

**REGULAR ANDOVER CITY COUNCIL MEETING – JULY 21, 2020  
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Trude, July 21, 2020, 7:07 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Councilmember absent: None

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

***PLEDGE OF ALLEGIANCE***

***RESIDENT FORUM***

Representative Peggy Scott came forward and spoke on the Coronavirus Relief Funds (CARES Act) dollars which will be given to the cities for allocation in part to local businesses. She stated cities have a closer relationship with businesses than the State and the State determined this is a productive way of allocating funds. Representative Scott stated she is available to the City as a resource for COVID response and any other issues related to Andover. She thanked the City for their outreach to and support of local businesses during this trying time and making accommodations to assist in their operations and reopening.

Noah Lutsey came forward and announced that he is running for County Commissioner and wanted to introduce himself to the Council.

***AGENDA APPROVAL***

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

***APPROVAL OF MINUTES***

*June 16, 2020 Regular Meeting:* Correct as written.

***Motion*** by Butler, Seconded by Barthel, to approve the June 16, 2020 Regular meeting

minutes as presented. Motion carried unanimously.

*June 30, 2020 Workshop Meeting:*

Mayor asked for a change page 5, line 3: add the word “all” in front of “apartments”.

**Motion** by Holthus, Seconded by Barthel, to approve the June 30, 2020 Workshop meeting minutes as amended. Motion carried unanimously.

*July 7, 2020 Regular Meeting:* Correct as written.

**Motion** by Bukkila, Seconded by Barthel, to approve the July 7, 2020 Regular meeting minutes as presented. Motion carried unanimously.

### ***CONSENT ITEMS***

Item 2 Approve Payment of Claims

Item 3 Approve Debt Service Payments

Item 4 Approve JPA/Coon Creek Park Stream Restoration Project/20-28

Item 5 Approve Resolution/No Parking Wintergreen Street NW/Country Oaks North 4<sup>th</sup> Addition (See Resolution R051-20)

Item 6 Approve Appointment - Building Permit Technician

Item 7 Approve Appointment - Receptionist/Building Permit Technician

Item 8 Receive June 2020 Budget Progress Report

Item 9 Receive June 2020 City Investment Reports

Item 10 Approve 2020 Used Vehicle Sale Business License

Item 11 Approve Final Plat/Catchers Creek West (See Resolution R052-20)

Item 12 Approve Date Change/Exempt Permit/Rum River MDHA

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

### ***ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT***

Commander Paul Lenzmeier provided a monthly report for June stating the Department responded to 1,478 calls for service and 135 CSO calls, resulting in 2 burglaries, 17 thefts, and 3 DWI arrests 2 domestic assault arrests. Commander Lenzmeier highlighted several significant events occurring during the month of June. He stated on June 7<sup>th</sup>, Deputies responded to a 39-year-old male not breathing. The individual passed away and Deputies found drugs on the premises. Commander Lenzmeier detailed the three DWI arrests made in Andover, one in which resulted in an injury to a Deputy. He informed Council that Investigators made several arrests in an assault that occurred on June 12<sup>th</sup> at Sunshine Park. Mayor Trude asked if young people were continuing to hang out at parks. Commander Lenzmeier stated teen activity at parks has gone down.

***CONSIDER AMENDMENT TO CITY CODE TITLE 12, CHAPTER 2: RULES AND DEFINITIONS AND CITY CODE TITLE 12, CHAPTER 12: COMMERCIAL/ INDUSTRIAL PERMITTED, PERMITTED ACCESSORY, CONDITIONAL, INTERIM AND PROHIBITED USES***

Community Development Director Janish explained City Code defines contractor shops and storage yards as a "manufacturing" use which is only permitted in General Business and Industrial zoning districts. Recently, staff was approached by a local business owner who was interested in operating their landscaping and tree trimming business within a Neighborhood Business district. Since landscaping businesses are classified as manufacturing by the City Code, the use is currently prohibited within the Neighborhood Business district. This means the business owner would have to find a location within an existing General Business or Industrial district or the City Code would need to be amended. Staff brought this item to the City Council at the June 23, 2020 workshop for a discussion and Council expressed support to amend the City Code. The proposed amendment would make contractor shops and storage yards a permitted use in the General Business and Industrial districts, and a conditional use within Rural Neighborhood Business districts. contractor shops and storage yards would still be prohibited in Neighborhood Business districts within the MUSA boundary.

Mr. Janish explained the Planning and Zoning Commission held a public hearing on July 14, 2020 and received no public input. The Planning and Zoning Commission unanimously recommended approval of the amendment. The applicant would need to go through an application process and Conditional Use Permit.

Councilmember Bukkila stated she has a concern over noise volume and how far it will travel and become a nuisance. Mr. Janish stated this concern can be addressed through the Conditional Use Permit process which can limit hours of operations and what equipment can be operated.

***Motion*** by Holthus, Seconded by Butler, to approve Ordinance No. 509 amending City Code Title 12, Chapter 2, Section 2: Definitions, and City Code Title 12, Chapter 12: Commercial/ Industrial Permitted, Permitted Accessory, Conditional, Interim and Prohibited Uses and Summary Ordinance.

Councilmember Barthel expressed that he is concerned about noise as well and he supports hourly provisions to limit the noise in the neighborhood. Mr. Janish replied that noise and hour limitations are the perfect example of conditions placed on a business when going through the Conditional Use Permit process. Councilmember Barthel stated the Council is voting to amend the Code and not approving any specific application at this time.

Councilmember Bukkila stated her concern is primarily for outdoor operations and asked if that would be addressed during the Conditional Use Permitting process as well. Mr. Janish replied she is correct, and the City would analyze each application on an individual basis and how that effects the surrounding area.

Motion carried unanimously.

***CONSIDER AMENDMENT TO CITY CODE TITLE 12, CHAPTER 7: FENCES AND WALLS***

Community Development Director Janish explained staff has been working with a business owner in the Hughs-Westview Industrial Park on their commercial site plan. The property owner requested to install a six-foot tall fence in the front yard along with landscaping to screen the property instead of just landscaping. Staff presented the request to the Council at a workshop and Council directed staff to draft the amendment and bring it through the public hearing process for review and consideration.

Mr. Janish stated City Code currently limits fences to four feet in height and presented comparable information from neighboring cities.

Mr. Janish stated the Planning and Zoning Commission held a public hearing on July 14, 2020 and received no public comments. He said the Planning and Zoning Commission had discussion about safety and the ability for law enforcement to observe what is occurring on the business. Mr. Janish stated he contacted the Sheriff's Office and Fire Department and they did not have any concerns.

Mr. Janish further explained changes to the code including barbed wire and electric fences shall not be used on residential lots except for containing farm or pleasure/recreational animals, and that barbed wire may be used around utility and substation sites. Finally, the amendment would clean up some previous typos in the text and correct a few references from clear view triangles to sight triangles to keep consistent with the rest of City Code.

City Attorney Baumgartner asked for clarification in the language of the code and rewriting the portion referring to barbed wire. He recommended the following change to 12-7-5 B: Barbed wire and electrical fences may be permitted on residential lots of two and one half (2.5) acres or greater, provided they be used exclusively for containing farm or pleasure/recreational animals, as defined in City Code.

Councilmember Bukkila asked where the fence line would be located for the businesses in the proposed amendment. Mr. Janish stated the fence can go around the entire property but must be outside of the right-of-way and all easements. Councilmember Bukkila stated if you can't see the building from the street, there is a question of code enforcement. Mr. Janish stated it can be a question of too much screening. Mayor Trude stated it is exclusive to the Hughs-Industrial area. Mayor Trude also explained it has to go through the Commercial Site Plan review process. Councilmember Bukkila expressed concern about having the fence along the curb line. Mr. Janish stated fences are not permitted along the curb line and will be behind the right-of-way, easements, and landscaping.

***Motion*** by Bukkila, Seconded by Barthel, to approve Ordinance No. 510 amending City Code

Title 12, Chapter 7: Fences and Walls and Summary Ordinance. Motion carried unanimously.

***RESCHEDULE NOVEMBER 3, 2020 COUNCIL MEETING***

City Administrator Dickinson requested the Council to reschedule the November 3, 2020 Council meeting as it falls on Election Day.

***Motion*** by Barthel, Seconded by Butler, to reschedule the November 3, 2020 Council Meeting to Wednesday, November 4, 2020 at 7:00 p.m. Motion carried unanimously.

***COVID 19 UPDATE***

City Administrator Dickinson updated the Council on the primary changes to the COVID-19 response since the last meeting. He stated the EDA approved a small business grant program and information will be published and staff will visit businesses. He explained staff is looking at flexible meeting options and preparing for larger public hearings. Mr. Dickinson stated public meetings have flexibility at this time due to the COVID executive order and will have to return to following State Statute when the State determines.

Councilmember Butler stated he received a question from a resident about the Community Center's COVID plan and encouraged residents to view the detailed plan on the Community Center's website. Mr. Dickinson stated the City is following the plan strictly and can be audited by the State.

Mayor Trude explained outside meetings at City Hall are not permitted and public tours will be limited. Mr. Dickinson stated the City is looking at implementing procedures to begin hosting outside organization meetings at City facilities in the future.

***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 Activities)*** – Mr. Dickinson is attending Metro Cities policy meetings through Zoom. He is on the committee for Municipal and State Revenues and will be participating in a Government Agency meeting dealing with oversight of the Met Council. He reported on additional meetings and board activities. Mr. Dickinson explained staff continues to work on the budget. Council will tour the new Public Works building and Community Center on July 28<sup>th</sup> followed by a work session on the budget. He stated the City has 55 new home permits year to date. He reported Andover's standing in the National Census and that Andover is number one in Anoka County, number one in the State, and number one in the United States for response rate for Cities over 15,000 residents. The Mayor stated the City was undercounted in the last census and expressed the importance of responding so the City is in a favorable position to get more restaurants and businesses.

Mayor Trude stated she saw the signal lights have been installed but are not operational. Mr. Dickinson replied he does not know the timeline.

Councilmember Butler asked when the Council will receive the report on pedestrian crossings. Mr. Dickinson replied it will be part of the CIP development discussions.

***MAYOR/COUNCIL INPUT***

***(Open Space Resignation)*** Mayor Trude announced the resignation of Open Space Commissioner Joy Faherty because she moved out of the City.

***(Joint Law Enforcement Council)*** Mayor Trude stated the Joint Law Enforcement Council (JLEC) budget is remaining stable for 2021 with a slight increase for improved reporting purposes.

***ADJOURNMENT***

***Motion*** by Holthus, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary

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