

Minutes
Woodbury City Council
Wednesday, July 28, 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 28th 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, and Steve Morris. Absent: Jennifer Santini.

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Tony Kutzke, City Engineer.

Special Order of Business

A. American Cancer Society Relay for Life of South Washington County Proclamation

Mayor Burt read in full a Proclamation in recognition and support for the American Cancer Society's Relay for Life of South Washington County, to be held on August 6, 2021, at Ojibway Park from 6:30 – 9:30 p.m.

Dave Olson, joined by Brandon and Michelle, stated this will be the 22nd Relay For Life, with almost \$3 million raised overall for the American Cancer Society. He added last year during the pandemic, the relay raised approximately \$10,000. He stressed the importance of providing funding and support for cancer patients and their caregivers.

Mr. Olson stated this year's event at Ojibway Park will begin with an Opening Ceremony at 7:00 p.m., followed by a Luminary Ceremony at dusk. He added people can purchase a luminary bag for \$10 in memory of a loved one. He welcomed everyone to attend the Relay for Life.

Mayor Burt thanked Mr. Olson for leading this event in the community. She asked how luminary bags can be purchased. Mr. Olson stated all the information is available on the website: www.relayforlife.org/sowashcomn.

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.

No one wished to speak at the Open Forum

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.

**City Council Meeting Minutes
Wednesday, July 28, 2021**

Council briefly discussed Item 6b, Equipment Purchase; Fairhaven and Summerlin Parks Play Equipment as there appeared to be an error in the resolution. City Administrator Gridley provided a correction to the resolution stating that in Paragraph 6, that “Capital Improvement Fund” should be replaced with “Park Dedication Fund”. Mayor Burt confirmed the amendment to the resolution.

Mayor Burt also confirmed that staff has requested that Item 6J, Appointment of Building Maintenance Technician – HSC Anderson be removed from the Consent Agenda and that no further action is to be taken.

Item A Approval of Council Minutes – July 14, 2021

Item B To adopt the following resolution

Resolution 21-134A

Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of two playgrounds from Landscape Structures, Inc. for \$125,926.43 through the Minnesota State Cooperative Purchasing Venture Contract and a total expenditure amount not to exceed \$125,926.43

Item C To adopt the following resolution

Resolution 21-135

Resolution of the City of Woodbury, Washington County, Minnesota approving a budget amendment and award of contract to Peterson Companies Inc., in the amount of \$606,237.01 for the construction of Fair Haven and Summerlin Parks and authorizing the Mayor and City Administrator to sign said contract.

Item D To approve Commerce Hill 9th Addition, Final Plat, Project No. 03-2021-00432, subject to the conditions as outlined in Council Letter 21-191.

1. The PUD, Conditional Use Permit, Preliminary Plat and Site and Building Plan conditions remain in full effect.
2. Prior to the release of the Final Plat, all permanent easements and rights-of-way necessary for existing and proposed street and utility improvements shall be granted to the City at no cost.
3. 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.
4. The Applicant shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property.
5. Plat approval and release shall be conditional on adherence to all requirements of the city attorney, including, but not necessarily limited to, any express requirements contained in the city attorney’s plat opinion.

Item E To approve Briarcroft of Woodbury Second Addition, Final Plat, Project No. 26-2021-00457, and authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 21-192.

1. All conditions of Planned Unit Development and Preliminary Plat approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City’s consultant engineer.
3. The final street names shall be reviewed and approved by the Building Official.
4. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
5. Prior to the release of the Final Plat, a Developer Agreement shall be executed.
6. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.
7. 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.
8. 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.
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. Outlots A and B shall be owned and maintained by the HOA.
11. The Final Plat shall be recorded prior to issuance of a building permit.

**City Council Meeting Minutes
Wednesday, July 28, 2021**

- Item F To adopt the following resolution **Resolution 21-136**
Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute an engineering consulting services contract with Bolton & Menk, Inc., for construction administration services for the Dundalk Green Addition Utility & Street Improvements Project (Private Construction).
- Item G To adopt the following resolution **Resolution 21-137**
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 Oak Hill 2nd Addition Utility & Street Improvements Project (Private Construction).
- Item H 1. To adopt the following resolution **Resolution 21-138**
Resolution of the City of Woodbury, Washington County, Minnesota approving the Washington County Department of Public Health and Environment Parks Recycling Service Contract and the budget amendment.
- Item I To adopt the following resolution **Resolution 21-139**
Resolution of the City of Woodbury, Washington County, Minnesota appointing Christopher Klein to the position of EMS/Fire Chief – Assistant Public Safety Director effective July 28, 2021.
- Item J Appointment of Building Maintenance Technician – HSC Anderson. This item was removed from the Consent Agenda and no further action will be taken.
- 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 July 9, 2021 in the amount of \$600,355.49 and July 16, 2021 in the amount of \$1,831,996.17.

Councilmember Date moved, seconded by Councilmember Morris, to approve the Consent Agenda Items 6A – 6K with the removal of Item 6J and an amendment to Item 6B: Resolution, 6th paragraph, replace “Capital Improvement Fund” with “Park Dedication Fund”.

Voting via voice:

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

Public Hearings

No items scheduled

Discussion

A. Closed Session to Discuss Personnel Issue

Mayor Burt stated this agenda item is for preliminary consideration of allegations and charges against employee William Pinckney, pursuant to Minnesota Statutes Section 13D.05 Subd. 2b.

Mayor Burt stated Mr. Pinckney was informed that he has the right to have this meeting conducted during an Open Meeting. She added Mr. Pinckney did not wish to exercise that right. She noted, as required by State Statute, if the City Council should decide that action is warranted, that action will take place after the Regular Meeting is re-convened.

Adjourn to Closed Session

Mayor Burt stated that pursuant to the provisions of Minnesota State Statute section 13(d).05 Subdivision 3b, and based on the advice of the City Attorney, she recommended that the City Council hold a closed City Council meeting.

**City Council Meeting Minutes
Wednesday, July 28, 2021**

Councilmember Morris moved, seconded by Councilmember Date, to hold a City Council closed meeting for the purposes previously stated.

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

Reconvene

Mayor Burt reconvened the Regular Meeting at 7:50 p.m.

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-140

Resolution of the City of Woodbury, Washington County, Minnesota approving disciplinary dismissal of William Pinkney effective July 28, 2021.

Voting via voice:

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

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

City Engineer Tony Kutzke reviewed current and completed transportation projects in Woodbury.

Mr. Kutzke stated 2021 Roadway Rehabilitation Project Phases 1 and 2 are almost complete with turf restoration to be completed in the fall. Phase 3 is scheduled to be substantially complete by August 10, 2021. Phase 4 utility work is under way and the roadway and trail construction on the west side of Landau Drive and is expected to last 4-5 weeks. Phase 5 is scheduled to begin on August 9, 2021. The Hudson Road portion of the project, west of Radio Drive, is substantially completed with turf restoration continuing through the fall.

Mr. Kutzke stated Woodbury Drive and local roads project work continues on Hudson Road, Commerce Drive and Tamarack Road. Tamarack Road is substantially completed and open to the public. Irrigation will be installed, and landscaping will follow as weather allows. A portion of Commerce Drive was constructed and has been paved and is scheduled to reopen August 2, 2021. The next phase for westbound Commerce Drive will begin on August 2, 2021, and work continues on the trail along Hudson Road.

Mayor Burt asked about the retaining wall on Hudson Road. Mr. Kutzke stated that retaining wall will run along the north side of the roadway adjacent to the car dealership and liquor store.

Mr. Kutzke stated, as part of the Woodbury Drive Corridor Management and Safety Improvement Project, Woodbury Drive will be expanded to a 4-lane divided roadway from Bailey Road. Work has been focused on the northbound lanes of Woodbury Drive as well as construction of the roundabout. Upon completion, the temporary bypass will be shifted to the northbound lanes and construction will begin on the southbound lanes.

Mr. Kutzke stated Hudson Road and Settlers Ridge Parkway Roadway and Intersection Improvements are under way with completion of significant grading, placement of gravel on the corridor, and relocation of private utilities. Utility work continues on sanitary sewer, water main extensions and storm sewer to serve the roadway project. Roadways are closed in this area, and a detour is in place.

Mr. Kutzke stated the 2021 Pavement Rejuvenator Project is complete and open to traffic as of July 19, 2021. He added the Bailey Road Management and Safety Project is under way with no roadway closures. The contractor is installing irrigation in the boulevards and center medians for fall landscaping and plantings along the corridor.

Councilmember Morris asked whether landscaping will be postponed due to DNR drought restrictions. Mr. Kutzke agreed, adding landscaping work may need to be delayed. He added City Staff and the contractor will continue to review the situation over the coming months.

Mr. Kutzke stated MnDOT's Highway 95/Manning Avenue Safety Improvement Project from Bailey Road to I-94 is currently under construction with a road closure on Valley Creek Road north to Hudson Road. The contractor is focusing on storm sewer as well as pavement rehabilitation along Manning Avenue. Installation of mumble strips is expected to continue until mid-August, when the

City Council Meeting Minutes Wednesday, July 28, 2021

contractor will shift to a road closure between Bailey Road and Valley Creek Road to accommodate pavement rehabilitation and mumble strip installation. This project is expected to be completed in October 2021.

Mayor Burt asked requested clarification regarding the difference between a mumble strip and a rumble strip.

Mr. Kutzke stated a mumble strip is quieter than a rumble strip. He added mumble strips are commonly used on roadways that are adjacent to development, to reduce noise.

Mr. Kutzke stated City Staff have been notified by Washington County that a concrete grinding project is planned for Valley Creek Road. Construction is scheduled to begin in October between Bielenberg Drive and Radio Drive and will result in a weeklong closure for eastbound Valley Creek Road, followed by a weeklong closure for the westbound lanes. A detour route is planned from Bielenberg Drive to Tamarack Road to Radio Drive, but only one direction will be closed at a time.

Mr. Kutzke stated Metropolitan Council's L73 Tunnel Repair Project will continue through the fall and early winter, with construction on the sewer line on the west side of Woodbury Drive. A southbound lane enclosure is anticipated between Antrim Road and Ambrose Road.

Mr. Kutzke encouraged residents to sign up for InTouch messages to receive updates on road improvement projects and visit the City's interactive Capital Improvement Plan (CIP) on the City's website at www.woodburymn.gov.

Mayor Burt asked about traffic cones set up on Pioneer Drive near Bailey Road, and whether a project will be happening there. Mr. Kutzke stated he is unsure but indicated they were likely related to a right-of-way permit for the home construction.

Administrative Report

City Administrator Gridley stated outdoor water restrictions were instituted on Monday, July 26, 2021, due to the Minnesota Department of Natural Resource's direction to reduce usage to 50 percent above January use for all water suppliers. He stated this was the right time to increase the lawn-watering restrictions. He stated the City pumped 20.5 million gallons of water on Monday, our highest pumping date at any time in the past eight years.

Mr. Gridley stated that City Staff received about 100 calls on Monday in response to our initial messaging push. He indicated Tuesday calls fell steeply to about 50 total calls. He stated that overall, the public response was supportive for the elevated restrictions. He noted that most were looking for clarity, while some callers were upset about the restrictions starting after their Monday trash pickup day and others wanted to report violations of the regular restrictions.

Mr. Gridley stated City Staff have posted watering restriction notifications using Code Red, the City website, yard signs, InTouch, Next Door, Facebook, and Twitter. He added a brief article was added to the City newsletter which goes out to everybody, directing people to the City website for additional details. He noted 5 Public Works crew members are passing out flyers and door hangers to help educate community members about the increased restrictions, and no citations related to new restrictions will be issued this week.

Mr. Gridley stated City Staff have been contacted by other nearby communities looking for guidance about how to implement similar restrictions as the drought worsens. He added that there continues to be no watering for anyone between the hours of noon to 5:00 p.m. He noted residents with a Monday or Tuesday trash pickup day can water on trash day and also Saturday, while residents with a Wednesday or Thursday trash day can water on trash pickup day and Sunday. He urged residents with irrigation controllers to change their settings to align with these restrictions.

Mr. Gridley stated no neighborhood meetings are scheduled.

Mr. Gridley stated the Planning Commission's next meeting is scheduled for August 2, 2021, at which two items will be discussed: Famous Dave's site redevelopment and building plan, and Project Val rezoning, Planned Unit Development, Conditional Use Permit and preliminary plat site and building plan.

Mr. Gridley stated the City Council's next meeting will be August 11, 2021, at which three public hearings are scheduled: Famous Dave's, Project Val, and consideration of issuance of electric franchise and requiring a franchise fee from Northern States Power Company, and the issuance of gas franchise and requiring a gas franchise fee from both Northern States Power Company and CenterPoint Energy for providing electric and natural gas services within the city of Woodbury.

Mr. Gridley stated the Parks and Natural Resources Commission will meet on August 10, 2021, beginning with a tour at La Lake at 6:00 p.m. and a meeting to follow at 7:00 p.m. in Ash North and South Conference Room.

Mr. Gridley stated the Audit and Investment Commission will meet August 10, 2021, at 7:30 a.m. in the Ash North And South Conference Room.

**City Council Meeting Minutes
Wednesday, July 28, 2021**

Mr. Gridley stated he met that day with Washington County and other cities in the area to discuss water restrictions. He added each community is very different and some older communities do not have significant numbers of irrigation systems, so their water use is not problematic. He noted the State's restrictions are much more significant for the City of Woodbury than for an older community.

Mr. Gridley stated the steps the City has taken will allow residents to use water two times a week which should be enough to sustain lawns and landscaping. He added it is hoped that a total outdoor water ban can be avoided, and hopefully the City's restrictions will allow residents to use water outdoors for the rest of the summer.

Adjournment

Councilmember Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 8:50 p.m.

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

Respectfully submitted,

Kimberlee K. Blaese

Kimberlee K. Blaese, City Clerk

Approved by the Woodbury City Council on August 11, 2021