

Maple Grove City Council

Meeting minutes

October 16, 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 October 16, 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; Peter Vickerman, Planning Manager; Vince Vander Top, Interim Public Works Director/City Engineer;

Jupe Hale, Assistant Public Works Director; Greg Sticha, Finance Director; Chuck Stifter, Parks 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

7B. Lil Explorers Childcare planned unit development concept stage plan amendment, development stage plan, and final plat – Resolution No. 23-147 (item moved to consent agenda – Item 3U)

Item amended to the consent agenda

None

Item added to the agenda

None

Item removed from the consent agenda for discussion

3G. Popeyes at Dunkirk Square planned unit development concept stage plan amendment, development stage plan, and final plat - Res. No. 23-148

Consent items

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

MINUTES

A. Regular meeting – October 2, 2023

HUMAN RESOURCES ITEMS

B. Appointment of probationary paid-on-call firefighter

Motion to approve the hiring of Donald Colvin to the position of probationary paid-on-call firefighter effective November 2, 2023, subject to an 18-month probationary period.

C. Recruitment approval for community service officer detention administrator

Motion to authorize staff to begin the recruitment process for the community service officer and detention administrator position in the Police Department due to the resignation of Mackenzie Erickson, which was accepted with an effective date of October 20, 2023.

COMMUNITY & ECONOMIC DEVELOPMENT ITEMS

D. Donation collection bins Ordinance No. 23-19-amending Maple Grove City Code 26-31 to clarify the definition of donation collection bins

Motion to adopt Ordinance 23-19 amending Maple Grove City Code 26-31 to clarify the definition of donation collection bin.

E. Maple Grove Industrial Center planned unit development concept stage plan, development stage plan, rezoning, preliminary plat, and final plat

Motion to table Maple Grove Industrial Center planned unit

development concept stage plan, development stage plan, rezoning, preliminary plat, and final plat until Monday, November 6, 2023.

- F. Norsq Maple Grove PUD concept stage plan, development stage plan, comprehensive plan amendment, rezoning, preliminary plat, final plat

Motion to adopt Ordinance No. 23-20 approving the rezoning from RA, Residential Agricultural to PUD, Planned Unit Development.

Motion to adopt Resolution No. 23-149 approving Nörsq Maple Grove planned unit development concept stage plan, development stage plan, comprehensive plan amendment, preliminary plat, and final plat.

- G. Popeyes at Dunkirk Square planned unit development concept stage plan amendment, development stage plan, and final plat - Res. No. 23-148

This item was removed by Councilmember Johnson for discussion.

- H. Zoning ordinance text amendment - industrial district equipment rentals - Ordinance No. 23-21

Motion to adopt Ordinance No. 23-21 amending the zoning ordinance text in City Code Article VI regarding equipment rental in the industrial district.

ENGINEERING ITEMS

- I. Amending special assessment deferral policy - Resolution No. 23-150

Motion to adopt Resolution No. 23-150 amending the special assessment deferment policy to allow deferment of principal and interest upon request for assessments due and payable with the taxes in year 2024.

- J. Assessment cancellation - Northwoods Church - Resolution

No. 23-157

Motion to adopt Resolution No. 23-157 canceling special assessment associated with the Northwoods Church developer's agreement.

K. Assessment cancellation Southwest Crossroads developer's agreement - Resolution No. 23-154

Motion to adopt Resolution No. 23-154 cancelling assessment on property identified as 30-119-22-33- 0010 in city Resolution Nos. 22-131, 22-154, and 23-097.

L. Norsq Maple Grove Project No. 23-22 - Resolution No. 23-156

Motion to adopt Resolution No. 23-156 establishing Norsq Maple Grove Project No. 23-22, receiving surety, ordering feasibility report, receiving and approving feasibility report, and ordering public hearing.

M. Senior citizen - permanently disabled assessment deferral annual renewal - Resolution No. 23-151

Motion to adopt Resolution No. 23-151 approving the senior citizen/permanently disabled assessment deferral on 15 deferred properties for the 2024 tax year.

N. Sureties - 10-16-23

Motion to approve the surety actions.

ADMINISTRATIVE ITEMS

O. Grant application - Community Center Renovation and Expansion Phase One Arena - Resolution No. 23-155

Motion to adopt Resolution No. 23-155 directing staff to apply for grant funding from the Hennepin Facility Grant Program in the 2024 budget cycle for the planned Community Center Renovation and Expansion – Phase One Area.

P. Lower potency cannabinoid products license for Crave

Motion to approve a lower potency cannabinoid products license for Crave Maple Grove, LLC, dba Crave, 12374 Elm Creek Blvd 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.

Q. Lower potency cannabinoid products license for MGM Wine and Spirits

Motion to approve a lower potency cannabinoid products license for VZ, Inc., dba MGM Wine and Spirits, 16475 96th Ave 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.

R. Organics recycling code amendment to conform to statutory requirements - Ordinance No. 23-22

Motion to approve Ordinance No. 23-22 amending Maple Grove City Code 26-34 and 26-92 to conform to statutory requirements for organics recycling and authorizing publication of the ordinance summary.

S. Transfer of tobacco license from A & S Stores, LLC to ARYA Retail LLC

Staff recommends approving the transfer of a tobacco license from A & S Stores, LLC to ARYA Retail LLC.

T. Approve claims

Motion to approve claims totaling \$ 3,647,429.91.

U. Lil Explorers Childcare planned unit development concept

stage plan amendment, development stage plan, and final plat – Resolution No. 23-147

Motion to adopt Resolution No. 23-147 approving Lil Explorers Childcare planned unit development concept stage plan amendment, development stage plan, and final plat.

Motion by Councilmember Barnett, seconded by Councilmember Johnson, to approve the consent items as amended, removing item 3G (Popeyes at Dunkirk Square planned unit development concept stage plan amendment, development stage plan, and final plat - Res. No. 23-148) and adding item 3U (Lil Explorers Childcare planned unit development concept stage plan amendment, development stage plan, and final plat – Resolution No. 23-147). Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Consideration of items pulled from the agenda

The following items were pulled from the consent agenda.

Regarding Item 3G (Popeyes at Dunkirk Square planned unit development concept stage plan amendment, development stage plan, and final plat - Res. No. 23-148), Councilmember Johnson stated after further consideration she recommended the developer be asked to consider further internal infrastructure improvements. She explained she was concerned with the fact there would be traffic impacts and wanted the city to properly plan for this project.

Councilmember Barnett supported this item be tabled given she has concerns with how traffic would be impacted along Maple Grove Parkway as well as within the development. She recommended the developer consider improvements that would address traffic flow.

Motion by Councilmember Johnson, seconded by Councilmember Barnett, to table action on this item directing staff to work with the developer on the internal infrastructure and traffic circulation. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Special business

Open forum

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

Public hearings

Public hearing

Adopting special assessment against benefited land

Resolution No. 23-153

Assistant City Engineer Hale stated special assessment hearings are scheduled for the purpose of considering the adoption of assessments against benefited properties from public improvements within residential and commercial developments. Council previously adopted special assessments for the 2023 Street Rehabilitation Program on March 6, 2023. Staff reviewed the assessment roll applicable to residential and commercial development projects and individuals who petitioned for various improvements. The resolution, if adopted, will provide assessments in the amount of \$28,563,665.53. It is recommended that council conduct the public hearing and if all issues are appropriately addressed, adopt the resolution levying the special assessments against benefited lands for various projects.

Motion by Councilmember Barnett, seconded by Councilmember Johnson, to open the public hearing. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Mayor Steffenson opened the public hearing at 7:37 p.m. and asked if anyone would like to address this issue.

No public testimony was offered.

Motion by Councilmember Johnson, seconded by Councilmember Barnett, to close the public hearing at 7:37 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Motion by Councilmember Barnett, seconded by Councilmember Hanson, to adopt Resolution No. 23-153 adopting the special assessments against benefited lands for various projects. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Public hearing

Finance Director Sticha reviewed a copy of the assessment roll

Certification of delinquent utility accounts

Resolution No. 23-158

for delinquent utilities. This is a current list as of Monday, October 9, 2023. Payments are received every day so there will be some accounts that will be taken off the list. Payments can be paid in full at the Maple Grove Government Center up to November 19th. There are 852 accounts listed on the proposed assessment roll with a total due of \$422,690.44 compared to October 10, 2022, 695 accounts with a total due of \$321,803.16. The total due includes the \$40 fee for the certification process. Staff provided the Council with an update noting a number of payments were made over the weekend. He asked that the remaining outstanding accounts be certified as delinquent.

Motion by Councilmember Johnson, seconded by Councilmember Barnett, to open the public hearing. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Mayor Steffenson opened the public hearing at 7:39 p.m. and asked if anyone would like to address this issue.

Greg Fecklekotter, 9692 106th Place N, explained he was to be assessed \$2,000+ for outstanding utilities. He reported he has been doing estimates for 40 years. He stated he has been trying to resolve this issue with the utility department. He anticipated he has only used a couple hundred gallons of water in most quarters, because he not been at his home, due to some family health issues. He did not believe it was fair to have a \$2,000 bill for six months. He stated he would have no problem paying a fair estimate for the bill, but the outstanding bill was not fair. He urged the city to use a reasonable estimate for his bill.

Finance Director Sticha asked if the city has made requests to replace equipment. Mr. Fecklekotter recalled that the city has attempted to replace the equipment once.

Finance Director Sticha stated in these situations, the city is attempting to replace the equipment whether it is the meter or the radio that has failed and the city is not getting reads to do an accurate billing. He commented in this instance, the city would have sent out notices for multiple years to get the equipment replaced. He explained estimates can be used once

the city comes to the conclusion accurate reads are not occurring because the equipment cannot be replaced. He stated once the equipment is installed and read properly, a refund will be issued to the property owner.

Mayor Steffenson encouraged Mr. Fecklekotter to speak with staff in order to arrange a time to have the water meter or radio replaced.

Motion by Councilmember Hanson, seconded by Councilmember Barnett, to close the public hearing at 7:44 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Motion by Councilmember Hanson, seconded by Councilmember Johnson, to adopt Resolution No. 23-158 adopting the special assessment for 2023 delinquent utilities. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Public hearing

Certification of delinquent weed and tree accounts

Resolution No. 23-159

Finance Director Sticha reviewed a copy of the assessment roll for delinquent weed and tree cutting bills. This is a current list as of Monday, October 9, 2023. Payments are received every day so there will be some accounts that will be removed from the list. Payments can be paid in full at the Maple Grove Government Center up to November 19th. The total amount to be certified is \$2,285 as compared to \$5,200 in 2022, which includes a \$40 fee for the certification process. He thanked the staff from public works, engineering and finance for doing a good job again this year in coordinating the weed and tree cutting notices, billings, and the assessment roll. Staff commented further on the delinquent weed and tree accounts and requested the Council adopt the resolution certifying the accounts.

Motion by Councilmember Johnson, seconded by Councilmember Barnett, to open the public hearing. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Mayor Steffenson opened the public hearing at 7:45 p.m. and asked if anyone would like to address this issue.

No public testimony was offered.

Motion by Councilmember Johnson, seconded by Councilmember Barnett, to close the public hearing at 7:45 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Motion by Councilmember Johnson, seconded by Councilmember Hanson, to adopt Resolution No. 23-159 adopting the special assessment for 2023 delinquent weed and tree cutting bills. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Public hearing

**Easement
Vacation No. 23-
08**

**Resolution No.
23-152**

Assistant City Engineer Hale explained the realignment of Territorial Road for safety and operational reasons results in a portion of current Territorial Road right of way no longer being needed. City staff notified affected property owners and private utility companies, and published the public hearing for proposed vacation in the Osseo-Maple Grove Press on October 5 and October 12. Comcast has no concerns about the vacation as long as it does not change what developer and private utility previously discussed regarding reimbursement. Lumen has no issues with the vacation and city staff never received responses from CenterPoint Energy and Xcel Energy. Following the opening and closing of the public hearing, it is recommended that council adopt the resolution vacating said right of way.

Motion by Councilmember Hanson, seconded by Councilmember Johnson, to open the public hearing. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Mayor Steffenson opened the public hearing at 7:48 p.m. and asked if anyone would like to address this issue.

No public testimony was offered.

Motion by Councilmember Johnson, seconded by Councilmember Hanson, to close the public hearing at 7:48 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Motion by Mayor Steffenson, seconded by Councilmember Hanson, to adopt Resolution No. 23-152 vacating certain easement located in the City of Maple Grove, County of Hennepin, State of Minnesota. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Community and economic development items

Chipotle Maple Grove planned unit development stage plan, preliminary plat and final plat

Community and Economic Development Director Hogeboom explained the applicant is requesting approval for a planned unit development stage plan, preliminary and final plat in order to construct a 2,371 square foot Chipotle restaurant with a pickup window. The site received concept plan approval in 2016 (as part of the overall Hy-Vee South proposal) for general retail and office uses. A restaurant is considered a permitted use in this regard and so the proposal is consistent with the approved concept plan. Staff commented further on the request and reported the Planning Commission recommended approval.

John Johanson, representative for the applicant, thanked the Council for considering his request. He reported he would be working with staff to resolve the landscaping concerns and explained he has reconfigured his site to meet Hy-Vee's demands. He commented on how traffic would flow internally noting there would only be one curb cut. He anticipated this project would begin in the spring of 2024 and would be open in September or October of 2024.

Mayor Steffenson asked if the applicant would support additional architectural elements to the one side of the building. Mr. Johanson stated this elevation faces Highway 101 and was the production area of the restaurant. He noted Chipotle was willing to work with the city on this matter.

Councilmember Janigo asked if the dwarf bush honeysuckle could be eliminated from the landscaping plan because it was considered a restrictive noxious weed by the DNR. Mr.

Johanson reported this could be done.

Councilmember Janigo stated she supported Chipotle having a pickup lane for orders versus having a drive thru. Mr. Johanson stated this lane has gone quite well for Chipotle.

Councilmember Barnett indicated she was very impressed by the presentation Mr. Johanson made at the Planning Commission meeting and looked forward to having this Chipotle in Maple Grove.

Motion by Councilmember Barnett, seconded by Councilmember Johnson, to direct the city attorney to draft a resolution and a planned unit development agreement approving the Chipotle Maple Grove planned unit development stage plan, preliminary plat, and final plat subject to:

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
 - a. The Community & Economic Development Department dated October 10, 2023**
 - b. The Engineering Department dated September 15, 2023**
 - c. The Fire Department dated September 12, 2023**
 - d. The Parks & Recreation Department dated September 20, 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.

**Lil Explorers
Childcare
planned unit
development**

This item was moved to the consent agenda.

**concept stage
plan amendment,
development
stage plan, and
final plat**

**Resolution No.
23-147**

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

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

- There would be a ground-breaking ceremony for the final phase of Silver Creek on Main on Tuesday, October 17.
- The Planning Commission will meet next on Monday, November 13.

**Engineering-
public works
items**

**Report on
upcoming
engineering
items**

Interim Public Works Director/City Engineer Vince Vander Top updated the Council regarding the following:

- The Public Works Department would be completing a water treatment study and a draft of this study should be ready for review in December or January.

**Administration
items**

**Community
Center
Renovation and
Expansion –
Phase I – Arena
Schematic Design**

Parks Director Stifter stated staff and consultant team will present the schematic plan for phase one of the Community Center Renovation and Expansion project that includes the addition of a third sheet of ice and improvements to the existing arena and site. Schematic design is the stage in the design process where the building program is confirmed and presented spatially. All building systems are defined in narrative that set the direction of the design intent for each area. Schematic design also explores the look of the building architectural design with direction on building materials. The consultant has defined a palette of materials based on their study of like public buildings on the civic campus and nearby

park facilities. The final selection of building materials and building look will continue to be studied in a design charette during the design development stage. Staff provided further background information on this project and recommended approval of the phase one

plans for the Community Center Renovation and Expansion project.

Adam Barnett, J&G Architects, provided further comment on the proposed building modifications. He reviewed the project timeline in detail with the Council noting it was his hope to bid Phase I in April of 2024 with construction to begin next summer. Potential building materials were discussed with the Council. Further discussion ensued regarding how the project would be phased along with the overall project budget. He then reviewed the next steps for the project, which included design development and refrigeration design after the schematic designs were approved.

Mayor Steffenson requested further information regarding the potential expansion space on the second-floor space. Mr. Barnett discussed the proposed expansion space on the second floor and commented on how it could be utilized by the city.

Councilmember Janigo stated she liked Option 1 better because it offered more parking while also separating the skate park from the pavilion and playground.

Mayor Steffenson requested further information regarding the proposed wood product that would be used on the exterior of the building. Mr. Barnett stated this would be a veneer product with a plastic core that looks like wood. He noted these products are very durable and would last a long time. He explained he would be bringing exterior building material samples for the Council to review at a future meeting.

Councilmember Janigo reported she was pleased the city was considering geothermal for this facility.

Mayor Steffenson stated he was pleased the refrigeration center had been consolidated.

Motion by Mayor Steffenson, seconded by Councilmember

Hanson, to approve the Community Center Renovation and Expansion, phase one arena schematic design and budget estimate, and to direct staff to proceed with the design development phase. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Report on upcoming administration items

City Administrator Nelson explained that the Council has her Monday report if there are any questions. She reported the Boston Scientific groundbreaking ceremony would be held on Thursday, November 2. It was noted the City Council would be holding a work session meeting on Monday, November 6 that would focus on the facilities section of the CIP.

Items added to the agenda

None

Adjournment

Motion by Councilmember Janigo, seconded by Councilmember Barnett, to adjourn to the regular City Council meeting on November 6, 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 8:24 p.m. by Mayor Steffenson.

Respectfully submitted,

Heidi Nelson
City Administrator