

***REGULAR ANDOVER CITY COUNCIL MEETING – FEBRUARY 21, 2023
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, February 21, 2023, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Jamie Barthel, Ted Butler and Randy Nelson

Councilmembers absent: Rick Engelhardt

Also present: City Administrator, Jim Dickinson
 City Attorney, Scott Baumgartner
 Others

PLEDGE OF ALLEGIANCE

MEET THE ANOKA COUNTY SHERIFF AND DEPUTIES SERVING ANDOVER

Anoka County Sheriff Wise came forward and shared his background with the Council. Commander Lenzmeier introduced the Deputies, Investigators, School Resource Officers, and Crime Prevention Specialist serving Andover. Mayor Bukkila welcomed the Deputies and thanked them for their service.

ANOKA COUNTY SHERIFF’S OFFICE MONTHLY REPORT

Commander Lenzmeier provided the monthly report for January, stating the Department responded to 949 calls for service. There were 6 DWIs and 219 traffic stops. He reported 26 thefts, 10 felony arrests, 8 gross misdemeanor arrests, and 10 misdemeanor arrests. Commander Lenzmeier stated the Sheriff’s Department is working on hiring new deputies.

RESIDENT FORUM

No one came forward for Resident Forum.

AGENDA APPROVAL

Item 12 was moved after “Meet the Anoka County Sheriff and Deputies Serving Andover”.

Motion by Nelson, Seconded by Butler, to approve the Agenda as amended. Motion carries 4 ayes, 1 absent (Engelhardt).

APPROVAL OF MINUTES

February 7, 2023 Regular Meeting Minutes

Motion by Nelson, Seconded by Butler, to approve the February 7, 2023 Regular Meeting Minutes as presented. Motion carries 4 ayes, 1 absent (Engelhardt).

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 3 Approve Plans & Specs/Order Ad for Bids/23-2/2023 Street Reconstruction (See Resolution R020-23)
- Item 4 Approve Plans & Specs/Order Ad for Bids/23-17/2023 Full Depth Reclamation (See Resolution R021-23)
- Item 5 Accept Feasibility Report/Order Public Hearing/23-11A Through 23-11L/23-15/Prairie Rd. NW & 23-16/Andover Blvd. NW/2023 Mill & Overlay (See Resolution R022-23)
- Item 6 Approve Plans & Specs/Order Ad for Bids/21-39/161st Ave. NW & Tulip St. NW Reconstruction (See Resolution R023-23)
- Item 7 Approve Water Quality Cost Share Award & Agreement with Coon Creek Watershed District
- Item 8 Approve RFP/23-18, Nightingale St. NW & Crosstown Blvd. NW Roundabout & 23-19, Nightingale St. NW & Veterans Memorial Blvd. NW Roundabout
- Item 9 Approve Exempt Application
- Item 10 Approval of an Ordinance Amendment Renaming a Street North of Andover Crossings (Ordinance 212J)
- Item 11 Receive January 2023 City Investment Reports

Motion by Barthel, Seconded by Nelson, to approve the Consent Agenda as read. Motion carries 4 ayes, 1 absent (Engelhardt).

CONSIDER LOT SPLIT – 14034 CROSSTOWN BLVD NW – THOMAS MAY

The applicant requested this item be removed from the agenda as they were not able to attend the meeting.

APPEAL HEARING: CANNABINOID LICENSE DENIAL

The City Council is requested to hold an Appeal Hearing for a Cannabinoid License denial for the business at 1714 Bunker Lake Boulevard NW, Suite 106. City Administrator Dickinson explained the denial was based on proximity to an alcohol and drug treatment facility. Mr. Dickinson reviewed the appeal and the City's response.

Elliot Ginsburg, Attorney for the Appellant located at 333 Washington Avenue North, Suite 300 in Minneapolis, came forward and stated Nystroms is not a licensed drug and alcohol treatment facility. Mr. Ginsburg referred to several studies that stated cannabinoids and CBD can reduce alcohol and opiate use. He stated Mr. Alobaidi has invested over \$200,000 in his business and has a five-year lease without the ability to sell cannabinoid products.

Kristie Lazenberry, 38-110th Lane NW in Coon Rapids, came forward and stated she suffers from anxiety which Delta 9 products helps. She stated there is a benefit for Minnesota residents to have access to these products.

Michelle Bryers, 12840 Grouse Street in Coon Rapids, came forward and stated she uses CBD gummies for medical reasons. She stated Smokey's is a clean and legitimate place. Ms. Bryers stated she would like Smokey's to be able to continue to sell those products.

Melissa Lundgren, 1753 – 128th Avenue NW in Coon Rapids, came forward and stated she suffers from anxiety and PTSD. She explained the gummies help her sleep. Ms. Lundgren stated the store is beautiful and she does not want to go anywhere else to get her products.

Mr. Ginsberg stated Mr. Alobaidi has a license to sell hemp derived cannabinoid products in St. Cloud. He has not received any citations or violations. Mr. Ginsberg stated there is no glass paraphernalia in the store per Andover City Code.

City Attorney Baumgartner stated the City received a letter from the Chief Operating Officer of Nystrom and Associates that indicates it does provide alcohol and drug treatment services. He explained it is not the City's purview to investigate if Nystrom and Associates is operating under state licensing. Mr. Baumgartner stated there are materials that support the pros and cons of CBD and cannabinoid products. Mr. Baumgartner clarified the City's ordinance allows businesses to sell CBD and products with trace amounts of THC or less without a license. Mayor Bukkila

explained the City only licenses businesses that sell products above trace amounts up to the State Statute.

Mr. Baumgartner noted the timeline of the business opening and their intent to sell cannabinoid products prior to Minnesota State Legislature regulating them. Mr. Baumgartner stated local authorities have the right to enforce laws if it doesn't conflict State Statute. He stated the City has a right to regulate where products are sold, and it does not conflict with the State.

Councilmember Butler stated the City has established an ordinance and the arguments brought up is information for the Council to discuss at a different time. Mr. Baumgartner indicated the State Legislature will be addressing many of these issues if they legalize marijuana. He stated there are pros and cons to both sides. Mr. Baumgartner explained the Council is addressing whether the City was correct in denying the license and what, if anything, should be modified.

Councilmember Butler asked if there was a location in the City where individuals can purchase THC products. Mr. Dickinson stated one license has been issued that does not violate the proximity requirement. He noted the City has received 3 applications, 1 of which has been approved. Mr. Dickinson stated the City can permit up to 3 licenses for selling THC products.

Mayor Bukkila stated the City does not dispute Nystrom and Associates letter stating they provide drug and alcohol treatment services. She addressed the issue of the applicant not being able to acquire an application and stated it was weak at best. Mayor Bukkila stated staff used the correct process and the applicant did not follow through. She stated City staff work very hard to assist residents and businesses.

Mayor Bukkila stated the City is not prohibiting the sale of THC products in the city and is not arguing the pros and cons of the products. She noted there is a business that sells THC products. Mayor Bukkila stated the City is not going to expose residents unnecessarily to the products.

Councilmember Nelson stated the City Council supports Andover businesses, but the number one priority is safety.

Mr. Ginsberg asked which business was granted a license. Mr. Dickinson stated it is Pure X-hale. Mr. Ginsberg asked if the City looked into therapists or mental health clinics within 1,000 feet of the business. Mr. Dickinson stated they did and there were no proximity concerns.

Motion by Butler, Seconded by Nelson, to uphold the denial of the cannabinoid application for HA Smokeys Tobacco. Motion carries 4 ayes, 1 absent (Engelhardt).

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 stated the City plowed until 5:00 a.m. and pulled the plows off so as not to interfere with traffic. Plows will be out again in the night. Mr. Dickinson advised residents to not park on the streets. He explained streets and schools are the priority and trails will be plowed when there is time. Mayor Bukkila stated drivers need 8 hours of rest between shifts. Mr. Dickinson stated the plows will be out as much as possible. Mayor Bukkila asked staff to post snow removal info on social media. Mr. Dickinson stated the City has posted it on Facebook. Mr. Dickinson stated the House and Senate bonding bill did not include the Red Oaks neighborhood. He indicated there are unassigned funds that can be allocated to Red Oaks. The Governor has the Red Oaks neighborhood in his bonding bill. Mr. Dickinson stated there are several inquiries for development within the City.

Councilmember Nelson stated State Legislators and the Governor asked for funding for Red Oaks at different amounts. He asked how much Mr. Dickinson thinks the City will get. He asked if there will be additional funds if there are more wells impacted. Mr. Dickinson stated the \$6.1 million is sufficient for the mitigation area. If the mitigation area increases, additional funds will be needed.

MAYOR/COUNCIL INPUT

(Snowstorm and Plowing) Councilmember Butler stated the snow is going to be long, drawn-out event and encouraged residents to be patient while the snowplow drivers plow and get their rest.

ADJOURNMENT

Motion by Barthel, Seconded by Nelson, to adjourn. Motion carries unanimously. The meeting adjourned at 8:13 p.m.

Respectfully submitted,

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

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