

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 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. 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: Kaci Fisher, Fred Lang, Rebecca Arendt, Alecia Babich, Abby Undeman, Tim Babich, Shane Nelson

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the June 23, 2016 City Council Workshop.
- b. Approval of City Council minutes from the June 28, 2016 Regular City Council Meeting.
- c. Approval of Accounts Payable; Checks Numbered 16285-16315.
 - For Information-Checks numbered 16275-16284 are Payroll Checks.
- d. Approval of Large Assembly Permits as Follows:
 - Running of the Bays Half Marathon-September 10, 2016
 - MN Ultimate Frisbee Tournament at the Polo Club-July 23 & 24, 2016
 - Twin Cities Polo Classic at the Twin City Polo Club-August 6 & 7, 2016 (added)

Kaltsas clarified the Twin Cities Polo Classic was added as well as a temporary liquor license. McCoy asked that the MN Ultimate Frisbee Tournament Large Assembly be pulled for clarification. He then had a question regarding the Twin Cities Polo Classic for discussion. McCoy suggested requiring all attendees wear wrist bands which would identify those under the age of 21. Kaltsas said it was a condition we could add to the permit. He also said we could add a condition to the MN Ultimate Frisbee Tournament stating liquor will not be approved due to the large number of underage who'd be present. Kaltsas said food vendors would need to apply for and be licensed by the City prior to serving food.

Motion by Johnson, second by Brad to approve the revised Consent Agenda with the exception of the MN Ultimate Frisbee Tournament. 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:

- Highway 12 Coalition Meeting
- Future Eagle Scouts

Grotting attended the following meetings:

- Highway 12 Coalition Meeting
- Delano Fire Department Annual Meeting

McCoy attended the following meetings:

- Highway 12 Coalition Meeting

Betts attended the following meetings:

- Highway 12 Coalition Meeting

Johnson attended the following meetings (one month):

- National League of Cities Meeting in Kansas City
- Suburban Hennepin County Community Action Partnership Finance Meeting
- League of Minnesota Cities Conference in St. Paul
- Ridgeview Hospital Foundation Event
- Delano Fire Department Annual Meeting
- City Council Workshop
- Suburban Hennepin County Community Action Partnership Board Meeting
- Maple Plain Fire Department Railroad Crossing Training
- Highway 12 Coalition Meeting
- Regional Council of Mayors Meeting
- Policy Committee Meeting for Metro Cities

Horner attended the following meetings:

- Hennepin County Election Meeting

Kaltsas attended the following meetings:

7. PUBLIC INPUT ON MS4 PERMIT- TO ALLOW INTERESTED CITIZENS AN OPPORTUNITY TO COMMENT ON THE CITY'S STORM WATER POLLUTION PREVENTION PROGRAM (SWPPP).

Kaltsas stated this is annual event and Shane Nelson with Hakanson Anderson/ Water Resource division is present to speak to the audience tonight.

Nelson said it is the third year of a five year permit and right now things are status quo. He noted that a year from now it will be more involved as he begins working on the five year report. There were no comments or questions from the audience or the council. Johnson thanked Nelson for the update.

8. CONSIDERATION OF AN ORDINANCE AMENDMENT TO SECTION 915 - REGULATION OF LAKE SARAH SURFACE USE.

- a. Consider an amendment to the ordinance which would revise the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.

Kaltsas said the City of Independence in collaboration with the City of Greenfield and the Department of Natural Resources established an ordinance to address no wakes on Lake Sarah in 2011. The ordinance stipulated no-wake restriction criteria for both Lake Sarah and Lake Independence. The criteria for establishing the no-wake provisions are the same; however, the provisions for removing the no-wake status are inconsistent.

City Council reviewed this issue in April and directed staff to prepare an amendment to the ordinance for further consideration. A draft ordinance with amended language has been prepared by the City. The proposed amendment would make the process for removing the no-wake restriction consistent on both Lake Sarah and Lake Independence. The current ordinance provides for the removal of the no-wake restriction on Lake Sarah immediately following the recession of the water level below the specified elevation. On Lake Independence, the ordinance stipulates that the no-wake restriction will be removed following the lake level remaining below the specified elevation for a period of three consecutive days.

The Lake Sarah Association has been notified of the proposed change and invited to this Council Meeting. Following discussion and further consideration of the draft ordinance by the City Council, a final ordinance can be considered at a future meeting. Coordination will be required with the City of Greenfield and the Department of Natural Resources.

Betts asked if residents would be notified through CodeRED. Kaltsas said that could provide a means of communication for this effort. Grotting noted people would have to sign up. Johnson asked if this ordinance incorporates the two lakes together as the Resolution would be exactly the same. Kaltsas noted this is a draft and will not be approved tonight. Kaltsas said the intention was to keep them separate. Spencer noted the language said this original ordinance was created in 2011 but in actuality it was 2002. He said the 3 day on and 3 day off request for Lake Sarah came from law enforcement and gets it in line with Lake Independence.

Grotting asked if the no-wake had to do with acreage. Spencer said it did not, that it is initiated due to the trigger zone and FEMA's 100 year flood level. When that level is exceeded the wake overcomes the shoreline and may cause damage.

Vose stated the Lake Sarah Improvement Association is responsible for posting signage and this ordinance could not be enforced unless it was posted. Spencer said the landing has signage that notes the no-wake zone in the narrow channel. He said that LSIA has also maintained a large email distribution list and notifies residents that way as well. McCoy asked if the City works with the LSIA for notifications. Spencer said it was ultimately the City's responsibility. Vose said it does not matter what the ordinance says about LSIA notifying residents that it is the City's responsibility to notify and enforce it.

Johnson asked if anyone in the audience wished to comment. Fred Lang said he was strongly in favor of the three days on and three days off rule.

2. JEFF ARENDT (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 1665 COPELAND ROAD (PID NO. 19-118-24-44-0001) IN INDEPENDENCE, MN:

- a. **RESOLUTION 16-0712-01:** Considering approval of a rural view lot subdivision to allow the subdivision of property into two lots.

Kaltsas said the applicant is proposing to subdivide the property in order to create a rural view lot. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 75.85 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed – South Parcel – 8.12 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed – Parcel A – 1,246 LF

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel A - ~1:2 (436.04:809.96)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have approximately 8.12 acres of useable upland and over 1,200 LF of frontage on Nelson Road and Dean Lane. The proposed lot depth to lot frontage ratio for the rural view lot would be ~1:2.

The proposed subdivision would produce an approximate 8.12 acre rural view lot. The proposed newly created property would be “in line” with the property to the south and located primarily along Nelson Road. The proposed Parcel A would accommodate a new building pad given its overall size, topography and proposed dimensions. Any development on the property would need to meet all applicable setbacks including those from wetlands. The City received an on-site septic report verifying that the proposed rural view lot can accommodate a primary and secondary on-site septic system. Access to the property can be located off of either Nelson Road or Dean Lane given its frontage on both streets. The applicant has included the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for both the existing and proposed parcels.

The remaining 67.73 acres would continue to be a conforming lot of record. The remaining lot would have access on Copeland Road. The existing home and detached accessory structure meet all applicable setbacks in the after condition.

The newly created Parcel A will be required to pay the City's requisite Park Dedication fee. For this property the requirement is \$6,500. This fee will need to be paid prior to recording the subdivision.

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

Kaltsas said the proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance. The lot being created will fit into the surrounding area and have minimal impacts on the surrounding properties.

Kaltsas said the City received comments from the neighboring property owner who asked questions relating to the type of house being proposed on the subdivided lot. The applicant responded and noted that they were working on the house plans and would be happy to talk further with the neighbor. Planning Commissioners noted that the City does not have architectural standards pertaining to new home construction aside from minimum square footage requirements.

Commissioners discussed the proposed minor subdivision and asked questions of staff and the applicant. Commissioners found the proposed minor subdivision to permit a rural view lot to meet the City's requirements. Planning Commissioners recommended approval of the proposed minor subdivision to the City Council.

The Planning Commission recommended approval to the City Council of the requested Minor Subdivision with the following findings:

1. The proposed minor subdivision for a rural view lot 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 the park dedication fees in the amount of \$6,500, for the newly created Parcel A, prior to the applicant receiving final approval to record the subdivision by the City.
3. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
6. The remaining Parcel B will have no remaining rural view lot eligibilities.

Grotting asked why the parcels looked different on the handouts. Kaltsas said it was due to the aspect ratio as illustrated.

Motion by Betts, second by McCoy to approve RESOLUTION 16-0712-01. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9.OPEN/MISC.

- Discussion of MN Ultimate Frisbee Tournament at the Polo Club-July 23 & 24, 2016

Johnson noted the state requires a minimum 60 day notice for alcohol at large events. Kaltsas said the MN Ultimate Frisbee Tournament will not have a liquor license for their event due to the request not being filed in time. Johnson said he was surprised they wanted a liquor license as it is a youth centric event. Vose stated it was not a public park but private property and the organizers could not provide it for free or cost without a license but that does not stop an individual from bringing in their own alcohol. He said if food vendors applied that would have to have approval at the County level as well as the through the City.

Motion by Grotting, second by Betts to approve the large assembly permit for the MN Ultimate Frisbee Tournament at the Polo Club-July 23 & 24, 2016, subject to the liquor limitations set forth by Police Chief Kroells. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Spencer said he was approached by a resident of the Tamarack subdivision who wanted to know who enforces the covenants associated with this development. He said there is not a homeowners association but there are covenants such as driveways have to be paved, certain buildings are not permitted, etc. Vose stated it was not the City's responsibility but rather the land developer and then once the property was sold it would be that land owner. Vose said a landowner would have the right to have covenants enforced within their development but the onus would be on them to take legal action. Grotting said if the covenants we not recorded that would not be a good situation. Kaltsas said the City has recently begun recording covenants with the City Attorney's office which is different from past practices where the City relied on the owner to record the covenant and many times this was not done.

10. ADJOURN

Motion by Spencer, second by Grotting to adjourn at 8:30 p.m. Ayes: Johnson, Betts, Spencer, McCoy, and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary