

Maple Grove City Council meeting

DRAFT meeting minutes

January 18, 2022

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(Delete this when final edits are complete)

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 18, 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. Absent was none. Present also were Heidi Nelson, City Administrator; Peter Vickerman, Planning Manager; Ken Ashfeld, Public Works Director/City Engineer; Eric Werner, Police Chief; Tim Bush, Fire Chief; 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

3G. Appoint Lake Quality Commission candidate

3I. Fountains Area Improvements, Project No. 16-02-award contract Resolution No. 22-029

Consent items

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

MINUTES

A. Regular meeting – January 3, 2022

HUMAN RESOURCES ITEMS

B. Recruitment approval for City Prosecutor

Motion to authorize staff to begin the recruitment process for the City Prosecutor position in the Administration Department.

C. Amendments to temporary COVID19 policies

Approve amendments to temporary COVID19 policies

COMMUNITY & ECONOMIC DEVELOPMENT ITEMS

D. Crocus Grove Planned Unit Development concept stage plan, development stage plan, preliminary plat, rezoning and administrative lot division

Motion to table the application at the request of the applicant.

E. Evanswood - Hill and Radintz administrative lot division

Motion to adopt Resolution No. 22-028 affirming the approval of the requested administrative Hill and Radintz parcel division of parcel PID No. 06-119-22-44-0001 as requested.

ENGINEERING ITEMS

F. 2022-2025 Residential Waste Reduction and Recycling Funding Policy

Motion to adopt Resolution No. 22-026 approving the 2022-2025 Residential Waste Reduction and Recycling Grant Agreement with Hennepin County and authorizing the Mayor and City Clerk to execute the agreement.

G. Appoint Lake Quality Commission candidate

This item was removed by Councilmember Jaeger for discussion.

H. Conveyance of excess right of way

Motion to accept the offer of conveyance of property deemed by MnDOT as excess right of way for the TH 610 project subject to terms of conveyance letter dated July 29, 2021, Conveyance No. 2017-0070, Parcel 43.

I. Fountains Area Improvements, Project No. 16-02-award contract Resolution No. 22-029

This item was removed by Councilmember Jaeger for discussion.

J. Government Center HVAC replacement and upgrades

Motion to approve proposals from UHL Company to replace thirteen (13) heat pumps within the Government Center, upgrade controls on said heat pumps, and install a new boiler to complement the existing geothermal system.

K. Project No. 2021-01 - Final acceptance

Motion to approve the final acceptance of Appaloosa Woods Street Reconstruction, Project No. 2021- 01 completed by Northwest Asphalt subject to the warranty provisions of the contract and statutory law.

L. Southwest Crossroads Third Addition, Havenwood of Maple Grove, Project No. 19-17, First Amendment to Developer's Agreement Resolution No. 22-025

Motion to adopt Resolution No. 22-025 approving First Amendment to Developer's Agreement for Southwest Crossroads Third Addition – Havenwood of Maple Grove, subject to final review by the City Attorney and Director of Public Works.

M. Sureties

Motion to approve the surety actions.

ADMINISTRATIVE ITEMS

N. Municipal Legislative Commission amendments to Joint and Cooperative Agreement

Motion to approve the proposed form of amended and restated Joint and Cooperative Agreement of the Commission of the Municipal Legislative Commission.

O. Annual replace and upgrade PC's

Motion to approve the replacement of desktops, laptops, monitors and docks for 2022. The total cost of replacement will be \$39,508.00 to be purchased from the Data Processing Replacement Fund. The breakdown of costs are as follows:

Replacement of 40 desktops: \$31,000.00
Replacement of 2 laptops: \$2,650.00
Replacement of 23 monitors: \$4,830.00
Replacement of 4 laptop docks: \$1,028.00

P. Annual toughbook replacements

Motion to approve the replacement of 16 Panasonic Toughbooks. Replacement of these Toughbooks is per our standard computer replacement schedule. The computers replaced are used in Police, Fire, and Public Works Departments. The total cost of replacement will be \$43,208.16 to be purchased from the Data Processing Replacement Fund.

Q. Replace and upgrade rugged network switches

Motion to approve the replacement of RuggedCom network switches. The total cost of replacement will be \$29,690.00 to be purchased from the Data Processing Replacement Fund. Two quotes for this project were requested and this is the best pricing of the two.

R. Approve resolution formally accepting ARPA funds

Approval of Resolution No. 22-024 accepting American Rescue Plan Act (ARPA) Federal Funding, use of that funding for revenue losses incurred in fiscal year 2020 and applying those funds towards public safety operating expenses in fiscal year 2021.

S. Approve claims

Motion to approve claims totaling \$ 2,247,743.61.

Motion by Councilmember Jaeger, seconded by Councilmember Leith, to approve the consent items as amended, removing items 3G (Appoint Lake Quality Commission candidate) and 3I (Fountains Area Improvements, Project No. 16-02-award contract Resolution No. 22-029). 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 (Appoint Lake Quality Commission candidate), Councilmember Jaeger welcomed Brennon O'Callaghan to the Lake Quality Commission as the Fish Lake representative.

Motion by Councilmember Jaeger, seconded by Councilmember Hanson, to appoint Brennon O'Callaghan to the Lake Quality Commission as the Fish Lake representative. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Regarding Item 3I (Fountains Area Improvements, Project No. 16-02-award contract Resolution No. 22-029), Councilmember Jaeger discussed the contracts for the Fountains Area Improvement Project noting there was a \$200,000 difference between the bids. She questioned why this occurred and why staff's estimate was lower than the low bidder by 10%. Public Works Director/City Engineer anticipated the higher bids were from vendors that had a low interest in the project. He explained staff was looking for the low bidder in this type of bidding environment. He commented staff was not overly surprised that staff was off on this bid by 10%. He reported the low bidder, Valley Paving, has completed many projects in Maple Grove successfully.

Motion by Councilmember Jaeger, seconded by Councilmember Hanson, to approve the following: Bids were received on January 11, 2022 for Fountains Area Improvements Project No. 16-02 and have been tabulated and reviewed for consistency with the bidding requirements. The following bids were received complying with the

advertisement:

	Contractor's Name	Base Bid
1	Valley Paving, Inc.	\$568,902.00
2	GMH Asphalt Corporation	\$569,372.70
3	North Valley, Inc.	\$570,904.73
4	Northwest Asphalt	\$590,322.39
5	New Look Contracting, Inc.	\$594,429.50
6	C.S. McCrossan Construction, Inc.	\$639,730.50
7	Pember Companies, Inc.	\$651,028.50
8	JL Theis, Inc.	\$679,143.75
9	Urban Companies	\$689,045.25
10	Thomas and Sons Construction	\$773,882.60

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.

**Retirement of
Firefighter
Greg Bodin**

Fire Chief Bush recognized Firefighter Greg Bodin and thanked him for his 21 years of dedicated service to the Maple Grove Fire Department. He reported Firefighter Bodin was one of the charter members of Fire Station 5 and was an active public safety servant in the community and beyond.

Firefighter Greg Bodin stated it has been his privilege and honor to serve on the Maple Grove Fire Department. He thanked the Council for their support over the years. He thanked his wife, Cindy, for her tremendous support over the years. He explained he prays for the protection and safety over all of the Maple Grove Firefighters each and every day.

Councilmember Jaeger thanked Firefighter Bodin for his tremendous service to the community and for his dedicated service on the Maple Grove Fire Department.

Councilmember Leith thanked Firefighter Bodin for attending all of the Lion's events and for offering a blessing. He wished Firefighter Bodin all the best in his retirement.

Councilmember Hanson thanked Firefighter Bodin for all he

has done for the community and wished him well in his retirement.

Mayor Steffenson thanked Firefighter Bodin for always being there on behalf of the City of Maple Grove. He thanked Ms. Bodin for her many sacrifices and dedication to the community.

Councilmember Barnett stated she appreciated Firefighter Bodin's calm and peaceful nature. She explained she thinks of the police and firefighters in the community often and prays for their safety. She wished Firefighter Bodin all the best in his retirement.

Mayor Steffenson presented Firefighter Bodin with a plaque on behalf of the City of Maple Grove. A round of applause was offered by all in attendance.

**Police Officers
oath of office**

Police Chief Werner introduced newly hired Police Officers Samuel Freng, DeNea Dozier and Jackson Carlson to the City Council.

Mayor Steffenson administered to the Oath of Office to Police Officers Samuel Freng, DeNea Dozier and Jackson Carlson and welcomed them to the Maple Grove Police Department. Badges were pinned on and a round of applause was offered by all in attendance.

**Public
hearings**

**7:30 p.m.
public hearing**

**Evanswood
Project No.
21-10**

**Resolution No.
22-030**

Public Works Director/City Engineer Ashfeld requested the Council approve public improvements for the Evanswood project located in the Northwest Master Plan area. He reported the project was quite large including 227 single family detached homes and 138 townhomes. He estimated the infrastructure improvements would cost \$30 million for this project which included trunk sanitary sewer and water improvements along with streets and sidewalks. He noted a portion of Arbor Ridge Parkway would be completed in conjunction with this project as part of the planning for the Northwest Area. He reviewed the location of the two proposed roundabouts. Staff commented further on the project, requested the council hold a public hearing and order the Evanswood Project.

Councilmember Jaeger requested further information regarding the lift station associated with this project. Public Works

Director/City Engineer Ashfeld explained a trunk sanitary sewer lift station would be completed which would remove two other, older lift stations.

Motion by Councilmember Barnett, seconded by Councilmember Jaeger, 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 8:11 p.m. and asked if anyone would like to address this issue.

No public testimony was offered.

Motion by Councilmember Barnett, seconded by Councilmember Hanson, to close the public hearing at 8:12 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Motion by Councilmember Leith, seconded by Councilmember Barnett, to adopt Resolution No. 22-030 ordering Evanswood Project No. 21-10, pending receipt of surety and ordering plans and specifications. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Community and Economic Development items

14719 91st Avenue North Variance

Planning Manager Vickerman explained the applicant is requesting a variance to the shoreland setback for the purpose of constructing an addition off the lakeside of the existing home at 14719 91st Avenue North. The proposed expansion would include a sport court, bathroom, golf simulator, and overlook from the home's upper story. The lot abuts Rice Lake and is located within the Shoreland Overlay District, which requires that structures be setback 75 feet from the ordinary high-water level. The existing home is setback about 80 feet from the OHWL. The proposed expansion would place the structure about 69 feet from the OHWL, an encroachment of about 6 feet. Sewered lots abutting recreational development lakes must have a minimum lot area of 20,000 square feet. The lot in question is substandard with an area of 15,238 square feet. This size is similar to other nearby lots. In addition, the home on the

abutting lot to the west (14749 91st Avenue North) is located approximately 72 feet from the OHWL. The proposed expansion would replace an existing cement patio. Staff discussed the plans in further detail and reported the Planning Commission recommended approval of the six-foot variance request.

Councilmember Hanson asked if there were any neighbors that expressed opposition to the variance request. Planning Manager Vickerman reported staff received no comments from the neighbors in opposition to the request.

Councilmember Jaeger explained she lived on Rice Lake and she was concerned with opening up a can of worms if this variance request were approved. She questioned what the DNR had to say about this variance and creating an overlay district. Planning Manager Vickerman explained staff had not approached the DNR just yet regarding the overlay district because staff wanted to receive this direction from the City Council. He noted the DNR did not have jurisdiction over the variance request.

Councilmember Jaeger asked how many cars the applicant had parked in the driveway. Michael Shimpa, 14719 91st Avenue North, reported he purchased the home in 2014 and noted his vehicles are located in the garage. Mr. Shimpa commented further on the sport court he was proposing to add onto his home. He indicated COVID has been very hard on his young family and noted this space would allow his children to be more active while also bringing smiles back to his children's faces.

Councilmember Leith commented he supported the requested variance noting in 2021 the City approved an 11-foot variance for a home in this same neighborhood.

Councilmember Barnett stated she was concerned with the fact the Council approved a variance for this neighborhood last year and would now feel obligated to approve another variance. She supported the Council reevaluating the zoning in this neighborhood or considering an overlay district in order to reduce the number of variances being requested.

Councilmember Hanson reported the applicant went through all of the requirements to meet a variance. She believed this meant the city was making a decision based on statute requirements

and not just because a variance was approved last year. For this reason, she noted she would be supporting this variance.

Councilmember Jaeger asked if the city recently adjusted the shoreland ordinance. Planning Manager Vickerman reported the adjustments that were made to the shoreland ordinance had to do with the grading, mass grading and tree protection. He explained the adjustments did not have to do with properties that were not in compliance with OHWL setbacks.

Mayor Steffenson reported there were 19 homes in this neighborhood and 13 had structures within the OHWL setback. He stated he supported the variance as requested because the 75-foot OHWL setback was not in place when the home was built.

Councilmember Jaeger thanked the applicant for being willing to invest in their home and the community.

Motion by Councilmember Jaeger, seconded by Councilmember Leith, to direct the City Attorney to draft a Resolution approving the 14719 91st Avenue North Variance 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, 2022**
 - b. The Water Resources Engineer dated December 6, 2021.****

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.

**PetSuites
planned unit
development**

Planning Manager Vickerman explained TM Crowley & Associates, developer for PetSuites, has applied for PUD non-residential concept stage plan, development stage plan,

concept stage plan, development stage plan, preliminary and final plat

preliminary and final plat for a proposed 11,000 square foot animal (primarily dogs and cats) boarding, daycare, and grooming facility with additional fenced in exterior areas on Upland Lane. The proposed facility has a capacity for approximately 150 dogs, but on average they would expect no more than 100 dog guests per day. PetSuites is a nationally operated brand which recently began to enter and develop in the Minnesota market. There are currently two locations within the Twin Cities market in operation – in Blaine and Eagan. Staff discussed the plans in further detail and reported the Planning Commission recommended approval.

Councilmember Jaeger asked if this property had poor soil borings. Planning Manager Vickerman explained some work would be needed to correct the soils.

Councilmember Jaeger commented this was a small plot of land, but she was looking forward to having another pet amenity in Maple Grove.

Further discussion ensued regarding the stormwater improvements that would be completed on the site.

Dan Connors, PetSuites representative, introduced himself to the Council and thanked them for their consideration.

Councilmember Jaeger requested further information on how the building would be used. Mr. Connors explained the building would be used for pet lodging, both kenneling and daycare purposes.

Councilmember Leith questioned how long it would take to construct this building. Joe Bailey, Sambatek representative, reported groundbreaking would occur in the spring of 2022 and the building would be ready for use in early 2023.

Motion by Councilmember Leith, seconded by Councilmember Hanson, to direct the City Attorney to draft a Resolution and a Planned Unit Development agreement approving the PetSuites PUD concept stage plan, development stage plan, preliminary 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 December 17, 2021**
- b. The Engineering Department, dated December 17, 2021**
- c. The Fire Department, dated December 17, 2021**
- d. The Building Department, dated December 17, 2021**
- e. The Arbor Committee, dated December 23, 2021**
- f. The Parks & Recreation Department, dated December 17, 2021**

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**

Planning Manager Vickerman updated the Council regarding the following:

- The Planning Commission would be meeting on Monday, January 31 to discuss a North Grove Medical Center on Maple Grove Parkway, Weston Commons, AMC theater site, Arbor Lakes Business Park Phase 3 and Summerwell.

**Engineering-
public works
items**

**Easement
Vacation No.
21-05**

Motion by Councilmember Jaeger, seconded by Councilmember Leith, to remove this item from the table. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

**Resolution No.
22-027**

Public Works Director/City Engineer Ashfeld explained the Council considered this item last September. He noted this was an item in conjunction with the Neal Addition Plat. He discussed the action the Council took last September which was to hold the public hearing. He indicated action on the resolution was then tabled in response to the property owner to the south who asked for more time to obtain a survey of her property. He

reported there are three other easements on the property to the south and east and encroachments have occurred on these easements. He discussed the course of action that could be pursued to cure the encroachments. Staff recommended the Council take action on the resolution as proposed by staff in order to vacate the portion of land within the Neal Addition.

Councilmember Leith explained staff was recommending the vacation of land on the Neal property only, at this time. Public Works Director/City Engineer Ashfeld reported this was the case.

Councilmember Barnett asked if the property owner to the south had disputed the location of the property line. Public Works Director/City Engineer Ashfeld did not recall this to be the case, but rather that she wanted a survey to be completed on the property due to the fact the easement had been missed at their closing.

Jess Wadleigh, 16916 Weaver Lake Dr N, stated she was not trying to drag this out any longer. She commented she wanted to be clear on property lines and trees. She thanked the city for allowing this item to be tabled and for allowing her property to be surveyed. She explained this was not a simple property line, but rather was on a curve. She questioned what action would be taken next now that the tree survey was done and easement would be released. She wanted to ensure that trees would not be removed from her property.

Public Works Director/City Engineer Ashfeld commented on the tree inventory that was done. He explained typically a metal medallion was nailed to a tree when the inventory was completed, but in this case the trees may have been marked with a pink dot. He noted trees that were typically slated for removal were marked with a large "X". He reported once the easement was vacated the property line becomes the property line. He commented the city was not intending to remove trees on the easements, rather the city was giving up its rights to install a trail.

Councilmember Hanson stated an easement was not an ownership right, rather it was the city's ability to use the land. She commented the easement was a license to use the land for a trail or a road, or a purpose. She indicated the city was vacating its license to the property.

Ms. Wadleigh understood she would not be given land. She indicated she wanted to better understand how she would know where the property line was located. Again, she feared that trees were marked on the Neal property when in fact they were located on her property.

Councilmember Hanson stated she anticipated some of the trees might be located right on the property line.

Mayor Steffenson encouraged the neighbors to walk the line in order to better understand where the property line is and help reach an agreement. He indicated this would also help in understanding what trees would or would not be removed. He explained he supported the city moving forward with vacating the other three easements surrounding this property. Public Works Director/City Engineer Ashfeld agreed with this recommendation.

Planning Manager Vickerman commented further on the fences that would have to be installed to ensure the trees were preserved.

Motion by Councilmember Hanson, seconded by Councilmember Barnett, to adopt Resolution No. 22-027 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.

**Report on
upcoming
engineering
items**

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

- The city would be making an application in the hopes of receiving federal funding that would assist with completing TH610.

**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 I-94 West Coalition would be holding a legislative breakfast on Friday, January 21. She stated the I-94 Chamber of Commerce would be holding a State of the City on Tuesday, January 25. She commented the legislative session would begin on Monday,

January 31.

**Items added to
the agenda**

Councilmember Jaeger discussed the recent DARE graduations she attended.

Councilmember Jaeger encouraged seniors to check their smoke detectors and fire extinguishers.

Adjournment

Motion by Councilmember Jaeger, seconded by Councilmember Hanson, to adjourn to the regular City Council meeting on February 7, 2022 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 9:08 p.m. by Mayor Steffenson.

Respectfully submitted,

Heidi Nelson
City Administrator