

Minutes
Woodbury City Council
Wednesday, September 6, 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 6th day of September 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: Kimberlee K. Blaeser, City Clerk; Kevin Sandstrom, City Attorney; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; and Jamie Fritts, Housing and Economic Development Coordinator.

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.

Item A Approval of Council Minutes – August 23, 2023

Item B To adopt the following resolution

Resolution 23-137

Resolution of the City of Woodbury, Washington County, Minnesota authorizing application for funding through the Minnesota Department of Natural Resources (DNR), Conservation Legacy Partners Grant (CPL).

Item C To adopt the following resolution

Resolution 23-138

Resolution of the City of Woodbury, Washington County, Minnesota approving the 2023 HOME Subrecipient Agreement with the Dakota County Community Development Agency.

**City Council Meeting Minutes
Wednesday, September 6, 2023**

- Item D To adopt the following resolution **Resolution 23-139**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing applications to the Department of Natural Resources Urban Forestry Grant Solicitations.**
- Item E To adopt the following resolution **Resolution 23-140**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Long-term Vegetation Maintenance Program Consultant Selection with Stantec.**
- Item F To adopt the following resolution **Resolution 23-141**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing a professional services agreement with Barr Engineering Co., for the creation of the System Wide Natural Resources Management Plan.**
- Item G To adopt the following resolution **Resolution 23-142**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing execution of the agreement with the Minnesota Pollution Control Agency and approval as the host site for the MN GreenCorps 2023- 2024 program year.**
- Item H To adopt the following resolution **Resolution 23-143**
- Resolution of the City of Woodbury, Washington County, Minnesota establishing a public improvement hearing date of September 27, 2023, for the 2024 Roadway Rehabilitation Project.**
- Item I To adopt the following resolution **Resolution 23-144**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing a change order in the amount of \$15,117 for the purchase of two Braun Industries BA35 Chief XL Ford E450 Ambulances through the Savik Buying Group Cooperative Purchasing and associated budget amendment.**
- Item J To adopt the following resolution **Resolution 23-145**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the replacement purchase of one Ford F150 Police Responder Vehicle for an amount not to exceed \$75,900 and approving budget amendments.**
- Item K To adopt the following resolution **Resolution 23-146**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase and build-out of one Elgin RegenX1 Street Sweeper Vehicle for an amount not to exceed \$359,308 and associated budget amendment.**
- Item L To adopt the following resolution **Resolution 23-147**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of one Rosenbauer Commander King Cobra Aerial Fire Truck from Rosenbauer Minnesota LLC for an amount not to exceed \$2,100,000 through the Houston-Galveston Area Council of Governments (H-GAC) contract.**
- Item M To adopt the following resolution **Resolution 23-148**
- Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of MPCA Grant for City of Newport Interconnect and Sustained Water Service Evaluation in the amount of \$37,000 and approval of budget amendment to the Water and Sewer Utility Fund.**

**City Council Meeting Minutes
Wednesday, September 6, 2023**

- Item N To adopt the following resolution **Resolution 23-149**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the Joint Powers Agreement between the City of Woodbury and the State of Minnesota Human Trafficking Investigators Task Force.**
- Item O To adopt a motion authorizing the Mayor and City Administrator to enter into a three-year contract with EMS Management & Consultants Inc. (EMS|MC) effective September 19, 2023, through September 30, 2026.
- Item P To adopt a motion approving to cancel the September 18, 2023 City Council and Planning Commission joint workshop meeting.
- Item Q To adopt a motion approving issuing a Cannabinoids Product license to Preserved Company LLC dba Eagle Tobacco Cigars & E-Cig Center for their location at 2230 Eagle Creek Lane, Suite E.
- Item R To adopt a motion approving issuing a Cannabinoids Product license to Smokeless Smoking, Inc for their location at 8470 City Centre Drive.
- Item S To adopt a motion approving issuing a Cannabinoids Product license to Giza Inc., dba MoonSoon Tobacco for their location at 6671 Valley Creek Road.
- Item T Contract for Diversity Equity and Inclusion (DEI) Services. **This item was removed the Consent Agenda and moved to the Discussion portion of the meeting.**
- Item U To adopt the following resolution **Resolution 23-150**
- Resolution of the City of Woodbury, Washington County, Minnesota approving the communications and community engagement contract with AE2S in support of the 2024 Local Option Sales Tax referendum and associated budget amendment.**
- Item V 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 18, 2023 in the amount of \$1,060,710.63 and August 25, 2023 in the amount of \$2,059,078.85.

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

Voting via voice:

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

Public Hearings

A. Approval of 2022 Caper

Mayor Burt declared the public hearing open.

Housing and Economic Development Coordinator Jamie Fritts reviewed the 2022 CAPER. The 2022 CAPER reviews the time period from July 1, 2022 to June 30, 2023, which is known as Program Year 2022 (PY22). The City of Woodbury received a PY22 annual CDBG award of \$242,938 and earned an additional \$31,638.61 of CDBG program income from loan repayments. The total PY22 CDBG Expenditures totals \$534,191.53 which includes Westview Park, Pondview Park, Shawnee Park and program administration. Westview Park and Pondview Park will appear in the 2023 CAPER report which will include the final amounts spent.

Mr. Fritts explained that the City also received CDBG-CV funds and reviewed the expenditures which included a total of \$164,039.97. The City is a subrecipient of HOME funds through the Dakota County HOME Consortium, so those funds are reported through the Dakota County CDA's CAPER. The city had one HOME project that will be reported, which is the Orville Commons project which recently began leasing.

**City Council Meeting Minutes
Wednesday, September 6, 2023**

Mr. Fritts said that staff recommended approval of the 2022 CAPER.

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 Morris moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 23-151

**Resolution of the City of Woodbury, Washington County, Minnesota approving the 2022
Consolidated Annual Performance and Evaluation Report.**

Voting via voice:

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

Discussion

Discussion

A. Consent Agenda Item T. Contract for Diversity Equity and Inclusion (DEI) Services

Councilmember Wilson pulled this item for discussion and expressed her concerns about segregating and offering or not offering certain training or special services to people based on several things, one of them is skin color. She has asked for the demographics of our Public Safety Department, and we don't have those current numbers. She inquired if we offer any special training to women or anyone of a certain age, marital status, gender, or sexual orientation. City Administrator Gridley stated that the information provided to the Council was the EEOC report, which complies with federal requirements. He explained the report was completed two years ago. He added there are cohort groups in public safety for women and people of color. He stated that he has shared, with Council, articles from Harvard Business Review and Forbes, on how providing leadership development, for particular groups, that have less prominence in places of leadership, is a common business practice. He stated the principle of leadership will continue to be a competitive process. The scope of the DEI services contract is on training and a critical piece will be our human resources review and what our best practices are and how to make sure we recruit and retain the best people to serve Woodbury. He stated that in the end, an organization wins or loses based on leadership, and we want to make sure we have a competitive process that includes training and is in concert with best practices in the industry. This is the first time we have done this kind of development and is the reason we need to bring in a consultant to see how we can do our best.

Councilmember Wilson noted that DEI has been going on since 2012. There have been policies in place, especially for our public safety, since 2015. She noted there is no current demographics, and we know there has been a lot of turnovers and change in two years in the public safety department. Mr. Gridley explained the program goes beyond public safety and the consultant will help walk the city through the process. He stated the consultants will work through the concept to help us make our leadership team more diverse. Councilmember Wilson asked if the general intent is to have BIPOC leadership training, for everyone that identifies as BIPOC, and Mr. Gridley responded yes, subject to the consultant's guidance.

**City Council Meeting Minutes
Wednesday, September 6, 2023**

Councilmember Wilson stated there is a lot to agree upon such as the desire for diversity. She noted that how we get to that diverse makeup is where paths are parting as she believes training should be offered to everyone and not based on character or identity traits.

Councilmember Date moved, seconded by Councilmember Santini,

To adopt the following resolution

Resolution 23-152

Resolution of the City of Woodbury, Washington County, Minnesota approving the three-year Diversity, Equity, and Inclusion services contract with Genesis Consulting Services, LLC

Voting via voice:

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

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

No items scheduled

City Administrator's Report

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

- September 12, 2023 – Parks and Natural Commission, 7 p.m., Ash North and South Conference Rooms
- September 13, 2023 – City Council Budget Workshop, 4 p.m., Public Safety Education Center
- September 18, 2023 – Development Tour, 5 p.m., City Hall
- September 22, 2023 – Audit and Investment Commission Meeting, 7:30 a.m. Ash North and South Conference Rooms
- September 26, 2023 – Economic Development Commission, 7:30 a.m. Ash North and South Conference Rooms
- September 27, 2023 – Public Hearings
- September 30, 2023 – Woodbury Community Event, Objiway Park, 11:00 a.m. – 4:00 p.m.

Adjournment

Mayor Burt adjourned to a City Council closed session at 7:30 p.m.

Mayor Burt stated that pursuant to the provisions of Minnesota State Statute section 13D.05, subd.3(b) and based on the advice of the City Attorney, the City Council will convene in a closed City Council meeting. The matters to be reviewed in the Closed Session will be to hold confidential discussions about the potential litigation strategy regarding the contract with ISD 833 to provide School Resource Officer services with the City Attorney. Pursuant to the statute, the meeting shall be recorded, and the tape preserved for two years following the signing of the contract. At the next regular City Council meeting for the benefit of the public, they will summarize the discussion or action that took place at the Closed Session.

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 27, 2023.