

Minutes
Woodbury City Council
Wednesday, March 22, 2023

Pursuant to the due call and notice thereof, a regular meeting was duly held virtually and at the Woodbury City Hall, 8301 Valley Creek Road, on the 22nd day of March 2023.

Call to Order

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

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

Pledge to Flag

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

Roll Call

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

Others Present: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Jamie Fritts, Housing and Economic Development Coordinator; Michelle Okada, Parks and Recreation Director; and Chris Hartzell, Engineering Director and Jason Posel, Public Safety Director.

Approximately two (2) members of the public were in attendance and two (2) members of the public attending virtually.

Special Order of Business

A. Proclamation for Arbor Day

Mayor Burt read a Proclamation in full declaring April 2023 as Arbor Day Month.

Mayor Burt stated a note went out to residents subscribed to email notifications regarding ash borer and ways to treat ash trees.

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 22, 2023

Item B Approval of Goose Management Plan. **This item was removed from the Consent Agenda and moved to the Discussion portion of the meeting.**

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- Item C To adopt the following resolution **Resolution 23-43**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing fiscal year 2024 Congressionally Directed Spending application submittals for Weir Drive Improvements.**
- Item D To adopt the following resolution **Resolution 23-44**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing fiscal year 2024 Congressional Directed Spending application submittals for Solar Energy Facilities on Fleet Services.**
- Item E To adopt the following resolution **Resolution 23-45**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing fiscal year 2024 Congressional Directed Spending application submittals for Public Safety in-vehicle and body-worn cameras.**
- Item F To adopt the following resolution **Resolution 23-46**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing application to the Legislative-Citizen Commission on Minnesota Resources 2024 Environmental and Natural Resources Trust Fund Grant.**
- Item G To adopt the following resolution **Resolution 23-47**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing the use of Trunk Water and Sanitary Sewer Funds for trunk sewer and trunk water area charge rate studies.**
- Item H To adopt the following resolution **Resolution 23-48**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing staff to issue a Land Disturbance Permit to Ames Construction, for properties located west of the intersection of Weir Drive and Tamarack Road, PINs 0602821410001 and 0602821430002.**
- Item I To adopt the following resolution **Resolution 23-49**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing applications to the South Washington Watershed District's Coordinated Capital Improvement Program Grant Solicitation.**
- Item J To adopt the following resolution **Resolution 23-50**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing execution of the Cooperative Agreements with South Washington Watershed District for the Wilmes Lake Alum Treatment Facility and the Stormwater Park.**
- Item K To adopt the following resolution **Resolution 23-51**
- Resolution of the City of Woodbury, Washington County, Minnesota approving Site Ground Lease Agreements between DISH Wireless, LLC, and the City of Woodbury at the Colby Lake Park monopole (9715 Valley Creek Road) and the Public Safety monopole (2100 Radio Drive), Woodbury, Minnesota.**
- Item L To adopt the following resolution **Resolution 23-52**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing application for Inflow and Infiltration Mitigation Grant from the Metropolitan Council.**

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- Item K To adopt the following resolution **Resolution 23-53**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of City of Woodbury PER and Pilot Grant Amendment #2, Contract #204381 from the Minnesota Pollution Control Agency.
- Item L To adopt the following resolution **Resolution 23-54**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of City of Woodbury Water Treatment Plant and Pipeline Design Project Grant Amendment #1, Contract #223996 from Minnesota Pollution Control Agency in the amount of \$3,888,543 and approval of budget amendment to the Water and Sewer Utility Fund.
- Item M To adopt the following resolution **Resolution 23-54**
Resolution of the City of Woodbury, Washington County, Minnesota approving various carryovers to the 2023 budget.
- Item N To adopt the following resolution **Resolution 23-56**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing the purchase of replacement Tasers and associated budget adjustment.
- Item O To adopt a motion to approve issuing a Cannabinoids Product license to Woodbury Tobacco N Vape Plus Inc, 10150 Hudson Rd #107
- Item P To adopt a motion approving to renew the tobacco sales license of the businesses on the list attached to Council Letter 23-71 for the period of April 1, 2023 through March 31, 2024.
- Item Q To adopt a motion approving to renew the liquor licenses of the businesses on the list attached to Council Letter 23-72 for the period of April 1, 2023 through March 31, 2024.
- Item R 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 17, 2023 in the amount of \$1,254,565.91 and February 24, 2023 in the amount of \$1,097,749.91 and March 3, 2023 in the amount of \$604,187.54 and March 10, 2023 in the amount of \$658,070.44.

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

Voting via voice:

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

Discussion

A. Consent Agenda Item B. Approval of Goose Management Plan

Councilmember Wilson pulled this item for discussion and asked if they had looked into all options on how to deter geese before they put forth such a drastic plan. She added that she has had conversations with Director of Parks and Recreation, Michelle Okada and DNR representatives. Mayor Burt expressed her understanding that the plan has been enacted in the past except for the piece of trapping and removing the geese. Ms. Okada agreed. Mayor Burt asked Ms. Okada if she would like to address anything regarding the plan. Ms. Okada stated they have tried many strategies but there are areas where the round up and removal may be necessary due to over population such as the golf course. She noted the last time a removal was done was in 2013 and Staff noticed a reduction in population for an extended time after the removal. The strategy is created through the work of Staff, consulting with other communities, DNR and other professionals in the field.

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Mayor Burt asked Councilmember Wilson if her intent was to vote differently. Councilmember Wilson confirmed it was her intent and urged the Council to be more proactive in the spring. She wanted to know that the City was taking a proactive approach to do everything they could to urge geese to go to more accepting areas. She noted that she spent significant time on the phone with DNR and felt like no one had answers to the questions she had such as the possibility of having buffer zones around the ponds. She explained the buffers could help the issue of geese crossing Radio Drive. She asked why they could not take more proactive approaches instead of waiting for the geese to make a home, hatch eggs, molt and then round them up to kill. She mentioned repellants such as grape seed extract that could be planted to discourage geese from taking up residence. In addition, the City would need to obtain a license in order to do a round up. When she spoke on the phone with DNR they mentioned there are 50-150 geese to be expected in the round up. DNR is unsure how much of a buffer is needed around ponds for geese in an area. She stated they had approved budget carry overs in landscaping and water treatment and wondered if the carryover could be applied to the buffers and deterrents around ponds or a more humane way to handle the geese.

Councilmember Morris expressed his confusion and noted the plan lays those details out. Councilmember Wilson stated the City has done some of the items in the plan except the round up. She added that she does not think they have done enough measures to make sure geese are not taking up residence in the summer or done enough landscaping around the ponds.

Mayor Burt stated it was a reasonable point to bring up on having a long term plan and noted the vote was on the plan as a whole. Councilmember Wilson asked what the plan was and expressed her understanding on the plan having many options. She asked what the long term plan would be. Mayor stated unfortunately they did not have future plans before them and noted the question before them was if they would agree to the plan or not. Councilmember Wilson stated they would not come back to the discussion and wanted to ask the larger question of what it would look like in the future. Mayor Burt stated she appreciated the question but they do not have the capacity to answer the longer term question. She recommended that they would discuss the topic during a Council workshop.

Councilmember Morris suggested they request Staff to add a longer term plan when they create the 2024 plan in order to address the concerns. Councilmember Wilson expressed her understanding and mentioned she has never heard of a goose management plan in the past and does not believe they have had on in the past.

Ms. Okada stated they have had goose management as part of their operations in previous years but it is the first year where the Council has seen a plan. The plan is required because of the round up and removal aspect. The plan is not an annual plan but the permits with the DNR are an annual requirement. The DNR does not require an annual plan but require the organization to have an approved plan by the governing body. She noted Staff desires to employ the round up strategy in specific areas and if they wait another year they are going to have more over population of geese. She asked for clarification if the Council decides to go in a different direction and added that she would be happy to provide clarification on what they have done in the past. She explained the golf course is visited daily for goose management and that the holding ponds each have 3 foot buffers and that it is still not preventing the geese.

Councilmember Wilson asked if the geese were nesting on the golf course or grazing. Ms. Okada stated they are grazing on the golf course and are resident geese in the summer and then will add migratory geese in the fall. In addition, when talking with other agencies and goose management experts, the product application is best used for small homes or events. Whenever lawns are mowed, or there is heavy rain or irrigation, it dilutes the product and it is approximately \$400 per acre. She noted there are 100 acres of space that can be mowed which would mean it would be roughly \$5,000-\$8,000 per application. She explained in previous years at Shawnee Park they had to relocate softball teams due to heavy goose droppings but it has not occurred in the recent years since geese tend to move from place to place each year.

Ms. Okada stated hazing is an additional option that has been considered but has concerns regarding how they would move hundreds of geese without pushing them towards the neighborhoods or County Road 19. She noted once the situation is more manageable, other strategies can be considered. Councilmember Wilson asked if the current geese are from other areas instead of nesting at the golf course. Ms. Okada explained that generally once the geese lay their eggs and the eggs hatch, the geese remain within 1 mile of where they were nesting.

Mayor Burt thanked Ms. Okada and stated she feels comfortable with the plan.

Mayor Burt moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 23-57

Resolution of the City of Woodbury, Washington County, Minnesota approving the City-wide Goose Management Plan.

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Voting via voice:

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

Public Hearings

A. 2023 Draft Annual Action Plan

Jamie Fritts, Housing and Economic Development Coordinator, introduced himself.

Mayor Burt declared the public hearing open.

Mr. Fritts reviewed what an Annual Action Plan (AAP) is by stating recipients of funding from HUD must adopt a one-year Annual Action Plan that defines specific investment strategies, evaluates past performance and affirmatively furthers fair housing. He explained that the five-year Consolidated Plan creates the overall goals that the City would like to achieve over the five year horizon (2020-2024), while the AAP contains the activities and projects the City will do throughout the coming program year that help meet the bigger goals. He noted the proposed 2023 AAP is Year 4 of the Consolidated Plan and stated they are currently wrapping up Project Year 2022 which is the year 3 of the Consolidated Plan.

Mr. Fritts stated the Community Development Block Grant (CDBG) program has three main objectives including, benefit low- and/or moderate-income persons; prevent or eliminate blight; and meet urgent community development needs that do not have a funding source. He added the HOME investment Partnerships Program (HOME) has one objective which is to use for housing activities that benefit low- or moderate-income households.

Mr. Fritts reviewed the timeline for the 2023 AAP. On May 13, 2020 the Council adopted the 2020-2024 Consolidated Plan. On January 25, 2023 they established parks and affordable housing as high priorities for funding of the 2023 AAP activities. On March 22, 2023 a public hearing will be held on the draft 2023 AAP, which opens a 30-day public comment period of March 23, 2023 through April 21, 2023. The 2023 AAP is expected to be adopted by Council on May 10, 2023 and needs to be submitted to HUD by May 15, 2023.

Mr. Fritts reviewed the two high funding priorities, the first being affordable housing which is defined as affordable to households at or below 80 percent of the area median income. He noted the income limits are subject to household size:

Households of 1 income limit: \$62,600
Households of 2 income limit: \$71,550
Households of 3 income limit: \$80,500
Households of 4 income limit: \$89,400

He stated the second high funding priority is parks and public facility improvements.

Mr. Fritts reviewed the previous usage of CDGB/HOME. The City has issued 46 Woodbury First-time Homeownership and Foreclosure Purchase Program loans and has had development subsidies at Cobble Hill Apartments, Garden Gate 2nd, Glen at Valley Creek, and Orville Commons. In addition, they have had fair housing investments via the Fair Housing Implementation Council. He showed the Council a list of previous park projects.

Mr. Fritts reviewed improvements that will take place at Pondview and Westview Parks, which are the two park projects planned for this summer, which is Program Year (PY) 2022.

Mr. Fritts stated the final PY 2023 numbers may change and he reviewed the current revenue assumptions. He stated the City was awarded \$270,277 for CDBG and is estimating \$26,250 in CDBG program income and unexpended prior year funds. He added the City is not receiving any HOME funds and is estimating on receiving \$5,000 in HOME program income.

Mr. Fritts noted that PY 2023 will begin July 1, 2023 and end June 30, 2023. The draft 2023 AAP identifies a park rehab at Evergreen East Park (\$178,747 of CDBG funds), two HRA loans (63,780 of CDBG funds) and project administration (\$54,000 CDBG funds and \$5,000 of HOME funds).

Mr. Fritts mentioned when they do park or facility projects they need to take place in eligible low-mod income areas which are defined by HUD. He noted Evergreen East Park falls into an area that would qualify for CDBG funding. The proposed Evergreen East Park improvements include replacement of play equipment with new drain tile, new site furnishings, ballfield improvements and additional trees planted to provide shade.

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

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

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

Councilmember Morris asked how the use of CDBG funds for the Evergreen East Park impacts the Parks and Trails Replacement fund. Community Development Director Janelle Schmitz stated the Evergreen East Park was initially in the 2022 AAP but due to inflation it was moved back a year.

Mayor Burt noted they have an asset spreadsheet and asked if this park improvement was in it. City Administrator Clint Gridley stated it was difficult to accommodate for grants. He explained they would take any new asset, book the value and depreciate it out over the time needed. He noted it was in the calculation and not excluded, since grants are not accounted for up front. He added there would be a plus in the fund in areas that there were minuses to the fund. Councilmember Morris asked if it would be the case if it was not CDBG but a different type of grant. Mr. Gridley agreed and stated they could not accommodate for what the value was.

Councilmember Date asked why there were no HOME funds in PY 2023. Mr. Fritts stated in 2021 the Council approved a major amendment to that year's AAP to help fund the Orville Commons affordable housing project. They borrowed \$400,000 of Anoka County's HRA HOME funds, and until that is paid back, Woodbury's HOME allocations will go directly to Anoka County's HRA.

Councilmember Morris moved, seconded by Councilmember Date, to approve opening a 30-day public comment period regarding the draft 2023 Annual Action Plan opening on March 23, 2023 and closing on April 21, 2023.

Voting via voice:

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

Discussion during the motion:

Mayor Burt asked if after the 30-day public comment period if it would come back to Council to approve. Mr. Fritts noted the 2023 AAP will be in front of the Council for approval on May 10, 2023.

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

No items scheduled

City Administrator's Report

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

- March 24, 2023 – Audit & Investment Commission, 7:30 a.m., Ash North and South Conference Rooms
- March 28, 2023 – Neighborhood Meeting for Royal Oaks Roadway Rehabilitation Project, 6 p.m., Woodbury Lutheran Church, 7380 Afton Road.
- April 4, 2023 – Parks & Natural Resources Commission, 7 p.m., Ash North and South Conference Rooms
- April 12, 2023 – Public Hearing on Waypointe of Woodbury Vacation and Spitz Woodbury Inc. on sale intoxicating including Sunday and patio sales liquor license.
- April 19, 2023 – Council Workshop, Ensure Long-term drinking water sustainability strategic initiative

Adjournment

Mayor Burt read a statement regarding the reason for adjourning the meeting and entering a closed session with the Council.

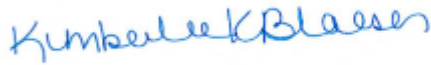
Councilmember Morris moved, seconded by Councilmember Date, to adjourn the meeting at 7:43 p.m. and convene a closed session to discuss with legal counsel litigation between Joseph Paul Baker v City of Woodbury et.al, Case No. 20-cv-1787-DSD-HB.

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Voting via voice:

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

Respectfully submitted,



Kimberlee K. Blaesen, City Clerk

Approved by the Woodbury City Council on April 12, 2023