

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, NOVEMBER 17, 2015 –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, Fisher, Wenck and Spencer

ABSENT: City Attorney Vose

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

VISITORS: Russell and Katia Harnois, Dawn Mooney, Shaun Redford, Lynda Franklin, Ben Kallevig

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 27, 2015 Regular City Council Meeting and Joint Council Meeting 11-10-15
- b. Approval of Accounts Payable; Checks Numbered 15513-15536, 15547-15590
- c. 3<sup>rd</sup> Quarter Financial Report
- d. 12 for 12 Kickoff Event – Community Educational Outreach Program Supporting Safety on Highway 12: November 30<sup>th</sup> at 11:00 am at the Independence City Hall

**Motion by Wenck, second by Fisher 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.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Pioneer Sarah Creek Watershed Community Conversation Meeting
- Shared Services Workshop
- Joint Council Meeting with Maple Plain
- Highway 12 Coalition Meeting

**Fischer attended the following meetings:**

- Joint Council Meeting with Maple Plain

- Planning Commission
- Shared Services Workshop

**Wenck attended the following meetings:**

- Highway 12 Coalition Meeting
- Joint Council Meeting with Maple Plain
- Shared Services Workshop

**Betts attended the following meetings:**

- SLCU Conference
- Joint Council Meeting with Maple Plain
- Highway 12 Coalition Meeting
- Chamber of Commerce Meeting
- Pioneer Sarah Creek Watershed Community Conversation Meeting
- Police Commission Meeting
- Shared Services Workshop

**Johnson attended the following meetings:**

- WHPS Police Officer Interview
- Joint Council Meeting with Maple Plain
- Orono School District Breakfast Meeting
- Met with the Hennepin County Assessor
- National League of Cities Convention
- Shared Services Workshop
- Haven Homes Advisory Committee Meeting
- Delano High School Veterans Program
- Northwest League of Municipalities Meeting
- Finance Committee Meeting for Suburban Action Partnership
- Orono Healthy Youth Meeting
- Pioneer Sarah Creek Watershed Community Conversation Meeting
- Police Commission Meeting
- Finance Meeting for Senior Community Services

**Horner attended the following meetings:**

- Pioneer Sarah Creek Watershed Community Conversation Meeting
- Joint Council Meeting with Maple Plain

**Kaltsas attended the following meetings:**

- Same as the above

7. **DIRECTOR OF PUBLIC SAFETY, GARY KROELLS- ACTIVITY REPORT FOR THE MONTH OF OCTOBER, 2015.**

Kroells stated at the end of October WHPS handled a total of 7,000 incident complaints. There were 2,269 incidents in Maple Plain and 4,161 in Independence. He noted this was an increase of 927 incidents compared to the same time frame last year. Kroells thanked his staff for doing an excellent job with the increase of calls and being short one staff member. Kroells said they are in the process of hiring another officer for the

department. Kroells highlighted some of the incidents from October. \*Please see packet materials for a full report.

Kroells spoke about the 12 for 12 efforts with the kickoff event and other outreach efforts. He stated the goal is 0 deaths for 12 months on Highway 12. He noted the big kick-off event is November 30<sup>th</sup> at 11:00 a.m. at Independence City Hall. Kroells said the focus will be on the distracted driving campaign. He said they are working with MNDOT on the media campaign. Kroells stated distracted driving is always thought of as texting but it includes many other things such as; talking on cell phones, using mapping and having dogs on your lap as you drive to name a few.

Kroells said they met with legislators on November 2<sup>nd</sup> to outline their efforts. He noted that there has to be a full-concept plan in place before lobbying for funding can get underway. Kroells said they are going to be putting in turn lanes at County Road 92 North and County Road 92 South in the spring of 2016. Kroells said there will be LED lights and rumble strips put in around spring/ early summer of 2016 in the Medina/ Orono area. He thanked MNDOT for the extra work and funding they are providing but stated there is a long road ahead to solve these issues with Highway 12.

8. BENJAMIN KALLEVIG (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 7464 COUNTY ROAD 6 NORTH, INDEPENDENCE, MN (PID NO. 33-118-24-12-0001):
  - a. **RESOLUTION NO. 15-1117-01** – approving a minor subdivision to permit a lot line rearrangement of the subject property so that the existing house is located entirely on one parcel.

Johnson noted the addition of the legal description to this resolution. Full details of the project are in the Council packet materials for review.

**Motion by Betts, second by Wenck to approve Resolution No. 15-1117-01 with the addition of the legal description. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. RUSSELL HARNOIS (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 5175 FERN DRIVE, INDEPENDENCE, MN (PID NO. 11-118-24-42-0005):
  - a. **RESOLUTION NO. 15-1117-02** – approving a variance to permit the construction of a new accessory structure that will exceed the height of the principal structure.

Kaltsas stated this was a variance to permit the construction of a new accessory structure that will exceed the height of the principal structure. Kaltsas said the applicant has been working with the City for a year on a grading permit to ready the property with a flat area to build this structure on. City ordinance states that 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. Kaltsas said the City measured the height of the principle structure to be 12 feet. The applicant would like the City to permit the detached accessory building to be 19.5 feet in height. Kaltsas stated there are several factors to consider relating to granting a variance. In Subd. 2 code

states that 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.

Kaltsas noted several neighboring property owners addressed the Planning Commission at the public hearing. The neighboring property owner located at 5185 Fern Drive (directly north) stated his concerns relating to allowing a higher accessory structure. He was concerned that it would interfere with his view towards the lake. He also stated his concern relating to the building being out of character with the surrounding area. The neighboring property owner located at 5165 Fern Drive (directly south) stated her support for the applicants. She said that the applicants had done a good job of cleaning up the property and she would rather have their “things” inside the building rather than outside. The applicants stated that when they purchased this property, a taller accessory structure would have been permitted. It was noted that the ordinance regulating detached accessory building height changed in 2012/2013 and there have been no variances requested since the change. The City did not receive any written comments regarding the proposed variance.

Kaltsas said the Planning Commissioners asked question of the petitioner and staff. Commissioners asked for a verification of the proposed door height. It was noted that the proposed door height would be 14 feet. Commissioners looked at the surrounding grade and noted that the structure would sit lower than the surrounding properties by a considerable amount. Commissioners discussed the idea of requiring some landscape screening along the northeast side of the proposed building. Commissioners decided not to recommend a landscape requirement, but did urge the applicant to work with his neighbors to provide some screening. Commissioners noted that the size of the building was permitted and was not in question. Commissioners recommended approval of the variance to allow an accessory structure that exceeds the height of the principal structure.

Kaltsas stated the Planning Commission recommended approval of the requested variance with the following findings and conditions:

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

- a. 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.
- b. The applicants are proposing to use the property in a manner consistent with the Rural Residential District. The applicants have attempted to locate the building to meet all other applicable setbacks for property zoned Rural Residential and under the Shoreland Overlay District.
- c. The effect of the requested variance will be somewhat mitigated as a result of the existing elevations. Construction of a shorter structure would potentially limit the door height of the detached building.

- d. The character of the surrounding area is residential. The proposed detached accessory building is generally in keeping with the City's comprehensive plan.
- e. The 7.5 foot variance will allow the detached accessory building to have a maximum height of 19.5 feet as measured in accordance with City standards.
- f. The detached accessory structure shall have a finished floor elevation that no greater than 6 inches above the existing grade and in accordance with the approved grading plan.
- g. The total impervious surface coverage for this property will not exceed 25% of the total lot area.
- h. The proposed building cannot be used for a commercial business or commercial storage of any kind.
- i. The Applicant shall pay for all costs associated with the City's review of the requested variance.
- j. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

Johnson said it appeared they did a good job of keeping the roof line lower on the proposed building. Kaltsas stated it was a lower pitch and the door height was 14 feet. Johnson stated they could plant trees but that would block the view as well as hide the building. Betts noted that anyone can landscape with no limits and that could be taller than this proposed building. Kaltsas stated the Planning Commission was thinking more along the lines of softening the building view with trees as it was such a large building.

**Motion by Wenck, second by Fisher to approve RESOLUTION NO. 15-1117-02. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**10. DISCUSSION REGARDING PARTICIPATORY LEVEL/INVOLVEMENT FOR FUTURE OF COMMUNITY CELEBRATIONS AND EVENTS.**

- a. Consideration of staff time and funding amounts.

Kaltsas stated he had staff put together a document stating the time spent on Maple Plain Days. He said this number did not reflect WHPS or the Fire Departments time. Kaltsas said employee paid time was about \$2000 for the event and then the Council should factor in the \$7500 contributed in addition that the City of Independence contributed to the event. Kaltsas said there were also additional volunteer hours that staff contributed that are not reflected in the numbers. Kaltsas said Maple Plain wants to know how we would like to be involved going forward. He said it could be a full partner which would involve more money and more input from Independence or we could be just a financial contributor. A third option would be to opt out of the event all together.

Betts stated she felt it was a shame we were not using our own 50 acre city park for this or for something for Independence. Wenck stated if Independence was a full partner than we could insist on what we wanted to see happen. He felt the event kind of fell apart last year. Johnson said the event planning got off to a rough start but the actual event went very well. He noted a lot of people were involved including the Chamber of

Commerce. Johnson said that when Independence hosted Heritage Days in the park it was more expensive than being a part of the Maple Plain Days event. He felt it was good to continue our relationship with Maple Plain. He noted our staff worked very hard at the event. Johnson felt there were misunderstandings with the use of vehicles from Tri-K and the committee but things could be better in future plans. Betts said she would like to see Independence continue to be involved with the celebration but would like to see our park incorporated into the event in some way if possible. Fisher stated this was more of a town event rather than a park event. Betts thought we could have something going on at the same time. Fisher said that a separate committee would have to plan something in that case and we need to decide what our involvement will be with the town based event. Johnson said we would have to be a full partner if we want that level of involvement in rearranging the event. Wenck stated we should be a full partner.

Johnson noted that Melvin said we did not need to contribute \$7500 in 2016 that probably \$5000 would be sufficient. Spencer said if we are going to jump in as a full partner we would need to know what that looks like. He said Maple Plain needs to define the expectation of what they want full partner to mean.

**Motion by Wenck, second by Spencer to approve a full partner agreement for the dual City annual celebration (previously called Maple Plain Days) pending a review of expectations from the City of Maple Plain before final committal. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

#### 11. METROPOLITAN COUNCIL 2040 SYSTEM STATEMENT - OVERVIEW FOR COUNCIL INFORMATION

Kaltsas noted this is a regional plan relating to growth targets for the City. He said this addresses population growth, jobs, parks and utilities. Kaltsas stated the City's System Statement is dated September 17, 2015. He said this gives three years to refine our statement to meet the Comprehensive Plan requirements. Kaltsas said there is not a huge population increase projected and the numbers are similar to our last plan. He also noted a large population growth is limited as we do not have the sewer infrastructure. Johnson said a lot depends on if the Met Council takes over the sewer line on County Road 19.

Spencer asked if there was an opportunity for feedback on this information prior to going into the Comprehensive Plan process. Kaltsas stated that would have to be done quickly. Spencer noted the City's challenge is the affordable housing need outlined as being 72 houses. He said with the large lots, no sewer and no access to affordable transportation it would be hard to even meet this goal by 2040 which is a requirement in the System Statement. Kaltsas said he flagged this in the report as well as the affordable housing piece represented about 25% of the City's number. Kaltsas said there is an area North of Maple Plain that could likely accommodate that high density number. Kaltsas noted they could return their statement with the two additional comments noting population growth and affordable housing as areas of concern. Betts asked what the dollar amount was for affordable housing. Kaltsas said it has been 180k and we do not have that in our housing stock. He said these are goals and objectives and we have potential for creating some of that stock but right now it is not available. Johnson said that a lot of the older affordable housing gets bought and then torn down to make way for a new big structure. Wenck stated this plan is looking at new units not old ones. Johnson said if there were any other comments related to this other than the two already addressed that Council needed to let Kaltsas know by 11-18-15.

#### 12. SET DECEMBER COUNCIL MEETING DATE

Kaltsas noted there is a 4<sup>th</sup> Tuesday meeting scheduled for Christmas week and that is not typical. He stated he has four items for Planning on December 14<sup>th</sup> that it will be difficult to get the reports done for Council.

Kaltsas asked for guidance from the Council on if they should set the follow-up dates to be at the January meeting instead in order to have time to better prepare and review the reports. Spencer asked about the urgency of the items and if anything would be adversely affected by pushing out the date. Kaltsas stated there are a couple items that are going to require quite a time investment to get done and he does not foresee that happening by the December date. Spencer said he was in favor of speaking with the applicants about coming in at the January 12<sup>th</sup> meeting and cancelling the second meeting in December. Johnson stated it was important Kaltsas was available.

**Motion by Spencer, second by Betts to cancel the City Council meeting scheduled for December 22, 2015. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

13. OPEN/MISC.

Johnson stated the Mayor of Loretto had approached him about working together on a no train whistle zone on County Road 19 and Townline. He noted Townline falls in Independence city limits.

Spencer stated he wanted to thank the Staff on all the work on the elections. He said it was all new to this Staff and they did a great job with minimal training. Kaltsas said they did a phenomenal job.

7. ADJOURN

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

Respectfully Submitted,

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Trish Bemmels  
Recording Secretary