

Minutes
Woodbury City Council
Wednesday, February 24, 2021

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 24th day of February 2021.

Call to Order

Mayor Anne Burt called the meeting to order at 7:30 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, Andrea Date, and Jennifer Santini. Absent: Steve Morris

Others Present: Kimberlee K. Blaeser, City Clerk; Karl Batalden, Community Development Coordinator; Janelle Schmitz, Community Development Director; Chris Hartzell, Engineering Director; Clinton Gridley, City Administrator; and Scott Riggs, City Attorney.

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 10, 2021

Item B To renew twenty-two interim conditional use permits as listed in Council Letter 21-38:

- | | | |
|--------------------------|----------------------|--------------------------|
| 1. Case No. 82-42 | Horse Boarding | Mark Ward |
| 2. Case No. 87-54/98-138 | Bus Storage | New Life Church |
| 3. Case No. 01-09 | Temporary Greenhouse | Kowalski's Market |
| 4. Case No. 97-12 | Temporary Greenhouse | Cub Foods |
| 5. Case No. 97-38 | Composting | Composting Concepts |
| 6. Case No. 98-31/02-93 | Seasonal Sales | St. Paul Farmers' Market |
| 7. Case No. 04-05 | Seasonal Sales | Home Depot |
| 8. Case No. 82-37 | Horse Boarding | Ann Clancy |
| 9. Case No. 10-54 | Electronic Sign | Seasons Marketplace |
| 10. Case No. 11-27 | Electronic Sign | Speedway |

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11. Project No. 07-2013-00097	Electronic Sign	Shell Gas Station
12. Project No. 08-2013-00070	Seasonal Sales	Plant Place-Lund's & Byerly's
13. Project No. 25-2013-00092	Electronic Sign	Resurrection Lutheran Church
14. Project No. 29-2013-00068	Electronic Sign	Five Oaks Church
15. Project No. 07-2014-00112	Electronic Sign	Woodlane Professional Center
16. Project No. 05-2014-00136	Electronic Sign	Harvey Vogel Mfg. Co.
17. Project No. 03-2014-00132	Electronic Sign	Schneiderman's Furniture
18. Project No. 29-2016-00200	Seasonal Sales	Jerry's Foods Greenhouse
19. Project No. 30-2017-00265	Solar Garden	Greenmark Solar
20. Project No. 02-2018-00315	Electronic Sign	Kwik Trip
21. Project No. 09-2019-00316	Electronic Sign	Kwik Trip
22. Project No. 29-2020-00414	Electronic Sign	Salem Lutheran Church

Item C

To approve the Bridlewood Farms 6th Addition, Final Plat, Project No. 28-2020-00422 and to authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 21-39:

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 and ROW to match the street and utility plans being prepared by the City's consultant engineer.
3. The final street names shall be reviewed and approved by the Building Official.
4. 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.
5. Prior to the release of the Final Plat for recording, the Developer shall finalize the necessary revised terms and conditions of the private roadway easement for Ranch Road. The City shall review and approval all documents related to Ranch Road.
6. Prior to the release of the Final Plat for recording, the City Engineer shall review and approve the final construction plans. The Developer shall privately construct and wholly fund all identified improvements.
7. Prior to the release of the Final Plat for recording, the City Engineer shall review and approve the final construction plans related to Ranch Road. The Developer shall privately construct and wholly fund all approved improvements to Ranch Road.
8. Prior to the release of the Final Plat, the Developer shall submit revised plans to address the need for temporary cul-de-sacs along Cobalt Lane and Stable View Drive. The design of all required temporary cul-de-sacs shall be approved by the City Engineer.
9. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code. This includes participation for public infrastructure including storm sewer, water, sanitary and transportation infrastructure.
10. Pursuant to the Bridlewood Farms 1st Addition Development Agreement, the Developer has agreed to fund improvements to Dale Road, Radio Drive and Bailey Road payable with each development phase. The Bridlewood Farms 6th Addition Development Agreement shall include an assessment for Dale Road and Radio Drive improvements consistent with the 1st Addition agreement.
11. 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.
12. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Developer.
13. 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.
14. The Developer shall deed all required outlots to the City free of encumbrances and at no cost. The Developer shall receive written approval that all obligations and conditions have been completed prior to dedicating any and all outlots. Any and all future tax obligations shall be paid by the Developer.
15. The Final Plat shall be recorded prior to issuance of a building permit.

Item D

To adopt the following resolution

Resolution 21-28

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the use of Trunk Water and Sanitary Sewer funds and the associated transfer to the MSA Roadway fund.

Item E

To adopt the following resolution

Resolution 21-29

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Resolution of the City of Woodbury, Washington County, Minnesota approving the preliminary report, approving the plans and specifications, ordering the project, establishing a bid date, waiving assessment hearing, and authorizing preparation and acquisition of easements for the Hudson Road and Settlers Ridge Parkway Roadway and Intersection Improvements.

Item F To adopt the following resolution **Resolution 21-30**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing staff to submit an application to the State of Minnesota requesting an advance for financing approved Municipal State Aid Street projects in the amount of \$2,505,000.

Item G To adopt the following resolution **Resolution 21-31**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the 2020 Local Road Improvement Program grant application submittal for the Bielenberg Drive Pavement Rehabilitation Project.

Item H To adopt the following resolution **Resolution 21-32**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing award of contract with Granite Inliner, LLC in the net bid amount of \$558,508 for the Northeast Area Trunk Sanitary Sewer Rehabilitation Project.

Item I To adopt the following resolution **Resolution 21-33**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of the additional \$277,273.67 (Phase 3 Application Based Distribution) from the CARES Act Provider Relief Fund program and approve the associated 2020 Budget Amendment.

Item J To adopt the following resolution **Resolution 21-34**

Resolution of the City of Woodbury, Washington County, Minnesota approving applications for Minnesota Lawful Gambling LG214 Premises Permit and Minnesota Lawful Gambling LG215 Lease for Lawful Gambling Activity for Hill-Murray Fathers Club at Green Mill Restaurant & Bar located at 6025 Hudson Road.

Item K To adopt the following resolution **Resolution 21-35**

Resolution of the City of Woodbury, Washington County, Minnesota creating the additional Assistant Utility Manager position and appointing Jason Hostetter to the exempt, full-time position of Assistant Utility Manager effective February 25, 2021.

Item L The abstract of bills includes payments made from the operating or project budgets for expenses of the city. The expenditures are from all funds of the city. Any purchased contracts requiring signature of the mayor and City Administrator is hereby approved. Staff recommends approval of the abstract of bills for February 5, 2021 in the amount of \$453,409.24 and February 12, 2021 in the amount of \$1,018,107.32.

Councilmember Santini moved, seconded by Councilmember Date, to approve the Consent Agenda items.

Voting via voice:

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

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Public Hearings

A. Woodbury Leadership Academy Conduit Debt Issuance

Mayor Burt declared the public hearing open and recognized Community Development Coordinator Karl Batalden to give the background.

Mr. Batalden explained the Woodbury Leadership Academy and Friends of WLA have requested that the City of Woodbury issue approximately \$22 million in conduit revenue bonds to finance their public schoolhouse located at 8089 Globe Drive. The proceeds of the proposed bond issuance will be used by the Friends of WLA to: acquire the existing schoolhouse located at 8089 Globe Drive, expand and equip the existing schoolhouse, and fund various costs of issuance. Conduit bonds are a common financing mechanism that allows a project to use tax-exempt bonds as its funding mechanism rather than taxable bonds. This results in significant interest cost savings to the Woodbury Leadership Academy over the life of the bonds.

Mr. Batalden talked about bank qualified bond issuances. Financial institutions purchase municipal bonds to obtain the benefit of earning tax-exempt interest. Cities, Housing and Redevelopment Authorities, and Economic Development Authorities may each issue up to \$10 million of bank qualified debt annually. The proposed \$22 million issuance exceeds Woodbury's annual \$10 million cap. The Friends of WLA has agreed to enter into a Bank Qualified Fee Agreement. The fee will allow the City to issue street reconstruction bonds later in 2021 as non-bank qualified bonds that would be priced as if they were bank qualified bonds. The City's financial advisor, Ehlers, estimates the difference between bank qualified bonds and non-bank qualified bonds to be 0.17%. The Friends of WLA will pay to the City \$15,340.32 at the time of the conduit bond closing with additional amounts pending based on actual City street reconstruction bonds later in 2021.

Woodbury has a long history of issuing conduit bonds to facilitate development. The bonds will be special, limited obligations of the City and the Friends of WLA will pay all costs associated with the issuance of the bonds. Conduit bonds have been authorized in Minnesota for 50 years. In no instance has a city, Housing and Redevelopment Authority, or Economic Development Authority been included in litigation related to a default on a conduit revenue bond. The documents prepared by bond counsel include indemnification provisions that require the City to be reimbursed by the conduit borrower for any expenses the City incurs with respect to this financing.

Mayor Burt moved, seconded by Councilmember Santini, 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 clarified that the City, Housing and Redevelopment Authority, and Economic Development Authority could each issue \$10 million. She asked if the \$22 million would all be issued from the City and if yes, is it possible to split it. Mr. Batalden said it is one total issuance from the City. There are scenarios where you could have multiple issuers; however, the order of operations is very important. While it is possible for the HRA or EDA to issue the conduit debt, the action under such a scenario would still affect the City's BQ cap because they are subordinate to the City.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 21-32

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the issuance, sale, and delivery of revenue bonds under Minnesota Statutes, Sections 469.152 through 469.1655, as amended, to finance a public schoolhouse for the benefit of Friends of WLA and Woodbury Leadership Academy; approving the forms of and authorizing the execution and delivery of the revenue bonds and related documents; and taking certain other actions with respect thereto.

Voting via voice:

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

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B. Talamore of Woodbury, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan, Project No. 02-2020-0426 and Final Plat and Development Agreement, Project No. 02-2020-00427

Mayor Burt declared the public hearing open and recognized Community Development Director Janelle Schmitz to give the background.

Ms. Schmitz explained that Ryan Companies US, Inc. has submitted an application for an Amended Planned Unit Development, Conditional Use Permit, Preliminary and Final Plat and Site and Building Plan for a senior living facility to be known as Talamore of Woodbury. The proposed use would include a 4-story building consisting of combination of independent and assisted living units along with care suites and memory care units. The property is located at the southeast corner of Hudson Road and Karen Drive and is zoned Mixed Use District and is guided as High Density on the Land Use Plan. The applicant is requesting planned unit development flexibility in the form of a density transfer.

Ms. Schmitz continued explaining that City Code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. Ponding necessary to meet the water quantity requirements were constructed with the Sundance and Karen Drive projects. Water quality and infiltration requirements are met by the use of a water reuse system that uses the stormwater from the ponding areas to irrigate this site and the previously approved adjacent multi-family projects. The entire northeast residential areas irrigation needs will be provided via reuse systems.

The northeast area is over 400 acres of contiguous, mostly undeveloped land located along the I-94 corridor. In 2009, the City adopted the Northeast Area Alternative Urban Area-wide Review (AUAR) as the appropriate planning document for evaluating the cumulative environmental impacts of development within the area. The AUAR was updated in both 2014 and 2019. The AUAR included multiple traffic studies which identified the needed traffic mitigation necessary to accommodate the additional vehicle trips generated by development. The proposed site has direct impacts to the operations of Hudson Road and Settlers Ridge Parkway. As development continues into the future, a phased approach to roadway infrastructure will include: a signal at Hudson Road and Settlers Ridge Parkway; turn lanes along Settlers Ridge and Hudson at Karen Drive; lane geometrics to support signalized intersection; and right-of-way dedication, grading, ponding and subgrade corrections to support initial and future roadway improvements.

The existing Sundance Planned Unit Development shall remain in full force and effect. An amendment is requested to establish parking ratios for this senior project. The Zoning Ordinance requires one and a half stalls per dwelling unit for multi-family dwellings serving seniors. The intention of this requirement is to regulate fully independent senior buildings or cooperative living rather than a continuum of care project which tends to have older residents within the independent living areas when compared against 55+ condominium projects without assisted living facilities. As residents age, the likelihood of having multiple vehicles within a unit also decreases which reduces the need for parking. Staff reviewed alternate parking calculation methods and it was determined that establishing a parking count based on the number of bedroom units is more indicative of actual parking demand for the independent living portion of the project. The requested Amended Planned Unit Development further requests to establish parking ratios for the assisted living, memory care and care suites. The ordinance provides a provision for the City Council to establish alternate parking requirements for uses not specifically noted in the ordinance. Memory care and assisted living residents generally will not have vehicles; therefore, the parking demand for those uses will only need to support staff and visitor parking. Staff recommends, as part of the site and building plan approval, a ratio of one stall per four units of assisted living or memory care. This requirement was developed following review of other municipality's projects and ordinances and review of the regulations governing the St. Therese, Prelude of Woodbury and New Perspective Senior Living projects in Woodbury. Based on the ratios identified above 180 parking spaces would be required, which are provided for on the site plan.

The proposed pedestrian network is designed to provide a significant number of sidewalks which will provide high quality movement internal to the site and will also provide connection to the overall trail network including the trail along the north side of Karen Drive and the future trail along the south side of Hudson Road. The project will also have connectivity with the future Turnberry Park located to the south, a strong connection to the trail network in the Legends of Woodbury project, and access to the future and existing network which will provide access to Markgrafs Lake.

The conditions of approval for the Sundance Planned Unit Development require that all buildings shall be constructed of complementary materials with the proposed elevations meeting this requirement with the use of a common stone with the Edison project. Furthermore, the selected color palette will complement the Beyond Apartments and Sundance projects. The exterior facades meet the architectural ordinance requirement of 65% Class I material.

Planning Commission Member Richard Johnson said the Planning Commission reviewed the application at its February 1, 2021 meeting. They took an in depth look at traffic flow, pedestrian movement and stormwater. There were questions about trash delivery management and the eventual need for pedestrian connectivity to Karen Road. The Planning Commission recommended approval of the proposal by a 7-0 vote.

Jim Gooley, Director of Senior Living at Ryan Companies, said they were hopeful for a positive outcome and welcomed any questions.

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

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

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

Councilmember Wilson was unclear on how residents would access the future park development. Ms. Schmitz showed on the project map where and how residents would access the park to the south.

Councilmember Santini asked if there was a plan for pedestrian crossing on Karen Drive. Engineering Director Chris Hartzell said there is not a crosswalk planned for Karen Drive. Councilmember Santini asked what was planned for Turnberry Park. Ms. Schmitz said staff would be doing a deeper study over the next couple of years determining park needs.

Mayor Burt asked how many parking stalls were underground. Chris Teigen, National Director of Architecture at Ryan Companies, answered that half of the parking is underground. Mayor Burt asked about the water reuse system. Mr. Hartzell said it was a newer technique in the engineering world. It helped with water quality and water volume. The system allowed reuse of the water, but syphoned off things such as phosphorus and nitrogen.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 21-37

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 Amended Planned Unit Development, Preliminary Plat and Site and Building Plan, Project No. 01-2020-00426, subject to the following conditions as outlined in Council Letter 21-49:

1. The existing Sundance PUD shall remain in full force and effect.
2. The Amended PUD and 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.
3. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City. Said retaining walls shall include fencing when directed by the City.
4. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
5. Prior to the release 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. Mitigation for traffic impacts to Settlers Ridge Parkway and Hudson Road shall be addressed via the Development Agreement and is required to meet the requirements identified in Chapter 21-16 of the Woodbury City Code as this subdivision is deemed premature. Approval of the Preliminary Plat is conditional upon satisfactory compliance with Chapter 21-16 of the Woodbury City Code.
6. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
7. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.
8. Prior to the release of the building permit, a landscape financial security shall be submitted for at least 150 percent of the estimated cost of landscaping including sod. A revised landscaping plan shall be provided to add additional trees along Hudson Road and Karen Drive to meet all landscaping ordinance requirements including canopy coverage and tree and species diversification.
9. A maximum of 200 residential units shall be permitted for the project.
10. Within six (6) months of the Certificate of Occupancy, if directed by the Planning staff the Applicant shall provide and install a maximum of 12 additional six (6) foot evergreen trees. These plantings shall be utilized to screen site lighting, close screening gaps, parking areas, and the like.
11. 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.
12. 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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13. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. 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 and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
14. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of all public and private streets.
15. The Applicant shall grade the ultimate right-of-way section for Hudson Road as identified by the City Engineer. All grading shall be done privately and shall be wholly funded by the Applicant.
16. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
17. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
18. No exterior storage shall be permitted.
19. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
20. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
21. All sidewalks shall be owned, maintained, repaired and replaced by the property owner. All trails located outside of the ROW shall be owned, maintained, repaired and replaced by the property owner.
22. Prior to the issuance of a land disturbance permit, final utility plans shall be approved by the Engineering Division.
23. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
24. 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 Development Agreement.
25. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, Watershed District, Washington County, etc. prior to commencing any site activities.
26. 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 Applicant 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.
27. Emergency overflows (EOF) shall be shown for all catch basins, ponds, basins, rain gardens, swales, etc. proposed with the project. All emergency overflows shall be a minimum of 1.5 feet lower than the lowest ground elevation of adjacent buildings.
28. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
29. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
30. A right-of-way permit shall be required for work performed within the City or County right-of-way.
31. 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.
32. Street lights shall be required to be installed by the Developer, at their cost, as directed by the City.
33. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
34. The irrigation system 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 in Favor: Wilson, Date, Santini, Burt
Absent: Morris

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Councilmember Date moved, seconded by Councilmember Santini, to approve the Talamore of Woodbury Final Plat, Project No. 02-2020-00427 and authorizing the Mayor and City Administrator to execute the Development Agreement, subject to the following conditions as outlined in Council Letter 21-49:

1. All conditions of Planned Unit Development, Amended Planned Unit Development and Preliminary Plat approvals shall remain in full force and effect.
2. Prior to the release of the Final Plat, the Applicant shall enter into a Development Agreement.
3. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's consultant engineer.
4. 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.
5. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
6. The Applicant shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main utility 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. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Applicant.
8. The Applicant shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
9. The Final Plat shall be recorded prior to issuance of a building permit.

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

C. Edison Apartments at Woodbury, Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan, Project No. 02-2020-0423 and Final Plat and Development Agreement, Project No. 02-2020-00428

Mayor Burt declared the public hearing open and recognized Community Development Director Janelle Schmitz to give the background.

Ms. Schmitz explained that JPL Development has submitted an application for Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary and Final Plat and Site and Building Plan for a 207-unit multi-family residential development known as Edison Apartments at Woodbury. The new use includes a 174-unit apartment building, 30 rental townhome units and 3 rental carriage homes. The property is located at the southwest corner of Hudson Road and Karen Drive and is currently zoned Business Campus District and is guided as High Density on the Land Use Plan. She discussed the request to rezone the property to MX-Mixed Use which is consistent with the 2040 Comprehensive Plan's land use designation for this area.

Ms. Schmitz discussed the site plan and explained that this project is adjacent to the Talamore project just approved by the Council, and that much of the background material is similar in terms of the density transfer and AUAR. She talked about the request to establish parking ratios for this use, site access, the pedestrian network, architecture and the neighborhood meeting.

Planning Commission Member Richard Johnson said the Planning Commission reviewed the application at its February 1, 2021 meeting. There were general questions about traffic movement, parking and pedestrian movement and more specific questions about snow storage, trash enclosures and car charging stations. The Planning Commission recommended approval of the proposal by a 7-0 vote.

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 what a carriage house is in this context. Elwyn Tinklenberg, JPL Development, said the carriage homes were one-bedroom apartments built on top of garages. They provide more independent living. Councilmember Date asked whether one parking spot per bedroom was adequate. Ms. Schmitz said the ordinance requires 429 spots. The applicant proposed 409 plus proof of parking for 21, which meets requirements.

Mayor Burt asked about outlot A. Ms. Schmitz said outlot A would be dedicated to the City for a future park. Mayor Burt asked about the plan for traffic for the area. Engineering Director Chris Hartzell answered the development, along with the other development occurring in this area, triggered a signal at Settlers Ridge and Hudson Road.

Councilmember Santini said all of this coming together is a testament to how well the City's planning process works.

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Councilmember Santini moved, seconded by Councilmember Date, to adopt Ordinance No. 1997, an Ordinance of the City of Woodbury, Washington County, Minnesota, Rezoning a Certain Property from BCD, "Business Campus District" to MX, "Mixed Use District".

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 21-38

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 Santini moved, seconded by Councilmember Date, to approve the Amended Planned Unit Development, Preliminary Plat and Site and Building Plan, Project No. 01-2020-00423, subject to the following conditions as outlined in Council Letter 21-50:

1. The existing Sundance PUD shall remain in full force and effect.
2. The Amended PUD and 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.
3. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City. Said retaining walls shall include fencing when directed by the City.
4. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
5. Prior to the release 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. Mitigation for traffic impacts to Settlers Ridge Parkway and Hudson Road shall be addressed via the Development Agreement and is required to meet the requirements identified in Chapter 21-16 of the Woodbury City Code as this subdivision is deemed premature. Approval of the Preliminary Plat is conditional upon satisfactory compliance with Chapter 21-16 of the Woodbury City Code.
6. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
7. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.
8. Prior to the release of the building permit, a landscape financial security shall be submitted for at least 150 percent of the estimated cost of landscaping including sod. A revised landscaping plan shall be provided to add additional trees along Hudson Road and Karen Drive to meet all landscaping ordinance requirements including canopy coverage and tree and species diversification.
9. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.
10. A maximum of 207 residential units shall be permitted for the project.
11. Within six (6) months of the Certificate of Occupancy, if directed by the Planning staff the Applicant shall provide and install a maximum of 12 additional six (6) foot evergreen trees. These plantings shall be utilized to screen site lighting, close screening gaps, parking areas, and the like.
12. 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.
13. 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.
14. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. 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 and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox

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style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.

15. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of all public and private streets.
16. The Applicant shall grade the ultimate right-of-way section for Hudson Road as identified by the City Engineer. All grading shall be done privately and shall be wholly funded by the Applicant.
17. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
18. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
19. No exterior storage shall be permitted.
20. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
21. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
22. Prior to the issuance of a land disturbance permit, final utility plans shall be approved by the Engineering Division.
23. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
24. 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 Development Agreement.
25. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, Watershed District, Washington County, etc. prior to commencing any site activities.
26. 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 Applicant 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.
27. Emergency overflows (EOF) shall be shown for all catch basins, ponds, basins, rain gardens, swales, etc. proposed with the project. All emergency overflows shall be a minimum of 1.5 feet lower than the lowest ground elevation of adjacent buildings.
28. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
29. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
30. A right-of-way permit shall be required for work performed within the City or County right-of-way.
31. 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.
32. Street lights shall be required to be installed by the Developer, at their cost, as directed by the City.
33. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
34. The irrigation system 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:

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

Councilmember Santini moved, seconded by Councilmember Date, to approve the Edison Apartments at Woodbury Final Plat, Project No. 02-2020-00428 and authorizing the Mayor and City Administrator to execute the Development Agreement, subject to the following conditions as outlined in Council Letter 21-50:

1. All conditions of Planned Unit Development, Amended Planned Unit Development and Preliminary Plat approvals shall remain in full force and effect.
2. Prior to the release of the Final Plat, the Applicant shall enter into a Development Agreement.
3. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's consultant engineer.
4. 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.
5. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
6. The Applicant shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main utility 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. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Applicant.
8. The Applicant shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
9. The Final Plat shall be recorded prior to issuance of a building permit.

Voting via voice:

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

Discussion

No items scheduled

Additional Virtual Open Forum Comments

The additional virtual open forum is a portion of the Council meeting where the City Council will allow persons (maximum of three), attending the Council meeting virtually, to address the Council on subjects which are not a part of the meeting agenda. Persons wishing to submit a question or comment virtually via the Q&A chat feature may do so on the right side of the live event screen. Please provide your name and address with your question for the official record.

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

No items scheduled

Administrative Report

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

Planning Commission Meeting of March 15, 2021

1. ARIS Behavioral Health Clinic Addition, Site and Building Plan, Project No. 07-2020-00430
2. Hidden Meadow Variance, Project No. 10-2020-00425
3. Twin Cities Oral/Horton Orthodontics, Interim Conditional Use Permit, Project No. 16-2021- 00433
4. Woodbury Leadership Academy Addition, Planned Unit Development, Site and Building Plan, Project No. 04-2020-00429

Council Workshop Meeting of March 17, 2021

1. Updates on Adapt and Enhance Public Safety Effectiveness Strategic Initiative Update

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City Council Meeting of March 24, 2021

1. Review of Draft 2021 Annual Action Plan
2. ARIS Behavioral Health Clinic Addition, Site and Building Plan, Project No. 07-2020-00430
3. Hidden Meadow Variance, Project No. 10-2020-00425
4. Twin Cities Oral/Horton Orthodontics, Interim Conditional Use Permit, Project No. 16-2021- 00433
5. Woodbury Leadership Academy Addition, Planned Unit Development, Site and Building Plan, Project No. 04-2020-00429

Other Meetings

1. Parks and Natural Resources Commission, February March 2, 7:00 p.m., Ash North and South Conference Rooms

Adjournment

Mayor Burt moved, seconded by Councilmember Date, to adjourn the meeting at 8:49 p.m.

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

Respectfully submitted,

Kimberlee K. Blaeser

Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on March 17, 2021