

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MAY 10, 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 and Grotting

ABSENT: None

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

VISITORS: Jim Ostvig, Dick Ward, Les Peterson, Peter Nagstrom, Ruth Clark, Sean Koster

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 April 12, 2016 City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 16093-16115 (16092 – Printing Error and was Voided).
  - a. For Information - Checks Numbered 16116-16124 are Payroll Checks.

Johnson added the renewal of the liquor license for Pioneer Creek Golf Course to the consent agenda.

**Motion by Betts, second by McCoy to approve Consent Agenda. Ayes: Johnson, Betts, Spencer, McCoy and 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:**

- Sensible Land Use Coalition Meeting
- Highway 12 Coalition Meeting
- Met with Nate Uselding Lake Sarah Association Board President
- Met with Larry Ende about Nelson Road tiling
- City Clean Up Day

**Grotting attended the following meetings:**

- Meetings on Solar Energy
- Planning Commission Meeting

**McCoy attended the following meetings:**

- Alex Grenell funeral
- City Clean Up Day

**Betts attended the following meetings:**

- Sensible Land Use Coalition Meeting
- West Hennepin Chamber of Commerce Meeting

**Johnson attended the following meetings:**

- Sensible Land Use Coalition Meeting
- Community Action Partnership Suburban Hennepin County Meeting
- Mayors Conference/ Vikings Stadium Tour
- Love Inc. fundraiser
- Western Regions Prayer Breakfast
- Delano Senior Center Volunteer Luncheon
- Highway 12 Coalition Meeting
- Met with City staff and Auditor
- Regional Council of Mayors Meeting
- Orono School Board Meeting
- West Hennepin Chamber of Commerce Meeting
- Community Action Partnership Suburban Hennepin County Volunteer Appreciation Reception

**Horner attended the following meetings:**

- City Clerk Training
- City Clean Up Day

**Kaltsas attended the following meetings:**

- Met with the City of Greenfield about Lake Sarah
- Met with the City of Loretto about their sewer project

7. **SHERIFF RICH STANEK, HENNEPIN COUNTY SHERIFF – ANNUAL VISIT WITH CITY COUNCIL.**

Stanek noted the strong partnership between the sheriff's office and West Hennepin Public Safety. Stanek said WHPS has good people who get it and offer excellent service to their residents. Stanek noted the good relationship with Chief Kroells and previously with McCoy.

Stanek introduced Shane Myers and noted he is the first point of contact at the sheriff's office. Stanek praised the efforts done on the Highway 12 legislation and noted this is a county-wide issue involving this heavily traversed corridor.

Stanek said he has been in Police work for 33 years and loves what he does. He said his office is responsible for public policy, public safety and public service. Stanek said part of his job is to help support the Cities in his jurisdiction with their law enforcement efforts. Stanek said his office supplements the efforts of the local

law enforcement. He said if Kroells needs more help, he has access to it. Stanek noted Hennepin County has the largest jail in the state and last year there were 58 bookings from West Hennepin. Stanek said the Water Patrol Division is a full-time, year-round unit. They service area lakes such as Rebecca, Sarah, Independence and Minnetonka.

Stanek said the 911 Emergency Communications Center dispatches for 35+ cities and municipalities. It is the largest dispatch in the region and they do an excellent job. Stanek noted 75% of calls come from cell phones. Stanek said there are eight 911 communication centers in Hennepin County. Stanek said the crime lab is located in downtown close to the Viking's stadium. He said they partner with local law enforcement on investigations.

Stanek stated the Drug Task Force works with West Hennepin and noted the excellent job done by the local team. He noted heroin overdoses have doubled in Hennepin County in the first few months of this year compared to last year. Stanek said they have taken over 28 tons of prescription drugs off of the streets in the past 2-3 years.

Grotting asked how funding for NARCAN would work if West Hennepin Public Safety wanted to start using it. Stanek said it was not that expensive and the training would be about 4 hours per officer. Stanek said it costs about \$40/dose and looks like an epi pen.

Stanek said the Volunteer Services division is comprised of 300 people who put in many hours at community events or assist inmates in jail with educational help, parenting skills, etc. Stanek said they also have a Professional Standards Division that provides training in many different facets to those at the local level. He said there is a Community Engagement Team that teaches the community how the system works.

Stanek said violent crime in Hennepin County rose by 8% last year. He noted the importance of City Council's support to their local police and fire in trying to reverse this trend.

Johnson said how much the sheriff's representation at the Highway 12 meetings is appreciated.

8. **PUBLIC HEARING: CONSIDERATION OF A PROPOSAL FOR THE ISSUANCE OF CONDUIT REVENUE BONDS FOR THE BENEFIT OF BEACON ACADEMY PUBLIC CHARTER SCHOOL PROJECT UNDER MINNESOTA STATUTES, SECTIONS 469.152 THROUGH 469.1655.**

A. **RESOLUTION 16-0510-01 – APPROVING THE ISSUANCE OF CONDUIT REVENUE BONDS FOR THE BENEFIT OF BEACON ACADEMY PUBLIC CHARTER SCHOOL.**

Vose said this is a financing option that is being looked at as it may be a good public effort by the City but there is a small fee associated with it so that is why it is opened up for review as a public hearing. He introduced John Utely with Kennedy and Graven who is the bond finance contact. Vose also introduced Dick Ward with Doherty.

Utely said Beacon Academy is located in Crystal and the City of Crystal was approached about this bond originally but they are not able to provide financing as it would put them over their limit for bonds. Utely said it is important to emphasize that these are conduit revenue bonds and the City has no responsibility to the facility that will be financed by these bonds. He said the issuance of these bonds has no effect on the credit rating of the City.

Johnson asked for clarification on the amount; if it was 10 million or 17 million. Utely stated bank qualified bonds cannot be more than 10 million per year. He said Crystal needs to approve the issuance of the bonds if this moves forward. Grotting clarified that Independence was being asked for the full 17 million with a 10 million ceiling.

Dick Ward (underwriter with Doherty firm) outlined the proposal stating Beacon Academy was a charter school in healthy standing. He said they are capacity enrollment with 400 students and need a new facility. Ward said they are looking at a former school building in Crystal that used to be part of the Robbinsdale school system. He noted the funding sources for the school are the same as any public school. Ward said charter schools are authorized under state statutes and Beacon is in the process of a five year renewal for their charter status with the state. Grotting noted this was an opportunity for Independence to work with another municipality to facilitate this school with no risk. Ward noted the City acts as a conduit only. Johnson said the City would also receive a fee that would be negotiated. Vose stated there is no recourse to the taxpayers of Independence for this type of financing.

The principal of Beacon Academy spoke and said it is a K-8 school based on three pillars of character, Spanish and cornology. He said cornology is a classic curriculum and there is a waiting list to attend.

#### Public Hearing Closed

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

**Motion by Grotting, second by McCoy for preliminary approval of Resolution 16-0510-01. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. JIM AND KATHY OSTVIG (APPLICANT/OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 1575 COUNTY ROAD 90, INDEPENDENCE, MN (PID NO. 27-118-24-11-0001):

A. RESOLUTION 16-0510-02 – APPROVING AN AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT TO ALLOW ADDITIONAL EMPLOYEES IN ASSOCIATION WITH THE BUSINESS ON THE PROPERTY.

Kaltsas said the property is currently zoned Agriculture, but is guided by the City’s comprehensive plan for Commercial-Light Industrial. The applicant currently lives on the property in the existing house. The subject property has an existing conditional use permit to allow a landscaping and tree service business. The applicant is seeking an amendment to the existing conditional use permit to allow additional employees to be permitted on the property. The current conditional use permit allows up to 12 employees as a part of the commercial business. The applicant would like the City to consider allowing up to 38 employees in association with the conditional use permit.

The applicant has prepared a narrative which describes how the employees are utilized in the business. There are no proposed changes to the existing buildings. Essentially, the additional employees need a location to park on the site. The majority of employees leave the site to perform their work. The applicant has a large “construction yard” located on the property. Employees currently park in a location to the north of the large

accessory building and behind the existing residence. From the aerial photographs, you can see how the site could accommodate additional vehicles.

Staff has reviewed the request and found that the site is in compliance with applicable City requirements. There have not been any known issues relating to the operation of the business on this property or pertaining to the conditions of the conditional use permit.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. 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.

This property is guided for commercial use. Should the applicant wish to expand the buildings or make other material improvements to the business in the future, the City would likely want to consider rezoning the property to CLI and requiring other aspects of the business to be brought into compliance with applicable commercial standards (i.e. paved parking and loading areas, lighting, etc.). The nature and geographic location of the applicants business generally mitigates potential impacts on surrounding properties. The City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit. Commissioners can provide further direction relating to any additional provisions if recommended for approval. Kaltsas noted there have not been any public comments received pertaining to the CUP.

Kaltsas said 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 Conditional Use Permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.

3. The applicant shall install a fence, as approved by the City, to define the western edge of the outside storage area.
4. The Conditional Use Permit would be amended as follows:
  - a. Permit up to 38 employees in association with the business.
5. The applicant shall pay for all fees associated with the City's processing and review of the Conditional Use Permit.

Grotting asked if they burn on-site. Ostvig said they use a tub grinder three times per year to mulch and then move the mulch off-site. Spencer asked if they were not re-zoning because of the house. Kaltsas said that was correct and they will be maintaining the home.

**Motion by Spencer, second by McCoy to approve Resolution 16-0510-02. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

10. LESLIE PETERSON (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2810 NELSON ROAD, INDEPENDENCE, MN (PID NO. 18-118-24-13-0010):

- A. **RESOLUTION 16-0510-03 – APPROVING - A MINOR SUBDIVISION TO ALLOW A LOT LINE REARRANGEMENT THAT WOULD REMOVE THE “L SHAPED” PORTION OF THE EASTERN PART OF THE SUBJECT PROPERTY AND COMBINE IT WITH THE PROPERTY TO THE NORTH.**

Kaltsas stated the applicant is seeking a minor subdivision to allow a lot line rearrangement so that the one acre “dogleg” can be deeded back and combined with the original owner's property to the north. The applicant was recently working with the adjacent property owner to clean up a title issue that existed on the subject property. During this process, it was found that the one acre slice of property was not correctly deeded many years ago and is now no longer needed by the owner of 2810 Nelson Road. In order to clean up the title, the owners of 2810 Nelson Road would like to square off their property and essentially return the one acre slice of property back to the owners of 9085 US Highway 12.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

1. There are two existing accessory buildings located on this property (3,000 SF and 1,600 SF). When the buildings were constructed, the ordinance restricted accessory structure size to 2,600 SF for lots less than 10 acres. The ordinance now permits accessory structures to be no more than 2% of the buildable area of a lot. With the removal of the one acre slice of property, the lot has approximately 8 acres of buildable area. Based on the remaining 8 acres, the property would support approximately 7,000 SF. The applicant meets applicable criteria relating to the existing accessory structures.
2. The maximum number of animal units permitted on the property will be reduced to eight from nine.
3. The lot line rearrangement will not have any impacts on the existing buildings relating to setbacks.

Kaltsas noted the City has not received any written comments. He said the Planning Commissioners discussed the requested minor subdivision. Commissioners believed that the request was straight forward and would actually “clean-up” the property boundaries. Commissioners did not see any issues with the requested minor subdivision and recommended approval to the City Council.

Kaltsas said the Planning Commission recommends approval of the request for a minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City’s review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Vose stated the intent in the resolution was to combine with the property to North. Vose said a condition should be added to the resolution that a deed recording will have to be part of any real estate record on the property and will need to reflect this change.

**Motion by Betts, second by Grotting to conceptually approve Resolution 16-0510-03 per clarifications being added and presented on the consent agenda at the next City Council meeting. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**11. RUTH AND STEPHEN CLARK (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2365 NELSON ROAD, INDEPENDENCE, MN (PID NO. 19-118-24-21-0008):**

**A. RESOLUTION 16-0510-04 – APPROVING A VARIANCE TO ALLOW A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS THE HEIGHT OF THE PRINCIPAL STRUCTURE.**

Kaltsas said the applicant would like to construct a detached accessory structure on the property. There is currently an existing home located on the property. The City regulates the total square footage permitted for detached accessory structures using a percentage based formula. The formula allows a property owner to construct an accessory building which does not exceed 2% of the upland square footage of the property. In this particular case the City has determined that the upland portion of the property is 8 acres. Based on this determination, the total allowable square footage for a detached accessory structure is 6,970 SF (8 acres - 348,480 sf \* .02 = 6969.50).

The applicant is proposing to construct a 2,088 square foot detached accessory structure which is less than the maximum size permitted. In addition to the limitation on building size, the City regulates the maximum height of detached accessory structures. The maximum height of a detached accessory structure shall not exceed the height of the principle structure.

*<sup>3</sup> The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.*

He said the City measured the height of the principle structure and found it to be approximately 14 feet. The applicant would like the City to permit a detached accessory building with a height of 18 feet or 4 feet more than that which is permitted. In order for the applicant to construct a building higher than that which is permitted, the City will need to consider allowing a 4 foot variance. The applicant is proposing to locate the building to the east of the principle structure (shown below and on the attached exhibit). The proposed detached accessory structure would have a 12 foot overhead door with roof trusses designed to accommodate a larger recreational vehicle down the middle of the building. The applicant also noted that the structure would have an 8/12 pitch roof which they believe to have a higher aesthetic quality.

Kaltsas said the accessory structure is proposed to meet all applicable building setbacks. Setbacks for the property are as follows:

*Subd. 3. Setbacks. All buildings and structures, including houses with attached garages, must meet or exceed the following setbacks:<sup>a</sup>*

- (a) Front yard setback <sup>b</sup> 85 ft. from centerline of road*
- (b) Side yard setback <sup>b c</sup> 30 ft. from side lot line.*
- (c) Rear yard setback <sup>b</sup> 40 ft. from rear lot line.*
- (d) Setback from lakes, rivers and streams <sup>b</sup> 100 ft. from ordinary high water mark.*
- (e) Setback from wetlands 25 feet from delineated wetland boundary*
- (f) Fences, trees, shrubs, or other appurtenances are not allowed within any road right-of-way.*

<sup>a</sup> *Substandard lots of record in the shoreland district, as defined in subsection 505.25, may be allowed as building sites provided they meet or exceed 60% of the setback requirements of this subdivision.*

<sup>b</sup> *Except buildings housing livestock which may not be located closer than 150 feet from an existing residential structure on all adjacent property.*

The applicant is proposing the following setbacks:

Front yard setback: 87 feet

Side yard setback: 77 feet

Rear yard setback: greater than required (40 feet required)

The applicants would access the accessory structure from a new driveway which would branch off of their existing driveway and head south to the proposed structure.

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*



*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

*Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the criteria for granting a variance:

- a. The applicants are proposing to use the property in a manner consistent with the AG- Agriculture District. The applicants have attempted to locate the building to meet all other applicable setbacks for property zoned Agriculture.
- b. The applicant has provided the City with information regarding accessory structures and the heights of similar style homes on Nelson Road (see applicants Exhibits 7 and 8). The information provided shows that the proposed accessory building height would be in keeping with the general character of the surrounding properties.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture. The proposed detached accessory building is in keeping with the City's comprehensive plan.

This variance request represents the second height variance for an accessory structure since the adoption of the revised ordinance in 2013. At the time of adoption, the City contemplated initiating a limitation on accessory structure height in an effort to limit potential impacts on surrounding properties and establish a proportional relationship to the principle structure. The City additionally reviewed a number of surrounding communities' ordinances to understand context for considering a height limitation. It was noted that many communities limited accessory structure height in residential or rural residential zoning districts. Agricultural zoning districts had less restrictive height limitations. The Planning Commission recommended that the City complete a future review of the accessory height limitations. The City will ultimately need to determine if the requested variance meets the requirements for granting a variance.

Kaltsas stated the City has not received any written comments. Kaltsas said he did have one neighbor say she was in favor of the request. He said the Commissioners discussed the request for a variance on the subject property. Commissioners discussed the proposed building and its location on the property. Commissioners

noted that the proposed accessory structure is located in a manner where it does not need to proportionally relate to the house. Commissioners confirmed that the proposed accessory structure would not be used for commercial storage or business purposes not permitted on the property. Commissioners discussed that the surrounding properties had similar structures and that the proposed building would be consistent with the character of the area. Commissioners recommended approval of the proposed variance to the City Council and suggested that the City review the ordinance at a future date.

Kaltsas said the Planning Commission recommended approval of the requested Variance with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The 4 foot variance will allow the detached accessory building to have a maximum height of 18 feet as measured in accordance with City standards.
3. The proposed building cannot be used for a commercial business or storage not otherwise permitted on the property.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the AG-Agriculture zoning districts.

Ruth Clark stated half the homes on Nelson Road are ramblers and have accessory structures that are taller than their homes. She said they have a very flat, prairie style home which does not allow for much storage if they cannot be higher than their principal structure. Johnson agreed and said the Planning Commissioners said they may have to review this ordinance based on this style of home. Spencer asked if it would be encroaching on the septic site. Clark said she spoke with Satek (City Building Inspector) and he had no qualms about it as the size of the property is so large. Clark said it would be a grass driveway with limited use.

**Motion by McCoy, second by Betts to approve Resolution 16-0510-04. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**Motion by Spencer, second by Betts to have the Planning Commission review the ordinance as it pertains to lower elevation structures and accessory buildings. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**12. EVAN CARRUTHERS (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE UNADDRESSED PROPERTY LOCATED ON COPELAND ROAD AND IDENTIFIED BY PID NO.S 29-118-24-23-0004 AND 29-118-24-23-0005:**

- A. RESOLUTION 16-0510-05 – APPROVING A MINOR SUBDIVISION TO ALLOW A LOT COMBINATION WHICH WOULD COMBINE THE TWO PARCELS INTO ONE PARCEL.**

Kaltsas said the applicant is seeking a minor subdivision to allow a lot combination for the two subject properties. The applicant currently owns both properties and would like to combine the properties for the purpose of constructing a single family residence on the combined properties. The City does not allow subdivisions of property in the Agriculture zoning district with the exception of lot line rearrangements, combinations and rural view lots subdivisions.

There is currently an approximately 25 acre parcel and 6 acre parcel that would be combined to form an approximately 30 acre parcel. The applicant has plans to ultimately construct a single family home on the combined parcel. There does not appear to be any adverse effects on the surrounding properties as a result of the proposed lot combination. The larger parcel is in keeping with the intent of the City's Comprehensive Plan.

The proposed lot combination is generally in keeping with the City's zoning and subdivision regulations. The applicant owns several lots that are surrounding this property and located along the non-developed right of way. Applicable standards for development of the combined parcel do not change in the after condition.

Kaltsas said the City has received no written comments. Planning Commissioners discussed the requested minor subdivision. Commissioners believed that the request was straight forward and did not see any issues with proposed lot combination. Commissioners recommended approval of the request to the City Council.

Kaltsas stated Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot combination with the following findings:

1. The proposed minor subdivision for a lot combination 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 pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Spencer noted both lots have building eligibility and Kaltsas confirmed that aspect.

**Motion by Johnson, second by Spencer to approve Resolution 16-0510-05. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

### 13. PRESENTATION BY CHRISTOPHER KNOPIK OF CLIFTON LARSEN ALLEN - 2015 FINANCIAL AUDIT AND YEAR END FINANCIALS.

Knopik stated the general fund increased by 150k in 2015. This was a result of the City's deliberate attempt to restore the fund balance in the general fund. Knopik said expenditures were down due to a decrease in capital outlay. He noted dust control was moved from a capital outlay line item to public works. Knopik noted 98.9% of the tax levy was collected in 2015.

Knopik noted the sanitary sewer fund has been operating at a deficit over the last few years. He said he met with Kaltsas and Mayor Johnson the week prior to make sure that would be a focus of the City's to work on moving forward.

Knopik said the audit provides reasonable but not absolute assurance. He said there are new government requirements directed at Net Pension Liability for the PERA program.

McCoy stated the line item for fire on p.57 should read total fire contribution not “partnership”. Knopik said he would correct that language so it reflected proper information. Grotting asked about the Vinland expansion and further explanation on it. Knopik said that was to show what the adjustments were related to in the report.

Johnson stated the sewer issue has been an ongoing problem due to the large size of the system, limited number of users and those that have not hooked up as directed. Spencer said it was not sustainable and is not properly escrowing for the future. Johnson noted there will be workshops to address the issuing a new fee schedule for sewer next year. He said Vinland has been very cooperative in working with the City on getting hooked up to the sewer and those dollars helped as well.

**Motion by Spencer, second by McCoy to accept the audit report from Clifton Larsen Allen for 2015. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

14. OPEN/MISC.

15. ADJOURN.

**Motion by Spencer, second by Grotting to adjourn at 9:20 p.m. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully Submitted,

---

Trish Bemmels/ Recording Secretary