

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MAY 26, 2015 –7:30 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 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 and Spencer.

ABSENT: Councilor Wenck, City Attorney Vose

STAFF: City Administrator Hirsch, Building Inspector Satek, WHPS Director Kroells

VISITORS: Jennifer Andis, Janet Weisberg, Lisa Perovich, Liz Lund, Rose Lorsung, Heidi Kelly and Robert Hahn

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.

- Approval of the City Council minutes from the May 12th, 2015 meeting.
- Approval of the Accounts payable; ending May, 2015 (Check No.'s 14993-15017)
- Approval to place 2695 County Road 90 (PID# 15-118-24 41-0001) property owned by John and Kathryn Klinker, into the Agricultural Preserve program.

Motion by Betts, second by Fisher to approve the Consent Agenda. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

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

- Johnson stated Vose (not present) would like to add a closed session at the end of the regular meeting citing attorney/client privilege.
- Johnson added a motion to accept birthday gift designation and use it for the Eagle Scout Martin Eicher's Park fund.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Lake Sarah Outlet Meeting
- Pioneer Sarah Creek Watershed Meeting
- Met with Kuka's at the Kuka Equestrian Center
- Memorial Day Parade Delano

Wenck attended the following meetings:

- Absent

Fisher attended the following meetings:

- None to report

Betts attended the following meetings:

- Police Commission Meeting

Johnson attended the following meetings:

- Northwest League of Municipalities
- Minnesota Prayer Breakfast as a guest Crown College
- Orono Healthy Youth Meeting
- Lake Independence Annual Meeting
- Police Commission Meeting
- Orono Schools Award Night
- Community Action Partnership Finance Committee Meeting
- Met with 25 Realtors at local property for sale
- Met Council Land Use Advisory Committee Meeting
- Independence Memorial Day Events
- Pioneer Museum Open House

Hirsch attended the following meetings:

7. **DIRECTOR OF WEST HENNEPIN PUBLIC SAFETY, GARY KROELLS-APRIL 2015 ACTIVITY REPORT**

Kroells stated there were 2332 calls for the month of April. 654 were from Maple Plain and 1491 were from Independence. This is an increase of 307 calls over last year at this time. Kroells stated the higher number reflected agency assist calls that involved working with other cities on the TZD (Towards Zero Death) state grant.

Kroells highlighted some of the events that took place in April. He said there was a robbery at the Maple Plain motel. There are strong leads but no arrests have been made yet. Kroells stated there was a domestic assault between two sisters on Co. Rd. 6. One of the parties was charged with misdemeanor assault. A resident of the Maple Plain Terrace apartments reported an EBT card theft. Charges are pending in this case. A felony threat case took place at the Vinland Center with employees being threatened. The parties were arrested on outstanding warrants and transferred to Hennepin County jail. Kroells said there was a DWI arrest in the 4700 blocks of Lake Sarah Dr. in Independence. They were called to this address for a domestic assault where a male was coming to do a child custody exchange and an argument ensued. The officers noticed the male party was intoxicated and he admitted to driving there before the officers arrived so he was arrested for DWI and tested a .08. Kroells stated another incident involved serving an eviction notice on Klaers Dr. in Independence.

Kroells stated Joyful Heart Preschool from Delano toured the Police Department in April. The children were able to tour the station and see the police vehicles.

Kroells stated a bigger case for the Metro area involved the Medina Police arresting some individuals and discovering they had stolen mail from the West Metro including Maple Plain and Independence. The US Postal Service got involved and took an active role federally. Kroells stated there were 7 victims from our community that were identified after going through thousands of pieces of mail. Those residents have been contacted and know about the case. Kroells emphasized they are looking for cards with cash or gift cards. He said they will also alter checks.

Kroells said an example of the Towards Zero Death project is an arrest that was made for DWI on Old Crystal Bay Rd on Orono. Due to the Highway Safety Coalition the officers were working the corridor between Delano and 394. Kroells stated the individual tested positive and the arrest was made.

Officers filled in at the last minute for a Delano Girl Scout troop meet and greet as the scheduled agency had an emergency that had to attend to. Kroells was impressed with his officers and said the department enjoys these types of activities as well.

Kroells said there was a malicious punishment of a child/ domestic abuse case in the 5800 block of Main Street in Maple Plain. This is an ongoing case with the department. In this instance the father was arrested for domestic abuse due to the assault of a young child. After interviewing all three children they were removed from the home by Hennepin County and placed in emergency foster care.

Kroells worked with Satek (Independence Building Inspector) on a public nuisance case in the 3800 block of Independence Road. There was a lot of trash in the yard. Kroells met with the resident and explained the violation. The resident rented a dumpster and has cleaned up the property.

Kroells said there was a medical call to the Kuka Equestrian Center. A female had been kicked in the knee by a horse. She was transferred to a hospital after being treated by officers and Delano Fire and Rescue.

Kroells spoke about the Highway 12 Coalition and the great progress that is being made with that effort. He noted the most serious crashes per city breakdown show that Independence is No. 1 and Maple Plain is No. 3. He said that is not a surprise and there is a formal group that will meet this Thursday, May 28th and audit the most dangerous spots in our two cities. He stated that since the rumble strips have been put in there has not been a crash. Kroells also said the department and Public Works have revitalized a speed trailer and that is being used now to let drivers know the speed they are actually traveling at versus the speed limit.

Johnson asked for an update on the fire that occurred at 3500 Independence Rd. Kroells said it was a valid burn permit by an Independence resident. The resident had the burn pile appropriately away from the swamp. A spark made it to the cattails/ swamp area which are a very dry source. The fire ended up jumping over Pete drive and headed south. The fire then wrapped around the lake and was headed to Lindgren Lane. Eleven different fire departments and the Minnesota DNR helicopter responded and they were able to extinguish the fire. There was minor damage and no homes were lost. Excellent job by the Fire Departments.

8. HEIDI KELLY (APPLICANT) AND JOHN FLEISCHHACKER (OWNER) REQUEST THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 810 COPELAND ROAD. (PID NO. 29-118-24-33-0001).

- a. A Conditional Use Permit to allow a commercial riding stable on the subject property.
Resolution No. 15-0526-01

Kaltsas opened the discussion talking about the property and the request for a riding stable permit. He stated there is an existing riding arena, several barns and a home on the property. The property is zoned agriculture and is approximately 21 acres in size. Historically the property did have a CUP for a riding stable and is built for that. It was commonly known as Ashland Stables. There is a current CUP that allows a bunkhouse on the property. In 2013 the City did a review of CUP's and this one was not being used. The owner was notified and the CUP was revoked in 2014 due to inactivity.

Kaltsas stated the applicant is asking for 21 horses to be allowed rather than the 38 approved on the previous CUP which required leasing land to the North of the property. The property is being sold so it is not associated with the property to the North any longer. City Ordinance allows 20 horses per 21 acres which is the size of this property. Kaltsas stated Planning recommends that Council approve the CUP with the findings and conditions outlined in the CUP. He noted some of the changes including landscaping, large event requirements and dust control.

Johnson asked if in the past if the City had approved any properties having more horses than code if they were not going to be pastured. Hirsch stated that the residents that had requested this type of waiver in the past ended up keeping the amount allowed per code as they were busy enough so they did not pursue adding more horses anyway. Kaltsas stated if there are conditions around manure management and grass not getting run down. Kaltsas stated this property only has 16 upland acres which has to be worked around as well. Betts stated there are horses that are not pastured at all and as long as they have good manure management she can't see how one or two horses more would impact the property.

Johnson asked why the bunkhouse CUP was still in place. He wanted to know if one CUP was eliminated why the other one wasn't. Kaltsas stated he did not know why that was overlooked. Spencer asked why Hennepin County shows the property as 14+ acres. Kaltsas stated that Hennepin County cuts legal wetlands out and there is not a legal survey reason for doing that. It is how they do their GIS mapping.

Lorsung (visitor) stated this is a professional operation and she feels the ordinance may pertain more to the typical resident. She said this facility will have a very specific manure management plan. Lorsung said every inch of this property will be used as a horse operation not a homestead. She said her opinion is that this is a fantastic operation that could definitely hold more than 20 horses. She feels it would be a financial burden to her client (applicant) to have to come back in a year to get approval for more horses. Fisher stated he is not comfortable just picking a number. Spencer agreed with Fisher and said that Conditional Use comes along with the land and while one owner may be very responsible and able to manage higher numbers the next owner may not.

Motion by Betts, second by Fisher to pass Resolution No. 15-0526-01. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

9. HOLD YOUR HORSES, A MINNESOTA NON-PROFIT, IS REQUESTING THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 1115 COUNTY ROAD 92, (PID NO. 29-118-24-41-0002)

- a. An amendment to the Conditional Use Permit to allow an Animal Assisted Therapy (AAT) operation on the subject property. Resolution No. 15-0526-02

Kaltsas stated Hold Your Horses has previously come to the City for a CUP at another location on County Road 6. The CUP was granted in 2013 and they operated under that CUP for a couple years. They have chosen to move their non-profit to the new location at 1115 County Road 92. This property does have an existing CUP for a riding stable. The City recommended the applicant go through the process for an amended CUP so therapy assisted conditions were included as to avoid any confusion down the road.

The current CUP at the noted property includes permission for 41 horses. The amended CUP would have provisions that state the CUP would be exercised in the same manner as on the previous property. Kaltsas noted they would not be increasing the amount of horses on the property. Also, animal assisted therapy does include dogs but those would have to be housed off-site.

Johnson asked the applicants if they work with Intermediate 287. They stated they contract with them through the psychologist that works there.

Motion by Spencer, second by Betts to approve Resolution No. 15-0526-02. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

10. SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS) UPDATE- DISCUSSION AND APPROVAL TO ADOPT THE NEWLY AMENDED ORDINANCE NO. 2015-04, AMENDING SECTION 705 OF THE INDEPENDENCE CITY CODE RELATING TO ON-SITE SEWAGE TREATMENT.

Satek stated that in order for the City to be in compliance with Hennepin County they would have to amend portions of the current ordinance. Satek said it used to be more residential but now it incorporates more of a mid-size system. Betts asked what mid-size use pertains to as far as size of a home. Satek said it would be appropriate for a 9 bedroom home or 2500 gallons. Satek said they would be able to get more cluster systems on the larger models. Johnson asked if there are parameters if someone has a swimming pool. Satek said no, that no pools should be going into a septic system as far as treatment.

Kaltsas stated he spoke with Vose and they are going to come back with a final draft but would like to get any questions Council has at this point. Betts asked Satek if he saw anything in the ordinance that would impact the City directly. Satek said it will save some money for homeowners putting in new systems. Kaltsas stated they are still waiting for comments back from MPCA as well.

Motion by Fisher, second by Spencer to table the approval of Ordinance No. 2015-04 until approval from MPCA/State. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

11. LMCC BY LAWS UPDATE- DISCUSSION AND APPROVAL OF THE RECOMMENDED CHANGES TO LMCC COUNCIL'S UPDATED VERSION OF THE LMCC BY LAWS.

Johnson stated Wenck sent an email this morning recommending approval of the LMCC By Laws Update. Johnson said he looked over the document and noticed only minor changes. He stated instead of a required monthly meeting they could meet once a quarter.

Motion by Spencer, second by Johnson to approve LMCC By Laws Update. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

12. MISC/ OPEN

Johnson asked for a motion to accept a check he received from Kennedy Graven and to donate that to the park fund. He stated he would like to have it go towards Martin Eichers Eagle Scout project in the park.

Motion by Betts, second by Fisher to accept this check and designate it for the park fund for the Martin Eicher's Eagle Scout project. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

Johnson said this would be the time to go to recess while waiting for Vose to arrive to go into closed session due to attorney/ client privilege.

Motion by Betts, second by Fisher to recess at 8:40 p.m. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

Council re-convened at 9:30 p.m. A closed session did not take place as Vose did not arrive.

ADJOURN

Motion by Fisher, second by Spencer to adjourn the City Council Meeting at 9:31p.m. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

Respectfully submitted,

Trish Bemmels, Recording Secretary