

***REGULAR ANDOVER CITY COUNCIL MEETING – JUNE 19, 2018
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, June 19, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila, Valerie Holthus and James Goodrich

Councilmember absent: None

Also present: Community Development Director, Joe Janish
Director of Public Works/City Engineer, David Berkowitz
Fire Chief, Jerry Streich
Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

Mr. Jeremy Coe, 13897 Ivywood Street NW, stated he is speaking as the current president of the Andover Hockey Association. They understand there is going to be discussion on the Andover Community Center expansion multi-purpose arena and they have talked in the past about what that does for a community, property values, recruiting tool for the City as well as keeping their kids activities off the streets and not in trouble.

Mr. Coe stated he would like to address the Council on a little different topic. He and the Board have had discussions over the last few months and understand this will most likely be a taxpayer burden, that by doing this expansion will benefit them, and they would like to propose some relief from their side. He stated the Association is working with Erick Sutherland on donating a half a million to the City over the next ten years. It would be roughly \$100,000 in the first year and then equal payments over the next nine years.

Mr. Coe stated the Board hoped it would help with some of the bond and taxpayer relief on the City side and that is in addition to spending an additional \$50,000 to \$75,000 in additional ice hours that the Association would pay for on the new sheet of ice. He stated this is a substantial financial commitment on the Association side but they wanted to make it known that they are appreciative of all of the discussion they have had over the years and they want to put their best foot forward, help the City and ultimately help the kids and that is what they are aiming for.

Mayor Trude thanked the Association for the generous, welcomed offer of support for the

Community Center expansion. She stated this could be a multi-use facility with half the year with ice but understood the Association has some ice time at the Super Rink but ice time is getting a little hard to come by.

Mr. Coe thought the original agreement with the Super Rink was for the City of Andover to purchase a quarter sheet of ice. He reviewed the back story with the Council. He stated as the hockey program has grown in Andover along with girls' hockey that quarter sheet of ice at the Super Rink is not sufficient to support them. He noted the Super Rink has been gracious enough to give the Association twice as much as what was originally agreed upon but there is really no commitment on their side contractually to give the Association anymore than a quarter sheet. This has put the Association in a tough spot and the Super Rink has found an avenue to get revenue from other states and having those teams come in because they are charged \$400/hour in their home states. They are getting that so the tournaments for out of state teams at the Super Rink are squeezing the Association out of ice time at the facility and they see a trend where they are getting less ice each year at the same time their program is growing. That is a problem.

Ms. Laura Lazan, Hometown Hockey co-owner, noted her company offers training in the spring and summer for youth hockey players from Andover and surrounding areas. This is their seventh year in business and their main goal is to help develop youth hockey players in Andover as well as the surrounding communities of the North Metro. She stated this year they offered six in-house teams and nineteen traveling AAA teams and those teams alone combine for a total of approximately 375 kids. In addition to the teams they also run tournaments, 3 on 3 leagues, summer camps and they run all of those out of the Andover Community Center. In total they have approximately six hundred kids that they train in any given year.

Ms. Lazan stated from her understanding, Hometown Hockey is the second largest consumer of ice at the Community Center. The majority of the ice that they purchase is in the off season, March-May and August, which are their biggest months. Last season Hometown Hockey spent approximately \$70,000 on ice bills and twenty-five percent was spent at ice rinks other than the Andover Community Center. Andover Ice Arena is their base and home rink. The majority of the kids that play for them are in Andover or very close by communities, however, there is not enough ice time available to give them all the ice they need to run all of their programs. That is why they currently purchase twenty-five percent of their ice at other arenas. This is not only inconvenient to the players and parents but is also money they are putting into communities other than their own.

Ms. Lazan stated if Andover were to build another sheet of ice, Hometown Hockey would be able to purchase all of their ice from Andover, therefore, putting that additional twenty-five percent back into the Community Center. In addition to that, it would give them the opportunity to run AAA Tournaments out of Andover since they would have two sheets of ice to utilize. She stated they would also have the opportunity to expand some of their current tournaments and camps by having the option of adding teams on the other rink. She stated three of their programs cannot be expanded and there are waiting lists for them because they do not have enough sheets of ice to expand them.

Mayor Trude stated the plan for the multi-use facility would have turf in it part of the year. The actual months she does not know but the focus is on getting in some spring training for the turf ball sports as well. She thought they would have to rely on their facility manager to sort out the schedule. She noted there will be a workshop meeting on Tuesday, June 26, 2018 to discuss this further with the architect. She noted everyone is invited to attend.

Mr. Jamie Barthel, 16535 Wintergreen Street NW, stated he would like the City Council and residents to know how big this is for the community. Their community stands out to a lot of surrounding communities and that is why a lot of new families move into this area. He stated his children are involved in multiple sports and it is amazing how fast those programs are growing and this is really a segment that he would like the City to capitalize on and make Andover stand out as a premier city.

Mr. Kris Lien, 2032 Veterans Memorial Boulevard NW, stated he is at the meeting for the Hockey Association and also as a coach of three sports in the area. He stated people move to Andover for the fact that they have good schools, they invest in their kids. He reviewed with the City Council his experiences using the different arenas.

AGENDA APPROVAL

Mayor Trude indicated there are a couple of supplemental items to add to the agenda. Item #9b (Used Vehicle License) and Item #10, additional data to be added to the Sheriff's Report.

Mayor Trude stated she would like to remove Item 8 (Approve Refuse/Recycler Hauler License) from Consent and add to Discussion items as 12a.

Motion by Holthus, Seconded by Goodrich, to approve the agenda as amended above. Motion carried unanimously.

APPROVAL OF MINUTES

June 5, 2018, Regular Meeting: Correct as written.

Motion by Holthus, Seconded by Knight, to approve the June 5, 2018 regular meeting minutes as presented. Motion carried unanimously.

June 5, 2018, Closed Meeting: Correct as written.

Motion by Holthus, Seconded by Knight, to approve the June 5, 2018 closed meeting minutes as presented. Motion carried unanimously.

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Approve Use of Verizon Funds/Dugouts/18-14 / Rose Park
- Item 4 Approve Change Order #3/12-23/Woodland Creek Wetland Bank (See Resolution R040-18)
- Item 5 Approve Water Supply & Conservation Plan/16-28
- Item 6 Approve Plans & Specs/Order Advertisement for Bids/17-17, Crosstown Blvd. NW Trail (Bunker Lake Blvd. NW to 140th Ave. NW) & 18-26, Fire Station #1 Parking Lot Reconstruction (See Resolution R041-18)
- Item 7 Approve Resolution – Accept CenterPoint Energy Contribution (See Resolution R042-18)
- Item 9 Approve Application for Exempt Permit
- Item 9b Approve Used Vehicle Sales Business License/3138 162nd Lane

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

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Lenzmeier gave the monthly Sheriff's report.

Councilmember Bukkila wanted to bring attention to something that was in Laura Landes' report this week in regard to the IRS scam and they were able to locate a suspect off a cop's alert at the Target in Andover. Commander Lenzmeier stated they found thousands of gift cards the guy had in his car and he had taken almost a half a million dollars over the last month. This was also being tied to terrorism and money being sent overseas. He stated the IRS will never accept gift cards from Walmart for payment and if it sounds suspicious the IRS can also wait. If it is the IRS they typically do all of their correspondence by mail and they do not call you. Also ask for a number to call them back and do not give any money to anyone over the phone or through email.

Fire Chief Streich stated May was a busy month for Andover Fire. They had about 115 calls, of those, 6-8 were structure fires and over half were due to lightening strikes. If you believe your home was struck by lightning, go outside and look and the Fire Department is always willing to check to see if there is a fire in the walls or the attic.

APPROVE FINAL PLAT – WINSLOW COVE – LENNAR HOMES

Community Development Director Janish stated the City Council is asked to approve the final plat for Winslow Cove. He reviewed the staff report with the Council. The proposed final plat creates 30 single-family lots and Outlots A and B. The developer plans to build out the entire development in 3 phases. During the development discussions, the future connection of Xeon Street NW and 157th Lane NW was discussed. At that time, it was determined that a connection will need to be made during the future phases of the development. As part of the platting process, a permanent right-of-way easement will be dedicated to the City of Andover from the southern boundary of the plat to the edge of Winslow Woods 2nd Addition Plat. The dedication

of the permanent easement will be placed on the City Council meeting on July 3, 2018. He noted an exhibit is attached showing the location of the easement.

Mr. Janish explained as part of the plat for Winslow Woods 2nd Addition, a drainage and utility easement was dedicated to the City that is outside of the plat boundaries. The easement encompasses land used for storm water storage and owned by the C&W Family Farm Limited Partnership. As part of the Winslow Cove plat, the ponding area increased in size. Therefore, the existing easement will be vacated, and a new easement will be re-dedicated, encompassing the entire ponding site. The public hearing for the vacation of easement will be held at the City Council meeting on July 3, 2018 at which time the new easements will be re-dedicated.

Mr. Janish noted as part of the next phases of the development, the developer and the City will continue to pursue the purchase of a lot for a trail underpass (under the railroad) to create a trail link to the eastern side of Andover.

Mr. Janish stated the Council is asked to adopt the draft resolution approving the final plat with conditions.

Mayor Trude asked why they clear cut the whole property from edge to edge. Director of Public Works/City Engineer Berkowitz stated as for any development they try to move forward and try to preserve trees. Storm water design really drives the elevation of the plat itself and when you look at that and how the lots are to develop and what the low floor elevation requirement is for each lot, which is two feet above the hundred-year flood elevation, it really drives how the site ends up and that is why in this case it was very difficult to save trees. They did attempt to save trees within the Winslow Cove Park area but once those trees were saved and they looked at how the function of the open space in the park would be, the decision was made to change that so they had more open space use. They will look at, in the next few years, planting more trees to fill that area in.

Motion by Bukkila, Seconded by Knight, to approve Resolution No. R043-18, approving the final plat of “Winslow Cove,” with conditions as identified. Motion carried unanimously.

CONSIDER CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT – PETERSEN FARMS – 7TH AVENUE/165TH AVENUE NW

Mr. Janish stated the Council is asked to review a Conditional Use Permit (CUP)/Planned Unit Development (PUD) for Petersen Farms. The proposal contains 24 rural residential lots and two Outlots. The PUD is requested by Landform on behalf of JD Andover Holdings, who has a purchase agreement for the property. The PUD narrative submitted by the developer was provided for the Council’s review.

Mr. Janish noted the applicant has provided a ‘Concept Master Development Plan’ that shows how the overall property could develop and how Phase 1, tonight’s PUD request, would blend in with the development. Additional development of the ‘Concept Master Development Plan’

shown for property would have to follow the development process.

Mr. Janish stated the Council is asked to consider the recommendation of the Planning and Zoning Commission and a denial resolution is attached. He noted staff prepared two draft resolutions, one for approval and started one for denial. If the Council desires to deny the CUP/PUD request, staff suggests the Council direct staff to draft a resolution of denial for consideration at the next Council meeting based on this evening's discussion.

Mr. Janish stated the Council should consider City Code 13-3-9 required findings during the discussion of tonight's request whether it be for approval or denial of the request:

1. The proposed PUD is not in conflict with the goals of the Comprehensive Plan for the City;
2. The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries;
3. The proposed development demonstrates how each modified or waived requirement contributes to achieving the purpose of a PUD; and,
4. The PUD is of composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit without dependence upon any subsequent unit.

Mayor Trude asked Mr. Janish earlier in the day what the importance is of having an excellent operating septic system and was told it is not how much acreage you own. She asked what all it involves. Mr. Janish stated the first part comes down to the user and the second part is related to the types of soils that are out there.

Mr. Janish reviewed the requirements and types of soils that work best with a septic system. Mr. Berkowitz stated he discussed this with the building official and they specifically talked about Timber Rivers, north of this development, and they have had no reports of septic issues in that area, that development is a PUD with one acre lots.

Mr. Janish reviewed the Homeowner Association plans and a public hearing overview that was conducted at the Planning and Zoning Commission with the Council.

Mr. Darren Lazan, Landform Professional Services, representing J.D. Andover Holdings, stated he and Jason Osberg, Metro Wide Development are partnering on this project. He stated they are excited to be before the Council and to present this item in its current form. He noted there have been a lot of iterations of this plan. He stated Mrs. Diane (Petersen) Park and other members of her family are owners of this property and have been for several generations.

Mrs. Diane (Petersen) Park, her brother Mr. Kevin Petersen and their mother, Jan Petersen, were at the meeting. She stated their grandfather purchased this property in the early 1950's and it started off as a cattle farm and changed to a turkey farm in the early 1970's. She stated they have had several members of generation two and multiple family members from generation three that have participated in the business. Now they are getting down to generation four and there is no interest in the business. She stated they want to be good stewards of the land and keep it

natural. It is important for them to find a local developer that can think outside of the box and know how to be flexible with how to preserve the beauty of this area that they have enjoyed. As stewards of the land that is why they chose the development team they did so they respectfully ask for the Councils' thoughtful consideration of this proposal.

Mayor Trude stated she noticed a little of the plan next to the river there is an Outlot and asked the developer if that was being saved and asked Ms. Park if that is being saved for some of the family members to live. Ms. Park stated that is a possibility.

Mayor Trude stated she appreciated the landowners coming forward to speak because she thought that sometimes neighbors forget that there are real families behind the plans and proposals. She stated the family has labored over the land for many years and now nobody wants to farm anymore so the family has planned on how they envision the land to be used and found a developer that will follow their plans and vision.

Ms. Park stated you can tell what the motivation for developers are and not once have they heard they need 'x' number of lots. She stated with this team they thought the land was beautiful and they wanted to walk the land and get the feel of it discussing how they can preserve the beauty of it and that is what spoke to their family and why they picked these developers. Mayor Trude appreciated hearing that from the family.

Mr. Lazan made a presentation to the City Council.

Councilmember Bukkila asked if they had the sketch plan so they can see the difference in the plans. Mr. Lazan indicated he did not. Councilmember Bukkila asked if Mr. Lazan could give a visual description of lots 20, 21, 22. She thought previously they were turned the other way with access on 168th Avenue. Mr. Lazan reviewed the changes.

Councilmember Holthus asked when they will see the preliminary plat because she is interested in seeing the tree preservation and grading plans. Mr. Berkowitz explained the process for the different phases in the development process. He noted it would be a two to three-month process.

Councilmember Holthus asked how the trail connection will occur to Martin Meadows. How will access be provided because there is property not part of the development in between the proposed development and Martin Meadows. Mr. Lazan stated he was not aware of that until the last Planning and Zoning Commission meeting. He thought they will need to talk to the neighbors on what can be done on the private side. Councilmember Holthus stated they cannot really promote that trail when there is a private property in between. Mr. Lazan stated with future phases they will have a direct connection on the west side.

Councilmember Holthus stated in reviewing the Planning and Zoning Commission minutes there was a concern with emergency vehicles not being able to navigate the turn on 168th Avenue, is this still an issue. She thought that was corrected. Fire Chief Streich stated that is no longer a concern. They brought several of their trucks out there to test it and there was no issue to access

that road.

Councilmember Holthus stated there was a concern with property owners in the area that with the increased traffic, 168th Avenue would need to be reconstructed. She asked whether that is a true concern. Mr. Berkowitz stated right now that road is 20 years old and typically a reconstruction is 25 to 30 years so it is currently at the point where it may need reconstruction in the near future. It is probably ten or more years out in their schedule. As far as wear and tear on the roads they have many roads where many people pass through and people adjacent to that road are assessed for the reconstruction of it. There is no plan to widen or make any changes to the current design. It would be a standard reconstruct and overlay and twenty-five percent of the project costs are assessed and seventy-five percent of the project costs come out of the City's Road and Bridge fund.

Councilmember Holthus stated if this is approved the neighborhood will present the need for an environmental assessment worksheet (EAW). She wondered what that entailed. Mr. Lazan stated an environmental review can be done in a number of ways. An environmental worksheet is the lowest level of review. They looked at this project and twenty-four lots would not trigger an environmental review worksheet. This development would be well below the threshold for that. He stated he has never had to do an EAW in a rural plat because the density is such that it is not required. The City could ask for an EAW but the neighbors typically cannot order one.

Mr. Lazan reviewed the lot sizes and construction traffic access and traffic improvements that will be made in the area with the Council.

Councilmember Holthus asked if they can get a copy of the Homeowners Association agreement to see what the expectations are of the residents that move into the development. Mr. Lazan stated there are aspects of the Homeowners Association that are a benefit to the City. He reviewed some of the benefits with the Council.

Councilmember Holthus stated there was a concern at the Planning and Zoning Commission meeting regarding the number of lots and the suggestion was to drop a couple of lots to make some larger size lots in the development. She stated the only part of the plat that she sees as very congested would be lots 15-17, the houses look very close together. She would like to see one lot, maybe lot 16 removed and move all of the lot lines a little bit further apart to make them slightly larger and to allow less congestion or more spacing to the homes on the sides.

Councilmember Holthus stated at first, she had some reservations with the development because of the lot size not meeting that 2.5-acre lot size minimum but after having walked the property and seeing how beautiful the trees are it would be a tragedy to take out the trees.

Mr. Lazan reviewed the changes to the road from the sketch plan that staff provided, to the plan currently proposed.

Councilmember Goodrich stated as a policy maker, he tries to value property rights. He has heard from several property owners in the area that the reason they moved up there is for the

open feel and he thought the demonstration for the PUD has been made. He felt they were not changing the character of the area and the zoning will stay the same. He stated as far as the PUD benefits he thought they met the bar and he supported this plan.

Councilmember Holthus stated she supported this PUD.

Councilmember Bukkila stated she started out against the original plat review because she did not like the layout. She stated she was very divided on the whole concept of a PUD in the rural area regardless of what comes before them. She stated as far as property rights and who can be put in the HOA, there is a very strong desire in this community to maintain the scenic views, the rural atmosphere and if they were to balance out a full natural non-public input process, the 2.5-acre standard, she thought in this case with phase I that this is one of the best designs they can hope to see for that and the developer has made a reasonable case for that and maintaining that rural feel with what is already existing. She stated they cannot avoid development all together. She thought the traffic count would be the same, the difference is where the development starts. She stated there is only so much she can do and she thought it was important that they try to be the best stewards for the land and that they try to minimize some of the impact as much as they can. She stated she was in favor of this phase of the development.

Councilmember Knight stated he is satisfied with what has been discussed.

Mayor Trude stated she supported this at the sketch plan. What they have seen, the changes that were made have addressed her concerns. She liked the PUD in the rural area because of the topography of the land which is now protected. She likes that the developer has made other developments in Andover and lives in a development he made in the City. She felt if this PUD was denied the Petersen family could go with another developer that may clear cut the land and make the development more dense than this proposal. She indicated she is in favor of this PUD.

Motion by Knight, Seconded by Bukkila, to approve Resolution No. R044-18, approving the Conditional Use Permit / Planned Unit Development requested by Landform, on behalf of JD Andover Holdings, as shown as Phase 1 PUD Development Plan dated May 7, 2018, with conditions.

Mayor Trude stated in the resolution there is a typo on the first page in the third whereas “conflict THIS residential...”, noting the grammar needs to be corrected.

Motion carried unanimously.

CONSIDER REFUSE/RECYCLER HAULER LICENSE

Mayor Trude stated the actual license expired at the end of May and there have been over forty reported problems with LePage & Sons that she has been following. They have missed pickup and missed recycling and the trash cans for recycling have stayed out on the street excessively. People have called to cancel the service and they have been told the service will stop but there

will not be any refunds and they have to pay the rest of the years contract. They are also not returning calls and are not working with the customers. She stated because they have some control with the license she will approve the license reluctantly with direction to staff that LePage address the customer service issues brought to staff and the Mayors attention and that they cooperate with residents who cancel their contract for failure to perform.

Mayor Trude reviewed the City Code with the Council and she stated the hauler has had staffing problems and they have violated City Code compliance with some of their residents.

Councilmember Bukkila stated the only thing she has issue with is enforcing a contractual or a civil dispute between a customer and a company because the City would not intervene on that level with any other business. If there is a licensing concern or violation than those specifically should be addressed. Mayor Trude stated they have violated City Code compliance with some of their residents. She assumed they are willing to work things out. Councilmember Bukkila thought if they wanted to table the license approval for staff to collect data to review for status she would be open to that.

Councilmember Goodrich stated he liked the idea of approving this with keeping in mind that they need to pick up their business but to him this sounds like another great argument not to have one hauler in the City. Mayor Trude stated she would hate to delay the license because they are already a month behind. She thought their clerk contacting them after this meeting will help resolve some of the customer complaints. She thought they had to get the license approved.

Mr. Patrick Popehn, stated in regard to LePage & Sons, he has contacted them himself numerous times and he kind of gets the run around.

Motion by Holthus, Seconded by Knight to table the approval of the refuse/recycler hauler license for LePage & Sons.

Councilmember Goodrich asked if this will cause a problem with the company servicing their customers. Mr. Berkowitz stated they are currently servicing the customers without a license and that would not change between now and the next meeting on July 3rd.

Motion carried unanimously.

ADMINISTRATOR'S REPORT

City Staff updated the Council on the administration and city department activities, updates on development and CIP projects.

(Fire Department Update) Chief Streich stated the City and Fire Department went through a recent survey through the Insurance Services Office and the City service level improved. Their risk level went down from a 4 and 7 (urban) to a 3 and 6 (rural). They are a split City. That should have favorable effects on the City's commercial and residential insurance rates. This also

speaks favorable and highly of the on-call fire fighters they have involved in the community. He stated he is very proud of their fire fighters and the great work they do.

Chief Streich stated they currently have a waiting list to join the Andover Fire Department.

(Community Development Update) Mr. Janish stated they continue to work through a couple of commercial site plans and are hoping to see some shovels hit the ground with them soon. They do continue to meet with developers in regard to commercial and residential developments.

(Administrator Update) Mr. Berkowitz stated the Woodland Creek Wetland Restoration Project construction is complete so now there will be vegetation management for the next five years. They are going to start mowing the trails and have asked the public to stay off of that area until at least fall. Hanson Boulevard that is planned for reconstruction in 2019 has been broken down into two phases now. They will construct the first phase from Jay Street all the way to the south entrance of Andover Elementary School and then from the south entrance through the Crosstown Boulevard intersection up to Bluebird Street and will be done in 2020. The Anoka County Highway Department is concerned they will not be able to get the entire project done within one year and they do not want to end up not having it completed by winter.

MAYOR/COUNCIL INPUT

There was none.

ADJOURNMENT

Motion by Bukkila, Seconded by Goodrich, to adjourn. Motion carried unanimously. The meeting adjourned at 9:36 p.m.

Respectfully submitted,

Sue Osbeck, Recording Secretary

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