

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
MONDAY, NOVEMBER 17, 2014 – 7:45PM

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 7:45 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, and Councilors Betts, Wenck, and Spencer

ABSENT: Councilor Fisher, and City Attorney Vose

STAFF: City Administrator Hirsch and City Planner Kaltsas

VISITORS: Donna Hendley, Jeanne & Gary Gardner, Jason Quade, and Mary Printy

4. CONSENT AGENDA

a. 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 of October 28<sup>th</sup>, 2014.
- Approval of the Accounts Payable/Receivables ending November 14, 2014.
- Approval to send out Sump Pump Inspection notices with a surcharge amount added for those who have not complied with an inspection
- Approval to move forward with four revisions in the Public Works Design Manual as requested by the Public Works Director.
- Approval to further address Shared Services between Maple Plain and Independence.

Johnson suggested pulling the Shared Services item, as it is simply informational, and Sump Pump letter item, as there are some changes that maybe needed.

**Motion by Betts, second by Wenck to approve the Consent Agenda with the removal of the sump pump letter. Ayes: Johnson, Betts, Wenck, and Spencer. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.**

The Councilors discussed the letter and wording. Kaltsas stated he would assist re-working the letter to make it clearer.

**Motion by Johnson, second by Wenck to approve sending the sump pump letter with corrections. Ayes: Johnson, Betts, Wenck, and Spencer. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.**

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

Johnson suggested adding discussion about Turner Road.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF.

**Spencer attended the following meetings:**

- Metro Summit for Water Quality and Aquatic Invasive Species
- Joint Meeting with Maple Plain & Reserve Officer Recognition Program

**Wenck attended the following meetings:**

- Shared Services Meeting with Maple Plain
- Metro Cities/League Meeting.
- Lake Minnetonka Cable Commission Meeting
- SLU Conference
- Joint Meeting with Maple Plain & Reserve Officer Recognition Program

**Fisher attended the following meetings:**

- Absent

**Betts attended the following meetings:**

- SLU Conference
- Women in Municipal Government
- Police Commission Meeting
- Joint Meeting with Maple Plain & Reserve Officer Recognition Program

**Johnson attended the following meetings:**

- Meeting with staff at Haven Homes regarding an advisory committee
- Meeting with Jim Atchinson regarding the Truth in Taxation meeting
- Election Day Judge
- Minnehaha Watershed District Meeting
- Veteran's Program at Orono
- NW League Meeting
- League of Minnesota Cities/Metro Cities Annual Meeting
- Orono Healthy Youth Meeting
- Community Action Partnership for Suburban Hennepin County Finance Committee Meeting
- Police Commission Meeting
- Joint Meeting with Maple Plain & Reserve Officer Recognition Program

**Hirsch attended the following meetings:**

- SLU Conference
- Meeting with Jim Atchinson regarding the Truth in Taxation meeting
- Election Day
- Police Commission Meeting
- Shared Services Committee Meeting with Maple Plain
- Joint Meeting with Maple Plain & Reserve Officer Recognition Program

7. DIRECTOR OF PUBLIC SAFETY, GARY KROELLS – ACTIVITY REPORT FOR THE MONTHS OF OCTOBER 2014

Director Kroells gave a recap of October's activity. He stated for 2014 through the end of September, the Department year-to-date has responded to a total of 6,073 incidents, of that 3,619 were in the City of Independence. In the month of September there were had 573 incidents in both cities. For the year and month of October criminal activity is down; which could be attributed to an increase patrol activity.

Kroells described some of the incidents in detail including: a DWI arrest of a father on his way to pick up his child, another DWI arrest, Loud noises from Windsong Golf Course, a few more DWI arrests, a situation that resulted in an arrest for fleeing the police, disorderly conduct, resisting police, and a DWI, stolen snowmobiles, and sounds from early morning gun shots.

Johnson inquired about a large number of DWI arrests and if there are any patterns. Kroells stated the patterns have been after work times or when leaving social gatherings. Most of these are not happening in the late night or early hours' time frame. He stated of the 193 traffic stops, five of them were DWI arrests, which seems to be average for similar communities.

8. Donna Hendley (Applicant/Owner) – 5850 County Road 11 (PID# 02-118-24 43-0001), is requesting the following: Resolution No. 14-1117-01

- a. A minor subdivision to permit a rural view lot subdivision to create a new 5 acre parcel. The newly created 5 acre parcel would allow the second existing residence on the property to be located on its own parcel.

Kaltsas stated described the location and request. There are two existing homes on the property. One was the primary residence on County Road 11, and the other was built as the caretaker's residence on South Lake Sarah Road. The property is zoned agriculture, but guided rural residential and is roughly 70 acres. In the after condition, the home located off of Lake Sarah with the riding stable and conditional use permit would be roughly 65 acres. The home off of County Road 11 in the after condition would be roughly 5 acres.

Kaltsas stated the applicant is trying to make the property saleable and bring it in compliance by having only one home on each property. Using the rural view lot provision they would be allowed to do this and still allow the CUP to be used with the other home.

Kaltsas explained the ghost plat requested from the applicant. The plat is laid out so that the riding stable for 30 horses can still utilize the CUP. He noted there are substantial wetlands on the property.

Kaltsas stated Hennepin County confirmed they are requiring a 17 foot easement along County Road 11. He explained the sewer lines that run along South Lake Sarah Rd and County Road 11. He stated the Planning Commission would like to see both homes connected to the sewer upon sale of the properties and septic inspection. The costs per home would be approximately \$13,000; which would include the assessment and permit. However, this fee does not include a contractors connection cost to the home.

Kaltsas stated the Planning Commission recommends approval with the listed recommendations.

Jason Quade, real estate agent representing Donna Hendley, stated they understand easement, but would like to have the option for the property on South Lake Sarah Road to keep the septic system if it is compliant or connect to the city's sewer. Johnson inquired if the homes are allowed to be connected to the sewer. Kaltsas stated in the Comprehensive Plan shows the entire property as sewer with a stubbed connection. He feels the initial two could easily be accommodated with the sewer system. The difference is if the property is already considered in the Comprehensive Plan; which then does not require a Comprehensive Plan amendment. Wenck stated he was in favor of the sewer connection. Kaltsas stated for this property there is an option stating if there is a failing septic system, a sewer connection is required.

**Motion by Wenck second by Spencer to approve Resolution 14-1117-01, 5850 County Road 11 a minor subdivision to permit a rural view lot subdivision to create a new 5 acre parcel, with corrections to the resolution.**

Johnson inquired about the lot lines design and then agreed with it after looking at the typography.

**Ayes: Johnson, Betts, Wenck, and Spencer. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.**

9. MISC./OPEN.

Turner Road

Johnson and the Councilmembers discussed the Turner Road cart way. Johnson discussed a resident who is building a home off of this road, and who is denying access to others who want to use the road. He stated this is a public road.

The owner of the property is trying to prevent anyone from entering the road. Johnson said some of the barricades have made using this road dangerous. He stated he does not care if snowmobilers use the road which is adjacent to his field. He stated the snowmobilers and horseback riders have the right to use this road. The owner of the property is a public safety officer in another city. Kaltsas stated the city staff and City Attorney have been working with the owner for years to resolve this issue. He stated that Attorney Vose told the owner the City has an easement on that property for right-of-way, but because it is unimproved and it is on private property the City has no rights to it unless it becomes improved. The easement is for right-of-way purposes only, so it is still private property. Kaltsas stated a few years back Vose had written up a private driveway agreement, but the owner never signed it. He stated the City is now stating that the owner needs to sign this prior to receiving a certificate of occupancy for the home. The home is still in the building process. Kaltsas stated the driveway agreement states that the owner will improve the driveway area, but he will take on any liability for the use of it. This owner will also need an

easement from the neighbor to drive on their driveway to access his property. Kaltsas stated once improved and maintained the roads would then become public.

Johnson discussed the history and previous discussion on how the City decided not to spend general funds money on roads and left that responsibility up to the developers. The Councilors discussed the legality questions and decided it would be better suited for the City Attorney to decide. Spencer questioned if the owner should have been required to improve the road up to his property. Kaltsas stated because the lot was already an existing lot of record he is not required to do that. He stated if there were more than two properties off this driveway it would need to be improved. The city agreement, that is yet to be signed, only grants the owner access to utilize this easement for the owner's own personal driveway. Johnson discussed how this road has been used for years by walkers, horseback riders, and snowmobilers. Now there is an owner that has decided that this is only to be used for his private driveway. Johnson discussed other cart ways in the City. The land that a cart way is on is privately owned but has an easement.

Betts inquired what it would take to make it a public road. Kaltsas is not completely aware what improvement would be needed. Johnson stated snowmobiles are now using Hilltop Farm's property as a trail. The Councilors asked that this item is researched and brought back to the City Council for further discussion.

Mary Printy, 6276 Drake Dr , stated the snowmobile club is driving on the field and then back to the cart way to avoid the driveway. She stated it makes it difficult for her to ski over the snow piled area.

Johnson reminded everyone of the next City Council meeting, Tuesday, December 16<sup>th</sup> at 7:30 p.m. and of the work session on, Tuesday, the 9<sup>th</sup> of December at 7:00 a.m. The Truth in Taxation meeting will start at 6:45 p.m. just prior to the December 16<sup>th</sup> City Council meeting.

10. ADJOURN.

**Motion by Wenck second by Betts to adjourn the City Council Meeting at 8:50 p.m.**

**Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.**

Respectfully submitted,

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Jolene Nelson, Recording Secretary