

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 3, 2017 –6:30 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 Councilor Betts at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Councilor Betts led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Councilors Betts, Grotting and McCoy

ABSENT: Mayor Johnson, Councilor Spencer, City Administrative Assistant Horner

STAFF: City Administrator Kaltsas, Police Chief Gary Kroells

VISITORS: Don and Winnie Baird

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 September 19, 2017 Regular City Council Meeting.
- b. Approval of City Council minutes from the September 19, 2017 City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 17437-17467.
- d. Approval of the Mayor's Attendance at the National League of Cities Annual Conference, November 14-18, 2017, in Charlotte, NC.
- e. Approval of a Large Assembly Permit for an Auction to be Held on the Property Located at 2020 County Road 90 on October 7th, 2017.
- f. Cancellation of the November 7th, 2017 City Council Meeting Due to the Election.

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

Grotting attended the following meetings:

McCoy attended the following meetings:

- Doug Brooks Retirement Party
- Joyce Larson Funeral
- Community Concert at Christ Lutheran

Betts attended the following meetings:

- Doug Brooks Retirement Party
- Police Commission Meeting

Johnson attended the following meetings:

Horner attended the following meetings:

Kaltsas attended the following meetings:

- Meeting with Mayor Johnson and Met Council Representative Katie Rodriguez about eligibility for the I&I Grant Program
7. Morton Buildings, Inc. (Applicant) and Virgil and Theresa Marple (Owners) request that the City consider the following action for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003) in Independence, MN:
- a. **RESOLUTION NO. 17-1003-01** - Granting a conditional use permit which would allow an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet.

Kaltsas said the property is located south of County Road 11 and just west of The County Road 11/County Road 92 intersection. There are two houses on the subject property and approximately 12 detached accessory buildings. The property has a CUP allowing for the two homes to be located on the property.

The applicants are seeking a conditional use permit to allow the expansion of an existing building which will exceed 5,000 sf in overall size. The proposed building expansion will add approximately 1,200 SF to the existing 5,000 SF accessory building. The expansion area will be to the south of the existing building and internal to the property. All applicable setbacks will be met by the proposed addition. The existing building is used for the private storage of the owners. There are several additional accessory buildings located on this property. The owners live in the existing home on this property.

The maximum size of any accessory structure on a property is 5,000 SF. Any accessory structure greater than 5,000 SF requires a conditional use permit. In this particular case, the proposed existing building will be expanded which will result in a building greater than 5,000 SF. The City has established criteria for granting a conditional use permit.

The City has the following criteria for granting a Conditional Use Permit:

1. *The conditional use will not adversely affect the health, safety, morals and general*

- welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
 3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
 4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
 5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.*
 6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
 7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
 8. *The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
 9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

Kaltsas noted properties greater than 10 acres do not have a limitation on the total square footage of accessory buildings permitted on the properties. The applicant could construct an additional accessory structure on the property that is detached from the existing building. The proposed expansion would include the residing and reroofing of the entire building. The requested Conditional Use Permit appears to meet all of the aforementioned conditions and restrictions. Allowing the expansion of the existing building does not appear to have any adverse effects on this property or the surrounding properties.

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked why the applicant was adding on to an existing building versus building another standalone building. The applicant noted that they wanted to re-side and roof the existing building so it made sense to just add onto that building. Commissioners asked if there would be any commercial use of the building and the applicant noted that this was for the private use of the homeowner. Commissioners recommended adding a condition that no commercial use of the building would be permitted. Commissioners ultimately recommended approval of the conditional use permit to the City Council.

The Planning Commission recommended approval of the Conditional Use Permit with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. No future expansion of the accessory building shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

3. No commercial use of the building shall be permitted.
4. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Motion by Grotting, second by McCoy to approve RESOLUTION NO. 17-1003-01 - Granting a conditional use permit which would allow an expansion to an existing accessory building which would cause it to be greater than 5,000 square feet for the property located at 7825 County Road 11 (PID No. 09-118-24-22-0003). Ayes: Grotting, McCoy and Betts. Nays: None. Absent: Johnson and Spencer. MOTION DECLARED CARRIED.

8. Open/Misc.

9. Adjourn.

Motion by McCoy, second by Grotting to adjourn at 6:40 p.m. Ayes: Grotting, McCoy and Betts. Nays: None. Absent: Johnson and Spencer. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary