

**Minutes**  
**Woodbury City Council**  
**Wednesday, January 25, 2023**

Pursuant to the due call and notice thereof, a regular meeting was duly held virtually and at the Woodbury City Hall, 8301 Valley Creek Road, on the 25<sup>th</sup> day of January 2023.

**Call to Order**

Mayor Anne Burt called the meeting to order at 7:00 p.m.

Mayor Burt welcomed those listening and attending. She said members of the public may attend the meeting but will be required to comply with social distancing parameters as determined by the City. Members of the public may also join the meeting using a PC, Mac, iPad, iPhone or Android device. Public comments will be accepted during the meeting both in person and by using the link to the virtual meeting to join the meeting and then submit your questions via the online Q&A feature within the meeting. Questions regarding the meeting will also be taken between the hours of 8:00 a.m. to 4:30 p.m. via email [council@woodburymn.gov](mailto:council@woodburymn.gov) or call 651-714-3524 and leaving a voicemail message.

**Pledge to Flag**

Audience, staff, and Council pledged allegiance to the flag of the United States of America.

**Roll Call**

Upon roll call the following were present: Mayor Anne Burt, Councilmembers: Kim Wilson, Steve Morris, and Jennifer Santini. Absent: Andrea Date

Others Present: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Angela Gorall, Assistant City Administrator; Jason Posel, Public Safety Directory; and Chris Hartzell, Engineering Director.

**Special Order of Business**

**A. Swearing in of New Police Officer**

1. Meaning of the badge – Public Safety Director Jason Posel

Public Safety Director Jason Posel shared the meaning of the badge and called John Kotchen forward.

2. Oath – Mayor Burt and New Officer John Kotchen

Mayor Burt presided over the swearing in of Police Officer John Kotchen, after which he had his badge pinned on by his father.

**Open Forum**

The Open Forum is a portion of the Council meeting where a maximum of three persons will be allowed to address the Council on subjects, which are not a part of the meeting agenda. Persons wishing to speak must complete a sign-up sheet prior to the start of the meeting. Give the sign-up sheet to any staff person. Speakers are limited to two minutes each. The Council will listen attentively to comments but, in most instances, will not respond at the meeting. Typically, replies to the concerns expressed will be made via letter or phone call within a week.

**Consent Agenda**

All items listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion and an affirmative vote by roll call of a majority of the members present. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event, the items will be removed from the consent agenda and considered a separate subject of discussion by the Council.

Item A            Approval of Council Minutes – January 11, 2023

Item B            To approve the renewal of twenty-six (26) interim conditional use permits as listed in Council Letter 23-08.

Item C            To approve to establish the high priorities for the 2023 Annual Action Plan as listed in Council Letter 23-09.

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- Item D Metro Gold Line Bus Rapid Transit Project Bicycle and Pedestrian Improvements; Approving Cooperative Agreement with Washington County. This item was pulled from the Consent Agenda and added to Discussion.
- Item E To adopt the following resolution **Resolution 23-07**  
**Resolution of the City of Woodbury, Washington County, Minnesota ending and rescinding health pandemic emergency declaration.**
- Item F To adopt the following resolution **Resolution 23-08**  
**Resolution of the City of Woodbury, Washington County, Minnesota recognizing the men and women who served in these critical paid-on-call firefighter/EMT roles over the past 61 years.**
- Item G To adopt the following resolution **Resolution 23-09**  
**Resolution of the City of Woodbury, Washington County, Minnesota establishing the creation and classification of a Housing and Economic Development Coordinator position.**
- Item H To adopt the following resolution **Resolution 23-10**  
**Resolution of the City of Woodbury, Washington County, Minnesota approving the 2022 State of Minnesota Pay Equity Report.**
- Item I To adopt a motion approving the issuance of a Consumption and Display Permit to The Social Chix, LLC dba Board and Brush-Woodbury, effective February 1, 2023 through March 31, 2023.
- Item J To adopt a motion to approve issuing a Tobacco Sales License to A1 Smokes & Vapes LLC, for their location at 1524 Woodlane Drive.
- Item K To adopt a motion to approve issuing a Cannabinoids Product license to A1 Smokes & Vapes LLC, 1524 Woodlane Drive.
- Item L The abstract of bills includes payments made from the operating or project budgets for expenses of the city. The expenditures are from all funds of the city. Any purchased contracts requiring signature of the mayor and City Administrator is hereby approved. Staff recommends approval of the abstract of bills for January 6, 2023 in the amount of \$1,135,640.60 and January 13, 2023 in the amount of \$2,136,719.75.

Councilmember Santini moved, seconded by Councilmember Morris, to approve the Consent Agenda items with the exception of item 6D.

**Voting via voice:**

Kim Wilson – aye  
Andrea Date – absent  
Steve Morris – aye  
Jennifer Santini – aye  
Anne Burt – aye

**Public Hearings**

No Items Scheduled

**Discussion**

**A. Approve Destination Marketing Organization (DMO) Task Force Plan of Action**

Assistant City Administrator, Angela Gorall reviewed the Council's previous actions stating in October 2022 the Council reviewed the Destination Marketing Organization (DMO) Business Plan for 2023-2028, and on November 30, 2022 the Council approved the 3% lodging tax to be effective April 1, 2023. She stated they have been in contact with State Department of Revenue to ensure the tax will be effective on April 1, 2023 and will begin providing notices to lodging establishments soon. She stated in addition, the Council gave direction to create a task force.

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Ms. Gorall reviewed the purpose of a DMO business plan stating it is to attract and retain visitors for the purpose of enhancing the local economy through purchase of room nights, food and beverage, retail items, medical services, transportation or visitor services. She stated according to statute, the purpose of the local lodging tax funds is for marketing and promoting the City as a tourist or convention center.

Ms. Gorall stated the four desired outcomes for the task force plan of action include reviewing the DMO business plan and propose any modifications, updates or amendments; review, revising and recommended 2024-2027 DMO strategic plan; provide advisory structure recommendation and provide DMO marketing strategy and branding guidance (including naming).

Ms. Gorall reviewed the task force plan of action timeline.

- Q2 2023: appoint task force members
- Q2-Q3 2023: task force meetings and supports group focus group sessions
- September 29, 2023: report completion and acceptance by task force
- October 18 2023: City Council Workshop
- Q4 2023: Adoption of 2024-2027 DMO Strategic Plan recommendations by City Council

Mayor Burt asked how many meetings would be required. Ms. Gorall stated a minimum of 4 and a maximum of 6 meetings.

Councilmember Wilson expressed her concerns of the DMO being conducted in house opposed to a non-profit. She expressed another concern of having the same individuals serve on the DMO Task Force. She stated her desire to see fresh faces to be involved and speak on it. She stated her understanding on needing Staff involvement but stated it makes it more difficult for community members to express their true concerns. She stated there are a number of businesses that work with the City and would not want to damage their business by participating.

Councilmember Morris noted there is no one on the task force from the general public but also expressed his concerns of having too many members on the task force. He agreed with Councilmember Wilson's comment on wanting to diversify the voices at the table.

Councilmember Wilson stated her understanding in the City having a large sports presence but stated there is a handful of sports associations. She stated her desire to allow more voices to be represented. Mayor Burt agreed and stated the general public has an opportunity to attend task force meetings and provide comments. She recommended communicating with sports groups to let them know it is an ongoing process and provide guidance on working with the general public. Councilmember Morris agreed as long as there is a communication vessel to do that. Councilmember Wilson stated she wanted to make sure there was not more staff and Council represented than other members. Mayor Burt stated there would be 4 Staff members and 8 individuals from the public.

Councilmember Santini moved, seconded by Councilmember Morris, to approve the Destination Marketing Organization (DMO) Task Force Plan of Action.

### **Voting via voice:**

Kim Wilson – aye  
Andrea Date – absent  
Steve Morris – aye  
Jennifer Santini – aye  
Anne Burt – aye

Mayor Burt stated since no Councilmembers stepped forward to serve as the Task Force chair, it defaults to the Mayor.

Councilmember Wilson stated she did not remember having the opportunity to step up as the Task Force chair. She reiterated her concern of having more Staff members on the task force and stated individuals will have a difficult time expressing concerns. Mayor Burt stated she has been on task forces in the past as a citizen and stated there were many opportunities for open discussion and comments. She stated when attending those meetings, individuals did not hesitate to include comments. She stated she is currently on the Economic Development Commission group and attends as a listening member instead of a voting member and explained that the group is open to receive comments and no one is shy to speak up. She welcomed careful thought, challenges, and consideration. Councilmember Wilson explained her concern of working with businesses instead of the general public.

City Administrator, Clint Gridley reviewed previous task force and who the chair was for each one. He stated history shows a Councilmember as a task force chair each time and stated the importance of having a Council member as a chair in order to communicate the goals and expectations between the two groups. He agreed with Mayor Burt's comments of open communication during task force meetings. Councilmember Wilson reiterated that businesses in the community would be effected and is concerned about their livelihood.

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Mayor Burt stated not all are businesses and explained some are non-profit organizations. Councilmember Morris agreed and listed off a number of non-profits and stated many of those organizations would not consider themselves as a business. He expressed his understanding in Councilmember Wilson's comments. He added his surprise that Councilmember Date had not volunteered for the position. Mayor Burt stated Councilmember Date had a desire too but her schedule would not allow it.

Councilmember Santini asked Councilmember Wilson if she would feel more comfortable if someone else was the task force chair and expressed the importance of having a Councilmember on the task force. Councilmember Wilson stated it would make her feel more comfortable if it was not a City employee. Councilmember Santini asked if a chamber member could fill the position. Councilmember Wilson agreed. Councilmember Morris added a past Councilmember could be asked as well. Councilmember Santini asked if they could approve Mayor Burt to sit on the task force but determine at a later date who would be the chair with further discussion. Mr. Gridley stated Mayor Burt is the appointing authority to make the decision.

Councilmember Wilson asked if Mayor Burt would be on the chair and pick who would sit on the DMO. Mr. Gridley stated Mayor Burt would select the members on the DMO and has the ability to occupy the position of the chair or find another representative to fill the role as she takes the second chair. Mayor Burt stated there could be further discussion at a later date.

Councilmember Santini moved, seconded by Councilmember Morris, to approve Mayor Burt serving on the Task Force and to deputize her to determine a Task Force chair.

Voting in Favor: Morris, Santini, Burt  
Voting Against: Wilson  
Absent: Date

Councilmember Morris asked Councilmember Wilson if she would like to express any more comments. Councilmember Wilson stated no.

Councilmember Morris asked if they needed to amend the previous motion since there were changes. Mr. Gridley stated no, since Mayor Burt has selection authority.

A member of the public asked who would be on the Task Force. Mayor Burt stated Amy Scoggins would be the Vice-Chair and was asked because she is a former Council member and sat on the Sports Center Task Force and has experience. She stated the rest of the names are unknown and letters will be sent to various organizations to find other individuals. Councilmember Morris reference the Council Letter in the Agenda Packet and stated the roles are stated there. Mayor Burt stated there would be 12 spots including a Councilmember representative, former Councilmember Amy Scoggins, a member of the Economic Development Commission, a chamber of commerce representative, a hospitality representative, Community Development Department representative, ICT department representative, Parks and Recreation Department representative, Arts & Culture representative, Woodbury Non-profit service organization representative, MAC representative and Woodbury Days representative.

**B. Resolution Authorizing Solicitation of State Legislative Authorization to hold a Sales Tax Referendum for Sales Taxes**

Ms. Gorall reviewed the purpose of the resolution and stated Staff have identified a growing trend that sales tax are an acceptable financing mechanism for regionally-significant projects. She stated 18 of the 21 City project proposals on the ballot in November 2022 were approved by voters. She stated in addition, Washington County has a sales tax that was increased in 2021.

Ms. Gorall reviewed the unique circumstances at the State level including the State's positive revenue situation, an expected 30+ sales tax requests submitted this season by cities, and a unique window of opportunity to see how the legislator will handle that many requests with a deadline of January 31, 2023. She stated those unique circumstances could be favorable in seeking approval. She added it requires an odd year consideration (due to the legislative cycle) with referendum in even years, which adds a complication. She stated if they waited to submit it, then the referendum would go into effect November 2026, which would be too late for the project.

Ms. Gorall stated the timing is ideal due to the County recently approving their new Service Center which opens up an acquisition opportunity. She stated in addition, Public Safety services as a regional asset based on larger events as of recent years.

Ms. Gorall reviewed the steps of the Statutory process which includes adoption of resolution, submit to Tax committees (due January 31, 2023), legislative authorization, adopt resolution accepting law, hold referendum (within two years of receiving legislative authority and at a general election), and pass the ordinance.

Councilmember Morris asked if the referendum needed to receive 51% of the vote. Ms. Gorall and Mr. Gridley stated it would need to receive 51% of the vote.

Ms. Gorall explained the potential timeline which included:

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- January 25, 2023 – Council consideration of resolution
- By January 31, 2023 – Filing of request for sales tax with legislators seeking special law
- February – October, 2023 – Legislative authorization
- TBD – Council approve resolution
- Q1-Q3, 2024 – Community engagement, polling
- November, 2024 – Hold referendum
- 2025 – Council approve ordinance
- 2024-2025 – Property acquisition, campus engineering and design
- 2025-2026 – Notification to MNDOR (90 days before the first of the quarter tax will begin)
- 2026—Award bids, issue debt and build project.

Mayor Burt asked to clarify when in the timeline the Council would be authorizing a referendum. Ms. Gorall stated they would need the State legislated authorization before authorizing a referendum. Mayor Burt asked to clarify that passing the resolution was a step in the timeline but was not authorizing a referendum yet. Ms. Gorall agreed. Mr. Gridley stated the thought is to provide time in order to do community engagement, begin discussions and potential polling in 2024. He stated they would need to work with County to figure out the deadline to get it approved to put on the ballot and estimated it would be around July 2024. City Clerk, Kimberlee Blaeser stated the County likes to know as soon as possible typically between the spring and summer time. Mayor Burt stated there will be another point of Council authorization that is not necessarily clear and asked if between Spring-Summer 2024 would be the time to authorize that.

Councilmember Santini asked if community engagement would be for the referendum itself or in order to see if the public wants a referendum. Mr. Gridley stated it would also include project support, method of funding and other considerations. Ms. Blaeser clarified that due to absentee voting, the ballot needs to be prepared and available in advanced. Mr. Gridley stated the last time the City had done a referendum was in 2005 and was completely different then.

Ms. Gorall reviewed the Public Safety Campus Project and stated it is in the 2023-2027 Capital Improvement Plan (CIP) as TBD in terms of dollar amounts. She stated in addition, there is a plan to acquire Washington County License and Service Center estimated in 2024-2025 and the Public Safety Expansion estimated in 2024-2026.

Ms. Gorall stated in regards to the Public Safety Campus, they used the documentation of Regional Significance to make a case to the legislator to show it serves the people of Woodbury and believes Public Safety can meet that test since they serve all that visit and live in Woodbury. She added they use the documentation to prove why using sales tax is an appropriate mechanism to fund the project. She stated they included the building deficiencies which included the location challenges with the existing building.

Ms. Gorall stated the request for the sales tax is .5% for 20 years and for the project and property purchase to not exceed \$50,000,000. She stated through the financial advisor and analysis, they project the sales tax to generate \$51,000,000 which would support debt issuance.

Councilmember Wilson expressed her appreciation that the information would go to the public. She asked why the Public Safety building was chosen instead of Central Park. She stated Central Park is a luxury whereas the Public Safety Building is a necessity. Mr. Gridley stated there were many considerations in order to decide on the Public Safety building. He stated historically, suburban cities typically didn't see sales tax, but has seen a change in the past few years of other cities getting approved. He stated they wanted to have a concrete project that made sense for Woodbury in order to get approval since they did not have much success in the past. He added that Woodbury is a hub for Public Safety so it made sense to go down that route instead of Central Park since the park was not on the top of the list of projects to complete.

Councilmember Wilson asked if they got approval for bonding for the Central Park project. Mr. Gridley stated it provided the best approach to get State participation as a regional facility.

Councilmember Wilson stated she would have preferred to use the sales tax for Central Park instead of the Public Safety building and asked if the Public Safety Building does not pass what the backup plan would be. Mr. Gridley stated the backup plan would be general obligation paid by property taxes, which is typically how those kind of buildings are financed.

Mayor Burt asked if it would preclude them from asking for bonding money in addition for the project. Mr. Gridley stated it would not and could at the next legislative session. Mayor Burt asked if there would be an exemption from sales tax for construction materials. Mr. Gridley stated there are conversations about Public Safety buildings getting exemption from sales tax.

Councilmember Wilson asked if they receive the referendum and the bond if that would reduce the time or if they would still collect until \$50,000,000. Mr. Gridley explained they use the term "up to \$50,000,000" because they do not have an exact dollar amount determined.

Councilmember Morris asked if there is a Right of First Refusal (ROFR) on the property if the timing doesn't go according to plan and have a mechanism to hold on to it. Mr. Gridley stated they do. Councilmember Morris asked what the time period was on it. Mr. Gridley stated if they got a buyer they could match it and does not know how many days they have.

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Councilmember Santini moved, seconded by Councilmember Wilson,

To adopt the following resolution

**Resolution 23-11**

**Resolution of the City of Woodbury, Washington County, Minnesota authorizing solicitation of State Legislative authorization to hold a Sales Tax Referendum for sales taxes.**

**Voting via voice:**

Kim Wilson – aye  
Andrea Date – absent  
Steve Morris – aye  
Jennifer Santini – aye  
Anne Burt – aye

**C. Consent Agenda Item 6D. Metro Gold Line Bus Rapid Transit Project Bicycle and Pedestrian Improvements; Approving Cooperative Agreement with Washington County**

Councilmember Wilson pulled this item for discussion and expressed her concern in taxpayers being required to pay for pedestrian access to the Gold Line since many new trails will be added. She included her concern on there being no Gold Line bus stop on Hudson Road and Bielenberg Drive. She stated when businesses come in for a project they are required to abide the City's requirements of architectural and pedestrian designs and does not understand why Metro Transit was not required to abide by those requirements to provide pedestrian access to the bus station. She added that Woodbury residents are paying for the project a number of times over.

Mayor Burt asked Engineering Director, Chris Hartzell to comment.

Mr. Hartzell stated the FTA is not willing to pay a portion of the project but are still paying \$209,000 which is approximately 53% of the trail. He stated the FTA was unable to add it because the trail does not have a direct connection to the stations. He stated it is in accordance with the Comprehensive Plan and the Washington County Comprehensive Move Pedestrian and Bicycle Plan so they have agreed to share 50% according to their cost sharing policy.

Mr. Hartzell added that the Council initiated the project because they believed it was valuable to the residents and community businesses to have access to the trails on both sides of the road.

Mr. Hartzell stated the funding for the project was collected through the 1-94 tax abatement funds which had the purpose of providing for the Gold Line improvements. He stated because of this, it didn't add to the tax burden because it was already paid for.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

**Resolution 23-06**

**Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement between the City of Woodbury and Washington County for Metro Gold Line Bus Rapid Transit Project Bicycle and Pedestrian Improvements.**

**Voting via voice:**

Kim Wilson – aye  
Andrea Date – absent  
Steve Morris – aye  
Jennifer Santini – aye  
Anne Burt – aye

**Transportation Report (2nd meeting of the month, May-October)**

No items scheduled

**City Administrator's Report**

City Administrator Clinton Gridley gave a verbal update of upcoming City meetings.

- February 1, 2023 – Council Workshop Meeting Cancelled

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- February 6, 2023 – Planning Commission meeting: Westwind Rezoning Plan Unit Development
- February 7, 2023 – Parks and Resource Commission, 7 p.m., Ash North and South Conference Room
- February 8, 2023 – Council Meeting on Westwind Rezoning Plan Unit Development conditional use permit site building plan

Mr. Gridley added that during the February 8, 2023 Council meeting, the Council would be presented with an action for the water treatment plant and piping system. He stated they have received verbal confirmation of 75% funding. He stated after 5 years they will have permission to engage professionals to do the design for the water treatment plant and piping system.

**Adjournment**

Mayor Burt moved adjourned the meeting at 8:02 p.m.

Voting in Favor: Wilson, Morris, Santini, Burt  
Absent: Date

Respectfully submitted,



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Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on February 8, 2023