

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, OCTOBER 22ND, 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, Fisher, Wenck, and Spencer

ABSENT: None

STAFF: City Administrator Hirsch, Mark Kaltsas, and Bob Vose

VISITORS: Dean Mooney, Jim & Lynda Franklin, Gary Kroells, Paul Otto, Deb and Les Peterson,

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 October 8, 2013
- Approval to add Public Works Director Larry Ende to the bank signature card

**Motion by Betts, second by Wenck to approve the Consent Agenda. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

5. SET AGENDA-ANY ONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Pioneer-Sarah Creek Watershed Meeting

**Wenck attended the following meetings:**

- LMCC Meeting
- Taskforce Meeting with the City of Maple Plain

**Fisher attended the following meetings:**

- Planning Commission

**Betts attended the following meetings:**

None

**Johnson attended the following meetings:**

- Northwest League of Municipalities
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Taskforce Meeting with the City of Maple Plain
- League of Minnesota & Metro Cities Meeting
- Highway 55 Corridor Coalition Meeting
- Two (2) Orono School District Meetings
- Council of Mayors Meeting
- Minnehaha Watershed Heroes Reception
- Hennepin County Soil and Water Conservation Meeting

**Hirsch attended the following meetings:**

- Minnesota Finance Committee Meeting
- Meeting with FEMA Representative

7. **SERGEANT GARY KROELLS, SEPTEMBER, 2013 ACTIVITY REPORT**

Kroells stated September's activity for this year is very similar to last September's activity. Overall incidents for the year are up 255 in Independence and roughly up 390 for both cities combine. He stated a lot of the incidents have been alcohol related. The increased DWI incidents may be reflected by the extra hours due to their safe and sober grant, which was active until the end of September.

Kroells stated as of the first of September both new officers are done with training and are now working on their own. The department now has 10 full-time officers working.

Kroells discussed an accident on County Road 11 in which a car started on fire immediately after a resident pulled the driver from the car.

Kroells stated the Heritage Fest went very well both Friday and Saturday. He stated all the safety departments had a great time and they look forward to continuing it in the future.

Johnson congratulated Kroells on his alma mater's recent recognition which he read about in the newspaper.

8. DEAN MOONEY, 6165 COUNTY ROAD 6 (PID# 35-118-24 21-0002 AND 35-118-24 24-0001) – REQUESTING A MINOR SUBDIVISION TO PERMIT A RURAL VIEW LOT AND LOT COMBINATION ON THE PROPERTY LOCATED AT THE ABOVE ADDRESS. RESOLUTION NO. 13-1022-02

Johnson chose to defer this matter to the Vice Chair Spence and sat in the audience, as he felt it could be a conflict of interest.

Kaltsas described the properties and the locations. The larger parcel, 47.5 acres, is currently zoned agricultural and guided as Agricultural Preserve. The smaller parcel, 3.83 acres, which has an existing home on it, is currently zoned and guided in the Comp Plan as rural residential.

Kaltsas stated the applicant is proposing to subdivide the 47.5 acre parcel using a Rural View lot eligibility and creating a new lot that is 6.71 acres. The remaining property would then combine with the 3.83 acre parcel making a 44.68 acre parcel with an existing home on it. The larger parcel does have another building eligibility associated with it, but if looking to build on the property there would be some obstacles. It lacks the needed lot frontage and the Luce Line trail cuts off access to the back portion. In addition, there is limited available upland acreage on the parcel. However, the applicant is not proposing to create an additional lot from it. Kaltsas stated the new smaller lot meets all the requirements. He stated the applicant is not increasing the number of lots, but simply rearranging the lot lines keeping it at two (2) parcels.

Kaltsas stated the applicant is not proposing to change any of the zoning on either parcel. He stated the existing home's septic is compliant. He stated the City does have a survey showing the easements and a report showing proposed locations for a primary and secondary septic site on the new 6.71 parcel.

Kaltsas stated the Planning Commission is recommending approval of this request subject to the conditions in the staff report.

Spencer questioned how the Planning Commission felt about the park dedication fee. Kaltsas stated the Planning Commission discussed the park dedication fee and felt they should not be charged for it. The applicant would technically be creating a new lot, but no additional lots. Kaltsas stated after further review of the ordinance and based upon the Planning Commission recommendation he removed it from the resolution.

Voss asked Kaltsas about the survey and title work for an easement over the Luce Line Trail. Kaltsas stated the easement clarify was to provide legal description for the standard drainage and utility easements required as a part of the subdivision, which has not been changed.

**Motion by Wenck, second by Betts to approve Resolution No. 13-1022-02, approving a minor subdivision to all allow a rural view lot and lot combination at 6165 Co Rd 6. Ayes: Betts, Spencer, Wenck, and Fisher. Abstain: Johnson. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. DEBORAH PETERSON, REQUESTS TO HAVE THE CITY COUNCIL CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2810 NELSON ROAD, INDEPENDENCE, MN (PID NO. 18-118-24-13-0010):

- a. A conditional use permit to allow a Kennel to be kept on the subject property.

Kaltsas explained this request which the Planning Commission in September at the Public Hearing initially recommended to deny. The Planning Commission recommended the applicant come up with a plan and ways to mitigate some of the concerns prior to bring this to the City Council. Kaltsas stated it is bringing brought to the Council to ask for further direction.

Kaltsas explained there is an existing hobby kennel on the property that is not in compliance with the City Ordinance. The applicant currently has nine (9) Welsh Corgi dogs on the property. The applicant breeds this dogs and has them as pets. A Conditional Use Permit would be needed in order to keep all these dogs on the property, as four (4) or more required a Conditional Use Permit. He stated at the Public Hearing some of the concerns were excessive barking and the dogs leaving the property. The applicant has made a proposal to the City to help mitigate those concerns. The staff is looking for more direction from the City Council.

Kaltsas noted he met with the applicant on the property. He stated that further closing in and insulating the existing kennels may help. He stated this is not a business kennel, but a hobby kennel. An Interim Use rather than a Conditional Use may make more sense for this situation.

Johnson discussed with Voss what the next step should be and how the neighbors get notified. Voss described the process and options. Wenck and the other Councilors all agreed this should go back to the Planning Commission for another Public Hearing showing the applicant's changes to the proposal.

**Motion by Wenck, second by Fisher to send this request back to Planning Commission to hold another Public Hearing. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

10. TABLED FROM COUNCIL MEETING OCTOBER 8, 2013 - JIM AND LINDA FRANKLIN (APPLICANTS/OWNERS) REQUESTS TO HAVE THE CITY COUNCIL CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 6615 FRANKLIN HILLS ROAD, INDEPENDENCE, MN (PID NO.15-118-24-12-0003):

- a. Rezoning of a portion of the subject property from A-Agriculture to RR-Rural Residential. Ordinance No. 2013-09
- b. Preliminary Plat to approve a six (6) lot subdivision, to be known as Franklin Hills Second Addition on the subject property. Resolution No. 13-1022-01.
- c. Final Plat to approve a six (6) lot subdivision, to be known as Franklin Hill Second Addition, on the subject property.

Kaltsas explained this item was tabled from the last City Council meeting, and there were some discussions and concerns about the phasing of the improvements. As a result of this, staff met with the applicant to address some of those concerns. The applicant has now proposed to preliminary plat the entire subdivision, six new lots along with the existing home lot, and only final plat what was Lots 1 and Lot 6, now listed as Lot 1 and Lots 3. The applicant would construct the improvements to the road for extension of Franklin Hills road; which will serve the two (2) new lots. The storm water improvements for the entire development would be completed now and park dedication fees paid now by the developer for the two platted lots. The remaining four (4) lots could be final platted within one year from the preliminary plat approval and the improvements for those lots would need to be made at that time.

Voss stated this is not the normal situation; however the City Code does specifically cover this type scenerio.

Fisher asked about the Final Plat deadline. Kaltsas explained this one-year timeline helps protect applicants should a city code changes effecting the requirements. Voss helped to clarify this and discussed the state's statute.

Betts inquired about the road being added and consistence with the current road. Kaltsas stated the proposal is to meet with current requirements. Betts stated that means it will not look the same as the existing road, and asked what the advantage of having wider paved shoulders is. Kaltsas stated based upon staff discussion a paved shoulder helps with maintenance, easier plowing, better definition of the road, and fewer washouts.

Fisher inquired about the cul-de-sac. Kaltsas stated they anticipate adding a temporary cul-de-sac as turnaround, if McKown Court is not added before the development of theses two lots.

**Motion by Johnson, second by Betts to approve Ordinance No. 2013-09. the rezoning of the preliminary platted lots from Agricultural to Rural Residential, for Franklin Hills 2<sup>nd</sup> Addition Block 1, Lots 1, 2 and 3. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**Motion by Betts, second by Spencer to approve Resolution No. 13-1022-01, the preliminary platted subdivision with changes and final plat for the two (2) lots in the Franklin Hills 2<sup>nd</sup> addition, contingent upon the developer's agreement.**

The Councilors discussed the corrections needed to resolution. . Johnson inquired about the storm water maintenance. Kaltsas stated the applicant has always maintained the storm water pond himself and will continue to maintain it upon completion, as stated in an agreement. Fisher stated he was uncomfortable approving some of these verbal corrections without seeing the written documents. Voss stated Council would be approving a preliminary and final plat subject to agreements that have yet to be created. He suggested these agreements comeback before Council's review and approval. The park dedication amount will be listed in the developer's agreement.

**Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

11. MISC. /OPEN.

Johnson discussed a message he had received about adding an alternate bicycle committee member from the district, to the Hennepin County Bicycler Commission. He asked that the Council or audience contact him if they know of anyone that is available.

Lynda Franklin inquired if this position has any tie in with the Three River's Park trail expansion. Johnson stated he would inquire if this position has any connection to that project. Hirsch stated the Three River's Park District is having an Open House on the 29<sup>th</sup> here at City Hall to further discuss the trail. Johnson then stated he does not believe these two things are related.

The Councilors confirmed the location and time of the Special Workshop, October 25th at 7AM in the Public Works Building.

The Councilors all discussed finding a date and time for the next Budget Workshop Meeting. Hirsch and the Councilors will contact each other to find a date and time that works best for everyone.

12. ADJOURN.

**Motion by Betts, second by Spencer to adjourn the City Council Meeting at 8:30 p.m.  
Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION  
DECLARED CARRIED.**

Respectfully submitted,

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Jolene Nelson, Recording Secretary