

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JANUARY 12, 2016 –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. SWEARING IN OF MAYOR MARVIN JOHNSON AND NEW CITY COUNCIL MEMBERS RAY MCCOY AND STEVE GROTTING

4. MAYOR JOHNSON FORMALLY RECOGNIZES SERVICE OF OUTGOING COUNCIL MEMBER'S BRAD FISHER (PRESENT) AND NORM WENCK (NOT PRESENT).

Johnson declares formal proclamation acknowledging the service of Brad Fisher and presents him with a plaque in gratitude.

5. JERRY HERTAUS- STATE REPRESENTATIVE SUMMARY

Johnson asked Hertaus to speak briefly before the new State Legislative session starts for the year. Hertaus said the new session starts on March 8th and Minnesota is in a good spot financially for the start of the year. He stated priorities will be a transportation bill and a tax bill. Hertaus said he and Senator Osmek will be working for funding for Highway 12 which is the deadliest highway in the state. He noted there is an urgency needed for funding of this highway. Johnson stated he is on the Highway 55 Coalition as well and there will be additional funding needed for work on County Road 116 and an extra east turn lane at Highway 55.

5. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer, McCoy, Grotting

ABSENT: None

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

VISITORS: Bryan Johnson, Heidi Kelly, Ed and Kathy Pluth, Dean Trongaard, Lynda Franklin, Liz Lund, Sarah Bergstrom, Dean and Dawn Mooney

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 the City Council minutes from the December 8, 2015 Truth in Taxation Meeting.
- b. Approval of City Council minutes from the December 8, 2015 Regular City Council Meeting.
- c. Approval of Accounts Payable; Checks Numbered 15711-15754

- d. Approval of Mayors Attendance at the National League of Cities Congressional Cities Conference March 5-9.
- e. Approval of Reduction in the Serenity Hills Cash Escrow as Required by the Development Agreement.
- f. Approval to not waive the monetary limits on Tort Liability established by MN Statues, to the extent of the limits of liability coverage obtained from the LMCIT
- g. Approve date of Local Board of Appeal and Equalization Meeting-April 12, 2016.

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

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

Johnson added a discussion about the Red Code alert system.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Martin Eichers Eagle Scout Court of Honor Ceremony
- Planning Commission Meeting
- Brad Fisher Reception

Grotting attended the following meetings:

- Planning Commission Meeting
- Brad Fisher Reception

McCoy attended the following meetings:

- Planning Commission Meeting
- Brad Fisher Reception

Betts attended the following meetings:

- Fire Commission Meeting
- December Planning Commission Meeting
- January Planning Commission Meeting
- Police Commission Meeting
- Highway 12 Coalition Meeting
- West Hennepin Chamber of Commerce Meeting
- Brad Fisher Reception

Johnson attended the following meetings:

- Maple Plain Fire Department Meeting
- Northwest League of Municipalities Meeting
- Orono Healthy Youth Committee Meeting
- Holiday Train at Buffalo
- Two Regional Conference of Mayors Meetings
- Orono School Board Member John Malone Open House
- December Planning Commission Meeting

- January Planning Commission Meeting
- Minnehaha Creek Advisory Meeting
- Senior Community Services Finance Committee Meeting
- Community Action Partnership Suburban Hennepin County Meeting
- Highway 55 Coalition Meeting
- Gretchen Quie funeral
- Police Finalist Interviews
- Governor’s Mansion Reception
- Martin Eichers Eagle Scout Court of Honor Ceremony
- Highway 12 for 12 Event
- West Hennepin Chamber of Commerce Meeting
- Brad Fisher Reception
- Andy DeLuca and Dan Wall Eagle Scout Court of Honor Ceremony

Horner attended the following meetings:

- December Planning Commission Meeting
- January Planning Commission Meeting
- West Hennepin Chamber of Commerce Meeting
- Brad Fisher Reception

Kaltsas attended the following meetings:

- December Planning Commission Meeting
- January Planning Commission Meeting
- Brad Fisher Reception

7. **DIRECTOR OF PUBLIC SAFETY, GRAY KROELLS – ACTIVITY REPORT FOR THE MONTH OF DECEMBER, 2015**

Kroells stated that for the year 2015 WHPS handled a total of 8,221 incident complaints, 2,723 incidents in Maple Plain and 4,866 in Independence. This is an increase of 1,235 incidents compared to the same time frame last years. Kroells stated his department has been down one officer since June of this year and they are currently hiring for the open position. Kroells said there were over 600 more traffic stops/complaints than last year.

Kroells stated they are working towards the zero death goal and want to have exposure at high-visibility events for public awareness.

Kroells thanked the citizens of Independence, Council and City Staff for an excellent year. He said his officers and staff really enjoy the residents of the City of Maple Plain and Independence and are thankful for all of the support.

Kroells highlighted a few December cases. *Please see Council packet on the City website for the full report* Kroells pointed out the compassion of his officers. In one case, in an apartment as a mom tried to bake cookies with her children, a small fire occurred and was contained but the cookies were not saved. The officer involved in the case went to the store and brought cookies back to the children who were obviously delighted!

Kroells thanked Fisher and Wenck for their years of service on the Council and to the City. He stated it takes a special person to give of themselves for their community and he wanted to show his appreciation.

Kroells outlined the upcoming Citizens Academy and encouraged people to get involved in this effort. He said they will take 10-12 people for the class. It is a great way to be introduced to the police department and get a flavor of what their jobs entail.

8. MARK MUNDAHL (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 6485 FOGELMAN ROAD, INDEPENDENCE, MN (PID NO. 10-118-24-44-0009):

- a. **RESOLUTION 16-112-01** - Approving a minor subdivision to permit the subdivision of the subject property into two lots.

Kaltsas stated the subject property is located along the west side of County Road 90, and south of Fogelman Road. The existing property has an existing home and accessory building. The property is comprised of open field and wetlands. The property has the following site characteristics:

Property Information: 6485 Fogelman Road

Zoning: Rural Residential

Comprehensive Plan: Rural Residential

Acreage (Before): Original Parcel – 10.64 acres

Acreage (After): Parcel A - 3.82 acres
Parcel B - 6.82 acres
- 3.72 buildable acres
Total: 10.64 acres

Kaltsas said the applicant is proposing to create one (1) additional rural residential lot in accordance with the provisions set forth in the City's Zoning Ordinance. The ordinance stipulates that properties must be a minimum of 7.6 acres to allow for the subdivision of an additional lot. The new lot must be a minimum of 2.5 acres of buildable upland, have a minimum lot frontage on a public road and have no greater than a 1:4 lot frontage to lot depth ratio.

Kaltsas stated Staff has worked with the applicant to create a buildable parcel that fits into the surrounding area with minimal impact on the surrounding properties. There is a large wetland located on the northeast side of this parcel. The wetland dictates the potential location of a home on the property. The applicant would like to utilize the high point on the property for the potential home location. The proposed subdivision would create a new 7 acre lot that has a buildable area to accommodate a home site while maintaining the required setbacks. The existing homestead would be reduced down to a 3.59 acre parcel. The existing homestead and accessory structures will meet all applicable setbacks for the newly created lot. There will need to be a new driveway approved and built to provide access to Parcel B. Parcel B can easily accommodate a new home while maintaining the requisite setbacks from the property lines and wetland.

The existing home has an existing on-site septic system that will remain in use with the existing home. Parcel B will require a new on-site system and will need to accommodate the requisite secondary on-site septic system location. The applicant has provided the City with information verifying that the site can accommodate a primary and secondary site (see locations on survey).

The proposed subdivision delineates the requisite drainage and utility easements along all property lines. The easements will need to be revised to meet the City's established criteria. They are currently shown as 5 feet along the side property lines and will need to be increased to 10 feet.

The newly created Parcel B will be required to pay the City's Park Dedication required fee. For this property, the park dedication payment amount is \$5,000.00. This fee will need to be paid prior to recording the subdivision.

Park dedication fee \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5.

7 acres- \$3,500 for first 5 acres, plus \$1,500 for the additional 2 acres = \$5,000

The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance. The lots being created will fit into the surrounding area and have minimal impacts on the surrounding properties. The adjacent properties to the west and north are similar in size to the proposed lots after the subdivision.

Kaltsas said Commissioners reviewed the request and asked several questions of staff and the applicant. Commissioners believed that the request was fairly straight forward and recommended approval to the City Council. He said there were no comments made at the public hearing and the City has not received any written comments regarding the proposed subdivision.

Kaltsas said The Planning Commission recommended approval of the requested minor subdivision with the following findings:

1. The proposed minor subdivision meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall provide to the City a final survey indicating the requisite drainage and utility easements and legal descriptions for both lots.
3. The Applicant shall execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
4. The Applicant shall pay the park dedication fees in the amount of \$5,000 prior to the applicant receiving final approval to record the subdivision by the City.
5. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
6. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Johnson asked about any original conditions and Kaltsas stated there was a note in the covenant for the original house specific to that lot but not applicable to any others.

Motion by Spencer to approve Resolution 16-112-01, second by Betts. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. WILLIAM & LONA SCANDRETT (APPLICANTS/OWNERS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 4704 LAKE SARAH DRIVE SOUTH, INDEPENDENCE, MN (PID NO. 02-118-24-22-0025):

- a. **RESOLUTION 16-112-02** a comprehensive plan amendment to allow the subject property to be included in the sewer service area of the City and to allow the connection to City sewer.

Kaltsas stated the property is located on the south side of Lake Sarah Drive South and just east of Stephanie Way. The property is comprised of a wetland, open space and steep slope to Lake Sarah. The property is undeveloped.

Property Information: 4704 Lake Sarah Drive South



Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: *3.2 acres*

Kaltsas said the applicant recently acquired this property for the purpose of constructing a single family home. The applicant had the property studied to determine suitable locations for a primary and secondary on-site septic system. The study found that there is only a primary on-site septic location due to the existing wetland, soil types and proximity of the well on the adjacent property to the east. This property was platted prior to 1995 and therefore falls into a category of the state septic statute that would allow it to develop with only one on-site location. Due to its proximity to the lake and the long term ramifications of having only one on-site septic location, it is prudent to consider allowing the comprehensive plan amendment.

The City has a public sewer line that services the property directly to the east. It is possible for this property to connect to the City's sewer line by tying into the public manhole on the adjacent property. There are two potential ways for the applicant to connect to the City's sewer line:

-  1. Option 1 - Obtain a private sewer easement from the adjacent property owner.
-  2. Run a private sewer line within the City's right of way to the point on Lake Sarah Drive South where the sewer line intersects the City's right of way.

Kaltsas noted in order for the City to consider the sewer connection, the Comprehensive Plan would need to be amended to include the subject property within the Metropolitan Council approved sewer service area.

Comprehensive Plan

The process for amending the Comprehensive Plan of the City is as follows:

1. Applicant submits request to the City.
2. City reviews the request and prepares a report for consideration by the Planning Commission.
3. Planning Commission makes a recommendation to the City Council.
4. City Council makes a determination to approve or deny the request.
5. If approved, (subject to Metropolitan Council Approval) City will make application to the Metropolitan Council.

6. Metropolitan Council reviews the Comprehensive Plan Amendment and acts on the request.

The amendment would propose to include this lot within the sewer service boundary of the City. The City's current sewer service area map shows the sewer properties in this portion of the City (see map below).

Kaltsas said the properties located just east of the subject property are included in the sewer service area. The City would need to determine if this property should be sewer. Any property incorporated into the sewer service area would need to maintain the City's minimum density as stipulated by the Metropolitan Council (3 units per net acre). Staff has prepared the calculations necessary to determine if this property could be incorporated into the sewer service area. The metropolitan council has reviewed this information and preliminarily determined that this property could be brought into the sewer service area. The City has several "floating" sewer connections that are not officially allocated to a specific property. The City has an established fee for connecting to the City's sewer that would be charged to this property. Based on the calculations for the City's overall net density, it is unlikely that additional properties (beyond this property) could be added to the sewer service area without an additional comprehensive plan revision. He stated the Planning Commission reviewed the request and asked questions of staff. Commissioners clarified how the connection could occur and whether or not there neighboring property would be brought into the discussion. It was noted that the acquisition of a private easement to connect across the neighboring property owner's property would be the sole responsibility of the applicant. Commissioner wanted to include a condition that would memorialize the requirement that the applicant be required to pay requisite connections fees.

Kaltsas said the neighboring property owner spoke at the public hearing and wanted to understand if the City was going to be involved with acquisition of the easement. The City has spoken to the adjacent property owner about the possibility of allowing a private easement.

Kaltsas noted the Planning Commission recommended approval for the request for a Comprehensive Plan Amendment with the following findings and conditions:

1. The proposed Comprehensive Plan Amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Comprehensive Plan Amendment is subject to the following:
 - a. The Applicant shall obtain the necessary sewer easement from the adjacent property owner; or
 - b. The Applicant shall provide the City with plans for making a connection utilizing the City's right of way. This option may require additional agreements and or financial securities.
3. The applicant shall pay the established and requisite sewer connection charges and fees.

Johnson asked if this was new lot since the development went in and Kaltsas stated that before 1995 there could be one septic. In this case, a new well went in within that timeframe from a neighboring property and now a second may not be put in due to wetland so this is the reason for the recommendation to allow a hookup to the city sewer line.

Spencer stated it falls under unintended consequences and not planning to have an undeveloped lot for that many years. Spencer asked if Don Johnson was amenable to having the sewer connection easement. Kaltsas stated he did not feel he was objectionable to it but wanted to understand how it would affect his property. Kaltsas said there were plenty of ways to make the connection work.

Betts asked if these were the same property owners that have had the property for some time. Kaltsas stated these are new owners of the property.

Motion by McCoy to approve Resolution 16-112-02, second by Spencer. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

10. HEIDI KELLY/COPELAND FARMS (APPLICANT/OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 810 COPELAND ROAD, INDEPENDENCE, MN (PID NO. 29-118-24-33-0001):

- a. **RESOLUTION 16-112-03** An amendment to the existing Conditional Use Permit to allow a total of 35 horses to be boarded in association with the commercial riding stable on the subject property.

Kaltsas stated the property is located on the east side of Copeland Road, north of CSAH 6. The property has an existing home, large barn, riding arena, and several smaller barns. There are several large pasture areas, a large wetland and existing tree coverage. The property has the following characteristics:

Property Information: 810 Copeland Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *20.96 acres*

Kaltsas said the subject property has historically had a conditional use permit to operate a commercial riding stable. In 2014 the City revoked the conditional use permit as a result of the facility not being used for a commercial riding stable. In May of 2015 the City reviewed and granted a new conditional use permit for a commercial riding stable. The City granted permission to allow 20 horses on the subject property in association with the commercial riding stable.

The applicant is now asking the City to consider amending the conditional use permit to allow an additional 15 horses. The original conditional use permit for this property permitted 39 horses to be boarded. The applicant mentioned during the initial application process that they would like to ultimately have an additional 15 horses on the property.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The original conditional use permit allowed for 39 horses to be located on the subject property. 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 approximately 21 acres. Of the 21 acres, approximately 12 acres is useable, non-paved or covered open space. In order to achieve the animal density approved in the historically original conditional use permit, the City required the applicant to lease additional acreage.

Kaltsas stated the applicant is now seeking permission to allow 35 horses on the subject property. Based on the application of the City's zoning ordinance, 20 horses would be the maximum permitted on this property.

Historically, the City has considered allowing additional animal units on properties controlled by a conditional use permit. This particular property was initially granted a conditional use permit for up to 39 horses to be boarded on the property. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate additional animal units. The conditional use permit requires 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. If the City were to utilize the 1/3 acre of open space per animal unit provision to determine the maximum number of animals on this property, the site could support approximately 35 animal units (~12 acres x 3 animal units per acre = 35 animal units).

The applicant is proposing to comply with all other provisions of the initial conditional use permit. All manure will be hauled off-site. The City is not aware of any complaints or concerns relating to the operation of the commercial riding stable on this property.

The criteria for granting an amendment to the 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.

Kaltsas said 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 on Copeland Road across from Pioneer Creek Golf Club, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application for an amendment to the conditional use permit meets the minimum requirements for granting a CUP.

The recently approved (May – 2015) conditional use permit had the following conditions:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. Any new signage shall comply with all applicable standards of the City's ordinance.
3. **No more than 20 horses shall be boarded on the property.**

4. The applicant and facility must operate in compliance with the permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
5. City or County road will not be littered in the hauling of manure.
6. 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. The open space may be in pasture, lawn or landscaped grounds. Appropriate screening and landscape to present a pleasing appearance is required.
7. The hours of operation are: summer 7:00 am- 10:00 pm., winter 7:00 am- 9:00 pm. Early arrivals and late departures are to be called into the City Office.
8. Horse shows will require special approval from the City
9. No renting of hack horses.
10. No riding on private land unless authorized by owners.
11. No parking on public roads.
12. Diligent effort must be made to maintain grass in pasture areas.
13. All feed and bedding are to be stores inside a closed building.
14. Utilize appropriate management practices to control flies and odor.
15. Dust control shall be provided from 1060 Copeland Road to just south of Kutz Crossing on Copeland Road by the applicant. Dust control is to be provided for residents on Kutz Crossing if traffic counts (before and after) indicate that Kutz Crossing is being used heavily by clients of the stable.
16. Training clinics offered to non-borders will require special approval from the City.

Kaltsas said the Planning Commissioners discussed the proposed amendment and asked questions of staff and the applicant. Commissioners discussed the potential impacts from the manure runoff and wanted to better understand the manure management plan. The applicant provided a picture of the manure enclosure and restated that all manure is disposed of off-site. It was recommended by the Planning Commission that the City should consider amending its ordinance to include additional provisions relating to pastures adjacent to wetlands and other water bodies. Provisions could include a buffer strip or similar best management practice. Commissioners recommended approval of the conditional use permit amendment with a revision to provision #12 which would require the maintenance of the grass in all pastures. The current provision just states they should make an effort to maintain the grass.

Kaltsas said several residents addressed the Planning Commission at the public hearing. Concerns were raised about establishing a standard for the amount of property required for animal units on properties that are larger than 10 acres.

Kaltsas noted the Planning Commission recommended approval of the request for an amendment to the conditional use permit with the following findings and conditions:

1. The proposed amendment to the 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 be amended to revise the number of horses permitted on the property from 20 to 35 and to further stipulate that the grass shall be maintained. The conditions already established will remain in full effect.
 - a. No more than 35 horses shall be boarded on the property.
 - b. Grass shall be continually maintained during the growing season in all pasture areas.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Grotting asked how this would affect other properties going forward. Kaltsas stated it would not really set a precedent as it is a Conditional Use Permit with specific guidelines. Kaltsas said the animal ordinance itself should be clarified moving forward as there is a little bit of gray area in the ordinance. Johnson stated management plans for horse facilities vary and are very different. Grotting noted it could hard to maintain the grass. Betts stated that a lot of the time horses are kept inside with these kinds of facilities.

Motion by Betts to approve Resolution 16-112-03, second by Grotting. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

11. CITY COUNCIL ACCEPTANCE OF WITHDRAWAL OF APPLICATION FROM BRYAN AND KYLE JOHNSON REQUESTING A TEXT AMENDMENT TO THE CITY'S ZONING ORDINANCE TO PERMIT "EVENT CENTERS" AS A CONDITIONAL USE IN THE A-AGRICULTURE ZONING DISTRICT FOR THE PROPERTY LOCATED AT 6325 COUNTY ROAD 6, INDEPENDENCE, MN (PID NO. 35-118-24-23-0001).

Bryan Johnson addressed the audience and publicly stated his withdrawal of his application. He said he would like to state a few observations. Johnson said the City should be clear on what the standards are going to be for having business on properties other than farming. He said the City needs to examine what they can do to preserve historical buildings and properties to protect the City's heritage. Last, he said the City needs to address the process used in the Planning meeting discussions to ensure a more professional atmosphere where people stayed on topic and were not afraid to speak or come back to future meetings. Vose stated there is no action needed and that an applicant may withdraw an application and Council may acknowledge receipt.

12. CONSIDER APPROVAL TO PURCHASE A NEW TRACTOR FOR PUBLIC WORKS AND TRADE IN EXISTING TRACTOR

Kaltsas noted the tractor currently being used is 18 years old and needs ongoing repairs. He said the City has received a proposed trade-in value of \$20,000 and the original price of the tractor was \$43,000. A new tractor will cost approximately \$60,000. Ende said it would be available in 6-8 weeks.

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

13. RED CODE SOFTWARE CITY-WIDE ALERT SYSTEM

Kaltsas stated the City is looking at the purchase of this software in order to notify residents of emergency and non-emergency events and announcements. It would be a \$4,000 annual subscription split between Maple Plain and Independence. Kaltsas noted this software has the capability to select specific geographic areas to get notifications that are pertinent. Kaltsas said residents have the option to select if they want to be notified by text, phone or email and they have the option to change that status annually. He said we could try it for a year and decide after that to renew or not. The contract will only be for one year.

Spencer asked if citizens would have to pay to use the app. Kaltsas said no; that the City’s would pay the subscription cost. McCoy asked if a specific region could be selected in the event of a Hazmat situation even if the resident was not signed up. Kroells stated the simple answer would be yes that they have good data; but he wants the residents of Maple Plain and Independence to understand that Code Red controls the data and not WHPS. He said since the data is controlled by Code Red it is not public information. Kroells said there would be a campaign to get citizens to sign up.

Johnson asked if it would be clear to residents as to the source of the information. Kroells stated it would be very clear and the software was very customizable. Spencer stated it is an important step for residents’ safety. Grotting asked what the P.R. effort to promote this to the citizens would cost. Kaltsas noted Code Red starts with a database that they acquire through public information that is already out there and they notify people to sign up. Betts stated this could be a tool to help with planning notices. Grotting said it was a small amount of money to give it a try.

Motion by McCoy to approve Red Code purchase for 2016, second by Betts. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

14. ANNUAL CITY COUNCIL APPOINTMENTS

Acting Mayor	Councilor Brad Spencer
Assessor	Hennepin County, Melissa Potter
Weed Inspector	Marvin Johnson, PW Director Larry Ende
Assn. of Metro Municipalities	Mayor Johnson
Attorney, Civil	Kennedy & Graven
Attorney, Criminal	Carson & Clelland
Auditor	Clifton Larson Allen
Civil Defense Director	WHPS Director Gary Kroells
Dog Pound	Crossroads Animal Shelter
Engineer	MSA Professional Services, Brian Miller/Steve Winter
Fire Department Advisory Boards - Maple Plain FD	Mayor Johnson, Councilor Betts, City Admin Kaltsas
- Delano FD	Mayor Johnson, Councilor McCoy, City Admin Kaltsas

- Loretto FD	Mayor Johnson, Councilor McCoy, City Admin Kaltsas
Fire Marshall	Building Official Bruce Satek
Hennepin County Recycling Comm	Admin Asst Beth Horner
Highway 55 Coalition	Mayor Johnson
Highway 12 Coalition	Mayor Johnson, Councilor Betts
HRA	Mayor Johnson, Councilors Betts, Spencer, McCoy and Grotting
Lake Minnetonka Cable Commission	Councilor Grotting
Minnehaha Watershed	Mayor Johnson
Newspaper	Legal: Crow River News. Other: Pioneer and Delano Herald
Northwest Hennepin League	Mayor Johnson, Councilors Betts, Spencer, McCoy, Grotting and City Admin Kaltsas
Official Depository	Bank of Maple Plain, Northland Securities, Ehlers & Assoc., League of MN Cities
Pioneer Sarah Watershed	Joe Baker, Alt. Brad Spencer
Planner	Terramark - Mark Kaltsas
Planning Commission Liaison	Councilor Spencer, Grotting as back-up
Public Works Road Liaison	Councilor Spencer
Water Resource Staff	Hakanson/Anderson – Kaci Fisher, Shane Nelson and Craig Jochum
West Hennepin Police Commission	Mayor Johnson, Councilor Betts

Motion by Betts to approve new City appointments for 2016, second by Johnson. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

15. OPEN/MISC.

Kaltsas asked if 6:30 or 7:00 a.m. was acceptable for workshop meetings going forward. Everyone was fine with those times.

Kaltsas noted Gardner was amenable to reappoint on the Planning Commission as his term was up. Johnson said to reappoint him. Kaltsas said he would bring the reappointment materials to the next meeting.

16. CLOSED SESSION – ATTORNEY CLIENT PRIVILEGE TO DISCUSS BROWN/STROM VERSUS JACOBSEN

Vose stated the City is allowed to go into closed session when the City is threatened or there is pending litigation. He stated this dispute is between two landowners in the City (Strom/Brown and Jacobsen) and there has been an attempt to pull the City into the litigation as well.

CLOSED SESSION

RECONVENE FROM CLOSED SESSION

Vose stated the pending litigation had been discussed as described before the session as well as a possible settlement. A document will be presented at the next Council meeting pertaining to a potential settlement.

7. ADJOURN

Motion by Grotting, second by McCoy to adjourn at 9:50 p.m. Ayes: Johnson, Betts, Spencer, McCoy, and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels
Recording Secretary

DRAFT