

**REGULAR ANDOVER CITY COUNCIL MEETING – SEPTEMBER 18, 2018  
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, September 18, 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: 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***

No one wished to address the Council.

***AGENDA APPROVAL***

Mayor Trude indicated there are a couple of supplemental items to add to the Agenda: Item 11 (Anoka County Sheriff's Office Supplemental Report), Item 15 (Corrected resolution for The Preserve at Petersen Farms PUD Amendment), and Item 16 (resident correspondence on The Preserve at Petersen Farms Preliminary Plat).

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

***APPROVAL OF MINUTES***

*August 28, 2018, Workshop:* Correct as amended.

Mayor Trude requested the following corrections:

Page 1, line 39-40, '~~...for their part in that and thoughtfulness for a better community helping make Andover a great place to live.~~'

Page 3, line 7, '~~...grants for 7<sup>th</sup> Avenue which would have a trail adjacent to it and they~~

are also seeking grants for a small section of Round Lake Boulevard.

Page 9, line 5, replace ‘oversite’ with ‘oversight’

**Motion** by Holthus, Seconded by Knight, to approve the August 28, 2018, Workshop meeting minutes as indicated above. Motion carried unanimously.

*September 4, 2018, Regular Meeting:* Correct as amended.

Mayor Trude requested a correction on page 3, line 39, to add: ‘City Administrator Dickinson stated it would be assigned to the individual lots.’

**Motion** by Bukkila, Seconded by Goodrich, to approve the September 4, 2018 Regular meeting minutes as indicated above. Motion carried unanimously.

*September 4, 2018, Workshop:* Correct as amended.

Mayor Trude requested the following corrections:

Page 4, line 2, replace ‘~~baseball~~ shelters’ with ‘basic picnic shelters’

Mayor Trude asked City Administrator Dickinson to verify the dollar figures and percentages on Page 5, lines 9-14.

**Motion** by Holthus, Seconded by Knight, to approve the September 4, 2018, Workshop meeting minutes as indicated above. Motion carried unanimously.

### **CONSENT ITEMS**

Item 2 Approve Payment of Claims

Item 3 Award Bid/17-17/Crosstown Blvd. NW Trail/Boardwalk (See Resolution R056-18)

Item 4 Declare Cost/Order Assessment Roll/18-2, 2018 Street Reconstruction & 18-11, 143<sup>rd</sup> Ave. NW Reconstruction (See Resolution R057-18)

Item 5 Declare Cost/Order Assessment Roll/17-44, Crosstown Blvd. NW Overlay (See Resolution R058-18)

Item 6 Approve Comprehensive Water System Plan/16-39C

Item 7 Approve 2019 Sheriff’s Contract

Item 8 Approve Funds Transfer & Budget Adjustments-Trail Fund

Item 9 Accept Contribution/Andover Huskies Youth Hockey Association/Andover Community Center (See Resolution R059-18)

Item 10 Approve Used Vehicle Sales Business License/16191 Round Lake Blvd.

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

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

Anoka County Commander Lenzmeier presented an update on law enforcement activities within the City. He also reported on the success of the recent open house during which 1,300 people attended, creating positive interactions.

Mayor Trude stated she and Councilmember Knight attended the open house and saw many families with children enjoying the event.

***VARIANCE REQUEST – REDUCE FRONT YARD SETBACK FOR AN ACCESSORY STRUCTURE – 3174 170<sup>TH</sup> LANE NW – JOHN AND KRISTY TVERBERG***

Community Development Director Janish displayed the list of criteria to be evaluated by the City Council for variance requests. He presented the variance requests of John and Kristy Tverberg at 3174 170<sup>th</sup> Lane NW to construct a 36-foot by 36-foot, 1,296 square foot accessory structure that encroaches the 60-foot front yard setback by 30 feet and to split off the current driveway to reach the accessory structure so a secondary curb cut would not be needed. He noted this location minimizes the amount of impervious material needed and the proposed location results in the removal of fewer trees when compared to other locations. He displayed colored pictures of the subject site, noting the location of the septic system and areas of vegetation. If approved, the exterior siding material will match as best possible with the primary structure.

Community Development Director Janish displayed a location map and described the potential building areas of abutting lots should they desire to construct an accessory structure.

Community Development Director Janish stated on August 15, 2018, the Planning and Zoning Commission held a public hearing on this request. There were no public hearing comments but staff received one e-mail from a neighbor that was supportive of the variance. The Planning and Zoning Commission suggested the applicant keep the accessory structure as far from the road as possible and recommended approval of the 30-foot variance on a 3 ayes, 1 nay (VanderLaan), 3 absent vote. If approved tonight, the applicant will work with staff to begin the building permit process for the accessory structure.

Community Development Director Janish stated staff has drafted resolutions for approval and for denial for the Council's consideration.

Mayor Trude asked where the setback is measured from. Community Development Director Janish stated the measurement comes from the property line and typically the boulevard width is 15 feet. Mayor Trude noted the drawing actually shows the variance impact would be less than the requested 30-foot setback. Community Development Director Janish stated that is to provide more flexibility.

Mayor Trude invited the applicant to make comment.

Councilmember Bukkila asked if there is an impediment to meeting the required 40-foot setback

John Tverberg, 3174 170<sup>th</sup> Lane NW, applicant, stated there are mature oak trees that he would like to preserve and not impact the root system. In addition, he wants the garage off the westerly property line as there are a pool and fire pit close to the adjoining property line.

Mayor Trude stated she is concerned with granting a variance when it cannot be considered for the neighbor on either side. She asked if the proposed building can be smaller in size. Mr. Tverberg stated the building can be downsized but then it would not accommodate his tournament boat, trailers, and tractor that are currently parked outside.

Mayor Trude stated she viewed the property today and there is good coverage but if the trees are cleared between the structure and road, she would like to require additional landscaping and screening in that area to assure the neighbor's property is protected.

Mr. Tverberg stated the building will not go to the west so the only direction it could be moved is to the south, which would get closer to and impact the mature trees.

Mayor Trude noted the Planning and Zoning Commission discussed considering a 40-foot setback and improved surface constructed to the new structure. She commented on the large size of the proposed structure and importance of having the building look aesthetically pleasing. She would like to add a condition requiring added landscaping in front of structure if the tree screening is removed.

Councilmember Holthus stated she is familiar with the area, which is heavily wooded, and she does not imagine they would remove the trees between the structure and the road. But, if the Council supported a condition to require more landscaping, she would agree.

Councilmember Goodrich stated he would also support that added condition.

With regard to an improved surface to the new structure, which is not a code requirement, Mr. Tverberg stated temporarily he wants to use modified driveway trap, allow it to settle for a year or two, and then he will add an asphalt continuation to the new garage.

Councilmember Bukkila stated she does not support an added condition requiring asphalt to the new garage, noting Mr. Tverberg will be constructing an adequate base at this time. She stated she understands the desire to protect the oak tree roots, but without compromising the building structure or foundation, she would like to get the new building as close to the 40 feet as possible. Mr. Tverberg stated he is asking for a 30-foot variance but does not think the variance will be that great, estimating it will be closer to 25 feet.

Mayor Trude asked about vehicles parked on the site and if the structure can be located in that area. Community Development Director Janish displayed a picture of the site and vehicles, noting that is the approximate area of the proposed structure.

**Motion** by Holthus, Seconded by Goodrich, to approve Resolution No. R060-18, approving

variance requests of John and Kristy Tverberg at 3174 170<sup>th</sup> Lane NW to construct a 36-foot by 36-foot, 1,296 square foot accessory structure that encroaches the 60-foot front yard setback by 30 feet and to split off the current driveway to reach the accessory structure so a secondary curb cut would not be needed, with the added condition directing staff to evaluate landscaping to screen the new building from the roadway if screening is removed. Motion carried unanimously.

***VARIANCE REQUEST – REDUCE FRONT YARD SETBACK ON A COUNTY ROAD – 181<sup>ST</sup> AVENUE NW – TC HOMES***

Community Development Director Janish referenced the list of criteria required for variance consideration. The property owners/applicants submitted a variance request for their property located just east of the railroad tracks on 181<sup>st</sup> Avenue NW. The neighboring property to the east is 18086 Palm Street. The variance request is to build a single-family home that encroaches the 110-foot building setback from 110 feet to 80 feet.

Community Development Director Janish displayed a map of the subject site and described the location of wetlands, highest elevation, railroad tracks, and proposed building location. The property on 181<sup>st</sup> Avenue NW is wooded and the proposed location of the principal structure is believed to be the best location for a single-family home, as they hope to reduce the number of mature trees that need to be removed, it is farther from the railroad tracks, it requires less fill. He noted if the building is in the location to the west, it would require five feet of fill, additional fill in the driveway, and removal of 310 trees.

Community Development Director Janish stated the Planning & Zoning Commission held a public hearing on September 11, 2018, and one public comment was made by the abutting property owner indicating that even though meeting setbacks, the proposed house was too close to the property line and some additional vegetation should be added. In addition, a telephone call was received from the neighbor directly to the south indicating he previously owned this parcel and the wetlands consistently flood during heavy rainfall. Because of that, he questioned the available buildable area.

Community Development Director Janish reviewed the questions asked by the Planning & Zoning Commission regarding tree removal at the proposed site versus a potential site by the railroad tracks and motion to recommend denial finding the variance did not qualify as a unique circumstance since the house could be placed elsewhere on the property. That motion failed on a 3 ayes (Daninger, Koehler, Hudson), 3 nays (VanderLaan, Loehlein, Nemeth), 1 absent (Sims) vote.

Community Development Director Janish stated the applicant is present and offered to answer questions.

Mayor Trude asked whether the fencing along the road is located on this property.

Brian Tutt, TC Homes, Inc. 13501 Balsam Lane, Dayton, stated it runs along 181<sup>st</sup> Avenue NW

and is part of this property.

Mayor Trude stated there is substantial tree cover between that location and existing home. Mr. Tutt explained there is a natural opening that the neighbor mentioned. He offered to plant additional screening if it does not interfere with the septic area.

Mayor Trude stated the proposal is to construct a rambler in the location of the high ground at a significant distance from the railroad tracks.

Community Development Director Janish stated if approved, staff recommends an additional condition that the applicant provide information on a second drainfield location, which will be important should the Anoka County Highway Department (ACHD) decide to acquire additional right-of-way. He used a map to point out the location of the natural opening in screening, noting it would not interfere with the location of a future drainfield on this property.

Councilmember Bukkila stated she does not like the setback as proposed and has the same concerns as the Planning and Zoning Commission. She is more sympathetic with the railroad than the wetlands and trees but with the amount of variance and idea with the right-of-way, the house could potentially be 20 feet from the County Road, if the road is expanded. She noted this would normally not be allowed. With regard to requiring additional landscaping in the natural opening, Councilmember Bukkila stated the neighbor to the east can put in his own screening if he chooses because he has enough land to do that. She did not think the Council should force change on someone else and is not obligated to require the applicant to plant trees.

Mayor Trude referenced the ACHD letter saying the proposed access location is acceptable, noting it is unusual to receive such a letter. Community Development Director Janish explained that relates to the point of access and it is silent on the setback the City established through City Code of 110 feet from the centerline. That setback is required so if the ACHD requires additional right-of-way, it keeps the home farther away. Should that occur in the future, the right-of-way will be closer to the home even though the traveled roadway may not be closer.

Councilmember Bukkila stated she is not comfortable with it. She noted the drainfield is proposed to be in front of the house so it would be between the house and roadway. Community Development Director Janish stated that is the reason for requiring a second drainfield location, in case of the purchase of additional right-of-way.

Mayor Trude described the location of this site, which is isolated with wetlands. She stated she would like to see Viking Boulevard expanded but 181<sup>st</sup> Avenue NW does not connect to anything so Andover Boulevard would probably be connected first. She stated she lives one mile from the railroad tracks and her home shakes at times so she wonders why someone would want to construct close to it. In addition, there are times when sparks come from the train tracks, which can start dry grass on fire.

Mayor Trude stated she supports the variance request as the railroad and wetlands make the

property unique and it does not alter the essential character with the existing homes. She stated the locality and character of the neighborhood need to be considered when looking at variances and there will be no financial impact to other properties and no residents objected so she supports it.

Councilmember Holthus felt having the mound system between the house and road was peculiar and if it was west of the home, it would make the property look better. She stated traffic will not be an issue so she does not worry about the road expanding to four lanes. Her only comment is why you would want the septic system between the road and house.

Councilmember Goodrich asked if there are plans to expand the road. Director of Public Works/City Engineer Berkowitz stated there is not and it is not within the ACHD's 5-year capital plan. He noted this is a low-volume use road and it is not a critical east/west connection.

Councilmember Goodrich stated he is familiar with this neighborhood and in his opinion, this variance would not change the character. He found practical difficulties with the location of the railroad tracks and need to clear more trees if another location is used.

**Motion** by Holthus, Seconded by Goodrich, to approve Resolution No. R061-18, approving variance request of TC Homes, Inc. to build a single-family home that encroaches the 110-foot building setback from 110 feet to 80 feet, with the additional condition to provide for a secondary drainfield. Motion carried 4 ayes, 1 nay (Bukkila).

***CONSIDER REZONING – AG AGRICULTURE TO R1 SINGLE FAMILY RURAL – 7<sup>TH</sup> AVENUE NW / 165<sup>TH</sup> LANE – JD ANDOVER HOLDINGS LLC***

Community Development Director Janish displayed a map of the subject site. The request to rezone the parcels that make up the Petersen Farm from Ag Agriculture to R-1 Single-Family Rural to be consistent with the Comprehensive Plan Amendment. Community Development Director Janish displayed the zoning map and described the zoning of the subject and surrounding properties being R-1 and R-2. He explained the code does not allow rezoning to R-2.

Community Development Director Janish explained with a rezoning, the City shall find one of two State Statute findings: the original zoning was in error; or, the character of the area or times and conditions have changed to such an extent to warrant the rezoning. He noted this property is not within the MUSA and staff finds that times and conditions have changed as the property owner's family is shifting away from farming and seeking rezoning to develop the eastern portion of the property into a Planned Unit Development (PUD) known as The Preserve at Petersen Farms.

Community Development Director Janish noted staff cited two reasons it finds that times and conditions have changed. He reviewed the meeting minutes and documentation that had been provided for the Planning & Zoning Commission's review.

Community Development Director Janish stated the Planning & Zoning Commission held a public hearing on September 11, 2018 but no comments were received. The Planning & Zoning Commission recommended, on a 6 ayes, 0 nays, 1 absent (Sims) vote to approve of the rezoning request based on the finding the future land use of the area has changed from Agricultural Preserve to Rural Residential and a portion of the property is proposed to be developed.

**Motion** by Bukkila, Seconded by Knight, to approve Ordinance 485, amending City Code Title 12-3-4, Zoning District Map of the City of Andover, to rezone the parcels that make up the Petersen Farm from Ag Agriculture to R-1 Single-Family Rural to be consistent with the Comprehensive Plan Amendment, based on the finding the future land use of the area has changed from Agricultural Preserve to Rural Residential and a portion of the property is proposed to be developed. Motion carried unanimously.

***CONSIDER PLANNED UNIT DEVELOPMENT AMENDMENT – THE PRESERVE AT PETERSEN FARMS – JD ANDOVER HOLDINGS LLC***

Community Development Director Janish explained the purpose of a Planned Unit Development (PUD) and presented the request of Landform, on behalf of JD Andover Holdings, for a Conditional Use Permit (CUP) and Planned Unit Development Amendment (PUDA) for 24 Rural Residential lots and three outlots at Petersen Farms, 7<sup>th</sup> Avenue and 165<sup>th</sup> Avenue NW.

Community Development Director Janish described the requested changes to the original PUD that are under consideration tonight are: a smaller front yard setback of 30 feet versus the standard 40 feet; shifting the intersection of the north/south and east/west roadway to allow for better site visibility as a traffic calming method; and, an easement to protect slopes that exceed 18 percent for over 50 feet of run with that easement being in the Home Owners Association (HOA).

Community Development Director Janish stated each lot would be custom graded and the 30-foot setback will provide more flexibility in placement of the house and protection of trees. He used a map to point out the area of a conservation easement that restricts some activities but allows for maintenance.

Community Development Director Janish read the list of recommended conditions and explained if there is an overlap, the City's drainage and utility easement would supersede the conservation easement rights. He reviewed the architectural requirements chart and itemized the information provided to the City Council for consideration including draft resolutions for approval and denial.

Community Development Director Janish stated on September 11, 2018, the Planning & Zoning Commission considered this request and held a public hearing. He presented the comments received at that public hearing and recommendation of the Planning & Zoning Commission on a 6 ayes, 0 nays, 1 absent (Sims) vote to approve the request with some language changes to the

easement language to require prior Architectural Control Committee (ACC) approval.

Mayor Trude referenced the supplemental information and corrected resolution and asked if it includes the Planning & Zoning Commission's recommendation for an easement language change. Community Development Director Janish answered in the affirmative, noting it provides clarity relating to requiring ACC approval before a change is made to the preservation easement.

Mayor Trude reviewed the items under consideration tonight.

Councilmember Holthus asked about the easement and whether 33% of the trees could be removed with approval or only if diseased. Community Development Director Janish stated the 33% is with the approval of the ACC. If the tree is diseased or dead, the landowner could remove it and if not, then it would require ACC approval.

Councilmember Holthus asked if there is enough room behind the houses and line to the easement to have a swimming pool or some other recreational structure. Community Development Director Janish stated there is that potential depending on location of the home since custom grading would allow other locations for the septic system and drainfield. Each lot has at least one acre in size buildable.

Councilmember Bukkila asked about the need for a blanketed 30-foot setback.

Darren Lazan, Landform Professional Services, LLC, 105 South Fifth Avenue, Suite 513, Minneapolis, stated the purpose was simply to provide more flexibility for the homeowner in where the home is located and less setback is also less impervious surface and promotes low-impact design.

Mayor Trude stated if approved, they would not be required to request a variance to make those accommodations.

Councilmember Goodrich asked whether the ten feet of land contained in the outlots to be given back was a concession after the road was moved over. Mr. Lazan stated they recognize the trees between the right-of-way and adjacent property line but by policy, Andover does not allow outlots so they are requesting interim outlots. Then, after the trees are preserved and the roads improved and accepted by the City, they will turn those interim outlot areas over to the adjoining property owners. He noted that trees are not allowed in a right-of-way and this is an opportunity to save them as best as possible.

Mayor Trude asked with new roads, how far back trees are required to be cleared from the right-of-way. Director of Public Works/City Engineer Berkowitz stated in new developments, the City wants the right-of-way cleared. There is a 50-foot right-of-way and 30-foot roadway surface so a minimum of 10 feet on each side will be cleared. In this case, the temporary outlots will protect those trees.

Councilmember Knight asked about the dimension of the plat. Mr. Lazan stated it was driven by the property lines, wetland, roadway, and river. Councilmember Knight referenced the plan on display and asked if the areas shown in green will remain under cultivation. Mr. Lazan stated it will be developed in the future but in the immediate future, it will still be under cultivation.

Councilmember Bukkila asked if parking is allowed on the street. Director of Public Works/City Engineer Berkowitz stated parking will be allowed on one side only. Councilmember Bukkila asked if there is a minimum driveway length. Director of Public Works/City Engineer Berkowitz stated the 10 feet of right-of-way would be part of the driveway so the minimum would be 40 feet.

**Motion** by Holthus, Seconded by Goodrich, to approve the revised Resolution No. R062-18, approving the Conditional Use Permit/Planned Unit Development Amendment Requested by Landform, on behalf of JD Andover Holdings, as shown as Preliminary Plat Plan stamped August 27, 2018 for 24 Rural Residential lots and three outlots at Petersen Farms, 7<sup>th</sup> Avenue and 165<sup>th</sup> Avenue NW.

Further discussion:

Councilmember Bukkila stated she would like to see the front setback considered as separate variances instead of granting a blanket 30-foot front yard setback.

Mayor Trude noted this is a PUD so a setback variation can be considered. She stated some people want larger back yards, which a 30-foot front yard setback allows plus it would not result in the City receiving a lot of variance requests to preserve trees and accommodate larger back yards. She noted with PUDs, some cities go to 20-foot setbacks.

Councilmember Bukkila stated with this larger land mass, you should be able to meet the minimum standards unless there is a natural impediment so she found it would be reasonable to have them come in for a variance.

Motion carried 4 ayes, 1 nay (Bukkila).

***CONSIDER PRELIMINARY PLAT – THE PRESERVE AT PETERSEN FARMS – JD ANDOVER HOLDINGS LLC***

Mayor Trude stated the Council has followed this request closely, read the meeting minutes and documentation, and listened to public hearing input. She stated following the staff presentation, she will allow limited public input since residents have been attending the meetings.

Community Development Director Janish referenced the supplemental information and an e-mailed letter to Council about acreages of the proposed lots.

Community Development Director Janish displayed the preliminary plat. It was noted the

purpose of this item is to consider the preliminary plat of The Preserve at Petersen Farms consisting of 24 Rural Residential lots and two outlots. Community Development Director Janish stated the lots meet the size requirements of the PUD and the applicant has indicated the approximate location of septic systems but they could be adjusted with custom grading.

Community Development Director Janish reviewed the proposed preliminary plat for The Preserve at Petersen Farms including street alignment and access from 168<sup>th</sup> Avenue NW, which is currently a temporary cul-de-sac. He noted that while the Anoka County Highway Department (ACHD) will not require construction of a south-bound right turn lane and a north-bound bypass lane at County Road 58 and 168<sup>th</sup> Avenue NW, Director of Public Works/City Engineer Berkowitz supports those improvements and recommends it as a contingency to address current and future safety concerns. He reviewed the alignment of the proposed cul-de-sac that would serve Outlot A in the future as well as connections to other roadways.

Community Development Director Janish noted City water and sewer are not expected to serve this area as the property is a significant distance from the MUSA so each property will be serviced by private septic systems and wells. The applicant has made application for a Lower Rum River Water Management Organization (LRRWMO) permit and is responsible to meet their requirements and contingencies and obtain all necessary permits from governing agencies.

Community Development Director Janish reviewed the tree preservation plan and recommendation of the Park and Recreation Commission for a trail easement, which is included as a condition. They also requested the developer consider a trail easement under the power lines from the temporary cul-de-sac to Martin Meadows Preserve so area residents have access to enjoy the preserve and park. Staff is looking for direction whether staff should pursue the acquisition of a trail easement as recommended by the Park & Recreation Commission.

Community Development Director Janish stated the Planning & Zoning Commission held a public hearing on September 11, 2018. He reviewed public comments received relating to this application, Planning & Zoning Commission comments, and recommendation of the Planning & Zoning Commission for approval of the preliminary plat on a 4 ayes, 2 nays (Koehler, Loehlein), 1 absent (Sims) vote.

Mayor Trude asked Director of Public Works/City Engineer Berkowitz to address the issues relating to ownership of public roads and required connections. Director of Public Works/City Engineer Berkowitz explained in general with construction traffic coming through on public streets, there are impacts from additional traffic as well as impacts from sun, rain, snow, and snow plowing so it is standard for roads to take on those conditions. A standard street lasts about 30 years and 168<sup>th</sup> Avenue NW was paved in 1998 so it is at two-thirds of its life expectancy. He stated it is common for Andover to develop a piece of property at a time with dead end roads. Then in the future, that road is extended into the new property to be developed. That is the standard in how Andover has developed over the years.

Mayor Trude recalled Veterans Memorial Boulevard and when six to seven phases were

developed, the City did not prohibit construction traffic from using public streets and there were families with children living on those streets.

Director of Public Works/City Engineer Berkowitz stated with reconstruction, the City's policy is to assess 25% of the total construction project, which can range from \$3,000 to \$7,000 depending on the size of the lot. The Road and Bridge Fund covers 75% of the project cost, which is quite a generous contribution as other cities contribute 40-50% of the project cost.

Councilmember Knight stated the Rum River is affected by this project and asked if the LRRWMO needs to approve this project. Director of Public Works/City Engineer Berkowitz answered in the affirmative and stated the applicant has made application to the LRRWMO and is going through that process. In addition, the applicant has completed the wetland delineation.

Mayor Trude asked about approval agencies. Director of Public Works/City Engineer Berkowitz described the reviews undertaken by the City which occurs in addition to review by the Fire Department, LRRWMO, ACHD if adjacent to a county road, DNR, Army Corp of Engineers, and many other regulating agencies.

Mayor Trude stated residents of 168<sup>th</sup> Avenue NW think it would not be fair for construction traffic to have access to the street in their neighborhood of seven homes. She asked whether 168<sup>th</sup> Avenue NW can withstand that traffic. Director of Public Works/City Engineer Berkowitz stated 168<sup>th</sup> Avenue NW was constructed to standard City requirements at the time of construction and the developer is willing to work to get construction traffic to enter using an alternate route, which is a good thing and the City appreciates that effort. He explained the standard is 10 trips per day per house and currently, 168<sup>th</sup> Avenue NW carries a low volume since there are only 8 houses in that plat. The new proposed plat would add 24 homes, so the road would go from an average 80 trips per day to 320 trips per day, which is still relatively low traffic volume for a City street.

Councilmember Goodrich asked about Valley Drive and who will pay for the bypass lane. Director of Public Works/City Engineer Berkowitz stated with a new development, if adjacent to a county road, the County can require a bypass lane. The ACHD said they could not technically require the bypass and turn lane but from a City standpoint, he would recommend requiring those improvements to address safety issues. For funding, they would look at a proportionate share from the developer but not assessments to the eight lots for county road improvements.

Mayor Trude stated while on Jivaro Street, she noticed they had a school bus stop and an 8-year-old got off so that road has young children and pets. She stated she is concerned with sending all the construction traffic over there because 'it is not my neighborhood.' Mayor Trude noted at the Planning & Zoning Commission meeting, a resident of Jivaro Street asked that the construction traffic not all go their way either. Mayor Trude stated she has a hard time saying you can't use a 60-foot road that taxpayers built and only use the 20-foot wide farm road. Mayor Trude stated she would like the safety issues sorted out. Director of Public Works/City Engineer Berkowitz stated access for construction vehicles is an ongoing discussion with the developer.

Mayor Trude stated she would like to avoid construction traffic during times of the school bus traffic.

City Administrator Dickinson stated with regard to dirt moving, this project will not result in hauling a lot of import dirt, except Class V for the roads. Relative to development norms, he explained the truck hauling will likely be reduced with this low-impact development.

Mr. Darren Lazan, Landform Professional Services, LLC, 105 South Fifth Avenue, Suite 513, Minneapolis, stated his appreciation for the Council's consideration, noting this represents 18 months of efforts from him and Jason Osberg of Metrowide Development and years of effort by the Petersen family. He displayed and described features of the original sketch plan for 29 lots, revisions including a shift of the roadway, lot size adjustments based on input received, and reduction to 24 lots.

Mr. Lazan presented the 24-lot preliminary plat, ghost plat for the remaining Petersen property, changed alignment of 168th Avenue NW to create traffic calming, low-impact design, and areas of roadway connections. He reminded the Council that the 168<sup>th</sup> Avenue NW connection is an interim condition as additional connections will occur when future development occurs. He stated they agree to pay their prorate share of improvements to the county road along their property and will bear full responsibility for county road connections in future phases. He noted the vast majority of this site will be preserved and untouched through low-impact design and custom grading.

Mayor Trude asked about Outlot A that is not under contract at this time. Mr. Lazan stated the Petersen family is holding ownership of that property. Mayor Trude noted it abuts the Rum River and Martins Meadows open space. Mr. Lazan stated that is correct and they will work through the easement issues.

Mayor Trude opened the floor for brief public comment, noting the City Council has read the meeting minutes and watched the public hearing held by the Planning & Zoning Commission.

Mr. Jim Neilson, Real Estate Attorney, 118 East Main Street, Anoka, and Andover resident along the Rum River, stated this is the first time he heard that Outlots B and C may be conveyed to the adjoining owners. He asked whether that is correct. Mr. Lazan answered in the affirmative.

Mr. Neilson stated north of 168<sup>th</sup> Avenue NW there is a utility and drainage easement adjacent to Lot 1, Block 1, so the owner to the north side of 168<sup>th</sup> Avenue NW would not have any rights to have trees next to their property. He noted the problem with trees is that the present fee owner has the right to maintain and cut the trees. On Outlots B and C, it is only ten feet and since immediately adjacent to the road, they will probably cut down the trees, leaving a 5-foot barrier, which is not sufficient. Mr. Neilson stated if you added 15 feet to the proposed 10 feet, you would probably end up with a 20-foot area to preserve trees.

Mr. Neilson stated when large trucks are constructing roads, it will quicken destroying of 168<sup>th</sup> Avenue NW. He suggested the entrance to 168<sup>th</sup> Avenue NW not be opened until the large trucks are gone from construction. He corrected prior comments that there are seven lots in the plat of Echo Hills Second Addition, not eight lots. He stated there are 10 children on 168<sup>th</sup> Avenue NW.

Mr. Neilson stated if you take an additional 20 feet, with the lots to the west of the road, the lot acreage is still very close to 2.5 acres. He reviewed individual lot sizes should an additional 20 feet be taken. He stated the property owners would prefer someone else pay the 25% assessment to redo 168<sup>th</sup> Avenue NW, suggesting either the developer or the City.

Mayor Trude thanked Mr. Neilson for his comments and the pictures he had provided for the Council's review. She noted the trees for removal will be marked so it can be seen that all are located on the applicant's property. She stated once the trees are staked, it would be a good time for residents to call City Hall if they have concerns.

Mayor Trude commented on the revisions made to the original sketch plan to address comments made by residents that resulted in the shift of the roadway. She stated in a normal development, the Council does not have the opportunity to make comments and request revisions but this is a PUD. Mayor Trude stated with normal development, the developer shows the plans and then the equipment comes out. She stated this is a unique property and the property owner has gone to great lengths to respect its natural amenities through this development.

Mr. Jim Zushin, 3943 168<sup>th</sup> Avenue NW, stated he and his wife have horses. He corrected a prior comment, stating that 168<sup>th</sup> Avenue NW was built and paid for by his father-in-law under City specifications and he was required to rebuild it once. His father-in-law paid \$90,000 out of his own pocket. Mayor Trude stated she stands corrected as the first time a road is built, it is paid by the developer, as will be done with the proposed plat.

Mr. Zushin displayed pictures of the property, location of the existing 168<sup>th</sup> Avenue NW cul-de-sac, and Jivaro Street. He stated all seven residents are in agreement that they should not be required to pay to improve a roadway for the benefit of someone else. He noted after these first 24 homes are built, there will be future phases. Mr. Zushin pointed out that Jivaro Street will have to be developed any way as both sides of the Petersen property will have multiple access to Jivaro Street. Residents are asking for that to happen first and the 168<sup>th</sup> Avenue NW cul-de-sac to be extended last after the development of Jivaro Street is made. He stated Valley Drive and 168<sup>th</sup> Avenue NW will have seven children boarding a school bus and that's the location of the proposed bypass and turn lane. Mr. Zushin stated nothing tears up a road like trucks hauling Class V, cement, and blocks and 168<sup>th</sup> Avenue NW will not withstand that traffic.

Mr. Zushin stated there has been a lot of talk about preserving trees, noting areas on the picture on display where trees will be taken down, which are old growth hardwood trees. He believes in this case, the Council needs to take into consideration what is best for the seven residents there now and it is not extending this dead-end street but for the first 200 feet of Jivaro Street to be developed now. Then all access to this construction site and new home owners will be off Jivaro

Street until that development is done. Mr. Zushin stated there is no question that Jivaro Street has to be used and he wants it used now.

Mayor Trude thanked Mr. Zushin for his comments and involvement, noting he has a beautiful property.

Ms. Hope Luedtke, 16932 Jivaro Street NW, stated she sympathizes with everyone on 168<sup>th</sup> Avenue NW but wants all to understand that when Jivaro Street is developed, it will not be in its current location. She stated they want to be able to get out safely from 165<sup>th</sup> Avenue NW. Ms. Luedtke noted that Jivaro Street was graded once this entire year and they want it to remain safe. Mayor Trude thanked the audience for their comments and asked the City Council to consider the preliminary plat, noting it includes compromises, is a low-impact design development and will result in loss of trees for the roadway.

***Motion*** by Goodrich, Seconded by Knight, to approve Resolution No. R063-18, approving the Preliminary Plat of “The Preserve at Petersen Farms” consisting of 24 Rural Residential lots and three Outlots and directing staff to obtain the trail easement to Martins Meadows.

Further discussion:

City Attorney Baumgartner referenced the draft resolution, Condition 4, noting the last sentence is redundant as it is restated in Condition 8.

***Friendly amendment*** accepted by Councilmembers Goodrich and Knight to strike the last sentence in Condition 4. Amended motion carried unanimously.

***CONSIDER FINAL PLAT – THE PRESERVE AT PETERSEN FARMS – JD ANDOVER HOLDINGS LLC***

Community Development Director Janish displayed a map of the subject site and described documents contained in the final plat. He stated the purpose of this item is to consider the final plat for The Preserve at Petersen Farms, that creates 24 buildable single-family rural lots while utilizing a Planned Unit Development (PUD).

Community Development Director Janish reviewed the items under discussion with the developer and stated if approved, the trail and park fees will be collected prior to the release of the final plat. The developer and staff are working with the City Attorney on the final legal documents, which must be approved by the City Attorney prior to release of the plat. All approved legal documents will be filed at Anoka County with the final plat. Community Development Director Janish noted the final plat is also suggested to be contingent upon the September 13, 2018, Engineering comments, past contingencies of the preliminary plat, past contingencies of the PUD, contingencies of the amended PUD, and 15 contingencies of the final plat.

Mayor Trude stated action will not occur until the punch list items have been completed. At that point, stakes will be placed and that is when residents should call City Hall if they have questions, issues, or concerns.

Community Development Director Janish stated during the Planning & Zoning Commission meeting, Jason Osberg of Metrowide Development had offered to meet with residents to give them an idea of what is occurring on the site.

Mr. Lazan stated on Thursday, the tree removal and grading limits will be marked as well as the common property line on the east side. They will walk the site with neighbors and the construction team will evaluate each tree that falls within the margin to determine whether there is a way to modify the plan to save significant trees. Mr. Lazan noted trees are their assets with this project and provide screening for them from adjoining properties so they have an interest in preserving them as well.

Mayor Trude stated the staking will also identify who owns the trees. Mr. Lazan stated that is correct. Mayor Trude noted fine tuning can also occur on the road alignment to preserve trees, if possible.

Mayor Trude thanked Mr. Lazan for his involvement with the neighbors and asked residents to be patient with the Petersen family's plans for their future and financial security. She noted the Petersen family has owned this property and paid taxes for four generations, and unlike those who can cash in their 401ks, this land is their retirement plan.

Director of Public Works/City Engineer Berkowitz stated this project could move very quickly with action in the next weeks. It is the developer's intent to get the plans in for final approval with trees to be staked and the property graded in the next few weeks.

Mayor Trude noted all developers are trying to get their lots done since interest rates are going up and they want to get their homes to market while there is still a market.

Mr. Lazan stated it was mentioned they were the first to have a property reviewed, approved, and graded within a year with the Preserve at Oakview and once this project is approved, it will also move quickly.

**Motion** by Bukkila, Seconded by Goodrich, to approve Resolution No. R064-18 , approving the Final Plat for "The Preserve at Petersen Farms," that creates 24 buildable single-family rural lots while utilizing a Planned Unit Development (PUD). Motion carried unanimously.

***RECESS AND RECONVENE***

Mayor Trude recessed the meeting at 9:15 p.m. The meeting was reconvened at 9:24 p.m.

***DISCUSS / ADOPT PRELIMINARY 2019 PROPERTY TAX LEVY***

City Administrator Dickinson stated each year, by September 30<sup>th</sup>, the City Council is required by State law to prepare a preliminary budget and submit a preliminary levy certification to Anoka County Property Records and Taxation Division. He noted the 2019 preliminary levy certification is the outcome of numerous budget workshops over this past summer.

City Administrator Dickinson presented details of the preliminary 2019 budget that proposes a \$13,103,487 total property tax levy; \$8,945,970 (68.27%) operational levy, \$2,115,729 (16.15%) debt service levy, and \$2,041,788 (15.58%) capital/watershed levy. The 2019 proposed tax levy is estimated to increase the current City tax rate by 2.76%. That rate applied to the City's growing tax base will reflect a 5.53% increase in the gross tax levy of about \$687,000. He explained the City Council has the right to reduce or keep constant this levy until the final certification date of December 28, 2018.

City Administrator Dickinson noted the levies are broken out to delineate and bring more attention to those types of items. He described the budget process followed by staff and the City Council and presented the guidelines and goals used when developing the City's budget. He commented on the Council's commitment that the debt levy is no more than 25% of the gross levy and stated Andover is considered to be on the low debt side when compared with other communities. City Administrator Dickinson described how the Capital Improvement Plan is reviewed, capital expenditures are considered, and the long-term financial model used by the City. He stated next year, the City is committed to strategic planning as there will be a new Councilmember after the election. There is also commitment to the City's management philosophy that considers, supports, and implements Council's goals and policies as directed and to be responsive to changes in the community and economy in a cost-effective manner.

City Administrator Dickinson stated staff is committed to looking at the current budget placeholders and continue finding areas in the budget that can be reduced to bring the tax rate increase down to below 2% and be as efficient as possible. If approved tonight, the preliminary levy will be submitted to the Anoka County Property Records and Taxation Division by September 30, 2018.

Mayor Trude stated the Council and staff will work on the placeholders and get a better idea of those actual costs. In addition, the Council is committed to run the City in a responsible manner and addresses major priorities of the community. She stated her support to adopt the preliminary levy with the understanding it will be lower when approved in December.

***Motion*** by Holthus, Seconded by Bukkila, to approve Resolution No. R065-18, adopting the City of Andover 2018 Proposed Property Tax Levy to be certified to the County Auditor. Motion carried unanimously.

***DISCUSS / ADOPT 2019 DEBT SERVICE LEVY CHANGES***

City Administrator Dickinson explained when the City issues bonds, a certification of the bonded indebtedness levy is sent to Anoka County since it is charged with assuring, on an annual basis, that local government bonded indebtedness payments are made. To assist in this monitoring, Anoka County Property Records and Taxation Division is requesting a City Council resolution that would update all or a portion of previously certified bonded indebtedness levies.

**Motion** by Bukkila, Seconded by Knight, to approve Resolution No. R066-18, updating certified bonded indebtedness for 2019. Motion carried unanimously.

***SET HEARING DATE(S) FOR 2019 BUDGET & LEVY DISCUSSION & PUBLIC COMMENT***

It was noted State statute requires cities to schedule a meeting when the budget and levy will be discussed and public input allowed prior to the final budget and levy determination. This year, that meeting must be scheduled between November 25<sup>th</sup> and December 29<sup>th</sup> and held after 6:00 p.m.

**Motion** by Knight, Seconded by Bukkila, to schedule the following dates for 2019 Budget and Levy Discussion and Public Comment:

Initial hearing date:	Tuesday, December 4, 2018, at 7:00 p.m.
Continued hearing date:	Tuesday, December 18, 2018, at 7:00 p.m.
Official adoption date:	Tuesday, December 18, 2018, 7:00 p.m.

Motion carried unanimously.

***DISCUSS / CONSIDER ADOPTING CITY CODE AMENDMENT / 1-6-1 SALARIES OF MAYOR AND COUNCILMEMBERS***

Mayor Trude stated she had asked for this to be reviewed because nothing has occurred since 2002, 16 years. She supported a salary increase so Andover is more in line with some of the larger cities. She noted the Council's meetings are becoming more demanding so she suggested the Council salary be increased to \$10,000 annually and the Mayor's salary to \$12,000 annually.

**Motion** by Trude, Seconded by Holthus, to approve Ordinance 486, Amending City Code Title 1-6-1, City Officers and Employees.

Further discussion:

Councilmember Bukkila stated she has voiced her opinion in the past and does not feel an increase is needed. She stated the Council was given a schedule of council salaries and given Andover's size and the business it does, there is a work life balance in question, and we need to do what is appropriate for the time given and tasks. She stated she finds where the current salary stands is completely appropriate.

Mayor Trude stated she spends a lot more time than most people at the job, she enjoys the job, and thinks it is important to have remuneration to match a little bit more commitment and not be a low-level pay. She stated people have laughed at her when she told them the Council's salaries because it is a big time commitment and takes away from family and other commitments.

Councilmember Goodrich stated he looked at the comparative data and thinks Andover is comparative related to other communities of Andover's size so he is not in favor.

Motion carried 3 ayes – 2 nays (Bukkila, Goodrich).

Mayor Trude stated this salary increase will take effect in 2019.

***APPOINT ECONOMIC DEVELOPMENT AUTHORITY COMMISSIONER***

Mayor Trude noted the Andover Economic Development Authority (EDA) conducted interviews earlier this evening for the vacant resident seat and recommends the appointment of Kari Kafer.

***Motion*** by Holthus, Seconded by Goodrich, to appoint Kari Kafer as the EDA Resident Commissioner with a term to expire January 1, 2020. Motion carried unanimously.

***SCHEDULE SPECIAL CITY COUNCIL MEETING***

City Administrator Dickinson advised of upcoming topics and stated the YMCA will be presenting plans to their board soon and the architect and construction manager are currently working to get estimated costs.

***Motion*** by Goodrich, Seconded by Knight, to schedule a Special City Council meeting on Tuesday, October 9, 2018, starting at 7:00 p.m. Motion carried unanimously.

***SCHEDULE OCTOBER WORKSHOP MEETING***

***Motion*** by Knight, Seconded by Bukkila, to schedule a Workshop Meeting on Tuesday, October 23, 2018, at 6:00 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.

***(Parade of Homes)*** Mr. Dickinson encouraged those interested to visit the Fall Parade of Homes, noting there are 48 new homes featured in Andover.

***MAYOR/COUNCIL INPUT***

***(Anoka County Sheriff's Open House)*** Mayor Trude stated she and Councilmember Knight enjoyed the Sheriff's open house.

***(Fire Department Open House)*** Mayor Trude announced the Fire Department Open House on Saturday, September 22, 2018, starting at 10 a.m., in front of the Community Center. She described activities that will occur and encouraged all to attend.

***(Upcoming Events)*** Mayor Trude stated she will be attending the September 19, 2018, North Metro Mayors meeting. She will also attend a Troop send-off event in St. Paul during which 5,000 National Guard will be sent off to Kuwait. She stated her appreciation for their service.

***(September 25, 2018, Bus Tour)*** Mayor Trude stated the annual bus tour on September 25, 2018, will be followed by a workshop at City Hall. She asked anyone interested in joining them to notify City Administrator Dickinson.

***ADJOURNMENT***

***Motion*** by Knight, Seconded by Bukkila, to adjourn. Motion carried unanimously. The meeting adjourned at 9:48 p.m.

Respectfully submitted,

Carla Wirth, Recording Secretary

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