

**Minutes**  
**Woodbury City Council**  
**Wednesday, August 11, 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 11<sup>th</sup> day of August 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](mailto: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 (attended remotely). Absent: None

Others Present: Kimberlee K. Blaeser, City Clerk; Angela Gorall, Assistant City Administrator; Janelle Schmitz, Community Development Director; Eric Searles, City Planner; and Chris Hartzell, Engineering Director.

**Special Order of Business**

**A. Minnesota Recreation and Park Association Award of Excellence – Park and Facility; for the Carver Lake Park Bike Park Playground**

Tracy Petersen, Minnesota Recreation and Parks Association representative and City of Edina Staff member, presented an Award of Excellence to the City of Woodbury for Carver Lake Bike Park and Playground. She commended Woodbury for its commitment and creative approach to expanding bike and trail systems to include safe, inclusive skills areas, designed for youth, families and beginning riders. She stated the Carver Lake Bike Park is the only bike park in the upper Midwest with all-weather trail service.

Ms. Petersen thanked the City Council and congratulated the City of Woodbury for continuing to provide innovative, impactful recreation facilities for the community.

**Open Forum**

The Open Forum is a portion of the Council meeting where a maximum of three persons will be allowed to address the Council on subjects, which are not a part of the meeting agenda. Persons wishing to speak must complete a sign-up sheet prior to the start of the meeting. Give the sign-up sheet to any staff person. Speakers are limited to two minutes each. The Council will listen attentively to comments but, in most instances, will not respond at the meeting. Typically, replies to the concerns expressed will be made via letter or phone call within a week.

**Consent Agenda**

All items listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion and an affirmative vote by roll call of a majority of the members present. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event, the items will be removed from the consent agenda and considered a separate subject of discussion by the Council.

Item A Approval of Council Minutes – July 28, 2021

Item B Approval of 748 Bielenberg Medical Office; Site and Building Plan; Project No. 05-2021-00453 subject to the conditions as outlined in Council Letter 21-200.

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1. All conditions of the original PUD and Preliminary Plat for Tamarack Hills II shall remain in full force and effect.
2. Any future trash enclosures shall utilize wooden gates and shall be constructed on three sides using the same materials and patterns used on the building. The location shall be approved by the Planning Division.
3. All freestanding light fixtures shall not exceed twenty-five (25) feet in height measured from grade to the top of the fixture. The fixtures shall be shoebox style, sodium vapor, downward directed with flush lenses. Other than wash and decorative entry lighting, attached lighting shall be shoebox style, sodium vapor, downward directed with a flush lens.
4. All rooftop or ground mounted mechanical equipment shall be hidden from view with the same materials used on the building in accordance with City Code requirements. Once transformer or generator locations are known, a landscape plan with screening plants identified shall be reviewed and approved by staff.
5. No exterior storage shall be permitted.
6. All materials and architectural elements used throughout the PUD shall be of consistent color and style. Staff shall approve final brick, stone and EIFS materials in writing.
7. Prior to the issuance of a building permit, the Applicant shall submit a materials board. The materials shall be reviewed and approved by Planning staff.
8. Prior to the application of building materials, the Applicant shall construct sample material mock-ups on site for all of the buildings.
9. Prior to the issuance of a building permit, staff shall review and approve the final utility and stormwater designs.
10. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant. It is recommended that the Applicant document the existing condition of all on-site utilities prior to the commencement of any site activities.
11. Heavy duty silt fence shall be added along the west and south side of building following the installation of the storm sewer.
12. Erosion control around the entire construction site shall be required and maintained by the Applicant during construction to ensure that sediment and stormwater does not leave the project site.
13. 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.
14. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewers, sanitary sewer, watermain and roadway systems and components to the City for review and approval. The Applicant or future property owner shall be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
15. All sanitary sewer, watermain and storm sewer facilities installed to accommodate the site are private and shall be the Applicant's responsibility for the design, installation, maintenance, repair, replacements, operation, protection, etc.
16. The Applicant shall receive a land disturbance permit from the City's Engineering Division prior to the commencement of any site activities.
17. The Applicant shall obtain any other permits necessary from other agencies, MPCA, Ramsey Washington Metro Watershed District, etc. prior to the start of any site activities.
18. Prior to the release of the building permit, a landscape financial security shall be submitted in the amount as required by ordinance.
19. Prior to the issuance of a building permit, the Applicant shall provide a recorded cross parking and access easement.
20. Prior to the issuance of a building permit, the Applicant shall submit an irrigation plan meeting the following design requirements:
  - System must be designed by a certified irrigation contractor.
  - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
  - Private irrigation wells as a back-up irrigation source are not permitted.
  - Irrigation heads shall be placed a minimum six (6) inches from back of curb, trail, sidewalk, or other hard surface.
  - EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering staff in writing.
  - MP rotator heads or equivalent shall be used throughout.

Item C

To adopt the following resolution

**Resolution 21-141**

**Resolution of the City of Woodbury, Washington County, Minnesota approving a 2021 budget amendment to the Municipal State Aid Roadway Construction Fund.**

Item D

Approval to Renew Woodbury Alamo LLC dba Alamo Drafthouse Cinema On Sale Intoxicating including Sunday Sales Liquor License.

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- Item E To adopt the following resolution **Resolution 21-142**  
**Resolution of the City of Woodbury, Washington County, Minnesota establishing CD-FIN-5.13 as the City's Official Policy Providing Guidelines for the Management of the Lawful Gambling Contribution Fund**
- Item F To adopt the following resolution **Resolution 21-143**  
**Resolution of the City of Woodbury, Washington County, Minnesota appointing Nathan Christensen to the position of Building Maintenance Technician – HSC effective August 12, 2021.**
- Item G To adopt the following resolution **Resolution 21-144**  
**Resolution of the City of Woodbury, Washington County, Minnesota adding a Human Resources Technician position and appointing Noemi Rivero to the position of Human Resources Technician effective August 23, 2021.**
- Item H 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 23, 2021 in the amount of \$536,605.55 and July 30, 2021 in the amount of \$1,773,690.39

Councilmember Date moved, seconded by Councilmember Morris, to approve the Consent Agenda items.

**Voting via voice:**

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

**Public Hearings**

**A. Project Belle; Rezoning; Preliminary Plat; Site and Building Plan; Final Plat; and Development Agreement, Project Nos. 01-2021-00456 and 01-2021-00459**

Mayor Burt declared the public hearing open and recognized City Planner Eric Searles to give the background.

City Planner Eric Searles reviewed an application from Ryan Companies US, Inc. for preliminary and final plat and site and building plan approval for an office and warehouse space at the southwest corner of Hudson Road and Manning Avenue. He added the proposal also includes a request to rezone the property to Business Campus District, which is guided as Places to Work on the Land Use Plan.

Mr. Searles stated the City completed the Northeast Area Alternative Urban Area-wide Review (AUAR) in 2009, which identified that roadway improvements were necessary to mitigate development impacts in this area and to improve connectivity to the west. For this project, roadway improvements are proposed to be constructed and funded privately by the applicant. The AUAR determined that, long term, a four-lane roadway is appropriate for Hudson Road, and this proposed project will provide the necessary right-of-way grading and sub-grade corrections that would allow the road to ultimately be expanded to four lanes.

Mr. Searles stated the building is proposed to be served by City sewer and water. He added utility extensions will allow for additional land in northeast area to be served, which will be a catalyst for additional development. A small portion of the area to the south of this site is currently zoned for retail and guided as mixed use.

Mr. Searles stated the proposed warehouse and office building, a consumer goods distribution center for satellite facilities, will operate multiple staggered employee shifts, with a total of 500 regular employees, but closer to 1,000 employees during seasonal hiring times.

Mr. Searles stated loading docks are proposed along the eastern, northern and southern facades and will be separate from employee traffic. He added trucks will enter on the south and exit on the north. He noted no connection to Manning Avenue is proposed.

Mr. Searles stated a preliminary plat is requested which identifies one 73-acre platted lot and a potential future development outlot on the north side of Hudson Road. He added the applicant is requesting to construct 508 parking stalls, based on the parking requirements of the City Code. He noted, in this case, the calculation delivers 250 spaces for the warehouse use and 92 spaces for office use.

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Mr. Searles stated City Staff is supportive of 62 additional stalls to allow for flexibility in the future if the building use were to change to a multi-tenant space. He added the applicant is proposing electric vehicle charging stations for both regular cars and larger trucks. He noted berms and landscaping are proposed to reduce visual impacts. He presented a video depiction of the project put together by Ryan Companies.

Mr. Searles stated multiple stormwater management basins are proposed to meet water quality infiltration requirements. He added the infiltration basins will be privately owned. He noted the building's rooftop will be set up to adapt to solar panels in the future.

Mr. Searles stated a neighborhood meeting was held July 22, 2021, with 3 neighbors attending, and questions were raised about the project timeline and general project information. He added the Planning Commission reviewed the case at their August 2, 2021, meeting, and unanimously recommended City Council approval.

Planning Commissioner Jennifer Nowacki stated the Planning Commission had a lengthy discussion regarding this project, including green initiatives and traffic, wetland and tree preservation, as well as restrictions on truck overnight parking and idling. She added that the proposed berms will be constructed from materials that are already on the site. She noted the applicant indicated that there will be no overnight truck parking on the site.

Ms. Nowacki stated the Planning Commission discussed whether the applicant could be required to make road repairs on Manning Avenue and Hudson Road, which is the path the trucks will take from the freeway to the site, if the road conditions deteriorate more quickly due to increased truck traffic. She noted the Planning Commission unanimously recommended City Council approval of this application.

Mayor Burt requested clarification regarding the Planning Commission's concerns related to road deterioration. Ms. Nowacki stated the Planning Commission discussed this, but it was not ultimately added to the approval.

Dan Mueller, Ryan Companies, thanked the City Council for the time and opportunity to present the project. He added the client's name must remain confidential at this point, due to a confidentiality agreement that they have with the client. He noted the client is a national organization with many distribution centers across the country.

Len Reed, 8950 Highview Lane, joining the meeting remotely, asked, "Why the secrecy? How much water usage will they require? Not enough green space for the size of the building. Say no."

Mayor Burt stated, with regard to the secrecy issue, the applicant is bound by a confidentiality agreement.

Mayor Burt asked Mr. Mueller about water usage. Mr. Mueller stated the building will be a storage facility with no large water demands for their operations.

Mayor Burt asked for clarification regarding green space. Mr. Searles stated the City has requirements for open space on commercial sites, and the application exceeds those requirements.

Councilmember Date requested clarification regarding parkland dedication requirements. Mr. Searles stated park dedication was satisfied in a pre-development agreement. He noted that a heavily wooded City-owned parcel, Prairie View Park, is adjacent to the south end of the site. He noted a parcel to the west will also be dedicated to the City for park dedication purposes.

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

**Voting via voice:**

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

Councilmember Morris requested clarification regarding the Planning Commission's concerns related to trucks idling on the site. He added there was no mention of this issue in the documents.

Mr. Searles stated the Planning Commission asked the applicant whether they have a policy prohibiting truck idling. He added City Staff have identified that the applicant does have a policy that prohibits trucks from idling while waiting to be loaded and unloaded.

Mr. Searles stated, as a point of clarification from the Planning Commissioner's report, there will be overnight parking of trucks, but no overnight stays of drivers or operators in the trucks.

Councilmember Date stated the deterioration of roads due to truck traffic seems to be a relevant issue that should be addressed.

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Engineering Director Chris Hartzell stated he agrees it is a concern as large trucks can impact roads substantially. He added there may be a need for roadway rehabilitation on this section of roadway, and adjacent properties would pay a share.

Councilmember Date stated she would not want other adjacent businesses to be assessed at the same rate if they are not causing the road damage. She asked whether other businesses can be protected, as well as the City, from paying for the costs of repairing the roads.

Mr. Searles stated it is difficult to identify which vehicles are responsible for road damage. He added Hudson Road is often used as an alternative route for truck traffic on I-94.

Councilmember Date stated the applicant has indicated they will be running 3 daily employee shifts and 140 trucks per day. She added the City has vehicle counts, and it should be easy to determine their contribution to the deterioration of the roads compared to other facilities.

Chris Hartzell stated paved roadways that are anticipated to handle truck traffic are constructed thicker to accommodate heavy use. He added that the engineers and City Staff are looking into this issue.

Councilmember Morris asked whether that is in the documents, and how the City can protect itself.

Eric Miller, Sambatek, 12800 Whitewater Drive, stated he is the civil engineering consultant on this project, representing Ryan Companies. He added he and his colleagues are working with City Staff and consultants on the design of onsite improvements. He noted roadway improvements are based on trip generation and types of trips, and a more substantial pavement design is required for high truck traffic. He expressed full confidence that the facilities will be built with the nature of the anticipated use to serve this facility for its design life.

Councilmember Morris stated his concern is that this is not documented anywhere and should perhaps be a condition of approval.

Councilmember Wilson asked whether assessments for road rehabilitation would be the full responsibility of commercial businesses. She added, in a business district, it is the businesses that pay for assessments.

Councilmember Date stated businesses with less truck traffic and roads impact could be adversely affected.

Mr. Hartzell stated commercial businesses pay 100% of the cost of roads rehabilitation.

Councilmember Wilson stated there have been many issues related to parking recently, and there is no street parking proposed at this site. She asked whether the proposed parking is adequate, even with the proposed extra spaces. Mr. Searles stated it is the opinion of City Staff that 580 spaces will meet the needs of the facility.

Councilmember Date expressed concern about having too much parking, and excess impervious surface. She asked whether infiltration options have been discussed.

Mr. Searles stated City Staff discussed a reduction in the required amount of parking. He added products for overflow usage were not reviewed, as pervious pavement and other products often break down when there is heavy use.

Mayor Burt stated she appreciates that the building will be solar-ready, and she liked seeing the video depicting trees and berms. She added she likes the electric vehicle charging units. She asked whether signage is anticipated.

Mr. Searles stated there will be signage that will need to meet City Code, which is a maximum of 200 square feet. He added the Comprehensive Sign Plan for larger buildings is 300 square feet. He noted the nearby Kindeva sign is approximately 200 square feet.

Councilmember Santini asked what communication, if any, has been had with the County, and whether they are aware of the project. Mr. Searles stated Manning Avenue is a State road, so City Staff have been coordinating with the State.

Mayor Burt asked whether there will be traffic lights at the Manning Avenue/Hudson Road intersection. Mr. Searles stated the traffic lights at the existing intersection will be modified to accommodate proposed lane geometrics.

Councilmember Morris asked whether there is any concern about run-off. Mr. Searles stated run-off is an issue that was reviewed, including stormwater system drainage. He added there are both retention basins and infiltration basins on the site, and the applicant has proposed that a portion of the site will be irrigated by a re-use system. He noted the majority of the site is intended to be natural plantings rather than lawn.

Councilmember Morris asked, regarding green space on the site, whether any consideration has been given to employee recreation. Mr. Searles stated the current site plan does not have outdoor gathering spaces.

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Mr. Mueller stated there are break areas and lunchroom spaces inside the building. He added there is park space and trail connectivity to the south, but there is no proposed outdoor patio or green space. He noted the client is very cognizant of not mixing pedestrian and vehicle traffic.

Mayor Burt asked what the City's time frame is for the future public trail on the west side. Mr. Searles stated the public trail would be constructed concurrently with the development of the west property.

Councilmember Morris stated, until the parcel to the west is developed, there will not be a trail. Mr. Searles stated the trail connection will develop as the commercial area develops.

Councilmember Morris expressed his disappointment at the lack of outdoor spaces for employees. He added it is a huge parcel. He noted he understands that every square foot is valuable, but he is disappointed that there are no outdoor seating areas or picnic tables.

Mr. Searles proposed a condition to address the comments of Councilmembers Morris and Date regarding pavement sections. He proposed that a condition be added that the applicant shall provide documentation that the pavement section design fully meets City standards including impact from heavy trucks use.

Council Member Date moved, seconded by Councilmember Morris,

To adopt the following ordinance

**Ordinance 2001**

**Ordinance of the City of Woodbury, Washington County, Minnesota**, rezoning certain property from B-3, Planned Shopping Center to BCD, Business Campus District.

**Voting via voice:**

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

Councilmember Date moved, seconded by Councilmember Morris, to approve the Project Belle Preliminary Plat and Site and Building Plan, Project No. 01-2021-00456; with the approval subject to the conditions as outlined in Council Letter 21-206 and as listed below with an additional condition of approval regarding the road pavement design.

1. The Site Plan 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 requirements and conditions of the Northeast Area AUAR as they relate to this site shall remain in full force and effect as determined by the City.
3. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
4. The Applicant shall privately construct and fund the required grading, ponding and subgrade corrections for the initial and future roadway improvements as identified by the City Engineer.
5. Prior to the issuance of a land disturbance permit, all right-of-way and easements necessary to extend the public utilities and to construct the improvements to the public roadways shall be granted to the City at no cost and free of encumbrances.
6. Prior to the issuance of a land disturbance permit, the Applicant shall record a cross access easement agreement which allows perpetual use and access by the future development property to the west of the site. The easement shall allow for use and connection to the proposed western private drive which connects with Hudson Road. The City Attorney shall review and approve the form and content of the cross easement prior to recording.
7. The Applicant shall privately construct the public roadway and utility improvements as depicted on the Public Streets and Utility Improvement Exhibit.
8. Modifications to Hudson Road and Manning Avenue are required to provide safe access to/from the proposed site. The Applicant shall privately construct and fund the improvements to Hudson Road and Manning Avenue as depicted on the Public Streets and Utility Improvement Exhibit and as identified within the Development Agreement.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All final building materials shall be approved by the Planning staff in writing.
10. 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.
11. Prior to the issuance of a building permit, the Applicant shall execute an approved Operations and Maintenance Plan for all onsite infrastructure.
12. Prior to the issuance of a building permit, the Developer shall provide a snow removal and storage plan detailing how snowfalls will be accommodated on site.

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13. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Division prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations should be submitted to the City.
14. The site plan authorization shall permit a maximum pole height of 40 feet. Furthermore, all lights shall be shoebox style, downward directed, with LED lamps with 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 (i.e. building entries) shall be recessed and use a flush lens.
15. 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.
16. 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 Division.
17. No exterior storage shall be permitted.
18. Prior to issuance of a building permit, the Applicant shall receive written approval of the design and materials of the proposed guardhouses.
19. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
20. This approval does not include signage. A separate sign permit shall be required.
21. All drive aisles shall have a minimum width of 25 feet.
22. 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.
23. All disturbed boulevards shall be restored with turf. The property owner shall mow and maintain to the curb of all public streets. If a native planting approach is proposed, a minimum of three-year maintenance agreement shall be provided to ensure proper implementation.
24. All onsite sanitary sewer, watermain and storm sewer facilities installed to accommodate the site are private and shall be the Developer's responsibility for the design, installation, maintenance, repair, replacements, operation, protection, etc. All utility inspections shall be coordinated with the City's Building Inspections Division.
25. The Applicant shall extend the trunk water, storm sewer and sanitary sewer to the site privately. The City shall design and inspect the improvements with final terms identified within the Development Agreement.
26. The Applicant shall be responsible for obtaining a land disturbance permit from the City's Engineering Department prior to the commencement of any site activities as well as any necessary right-of-way permits.
27. Prior to issuance of a building permit, the Applicant shall submit a plan identifying placement of no less than four (4) inches of an acceptable topsoil mix as determined by Planning staff.
28. Prior to installation of sod, the Applicant shall provide written verification that a minimum of four (4) inches of topsoil has been placed throughout the site. Prior to installation of the sod, the City shall inspect and approve the placement of the topsoil in writing.
29. 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. The landscaping plan shall meet all landscaping ordinance requirements including canopy coverage and tree and species diversification.
30. Prior to the release of the Final Plat for recording, staff shall finalize the tree replacement calculations and method of achieving replacement or payment in lieu. Planting within a City park shall be coordinated with Parks Maintenance.
31. The Applicant shall be responsible for obtaining any other permits necessary from other agencies, MPCA, watershed, etc. prior to the start of any site activities.
32. The Applicant shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Applicant.
33. This project shall require a General Stormwater Permit from the MPCA since more than one acre of land will be disturbed. In addition, a Stormwater Pollution Preventive Plan (SWPPP) shall be included on the Grading and Erosion Control Plan along with Best Management Practices (BMPs) such as concrete washout area, temporary sediment basins, stabilization methods for exposed areas, etc. These BMPs shall be clearly identified on the plan. The plan shall include permittee and inspector contact information.
34. Prior to the issuance of a land disturbance permit, final drainage, utility, and stormwater plans shall be approved by the Engineering Department.
35. Grades at all intersections where a vehicle must stop shall be 1.0 percent or less for at least 100 feet from the stop location or an alternate standard approved by the Engineering staff in writing.
36. Prior to the approval of the Final Plat, all right-of-way widths and street names shall be reviewed and approved in writing by the Planning staff. All required right-of-way and easements shall be dedicated to the City at no cost and free of encumbrances.
37. Concrete driveway aprons shall be required at the intersections with City streets as per City detail plates and specification.
38. The Developer shall be responsible for installing the sidewalks within the project. Subsequent to installation, the sidewalks within the project and shall be maintained by the property owner. Such maintenance shall include but not be limited to promptly removing ice and snow, other obstructions, and repair and replacement as necessary to ensure the safe passage of pedestrians. This includes sidewalk connections located within the right-of-way that ultimately connect to the City trail system.

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39. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City. This includes required treatment for upgraded Hudson Road and Manning Avenue as identified by the City Engineer.
40. 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.
41. 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 and right-of-way necessary to accommodate public street and utility improvements will be determined by the final design and shall be shown on the Final Plat.
42. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
43. 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.
44. Street lights shall be required to be installed by the Developer, at their cost, as directed by the City.
45. 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.
46. The irrigation system shall be designed to meet the following design requirements:
  - System must be designed by a certified irrigation contractor.
  - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
  - Private irrigation wells as a back-up irrigation source are not permitted.
  - Irrigation heads shall be placed a minimum six (6) inches from back of curb, trail, sidewalk, or other hard surface.
  - EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
  - MP rotator heads or equivalent shall be used throughout
47. The applicant shall provide documentation that the pavement section design fully meets City standards including impact from heavy trucks use.

**Voting via voice:**

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

Councilmember Date moved, seconded by Councilmember Morris, to approve the Final Plat and authorizing the City Administrator and Mayor to execute the Development Agreement, Project No. 01-2021-00459 subject to the Final Plat conditions as outlined in Council Letter 21-206 and as listed below:

1. All conditions of the Preliminary Plat and Site and Building Plan approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements and rights-of-way (ROW) to match the utility and street plans being prepared by the City's consultant engineer. All permanent easements and 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 Applicant.
3. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
4. Prior to the release of the Final Plat, the Applicant shall enter into a Development Agreement.
5. The Applicant shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and watermain area and connection charges applicable to the property.
6. 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.
7. 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.
8. The Final Plat shall be recorded prior to issuance of a building permit.

Discussion during the motion: Mayor Burt asked for clarification regarding the timing of the project. Mr. Searles stated construction could begin as soon as September 2021, with occupancy in July or August 2022.



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**Voting via voice:**

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

Mayor Burt thanked City Staff and the applicant for their hard work and efforts to get this application through in a very short period of time. She added it is exciting to see development on this site after many years of planning.

**B. NE Area Commercial Improvement Project; Consultant Selection for Final Design**

Council Member Date moved, seconded by Councilmember Morris,

To adopt the following resolution

**Resolution 21-145**

**Resolution of the City of Woodbury, Washington County, Minnesota adopting authorizing Mayor and City Administrator to execute an engineering consulting services contract with Bolton & Menk for final design services for the NE Area Commercial Improvements Project.**

**Voting via voice:**

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

Mayor Burt stated she would support efforts to eventually connect this development to the Gold Line Rapid Transit.

**C. Famous Dave's Redevelopment; Amended Planned Unit Development; Conditional Use Permit; and Site and Building Plan; Project No. 09-2021-00454**

Mayor Burt declared the public hearing open and recognized Community Development Director Janelle Schmitz to give the background.

Community Development Director Janelle Schmitz reviewed an application from Launch Properties for an amended Planned Unit Development, Conditional Use Permit and site and building plan for redevelopment of the Famous Dave's site. She added the property is zoned City Center and Guided City Center in the Comprehensive Plan. She noted the original PUD was approved in 1995 and identified the type and number of permitted and conditional uses in the development.

Ms. Schmitz stated the building was vacated this year, and the applicant is proposing removal of the existing building and construction of two new buildings – a drive-through coffee shop that has been identified as Starbucks, and a 5,000 square foot multi-tenant retail or restaurant building. She added, with regard to parking, Zoning Code requires a minimum of 27 stalls for the retail building, a minimum of 25 stalls for Starbucks, and 10 stacking spaces for the drive-thru, for a total of 52 stalls for both buildings. She noted the applicant is proposing 63 stalls, which will provide flexibility for the proposed and future uses.

Ms. Schmitz stated a traffic island is proposed at the drive-through exit, so traffic will need to turn right to exit, and access to the site will be from Donegal Drive. She added proposed modifications at the Donegal Drive intersection would provide a left and right turn for exiting the site to mitigate traffic impacts from proposed uses.

Ms. Schmitz stated bike racks will be available at southeast corner of coffee shop, and there will be a connection to the Valley Creek Road trail that aligns with the landscape island between 2 rows of parking. She added this was deemed the safest pedestrian access to the site.

Ms. Schmitz stated the applicant is proposing to remove 16 trees for the drive through, and the addition of 34 new trees and 70 new shrubs as identified on landscaping plan to complement existing landscaping. She added trees will be planted around the stormwater feature to the north and along Valley Creek Road, and significant plantings are planned for the stormwater infiltration basins. She noted low level plantings will be added along the drive through to soften the impact of headlights.

Ms. Schmitz stated both buildings are proposed to exceed requirements for architectural Class 1 materials. She added the buildings will have architectural consistency and complimentary architecture features.

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Planning Commissioner Jennifer Nowacki stated this application was reviewed by the Planning Commission at their August 2, 2021 meeting, and was unanimously approved after a lot of discussion. She added they discussed the upgrades to the exit onto Donegal Drive. She noted the Planning Commission felt that an island at the drive through was a safe way to direct traffic to the exit.

Ms. Nowacki stated removal of rooftop access on the west side of the building was a condition of approval, and a Commissioner suggested a notched parapet on the north side. She added the project will provide more parking spaces than required by Code. She noted both buildings will be constructed together and will have similar appearance.

Ms. Schmitz stated a review of City Code regarding parking is being considered for a future Planning Commission work session, to provide a recommendation to the City Council.

Mayor Burt stated City Staff felt that the location of the roof access was not suitable, and asked that it be removed. She requested clarification regarding whether this issue has been resolved.

Mr. Searles stated the applicant has a plan to remove the ship's ladder.

Dan Regan, representing Lounge Properties, stated the ship's ladder issue has been addressed, and Starbucks has agreed to a notched exterior parapet. He added his team has been working on this project for a long time, and is very excited about it.

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

**Voting via voice:**

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

Councilmember Wilson asked whether the access road off Donegal Drive will be widened with turn lanes to accommodate pedestrian access.

Mr. Searles stated the pedestrian access will be from Valley Creek Trail and that the access of Donegal will be reconfigured with a right and a left turn lane.

Councilmember Wilson asked whether a sidewalk connection could be added on the west side for pedestrians on Radio Drive to get to the coffee shop.

Mr. Searles confirmed it is feasible, but the proposed design was selected for pedestrian safety reasons, as walkers would need to cross a drive lane to access internal sidewalks. He added drivers exiting via drive throughs are some of the most distracted drivers.

Councilmember Wilson asked how many cars will be able to stack in the drive through. Ms. Schmitz stated the drive through will have a capacity for 14 cars.

Councilmember Wilson stated she is glad there will be a connection from Valley Creek, because there was not one before. She added, however, people who want to walk from Donegal Drive will cut a path through the grass and snow. She noted she understands the danger of cutting across a drive lane, but people do it all the time.

Councilmember Date stated she agrees that people will cut across the grass, but from a liability standpoint, the City has a responsibility to guide them the safest way possible. She asked whether some additional landscaping could be added to discourage cut-through pedestrian traffic.

Ms. Schmitz stated three new trees will be added at that location, and there is one large tree there now. She added the infiltration basins will have added landscaping as well.

Councilmember Wilson asked whether there is any way to get a sidewalk on the driveway entrance from Donegal Drive. Mr. Searles stated there is always a way, but it would be challenging. He added there is no receiving sidewalk on Donegal Drive, which could be addressed when Donegal Drive is upgraded.

Councilmember Morris stated the materials indicated there will be a monument sign. Mr. Searles stated there is an existing monument sign that will be replaced at the same location.

Councilmember Date asked whether there is outdoor seating for both facilities. She added outdoor spaces are a big priority due to COVID concerns. Ms. Schmitz stated there is a patio area between the two buildings which will be a nice shared outdoor space.

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Councilmember Santini stated she appreciates the discussion about a sidewalk connection to Donegal Drive, as she has crossed over the grass from Valley Creek Road as well.

Mayor Burt stated she appreciates that there will be pedestrian access from Valley Creek Trail. She requested clarification regarding the drive through and impacts from headlights. She asked whether there will be additional plantings, and if they will be deciduous or evergreen. Ms. Schmitz stated it is a condition of approval to add more landscaping in that area.

Councilmember Wilson stated, going forward, she would recommend that development plans that come to the City for approval must have internal sidewalks that make sense and connect with the City's bike and pedestrian plans.

Mayor Burt stated she fully agrees. She added this is challenging because the new proposed development will be adjacent to an existing development that are not a part of this project, so it is difficult to fully integrate pedestrian improvements.

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

**Resolution 21-146**

**Resolution of the City of Woodbury, Washington County, Minnesota, approving the Conditional Use Permit (CUP) and adopting findings of fact for Famous Dave's redevelopment, Project #09-2021-00454.**

**Voting via voice:**

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

Councilmember Morris moved, seconded by Councilmember Date, to approve Famous Dave's redevelopment amended Planned Unit Development, site and building plan, Project # 09-2021-00454, subject to conditions as outlined in Council Letter 21-208 and as listed below:

1. The original PUD remains in full force and effect.
2. The 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.
3. This approval does not include signs. A separate sign permit is required for all proposed signage.
4. Final landscaping plan shall be approved by staff prior to the issuance of a building permit.
5. Prior to the issuance of a building permit, a landscape financial security shall be submitted in accordance with the Zoning Ordinance.
6. All ground mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
7. 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 lamps with 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 (i.e. building entries or drive-through) shall be recessed and use a flush lens.
8. 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.
9. Prior to the release of a building permit, the applicant shall provide a materials board for review.
10. 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.
11. 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 storm water does not leave the project site.
12. All disturbed boulevards shall be restored with sod. The property owner shall mow and maintain all onsite turf to the edge of the adjacent public street.
13. All sanitary sewer, watermain and storm sewer facilities installed to accommodate the site are private and shall be the Developer's responsibility for the design, installation, maintenance, repair, replacements, operation, protection, etc. All utility inspections shall be coordinated with the City's Building Inspections Division.
14. The Developer shall be responsible for protecting the proposed on-site storm sewer infrastructure and components and any existing storm sewer from exposure to any and all stormwater runoff, sediments and debris during all construction activities. Temporary stormwater facilities shall be installed to protect the quality aspect of the proposed and existing stormwater facilities prior to and during construction activities. Maintenance of any and all temporary stormwater facilities shall be the responsibility of the Developer.
15. Prior to the issuance of a building permit, final utility plans shall be approved by the Engineering Department.

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16. Prior to the issuance of a building permit, the Developer shall provide a snow removal and storage plan detailing how snowfalls will be accommodated on site. Snow storage cannot be stored in required parking stalls, public walkways, or adjacent to stormwater infrastructure.
17. Prior to issuance of a building permit, the Applicant shall submit a plan identifying placement of no less than four (4) inches of an acceptable topsoil mix as determined by the Planning staff.
18. Prior to installation of sod, the Applicant shall provide written verification that a minimum of four (4) inches of topsoil has been placed throughout the site. Prior to installation of the sod, the City shall inspect and approve the placement of the topsoil in writing.
19. Prior to the issuance of a building permit, the Applicant shall execute an operations and maintenance agreement in a format approved by the City.
20. The Applicant shall provide signage at the exit of the drive-thru that directs customers to the south upon exiting.
21. Irrigation system information meeting the following requirements must be submitted before a land disturbance permit will be released: a) The system must be designed by a certified irrigation contractor. b) The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval by City staff. c) Private irrigation wells as a back-up irrigation source are not permitted. d) Irrigation heads shall be placed a minimum six (6") inches from back of curb, trail, sidewalk, or other hard surface to avoid damage. e) Irrigation mainlines must be placed outside of right-of-way to avoid damage. f) EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering staff in writing. g) Drip irrigation, high efficiency rotating nozzles, pressure regulated spray and rotors, and other efficiency component shall be used.
22. Prior to the release of a land disturbance or demolition permit, staff shall review and approve, in writing, the stormwater design and calculations.
23. Prior to the issuance of a building permit, a revised landscaping plan shall be provided that adds low level landscaping to screen headlights adjacent to the drive-thru shall be required on the landscape plan.
24. The exterior ship ladder shall be removed from the rear of the building.
25. The Applicant shall receive a land disturbance permit from the City's Engineering Division prior to the commencement of any site activities.
26. The two buildings shall have architectural consistency throughout the entire project by using complementary architectural features and materials on all buildings. The two buildings shall be constructed of complementary materials and shall include one common masonry (brick or stone) building material on a minimum of 15 percent of each building. Final building materials shall be approved in writing by the Planning staff.

**Voting via voice:**

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

Mayor Burt asked about the timing of the project. Mr. Regan stated construction is expected to begin as soon as possible with the buildings open for business by next spring or early summer.

Mayor Burt asked if there is any indication of who will be the tenants in the other building. Mr. Regan stated there are many interested tenants, and the development team intends to choose the right businesses for that intersection.

**D. Ordinances Granting Gas and Electric Franchises and Implementation of Franchise Fees**

Mayor Burt declared the public hearing open and recognized Assistant City Administrator Angela Gorall to give the background.

Assistant City Administrator Angela Gorall stated the City Council's work session, which was scheduled to follow this meeting, will be postponed.

Ms. Gorall reviewed Ordinances for City Council consideration related to the granting franchises and issuance of franchise fees. She stated these franchises already exist in the Code of Ordinances, so the action is to repeal and recreate existing franchises.

Ms. Gorall stated, in 2016, City Staff was charged with collecting data related to an asset replacement plan. She added, in November of 2019, the City Council adopted the 2020 Budget and creation of the Park and Trails Replacement Fund, as well as a strategic initiative associated with the fund, to ensure that parks and trails meet the needs of a growing and changing community. She noted City Staff finalized the asset replacement plan and worked with the City's Commissions on this initiative which would require annual funding of \$2.9 million.

Ms. Gorall stated the Audit and Investment Commission and the Parks and Natural Resources Commission worked together to form a recommendation, and unanimously adopted the Park and Trails Replacement Plan with funding recommendations; franchise fee information and comparison cities analysis; advantages and disadvantages; and customer impacts. She added the Commissions narrowed it down to four funding options and proposed a mid-fee option, with property tax contributions up to \$700,000 and franchise

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fees to make up the remaining balance. She noted the current property tax contribution of 20-25% would be maintained in the future, and the franchise fee would be a flat monthly fee of \$60/month for residential properties.

Ms. Gorall provided an overview of events leading to the recommendation, including City Council work sessions and a review of the Asset Replacement Plan by Ehlers, the City's independent financial advisor. She added the financial advisor found the plan to be fundamentally sound and structured similarly to that which they use for long-term financial plans for clients. She noted public engagement was undertaken, including a newsletter mailed to 30,000 households and businesses; virtual sessions; and social media posts, and of the less than 100 direct resident contacts approximately 51% of residents supported implementation of franchise fees, while 23% did not support an increase in tax or fees.

Ms. Gorall stated the City Council gave the authorization to move forward on consideration of the Ordinances, and a public hearing was scheduled for tonight's meeting. She added, if approved, the first collection would occur in January 2022.

Ms. Gorall stated franchise fees will be included as a form of funding for the Capital Improvement Plan for 2022-2026. She added, without the franchise fees, these projects would need to be reassessed and would compete with other projects in the Capital Improvement Fund and could be adjusted or delayed.

Mayor Burt stated the City Council and Commissions have been involved in this process for many months. She thanked City Staff for their hard work and efforts, and for the opportunity to discuss this issue at various levels. She added this was a big decision for the City Council.

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

**Voting via voice:**

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

Mayor Burt stated the community is 53 years old, with parks and trails and wonderful amenities, some of which need to be upgraded or replaced. She stressed the importance, going forward, of maintaining the City's assets at the level that everyone in the community appreciates and expects. She compared the process to owning a home, which needs repairs and replacements as the years go by, and money must be found in a homeowner's budget or they will have to borrow money. She noted surrounding communities do franchise fees as a way to obtain revenue to pay for things the City needs.

Councilmember Date stated she and her husband moved to Woodbury because of the parks and trails, which makes the City very special. She added she has a strong interest in maintaining parks and trails in their best possible condition, due to her former career with MnDNR. She noted she would pay whatever it takes to protect parks and trails, and this is the best way to do it.

Councilmember Date stated it may seem easier to say no and push a decision down the line. She added, however, approving this now will ensure that the City, in the future, will have infrastructure that will not be degraded. She thanked the many residents who have spoken up on this subject and trusted the City Council with this major decision to support parks and trails.

Councilmember Morris stated the analogy of home repairs is helpful to understand how the City operates. He added he has heard both sides of the issue and feels strongly that assets depreciate and need to be replaced. He noted he understands this could be considered a tax by another name, and he agrees, but this is a method of diversification, and he supports it as a proper use of funding, and lever that must be pulled, when looking at surrounding communities.

Councilmember Santini thanked City Staff and all the Commissioners who worked so hard on putting this together. She added this was not an easy task, and having this information provided clarity and understanding through their support and dedication as community members committed to this path forward.

Councilmember Wilson stated she appreciates everything that City Staff and Commissioners have done. She added parks and trails make Woodbury special, and everyone enjoys them. She added amenities have been allowed to deteriorate, and in actuality many park facilities and amenities have been replaced and updated, including Ojibway Park, which was completely redeveloped. She noted funding for these projects has come from the Parks and Forestry funds, and sometimes homeowners have been assessed for trail replacement costs through roads improvements.

Councilmember Wilson stated she believes this is a pass-through tax, and it is only a half-truth to say that it would be easy to say no and push it down the line. She added tax dollars have already gone into the Parks and Forestry Fund, as well as park dedication fees, and tax dollars that have already been assigned to these types of projects can be added to the fund, and then the City can determine how much more is needed.

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Councilmember Wilson stated \$3 million a year is a lot of money, and even though the total franchise fee is \$60 a month, it will continue to increase. She reiterated the City should look at the money that has already been paid and add it to this fund.

Mayor Burt stated a lot of work has gone into this initiative, it has been vetted in detail by City Staff, the City Attorney, and the City's consultants. She added she personally believes that \$2.9 million is necessary for this fund, as the current budget is \$100 million, and a revenue source must be found.

Councilmember Morris stated the asset study for parks and trails did not exist until 2016. He added he agrees many parks amenities have been replaced, but the number of assets continues to grow. He noted parks have a 15-year life, and many parks that are new today will need to be replaced in 2029.

Councilmember Morris stated the City must have a better program to ensure that parks and trails are funded for the long term, without reliance on property tax. He added, in the City of Woodbury, there are 55 parks, 3,300 acres, 76 sport courts, 152 miles of trails, and all of these things are going to age. He stressed the importance of having a plan that is not reliant on property tax.

Councilmember Morris moved, seconded by Mayor Burt,

To adopt the following ordinance

**Ordinance 2002**

**Ordinance of the City of Woodbury, Washington County, Minnesota, Repealing Chapter 9 – Franchises, Section 9-1 – Northern States Power Company, Electric Franchise and Recreating Chapter 9 – Franchises, Section 9-1 Granting to Northern States Power Company, A Minnesota Corporation, an Electric Distribution System within the City of Woodbury.**

**Voting via voice:**

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

Councilmember Morris moved, seconded by Mayor Burt, to authorize staff to publish the Summary of Ordinance No. 2002 Repealing Chapter 9 – Franchises, Section 9-1 – Northern States Power Company, Electric Franchise and recreating Chapter 9 – Franchises, Section 9-1 Granting to Northern States Power Company, A Minnesota Corporation, an Electric Distribution System within the City of Woodbury.

**Voting via voice:**

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

Councilmember Morris moved, seconded by Mayor Burt,

To adopt the following ordinance

**Ordinance 2003**

**Ordinance of the City of Woodbury, Washington County, Minnesota, Creating Chapter 9 – Franchises, Section 9-4 Implementing an Electric Service Franchise Fee on Northern States Power Company, a Minnesota Corporation, Its Successors and Assigns, For Providing Electric Service within the City of Woodbury.**

**Voting via voice:**

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

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Councilmember Morris moved, seconded by Mayor Burt

To adopt the following ordinance

**Ordinance 2004**

**Ordinance of the City of Woodbury, Washington County, Minnesota, Repealing Chapter 9 – Franchises, Section 9-2 – Northern States Power Company, Gas Franchise And Recreating Chapter 9 – Franchises, Section 9-2 Granting to Northern States Power Company, A Minnesota Corporation, a Franchise to Erect a Gas Distribution System within the City of Woodbury.**

**Voting via voice:**

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

Councilmember Morris moved, seconded by Mayor Burt, to authorize staff to publish the Summary of Ordinance No. 2004 Repealing Chapter 9 – Franchises, Section 9-2 – Northern States Power Company, Gas Franchise And Recreating Chapter 9 – Franchises, Section 9-2 Granting to Northern States Power Company, A Minnesota Corporation, a Franchise to Erect a Gas Distribution System within the City of Woodbury.

**Voting via voice:**

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

Councilmember Morris moved, seconded by Councilmember Burt,

To adopt the following ordinance

**Ordinance 2005**

**Ordinance of the City of Woodbury, Washington County, Minnesota, Creating Chapter 9 – Franchises, Section 9-5 Implementing Gas Service Franchise Fee on Northern States Power Company, A Minnesota Corporation, Its Successors and Assigns, for Providing Gas Service Within the City of Woodbury.**

**Voting via voice:**

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

Councilmember Morris moved, seconded by Mayor Burt,

To adopt the following ordinance

**Ordinance 2006**

**Ordinance of the City of Woodbury, Washington County, Minnesota, Repealing Chapter 9 – Franchises, Section 9-3 – Minnegasco Inc., Gas Franchise And Creating Chapter 9 – Franchises, Section 9-3 Granting to CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas a Franchise to Erect a Gas Distribution System in the City of Woodbury.**

**Voting via voice:**

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

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Councilmember Morris moved, seconded by Mayor Burt, to authorize staff to publish the Summary of Ordinance No. 2006 an Ordinance of the City of Woodbury, Washington County, Minnesota Repealing Chapter 9 – Franchises, Section 9-3 – Minnegasco Inc., Gas Franchise And Creating Chapter 9 – Franchises, Section 9-3 Granting to CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas a Franchise to Erect a Gas Distribution System in the City of Woodbury.

**Voting via voice:**

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

To adopt the following ordinance

**Ordinance 2007**

**Ordinance of the City of Woodbury, Washington County, Minnesota, Creating Chapter 9 Franchises, Section 9-6 Implementing Gas Service Franchise Fee on CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas, Its Successors and Assigns, for Providing Gas Service within the City of Woodbury.**

**Voting via voice:**

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

Mayor Burt thanked City Staff and the City’s Commissions for their hard work and efforts on this initiative. She thanked the public who will be paying the franchise fee to support trails and parks in the community and maintain them to the highest degree possible.

**Discussion**

No items scheduled

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

Engineering Director Chris Hartzell reviewed current and ongoing road improvements projects:

2021 Roadway Rehabilitation Preserve Area, Phases 1, 2 and 3 are completed. Phase 4, Trail Construction, is planned from August – September 2021.

Woodbury Drive and Local Roads Project – Tamarack Road and Commerce Drive have been in the process of reconstruction, including mill and overlay and new trails, as well as new retaining walls on Hudson Road.

CSAH 19 Corridor Management And Safety Project - expansion of Woodbury Drive to a 4-lane divided road. Traffic is being routed through a temporary bypass. Curb and gutter are scheduled for installation next week, and road closure is anticipated to begin August 24, 2021. Washington County will notify residents about property access through the end of September.

Hudson Road and Settlers Ridge Parkway and Intersection Improvements - grading is being completed on both roadways for additional turn lanes, traffic signals and trails. Private utility locations are in progress, and Legends traffic will be rerouted north through Sundance from August 16-31. Improvements are expected to be completed by October 1, 2021.

Bailey Road Management and Safety Project – this project is largely completed, with installation of irrigation in medians happening soon.

Highway 95/Manning Avenue Safety Improvement Project - Highway 95 remains closed from Hudson Road to Valley Creek Road until mid-August, with installation of storm sewer, pavement rehabilitation and mumble strips.

Valley Creek Road Concrete Grinding – Washington County concrete quality improvement project on both east and westbound Valley Creek Road, tentatively scheduled for late October. They are proposing to close 1 direction at a time for 7 days each.



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Metropolitan Council L73 Tunnel Repair Project - southbound Woodbury Drive will be restricted to one lane. This project is scheduled to be completed this fall.

Mr. Hartzell stated interested residents can review these projects on the City's website in the interactive transportation document, as well as social media platforms, and sign up for project updates on InTouch.com.

Councilmember Wilson asked whether a neighborhood meeting is planned for Royal Oaks road rehabilitation. Mr. Hartzell confirmed this, adding he will provide exact dates to the City Council.

**Administrative Report**

Ms. Gorall stated the number of single-family units in Woodbury is double where they were at this time last year. She added Eagle Valley Golf Course has experienced its 2<sup>nd</sup> record breaking year in a row. She noted Woodbury Public Safety representatives visited 75 neighborhood Night to Unite parties.

Ms. Gorall stated modified watering restrictions are currently still in effect in Woodbury, with residential lawn watering only on trash pick-up day and 1 designated weekend day, and commercial properties only on Fridays.

Ms. Gorall reviewed upcoming meetings:

- August 16, 2021 – Planning Commission meeting will include a house move in Manning Meadows and property acquisition at 8386 Ranch Road
- August 25, 2021 – City Council Work Session will include an update on State of Minnesota conceptual drinking water supply plan and a strategic initiative update on adapting and enhancing public safety effectiveness, focusing on EMS and Fire.
- August 31, 2021 - Economic Development Commission at 7:30 a.m.
- September 7, 2021 - Parks and Natural Resources Commission
- September 8, 2021 – City Council meeting will include a public hearing for approval of 2020 Caper, related to HUD requirements.
- September 8, 2021 - Housing and Redevelopment Authority meeting on the same night as City Council meeting.

**Adjournment**

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 10:00 p.m. and she noted that due to the late hour, the City Council will not be adjourning to the scheduled City Council Workshop meeting.

**Voting via voice:**

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

Respectfully submitted,

*Kimberlee K. Blaeser*

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Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on September 8, 2021