

# Maple Grove City Council Meeting

## Meeting Minutes

August 2, 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 August 2, 2021 at the Maple Grove Government Center/Public Safety Facility, Hennepin County, Minnesota. Members present were Mayor Mark Steffenson and Councilmembers Judy Hanson, Karen Jaeger, and Kristy Barnett. Absent was Councilmember Phil Leith. 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 Consent Agenda

3L1. Minnesota Health Village Third Addition Supplemental Developer's Agreement – Resolution No. 21-108

#### Items Removed from the Consent Agenda for Discussion

None

### Consent Items

The following Consent Items were presented for Council's approval:

## **MINUTES**

A. Regular Meeting – July 19, 2021

## **PERSONNEL ITEMS**

B. Part-time Secretary Community & Economic Development Appointment

Motion to approve the hiring of Joy Arneson to the position of part-time Secretary in the Community & Economic Development Department at an annual salary of \$24,474.32 effective on August 3, 2021, subject to a 12-month probationary period. All required screenings and background checks have been successfully completed.

## **COMMUNITY & ECONOMIC DEVELOPMENT ITEMS**

C. Palisades at Nottingham 3rd Addition Final Plat - Resolution No. 21-092

Motion to adopt Resolution No. 21-092 approving the Palisades at Nottingham 3rd Addition final plat.

## **ENGINEERING ITEMS**

D. Tricare 4th Addition Developer's Agreement - Resolution No. 21-094

Motion to approve the Developer's Agreement for Tricare 4th Addition subject to final review by the City Attorney and Director of Public Works.

Motion to adopt Resolution No. 21-094 cancelling special assessments subject to the recording of the Tricare 4th Addition Developer's Agreement.

E. 2022 Trunk Sanitary CIPP Project No. 22-04 - Resolution No. 21-098

Motion to adopt Resolution No. 21-098 establishing 2022 Trunk Sanitary CIPP Project No. 22-04 and authorizing Stantec to prepare plans, specifications and bid documents.

F. Lynde and McLeod Second Addition Developer's Agreement - Resolution No. 21-096

Motion to adopt Resolution No. 21-096 approving Developer's Agreement for Lynde and McLeod Second Addition, subject to final review by the City Attorney and Director of Public Works.

G. Minnesota Coal Tar Settlement Agreement

Motion to approve Settlement Agreement subject to final approval of the City Attorney.

H. 14300 Territorial Road and 14301 Territorial Lane Purchase Agreements

Motion to approve Purchase Agreements for portions of land at 14300 and 14301 Territorial Lane subject to final review and approval of the City Engineer and City Attorney.

I. The Ridge at Elm Creek Developer's Agreement - Resolution No. 21-099

Motion to adopt Resolution No. 21-099 approving Developer's Agreement for The Ridge at Elm Creek, subject to final review by the City Attorney and Director of Public Works.

J. Tricare 5th Addition Project No. 21-11 Developer's Agreement - Resolution No. 21-095

Motion to adopt Resolution No. 21-095 approving Developer's Agreement for Tricare 4th Addition Project No. 21-11, subject to final review by the City Attorney and Director of Public Works.

K. Emergency Water Restrictions - Ordinance No. 21-11

Motion to adopt Ordinance No. 21-11 for critical water deficiency emergencies and restrictions.

Motion to adopt Summary Ordinance No. 21-11 to reduce publication costs.

L. Sureties

Motion to approve the surety actions as identified on the Council Action Form.

L1. Minnesota Health Village Third Addition Supplemental Developer's Agreement – Resolution No. 21-108

Motion to adopt Resolution No. 21-108 approving Supplemental Developer's Agreement for Minnesota Health Village Third Addition, subject to final review by the City Attorney and Director of Public Works.

**ADMINISTRATIVE ITEMS**

M. Findings of Fact on Bonchon MG Inc. dba Bonchon Chicken - Resolution No. 21-105

Motion to adopt Resolution No. 21-105 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Bonchon MG Inc. dba Bonchon Chicken, 11708 Elm Creek Blvd, Maple Grove, Minnesota.

N. Findings of Fact on Grill Hall Churrascaria LLC dba Grill Hall Brazilian Steakhouse - Resolution No. 21-104

Motion to adopt Resolution No. 21-104 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Grill Hall Churrascaria LLC dba Grill Hall Brazilian Steakhouse, 9695 63rd Ave N, Maple Grove, Minnesota.

O. Findings of Fact on Ichiddo Ramen Maple Grove Inc. dba Ichiddo Ramen - Resolution No. 21-103

Motion to adopt Resolution No. 21-103 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Ichiddo Ramen Maple Grove Inc. dba Ichiddo Ramen, 11716 Elm Creek Blvd, Maple Grove, Minnesota.

P. Findings of Fact on Hannu Enterprises, Inc. dba Maple Tavern - Resolution No. 21-102

Motion to adopt Resolution No. 21-102 making findings,

conclusion, and decision imposing a civil penalty of \$2,000 and a five (5) day suspension on Hannu Enterprises, Inc. dba Maple Tavern, 9375 Deerwood Ln N, Maple Grove, Minnesota.

Q. Findings of Fact on Portillo's Hot Dogs LLC dba Portillo's - Resolution No. 21-107

Motion to adopt Resolution No. 21-107 making findings, conclusion, and decision imposing a civil penalty of \$2,000 and a two (2) day suspension on Portillo's Hot Dogs LLC dba Portillo's, 12251 Elm Creek Blvd, Maple Grove, Minnesota.

R. Findings of Fact on Princeton's Place Inc. dba Princeton's Liquor - Resolution No. 21-106

Motion to adopt Resolution No. 21-106 making findings, conclusion, and decision imposing a civil penalty of \$2,000 on Princeton's Place Inc. dba Princeton's Liquor, 12790 Bass Lake Rd, Maple Grove, Minnesota.

S. Change Order One with CM Construction for Maple Grove Transit Station Improvements Project

Motion to authorize the Mayor and City Administrator to execute Change Order Number One with CM Construction Company for the Maple Grove Transit Station Improvements project for an amount not to exceed \$19,751.99.

T. 2022-2023 Radiological Emergency Response Grant Agreement

Motion to approve the 2022-2023 Radiological Emergency Preparedness Grant Agreement with the State of Minnesota and authorize City Administrator Heidi Nelson and Fire Chief Tim Bush to sign grant documents.

U. Commercial Kennel Licenses

Motion to approve a Commercial Kennel License for Banfield Pet Hospital 7845 Main St N.

V. 2021 Wildlife Management Plan

Motion to approve the 2021 Wildlife Management Plan.

W. Set Date for Road Reconstruction Bond Sale - Resolution No. 21-097

Motion to adopt Resolution No. 21-097 for the competitive negotiated sale of \$8,035,000 General Obligation Road Reconstruction, Series 2021A.

**CLAIMS**

X. Motion to approve the claims as listed:

City Checks: \$3,973,507.18

Purchasing Card: \$46,412.59

Electronic Payments: \$24,785.56

**Motion by Councilmember Hanson, seconded by Councilmember Jaeger, to approve the Consent Items as amended, adding item 3L1 (Minnesota Health Village Third Addition Supplemental Developer's Agreement – Resolution No. 21-108). Upon call of the motion by Mayor Steffenson, there were four ayes and no nays. Motion carried.**

**Consideration  
of Items  
Pulled from  
the Agenda**

None.

**Special  
Business**

**Open Forum**

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

**Community  
Development  
Items**

**Cub Wine &  
Spirits**

Planning Manager Vickerman stated the applicant is requesting a concept stage plan amendment and development stage plan

**Planned Unit  
Development  
Non-  
Residential  
Concept Stage  
Plan  
Amendment  
Development  
Stage Plan**

approval for the purpose of constructing an 8,650 square foot “Cub Wine & Spirits” building on the existing Cub Foods property located at 8150 Wedgewood Lane North. Staff discussed the plans in further detail with the Council and reported the Planning Commission recommended approval of the request.

Councilmember Jaeger asked if the windows would be clear all the way around the building. Planning Manager Vickerman reported the windows facing to the west would be spandrel glass but the remainder of the windows would be see-through.

Jim Hornecker, Director of Real Estate for Cub Foods, thanked the Council for their consideration. He provided the Council with further information regarding the windows that would be installed on the building.

Councilmember Hanson questioned when Cub Wine & Spirits would be open for business. Mr. Hornecker reported he would begin construction as soon as he received building permit approvals with the hope of having the building open by Christmas or early January.

**Motion by Councilmember Barnett, seconded by Councilmember Hanson, to approve directing the City Attorney to draft a Planned Unit Development agreement and a Resolution approving the Cub Wine & Spirits PUD concept stage plan amendment and development stage plan, 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 June 22, 2021**
  - b. The Fire Department dated June 22, 2021**
  - c. The Water Resources Engineer dated June 16, 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 four ayes and no nays. Motion carried.**

**Northwood  
Church  
Conditional  
Use Permit**

Planning Manager Vickerman stated the applicant is requesting conditional use permit (CUP) approval to build a church at 15980 105<sup>th</sup> Avenue. The applicant has owned this site and the adjacent site for several years with the intent to build a church on the property. A previous concept plan for this site that was approved in 2019 has now expired. The total site area is 10.56 acres. Staff discussed the plans in further detail with the Council and reported the Planning Commission recommended approval of the request.

Councilmember Hanson asked if the applicant had agreed to the additional landscaping. Planning Manager Vickerman reported this was the case noting the applicant would be submitting updated plans that meet the city's requirements.

Scott Fjellman, resident of Maple Grove, explained Northwood Church has been in Maple Grove for the past 21 years. He stated the church has owned this property since 2009. He reported the church has 250 regular attenders and has raised enough money to build a church. He thanked the Council for considering his request.

Don Peterson, 15967 105<sup>th</sup> Avenue North, reported he lives just south of the proposed project. He explained he spoke with staff about this project and indicated he had concern with the driveway alignment. He suggested a sign be posted stating "Hidden Driveway". He stated he understood the church was requesting a right turn lane to enter the church. He discussed how the roadway already had three lanes and discussed how dangerous traffic was as cars often used the middle lane to pass vehicles making turns. He commented he was also concerned about all of the additional traffic that would be generated by the church and townhomes. He recommended the city take into consideration if the infrastructure can handle and manage all of the additional traffic. He requested the city work with the mail carriers to get his mailbox on his side of the street for safety purposes. He reminded the Council that he and his wife were hobby farmers and wanted the neighbors to understand he had animals on his property.



Councilmember Barnett requested staff work with Mr. Peterson to address some of the concerns that were raised.

**Motion by Councilmember Hanson, seconded by Councilmember Jaeger, to approve directing the City Attorney to draft a Resolution approving the Northwood Church 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 July 14, 2021**
  - b. The Engineering Department dated July 8, 2021**
  - c. The Fire Department dated July 12, 2021**

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

**Northwood  
Townhomes  
Planned Unit  
Development  
Residential  
Concept Stage  
Plan,  
Development  
Stage Plan,  
Rezoning,  
Preliminary  
and Final Plat**

Planning Manager Vickerman stated the applicant is requesting PUD concept plan, development plan, rezoning, preliminary and final plat approval to construct 72 townhomes. The site is 10.9 gross acres in size with 0.4 acres of wetlands for a net acreage of 10.5 acres. The proposed density is 6.9 units per acre, consistent with the medium density residential guiding of the property which allows four to ten units per acre. Staff discussed the plans in further detail with the Council and reported the Planning Commission recommended approval of the request requiring a disclosure for anyone buying into these townhomes that this development was adjacent to an agricultural area.

Paul Tabone, Lennar representative, thanked staff and the Council for working with him. He explained the agricultural disclosure would be passed on to all future buyers. He commented he was working with staff on the turnaround design. He discussed the unit design for the east and west side of the development. He reported there was a real need for these types of townhomes in Maple Grove.

Councilmember Jaeger questioned if the back to back units would have basements. Mr. Tabone reported these units would not have basements.

**Motion by Councilmember Hanson, seconded by Councilmember Barnett, to approve directing the City Attorney to draft a Planned Unit Development agreement and a Resolution approving the Northwood Townhomes PUD residential 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 July 21, 2021**
  - b. The Engineering Department dated July 9, 2021**
  - c. The Fire Department dated July 12, 2021**
  - d. The Parks & Recreation Department dated July 20, 2021****
- 2. The applicant providing an easement for any portion of the sidewalk outside of the public right-of-way.**
- 3. The applicant providing a disclosure to potential buyers that agricultural uses surround the property and there may be sounds and odors associated with these uses.**

Councilmember Jaeger stated she was concerned about the width of the private streets and the lack of parking. Mr. Tabone reported there would be enough room on the public street to provide off street parking on one side of the street. He indicated parking would also be available in the townhome unit driveways. He stated the private streets would be 24 feet wide and would not accommodate parking.

Councilmember Jaeger expressed concern that the townhomes located on private streets would not have any space for parking or snow storage. She questioned if emergency vehicles would be able to access this development and turn around. Mr. Tabone explained the development would accommodate all emergency vehicles. He noted he was working with staff to design a turn around area.

Councilmember Jaeger recommended the downspout location be changed or buried in order to avoid the units having ice along the sidewalks and driveways. She recommended trees not be installed between the driveways.

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

**Motion by Councilmember Hanson, seconded by Councilmember Jaeger, to approve recommending that the City Council direct the City Attorney to draft an Ordinance for rezoning from R-A, Single-Family Agricultural to R-4, Medium Density Residential Planned Unit Development.**

**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 four ayes and no nays. Motion carried.**

**Xcel Energy  
Conditional  
Use Permit for  
10-Foot Fence  
Conditional  
Use Permit for  
Exterior  
Staging Area**

Planning Manager Vickerman stated the Xcel Energy site is currently used as a substation and is comprised of transformers, among other electrical equipment. The substation pad is surrounded by a seven-foot-tall chain link fence with one foot of barbed wire on top. Turf grass area containing numerous trees exist south and east of the substation pad. The west and north sides of the substation immediately abut wetlands. A paved driveway from Fernbrook Lane North provides access to the substation. Numerous electric transmission lines and transmission structures exist on and adjacent to the property. Staff discussed the requested conditional use permits in further detail with the Council and reported the Planning Commission recommended approval of the request.

Sean Lawler, Xcel Energy representative, thanked staff for the thorough staff report. He stated he was available for comments or question.

**Motion by Councilmember Jaeger, seconded by Councilmember Hanson, to approve deny directing the City Attorney to draft a Resolution approving the Xcel Energy conditional use permit for a 10-foot high fence, 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 July 16, 2021**
  - b. **The Water Resources Engineer dated July 7, 2021**

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

**Motion by Councilmember Jaeger, seconded by Councilmember Barnett, to approve directing the City Attorney to draft a Resolution approving the Xcel Energy conditional use permit for an exterior staging area, 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 July 16, 2021**
  - b. **The Water Resources Engineer dated July 7, 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 four ayes and no nays. Motion carried.**

**Crocus Grove  
Planned Unit  
Development  
PUD  
Residential**

Planning Manager Vickerman stated the applicant is requesting Planned Unit Development (PUD) concept stage plan, development stage plan, preliminary plat, rezoning approval and lot division for a 52 lot, single-family detached home neighborhood. The property is located at the northern end of Maple Grove, just west of Fernbrook Lane and directly adjacent

**Concept Stage  
Plan,  
Development  
Stage Plan,  
Preliminary  
Plat, Rezoning  
and  
Administra-  
tive Lot  
Division**

to The Enclave at Rush Creek neighborhood that was approved in 2016. Similar to that development, there is no direct access to this area from the south so the site will be accessed from the City of Dayton by way of Rush Creek Parkway. Staff discussed the plans in further detail with the Council and reported the applicant has adjusted the plan to meet the 10,000 square foot requirement except for seven of the lots. He explained the Planning Commission reviewed this matter at their July 26, 2021 meeting and had a split vote (3-3) on the request.

Councilmember Hanson asked if the new plans reduced the number of units. Planning Manager Vickerman reported the number of units remained the same, but the lot sizes were increased. He noted the size of the open space was reduced slightly in order to increase the size of the lots.

Mayor Steffenson asked if the lots along Rush Creek were extending into the bluff area. Planning Manager Vickerman stated there was a bluff area, but noted the lots were setback from the bluff area.

Mayor Steffenson questioned if Three Rivers was planning to install a trail on the north or south side of the creek. Planning Manager Vickerman explained the trail would likely cross the creek so the trail would be on the north and south side of the trail. He reported this was subject to change as they piece properties together for the trail.

Mayor Steffenson requested further information regarding Lot 4 and Lot 21, because these were concerns for the Planning Commission. Planning Manager Vickerman stated these lots were somewhat impacted by the wetlands, but noted Lot 21 had been shifted and could accommodate a smaller home. He noted Lot 4 would also require a smaller home in order to accommodate the buffer along the wetland.

Councilmember Jaeger asked what the watershed district had to say about this development.

Mayor Steffenson reported it was his understanding this project had not yet been reviewed by the watershed district. Planning Manager Vickerman stated this was the case.

Councilmember Barnett questioned why emergency providers would need to travel through Dayton for this project. Planning

Manager Vickerman explained there were no connections south across the creek into Maple Grove. For this reason, the only way to get to this neighborhood would be to go through Dayton.

Paul Heuer, Pulte Homes, thanked the Council for their time and consideration. He discussed the primary goals for this development, which was to preserve as much open space and trees within the T-zone. He explained after attending the Planning Commission meeting there was some discomfort with the lot areas so the lot sizes were expanded. He reported the amount of open space was reduced by 1.2 acres, but there would still be a total of 5.76 acres of upland.

Councilmember Jaeger thanked the developer for hearing the concerns of the Planning Commission and for making adjustments to the lot sizes.

Mayor Steffenson opened the meeting for public comment.

Matt Spiczka, 10887 Orchid Lane North, explained he still had concerns regarding the proposed lots sizes. He indicated the proposed lots were still smaller than the adjacent neighborhoods. He commented he was for the development, but believed the density was still too high. He suggested the Council require the developer to adjust the plans further in order to create larger lots sizes in order to fit in with the existing neighborhoods.

Mayor Steffenson closed the meeting for public comment.

Mayor Steffenson questioned how large the lots were to the west. Planning Manager Vickerman stated the minimum size was 10,000 square feet and some were larger. He understood the lots to the west were at least all 80 feet wide with the exception of four that back up to a pipeline easement.

Councilmember Hanson reviewed a comment the Council received from Ashley Lindquist, 10887 Orchid Lane N, that addressed the lot sizes within the Enclave at Rush Creek. Ms. Lindquist reported the smaller lots within her development were approved at 14,492 square feet and the large lots were 18,198 square feet. She noted this was quite a significant difference between the two neighborhoods. She indicated she was disappointed in the changes the developer made because the open space was what suffered and not the number of lots within

the development. she indicated she would have liked to have seen wider lots within the development.

Mayor Steffenson stated he was in support of tabling action on this item to the August 16, 2021 City Council meeting to allow Councilmember Leith to be present to discuss this matter.

**Motion by Mayor Steffenson, seconded by Councilmember Hanson, to table action on the Crocus Grove PUD concept stage plan, development stage plan, preliminary plat, and administrative lot division to the August 16, 2021 City Council meeting. Upon call of the motion by Mayor Steffenson, there were four 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 will meet next on August 9, 2021 and will discuss REO Plastics, and one lot subdivision.
- Staff discussed the new businesses that would be opening in Maple Grove.
- Woodland Mounds would be celebrating its 25<sup>th</sup> Anniversary on August 24, 2021.

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

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

- Elm Road was now paved fully from end to end.
- The Lake Quality Commission would meet holding a special meeting on September 1, 2021 to draw down and turtle concerns on Rice Lake.
- The Council requested staff look into the blue green algae on Rice Lake.
- The Public Works staff was preparing a wellhead protection plan.
- The Ranch View water tower was in service in preparation for the hot, dry weather.

### **Heidi Nelson,**

Ms. Nelson explained that the Council has her Monday report if

**City  
Administrator**

there are any questions. She reported National Night Out would be held on August 3, 2021. She stated staff and the Council would be gathering at the Government Center at 5:30 p.m. She indicated the Council would hold a work session meeting on August 16, 2021 to continue discussions on the 2022 budget.

**Items Added  
to the Agenda**

Councilmember Jaeger stated she attended the cricket pitch ribbon cutting ceremony.

Councilmember Jaeger explained she attended a picnic with the paid-on-call firefighters at Elm Creek last Saturday.

Councilmember Jaeger reported the Historical Society would be hosting their annual picnic on August 19, 2021 at 6:00 p.m.

Mayor Steffenson stated he was excited to attend the grand opening of the cricket pitch. He explained the vandalism that recently occurred at the cricket pitch was unacceptable. He noted the city would be working to track down whoever did this.

**Adjournment**

**Motion by Councilmember Hanson, seconded by Councilmember Barnett, to adjourn to the regular City Council meeting on August 16, 2021 at 7:30 p.m. Upon call of the motion by Mayor Steffenson, there were four ayes and no nays. Motion carried.**

The meeting was adjourned at 8:53 p.m. by Mayor Steffenson.

Respectfully submitted,

Heidi Nelson  
City Administrator