

**Minutes**  
**Woodbury City Council**  
**Wednesday, July 19, 2023**

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 19<sup>th</sup> day of July 2023.

**Call to Order**

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

Mayor Burt noted item 8a in the Agenda Packet has been revised to reflect a change to the recommendation and to disregard any previous versions of the Agenda.

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](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, Steve Morris, and Jennifer Santini. Absent: None.

Others Present: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Eric Searles, Assistant Community Development Director/City Planner; and Chris Hartzell, Engineering Director.

**Special Order of Business**

**A. Review of 2022 Audit and Annual Comprehensive Financial Report**

Ryan Engelstad, BerganKDV, Ltd., reviewed the 2022 Audit and Annual Comprehensive Financial Report results. He noted the Audit and Investment Commission has already seen the presentation and was provided all of the information. The City owns the Comprehensive Financial Report while BerganKDV provides assurance with regard to the information included within it. The Independent Auditor's Report includes information regarding management's responsibility for the financial statements and the Auditor's responsibility. The management's responsibility is to provide a presentation of the financial information, and maintenance of appropriate internal controls. The Auditor's responsibility is to develop an audit approach in order to provide reasonable assurance that there would not be any material misstatements that would go undetected.

Mr. Engelstad explained if there is a material weakness noticed, they would call it out in writing and would provide recommendations to address it. There were no findings in the Minnesota Legal Compliance Audit. He noted there were no material weaknesses that surfaced to that level during the process. He stated he expects the City to receive the 2022 GFAO Certificate of Achievement for Excellence in Financial Reporting. There were no findings in the Single Audit in 2022 related to Federal DOT Funding.

Mr. Engelstad reviewed the revenue per capita graph to the Council. He noted Parks and Recreation had the largest change in per capita due to several maintenance projects. He reviewed the tax capacity, levy and rate graph to the Council. He mentioned in 2022 it was the lowest tax rate from the past 5 years.

Mayor Burt expressed her gratitude for the Audit and Investment Commission and Finance team.

Councilmember Wilson asked if in the future the population comparison could be narrowed into first ring cities. Mr. Engelstad replied that the State Auditor's office pulls the data together. He noted BerganKDV could pull together some data since they work with similar cities as Woodbury.

Mayor Burt moved, seconded by Councilmember Santini, to accept the review of the Audit and Annual Comprehensive Financial Report.

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

**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.

Washington County Commissioner District 4 Karla Bigham stated there will be an open house for the Dale Road and Radio Drive project on August 23, 2023 from 4:00-6:00 p.m. at East Ridge. She expressed her appreciation for the collaboration with the City. She noted the public is welcomed to the open house in order to provide feedback. Park Grove Library and R.H. Stafford Library renovations have been moved up and will begin planning in the summer and fall. The libraries cannot renovate at the same time due to proximity to each other and programming. Money has been allocated from ARPA for e-charging station planning. She noted there will be continued work with residents on La Lake and will continue to utilize grants from the DNR and the legacy funding from the County to improve conservation on the lake. She noted she is looking forward to seeing the Council's comments on the CIP.

Mayor Burt asked what the timeline would be for renovations at R.H. Stafford Library. Ms. Bigham noted planning will begin in the fall of 2023.

Councilmember Morris asked if the County would be sending notices out regarding the Radio Drive and Dale Road project. City Engineer Chris Hartzell replied that the County sends the notices. Ms. Bigham added that the County will work with the City to post notices on social media as well.

Bruce Reichert, 6996 Wyndham Way, stated he is the owner of Reichert & Sons painting. He noted when he started the business 26 years ago, he was reprimanded for having a sign up. Since then, the business has complied and not put up any signs. He noted a few years ago, a new painting company has been putting up signs and he has been taking them down since they are not in compliance. He explained that he has continued to lose business since signs help promote other businesses. He added in order to continue business, he needs to be able to promote his business.

City Administrator Clint Gridley expressed his understanding and agreed that the signs are everywhere and can be overwhelming. He recommended calling the Community Development office in order to report signs since there are Staff members who will go out to take down signs.

**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.

Mayor Burt noted that at the request of Elliot Ginsburg and Hussein Alobaidi, the City Council should pull Consent Agenda Item 6H, Denying Cannabinoid Products License Application of Hussein Alobaidi and Woodbury Tobacco & Vape Center, Inc. dba Smokey's Tobacco & Vape Center and moved to the discussion portion of the meeting.

Item A Approval of Council Minutes – June 28, 2023

Item B To adopt the following resolution

**Resolution 23-113**

**Resolution of the City of Woodbury, Washington County, Minnesota** authorizing a Construction Agreement with Xcel Energy for Street Lighting Facilities associated with the Gold Line Bus Rapid Transit Project and Budget Amendment.

Item C To adopt the following resolution

**Resolution 23-114**

**Resolution of the City of Woodbury, Washington County, Minnesota approving the amendment to the Cooperative Agreement with South Washington Watershed District for Implementation of an Enhanced Street Sweeping Program and the purchase of an additional sweeper in 2024.**

Item D To adopt the following resolution

**Resolution 23-115**

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**Resolution of the City of Woodbury, Washington County, Minnesota authorizing the East Wellfield Pipe Manifold Project Consultant Selection with AE2S and the use of the Trunk Water and Sanitary Sewer Fund for Congressionally Directed Spending grant management.**

Item E To adopt the following resolution **Resolution 23-116**

**Resolution of the City of Woodbury, Washington County, Minnesota accepting a grant from the Federal Highway Administration for the development of Safe Streets for All Safety Action Plan and budget amendment.**

Item F To adopt the following resolution **Resolution 23-117**

**Resolution of the City of Woodbury, Washington County, Minnesota awarding the contract for the 2023 Parks Pavement and Asset Replacement Project to Bituminous Roadways, Inc., with a net bid of \$404,862 and authorizing the Mayor and City Administrator to sign said contract.**

Item G To adopt the following resolution **Resolution 23-118**

**Resolution of the City of Woodbury, Washington County, Minnesota authorizing advanced ordering of 2024 vehicles.**

Item H Denying Cannabinoid Products License Application of Hussein Alobaidi and Woodbury Tobacco & Vape Center Inc dba Smokey's Tobacco & Vape Center. **This item was removed from the Consent Agenda and moved to the Discussion portion of the meeting.**

Item I 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 23, 2023 in the amount of \$359,757.40, June 30, 2023 in the amount of \$4,883,928.98 and July 7, 2023 in the amount of \$306,986.29.

Councilmember Santini moved, seconded by Councilmember Date, to approve the Consent Agenda items with the exception of item 6H.

**Voting via voice:**

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

**Discussion**

**Consent Agenda Item H. Denying Cannabinoid Products License Application of Hussein Alobaidi and Woodbury Tobacco & Vape Center Inc dba Smokey's Tobacco & Vape Center**

Elliot Ginsburg, 333 Washington Avenue N., Suite 300, Minneapolis, and Hussein Alobaidi, 2716 103 Court East, Blaine, pulled this item for discussion. Mr. Ginsburg noted he is a lawyer at Garner, Ginsburg & Johnson and is representing Mr. Alobaidi. Mr. Alobaidi explained he would like to clarify a claimed misunderstanding that occurred on the license application he filled out. The application asked if he was ever denied a cannabinoid license, which he replied no to. He had previously applied for a cannabinoid license in Andover but shortly after he began construction in the building, a clinic which does drug and alcohol treatment was leased near his building. The Andover city clerk explained to him that he would not qualify for the license due to the clinic being within 1,000 feet from his building. While working with his attorney, they believed that the clinic was not a drug and alcohol treatment facility and decided to apply for the license anyway despite cautions from Andover staff, and it was then denied due to zoning. He noted he carries an additional cannabinoid license in St. Cloud.

Mr. Ginsburg stated the Andover license contains a list of bases for denial of an application. There is a separate section for zoning that does not mention denial. He noted because of this, zoning was separate and apart from denial.

City Attorney Kevin Sandstrom explained the importance the City places on candor and accuracy in the application process. The ordinance is clear that false or inaccurate answers on the application is a basis for denial. He mentioned, as part of the background process, staff researched the applicant online and found a news article about the license denial in Andover. Contrary to the applicants' assertions, the title of the news article itself calls the actions by Andover a license "denial". Staff confirmed the license denial was true by researching the City of Andover's meeting minutes. He noted if the applicant had been honest and explained the situation in

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Andover upfront, he may have qualified for a license but due to the inaccuracy of the information in the application it is subject to denial. He added the applicant should have been more cautious in the application process and more honest.

Mayor Burt asked if there was a time limit associated with the license application. Mr. Sandstrom replied the ordinance states that if the application is denied the applicant has the ability to apply 12 months later. If the qualifications are met at that time, they would qualify for a license.

Mayor Burt asked Mr. Alobaidi to clarify how long he had a tobacco license from the City. Mr. Alobaidi stated he recently purchased the space and applied for the license before opening. He noted he applied for the tobacco and cannabinoids license and was awarded the tobacco license already.

Mayor Burt asked Mr. Sandstrom what other options existed. Mr. Sandstrom replied it was up to the Council to decide. He noted while Staff will support the Council no matter what direction they decide, it is Staff's recommendation to deny the license. He added the applicant mentioned that Andover had cautioned him from applying for the license but he did it anyway.

Mayor Burt asked if there was an option of an appeal. Mr. Sandstrom stated if the Council denies the license there will be an ability for the applicant to appeal the issue to an impartial hearing officer before the City.

Mayor Burt stated it was a difficult situation and noted the Council has set the guidelines and suggested to Mr. Alobaidi to look into the appeal process.

Councilmember Wilson asked if the Andover city council denied the previous license. Mr. Sandstrom replied that from his understanding it was an administrative denial on the part of their staff and then came to the council as an appeal hearing and the council affirmed the decision by staff.

Councilmember Morris explained he fills out many licensing applications for his business and any time he has a question about something he calls the city clerk's office. He agreed with Mr. Sandstrom's comments about the applicant being more cautious. He added the Council is required to uphold the ordinance.

Councilmember Santini asked if the denial of the cannabinoid license would affect the tobacco license. Mr. Sandstrom replied that the tobacco license has already been issued.

Councilmember Santini asked if Mr. Alobaidi could still run business for a period of time without the cannabinoid license. Mr. Alobaidi stated he opened his business in Andover without the cannabinoid license and noted that the location is suffering because of it. He added he would not open another location without the cannabinoid license.

Councilmember Morris stated he can understand as an applicant, but it is not the concern of the City since their responsibility is to apply the ordinance fairly and evenly. Mr. Alobaidi asked the Council not to vote on the resolution since it would hurt his business.

Mayor Burt asked to clarify how to withdraw the resolution. Mr. Sandstrom stated the Council has not made an official decision on the issue and could state on the record that Mr. Alobaidi would like to withdraw his application. Councilmember Morris stated the last applicant who withdrew their application received their application fee back.

Mr. Alobaidi stated he would like to withdraw his application and asked if he would need to wait 12 months to reapply. Mayor Burt replied there would be more information on that. Mr. Sandstrom suggested it would be unfair to allow an applicant who provided false information to withdraw the application when facing a likely denial and then expect to immediately be able to reapply with a corrected application. Councilmember Morris suggested contacting the City Clerk for more information before he reapplies.

Councilmember Santini, seconded by Councilmember Morris moved to accept the withdrawal for the application for Woodbury Tobacco & Vape Center Inc dba Smokey's Tobacco & Vape Center.

**Voting via voice:**

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

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**A. Water Supply and Growth Management**

Community Development Director Janelle Schmitz stated the City is committed to ensuring water quality and quantity to serve residents, businesses and visitors. As PFAS science and understanding continues to evolve, additional attention to the relationship between community growth and water supply is necessary. She referenced the Public Process in the Agenda Packet. She noted during the June 28, 2023 Council workshop, Staff prepared a draft resolution for the Council to review and discuss where the Council provided modifications to the language. Staff made modifications and recommend adopting Resolution 23-120.

Mayor Burt noted the revisions that were proposed are in the new Resolution.

Councilmember Date stated she was pleased to see an emphasis on strategic planning and new development growth areas. Councilmember Morris referenced page 43, section 3, and bullet 4 of the Agenda Packet and expressed his happiness over the bullet points that were discussed with the Council.

Mr. Gridley added the “now therefore” are the setting policy. Councilmember Morris asked to keep the Council notified about the communication to the community moving forward. Mr. Gridley replied that it would be the main topic in the Mayor’s newsletter and that the Communications Department is beginning to work on the communication plan.

Councilmember Wilson noted while the language is “growth management” there will still be growth in the community. Assistant Community Development Director/City Planner Eric Searles agreed and stated there are 1,500 units that are either final plat with utilities or preliminary plat approvals have occurred which is roughly 4-5 years of development activity.

Mayor Burt asked to explain what is included in the resolution regarding growth. Ms. Schmitz stated the next action for the Council is to amend the Council directive regarding the sub phasing for phase two. Three parcels would be removed and moved into phase 2D. She explained the MUSA boundaries map and displayed the boundaries on the map for the Council.

Mayor Burt asked if the white sections on the map would remain out of a MUSA. Ms. Schmitz replied the white section does not plan to have sanitary sewer or water. However, the 2030 plan indicated an upsize in the pipes in order to plan ahead for the City.

Mayor Burt asked if the south east corner white section would become a MUSA 2050 potentially. Ms. Schmitz replied that it would since it is beyond the 2040 scope plan. She added it is likely to be included in the next Comprehensive Plan. She added the resolution is providing considerations before phase 2D is opened.

Councilmember Wilson asked if the idea of the 2030 MUSA is to build up to the year 2029. Mr. Searles replied the area on the map represented in pink would move until 2029 while the Comprehensive Plan indicates phase 3 will start as soon as 2026, but it is likely not to occur since phase 2 is not complete. Ms. Schmitz added 2030 indicates the end date.

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

**Resolution 23-119**

**Resolution of the City of Woodbury, Washington County, Minnesota which affirms the City of Woodbury’s continued commitment to the management of growth and water supply.**

**Voting via voice:**

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

**B. Amendment to Council Directive CD-COMDEV 3.1; Phase 2 Growth Management Strategy**

Ms. Schmitz stated the Council provided Staff with direction to prepare a revision regarding the Phase 2 Growth Management Strategy for the Council to review. The revision would move all remaining non-entitled properties currently located in sub-phase 2B or sub-phase 2C into sub-phase 2D and adjust the acreage and unit count for each sub-phase. She noted it would also include additional considerations for opening up the next sub-phase. The language includes water supply and construction of necessary roadway improvements.

Councilmember Wilson asked if the 3 units per acre was the current approximate units. Mr. Searles replied some of the sub-divisions have moved to 3.5 acre maximum. Over the last 10 years of projects, it has been closer to 3 units per acre. Councilmember Wilson asked

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if there is an ordinance, Council directive or policy that states that it is supposed to be bigger than that. Mr. Searles replied that there is not.

Ms. Schmitz asked Councilmember Wilson to clarify her question. Councilmember Wilson asked if there is a policy that says there should be 80 foot lots. Mr. Searles stated the ordinance identifies R-4 a minimum lot width of 80 feet.

Councilmember Wilson noted item 7a, page 4, section 3, number 4 in the Agenda Packet which states “desired lot widths and sizes” as an item the Council can discuss. She noted the policy states the minimum lot size should be 80 feet but the resolution would cause the minimum lot size to be 65 feet. She expressed her concern about the Council directive going against the policy. Mr. Searles explained the 80 foot minimum lot size would be an ordinance requirement in the R-4 district. The purpose of the approximate 3 units per acre is to assist with the decision making for when to open up a sub-phase. It is not intended to be an exact number of units. Councilmember Morris clarified that the Council directive would not mean the minimum lot size would be 60 feet. He noted it is the mathematics behind the acreage. Councilmember Santini pointed out the distinction between Council directive and an ordinance.

Councilmember Wilson explained she does not want to close the conversation and would like to keep it opened. She added she would like the Council directive to reflect the ordinance.

Mr. Gridley stated they want to go through the process and be thoughtful in every area. There is an opportunity to be thoughtful ahead of the Comprehensive Plan. He noted the City gets to consider what the development is offering and noted there are trades that occur such as density, park land, infrastructure, and improvements. He noted Mr. Searles has done a good job working with developers to get assets that benefit the community. He added they will continue to have discussion and go to the Council to see what they would like to negotiate on. The Staff desire to fulfill the vision of the Council.

Councilmember Wilson asked if Council direction trumps an ordinance. Mr. Sandstrom stated an ordinance trumps Council direction. Councilmember Wilson noted if the ordinance is not changed, in a few years’ developers would see the 65 foot requirement. Mr. Searles noted it is anticipated that continued conversations will occur in the future through the planned unit development process. The Master Planning paragraph within the resolution identifies the role of the planned unit development.

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

**Resolution 23-120**

**Resolution of the City of Woodbury, Washington County, Minnesota amending Council Directive CD-COMDEV-3.1 Phase 2 Growth Management Strategy.**

**Voting via voice:**

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

**Public Hearings**

**A. Manning Avenue Apartments; Rezoning; Planned Unit Development; Conditional Use Permit; Preliminary Plat and Site and Building Plan; Project No. 01-2022-00510**

Mr. Searles stated Oppidan has submitted an application for Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan for a 237-unit multi-family apartment on 14.42 acres of land. The property is located ¼ mile south of the intersection of Hudson Road and Manning Avenue. The property is currently zoned B-3, Planned Shopping Center District and is guided as Mixed Use on the Land Use Plan.

Mr. Searles stated the existing zoning for the property is B-3, Planned Shopping Center District. The proposed site was re-guided to Mixed Use from Places to Shop as part of the 2040 Comprehensive Plan update. This land use change necessitates a rezoning to MX, Mixed Use District to allow for the proposed residential use. The proposed zoning change is appropriate based on the land use as State law requires a city to rezone properties consistent with their land use.

Mr. Searles displayed the MUSA map and highlighted the north east section.

Mr. Searles noted the Mixed Use Chapter of the Comprehensive Plan establishes a maximum density of 15 units per acre unless density bonuses are granted by the City. The proposed development is designed at 16.5 units per acre with the 2040 Comprehensive Plan providing policy guidance related to density bonuses. He explained the project is requesting a density bonus of 1.4 unit per acre in

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exchange for dedicating the 3.52 acre woodland in the southern portion of site and a .5 unit acre density bonus for sustainable development by designing the site to lead standards. Additional highlights of the design features are included in the memo for review.

Mr. Searles stated the application includes a planned unit development and conditional use permit. The findings for the PUD are identified in City Code section 24-206 and the findings for the CUP are within the draft resolution. The PUD requests to reduce the required parking from 474 spaces to 408 space from a regulatory requirement perspective. The 408 space number came from past experiences with the most recent multi-family project having success with the standard of 1 space per bedroom or den. The applicant anticipates 2 individuals in the 1 bedroom units due to the location being near employment.

Mr. Searles stated the proposed project will increase the size and tree preservation efforts of Prairie Ridge Park via the requested density bonus policy and Planned Unit Development (PUD) rather than through land dedication.

Mr. Searles stated the access to the proposed project is off of a single access point off of Manning Avenue. Vehicle trips are distributed by the multiple private access drives. Underground parking will be provided on the western portion of the site with 200 spaces. The remaining 236 parking spaces will be surface parking.

Mr. Searles mentioned the City Code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. Ponding necessary to meet the water quantity is provided on the east side of the property. Water quality and infiltration requirements are met by the use of a water reuse system that uses the stormwater from the ponding areas to irrigate this site.

Mr. Searles noted the exterior facades meet the architectural ordinance requirement of 65 percent Class I material. The applicant has proposed to use a predominately stone and glass building material. The materials and colors were carefully selected to complement the wooded area surrounding the building.

Mr. Searles stated the proposed pedestrian network is designed to provide a looping sidewalk system, which will provide high quality movement internal to the site and will also provide connection to the open space to the west of the proposed development. Furthermore, a trail connection is proposed to connect the site to Hudson Road through the Project Belle (Amazon) site. The design and location of that trail, pending approval of the adjacent land owner, is proposed to be on the west side of the pond to provide additional separation from Manning Avenue which will deliver a better experience for trail users. The graphic in the Agenda Packet identifies the proposed onsite trail and sidewalk network and a location map showing the site in relation to the surrounding public open space/forested area known as Prairie Ridge Park.

Mr. Searles explained a neighborhood meeting was held on April 10, 2023. No residents were present at the meeting and staff has not received any questions or comments following the mailing of the Planning Commission meeting notice. The Planning Commission reviewed the application during their July 17, 2023 meeting and recommended approval by a 4-0 vote. He noted the Planning Commission Chair, Shannon Olsen, would provide the Planning Commission liaison report.

Ms. Olsen reviewed the Planning Commission liaison report. She mentioned there was strong appreciation for the sustainable efforts that are put forth by the project. She noted there was discussion regarding the .5 acre density bonus awarded to the development in exchange for the design that will meet lead standards. She noted it is not the lead certification itself that is required, but it is a standard that is required to be met at construction with no ongoing requirement. She added there was discussion regarding the quantity of the planned parking stalls. She noted the discussion of snow removal would be revisited in the future. In addition, there was discussion on the grading plan in the northwest corner of the project to ensure the grade would allow for runoff from the snow melt to flow toward the storm water pond. There was a number of questions about the traffic assessment that was done in order to ensure there is a safe exit plan for the facility. It was ensured that the assessment completed confirmed that the plan modifications in the Staff report should be sufficient. There were a few questions around the trail that is proposed. The timing of the trail extension has not been determined yet. She noted an addition to the Staff report included additional trees alongside the four proposed spruce trees that are listed in the proposed landscaping plan on the east side of the development to ensure good screening. She noted one Planning Commissioner recused himself from the vote which is why the vote was 4-0.

Mayor Burt declared the public hearing open.

Applicant, Paul Tucci, 400 Water Street Excelsior, reviewed the history of Oppidan and noted that it has been around for 32 years. He explained in 2008, Oppidan was primarily in retail development. The company has been developing other avenues and products since then. He noted the units that they have completed over the last 15 years and added that housing is a large portion of what they are doing. He expressed his excitement over the opportunity to be working in the City and believes they have a good project available. He stated they will not build something they do not believe can handle parking for the residents and their guests. They use Greco properties as the leasing agent, manager, and consultant during development. He noted the stalls per unit go up as public transportation becomes less accessible and believes Woodbury needs a little bit more parking stalls. He stated 1.83 stalls per unit is an adequate number based on the mix and flow of guests. He mentioned there was discussion regarding sustainability, with an emphasis on water and reusing rain water for irrigation. The plans for irrigation are done and Staff have strongly recommended to design the pond to handle the quantity runoff from a future design on the lot. He noted they were happy to accommodate to the recommendation. He explained they have the conduit ready for electric chargers

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Mr. Tucci stated that if the Council approves, building would not begin immediately since they still need to work with the City on development agreements, getting the plats to the County and getting final approval. The estimate start date would be in the spring of 2024.

Mayor Burt moved, seconded by Councilmember Morris, 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 Santini asked if there would be a left turn exiting the development to go north on Manning Avenue. Mr. Searles stated there would be a full reconstructed intersection on Arthur Avenue for cars to exit right and left.

Mayor Burt asked to clarify the turn lane on Manning Avenue. Mr. Searles stated the right turn lane would be southbound on Manning Avenue while the left turn lane would be northbound on Manning Avenue. Mayor Burt asked if the road would be restriped or widened. Mr. Searles replied a portion of the roadway would be reconstructed which the developer would be responsible for.

Councilmember Santini asked if the surrounding areas would get notices even if it is outside of the City's jurisdiction. Mr. Searles stated anyone that is within 500 feet got a notice.

Councilmember Santini asked if there was an existing home on the ghost plat. Mr. Searles stated there was and that it was his understanding that the single-family home on the property is a rental investment property. The applicant had conversations with the property owner about possibly being a part of that but were not able to come to terms. It was important as part of their view to ensure that there was future ability to development commercially on that property.

Councilmember Morris noted the Planning Commission discussed the zoning uses. He asked what was allowed in the zone. Mr. Searles replied it is currently zoned B-3 and will likely be rezoned to mixed use as part of a future development. The type of uses that could be there as a condition use include an ability for motor vehicle fueling stations, other commercial type uses such as retail.

Councilmember Morris highlighted some of the discussion from the Planning Commission and noted there could be a little higher use of a commercial parcel next to the development. He added there was discussion regarding screening between the two properties. He asked what the resolution was for screening between the properties. Mr. Searles replied it would be to plant additional evergreen trees. Additional conditions were submitted for an increase in landscaping near the pond and north and south side of Arthur Avenue.

Councilmember Wilson mentioned her understanding was the ghost parcel would have potential parking on it. Mr. Searles stated there would not be additional parking there.

Councilmember Wilson asked if the County had recently redone the road. Mr. Searles replied the State did. Councilmember Wilson noted the State did not widen the road or include traffic signals and explained how dangerous it is to try to get onto Manning Avenue because of it. Councilmember Morris asked what the resolution was. Councilmember Wilson asked if there was any input provided for that State highway or if they had gathered information about potential plans for the future. She noted there will be 237 cars pulling in and out of Manning Avenue and will need to turn left to get out. Mr. Searles explained the access point along Arthur Avenue is identified to benefit from the proximity to the signal at Hudson Road and Manning Avenue which will provide gaps for southbound traffic.

Councilmember Morris asked why it was not an option to cut through Prairie Ridge Park to connect into the access road off Project Belle. Mr. Searles replied the previous conversation was whether or not Project Belle would utilize the access point as a secondary access for the development. They did not identify a need for it. The right-of-way was platted as a part of the Project Belle.

Mr. Hartzell noted that he believed the Prairie Ridge Park property was originally purposed with LAWCON funds so there are restrictive uses on what can be done on the property.

Mayor Burt asked what the timeline was for the pedestrian connection going north towards the Amazon facility. Mr. Searles the trail would be constructed concurrently with the development.

Mayor Burt asked how the LEED work was managed. Mr. Searles stated it would be reviewed from the community development side based on the information they provide as well as going through a checklist for lead. In addition, they would work closely with the environmental staff to ensure compliance.

Councilmember Morris noted it is worrisome to hear the phrase "designed to lead standards" since it does not state that it will be constructed to lead standard. Mr. Searles noted in previous projects, they have required the architect to certify that the designs are being built meet the standards.



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Mayor Burt asked if there has ever been a need for additional parking within the proof of parking in the last 5 years. Mr. Searles replied not within the last 5 years but one project in Woodbury Village had proof of parking installed.

Councilmember Date ask if the area that was going to be preserved was going to be dedicated to the City and if it was separate from park dedication. Mr. Searles replied that it was going to be dedicated to the City and was separate from park dedication. Park dedication would not be a part of their land dedication. The applicant would make a payment in lieu to meet the park dedication requirements.

Councilmember Date asked Mr. Searles to speak more about the conservation easement. Mr. Searles replied that the plan identifies the area as a conservation easement and will be required as a condition in the final plat process for it to be an actual platted lot. The applicant has agreed to it and it will be a fee title transfer to the City.

Councilmember Wilson asked if the trail would go through Amazon property. Mr. Searles agreed it would. Councilmember Wilson asked if Amazon would be responsible for taking care of the trail. Mr. Searles replied that the applicant would take care of the trails and that there would be an easement across the property.

Councilmember Wilson asked if there could be an access point by the apartment building off Hudson Road instead of Manning Avenue. Mr. Searles stated he did not believe they could do it due to the spacing to the intersection between Hudson Road and Manning Avenue. Hudson Road is already designed at the minimum from an access standpoint.

Councilmember Date expressed her concerns about the one way, left turn on Manning Avenue. She added it may work for now but may need a roundabout in the future. She asked if it was a consideration for the future. Mr. Hartzell replied that MnDOT has no plans to upgrade the road to provide additional capacity or turning movements. Mr. Searles added that MnDOT has full review authority of the traffic. Mr. Hartzell noted there are grant funds typically available for cities to complete improvement projects on trunk highways and the City may have some opportunities if it becomes an issue in the future.

Councilmember Wilson asked how many surrounding residents were notified about the neighborhood meeting. Mr. Searles stated approximately eight residents were sent a notice.

Councilmember Morris asked if parts of the property would not be turfed for the canine area. Mr. Searles replied there will be a section of synthetic turn that is utilized for pet waste.

Councilmember Wilson asked if the pond for irrigation falls under the Lawn and Landscape Watering Policy. Mr. Searles agreed.

Councilmember Date noted she hopes residents pick up pet waste in the off leash section.

Councilmember Wilson asked if shopping was included in the zoning. Mr. Searles stated it is currently zoned B-3 which is planned shopping center with the request to move it to MX mixed. Councilmember Wilson asked if the Comprehensive Plan identifies it as mixed use. Mr. Searles agreed and would need to rezone.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following ordinance

**Ordinance 2335**

**Ordinance of the City of Woodbury, Washington County, Minnesota rezoning certain property from B-3, Planned Shopping Center District to MX, Mixed Use.**

**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 23-121**

**Resolution of the City of Woodbury, Washington County, Minnesota adopting findings of fact.**

**Voting via voice:**

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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 Manning Avenue Apartments Planned Unit Development, Preliminary Plat and Site and Building Plan, Project No. 01-2022-00510, subject to the following conditions as outlined in Council Letter 23-163:

1. The PUD and CUP approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
2. All proposed and future fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City. Said retaining walls shall include fencing when directed by the City.
3. Immediately following the recording of the Final Plat, the Applicant shall deed the tree protection area to the City at no cost and free of encumbrances.
4. The Applicant shall maintain, repair and replace the private road connection to Manning Avenue. Maintenance shall include mowing of the boulevard, with a width of mowing of no less than 4' from the back of all curbs. Maintenance shall also include all snow and ice removal and general street maintenance.
5. Prior to the release of the Building Permit, the Applicant shall record a cross access easement agreement allowing access to the private road connection to Manning Avenue for the adjacent exception parcel and Project Belle (Amazon) to the north.
6. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
7. The Applicant shall wholly fund and privately construct the construction of the private road connection to Manning Avenue and the trail connection to Hudson Road. All improvements shall be designed to full City standards as approved by the City Engineer.
8. The Applicant shall wholly fund and privately construct the necessary turn lane improvements along Manning Avenue unless public construction is required by MnDOT. If public construction is required, the Applicant shall fully fund all costs associated with the construction and administration of the improvement within the Development Agreement.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
10. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.
11. Prior to the release of the building permit, a landscape financial security shall be submitted for at least 150 percent of the estimated cost of landscaping including sod. A revised landscaping plan shall be provided to add landscaping between the driveways of the townhomes. The final landscaping plan shall meet all landscaping ordinance requirements including canopy coverage and tree and species diversification.
12. Prior to the issuance of a Land Disturbance Permit, the Applicant shall revise the landscaping plan to include additional deciduous trees adjacent to the pond along Manning Avenue, adjacent to the exception parcel and along the north and south side of the access road, where feasible. Staff shall approve the final landscaping plan in writing.
13. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.
14. A maximum of 237 residential units shall be permitted for the project.
15. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
16. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of all public and private streets.
17. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
18. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
19. No exterior storage shall be permitted.
20. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
21. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
22. Prior to the issuance of a land disturbance permit, final utility plans shall be approved by the Engineering Division.
23. 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 sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.

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24. 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 shall be memorialized in the Development Agreement.
25. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, MnDOT, Watershed District, Washington County, etc. prior to commencing any site activities.
26. 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 Applicant 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.
27. Emergency overflows (EOF) shall be shown for all catch basins, ponds, basins, rain gardens, swales, etc. proposed with the project. All emergency overflows shall be a minimum of 1.5 feet lower than the lowest ground elevation of adjacent buildings.
28. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
29. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
30. A right-of-way permit shall be required for work performed within the City or County right-of-way.
31. The Applicant shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.
32. Street lights shall be required to be installed by the Developer, at their cost, as directed by the City.
33. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
34. Stormwater reuse systems shall meet the design standards established by the Environmental Division including, but not limited to, the following standards:
  1. All systems shall have a meter(s) that read in gallons and be accessible to City staff for annual reporting required to the Minnesota Department of Natural Resources (MN DNR)
  2. If the system proposes a connection to municipal water as a back-up irrigation source, an air gap shall be required with designs reviewed and approved in writing by City staff.
  3. Municipal water may not be pumped into pond to be later pumped and used by the irrigation system.
  4. Stormwater ponds sourcing the water shall be pumped/maintained no lower than the design elevation in the approved stormwater plan unless written approval is given by Engineering staff
  5. All controllers shall be WaterSense certified and verified as fully functional during each growing season.
  6. Irrigation heads shall be replaced with pressure regulated bodies, as needed, with matched precipitation and gallons per minute.
  7. All systems shall have an irrigation audit completed by a certified landscape irrigation auditor and submitted to the City. Audit results, including auditor, date, time, issues identified and recommended improvements shall be submitted to the City as identified in the Operations and Maintenance Plan.
  8. All systems, including pumps, controllers, connections and irrigation line placement shall be submitted for review and approval by City Staff.
  9. Private irrigation wells as a back-up irrigation source shall not be permitted.
  10. Irrigation heads shall be placed a minimum of 6" from back of curb, trail, sidewalk, or other hard surface to avoid damage.
  11. Irrigation mainlines must be placed outside of right-of-way to avoid damage.
  12. EPA Watersense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
  13. Drip irrigation, high efficiency rotating nozzles, pressure regulated spray and rotors, and other efficiency components shall be used on all systems.

**Voting via voice:**

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

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

Mr. Hartzell gave a verbal update on the transportation report. He stated the 2023 Roadway Rehabilitation project is currently on schedule with a completion date in the fall of 2024. Phases 1-4 have been completed. Phases 3 and 4 are scheduled for final restorations this week. Phases 5 and 6 with street and utility removals are complete with utility replacement scheduled to be completed by July 21

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and street reconstruction beginning the week of July 24. Phase 7 and 8 have temporary water laid out with street and utility removals beginning on July 17 and continuing through July 28.

Mr. Hartzell explained there is continued progress on I-94 between Highway 120 and Century Avenue to the St. Croix River. I-94 is reduced to two lanes in both directions between Woodbury Drive and the St. Croix River and between the I-94, 494 and 694 interchange and Highway 120 and Century Avenue. Beginning today, westbound I-94 will be reduced to a single lane each day from 9:00 a.m. to 5:00 p.m. through the end of the week. The on-ramp from Woodbury Drive to eastbound I-94 is closed through mid-November. The bypass is used through westbound I-94 to Inwood Avenue, Radio Drive to eastbound I-94. Updates can be emailed through the projects webpage and can find it on the City's website.

Mr. Hartzell stated the Gold Line's overall completion plan is for 2025. Construction of the new Bielenberg Bridge began last fall and is scheduled to be completed late fall 2023. The Bielenberg Drive and Hudson Road intersection are closed for the season for reconstruction and is expected to be opened in November. For more information, go to the Gold Line website to subscribe for project updates. Residents can find more information about the projects through InTouch at [www.woodburymn.gov/intouch](http://www.woodburymn.gov/intouch).

Councilmember Santini asked if the construction on I-94 and 61 was related to the Gold Line. Mr. Hartzell replied that it was.

**City Administrator's Report**

City Administrator Clinton Gridley gave a verbal update of upcoming City meetings.

- July 26, 2023 – Council Workshop
- August 7, 2023 – Planning Commission Meeting

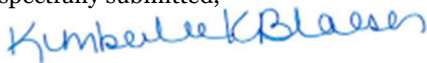
**Adjournment**

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 8:56 p.m.

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

Absent: None

Respectfully submitted,



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Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on August 9, 2023