

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JUNE 25, 2013 – 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, Spencer, and Fisher

ABSENT: Councilors Wenck

STAFF: Administrative Assistant Nelson, Bob Vose, Mark Kaltsas

VISITORS: Mike Wells, John McClelland, Shane Nelson, Susan Van Cleaf, James Meyer, and Jeff Scott

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 June 11, 2013
- Approval of Resolution No.13-0625-01, transferring remaining funds from Fund 210 Park Fund Equipment (designated from past Heritage Fests funds which have been used and is now complete) to Fund 501, the Park Fund, to close the aforementioned 210 Fund.

**Motion by Betts, second by Fisher to approve the Consent Agenda items. 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.

Spencer to add to information regarding the Independence outlet under Item #11.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Fisher attended the following meetings:**

- Planning Commission

**Spencer attended the following meetings:**

- League of Minnesota Cities Award Luncheon
- DNR Meeting

**Wenck attended the following meetings:**

Absent

**Betts attended the following meetings:**

- League of Minnesota Cities Conferences June 19-21
- League of Minnesota Cities Award Luncheon
- Luncheon for Women in Government

**Johnson attended the following meetings:**

- Small Cities Conference in New York
- Community Action Partnership for Suburban Hennepin County Finance Committee Meeting
- Quarterly Hennepin County Healthy Community
- League of Minnesota Cities Conferences June 19-21
- League of Minnesota Cities Nominating Committees
- League of Minnesota Cities Past Presidents Dinner
- League of Minnesota Cities Award Luncheon
- Met Council Meeting regarding Sewer Information

**Hirsch attended the following meetings:**

- Absent

Nelson announced the Circus is coming to town on, Monday, July 1<sup>st</sup> and gave details regarding it.

7. PUBLIC HEARING –SHANE NELSON, HAKANSON/ANDERSON - SWPPP (STORM WATER POLLUTION PREVENTION) ANNUAL REPORT

Shane Nelson explained currently the City is operating under an expired storm water permit; which was issued in 2006, is good for five (5) years and expired in 2011. The MPCA has allowed cities extended coverage over the last couple years. He stated the reason for tonight's meeting is to discuss what is currently being implemented and a new permit has been submitted; which was approved and will be effective in August. He stated new requirements will be summarized and reported to the Council. With the new permit a meeting once a year is required

**Motion by Spencer, seconded by Fisher, to close the Public Hearing Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

8. JAMES MEYER, 2015 NELSON ROAD (PID# 19-118-24 24-0009) AND JOHN AND ANNETTE MCCELLAND, 2035 NELSON ROAD (PID# 19-118-24 24-0010) APPROVAL OF A MINOR SUBDIVISION TO PERMIT A LOT LINE REARRANGEMENT TO RECONFIGURE THE BOUNDARIES TO INCORPORATE THE EXISTING ACCESSORY STORAGE BUILDING OWNED BY MEYERS TO BE COMPLETELY LOCATED ON HIS PROPERTY. RESOLUTION NO. 13-0625-02)

Kaltsas explained the location, layout, and the request for lot line rearrangement. The property at 2035 is the property to the north, zoned Agricultural and is currently 12.03 acres, the after condition 11.5 acres. The property 2015 is the property to the south, zoned agricultural and currently 4.96 acres, the after condition 5.04 acres. He said both have existing homes and detached structures.

Kaltsas stated the issue is the detached garage, owned by the 2015 property owner, Meyer, was not built entirely on the property, rather five feet the garage is on the property 2035. The garage was built between 1973 and 1974. This issue was discovered by the owner of 2035, McCelland, who had a survey to build a new accessory structure. The 2035 property owner agreed to sell a small part of the property to the 2015 owner, which would allow the entire detached garage to be located on the 2015 property. The transfer of property would be .08 acres.

Kaltsas stated the side yard setbacks for agricultural zoned areas is 15 feet. The proposed lot line is drawn in such that it allows the detached garage on 2035 to maintain the 15 foot setback and allows an 8 foot setback for the garage on 2015. In this after condition, it would be considered a legal non-conforming structure. The City's ordinance would require that it abide by the criteria needed for a non-conforming structure.

Kaltsas stated the Planning Commissioners asked for clarification on the measurements and had further discussions about the lot line arrangement. He stated the measurements are round to the nearest foot. Ultimately, the Commissioners approved the lot line rearrangement subject to the criteria in the resolution.

Johnson noted the lots were not squared off to begin with; the front of the lot is wider than the back. Kaltsas explained given the age of the lots, surveys were not as accurate as they are now.

Johnson stated this appears to be the best approach to this issue.

**Motion by Fisher, seconded by Betts, to approve the Resolution No. 13-0625-02 for a minor subdivision for a Lot Line Rearrangement to reconfigure the boundaries to incorporate the existing accessory storage building. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

9. DISCUSSION AND APPROVAL OF AN ORDINANCE AMENDMENT TO SECTIONS 530.01 AND 530.05 OF THE INDEPENDENCE CITY CODE RELATING TO ACCESSORY USES. ORDINANCE NO. 2013-07.

Kaltsas explained the Planning Commission has been reviewing this ordinance several times. This was brought to attention after having considered two accessory structure conditional use permits last year.

Kaltsas explained the City's ordinance has criteria that are not constant amongst the charted properties. He explained the breakdown with the allowable sizes of accessory structure. When this standard is applied the percentage of lot coverage is not proportionate. It is weighted so that the smaller a lot the more allowable coverage. He stated the Planning Commission was looking to find away to allow larger lots more coverage while not taking away allowable coverage from smaller lots. The current percentage breakdown runs from 3.7% coverage for the smallest lots to .66% for the largest charted lots. He stated the Planning Commission reviewed neighboring city's ordinances and that information was used to come up with a set of recommendations.

The proposed amendment to the ordinance has the following outcomes:

1. Establishes a minimum accessory building size for all lots regardless of size. Two and one-half acres appears to be the "break even" point where 2% percent becomes more advantageous than the base allotment of 1,850 square feet.
2. Directly relates the allowable building size to a consistent percentage of lot area. This establishes an equitable method for determining accessory structure size and eliminates the existing "range of lot area" penalty.
3. Provides for a minimum allowable accessory structure size so that no lot in the City will have less available accessory structure limitations after adoption of the proposed text amendment.
4. Maintains that lots greater than 10 acres will continue to have no limitations.
5. Requires that the percentage of lot area is based on buildable upland.
6. Establishes a maximum impervious surface coverage provision of 25% that cannot be exceeded regardless of lot size. This provision could potentially limit the allowable accessory structure size for small lots.
7. Limits the height of an accessory structure to no greater than the height of the principle structure.

Lot Area	Proposed Max	(Current Max)	% of Coverage	(Current %)
1 acre lot = 43,560 sf	1,850 sf	(1,600)	4.2% of the total area	(3.7%)
2.49 acre lot = 108,464 sf.	2,169 sf	(1,850)	2% of the total area	(1.7%)
2.5 acre lot = 108,900 sf.	2,178 sf	(2,100)	2% of the total area	(1.9%)
4.99 acre lot = 217,364 sf.	4,347 sf	(2,100)	2% of the total area	(1.0%)
5 acre lot = 217,800 sf.	4,356 sf	(2,600)	2% of the total area	(1.2%)
9 acre lot = 392,040 sf.	7,840 sf	(2,600)	2% of the total area	(.66%)

Fisher asked if other neighboring cities have a cap on structures for properties over 10 acres. Kaltsas stated some cities do have a maximum size of accessory structures on any property. If they exceed the size a Conditional Use Permit is required. Fisher and the other Councilors stated they were

uncomfortable with allowing such a large structure on a lot and not knowing what it will be used for. Kaltsas explained the Planning Commission was looking at simplifying the current conditions and come up with a reasonable amount of allowable accessory structures. Spencer stated the total allowable could be from multiple structures, not just one structure. Spencer inquired about adding a restriction on any single structure size. The Councilors all felt it was well thought out and like the impervious surface and upland restrictions, but would like to see a restriction on a single structure size. Should the size exceed the capped size restriction a conditional permit would be required. Betts stated sometimes it is good to allow public input and alert neighbors with a public hearing. Voss reminded the Council how larger buildings have special building code requirements.

Johnson stated the Planning Commission needs to consider the additional issues expressed with some solutions. Spencer inquired if the Planning Commission could review the principle structure matching the accessory structure current requirements by zoning. Voss recapped the discussion stating the Planning Commission should review the impact of a subdivision with large accessory structures, capping the size of a single accessory structure without Councils review, building code issue, and architectural design compatibility.

**Motion by Spencer, seconded by Fisher, to table this item and have the Planning Commission further discuss. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

10. APPROVAL TO CANCEL THE TUESDAY, JULY 9<sup>TH</sup> CITY COUNCIL MEETING DUE TO THE LACK OF AGENDA ITEMS AND TO SET WEDNESDAY MORNING, JULY 10<sup>TH</sup> AT 7:00 A.M. TO APPROVE THE ACCOUNTS PAYABLE FOR THE MONTH OF JULY, 2013.

Johnson stated a special meeting and work session would start at 7:00 A.M. and cancel the July 9<sup>th</sup> Council Meeting.

**Motion by Fisher, seconded by Spencer, to cancel the July 9<sup>th</sup> Meeting and hold a special meeting and work session starting at 7:00 A.M. on Wednesday, July 10, 2013. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

11. MISC. /OPEN

Spencer recapped a meeting regarding redesign of the outlet rehabilitation project, changing it to side cast the materials rather than hauling the material out. He stated it was a successful meeting making the project shorter, quicker and much less expensive. The cost would be reduced from \$300,000 to around \$30,000. The permit process has been started, but the discussion is if we should proceed. It would be less intrusive and may have less of an impact on the overall water level. He stated in order to precede the next steps would be to hold a meeting with key individuals to develop a timeline, how the permit would be processed, discuss who would pay for the project, who the City would contract with,

the public informational meeting, and who we would issue the permit to. Spencer stated he would like to ask the Council's permission to proceed with this. There would be some staff costs involved. He stated he was looking for authorization to have this meeting with key staff members and pursue the permit. The permit would be applied for in the name of the City of Independence. No commitment has been made and this does not mean the money will be spent; however, he was looking for approval from council to have the meetings and apply for the permit. The informational public meeting would be an open house format with key knowledgeable members to answer questions.

Johnson asked how large of excavation area is this? Spencer stated about a one third (1/3) of the stretch from Independence Road to Pagenkopf Road, eight (8) to ten (10) feet wide and three (3) feet down. The material would be pulled up and cast to the side. The high water level is helpful as the machine the DNR uses floats. Spencer stated the City is lucky to have this great opportunity. The staff meeting is tentatively scheduled the week of the July 8<sup>th</sup>. The project could likely be finished by the end of August. Spencer stated he would keep the Council updated as more information becomes available.

**Motion by Fisher, seconded by Betts, to allow additional meetings to discuss the project and apply for the permit. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

Johnson stated he has heard from residents asking about brush pick-up due to recent storms. He stated the City is not going to be picking up brush piles from local residents. Nelson stated the director of Public Work, Dan Koch, has opened the option of allowing private residents from Independence to drop off brush piles on an existing pile of brush behind the Public Works building during daylight hours. Commercial businesses are excluded.

Spencer announced there will be a reception for the CC Ludwig Award Winner, Mayor Marvin Johnson, before the next Council Meeting, on July 23<sup>rd</sup> starting at 6:30 P.M. The Public is invited to attend. The reception will be here at City Hall where cake and coffee will be served.

12. ADJOURN.

**Motion by Betts, second by Fisher, to adjourn the City Council meeting at 8:57 p.m. Ayes: Johnson, Betts, Spencer, and Fisher. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

Respectfully submitted,

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Jolene Nelson, Recording Secretary