

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 17, 2018 –6:30 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 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts and McCoy

ABSENT: Administrative Assistant Horner, City Attorney Vose

STAFF: City Administrator Kaltsas

VISITORS: Don Hamilton

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 Workshop Meeting Minutes, June 28, 2018
- b. Approval of Accounts Payable; Checks Numbered 18129-18141.
- c. Approval of Additional Election Judge for the 2018 Elections.

Motion by Betts, second by Spencer to approve the Consent Agenda items. Ayes: Johnson, Betts, McCoy, Grotting and Spencer. 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 AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

Grotting attended the following meetings:

- June Planning Commission Meeting
- Meetings with Mediacom

McCoy attended the following meetings:

Betts attended the following meetings:

- Highway 12 Coalition Meeting

Johnson attended the following meetings:

- Highway 12 Coalition Meeting
- Metro Cities Policy Meeting

Horner attended the following meetings:

Kaltsas attended the following meetings:

7. Hamilton Bros. (Applicant/Owner) requests that the City consider the following actions for the property located at 385 County Road 110 N (35-118-24-41-0001) in Independence, MN:
Councilmember McCoy recused himself on this item.
 - a. **ORDINANCE 2018-03** – Considering approval of the Hamilton Century Farm Storm Sewer Improvement Tax District.
 - b. **DEVELOPMENT AGREEMENT** – Consider approval of the agreement by and between the City of Independence and Hamilton Bros., Inc. for Hamilton Century Farm Subdivision.

Kaltsas said that City Council approved the final plat for the proposed subdivision on July 10, 2018. The Council tabled the discussion relating to adoption of the storm sewer tax improvement district and development agreement to allow the City attorney an opportunity to review the language of each document. The City attorney has reviewed the documents and made revisions to the development agreement and ordinance as follows:

Ordinance No. 2018-03 was revised to include an additional sentence at the end of paragraph 1.01.
“Any real estate acquisition shall be by voluntary conveyance or by eminent domain proceedings conducted in accordance with applicable law.”

Paragraph 5 of the development agreement was also revised to clarify that the storm water district tax could only occur following failure of the developer to cure any identified issues. Paragraph 5 states that the City reserves all rights to impose the stormwater district tax regardless of what the Maintenance Agreement provides. The proposed language limits that provision by adding at the end:

“.... provided, however, that the City shall not exercise such rights unless the Developer or its successors or assigns does not timely cure a failure to maintain the Stormwater Improvements after receipt of written notice as provided in paragraph 2 above.”

With this addition, the City will not be able to impose the tax until after it notifies the homeowners’ association of a failure to maintain the ponds, and they fail to take action.

Council can approve the revised **Ordinance 2018-03** and development agreement based on the recommended changes.

Motion by Betts, second by Grotting to approve ORDINANCE 2018-03 – Considering approval of the Hamilton Century Farm Storm Sewer Improvement Tax District for the property located at 385 County Road 110 N (35-118-24-41-0001) in Independence, MN . Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: None. Recuse: McCoy. MOTION DECLARED CARRIED.

Motion by Spencer, second by Betts to approve the DEVELOPMENT AGREEMENT – Consider approval of the agreement by and between the City of Independence and Hamilton Bros., Inc. for Hamilton Century Farm Subdivisio for the property located at 385 County Road 110 N (35-118-24-41-0001) in Independence, MN . Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: None. Recuse: McCoy. MOTION DECLARED CARRIED.

8. Open/Misc.

Kaltsas noted the next meeting is scheduled on the “Night to Unite”. There is only one item for that meeting and it is not pressing. Betts stated she likes to go to the events that evening for “Night to Unite”.

Motion by Grotting, second by Spencer to suspend the August 7, 2018 Council meeting noting the next Council meeting will take place August 21, 2018. Ayes: Johnson, Betts, McCoy, Grotting and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. Adjourn.

Motion by McCoy, second by Betts to adjourn at 7:05 p.m. Ayes: Johnson, McCoy, Betts, Grotting and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary
