

Minutes
Woodbury City Council
Wednesday, February 23, 2022

6A

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 23rd day of February 2022.

Call to Order

Mayor Anne Burt called the meeting to order at 6:30 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 of the 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, Jennifer Santini and Andrea Date.

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Chris Hartzell, Engineering Director, Janelle Schmitz, Community Development Director and Tony Kutzke, Assistant Engineering Director/City Engineer.

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.

Councilmember Wilson requested that Consent Agenda Items 6C, 6D, 6H and 6K.

Item A Approval of Council Minutes – February 9, 2022

Item B To adopt the following resolution

Resolution 22-34

Resolution of the City of Woodbury, Washington County, Minnesota approving award of Contract To Sunram Construction, Inc. in the amount of \$464,002.00 for the construction of Highcroft Park and Park at Briarcroft Development projects and authorizing the Mayor and City Administrator to sign said contract.

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Item C East Pointe; Final Plat and Development Agreement; Project No. 35-2022-00484. This item was pulled from the consent agenda and moved to the discussion portion of the meeting.

Item D AirLake North; Final Plat and Development Agreement; Project No. 35-2021-00480. This item was pulled from the consent agenda and moved to the discussion portion of the meeting.

Item E To adopt a motion approving the five year renewal of Interim Conditional Use Permits for the following:

Case No. 04-04	SBA Communications Corporation
Case No. 99-71	Vertical Bridge Reit
Case No. 97-07	Crown Castle
Case No. 96-73	Crown Castle
Case No. 07-49	Washington County Sheriff
Case No. 08-20	Verizon Wireless

Item F To adopt a motion approving the annual renewal of Interim Conditional Use Permits for the following:

Case No. 82-42	Horse Boarding	Mark Ward
Case No. 87-54/98-138	Bus Storage	New Life Church
Case No. 01-09	Seasonal Sales	Kowalski's Market
Case No. 97-12	Seasonal Sales	Cub Foods
Case No. 97-38	Composting	Composting Concepts
Case No. 98-31/02-93	Seasonal Sales	St. Paul Farmers' Market
Case No. 04-05	Seasonal Sales	Home Depot
Case No. 82-37	Horse Boarding	Ann Clancy
Case No. 10-54	Electronic Sign	Seasons Marketplace
Case No. 11-27	Electronic Sign	Speedway
Project No. 07-2013-00097	Electronic Sign	Shell Gas Station
Project No. 08-2013-00070	Seasonal Sales	Plant Place-Lund's & Byerly's
Project No. 25-2013-00092	Electronic Sign	Resurrection Lutheran Church
Project No. 29-2013-00068	Electronic Sign	Five Oaks Church
Project No. 07-2014-00112	Electronic Sign	Woodlane Professional Center
Project No. 05-2014-00136	Electronic Sign	Harvey Vogel Mfg. Co.
Project No. 03-2014-00132	Electronic Sign	Schneiderman's Furniture
Project No. 29-2016-00200	Seasonal Sales	Jerry's Foods
Project No. 30-2017-00265	Solar Garden	Greenmark Solar
Project No. 02-2018-00315	Electronic Sign	Kwik Trip
Project No. 09-2019-00316	Electronic Sign	Kwik Trip
Project No. 29-2020-00414	Electronic Sign	Salem Lutheran Church
Project No. 16-2021-00433	Electronic Sign	Twin Cities Surgery
Project No. 07-2021-00439	Electronic Sign	Holiday
Project No. 07-2021-00442	Electronic Sign	Woodbury Baptist

Item 6G To adopt the following resolution

Resolution 22-35

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement with Washington County for Maintenance of the Traffic Signal System at the intersection of County State Aid Highway (CSAH) 13 (Radio Drive) and Hargis Parkway; and

To adopt the following resolution

Resolution 22-36

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement with Washington County for Maintenance of the Traffic Signal system at the intersection of County State Aid Highway (CSAH) 18 (Bailey Road) and Pioneer Drive

Item 6H

Encroachment Agreement for METRO gold Line BRT Project between Minnesota Pipe Line Company, LLC, Metropolitan Council and City of Woodbury; Approve Agreement. This item was pulled from the consent agenda and moved to the discussion portion of the meeting.

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- Item 6I To adopt the following resolution **Resolution 22-37**
Resolution of the City of Woodbury, Washington County, Minnesota accepting Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grant in the amount of \$248,393 and approving the associated budget amendment
- Item 6J To adopt the following resolution **Resolution 22-38**
Resolution of the City of Woodbury, Washington County, Minnesota approving Amendment No. 1 to the site Lease Agreement dated January 1, 2005, between T-Mobile Central LLC and the City of Woodbury and authorizing the Mayor and City Administrator to sign Amendment No. 1
- Item 6K New Cingular Wireless PCS, LLC (AT&T) Site Lease Agreement; Amendment No. 2 Colby Lake Monopole. This item was pulled from the consent agenda and moved to the discussion portion of the Meeting.
- Item 6L To adopt the following resolution **Resolution 22-39**
Resolution of the City of Woodbury, Washington County, Minnesota accepting grant funds in the amount of \$149,600 from the Minnesota Department of Natural Resources to the City of Woodbury, approving agreement, and approving appropriate budget amendment.
- Item 6M To adopt the following resolution **Resolution 22-40**
Resolution of the City of Woodbury, Washington County, Minnesota approving revisions to Council Directive CD-FIN-5.4 Fund Balance Policy – General, Special Revenue and Internal Service Funds
- Item 6N To adopt the following resolution **Resolution 22-41**
Resolution of the City of Woodbury, Washington County, Minnesota approving the creation and classification of an Assistant Fleet Services Manager position and appointment of Kenneth Wagner to the Assistant Fleet Services Manager position effective February 28, 2022
- Item 6O To adopt a motion approving the issuance of a Tobacco Sales License to Giza, Inc. dba Moon Soon Tobacco for their business located at 6671 Valley Creek Road, Suite 200.
- Item 6P To adopt a motion approving the renewal of liquor licenses of the businesses as listed on the attachment to Council Letter 22-58 for the period of April 1, 2022 through March 31, 2023.
- Item 6Q To adopt a motion approving the renewal of tobacco sales licenses of the businesses as listed on the Attachment to Council Letter 22-59 for the period of April 1, 2022 through March 31, 2023.
- Item 6R The abstract of bills includes the 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 4, 2022 in the amount of \$1,434,599.54 and February 11, 2022 in the amount of \$642,169.67.

Councilmember Santini moved, seconded by Councilmember Date, to approve Consent Agenda Items 6A through 6R excluding Items 6C, 6D, 6H and 6K.

Voting via voice:

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

Public Hearings – No items scheduled

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Discussion

Items moved from the Consent Agenda:

Item 6C East Point; Final Plat and Development Agreement; Project No. 35-2022-00484

Council Member Wilson stated she pulled this item from the Consent Agenda as she intends to vote differently.

Councilmember Morris moved, seconded by Councilmember Date to approve the East Point, Final Plat, Project No. 35-2022-00484 and to authorize the Mayor and City Administrator to Execute the Development Agreement with all approvals subject to the following conditions and as outlined in Council Letter 22-45:

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. Prior to the release of the Final Plat, a Developer Agreement shall be executed.
6. 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.
7. 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.
8. 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.
9. 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.
10. The Final Plat shall be recorded prior to issuance of a building permit.
11. The homeowners association documents shall identify association maintenance of all trails and sidewalks within the subdivision, including the trail within Outlot A.
12. Lot 20, Block 4 shall not be buildable until Burnt Rock Road is extended to the east. The Preliminary Plat identifies construction of a temporary cul-de-sac on the lot which must be removed to consider the lot buildable.
13. Park dedication shall be paid in cash in lieu of land dedication. Payment shall be made prior to the release of the Final Plat.

Voting via voice:

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

Item 6D AirLake North; Final Plat and Development Agreement; Project No. 35-2021-00480

Council Member Wilson stated she pulled this item from the Consent Agenda as she intends to vote differently.

Councilmember Morris moved, seconded by Councilmember Date to approve the AirLake North, Final Plat, Project No. 35-2021-00480 and to authorize the Mayor and City Administrator to Execute the Development Agreement with all approvals subject to the following conditions and as outlined in Council Letter 22-46:

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. Prior to the release of the Final Plat, a Developer Agreement shall be executed.
6. 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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7. 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.
8. 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.
9. 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.
10. The Final Plat shall be recorded prior to issuance of a building permit.
11. Temporary cul-de-sacs shall be required as required by the City Engineer.
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.

Voting via voice:

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

Item 6H Encroachment Agreement for METRO Gold Line BRT Project between Minnesota Pipe Line Company, LLC, Metropolitan Council and City of Woodbury; Approve Agreement

Council Member Wilson stated she pulled this item from the Consent Agenda as she intends to vote differently.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 22-42

**Resolution of the City of Woodbury, Washington County, Minnesota approving the
Encroachment Agreement for the METRO Gold Line BRT Project between Minnesota Pipe
Line Company, LLC, Metropolitan Council and City of Woodbury**

Voting via voice:

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

Item 6K New Cingular Wireless PCS, LLC (AT&T) Site Lease Agreement; Amendment No. 2 Colby Lake Park Monopole

Councilmember Wilson stated she pulled this item from the consent agenda as she is concerned that with the reduction in the annual rent payment, as negotiated by staff, the City's general fund will see a 23 percent decrease and in her opinion this is significant.

Tony Kutzke, Assistant Engineering Director/City Engineer, explained that annual rent payments are established using the city's current fee ordinance and amount of antennas and equipment the vendor operates at the facility. He explained that since the original lease agreement the cell provider has had technology updates and several modifications have been made to the original lease agreement, and due to the changes, the number of antennas and equipment at the site have been reduced. As a result, the annual rent is less.

Clint Gridley, City Administrator, as with office space, revenue profiles for cell tower leasing changes and is based on the needs of the provider. When space is freed up by one provider, another provider has an opportunity to lease space.

Councilmember Wilson stated that city approved its fee ordinance in 2022 and that the fees associated with this lease agreement are not being met. Mr. Kutzke stated that the fees are based on the city's current fee schedule; however, the square footage needed by the cell tower provider has decreased. He stated that there is space available for other providers to lease.

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Mayor Burt stated that the city's square footage costs are in line with industry standards. Mr. Kutzke indicated that the current leasing environment is favorable for future agreements with potential providers.

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 22-43

Resolution of the City of Woodbury, Washington County, Minnesota approving Amendment No. 2 to the Site Lease Agreement dated December 16, 1997, between New Cingular Wireless CS, LLC and the City of Woodbury and authorizing the Mayor and City Administrator to sign Amendment No. 2

Voting via voice:

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

City Administrator's Report

Mr. Gridley reviewed upcoming meetings:

Planning Commission February 28, 2022 Meeting – Preliminary Items Scheduled:

1. 2021 Community Development Annual Report
2. Amira Woodbury, Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat
3. Watermark, Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Conditional Use Permit, Site and Building Plan

City Council Workshop March 23, 2022 – Preliminary Items Scheduled:

1. Tree Canopy/EAB
2. Roadway Rehabilitation Program

City Council Meeting – March 16, 2022 – Public Hearings

1. Review of Draft 2022 Annual Action Plan
2. Amira Woodbury; Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat
3. Watermark, Comprehensive Plan Amendment, Rezoning, Planned Unit Development, Conditional Use Permit, Site and Building Plan

Other Meetings:

1. Audit and Investment Commission, February 24, 7:30 a.m., Ash North and South Conference Rooms
2. Parks and Natural Resources Commission, March 1, 7 a.m., Ash North and South Conference Rooms

Adjourn to Council Workshop Meeting

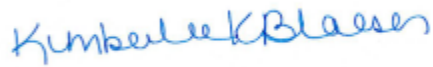
Mayor Burt moved, seconded by Councilmember Date, to adjourn the City Council meeting at 7:11 p.m. to the Council Workshop meeting.

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Voting via voice:

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

Respectfully submitted,



Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on March 16, 2022