated she has pictures of Andover homes that have sheds that do not match the home’s color. Mr. Janish replied the Code Enforcement process is a reactive process. If the City receives a complaint, they look into it. He does not deny there are incompatible structures, however, the City has not received a complaint.

Mayor Trude summarized the applicant’s comments from the audience: Ms. Heilmer has a concern about fairness because the City is not going out and citing everyone who has a shed that is not complementary. Mayor Trude explained that staff does not seek out infractions, and the neighborhood reports concerns. She stated the City does have different standards throughout the City’s neighborhoods and some neighborhoods are more particular than others. She stated it is not that the City unevenly applies the code, the code is applied as the community brings it to the City. Mayor Trude stated the applicant can meet with the City to come up with a color scheme that is more acceptable.

Councilmember Barthel stated the issue is that the shed does not match the exterior color of the home. He stated the color needs to be changed. He stated residents have the opportunity to report code violations and Ms. Heilmer may make reports too. He stated the green sections of the shed needs to be changed to match the color of her house.

Councilmember Butler stated he agrees with Councilmember Barthel and Mayor Trude but would like to revisit the wording in the code to make it more clear about what complementary means. He stated the City wants to be consistent in applying the code and agrees that the main part of the shed should match the primary color of the house.

Motion by Barthel, Seconded by Butler, to deny the Appeal of Determination of Architectural Compatibility - 1393 141st Lane NW. Motion carried unanimously.

Mayor Trude announced that residents should contact the City’s Building Department if they are

thinking of adding a structure or improvements to their property. She stated this process will help them do things right and not have to redo it.

EMERGENCY RESPONSE UPDATE (COVID-19)

City Administrator Dickinson gave an update on the City's Emergency Response to COVID-19. He reviewed the Governor's phased program of opening the State. He stated the second phase of the plan allows restaurants and bars to open for outside service for up to 50 people while maintaining social distancing. Mr. Dickinson stated the City is working with bars and restaurants to come up with solutions that allow them to expand their outdoor seating. He stated Andover bars and restaurants want to open and are looking for help from the City. Mr. Dickinson stated the City has implemented an Emergency Administrative Order on May 27, 2020 setting in place temporary provisions for the expansion of outdoor seating and serving.

Mr. Dickinson explained the owner must provide the following to the City for review:

- A map of the proposed expansion identifying seating, boundaries to be used, etc.
- A traffic management plan if located in a parking lot.
- Proof of property owner/landlord approval.
- If liquor is to be sold the licensee must obtain a modification to their defined license area through the City Clerk.
- If liquor is to be sold proof that the owner's liquor liability insurance covers the expansion is required.

Mr. Dickinson stated tents are now acceptable. Mr. Dickinson asked the Council to ratify Emergency Administrative Order 20-01 and approve a liquor license for Margie's Kitchen to open mid-June.

Motion by Butler, Seconded by Barthel, to ratify Emergency Administrative Order 20-01 for Temporary Dining and Temporary Liquor License Premises Expansion and approving a change in the effective date of the liquor license for Margie's Kitchen to open mid-June..

Mayor Trude stated the City has been proactive in working with businesses and accommodating City policies to ensure a smooth and expeditious opening.

Motion carried unanimously.

Mayor Trude stated take out services continue at Andover restaurants and is hoping the State will disperse assistance loans to the local communities. She stated the City is seeing activity on the playgrounds and there are informational signs in the parks.

Mr. Dickinson announced the YMCA is looking at starting their summer programming out of the Andover facility. The City will look for users in the field house as soon as they can. Mr. Dickinson stated the City will be working with the Advisory Committee in implementing usage strategies and policies. Mr. Dickinson informed the Council the City is working with fitness

facilities in using outdoor spaces.

SCHEDULE JUNE WORKSHOP MEETING

City Administrator Dickinson reviewed dates and agenda items for a June Council Workshop meeting.

Motion by Barthel, Seconded by Butler, to schedule a City Council Workshop on June 23, 2020 at 6:00 p.m. Motion carried unanimously.

ADMINISTRATOR'S REPORT

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

(Administrative Staff Report) Mr. Dickinson stated there are 44 new construction homes, 6 away from meeting the budget goal. He stated residential construction should move forward well but does not anticipate additional commercial construction to go well this fall. Mr. Dickinson summarized what City Departments are working on. Mr. Dickinson stated the City is well covered by the Anoka County Sheriff's Department. He stated the City is not imposing a curfew at this time, however, if it is needed, the City will post it on as many media platforms as possible.

MAYOR/COUNCIL INPUT

(Anoka County Curfew) Mayor Trude stated she received feedback from residents about the County curfew on Friday, May 29th. She stated it came on quickly and the City was not consulted about the implementation. She said that once the City found out about it, the City began publicizing the curfew. She indicated that the curfew was put in place quickly to protect the southern part of the County and that all was well in Andover. Mayor Trude stated her heart is heavy with what is going on in the Metro area and knows that it impacts many Andover residents. She stated she wants to be supportive of government doing good work because that is what Andover does.

(Councilmember Butler Comments) Councilmember Butler commented that people have been upset about incidents occurring in the Metro. He stated he is pleased about how members of the community are stepping up to help those affected in the Twin Cities community. Councilmember Butler stated he heard people commenting that Andover does not have a police department. He clarified that Andover does not operate their own police department but contracts with Anoka County to provide law enforcement. Councilmember Butler stated he received a message from the School District on Saturday, May 30th informing them of the curfews in effect for the remainder of the weekend. He encouraged the County and City to work with the School District to implement communication that needs to go out quickly.

(Census) Mayor Trude updated the Council on the Met Council's population estimate for the City of Andover and believes it is undercounted. She encouraged every resident to complete their census forms.

(Veterans Memorial) Mayor Trude stated Council has approved the Veterans Memorial brochure and policy on the Consent Agenda. She stated the information will be on-line and residents can purchase a plaque for family members who are veterans.

(COVID-19 Comments) Councilmember Barthel encouraged residents who do not feel safe going out in the midst of COVID-19 to stay home and rely on help in getting their supplies. He asked for those who do go out, to visit Andover businesses and use their services.

ADJOURNMENT

Motion by Butler, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 8:05 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary
TimeSaver Off-Site Secretarial

REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – JUNE 2, 2020
TABLE OF CONTENTS

PLEDGE OF ALLEGIANCE.....	1
RESIDENT FORUM.....	1
AGENDA APPROVAL.....	1
APPROVAL OF MINUTES.....	1
CONSENT ITEMS.....	2
Item 2 Approve Payment of Claims.....	2
Item 3 Receive Assessment Roll/Adopt Assessment Roll/20-33/3522 - 142nd Avenue NW (R047-20).....	2
Item 4 Approve Veterans Memorial Policy & Brochure.....	2
Item 5 Approve Refuse/Recycler Hauler Licenses.....	2
CONSIDER APPEAL OF DETERMINATION OF ARCHITECTURAL COMPATIBILITY - 1393 141 ST LANE NW - JENNIFER HEILMER (APPLICANT).....	2
EMERGENCY RESPONSE UPDATE (COVID-19).....	4
SCHEDULE JUNE WORKSHOP MEETING.....	5
ADMINISTRATOR’S REPORT.....	5
(Administrative Staff Report).....	5
(Anoka County Curfew).....	5
(Councilmember Butler Comments).....	5
(Census)	5
(Veterans Memorial).....	6
(COVID-19 Comments).....	6
ADJOURNMENT.....	6