

**Minutes**  
**Woodbury City Council**  
**Wednesday, April 26, 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 26<sup>th</sup> day of April 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 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](mailto: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, Steve Morris, and Jennifer Santini. Absent: None

Others Present: Kevin Sandstrom, City Attorney; Angela Gorall, Assistant City Administrator; and Janelle Schmitz, Community Development Director.

**Special Order of Business**

**A. Public Service Recognition Week Proclamation**

Mayor Burt read a Proclamation in full declaring May 7, 2023—May 13, 2023 as Public Service Recognition Week.

**B. Building Safety Month Proclamation**

Mayor Burt read a Proclamation in full declaring May 2023 as Building Safety Month.

**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.

Linda Stanton, 2511 Winland Place, gave a warning about legislators being on the verge of possibly legalizing marijuana. She noted over the last 50 years, growers have been genetically modifying it to be stronger and more potent. She stated the risks of marijuana include the psychoactive component in THC and can be highly addictive. Since edible THC products have become legal, calls to poison control have gone up 1,300% and some children have died. The harms for teens and young adults are addiction and psychological problems. She added THC induced psychosis is not treatable with today's psych medications. She noted caution is advised for adults and seniors since it has not been FDA approved or gone through clinical studies to prove effectiveness. She explained one of the public health advantages of commercial sales is to purchase the drug unadulterated instead of on the illegal market since many illegal market drugs can be laced with harder drugs. She noted the harms to addiction and hoped people would be cautious in take the risks seriously.

**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.

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- Item A Approval of Council Minutes – April 12, 2023
- Item B To approve the Settlers East 2nd Addition, Final Plat, Project No. 01-2023-00516 subject to the conditions as outlined in Council Letter 23-95.
- Item C To approve the Copper Ridge 9th Addition, Final Plat, Project No. 28-2023-00517.  
To authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 23-96.
- Item D To adopt the following resolution **Resolution 23-72**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing use of Central District Trunk Storm Sewer Funds and execute engineering consultant services agreement with Advanced Engineering and Environmental Services (AE2S) and Kimley Horn for the Bailey Lake Lift Station Project.**
- Item E To adopt the following resolution **Resolution 23-73**  
**Resolution of the City of Woodbury, Washington County, Minnesota accepting grant funds from Washington County for the 2023 Municipal Recycling Grant and approving the associated budget amendment.**
- Item F To adopt the following resolution **Resolution 23-74**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing the use of Phase Two – Major Roadway Special Assessment and Trunk Water and Sanitary Sewer Funds for the Hudson Road Turn Lanes at Karen Drive and Trunk Watermain Project.**
- Item G To adopt the following resolution **Resolution 23-75**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing a budget amendment for the replacement of the City Hall Synthetic Rubber Membrane Roof Replacement.**
- Item H To adopt the following resolution **Resolution 23-76**  
**Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of one Chevrolet Tahoe Police Pursuit Vehicle from TRES, Inc. DBA North Country GM of Hibbing for an amount not to exceed \$41,000 through the State of Minnesota Cooperative Purchasing Venture and 2023 budget amendment for a total expenditure amount not to exceed \$63,000.**
- Item I Revisions to Lawn and Landscape Watering Policy; Council Directive CDENGPW-4.4. **This item was removed from the Consent Agenda and moved to the Discussion portion of the meeting.**
- Item J To adopt the following resolution **Resolution 23-77**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing revisions to the Water and Sanitary Sewer Utility Capital Asset Funding and Reserve Policy, Council Directive CD-FIN-5.10.**
- Item K To adopt the following resolution **Resolution 23-78**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing the 2023 COPS Hiring Program grant application submittal.**
- Item L To adopt the following resolution **Resolution 23-79**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing a 2023 budget for the Destination Marketing Organization Special Revenue Fund and approval of a budget amendment.**

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Item M To adopt a motion approving the New Lawful Gambling LG214 Premise Permit Application and Minnesota Lawful Gambling LG215 Lease for Lawful Gambling Activity for Hill-Murray Fathers Club located at O'Malley's Lucky Irish Pub, 1775 Radio Drive, Suite A

To adopt the following resolution

**Resolution 23-80**

**Resolution of the City of Woodbury, Washington County, Minnesota approving applications for Minnesota Lawful Gambling LG214 Premises Permit and Minnesota Lawful Gambling LG215 Lease for Lawful Gambling Activity for Hill-Murray Fathers Club at O'Malley's Lucky Irish Pub located at 1775 Radio Drive, Suite A.**

Item N 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 April 7, 2023 in the amount of \$1,125,508.39 and April 14, 2023 in the amount of \$1,070,245.64.

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

**Voting via voice:**

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

**Public Hearings**

No items scheduled

**Discussion**

**A. Revisions to Lawn and Landscape Watering Policy; Council Directive CDENGPW-4.4**

Mayor Burt expressed her disappointment in the item being pulled and noted items such as this are taken into Council Workshops and discussed and worked through. She noted workshops are open to the public at any time and accept public comment. She noted the Council thoroughly worked through the issue and at the time had consensus on the policy and agreement to put it on the Consent Agenda. She expressed her frustration that the item was being pulled.

Mayor Burt introduced co-chair of the Parks and Natural Resources Commission, Bruce Montgomery. She noted the Council relies on the Commission and had asked the Parks and Natural Resources Commission to review the policy and provide input. She stated the Commission comes forward with a recommendation to the Council.

Bruce Montgomery, 8787 Glacier Road, stated he has been with the Parks and Natural Resources Commission for 4 years. He gave an update and read the draft minutes from the April 4, 2023 meeting. He read that Staff provided an overview of the City's water strategic initiative relative to Woodbury's water supply and lawn and landscape watering usage, policy changes to be considered, information on the status of various City wells regarding health standards for PFAS and current water treatment capacity and usage during peak summer months when elevated water use is attributed to irrigation. He also read that discussion ensued with regard to 3M settlement money and water treatment to mitigate to remove PFAS and the amount of water per week required to maintain a healthy lawn. He explained Commissioner's questions surrounded the settlement funds, the City's water treatment, and how to communicate policy changes to residents. Suggestions included reducing irrigation usage by raising lawnmower heights and moving to more drought tolerant lawns. The Commission discussed two options and had support and consensus to recommend option two, which is a two day per week residential and one day per week commercial/industrial and would review the restrictions one year following the completion of the permanent water treatment.

Mayor Burt asked Assistant City Administrator Angela Gorall to provide a brief summary and overview of what information the Council received during the workshop.

Ms. Gorall stated the policy change was the recommendation from the Commission with the two day per week residential irrigation and one day per week commercial irrigation and was discussed thoroughly at the April 19, 2023 Council Workshop. She highlighted 4 key areas which provided policy support for the Staff's recommendations which included better lawns, the City is a leader in environmental sustainability, helps manage water system operations, and reduces the impact of per- and polyfluoroalkyl substances (PFAS). She noted the key accomplishments to date. The health standards are legally enforceable maximum contaminant level (MCL) for some PFAS in

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public drinking water. The first draft was in June 2022 with the proposal in 2023. She noted Woodbury may receive health advisories on up to 8 more wells. Contingency planning includes an additional temporary treatment, operationally manage wells to limit use of the contaminated wells, additional tower for storage, future workshop to discuss future phasing of the development, watering restrictions, continued education/communications, and continued conservation measures with water efficiency programs. She noted the plan is currently highlighting water restrictions, continued education/communications and continued conservation measures for the water efficiency programming. Ms. Gorall noted during the Council Workshop they looked at the modeled impact of the policy change.

Mayor Burt explained the policy is tied to two of the City's strategic initiatives. She highlighted the key accomplishments and added Woodbury implemented the policy during the summer of 2021 when a drought was declared in the area.

Councilmember Wilson stated there was a majority consensus to move the item to the Council meeting but stated she did not have an opportunity to express her concerns regarding the policy. She stated if the EPA has new health standards then all of the City's wells except two would be above the health index. She noted the studies and reports she has been reviewing stating the new single family home neighborhoods are consuming the most water. She explained while she likes having a policy she does not know if it should be implemented for people on private wells. She noted golf courses and sport fields are not affected by the policy. She stated if the City continues to build, the policy will not solve the problem.

Councilmember Wilson made a motion to table the discussion until there is a solution to mitigate the water use in the City or to have a development moratorium.

Discussion during the motion:

Mayor Burt stated many wells are on temporary treatment and additional ones will be added. The temporary treatment helps support healthy drinking water. She noted while the City is not charging for private wells, it is still pulling from the same aquifer and would appreciate the private wells to help sustain the aquifer with the rest of the community. She explained golf courses and sports fields draw different water since they are shallower to the aquifer and have reuse systems. She stated a study was conducted in 2021 and showed the City has enough water for the current level of growth and is not a concern for the near future. She noted phase two of development is almost complete and will be doing a joint meeting with the Council and the Planning Commission to evaluate phased development.

Councilmember Wilson asked what the lawn and landscaping policy is for if the City has enough water. Mayor Burt stated it is for evening out the water usage and is a discretionary water issue. She added it is better for lawns and Woodbury desires to be a leader in being a sustainable community. Councilmember Wilson stated she would vote differently on that alone and believes government should not regulate what is good or bad for lawns. Mayor Burt explained the government already has the policy and has been regulating water usage on lawns.

Councilmember Wilson stated the study she read mentioned when the regulations were every other day the water demand in new developments was between 450-500 but when it was two days a week, it went from 600-650. Mayor Burt stated it could be because of watering maps and noted the quadrants have changed since the drought in 2021.

Councilmember Wilson noted 8 wells would not be treated until the water treatment plant is up. She asked if the Council would table the item for further discussion.

Councilmember Morris noted his confusion on where the line is for the role of government in Councilmember Wilson's comments.

City Attorney Kevin Sandstrom noted a motion was on the table and the Council could let it fail due to a lack of a second. Mayor Burt declared the motion failed.

Councilmember Morris moved, seconded by Mayor Burt,

To adopt the following resolution

**Resolution 23-81**

**Resolution of the City of Woodbury, Washington County, Minnesota approving the revisions to Lawn and Landscape Watering Policy, Council Directive CD-ENGPW-4.4**

**Voting via voice:**

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

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No items scheduled

**City Administrator's Report**

Ms. Gorall gave a verbal update of upcoming City meetings.

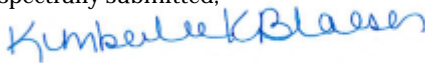
- May 1, 2023 –Planning Commission Meeting
- May 2, 2023 – Parks and Natural Resources Commission, 7 p.m., Ash North and South Conference Rooms
- May 4, 2023—Business Celebration, 7:30 a.m., Central Park Amphitheater
- May 10, 2023 – Public Hearing for the Sienna Grove, Rezoning, PUD, Preliminary Plat; Copper Ridge 9<sup>th</sup> Addition Vacation Hearing; and Intoxicating Liquor License Consideration

**Adjournment**

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 7:39 p.m.

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

Respectfully submitted,



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Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on May 10, 2023