

**Minutes**  
**Woodbury City Council**  
**Wednesday, June 14, 2023**

Pursuant to the due call and notice thereof, a regular meeting was duly held virtually and at Woodbury City Hall, 8301 Valley Creek Road, on the 14<sup>th</sup> day of June 2023.

**Call to Order**

Mayor Anne Burt called the meeting to order at 6:30 p.m.

Mayor Burt welcomed those listening and attending. Members of the public may also join the meeting using a PC, Mac, iPad, iPhone or Android device. Public comments will be accepted during the meeting both in person and by using the link to the virtual meeting to join the meeting and then submit your questions via the online Q&A feature within the meeting. Questions regarding the meeting will also be taken between the hours of 8:00 a.m. to 4:30 p.m. via email [council@woodburymn.gov](mailto:council@woodburymn.gov) or call 651-714-3524 and leaving a voicemail message.

**Pledge to Flag**

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

**Roll Call**

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

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

**Special Order of Business**

Attorney Sandstrom provided a brief summary of the council's closed session held at the end of the May 24<sup>th</sup> council meeting, indicating the meeting was closed to discuss the status and strategy of labor contract negotiations under Minn. Stat. 13D.03, indicating that staff and the Council discussed the status but that no formal action was taken by the council and the meeting was then adjourned at the end of the closed session.

**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.

Jacqueline and Brian Krech, 4504 Wild Canyon Drive, submitted a letter to the Council and explained they are following up from the May 25, 2022 City Council meeting concerning a neighbor who continues to slowly construct a large elevated structure or tree house along with a planned walkway connecting this building to their existing house deck.

Mayor Burt thanked Mr. and Mrs. Krech for attending the City Council meeting and indicated that staff would be in contact with them soon.

**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 Consent Agenda Item B be moved to Discussion.

Item A            Approval of Minutes - May 24, 2023

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Item B Westwind, Final Plat and Development Agreement, Project No. 33-2023-00515. This item was pulled from the consent agenda and moved to discussion.

Item C To adopt the following resolution **Resolution 23-100**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing staff to issue a land disturbance permit to be issued to Dale Properties, for the property located at the southeast quadrant of the intersection of Hudson Road and Settlers Ridge Parkway, subject to the following conditions as listed below:

1. The Contractor must obtain a land disturbance permit and comply with all special provisions set forth within the permit and must also obtain any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance.
2. The Contractor shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance.
3. The Contractor shall be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities and the Watershed District grading permit prior to commencing any site activities.
4. The Contractor and Landowner shall acknowledge that the issuance of a land disturbance permit shall not imply or effect any approval for future development applications and applicant proceeds at its own risk as to any grading or work done upon the site.

Item D To adopt the following resolution **Resolution 23-101**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing Amendment Number 2 to the METRO Gold Line Subordinate Funding Agreement 6 to the Master Funding Agreement between the City of Woodbury and the Metropolitan Council.

Item E To adopt the following resolution **Resolution 23-102**

Resolution of the City of Woodbury, Washington County, Minnesota approving the agreement for the 2023 Roadway Rehabilitation Rain Gardens Project with Stantec Consulting, Inc. in the amount of \$119,519 and authorizing the Mayor and City Administrator to sign said agreement.

Item F To adopt the following resolution **Resolution 23-103**

Resolution of the City of Woodbury, Washington County Minnesota authorizing the Mayor and City Administrator to execute an engineering consulting services contract with WSB for construction administration services for the Westwind Addition Utility and Street Improvements Project (Private Construction) contingent on all required securities being collected.

Item G To adopt the following resolution **Resolution 23-104**

Resolution of the City of Woodbury, Washington County, Minnesota awarding the contract for the 2023 Rejuvenator Project to Corrective Asphalt Materials, LLC., authorizing the Mayor and City Administrator to execute the construction contract and amend the Street Reconstruction/Maintenance Fund Budget for the 2023 Rejuvenator Project.

Item H To adopt the following resolution **Resolution 23-105**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing execution of the agreement with the Minnesota Department of Revenue for collection of a local lodging tax.

Item I To adopt a motion approving issuance of a temporary on-sale intoxicating liquor license to Woodbury Days Council effective Friday, August 18, 2023 between the hours of 4:00 p.m. and 10:00 p.m.; Saturday, August 19, 2023 between the hours of 12:00 noon and 10:00 p.m.; and Sunday, August 20, 2023 between the hours of 12:00 noon and 5:00 p.m. with the restrictions:

- The Woodbury Days Council must hire a police officer to work: Friday, August 18: 5:00 p.m. to 10:00 p.m. Saturday, August 19: 5:00 p.m. to 10:00 p.m.
- During the time the officer is present, it is okay to have untrained servers working.
- When there is not an officer present, only servers that have been trained will be allowed to work. The Police Department will provide this training at no cost to the applicant.
- Servers shall not drink any alcoholic beverages three hours prior to their shift or during their shift.

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- All servers shall follow the policies and procedures outlined by the Woodbury Days Council.
- The applicant must put up a temporary fence to help monitor access.
- A Minnesota produced beer must be available for purchase.
- There will be no glass containers served to customers.

Item J To adopt the following resolution

**Resolution 23-107**

Resolution of the City of Woodbury, Washington County, Minnesota in support of New Water Tower Project and application for state bonding.

Item K 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 19, 2023 in the amount of \$2,167,423.82, May 26, 2023 in the amount of \$792,276.90 and June 2, 2023 in the amount of \$440,122.79.

Councilmember Santini moved, seconded by Councilmember Date, to approve the Consent Agenda except Item B.

**Voting via voice:**

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

**Discussion**

**A. Consent Agenda Item 6B. Westwind, Final Plat and Development Agreement, Project No. 33-2023-00515**

At the request of Mayor Burt, Janelle Schmitz, Community Development Director, provided a short presentation stating Maplewood Development has requested Final Plat approval for the first phase of the Westwind development. Ms. Schmitz explained the applicant is requesting to plat 82 single family lots and 48 multi-family units and multiple outlots. She stated the property is zoned R-4, Urban Residential District and is located at the southwest corner of Dale Road and Pioneer Drive.

Attorney Sandstrom provided a brief explanation of the final plat approval process and stated that it is generally a difficult standard in the law to deny a final plat after a preliminary plat has already been approved. The preliminary plat process is a more detailed and comprehensive process and once the preliminary plat is approved, state law dictates that the final plat be approved as long it is in conformance with the preliminary plat. Council Member Wilson expressed concerns about the process and stated that she was informed differently.

Councilmember Date, seconded by Councilmember Santini,

To approve the Westwind, Final Plat, Project No. 33-2303-0015 and authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as listed below:

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. To cure the prematurity of the roadway network, the Applicant shall improve Dale Road to a two-lane divided roadway with designs approved by the City Engineer. The Applicant shall either privately construct these improvements or may request a 429 assessment for the City to allow for public construction. The construction shall be memorialized within the Development Agreement.
5. To cure the prematurity of the roadway network, the Applicant shall improve Pioneer Drive to the south boundary of the subdivision with designs approved by the City Engineer. The Applicant shall privately construct these improvements which shall be secured via the Development Agreement.
6. Prior to the release of the Final Plat, a Development 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

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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. The Final Plat shall be recorded prior to issuance of a building permit.
12. Park dedication shall be satisfied via a combination of land, improvements and cash dedication. Final dedication shall be memorialized in the Development Agreement.

**Voting via voice:**

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

**7A. Closed session to discuss labor negotiations**

Mayor Burt stated the City Council now intends to convene to a closed session at the request of staff for the purpose of having confidential discussions about the status and strategy of ongoing union contract labor negotiations and for the City Council to provide input and direction to staff on the contract negotiations.

The City Council is authorized by law pursuant to Minnesota Statutes Section 13D.03 to discuss labor negotiation proposals, status, and strategy in a closed session. The closed session will be tape recorded as required by the Statute.

The City Council does not intend to take formal action on any union contracts during the closed session. If final action is ready to proceed on a contract, then the Council will reconvene and return to open session to approve the final version of a negotiated union contract.

If the matters are not ready for final action, then the City Council may simply adjourn its meeting at the end of the Closed Session without returning to open session. If the Council adjourns without returning to open session, then a brief summary of the closed session will be provided at the next regular City Council meeting.

Mayor Burt entertained a motion from the Council to go into closed session to discuss labor negotiations.

Councilmember Santini moved, seconded by Councilmember Date to enter into closed session.

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

Mayor Burt reconvened the meeting, and Councilmember Santini, seconded by Councilmember Date moved

To adopt the following resolution

**Resolution 23-106**

A Resolution of the City of Woodbury, Washington County, Minnesota approving the Memorandum of Understanding between the City of Woodbury and Woodbury Police Officers Association approving changes to sick leave, vacation leave and severance.

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

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**City Administrator's Report**

Clinton Gridley, City Administrator reviewed upcoming City meetings:

**Preliminary Items Scheduled for June 21 Council Workshop**

1. 2022 Performance Measures Report
2. Central Park Financials
3. Recreational Revenues

**Preliminary June 28 Public Hearings:**

1. Tenacity Restaurant Group, Inc., dba Sweet Paris Creperie and Café, 265 Radio Drive, Suite K, Woodbury, On sale wine and beer liquor license including patio sales
2. Yum! His, LLC dba yum! Kitchen and Bakery, 8340 City Centre Drive, Woodbury, On sale wine and beer liquor License including patio sales

**Other Meetings**

1. Audit and Investment Commission, June 23, 7:30 a.m., Ash North and South Conference Rooms
2. Economic Development Commission, June 27, 7:30 a.m., Ash North and South Conference Rooms

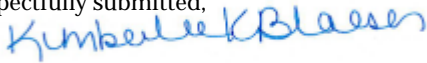
**Adjournment**

Mayor Burt moved, seconded by Councilmember Date, to adjourn the meeting at 6:56 p.m. and stated that the City Council would walk to the Public Safety building to attend the previously scheduled City Council Workshop meeting.

**Voting via voice:**

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

Respectfully submitted,



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Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on June 28, 2023