

***REGULAR ANDOVER CITY COUNCIL MEETING – NOVEMBER 8, 2023  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Bukkila, November 8, 2023, 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

Councilmembers absent: None

Also present: City Administrator, Jim Dickinson  
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***

City Administrator Dickinson requested the following addition to the Agenda:

Item 10A – Consider Approval of Purchase Agreement and Trail Easement for 140<sup>th</sup> Avenue and Andover Boulevard NW

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

***APPROVAL OF MINUTES***

Councilmember Butler requested separate consideration of the Workshop Meeting minutes as he was absent on October 17, 2023.

*October 17, 2023, Workshop Meeting and Regular Meeting*

***Motion*** by Nelson, Seconded by Barthel, to approve the October 17, 2023, Workshop Meeting minutes and Regular Meeting minutes as presented. Motion carried 4 ayes, 1 present (Butler).

*October 24, 2023, Workshop Meeting*

Councilmember Nelson requested a correction on page 15, line 44: replace “this” with “these”

**Motion** by Butler, Seconded by Nelson, to approve the October 24, 2023, Workshop meeting minutes as amended. Motion carried unanimously.

***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Approve Dental Renewal and Employer Contribution
- Item 4 Approve Medical Renewal and Employer Contribution
- Item 5 Approve Replacement – One-Ton Truck with Plow #569
- Item 6 Approve Declaration of Encroachment Easement, Conditions and Covenants – 16217 Zilla St. NW (Lot 10, Block 2, White Pine Wilderness 2<sup>nd</sup> Addition)
- Item 7 Approve Agreement for State Election Funds – Anoka County
- Item 8 Approve 2024 Contract/TimeSaver Secretarial Service
- Item 9 Approve City Code Amendment (Title 3 Chapter 9) (See Ordinance 557)
- Item 10 Approve Purchase/Front Hitch & PTO Addition/Unit #22-514
- Item 10A Approve Purchase Agreement and Trail Easement for 140<sup>th</sup> Avenue NW and Andover Blvd.

**Motion** by Nelson, Seconded by Barthel, to approve of the Consent Agenda as read, with the addition of Item 10A. Motion carried unanimously.

***HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/21-39/TULIP ST. NW & 161<sup>ST</sup> AVE. NW RECONSTRUCTION***

The City Council is requested to hold a public hearing and adopt a resolution adopting the assessment roll for Project 21-39, Tulip Street NW and 161<sup>st</sup> Avenue NW Reconstruction. Director of Public Works/City Engineer Berkowitz reviewed the project parameters, improvements made, and details of the City’s Roadway Reconstruction Assessment Policy. He noted the project will be funded from the City’s Road & Bridge Fund, reimbursed through Municipal State Aid (MSA) funds, with 25 percent of the total project cost for the roadway improvements assessed on a front footage basis to benefiting properties.

**Motion** by Barthel, Seconded by Nelson, to open the public hearing at 7:14 p.m. Motion carried unanimously.

Scott Foyt, 14424 Prairie Road NW, asked whether parts of Tulip Street are under MSA jurisdiction. Mr. Berkowitz explained that State Aid was included as a portion of the funding for both Tulip Street and 161<sup>st</sup> Avenue NW.

Mr. Foyt asked whether Mr. Berkowitz has traffic counts for that project. Mr. Berkowitz stated he does not have that data at hand.

**Motion** by Nelson, Seconded by Barthel, to close the public hearing at 7:22 p.m. Motion carried unanimously.

**Motion** by Barthel, Seconded by Nelson, to adopt Resolution No. R081-23 Adopting the Assessment Roll for the Improvement of Project No. 21-39, Tulip Street NW and 161<sup>st</sup> Avenue NW Reconstruction. Motion carried unanimously.

***HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/23-2/2023 STREET RECONSTRUCTION***

The City Council is requested to hold a public hearing and adopt a resolution adopting the assessment roll for Project 23-2, 2023 Street Reconstruction. Mr. Berkowitz reviewed the project parameters, improvements made, and details of the City's Roadway Reconstruction Assessment Policy. This project will be funded through a combination of special assessments and City funds. He described the City funding sources and noted that 25 percent of the street related costs will be assessed to benefiting properties on a front footage basis. Watermain and sanitary sewer improvement costs will be funded by the City, with fees calculated based on a front footage basis assessed to benefiting properties when they petition to hook up to City utilities.

Councilmember Engelhardt asked whether the new construction is still capable of managing stormwater. Mr. Berkowitz stated stormwater is included in the street reconstruction project. He added sanitary sewer and water main fees will be added to the City Fee Schedule.

**Motion** by Butler, Seconded by Nelson, to open the public hearing. Mayor Bukkila indicated that she had a question.

Councilmember Butler withdrew his motion.

Mayor Bukkila asked what portions of sewer and water that serve the entire City will be allocated to particular residents in this assessment. Mr. Burkowitz stated there is a front footage cost for impacted residents, but not a trunk funded cost as it is not a trunk line. He added lateral improvement costs are covered by residents, and these costs are usually assessed at the time of development.

**Motion** by Butler, Seconded by Nelson, to open the public hearing at 7:24 p.m. Motion carried unanimously.

Eugene Benson 1292 148<sup>th</sup> Lane NW, thanked Mr. Berkowitz and his team, including Al and Justin, for all their dedication and hard work on the project. He added communication has been excellent throughout the process, both on the website and in person. He noted it is a good project and adds to the neighborhood.

Mayor Bukkila thanked Mr. Benson for his comments.

**Motion** by Nelson, Seconded by Butler, to close the public hearing at 7:26 p.m. Motion carried unanimously.

**Motion** by Barthel, Seconded by Nelson, to adopt Resolution No. R082-23 Adopting the Assessment Roll for the Improvement of Project No. 23-2, 2023 Street Reconstruction. Motion carried unanimously.

***HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/23-17/2023 FULL DEPTH RECLAMATION***

The City Council is requested to hold a public hearing and adopt a resolution adopting the assessment roll for Project 23-17, Full Depth Reclamation. Mr. Berkowitz reviewed the project parameters, improvements made, and details of the City's Roadway Reconstruction Assessment Policy. This project will be funded from the City's Road and Bridge Fund with 25 percent of the street-related project costs assessed on a front footage basis to benefitting properties. He pointed out two parcels in the southeast quadrant of Hanson Boulevard and Bluebird Street with potential for subdivision. The parcel fronting along Bluebird Street is proposed to be assessed for one existing and six potential units. The other property fronting 150<sup>th</sup> Lane is proposed to be assessed for one existing and two potential units.

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

Doug Robbins, 1439 146<sup>th</sup> Lane NW, stated the project looks great and the contractor did a great job. He asked why this project was calculated by units rather than front footage. Mr. Berkowitz explained that roadways with varying front footage are assessed by front footage. He added unit cost is used in areas with lots that are similar in size.

Ronald Herman, 14560 Drake Street NW, stated he received two assessment letters. He added he previously had three lots, but he combined two lots. Mr. Berkowitz stated Mr. Herman received two letters because he has two lots of record.

Byron Ellertson, 15081 Avocet Street NW, stated he is a Vietnam veteran and 100% disabled. He asked if there is a discount available for the assessment. Mr. Berkowitz explained the discount is income-based. He added Mr. Ellertson can contact the City Clerk Michelle Hartner to determine whether he qualifies for the discount.

**Motion** by Barthel, Seconded by Nelson, to close the public hearing at 7:39 p.m. Motion carried unanimously.

**Motion** by Barthel, Seconded by Butler, to adopt Resolution No. R083-23 Adopting the Assessment Roll for the Improvement of Project 23-17, 2023 Full Depth Reclamation. Motion carried unanimously.

***HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/23-11A THROUGH 23-11L, 23-15 PRAIRIE RD. NW & 23-16 ANDOVER BLVD. NW/2023 MILL & OVERLAY***

The City Council is requested to hold a public hearing and adopt a resolution adopting the assessment roll for Project 23-11A through 23-11L, 23-15 Prairie Road NW and 23-16 Andover Boulevard, 2023 Mill and Overlay. Mr. Berkowitz reviewed the project parameters, improvements made, and details of the City's Roadway Reconstruction Assessment Policy. He noted the mill and overlay project will be funded from the City's Road and Bridge Fund, with 25 percent of the street related project costs assessed to benefiting properties. Projects 23-11 will be assessed on a unit basis for each specific project, Projects 23-15 and 23-16 are MSA segments so MSA funding will be utilized along with front footage assessments for each property based on 25 percent of the standard street related costs due to the limited number of accessible units fronting the improvement.

Councilmember Nelson thanked Mr. Berkowitz for his hard work and efforts.

Mr. Berkowitz stated this is the largest project the City has ever undertaken, and credit goes out to many departments: the Finance Department, City Clerk, Administration. and in particular, the Engineering Department.

Mayor Bukkila stated she would like the public to understand why the City is undertaking this massive project.

Mr. Berkowitz explained historically there has been a lack of funding for streets projects, and the City Council saw the need to focus on City streets. He added there is still a lot of work to be done, but this is a good start to the program.

Mayor Bukkila stated it is not possible to capture all the City roads at once and it is important to prioritize before getting a consistent schedule of maintenance. She thanked City Staff for taking on this large project.

***Motion*** by Butler, Seconded by Nelson, to open the public hearing at 8:05 p.m. Motion carried unanimously.

Bill Hupp, 156 150<sup>th</sup> Lane NW, stated he lives in Smith Rolling Oaks and has a 2.5 acre corner lot. He asked whether that would be two units. Mr. Berkowitz stated the whole neighborhood is assessed equally regardless of whether property is on a corner. He added the corner lot does not add to the assessment.

Scott Foyt, 14424 Prairie Road NW, stated he wanted to point out certain items in the Prairie Road project, which is probably the only street that is not in a development. He added that people that live in developments use their roads on a daily basis, but Prairie Road is unique because it is used by the City at large. He asked why Prairie Road residents have to pay for a road that benefits the entire community. He noted there were 5,600 cars per day using Prairie Road as of 2018. He

presented a letter to the City to take this into consideration, and reconsider roads such as Prairie Road and Crosstown Boulevard.

Mr. Foyt expressed concern regarding traffic levels on Prairie Road. He asked the City to review the assessment policy. He requested a reassessment of Prairie Road that will accurately represent the benefits residents should be receiving under State Statute. He stated his assessments now outweigh the benefits to his property and it is unbalanced.

**Motion** by Nelson, Seconded by Barthel, to close the public hearing at 8:17 p.m. Motion carried unanimously.

Mayor Bukkila stated, under the final cost summary for the Prairie Road item, assessable streets are assessed for a dollar amount that is 8-9%, which is less than the 25% assessable street calculation. She added this was done to address variable lot sizes along Prairie Road, as well as space that can't be assessed. She noted the Prairie Road properties do not pay a sum that is equal to 25%, which is a reduction to address unique concerns.

Mayor Bukkila stated it would not be reasonable to request that all residents of the City contribute to offset all of the Prairie Road costs. She requested comments and feedback from the City Council.

Councilmember Butler stated he understands the concerns, but it would be difficult to determine what percentage of traffic is attributable to which homes for every road in the City. He added City Staff have done their best to provide an equitable assessment for Prairie Road residents by factoring outside yard and rear yard lots which are not assessable.

Councilmember Barthel stated he agrees with the City Council's comments so far. He added it would not be equitable to have certain homes not pay anything when the rest of the City pays.

Mayor Bukkila stated there would be cause for concern if the roadway was not reinforced or there was unreasonable wear and tear that would cause the road to expire prematurely, but that is not the case.

Councilmember Butler thanked City Staff for all their hard work on these projects. He added there has been fantastic communication from City Staff, and residents know what is happening and are kept well-informed.

**Motion** by Nelson, Seconded by Butler, to adopt Resolution No. R084-23 Adopting the Assessment Roll for the Improvement of Project Nos. 23-11A through 23-11L, 23-15 Prairie Road NW, and 23-16 Andover Boulevard NW, 2023 Mill and Overlay. Motion carried unanimously.

### ***HOLD PUBLIC HEARING – 2023 DELINQUENT SERVICE CHARGES***

The City Council is requested to hold a public hearing and adopt a resolution adopting the

collection by assessments of unpaid sewer, water, storm sewer, street lighting service charges, false alarm fines, tree removal, mowing fees, and miscellaneous abatement fees. Mr. Dickinson reviewed the outstanding delinquent account balances, administrative fee, and interest rate, noting the Code sections that provide for collection of delinquent service charges in accordance with State Statute 429.

Councilmember Nelson asked whether there is an administrative fee plus interest. Mr. Dickinson stated there is a 15% administrative fee and 8% interest rate, which are set by City Code.

**Motion** by Barthel, Seconded by Nelson, to open the public hearing at 8:30 p.m. Motion carried unanimously.

There were no comments.

**Motion** by Nelson, Seconded by Barthel, to close the public hearing at 8:31 p.m. Motion carried unanimously.

**Motion** by Barthel, Seconded by Butler, to adopt Resolution No. R085-23 Adopting the Assessment Roll for the Certification of Delinquent Sewer, Water, Storm Sewer, Street Lighting Charges, False Alarm Fines, Tree Removal, Mowing Fees, and/or Miscellaneous Abatement Fees. Motion carried unanimously.

### ***ADMINISTRATOR'S REPORT***

Mr. Dickinson stated City Staff have been working on meetings relative to assessments as well as preparing for the year end with auditors beginning preliminary 2023 audit review. The budget will be finalized at the Council workshop at the end of November. Additionally, the County will be sending out property tax notices in November, the Truth in Taxation hearing will be held December 5, 2023.

Mr. Dickinson stated he would like to relay to residents that the City's focus on the budget has been streets, public safety and the retention of staff, which includes being highly competitive. He urged residents to contact him if they require information regarding State programs for homestead credit and special property tax credits.

Mr. Dickinson stated employee insurance premiums decreased, which is a savings for the City. He added this item was approved at tonight's meeting.

Mr. Berkowitz stated Prairie Road is open, along with the City's first roundabout. He added some signage is still needed, but it is open and operational. Paving is being completed at Legacy at Petersen Farms. A tree lighting ceremony is planned for December 8, 2023 from 5:00 to 8:00 p.m., with bonfires, smores, hot chocolate, and music. Volunteers are needed. He asked Councilmembers to let him know if they would like to attend and do the tree lighting countdown.

***MAYOR/COUNCIL INPUT***

Councilmember Nelson thanked all Veterans, as Veteran’s Day is coming up on Saturday, but will be recognized on Friday.

Mayor Bukkila stated, as a reminder to the public, road construction is planned on Coon Creek Boulevard in Coon Rapids. She requested that residents of neighborhoods that are impacted by this construction contact the Sherriff’s Office or City Staff.

***ADJOURNMENT***

***Motion*** by Barthel, Seconded by Nelson, to adjourn. Motion carried unanimously. The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Mary Mullen, Recording Secretary



**REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – NOVEMBER 8, 2023**  
**TABLE OF CONTENTS**

PLEDGE OF ALLEGIANCE .....	1
RESIDENT FORUM .....	1
AGENDA APPROVAL .....	1
APPROVAL OF MINUTES .....	1
CONSENT ITEMS .....	2
Item 2 Approve Payment of Claims .....	2
Item 3 Approve Dental Renewal and Employer Contribution .....	2
Item 4 Approve Medical Renewal and Employer Contribution .....	2
Item 5 Approve Replacement – One-Ton Truck with Plow #569 .....	2
Item 6 Approve Declaration of Encroachment Easement, Conditions and Covenants – 16217 Zilla St. NW (Lot 10, Block 2, White Pine Wilderness 2 <sup>nd</sup> Addition) .....	2
Item 7 Approve Agreement for State Election Funds – Anoka County .....	2
Item 8 Approve 2024 Contract/TimeSaver Secretarial Service .....	2
Item 9 Approve City Code Amendment (Title 3 Chapter 9) (Ord. 557) .....	2
Item 10 Approve Purchase/Front Hitch & PTO Addition/Unit #22-514 .....	2
Item 10A Approve Purchase Agreement and Trail Easement for 140th Avenue NW and Andover Blvd. ....	2
HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/21-39/TULIP ST. NW & 161 <sup>ST</sup> AVE. NW RECONSTRUCTION (R081-23) .....	2
HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/23-2/2023 STREET RECONSTRUCTION (R082-23) .....	3
HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/23-17/2023 FULL DEPTH RECLAMATION (R083-23) .....	4
HOLD PUBLIC HEARING/ADOPT ASSESSMENT ROLL/23-11A THROUGH 23-11L, 23- 15 PRAIRIE RD. NW & 23-16 ANDOVER BLVD. NW/2023 MILL & OVERLAY (R084-23) .....	5
HOLD PUBLIC HEARING – 2023 DELINQUENT SERVICE CHARGES (R085-23) .....	6
ADMINISTRATOR’ REPORT .....	7
MAYOR/COUNCIL INPUT .....	8
ADJOURNMENT .....	8