

Minutes
Woodbury City Council
Wednesday, August 23, 2023

Pursuant to the due call and notice thereof, a regular meeting was duly held virtually and at the Woodbury City Hall, 8301 Valley Creek Road, on the 23rd day of August 2023.

Call to Order

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

Mayor Burt welcomed those listening and attending. She said members of the public may attend the meeting but will be required to comply with social distancing parameters as determined by the City. Members of the public may also join the meeting using a PC, Mac, iPad, iPhone or Android device. Public comments will be accepted during the meeting both in person and by using the link to the virtual meeting to join the meeting and then submit your questions via the online Q&A feature within the meeting. Questions regarding the meeting will also be taken between the hours of 8:00 a.m. to 4:30 p.m. via email council@woodburymn.gov or call 651-714-3524 and leaving a voicemail message.

Pledge to Flag

Audience, staff, and Council pledged allegiance to the flag of the United States of America.

Roll Call

Upon roll call the following were present: Mayor Anne Burt, Councilmembers: Kim Wilson, Andrea Date, Steve Morris, and Jennifer Santini. Absent: None

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

Special Order of Business

No items scheduled

Open Forum

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

Kaden Lockhart, 9476 Barrington Road, stated he is a minister at a local church that does community engagement events. He noted the cops have been called on them for doing drum line on the corner. They have been trying to keep the noise level down and try not to be distracting for drivers. They do the drumline because they are not government funded and need to raise funds.

Mayor Burt asked how many people are drumming. Mr. Lockhart replied that it is typically 2-3 people. Mayor Burt asked if they have signage. Mr. Lockhart replied that they do and as well as matching shirts.

Mayor Burt asked if there was a particular intersection they drum at. Mr. Lockhart stated it is the intersection at Woodbury Drive and Hudson Road with the Kiwk Trip and Walmart nearby. He added they also drum near Tamarack Village. Councilmember Wilson noted that Tamarack Village is private property. City Administrator Clinton Gridley asked Mr. Lockhart if he was willing to sit down with one of the officers to lay out areas what are private property and not. Mr. Lockhart replied that he would be willing to.

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 – August 9, 2023

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- Item B To adopt the following resolution **Resolution 23-130**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the construction services contract with Diverse Construction Services LLC, for the replacement of the M Health Fairview Sports Center roof annex in the amount of \$284,400 and the associated budget amendment.**
- Item C M Health Fairview Sports Center; ETS Performance Lease Negotiations and Final Agreement. **This item was removed the Consent Agenda and moved to the Discussion portion of the meeting.**
- Item D Lake Road 4-3 Lane Conversion and Pavement Management Project; Set Public Improvement Hearing. **This item was removed the Consent Agenda and moved to the Discussion portion of the meeting.**
- Item E To adopt the following resolution **Resolution 23-131**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the fourth amendment to the new Cingular Wireless PCS, LLC., Site Lease Agreement requesting 40 square feet of additional ground space at the Hudson Road water tower.**
- Item F To adopt the following resolution **Resolution 23-132**
- Resolution of the City of Woodbury, Washington County, Minnesota establishing a public improvement hearing date of September 27, 2023, for the Cottage Grove Drive Pavement Rehabilitation Project.**
- Item G To adopt the following resolution **Resolution 23-133**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of City of Woodbury Administrative Grant Amendment #1, Contract #217017 for up to \$328,240 from the Minnesota Pollution Control Agency and approving a budget amendment to the Water and Sewer Utility Fund (Enterprise Fund).**
- Item H Affirming Council’s August 16, 203 Workshop Direction to Proceed with the Design for the Water Treatment Plant. **This item was removed the Consent Agenda and moved to the Discussion portion of the meeting.**
- Item I 1. To adopt the following ordinance **Ordinance 2039**
- Ordinance of the City of Woodbury, Washington County, Minnesota amending Chapter 11, Licenses, Permits, and Miscellaneous Business Regulations Article XV, Cannabinoid Products to Amend the Availability of Cannabinoid Product Licenses.**
2. To adopt a motion authorizing staff to publish the Summary of the Ordinance amending Chapter 11, Licenses Permits and Miscellaneous Business Regulations Article XV, Cannabinoid Products to Amend the Availability of Cannabinoid Product Licenses. (It should be noted that a printed copy of the entire Ordinance will be available for inspection by any person during regular business office hours at the City Clerk’s Office).
- Item J 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 August 4, 2023 in the amount of \$963,438.94 and August 11, 2023 in the amount of \$889,242.24.

Councilmember Date moved, seconded by Councilmember Wilson, to approve the Consent Agenda items with the exception of items C, D, and H.

Voting via voice:

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

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Public Hearings

No items scheduled

Discussion

A. Approval of Ordinance Amending Chapter 6 Buildings and Building Regulations, Article V. Property Maintenance, Project No. 2023-00520

Assistant Community Development Director/City Planner Eric Searles stated through the 2021 Housing Action Plan (HAP), the City Council adopted policy direction to move forward with changes to the Housing and Property Maintenance Code including the expansion of the rental licensure program for the proposes of:

- The preservation of neighborhoods
- Encouraging a high standard of property maintenance throughout Woodbury including rental properties
- Providing strategies to proactively address deterioration and prevent blight within all areas of the City

Mr. Searles mentioned due to the relatively young age of the community and overall health of the housing stock, the proposed rental licensure program is different than many communities. Many cities have implemented programs that include inspection of interior and exterior of units by city staff. As part of the Housing Action Plan, the Council wanted to be proactive by creating a self-certification program that will help to preserve the housing stock while delaying the likelihood of needing to implement the more intensive and costly interior and exterior inspections. The self-certification checklist includes property maintenance items that will need to be certified by the property owner as being presently in good condition and in working order. If the property it not presented in good condition, a City Staff member will be there to do a follow-up visit.

Mr. Searles noted a single dwelling rental license for 2024 is anticipated to cost \$80 annually. This would apply to single-family homes, townhouses, and condominiums. If a new rental license is obtained outside of the annual renewal period, the fee will be prorated. The rental licensure period runs from January 1st through December 31st of the license year.

Mr. Searles reviewed the property maintenance checklist including the interior and exterior list. The City has created a website to support the program. The website includes information and FAQ's on the licensure program, tenant and landlord resources, and relevant City Code and Fair Housing resources.

Mr. Searles explained the public process that has already taken place. Staff sent out over 1,600 letters to possible renters to gain feedback on the program. In-person and virtual community meetings were held. The main concern that was raised during those meetings was the annual rental license fee believing it was too high. He displayed a graphic to the Council that showed the annual license costs by cities in the metro area and showed that Woodbury had the lowest annual fee of \$80 while Blaine was at the highest at \$190. He noted the other cities have a different level of inspection in their program.

Mayor Burt opened the discussion for the Council to provide questions or comments. She added that the item has been discussed for a couple of years.

Councilmember Wilson explained that self-certification makes her cringe due to the history of renters not being able to get things fixed. She asked if Staff are going to trust that landlords are checking all the items on the checklist and that their property is ready for rental. Mr. Searles replied that the hope is that the self-certification tool will assist landlords in understanding the comprehensive nature of property maintenance. He added the self-certification will allow if the City receive a complaint, and there is a self-certification form, Code Enforcement staff can more swiftly address issues at hand immediately and streamline compliance.

Councilmember Wilson asked how this would protect renters at some of the larger apartment and townhome complexes. Mr. Searles replied that the ordinance will provide additional opportunities and tools to ensure the property maintenance code are addressed in a more orderly and timely fashion. He added that it is anticipated that there will be regularly scheduled meetings with all apartment landlords to establish relationships and understand current trends.

Councilmember Wilson asked if apartment complexes and townhomes owned by the County CDA would need a rental license. Mr. Searles replied that they would need a license and they would be held to the same standards.

Mayor Burt asked how the City would address situations when someone does not obtain a license but still rents out a space. Mr. Searles explained there are a number of different tools that can be used to identify if a property is a rental or not. He added that it will take some time to get the licenses out and does not anticipate to have full compliance by January or February.

Councilmember Santini referenced Section 6.208, b. 10 of the proposed ordinance, and asked if it should read "a certificate of good standing" instead of or in addition to the original language of, "requesting certificate of incorporation". Mr. Searles stated the intent of this section is to ensure that the City has updated contact information from the property owner as part of annual licensure process. Councilmember Santini explained that having a certificate of good standing would show that the business is still active and doing their annual renewals.

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Councilmember Santini referenced Section 6.208, b, 16 and noted that individual landlords were struggling to comply with the 100-mile property manager requirement. She stated that many people will put their rental property in a trust or LLC and may not live within the 100 miles. She wanted to ensure the ordinance wasn't being unduly burdensome to individuals who own rental properties. Mr. Searles stated the intent of this section is to ensure that we don't have absentee owners, but that we have property manager that are within the 100-mile radius, so that we have a local contact that is charged and has the ability or authority to correct issues that arise. City Attorney Kevin Sandstrom stated that "all owners" should be included in the language to be consistent.

Councilmember Santini noted she would like clarity on how a property manager is designated to help fix items in a rental property. Mr. Searles explained that the intent of this section ensure there is a designated property manager, including their contact information, so the City knows who to contact to remedy any issues in a rental property, and that they have the authority to make the needed corrections to gain compliance.

Councilmember Santini suggested a language change. Mr. Sandstrom stated they could work to reword the sentence to encompass what Councilmember Santini was suggesting.

Councilmember Santini asked if there was a basis for denial if the business was not active. Mayor Burt asked if it would default to individual ownership then. Mr. Searles stated the violation section of the ordinance could be utilized.

Mayor Burt asked what would happen if a license was denied and renters were in the space. Mr. Searles replied that there are a number of tools that can be used including a fine and misdemeanor. Councilmember Santini added that it is an easy process to remedy the situation.

Councilmember Santini noted that the ordinance does not address insurance as a requirement. Mr. Searles explained that they do not require individual homeowners insurance since it is a personal business decision.

Councilmember Morris asked if the amendment included the fee schedule. Mr. Searles stated that the proposed licensing fee would be included with the overall fee ordinance toward the end of the year, and since the licensing program won't take effect until January 1st, we don't need to address the fees at this point in time.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following ordinance

Ordinance 2040

Ordinance of the City of Woodbury, Washington County, Minnesota amending Chapter 6 Buildings and Building Regulations, Article V. Property Maintenance with the proposed changes as discussed.

Voting via voice:

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

Councilmember Santini moved, seconded by Councilmember Morris, to authorize Staff to publish the Summary of Ordinance Amending Chapter 6 Buildings and Building Regulations, Article V. Property Maintenance.

Mayor Burt apologized that she forgot that there was a green sheet on this item.

Karen Bauman, 7894 Dunmore Road, stated she is an HOA president, and she often gets asked how they know how many rental properties are in the association. She asked how the City will track the rental properties. Mr. Searles replied townhome associations will be one of the biggest resources to the City in terms of identifying rental properties. He added they anticipate that HOAs will reach out to the City to ensure compliance. Ms. Bauman asked if HOAs and the City could work in partnership. Mr. Searles agreed they could do that.

Consent Agenda Item 6C. M Health Fairview Sports Center; ETS Performance Lease Negotiations and Final Agreement

Councilmember Wilson pulled this item from the Consent Agenda to Discussion and stated she has expressed her concern in the past regarding leasing out space at M Health Fairview Sports Center. She said that looking at this through the lens of a destination marketing organization, the City doesn't have a lot of meeting space, and she asked if it was the best use of the facility. She noted this space at the Sports Center could be upgraded to become a destination marketing tool. She added this particular space in the building was originally supposed to be a restaurant. Mr. Gridley provided some history of the building and noted the the Sports Center is an enterprise fund,

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and is not operationally supported by the taxpayers. There have been other lease agreements at the Sports Center and other City facilities that have helped keep costs off the taxpayers. While the City is not in the leasing business per se, if a lease agreement provides a benefit to the City and creates a synergy and connection, it may make sense to partner with specific businesses or organizations.

Councilmember Wilson agreed that she would like to keep costs off of taxpayers. She expressed her concern that the City continues to grow and there does not seem to be adequate meeting space, and taxpayers have to pay for the additional space, such as Central Park, at the same time as it is leasing potential meeting space at the Sports Center. Mr. Gridley explained for Central Park the 833 School District covered the improvement costs through their lease, and that it is a matter of where the space to be leased is located.

Councilmember Wilson stated the City often mentions that there is no conference space because it is already leased out. Mr. Gridley stated the City is cautious in how they lease out the space. He added the business that is looking to lease is a Woodbury-based company and that the lease arrangement will benefit both parties.

Councilmember Morris stated the space they are referring to can be duplicated in many areas around the City. There is a long history of the public using city facilities for meeting space, and this particular space at the Sports Center has been underutilized, so if we can find a tenant for an underutilized space, and the market and the community is saying that this is not a preferred location for meetings, and there are other similar locations which are viable meeting spaces, then why wouldn't we approve a lease for this underutilized space.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-134

Resolution of the City of Woodbury, Washington County, Minnesota approving the Englebert Training Systems Performance lease agreement at M Health Fairview Sports Center, and authorize the Mayor and City Administrator to execute same subject to all approvals and conditions as outlined in Council Letter 23-183:

- Final documents to outline lease area based on final approved layout, terms, and requirements for utilizing additional training space on the MHFVSC campus.
- Review and approval of final document by City Attorney

Voting via voice:

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

Consent Agenda Item 6D. Lake Road 4-3 Lane Conversion and Pavement Management Project; Set Public Improvement Hearing

Councilmember Wilson pulled this item from the Consent Agenda to Discussion and stated it was a good opportunity for the Council to see what is being proposed and gather community input. She added she would like to take a good look at what the City is planning.

Mr. Gridley stated the Council has adopted the Capital Improvement Plan where roads are included in it. He noted during the upcoming budget meeting, they will not go over the CIP; however, a Councilmember can look through the CIP and provide comments and questions. If there is an item that is going into the next fiscal year, questions and comments can be raised about it.

Engineering Director Chris Hartzell added that the item is to set the public improvement hearing. The hearing is the appropriate time for the Council to provide direction and input. He noted the City received a grant for the project which has pushed the timing back in order to comply with the requirements of the grant.

Councilmember Wilson asked if concerns mentioned at the open house were considered for the project. Mr. Hartzell replied that the concerns were considered and will be able to see what the project looks like in September.

Mayor Burt asked if the bids would begin in December and January. Mr. Hartzell agreed and stated the Council will approve of the project in September and would begin construction in April.

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Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-135

Resolution of the City of Woodbury, Washington County, Minnesota establishing a public improvement hearing date of September 27, 2023, for the Lake Road 4-3 Lane Conversion and Pavement Management Project.

Voting via voice:

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

Consent Agenda Item 6H. Affirming Council’s August 16, 2023 Workshop Direction to Proceed with the Design for the Water Treatment Plant

Councilmember Wilson pulled this item from the Consent Agenda to Discussion and asked for clarification that no matter what option the Council chose for the treatment plant facility, it would not delay the project. Mr. Gridley stated that in general, it should not delay the project given the size of the overall project, but there can be many factors that interfere that could delay the project.

Councilmember Morris stated none of the decisions the Council makes per the resolution would substantially delay the project.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-136

Resolution of the City of Woodbury, Washington County, Minnesota affirming Council’s August 16, 2023, workshop direction to proceed with the design for the water treatment plant.

Voting via voice:

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

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

Mr. Hartzell stated the 2023 Roadway Rehabilitation Project is currently on schedule with anticipated completion in fall 2024. Phase 13 was scheduled for 2024 and will not be added to this fall. Phases 3 and 4 have been completed. Paving was completed for phase 5 and 6. In phases 8 and 7, the curb replacement will be completed by the end of the week. Work has begun on phases 9 and 10. Phases 11, 12 and 13 will begin in September.

Mr. Hartzell stated the South Washington Watershed District Construction projects include the quality water pond at Hasenbank Park which is anticipated to continue throughout the fall. The Wilmes Lake Alum treatment has begun its project and hope to finish the majority of the work this year.

Mr. Hartzell mentioned the I-94 construction and is scheduled to be completed in the fall of 2024. It is currently reduced to two lanes both directions. The on-ramp from Woodbury Drive to east bound I-94 is closed through mid-November with detours on Hudson Boulevard North and Inwood Avenue North. The on-ramp from Manning Avenue to east bound I-94 is closed through September 1.

Mr. Hartzell explained the Gold Line project is underway with a completion date in 2025. Traffic on Bielenberge Drive and Hudson Road are shifted to the east side of the road and is expected to shift to the west side of the road in the next 2-3 weeks.

Mr. Hartzell stated the City is unveiling a new street sweeper with the South Washington Watershed District and Ramsey Washington Metro Watershed District. Residents are welcomed to enter the most creative name for the new street sweeper. The submission form is opened until August 30th and can submit at woodburymn.gov/StreetSweeperContest. The winning entry will be featured on the new street sweeper.

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City Administrator's Report

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

- August 24, 2023 – Neighborhood meeting, 6 p.m., Council Chambers
- September 6, 2023 – Public Hearing regarding the 2022 CAPER

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 8:09 p.m.

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

Respectfully submitted,

Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on September 6, 2023.