

Minutes
Woodbury City Council
Wednesday, April 28, 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 28th 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; Clinton Gridley, City Administrator; Eric Searles, City Planner; Tony Kutzke, City Engineer; Ryan Hoefs, Principal Engineer; Chris Hartzell, Engineering Director; and Scott Riggs, City Attorney.

Special Order of Business

A. Building Safety Month Proclamation

Mayor Burt read the proclamation and declared May 2021 Building Safety Month in the City of Woodbury.

B. Presentation of HERO Training Center 2020 Annual Report

Dan Anselment, HERO Center Public Safety Training Manager, presented the first HERE Training Center Annual Report. Mr. Anselment discussed the Facility Operations Committee Board, HERO Center staff, the HERO mission statement, memberships and contracts, 2020 non-member users, social media analytics, revenue and expenditures, usage verses availability, and looking to the future.

Mayor Burt was surprised to see the Math and Science Academy as one of the users. Mr. Anselment said the Academy used the parking lot to host its graduation.

City Administrator Gridley said Mr. Anselment had done a fabulous job managing in the midst of construction, the pandemic, and civil unrest. He also thanked the Council for its support and vision.

C. Public Service Recognition Week Proclamation

Mayor Burt read the proclamation and declared May 2-8, 2021 Public Service Recognition Week in the City of Woodbury.

D. Peace Officer Memorial Day and Police Week Proclamation

Mayor Burt read the proclamation and declared May 15, 2021 Peace Officers Memorial Day and May 9-15, 2021 National Police 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

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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.

Rita Wind, 7563 Ojibway Park Court, said she is pretty new to Woodbury and loves it. She asked about the need for the bus rapid transit with so many people working from home. She noted a survey from the Metropolitan transit that showed a 95.7% decrease in ridership last year. Ms. Wind said the new bus route 323 would give people more options and suggested waiting a few years to see if the bus rapid transit is even needed.

Karen O'Hearn, 9278 Cornell Circle, said the Metropolitan Council rated the Gold Line BRT a medium low rating in January 2020. The project had just recently been rated medium high. Ms. O'Hearn, referencing Bob Shaw's article, said the Metropolitan Council added 350 parking spaces to the proposal. She asked why parking spaces were added when ridership is down 95.7%. She expressed concern that Woodbury is investing in an expensive and unneeded project and asked the Council to rethink its support for the project.

Mayor Burt explained the project is managed by the Metropolitan Council. The funding comes in partnership from the Metropolitan Council, Washington and Ramsey Counties, and the Federal government. The City of Woodbury is not a project owner or funder. She said the Council's responsibility to its residents is to ensure that the line meets Woodbury's standards. To that end the City is proposing additional landscaping and lighting along the corridor, which would be the City's expense. Mayor Burt was also excited about the new bus route 353, but with the Gold Line the Metropolitan Council is looking to meet the transportation needs for a very broad section of the community and that this plan is for the next 50 to 100 years. Other questions involving financing should go to the Metropolitan Council or Washington County.

City Administrator Clinton Gridley added that the entity managing the project has taken feedback from hundreds of voices and groups. The public input process has been ongoing for many years and the project has changed over time because of that input.

City Clerk Kimberlee Blaeser read an online comment from Andrew Frost, 4488 Atlas Bay, stating if there is not an ordinance or policy on the length of time cars are left on the roadside before being towed, he would urge the Council to consider one. There has been one on westbound Bailey for three days.

Mayor Burt said Public Safety is aware of it.

Ms. Blaeser read an online comment from Estelle Senopole, 8919 Highland Bay, stating all of the money comes from the taxpayers one way or the other. And another comment, why haven't we as Woodbury residents been a given a vote on this transit issue.

Mayor Burt said most of the funding partners for this project are the Metropolitan Council, Washington and Ramsey Counties, and the Federal government. She recommended financial questions be directed to those entities. She said residents were welcome to look into doing a referendum, but was not sure if one is possible.

Ms. Blaeser read another comment stating many of my neighbors think this is a really bad idea for our community. And another question, is the maintenance fee going to end up in Woodbury.

Mayor Burt said there are people who need transit. These decisions are being made to support transportation for decades to come.

Ms. Blaeser read another comment stating we don't know if the bus rider numbers will come back.

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 – April 14, 2021. This item was pulled from the Consent Agenda and moved to discussion.

Item B To approve the Woodbury Leadership Academy Addition, Site and Building Plan, Project No. 04-2020-00429, subject to the conditions outlined in Council Letter 21-95:

1. All conditions of the original approval and amended PUD remain in full effect.
2. This approval does not include signs. A separate sign permit is required for all proposed signage.
3. Prior to the issuance of a building permit, a landscape financial security shall be submitted in accordance with the Zoning Ordinance.
4. All areas of the site, where practical, shall be sodded and maintained.

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5. All HVAC and other ground or roof mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
6. Any future trash enclosures shall utilize wooden gates and shall be constructed on three sides using the same materials and patterns used on the building. The location shall be approved by the Planning Division.
7. 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.
8. 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 stormwater does not leave the project site.
9. All disturbed boulevards shall be restored with sod. The Developer shall mow and maintain to the curb of all public and private streets.
10. The Applicant shall be responsible for obtaining a land disturbance permit from the City's Engineering Department prior to the commencement of any site activities as well as any necessary right-of-way permits.
11. The Applicant shall be responsible for obtaining any other permits necessary from other agencies, MPCA, SWWD Watershed, etc. prior to the start of any site activities.
12. The Applicant 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.
13. Any proposed fencing shall be complementary to the building materials and shall be approved in writing by the Planning Department.
14. No exterior storage shall be permitted.
15. A drainage and utility easement shall be amended to encompass the entire area of the new stormwater BMP within lot 4.
16. 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, sanitary sewer, watermain and roadway systems and components to the City for review and approval. The Developers, property owners and/or the associations shall be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
17. Prior to the issuance of a land disturbance permit, the Engineering Division shall review and approve all utility, stormwater, and grading plans.
18. Prior to the issuance of a building permit, the Applicant shall submit a revised landscaping plan that meets the City's canopy coverage requirements.
19. Prior to the issuance of a building permit, the Applicant shall submit specifications for the gates for review and approval by planning staff.
20. Prior to the issuance of a land disturbance permit, the Applicant shall submit plans that shows the removal of the four parking stalls on the far west side of the site.
21. Any new irrigation system installation shall be designed to meet requirements per City policy and shall be submitted to staff for review and approval prior to release of a land disturbance permit:
 - 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 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.

Item C

To adopt the following resolution

Resolution 21-69

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to Miller Excavating Inc., for the Glacial Valley Water Main Improvement Project in the amount of \$158,726.21, authorizing the Mayor and City Administrator to sign said contract and the use of an additional \$33,750 Trunk Water and Sanitary Sewer Funds.

Item D

Cooperative Agreement Between the City of Woodbury and Washington County for CSAH 19 (Woodbury Drive) Corridor Management and Safety Improvement Project; Approve Construction Cost Agreement; Approve Maintenance Agreement; Budget Amendment. This item was pulled from the Consent Agenda and moved to discussion.

Item E

To adopt the following resolution

Resolution 21-70

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Resolution of the City of Woodbury, Washington County, Minnesota authorizing application to the Department of Natural Resources Conservation Partners Legacy Grant.

Item F 2021 Budget Amendment. This item was pulled from the Consent Agenda and moved to discussion.

Item G To adopt the following resolution **Resolution 21-71**

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 Woodbury Area Hockey Club at 3rd Act Brewery located at 4120 Radio Drive.

Item H To adopt the following resolution **Resolution 21-72**

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 Woodbury Athletic Association located at Cowboy Dave's Woodbury, LLC located at 1690 Woodlane Drive effective May 1, 2021.

Item I To adopt the following resolution **Resolution 21-73**

Resolution of the City of Woodbury, Washington County, Minnesota appointing Elijah Vasser to the position of Utility Coordinator effective May 3, 2021.

Item J 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 9, 2021 in the amount of \$446,312.52 and April 16, 2021 in the amount of \$846,842.16.

Councilmember Date moved, seconded by Councilmember Morris, to approve the Consent Agenda items, with the Exception of Items A, D and F.

Voting via voice:

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

Public Hearings

A. Dundalk Green; Rezoning Planned Unit Development, Conditional Use Permit and Preliminary Plat; Project No. 12-2021-00437

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

Mr. Searles presented the application submitted by Maplewood Development, Inc. for Rezoning, Planned Unit Development, Conditional Use Permit and Preliminary Plat for a new subdivision to be called Dundalk Green. The Applicant is requesting approval of 89 single family rental homes with association maintenance amenities on 25.88 acres. The existing home found onsite is also proposed to remain. The property is located east of Crestbury Drive and north of Conifer Pass. The 25.88-acre project area is currently zoned R-1, Urban Reserve. The Applicant is requesting to rezone the property to R-4, Urban Residential. The request to rezone the property to R-4, Urban Residential District, is consistent with the Comprehensive Plan.

Mr. Searles went on to explain the proposed single-family rental homes are meant to provide an alternative to traditional homeownership. Within the business model, all buildings and grounds are owned and maintained by one entity. All homes are designed as traditional single-family homes but are leased similar to apartment units. The units contain multiple bedrooms and have access to an amenity package, which includes a pool and clubhouse. Proposed rents are anticipated to range from \$2,400 to \$4,150 per month. The proposed Preliminary Plat creates 91 lots with one of the platted lots identified as the HOA clubhouse. The plat further identifies two outlots for stormwater management and a public park with both lots being owned by the City. In advance of receipt of a development application, City staff conducted a number of site walks with staff from Environmental, Forestry, Engineering and Community Development. The outcome of the site analysis was a strong commitment to preserve the high-quality stand of maples along the southern property line.

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Mr. Searles said access to this residential neighborhood is provided by the extension of Crestbury Drive from the west and via the extension of Conifer Pass from the south. It is anticipated that the majority of the traffic will utilize Crestbury Drive which connects to Brookview Road as the main access point for the development. While the extension of Conifer Pass is proposed with this project it is not anticipated that a significant number of vehicles will travel south from this subdivision. However, it is anticipated that a portion of the existing residents within the NE area of Dancing Waters will utilize the Crestbury Road extension to access Settlers Ridge Parkway. Crestbury Drive is designed without driveway frontage to accommodate this movement and function. As part of this application, the Applicant is proposing to terminate Brookview Road to the east of Conifer Pass until ultimate development patterns are known. As a condition of approval, staff shall review and approve final details of the disconnection of Brookview Road to the east of Conifer Pass. Final details shall include type and size of the turn-around, plan for the abandoned section of the roadway, and traffic safety measures including signage.

Mr. Searles also shared neighborhood meetings and concerns, the revised landscaping plan, the revised south lot layout, Planned Unit Development flexibility requests, and the proposed public park.

Planning Commission Member Avin Kallenbach said the Planning Commission reviewed the application at its April 19, 2021 meeting. They recommended approval of the development proposal by a 6-0 vote. The discussion and questions revolved around maintenance, the retaining wall, and the need for rental units.

Mayor Burt asked about the need for rental units in Woodbury. Mr. Searles said staff discussed how the Comprehensive Plan made a commitment to provide diverse housing to meet the needs of the community.

City Clerk Kimberlee Blaeser read an online comment from Andrew Polehna, 1291 Pebble Beach Drive, stating lighted crosswalks or simply ADA crosswalks from eastern houses to cross Conifer Path across to pool/park area are greatly needed. The neighborhood would greatly appreciate designated crosswalks as this will be a very busy route for traffic.

City Engineer Tony Kutzke said Engineering will look at the plans to ensure crosswalks and trail connections meet the City's signing and striping standards.

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 asked if there are trails to the entrance of Outlots A and B. Mr. Searles displayed the trail map. Councilmember Morris asked if the change to the Brookview Road intersection allowed for the future development of the parcels to the east and north. Mr. Searles said the City would continue to have right-of-way. The intention is to turn the corner with the termination of Conifer to indicate potentially the extension of Brookview.

Councilmember Date expressed concern over the proximity of the public park to the private clubhouse. She asked for signage and to notify residents once the park is open. Councilmember Date asked if there was any discussion about any of the roads being private. Mr. Searles said there was not in this subdivision. He went on to explain that public streets are preferred and when a street is identified as private it is because it cannot meet public standards.

Mayor Burt asked about the retaining walls and evergreens. Mr. Searles said the high point is 10 feet which allowed for positive rear yard drainage.

Ms. Blaeser read another online comment from Mr. Polehna, stating the 90-degree corner between C and D is very dangerous. He highly suggested precautionary measures and asked about install date for trees. He also appreciated Mr. Searles professionalism throughout the process.

Mr. Searles explained the segment of road referenced would no longer be in existence.

Mario Cocchiarella, owner of Maplewood Development, Inc., did not see any issues with installing the trees before the season is over.

Councilmember Wilson asked if the new rental homes would be looking at a wall. Mr. Searles said Units 27 and 28 would be looking at the 10-foot wall which would decrease in height as it moved east and west. Councilmember Wilson asked how the resident of the existing house would access their home with the changes. Mr. Searles explained that staff met with the property owners' multiple times and provided options for access.

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Councilmember Date stated she still had concerns over the proximity of the public park to the private park and the size of the public park. Mr. Searles talked about the other options looked at for location and explained why this site was chosen. He also talked about other recreational amenities in the area and future potential development which would likely have a larger park.

City Administrator Gridley asked if staff considered park dedication and using the proceeds to acquire more significant park land. Mr. Searles said the needs identified in the area were simply evening activities such as a tot lot and tennis court.

Councilmember Wilson said she like the pocket parks in neighborhoods, but agreed it might get confusing. She said as long as the private area is fenced and the public is not, she is comfortable. She expressed concern over parking.

Mr. Gridley said small neighborhood parks have value, but commented that more significant park area will be considered with future development in the area. Councilmember Date said she also liked pocket parks and is more comfortable knowing there would be appropriate signage.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following ordinance

Ordinance 1998

Ordinance of the City of Woodbury, Washington County, Minnesota rezoning certain property from R-1, Urban Reserve District to R-4, Urban Residential District.

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-74

Resolution of the City of Woodbury, Washington County, Minnesota adopting Findings of Fact Dundalk Green Project No. 12-2021-00437

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Morris, to approve the Dundalk Green Planned Unit Development and Preliminary Plat, Project No. 12-2021-00437, all subject to the following conditions as outlined in Council Letter 21-103:

1. The PUD and CUP approval shall expire one (1) year from the date of City Council approval unless a building permit has been requested or a time extension has been granted by the City Council.
2. The Preliminary Plat approval shall expire six (6) months from the date of the City Council approval unless a Final Plat has been requested or a time extension has been granted by the City Council.
3. Prior to authorization to remove any trees onsite and prior to the issuance of a land disturbance permit, the Applicant shall install construction fencing to clearly delineate tree protection areas. Said fencing shall be reviewed and approved by Planning staff prior to release of the land disturbance permit or removal of any trees found onsite.
4. Prior to the release of the Final Plat, the Developer shall provide a recordable document that, to the full satisfaction of the City, memorializes permanent maintenance obligations by the HOA for snow removal, lawn and landscape maintenance and exterior building and grounds maintenance for all lots in the subdivision.
5. Prior to the release of the Final Plat, staff shall review and approve the private covenants for the development including HOA snow removal, lawn and landscape maintenance and exterior building and grounds maintenance.
6. Prior to the issuance of a land disturbance permit, revised grading and site plans shall be reviewed and approved that remove the two lots along the southeast border, create the 10' planting area, and preserve the trees identified within the Planning Commission Staff Report and the submitted graphics.

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7. Prior to the issuance of a land disturbance permit, the Applicant shall identify guest parking areas in a minimum of three area with at least one area being located on the west side of Conifer Pass. Said parking areas shall be landscaped with design and location approved by Planning staff.
8. Prior to the release of the Final Plat, staff shall review and approve the private covenants for the development including HOA snow removal, lawn and landscape maintenance and exterior building and grounds maintenance.
9. The Applicant shall grade and provide all necessary storm water management for the proposed public park. The applicant shall modify the plat to identify bump out parking along Conifer Pass.
10. All trees planted onsite as part of the approved landscaping plan shall be replaced, with heights consistent with original planting heights, regardless of reason why the tree did not survive. Said replacement shall occur within 1 growing season after request by the City.
11. Final park dedication shall be satisfied via a combination of land and cash dedication. Final dedication shall be memorialized in the Development Agreement.
12. Prior to the release of the Final Plat, the street names shall be reviewed and approved by the Building Inspections Division.
13. Staff shall review and approve, in writing, the final landscaping plan showing a minimum of three (3) trees per lot and all trees necessary for tree replacement calculations. The final landscaping plan shall meet the City's Landscaping Diversity Ordinance. Additional plantings shall be added adjacent to the City Park for screening.
14. Final building elevations shall be reviewed and approved by Planning staff. Cement board style siding shall be the predominant material on all front elevations.
15. Prior to the release of the Final Plat for recording, staff shall finalize the tree replacement calculations and method of achieving replacement or payment in lieu.
16. A Development Agreement shall be fully executed prior to the release of the Final Plat for recording.
17. Prior to the approval of the Final Plat, all required findings of Chapter 21-16 shall be met. This includes participation for public infrastructure including storm sewer, water, sanitary and transportation infrastructure. Approval of the Preliminary Plat is conditional upon satisfactory compliance with Chapter 21-16 of the Woodbury City Code.
18. Prior to the issuance of a land disturbance permit, City staff shall review and approve termination of Brookview Road and the final design and condition of the abandoned portion of the road. Staff shall also review and approve the final turn around details on Brookview Road east of Conifer Pass including but not limited to cul-de-sac size, condition of the abandoned portion of the roadway, trail designs and safety signage.
19. Prior to the issuance of a land disturbance permit, Staff shall review and approve final landscaping and seeding plan for Outlot A.
20. Prior to the issuance of a building permit, all retaining walls shall be reviewed and approved by Planning staff. All retaining walls shall be located on private property.
21. All lots within the subdivision shall, at all times, be in compliance with the following:
 - a. The property owner shall maintain all trees, shrubs, and other landscaping on the property in a trimmed, healthy fashion.
 - b. All grounds shall be sodded and maintained. Mowing shall be completed to the curb line of all adjacent streets and property lines.
 - c. Lawns shall be maintained to typical cut heights of neighboring yards. Weed prevention practices shall be abided by.
 - d. Outside of permitted pick-up times, no lawn or leaf bags, refuse containers, or receptacles may be stored outside.
 - e. No exterior storage shall be permitted onsite.
 - f. No individual unit accessory structures shall be permitted.
 - g. All buildings shall remain in good condition and shall remain in compliance with the City's property maintenance code at all times.
22. The south perimeter landscaping/screening shall be installed by the fall of 2021.

Engineering Conditions:

1. 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 will be memorialized in a feasibility/preliminary report for the project.
2. The Applicant shall be financially responsible for trunk sanitary sewer and trunk watermain lateral benefit charges applicable to the site. Lateral benefit charges will be based on the rates in effect for the year the Development Agreement is executed.
3. Prior to the issuance of a Land Disturbance Permit, the proposed stormwater facility designs shall meet the City's stormwater design standards including filtration, quality and quantity ponding.
4. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a Land Disturbance Permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The 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 permit prior to commencing any site activities.
5. The Applicant shall provide approved street lighting at every intersection, end of cul-de-sac and/or every 300 feet.
6. The Applicant shall grade the Brookview Road ROW to accommodate future use. Final design shall be reviewed and approved by Engineering staff prior to the issuance of a land disturbance permit.
7. Where public utilities and/or overland emergency overflows run adjacent to side or rear lot lines, easements shall be a minimum of 10 feet wide on each side of the lot line. If the utilities are deeper than 10 feet the easement width for each lot is calculated at a 1:1 depth to width ratio from the centerline of the utility. The easement width shall then be adjusted to the nearest five (5) foot increment.

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8. The Applicant shall be responsible for protecting all on- or off-site storm sewer 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 Developer. A SWPPP shall be submitted to the City for review and approval as part of the Land Disturbance Permit process.
9. Temporary sediment basins shall be identified on the grading plan that are sufficient in size to address stormwater management during construction. These basins shall be located out of the right-of-way and be maintained throughout housing construction.
10. Final utility and storm sewer revisions shall be made by the City's consultant engineer for the project. Any required changes to the plat due to the final utility design shall be made as part of the Final Plat submittal.
11. All homes shall have a 25-foot useable backyard area (flat for approximately 25 feet out from the house pad). All drainage swales shall have a minimum grade of 2.0 percent. The grading plan note currently identifies a minimum drainage swale grade of 1.75 percent.
12. Outlots and easements that contain public structures and utilities shall be kept free of landscaping and retaining walls. All pond accesses and maintenance benches shall be kept free of planting, retaining walls, etc.
13. Prior to the issuance of a Land Disturbance Permit, the Applicant shall provide updated plans that provide conduit crossings for irrigation lines to avoid utility conflicts.
14. Prior to the issuance of a land disturbance permit, final irrigation reuse system and controls shall be reviewed and approved in writing by the Engineering staff. The proposed reuse system shall be designed to meet stormwater management requirements and must meet the following design requirements:
 - System must be designed by a certified irrigation contractor.
 - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval by City staff.
 - The system must include a connection to municipal water as a back-up irrigation source – this connection must include an air gap or other backflow prevention practice.
 - Municipal water cannot be pumped into a pond to be later pumped into the irrigation system.
 - Private irrigation wells as a back-up irrigation source are not permitted.
 - Irrigation heads shall be placed a minimum six (6") inches from back of curb, trail, sidewalk, or other hard surface.
 - EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
 - MP rotator heads or equivalent shall be used.

Voting via voice:

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

B. Adoption of Special Assessments for the CSAH 19 (Woodbury Drive) Corridor Management & Safety Improvement Project

Mayor Burt declared the public hearing open and recognized Principal Engineer Ryan Hoefs to give the background.

Mr. Hoefs said the meeting purpose is to hold the assessment hearing, accept written objections, and adopt the proposed resolutions. He talked about project coordination including the cooperative project with Washington County, the City Council's adopted resolution of support, and maintenance agreements. Mr. Hoefs also shared the public process, Council process, and background and improvements. Proposed construction traffic control included a temporary bypass at Woodbury Drive and Dale Road and a temporary roundabout at Woodbury Drive and Ambrose Road.

Mr. Hoefs discussed City funding sources, estimated assessments and payments, and the proposed schedule.

Mayor Burt noted the three letters received objecting to their assessment from Timothy Harris, 5180 Woodbury Drive; Colette Brietkrietz, 5200 Woodbury Drive; and on behalf of the Church of St. Ambrose, Parish Administrator Greg Hereford.

City Clerk Kimberlee Blaeser read an online comment from Andrew Frost, 4488 Atlas Bay, stating can you clarify which properties will be subject to assessments for this project. Mr. Hoefs said properties having access to or frontage along Woodbury Drive or Dale Road within the project limits.

Colette Brietkrietz, 5200 Woodbury Drive, said she was objecting to the assessment because of the amount of construction that has occurred near her house. She said she was assessed more because of her property size and thought it is not benefiting her so it did not seem fair to have to pay for it.

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Tim Harris, 5180 Woodbury Drive, agreed with the previous speaker. He liked living in the country, but is getting encroached on with nine new developments in the last four years. He said this was clearly benefiting the City and the developers.

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 said assessments are really hard, but roads need improving. The policy was put in place in 2014 and the Council is here today to implement the policy fairly.

Councilmember Date asked staff to explain how the policy is implemented for a County road or MSA road. City Engineer Tony Kutzke explained when County roads are reconstructed there is a significant number of improvements on City infrastructure. The City has cost share totaling just under 30% of project costs. The assessments are only based on the City's cost share of the project. Major roads benefit the community as a whole. A lot of thought went into the assessment policy including a special benefit appraisal test. The City assesses the lower amount between the City calculated assessment cost and the special benefit appraisal.

Mayor Burt asked for more information about the special benefit appraisal. Mr. Kutzke said the appraisals are conducted by an independent special benefit appraiser who are certified and experts in the field. The appraisers looked at project plans and preliminary reports and compare to the properties. They then prepare an opinion and appraisal for the special benefit the project provides to each property.

Councilmember Morris asked whether the assessments are based on frontage or parcel size. Mr. Hoefs said properties that are located outside of the Metropolitan Urban Service Area are based on the adopted fee schedule which depended on acreage.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 21-75

Resolution of the City of Woodbury, Washington County, Minnesota adopting Special Assessments for the CSAH 19 (Woodbury Drive) Corridor Management and Safety Improvement Project.

Voting via voice:

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

C. CSAH 18 (Bailey Road) & CSAH 19 (Woodbury Drive) Landscaping Project; Award Contract

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-76

Resolution of the City of Woodbury, Washington County, Minnesota awarding the Construction Contract to Cedar Ridge Landscaping, Inc., for the CSAH 18 (Bailey Road) & CSAH 19 (Woodbury Drive) Landscaping Project 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

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Councilmember Morris asked staff to outline the process for objections. City Attorney Scott Riggs said once the written objection is made, the objector has the ability to move forward in District Court and challenge the assessment. The objectors have 30 days to file with the court.

Discussion

A. Consent Agenda Item D. Cooperative Agreement Between the City of Woodbury and Washington County for CSAH 19 (Woodbury Drive) Corridor Management and Safety Improvement Project; Approve Construction Cost Agreement; Approve Maintenance Agreement; Budget Amendment

City Administrator Gridley said this item was pulled merely for a more precise order of operation. It is straight forward and consistent with the two items the Council just approved.

Councilmember Date commented that passing assessments is not fun or something the Council enjoys. However, it is important to stay consistent with the policy to be fair to previous residents.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 21-77

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement between the City of Woodbury and Washington County for Construction Costs for the CSAH 19 (Woodbury Drive) Corridor Management and Safety Improvement Project.

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 adopt the following resolution

Resolution 21-78

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement between the City of Woodbury and Washington County for Maintenance Costs of CSAH 19 (Woodbury Drive) and Dale Road.

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 adopt the following resolution

Resolution 21-79

Resolution of the City of Woodbury, Washington County, Minnesota approving a 2021 Budget Amendment to the Municipal State Aid Roadway Construction Fund and associated transfers.

Voting via voice:

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

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B. Consent Agenda Item A. Approval of Minutes – April 14, 2021

Councilmember Wilson pulled this item for discussion and asked for an amendment to add her additional comments to Public Hearing Item F. Items Associated with 2021 Roadway Rehabilitation Project. She said she inquired whether the sidewalks were being installed because of the Gold Line project, that she would like to see the road assessment policy reviewed at a future Workshop, and that the preserve area assessments were passed to meet the City's minimum assessment policy.

Mayor Burt said it was her understanding that the minutes are summarized with some detail, but not verbatim. She wondered if the video recording served the purpose. City Administrator Clinton Gridley said he is not sure of the length of time video is kept. City Attorney Scott Riggs explained the minutes could take any form the Council desires. However, the League of Minnesota Cities does not recommend verbatim. He said the video recording followed the record retention schedule, but he did not have it with him.

Mr. Gridley discussed options. He said the Council could keep the minutes as written, accept Councilmember Wilson' amendment, or direct staff to review the tape and make sure the comments requested reflected what was said.

Councilmember Wilson clarified that she is not asking for verbatim, only the comments requested be added. She said the minutes are the official record of what transpired at the meeting.

Councilmember Morris said he recognized Councilmember Wilson's request, but because he was unable to confirm the accuracy, he stated he would like to make a motion to adopt the minutes as submitted.

Councilmember Date thought it set a dangerous precedent of editing minutes.

Councilmember Morris moved, seconded by Councilmember Date, to approve the minutes of April 14, 2021.

Councilmember Wilson said she did forward the comments to Mr. Gridley and expressed concern that it had not been passed to the Council.

Voting via voice:

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

C. Consent Agenda Item F. 2021 Budget Amendment

Councilmember Wilson pulled this item for discussion and said she hoped this would come before the Council because they had not a chance to discuss this or hear people's thoughts and ideas.

Councilmember Morris asked what she wished to discuss. Councilmember Wilson said she believed this is the remainder of the CARES fund in the General fund. She was unsure of the recommended uses and implications going forward. She was not in favor.

City Administrator Clinton Gridley said there was a verbal discussion, a survey monkey, and then a summary email to the Council indicating the different directives.

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-80

Resolution of the City of Woodbury, Washington County, Minnesota approving a 2021 Budget Adjustment.

Voting via voice:

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

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Additional Virtual Open Forum Comments

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

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

No items scheduled

Administrative Report

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

Neighborhood Meeting

1. 2021 Roadway Rehabilitation Project, Preconstruction Meeting, April 29, 5:30 p.m., Central Park Valley Creek Room, 8595 Central Park Place. Meeting will be also be held virtually.

Other Meetings

1. Audit and Investment Commission, May 4, 7:30 a.m., Ash North and South Conference Rooms
2. Parks and Natural Resources Commission, May 4, 7:00 p.m., Ash North and South Conference Rooms
3. Council Listening Session – Parks and Trails Replacement Fund, May 6, 10:00 a.m. Meeting will be held via Microsoft Teams
4. Council Listening Session – Parks and Trails Replacement Fund, May 6, 7:00 p.m. Meeting will be held via Microsoft Teams
5. Staff Listening Session with the Business Community through Woodbury Chamber of Commerce – Parks and Trails Replacement Fund, May 6, 10:00 a.m. Meeting will be held via Microsoft Teams
6. Staff Listening Session with Non-residential Properties – Parks and Trails Replacement Fund, May 6, 7:00 p.m. Meeting will be held via Microsoft Teams

Adjourn to Closed Session

Mayor Burt stated that pursuant to the provisions of Minnesota State Statute section 13(d).03 and based on the advice of the City Attorney, she recommended that the City Council hold a closed City Council meeting. The purpose of the Closed Session is to conduct a Labor Negotiation City Council Planning Session.

Councilmember Santini moved, seconded by Councilmember Morris, to hold a City Council closed meeting for the purposes previously stated.

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

Absent: None

Mayor Burt adjourned the meeting at 9:49 p.m.

Respectfully submitted,



Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on May 12, 2021