

Minutes
Woodbury City Council
Wednesday, October 11, 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 11th day of October 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; Eric Searles, Assistant Community Development Director/City Planner; and Chris Hartzell, Engineering Director.

Special Order of Business

A. Presentation of Awards to Photo Contest Winners

Ashley Bednar, Communications Technician stated that City staff initiated the Woodbury photo contest in 1999 and it is now a popular tradition. *Woodbury Magazine* operates the contest and City staff provide support. She thanked *Woodbury Magazine* for helping to keep the event going for its 25th year. The first place entries were published in Octobers City update newsletter.

Hailey Almsted, editor of *Woodbury Magazine*, stated there were 488 photo submissions. This year an abstract category was included in the photo contest.

Ms. Almsted mentioned the following winners under the abstract category:

- 1st place: *Musical Water Notes* by Steve Porter
- 2nd place: *Christmas Tree* by Fred Manthey
- 3rd place: *Think Outside the Bubble* by Megan Valerius

Ms. Almsted mentioned the following winners under the people category:

- 1st place: *Draw Control Jump* by Pat Donaghy
- 2nd place: *Playing with Bubbles* by Kent Nye
- 3rd place: *Halloween* by Sarah Butters

Ms. Almsted mentioned the following winners under the pet category:

- 1st place: *Big Ears; Doesn't Listen* by Kellie Reynolds
- 2nd place: *Blanco on Tower* by Nora Franey-Anelli
- 3rd place: *Nose in your Face* by Lucy Stratton
- Honorable Mention: *Woodbury Days* by Loriene Pearson

Ms. Almsted mentioned the following winners under the place category:

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- 1st place: *Let There be Light* by Joseph Shoemaker
- 2nd place: *Winter Sunset* by Karl Schroeder
- 3rd place: *Fireworks at Woodbury Days Set the Mood* by Roger Green
- Honorable Mention: *Who Needs Ride Tickets* by Taylor Limbeck

Ms. Almsted mentioned the following winners under the seasons category:

- 1st place: *Elements of Nature, Fall* by Teresa Rumppe
- 2nd place: *Tis the Season* by Deepak Ravindranathan
- 3rd place: *Distant Downpour* by Joseph Shoemaker

Ms. Almsted mentioned the following winners under the wildlife category:

- 1st place: *Did Someone Say Peanuts* by Steven Meisel
- 2nd place: *Egret Formation* by Jorg Lueke
- 3rd place: *Radio Drive Coyote* by Andy Venn
- Honorable Mention: *This Is Our Trail!* By Steve Porter

Ms. Almsted noted that every year the readers vote on the reader's choice photograph. This year the winner is *Snowflake Backlit Macro* by Nancy Berg.

B. Code Compliance Month Proclamation

Mayor Burt read a Proclamation in full declaring October 2023 as Code Compliance Month.

C. Swearing in of New Police Officers Gio Adamski and Callie Kaspszak

1. Meaning of the Badge - Public Safety Director Jason Posel

Public Safety Director/Police Chief Jason Posel shared the meaning of the badge and called Gio Adamski and Callie Kaspszak to step forward.

2. Oath - Mayor Burt and New Officers Gio Adamski and Callie Kaspszak

Mayor Burt presided over the swearing in of Police Officers Gio Adamski and Callie Kaspszak, after which they each had their badges pinned on by a family member or other important person in their life.

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.

Firass Almasalmh, stated he has a tobacco shop in Woodbury and has been in Woodbury since 2017. He explained that he did not know that the City had placed limits on cannabis. He noted that a new cannabis business would be going in right next to his business. He does not have the same license as everyone else and therefore, would not be able to compete with the other business. He asked the Council to give him the opportunity to apply for a license.

Mayor Burt clarified that the licenses that were being granted in the City were for cannabinoid products and not cannabis products.

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 To adopt the following resolution

Resolution 23-163

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Resolution of the City of Woodbury, Washington County, Minnesota authorizing the change order addition acceptance of \$12,292.77 donation from the Woodbury Community Foundation to facilitate the Angels of Hope - Woodbury Memorial Project and corresponding budget amendment.

Item B To adopt a motion amending the minor subdivision, Case 76-29 to strike the restriction that the subject lot is unbuildable, subject to the conditions as outlined in Council Letter 23-226.

Item C To adopt the following resolution **Resolution 23-164**

Resolution of the City of Woodbury, Washington County, Minnesota establishing a public improvement hearing date of October 25, 2023, for the Bielenberg Drive and Currell Boulevard Roadway Rehabilitation Project (Guider Drive to Valley Creek Road (CSAH 16)).

Item D To adopt the following resolution **Resolution 23-165**

Resolution of the City of Woodbury, Washington County, Minnesota approving the Cooperative Agreement between the City of Woodbury and Washington County for intersection improvements at Queens Drive and County State Aid Highway (CSAH 16).

Item E Public Safety Expansion Project; Scoping and Needs Study; Wold Architects and Engineers Professional Services Agreement; Amend 2023 Budget. **This item was removed the Consent Agenda and moved to the Discussion portion of the meeting.**

Item F To adopt the following resolution **Resolution 23-166**

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the acceptance of the Minnesota Chiefs of Police Foundation Community Partnership Grant of \$2,500 and associated budget amendment.

Item G To adopt the following resolution **Resolution 23-167**

Resolution of the City of Woodbury, Washington County, Minnesota approving an Agreement for Election Services between the City of Woodbury and Washington County.

Item H To adopt the following resolution **Resolution 23-168**

Resolution of the City of Woodbury, Washington County, Minnesota creating, classifying and reclassifying the positions of Communications and Community Equity and Engagement.

Item I To adopt the following ordinance **Ordinance 2041**

Ordinance of the City of Woodbury, Washington County, Minnesota amending Chapter 2 Administration, Article IV, Departments, Divisions, Etc; Division 5 Information and Communications Technology.

Item J To adopt the following resolution **Resolution 23-169**

Resolution of the City of Woodbury, Washington County, Minnesota creating and classifying the position of a Destination Marketing Coordinator.

Item K 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 September 22, 2023 in the amount of \$1,806,670.49 and September 29, 2023 in the amount of \$812,391.11.

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

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Voting via voice:

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

In consideration of audience members, Mayor Burt reordered the agenda.

Discussion

Consent Agenda Item 6E. Approval of Public Safety Expansion Project; Scoping and Needs Study; Wold Architects and Engineers Professional Services Agreement; Amend 2023 Budget

Councilmember Morris pulled this item for discussion and asked why the bid that was selected was over the previously budgeted amount.

City Administrator Clinton Gridley replied that the proposed architectural services are within the original budgeted amount but Staff had to include some additional costs in order to do some wetland delineations, do an appraisal of the building. The overages are not due to the professional services but for the additional services that are performed to the project.

City Engineer Chris Hartzell added that the focus was on the best value of services. The firm shows that they have the best qualifications, scope and deliverables. Due to the location of the parcel, Staff were concerned about making sure accurate numbers were reported. The wetland delineation and the proximity of the road is why there are additional costs.

Councilmember Wilson agreed with Councilmember Morris' question and concerns. She explained that there are a lot of hours that go into the budget and feel as if it should not be difficult to stick to it. She expressed her understanding that some things come up but noted that there is nothing new within the project. She added that she would like to see the City come in to what is budgeted instead of making adjustments throughout the year.

Mayor Burt stated she appreciated the comments and added that while there is a budget, there is flexibility since it can be hard to hold to a specific number while doing projects. Councilmember Wilson replied that the City does not need to hold the budget number but needs to come at or below the budget.

Councilmember Morris agreed with Councilmember Wilson's comments on there not being anything new within the project and that there were items that were missed in the discussion and budgeting process. He added that the work needs to get done but his concern is that items were missed in the scope of the project.

Mr. Gridley explained that it was a multi-phase project and could have stuck with basic architectural services but wanted to deal with the wetland delineation up front so it did not cause issues later in the project. He added that the Council could decide to take out the additional services but the cost will end up coming up either way.

Councilmember Morris stated that he is in agreement with the workload but it was not in the Council letter. He expressed his frustration that it was not communicated in advance until the Council asked further questions.

Councilmember Wilson asked if the services would be moved up to phase one occurring this year instead of waiting until phase two. Mr. Gridley agreed and added that the services are required but it is a question on the best timing.

Mr. Hartzell explained that they did their best to plan for the items. One of the things that was different was the local option sales tax. There will be a potential budget adjustment for the design. Before, the plan was to go through the normal capital budgeting process instead of having a mid-year budget adjustment. However, by doing so, it will allow more accurate numbers to give the Council confidence in what the City was going to do.

Councilmember Santini moved, seconded by Councilmember Morris,

To adopt the following resolution

Resolution 23-170

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to enter into a Professional Services Agreement with Wold Architects and Engineers for development of the Public Safety Expansion Project Scoping and Needs Study and amend the 2023 Annual Budget.

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Voting via voice:

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

Public Hearings

A. Certifying Delinquent Unpaid Special Charges – Property Cleanup to the Washington County Auditor

Mayor Burt declared the public hearing open.

Assistant Community Development Director/City Planner Eric Searles stated the purpose of the public hearing is to allow for public feedback in advance of charges incurred by the City as a special assessment to be levied. The hearing involved two properties with both of them receiving lawn maintenance services in the amount of \$350. The code enforcement process in the City is complaint driven. Staff received separate complaints on each of the properties. Staff inspected both properties and identified an ordinance violation of grass exceeding the eight-inch standard. Lawn maintenance complaints are common within the City with 75 complaints received and corrected by property owners in 2022.

Mr. Searles explained that all properties receive multiple opportunities to correct the violations prior to abatement or other enforcement actions. First notices were mailed to each of the subject properties which did not resolve the violations. Enforcement staff followed up with second notices which were both mailed and posted at each individual property. Seven days passed from the time of the mailing before the abatement occurred. Notices were followed with request for payment for the services in mid-September with no payments received.

Josiah Brockway and Midori Sakamoto, 3280 York Alcove, explained that the grass measurement was not done well and the picture was at an angle, which can add to the height and there are multiple depressions in the property where there is bare dirt. He added that the inspectors went into the backyard, which is a terrace and a garden. According to the statute, gardens are exempt from the eight inch standard. Flowers and herbs were damaged when the inspection occurred. The grass was cut so low that it did not grow properly for the rest of the year. He explained that they have had financial difficulties and physical issues but are doing the best that they can.

Mayor Burt expressed her sympathy for their personal physical struggles. She asked how the Council would like to move forward.

Councilmember Morris moved, seconded by Councilmember Santini, 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.

Ms. Sakamoto added that it is their first home and they are making every effort to take care of the home. She explained they have been working through mental and physical health and do not intend to have a home that does not look well kept.

Councilmember Wilson asked to clarify the timeline on when notices are given out and compliance. Mr. Searles replied for this situation, there was a first mailed notice sent on August 12, 2022, a second mailed notice sent and notice posted on the property on August 24, 2022, and an Abatement on August 31, 2022. The goal is not to have an abatement but instead to educate home owners on how to reach out to the City in order to help provide resources.

Councilmember Wilson asked if the most common practice for code enforcement was due to complaint instead of Staff driving around. Mr. Searles agreed that it is driven by complaints.

Councilmember Wilson asked if the complaints were from 2022. Mr. Searles confirmed that it was. Councilmember Wilson asked if there were any complaints from 2023. Mr. Searles replied that he was not aware of any.

Councilmember Date expressed her empathy to the situation but noted that in the end, the maintenance would have needed to be completed either by the property owner, an independent contractor, or the City. There was adequate notice. She added she did not understand how the lawn could have been mowed the day before of the inspection and it was still seven inches high.

Councilmember Date moved, seconded by Councilmember Morris,

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To adopt the following resolution

Resolution 23-171

Resolution of the City of Woodbury, Washington County, Minnesota certifying delinquent unpaid special charges - property cleanup to the Washington County Auditor.

Voting via voice:

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

Mayor Burt apologized to the property owner and explained that a contractor was hired to mow the lawn, and that public money was used to pay the contractor.

Mr. Searles stated that Staff received information from the applicant this afternoon and he had discussion with code enforcement staff. The abatement activities that occurred were not incorrect and were done on the correct property. Code enforcement officers were on site in advance of the work beginning and verified that there was an ordinance violation.

Councilmember Wilson stated she finds it interesting that neighbors do not knock on neighbor's doors to find out if things are fine or ask if they need help. She encouraged community members to knock on neighbor's doors and have a discussion or see if they need help instead of writing to the City immediately. Mayor Burt agreed.

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

Mr. Hartzell stated the 2023 Roadway Rehabilitation project is ahead of schedule which will allow phase 13 to be moved to the construction phase this year. The project is anticipated to be completed in the fall 2024. Phases 7 and 8 have been completed with the base course paved and the initial restoration complete. The concrete work has been completed in phases 9 and 10. Phases 11, 12 and 13 are done with removals with undergrown utility work wrapping up this week. Concrete work has begun on phase 11 and will begin this week for phase 12.

Mr. Hartzell explained that construction on I-94 should wrap up for the season in early to mid-November. Eastbound lanes will hopefully switch back to the eastbound side of the freeway. It will be reduced to one lane on the night of October 17, 2023 while the lanes are being switched. The onramp from Woodbury Drive to eastbound I-94 is closed through the end of the construction season. It will be opened earlier if possible and can be bypassed by using westbound I-94 to Inwood Avenue, Radio Drive to eastbound I-94.

Mr. Hartzell noted the gold line work is scheduled to be completed by November 2024 and open to traffic. The Guider Drive Station is currently being rough graded in preparation of construction next season. The Bielenberg Drive and Hudson Road intersection remains closed for the construction season for reconstruction and is expected to open in November. Tamarack Road, east of Bielenberg Drive should be opened by the end of the week. More information on the gold line project can be found on their website.

Mr. Hartzell stated gas lines are being replaced along Woodlane Drive between Valley Creek Road and Courtly Road in the Xcel Energy Gas Main Replacement project. The project is expected to be completed in late October. Sign up for InTouch updates at woodburymn.gov/intouch.

Councilmember Santini asked if the ramp is opened on eastbound Manning Avenue and 294. Mr. Hartzell replied that he believed it was opened.

Councilmember Wilson asked if the Lamplight Road in the Royal Oaks neighborhood was by the high school or on the other side of the road. Mr. Hartzell replied that it was on the north side and Lamplight Road by the high school would be for next year. Councilmember Wilson asked if Lamplight road shrunk in size. Mr. Hartzell replied that it was the same width but a sidewalk was not included.

Councilmember Morris mentioned that he attended the Gold Line meeting where they mentioned that construction would be pretty well completed in Woodbury. The intersection at Bielenberg Road and Tamarack Road will completely closed. He asked what the timing of the closure would be. Mr. Hartzell replied that he did not have the information in front of him but those intersection closures are typically short.

City Administrator's Report

Mr. Gridley explained that One Woodbury was well attended. He thanked the partners that were involved which included Washington County, South Washington County schools, Woodbury Community Foundation, the YMCA, Woodbury Chamber of Commerce, City Staff, and Councilmembers.

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Mr. Gridley mentioned that the street sweeper naming contest winner was announced as Obi-Wan Cleanobi. Mayor Burt asked if the winner would be announced. Mr. Hartzell replied that he was not sure but the selected name would be displayed on the street sweeper.

Mr. Gridley stated Otis, the community support dog, was honored by the St. Paul Chamber of Commerce with the leaders and local government innovation award. He noted there have been some changes in the fire division. There was an award to Police Officers Allan Olson and Marc Olson for a lifesaving medal for the extraordinary skill and professional care during a call that involved a victim with a sudden cardiac arrest. He mentioned there have been a number of public safety community events recently. Assistant Public Works Director Jim Westerman was presented at the Minnesota Chapter of American Water Works Association for utilizing bench and pilot testing to support pfas treatment decisions for the City.

Councilmember Morris asked if there was an update on the three temporary vessels. Mr. Gridley replied construction is seen around the City but does not know how it fits in the schedule. Councilmember Morris suggested having a schedule on what is on schedule and not on schedule.

Mr. Gridley gave a verbal update of upcoming City meetings.

- October 16, 2023 –Planning Commission Meeting cancelled
- October 18, 2023 – Council Workshop
- October 24, 2023 – Economic Development Commission, 7:30 a.m., Ash North and South Conference Rooms.
- October 25, 2023 – Preliminary Public Hearing for Bielenberg Drive and Currell Boulevard Roadway Rehabilitation Project

Adjournment

Mayor Burt moved, seconded by Councilmember Morris, to adjourn the meeting at 8:06 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 October 25, 2023.