

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 22, 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: Wenck

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

VISITORS: Jennifer Palm, Larry Palm, Deb Taylor, Ray Flemmel, Steve Grotting, Lynda Franklin, Rob Sievers

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 September 8, 2015 meeting
- b. Approval of accounts payable; Checks Numbered 15360-15394
- c. Approval of Large Assembly Permit for Delano United Methodist Church – Oct. 3-4th
- d. Approval of the LMCC Member City 2016 Budget
- e. Establish Date for the Truth and Taxation Budget Public Hearing on December 8th, 2015 at 7:00PM

Motion by Betts, second by Spencer to approve the Consent Agenda with the addition of the Large Assembly Permit at the TC Polo Fields. 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.

Rob Sievers stated he would like to speak. Johnson added under Open/Misc.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Highway 12 Coalition
- Met with Ende (Public Works) about installing culvert on Lake Independence

- Budget Meeting on September 16th
- Budget Meeting prior to this Council Meeting

Fischer attended the following meetings:

- Budget Meeting on September 16th
- Budget Meeting prior to this Council Meeting

Wenck attended the following meetings:

- None to report

Betts attended the following meetings:

- Fire Commission Meeting on September 10th
- Fire Commission Meeting on September 15th
- Highway 12 Coalition Meeting
- Police Commission Meeting
- Budget Meeting on September 16th
- Budget Meeting prior to this Council Meeting

Johnson attended the following meetings:

- Northwest League of Municipalities Meeting
- Maple Plain Fire Department Meeting
- Highway 12 Coalition Meeting
- Regional Council of Mayors Meeting
- Orono School Board Meeting
- Maple Plain Fire Department Meeting on the relief fund
- League of MN Cities Policy Meeting
- Metro Cities Policy Meeting
- Public Safety Commission Meeting
- Budget Meeting on September 16th
- Budget Meeting prior to this Council Meeting
- Community Partnership Suburban Hennepin County Finance Committee meeting
- Watched filming of T.V. Production “In An Instant”
- Magna Carta Discussion
- Dr. Alan Moen funeral (Former Rockford School Superintendent)
- Richard Schieffer funeral (Former City Attorney)

Horner attended the following meetings:

- Budget Meeting prior to this Council Meeting

Kaltsas attended the following meetings:

- Lake Sarah Bog Meeting with the cities of Greenfield and Rockford
- Budget Meeting on September 16th
- Budget Meeting prior to this Council Meeting

7. Visit by Deb Taylor, CEO of Senior Community Services.
 - a. Mobilizing the Community to Reimagine Aging!

Taylor spoke about re-imagining aging in a youth-centric society. She noted that by the year 2020 there would be more people over the age of 65 than school-age children in the state of Minnesota. Taylor said nationally baby boomers are turning 65 at the rate of 10,000 per day. In Minnesota, 60,000 people each year turn 65 and that trend will continue until the year 2030. Unpaid family caregivers provide 450 billion dollars of unpaid care each year. In Minnesota, 94% of care is provided by unpaid caregivers. Independence had a 12% senior population in the year 2000 and as of 2010 that had grown to 19% of the population. The aging population has significance for the state, city and non-profits that serve the population.

Taylor outlined the services provided by SCS. She said they have Home services division that provides discounted snow removal, yard care, painting and other home needs available for seniors and that program will be expanding to include the City of Independence in 2016.

Taylor said the Senior Outreach Program works directly with seniors providing social workers to help care givers identify the best resources so their loved ones are able to stay on their own homes. She said caregivers are often overwhelmed and need help so the Center has licensed social worker that can help them specifically with figuring out resources.

Taylor said the Gillespie Center in Mound and the Senior Center in Delano are the two closest centers for Independence residents. She said both of those locations have counselors on-site that can help with questions about Medicare. Taylor spoke about Care Connect as a tool for coordination care. She said there will be a luncheon on October 23, 2015 to recognize all of those who make the center possible.

8. Sargent Rick Dennison , West Hennepin Public Safety - Activity Report for the months of July and August, 2015
 - See WHPS attachment for full report
9. Consider Approval of the 2016 Preliminary Budget and Tax Levy
 - a. **RESOLUTION NO. 15-0922-01** – establishing preliminary tax levy
 - b. **RESOLUTION NO. 15-0922-02** – establishing Pioneer Sarah Creek Watershed tax levy

Johnson stated this is a preliminary and the final budget and levy is due at the end of December. McDonald stated this includes the levy for the general fund and also the levy for the Pioneer/ Sarah Watershed District. He said we need to set the Public Hearing for the final budget on December 8th. By December 28th the final budget is submitted and certified to the County. McDonald pointed out the PERA contributions are remaining stable. He said the budget will increase by \$167,000 or 7.93% over last year's budget. The big driver in the increase is the 2015 GO Tax Abatement Bonds for the street reconstruction planning. The tax capacity reflects value and that is up 1.19%. Residential increased 2.27%. He noted the average home value in the City of Independence is \$360,000.

McDonald said the total revenue in the general fund is approximately 2.5 million. He stated that taxes make up 90% of the City's revenue. Expenditures have an increase largely due to Police and Fire costs. Key changes are the overall general levy increases 3.4% but with the abatement bonds due the city increase is 7.39%. McDonald stated the recommendation is to approve a maximum general levy noting that it can be adjusted down but not up.

Johnson noted that our Public Safety cost increase was due to our City's growth versus Maple Plain and different cost expenditures. Rob Sievers asked for a copy, Kaltsas answered it is on line or we can provide him a copy. Sievers preferred to pick up a copy.

Motion by Spencer, second by Betts to approve Resolution, Establishing Preliminary Tax Levy for \$2,562,009. Resolution No. 15-0922-01. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

Motion by Spencer, second by Fisher to set the Public Hearing Date for the 2016 Budget for December 8 at 7:00 p.m.

Johnson wondered if more time was needed. Discussion ensued.

Both Spencer and Fisher agreed to change motion to 6:45 p.m. for the Public Hearing Date for the 2016 Budget on December 8th. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

Johnson said that since we don't always have our 2nd Council meeting in December, and the 28th is the day, we'd still have opportunity to make changes if needed.

10. Public Hearing-To Consider the Vacation of a Portion of Kochs Crossing

- a. RESOLUTION NO. 15-0922-02 – vacating a portion of the public right of way between CSAH 90 and Independence Road.

Public Hearing Open

Kaltsas explained the final plat approval of Koch's Crossing, vacation for Serenity Hills Development. The City is considering vacating a portion of Koch's Crossing that falls across 5635, which goes across Koch's Crossing to a much better point visibly on Independence Road.

The owner of the property, Elmer Scheffer, is requesting the vacation which is a formality of final plat approval. Johnson asked how many feet it was, and Kaltsas stated it was 1320 feet. Kaltsas said there are currently 2 houses there, on the west end. Mayor Johnson asked if any questions. Ray Flemmel asked if they all had to be on City sewer, and the answer was the 14 lots did not. He asked about lot size, and Kaltsas said it would be 1.65-2 acres of 14 lots. Kaltsas said one will be sewered off of Independence Road. He noted the other is septic and a cluster development, which is a different and has to have a Conditional Use Permit. They have to remain 50% open space. Johnson asked if any further comments. There being none, he closed the public hearing.

Public Hearing Closed

Motion by Betts, second by Fisher to approve Resolution No. 15-0922-02. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.

11. Public Hearing-To Consider Adoption of an Ordinance to Establish a Storm Sewer Improvement Tax District (the "District") Under Minnesota Statutes, Sections 444.16-444.21 covering the Serenity Hills Subdivision

- a. **ORDINANCE 2015-03** – establishing a storm sewer improvement tax district covering the recently platted Serenity Hills Subdivision

Public Hearing Open

Kaltsas stated this is a condition that would allow the City to maintain areas that need to be addressed should the homeowners association not follow-through on the agreement. It would include those property owners in this defined district. Kaltsas said this is a “belt and suspenders” type item and it is recommended by the City Attorney. Johnson asked if the development had to be a certain size to do this.

Vose stated this has been addressed in the past where a homeowners association is responsible for a drainage pond and what happens if they fail to follow through with maintaining it. Vose stated this protects the City with a funding source should it be needed. He noted that hopefully it would never happen but it is better to address on the front end rather than after the fact. He said these ponds do require silt removal and other maintenance. Vose said if it is not needed then the City would not impose a tax or use this district but it is there if it is needed. He noted that now there is only one property owner/ developer that would need to approve instead of down the road where there would be more.

Public Hearing Closed

Motion by Fisher, second by Spencer to approve ORDINANCE 2015-03. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED

12. Loren Kjersten (Applicant) Requests that the City Consider the Following Actions for the Property Located at 1160 County Road 19 N., Independence, MN (PID No. 25-118-24-42-0001):

- a. **ORDINANCE NO. 2015-04** – approving the rezoning from Ag-Agriculture to RR-Rural Residential
- b. **RESOLUTION NO. 15-0922-04** – approving a preliminary plat for a four (4) lot subdivision

Kaltsas stated the property is located on the east side of County Road 19 N. and just south of Willow Street. There is an existing home and several accessory structures located on the property. The house is accessed via a gravel driveway off of County Road 19 N. The property is a combination of rolling hills, tillable acreage and wetlands. The property has the following characteristics:

Property Information: 1160 County Road 19 N.

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *19.83 acres*

Kaltsas said the applicant is seeking Rezoning, Preliminary and Final Plat approval for a four (4) lot subdivision to be known as Deer Ridge Farms Second Addition. The proposed subdivision would split the existing 20 acre parcel into four lots. There is an existing home located on the west edge of the property just off of County Road 19 N. The existing home would remain in the after condition and be located on one of the four lots. The property is currently zoned Ag – Agriculture and is guided by the City’s Comprehensive Plan as a RR-Rural Residential property (See Map – Green = Agriculture, Yellow = Rural Residential).

Kaltsas noted the proposed subdivision is subject to the City’s park dedication requirements. The park dedication is broken down as follows:

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

Lot 1 includes the existing home and accessory structures and will not be subject to additional park dedication fees. Lot 2 is 5.21 acres and would be required to pay an additional \$750 for a total of \$4,250. The total amount of the park dedication is \$11,250 for the three (3) new lots.

Kaltsas stated that during the public hearing, several residents expressed concerns to the City relating to the grading and drainage of the individual lots. Property owners to the south and east discussed existing drainage concerns and wanted to ensure that the proposed development would not cause new problems for the existing property owners. Residents also inquired about the establishment of an HOA, noting that one was not established with their developments. Adjacent property owners had questions relating to the price of the lots, whether there would be one builder or if the lots would be open to any builder and why the name of the plat was Deer Ridge Farms Second Addition.

Kaltsas said Commissioners discussed the proposed subdivision. Discussion related to whether or not proposed pond should be located within an Out lot versus the proposed drainage and utility easement. Commissioners did not make a recommendation to locate the pond within an out lot. Commissioners discussed the drainage issues that were highlighted by the surrounding property owners. Commissioners asked questions of the developer's engineer and staff to determine if there was a potential solution that would alleviate the concerns of the surrounding property owners. Commissioners ultimately recommended approval of the preliminary and final plat to the City Council, noting the addition several conditions. Commissioners recommended adding a condition that the developer is required to review and consider a swale or berm to divert the storm water runoff along the south property lines of lots 2 and 3, block 1. Commissioners recommended adding a condition that requires the City Engineer to review all grading plans for the individual building permits to be considered for homes within this development.

Kaltsas said the Planning Commission recommended approval of the requested rezoning, preliminary plat and final plat with the following findings and conditions:

1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the Preliminary Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development, including the wetland delineation, as requested in the City's review letter dated December 22, 2014
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council. This includes the recommendation that the developer prepare a revised grading plan which will divert the runoff from Lots 2 and 3, Block 1 away from the south property line.
 - c. The applicant shall satisfactorily respond to all comments outlined in the attached memorandum from Hakanson Anderson, dated September 10, 2015.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Minnehaha Creek Watershed District.
 - e. The Applicant shall enter into a development agreement with the City for this development.

- f. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common storm water pond.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
 - i. The development of Lots 2, 3 and 4, Block 1, when applying for a building permit, shall be subject to the review of the City Engineer in an effort to ensure that the existing drainage is not directed towards the adjacent properties.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 4. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary and final plats.
 5. The Applicant shall submit the final plat and associated documents to the City within six (6) months of approval of the preliminary plat.

Kaltsas noted he would amend "b" so lots 2 and 3 would have a conveyance. Betts noted there was a stream there. Johnson said he thought there were actually 2. One south of the house and one north. Kaltsas said there would not be mass grading for the individual lots, the grading would just be for street improvements. The individual lots would be graded at the time of the building permit and would be reviewed individually at that point. Johnson asked about the 20' easement and if it was on the South line. Kaltsas said it would go the lengths of lots 2 and 3 so lot 3 water could not cross over and go directly into the wetland. Vose asked if condition 2-I would be in the final plat as well. Kaltsas said it would.

Spencer asked if the existing building would be removed. Kaltsas said yes it would. Johnson asked how the road would affect the neighbor's property. Kaltsas said it would connect in the northeast corner and it was approved by Hennepin County.

Johnson asked if there were any questions from the audience. Larry Palm stated it was wetlands and there is a culvert under the road. He felt his property is affected the most. Palm said 30-40 acres flows into his property. He has met with Minnehaha Watershed three times on the water issues. Palm said he has extreme concern with allowing lot 3 to cut across lot 2. He said he fully supports the project but is concerned about the water issues. He said he is not concerned with trees dying when Johnson pointed out that he planted trees where he should not have. Betts said she grew up here and the stream has always been there and it is natural for the water to be flowing there. Johnson asked Kaltsas if the ditch could be reopened. Kaltsas said it would have to be further reviewed. Spencer stated proper ditching along the road could help.

Johnson asked what kind of issues we face with the watershed. Kaltsas said the preliminary plat is subject to the watershed approval.

Palm stated he is not requesting any ditching but rather he would like the swale area cleaned up. Vose stated they could let the watershed weight in or they could impose a condition that the logs on lot 2 be removed.

Johnson asked if Kaltsas would speak with the watershed. Kaltsas stated he would be speaking with them. Johnson said the trees need to be removed from the swale and that needed to be in the conditions so drainage would not be hindered.

Public Hearing Closed.

Motion by Betts, second by Fisher to approve ORDINANCE NO. 2015-04 to rezone from Ag to RR. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED

Motion by Wenck, second by Spencer to approve RESOLUTION NO. 15-0922-04 Preliminary and Final Plat approval. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED

13. Coordinate Joint Meeting Date with the City of Maple Plain to Review WHPS Emergency Management Plan, Fire Update and Officer Swearing In Ceremony

Kaltsas said if Council could move their meeting earlier than a reception could be held after the joint meeting.

Motion by Betts, second by Fisher to meet October 27th at 6:00 p.m. for the regular City Council Meeting. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED

14. OPEN/ MISC.

Rob Sievers said he has a problem with the Building Official trespassing on his property. He said he has been to the Police about it. Sievers stated he is being sued by the City and he feels Satek is snooping around on his property.

Vose stated he would have to hear from Satek about the situation before he speaks to it. He did say the City Official has a right to go on the property but not into a dwelling but if asked to leave then he has to do that.

Sievers said he has building permit. He stated the City told him they have received complaints on his property. He said the City does not stand behind him and his building permit. He said the City should tell people the stuff hauled in is not for his business. Betts asked if he had a CUP for his business. Sievers said he doesn't run a business from his home. He said he just stores stuff there. Fisher said it would be prudent to get some history.

Johnson said we would look at timelines and see what we can find out from Satek as well.

7. Adjourn

Motion by Wenck, second by Spencer to adjourn at 8:50 p.m. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED

Respectfully Submitted,

Trish Bemmels
Recording Secretary