

***REGULAR ANDOVER CITY COUNCIL MEETING – OCTOBER 16, 2018  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, October 16, 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***

***PRESENTATION OF BADGES – FIRE DEPARTMENT***

Seven individuals completed their training to become part of the fire department and were introduced to the City Council and the community. Six were in attendance. Each had completed 300 hours of initial training. The Fire Chief thanked the families for their support as they symbolically pinned the badges on the new firefighters.

***RESIDENT FORUM***

Carroll Abbott, 2917 142<sup>nd</sup> Lane NW, came to the podium to make a statement. He expressed concern about spending millions of dollars on a building project and being “snookered by the people of Andover.” He asserted that the project would mostly benefit one group. The building project he was referring to was the Community Center. He expressed his belief that a bond referendum be used to fund the project.

Twila Hauck-Martin, 14810 Palm Street NW, expressed concern because she feels that the City Council is not giving the community a say in the dollars being proposed for the Community Center.

Merlyn Prochniak, 2941 141<sup>st</sup> Avenue NW, expressed concern that the decision has already been made about the Community Center and that information is being given to him [residents] “after the fact.”

Tracy Strombeck, 16401 Uplander Street NW, admitted that they were not the closest follower of City government issues. She expressed concern about whether or not the matter of the Community Center expansion could be taken to the voters regarding how to proceed with the funding.

Mayor Trude provide background information. She stated there has not been a referendum for any City building project. Referendums are done by School Districts, not cities. She noted the expansion of the Community Center has been in the news for at least 2 years. Mr. Dickinson noted a referendum or abatement G.O. bond can be utilized, with the City having two paths. The Community Center work goes back to the City Master Plan, work that was done even before the Community Center development work began. There has been analysis done regarding the Public Works building and Community Center since 2016. An architect was selected in 2017. Work has been ongoing over 3-4 years.

Dennis Madden, 443 156<sup>th</sup> Avenue NW, stated he had just heard about the Community Center plans and he was aware that the Public Works building planning has been ongoing for some time. He equated the Community Center planning [lack of awareness] to the local park and his desire to put in a basketball hoop, and the subsequent discussion with the parks department and then conversation with the Park and Recreation Commission, getting a petition signed, and then voting by the Park and Recreation Commission and getting the project funded in the budget. He wondered out loud why a \$20M Community Center took seemingly less effort for approval.

Mr. Dickinson said the project is not approved for \$20M. Last week, based on the current design, cost estimates were at \$18.9M. The Council indicated they wanted to limit the cost to \$100/yr. per home on a \$250,000 property, which would be a building project that cost \$16-\$17M. In reference to the request for a basketball hoop, if an item is not in the budget for the current year, there is a process. The Park and Recreation Commission does oversee the park dedication funds and is tasked with working on neighborhood projects. It is important that neighbors are supportive of these projects. Ultimately the basketball hoop was installed at the park. The resident gave additional input that he would like to see a similar process for Community Center

Josh Pacheco, 14263 Tamarack Street NW, asked why the building project was moving forward at the same time as the school referendum. He also suggested having a vote by the residents of the City. Mayor Trude stated it has been in the capital plan for a long time. The City is looking for level debt financing and there has been a lot of growth in the community.

Carroll Abbott, 2917 142<sup>nd</sup> Lane NW, recommended if the Community Center expansion is really needed, the City might want to go about it a different way. He felt that \$100 is not much per residence because parents also pay participation fees for sports. He expressed concern that he does not receive a \$100 raise in a year [as a retiree] neither do others.

Mayor Trude recounted that many stakeholders came forward as part of the planning process.

Expressed needs were meeting rooms, gym space and community event space.

Merlyn Prochniak, 2941 141<sup>st</sup> Avenue NW, recounted bond referendums in the 1980s, when enhancements to the ball fields were to go to a bond referendum. Mayor Trude stated that they [referendums] were proposed and there was one in the 1990s on parks, but not on buildings.

Rob Wilkie, 1445 153<sup>rd</sup> Lane NW, confirmed he learned about the Community Center plans a few days prior and has been involved in youth sports since 2004. He stated he is not in favor of getting something “shoved down my throat” without additional information. He requested the matter be put to a referendum and let the people vote on it. He said no one that he polled informally (about 75 people) knew about it. He believes it is a “straight hockey benefit” because \$11M of the project would go toward the hockey rink and that would be a large amount for a small contingent [of residents]. Mayor Trude responded City staff and Council worked with all of the youth associations on the planning. He also asked the Council to reconsider allowing residents to vote on the matter with a referendum. Mr. Dickinson responded that the matter would have needed to be determined by mid-August to be on the November ballot and there was not enough information at that time. In a special election, Mr. Dickinson confirmed the costs would be \$25,000 – \$30,000. The City would need about 3-6 months to schedule an election. This would likely slow the process about 9 months. Mayor Trude named the sports associations and other community groups and schools that were invited to participate in the project. The additional area is a two-story building with expanded community space.

Mr. Wilkie expressed concern about the high percentage for the arena [dedicated to hockey] and then wondered about football related needs. Mayor Trude noted that Andover has a lot of kids playing football. Mr. Dickinson noted a representative from the football association was invited to the meetings to represent their interests. Mr. Wilkie reiterated putting the matter to a referendum.

Councilmember Bukkila confirmed that a discussion was held regarding holding a referendum over bonding. She recalled that it was discussed at a workshop, but there was no formal vote.

Councilmember Goodrich indicated having a referendum was brought up but it did not get traction in a public forum at the June workshop.

Councilmember Bukkila asked about adding a referendum to the agenda for the meeting that night.

Councilmember Knight stated the City is made up of a number of young families and seniors and both numbers are increasing steadily.

### ***AGENDA APPROVAL***

***Motion*** by Bukkila, Seconded by Goodrich, to add the matter of a referendum for a funding mechanism for the Community Center expansion to the agenda for that night’s meeting.

Mayor Trude said she was not ready to discuss the matter because there wasn't a final number.

Councilmember Bukkila wanted to discuss the option of a referendum without a final number.

Mayor Trude recalled the matter was discussed at Fun Fest with residents and it has been in the newsletter for the City and the local newspaper many times. There was concern expressed that waiting until spring would increase the cost of construction.

The vote called on motion to add the matter to the agenda. 3 ayes (Bukkila, Goodrich and Knight) and 2 nays (Trude and Holthus)

Mr. Dickinson said it could be a discussion item #11B, Discuss Community Center Funding.

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

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

*September 25, 2018, Workshop:* Correct as written.

**Motion** by Bukkila, Seconded by Goodrich, to approve the September 25, 2018 workshop minutes as presented. Motion carried unanimously.

*October 2, 2018, Regular Meeting:* Correct as amended.

Councilmember Bukkila requested a correction on page 4, line 43, to change the word "complaint" to "compliant."

**Motion** by Goodrich, Seconded by Bukkila, to approve the October 2, 2018 Regular meeting minutes as indicated above. Motion carried unanimously.

### ***CONSENT ITEMS***

Item 2 Approve Payment of Claims

Item 3 Approve State of Minnesota Grant Contract/Andover Station North Trail Connection/18-34

Item 4 Approve Surface Water Management Plan Amendment 16-39C

Item 5 Order Improvement/Order Plans & Specs/18-39/Lift Station #10 Improvements (See Resolution R075-18)

Item 6 Order Improvement/Order Plans & Specs/Approve Plans & Specs/18-41/Coon Creek Trunk Sewer By-Pass (See Resolution R076-18)

Item 7 Approve Quit Claim Deeds for Trail Construction/17-44/Crosstown Blvd. NW Overlay

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

***ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT***

Commander Paul Lenzmeier gave the monthly Sheriff's Report. They responded to 1,267 calls in September. There was a spike in vehicle thefts on the west side of the City. There are special efforts going on to address this concern. Residents were encouraged to remove keys and garage door openers from cars parked outside of homes at night.

***HEARING TO CONSIDER ORDER OF ABATEMENT – 4650 147<sup>TH</sup> LANE NW***

Mr. Janish presented a timeline of events regarding the matter of abatement related to outside storage at an Andover residence.

Staff first received a complaint about this property on May 4, 2018. Shortly after the first notification was sent to the property owner, the homeowner stopped in to the City offices to talk over the issue and asked for an extension, which staff granted. The homeowner mentioned she had some issues that would prevent her from cleaning up the property within the original timeframe, so staff was lenient with the deadline. As time passed, staff observed an additional accumulation of exterior storage, which was documented in inspection photos.

The second notification was sent on August 8, 2018. It was at this time the owner stated that they had been cleaning in preparation for a garage sale and dates were mentioned. Meanwhile, more exterior storage accumulated on the property.

A legal letter was sent on August 27, 2018 stating the homeowner had 10 days to clean up the property or fines/abatement would occur. The deadline came and went with no resolution. After the deadline, staff contacted outside sources to assist in resolving the exterior storage issues. These outside sources/agencies helped with an estate sale on October 1, 2018 and now the property owner continues to clean up the property. Due to the past notices, staff would like the opportunity to perform an abatement of the exterior storage if deemed necessary.

City Code 12-13-3 states: Residential Districts: All materials and equipment not stored within a building must be fully screened (as outlined in Section 12-13-5) so as not to be visible from adjoining properties, except for the following (Amended Ord. 380, 4/ 21/ 09): City Code 12-3-5 states: Exterior Storage: Screening from residential properties and public streets as visible from ground level shall be provided with an architecturally compatible opaque fence with a minimum height of six feet as measured from the surface of the exterior storage area. Plant material shall be provided on the outside of the fence for aesthetic appeal. Additional fence height and/or berming shall be required if a six-foot fence would not block direct vision of the exterior storage. (Amended Ord. 380, 4/ 21/ 09).

Review Criteria City Code 4-1-4 states: General Abatement: Whenever an enforcement officer

determines that a public nuisance is being maintained or exists on the premises in the city, the officer shall notify, in writing, the owner and occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by mail, and as to an absentee owner, addressed to the last known address of the owner. If the property is unoccupied and the owner is unknown, the notice may be served by posting of the notice on the premises upon which the nuisance is located. The notice shall describe the nuisance and the actions required to abate the nuisance and the time limit within which the nuisance must be abated. Such time limit shall be reasonable under the circumstances, but shall not be less than ten (10) days after service of the notice. If the notice is not complied with within the time specified, the enforcement officer shall report that fact forthwith to the City Council. Thereafter, the City Council, after notice and hearing, may cause or direct such action as is necessary to be taken to abate the nuisance including, but not limited to, authorizing the initiation of district court action to enforcement any abatement orders issued by the City Council.

If the abatement request is approved, our City Attorney will work to get a court order to have the ability to remove the items from the property. After that, City staff will work with our contracted abatement company, Twin Cities Property Maintenance to remove the items from the property and have it placed in a storage facility with all costs levied toward the offending property. Staff requested that the Council adopt the resolution, inferring that a property abatement is needed to resolve the exterior storage issue at 4650 147<sup>th</sup> Lane NW.

**Motion** by Bukkila, Seconded by Goodrich, to open the public hearing at 8:00 p.m. Motion carried unanimously.

Mayor Trude inquired if the property was clean today and then asked the homeowner if they understood the process. The homeowner described the items that still remained in her yard, asserting that they were permissible. The resident shared that she had disabilities that got in the way of progress on cleaning up the property. She stated the stress and harassment has extended the clean-up process. She described other personal hardships including vandalism suffered due to a long-term renter at her property. Staff offered to help find people in the community willing to help and then complete the required tasks. Mr. Dickinson explained once the City goes on the property, then the resident will be charged for all the costs of clean up. Mayor Trude said that she was sorry for all that the resident has gone through. She said the Council is standing in the shoes of all of her neighbors. The Council wants to keep the City to a standard, per the City Code.

Mr. Dickinson said the resident has time to comply with City Code. By [the Council] ordering it, staff can pull back on the process. Mr. Janish displayed pictures from that day's inspection.

Mayor Trude asked about holding the matter over until the first meeting in November. Mr. Dickinson encouraged the Council to keep it moving because November could be in the heart of the winter and items could get frozen into the ground. The proposed resolution gives time for the resident to get into compliance and if the homeowner makes corrections, the process stops.

Councilmember Bukkila stated she is willing to move the resolution because of impending winter weather and the ability to only take action twice per month at scheduled City Council meetings.

Mr. Baumgartner confirmed the resolution does give the resident additional time and said that he “was not unsympathetic”. His difficulty was the notification was initially in May, and the concerns were not addressed by the resident, but were added to and there were several letters sent. Due to the time of the year, delaying would complicate matters. He believed that 30 days should not be a problem for the resident and then the abatement would not go forward. Mayor Trude noted the property owner will have more time and this resolution will address concerns of neighbors. Mr. Dickinson stated staff waited to the last possible minute and felt the Council needed to act at this meeting.

**Motion** by Bukkila, Seconded by Knight, to approve Resolution No. R077-18, declaring the abatement of exterior storage at 4650 147<sup>th</sup> Lane NW. Motion carried unanimously.

***INITIATE PROCESS CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF BONDS IN CONNECTION WITH THE PUBLIC WORKS FACILITIES EXPANSION***

The City Council is requested to schedule a Public Hearing to give the public the opportunity to comment on Council's intention to issue general obligation capital improvement plan bonds in connection with the Public Works Facilities Expansion.

A publication will be in the Anoka Union noticing a public hearing will be conducted by the City Council of the City of Andover, Minnesota on Wednesday, November 7, 2018 at 7: 00 p.m. The City Council will be asked to approve the resolution to schedule a public hearing for issuance of bonds in connection with the Public Works Facilities Expansion.

Mr. Dickinson recommended moving forward at this time due to interest rates increasing.

This matter has been in the planning process since the early 2000s. There has been more active work on the planning in the last 4 years. Remaining buildings will continue to be used as long as they are able to be used. The possession of the property will occur in December of this year. Purple Park and traffic safety issues will be addressed. These are all parts of the City's Master Plan.

**Motion** by Knight, Seconded by Bukkila, to initiate a process calling for a public hearing on the issuance of bonds in connection with the Public Works facilities expansion. Motion carried unanimously. (See Resolution R078-18)

***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 has been working on budgeting and finances. He has also attended Youth First and North Metro Mayors meetings. In addition, he has been involved in community development and capital improvement work. Points of interest include acquiring the last property at the Crosstown Boulevard and Nightingale Street intersection. There will be a controlled burn there on October 28<sup>th</sup> for training purposes for public safety workers.

**(Mr. Janish)** Mr. Janish has been working on the Comprehensive Plan revisions with the Planning & Zoning Commission. There will be an open house for the City Council and the community in the future. The Petersen Farms development is progressing. As it relates to the Northern Natural Gas property, the County will not allow for landscaping along the roadway, so staff pursued additional screening. The issue is the fence is too close to the right-of-way. There has been a push to get projects approved before the winter season. A couple of plats have been coming through so there will be lots available in the spring for new home construction.

Councilmember Knight asked about the number of new homes by the end of the year. Mr. Dickinson thought there would be new homes in the 50s in the City in 2018.

### ***DISCUSS COMMUNITY CENTER REFERENDUM***

Mayor Trude asked Mr. Dickinson to explain about costs for a special election. He stated special election costs in recent years were \$25,000 - \$30,000 for a special election. A referendum would require a specific dollar amount for the building project. A range can be provided, but generally one needs to know the costs that would be “not more than.” This would be a challenge at this point in the process. The current dollar target is \$16.7 - \$17M, but the City could still add some dollars from the operational side. Staff is working with the architect and construction engineer on some challenges inherent to adding to the existing building. There is also a challenge to get like-quality to the current facility in the new construction. Mr. Dickinson expressed he would like to see a budget and hard numbers, with a contingency, if there was a referendum. To do a vote, it needs to be at the right time of the year. A targeted time would need to be identified. There would need to be a budget, tax impact, time for the vote and then the best information possible to get the residents prepared to vote. Mr. Dickinson would need 4 months to prepare for a referendum and would miss the winter bidding window [with lower construction costs]. If the work stays on the current pace, the project would go to bid in February. He would expect a rise in costs if delayed, but this, of course, cannot be predicted. There is also the matter of availability of the labor force for the project. The time schedule can be spread out over time, but they would like to bid on the steel early. Steel is a volatile market.

Mr. Butler thanked the Council for continuing the discussion both for and against [the expansion] at previous meetings. He thinks there is some misunderstanding in the community and believes there needs to be additional communication about the planning and input on the Community Center expansion proposal to date. He is not “a fan” of a referendum and believes elected officials are elected to make decisions. He stated those [community members] that have been part of the process over the years were not notified of this agenda item ahead of time and were currently out of town due to it being MEA and so they are unable to speak to it at this

meeting. He requested the Council not make any decision at the meeting tonight so there would be due notice to residents [to contribute to the discussion].

Councilmember Bukkila stated she believes they were “here tonight because of the impending election.” She went on to say that “going through the process it was never as big [of a dollar amount] as it turned out to be...the debt falling off was \$14M and costs for the Public Works building was at \$9-\$10M.” She commented the economics have changed. The project went through a series of meetings and items were added “to the list.” She noted when you look at the programming for the arena, the usage is minimal and the expenditure is not for the life safety of the community. When examined in June, she asked for the participation list. She noted soccer and hockey compete for the same scheduling time. She believes the feedback from the community tells her that information can be overwhelming and residents are adamant that they want it. She is “okay” with the non-athletic specific needs for the Community Center and believes that feedback has been that the referendum is a good idea from both sides. She concluded by stating “this is a want not a need” and she did not want antagonism around the funding part of this issue.

Councilmember Goodrich spoke in favor of a referendum because the project is “so far outside of needs and is a want.” He does not want to take away from some kids and give to other kids.” He ran for office on small government and he does not like “redistributing that kind of wealth.” He stated voting on something like this, not at the time of a general election, could sway the vote as only supporters would come out to vote at a special election. Most people in the community are not involved in the City’s youth sporting associations and he would like to “go to the masses to weigh in.”

Mayor Trude said it was an understatement in use referring to 400 kids using the hockey arena. She noted none of the neighboring cities will sell arena space to Andover because of the competitive nature of the sport. A dome was looked at for the Andover community in the past. There are two sheets of ice as a standard at most facilities. Usage in March, April, and May would be really full. The YMCA could use the arena space in the summer for youth programming. There would be a year-around track on the second floor, to meet the needs of more people. She also stated the City has less gym space because there are fewer schools in the area.

Councilmember Holthus commented the City has a responsibility to meet the needs of the community and the Community Center was a need originally. She has seen the effect that it has had on the community. The facility is known across the metro area. The Community Center is “bursting at the seams and parking is full.” The schools are interested in paying to use the additional space and even then, schools will still not have enough gym space. She is personally interested in the teen center and senior center plans. She sees the addition as a need, not a want for the community. More people are willing to pay \$10 a month to meet the needs in the community.

Councilmember Knight said the City is “famous” due to the partnership with the City and the YMCA. As a result, the community has 6-year-olds to 60-year-olds wanting to utilize the space.

Councilmember Bukkila stated the costs to put up a referendum are minimal, compared to a \$17M project.

**Motion** by Bukkila, Seconded by Goodrich to go forward with a referendum scheduled sometime in the future.

Mayor Trude spoke against the motion noting it would add \$1.5M in costs and consequently eliminate space from a project that people have been involved in for a long time. In the last election “there was a lot about this.” She has been getting a lot of support and questions about the plans and the information was out in the community in June and July. She is concerned this will deny children the space they need.

Councilmember Goodrich stated the cost of the election is worth it.

Mr. Dickinson confirmed he believed a decision to go forward [with a decision about a referendum] was ill advised at this specific meeting. He recommended the vote be put on a future agenda, so residents interested can attend.

**Motion** by Trude, Seconded by Knight, to table the motion on bringing a referendum to voters to fund the Community Center expansion.

Mr. Baumgartner stated Council is able to direct staff. He urged caution in acting because the agenda item was not published ahead of the meeting and the agenda item was added as a discussion item. He went on to say “this Council has a history of affording the public to have an opportunity to speak and there could be a challenge when the public was not notified.” This raises a concern with no clear guidance and a short-time to research matters.”

Mayor Trude asked if the motioner or second would like to withdraw, Councilmembers Bukkila and Goodrich declined.

### ***RECESS & RECONVENE***

Mayor Trude recessed the regular City Council meeting at 9:04 p.m. for a legal review of parliamentary procedure. The City Council reconvened at 9:24 p.m.

Mr. Baumgartner clarified once a motion is made it is considered a main motion, per Roberts Rules a subsidiary motion takes precedent over a main motion, and in this case, the motion to table takes precedent.

Vote was called by Mayor Trude on the motion to table. 3 ayes (Trude, Knight and Holthus) and 2 nays (Bukkila and Goodrich)

### ***ADJOURNMENT***

Motion by Holthus, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 9:26 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

***REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – OCTOBER 16, 2018  
TABLE OF CONTENTS***

PLEDGE OF ALLEGIANCE..... 1  
PRESENTATION OF BADGES – FIRE DEPARTMENT..... 1  
RESIDENT FORUM..... 1  
AGENDA APPROVAL..... 3  
APPROVAL OF MINUTES..... 4  
CONSENT ITEMS..... 4  
Item 2 Approve Payment of Claims..... 4  
Item 3 Approve State of Minnesota Grant Contract/Andover Station North Trail  
Connection/18-34..... 4  
Item 4 Approve Surface Water Management Plan Amendment 16-39C..... 4  
Item 5 Order Improvement/Order Plans & Specs/18-39/Lift Station #10 Improvements (R075-  
18) ..... 4  
Item 6 Order Improvement/Order Plans & Specs/Approve Plans & Specs/18-41/Coon Creek  
Trunk Sewer By-Pass (R076-18)..... 4  
Item 7 Approve Quit Claim Deeds for Trail Construction/17-44/Crosstown Blvd. NW Overlay  
..... 4  
ANOKA COUNTY SHERIFF’S OFFICE MONTHLY REPORT..... 4  
HEARING TO CONSIDER ORDER OF ABATEMENT – 4650 147<sup>TH</sup> LANE NW (R077-18).. 5  
INITIATE PROCESS CALLING FOR A PUBLIC HEARING ON THE ISSUANCE OF  
BONDS IN CONNECTION WITH THE PUBLIC WORKS FACILITIES EXPANSION  
(R078-18)..... 7  
ADMINISTRATOR’S REPORT..... 7  
(Mr. Dickinson)..... 7  
(Mr. Janish)..... 7

*Regular Andover City Council Meeting  
Minutes – October 16, 2018  
Page 12*

DISCUSS COMMUNITY CENTER .....	8
RECESS.....	10
RECONVENE.....	10
ADJOURNMENT.....	10