

Minutes
Woodbury City Council
Wednesday, March 16, 2022

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 16th day of March 2022.

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 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. Councilmember Steve Morris attended the meeting virtually. Absent: None

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Karl Batalden, Housing and Economic Development Manager ; and Assistant Community Development Director/City Planner Eric Searles.

Special Order of Business

A. Arbor Day Proclamation

Mayor Burt read in full a Proclamation declaring May 2021 and April 2022 as Arbor Month in the City of Woodbury.

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 23, 2022

Item B To adopt the following resolution

Resolution 22-44

Resolution of the City of Woodbury, Washington County, Minnesota updating Council Directive CD-COMDEV-3.12: Section 3 Policy and authorizing the Mayor and City Administrator to enter into the regional Service Agreement for HUD Section 3 Program Services upon the approval of the City Attorney.

Item C To adopt a motion approving the Commerce Hill Retail II Site and Building Plan, Project No. 03-2021-00478, and Final Plat, Project No. 03- 2021-00479, with the approval subject to the conditions as outlined in Council Letter 22-64.

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Site and Building Plan Conditions:

1. All conditions of the original Planned Unit Development shall remain in full force and effect.
2. Prior to the issuance of a building permit, a Final Plat shall be recorded.
3. This approval does not include signs. A separate sign permit is required for all proposed signage.
4. Prior to the issuance of a building permit, a landscape financial security shall be submitted in accordance with the Zoning Ordinance.
5. All areas of the site, where practical, shall be sodded/seeded and maintained.
6. All HVAC and other ground mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
7. A rooftop parapet shall be required to screen any rooftop mechanical equipment.
8. 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.
9. All freestanding light fixtures shall not exceed 25 feet in height measured from grade to the top of the fixture. The fixtures shall be shoebox style, sodium vapor, downward directed with flush lenses. Other than wash and decorative entry lighting, attached lighting shall be shoebox style, sodium vapor, downward directed with a flush lens. LED lighting fixtures may be used if the entire Commerce Hill development changes to LED.
10. A materials board shall be submitted to the City for review.
11. 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.
12. 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.
13. The Applicant shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property.
14. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and storm water does not leave the project site.
15. All disturbed boulevards shall be restored with sod.
16. All sanitary sewer, watermain and storm sewer facilities installed to accommodate the site are private and shall be the Developer's responsibility for the design, installation, maintenance, repair, replacements, operation, protection, etc. All utility inspections shall be coordinated with the City's Building Inspections Division.
17. The Developer shall be responsible for obtaining a land disturbance permit from the City's Engineering Division prior to the commencement of any site activities as well as any necessary right-of-way permits.
18. The Developer shall be responsible for obtaining any other permits necessary from other agencies, Minnesota Pollution Control Agency (MPCA), South Washington Watershed District (SWWD), etc. prior to the start of any site activities.
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 during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Developer.
20. 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.
21. Prior to the issuance of a building permit final drainage, utility, and stormwater plans shall be approved by the Engineering Department.
22. Prior to issuance of a building permit, all retaining wall and fencing material shall be approved by the Planning staff in writing.
23. Final landscaping plans shall be approved by staff prior to the issuance of a building permit.
24. Bike racks shall be provided onsite. The location and number shall be approved by Planning Staff.
25. Prior to the issuance of a building permit, the applicant shall work with the City Engineer to determine mitigation opportunities to address safety concerns of vehicles backing into the
26. Existing drive lane and opportunities to minimize pedestrian conflicts. If issues arise in the future, reasonable mitigation efforts shall be implemented by the owner.

Final Plat Conditions

1. The PUD, Conditional Use Permit, Preliminary Plat and Site and Building Plan conditions remain in full effect.
2. Prior to the release of the Final Plat, all permanent easements and rights-of-way necessary for existing and proposed street and utility improvements shall be granted to the City at no cost.
3. The Applicant shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property.
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.

Item D To adopt the following resolution

Resolution 22-45

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the addition of Dancing Waters Parkway from Valley Creek Road to Settlers Ridge Parkway to the Municipal State Aid Street System.

Item E To adopt the following resolution

Resolution 22-46

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing application to the Metropolitan Council Water Efficiency Grant Program.

Item F To adopt the following resolution **Resolution 22-47**

Resolution of the City of Woodbury, Washington County, Minnesota rescinding Resolution 21-01 and accepting grant funds in the amount of \$300,000 from the Minnesota Department of Natural Resources' Conservation Partners Legacy Grant Program to the City of Woodbury and approving the appropriate budget adjustment.

Item G To adopt the following resolution **Resolution 22-48**

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 and Approving the Associated Budget Amendment.

Item H 1. To adopt the following ordinance **Ordinance 2016**

Ordinance of the City of Woodbury, Washington County, Minnesota providing that the City Code be amended by amending Chapter 27 - Environmental Management, Division 3 – Stormwater Management Sections 27-26, 27-27, and 27-28 and Division 8- Water Supply Protection Sections 27-92, 27-94, and 27-95.

2. To adopt a motion authorizing staff to publish the Summary of the Ordinance Amending Chapter 27 - Environmental Management, Division 3 – Stormwater Management Sections 27-26, 27-27, and 27-28 and Division 8- Water Supply Protection Sections 27-92, 27-94, and 27-95.

Item I To adopt the following resolution **Resolution 22-49**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing execution of the Cooperative Agreement with Great River Greening for Vegetation Management and Restoration at Woodbury City Hall and Marsh Creek.

Item J To adopt the following resolution **Resolution 22-50**

Resolution of the City of Woodbury, Washington County, Minnesota awarding a three-year Lease Agreement for farming of the agriculture fields at Andy's Bark Park to Paul Burandt for a total amount of \$13,143.00 and authorizing the Mayor and City Administrator to sign said lease agreement.

Item K To adopt the following resolution **Resolution 22-51**

Resolution of the City of Woodbury, Washington County, Minnesota Certifying Delinquent Utility Bill/Curb Stop Repair for 1209 Clearwater Drive to the Washington County Auditor.

Item L To adopt the following resolution **Resolution 22-52**

Resolution of the City of Woodbury, Washington County, Minnesota approving various carryovers to the 2022 budget.

Item M To adopt the following resolution **Resolution 22-53**

Resolution of the City of Woodbury, Washington County, Minnesota approving the Joint Powers Agreement between the City of Woodbury and the East Metro Sex Trafficking Task Force.

Item N To adopt the following resolution **Resolution 22-54**

Resolution of the City of Woodbury, Washington County, Minnesota approving a Memorandum of Understanding between the Immigration and Customs Enforcement (ICE) SAC St Paul and Woodbury Police Department.

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Item O To adopt a motion approving renewal of the tobacco sales license for Giza, Inc. dba Moon Soon Tobacco, located at 6671 Valley Creek Road, Suite 200, for the period of April 1, 2022 through March 31, 2023.

Item P To adopt the following ordinance **Ordinance 2017**

Ordinance of the City of Woodbury, Washington County, Minnesota providing that the City Code be amended by amending Chapter 2 Administration, Article III City Administrator and Article V Personnel.

Item Q To adopt the following resolution **Resolution 22-55**

Resolution of the City of Woodbury, Washington County, Minnesota changing the title of the Assistant Police Chief – Assistant Public Safety Director position to Police Chief – Assistant Public Safety Director and changing the title of the Police Services Commander position to Police Commander in the City of Woodbury Classification Plan effective March 16, 2022.

Item R To adopt a motion to renew the liquor licenses of the businesses on the attached list for the period of April 1, 2022 through March 31, 2023.

Licensee Name	Trade Name	Address	License Type	Patio	Fee
Woodbury Alamo LLC	Alamo Drafthouse Cinema	9060 Hudson Road	On Sale Intoxicating Including Sunday Sales	Yes	\$10,200.00
Rio Woodbury LLC	Rio Brazilian Steak House	7325 Currell Boulevard	On Sale Intoxicating Including Sunday Sales	No	\$10,200.00
Sushi Tango Management Co, Inc.	Sushi Tango	8362 Tamarack Village #124	On Sale Intoxicating Including Sunday Sales	No	\$30,600.00

Item S Abstract of Bills

To adopt a motion approving the abstract of bills including 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 18, 2022 in the amount of \$1,145,771.17 and March 4, 2022 in the amount of \$1,030,148.39.

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

Voting via voice:

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

Public Hearings

A. T&Y CAW, LLC dba Short Stop Wine & Spirits; 2190 Eagle Creek Lane #F; Off Sale Intoxicating Liquor License and Tobacco Sales License

Mayor Burt declared the public hearing open and recognized City Clerk Kimberlee Blaeser to give the background.

**City Council Meeting Minutes
Wednesday, March 16, 2022**

City Clerk Kim Blaeser reviewed a request for a new license for Short Stop Wine & Spirits by new owners and applicants T&Y CAW LLC. A public hearing is not required but City Staff are requesting consideration of the tobacco sales license in conjunction with the off-sale liquor license. City Staff recommends approval of a liquor license for T&Y Caw LLC, DBA Short Stop Wine & Spirits, 2190 Eagle Creek Lane #F, effective April 1, 2022 – March 31, 2023.

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

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Santini, to approve issuance of an Off Sale Intoxicating Liquor License and Tobacco Sales License to T&Y CAW, LLC dba Short Stop Wine & Spirits for their location at 2190 Eagle Creek Lane #F, effective April 1, 2022 through March 31, 2023.

Voting via voice:

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

B. 2022 Draft Annual Action Plan

Mayor Burt declared the public hearing open and recognized Housing and Economic Development Manager Karl Batalden to give the background.

Mr. Batalden reviewed the City's 2022 Annual Action Plan, required of US Housing & Urban Development Department (HUD) funding recipients. He reviewed program objectives and costs for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). A public hearing is required followed by a public comment period and subsequent adoption and submission to HUD by May 15, 2022. City Staff recommends adoption of a motion to open the 30-day public comment period commencing March 17, 2022 and closing on April 15, 2022.

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

Voting via voice:

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

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

Councilmember Wilson asked whether Central Park is located within an area that could qualify as an LMA project. Mr. Batalden confirmed this. He added; however, that Central Park is a large park and is a regional draw. As such, it would not be considered a neighborhood-scale project and as such its remodel would not be eligible for CDBG funding.

Councilmember Santini moved, seconded by Councilmember Date, to adopt a motion opening a 30-day public comment period regarding the draft 2022 Annual Action Plan opening on March 17, 2022 and closing on April 15, 2022.

Voting via voice:

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

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Anne Burt – aye

C. Watermark CityPlace; Comprehensive Plan Amendment; Rezoning; Amended Planned Unit Development; Conditional Use Permit; Preliminary Plat and Site and Building Plan; Project No. 04-2021-00468

Mayor Burt declared the public hearing open and recognized City Planner Eric Searles to give the background.

City Planner Eric Searles reviewed an application for a new 91-unit residential rental townhomes subdivision in the CityPlace development, to be called WaterMark CityPlace. The property is currently zoned Gateway District and guided “Places to Work” in the Land Use Plan. He reviewed the history of the CityPlace development, which was approved by the City Council in August 2014, to include land uses, site design, landscaping, civil engineering and building architecture, as well as pedestrian system and transportation improvements.

Mr. Searles stated the applicant is requesting to change current zoning designation from Places to Work to High-Density residential land use. City Staff have reviewed findings of facts and determined that time and conditions have warranted this change. City Staff have actively monitored development in CityPlace and identified highest and best uses and recommend the change to High Density zoning.

Mr. Searles stated the most significant issue with this property is restrictive covenants that have been placed on existing tenants, secured prior to executive leases to ensure exclusivity. He added these restrictive covenants have impacted development patterns in Woodbury for decades. He noted City Staff does not identify that traditional office use will not be viable in the future, but future office use for this property is unlikely.

Mr. Searles stated City Staff reviewed the level of pedestrian activity generated by existing office and hotel land uses, which unfortunately do not generate a consistent flow of pedestrian use. He added residential housing is the best way to activate existing pedestrian infrastructure and improvements that have been made at CityPlace. He noted the applicant is proposing to enhance the pedestrian network by paving the adjacent nature trail to the east, which will be a significant public benefit for new and existing residential areas.

Mr. Searles stated a traffic study was completed and no additional transportation permits are required for this development. New and existing trails and sidewalks within the development were reviewed as part of the traffic study. The applicant is proposing 4 parking spaces for each unit and guest parking for 24 vehicles, which exceeds the Ordinance requirement of 18 spaces.

Planning Commissioner Avin Kallenbach reviewed additional conditions by added by the Planning Commission at their recent meeting: development of a detailed wayfinding plan including lighting, due to emergency access as well as guests; no outdoor storage will be allowed other than maintenance storage; no parking and potential signage on Spring Hill Drive, which is yet to be determined by the City; and additional pedestrian access between units. The Planning Commission recommends City Council approval of the application with some modifications as noted.

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

Voting via voice:

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

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

Councilmember Wilson stated she attended the Planning Commission at which this request was discussed. She added there will be sidewalks but no parking in front of the townhomes, so visitors will be required to walk around the units to get to the front door. Mr. Searles confirmed this, adding this is a common design for townhomes in Woodbury and other cities, and reflects a New Urbanism style of design, with the focal point on the front elevation.

Councilmember Wilson stated not all units have sidewalk access from the garage to front of the units. Mr. Searles stated the Planning Commission requested the addition of sidewalks between units for better access, which has been included in the draft Conditions for Approval.

Councilmember Date stated the front elevations are nice looking but the parking in the rear is a problem and she dislikes it. She asked whether doors could be placed in front of the townhomes, onto the main street.

Mr. Searles stated the design approach is to put the outward elevation toward public spaces and pedestrian access. He added the Planning Commission discussed street parking on Spring Hill Drive and requested that the City Engineer monitor the situation so signage could be installed if there is an issue. He noted parking will on Spring Hill Drive will act as a traffic calming measure.

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Councilmember Santini asked whether crosswalks on Spring Hill Drive were discussed. Mr. Searles stated mid-block crosswalks are discouraged, and there are crosswalks in safer locations. He added the association will maintain all the streets in CityPlace.

Councilmember Morris stated the main entrance to Aspire Apartments is located on the south side of Spring Hill Drive near the median. He added the road may not have high traffic counts, but the design is not conducive for pedestrian access. He noted he does not like how it is laid out and he does not believe Spring Hill Drive is a solution.

Councilmember Date stated she is more comfortable with the layout after reviewing the site map and understanding that the streets on the inside are private drives. She added she would support a different type of parking on Spring Hill Drive, but it does not seem feasible.

Councilmember Santini asked whether there are concerns about overflow parking. Mr. Searles stated there is a landscaping edge in the northwest location. He added he does not believe overflow parking will be an issue.

Mayor Burt asked whether parking will be prohibited on CityPlace Boulevard. Mr. Searles confirmed this.

Jake Ross, Development Manager for Thompson Thrift Residential, stated his company is excited about the prospect of developing in Woodbury. He added they have built this type of product in markets throughout the country, and direct entry is a big success. He noted 4 parking spaces are generally sufficient for 3 or 4-bedroom units.

Councilmember Wilson asked whether a park or play area is proposed for families. Mr. Ross stated the type of profile they usually see are couples or seniors with no children or older children. He confirmed there will be green space in the center area. He added there are many other amenities and parks in the area for families to explore.

Councilmember Wilson requested rent costs. Mr. Ross stated the 3-bedroom units will be \$3,550/month, and the 4-bedroom units will be \$3,775/month.

Councilmember Santini asked whether mid-path access points on the nature trail have been considered. Mr. Searles stated there is a significant grade difference along the trail area, which limits the ability to connect to the trail without a stairwell, which is challenging from both a maintenance and accessibility standpoint. He added, however, the grade makes it a unique nature walk.

Councilmember Santini asked whether there will be sidewalk access to Woodbury Lakes from the trail's end. Mr. Searles confirmed this.

Mayor Burt asked whether a switchback could be considered. Mr. Searles stated a switchback was considered but it was about the same distance as walking to the area because of the grade.

Councilmember Morris stated there are no neighborhood parks in this area that are not a private amenity. Mr. Searles agreed, adding the closest park is Evergreen Park. He added there will be open green space in the development.

Councilmember Morris stated the City Council has set goals for access to parks and amenities within ½ mile of all residential areas. He added this project does not conform with that goal. Mr. Searles agreed, although creation of a play area is not warranted due to development patterns in this location. He added the developer has communicated that the amenity is the surrounding commercial development which will attract their residents to the space.

Mayor Burt stated the proximity of a park or play area was not discussed when Aspire Apartments were being developed. She added there are outdoor amenities, trails and a green space in this development.

Councilmember Morris stated it is a stark deviation from previous developments.

Mr. Searles stated the Comprehensive Plan identifies passive and active recreation within ½ mile distance of residential locations.

Councilmember Date stated she is comfortable with the plans because the townhomes will be market rate, and other kinds of families will be drawn to the area amenities. She added a trail is an acceptable natural area.

Councilmember Wilson stated she likes the diversity of housing in Woodbury but she does not support a high-density townhome rental development where there were supposed to be medical buildings. She added this issue should have been questioned when the PUD was approved. She noted she might like this project in another area.

Mayor Burt stated she likes the unique architecture and urban feel of the project as well as the natural space. She added the area has changed, and having mixed uses works in this location. She asked whether the development will be at least 1,000 feet from the freeway. Mr. Searles confirmed this.

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Councilmember Morris stated an Ordinance would be required to change exclusivity agreements. Mr. Searles agreed, adding it is a common tool used by developers in leases of major complexes.

Councilmember Morris stated there have been significant changes to the market over the past 18-24 months that justify this development and the change of use. He added he believes this is the best use for this parcel. He noted he would have supported a high-rise, multi-level residential development at this location.

Councilmember Wilson stated change of use should have been addressed during the Comprehensive Plan process, but the City Council has been unwilling to do so in the past. She added time, effort and energy went into drafting the Comprehensive Plan, and the City Council has wanted to adhere to it.

Councilmember Santini stated the proximity of Aspire Apartments is helpful to tie this development to the neighborhood and create a sense of community.

City Administrator Clint Gridley stated this 100-acre remarkable site was an open piece of land by the freeway before 1995 when it was developed into a corporate campus by State Farm in 1998. The City made many accommodations for that project, and then in 2005, they decided the building was no longer useful or successful. The result was a multi-use concept for the property, as a place to live, work and shop, with urban spaces and multi-family developments. This unique development, which does not exist elsewhere in Woodbury, has been an amazing evolutionary process and the City has been rewarded along the way as the markets have changed.

Councilmember Date asked whether an apartment building was discussed for this site. Mr. Searles stated there are challenges with the grade, density and shape of the property, and townhomes differentiate the development from Aspire Apartments.

Councilmember Morris asked whether the development would have a reuse irrigation system. Mr. Searles confirmed this.

Councilmember Santini moved, seconded by Councilmember Date, to approve the Comprehensive Plan Amendment from Places to Work to High Density Residential.

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following ordinance

Ordinance 2018

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

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 22-56

Resolution of the City of Woodbury, Washington County, Minnesota approving a Conditional Use Permit (CUP) and adopting Findings of Fact.

City Council Meeting Minutes
Wednesday, March 16, 2022

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Date, to adopt a motion approving the Watermark CityPlace Amended Planned Unit Development, Preliminary Plat, and Site and Building Plan, Project No. 04-2021-00468, all subject to the conditions as outlined in Council Letter 22-82.

1. The Applicant shall obtain Metropolitan Council approval for the Comprehensive Plan Amendment prior to the issuance of a land disturbance permit.
2. The APUD 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 conditions of the existing CityPlace PUD shall remain in full force and effect.
4. Prior to the issuance of a building permit, additional stone elements shall be added to the units and within the landscaping design.
5. The applicant shall wholly construct and fund the identified nature trail improvement. The design and specifications shall be reviewed and approved, in writing, by the City Engineer.
6. A final landscaping plan for the southeast corner shall be reviewed and approved by staff. Additional landscaping and place-making elements shall be added.
7. 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.
8. 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.
9. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
10. All streets identified within the site plan are private streets. All maintenance, snow and ice removal, and street reconstruction shall be wholly conducted and funded by the property owner.
11. 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.
12. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.
13. Prior to the issuance of a building permit, a snow removal plan shall be reviewed and approved, in writing, by staff.
14. Prior to the issuance of a building permit, a landscape financial security shall be submitted.
15. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails adjacent to the site.
16. A maximum of 91 residential units shall be permitted.
17. 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.
18. 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 the public/private streets.
19. 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.
20. Any trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building.
21. Except within the permitted accessory structure, no exterior storage shall be permitted.
22. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
23. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
24. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
25. 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 Applicant will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
26. 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.
27. The Applicant shall be responsible for protecting the proposed on-site storm sewer infiltration 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 Applicant.
28. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, South Washington Watershed District, Washington County, etc. prior to commencing any site activities.
29. 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

**City Council Meeting Minutes
Wednesday, March 16, 2022**

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.

30. Final grading, drainage and erosion control phasing plans must be submitted for review and approval prior to issuance of a land disturbance permit. All site activities shall adhere to the City's Land Disturbance and Erosion and Sediment Control Ordinance, other City ordinances, NPDES permit requirements, MPCA requirements, and South Washington Watershed District requirements prior to commencing any site activities.
31. 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.
32. 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.
33. 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.
34. Street lights shall be required to be installed and maintained by the property owner at all intersections.
35. 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.
36. Prior to the issuance of a land disturbance permit, the Applicant shall submit a wayfinding plan which identifies access for pedestrians and emergency personnel. Said plan shall include lighting along internal sidewalks consistent with the design of the lights found along City Place Boulevard.
37. If parking along Spring Hill Drive is identified to be an issue by the City Engineer, the applicant shall install no parking signage along Spring Hill Drive.
38. Prior to the issuance of a land disturbance permit, the applicant shall include additional sidewalks between buildings connecting to Spring Hill Drive with the locations approved by City staff.
39. Prior to the issuance of a land disturbance or building permit, the irrigation system shall be reviewed and approved and shall be designed to meet the following design requirements:
 - Location and amount of irrigated area shall be approved by staff. Any irrigated area shall be mowed and maintained by the property owner.
 - System shall be designed by a certified irrigation contractor.
 - The system, including pumps, controllers, connections and irrigation line placement shall be submitted for review and approval 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 to avoid damage.
 - Irrigation mainlines shall be placed outside of the City right-of-way to avoid damage.
 - EPA WaterSense approved smart controllers shall be utilized and approved by City staff.
 - Drip irrigation, high efficiency rotating nozzles, pressure regulated spray and rotors, and other efficiency component shall be used as appropriate.
 - System shall have a meter that reads in gallons and be accessible to City staff for annual reporting required by the Minnesota Department of Natural Resources (MN DNR)
 - System shall include a connection to municipal water as a back-up irrigation source. This connection shall include an air gap or other backflow prevention practice.
 - Stormwater ponds sourcing the water shall be pumped/maintained no lower than the design elevation in the approved plan unless written approval is given by Engineering staff
 - The controllers shall be maintained as WaterSense certified and verified as working during each growing season.
 - Pressure regulated heads shall be utilized.
 - System shall have an irrigation audit completed by a certified landscape irrigation auditor and submitted to the City once every five years. Audit results, including auditor, date, time, issues identified and recommended improvements shall be submitted to the City by Dec. 31 of the audit-year.

Voting via voice:

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

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Discussion

A. 2022 Redistricting; Establishing Precinct Boundaries and Polling Places

City Clerk Kim Blaeser reviewed proposed precinct redistricting to establish new Woodbury precincts by March 29, 2022. She reviewed the 2022 Redistricting Map with proposed 2022 Woodbury Precincts. She added, wherever possible, old precinct boundaries were maintained. Legislative action is required to correct precinct border issues, and the City will be required to establish a new precinct map.

Ms. Blaeser stated, when redistricting is completed by all government units and new polling places established, every voter will receive notice indicating their precinct and polling location. She added this notice will be completed by Washington County, who will do the mailing and pay all costs. City will advertise all precinct boundaries and polling locations on its website.

Ms. Blaeser thanked the City's GIS team for their hard work and efforts.

Mayor Burt thanked Ms. Blaeser and City Staff for their hard work on the redistricting process.

Washington County Commissioner Jennifer Wagenius stated she is joined by Commissioner Wayne Johnson. Commissioner Wagenius stated Ms. Blaeser and City Staff have worked diligently and in cooperation with the County on this issue. She reviewed the County's process for determining Commissioner boundaries. She noted there will be at least 2 Commissioners representing the City of Woodbury, and the County will continue with 5 Commissioners.

Councilmember Santini asked whether the notice sent to residents will differentiate which polling place residents should use for different elections. Ms. Blaeser stated City Staff works with County staff to send out information on County elections, which is also posted on the City website.

Commissioner Wagenius stated the County is required to send a postcard to all County residents with precinct and polling location information. She added posts will be made available for the City to share on social media, with links for a polling location locator.

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 22-57

Resolution of the City of Woodbury, Washington County, Minnesota establishing precinct boundaries and polling places.

Voting via voice:

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

Staff Reports

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

No items scheduled

B. City Administrator's Report

Clint Gridley reviewed the City Administrator's Report:

- The Health East Sports Center will be renamed M Health Fairview Sports Center.
- The Golf Shop opened today, March 16.
- The Community Engagement Process implementation will ensure a planned approach to community engagement for every significant City project.
- Since January 1, 2022, the City has received additional health advisories for PFAS based on water production well samplings complete by the Minnesota Department of Health. Both wells were immediately taken out of service. The City has received health advisories on 9 of 19 wells to date, and 4 wells are being treated at the City's temporary plant which will be expanded. The City is working with the State of Minnesota on a permanent water treatment plant, and City water continues to meet all State and federal drinking water guidelines.

**City Council Meeting Minutes
Wednesday, March 16, 2022**

Upcoming meetings:

- March 21, 2022 – Planning Commission meeting
- March 23, 2022 – City Council Workshop
- March 29, 2022 – Economic Development Commission meeting at 7:30 a.m. in Ash North and South Conference Rooms
- March 30, 2022 – Special Joint Meeting of Cottage Grove/Woodbury City Councils
- April 5, 2022 – Parks & Natural Resources Meeting at 7:00 p.m. in Ash North and South Conference Rooms
- April 13, 2022 – Housing & Redevelopment Authority meeting at 7:00 p.m. prior to City Council Regular Meeting

Councilmember Wilson asked whether the temporary water treatment plant will continue to be used after the permanent plant is built. Mr. Gridley stated the building will be available for alternative uses, and some of the equipment will be repurposed.

Adjournment

Mayor Burt moved, seconded by Councilmember Wilson, to adjourn the meeting at 8:51 p.m.

Voting via voice:

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

Respectfully submitted,



Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on April 13, 2022.