

Minutes
Woodbury City Council
Wednesday, July 14, 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 14th day of July 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, and Jennifer Santini. Absent: None

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Karl Batalden, Community Development Coordinator; and Chris Hartzell, Engineering Director.

Special Order of Business

A. CSAH 18 (Bailey Road) Management and Safety Project; Present Ribbon Cutting Plaque

Mayor Burt welcomed Washington County Commissioners Wayne Johnson, District 4, and Lisa Weik, District 5, and invited them to address the City Council.

Commissioner Johnson presented a plaque to the City of Woodbury commemorating the Bailey Road Management and Safety Project Ribbon Cutting.

Commissioner Weik thanked the Mayor and City Council for their leadership on this successful collaboration. She added the project came in on time and under budget and will support future growth in the southwest suburbs.

B. Review of 2020 Audit and Comprehensive Annual Financial Report

Jacqueline Knowles, BerganKDV, reviewed the results of the 2020 Audit and Comprehensive Financial Report. She stated a detailed presentation was also given at the Audit and Investment Commission's recent meeting. She added an unmodified opinion is being provided, which is the best that BerganKDV can offer, and the City's financial statements are presented fairly as of December 31, 2020, for all activity that occurred during the year. She noted a report has been issued, as required by the Office of the Minnesota State Auditor, and there are no findings to report.

Ms. Knowles stated the City is required to test for compliance and controls for coronavirus relief funding that has been received and spent. She added there are no findings to report.

Ms. Knowles stated some fluctuation was noted in sources of revenue per capita in 2020. She added Woodbury was below the statewide average for intergovernmental revenue as the City does not receive local government aid. She noted other revenue decreased in 2020, due to fluctuations in the unrealized gains on investments, and special assessment revenue fluctuated based on the status of projects.

Ms. Knowles stated, with regard to expenditures per capita, there was a decrease in public safety and public works spending due to contributions for the HERO Center, as well as funding from Washington County for Valley Creek Road.

Ms. Knowles stated the City's tax capacity has grown year over year for the past five years, and the levy has increased at a slower rate.

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Mayor Burt thanked Ms. Knowles for her concise summary. She expressed her thanks and appreciation to the Audit and Investment Commission, as well as City Staff, for their time and efforts in reviewing the audit report.

City Administrator Clint Gridley stated the audit was done virtually, during construction and with the departure of the City's long-standing Finance Director. He added adjustments were made, and City Staff did a great job in producing a seamless, professional report with no findings and no complications related to federal funds. He thanked the Finance Department team for their successful efforts under difficult circumstances.

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.

Karen O'Hearn, 9278 Cornell Circle, stated Mayor Burt stated, before the Open Forum, that anyone who wishes to address the City Council will receive a response to their questions by mail or phone call within 1 week. She added she and other residents asked questions during the Open Forum at the City Council's May 12, 2021, meeting that have not been answered. She noted that was 9 weeks ago.

Ms. O'Hearn stated she and other residents asked questions about the Mayor and City Council of Lake Elmo voting down the Gold Line BRT in their community. She added residents asked questions about past votes of the Woodbury Mayor and City Council related to the Gold Line BRT; when the votes were taken and who voted; and which way the Councilmembers voted.

Ms. O'Hearn stated she presented statistics from crime and safety articles which indicated that there were over 3,000 crimes on LRT in 2020 with reduced ridership. She added she asked whether measures have been put in place by the City of Woodbury to keep residents safe when it is known that there will be an increase in crime due to the BRT coming to Woodbury. She noted all of these questions should be answered.

Ms. O'Hearn stated the FAQ sheet on the City's website does not answer these questions. She added there are many videos and articles on this issue, including a June 9, 2021, KSTP story regarding the crime crisis on light rail, based on a year-long investigation.

Ms. O'Hearn asked whether the City of Woodbury has laws in place for loitering and panhandling, and whether people will be allowed to camp out in the three transit stations and parking ramps that are proposed. She added she looks forward to receiving responses to her questions.

City Administrator Clint Gridley stated the intent of the Open Forum is to ensure that the City Council addresses new questions and City Staff has an opportunity to respond. He added City Staff has received questions from many residents including Ms. O'Hearn over the course of the past several months, and Ms. O'Hearn has had conversations with City staff as well as Councilmembers, regarding her questions.

Mr. Gridley stated City staff has respectfully asked residents to take their questions to Washington County, which is the project lead. He added the City has made policy statements in support of the project, but the City is not managing the project. He noted City staff is not obligated to interrupt their operational obligations to address continuous questions regarding the Gold Line. He stated City staff have developed an FAQ that can be found on the City website, and that some of the FAQ items were developed as a result of Ms. O'Hearn and other city resident's questions. He stated that City staff has responded to questions and has provide contact information that does provide the avenue for residents to continue their own research on this item.

There were comments from individuals in the audience who did not come to the podium to identify themselves. Comments were regarding research that has been completed by Ms. O'Hearn and that City staff should respond to the questions and the City Council should support the concerns of the residents of Woodbury.

Mayor Burt stated the City Council appreciates all residents' comments and concerns. She added the project will not meet the needs of all community members, and there will always be people on both sides of the decision, which was made many years ago by another City Council. She noted the City does not have control over State and County projects, but the City can ensure that the proposed station plans are designed to ensure a safe environment, with involvement from Police and Public Safety.

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.

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- Item B To adopt the following resolution **Resolution 21-126**
- Resolution of the City of Woodbury, Washington County, Minnesota** awarding a Two-year Lease Agreement to the Regents of the University of Minnesota through its Department of Entomology, with the Option to Extend One-year, for Apiary Use of Park Property CD-P78.3 and Authorizing the Mayor and City Administrator to Sign Said Lease Agreement.
- Item C Approve the Washington County Environmental Center; Amended Site and Building Plan; Project No. 25-2021-00447 subject to conditions as outlined in Council Letter 21-172.
1. This approval does not include signs. A separate sign permit is required for any proposed signage.
 2. All areas of the site, where practical, shall be sodded and maintained.
 3. 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.
 4. All HVAC and other ground or roof mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
 5. 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.
 6. Prior to the issuance of a land disturbance or building permit, Engineering shall review and approve all grading and stormwater plans.
 7. Prior to the application of building materials, the Applicant shall construct sample material mock-ups on-site. The mock-ups shall be approved by the Planning staff.
 8. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and stormwater does not leave the project site.
 9. All disturbed boulevards shall be restored with sod. The Developer shall mow and maintain to the curb of all public and private streets.
 10. Prior to the issuance of a land disturbance permit, the Applicant shall submit a landscaping plan showing screening of all ground mounted equipment.
- Item D Approve 1976 Wooddale Drive Garage Addition; Amended Site and Building Plan; Project No. 07-2021-00458 subject to the conditions as outlined in Council Letter 21-173.
1. This approval does not include signs. A separate sign permit is required for all proposed signage.
 2. All areas of the site, where practical, shall be sodded and maintained.
 3. All HVAC and other ground or roof mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
 4. 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.
 5. Prior to the issuance of a building permit, full civil plans shall be submitted to the City. Engineering and Planning shall review and approve these plans.
 6. Prior to the issuance of a building permit, the Applicant shall provide a schedule for improvements- including removing the scallop roof detail and changing the roof cap color.
 7. Prior to the application of building materials, the Applicant shall construct sample material mock-ups on-site. The mock-ups shall be approved by the Planning staff.
 8. Heavy duty silt fence and adequate erosion control around the entire construction site shall be required and maintained by the Developer during construction to ensure that sediment and stormwater does not leave the project site.
 9. All disturbed boulevards shall be restored with sod. The Developer shall mow and maintain to the curb of all public and private streets.
 10. No exterior storage shall be permitted upon project completion.
- Item E To adopt the following resolution **Resolution 21-127**
- Resolution of the City of Woodbury, Washington County, Minnesota** authorizing the Mayor and City Administrator to execute an engineering consulting services contract with WSB, Inc, for the Briarcroft 2nd Addition Utility and Street Improvements (Private Construction).
- Item F Burandt Property EAW Negative Declaration of Need for an Environmental Impact Statement. This item was moved to discussion.
- Item G To adopt the following resolution **Resolution 21-128**

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Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of one Rosenbauer Commander 4-door tilt fire engine from Rosenbauer Minnesota LLC for \$746,405 through the Houston-Galveston Area Council of Governments (H-GAC) contract and a total expenditure amount not to exceed \$765,000.

Item H To adopt the following resolution **Resolution 21-129**

Resolution of the City of Woodbury, Washington County, Minnesota adopting Council Directive CD-COUNCIL-2.12 as the City Council's Communications Guidance Plan.

Item I Approve issuing a temporary on-sale intoxicating liquor license to Woodbury Days Council effective Friday, August 20, 2021 between the hours of 4:00 p.m. and 10:00 p.m.; Saturday, August 21, 2021 between the hours of 12:00 noon and 10:00 p.m.; and Sunday, August 22, 2021 between the hours of 12:00 noon and 5:00 p.m. with the restrictions as outlined in Council Letter 21-178.

- The Woodbury Days Council must hire a police officer to work: Friday, August 20: 5:00 p.m. to 10:00 p.m.
Saturday, August 21: 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. Council Letter 21-178 July 14, 2021 Page 2
- A Minnesota produced beer must be available for purchase.
- There will be no glass containers served to customers.

Item J Appointment of IT Specialist Niehaus. This item was moved to discussion.

Item K To adopt the following resolution **Resolution 21-130**

Resolution of the City of Woodbury, Washington County, Minnesota appointing Andrew Welch to the position of Police Sergeant effective July 14, 2021.

Item L To adopt the following resolution **Resolution 21-131**

Resolution of the City of Woodbury, Washington County, Minnesota approving the creation and classification of Two (2) EMS/Fire Supervisor Positions.

Item M 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 June 18, 2021 in the amount of \$408,638.86 and July 2, 2021 in the amount of \$1,909,646.79.

Councilmember Wilson requested that Agenda Item 6F be moved to Discussion Items.

Councilmember Santini requested that Agenda Item 6J be moved to Discussion Items.

Councilmember Date moved, seconded by Councilmember Morris, to approve the Consent Agenda items with the exception of Items F and J.

Voting via voice:

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

Public Hearings

No Items Scheduled

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Discussion

Mayor Burt requested that the two Consent Agenda Items be addressed before the City Council moves into Closed Session.

Consent Agenda Item F - Burandt Property EAW Negative Declaration of Need for an Environmental Impact Statement

Councilmember Wilson stated the Burandt Property Negative Declaration is an important issue, with over 160 pages of documents in the meeting packet. She added this is her first such decision as a Councilmember. She noted she does not understand how the process works, but the project requires a closer look given the infrastructure needs and location of the development.

Councilmember Wilson stated PFAS has been found in remote areas of the world. She added 3-M legally disposed of this type of waste, which does not contaminate drinking water. She noted the City has 19 wells, including 7 wells with advisories, and temporary water treatment facilities that brought 4 wells back online.

Councilmember Wilson stated the City's wells are trending upwards with PFAS levels. She added additional future advisories may be necessary. She noted constant development, a hot dry summer, and the upward trend of PFAS puts Woodbury's population at risk of future constraints.

Councilmember Wilson stated Lennar and Pulte are respected developers that have been a good addition to Woodbury, but this is the first step of many for this development. She added current PFAS levels are considered acceptable and safe near the 3M waste site, but more research must be done on PFAS and its spread, including whether it is safe to build on or next to contaminated soil, and whether the City has a responsibility to slow down until State funding can be obtained and the City's wells can be treated. She noted the City has a responsibility to ensure that developments are safe and healthy for future residents.

Mayor Burt stated approval for the EAW does not ensure that a development will take place. She added she understands Councilmember Wilson's concerns, which are a larger policy issue but do not apply to this particular request.

Engineering Director Chris Hartzell stated the EAW, in accordance with Minnesota State statutes, is required if a development has more than 250 proposed detached units. The negative declaration of need for the EAW is not an approval but rather a source of information providing due diligence from City Staff, the developer and other agencies.

Mr. Hartzell stated the 3M disposal site is not within a 1/2 mile radius of this site, and the entire area has been remediated. He added he agrees that there is significant capacity to serve the development with existing water, and the soil has very low levels of PFAS, and no significant environmental impacts.

Mr. Hartzell stated the City Council has authorized moving forward with design and construction of a temporary treatment facility as well as design, engineering and construction of Well #20. He added it is anticipated these projects will be completed before the new development occurs, to create sufficient capacity for the development to move forward.

Councilmember Date asked what the policy implications would be if the EAW is not certified.

Mr. Hartzell stated potential implications include triggering an EIS to address missing components. He added this process is not designed as a mechanism to approve or design projects.

A staff member stated this part of the process will help the City to decide whether to move forward. He added City Staff recommends moving forward, as there is the potential for liability if the City does not move forward.

Councilmember Date asked whether this process is undertaken for all new properties. Mr. Hartzell stated the review is required for certain size properties rather than the location of the 3-M site.

Mayor Burt stated there are 160 pages of detail on this issue, which is a thorough analysis, and she supports the recommendations of City Staff.

Councilmember Date moved, seconded by Councilmember Morris, to certify the EAW prepared for the Burandt Property as an adequate examination of the environmental impacts of the proposed development.

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Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Morris, to approve the Response to Comments, the Findings of Fact, and the Record of Decision on the EAW.

Voting via voice:

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

To adopt the following resolution

Resolution 21-132

Resolution of the City of Woodbury, Washington County, Minnesota approving Burandt Property EAW Negative Declaration of Need for an Environmental Impact Statement.

Voting via voice:

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

Consent Agenda Item J - Appointment of IT Specialist Niehaus

Councilmember Santini stated she requested this item be pulled as she wishes to abstain due to a potential conflict of interest.

To adopt the following resolution

Resolution 21-133

Resolution of the City of Woodbury, Washington County, Minnesota appointing Steven Niehaus to the position of IT Specialist effective July 19, 2021.

Voting via voice:

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

Adjourn to Closed Session

Mayor Burt stated the City Council will move into Closed Session to review the performance evaluation of David Angeli pursuant to the provisions of Minnesota State Statute section 13(d).05, Subdivision 3(a).

Mayor Burt moved, seconded by Councilmember Morris, to hold a City Council closed meeting.

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

Reconvene Regular Meeting

Mayor Burt moved, seconded by Councilmember Morris, to reconvene the meeting.

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

Mayor Burt moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-134

Resolution of the City of Woodbury, Washington County, Minnesota approving the non-disciplinary removal of employment of David Angeli, public service worker and Fleet Technician effective July 14, 2021.

Voting via voice:

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

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.

Staff Reports

- A. Transportation Report (2nd meeting of the month – May through October)**
- B. City Administrator’s Report**

Mr. Gridley reviewed upcoming City meetings:

- July 15, 2021 - Copper Hills Neighborhood Meeting - 6:00 p.m. in Ash North and South Conference Rooms
- July 19, 2021 – Planning Commission meeting to include 748 Bielenberg medical office site and building plan review
- July 21, 2021 - City Council workshop to review 2020 performance measurement report, review of long-term financial projects for 2022 property tax levy target, 2022 Street Improvement Program, Royal Oaks rehabilitation project and Lake Road and Pioneer Drive intersection improvements.
- July 22, 2021 - Project Belle neighborhood meeting - 6:00 p.m. in Ash North and South Conference Rooms
- July 27, 2021 – Economic Development Commission meeting – 7:30 a.m. in Ash North and South Conference Rooms
- July 28, 2021 – Economic Development Authority meeting – 7:15 p.m. in Council Chambers

Mr. Gridley stated no public hearings are scheduled for the next City Council meeting.

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 8:14 p.m.

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

Respectfully submitted,



Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on July 28, 2021