

Minutes
Woodbury City Council
Wednesday, August 31, 2022

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 31st day of August 2022.

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: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Annie Coyle, Assistant to the City Administrator/Deputy Clerk; Chris Hartzell, Engineering Director and Omar Maklad, Police Chief/Assistant Public Safety Director.

There were approximately two members of the public in attendance and five members of the public attended virtually.

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.

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.

Councilmember Wilson requested that Consent Agenda Item C be moved to the Regular Agenda.

Item A Approval of Council Minutes – August 10, 2022

Item B To adopt the following resolution

Resolution 22-163

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to sign Addendum 4 to the lease agreement with Summit Health ASO Corp., and authorizing termination of Addendum 1 and 2 to the lease agreement dated December 10, 2015.

**City Council Meeting Minutes
Wednesday, August 31, 2022**

Public Hearings

A. Copper Hills 2nd Addition; Rezoning; Amended Planned Unit Development and Preliminary Plat; Project No. 33-2022-00495 and Final Plat and Development Agreement; Project No. 33-2022-00496

Mayor Burt declared the public hearing open.

Community Development Director Janelle Schmitz reviewed a request for preliminary plat approval for six new residential lots and an existing home as well as a final plat for five of the six lots and the existing home. The property is located east of Radio Drive and south of Dale Road and is zoned R-1 Urban Reserve and guided low density residential on the City's Land Use Plan.

The original development, approved by the City Council in 2021, created 112 single family lots and 70 multi-family lots on 71.11 acres. The applicant was required to provide a temporary cul-de-sac on the exception parcel in the upper central part of the development for snow plowing and emergency service access. The developer reached out to the adjacent property owner to inquire about purchasing property for the cul-de-sac and entered an agreement to purchase additional land with that property owner. This application is a result of that agreement.

The applicant is requesting that the property be rezoned to R-4, which is standard and consistent with the Comprehensive Plan, to ensure that homes have access to existing utilities. There is an additional request for an amended PUD and preliminary plat to allow for six additional lots and the platting of the existing single-family home. A trail system was planned along Saddle Trail to the cul-de-sac and is proposed to be extended to the end of the cul-de-sac and will tie into the trail on the south side of Dale Road.

A neighborhood meeting was held on July 14, 2022, and a few residents had questions about the project. The application was reviewed by the Planning Commission on August 15, 2022, and questions were raised regarding the original purpose of the cul-de-sac, utility extension, retaining wall height, and power lines along Dale Road, which is to be determined, as well as driveway relocation for Lot 3. The Planning Commission unanimously recommended City Council approval of the application.

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

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

Mayor Burt opened opportunity for discussion and questions from the Council.

Councilmember Wilson asked whether the existing homeowners on Lot 3 were given the option to have cul-de-sac access. Ms. Schmitz confirmed they were given the option, but they are not required to relocate their driveway.

Councilmember Wilson requested clarification regarding the length of the sidewalk going into the cul-de-sac. Ms. Schmitz confirmed that the sidewalk meets requirements and was approved as part of the original PUD.

Councilmember Date stated she is glad to see that the sidewalk is part of the original plan, as there is potential that the sidewalk could extend. She expressed concern that if the existing home on Lot 3 does not connect to the cul-de-sac now, the owners could be asked to do it in the future at their own cost. She noted this could be included in the Conditions of Approval, and now would be the time to require it, if it is of concern to the City Council.

Ms. Schmitz stated Dale Road will be a right in/right out with a center median in this location.

Councilmember Date stated that if we were going to require the driveway to be relocated because we feel that keeping this access off of Dale Road would be unsafe, then now is the time to require it.

Councilmember Wilson stated that she recalls some instances when City has required driveway access be added at homeowners' expense.

Engineering Director Chris Hartzell stated moving the home's access from Dale Road to the cul-de-sac would improve the situation by , making the intersection safer.

Councilmember Morris stated a curb cut could be added on the cul-de-sac as part of the improvement to prepare for future extension, without requiring an immediate change of access for the homeowner.

Mayor Burt stated the area is heavily wooded and relocating the driveway could impact trees, and a curb cut would make sense. Ms. Schmitz agreed, noting that a condition can be added regarding future access for Lots 3 and 3a.

Mayor Burt stated the homeowner may not have moved forward with this arrangement if they knew that relocating their driveway would be a requirement.

**City Council Meeting Minutes
Wednesday, August 31, 2022**

Councilmember Wilson stated she does not support forcing property owners to move their driveway access.

Mr. Gridley stated it would be appropriate to include the condition so the homeowner is aware that it could be required of them in the future.

Councilmember Morris asked whether this requirement would affect future assessments for Dale Road. Mr. Hartzell stated that if the homeowner no longer has access to Dale Road there would be no assessment for Dale Road. If their driveway is off of Saddle Trail, they would be assessed for any improvements to Saddle Trail in the future if that road is rehabilitated.

Councilmember Morris stressed the importance of taking any opportunity to improve safety on Dale Road.

Mayor Burt requested clarification regarding the financial arrangement.

Mike Suel of DR Horton, 20860 Cambridge Court, Lakeville, stated they have not closed on the property. He added the homeowner wants to keep Lot 3A intact because of the trees. He noted they plan to install sewer and water in the cul-de-sac for potential future development.

He stated he will talk with the landowner to see if they wish to move their driveway and give them time to work with the City. He said that DR Horton would pay for the new driveway if it were relocated within a reasonable time. He added that the streets have a surmountable curb which allows for driveway location flexibility, and that there is a way to install a driveway without removing too many trees.

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following ordinance

Ordinance 2024

Ordinance of the City of Woodbury, Washington County, Minnesota rezoning certain property from R-1, Urban Reserve District to R-4, Urban Residential District.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Morris,

To adopt a motion approving the Copper Hills 2nd Amended Planned Unit Development (APUD) and Preliminary Plat, Project No. 33-2022-00495, all subject to the conditions outlined in Council Letter 22-224 as well as an additional condition regarding the driveway relocation:

1. All terms and conditions of the original Copper Hills Planned Unit Development shall remain in full force and effect.
2. The Preliminary Plat approval shall expire six (6) months from the date of the City Council approval unless a Final Plat has been requested or a time extension has been granted by the City Council.
3. Prior to the issuance of a building permit, the Applicant shall record the Final Plat.
4. Final park dedication shall be satisfied via a combination of land, cash dedication and improvements per the Copper Hills Planned Unit Development. Final dedication shall be memorialized in the Development Agreement.
5. Prior to the issuance of a Land Disturbance Permit, all necessary easements for utility, drainage, grading and street improvements shall be provided by the Applicant. All easements shall be provided free of encumbrances via the City's approved form and at no cost to the City.
6. A Development Agreement shall be fully executed prior to the release of the Final Plat for recording.
7. The minimum building setback to Dale Road shall be fifty (50) feet.
8. Prior to the approval of the Final Plat, all required findings of Chapter 21-16 shall be met. This includes participation for public infrastructure including storm sewer, water, and sanitary sewer infrastructure. Approval of the Preliminary Plat is conditional upon satisfactory compliance with Chapter 21-16 of the Woodbury City Code.
9. Prior to the issuance of a Land Disturbance Permit, an Operations and Maintenance Plan shall be executed.
10. The Applicant shall grade the boulevard of Dale Road as directed by the City Engineer.
11. The landowner of Lot 3 shall be required to connect their driveway access to Saddle Trail on or before the improvement to Dale Road, and if connection is done within 18 months, it will be paid for by the Developer.

**City Council Meeting Minutes
Wednesday, August 31, 2022**

Engineering Conditions:

1. 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 will be memorialized in a feasibility/preliminary report for the project.
2. The Applicant shall be financially responsible for trunk sanitary sewer and trunk watermain lateral benefit charges applicable to the site. Lateral benefit charges will be based on the rates in effect for the year the Development Agreement is executed.
3. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a Land Disturbance Permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for Construction Activities permit prior to commencing any site activities.
4. The Applicant shall provide approved street lighting at every intersection and/or every 300 feet. The Applicant shall also be responsible to provide major roadway street lighting if a road intersects a major collector.
5. Where public utilities and/or overland emergency overflows run 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 shall then be adjusted to the nearest five (5) foot increment.
6. The Applicant shall be responsible for protecting all on- or off-site storm sewer basins and components and adjacent storm sewer facilities from exposure to stormwater runoff, sediment and debris during construction activities. Temporary stormwater facilities may be necessary to protect the aforementioned improvements during all construction activities. Construction and maintenance of any temporary stormwater facilities shall be the responsibility of the Developer. A SWPPP shall be submitted to the City for review and approval as part of the Land Disturbance Permit process.
7. Temporary sediment basins shall be identified on the grading plan that are sufficient in size to address stormwater management during construction. These basins shall be located out of the right-of-way and be maintained throughout housing construction.
8. All homes shall have a 25-foot useable backyard area (flat for approximately 25 feet out from the house pad).
9. Outlots and easements that contain public structures and utilities shall be kept free of landscaping and retaining walls. All pond accesses and maintenance benches shall be kept free of plantings, retaining walls, etc.
10. Prior to the issuance of a Land Disturbance Permit, the Applicant shall provide updated plans that provide conduit crossings for irrigation lines to avoid utility conflicts.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Morris,

To adopt a motion approving the Copper Hills 2nd Final Plat, Project No. 33-2022-00496 and authorizing the Mayor and City Administrator to execute the Development Agreement, subject to the conditions outlined in Council Letter 22-224 as well as an additional condition regarding the driveway relocation:

1. All conditions of Planned Unit Development and Preliminary Plat approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's consultant engineer.
3. The final street names shall be reviewed and approved by the Chief Building Official.
4. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
6. Prior to the release of the Final Plat, a Development Agreement shall be executed.
7. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.
8. 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.
9. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements within the plat boundary shall be granted to the City at no cost or paid for by the Developer.

**City Council Meeting Minutes
Wednesday, August 31, 2022**

10. 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.
11. Prior to the release of the Final Plat, the dimensions of all outlots shall be reviewed and approved by Planning staff. All outlots shall be dedicated to the City at no cost and free of encumbrances.
12. The Developer shall receive written approval that all obligations have been completed prior to dedicating all outlots. Any and all future tax obligations shall be paid by the Developer.
13. The Final Plat shall be recorded prior to issuance of a building permit.
14. The landowner of Lot 3 shall be required to connect their driveway access to Saddle Trail on or before the improvement to Dale Road, and if connection is done within 18 months, it will be paid for by the Developer.

Discussion during the motion: Councilmember Morris requested clarification regarding Councilmember Wilson's opposition to the development.

Councilmember Wilson stated she is not supportive of narrower roads, and she does not support requiring a homeowner to move their driveway.

Voting via voice:

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

B. Elite Motorsports; Conditional Use Permit; Project No. 07-2022-00503

Mayor Burt declared the public hearing open.

Ms. Schmitz reviewed an application for a Conditional Use Permit for interior motor vehicle sales at 1860 Wooddale Drive, Suite 250, which is currently zoned I-1 Light Industrial, in which interior motor vehicle sales is an allowed use. The facility has interior sales space of 2,867 square feet within the 25,000 square feet building. No outdoor vehicle storage is allowed per City Code. The hours of operation will be Monday-Friday from 9:00 a.m. – 5:00 p.m., Saturdays by appointment, and closed on Sundays. Access to the facility would be from Wooddale Drive with a one-way traffic pattern within the property.

The Planning Commission reviewed this application at their August 15, 2022 meeting and wanted to ensure that signage is limited. The Planning Commission unanimously recommended approval of the CUP. City Staff also recommends City Council approval.

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

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

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 22-170

Resolution of the City of Woodbury, Washington County, Minnesota approving the Elite Motorsports Interior Car Sales Conditional Use Permit subject to the conditions outlined in Council Letter 22-225.

1. No outdoor storage shall be allowed.
2. All vehicles shall be unloaded immediately into the showroom or warehouse space.
3. Conditions for the original Wooddale Center Industrial Park development approval shall remain in full force and effect.
4. No banners, streamers, temporary directional signage, or window signs either adhered to or behind the glass shall be permitted.
5. No vehicle detailing, display or repair work will occur onsite.
6. Prior to the issuance of a building permit, the City shall approve plans, which adequately protect onsite sanitary and stormwater systems.

**City Council Meeting Minutes
Wednesday, August 31, 2022**

Voting via voice:

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

Discussion

A. Consent Agenda Item C. Approval of Waypointe of Woodbury 2nd Addition, Final Plat, Project No. 35-2022-00501

Councilmember Wilson stated she will be voting differently.

Councilmember Morris stated, for the record, the City Council has not reviewed or discussed this project. He added, by stating that she will be voting differently, Councilmember Wilson is assuming or has knowledge that the City Council will vote a certain way.

Councilmember Wilson stated this was a Consent Agenda item, and as such would generally be approved under one motion.

Councilmember Morris asked Councilmember Wilson for clarification regarding the purpose of her vote of opposition. Councilmember Wilson stated she does not support all the development that is going on. She expressed concern about adequate water treatment facilities, as well as the location of this particular development, which is close to the 3M disposal site. She added she has questioned whether this is an appropriate place to build homes. She noted she was reassured by the environmental review, but there has been new information regarding PFAS levels.

Councilmember Wilson stated she opposes this development because of its narrow roadways, which are now considered appropriate but were not recommended 20 years ago; the development's location near the 3M disposal site; and the fact that there are 700 open lots in Woodbury. She expressed concern that the City is over-extending by having so many developments, which may not be completed. She expressed concern that there will be enough water for everyone, as the new water treatment plant will not be available for 5-7 years.

Councilmember Date stated it is important to re-establish that the entire City Council considers water to be of the utmost importance. She added she opposes any interpretation that the Council is not doing everything possible to ensure water treatment for the entire City. She noted the Council would not move forward with this development if there were any concerns about the site, and the rest of the Council recognizes that the City will be able to provide water in this area.

Councilmember Date stated the environmental review did not provide any conclusions to the contrary, and the City is following the science that was carefully considered in making this decision.

Councilmember Morris agreed, stating we support and understand that engineering specifications can change over time, and that is not a valid reason to deny a request or proposal. He added the City has a legal obligation to consider development and property owners have certain rights. He noted, if this application meets all necessary criteria and has passed engineering studies and legal review, the City Council has an obligation to uphold that evidence.

Councilmember Wilson stated there is a City Council directive regarding lot setbacks and widths. She added every development that gets approved has reduced these standards, putting more homes on properties than that which was originally anticipated.

Councilmember Santini stated the City Council has reviewed these developments, and the housing market does not support wider lots, from an affordability and environmental standpoint. She added the 700 existing lots referenced by Councilmember Wilson are not all sitting empty, and many developments are fully sold.

Councilmember Date stated the City Council determines the appropriate number of available lots when lot inventory is low and new areas are opened for development. She added, before she is comfortable opening new areas, she would like to see the areas south of Dale Road go through a Master Plan process.

Councilmember Morris moved, seconded by Councilmember Santini,

To approve Waypointe of Woodbury 2nd Addition, Final Plat, Project No. 35-2022-0051 and to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 22-216.

**City Council Meeting Minutes
Wednesday, August 31, 2022**

1. All conditions of Planned Unit Development and Preliminary Plat approval shall remain in full force and effect.
2. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's consultant engineer.
3. The final street names shall be reviewed and approved by the Chief Building Official.
4. This Final Plat approval shall be contingent on meeting all required findings of Section 21-16 of the Woodbury City Code.
5. Prior to the release of the Final Plat, a Development Agreement shall be executed.
6. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property. These charges are identified in a preliminary report prepared for the project and shall be in the Development Agreement.
7. Plat approval and release shall be conditional on adherence to all requirements of the city attorney, including, but not necessarily limited to, any express requirements contained in the city attorney's plat opinion.
8. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements within the plat boundary shall be granted to the City at no cost or paid for by the Developer.
9. All standard front, rear and side yard lot easements shall be shown on the plat. Standard front and rear yard easements are 10 feet and side yard easements are five (5) feet. Where public utilities are adjacent to side or rear lot lines, easements shall be a minimum of 10 feet wide on each side of the lot line. If the utilities are deeper than 10 feet, the easement width for each lot is calculated at a 1:1 depth-to-width ratio from the centerline of the utility. The easement width must then be adjusted to the nearest five-foot increment. If additional easements are not provided, then the layout of the watermain shall be adjusted.
10. The Final Plat shall be recorded prior to issuance of a building permit.
11. Park dedication shall be paid in cash in lieu of land dedication. Payment shall be made prior to the release of the Final Plat.

Voting via voice:

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

B. Amendment to METRO Gold Line Subordinate Funding Agreement 6 to Master Funding Agreement and approving Budget Amendment

Mr. Hartzell reviewed a proposed amendment to a subordinate funding agreement for City-coordinated improvements associated with the Metro Gold Line project that begins this fall. This includes water main improvements, pavement rehabilitation and trail construction on Bielenberg Drive. Overall bid amounts were less than anticipated and City Staff believes the City received significant savings with coordinated paving projects.

Mr. Hartzell stated City Staff recommends consideration of an amendment to the Metro Gold Line subordinate funding agreement, and approval of a budget amendment to use the I-94 Tax Abatement Fund of \$995,133.76.

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 22-171

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to execute an amendment to the METRO Gold Line Subordinate Funding Agreement 6 to the Master Funding Agreement between the City of Woodbury and the Metropolitan Council and approving the associated budget amendment.

Voting via voice:

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

C. Adoption of Cannabinoid Products Licensing Ordinance; Adoption of Ordinances Amending City Code Section 2-3 Establishing Related Fees and City Code Section 11-2 License Background Checks

**City Council Meeting Minutes
Wednesday, August 31, 2022**

Assistant to the City Administrator/Deputy Clerk Annie Coyle reviewed a proposed cannabinoid product licensing Ordinance. The State of Minnesota legalized the sale of some THC products, effective July 1, 2022. Some Woodbury businesses are currently selling these products, and enforcement falls on cities and counties. City Staff has been directed to draft a proposed licensing Ordinance based on existing City ordinances. Businesses would have until September 30, 2022 to apply for a license.

Ms. Coyle stated the proposed Ordinance expands the definition beyond THC; requires businesses to be licensed; limits the location of sales outside a 500-foot buffer from schools, childcare centers, parks and playgrounds; salespeople must be 21 years of age; and background checks and compliance checks on licensees and managers would be required. She reviewed general rules for sales of cannabinoids.

Ms. Coyle stated the goal of the proposed Ordinance is safety through regulation, and to allow for responsible cannabinoid retailing in Woodbury.

Mayor Burt asked how the City knows about cannabinoid-only vendors. Ms. Coyle stated she searched online for information.

Ms. Coyle stated City Attorney Kevin Sandstrom recommends proposed additional Ordinance language that, as an additional basis for the denial of a license, “three (3) or more license violations, citations, fines or administrative penalties issued by Woodbury or any other jurisdiction within the preceding five (5) years relating to cannabinoids, tobacco or alcohol related ordinances, laws or regulations for a business owned or operated by the applicant, owners, manager or agent.”

Ms. Coyle stated the City’s existing fee schedule would be updated to set fees for application and background investigation, as well as violations. Fees require a separate vote. An update to the license and registration background checks section of the Code would also be required.

Mr. Sandstrom stated, for the record, an additional provision is recommended as follows:
Section 115-13, near the end, section K, “within 500 feet of any school, licensed daycare facility, or playground”.

Mayor Burt stated this law was passed very quickly at the State level and it is unfortunate that enforcement now falls on cities and counties.

Councilmember Wilson asked whether the licensing period will be pro-rated. Ms. Coyle confirmed this.

Councilmember Wilson stated there is not a big difference in the amounts of fines after the third violation. She added she feels amounts should be increased. Councilmember Santini agreed.

Ms. Coyle stated there is a 3-violation limit, so the 4th and 5th violations were added in the case of a business that has other outstanding issues that need to be resolved.

Councilmember Morris stated the City Council had discussed the desire to shift the penalty and violation structure and compliance away from public safety to an administrative license violation process. He added the number of compliance checks could be increased. He stressed the importance of considering larger changes to this Ordinance as well as tobacco, massage, and liquor Ordinances, while moving forward with this Ordinance tonight.

Mayor Burt asked how the City will know about places who will sell these products without getting a license. Mr. Sandstrom stated such businesses would be subject to misdemeanor prosecution. He added this is addressed in Section 115-13.

Ms. Coyle stated no checks or business visits have been done so far, because there is no Ordinance in place.

Christina Benson, City Attorney, Eckberg Lammers, stated Section 115-16 should be changed to include cannabinoid products and cannabinoid devices.

Councilmember Santini stated U.S. passport should be included as an acceptable form of identification. Ms. Benson agreed.

Councilmember Morris asked whether Minnesota State T-21 legislation regarding age verification has been taken into account. Ms. Benson stated “in compliance with State Statute” can be added. Ms. Blaeser stated the requirements should be listed as well. Ms. Benson agreed.

Councilmember Date requested clarification regarding non-edible products. Mr. Sandstrom stated CBD product definitions are not regulated by this Ordinance, but CBD lotions are a legal product.

Councilmember Santini requested clarification regarding restriction of sales or discounts. Mr. Sandstrom stated this restriction would prevent people from buying large quantities and prohibit coupons and free samples.

Councilmember Morris expressed his opposition to this restriction as it is unique to this Ordinance and does not exist in tobacco or liquor regulations. He added, from a fair practice standpoint, this puts local Woodbury businesses at a competitive disadvantage that

**City Council Meeting Minutes
Wednesday, August 31, 2022**

does not exist in other Ordinances, and there will be enough restrictions from a safety and welfare standpoint without this restriction, which unduly burdens retailers.

Mr. Gridley stated the City will seek public engagement on this issue, but it might be prudent to adopt the highest standards initially and then consider reducing them.

Councilmember Morris reiterated his opposition from a business standpoint.

Councilmember Date requested clarification regarding the origins of the Ordinance language. Ms. Benson stated language was taken from a model California Ordinance. She added this issue is typically regulated at the State level.

Councilmember Santini requested the following correction: under Section 115-22, “no suspension or revocation before City Council’s cities”, City Council should be removed.

Councilmember Santini requested clarification in that same section of the stipulation “a minimum of 60 days, up to 90 days, minimum of 180 days”. Ms. Benson stated that language is taken from other Woodbury ordinances, and she agreed that appears to be an inconsistency. She stated that could be changed to read “The City may suspend the license for a minimum period of 90 days”.

Councilmember Morris stated, under Section 11-520 - Criminal Acts, he feels that the retailer takes all the burden. He added he would like to have all City Ordinances include prohibitions related to use, possession and purchase.

Councilmember Morris requested clarification regarding the purpose of “storage and display” to restrict consumer access, with the exception of “exclusive cannabinoid and tobacco stores”. He added they are already restricted access sites. Ms. Benson stated an exclusion can be added that this section does not apply to cannabinoid or tobacco shops.

Councilmember Morris stated there is an inconsistency in that liquor and tobacco can be served by someone 18 years of age, but the age is 21 in this Ordinance. He proposed that should be changed to 18 years of age to make it consistent.

Councilmember Morris stated he is opposed to “hours of sales” which is overly restrictive.

Councilmember Date requested that Section 11-522 b.1 should read “may suspend for up to 60 days”.

Councilmember Morris stated he strongly opposes the entire section related to pricing and discounting. He added Woodbury will be setting the lead for other communities. He noted this is government getting involved in the business of business, which he does not believe is the City’s responsibility. He noted it is enough to restrict use, sale and possession of the products as well as location of sales.

Councilmember Santini stated she supports keeping that language and review it soon so it does not unduly burden Woodbury’s businesses. She added she would be okay with removing it, but she does not know enough about this subject, and it would be harder to put back in later.

Councilmember Wilson asked whether there is a timeline. Mr. Gridley stated the City’s efforts on this issue could be eliminated if the State acts on it in the next legislative session. He added there will be a lengthy process which would probably conclude in 2023.

Councilmember Wilson requested clarification regarding 115.16. Mr. Sandstrom stated that relates to having items out of public reach, and a specific requirement that only people aged 21 and older can go in the stores. The display requirements therefore do not apply in exclusive tobacco and cannabinoid stores.

Mr. Sandstrom reviewed the City Council’s revisions to the Ordinance:

- Change age of sales from 21 to 18 years of age
- Section 115-13 - regarding 500-foot buffer, replace “and” with “or”
- Section 115-15, B1 – amend language to allow any valid passport to qualify as a form of identification.
- Section 115-16 - add “provision will not apply to exclusive cannabinoid retail locations”
- Section 115-22, B1 - change “minimum of 60 days” to “period of up to 60 days”
- Section 115-22, Penalties – replace “City Council” with City-selected impartial examiner”

Councilmember Date moved, seconded by Councilmember Santini,

1. To adopt the following ordinance

Ordinance 2025

Ordinance of the City of Woodbury, Washington County, Minnesota, amending Chapter 11, Licenses, Permits and Miscellaneous Business Regulations by adding Article XV, Cannabinoid Products with edits noted by the City Council and City Attorney, including the substantial change of age of sales from 21 to 18 years.

Voting via voice:

**City Council Meeting Minutes
Wednesday, August 31, 2022**

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

Council Member Date moved, seconded by Councilmember Santini to Authorize staff to publish the Summary of the Fee Ordinance in the City’s designated official newspaper, the Pioneer Press. It should be noted that a printed copy of the entire Ordinance will be available for inspection by any person during regular office hours at the City Administrator’s office.

Voting via voice:

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

Mr. Sandstrom stated he provided an attorney-client privilege memo for City Council review. Licensing-related fees must be commensurate with fees incurred by the City, and potential findings of fact regarding high licensing fees is appropriate. This is an unregulated topic and City Staff will be conducting compliance checks and enforcement.

Ms. Blaeser requested the addition of the following statement to the motion: “the inclusion of recommended findings of fact from City Staff.”

Councilmember Morris moved, seconded by Councilmember Santini,

To adopt the following ordinance

Ordinance 2026

Ordinance of the City of Woodbury, Washington County, Minnesota, amending Chapter 2 Administration, Article I In- General, Section 2-3 Fees for Various Services, Administration I(H) – Cannabinoid License and Public Safety VIII(B) – Cannabinoid Violation, including recommended findings of fact from City Staff.

Voting via voice:

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

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following ordinance

Ordinance 2027

Ordinance of the City of Woodbury, Washington County, Minnesota, amending Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article I, Section 11-2 – License and Registration Background Checks.

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)

**City Council Meeting Minutes
Wednesday, August 31, 2022**

Mr. Hartzell gave a report on transportation projects in Woodbury:

- Hudson Road turn lanes and watermain at Karen Drive are scheduled to be completed by September 6, 2022 with final restoration in Spring 2023
 - City Hall parking lot - new storm sewer, sanitary and tree trenches to improve water quality have been installed. The east parking lot is scheduled to be completed September 12, 2022, before work begins on the west parking lot. The project will be completed by the end of October.
 - Ojibway Park parking lot reconstruction, including street mill and overlay and replacement of light fixtures, began on August 29 and should be completed by October 15. The parking lot will be closed during construction but there is available parking near the School District property.
 - Edgewood Avenue culvert replacement has begun and should take approximately 6 weeks.
 - I-94 eastbound - construction is ongoing and is planned to be completed in late October.
 - Metro Gold Line – Metro Transit plans to complete work on the Gold Line in Woodbury in 2023.
 - Hudson Road is open between Settlers Ridge Parkway and Manning Avenue.
 - Lake Road/Pioneer Drive intersection improvements have been completed.
- Councilmember Santini asked whether there are flashing beacons on all four legs of the intersection. Mr. Hartzell confirmed this.

Mayor Burt asked whether the speed signs near the school can be programmed for the time of day and speed. Hartzell stated he is unsure, but he can look into it.

Councilmember Date expressed appreciation for the police presence for students and their parents as they adjust to the new walking structure.

Councilmember Morris asked about the cyclist crossings at the roundabout. Mr. Hartzell stated the crossings accommodate on-road cyclists and provide safety in the roundabout, allowing them to exit the road and cross at a location at which they feel more comfortable.

- Lake Road 4-to-3 lane conversion and pavement management project - some remaining striping for crosswalks and left turn lane signals will be completed by the end of September. The Courty Road intersection signal will be based on timing.

Mr. Hartzell stated residents can sign up for In Touch notifications on the City website at www.woodburymn.gov/intouch.

City Administrator's Report

City Administrator Clinton Gridley reviewed upcoming City meetings:

- September 6, 2022 - Parks & Natural Resources Commission meeting at 6:00 p.m. to tour Andy's Bark Park
- September 7, 2022 - City Council meeting at 7:00 p.m. in Council Chambers
- September 9, 2022 - Wells Fargo redevelopment neighborhood meeting at 6:00 p.m. in Council Chambers

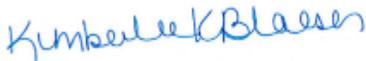
Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 9:41 p.m.

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

Absent: None

Respectfully submitted,



Kimberlee K. Blaaser, City Clerk

Approved by the Woodbury City Council on September 28, 2022.