

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 16, 2012 – 7:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Fisher, Spencer, and Wenck.

ABSENT: None

STAFF: Clerk-Administrator Hirsch, City Attorney Manderschied, City Planner Kaltsas,

VISITORS: Robert Lamp, Jim Kiad, Sarah Baker, Scottie Hines, Tim Niccum, Rick Niccum, Mark Lewis, Charles Leck, Ray McCoy, Randy Durick, Jennifer Kazin, Katherine Baker, Dan Fair, Amy Johnson, and Matt Schoen

4. CONSENT AGENDA.

Approve:

- Approval of City Council Minutes from September 25, 2012.
- Approval of the Accounts Payable for the month of October 2012.
- Approval of the year to date budget report ending the month of September 2012.
- Approval of the Large Assembly Permit for the 7th Annual DA Shiver Fishing Tournament on Lake Sarah sponsored by the Crow River Youth Hockey Association, to be held on Saturday, February 2, 2013.
- Approval to publish the following Ordinances No.'s:

Ordinance No. 2012-07 (Amending Chapter 5 of the Independence City Code to include Section 509, a new Section adding provisions for Storm Water Management); and

Ordinance No. 2012-09 (Amending Chapter 5 of the Independence City Code to include Section 509, a new Section adding provisions for Storm Water Management and to amend Section 508 relating to Erosion and Sediment Control); and

Ordinance No. 2012-10, (Amending Chapter 7 of the Independence City Code to include Section 725, a new Section pertaining to Storm Water Utilities);

Johnson requested a written report for the year to date budget due to some line items being over budget at this time.

Motion by Wenck, seconded by Spencer, to approve the Consent Agenda as printed. Ayes: Mayor Johnson, Betts, Fisher, Spencer, and Wenck. Nays: None. MOTION DECLARED CARRIED.

5. Delano School Board Representative – Program Review of the Delano School District Budget and Levy.

Amy Johnson, Chairperson of the Delano School Board, came to discuss the state of the Delano school and discuss options listed on the election ballots regarding the Delano School District.

Matt Schoen, Superintendent of Delano Schools, presented information to inform voters about the Delano School District. He stated how the Delano schools have been achieving high standards in their school performance and testing scores. He stated Delano's high school is now in the top 10% of school performances based upon the Minnesota's new rating system.

Amy Johnson explained a 10 year operating levy is expiring and revenues for the levy run out at the end of the school year. She said The Levy represents 1.1 million dollars and the Delano public schools operate on approximately 20 million budget. She stated neighboring school districts all receive substantially larger levies.

Amy Johnson stated a survey was done asking about what citizens wanted in their school district. She explained that based on that survey spending cuts of 700 to 800 thousand dollars were made last year; which affected mostly classrooms and transportation.

Amy Johnson stated this year the election ballot will include two (2) school district questions: Renew the existing 10 year levy (which equal approximately \$426 per student), or increase the levy (which will increase it by \$325 per student). The second question is contingent on the first question.

Amy Johnson explained the impact of the levy vote. She stated the cost impact will not change if question 1 is passed. If question 2 is passed, a \$6 monthly increase per every \$100,000 in home value will occur. If one or both questions fail cuts must be made. The cuts will include 18 jobs eliminated (teachers, support staff, and administration), class sizes increased, high school and middle school elective classes cut, and middle school extracurricular activities moved to community education with increased costs. If question 1 passes and question 2 fails only 8 jobs will be cut, but all other cuts must be made. If both questions pass none of these cuts will be made. She stated the number one reason to continue to support the school levy is to investments in a community. She encouraged people to call them if there are any questions on about the levy.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission Meeting
- Maple Plain Fire Dept Open House and Steak Dinner

Wenck attended the following meetings:

- Lake Minnetonka Communications Commission Meeting

Fisher attended the following meetings:

- None

Betts attended the following meetings:

- Chamber of Commerce Meeting

Johnson attended the following meetings:

- Community Action Partnership for Suburban Hennepin County Board and Finance Committee Meeting
- Orono Healthy Youth Meeting
- Maple Plain Fire Dept Open House and Steak Dinner
- Metro Mayors Meeting – 2040 Meeting
- The Northwest League 2040 Comp Meeting
- Orono School Board – Award
- Chamber of Commerce Meeting
- Political Candidates Forum in Orono
- Hwy 55 Corridor Collision Meeting
- Former Mayor of Watertown, KJ McDonald's funeral

Hirsch attended the following meetings:

At the meeting she did not have her list with her. She said she would email it to the Council members.

7. **RAY MCCOY – DIRECTOR OF THE WEST HENNEPIN PUBLIC SAFETY DEPARTMENT, SEPTEMBER ACTIVITY REPORT:**

McCoy stated September's activity was similar to 2011, just 42 incidents more in Independence and overall as a department 152 more than last year.

McCoy stated there has been an increase in various drug related and nuisance issues.

McCoy invited the Council to Mound's Heroin in the Community meeting on November 1st with a snapshot of what's really happening in the area.

McCoy discussed the record management system server which partnered with the cities of Medina, Minnetrista, and Wayzata allowing them to share information on the same server. Now the cities of Corcoran, Rogers, Deephaven, and Osseo have agreed to join in with us. He said sharing the same information is proving to be very useful and becomes a cost savings measure. Mayor Johnson asked about Hennepin County joining up with WHPS. McCoy stated they are choosing to remain by themselves, partially due to their use of the Motorola products.

McCoy explained how WHPS traffic stop became a key component in solving a mail identify theft ring. The arrested are now serving federal prison time.

McCoy informed the Council that 12 people have signed up for the Citizen's Academy and it's going very well.

8. Rick and Tim Niccum, 1111 County road 19 (PID# 25-118-24 31-0006) Approval of the request to amend their current Stipulation and Settlement Agreement to convey the property to his son Tim Niccum, who wishes to continue operating the business under the terms and conditions of the current agreement.

Hirsch explained in 1997 Rick Niccum applied for a Conditional Use Permit for a dock business; which had a stipulation the property would need to remain in the Niccum's name in order to continue to do business there. R Niccum is interested in retirement, and Tim, his son, would like to continue doing the same business at this property as they have in the past.

Hirsch stated the City hasn't received any complaints or noise about the property. She said the property has always been well kept.

Kaltsas stating the agreement is similar to a conditional use permit but it's a private agreement.

Manderschied stated this agreement is enforced as if it is a conditional use permit and would allow for unilateral termination by the City. She said the City reserves its right to enforce zoning code and other ordinances that would apply to the property.

Motion by Wenck, second by Spencer to amendment to an agreement the City entered into with the property owner. Ayes; Mayor Johnson, Council members Betts, Fisher, Spencer, and Wenck; Nays; None, Absent: None. MOTION DECLARED CARRIED.

9. WINDSONG FARMS GOLF CLUB, 18 GOLF WALK – REQUEST TO AMEND THEIR EXISTING CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A GUEST HOUSE ON THE PROPERTY. RESOLUTION NO. 12-1016-01

Kaltsas explained Windsong Farms Golf Club was asking for an amendment to their existing Conditional Use Permit which would allow for construction of a Guest House for their members. He said they are also asking for approval of the guest house site plans.

Kaltsas explained the layout and purpose of the guesthouse. He stated there would be six (6) bedrooms, similar to a hotel room, and there would not be a full formal kitchen.

Kaltsas stated the guest house would be an accessory use to the golf course. He explained it would be limited to the club members and their guest and it would be limited to a maximum stay of three (3) consecutive nights.

Kaltsas explained the location of the guest house and that it would be located in an open space between two fairways. He said a pathway to the guest house would be added and accessed by golf carts, but constructed in a way that would support emergency vehicles.

Kaltsas stated the exterior of the structure would be constructed of materials and of a style that is consistent with the other structures on the property.

Kaltsas stated the applicant meets the criteria and zoning needed in a conditional use permit.

Kaltsas stated the fire department requested changes to the parking lot to allow for adequate emergency vehicle access and the applicant has included those changes in the plans.

Kaltsas stated the guesthouse would tie into the existing sewer, and it has the capacity to accommodate it. He stated the applicant also has land across from the Luce Line Trail that would accommodate a secondary site and/or an additional septic system if needed.

Kaltsas explained the Planning Commission proposed the following conditions:

- a. Use of the guesthouse shall be limited to members and their non-paying guests.
- b. The maximum length of stay for any individual shall be limited to three (3) consecutive nights.
- c. Access to the guesthouses will be by golf cart only.
- d. Fire and emergency vehicle access to the guesthouse shall be maintained at all times.
- e. The guesthouse shall not be equipped with a full kitchen.
- f. No meals will be prepared in the guesthouse.

Kaltsas stated the applicant proposed to landscape the area and this includes rain gardens. He said the size of the parking lot will not change as it is not anticipate a need due to current members only having access to the guesthouse.

Kaltsas stated the applicant is working with our water resources engineer and plans are still in the works. The applicant is also working with Pioneer -Sarah Creek Watershed district and their review and decision is pending upon City Council approval.

Kaltsas stated there was no response from the surrounding neighbors.

Johnson stated he and the Council received a written comment from Mr. & Mrs. Leck stating they support this amendment. He also requested to delete the term “non-paying” guest from the amendment, so that it just states members and their guests.

Motion by Wenck, second by Betts to accept Resolution No. 12-1016-01. Moved to amend the existing Conditional Use Permit and to allow for the construction of a Guest House on the property and approval of the Guest House site plans. Ayes; Mayor Johnson, Council members Betts, Fisher, Spencer, and Wenck; Nays; None, Absent: None. MOTION DECLARED CARRIED.

10. VILLAGE EVANGELICAL FREE CHURCH, 5725 COUNTY ROAD 11 (PID# 11-118-24 11-0007) IS REQUESTING APPROVAL OF AN AMENDEMENT TO THE CONDITIONAL USE PERMIT AND SITE PLAN TO ALLOW FOR APPROXIMATELY 9,000 SQUARE FOOT EXPANSION OF THEIR EXISTING CHURCH. RESOLUTION NO. 12-1016-02:

Kaltsas stated the Church is looking to amend and existing conditional use permit and get site plan approval. He explained the churches past expansions. He stated the church is looking to add on a new worship and discipleship center on to the Southside of the existing Church. He explained the Churches layout currently doesn't have the space to allow everyone to worship together.

Kaltsas state the Church has an average of 140 to 150 attendees every Sunday. He stated the existing parking lot allows for roughly 94 cars, plus they have a gravel overflow lot behind the building.

The existing building currently has 13,000 square feet and the proposed addition would be roughly 9,000 square feet in size. The addition would include a new sanctuary on the main level and additional classroom/worship space on the lower level. He stated the applicant may not initially finish the lower level due to costs.

Kaltsas stated the exterior of the addition would match or complement the existing structure. He stated the designs are still being reviewed but remain within the height ordinance. He stated the total number of seats would now be 265.

Kaltsas stated the subject property is 10 acres and is surrounded primarily by wetland, open space and agricultural fields and the addition would be on the backside of the existing structure; which makes the additional fairly well buffered.

Kaltsas stated it does meet fire code standards and from a building code standpoint the new structure would be constructed separately but joined by doorways allowing adequate fire separation thus not needing a sprinkler system. He stated the applicant does need to include an elevator to the lower level if it is finished, so the applicant plans on adding an elevator shaft at this time.

Kaltsas stated currently the church has on-site sewer, but with the expansion they will be required to connect to the City septic system and abandon the on-site sewer.

Kaltsas stated he felt the parking space was adequate, as the parking is to service the Church's existing members and the expansion is not designed to drastically increase the number of members.

Kaltsas stated in regards to buffering and screening the Planning Commission recommended adding additional landscaping on the Eastside.

Kaltsas stated the proposed structure doesn't trigger any storm water needs. However, it was recommended by the City's water resource engineer that the Church consider a storm water management provisions, as a creek behind the Church runs into Lake Independence. He stated a rain garden may be good option and suggested the Church work with the City to apply for a grant to help assist with the cost.

Kaltsas stated the classroom trailer behind the Church would be removed upon construction of the addition.

Kaltsas stated the City hasn't heard any comments from surrounding properties and the Planning Commission recommended the Council approve the expansion along adding a the storm water provisions to the criteria.

Motion by Betts, second by Fischer to accept Resolution No. 12-1016-02. Moved to adopt the request of the Conditional Use Permit and site plan approval . Ayes; Mayor Johnson, Council members Betts, Fisher, Spencer, and Wenck; Nays; None, Absent: None. MOTION DECLARED CARRIED.

11. UPDATE ON THE JOINT EFFORT MADE BETWEEN THE CITIES OF INDEPENDENCE AND MAPLE PLAIN, TO DO A CITY WIDE CLEAN-UP AND HAZARDOUS WASTE COLLECTION DONE BY HENNEPIN COUNTY ENVIRONMENTAL SERVICES DURING THE FIRST WEEKEND OF MAY.

Hirsch stated her understanding is the county is cutting back and may only be doing the hazardous waste collection every other year. She is waiting to hear back from the county to get further clarification.

12. MISC./OPEN

None

13. Adjourn.

Motion by Wenck, second by Spencer to adjourn the City Council meeting at 8:40 p.m. Ayes; Mayor Johnson, Councilmembers Betts, Fisher, Spencer, and Wenck; Nays; None: Absent; None. MOTION DECLARED CARRIED.

Respectfully submitted,

Jolene Nelson, Recording Secretary