

***REGULAR ANDOVER CITY COUNCIL MEETING – DECEMBER 4, 2018
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, December 4, 2018, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila, Valerie Holthus (arrived at 7:07 p.m.), 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

AGENDA APPROVAL

Motion by Goodrich, Seconded by Knight, to approve the Agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

November 20, 2018, Regular Meeting: Correct as written.

Motion by Goodrich, Seconded by Knight, to approve the November 20, 2018 Regular meeting minutes as presented. Motion carried unanimously.

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Approve Plans & Specs/Order Ad for Bids/17-27/Public Works Vehicle Maintenance Facility, Cold Storage Building & Site Work (See Resolution R090-18)
- Item 4 Approve Change Order #1/17-17/Crosstown Blvd. NW Trail (See Resolution R091-18)
- Item 5 Order Feasibility Report/19-2/2019 Street Reconstruction (See Resolution R092-18)
- Item 6 Order Feasibility Report/18-38/University Ave. NW Reconstruction (See Resolution R093-18)
- Item 7 Order Improvement/Order Plans & Specifications/18-37/Veterans Memorial Blvd. NW (See Resolution R094-18)
- Item 8 Approve 2019 Polling Locations (See Resolution R095-18)
- Item 9 Approve 2019 Contract/TimeSaver Secretarial Service
- Item 10 Approve 2019 Health Insurance Contract and Employer Contribution
- Item 11 Approve 2019 Dental Renewal and Employer Contribution
- Item 12 Approve 2019 Liquor Licenses
- Item 13 Approve 2019 Tobacco Licenses
- Item 14 Approve City Administrator Review

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

Councilmember Holthus arrived at 7:07 p.m.

PUBLIC HEARING – 2019 PROPERTY TAX LEVY AND BUDGET

Mr. Dickinson explained the Council has had a number of reviews of the City of Andover 2019 Proposed Budget and continued detailed review of the General Fund budget that is primarily supported by the proposed 2019 Tax Levy.

On September 18th the City Council approved the 2019 Preliminary Levy certification. This approval was the outcome of the numerous budget workshops held by the Council over the summer. The Preliminary 2019 Budget proposed a total property tax levy of \$13,103,487; \$8,945,970 (68.27%) operational levy, \$2,115,729 (16.15%) debt service levy, and \$2,041,788 (15.58%) capital/watershed levy.

The 2019 proposed property tax levy is estimated to increase the current City tax rate by 1.7% but will generate additional tax revenue to preserve the City's current operations and infrastructure assets. This is a 5.53% increase in the gross tax levy. The Council has the right to reduce or keep constant this levy until the final certification date of December 28, 2018.

Mr. Dickinson confirmed for Mayor Trude that the tax statements that went out were accurate. The increases in the Sheriff's contract and health insurance were the biggest "drivers" in the budget. Within Anoka County Andover has a 35.224 tax rate, just under Blaine. The tax rate breakdown is: 18.224% for the school district, 39.409 for the City, 38.484 for the County and 3.883% other. The primary source of revenue for the City is property taxes (79%). Expenditures

are primarily for: public safety (44.2%) and public works (28.2%), general government (26.8%). Of the public safety expenditures, police protection is 61.6% and fire protection is 28.5%. For public works expenditures, parks and recreation are 40.8% and streets and highways are 21.1%.

Motion by Knight, Seconded by Holthus, to open the public hearing at 7:23 p.m. Motion carried unanimously.

No one indicated an interest in speaking to the Council.

Motion by Holthus, Seconded by Goodrich, to close the public hearing at 7:24 p.m. Motion carried unanimously.

Motion by Holthus, Seconded by Knight, to approve Resolution No. R096-18 adopting the City of Andover 2019 Budget and 2019 Property Tax Levy to be certified to the County Auditor. Motion carried unanimously.

Mayor Trude talked about the policy guidelines that the Council gets involved in and the good work the staff does and the care with which the staff uses tax-payer funds.

Councilmember Goodrich spoke to the highly regarded work of the staff. Mr. Dickinson spoke to the line-by-line work of the staff.

REVIEW/ADOPT 2019 DEBT SERVICE LEVY CHANGES

Mr. Dickinson explained that when the City issues bonds, a certification of the bonded indebtedness levy is sent to Anoka County. The County is charge with assuring on an annual basis that local government bonded indebtedness payments are made. To assist in monitoring, the County is requesting a resolution that would update all or a portion of previously certified bonded indebtedness levies.

Motion by Holthus, Seconded by Bukkila, to approve Resolution No. R097-18, updating certified bonded indebtedness for 2019. Motion carried unanimously.

PUBLIC HEARING – VACATION OF EASEMENTS – LOT 1, BLOCK 1, SHAW’S GLEN

Mr. Janish explained as part of the plat for Shaw’s Glen, drainage and utility easements were dedicated on Lot 1, Block 1, as shown on the attached exhibit. As part of the re-platting of the property, the existing easements need to be vacated and will be re-dedicated as part of the Shaw’s Glen Second Addition final plat.

Motion by Holthus, Seconded by Knight, to open the public hearing at 7:30 p.m. Motion carried unanimously.

Mr. Berkowitz explained to an audience member that there is an existing easement that needs to be vacated and then a much larger area that will be dedicated. The easement is to handle storm

water. The area is not planned to have any utilities, even though it has that name. The idea is to restrict outbuildings, etc. from being placed in those areas, as well as fences, or anything else that impedes storm water.

Councilmember Holthus explained the vacation of easement process. Mr. Janish confirmed it is dependent upon the second action creating the new easement. Mr. Berkowitz stated it is the result of 100-year flood data. Jack Nist, the resident who asked the question lives at 1943 156th Lane NW. Mr. Dickinson described where the underground utilities would come for these new lots. Mr. Berkowitz spoke of the power poles serving the existing homes and a farm light that might be considered bothersome.

Richard Holden, 1955 156th Lane NW, asked to clarify what would happen with the cattail pond which currently supports wildlife. Mr. Berkowitz confirmed the area is a protected wetland and it will stay “as is.” Mayor Trude asked about the possible posting of signs. Mr. Berkowitz said that would not be part of the plan. Mr. Holden followed up with a question about the purchase of a fence. The fence is to the north of his home. He was interested in knowing who owns the fence and whose property it is on. Mr. Berkowitz said his understanding was that the Almedia family built it before the property was sold for development and that it was put up for privacy reasons. He said it appears to be very close to the property line. The City’s requirement is to remove the fence because no one usually takes responsibility to maintain the fence, unless an agreement can be made with all of the homeowners to purchase and talk about ownership of it. The fence was on the original survey and it was determined to be owned by the original owners of the property.

Carolyn Harves, 1949 156th Lane NW, asked about the wetlands and the orange tarp [silt fence] that was moved around during construction. Mr. Berkowitz confirmed it was used to prevent erosion. He also explained how the pond would drain if it overflows, but more likely it would simply infiltrate into the soil and there would be no impact on basements nearby.

Ms. Harves recounted the contractor came to her door and asked if she wanted to buy the fence. Mayor Trude stated the homeowner’s association would need to buy the fence. Mr. Berkowitz reiterated someone would need to take ownership of it. The developer is not interested in keeping the fence up for the new owners. Mr. Berkowitz noted the contractor is being proactive in working with the adjacent homeowners.

Motion by Holthus, Seconded by Knight, to close the public hearing at 7:54 p.m. Motion carried unanimously.

Motion by Goodrich, Seconded by Bukkila, to approve Resolution No. R098-18, approving the vacation of drainage and utility easement for Shaw’s Glen, Lot 1, Block 1. Motion carried unanimously.

DISCUSS/CONSIDER FINAL PLAT-SHAW'S GLEN 2ND ADDITION – JETHRO CARPENTER

On April 20, 2018, the City Council approved the preliminary plat and resolution R017-18.

On September 4, 2018, City Council approved resolution R054-18, amending the original resolution (R017-18) for the approval of the preliminary plat. The amendment allows the existing home and the accessory building on Lot 3 to remain no longer than September 4, 2021 and the developer entered into an abatement and assessment agreement in the event the developer fails to have said structures torn down on or before September 4, 2021.

Motion by Holthus, Seconded by Knight, to approve Resolution No. R099-18, approving the final plat of Shaw's Glen 2nd Addition. Motion carried unanimously.

CONSIDER PLANNED UNIT DEVELOPMENT AMENDMENT – PRESERVE AT PETERSEN FARMS – JD ANDOVER HOLDINGS LLC

Mr. Janish highlighted details around a Conditional Use Permit (CUP)/Planned Unit Development (PUD) Amendment for the Preserve at Petersen Farms. The request would extend the current PUD minimum requirements from the east (phase 1) over the remainder of the property. The proposed amendment area does have additional criteria as a portion has an area defined as shore land. The request does not change phase 1. The proposal would establish minimum requirements for the additional property and requires an amendment at the time of preliminary plat.

The applicant is waiting to decide how the current outbuildings might be utilized in the future. At this point they would like time to further evaluate the buildings.

Councilmember Bukkila asked how many of the wetlands were protected. Mr. Janish responded with a question regarding "the unnamed lake." She wondered if this area should not be a PUD and instead be just a "normal development," and then what would be impacted. Mr. Janish stated the recreation lake would be "hands off" and the developer would then need to go through the Lower Rum River Watershed Management Organization. The DNR has clarified that this is a lake.

Mr. Janish noted the open space area planned for the development including the peninsula. There is already a defined path on the peninsula. The open space lot could be deeded to the City.

Mr. Knight asked if the whole turkey farm would ultimately be developed. Mr. Janish confirmed that is correct.

Mayor Trude noted that overall PUD standards have not been developed yet.

Mr. Lazan, Landform Professional Services, stated he is back today for a PUD amendment. He

noted their company made the finals for a Bennie Award related to low impact development in more rural communities, for the Preserve at Oak View project.

Mr. Dickinson stated the City is in agreement with the County Highway Department regarding traffic concerns. Mayor Trude stated the County was looking at traffic issues to the south of the development. There will be 134 homes total with 3 or 4 different traffic outlets.

The open space was reviewed and totals 33 acres. It has some high ground. A playground is also being planned for the area. The land would be deeded to the City. There is a lot of discussion that still needs to happen before any final action could be taken. The developer would like to get through phase 1 first. It was noted the cattails can take over a lake at times. There are 12 acres of upland. Trails being developed will connect to existing trails.

Councilmember Knight asked about existing powerlines in the development. The developer pointed them out on the map.

Mr. Lazan reiterated to Councilmember Goodrich the open space is part of their commitment to the City. Clarification was made that the public would have access to the trails. Creating a parking area could also be possible.

Councilmember Bukkila expressed concern about the smaller width of the lots. She sees phase 1 having unique topography, but not the future phases. The developer explained there is less vegetation to preserve in some of the areas. The trade-off is the open space.

Mr. Janish reiterated the open space is the benefit to the City so the smaller lots are the trade-off. Mr. Baumgartner expressed some caution if the HOA would own the open space because changes could be made. If the area was deeded to the City, then that is where it would stay. The developer would like to go to the Park and Recreation Commission and wants to make sure that the true open space would be maintained. He is concerned about how the uses would affect the development, for example, no athletic fields being developed.

Commissioner Holthus stated she is interested in preserving the opportunity to use the two buildings identified, rather than just demo them as it maybe could become a community asset. The developer commented there is no plan at this point, just an idea to save those buildings. More evaluation of the buildings needs to be made.

Mr. Dickinson noted the PUD, once granted, gives the developer the right to develop land based on how it is outlined.

Mayor Trude asked for an informal poll of the Councilmembers about the buildings. There was support expressed by Councilmember Holthus and Knight. Mayor Trude and Councilmember Goodrich were opposed. Councilmember Bukkila stated “we don’t know what we are talking about, yet.” If the exterior could be changed to match the neighborhood, she did not see why it could not be an amenity for the HOA. She then expressed concern regarding lack of storage in

developments.

Mr. Janish noted if the request was granted at the meeting, then it provides more comfort to the developer that there would be more opportunity.

Mayor Trude asked about the public dedication space. She wondered if the language used on the city preserves or open spaces could be used for the land dedicated to the public here. She wondered if preservation wording could be used in a similar way in this case.

Councilmember Bukkila asked about what was trying to be accomplished related to open space.

Mayor Trude stated she understood that the developer is interested in preserving the trees.

Mr. Baumgartner commented there could be a deed restriction and anything other than that would be outside the deed. The deed is then tied with the land.

Mr. Dickinson noted that normally a City Council does not request a PUD change at this point in the process. Mr. Janish stated the Council could give direction and the developer and staff could go back and work on the PUD more and then come back again at a new Council meeting. In response to a question by Councilmember Bukkila, Mr. Dickinson recommended tabling until the next meeting for further discussion, rather than going to a denial.

RECESS & RECONVENE

Mayor Trude recessed the regular City Council meeting at 9:09 p.m. The City Council reconvened at 9:18 p.m.

Mayor Trude's primary concern is the preservation of natural amenities. She asked the developer if his objectives were the same, he concurred. It was recommended they change the wording slightly for approval on number 15.

Mr. Baumgartner read the proposed statement, "Applicant shall deed the 46-acre open space lot to the City of Andover with said deed containing such restrictive language to identify the conveyance to be for open space, public use purposes preserving the natural features, as approved by the City Attorney." Under number 13, the recommendation would be to keep pursuing the possibilities and City Code or suitability will probably make this decision. The City will forego the traffic study as Council recommended. The Council will ask for parking for Martin's Meadows.

The developer showed an illustration where a potential small parking lot could be placed on City land for residents wanting to use the trail. Mr. Janish questioned who would construct it, but would like to negotiate whose land it would be on, the City or part of the land to be developed.

Councilmember Bukkila again expressed concerns about lot widths, especially the hundred feet long width. Mr. Janish noted lots cannot be less than 100 feet and Councilmember Bukkila would like it to be larger because it is too close to the same size as regular urban lot widths. It

has the depth, but not the width. Mayor Trude likes the narrower lots because there are more people to pay to keep up the roads. The developer noted none of the lots should need to have mound sewer systems, but he is not sure yet.

Mr. Janish highlighted public comments and referred to the materials in the Council packets. There was also discussion about access to the original farm due to the construction of the lots and new roads. This will be addressed with staff outside of the City Council meeting. Work is being done with the McDonald family to consider an easement for public benefit to Martin's Meadows.

Councilmember Knight confirmed there would be no athletic fields within the open space set aside in this development.

Motion by Holthus, Seconded by Goodrich, to approve Resolution No. R100-18, approving the Conditional Use Permit/Planned Unit Development – Preserve at Petersen Farms, with the amendments made by the City Attorney. Motion carried unanimously.

SCHEDULE JANUARY WORKSHOP MEETING

Mr. Dickinson requested the Council schedule a Workshop Meeting to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Bukkila, Seconded by Holthus, to schedule a Council Workshop Meeting on January 22, 2019, at 6:00 p.m. Motion carried unanimously.

SCHEDULE JANUARY EDA MEETING

Mr. Dickinson requested the Council schedule an EDA meeting in January to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Bukkila, Seconded by Holthus, to schedule An EDA Meeting on January 2, 2019, at 6:00 p.m. Motion carried unanimously.

SCHEDULE HRA MEETING

Mr. Dickinson requested the Council schedule an HRA meeting to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Holthus, Seconded by Knight, to schedule an HRA Meeting on January 2, 2019, immediately following the EDA meeting. 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.

(Mr. Dickinson) Mr. Dickinson stated primary topics in recent weeks were completing the budget and now that information will be filed and Standard and Poors bond ratings (Ehlers and Associates will also participate in a conference call). He has meet with Youth First, participated in meetings regarding Andover Station, and has had some tax conversations with residents. Planning is happening in preparation for the upcoming public information meetings regarding the possible Community Center expansion.

(Mr. Janish) Mr. Janish has been working on items addressed at the evening's meeting plus the Comprehensive Plan, and the upcoming open house regarding the Community Center.

(Mr. Berkowitz) Mr. Berkowitz coordinated a neighborhood meeting for the 2019 street construction project(s). There was a really good turn out and it went well. He stated the water main would not be part of the project. They are moving forward with the feasibility report, storm sewer improvements and widening. Ice rinks will have night flooding in the coming week to get the base set. Rinks will open in the next week to week and one-half. Related to the Public Works plans and specs approved at the meeting, there will be a Friday pre-bid meeting, with a deadline of December 19th, and bid opening will be on January 22, 2019. Mayor Trude expressed appreciation for the involvement of the staff in the development of the Public Works facility.

Mr. Dickinson announced there will be Community Center information meetings, December 12th from 5:30 – 6:00 p.m. with a presentation at 6:00 p.m. and then open house until 7:30 p.m. The same schedule will apply on December 17th as well. The open house will give a 1:1 opportunity for residents to speak with staff. He noted there have been value engineering meetings. Last time they were presented an \$18.9M estimate, and now it is down to \$18.1M, and with additional discussion they are working toward the \$16.8M target.

Councilmember Knight asked if they were getting any response to the meetings. Mr. Dickinson confirmed that was the case. Staff wants to answer any and all questions.

MAYOR/COUNCIL INPUT

(Mayor Trude) Mayor Trude called attention to a local event raising funds for Hope for Youth. It will provide support activities for kids from 4:00–6:00 p.m. and there is not an overnight shelter. Individuals in the community are raising funds. Alexandria House is the only shelter for domestic violence in Anoka County. Youth First helps to keep kids on the right path.

ADJOURNMENT

Motion by Bukkila, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 9:49 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – DECEMBER 4, 2018
TABLE OF CONTENTS

PLEDGE OF ALLEGIANCE.....1
AGENDA APPROVAL..... 1
APPROVAL OF MINUTES..... 1
CONSENT ITEMS..... 1
Item 2 Approve Payment of Claims..... 1
Item 3 Approve Plans & Specs/Order Ad for Bids/17-27/Public Works Vehicle Maintenance Facility, Cold Storage Building & Site Work (R090-18)..... 1
Item 4 Approve Change Order #1/17-17/Crosstown Blvd. NW Trail (R091-18).....1
Item 5 Order Feasibility Report/19-2/2019 Street Reconstruction (R092-18)..... 1
Item 6 Order Feasibility Report/18-38/University Ave. NW Reconstruction (R093-18)..... 1
Item 7 Order Improvement/Order Plans & Specifications/18-37/Veterans Memorial Blvd. NW (R094-18)..... 2
Item 8 Approve 2019 Polling Locations (R095-18).....2
Item 9 Approve 2019 Contract/TimeSaver Secretarial Service..... 2
Item 10 Approve 2019 Health Insurance Contract and Employer Contribution..... 2
Item 11 Approve 2019 Dental Renewal and Employer Contribution..... 2
Item 12 Approve 2019 Liquor Licenses..... 2
Item 13 Approve 2019 Tobacco Licenses..... 2
Item 14 Approve City Administrator Review..... 2
PUBLIC HEARING – 2019 PROPERTY TAX LEVY AND BUDGET (R096-18)..... 2
REVIEW/ADOPT 2019 DEBT SERVICE LEVY CHANGES (R097-18)..... 3
PUBLIC HEARING – VACATION OF EASEMENTS – LOT 1, BLOCK 1, SHAW’S GLEN (R098-18)..... 3
DISCUSS/CONSIDER FINAL PLAT-SHAW’S GLEN 2ND ADDITION – JETHRO CARPENTER (R099-18)..... 4
CONSIDER PLANNED UNIT DEVELOPMENT AMENDMENT – PRESERVE AT PETERSEN FARMS – JD ANDOVER HOLDINGS LLC (R100-18).....5
RECESS..... 7
RECONVENE..... 7
SCHEDULE JANUARY WORKSHOP MEETING..... 8
SCHEDULE JANUARY EDA MEETING..... 8
SCHEDULE HRA MEETING..... 8
ADMINISTRATOR’S REPORT..... 8
 (Mr. Dickinson)..... 8
 (Mr. Janish)..... 9
 (Mr. Berkowitz)..... 9
MAYOR/COUNCIL INPUT..... 9
 (Mayor Trude)..... 9
ADJOURNMENT..... 9