

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 27, 2015 –6:00 PM

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 6:00 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Fisher, Wenck and Spencer

ABSENT: None

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

VISITORS: LuAnn Brenno, Sean Miner, Steve Horach, Lynda Franklin, Ray McCoy

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 October 13, 2015 Regular City Council Meeting
- b. Approval of Accounts Payable; Checks Numbered 15454-15498
- c. Approval of Additional Election Judges
- d. Approval of Resolution Certifying Delinquent Sewer Service Charges as Special Assessments - **Resolution No 15-1027-01**

**Motion by Fisher, second by Spencer to approve the Consent Agenda. Nays: None. Absent: None.
MOTION DECLARED CARRIED.**

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

Johnson noted items to add to the agenda:

- a. Knife River request for delay in resurfacing the parking lot
- b. Confirm dates of November Council meetings
- c. Discuss Joint Council Meeting to be held tonight

Brenno stated she would like to address the T.V. audience about the upcoming election.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- None to report

1

Fischer attended the following meetings:

- None to report

Wenck attended the following meetings:

- Minnehaha Creek Watershed Meeting
- Lake Minnetonka Communications Meeting

Betts attended the following meetings:

- None to report

Johnson attended the following meetings:

- Community Action Partnership Finance Committee Meeting
- Advisory Committee Meeting for the Minnehaha Creek Watershed District
- NW League of Minnesota Cities Meeting
- Alan Paige Retirement Party
- Statewide Health Improvement Planning Meeting
- Minnesota Family Council Breakfast
- Community Action Partnership Suburban Hennepin County Board Meeting and Training
- Hennepin County Healthy Communities Meeting
- Senior Community Services Partnership Meeting
- International Night for Orono Schools

Horner attended the following meetings:

- Employee Benefits Meeting
- Two Election Judge Training Sessions

Kaltsas attended the following meetings:

- Loretto/Greenfield/ Medina Sewer Safety meeting with Met Council

Kaltsas stated Loretto is considering connecting into our pipe as they have a need to reduce loads from their pond system. He said it would be a \$50 million project to update the capacity and make it into a regional system. That large of a project would not be a viable option at this time so it is going to be looked at as a maintenance takeover not ownership takeover of the system. Kaltsas said there will be a joint meeting between all parties and the MMPCA next week. He said Loretto needs to do something and we do have the capacity. He noted the issue is the lift pumps we share with Medina that are at an age where they need maintenance.

7. Proposed text amendments to the City of Independence Ordinances as follows:

- a. Chapter 5, Sections 510, 515 and 530;
 - i. Establishment of a Zoning Permit for fences and restriction on height and types of permitted fences - **ORDINANCE NO. 2015-05.**
 - ii. Addition of new setback definition and provision relating to corner lots for accessory structures - **ORDINANCE NO. 2015-06.**

Johnson asked how this came before the Council for revision. Kaltsas stated there was a combination of factors that led to these ordinances being re-evaluated. A question was presented in a Planning Commission meeting about a fence that went up on County Road 6 and if it was in the right-of-way. It was discussed that there was not a permit for fences established at that point. Kaltsas said Staff had received requests for tall fences and there were no regulations in place. Kaltsas said the building code states that any fence over 7' require a building permit. Kaltsas noted a zoning permit would make it easier for the City to lessen problems/issues that do arise occasionally. He said this is not a tool to over-regulate but rather guidelines to make sure property owners are acting reasonably. Kaltsas said a zoning permit would be required for fences with the exception of fences that are within 15 feet of the property line on properties with 5 acres or more. The provisions of the ordinance would still apply but they would not have to get a zoning permit.

Betts asked about fences that are for animals and said in that instance the finished side may be to the inside. He said Planning had noted that in the document. Betts asked if the fence was really the problem or if it was the encroachment on the neighbor's property that was the real issue. She noted that trespassing was the real issue. Betts stated a fence in itself is a good thing and she is not happy with fencing being so regulated. She said if people are stubborn enough they will find a way around it. Betts said they could put in a 4' berm and put a 6' fence on top of it. Betts thought this would penalize everyone else for the few that would actually end up being a problem. Wenck said he agreed with Betts and felt they were solving a problem that was not a problem. Johnson agreed as well and noted the public safety statement that a fence could be a hazard. He said any fence could be considered a public safety. Johnson said it was going overboard for the Agricultural owners. Fisher stated he thought it was an overreach as well. Fisher said we were not high enough density to regulate to this degree. Betts noted that homeowners can add their own provisions in cluster style developments and the Council does not need to be involved. Johnson stated this appeared as though it would not be moved forward.

Johnson asked Kaltsas to introduce the next item addressing corner lots. Kaltsas noted this was another item brought up by the Planning Commission about an accessory building constructed on the corner of Drake Drive and Drake Court. It was noted that the placement of the building was inconsistent with the other houses on Drake Drive. Planning asked about having a corner yard setback requirement. Kaltsas said we define corner yard but do not have an actual setback. Johnson said he thought there would be 2 front yard setbacks that would go into consideration for a corner lot. Kaltsas noted the building was constructed per the correct setbacks as defined of the date of building. Johnson thought this was hidden partially behind brush and trees so it was not as obvious as it could be. Wenck stated two setbacks would really affect the lot size that was usable and Spencer noted they could always seek a variance. Fisher stated he thought the ordinance made sense and was logical as written.

Motion by Fisher, second by Spencer to approve ORDINANCE NO. 2015-06. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. Open/Misc.

Kaltsas stated Knife River has all paving done except for the City Parking Lot and shoulder work. He noted that would be done over the next couple weeks. He said they are asking for an extension of the contract. Kaltsas thought we could give them an extension through November 6, 2015 with the exception of the parking lot. He said they are asking to complete the parking lot next spring when the weather is warmer and they would hold our contract pricing. Wenck stated that he felt the City should not pay them the retention money until the whole project is completed. He said the City should keep the 5% retention as motivation for them to get back in the spring and complete the job. Wenck felt it was not fair to other bidders who would have

completed the job on time. Fisher said Wenck's statements made sense. Kaltsas stated he could bring a formal change order back with the date of June 15th to complete the parking lot.

Motion by Wenck, second by Betts to approve the extension of the contract with Knife River with the exception of the parking lot. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Kaltsas added that the residents on Providence Curve requested the striping be redone in their development that was covered up by the overlay project. It was determined that the bicycle lane could be designated as such with specific markings.

Motion by Wenck, second by Betts to mark three stripes on Providence Curve with one designated as a bicycle lane. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

b. Kaltsas stated November was a lighter schedule and wanted to know if Council would like to eliminate one of the Council meetings.

Motion by Wenck, second by Betts to meet once in November on the 17th. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

c. Brenno stated she would like to encourage all residents to get out to City Hall and vote on Tuesday. She noted that candidate statements are available on the website and the LMCC site. Brenno. She encouraged the public to make an educated decision by reviewing the candidate profiles. Brenno stated the polls are open at City Hall from 7:00 a.m.-8:00 p.m.

d. Johnson discussed items that should be addressed at the Joint Meeting. He asked about the Serenity Hills road and if the gravel was reclaimed. Kaltsas stated he did not know if it was at this point or not. Johnson said elections could be discussed and the road re-surfacing project. Spencer stated he would talk about the Weir project. Betts asked how many homes were going to be in the Serenity Hills development and it was confirmed at seventeen. Spencer said that the Councils would need to discuss what sharing the building inspector with Maple Plain would look like. Kaltsas said it could look like Delano's agreement which is a contract for cross-over services. He said we back them up and they back us up when needed on inspections. Kaltsas stated Watertown and Delano share services and until recently Minnetrista and Victoria had shared inspections services. Johnson asked Wenck to talk about the upcoming elections and Spencer to talk about road paving project in the Joint Meeting that would follow.

9. Adjourn

Motion by Spencer, second by Wenck to adjourn at 6:48 p.m. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED

Respectfully Submitted,

Trish Bemmels
Recording Secretary