

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 11, 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, Spencer and McCoy

ABSENT: Councilor Grotting

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

VISITORS: Linda and Gary Ostberg, Carrie Eisenhacker

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 13, 2017 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 17220-17287.
- c. Approval of 2016 Financial Audit and Year End Financials.
- d. Approval of the Large Assembly Permit for Twin Cities Polo Club Annual Polo Classic Event to be Held August 4-6, 2017.
- e. Approval of extension to record minor subdivision for the property located at 6485 Fogelman Road.
- f. Approval of an amendment to the Community Development Block Grant (CDBG) program joint agreement - **RESOLUTION NO. 17-0711-01.**

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

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

Betts added Pioneer Park Discussion.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Planning Commission Meeting

- Maple Plain Fire Department Budget Meeting

**Grotting attended the following meetings:**

**McCoy attended the following meetings:**

**Betts attended the following meetings:**

- Sensible Land Use Committee Conference
- Fire Commission Meeting

**Johnson attended the following meetings:**

- League of Minnesota Cities Rochester Conference
- National League of Cities Steering Commission Meeting in Ohio
- Three Rivers Park District Meeting
- Sensible Land Use Committee Meeting
- Community Action Partnership Hennepin County Meeting
- Healthy Communities Meeting
- Community Action Partnership Board Meeting
- Regional Council of Mayors Meeting

**Horner attended the following meetings:**

- Planning Commission Meeting
- Website redesign meetings with various contenders

**Kaltsas attended the following meetings:**

- MN DOT and Hennepin County Highway 12 funding meeting

Kaltsas stated the median barrier would be continued to Baker Park Road. He said Hwy 12 and County Rd 90 is the second piece followed by Hwy 12 and County Rd 92. Funding has been locked in for 2021 per MN DOT which means construction could begin in 2020.

7. **DIRECTOR GARY KROELLS, WEST HENNEPIN PUBLIC SAFETY - ACTIVITY REPORT FOR THE MONTH OF APRIL, 2017.**

Kroells stated the Delano Sportsmen Club held a dinner to honor the police. He also noted there would be a softball game on Wednesday night from 7-9 and then a 9:00 movie in the park.

Kroells said they had some interesting cases for the month and were slightly above last year's case load.

\*For a complete report see the City Council packet\*

8. **PUBLIC HEARING: ORDINANCE AMENDMENT TO SECTION 915- REGULATION OF LAKE SARAH SURFACE USE.**

- a. **ORDINANCE 2017-02:** An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.

Kaltsas outlined the new information pertaining to Lake Sarah Ordinance. It was noted that the comments from the last hearing would be incorporated as part of this hearing.

Public Hearing Open

(comment from previous meeting)Walsh stated he is the one responsible for putting up the signage on Lake Sarah in the event of a no-wake. He said it is a lot of work and he is in favor of the 3 days on/ 3 days off model. He said he was happy the Council was instituting this ordinance.

Public Hearing Closed

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

**Motion by Spencer, second by McCoy to approve ORDINANCE 2017-02: An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

9. GARY AND LYNDA OSTBERG (APPLICANTS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY IDENTIFIED BY (PID NO. 33-118-24-14-0003) AND LOCATED ON THE SOUTH SIDE OF CSAH 6 AND WEST OF GAME FARM ROAD N. IN INDEPENDENCE, MN:

- a. **RESOLUTION NO. 17-0711-02** – recommending approval of a conditional use permit, to allow a commercial riding stable, bunkhouse and an accessory building which is greater than 5,000 square feet.

Kaltsas said the applicants have a purchase agreement in place to acquire the property subject to the City’s approval of a conditional use permit. The applicants are seeking approval to construct a new home, stable and associated indoor and outdoor riding arenas, paddocks, pastures and future caretaker apartment on the subject property. The proposed accessory structure (barn and riding arena) would exceed 5,000 square feet and therefore, also requires a conditional use permit.

The proposed horse farm would be a used as a commercial riding stable. The horse barn would house 12 stalls. The applicant anticipates that they would have between 8-12 horses on the property. 2-4 horses would be their own animals with 8-10 horses boarded on the property. The applicants have noted that their daughter is a trainer and would be providing lessons and riding her horses on the property. The proposed accessory structure is comprised of the horse barn, alley connection and indoor riding arena. The square footage of the proposed accessory building breaks down as follows:

<b>Horse Barn -</b>	<b>4,902 SF</b>
<b>Alley Connection -</b>	<b>308 SF</b>
<b>Arena -</b>	<b>18,000 SF</b>
<b>TOTAL SF</b>	<b>23,210 SF</b>

Kaltsas said in addition to the indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse within the proposed riding arena to house a property caretaker. The applicant has prepared a proposed site plan which delineates the location of the proposed accessory structure, paddocks, pastures and principle residence. The layout of the buildings and site features takes advantage of the natural topography and maintains separation from the existing wetlands and farmed wetlands. The proposed accessory building would be constructed of pre-finished metal. The City is waiting for the on-site septic report confirming the availability of a primary and secondary on-site septic location. It is anticipated that this information will be provided prior to City Council consideration of the application.

The applicant has had the property evaluated for potential wetlands. It was noted that there are two farmed wetlands located on the farmed portions of the property. There is one located just south of CSAH 6 along the west property line and one located nearly in the center of the property. The applicant has designed the property to fully avoid conflict with the subject wetlands. The applicant has prepared a storm water plan which includes details for the construction of two water quality ponds in the location of both farmed wetlands. The City's water resource consultant has reviewed the plans and is working with the applicant to revise the plans (see review letter attached). Due to the amount of site disturbance on the property, the applicant will need to obtain approval from Pioneer Sarah Creek Watershed Management Commission. PSCWMO has been notified of the project and an application is in the process of being made with the watershed. Staff has reviewed the comments provided and believes that the land use proposed can be accommodated on the subject site. The finalization of the storm water, grading and erosion control plans will not cause for a change to the proposed layout, configuration or operation of the proposed buildings and land improvements. The location of the storm water ponds may need to be revised due to the applicant's desire to potentially convert farmed wetlands into storm water ponds.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The existing property is currently vacant with no existing structures. The property has historically been farmed. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is comprised of approximately 39 acres. Of the 39 acres, approximately 25 acres is useable upland. Applying the City's typical standard, the site would accommodate 38 animals using the gross acreage or 24 animals using the upland acreage. The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit. The 12 horses proposed by the applicant would fit within the allowable number of animal units on the property.

The following notes provide additional detail relating to the commercial riding stable operation:

1. The owners of the 8-10 horses will be visiting the site three to four times per week for 2-3 hours at a time to ride their horses.
2. Deliveries and farriers will be on site periodically once every few weeks.
3. Horse trailers will occasionally be brought on site to pick up or drop off horses going to horse shows, the veterinarian, etc.
4. The manure will be hauled off-site once every few weeks.
5. Standard garbage removal will occur once per week.
6. Landscaping, including new trees, will be provided around the buildings. No trees will be planted within pastures or paddocks.
7. The pastures and larger paddocks will be seeded with a pasture seed mix.
8. The applicant will have a designated parking area for 10 vehicles, including one accessible parking space, located adjacent to the proposed accessory structure and just off of the main access road.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable, accessory structure larger than 5,000 square feet and a bunkhouse for a caretaker on the property.

Kaltsas said the Planning Commission recommended approval of the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will include the following conditions:
  - a) The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
  - b) Any new signage shall comply with all applicable standards of the City's ordinance.
  - c) No more than 12 horses shall be boarded on the property.
  - d) The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit is to be attached to and become a part of the conditional use permit.
  - e) A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.

- f) The hours of operation are: summer 7:00am-10:00pm.
  - g) Horse shows or training clinics with more than 50 attendees will require special approval from the City
  - h) No renting of hack horses.
  - i) No riding on private land unless authorized by owners.
  - j) No parking on public roads.
  - k) Utilize appropriate management practices to control flies and odor.
  - l) The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
  - m) The applicant shall provide adequate parking and turn around for trailers.
  - n) The applicant shall be required to utilize best management practices for dust control. The applicant shall agree to apply dust control measures upon notification from the City that dust control is an issue on the property as determined by the City.
  - o) No artificial lighting shall be permitted to illuminate the outdoor riding arena.
  - p) All proposed lighting located on proposed buildings or anywhere on the site shall comply with applicable City ordinances.
  - q) No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
3. The applicant shall be required to revise the plans and comply with all comments made in the review letter prepared by the City's water resource consultants, Hakanson Anderson, and dated July 23, 2017.
  4. The applicant shall receive approval from Pioneer Sarah Creek Watershed Management Commission.
  5. The applicant shall pay for all costs associated with the review and recording of the resolution.

Johnson noted the area has always been farmed even though there are wetlands. Betts asked what was farmed and Kaltsas responded soybeans. Johnson asked who owns the property to the North. Ostberg noted it was divided in 1991. Betts said it was pretty thick woods and wetland. Kaltsas said there would be conditions in the CUP. He said the owners anticipate having 8-10 horses and there would be deliveries made to the site occasionally. Kaltsas said there is adequate parking available. He noted there was a Public Hearing and there was one resident that had a concern about this leading to more horses being ridden on Game Farm Road to the Luce Line. He was concerned about the amount of horse traffic and smells, etc. The Planning Commission has put a condition in the CUP that if dust became a problem they applicant would have to implement dust control for the long driveway into the property.

**Motion by McCoy, second by Betts to approve RESOLUTION NO. 17-0711-02 – recommending approval of a conditional use permit, to allow a commercial riding stable, bunkhouse and an accessory building which is greater than 5,000 square feet. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

10. A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ORDINANCES AS FOLLOWS:

- a. **ORDINANCE 2017-03:** An amendment to Chapter 5, Section 520.21 Definitions, Subd. 2 Accessory Dwelling Units – Amending/adding language that will allow a basement or mechanical/utility room as a part of an accessory dwelling unit without being counted towards the total square footage.

Kaltsas stated this was an ordinance that needed “cleaning up” and was on the list to look at this year. Johnson thought there may be some issues with finished versus unfinished basements. He said this revision is a good example of how discrepancies can be cleaned up. Betts asked if this applied only to secondary buildings and what about homes already built. Kaltsas said if they are already in existence than they are fine. Johnson asked if the County Assessor would report it differently. He noted they would probably include it as square footage of the house still.

**Motion by Betts, second by Spencer to approve ORDINANCE 2017-03 – An amendment to Chapter 5, Section 520.21 Definitions, Subd. 2 Accessory Dwelling Units – Amending/adding language that will allow a basement or mechanical/utility room as a part of an accessory dwelling unit without being counted towards the total square footage. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

11. OPEN/ MISC.

Betts asked how much money was in the Park fund. Kaltsas noted that historically the City has broken even on the Park fund but money has been earmarked to pay back the sewer fund/ community septic project on Lindgren Lane. That number was about 80k and the Park fund currently has an approximate balance of about 40k. Betts asked if there was any more talk about the Orono schools using the field. Kaltsas said he has been talking with Orono football and baseball about using the fields and it is on his radar to check back in with them on that soon. Betts said it would be nice to see the park used and it would be nice if it had a pavilion/ bathrooms and some source of electricity. Kaltsas said if sports teams started using it then it would have more visibility.

12. ADJOURN

**Motion by McCoy, second by Betts to adjourn at 8:40 p.m. Ayes: Johnson, McCoy, Spencer and Betts. Nays: None. Absent: Grotting. MOTION DECLARED CARRIED.**

Respectfully Submitted,

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Trish Bemmels/ Recording Secretary