

Minutes
Woodbury City Council
Wednesday, April 14, 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 14th day of April 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, Steve Morris, and Jennifer Santini. Absent: None

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

Special Order of Business

A. Volunteer Recognition Week Proclamation

Mayor Burt read the proclamation and declared April 18 – April 24, 2021, Volunteer Recognition Week 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.

Karen O'Hearn, 9278 Cornell Circle, said she had become aware in early February of a \$530 million Bus Rapid Transit project that would be coming through Woodbury. The routing would replace a beloved movie theater. She asked if the project is needed or wanted by the residents of Woodbury and about the tax ramifications for the residents of Woodbury. Ms. O'Hearn expressed concern over the transparency and said a project like this required more information. She asked the Council to put it on a ballot and let the residents decide.

Mayor Burt answered her question regarding public information. She said from the year 2007 to 2020 there had been 13 City Council Workshops which were open to the public. There had been 14 City Council meetings where the project had been addressed. There were two Economic Development Authority meetings in 2019. There were thirteen City Update articles and 20 social media posts. Mayor Burt also noted that the project is not just a Woodbury project. It is mostly led by the Metropolitan Council, as well as Ramsey and Washington Counties. She also told Ms. O'Hearn that there were Frequently Asked Questions on the City's website.

Kim Myers, 9485 Lake Road, said she had recently moved into a home across from Edgewater Park. The speed limit increased to 40 mph following Woodbury Middle School. Ms. Myers expressed concern over excessive speeding. She asked what could be done to reduce the speed limit because of the park, golf course and crosswalk from the school to the highway.

Consent Agenda

**City Council Meeting Minutes
Wednesday, April 14, 2021**

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 – March 24, 2021
- Item B Adjusting the 2021 Budget to Add a Building Inspection Position. This item was pulled from the Consent Agenda and moved to discussion.
- Item C Commerce Hill Retail Site and Building Plan, Project No. 03-2021-00431. This item was pulled from the Consent Agenda and moved to discussion.
- Item D 2022 Roadway Rehabilitation Project; Consultant Selection for Design Services; Amend 2021 Budget. This item was pulled from the Consent Agenda and moved to discussion.
- Item E To adopt the following resolution **Resolution 21-52**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute and engineering consulting services agreement with WSB, Inc., for preparation of the Preliminary Report and Plans and Specifications for the Copper Hills Addition Utility & Street Improvement Project (Private Construction).**
- Item F To adopt the following resolution **Resolution 21-53**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing the use of Central District Trunk Storm Sewer Funds in 2021 for the South of Dale Regional Stormwater Reuse Feasibility and Implementation Plan.**
- Item G 2020 Year End Transfers. This item was pulled from the Consent Agenda and moved to discussion.
- Item H 2020 Final Budget Adjustments. This item was pulled from the Consent Agenda and moved to discussion.
- Item I To adopt the following resolution **Resolution 21-54**
- Resolution of the City of Woodbury, Washington County, Minnesota approving applications for Minnesota Lawful Gambling LG214 Premises Permit and Minnesota Lawful Gambling LG 215 Lease for Lawful Gambling Activity for Oakdale Athletic Association at Birdi Golf located at 1750 Weir Drive, #11.**
- Item J To adopt the following resolution **Resolution 21-55**
- Resolution of the City of Woodbury, Washington County, Minnesota establishing the Parks and Recreation Department changes.**
- Item K To adopt the following resolution **Resolution 21-56**
- Resolution of the City of Woodbury, Washington County, Minnesota appointing Arturo Lopez to the position of Police Officer effective April 15, 2021; Andrew Burt to the position of Police Officer effective April 16, 2021; and Christopher Hoel to the position of Police Officer effective April 17, 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 March 19, 2021 in the amount of \$1,157,071.07, March 26, 2021 in the amount of \$835,356.71 and April 2, 2021 in the amount of \$1,542,260.52.

Councilmember Date moved, seconded by Councilmember Santini, to approve the Consent Agenda items, with the exception of Items B, C, D, G and H.

**City Council Meeting Minutes
Wednesday, April 14, 2021**

Voting via voice:

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

Swearing in of New Police Officers

A. Meaning of the Badge

Public Safety Director/Police Chief Lee Vague shared the meaning of the badge and called Arturo Lopez, Andrew Burt and Christopher Hoel forward.

B. Oath of Office

Mayor Burt presided over the swearing in of Police Officers Arturo Lopez, Andrew Burt and Christopher Hoel, after which they each had their badges pinned on by a family member or other important person in their life.

Public Hearings

A. Cowboy Dave’s Woodbury, LLC; 1690 Woodlane Drive; On Sale Intoxicating Liquor License including Sunday and Patio Sales

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

Ms. Blaeser said staff was recently informed that the restaurant operations of AMG-Woodbury, LLC dba Cowboy Jack’s will be assumed by Cowboy Dave’s Woodbury, LLC effective May 1, 2021. As a result of this change, Cowboy Dave’s Woodbury, LLC has submitted an application for an On Sale Intoxicating Liquor License including Sunday and Patio Sales for their new restaurant located at 1690 Woodlane Drive. Per the request of Anne Loff, Chief Financial Officer of AMG-Woodbury, LLC, the liquor license for AMG-Woodbury, LLC dba Cowboy Jack’s should be terminated as of 11:59 p.m. on April 30, 2021.

The officers of Cowboy Dave’s Woodbury, LLC are: Jeffery Crivello, Chief Executive Officer and James G. Gilbertson, Chief Financial Officer. As required by City Code, a criminal history check as it pertains to liquor licensing was conducted on Mr. Crivello and Mr. Gilbertson. No violations that would preclude the applicants from obtaining a liquor license was found. City staff will schedule a meeting with the applicant to discuss the City’s Protect Your Business manual. The applicant has submitted the license fee and background investigation fee. The City Attorney has reviewed the application and found it to be in order. Staff recommended approval.

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

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

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

Councilmember Morris moved, seconded by Councilmember Date, to approve the termination of AMG-Woodbury, LLC dba Cowboy Jack’s On Sale Intoxicating Liquor License including Sunday and Patio Sales as of 11:59 p.m. on April 30, 2021.

Voting via voice:

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

Councilmember Morris moved, seconded by Councilmember Date, to approve an On Sale Intoxicating Liquor License including Sunday and Patio Sales to Cowboy Dave’s Woodbury, LLC located at 1690 Woodlane Drive, effective May 1, 2021.

**City Council Meeting Minutes
Wednesday, April 14, 2021**

Voting via voice:

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

B. Rio Woodbury, LLC dba Rio Brazilian Steak House; 7325 Currell Boulevard; On Sale Intoxicating Liquor License including Sunday Sales

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

Ms. Blaeser said Rio Woodbury, LLC dba Rio Brazilian Steak House has submitted an application for an On Sale Intoxicating Liquor License including Sunday Sales for their new restaurant to be located at 7325 Currell Boulevard.

The owners of Rio Woodbury, LLC are as follows: Hui Zhang with 80% ownership and Tashi Chompel with 20% ownership. As required by City Code, a criminal history check as it pertains to liquor licensing was conducted on the owners. No violations that would preclude the applicants from obtaining a liquor license was found. The applicant has submitted the license fee and background investigation fee. City staff will schedule a meeting with the applicant to discuss the City's Protect Your Business manual. The City Attorney has reviewed the application and has found it to be in order. Staff recommended approval.

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

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

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

Councilmember Morris moved, seconded by Councilmember Date, to approve an On Sale Intoxicating Liquor License including Sunday Sales to Rio Woodbury, LLC dba Rio Brazilian Steak House located at 7325 Currell Boulevard.

Voting via voice:

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

C. Nystedt Plat; Preliminary Plat; Project No. 28-2021-00436

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

Ms. Schmitz presented the application from Keven and Kathleen Nystedt for a Preliminary Plat for the Nystedt Plat development. The 3.32-acre parcel is located at 4935 Radio Drive. The property is zoned R-4, Urban Residential and is guided as Low Density on the Land Use Plan. The applicant is requesting approval to subdivide the existing parcel into three lots. Two new lots will be created and are zoned for single-family homes. Outlot A will be sold to the City and will be utilized as a future well site.

Site access will be provided off of Abercombie Lane to the east. Abercombie Lane was constructed as part of the Bridlewood Farms development. Staff will work with the applicant to review existing grades to determine the feasibility of relocating the existing driveway. Stormwater management is not required for this subdivision because it does not exceed 6,000 square feet of new impervious or one acre of disturbed area. If further subdivision, including development of the townhome product, occurs in the future the property owner shall provide all required stormwater improvements.

A neighborhood meeting was held virtually on March 23rd, 2021 with seven neighbors in attendance. Two neighbors reached out prior to the meeting and had questions ranging from product type, site access, the well site and preservation of the barn.

Planning Commission Member Avin Kallenbach said the Planning Commission reviewed this application at their April 5, 2021 meeting. Most of the questions and discussion revolved around setbacks, snow removal and site access. The Planning Commission recommended approval by a 6-0 vote.

**City Council Meeting Minutes
Wednesday, April 14, 2021**

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

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

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

Councilmember Date moved, seconded by Councilmember Morris, to approve the Nystedt Preliminary Plan, Project No. 28-2021-00436, subject to the following conditions as outlined in Council Letter 21-84:

1. Prior to the issuance of a building permit, the Final Plat shall be recorded.
2. These approvals shall expire six (6) months from the date of City Council approval unless a Final Plat has been recorded or a time extension has been granted by the City Council.
3. Prior to the release of the Final Plat, a Developer Agreement shall be executed. Said agreement shall include the terms of the acquisition of the well site located on Outlot A.
4. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. The Applicant shall also be responsible for any cost incurred for private utilities adjacent to and within the development.
5. Following subdivision of the land, all site access shall be from Abercrombie Lane, unless otherwise approved in the development agreement. Staff and the applicant shall review existing grades to review the feasibility of relocating the existing driveway off of Radio Dr.
6. If further subdivision, including development of the townhome product, occurs in the future the property owner shall provide all required stormwater improvements.
7. The Developer shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a Land Disturbance Permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for construction activities.
8. Park dedication shall be paid in cash in lieu of land dedication. Payment shall be made prior to the release of the Final Plat.
9. The Applicant shall obtain a demolition permit to remove any detached structures prior to the release of the building permit for the new proposed units.
10. Access for the City well site shall be located off of Dale Road.

Voting via voice:

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

D. Twin Cities Oral Surgery Digital Sign; Interim Conditional Use Permit; Project No. 16-2021-00433

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

Ms. Schmitz presented the application from Twin Cities Oral Surgery for an Interim Conditional Use Permit. The applicant is requesting to install a new sign with an electronic message center. The property is located at the southeast corner of Pioneer Drive and Radio Drive. The property is zoned B-1, Office Park District and is guided as Places to Work on the Land Use Plan. The City requires an Interim Conditional Use Permit for electronic display signs to improve enforcement and facilitate code changes prompted by changing technology.

The criteria for granting an Interim Conditional Use Permit are the same as for Conditional Use Permits, as contained in Section 24-43 of the City Code. The Woodbury Crossing Planned Unit Development set up a Comprehensive Sign Plan for the buildings within the development. As part of this sign plan, a shared monument sign was approved to be 32 square feet and six feet in height. The applicant is proposing to now construct this sign with an electronic message center. The sign is proposed to be 30.8 square feet, 17.5 of which will be the message center, and six feet in height. All freestanding signs are required to be setback 15 feet from the property line and the applicant is proposing to locate this sign 16 feet from the property line.

A neighborhood meeting was held on March 17th with one resident in attendance. Two neighbors also contacted staff in advance of the meeting. Questions centered on location of the sign, code requirements of not changing more than once per every 24 hours, and brightness during the evening hours. It is recommended, based off this feedback, that the sign be dimmed to 7% during darker hours and completely off between the hours of 11:00 p.m. and 5:00 a.m. Additionally, it was recommended that the "For Lease" sign be relocated to eliminate sign clutter at the intersection.

**City Council Meeting Minutes
Wednesday, April 14, 2021**

Planning Commission Member Avin Kallenbach said the Planning Commission reviewed this application at their April 5, 2021 meeting. Most of the questions and discussion revolved around sign dimming and the For Lease sign. The Planning Commission recommended approval by a 6-0 vote.

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

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

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

Mayor Burt asked how the 7% figure was reached for dimming.

Matt Snyder, applicant, said the manufacturer of the sign is Watchfire Signs. The standard for most electronic message centers is about 7% of daytime brightness to be visible at nighttime without being overpowering. The sign will have a photo sensor to detect light.

Councilmember Morris said the Planning Commission did an excellent job digging into this and appreciated their work.

Councilmember Morris moved, seconded by Councilmember Date

To adopt the following resolution

Resolution 21-57

Resolution of the City of Woodbury, Washington County, Minnesota approving the Twin Cities Oral Surgery Digital Sign Interim Conditional Use Permit based on the findings and fact in Resolution 21-57, Project No. 16-2021-00433, subject to the conditions as outlined in Council Letter 21-85 and listed below:

1. The Interim Conditional Use Permit shall terminate upon a change in zoning regulations which would prohibit the use or upon violation of the conditions under which the permit was issued.
2. The electronic display sign shall meet all requirements of the Sign Ordinance including location, area, materials and height. Electronic display sign messages shall not change more than what is permitted in the Sign Ordinance.
3. Upon the occurrence of the date or of the criteria for termination set forth in the Interim Conditional Use Permit, the city shall notify the Permittee in writing that the Interim Conditional Use Permit shall terminate not later than 30 days after the date of such notice.
4. The Interim Conditional Use Permit shall be reviewed annually but may be reviewed at any time if the City Council is of the opinion that the terms and conditions of the permit have been violated or if one of the criteria for termination has been met.
5. A sign permit is required before installation of the electronic display sign.
6. The Interim Conditional Use Permit shall be executed prior to the issuance of a sign permit for the electronic display sign.
7. The existing commercial leasing sign shall be relocated elsewhere onsite.
8. The electronic sign shall be dimmed during evening hours and turned off from 11:00 p.m. to 5:00 a.m.
9. Per the Planned Unit Development, this sign is the only freestanding sign permitted on Radio Drive or Pioneer Drive. The Applicant shall make the sign available to all tenants within the Woodbury Crossing development.
10. Prior to the issuance of a sign permit, staff shall review a final landscape plan for the impacted area.

Voting via voice:

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

E. Brookview Road Vacation

Mayor Burt declared the public hearing open and recognized Engineer Michael Hejna to give the background.

Mr. Hejna explained this hearing was for the right-of-way vacation of Brookview Road. He demonstrated the location of the vacation area on a map. The reason for the vacation is Brookview Road is terminating as a result of the Spencil Hill Development, which meant it no longer requires right-of-way for a future Municipal State Aid street. Additionally, vacating the right-of-way on the south side of Brookview will give the developer additional lots with no impact to City facilities. Staff recommended approval.

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

**City Council Meeting Minutes
Wednesday, April 14, 2021**

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

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

Councilmember Date asked whether the vacation would impact a future trail. Mr. Hejna showed the location of the current trails in relation to the right-of-way and stated there are no impacts to trails.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-58

Resolution of the City of Woodbury, Washington County, Minnesota authorizing to vacate that part of Brookview Road as dedicated in the plat of Brookview Road School Addition, according to the recorded plat thereof.

Voting via voice:

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

F. Items Associated with 2021 Roadway Rehabilitation Project

Mayor Burt declared the public hearing open and recognized Engineer Michael Hejna to give the background.

Mr. Hejna said the meeting purpose is to hold the assessment hearing, accept written objections and approve draft resolutions. He discussed the process to date including neighborhood outreach. Mr. Hejna presented the 2021 project areas and funding including the estimated project costs, City funding sources and assessment payments.

Mayor Burt acknowledged the letter received from Fredrikson & Byron, P.A. on behalf of KLLR Realty, LLC and Portillo's Hot Dogs, LLC.

Ben Tozer, Fredrikson & Byron, P.A., stated that he filed an objection on Monday on behalf of his client preserving the right to appeal. He asked the Council to consider tabling the assessment for his client's property for the purpose of meeting with staff to come to a mutual agreement. Mr. Tozer discussed the specifics of the property and the different methods used by the City to calculate cost. The calculation used for other irregular parcels results in a much lower assessment.

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

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

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

Mayor Burt noted how great it is that the City is able to offer 2% interest rates to residents.

City Administrator Clinton Gridley said the Council could receive the comments into the record and proceed with the action. Staff will connect with their Counsel. If the groups come to agreement, adjustments can be made to the assessment. Otherwise, they have reserved their right to appeal.

Mayor Burt thanked the Engineering Department for working very hard with some residents who had concerns about the process.

Councilmember Wilson said she is not a fan of assessments. She thought the City is inconsistent with how it assesses with a minimum standard regarding residential. She asked if trails were wanted by the residents. She also asked about project funding including \$18,800.90 from the Parks & Trails Replacement Fund for Hudson Road and \$9,621.88 from the General Fund – Parks & Forestry for Preserve Area. Mr. Hejna answered there was an initial survey sent to residents in April 2020. 42% were in favor of trails on Woodduck Drive. He could not remember the exact number for Landau Drive, but thought it was thirty something percent. The residents had also shared concerns about speeding on both of those roads. Narrowing the roads and adding trails will reduce speeds. Mr. Hejna explained based on the Comprehensive Plan, staff felt this was a good opportunity to close gaps in the trail network. He

**City Council Meeting Minutes
Wednesday, April 14, 2021**

continued concerning the cost. \$9,621.88 is for two different off-road trails that needed work. \$18,800.90 is for replacing the trail on the south side of Hudson Road.

Councilmember Wilson asked if the trail price is included in the assessments. Mr. Hejna answered yes.

Councilmember Wilson said property assessments were put in place by a taskforce, but how the City assessed seemed to change year to year. She wanted to see the assessments put at the end of construction based on actual numbers because the City is assessing for things that may not happen. She said it was not fair that the City included finance charges and then charged interest again if a property owner rolled the assessments into property taxes. She said the City kept the assessments the same amount, but it is not always the same work. She thought it is an unfair policy.

Mayor Burt said she was not around when the policy was written, but the policy was written by a taskforce and the City consistently applies the policy.

Councilmember Wilson said the policy says 100% of trail costs should be assessed to homeowners. That happened one, maybe two, years, but then started changing.

Councilmember Morris said there is a difference between a recommendation and a policy. The taskforce wrote a recommendation. The statement made by Councilmember Wilson that the City is not following the policy is factually incorrect. Changes had been made to the taskforce recommendation which is the purview of any City Council, but the Council follows the City's policy.

Councilmember Date said that she, nor any of the Council, enjoyed passing assessments to residents. Councilmember Wilson had, once again, provided incorrect information which is unfair and upsetting to residents. She said tonight is not an appropriate time to discuss the City's policy. The assessment policy could be discussed at a later time if Councilmember Wilson wished to increase the tax levy on all residents.

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-59

Resolution of the City of Woodbury, Washington County, Minnesota adopting Special Assessments for the 2021 Roadway Rehabilitation Project.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-60

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to T.A. Schifsky & Sons, Inc., in the amount of \$3,023,103.75 for the 2021 Roadway Rehabilitation Project – Preserve Area and authorizing the Mayor and City Administrator to sign said contract.

Voting via voice:

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

**City Council Meeting Minutes
Wednesday, April 14, 2021**

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-61

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to OMG Midwest Inc. dba Minnesota Paving & Materials in the amount of \$429,543.96 for the 2021 Roadway Rehabilitation Project – Hudson Road and authorizing the Mayor and City Administrator to sign said contract.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-62

Resolution of the City of Woodbury, Washington County, Minnesota amending the Street Reconstruction / Maintenance, Storm Water Utility, Water and Sewer Utility, and General Fund – Parks and Forestry Budget.

Voting via voice:

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

Discussion

A. Approving the 2021 Housing Action Plan

Community Development Coordinator Karl Batalden said the 2021 Housing Action Plan is an implementation step of the 2040 Comprehensive Plan with two primary lenses: 1. The City shall retain its commitment to a 50-50 split between new single-family and new multi-family development; and 2. The City is committed to developing its fair share of the region's need for new affordable housing units in the 2021-2030 decade which is projected by the Metropolitan Council to be 1,043 units. Mr. Batalden talked about the nine policy sections including: Woodbury Housing and Redevelopment Authority Loan Programs; Woodbury Housing and Redevelopment Authority Fund Balance; maximizing the Housing Choice Voucher Tool; Land Banking; Tax Increment Financing and Tax Abatement; Rental Licensure and Code Enforcement; use of the Density Bonus Tool; compliance with the Livable Communities Act; and compliance with Fair Housing. The Council focused on updating the Housing and Redevelopment Authority loan programs; exploring the potential use of tax increment financing for housing projects; and updating the City's rental licensure and code enforcement processes. The 2021 Housing Action Plan sets the stage for the 2021-2030 decade. Mr. Batalden talked about engagement with the community and said staff recommended approval.

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

Councilmember Wilson said that being new to the Council she was only part of the last Council Workshop. She asked for clarification on Tax Increment Financing as a tool in the toolbox. Councilmember Wilson thought this is putting all of the tools in the toolbox that could possibly be utilized. Each occurrence or actual usage of the tool would come before the Council to be approved. Mr. Batalden concurred.

Councilmember Wilson asked what department would complete inspections for rentals. Mr. Batalden said the rental inspections proposed would likely be done by the Code Enforcement staff, which is housed within the Community Development Department's Planning Division.

**City Council Meeting Minutes
Wednesday, April 14, 2021**

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 21-63

Resolution of the City of Woodbury, Washington County, Minnesota approving the 2021 Housing action Plan.

Voting via voice:

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

City Clerk Kimberlee Blaeser read a comment into the record regarding Item 8.F. Ned O’Doherty, 655 Landau Drive, wrote, “30% interest in trails for the Preserve Area is not even close to a quorum. Safety is a bit of a stretch. We do appreciate the road rehabilitation.”

B. Closed Session to discuss personnel issue

Mayor Burt stated that pursuant to the provisions of Minnesota State Statute section 13(d).05 Subdivision 3a, and based on the advice of the City Attorney, she recommended that the City Council hold a closed City Council meeting. The matters to be reviewed in the Closed Session will be an evaluation of performance for employee John Guiton. Pursuant to the statute, the meeting shall be recorded, and the tape preserved for two years following the signing of the contract. At the next regular City Council meeting for the benefit of the public, they will summarize the discussion or action that took place at the closed session.

At 9:04 p.m., Mayor Burt moved, seconded by Councilmember Date, to hold a City Council closed meeting for the purposes previously stated.

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

Mayor Burt reconvened the City Council meeting at 9:24 p.m.

Councilmember Morris moved, seconded by Council Member Santini,

To adopt the following resolution

Resolution 21-64

Resolution of the City of Woodbury, Washington County, Minnesota accomplishing the Non-Disciplinary Removal from Employment of John Guiton, EMS Commander, Effective April 14, 2021

C. Consent Agenda Item B. Adjusting the 2021 Budget to Add a Building Inspection Position

Councilmember Wilson thought this is an unintended consequence of approving the apartment complexes on Settlers Ridge Parkway and Karen Drive. She knew there had been high number of inspections, but they had been high for several years. She was concerned that three months into the year the City is already amending the budget to hire someone new. Councilmember Wilson wondered how it would be paid for. She said for the record, she liked information and did not like adjusting the budget three months into the year.

Mayor Burt explained that it had been a very volatile year. The City had added a building inspector in the budget last year, but removed it due to all of the unknowns. She noted that all budgets have to be adjustable.

Councilmember Morris said the Mayor brought up a good point. The position was authorized last year, but not filled.

City Administrator Clinton Gridley shared that about this time last year, staff was struggling under the weight of building inspections. The City did the 2021 budget in the March to July 2020 time period, but early first quarter of 2020 staff realized it needed to add the position. The Council was supportive of the addition, but the Pandemic hit. This position as well as others were pulled back. Mr. Gridley said that staff continued to monitor the need for an additional inspector, and given the current and projected construction activity levels, this request was back before the Council.

Councilmember Santini moved, seconded by Councilmember Date,

**City Council Meeting Minutes
Wednesday, April 14, 2021**

To adopt the following resolution

Resolution 21-65

Resolution of the City of Woodbury, Washington County, Minnesota approving 2021 budget adjustment.

Voting via voice:

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

D. Consent Agenda Item C. Commerce Hill Retail; Site & Building Plan; Project No. 03-2021-00431

Councilmember Wilson said this item was originally approved in 2010 and asked why did it come back before the Council without discussion.

City Administrator Clinton Gridley explained that because it was part of the previously approved Planned Unit Development. It did not require a Public Hearing as it is consistent with the larger development and conformed to the conditions already laid out. It is a permitted use which is usually a Consent Agenda item. Mayor Burt added that it did go before the Planning Commission for approval.

Councilmember Santini moved, seconded by Councilmember Morris, to approve the Commerce Hill Retail Site and Building Plan, Project No. 03-2021-00431; with the approval subject to the conditions outlined in Council Letter 21-73:

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 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. 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.
11. A materials board shall be submitted to the City for review.
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

**City Council Meeting Minutes
Wednesday, April 14, 2021**

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 plan 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 existing drive lane. If issues arise in the future, reasonable mitigation efforts shall be implemented by the owner.

Voting via voice:

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

E. Consent Agenda Item D. 2022 Roadway Rehabilitation Project; Consultant Selection for Design Services; Amend 2021 Budget

Councilmember Wilson said her question again focused on the budget. If the City knows projects it plans to do two years ahead of time, why is there a budget amendment of over \$500,000.

Engineering Director Chris Hartzell explained that unfortunately there was a misunderstanding in the labeling when the 2021 Budget document was created. The professional services line item should have been labeled miscellaneous professional services; however, design professional services for the 2022 project were counted for in the street reconstruction maintenance project's line item in the 2021 budget. So, the 2021 roadway project came in about \$1.2 million less. It should have been \$700,000 less. The other \$500,000 was slighted for professional services for 2022 so in an effort to be transparent, knowing there was a mislabeling, staff requested the Council consider amending the budget and authorizing expenditures for professional services for the 2022 Roadway Rehab project final design.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-66

Resolution of the City of Woodbury, Washington County, Minnesota authorizing Bolton & Menk, Inc., to provide the final design services for the 2022 Roadway Rehabilitation Project and amending the 2021 Adopted Budget.

Voting via voice:

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

F. Consent Agenda Item G. 2020 Year End Transfers

Councilmember Wilson said her question concerned Consent Agenda Items G. and H. so the Council could vote on Item G. and move on to Item H.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-67

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the transfer of funds between certain funds.

**City Council Meeting Minutes
Wednesday, April 14, 2021**

Voting via voice:

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

G. Consent Agenda Item H. 2020 Final Budget Adjustments

Councilmember Wilson said she did not completely understand the budget adjustments. There is a lot of money going back and forth between funds. She thought the City should have separated out the CARES funds. She said she cannot account for all of the money, but she is not implying it is not all there. Because she did not completely understand the transfers, she is planning to abstain.

Councilmember Morris asked if she wished to table this item to have more time to understand it. Councilmember Wilson said she appreciated it, but thought should would abstain this year in hopes of gaining a better understanding over the next year.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-68

Resolution of the City of Woodbury, Washington County, Minnesota approving various 2020 budget adjustments.

Voting via voice:

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

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 discussed the information provided on the Washington County Assessment Report including the added value which reduced the property tax rate.

Mr. Gridley also gave a verbal update of upcoming City meetings.

Planning Commission Meeting of April 19, 2021

1. Woodbury Leadership Academy Addition, Planned Unit Development, Site and Building Plan, Project No. 04-2020-00429
2. Dundalk Green, Planned Unit Development, Preliminary Plat, Project No. 12-2021-00437

Council Workshop Meeting of April 21, 2021

1. Capital Improvement Plan

City Council Meeting of April 28, 2021

1. Dundalk Green, Planned Unit Development and Preliminary Plat, Project No. 12-2021-00437
2. Woodbury Leadership Academy Addition, Planned Unit Development, Site and Building Plan, Project No. 04-2020-00429

**City Council Meeting Minutes
Wednesday, April 14, 2021**

3. County Road 19 (Woodbury Drive) Corridor Management and Safety Project Special Assessment Adoption

Councilmember Date asked if the City received money from the Parks and Legacy Fund for Carver Lake Park as a regional park. She said the City should look into that as it had a good case.

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 9:50 p.m.

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

Respectfully submitted,



Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on April 28, 2021