

***REGULAR ANDOVER CITY COUNCIL MEETING – AUGUST 8, 2018  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, August 8, 2018, 7:00 p.m., at the Anoka County Law Enforcement Center, 13301 Hanson Boulevard NW, Andover, Minnesota.

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

Councilmember absent: None

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

***PLEDGE OF ALLEGIANCE***

***RESIDENT FORUM***

Carroll Abbott, 2917 142<sup>nd</sup> Lane NW, expressed concern regarding potholes and a man hole cover near his house. He also had concern about the tree branches near the street that rub the side of his motor home and the antenna on his car. He asked if he could get a permit to raise goats in his backyard to keep his lawn short, citing a Star Tribune article. Mayor Trude responded that he does not have 2.5 acres so he cannot raise goats. Mr. Dickinson confirmed he would make note of the issues and asked the resident to follow up again.

Robert (and Vanessa) McNeil, 1947 161<sup>st</sup> Avenue NW, stated he had 22 acres of land in the City. He wanted to propose using a safety cover for their pool, instead of a fence through the issuance of a variance or a change in the ordinance based on the uniqueness of the property. His home is 900 feet from the road and 400 feet from his neighbor. They currently have an approved safety cover. He expressed hope that the Council would consider an amendment to the ordinance that would, for example, accommodate properties with greater than 5.0 acres by allowing a safety cover in lieu of a fence. He noted the City of Blaine does allow them. The resident referenced materials that were distributed. The current ordinance states that above ground pools are exempt with a removable ladder. In discussions with City staff, historically the Council and staff have not viewed safety covers as equivalent. If the argument is that a safety cover could be left open, then the same argument could be said about the ladder not being removed. Mr. McNeil commented he would not make the request if he lived close to neighbors with small children. He believes the greatest risk is when people are there.

Mayor Trude responded the Council has discussed this in the past and inquired if other Councilmembers were interested in talking about it again. Councilmember Holthus confirmed the Planning & Zoning Commission had talked about the issue in the past.

After a poll of the Councilmembers, it was decided to add the topic to a future workshop meeting. Mayor Trude noted the resident is now in violation of the City Code. Mr. Dickinson noted there has to be a temporary fence in the meantime and then the resident is in compliance, plus the pool safety cover is in place.

### ***AGENDA APPROVAL***

There was one amendment on Item #8, the fifth “whereas” was changed to note more distance than expected in the setback, the amendment is now in agreement with the survey.

***Motion*** by Holthus, Seconded by Knight, to approve the Agenda as amended above. Motion carried unanimously.

### ***APPROVAL OF MINUTES***

*July 17, 2018, Workshop Meeting:* Correct as amended.

Mayor Trude requested a change to page 3, line 10, clarifying that it is not a fire station project, but a parking lot reconstruction project.

***Motion*** by Knight, Seconded by Bukkila, to approve the minutes as indicated above. Motion carried 4 ayes, 1 present (Holthus).

*July 17, 2018, Regular Meeting:* Correct as amended.

Mayor Trude requested a change on page 8, line 33-35. Mr. Dickinson proposed the following amendment: “Mr. Dickinson indicated a spreadsheet based on projected bond issuances had been posted on social media that was part of an original council packet regarding a potential expansion project.”

***Motion*** by Goodrich, Seconded by Knight, to approve the minutes as indicated above. Motion carried 4 ayes, 1 present (Holthus).

### ***CONSENT ITEMS***

- Item 2 Approve payment of Claims
- Item 3 Approve State of Minnesota Grant Contract/Kelsey Round Lake Park/18-33
- Item 4 Approve Modification to Sunshine Park Building/Andover Athletic Association
- Item 5 Accept Donation of Storage Shed at Pine Hills North Facility/North Metro Soccer Association (See Resolution R050-18)
- Item 6 Approve Park & Rec Commission Appointment
- Item 7 Approve Extension of Liquor License/Beef O’Brady’s

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

***VARIANCE REQUEST – 167<sup>TH</sup> AVENUE NW/MANITEAU BLVD. NW – RICHARD LEHN***

Mr. Janish brought to the attention of the applicant that there was a discrepancy with the concept plan submitted as part of the variance request. The width at the front yard setback was measured at a fifty (50) foot setback instead of at forty (40) feet, as required by code. The concept plan was updated and submitted to staff to review on July 17, 2018. The applicant requested the City Council table the variance request until the August 8, 2018, Council meeting, so City staff could review the changes and update the variance requests. The property owners/applicants submitted a variance request for the properties located at 167<sup>th</sup> Avenue NW and Maniteau Boulevard NW. The request is to reduce the required width of the lot(s) at the front yard setback.

The proposed variance requests are to reduce the lot width at the front yard setback from 300 feet to 100 feet and 133 feet for the purpose of subdividing the two (2) properties into three (3) lots. If the variance requests are approved, the applicant will work with City staff to begin the process for the lot splits. The existing two (2) lots meet code requirements for lot width, depth and area. However, if the lot is further subdivided, each lot will require a variance for lot width at the 40-foot front yard setback but will meet code requirements for fifty (50) feet width at the right-of-way.

A public hearing was held at the June 12, 2018, Planning & Zoning Commission meeting. There were many public comments regarding the following: concerns regarding a lot width smaller than 200 feet at the front yard setback, a Ramsey resident had concerns about the close proximity of the future home on Lot 2 next to the river, and a resident withdrew his name from the petition because he no longer supports a lot width less than 200 feet. In addition, the Planning & Zoning Commission had discussion regarding who will manage the conservation easement and trail, buildability of the lots, surrounding lot sizes, and the location of the property owners that signed the petition in support of the requests. The first motion resulted in a 3 - 3 vote. During the discussion, two (2) Commissioners switched votes to deny the variance in order to move the application forward to the City Council; although they were not necessarily in full agreement of a denial recommendation.

If the variances are granted, the lot split will be completed administratively. The applicant will be required to submit grading plans, soil borings, a tree protection plan, and surveys. The survey must reflect the trail location. A wetland delineation has been completed and is under review by

the Lower Rum River Watershed Management Organization. The applicant and City staff will continue to work together to ensure the goals of the Comprehensive Plan are met; and the Planning & Zoning Commission, Council and staff comments are satisfactorily addressed. Mr. Janish noted the variance criteria, including the Bluffland and Riverland Development Variance Criteria. The possible conditions were reviewed by Mr. Janish.

Councilmember Holthus asked about the scenic riverway distinction. She also inquired about the stand of white pine. Mr. Janish confirmed the City would have to review any trees being removed. He illustrated the area on a map.

Councilmember Bukkila commented the proposal is not making any great alterations to the property.

Mayor Trude noted there are 40 acres total in the parcel and the family has been talking to staff for a couple of years. At this point, they have determined that only 3 homes are able to be built on all of the acreage because the flood plain causes issues. It is not prohibited to bring in fill and do something different and mitigate the flood plain issues.

Mayor Trude reassured those in attendance that the City staff would follow processes and policies. Mr. Janish supported her statement by explaining that staff would prepare a check list and require each item to be met before a permit is given. Mayor Trude stated economic consideration is not a reason to deny the approval of the variance. The state changed the reasons several years ago regarding denial of variances. City Staff has done a thorough report and the Planning & Zoning Commission has met.

Frank Skubitz, 16648 Maniteau Boulevard, stated he has lived just south of the property since 1983. He showed an aerial shot of the neighborhood and noted the tight corner in the roadway and the dense foliage in the summertime. He pointed out the posted speed on the turn is 15 mph. He expressed concern that the proposed new lots do not meet Andover's present frontage requirement of 300 feet and do not meet the default of 200 feet that was set 50 years ago when the area was plotted. His specific concern is the 3 entrances "dump" into the backside of a severe turn, within approximately 270 feet, at the junction of Maniteau Boulevard and 167<sup>th</sup> Avenue.

John Sweigert, 16636 Maniteau Boulevard confirmed he was the "blue property" that changed their mind. He felt the petition was misrepresented. When he found out that it was 100 feet, he felt that was different than the 200 feet he believed was under discussion. He believes that residents understand the property will be developed sooner rather than later. His greatest concern is not 2 or 3 lots, but rather the severe curve. He believes it is really dangerous. Residents walk or ride bike around that corner. He wondered if a cul-de-sac be considered or a dead end, with consideration for school buses. He also expressed support for the trail. He believed it would be in the public interest to make the curve safer, even if some trees were lost in the process.

Thomas Bashaw, 16647 Maniteau Boulevard, stated the Planning & Zoning Commission said

they contacted all of the neighbors, but no one contacted him. He also noted the petition map was not signed by those affected. He wondered why the Planning & Zoning Commission denied the variance request, but it was being brought to the Council for approval. He believes, monetary considerations are very predominant in this discussion. He asked that 2 lots be approved instead of 3. He confirmed he had found the original markers from original survey. He asserted this type of larger lot would likely have more vehicles and will need a larger width driveway. The trail will also take space. There have been 2 accidents in the area of the sharp curve. He suggested the Council might put in one driveway, and then split it into 2 driveways.

Mayor Trude explained the City Council accepts recommendations from the Planning & Zoning Commission. Anyone who watched the meeting that was referenced, or read the minutes, understands the issues. Staff reviewed the variance issues and presented reasons the Council could approve based on the facts. She confirmed it is not unusual to grant a variance due to curves in the road or unusual topography. Mr. Janish confirmed additional information can be incorporated into a potential approval or denial of the variance.

Mr. Berkowitz explained the standard maximum width is 30 feet for a driveway. It is common that there are several driveways in a small width in an urban area, especially on a curve. He would be working with the building inspectors.

Mayor Trude commented the road has been there for 30+ years and this predates Andover as a City. Every variance request always comes to the Council with a recommendation resolution for approval or denial. She also explained the petition had nothing to do with the City and acknowledged there was a discrepancy in the published notice. Mr. Janish outlined how the correction was communicated out to the residents and informed them regarding the upcoming [that evening's] meeting. The communication letter was then read publicly by Mr. Janish. He confirmed it was mailed to residents following the required public notice.

Mr. Baumgartner then commented on the notice provisions. He stated the distance is handled by the ordinance itself. Generally, Andover goes above and beyond and welcomes residents even from outside of the area. He did not believe there were any shortcomings in the notification process. In fact, in this case, there were more opportunities due to the tabling of the matter.

Mr. Dickinson requested there be no more painting on the streets [by residents]. He reminded residents that act is considered defacing of public property.

Charles Lehn, 4991 165<sup>th</sup> Avenue, stated he represented the family. Three of the five owners were in attendance at the City Council meeting. Mr. Lehn spoke on behalf of the family owners. He thanked the Council for considering the variance. He stated most of the area is wooded and that part of the area is still baled for hay. He agreed it is dense in foliage. He noted there had been a lot of speculation regarding the safety of the area. He asked for consideration of only one criteria that needs a variance as they had met every other criteria. The project planning started with 5 lots and they are now down to 3 lots. He offered to answer any questions.

Councilmember Holthus asked if there was a possible timeline for the conservancy on Lot 4.

Mr. Lehn replied the request is out right now and dependent upon the decision at the evening's Council meeting. He expects they will be able to get the conservancyship. Mayor Trude asked if there was someone in the family that does not support the action. He explained there were 8 heirs and of those, 5 bought out the 3, and all 5 owners are in favor of the development. The negativity from family expressed are from one that does not have ownership.

Mayor Trude recalled that earlier the family had looked at a larger development and doing the fill and cutting down trees, but they elected not to do that because it would cause a lot of degradation to the land. She felt what was being proposed did not change the neighborhood much. They have used large equipment there in the road for years.

Councilmember Holthus expressed appreciation for the tour and additional understanding it brought about the topography. The family spokesperson indicated his ancestors elected not to harvest the white pine stand years ago and there was no intention to eliminate the trees now.

Janie Killian, 16518 Roanoke Street said she would be excited about the new trail that would provide access to the park for children. Mr. Janish responded first they would need to locate a physical trail easement, determine who would construct the trail, what materials would be used, etc. If the variance is approved, the trail might be mowed or paved. Councilmember Bukkila asked about flood plain impacts. The response was that approvals were still needed, soil types need to be considered (i.e. extensive peat cannot accommodate a paved trail and a mowed trail is more feasible). The trail was illustrated on a map noting there is already farm road there. It is in the flood plain. Funding is also needed to proceed with a new trail. Trails in Andover are very popular, commented Councilmember Knight.

Mayor Trude suggested the packet and this meeting's minutes state the variance criteria. The Council agreed to accept the variance criteria had been met and concurred with the supplemental resolution. Mayor Trude stated a variance is a legal process if a resident cannot meet every part of the City Code. The curve in the road is unique in the proposal. The discussion has been focused on the number of feet on the narrowest part. The lots are pie shaped, which is unique in the case of a remnant piece of land. The lot size is in excess, and the odd shape is because of the angle of the street. She continued it should not be ignored that it is beautiful land and these will be demand lots in the community.

***Motion*** by Holthus, Seconded by Bukkila, to approve Resolution No. R051-18, to approve variances at the property located at 167<sup>th</sup> Avenue NW/Maniteau Boulevard NW, including the supplemental resolution. Motion carried unanimously.

It was explained the variance does not create the lots. The next steps are administrative and there needs to be information submitted by an engineer to split the lots.

### ***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 confirmed there were two properties that were closed on. One was a four-plex for redevelopment, and the other was the last parcel for the City campus development. The parcel is about 2 acres and has a Quonset hut. Fire trucks were stored there at one time. There was a development approved by the Council earlier this year and the developer walked away and the owner would like to plat the property going forward. WDE site legislative commission presented their work plan. The last hurdle for funding and approval is taken care of. The bonding bill revenue source is the Environmental Fund and that has happened. The project is still on schedule. There will be construction of a temporary structure and then removal from the pit in January and February and then the site will be restored to green in the spring. Elections are currently going on, with early voting at City Hall. On August 14<sup>th</sup> candidate filing closes. August 13<sup>th</sup> is the last for early voting. City Hall will be open on Saturday, August 11<sup>th</sup>, for voting. There have been 40 home permits issued. Building is happening at Andover High School and a Dominoes is coming as well as Fed Ex. Anoka County Parks is adding a deck at the Bunker Hills Activity Center.

**(Public Works/City Engineer)** Mr. Berkowitz indicated there will be another open house regarding the Hanson Boulevard road construction on August 15<sup>th</sup> at the Activity Center in Bunker Hills. There have been some changes on the construction limits and the construction is now planned to be done in two phases. The public hearing is from 4:00-6:00 p.m. Work continues in preparation for the new Public Works facility. When 90% of the design is in, it will go to the Council. The Veterans Memorial Boulevard extension will be discussed at a future City Council workshop. A possible median will be discussed. Sealcoating is being done in selected areas. A contractor is doing the paving portion of the Crosstown Boulevard Trail and the boardwalk design is being finished.

Mayor Trude asked about the Crosstown Boulevard overlay. Mr. Berkowitz indicated there is a lot of activity near Bluebird Street and Hanson Boulevard because of the turn lane improvement and the project is now in transition towards pavement. It is on schedule for completion by Labor Day weekend.

**(Community Development Director)** Mr. Janish indicated there will be a Planning & Zoning Workshop regarding the Comprehensive Plan covering “all things water.” Staff will start looking at open house times after that. The Planning & Zoning Commission meeting will be at the Anoka County Sheriff’s office on August 15<sup>th</sup>. They will be considering an IUP and variance request. There are ongoing meetings with developers regarding preliminary plats. There is a commercial site plan going forward.

Mr. Dickinson confirmed there was a joint meeting planned with the Park & Recreation Commission. The Council may need to add a budget meeting in September to get the early certification done. It would be a one-hour meeting, prior to the Council meeting.

Mr. Dickinson told Councilmembers that evaluation is happening regarding the Community Center for potential expansion. They are coming to better cost estimations on the components, and discussing what the YMCA can support. They are interested in court space, fitness space, childcare space, and studio space. The Council will know what they are interested in

adding/funding in the next couple of months.

***MAYOR/COUNCIL INPUT***

***(Mayor Trude)*** Mayor Trude noted at the Walgreens store in Andover, they have a 50-year employee, that they are recognizing on November 1<sup>st</sup>. In other news, The Courier is going to now be a quarterly publication. Councilmembers expressed enjoying interacting with residents, police and fire staff during the Night to Unite. Businesses were thanked that donated items for the parties. One neighborhood collected for the food shelf.

***ADJOURNMENT***

***Motion*** by Knight, Seconded by Bukkila to adjourn. Motion carried unanimously. The meeting adjourned at 8:41 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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