

***ANDOVER CITY COUNCIL WORKSHOP MEETING – FEBRUARY 23, 2021
MINUTES***

The Workshop Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, February 23, 2021 at 6:00 p.m., at the Andover Senior Center, 1685 Crosstown Blvd NW, Andover, Minnesota.

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

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
City Engineer/Public Works Director, David Berkowitz
Community Development Director, Joe Janish
Associate Planner, Jake Griffiths
Assistant Public Works Director, Todd Haas
Others

UPDATE ON THE LOWER RUM RIVER WMO 4th GENERATION DRAFT PLAN

Mr. Haas stated the Lower Rum River Watershed Management Organization (LRRWMO) is currently in the process of finishing their 4th Generation Watershed Management Plan in accordance with state rules for surface water management. The plan must be updated every 10 years. Mr. Haas reviewed each section of the report and stated the bulk of the work that the LRRWMO and cities do is in Section 2. Mr. Haas explained the State is looking for how cities are going to attain measurable goals.

Councilmember Holthus asked what the City has to do if another agency expresses dissatisfaction with this study. Mr. Haas replied the WMO will likely go to their consultant engineer to resolve the issue and update the study.

Councilmember Holthus stated there has been a lot of work on the Rum River to secure the shoreline and asked who is doing that work. Mr. Haas stated the work being done is called revetments and is being supervised by the Anoka Conservation District. Councilmember Holthus asked how the project was being funded and if the City was contributing. Mr. Haas replied the funding is coming through the WMO and grants, and the City is contributing through the WMO.

Mr. Berkowitz stated the Anoka Conservation District takes the lead on projects and the City directs the funding through the WMO to help make those improvements. Mr. Haas stated projects must be identified in the 4th Generation Plan in order to get grant funding.

Mr. Haas stated the LRRWMO has to provide an annual report to the Board of Water and Soil Resources (BWSR) on the activities they have accomplished. He explained public education is a priority for BWSR and educating the public on how they can help keep water clean.

Mr. Haas stated the WMO, with help from partnering city staff, has completed the Grading, Stormwater Management and Erosion/Sediment Control Permit Application. Mr. Haas stated the LRRWMO reviews grading, drainage and erosion control plans to ensure that the stormwater design requirements are being met and erosion control measures are in place to minimize erosion to water resources such as wetlands, streams, rivers, and lakes. He stated the WMO is also responsible for enforcing the Wetland Conservation Act.

Mr. Haas stated the 4th Generation Plan is currently being reviewed by member cities and the WMO hopes to have it out for review by other organizations in late March.

Mr. Berkowitz stated Mr. Haas is getting close to retirement and will not be on the LRRWMO Board upon his retirement. He stated some of his duties will be transferred to Kameron Kytonen, but the Board position cannot be held by a staff member. Councilmember Holthus stated she had volunteered to take the position on the LRRWMO Board and is currently serving as Mr. Haas's alternate.

Mr. Haas stated the LRRWMO is looking to hire a part-time position to manage the WMO, write reports, and follow through on projects.

Mayor Bukkila stated this is a multi-level government organization with unfunded mandates. She explained it starts at the Federal level and National Security because water is a fundamental life necessity. She stated you want someone on the Board who is vested with where the dollars are going because residents are being taxed for it.

Mr. Berkowitz stated there are many levels of government involved in water management: cities, DNR, Met Council, MPCA, BWSR, and WMOs.

Councilmember Butler stated there was not much information about invasive species in the 4th Generation Plan and asked if that was outside the realm of the LRRMO. Mr. Haas replied invasive species are addressed in the One Watershed One Plan on the next agenda item.

UPDATE OF THE RUM RIVER ONE WATERSHED ONE PLAN

Mr. Haas stated all the counties along the Rum River and their respective Conservation District

have a representative on the Rum River Watershed. He explained the Rum River Watershed Policy Committee is developing the Rum River One Watershed One Plan (1W1P). This plan addresses areas of the Rum River that are impaired and do not meet minimum standards. Mr. Haas stated the impaired areas are generally concentrated around farmland. The plan is about 50% complete and will be sent out for comment and approval by the end of the year. After the plan is approved, there will be a Joint Powers Agreement among the counties to implement the plan and the Rum River Watershed will be eligible for grant funding opportunities to clean up the impaired sections of the Rum River.

REVIEW PROPOSAL/21-28, INTERSECTION STUDY/NIGHTINGALE STREET NW AND VETERANS MEMORIAL BOULEVARD/21-29, INTERSECTION STUDY/CROSTOWN BOULEVARD NW AND CROSTOWN DRIVE NW

Mr. Berkowitz reviewed previous discussions about pedestrian crossings at these intersections and the need to get a study completed to determine what crossing is best. Mr. Berkowitz stated the City received a proposal from Bolton & Menk, Inc (BMI) to provide a study and exhibits for these projects. The proposed cost is \$20,392 for Nightingale Street and Veterans Memorial Boulevard and \$26,984 for Crosstown Boulevard and Crosstown Drive. Mr. Berkowitz asked Council if they wanted to move forward with the study. He said the study would provide a Justification Report which is needed for work on a State Aid Route or County Road. Mr. Berkowitz stated it is a large dollar amount, but not a wasted dollar amount, as it provides important information the City will use.

Councilmember Barthel asked what was budgeted for this project. Mr. Berkowitz stated there is \$250,000 budgeted for Nightingale Street and Veterans Memorial Boulevard. He said a mini roundabout will be more than that. Mr. Berkowitz stated there is nothing budgeted for improvements to Crosstown Boulevard and Crosstown Drive. Mr. Dickinson stated if Council wanted to move forward with the projects, staff would re-evaluate the Road and Bridge Fund and ask Council to make a budget amendment if that was necessary.

Mayor Bukkila asked if staff got bids for the study. Mr. Berkowitz stated the City has a pool of consultants they work with and have not gone out for Requests for Proposals (RFP) for this specific project. Mayor Bukkila stated she would like it competitively marketed. Mr. Berkowitz asked if Council would like staff to send out RFPs for the intersection studies. Mayor Bukkila and Councilmember Nelson stated they would like it competitively bid. Mr. Dickinson stated the project itself will be competitively bid and the City has the ability to select their own professional consultants based on qualifications.

Councilmember Butler asked if the City had a policy on when it needs to go out for bid. Mr. Dickinson stated the City follows State Statute which requires price quotes up to \$75,000 and bids for higher amounts. Mr. Dickinson explained professional services work is generally through Requests for Proposals, multiple proposals, or selecting a reputable consultant.

Mayor Bukkila stated she is looking for three businesses to give them pricing on completing a study. Mr. Dickinson stated that would be the RFP process.

Councilmember Holthus asked how much time it would take to get additional proposals and if it would slow things down. Mr. Berkowitz stated the process will not affect the grant funds, but it will add about a month to the process.

Mr. Berkowitz stated BMI has all the information on the grant for the intersection and they are currently working with the County.

Councilmember Butler stated pricing is an important factor but not the only factor. Staff can choose someone they are comfortable working with.

Mayor Bukkila stated the City does not have to accept the lowest cost. She does not want to see a business having a foothold in an area and see their prices graduate with time. Mr. Dickinson stated the City works with multiple firms and certain firms have specialty services.

Councilmember Butler stated there was \$250,000 budgeted for the Nightingale Street/Veterans Memorial Boulevard intersection and asked if the project could be completed this year. Mr. Berkowitz stated it will be difficult to get it completed this year. He stated the HAWK system would be easier to get installed, but a mini roundabout would likely go into next year.

Mayor Bukkila stated the Fire Chief would like a light indicating an emergency vehicle is approaching. Mr. Berkowitz replied the City will have multiple meetings and the Fire Department will participate so their needs and concerns can be addressed.

Councilmember Barthel stated he is fine looking at a different consultant for the Crosstown Drive/Crosstown Boulevard intersection but prefers BMI for the Nightingale/Veterans Memorial intersection because they are already doing the intersection at Crosstown Boulevard and Nightingale Street and the City has money budgeted for the project.

Councilmember Butler stated he is in support of moving forward with BMI for the Nightingale/Veterans Memorial study because it will get the City the answer as to what is more appropriate for the intersection: a HAWK system or a mini roundabout.

Councilmember Holthus stated she supports moving forward with Nightingale/Veterans Memorial and wants to move forward with the project as soon as possible.

Mayor Bukkila stated it seems logical to have the same consultant work on both intersections. She does not think a month delay is too long.

Councilmember Butler stated if the City decides a mini roundabout is not the way to go, it may

make it impossible to install something else this year.

Mayor Bukkila stated she does not believe a HAWK system is going to work so she would rather get it done all at once by one consultant.

Councilmember Butler asked why the City would need a study if it were already decided a mini roundabout is the way to go. Mayor Bukkila stated no matter what, the City will need the study to justify the improvement. Mr. Berkowitz stated the study will also give the City a dollar amount for the project.

Mayor Bukkila stated the projects are 1-3 years out, so a month is not a long delay to have three consultants provide price quotes on a study for the two intersections.

Councilmember Butler stated he is open to the mini roundabout, but the City budgeted for a pedestrian crossing in 2021 and the City should be open to the best option provided by the consultant and move forward as fast as they can.

Mayor Bukkila replied neither crossing option (HAWK or mini roundabout) are in the City now and what the Council decides will set precedence for every other area in the City. She stated she wants to be thoughtful in the process. She asked if a month is a reasonable delay for a \$250,000 project and does not want to rush the process.

Mr. Berkowitz stated timing can be a big factor and a month delay can be significant. He stated Lennar submitted plans along Prairie Road with no pedestrian improvements. He agreed it will set precedence and it will come up in the Prairie Road discussion. Mr. Berkowitz replied having the information about safe crossings at these two intersections can be used in the discussion with Lennar about Prairie Road pedestrian crossings. Mr. Berkowitz stated there will not be a big difference between price quotes at the study level.

Mayor Bukkila stated she has changed her mind since the variation in proposals would likely be minor in cost. Council reached consensus to move forward with BMI for the intersection study.

COMPREHENSIVE PLAN AMENDMENT DENSITY

Mr. Janish stated the City received a Comprehensive Plan Amendment request from a developer looking to develop the property south of Bunker Lake Boulevard at the intersection of Bunker Lake Boulevard and 7th Avenue called Andover Village. The developer is proposing 49 units over 8.3 acres and the net density is expected to be 5-6 units per acre and the site is guided 8-12 units per acre. Mr. Janish stated the City needs to make up for 60 units of affordable housing. Mr. Janish said the 60 units were initially planned to be transferred to a parcel on the north side of Bunker Lake Boulevard, but the developer of the north parcel does not believe the market will support additional units. Mr. Janish stated bumping the north parcel to 20-25 units per acre will

jeopardize their project.

Mr. Janish identified the redevelopment area (C), Andover EDA property adjacent to Andover Station North (D), Hanson Boulevard and Bunker Lake Boulevard County property (E), and the Holasek (F) sites as opportunities to increase density.

Mr. Dickinson stated the property at Hanson Boulevard and Bunker Lake Boulevard is County land and the County could build or market a senior apartment building when and if the County desires, in the meantime, government use is allowed in all zoning districts.

Mr. Janish stated if the Council reaches a consensus tonight, the Planning and Zoning Commission can have a public hearing on March 9th, submit the amendment to the Met Council, and if approved, returned for formal adoption by the City Council.

Councilmember Barthel stated he is not overly excited about transferring units from the Andover Village development and does not want the developer to think it is a done deal because there are many steps the City needs to take. He stated he supports moving the 60 units to the property labeled E in the staff report.

Councilmember Butler supports transferring the units to area E, followed by C as his second choice.

Councilmember Holthus stated she supports increasing units per acre in area C or E. She stated her first choice is E.

Councilmember Nelson supports increasing units per acre in area E.

Mr. Janish asked if the Council would be open to seeing a proposal for a development with a higher density at area F, the Holasek property. It is currently set for 4-8 units per acre.

Mayor Bukkila stated anything higher than 8 units per acre is not neighborly. The Council reached consensus to leave the area at 4-8 units per acre.

Mayor Bukkila stated she is not happy with the whole scenario especially with the work the City did with density in the Comprehensive Plan. She said it is really getting hard being the body in the middle and trying to get everything to work. Mayor Bukkila stated the best worst decision is to have a senior apartment building on the corner of two County Roads so she would support the increased density at area E.

DAYCARE FACILITIES WITHIN RELIGIOUS INSTITUTION

Mr. Janish stated the Council is asked to consider daycare facilities located in religious

institutions that are not affiliated with the institution. Mr. Janish stated if the daycare is associated with the religious institution, they have more latitude on what they can do. He stated there is an issue when the church rents it out to a private business.

Mayor Bukkila asked if there is a way to have the daycare meet the concerns of the building official. Mr. Janish stated they will have to make modifications to the building to accommodate the daycare. Mr. Janish explained the City Code would need to be changed to state daycares can operate in a religious institution if legally permitted.

Councilmember Butler asked what happens when a religious institution becomes primarily a daycare facility with a little bit of religious activity. He stated the land is not on the tax rolls and is now operating a portion of the building as a commercial property. Mr. Janish stated it will be up to the local assessor to evaluate it. He stated if the building is being leased to a for-profit entity, it becomes taxable. Mr. Dickinson explained it is called Payment in-lieu of Tax and a portion of the building could be taxed as any other commercial property.

Councilmember Butler stated the Andover Y has asked to increase some services and the City discouraged it because it would be in competition with local businesses paying property taxes. He said he wants to make sure the City is not supporting the same thing in a church. Mr. Janish replied a church can open a daycare anytime and the City has no say in it and the City does not collect taxes on the property.

Councilmember Barthel stated New Creations in Riverdale Church was not affiliated with the Church so it was not operating according to Code.

Mayor Bukkila stated she is okay with the use as long as the City is not showing preferential treatment and the free market is driving the lease.

Councilmember Barthel stated the daycare will pass along the property taxes to the customer and then Andover residents are being taxed twice. Councilmember Butler replied that is how every other business operates. Mayor Bukkila stated every time you go to the grocery store you are paying property taxes.

The Council reached consensus to move forward with a daycare being an accessory usage in a religious institution.

OTHER ITEMS

Mr. Dickinson stated the next few workshop agendas are quite full. Constance Free Church will give a presentation at the next meeting. Mr. Dickinson will also bring forth budget and street construction discussions and the Community Center Advisory Commission transition. He stated the next Council meeting has one item for a lot split. Capstone Homes and Lennar have large

projects coming up and will put a strain on staff.

Councilmember Holthus asked where new home starts will be for 2021. Mr. Dickinson stated he believes there will be 50-60 new home starts for 2021. He said the lot inventory is extremely low in Andover and lot prices are going up. Councilmember Holthus asked how lumber prices are doing. Mr. Dickinson stated they are rising. Mr. Dickinson stated concrete pricing is leveling off and if oil prices go up, that will increase the cost of road construction.

ADJOURNMENT

Mayor Bukkila declared the meeting adjourned at 7:30 p.m.

Respectfully submitted,

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