

Minutes
Woodbury City Council
Wednesday, May 26, 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 26th day of May, 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 (arrived at 8:14 p.m.), and Jennifer Santini.

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; and Tony Kutzke, City Engineer.

Special Order of Business

No Items Scheduled

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.

Mayor Burt stated the City Council would take 3-4 public comments at this time. She residents who wish to speak on the same issue should consolidate their comments.

Joe Ward, 7817 Somerset Circle, stated the City of Woodbury has done much to address environmental issues, including achieving Step 5 in the Green Step Program; generating renewable energy; using geothermal energy in many buildings; working with the Watershed District to manage stormwater; discontinuing the use of “forever” chemicals; and partnering with the Met Council to bring the Gold Line to Woodbury. He added he and many other residents applaud the City Council and ask them to do more.

Mr. Ward stated carbon dioxide levels in the atmosphere are causing changes to climate and weather, creating threats to the biosphere and human existence. Many Minnesota cities have declared climate emergencies and

**City Council Meeting Minutes
Wednesday, May 26, 2021**

are developing climate action plans to address the crisis. He urged the City Council to think globally and act locally, and begin benchmarking in 2022, setting timely goals and building momentum.

Mr. Ward stated Woodbury is one of the top 10 cities in the United States in which to live. Woodbury should also be a leader in climate initiatives. He urged the City Council to support and fund Woodbury's Climate Resilience Action Plan as required in the 2040 Comprehensive Plan, beginning now.

Mayor Burt stated the City Council will be holding a workshop on the Gold Line following this meeting to review the City's master plan for the 3 station areas. She added the City's role has been very limited, as funding is coming from other sources. She noted it is the City's intent to meet certain standards for lighting, safety, security and landscaping at the station areas.

Karen Bauman, 7894 Dunmore Road, spoke against the Gold Line. She stated the business world has changed, with many businesses giving up their offices, and staff are working from home. She added she knows the current City Council was not around during the initial phase of the project. She urged the City Council to take another look at the process. She noted all that is needed is a connection to Sun-Ray, which has many bus routes, and people can get around town very easily.

Ms. Bauman stated City Staff will have to shovel and de-ice the bus platforms and respond to crime. She added the City Council can look this over and re-do it. She noted the plan is too expensive, and Lake Elmo said "no" to it, and Woodbury can say "no" to it too.

Ms. Bauman stated she was disappointed that the Woodbury Theatre was going to be taken down, and the theatre owner, Nathan, said that he spoke to the City staff and was told it is up to the Met Council. She added the Met Council should not dictate what businesses are allowed to stay in the City of Woodbury. She asked whether the City Council intends to protect the City, or let the Met Council run the City.

Mayor Burt stated, for purposes of clarification, the Woodbury 10 Theatre building, and property are owned by the Met Council, and leased by the theatre's owners. She added it is a business arrangement between these two entities and not a decision of the City Council. She urged residents to review the FAQ information posted on the City website, where answers to many questions can be found.

Isak Dai, 9014 Princeton Bay, spoke in favor of the Gold Line. He stated, at 18 years old, he is a lifelong resident of Woodbury, and he has seen the City grow. He added a crucial step to continue that growth will be the Gold Line BRT, providing an influx of customers and employees to local businesses. People who do not have access to a car can get good paying entry level jobs. Economic studies have shown that public transportation offers major benefits to the community in terms of customers and continual labor.

Mr. Dai stated, with regard to the City's Master Plan, it is time to redevelop the northwest quadrant of Woodbury, where there has not been investment in decades. He added the Master Plan will bring higher density housing and more businesses, young families with children, and more workers for Woodbury's stores and restaurants. He noted, when he is ready to look for work and a place to live, he hopes to be able to come back to Woodbury, where he grew up.

Mr. Dai stated, with regard to environmental concerns, the Gold Line is a big step in reducing carbon emissions, as individual-occupant vehicles are a main factor in high levels of carbon emissions. He commended the Woodbury City Council for their continued support of the Gold Line BRT, which will stimulate the revitalization of Woodbury, especially the northwest quadrant.

Mayor Burt stated all letters and emails received from residents regarding this issue will become part of the meeting record.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

Mayor Burt stated, for purposes of clarification, the Gold Line project is driven and funded by the Met Council, Washington County and Ramsey County, and planning for this project has been going on for many years. The City's focus is now the Master Plan for station areas. She encouraged residents to contact the Washington County Commission for further information, and to review the FAQ's on the City website. Other contacts include: Liz Jones, Gold Line Project Office; Sara Allen, Washington County; and City of Woodbury Planning staff.

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 – May 12, 2021

Item B To adopt the following resolution **Resolution 21-93**

Resolution of the City of Woodbury, Washington County, Minnesota, approving the Letter of Engagement with WSB Consulting in the amount of \$48,026 for Fair Haven Park and Summerlin Park for professional services and corresponding budget amendment.

Item C1 To adopt the following resolution **Resolution 21-94**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Grant Amendment for the Minnesota Historical Society's Minnesota Historical and Cultural Heritage Grant and authorizing the Mayor and City Administrator to sign said grant amendment.

Item C2 To adopt the following resolution **Resolution 21-95**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Memorandum of Understanding and acceptance of \$60,000 donation from the Woodbury Heritage Society as contribution to the Valley Creek Park/Miller Barn Project and corresponding budget amendment and authorizing the Mayor and City Administrator to sign said Memorandum of Understanding.

Item D Approve Oak Hill of Woodbury Second Addition; Final Plat and Development Agreement; Project No. 29-2021-00439 with all approvals subject to the conditions as outlined in Council Letter 21-125 and listed as follows:

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, the Developer shall provide documentation that the Operations and Maintenance Agreement has been recorded and supported by the HOA covenants.
6. Prior to the release of the Final Plat, a Developer Agreement shall be executed. Said agreement shall include the terms of the acquisition of the well site located on Outlot B.
7. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary

**City Council Meeting Minutes
Wednesday, May 26, 2021**

- 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.
8. 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.
 9. 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.
 10. 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.
 11. Outlots A and C shall be dedicated to the City at no cost and free of encumbrances.
 12. The Developer shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
 13. The Final Plat shall be recorded prior to issuance of a building permit.

Item E

Approval Arbor Ridge 2nd Addition; Final Plat and Development Agreement; Project No. 29-2021-00448 with all approvals subject to the conditions as outlined in Council Letter 21-126 and listed as follows:

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 Developer Agreement shall be executed. Said agreement shall include the terms of the acquisition of the well site located on Outlot C.
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. The Homeowners Association documents shall identify HOA maintenance of the boulevard of Outlot C. This includes mowing, snow removal and general sidewalk maintenance.
8. 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.
9. 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.
10. 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

**City Council Meeting Minutes
Wednesday, May 26, 2021**

easements are not provided, then the layout of the watermain shall be adjusted.

11. The Developer shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
12. The Final Plat shall be recorded prior to issuance of a building permit.

Item F

Nystedt Plat; Final Plat and Development Agreement; Project No. 28-2021- 00450 with all approvals subject to the conditions as outlined in Council Letter 21-127 and listed as follows:

1. All conditions of the Preliminary Plat approval shall remain in full force and effect.
2. The final street names shall be reviewed and approved by the Chief Building Official.
3. Prior to the release of the Final Plat, a Developer Agreement shall be executed. Said agreement shall include the terms of the acquisition of the well site located on Outlot A.
4. The 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.
5. 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.
6. 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.
7. The Developer shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
8. The Final Plat shall be recorded prior to issuance of a building permit.

Item G1

To adopt the following resolution

Resolution 21-96

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to Schreiber Mullaney Construction Co., in the amount of \$291,890 for the Miller Barn Stabilization Project and authorizing the Mayor and City Administrator to sign said contract.

Item G2

To adopt the following resolution

Resolution 21-97

Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract to S.M. Hentges & Sons, Inc., in the amount of \$1,338,809.70 for the Valley Creek Community Park Project and authorizing the Mayor and City Administrator to sign said contract.

Item H1

To adopt the following resolution

Resolution 21-98

Resolution of the City of Woodbury, Washington County, Minnesota awarding a construction contract to Miller Excavating, Inc., in the amount of \$2,821,033.33 for the Hudson Road and Settlers Ridge Parkway Roadway and Intersection Improvement Project and authorizing the Mayor and City Administrator to sign said contract and authorizing use of funds and any related funding transfers.

Item H2

To adopt the following resolution

Resolution 21-99

City Council Meeting Minutes
Wednesday, May 26, 2021

Resolution of the City of Woodbury, Washington County, Minnesota prohibiting parking of motor vehicles at all times on either side of Hudson Road, from Lake View Drive to Manning Avenue.

Item I To adopt the following resolution **Resolution 21-100**

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 Bridlewood Farms 6th Addition Utility & Street Improvements Project (Private Construction).

Item J To adopt the following resolution **Resolution 21-101**

Resolution of the City of Woodbury, Washington County, Minnesota accepting grant funds from Washington County for the 2021 Municipal Recycling Grant and approving a budget amendment for Municipal Recycling Grant Distribution.

Item K To adopt the following resolution **Resolution 21-102**

Resolution of the City of Woodbury, Washington County, Minnesota rescinding Resolution 21-88, authorizing acceptance of gift of \$15,000 from the Madison Claire Foundation through the Reeve Foundation, to the City of Woodbury towards the purchase of accessible picnic tables, an adult changing table and a play component to be placed at Madison's Place and Wedgewood Heights Park playground, and authorizing associated budget amendment.

Item L To adopt the following resolution **Resolution 21-103**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing to participate in the Performance Measurement Program established by the State of Minnesota and the Council on Local Results and Innovation.

Item M To adopt the following resolution **Resolution 21-104**

Resolution of the City of Woodbury, Washington County, Minnesota appointing Cody Bouska to the position of Firefighter effective June 2, 2021, Ross Chavez to the position of Firefighter effective June 2, 2021, Ronald Hawkins to the position of Firefighter effective May 30, 2021, Jesse Schneider to the position of Firefighter effective June 2, 2021, Lauren Trembley to the position of Firefighter effective June 2, 2021 and Andrew Tuuri to the position of Firefighter effective June 5, 2021.

Item N To adopt the following resolution **Resolution 21-105**

Resolution of the City of Woodbury, Washington County, Minnesota appointing Suzanne O'Connell to the position of part-time Food and Beverage Lead effective May 27, 2021

Item O 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 May 7, 2021 in the amount of \$993,159.80 and May 14, 2021 in the amount of \$1,117,987.55.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

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

Voting via voice:

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

Absent: Steve Morris

Mayor Burt offered congratulations to the Public Safety Team on the recent training of paramedics to become firefighter paramedics, as approved by the City Council.

Public Hearings

A. Caliber Collision; Conditional Use Permit; Project No. 02-2021-00438

Mayor Burt declared the public hearing open. She invited Community Development Director Janelle Schmitz to address the City Council.

Ms. Schmitz reviewed a request for a Conditional Use Permit (CUP) for Caliber Collision auto repair shop to be located at 10450 Hudson Road, the former Goodwill Store site. The property is currently zoned B-2 and guided as places to shop on the Land Use Plan. The original site plan was approved in 2009. The applicant is proposing to conduct all activities inside the building with doors closed. A CUP is required for garages in the B-2 District.

Ms. Schmitz stated the applicant is proposing to use the existing access point from Hudson Road into the site, with pedestrian access from the trail on the south side of Hudson Road.

Ms. Schmitz stated current parking on the site is 64 stalls, while 57 stalls are required (3 spaces for each enclosed bay and 1 space for each day shift employee). The applicant is proposing a total of 96 stalls, including an additional 32 stalls on the south and west side to park vehicles to be picked up. There is a condition that would limit the time for vehicles to be parked outside to no longer than 48 hours.

Ms. Schmitz stated the City Zoning Code requires that the structure must have at least 65% class 1 exterior building material, and the existing building is 73.5% Class 1 material. Additional proposed overhead doors will not reduce the total to less than 65%. A masonry fence is proposed along the western and southern sides of the property that would match the existing building. Landscaping is proposed to soften the masonry wall, including 6 additional trees and 78 new shrubs.

Ms. Schmitz stated the site's storm water management plan was designed in 2009 to meet City Ordinance standards, and no additional stormwater mitigation is required. The Engineering Department has requested a hydrodynamic separator be added to prevent chemical runoff into raingardens on the site, with final specifications to be approved by City Staff prior to issuance of a building permit.

Ms. Schmitz stated a virtual neighborhood meeting was held on April 12, 2021. She added there were 2 attendees and no questions. She noted Planning Commissioner Ryan Christenson was present to provide information regarding the Planning Commission's review, as well as Brett Flory, Cross Architects, representing the applicant, to answer questions.

Mr. Christenson stated the Planning Commission discussed this request at length and agreed the building fits in well with the surrounding area. He added a lot of thought and consideration was given to neighboring residences. He noted the Planning Commission unanimously recommended City Council approval of the request.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

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

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

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

Councilmember Santini stated she likes the fact that this is a great re-use of the Goodwill site. She asked whether there will be crosswalks on the two pedestrian access points. Ms. Schmitz stated no pedestrian crosswalks are planned at this time, but that can be reviewed in the future if warranted. She added very little pedestrian traffic to and from an auto repair shop is anticipated.

Councilmember Santini asked whether the pedestrian plan is adequate for pedestrians who may want to access Walmart while waiting for their car to be fixed. She asked if they would utilize the fire lane behind Walmart. Ms. Schmitz stated that is an access drive with very little traffic.

Mayor Burt asked what the height of the masonry fence will be. Ms. Schmitz stated the fence will be approximately 6 feet, to comply with City requirements, and trees and shrubs will be added along the outside of the fence.

Councilmember Date stated she agrees this is a great re-use of the property, and she is excited to see the new business and new jobs coming to Woodbury. She requested clarification regarding the parking requirement of three parking spaces per bay and one space per employee. She asked why they would need that much parking.

Ms. Schmitz stated the applicant is satisfied with the requirement. She added City Staff can look at the Parking Ordinance, noting that there has not been a review of the Parking Ordinance in a while.

Councilmember Date stated she is concerned about adding impervious surface if additional parking is not necessary. She expressed concern about the potential for over parking.

Mayor Burt stated the additional parking appears to be enclosed, perhaps for security purposes. She added the extra parking is at the rear of the building, and not in the existing parking lot.

Brett Flory, Cross Architects, 879 Junction Drive, Allen, Texas, stated there will not be any impervious surface added as part of this project. He added the only addition is the masonry fence around an existing parking area. He noted City Staff and the Planning Commission requested that the masonry fence and outdoor vehicle storage area be added to the rear of the building.

Mr. Flory stated Caliber Collision is very efficient in their operations, with cars parked outside waiting for parts, and technicians working on two cars at a time. He added that is why they require three parking spaces per repair bay. He noted Caliber works with most major insurance companies, who require that vehicles are secured at all times.

Mayor Burt stated the existing parking lot might not be used much, but the application meets Ordinance requirements without needing to add to the stormwater management system.

Councilmember Date stated she is okay with the request and happy to see this new business. She added this brings up the issue of whether the City should have a maximum parking requirement.

Ms. Schmitz stated the minimum green space requirement provides balance, and a maximum parking requirement has not been necessary.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

Councilmember Date requested clarification regarding the Engineering Department's concerns about proper disposal of chemicals. Ms. Schmitz stated that issue was discussed at length by the Planning Commission. She added special permits will be required to regulate chemicals on site, and the condition requiring a hydrodynamic separator will add further protection for the rain gardens on site.

Councilmember Morris arrived at 8:14 p.m.

Councilmember Santini moved, seconded by Councilmember Wilson, to approve the Caliber Collision Conditional Use Permit based on the findings of fact in RESOLUTION 21-106, subject to the conditions as outlined in Council Letter 21-136.

Voting via Voice:

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

Steve Morris abstained.

B. Aster Landing; Rezoning; Planned Unit Development; Conditional Use Permit and Preliminary Plat; Project No. 27-2021-00434; Final Plat and Development Agreement; Project No. 27-2021-00435

Mayor Burt declared the public hearing open. She invited Ms. Schmitz to address the City Council.

Ms. Schmitz reviewed an application submitted by TEG Landholdings LLC for rezoning, Planned Unit Development, and Conditional Use Permit, as well as preliminary and final plat for a new subdivision to be called Aster Landing. The subject property, located at 9640 Dale Road, is currently zoned R-2 and guided Rural Estate in the City's Land Use Plan and Comprehensive Plan.

Ms. Schmitz stated the City's final urban service area (MUSA) line will be determined by the final utility design of this area, as it is the City's intent to provide services for as many areas as possible and limit the use of septic and wells. The applicant is requesting that the property be rezoned to R-4 to reflect the refined MUSA line, and its boundaries should be changed to reflect the addition of this property. A Comprehensive Plan amendment is not required.

Ms. Schmitz stated the proposed preliminary plat creates would 25 new single-family lots as well as 2 outlots for stormwater management and a future trail connection to the west. The public street will connect to Iron Horse Road on the north end.

Ms. Schmitz stated residents on Iron Horse Road have expressed concerns regarding construction traffic in their neighborhood. In response, a condition of approval has been added that Iron Horse Road will be barricaded until the first lift of asphalt is installed. Utilities will be extended from the north, and individual lift stations will be required to be installed on properties in the development's southern half due to the depth of the sewer line. These private lift stations have been utilized successfully in other developments near the MUSA boundary.

Ms. Schmitz stated the applicant is requesting a Planned Unit Development for this site. The PUD would allow for flexibility for front yard setbacks to be reduced from 35 to 25 feet, which is consistent with other developments. All other setbacks would remain the same. In exchange, the applicant will grade and dedicate Outlot B to the City for a future trail connection.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

Ms. Schmitz stated Aster Landing's sidewalk would connect with the sidewalk on the east side of Iron Horse Road, creating a highly connected system of trails with access to numerous pedestrian loops and adjacent developments. There are also several parks within 1/2 mile of the proposed project.

Ms. Schmitz stated, with regard to landscaping, a number of trees will need to be removed for grading and construction. The applicant will be required to provide tree replacement and an additional 3 trees per lot, to be placed on site around the perimeter and also into City Parks, or cash in lieu of trees.

Ms. Schmitz showed depictions of potential elevations from Kootenia Homes, which has been selected as one of the builders.

Ms. Schmitz stated a virtual neighborhood meeting, attended by 9 residents, was held on April 26, 2021. There were several questions regarding zoning, pedestrian connections, trees, price range, landscape plans and improvements. She noted that the owner of the adjacent property to the west, Mr. Heng, attended the meeting to discuss his concerns.

Ms. Schmitz stated the Planning Commission reviewed the application at its May 17, 2021, meeting.

Planning Commissioner Ryan Christenson stated the Planning Commission reviewed this request and unanimously recommended City Council approval of Aster Landing.

Duane Heng, 9524 Dale Road, stated his property is just west of this tract and he has a few concerns about the proposed development. He added sight lines are terrible on Dale Road, and he thought the City was going to improve that but there has not been any improvement. He noted he has 660 feet of frontage on Bailey Ponding Area, which is actually the correct name.

Mr. Heng stated the City has an easement on his private property for flooding, and 180 trees were removed for ponding purposes, as well as additional dead trees. He added the City said they would not improve his frontage of 660 feet because it would cause environmental damage. He noted many mature trees have been removed for other developments on Dale Road and the environmental impact is tremendous.

Mr. Heng stated the Bailey ponding area is a dumping ground and the water is polluted. He added they have tested his well and other wells to the north but have not found any contaminants in his well, but they are finding contaminants in the Salem Meadow area. He noted the City has talked about acquiring his property for a park, which he is willing to consider, but it must be a competitive price.

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

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

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

Councilmember Date asked whether 179 trees that are to be removed will be replaced. Ms. Schmitz clarified that the developer will be planting 179 trees on the site, which includes the three trees per lot plus the tree replacement based on the inches of trees removed. She added there is not enough room on the site to put all the replacement trees on this site. The additional replacement trees will be a combination of planting trees in City parks and/or a cash payment.

Councilmember Date asked whether some of these houses might not be connected to City sewer, since the exact location of the MUSA line is not known. Ms. Schmitz stated a rough boundary of the R-2 zone was completed as part of the 2040 Comprehensive Plan and that now that the final sewer design is known the entire site can be served by City water and sewer, although some of the lots would require a private lift station.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

Councilmember Date requested clarification regarding the outlots and park dedication. She asked whether the park dedication will be in cash. Ms. Schmitz confirmed this, adding the developer is dedicating the outlot to the north in addition to the park dedication fee.

Councilmember Date asked why no plans have been made for a trail west of Highcroft, along the stormwater pond. Ms. Schmitz stated she is unsure of the improvements planned for this park.

Councilmember Date stated she would like City Staff to check into that, as she thought the long-term plan was to have a trail that circles the pond. She added the trails could be connected if there is an opportunity for a park at the south end along Bailey Lake. Ms. Schmitz said that she would check with the Park and Recreation director for a status update.

Councilmember Date requested clarification regarding the trails plan at Outlot B. Ms. Schmitz stated Mr. Heng's property is shown as a priority acquisition site for future parks on the City's Comprehensive Plan, and that the City would be looking to acquire Mr. Hang's property in the future. The outlot would provide future trail access to that future park.

Mayor Burt asked whether there will be a sidewalk. Ms. Schmitz confirmed this, adding the sidewalk will run on the east side of the roadway to connect with the sidewalk on Iron Horse Road.

Councilmember Santini asked whether setbacks in Highcroft are 25 feet and whether the setback increases on the sidewalk side. Ms. Schmitz confirmed the setbacks are 25 feet, and they are the same on both sides of the street. She added the street right of way will be 60 feet.

Councilmember Wilson asked whether there will be a lift station. Ms. Schmitz stated private lift stations will be required on the southern half of the lots. She added the lift stations are privately owned and maintained.

Councilmember Wilson asked whether there is a traffic plan during construction to ensure that Highcroft residents can get to their neighborhood. Ms. Schmitz stated there will be a barricade to ensure that construction traffic access the site from Dale Road and not through the Highcroft development. The barricade will be removed when the first lift of asphalt is laid.

Councilmember Wilson expressed concern that the lots will have small setbacks with a sidewalk, and a narrow road, which can create parking issues especially on the sidewalk side.

Councilmember Santini agreed, adding she has concerns that the new development could become a cut-through for traffic.

Councilmember Date noted that the new homes will likely have 3-car garages with wider driveways which will provide more off-street parking. She added decreased setbacks are becoming more common, and there are other benefits. She noted it is a trade-off.

Councilmember Morris asked for clarification regarding sight lines on Dale Road. Tony Kutzke, City Engineer, stated the first 600 feet west of Woodbury Drive is currently being corrected, with construction expected to end in June. He added the sight lines west of Erin Court, which were corrected beginning in 2018, have a relatively flatter grade, and are now adequate for the roadway. He noted that the extent of the current improvements extends just past the church and one property to the west.

Councilmember Morris requested clarification regarding screening at Outlot A and the nearby intersection. He asked whether there will be plantings. Ms. Schmitz showed the landscaping plan which identifies a clear view triangle on the west side of that intersection.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

City Engineer Tony Kutzke stated plantings will be set back from the roadway as additional right of way will be dedicated as part of this project. Ms. Schmitz stated a right turn lane will also be added onto Iron Horse Road.

Mayor Burt asked whether there are plans for the property to the east. Ms. Schmitz stated City Staff has made numerous attempts to reach out to the property owner without success. She added future plans for the property are unknown. She noted the proposed development has a street stub so another curb cut on Dale Road would not be necessary.

Councilmember Date requested clarification regarding ejector pumps. Mr. Kutzke stated the pumps are owned by individual homeowners who are responsible for their maintenance and repairs.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following ordinance

Ordinance 1999

Ordinance of the City of Woodbury, Washington County, Minnesota, rezoning certain property from R-2, Single Family Estate 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 Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 21-107

Resolution of the City of Woodbury, Washington County, Minnesota approving the Conditional Use Permit (CUP) via RESOLUTION 21- 107, a resolution adopting findings of fact.

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 approve the Aster Landing Planned Unit Development (PUD) and Preliminary Plat, Project No. 27-2021- 00434, all subject to the conditions as outlined in Council Letter 21-137 and listed below:

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.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

3. Prior to the issuance of a building permit, the Applicant shall record the Final Plat.
4. Prior to the issuance of a land disturbance permit, the Applicant shall install construction fencing to clearly delineate tree protection areas for all trees adjacent to property lines. Said fencing shall be reviewed and approved by Planning staff.
5. All trees planted onsite as part of the approved landscaping plan shall be replaced (if they expire), 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.
6. Final park dedication shall be satisfied via cash dedication. Final dedication shall be memorialized in the Development Agreement.
7. 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.
8. 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. Planting within a City park shall be coordinated with Parks Maintenance.
9. Prior to the issuance of a land disturbance permit, landscaping shall be added to the plans adjacent to Dale Road and within the stormwater basins.
10. A Development Agreement shall be fully executed prior to the release of the Final Plat for recording.
11. 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.
12. Prior to the issuance of a land disturbance permit, Staff shall review and approve final landscaping and seeding plan for Outlot B.
13. 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.
14. Prior to the issuance of a grading permit, Planning staff shall review and approve barricade specifications for Iron Horse Road. The barricade shall remain in place until the first lift of asphalt is installed. Upon removal of the barricade, the Applicant shall place "No Construction Traffic" signs where Iron Horse Road transitions into Highcroft.

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 infiltration, 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.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

5. The Applicant shall provide approved street lighting at every intersection and/or every 300 feet. The Applicant shall also be responsible to provide major roadway street lighting if a road intersects a major collector.
6. The Applicant shall grade the Dale Road ROW to accommodate future expansion. 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.
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. All homes shall have a 25 foot useable backyard area (flat for approximately 25 feet out from the house pad).
11. 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.
12. 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.
13. Prior to the issuance of a land disturbance permit, the Applicant shall provide staff with sealing record for the existing well and septic.
14. Block 1 Lots 5 through 12 and Block 2 Lots 6 through 13 are designed to have private sanitary grinder pump system due to the existing topography of the site and the inability to feed into the gravity system. The grinder pump, and its components, shall be privately owned and maintained by each residence. The homebuilder shall be responsible for its installation through the building permit process.
15. Dale Road improvements including the right turn lane shall be wholly funded and privately constructed by the Applicant.
16. Prior to the issuance of a land disturbance permit, the Applicant shall review landscape opportunities for the north side of Outlot B.
17. Prior to the issuance of a land disturbance permit, the Applicant shall soften the edges of the pond area to be more natural in shape.
18. Prior to the issuance of a land disturbance permit, the Applicant shall provide a utility plan showing City water and sewer stubbed to the west property line through Outlot B or alternate location as approved by staff.
19. Prior to the issuance of a land disturbance permit, the City Engineer shall evaluate opportunities for roadway signage for Iron Horse Road and Dale Road adjacent to this development.

Final Plat Conditions

**City Council Meeting Minutes
Wednesday, May 26, 2021**

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.
6. Prior to the release of the Final Plat, a Developer Agreement shall be executed.
7. 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.
8. 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.
9. 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.
10. 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.
11. Prior to the release of the Final Plat, the dimensions of all outlots shall be reviewed and approved by Planning staff. All outlots shall be dedicated to the City at no cost and free of encumbrances.
12. The Developer shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
13. The Final Plat shall be recorded prior to issuance of a building permit.

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 approve the Aster Landing Final Plat, Project No. 27-2021- 00435 as outlined in Council Letter 21-137 and as listed above.

Voting via voice:

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

**City Council Meeting Minutes
Wednesday, May 26, 2021**

Councilmember Morris moved, seconded by Councilmember Santini, to authorize the Mayor and City Administrator to execute the Development Agreement, subject to the conditions as outlined in Council Letter 21-137 and as listed above.

Voting via voice:

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

Discussion

No items scheduled

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)

City Engineer Tony Kutzke reviewed current projects in Woodbury, including 2021 roadway rehabilitation in the Preserve area, Phase 1 began on May 20, 2021, to be completed by June 18, 2021, focused on Wood Duck Road, Drake Road and Teal Road south of Tamarack Road. Concrete curb removal and replacement is scheduled for the week of May 31, 2021.

Mr. Kutzke stated a mill and overlay project on Hudson Road west of Radio Drive will begin June 7, 2021, to be completed by July 1, 2021. The project includes trail repaving on the south side of Hudson Road, which will remain open to traffic with lane shifts.

Mayor Burt requested an update on assessments for the Hudson Road project. Mr. Kutzke stated the assessments appeal process is under way in District Court.

Mr. Kutzke stated the Bailey Road Management and Safety Project was completed in 2020, and the trail on the north side of the road has been paved this year, the focus of this year's work is completion of landscaping projects. Temporary lane closures are expected.

Mayor Burt asked, with regard to the landscape portion of the project, how many trees will be planted. Mr. Kutzke stated he is unsure of numbers, but the project is extensive, with a number of medians and areas adjacent to the trails to be landscaped from Radio Drive to Wood Lane Drive.

Mr. Kutzke stated the Woodbury Drive Local Roads Project began last year, a cooperative project between the County and the City of Woodbury, involving construction on Tamarack Road and trails

**City Council Meeting Minutes
Wednesday, May 26, 2021**

along Commerce Drive and Rivertown Drive. A closed intersection is planned on Tamarack Road at Sunrise Drive west to Commerce Drive.

Mr. Kutzke stated the Woodbury Drive Corridor Management and Safety Improvement project will set up a temporary bypass on Woodbury Drive at Dale Road to accommodate traffic during construction of a roundabout. Construction will take approximately 70 days.

Mr. Kutzke stated improvements to Hudson Road and Settlers Ridge Parkway roadway and intersections is under way, and traffic was closed on April 12 for significant grading. Construction is scheduled to begin in the next couple weeks, and improvements will include trail construction, turn lanes, and a traffic signal.

Councilmember Morris asked about a development project. Ms. Schmitz stated the contractor, Kindeva, had an original start date in July, but will probably be towards the end of summer. They may get some of their initial testing done before they are able to open for production.

Mayor Burt asked how the developer will access the site during construction. Tony stated the contractor is providing access from Hudson Road.

Councilmember Wilson asked how residents will access the apartment complex that the City Council approved. Tony stated the Karen Drive intersection at Hudson Road is still open and accessible.

Mr. Kutzke stated residents who are interested in receiving project updates can sign up through the “In Touch” system. He added the City’s transportation Capital Improvement Plan GIS map provides interactive updates and project status and can be found on the City’s website.

Administrative Report

City Administrator Clint Gridley stated the Planning Commission’s next meeting is scheduled for June 7, 2021, at which four items will be discussed: a variance for Hidden Meadow; a discussion regarding the Commercial Vehicle Ordinance; Woodbury Baptist’s digital sign; and a Conditional Use Permit for Our Happy Place adult day care.

Mr. Gridley stated the City Council’s June 2, 2021, workshop will be held at La Lake Retreat Center at 6:30 p.m. City Council priorities will be discussed.

Mr. Gridley stated a preliminary public hearing regarding the Commercial Vehicle Ordinance is scheduled for June 9, 2021.

Mr. Gridley stated the Parks and Natural Resources Commission is scheduled to meet June 1, 2021. The meeting will begin with a tour of Briarcroft Park at 6:00 p.m. at the mobile home on Arrowwood Trail. The Commission will return to City Hall for its regular meeting in the Ash Conference Room.

**City Council Meeting Minutes
Wednesday, May 26, 2021**

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting to a Council Workshop meeting at 9:00 p.m.

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

Absent: None

Respectfully submitted,



Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on June 9, 2021