

***REGULAR ANDOVER CITY COUNCIL MEETING – OCTOBER 5, 2021
MINUTES***

The Regular Bi-Monthly Meeting of the Andover City Council was called to order by Mayor Sheri Bukkila, October 5, 2021, 7:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

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

Councilmember absent: None

Also present: City Administrator, Jim Dickinson
City Attorney, Scott Baumgartner
Others

PLEDGE OF ALLEGIANCE

RESIDENT FORUM

Richard Edward Kulkey, 16683 Sycamore Street NW, came forward and stated he has lived in Andover for 20 years and during that time, the City has not clean out the pond. He asked what the City is doing with the money received for that service.

City Administrator Dickinson stated Mr. Kulkey may be referring to the stormwater utility fee that is on a statement that residents receive. He asked Mr. Kulkey if he was asking about the pond located down the street from his home.

Mr. Kulkey stated he would like it cleaned out to prevent water from backing up and creating a flood. Mr. Dickinson explained that each pond is oversized to accommodate some growth and staff monitors and inspects the ponds. When excessive growth is found, then the City will clean the pond at no cost to anyone as it has been paid by the stormwater utility fund.

Mayor Bukkila suggested staff look at the pond referenced by Mr. Kulkey to determine if it is at its standard or needs to be cleaned. She explained that because there are multiple ponds, they are not cleaned every year. Mr. Kulkey stated his objection to having to pay this fee while not receiving benefit.

Mr. Kulkey commented that a garbage truck equals the weight of 1,279 cars and stated concern about the impact to his driveway and the street. He provided pictures of damage to a pole and mailbox caused by a garbage truck that cost him \$150 to repair, as well as damage to blacktop, and areas of oil that leaked from the garbage truck. He felt the problems were caused because

the garbage trucks are too large to turn around in the cul-de-sac. Mayor Bukkila thanked Mr. Kulkey and stated staff will look into these issues.

Hellen Boit, 15533 Bluebird Street NW, came forward and stated she has been a resident for about three years. She described drainage problems with the new garden space at the City Hall campus and stated she called staff and was told that after the gardens are harvested, the City would create a better drainage system for the gardens.

Mayor Bukkila thanked Ms. Boit for the feedback and noted Mr. Dickinson will direct staff to look into this problem and see how it can be resolved before the next gardening season.

AGENDA APPROVAL

Mayor Bukkila noted the supplemental information received:

Item #9a – Red Oaks Water Contamination Discussion

Motion by Nelson, Seconded by Holthus, to approve the Agenda as amended above. Motion carried unanimously.

APPROVAL OF MINUTES

September 21, 2021, Special Meeting: Correct as written.

September 21, 2021, Regular Meeting: Correct as written.

Motion by Nelson, Seconded by Holthus, to approve the September 21, 2021, Special and Regular meeting minutes as presented. Motion carried unanimously.

CONSENT ITEMS

Item 2 Approve Payment of Claims

Item 3 Receive Assessment Roll/Order Public Hearing/21-17/2021 Mill & Overlay/SE Corner of City (See Resolution R069-21)

Item 4 Approve Roadway Easement/CenterPoint Energy Resources Corp.

Item 5 Approve Plans & Specs/Order Advertisement for Bids/21-25/Tower #2 Reconditioning & Painting (See Resolution R070-21)

Item 6 Accept LRRWMO Board Resignation

Item 7 Accept Resignation/Retirement Brian Kraabel, Public Utilities Manager

Item 8 Accept Resignation/Retirement Todd Haas, Assistant Public Works Director

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

DECLARE COSTS/ORDER ASSESSMENT ROLL/SCHEDULE PUBLIC HEARING/2021

DELINQUENT UTILITY SERVICE CHARGES, MOWING FEES, TREE REMOVAL, FALSE ALARM FINES, AND MISC. ABATEMENT FEES COLLECTION

The Council is requested to approve a resolution declaring costs and ordering the assessment roll for the purpose of certifying delinquent utility service charges and calling for a public hearing. City Administrator Dickinson referenced the City Code sections that provide for the collection by assessment of delinquent utility service charges, noting this procedure is prescribed by State Statute 429 and allows the City to collect past due fees following a public hearing. Mr. Dickinson noted the total delinquent utility service charges, as of September 23, 2021, were \$267,249.48. He explained that all payments made before the first meeting in November will be applied and reduce the proposed assessments. Delinquent balances as of November 5, 2021 will be charged a service fee of 15%, an interest rate of 8%, and be paid with next year's property taxes.

Mr. Dickinson reviewed delinquent utility service charges for the past two years, noting a downward trend. He stated \$267,000 is about 3% of total billable through the year. He asked the City Council to adopt the resolution accepting the preliminary roll and calling for a public hearing.

Motion by Holthus, Seconded by Nelson, to adopt Resolution No. R071-21 declaring costs and directing preparation of assessment roll; and, scheduling a public hearing on proposed assessment of delinquent utility charges, mowing fees, tree removal, false alarm fines, and miscellaneous abatement fees. Motion carried unanimously.

RED OAKS WATER CONTAMINATION DISCUSSION

City Administrator Dickinson explained that several Councilmembers asked to add this item to the agenda, primarily to submit communication to the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health (MDH). He provided an overview of the draft letter contained in the meeting packet to the MPCA and MDH that included concern with areas neighboring Red Oaks and requesting those wells also be tested. He stated the letter is a formal request to look at levels of contamination, provide bottled water to individuals with higher levels of contamination even if they do not exceed, identify variations in the test, request testing beyond the current testing area, and request resources for testing in areas that fall outside the area of State testing. Mr. Dickinson thanked Councilmember Butler for his help with drafting this letter.

Mayor Bukkila stated this issue came up in July and since then, the information flow has been slow as the State collected data and got residents to participate in the well testing process. She stated this letter is a good summary of the feedback she has received from Councilmembers. She has already talked with State Representative Scott and Senator Abeler and once the feasibility study is received, the Council will have a conversation on two divergent avenues: short-term plans to get solutions in the ground; and, the long-term problem and what needs to be done going forward. She supported the letter as a way to cement beginning thoughts and reactions in writing

and submission to the State for more formal discussion.

Councilmember Butler thanked Mr. Dickinson for making edits to his first draft. He explained these were his takeaways from the Thursday night meeting, noting it was helpful to have MPCA and MDH staff answering questions. He stated residents who live beyond the immediate area of investigation are concerned and those concerns needs to be addressed.

Councilmember Nelson asked if the feasibility report will be done by the end of October. Mr. Dickinson stated that is correct and it may be completed earlier. He explained staff would like to start a civil survey by the end of October and the MPCA wants to see the feasibility report before participating in the survey or offering additional grant dollars for the civil survey.

Mayor Bukkila stated the meeting being referenced was a community meeting held last Thursday from 6-9 p.m. with information and dialogue between the MPCA and MDH along with input from staff and engineers. She stated hopefully that meeting will be available for residents to play back and encouraged residents, whether in the area directly affected or potential outlier, to look at the State website set up exclusively for Andover.

Mayor Bukkila noted that some residents with private wells may want to reconsider their actions related to testing going forward depending on where they are located.

Councilmember Holthus asked staff to tell the public where they can get a well water test. Mr. Dickinson stated the City works with Anoka County to provide nitrate and E. coli bacteria tests but a specialist test is required to test for 1,4-Dioxane and PFAS. The City is working with the MPCA to identify which labs will do that type of testing and once determined, that information will be posted to the State and City websites.

Mr. Dickinson stated all of the information from the community meeting is available on a handout at City Hall and updated information is posted to the State's Andover project specific website so that is the best resource to check.

Councilmember Holthus stated right now, a resident has to wait for the MPCA to get their water tested for these chemicals. Mr. Dickinson stated the MPCA will identify some labs to do that testing for individuals who are not within the investigative area. In some cases, the lab may send someone out to take that test, rather than have the resident submit the sample. The State and City will be sending letters to those in the investigation area the purpose and ask permission for the MPCA to test their well. The permission request includes a diagram to show the location of the well and water spicket that can be tested.

Motion by Butler, Seconded by Nelson, to authorize staff to send the letter to the MPCA and MDH. Motion carried unanimously.

APPOINT LRRWMO BOARD REPRESENTATIVE AND ALTERNATE

The Council is asked to appoint a representative and alternate to the Lower Rum River Water Management Organization (LRRWMO). City Administrator Dickinson explained that Todd Haas has submitted his resignation, noting he has served on this Board since the early 1990s. In 1999, when the Statute changed to prohibit City staff from serving on WMO Boards, they allowed for grandfathering so Mr. Haas was able to continue serving. He thanked Mr. Haas for his service.

Mr. Dickinson stated Councilmember Holthus is the alternate to the LRRWMO and if she is appointed as the voting representative, then a new alternate will need to be appointed. He described options for appointing an alternate including another member of the Council or a resident.

Mayor Bukkila suggested the alternate opening be advertised to the community as there may be someone with this background and interest in serving. She noted it is amazing that Mr. Haas was grandfathered for 22 years, which is not expected when a State Statute is made, but made it nice for Councilmembers who are not available on Thursday mornings to attend.

Motion by Barthel, Seconded by Nelson, to appoint Valerie Holthus as the City's voting representative to the Lower Rum River Water Management Organization. Motion carried 4-0-1 (Holthus).

Mr. Dickinson stated the alternate position will be advertised in the City's newsletter.

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 reported staff's primary work has been on the budget and the Capital Improvement Plan (CIP) is assembled so there will be a public hearing at the next Council meeting. Staff is also preparing for bonding and will schedule a public hearing for that item at the second Council meeting in October. He explained there will be two different bond issuances, one for equipment purchases and the other for street reconstruction that is tied to the CIP. Mr. Dickinson noted with CIP bonding, there is a reverse referenda aspect.

(Public Works/Engineering Department Report) Mr. Dickinson stated staff has spent many hours on telephone calls related to the Red Oaks area and provide a consistent message. He encouraged residents to call City staff if they have concerns or are unable to find the information they are looking for. Mr. Dickinson stated he returns all calls within 24 hours.

(Community Development Department Report) Mr. Dickinson provided an update on developments currently underway, revised access to Andover Village, and AMI radio installation.

MAYOR/COUNCIL INPUT

(Recognition of Todd Haas and Brian Kraabel) Councilmember Barthel thanked retiring Assistant Public Works Director Todd Haas and Public Utilities Manager Brian Kraabel for their time and service to Andover, noting both have done a phenomenal job. He recalled that two weeks after he was elected, he ran into Mr. Kraabel in the community and the first thing Mr. Kraabel did was give him a tour of the Water Treatment Plant. Mayor Bukkila concurred and extended her appreciation as well.

(Winter Parking Restrictions) Mayor Bukkila reminded residents of winter parking restrictions starting November 1, 2021 and ending April 15, 2022. She encouraged residents to make plans for parking their vehicles, so they are not ticketed or towed, noting this information is on the City's website.

RECESS TO CLOSED SESSION

Mayor Bukkila recessed the regular City Council meeting at 7:43 p.m. to a Closed Session of the City Council to discuss union labor negotiations.

RECONVENE

The City Council reconvened at 7:54 p.m.

ADJOURNMENT

Motion by Barthel, Seconded by Nelson, to adjourn. Motion carried unanimously. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Carla Wirth, Recording Secretary

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