

***REGULAR ANDOVER CITY COUNCIL MEETING – AUGUST 15, 2023  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Bukkila, August 15, 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  
  Community Development Director, Joe Janish  
  Director of Public Works/City Engineer, David Berkowitz  
  City Attorney, Scott Baumgartner  
  Planning Intern, Aidan Breen  
  Others

***PLEDGE OF ALLEGIANCE***

***PROCLAMATION - CONSTITUTION WEEK***

Mayor Bukkila made the proclamation that September 17<sup>th</sup> through September 23<sup>rd</sup> will be considered Constitution Week as September 17<sup>th</sup> marks the 236<sup>th</sup> anniversary of the drafting of the Constitution of the United States of America by the Constitution Convention.

***RESIDENT FORUM***

Hope Luedtke, 16932 Jivaro Street NW, came forward and shared that she has been very invested in the Petersen Farms development. She stated she appreciates all of the work that has been done by the City and developers for this project. She added she is very happy about the second exit that will be included in phase three. She noted she is here to speak for the future of Andover and stated if there is another big piece of property down the road that the City will be looking at considering development on, that the City look at the big long term picture before moving forward with a development. She thanked the Council for always listening to her and her opinions.

***AGENDA APPROVAL***

City Administrator Dickinson requested to add a closed session to the meeting after the Mayor/Council input to discuss union and real estate negotiations:

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

***APPROVAL OF MINUTES***

*July 31, 2023, Regular Meeting  
July 31, 2023, Closed Meeting*

**Motion** by Barthel, Seconded by Nelson, to approve the July 31, 2023, Regular and Closed meeting minutes as presented. Motion carried 4 ayes, 1 present (Mayor Bukkila).

***CONSENT ITEMS***

- Item 2 Approve Payment of Claims
- Item 3 Approve Change Order #2/23-17/2023 Full Depth Reclamation (See Resolution R054-23)
- Item 4 Receive July 2023 City Investment Reports
- Item 5 Receive July 2023 General Fund Budget Progress Report
- Item 6 Receive July 2023 Community Center Update
- Item 7 Approve Changes to Personnel Policy

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

***ANOKA COUNTY SHERIFF - PRESENTATION/CONSIDER 2024 LAW ENFORCEMENT PROPOSAL***

The Council is requested to receive a presentation from Anoka County Sheriff Brad Wise and consider approval of the 2024 Anoka County Sheriff's Contract. Each year the Council approves the subsequent year's law enforcement contract with the Anoka County Sheriff's Office as part of the budget process.

Sheriff Wise reviewed the Law Enforcement Contract and all changes and updates to the 2024 contract, including the increase in wages. He explained the reasons for the increase in wages and the current decline in interest for law enforcement as a profession.

Councilmember Engelhardt asked about the need to spark an interest in joining law enforcement and if there is any youth outreach or similar organizations that the Sheriff's Office is working with to try to spark this interest. Sheriff Wise stated they are not working with other agencies as they do not trust other entities to support the Sheriff's Office in the way that they need to be supported. He noted he is trying to spark this interest on his own. He added he ran the job interview event for the Explore Kids program for nearly 20 years to recruit kids into law enforcement. He shared that they also have Community Service Officers who are young people who are non-sworn who have an interest in law enforcement. He stated they need help state-wide and need politicians to stop vilifying the profession.

Councilmember Engelhardt thanked Sheriff Wise for everything that he is doing to help solve this problem.

Councilmember Butler thanked Sheriff Wise for his sensitivity around the fiscal realities of the new contract. He stated he does not need to apologize as he knew that some sort of increase had to be coming. He shared appreciation for the work of the Anoka County Sheriff's Office staff. He also shared appreciation for the candor surrounding the compensation discussion as the public needs to know this information. He noted this is not just a County or Statewide issue, it is a national problem.

Mayor Bukkila shared appreciation for the words and stated she hears support for law enforcement in the community and they speak well of the agency. She noted the crime rates and type of in the City speaks volumes to the service that is provided to the community. She shared her support and thanks for the Sheriff's Office.

**Motion** by Butler, Seconded by Nelson, to approve the proposed 2024 Anoka County Sheriff's Office Law Enforcement Contract. Motion carried unanimously.

### ***ANOKA COUNTY SHERIFF'S OFFICE MONTHLY REPORT***

Commander Paul Lenzmeier provided a monthly report including 348 traffic stops, 1,203 calls for service, 13 DWI arrests, and 23 thefts in the month of July. He shared that nine of the 13 DWI arrests were made by Deputy Brownfield. He noted the businesses that were taking up a lot of time in regard to thefts have seen a significant decrease. He shared the concern with the number of assaults and will have some information to present concerning this next month. He stated for the month there was only one felony arrest, seven gross misdemeanor arrests, and 34 misdemeanor arrests. He explained on July 6<sup>th</sup>, there was a tragic construction accident in the 1200 block of 138<sup>th</sup> Lane, where a 51-year-old man from Nowthen was on a roof doing construction when he fell off the roof and later passed away due to these injuries. He shared that on July 18<sup>th</sup> there was a swatting call on the 3400 of 138<sup>th</sup> Court that came from Andover, Ohio which stated that there was a man who had killed his wife. He noted on July 19<sup>th</sup> there was a fatal motor vehicle accident at Round Lake and 174<sup>th</sup>. He stated there was a lot of activity in the month of July that kept the Sheriff's Office very busy. He added they had their Cast Event at Lake George and the Night to Unite during the month.

Mayor Bukkila stated she heard about the swatting call and encouraged residents to be cautious when they see emergency vehicles. She thanked Commander Lenzmeier for the large-scale response to this call.

Councilmember Nelson thanked the Sheriff's Office for their participation in the Night to Unite.

Mayor Bukkila noted it is likely a large task to coordinate all of the block parties for crime prevention and thanked the Sheriff's Office for their work through this.

Councilmember Engelhardt shared that he was walking his dog recently and came across a sign in a neighborhood that designated it as a crime watch area. He asked what this means and about this program. Commander Lenzmeier explained this goes along with the Night to Unite and shared that there are crime watch captains in different neighborhoods. He added these signs act as a warning for those who want to come in and cause trouble that the community is looking out for each other.

Councilmember Engelhardt asked if someone wanted to get this in their neighborhood how they would do this. Commander Lenzmeier stated they should contact the Sheriff's Office crime prevention and they can get set up with all information and details regarding crime prevention.

***REMOVE FROM TABLE & CONSIDER VARIANCE REQUEST - 14358 BUTTERNUT ST. NW; PID#25-32-24-41-0073 - JOSEPH AND KAITLYN SULLIVAN (APPLICANTS)***

The City Council is requested to remove this item from the table and consider the variance request. The applicants are requesting a variance from the rear yard setback requirements to construct an addition to their home.

***Motion*** by Barthel, Seconded by Butler, to remove this item from the table. Motion carried unanimously.

Community Development Director Janish reviewed the variance request and discussion from the last meeting. He shared the recommendation for denial from the Planning and Zoning Commission stating that it does not meet all variance review criteria, as the applicant could redesign the project to meet City Code.

Mayor Bukkila shared that the reason this was tabled was due to a tied vote at the last meeting as there were only four Councilmembers present. She requested the applicant to come forward and speak.

Joseph Sullivan, 14358 Butternut Street NW, came forward and shared their reasons for the variance request. He explained they propose to use this variance in a very reasonable manner and why this request meets all of the necessary criteria. He added he has signatures from some of his neighbors in support of this.

Mayor Bukkila asked when Mr. Sullivan agreed to the design of his home and then ran into this issue, what were the decisions that the builder gave. Mr. Sullivan shared that he wished he would have asked more questions at the time; however, they were under guidance of their builder and they were told that this was the best course of action.

Mayor Bukkila asked if additional courses were added to the foundation for the basement. Mr. Sullivan said yes.

Mayor Bukkila asked if they were given an option to put in additional steps in the garage. Mr.

Sullivan said they were given this option and by moving the home back, they were told that this would reduce the number of steps into the home.

Mayor Bukkila stated with the Sullivan's being the original homeowners and being involved in the building, there is something to be learned. She added she is very conscientious of backyard space. She noted there is a reason that the front yard setback is where it is as it allows for this space in the back. She made the point that the Sullivan's made the decision to not add steps and to in turn add to the front yard and subtract from the backyard. She stated she does not see anything that would make this fall into a normal category for a variance. She noted the choices that led to requesting a variance are decisions that the Sullivans made and if she were to concede to this variance, it would open the flood gates to others who did not make the best building design choice and now want exceptions made for them. She shared that the goal is to not have homes abutting each other and if they allowed this variance they would have to allow it for others and they would need to draw a line somewhere. She stated this is why the City Code exists. She added this is not a unique situation to the property, rather a decision made by the Sullivans that does not allow for full use.

***Motion*** by Mayor Bukkila, Seconded by Barthel, to approve Resolution No. R055-23, denying a variance for the property at 14358 Butternut Street NW.

Councilmember Butler stated he understands Mayor Bukkila's position on this. He noted the variance process is in place to empower the Council to exercise judgment on what is a reasonable variance from City Code. He added when he looks at the big picture of this, a three foot or 10% variance is a reasonable use of private property by a landowner in this situation. He shared the Council has a duty to the community to do what they would expect the Council to do in terms of reasonable allowances for private property. He stated he will vote in opposition to the motion to deny the request.

Councilmember Barthel stated he shared his opinion on this at the last meeting and his opinion has not changed since then. He noted they have to follow the City's ordinances and what has been already set in place for these types of items.

Councilmember Nelson reiterated that this is a very difficult decision; however, they do lean on the Planning and Zoning Commission as they do a lot of the work for these types of requests. He added they are not telling the Sullivans that they cannot build the three-season porch, they just need to modify it to nine feet to fit within the Code.

Motion carried 3 ayes, 2 nays (Butler and Engelhardt)

***CONSIDER INTERIM USE PERMIT (IUP) AMENDMENT - 13655 ROUND LAKE BOULEVARD; PIDs 34-32-24-42-0009 and 33-32-24-42-0007 - GRACE LUTHERAN CHURCH OF ANOKA (APPLICANT)***

The City Council is requested to consider the request for an extension of the timeframe for Grace

Lutheran Church to remove a subordinate structure on their property by 12 months, through December 31, 2024.

Planning Intern Breen reviewed the staff report in regard to an amendment request to the IUP at Grace Lutheran Church for their subordinate structures. He shared the Planning and Zoning Commission recommendation of approval as well as the consideration to extend the IUP by 24 months rather than 12 months to give an additional buffer for construction purposes.

Mayor Bukkila asked about the request for the timeline of 90 day post construction removal after a Certificate of Occupancy has been issued. She asked if this would be before the December 31, 2024 deadline. Mr. Breen explained this reads as whichever comes first.

Mayor Bukkila asked if the IUP is for the construction or for the removal of the subordinate structures. Mr. Breen stated it is for the removal of the structures, which is contingent on the construction and remodel.

Mayor Bukkila asked if the Certificate of Occupancy was issued in July, they would have 90 days from that point to remove the structures. Mr. Breen said that is correct.

Mayor Bukkila noted she is not inclined to move forward with the 24-month recommendation of the Planning and Zoning Commission as this has been a long time in the making.

A representative of the applicant, Tracy Russell, 2332 151<sup>st</sup> Avenue NW, came forward and shared that in terms of the timeframe, the church wanted to be very respectful of this additional request for an extension. She added this is why they only requested a year; however, the Planning and Zoning Commission recommended an additional year just in anticipation of unexpected situations. She noted they are so much further along in this process than they were at the previous request in 2019. She stated they have gone through final mortgage approval, having funding from the congregation, and have a construction manager who is working through the remodel. She noted it is not the intention of the church to give the construction manager notice of the two-year extension and they are still shooting for 2024 construction regardless. She added the biggest unknown with the project is obtaining the supplies with potential supply chain issues.

Councilmember Barthel shared that in 2019, the church came to the Council and shared that all they needed was four additional years and they would not be coming back to the Council again with an extension request. He noted this is frustrating as they are now being asked to grant another extension for this project. He stated he would only support a one-year extension and nothing longer.

Councilmember Nelson added he understands why the Planning and Zoning Commission recommended two years, just in case, because if they only approve a one year extension and cannot get this done by the deadline, they would be coming back to the Council again for another extension.

Councilmember Engelhardt asked if construction is anticipating delays. Mr. Janish noted the 12 months comes from the guidance of the church's contractor and architect. He added the Planning and Zoning Commission looked at this from the perspective of not wanting this request to come forward again for the same request in a year if the project is not complete due to supply chain or labor issues.

Councilmember Engelhardt asked if they do go over the 12 months if there is any kind of accountability on permitting or construction. Mr. Janish stated if the Council approves a 12-month extension then they cannot go over the 12 months and if they needed additional time, they would need to apply for another IUP.

Councilmember Butler asked about the 90-day expiration of the IUP for the removal and asked if approving the 12-month extension would allow the church to have until March 2025 to remove the structures. Mayor Bukkila said no and explained that the expiration of the IUP is when this must be removed and if the expiration clause was added, they would have 90 days after obtaining the Certificate of Occupancy to remove the structures.

Mr. Breen shared the way the resolution is written; it does allow for an additional 90 days beyond the expiration date. He noted if the Council does approve to extend this, they can also remove the additional 90-day clause. Mr. Janish confirmed.

City Attorney Baumgartner explained if the expansion is done prior to December 31, 2024, that the 90-day clause comes in if the project finishes early. He recommended amending the resolution to say that the structures have to be removed by December 31 or 90 days after a Certificate of Occupancy is issued, or whichever shall first occur.

Mayor Bukkila noted this is very reasonable.

**Motion** by Nelson, Seconded by Barthel, to adopt Resolution No. R056-23, granting an Interim Use Permit Amendment for extending the timeframe by 12 months for the removal of a subordinate structure at 13655 Round Lake Boulevard, Grace Lutheran Church, with City Attorney Baumgartner's recommendations. Motion carried unanimously.

***CONSIDER A PRELIMINARY PLAT FOR THE THIRD PHASE OF THE PETERSEN FARMS DEVELOPMENT WHICH WILL BE KNOWN AS LEGACY AT PETERSEN FARMS (APPLICANT - JD ANDOVER HOLDINGS)***

The City Council is requested to review a Preliminary Plat for Legacy at Petersen Farms, which is the third phase of the multi-phase development.

Mr. Janish reviewed the staff report in regard to phase three of the Petersen Farms development. He shared the recommendation from the Planning and Zoning Commission for approval. He shared the Planning and Zoning Commissions discussions, including traffic, traffic safety, environmental factors, roadway widths, lot sizes, and other concerns.

Councilmember Butler asked about the one non-conforming lot and if there is a point at which this would be verified to be brought into compliance. Mr. Janish explained the applicant is now working on review comments related to the grading. He noted they will verify all of these comments when the next set of plans come in.

Councilmember Nelson added during the public hearing at the Planning and Zoning Commission there was a resident who came forward and noted there are two private wells that have an excessive amount of nitrates. He asked if there was a hydrology study done in this area. Mr. Janish shared that based on the information provided it is not expected to stress the aquifer itself. He added related to the nitrates there could be a localized source nearby and there are processes related to ionized treatments that can be done. He noted the Minnesota Department of Health recommends that individuals test their wells on a two-year cycle to make sure that there are no nitrates present.

Councilmember Nelson asked about the emergency access in the cul-de-sac and if it will be there in phase four. Mr. Janish explained there are two emergency accesses that will be provided as part of this development, including a permanent cul-de-sac off of Makah Street and a temporary cul-de-sac off of the farm access.

Councilmember Nelson asked if there was going to be an access off of 170<sup>th</sup> Avenue. Mr. Janish explained the 170<sup>th</sup> Avenue roadway will be built and the geotechnical report that was provided on the construction of the roadway recommends grading this out and putting gravel on it and then letting it sit over the winter to be paved after.

Darren Lazan, Landform Professional Services and JD Andover Holdings, came forward and stated this is the last large phase of this project. He explained when wells are dug they can hit different things when dug at different depths. He shared they can redrill or then can put a secondary treatment system in place. He noted they are not hitting dangerous chemicals. He added they did put in equipment which adds regular retail components that are regularly added to softeners to deal with this.

Mayor Bukkila asked about the timeline of events after this is approved. She asked when the road will be in and what they anticipated as far as permitting. Mr. Lazan explained they have builders ready to go on this project and shared they will close and pull permits when these permits are available, and the permits will be available when they finish the roadways and get the plat recorded. He noted they will schedule closing immediately after approvals and they will start construction after final sign offs from staff. He added they will be racing against the clocks with winter coming.

Mayor Bukkila asked if they will be paving a portion and leaving the other portion as gravel over the winter. Mr. Lazan stated if they pave this year they will pave all of 167<sup>th</sup> and the two legs off of this road. He added they will not be paving the northbound segment up to 170<sup>th</sup> because it is the geotechnical evaluations recommendation to wait until after winter and pave in the spring.

Councilmember Engelhardt noted there has been a lot of planning, discussion, and review on this



project. He asked that they continue to have meetings and information sessions throughout the progress of the project.

**Motion** by Butler, Seconded by Engelhardt, to adopt Resolution No. R057-23, approving the preliminary plat of “Legacy at Petersen Farms”.

Councilmember Barthel shared there have been a lot of changes made to this project to appease the Councilmembers who have supported this. He shared his appreciation for these changes. He added that although he is still sold on the roundabout and will be voting against this, he appreciates that the applicant listened to the Council and made the necessary changes.

Mayor Bukkila noted this has been a long process which started a few years ago. She shared her appreciation for the applicant for working with residents, the Council, and City Staff on this project.

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 shared the Administrative Staff report, highlighting the meetings with the MPCA, the Department of Health, and the Federal EPA in regard to the Red Oaks neighborhood and Eastbrook neighborhood. He noted these were both great meetings. He added the money for the Red Oaks neighborhood project has been secured at the State. He explained there has been a lot of work on the budget and the Capital Improvement Plan. He shared he has been very active in negotiations for union contracts, law enforcement, and the school district. He stated the Human Resources Department has been analyzing the impact of the Sick-Safe Leave. He noted they are at 39 new homes in the City as there are not a lot of lots open in the City. He added that commercial projects are starting to be completed.

**(Public Works/Engineering Department Report)** Mr. Berkowitz shared the Public Works and Engineering Department report, noting the housing portion of construction is done but not construction as a whole. He stated they are nearly finished with the 16.5 miles of road reconstruction for this year and only have the full-depth reclamation south of Crosstown Boulevard left. He noted at 161<sup>st</sup> and Tulip Street, they worked with Anoka County on the issues with the signal at Round Lake Boulevard and 161<sup>st</sup> which caused a lot of traffic issues and confusion. He stated the signal is up and operational. He reviewed other projects including the resurfacing on the Sunshine Park main parking lot. He added they are still working on the Fire Station #2 parking lot. He discussed the roundabout on Prairie Road and shared this road will be closed for eight to ten weeks to get the roundabout built. He added there is a pavement failure off of Crosstown Drive and 138<sup>th</sup> Avenue and they are doing an investigation to see what this issue might be. He stated he will keep the Council updated on this. He discussed the Legacy at Petersen Farms development

and noted there is a lot that goes into these types of developments.

***(Community Development Department Report)*** Mr. Janish reviewed the Community Development Department report, highlighting that they are working with many residents as they are trying to move forward with projects, as well as reviewing commercial site plan reviews, preliminary plats, and code enforcement. He thanked Planning Intern Aidan Breen who will have his last week with the City next week.

Mayor Bukkila thanked Mr. Breen for his great presentation earlier in the meeting and wished him well in his future endeavors.

Councilmember Engelhardt thanked Mr. Dickinson and City Staff for their hard work in putting together information sessions for Red Oak and Eastbrook. He noted he heard a lot of good feedback from the attendees of these sessions.

Mayor Bukkila echoed Councilmember Engelhardt's thanks. She stated it is not very often that so many governmental entities are together in the same room and are open to answering questions. She noted this was very productive. She hopes that what has been learned with the Red Oaks neighborhood will help speed up the process for the Eastbrook neighborhood.

Councilmember Engelhardt explained there was a change between the two nights in regard to the approach that the State personnel took towards the effort to explain things to the residents.

Councilmember Nelson noted it is wonderful to expedite this as it took so long to get the meeting with the Minnesota Department of Health and the MPCA for the Red Oaks neighborhood. He added these meetings can be found online.

### ***MAYOR/COUNCIL INPUT***

Councilmember Nelson gave a special thanks to the Andover Fire Department. He shared that he did the ride along with them for the Night to Unite and they went to seven different block parties and at every party that they went to the children were already in their bathing suits waiting for the Fire Department to arrive. He added this is an important recruiting tool. He also gave a thanks to the Anoka County Sheriff's Department because they were also in attendance. He thanked all of the residents who put together these block parties. He noted the Andover all-staff picnic was held at the Sunshine Park pavilion which was a wonderful event. He shared there was a ribbon cutting celebration at the Arbor Oaks neighborhood for their 10 year anniversary.

### ***RECESS***

Mayor Bukkila recessed the regular City Council meeting at 8:45 p.m. to a Closed Session of the City Council to discuss union negotiations and real estate negotiations.

### ***RECONVENE***

*Regular Andover City Council Meeting  
Minutes – August 15, 2023  
Page 11*

The City Council reconvened at 9:00 p.m.

***ADJOURNMENT***

***Motion*** by Barthel, Seconded by Nelson, to adjourn. Motion carried unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Ava Rokosz, Recording Secretary

**REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – AUGUST 15, 2023**  
**TABLE OF CONTENTS**

TOC \h \u \z \t "Heading 1,1,Heading 2,2,Heading 3,3,"

PROCLAMATION - CONSTITUTION WEEK .....	1
RESIDENT FORUM .....	1
AGENDA APPROVAL .....	1
APPROVAL OF MINUTES .....	2
CONSENT ITEMS .....	2
Item 2 Approve Payment of Claims .....	2
Item 3 Approve Change Order #2/23-17/2023 Full Depth Reclamation (R054-23) .....	2
Item 4 Receive July 2023 City Investment Reports .....	2
Item 5 Receive July 2023 General Fund Budget Progress Report .....	2
Item 6 Receive July 2023 Community Center Update .....	2
Item 7 Approve Changes to Personnel Policy .....	2
ANOKA COUNTY SHERIFF- PRESENTATION/CONSIDER 2024 LAW ENFORCEMENT PROPOSAL .....	2
ANOKA COUNTY SHERIFF’S OFFICE MONTHLY REPORT .....	3
REMOVE FROM TABLE & CONSIDER VARIANCE REQUEST - 14358 BUTTERNUT ST. NW; PID#25-32-24-41-0073 - JOSEPH AND KAITLYN SULLIVAN (APPLICANTS) (R055-23) .....	4
CONSIDER INTERIM USE PERMIT (IUP) AMENDMENT - 13655 ROUND LAKE BOULEVARD; PIDs 34-32-24-42-0009 and 33-32-24-42-0007 - GRACE LUTHERAN CHURCH OF ANOKA (APPLICANT) (R056-23) .....	5
CONSIDER A PRELIMINARY PLAT FOR THE THIRD PHASE OF THE PETERSEN FARMS DEVELOPMENT WHICH WILL BE KNOWN AS LEGACY AT PETERSEN FARMS (APPLICANT - JD ANDOVER HOLDINGS) (R057-23) .....	7
ADMINISTRATOR’S REPORT .....	9
MAYOR/COUNCIL INPUT .....	10
RECESS .....	10
RECONVENE .....	10
ADJOURNMENT .....	11