

**REGULAR ANDOVER CITY COUNCIL MEETING – JANUARY 16, 2024
MINUTES**

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Bukkila, January 16, 2024, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Councilmembers present: Jamie Barthel, Ted Butler, Rick Engelhardt, and Randy Nelson

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

RESIDENT FORUM

No one came forward to address the Council.

AGENDA APPROVAL

Motion by Nelson, Seconded by Butler, to approve the Agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

January 2, 2024, Regular Meeting: Correct as written.

Motion by Barthel, Seconded by Nelson, to approve the January 2, 2023, Regular meeting minutes as presented. Motion carried 4 ayes, 1 present (Butler).

CONSENT ITEMS

Item 2 Approve Payment of Claims

Item 3 Order Improvement/Order Plans & Specs/23-12/Crosstown Blvd. NW Trail (See Resolution R008-24)

Item 4 Approve Plans & Specs/Order Ad for Bids/23-38/Red Oaks Water Contamination

Mitigation (See Resolution R009-24)

Item 5 Accept Feasibility Report/Order Public Hearing/24-11, 2024 Full Depth Reclamation (See Resolution R010-24)

Item 6 Accept Feasibility Report/Order Public Hearing/24-15, 2024 Mill & Overlay - Bunker Lake Village (See Resolution R011-24)

Item 7 Order Improvement/Order Plans & Specs/24-18/Public Works West Parking Lot Construction (See Resolution R012-24)

Item 8 Approve Purchase Agreement & Easement/23-13, WM Improvements - Crosstown Blvd. NW (RR Tracks to 158th Ave. NW) - Andover Blvd. NW (Vale St. NW to Prairie Rd. NW) - Prairie Rd. NW (Andover Blvd. NW to 157th Ave. NW) & 23-12A, Crosstown Blvd. NW Trail - Xeon St. NW to Prairie Rd. NW

Item 9 Accept Quotes and Award Quote for Tree Removal/23-12A, Crosstown Blvd. NW Trail & 23-13, WM & SS Improvements

Item 10 Approve Debt Service Payments

Item 11 Receive December 2023 City Investment Reports

Item 12 Approve 2024 Used Vehicle Sales Licenses

Item 13 Accept Contribution/Anonymous Resident/Fire Department (See Resolution R0013-24)

Item 14 Approve 2024 Tobacco License

Motion by Barthel, Seconded by Engelhardt, to approve of the Consent Agenda as read. Motion carried unanimously.

ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT

Commander Paul Lenzmeier provided a report for the year of 2023 including 13,272 calls for service which was an increase over 2022. He shared they saw a significant decrease in the number of thefts for the year, decreasing by 35%. He noted that damage to properties also decreased by 41%. He said there was an increase over the year in proactive enforcement. He shared there was a 67% increase in felony arrests for the year, an 83% increase in gross misdemeanor arrests, and a slight decrease in misdemeanor arrests. He added there was a 57% increase in DWIs. He noted that traffic stops also increased for the year. He shared they will be bringing in some new faces next month with new deputies moving through training. He explained they are also kicking off a new crime center position to provide updates to deputies in real time.

Councilmember Butler shared he has had a few residents reach out to him in regard to red light traffic enforcement. He asked Commander Lenzmeier to have the deputies continue to monitor this. Commander Lenzmeier stated they will continue to enforce this the best they can and hope to see these violations decrease in the coming year.

Councilmember Nelson asked if anything has been heard about the SRO situation at the legislature. Commander Lenzmeier stated it is one of their top priorities to get the SROs back in the schools. He noted they are keeping the pressure on the legislature to make some of these changes; however, he has not heard anything on this topic yet. He added that Sheriff Wise is on top of this.

Mayor Bukkila shared she was in a meeting with Sheriff Wise and the Anoka County Attorney's Office last week where they were informed there is currently some proposed legislation that is moving in the right direction to remove the SROs from the concerning language and specify some training for them uniquely for school situations. She stated this should have been the original proposal last year; however, it seems to be moving in the right direction.

Councilmember Nelson shared he read that the catalytic converter thefts have plummeted due to law enforcement. He noted that four individuals were arrested from Minnesota who were stealing and re-selling these catalytic converters. He added the prices for the precious metals in catalytic converters have also come down. Mayor Bukkila shared there is a bigger deterrence now as there is a unique law to target these crimes making the proactivity easier.

City Administrator Dickinson asked how many years the City has had a contract with the Anoka County Sheriff's Office. Commander Lenzmeier shared they are in their 50th contract year.

Mayor Bukkila shared her appreciation for the relationship between the City and the Sheriff's Office.

HOLD A PUBLIC HEARING/ORDER PLANS & SPECS/24-2/2024 STREET RECONSTRUCTION

The City Council is requested to hold a public hearing and order plans and specifications for Project 24-2, 2024 Street Reconstruction.

Director of Public Works/City Engineer Berkowitz reviewed the information with the Council concerning the 2024 street reconstruction project. He reviewed the timeline, overall costs, and funding of the project, including a combination of assessments and City funds. He discussed the assessment process and how these assessments are to be paid.

Councilmember Nelson asked when the property owners would have to pay their assessments to have it be interest free. Mr. Berkowitz said they have until 30 days after the assessment hearing to pay with no interest, which is typically the last meeting in October or the first meeting in November.

Mayor Bukkila shared there has been some flexibility in the past with some of the larger assessment amounts for the period to be longer if the public needed this. She asked when this would be appropriate to decide. Mr. Dickinson stated it could be decided at the time of the hearing and usually they would suggest that if this is done for one property owner that they do it for all property owners. He noted they have done 10-year periods in the past; however, they like to push these as quickly as possible. He shared they would look at different options to expand the current eight-year timeline if this is the direction the Council wishes to go.

Mr. Berkowitz stated that once they get to the assessment hearing, the assessment role will have already been presented so they would need to know the timeline before then. He said they would

likely need to have this information by September.

Mr. Dickinson asked how many properties will be assessed with this project. Mr. Berkowitz said around 90 properties.

Mayor Bukkila shared her concern lies with the assessments that are upwards of \$10,000. She said she would not want to extend the timeline for all 90 properties but rather just the few properties that are around \$9,000 to \$10,000 assessments. Mr. Dickinson noted they could make extensions to the timeline based on a certain dollar amount.

Mr. Berkowitz explained they could pick a dollar amount and when they send out the letters to the property owners, they can let them know that if they are over the set dollar value then they can request to extend their assessment period. He shared that these current numbers are just estimates and they could come in lower than they are being presented.

Councilmember Butler shared the concerns of Mayor Bukkila and noted it would be reasonable to set a figure at which the property owner would be presented with an option for an assessment period.

Councilmember Barthel agreed; however, he would suggest making the dollar value lower than the \$9,000-\$10,000 assessment values to be given the assessment period options and could be lowered to around \$8,000. Councilmember Nelson agreed.

Mayor Bukkila stated there seems to be a consensus about lengthening the assessment period for the larger assessments, starting around \$8,000. She added that this can be revisited if Staff looks at the numbers and finds reasons not to do this. She shared she would like to look at a 10-year option for any assessment that exceeds \$8,000.

Councilmember Engelhardt suggested looking at a hardship exemption. Mr. Dickinson shared that if a property owner meets an income requirement there is a hardship exemption.

Mr. Berkowitz asked if they could set this based on the estimates rather than the final numbers. The Council was in agreement with this.

Motion by Nelson, Seconded by Butler, to open the public hearing at 7:33 p.m. Motion carried unanimously.

Robert Edstrom, father of Jessica Edstrom who resides at 15123 Fox Street, came forward and shared that his daughter had purchased this home last year and this is going to be a tough thing for her after buying a new house. He shared they are on a corner lot and have a lot of front footage. Mayor Bukkila shared they would not end up with a double assessment for the side street.

Mr. Edstrom shared there is still a lot of front footage on the main road and they would be looking at a \$7,000 assessment which is a lot of money for a single mother with two children. He

recommended maybe looking at lowering the number to \$5,000 to allow for the option to extend the assessment period.

Motion by Nelson, Seconded by Butler, to close the public hearing at 7:35 p.m. Motion carried unanimously.

Mr. Dickinson suggested setting the dollar amount at \$5,000 to give the property owners options to extend their assessments if that is the ultimate direction of the Council. The Council agreed.

Mayor Bukkila explained they are providing a service to people to try to make hardship easier and these numbers continue to increase based on the cost of materials and labor. She shared that they could appreciate the concerns of Mr. Edstrom.

Motion by Butler, Seconded by Barthel, approving resolution R014-24 to order plans and specifications for Project 24-2, 2024 Street Reconstruction. Motion carried unanimously.

REMOVE FROM TABLE - CONSIDER COMPREHENSIVE PLAN AMENDMENT REQUEST - PID#23-32-24-33-0002 & PID#23-32-24-32-006 - TO CHANGE THE GUIDED LAND USE FOR THE ABOVE NOTED PROPERTIES FROM URHL - URBAN RESIDENTIAL HIGH LOW TO URH - URBAN RESIDENTIAL HIGH AND 1.5 ACRES OF NC - NEIGHBORHOOD COMMERCIAL. (APPLICANT: J.A. WEDUM FOUNDATION)

The City Council is requested to remove the item from the table before considering the Planning & Zoning Commissions recommendation and make a decision on the Comprehensive Plan amendment.

Motion by Butler, Seconded by Nelson, to remove the item from the table. Motion carried unanimously.

Community Development Director Janish reviewed the information with the Council in regard to the requested Comprehensive Plan amendment. He shared the recommendation of approval from the Planning & Zoning Commission.

Councilmember Butler asked if the change from URHL to URH does not reflect a change in density of residential units in the whole area that they are looking at. Mr. Janish said yes and that it is actually a reduction.

Mayor Bukkila asked for more information on the discussion with the applicant on an age stipulation. Mr. Janish noted that this is senior housing, and that the applicant will have a certain process that they have to follow to meet the housing rules and regulation, so they do not run into age discrimination.

Mayor Bukkila shared one of her biggest concerns and why this item was tabled at a previous meeting was due to profiles and lack thereof, as well as the concerns with the senior age

requirements. She shared that the applicant was able to provide the Council with some renderings and new concepts. She noted that some residents have some concerns with this going to high density residential. She explained this area was originally zoned for commercial use. She noted that she has had to change from her original opinion that this should remain zoned for commercial to now bending to the idea of residential to reduce traffic. She stated this could have been zoned as low residential; however, the City needs to support the critical infrastructure and recreational amenities which are driven by revenue to the City. She noted this development is a solution to this problem. She shared that this is best land use for this area, and it will bring in more revenue than commercial uses would.

Councilmember Nelson agreed and shared that he has had many neighbors in the past who have had to move out of Andover due to a lack of senior living availability in the City. He emphasized the need for this type of housing as other similar housing facilities in the City are full.

Councilmember Butler shared that one of his driving factors for this is that this type of development would fit in the area the best. He noted this is a needed type of housing in the City. He added that it is also important that they look at what is available in terms of live cycle housing in Andover. He shared his appreciation for all the work that has been done by the applicant and Staff on this project.

Councilmember Barthel agreed that this type of use is the best use for the land at the given time; however, he does not know if it will still be the best use in the future.

Councilmember Engelhardt shared that development could be a resource for those currently in the community as well as those outside of the community that could come into the City for this development. He noted that he was also questioning the commercial aspect; however, the commercial use in the area would not be the kind that has cars coming in and out all day and would be professional services that would bring value to the community. He shared his appreciation for the patience and perseverance of the applicant as they work through this project.

Motion by Butler, Seconded by Nelson, to adopt resolution R015-24, amending the City of Andover future land use designations of PID#23-32-24-33-002 and 23-32-24-32-006 from URHL - Urban Residential High Low to URH - Urban Residential High and 1.5 acres of NC - Neighborhood Commercial. Motion carried 4 ayes, 1 nay (Barthel).

REMOVE FROM TABLE - CONSIDER REZONING REQUEST - PID#23-32-24-33-0002 & PID#23-32-24-32-006 - REZONE PROPERTIES FROM M-2: MULTIPLE DWELLING HIGH LOW DENSITY TO M-3 MULTIPLE DWELLING HIGH DENSITY AND NB - NEIGHBORHOOD BUSINESS. (APPLICANT: J.A. WEDUM FOUNDATION)

The City Council is requested to remove the item from the table before considering the Planning & Zoning Commission's recommendation and make a decision on the rezoning request.

Motion by Nelson, Seconded by Engelhardt, to remove the item from the table. Motion carried

unanimously.

Mr. Janish reviewed the information with the Council concerning the rezoning request which would be consistent with the previous motion that was just approved. He noted this would be contingent upon the Met Council's approval. He shared the recommendation from the Planning & Zoning Commission.

Councilmember Butler asked if the contingency is just on the Met Council's approval. Mr. Janish said it is based on the Met Council's approval and bringing the Comprehensive Plan amendment back to the Council for final approval.

Motion by Butler, Seconded by Nelson, to adopt Ordinance No. 559, amending City Code Title 12-3-4, Zoning District Map of the City of Andover. Motion carried 4 ayes, 1 nay (Barthel).

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 Report) Mr. Dickinson reviewed the administrative staff report. He shared there is a North Metro Mayor's Board Meeting in the coming week that he will be attending to deal with the legislative plan for the upcoming legislative session. He added he will also be meeting with QCTV and Youth First. He noted he also has Operating Committee duties as a part of the North Metro Mayors Association to review some of the legislative requests before they are brought to the Board Meeting for review. He shared that one item that is moving forward to the legislation out of Andover is about the private well contamination. He shared they are working with the MPCA, which has been fruitful for getting support. He noted the Governor's capital budget proposal was released today and Phase 2 for the Red Oaks neighborhood is in the Governor's plan. He added they will still pursue House and Senate relationships to have compatible bills for this. He noted this is a great start to this process. He shared they have started election preparations with the primary coming up. He explained they are having to change a polling location due to construction activity. He shared that postcards will be going out to residents concerning this change. He noted they are currently at eight new homes for this year.

(Public Works/Engineering Department Report) Mr. Berkowitz reviewed the Public Works and Engineering Department report. He shared there are a lot of projects going on right now. He noted that the ice-skating rinks will be fully operational by Thursday. He explained that they are in the process of replacing water meters as they are old and outdated. He shared the utility workers are able to get these meters replaced quickly due to the lack of snow.

Councilmember Nelson shared there was a Red Oaks open house and he thanked the Engineering Department for their work figuring out the well situation and noted that some of the homes may end up being a challenge to the engineers. Mr. Berkowitz added they hired Rice Lake Contracting to work with Staff to do a full evaluation so they can know what they are getting themselves into.

He noted it was a very good turnout at the open house.

Councilmember Nelson asked how many more access agreements are needed from homeowners in the Red Oaks neighborhood. Mr. Berkowitz shared they have 51 out of 90 access agreements received. He noted they have until April 1, 2024 to return the signed access agreement.

MAYOR/COUNCIL INPUT

None.

ADJOURNMENT

Motion by Barthel, Seconded by Nelson, to adjourn. Motion carried unanimously. The meeting adjourned at 8:17 p.m.

Respectfully submitted,

Ava Major, Recording Secretary

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