

**Maple Grove City Council meeting**

**meeting minutes**

**September 6, 2022**

**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 September 6, 2022 at the Maple Grove Government Center/Public Safety Facility, Hennepin County, Minnesota. Members present were Mayor Mark Steffenson and Councilmembers Judy Hanson, Karen Jaeger, Phil Leith, and Kristy Barnett (attending remotely via WebEx). Absent was none. Present also were Heidi Nelson, City Administrator; Brett Angell, Assistant Community and Economic Development Director; Peter Vickerman, Planning Manager; Ken Ashfeld, Public Works Director/City Engineer; Greg Sticha; Finance Director; 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**

3U. Resolution to accept donation

3W. Transit Station License Use 2022 Agreement with Maple Grove Lions Club

**Item added to the agenda**

None

**Item removed from the consent agenda for discussion**

None

**Consent items**

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

**MINUTES**

- A. Regular meeting – August 15, 2022
- B. Worksession meeting – August 15, 2022

**HUMAN RESOURCES ITEMS**

- C. Amendments to personnel policy manual

Motion to approve amendments to the personnel policy manual with an effective date of September 7, 2022 as follows:

- Amend article 36: Drug and Alcohol Policy
- Amend article 37: DOT Drug and Alcohol Policy

- D. Assessing organizational structure change

Motion to approve the organizational restructure of the Assessing Department to a division under the Finance Department.

- E. Recruitment approval for police officer

Motion to authorize staff to begin the recruitment process for the vacant police officer position in the Police Department due to the resignation of Troy Kemp with an effective date of August 21, 2022.

- F. Tuition reimbursement request - Officer Samuel Ortman

Approve tuition reimbursement for the remaining 8 credits of Officer Samuel Ortman Law Enforcement and Criminal Justice 'track2' program.

**COMMUNITY & ECONOMIC DEVELOPMENT ITEMS**

G. Appointments to Arbor Committee

Motion to approve the appointments of Rachael Lamsal and Emma Molls to the Arbor Committee for a term to expire December 31, 2024.

H. Arbor Lakes 9th Addition preliminary plat and final plat

Motion to adopt Resolution No. 22-133 approving Arbor Lakes 9th Addition preliminary plat and final plat.

I. Suite Living of Maple Grove planned unit development, concept stage plan, development stage plan, and final plat

Motion to adopt Resolution No. 22-135 approving Suite Living PUD concept stage plan, development stage plan, and the final plat subject to:

1. Planned unit development agreement final review and approval of the city attorney and director of community and economic development

**ENGINEERING ITEMS**

J. 101st Avenue Bridge Replacement Project No. 16-19 - Resolution No. 22-140

Motion to adopt Resolution No. 22-140 approving the State of Minnesota Local Bridge Replacement Program Grant Agreement No. 1047931 relating to the 101st Avenue Bridge Replacement Project No. 16-19 (SAP 189-130-001).

K. Correction of scrivener's error - Resolution No. 22-137

Motion to adopt Resolution No. 22-137 correcting scrivener's error in city Resolution No. 22- 073 cancelling special assessments.

L. Establishing water quality pond maintenance project Nos. 22-18, 22-19, 22-20 - Res. No. 22-136

Motion to adopt Resolution No. 22-136 establishing projects

22-18 Cobblestone Hills Water Quality Pond Maintenance, 22-19 Weaver Lake Terrace Water Quality Pond Maintenance, and 22-20 Hiller White Oaks on the Park 3rd Water Quality Pond Maintenance and ordering the feasibility study.

M. Evanswood Project No. 21-10 - overnight working hours

Motion to approve overnight working hours for the watermain tie in for the Evanswood Project No. 21-10.

N. Final acceptance - Project No. 22-06 - Deerfield Water Quality Pond Maintenance

Motion to approve the final acceptance and payment of the Deerfield Water Quality Pond Maintenance Project, No. 2022-06 completed by Minnesota Dirt Works, Inc. subject to the warranty provisions of the contract and statutory law.

O. Final acceptance - Project No. 22-05 - Rosemary Woods Water Quality Pond Maintenance

Motion to approve the final acceptance and payment for the Rosemary Woods Water Quality Pond Maintenance Project No. 2022-05 completed by Minnesota Dirt Works, Inc. subject to the warranty provisions of the contract and statutory law.

P. Main Street Rehabilitation Project No. 19-10 - Change Order No. 1

Motion to approve Change Order No. 1 to Main Street Rehabilitation Project No. 19-10 in the amount of \$64,803.01.

Q. Roadway Jurisdictional Transfer Cooperative Agreement – Hennepin County No. PW 17-34-22 - Res. No. 22-141

Motion to adopt Resolution No. 22-141 approving the Roadway Jurisdictional Transfer Cooperative Agreement No. PW 17-34-22 between Hennepin County and the City of Maple Grove, and authorizing the mayor and city clerk to execute said agreement on behalf of the city.

R. Sureties - September 6, 2022

Motion to approve the surety actions.

S. Tricare 6th Addition agreements

Motion to approve TriCare 6th Addition developer's agreement and agreement to reapportion certain special assessments, subject to the final review and approval of the city engineer and city attorney.

T. Tricare 7th Addition agreements

Motion to approve TriCare 7th Addition developer's agreement and agreement to reapportion certain special assessments, subject to final review by the city attorney and director of public works.

**ADMINISTRATIVE ITEMS**

U. Resolution to accept donation

Motion to approve Resolution No. 22-142 to accept donation of 150 smoke alarms with 10-year sealed batteries from the American Red Cross and future donation of smoke alarms to support Maple Grove Fire Department smoke alarm programs.

V. Acting city administrator September 17-21, 2022

Motion to approve Public Works Director/City Engineer Ken Ashfeld as acting city administrator effective Sunday, September 17, through Wednesday, September 21, 2022.

W. Transit Station License Use 2022 Agreement with 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 17, 2022.

X. Amend City Code 16-321 Sewer Flow Charge - Ordinance No. 22-17

Motion to approve Ordinance No. 22-17 amending Maple Grove City Code Section 16-321 to update previous provisions related to calculation of sewer usage charges.

Motion to authorize the publication of the Ordinance Summary of Ordinance No. 22-17.

Y. Approve claims

Motion to approve claims totaling \$ 13,956,055.23.

**Motion by Councilmember Leith, seconded by Councilmember Hanson, to approve the consent items as presented. Upon call of the motion by Mayor Steffenson, and a roll call vote, there were five ayes and no nays. Motion carried.**

**Consideration of items pulled from the agenda**

None.

**Special business**

**Open forum**

There were no open forum issues brought before the Council at this meeting.

**Experience Maple Grove presentation**

Gretchen Wilbrandt, Experience Maple Grove, introduced herself and thanked the Council for their time. She provided the Council with a presentation and described why a destination marketing organization was beneficial for the community. She discussed how she was working to build a strong organizational framework, which included website and branding initiatives. She explained she was meeting with businesses in the community, along with national and local sports organizations.

Mayor Steffenson thanked Ms. Wilbrandt for all of her efforts on behalf of the community. He stated he was excited to see more and more sporting events coming to the community in order to utilize the tremendous sports facilities the city has in place.

**Liquor violation  
Benihana  
National  
Corporation dba  
Benihana**

City Administrator Nelson stated Benihana recently failed a liquor compliance check. She explained the liquor compliance check was conducted on July 28, 2022. She reported this was Benihana's second violation since 2021. She noted representatives from Benihana were in attendance to address the Council.

Shawn Skripp, Benihana Regional Manager, apologized for the event that occurred at Benihana. He then described the training that had been added to his website for employees. He explained all employees have watched this training. He reported seven employees have attended the city's training and noted others were signed up for the next city sponsored training.

Councilmember Jaeger asked if Benihana cards all individuals trying to purchase alcohol. Mr. Skripp reported this was the case. He noted the individual that served the minor made a mistake and was no longer employed by Benihana.

Councilmember Jaeger encouraged Benihana to consider purchasing a scanner for their POS system. Mr. Skripp reported he does have a scanner in place.

Councilmember Barnett stated she was at Benihana's two and a half weeks ago and her party was not carded.

Mayor Steffenson encouraged Mr. Skripp to have his employees routinely and uniformly card everyone purchasing alcohol. In addition, he encouraged Mr. Skripp's employees to pay attention to the drivers licenses that are for those under 21 because those ID's are vertical.

Councilmember Leith expressed concern with the fact Benihana failed two consecutive compliance checks.

Mayor Steffenson reported the consequences will continue to become more severe for Benihana if they cannot properly train their employees. He noted Benihana could have their liquor license pulled if this behavior continues.

**Motion by Councilmember Jaeger, seconded by Councilmember Hanson, to direct the city attorney to prepare**

**appropriate findings of fact and conclusion in support of the decision to suspend the on-sale intoxicating liquor/Sunday sale license for Benihana National Corporation dba Benihana, 11840 Fountains Way, Maple Grove, Minnesota for five consecutive days for a second violation within any three-year period and/or impose a civil penalty of up to \$2,000 per violation for consideration at the next council meeting. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

**Liquor violation  
Grill Hall  
Churrascaria dba  
Grill Hall**

City Administrator Nelson stated Grill Hall recently failed a liquor compliance check. She explained the liquor compliance check was conducted on July 28, 2022. She reported this was a second violation since 2021. She noted representatives from Grill Hall were in attendance to address the Council.

Eliane Strouth, owner of Grill Hall, explained she was doing her best. She stated she hired employees and trained them as best she can. She indicated she encouraged all of her employees to attend the city sponsored training. She apologized for the incident and noted she was doing her best to properly train her employees.

Councilmember Hanson encouraged Ms. Strouth to provide better training to her employees so they understand what the under 21 driver's licenses look like.

Mayor Steffenson commented on how important it was to properly train employees to card patrons to ensure minors and those who are not allowed to be served are not served alcohol.

**Motion by Councilmember Hanson, seconded by Councilmember Leith, to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to suspend the on-sale intoxicating liquor / Sunday sale license for Grill Hall Churrascaria dba Grill Hall, 9695 63rd Avenue N, Maple Grove, Minnesota for five consecutive days for a second violation within any three-year period and/or impose a civil penalty of up to \$2,000 per violation for consideration at the next council meeting. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

**Liquor violation  
Central Florida  
Restaurants Inc.  
dba TGI Fridays**

City Administrator Nelson stated TGI Friday's recently failed a liquor compliance check. She explained the liquor compliance check was conducted on July 28, 2022. She reported this was TGI Friday's first violation since obtaining their liquor license in August of 2015. She noted representatives from TGI Friday's were in attendance to address the Council.

Greg McCormick, TGI Friday's General Manager, discussed the training that he provided to his staff on a yearly basis, along with the training provided by the city. He reported what was interesting with this violation was that when the officer came in she purchased a drink and was carded. This officer then proceeded to tell Ella Rosch, his bartender, that the drink was for her friend. He stated Ella was about to card the friend when the officer asked for the check right away. He explained Ella put the beer on the bar and went and printed the receipt. He reported she was then told that she just failed her compliance check.

Ella Roche, bartender at TGI Friday's, stated the officer walked in and asked for a water and Bud Light for her friend. She reported she poured the beer and set the beer on the bar. She explained she failed to ID the underage girl who was the "friend". The officer asked for the tab and she provided her with the tab. This was when she was told she failed the compliance check.

Mr. McCormick stated he has never seen a compliance check conducted in this manner, with the police officer asking for a drink on behalf of the underage decoy. He believed this was an entrapment type of situation.

Councilmember Hanson indicated she read through the police report and it explains the officer asked for water and the decoy asked for Bud Light.

Mr. McCormick asked if the decoy spoke to his bartender.

Ms. Roche stated the decoy did not speak to her.

Mayor Steffenson commented it sounds like Mr. McCormick would like to challenge the process or manner in which the liquor compliance check was conducted. City Attorney Templin

explained there was a deadline for notice for asking for this hearing, and this deadline has lapsed. He reported the Council would have discretion to bring this back if they so choose.

Mayor Steffenson questioned if Mr. McCormick would like to challenge this violation. He noted Mr. McCormick would have the right to do so and if this matter were to proceed he would have to come back at a later time and the police officer and the decoy would be in attendance.

Mr. McCormick stated he would like to challenge the liquor violation. City Attorney Templin requested Mr. McCormick submit this request in writing.

**Liquor violation  
Angels Liquor Inc.  
dba Angels  
Liquor**

City Administrator Nelson stated Angels Liquor recently failed a liquor compliance check. She explained the liquor compliance check was conducted on July 28, 2022. It was noted this was Angel Liquor's second violation since 2020. She noted representatives from Angels Liquor were in attendance to address the Council.

Angel Erickson, owner of Angels Liquor, stated she only has three or four employees total, which meant only three or four of her employees could attend the city sponsored training each year. She reported her program requires all employees to card everyone. She explained she understood the consequences for selling to a minor and noted her employee simply failed to card the minor decoy. She stated she has fired the individual who failed the compliance check.

Mayor Steffenson encouraged Ms. Erickson to consider purchasing a card reader system for her establishment. Ms. Erickson stated she would be doing this.

Councilmember Hanson asked what has been done in the past for second offenses for off-sale liquor establishments. City Attorney Templin stated he did not recall a second violation occurring at an off-sale establishment during his tenure with the city.

**Motion by Councilmember Hanson to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to impose a civil penalty of up to**

**\$2,000 per violation for Angel's Liquor Inc. dba Angel's Liquor, 7496 East Fish Lake Road, Maple Grove, Minnesota for a second violation within any three-year period. Per Section 4-23(b), it would be the discretion of the city council to also impose a three-day suspension of the off-sale intoxicating liquor license for Angel's Liquor for three consecutive days for a second violation within any three-year period. Motion failed for lack of a second.**

**Motion by Councilmember Jaeger to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to impose a civil penalty of up to \$2,000 per violation for Angel's Liquor Inc. dba Angel's Liquor, 7496 East Fish Lake Road, Maple Grove, Minnesota for a second violation within any three-year period. Motion failed for lack of a second.**

Councilmember Barnett asked why the Council was considering allowing this business to operate without a shut down given the fact this was their second violation in three years. She stated the city did not want businesses violating its liquor ordinances.

Councilmember Hanson agreed and stated she was uncertain why the ordinance had discretion for off-sale liquor license violators. She explained her motion proposed a \$2,000 fine and three days suspension of the liquor license.

Ms. Erickson indicated there was a difference between a restaurant and a liquor store. She noted restaurants with liquor licenses were still able to bring in income for three days through their food if their liquor license was suspended. She stated this would not be the case for an off-sale liquor store.

Councilmember Leith indicated he was torn on this because penalties should continue to compound if businesses were continuing to violate City Code.

Mayor Steffenson asked if the two-day suspension was stayed with the first liquor violation. Ms. Erickson reported this was the case.

Councilmember Hanson believed there should be a greater

penalty for a second violation than for a first violation.

Councilmember Jaeger agreed, but noted this business was their livelihood.

City Attorney Templin reported staff typically sets the days and they are imposed after the resolution is approved by the City Council. He noted these days could be on weekdays versus on the weekend.

Mayor Steffenson explained he could support a three-day suspension versus a five day suspension.

Councilmember Hanson agreed stating she wanted some penalty in place besides just the civil penalty to ensure minors were not being allowed to purchase liquor at this liquor store.

Councilmember Barnett noted Angels did not have to close with their first offense and for this reason, she supported the liquor license being suspended for three consecutive days from the second offense.

**Motion by Councilmember Barnett, seconded by Mayor Steffenson, to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to impose a civil penalty of up to \$2,000 per violation for Angel's Liquor Inc. dba Angel's Liquor, 7496 East Fish Lake Road, Maple Grove, Minnesota for a second violation within any three-year period. Per Section 4-23(b), it would be the discretion of the city council to also impose a suspension of the off-sale intoxicating liquor license for Angel's Liquor for five consecutive days for a second violation within any three-year period.**

Councilmember Leith stated this was a severe penalty given the fact there would be a fine and five days of liquor license suspension.

Councilmember Hanson stated she could not support the license being suspended for five days. She suggested the Council reconsider the suspension for three days.

**Upon call of the motion by Mayor Steffenson and a roll call vote, there were two ayes and three nays (Councilmembers**

**Leith, Hanson and Jaeger opposed). Motion failed.**

**Motion by Mayor Steffenson, seconded by Councilmember Hanson, to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to impose a civil penalty of up to \$2,000 per violation for Angel's Liquor Inc. dba Angel's Liquor, 7496 East Fish Lake Road, Maple Grove, Minnesota for a second violation within any three-year period. Per Section 4-23(b), it would be the discretion of the city council to also impose a suspension of the off-sale intoxicating liquor license for Angel's Liquor for three consecutive days for a second violation within any three-year period. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

**Liquor violation  
Sam's West Inc.  
dba Sam's Club  
6254**

City Administrator Nelson stated Sam's West recently failed a liquor compliance check. She explained the liquor compliance check was conducted on July 28, 2022. She reported this was Sams' Clubs' second violation since 2020. She noted representatives from Sam's West were in attendance to address the Council.

Tim Holden, Sam's Club Manager, introduced himself to the Council. He reported all associates have been retrained and noted the employee that failed the compliance check was let go. He explained all individuals were carded if trying to purchase alcohol.

Councilmember Leith requested further information on the point of sale system Sam's Club had in place. Mr. Holden reported all employees are encouraged to scan ID's or enter a date of birth in order to complete an alcohol sale. He explained some employees opt to put in a date of birth instead of scanning the ID.

Councilmember Leith asked if the employee who failed the compliance check had been trained by Sam's Club. Mr. Holden reported she had completed the CBL (computer-based learning) provided by Sam's Club.

Mayor Steffenson encouraged Mr. Holden to require all employees to scan each and every ID prior to making an

alcohol sale.

Councilmember Jaeger asked if the employee who sold to a minor still works for Sam's Club. Mr. Holden explained this individual was terminated.

**Motion by Councilmember Jaeger, seconded by Councilmember Hanson, to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to impose a civil penalty of up to \$2,000 per violation for Sam's West Inc. dba Sam's Club #6254, 16701 94th Avenue, Maple Grove, Minnesota for a second violation within any three-year period. Per Section 4-23(b), it would be the discretion of the city council to also impose a three-day suspension of the off-sale intoxicating liquor license for Sam's Club #6254 for three consecutive days for a second violation within any three-year period. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

**Adopt  
Preliminary 2023  
Budget and Levy**

Finance Director Sticha reviewed the proposed 2023 budget and tax levy with the City Council. He commented on important upcoming dates, stating the final budget and tax levy would be approved on December 19. It was noted the truth in taxation hearing would be held on December 5. Significant impacts to the budget were discussed in further detail. He described how inflation was impacting the 2023 budget. He commented further on how the median value home would be impacted by the proposed tax levy. He reported neighboring cities were facing the same inflationary pressures as Maple Grove and were proposing 4% to 12% levy increases with the majority being between 7% and 8%. He commended staff for keeping the increase for Maple Grove to 4.8%.

Councilmember Hanson thanked Finance Director Sticha for all of his hard work on the 2023 budget and tax levy. She understood costs had gone up and she appreciated how the budget had been pared down. She stated she supported the budget and tax levy as proposed.

Councilmember Leith explained inflation was over 8% at this time so he appreciated the fact that the budget was coming in

below 5%.

Mayor Steffenson stated he was proud of the significant pay raises that were approved for Maple Grove Police Officers.

Councilmember Barnett concurred stating she supported the pay raises for the police officers. She commended staff for doing a great job on the budget.

**Motion by Councilmember Leith, seconded by Councilmember Jaeger, to adopt Resolution No. 22-139, A Resolution Adopting for 2023 The Proposed General Fund Budget, The Proposed Road Reconstruction Fund Budget, The Proposed General Obligation Capital Improvement Plan Budget, setting a Proposed Tax Levy for 2023 and Setting a Budget Hearing for December 5, 2022, at 7:30 p.m. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

**Community and economic development items**

**Rush Hollow planned unit development concept stage plan, development stage plan, rezoning and final plat**

**Motion by Councilmember Leith, seconded by Councilmember Hanson, to take this item off the table. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

Planning Manager Vickerman explained the applicant is requesting planned unit development concept stage plan, development stage plan, rezoning, and final plat approval for a 161-acre, 536 unit development in the northern portion of the city. He reported the proposal shows 239 detached homes with various sized lots, 217 attached homes, and 80 senior living units in a cooperative building. The roadway realignments were discussed. Staff commented on the key features within the development and noted the developer had a detailed presentation for the Council. It was noted the Planning Commission reviewed this project at their July 25<sup>th</sup> meeting and forwarded this project on without a recommendation (3-3 vote).

Councilmember Hanson stated she understood the Planning Commission moved this item on without a recommendation. She asked if any of the concerns they raised were addressed by the developer since their July 25 meeting. Planning Manager Vickerman explained this was the same plan and noted the issues raised by the Planning Commission could be addressed through conditions if the project were to move forward for approval.

Paul Heuer, Pulte Group, introduced himself and provided the Council with a presentation on the Rush Hollow development. He explained Pulte Group was known for its superior floor plans, integrity and innovative features.

Ben Lanhauser, Life Style Communities, introduced himself to the Council and explained Life Style Communities was a senior cooperative developer. He discussed the senior housing projects he has completed in the metro area and noted he was proposing an Artessa product for this development.

Mr. Heuer commented on how this project had to meet city comprehensive plans, city code and market demand, while also preserving green space along Rush Creek. He further described the plans for Rush Hollow which included a gradual density transition, six different housing types, addresses the alignment of Maple Grove Parkway and Territorial Road, while preserving a large greenway corridor along Rush Creek. He reported the site would have over 42 acres of open space with private amenities that would include pickleball courts, tot lots, a dog park and fire pits. He commented further on the different home types that would be constructed. It was noted all of the townhomes would be managed by a professional HOA.

Mr. Lanhauser discussed the owner-occupied senior housing units he was proposing to construct. He explained the building would be age restricted and owners would have to be 62+. He stated this cooperative facility would be community focused. He reported 74 units would be within a single multi-family building with six more units being twinhomes. He then reviewed the amenities that would be provided within the cooperative building. He described the tiers of shares that would be available for future owners within the cooperative. It

was noted the cooperative would have a fulltime property manager onsite.

Mr. Heuer briefly discussed the primary benefits of the PUD, which included the land and park dedication fees. In addition, the city would have park trail corridors, private open space, proper roadway alignments, along with life cycle housing for Maple Grove residents.

Councilmember Hanson stated the Planning Commission held a robust discussion on this development. She asked if the additional landscaping, trees and screening could be considered along Territorial Road. She recommended the developer address the sidewalk concerns that were raised by the Planning Commission. She requested the developer consider reducing the number of 50-foot lots. She reported the city does not typically approve 50-foot lots.

Mr. Heuer explained he was willing to add more landscaping along Territorial Road, particularly near the Smith property. He stated he would be happy to work with city staff to address the sidewalk issue. He reported he worked really hard to create a development that made sense for the city and the future buyers. He indicated it made sense to put smaller lots against Maple Grove Parkway. He commented further on the lot sizes throughout the development. It was noted the development had 67-75' to 80' wide lots, 78-65' wide lots, and would have 94-50' wide lots.

Councilmember Leith stated he had a hard time with 50' wide lots. He explained this has not been done a lot and has only been done within a senior development that did not have kids. He requested further information regarding the project phasing. Mr. Heuer discussed how the project would be phased, noting Territorial Road would be constructed all the way through along with the lots on the western third that are south of Rush Creek. He explained the townhomes east of the coop and the senior coop would also be part of Phase I.

Councilmember Leith asked where the city was at with the county on the reconstruction of Maple Grove Parkway. Public Works Director/City Engineer Ashfeld stated staff has initiated conversations with Hennepin County, but a plan has not been

solidified.

Councilmember Hanson inquired if the residents living near the dog park would be able to access Maple Grove Parkway. Mr. Heuer discussed the access points into the neighborhood. He noted he was open to changes, but understood that staff would like to keep the access points limited.

Councilmember Jaeger asked if the townhomes would have private roads and sidewalks. Mr. Heuer explained the townhomes would have private roads, but no sidewalks.

Councilmember Jaeger questioned where the snow would be stored within the townhouse development. Mr. Heuer reported he would be happy to prepare a snow storage plan for city staff.

Councilmember Jaeger stated this development was totally different than any other development in the city. She commented she did not like the narrow lots, but anticipated the City Council would have to get used to this as it provided for a wide variety of life cycle housing.

Councilmember Jaeger requested further information regarding how the senior coop would be financed. Mr. Lanhauser provided the Council with additional information on how the senior coop would be financed. He noted share certificates were offered to shareholders and not deeds. It was noted a single lender would hold the mortgage for the senior cooperative.

Councilmember Jaeger questioned what school was closest to this development. Mr. Lanhauser reported this development would not appeal to families with children, as the development would be age restricted to those 62+.

Councilmember Jaeger inquired if the senior housing would have a tot lot. Mr. Lanhauser explained the senior development would not have a tot lot.

Councilmember Jaeger asked who would be maintaining the wetlands. Mr. Heuer stated he would take the city's lead on this issue. Public Works Director/City Engineer Ashfeld indicated he has not had discussions regarding the ownership

of the wetlands within the development. He stated normally, the wetlands are rolled into the common open space and are maintained by the HOA. He explained this property had a significant amount of property that fell within the greenway and it was the understanding that this land would fall under the city's ownership.

Councilmember Jaeger asked if the proposed roads within the townhome development had stormwater management. Public Works Director/City Engineer Ashfeld reported this was the case.

Councilmember Jaeger commended the developer for having charging stations within the project. Mr. Lanhauser explained the charging stations were proposed within the garage of the senior cooperative.

Mr. Heuer addressed the concerns that had been raised about the lot widths. He explained the proposed lots met all of the city's R-2 zoning requirements. He discussed how homes had gotten narrower and deeper due to the rate of increase in home building costs. He stated this has led home buyers to sacrificing their yard versus the size of their home. He commented further on how wetland and stormwater requirements impact development costs. He stated the proposed 50 foot lots would assist him in serving more buyers versus just the luxury buyers.

Councilmember Jaeger asked if the single-family homes would have basements. Mr. Heuer stated the homes would have basements.

Councilmember Hanson questioned if the Council had any authority over the lot sizes given the fact this was a PUD. City Attorney Templin advised the Council had discretion for PUD plans and could dictate the size of the lots. He stated the Council did not have to approve any of the 50-foot lots.

Councilmember Barnett inquired if the Council could approve this development but state all lots have to be a certain size. City Attorney Templin explained this would be difficult to approve. He reported the Council could condition approval in such a way that the developer could not proceed with this

plan.

Councilmember Barnett stated the City Council pushed Evanswood to 65' wide lots. She indicated the Council didn't find anything below that acceptable and she supported this being the standard for the city. She believed the 50-foot lots were not acceptable. She encouraged the Council not to go backwards on this development and recommended the 50-foot lots not be allowed to go forward.

Mr. Heuer discussed how the city was broken into separate unique areas. He reported the area he was proposing for development was guided for high density, medium density and low-medium density residential in a high traffic area. He urged the Council to consider the context of this area because it was not a low-density guided area, but rather was following the city's comprehensive plan.

Councilmember Hanson questioned if the 50' wide lots were guided as high density. Mr. Heuer reported the city's comprehensive plan shows high density around the intersections of quadrants, then there is a band of medium density beyond that. He commented further on how his plan showed gradations than the comp plan.

Councilmember Hanson stated she appreciated how the developer was working to provide some affordable lots and homes for future buyers. However, she would like to see less 50-footwide lots. She commented she would support the Council tabling action on this development in order to allow the developer to rework his plans in order to reduce the number of 50-footwide lots, with more 60-foot and 65-foot wide lots.

**Motion by Councilmember Hanson to table action on a planned unit development agreement approving the Rush Hollow PUD concept stage plan, development stage plan, preliminary plat, and final plat to a future City Council meeting. The motion failed for lack of a second.**

Councilmember Jaeger discussed the deadline for action on this request.

Mayor Steffenson opened the meeting for public comment.

Emmett Smith, 14832 Territorial Road, stated he understood development was coming, but he encouraged the city to be smart with their decisions. He feared that the cart had been put in front of the horse with this project. He expressed frustration with the fact the city has not been consistent with its communication. He explained the 50-foot wide lots were a concern to him because this would be right next to his house. He questioned why the value of his land had to be depreciated for this development. He stated this was not acceptable to him. He encouraged the city to reconsider this plan so that the existing residents are not adversely impacted.

Jessica Gallant, 14832 Territorial Road, stated many of the concerns that were raised by the Council were raised by the Planning Commission in July. She questioned why these concerns, such as the small lot sizes and snow storage, were not addressed by the developer in the past two months. She understood the 50-foot wide lots may be desirable to first time homebuyers, but she did not want these lots abutting her home. She commented on how this development would impact her home's value because she would now have high density residential directly across the street from her home. She expressed frustration with the numerous plans that have been provided to the neighbors and asked what plan was moving forward. She encouraged the Council to really consider how this development would impact the community. She reiterated the fact that Maple Grove was not Minneapolis and there was no need for 50-foot wide lots. While she understood the property around her would develop, she questioned why it had to be high density residential instead of more closely reflecting the surrounding homes. She stated she chose to live in this area of Maple Grove because she wanted space. She encouraged the Council to not turn Maple Grove into a big city.

Betsy Krause, 15834 Territorial Road, stated she understood the property along Territorial Road would be changing. She noted the land proposed for development was one of the most beautiful in Maple Grove. She encouraged the city to reconsider the plan before them and recommended the 50-

foot wide lots not be allowed. She believed the city could do better. She questioned what would happen to the assessments the existing neighbors were paying for Territorial Road, if this road was realigned. She requested the Council consider what would be the best fit for this property and to consider the comments and concerns from the existing residents.

Mario Cocchiarella, owner of the land, explained he was partnering with Pulte Homes on this project. He stated he was over 62 and he was developing five of the largest master planned unit developments in Minnesota at this time. He addressed the concern of contamination noting the site was currently contaminated and he had to clean it up. He noted the contamination was a result of old fertilizers, oil, and other items on the land. He explained he would be cleaning this all up and would be tearing down the old houses, which would improve the surrounding wells and septic. He reported this plan has been vetted over a long period of time with staff, who were professionals working on behalf of the city. He stated part of master planning was to plan for the future and he noted the next generation does not want 80-foot wide lots because they don't want to do yard maintenance. He encouraged the Council to not think of 50-foot wide lots as having lesser value. Rather, he stated these lots would have more value than what was in the surrounding neighborhoods. He commented on the housing shortage the metro area was facing and noted there was a demand for the type of housing Pulte was proposing.

Mr. Smith stated he was in the demographic (next generation) the land owner was discussing and explained he still wanted his large lot, as do all of his friends. He did not believe the homes on the 50-foot wide lots would be "affordable" if they were priced over \$400,000. For this reason, he recommended all of the lots be 65-foot wide or greater. While he understood there were some residents who wanted to belong to an HOA, he encouraged the Council to understand that this was not what all residents wanted.

Mr. Heuer requested the Council take a five-minute break to allow him to confer with his partners.

Mayor Steffenson recessed the City Council meeting at 10:12

p.m.

Mayor Steffenson reconvened the City Council meeting at 10:18 p.m.

Mr. Heuer discussed 14 lots that the Planning Commission Chair recommended be made larger. He explained he would be willing to make that change tonight. He stated this would turn these 14 lots into 65-foot wide lots. He clarified for the record that the townhomes were not age restricted, which meant they would be owned by a wide variety of residents. He reported only the six townhomes built by Life Style Communities would be age restricted.

Councilmember Hanson asked if these 14 lots were near the Smith's. Mr. Heuer stated they were not. He explained he would be open to considering converting other lots if directed by the Council.

Mayor Steffenson questioned if it was the developer's intention to have any of these homes be rental properties. Mr. Heuer stated this has never been a consideration in his office, he would only be selling to home buyers. Mr. Lanhauser explained it was the intent of the senior housing units to be owner-occupied as well.

Councilmember Hanson stated it would be her preference to have the lots closest to the Smith's also being 65-foot wide lots.

Councilmember Barnett reported she was frustrated with the fact the developer was told at the Planning Commission meeting in July that the Evanswood project was held to the standard of 65-foot wide lots. She stated she understood the frustration that was voiced by the Smith's because the developer had not heard or responded to any of the concerns that were raised at the Planning Commission meeting. She recommended all lots be a minimum of 65-foot wide because this was the lot width that was approved for Evanswood. She questioned why the developer was now willing to change 14 lots to please the Planning Commission Chair when the Council was concerned with all of the 50-foot wide lots. She supported the Council holding this developer accountable given how the

Evanswood projected proceeded with 65-foot wide lots.

Mayor Steffenson questioned what the deadline was for action on this item. City Attorney Templin reported the Council had to take action on this item by September 30, unless an extension was agreed to by the developer.

Mayor Steffenson asked if the developer would consider a short extension to the deadline. Mr. Heuer stated he would consider this. He indicated he would be happy to work with staff to amend the plans and would provide an extension if this was necessary.

City Attorney Templin requested the developer provide their willingness to extend the deadline to him in writing.

Mr. Heuer explained he was willing to push this matter back a month. He stated it would be helpful for him to understand where each Councilmember sits on this proposal.

Mayor Steffenson commented he had no concerns with the senior component of the project. He reported he remains concerned with the number of 50-foot wide lots. He encouraged the developer to reconsider the number of 50-foot wide lots.

Councilmember Leith explained he also supported the senior portion of the project. He stated he has never supported 50-foot wide lots. He understood the Council approved 50-foot wide lots for senior townhomes, but explained he could not support 50-foot wide lots within this residential development.

Councilmember Hanson stated she was not opposed to 50-foot wide lots, if there were a few of them for affordability purposes. She explained she was concerned about the traffic on Territorial Road, especially given the density of this development. She reported she wanted more landscaping, screening and a sidewalk to also be considered by the developer.

Councilmember Barnett asked if there was an issue with the limited amount of parking within the townhouse development. She requested staff double check this.

**Motion by Councilmember Leith, seconded by Councilmember Barnett, to table action on a planned unit development agreement approving the Rush Hollow PUD concept stage plan, development stage plan, preliminary plat, and final plat to a future City Council meeting. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

**2022  
Comprehensive  
plan amendment:  
Territorial Road  
area staging plan,  
forecast  
adjustment, text  
amendment and  
land use map  
changes**

Mayor Steffenson asked if the Council could be tabling action on this item. City Attorney Templin reported this was the recommended action.

**Motion by Mayor Steffenson, seconded by Councilmember Leith, to table action on the 2022 comprehensive plan amendment. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

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

Assistant Community and Economic Development Director Angell updated the Council regarding the following:

- The Planning Commission would meet next on Monday, September 12.
- Floor and Décor would be holding their grand opening/ribbon cutting ceremony on Wednesday, September 7.
- Maple Grove Pediatric Dentistry would be holding a ribbon cutting ceremony on Tuesday, September 13.
- Keller Williams would be holding a ribbon cutting and grand opening on Thursday, September 15.

**Engineering-  
public works  
items**

**Report on  
upcoming  
engineering  
items**

Director of Public Works/City Engineer Ashfeld had nothing to report.

**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 city would be hosting an open house at the Community Center on Wednesday, September 7 from 5:30 p.m. to 7 p.m. She commented further on the upcoming candidate forums that would be held by the League of Women Voters.

**Adjourn to EDA  
meeting**

Mayor Steffenson adjourned the City Council meeting to the EDA meeting at 10:40 p.m.

**Reconvene to  
regular meeting**

Mayor Steffenson reconvened the regular City Council meeting at 10:41 p.m.

**Items added to  
the agenda**

None.

**Adjournment**

**Motion by Mayor Steffenson, seconded by Councilmember Jaeger, to adjourn to the regular City Council meeting on September 19, 2022 at 7:30 p.m. Upon call of the motion by Mayor Steffenson and a roll call vote, there were five ayes and no nays. Motion carried.**

The meeting was adjourned at 10:42 p.m. by Mayor Steffenson.

Respectfully submitted,

Heidi Nelson  
City Administrator