

**Maple Grove City Council meeting**

**DRAFT meeting minutes**

**February 6, 2023**

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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 February 6, 2023 at the Maple Grove Government Center/Public Safety Facility, Hennepin County, Minnesota. Members present were Acting Mayor Judy Hanson and Councilmembers Kristy Barnett and Kristy Janigo. Absent was Mayor Mark Steffenson and Councilmember Rachelle Johnson. Present also were Heidi Nelson, City Administrator; Joe Hogeboom, Community and Economic Development Director; Jupe Hale, Assistant Director of Public Works/Assistant City Engineer; and Justin Templin, City Attorney.

Acting Mayor Hanson 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**

Acting Mayor Hanson 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**

3H. Recruitment approval for fire inspector specialist

3M. 2023 Street reconstruction program - Resolution Nos. 23-

027, 23-028

**Consent items**

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

**MINUTES**

- A. Regular meeting – January 17, 2023
- B. Work session meeting – January 17, 2023
- C. Work session meeting – January 30, 2023

**HUMAN RESOURCES ITEMS**

- D. Appointment of administrative assistant I

Motion to approve the appointment of Brennan Sorensen to the position of administrative assistant I with an annual salary of \$61,667.84, subject to a 12-month probationary period, and provided the successful clearance of all required pre-employment screenings.

- E. Appointment of human resources technician

Motion to approve the appointment of Lourdes Landi to the position of human resources technician with an annual salary of \$74,075.04, subject to a 12-month probationary period, and provided the successful clearance of all required pre-employment screenings.

- F. Appointment of senior residential appraiser, and authorize staff to begin the recruitment process for appraiser

Motion to authorize staff to begin the recruitment for appraiser and approve the appointment of Randy Dejong to the position of senior residential appraiser in the Assessing Department at an annual salary of \$107,261.44 effective February 7, 2023 subject to a twelve-month probationary period. All required screenings and background checks have been successfully completed.

- G. Promotion of building official and recruitment approval for assistant building official

Motion to authorize staff to begin the recruitment process for the assistant building official position and approve the appointment of Colby Cartney to the position of building official at an annual salary of \$121,634.24, effective February 7, 2023 subject to a 12-month probationary period. All required screenings have been successfully completed.

H. Recruitment approval for fire inspector specialist

This item was removed by Councilmember Janigo for discussion.

I. 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 Officer Jacob Hatzenbeller, with an effective date of February 19, 2023.

**COMMUNITY & ECONOMIC DEVELOPMENT ITEMS**

J. Appointment for Planning Commission

Motion to approve the appointment of Stephanie Tomlinson to the Planning Commission for a term to expire December 31, 2024.

K. Arbor Lakes 10th Addition final plat

Motion to adopt Resolution No. 23-033 approving Arbor Lakes 10th Addition final plat.

L. Bella Woods planned unit development concept stage plan

Motion to adopt Resolution No. 23-027 establishing Buena Vista Terrace & Eagle Lake Trails Area Street Reconstruction Project No. 23-01, ordering feasibility report, receiving feasibility report, establishing hearing, declaring costs to be assessed, ordering preparation of assessment roll and ordering special assessment hearing.

Motion to adopt Resolution No. 23-028 establishing Copper Marsh & Hidden Meadows Area Street Reconstruction Project No. 23-02, ordering feasibility report, receiving feasibility report, establishing hearing, declaring costs to be assessed, ordering preparation of assessment roll and ordering special assessment hearing

#### **ENGINEERING ITEMS**

M. 2023 Street reconstruction program - Resolution Nos. 23-027, 23-028

This item was removed by Councilmember Janigo for discussion.

N. Maple Grove Middle School Park Trail Project No. 22-03 - contract award - Resolution No. 23-026

Motion to adopt Resolution No. 23-026 accepting bid for Maple Grove Middle School Park Trail Project No. 22-03.

O. Rush Hollow Project No. 23-06 - project establishment - Resolution No. 23-029

Motion to adopt Resolution No. 23-029 establishing Rush Hollow Project No. 23-06, receiving surety, and ordering feasibility report.

P. Sureties - February 6, 2023

Motion to approve the surety actions.

#### **ADMINISTRATIVE ITEMS**

Q. 2023 Park dedication rates

Motion to modify the park dedication rate to \$4,156/unit for a single-family residential subdivision filed with Hennepin County for a period beginning February 1, 2023 and ending January 31, 2024 based on the city ordinance.

Motion to continue the park dedication rate of \$6,500/acre for

an industrial subdivision and \$11,000/acre for a commercial subdivision filed with Hennepin County for a period beginning February 1, 2023 and ending January 31, 2024 which amount is based on the city policy established pursuant to Resolution No. 88-120.

R. Annual network switch replacements

Motion to approve the replacement of 6 Cisco and Ruggedcom network switches. Replacement of these items is per the city's standard network hardware replacement schedule. The total cost of replacement will be \$50,366.35 to be purchased from the Data Processing Replacement Fund.

S. Approve Resolution No. 23-024 - Approving State of Minnesota Joint Powers Agreements with the City of Maple Grove on behalf of its prosecuting attorney and Police Department

Motion to approve Resolution No. 23-024 Approving State of Minnesota Joint Powers Agreements with the City of Maple Grove on behalf of its prosecuting attorney and Police Department.

T. Clear Channel Outdoor city advertising contract

Motion to approve renewal of the Clear Channel Outdoor city advertising contract.

U. Joint Powers Agreement for Pets Under Police Security

Motion to approve and authorize the mayor and city administrator to execute a Joint Powers Agreement and continue, what is now named PUPS (Pets Under Police Security), with the cities of Brooklyn Park, Brooklyn Center, Champlin, Crystal, New Hope, Plymouth, and Robbinsdale.

V. Letter of support - Three Rivers Park District RAISE grant application

Motion authorizing a letter of support for a RAISE grant application prepared by Three Rivers Park District for regional

trail system improvements.

W. Opt-in to nationwide opioid litigation settlement - Resolution No. 23-032

Motion to adopt Resolution No. 23-032 authorizing and directing staff and legal counsel to execute required documents for the City of Maple Grove to opt in to a nationwide opioid litigation settlement.

X. Approve claims

Motion to approve claims totaling \$ 4,686,423.03.

**Motion by Councilmember Barnett, seconded by Councilmember Janigo, to approve the consent items as amended, removing items 3H (Recruitment approval for fire inspector specialist) and 3M (2023 Street reconstruction program - Resolution Nos. 23-027, 23-028). Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

**Consideration of items pulled from the agenda**

The following items were pulled from the consent agenda.

Regarding Item 3H (Recruitment approval for fire inspector specialist), Councilmember Janigo spoke to the importance of having an additional full-time fire inspector in the City of Maple Grove, noting this individual will inspect the multi-family housing units in the community.

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to authorize staff to begin the recruitment process for the newly created fire inspector specialist position in the fire department. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

Regarding Item 3M (2023 Street reconstruction program - Resolution Nos. 23-027, 23-028), Councilmember Janigo explained she was looking at the most economical option to deliver essential services to residents. She commented on the funding options for road reconstruction projects, noting half is paid by the city and half is paid by residents through

assessments. She discussed the financial impact other options would have on residents. She asked what the impact would be on residents if a franchise fee were charged to all residents to assist with covering the expense of road reconstruction projects. She stated she was curious to see how other cities funded their street improvement projects.

Councilmember Barnett explained there would be a hearing on Monday, March 6 for the neighborhoods impacted by the proposed street improvement projects. She reported staff would discuss the manners in which other cities fund their street improvement projects. She indicated Maple Grove has split the cost between the residents and the city in a 50/50 manner for many years. She believed it would not be fair to change the manner in which these projects are funded, considering a large number of residents have already paid for their streets. She reported if a franchise fee were pursued, the residents who have already paid for their own street, would be paying another fee to assist in paying for other residents' streets. She did not believe this was fair and recommended the current assessment method continue going forward.

Acting Mayor Hanson agreed with Councilmember Barnett's statement.

Councilmember Janigo stated her goal was not to hold up the project, but rather she had questions that she would like answered by staff at the March meeting.

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to adopt Resolution No. 23-027 establishing Buena Vista Terrace & Eagle Lake Trails Area Street Reconstruction Project No. 23-01, ordering feasibility report, receiving feasibility report, establishing hearing, declaring costs to be assessed, ordering preparation of assessment roll and ordering special assessment hearing. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to adopt Resolution No. 23-028 establishing Copper Marsh & Hidden Meadows Area Street Reconstruction Project No. 23-02, ordering feasibility report,**

**receiving feasibility report, establishing hearing, declaring costs to be assessed, ordering preparation of assessment roll and ordering special assessment hearing. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

## **Special business**

### **Open forum**

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

### **Oath of office for Police Commander Travis Pobuda**

Police Chief Werner introduced Police Commander Travis Pobuda to the City Council stating he had 22 years of experience with the Maple Grove Police Department. He discussed Police Commander Pobuda's work history with the department noting he recently oversaw the department's post board audit. He spoke further to Police Commander Pobuda's value to the department and requested Acting Mayor Hanson administer the Oath of Office.

Acting Mayor Hanson administered the oath of office to Police Commander Travis Pobuda. A round of applause was offered by all in attendance.

## **Public hearings**

### **7:30 p.m. Public hearing**

### **On-sale intoxicating and Sunday sale liquor license for Optimal Entertainment dba Rock Elm Tavern**

City Administrator Nelson stated Rock Elm Tavern has requested an on-sale intoxicating and Sunday sale liquor license. She explained this request was necessary because of a change in ownership. She reported all necessary paperwork and fees have been submitted to the city. Staff recommended approval of the requested liquor license.

Paul Sarratori, Rock Elm Tavern representative, reported his business associate Troy Redding was looking to sell his ownership in the Rock Elm Tavern. For this reason, Mr. Sarratori would be purchasing the full ownership of Rock Elm Tavern. He commented on the renovations that were being made to the restaurant and thanked the Council for considering his request.

Acting Mayor Hanson encouraged Mr. Sarratori to properly train his employees when it comes to the sale of alcohol. Mr. Sarratori explained he attends the alcohol compliance



trainings with his employees.

**Motion by Councilmember Barnett, seconded by Councilmember Janigo, to open the public hearing. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

Acting Mayor Hanson opened the public hearing at 7:49 p.m. and asked if anyone would like to address this issue.

No public testimony was offered.

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to close the public hearing at 7:50 p.m. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

**Motion by Councilmember Barnett, seconded by Acting Mayor Hanson, to approve the on-sale intoxicating/Sunday sale liquor license for Optimal Entertainment, LLC dba Rock Elm Tavern, 15641 Grove Circle N, Maple Grove, Minnesota, subject to compliance with liquor licensing requirements in Chapter 4, Article I of the City Code, with said license to expire June 30, 2023. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

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

**On-sale intoxicating and Sunday sale liquor license for Rojo Maple Grove, LLC dba Rojo Mexican Grill**

City Administrator Nelson stated Rojo Mexican Grill has requested an on-sale intoxicating and Sunday sale liquor license. She reported all necessary paperwork and fees have been submitted to the city. Staff recommended approval of the requested liquor license.

Michael McDermott, Rojo Mexican Grill representative, reported the Rojo Mexican restaurant began in 2009 in St. Louis Park. He explained he has been looking for a location in Maple Grove for the past 12 years and was now under construction in Arbor Lakes. He stated his intention was to open in April. He anticipated this restaurant would add 50 jobs to the community.

Acting Mayor Hanson encouraged Mr. McDermott to properly

train his employees when it comes to the sale of alcohol.

Zachary Zilka, Rojo Mexican Grill representative, reported he and two other managers would be attending the city sponsored alcohol compliance training this week.

Councilmember Barnett welcomed Rojo Mexican Grill to Maple Grove. She encouraged Mr. McDermott and Mr. Zilka to consider installing an ID scanner at their restaurant.

**Motion by Councilmember Barnett, seconded by Councilmember Janigo, to open the public hearing. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

Acting Mayor Hanson opened the public hearing at 7:55 p.m. and asked if anyone would like to address this issue.

Conner McCarty, 6630 East Fish Lake Road, asked what consequences one would have if the liquor license were violated.

Acting Mayor Hanson reported a first violation constitutes a \$2,000 fine and the loss of the liquor license for two days. She explained subsequent violations will require a fine and the loss of the liquor license for more than two days.

Mr. McCarty questioned what an alcohol compliance check looks like.

Acting Mayor Hanson described how compliance checks were conducted by a decoy and the Maple Grove Police Department.

Susan Keeney, 8377 Rice Lake Road-Apartment 209, stated she supported the proposed liquor license moving forward. She appreciated how this business has followed the liquor license rules in another community and she was looking forward to having a high-quality Mexican restaurant in Maple Grove.

**Motion by Councilmember Barnett, seconded by Councilmember Janigo, to close the public hearing at 8:00 p.m. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to approve the on-sale intoxicating/Sunday sale liquor license for Rojo Maple Grove, LLC dba Rojo Mexican Grill, 12489 Elm Creek Blvd N, Maple Grove, Minnesota, subject to compliance with liquor licensing requirements in Chapter 4, Article I of the City Code, with said license to expire June 30, 2023. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

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

**Easement  
Vacation No. 22-05**

**Resolution No.  
23-023**

Assistant City Engineer Hale requested the Council consider an easement vacation at 6384 Yuma Lane. He reported the applicant is proposing a walkout three season porch on the property which would encroach on the easement. He stated the applicant was willing to relocate both the pipe and the easement further north. He explained all utilities were notified of this intent and the city received no objections. Staff commented further on the request and recommended approval of the easement vacation.

**Motion by Councilmember Barnett, seconded by Councilmember Janigo, to open the public hearing. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

Acting Mayor Hanson opened the public hearing at 8:04 p.m. and asked if anyone would like to address this issue.

Susan Keeney, 8377 Rice Lake Road-Apartment 209, explained she has lived in Boundary Creek for several decades. She questioned if this easement was off of Jefferson Highway. Assistant City Engineer Hale spoke further to the location of the proposed easement vacation in the southwest area of the city near Elm Road.

**Motion by Councilmember Barnett, seconded by Councilmember Janigo, to close the public hearing at 8:05 p.m. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

**Motion by Councilmember Janigo, seconded by Councilmember Barnett, to adopt Resolution No. 23-023 partially vacating certain easement located in the City of**

**Maple Grove, County of Hennepin, State of Minnesota. Upon call of the motion by Acting Mayor Hanson, there were three ayes and no nays. Motion carried.**

**Community and economic development items**

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

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

- It was noted Maple Grove resident Stephanie Tomlinson had been appointed to the Planning Commission.
- The Planning Commission would meet next on Monday, February 13 where the group would discuss a lot combination and a PUD application for a dog wash and car wash.

**Engineering-public works items**

**Report on upcoming engineering items**

Assistant Public Works Director/Assistant City Engineer Hale updated the Council regarding the following:

- Public works crews were completing tree trimming at this time.

**Administration items**

**Report on upcoming administration items**

City Administrator Nelson explained that the Council has her Monday report if there are any questions. She reported the Council would be holding its next meeting on Tuesday, February 21.

**Items added to the agenda**

Councilmember Janigo reported February is Black History Month. She commented on the events being held in Maple Grove and outside the community that celebrated Black History Month.

Councilmember Barnett reported last Monday the Suburban Transit Association had a legislative breakfast at the Capitol.

She explained she and Transit Administrator Opatz attended the event and presented to legislators and the Met Council on the importance of micro transit in Maple Grove.

**Adjournment**

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

The meeting was adjourned at 8:13 p.m. by Acting Mayor Hanson.

Respectfully submitted,

Heidi Nelson  
City Administrator