

***REGULAR ANDOVER CITY COUNCIL MEETING – AUGUST 20, 2019  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, August 20, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila, Valerie Holthus and Jamie Barthel

Councilmember absent: None

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

***PLEDGE OF ALLEGIANCE***

***FIRE DEPARTMENT BADGE PRESENTATION***

Mayor Trude welcomed family and friends of the newly hired firefighters and invited Chief Streich to the podium. Chief Streich explained the process for hiring and training new firefighters. Chief Streich introduced the firefighters and family members pinned on the badges. Mayor Trude thanked the firefighters and their families for their service to the City of Andover.

***RESIDENT FORUM***

No one wished to address the Council.

***AGENDA APPROVAL***

Mayor Trude noted the supplemental information received:  
Item #8 – Supplemental information provided

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

***APPROVAL OF MINUTES***

*August 5, 2019, Regular Meeting:* Correct as written.

***Motion*** by Barthel, Seconded by Knight, to approve the August 5, 2019, Regular meeting

minutes as presented. Motion carried 4 ayes, 0 nay, 1 present (Bukkila).

***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Approve Appointment Maintenance Worker
- Item 4 Approve Auditing Services Contract/Redpath & Company

***Motion*** by Holthus, Seconded by Knight, to approve the Consent Agenda as read. Motion carried unanimously.

***ANOCA COUNTY SHERIFF’S OFFICE MONTHLY REPORT***

Commander Lenzmeier provided a monthly report including 1633 calls for service, 14 DWI’s, 3 overdoses, 5 domestic assaults, 239 traffic stops resulting in 62 written warnings, 94 citations, 6 felony arrests, 6 gross misdemeanors, and 6 misdemeanors during the month of July. He noted several other key incidents occurring in the City including an attempted armed robbery on Saturday, August 17. The department hosted several community classes for youth and issued safety alerts.

*Informational; no action required.*

***CONSIDER NO PARKING PETITION/WOODLAND ESTATES NEIGHBORHOOD***

The City Council is requested to consider a petition from a portion of the Woodland Estates neighborhood to designate conditional No Parking along 150<sup>th</sup> Avenue NW, Swallow Street NW and Raven Street NW.

Director of Public Works/City Engineer Berkowitz reviewed the staff report with the Council. Mr. Berkowitz explained the process staff has taken in working with the neighborhood and Andover High School. Mr. Berkowitz stated it has become difficult for vehicles and plow trucks to get through due to students parking along these sections of streets when school is in session.

The segments requesting conditional No Parking on both sides of the street are as follows:

- 150<sup>th</sup> Avenue NW between Uplander Street NW and Partridge Street NW
- Swallow Street NW between 150<sup>th</sup> Avenue NW and 150<sup>th</sup> Lane NW
- Raven Street NW between 150<sup>th</sup> Avenue NW and 150<sup>th</sup> Lane NW

Councilmember Barthel asked about Uplander and Osage Street and why they weren’t included. Mr. Berkowitz stated they weren’t involved and said there is a chance the parking will be pushed farther north; however, he recommended starting with the area indicated and expanding if necessary. The high school has added 105 parking stalls to alleviate parking pressure on the neighboring streets.

Mayor Trude noted a typo in resolution in the second “whereas” clause: “the City has notified”

and asked that staff review setting aside a few daily permits for student use at Sunshine West.

Councilmember Knight asked how this would be enforced. Mr. Berkowitz stated the Sheriff's Department will patrol the area.

Councilmember Holthus asked about having a police officer direct traffic at the end of the school day as other schools do. Mr. Berkowitz will talk to the high school to explore the possibilities of assigning a police officer to direct traffic and issue daily permits for students for Sunshine West parking lot.

**Motion** by Bukkila, Seconded by Barthel, to adopt Resolution No. R066-19, Designating No Parking along 150<sup>th</sup> Avenue NW, Swallow Street NW and Raven Street NW on Both Sides of Street in the Woodland Estates.

Motion carried unanimously.

***CONSIDER INTERIM USE PERMIT (IUP) - LAND RECLAMATION – 4239 - 165<sup>th</sup> AVENUE NW - BOBBY PETERSON***

The applicant is requesting an IUP for land reclamation in order to mitigate the future development of Preserve at Petersen Farms. The area where fill is to be deposited is an open area. The location of the fill is five (5) feet from the northern property line and 50 feet wide with a 3:1 slope.

Community Development Director Janish presented background information to the Council. Mr. Janish stated the applicant has requested more fill brought in than originally anticipated. Mr. Janish reviewed the Planning and Zoning Commission recommendation from their August 13, 2019 meeting. The Commission recommended approval with a 7 to 0 vote.

Mr. Janish presented residents comments from the public hearing:

- Expressed concerns with future development in the area and the granting of the PUD
- Noted the applicant should be able to build the berm due to the granting of the PUD for the future development of Preserve at Petersen Farm
- Concerns with the Land Reclamation permit being needed (overly burdensome to land owners), due to the fact the applicant owns 20 acres, and applicant should be able to do what they want
- Applicant takes care of his property and will build the berm right

The Planning and Zoning Commission discussed the following items during the meeting:

- Who received notice
- Current location of the fill material
- What is being approved with the request
- Potential maximum height (code doesn't have one)
- Purpose of berm (privacy)

- Amount of fill material to be used (7,000 to 10,000 cubic yards)

Mr. Janish reviewed the conditions given to the applicant.

Councilmember Bukkila asked about the expiration date and if it shouldn't expire when he hits 10,000 cubic yards. Mr. Janish stated the expiration date is either 10,000 cubic yards or August 1, 2024. Councilmember Bukkila asked how the haul route would be impacted if the development went in. Mr. Janish replied the City has identified two possible routes and if the development went in prior to the deadline, the haul route will be changed to the secondary option.

**Motion** by Bukkila, Seconded by Barthel, to adopt Resolution No. R067-19, Granting an Interim Use Permit for Land Reclamation for Pin 07-32-24-43-0002, the Property Legally Described as: the E 701.69 Ft of SW ¼ of SE ¼ Sec 7 TWP 32 RGE 24, Ex Rd Subj to Ease of Rec.

Councilmember Barthel thanked the homeowner for how he handled the situation after the homeowner realized a permit was needed.

Motion carried unanimously.

***CONSIDER CONDITIONAL USE PERMIT (CUP) - INTERIM PERFORMANCE STANDARDS (IPS) - 3017 – 16151<sup>st</sup> AVENUE NW***

Community Development Director Janish stated the applicant is seeking approval under the Interim Performance Standards (IPS) of City Code 12-13-22 related to curbing which requires approval of a Conditional Use Permit (CUP). The applicant is expanding the parking area to the west of the building and is requesting the use of ribbon curb and parking stops instead of high back curb.

Mr. Janish reviewed the staff report with the Council. Mr. Janish went through the standards for a CUP and IPS. Mr. Janish presented the site plan, parking stops, and landscaping plan. Mayor Trude asked about adding landscaping requirements and Mr. Janish stated it can be part of the resolution. Mayor Trude wanted to ensure the trucks would be shielded from the view of the road. Councilmember Holthus inquired about the screening and commented on receiving numerous complaints. Mr. Janish reviewed progress made so far, the expansion of the parking lot, and the additional screening planned.

Councilmember Bukkila asked how it works if the City allowed this concession with parking stops and then in the future, required high back curbs and inquired if it would be a full tear up. Mr. Berkowitz stated if sewer and water came in, the applicant could expand the parking lot, add high back curb, and conform with water discharge without a full tear out.

Mr. Janish reviewed that the Planning and Zoning Commission discussion held a public hearing at their August 13, 2019 meeting and is recommending approval with a 5 to 2 vote. Conditions have been outlined in the resolution for the City Council's consideration. Mr. Janish stated that during the public hearing, no public comments were received. The Planning and Zoning

Commission discussed the following items:

- Noted City Engineer's concerns; however, items are in place to mitigate concerns
- Interim performance standards are limited to Hughs/Westview industrial park area
- Responsibility of plowing the lot is the applicants
- Responsibility of maintenance of the parking stops is the applicants
- The City can inspect the parking stops within reasonable hours and require replacement and repair
- When City services (water and sewer) are available any expansion terminates the interim performance standards

Mr. Janish reviewed the supplemental email received as a complaint and stated the property owner corrected the situation immediately.

Councilmember Holthus asked if the trees indicated on the site plan would be effective in screening the property. Mr. Janish stated it would be difficult to determine; however, the applicant is willing to put in additional fencing. Mr. Janish offered the Natural Resource Technician to optimize the screening from the front and Mayor Trude and Councilmember Holthus agreed. Councilmember Holthus stated natural screening is preferable and she wants to make sure the neighbors have a better aesthetic than what is there now.

Councilmember Bukkila asked about the parking lot on the business to the west. Mr. Janish replied that the parking lot is asphalt with no curb. Councilmember Bukkila is looking for a higher standard because it is on a busier street and would like adequate screening.

Councilmember Holthus agreed about the aesthetic and the view of the property from the street.

Mayor Trude stated the addition of pavement and landscaping will make the area look better.

Councilmember Bukkila would like to see more landscaping going farther west.

Councilmember Knight asked about the volume of traffic using the business. Mr. Janish replied the cars are mostly employees coming to and from work.

Councilmember Barthel asked how many properties in this industrial zone put in high back curbing because that was the established standard. Mr. Janish stated 2 properties have had that requirement. Councilmember Barthel asked if it would really be cheaper to expand the parking lot with curb stops or would they have to regrade when they expanded. Mr. Janish replied that it depends on where they add surface, but it is possible to add on without regrading and if water discharge needs to be directed, another pond can be added. Mr. Berkowitz concurred and stated he understands the applicant is going to lay his own ribbon curb, thereby lowering costs. Councilmember Barthel asked if the City allowed the ribbon curb and parking stops and then changed standards, is it easy to change. Mr. Janish replied the applicant would have to expand the parking lot in order to trigger that condition. Councilmember Barthel asked about the code for this industrial area when it comes to aesthetics and isn't the landscaping something that should have been done before. Mr. Janish stated this is part of the Commercial Site Plan with the

storage area in the back, and staff has been working with the applicant. Mr. Janish stated the applicant can't move forward with the landscaping until the site plan, CUP, and IPS are all approved.

Eric Hicks, business owner at 3017 161st Avenue NW, came forward and explained he has his own labor and equipment. The curb stops are rubber and can be moved and reused and the parking lot can be expanded much easier. Mr. Hicks explained that the vehicles are licensed, titled, insured, and used daily, not just stored there as unused equipment.

**Motion** by Holthus, Seconded by Bukkila, to adopt Resolution No. R068-19, Approving the Conditional Use Permit Request for Interim Performance Standards Located at 3017 161st Avenue NW, Pin 16-32-34-23-0002, Legally Described as: Unplatted City of Andover that Part of the E 461 Ft of the NW ¼ of Sec 16-32-24 Lying S of the N 2,106. 01 Ft; Ex Rd; Subj to Ease of Rec with the Understanding that the Commercial Site Plan Includes Natural Screening Expanded to the West 15 Feet.

Motion carried unanimously.

#### ***SCHEDULE SEPTEMBER EDA MEETING***

The Council is requested to schedule an Economic Development Authority (EDA) meeting at 6:00 p.m. before the September 3, 2019 City Council meeting.

Motion by Knight, Seconded by Barthel to schedule an EDA Meeting on September 3, 2019, at 6:00 p.m.

Motion carried unanimously.

#### ***SCHEDULE SEPTEMBER COUNCIL WORKSHOP MEETING***

The Council is requested to schedule a Council workshop (bus tour) at 5:00 p.m. on Tuesday, September 24.

Motion by Barthel, Seconded by Holthus, to schedule a Workshop Meeting on Tuesday, September 24, 2019, at 5:00 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/Public Works/Engineering Department Report)** Mr. Berkowitz stated the boardwalk is now open and is heavily used. Mr. Berkowitz updated the Council on the Public Works expansion, Veterans Memorial Drive, the City Campus and Community Center

expansion, street reconstruction, and Hanson Boulevard reconstruction, and staff's work on the Capital Improvement Plan and development activity. Mr. Berkowitz expressed appreciation to the Coon Rapids-Andover Little League team on participating in the Little League World Series and stated the team will be invited to a Council meeting for recognition.

***(Community Development Department Report)*** Mr. Janish updated the Council on staffing and developments in the review process. Mr. Janish stated the 2040 Comprehensive Plan has been ruled incomplete by the Met Council. The City will receive details on what information is needed and will provide additional material.

***MAYOR/COUNCIL INPUT***

***(Speed Study)*** Mayor Trude commented on the upcoming speed study and recommended the study be broken into segments with Nightingale from Crosstown to 154<sup>th</sup> Avenue as one segment. Mayor Trude stated that segment has the most pedestrian activity and is more densely populated. Mr. Berkowitz responded staff will work with MNDOT on it.

***ADJOURNMENT***

Motion by Holthus, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 8:47 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary

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