

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, APRIL 25, 2017 –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, Grotting, Spencer and McCoy

ABSENT: None

STAFF: City Administrative Assistant Horner, City Administrator Kaltsas, City Attorney Vose

VISITORS: Lynda Franklin

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 minutes from the April 11, 2017 Joint City Council Meeting.
- b. Approval of minutes from the April 11, 2017 Board of Appeal and Equalization Meeting.
- c. Approval of minutes from the April 11, 2017 Regular City Council Meeting.
- d. Approval of Accounts Payable; Checks Numbered 17073-17102.

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

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission Meeting
- Board of Review and Appeal Meeting

Grotting attended the following meetings:

- Planning Commission Meeting
- Board of Review and Appeal Meeting

McCoy attended the following meetings:

- Board of Review and Appeal Meeting

- Retired Police Chiefs Event in St. Cloud
- Wright/ Hennepin Pork Chop Dinner in Rockford
- Community Easter Egg Hunt in Maple Plain

Betts attended the following meetings:

- Board of Review and Appeal Meeting

Johnson attended the following meetings:

- Northwest League of Municipalities Meeting
- Community Action Partnership Meeting
- Wright/ Hennepin Pork Chop Dinner Event in Rockford
- Highway 55 Corridor Meeting
- Alumni Association Meeting at U of M
- Judge at State FFA Convention
- Senior Community Services Finance Committee Meeting
- Orono School Board Meeting
- Board of Review and Appeal Meeting

Horner attended the following meetings:

- Board of Review and Appeal Meeting
- Planning Commission Meeting

Kaltsas attended the following meetings:

7. **PRELIMINARY ORDINANCE DISCUSSION:**

- a. Massage Parlor Ordinance – Discussion relating to possible update to the City’s massage parlor ordinance based on recommendation of West Hennepin Public Safety.

Kaltsas said West Hennepin Public Safety has worked with the City of Maple Plain to adopt an ordinance regulating the licensing of massage services parlors. The ordinance was developed following difficulties the City and West Hennepin had with non-legitimate massage parlors. West Hennepin would like the City to consider adopting a similar ordinance for the purpose of regulating the licensing of massage services parlors in Independence.

He said the basis of the ordinance is to regulate the licensing of individuals and business providing massage services in the City. The City has reviewed the ordinance adopted by the City of Maple Plain and believes that it could adopt similar language in order to regulate licensing of legitimate businesses and individuals. WHPS has reviewed the ordinance and believes that adoption of the ordinance would better protect the City and its residents. Staff is seeking discussion and direction from the City Council relating to the possibility of adopting an ordinance similar to that adopted in Maple Plain. Based on the discussion and direction provided by the City Council, staff would bring back an official ordinance for consideration and adoption.

Grotting asked what the issue was with the massage parlor that was operating in Maple Plain and if it was a prostitution issue. Kaltsas said allegedly they were providing more than massages. Grotting asked if there was a law in place against prostitution already. Kaltsas said the issue is enforcement. He said an ordinance would ensure that these types of businesses would not be able to operate within the City of Independence.

Vose said it would be efficient for WHPS to have like ordinances on the books between Maple Plain and Independence. He stated that massage therapists are currently not licensed through the state.

- b. Predatory Offender Ordinance – Discussion relating to possible adoption of a predatory offender dwelling location restriction ordinance.

Kaltsas said many metropolitan area cities have recently contemplated adopting certain residency location restrictions for predatory offenders. Cities that have adopted local legislation have typically found that such residency location restrictions would be prudent to protect the local health, safety and welfare of their residents. Cities have adopted a relatively standard and consistent model ordinance language as an amendment to local zoning codes.

Most ordinances restrict Level II and III offenders.

- The model ordinance defines “protected areas” such as schools, playgrounds, parks, and other places children are known to regularly congregate. Level II and III predatory offenders would be prohibited from living a certain distance from those protected areas (e.g. 750 feet measured lot line to lot line).
- Ordinances exempt residences which were established by Level II and III offenders prior to adoption of the ordinance.
- Typically, an offender is also allowed to move into a residence with certain relatives (e.g. parents, siblings, spouses, children etc.) regardless of the proximity to a protected location. The City of Independence Attorney has prepared a draft ordinance based on the model language used by other similar communities. While these residency restriction ordinances can be further customized by cities, there are two factors that are typically needing to pertain to the specific city. Independence will need to consider the type of protected area (i.e. parks, daycare facilities, schools, etc.) and the restricted distance that offenders will be prohibited from living from protected areas.

Types of Protected Areas:

The types of protected areas are typically those areas where children commonly congregate. Most cities identify schools, public parks and licensed daycare facilities. Some cities have found other similarly used areas as needing to be defined in the ordinance. Staff did not identify any similar use areas that appear to need further definition in the ordinance.

Restricted Distance:

The City can determine the distance from restricted areas that residency of predatory offenders would be restricted. The distances established by the City cannot purposefully restrict the entire City. The general standard adopted by most Cities is 2,000. The 2,000 feet is measured from the outer edge of the restricted properties to the property line of the residential properties. If any portion of a residential property falls within the distance, the entire property becomes prohibited. Based on the discussion and direction provided by the City Council, staff would bring back an official ordinance for consideration and adoption.

****to view the draft copy see the city council packet****

Johnson asked if they were bound by state law on where they could live. Vose said no, that once they are out they are not supposed to be told where not to live. Predators are the highest rate of repeat offenders.

Motion by Betts, second by McCoy to direct staff to work on crafting the Massage Parlor Ordinance and the Predatory Offender Ordinance for further review. Ayes: Johnson, Grotting, McCoy, Spencer and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. COMMUNITY SURVEY – DISCUSS DRAFT SURVEY.

Kaltsas said based on the information developed and provided during the initial kick-off meeting for the 2040 Comprehensive Plan, staff has prepared a draft community survey. The community survey was developed in an effort to solicit feedback and comments from constituents relating to land use, planning, parks, economic development and transportation. Questions were formulated to seek feedback that will be used to help direct the development of the 2040 comprehensive plan.

The survey incorporates a variety of question formats as discussed during the joint meeting. The number of questions was strategically limited to a reasonable number. It was intended that this survey would have limited redundancy and/or open ended questions. The questions seek to provide the City with tangible feedback relating to key planning and growth issues. Several topics are presented in multiple-questions, but with different context (i.e. do you think the City should pursue a type of development; and then, do you think the City should utilize public funding to support the development).

The draft survey was prepared in a single-page mail-able format but is also anticipated to be available on the City's website as an online survey. Staff would anticipate that the City will mail a copy of the survey to every resident and have a pre-paid return reply. In addition, the City will have the survey available on the website.

Kaltsas noted residents would be able to respond via mail or electronically through the website. One survey would be sent to each household but residents would also be able to go online if more than one person in the household wanted to fill out their own survey. Johnson said he was concerned people would fill out more than one and skew the results.

Spencer thought there should be a question regarding affordable housing and water quality.

McCoy said the question about commuting to work should also have a N/A answer or retired option.

Kaltsas said content can be difficult as tainting the questions should be avoided. He noted the questions can be tweaked and a final draft can be approved. He said residents would have 3-4 weeks to respond.

9. ADJOURN.

Motion by McCoy, second by Grotting to adjourn at 8:30 p.m. Ayes: Johnson, Grotting, McCoy, Spencer and Betts. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary