

***ANDOVER CITY COUNCIL WORKSHOP MEETING – OCTOBER 23, 2018
MINUTES***

The Workshop Meeting of the Andover City Council was called to order by Mayor Julie Trude, on October 23, 2018, 6:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Sheri Bukkila (arrived at 6:08 p.m.), Mike Knight, Valerie Holthus and James Goodrich
Councilmember absent: None
Also present: City Administrator, Jim Dickinson
Director of Public Works/City Engineer, David Berkowitz
Building Official, Fred Patch

CALL TO ORDER

Mayor Trude stated tonight's agenda includes an issue that was raised at the Resident Forum portion of a recent City Council meeting. The issue will be discussed tonight as part of the information-gathering process. The Council Workshop is typically an informal opportunity for the City Council to discuss upcoming Regular Meeting agenda items and provide direction and feedback to City Staff.

DISCUSS POOL FENCES

Building Official Fred Patch presented the issue to the City Council. Robert and Vanessa McNeil, 1947 161st Avenue, live on a large 22-acre parcel that is extremely isolated, and surrounded by wetland. They are requesting that the City Council consider an amendment to City Code to allow a swimming pool safety cover as an alternative to fencing.

SWIMMING POOL ACCESS BARRIER CONSIDERATIONS

The City has discretion to adopt what they see as necessary to provide safety and protection. Andover has typically required a non-climbable fence around all in-ground pools, which provides safety and protection, and is an enforceable, visible and permanent barrier.

Councilmember Bukkila arrived at 6:08 p.m.

The City Council established a \$1,500 pool fence escrow for property owners, which compels them to build a fence. Pool contractors are exempt from the escrow, and therefore have no liability related to the fence. Homeowners are resistant to installing pool fences due to aesthetic and financial concerns, and they assume that distance and privacy is equal to safety. In addition,

pool covers are referred to as “automatic”, but they must be activated, and are only an effective safety measure if attended or closed by the owner. Pool covers can be left open for long periods of time. Requiring permanent and enforceable fences has allowed the City to provide public safety.

Pool covers are an excellent second line of defense, and some cities, including Coon Rapids, are opting to require both a pool cover and a pool fence, if the house is part of the safety barrier.

Mayor Trude expressed concern that the McNeils came forward to ask for the pool cover amendment after the pool was already finished. She requested clarification regarding the process. Mr. Patch stated building plans must be submitted by a contractor and approved by the Building Department before a pool can be built. A fence would be required as part of the building plans, with various fence features required by City Code, before passing a final inspection. However, six pools were built during the summer of 2018 originally without a fence, staff spend considerable time pursuing compliance.

Councilmember Knight asked whether the fence must be tight to the pool. Mr. Patch stated the fence can surround the entire yard and does not have to be tight to the pool.

Councilmember Holthus requested clarification regarding the strength of the pool cover material.

RESIDENT REPORT/PROPOSAL

Robert McNeil, 1947 161st Avenue NW, stated pool covers are made of thick canvas that is strong, durable and not easily punctured. Mr. Patch stated pool covers that are not completely retracted can be an extreme safety issue as people can get caught underneath with no way to get out. He reiterated that it is not an automated process.

Councilmember Holthus asked whether pool covers can be installed on existing pools. Mr. McNeil stated it might be difficult. Mayor Trude stated her sister recently had a pool cover added to her pool.

Councilmember Goodrich asked whether pool covers can be made with an automated closure feature after a certain amount of time passes and no one is in the pool. Mr. McNeil stated he is unsure.

Councilmember Goodrich stated problems with pool covers, like entrapment, are generally due to lack of maintenance or owner vigilance. He added residents may have every intention of being cautious and safe, but there is the potential for problems.

Mayor Trude asked for clarification regarding the lack of a fence at the McNeil’s pool, and whether the fence was included in the construction plans and cost. She added the McNeils knew that a fence was required. Mr. McNeil stated plans were completed for the fence. He added it was their intention to approach the City to find out whether a fence was necessary. He noted the

pool contractor submitted separate plans.

Mr. McNeil presented slides depicting sliding pool covers, for which there is a national standard. He stated pool covers are reliable and a good safety measure. He asked the City Council to consider an amendment to the Ordinance for properties of 5 acres or more.

Mr. Patch stated many Minnesota cities have adopted a version of the international pool and spa code, which acknowledges that safety covers are an acceptable alternative to fences. He presented copies of the international code to the City Council.

Mr. McNeil stated there is a lot of trees and vegetation on his 22-acre property, as well as 13 acres of wetlands that are 3 feet deep in places. He added the pool is 950 feet from the main road, and 450 feet from the closest neighbor.

Mr. Dickinson indicated an area on the map to the north of the McNeil's property, which will be a new housing development.

Mr. McNeil stated, as mentioned in the pool standards, a removable ladder is required for above ground pools that can be retracted. He added this is a similar consideration for automatic pool covers which must be activated by the owner. He noted he and his wife appreciate the time and patience that City Staff have shown, and he apologized for not approaching the City about installing a fence before the pool was completed.

Mayor Trude stated the concern is for the safety of community members, including the City's children. She added she understands that this large property is a unique situation. She thanked the McNeil's for attending the Workshop.

Mr. Patch stated the ICC provides uniform codes to address situations like the McNeil's, but safety can still be a problem.

Mayor Trude requested that City Staff determine the number of parcels of this size in Andover before this issue is brought before the Planning & Zoning Commission. She asked whether property width could be variable on a 5-acre lot. Mr. Dickinson stated the distance between homes could be the same in a 2.5-acre neighborhood. He added this type of request would not usually be reviewed by the Planning & Zoning Commission or require a public hearing.

Councilmember Knight stated the Code could require that a pool fence must be a specified number of feet from the perimeter of the pool. Councilmember Bukkila stated residents who have a fence around the perimeter of their property would not be in compliance in that case.

Councilmember Goodrich stated some flexibility on this issue is justified, as the City of Andover is not as dense as some other communities. He added, on a property of 20 acres, he does not see a need for a pool fence. He noted, however he would entertain some kind of code amendment, such as a requirement of 4 acres or 300 feet from the nearest neighbor's house.

Councilmember Holthus stated there are many residences that have a pool and a fence that are close to their property line. She added she supports an additional 150 feet, for a total of 450 feet, as an appropriate distance between a pool and the closest neighbor.

Mayor Trude stated the Code amendment could include some flexibility for City Staff depending upon the uniqueness of the property. Councilmember Holthus agreed.

Councilmember Bukkila stated this situation is unique and she would support some flexibility. She expressed concern that a change to the property a lot split or change in ownership, would alter what was originally approved. She noted, in this situation, however, there are unique obstacles.

Mr. Dickinson stated the McNeils have suggested a requirement of properties over 5 acres, which the number of effected properties is numerous. He added the City Council's comments are leaning away from zoning and toward the uniqueness of the property.

Mayor Trude stated 10 acres could be used instead. Councilmember Holthus stated acreage might not be the best measure, but rather the distance between the pool and nearest neighbors.

Mr. Dickinson stated an administrative process could be considered in which designated City Staff would review acreage size and unique criteria. He added the applicant could decide to appeal the decision to the City Council level.

Councilmember Bukkila stated she would support an administrative approval process.

Councilmember Holthus stated she does not believe acreage should be the definite rule, but rather the distance that a pool is located from the closest adjacent property.

Mayor Trude requested that the City's emergency personnel be consulted on this issue. Mr. Dickinson agreed.

Mr. Dickinson stated this issue will be reviewed by the City Council at an upcoming Regular Meeting.

Mayor Trude stated the City Council would take a 5-minute break at 6:50 p.m. The City Council re-convened at 6:55 p.m.

UPDATE/DISCUSS POTENTIAL CITY CAMPUS MASTER PLAN PROJECTS

Mr. Dickinson stated potential projects related to the City Campus Master Plan include a primary focus on the Public Works maintenance facility. He invited Mr. Berkowitz to review this issue.

PUBLIC WORKS MAINTENANCE PROGRESS UPDATE

Mr. Berkowitz stated City Staff have been keeping the City Council updated about the proposed vehicle maintenance facility. He added the commercial site plan was submitted today, October 23, 2018, and the full building plan will be submitted on November 7, 2018. With presentation to the City Council for final approval at their December 4, 2018, Regular Meeting. He noted advertisements for bids will be sent out with an opening date of January 22, 2019, with construction to commence in April 2019 and occupancy planned for September 2019.

Mr. Berkowitz stated the proposed Veterans Memorial is proposed to be located at the southeast corner of Nightingale Street and Veterans Memorial Boulevard. He added the plans are tied into the Master Plan for the City Campus. He noted an idea was raised that panels in the concrete can be removed and brick pavers added that can be engraved with a veteran's name. More discussion is required. He requested the City Council's feedback and direction.

Mayor Trude stated she likes the plan. Councilmember Goodrich stated he likes the idea of veteran's names on plaques, but not on the ground. He added this could be opened up to the public for ideas and brainstorming, as there are many things that could be done.

Mr. Berkowitz stated there will be skateboard deterrents imbedded in the low brick wall.

Mayor Trude stated she likes the idea that people can sit on the low wall. She asked whether there will be a sign or engraving, so people know what the memorial is for. Mr. Berkowitz agreed.

Mayor Trude stated a local retired military officer contacted her regarding "Beyond the Yellow Ribbon", which he has worked on for many years on various projects. She added City Staff could connect with other local veterans' groups to encourage involvement.

Councilmember Knight asked whether there would be band concerts. Mr. Berkowitz stated there is not enough room at this intersection for large groups of people. He added the trail along Veterans Memorial Boulevard will extend to Tower Drive, to tie in the City Campus area.

Mayor Trude stated the trail will attract foot traffic to the Veterans Memorial from Purple Park to the west.

Councilmember Holthus stated she will be meeting with "Beyond The Yellow Ribbon" tomorrow at 4:00 p.m. She added she can bring up this issue. The City Council agreed.

Mr. Dickinson stated, as discussed by the City Council at their last meeting, a public hearing is scheduled for the November 7, 2018, Regular Meeting, regarding capital improvement planning bonds. City Staff hopes to be able to take advantage of the current bond market, to secure the best possible financing plan for the new Public Works facility. That meeting will also include a review of the Capital Improvement Plan (CIP) for 2019-2023. The public hearing for the Public Works buildings will be held separately as it is a continuation of the public hearing held for 2018. The bonds will be issued in 2018, not 2019.

Mayor Trude asked whether the City will have a review for the bond rating. Mr. Dickinson confirmed that it is important to do the rating while the City is in a very good financial position. The City currently has a AA+ Plus rating, and a review would be conducted by Standard & Poor's.

Mayor Trude asked how the City's debt level at 19% compares to other metropolitan cities. Mr. Dickinson stated the City is using 19% of its total debt capacity, and annual allocation toward debt service will be 25% or less. Andover is considered a low-debt community.

Mayor Trude asked whether interest rates will increase. Mr. Dickinson stated he believes rates will ultimately stabilize, and current interest rates while rising are still phenomenal rates when compared to historic averages.

POTENTIAL COMMUNITY CENTER EXPANSION PROGRESS UPDATE

Mr. Dickinson stated the project estimate was \$18.9 million for what was presented on October 9, 2018. Discussions have taken place with the architect and construction manager including a detailed value engineering meeting. This meeting covered plumbing, fixtures, landscape irrigation and exterior design aspects of the proposed building where some modification and cost reduction is possible.

City Staff have met with representatives of the YMCA, and they may work with the City on financing, but they will be responsible for their portion. The lease arrangement has been in place since 2004. The YMCA currently makes a payment to the City on an annual basis. City Council authorization will be required for construction to move forward.

Mr. Dickinson specified a deadline of November 15, 2018, for architects, mechanical and electrical contractors to provide plans and estimates. He added he hopes to provide the City Council with details at the November 27th workshop meeting or a special meeting. He requested the City Council's input on the building's exterior materials. Pre-cast had been previously discussed.

Mayor Trude asked if there would be cost savings associated with using exterior panels other than custom design panels. Mr. Dickinson confirmed this. He added the building footprint could be reduced, or other components removed with Council approval. He noted he wants to retain a small contingency in the budget for construction.

Mayor Trude asked whether the original construction costs came in under budget. She added the project was over budget during the bidding phase. Mr. Dickinson stated the construction team was able to remove 5-6% of the total project cost on bid day.

Councilmember Holthus asked when other components could be considered for elimination, such as the addition of restrooms on the east side of the building, and small locker rooms. Mr.

Dickinson stated those items are being considered for elimination but stressed the importance of meeting current Code.

Councilmember Knight asked whether parking could be reduced. Mr. Dickinson stated minimum parking requirements must be met. He added performance-based parking requirements can be utilized. The City has historically utilized Sunshine Park for overflow parking for major events at the community center. He noted parking is an area that is being reviewed from a value engineering standpoint.

Mr. Dickinson stated the parking renovations on the Hanson Boulevard side will not be eliminated, and access to City Hall from Crosstown Boulevard is being considered to be eliminated. City Staff will review the project for possible cutbacks. Best case for bid documents will be in February 2019.

Councilmember Bukkila asked about the referendum question discussion that was tabled. She wondered when that discussion would be brought back. Mayor Trude requested that this issue be reviewed at the City Council's November 27th Workshop.

2019-2023 CIP DISCUSSIONS

Mr. Dickinson stated the Capital Improvement Plan (CIP) document, which is still in draft form, will be amended based on City Council feedback. The City Campus Master Plan document was updated, and budget targets reviewed.

Mayor Trude asked whether the budget would be reduced if the expansion project and Community Center updates are completed simultaneously. Mr. Dickinson stated revenues will need to balance out to pay for projects. He added the City will partner with the YMCA on common improvements.

Mr. Dickinson stated the City has been reviewing the Community Center Expansion project for 3-4 years and conducting analysis to identify potential issues. Capital items must have a minimum \$5,000 cost to be included in the CIP.

Mr. Dickinson stated the CIP provides a review of areas of significant improvement and identifies potential items that can be completed simultaneously. These might have different funding sources.

Mr. Berkowitz stated the Yellow Pine Bypass Project will require a sewer system upgrade. He added a wet well structure is already in place on the north side of Crosstown Boulevard, and a line will be constructed to Pinewood trunk through Sunshine Park. This project will be undertaken during summer 2019. He noted, with the potential Hanson Boulevard bypass, it makes sense to put the pipe in now and free up capacity to be ready for development east of the railroad tracks.

Mayor Trude asked whether Mark Smith's property is part of another system. Mr. Berkowitz confirmed that the trunk line that will extend across Coon Creek to serve that development. He added the developer's funded lift station is on the north side of Wintergreen Street.

2018 BUDGET PROGRESS REPORTS

Mr. Dickinson stated park and recreation projects were identified by the Park & Recreation Commission and City Council and addressed at the last City Council Workshop. \$15,000 is included in the budget for miscellaneous parks amenities.

Mr. Dickinson stated parking lot improvements are planned for Pine Hills North Phase 2. He added capital equipment reserve funding is available for use on the Dahlke Preserve boardwalk as well as other miscellaneous costs, including parking.

Mayor Trude stated parking lots are needed at Prairie Knoll park, she also noted it is very dark.

Mr. Dickinson stated, regarding financing, the Road Bridge fund has \$5.3 million for 2019 street improvement projects. He added \$2.2 million is committed to Minnesota State Aid (MSA) and reconstruction routes.

Mr. Berkowitz stated MSA projects include Veterans Memorial Boulevard, and an overlay on Crooked Lake Boulevard. The latter is a high-volume road constructed in 1997, and an overlay is appropriate. Joint projects with Ham Lake are planned, including University Avenue and Andover Boulevard. Additionally, a reconstruction project is planned for Hanson Boulevard in two phases: from Jay Street to the elementary school entrance, and then north to Bluebird Street.

Mr. Dickinson stated gas tax funding of \$1.2 million annually helps to facilitate MSA road improvements. He added Local Government Aid (LGA) is not available to the City of Andover. He noted a property tax levy of \$1.3 million will be used to fund road improvements in the community.

Mr. Dickinson stated the potential parks projects are funded by developer's fees that go to the Park Improvement Fund. The Trail Fund has adequate funding through 2019 projects. The annual levy supports equipment maintenance and upgrades. Some maintenance issues are deferred into the Building Fund.

Mr. Dickinson stated the 2019-2023 CIP document will be reviewed at the City Council's November 7, 2018, Regular Meeting as a public hearing item. He requested feedback and comments from the City Council.

Mayor Trude stated she is glad to see the addition of the Prairie Knoll parking lot, which will increase public safety. She requested that lights be added to the parking lot as it is very dark.

Councilmember Goodrich stated the City Council has supported roads and bridges improvements

in the past few years, and the Public Works Department does a fantastic job. He added, however, there are still a lot of roads that need improvement. Residents contact City councilmembers about roads that are in bad shape, and the City continues to plan ahead with related projects. He noted the City has also added trail ways, which must be maintained. He stressed the importance of planning for future improvements to the trails system.

Mr. Dickinson stated an increase in funding for trails maintenance is being considered as part of the budget discussions, as well as an increase in funding for bridges and roads improvements. Road and bridges funding for 2018 increased by 24% over 2017. An increase of 27% is proposed for 2019. The City has made a significant commitment to infrastructure improvements, including facilities, trails and streets. There was a small increase in funding for trails maintenance in 2018, and equipment replacement remained the same.

Mr. Dickinson stated a preliminary levy was adopted by the City Council on September 18, 2018. A 2.76% tax rate increase was proposed, which would result in a 13 million levy. The City Council's goal was to reduce the tax rate increase to below 2%, and that has been accomplished. The City of Andover received revenue from the Fiscal Disparities Program.

Councilmember Goodrich stated the rate increase comes after several rate reductions in previous years. Mr. Dickinson stated there have also been increases. He added he can provide a spreadsheet with this data. He noted, in 2017, the City of Andover experienced a 12.2% increase in taxable market value, and a 5.68% increase in 2018 to taxable market value.

Councilmember Holthus asked how long it has been since the City was able to realize a correlation between parks and recreation usage and building new amenities in parks, and how that relates to park dedication fees. Mr. Dickinson stated the City's parks plan is a component of the Comprehensive Plan, which must be approved by the Metropolitan Council. City Staff completed an analysis in connection with the Comprehensive Plan and determined that park dedication fees are appropriate. The Park & Recreation Commission visited every park in Andover and identified areas for improvement which were related back to the Park Study based on expenditures. He added park dedication fees are matching up quite well.

Mr. Dickinson stated the City Attorney's 2019 contract has not been finalized. The Anoka County Sheriff's contract was approved in September 2018. There has been a recent trend in law enforcement toward a preference for SUV's rather than sedans. The Sheriff's Department plans to reduce their fleet by 1 vehicle.

Mr. Dickinson stated funding is allocated to Alexandra House, as well as teen programming, to mitigate the potential negative effects of gambling. A detailed review from YMCA Executive Director Allison Boes regarding after-school programming for teens is attached to the staff report.

Mr. Dickinson stated the City Council had discussed a 45% minimum General Fund balance as a budget guideline, which is currently at 50%. City Staff is committed to the effective

management of the fund balance, decreased expenditures and the maintenance of a low budget.

Councilmember Holthus asked what major project items are included in the property tax statements. Mr. Dickinson stated the Public Works facility and deferred maintenance is included, but the community center expansion is not included. Each organization that is identified on the property tax statement should be able to answer questions related to their proposed tax, but City Staff attempts to answer questions related to the School District and Anoka County. He noted the City attempts to maintain a constant property tax from the state rate.

Mr. Dickinson stated he encourages residents to file for the Homestead Credit property tax refund. He added this refund was previously sent directly to the City from the State, but residents must now file for the refund from the State.

Mr. Dickinson stated the City Council has challenged City Staff to reduce the budget increase by the November 2018 City Council Workshop.

Councilmember Holthus thanked City Staff for all their hard work. Councilmember Goodrich concurred.

Mayor Trude stated she likes the Council Chambers renovations and updates, especially the video monitors.

Mayor Trude asked when the Public Works facility construction would be bid. Mr. Berkowitz stated bids would be due in January 2019.

2018 BUDGET PROGRESS REPORT

Mr. Dickinson reviewed 2018 revenues, which are projected to remain at 59%. He stated one-time expenditures that were incurred in 2017 were reduced significantly in 2018.

2018 CITY INVESTMENTS REVIEW

Mr. Dickinson stated a Remic investment was eliminated in 2018, as it was a non-qualifying investment. The investment had a high rate of return, so it was retained until it matured.

OTHER BUSINESS

Mayor Trude stated the Woodland Creek Trail has a sign announcing an opening date for the trail. She asked whether a ribbon-cutting is planned.

Mr. Berkowitz stated the Woodland Creek restoration area has vegetation that has not yet matured, and the opening date is being moved back. He agreed to have the sign changed. Mayor Trude stated an opening celebration can be planned for Spring 2019. Mr. Berkowitz agreed. He

added he will have a better idea after he does a walk-through of the trail with the Parks Supervisor on October 24, 2018.

Councilmember Holthus asked whether trails will be levelled, as many residents have commented that they are uneven and difficult to walk on. Mr. Berkowitz stated the nature trail is not paved, but residents can contact City Staff regarding areas of the trail that need attention.

ADJOURNMENT

Motion by Bukkila, Seconded by Holthus, to adjourn. Motion carried unanimously. The meeting adjourned at 8:44 p.m.

Respectfully submitted,

Mary Mullen, Recording Secretary