

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 4, 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, Grotting, Betts and McCoy

ABSENT: None

STAFF: City Administrator Kaltsas, City Administrative Assistant Horner, City Attorney Vose

VISITORS: Linda and Gary Ostberg, ABDO Liz Lindrud

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 August 21, 2018 Regular City Council Meeting.
- b. Approval of City Council minutes From the August 15, 2018 City Council Special Meeting.
- c. Approval of Accounts Payable; Checks Numbered 18224-18258.
- d. Approval of Training and Structure Burning for the Loretto Fire Department on the Property Located at 5865 Kochs Crossing.
- e. Approval of Mayor to Attend the National League of Cities Conference in Los Angeles November 7-10.

Motion by Spencer, second by McCoy 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:

- Planning Commission Meeting
- City Council Workshop

Grotting attended the following meetings:

- Planning Commission Meeting

- Met with resident regarding cable concerns

McCoy attended the following meetings:

- Haven Homes Annual Dinner and Presentation

Betts attended the following meetings:

- Police Commission Meeting

Johnson attended the following meetings:

- Orono Healthy Youth Great Expectations Breakfast
- Met with Congressman Paulsen and Congressman Emmer
- Mound School Reunion
- ISD 287 Special Education Building Ribbon Cutting Ceremony
- Community Action Partnership Hennepin County Board Meeting
- Delano School Board Meeting
- Police Commission Meeting
- Haven Homes Annual Dinner and Presentation

Horner attended the following meetings:

- Planning Commission Meeting

Kaltsas attended the following meetings:

7. Director Gary Kroells, West Hennepin Public Safety - Activity Report for the Months of June and July 2018.

- For a complete list of incidents please see the City Council packet

Johnson thanked WHPS for their participation in Small Cities Conference. Kroells noted all WHPS Officers now have weapon mounted cameras as of August 10, 2018. Kroells highlighted several cases noting that as of the year to date there have been a total of 2,356 incident complaints in Independence.

8. Gary and Lynda Ostberg (Applicants/Owners) request that the City consider the following action for the property identified by (PID No. 33-118-24-14-0003) and located on the south side of CSAH 6 and west of Game Farm Road N. in Independence, MN:

- a. **RESOLUTION 18-0904-01** – Considering approval of a conditional use permit amendment to allow the construction of an automated horse walker building on the subject property.

The applicants recently received approval of a conditional use permit on the subject property to allow a commercial riding stable, associated bunkhouse and detached accessory structure larger than 5,000 SF. The facility is under construction (almost completed) and the applicant would like to expand the previously approved site plan to include an automated horse walker building on the subject property. The proposed structure would be 64 feet in diameter or 3,217 square feet. The building would be located adjacent to the existing indoor riding arena/stable facility.

The City typically adds a condition to all conditional use permits that states the following:

a) No future expansion of the barn and riding arena shall be permitted on the property without the

further review and approval by the City through the conditional use permit amendment process.

As a result, the applicant is required to seek an amendment to the conditional use permit for this expansion. The proposed automated walker facility does not increase the number of horses or intensity of the previously approved commercial operation. No additional storm water treatment or storage will be required because of the additional building. The building will match the architecture and character of the existing buildings and farm.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic. Off-street parking and loading space will be provided to serve the proposed use.
4. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
5. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
6. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
7. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
8. The proposed use will not stimulate growth incompatible with prevailing density standards. The City has discussed the additional building with the applicant and found it to be compatible to the existing use and previously granted CUP. Given the location of the property off CSAH 6, the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit amendment. Commissioners discussed the request and asked questions of staff and the petitioner. Commissioners found the request to be straight forward and in keeping with the use of the property as a commercial riding stable. Commissioners recommended approval of the CUP amendment to the City Council.

The Planning Commission recommended approval to the City Council for the request for a conditional use permit amendment with the following findings and conditions:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.

2. The conditional use permit previously granted (**RESOLUTION NO. 17-0711-02**) will remain in full force and the following conditions will be added to the permit.
3. The conditional use permit will allow a 3,217 SF automated walker building to be located in accordance with the approve site plan attached hereto as EXHIBIT B. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
4. The resolution shall be recorded with Hennepin County.
5. The applicant shall pay for all costs associated with the review and recording of the resolution.

Motion by McCoy, second by Betts to approve RESOLUTION 18-0904-01 a conditional use permit amendment to allow the construction of an automated horse walker building on the subject property identified by (PID No. 33-118-24-14-0003) and located on the south side of CSAH 6 and west of Game Farm Road N. in Independence, MN: Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. Discussion of the 2019 Draft Budget and Preliminary Tax Levy.
 - a. Draft 2019 Budget Memorandum
 - b. Draft 2019 Tax Levy
 - c. Draft 2019 Pioneer Sarah Creek Watershed Management Commission Levy

Lindrud noted the revised budget came in a little lower. Johnson asked about the Maple Plain decrease in the fire budget. Kaltsas noted it was a proposed fire budget not an adopted one yet. He said Larry Ende may be retiring in the next year and the funding for Public Works capital equipment is on track. Kaltsas said they will need new radios in Public Works. He said overall the proposed budget increase would be less than two percent. Kaltsas said the tax rate would be kept flat at 40%.

9. Open/Misc.
10. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 7:25 p.m. Ayes: Johnson, McCoy, Betts, Grotting and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary
