

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MARCH 22, 2011 – 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, Wallace and Spencer.

STAFF: Clerk-Administrator Hirsch, Attorney Vose (arrived at 7:40 p.m.), Planner Mark Kaltsas, Engineer Brian Miller

ABSENT: Norm Wenck

VISITORS: Chris Cady, Karen Nikolai, Lance Gyllenblad, Manya Kalamaha and Rob Sievers.

4. CONSENT AGENDA.

Approve:

- Council Minutes from March 8, 2011
- Approval of a sports tournament to be held on May 7 and 8<sup>th</sup>, Saturday and Sunday at the Twin City Polo Grounds.

**Motion by Betts, second by Wallace, to approve the consent agenda. Ayes: Johnson, Betts, Wallace and Spencer, Nays: none, Absent: Wenck. MOTION DECLARED CARRIED.**

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

Nothing added.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer: Dr. Sweet and the Delano School Board and the West Hennepin Police Commission meeting.

Wenck: Not present.

Wallace: Delano – regarding a proposed indoor athletic facility.

Betts: West Hennepin Police Commission meeting

Johnson: Community Action, National League of Cities, Quarterly meeting of the Greater Lakes Community Food Bank, Active Living Quarterly meeting and the West Hennepin Public Safety Commission meeting.

Hirsch: Dr. Sweet and the Delano School Board, Hennepin County Election meeting to review what worked and didn't work in the 2010 Election, discussed the upcoming 2012 Presidential Election and the 2011 City Elections, Northwest League of Municipalities,

Interviewed applicants for the Administrative Assistant Position, Planning Commission meeting, attended the Minnesota Clerks and Finance Officers Conference in St. Cloud and the West Hennepin Public Safety Commission meeting.

7. DIRECTOR RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY

Director McCoy presented the departments activities report for the months of January and February, 2011; of those being an assault at the Vinland Center, assisted with an eviction notice, received a report of fraudulent request of money from a couple of the Cities Officers in order for the resident to collect from the Publishers Clearing House, this also happened in the City of Minnetrista and the Meeker County Sheriff's Department. A Crime Alert was e-mailed to citizens of businesses advising of the local scam. Female party fell asleep on Highway 12 and hit the center median head on, she suffered minor injuries, picked up a few people with BAC's over the legal alcohol levels and responded to a car fire at the Discovery Center.

Johnson asked about the number of assaults at the Vinland Center, Director McCoy said there haven't been that many to warrant any concern.

Discussion of the payables took place, Director McCoy said the biggest payout for the first of the year is the insurance costs. The Commission approved the new uniform and forfeiture policies.

The West Hennepin Public Safety Department is the first department in Hennepin County to install and use the DWI eCharge. Officers enter the information into the laptop in their cars and can readily retrieve it once they get into the booking area. Once all the information is entered, it takes only a finger touch of an Officer to start the process applying the reports from here to the County and into the criminals' records.

8. APPROVAL OF THE COMPLETE STREET POLICY CREATED UNDER THE CITY OF INDEPENDENCE RESOLUTION NO. 10-0413-03

Johnson explained what the Complete Street Policy is and how it is to work. This came about by a resolution directing staff to prepare a policy to present to the Council for approval. The Complete Streets Policy is to be used during any development process or City improvement project, to best provide for safe and efficient, balanced and environmentally sound areas for activities such as biking, hiking, walking or the possibility of taking transit.

The Complete Streets Policy will take into effect the placement and needs of these activities as they are created.

Karen Nikolia of Hennepin County, the Community Design Liaison, was present to help answer any questions. She acknowledged the tremendous help of Christina Scipioni, our past Administrative Assistant, Mayor Johnson and City Administrator Hirsch for their help in making this happen.

Motion by Johnson, second by Betts to approve the Complete Street Policy, All present voting Aye: Johnson, Betts, Wallace and Spencer; Nay: none; Absent: Wenck. Motion declared carried.

9. ROBERT SIEVERS, 1160 COUNTY ROAD 83 (PID# 25-118-24 32-0002) IS REQUESTING A CONDITIONAL USE PERMIT TO ALLOW FOR A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS THE SIZE LIMITATIONS OF SECTION 531.01 BY 500 SQ. FT. RESOLUTION NO. 11-0322-01.

Rob Sievers was present to discuss his request for a 500' increase to the size of an accessory building he wants to construct on his property at the above address.

Planner Kaltsas reviewed the request with the Council, stating that Sievers could currently build a 2100 sq. ft. accessory building without the approval of the City Council, only needing a building permit. Kaltsas noted the applicant has submitted a sketch, building elevations and a letter describing the proposed accessory structure. The proposed building is 65' by 40' for a total enclosed square footage of 2,600 square feet. Sidewall height of the proposed building is 16' with a 4/12 pitched roof. Overall height to the peak of the roof would be approximately 26'. The building would be sided with vinyl siding and have a metal roof. The applicant states in the proposed description that he would like to add an additional 600 square feet of open sided horse stalls in the future. The City typically has allowed open stalls (not fully enclosed) to be constructed without counting towards the total square footage. Should the applicant consider building this as an enclosed area in the future, an amendment to the Conditional Use Permit would be required.

The applicant intends to meet or exceed all setbacks including the animal setback of 150' from any existing residential structure or outbuilding.

Kaltsas did note the concerns from the public that were present at the Planning Commission meeting and stated those have been noted and the proper permits had been applied for and received for those issues. Kaltsas also noted the City would ensure that all and any additional permits are completed.

Kaltsas went through the nine criteria for granting a conditional use permit as noted in the Planning Commission meeting minutes of March 14<sup>th</sup>, 2011. The Planning Commission recommended approval of the 500' increase request with seven conditions as noted in the March 14<sup>th</sup>, 2011 minutes of the Planning Commission.

It was also noted that this building is not intended for commercial indoor storage.

Sievers stated he will eventually have 3 horses on the property and that is why he will have the need for three open stalls on the east side of the completed building. He said this is something that will not happen right away, but in the future. He would like to bring this property to a "hobby farm" condition, to match what is already in the area.

Johnson asked what direction the water runs on his property, Sievers stated to the southeast. However; right now with the excessive melting and rain, the culvert in the County Road 83 ditch in front of his house is flooding and is concerned about the possibility of it getting into his house.

Motion made by Wallace, second by Spencer to approve the 500' conditional use permit that exceeds the size limitations of Section 530-01, with the following conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. No additions or expansions to the designated areas indicated on the approved site sketch shall be permitted without the City's approval of an amendment to the Interim Use Permit.
3. Any modifications to the structure or intensification of use will be reviewed by the City and will be subject to all applicable standards and requirements.
4. The use of this building will need to conform to all applicable standards in the A-Agriculture zoning district.
5. The proposed building is not intended to be used for commercial indoor storage.
6. Final setback dimensions will need to be verified by the City as a part of the building permit review and approval process.
7. The applicant shall ensure that all work related to the grading, drainage and restoration activities previously commenced on this property be completed in accordance with all applicable standards prior to issuance of final building approval.

Those present voting Aye: Johnson, Betts, Wallace and Spencer; Nay: none; Absent; Wenck. Motion declared carried.

10. PLANNER MARK KALTSAS - DISCUSSION AND DIRECTION FROM COUNCIL TO PROCEED WITH THE UPDATING OF THE CITY ORDINANCES NOW THAT THE 2030 COMPREHENSIVE PLAN HAS BEEN APPROVED.

Planner Kaltsas stated the need of the City to update its City Ordinances, since the 2030 Comprehensive Land Use Plan has been approved by the Metropolitan Council. The City is to be compliant with its Ordinances as they are applied now in the new Comprehensive Plan.

Kaltsas stated now that the City has two new zoning districts, we need to make sure that we have conditions and rules that regulate those districts.

Johnson was concerned about the separation of ordinances for these, Attorney Vose stated the need for these to be consistent with our Comp Plan. Kaltsas stated they at least needed to be acknowledged in the code, right now they are not. If someone were to come in and wanted to submit an application to proceed with a project in either of those two districts, the City wouldn't have any definite directions to give them. Which would put both parties, the City and the applicant in a precarious position.

Johnson and Betts asked whether the existing commercial zoning regulations would suffice for the Urban Commercial District? Kaltsas stated yes, but that it wouldn't quite fit with the definition of Urban Commercial. The same question came about in regards to the Urban Residential District.

Betts asked what was unique to the Urban Residential District, Kaltsas stated the higher density sewer area for one. This particular area is a designated Phase in area.

Motion by Spencer, second by Betts to direct the Planner to come back to the Council with as minimal changes as possible for both the Urban Residential and the Urban Commercial Zoning Districts. Those present voting Aye: Johnson, Betts, Wallace and Spencer; Nay: none; Absent: Wenck. Motion declared carried.

11. ENGINEER BRIAN MILLER AND PUBLIC WORKS DIRECTOR – DISCUSSION AND APPROVAL OF THE PUBLIC WORKS DESIGN MANUAL.

Brian Miller of BDM was present to present the Public Works Design Manual. Miller went through each of the Parts as presented in the Table of Contents.

Betts had a couple of questions, one regarding Part II, Section Three: Storm Sewer, 3.20 where it discusses the responsibility of keeping all vegetation out of and away from the required ponding, as well as the easement area. The question being, who is responsible for this removal? Ultimately, it is the developers, however; once the development is developed the Developer is gone and then what happens. After some further discussion, it was decided that this is something to be discussed and decided at the time of the development of a developer's agreement.

Betts second question regarded Part II, Section Four: Street Lighting, 4.1, her concerns where the possibility of too much lighting in the City. When residents move out here to get away from some of those obtrusions. There was discussion regarding the removal of County Roads and possibly County State Aid Highways, until we were directed to 4.4 of this Section, which states "all street lights and all street lighting plans require approval of the City Engineer's Office". Miller stated this would cover any possibility of too much lighting, he would in turn work with the Council if there were any questions as to how much is too much lighting, depending on the situation and place.

Miller also responded to a question that was asked at an earlier work session about the additional cost of four foot black topped shoulders in a development. He reported the cost would run anywhere's between \$500 to \$1,000 more per lot. That is due to the required width of 200 to 300' per lot for our average size lot. With the additional bituminous, it would alleviate the shoulders from washing away and provide a safer place for residents to walk, ride bikes, rollerblade, etc. This would fall in line with the just approved Complete Streets policy.

Resident Lance Gyllenblad, 4465 South Lake Sarah Road questioned the material and design of the shoulder, if it would require fabric? Miller stated no, it would be one and half inch bituminous wear paved shoulder with a 5" aggregate base. And, the shoulder would be striped

Gyllenbald also addressed the Council and Staff as to why the Regional Trail still shows on his property Title, he's been trying to refinance and it keeps showing up as an encumbrance on his property; with this showing on his title work, his bank won't let him refinance his Torrance property. This has been an on going issue for a couple of years now.

Motion by Johnson, second by Betts, to have Staff prepare a letter stating the Regional Trail is not part of the City's Comprehensive Plan Amendment and to have it signed by the City Administrator and the City Planner. Gyllenblad asked to have the letter addressed to him, personally. Those voting Aye: Johnson, Betts, Wallace and Spencer; Nay: none; Absent: Wenck. Motion declared carried.

Motion by Wallace, second by Spencer to adopt the Public Works Design Manual to include paved shoulders in all future developments. Those voting Aye: Johnson, Betts, Wallace and Spencer; Nay: none; Absent: Wenck. Motion declared carried.

12. APPEAL AND REQUEST FOR EXTENSION TO ISTS REPLACEMENT TIMELINE – 7914 COUNTY ROAD 6, KENDAL AND MANYA KALAMAHA.

Manya Kalamaha was present to request an appeal of leniency to extend the amount of time to have the ISTS replacement completed at the above address. The Kalamaha's currently have this property listed for sale. Betts stated the Council could only extend the deadline by two years according to our code. Kalamaha was hoping the Council would reconsider and allow for three years versus two years, and to not have that time span start until the home is sold. The reason being that nobody is living there and therefore the system isn't being used.

Johnson suggested the three years and asked for Attorney Vose's thoughts on the situation. Vose stated the code doesn't specify whether the home had to be occupied or not in order for the extension. Vose also stated the Council could craft the decision however they choose to do so. Three years versus two and to start the countdown now or not until there is occupancy.

Kalamaha suggested the Council had assumed all homes were occupied when the code was created. She would like to have a three year extension to begin at the time of occupancy.

Johnson and Betts asked if there were any State or Federal laws that would be affected by the requested extension of time? Vose stated no, none.

Motion by Betts, second by Wallace to give a two year extension to begin at the time of occupancy. Those voting Aye: Johnson, Betts, Wallace and Spencer; Nay: none; Absent: Wenck. Motion declared carried.

13. OPEN/MISC.

Nothing was added to the agenda.

14. ADJOURN.

Motion by Betts, second by Spencer to adjourn the City Council meeting at 9:03 p.m. All present voted aye. Motion declared carried.

---

Recording Secretary Toni Hirsch, City Administrator