

## Maple Grove City Council

### Meeting minutes

August 7, 2023

#### Call to order

Pursuant to call and notice thereof, a regular meeting of the Maple Grove City Council was held at 7:30 p.m. on August 7, 2023 at the Maple Grove Government Center/Public Safety Facility, Hennepin County, Minnesota. Members present were Mayor Mark Steffenson and Councilmembers Judy Hanson, Kristy Barnett, Kristy Janigo and Rachelle Johnson. Absent was none. Present also were Heidi Nelson, City Administrator; Joe Hogeboom, Community and Economic Development Director; - ; Ken Ashfeld, Public Works Director/City Engineer; and Justin Templin, City Attorney.

Mayor Steffenson called the meeting to order at 7:30 p.m. and led the city in the Pledge of Allegiance.

#### Additions or deletions to the agenda

Mayor Steffenson asked if there were any additions and/or deletions to the consent agenda to which Heidi Nelson stated the following:

##### Item amended to the agenda

None

##### Item amended to the consent agenda

None

##### Item added to the agenda

None

##### Item removed from the consent agenda

3F. Arbor Lakes Gateway Project No. 23-14 Establish project, approve feasibility report, order public hearing Resolution No. 23-122

#### Consent items

The following consent items were presented for Council's approval:

## **MINUTES**

- A. Regular meeting – July 17, 2023

## **HUMAN RESOURCES ITEMS**

- B. Appointment of assistant city prosecutor

Motion to approve the appointment of Marquelle Theis to the position of assistant city prosecutor in the Administration Department at an annual salary of \$125,109.92, subject to a twelve-month probationary period. Pending the successful completion of all pre-employment requirements and screenings.

- C. Recruitment approval for mechanic

Motion to authorize staff to begin the recruitment process for the mechanic position in the Public Works Department due to the resignation of Gary Peterson, which was accepted with an effective date of July 28, 2023.

- D. Recruitment approval for police officer

Motion to authorize staff to begin the recruitment process for the vacant police officer positions in the Police Department due to the resignations of Officers Flavio Becerra and Bobby Johnson.

## **COMMUNITY & ECONOMIC DEVELOPMENT ITEMS**

- E. Experience Maple Grove board appointment

Motion to appoint Joe Amerman, Economic Development Manager, to the Experience Maple Grove board of directors.

## **ENGINEERING ITEMS**

- F. Arbor Lakes Gateway Project No. 23-14 Establish project, approve feasibility report, order public hearing Resolution No. 23-122

This item was removed from the consent agenda.

- G. Highway 610 Extension - Rush Creek Boulevard - Project No. 19-24 Authorize advertisement for bid Resolution No. 23-121

Motion to adopt Resolution No. 23-121 authorizing advertisement for bids subject to final MnDOT authorizations.

- H. Minnesota Science and Technology Center Project No. 23-18 Establish project, approve feasibility report, order public hearing Resolution No. 23-123

Motion to adopt Resolution No. 23-123 establishing Minnesota Science and Technology Center Project No. 23-18, ordering feasibility report, receiving and approving feasibility report, and ordering public hearing.

- I. No parking zones 90th Avenue, 91st Avenue, and Weston Lane Resolution No. 23-120

Motion to adopt Resolution No. 23-120 designating no parking zones along the south side of 90th Avenue west of Zachary Lane, the north side of 91st Avenue between Zachary and Cottonwood Lane, and on both sides of Weston Lane northeast of 89th Avenue within the cul-de-sac bulb and within 100 feet of the cul-de-sac bulb.

- J. Ordinance amendment allowing managed natural landscapes Ordinance No. 23-15

Motion to adopt Ordinance No. 23-15 amending Maple Grove City Code Section 14-127 to conform with state law regarding weed and grass elimination and manage natural landscapes.

Motion to adopt Summary Ordinance No. 23-15 to reduce publication costs.

- K. Sureties - 08-07-23

Motion to approve the surety actions.

## **ADMINISTRATIVE ITEMS**

L. 2023 Fee Schedule amendment - Ordinance No. 23-12

Motion to approve Ordinance No. 23-12 amending the 2023 Fee Schedule.

Motion to authorize the publication of the Ordinance Summary of Ordinance No. 23-12.

M. Accept 2022 annual comprehensive financial report

Motion to accept the 2022 annual comprehensive financial report.

N. Findings of fact on Apple Minnesota LLC dba Applebees - Resolution No. 23-116

Motion to adopt Resolution No. 23-116 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Apple Minnesota LLC dba Applebee's, 14400 Weaver Lake Road, Maple Grove, Minnesota.

O. Findings of fact on Frank Maple LLC dba Rusty Taco - Resolution No. 23-119

Motion to adopt Resolution No. 23-119 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Frank Maple LLC dba Rusty Taco, 6346 Vinewood Lane N, Maple Grove, Minnesota.

P. Findings of fact on Portillos Hot Dogs, LLC dba Portillos - Resolution No. 23-117

Motion to adopt Resolution No. 23-117 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a five (5) day suspension on Portillo's Hot Dogs, LLC dba Portillo's, 12251 Elm Creek Blvd N, Maple Grove, Minnesota.

Q. Findings of fact on Saboroso Inc. dba Rodizio Grill -

Resolution No. 23-118

Motion to adopt Resolution No. 23-118 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Saboroso Inc. dba Rodizio Grill, 12197 Elm Creek Boulevard, Maple Grove, Minnesota.

R. Lower potency cannabinoid products license for Cub Wine and Spirits

Motion to approve a lower potency cannabinoid products license for Cub Stores Holdings, LLC dba Cub Wine and Spirits, 13335 Grove Dr. N., Maple Grove, Minnesota for the period of 18 months or until retailers selling lower potency cannabinoid products are required to obtain a license from the State of Minnesota, whichever occurs first. The establishment is subject to compliance with all licensing requirements as outlined in section 10-37 of the Maple Grove City Code.

S. Lower potency cannabinoid products license for Princetons Liquors

Motion to approve a lower potency cannabinoid products license for Princeton's Place, dba Princeton's Liquors, 12790 Bass Lake Rd., Maple Grove, Minnesota for the period of 18 months or until retailers selling lower potency cannabinoid products are required to obtain a license from the State of Minnesota, whichever occurs first. The establishment is subject to compliance with all licensing requirements as outlined in section 10-37 of the Maple Grove City Code.

T. Prohibiting public use of cannabis - Ordinance No. 23-13

Motion to approve Ordinance No. 23-13 prohibiting public use of cannabis.

Motion to authorize the publication of the Ordinance Summary of Ordinance No. 23-13.

U. Prohibiting smoking or vaping on park property - Ordinance No. 23-14

Motion to approve Ordinance No. 23-14 prohibiting smoking or vaping on park property.

Motion to authorize the publication of the Ordinance Summary of Ordinance No. 23-14.

V. Transit Station License Use 2023 Agreement with the Maple Grove Lions Club

Motion to approve the Maple Grove Transit Station License Use Agreement between the Maple Grove Lions Club for Concert on the Lawn shuttle bus service on September 16, 2023.

W. Tuition aid - Scheunemann

Motion to approve completion of a Bachelor of Science degree plan in Fire Science Administration for Brandon Scheunemann, assistant fire chief, utilizing distance education through Waldorf University, Forest City, Iowa.

X. Amendment to city purchasing policy

Approve amendments to city's purchasing policy.

Y. Approve claims

Motion to approve claims totaling \$ 6,556,090.89.

**Motion by Councilmember Barnett, seconded by Councilmember Hanson, to approve the consent items as amended, removing item 3F (Arbor Lakes Gateway Project No. 23-14 Establish project, approve feasibility report, order public hearing Resolution No. 23-122). Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.**

**Consideration of items pulled from the agenda**

None

**Special business**

**Open forum**

Penny Nichols, 2522 Freemont Avenue N, Minneapolis, spoke to the council about her agenda for creating a charter school that would help restore faith and hope in the community by educating children in foster care or those in the process of being adopted. She noted the intention of the charter school would be to transition students into the work force and into jobs such as city jobs. She asked for council's help and support as she reaches out to them individually to further discuss her charter school plans.

**Community and economic development items**

**6419 Hemlock Lane North variance**

Community and Economic Development Director Hogeboom explained the applicant is requesting a variance to allow for a 6-foot privacy fence to be constructed within the front yard setback at their home located at 6419 Hemlock Lane North. The property owner is seeking additional privacy from vehicle and pedestrian traffic along Hemlock Lane North, an arterial roadway. The home sits on a large 1.5-acre lot and is accessed directly from Hemlock Lane North, with 248 feet of street frontage adjacent to their front yard. The R-1 zoning designation on this property requires an increased front yard setback of 35 feet. City Code allows only decorative fencing within the front yard setback area with a maximum height of 3 ½ feet. In order to satisfy visibility and snow storage concerns noted by Hennepin County and city staff, the applicant is requesting a 10-foot front yard setback for the fence placement.

Community and Economic Development Director Hogeboom reported a 15-foot sight visibility triangle will also be added at the intersection of the driveway, providing increased visibility of pedestrians and vehicles. There is a retaining wall and chain link fence maintained by Hennepin County at the south end of the front property line in order to support the adjacent pedestrian trail. The applicant would like to terminate the privacy fence at the location of this retaining wall/fence as shown on the fence plan. While all of the Planning Commission members supported the variance request, a majority felt a 10-

foot setback was too far back when compared to other fences along Hemlock Lane North. On a 4 to 1 vote, the Planning Commission recommended a reduced setback of 5 feet from the front property line. City staff has no concerns with reducing the setback since the 10-foot setback was included in order to satisfy comments received from Hennepin County. A 15-foot sight visibility triangle will remain at the intersection of the driveway regardless of the fence location.

Councilmember Hanson asked where the fence would be located. Community and Economic Development Director Hogeboom reviewed a map of the property and noted where the proposed fence would be located.

Mark Seidenstricker, 6419 Hemlock Lane North, thanked the Council for considering his variance request and noted he was available for comments or questions.

Councilmember Johnson stated she believed this would be a great addition to Mr. Seidenstricker's property.

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to direct the city attorney to draft a resolution and a planned unit development agreement approving the 6419 Hemlock Lane North variance subject to:**

1. The property owner having the front property line located and marked by a licensed surveyor prior to installing the fence.
2. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
  - a. The Engineering Department dated June 30, 2023
  - b. Hennepin County dated June 30, 2023

**The applicant shall acknowledge that park dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.**



**Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.**

**Report on upcoming community and economic development items**

Community and Economic Development Director Hogeboom updated the Council regarding the following:

- The Planning Commission would be meeting next on Monday, August 14 at 7 p.m.
- The city's new Economic Development Manager Joe Amerman has begun working for the city.

**Engineering-public works items**

**Report on upcoming engineering items**

Director of Public Works/City Engineer Ashfeld updated the Council regarding the following:

- The TH610 project was nearing the point where MnDOT would authorize the project to go out for bid.
- Work is progressing in the Evanswood development. Staff noted landscaping was being installed in Phase I.
- Staff commented on the watering ban that was in place.

**Administration items**

**Report on upcoming administration items**

City Administrator Nelson explained that the Council has her Monday report if there are any questions. She reported the Council would be holding a budget worksession on Monday, August 21. She indicated the TH610 groundbreaking ceremony would be held on Tuesday, August 22 at 3 p.m.

**Items added to the agenda**

Councilmember Janigo requested the Mayor consider a proclamation for Veteran's Day and accompanying recognitions. She commented on the recent prior military hires that were conducted by the Fire and Police Departments and thanked each of these veterans for their dedicated service to their country. She commented further on other ways the city could honor its veterans and the military community in November that would be unique to Maple Grove.

**Adjournment**

**Motion by Councilmember Barnett, seconded by Councilmember Johnson, to adjourn to the regular City Council meeting on August 21, 2023 at 7:30 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.**

The meeting was adjourned at 7:56 p.m. by Mayor Steffenson.

Respectfully submitted,

Heidi Nelson  
City Administrator