

Minutes
Woodbury City Council
Wednesday, June 15, 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 15th day of June 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; and Chris Hartzell, Engineering Director.

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.

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 Items C, E and H be moved to Discussion.

Item A Approval of Council Minutes – May 25, 2022

Item B To adopt a motion approving the Gateway Office Site and Building Plan, Project No. 05-2022-00490, with the approval subject to the conditions as listed below and outlined in Council Letter 22-174:

1. All conditions of the original PUD and Preliminary Plat for Tamarack Hills II shall remain in full force and effect.
2. Any future trash enclosures shall utilize wooden gates and shall be constructed on three sides using the same materials and patterns used on the building. The location shall be approved by the Planning Division.
3. All freestanding light fixtures shall not exceed twenty-five (25) feet in height measured from grade to the top of the fixture. The fixtures shall be shoebox style, sodium vapor, downward directed with flush lenses. Other than wash and decorative entry lighting, attached lighting shall be shoebox style, sodium vapor, downward directed with a flush lens.

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4. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements. Once transformer or generator locations are known, a landscape plan with screening plants identified shall be reviewed and approved by staff.
5. No exterior storage shall be permitted.
6. All materials and architectural elements used throughout the PUD shall be of consistent color and style. Staff shall approve final copper, brick, stone and EIFs materials in writing.
7. Prior to the issuance of a building permit, the Applicant shall submit a materials board. The materials shall be reviewed and approved by Planning staff.
8. Prior to the application of building materials, the Applicant shall construct sample material mock-ups on site for all of the buildings.
9. Prior to the issuance of a building permit, staff shall review and approve the final utility and stormwater designs.
10. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant. It is recommended that the Applicant document the existing condition of all on-site utilities prior to the commencement of any site activities.
11. Erosion control around the entire construction site shall be required and maintained by the Applicant during construction to ensure that sediment and stormwater does not leave the project site.
12. The Applicant shall be financially responsible for 100% of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property.
13. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewers, sanitary sewer, watermain and roadway systems and components to the City for review and approval. The Applicant or future property owner shall be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
14. All sanitary sewer, watermain and storm sewer facilities installed to accommodate the site are private and shall be the Applicant's responsibility for the design, installation, maintenance, repair, replacements, operation, protection, etc.
15. The Applicant shall receive a land disturbance permit from the City's Engineering Division prior to the commencement of any site activities.
16. The Applicant shall obtain any other permits necessary from other agencies, MPCA, Ramsey Washington Metro Watershed District, etc. prior to the start of any site activities.
17. Prior to the release of the building permit, a landscape financial security shall be submitted in the amount as required by ordinance.
18. Prior to the issuance of a building permit, the Applicant shall provide a recorded cross parking and access easement.
19. Prior to the issuance of a building permit, the Applicant shall receive written approval from the Engineering Division approving the existing pavement condition and authorizing its future use onsite.
20. Prior to the issuance of a building permit, the Applicant shall submit an irrigation plan meeting the following design requirements: • System must be designed by a certified irrigation contractor. • The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff. • Private irrigation wells as a back-up irrigation source are not permitted. • Irrigation heads shall be placed a minimum six (6) inches from back of curb, trail, sidewalk, or other hard surface. • EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering staff in writing. • MP rotator heads or equivalent shall be used throughout.
21. Prior to the issuance of a building permit, a revised landscaping plan that shows additional plantings along the west property line shall be reviewed by staff and approved in writing.

Item C AirLake North Second Addition; Final Plat and Development Agreement; Project No. 26-2022-00497. This item was removed from the consent agenda and moved to the discussion portion of the meeting.

Item D To adopt a motion approving Settlers East, Final Plat, Project No. 01-2022-00494. Staff further recommends Council authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions listed below and outlined in Council Letter 22-176:

1. All conditions of the Planned Unit Development, Site and Building Plan and Preliminary Plat approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements and ROW to match the street and utility plans being prepared by the City's consultant engineer.
3. The final street names shall be reviewed and approved by the Building Official.
4. 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.
5. Prior to the release of the Final Plat for recording, the City Engineer shall review and approve the final construction plans. The Developer shall privately construct and wholly fund all identified improvements.

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6. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code. This includes participation for public infrastructure including storm sewer, water, sanitary sewer and transportation infrastructure.
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. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements 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 Developer shall deed all required outlots to the City free of encumbrances and at no cost. The Developer shall receive written approval that all obligations and conditions have been completed prior to dedicating any and all outlots. Any and all future tax obligations shall be paid by the Developer.
11. The Final Plat shall be recorded prior to issuance of a building permit.
12. Park dedication shall be paid in cash in lieu of land dedication. Payment shall be made prior to the release of the Final Plat.

Item E Copper Hills Utility and Street Improvements (Private Construction); Consultant Selection. This item was removed from the consent agenda and moved to the discussion portion of the meeting.

Item F To adopt the following resolution

Resolution 22-141

Resolution of the City of Woodbury, Washington County, Minnesota adopting revisions to Lawn and Landscape Watering Policy CD-ENGPW-4.4.

Item G To adopt the following resolution

Resolution 22-142

Resolution of the City of Woodbury, Washington County, Minnesota authorizing advanced ordering of 2023 replacement vehicles.

Item H City Hall Monument Sign Digital Reader Board; Approving Budget Adjustment. This item was removed from the consent agenda and moved to the discussion portion of the meeting.

Item I To adopt a motion approving the 2023 – 2027 Capital Improvement Plan

Item J To adopt a motion approving issuance of a temporary on-sale intoxicating liquor license to Woodbury Days Council effective Friday, August 19, 2022 between the hours of 4:00 p.m. and 10:00 p.m.; Saturday, August 20, 2022 between the hours of 12:00 noon and 10:00 p.m.; and Sunday, August 21, 2022 between the hours of 12:00 noon and 5:00 p.m. with the restrictions as outlined in Council Letter 22-182.

- The Woodbury Days Council must hire a police officer to work: Friday, August 19: 5:00 p.m. to 10:00 p.m. Saturday, August 20: 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.
- 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 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 20, 2022 in the amount of \$857,685.70, May 27, 2022 in the amount of \$719,166.09 and June 3, 2022 in the amount of \$1,075,676.78.

Councilmember Santini moved, seconded by Councilmember Date, to approve Consent Agenda items A-K with the exception of Items C, E and H.

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Voting via voice:

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

Public Hearings

A. Tono Commerce, LLC dba Tono Pizzeria + Cheesesteaks; 437 Commerce Drive; On Sale Wine and Beer Liquor License

Mayor Burt declared the public hearing open.

City Clerk Kimberlee Blaeser reviewed an application from Tono Commerce LLC, dba Tono Pizzeria + Cheesesteaks at 437 Commerce Drive for an on-sale wine and beer liquor license. All necessary fees have been submitted to the City, and the application has been reviewed and approved by the City Attorney. City Staff recommends City Council approval of Tono Commerce's application for an on-sale wine and beer license.

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

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 an On Sale Wine and Beer Liquor License to Tono Commerce, LLC dba Tono Pizzeria + Cheesesteaks located at 437 Commerce Drive.

Voting via voice:

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

Discussion

A. Consent Agenda Item C. Approval of AirLake North Second Addition; Final Plat and Development Agreement; Project No. 26-2022-00497

Councilmember Wilson stated she will be voting differently.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt a motion approving AirLake North Second Addition; Final Plat and Development Agreement; Project No. 26-2022-00497.

Voting via voice:

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

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Councilmember Santini moved, seconded by Councilmember Morris,

To adopt a motion to authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 22-175.

1. All conditions of the 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. Prior to the release of the Final Plat, the applicant shall provide a revised subdivision name for marketing and future neighborhood identification purposes to be approved by Planning staff.
7. The Developer shall deed all required outlots to the City free of encumbrances and at no cost. The Developer shall receive written approval that all obligations and conditions have been completed prior to dedicating any and all outlots. Any and all future tax obligations shall be paid by the Developer.
8. 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.
9. 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.
10. 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.
11. 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.
12. The Final Plat shall be recorded prior to issuance of a building permit.
13. Temporary cul-de-sacs shall be required as required by the City Engineer.
14. Park dedication shall be paid in cash in lieu of land dedication. Payment shall be made prior to the release of the Final Plat.

Voting via voice:

Kim Wilson – no
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

B. Consent Agenda Item E. Copper Hills Addition Utility & Street Improvements Project (Private Construction); Consultant Selection

Councilmember Wilson stated she will be voting differently.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 22-143

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 Copper Hills Addition Utility & Street Improvements Project (Private Construction) contingent on all required securities being collected.

Voting via voice:

Kim Wilson – no
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

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A. Consent Agenda Item H. City Hall Monument Sign Digital Reader Board; Approving Budget Adjustment

Councilmember Wilson stated this issue was discussed by the City Council and it was decided that this issue would be reviewed again if the Planning Commission makes a decision to change the Ordinance. She added she does not believe the Planning Commission has reviewed the Ordinance, and she will be voting differently.

City Administrator Clint Gridley stated the City Council requested that City Staff review the electronic sign Ordinance. He added it was City Staff's interpretation that it was not contingent upon an Ordinance amendment.

Councilmember Date asked whether the sign at City Hall can be changed if the Ordinance is changed. Mr. Gridley confirmed this.

Councilmember Wilson requested confirmation that there will only be one message allowed per 24-hour period. Mr. Gridley confirmed this.

Councilmember Santini moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 22-144

Resolution of the City of Woodbury, Washington County, Minnesota authorizing a budget amendment for a City Hall monument sign digital reader board.

Voting via voice:

Kim Wilson – no
Andrea Date – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

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

Engineering Director Chris Hartzell reviewed construction projects currently under way as well as future projects.

- Hudson Road turn lanes and watermain at Karen Drive
- Hudson Road between Settlers Ridge Parkway and Manning Avenue improvements
- Lake Road/Pioneer Drive Intersection Improvements
- Lake Road 4 to 3 Lane Conversion and Pavement Management Project
- Washington County All-Way Stop Installations:
 - Week of June 13 – Radio Drive and Dale Road
 - Week of June 27 – Bailey Road and Settlers Ridge Parkway
 - Week of July 11 – Valley Creek Road and Dancing Waters Parkway
- I-494 Lane Closures – to be completed by June 31 (Friday)
- Edgewood Avenue Culvert Replacement – scheduled to begin in July
- City Hall Parking Lot – phased to accommodate reduced parking

Future projects:

- I-94 construction - still in design phase, to begin later in the fall
- Gold Line – bids were open June 8, with construction anticipated to start later this year and service starting in 2025
- Ojibway Park Parking Lot – scheduled to be rehabilitated in August and completed in October
- Rejuvenator Project – annual project to add rejuvenator to pavements that were paved last year, expected in July. Notices will be sent to affected residents.

Mr. Hartzell stated residents can sign up for project updates on woodburymn.gov/intouch.

Councilmember Santini asked whether the Lake Road conversion will be completed before Woodbury Days. Mr. Hartzell stated he does not have the specific timeline, but the project is not as substantial as other projects.

Councilmember Santini requested consideration of alternative parking and pedestrian access for events that may be scheduled at City Hall during parking lot construction. Mr. Gridley agreed.

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City Administrator's Report

Mr. Gridley stated the community engagement strategy survey is available on the City website. He added City Staff would greatly appreciate survey responses from resident. He noted City Council feedback and comments will be sought before a proposal is brought forward in August 2022.

Mr. Gridley stated virtual listening sessions are scheduled for June 28, 2022 from 12:00 – 1:00 p.m. and June 30, 2022 from 6:00 – 7:00 p.m. These sessions will be focused on the City's PFAS mitigation.

Mr. Gridley stated 441 permits have been issued to date in 2022, compared with 232 permits at this time last year.

Mr. Gridley stated a herd of goats have been placed in Hasenbank Woods for grazing, to help control buckthorn and other invasive species. He added this initiative helps the City combat persistent plants without herbicide applications.

Mr. Gridley stated golf numbers in May and June have been very good.

Mr. Gridley stated skating continues into the summer. He added the west rink is closed during renovation.

Mr. Gridley stated the splash pad is now open.

Mr. Gridley reviewed upcoming City meetings:

June 24, 2022 - Audit and Investment Committee meeting, 7:30 a.m., Ash North & South Conference Rooms

June 28 and June 30, 2022 – City Council listening sessions

June 29, 2022 – City Council Workshop

July 11, 2022 – Planning Commission meeting

July 20, 2022 – City Council annual performance measurement report and long term financial projections

July 26, 2022 – Economic Development Commission meeting, 7:30 a.m., Ash North & South Conference Rooms

July 27, 2022 – City Council meeting

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 7:25 p.m.

Voting via voice:

Kim Wilson – aye

Andrea Date – aye

Steve Morris – aye

Jennifer Santini – aye

Anne Burt – aye

Respectfully submitted,

Kimberlee K. Blaaser

Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on July 27, 2022