

Maple Grove City Council

DRAFT Meeting minutes

April 17, 2023

DRAFT

(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 April 17, 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; Brett Angell, Assistant Community and Economic Development Director; 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

3D. Recruitment approval for deputy fire chief of fire prevention

3E. Recruitment approval for economic development manager

3F. 2023 Arbor Day Proclamation

Consent items

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

MINUTES

A. Regular meeting – April 3, 2023

HUMAN RESOURCES ITEMS

B. Amendments to personnel policy manual

Motion to approve amendments and additions to the personnel policy manual with an effective date of April 18, 2023 as follows:

- Amend article 51: Discipline
- Amend article 57: Health Care Savings Plan (HCSP)
- Amend article 8: Compensation Plan
- Amend article 9: Jury Duty
- Amend article 28: Bereavement Leave
- Amend article 29: Background Check Policy
- Amend article 12: Medical Examination Policy
- Amend article 2: Anti-Discrimination, Harassment, Retaliation
- Add Public Purpose Expenditure Policy

C. Appointment of fire inspector specialist

Motion to approve the appointment of Jesse Navin to the position of fire inspector specialist in the Fire Department at an annual salary of \$74,617.92, subject to a twelve-month probationary period. All required screenings and background checks have been successfully completed.

D. Recruitment approval for deputy fire chief of fire prevention

This item was removed by Councilmember Janigo for

discussion.

E. Recruitment approval for economic development manager

This item was removed by Councilmember Barnett for discussion.

COMMUNITY & ECONOMIC DEVELOPMENT ITEMS

F. 2023 Arbor Day Proclamation

This item was removed by Councilmember Johnson for discussion.

G. Declaration of public nuisance, ordering abatement, and assessment of clean-up costs at 6218 Eagle Lake Drive North

Motion to approve Resolution No. 23-054 declaring a public nuisance at 6218 Eagle Lake Drive North and ordering abatement and the assessment of costs.

H. Project Libre planned unit development concept stage plan, development stage plan, rezoning, preliminary plat, and final plat

Motion to adopt Ordinance No. 23-06 approving the rezoning from FF (Freeway Frontage) to PUD (Planned Unit Development).

Motion to adopt Resolution No. 23-069 approving the Project Libre planned unit development concept stage plan, development stage plan, rezoning, preliminary plat, and final plat subject to:

1. Planned unit development agreement final review and approval of the city attorney and director of the Community and Economic Development Department.

ENGINEERING ITEMS

I. Buena Vista Terrace & Eagle Lake Trails Area Project No.

23-01 - contract award - Resolution No. 23-066

Motion to adopt Resolution No. 23-066 accepting bid for Buena Vista Terrace & Eagle Lake Trails Area Project No. 23-01.

J. Copper Marsh & Hidden Meadows Area Street Rehab. Project No. 23-02 - contract award - Resolution No. 23-067

Motion to adopt Resolution No. 23-067 accepting bid for Copper Marsh & Hidden Meadows Area Street Rehabilitation Project No. 23-02.

K. Elm Creek Boulevard Right Turn Lane, Project No. 23-12 - approve feasibility report and order public hearing - Resolution No. 23-071

Motion to adopt Resolution No. 23-071 establishing Elm Creek Boulevard Right Turn Lane Project No. 23-12, ordering, receiving, and approving feasibility report and ordering public hearing.

L. Garland Lane Flood Protection and Drainage Improvement Project No. 22-16 - Change Order No. 1

Motion to approve Change Order No. 1 for the Garland Lane Flood Protection and Drainage Improvement Project, City Project No. 22-16.

M. Hwy 610 Extension (City Project No. 19-24): wetland mitigation credits

Motion to approve the proposed wetland mitigation solution for the Hwy 610 Extension Project (City Project No. 19-24) that includes the purchase of the required 6.88 acres of wetland mitigation credits at a total cost of \$809,737.33.

ADMINISTRATIVE ITEMS

N. Construction manager contract change order approval for North Metro Regional Public Safety Training Center expansion project

Motion to approve and authorize the chief of police to execute Change Order Number: 02 with LEO A. DALY and RJM Architect to increase RJM Construction's Gross Maximum Price (GMP) by \$70,533.52 from \$14,736,274.00 to \$14,806,807.52, without increasing the overall approved project budget.

O. Consultant Services Agreement - Architecture - Community Center Expansion and Renovation Project

Enter into an agreement with JLG Architects to provide architecture and engineering services for the completion of the Community Center expansion and renovation project including all design phases and construction administration per the AIA Document B133-2019 dated April 17, 2023 contingent on final review by the city attorney and parks and recreation director.

P. Fee Waiver Request - Maple Grove Days

Motion to provide in-kind city services and waive all associated service and permit fees to support the Maple Grove Community Organization and the Maple Grove Days event on July 12-16, 2023.

Q. Pathways to Policing grant agreement approval

Motion to approve and authorized the chief of police to execute the Minnesota Department of Public Safety Pathways to Policing grant agreement to receive \$1,500 funding with the city required match of \$1,500; and a grant period of April 1, 2023 through June 30, 2024.

R. Prohibited exhibition driving and street racing - Ordinance No. 23-07

Motion to approve Ordinance No. 23-07 amending City Code Article II – Operation of vehicles, Section 32-32 Prohibited exhibition driving of motor vehicles and motorcycles, street takeovers, and street racing.

S. Approve claims

Motion to approve claims totaling \$ 1,826,301.91.

Motion by Councilmember Barnett, seconded by Councilmember Hanson, to approve the consent items as amended, removing items 3D (Recruitment approval for deputy fire chief of fire prevention), 3E (Recruitment approval for economic development manager) and 3F (2023 Arbor Day Proclamation). 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 3D (Recruitment approval for deputy fire chief of fire prevention), Councilmember Janigo stated she was sad to see Deputy Fire Chief Farrens leaving Maple Grove but she was proud to see he would be serving as the Fire Chief in the City of Rogers. She commended Deputy Fire Chief Farrens for receiving the Presidents Jamie Novak Award for his contributions to fire investigations and education in Minnesota. She stated she was grateful for his service to the community and wished him all the best in the future.

Motion by Councilmember Janigo, seconded by Councilmember Hanson, to authorize staff to begin the recruitment process for the deputy fire chief of fire prevention position in the Fire Department due to the resignation of Deputy Chief Patrick Farrens, with an effective date of May 5, 2023. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Regarding Item 3E (Recruitment approval for economic development manager), Councilmember Barnett thanked Brett Angell for sharing his expertise and strong leadership with the business community and wished him well in the future.

Motion by Councilmember Barnett, seconded by Councilmember Hanson, to authorize staff to begin the recruitment process for an economic development manager position in the Community and Economic Development Department due to the resignation of Assistant Community and Economic Development Director Brett Angell, with an

effective date of April 27, 2023. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Regarding Item 3F (2023 Arbor Day Proclamation), Councilmember Johnson stated she wanted to make the public aware that Arbor Day would be celebrated on April 29, 2023. She discussed how trees were a priority in this community and noted Maple Grove has been a Tree City since 1985. She commented further on how trees were essential to the community and thanked the Arbor Committee members for their dedicated service to the city. She encouraged the public to consider attending the city sponsored Arbor Day event which would be held on Saturday, April 29 at the Maple Grove Community Center from 12 to 3 p.m.

Motion by Councilmember Johnson, seconded by Councilmember Hanson, to proclaim Saturday, April 29, 2023, as Arbor Day in the City of Maple Grove.

Councilmember Janigo thanked the Arbor Committee for their tremendous service to the City of Maple Grove. She discussed how buckthorn was impacting forests and commended the city for working to address this invasive species.

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

Down Range, Inc.

Interim use permit agreement for retail firearms sales

Assistant Community and Economic Development Director Angell explained at the December 19, 2022, meeting the City Council adopted Ordinance No. 22-23 amending City Code section 36-483 to include retail firearm sales as an interim use in the B-Business zoning district under certain conditions. The interim use permit process was selected as it would require any eligible business to apply for an IUP and would dissolve should the business cease operations within the city whereas a conditional use permit would have the approval run with the

property. He stated Down Range, Inc., applicant, has applied for interim use approval for the retail sales of firearms for their location at 16445 County Road 30. As referenced during the December meeting, this business was in the process of obtaining their license from the Bureau of Alcohol, Tobacco, Firearms and Explosives and had agreed to lease terms with the property owner at that time. Lease negotiations and signings are a private matter which the city is not a party to. Down Range, Inc. meets the code criteria of being located within the B zoning district and exceeds the insurance requirements for firearm sales as defined. Staff commented further on the request and recommended approval.

Motion by Councilmember Barnett, seconded by Councilmember Hanson, 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 7:44 p.m. and asked if anyone would like to address this issue.

Theresa Stech, 14804 92nd Place North, stated she was concerned with this use noting the proposed shopping mall was filled with children and the elderly. She questioned if it was wise to put a gun company next to a trampoline park and the Dollar Store. She noted she was also concerned with the fact this business was located very close to the freeway, which would provide quick access to those who wished to burglarize the gun shop. She questioned why the city did not have an ordinance in place that would keep this type of business away from a business that served children.

Zigman Lido, 9834 Norwood Lane North, asked what the rules would be for the sales of firearms.

Assistant Community and Economic Development Director Angell explained the rules and regulations that governed the sales of firearms were established by the ATF. He commented on how the city was governing the insurance that was in place and the location of the business.

City Attorney Templin reported this type of business was largely regulated by the state and federal government, noting

cities have very little regulatory ability with regard to firearms.

Motion by Councilmember Johnson, seconded by Councilmember Barnett, to close the public hearing at 7:49 p.m. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

Ben Strauss, 4505 Vinewood Lane, Plymouth, introduced himself and thanked the Council for considering this request.

Jered Liebesny, 11470 Cedar Pass, Minnetonka, introduced himself to the Council and stated they were getting into this business because there was a lack of customer service in this industry. He explained they would be focusing on safety and information.

Mayor Steffenson requested the applicants speak further to the safety measures that would be in place.

Mr. Liebesny reported he was previously in the IT industry and noted he would have 26 cameras in his store. He discussed the special treatment that would be installed on the glass windows at the front of the store to make the shop riot proof. He noted there would also be bollards installed in the front of the shop. He indicated there would be no loaded firearms uncased in the store.

Councilmember Hanson questioned if ammunition would be sold in the gun shop. Mr. Liebesny indicated they would be selling ammunition in a different section in the store. He noted he would also be selling gun safes and locking devices.

Councilmember Johnson commented on how important security would be at the gun shop. She discussed how a theft from the gun shop would pose a threat to the entire community. She asked if the monitoring sensors and alarms would be tied directly to the Maple Grove Police Department. Mr. Liebesny reported this was the case.

Councilmember Johnson questioned if the alarms would be silent or if the sensors would have lights and sounds. Mr. Liebesny stated the alarms would have lights and sounds.

Councilmember Johnson inquired if the business would have

cameras outside the gun shop. Mr. Liebesny stated the business would have one camera out front and two at the rear of the building.

Councilmember Johnson asked if the gun shop would have an age requirement to enter the facility. Mr. Liebesny explained patrons would have to be 18 to enter the shop. He discussed how IDs would be checked at the time of sale to ensure patrons were over 18.

Councilmember Johnson questioned if the shop would have an occupancy limit. Mr. Liebesny reported he would have an occupancy limit posted for the shop.

Councilmember Johnson inquired how many staff members would be onsite during business hours. Mr. Liebesny indicated he was hoping to have at least two employees onsite, at all times, along with himself.

Councilmember Johnson asked if all employees would have a background check. Mr. Liebesny reported all employees would be required to have a background check and drug test.

Councilmember Johnson questioned if all guns would be put into safes overnight. Mr. Liebesny discussed the ATF requirements, noting the guns did not have to be put into safes.

Councilmember Johnson inquired if being next to a hang out spot for teenagers and pre-teens would be a concern for this business. Mr. Liebesny explained he would be relying on the security system and he would be providing a very secure space. He noted he would be hiring a previously employed armed security guard to assist with keeping the space safe.

Motion by Mayor Steffenson, seconded by Councilmember Hanson, to approve Resolution No. 23-048 granting an interim use permit agreement related to retail firearm sales with Down Range, Inc.

Councilmember Barnett stated she has heard from residents that are concerned about this business. She indicated she was happy to hear about all of the safety measures that would be in place. She discussed how all shopping centers in Maple

Grove were family friendly and she encouraged the business owners to be responsible and to make this space as safe as possible.

Councilmember Janigo explained she was a veteran and she holds a conceal and carry permit. She indicated she acknowledges the role of responsible gun owners in promoting safety and reducing gun deaths by accident or violence.

Mayor Steffenson reported the Council was being asked to approve an interim use permit and stated this permit would go with the business and not the property.

Councilmember Hanson commented there were other businesses that were able to sell guns in Maple Grove, such as Gander Mountain and Walmart. She stated she appreciated all of the extra safety and security measures that would be in place at this establishment.

Councilmember Barnett indicated there were a lot of responsible gun owners that were happy to see a gun shop opening in the City of Maple Grove.

Councilmember Johnson requested further information regarding the process that was followed by the applicants to receive their FFL through the ATF. Mr. Liebesny discussed the process he followed in order to receive his licensure from the ATF, which was a 60-day process that included being fingerprinted and interviewed.

Councilmember Johnson asked if the business would have a vestibule at the entrance. Mr. Liebesny reported code required him to install a vestibule.

Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

**Community and
economic
development
items**

**Report on
upcoming**

Community and Economic Development Director Hogeboom

community and economic development items

updated the Council regarding the following:

- The Planning Commission meeting scheduled for Monday, April 24 has been canceled.
- Staff noted Chalkfest would be held on June 10 and 11.

Engineering-public works items

Report on upcoming engineering items

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

- The city began sweeping streets last week and staff hopes to have the entire city swept as soon as possible.
- Staff explained work would begin on Tuesday, April 18 on the retaining wall on Weaver Lake Road.
- It was noted work would begin this week on the County Road 101 project.

Administration items

Report on upcoming administration items

City Administrator Nelson explained that the Council has her Monday report if there are any questions. She provided the Council with an update from the legislature regarding the transportation bill. She reported the Board of Appeals would be meeting on Tuesday, April 18, 2023 at 7 p.m. and the Board of Reconvene would be meeting on Tuesday, May 2 at 7 p.m.

Items added to the agenda

None

Adjournment

Motion by Councilmember Barnett, seconded by Councilmember Johnson, to adjourn to the regular City Council meeting on May 1, 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 8:11 p.m. by Mayor Steffenson.

Respectfully submitted,

Heidi Nelson
City Administrator