

**REGULAR ANDOVER CITY COUNCIL MEETING – NOVEMBER 6, 2019
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, November 6, 2019, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Sheri Bukkila and Jamie Barthel

Councilmember absent: Mike Knight and Valerie Holthus

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 noted the supplemental information received:
Item #12 – Resident comment letter

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

APPROVAL OF MINUTES

October 15, 2019, Regular Meeting: Correct as written.

Motion by Barthel, Seconded by Bukkila, to approve the October 15, 2019, Regular meeting minutes as presented. Motion carried unanimously.

October 22, 2019, Workshop Meeting: Correct as amended.

Mayor Trude requested the following corrections:

Page one, line 31, add: Motion carried unanimously.

Page two, line 15: ...introduced themselves as neighbors of Terrace Park.

Page three, line 12: Council came to a consensus to have staff work with the neighbors.

Page five, line 31, change to: No projects are identified.

Page six, line 9: ...repurposing of the outlots is quite a ways out.

Page seven, line 26 and 27, change Prairie Knoll to Pine Hills North Park

Page ten, line 5, change Commissioner Marinello to Commissioner Perra

Motion by Trude, Seconded by Bukkila, to approve the October 22, 2019, Workshop meeting minutes as indicated above. Motion carried unanimously.

CONSENT ITEMS

Item 2 Approve Payment of Claims

Item 3 Accept Resignation of Taylor Moshier, Streets Maintenance Worker

Item 4 Approve Appointment of Building Inspector

Item 5 Approve Dental Renewal and Employer Contribution

Item 6 Approve Medical Renewal and Employer Contribution

Item 7 Approve LMCIT Liability Coverage

Item 8 Reimbursement Resolution/2020 Equipment Purchases (See Resolution R086-19)

Item 9 Approve License Agreement with Anoka County/Monument Sign

Motion by Barthel, Seconded by Bukkila, to approve of the Consent Agenda as read. Motion carried unanimously.

PUBLIC HEARING ON THE ISSUANCE AND SALE OF A REVENUE NOTE FOR THE YMCA OF THE GREATER TWIN CITIES/CONDUIT FINANCING FOR ANDOVER YMCA PROJECT

City Administrator Dickinson explained the City Council is requested to hold a public hearing and consider approving a resolution approving the issuance of a Recreational Facility Note and authorizing the execution of documents related to the YMCA of the Greater Twin Cities Project. He stated this relates to the expansion of the Andover YMCA. The City Council will give people appearing at the public hearing an opportunity to express their views with respect to the proposal for the City to issue Conduit Revenue Notes to finance the cost of the expansion, renovation, and equipping of the YMCA's project. The project will ultimately be owned by the City and leased to the YMCA but the YMCA is paying for the expansion in this situation.

Mr. Dickinson noted the property is located at 15200 Hanson Boulevard, just north of the Andover City Hall. The maximum amount of the Note that can be financed is \$6,650,000 and when issued will not constitute a charge, lien, or encumbrance of any kind to the City or any property within the City. The Note will be paid for by revenues of the YMCA of Greater Twin Cities and also does not affect the City's credit or taxing powers since the revenues from the YMCA will pay this Note to the bank identified in the financing agreement, PNC Bank. Mr.

Dickinson noted the attendance of representatives of the YMCA as well as representatives of Briggs and Morgan, the City's bond counsel to answer questions.

Motion by Bukkila, Seconded by Barthel, to open the public hearing at 7:09 p.m. Motion carried unanimously.

Merlyn Prochniak, 2941 141st Avenue NW, asked about the longevity of the lease compared to the current lease with the YMCA.

Motion by Bukkila, Seconded by Barthel, to close the public hearing at 7:10 p.m. Motion carried unanimously.

Mr. Dickinson stated the existing YMCA lease goes until 2034. The Note is identified to be a ten-year Note and will be paid off before the lease expires. He stated staff is working on a second amendment to the sublease to address the intricacies relative to the premise and how it will change. That amendment will come to a future Council meeting. The existing sublease that was put into place in 2004 does allow for expansion of the YMCA to the south and up, and that is what is proposed with this expansion.

Mayor Trude stated the City is not issuing the funds but supporting the funding so there is a small fee the City receives for that review. Mr. Dickinson stated it is a quarter point with this Note as it is fairly straightforward. Mayor Trude stated no other people wished to address the Council during the public hearing. She welcomed and invited YMCA representatives the opportunity to address the public following Council action.

Motion by Barthel, Seconded by Bukkila, to adopt Resolution No. R087-19 Approving the Issuance and Sale of a Recreational Facility Revenue Note and Authorizing the Execution of Documents Relating Thereto (YMCA of the Greater Twin Cities Project). Motion carried unanimously.

Amanda Novak, YMCA Senior Director of New Development, stated Alex Bartell, YMCA Contoller, is also in attendance tonight. She described the improvements that will be made to better serve the Andover community including a new gym, Kid's Stuff space, upper fitness level, and remodel the current Kid's Stuff area to a multipurpose youth space to allow for more child care, arts and humanity programming, and birthday parties. The addition on the second floor will allow for fitness equipment to be better grouped and more accessible to members during workout routines. They will all be adding a new state-of-the-art studio on the second floor and the lobby will be remodeled to create a more open and welcoming space.

Mayor Trude stated she has noticed it is quite the gathering space for seniors. Ms. Novak concurred and explained the multi-purpose space on the eastern side of the building will provide more programming for senior residents and they will be actively engaged in the teen programming. She stated they started construction on that area about two weeks ago and look to be fully completed in early summer of 2020.

Mayor Trude noted that will dovetail with the City's schedule for full opening of everything by the end of the summer. She thanked the YMCA for moving forward with this expansion, noting many have seen how busy the YMCA is as it brings many visitors to Andover, which is also an important economic development tool, helps keep people healthy, and connecting with one another.

Mayor Trude stated the City appreciates its partnership with the YMCA and especially with the senior and teen programming so those in the community who are not YMCA members can still benefit from this wonderful partnership. She noted there are no charges when children come after school during which there is adult supervision and activities to keep them engaged in finishing schoolwork or connecting with others in a safe environment. Mayor Trude stated she thinks the City's policing costs are lower because kids are kept busy in a safe place, which also gives parents peace of mind if they are still at work.

Mayor Trude noted the seniors are getting younger and younger, the pickleball sport has taken off in Andover, and she has seen seniors lingering in the hallways as the building is well designed for those connections to happen. Mayor Trude pointed out the YMCA will also be adding an elevator. Ms. Novak stated that is correct and will make their facility as accessible as possible.

PUBLIC HEARING/ADOPT ASSESSMENT ROLL/19-2/2019 STREET RECONSTRUCTION

Director of Public Works/City Engineer Berkowitz explained the City Council is requested to hold a public hearing and approve a resolution adopting the assessment roll for Project 19-2, 2019 Street Reconstruction. He stated this project, which was constructed over the summer months, is just east of Crooked Lake, west of Crooked Lake Boulevard, south of Bunker Lake Boulevard. A neighborhood informational meeting was held last December, early in the process, to review the project with residents. The project then moved to design and construction that included reclaiming the existing blacktop surface, constructing concrete curb and gutter, making storm sewer improvements to address flooding and drainage, and provide an additional storm water quality treatment before discharging into Crooked Lake.

Mr. Berkowitz stated the final construction costs were just over \$1.5 million for the entire project. The assessment rate is 25% of the total project cost so the final City cost is \$1,173,788.59 and the final assessment costs back to the property owner is \$374,596.20. He explained that 80 lots within the development area had new concrete curb and gutter constructed and 4 lots within an existing cul-de-sac already had concrete curb and gutter. Because of that, there is a different assessment rate. The majority of the development area had an assessment estimated at \$4,540 and the final assessment came in close to that at \$4,496.42. For the five lots in the cul-de-sac on 135th Circle, the final assessment is \$2,976.54.

Mr. Berkowitz displayed before and after pictures, described the conditions, and noted the location of spillways to direct water, curb and gutter, and other drainage improvements to create

a good final product. He also displayed pictures of the treatment and infiltration basin to provide additional treatment and pointed out the two major storm water structures, on the north half and the south half, that resulted in drastic improvements.

Mr. Berkowitz explained the two methods to pay for assessments: entirely with no interest within one month after the assessment hearing prior to certification to Anoka County; or, the assessment will be certified to Anoka County beginning in 2020 and ending in 2027, 8 years at 4.5%. For 135th Circle, the assessment will be \$451.27 per year, and the other 80 lots will be assessed at \$681.70 per year. Mr. Berkowitz offered to answer questions and asked the City Council to hold a public hearing prior to considering the resolution.

Mayor Trude stated the project looks great, creating the look of a brand-new neighborhood when you drive through. She agreed the storm water improvements were a big part of the project. Mayor Trude thanked staff for dealing with all of the issues as they came up, home by home, during the project, noting they did an excellent job.

Motion by Barthel, Seconded by Bukkila, to open the public hearing at 7:25 p.m. Motion carried unanimously.

Mike Gamache, 2815 134th Avenue NW, stated the project went well after a short delay, the roads look great, and the residents on their block are happy with the project. He stated their well has worked out, so they did not sign up for water service. He thanked the City and staff.

Lavella Schillinger, 13336 Gladiola Street NW, stated she is one of the neighbors living in an area of runoff so there is a new pond by her property. She stated her concern that the water is not draining very well as she sees green algae by the lake and asked if the City will do something with the Watershed to dredge out some of the lily pads. Mayor Trude noted some residents in this area are members of the Crooked Lake Association who are paying close attention to water quality and suggested she call the City Engineer to get additional detail related to this matter.

Motion by Barthel, Seconded by Bukkila, to close the public hearing at 7:29 p.m. Motion carried unanimously.

Mr. Berkowitz stated staff will look at the drainage at Gladiola Street and contact the Watershed to see if something can be done to address Ms. Schillinger's concerns. He agreed that working with the Crooked Lake Association would be a good start.

Motion by Bukkila, Seconded by Barthel, to adopt Resolution No. R088-19 Adopting the Assessment Roll for the Improvement of Project No. 19-2, 2019 Street Reconstruction. Motion carried unanimously.

PUBLIC HEARING – VACATION OF DRAINAGE AND UTILITY EASEMENT – 15281 SWALLOW STREET NW – JESSE MOORE

Community Development Director Janish presented the request of property owner Jesse Moore to vacate a portion of the drainage and utility easement across parts of 15281 Swallow Street NW within the Woodland Estates subdivision. He displayed a map of the subject site and noted the location of the resident to the south who provided comments.

Mr. Janish stated the property owner worked closely with Engineering staff to evaluate whether the situation warranted vacation of the drainage and utility easement, noting the majority of such requests do move forward if the City acquired additional easement that may not be needed. He explained the applicant hired a land survey company to provide information to the Engineering Department, which then reviews that information and works with the Planning Department to make a presentation before the Council. In this case, the request is being made to increase the usable area to have the ability to construct an accessory structure in the future.

Mr. Janish explained the neighbor to the south raised several questions related to concerns about proper drainage in the area, changes to the easement, how it could impede water from flowing as intended to the south, and construction of an accessory structure for personal storage. The other items relate to neighborhood aesthetics as the accessory structure will limit the view of neighbors and the unintended result of decreasing the overall property values of houses affected by the easement vacation due to future drainage issues and keeping the City from access to correct unintended drainage issues that may occur.

Mr. Janish stated he and Mr. Berkowitz did speak about these concerns and Mr. Berkowitz is prepared to speak to drainage patterns in this area. He explained one of the discussions he had was that there may be potential for the property owner to the south to vacate some of the easement as well. However, they would have to go through the formal process of working with the Engineering Department, hiring a land surveyor, and evaluating if that is a potential or not.

Mayor Trude asked staff to further address the concerns expressed about the water drainage.

Mr. Berkowitz displayed a larger map and explained that when Woodland Estates was developed, it involved custom grading and a lot of preservation of trees from the first phase through the fifth phase. He used the topographical map to point out the location of the easement requested for vacation and explained the storm water system was designed with a catch basin in the low area, on the property to the south owned by the resident who submitted the letter with concern. Mr. Berkowitz stated water drains to that catch basin, which drains to the road, and then drains away, handling a lot of the rear yard drainage and within this area. The drainage on the lot of the person requesting the vacation actually wraps around and goes to the north since it was graded differently.

Mr. Berkowitz stated with the lot to the south, most or all of that easement needs to stay intact as it is the drainage pattern to the catch basin. He explained it is also important to consider an overflow for drainage should water back up at the catch basin. But, because of the custom grading, the overflow actually goes down the lot line and drains out to the cul-de-sac. The overflow is not needed out to the north. Mr. Berkowitz noted the City will still maintain a 10-

foot by 10-foot triangle shaped easement so the overflow is not impeded.

Mayor Trude asked if the property owner will need to get a building permit and how neighbors can make sure it is not located in the wrong spot. Mr. Berkowitz stated his understanding the future structure will require a permit as it is not smaller than 200 square feet in size.

Mr. Berkowitz stated staff looked at this request in detail, spent a lot of time in review, conducted due diligence to make sure the request for easement vacation was reasonable and the corner was preserved so the overflow could be maintained as it currently functions.

Mayor Trude noted the farm road is still there and asked if it goes away, will it impact the drainage. Mr. Berkowitz reviewed the contours and drainage pattern showing it drains to the low area and there is an overflow structure to protect the area.

Councilmember Barthel asked Mr. Berkowitz if, in his opinion, there will be no issues with the drainage by approving the easement vacation. Mr. Berkowitz stated by staff's review, there should be no additional changes or drainage issues for the property to the south or any other adjacent properties.

Motion by Bukkila, Seconded by Barthel, to open the public hearing at 7:42 p.m. Motion carried unanimously.

No one wished to address this item.

Motion by Bukkila, Seconded by Barthel, to close the public hearing at 7:43 p.m. Motion carried unanimously.

Motion by Bukkila, Seconded by Barthel, to adopt Resolution No. R089-19 Granting the Vacation of Drainage and Utility Easement at 15281 Swallow Street NW. Motion carried unanimously.

PUBLIC HEARING – 2019 DELINQUENT SERVICE CHARGES

City Administrator Dickinson referenced City Code, Title 10 and 8, provide for the collection of assessment of unpaid sewer, water, storm sewer, street lighting service charges, false alarm fines, tree removal, mowing fees, and miscellaneous abatement fees. He stated the assessment procedures directed by State Statute 429 are being followed by holding a public hearing to act on the proposed assessment. He noted this was duly advertised and noticed to each individual that has a delinquency as to when this hearing will be conducted.

Mr. Dickinson stated the total delinquent service charges were \$327,302.89 as of September 26, 2019 when written notification to the property owners and preparation of the preliminary assessment worksheets began. Payments received prior to October 23, 2019 have been applied to the delinquent accounts, reducing the delinquent balance to \$268,903.50. During the last two

weeks of collections, that number has gone down so he will ask Council to reduce that number. Delinquent balances as of October 23, 2019 are charged an administrative fee of 15% and carry an interest rate of 8% when certified to Anoka County for collection with the 2020 taxes. The total assessment for delinquent sewer, water, storm sewer, street lighting services, false alarm fines, tree removal, mowing, and miscellaneous abatement fees is \$330,751.31 but now that number will be lower based on recent collections. Mr. Dickinson offered to answer questions and stated the City Council is asked to hold a public hearing and approve the resolution adopting the assessment roll.

Councilmember Barthel asked if the City notified all the residents by mailed letter. Mr. Dickinson confirmed residents with delinquencies were notified by a letter in the mail.

Motion by Barthel, Seconded by Bukkila, to open the public hearing at 7:46 p.m. Motion carried unanimously.

No one wished to address this item.

Motion by Barthel, Seconded by Bukkila, to close the public hearing at 7:47 p.m. Motion carried unanimously.

Motion by Barthel, Seconded by Bukkila, to adopt Resolution No. R090-19 Adopting the Assessment Roll for the Certification of Delinquent Sewer, Water, Storm Sewer, Street Lighting Charges, False Alarm Fines, Tree Removal, Mowing Fees and/or Miscellaneous Abatement Fees, with the final certification amount adjusted based on recent collections received. Motion carried unanimously.

SCHEDULE CITY COUNCIL WORKSHOP

Mr. Dickinson asked Council to schedule a Workshop for November 12, 2019, at 6:00 p.m., to continue discussion on preparation of the Comprehensive Plan update for submission to the Metropolitan Council.

Motion by Trude, Seconded by Barthel, to schedule a Workshop for November 12, 2019, at 6:00 p.m., to discuss preparation of the Comprehensive Plan and Goals. 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.

(Administrative Staff Report) Mr. Dickinson reported there have been 109 new home starts, which will result in approximately a 2% to 2.5% increase in market value at the start of next year based on the year prior. Mr. Dickinson reported on administrative activities including the Highway 10 Work Group meeting, noting the Anoka projects of Fair oak, Thurston, frontage road

systems are fully funded and will move forward. The Ramsey Gateway Project roads (Ramsey Boulevard and Sunfish Boulevards) are estimated to cost \$138 million and are not funded at this point. Mr. Dickinson noted with the Anoka projects, there were 13 different funding sources that involved difficult lobbying efforts. He stated his appreciation for the work of Anoka, Coon Rapids, and Ramsey for getting this process started as well as Anoka County. Mr. Dickinson noted Highway 10 is a crucial road for Andover as its residents use it to get to work so Andover supports these projects. He stated when Coon Rapids started working on a third lane along Highway 10 it was estimated at \$9 million, today it's estimated at \$25 million, and Mn/DOT may consider that project next year. He stated the third lane through Coon Rapids is a priority for Andover so staff will continue to support that project as well. Mr. Dickinson also reported on the upgrade of the Rum River bridge on Highway 10 and Ferry Street intersection/State Highway 47.

Mr. Dickinson stated staff has also been busy with Community Center project meetings, financing closeout with the YMCA, and the second amendment lease update to authorize the premise expansion and allocation of utilities based on shared space. He noted property tax statements will be out to residents shortly. Mr. Dickinson stated residents have asked if there can be hunting on Round Lake or Kelsey Round Lake Park and were told there was no intention to allow hunting in those areas. Mayor Trude and the Council confirmed that is correct.

(Public Works/Engineering Department Report) Mr. Berkowitz thanked the Anoka County Highway Department for the Hanson Boulevard project, which actually started planning in 2015, as it provides transportation for residents to leave Andover, noting it functioned pretty well while under construction. Mr. Berkowitz provided updates on the Public Works Maintenance Facility, Veterans Memorial Boulevard, Community Center expansion, and paving projects in developments.

Mayor Trude asked if equipment will be moved into the new cold storage facility within a few weeks. Mr. Berkowitz stated the goal is December 1st if the snow holds off. Councilmember Barthel asked if parking lot lights will be added on the west side of the Community Center. Mr. Berkowitz stated that has been discussed and temporary lighting will be added.

(Community Development Department Report) Mr. Janish reported on Planning and Zoning activities including the hire of City Planner Peter Hellegers, commercial site plans, YMCA expansion, Mini Storage, Welcome to Andover sign at 133rd and Hanson Boulevard, and the Comprehensive Plan. Mayor Trude asked if staff anticipates new plats in 2020. Mr. Janish stated there will be some final plats.

MAYOR/COUNCIL INPUT

(Census) Mayor Trude stated last week there was a meeting of Anoka County elected officials, which provides an opportunity to network. She stated Anoka County will be working with cities to promote the census and mentioned the importance of everyone being counted so Congressional seats, funding, and opportunities for economic development are not lost.

(WDE Landfill Project) Mayor Trude reported on a meeting held last week with the MPCA and staff at the closed landfill site, progress made so far, and remediation activities.

(Joint Law Enforcement Council) Mayor Trude reported on the Joint Law Enforcement Council meeting to address public safety issues and assure the warning sirens can be heard by all. She commented on the Auto Theft Task Force and grant received to fund those efforts. Mayor Trude noted Councilmember Bukkila sits on the Fire Council that meets several times a year.

ADJOURNMENT

Motion by Bukkila, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 8:09 p.m.

Respectfully submitted,

Carla Wirth, Recording Secretary

REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – NOVEMBER 6, 2019
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