

**REGULAR ANDOVER CITY COUNCIL MEETING – FEBRUARY 16, 2021
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, February 16, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Valerie Holthus (remote), Jamie Barthel, Ted Butler, and Randy Nelson

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
Community Development Director, Joe Janish
City Attorney, Scott Baumgartner
Natural Resources Technician, Kameron Kytönen
Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

Dan Anderson, Crooked Lake Area Association, came forward and spoke about the Association. He stated the purpose of the organization is to keep the lake healthy. He explained the projects the Association has completed. He thanked the City of Andover for their support and provided a newsletter to Councilmembers. He stated the organization has cut a carousel in the ice for the 4th year in a row.

Mayor Bukkila thanked Mr. Anderson and the Crooked Lake Area Association for their work and commended residents for being involved.

AGENDA APPROVAL

Motion by Barthel, Seconded by Nelson, to approve the Agenda as presented. Motion taken by roll call:

Councilmember Barthel - aye

Councilmember Butler - aye

Councilmember Holthus - aye

Councilmember Nelson - aye

Mayor Bukkila - aye

Motion carried unanimously.

APPROVAL OF MINUTES

January 26, 2021 Workshop Meeting

Mayor Bukkila requested a change on page 7, line 17. The number “30” should be changed to “3.0”.

Motion by Holthus, Seconded by Barthel, to approve the January 26, 2021 Workshop meeting minutes as amended. Motion taken by roll call:

Councilmember Barthel - aye

Councilmember Butler - aye

Councilmember Holthus - aye

Councilmember Nelson - aye

Mayor Bukkila - aye

Motion carried unanimously.

February 2, 2021 Regular Meeting

February 2, 2021 Closed Meeting

Motion by Barthel, Seconded by Butler to approve the February 2, 2021 Regular meeting minutes and February 2, 2021 Closed meeting minutes as presented. Motion taken by roll call:

Councilmember Barthel - aye

Councilmember Butler - aye

Councilmember Holthus - aye

Councilmember Nelson - aye

Mayor Bukkila - aye

Motion carried unanimously.

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Approve Plans & Specs/Order Ad for Bids/21-18/Advanced Metering Infrastructure (AMI) (See Resolution R017-21)
- Item 4 Approve Request to Waive Tournament Fee for the Heroes Tourney-Tribute to the Troops of Minnesota
- Item 5 Order Improvement/Order Plans & Specs/21-21/Coon Creek Trunk Lift Station #11 (See Resolution R018-21)
- Item 6 Order Improvement/21-27/Public Works/Refinish Exterior Panels (See Resolution R019-21)
- Item 7 Approve JPA with Ham Lake/University Ave. South of County Rd. 16 (Andover Blvd.)
- Item 8 Approve Used Vehicle Business License
- Item 9 Approve Resolution Approving the Classification and Requesting Conveyance of Tax Forfeited Property - PIN 29-32-24-42-0006 (See Resolution R020-21)
- Item 10 Accept Resignation of Jason Grode, Parks Maintenance Supervisor
- Item 11 Receive January 2021 City Investment Reports

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

- Councilmember Barthel - aye
 - Councilmember Butler - aye
 - Councilmember Holthus - aye
 - Councilmember Nelson - aye
 - Mayor Bukkila - aye
- Motion carried unanimously.

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Lenzmeier provided a monthly report for January 2021, reporting 1,037 calls for service and 56 calls for service for CSOs. He stated there was an increase in calls for domestic assault with 8 arrests. Commander Lenzmeier stated the Department made 440 traffic stops with 159 citations including 5 DWI arrests, 11 felony arrests, 2 gross misdemeanor arrests, and 23 misdemeanor arrests. He stated there was an increase in drug enforcement related activity, and the Department confiscated over \$34,000 cash in drug forfeiture.

Commander Lenzmeier stated Andover has 14 Deputies assigned to patrol shifts, 2 School Resource Officers, 2 Investigators, and a Crime Prevention Officer. Commander Lenzmeier introduced the Deputies, their shift, and highlighted their service.

Mayor Bukkila stated the City is grateful for their service and extended appreciation to the Department.

NPDES (NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM) PRESENTATION AND PUBLIC MEETING/21-1

The City Council is requested to hold a public meeting to review the City's status of compliance with the National Pollutant Discharge Elimination System (NPDES) program and make recommendations as needed.

Natural Resources Technician Kameron Kytonen stated the City of Andover is required to comply with the latest NPDES regulations set forth by the Minnesota Pollution Control Agency (MPCA). One requirement as part of this process is to hold a public meeting to receive feedback on the program. He said staff fulfills the objectives under several Best Management Practices (BMP's), which are part of a dynamic Storm Water Pollution Prevention Program (SWPPP), including public education and outreach, public participation, illicit discharge detection and enforcement, construction management, post-construction management, and pollution prevention and good housekeeping. Mr. Kytonen explained a new permit came out in November of 2020 and requires cities to do an annual assessment for all minimum control measures, implement specific training requirements, and imposed a Total Maximum Daily Load (TMDL) for Coon Creek and the Rum River. Mr. Kytonen highlighted significant projects the City is working on such as low-mow, no-mow alternatives, native landscaping, and diseased tree programs. Mr. Kytonen explained the Adopt-a-Drain program is intended to bring awareness to stormwater drainage.

Councilmember Butler asked the cost of treating trees for Emerald Ash Borer. Mr. Kytonen stated the cost is approximately \$5.50 per diameter inch and will last 2-3 years and the City will contribute to offset the cost. Councilmember Butler stated he used the service, it is affordable, and encouraged residents to use this service.

SKETCH PLAN REVIEW – 1326 AND 1346 161ST AVENUE NW – TAMARACK LAND DEVELOPMENT LLC (APPLICANT)

Community Development Director Janish reviewed the purpose of a sketch plan, which is to provide input to a developer prior to a significant investment into a project. Mr. Janish identified the location of the development, stated it is comprised of 22 lots, and has 4 access points. Mr. Janish stated the homes will be connected to City water and sewer. Mr. Janish stated the land is zoned R-4 and cannot meet a higher density due to wetlands, floodplains, sewer capacity, and the styles of the surrounding houses.

Mr. Janish stated the Park and Recreation Commission recommended cash in lieu of land due to the proximity of a park. The Planning and Zoning Commission held a public hearing, and two issues of importance are preservation of trees and buffering between existing homes and new homes. Mr. Janish informed Council they have received a letter from a resident about tree preservation regarding this project.

Councilmember Barthel appreciates the cul-de-sac on the north end being temporary. He referred to a letter from an Oak View Middle School student and he thanked her and agrees to save as many trees as possible.

Councilmember Butler encouraged the developer to look at the cul-de-sac on 158th Lane and

provide more of a buffer between the existing home and new homes.

Mayor Bukkila appreciates the opportunity to look at the plan. She said most of the trees that would be impacted are on the southern area. Mr. Janish said the biggest driver of tree removal is meeting storm water requirements. Mayor Bukkila stated a developer does not want to make impacts to a wetland because it is very costly. Mr. Janish stated developers avoid impacting wetlands because of mitigation requirements or buying wetland credits.

Mayor Bukkila stated due to the center cul-de-sacs and the infiltration basin, there is likely to be a clear-cut of trees in that area. Mr. Janish stated Mayor Bukkila is correct.

Mr. Janish noted a resident expressed concerns about water pressure during the Planning and Zoning Public Hearing. He said the information the City has indicates there should not be a water pressure issue. He stated the Engineering Department is working with the resident to identify the issue.

Brian Theis, Tamarack Land Development, came forward and stated they will preserve as many trees as possible. Mr. Theis stated they are looking at rotating the third cul-de-sac clockwise. Mr. Theis thanked the Council for their review.

COMPREHENSIVE PLAN TEXT AMENDMENT – CITY OF ANDOVER (APPLICANT)

The City Council is asked to consider the recommendation of the Planning & Zoning Commission and authorize the submittal of the Comprehensive Plan Text Amendment to the Metropolitan Council for review. Community Development Director Janish gave background information on the item as presented in the staff report. Mr. Janish stated a problem occurred when applying the minimum density requirement of 2.4 units per acre on some parcels due to sewer capacity, soils, wetlands, floodplain, environmental restrictions, and characteristics of surrounding neighborhoods. He explained if a property cannot meet the 2.4 units per acre, then it cannot be developed as the Comprehensive Plan is currently written.

Mr. Janish stated staff came up with a solution through a Comprehensive Plan Text Amendment which states properties guided Transitional Residential and Urban Residential Low could qualify for a reduction in minimum density if certain criteria are met. The property must be at least 1.75 units per acre, must meet 3 of 5 criteria, the City Council must reallocate the shortage in density to another property within the MUSA, and the City must report to the Met Council through the Plat Monitoring Program. Mr. Janish summarized the process as a density transfer.

Mr. Janish reviewed the discussions with the Metropolitan Council and the City Council. Mr. Janish stated the item went to the Planning and Zoning Commission on February 9th with a recommended approval (4 yes, 2 no, and 1 absent). The discussion of the Planning and Zoning Commission centered around that applicants could manipulate the amendment to their benefit. Mr. Janish believes there are safety measures in place to ensure the amendment works as planned.

Mr. Janish stated if this amendment is approved, staff will forward it to the Metropolitan Council for approval and then returned for formal adoption at a City Council meeting.

Councilmember Butler stated he supports moving forward with the amendment and the issue of developers taking advantage of it is unlikely. He stated the City should look at the language in the Resolution and make sure it reflects the purpose of the amendment. He stated the purpose is to use it only when development cannot occur unless this amendment is in place.

Mayor Bukkila stated her concern is that the areas being filled in have to be denser than the surrounding areas because they are operating under stricter density guidelines than the previous comprehensive plan guidance. She said it is trying to force a puzzle piece to fit in an odd situation. She stated by pushing density to a future project, the City may be forced to put an apartment building in the middle of the Rural Reserve where it does not belong. Mayor Bukkila asked what happens when there is not a suitable location to reallocate density. She stated by the Met Council's restrictions, you do not build on the land because they cannot meet the density criteria, or you push it on another property owner. Mayor Bukkila stated there is an unfair onus on the Council to plan for a future we cannot predict. Mayor Bukkila stated its about the Council making good decisions.

Councilmember Butler stated the Council cannot control what future Councils decide to do and that was his reason in memorializing the intent of this amendment. Mayor Bukkila stated Council has done as best they can so far, and they are trying to do a reallocation on 7th Avenue and Bunker Lake Boulevard, and Council has spent a year on identifying areas of the City that are appropriate for higher density.

Mr. Janish read part of the resolution which addressed the intent of the amendment. Mr. Janish addressed a typographical error in the resolution and stated the date listed in the first phrase should state December 15, 2020 and not December 15, 2021.

Mr. Janish stated without this amendment, some developments may not be able to move forward.

Mayor Bukkila stated if the Council adopts this, it does not mean the Met Council will accept it. Mr. Janish stated she is technically correct. City Administrator Dickinson stated if the Metropolitan Council does not accept it, staff would like the opportunity to present it to them and hear the reasons why it was not accepted.

Mayor Bukkila stated the Metropolitan Council is asking for unreasonable development. Andover is not a blank slate anymore. Mr. Janish stated staff has informed the Met Council of this and expressed they have set a box that Andover does not fit into. He stated staff has come up with a tool to help Andover meet the requirements with flexibility.

Mayor Bukkila asked if the resolution stated the City must make the transfer. Mr. Janish

stated the text it is in the Comprehensive Plan Amendment. The text states if the City is short in density, they must make up for it. Alternatively, if a development is over in density, the City can bank it and use it for a parcel that does not meet minimum density.

Councilmember Butler stated staff feels there are properties that will make up for it and the can will not be kicked too far down the road. Mr. Janish stated the transfer needs to occur within the same zoning district. He stated the smaller the property, the more limited you are on achieving density. The larger the property, the more flexible the infrastructure is and the easier to achieve the desired density.

Councilmember Butler asked when the City designates a density range, do they expect the development to be above the minimum or the maximum number. Mr. Janish replied the City would not go above the high limit of the range. He stated he does not expect there to be a large number of units that need to be transferred. He explained URL developments that are currently coming in are around 2.8 to 4 units per acre. The excess can be “saved” and used for a development where the land does not support a density greater than 2.4.

Councilmember Barthel stated he fully supports the amendment. He stated if the City has to make density changes, the City should do it right away and not kick the decision down the road and let it build up. He stated he likes that it stays within the guided land use. He explained this Council and future Councils should not push the decisions down the road.

Mayor Bukkila stated her hesitation is the north and south side of Bunker Lake Boulevard at 7th Avenue. She said the number of units needing to be transferred became large quickly. She stated she is less concerned in the 3 units per acre than the 8 units per acre and above. Mr. Janish stated this text amendment only applies to the URL – Urban Residential Low at 2.4 – 4 acres per unit. He stated it does not apply to anything above that range. Mr. Janish explained if a property in another land use designation cannot meet the minimum density requirement, the City would have to look at a Comprehensive Plan Amendment for that project and not use this method. Mr. Janish stated this process is being used to reallocate a handful of units and avoid the process of a costly Comprehensive Plan Amendment. Mr. Janish stated it is a short-term tool needed to develop these smaller infill parcels.

Motion by Barthel, Seconded by Butler, to adopt Resolution R021-21 amending the text of the Comprehensive Land Use Plan of the City of Andover to include language that allows certain properties within the URL-Urban Residential Low Land Use District to develop between 1.75 and 2.4 units per acre provided certain criteria are met as shown on Exhibit A, correcting the date in the first paragraph to state December 15, 2020.

Motion taken by roll call:

Councilmember Barthel - aye

Councilmember Butler - aye

Councilmember Holthus - aye

Councilmember Nelson - aye

Mayor Bukkila - aye

Motion carried unanimously.

CONSIDER COMPREHENSIVE PLAN AND MUSA AMENDMENT – PID# 24-32-24-43-0001 – CITY OF ANDOVER (APPLICANT)

The City Council is asked to review a Comprehensive Plan Amendment (CPA) for an unaddressed 1.9-acre parcel (24-32-24-43-0001) to change the Future Land Use designation of the parcel from Rural Residential to Transitional Residential, and to move the Metropolitan Urban Service Area (MUSA) boundary line from the westerly border of the parcel to its easterly border. Community Development Director Janish identified the location of the property and stated it does not meet the Rural Residential guidelines.

Motion by Barthel, Seconded by Butler, to adopt Resolution R022-21 amending the Comprehensive Land Use Plan of the City of Andover to include the following: move the Metropolitan Urban Service Area (MUSA) boundary to include the parcel, and change the land use designation from RR – Rural Residential to TR – Transitional Residential for the following parcel: 24-32-24-43-0001.

Motion taken by roll call:

Councilmember Barthel - aye

Councilmember Butler - aye

Councilmember Holthus - aye

Councilmember Nelson - aye

Mayor Bukkila -aye

Motion carried unanimously.

AUTHORIZE DISTRIBUTION OF EAW – FIELDS OF WINSLOW COVE

The Council is requested to determine that the Environmental Assessment Worksheet (EAW) for the Fields of Winslow Cove is complete and ready for publication. Community Development Director Janish stated the EAW for this project was mandatory due to the size of the development. Mr. Janish identified the location of the property on the east and west side of Prairie Road. Mr. Janish summarized the EAW findings as detailed in the staff report. Mr. Janish explained that if the Council deems the EAW complete, the document will be published on March 2, 2021 with a review period through April 1, 2021. After April 2, 2021, the document will come before City Council with a resolution of Negative Declaration, meaning no further review is necessary or if the Council decides more review is needed the City will complete an Environmental Impact Statement.

Motion by Butler, Seconded by Barthel, to adopt Resolution R023-21 determining that the Environmental Assessment Worksheet (EAW) for the Fields of Winslow Cove is complete and ready for publication and distribution for public review.

Motion taken by roll call:

Councilmember Barthel - aye

Councilmember Butler - aye

Councilmember Holthus - aye

Councilmember Nelson - aye
Mayor Bukkila - aye
Motion carried unanimously.

COVID 19 UPDATE

City Administrator Dickinson updated the Council on the primary changes to the COVID-19 response since the last meeting. He said the State has extended their order through March 15, 2021. He stated the City has not made many changes other than taking on additional capacity. The Anoka County Business Assistance Program has completed their application process and is making decisions on which businesses qualify.

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 said the City has issued 8 new home permits. The City is waiting on a number of plat submissions. The final budget document has been submitted to the GFOA and has received awards for the past 19 years and is expecting this year to be the 20th award. Mr. Dickinson is attending various community meetings. He stated there is a street utility fee bill making its way through the State Legislature providing for roadway improvements. He stated there is also Legislation looking at eliminating the PUD process. Mr. Dickinson thanked Parks Maintenance Supervisor, Jason Grode for his service to the City in the Parks Department.

MAYOR/COUNCIL INPUT

No report.

ADJOURNMENT

Mayor Bukkila declared the meeting adjourned at 8:42 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary
TimeSaver Off Site Secretarial, Inc

REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – FEBRUARY 16, 2021
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