

**Minutes**  
**Woodbury City Council**  
**Wednesday, June 10, 2020**

Pursuant to the due call and notice thereof, a regular meeting was duly held virtually and at the Woodbury City Hall, 8301 Valley Creek Road, due to COVID-19, on the 10<sup>th</sup> day of June 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 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](mailto:council@woodburymn.gov) or call 651-714-3524 and leaving a voicemail message.

**Pledge of the Flag**

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

**Roll Call**

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

Others Present: Kimberlee K. Blaeser, City Clerk; Clinton Gridley, City Administrator; Mary Tietjen, City Attorney; Janelle Schmitz, Community Development Director; Robert James, Information and Communications Technology Director; and Chris Hartzell, Engineering Director.

**Special Order of Business**

**A. Acknowledge and Thank You to Woodbury Police K9 Fund for their Donations of Medical Expenses and K9 Ruby and the Training of her Handler, Officer James Stoffel**

Mayor Burt welcomed Sergeant Natalie Bauer, Donna Stafford and Officer James Stoffel.

Sergeant Bauer read a letter acknowledging the donation made by the Woodbury Police K9 Fund and thanking them.

Ms. Stafford was grateful to be able to provide this benefit for the community. She recognized Officer Stoffel for the loss of Buster, but was thankful he was able to quickly acquire Ruby and continue training because of the K9 Fund.

Mayor Burt asked how old Ruby was and what training she had previously. Officer Stoffer said she would be 2 years old on June 28<sup>th</sup>. They were hitting an accelerated course and were projected to graduate on time. He said she was very quick and very smart. He was grateful to the City, the Police Department and the K9 Fund. He said he was grateful for his time with Buster, but also the ability to move forward with Ruby. Ruby is a Dutch Shepherd and a cousin of Buster.

City Administrator Clinton Gridley asked when Ruby would be certified and active. Officer Stoffel answered June 21<sup>st</sup> is certification week.

**Open Forum**

The Open Forum is a portion of the Council meeting where a maximum of three persons will be allowed to address the Council on subjects which are not a part of the meeting agenda. Persons wishing to speak must complete a sign-up sheet prior to the start of the meeting 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.

Mayor Burt shared that many comments were received concerning the privately owned compost site that was closing. She explained that Washington County is the governing body to address the issue. She said the County met today and would provide more information soon.

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City Clerk Kimberlee Blaeser read a comment from Mike Borgen, 10184 Powers Lake Point. He said there were families including mothers, fathers, daughters and sons begging for money, otherwise known as panhandling, by MGM Liquors and the Taproom Restaurant. The police cannot arrest them or ask them to leave if they are not on private property and the panhandlers had figured this out. He asked for a response tonight from each Councilmember with decision as to whether to pass a law banning the activity. He followed-up to say they were not families. They were scam artists. The children are unsupervised and near heavy traffic.

Mayor Burt said she had heard this concern from other residents; however, as she mentioned previously someone from staff would address the concern during the following 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 – May 27, 2020

Item B Approval of Council Minutes – City Council Special Emergency Meeting – May 30, 2020

Item C To adopt the following resolution

**Resolution 20-116**

**Resolution of the City of Woodbury, Washington County, Minnesota authorizing amendments to 2019 and 2020 Annual Action Plans.**

Item D To approve the City Place 7<sup>th</sup> Addition, Final Plat, Project No. 04-2020-00392 subject to the conditions as outlined in Council Letter 20-146.

1. The original Planned Unit Development and Conditional Use Permit remains in full force and effect.
2. Prior to the release of the Final Plat, all permanent easements and rights-of-way (R-O-W) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost.
3. The Applicant 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. Prior to the release of the Final Plat, the Applicant shall provide a restrictive covenant for recording, requiring Outlot A to be combined or sold with Outlot B of City Place 4<sup>th</sup> Addition.

Item E To adopt the following resolution

**Resolution 20-117**

**Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of Coordinated Capital Improvement Program (CCIP) Grant for up to \$100,000 from South Washington Watershed District to the City of Woodbury and approving a budget amendment.**

Item F To adopt the following resolution

**Resolution 20-118**

**Resolution of the City of Woodbury, Washington County, Minnesota approving the agreement for the 2020 Vegetation Management Project to Applied Ecological Services, Inc., in the amount of \$156,941.23 and Authorizing the Mayor and City Administrator to sign said agreement.**

Item G To adopt the following resolution

**Resolution 20-119**

**Resolution of the City of Woodbury, Washington County, Minnesota awarding the construction contract for the CSAH 19 & Local Roads Capacity and Safety Landscaping Project to Peterson Companies in the amount of \$235,861.22 and authorizing the Mayor and City Administrator to sign said contract.**

Item H To adopt the following resolution

**Resolution 20-120**

**Resolution of the City of Woodbury, Washington County, Minnesota accepting grant funds from Washington County for the 2020 Municipal Recycling Grant and approving a budget amendment for Municipal Recycling Grant Distribution.**

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- Item I To adopt the following resolution **Resolution 20-121**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing the use of Central District Trunk Storm Sewer Funds in 2020 for the South of Dale Master Plan Regional Stormwater Study.**
- Item J To adopt the following resolution **Resolution 20-122**  
**Resolution of the City of Woodbury, Washington County, Minnesota approving the Spinnaker Cove Clubhome Association Non-Exclusive License Agreement for Maintaining Turf on City Property.**
- Item K To adopt the following resolution **Resolution 20-123**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing acceptance of the Best Management Practice Cost Share Program Grant from Ramsey-Washington Metro Watershed District to the City of Woodbury in the amount of \$50,000 and approving a budget amendment.**
- Item L To adopt the following resolution **Resolution 20-124**  
**Resolution of the City of Woodbury, Washington County, Minnesota approving the purchase of one replacement mower 11' Toro 4000-D from MTI Distributing Company for an amount not to exceed \$60,074 through the State of Minnesota Cooperative Purchasing Venture, 2020 budget amendment and total expenditure amount not to exceed \$60,500.**
- Item M 1. To adopt the following resolution **Resolution 20-125**  
**Resolution of the City of Woodbury, Washington County, Minnesota awarding the contract for the 2020 Parks Pavement Project with a net bid of \$344,950.00 and authorizing the Mayor and City Administrator to sign said contract; and**
2. To adopt the following resolution **Resolution 20-126**  
**Resolution of the City of Woodbury, Washington County, Minnesota approving the amendment to the 2020 Budget for the Parks Pavement Maintenance Project North Bluffs Trail Addition.**
- Item N To adopt the following resolution **Resolution 20-127**  
**Resolution of the City of Woodbury, Washington County, Minnesota authorizing the acceptance of K9 Ruby and the additional financial gifts from Woodbury Police K9 Fund.**
- Item O 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 22, 2020 in the amount of \$3,489,279.43 and May 29, 2020 in the amount of \$315,278.63.

Councilmember Scoggins moved, seconded by Councilmember Date, 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. Amended Ordinance, Chapter 24 – Zoning, Article II – Administration and Enforcement, Division 5 – Interim and Temporary Use Permits, Section 24-46 – Temporary Outdoor Events, Project No. 2020-00411**

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

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Ms. Schmitz explained the City of Woodbury is proposing an amendment to Chapter 24 Article II Division 5 Section 24-46 Temporary Outdoor Events. The amendment would give the Zoning Administrator the authority to extend permits during declared local, state or national emergencies. The Executive Order effective June 1, 2020 took Minnesota to Phase II of the Stay Safe MN plan. It allowed outdoor service at bars, restaurants, coffee shops, breweries, and the like. All of the establishments were required to ensure the number of customers at any one time is limited to the number for whom physical distancing of six feet can be maintained between tables, not to exceed 50 people. Since then a new Executive Order effective June 10, 2020 had moved Minnesota to Phase III. The new Order allows both outdoor and indoor service at bars, restaurants, coffee shops, breweries, and the like. All of the establishments must still ensure the number of customers is limited to the number for whom physical distancing of six feet can be maintained between tables, not to exceed 50% occupancy. The purpose of the Ordinance Amendment is because the City anticipates that businesses will need to add additional outdoor dining spaces to accommodate customers while complying with both executive orders. The existing Ordinance language has effectively provided businesses the ability to hold special outdoor events to celebrate holidays. As the business needs of the community have changed due to the Governor's Order, the proposed Ordinance would allow the Zoning Administrator the ability to extend permits for temporary outdoor events beyond ten business days during declared local, state or national emergencies. Some of the things to be aware of for temporary outdoor events include that a permit is required, adequate parking and circulation for vehicles and pedestrians must be maintained, and there will be a review of compact and contiguous requirements for all outdoor spaces serving alcohol.

Ms. Schmitz said the Planning Commission reviewed the proposed ordinance amendment on June 8<sup>th</sup> and unanimously recommended approval. She also shared the City had created a letter with information for businesses. It could be found on the City's website.

Councilmember Scoggins moved, seconded by Councilmember Santini, to close the public hearing.

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

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

Councilmember Scoggins was in support of the ordinance amendment. She was glad the City was trying to be flexible and thanked staff.

Mayor Burt asked staff to clarify how long the extension would last. Ms. Schmitz said the permits would have a clause stating it was tied to the Executive Order that limited indoor seating.

Councilmember Santini asked if the businesses would have adequate notification and time to scale back. Ms. Schmitz said yes, the City had compiled a list and would reach out to the businesses to ensure they had adequate time.

Councilmember Morris was concerned about businesses after the Executive Order went away. He said businesses may need to change their business model. He suggested the change may need to be permanent. City Administrator Clinton Gridley said if the Executive Order went away then the restrictions would go away so the businesses could return to business as usual. However, the reality is that businesses may have to adjust. He also mentioned that staff was thinking about the maximum occupancy requirements and whether to respond to complaints or to proactively enforce it.

Councilmember Scoggins moved, seconded by Councilmember Date, to adopt the amendment to Chapter 24 – Zoning, Article II – Administration and Enforcement, Division 5 – Interim and Temporary Use Permits, Section 24-46 – Temporary outdoor events.

**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**

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

**Planning Commission Meeting, June 15, 2020**

1. Spencil Hill, Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat, Project No. 01-2020-00407
2. Kindercare (at Heartland Dental), Amended Planned Unit Development, Site and Building Plan, Project No. 29-2020-00405
3. Commerce Hill Retail, Site and Building Plan, Preliminary Plat, Project No. 03-2020-00399

**City Council Workshop, June 17, 2020**

1. Tour of Temporary Water Treatment Plant
2. Early 2020 Budget Review
3. Valley Creek Master Plan
4. Woodbury Market Update

**City Council Meeting, June 24, 2020**

1. Spencil Hill, Rezoning, Planned Unit Development, Conditional Use Permit, Preliminary Plat, Project No. 01-2020-00407
2. Kindercare (at Heartland Dental), Amended Planned Unit Development, Site and Building Plan, Project No. 29-2020-00405

**Other Meetings**

1. Economic Development Commission, June 23, 7:30 a.m. (meeting will be held virtually on the Microsoft Teams platform)

**Adjournment**

Mayor Burt moved, seconded by Councilmember Date, to adjourn the meeting at 8:07 p.m.

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

Respectfully submitted,

*Kimberlee K. Blaeser*

Kimberlee K. Blaeser, City Clerk

Approved by the Woodbury City Council on June 24, 2020