

REGULAR ANDOVER CITY COUNCIL MEETING – AUGUST 1, 2016
MINUTES

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, August 1, 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
Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

Gary Natterstad of 2436 176th Avenue stated he is concerned about the road getting holes in it. He was told the City is not going to get at it yet this year. The Mayor stated staff would come out and look at it. His other concern is their road has three garbage truck companies hauling on it. He asked if the cans could be placed on the same side of the road for pick up. Mayor Trude asked if he could convince a whole city of people to do that, reminding the resident that they have to be on the driveway and not in the street. Mr. Natterstad asked if they could get a bid for the neighborhood and get one garbage hauler because they cause his road to deteriorate and then he has to pay. Mayor Trude stated 25% of road reconstruction is paid for by residents. Assessments are about \$2,000 for a “reclaim and overlay” and \$7,200 for full reconstruction in a more rural area for a 2.5-acre lot.

Councilmember Holthus asked Mr. Dickinson if the topic could be put on a workshop agenda. She clarified further and restated that the discussion would be regarding the issue of garbage haulers and contracting and to see about placing cans out for pick-up on one side of the street. Mr. Natterstad stated it would reduce the number of the trips on a street by one-half.

Mr. Dickinson commented one of the Council’s goals is related to garbage hauling and agreed that it could be discussed and get more direction. Mr. Berkowitz confirmed a staff person will check out resident’s street, noting that the City streets are on a program and the worst are repaired first.

Mr. Berkowitz noted Public Works patches potholes all summer long and identify which streets are up for repair within the next five years. Within the 3rd to 5th years, priorities are juggled. Instructions were given to the resident as to how he could follow up. The resident asked to be notified when garbage hauling would be discussed by the Council.

AGENDA APPROVAL

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

APPROVAL OF MINUTES

Approve July 19, 2016, Regular Meeting: Correct as amended.

Mayor Trude requested a correction on page three, line 43, correcting the spelling of the word “heart.”

Motion by Holthus, Seconded by Knight, to approve the minutes as amended. Motion carried 4 ayes, 1 present (Bukkila).

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Approve Application for Exempt Permit/Ducks Unlimited
- Item 4 Approve HVAC Preventative Maintenance Contract
- Item 5 Approve Funds Transfers/Advance/Pilot Project/Developer Installed Improvements/Fee Collection

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

CONSIDER PRELIMINARY PLAT AND PUD AMENDMENT – GREY OAKS 4TH ADDITION – RC DEVELOPMENT

Mr. Carlberg explained RC Development proposes to construct 19 single family detached townhomes to serve the 55 and older community. One additional lot that will be 8.33 acres in size will be created as a common lot. The applicant is also requesting an amendment to the previously approved Grey Oaks Planned Unit Development (PUD). Originally three 30-unit apartment buildings were approved for this area. The property is within the Municipal Urban Service Area and has access to municipal water and sewer. The property is zoned M -2 Multiple Dwelling, as is the rest of the Grey Oaks development. The townhomes will have access along 155th Lane NW, 156th Lane NW and Hummingbird Street NW. Each townhome is 1,645 square feet and will be individually owned. The green space throughout the development will be

common area owned by the association. The Homeowner's Association will maintain common areas and snow plowing. The wetland area of approximately 5.70 acres will be established as an easement area during the final plat submittal. The new plat will also recognize easements for public drainage and utilities. The existing 70-foot Northern Natural Gas Pipeline easement will remain in place. As part of the final plat, a 20-foot vehicle maintenance access easement will be required between Lots 16 and 17. When the Grey Oaks subdivision was approved 15 years ago the building lot elevations were based on then - current data relative to high water levels. The City of Andover and the Coon Creek Watershed District have recently adopted the new Atlas 14 data. Atlas 14 data establishes generally higher water levels than the previous data. For this area in particular it poses a challenge to construct apartment buildings on the site. The site is better suited for slab on grade townhomes. Park dedication and trail fees were satisfied at the time Grey Oaks was platted. Any new trails would be constructed at the expense of the developer. The Planning and Zoning Commission reviewed the preliminary plat and PUD amendment and held a public hearing at their July 12th meeting. The Commission recommended approval of the preliminary plat and PUD with the conditions listed on a 6 ayes, 0 nays vote.

The Commission also had safety concerns about residents using the existing trails within the development because of the mid-block trail crossings along the curves of the streets. The Commission recommended that staff explore the option of extending the existing trails along the south side of 156th Lane NW and the north side of 155th Lane NW, prior to the City Council meeting. This would eliminate the need to cross the street to continue on the trails.

On July 19, 2016, the Andover Review Committee reviewed and discussed the possibility of extending the existing trails as directed by the Planning and Zoning Commission. Staff recommended maintaining the existing trail system throughout the Grey Oaks plat for the following reasons:

1. Space for vehicle parking is limited since parking is not allowed on both sides of the street. Creating a trail across the driveways of the new town homes will eliminate much needed parking space in the driveways.
2. There is a safety concern for the pedestrians since the trail would cross over numerous driveways in a very short distance with vehicles backing up out of the driveway.
3. The neighborhood has low volume traffic which warrants the existing trails on one side of the street. Currently in new developments the city trails and sidewalks are placed on one side of the street to connect to other trail segments. It is past practice to install trail /sidewalks on both sides of the street when located in high volume traffic areas such as County roads. 155th Lane and 156th Lane are not high volume traffic streets.
4. There are wetlands along 155th Lane along proposed Lot 8. Constructing a trail segment through this area may impact the existing wetlands.
5. Staff considered the on-going city costs for trail maintenance and replacement costs.

Mr. Carlberg reviewed the information with the Council.

Mayor Trude asked Mr. Carlberg to point out the setback differences between the two sections of the development. He stated the garage is designed to be larger than what is required and that two

cars would fit in the driveway in one section and 4 cars in the other section.

Mayor Trude asked Mr. Carlberg to point out the easements including the pipeline easement. Mr. Carlberg stated the proposed plan met the City requirements. Mayor Trude followed up by asking about potential ponding. Mr. Berkowitz stated the grading is going out to the 150-year flood elevation and the plan is to not do any more tree clearing than is needed for general utility maintenance. Mayor Trude also asked about the existing trail going past 3 or 4 of the townhomes noting the trail drops south after that.

Mayor Trude asked how wide the trail is. Mr. Carlberg stated a trail is 8 feet in width and that a sidewalk is 5-6 feet in width.

Councilmember Knight asked about the projected population. Mr. Carlberg stated 1-2 persons per household with approximately 500-700 persons throughout the entire Grey Oaks project. Councilmember Knight asked if he could foresee any granny flats units in this area. Mr. Carlberg stated there is not enough ground to do so.

Mayor Trude asked about the driveways and backing out of the driveways. Mr. Carlberg stated there would be at least 50 feet from the driveway to where the concrete curb is and that requirements would be met.

Mr. Graser, the developer confirmed the eligibility for the development will be with residents 55 years of age and older and this will be put in the association documents along with the requirement that it be as such for 80% of the residents. Another item that came up at the Planning and Zoning Commission meeting was that the exterior of the building will be maintenance-free 4" lap vinyl siding and will be overseen by an architectural control committee. In event of a storm and damage individual owners will have to deal with their own insurance company. After further questions from Mayor Trude, Mr. Graser confirmed any replacement will have to be consistent with what is approved for the development as for the driveways, landscaping, exterior colors, etc. It will be a managed homeowners' association and the developer will hire a management company and the association will have a board of directors.

Mayor Trude stated attached townhomes usually have the exterior insured by the association. She asked further if the association committee could choose a new color palette and each person would have to come to them if they had an exterior storm claim. There will be no accessory structures allowed (e.g. dog houses). Landscaping will be installed by the developer and no additional plantings allowed unless approved. Plant material is covered by the association and replaced by the association.

Councilmember Goodrich asked if the architectural group is part of the association. Mr. Graser confirmed that to be accurate. After 75% occupancy, the association would elect their own board, and prior to that the developer will control it. Once 75% occupancy is reached actual governance is turned over to the association.

Mayor Trude stated she only knows of one other association like this in the City and they have stucco. She asked about driveway repairs and that landscaping is covered, but not roofing or siding. She expressed that generally associations make people plan ahead for repairs and improvements.

Councilmember Knight asked if the association will control the number of pets or grandchildren in the home. Mr. Graser stated the number of pets would defer to City ordinance.

Mr. Graser continued to state anything that is a visual impairment to someone driving by, or that would compromise parking would be controlled by the association. In the event someone does not replace their roof in time there could be language added to the association documents to force those improvements. Mr. Graser indicated he will check into that.

Mayor Trude expressed it is unusual in our community to be part of a PUD without consistency in appearance. She had concerns about hail damage and stated she does not believe there are any homeowners' associations without insurance covering exterior.

Councilmember Goodrich stated he is not convinced of the concern because the builder has control and then the homeowners would keep something odd from happening. Mayor Trude stated having one vendor supply all of the replacement products for the roof and the siding guarantees consistency because they have one insurance carrier.

Mr. Graser agreed to look at this issue and come back to the City with the information at the time of the final plat.

Councilmember Holthus addressed concerns regarding inconsistencies between the preliminary plat application and the Planning and Zoning Commission meeting minutes. Mr. Carlberg noted these are draft minutes that had not been reviewed by the Commission.

Mr. Dickinson asked for clarification regarding exterior of units and insurance and if there would be specific direction from the Council. Mayor Trude expressed a preference for having the exterior insured by the association and contents by homeowners. Mr. Graser asked if there should be mandatory repair requirement in the association documents so that it's repaired to a level of consistency throughout. He stated the homeowners would not have the flexibility to go to steel, and that the exterior must be the same color.

Councilmember Bukkila stated it is not uncommon to see the curling of the roofs. Whether it is related to one storm or has deteriorated over time people do not financially prepare for it, it's a small community within. She continued by saying the only way she sees it functioning is eventually the association would have to bring a member to court and then it becomes a problem in the community. Councilmember Bukkila noted equal maintenance and a collective maintenance plan is important. The City is not their governing body on these issues, but there is only so much they can do to each other to force the issue. In addition mortgage companies may not be holding residents accountable because their homes are paid for. She believes an

association by nature is not designed to be done individually and noted that maintained properties are holding their value in the City. She went on to state concerns about age requirements and how it reads in the documents wanting something that reflects that the owner and the occupants must be 55 and older, or at least 80% of the units. Ideally it would be 100% but is intended to allow exceptions, for example a spouse dies and the remaining spouse is under 55 years of age.

Mr. Graser noted the location of the sidewalk and that it would be opposite of the townhomes. He noted residents should be able to park four vehicles but the last two vehicles would potentially block a sidewalk if one was installed.

Mayor Trude stated she would like to see sidewalks, noting this is a cut-through and a busy narrow street. Concern is also expressed about resident safety getting to the mailbox. She noted people in Andover like to walk and asked if there is a place for the mailboxes yet. Mr. Graser stated there will be one location. Mayor Trude stated she is not sure about making a sidewalk a condition of the plat and encouraged the developer to look at it as a marketing issue.

Councilmember Holthus asked if the sidewalk could be right next to the curb or if a section of lawn was required between the sidewalk and the curb. Mr. Berkowitz stated this can be difficult because a place is needed for signage and snow storage. Councilmember Holthus believes that this could be a good compromise.

Councilmember Goodrich stated he did not see it as a big safety issue.

Art McCarthy, of Grey Oaks, Building #2, stated he is on the board of their association and works very hard to do a lot of things. His main concern is the gazebo and that the developers will take out the line of trees by the gazebo. Mr. Carlberg pointed out that all the trees are being protected from being removed.

Mr. McCarthy continued by asking about the walking trail from the gazebo. Mayor Trude indicated there was a misunderstanding about that and it will get put back into place after sewer and water is installed. Mr. McCarthy also asked about the shuffle board court. Mr. Carlberg confirmed it would not be disturbed. In conclusion, the resident asked about installing speed bumps to which Mayor Trude responded that Andover does not install speed bumps because they are too hard on snow removal equipment.

Allen Luebke, 15550 Linnet Street NW, and president of the new Grey Oaks at Andover Estates Association, thanked the Council for assisting residents with the split in their association saying that it was very beneficial and a good thing for the community. He expressed concerns about the following: keeping wetlands and trees as much as possible; a new association forming, specifically concerns about the outer structure and having an exterior maintenance program; parking – with no parking on either side of the street; two-car garages without much room for storage, with homes that will have no basements; and importance of trails for the elderly.

Mr. Luebke asked for the Council to follow the City's own desirable qualities for PUDs. He also

highlighted the high number of trees that are being removed on the map. Mr. Berkowitz responded the trees are coming out because of the storm water pond construction. The maintenance access is being put there because the trees are coming out anyway. Mr. Luebke asked if it will be a wet pond or could it be a dry pond. Mr. Berkowitz stated it will be a wet pond.

Mr. Luebke continued by asking about plans for the exterior of the housing stating that it is supposed to resemble the neighboring townhomes and displayed a photo of the existing town homes. He expressed concern about brick fronts versus stone fronts stating it does not look like the current development. He also noted differences in design.

Councilmember Knight asked if a 25-foot street would allow parking on one side only. Mr. Berkowitz said it would not due to space needed for fire truck access.

Mayor Trude asked where a lawn or vendor service for the association would park their vehicle. She also had concerns about parking for family gatherings and expressed a desire for “bump-out” parking spaces.

Mayor Trude stated she has heard the concerns of the residents and Council and desire to see 80% of those residing in the homes be age 55+ that the association would maintain, replace and insure the exterior including roofing and siding and their might be support for adding a condition for sidewalk.

Councilmember Goodrich stated he would not support adding the sidewalk as a condition. Councilmember Holthus stated she would like to evaluate installing the sidewalk right next to the street. Councilmember Knight stated support for a sidewalk being a condition of the PUD.

Mayor Trude stated she would like to add a condition to provide guest or extra parking for service vehicles because there is no parking within the two blocks. Councilmembers Knight, Holthus and Goodrich indicated support for additional parking spaces. The recommendation would be for the association to maintain four to six parking spaces and a sidewalk that would be maintained by the association as well.

Mr. Dickinson recommended tabling the matter until the next Council meeting as the developer needs time to look over these concerns. In addition direction is needed as to how much parking is needed. The Council indicated they would like to see a sidewalk included in the preliminary plat as well as the addition of six parking spots, which would be dispersed to a location/locations that would be suggested by the developer. Mr. Dickinson indicated those conditions should be part of a preliminary plat approval as a final plat approval only shows lot lines.

Mr. Dickinson stated the developer would have to agree to an extension to the next Council meeting or the Council would need to act tonight.

Mr. Graser stated they will grant the extension to the next Council meeting. Mayor Trude asked

the developer to bring building elevations that the Council could look at a little closer. She stated there are 19 units, and she believed they should be allowed to have their own design criteria. She requested the developer also come back with a photo so that the Council can see materials and colors.

Councilmember Goodrich agreed with wanting to see the color(s). Mayor Trude clarified she wanted to see the materials and architectural details of the buildings as well.

Motion by Holthus, Seconded by Knight, to table the Grey Oaks 4th Addition Preliminary Plat and PUD until the next Council meeting based on the extension granted by RC Development. Motion carried unanimously.

CONSIDER INTERIM USE PERMIT – LAND RECLAMATION – COUNTRY OAKS NORTH SECOND ADDITION – SW DEVELOPMENT, LLC

Mr. Carlberg explained SW Development, LLC is proposing to store up to 15,000 cubic yards of soil until November 1, 2019. The soil will be stored on the northeast quarter of the development known as Country Oaks North 2nd Addition and used for the grading of lots that are part of that project. Silt fencing will be required around the perimeter of the stockpile to prevent erosion and run off and required to remain until vegetation occurs on the stockpile. An Interim Use Permit (IUP) was granted for a nearby location in Country Oaks North 2nd Addition in July 2015 with an expiration date of November 1, 2016. This stockpile has since been removed and any remaining dirt from that stockpile has been transported to the new proposed stockpile location. Due to the proximity of the two stockpile locations City streets will not be utilized for the hauling of materials.

Mr. Carlberg stated on July 12, 2016, the Planning and Zoning Commission held a public hearing regarding the IUP request in which there was no public comment. The Planning and Zoning Commission recommended approval on a 6 -0 (1 absent) vote. The City Council was asked to review the Interim Use Permit request and consider the recommendation of approval by the Planning and Zoning Commission.

Motion by Knight, Seconded by Bukkila, to approve the Interim Use Permit, land reclamation for Country Oaks North Second Addition, SW Development LLC. Motion carried unanimously. (See Resolution R069-16)

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.

(Administration) Mr. Dickinson gave a QCTV update and confirmed there are a significant number of parties planned for the Night to Unite. Maps will be available for the Council. He has been participating in the Metro Area Manager meetings with current topics including

security and law enforcement challenges, along with data security and hacking of IT systems. He confirmed the City has not had any issues, but vigilance is needed.

(Development) Mr. Carlberg stated The Estates at Arbor Oaks should be under construction by August 10th and that the new Acapulco Restaurant will be open in the next few weeks. There will be a Metro North Chamber event there on August 16th. Parking improvements are still being worked on. The City will have a separate ribbon cutting.

(Construction) Mr. Dickinson updated the Council on the Bunker Lake Boulevard project that has been delayed, noting the low bid did not meet the basic bid requirements and that a 30-day appeal process must be allowed. Anoka County has indicated it still hopes to start this year.

(Crime) Mr. Dickinson reminded residents not to be victims to crimes of opportunity by leaving garage doors open and to not leave valuables in open view in cars.

MAYOR/COUNCIL INPUT

(The Shoppes at Andover) In answer to Councilmember Holthus' questions about tenants at The Shoppes at Andover building, Mr. Carlberg stated they know there will be an Asian restaurant and an AT&T Wireless store.

(Trails) Mayor Trude asked about the trail construction by the high school. Mr. Berkowitz indicated the trail will be ready when school starts.

(Night to Unite) Mayor Trude stated Night to Unite is a good time for resident to meet their neighbors.

ADJOURNMENT

Motion by Bukkila, Seconded by Knight, to adjourn. Motion carried unanimously. The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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