

***REGULAR ANDOVER CITY COUNCIL MEETING – AUGUST 2, 2021  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Pro Tem Valerie Holthus, August 2, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Ted Butler and Randy Nelson

Councilmembers absent: Mayor Sheri Bukkila and Jamie Barthel

Also present: Public Works Director/City Engineer, Dave Berkowitz  
Community Development Director, Joe Janish  
City Attorney, Scott Baumgartner  
Others

***PLEDGE OF ALLEGIANCE***

***RESIDENT FORUM***

No one appeared before the Council.

***AGENDA APPROVAL***

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

***APPROVAL OF MINUTES***

*July 20, 2021 Regular Meeting and July 20, 2021 Closed Meeting*

***Motion*** by Nelson, Seconded by Butler, to approve the July 20, 2021 Regular and Closed Meeting minutes as presented. Motion carried unanimously.

***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Accept Resignation of an Open Space Commission Member
- Item 4 Approve Application for Exempt Permit

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

***HOLD PUBLIC HEARING: VACATION OF DRAINAGE AND UTILITY EASEMENT – 15058 THRUSH STREET NW – BLAKE PEMBERTON (APPLICANT)***

The City Council is requested to consider an application to vacate a portion of a drainage and utility easement at 15058 Thrush Street NW. Community Development Director Janish identified the location of the property and the area the resident wants vacated. He explained the resident would like to build a sport court on the property.

**Motion** by Butler, Seconded by Nelson, to open the Public Hearing at 7:04 p.m. Motion carried unanimously.

No one appeared before the Council.

**Motion** by Nelson, Seconded by Butler, to close the Public Hearing at 7:04 p.m. Motion carried unanimously.

**Motion** by Butler, Seconded by Nelson, to adopt Resolution No. R057-21 granting the vacation of a drainage and utility easement at 15058 Thrush Street NW. Motion carried unanimously.

***CONSIDER REVOCATION OF TOBACCO LICENSE/MERAL INC.***

The City Council is requested to consider the revocation of the tobacco license issued to Meral Inc. at 13652 Crosstown Boulevard. City Attorney Baumgartner detailed the chronology of events that support the request for revocation as listed in the staff report. Mr. Baumgartner explained the business has had 4 code violations of selling to minors in 7 months. Mr. Baumgartner stated Administration is of the opinion that the current pattern of violations is unacceptable and recommends per City Code 3-2-9 the City Council consider revocation of the tobacco license. He stated if the City Council elects to not revoke the license, Administration recommends the City Council impose a suspension of the tobacco license for no less than sixty days.

Terry Watkins, Attorney for Abla Abdallah, came forward and spoke on behalf of his client. Mr. Watkins stated Ms. Abdallah admits to the first and fourth violations and are not guilty of the second and third violations. He explained the second and third violations are in the Court system and will not be heard until March or April, 2022. Mr. Watkins stated the Abdallahs are grateful the City compromised for a 15-day suspension previously. He stated the Abdallahs have placed clear signage in their store and have purchased a scanning device that does not allow them to sell tobacco without scanning a driver's license. Mr. Watkins stated the Abdallahs are requesting another chance to prove that they are taking this seriously and making corrections. He stated if the license is revoked, the business will cease to exist and have a negative impact on the Abdallahs. Mr. Watkins stated Mr. Abdallah made a mistake and was not subverting the law. He

stated the Abdallahs are here to ask the City Council to trust them one more time and to promise the City will not regret giving them another chance.

Mayor Pro Tem Holthus asked Mr. Watkins why corrective action wasn't taken after the first violation. Mr. Watkins said they did take corrective action and the next two violations were not violations. He explained it took a while for the scanning device to get in.

Councilmember Nelson stated Andover welcomes businesses as long as they obey the law. He explained it is the Council's responsibility to protect residents from underage sales of alcohol and tobacco. Councilmember Nelson said there may have been more violations, but they were caught only 4 times. Mr. Watkins replied there is no way to know if there were more violations.

Khamis Abdallah, 11761 Arnold Palmer Court in Blaine, came forward and said he admits to the first offense. He said one of the customers has a fake ID. Mr. Abdallah noted they kick out a lot of underage shoppers and turn them away. He said they promise the City that they will not make another mistake.

Mr. Baumgartner explained State Statute changed in 2020 making the first violation a petty misdemeanor and the second violation within five years a misdemeanor. He stated there are two cases pending in the Courts, one conviction, and one violation that has not entered the Court system yet. Mr. Baumgartner stated the City Council is charged with using the information in the Council packet to make their decision based on a preponderance of evidence.

Councilmember Butler said the Council's first responsibility is to the residents of Andover. He said it concerns him greatly that there are businesses in town making repeated mistakes and not learning or adjusting their procedures to make sure it doesn't happen again. Councilmember Butler stated with the number of violations, he has a hard time supporting the continuation of licensing and would support revocation.

**Motion** by Butler, Seconded by Nelson, to revoke the tobacco license issued to Meral Inc. at 13652 Crosstown Boulevard based on the information provided in the Council packet. Motion carried unanimously.

Zean Abdallah, 11761 Arnold Palmer Court in Blaine, came forward and stated he has worked at his family's business for the past five years. He wants the Council to understand kids can go anywhere to get anything they want. Mr. Abdallah said the Council is destroying a whole family.

### ***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.

**(Public Works/Engineering)** – Mr. Berkowitz updated the Council on the improvements to the

old Public Works building. The Automated Meter Infrastructure project will start in September and is delayed due to the shipping of equipment. Mr. Berkowitz updated the Council on development projects. He stated Lift Station 11 project will begin in the middle of August.

Councilmember Nelson asked when the Nightingale Meadows project will come forward. Mr. Berkowitz stated staff is working through the review and will move to the Planning and Zoning Commission and then the City Council.

*(Community Development)* – Mr. Janish stated Nightingale Meadows will have 22 lots. Mr. Janish updated the City Council on development projects coming before the Planning and Zoning Commission.

***MAYOR/COUNCIL INPUT***

Nothing was reported.

***ADJOURNMENT***

***Motion*** by Butler, Seconded by Nelson, to adjourn. Motion carried unanimously. The meeting adjourned at 7:54 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary  
*TimeSaver OffSite Secretarial, Inc.*

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