

Minutes
Woodbury City Council
Wednesday, May 10, 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 10th day of May 2023.

Call to Order

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

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

Pledge to Flag

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

Roll Call

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

Absent: Andrea Date

Others Present: Annie Coyle, Assistant to the City Administrator/Deputy Clerk; Kevin Sandstrom, City Attorney; Janelle Schmitz, Community Development Director; Eric Searles, Assistant Community Development Director/City Planner; and Chris Hartzell, Engineering Director.

Special Order of Business

A. 2023 Emergency Medical Services Week Proclamation

Mayor Burt read a Proclamation in full declaring May 21, 2023—May 27, 2023 as Emergency Medical Services Week.

B. 2023 Peace Officers Memorial Day and Police Week Proclamation

Mayor Burt read a Proclamation in full declaring May 15, 2023 as Peace Officers Memorial Day and May 14, 2023—May 20, 2023 as Police Week.

Open Forum

The Open Forum is a portion of the Council meeting where a maximum of three persons will be allowed to address the Council on subjects, which are not a part of the meeting agenda. Persons wishing to speak must complete a sign-up sheet prior to the start of the meeting. Give the sign-up sheet to any staff person. Speakers are limited to two minutes each. The Council will listen attentively to comments but, in most instances, will not respond at the meeting. Typically, replies to the concerns expressed will be made via letter or phone call within a week.

Consent Agenda

All items listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion and an affirmative vote by roll call of a majority of the members present. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event, the items will be removed from the consent agenda and considered a separate subject of discussion by the Council.

Item A Approval of Council Minutes – April 26, 2023

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- Item B To adopt the following resolution **Resolution 23-82**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing use of Valley Branch Trunk Storm Sewer Funds totaling \$11,000 for the Turnberry Park Improvements Project.
- Item C To adopt the following resolution **Resolution 23-83**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute the construction contract with Park Construction Company, in the amount of \$435,136.53, and approve the corresponding budget amendment for the Colby Lake Park hockey rink replacement project.
- Item D To adopt the following resolution **Resolution 23-84**
Resolution of the City of Woodbury, Washington County, Minnesota approving the City of Woodbury 2023 Annual Action Plan.
- Item E To adopt the following resolution **Resolution 23-85**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing Kimley Horn and Associates, Inc., as the engineering consultant for the Cottage Grove Drive Pavement Rehabilitation Project and authorizing the preparation of preliminary reports.
- Item F 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 21, 2023 in the amount of \$2,576,490.06 and April 28, 2023 in the amount of \$1,168,843.87.

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

Voting via voice:

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

Public Hearings

A. Tutti, LLC dba Angelina’s Kitchen 2170 Eagle Creek Lane H, On Sale Intoxicating Liquor License including Sunday and Patio Sales

Mayor Burt declared the public hearing open.

Assistant to the City Administrator/Deputy Clerk Annie Coyle stated Tutti, LLC dba Angelina’s Kitchen has submitted an application for an On Sale Intoxicating Liquor License including Sunday and Patio sales for their new restaurant to be located at 2170 Eagle Creek Lane H.

Ms. Coyle noted due to a change in ownership, it is necessary for Angelina’s Kitchen to obtain a new liquor license. Only one liquor license may be in effect at any location, so the new license effective date must be contingent on the cancellation of the existing license, which is held by La Mia Gioia. Notification of the sale of the business by La Mia Gioia, or proof of the sale provided by Tutti, LLC will be required for the new license to become effective.

Ms. Coyle mentioned at the time of the writing of the Council letter, an executed lease was not yet submitted by the applicant. The City Council may choose to approve the license without the lease, or approve the license conditioned on the submission of an executed lease.

Ms. Coyle explained the owners of Tutti, LLC dba Angelina’s Kitchen are Kimberly Day-Sayers and Brent Sayers. As required by City Code, a criminal history check as it pertains to liquor licensing was conducted on each person with ownership or control of the partnership in excess of five percent, and no violations that would preclude the owners from obtaining a liquor license were found.

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Ms. Coyle stated City staff will provide the applicant with a copy of our City ordinance and alcohol violation policy which is included in our Protect Your Business manual. The applicant has submitted the license fee and background investigation fee. The City Attorney has reviewed the application and has found it to be in order.

Mayor Burt encouraged the new and previous owner to speak.

Owner of Angelina's Kitchen Angela Verrastro, 2170 Eagle Creek Lane H, thanked the Council and the City for giving so much support throughout the years. She noted she has owned the business for 17 years and has been working on a succession plan. Her kids were not interested in owning the business and she did not want to put it on the market. A longtime customer, Kim approached an employee to express her interest in buying the business. She added that Kim understands the business and what the community means to the business.

New owner of Angelina's Kitchen Kim Day-Sayers, 1111 Eagle View Boulevard, thanked the Council and explained what a blessing it was to be the new owner.

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

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

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

Councilmember Morris congratulated Ms. Verrastro on her next adventure and Ms. Day-Sayers on the new business.

Councilmember Morris moved, seconded by Councilmember Santini, to approve an On Sale Intoxicating Liquor License including Sunday and Patio Sales to Tutti, LLC dba Angelina's Kitchen located at 2170 Eagle Creek Lane H activated upon La Mia Gioia dba Angelina's Kitchen's notification of the sale of the business or proof of sale provided to the City subject to the condition outlined in Council Letter 23-113.

1. The submission of an executed lease and effective upon the cancellation of the existing license at 2170 Eagle Creek Lane H.

Voting via voice:

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

B. Sienna Grove; Rezoning; Planned Unit Development; Conditional Use Permit; and Preliminary Plat; Project No. 26-2023-00513

Mayor Burt declared the public hearing open.

Assistant Community Development Director/City Planner Eric Searles stated D.R. Horton has submitted an application for Rezoning, Planned Unit Development, Conditional Use Permit and Preliminary Plat for a new residential subdivision called Sienna Grove. The Applicant is requesting approval of 172 single family homes on 75.27 acres to be constructed over multiple phases. The property is located east of Woodbury Drive and north of Dale Road. The property is currently zoned R-1, Urban Reserve District, and is guided as Low Density on the Land Use Plan. The Rezoning to R-4 is consistent with the Comprehensive Plan since it can be served by municipal utilities and is located within sub-phase 2C.

Mr. Searles stated the applicant is proposing to construct and fund the trail improvements within the open space areas, complete green way corridor improvements along the pipeline easement area and provide additional stormwater capacity within the identified ponding areas in exchange for flexibility within the PUD zoning minimum requirements. He noted the City can approve the PUD if it is found that all requirements identified in City Code Chapter 24-206 are met. A conditional use permit is also required and the required findings of fact are found in Chapter 24-43.

Mr. Searles noted the proposed Preliminary Plat creates 172 single family lots and 5 outlots. An annual growth management allocation is provided in the conditions of approval which requires a phasing plan which will restrict final plat approvals to no more than 65 units annually from 2023-2025. Prior to approval of each Final Plat, the City shall affirm existing and future infrastructure is available and identifies that the public infrastructure services finding within Section 24-43 (c) is conditionally met at this time and may be revoked upon a change in infrastructure availability including, but not limited to, water supply as solely determined by the City Council.

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Furthermore, lack of existing and future infrastructure shall be viewed as a premature subdivision pursuant to Section 21-16 of the City Code.

Mr. Searles reviewed the 7 access points for the development and noted that A and E are the main access points while the other points will provide connectivity between the existing and future developments. He noted the proposed subdivision would have trails and sidewalks which would connect to the existing park and other trails. The proposed plat is required to meet City requirements regarding stormwater management and the submitted designs include a centralized approach with the center of the site providing both infiltration basins and quantity storage ponds. A neighborhood meeting was held on April 5, 2023, with no residents in attendance. The Planning Commission reviewed the application during their May 1, 2023, meeting and recommended approval by a 6-0 vote. He reviewed the various questions asked during the Planning Commission meeting including, stormwater management; the timing and scope of Dale Road improvements; the need for project signage; timing of the water treatment plant; and policy guidance for the Commission on when sidewalks are required and not required on cul-de-sacs.

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

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

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

Councilmember Santini asked to clarify the timing and scope of Dale Road improvements. Mr. Searles stated Dale Road will be reviewed with the CIP and the Council will have an opportunity to evaluate the timing and scope as part of that review. He added that the CIP has slated the project for 2027.

Mayor Burt asked what portion of Dale Road the project would be on. Mr. Searles stated it would be from a quarter mile east of Woodbury Drive through Cottage Grove Drive and would be a two-lane divided roadway improvement. Engineering Director, Chris Hartzell clarified that the draft CIP proposes the Dale Road project to be in 2028.

Mayor Burt asked if any portion of Dale Road near the development was set for improvement before 2028. Mr. Searles stated no other improvements are planned until after the 2028 as identified in the CIP. Mr. Hartzell added there is a proposal for pavement rehab on Cottage Grove Drive south of Dale Road. He noted that a study is proposed for improvements to Cottage Grove Drive north of Dale Road, noting that this would be in advance of development along that road. He added that there are several factors that need to be considered including that this is an MSA road, drainage and the location of utilities in the right of way.

Councilmember Santini asked if the City would consult with the County as part of that study since they have property, such as the Environmental Center, along that road. Mr. Hartzell stated the County plans for their holdings would be included in the study. He reinforced that the study would be done in advance of development, so we can understand how this will fold into the future master planning of this area.

Mayor Burt asked if the staff felt comfortable with Dale Road in its current condition being able to handle additional traffic from this development until it's improved in 2028. Mr. Hartzell stated they are comfortable with the design.

Mayor Burt asked if the roundabout on Dale Road would happen in 2028, and until then would it remain a two-lane road, and would people be able to turn left into the development. Mr. Hartzell agreed. Mayor Burt asked if it would be sufficient. Mr. Hartzell stated it would for the time being, and with the growth management allocation it will take a while before we reach peak capacity at those intersections. He added staff will monitor traffic volumes and see if the road still has capacity, and this can be further discussed as part of the CIP process if needed. Mr. Searles added that there are a number of access points into this development, and that many of the trips will use other roads, for example Atlas Trail to the north, which will further distribute those trips.

Councilmember Santini asked when home construction would begin of the first phase of 65 units slated for 2023. Mr. Searles stated at best if grading activity were to commence right away, you may be able to get a few lots online from an infrastructure standpoint in the fall of 2023, but that most construction activity will be in spring of 2024. He noted that depending on lot absorption, it may not be fully built out until 2027 or 2028.

Mayor Burt asked if construction traffic would be routed to the new entrance on Dale Road instead of cutting through other neighborhoods. Mr. Searles stated it is typically a struggle to include in the condition of approval but staff does their best as part of the pre-construction meetings to communicate this.

Mayor Burt asked if the roads went in during phase one. Mr. Searles confirmed they do.

Councilmember Wilson asked if there would be a left turn lane on Dale. Mr. Searles stated there would not be. Councilmember Wilson asked if there was shoulder on Dale Road. Mr. Searles stated there was a small shoulder but it is not improved.

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Councilmember Wilson asked who was invited to the neighborhood meeting. Mr. Searles stated there are not many adjacent property owners, but staff have met with some of the exception parcels in close proximity which could be why there was no one in attendance at the meeting.

Councilmember Morris asked how much sub-phase 2C has been developed. Mr. Searles stated they are about 80% through sub-phase 2A, 2B and 2C from an acreage standpoint, and that sub-phase 2D is not opened to development. Councilmember Morris asked if sub-phase 2B was opened. Mr. Searles agreed. He clarified that sub-phase 2A, 2B, and 2C are open and have approved developments or development applications for 80% of the area, but that they are not built out to 80%, because the lots are still being absorbed.

Councilmember Morris asked how much of sub-phase 2B and 2C along this section of Dale Road east of County Road 19 is built out. Mr. Searles stated the Briarcroft on the north side of Dale Road is nearing completion, and for the area south of Dale Road, the rental portion of the Waypoint development is building at a faster rate than a traditional single family and is about 30% built.

Councilmember Morris noted the additional 172 units of this development, plus those units from previously approved developments that have not yet been built, add to his previously expressed concerns about Dale Road being over capacity. He said this becomes a dilemma for the Council in terms of when to improve Dale Road, what impact that has on who pays for it, and the inconvenience it presents for the new residents if the road goes in after development.

Councilmember Santini countered that it may not be favorable to make the road improvements before development and then have all of the construction vehicles using it. Councilmember Morris agreed that this is a “chicken or the egg” scenario. He said that for him, it’s a question of whether this development is premature in terms of road capacity.

Mayor Burt asked to discuss the financial implications of expanding the road. Mr. Searles stated the primary source of funding for Dale Road is through the dollars collected from development through the platting process. He explained the road improvement costs also include grading, utilities and stormwater management improvements necessary to serve the upgrades, and these also come in conjunction with the development activities. It is efficient to build roadways concurrently or a little bit after the subdivision occurs. He acknowledged that there is some pain or inconvenience in that process, but there are some significant financial merits. In order to receive this roadway funding the subdivision needs to occur. The conditions of approval for the project require either private construction of the improvements or that they participate in the public improvements through the 429 assessment process. He added he believes the builder will choose the 429 option but this has not been discussed yet through the development agreement process.

Mayor Burt asked if the issue with the timing of the road improvement is more of a staff capacity issue or the financial implications. Mr. Hartzell stated it was a combination of both. He added staff are doing the best they can to prioritize the road improvements that need to happen at the time they need to happen, but sometimes we need to flex the schedule to better level out the workload. He provided background as to why the draft CIP proposes to move Dale Road out a year. He said that staff is proposing that a water tower storage project be moved up in the CIP to build resiliency and redundancy for the water treatment plant. The additional workload from the water tower would make it challenging to deliver both projects at the same time. An additional factor is the financial aspect. He stated that development has historically paid its own way, and while building a road in advance of development is nice for the new residents, the construction traffic can beat up the roads which lowers their lifespan.

Mr. Searles reviewed other roadway design elements implemented for projects on both the north and south side of Dale Road. He noted in previous planning efforts that many sections of Dale Road were envisioned to be four lanes, and that we’ve been able to step that down to a two-lane divided road, which is not only a financial savings, but is more livable as well. The way this has occurred is that the City has required additional access points within the developments, which are used to distribute the trips that are generated in a different way. He showed examples of this both north and south of Dale Road where roads and access points are designed to distribute traffic to County Road 19, where there is a full access point with turn lanes, and take pressure off of Dale Road. As houses are built, Dale Road will not carry 100 percent of those trips, and these roadways, which are currently in place, will soften the impact.

Councilmember Wilson asked if Dale Road was an MSA road. Mr. Hartzell stated it was.

Mayor Burt asked when the Council would begin discussing the timing of sub-phase 2D. Mr. Searles stated it would be during the joint Council-Planning Commission workshop in September.

Councilmember Santini asked what the dry pond would look like from a landscaping perspective. Mr. Searles stated the dry pond and the infiltration pond will not have a significant difference in their aesthetic with a goal to create vegetation in the bottom of the basins. Councilmember Santini commented that while the area may look like a green space she would some kind of delineation so that people won’t walk on it. Mr. Searles agreed.

Councilmember Morris stated he appreciated the growth management allocation that restricts the number of units final platted per year. He noted his concerns include staff capacity, water and Dale Road. He stated he does not have issues with the project or the design and does not want a complete pause on development, but he is not comfortable with the project from an infrastructure and capacity standpoint.

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Mayor Burt asked what the status was for the southern parcel of sub-phase 2C. Mr. Searles stated there is no development application in for that parcel, but it is in sub-phase 2C and they could make application. He noted the Council could give direction to modify the sub-phase 2C, but the unintended consequence of that would be the potential loss of the roadway connection that would serve the Glacial Valley Park, which was one of the goals of the master plan for this area

Mayor Burt asked if Atlas Trail is constructed and would be able to take some traffic. Mr. Searles stated Atlas Trail is in, and this part of Sienna Grove is in the second year of the growth management allocation.

Councilmember Morris stated that while staff has significantly modeled the water usage of new residential units, it is more a timing and capacity issue for him. He noted while the City will work hard to complete the permanent water treatment plant on time, it is several years out and there is the potential of a delay. He stated that when he considers this project with the other projects recently approved that are not totally built, this may be a step too far for him, and he would be a no vote.

Councilmember Wilson stated that her concerns have always been around infrastructure and water, and she agreed with Councilmember Morris' concerns, and she would remain consistent with her voting.

Mayor Burt moved to table the discussion in order to gather more information and have Councilmember Date present.

Councilmember Morris asked if by tabling the discussion it would be automatically approved. Mr. Searles stated that is only under the 60 and 120 day rule and the project is not up against that requirement. To be certain, the Council could ask the applicant to verbally extend that.

Councilmember Santini stated she would like to know what is still undeveloped or has pending development in sub-phase 2C. She stated that with the potential of pausing development, she would like to know how we are communicating with those land owners and potential developers.

Mayor Burt asked City Attorney Kevin Sandstrom whether it is appropriate to table discussion, since it is pretty clear that there will be at least two no votes, which is why she made the motion to table. Mr. Sandstrom stated tabling the discussion would be the best option.

Councilmember Santini seconded the motion to table this discussion.

Discussion during the motion:

Councilmember Wilson asked if the desire to table the discussion was to wait for Councilmember Date to return so the project will pass. Mayor Burt stated they did not know how Councilmember Date would vote, and it is an opportunity for staff to provide additional information since a number of questions were raised during the discussion.

Mr. Searles confirmed that staff could bring back additional information on how much development capacity is still available in sub-phase 2C.

Councilmember Santini asked if the vote is 2-2 does this constitute a denial. Mr. Sandstrom stated if the Council is leaning toward a denial, he would want Council to direct staff to prepare a denial resolution that lays out the exact findings of fact and conclusions of law. Mayor Burt stated she would like to see the findings of fact and ramifications of a denial.

Voting via voice:

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

Councilmember Wilson expressed her appreciation on discussing the roads, infrastructure and water.

C. Copper Ridge 9th Addition; Vacation of Right of Way Easement

Mayor Burt declared the public hearing open.

Mr. Hartzell stated the property owner of the Copper Ridge 9th Addition development, Friemann Development, is requesting to vacate a perpetual easement for road right-of-way purposes. The easement is no longer required as the necessary right-of-way is being platted with the recording of the Copper Ridge 9th Addition.

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Mr. Hartzell noted the property is located on the corner of Pioneer Drive and Bailey Lake Road and was originally owned by a different developer and used to construct Granite Court. The property has been sold and re-platted.

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

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

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

Councilmember Wilson asked if the easement pertained to the property with the pond across the street. Mr. Hartzell explained the easement being vacated is actually for the street, Granite Court, and now that plat for Copper Ridge 9th has been approved by the Council, the road right-of-way will be platted as part of that development. The easement vacation is a procedural step that is necessary to properly clean up the title.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 23-86

Resolution of the City of Woodbury, Washington County, Minnesota authorizing to vacate the right of way easements, previously recorded on Document No. 4213956, subject to the condition outlined in Council letter 23-115.

1. Recording of the final plat for Copper Ridge 9th Addition

Voting via voice:

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

Discussion

No items scheduled

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

No items scheduled

City Administrator's Report

Ms. Coyle noted on June 17, 2023 Metro Transit will be restoring Route 355 which is non-stop express between Woodbury and Minneapolis. More information can be found at metrotransit.org.

Ms. Coyle stated the City was selected to host a Minnesota Green Corps member from September 2023-August 2024. The Green Corp member will be working on the environmental stewardship strategic initiative and water efficiency programming.

Ms. Coyle added the City was selected as one of 100 best fleets in the Americans from the National Association of Fleet Administrators (NAFA). The City ranked 60 for its accomplishments, improvements, efficiencies, policies, implemented savings and consolidations.

Mayor Burt noted she could imagine it was out of tens of thousands of fleets. Ms. Coyle agreed.

Ms. Coyle recognized the incredible work of more than eight Public Safety Officers involved in the safe arrest of four suspects stemming from a routine traffic stop.

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

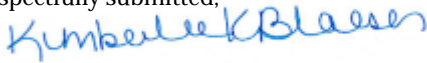
- May 23, 2023— Neighborhood meeting on the Proposed 2024 Roadway Rehabilitation Project, 6 p.m., M-Health Fairview Sports Center, Upper Level Conference room
- May 15, 2023—Planning Commission Meeting
- May 17, 2023—Council Workshop, CIP discussion
- May 24, 2023—Public Hearing including the Manning Avenue Apartments and Kowalski's Garden Center

Adjournment

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

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

Respectfully submitted,



Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on May 24, 2023