

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 24, 2008 – 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, Council Members Betts, Gyllenblad, Wallace and Wenck

STAFF: Administrative Assistant Scipioni, Attorney Vose, Planner Lorsung,

ABSENT: Administrator Hirsch

VISITORS: Richard and Pat Meyer, John and Cathy Zeglin, Mike Zeglin, Brian Kirk, Pete Boyer, John Quinlan, Brett Esterberg

4. CONSENT AGENDA.

Approve:

- Council minutes, June 10, 2008

Johnson removed from the consent agenda:

- Approval of a liquor license for Windsong Farms Golf Course.
- Approval of Resolution No. 08-0624-01, granting preliminary plat approval for Dick Meyer for two rural view lots located on 705 Copeland Road.

Motion by Betts, second by Wallace, to approve the consent agenda. All present voted aye. MOTION DECLARED CARRIED.

Windsong Farms Golf Course liquor license

Johnson explained that the golf course will soon have a new owner, which means that it must apply for a liquor license. He noted that the new owner must pass a background check before a license can be issued.

Motion by Johnson, second by Wenck, to approve a liquor license for Windsong Farms Golf Course with the following condition:

- The new ownership successfully passes a background check.

All present voted aye. MOTION DELCARED CARRIED.

Approval of Resolution No. 08-0624-01, granting preliminary plat approval for Dick Meyer for two rural view lots located on 705 Copeland Road.

Lorsung explained that this resolution is only to approve the preliminary plat, not the final plat. She said that staff had wanted to have the preliminary and final plat approval on the agenda for this Council meeting, but some title work still needed to be done, so the final plat approval was moved to the July 8 meeting.

Motion by Wallace, second by Betts, to approve Resolution No. 08-0624-01, granting preliminary plat approval for Dick Meyer for two rural view lots located on 705 Copeland Road. All present voted aye. MOTION DECLARED CARRIED.

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

Johnson added to the agenda a concern from Wenck about a traffic planning project his firm is working on for a developer in the City.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: TMDL meeting, Joint Maple Plain and Independence Parks Commission workshop, Joint Council and Planning Commission Comp Plan workshop.
Wallace: Joint Council and Planning Commission Comp Plan workshop.
Wenck: League of Minnesota Cities Annual Conference, Joint Council and Planning Commission Comp Plan workshop.
Betts: Joint Council and Planning Commission Comp Plan workshop.
Mayor: Maple Plain Firefighter retirement dinner, League of Minnesota Cities Annual Conference, League of Minnesota Cities Nominating Committee meeting, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Senior Community Services Finance Committee meeting, Senior Community Services Executive Committee meeting, Orono Healthy Communities meeting, Land Use Advisory meeting for Met Council, Hennepin County Fair.

7. Liza MacMillan, 1424 Nelson Road (PID# 30-118-24-12-0002), Request to rebuild a three-car garage and add a one-bedroom Caretakers apartment.

Lorsung explained that the applicant is seeking to replace an existing three-car garage with a 1,120 square foot three-car garage that would include an apartment near the existing residence. Lorsung stated that the property is currently being used as a commercial horse facility and that the City has had no problems with the operation. Lorsung said that the Planning Commission discussed the number of employees living in the apartment and recommended that the City limit the number of employees living in the apartment to four.

Johnson asked how the Planning Commission had decided on the number four for the limitation.

Lorsung responded that staff had recommended that a limitation to the number of employees be discussed. She said the Planning Commissioners chose to limit the number of employees to four based in part on the size of the structure.

Johnson said that he would like the condition limiting the number of employees to read “four full-time employees” instead of “four employees.”

Wallace asked how the City would enforce the Conditional Use Permit after it has been approved.

Johnson explained that the City can look into complaints if it needs to.

Wallace said that he is fine with the limitation to four full-time employees.

Motion by Wenck, second by Betts, to approve the Conditional Use Permit amendment, subject to the following conditions:

- The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
- The height of the additions shall conform to City Code.
- The number of occupants in the employee apartment shall be limited to four full-time employees.

All present voted aye. MOTION DECLARED CARRIED.

8. YMCA Camp Ihduhapi, 3425 Ihduhapi Trail (PID# 12-118-24-41-0001), Request to amend an existing Conditional Use Permit, permitting a 5,060 square foot addition to the existing dining hall facility.

Lorsung explained that the applicant is requesting an amendment to their existing Conditional Use Permit in order to construct a 5,060 square foot addition onto the existing dining hall. Lorsung also explained that the addition is not intended to house more people. In addition, during the construction of the proposed addition, the applicant would be bringing the building up to current code. Lorsung said that the Pioneer-Sarah Creek Water Management Commission reviewed the plan and prepared a memo for the Council. She said staff is working with the applicant to create an erosion control plan.

Johnson noted that Camp Ihduhapi has had a history of working with the Pioneer-Sarah Creek Water Management Commission to deal with erosion controls.

Motion by Betts, second by Wenck, to approve the Conditional Use Permit amendment, subject to the following conditions:

- The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any future construction or activity on the land.
- The height of the additions shall conform to City Code.
- The applicant shall pay all necessary fees for the review of this application.
- Conditional Use Permit to be reviewed annually.
- The applicant has received approval from the Pioneer-Sarah Creek Water Management Commission.

All present voted aye. MOTION DECLARED CARRIED.

9. Review of Ordinance Section 415 Swimming Pools (fencing).

Johnson asked Vose if the City needed to hold a public hearing in order to change this ordinance to allow swimming pool covers to be used instead of fencing.

Vose explained that zoning code and subdivision code amendments require a public hearing. He said that the pool ordinance is not part of either of those codes, and so it does not require a public hearing. He noted that staff would like to know how Council would like them to proceed.

Johnson suggested that it might be good for the Planning Commission to hold a public hearing on the amendment, even if it isn't required.

Betts asked how the amendment would be publicized if it were approved.

Johnson explained that it would have to be published in the paper.

Wallace added that it could be in the City newsletter as well.

Wallace and Wenck said they would have preferred to approve an amendment at this meeting. Wallace also noted that most of the cities surrounding Independence have an ordinance that either allows for pool covers or doesn't require anything at all.

Betts asked Vose for his opinion on the matter.

Vose said that his firm has worked with other cities that changed their ordinances to allow the use of pool covers instead of fences. He said that it seems like the right direction for the City. Vose also explained that his firm could come back to the next Council meeting with an ordinance amendment for consideration. He said that action could not be taken tonight because the staff report does not have the correct verbiage.

Motion by Betts, second by Wenck, to table to issue until the July 8 Council meeting. All present voted aye. MOTION DECLARED CARRIED.

10. MISC./OPEN.

Concern from Wenck about a traffic planning project his firm is working on.

Wenck explained that his firm, Wenck and Associates, has been hired to conduct traffic planning for a developer working on a project in Independence. He asked for direction from the Council as to whether or not it would be a conflict of interest if his firm took on the project.

Johnson asked if Wenck would be personally involved with the project.

Wenck explained that he would not be working on it. He said one of his employees would be in charge of the project.

Johnson said that he had no problem with one of Wenck's employees working on the project. He added that if the matter should ever come before the Council, Wenck should abstain from voting on it.

Wallace said he agreed with Johnson's opinion.

Wenck also added that he would be traveling from July 5-27.

Pool Ordinance Question

Brett Esterberg asked if he could start using his pool before the pool ordinance was amended.

Johnson said that he could use the pool as long as the cover was in working order.

13. ADJOURN.

Motion by Wenck, second by Wallace, to adjourn the City Council meeting at 7:59 p.m. All present voted aye. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary