City Council Agenda
May 27, 2020 | 7:30 p.m.

Please note: Due to COVID-19, the May 27 City Council meeting is taking place virtually and at Woodbury City Hall in the Council Chambers.

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 leave a voicemail message

Please note that all agenda times are estimates.

1. Call to Order
2. Pledge to Flag
3. Roll Call
4. Special Order of Business - 7:32 p.m.
   No Items Scheduled
5. Open Forum - 7:32 p.m.

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 and give the sign-up sheet to any staff person, or may also submit a question or comment virtually via the Q&A chat feature on the right side of the live event screen. Please provide your name and address with your question for the official record. 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.
6. **Consent Agenda - 7:37 p.m.**

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 Council Member 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.

A. **Approval of Minutes - May 13, 2020**

B. **Approval of Minnesota Department of Natural Resources’ Federal Recreational Trails Program Grant Extension and Contract Amendment**

   Staff recommends Council adopt RESOLUTION 20-113, a resolution authorizing the approval of grant extension and contract amendment to the $125,000 Grant from the Minnesota Department of Natural Resources’ Federal Recreational Trails Program to the City of Woodbury Parks and Recreation Department for the Carver Lake Bicycle Playground.

C. **Arbor Ridge, Final Plat and Development Agreement, Project No. 29-2020-00391**

   Staff recommends Council approval of the Arbor Ridge, Final Plat, Project No. 29-2020-00391. Staff further recommends Council authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the conditions as outlined in Council Letter 20-139.

D. **Howard’s Haven, Final Plat, Project No. 15-2020-00403**

   Staff recommends Council approval of Howard’s Haven, Final Plat, Project No. 15-2020-00403, subject to the conditions as outlined in Council Letter 20-140.

E. **Authorization to Participate in the Council on Local Results and Innovation’s Performance Measurement Program**

   Staff recommends Council adopt RESOLUTION 20-114, a resolution authorizing to participate in the Performance Measurement Program established by the State of Minnesota and the Council on Local Results and Innovation.

F. **City Code Amendment Chapter 2 Administration, Article V Personnel**

   Staff recommends Council adopt ORDINANCE 1982, an Ordinance of the City of Woodbury, Washington County, Minnesota, providing that the City Code be amended by amending Chapter 2 Administration, Article V Personnel Divisions 3 Employee Benefits - Section 2-241 Sick Leave; Section 2-248 Leave without Pay for Employees.
G. Authorization of Regulatory Flexibility to Support Local Businesses

Staff recommends Council adopt RESOLUTION 20-115, a resolution authorizing regulatory flexibility to support local businesses.

H. Abstract of Bills

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 May 8, 2020 in the amount of $1,594,628.19 and May 15, 2020 in the amount of $586,649.48.

7. Public Hearings - 7:42 p.m.

No Items Scheduled

8. Discussion - 7:42 p.m.

No Items Scheduled

9. Staff Reports - 7:42 p.m.

A. Transportation Report (2nd meeting of the month – May through October)

B. City Administrator’s Report

10. Adjourn to Council Workshop - 7:47 p.m.

The City of Woodbury is subject to Title II of the Americans with Disabilities Act which prohibits discrimination on the basis of disability by public entities. The City is committed to full implementation of the Act to our services, programs, and activities. Information regarding the provision of the Americans with Disabilities Act is available from the City Administrator’s office at 651-714-3523. Auxiliary aids for disabled persons are available upon request at least 72 hours in advance of an event. Please call the ADA Coordinator, Clinton P. Gridley at 651-714-3523 (TDD 714-3568) to make arrangements.
Pursuant to the due call and notice thereof, a regular meeting was duly held virtually, due to COVID-19, on the 13th day of May 2020.

Call to Order

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

Mayor Burt welcomed those listening. She said members of the public may join the meeting using a PC, Mac, iPad, iPhone or Android device. Public comments will be accepted during the meeting 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. She reminded Councilmembers and staff to announce their title and name before commenting. Questions regarding the meeting are also taken between the hours of 8:00 a.m. to 4:30 p.m. via email council@woodburymn.gov or call 615-714-3524 and leave a voicemail.

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: Andrea Date, Amy Scoggins, Steve Morris, and Jennifer Santini. Absent: None

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

Special Order of Business

A. 2020 Emergency Medical Services Week Proclamation

Mayor Burt read the Proclamation. She said these services are needed now more than ever and are very much appreciated by everyone in the community.

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 that are not a part of the meeting agenda. Persons wishing to speak may submit a question or comment virtually via the Q&A chat feature on the right side of the live event screen. Please provide your name and address with your question for the official record. 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 – April 22, 2020

Item B To adopt the following resolution

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to sign Addendum No. 3 to Lease Agreement, with Summit Health ASO Corp., for a three-month Rent Deferment for the Property they Lease from the City, attached to the HealthEast Sports Center, for a Total Deferment of $34,670.82.
Item C  To adopt the following resolution  

Resolution of the City of Woodbury, Washington County, Minnesota identifying public services as a high need for the use of CDBG, adopting the 2020-2024 Consolidated Plan and its 2020 AAP, and authorizing the City Administrator to execute various compliance certifications.

Item D  To adopt the following resolution  

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the Mayor and City Administrator to enter into a contract with Affordable Housing Connections, Inc. for HOME professional monitoring services subject to the approval of the City Attorney and the US Government's approval of the City of Woodbury's 2020-2024 Consolidated Plan.

Item E  To approve the CityPlace Healthcare Specialty Center Site and Building Plan, Project No. 04-2020-00393 subject to the conditions as outlined in Council Letter 20-120.

1. All conditions of the original Planned Unit Development shall remain in full force and effect.
2. All conditions of Preliminary Plat approval shall remain in full force and effect.
3. This approval does not include signs. A separate sign permit is required for all proposed signage.
4. All light poles shall be a maximum of 25 feet in height, including base, and shall be shoebox style, downward directed, with LED lamps and flush lens unless approved in writing by the Zoning Administrator. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lens. In addition, any entry lighting under canopies shall be recessed and use a flush lens. Shields shall also be added as directed by the City.
5. The proposed trash enclosure shall be relocated to provide better turning movements for the future access by garbage trucks.
6. The Applicant shall work with staff to identify opportunities for proof-of-parking for both the first phase of construction and the ultimate buildout.
7. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All final building materials shall be approved by the Planning staff.
8. 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.
9. The final landscaping plan shall be reviewed and approved by staff in writing. Additional planting shall be provided along the south property line.
10. Prior to the issuance of a building permit, final drainage, stormwater, grading, utility and sediment control plans shall reviewed and approved by the Engineering Division.
11. Prior to the issuance of a building permit, the Applicant shall execute an approved Operations and Maintenance Plan for all onsite infrastructure.
12. Prior to the issuance of a building permit, the Applicant shall submit an acceptable snow removal and storage plan detailing how snowfalls will be accommodated.
13. Prior to the release of the building permit, a landscape financial security shall be submitted for at least 150 percent of the estimated cost of landscaping including sod. The landscaping plan shall meet all landscaping ordinance requirements including canopy coverage and tree and species diversification.
14. Prior to the issuance of a building permit, the Applicant shall submit a plan identifying placement of no less than four (4) inches of an acceptable topsoil mix as determined by Planning staff.
15. Prior to the installation of sod, the Applicant shall provide written verification that a minimum of four (4) inches of topsoil has been placed throughout the site. Prior to installation of the sod, the City shall inspect and approve the placement of the topsoil in writing.
16. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
17. Prior to the issuance of a building permit, the Applicant shall submit an irrigation plan meeting the following design requirements:
   - System must be designed by a certified irrigation contractor.
   - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
   - Private irrigation wells as a back-up irrigation source are not permitted.
   - Irrigation heads shall be placed a minimum six (6) inches from back of curb, trail, sidewalk, or other hard surface.
   - EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering staff in writing.
   - MP Rotator heads or equivalent shall be used throughout.
Item F  To extend the project approvals for Cornerstone Medical Office Building Expansion, Project No. 17-2019-00335 subject to the conditions of approval as listed in Council Letter 20-121.

1. All conditions of the original approval shall remain in full force and effect.
2. The extension shall expire on May 13, 2021 unless a building permit has been issued or an additional time extension has been granted.

Item G  To adopt the following resolution Resolution 20-96

Resolution of the City of Woodbury, Washington County, Minnesota authorizing Bolton & Menk, Inc. to provide the preliminary survey for the 2022 Roadway Rehabilitation Project and amending the 2020 Adopted Budget.

Item H  To adopt the following resolution Resolution 20-97

Resolution of the City of Woodbury, Washington County, Minnesota authorizing Bolton & Menk, Inc. as the Engineering Consultant to prepare an update of the preliminary report for the 2023 Roadway Rehabilitation Project and amending the 2020 Adopted Budget.

Item I  To adopt the following resolution Resolution 20-98

Resolution of the City of Woodbury, Washington County, Minnesota approving a Memorandum of Understanding between the Washington County Cooperative Weed Management Area Partners and the City of Woodbury.

Item J  To adopt the following resolution Resolution 20-99

Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of one replacement truck cab chassis, Freightliner M2 106 vehicle from I-State Truck Center, Inc. for an amount not to exceed $82,551 through the State of Minnesota Cooperative Purchasing Venture, 2020 budget amendment and a total expenditure amount not to exceed $84,051; and

To adopt the following resolution Resolution 20-100

Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase and installation of one replacement sign body system #8 from Truck Utilities, Inc. for an amount not to exceed $178,702 through the State of Minnesota Cooperative Purchasing Venture, 2020 budget amendment and a total expenditure amount not to exceed $183,702.

Item K  To adopt the following resolution Resolution 20-101

Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of one replacement truck cab chassis, Freightliner M2 106 from I-State Truck Center, Inc. for an amount not to exceed $80,793 through the State of Minnesota Cooperative Purchasing Venture, 2020 budget amendment and a total expenditure amount not to exceed $82,293; and

To adopt the following resolution Resolution 20-102

Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase and installation of one replacement aerial bucket system 57’ from Truck Utilities, Inc. for an amount not to exceed $125,389 through the State of Minnesota Cooperative Purchasing Venture, 2020 budget amendment and a total expenditure amount not to exceed $128,707.

Item L  To adopt the following resolution Resolution 20-103

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the closing of certain funds and the transfer of their assets and liabilities.

Item M  To adopt the following resolution Resolution 20-104

Resolution of the City of Woodbury, Washington County, Minnesota approving various 2019 budget adjustments.
Item N  To adopt the following resolution  Resolution 20-105

Resolution of the City of Woodbury, Washington County, Minnesota approving the final capital related project carryovers to the 2020 budget.

Item O  To adopt the following resolution  Resolution 20-106

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the transfer of funds between certain funds.

Item P  To adopt the following resolution  Resolution 20-107

Resolution of the City of Woodbury, Washington County, Minnesota for the Budget Amendment and Authorization of CARES Act Funds.

Item Q  To adopt the following resolution  Resolution 20-108

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the purchase of the Public Safety portable radios.

Item R  To adopt the following resolution  Resolution 20-109

Resolution of the City of Woodbury, Washington County, Minnesota authorizing the acceptance of merchant gift cards donated by the Woodbury Fire Alumni and the Woodbury Community Foundation.

Item S  To adopt the following resolution  Resolution 20-110

Resolution of the City of Woodbury, Washington County, Minnesota approving the budget amendment and acceptance of the Minnesota Department of Health COVID-19 Emergency Fund Grant.

Item T  To adopt the following resolution  Resolution 20-111

Resolution of the City of Woodbury, Washington County, Minnesota appointing Patrick Quirk to the position of part-time Meter Reader effective May 21, 2020.

Item U  To adopt the following resolution  Resolution 20-112

Resolution of the City of Woodbury, Washington County, Minnesota reclassifying the part-time Sustainability Specialist position to a regular full-time Sustainability Specialist position and appointing Jennifer McLoughlin to the position of full-time Sustainability Specialist effective May 13, 2020.

Item V  To adopt the following resolution

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 April 17, 2020 in the amount of $749,087.47, April 24, 2020 in the amount of $3,115,732.19 and May 1, 2020 in the amount of $692,604.57.

Councilmember Date moved, seconded by Councilmember Scoggins, to approve the Consent Agenda items.

Voting via voice:

Andrea Date – aye
Amy Scoggins – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye
Public Hearings

A. Briarcroft, Amended Planned Unit Development and Amended Preliminary Plat, Project No. 26-2020-00396

City Clerk Kimberlee Blaeser introduced Community Development Director Janelle Schmitz to give the background.

Ms. Schmitz explained Tradition Companies has submitted an application for an Amended Planned Unit Development and Amended Preliminary Plat for the Briarcroft Development. The Council approved the Briarcroft rezoning, Planned Unit Development, Conditional Use Permit, and Preliminary Plat at its August 28, 2019 meeting. The applicant is requesting to amend the plan to include 82 single family rental homes with association maintenance amenities with modified setbacks on the northern part of the site. The setback modification requested is to move the house rear yard setback from 35 feet to 25 feet and the house side setback from ten feet to five feet. The plan continues to include the construction of roadway and trail as well as sidewalk connections. The Briarcroft development includes a small parcel in the northwest section of the site that is owned by the City. The City acquired the site last year to facilitate the extension of the water main on County Road 19. The City went through a Request for Proposal process to sell the remaining 2.5 acres and selected the developer, Tradition Companies. The developer agreed to provide stormwater for the ultimate design of Woodbury Drive. Once the entitlement process for Briarcroft is complete, the City would expect to finalize the land sale subject to Council approval. She discussed the Woodbury Drive and Dale Road improvements scheduled to begin in 2021 including a roundabout at Woodbury Drive and Dale Road.

Ms. Schmitz said the Planning Commission reviewed the project on May 4, 2020. Their questions and discussion included: guest parking and parking for the clubhouse, rental rates, identification of trail improvements, density for the site, setbacks and Homeowner’s Association maintenance, and tree replacement for City-owned property. The Planning Commission recommended approval by a 6-0 vote that the Council adopt a motion approving the Amended Planned Unit Development and Amended Preliminary Plat for Briarcroft, Project No. 26-2020-00396, subject to the conditions outlined in the Council Letter.

Mayor Burt declared the public hearing open.

Ms. Blaeser read the inquiry from Sam Evans, 4889 Sonoma Court, asking if the Council had considered the increased population density that will occur southeast of Atlas Trail as a result of the proposed amendment. Ms. Schmitz answered the density had decreased as a result of the amendment.

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

Voting via voice:

Andrea Date – aye
Amy Scoggins – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

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

Mayor Burt asked about the addition of the roundabout and trails. Ms. Schmitz said the roundabout would be located at Woodbury Drive and Dale Road. There are not additional trails; however, the trails are consistent with the previous plans.

Councilmember Morris asked about the sidewalk plan. Ms. Schmitz presented the previous sidewalk plan and discussed the changes. Councilmember Morris said the cul-de-sac will limit the connectivity with the trails. He asked where the 20 homes would cross into the trails. Ms. Schmitz said the City did not typically have sidewalks on cul-de-sacs. The homes would have a short walk to get to the trail on Atlas.

Ms. Blaeser read a comment from Ian Peterson, Watermark Properties, stating there is not a sidewalk or trail in the cul-de-sac as currently proposed.

Councilmember Scoggins asked if all of the intersections are full access. Ms. Schmitz said yes.

Councilmember Morris moved, seconded by Councilmember Scoggins, to approve the Amended Planned Unit Development (PUD) and Amended Preliminary Plat for Briarcroft, Project No. 26-2020-00396, all subject to the conditions as outlined in Council Letter 20-137.

1. All conditions of Original Planned Unit Development and Preliminary Plat approval shall remain in full force and effect.
2. Prior to the release of the Final Plat for recording, staff shall finalize the tree replacement calculations and method of achieving replacement or payment in lieu.

3. Final building elevations shall be reviewed and approved by Planning staff.

4. Prior to the release of the Final Plat, the Developer shall provide a recordable document that, to the full satisfaction of the City, memorializes permanent maintenance obligations by the HOA for snow removal, lawn and landscape maintenance and exterior building and grounds maintenance for all detached townhome lots located in the north portion of the preliminary plat.

5. Prior to the release of the Final Plat, staff shall review and approve the private covenants for the development including HOA snow removal, lawn and landscape maintenance and exterior building and grounds maintenance.

Voting via voice:

   Andrea Date – aye
   Amy Scoggins – aye
   Steve Morris – aye
   Jennifer Santini – aye
   Anne Burt – aye

Discussion

No items scheduled

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

No items scheduled

Administrative Report

City Administrator Clinton Gridley updated the Council on the City’s response to the COVID-19 pandemic and the City’s water emergency and potential irrigation ban.

Mayor Burt asked for an update on the gas main leak. Mr. Gridley said an accident occurred on Friday, May 8th, during directional boring. A gas main was clipped. Valley Creek and Tower Drive are closed. Valley Creek will hopefully open on Thursday, May 14th, but Tower Drive will remain closed.

Councilmember Morris asked for clarification on whether the City can be up and running on other wells while Well No. 17 is finished. Mr. Gridley said to start production all four wells did not have to be connected and operational. The City can begin work on other wells while No. 17 is coming along. The City will conduct testing with the Department of Health, but all four wells did not need to be operational to begin producing water.

City Clerk Kimberlee Blaeser read an inquiry from Amanda Hemmingsen-Jaeger, 583 Eagle Ridge Road, asking for the historical average of water usage during the summer. Mr. Gridley did not have the exact number. He ventured a guess of 10 million gallons per day. He said the City is currently at 8.8 million.

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

Neighborhood Meeting

   1. KinderCare, May 18, 6:30 p.m. (refer to the mailed neighborhood meeting notice for information on how to access the meeting online)

Council Meeting, May 27, 2019

Other Meetings

   1. Parks and Natural Resources Commission, May 26, 7 p.m., HealthEast Sports Center
Adjournment

Councilmember Date moved, seconded by Councilmember Morris, to adjourn the meeting at 8:15 p.m.

Voting via voice:

Andrea Date – aye
Amy Scoggins – aye
Steve Morris – aye
Jennifer Santini – aye
Anne Burt – aye

Respectfully submitted,

Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on May 27, 2020
City Of Woodbury, Minnesota
Office of City Administrator

Council Letter 20-138

May 27, 2020

To: The Honorable Mayor and Members of the City Council

From: Clinton P. Gridley, City Administrator

Subject: Approval of Minnesota Department of Natural Resources’ Federal Recreational Trails Program Grant Extension and Contract Amendment

Summary

The City Council adopted a resolution accepting a Minnesota Department of Natural Resources’ Federal Recreational Trails Program Grant (RTPG) of $125,000, on July 25, 2018, for the purpose of creating a skills development area and tot track facility at Carver Lake Park.

The Carver Lake Park parking lot reconstruction project, is included as part of the Carver Lake Park Bicycle Playground (RTPG). The City has scheduled the start date of the parking lot/trailhead construction portion for September 2020, resulting in a grant extension and amendment to the RTPG contract. The grant deadline will be extended to June 30, 2021, but staff will finalize and close it out in 2020.

Recommendation

Staff recommends Council adopt the attached resolution authorizing the approval of grant extension and contract amendment to the $125,000 Grant from the Minnesota Department of Natural Resources’ Federal Recreational Trails Program to the City of Woodbury Parks and Recreation Department for the Carver Lake Bicycle Playground.

Fiscal Implications

The grant extension does not affect the budget. The matching funds are completely covered by the costs associated with the Carver Lake Park parking lot reconstruction project that is scheduled for September 2020, and the reason for the grant extension request and amendment.

Grant funds totaling $14,688, were carried over from the 2019 Budget to the 2020 Budget by resolution dated March 18, 2020.

The City applied for the RTPG in February 2018, asking for approval of a $125,000 skills development area, bicycle playground and tot track. The Minnesota Department of Natural Resources (DNR) is funding $93,750 of the trail project and the City of Woodbury is matching their funding with the remaining $31,250. The matching funds are completely covered by the costs associated with the Carver Lake Park parking lot reconstruction project.
Policy

Minn. Stat. § 465.03 requires a City to accept grants by resolution expressing the terms prescribed by the donor in full.

Public Process

The Parks and Natural Resources Commission, at their December 5, 2017 meeting, approved moving forward to seek a matching fund grant through the Minnesota Department of Natural Resources’ Federal Recreational Trails Program for the off-road cycling trail project, in the amount of $125,000.

The City applied for the RTPG in February 2018, and subsequently was notified on June 19, 2018, that the full amount of the grant requested had been awarded. The RTPG was approved and accepted by the City Council on July 25, 2018.

Background

In June 2011, the Carver Lake Park Off-road Cycling Trail officially opened to the public. The trail system meanders throughout Carver Lake Park along a 5.5 mile network of purpose built mountain bike single-track trails.

The success and popularity of this trail system has exceeded City expectations with many cyclists utilizing the trail system throughout the day and all year long. The trail system can easily see over 100 riders per day during the peak summer season and holds strong numbers throughout the year, including colder winter months.

The trail system is maintained throughout the year by volunteers from the Minnesota Off-road Cyclists (MORC) with the support of City staff and resources.

Since the trail system opened in 2011, it has hosted multiple City of Woodbury youth and adult mountain biking camps, clinics and events, bicycle industry demo events, contractual facility rental programs including the MN High School Cycling League, REI, Little Bellas (youth girls mentorship program), and other special events.

Written By: Reed Smidt, Recreation Manager
Approved Through: Michelle Okada, Parks and Recreation Director
Attachment: Resolution
Resolution 20-

Resolution of the City Of Woodbury,
Washington County, Minnesota

Approval of Grant Extension and Contract Amendment to the $125,000 Grant from the Minnesota Department Of Natural Resources’ Federal Recreational Trails Program to the City Of Woodbury Parks and Recreation Department for the Carver Lake Park Bicycle Playground

WHEREAS, the City Council adopted a resolution accepting a Minnesota Department of Natural Resources’ Federal Recreational Trails Program Grant for $125,000, on July 25, 2018, for the purpose of creating a skills development area and tot track facility at Carver Lake Park; and

WHEREAS, the Carver Lake Park parking lot reconstruction project, is included as part of the Carver Lake Park Bicycle Playground Recreational Trails Program Grant (RTPG); and

WHEREAS, the City has scheduled the start date of the parking lot/trailhead construction portion, that is part of the Carver Lake Park Bicycle Playground RTPG, resulting in a grant extension and amendment to the Minnesota Department of Natural Resources’ Federal RTPG contract; and

WHEREAS, Minn. Stat. §465.03 requires a City to accept grants by resolution expressing the terms prescribed by the donor in full; and

WHEREAS, a resolution from the City Council authorizing the City of Woodbury Parks and Recreation Department to accept the grant extension and amendment to the Minnesota Department of Natural Resources’ Federal Recreational Trails Program Grant contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, that the Minnesota Department of Natural Resources’ Federal Recreational Trails Program Grant contract is approved for an extension and amendment.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator on the 27th day of May 2020.

Attest: Anne W. Burt, Mayor

Clinton P. Gridley, City Administrator (SEAL)
Council Letter 20-139

May 27, 2020

To: The Honorable Mayor and Members of the City Council

From: Clinton P. Gridley, City Administrator

Subject: Arbor Ridge Final Plat and Development Agreement Project No. 29-2020-00391

Summary

Arbor Ridge Development, Inc has submitted an application for a Final Plat for the first phase of the Arbor Ridge residential development. The Applicant is requesting to plat 81 lots. The property is zoned R-4, Urban Residential District and is guided as Low Density on the Land Use Plan. The Applicant is further requesting a Development Agreement with the proposed Plan B improvements being requested to be constructed privately, pending final City Administrator approval, with the necessary securities posted by the Applicant prior to the release of the Final Plat. A Development Agreement will be prepared accordingly.

Recommendation

Staff recommends Council approval of the Arbor Ridge, Final Plat, Project No. 29-2020-00391. Staff further recommends Council authorize the Mayor and City Administrator to execute the Development Agreement with all approvals subject to the following conditions:

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. This includes participation for public infrastructure including storm sewer, water, sanitary and private construction of Hargis Parkway to Woodlane Drive.
5. 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.
6. 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.
7. 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.
8. 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.

9. 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.

10. The Final Plat shall be recorded prior to issuance of a building permit.

Fiscal Implications

All proposed public improvements shall be constructed by the Developer.

Policy

Chapter 21, Subdivision
Chapter 24, Zoning

Public Process

Preliminary Plat Neighborhood Meeting – October 22, 2019
Preliminary Plat Planning Commission Meeting – November 4, 2019

Background

At their November 6, 2019 meeting the Council approved the Arbor Ridge Rezoning, Planned Unit Development, Conditional Use Permit, and Preliminary Plat. The approved plan identified 138 single family homes and 38 attached townhomes.

Park Dedication for the subdivision is proposed to be satisfied by a combination of cash and land dedication. The subject property is located within the ½ mile park search area on Figure 8-10 of the 2040 Comprehensive Plan. The proposed public park is proposed to provide the recreation needs of the proposed subdivision and the adjacent residential areas. Furthermore, the site was selected to protect and preserve a number of existing mature oak trees. The final design of the park will occur with opportunities for public input as housing construction in the subdivision is completed.

Park Dedication Calculation

- 60.31 net acres
- 4.02 Acres land area dedicated for Public Park area and Tree Preservation or 66 percent of total required dedication.
- Total cash dedication for Arbor Ridge is $202,797.00 or $1,165.50 per unit

A private park amenity is also proposed on the south side of Hargis Parkway. This space includes a private HOA owned pool and pool house. At the November 6th meeting, Council requested additional evaluation on the ability to add dedicated parking for the use. Staff and the Applicant recommend the construction of six (6) parking spaces as shown on the attached exhibit to meet the parking demands for the site.

Written By: Eric Searles, City Planner
Approved Through: Janelle Schmitz, Community Development Director
Attachments: 11 x 17 Plans
KNOW ALL PERSONS BY THESE PRESENTS, that Arbor Ridge Development, Inc., a Minnesota corporation, has entered into the following agreement dated on the day of , 20 , in the City of Washington, State of Minnesota.

The property described in this agreement is located in Washington County, Minnesota. The agreement is subject to the terms and conditions specified therein.

By: ____________________________
   (Seal)

ARBOR RIDGE DEVELOPMENT, INC.

By: ____________________________
   (Seal)

STATE OF MINNESOTA
COUNTY OF

The foregoing instrument was acknowledged before me on this day of , 20 , by [Signature], President, of Arbor Ridge Development, Inc., a Minnesota corporation, as attorney-in-fact for the corporation.

[Signature]
Notary Public
County of

My Commission Expires ____________________________

I hereby certify that I, [Name], Notary Public, did on the day of , 20 , in the County of Washington, State of Minnesota, execute the foregoing instrument, which is a true and correct copy of the original instrument.

[Signature]
Notary Public
County of

My Commission Expires ____________________________

STATE OF MINNESOTA
COUNTY OF

The foregoing instrument was acknowledged before me on this day of , 20 , by [Signature], President, of Arbor Ridge Development, Inc., a Minnesota corporation, as attorney-in-fact for the corporation.

[Signature]
Notary Public
County of

My Commission Expires ____________________________

City of Woodbury, Minnesota:

The agreement is subject to the terms and conditions specified therein. The agreement shall be binding upon the parties hereto and their respective successors and assigns.

By ____________________________
   (Seal)

COUNTY SURVOR:

[Signature]

COUNTY ASSESSOR:

[Signature]

COUNTY RECORDER:

[Signature]
City of Woodbury, Minnesota
Office of City Administrator

Council Letter 20-140
May 27, 2020

To: The Honorable Mayor and Members of the City Council
From: Clinton P. Gridley, City Administrator
Subject: Howard’s Haven
Final Plat
Project No. 15-2020-00403

Summary

Lori Howard has submitted an application for Final Plat at 9927 Park Crossing. The Applicant is requesting to plat three lots on the existing 2.61-acre lot. The property is located south of Parking Crossing and west of Woodbury Drive. The property is zoned R-4, Urban Residential and is guided as Low Density on the Land Use Plan.

Recommendation

Staff recommends Council approval of Howard’s Haven, Final Plat, Project No. 15-2020-00403, subject to the following conditions:

1. All conditions of the preliminary plat should remain in full 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 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.
4. 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.
5. The Final Plat shall be recorded prior to issuance of a building permit.
6. 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.

Fiscal Implications

All improvements shall be funded and completed by the Applicant.
Policy

Chapter 21, Subdivision
Chapter 24, Zoning

Public Process

Preliminary Plat Neighborhood Meeting – November 14, 2019
Preliminary Plat Planning Commission – December 2, 2019

Background

The property is currently a 2.61-acre residential lot with a house, garage, and shed located towards the west side of the property. The proposed plat creates an additional two lots with access provided off of Park Crossing.

Written By: Dan Krumwiede, Planner I
Approved Through: Eric Searles, City Planner
   Janelle Schmitz, Community Development Director
Attachments: 11 x 17 Plans
Council Letter 20-141

May 27, 2020

To: The Honorable Mayor and Members of the City Council

From: Clinton P. Gridley, City Administrator

Subject: Authorization to Participate in the Council on Local Results and Innovation’s Performance Measurement Program

Summary

In 2010, the State of Minnesota established a voluntary performance reporting program for cities and counties and also created the Council on Local Results and Innovation (CLRI). The purpose of the program is to provide cities and counties with incentives to develop, track, and report performance data on their critical services. The CLRI was tasked with establishing the set of measures that cities/counties will report to the State in order to meet the requirements for receiving the benefits of the program. The benefits include receiving a reimbursement of $0.14 (fourteen cents) per capita, not to exceed $25,000. From 2011 through 2019, the City participated in the State’s performance reporting program and received a reimbursement of $9,918 for participation in 2019.

Recommendation

Staff recommends Council adopt the attached resolution authorizing to participate in the Performance Measurement Program established by the State of Minnesota and the Council on Local Results and Innovation.

Fiscal Implications

Participation in this program provides the City with a reimbursement of $0.14 per capita on an annual basis, not to exceed $25,000, which would be paid in December. The reimbursement is recorded as an intergovernmental revenue in the General Fund.

Policy

None

Public Process

This is the first public process for this item.
Background

In order to participate in the program and receive the benefits, the City Council must formally adopt the set of performance measures on an annual basis (see Standard Measures for Cities). The City of Woodbury has a long standing performance reporting program and already tracks each measure; therefore, the City will not be required to develop any new measures or procedures to participate in this program. In addition, the City will report on the adopted measures to the State Auditor’s Office by their July 1 reporting deadline. Since this is a voluntary program, the City could decide to withdraw its participation in a future year if it no longer agreed with the requirements of the program. At the July Council workshop meeting, Council will be presented the City’s 2019 Performance Measures Report.

Written By: Angela Gorall, Assistant City Administrator
Approved Through: Clinton P. Gridley, City Administrator
Attachments: 1. Resolution
2. Standard Measures for Cities
Resolution 20-

Resolution of the City of Woodbury, Washington County, Minnesota

Authorization to Participate in the Performance Measurement Program established by the State of Minnesota and the Council on Local Results and Innovation

WHEREAS, benefits to the City of Woodbury for participation in the Minnesota Council on Local Results and Innovation’s comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by State statute; and

WHEREAS, participation in this program will provide the City with a reimbursement of $0.14 (fourteen cents) per capita annually, not to exceed $25,000; and

WHEREAS, any City participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the City Council of Woodbury has adopted and implemented at least 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Woodbury will continue to report the results of the performance measures to its citizenry by the end of the year through publication, direct mailing, posting on the City’s website, or through a public hearing at which the budget and levy will be discussed and public input allowed.

BE IT FURTHER RESOLVED, the City Council of the City of Woodbury will submit to the Office of the State Auditor the actual results of the performance measures adopted by the City.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator on the 27th day of May 2020.

Anne W. Burt, Mayor

Attest:

Clinton P. Gridley, City Administrator (SEAL)
<table>
<thead>
<tr>
<th>Category</th>
<th>#</th>
<th>Measure</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td>Rating of the overall quality of services provided by your city (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>Percent change in the taxable property market value</td>
<td>County assessor’s office data</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td>Citizens’ rating of the overall appearance of the city (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td>4.*</td>
<td></td>
<td>Nuisance code enforcement cases per 1,000 population</td>
<td>(Number of cases / Population) x 1,000 = cases per 1,000 population</td>
</tr>
<tr>
<td>5.*</td>
<td></td>
<td>Number of library visits per 1,000 population</td>
<td>(Number of visits / Population) x 1,000 = visits per 1,000 population</td>
</tr>
<tr>
<td>6.*</td>
<td></td>
<td>Bond rating</td>
<td>Standard &amp; Poor’s Ratings Services or Moody’s Investor Services</td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td>Citizens’ rating of the quality of city recreational programs and facilities (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td>8.*</td>
<td></td>
<td>Accuracy of post election audit (% of ballots counted accurately)</td>
<td></td>
</tr>
<tr>
<td><strong>Police Services</strong></td>
<td>9</td>
<td>Part I and II Crime Rates</td>
<td>Submit data as reported by the Minnesota Bureau of Criminal Apprehension</td>
</tr>
<tr>
<td>10.*</td>
<td></td>
<td>Part I and II Crime Clearance Rates</td>
<td>Submit data as reported by the Minnesota Bureau of Criminal Apprehension</td>
</tr>
<tr>
<td>11.</td>
<td></td>
<td>Citizens’ rating of safety in their community (survey data, provide year completed and total responses)</td>
<td>Example of responses: very safe, somewhat safe, neither safe nor unsafe, somewhat unsafe, very unsafe</td>
</tr>
<tr>
<td>12.</td>
<td></td>
<td>Average police response time</td>
<td>Average time it takes to respond to top priority calls from dispatch to officer on scene.</td>
</tr>
<tr>
<td><strong>Fire &amp; EMS Services</strong></td>
<td>13</td>
<td>Insurance industry rating of fire services</td>
<td>Insurance Service Office (ISO) Rating. The ISO issues ratings to fire departments throughout the country for the effectiveness of their fire protection services and equipment. ISO analyzes data and then assigns a classification from 1 to 10. Class 1 represents superior property fire protection and Class 10 indicates that the area’s fire suppression program does not meet ISO’s minimum criteria.</td>
</tr>
<tr>
<td>14.</td>
<td></td>
<td>Citizens’ rating of the quality of fire protection services (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td>15.</td>
<td></td>
<td>Average fire response time</td>
<td>Average time it takes from dispatch to apparatus on scene for calls that are dispatched as a possible fire</td>
</tr>
<tr>
<td>16.*</td>
<td></td>
<td>Fire calls per 1,000 population</td>
<td>(Number of calls / population) x 1,000 = calls per 1,000 population</td>
</tr>
<tr>
<td>17.*</td>
<td></td>
<td>Number of fires with loss resulting in investigation</td>
<td></td>
</tr>
<tr>
<td>18.*</td>
<td></td>
<td>EMS calls per 1,000 population</td>
<td>(Number of calls / population) x 1,000 = calls per 1,000 population</td>
</tr>
<tr>
<td>19.</td>
<td></td>
<td>Emergency Medical Services average response time</td>
<td>Average time it takes from dispatch to arrival of EMS</td>
</tr>
<tr>
<td><strong>Streets</strong></td>
<td>20</td>
<td>Average city street pavement condition rating</td>
<td>Provide average rating and the rating system program/type. Example, 70 rating on the Pavement Condition Index (PCI).</td>
</tr>
<tr>
<td>21.</td>
<td></td>
<td>Citizens’ rating of the road conditions in their city (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor. Alternatively: good condition, mostly good condition, many bad spots</td>
</tr>
<tr>
<td>22.*</td>
<td></td>
<td>Expenditures for road rehabilitation per paved lane mile rehabilitated (jurisdiction only roads)</td>
<td>Total cost for rehabilitations / lane miles rehabilitated</td>
</tr>
<tr>
<td>23.*</td>
<td></td>
<td>Percentage of all jurisdiction lane miles rehabilitated in the year</td>
<td>Lane miles rehabilitated in year / total number of lane miles</td>
</tr>
<tr>
<td>24.*</td>
<td></td>
<td>Average hours to complete road system during snow event</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td></td>
<td>Citizens’ rating of the quality of snowplowing on city streets (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>26</td>
<td>Citizens’ rating of the dependability and quality of the city water supply (survey data, provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td>27.</td>
<td></td>
<td>Operating cost per 1,000,000 gallons of water pumped/produced</td>
<td>Centrally provided system: (actual operating expense for water utility / (total gallons pumped / 1,000,000)) = cost per million</td>
</tr>
<tr>
<td><strong>Sanitary Sewer</strong></td>
<td>28</td>
<td>Citizens’ rating of the dependability and quality of city sanitary sewer service (Provide year completed and total responses)</td>
<td>Example of responses: excellent, good, fair, poor</td>
</tr>
<tr>
<td>29.</td>
<td></td>
<td>Number of sewer blockages on city system per 100 connections</td>
<td>Centrally provided system: (Number of blockages / number of connections) x 100 = blockages per 100 connections</td>
</tr>
</tbody>
</table>

*New or amended measure
City of Woodbury, Minnesota  
Office of City Administrator

Council Letter 20-142  
May 27, 2020

To: The Honorable Mayor and Members of the City Council  
From: Clinton P. Gridley, City Administrator  
Subject: City Code Amendment Chapter 2 Administration, Article V Personnel

Summary

On an on-going basis, staff reviews the personnel section of the Woodbury City Code to ensure that it is accurate and updated. Staff has accomplished a review and is recommending changes and updates to City Code Chapter 2 Administration, Article V Personnel. In particular, removing the Family and Medical Leave and Minnesota Parenting Act requirements from the City Code and associated limitations for employees using sick leave for Family and Medical Leave and Parenting Leave Act. These provisions will now be included in an Administrative Directive.

Recommendation

Staff recommends Council adopt the attached ordinance amending Chapter 2 Administration, Article V Personnel Divisions 3 Employee Benefits - Section 2-241 Sick Leave; Section 2-248 Leave without Pay for Employees.

Fiscal Implications

There are no anticipated budgetary impacts for these recommended changes.

Policy

City Code Chapter 2 Administration, Article V Personnel  
AD-ADMIN-1.23 - Family and Medical Leave Act Policy

Public Process

The Council meeting will be the first public process for this item.

Background

City Code Article V Personnel has been reviewed by staff and changes and updates are recommended. The recommended changes are explained as follows:

Section 2-241 Sick Leave - A change is being recommended clarifying reasons for sick leave use and removing the limits on sick leave that can be used by mothers and fathers during Family
and Medical Leave Act leave. An additional change removes all sick leave reference to Firefighters which is now governed by the language in the collective bargaining agreement with the Professional Firefighters of Woodbury IAFF Local 5178.

Section 2-248 Leave Without Pay for Employees – A change is being recommended to remove the Family and Medical Leave Act and Parenting Leave Act requirements from the City Code. These provisions will now be placed in Administrative Directives.

Written By: Jody Brown, Human Resources Manager
Approved Through: Angela Gorall, Assistant City Administrator
Attachment: 1. Ordinance Chapter 2 Administration – Strikethrough
2. Ordinance Chapter 2 Administration - Final
3. AD-ADMIN-1.23 - Family and Medical Leave Act Policy
4. AD-ADMIN-XXX - Minnesota Parenting Leave
Strikethrough Version

City of Woodbury
Washington County, Minnesota

Ordinance 1982

An Ordinance of the City of Woodbury, Washington County, Minnesota Providing that the City Code be Amended by Amending Chapter 2, Administration, Article V, Personnel; Division 3 Employee Benefits - Section 2-241 Sick Leave; Section 2-248 Leave Without Pay for Employees

Chapter Two Amendment: That Chapter 2 Administration, Article V Personnel Division 3 – Employee Benefits, Section 2-241 Sick Leave; Section 2-248 Leave Without Pay for Employees be amended as follows:

Article V. - Personnel

Division 3. - Employee Benefits

Sec. 2-241. - Sick leave.

(a) Authorized uses. Sick leave is not considered a privilege that an employee can use at will, but sick leave use is authorized for the following reasons:

(1) In case of the employee’s serious health condition covered by the Family and Medical Leave Act (FMLA), personal illness, injury, disability, legal quarantine, to receive medical or dental care, or for outpatient or inpatient treatment for mental illness, employee assistance program, alcoholism or drug addiction, or for participation in the employee assistance program;

(2) A family health matter related to an employee's spouse, dependent, child or parents related to any of the reasons identified in paragraph (1):

(3) Up to six weeks following the birth of a child for the female who has given birth. In the case of a female employee who has gone through childbirth, a longer period of time may be granted for sick leave use depending on the period of recovery. In this case, the employee must submit a doctor's statement indicating the length of time she will be unable to physically return to work;

(4) Up to two weeks following the birth of a child for the father or adoptive parents who have not given birth themselves. In the case where the father is needed to care for the spouse or child due to medical reasons of the spouse or child, or the adoptive parents are needed to care for the child due to medical reasons of the child, a longer period of time may be granted for sick leave use depending on the period of recovery. In this case, the employee must submit a doctor's statement indicating the length of time he or she will be needed to care for the spouse or child due to medical reasons;

(6) (4) For the purpose of attending a funeral of immediate family as described in subsection (a)(2) and (a)(3) plus brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, grandparents, grandparents-in-law, and grandchildren/step-grandchildren of the employee. Up to three work days may be used for this purpose per occurrence (hours applied will be prorated based on the employees annual scheduled work hours). If attending the funeral requires out-of-state travel, additional sick leave may be used upon prior approval of the city administrator.

(b) Accrual. Sick leave shall accrue, but shall not be available until after one month of employment. Sick leave shall accrue for regular full-time employees at the rate of 3.70 hours per bi-weekly pay period or as provided for by resolution until 800 sick hours have been accumulated. An employee who accumulated 800 sick hours shall accrue additional sick leave at a rate of 1.85 hours per pay period. Regular part-time employees shall accrue sick leave on a prorated basis based on their budgeted full-time equivalency.

Effective December 25, 2005, regular full-time unrepresented firefighters shall accrue sick leave at .0462 hours per annual scheduled hours until 0.3846 per annual scheduled hours have been accumulated (i.e. 880 hours sick leave for 2,288 hours worked annually). A regular full-time unrepresented firefighter who has accumulated 0.3846 hours per annual scheduled hours shall accrue additional sick leave at .0231 per annual scheduled hours.

The city administrator may allow reinstated employees their unredeemed sick leave balance that was present upon their resignation.

Employees using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional sick leave. Workers' compensation benefits shall be credited against the compensation due employees during sick leave.

(c) Eligibility. In order to be eligible for sick leave with pay, employees must:

(1) Notify their superior prior to the time set for the beginning of their normal work day.

(2) Keep their superior informed of their condition if the absence is of more than two days’ duration.

(3) Submit doctor's certificates for absences if required by the city administrator or his/her designee.

(d) Use when not eligible. Employees claiming sick leave when physically fit, except as otherwise permitted in this section, shall be cause for disciplinary action.

(e) Unused sick leave pay. Regular full-time employees who have been employed for at least ten consecutive years shall have paid out to them 50 percent of their accumulated and unused sick leave, up to a maximum of 600 hours (or 0.2885 hours per annual scheduled hours for regular full-time unrepresented firefighter), at the time of their resignation, retirement, or death (at which time such sick leave shall be paid to the employee's beneficiary). Regular part-time employees shall receive such unused sick leave benefit pay on a prorated basis based on the employee's budgeted full-time equivalency. If discharged for cause, unused sick leave pay shall not be allowed.
(f) *Earning additional vacation hours.* Nonexempt, unrepresented regular full-time employees employed by the city as of January 1 of the year in consideration who have used under 20 hours of sick leave annually are eligible to earn the following additional vacation hours:

<table>
<thead>
<tr>
<th>Hours of Sick Leave</th>
<th>Bonus Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 8 hours</td>
<td>0.00 to 8.00</td>
</tr>
<tr>
<td></td>
<td>8.00</td>
</tr>
<tr>
<td>Under 16 hours</td>
<td>8.01 to 16.00</td>
</tr>
<tr>
<td></td>
<td>6.00</td>
</tr>
<tr>
<td>Under 20 hours</td>
<td>16.01 to 20.00</td>
</tr>
<tr>
<td></td>
<td>4.00</td>
</tr>
</tbody>
</table>

Regular part-time employees are eligible to receive additional vacation based on low sick leave usage on a prorated basis to the above schedule based on the employee's budgeted full-time equivalency.

Effective December 25, 2005, regular full-time unrepresented firefighters as of January 1 of the year in consideration who have used under .0096 hours per annual scheduled hours of sick leave annually are eligible to earn the following additional vacation hours.

<table>
<thead>
<tr>
<th>Hours of Sick Leave</th>
<th>Bonus Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under .0038 hours per annual scheduled hours</td>
<td>0.00 to .0038 hours per annual scheduled hours</td>
</tr>
<tr>
<td></td>
<td>.0038 hours per annual scheduled hours</td>
</tr>
<tr>
<td>Under .0077 hours per annual scheduled hours</td>
<td>.0038-.0077 hours per annual scheduled hours</td>
</tr>
<tr>
<td></td>
<td>.0029 hours per annual scheduled hours</td>
</tr>
<tr>
<td>Under .0096 hours per annual scheduled hours</td>
<td>.0077 to .0096 hours per annual scheduled hours</td>
</tr>
<tr>
<td></td>
<td>.0019 hours per annual scheduled hours</td>
</tr>
</tbody>
</table>

**Sec. 2-248. - Leave without pay for employees.**

(a) *Special leaves without compensation include:*

(1) *Personal leave.* Upon the request of an employee, a special leave of absence without pay may be granted by the city administrator, who shall take into consideration good conduct, length of service, the efficiency of the employee, and the general good of the city service. Leaves of absence without pay may only be requested after all vacation leave (and sick leave if for medical purposes) have been exhausted. Such leave of absence shall not exceed a period of 90 days, provided that the same may be extended beyond such period if the leave of absence is for continued disability or other good and sufficient reasons, but in no case shall the personal leave without pay exceed one year except when the employee is disabled for disability incurred while in performance of the employee's duties as an employee of the city.

During the leave period, the employee will not accrue or be able to use accrued vacation, holidays, and sick leave. Employees on special leave without compensation shall have the option of continuing to participate in the city's health, dental, life and disability insurance by agreeing to pay the full premium of said coverage pursuant to procedures established by the finance director, but in no case shall this option exceed 18 months.
(2) Leaves established by Administrative Directive. Eligible employees may be entitled to family and medical leave, parental leave, military leave, or other leaves as established by Administrative Directive of the city.

(2) Family and Medical Leave Act (FMLA). All employees who have worked for the city for a cumulative period of 12 months and have worked at least 1,250 hours for the city during the 12-month period prior to requesting a leave are eligible for up to 12 weeks of family or medical leave per 12-month period for either a birth, adoption or foster care placement of a child; to care for a spouse, parent or child who has a serious health condition; for a serious health condition of the eligible employee, or for "any qualifying exigency" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty status in support of a contingency operation. Spouses employed by the city are entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition. Accrued vacation, personal, and sick leave (for the medical portion of the leave) may be used as a part of the 12-week FMLA leave. An eligible employee who is the spouse, son, daughter, parent or next of kin (closest blood relative) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty, is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This is a one-time 26 week leave provision that does not renew each FMLA year. A medical certification verifying the illness/injury will be required in order for this leave to be used.

A minimum 30-day notice must be given prior to the date on which the leave is to begin. If 30 days cannot be given for unforeseen leave needs, the employee will give as much notice as practicable. Requests for leaves must be in writing and approved by the city administrator.

a. Accrued sick leave may be used as defined in City Code section 2-241(a) sick leave-authorized uses.

b. The city will continue to provide the employee with full benefits when an employee uses sick leave, vacation, or floating holiday(s) during the approved FMLA leave.

c. An employee on FMLA leave who is not using sick leave, vacation, or floating holiday(s) shall not be eligible to accrue any leave benefits during the leave. The city will continue to pay the normal portion of health, dental, life, and disability insurance as if the employee were working. An employee who is on unpaid leave must pay his or her portion of the premium of the said coverage if coverage continuation is desired during the leave, pursuant to procedures established by the finance director.

(3) Parental leave. All regular full-time and part-time employees who do not qualify for FMLA leave, who work an average of 20 hours or more per week and have successfully completed 12 months of employment may be granted a leave of absence from work by the city administrator provided that the employee is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of leave shall be determined by the employee, but may not exceed 12 weeks.

Parental leave time shall begin at the time requested by the employee. The leave may not begin more than 12 months after the birth or adoption. The employee shall notify their supervisor in writing at least 45 days before the expected commencement date of parental leave. The leave shall be unpaid except as follows:
a. Accrued sick leave may be used as defined in City Code section 2-241(a) sick leave-authorized uses.

b. The city will continue to provide the employee with full benefits when an employee uses sick leave, vacation, or floating holiday(s) during the approved leave.

c. Leave without pay for parental purposes shall be considered medical leave only for that portion of the leave which the employee is medically unable to return to work, as certified by a licensed medical doctor.

d. An employee on parental leave who is not using sick leave, vacation, or floating holiday(s) shall not be eligible to receive any benefits during the leave but shall have the option of continuing to participate in the city's health, dental, life, and disability insurance by agreeing to pay the full premium of the said coverage pursuant to procedures established by the finance director, but in no case shall this option exceed 18 months.

(4) Military leave for families. The city will not discharge from employment or take adverse employment action against an employee because an immediate family member is in the military forces of the United States, or this state. Nor will the city discharge from employment or take adverse employment action against an employee because they attend the following kinds of events relating to the military service of an immediate family member. Employees should complete a "Request for Employee Leave" form as soon as practicable, marking the appropriate category, and submit it to their supervisor as soon as practicable. The unpaid leave may not exceed two consecutive calendar days or six days in a calendar year. Employees may substitute paid leave if they choose to do so.

a. Military ceremonies, family training, and reintegration for spouse, parent or child. This leave applies to immediate family members defined as a person's spouse, parent, or child. An employee shall be granted a leave without pay to:

i. Attend departure or return ceremonies for deploying or returning personnel;

ii. Family training or readiness events sponsored or conducted by the military;

iii. Event held as a part of official military reintegration programs.

b. Military ceremonies for extended family members. This leave applies to immediate family members defined as a person's grandparent, legal guardian, sibling, grandchild, fiancé or fiancée, spouse parent or child. An employee whose immediate family member has been ordered to active service in support of a war or other national emergency, shall be granted a leave without pay to attend a send-off or homecoming ceremony for the mobilized service member. Time off is for the actual time necessary for the employee to attend the ceremony, not to exceed one unpaid day in any calendar year. Employees may substitute paid leave if they so choose. The City may deny such leave if the leave would unduly disrupt the operations of the city.

c. Military member injured/killed in active service. This leave applies to immediate family members defined as a person's parent, child, grandparents, siblings, or spouse. An employee shall be granted a leave without pay for up to ten working days for an immediate family member, who as a member of the U.S. Armed Forces, has been injured or killed while engaged in active service. An employee must give as much notice as practicable of their intent to exercise the leave guaranteed above. Employees may substitute paid leave if they choose to do so. This leave will run concurrently with any other applicable leave. For an unpaid absence of up to ten
working days, an employee will accrue leave and the city will pay insurance contributions as if they were still at work.

(b) **Conditions governing all leaves without pay.**

(1) With the return from unpaid leaves, employees shall be entitled to all sick leave and vacation leave accrued prior to the leave which was not used during their absence.

(2) Failure of an employee to request an extension before the expiration of leave shall be considered a voluntary resignation.

(3) An employee granted unpaid leave of absence shall have the right to return to employment in the original job or position of like status and pay unless the employee's position has been discontinued or the employee would have been laid off if such employee had not been on leave. The city administrator shall have the right to place said employee in a position which most efficiently promotes the city welfare.

(4) If an employee had not yet completed his or her probationary period prior to beginning a leave of absence, his or her probationary period shall be extended by the amount of the leave of absence upon return.

(5) An employee returning from a leave is entitled to retain all unused accrued pre-leave benefits of employment and seniority as if there had been no interruption in service.

(6) An employee, by agreement with the city administrator, may return to work part-time during the leave period without forfeiting the right to return to employment at the end of the leave period.

**Section Four. Effective date.**

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 27th day of May, 2020.

________________________________
Anne W. Burt, Mayor

______________________________
Clinton P. Gridley, City Administrator (SEAL)
Final Version

City of Woodbury
Washington County, Minnesota

Ordinance 1982

An Ordinance of the City of Woodbury, Washington County, Minnesota Providing that the City Code be Amended by Amending Chapter 2, Administration, Article V, Personnel; Division 3 Employee Benefits - Section 2-241 Sick Leave; Section 2-248 Leave Without Pay for Employees

Chapter Two Amendment: That Chapter 2 Administration, Article V Personnel Division 3 – Employee Benefits, Section 2-241 Sick Leave; Section 2-248 Leave Without Pay for Employees be amended as follows:

Article V. - Personnel

Division 3. - Employee Benefits

Sec. 2-241. - Sick leave.

(a) Authorized uses. Sick leave is not considered a privilege that an employee can use at will, but sick leave use is authorized for the following reasons:

(1) In case of the employee’s serious health condition covered by the Family and Medical Leave Act (FMLA), personal illness, injury, disability, legal quarantine, to receive medical or dental care, outpatient or inpatient treatment for mental illness, alcoholism or drug addiction, or for participation in the employee assistance program;

(2) To care for the employee's spouse, dependent, child or parents related to any of the reasons identified in paragraph (1);


(4) For the purpose of attending a funeral of immediate family as described in subsection (a)(2) and (a)(3) plus brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, grandparents, grandparents-in-law, and grandchildren/step-grandchildren of the employee. Up to three work days may be used for this purpose per occurrence (hours applied will be prorated based on the employees annual scheduled work hours). If attending the funeral requires out-of-state travel, additional sick leave may be used upon prior approval of the city administrator.

(b) Accrual. Sick leave shall accrue, but shall not be available until after one month of employment. Sick leave shall accrue for regular full-time employees at the rate of 3.70 hours per bi-weekly pay period or as provided for by resolution until 800 sick hours have been accumulated. An employee who accumulated 800 sick hours shall accrue additional sick leave at a rate of 1.85 hours per pay period. Regular part-time employees shall accrue sick leave on a prorated basis based on their budgeted full-time equivalency.
The city administrator may allow reinstated employees their unredeemed sick leave balance that was present upon their resignation.

Employees using earned vacation leave or sick leave shall be considered working for the purpose of accumulating additional sick leave. Workers' compensation benefits shall be credited against the compensation due employees during sick leave.

(c) Eligibility. In order to be eligible for sick leave with pay, employees must:

(1) Notify their superior prior to the time set for the beginning of their normal work day.

(2) Keep their superior informed of their condition if the absence is of more than two days' duration.

(3) Submit doctor's certificates for absences if required by the city administrator or his/her designee.

(d) Use when not eligible. Employees claiming sick leave when physically fit, except as otherwise permitted in this section, shall be cause for disciplinary action.

(e) Unused sick leave pay. Regular full-time employees who have been employed for at least ten consecutive years shall have paid out to them 50 percent of their accumulated and unused sick leave, up to a maximum of 600 hours at the time of their resignation, retirement, or death (at which time such sick leave shall be paid to the employee's beneficiary). Regular part-time employees shall receive such unused sick leave benefit pay on a prorated basis based on the employee's budgeted full-time equivalency. If discharged for cause, unused sick leave pay shall not be allowed.

(f) Earning additional vacation hours. Nonexempt, unrepresented regular full-time employees employed by the city as of January 1 of the year in consideration who have used under 20 hours of sick leave annually are eligible to earn the following additional vacation hours:

<table>
<thead>
<tr>
<th>Hours of Sick Leave</th>
<th>Bonus Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 8 hours</td>
<td>8.00</td>
</tr>
<tr>
<td>Under 16 hours</td>
<td>6.00</td>
</tr>
<tr>
<td>Under 20 hours</td>
<td>4.00</td>
</tr>
</tbody>
</table>

Regular part-time employees are eligible to receive additional vacation based on low sick leave usage on a prorated basis to the above schedule based on the employee's budgeted full-time equivalency.

Sec. 2-248. - Leave without pay for employees.

(a) Special leaves without compensation include:

(1) Personal leave. Upon the request of an employee, a special leave of absence without pay may be granted by the city administrator, who shall take into consideration good conduct, length of service, the efficiency of the employee, and the general good of the city service. Leaves of absence without pay may only be requested after all vacation leave (and sick leave if for medical purposes) have been exhausted. Such leave of absence shall not exceed a period of 90 days,
provided that the same may be extended beyond such period if the leave of absence is for continued disability or other good and sufficient reasons, but in no case shall the personal leave without pay exceed one year except when the employee is disabled for disability incurred while in performance of the employee's duties as an employee of the city.

During the leave period, the employee will not accrue or be able to use accrued vacation, holidays, and sick leave. Employees on special leave without compensation shall have the option of continuing to participate in the city's health, dental, life and disability insurance by agreeing to pay the full premium of said coverage pursuant to procedures established by the finance director, but in no case shall this option exceed 18 months.

(2) *Leaves established by Administrative Directive.* Eligible employees may be entitled to family and medical leave, parental leave, military leave, or other leaves as established by Administrative Directive of the city.

(b) *Conditions governing all leaves without pay.*

(1) With the return from unpaid leaves, employees shall be entitled to all sick leave and vacation leave accrued prior to the leave which was not used during their absence.

(2) Failure of an employee to request an extension before the expiration of leave shall be considered a voluntary resignation.

(3) An employee granted unpaid leave of absence shall have the right to return to employment in the original job or position of like status and pay unless the employee's position has been discontinued or the employee would have been laid off if such employee had not been on leave. The city administrator shall have the right to place said employee in a position which most efficiently promotes the city welfare.

(4) If an employee had not yet completed his or her probationary period prior to beginning a leave of absence, his or her probationary period shall be extended by the amount of the leave of absence upon return.

(5) An employee returning from a leave is entitled to retain all unused accrued pre-leave benefits of employment and seniority as if there had been no interruption in service.

(6) An employee, by agreement with the city administrator, may return to work part-time during the leave period without forfeiting the right to return to employment at the end of the leave period.

**Section Four. Effective date.**

This ordinance shall be in full force and effect following its passage and publication according to law.

Passed and adopted by the City Council of Woodbury, Washington County, Minnesota, this 27th day of May, 2020.

________________________________________
Anne W. Burt, Mayor

______________________________  (SEAL)
Clinton P. Gridley, City Administrator
Eligibility

To qualify to take FMLA leave under this policy, an employee must meet all the following conditions:

- Have worked for the City for twelve (12) months (or 52 weeks) prior to the date the leave is to commence. The twelve (12) months or 52 weeks need not have been consecutive; however, the City will not consider any service seven years prior to the employee’s most recent hire date.
- Have worked at least 1,250 hours during the twelve (12) month period prior to the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.

Types of Leave Covered by FMLA

Leave will be granted to all eligible employees for any of the following reasons:

- The birth of a child, including prenatal care, or placement of a child with the employee for adoption or foster care:
- To care for a spouse, child, or parent, who has a serious health condition;
- Due to a serious health condition that makes an employee unable to perform the essential functions of the position;
- A covered military member’s active duty or call to duty or to care for a covered military member (Military Caregiver and Qualified Exigency Leave) (described below).

Definitions

- “Spouse” does not include domestic partners or common-law spouses.
- “Caring for” a covered family member includes psychological as well as physical care. It also includes acquiring care and sharing care duties. An eligible “child,” with some exceptions, is under 18 years of age.
- "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:
  - Hospital Care: Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
  - Absence Plus Treatment: A period of incapacity requiring absence of more than three consecutive calendar days that also involves continuing treatment by or under the supervision of a health care provider;
- Pregnancy: Any period of incapacity due to pregnancy, prenatal medical care; or child birth;
Chronic Conditions Requiring Treatments: Any incapacity for a chronic condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity.

Permanent/Long-Term Conditions Requiring Supervision Multiple Treatments: Any period of absences to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

Length and Amount of Leave

The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The leave year is calculated based on a looking forward basis.

The entitlement to FMLA leave for the birth or placement of a child or adoption expires twelve (12) months after the birth or placement of that child.

When both spouses are employees of the City and wish to take leave to care for a newborn or newly placed adopted or foster child or a seriously ill parent, the combined amount of leave that may be taken is limited to twelve (12) work weeks. This limitation does not apply to leave taken by an employee because of the employee's own serious health condition. Also, if leave is needed to care for a seriously ill spouse or child, a spouse and spouse employed by the City may each take up to twelve (12) work weeks of leave.

How Leave may be Taken

FMLA leave may be taken for twelve (12) or less consecutive weeks, may be used intermittently (a day periodically when needed), or may be used to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) workweeks.

Intermittent leave may be taken when medically necessary for the employee’s serious health condition or to care for a seriously ill family member. Intermittent leave must be documented in the medical certification form as medically necessary.

If an employee is taking intermittent leave or leave on a reduced schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as to not disrupt the City’s business.

In instances when intermittent or reduced schedule leave for the employee or employee’s family member is foreseeable or is for planned medical treatment, including recovery from a serious health condition, the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

Intermittent/reduced scheduled leave may be taken to care for a newborn or newly placed adopted or foster care child only with the City’s approval.
Procedure for Requesting Leave and Notice

All employees requesting FMLA leave must provide written or verbal notice of the need for the leave to the Human Resources Division. When the leave is foreseeable, the employee must give verbal or written notice to his/her supervisor at least 30 days prior to the date on which leave is to begin.

If 30 days’ notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures.

If an employee fails to give thirty (30) days’ notice for a foreseeable leave with no reasonable explanation for the delay, the leave may be denied until thirty (30) days after the employee provides notice.

The City requires an employee on FMLA leave to report periodically on the employee’s status and intent to return to work.

Certification and Documentation Requirements

For leave due to an employee’s serious health condition or that of an employee’s family member, the City will require the completion of a Medical Certification form by the attending physician or practitioner. The form must be submitted by the employee to the Human Resources Division within fifteen (15) calendar days after leave is requested. If the form is not submitted in a timely fashion, the employee must provide a reasonable explanation for the delay. Failure to provide medical certification may result in a denial or delay of the leave.

The City may require an employee obtain a second opinion from a provider which the City selects. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. This third opinion will be considered final. An employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

When leave is due to an employee’s own serious health condition, a fitness for duty certification (FFD) will be required before an employee can return to work. Failure to timely provide such certification may eliminate or delay an employee’s right to reinstatement under the FMLA.

If an employee is using intermittent leave and reasonable safety concerns exist regarding the employee’s ability to perform his or her duties, a FFD certificate may be required as frequently as every 30 days during periods when the employee has used intermittent leave.

Recertification of leave may be required if the employee requests an extension of the original length approved by the City or if the circumstances regarding the leave have changed. Recertification may also be required if there is a question as to the validity of the certification or if the employee is unable to return to work due to the serious health condition.

Annual Medical Certification and Recertification

Where the employee's need for leave due to the employee's own serious health condition lasts beyond a single leave year, the City will require employees to provide a new medical certification in each subsequent leave year. Such new medical certifications are subject to the provisions for authentication and clarification and second and third opinions.
Reinstatement

Employees returning from Family and Medical Leave will be reinstated in the same position or a position equivalent in pay, benefits, and other terms and conditions of employment. An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Group Health Insurance and Other Benefits, Concurrent Leave and Substitution of Paid Leave

An employee granted leave under this policy will continue to be covered under the City's group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee’s portion of premiums must be made by the employee with the City.

If there are changes in the City’s contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job.

Rights to additional continued benefits will depend on whether leave is paid or unpaid.

Any paid disability leave benefits (Short Term Disability or Long Term Disability), sick leave, vacation leave, personal leave or compensatory time off available to employees for a covered reason (birth or adoption, an employee’s serious health condition or a covered family member’s serious health condition, including worker’s compensation leave and Minnesota State Parenting Leave) will run concurrently with FMLA.

Failure to Return to Work after FMLA

Under certain circumstances, if the employee does not return to work at the end of the FMLA leave for at least 30 calendar days, the City may require the employee to repay the portion of the monthly cost paid by the City for group health plan benefits. The City may also require the employee to repay any amounts the City paid on the employee’s behalf to maintain benefits other than group health plan benefits.

If an employee does not return to work following twelve (12) weeks of FMLA leave, the employee may be subject to COBRA continuation.

If the employee fails to pay the City a portion of the premiums for which he or she is responsible during the FMLA leave and the employee fails to return to work, coverage may end. Loss of coverage for failure to pay premiums is not a qualifying event for purposes of continuation coverage under COBRA.

If the employee does not return from the FMLA leave and coverage ended sometime during the FMLA leave due to lack of payment, there is no COBRA election available. For COBRA to apply, the employee must have been covered on the day before the qualifying event. In this situation, the qualifying event would occur at the time the employee did not return from the leave.
Activities prohibited during FMLA

While on leave, an employee may not engage in activities (including employment) which have the same or similar requirements and essential functions of an employee’s current position.

While on leave, an employee may not engage in any activity that conflicts with the best interests of the City. Such conduct will result in disciplinary action up to and including termination of employment.

FMLA – Qualified Exigency and Military Caregiver Leave

Qualified Exigency

Eligible employees (described above) whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member’s call-up or service.

The qualifying exigency must be one of the following: (1) short-notice deployment; (2) military events and activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; or (9) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Military Caregiver Leave

An employee eligible for FMLA leave (described above) who is the spouse, son, daughter, parent, or next of kin of a covered servicemember may take up to 26 weeks in a single twelve (12)-month period to care for that servicemember.

The family member must be a current member of the Armed Forces (including a member of the National Guard or Reserves), who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise is on outpatient status or on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, or members on the permanent disability retired list.

Definitions

- A “son or daughter of a covered servicemember” means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

- A “parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

- The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or
statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin.

- **“Covered active duty”** means:
  o “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
  o “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of Title 10 of the United States Code.

- **“Covered servicemember”** means:
  o An Armed Forces member (including the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy or otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness”; or
  o A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

- **“Serious injury or illness”** means:
  o In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
  o In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

**Amount of Leave – Qualified Exigency**

An eligible employee can take up to twelve (12) weeks of leave for a qualified exigency.

**Amount of Leave – Military Caregiver**

An eligible employee taking military caregiver leave is entitled to 26 workweeks of leave during a “single twelve (12)-month period.” The “single twelve (12)-month period” begins on the first day the eligible
employee takes FMLA leave to care for a covered servicemember and ends twelve (12) months after that
date.

Leave taken for any FMLA reason counts towards the 26-week entitlement. If an employee does not
take all 26 workweeks of leave to care for a covered servicemember during this “single twelve (12)-
month period,” the remaining part of the 26 workweeks of leave entitlement to care for the covered
servicemember is forfeited. 29 C.F.R. § 825.12(e)(1) (2017).

Certification of Qualifying Exigency for Military Family Leave

The City will require certification of the qualifying exigency for military family leave. The employee
must respond to such a request within 15 days of the request or provide a reasonable explanation for the
delay. Failure to provide certification may result in a denial of continuation of leave. This certification
will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family
Leave

The City will require certification for the serious injury or illness of the covered servicemember. The
employee must respond to such a request within 15 days of the request or provide a reasonable
explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered
Servicemember.

All other provisions of the FMLA policy, including Use of Paid Leave, Employee Status and Benefits
during Leave, Procedure for Requesting Leave, and Benefits during Leave and Reinstatement, are
outlined above in the FMLA policy.
All regular full-time and part-time employees who do not qualify for FMLA leave, who work an average of 20 hours or more per week and have successfully completed 12 months of employment may take up to twelve weeks of unpaid leave in conjunction with the birth or adoption of a child, or a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions. The length of leave shall be determined by the employee, but may not exceed 12 weeks.

Minnesota Parenting Leave time shall begin at the time requested by the employee. The leave may not begin more than 12 months after the birth or adoption.

All employees requesting Minnesota Parenting Leave must provide written or verbal notice of the need for the leave to the Human Resources Division. When the leave is foreseeable, the employee must give verbal or written notice to his/her supervisor at least 30 days prior to the date on which leave is to begin.

If 30 days’ notice cannot be given, the employee is required to give as much notice as practicable, including following required call-in procedures. The City requires an employee on Minnesota Parenting Leave to report periodically on the employee’s status and intent to return to work.

The leave shall be unpaid except as follows:

a. Any paid disability leave benefits (Short Term Disability or Long Term Disability), sick leave, vacation leave, personal leave or compensatory time off available to employees for a covered reason.

b. An employee granted leave under this policy will continue to be covered under the City’s group health and dental insurance plan under the same conditions and at the same level of City contribution as would have been provided had the employee been continuously employed during the leave period. The employee will be required to continue payment of the employee portion of group insurance coverage while on leave. Arrangements for payment of the employee’s portion of premiums must be made by the employee with the City.

If there are changes in the City’s contribution levels while the employee is on leave, those changes will take place as if the employee were still on the job. Rights to additional continued benefits will depend on whether leave is paid or unpaid.
Council Letter 20-143

May 27, 2020

To: The Honorable Mayor and Members of the City Council

From: Clinton P. Gridley, City Administrator

Subject: Authorization of Regulatory Flexibility to Support Local Businesses

Summary

In order to support the continued viability of local businesses, maximize the number of customers allowed to access restaurants in light of the State’s operating restrictions, and to exercise the creativity encouraged by the Governor’s office, the attached resolution proposes regulatory flexibility related to liquor licenses and license agreements for encroachment into public property.

Recommendation

Staff recommends Council adopt the attached resolution authorizing regulatory flexibility to support local businesses.

Fiscal Implications

There are no anticipated public expenditures.

Policy

Woodbury City Code Chapter 4 – Alcoholic Beverages

Public Process

This is the first public process for this item.

Background

On May 20, 2020, Governor Walz issued an executive order which outlines the safety requirements for the opening of restaurants. Under the order, businesses are required to have a plan in place to safely reopen to the public that reflects social distancing requirements and complies with limits imposed on the number of customers that may be served at one time in outdoor settings only. It is anticipated that businesses will need to add additional outdoor dining spaces to accommodate customers while complying with the executive orders.
If a restaurant does not currently have an outdoor dining area, their liquor license must be amended to include a provision authorizing exterior consumption of alcohol. State law also requires appropriate insurance be provided. Historically the City Council would review applications for amendments to liquor licenses to include outdoor consumption, and the attached resolution would temporarily authorize City staff to administratively approve requested amendments.

The proposed resolution further authorizes the use of right-of-way or other public lands for expansion of patio seating following execution of a license agreement with the City. Again, historically the license agreements have been reviewed by the City Council and the proposed resolution would temporarily authorize staff to administratively execute the necessary agreements.

Written By: Eric Searles, City Planner
Approved Through: Janelle Schmitz, Community Development Director
Attachment: Resolution
WHEREAS, the President of the United States and the Governor of the State of
Minnesota have declared states of emergency as a result of the spread of COVID-19; and

WHEREAS, on March 25, 2020, the Mayor of the City of Woodbury issued a
declaration of local emergency; and

WHEREAS, the City Council recognizes this emergency has had a devastating
effect on local businesses required to close pursuant to the Governor’s orders, particularly
restaurants and other businesses that were the last to be allowed to reopen; and

WHEREAS, businesses are required to have a plan in place to safely reopen to the
public that reflects social distancing requirements and complies with limits imposed on the
number of customers that may be served at one time; and

WHEREAS, the Governor’s office has encouraged local governments to be
creative in working with businesses as they reopen, particularly restaurants who are initially
limited to outdoor service only; and

WHEREAS, in order to support the continued viability of local businesses,
maximize the number of customers allowed to access businesses in light of the state’s operating
restrictions, and to exercise the creativity encouraged by the Governor’s office, the City Council
determines it is in the best interest of the City to allow the granting of regulatory flexibility as
part of an approved plan submitted by each business seeking such flexibility; and

WHEREAS, it is not practical under the circumstances of this emergency to
require businesses to pursue what can be a several-month process to seek amendments and
other approvals to obtain the flexibility they need now to safely reopen their businesses; and

WHEREAS, delegating authority to the City Administrator, or designee, to grant
flexibility to local regulations as part of a plan a business submits to the City Administrator, or
designee, for approval is the only workable solution for expeditiously providing the assistance
local businesses need as they start to reopen and put their employees back to work.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
Woodbury, Washington County, Minnesota, as follows:

1. The City Administrator, or designee, is hereby delegated the authority to
grant, on behalf of the City, flexibility in City regulations as part of a plan a business submits to the City Administrator, or designee, for approval is the only workable solution for expeditiously providing the assistance local businesses need as they start to reopen and put their employees back to work.
2. For the purposes of this Resolution, the “regulatory flexibility” the City Administrator, or designee, is authorized to grant includes, but is not limited to, the following:

(a) Allow the expansion of the licensed “premises” of a business holding an on-sale liquor license to allow the service and consumption of alcohol in an expanded area identified in the approved plan;

(b) Allow a business to use adjacent City property for customer seating or for other similar uses upon entering into a license agreement with the City; and

(c) Such other flexibility in the City’s regulations and the enforcement of those regulations as the City Administrator, or designee, determines is appropriate under the particular circumstances of the business to reasonably allow it to conduct its business in a manner that maximizes its operations while complying with its plan, the Governor’s emergency orders, and applicable guidelines.

3. The City Administrator, or designee, has the discretion to deny any request for regulatory flexibility. If approved, the City Administrator, or designee, shall place such conditions on the approval as the City Administrator, or designee, determines are reasonable under the circumstances. The City Administrator, or designee, is authorized to issue written approvals of regulatory flexibility to execute license agreements on the City’s behalf. The City Administrator, or designee, may immediately repeal any approved regulatory flexibility if the City Administrator, or designee, determines the business violated the scope of the regulatory flexibility, any conditions placed on the granted flexibility, or the expanded business operations interfere with public safety or unreasonably obstructs the use of public property.

4. The regulatory flexibility allowed under this Resolution is intended to temporarily allow a business to overcome local regulatory hurdles that interfere with its efforts to implement its plans to reopen and operate in accordance with social distancing and other federal and state safety requirements. This Resolution, and regulatory flexibility granted hereunder, does not exempt a business from:

(a) Complying with all applicable federal and state laws, rules, regulations, and emergency orders;

(b) Fully implementing its COVID-19 Preparedness Plan;

(c) Complying with local regulations not directly related to the regulatory flexibility granted in the plan approved by the City Administrator, or designee; or
(d) Immediately returning to full compliance with all applicable local regulations upon the expiration or termination of the regulatory flexibility.

5. The authority delegated herein to the City Administrator, or designee, shall take effect immediately and shall continue through October 31, 2020.

6. Such approvals granted pursuant to this Resolution shall expire upon a date to be determined by the City Council as it reviews and responds further to the local emergency declaration.

7. The City Administrator, or designee, shall submit one or more reports to the City Council identifying the businesses granted regulatory flexibility and the types of flexibility granted, including whether the business entered into a license agreement with the City to utilize City property.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this 27th day of May, 2020.

Attest: 

Anne W. Burt, Mayor

Clinton P. Gridley, City Administrator (SEAL)
Community Development

Significant projects: April 2020

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Commercial</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Water Treatment Facility</td>
<td>1981 Tower Drive</td>
<td>$5,267,000</td>
</tr>
<tr>
<td>Aspire Apartments</td>
<td>9000 City Place Boulevard</td>
<td>$34,911,000</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$40,178,000</strong></td>
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<tr>
<td><strong>Commercial Additions/Alterations with Permit Value above $100,000</strong></td>
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<td></td>
</tr>
<tr>
<td>Secoya Health Clinic</td>
<td>7650 Currell Boulevard, Suite 330</td>
<td>$185,000</td>
</tr>
<tr>
<td>Beyond Apartments</td>
<td>445 Karen Drive</td>
<td>$1,250,000</td>
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<td>Cobble Hill Apartments</td>
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<td>$1,250,000</td>
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<tr>
<td>Preserve Townhomes</td>
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<td>Preserve Townhomes</td>
<td>7270 Guider Drive</td>
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<tr>
<td>Globe University Building</td>
<td>8089 Globe Drive</td>
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</tr>
<tr>
<td>Woodbury High School</td>
<td>2665 Woodlane Drive</td>
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<td><strong>Total Commercial Additions/Alterations</strong></td>
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<td><strong>New Businesses</strong></td>
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<tr>
<td>Razor Financial</td>
<td>8425 Seasons Parkway, Suite 106</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Parks and Recreation

Recreation amenities and programs set target opening date
Athletic fields, park buildings and shelters will be opening June 1, following social distancing guidelines provided by the Minnesota Department of Health. Select recreation programs that can adhere to social distancing guidelines or take place online will be offered in June.

Bike playground opening next month
The final trail features at the bike playground at Carver Lake Park are scheduled to be installed the last week of May. The new feature will open the first part of June.

Public Safety

K9 Unit mourning Cadet Buster; welcoming K9 Ruby
The Woodbury K9 Unit has gone through highs and lows this past month. K9 Cadet Buster passed away April 24 after experiencing an acute case of bloat. This loss hit the department and the Woodbury K9 Fund hard, especially his handler, Officer James Stoffel, who had worked with Buster since he was donated by the Fund at 10 months old. This was a loss felt throughout the community as many people have been following the exploits of the K9 cadets since they were introduced. The outpouring of support and sympathy on social media was tremendous.
Less than two weeks after the loss of Buster, the department was excited to welcome K9 Officer Ruby, a 22 month-old Dutch Shepherd, when she joined her partner, Officer Stoffel in early May. The Woodbury Police K9 Fund presented her to the department with the help of a generous donation from the Dr. Jack and Mary Bert Foundation, who chose her name. The Woodbury Police K9 Fund is also covering the emergency veterinary costs that came from K9 Buster’s unexpected illness. The department is so grateful for the generosity of the Fund and our community. Social media again allowed the community to rally with warm welcome wishes for Ruby.

Public Works

Due to budget issues, seasonal labor shortage and a possible watering ban, the Public Works Expansion Project landscaping plan is a little non-traditional. Here are the highlights:

- Volunteer vegetation has been sprayed as part of seed and grading prep.
- The grading contractor is returning to the site to finish pond work and grading.
- The South Washington Watershed District is making some changes in the landscaping plan for snow storage and maintenance issues.
- The goals for spring include erosion control, create a finished look from the adjacent roadway, and start establishing screening. Specific items include:
  - Majority of the seeding will be completed and blanketed where needed.
  - Bed areas will be prepped; a few beds will be planted where there are erosion concerns.
  - Some of the trees will be planted; we are also looking for areas where we can add more.
  - A second round of planting, including native plug, will be done this fall when weather conditions are more favorable.
- The goal is to finish spring work by the end of June.

Upcoming Meetings

Preliminary Public Hearings Scheduled for June 10:

No items scheduled.

Other Meetings:

1. Parks and Natural Resources Commission, June 2, 7 p.m., Council Chambers

Respectfully submitted,

Clinton P. Gridley
City Administrator