

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, FEBRUARY 23, 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. 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: Bob and Greg Gehrman, George and Linda Becker, 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 City Council minutes from the February 9, 2016 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 15858-15888.
- c. Consideration to Cancel City Council Meeting on March 8, 2016 and Authorize Mayor to approve Accounts Payable.
- d. Approval of the Joint Powers Agreement for the Baker Park Campground Ravine Sub watershed Assessment Project and Authorization for the Mayor and City Administrator to Execute the Agreement.
- e. Consider Approval of City Hall Interior Office Space Rearrangement and Security Glass Window Installation.
- f. Lake Minnetonka Communications Committee (LMCC) – Consider Approval of Updated 2016 Budget.

Betts stated she had a couple corrections on the minutes. Johnson stated there was an error on the checks written to the Delano Senior Center when it should have been written out to Napa Auto. McCoy asked about missing check numbers since the last approved checks. Horner stated those were payroll checks which are now automatically deposited. Kaltsas said he would check with the auditors to verify if it was okay if these were not listed as they were automatically deposited. McCoy stated he would like to pull items (d) and (e).

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

McCoy stated he reviewed the audio from Baker on item (d) and the maximum the City would have to contribute to this project would be \$5159.50. He said the joint powers statement should reflect that this amount should not exceed that number of \$5159.50. Kaltsas said this approval is for the Joint Powers Agreement and the number according to the proposal is an estimate based on percentages at the outcome of the project. He noted the other two entities had signed off per the proposal as it is before them today. Johnson said McCoy had a good point and it should state a maximum amount so it was not left open-ended. Vose stated Kaltsas was correct and the intent is that each contributor would pay 25% of the cost of the project. He said Council could approve the item noting the maximum language/ change and initial it making that part of the City's terms to the agreement.

McCoy asked about item 4 (a) pertaining to the scope of the work and Kaltsas noted it was the attachment provided with the proposal submitted by Wenck and Associates.

Motion by McCoy to accept the motion for the Joint Powers Agreement for the Baker Park Ravine Project at 25% contribution by the City not to exceed \$5159.50, second by Spencer. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

McCoy said he is excited about the remodel of the office space and having a desk up at the front window. Kaltsas noted this would be Bemmels new space and would be used for the bulk of the open hours. Johnson noted Bemmels shares a small cube currently with the City finance official. Kaltsas stated the sliding glass window that will be installed will be identical to the one in use at West Hennepin Public Safety.

Motion by Betts to approve agenda item (e) for the office remodel and safety window, second by Johnson. 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.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Pioneer Sarah Creek Watershed Meeting
- Planning Commission Meeting

Grotting attended the following meetings:

- LMCC Meeting

McCoy attended the following meetings:

- Northwest League of Municipalities Meeting
- Highway 12 Coalition Meeting

Betts attended the following meetings:

- Highway 12 Coalition Meeting
- Drug Task Force Luncheon

Johnson attended the following meetings:

- Northwest League of Municipalities Meeting
- Metro State of the Region Meeting

- Minnetonka Shores/ Tonka Toy Engineer presentation
- Planning Commission Meeting
- Community Action Partnership Meeting
- CAPSH Finance Committee Meeting
- Haven Homes Advisory Committee Meeting
- Drug Task Force Luncheon
- Caucus Chair Training
- WeCan Mayors' coffee
- WHCC farewell for Monica Rask
- Orono School Board Meeting
- Policy Meeting for Minnehaha Creek Watershed
- Movie and training at Orono Schools for kids in alternative schools

Horner attended the following meetings:

- Planning Commission Meeting
- WHCC meeting

Kaltsas attended the following meetings:

- Planning Commission Meeting

7. DIRECTOR GARY KROELLS, WEST HENNEPIN PUBLIC SAFETY - ACTIVITY REPORT FOR THE MONTH OF JANUARY 2016.

Kroells said at the end of January 31, 2016 West Hennepin Public Safety (WHPS) handled a total of 592 incident complaints, 205 incidents in Maple Plain and 382 in Independence. He noted this was an increase of 37 incidents compared to the same time frame last year. Kroells highlighted some of the cases from January. * Please see the Council packet on the City website for the full report*.

Kroells spoke about the Highway 12 Safety Coalition. He said meetings are the first Thursday of each month at 3:00 p.m. at Delano City Hall. He encouraged everyone to attend. Kroells stated it is approaching the time to ask for bills/ bonding from State Representatives Hertaus and McDonald and Senator Osmek. Kroells said Representative Hertaus will be present at the next meeting.

McCoy asked what amount is being requested by these efforts. Kroells said he would like to know those exact numbers as well. He stated he has heard from \$5 million to \$15 million. Kroells noted that a complete plan for the reconstruction from Highway 6 to the Wright County border needs to be drawn up by MnDOT and there are substantial costs associated with that as well. Johnson said he hopes the bill is co-authored between Osmek, Hertaus, McDonald and Anderson to include the two senate districts. Kroells stated Hennepin and Wright county representatives are working well together and noted they have a meeting with MnDOT and the commissioner on Wednesday to discuss particular intersection concerns. Johnson noted the two different highway districts and maintenance districts make it all a bit confusing. Kroells said all of Maple Plain and Independence rely on the Metro for funding and we are not priority being a two lane highway out West.

Kroells outlined the recent fatality at County Road 92 and Highway 12 citing icy conditions. Kroells said the road has an extremely large volume of traffic of what it was originally designed for and it needs to be addressed. McCoy agreed and stated that the road was engineered over 45 years ago. He said MnDOT has not made any changes to Highway 12 in over 40 years. Betts said some people still view and treat the road as rural, making U-turns and backing up on it.

Kroells detailed a case that involved a drunk driver being pulled over at 3:00 p.m. on February 17th. He said the driver tested a .24 and eight empty bottles of alcohol were removed the vehicle. Kroells said he posted the picture of

the empty bottles on the WHPS Facebook page and thanked the caller who spotted the impaired driver and called in for saving a life that day. Kroells noted the page received 7,000 hits and 62 comments.

Kroells said the Citizens Police Academy started last Thursday and it is the largest class the department has ever had.

Kroells talked about the federal forfeiture program and a case started in 2010 that involved a large marijuana operation. He said it was a grow operation that operated out of California and shipped to the Lake Minnetonka/Minneapolis area. Individuals were finally arrested with the help of the DEA and substantial assets were seized in the amount of \$1.1 million. Kroells stated the federal forfeiture program helps fund the West Metro Drug Task Force operation but as of December 2015 the federal government has suspended all funds resulting in no funds being received at the local level. Kroells said there is possibly a way the task force may see some of the money as it was seized by the IRS so it may potentially be distributed back.

8. LAKE MINNETONKA COMMUNICATIONS COMMISSION – CONSIDER APPROVING THE PLAN PREPARED BY LMCC AND MEDIACOM TO INSTALL THREE MILES OF NEW CABLE IN THE CITY OF INDEPENDENCE IN ACCORDANCE WITH LMCC FRANCHISE AGREEMENT.

Kaltsas stated the City has had several meetings with the Lake Minnetonka Communications Commission (LMCC) relating to their desire to utilize and install new cable installation miles in accordance with their franchise agreement with Mediacom. Every year the LMCC is eligible to receive one (1) mile of new cable from Mediacom in accordance with the franchise agreement. The new cable mileage can be installed in any of the LMCC member cities. The LMCC typically bundles those miles into three mile increments and installs cable every three years. This means that every three years, Mediacom installs three miles of new cable in a LMCC member City. The LMCC would like to install the next three miles in the City of Independence in 2016. Staff has met with the LMCC and Mediacom to discuss the most beneficial location for installing the new cable in Independence. There were two possible locations identified by staff and the LMCC that appeared to benefit the most potential residents.

The first option identified an existing fiber line that ran along CSAH 6 from CSAH 90 west to CSAH 92 S (see attached map – route in red). The existing fiber line along 6 appeared to benefit the greatest number of residents. Upon further review by Mediacom it was determined that the existing line is not readily compatible with residential installations. The line would require upgrades and an additional node to make it serviceable. As a result, the amount of mileage that would be required to bring this area into the service area exceeds that which is available.

The second option looked at extending the cable along Pagenkopf Road from CSAH 90 west to Lake Sarah Road and then north to Fogelman Road and back east to CSAH 90 (see attached map – route in black). This route would expand the cable service area to several clusters of existing residents along all three roads in the expansion area.

It is anticipated by the LMCC that following the 2016 installation, the next three miles of cable in 2019 would also be installed in Independence. This would allow for a future expansion of the cable service area to the west. Kaltsas said it is recommended that the City Council consider approving the LMCC recommendation to install three (3) miles of cable in the City of Independence. The cable would be installed in accordance with the black line as shown on the attached map. There is no cost to the City for the new cable.

Johnson asked about future hookups. Kaltsas noted they calculate mileage by the “nodes” notated on the map. He said if an area meets the density threshold they will automatically get service, i.e. Serenity Hills. Grotting

asked if Old Post Road met the density threshold and if the cable could be extended up to that point. Kaltsas said he would look for clarification on Old Post Road as it is really close to the threshold. Johnson said the important part is to get the cable in place. Betts stated that all of Maple Plain is already connected. Vose stated that of all the cable commission members, Independence is by far the most underserved.

Motion by Betts, second by Grotting to approve with the notation that Old Post Road needs to be further studied. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. GEORGE AND LINDA BECKER (APPLICANTS/OWNERS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 4675 LAKE SARAH ROAD, INDEPENDENCE, MN (PID NO.S 03-118-24-22-0002 AND 03-118-24-21-0002):

- a. **RESOLUTION 16-0223-01** – Considering approval of a minor subdivision to allow a lot line rearrangement of the subject properties so that the current 1 acre parcel, with the primary residence, is increased to 5 acres.

Kaltsas said the subject property is located north of CSAH 11 and on the west side of Lake Sarah Road. There is an existing home and outbuilding located on the property.

The applicant is seeking a minor subdivision to expand the smaller property from 1 acre to 5 acres. The applicant and his family have owned the subject properties for many years. The applicant's father broke off the 1 acre parcel from the original farm in order for the applicant to construct a home. The applicant would like to expand the current home site so that he can have a little more property and prepare for the possibility of selling the original farmstead. The applicant noted that he wanted to maintain his ability to have space behind his current home if he can no longer farm the whole property in the future.

The existing property is considered legal non-conforming due to it not meeting all current applicable criteria of the zoning ordinance. The minimum lot size permitted for a non-sewered lot in any zoning district is 2.5 acres. In addition, the existing lot has 165 feet of frontage versus the required 250 feet on a right of way. The existing homes/accessory structures on both properties will continue to meet all applicable setback requirements in the after condition. The additional land proposed to be added to the existing 1 acre lot will allow the property to meet the minimum lot size standards (2.5 acre minimum) as well as increase the frontage on a right of way (from 165 LF to 218 LF). Moving the property line any further south to include additional right of way would encroach on the original farm house and accessory buildings.

Both properties have existing on-site septic systems. The additional land being added to the 1 acre parcel will likely allow a secondary on-site location to be realized.

For Discussion Only (No Action Requested):

The original farmstead is somewhat unique in that the property is bisected by Lake Sarah Road. A portion (approximately 16 acres) of the property is located on the east side of Lake Sarah Road (see diagram below) with the remainder of the property (approximately 16 acres) located on the west side of Lake Sarah Road. The applicant would like the City to provide some direction relating to whether or not a possible variance or similar City action to allow the subdivision of the property based on the physical boundary of Lake Sarah Road could be considered in the future. The City does not allow the subdivision of property zoned Agriculture with the exception of lot line rearrangements and rural view lot splits. The overall property does not meet the minimum 40 acre requirement to realize a rural view lot subdivision.

The proposed lot line rearrangement is generally in keeping with the City's zoning and subdivision regulations. The applicant is proposing to make a non-conforming property, arguably less non-conforming. The proposed minor subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Kaltsas noted the City has not received any written comments regarding the proposed minor subdivision. The City did receive a call from an adjacent property owner inquiring about the subdivision.

Spencer asked how many sections west of the rural residential line the property was located. Kaltsas said it was a 1/2 section. Spencer said that was close because of the jog of County Road 90. Johnson said he was surprised it did not get put in the Rural Residential plan when the Gallagher property was subdivided. McCoy asked if the property on the south was rural residential. Kaltsas said it was not, that all of that area was zoned agricultural. Spencer noted some of that area was the Tamarack development. Kaltsas said Dylan Lane, Tamarack Park and Rachel Ridge Court are all zoned agricultural.

Motion by Betts, second by Spencer to approve Resolution 16-0223-01. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

10. BOB AND GREG GEHRMAN ON BEHALF OF THE GEHRMAN FAMILY LTD PARTNERSHIP, (APPLICANTS/OWNERS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2319 SOUTH LAKE SHORE DR., INDEPENDENCE, MN (PID NO. 24-118-24-12-0003):

- a. **RESOLUTION 16-0223-02** – Considering approval of an Interim Use Permit to allow two accessory buildings to be located on the property without a principle structure and in support of the maple syrup harvesting operations on the property.

Kaltsas stated the owner's property is located at 2319 South Lake Shore Dr. which is on the west side of South Lake Shore Dr. and north of Perkinsville Road. The property is approximately 10 acres.

Property Information: 2319 South Lake Shore Dr.

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: *9.74 acres*

Kaltsas said the applicants are seeking an Interim Use Permit to allow two temporary accessory structures to be located on the property for use with their production and harvesting of maple syrup. Maple syrup production or harvesting for personal use is not specifically defined in the City's ordinance; however, it would typically be interpreted to fall under the permitted use of the property. The applicants have historically harvested and produced maple syrup on this property. Last year the applicants brought two accessory structures onto the property. The City notified the owners that they could not have accessory structures on the property without a principle structure. The owners asked if it would be possible to ask the City to consider allowing two 120 sf temporary accessory structures on the property without a principle structure. Staff reviewed the ordinance and determined that the City could either amend the ordinance to include language allowing a maximum size accessory structure without a principle structure (i.e. shed or similar building 120 SF or less) or grant an interim use permit specific to this request which would allow the temporary buildings to be located on the property. The City could define a date certain for the cessation of the interim use which would be until the maple syrup harvesting is no longer done on the property or the property is sold or subdivided, whichever occurs first.

The subject property is approximately 10 acres in total size. There is a small pond on the property and the remainder is heavily wooded. The property is located in a primarily residential neighborhood. The property does have the potential to be subdivided into two lots. The two buildings that were brought onto the property would house the stove used to boil down the sap and tools associated with the harvesting of the syrup. The applicants have stated that they are not commercially producing syrup on this property, but do intend to sell some syrup produced on the property.

From the site visit performed by staff, the buildings are located in a manner that is not readily visible from the surrounding properties. The applicant is in the process of making an electrical connection to the property and would also like to improve the driveway coming into the property.

Kaltsas noted the City has the following criteria for granting an Interim Use Permit:

1. The use is deemed temporary and the use conforms to the development and performance standards of the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that the city council deems appropriate for allowing the use.
5. The use meets the standards set forth in subsection 520.11 governing conditional use permits.

Kaltsas stated the City will need to determine if the applicants request meets the aforementioned conditions and restrictions. In making a determination, the following information should be considered:

- The City has historically had issues with allowing permanent accessory structures on a property prior to the construction of a principal structure. The principle use of all residential and agriculture properties in the City is residential. Allowing a temporary accessory structure with a maximum size may help to mitigate potential issues typically associated with a permanent accessory structure.
- Conversion of the temporary structures to permanent structures would need to be annually monitored. The applicant is seeking to install electric service to the property.
- The applicant has stated that they would like to bring in a temporary recreational vehicle, mobile home or camper during the maple syrup harvesting season. The City typically permits temporary recreational vehicles or campers as a conditional use within the Rural Residential zoning district and only during the construction of a principle structure (six months maximum). Staff is looking for direction from the City relating to whether or not a temporary recreational vehicle, mobile home or camper should be temporarily allowed on the property.
- The applicant has established some form of an entrance into the site from the South Lake Shore Dr. The applicant will need to obtain a permit from the City for the driveway access. The City has noted that the existing location conflicts with an existing culvert and will need to be moved north. Due to the nature of the maple syrup operation, there is a possibility that mud and other debris could be tracked onto the City's street from the site. The City should consider requiring the applicant to establish an actual driveway entrance (gravel surface) onto the public right of way. The City could also consider requiring a condition that the applicant shall agree to keep

all mud and debris off of the City's street or reimburse the City for all costs associated with cleaning the street.

- The City does have limitations on noise associated with activities on a property hours of operation as follows:

Any obnoxious or disruptive noises and annoying vibrations, including those associated with construction activities, in a rural residential zone between the hours of 10:00 p.m. and 6:30 a.m. (Added, Ord. 2003-05)

The City will need to determine if this current provision is adequate to mitigate any potential impacts to the surrounding properties or if additional measures or restrictions should be considered.

- The applicant replaced an existing culvert and graded some area around an existing wetland. Due to the time frame that the work occurred, the site could not be fully inspected by the City and or DNR. The applicant was notified that further inspection of the culvert replacement and grading would be reviewed by the City and DNR in the spring. Any required mitigation or restoration required as a result of the inspection should be made a condition of the interim use permit approval if recommended.

Kaltsas said a neighboring property owner at 2215 S. Lake Shore Drive commented that the owner had harvested maple syrup on this property in the past without much issue. They did note that they would like to see the owner not use their four-wheelers and other equipment after dark as it causes disruptions. The City has not received any written comments regarding the proposed interim use permit.

Commissioners discussed the proposed IUP and asked questions of staff and the applicants. The Commissioners discussed the conditions and addressed the idea of the applicant parking a recreational vehicle on the property. Commissioners thought that if the time frame was further defined, it would be acceptable. Commissioners also discussed the time period for granting an interim use permit. Commissioner's thought that limiting the initial time could be beneficial to the City to ensure that the Interim Use was not causing any further issues. Ultimately the Planning Commissioners recommended approval of the request for an interim use permit subject to the conditions presented in the staff report as well as the additional condition limiting the parking of the RV on the property.

Kaltsas noted the Planning Commission recommended approval of the request for an Interim Use Permit with the following findings and conditions:

The proposed Interim Use Permit request meets all applicable conditions and restrictions stated in

1. Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The interim use permit shall be reviewed annually by the City.
3. The interim use permit will expire upon the sale of the property, the subdivision of the property or the cessation of the maple syrup production by the current owner (Gehrman LTD Partnership), whichever occurs first.
4. There shall be no permanent outdoor storage of equipment, vehicles or other tools on the property.

5. Two (2) temporary buildings which do not exceed 120 SF in size shall be permitted on the property. The buildings shall not be permanently secured to the ground or connected to utilities. Upon cessation of the interim use permit, the structures shall be removed within three (3) months.
6. No commercial production of maple syrup or retail sales of the maple syrup shall be permitted on the property.
7. The property shall be kept in a neat and organized fashion so as to reduce any visual nuisances from the adjacent properties.
8. The applicant shall not remove or damage any existing healthy trees on the property.
9. The applicant shall comply with any requirements for restoration or mitigation resulting from the review of the culvert replacement and site grading that was done in 2015.
10. The applicant shall improve the driveway entrance utilizing gravel or paved surface so as to not track mud or other debris onto the City's street. No additional driveways shall be permitted in association with the interim use permit.
11. The applicant shall be permitted to park one (1) recreational vehicle (camper) on the subject property from February 15th to April 15th for a maximum of duration of eight weeks. The vehicle should be located in a manner which reduces its visibility from the adjacent residential homes and roadway.
12. The applicant shall pay for all costs associated with the review and recording of the interim use permit and its resolution.

Betts stated the other party that usually used a tent on site when collecting syrup had indeed used a camper in the past as well. Johnson said there were a couple other locations in the City that procure maple syrup without a house on the property. He noted Turner Road was one such location. Johnson said that the City does not have a tree ordinance. Betts said that by removing the non-maple trees it would allow for more maple trees to grow.

Bob Gehrman said this property was purchased in 1962 by his parents who wanted a woodland property that would not be developed. Gehrman stated he felt that the neighborhood residents appreciated the property as a park-like area.

Greg Gehrman stated they understood that the information previously given to them by the City was in error and they could not have two structures on the property. He said they wanted to do things right and legally per the City's ordinances. Bob Gehrman said the one year maple syrup cessation clause listed is not viable. Greg Gehrman said this is not a livelihood but rather heritage preservation of the property. He stated they may want to put a vacuum line in sometime in the future to minimize the noise for the neighbors. Gehrman stated they want to work in harmony with the neighbors.

Johnson said he wanted the wording of item #6 changed from "production" to the "sale of" on the property. He said the thought being that the City does not want a store set up on the property.

Gehrman asked about item #9 – who would be doing the review of the restoration after the culvert replacement. Kaltsas stated it would be the DNR and Watershed District. Bob Gehrman said they would not want a paved surface going through the woods so would want item #10 revised. He said he would like to have day parking of an RV in the woods permitted so they could use the restroom, etc. while they are working.

Gehrman said he would like the permitting process to be expedited as well as the location of the power pole in the City right-of-way as Xcel has a tight timeline.

Betts said she wanted to address item #11 about cars parking on the road. Kaltsas said this item is addressing the RV and that they want to be able to leave it there which would be an accessory use. Kaltsas stated camping is not permitted.

Bob Gehrman reiterated that the main things he would like to focus on would be the cessation period of one year as being inadequate and also he would like to be able to leave the heavy tanks and will screen those if required. McCoy asked the Gehrman's how many years they had been collecting the syrup. Bob Gehrman said they have been collecting the syrup for twenty-five years. Betts said if buildings are on skids that is a different situation and that has always been allowed.

Gehrman stated they have no desire to connect sewer or water to these accessory structures. He said that for the electric needs it would probably be safer to run a line into an electric panel than having cords throughout the woods. Spencer said once an electric line is attached to a building than the state electric code would apply. Gehrman said it would be inspected. McCoy asked what the difference was in attaching the line to a building versus to a free-standing pole. Spencer said that as soon as you put utilities on the building it becomes a permanent structure and we would not permit that.

Spencer asked what happened to the pond that used to be on the property. Greg Gehrman said that about a year ago the creek that comes up to the berm took out the culvert when it was full. He said it is his intention to fully restore the pond. Spencer said that should be put back in as a condition so the wetland is restored properly. Spencer said the City is tasked as its own LGU to enforce this and the restoration would be have to be completed within 18 months (per the DNR). Spencer stated this is an opportunity to get compliant within a timeline.

McCoy stated he would like #3 removed.

Spencer stated to be clear this was not a CUP for maple syrup as that is allowed in the City, this is CUP to allow structures on the property and a camper for a short period of time. He said there also needs to be an expiration date on the CUP whether it is three or five years, etc. Grotting asked if this was an opportunity to look at all properties in regards to accessory structures and how they may use their land going forward. Johnson noted item #8 was to be eliminated completely.

Spencer noted that on item #10 the driveway is in a place that was never permitted and the City does have the right to control driveways. He noted a culvert extends underneath the road bed. Spencer said the City's Public Works Director Ende is concerned with the placement of the driveway as it makes the maintenance of the culvert hard to manage. Spencer said Ende would like to request the driveway be moved 10' over from the culvert so the City is able to maintain it. Kaltsas stated the driveway should be moved before the syrup season begins. Vose said the point of item #10 is that the applicant needs to obtain a permit and the details may be worked out when the permit is pulled.

McCoy stated item #11 should say overnight parking. Spencer said that is what the Planning Commission intended is that would be the only time overnight parking would be permitted.

McCoy said it was not fair to make the applicant have to come in and pay for a driveway permit for a driveway that has been in use since the 1960's when permits were not required. Spencer said the City has a responsibility to permit a driveway when the use of the property is being changed. Vose agreed and stated

MnDOT acknowledges field access driveways may exist but once the use or condition of the property changes than a permit is required. He said if MnDOT condemns an access the applicant does not have to pay as much as a regular permit as it is an access loss situation. Grotting said Ende's inspection should be good enough. McCoy stated he would like to see the fee waived. Spencer said he could make a motion to do that.

Motion by McCoy, second by Spencer to waive the permit fee for the driveway as long as the driveway is actually moved according to the City specifications. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Johnson stated the Council needs some type of vote on this resolution even though the final language has not been crafted so the applicant has assurance that they can move forward. Vose recommended that the motion direct Staff to bring back the resolution with all the amendments and put it on the consent agenda of the next Council meeting.

Motion by Betts, second by Johnson to have Staff craft a final RESOLUTION 16-0223-02 to include the amendments added and discussed at tonight's council meeting for a final vote at the next Council meeting as an item on the Consent Agenda . Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

11. OPEN/MISC.

Johnson asked Kaltsas about plans to work with the Planning Commission on the solar ordinance. Kaltsas said the Planning Commissioners were interested in a joint meeting with the City Council to discuss solar to more efficiently craft the ordinance and reduce the time involved. Johnson said a work session would be an option as well. Kaltsas said the Planning Commission could go through one or two iterations with public testimony and encourage the City Council members to attend those public hearings. McCoy asked about getting the information on the meetings in the next City newsletter. Kaltsas said the first public hearing was going to be in March and the second one in April. He also noted there was a group putting together some information to be presented to residents.

12. ADJOURN

Motion by McCoy, second by Grotting to adjourn at 10:05 p.m. Ayes: Johnson, Betts, Spencer, McCoy, and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary