

Minutes
Woodbury City Council
Wednesday, February 22, 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 22nd day of February 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 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, Andrea Date, and Jennifer Santini. Absent: Steve Morris

Others Present: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Eric Searles, Assistant Community Development Director/City Planner; Shannon Olsen, Planning Commission Chair; Mike Hejna, Principle Engineer; Chris Hartzell, Engineering Director and Tony Kutzke, Assistant Engineering Director/City Engineer.

Approximately two (2) members of the public in attendance and twenty-two (22) members of the public attending virtually.

Special Order of Business

No items scheduled

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 – February 8, 2023

Item B To adopt the following resolution

Resolution 23-30

Resolution of the City of Woodbury, Washington County, Minnesota approving the Federal Recreation Trail Grant Program application through the Minnesota Department of Natural Resources, to help facilitate the La Lake Project for trail infrastructure priorities that align with increased accessibility to existing park trails, and protection of ground and surface water, shore land, wildlife, habitat and other high quality natural features.

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- Item C Waypointe of Woodbury 3rd Addition, Final Plat and Development Agreement, Project No. 35-2022-00512. **This item was removed the Consent Agenda to the Discussion portion of the meeting.**
- Item D To approve to extend the project approvals for Commerce Hill Retail II and Commerce Hill 10th Final Plat, Project No. 03-2021-00478 and 03-2021-00479, subject to the conditions of approval as outlined in Council Letter 23-40.
- Item E Two-Way Stop Controlled Intersections; Authorizing Stop Sign Installation on Northbound and Southbound Bailey Lake Road at Martingale Drive, Stable View Drive, Cobalt Lane, Yearling Drive, and Cobalt Drive. **Joel Schilling, 8393 Yearling Drive, requested this item be removed from the Consent Agenda to the Discussion portion of the meeting.**
- Item F To adopt the following resolution **Resolution 23-31**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the City of Woodbury’s commitment to serve as a host site for the MN GreenCorps Program.**
- Item G To adopt the following resolution **Resolution 23-32**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the Residential Irrigation Controller Program Cooperative Agreement between South Washington Watershed District and the City of Woodbury, acceptance of funds, and approving the associated budget amendment.**
- Item H To adopt the following resolution **Resolution 23-33**
- Resolution of the City of Woodbury, Washington County, Minnesota correcting the budget amendment portion of Resolution 23-24 amending the Water and Sewer Utility Fund budget for Woodbury Water Treatment Plant Design Services for 30 percent softening.**
- Item I To adopt the following resolution **Resolution 23-34**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing the purchase of city-wide laptops due for replacement in 2023.**
- Item J Approval to Change City Council’s 2023 Meeting Schedule. **This item was removed the Consent Agenda to the Discussion portion of the meeting.**
- Item K To adopt a motion to renew the tobacco sales license of the businesses on the attached list for the period of April 1, 2023 through March 31, 2024.
- Item L To adopt a motion to renew the liquor licenses of the businesses on the attached list for the period of April 1, 2023 through March 31, 2024.
- Item M 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 February 3, 2023 in the amount of \$1,199,002.94 and February 10, 2023 in the amount of \$1,581,341.99.

Councilmember Santini moved, seconded by Councilmember Date, to approve the Consent Agenda items with the exception of items 6C, 6E, and 6J.

Voting via voice:

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

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Discussion

A. Consent Agenda Item 6C. Waypointe of Woodbury 3rd Addition, Final Plat and Development Agreement, Project No. 35-2022-00512

Councilmember Wilson pulled this item for discussion and asked if they were switching to rental properties. Assistant Community Development Director/City Planner Eric Searles stated the property owner has decided to sell the lots to a single family rental developer.

Councilmember Wilson expressed her concern for the number of lots available.

Mayor Burt asked if it was contracted through Canvas or a different contractor. Mr. Searles noted it would be a different contractor.

Councilmember Wilson asked if it would have to go before the Planning Commission in order to change the property to rentals. Mr. Searles stated the City does not regulate ownership and added Staff simply added this for transparency. Councilmember Wilson asked if the lot size would change. Mr. Searles stated it would not. Councilmember Wilson asked if it would be an HOA. Mr. Searles stated it would not be an HOA but would have a management function.

Mayor Burt asked if an HOA would be triggered if it moved from a rental property to being sold individually. Mr. Searles stated according to the development agreement and the conditions of approval they will require an HOA function to protect against the potential for a future sale. He added if the property owners pursued an option to sell individually, it would trigger an HOA immediately. Mayor Burt asked which document the agreement was housed in. Mr. Searles stated it is in the development agreement and the conditions of the approval.

Councilmember Wilson mentioned a month ago it was noted that there was an 867 lot inventory but according to the agenda packet it notes a little over 800 lots. Mr. Searles stated the 796 number refers to the total platted lot inventory in 2022, not the lot inventory. Councilmember Wilson asked if the lot inventory was 867 plus 75. Mr. Searles agreed and added there have been a few building permit changes in the past month which could affect the lot inventory number. Councilmember Wilson asked if final plats would go into the lot inventory. Mr. Searles agreed and stated there would be 867, plus 75, minus whatever permit activity occurs.

Councilmember Wilson noted her concerns of continued building of homes and has additional concerns about the property being a rental property. She added her belief that there should be a closer handle on how things are done. She stated she continues to have concerns regarding water, resources, infrastructure, schools, lot inventory and rentals.

Councilmember Date noted the purpose of the September 2023 meeting will be to discuss future development and are valid concerns to discuss in September.

Councilmember Date moved, seconded by Councilmember Santini, to approve the Waypointe of Woodbury 3rd Addition, Final Plat, Project No. 35-2022-00512.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Santini, to approve to authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions outlined in Council Letter 23-39:

1. All conditions of Planned Unit Development and Preliminary Plat approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's consultant engineer.
3. The final street names shall be reviewed and approved by the Chief Building Official.
4. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
5. To cure the prematurity of the roadway network, the Applicant shall improve Dale Road to a two-lane divided roadway with designs approved by the City Engineer. The Applicant shall either privately construct these improvements or may request a 429 assessment for the City to allow for public construction. The construction shall be memorialized within the Development Agreement.
6. Prior to the release of the Final Plat, a Development Agreement shall be executed.
7. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.

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8. Plat approval and release shall be conditional on adherence to all requirements of the city attorney, including, but not necessarily limited to, any express requirements contained in the city attorney's plat opinion.
9. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements within the plat boundary shall be granted to the City at no cost or paid for by the Developer.
10. All standard front, rear and side yard lot easements shall be shown on the plat. Standard front and rear yard easements are 10 feet and side yard easements are five (5) feet. Where public utilities are adjacent to side or rear lot lines, easements shall be a minimum of 10 feet wide on each side of the lot line. If the utilities are deeper than 10 feet, the easement width for each lot is calculated at a 1:1 depth-to-width ratio from the centerline of the utility. The easement width must then be adjusted to the nearest five-foot increment. If additional easements are not provided, then the layout of the watermain shall be adjusted.
11. The Final Plat shall be recorded prior to issuance of a building permit.
12. Park dedication shall be paid in cash in lieu of land dedication. Payment shall be made prior to the release of the Final Plat.
13. Prior to the release of the Final Plat, the Applicant shall receive approval for the drainage and utility easement vacation for Block 1, Lots 6 and 7 for the community building.
14. Prior to the release of the Final Plat, the Applicant shall provide a site plan for the community building. Planning and Engineering staff shall review and approve the plan, in writing.
15. Prior to the release of the Final Plat, all covenant and homeowner association documents shall be reviewed and approved by the City.
16. All villa lots shall include association completed lawn care, snow removal and common area maintenance

Voting via voice:

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

B. Consent Agenda Item 6E. Two-Way Stop Controlled Intersections; Authorizing Stop Sign Installation on Northbound and Southbound Bailey Lake Road at Martingale Drive, Stable View Drive, Cobalt Lane, Yearling Drive/Yearling Trail, and Cobalt Drive.

City Clerk Kimberlee Blaeser stated Joel Schilling, 8393 Yearling Drive wrote in and stated the item was tabled from February 8, 2023 due to errors in intersection identities. She stated Mr. Schilling noted the resolution in the agenda packet still has Bailey Lake Road and the Yearling intersection incorrect. There is no south bound Yearling Drive at Bailey Lake Road or north bound Yearling Trail and Bailey Lake Road. She noted an email and phone call were conducted between Mr. Schilling and Principle Engineer Hejna on February 10, 2023 with correct details provided to Mr. Hejna.

City Engineer Chris Hartzell stated the agenda packet contains a location map with a stop sign installation. He added that the County records Yearly Drive on the south leg of Bailey Lake Road and Yearly Trail on the north leg of Bailey Lake Road. He noted Staff believe the resolution is correctly noted. He stated Mr. Hejna would follow up with Mr. Schilling following the meeting.

Mr. Schilling commented that the ID of the intersection in the resolution is backwards and should read southbound Yearling Trail and the stop sign on northbound Yearling Drive. Councilmember Santini noted the direction of travel, if coming from Yearling Drive would mean driving southbound to the intersection. Mr. Hartzell agreed with the direction of travel comment, but the resolution has correct verbiage and functionally it does not matter.

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 23-35

Resolution of the City of Woodbury, Washington County, Minnesota authorizing installation of a two-way stop-controlled intersection with stop signs located on northbound and southbound Bailey Lake Road at Martingale Drive, Stable View Drive, Cobalt Lane, Yearling Drive/Yearling Trail, and Cobalt Drive.

Voting via voice:

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

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C. Consent Agenda Item 6J. Approval to Change City Council's 2023 Meeting Schedule

Councilmember Wilson pulled this item for discussion and asked if the meeting on June 14, 2023 at 6:30 p.m. could be moved to the City Hall City Council Chambers.

Mayor Burt stated they would change the location to City Hall Council Chambers in order for more public viewing and then would walk to the Public Safety building after the meeting for the Council workshop.

Councilmember Santini moved, seconded by Councilmember Wilson, approving to change Council's 2023 meeting schedule to reflect the cancellation and scheduling of regular and workshop meetings and the scheduling of the annual development tour with direction to the City Clerk to post the required Open Meeting Law notices that will reflect the official meeting time and location of the meetings as outlined in Council Letter 23-46 with the amendment of the location for the June 14, 2023 Consent Agenda only meeting to be City Hall Council Chambers.

Voting via voice:

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

Public Hearings

A. Westwind; Rezoning; Planned Unit Development; Conditional Use Permit; Preliminary Plat; and Site and Building Plan, Project No. 33-2022-00502

Mr. Searles stated Maplewood Development has submitted an application for a Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan for the Westwind development. He added that the Applicant is proposing 248 single family homes, 57 detached townhome/villa homes and 144 attached townhomes on 129.5 acres located at the southwest corner of Dale Road and Pioneer Drive. He stated the property is currently zoned R-1 Urban Reserve District and is guided as Low Density on the Land Use Plan.

Mr. Searles reviewed the requests for the Council to consider, including, rezoning the property from R-1 to R-4 which is consistent with the Comprehensive plan as it is serve by municipal utilities. He added the property is located in sub-phase 2C which was open to development in 2021. He noted the Council approved the South of Dale Master Plan with the intent to guide decisions for developers on transportation, storm water management, truck utility planning and location needs for parks and open space.

Mr. Searles reviewed the main access points into the proposed development which would be on Dale Road and Pioneer Drive. He noted Dale Road would be improved to a two lane divided roadway in the next few years, while Pioneer Drive will be improved privately by the developer. He stated there would be 8 access points total.

Mr. Searles stated the applicant requested a Plan Unit Development (PUD) for the development and asked for flexibility with zoning within the lot width for the front and rear setbacks for the detached townhomes. He added the request for flexibility is consistent with other phase 1 and 2 developments through the PUD, while the minimum lot width request is not as commonly granted. He noted the City has granted 55' lot requests in the past but in those situations they typically had a side yard modification that would allow the side of the house to be 5' from the property line. He explained that Staff would not be in support, or recommend a 55' lot width if it came with the relaxed side yard house setback. He noted the current application does have the required 5' and 10' setbacks. Mr. Searles explained in exchange with the flexibility standards the applicant will construct and fund the trail network and provide storm water management for the park area. In addition, they will utilize a private storm water re-use to irrigate the right of way along Lighthouse Lane using on site storm water. He added the future HOA will provide maintenance including mowing and landscape care for Lighthouse Lane.

Mr. Searles reviewed the approvals for the Council to consider such as a request for a Conditional Use Permit (CUP), a supplemental resolution which includes an additional condition from the Planning Commission. The additional condition of approval requires the implementation of a development phasing plan as additional growth and infrastructure management tool. He noted the Planning Commission expressed concerns regarding the Washington County school capacity. He explained as of January 11, 2023 the schools are at 91% capacity. He added the Mayor and members of Staff meet with South Washington County Schools each year to discuss future development plans and timing of construction which allows for the school districts to plan ahead.

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Mr. Searles explained a preliminary plat was requested with 144 back to back townhomes, 57 detached townhomes and 248 single family homes. He noted the South of Dale Master Plan identifies a park in the proposed Westwind development and would be completed by the Parks and Recreation department and reviewed by Parks and Natural Resource Commission. He added the siting of the park is identified in the Master Plan Greenway corridor and plans to connect with the parcel to the west which includes mature oaks and wetlands which the City will look to preserve. The location will allow the park to be a part of the greenway corridor which will run from Military Road to Glacier Valley Park.

Mr. Searles noted an extensive trails and sidewalks network is proposed. He stated in addition the development is expected to meet all stormwater management requirements which would need multiple basins to meet the City standards. He noted the project includes a reuse system which would irrigate the townhome and detached villa areas.

Mr. Searles reviewed the two neighborhood meetings that occurred. He stated the first meeting was on November 7, 2022 and had 6 residents in attendance with the residents requesting additional landscaping to buffer the proposal, and asked that no connection be made through Allen Drive to the subdivision. He stated the applicant modified the site plan to meet the request for no connection on Allen Drive as well addressed the conditions in the conditions of approval to include additional landscaping. He noted the second meeting had 22 residents in attendance including some from the Allen Drive neighborhood. He explained the questions that were raised in the meeting included timing, planned improvements for Dale Road, type and number of builders proposed, school capacity, tree preservation, FAA tower, speed concerns on Dale Road and Pioneer Drive, and the proposed need for erosion control measures in the project. He noted the Planning Commission reviewed the application on February 6, 2023 and the chair is available to review the Planning Commission liaison report.

Planning Commission Chair Shannon Olsen stated 4 members of the public addressed the Planning Commission with questions, comments and concerns. She noted as developments continue to come forward, engagement from the public has also increases. She noted the 3 main concerns that come forward included schools, water and transportation. She stated many have expressed concerns regarding school capacity in southern Woodbury since some of the schools in the area are at capacity. She added the school and City work closely together. She stated there are concerns regarding PFAS and noted the City conducted a study related to water availability in 2019 and anticipated the potential growth in Woodbury. She stated concerns around transportation include how people will come in and out of the development. She noted many of the commissioners echoed the questions and concerns and had many discussions regarding school capacity.

Ms. Olsen reviewed the questions from the commission members. She explained members asked questions regarding higher density homes placed in the lot, tree preservation, and the radar being near the development. She noted one commissioner made a comment of ensuring snow storage did not end up on the sidewalk while another commissioner made a comment of including additional trees, particularly in the park area. She stated a commissioner asked if the engagement between the City and school could be made more public. She added the Planning Commission recommends approval of the project with a vote of 3-2.

Mayor Burt declared the public hearing open.

Ms. Blaeser noted three comments made virtually. She stated Rachel Nelson, 4649 Copper Ridge Drive commented that Woodbury City Code section 24-43 outlines several criteria for granting approval for CUP. She noted part b of the City Code states the proposed use should not impact the health, safety and general well fair of occupants of surrounding lands. She added part c stated the existing infrastructure shall be able to absorb the additional demands on services such as utilities, streets, parks, police, schools, etc. Ms. Nelson noted several issues with the development. Ms. Nelson explained her and her husband moved to Woodbury in 2017 due to the schools and explained that data suggests the Woodbury schools have rapidly declined 172% since 2017. Ms. Nelson noted there are kids who are eating lunch on the floors and asked "how bad does it have to get before we do something?" Ms. Nelson noted in 2022 the school board anticipated 3,500 new students to enroll into the schools due to new developments. She explained Minnesota Department of Natural Resources and EPA acknowledge PFAS contamination is a serious risk to health and noted that no safe levels of PFAS have been found in the water. She explained the new safe PFAS level requirements and asked if the City is ready to meet those requirements and expressed the need for new water treatments which could take years. She reviewed the history of 3M's water and how it impacted the health of children. She questioned the City's focus of being on crime, students, schools, safe drinking water or building huge construction projects. She added that the concerns she expressed were supported by the City Code and asked if they would follow the law, or put profits over people. She asked if they believed City Code 24-43 was being followed and asked if the rapid decline in education was acceptable for them.

Ms. Blaeser stated Katie Cassellius, 4630 Copper Ridge Drive asked if the school lines would be rezoned once the project is completed and asked if the Council felt as if they were moving too fast. She asked if they could get the schools and water issues under control before moving forward.

Ms. Blaeser stated Karen Bauman asked if anyone has spoken with Woodbury High School or the parents of the school. She mentioned a parent of the school noted her daughter does not go to the restroom all day since they are overcrowded.

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Mayor Burt moved, seconded by Councilmember Date, to close the public hearing.

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

Mayor Burt opened opportunity for discussion and questions from the Council.

Mayor Burt referenced Ms. Nelson's comment regarding the PFAS levels in the water and stated the new levels Ms. Nelson referenced were not the current set levels and are in review by the EPA. She explained while they are expecting new numbers to come out of the review, they are not the current standards set by the State and noted Woodbury is meeting the current standards. Councilmember Wilson asked if the new standards had been made public. Mayor Burt stated the new level standards are not official or made public yet.

City Administrator Clint Gridley asked if he should review the revision they are proposing. Mayor Burt agreed. Mr. Searles explained there is a new condition that requires the utilization of a phasing plan and mentioned the new condition came after hearing testimonies at the Planning Commission. He noted a phasing process would slow down the development in order to make it more predictable. He stated the cap on an annual basis would be 130 units for final plat. Mr. Gridley suggested Mr. Searles read the condition and then explain it.

Mr. Searles read the revised condition as "To address the findings identified in city code section 24-43 and as a condition of the Planned Unit Development, Conditional Use Permit, and Preliminary Plat a development phasing plan shall be implemented. Said phasing plan shall identify a restriction to Final Plat no more than 130 units annually from 2023-2026. Prior to approval of each Final Plat, the City shall affirm existing and future infrastructure is available and identifies the Public infrastructure services finding within 24-43 (c) is conditionally met at this time and may be revoked upon a change in infrastructure availability including, but not limited to, water supply as solely determined by the City Council. Furthermore, lack of existing and future infrastructure shall be viewed as a premature subdivision pursuant to section 21-16 of the City Code."

Mr. Searles stated the condition came after the Planning Commission in order for the City Council to have more margin to slow down developments and growth. He noted previously phase 2 would allow more ability for the market to ebb and flow and anticipates the same in the current times. He added they anticipated 400 units per year in phase 2 and over the last decade they have been under the 400 units per year in phase two. He mentioned Staff is recommending the additional condition because of the suggestions and concerns that have risen from the Planning Commission and Staff. He added Staff would like to recommend including this condition on future projects as well.

Mayor Burt asked if there were other tools available for the Council. Mr. Searles stated this tool is the most effective and has proven to work in the past on the growth and infrastructure side. Mr. Gridley added the Council making decisions regarding phasing have been one of the largest tools they use.

Mr. Searles reviewed the Council's decision to propose sub-phase 2C into phase 2C and 2D in order to manage growth. He noted the conditions listed in the agenda packet move the sub-phase from a City level to a by property level and added the City has had success in managing growth through the by property model.

Mayor Burt asked if the subgrouping of the 130 units in the development is identified on a map. Mr. Searles stated they do not know the product type that will be absorbed and wanted to give the opportunity for the developer to make some decisions along the way. He noted Staff are recommending to do a total unit count rather than by location which would allow more flexibility for the developer.

Councilmember Santini asked when phase 2C was opened. Mr. Searles stated it was fall of 2021. Councilmember Santini asked if 2D was opened for development. Mr. Searles stated it was not.

Councilmember Date asked how many applications could come in until sub-phase 2D is opened. Mr. Searles explained there was 1 additional property east of Woodbury Drive and 1 south of Dale Road that would then conclude the development of sub-phase 2C. Councilmember Date mentioned she has been concerned about how quickly they have developed in 2C but expressed her excitement that they have a plan in the Master Plan. She added she does not want to see additional development unless it is under the Master Plan since the Master Plan is heading in a positive direction. She noted despite her concerns she has approved developments because it has opened sub-phase 2C and allows flexibility for 2D. She explained development will slow down significantly as they look at lot inventory. She stated she likes the new condition and would like to see it used in the future. Mayor Burt agreed.

Mayor Burt noted the school board meetings are made public and she has been pleased by the work they have done to shift their approach to address the issues of overcrowding and how they will handle that moving forward. She explained the schools are at 91% capacity and some schools still have more room available. She mentioned it has been a common practice by the school district to predetermine which schools children will go to in each development. She stated there may be some boundary shifts in the future but it is determined by the school district. She added they have a good relationship with the school district. She stated the school district has a series of public meetings coming up where they would like to hear the public's feedback. She expressed her comfortability in where they are at with the project and likes the sub-phasing of 130 units in a year.

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Councilmember Santini asked if the developer would have control over the sub-phasing of the development. Mr. Searles stated the condition would include having 130 units for the year and the developer could determine how the 130 units would be made up.

Councilmember Wilson asked if a building was a unit. Mr. Searles stated it was unit to unit.

Councilmember Santini stated she agreed with Councilmember Date's comments and added that they hear the public's concerns regarding growth in the community. She added they are hesitant of phase 2D since once the phase is opened, it is difficult to stop. She noted she would like to be strategic on the timing of the park in the development.

Mr. Gridley stated the condition proposed is for growth control instead of simply creating a slower pace. Mayor Burt noted 130 units annually would mean it is a slower pace. Mr. Gridley stated they do not know the market conditions each year but Staff see it as a growth control issue instead of a slowing of growth.

Councilmember Date commented that the developers have followed the plan that the Council put into place for phase 2 and expressed how happy she was to see that. She highlighted the sidewalks and trails that were included in the development plan and noted her excitement on them. Councilmember Santini asked why the trail ends on Pioneer Drive. Mr. Searles stated the trail will connect. Councilmember Santini asked if the sidewalk would extend on the south end. Mr. Searles explained the sidewalk would extend to the end of the development.

Councilmember Wilson asked if all of the family homes and villas would have a 25' setback. Mr. Searles stated from the right of way line they would have 25' setbacks. Councilmember Wilson asked if Copper Ridge had 25' setbacks. Mr. Searles noted Copper Ridge had private drives so the 25' drive started from the back of curb of the street while the current development would have a public street with a boulevard which would be 12-14' from the right of way area. Councilmember Wilson asked to clarify that the Copper Ridge development had the 25' setback from the curb. Mr. Searles agreed. Councilmember Wilson asked if the current development was 25' from the easement. Mr. Searles stated it was from the right of way.

Councilmember Wilson asked how builders could build and get the required density with the change in ordinance. Mr. Searles stated an 80' lot width would be on the low end of the density requirements. He noted the Comprehensive Plan identifies 2 units per acre and up to 3.5 units per acre. He added depending on how many family units were proposed, it would likely end up on the low end of the density requirements.

Councilmember Wilson asked if they have stormwater managements required within the developments. Mr. Searles confirmed that they did. Councilmember Wilson asked if the ponds proposed in the development would be used for irrigation. Mr. Searles agreed.

Councilmember Wilson asked if stormwater management is determined by acreage. Mr. Searles agreed. Councilmember Wilson asked how many acres were taken out by the ponds and roads. Mr. Searles stated it was referenced in the lot summary and would look it up.

Mayor Burt expressed her excitement of implementing reuse water in the development.

Councilmember Wilson expressed her gratitude for controlling the growth but expressed her concern of 130 units popping up in a chaotic manner. Mr. Searles agreed and noted when there are multi-product types in a development it can become separated through the development pattern. Mayor Burt stated she would anticipate developers would cluster homes instead of spreading them out. Mr. Searles agreed and mentioned developers would not want to build more infrastructure than what they can put lots adjacent to.

Mr. Searles highlighted there would be 23 acres of public right of way with Dale Road being 1.29 acres, and Pioneer Drive being 5 acres. He added the total pond, green and the park area is 24.99 acres. Councilmember Wilson noted it would be roughly 55 acres. Councilmember Date asked if the 20% for the 55' lot width was correct or if it was for the whole development. Mr. Searles explained that 20% of the development was for the 55' lot width. Councilmember Date asked if the 55' lot width was because of affordability. Mr. Searles agreed and added lot width is a factor as well.

Mayor Burt asked if they could require the size of trees put into the development. Mr. Searles stated the code requires 6 feet. Councilmember Date asked if that would in addition to the tree requirements for the property. Mr. Searles agreed.

Mayor Date asked if Mr. Searles could speak on what the developer's obligation is for the prematurity of roadwork. Mr. Searles explained there are two proposed methods of construction. The first being Pioneer Drive being constructed privately and extended to the south property. He noted Dale Road was originally expected to be a public project, but the developer has the option to privately construct it through the development agreement process. He added this is unlikely due to the size of Dale Road and it is more likely that they would request the City provide the opportunity to accept an assessment through the development agreement process for participation in the cost of Dale Road.

Mayor Burt asked to show on the map where that would be. Mr. Searles displayed where the construction would occur on the location map. Mayor Burt asked what the timing would be. Mr. Searles stated Dale Road would be during phase 2 while Pioneer Drive would likely be in 2025. He added it will go before Council as a CIP and Staff will recommend a 2025 study with an implementation in 2026.

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Councilmember Wilson asked if the trail would be on both sides of Pioneer Drive from Dale Road. Mr. Searles confirmed it would be. Councilmember Wilson asked why the trail would not run on both side of Lighthouse Lane since it is a collector roadway. Mr. Searles noted it is a non-fronted roadway and is 26' face of curb to face of curb as well as it does not have turn lanes. He added that it is possible to add a trail or sidewalk on both side but it requires additional maintenance and placement costs. He noted there is no driveway frontage since it is the same width as a normal residential street. Councilmember Santini asked if it was the same as Bailey Lake Road. Mr. Searles agreed.

Councilmember Wilson asked if Mr. Searles could review the parking in the development. Mr. Searles noted there were several guest parking areas, and as a part of the conditions the developer would elongate the finger streets for additional parking.

Councilmember Date asked if there were plans for the owners of the exception parcel to sell the property. Mr. Searles explained the parcel Councilmember Date was referring to was the FAA tower. He added there was significant discussion during the Planning Commission meeting regarding the FAA tower and agreed that some buyers will see it as a positive while others will find it as a negative.

Councilmember Wilson stated her excitement over the chance to control growth more and added she wished the high density homes were closer to the park. She noted she is in agreement with the trail network but would like to see them on both sides. She asked that the ordinances would be reviewed and they would take the net acres of the land since all developments require a park, streets, trails, and stormwater control. Councilmember Date noted Woodbury has a serious affordable home issue and explained the less homes in an area creates more expensive homes. She stated if they want people of all incomes to live in Woodbury than they need to allow higher density since it is more affordable.

Councilmember Wilson asked what the price point was for the homes. Mr. Searles stated the 55' lots would begin in the \$410,000-\$415,000 range. Councilmember Date noted that while it sounds high, it is the median home value in the City. She asked what the houses to the left would begin at. Mr. Searles stated \$525,000. Mayor Burt noted that market pricing would be a factor. Councilmember Wilson asked if prices would increase if they control the growth. Mr. Searles explained it is a possibility.

Councilmember Wilson expressed her gratitude for the ways they have planned to irrigate the water in order to help the environment but noted that the more homes that are built, the more impact it will have on the environment. Councilmember Date agreed but stated typically higher density homes have a lower impact on the environment than lower density homes since clustering homes allows more space than place homes on larger lots. Councilmember Wilson agreed but noted if it was net opposed to gross there would be more open space because there would be 150 homes fewer. Mayor Burt explained it would drive the costs up.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following ordinance

Ordinance 2033

Ordinance of the City of Woodbury, Washington County, Minnesota, rezoning certain property from R-1, Urban Reserve District to R-4, Urban Residential District.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-36

Resolution of the City of Woodbury, Washington County, Minnesota adopting findings of fact for Westwind, Project No. 33-2022-00502.

Voting via voice:

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

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Discussion during the motion:

Councilmember Santini stated she would second Resolution 23-36 as long as it is clarified that it is the supplemental version, that adds Condition Number 27.

Councilmember Date moved, seconded by Councilmember Santini, to approve the Westwind Planned Unit Development (PUD), Preliminary Plat and Site and Building Plan, Project No. 33-2022-00502, subject to the following conditions, which includes Condition 27 as outlined in Supplemental Council Letter 23-49 and Supplemental Resolution:

1. The PUD and CUP approval shall expire one (1) year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council.
2. The Preliminary Plat approval shall expire six (6) months from the date of the City Council approval unless a Final Plat has been requested or a time extension has been granted by the City Council.
3. Prior to the issuance of a building permit, the Applicant shall record the Final Plat
4. Prior to the issuance of a land disturbance permit, the Applicant shall obtain all necessary temporary and permanent easements necessary to construct utility extensions and temporary cul-de-sacs.
5. Final park dedication shall be satisfied via a combination of land and cash dedication. Final dedication shall be memorialized in the Development Agreement.
6. Prior to the issuance of a Land Disturbance Permit, additional landscaping shall be added on the landscaping plan adjacent to 5181 Allen Drive, 5176 Allen Drive, 5120 Allen Drive, 5056 Allen Drive and 5155 Allen Drive. Plans shall locate additional trees to soften views from the existing homes.
7. The applicant shall provide a minimum of 12 additional evergreen trees, six (6) feet minimum in height, as needed after the implementation of the approved landscaping plan. Said additional trees shall be installed by the Developer at their cost. This condition shall terminate following release of the final phase Plan A security collected within the Development Agreement.
8. Prior to authorization to remove any trees onsite and prior to the issuance of a Land Disturbance Permit, the Applicant shall install construction fencing to clearly delineate tree protection areas. Said fencing shall be reviewed and approved, in writing, by City staff prior to release of the Land Disturbance Permit or removal of any trees found onsite.
9. All ends of the private drives shall be designed to accommodate both guest parking and snow storage. Additional length shall be added to the drives with revised designs reviewed and approved by Planning staff. Final designs shall address conflicts with pedestrian connections.
10. The future HOA shall provide maintenance, including mowing and landscaping care, along Lighthouse Lane. The HOA shall also own and maintain the private stormwater reuse system.
11. Prior to the issuance of a Land Disturbance Permit, the landscaping plan shall be amended to provide additional lot trees on all lots that are adjacent to the future park. A minimum of four (4) trees per lot shall be provided in the rear yard on said lots with more than four (4) trees provided on Lots 48 and 49 Block 16 on the Preliminary Plat.
12. Prior to the issuance of a Land Disturbance Permit, the landscaping plan shall be amended to ensure a minimum of three (3) trees on per lot.
13. Prior to the issuance of a Land Disturbance Permit, all necessary easements for utility, drainage, grading and street improvements shall be provided by the Applicant. All easements shall be provided free of encumbrances via the City's approved form and at no cost to the City.
14. A Development Agreement shall be fully executed prior to the release of the Final Plat for recording.
15. Prior to the approval of the Final Plat, all required findings of Chapter 21-16 shall be met. This includes participation for public infrastructure including storm sewer, water, sanitary and transportation infrastructure. Approval of the Preliminary Plat is conditional upon satisfactory compliance with Chapter 21-16 of the Woodbury City Code.
16. To cure the prematurity of the roadway network, the Applicant shall improve Dale Road to a two-lane divided roadway with designs approved by the City Engineer. The Applicant shall either privately construct these improvements or may request a 429 assessment for the City to allow for public construction. The construction shall be memorialized within the Development Agreement.
17. To cure the prematurity of the roadway network, the Applicant shall improve Pioneer Drive to the south boundary of the subdivision with designs approved by the City Engineer. The Applicant shall privately construct these improvements which shall be secured via the Development Agreement.
18. Prior to the issuance of a Land Disturbance Permit, the Applicant shall receive, and provide written documentation to the City, all necessary approvals from the Federal Aviation Administration (FAA) regarding developing adjacent to their communications equipment.
19. Prior to the issuance of a Land Disturbance Permit, the landscaping plan shall be revised to add trees in front of all multi-family units.
20. Prior to the issuance of a Land Disturbance Permit, staff shall finalize the tree replacement calculations and method of achieving replacement or payment in lieu.
21. Prior to the issuance of a Land Disturbance Permit, an Operations and Maintenance Plan shall be approved by the City.
22. Prior to the issuance of a Land Disturbance Permit, Engineering staff shall review and approve the seeding plan for the stormwater ponding area. Said plan shall include a minimum of three (3) years of maintenance to establish native areas within the outlot.
23. All retaining walls shall be located on private property and shall be maintained by the HOA or underlying private property owner.

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24. The Applicant shall grade the boulevard and provide required stormwater management for Dale Road and Pioneer Drive with the designs approved by the City Engineer.
25. All lots approved as detached townhomes/villas and back to back townhome lots shall have common area maintenance, lot maintenance and association snow removal.
26. The Developer shall grade the park area identified within Outlot G at their cost with the first phase. The park grading and seeding plan shall be reviewed and approved, in writing, by the Parks and Recreation Department.
27. To address the findings identified in city code section 24-43 and as a condition of the Planned Unit Development, Conditional Use Permit, and Preliminary Plat a development phasing plan shall be implemented. Said phasing plan shall identify a restriction to Final Plat no more than 130 units annually from 2023-2026. Prior to approval of each Final Plat, the City shall affirm existing and future infrastructure is available and identifies the Public infrastructure services finding within 24-43 (c) is conditionally met at this time and may be revoked upon a change in infrastructure availability including, but not limited to, water supply as solely determined by the City Council. Furthermore, lack of existing and future infrastructure shall be viewed as a premature subdivision pursuant to section 21-16 of the City Code.

Engineering Conditions:

1. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and will be memorialized in a feasibility/preliminary report for the project.
2. The Applicant shall be financially responsible for trunk sanitary sewer and trunk watermain lateral benefit charges applicable to the site. Lateral benefit charges will be based on the rates in effect for the year the Development Agreement is executed.
3. Prior to the issuance of a Land Disturbance Permit, the proposed stormwater facility designs shall meet the City's stormwater design standards including infiltration, quality and quantity ponding.
4. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a Land Disturbance Permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for Construction Activities permit prior to commencing any site activities.
5. The Applicant shall provide approved street lighting at every intersection and/or every 300 feet. The Applicant shall also be responsible to provide major roadway street lighting if a road intersects a major collector
6. Where public utilities and/or overland emergency overflows run adjacent to side or rear lot lines, easements shall be a minimum of 10 feet wide on each side of the lot line. If the utilities are deeper than 10 feet the easement width for each lot is calculated at a 1:1 depth to width ratio from the centerline of the utility. The easement width shall then be adjusted to the nearest five (5) foot increment.
7. The Applicant shall be responsible for protecting all on- or off-site storm sewer basins and components and adjacent storm sewer facilities from exposure to stormwater runoff, sediment and debris during construction activities. Temporary stormwater facilities may be necessary to protect the aforementioned improvements during all construction activities. Construction and maintenance of any temporary stormwater facilities shall be the responsibility of the Developer. A SWPPP shall be submitted to the City for review and approval as part of the Land Disturbance Permit process.
8. Temporary sediment basins shall be identified on the grading plan that are sufficient in size to address stormwater management during construction. These basins shall be located out of the right-of-way and be maintained throughout housing construction.
9. All homes shall have a 25-foot useable backyard area (flat for approximately 25 feet out from the house pad).
10. Outlots and easements that contain public structures and utilities shall be kept free of landscaping and retaining walls. All pond accesses and maintenance benches shall be kept free of planting, retaining walls, etc.
11. Prior to the issuance of a Land Disturbance Permit, the Applicant shall provide updated plans that provide conduit crossings for irrigation lines to avoid utility conflicts.
12. Stormwater reuse systems shall meet the design standards established by the Environmental Division including, but not limited to, the following standards:
 - a. All systems shall have a meter(s) that read in gallons and be accessible to City staff for annual reporting required to the Minnesota Department of Natural Resources (MN DNR).
 - b. If the system proposes a connection to municipal water as a back-up irrigation source, an air gap shall be required with designs reviewed and approved in writing by City staff.
 - c. Municipal water may not be pumped into pond to be later pumped and used by the irrigation system.
 - d. Stormwater ponds sourcing the water shall be pumped/maintained no lower than the design elevation in the approved stormwater plan unless written approval is given by Engineering staff.
 - e. All controllers shall be WaterSense certified and verified as fully functional during each growing season.
 - f. Irrigation heads shall be replaced with pressure regulated bodies, as needed, with matched precipitation and gallons per minute.
 - g. All systems shall have an irrigation audit completed by a certified landscape irrigation auditor and submitted to the City. Audit results, including auditor, date, time, issues identified and recommended improvements shall be submitted to the City as identified in the Operations and Maintenance Plan.
 - h. All systems, including pumps, controllers, connections and irrigation line placement shall be submitted for review and approval by City Staff.
 - i. Private irrigation wells as a back-up irrigation source shall not be permitted.

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- j. Irrigation heads shall be placed a minimum of six inches (6”) from back of curb, trail, sidewalk, or other hard surface to avoid damage.
- k. Irrigation mainlines must be placed outside of right-of-way to avoid damage.
- l. EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
- m. Drip irrigation, high efficiency rotating nozzles, pressure regulated spray and rotors, and other efficiency components shall be used on all systems.

Voting via voice:

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

B. Westwind Utility and Street Improvements (Private Construction); Consultant Selection (Item is not a public hearing. Council action needed after close of the Westwind Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan Public Hearing.)

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-37

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute an engineering consulting services contract with WSB, for construction administration services for the Westwind Addition Utility and Street Improvements Project (Private Construction) contingent on all required securities being collected and preliminary plat approval.

Voting via voice:

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

Councilmember Date noted the Street Improvements Project is a private construction.

C. Park Place Storage; Conditional Use Permit, and Site and Building Plan; Project No. 01-2022-00504

Mayor Burt declared the public hearing open.

Mr. Searles stated Park Place Storage has submitted an application to construct a self-storage condo facility located on roughly 24 acres north of Eastview Road and east of Settlers Ridge Parkway. The property is zoned BCD, Business Campus District and guided Places to Work on the land use plan.

Mr. Searles explained at the April 27, 2022 meeting, City Council approved the Black Diamond Commercial Planned Unit Development (PUD) which included the review of uses, access points, screening and landscaping, and stormwater management. He noted the PUD contemplated using two separate mini storage uses and 180,000 square foot flex light industrial building which is under construction. He added the application proposes a multi-phase development with the first phase being 234,000 square feet and the second phase being 230,000 square feet of mini storage uses. He explained the PUD identified this as an efficient transition between the single family residential to the south and the light industrial distribution to the north. He noted in the original approval process, the self-storage was identified as a low impact use and a necessary amenity in the community.

Mr. Searles explained he would not go through each finding of fact but would be happy to answer any questions the Council may have.

Mr. Searles reviewed the proposed access points being off of Karen Drive and Eastview Road. He stated parking for the property would be 1 stall per 2000 gross square feet which would total 232 parking stalls. He added the applicant is proposing 1 stall per unit which meets the ordinance requirement. He explained the applicant has previous experience and the applicant has noted there is about 10 people at the site at a time which would equate to a low intensity use. He stated Staff have toured the Cottage Grove facility and can confirm that is it a low intensity use.

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Mr. Searles noted the zoning ordinance requires Warehouse buildings to be constructed of 65% class 1 or 2 materials and that the applicant is proposing to construct the project with 75% rock face and smooth face materials which are class 2.

Mr. Searles stated there was a neighborhood meeting on October 26, 2022 with no one in attendance. He added that Ms. Olsen would be able to provide the liaison report from the February 6, 2023 Planning Commission meeting. Ms. Olsen stated there were no members of the public speaking on the project. She noted the Planning Commission members asked questions regarding the elevation height of the project, lighting, and trash enclosures. She explained it would be up to the Association Management regarding trash enclosures. She noted there are no portable restrooms in the original design and added if there were restrooms constructed they would be required to be indoors. She explained the Planning Commission recommended to approve the project.

Mayor Burt moved, seconded by Councilmember Date, to close the public hearing.

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

Mayor Burt opened opportunity for discussion and questions from the Council.

Councilmember Date asked if there would be restrooms on site. Mr. Searles stated there would be and they would be internal to the building. Councilmember Date asked if there would be trash pickup on site. Mr. Searles said they would have an onsite manager that will pick up trash when needed.

Councilmember Santini asked if it was the same owner for the condo and the mini storage. Mr. Searles explained it would be two separate owners.

Mayor Burt stated she likes the architecture and the coloring.

Councilmember Date asked if renters would be able to sublet their storage facility. Mr. Searles stated they would be able to and the one restriction is about overnight stays.

Councilmember Santini asked if there would be management. Mr. Searles agreed.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-38

Resolution of the City of Woodbury, Washington County, Minnesota adopting findings of fact.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Santini, to approve the Park Place Storage Site and Building Plan, Project No. 01-2022-00504, subject to the following conditions as outlined in Council Letter 23-51:

1. The CUP approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
2. All conditions of the existing Black Diamond PUD shall remain in full force and effect.
3. These approvals shall authorize a self-storage use on the property. No overnight stays shall be permitted at any time.
4. All requirements and conditions of the Northeast Area AUAR as they relate to this site shall remain in full force and effect as determined by the City.
5. Prior to the issuance of a building permit, a landscape financial security shall be submitted in accordance with the Zoning Ordinance. The landscaping plan shall meet all landscaping ordinance requirements including canopy coverage and tree and species diversification and will need to be approved by staff in writing.
6. Prior to issuance of a building permit, the Applicant shall submit a plan identifying placement of no less than four (4) inches of an acceptable topsoil mix as determined by Planning staff.
7. Signage on individual units is prohibited.
8. Prior to installation of sod, the Applicant shall provide written verification that a minimum of four (4) inches of topsoil has been placed throughout the site. Prior to installation of the sod, the City shall inspect and approve the placement of the topsoil in writing.

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9. No exterior storage is permitted.
10. All turn lane, striping and other applicable transportation improvements regarding connection to Eastview Road shall be wholly constructed and funded by the Applicant.
11. All areas of the site, where practical, shall be sodded or seeded and maintained.
12. All disturbed boulevards shall be restored with turf. The property owner shall mow and maintain to the curb of all public streets. If a native planting approach is proposed, a minimum of three-year maintenance agreement shall be provided to ensure proper implementation.
13. This approval does not include signs. A separate sign permit is required for all proposed signage.
14. All ground mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
15. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All final building materials shall be approved by the Planning staff in writing.
16. Prior to the application of building materials, the Applicant shall construct sample material mock-ups on-site. The mock-ups shall be approved by the Planning staff.
17. Any future trash enclosures shall utilize wooden gates and shall be constructed on three (3) sides using the same materials and patterns used on the building. The location shall be approved by the Planning Division.
18. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED lamps with flush lenses. All wash or architectural lighting and attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (i.e. building entries or drive-through) shall be recessed and use a flush lens.
19. The Developer shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris.
20. The Developer shall be responsible for obtaining any other permits necessary from other agencies, MPCA, Valley Branch Watershed, etc. prior to the start of any site activities.
21. Prior to the issuance of a building permit, the Applicant shall execute an approved Operations and Maintenance Plan for all onsite infrastructure.
22. Prior to the issuance of a building permit, the Developer shall provide a snow removal and storage plan detailing how snowfalls will be accommodated on site.
23. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations should be submitted to the City.
24. All drive aisles shall have a minimum width of 25 feet.
25. Prior to the issuance of a land disturbance permit, final drainage, utility, and stormwater plans shall be approved by the Engineering Department.
26. This project shall require a General Stormwater Permit from the MPCA since more than one acre of land will be disturbed. In addition, a Stormwater Pollution Preventive Plan (SWPPP) shall be included on the Grading and Erosion Control Plan along with Best Management Practices (BMPs) such as concrete washout area, temporary sediment basins, stabilization methods for exposed areas, etc. These BMPs shall be clearly identified on the plan. The plan shall include permittee and inspector contact information.
27. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Builders Agreement.
28. The Applicant shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.
29. Street lights shall be required to be installed by the Developer, at their cost, as directed by the City.
30. The location of any landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
31. All restroom facilities shall be interior to the facility. No temporary facilities shall be provided.
32. Association maintained trash for the facility shall be provided and shall be hidden from view using materials that match the building.
33. Any irrigation systems shall be designed to meet the following design requirements:
 - System must be designed by a certified irrigation contractor.
 - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
 - Private irrigation wells as a back-up irrigation source are not permitted.
 - Irrigation heads shall be placed a minimum six (6) inches from back of curb, trail, sidewalk, or other hard surface.
 - EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
 - MP rotator heads or equivalent shall be used throughout.

Voting via voice:

Kim Wilson – aye
Andrea Date – aye

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Steve Morris – absent
Jennifer Santini – aye
Anne Burt – aye

D. Adoption of Special Assessments for 2023 Roadway Rehabilitation Project

Mayor Burt declared the public hearing open.

Principle Engineer Mike Hejna reviewed the objectives of the presentation would include the project background, hold the assessment hearing, accept written objection, and approve the resolutions. He explained the process for the project began in 2020, but was cancelled at the November 10, 2021 City Council meeting. Following feedback from residents and Council members the project moved forward with a modified scope in June 2022. He noted the modified version was presented at a neighborhood meeting on September 12, 2023 with the final revision presented at the February 2, 2023 neighborhood meeting. Revised preliminary reports for the project were prepared which found the project to be necessary, cost effective and feasible and Council ordered the project. He reviewed the previous Council actions: on May 11, 2022 they ordered the preliminary report and selected a consultant on September 28, 2022 they held a public improvement hearing and on November 9, 2022 they discussed the Queens Drive and Montrose Road pedestrian facility.

Mr. Hejna explained it would be large project which would include water main and service replacement, sanitary sewer lining and service replacement, storm sewer replacement and water quality improvements, full street reconstruction, traffic calming, trail and sidewalk construction, trail rehabilitation, and Chippewa Park parking lot rehabilitation.

Mr. Hejna reviewed the tree replacement plan which would include planting 415 trees throughout the neighborhood. He noted 115 trees will be removed beginning March 2023 as part of the project, and 125 ash trees were previously removed by Public Works Staff.

Mr. Hejna reviewed the City funding sources as: Street Reconstruction/Maintenance Fund, Storm Water Utility Fund, Water and Sewer Utility Fund, Parks and Trails Replacement Fund, Special Assessments and Washington County. He noted there is an increase in the budget due to material and labor costs rising.

Mr. Hejna stated in order to determine assessments, they are calculated at the 33% of street and storm costs or the special benefit analysis (which ever one is less). He added the cost is distributed on a per unit basis and the City and residents are allowed 15 years to pay it off at 3% interest with a 30 day no interested payment period.

Mr. Hejna explained a special assessment are a charge imposed on chosen properties for a certain improvement with a levy the City uses to finance or partially finance a certain public improvement. He reviewed the summary of the assessments that are being proposed including single family (\$9,025 or \$771 per year), Foxboro Court (\$5,035 or \$430 per year), 1796 Bielenberg Drive (\$2,034.05 or \$173 per year). He reviewed the commercial properties that are proposed, Wulff Family Mortuary Inc & DBA 3688 (\$23,940), and the Public/Semi-public properties including, Woodbury Lutheran Church (\$10,260, \$13,490, \$32,870), Ind. School Dist. #833 (\$26,125, \$760), Rector Wardens & Vestrymen (\$46,550).

Mr. Hejna reviewed the proposed meeting schedule of March 28, 2023 for Neighborhood Meeting #4 and construction beginning in March 2023 and ending in October 2024. He encouraged residents to sign up with InTouch at woodburymn.gov/intouch in order to receive updates on construction.

Mayor Burt noted Greta Bjerkness, 7149 Foxboro Lane, expressed concerns regarding how the special benefit analysis were being calculated.

Carla Spencer, 7133 Montrose Road stated she sent the Mayor and Councilmembers a detailed letter including attachments that she encouraged them to review and take into consideration. She stated she received a letter in late January 2023 stating the resolution by the Council to construct a 5 foot sidewalk on Montrose road with the responsibility of snow removal on the home owner. She added there was a two option survey given to residents on the south side of Montrose Road on October 21, 2023 with a deadline of October 28, 2023. She noted many residents felt as if it was an unreasonable turnaround time and expressed frustration of the City not providing the results of the survey until late January. She stated the residents gathered survey results of 9 of 13 homeowners and included the results in the packet given to the Council. She noted 6 respondents indicated they would not like pedestrian access on Montrose Road while 2 respondents favored the 5' sidewalk and 1 who favored an asphalt trail less than 8' while no one was in favor of an 8' asphalt trail. She asked the Council to include the survey results to the City's results. She explained the concerns of homeowners include loss of use of property, destruction of existing landscapes, potential removal or and damage to mature trees, shortened driveways, snow removal, and snow removal inconsistency. She summarized that they would not like pedestrian access to be constructed on Montrose Road but would consider some traffic calming measures. She added if the Council decides to pursue a 5' sidewalk, the City should be responsible for snow removal.

Mayor Burt moved, seconded by Councilmember Date, to close the public hearing.

Voting in Favor: Wilson, Date, Santini, Burt

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Absent: Morris

Mayor Burt opened opportunity for discussion and questions from the Council.

Councilmember Wilson asked if the assessment for homeowners was dropped \$370. Mr. Hejna agreed and stated it was based on the benefit appraisal. He added the 2023 adopted budget was based on the public improvement hearing where they removed the sidewalks from the assessments.

Councilmember Santini asked what is typically sent with the assessments to residents. City Attorney, Kevin Sandstrom stated they receive a notice explaining the nature of the project and the amount they are being assessed for. He noted Ms. Bjerkness reached out to the City regarding information for the benefit appraisal that the City obtained which the City provided. He noted the City did not provide information regarding additional materials the appraiser has. Councilmember Santini asked if other cities provide a similar notice to residents. Mr. Sandstrom agreed and stated the City is not required to get a special benefit appraisal in advanced or to send a notice.

Councilmember Wilson noted when she personally went through this it was considered attorney-client privilege and asked if the notice recently sent out was considered an attorney-client privilege or was a summary of the appraisal. Mr. Sandstrom stated it was a restricted appraisal report which is a preliminary opinion on the part of the appraiser. Mr. Hartzell explained the previous City attorney did not want to share the information in order to protect their rights in the case of a litigation. He noted through time they have decided that it is information that can be shared through the process which was changed 2-3 years ago.

Councilmember Wilson asked if the actual appraisal was sent out or an overview. Mr. Sandstrom stated it is an appraisal report but it has less analysis and detail than a typical full appraisal report. He added they would request a more detailed report if they went through a special assessment appeal in the court process. Councilmember Wilson asked if there was a detailed appraisal in the past. Mr. Hartzell stated there was not and added it is uncommon and typically happens during the appeal process.

Councilmember Wilson asked if water and sanitary sewer services included to the homeowners at 50% for the policy. Mr. Hejna agreed. Councilmember Wilson asked if the policy had changed in 2017. Mr. Hejna stated he believe it used to be 100% assessed and was decreased to 50% but was not positive. Councilmember Date stated the sanitary sewer used to be 100% but was moved to 50% in order for homeowners to line up with the timing of the project. Mr. Hartzell agreed and stated the assumption at the time was the possibility of some lifespan left in the material. He asked Mr. Hejna to share the actual calculated benefit rather than the special benefit analysis. Mr. Hejna stated the calculated assessment for the project was over \$14,000 and the special benefit appraisal would reduce it quite a bit. Mayor Burt asked if the difference would be about \$5,000. Mr. Hejna agreed. Mayor Burt asked if the difference would be paid by taxpayers. Mr. Hartzell agreed and stated due to the lowering of the special benefit, tax payers are not paying much for sewer services.

Mr. Gridley noted there are three segments which are each funded from an assessment standpoint. Mr. Hartzell explained the first segment is the main that goes down the middle of the street and is completely City owned and funded through the Enterprise funds. The second segment connects to the property line which would be owned by the property owner but 50% would be funded by the City. The third segment connects to the property and is 100% City owned but does not take on as a construction practice. Councilmember Wilson asked if she was referencing an old ordinance. Mr. Hartzell mentioned it would be a page that is more directed towards development. Councilmember Wilson expressed her confusion and added Afton Road's house services were removed and questioned that. She asked what the difference was between lateral sanitary sewer and water and sanitary services is. Mr. Hartzell stated the lateral sanitary sewer was in reference to the main. Councilmember Wilson mentioned her concern over the inconsistencies in the assessments.

Mr. Gridley stated the assessment action is based on the policy and noted the before them was based on the application of the policy instead of the policy itself. Councilmember Wilson noted the 2019 Upper Afton Road feasibility report storm sewer and streets were at 33%. Mr. Gridley stated that project was not before Council. Councilmember Wilson noted her concern is that there are inconsistencies in assessments throughout the years. Mr. Hartzell stated he has reviewed the item before Council and noted it is consistent with the current adopted policy.

Councilmember Wilson asked if there is an updated feasibility report. Mr. Hartzell stated it would be unusual to update a feasibility report and would require an additional cost. Councilmember Wilson stated in the past the report has been made public on the website that included the new contract bid numbers and did not understand why they were no longer providing that. Mr. Hartzell stated they stopped that practice several years ago and added that they have provided the proposed budget numbers as well as the contractor's bid tabulation.

Councilmember Santini noted assessments for streets will be coming up in a couple of years and expressed the importance for the Council to review that. She added policies can change due to the change in Council members and stated as a current Council they need to follow the current policies in place.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-39

**City Council Meeting Minutes
Wednesday, February 22, 2023**

Resolution of the City of Woodbury, Washington County, Minnesota approving the special assessments for the 2023 Roadway Rehabilitation Project.

Voting via voice:

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

E. 2023 Roadway Rehabilitation Project; Award Contract; Amend Budget; Consultant Selection for Construction Administration Services (Item is not a public hearing. Council action needed after close of the 2023 Roadway Rehabilitation Project Assessment Hearing.)

Mr. Hejna explained that he provided all the details for the item during item 7D and was opened to questions.

Mayor Burt stated she would like to address the comments made by residents and explained that the project was delayed for a year as they discussed the pedestrian improvements in the area. She stated the Council has decided there will be pedestrian access on Montrose Road and asked residents on the south side for their input. She added due to the timeline, they gave residents 1 week in order to move the project along. She stated unfortunately it is too late to review it further.

Councilmember Wilson explained she went through DEI training recently and was encouraged to ask what the community needs and believes the community needs road, sewer and water. She added she was encouraged to ask what the community wants. She explained the community wants road, sewer, and water but would also like reduced speeds. She noted a report that states road width determines speed limits and asked 28' roads were a standard. She added she has road studies of the City that says painted lines on a road also reduce speeds to 28 mph. She stated they are going to narrow Courtly Road to 32' even though it has shown that 28' roads reduce speed. She explained the inconsistencies in policy just because the Council desires a sidewalk. She stated her concern is that they are trying to fix an issue while creating additional issues. Mayor Burt explained that they have gone through the topic already and it is not the question before them. Councilmember Wilson asked what the question before them was. Mayor Burt stated it was to award construction and that all the details have already been discussed.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-40

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to McNamara Contracting, Inc., in the amount of \$25,354,713.72 for the 2023 Roadway Rehabilitation Project and authorizing the Mayor and City Administrator to sign said contract.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-41

Resolution of the City of Woodbury, Washington County, Minnesota amending the Street Reconstruction/Maintenance, Storm Water Utility, Water and Sewer Utility, and Parks and Trails Replacement fund budgets for the 2023 Roadway Rehabilitation Project.

Voting via voice:

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

**City Council Meeting Minutes
Wednesday, February 22, 2023**

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-42

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute an engineering consulting services contract with Bolton and Menk, Inc., in the amount of \$2,177,044 for construction administration services for the 2023 Roadway Rehabilitation Project.

Voting via voice:

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

Discussion

No items scheduled.

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. He noted there are no neighborhood meetings scheduled.

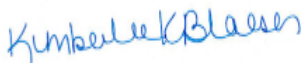
- February 28, 2023 – Economic Development Commission, 7:30 a.m., Ash North and South Conference Rooms
- March 6, 2023 – Cancelled: Planning Commission Meeting
- March 7, 2023 – Parks and Natural Resources Commission, 7 p.m., Ash North and South Conference Rooms
- March 15, 2023 – Council Workshop
- March 22, 2023 – Public Hearing regarding the Draft 2023 Annual Action Plan

Adjournment

Mayor Burt moved, seconded by Councilmember Date, to adjourn the meeting at 9:10 p.m.

Voting in Favor: Wilson, Date, Morris, Santini, Burt
Absent: None

Respectfully submitted,



Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on March 22, 2023