

Minutes
Woodbury City Council
Wednesday, September 29, 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 29th day of September 2021.

Call to Order

Mayor Anne Burt called the meeting to order at 7:30 p.m.

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

Pledge of the Flag

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

Roll Call

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

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Janelle Schmitz, Community Development Director; Chris Hartzell, Engineering Director and Scott Riggs, City Attorney.

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 – September 8, 2021

Item B To approve Brookview Elementary Addition; Amended Site and Building Plan; Project No. 12-2021-00462 subject to the conditions as outlined in Council Letter 21-224.

1. All conditions of the Conditional Use Permit, Preliminary Plat and Site and Building Plan approvals shall remain in full force and effect.
2. This approval does not include signs. A separate sign permit is required for any proposed signage.
3. All areas of the site, where practical, shall be sodded and maintained.
4. 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.

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5. All HVAC and other ground or roof mounted mechanical equipment shall be hidden from view with materials that match the materials and colors used on the building.
6. 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.
7. Prior to the issuance of a land disturbance or building permit, Engineering shall review and approve all grading and stormwater plans.
8. Prior to the issuance of a land disturbance permit, the Applicant shall apply for and obtain an easement vacation for the water line within the addition area.
9. 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.
10. 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.
11. All disturbed boulevards shall be restored with sod. The Developer shall mow and maintain to the curb of all public and private streets.
12. Prior to the issuance of a building permit, the Applicant shall provide a revised landscaping plan that shows the replacement trees adjacent to Crestbury Drive and the new addition.
13. Prior to the issuance of a building permit, the Applicant on behalf of the school district, shall submit a written parent drop-off and pick-up plan which identifies strategies to limit backup along Brookview Road.

Item C South of Dale Master Plan. This item was moved to the discussion portion of the meeting.

Item D To adopt the following resolution **Resolution 21-163**

Resolution of the City of Woodbury, Washington County, Minnesota approving the plans and specification, authorizing construction of all public improvements pursuant to the terms and conditions of the Developer's Agreement, and authorizing the Mayor and City Administrator to execute an engineering consulting services agreement with Bolton & Menk, Inc., for construction administration services for the Northeast Area Commercial Improvements – Project Belle.

Item E To adopt the following resolution **Resolution 21-164**

Resolution of the City of Woodbury, Washington County, Minnesota establishing a public improvement hearing date of October 27, 2021 for the 2022 Roadway Rehabilitation Project.

Item F To adopt the following resolution **Resolution 21-165**

Resolution of the City of Woodbury, Washington County, Minnesota establishing Procedures Relating to Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

Item G To adopt the following resolution **Resolution 21-166**

Resolution of the City of Woodbury, Washington County, Minnesota amending CD-FIN-5.3 Investment Policy.

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 are hereby approved. Woodbury City Council Agenda September 29, 2021 | 7:30 PM Staff recommends approval of the abstract of bills for September 3, 2021 in the amount of \$1,009,515.23, September 10, 2021 in the amount of \$309,779.58 and September 17, 2021 in the amount of \$2,864,279.33.

Councilmember Wilson requested that Item 6C be removed from the Consent Agenda and added to the Discussion portion of the meeting.

Councilmember Date moved, seconded by Councilmember Santini to approve Consent Agenda Items 6A-H with the exception of Item 6C.

Voting via voice:

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

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Public Hearings

A. New Life Academy Digital Sign; Interim Conditional Use Permit; Project No. 19-2021-00464

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

Ms. Schmitz reviewed an application for an Interim Conditional Use Permit for a digital sign at New Life Academy, on property that is zoned R-4. This permit is required to facilitate enforcement and any potential Code changes, especially on property that is near a residential area. The existing sign, built in 2005 and approximately 30 square feet, is proposed to be removed and replaced with a 55.5 square foot sign, with 36 square feet of digital component, which is allowable under City Code. The applicant is proposing to move the new sign approximately 72 feet to the west of the existing sign's current location.

Ms. Schmitz stated a neighborhood meeting was held September 7, 2021, at which there was discussion regarding dimming of the sign, frequency of messaging and timing of the project. The request was reviewed by the Planning Commission on September 20, 2021, and questions were raised regarding landscaping around the sign and traffic from the school. City engineering staff are installing traffic strips to do counts, and if the applicant has a future addition, an additional access on Bailey Road would be required.

Ms. Schmitz stated, with regard to dimming of the sign, a condition was added that the sign must be turned off between 11:00 p.m. and 5:00 a.m. and dimmed during dark hours.

Ms. Schmitz stated the Planning Commission recommended City Council approval of the Interim Conditional Use Permit for a digital sign at New Life Academy.

Mayor Burt moved, seconded by Councilmember Date, 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.

There were no comments.

Councilmember Santini moved, seconded by Councilmember Date,

To adopt a the following resolution

Resolution 21-167

Resolution of the City of Woodbury, Washington County, Minnesota approving the New Life Academy Digital Sign Interim Conditional Use Permit based on the findings of fact in Resolution 21-167, Project No. 19-2021-00464, subject to the conditions as outlined in Council Letter 21-230 and listed below:

1. The Interim Conditional Use Permit shall terminate upon a change in zoning regulations which would prohibit the use or upon violation of the conditions under which the permit was issued.
2. The electronic display sign shall meet all requirements of the Sign Ordinance including location, area, materials and height. Electronic display sign messages shall not change more than what is permitted in the Sign Ordinance.
3. Upon the occurrence of the date or of the criteria for termination set forth in the Interim Conditional Use Permit, the city shall notify the Permittee in writing that the Interim Conditional Use Permit shall terminate not later than 30 days after the date of such notice.
4. The Interim Conditional Use Permit shall be reviewed annually but may be reviewed at any time if the City Council is of the opinion that the terms and conditions of the permit have been violated or if one of the criteria for termination has been met.
5. A sign permit is required before installation of the electronic display sign.
6. The Interim Conditional Use Permit shall be executed prior to the issuance of a sign permit for the electronic display sign.
7. The electronic sign shall be dimmed during evening hours and turned off from 11:00 p.m. to 5:00 a.m.
8. All landscaping adjacent to the existing sign shall be removed and the area restored.

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

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Discussion

A. 2022 Preliminary Property Tax Levy

City Administrator Clint Gridley reviewed the 2022 preliminary property tax levy, which sets the property tax limits and determines the amount that will be sent from the County to property owners. He added there will be further opportunities to review the proposed budget. He reviewed the budgeting process, budget-guiding principles, fiscal health and annual budget development.

Mr. Gridley reviewed expenditures by department, including a 60% for Public Works and Engineering, and 19% for Public Works. Increases are mostly related to changes in transfers out for capital projects. The primary budget drivers are personnel costs; business standards and requirements; rising inflation and related costs; service demands; and infrastructure.

Mr. Gridley stated, with regard to personnel, 10.74 net full-time equivalent (FTE) positions are proposed, including 4.10 FTE approved hires for 2021 and 6.64 FTE proposed hires for 2022. Of the proposed FTE positions, 7.4 are proposed to be levy-supported new hires,

Mr. Gridley reviewed the 2022 property tax levy, including tax capacity and levy changes over a 15-year period. The change in the median value home is \$30, or 2.7%, which is in line with values from 2018-2020. The year-to-year taxable market value change is consistent in terms of strong property value growth. The tax rate has fallen every year since 2016 with the exception of 2015, and levy increases have been lower than value increases. The change in the property tax rate is 4%, with property tax levy changes of 5.5%

Mr. Gridley stated City Staff recommends adoption of the preliminary tax levy and budget for 2022, and to schedule the Truth in Taxation Public Meeting

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 21-168

Resolution of the City of Woodbury, Washington County, Minnesota approving preliminary tax levy and budget for 2022 for the purposes of the Truth in Taxation Public Meeting.

Voting via voice:

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

Councilmember Morris moved, seconded by Councilmember Date,

To adopt the following resolution

Resolution 21-169

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the County Auditor of Washington County to cancel or change certain ad valorem debt levies for 2022.

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 adopt the following resolution

Resolution 21-170

Resolution of the City of Woodbury, Washington County, Minnesota approving the preliminary 2022 Housing and Redevelopment Authorities tax levy for purposes of the Truth in Taxation public meeting.

Voting via voice:

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

Councilmember Morris moved, seconded by Councilmember Date, to confirm the Truth in Taxation public meeting scheduled for Wednesday, December 8, 2021 at 7:30 p.m.

Voting via voice:

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

Mayor Burt expressed her appreciation for City Staff for all their hard work and efforts on the budget.

B. Consent Agenda Item C – South of Dale Master Plan

Councilmember Wilson expressed concern regarding the amount of development that is going on, with water issues and potential well shutdowns. She added she feels the City should slow its growth. She noted approval of this plan will open up development for many new homes and multi-family dwellings.

Ms. Schmitz stated the action requested is to approve the Master Plan, but it does not involve the opening up another phase of development. She added a City Council discussion on the water issue is planned for their next workshop. She noted the Master Plan addresses infrastructure planning and coordination between various properties in the South of Dale master plan area. She added that the master plan involves a large area of approximately 600 acres that would extend across several phases and sub-phases of development.

Mayor Burt stated having the master plan is helpful, as it helps the City and developers understand the big picture of how development will be laid out.

Councilmember Wilson stated she agrees a master plan is helpful, but by approving this, she is concerned that this will ultimately lead to the opening up of the area for development. She added, if that is not the case, then the City should hold off on approving the master plan to see what the future brings.

Councilmember Morris stated this master plan is not a deviation from the 2040 Comprehensive Plan, which has already been approved after many months of planning. He added the master plan is a forecast of what the City wants to do when development is before the City Council, but it is not a change or deviation from the Comprehensive Plan. He noted it would be disingenuous to wait and see what happens at this point, because the Comprehensive Plan process has already been approved.

Councilmember Wilson stated it is her understanding that the Comprehensive Plan is just a plan, and the City has deviated from it over the years.

Councilmember Morris stated any deviation from the Comprehensive Plan would take action from the Planning Commission, City Council, and Metropolitan Council, and is not an easy undertaking. He added the action tonight is an agreement on the elements of the master plan and adds another level of detail behind the Comprehensive Plan.

Councilmember Morris stated Councilmember Wilson's comment regarding timing is very appropriate from a water standpoint, but projects can move forward at the same time.

Councilmember Wilson stated she understood that the permanent water treatment will not be built out for another five years.

Mr. Gridley stated the City Council will review the water issue at their October 13, 2021, workshop, to discuss water system capacity. He added City Staff will present a review of the extensive work that is being done toward the next stages of the water treatment plant. He noted this vote does not obligate the City Council in terms of opening up the next phase of development.

Councilmember Date stated, when she was elected five years ago, she stressed the need for a master plan for the Phase 2 development area. She added she is pleased to see that there is a plan that covers the area collectively, showing how roads, trails and parks will be interconnected, and how the area will develop as a whole. She noted the plan will bring a mix of housing types, which has long been a goal of the City of Woodbury.

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Councilmember Date stated she agrees the City is concerned about the water situation and having a long-term plan in place is important. She added having the South of Dale master plan in place lets residents and developers know what the City's expectations are with regard to development.

Councilmember Date moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 21-162

Resolution of the City of Woodbury, Washington County, Minnesota approving the South of Dale Master Plan.

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)

Engineering Director Christopher Hartzell gave a transportation update:

- Phases 1-4 of the 2021 Roadway Rehabilitation Preserve Area are mostly completed, including trails on Landau Drive and Woodduck Drive.
- Woodbury Drive and Local Roads Project – improvements on Hudson Road, Commerce Drive and Tamarack Drive have reached the last phase of work and are scheduled to be completed next week.
- CSAH 19 Corridor Management And Safety Improvement Project – Woodbury Drive is open to one lane of traffic in each direction and scheduled to be paved on October 8, 2021.
- The west leg of Dale Road is expected to be open to traffic as early as next week.
- Hudson Road And Settlers Ridge Parkway has been delayed due to utility relocation coordination and traffic signal material supply issues. An early spring completion date is expected. All pavement is anticipated to be completed by mid- to late October 2021.
- Bailey Road Landscaping Project is under way with median plantings planted and trees staked later this week, to be planted as early as next week.
- MnDOT Highway 95/Manning Road Safety Improvement Project - work is scheduled October 2-12, 2021 from Valley Creek Road to Bailey Road, with a single lane of traffic during paving. Extended delays should be anticipated. Work should be completed by October 12, 2021
- Valley Creek Road concrete grinding will begin on October 4, 2021, and substantially complete by October 15, 2021. The road will be one direction access at a time.
- Valley Creek Road And Interlachen Parkway median repair has been completed over the last few weeks, and the concrete is curing. Traffic controls should be removed this week.
- The Met Council L73 Tunnel Maintenance Project should be complete by the middle of October.

Mr. Hartzell stated residents can visit the interactive transportation CIP on the City website or sign up for project updates through InTouch.

Mayor Burt requested clarification regarding Settlers Ridge Parkway and Hudson Road. Mr. Hartzell stated the relocation of utilities and signal construction has been delayed due to unavailability of the necessary parts. Paving will be done, but the signal will not be operational over the winter, and a temporary all-way stop will be in place. The road will be open to traffic by the end of October.

Administrative Report

Mr. Gridley reviewed upcoming City meetings:

- Neighborhood meetings are being scheduled.
- 2022 Roadway Rehabilitation Project meeting to discuss potential rain gardens is scheduled for October 12, 2021 at 6:00 p.m. in Council Chambers and virtually.
- 2022 Roadway Rehabilitation Project General Meeting is scheduled for October 12, 2021 at 7:00 p.m. in Council Chambers and virtually.
- The Planning Commission is scheduled to meet October 4, 2021, and the only item on the agenda is the Manning Meadows House Move site and building plan.
- The City Council's next meeting will be held October 13, 2021 and will include a Public Hearing to certify delinquent unpaid special charges.

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- Parks & Natural Resources Commission is scheduled to meet October 5, 2021 at 7:00 p.m. in the Ash North And South Conference Rooms.

Adjournment

Mayor Burt moved, seconded by Councilmember Date, to adjourn the meeting at 8:25 p.m.

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

Respectfully submitted,

Kimberlee K. Blaeser

Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on October 13, 2021