

***REGULAR ANDOVER CITY COUNCIL MEETING – OCTOBER 18, 2022
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, October 18, 2022, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Jamie Barthel, Ted Butler, and Randy Nelson

Councilmembers absent: Valerie Holthus

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

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

Ludmila Zagorodnii, 75 144th Lane NW, came forward and stated she applied for a fence permit and the installer placed it in the easement. The City sent her a letter that the fence was in the wrong place and needed to be moved. She showed a picture of the fence and asked the Council to make an exception for them.

Public Works Director/City Engineer Berkowitz stated a fence permit was issued for a designated location; however, the fence company installed the fence on the drainage and utility easement on the rear area of the yard. He explained there is cross drainage that drains into a basin and noted the importance of the storm water system.

Pam Weber, 2938 170th Lane NW, came forward and stated she was never interested in politics, and has seen a gradual decay of the principles of the Country. She stated technology should have made the voting process easier but instead citizens have to wait days, weeks, or months for results. Ms. Weber served as an election judge in the primary. She stated she cannot sign a form

that the electronic data is correct unless they hand tabulate votes as well. Ms. Weber proposed two resolutions: CVR data reports be published for public viewing and that ballots be tabulated by machine and hand.

Micaela Kraus-Anlauf, 16079 Norway Street NW, came forward and stated she didn't realize they needed a permit from the City to put up a fence. They followed HOA guidelines. She knew the drainage easement was there, but water can run through a chain link fence. The City asked them to apply for a permit and showed them the area where a fence couldn't go due to the drainage easement. Ms. Kraus-Anlauf stated staff did not want to make an exception because then they would have to make an exception for everyone. She did not believe that was a good reason. She stated they will sign something and move their fence if the City needed access. They want to be able to use their whole yard and asked Council to grant them a variance.

Rhonda Ganske, 2159 153rd Lane NW, came forward to respond to an email she received from Mr. Berkowitz regarding the issue she presented at a previous Council meeting. She stated City Code says that water must run into public property and not private. Ms. Ganske stated Mr. Berkowitz indicated the water draining onto her property would be less than what she has now. She stated the new development will be using chemicals which will run onto her property and her neighbors. She explained staff told her the City Code will be changed and she finds it convenient that code will be changed to benefit a developer after a complaint has been made. She stated taxes will be paying for the pond maintenance and if the road needs to be repaired, she will be assessed more. Ms. Ganske stated the original plat did not show a pond near her house and feels it is retaliation on the part of the developer because she did not sell her property to him. Ms. Ganske requested the packet she presented to the Council be entered into the record.

AGENDA APPROVAL

Motion by Nelson, Seconded by Barthel, to approve the Agenda as presented. Motion carries 4 ayes, 1 absent (Holthus).

APPROVAL OF MINUTES

*September 27, 2022, Workshop Meeting Minutes
October 4, 2022, Regular Meeting Minutes*

Motion by Barthel, Seconded by Nelson, to approve the September 27, 2022, Workshop Meeting minutes and October 4, 2022, Regular Meeting minutes as presented. Motion carries 4 ayes, 1 absent (Holthus).

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Accept Contribution/Roger & Carol Hofstad (See Resolution R078-22)
- Item 4 Receive September 2022 City Investment Reports
- Item 5 Receive September 2022 General Fund Progress Report
- Item 6 Review/Award Quote/22- 44/Dehumidification Unit (Phase 1)

Motion by Butler, Seconded by Nelson, to approve the Consent Agenda as read. Motion carries 4 ayes, 1 absent (Holthus).

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Lenzmeier provided a monthly report for September stating the Department responded to 1,091 calls for service. He reported 22 thefts, 3 felony arrests, 4 gross misdemeanor arrests, and 12 misdemeanor arrests. Commander Lenzmeier stated there were 4 DWIs and 149 traffic arrests. Thefts are at 274 year-to-date, an increase from last year. Commander Lenzmeier noted that 7 of the 22 thefts were from Walmart and a result of under scanning. He stated they will meet with Walmart and attempt to lower the number of thefts. Mayor Bukkila stated the Sheriff's Department is on the right track in working with Walmart to reduce thefts.

Councilmember Barthel asked if other retailers in the area are seeing an increase in thefts. Commander Lenzmeier stated that Walmart consistently has thefts whereas other retailers rarely experience thefts. Mayor Bukkila stated the opportunity is more prevalent at Walmart and the odds of getting away with it is worth the risk. City Attorney Baumgartner stated Walmart is more aggressive on loss prevention than Target. He stated Walmart does have an employee stationed at the self-checkout, but people are being more aggressive with theft. Mr. Baumgartner would like to see the law changed to make theft an enhanceable offense. Mayor Bukkila stated theft of a small value item is expensive when you count the time law enforcement and staff put in.

Councilmember Nelson commended Deputy Xiong in response to vandalism at a neighbor's house and theft of campaign signs. He asked if stealing campaign signs is a crime. Commander Lenzmeier stated it would be misdemeanor theft to take property that is not theirs.

Commander Lenzmeier stated the Department has increased traffic initiatives and cited drivers for speed, traffic violations, and distracted driving. The Department made 334 traffic stops and issued 149 citations. The Department is hiring and training deputies. He stated it is week 5 of the Citizens Academy and they are focusing on traffic stops.

Mayor Bukkila reminded the public to be mindful of Deputies on traffic stops and to be courteous if they get pulled over.

CONSIDER CITY CODE AMENDMENT – CITY CODE 12-14-17: RESIDENTIAL BUILDING STANDARDS AND CITY CODE 12-2-2: DEFINITIONS AND SUMMARY ORDINANCE FOR PUBLICATION

The City Council is requested to consider amendments to City Code to allow for metal roof shingles or metal roof panels. Community Development Director Janish stated the building official denied a permit for metal roofing due to Code stating a roof “shall be covered with shingles or tiles.” The resident appealed the decision and brought it to the Council. The Council requested that staff look into a Code amendment. Mr. Janish reviewed the amendment as written in the staff report. He stated the Planning and Zoning Commission reviewed the amendment and recommended approval.

Mayor Bukkila stated the photos submitted by the resident show exterior fasteners on the edging. She asked if that was acceptable with the draft amendment. Mr. Janish stated it was the proper technique to fasten the fascia and there are no exposed fasteners on the standing seam roofing. Mayor Bukkila asked if the language should be more specific so the common person can understand the code. Mr. Janish stated the language is standard for the industry and he would like to work with the Building Official with any further changes.

Councilmember Barthel supported being more specific in the language because there is no way to install the edging without fasteners. Councilmember Butler recommended adding language that states “except where directed by industry standards.” City Attorney Baumgartner suggested “With the exception of the edging, trim, or flashing, all fasteners shall be concealed...”

Councilmember Butler appreciated the resident who brought this forward and how quickly staff brought the amendment to them.

Mayor Bukkila asked about the process for review of the roofing material and color. Mr. Janish stated the application can ask for color of the roof. Mayor Bukkila would like to have the color reviewed and would like the information readily available to the public.

Motion: by Barthel, Seconded by Nelson, to adopt Ordinance No. 543 amending City Code Title 12: Zoning Regulations, Chapter 2: Rules and Definitions, Section 2: Definitions and Title 12: Zoning Regulations, Chapter 14: Performance Standard, Section 17: Residential Building Standards with the language change recommended in discussion and the Summary Ordinance for Publication. Motion carries 4 ayes, 1 absent (Holthus).

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.

(Administration) Mr. Dickinson updated the Council on meetings he is attending. Early absentee voting is currently open. He announced the City is at 87 new single home permits year to date.

(Public Works/City Engineer) Mr. Berkowitz stated a neighborhood information meeting was held for 161st Avenue and Tulip Street. Staff have received a lot of phone calls about fences, easements, and assessments. The 7th Avenue and 143rd Avenue traffic signal is being installed. He stated there is a lot of work going on at the Andover Crossings site. Public Works is working on fall cleanup and street sweeping.

(Community Development) Mr. Janish stated commercial applications will be coming forward to the Planning and Zoning Commission.

Councilmember Nelson stated residents should contact City staff with problems they see. Mr. Berkowitz recommended residents contact the City on any thing they see, such as potholes, bent City signs, and light outages.

Mayor Bukkila requested a newsletter article identifying projects that need permits.

MAYOR/COUNCIL INPUT

(Curb Marking) Councilmember Barthel requested residents mark the curbs for snow plowing.

ADJOURNMENT

Motion by Butler, Seconded by Nelson, to adjourn. Motion carries unanimously. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary
TimeSaver Off Site Secretarial, Inc.

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