

***REGULAR ANDOVER CITY COUNCIL MEETING – SEPTEMBER 7, 2021  
MINUTES***

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

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

Councilmember absent: None

Also present: City Administrator, Jim Dickinson  
Public Works Director/City Engineer, Dave Berkowitz  
Community Development Director, Joe Janish  
City Planner, Peter Hellegers  
City Attorney, Scott Baumgartner  
Others

***PLEDGE OF ALLEGIANCE***

***PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH***

Mayor Bukkila proclaimed October as Domestic Violence Awareness Month.

***RESIDENT FORUM***

Reid Oines, 13951 Quay Street, came forward and said he is disappointed about the contamination to the southwest of the WDE landfill. He feels the Council should talk about this topic and have a public meeting to inform residents. Mr. Oines believes the testing protocols are not being run correctly. He asked what will happen if the contamination is not contained. He suggested spot checking homes within a half mile radius. Mr. Oines stated it needs to be dealt with.

Merle Prochniak, 2941 141<sup>st</sup> Avenue, came forward and stated he supports Mr. Oines. Mr. Prochniak stated he has been in contact with the MPCA. He asked what triggered this test and why. Mr. Prochniak is concerned that the source of contamination is not known. He suggested the affected homes be hooked up to City water.

City Administrator Dickinson stated the MPCA regularly tests wells near landfills and found a result that exceeded State regulations. He stated the City has worked with MPCA and the

Minnesota Department of Health to expand the test beyond just adjacent wells. Mr. Dickinson explained the MPCA is taking the lead on the situation and covering the cost of the tests. He stated the MPCA has found 33 wells that have exceeded the limit and has tested over 100 wells. He stated the MPCA provides affected homes with bottled water for drinking and cooking. The City has worked with the MPCA to provide a link on the MPCA website for residents to gather information. City staff will be meeting with the MPCA to see what it will take to get City water to those homes impacted.

Mayor Bukkila stated the City is advocating for residents and the State is in charge of the testing and mitigation. She encouraged people to get their wells tested.

Mr. Oines stated the City needs to communicate with residents and let them know what is going on. He wants the City to have a public meeting and thought the newsletter was not a good way to inform people.

Mr. Dickinson stated the City and MPCA will be hosting virtual meetings in the near future and the City will provide space at City Hall for those who cannot participate virtually.

Mayor Bukkila encouraged people in the affected area that have been approached by the MPCA to get their well tested. She stated some residents are choosing not to have their well tested. Mayor Bukkila stated the City is communicating with residents in addition to the State's communication plan.

### ***AGENDA APPROVAL***

Mayor Bukkila announced the addition of Item 6a - Approve Permanent Trail Easement and Access Easement Grant for Martins Meadows Preserve.

***Motion*** by Butler, Seconded by Barthel, to approve the Agenda as amended. Motion carried unanimously.

### ***APPROVAL OF MINUTES***

*August 17, 2021 Regular Meeting  
August 24, 2021 Workshop Meeting*

***Motion*** by Barthel, Seconded by Nelson, to approve the August 17, 2021 Regular Meeting minutes and August 24, 2021 Workshop Meeting minutes as presented. Motion carried unanimously.

### ***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Approve Declaration of Easement Encroachment/1147 – 151<sup>st</sup> Lane NW
- Item 4 Approve Tobacco License/13652 Crosstown Boulevard
- Item 5 Approve Funds Transfer from General Fund to Road & Bridge Fund
- Item 6 Approve 2022 Anoka County Sheriff Contract
- Item 6a Approve Permanent Trail Easement and Access Easement Grant for Martins Meadows Preserve

**Motion** by Barthel, Seconded by Butler, to approve the Consent Agenda as read. Motion carried unanimously.

***HOLD PUBLIC HEARING: VACATION OF TEMPORARY CUL-DE-SAC EASEMENT – 15779 AVOCET ST. NW & 15768 AVOCET ST. NW***

Richard Kulkey 16683 Sycamore Street, came forward and asked to be recognized to speak. He has been here a long time and has seen a lot of bad things. He said they aren't treating Oak Wilt right and don't even know where the property lines are. He stated he is paying more for his 2½ acres than a much larger parcel does. He stated City staff aren't doing their job and he knows more than they think he knows. He stated they are not fixing the roads and the garbage trucks are ruining the roads.

The City Council is requested to consider the vacation of a temporary cul-de-sac easement to extend Avocet Street to serve a new development, Oakview Acres. Community Development Director Janish stated the purpose is to extend Avocet Street to the east.

**Motion** by Barthel, Seconded by Holthus, to open the Public Hearing at 7:25 p.m. Motion carried unanimously.

No one came before the Council.

**Motion** by Holthus, Seconded by Barthel, to close the Public Hearing at 7:27. Motion carried unanimously.

**Motion** by Barthel, Seconded by Nelson, to adopt Resolution No. R061-21 vacating a temporary easement for cul-de-sac purposes over, under, and across 15779 Avocet Street, PIN 14-32-24-34-0048 and 15768 Avocet Street, PIN 14-32-24-34-0061. Motion carried unanimously.

***APPROVE FINAL PLAT – OAKVIEW ACRES***

The City Council is requested to consider approval of Oakview Acres Final Plat. Community Development Director Janish stated this item typically would be on the Consent Agenda but could not be, due to the previous item needing a public hearing.

**Motion** by Barthel, Seconded by Nelson, to adopt Resolution No. R062-21 approving the final

plat for Oakview Acres. Motion carried unanimously.

***CONSIDER PRELIMINARY PLAT REQUEST – MEADOWS AT NIGHTINGALE – PID# 22-32-24-31-0019 – TAMARACK LAND DEVELOPMENT (APPLICANT)***

The City Council is requested to consider a preliminary plat for the Meadows at Nightingale. Community Development Director Janish identified the location of the development. Mr. Janish stated the property is zoned R-4 and is developing at a density of 3.23 units per acre. He identified the access point and utility connections. Mr. Janish explained the development meets R-4 requirements with the exception of exceeding the cul-de-sac length by 24 feet. He stated the Fire Chief recommended a fire hydrant to accommodate the extra length. Mr. Janish summarized the Planning and Zoning Commission's comments and public comments as stated in the staff report.

Councilmember Nelson said traffic gets backed up on Nightingale Street and is concerned this development will increase traffic. Public Works Director/City Engineer Berkowitz stated the new roundabout will be located at Crosstown Boulevard and Nightingale Street, just a block away and this will help relieve congestion.

Councilmember Butler noted the arrangement of the lots and stated side yards will be abutting back yards with lots 1, 2, 19 and 20. He asked if there was any thought in having lot 2 and lot 19 access 151<sup>st</sup> Lane. Mr. Janish explained if they adjusted the driveway, the back yard becomes shorter and all activities would be in the side yard.

Mayor Bukkila asked if the City has a backyard standard. Mr. Janish stated there are definitions in the zoning code that identify front, back, and side yards. Mayor Bukkila stated lot 20 does not appear like a normal lot. Mr. Janish stated the house would face north but it is considered the side yard. Mayor Bukkila asked how the lot could have a fence. Mr. Janish identified the area where they could have a 4-foot fence and where they could have a 6-foot fence.

Councilmember Holthus asked if the corner lot would be assessed if Nightingale Street was resurfaced. Mr. Berkowitz explained corner lots are assessed for the street that accesses their driveway.

***Motion*** by Holthus, Seconded by Butler, to adopt Resolution No. R063-21 approving the preliminary plat with conditions presented in the Resolution for the Meadows at Nightingale. Motion carried unanimously.

***CONSIDER REZONING REQUEST – REZONE PROPERTY FROM R-1: SINGLE FAMILY RURAL TO R-4: SINGLE FAMILY URBAN – PID #s: 23-32-24-41-0001, 23-32-24-42-0003, 23-32-24-43-0005, 23-32-24-44-0001, 24-32-24-31-0001, 24-32-24-32-0001, 24-32-24-33-0001, 24-32-24-34-0001, and 24-32-24-43-0001 – U.S. HOME CORPORATION dba LENNAR (APPLICANT)***

The City Council is requested to consider a rezoning request by Lennar for the parcels to be developed as the Fields of Winslow Cove. Community Development Director Janish identified the location of the development and stated it is currently zoned R-1, Rural and is proposing R-4, Single Family Urban. He stated the property has been designated Transitional Residential since 2008.

**Motion** by Holthus, Seconded by Nelson, to adopt Ordinance No. 523 rezoning from R-1 Single Family Rural to R-4 Single Family Urban – PIDs 23-32-24-41-0001, 23-32-24-42-0003, 23-32-24-43-0005, 23-32-24-44-0001, 24-32-24-31-0001, 24-32-24-32-0001, 24-32-24-33-0001, 24-32-24-34-0001, and 24-32-24-43-0001. Motion carried unanimously.

**CONSIDER CONDITIONAL USE PERMIT (CUP)/PLANNED UNIT DEVELOPMENT (PUD) REQUEST - PID #s: 23-32-24-41-0001, 23-32-24-42-0003, 23-32-24-43-0005, 23-32-24-44-0001, 24-32-24-31-0001, 24-32-24-32-0001, 24-32-24-33-0001, 24-32-24-34-0001, and 24-32-24-43-0001 – U.S. HOME CORPORATION dba LENNAR (APPLICANT)**

City Attorney Baumgartner stated the PID #s of Item 11 and Item 12 are the same as Item 10 and the Mayor does not need to read the PID #s out loud.

The City Council is requested to consider a Conditional Use Permit (CUP)/Planned Unit Development (PUD) for the property to be developed as the Fields of Winslow Cove. City Planner Hellegers stated half of this site is open space/wetland. He identified the location of the parcel and stated the density is 3.04 units per acre. Mr. Hellegers explained the development is proposing 4 sizes of lots consisting of villas and single-family housing options. He identified access points off of Prairie Road with a roundabout at the main access point for traffic calming and safe pedestrian crossing. Mr. Hellegers pointed out the utility connections, parks, and trails.

Mr. Hellegers stated the Planning and Zoning Commission asked for the schedule of the development. He reported they are starting development on the east side, near Prairie Road, then crossing Prairie Road to develop villas on the west side. He stated the purpose of this schedule is to minimize the impact on wetlands, as they are still working through the mitigation process. Mr. Hellegers stated the City is requiring buffering between this development and the surrounding neighborhoods using existing trees and additional landscaping. He stated a resident asked about buffering at the Planning and Zoning Commission meeting and the developer will work with that resident on the types of trees that will be planted.

Mr. Hellegers explained the developer is looking for flexibility in City Code due to preserving wetland and park area. Mr. Hellegers explained the PUD, review criteria, and the proposed PUD standards. The developer is asking for variations on the lot sizes, setbacks, and front yard trees. Mr. Hellegers displayed images of housing styles and the lot size they would fit on.

Councilmember Holthus appreciates that the development meets density requirements, but she hears from people that they are concerned about the number of trees that will be removed from the site. She understands there isn't much the Council can do because of drainage concerns, but

encourages the preservation of as many trees as possible.

Councilmember Holthus asked which parts of the development will be operated by an HOA. Community Development Director Janish explained there will be a Master HOA over the entire area and a sub-association that will serve the villas.

Mayor Bukkila asked if there was a reason to have an HOA other than to maintain the outlots. Josh Metzger, with Lennar, came forward and stated they have been working on this project for over a year and City staff have done a great job looking out for the City's best interest. Mr. Metzger explained the differences between the sketch plan and the preliminary plat. The sketch plan had 399 units and the preliminary plat has 383 units. The sketch plan did not have any parks and the preliminary plat includes two parks, one on each side of Prairie Road. The sketch plan provided 1.75 miles of trails and the preliminary plat has 2.13 miles. The sketch plan did not show a roundabout and the preliminary plat includes a roundabout for traffic calming and safe pedestrian crossing. Mr. Metzger stated the development will impact 2 acres of wetland while preserving 41 acres of wetland that were previously farmed. Mr. Metzger stated there will be a Master HOA and a sub-HOA for the villas that includes some exterior maintenance, snow removal, mowing, and waste removal. The Master Association is responsible for trails, monument sign, landscaping around monument sign, and stormwater reuse. Mayor Bukkila stated the plan sounded good.

***Motion*** by Holthus, Seconded by Butler, to adopt Resolution No. R064-21 approving the Conditional Use Permit/Planned Unit Development, and Resolution supporting the same, by C & W Family Farm LTD Partnership/U.S. Home Corporation dba Lennar – PIDs 23-32-24-41-0001, 23-32-24-42-0003, 23-32-24-43-0005, 23-32-24-44-0001, 24-32-24-31-0001, 24-32-24-32-0001, 24-32-24-33-0001, 24-32-24-34-0001, and 24-32-24-43-0001. Motion carried unanimously.

***CONSIDER PRELIMINARY PLAT REQUEST – FIELDS OF WINSLOW COVE - PID #s: 23-32-24-41-0001, 23-32-24-42-0003, 23-32-24-43-0005, 23-32-24-44-0001, 24-32-24-31-0001, 24-32-24-32-0001, 24-32-24-33-0001, 24-32-24-34-0001, and 24-32-24-43-0001 – U.S. HOME CORPORATION dba LENNAR (APPLICANT)***

The City Council is requested to consider the preliminary plat for the Fields of Winslow Cove. City Planner Hellegers presented the preliminary plat. He stated they are planting 1,011 new trees and residents can plant their own trees. He explained the developer is preserving trees as well as providing buffers to adjacent properties. The developer is working with permitting agencies. Mr. Hellegers stated the item was presented to the Planning and Zoning Commission on August 24<sup>th</sup>, and they recommended approval of the preliminary plat. He identified the trail, open space, and park locations. Mr. Hellegers explained the Park and Recreation Commission recommended not having a park on the west side, eliminating a paved trail through a wetland, and supported the upland area on the east side. Mr. Hellegers displayed the wetland, open space, and tree preservation areas.

Mayor Bukkila asked who would own and be responsible for the trail on the west side. Mr.

Hellegers stated the paved trails are owned and maintained by the City. Mayor Bukkila asked what type of trail was proposed through the development. Public Works Director/City Engineer Berkowitz stated it was a paved trail maintained by the City. Mayor Bukkila asked if the trail would require extra costs and maintenance due to the proximity of the wetland. Mr. Berkowitz said it will be general maintenance costs for plowing, crack sealing, and typical trail maintenance, including long term maintenance and replacement.

Mayor Bukkila asked about the path of the trails in the development. Mr. Metzger explained the trails are meandering around wetlands and holding ponds.

Mayor Bukkila asked how close the trail will be to the lots on the west side. Mr. Berkowitz stated the trails are adjacent to the lots and it meanders around the ponding area and then tucks up against the lots. He explained there will be a 5-10-foot setback from the rear property line.

Councilmember Holthus asked for the timeline of the project. Mr. Metzger stated dirt will move in September or early October. Mr. Berkowitz stated if the preliminary plat is approved, there is a list of contingent items that need to be addressed before grading begins. The developer wants to begin grading and utility construction, followed by paving the streets, if they are able to. Mr. Metzger stated it will be at least 5 years until the development is completed.

Mayor Bukkila referred to the tot lot on the west side of the development and the Park and Recreation Commission's recommendation. Councilmember Butler asked if the park on the west side would be City owned or HOA owned. Mr. Berkowitz explained the park would be dedicated to the City and the City would develop the park.

Mayor Bukkila explained the park was added because the tunnel under the railroad tracks could not connect the development to an existing park. Mayor Bukkila asked if the trail along Prairie Road was planned for the future or constructed with this development. Mr. Berkowitz explained the City is requiring the developer to grade the trail along Prairie Road so it can be constructed in the future.

Councilmember Butler stated he agrees that the City has too many totlots, but has trouble with a development of this size not having easy access to a park. He would rather have the totlot than the railroad underpass.

Councilmember Holthus said the City must have a park in this area and the newer developments have younger families and they deserve a park.

Councilmember Barthel said he is not a fan of the paved trail. He stated he would support a bigger park at the totlot location, however, most families put a totlot in their backyard anyway. Councilmember Barthel supports getting rid of the small park since it isn't in the park plan and is a small lot.

City Administrator Dickinson asked if the developer would allow playground equipment on the

smaller lots. Mr. Metzger stated the villas would not be allowed to have playground equipment and single-family homes would be allowed to have play structures.

Mayor Bukkila stated teens will love this area because there are so many hides and corners and hangout areas. She said lighting needs to be addressed sooner than later. Mr. Dickinson stated the City requires street lighting but not trail lighting.

Councilmember Butler stated there is no need for a trail if the park is eliminated. Mayor Bukkila polled the Council on if there should be a park on the west side of the development. Councilmembers Butler, Nelson, Holthus stated yes for a park. Councilmember Barthel stated no. The majority of the Council supports a park.

Mayor Bukkila asked about the favorability of a trail. Councilmember Barthel said no to the trail because there is a big need for trails in other areas of the City. Councilmember Holthus stated she does not support a trail in the wetland but believes a trail should be built along Prairie Road. Councilmember Nelson did not support a trail. Councilmember Butler stated the trail would be constructed by the developer and the City would maintain it. He stated he does not support the trail. Mr. Berkowitz asked the developer if they would construct the trail as a nature trail and not pave it. The developer was not able to answer the question without further research. Mr. Berkowitz stated the City would need vehicle access to the pond and said a grass trail is sufficient. Mr. Metzger said they would provide access to the pond and suggested the developer and staff work on a solution.

Mr. Berkowitz summarized that the park will remain and the trail will not be constructed, except for a vehicle maintenance section to access the pond. Mr. Metzger suggested leaving the trail up to the HOA to decide if it will be a mown nature trail.

City Attorney Baumgartner asked if there was a benefit to the City to have a paved access trail to the pond. Mr. Berkowitz stated short access trails can be turf but longer access trails require a gravel base. He stated the trail in this development would require a gravel base.

Councilmember Butler asked about the proposed pedestrian crossing and asked if it is a marked crosswalk or if there will be a pedestrian controlled crossing. Mr. Berkowitz stated the City and the developer have not talked about a crossing signal but will pursue it if that is Council direction. Councilmember Butler stated he is in favor of a pedestrian crossing signal. Mr. Berkowitz asked the Council where they preferred the crossing signal. Councilmember Butler stated the most important intersection to have the flashing beacon is at the north-south crossing at the roundabout on Prairie Road.

Councilmember Nelson agreed and asked how much it would cost. Mr. Berkowitz said it would cost \$10,000-\$20,000 for two beacons. Councilmember Holthus stated it is a necessity on Prairie Road. Councilmember Barthel asked who would pay for it. Mr. Berkowitz stated it should be a requirement of the PUD. Councilmember Barthel stated he wants to make it part of the PUD requirement. Mayor Bukkila stated she wants the beacon in both directions, at both crossing



points. Councilmember Butler asked when the roundabout would be constructed. Mr. Berkowitz stated the City is working with the developer on the final design and timeline. Mr. Berkowitz said the crossing marked in blue on the staff report map is a 30 mile an hour road and if beacons were installed, they would sit dormant until the trail is built.

Mayor Bukkila stated she wants the beacons installed on the crossings and the utility connected for additional beacons in the future. The Councilmembers agreed with Mayor Bukkila.

Councilmember Nelson asked about the cost of the beacon, installation, and cost of maintenance. Mr. Berkowitz estimated \$10,000 per installed beacon and minimal maintenance.

City Administrator Dickinson recommended the beacons be added to Item 2 in the Resolution: “, to also include roundabout beacons for north and south, as approved by the City Engineer.”

Mayor Bukkila summarized the Council’s changes: keeping the park, omitting a paved trail, and adding beacons to the roundabout on Prairie Road north/south direction.

**Motion** by Butler, Seconded by Nelson, to adopt Resolution No. R065-21 approving the preliminary plat for the Fields of Winslow Cove including conditions contained in the Resolution with the addition of beacons at the roundabout in the north/south direction as approved by the City Engineer. Motion carried unanimously.

***RECESS & RECONVENE***

Mayor Bukkila recessed the meeting at 9:04 p.m. The meeting was reconvened at 9:20 p.m.

***DISCUSS/APPROVE 2022 PRELIMINARY PROPERTY TAX LEVY***

The Andover City Council is requested to receive a brief presentation on the preliminary levy and corresponding operating budget and approve a preliminary levy to be submitted to the Anoka County Property Records and Taxation Division by September 30<sup>th</sup>. City Administrator Dickinson stated the Council has had a number of workshops focusing on the budget. The Council discussed a property tax levy of \$16,107,254. Mr. Dickinson stated the proposed levy increases the City property tax rate by 3.86% and will result in an 8% increase in the gross property tax levy. Mr. Dickinson explained the increase is primarily to fund the mill and overlay program and public safety. Mr. Dickinson explained the budget development process, workshops, and budget development guidelines.

Mayor Bukkila thanked Council and staff in being diligent in developing the budget and planning for the long term. She stated the levy can go down, but not increase once the Council adopts the preliminary tax levy.

**Motion** by Barthel, Seconded by Nelson, to adopt Resolution No. R066-21 adopting the 2022

preliminary property tax levy of \$16,107,254 to be certified to the County Auditor. Motion carried unanimously.

***DISCUSS/ADOPT 2022 DEBT SERVICE LEVY CHANGES***

The Andover City Council is requested to update the certified bonded indebtedness levies for 2022. City Administrator Dickinson explained the County requires a resolution if there is any change in certified bonded indebtedness. He stated it is a reconciliation of the City's and the County's records. He provided the Council with an explanation of the differences.

***Motion*** by Butler, Seconded by Barthel, to adopt Resolution No. R067-21 updating certified bonded indebtedness for 2022. Motion carried unanimously.

***SET HEARING DATE(S) FOR 2022 BUDGET & LEVY DISCUSSION & PUBLIC COMMENTS***

The Truth in Taxation law, M.S. 275. 065, requires cities to schedule a meeting at which the budget and levy will be discussed, and public input will be allowed prior to the final budget and levy determination. City Administrator Dickinson suggested December 7, 2021 as the initial hearing date and December 21, 2021 as a continuation meeting if needed.

***Motion*** by Barthel, Seconded by Nelson, to schedule the Truth in Taxation meeting on December 7, 2021 and a continuation on December 21, 2021 if needed. 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.

***(Administration)*** – Mr. Dickinson updated the Council on meetings he has attended. He has been meeting with the MPCA and the MN Department of Health regarding private wells, and fielding resident calls. They are investigating who is responsible for the contamination and how to provide City water to residents in the impacted area. He indicated residents can get information from the MPCA's website and there is a link on the City's website. Mr. Dickinson stated the Movie in the Park is rescheduled to September 18<sup>th</sup> at dusk and he thanked Premier Bank for sponsoring it.

***(Public Works/Engineering)*** – Mr. Berkowitz updated the Council on construction and development projects. He said the lift station project is taking longer than expected. He stated staff are working on 2022 projects. Mr. Berkowitz stated seasonal workers are done for the summer and encouraged people to apply for next summer's positions.

***MAYOR/COUNCIL INPUT***

***(Reschedule November Meeting)*** – Mayor Bukkila asked the Council to reschedule the November 1, 2021 meeting to November 3, 2021.

***Motion*** by Holthus, Seconded by Barthel, to reschedule the November 1, 2021 Regular City Council meeting to Wednesday, November 3, 2021. Motion carried unanimously.

***ADJOURNMENT***

***Motion*** by Holthus, Seconded by Barthel, to adjourn. Motion carried unanimously. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Shari Kunza, Recording Secretary  
*TimeSaver OffSite Secretarial, Inc.*

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