

***REGULAR ANDOVER CITY COUNCIL MEETING – SEPTEMBER 5, 2023  
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Bukkila, September 5, 2023, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Councilmember absent: Jamie Barthel

Also present: City Administrator, Jim Dickinson  
Director of Public Works/City Engineer, David Berkowitz  
Others

***PLEDGE OF ALLEGIANCE***

***PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH***

Mayor Bukkila read the proclamation and declared October as Domestic Violence Awareness Month.

***RESIDENT FORUM***

Dan Johnson, 2165 154<sup>th</sup> Lane NW, came forward and shared that he has noticed a 40% increase in the fees for ice skating and pickleball at the Community Center. He asked who approved this increase. Mayor Bukkila stated the Council reviews and approves all fee increase proposals.

Mr. Johnson asked if the rates for advertising was also raised 40%. City Administrator Dickinson shared that there is an approved number for advertising which is typically done at the beginning of the year. He noted most fees did go up as costs have also gone up for operating the facility.

Mayor Bukkila added if Mr. Johnson would like more specific information on these items, he can leave his contact information with staff.

Mr. Johnson asked if with these large fee increases if there will be improvements made to the lighting at the pickleball courts. He stated with this increase in income he would like to see some improvements being made. Mayor Bukkila noted this was the first she had heard of these kind of complaints concerning the lighting. She explained costs that are associated with this increase are to cover the current costs; however, if there is an expansion or improvement of projects this would be under the CIP related to the Community Center.

Mr. Johnson recommended a \$1 increase for the Andover residents and a \$2 increase to non-residents. He also inquired about the possibility of there being other contaminated wells in the southern part of the City. He shared that he is glad that this is being looked into as it is important to have clean water. He asked if the municipal water system uses fluoride. Director of Public Works/City Engineer Berkowitz said yes.

Mr. Johnson asked if the use of fluoride is mandated. He stated fluoride is an industrial hazardous waste which is known to cause cancer and other diseases. He noted if the goal is to improve the water conditions on contaminated wells, one source would be to eliminate fluoride in the drinking water. Mr. Berkowitz explained this is regulated through the Minnesota Department of Health and is a requirement.

Tiffany Strabala, 13320 Crooked Lake Boulevard NW, came forward and shared that she is opposed to governing the counting of write-in votes for local elective offices. She shared that she favors counting and recording all votes, including write-in votes, in order to preserve election integrity and transparency.

Margaret Miller, 3843 140<sup>th</sup> Avenue NW, came forward and shared that she also opposes the resolution to not count write-in votes. She stated she is concerned with this as she feels it does not lend itself to transparency in elections. She noted in the proposed resolution, there are the words, ‘overly time-consuming and unnecessary’ are used. She said she does not feel that this is an appropriate criteria for deciding how votes will be handled in elections. She added that just because it is time consuming does not mean that it is unnecessary. She shared that she feels it is especially important at this time in the nation’s history when such scrutiny is being placed on election integrity across the country. She stated now is not the time to take any action that could decrease voter confidence. She added she does not think that this resolution would increase voter confidence.

Jill Sundeen, 41 144<sup>th</sup> Lane NW, came forward to discuss an issue with a fence that she has put up at her house with a request for a variance with where it is positioned. She shared that she has taken pictures of some of her neighbor’s fences that are in the same area that she is being told she cannot put her fence. She noted these are solid fences that do not allow the water to drain in the easement. She showed a picture of her fence, which is chain link and allows the water to drain. She proposed that if there is work that needed to be done in the easement then she would pay to remove and replace her fence, given notice that the City needed to work on the easement. She stated she would like to keep her fence to protect her yard, kids, and animals from the busy road of Andover Boulevard. She shared that she was told that for this permit she would have to bring her fence back 30 feet which would make her yard much less usable. She stated she bought this property assuming that she would have nice and beautiful backyard and she would like to keep her fence and be able to continue to utilize her backyard.

Mr. Berkowitz explained at the property the fence went up without a permit and was discovered when a routine inspection was being done on a neighboring property. He stated a permit was applied for after the fact and it was identified on the permit that the fence cannot be within the last

30 feet of the property. He added the City sent a letter on June 14, 2023 concerning the fence and they did not hear back from the property owner. He explained the City Attorney then sent a follow up letter at the end of August stating that the fence needs to be removed out of the easement. He shared that process that has been done in the past of bringing these concerns forward as a Council item to be reviewed in full detail. He added there is currently no variance process for putting a fence in a drainage and utility easement.

Ms. Sundeen shared when she contracted with Nelson Fences, they submitted a request for a permit online; however, the system did not accept the application. She noted there was an intention to file a permit.

Mayor Bukkila stated this situation has a proper process to it and this needs to be put back onto a future agenda to review the permit; however, this would not include the consideration for a variance.

Ms. Sundeen shared that there are many houses on her street that would be interested in this discussion. Mayor Bukkila stated if there are residents who are in violation of a City Code then this would need to be dealt with separately.

Mayor Bukkila asked if the Council would like to see this moved to a later meeting as a discussion item.

Councilmember Butler asked if the discussion would be to hear an appeal of the decision that the fence is out of compliance. Mayor Bukkila said yes. Councilmember Butler stated he is always willing to hear a resident's case; however, they have always held rather consistent to the rules surrounding drainage and utility easements.

Councilmember Engelhardt stated they should have this discussion as there have been previous meetings where this topic has come up and there are some instances where the fencing companies was perceived to be doing work the correct way when in reality they were not. He noted it would be good to have this discussion to outline the process and controls for the general good of the public.

Councilmember Nelson stated he would be willing to discuss this at a future Council meeting.

Mayor Bukkila noted she is currently not in favor of having this discussion based on what she has heard so far. She stated the resident put in the fence without a permit, then the rules were explained to the resident after the fact, and now this is an issue. She noted this would fall more into a variance process and she would uphold the current status of the ordinance in this case. She encouraged Ms. Sundeen to continue to work with staff on this matter to gain compliance or work through appropriate process.

Mr. Berkowitz stated there is not a variance process for fences and they are to be out of the drainage and utility easement, which includes chain link fences. He added there has been a lot of discussion

in the past on drainage and utility easements concerning encroachments that have created a lot of problems, which is why the Council has stood strong on this matter.

Councilmember Butler asked if a resident applies for a permit prior to putting in a fence and it is denied if there is an appeal process for this or if it is just a staff denial. Mr. Berkowitz stated it is a staff denial, appeal first goes to the City Administrator.

Mayor Bukkila shared that the recommendation for this discussion is to determine if Ms. Sundeen would like to present more information which can be emailed to the Council and after receiving that information, if a majority of the Council would like to bring this back for consideration then this could be done.

Amy Nelson of Nelson Fences, came forward and shared that she did apply for a permit through the online system and the application did not get through. She stated they then reapplied after the inspector was at the site inspecting an additional fence. She asked if there would be an option to open up part of the fence so there is a removable panel that would not obstruct the flow of water. She explained they completed the fence prior to getting a permit as this was a newly purchased property and Ms. Sundeen wanted the work completed so her animals would not get loose.

Mayor Bukkila explained they will need to work with staff on this matter and that removable panels are not usually allowed.

Mr. Berkowitz told Ms. Sundeen to call him to work through this information.

Brian Rule, 17532 Orchid Street, came forward and shared that he agrees with the opinions that were shared earlier this evening in regard to the write-in votes. He added this matter came to his attention on Friday evening when he was told that a few people had reached out in regard to this issue and the response was delayed and dismissive. He noted this does not seem to be something that is appropriate to be brought forward as a Consent Agenda item only as this is something that would affect a lot of people and should be discussed. He shared that he reached out to over 100 people and found that the majority was opposed to this resolution. He shared his appreciation that this will be brought back for discussion. He stated he has some preliminary polling results concerning this.

Mayor Bukkila shared that she had only received one email from one individual on this matter. She stated she and the Council did not know until Friday afternoon when the agenda was published that this item would be on the Consent Agenda. She encouraged residents to participate in this process and shared that the Council has the ability to remove this item from the Consent Agenda and move it for discussion. She added she was told that for this item staff would just wait and see what the City Council does and react to it, to which she did not agree with as the whole idea behind an item like this is to have the residents weigh in early on in the process so that they have feedback from residents on how to proceed. She explained this was brought about by changes in the State law that are coming into action. She agreed this item should not have just been considered as a Consent agenda item and that if they are going to entertain this item it needs more discussion and

more information. She encouraged residents to participate in this discussion. She noted it is very difficult for the Council to make decisions on behalf of the residents when they are not participating in the discussions and making their voices heard. She stated the goal of the Council is to represent the residents; however, it is difficult when the residents do not come forward on the front end of these items.

Councilmember Butler stated that if there is ever anything on the Consent agenda that a resident feels requires more discussion than residents can email the Council and let them know as it only takes one Councilmember to remove an item from the Consent Agenda.

Councilmember Nelson thanked all the residents who came forward with concerns for this item and made their voice heard. He shared that he is looking forward to having this and all other legislative changes to elections to be looked at in a future workshop meeting. He thanked residents for all of their communication in regard to this concern.

John Niessen, 3454 173<sup>rd</sup> Lane, came forward and voiced his concerns for the write-in vote resolution. He shared that he is opposed to this resolution as it undermines the integrity of elections which has already been in question for the last few years.

Karen Godfrey, 3451 174<sup>th</sup> Lane NW, came forward and thanked the Mayor, Council, and Staff for being so responsive. She shared that she is impressed and grateful for the careful way that the Council listens during residents' forum and responds in a way to educate the residents. She noted this is the kind of give-and-take that is needed from a Council. She shared that even when she does not attend the meetings herself, she does watch them at home to keep the Council accountable and educate herself. She added she feels that the Council does a great job representing her as a resident. She noted the importance of continuing to give the Council feedback to give them the information that is needed for the Council to represent the residents effectively.

Mayor Bukkila thanked all residents who came forward for their time and input.

### ***AGENDA APPROVAL***

Mayor Bukkila noted the removal of an item from the Consent Agenda:

Item #4 – Approve Resolution for Counting Write-In Votes for Local Elective Office

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

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

*August 15, 2023, Regular Meeting  
August 15, 2023 Closed Meeting  
August 22, 2023 Workshop Meeting*

**Motion** by Nelson, Seconded by Engelhardt, to approve the August 15, 2023, Regular meeting minutes, August 15, 2023 Closed meeting minutes, and August 22, 2023 Workshop meeting minutes as presented. Motion carried unanimously.

***CONSENT ITEMS***

Item 2 Approve Payment of Claims

Item 3 Accept Resignation of Cary Comer, Building Permit Technician

Item 5 Approve Joint Powers Agreement Anoka County/Assessment Services Contract

Item 6 Approve Funds Transfer & Budget Amendments/Central Equipment Fund

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

***DISCUSS/ADOPT 2024 PRELIMINARY TAX LEVY***

The City Council is requested to prepare a preliminary budget and submit a levy certification to Anoka County Property Records and Taxation Division by October 2<sup>nd</sup>, required by State law.

Mr. Dickinson reviewed the information with the Council concerning the 2024 preliminary tax levy, noting a 3.55% increase to the current City tax rate, resulting in a 6% increase in the gross tax levy. He noted the focus of the budget and levy is to address inflationary items, capital replacements, an infusion of funds into the mill and overlay program and address staff retention.

Mayor Bukkila stated a five-minute summary of the budget and levy does not capture how much work it took to get to this point. She added there are many items that have driven up costs and the increase in the budget and the levy helps the City accomplish the goals of fixing the infrastructure that the City has while creating a plan moving forward that would not create a spike in demands. She noted this is one of the biggest increases that she has voted in favor of; however, she finds this increase to be necessary as it will help maintain the roads and fix things the way that they should be fixed. She added she has received emails from residents stating that they are not satisfied with their roads. She explained she came onto the Council during the recession during which the road program did not have the funding and was scaled back with respect to taxpayers. She noted the program never made-up ground when the economy came back. She stated this compounded the issue. She thanked staff for being conscientious with the dollars that are spent and for trying to find bargains that they can.

Councilmember Nelson added this past summer the City did 17.1 miles of residential roads which is by far the most roads that have been completed in a single year. He noted when he was door knocking three years ago, the roads were a major concern for Andover residents because everyone uses the roads. He stated this year's work on the roads will save the residents money on taxes in the future.

Mayor Bukkila noted this is not the final number, it is just a maximum number and the final number

will be certified in December.

**Motion** by Butler, Seconded by Nelson, to approve Resolution No. R058-23 adopting the City of Andover 2024 proposed Property Tax Levy to be certified by the County auditor. Motion carried unanimously.

***DISCUSS/ADOPT 2024 DEBT SERVICE LEVY CHANGES***

The City Council is requested to adopt a resolution changing the bonded indebtedness levies for 2024 that have been certified to Anoka County as part of the prior year's bond sales.

Mr. Dickinson reviewed the information with the Council in regard to the adoption of the 2024 debt service levy changes.

**Motion** by Nelson, Seconded by Engelhardt, to approve Resolution No. R059-23 updating certified bond indebtedness for 2024. Motion carried unanimously.

***SET HEARING DATE(S) FOR 2024 BUDGET AND LEVY DISCUSSION AND PUBLIC COMMENT***

The City Council is requested 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. These meetings must be scheduled between November 25<sup>th</sup> and December 28<sup>th</sup>, after 6:00 p.m.

Mr. Dickinson reviewed the information with the Council and shared the suggested dates for the initial hearing to be held on December 5<sup>th</sup> at 7:00 p.m., the continuation hearing to be held on December 19<sup>th</sup> at 7:00 p.m., and the official adoption to be held on December 19<sup>th</sup> at 7:00 p.m.

**Motion** by Butler, Seconded by Nelson, to establish the initial and continuation public hearing dates and the adoption date for the 2024 budget levy as submitted. Motion carried unanimously.

***RESCHEDULE NOVEMBER 7, 2023 COUNCIL MEETING***

The City Council is requested to reschedule the November 7, 2023 Council meeting as it currently falls on Election Day and law prohibits Council meetings to be held between 6:00-8:00 p.m. on Election Days.

Mr. Dickinson reviewed the information with the Council and gave recommendations on dates to reschedule the meeting, either to November 6<sup>th</sup>, November 8<sup>th</sup>, or keep the meetings scheduled for November 7<sup>th</sup> and schedule it for 8:01 p.m. that evening.

Mayor Bukkila shared her preference would be to reschedule the meeting to November 8<sup>th</sup>.

**Motion** by Nelson, Seconded by Engelhardt, to reschedule the first Council meeting in November

to November 8, 2023. 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.

***(Administrative Staff Report)*** Mr. Dickinson reviewed the Administrative Staff report including updates on the CIP, which will be discussed at the next meeting. He shared his involvement with legislative policy setting items at the Capitol relative to metro area cities pertaining to revenue policy and metropolitan agencies. He stated they are working with other metropolitan cities to look at proper policies for all cities working with the Met Council as well as proper policies for appropriate revenues for the functioning of city governments. He shared that he also participated in the QCTV Live and Local production at Bunker Hill Stables, where the focus was on public safety. He discussed the private well contamination in two areas across the community and noted that there is a solution for the Red Oaks neighborhood where they will be bringing city water and sewer to this neighborhood. He added this is fully funded through the State and shared that the design process for this is ongoing. He mentioned the Eastbrook Terrace neighborhood and shared that they are continuing to test the water in this area and will be looking towards a solution. He added there are a number of communities that are in similar situations throughout the State and shared that the MPCA will be pursuing larger funding to address these issues. He noted they have already been through this process with the Red Oaks neighborhood, and it has taken a very long time. He said the State agency that is in charge of this needs to step up quicker. He noted the funding for the Eastbrook Terrace neighborhood is part of the MPCA's proposal down at the Capitol at the next legislative session. He discussed the School Resource Officers and shared that the Anoka County Sheriff and the Anoka County Attorney assisted in making the decision not to have SROs in the schools within Anoka County that the Sheriff serves. He added he did support this decision based on the new statute that presented itself as problematic relative to liability situations to the City. He noted there seems to be some movement in regard to a special session at the House and Senate levels and the Governor has indicated that he is potentially open to a special session. He explained they have worked with the School District to ensure that there is still presence of law enforcement in these areas.

***(Public Works/Engineering Department Report)*** Mr. Berkowitz reviewed the Public Works and Engineering Department report, including an update on the Red Oaks neighborhood. He stated the design work for this project has begun and they are beginning to get this ready for spring 2024 construction. He noted they are looking at alternatives to working with project managers to get the water connected to each home, which will be the most difficult part of this whole process. He noted there will be four public hearings scheduled for the first Council meeting in November for the roads. He stated these road projects are a very long process and thanked the Engineering Department for their hard work. He reviewed the Fields at Winslow Cove 2<sup>nd</sup> Addition project and shared that this project is moving along well and the roads should be paved within the next few weeks. He added the roundabout is also coming along well and should be in before winter. He noted the roundabouts at Crosstown Boulevard, Nightingale Street, and Veterans Memorial



Boulevard have also begun, which is a 2025 project. He shared that they will be looking for a lot of feedback on these projects and they will be coming forward for discussion at a later date. He explained they are continuing to patch potholes throughout the City. He acknowledged that even with all of the work to the roads over the past few years there are still some that are in rough shape that they will continue to work on.

Councilmember Nelson asked if they are looking to break ground for the Red Oaks neighborhood in the spring. Mr. Berkowitz said yes.

Councilmember Nelson asked how much money the MPCA is asking for the Eastbrook Terrace neighborhood. Mr. Dickinson stated he does not know what they are asking for the Eastbrook Terrace project individually but the MPCA is asking for \$170,000,000 for the whole State.

Councilmember Nelson asked how many wells in the Eastbrook Terrace neighborhood have tested positive for contaminants. Mr. Dickinson stated he does not know the exact number as this is an ongoing issue. He noted the concentration levels in the Eastbrook Terrace neighborhood are not at the levels that the Red Oaks neighborhood is at.

Councilmember Nelson asked if they will also begin mitigating this block to the west of Crooked Lake Boulevard. Mr. Dickinson stated they have started testing on the west side of Crooked Lake Boulevard.

Councilmember Nelson asked when the study will be done for the filtration system in water tower #2. Mr. Berkowitz stated they are still working through the biological study of the water treatment plant. He stated there is more work to be done with the consultant and the Minnesota Department of Health.

Councilmember Nelson stated the 2023 legislature approved cash bonds and grants for metro cities, and one is for infiltration. Mr. Berkowitz stated Councilmember Nelson is referring to the sanitary sewer system with inflow and infiltration. He noted the City does not have a lot of inflow and infiltration in the system.

Councilmember Butler asked if the water treatment plant study is unrelated to the private well contamination. Mr. Berkowitz said yes and explained this study is to evaluate going from chemical treatments to biological treatments.

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

Councilmember Englehardt thanked all of the residents who came forward this evening and encouraged residents to continue this behavior beyond items that could raise a concern. He noted they always welcome input, guidance, or questions.

Mayor Bukkila noted experts can be found anywhere, as well as in the community. She stated she relies heavily on residents to weigh in on these matters.

***ADJOURNMENT***

***Motion*** by Nelson, Seconded by Engelhardt, to adjourn. Motion carried unanimously. The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Ava Rokosz, Recording Secretary

**REGULAR ANDOVER CITY COUNCIL MEETING MINUTES – SEPTEMBER 5, 2023**  
**TABLE OF CONTENTS**

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

PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH .....	1
RESIDENT FORUM .....	1
AGENDA APPROVAL .....	5
APPROVAL OF MINUTES .....	5
CONSENT ITEMS .....	6
Item 2 Approve Payment of Claims .....	6
Item 3 Accept Resignation of Cary Comer, Building Permit Technician .....	6
Item 5 Approve Joint Powers Agreement Anoka County/Assessment Services Contract ..	6
Item 6 Approve Funds Transfer & Budget Amendments/Central Equipment Fund .....	6
DISCUSS/ADOPT 2024 PRELIMINARY TAX LEVY (R058-23) .....	6
DISCUSS/ADOPT 2024 DEBT SERVICE LEVY CHANGES (R059-23) .....	7
SET HEARING DATE(S) FOR 2024 BUDGET AND LEVY DISCUSSION AND PUBLIC COMMENT .....	7
RESCHEDULE NOVEMBER 7, 2023 COUNCIL MEETING .....	7
ADMINISTRATOR’S REPORT .....	8
MAYOR/COUNCIL INPUT .....	9
ADJOURNMENT .....	10