

**REGULAR ANDOVER CITY COUNCIL MEETING – OCTOBER 2, 2018  
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, October 2, 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***

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

***APPROVAL OF MINUTES***

*September 18, 2018, Regular Meeting:* Correct as amended.

Mayor Trude requested a correction on page six, line 38, to clarify that “it” refers to 181<sup>st</sup> Avenue NW, which is the location of the variance request.

***Motion*** by Knight, Seconded by Goodrich, to approve the September 18, 2018 regular meeting minutes as indicated above. Motion carried unanimously.

***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Approve Resolution/No Parking/Preserve at Petersen Farms (See Resolution R067-18)
- Item 4 Accept Grant Award from GameTime/18-46/Purple Park (City Hall)
- Item 5 Receive Assessment Roll/Order Public Hearing/18-2, 2018 Street Reconstruction, 18-11, 143<sup>rd</sup> Avenue NW Reconstruction (See Resolution R068-18)
- Item 6 Receive Assessment Roll/Order Public Hearing/17-44/Crosstown Blvd. NW Overlay (See Resolution R069-18)
- Item 7 Appoint Election Judges for the General Election (See Resolution R070-18)
- Item 8 Accept Contribution/MN Premier Volleyball/Andover Community Center (See Resolution R071-18)
- Item 9 Accept Ownership of Lot 16, Block 3, Woodland Crossings
- Item 10 Declare Surplus Equipment
- Item 11 Declare Costs/Order Assessment Roll/Schedule Public Hearing/2018 Delinquent Utility Service Charges, Mowing Fees, Tree Removal, False Alarm Fines and Misc. Abatement Fees Collection (See Resolution R072-18)
- Item 12 Approve HVAC Prevention Maintenance Contract

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

***CONSIDER CLASSIFYING DANGEROUS DOG/2613 140<sup>TH</sup> AVENUE NW***

Mr. Dickinson explained on February 12, 2018, a police report stated that Bae Bae bit a family member (14-month-old child), in the head, causing injury. As a result of that incident on February 15, 2018, the owner, Christian Lange, of 2613 140<sup>th</sup> Avenue NW was provided a "potentially dangerous" dog notification. On September 12, 2018, a police report states the said dog was running at large and chasing people, in addition, said dog charged and started aggressively circling and trying to bite the Anoka County Sheriff's CSO. In addition, on September 18, 2018, the owner of said dog was cited again for a nuisance dog chasing an elderly female while she was driving her motorized scooter, causing her to scream for help. In the City Administrator's opinion, it appears the owner of the dog is not taking reasonable attempts to properly control/restrain a "potentially dangerous dog" and based on the September 12, 2018 and September 18, 2018, incidents is requesting that the City Council provide a "dangerous dog" declaration and require the dog owner to comply with the dangerous dog provisions outlined in the City Code 5-1A-11. The definition of a Dangerous Dog, per City Code, is as follows: DANGEROUS DOG/CAT: Any dog/cat that has: a.) Without provocation, inflicted substantial bodily harm on a human being on public or private property; or b.) Without provocation, killed or inflicted substantial bodily harm on a domestic animal while off the owner's property; or c.) Been found potentially dangerous, and after the owner has been notified that the dog/cat is potentially dangerous, the dog/cat aggressively bites, attacks, or endangers the safety of humans or domestic animals. (Emphasis added to "C" for this dangerous dog classification request.)

The owner of said dog has been informed of the time and place of this meeting and may appear to provide testimony. It should also be noted by the City Council declaring a dog "dangerous,"

if said dog is removed from the City, the owner of the dog must register the dog as a dangerous dog in its new jurisdiction.

The following is a chronology leading to this request:

- February 12, 2018 — Police report stating said dog bit a family member (14-month-old child) in the head causing injury.
- February 15, 2018 — "potentially dangerous" dog notification was sent to Mr. Lange.
- March 8, 2018 — A second notification for not obtaining a dog license was sent to Mr. Lange.
- March 26, 2018 — Mr. Lange obtained a City dog license for said dog.
- September 12, 2018 — Police report stating the dog was running at large and chasing people. Said dog charged and started aggressively circling and trying to bite the Anoka County Sheriff's CSO.
- September 18, 2018 — "dangerous dog" hearing notification for the Pitbull Bae Bae was sent to Mr. Lange.
- September 18, 2018 — citation issued to Mr. Lange for allowing his Pitbull dog to chase an elderly female while she was driving her motorized scooter causing her to scream for help.

Councilmember Knight asked what the role of the police are in this matter. Mr. Dickinson stated law enforcement would come if called to the address. Mr. Dickinson confirmed they had body cam footage of the September 12, 2018 incident. City staff would follow up on compliance to whatever is decided tonight. The dangerous dog designation is quite onerous for the actions that need to be taken by the owner.

Councilmember Bukkila noted the non-compliance on the microchipping of the dog. Mr. Dickinson said there was not time for proper notification for a nuisance dog hearing and then consideration of abatement at the same meeting.

City Attorney Baumgartner confirmed this matter had to be brought to the next City Council meeting as a requirement. He also noted the 14-day requirement and all of the steps that need to be put into place by the dog owner. He reiterated a public hearing is required and the subsequent public notification needed to occur for a nuisance dog declaration to be considered. Councilmember Goodrich requested the owner of the dog be served the dangerous dog materials by the Sheriff's Department.

No one asked to make public testimony at the meeting.

Major Trude described the video footage of the dog charging the CSO officer and referenced the extensive police reports. She reminded the public to call 911 in these circumstances so it can be documented.

**Motion** by Holthus, Seconded by Goodrich, to approve Resolution No. R073-18, declaring a dog owned by Christian Lange, 2613 140<sup>th</sup> Avenue NW, as a dangerous dog pursuant to City Code

Title 5, Chapter 1, Section 5-1A-11. Motion carried unanimously.

***REVIEW SKETCH PLAN – 9 URBAN LOTS – 1049 ANDOVER BLVD. – MARK OF EXCELLENCE, INC.***

Mr. Janish reported the Andover Review Committee (ARC) reviewed the sketch plan. Staff suggested the comments be reviewed as part of the sketch plan process. He reported the property is located within the 2020 MUSA Boundary and within the current stage of sewer expansion. Furthermore, the property is zoned Single-Family Rural Residential (R-1). A rezoning to Single-Family Urban Residential (R-4) would be necessary to allow the project to move forward. Access is proposed from Andover Boulevard NW. The sketch plan was submitted to the Anoka County Highway Department (ACHD). The ACHD governs County roads; therefore, the developer will be required to comply with the requirements of the ACHD. Each of the lots will be served by municipal sewer and water by extending the services from the south. The gross density requirements, in the residential urban area, is 1.75 to 3.6 homes per acre. The proposed sketch plan gross density is 1.87 homes per acre; thus, meeting the gross density requirements set forth in the Andover Comprehensive Plan and City Code. There are wetlands located within the sketch plan area. The wetlands will be required to be delineated and the report will need to be submitted as part of the preliminary plat process.

Once the overall layout of the sketch has been agreed upon and direction provided, the developer will prepare a grading plan, hydrology calculations and a soils report that will be reviewed by the City, an engineering consultant and the Coon Creek Watershed District (CCWD). The CCWD will need to review the preliminary plat and the developer will need to address any issues that are raised during that review, prior to a public hearing being scheduled for the preliminary plat. The Park and Recreation Commission reviewed the request on August 16, 2018. The current Master Park Plan does not show the potential of parkland in this area; therefore, the Park and Recreation Commission recommends cash-in-lieu of land for this development. There is an existing trail on the south side of Andover Boulevard; therefore, there will be no other trails constructed for this development. The developer and/or owner are responsible to obtain all necessary permits (Minnesota Department of Natural Resources, U.S. Army Corp of Engineers, LRRWMO, Minnesota Pollution Control Agency, LGU and any other agency that may have an interest in the site).

On September 11, 2018, the Planning and Zoning Commission held a public hearing. A member of the Holasek family asked if there were enough sewer hook ups for the future development of their homestead site. The Planning and Zoning Commission discussed the possible discrepancy on the eastern property line and the support of the ghost plat.

Councilmember Bukkila said it was not clear to her what the issue was and why it was coming before the Council. She asked what was not normal/compliant about the request. The developer chose to bring a sketch plan forward meeting all of the requirements. She followed up and asked if the sketch plan was compliant with City Code. Mr. Janish confirmed that based on what has been presented, more detail would be needed to confirm compliance. Mr. Dickinson commented

the matter before the Council was more about how to integrate the development into the community.

Councilmember Holthus commented the development is where the old general store was, which is the birthplace of Andover. Councilmember Knight asked if there were any issues with tearing the building down. Mr. Dickinson replied the site was not considered hazardous but was cleaned up as required. There was printing equipment that had been abandoned inside the structure that went to the Historical Society. The property was purchased by the developer through the tax forfeit process and the City recouped its money for the cleanup.

Mayor Trude asked about the sewer capacity for this area and encouraged coordinating effort to see how much sewer to build for this area. She described it would be best to size the pipe right and have a right-sized lift station built. Mr. Berkowitz responded that was what the staff would review and make sure happens. He noted there are several lift stations in the community to ensure capacity and that the ghost plat includes the well site and the City would retain the lot under City ownership. He expressed support for the County's comments regarding the road and safety concerns related to the "sag" in the road. In summary, the County cannot deny access, but safety must be considered. It was confirmed that there are crossing arms in this location and one of the tracks is lower than the other because of the "sag."

In summary, the Councilmembers each expressed support of the sketch plan.

***CONSIDER CONDITIONAL USE PERMIT AMENDMENT (CUPA) – ADDITIONAL PRIVATE UTILITY STRUCTURES – 15825 7<sup>TH</sup> AVE NW –NORTHERN NATURAL GAS***

In April 2009, a CUP was granted for the installation of above-ground equipment. The equipment installation was a requirement to comply with federal regulations. As such, Northern Natural Gas is required to follow the safety guidelines of the United States Department of Transportation, which are administered by FERC. As part of a federal mandate, Northern is required to conduct on-going in-line inspections. To conduct the required in-line inspections, two (2) of Northern's pipelines need to be modified. One 8-inch diameter receiver and one 6-inch diameter launcher will need to be installed along with concrete footings to support the structures. The size of the structures will be 4 feet high and 25 feet long. The proposed equipment will be fenced and screened in the same fashion as the existing site. The Andover Review Committee completed the review and provided comments to the applicant.

The Planning and Zoning Commission held a public hearing on September 11, 2018. There were no public comments. The Planning and Zoning Commission recommended approval 6-0 (1 absent).

Mayor Trude noted how well it is being maintained, there are high quality homes in the area, and she would like to see if the screening could be updated. Mr. Dickinson commented the screening met the requirements of the time.

Councilmember Goodrich asked about the elevation. He noted it sits up higher than the photos made it appear. Mr. Janish confirmed the City Code would cover additional concerns as any amendments would arise with additions to the property.

Harry Bouvette of Northern Natural Gas explained one pipeline comes in as an 8-inch pipe and leaves as a 6-inch pipe. The “facility” referred to is actually piping, not a building. A vinyl wrap on the fence is planned.

Councilmember Knight asked about plantings. Mr. Bouvette confirmed they would be replaced once the site is finished. Councilmember Goodrich noted the trees are on the north, but no one sees them, and asked if they could they go on the west side of the structures. He confirmed the plantings were part of the previous easements. The existing owner has asked that they be replaced on the north where they are currently.

Councilmember Knight confirmed he would like to see more plantings on the sides facing both public streets to screen it more naturally on the west and the south. This would be in addition to slats on the fencing. Other utility sites were referenced in the community. The owner described concerns about the right-of-way on the west side as this is not allowed. Shrubs may be allowed, but not trees and site lines need to be maintained for drivers.

**Motion** by Holthus, Seconded by Knight, to approve Resolution No. R074-18, approving a Conditional Use Permit for Northern Natural Gas to allow expansion of utilities at 15920 7<sup>th</sup> Avenue NW and 14361 7<sup>th</sup> Avenue NW with the condition, landscaping including trees be reviewed by City staff. Motion carried unanimously.

#### ***SCHEDULE NOVEMBER WORKSHOP MEETING***

Mr. Dickinson requested the Council schedule a Workshop Meeting to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Holthus, Seconded by Goodrich, to schedule a Workshop Meeting on November 27, 2018, at 6:00 p.m. Motion carried unanimously.

#### ***RESCHEDULE JANUARY 1, 2019 COUNCIL MEETING***

Mr. Dickinson requested the Council reschedule the first council meeting in January since it falls on a holiday.

Motion by Bukkila, Seconded by Knight, to schedule the Council Meeting on January 2, 2019, at 7:00 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.

**(Mr. Dickinson)** Mr. Dickinson announced there would be a meeting on October 9<sup>th</sup> to discuss the potential Community Center expansion. Financing and timing will be discussed as well. He is working on wrapping up projects for the year including bonding and year-end reporting. He has also been involved in review of City Code violations and enforcement. Work is continuing on legislative plans for next year in preparation for next year's session. The Metropolitan Council approved the Petersen Farm plans.

**(Mr. Berkowitz)** Mr. Berkowitz stated Winslow Cove 2<sup>nd</sup> Addition, the plat has been submitted, so the final plat approval is coming forward and work is planned to start in the spring. Tree clearing will begin now on the Petersen Farm. The developer has been working hard to communicate with homeowners. Grading may start next week. Mayor Trude expressed appreciation for staff acting quickly regarding issues that came up regarding property lines and existing trees. Concrete work should be done near the fire station in the next week. The boardwalk work will not likely start until February of next year. Plan completion for the new Public Works building will be done at the end of November, bids will be in December and bids will be opened in January. They will break ground in the spring of 2019.

### **MAYOR/COUNCIL INPUT**

**(Mayor Trude)** Mayor Trude showed illustrations of the new playground equipment to replace Purple Park. The current equipment is pretty worn. The City obtained a grant to put in a playground for ages 5-12. It will be purple colored again. The YMCA will have a project build with volunteers to help install the equipment and the City will help with chips and concrete edging. There were also donations for fees to the Y for kids who can't afford the monthly fee. There was also a gift of some land, north of Oak View Middle School. The Woodland Development is shutting down at the end of the year and they wanted to give this property back to the community. It totals about 9 acres.

North Metro Mayors meetings are attended by Councilmembers as well as the Mayor. Meetings focus on shared major issues such as transportation (e.g. Highway 10 and Highway 65 - which now has as much traffic as 35W. State Highway 252 will have fewer intersections with signal lights and will become more of a freeway. This strategy has seen a lot of success in recent years. Dayton has plans for a freeway interchange. And there may be another Mississippi River crossing in the future. The WDE site notifications have not gone out yet for proposal. Work may or may not happen during the winter yet this year. There are only 6 companies in the US that can do this work.

### **ADJOURNMENT**

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Motion by Holthus, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 8:08 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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