

# **Maple Grove City Council Meeting**

## **Meeting Minutes**

**January 19, 2021**

### **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 January 19, 2021 at the Maple Grove Government Center/Public Safety Facility, Hennepin County, Minnesota and online via WebEx. Members present were Mayor Mark Steffenson and Councilmembers Judy Hanson, Karen Jaeger, Phil Leith, and Kristy Barnett. Absent was none. Present also were Heidi Nelson, City Administrator; Joe Hogeboom, Community and Economic Development Director; Peter Vickerman, Planning Manager; 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 for Discussion**

3N. Authorizing Solicitation and Acceptance of Donations for the Maple Grove Police Department D.A.R.E. Program - Resolution No. 21-007

### **Consent Items**

The following Consent Items were presented for Council's

approval:

## **MINUTES**

A. Regular Meeting – January 4, 2021

## **PERSONNEL ITEMS**

B. Approval of the City’s 2021 Pay Equity Report

Motion to approve the City of Maple Grove 2021 Pay Equity Report, which is based on salary and workforce statistics as of December 31, 2020.

C. Recruitment Approval for Assistant Fire Chief

Motion to authorize staff to begin the recruitment process for Assistant Fire Chief in the Fire department due to the retirement of Kurt Kramer, which was accepted with an effective date of October 30, 2020.

D. Recruitment Approval for a Light Equipment Operator Position

Motion to authorize the recruitment for a Light Equipment Operator position in the Public Works Department due to the resignation of Andrew Kohnen, which was accepted with an effective date of December 30, 2020.

E. Recruitment Approval for Mechanic

Motion to authorize staff to begin the recruitment process for a position of a Mechanic in the Public Works department due to the retirement of Kathleen Hall, which was accepted with an effective date of February 5, 2021.

## **COMMUNITY & ECONOMIC DEVELOPMENT ITEMS**

F. Park 81 PUD Concept Stage Plan Extension

Motion to extend the Park 81 PUD concept stage plan until February 19, 2022.

## **ENGINEERING ITEMS**

G. Final Acceptance Project No. 2019-01

Motion to approve the final acceptance of the Gladstone Area Street Rehabilitation Project No. 2019-01 completed by GMH Asphalt Corporation subject to the warranty provisions of the contract and statutory law.

H. 2021 Trunk Sanitary CIPP Project 21-05 - Resolution No. 21-005

Motion to adopt Resolution 21-005 approving plans and specifications for 2021 Trunk Sanitary CIPP Project 21-05 and authorizing advertisement for bids.

I. Cheshire Lane No Parking Zone - Resolution No. 21-011

Motion to adopt Resolution No. 21-011 designating a no parking zone along the west side of Cheshire Lane between 63rd Place and 64th Avenue.

J. Administrative and Special Assessment Transfers

Motion to approve the transfer of administrative, special assessment and engineering fees from the respective project funds to the general fund in the amount of \$880,816.44.

**ADMINISTRATIVE ITEMS**

K. Administration Annual Designation of Polling Places - Resolution No. 21-009

Motion to adopt Resolution No. 21-009 designating polling places for the 2021 election year.

L. Confirming City of Maple Grove Investment in Expansion of North Metro Range - Resolution No. 21-010

Motion to approve Resolution No. 21-010 declaring the City of Maple Grove's commitment of \$5.45 million toward the cost of the \$8.95 million North Metro Range expansion project as required by the Minnesota Management and Budget.

M. Authorizing Solicitation and Acceptance of Donations for

the Maple Grove Police Department Crime Prevention Program - Resolution No. 21-006

Motion to approve Resolution No. 21-006 authorizing solicitation and acceptance of donations for the Maple Grove Police Department Crime Prevention program.

N. Authorizing Solicitation and Acceptance of Donations for the Maple Grove Police Department D.A.R.E. Program - Resolution No. 21-007

This item was removed by Councilmember Jaeger for discussion.

O. Authorizing Solicitation and Acceptance of Donations for the Maple Grove Police Department K-9 Program - Resolution No. 21-008

Motion to approve Resolution No. 21-008 authorizing solicitation and acceptance of donations for the Maple Grove Police Department K-9 program.

P. Tobacco License Approval Holiday Stationstores, LLC dba Holiday Stationstore #508

Motion to approve a tobacco license for Holiday Stationstores, LLC dba Holiday Stationstore #508, 13303 Bass Lake Road, Maple Grove, Minnesota for the period January 25, 2021 through December 31, 2021, subject to compliance with all licensing requirements as outlined in Article XVI of the Maple Grove City Code.

Q. City of Maple Grove website redevelopment project with Civic Plus

Motion to authorize the City Administrator to execute the contract for \$42,269.98 with Civic Plus for the City of Maple Grove website redevelopment project.

**CLAIMS**

R. Motion to approve the claims as listed:

City Checks: \$1,668,183.15

Purchasing Card: \$6,802.37

Electronic Payments: \$0

**Motion by Councilmember Leith, seconded by Councilmember Barnett, to approve the Consent Items as amended, removing item 3N (Authorizing Solicitation and Acceptance of Donations for the Maple Grove Police Department D.A.R.E. Program - Resolution No. 21-007). 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 3N (Authorizing Solicitation and Acceptance of Donations for the Maple Grove Police Department D.A.R.E. Program - Resolution No. 21-007), Councilmember Jaeger discussed how two Maple Grove Police Officers were designated to the City's D.A.R.E. program. She thanked these officers for fostering positive relationships between law enforcement and the community.

**Motion by Councilmember Jaeger, seconded by Councilmember Leith, to approve Resolution No. 21-007 authorizing solicitation and acceptance of donations for the Maple Grove Police Department D.A.R.E. (Drug Abuse Resistance Education) program. 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.

**Represent-  
ative Robbins  
Presentation**

Representative Kristin Robbins provided the Council with a brief presentation from the state legislature. She explained she represented District 34A which included the western half of Maple Grove. She reported she was serving on the Tax Committee, Health and Human Services Committee, along with the Judiciary Civil Law Committee. She explained she appreciated working closely with the Maple Grove City Council

and the city's staff during the last legislative session in order to secure funding for TH610 and the North Metro Range. She discussed what would be addressed during the 2021 legislative session and reported all meetings were being held remotely, which was proving to be quite challenging. She commented further on the city's proposed visitor bureau tax in order to assist with paying for improvements to the Maple Grove Community Center.

Mayor Steffenson thanked Representative Robbins for all of her assistance with the bonding for TH610 and the Metro North Gun Range.

Councilmember Leith concurred and encouraged Representative Robbins to consider reducing the amount of taxes placed on charitable gambling funds.

**Former  
Planning  
Commission  
Chair Larry  
Colson  
Recognition**

Community and Economic Development Director Hogeboom thanked Chair Colson for his 17 years of dedicated service on the Maple Grove Planning Commission.

Mayor Steffenson read a plaque that would be presented to Chair Colson on behalf of the City of Maple Grove. He offered his sincerest appreciation to Chair Colson for his dedicated service to the community.

Councilmember Leith stated he joined the Planning Commission in 2003 with Chair Colson. He explained he appreciated serving with him before moving to the City Council. He thanked Chair Colson for his years of service on the Planning Commission.

Councilmember Jaeger thanked Chair Colson for his years of dedicated service on the Planning Commission. She wished him all the best in the future.

Councilmember Hanson stated she appreciated Chair Colson's dedicated service on the Planning Commission. She reported there would never be enough Larry Colson in her book. She thanked Chair Colson for his hard work, integrity, strong leadership and for asking the tough questions. She indicated Chair Colson would be greatly missed and she wished him all the best in his next chapter.

Councilmember Barnett thanked Chair Colson for being a great

teacher over the past four years. She explained Chair Colson would be dearly missed by the City of Maple Grove. She wished him well but not goodbye.

Chair Larry Colson thanked the Council for their kind words, the recognition, and thanked staff for making his job easier.

**Maple Tavern  
Response to  
Police  
Incident at  
Maple Tavern  
on November  
21, 2020**

City Administrator Nelson explained City Clerk Dietl would be providing the City Council with information on an event that occurred at Maple Tavern on November 21, 2020.

City Clerk Dietl discussed the 911 call that was made on November 21, 2020 by a woman who was physically removed from Maple Tavern by a bouncer due to some sort of altercation due to her bill. After speaking with people on the scene, the responding police officer made observations that raised concerns to staff regarding Maple Tavern's liquor license terms and conditions. She reported liquor license holders must conduct their business as outlined in Maple Grove City Code and failure to do so may result in suspension or revocation of a liquor license, or could result in civil penalties.

City Clerk Dietl explained City Attorney Justin Templin provided a letter dated December 11, 2020 to Maple Tavern owners and outlined a number of violations to City Code as well as Minnesota State Statute 340A including over service, disorderly conduct and violation of required closing time. In terms of over service, the incident report references several highly intoxicated people outside the bar, stumbling and falling to the ground, including one of the owners Chad Hannu, who was the manager on duty at the time.

City Clerk Dietl stated with regard to the disorderly conduct violation, there is the initial 911 call in which a customer reports that a Maple Tavern employee assaulted her. In addition, is the public intoxication reported by the police. In terms of violation of the required closing time, the incident report states that the responding officer left at 1:40 a.m. At that time, there were still customers coming and going from Maple Tavern. She reported Minnesota State Statute 340A.504 sets hours of operation. Without a 2 a.m. liquor license, this establishment should not be selling or consuming drinks for more than 30 minutes for the time of legal sale, which is 1:30 a.m. In addition, nobody other than the licensee, shall remain on the on-

sale license premise more than 30 minutes after the time when a sale can legally occur.

City Clerk Dietl reported the current owners of Maple Tavern have not obtained a 2 a.m. liquor license since obtaining their liquor license in 2017. Since the date of this event, the Maple Tavern has applied for the 2 a.m. license. She noted the State of Minnesota approved this license on January 14, 2021.

City Clerk Dietl explained City Attorney Templin's letter invited the owners of Maple Tavern to attend this meeting to speak to the incident that occurred. It was also an opportunity for the owners to provide the City Council with information as to what steps Maple Tavern has taken, or was planning to take, to assure compliance with the terms and conditions of its liquor license in the future. Unfortunately, no representatives from the Maple Tavern were in attendance at the meeting. However, for several weeks she has been exchanging emails with Chad Hannu and this email exchange was shared with the City Council.

Councilmember Leith requested further information from the City Attorney regarding what penalties could be levied if the city wished to proceed in this manner. City Attorney Templin discussed the conversations held by staff. He reported every opportunity was provided to Maple Tavern to explain what had occurred. He noted the officer arrived on scene because of an assault report and while that was investigated, no charges occurred. He stated the intention of having the Maple Tavern owners at the meeting would be to have them address the incident and to provide a remedy. Therefore, an invitation was sent through the letter and the letter states specifically the Council was not going to consider suspension or revocation of the letter at this time. He indicated the Council could consider a civil penalty or the liquor license could be suspended or revoked. He reported these actions would require a full hearing. He reiterated that staff was not recommending any action be taken at this time.

Councilmember Leith asked if further action was pursued by the City Council, could other police calls and incident reports be considered. City Attorney Templin reported the Council always



has discretion to consider items that were public record, like incident reports.

Councilmember Hanson questioned if conditions could be placed on a licensed establishment to ensure compliance. City Attorney Templin explained that in response to this situation, the city could impose penalties, such as a civil penalty, suspension or revocation, under conditions currently outlined in City Code. The city cannot adopt new penalties; however, and apply them to this situation.

Councilmember Barnett inquired if the Maple Tavern should have been closed at 10 p.m. on November 21, 2020. City Attorney Templin explained that the 10 p.m. closing went into effect on November 13, 2020 and that November 20, 2020 was the last night before the full shut down under the Executive Order. He explained the Maple Grove Police Department was operating under an educate and redirect with respect to issues regarding COVID-19 given the difficulty businesses were having.

Councilmember Barnett stated she would like to see the data and 911 calls to the Maple Tavern and all bar areas. City Attorney Templin explained an overview of data had been provided to the City Council regarding the number of violations that occurred in 2020.

Councilmember Hanson commented she understood the State of Minnesota already approved the Maple Tavern's 2 a.m. liquor license request. She asked if the city would have any leverage as a condition on their license to regulate their closing time. City Attorney Templin reported the city has the opportunity to decide whether it wants to allow its licensees, as a general matter, to be open until 2 a.m. Once that decision is made, the licensing of that extra hour, is handled at the state level. He indicated the city could consider other conditions that do not relate to closing time.

Mayor Steffenson stated the evidence from this incident could be used at any future liquor license violations for Maple Tavern. City Attorney Templin reported this was the case and noted the owners of Maple Tavern have been made aware that this incident would be "going in their file".

Councilmember Leith discussed the compliance checks that are

held by the city each year and how violations from these checks are addressed by the City Council. He indicated the city now had three violations against the Maple Tavern and questioned if a hearing should be held, action should be taken or conditions should be considered.

Councilmember Hanson explained she was interested in learning more about what options the Council had with respect to putting conditions on this liquor license. In addition, she notes appreciation for getting the information requested for calls for service. City Attorney Templin reported he would have to consider the conditions available to the City Council and would report back.

Councilmember Jaeger suggested the Council consider rewriting the liquor license language to put more restrictions in place.

Mayor Steffenson stated this would be one option for the City Council to consider. He indicated this would be a discussion the Council would have to hold at a future date. He encouraged the Council to keep the Maple Tavern incident separate from a City Code change.

Councilmember Leith explained he would like the Council to discuss this matter in further detail at a future meeting.

Councilmember Hanson recommended a formal hearing be scheduled in order to get the liquor license holder to attend a future meeting where options and conditions for the Maple Tavern could be discussed.

Councilmember Barnett stated she brought up the 10 p.m. closure time to bring to light Maple Tavern was over serving for three hours that night. She questioned if bar staff was allowed to drink while working. City Attorney Templin reported a responsible party has to be onsite that was answerable to the liquor license and this was violated.

Councilmember Barnett explained she was most concerned about the condition Mr. Hannu was in due to over service when the police responded to the Maple Tavern on November 21, 2020. She believed Mr. Hannu was making poor decisions due to over service and this should be a concern to the City Council.

Councilmember Hanson agreed this was a concern.

## **Community Development Items**

### **Rice Lake Elementary School Conditional Use Permit**

Planning Manager Vickerman explained the applicant is requesting a conditional use permit for the purpose of a modification to the Rice Lake Elementary School which will consist of a six-class room addition, a gymnasium addition and an additional parking lot. Staff commented further on the site plan and reported the Planning Commission recommended approval with conditions.

Councilmember Jaeger expressed concern that this item had not been reviewed by the Rice Creek Watershed District. She questioned if the extra lighting and noise from the children would disturb the adjacent homeowners. Planning Manager Vickerman reported the applicant would have to receive watershed district approval prior to any grading permit being issued for the site. He explained the lighting would not be changed on the site, but rather would be relocated. He indicated the playground area was slightly closer to the existing homes and noted staff has worked with the applicant to move this closer to the building. Staff did not anticipate the new location for the playground would adversely impact the neighbors.

Jacob Cherry, Wold Architects & Engineers, explained he has worked with the watershed district to get preliminary comments. He discussed the proposed drainage basin and noted there would be no standing water in the basin. He commented further on the noise generation stating none of the activities were being moved closer to the adjacent houses. He stated the additional lighting was being added to the fields and to the new portion of the building.

**Motion by Mayor Steffenson, seconded by Councilmember Leith, to approve directing the City Attorney to draft a resolution approving the Rice Lake Elementary School conditional use permit, 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 January 4, 2021
  - b. The Engineering Department dated January 4, 2021
  - c. The Fire Department dated December 8, 2020
2. The new soft play area container will accommodate the existing playground equipment according to fall zone and ADA requirements.

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 meet next on January 25, 2021 and the group would be discussing the Edgewater Community and the Arbor Lakes Phase II business parks.
- The city was seeking a new Planning Commissioner and was taking applications at this time.
- It was noted the City Council and Planning Commission would be holding a virtual joint meeting on February 8, 2021 from 6 p.m. to 6:45 p.m. to discuss the Main Street project.
- Maple Grove Nutrition opened in Maple Grove and would celebrate their grand opening on Friday, January 22, 2021.

### **Report on Upcoming Engineering Items**

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

- The Public Works staff was gearing up to implement an EAB program.
- Staff held a productive meeting with MNDOT last week to discuss the release of bonding dollars for TH610.

**Consideration  
of a local  
option sales  
tax to support  
the funding of  
the Maple  
Grove  
Community  
Center  
renovation/  
expansion/  
project**

**Resolution No.  
21-012**

City Administrator Nelson requested the Council consider a resolution that would support the City of Maple Grove imposing a local sales tax to fund specific capital improvements providing regional benefit and to authorize the city to issue bonds supported by the sale of tax revenue. She provided further background information on the financing plan for the community center expansion and renovation. She explained Maple Grove was considering the imposition of a local option sales tax to support funding for the community center project by diversifying the funding sources, which more closely distributes the cost of the project to the users of the facility. She explained this was a multi-year process to have the legislature consider this first step, which is for the City of Maple Grove to pass a resolution supporting obtaining the enactment of a special law authorizing the city to impose a local sales tax be included in the 2021 tax bill.. She commented further on the steps that would follow and recommended approval of the resolution. The additional steps include:

- The political subdivision must submit the resolution and documentation on the regional significance of each project to the chairs and ranking minority members of the House and Senate tax committees by January 31 of the year in which it seeks the special law.
- Working with a legislator, the political subdivision must request and get enacted a special law authorizing imposition of the tax.
- The political subdivision must file local approval with the secretary of state before the start of the next regular legislative session after the session which the enabling law is enacted.
- The political subdivision must receive voter approval at a general election within two years of receiving the local sales tax authority before it can impose the tax. A separate question must be held for each project and only the ones approved by the voters may be funded by the sales tax. The authorized revenue to be raised and length the tax is imposed is reduced for any project that is not approved by the voters.
- The political subdivision must pass an ordinance

imposing the tax and notifying the Commission of Revenue at least 90 days before the first day of the calendar quarter on which the tax is to be imposed.

Mayor Steffenson stated he believes this tax provides the city with a mechanism to pay for a project that has to be done and allows for the cost to be spread over people that use the facility, instead of just Maple Grove citizens.

Councilmember Barnett explained this was not something the City Council was taking lightly and indicated the voters would ultimately make the final decision.

**Motion by Mayor Steffenson, seconded by Councilmember Barnett, to approve adopting Resolution No. 21-012 supporting the City of Maple Grove to impose a local sales tax to fund specific capital improvements providing regional benefit, to establish the duration of the tax and the revenue to be raised by the tax, and to authorize the city to issue bonds supported by the sales tax revenue. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.**

**Heidi Nelson,  
City  
Administrator**

Ms. Nelson explained that the Council has her Monday report if there are any questions. She provided the Council with an updated from the legislature and noted the MLC legislative breakfast would be held on Friday, January 22, 2021.

**Adjourn to  
EDA Meeting**

Mayor Steffenson adjourned the City Council meeting to the EDA Meeting at 8:30 p.m.

**Reconvene to  
Regular  
Meeting**

Mayor Steffenson reconvened the regular City Council meeting at 8:34 p.m.

**Items Added  
to the Agenda**

Councilmember Jaeger encouraged residents to check their smoke detectors and invited residents to visit Maple Grove's local restaurants.

Councilmember Jaeger stated ice skating was still going strong in Maple Grove and noted those interested in skating the loop were encouraged to make reservations.

**Adjournment**

**Motion by Councilmember Jaeger, seconded by**

**Councilmember Barnett, to adjourn to the regular City Council meeting on February 1, 2021 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 8:36 p.m. by Mayor Steffenson.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heidi Nelson". The signature is fluid and cursive, with a large initial "H" and "N".

Heidi Nelson  
City Administrator