

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 17, 2014 – 9:20 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 9:20 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer, and Fisher
ABSENT: Councilor Wenck and City Planner Kaltsas
STAFF: City Administrator Hirsch, and City Attorney Manderschied
VISITORS: Gary Kroells, Sheri and Mark Fischer, and Becky Wozney

4. CONSENT AGENDA

a. All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- Approval of City Council minutes from May 27, 2014
- Approval of the Accounts Payable for the month of June, 2014
- Approval to renew the Agricultural Preserves on the 53+/- acre parcel listed as 2791 Copeland Road, owners; Dennis & Ursula Platteter.
- Approval of the proposed Election Judge list for this year's Primary and General Elections.
- Approval of the continued Joint Cooperation Agreement/Community Development Block Grant (CDBG) Program for the Fiscal Year 2015 - 2017. Resolution No. 14-0617-01.

Motion by Fisher, second by Spencer to approve the Consent Agenda with an adjustment to the accounts payable report regarding the payment to the City of Maple Plain for Clean Up Day. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

Johnson requested adding a discussion with the Fischer family regarding a house burning. He also wants to comment on a letter regarding a property on Fieldstone.

Johnson requested adding a motion to create a proclamation for Gail Sinkel

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF.

Spencer attended the following meetings:

- Pioneer Sarah Creek Watershed Budget Meeting
- Pioneer Sarah Creek Watershed Meeting
- Joint City Council Meeting with Maple Plain

Wenck attended the following meetings:

Absent

Fisher attended the following meetings:

- Joint City Council Meeting with Maple Plain

Betts attended the following meetings:

- Joint City Council Meeting with Maple Plain
- Maple Plain Fire Commission Meeting
- SLUC Conference
- Maple Plain City Council Meeting
- Northwest League of Cities Meeting
- Highway 12 Coalition Meeting in Delano
- Women in Municipal Government Meeting

Johnson attended the following meetings:

- Joint City Council Meeting with Maple Plain
- Meeting with staff regarding the new City Guide Book
- Maple Plain Fire Commission Meeting
- Orono High School Graduation
- Housing Summit
- Mound Fire Department Fish Fry
- Highway 12 Coalition Meeting in Delano
- Maple Plain City Council Meeting
- Small Cities Conference for the LMC in Texas
- Conference Call Meeting for the LMC Nominating Committee
- Green Line Light Rail Opening
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Quarterly Active Living Meeting in Brooklyn Park
- Delano Senior Center to recognition of Gail Sinkel
- Funeral for Gerry Klaers

Hirsch attended the following meetings:

- Election Training Session
- Mechanical Election Training in Maple Grove
- Meeting with Maple Plain regarding the joint newsletter
- Chamber of Commerce Meeting
- Joint City Council Meeting with Maple Plain
- Highway 12 Coalition Meeting in Delano

7. BECKY WOZNEY/HAKANSON-ANDERSON -2013 ANNUAL SWPPP/MS4 REPORT

Becky Wozney of Hakanson-Anderson gave information and asked for public comments, as this is an annual report is required by the PCA. She stated the city has a new permit, and it is good for five years.

Wozney discussed impaired waters. She stated one thing that is important to note for next year's report is any progress regardless of how big or small. She discussed some projects that could be done as stated in the City's report from Chris Lord. Wozney encouraged the Council and staff to start talking about some of these projects.

Wozney stated the new requirements for funding and grants require more paperwork and more facility investigations.

Johnson inquired about the TMDL with all the recent rain. Spencer stated it helps us see what happens with storm water and where the water flows are located. Wozney stated the more water added to the ponds, lakes, rivers, and streams the worse your water quality is going to be.

8. DISCUSSION AND APPROVAL OF THE 2014-2017 ASSESSMENT AGREEMENT A060057 WITH THE HENNEPIN COUNTY ASSESSOR'S OFFICE

Hirsch stated she had an update from the County Assessor's Office. The 2015 Hennepin County would cost \$53,600 based on current parcel counts and construction activity. The 2014 cost will be \$28.92 per parcel and for 2015 they are projecting \$30.68 per parcel. Fisher asked why we are considerably more than comparable cities like Corcoran or Greenfield. The Council discussed this and requested having Hennepin County come out to explain why the cost is higher for Independence.

Motion by Spencer second by Fisher to Table the approval of the 2014-2017 Assessment Agreement with the Hennepin County Assessor's Office until they can further explain the costs. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

9. MISC./OPEN.

Johnson requested adding a motion to create a proclamation for Gail Sinkel.

Motion by Spencer second by Fisher to authorize a written proclamation for Gail Sinkel. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

Fieldstone Resident

Johnson just wanted to mention that he spoke to a resident on Fieldstone regarding the speed limit on Fieldstone and Pagenkopf. He forwarded this letter on to the staff and the City Council.

Fischer Family Concerns

Johnson discussed the Fischer family request regarding not allowing a neighbor's home to be burned and torn down. The Maple Plain Fire Department will be in charge of this burn and is using it as training. He stated the City is not responsible for issuing burn permits; the police department issues them.

City Attorney Manderschied stated the City received a letter from the Fischer family's attorney, and the attorney indicated there were some concerns regarding burning this structure. She stated she would defer to the Fire Department regarding the process, as well as, the directives and instruction on the State Fire Marshall's website.

Johnson inquired about the distance to the Fischer's property; which is roughly 250 feet away. Mark Fischer, 3162 Independence Road and neighbor, stated they first informed about this from the electrical company on June 1, 2014. The electric company stated the power would be turned off for the burning and demolition of the neighbor's home. Fischer then contacted the owner, who does not live in the property, and expressed their health concerns. He stated his wife has sinus issues, and they have six horses. The horse pasture is about 100 feet from where they plan to do the burn. He discovered the owner is looking sell the property after the home is removed. Fischer stated the owner of the home told him, if he was willing to pay the \$12,000 to get rid of the home, he would not burn it. Fischer stated the owner is doing this primarily to save money.

Fischer stated they contacted the Fire Chief and was given two options of preventing the burning, hire an attorney or present this to the City Council. He started to research the training burn process. He stated the City of Plymouth has outlawed training burns for health reasons. He stated the letter sent from his attorney basically states that the open burning violates some of the City's Ordinances. Fischer's questioned: if the proper permits have been obtained, if there are better ways to train firefighters, if the burning violates the City's Code, and how toxic will the smell be across the lake.

David Eisinger, Maple Plain Fire Chief, stated the home has already been abated and a survey has been done. This survey has to be sent into the MPCA acknowledging this has been done. Then, a permit is pulled from the DNR.

Eisinger stated other training can be done, but those training sessions involve block walls with gas burners. They are not realistic to a real structure fire. The Fire Department likes to at least train on one structure fire per year. The Plymouth Fire Department now contracts with other Fire Department for training burns, currently with Loretto. He explained the uniqueness of this structure. Plus, there are four new firefighters in the department this year. He stated a special contractor will be assisting with this burn.

Eisigner stated the structure will burn with very little water is used. It will sit for two weeks before the ash is hauled away. He stated some Police Departments used this home for training, as well. Eisinger stated he understands their concern, but they are following all the rules, and it's now City Council's decision. Johnson asked if there was a fee involved. Eisinger stated because they are tax payers there is no fee. Eisinger stated the department needs to pay \$1500 for the contractor to assist them.

Johnson inquired about strong winds and Eisinger stated if there is, they would not burn. The Loretto Fire Department is also training with them on this burn, as well as some Hamel firefighters. There will be 27 firefighters training from Maple Plain.

Sheri Fischer, stated she does not want this burn to happen. She stated she has had three sinus surgeries in one year and does not want to smell any of this burning or smoldering home. She stated the only reason the owner is doing this is to save money. She wanted to know what her rights are as a landowner. She stated the wind cannot be controlled and the smoke and soot have an effect on the neighboring homes. She is also concerned about the effect on her horses. She stated this was just not fair. Mrs. Fischer stated that the home should be knocked down. She invited the Council to view the property and to come see why she is concerned.

Fisher asked about the length of time for the burn. Eisinger explained they would be starting to gather at 6 a.m. The training and burning would begin around 8:00 a.m. with the home in a full burn by 10:30 a.m. The home will burn then usually for an hour.

Betts explained her experience with a neighbor's home burning and fire fighter training. She was amazed how it was handled.

Spencer stated this is an incredible opportunity for fire fighters to train in a real home which could save lives. He stated he understands not wanting to have this next door to you, but is weighing it out with the training opportunity. The Councilmembers all discussed the proximity of the Fischer's home and barn to this home.

Johnson stated it looks like it cannot be done on July 19, 2014. The Councilmembers all agreed how important this training is for firefighters, but they were not comfortable without viewing the property for themselves. Manderschied stated she just received the letter from the attorney today, and she would like be able to supply the Council with more research.

**Motion by Betts second by Spencer to table this item until the July 8th City Council Meeting.
Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

10. ADJOURN.

**Motion by Spencer second by Fisher to adjourn the City Council Meeting at 10:24 p.m.
Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

Respectfully submitted,

Jolene Nelson, Recording Secretary