

REGULAR ANDOVER CITY COUNCIL MEETING – MAY 17, 2016
MINUTES

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, May 17, 2016, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila, Valerie Holthus and James Goodrich
Councilmember absent: None
Also present: City Administrator, Jim Dickinson
Community Development Director, Dave Carlberg
Director of Public Works/City Engineer, David Berkowitz
City Attorney, Scott Baumgartner
Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

Robin Thanghe, 13411 Narcissus Street NW, came to talk to the Council about backyard chickens. She inquired as to what would need to happen or what work would need to be done to propose a change in the ordinance to allow residents to keep up to 6 hens, but no roosters.

Mayor Trude stated that residents have come to the Council several times in the past couple of years. She noted that there are a lot of properties that are large enough within the City that have space for chickens.

Ms. Thanghe responded that she could not move in order to have backyard pets and that she was allergic to cats, dogs and rabbits. She would like to see all lots allowing chickens, including R-4.

Mayor Trude asked if the other Council members would like to see this issue as an agenda item at an upcoming workshop. Councilmember Goodrich stated that he was not interested in talking about the issue again as it has been discussed twice since he has been in office. Mayor Trude confirmed that the consensus-to-date, with the current Council, is there is not a desire to change the ordinance. Councilmember Holthus stated she would like to have the item on a agenda at a work session.

Ms. Thanghe inquired as to how to change the consensus. She went on to state that she believes that residents are in favor of it and the Council is against it.

Mayor Trude stated that the Council has had discussions as a group and she has also had discussions in her neighborhood. She had complaints from residents with 2 ½ acre lots and there

are concerns from residents about feces and disease. Predators to chickens can also be threats to the neighborhood and to other pets.

Mayor Trude asked the resident to put her concerns in an email to all of the Council members and said that she appreciated and understood the argument.

Ms. Thanghe stated that she felt it was unfair and that she would appreciate having the opportunity to attend a future workshop meeting to discuss the matter.

It was noted that this issue has been on past agendas in the last couple of years.

Ms. Thanghe interrupted the councilmembers as they began to answer her questions. Asking how she could change their opinions and stating she thought most residents want to have chickens. Councilmembers explained this decision had been thought through. Ms. Thanghe interrupted stating she did not feel she was being taken seriously and thought she was being laughed at.

Councilmember Goodrich addressed Ms. Thanghe and stated that he was not laughing at her and that she does not understand how City government works.

Councilmember Bukkila stated that coming in to a Council meeting and making demands is not helpful. Councilmembers have talked to neighbors and residents and the overwhelming answer is that residents of Andover do not want their neighbors to have chickens. She continued by saying that she does not want the neighbor next door to her to have them. The area must be cleaned up and maintained. And every detail of every law that the City enacts requires enforcement. Councilmember Bukkila stated that the city of Minneapolis has become a humane society for chickens by using them as a teaching opportunity for children, but once the hens stop laying eggs, then nobody wants the chickens anymore. The question comes to, how much does the City want to spend so that some people can have chickens. She expressed that it is not worth it for all the clean-up and enforcement that would be required. The conclusion that she came to is that the City cannot offer this option in urban areas.

It was stated that residents have choices and they also have the opportunity to live in another neighborhood where the raising of chickens is not prohibited.

Mayor Trude indicated that it was time to conclude the Resident Forum portion of the Council meeting. She instructed staff to provide minutes from meetings where this topic has been discussed. She directed Ms. Thanghe to take her seat.

Ms. Thanghe continued to speak at the Council after leaving the microphone and as she walked around the city council chambers, Mayor Trude called her out of order and Ms. Thanghe left the city council chambers. Mayor Trude inquired if anyone else wished to speak and no one did.

Mayor Trude stated that Council does not want to engage in this type of manner with residents.

AGENDA APPROVAL

Additional information on agenda items 23 and 25 was received for placement into the record.

Motion by Knight, Seconded by Holthus, to approve the Agenda as amended above. Motion carried unanimously.

APPROVAL OF MINUTES

April 26, 2016, Special Meeting: Correct as amended.

Mayor Trude requested a correction on page 7, line 9, “to keep the work moving forward,” and on page 9, line 18 she asked to add the words “trail fund.” On page 4, line 3 and 4 it should read “the structure was built with federal grant money and the City is paying for upkeep and maintenance.”

Motion by Holthus, Seconded by Goodrich, to approve the minutes as indicated above. Motion carried unanimously.

May 3, 2016, Special Meeting: Correct as amended.

Councilmember Holthus requested a correction on page 8, line 20 to correct the spelling of QCTV.

Motion by Goodrich, Seconded by Knight, to approve the minutes as indicated above. Motion carried unanimously.

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Accept Trial Easements from State of Minnesota – Crosstown Blvd NW and WDE Site
- Item 4 Approve Conveyance of Land to the State of Minnesota – WDE Site
- Item 5 Accept Vehicle Maintenance Access Easement – B and D Estates Second Addition – Povlitzki Properties, LLP
- Item 6 Declare Cost/Order & Adopt Assessment Roll/16-29/3160 Bunker Lake Blvd NW/WM (See Resolution R048-16)
- Item 7 Approve Hold Harmless & Easement Encroachment Agreement/2074 Veterans Memorial Blvd NW
- Item 8 Accept Petition/Waive Public Hearing/Order & Adopt Assessment Roll/16-34/14607 Drake St. NW/SS & WM (See Resolution R049-16)
- Item 9 Approve Refuse/Recycler Hauler Licenses
- Item 10 Approve Application for Exempt Permit/Andover Lions Club
- Item 11 Approve Temporary 3.2% Liquor License/Andover Lions Club/Fun Fest
- Item 12 Approve On-Sale Intoxicating Liquor & Sunday Licenses/Acapulco Mexican Restaurant
- Item 13 Approve Paving of Park Parking Lot/Country Oaks North 2nd Addition
- Item 14 Approve Request from Neighborhood/Hickory Meadows Park
- Item 15 Approve Used Vehicle Sales Business License/3138-162nd Lane NW
- Item 16 Approve Appointment – Parks Maintenance Supervisor
- Item 17 Approve Resolution – Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies (See Resolution R050-16)
- Item 18 Approve Funds Transfer & Budget Amendments/Trail & Transportation Capital Projects Fund (CPF)
- Item 19 Fee Schedule Changes/Solar PV Installation Electrical Inspection Fees (See Ordinance 462)

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

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Halweg gave the monthly Sherriff's Report. He noted that an AED was successfully used by those deputies responding to a call at Kottkes Bus Service.

PRESENTATION – 2015 AUDIT REPORT

Mr. Dickinson stated that the City is required to have an audit conducted independently and annually. He indicated that the City has a good relationship working with the audit firm.

Ms. Peggy Moeller, CPA, a partner with Redpath and Company, presented the audit report. In summary she stated that the audit results were very good and that she appreciated the good work done by the City Finance Department staff.

Councilmembers Knight and Goodrich complimented the Finance Department staff.

Mayor Trude expressed the importance of having emergency funds available and gave the example of summer storms in previous years.

Motion by Knight Seconded by Bukkila, to receive and approve the audit report as presented. Motion carried unanimously.

Mayor Trude noted that the managing of the finances of the City does take up much of the Council's time, particularly at workshop meetings.

PUBLIC HEARING – VACTION OF DRAINAGE AND UTILITY EASEMENT – 2323 149th AVENUE NW

Mr. Carlberg explained that the property owner is seeking to vacate twenty (20) feet of the existing rear yard drainage and utility easement across parts of the residential lot located within the Woodland Estates subdivision to increase the usable area in the rear yard for the installation of an in-ground pool that will be constructed this spring. There is an existing storm sewer pipe within the easement area that will be vacated. The property owner proposes to relocate and construct the storm sewer pipe and add a manhole where the pipe will angle to the north of the existing pipe. The property owner and engineering staff have been working together on the proposal.

Mr. Carlberg asked the Council to hold a public hearing and consider approval of the proposed vacation of drainage and utility easement.

Motion by Knight, Seconded by Bukkila, to open the public hearing at 7:40 p.m. Motion carried unanimously.

Motion by Holthus, Seconded by Knight, to close the public hearing at 7:41 p.m. Motion carried unanimously.

Motion by Bukkila, Seconded by Knight, to approve the vacation of easement. Motion carried unanimously. (See Resolution R051-16)

ACCEPT DEDICATION OF DRAINAGE AND UTILITY EASEMENT

Motion by Bukkila, Seconded by Knight, to accept the dedication of drainage and utility easement. Motion carried unanimously.

PUBLIC HEARING – CONSIDER DECLARING A NUISANCE DOG/2045-142ND LANE NW

Mayor Trude noted that there was no need to recreate the record (referring to the testimony of residents on this issue at the May 3, 2016 City Council meeting), as council members had

reviewed and approved the minutes from that meeting.

Mr. Dickinson provided the staff report related to the declaring of a dog, a nuisance dog. The dog resides at 2045-142nd Lane NW and is named Chloe.

Mr. Dickinson noted that there had been 20 points of contact with the dog, rather than 17 as previously stated. Since the most recent City Council meeting, City staff sent out communication to the owner regarding the dangerous dog declaration. The owner then had 14 days to show proper enclosure, proper signage easily readable by children, insurance or bond, registration, proof of microchipping. It was stated that if the dog left the enclosure, it must be muzzled and restrained. May 18, 2016 is the date by which the requirements must be met and within 30 days the City requires proof that the dog has been sterilized. The City has also given a 7-day notice and sent a certified letter that was signed for, confirming that the owners were properly notified of the hearing to consider the dog a nuisance. The staff believes that the nuisance criteria has been met as outlined in the staff report. Mr. Dickinson placed an emphasis on the requirements labeled a, b and d of the Nuisance definition. He called attention to the fact that all of the incidents have happened off of the owner's property. Supplemental information included information from a neighbor that had issues with the dog and provides additional information about how they dealt with the dog. In the opinion of the staff, this is more of an owner issue than a dog issue.

Mayor Trude, in reviewing the code, found that within 10 days the owners have to provide pictures of the dog. Mr. Dickinson confirmed that photos had not been received. He also confirmed that the appropriate signage was not displayed in the window of the home. The owner did report that she had received estimates for the enclosure. Mr. Dickinson had no information about microchipping or neutering.

Councilmember Goodrich asked if the owner had they been in contract with City staff. Mr. Dickinson stated that generally in these cases, they receive information from the owners right away. Since staff did not hear from the owners, so staff initiated contact and the owners did respond.

Councilmember Knight asked for clarification of the dog's actions. Mr. Dickinson stated that the dog bit another animal and knocked down a child.

Mayor Trude stated that police officer's indication in their report is that the dog ran after a car, and was at the school bus stop. She noted that the dog lives on a street, near a park, where there are small children. She stated that it is not just one person making a complaint, but that the dog attacks and the owner is blaming others, when the animal is not being properly maintained on the owner's property.

Mayor Trude stated that there would be an opportunity to hear facts and for interested parties to address the Council. Mr. Dickinson indicated the dog owner was not present.

Dennis Rutt, 2089 141st Lane NW, stated that his daughter and son-in-law live a few houses

down from the dog. He wondered if there was anything written in the ordinance about the owner no longer owning another dog.

Mayor Trude indicated that she had asked about that. She believes that this is about an owner that has not properly socialized their dogs and that it's not the dog's fault. If this dog is removed, she stated that she would hate to see that happen to another dog. Mayor Trude asked to put review of Animal Control ordinance a future workshop meeting agenda. City Attorney Baumgartner read from the Minnesota Statute regarding prohibiting individuals from owning dogs and indicated these statutes can be enforced by the City. After 3 violations, you cannot own a dog. This is just one of the tools available to the City to seize an animal. Mr. Baumgartner stated that this statute is more about dog ownership.

Mayor Trude again recommended the City Attorney and Administration go through the City Animal Control Code. Mayor Trude noted that the dog owner was not in attendance at the Council meeting. As she was finishing her statement, the dog owner arrived (at 7:57 pm) indicating she would like to speak.

The dog owner, Shellie Langmade, introduced herself. She stated that her dog, Chloe, was at City Hall, locked in her car in the parking lot. Ms. Langmade asked if she could bring the dog inside for everyone to meet. Mayor Trude stated it does not show good judgment to bring a dangerous dog to a public place. Mayor Trude stated that this further showed a pattern of not thinking ahead. She emphasized that tomorrow was the 14th day after the dangerous dog declaration.

Ms. Langmade stated that she had received many mailings about what was going on. She indicated that she had a "bit of discretion on some of these things," and that Chloe was like one of her kids. She disclosed that Chloe was not only her companion but that Chloe had caused trouble in her community even though some of it was out of her control. She noted that she had done research on Rottweilers and that their instincts are to protect and to be herders. She stated she knew that her dog had an instinct to protect and serve her.

Mayor Trude stated that the dog's behavior was threatening.

Ms. Langmade continued by stating that when her neighbor moved in, she tried to introduce Chloe to her neighbor's dog. Ms. Langmade indicated her intention of filing harassment against her neighbor.

Mayor Trude asked what Ms. Langmade had done to comply with the dangerous dog requirements. She responded that she had 3 levels of deck and that it was wired shut and that her goal was to build a complete fence.

Mayor Trude stated the issue is that the dog has been loose and not dealt with.

Councilmember Bukkila reiterated that over the last 4½ years, neighbors had been calling law enforcement and asked at what point, as a dog owner, do you think you should have addressed it.

She went on to say that we know that the dog is dangerous, you have a sign, and now we have to decide, based on your track record what should happen next. Then she asked how the City could be confident that the dog could be controlled.

Ms. Langmade indicated that she had received an estimate for a fence with no gate so the dog would have to go through the house to get outside. Councilmember Bukkila asked what steps she had taken to get the fence installed and asked for an estimate of what date it could be completed. Ms. Langmade commented that she would check on it right after the meeting and that she was trying to figure out a way to afford it.

Councilmember Bukkila asked if she knew she had to have the dog registered. Ms. Langmade stated that she knew that. Councilmember Bukkila asked if she knew she would have a higher insurance premium. Ms. Langmade stated that she put a sign up in the window but found out that it had to be a very specific sign. She spoke to the City prior to the meeting today and found out that she needs to go to the State to get the sign.

Councilmember Bukkila stated that these requirements must be completed whether or not she could afford them, noting that she could have secured these items already. Ms. Langmade stated that she could complete the registration on the following day and commented that she has 12 grandchildren. Councilmember Bukkila stated that she thinks at this point her dog is a nuisance and suggested that she had 4 other Councilmembers that she could appeal to.

Ms. Langmade stated that the farthest the dog has ever been is in the street. Mayor Trude stated that is because she ended up in the street. She understands that she loved her dog but if she cannot control her own dog, she should think about how the neighborhood kids feel.

Councilmember Goodrich interjected, by stated that no one is going to change each other's minds and that basically Ms. Langmade's job was to tell the Council why her dog should not be declared a nuisance. He felt that she had done nothing to confirm that with the Council. He believed that the owner is not owning the dog's history and that statements made told him that she was not going to take any further action to comply. Ms. Langmade stated that Chloe was hit by paintball guns in her yard and that the paint was stuck in her hair. The dog did not want to be in the front yard after that.

Mayor Trude stated the neighbors have similar concerns and are anxious about this dog and that Chloe did bite another dog. She continued by saying that Ms. Langmade has neighbors that are scared and that she feels bad for the small child that was knocked down. Ms. Langmade interjected that Chloe likes kids and wants to be at the school bus stop with them and mentioned one little girl in particular that had been afraid of him but is not any longer.

Councilmember Holthus asked if Ms. Langmade had received information from the City telling her what she had to do and then asked her if she had done what was required.

Councilmember Knight asked Ms. Langmade what she did not do. Ms. Langmade replied that she did not have a fence, but that the dog had not been in the front yard or off of the deck or out

of the house. She stated that the dog knows something is going on and she is moping around. Ms. Langmade confirmed that the dog did do these things. She indicated that she wanted to correct what was needed. She informed the Council that her significant other just walked out on her. She stated that she had put in an electric fence for the dog twice.

Mayor Trude acknowledged that this was very emotional. Ms. Langmade asked the Mayor if the Council could see the dog. Mayor Trude replied “no,” and that it was time for her to sit down and the Council would discuss what to do. Ms. Langmade stated that she would do everything that was asked of her in the time the Council said she should do it.

Mayor Trude suggested that she collect herself while the Council discussed the matter. She reminded the Council that they had decided Chloe was a dangerous dog last time they met. If the dog is declared a nuisance the Council has some choices. Mayor Trude noted all the times the dog has been running at large, 8 times off property, and then ruled potentially dangerous last fall. The dog injured another dog recently and we have heard from neighbors in writing. She stated that the Council represents all residents in the community. She asked fellow Councilmember if there was any further discussion.

Councilmember Goodrich made a motion to declare Chloe at 2045 142nd Lane NW a nuisance dog. City Attorney Baumgartner stated that he believed the requirements have been found and that the Council then needed to make a decision about requiring abatement. There are two options, the dog could be confiscated and destroyed, and then the City would need proof of the dog being destroyed and it would then carry the designation of a dangerous dog wherever it goes. He stated that it was hard to believe the resident would be able to secure insurance or bond by the next day. Mr. Dickinson recommended that the dog be destroyed.

Councilmember Bukkila stated that the dog would need to be removed from the City tomorrow, as it is the 14th day. She asked, if enforcement needed to occur, what steps would the City take the next day. Mr. Dickinson stated that the Sheriff would impound the dog. If there is not a decision on nuisance, it could happen anyway. He stated that matters have rarely been to this point but there has been so much bothersomeness to the neighborhood. He felt that it was cost prohibitive for the dog owner to meet all of the requirements of neutering, microchipping etc. and it would cost thousands of dollars.

Councilmember Knight asked what would happen if the dog was removed from the City. City Attorney Baumgartner stated that the dangerous dog designation would follow it there. He gave the example of the dog being transferred to an owner in Coon Rapids, if so, then the City would notify the City of Coon Rapids.

Mayor Trude asked if the outcome would be the same if the Council tabled the action or not. City Attorney Baumgartner confirmed that the outcome would be the same and that the dog could be removed within 48 hours. The dangerous dog compliance timeline runs out tomorrow. Based on that information, Mayor Trude proposed that it was possible to let the time run out on the resolution. Timeline for one ends tomorrow and the other would give the owner a couple more days.

Councilmember Bukkila expressed her desire not to delay the inevitable and stated it is a horrible situation for all of us. She continued by saying that the Councilmembers feel for Ms. Langmade, it is really unfortunate, and they were all reactive to the situation that was brought to them. She concluded by saying that she has no confidence that the dog will be properly tracked if it is moved from the City and she believed the only option was to euthanize the dog by a decision at the Council meeting tonight.

Councilmember Goodrich asked to reintroduce his motion to consider the dog a nuisance.

Motion by Goodrich, Seconded by Bukkila, declare the Chloe a nuisance. Motion carried unanimously.

Motion by Goodrich, Seconded by Bukkila, to approve the resolution as presented in the packet for abatement and further direction that abatement be euthanization. Mayor Trude read the resolution and the motion carried unanimously. (See Resolution R052-16)

Mayor Trude concluded the discussion by saying that this is not about the neighbors, but rather about the community. She expressed that the owner had let the matter go for too long and it was unpleasant for everyone.

CONSIDER INTERIM USE PERMIT – LAND RECLAMATION – WINSLOW WOODS 2ND ADDITION – BL HOLDINGS, LLC

Mr. Carlberg reviewed the staff report with the Council.

Mayor Trude commented that this request is for farmland and wondered why the City would get involved. Mr. Carlberg stated that the dirt would be used on lots in the development.

Mayor Trude asked about the timeline requested by the homeowner/developer. Mr. Carlberg stated that they intend to use the material for lots as they are being developed, and that the fill will be taken both to and from the stockpile.

Councilmember Bukkila stated that she did not think it was a bad thing to have some sort of deadline and that she was not so concerned with means or methods when it is farmland.

Mr. Carlberg noted that they have already seeded and that will be monitored over the life of the agreement. He confirmed that the plan should not affect drainage. Mr. Berkowitz also confirmed that the area is adjacent to a pond. As for the timeline, the owner can ask for extensions and it will be fully vegetated at all times.

Councilmember Holthus asked if the silt fence would remain when the seed took hold. Staff confirmed that the silt fence could be removed.

Motion by Bukkila, Seconded by Knight, to approve the resolution for the interim use permit. Motion carried unanimously. (See Resolution R053-16)

The meeting recessed at 8:39 pm and resumed at 8:46 pm.

CONSIDER CLASSIFYING A “DANGEROUS DOG”/1815 ANDOVER BOULEVARD NW

Mr. Dickinson provided a staff report on the matter concerning a dog named Caesar at 1815 Andover Boulevard NW. The information that has been collected was provided in the meeting packet. Mr. Dickinson reviewed each of the incidents in chronological order. He emphasized that individuals had been bitten. In 2011 the dog was declared “potentially dangerous.” In 2011, Caesar was not deemed a dangerous dog when discussed at that time. On May 9, 2016, Caesar and Coco, of the same address, dug under a fence and bit a Springer Spaniel in the ear, neck and rear. Mr. Dickinson stated that it was as though the dogs were having a tug of war with the dog they were attacking. In response to that incident, Coco was deemed a potentially dangerous dog, staff is requesting that Caesar be declared a dangerous dog, by meeting the definition of a dangerous dog. The City Code does provide that the dog owner be able to provide testimony to Council and others that have been impacted can also provide testimony.

Mr. Dickinson stated that the dog's owner was in attendance and would like to speak.

Mayor Trude indicated that a potentially dangerous dog must have proper constraints. Since the dog was named a potential dangerous dog this has happened a couple of times. It must be corrected and an issue that the owner must attend to. She stated that there needs to be more awareness, control or restraint. She went on to say that the dog's injuries were serious because the documentation says that the dog was hospitalized and on an IV and that the injuries were extensive enough so that the dog could not be treated at the local veterinary hospital. In summary, she commented that this documentation showed that the dogs were capable of killing another dog if they got out again.

Jamie Hoffer, 1815 Andover Boulevard NW, is the owner of both Caesar and Coco. She stated they put up a privacy fence and the fence that the dogs dug under, was actually the neighbor's fence. She stated when the neighbor's dog comes outside, that dog barks all the time. She did confirm the incident that occurred in 2011, where another resident of the household got “jumped,” and in that incident the back window was smashed out of her car. She noted the dogs did not jump out of the car, in spite of the car windows being broken. At that time, the dogs were taken for 21 days. The female dog (Bella) at that time was put down. It was a dog that she got from a friend. The report showed that they did not see aggression in the dog they retained, which is Caesar.

Mayor Trude stated this situation was about you, as an owner, and your dog.

Ms. Hoffer replied that her fence is on three sides of her property.

Councilmember Bukkila asked, “Is it your fence?” She reminded Ms. Hoffer that the law requires her dog be restrained on her property and if there is no fence between their property and

the next door neighbor, they must keep the dog chained up.

Mayor Trude stated that the agenda item is to look at the dangerous dog designation and asked the dog owner if she had any argument with that.

Councilmember Bukkila clarified that if another dog comes onto Ms. Hoffer's property then she would be "off the hook." As the dog's owner, you must keep the dog from leaving your property. If something happens off of the owner's property, then ultimately the owner is responsible.

Mayor Trude indicated the fact that the dog was off the property, actually meets the City's definition of being a dangerous dog. She then asked Ms. Hoffer, "Can you keep your dogs under control?" She then stated that the Council does not care about the neighbor's fence being in disrepair and that the homeowner, if needed, would have to build another fence. She continued by saying that her neighbor does not have any obligation.

Councilmember Bukkila stated the neighbor is not responsible, even if the dog was barking. And that the dog can bark until they, as neighbors, complain about the barking. She concluded by saying it is about crossing the line and it would not have been a problem if the dogs had not left the property.

Mayor Trude restated that a dangerous dog is not allowed by other dogs or people without being under the control of the owner. Douglas Burke, also of 1815 Andover Boulevard NW, stated they put up a privacy fence and that the fence is what he wanted to clarify. He asked the Councilmembers if they would be willing to view photographs of what is happening in the back yard.

Mayor Trude instructed that the City Administrator could look at the photos.

Mr. Burke restated that the neighbor did not maintain his fence and that they took measures on his fence.

Mayor Trude reminded Mr. Burke that only one person should be talking at a time and that the fence on the neighbor's property is irrelevant. She also stated that the home is located by the high school and that people are watching the meeting on cable television tonight and everyone watching will know about their dog.

Mr. Burke replied by stating there had not been a single incident with the dog in 5 years.

Mayor Trude told Mr. Burke that it was time to sit down now and he could talk to City administration about the neighbor's fencing being in disrepair.

Mr. Burke continued by asking if it mattered what was leading up to the incident.

Councilmember Bukkila asked Mr. Burke why his dog was jumping the fence line. Mr. Burke

stated that he could not prevent everything from happening, dogs will be dogs.

Mayor Trude stated this was an issue that the Council needed to help the owners understand.

Mr. Dickinson replied by saying that the Council was exactly right and they look to the property owner to restrain their pets on their own property and the neighbor's fence is not germane to the discussion. If the fence is in disrepair, the property owner can log a zoning code complaint, and once that happens, the City would get involved and ask the homeowner to get it repaired or removed. Either way, the dogs need to be contained on the dog owner's property. In addition if the dog is declared dangerous, a kennel that will control the dog must be erected and when the dog is off of the property, the dog must be leashed and muzzled. A description of the outdoor kennel was described.

Ms. Hoffer owner stated her daycare provider was home when the most recent incident occurred. They speculated that the neighbor dog could have been the one digging under the fence and that the owner had the dog outside on a leash running around afterwards.

Mayor Trude stated that she is sick of this happening in Andover. She reminded Mr. Burke that he did not have the microphone now and that he was out of order. She described one of the three wounds that the neighbor dog suffered and instructed that the photos be projected.

Councilmember Bukkila commented that she understood what the dog owner was trying to say. If the City had been contacted about the fence in disrepair, there could have been intervention in advance. She speculated that they were doing the best they could, trying to make it work. Unfortunately, because an animal suffered injuries, it is too late. We could have addressed that then. Now, the Council knows what the dog is capable of doing and it would have behooved the owners to act at an earlier point and now there are higher expectations at this stage. In this case, an ounce of prevention would have been a pound of cure. In conclusion she stated that if the City could be helpful to residents, they need to let the City know, as they want to be helpful to you.

Mayor Trude instructed that the conversation in the audience should end and that staff would help the dog owners understand what needs to be more clear.

Motion by Trude, Seconded by Goodrich, to approve the resolution to name the dog known as Caesar, a dangerous dog. Motion carried unanimously. (See Resolution R054-16)

Mayor Trude instructed City staff that if anything more happens, the Council is going to be really concerned and reminded the dog owners that an incident is only considered provocation if someone attacks people or pets on your own property.

Mr. Dickinson confirmed that the notification will go out Wednesday, May 18, via CSO and certified letter. He encouraged the dog owners to let City staff know early if they are making progress and not let it go until day 14.

Mr. Burke commented from the floor, "so to clarify, the dog has been ruled as dangerous and I

want you to know that a dog is a dog and it protected me then he was deemed potentially dangerous. So it should not have been done at that point.” He continued by saying “a dog does what it does,” and that the Mayor was “pretty rude.”

Mayor Trude told Mr. Burke that he was out of order and that his time to speak is done.

SCHEDULE JUNE EDA MEETING

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

The Council discussed the draft agenda and available dates.

Motion by Bukkila, Seconded by Goodrich, to schedule a June EDA Meeting on June 7, 2016, at 6:00 p.m. Motion carried unanimously.

SCHEDULE JUNE COUNCIL 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 Goodrich, to schedule a Workshop Meeting on June 28, 2016, at 6:00 p.m. 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.

(Development) Mr. Dickinson stated that City development includes 35 new homes which is half-way to the goal of 70 by the end of 2016. Acapulco restaurant requested their liquor license and will be having a soft opening in July. The ReMax building is coming out of the ground and the Andover Veterinary Clinic will move forward one issues with the Coon Creek Watershed District are resolved. Plans are moving forward for the new building at Hanson and Bunker Lake Boulevards. There has still been no disclosure on restaurants. Mayor Trude commented that Snap Fitness will be located across from Oakview Middle School.

(Administrative Activity) Mr. Dickinson recounted progress on issues of concern to the City including the bonding bill. He has also been in meetings including League of Minnesota Cities and the School District regarding cooperative facility use.

MAYOR/COUNCIL INPUT

(Metropolitan Council) Mayor Trude noted the letter that had been received from the

Metropolitan Council. She felt that the estimate was low based on the building of 300 homes in the City over the last few years. Mr. Dickinson replied that he had already started to dialogue with them.

(Portable Classroom) Mayor Trude inquired about portable classrooms. Mr. Dickinson stated that the City code is being updated.

(National Mayor's Water Challenge) Mayor Trude announced that Andover won first place in its population category, qualifying the city and residents for prizes. Congratulatory correspondence has been received and she hopes that it will help the community to be more efficient in its water use.

(Heart Safe Communities) Mayor Trude updated the Council about the Andover Lions Club being trained to use an AED along with a moms club next week. She stated that it is helpful to organize a group and then trainers can be coordinated. The City now has manikins in order to facilitate training. Councilmember Bukkila asked that additional ways be considered as to how instructors could be recruited, other than Facebook and suggested that maybe an email list of volunteers could be assembled.

(Housing Report) Mayor Trude reported that a New York based company ranked Andover number 7 in Minnesota for home ownership. Andover residents live 15 years in their homes, and homes sell well in Andover.

ADJOURNMENT

Motion by Holthus, Seconded by Bukkila, to adjourn. Motion carried unanimously. The meeting adjourned at 9:31 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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