

Minutes
Woodbury City Council
Wednesday, May 11, 2022

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 11th day of May 2022.

Call to Order

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

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

Pledge to Flag

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

Roll Call

Upon roll call the following were present: Mayor Anne Burt, Councilmembers: Kim Wilson, Andrea Date, Steve Morris, and Jennifer Santini. Absent: None

Others Present: Kimberlee K. Blaeser, City Clerk; Pam Whitmore, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Chris Hartzell, Engineering Director; Mike Hejna, Principal Engineer and Eric Searles, Assistant Community Development Director/City Planner.

Special Order of Business

A. 2022 Emergency Medical Services Week Proclamation

Mayor Burt read in full a Proclamation declaring May 15-21, 2022 as Emergency Medical Services Week in the City of Woodbury.

Open Forum

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

Myles Ross, 2790 Mallard Drive, stated there are many large electrical boxes around the Valley Creek Road/Radio Drive area that would be a great place for painted murals. He added there is a similar project in Minneapolis, with public art commissioned by local artists. He noted there could be an easy approval process that would attract good local artists to participate in a public art project.

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.

Councilmember Wilson requested that Item 6C be moved to the Regular Agenda.

Item A Approval of Council Minutes – April 27, 2022

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Item B To adopt a motion to approve Copper Hills, Final Plat, Project No. 33-2022-00485; and to authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 22-132:

1. All conditions of Planned Unit Development and Preliminary Plat approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's consultant engineer.
3. The final street names shall be reviewed and approved by the Chief Building Official.
4. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
5. Prior to the release of the Final Plat, a Development Agreement shall be executed.
6. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.
7. Plat approval and release shall be conditional on adherence to all requirements of the city attorney, including, but not necessarily limited to, any express requirements contained in the city attorney's plat opinion.
8. Prior to the release of the Final Plat, all permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements within the plat boundary shall be granted to the City at no cost or paid for by the Developer.
9. All standard front, rear and side yard lot easements shall be shown on the plat. Standard front and rear yard easements are 10 feet and side yard easements are five (5) feet. Where public utilities are 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 must then be adjusted to the nearest five-foot increment. If additional easements are not provided, then the layout of the watermain shall be adjusted.
10. The Final Plat shall be recorded prior to issuance of a building permit.
11. Park dedication shall be paid via a combination of cash in lieu of land dedication and land dedication. Payment shall be made prior to the release of the Final Plat.

Item C Lake Road Trail Rehabilitation; Award Contract; Budget Amendment. This item was pulled from the Consent Agenda and moved to discussion.

Item D To adopt the following resolution

Resolution 22-99

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute an engineering consulting services agreement with Bolton & Menk, Inc., for construction administration services for the Waypointe of Woodbury Addition Utility & Street Improvements Project (Private Construction).

Item E To adopt the following resolution

Resolution 22-100

Resolution of the City of Woodbury, Washington County, Minnesota amending the assessment roll for the 2021 Roadway Rehabilitation project and authorizing the Mayor and City Administrator to execute the Settlement Agreement between the City of Woodbury and KLLR Realty, LLC.

Item F To adopt the following resolution

Resolution 22-101

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement between the City of Woodbury and Washington County for Construction Cost of CSAH 19 (Woodbury Drive) and Local Road Landscaping Project.

To adopt the following resolution

Resolution 22-102

Resolution of the City of Woodbury, Washington County, Minnesota approving Amendment No. 1 to the Cooperative Agreement between the City of Woodbury and Washington County for the maintenance of CSAH 19 (Woodbury Drive) and Local Roads Capacity and Safety Improvement Project.

Item G To adopt the following resolution

Resolution 22-103

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement between the City of Woodbury and Washington County for the construction cost of CSAH 18 (Bailey Road) & CSAH 19 (Woodbury Drive) Landscape Project.

To adopt the following resolution

Resolution 22-104

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Resolution of the City of Woodbury, Washington County, Minnesota approving Amendment No. 1 to the Cooperative Agreement between the City of Woodbury and Washington County for the Maintenance of CSAH 18 (Bailey Road) Management and Safety Project.

To adopt the following resolution

Resolution 22-105

Resolution of the City of Woodbury, Washington County, Minnesota approving Amendment No. 1 to the Cooperative Agreement between the City of Woodbury and Washington County for the Maintenance of CSAH 19 (Woodbury Drive) Corridor Management and Safety Improvement Project.

Item H To adopt the following resolution

Resolution 22-106

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the use of Trunk Water and Sanitary Sewer Funds for the Glacial Valley Road/Trunk Utility Alignment Study.

Item I To adopt the following resolution

Resolution 22-107

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute an engineering consulting services contract with WSB, Inc., for construction administration services for the East Pointe Addition Utility & Street Improvements Project (Private Construction)

Item J To adopt the following resolution

Resolution 22-108

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to Pember Companies, Inc., for the City Hall Parking Lot Improvements project and authorizing the Mayor and City Administrator to sign said contract.

Item K To adopt the following resolution

Resolution 22-109

Resolution of the City of Woodbury, Washington County, Minnesota approving Amendment No. 3 to the original Site Lease Agreement on the Hudson Road Water Tower with New Cingular Wireless PCS and authorizing the Mayor and City Administrator to sign the Amendment.

Item L To adopt the following resolution

Resolution 22-110

Resolution of the City of Woodbury, Washington County, Minnesota awarding a construction contract to Miller Excavating, Inc., in the amount of \$1,194,500.33 for the Hudson Road Turn Lanes at Karen Drive and Watermain Project and authorizing the Mayor and City Administrator to sign said contract.

Item M To adopt the following resolution

Resolution 22-111

Resolution of the City of Woodbury, Washington County, Minnesota authorizing Bolton & Menk, Inc., as the engineering consultant for the 2023 Roadway Rehabilitation Project and authorizing the preparation of revised preliminary reports.

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 22, 2022 in the amount of \$1,537,256.66 and April 29, 2022 in the amount of \$649,098.93.

Councilmember Date moved, seconded by Councilmember Santini, to approve Consent Agenda Items 6A-6N with the exception of 6C.

Voting via voice:

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

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Public Hearings

A. 690 Commerce Interior Car Sales at Crossroads Commerce Center; Conditional Use Permit; Project No. 03-2022-00487

Mayor Burt declared the public hearing open.

Community Development Director Janelle Schmitz reviewed an application for a Conditional Use Permit for motor vehicle sales – interior use only at 690 Commerce Drive. The property is zoned B4, Office Warehouse District, and indoor vehicle sales are allowed as a conditional use.

Ms. Schmitz stated a neighborhood meeting was held on April 4, 2022 with no residents in attendance. Planning Commission Chair Shannon Olsen stated the Planning Commission reviewed this application at their April 18, 2022 meeting, and a condition was added to the staff report regarding clean-up and disposal of spilled substances. The Planning Commission unanimously recommended City Council approval of the request for a Conditional Use Permit for Interior Car Sales.

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

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

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

To adopt the following resolution

Resolution 22-112

Resolution of the City of Woodbury, Washington County, Minnesota adopting findings of fact for the 690 Commerce Interior Car Sales at Crossroads Commerce Center, Project No. 03-2022-00487, subject to the conditions as outlined in Council Letter 22-144:

1. No outdoor storage shall be allowed.
2. All vehicles shall be unloaded immediately into the showroom or warehouse space.
3. Conditions for the original Commerce Center PUD and Final Site and Building Plan approval shall remain in full force and effect.
4. No banners, streamers, temporary directional signage, or window signs either adhered to or behind the glass shall be permitted.
5. No vehicle detailing, display or repair work will occur onsite.
6. Prior to the issuance of a building permit, the City shall approve plans, which adequately protect onsite sanitary and stormwater systems.
7. Semi-trucks shall not be allowed onsite for vehicle pick-up.

Voting via voice:

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

B. Copper Ridge 9th Addition; Rezoning; Amended Planned Unit Development; Conditional Use Permit; Preliminary Plat and Site and Building Plan; Project No. 28-2021-00473

Mayor Burt declared the public hearing open.

Ms. Schmitz reviewed a request from D.B. Land Development Company for a rezoning, amended planned unit development (PUD), Conditional Use Permit (CUP), preliminary plat, site and building plan for Copper Ridge 9th Addition. The property is currently zoned R1 and guided for low density mixed residential. The proposed preliminary plat would include a 3-story, 77-unit apartment building and 34 rental townhomes, and outlots for common area and stormwater management. The property is proposed to be rezoned from R1 to R4 which is standard when a property is being developed with public water and sewer systems.

Councilmember Morris stated a large crowd attended the Planning Commission meeting. He added he was disappointed in the public's lack of professionalism and respect. He apologized to the Planning Commissioners, who are all volunteers. He noted feedback is greatly appreciated and the City Council wants to hear it, but the meetings are not the time or place for personal attacks against Commissioners.

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Ms. Schmitz stated the amended PUD addresses adjusted parking ratios for the proposed apartment complex, which would total 139 spaces based on bedroom counts in the various units. She reviewed the original PUD for Copper Ridge, which was approved in 2017 and included a density transfer of 45 units to this parcel. She also reviewed the findings that are required for a conditional use permit, and how they relate to the proposed development.

Ms. Schmitz stated three neighborhood meetings were held – Jan 25, 2022; a virtual meeting on February 2, 2022; and a third meeting on April 19, 2022. Neighborhood meeting notices were sent to property owners within 500 feet, which for this project involved 173 addresses. Changes were made to the site plan based on feedback from neighbors, including the reduction of access points from 2 to 1, as well as increased landscape screening on the east and north. Concerns expressed by residents included rental property and maintenance concerns, crime, impact on property values, traffic, school district accommodation, landscaping and screening, pet relief areas, pedestrian access to schools and land use compatibility.

Planning Commission Chair Shannon Olsen reviewed questions regarding this application that had been raised by the Planning Commission as well as members of the public. A petition was signed by over 500 signatures residents of the area that are not in favor of this development. The applicant indicated that they have worked through the public process to get input and make this a more mutually beneficial project. Some concerns raised include public safety; water usage; retaining walls; whether crime studies have been completed; sustainability; exterior storage; whether similar applications have been denied in the past; crosswalks at all four corners of the roundabout; adjusting speed limits and whether a speed study is necessary; and trail connections. The application was approved by the Planning Commission on a 4-2 vote.

Mayor Burt acknowledged the following emails that were received by City Staff:

Brad Bombadier, 4759 Copper Circle (2 emails)
Nadi Navsakar, gmail address
Vercelin Lazar, 8793 Granite Circle
Suzette Frith, gmail address
Connie Giddings, 8607 Platinum Cove
Greg Johnson, 4769 Copper Circle

Mayor Burt read the four questions submitted by Greg Larson, 4769 Copper Circle:

1. At the May 2 Planning Commission meeting there was discussion that part of stormwater holding pond south of Bailey Lake Road was included as part of development site plan? If this is true, was this done to add acreage to the site plan, to lower the density, to add green space? If so, is this legal or ethical?
2. What apartment complexes in Woodbury have been built a mile from a main thoroughfare and within a residential neighborhood of owned properties? I consider Bailey Road, Radio Drive, and Woodbury Drive to be main thoroughfares, but not Bailey Lake Road and Pioneer Drive due to many roundabouts and lower posted speeds.
3. I believe there are many undeveloped parcels of land on main thoroughfares in Woodbury better suited for rental apartments and rental twin-homes. Was this project encouraged by City Staff because previous development failed or was never completed, and infrastructure was already in place?
4. From the beginning of talks between the developer and City Staff, how many and when were public meetings held and what notifications were sent to me at 4769 Copper Circle which is within 500 feet of the proposed development?

Rachel Nelson, 4649 Copper Ridge Drive, stated she is a nearby resident and that she was put into the position of a commissioner by the Council. She added she volunteers for the Commission because she cares about the community and its citizens. She asked the City Council to listen to the citizens of Woodbury and put a stop to this project. She noted 609 signatures have been collected on a petition, signed by residents who do not support this project. Ms. Nelson submitted the petition as well as other documents associated with her concerns to the City Council.

Ms. Nelson stated the proposed uses do not benefit surrounding areas and will bring health and safety issues. The high density will change the character of the neighborhood and cause a 693% increase people, an increase in crime, water usage and public safety issues. The property owner chose to keep the property until all the nearby homes were purchased, not notifying new homeowners about their plans. She does not feel the stormwater acreage should be included in the density transfer. The increased population will push families out who have students at East Ridge High School. High density zones are highly correlated with increased crime, which is reflected by viewing Woodbury's own high density crime maps. This project also requires a parking garage which can be a place for violent crimes to occur. High density zones provides more areas for more people to hide since neighbors don't know neighbors. She stated rental communities have a less sense of community because people don't get a chance to know each other because they are frequently moving in and out. She referred to a packet of information, given to the council, related to the correlation of serious violent crimes in high density residential rental developments. She discussed the developer's installation of cameras and stated there is no conclusive evidence that surveillance systems are a deterrent to crime, and property management companies have a high turnover rate. She stated we have a plethora of unoccupied rental units in the city and it is not a need for the community and certainly not the need on this plot of land. Water consumption will be increased, traffic will be increased and home values will be decreased. She stated this project does not fulfill the criteria of approving a conditional use permit as outline by Woodbury City Code.

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Jeff Cassellius, 4630 Copper Ridge Drive, introduced his daughter Riley. He stated his family lives near the park, and he expressed concern about safety for his children.

Recess

Mayor Burt recessed the meeting at approximately 8:10 p.m. due to severe weather warnings.

Mayor Burt reconvened the meeting at approximately 9:10 p.m.

Mr. Cassellius stated residents do not want the development. He asked the City Council not to support the request. He thanked the City Council for everything they do on behalf of the City's residents.

David Deer's name was announced by Mayor Burt. Mayor Burt was informed that he left the meeting.

Misty Bourke, 4860 Copper Ridge Drive, ask the City Council to vote no on the high-density project in the interests of safety for children and grandchildren. She expressed concern about the number of vehicles and added traffic that will be generated by the development. She asked the City Council to show residents that they care about safety by voting no on this project.

Narayan Rajagopal, 8832 Granite Court, stated this project proposal will not be safe for his kids. He added he would not have chosen this neighborhood if he had known about this.

Nick Miller's name was announced by Mayor Burt. Mayor Burt was informed that he left the meeting.

Darrell Grannis, 4648 Copper Ridge Drive, stated he supports what the other residents are saying. He added there are no other apartment complexes in residential neighborhoods, and this would set a precedent for other developments. He noted the developer is here to make money, and he supports something more compatible with the owned townhouses across the street.

Daphne Norman, 4604 Bailey Lake Circle, stated the City Council would be putting an ugly apartment building that would ruin her view of the sunset. She added she is a future voter.

Shoab Kandlawala, 4578 Bailey Lake Circle, stated the Comprehensive Plan defines low-density mixed residential and categorizes house types, including single family homes, detached homes, twin homes, townhomes and detached townhomes. He added there is no mention of apartments. He noted he lived in CityWalk for 3-4 years, which was the best apartments in Woodbury. He urged the City Council to deny this request.

Jayasri Mikkilineni's name was announced by Mayor Burt. Mayor Burt was informed that Jayasri Mikkilineni left the meeting.

Madhan Radikindi's name was announced by Mayor Burt. Mayor Burt was informed that Madhan Radikindi left the meeting.

Prakash Podaralla, 4512 Ashton Curve, stated he agrees with all the residents who have spoken.

Charles Nyberg's name was announced by Mayor Burt. Mayor Burt was informed that Mr. Nyberg left the meeting.

Rahul Raghav, 4744 Bluestem Way, Ashton Ridge Community, stated he agrees with everything that has been said. He expressed concern about security and safety for parents whose children are coming back from East Ridge High School late at night, as parents will now have to pick them up. He added rental properties will kill the sense of belonging and responsibility of the neighborhood. He noted we have all lived in apartments and see how involved we were in the community. He expressed his strict opposition to the project.

Saqib Khawaja, 8652 Platinum Drive, stated he concurs with everything that has been said so far. He added the 2040 Comprehensive Plan does not identify apartments in the low density.

Kelsey Solberg, 4524 Cobalt Drive, stated there are currently 712 open apartments for rent in Woodbury, and an additional 300 will be available in 2023, for a total of over 1,000 available apartments. She added Woodbury does not need another apartment building. She noted the builder is proposing to build cheaper apartments than other apartments in Woodbury.

Catalina Jones, 8830 Granite Court, stated she has been to every neighborhood meeting, and she lives directly across from where the apartment building will be built. She urged the City Council to understand how it would feel to have a big building in front of their house, with people looking in the windows every day. She added she has a young daughter, and it is painful to consider the implications of this development on their home. She asked the City Council to think about all the people sitting here, and the efforts they have made for their homes, before voting yes on this project.

Mai Nguyen, 8519 Titanium Circle, stated her daughter feels safer living in Woodbury than on campus in Dinkytown and plans to move home. She added she will have to tell her daughter it is not as safe as you think. She urged the City Council to vote no.

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

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

Mayor Burt asked whether the findings of fact meet the requirements of the Ordinance. City Attorney Pam Whitmore stated the City Council has a recommendation from the Planning Commission, as well as research and analysis by City Staff. She added the Ordinance provides developers with specific requirements for compliance to obtain a CUP. She noted review of any City Council's decision would be based on if Council acted reasonably in its decision and if Council's Findings of Fact are tied to the conditions set forth in the city ordinance.

Councilmember Santini asked how many townhomes were included on the ghost plat. Ms. Schmitz stated there were approximately 90-100 proposed townhomes.

Councilmember Santini asked how far the grade will be reduced in relation to existing townhomes. Assistant Community Development Director/City Planner Eric Searles stated the general grading sets up a walkout elevation for the apartment building, with a stepped down transition as you get closer to Pioneer Drive.

Councilmember Santini asked if the rezoning from R-1 to R-4 would be needed if a different development proposal was being considered. Ms. Schmitz said that the rezoning would be still be required to allow for urbanized development.

Councilmember Santini stated, with regard to landscape screening, more mature trees are not always desirable because they have a higher chance of failing. Mr. Searles confirmed this, adding the City collects security for two growing seasons for trees to survive. He added the City's property maintenance ordinance requires that landscaping included as part of an approved plan would need to be replaced by the landowner, even if it is after the two year escrow.

Councilmember Wilson asked whether the parcel would be considered high density if it were a stand-alone piece of property, given the acreage minus the stormwater area. Mr. Searles stated the property would be 9.5 units per acre without the stormwater management area, which is considered medium density. In response to a question from Council Member Wilson, Mr. Searles stated the proposal meets the 3.5 units per acre requirement based on the overall gross acreage of the entire Copper Ridge PUD.

In response to a question from Council Member Wilson regarding trees and security collection and what happens if after five years trees need to be replaced, Mr. Searles explained that the city has property maintenance ordinances that requires landscaping that has been placed, as a part of an approved landscape that would require the landowner to replace.

Councilmember Wilson stated, for clarification, the City Council has received and reviewed copies of all the emails that were received from members of the public on this issue.

Councilmember Wilson asked why there was a delay in bringing forward this application since the PUD was approved in 2017. Brian Friemann, the applicant, stated his company acquired the land in August 2021.

Councilmember Wilson asked about the ghost plat that laid out townhomes on the property. Mr. Searles stated that the City requires a ghost plat for adjacent vacant property to identify that there will be development on the property, and allows for an early review by City Staff related to public infrastructure and impacts to adjacent property. He added that rarely do the ghost plats come in exactly as shown, but they typically are consistent in terms of density.

Councilmember Wilson stated the amenities are private and asked whether the trail connections will be private. Mr. Searles stated they are proposed to be private but it is anticipated that the public will utilize them. Councilmember Date affirmed the sidewalks/trails will be privately maintained but anyone can use them.

Councilmember Wilson stated the City Council is obligated to honor the density transfer that was completed in 2017, and that something will be developed on this property. She noted the importance of doing due diligence when you buy a home, but added that in this situation, it would have been hard to do due diligence and think that something other than what is currently around the area would be proposed. She added she is trying to figure out how the apartment complex will fit into the existing neighborhood, as it is taller than the other buildings in the area, and noted that directly across the street from the proposed apartment are two-story townhomes. She noted she supports having a diversity of housing and neighborhoods, but she's not sure that a three-story apartment complex fits in the middle of this residential area.

Mayor Burt asked for clarification as to the height of the adjacent townhomes. A conversation ensued regarding the height of townhomes that are near the proposed development. Mrs. Searles noted that there are two-story townhomes directly adjacent to the proposed apartment, but there are also three-story townhomes in this area as well.

Councilmember Morris stated that while this application does what the city desires to do from a diversity of housing perspective, the folks who will be directly affected by the development have a different opinion, and he needs to consider their interests as well. He noted that he could argue that some of the findings are not met, for example in terms of public health, safety and general welfare, the ability to effectively screen the apartment building due to its height. He noted he likes certain aspects of this project, as it decreases the amount of impervious surface and feels more open, but he also agreed with Councilmember Wilson's comments about due diligence and

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that an apartment building was not something that would have been anticipated. He does not believe that an apartment building is the right fit for this location. He added that he feels we can still achieve the density with a different project.

Councilmember Date stated the property is adjacent to her home, and many of the people who spoke tonight are her neighbors. She added she believes the City had a responsibility to review ghost plats to ensure they can meet the proposed density and other considerations, and that there is a disconnect between the ghost plat and the density transfer figures. She noted this proposal has more open space than the original version, which she likes. She expressed her intention to abstain from voting as the project is adjacent to her home.

Councilmember Santini stated she struggles with the default assumption that people who live in apartments will probably cause crime and that a rental project may cause an unsafe environment. She added she grew up in an apartment, and she never felt less committed to her community because of it. She added that the City of Woodbury is looking toward the future, which will include residents of this development as well as current residents. The City Council has expressed a desire for people to feel welcomed in Woodbury, and she does not support the sentiment that people who live in rental units would not be contributing community members. She stressed the importance of diverse housing options that provide opportunities for all people who want to live in Woodbury. She acknowledged the concerns of current residents who live adjacent to the property, and while she supports the rental and density aspects of the proposal, she agrees that the issue may be more related to the apartment product itself.

Mayor Burt cautioned against assuming that renters are of lesser value in the community. She added many people choose to rent for various reasons, and market conditions are favorable for renters right now. She said that the original ghost plat felt very dense, and this proposal had more open space and landscaping, but she also questioned whether the apartment building is the right product here. She noted the property has certain development rights and is guided for future development, and it will not remain empty. Mr. Searles confirmed this will continue to be a development site.

Mayor Burt stated the ghost plat could be pursued, although it would have less consolidated open space and more impervious surface.

Councilmember Wilson stated a townhome development could mimic the west side of Granite Court, which would allow for a similar design with green space and would be more representative of the neighborhood. Councilmember Morris agreed.

Mr. Gridley reviewed possible actions by the City Council: a vote either in favor of or against the application; table the issue with no particular direction; or table the issue with direction to City Staff. He also clarified that a majority of the council with the abstention is needed to pass a motion, which means three of the four voting members.

Mr. Searles stated, by State statute, municipalities must review applications within 60 days. The City can extend that to 120 days if a completed application has been submitted. To date, there is not a complete application on file for this development.

Mayor Burt stated she would like to explore something closer to the ghost plat. She stressed that this still could potentially mean all rental units, and that all townhomes may bring increased traffic.

Councilmember Santini stated there could also be a potential of more parking spaces associated with the ghost plat concept with all townhomes than what is proposed with the development currently under consideration.

Councilmember Morris stated he would like to make a motion of denial based on a few of the findings not being met.

Mr. Searles stated the City Council could table the item and direct City Staff to evaluate the findings from a denial perspective and redraft the Resolution which would be brought back to Council at a future meeting.

Councilmember Morris withdrew his motion.

Councilmember Morris moved, seconded by Councilmember Wilson,

To adopt a motion to table the Copper Ridge 9th Addition; Rezoning; Amended Planned Unit Development; Conditional Use Permit; Preliminary Plat and Site and Building Plan; Project No. 28-2021-00473 and direct City Staff to revisit findings of fact in pursuit of denial.

Discussion during motion:

Councilmember Santini asked whether the City Council should address the change in zoning at this meeting to help with future conversations.

Mr. Searles stated it would be appropriate to approve a portion of the project, or it can be reviewed with the rest of the application.

Councilmember Wilson suggested the zoning should be addressed when the City Council discusses this development at a future meeting.

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City Attorney Whitmore said that since the project is being tabled there is no justification for the rezoning at this moment so to have it at a later date is okay.

Councilmember Wilson added she would like Council to discuss the density transfer tool in the future. She understands that we can't go back and change the density transfer that was approved as part of this original PUD in 2017, but how can we better utilize this tool going forward.

Mr. Searles stated it would be fair and reasonable to illustrate the maximum density allowed in future ghost plats especially if there is a density transfer.

Voting via voice:

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

C. Resurrection Lutheran Church Farmers' Market; Interim Conditional Use Permit; Project No. 27-2022-00489

Mayor Burt declared the public hearing open.

Ms. Schmitz reviewed an application for an Interim Conditional Use Permit for a farmers' market at to be held at Resurrection Church at Bailey Road and Woodbury Drive, which is zoned R-4 – Urban Residential and guided as public/semi-public on the Land Use Plan. An ICUP is required for the farmers' market to ensure compliance with the Zoning Ordinance. The market will be held Tuesday evenings from 2:00 p.m. – 7:00 p.m., including set-up and clean-up, from late May through the end of September. There is on-site parking for up to 25 vendors, and 53 parking spaces for vendors and pedestrian circulation. There are no conflicting uses on the site.

Ms. Schmitz stated a neighborhood meeting was held on April 4, 2022 and one person attended. City Staff was contacted by an additional resident, and questions were raised regarding terms of use, circulation on Bailey Road, and potential security.

Planning Commission Chairperson Shannon Olsen stated the applicant will be responsible for reviewing vendor applications, and tent sizes are not regulated. She added the application was approved on a 6-0 vote by the Planning Commission.

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

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

Councilmember Santini stated eastbound Bailey Road gets really backed up and could be a traffic and public safety concern.

Paul Edgerton, West Lakeland Township, stated he is the market manager, and this issue was discussed with City Staff.

Mayor Burt stated perhaps a temporary right turn only could be considered. Councilmember Morris stated that could be added as a condition in the ICUP, during periods of operation.

Engineering Director Chris Hartzell stated a right turn only sign would be required and would be difficult to enforce at an intersection that is designed with a full access. He added the applicant is correct in indicating that this will only be a problem during certain times of the day, and further study is needed. He noted City Staff monitors these types of situations and can find workable solutions.

Mr. Edgerton stated there will be a soft open for the market on May 24, 2022, with an official open date of May 31, 2022.

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following resolution

To adopt the following resolution

Resolution 22-113

Resolution of the City of Woodbury, Washington County, Minnesota adopting findings of fact for Resurrection Lutheran Church Farmers' Market, Project No. 27-2022- 00489, subject to the conditions as outlined in Council Letter 22-146:

1. The Interim Conditional Use Permit shall terminate upon a change in zoning regulations which would prohibit the use or upon violation of the conditions under which the permit was issued.

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2. Upon the occurrence of the date or of the criteria for termination set forth in the Interim Conditional Use Permit, the City shall notify the Permittee in writing that the Interim Conditional Use Permit shall terminate not later than 30 days after the date of such notice.
3. The Interim Conditional Use Permit shall be reviewed annually but may be reviewed at any time if the City Council is of the opinion that the terms and conditions of the permit have been violated or if one of the criteria for termination has been met.
4. The Resurrection Lutheran Farmers' Market will be open on Tuesdays from late May through the last Tuesday of September. The hours of operation will be from 2:30 p.m. to 7:00 p.m.
5. The Applicant shall be allowed four (4) temporary signs. One sign shall not exceed 24 square feet in area and not more than six (6) feet in height. The other temporary, directional signs must not exceed four (4) square feet and be located onsite, at least 15 feet from the back of Council Letter 22-146 May 11, 2022 Page 2 the curb. The signs shall be permitted to be installed on Monday evening and removed on Wednesday morning.
6. The market manager shall ensure the site is cleaned up after market hours.
7. Parking for vendors and customers shall be restricted to asphalt only, no parking in the grass or medians will be permitted.
8. The Interim Conditional Use Permit shall be executed prior to the market becoming operational.
9. Barriers and cones shall be present at all times when the market is in operation. If operational issues are identified by the City, the Applicant shall work with staff to create a circulation plan for the site.

Voting via voice:

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

D. Adoption of Special Assessments for the Lake Road 4-3 Lane Conversion Project

Mayor Burt declared the public hearing open.

Mike Hejna, Principal Engineer, reviewed project scope and assessments related to re-paving the section of Lake Road between Courtly Road and Tahoe Road and between Woodlane Drive and Pioneer Drive, and mill and overlay project and re-striping from a 4 to 3-lane section. A 2-week road closure is planned at the intersection of Courtly and Lake Roads. One property owner for four parcels is being assessed for this project.

Mr. Hejna stated a project to repave the trail between Wooddale Drive and Pioneer Drive under a separate contract with the same contractor will be done concurrently, as well as a trail project on Lake Road and an intersection project.

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

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

Councilmember Wilson requested clarification regarding the number of parcels and minimum assessments for each parcel. She added the assessments seem low. Mr. Hejna stated there are 4 parcels with a single owner in an area of higher density than that which is required for the assessment policy.

Mr. Hartzell stated housing densities of 5 units per acre or more are exempt from the minimum assessment.

Councilmember Wilson asked whether the sidewalks are rolled into the assessment. Mr. Hartzell stated this is a trail. He added the City Council voted to pre-empt the assessment policy with the creation of the Parks and Trails Capital Replacement Fund from franchise fees that were collected.

Councilmember Wilson asked whether sidewalks and trails are included at 100% in the roadway policy. Mr. Hartzell confirmed that trails are part of the Trails Capital Replacement Fund. He added no properties have been assessed for rehabilitation of trails.

Mayor Burt stated there may be an opportunity to clarify that policy. Mr. Gridley agreed.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 22-114

Resolution of the City of Woodbury, Washington County, Minnesota adopting the special assessments for the Lake Road 4-3 Lane Conversion Project.

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Voting via voice:

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

E. Lake Road 4-3 Lane Conversion Project; Award Contract; Amend Budget; Consultant Selection

At the request of staff, Mayor Burt announced that this item be tabled to the May 25, 2022 City Council meeting.

Discussion

A. Consent Agenda Item 6C Related to the Lake Road Trail Rehabilitation Project

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 22-115

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to McNamara Contracting for the Lake Road Trail Rehabilitation 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

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 22-116

Resolution of the City of Woodbury, Washington County, Minnesota amending the Street Reconstruction / Maintenance Fund and Parks and Trails Replacement Fund Budgets for the Lake Road Trail Rehabilitation Project.

Voting via voice:

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

B. Approval of Minutes – April 13, 2022

Mayor Burt explained that staff has included in the Council packet a red-lined version of the corrections to the April 13, 2022 meeting minutes to address the correction found by Councilmember Santini regarding an incorrect second on a motion. In addition, Councilmember Wilson, who initially pulled the minutes from the April 27, 2022 Consent Agenda for discussion, has shared with staff a list of additions she would like to have included in those minutes.

The City Council could move on the red-lined minutes but stressed the importance of reviewing Councilmember Wilson's request for additions and what the City's policy related to minutes guides us to do.

The City Council heard from the City Attorney last week that State statute requires a summary of Ordinances, Resolutions and claims in the minutes and does not require verbatim transcription of what occurred during the meeting. In addition, the City Council learned that the City hires a specialized professional service to create the minutes.

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Council Directive 2.5 states Council stays at a policy level and stays out of Operations by “refraining from becoming directly involved in the administrative activities of the City and to not intrude into those areas that are exclusively the responsibility of staff.”

Mayor Burt stated, from her perspective, what goes into minutes is operations unless there is an error, in which case the City Council can pull the minutes and direct City Staff to correct them.

Councilmember Wilson stated she is not asking for a verbatim transcript but rather idea for idea and consistency. She stressed the importance of being consistent in the minutes.

Mayor Burt stated a professional transcription service is hired to produce the minutes and Ms. Blaeser reviews them for accuracy. She added the verbatim format is unnecessary and should be avoided.

Councilmember Wilson stated City Staff has an opportunity to review their statements and make corrections, but City Council does not.

Mayor Burt stated the City Council can make corrections when there is an error.

Attorney Whitmore stated the purpose of pulling the minutes is to make corrections. She added a correction is something that was stated wrongly as opposed to adding something that a Councilmember feels is missing, which is adding content.

Councilmember Wilson stated the transcription service could have two different people transcribing who would provide two different sets of minutes.

Mayor Burt stated this is an operations issue, and City Clerk Kim Blaeser is responsible for minutes and working with the transcription service.

Councilmember Wilson stated she is not saying that Ms. Blaeser is not good at her job.

Councilmember Morris asked whether meeting videos can be pulled from the City website. Ms. Blaeser stated videos are retained for 3 months per City records retention policy. She added the approved hard copy of the minutes is considered the official record.

Mr. Gridley stated the video is produced by the Cable Commission based on their protocols and is not the City’s consideration.

Councilmember Wilson stated the City of Cottage Grove keeps their videos for years. Mr. Gridley stated the City has not directed the Cable Commission to keep videos for a specified amount of time.

Councilmember Santini stated she appreciated reviewing both sets of minutes and seeing that the minutes had not been edited. She asked whether other cities circulate minutes to Councilmembers prior to adding them to the meeting packet. Ms. Whitmore stated the League recommends summary minutes as required by Statute. She added cities that use a transcription service generally do not get involved in editing minutes content.

Mayor Burt moved, seconded by Councilmember Date,

To adopt a motion accepting the April 13, 2022 meeting minutes with the correction included in the meeting packet.

Voting via voice:

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

City Administrator’s Report

Mr. Gridley reviewed the following upcoming meetings:

May 16, 2022 – Planning Commission meeting
May 25, 2022 – City Council meeting


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Adjourn

Mayor Burt moved, seconded by Councilmember Date to adjourn the meeting at 11:21 p.m.

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

Respectfully submitted,

Handwritten signature of Kimberlee K. Blaese in blue ink.

Kimberlee K. Blaese, City Clerk

Approved by the Woodbury City Council on May 25, 2022