

***REGULAR ANDOVER CITY COUNCIL MEETING – MARCH 7, 2017
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Julie Trude, March 7, 2017, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Mike Knight, Sheri Bukkila (arrived at 7:02 p.m.), Valerie Holthus and James Goodrich

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
Community Development Director, Joe Janish
Director of Public Works/City Engineer, David Berkowitz
City Attorney, Scott Baumgartner
Others

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION - QCTV

Karen George, Executive Director of QCTV recognized Mayor Trude’s contributions to the QCTV Commission by awarding her the Distinguished Service Award for leadership and dedicated service to the Andover community. Councilmember Goodrich is stepping into that role on the Commission.

Councilmember Bukkila arrived at 7:02 p.m.

RESIDENT FORUM

No one wished to address the Council.

AGENDA APPROVAL

Supplemental information was submitted for Item #12

Mayor Trude requested that Item #3 be moved to follow Item #12 to allow for a presentation regarding upcoming activities at Bunker Hills Park.

Councilmember Bukkila also asked to pull Item #6 for discussion after Item #3.

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

APPROVAL OF MINUTES

February 21, 2017, Regular Meeting: Correct as written.

Motion by Holthus, Seconded by Knight, to approve the minutes as presented. Motion carried unanimously.

CONSENT ITEMS

- Item 2 Approve Payment of Claims
- Item 4 Approve Plans & Specs/Order Ad for Bids/14-15/Fox Meadows Park Redevelopment
(See Resolution R018-17)
- Item 5 Award Bid/14-15/Fox Meadows Park Well Construction (See Resolution R019-17)
- Item 7 Approve Massage Therapist License/1883 Station Parkway NW
- Item 8 Approve Application for Exempt Permit/Andover Lions Club
- Item 9 Approve Temporary 3.% Malt Liquor License/Andover Lions/Fun Fest

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

CONDITIONAL USE PERMIT/LIQUOR SALES/13650 HANSON BLVD NW, SUITE 102/JOY KITCHEN

Mr. Janish reviewed the information with the Council. The applicant proposed to have liquor sales at a new establishment known as Joy Kitchen, located in the Shops@Andover. The Shops@Andover building is located at the intersection of Bunker Lake Boulevard and Hanson Boulevard.

City Code 12- 12 requires a Conditional Use Permit (CUP) for liquor sales in the Industrial District. Once a CUP is approved, the applicant will be required to obtain a liquor license that will be issued by the City Council. In granting a Conditional Use Permit, the City Council considers the advice and recommendation of the Planning and Zoning Commission and the effect of the proposed use upon the health, safety, moral and general welfare of occupants of surrounding lands. Staff believes the CUP will not affect the health, safety, moral and general welfare of the occupants of surrounding lands. Existing and anticipated traffic conditions, including parking facilities on adjacent streets and land must also be considered. Staff believes the CUP will not generate additional traffic to the commercial area. Parking facilities are adequate and provide the required number of parking spaces as required by City Code. The effect on values of property and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan must also be considered. Restaurants are a permitted use within the commercial districts and liquor sales are allowed with a CUP and liquor license. Staff believes the CUP will not have a negative effect on surrounding property values.

The Planning and Zoning Commission made their recommendation on February 28, 2017 when they held a public hearing regarding the CUP request in which there was no public input. The Planning and Zoning Commission recommended approval on a 5-0 (2 absent) vote.

In considering the request, Mayor Trude inquired if hard liquor would be served. Mr. Dickinson confirmed that the license would be for beer and wine and would be considered as the next agenda item.

Motion by Holthus, Seconded by Knight, to approve Resolution No. R020-17, approving the Conditional Use Permit request for liquor sales located at 13650 Hanson Blvd NW, Suite 102. Motion carried unanimously.

APPROVE ON-SALE BEER/WINE LICENSE/13650 HANSON BLVD NW, SUITE 102 JOY KITCHEN

Mr. Dickinson explained Tsang Cheong Kwok has applied for an On-Sale Wine License for Joy Kitchen located at 13650 Hanson Boulevard NW, Suite 102.

The Sheriff's Office has completed their background investigation. The investigation came back satisfactory.

Motion by Holthus, Seconded by Bukkila, to approve the liquor license for the period of March 8, 2017 through December 31, 2017. Motion carried unanimously.

The owner of Joy Kitchen stated the restaurant will serve Japanese, Chinese and Thai food. They hope the restaurant will open to the public in April, if all goes well.

Mayor Trude commented that Dunkin' Donuts should be open in a few weeks and she is looking forward to the cuisine at Joy Kitchen.

CONSIDER CLASSIFYING DANGEROUS DOG/14760 7TH AVENUE NW

Mr. Dickinson reviewed the staff report with the Council. He noted the owners were not in attendance at the meeting.

The City Council was requested to receive a presentation, gather testimony and to consider adopting the resolution declaring a Pitbull, named Titus, a dangerous dog.

Police reports and correspondence were provided to the Council explaining the circumstances of incidents with the dog. February 23, 2017 in a police report dog owner Leopoldo Silguero stated to a deputy that the dog had been relocated. In Mr. Dickinson's opinion, due to the severity of the attack, administration decided to hold the public hearing to determine whether or not to classify Titus as a dangerous dog in the City of Andover, in the event the dog ever returns to the City.

To declare an animal a dangerous dog/cat, the criteria are as follows: 1. without provocation, inflicted substantial bodily harm on a human being on public or private property; or 2. without provocation, killed or inflicted substantial bodily harm on a domestic animal while off the owner's property; or 3. been found potentially dangerous, and after the owner has been notified that the dog/cat is potentially dangerous, the dog/cat aggressively bites, attacks, or endangers the safety of humans or domestic animals. Emphasis was placed on criteria number 2.

Mr. Baumgartner also noted no one was there to testify. He noted that the police report would be evidence to criteria number 2. He stated he had also reviewed the letter submitted by the dog owner.

Mayor Trude restated there was no one in the audience at the time of the discussion item.

Mr. Baumgartner confirmed the Council was entitled to name Titus, if it so chooses, as a dangerous dog.

Mr. Silguero had been informed of the time and place of this meeting and could appear to provide testimony. The following is a chronology leading to this hearing: February 18, 2017 — Police report stating said dog ran onto the neighbor's property and attacked a Toy Poodle causing significant injury. Due to his injuries, the Toy Poodle was euthanized. February 22, 2017 — "potentially dangerous" dog notification was sent to Mr. Silguero. February 23, 2017 — Police report stating the Deputy followed up with Mr. Silguero who stated his Pitbull Titus has been relocated. February 27, 2017 — "dangerous dog" hearing notification for the Pitbull Titus was sent to Mr. Silguero.

Motion by Goodrich, Seconded by Holthus, to approve Resolution No. R021-17, declaring a dog owned by Leopoldo Silguero, 14760 7th Avenue NW, as a dangerous dog pursuant to City Code Title 5, Chapter 1, Section 5-1A-11.

Mr. Baumgartner indicated this motion is taking all of the evidence into consideration. Each councilmember outwardly acknowledged that they considered all of the facts in the case.

Motion carried unanimously.

Mayor Trude reiterated this dog is no longer in the state of Minnesota. Mr. Dickinson clarified this action was taken by the City, not an action taken by individuals in the neighborhood.

APPROVE RESOLUTION OF SUPPORT/ANOKA COUNTY BUNKER HILLS REGIONAL PARK MASTER PLAN AMENDMENT

Mr. Dickinson described amendments to the Bunker Hills Regional Park Master Plan Amendment. These included: a road reconstruction project, Activity Center/Maintenance Garage – city water and sewer, 2 new outdoor gathering areas to handle other activities/outdoor seating (a second seating area would be in the place of the greenhouse, which is no longer actively used that way), and trail access to Goldenrod Street at a better and safer access point to

connect to the Activities Center. Other capital items would be paving the trail on the north side of the development to make a trail connection, cold storage at the current Activities Center, expansion of water and sewer at the central maintenance shop, upgrades to the bathroom area, storage and cold storage. The overall budget for the project would be \$6.2 million. It was noted these upgrades will have the possibility of getting outside grant funding.

Councilmember Knight wondered why 100 additional outdoor seats would be helpful. Mayor Trude indicated there is a lot of demand for family events outdoors such as weddings and graduations.

Councilmember Holthus asked if residents could currently drink from a drinking fountain at the Activities Center. Mr. Dickinson stated he did not know exactly why water quality has been an issue.

Councilmember Holthus stated she is supportive of additional outdoor space, better water and new trails.

Motion by Holthus, Seconded by Knight, to approve Resolution No. R017-17, in support of the Anoka County's Bunker Hills Regional Park Master Plan Amendment. Motion approved unanimously.

AWARD CITY CONTRACT FOR EMERALD ASH BORER (EAB) INJECTIONS/15-28

Councilmember Bukkila asked for a budget clarification regarding the City's EAB program, specifically as to whether or not this was an annual budget item or recurring item. Mr. Dickinson indicated the City had set aside \$5,000 and if it is not used, it will be set aside again next year. Further clarification brought forward that it is a pool of \$5,000, with a one-time access by residents.

Mr. Dickinson stated for a resident's expense of \$100.00, the City would pay up to 20% with a maximum of \$75 per property on a first come-first serve basis. He indicated the treatments can be very effective. The company identified will guarantee the health of the ash tree for up to 3 years. Councilmember Bukkila continued by commenting that he is not typically in favor of City expenditures on private property, but it is a majority issue and he is in favor of a discounted rate. His support is for a one-time program, but not an annual allotment for reimbursement.

Mayor Trude noted she sees it as a carrot like the City did for Oak Wilt and she was able to save trees on her property. Councilmember Holthus also commented she was able to save a lot of oak trees on her property through that same program. Councilmember Knight recounted that Ham Lake went through this last year with the Emerald Ash Borer.

Motion by Holthus, Seconded by Knight, to accept quotes and award the City Contract for EAB injections to YTS Companies, LLC. Motion passed unanimously

SCHEDULE JOINT MEETING WITH OPEN SPACE ADVISORY

Mr. Dickinson requested the Council schedule a Joint Meeting with the Open Space Advisory to discuss topics as detailed in the staff report.

The Council discussed the draft agenda and available dates.

Motion by Goodrich, Seconded by Knight, to schedule a Joint Meeting with the Open Space Advisory on May 10, 2017, at 6:00 p.m. Motion carried unanimously.

SCHEDULE APRIL WORKSHOP

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 Knight, Seconded by Bukkila, to schedule a Workshop Meeting on April 25, 2017, 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.

(Meetings) Mr. Dickinson recounted recent meetings he had attended. He continues involvement with legislative issues both locally and on the State level related to the State Metro Governance Transparency Initiative. The public meeting on Hanson Boulevard reconstruction was not well attended, with only about 50-60 residents there. Mr. Dickinson felt there were good comments and discussion. Concerns were raised regarding planned detours and trails on both sides of Hanson Boulevard as well as sound walls and issues related to powerline easements. Other recent involvement in the community includes the Youth First Board and the Mayors' Prayer Breakfast. Mr. Dickinson was also recently interviewed for the League of Minnesota Cities for their newsletter where he talked about the Andover Community Center and other kinds of partnerships the City is involved in.

(Development) Mr. Janish indicated that they were finishing plans and specs on projects. The City is hearing from different developers regarding interest. Smaller businesses are looking for 1 and 2 acre lots, City staff are offering additional information about locating in the City of Andover. Comp Plan amendment work has begun. The North Suburban Home Improvement Show is planned for the coming Saturday, and they are hoping for a good turn-out.

MAYOR/COUNCIL INPUT

(Mayor) Mayor Trude indicated residents are happy with those they hired from vendors at the Home Show. The Parade of Homes has started. Ten homes are open for viewing in the City.

The Mayors' Prayer Breakfast was a nice fundraiser. There will be upcoming detours related to road closures and reconstruction of Bunker Lake Boulevard. The National Mayors Water Challenge is being launched April 3rd at Mall of America. She would like to see if Minnesota can get a few more Minnesota cities on the map. April is the month when people can sign up on-line.

Following the City Council meeting, the Council held a Workshop regarding the upcoming survey to residents.

ADJOURNMENT

Motion by Knight, Seconded by Holthus, to adjourn. Motion carried unanimously. The meeting adjourned at 7:58 p.m.

Respectfully submitted,

Marlene White, Recording Secretary

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