

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 28, 2015 –7:30 PM

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, Spencer and Wenck,

ABSENT: None

STAFF: City Planner & Interim City Administrator Mark Kaltsas, City Attorney Bob Vose, City Administrative Assistant Beth Horner

VISITORS: Samantha and John Bralozynski, Todd Hagen from Ehlers, Gerald Haugen

4. CONSENT AGENDA

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.

- a. Approval of City Council minutes from the June 23, 2015 meeting.
- b. Approval of accounts payable; Checks Numbered 15197-15228
- c. Approval of MNDOT Roadway Lighting Maintenance Agreement –
RESOLUTION No. 15-0728-01
- d. Approval of Large Assembly Permit for Tour de Tonka
- e. Hennepin County Assessors Proposal for 2016 Property Assessment Services
- f. Planning Commission Letter to City Council Regarding Event Center Ordinance
- g. A letter from State Representative Jerry Hertaus Regarding Transportation Funding Aid to Small Towns and Cities
- h. Second Quarter Budget Report from Abdo, Eick & Meyers, LLP

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

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

Vose noted item number 15 on the Agenda needed clarification of three items that will be addressed in the closed session.

1. The first item will address threatened litigation by the former City Administrator.
2. The second item will address litigation between two landowners in the 5300 block of Sunset.
3. The third item will look at formulation to discuss the potential purchase of property at 1985 County Rd 90 by the City.

Motion by Spencer, second by Wenck to amend Agenda Item 15. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Lake Sarah Association Picnic
- Met with Deluca from Maple Plain
- Shared Services Open House

Fischer attended the following meetings:

- Shared Services Open House

Wenck attended the following meetings:

- LMCC meeting
- Watershed Workshop
- Shared Services Open House

Betts attended the following meetings:

- Sensible Lane Use Conference
- Planning Commission Meeting
- Police Commission Meeting
- Maple Plain Fire Commission Meeting
- Chamber of Commerce Meeting
- Circus
- Shared Services Open House

Johnson attended the following meetings:

- League of Minnesota Cities Conference
- National League of Cities – Small Cities Conference
- Met with Wes Bendickson
- Maple Plain City Council Meeting
- Chamber of Commerce Meeting
- Community Action Partnership Hennepin County Meeting
- Maple Plain Fire Commission Meeting
- MN DOT Lighting/ FEMA Meeting
- Jim Miller Retirement Meeting
- Land Use Policy Advisory Meeting
- Lake Sarah Association Picnic
- League of Minnesota Cities Meeting
- Police Commission Meeting
- Circus
- SCS Development Meeting
- Delano School Board Meeting
- Shared Services Open House

Horner attended the following meetings:

- Maple Plain Days Committee Meeting
- Pioneer Sarah Creek Watershed Management Meeting
- Planning Commission Meeting
- Shared Services Open House

7. **Award Sale of General Obligation Tax Abatement Bonds**

a. **RESOLUTION NO. 15-0728-02** – awarding sale of bonds

Hagen gave kudos to Kaltsas and Steve McDonald for a job well done on preparing all the materials and necessary footwork involved to get the bond rating of AA+. He said their follow-up was very good and the excellent rating reflects on the positive economic trend in Independence. Hagen stated the AA+ is the same as the state and there are not many AA+ ratings out there. The rating helped with the sale of the bonds in creating a lot of interest. Hagen formally presented the certificate of recognition to the Mayor and Council. Hagen said the award represents the strong economy and low debt load of the City of Independence.

Hagen stated six bids were received for the sale of bonds and that was a very respectable number. He said United Bankers Bank of Bloomington had the best bid rate of 1.93%. The following were the rest of the bids organized from lowest to highest rates: Piper Jaffrey, Baird, UMB of Kansas City, Northland Securities, and SunTrust Robinson. Hagen stated this was a premium bond. He said August 19, 2015 would be the closing of the bond issue. Hagen stated the City had great employees working hard right now to keep up this level of performance. Hagen said the moral of the story is to keep reserves up and keep them steady.

Motion by Spencer, second by Fisher to approve Resolution No. 15-0728-02. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. **PUBLIC HEARING - Consider the Vacation of a Portion of the Drainage and Utility Easement Across the Property Located at 1155 Drake Ct.**

a. **RESOLUTION NO. 15-0728-03** – vacating a portion of the drainage and utility easement.

Kaltsas stated the applicant would like to put a pool on the property and has worked with the Minnehaha Watershed District. The City asked our wetland specialists for their opinion on the request and they have determined that the distance between the pool and the wetland is acceptable and would have no impact on the watershed. The area to be vacated would be the buffer area before the wetland. The watershed is asking the applicant to provide documentation of a new buffer area to offset the loss. Kaltsas stated the City would need documents to be recorded detailing the replacement buffer and easement. The approval would be based on getting that document. Kaltsas said they also looked at the setback of the swimming pool and surrounding sidewalk. Kaltsas stated that Minnehaha has approved the request to move the buffer. Kaltsas asked if there were questions for the applicant and also noted that Gerald Haugen from the swimming pool company was present as well.

Spencer asked if there was an easement off of Turner if that road was ever going to go through. Kaltsas said there was not.

Johnson asked if there would be any issues with the flow of water. He noted that this water flows into the Crow River. Kaltsas stated Hakanson Anderson looked at it and said there would not be any issues.

Public Hearing Open

No comments.

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

Public Hearing Closed

Motion by Wenck, second by Betts to approve Resolution No. 15-0728-03. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

9. Dan and Kara Beck (Applicants/Owners) request that the City consider the following action for the property located at 2636 Independence Road, Independence, MN (PID No. 13-118-24-32-0003):
 - a. A Conditional Use Permit to allow an accessory dwelling unit on the subject property.
 - b. **RESOLUTION NO. 15-0728-04** – Approving the conditional use permit

Kaltsas stated this is a request to allow an accessory dwelling unit which would require a CUP as the property is zoned Agricultural and Rural Residential. He said they are looking to build a detached accessory structure which would have a garage on the main level and a dwelling unit on the walkout level to the lake. Kaltsas detailed the criteria that must be met according to City code (*Subd. 2. "Accessory Dwelling Unit." - items a-l in the packet materials*). Kaltsas said the provisions that allow for rec spaces and accessory dwelling units are outlined so the City has a way to monitor these properties so they do not turn into rental properties which are not allowed. He said this proposal is for the use of the resident family only. Kaltsas said City Inspector Satek has noted that the septic system needs to be verified for the two additional bedrooms. Kaltsas stated this is a 5-acre parcel and this accessory structure fits in with other properties in the area.

Kaltsas stated the Planning Commission has held a Public Hearing and did not receive any comments. The Commissioners recommend approval with the caveat that if there were any modifications in the future they would need a wetland delineation.

Motion by Betts, second by Wenck to approve Resolution No. 15-0728-04. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

10. Rick and Cyndi Loewen (Applicants) and John Bialowzynski (Owner) request that the City consider the following action for the property located at 4555 Townline Road, Independence, MN (PID No. 01-118-24-11-0005):
 - a. A Conditional Use Permit to allow an accessory dwelling unit on the subject property.
 - b. **RESOLUTION NO. 15-0728-05** – Approving the conditional use permit

Kaltsas stated the applicants are the parents of the owners. They sold the property to their children and this request is to put a "mother-in-law" type of addition on the home. Kaltsas said they did begin construction on the addition which is allowed but only to put in bedrooms, if they wish to add the kitchen they understood they would need a Conditional Use Permit (CUP). Kaltsas said that because this is an addition and not a separate structure the City looks at applicable setbacks and determines if the structure will blend in and be

compatible with the rest of the property. Specific criteria are available in detail in the packet paperwork. Kaltsas stated the Planning Commission has reviewed the plans and has recommended approval. There were no comments received by neighboring properties that were notified.

Spencer asked what happens when they no longer want to use this space as outlined. Kaltsas said it has to be used by a related person and would not be available at any time as a rental property. Kaltsas stated the City monitors all CUP's on a bi-annual basis to ensure compliance.

Motion by Wenck, second by Fisher to approve Resolution No. 15-0728-05. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

11. Consider a text amendment to the City of Independence Ordinance as follows:

- a. Chapter 5, Sections 510 and 530; Consider a new definition for recreational non-energy generating windmills along with restrictions on permitted locations and heights.

b. ORDINANCE NO. 2015-01

Kaltsas stated a resident asked for clarification on what would be allowed as far as installing a recreational windmill for decoration. The Planning Commission reviewed the ordinance to see if these could be installed without a Conditional Use Permit. They Commissioners reviewed the language and came up with a way to define permitted windmills beyond the WECS to provide for recreational windmills. The Planning Commission recommends the Council adopt the new ordinance (ORDINANCE NO. 2015-01).

Wenck asked what they would do about existing windmills that were over 35 ft. Johnson stated those would be grandfathered in. Kaltsas stated they would be legal "non-conforming". Kaltsas stated the thought is that neighbors should be able to address the City if someone wants to put up a windmill higher than 35'. Fisher commented that Planning did a nice job on the revised ordinance.

Motion by Fisher, second by Spencer to approve Ordinance No. 2015-01. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

12. Consider a text amendment to the City of Independence Ordinance as follows:

- a. Section 705 of the Independence City Code relating to on-site sewage treatment

b. ORDINANCE NO. 2015-02

c. ORDINANCE NO. 2015-03

Kaltsas stated the revisions were done to bring our Ordinances in-line with State Ordinances. He said they made minor revisions and mostly changed the numbers so they would match the states. Kaltsas stated a lot of things the City was doing on the local level have been adopted by the state. He said the state has reviewed the changes and has given the thumbs up.

Betts asked if there were any changes at all. Kaltsas stated there were some provisional changes and language around who can do certain inspections and design work on mid-tier systems. He said this update is memorializing what we have been doing already and ensures consistency across the board.

Johnson stated it was nice to have this in our own ordinances instead of having to refer questions to Hennepin County.

Motion by Betts, second by Wenck to approve text amendments to Ordinance No. 2015-02. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

Motion by Wenck, second by Betts to approve summary Ordinance No. 2015-03. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

13. Open/Misc.

None.

14. Closed Session to discuss personnel matters.

Motion by Fisher, second by Wenck to move to closed session at 8:40 p.m. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

Council re-convened at 9:08 p.m. from the closed session.

15. Adjourn.

Motion by Wenck, second by Fisher to adjourn 9:10 p.m. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

Respectfully Submitted,

Trish Bemmels
Recording Secretary