

***REGULAR ANDOVER CITY COUNCIL MEETING – OCTOBER 4, 2022  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, October 4, 2022, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Councilmembers absent:     None

Also present:                     City Administrator, Jim Dickinson  
  Public Works Director/City Engineer, Dave Berkowitz  
  Fire Chief, Dennis Jones  
  Others

***PLEDGE OF ALLEGIANCE***

***FIRE DEPARTMENT PINNING CEREMONY***

Fire Chief Jones introduced new firefighter, Will Shutte. He was sworn in by Mayor Bukkila and his badge was pinned on by his wife.

***RESIDENT FORUM***

Rhonda Ganske, 2159 153<sup>rd</sup> Lane, came forward to speak on the Nightingale Villas Development. She stated her property borders the development. She expressed concerns when this development was first reviewed about the large number of homes on a long cul-de-sac and she deeded property to the City for a second access point without any compensation. In return, she requested a fence to be built as a buffer. She has been in contact with the City regarding a filtration pond and how it would affect her property and the new development. She was told that her property would not be affected by the filtration pond. Ms. Ganske was not informed there would be an outflow culvert and emergency overflow positioned on her property. She noted that excess water from the filtration ponds is directed onto her property which is already prone to

flooding. Ms. Ganske stated new developments should have filtration ponds that can accommodate the water from the development and not drain into private property that is landscaped and manicured. Ms. Ganske referred to several sections of City Code guiding storm water. She stated the direction of water on her property lowers her value and limits her ability to develop her land. Ms. Ganske requested the outflow culvert and emergency overflow be removed.

Mayor Bukkila stated she appreciate the thoroughness of Ms. Ganske’s presentation and materials. She stated Ms. Ganske will receive a response from City staff regarding her request.

### ***AGENDA APPROVAL***

City Administrator Dickinson announced changes to the agenda. Item 8 is to be removed from the Agenda, this item will be brought forward at a future meeting. Item 9a: Approve Plans and Specs Order Ad for Bid for the Replacement of the Dehumidification System for the Ice Arena (Phase 2) is requested to be added to the Consent Agenda.

***Motion*** by Holthus, Seconded by Nelson, to approve the Agenda as amended. Motion carries unanimously.

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

*September 20, 2022 Regular Meeting Minutes*

***Motion*** by Barthel, Seconded by Nelson, to approve the September 20, 2022 Regular Meeting minutes as presented. Motion carries unanimously.

### ***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Appoint Election Judges for the General Election (See Resolution R071-22)
- Item 4 Authorize Initiating 2023 Equipment Proposals
- Item 5 Receive Assessment Roll/Order Public Hearing/22-16/2022 Mill & Overlay/Andover Boulevard NW (See Resolution R072-22)
- Item 6 Receive Assessment Roll/Order Public Hearing/22-17/2022 Mill & Overlay/Bluebird Street NW (See Resolution R073-22)
- Item 7 Approve Application for Exempt Permit
- Item 9 Approve Plans & Specs/22-44/Replacement of the Dehumidification Unit - Ice Arena (Phase 1)

Item 9a Approve Plans and Specs Order Ad for Bid for the Replacement of the Dehumidification System for the Ice Arena (Phase 2)

**Motion** by Butler, Seconded by Nelson, to approve the Consent Agenda as read. Motion carries unanimously.

***DECLARE COSTS/ORDER ASSESSMENT ROLL/ SCHEDULE PUBLIC HEARING/2022 DELINQUENT UTILITY SERVICE CHARGES, MOWING FEES, TREE REMOVAL, FALSE ALARM FINES AND MISC. ABATEMENT FEES COLLECTION***

The City Council is requested to consider a resolution declaring costs and ordering the assessment roll for delinquent fees. City Administrator Dickinson stated City Code provides for the collection of delinquent fees with a public hearing and then sent to Anoka County for collection through 2023 taxes. He noted the outstanding charges are \$289,786. He stated residents were notified via mail. Mr. Dickinson explained delinquent balances are charged a 15% administrative fee and carry an 8% interest rate. If residents pay the balance prior to certification, fees will not be charged.

**Motion** by Nelson, Seconded by Barthel, to adopt Resolution No. R074-22 declaring cost, directing preparation of assessment roll, and scheduling a public hearing for the certification of delinquent utility services charges, mowing fees, tree removal, false alarm fines, and miscellaneous abatement fees. Motion carries unanimously.

***RECEIVE & DISCUSS ASSESSMENT ROLL/ORDER PUBLIC HEARING/22-2/2022 STREET RECONSTRUCTION***

The City Council is requested to receive assessment roll, discuss the assessment deferral request for 4967-171<sup>st</sup> Avenue NW and consider a resolution ordering the public hearing on the proposed assessment for Project 22-2, 2022 Street Reconstruction. Public Works Director/City Engineer Berkowitz provided background on the project and stated there is a property that can be split into three lots. The property owner is requesting a deferral on the two potential lots. Mr. Berkowitz requested the City Council approve a resolution to hold a public hearing on November 1, 2022.

Councilmember Nelson asked for clarification on the escalator and depreciation. Mr. Berkowitz stated interest will accrue at 4.5% or ENR, whichever is lower for the first 15 years. After that, the assessment value will depreciate in equal amounts over the next 10 years.

Councilmember Butler asked how many properties have deferred assessments. Mr. Berkowitz

stated the City has moved away from deferments in recent years, however, there were around 20 deferments on the 157<sup>th</sup> reconstruction project. He stated the concern is that the City loses out on the funds and will ultimately impact the Road and Bridge Fund. Councilmember Butler asked how deferments are tracked. City Administrator Dickinson stated the City and the County track the deferral and it will come up on title and an assessment searches.

Mayor Bukkila asked what would happen if the property were sold. Mr. Berkowitz stated nothing happens if the property is sold, the deferral only comes due if it is split into two or more lots.

Councilmember Nelson asked for the criteria for deferment. Mr. Berkowitz explained the City will assess for sub-dividable lots based on current zoning and deferrals are at the discretion of City Council. Mr. Berkowitz noted there is a deferral process for agricultural property for 15 years with no escalator. Mr. Dickinson stated there is also a deferral process for seniors with low income.

Mayor Bukkila stated it has been past practice to allow for deferrals, but if the parcel is subdivided, the City will recover funds.

***Motion*** by Barthel, Seconded by Nelson, to adopt Resolution No. R075-22 to hold a public hearing on the proposed assessment for Project No. 22-2 on November 1, 2022 allowing for the deferral for 4967 171<sup>st</sup> Avenue NW. Motion carries unanimously.

***RECEIVE & DISCUSS ASSESSMENT ROLL/ORDER PUBLIC HEARING/22-15/2022  
MILL & OVERLAY/CHESTERTON COMMONS AREA & FOX HOLLOW***

The City Council is requested to receive assessment roll, discuss assessment request for 15991 Vale Street NW and consider the resolution ordering the public hearing on the proposed assessment for Project 22-15/2022 Mill and Overlay/Chesterton Commons area and Fox Hollow area. Public Works Director/City Engineer Berkowitz stated this property did not request a deferral but requested to only pay one assessment and waive the remainder. Mr. Berkowitz stated the property can be subdivided into five units based on current zoning. Staff recommend City Council consider a deferral to be consistent with past practices and not waive the assessments.

Mayor Bukkila stated she has not seen a waiver during her time on the Council. She recommends offering the resident a deferral.

Councilmember Butler asked how a deferral would be impacted if the property were split into

three lots instead of five. Mr. Berkowitz stated the full amount would come due based on front footage. Mr. Berkowitz stated staff determine the number of lots based on current zoning standards and buildable land.

Councilmember Holthus asked what happens if five homes can't be built on this property after the wetland is delineated. Mr. Berkowitz stated staff takes a very detailed look at the property and takes the conservative estimate.

Councilmember Barthel stated the City should follow precedence and allow a deferral.

Janie and Allen Hemmelgarn, 15991 Vale Street, came forward and stated they bought the property as one parcel. She stated the City asked how they would plan to develop their land when the adjacent development came in. Ms. Hemmelgarn stated the developer and City created a ghost plat over their property. She noted that developers back out of purchasing their property because of the wetlands, fees, and high-water table.

Mayor Bukkila stated every development has the responsibility to make sure they can connect to the next property, and it is shown through a ghost plat. She stated the City only determines if the land can be built upon and does not get into the value or economics of the property. Mayor Bukkila stated the City attempts to fairly distribute the cost of the mill and overlay expenses.

Councilmember Butler appreciates the Hemmelgarns advocating for themselves. He stated it would be difficult for the City to break precedence and noted if the property does not develop within the next 25 years, the assessment goes back to zero. Councilmember Nelson stated he agrees and is in favor of a deferral. He stated it is fortunate it is a mill and overlay project instead of a full street reconstruction.

**Motion** by Barthel, Seconded by Nelson, adopt Resolution No. R076-22 to hold a public hearing on proposed assessment for Project 22-15/2022 Mill and Overlay/Chesterton Commons area and Fox Hollow area and a deferral for four properties. Motion carries unanimously.

***CONSIDER INTERIM USE PERMIT (IUP) - MINING AND LAND RECLAMATION PID# 24-32-24-32-0052 - FIELDS OF WINSLOW COVE, OUTLOT A - US HOME, LLC (APPLICANT)***

The City Council is requested to consider an Interim Use Permit (IUP) for a 10,000 cubic yard stockpile of fill located on Outlot A and removed by November 1, 2024. City Administrator Dickinson identified the location of the stockpile and stated the material will come from within the development with the intention of using it for lots within the development. He noted the

developer will provide erosion control and work with outside agencies to obtain permits. The Planning and Zoning Commission recommended approval of the IUP at 15,000 cubic yards with an expiration date of October 4, 2025.

Councilmember Nelson asked if the Planning and Zoning Commission recommended that the stockpile be covered. Mr. Berkowitz stated it is a requirement that the stockpile be covered with vegetation within 7 days of inactivity.

Mayor Bukkila asked which roads currently exist in the development. Mr. Berkowitz stated the east side is phase 1 and a temporary road has been constructed. Mayor Bukkila prefers the moving of dirt across Prairie Road be a direct route and to not go down Prairie Road. Mr. Berkowitz stated there is not going to be constant flow and if crossing is an issue, the City will address it.

Mayor Bukkila asked how this impacts seasonal road restrictions. Mr. Berkowitz stated the developer has to follow all road requirements.

Councilmember Barthel stated he would like to have the IUP allow for 10,000 cubic yards and expire on November 1, 2024. He would prefer the developer ask for an extension if necessary and ensure the stockpile has been properly managed. Councilmember Barthel would like to give the developer what they are asking for and not more.

Mayor Bukkila asked Mr. Berkowitz to provide information on previous permitted stockpiles. Mr. Berkowitz stated it is similar to the stockpile on Bunker Lake Boulevard and 7<sup>th</sup> Avenue.

Councilmember Barthel doesn't want to give a developer more than they asked for. He stated they can come back in November of 2024 and the City can see how well they managed the stockpile and how it has affected the neighborhood.

Councilmember Nelson asked what the reasoning is for allowing the developer more time and more fill. Mr. Dickinson stated it provides for ease of management and is standard with past developments. Mr. Berkowitz stated it is common to have more dirt and staff would require them to haul it out if over the limit. Mr. Berkowitz stated the developer is fine with 10,000 cubic yards. Councilmember Nelson indicated the City is being proactive. Mr. Dickinson stated it will be easier for the developer and staff. He noted they are trying to keep the dirt within the development and keep the process moving.

Mayor Bukkila stated she has seen an extension on almost every IUP for stockpiles and she does

not have a problem with three years. Councilmember Butler stated he is comfortable with the staff recommendation. Councilmember Nelson and Councilmember Holthus also agree.

**Motion** by Nelson, Seconded by Butler, to adopt Resolution No. R077-22 granting an Interim Use Permit for Mining and Land Reclamation at PID# 24-32-24-32-0052 as presented by staff. Motion carries 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.

**(Administration)** Mr. Dickinson announced the City is at 82 new single home permits. Staff are working on commercial site plans. Mr. Dickinson stated staff are working on the budget and CIP. Early voting is underway at City Hall. He updated the Council on meetings he has attended.

**(Public Works/City Engineer)** Mr. Berkowitz stated the City Hall parking lot is near completion and should be striped next week. He stated there are three parallel parking spaces by the Veterans Memorial. Pine Hills North and South parking lots are also completed. He stated the storm water system is critical and staff take it very seriously that it needs to function as designed. The City has had issues where residents have obtained a fencing permit but have placed it in the easement, or residents have put fences up without a permit. Staff have asked them to move their fences as to not impact the storm water system. Staff are preparing for 2023 projects. Mr. Berkowitz updated the Council on park and trail projects.

Councilmember Butler asked what is planned for long-term signage for City Hall. Mr. Berkowitz stated the County has changed the sign along the county road to include City Hall. He stated the County will install additional guidance signs. Mayor Bukkila asked if there would be a sign along Hanson Boulevard southbound to direct them into the Community Center parking lot. Mr. Berkowitz stated staff want to direct City Hall users to Tower Drive and out of the Community Center entrance. Councilmember Butler agrees with staff's proposal because there are a lot of kids in the area.

Councilmember Holthus asked if it was too late to put in handicapped access to the parking spaces at the Veterans Memorial. Mr. Berkowitz stated handicap access is on the curb and not onto the road.

***MAYOR/COUNCIL INPUT***

***(Andover HS Football)*** Councilmember Nelson congratulated the Andover Husky football team for winning homecoming 59-7. Mayor Bukkila announced the homecoming game for Coon Rapids is Thursday against Andover.

***ADJOURNMENT***

***Motion*** by Barthel, Seconded by Nelson, to adjourn. Motion carries unanimously. The meeting adjourned at 8:33 p.m.

Respectfully submitted,

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



**REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – OCTOBER 4, 2022**  
**TABLE OF CONTENTS**

PLEDGE OF ALLEGIANCE..... 1  
FIRE DEPARTMENT PINNING CEREMONY..... 1  
RESIDENT FORUM..... 1  
AGENDA APPROVAL..... 2  
APPROVAL OF MINUTES..... 2  
CONSENT ITEMS..... 2  
Item 2 Approve Payment of Claims..... 2  
Item 3 Appoint Election Judges for the General Election (R071-22)..... 2  
Item 4 Authorize Initiating 2023 Equipment Proposals..... 2  
Item 5 Receive Assessment Roll/Order Public Hearing/22-16/2022 Mill & Overlay/Andover  
Boulevard NW (R072-22)..... 2  
Item 6 Receive Assessment Roll/Order Public Hearing/22-17/2022 Mill & Overlay/Bluebird Street  
NW (R073-22)..... 2  
Item 7 Approve Application for Exempt Permit..... 2  
Item 9 Approve Plans & Specs/22-44/Replacement of the Dehumidification Unit-Ice Arena  
(Phase 1)..... 2  
Item 9a Approve Plans & Specs Order Ad for Bid for the Replacement of the Dehumidification  
System for the Ice Arena (Phase 2)..... 2  
DECLARE COSTS/ORDER ASSESSMENT ROLL/SCHEDULE PUBLIC HEARING/2022  
DELINQUENT UTILITY SERVICE CHARGES, MOWING FEES, TREE  
REMOVAL, FALSE ALARM FINES AND MISC. ABATEMENT FEES  
COLLECTION (R074-22)..... 3  
RECEIVE & DISCUSS ASSESSMENT ROLL/ORDER PUBLIC HEARING/22-2/2022  
STREET RECONSTRUCTION (R075-22)..... 3  
RECEIVE & DISCUSS ASSESSMENT ROLL/ORDER PUBLIC HEARING/22-15/2022 MILL  
& OVERLAY/CHESTERTON COMMONS AREA & FOX HOLLOW (R076-22)..... 4  
CONSIDER INTERIM USE PERMIT (IUP)/MINING AND LAND RECLAMATION PID#24-  
32-24-32-0052 FIELDS OF WINSLOW COVE/OUTLOT A/US HOME, LLC (APPLICANT) 5  
ADMINISTRATOR’S REPORT..... 7  
(Administration)..... 7  
(Public Works/City Engineer)..... 7  
MAYOR/COUNCIL INPUT..... 7  
(Andover HS Football)..... 7  
AJOURNMENT..... 8