

Maple Grove City Council

Meeting minutes

July 17, 2023

Call to order

Pursuant to call and notice thereof, a regular meeting of the Maple Grove City Council was held at 7:30 p.m. on July 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; 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

3V. 2023 Fee Schedule amendment - Ordinance No. 23-12

Consent items

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

MINUTES

- A. Regular meeting – June 26, 2023
- B. Work session meeting – June 26, 2023

HUMAN RESOURCES ITEMS

- C. Amendments to personnel policy manual

Motion to approve an amendment to the personnel policy manual with an effective date of June 17, 2023 as follows:

- Amend article 2- Anti-Discrimination, Harassment, Retaliation Policy
- Amend article 6- Working Hours and Breaks Policy
- Amend article 36- Drug and Alcohol Policy
- Amend article 42- City Vehicle Policy

- D. Appointment of deputy fire chief of fire prevention

Motion to approve the appointment of William Abderhalden III to the position of deputy fire chief of prevention in the Fire Department at an annual salary of \$125,109.92, subject to a twelve-month probationary period. Pending the successful completion of all pre-employment requirements and screenings.

- E. Appointment of economic development manager

Motion to approve the appointment of Joseph Amerman to the position of economic development manager in the Community and Economic Development Department at an annual salary of \$115,843.52, subject to a twelve-month probationary period. All required screenings and background checks have been successfully completed.

- F. Appointment of police officer

Motion to approve the appointment of Jonathan Laughlin to the position of police officer in the Police Department at an annual salary of \$74,932.00, subject to the successful completion of all pre-employment and position requirements and a twelve-month probationary period.

G. Appointment of police officer

Motion to approve the appointment of Lucas Ruedenberg to the position of police officer in the Police Department at an annual salary of \$74,932.00, subject to the successful completion of all pre-employment and position requirements and a twelve-month probationary period.

H. Appointment of police officer

Motion to approve the appointment of Thomas Doebbert to the position of police officer in the Police Department at an annual salary of \$74,932.00, subject to a twelve-month probationary period. All required screenings and background checks have been successfully completed.

COMMUNITY & ECONOMIC DEVELOPMENT ITEMS

I. Arbor Lakes Business Park Phase 4 Building 8 planned unit development concept stage plan amendment, development stage plan, and final plat -Res No. 23-107

Motion to adopt Resolution No. 23-107 approving the Arbor Lakes Business Park Phase 4 Building 8 planned unit development concept stage plan amendment, development stage plan, and final plat.

J. Minnesota Investment Fund loan agreement with Nextern Inc. - Resolution No. 23-113

Motion to adopt Resolution No. 23-113 approving a Minnesota Investment Fund loan agreement in the amount of \$600,000 with Nextern Inc.

K. River Valley Church conditional use permit, preliminary plat, and final plat - Resolution No. 23-106

Motion to adopt Resolution No. 23-106 approving the River Valley Church conditional use permit, preliminary plat, and final plat.

ENGINEERING ITEMS

- L. CSAH 101 - 73rd Ave to 83rd Ave Project No. 22-10 approve easement agreements with Rush Creek Golf Club, LLC and Allcy, LLC

Motion to approve the easement agreements for stormwater management with Rush Creek Golf Club, LLC and Allcy, LLC and authorize the mayor and city clerk to execute the agreements.

- M. Fire Station 1 Roof Replacement Project No. 23-17 project establishment Resolution No. 23-114

Motion to adopt Resolution No. 23-114 establishing the Fire Station 1 Roof Replacement Project No. 23-17, ordering plans, approving plans and authorizing advertisement for bids.

- N. Hwy 610 Extension Project No. 19-24 - Rush Creek Boulevard Project Agency Agreement Resolution No. 23-108

Motion to adopt Resolution No. 23-108 approving the Minnesota Department of Transportation Agency Agreement No. 1054172 relating to agency agreement for federal participation in advance construction of the Highway 610 Extension / Rush Creek Boulevard Project (City Project No. 19-24 and MnDOT State Project No. 189-143-001).

- O. MnDOT TH 169 at 63rd Avenue Bridge Replacement Project

Motion to adopt Resolution No. 23-115 approving MnDOT agreement No. 1053216 and authorizing its execution.

- P. Purchase of tar and tack applicator

Motion to approve the purchase of tar and tack applicator at a cost of \$41,217 to be funded from the equipment replacement fund.

- Q. Rush Hollow Project No. 23-06 Phase 1 award contract Resolution No. 23-109

Motion to adopt Resolution No. 23-109 accepting bid for Phase 1 of Rush Hollow Project No. 23-06.

R. South Fork Rush Creek Stream Restoration Project No. 21-10 accept bids and award contract Resolution No. 23-112

Make a motion to adopt Resolution No. 23-112 accepting bids for the South Fork Rush Creek Stream Restoration, Project No. 21-10, and awarding the contract to Sunram Construction Inc. of Corcoran, MN.

S. Sureties - July 17, 2023

Motion to approve the surety actions.

ADMINISTRATIVE ITEMS

T. Amendment 1 with Midwest Paratransit Services to increase MY RIDE bus driver wages

Motion to authorize the mayor and city administrator to execute Amendment 1 to agreement No. 11/15/2021 - 01 with Midwest Paratransit Services to increase MY RIDE driver wages effective August 1, 2023.

U. Regulation and licensing of lower potency cannabinoid products - Ordinance No. 23-11

Motion to adopt Ordinance No. 23-11 amending Article II in Chapter 10 – Business and Licensing by adding Section 10-31 through Section 10-39 to address lower potency cannabinoid products.

Motion to authorize the publication of the Ordinance Summary of Ordinance No. 23-11.

V. 2023 Fee Schedule amendment - Ordinance No. 23-12

This item was removed from the Consent Agenda.

W. Zachary Park and Ride license agreement with Border

States

Motion authorizing the mayor and city administrator to execute the license agreement between the City of Maple Grove and border states for use of the Zachary Park and Ride on September 14, 2023.

- X. Premises permit application for a pull tab and electronic linked bingo operation at Granite City Food and Brewery - Res. No. 23-111

Motion to adopt Resolution No. 23-111 approving a premises permit application for Northwest Area Jaycees to conduct a pull tab (paper and electronic) and electronic linked bingo operation at Granite City Food and Brewery, 11909 Main Street, Maple Grove, MN 55369.

- Y. Requiring the tally of write-in votes only if write-in votes are greater than a ballot candidate's total votes - Resolution No. 23-110

Motion to adopt Resolution No. 23-110 requiring the tally of write-in votes only if write-in votes are greater than a ballot candidate's total votes.

- Z. Approve claims

Motion to approve claims totaling \$ 7,933,812.57.

Motion by Councilmember Hanson, seconded by Councilmember Barnett, to approve the consent items as presented. Upon call of the motion by Mayor Steffenson, there were five ayes and no nays. Motion carried.

**Consideration
of items pulled
from the
agenda**

None

**Special
business**

Open forum

[REDACTED], provided the City Council with a handout and spoke to the Monarch Pledge made by the Mayor of Maple Grove last March. He discussed how monarchs have been decimated and over 99% of the eastern monarch have been destroyed. He appreciated the city's efforts to identify opportunities to revive and maintain the mowing programs and milkweed programs. He commented on the plantings in his yard and noted the city recently visited his property and were trying to destroy his critical monarch habitat. He stated he did not want action taken against his property. He requested the City Council reconsider the height restrictions for yards in order to allow residents to have monarch friendly yards.

Retirement of Firefighter Scott Slimmer

Fire Chief Bush stated Scott "Slim" Slimmer was hired as a probationary firefighter on October 3, 1995. Scott served the Maple Grove Fire Department for over 27 years and is considered a charter member of Maple Grove Fire Station #5. During his career, he served as a paid on-call firefighter, fire lieutenant, and fire captain assigned to fire station #5. Scott Slimmer has a deep love for the Maple Grove community and demonstrated a solid commitment to serving residents and businesses calling Maple Grove home. Over the course of his fire service career he has established himself as a highly respected fire training instructor and is well-known throughout much of Minnesota for his expertise. He has a true gift for coaching new and seasoned firefighters to achieve the highest levels of skill and confidence. Scott retired from the Maple Grove Fire Department on June 30, 2023. We would like to thank him for his dedicated service to the department and wish him well in his retirement.

Firefighter Scott Slimmer thanked the city for this recognition. He explained he has been a fire service instructor for over 25 years and he has visited over 350 fire departments in the State of Minnesota. He stated Maple Grove has one of the best fire departments in the state. He commended the city for having the right trucks, equipment, tools, training and firefighters. He thanked the City Council and staff for their continued support and leadership.

Fire Chief Bush presented Firefighter Slimmer with a plaque

and helmet. A round of applause was offered by all in attendance.

**Liquor
violations –
Applebee’s,
Portillo’s,
Rodizio Grill
and Rusty Taco**

City Administrator Nelson reported Applebee’s, Portillo’s, Rodizio Grill, and the Rusty Taco failed their liquor compliance checks and alcohol was served to a minor undercover decoy. She stated each of the four businesses received notice of the entitlement to a hearing on the alleged violation under Maple Grove Ordinance Code Section 4-24 and Minnesota Statutes Section 340A.415. The notice stated that in order to have such a hearing, written notice must be provided to the city and that if no notice is received, the matter shall be deemed non-contested and admitted. None of the four businesses gave notice requesting a hearing and no hearing is required. Consistent with the city’s practice, each license holder should be afforded the opportunity to speak on the issue of the imposition of any penalty and representatives from all four businesses were present for questions/ comments.

Mayor Steffenson requested the representatives in attendance come forward and speak to how they have worked to ensure this type of event will not occur again at their establishment.

Jenny Barkmeier, Applebee’s representative, explained her employees are trained on a yearly basis and all staff members also have to attend the city sponsored training. She reported the young man that failed the liquor sting was fired immediately per corporate policy. She noted she was at the restaurant today and she has started to provide the SABRT (Selective Applebee’s Beverage Service Responsible Training) training to her employees again.

Troy Getchell, Applebee’s representative, reported all employees would be completing this training now and again each year following. He apologized for the human error that occurred and noted the managers and leaders would be watching for proper serving behavior. He discussed how he has worked to turn negatives into positives for his employees and suggested the city consider turning its liquor violations into a community service-based activity.

Councilmember Janigo asked what Applebee’s carding policy was. Ms. Barkmeier stated all patrons looking to purchase

alcohol were to be carded and no ID means no alcohol.

Councilmember Barnett explained she frequents this establishment and she is never carded. She encouraged the Applebee's representatives to train their employees on how to address overservice. Ms. Barkmeier commented on the three-drink limit for patrons and how managers are then brought in to visit with patrons. She stated she does work really hard to address this issue.

Councilmember Janigo questioned if Applebees had an ID scanner. Ms. Barkmeier indicated she does not have an ID scanner.

Alejandro Delgado, Rodizio Grill representative, stated he has deployed more training to his employees to address the concern that happened at his restaurant. He indicated he would be conducting mini compliance tests of his own as well.

Mayor Steffenson encouraged the Rodizio Grill to follow the rules and to ensure they are not selling to minors.

Ameddee Bray, Rusty Taco representative, stated on July 13 he was the subject of a liquor compliance sting, which he failed. He reported the employee who sold to an underage person was suspended for two weeks without pay. He discussed how the override function on the alcohol scanning system has been removed. He noted he and the other managers have gone from store to store after attending the alcohol training with the City of Maple Grove. He explained all Rusty Taco employees at the Maple Grove location will be attending the August 15 city sponsored alcohol compliance training.

Derek Schmeidel, Portillo's representative, explained he has reviewed all policies with his employees to ensure they are carding patrons. He noted he spoke with his home office and they were working to have scanners installed at all locations.

Councilmember Barnett asked if Portillo's requires its employees to attend the city sponsored training. Mr. Schmeidel stated this was required.

Councilmember Janigo questioned if the employee at fault was still employed by Portillo's. Mr. Schmeidel explained this

matter was under review.

Motion by Mayor Steffenson, seconded by Councilmember Barnett, to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to suspend the on-sale intoxicating liquor/Sunday sale license for at least two consecutive days for a first violation within any three-year period and impose a civil penalty of up to \$2,000 per violation for consideration at the next Council meeting for:

- **Apple Minnesota LLC dba Applebee's, 14400 Weaver Lake Road**
- **Saboroso Inc. dba Rodizio Grill, 12197 Elm Creek Blvd**
- **Frank Maple LLC dba Rusty Taco, 6346 Vinewood Lane N.**

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

Motion by Mayor Steffenson, seconded by Councilmember Barnett, to direct the city attorney to prepare appropriate findings of fact and conclusion in support of the decision to suspend the on-sale wine and malt liquor license for at least five consecutive days for a second violation within any three-year period and impose a civil penalty of up to \$2,000 per violation for consideration at the next Council meeting for:

- **Portillo's Hot Dogs, LLC dba Portillo's, 12251 Elm Creek Blvd N.**

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

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

- The Planning Commission would meet next on Monday,

**and economic
development
items**

July 31.

**Engineering-
public works
items**

**Report on
upcoming
engineering
items**

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

- Discussed how the drought throughout the state was impacting the city and Hennepin County.
- Staff appreciated the City Council's support on the current watering restrictions.

**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 National Night Out would be held on Tuesday, August 1. It was noted the City Council would meet next on August 7, 2023.

**Items added to
the agenda**

Councilmember Barnett thanked the Maple Grove Community Organization (MGCO) for hosting another great five days for this year's Maple Grove Days.

Adjournment

Motion by Councilmember Janigo, seconded by Councilmember Barnett, to adjourn to the regular City Council meeting on August 7, 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 8:10 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 the first letter 'H' being particularly large and stylized.

Heidi Nelson
City Administrator