

***REGULAR ANDOVER CITY COUNCIL MEETING – NOVEMBER 17, 2020
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude (remote), November 17, 2020, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: All members present remotely: Valerie Holthus, Sheri Bukkila, Jamie Barthel, and Ted Butler

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
Public Works Director/City Engineer, David Berkowitz
Community Development Director, Joe Janish
Associate Planner, Jake Griffiths
City Attorney, Scott Baumgartner (remotely)
Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

No one appeared before the Council.

APPROVAL OF MINUTES

November 4, 2020 Regular Meeting

Mayor Trude requested a change to page 4, line 24: delete the word “occurred”.

Motion by Bukkila, Seconded by Holthus, to approve the November 4, 2020 Regular Meeting minutes as amended. Motion taken by roll call:

Councilmember Barthel: aye
Councilmember Butler: aye
Councilmember Bukkila: aye
Councilmember Holthus: aye
Mayor Trude: aye
Motion carried unanimously.

November 12, 2020 Special Meeting

Motion by Barthel, Seconded by Butler, to approve the November 12, 2020 Special Meeting minutes as presented. Motion taken by roll call:

Councilmember Barthel: aye

Councilmember Butler: aye

Councilmember Bukkila: present

Councilmember Holthus: present

Mayor Trude: aye

Motion carried 3 ayes, 2 present (Bukkila and Holthus)

CONSENT ITEMS

Item 2 Approve Payment of Claims

Item 3 Approve Compensating Change Order/18-33, Kelsey Round Lake Park Trail Expansion/18-34, Andover Station North Trail Construction/19-19, Hills of Bunker Lake West Park Trail Reconstruction (See Resolution R086-20)

Item 4 Order Feasibility Report/21-17/2021 Mill & Overlay/SE Corner of City (See Resolution R087-20)

Item 5 Approve Dental Renewal and Employer Contribution

Item 6 Approve Medical Renewal and Employer Contribution

Item 7 Approve Resolution Spending Final CARES Dollars (See Resolution R088-20)

Item 8 Receive October 2020 General Fund Budget Progress Report

Item 9 Receive October 2020 City Investment Reports

Item 10 Accept Park & Recreation Commissioner Resignation

Item 11 Accept Planning & Zoning Commissioner Resignation/Appoint Alternate

Item 12 Order Improvement/Order Plans & Specs/21-18/Advanced Metering Infrastructure (AMI) (See Resolution R089-20)

Item 13 Approve Appointment - Building Inspector

Motion by Barthel, Seconded by Butler, to approve the Consent Agenda as read. Motion taken by roll call:

Councilmember Barthel: aye

Councilmember Butler: aye

Councilmember Bukkila: aye

Councilmember Holthus: aye

Mayor Trude: aye

Motion carried unanimously.

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Lenzmeier provided a monthly report for October noting significant events. He reported a fatal accident with a truck and a dirt bike resulting in the death of a 17-year-old Andover male. Commander Lenzmeier reported 4 DWI's: an 18-year-old male at Pines North Park, 31-year-old male on suspicion of meth use, a 25-year-old female with a PBT of .212, and a 47-year-old female testing a .24. Commander Lenzmeier reported 207 traffic stops resulting in 79 citations and 4 DWIs. Commander Lenzmeier stated the Sheriff's Office responded to 1,125 calls for service and made 2 felony arrests, 3 gross misdemeanor arrests,

and 11 misdemeanor arrests.

Commander Lenzmeier presented narcotic related arrests from 2019 with 40 felonies, 13 gross-misdemeanors and 9 misdemeanors and stated the report does not include petty misdemeanors. Commander Lenzmeier reported year-to-date 2020 narcotic arrests are 10 felonies, 0 gross misdemeanors, and 2 misdemeanors. Commander Lenzmeier stated the Sheriff's Office is being less pro-active due to COVID which may result in the lower numbers for 2020. He reported 10 overdoses in 2019 and 10 overdoses year-to-date in 2020.

Councilmember Bukkila asked if there was a difference between overdose deaths and survivor rates. Commander Lenzmeier reported he may be able to bring that information back to Council.

SKETCH/PLANNED UNIT DEVELOPMENT (PUD) CONCEPT PLAN REVIEW - NIGHTINGALE MEADOWS - TAMARAC LAND DEVELOPMENT, LLC

Associate Planner Griffiths stated the City Council is asked to review a sketch plan for a single-family planned unit residential development proposed as Nightingale Meadows. Mr. Griffiths stated the sketch plan process is a way of gathering informal feedback from the public, City Commissions, and the City Council. Mr. Griffiths explained a PUD is a process the City uses to encourage more efficient density and land use than otherwise can be accomplished with City Code.

Mr. Griffiths identified the location of the development and presented the sketch plan. He pointed out the planned access points and future access points. Mr. Griffiths stated the property is within MUSA boundaries and needs to be rezoned from R-1 Single-Family Rural to R-4 Single-Family Urban. Mr. Griffiths stated the northern boundary will have a 30-foot tree buffer and the developer will need to submit a tree preservation plan. Mr. Griffiths addressed the PUD review criteria and the proposed PUD standards. He stated the proposed PUD requests reducing the minimum lot width to 65 feet, lot sizes from 10,200-31,420 square feet, side yard and garage side setback to 7.5 feet, and increasing the cul-de-sac length to 1,000 feet. Mr. Griffiths informed the Council that the developer is working with an adjacent property owner to acquire land needed for the completion of the second access point at Quinn Street. Mr. Griffiths stated the property includes 22 single-family villa style homes and the estimated density will be close to the minimum of 2.4 units per acre once the pond is constructed.

Mr. Griffiths reviewed the feedback from the Park and Recreation Commission meeting where they unanimously recommended cash-in-lieu of land for park dedication and discussed the proximity of the site to the City Hall Campus area and the existing Woodland Estates Park.

Mr. Griffiths presented the Planning and Zoning Commission comments from a public hearing the Commission held on November 10, 2020. Mr. Griffiths stated there were three residents in attendance and the applicant. Mr. Griffiths summarized the public's concerns

about screening/buffering, ponding, roadway stubs, roadway access, tree removal, density, and potential trespassing. Mr. Griffiths presented the Planning and Zoning Commission's comments: encouraged additional screening/buffering between adjacent properties to the west and southeast; encouraged the applicant to continue working with adjacent property owners to accommodate a secondary access to the site; questioned the need for roadway stubs to adjacent properties; and encouraged the preservation of as many trees as feasibly possible within the site.

Dale Willenbring, from Tamarack Land Development, came forward on Zoom and talked in more detail about the development and homes. He explained the development will be smaller villa type housing on a single level. Mr. Willenbring explained the pond will be as small as they can make it and stated the layout allows for sufficient tree buffering. Mr. Willenbring addressed the concerns brought up at the public hearing and stated he will provide additional screening to the neighboring properties with either trees or a fence and discussed the proposed stub street.

Councilmember Holthus asked if the developer could move the pond northwest to save trees or add another pond to the north if needed. Mr. Willenbring replied the location of the pond on the drawing is a placeholder and says the final location of the pond depends on stormwater calculations and the grading plan, however, he likes the suggestion.

Councilmember Barthel expressed his appreciation to the developer for taking the considerations of the neighboring property owners into account. He stated he would like to see the privacy fence on the west. Councilmember Barthel asked about the pond and if the developer sees it being full of water or dry and grassy. Mr. Willenbring responded it is an infiltration pond and ponds in this area tend to dry out. He stated he would need to talk to his engineers about the pond in order to provide further details.

Councilmember Barthel asked who would be responsible for the maintenance of the fence to the west. Mr. Willenbring stated he is in early discussions with the landowner to the west and will be addressing the question. He stated he would prefer to plant bushes and trees instead of a fence, but the homeowner prefers a privacy fence. Councilmember Barthel explained he prefers the homeowner and developer work out a solution that fits both of them instead of the Council directing a solution.

Councilmember Barthel asked if the setbacks can be shifted from the garage side to the side yard to balance the distance. Mr. Willenbring responded the proposed setbacks were created to have the home centered in the yard. He stated he is open to having the setback closer on the garage side if it works out. Councilmember Barthel stated he likes the proposed sketch plan better than the ghost plat.

Councilmember Barthel asked staff if the developer is able to work out an agreement and connect to Quinn Street, what happens to the existing farm road. Mr. Griffiths stated the farm road would remain until the farmer's land further west develops. Councilmember Barthel asked about the wear and tear on the street due to farm equipment crossing it. City

Administrator Dickinson replied farm usage has decreased and does not see it as an issue with the surmountable curb.

Councilmember Butler asked the developer if he planned on adding a tree buffer to the south. Mr. Willenbring stated the lots are not as deep and he can put a buffer in but does not know if he can accommodate 30 feet. Councilmember Butler stated he would like to see a buffer to the south to be respectful of the property owners on all sides of the development.

Councilmember Butler asked if there are exceptions to building the street stubs and if they are not constructed, who would pay for it in the future. Public Works Director/City Engineer Berkowitz responded past practice has been to build connections to neighboring properties including roads and utilities so when the neighboring properties develop, it is ready to connect. He stated the importance of building it now is to show lot 10 that there is a road and a development in the future. He explained that without building the stub street, property owners do not realize there is future development. He stated it is very rare that stub streets are not constructed but there have been a few situations where the Council required the developer to put up an escrow for the value of the roadway so it can be built in the future. He said staff prefers the stub street goes in but there are options if Council decides to provide an exception.

Mayor Trude said all of these street connections eat up a lot of land. She stated there are 4 street connections to this property and the development will consist mostly of empty nesters without a lot of traffic. Mayor Trude suggested eliminating the stub street by lot 10 if the Quinn Street connection is made. Mr. Willenbring stated the property owner reached out to him and said if the stub street is built, they may consider placing their driveway there. Mayor Trude said they could have less paved surface and allow for more homes if they deleted this road stub. Mr. Berkowitz said the cul-de-sac is much longer than the City allows and if the connections are not made, the entire development will use Quinn Street and Veterans Memorial Boulevard and could create traffic problems. Mayor Trude said there is less traffic in areas with senior populations and asked if 4 access points are a lot for 9 acres. Mr. Berkowitz replied the key factor is access to Nightingale Street and there is a benefit to traffic flow.

Mayor Trude commented that the plan respects the landscape and topography. She said she appreciates the buffer on the north side, would like to see the pond shrink and an entrance monument. She commented that she would like to see more windows in the homes to provide for more natural light.

Councilmember Bukkila asked staff to convert the square footage of the lots to acreage. Mr. Griffiths replied the R-4 minimum lot size is 11,400 square feet which is just over a quarter of an acre. He said the smallest lot in this development is just under a quarter acre and the largest is about three quarters of an acre.

Councilmember Bukkila stated she likes to see the street width be consistent when making connections. Councilmember Bukkila referred to the stub street across from lot 12 and the potential of building a driveway for the south property owner. She asked if it's normal to have

a driveway back into a street and intersection. Mr. Griffith replied there are driveways that come off temporary cul-de-sacs and street stubs. Councilmember Bukkila inquired if the stub street was needed just for one property owner. Mr. Griffiths replied the street stub was meant to provide access to a cul-de-sac that provided access to two properties to the south. He explained that if the street stub is not built, the only option for access for the two southern properties is off Nightingale Street, creating more intersections and safety concerns on Nightingale Street. Councilmember Bukkila replied her concern is the driveway of lot 12 leading right into the stub street and potential connection to the south. She stated the driveway should be offset of the stub street. Mr. Willenbring replied it happens often that driveways back into streets and said if they shifted the driveway, they may lose a lot.

Councilmember Bukkila stated she likes the longer, narrow lots. She said she is heartbroken about the number of trees that would come down and she would like to see more concessions than just the 30-foot buffer on the north side. Mr. Willenbring said the development may not go forward if they have to save all the trees, but they will do their best to keep as many as possible.

Mayor Trude stated the Council understands trees are going to come down due to the need to place a pond. She encouraged the developer to be thoughtful about the placement of the pond to preserve trees. Mr. Willenbring replied the tree preservation plan includes the number of trees that will be cut. He said he would like to create a 30-foot tree buffer to the east and south of the pond. He said trees add value and provide for a natural park setting.

Councilmember Holthus asked the developer what the listing price would be for these homes. Mr. Willenbring said the builder is Dale Allen Homes and they estimate around \$400,000.

Councilmember Bukkila stated she does not want to discourage the developer, but she is looking for additional beautification or enhancements if there is a significant loss of trees. She said that could be accomplished with an enhanced landscape plan.

Councilmember Barthel said he agrees with minimizing tree cutting. He stated he likes the connections on Quinn Street, 153rd Lane, and the connection adjacent to lot 10 to allow for future development and fewer connections to Nightingale Street.

Councilmember Butler stated he agrees with minimizing tree cutting, roadway connections, and would like to see a good buffer on the southern border. He said he does not see the need for the street stub by lot 10.

Mayor Trude said one of the options to omit the street stub adjacent to lot 10 is an escrow and asked Councilmember Butler if he is open to that and he agreed. Councilmember Bukkila said the one downside is the escrow is in today's dollars and the value may not be available to build it. Mayor Trude said the cost would then fall on the property owner to the south to build the connection. Mr. Willenbring said he is used to putting the stubs in and it's more affordable to put it in than to escrow. He said he can provide an easement and does not have an opinion of whether to build the street stub. Mayor Trude polled Council for their opinion on the stub

street by lot 10. Councilmembers Bukkila and Barthel want the stub built, Councilmember Butler preferred not to build the stub street.

Mayor Trude asked staff to talk to Mr. Hynes who owns the property further south that would also be served by the stub street by lot 10. Mr. Dickinson replied the City Code guides the City to look at all the developable land in the Urban Service Area and maximize development. Mayor Trude responded she thinks the plan does not consider the existing homes and structures. Mr. Dickinson replied staff will continue to research it and address as part of the next proposal.

Mayor Trude stated Council is generally in favor of the development.

Councilmember Holthus stated she is in favor of an easement instead of the stub street by lot 10 and said she would rather see an access to the southern properties off of Nightingale Street. Mayor Trude stated she agrees with her.

Mr. Berkowitz asked Council if the City does not build the stub by lot 10, do they want the City to extend water and sewer to the property line. Mayor Trude replied the location does not make sense.

Mr. Berkowitz asked if Council wants a roadway easement or platting it as a future road. Mr. Berkowitz stated the City has done that in the past and property owners have built sheds and other structures on the easement. He suggested talking to the southern owners about their plans because the proposal provides for maximum use of their land. Mayor Trude replied the plan requires destruction of structures on their property. Mr. Griffiths replied the sketch plan provides a visual for how adjacent properties could be developed. He said adjustments can and will be made when the property develops. Mayor Trude replied the connection cannot be adjusted once it is platted.

Councilmember Holthus stated she understands the sketch plan provides for maximum use of the land to the south, but she does not see it developing that way in reality.

Mayor Trude said she has a hard time telling landowners how to develop their land when they have existing structures and nice homes. She stated the plan shows that they would have to tear down existing structures and it wouldn't be cost effective.

Councilmember Butler stated he agrees that the proposed layout of the property to the south is not likely to develop that way, so he does not see the purpose of building the stub street.

Councilmember Bukkila stated there are two ways to look at this: is the City trying to put traffic on Nightingale Street or is the City trying to relieve access points off Nightingale Street. She said she looks 40 – 50 years out and if Nightingale Street is an artery where you are reducing conflict, the land would redevelop off of the interior street. She explained if an easement is proposed that it is clearly documented so people do not build in the way of it. Councilmember Butler stated he is willing to look at an easement.

Mr. Dickinson summarized Council comments: providing buffering for the north and south property line; limiting the pond size and add ponding in other locations to minimize the removal of trees; the placement of lot 12 driveway; adding natural light to the homes; providing connections to Quinn Street; providing a buffer to the neighbor to the west with either landscaping or privacy fence; and placing a monument at the development entrance.

Mayor Trude asked if the development would have a homeowner's association. Mr. Willenbring replied he would talk to the builder but in this type of development an association is appropriate which takes care of lawn and snow maintenance. He said there is also an option of not having an association. He said he will have an answer when he submits the preliminary plat.

Mayor Trude asked about the outlot on Nightingale Street. Mr. Willenbring stated he does not know what to do with the outlot. He said if the street stub is not built, it can be part of lot 10 because it is not big enough for another lot. Mr. Dickinson replied if the outlot is combined with lot 10, the lot would be intersected by a street in the future. He stated the outlot would be buildable if the stub street is connected when the property to the south develops. Mayor Trude stated she thinks the outlot is suitable for a villa home.

Rhonda Ganske, 2159 153rd Lane NW, came forward and asked if the City is concerned about traffic onto Veterans Memorial Boulevard, are they willing to leave the cul-de-sac in place and use the connection off of 153rd Lane when her property develops. Mr. Berkowitz replied it is critical to have two access points to a development and that was the purpose of the connection to Quinn Street. He explained the developer is doing everything they can to provide access to Quinn Street and if the connection cannot be made now, it will be the responsibility of the adjacent property owner to complete the connection. Ms. Ganske asked if the connection to 153rd Lane could be considered the secondary connection. Mr. Berkowitz replied potentially, but it depends on how many years until the connection is made.

Mayor Trude stated the Council would like to see the Quinn Street connection and she encouraged Ms. Ganske to work with the developer to make that happen.

Mr. Berkowitz referred to the street stub adjacent to lot 10 and asked for clarification from Council. He stated Council is clear on the easement but asked if they want to extend City utilities and if not, will the City collect escrow for the street, sewer, and water. Mayor Trude replied sewer and water could come off Nightingale Street. Mr. Berkowitz replied access is not available off of Nightingale Street and the City would have to provide a connection somewhere else. Mayor Trude stated she would like staff to talk to the two property owners to the south but said placing a stub at the easement and making it the responsibility of the southern property owners to build and extend it as an option. She stated 40-50 years is too long to hold an escrow.

Mr. Dickinson stated if Council wants to make the outlot a buildable lot, a logical connection is the stub street. He asked if that was the direction Council wanted to go. Mayor Trude asked

if lot 11 could have access to the new road, why couldn't the outlot. Mr. Janish replied the concern with the shape of the outlot is the front yard setback. He explained the solution is to rotate the direction of the home to the stub street or provide for a side access garage. Mayor Trude replied she did not like the idea of rotating the direction of the home.

Councilmember Barthel stated he would like to see the stub street built. He stated there will be a lot of trees cut down if the outlot is used as a buildable lot. He said by having the stub street in, it allows the Council to direct the access to the southern properties instead of letting the developer do anything they want. Mayor Trude responded the property owner to the south has no intention of developing and purchased their property as an estate home instead of as an investment property. She stated she is concerned that the City is telling the property owners to the south that "we know better than you". Councilmember Barthel replied that the Council is saying if this property were to develop, there will not be an access off of Nightingale Street because there are already too many of them. He stated he wants to prevent the continuation of ins and outs on Nightingale Street.

Councilmember Butler said with the easement in place, the City maintains the ability to direct access to the southern properties. He stated he is okay with leaving the outlot as proposed, accept an easement and escrow, and not build a stub street.

Mayor Trude clarified that an escrow is not desirable because it is 150% of the cost of the stub street and the City could hold onto that for 40-50 years. She replied if an escrow is required, the developer would prefer to build the stub street.

Mr. Willenbring proposed giving the outlot to the southeast neighbors and they can use it to develop how they want in the future. He explained the City could have an easement over the entire area and putting the decision further off into the future. He stated he cannot use it and an escrow is problematic for him. Mayor Trude replied that it sounded good to her. Mr. Dickinson replied the City will talk to the property owners to the south to help finalize any decision.

Mayor Trude asked if the outlot was given to the owners to the south, would it solve the problem of sewer and water stubs. Mr. Janish stated the City will work with the southern property owner and the developer to come up with a solution based on the discussion from the Council meeting.

Mr. Griffiths stated if the outlot is removed from the plan, it would decrease the amount of developable land thereby increasing the net density higher than 2.4 units per acre.

Mayor Trude thanked the developer and resident for attending the meeting and stated residents can contact City staff if they have any questions or concerns that were not addressed at the meeting.

COVID 19 UPDATE

City Administrator Dickinson updated the Council on the primary changes to the COVID-19 response since the last meeting. He stated the Governor's Executive Order was extended to December 14th. Mr. Dickinson stated the City has had positive cases in the City Staff and is working with them following CDC guidelines as well as working with those exposed and quarantining or self monitoring. He stated there may be additional restrictions put in place by the Governor Walz, impact will include bars, restaurants, youth sports, gyms, and fitness centers.

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 Activities) – Mr. Dickinson stated he is attending board meetings for QCTV, North Metro Mayors and Youth First Community Promise. He reminded the City Council of the workshop on November 24th to be held virtually. He asked for feedback from the community on tonight's virtual meeting. Mr. Dickinson stated there is another sketch plan coming in for a large development east of the railroad tracks. He announced 131 new home permits year-to-date and the City has hired a new building inspector on the consent agenda.

(Development Update) – Mr. Janish stated the Planning and Zoning Commission will be looking at a sketch plan for 244 acres consisting of 399 homes in a PUD. He said they received another PUD application for 8 acres on Bunker Lake Boulevard. Mr. Janish updated the Council on the Comprehensive Plan process with the Met Council and is expecting a positive outcome.

Mayor Trude asked Mr. Janish if the sketch plan coming to the Planning and Zoning Commission is going to include trails and parks. Mr. Janish replied it will include trails and open space. He stated the City has received 20-30 phone calls and have been responding to citizens' questions giving them as much information as possible. Mayor Trude stated the plan is different than she expected and has some really nice amenities.

MAYOR/COUNCIL INPUT

(North Metro Mayors Meeting) – Mayor Trude announced the Wednesday North Metro Mayors meeting via Zoom and invited Councilmembers to join in.

(High School Sports) – Mayor Trude announced the Andover Huskies High School Football team had an undefeated season and received a lot of publicity. She said Andover has wonderful kids representing the community. She stated the high school volleyball and cross-country teams were doing well, too. Mayor Trude extended her appreciation to parents supporting their students at home.

(COVID in the Community) Mayor Trude stated she has seen local businesses close for periods of time because of COVID and encouraged residents to be safe during the holidays.

(Youth Sports) - Councilmember Butler said the high school boys and girls cross-country teams both won their sections. He mentioned the Andover Athletic Association 14U fastpitch team won their State Tournament and another team came in second. He stated he would like honor the teams at a future Council meeting.

ADJOURNMENT

Mayor Trude declared the meeting adjourned at 9:11 pm.

Respectfully submitted,

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

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