

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, APRIL 22, 2014 – 8:12 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 8:12 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Hirsch, City Planner Kaltsas, and City Attorney Voss

VISITORS: Darryl Jorgenson, Chris Rohr, Cody Johnson, and Paul Larson

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 City Council minutes from April 8, 2014
- Approval of the Gravel and Material Bids as recommended by the Public Works Director
- Approval of the Dust Control Bid as recommended by the Public Works Director

Spencer reported on Dust Control on Larry Ende behalf. He stated dust control typically hasn't been bid out in the past, as it usually costs less than \$50,000, but because of the rising cost he asked for bids.

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

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

Nothing Added

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

**Spencer attended the following meetings:**

- Meeting with Public Works Director, Larry Ende, regarding bids and roadwork
- Citizen's Police Academy Graduation
- Joint City Council Meeting for Officers Swearing In

**Wenck attended the following meetings:**

- Joint City Council Meeting for Officers Swearing In
- Executive Committee Meeting of the Lake Minnetonka Cable Commission

**Fisher attended the following meetings:**

- Joint City Council Meeting for Officers Swearing In
- Planning Commission Meeting

**Betts attended the following meetings:**

- Police Commission Meeting
- Citizen's Police Academy Graduation
- Joint City Council Meeting for Officers Swearing In
- Pre-Audit Committee Meeting

**Johnson attended the following meetings:**

- Northwest League of Minnesota Cities Meeting
- Pre-Audit Committee Meeting
- Citizen's Police Academy Graduation
- Highway 55 Corridor Commission
- Westonka Historical Society Meeting
- Village Evangelical Free Church Grand Opening
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Steve Smith's Funeral Service
- Haven Homes Volunteer Recognition
- Maple Plain Council Meeting
- Orono School Board Meeting
- Police Commission Meeting
- Discovery Center Surprise Party for Ray McCoy
- Senior Community Services Board Meeting
- Meeting with Extension Educator, Karl Hakanson
- Joint City Council Meeting for Officers Swearing In
- American Experiment, Met Council 2040 Plan Meeting

**Hirsch attended the following meetings:**

- Police Commission
- Pre-Audit Committee Meeting
- Meeting with Maple Plain Administrator

7. PUBLIC SAFETY SERGANT, GARY KROELLS- ACTIVITY REPORT FOR THE MONTH OF MARCH, 2014

Kroells recapped the 2014 March police activity from WHPS. He stated in 2014, Independence had 101 fewer total incidents compared to this time last year. He explained that due to our severe winter people were driving slower and safer, thus there were fewer traffic stops. He expects traffics stops will increase as the weather becomes nicer.

Kroells discussed other activities in March, including the Citizen's Police Academy. He discussed the joint training meeting on March 27 between the staff of Maple Plain, Independence, and WHPS. The topics discussed were safety and awareness in the workplace, radio training, and communications during tragic and weather emergencies. He felt the training session went very well. Kroells stated that Hirsch was a huge help and she pushed to hold this necessary training session.

Johnson questioned if the League of Minnesota Cities (LMC) had information on safety training. Hirsch explained she attended a training session through the LMC; which had a very good educational speaker discussing safety concerns. She felt that it was important to make the city staff more aware of safety issues and strengthen communications with WHPS.

Kroells thanked the Council for attending the swearing in ceremony. He also reminded the audience about the Open House celebrating Ray McCoy's retirement. The event will start at 4:30 p.m. go until 7 p.m. The program with awards will start at 6 p.m.

Johnson inquired if WHPS assisted with the tragic accident on Highway 12 just east of Maple Plain just a few weeks ago. Kroells stated WHPS and Maple Plain Fire Department have mutual aid with the Orono Police Department and assisted them.

8. DENNIS HOOGEVEEN - CLIFTON LARSON ALLEN, 2013 YEAR END AUDIT REPORT.

Hoogeveen thanked the staff for their assistance on the 2013 Audit. He recognized Abdo Eick and Meyers' hard work. He stated they set up a meeting a couple of weeks ago to review the drafted audit report.

Hoogeveen gave an overview of the report. He discussed the City's agreements with the Fire Departments and Police Department. He stated an equity adjustments were made because of the agreements. This finding would be labeled an equity control weakness, but after the adjustment there should be no issues going forward.

Hoogeveen discussed various areas of the report. He stated there were no legal compliance issues. He stated starting this year, they provided a comparative figure for the sanitary sewer fund. He also reported on the sanitary sewer funds and how they are funded. He stated they are better funded than they had been in the past.

Hoogeveen gave a brief summary of the government's financial statements. He stated the cash investments were down slightly compared to 2012. They compared general fund revenues from 2012 to 2013, and he stated the two years were very comparable. He stated the main difference was a county

grant received in 2013. The two areas that stood out as increases for the general fund expenditures were the capital outline items for the Public Safety Department. He explained they reviewed the total revenues versus expenditures, and he stated the City of Independence is financially healthy and strong. He stated the future debt services are scheduled to decline over the next few years. Hoogeveen explained there was greater detail summed up on the last page of the report.

Hoogeveen stated the dollar amount of unpaid taxes roughly \$91,000 for 2013 compared to \$84,000 for 2012. These low figures indicated that the tax payers of the city are paying their taxes.

Hoogeveen discussed a new retirement standards to the pension that will be starting in 2015. He stated this information will be auditable, and we will review the non-fundable liability.

Johnson asked about standards for roads. Hoogeveen stated most cities use a standard set by Government Finance Officers Association, GFOA. This is published information with averages. Johnson wanted to verify that most cities are using the same benchmark, and Hoogeveen stated most cities use this.

Hoogeveen stated governmental accounting is unlike any other accounting. There are two different perspectives, short-term and long-term focus. He stated depreciation in governmental accounting is a fairly new concept and was not reviewed years ago.

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

9. AT&T/SAC WIRELESS (APPLICANT) AND DELANO UNITED METHODIST CHURCH (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 3310 COUNTY LINE ROAD (PID NO. 07-118-24-33-0004): RESOLUTION NO. 14-0422-01

- A Conditional Use Permit to allow new antennas on the existing telecommunications tower.
- A Variance to allow more than one accessory building per tower.

Kaltsas described the applicant's request and property location. He explained this is a second request from a carrier for this tower, as Verizon's request was just approved in December. He stated the city's ordinance promotes co-locations on a tower, but the ordinance only allows for one equipment shelter. He explained the property is zoned and guided as agriculture.

Johnson inquired about the zoning of the property being agricultural even though there is a Conditional Use Permit. Kaltsas explained the Conditional Use Permit does not change the zoning.

Kaltsas stated the Planning Commission made a recommendation to add more landscaping, making it more consistent to Verizon's site plan. The Planning Commission and staff also requested a change to the lighting fixtures. He stated the applicant made these changes to accommodate the requests.

Kaltsas stated the criteria for amending a conditional use permit are the same as for granting a new one. He stated they look at the health, safety and welfare, as well as, making sure surround properties are allowed reasonable use and enjoyment. He stated the additional landscaping and the enclosing the equipment in a shelter will help with this.

Kaltsas explained the Planning Commission was scheduled to review and amend this ordinance regarding the use of multiple equipment shelters for carriers on a cell tower. This application came through before the Commissioners had a chance to review this.

Kaltsas explained the Planning Commission recommended approval for the variance, the site plan, and the amended Conditional Use Permit.

Betts inquired what will happen if the Planning Commission changes the ordinance. Kaltsas stated the Conditional Use will still be needed but the variance to allow a second structure would not be needed.

**Motion by Wenck, second by Spencer to approve Resolution No. 14-0422-01, requesting AT&T/SAC Wireless (Applicant) and Delano United Methodist Church (Owner) at 3310 County Line Road (PID No. 07-118-24-33-0004), A Conditional Use Permit to allow new antennas on the existing telecommunications tower and a Variance to allow more than one accessory building. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

10. CODY AND KATHRYN JOHNSON (APPLICANTS) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 4540 SHADY BEACH CIRCLE (PID NO. 02-118-24-21-0010): RESOLUTION NO. 14-0422-02

- A Variance to allow a reduction in the required setback from the OHWL of Lake Sarah.

Kaltsas explained this item is being Tabled. He explained that at the Planning Commission Meeting there were public comments made at the meeting and brought to the DNR's attention. Staff has had some discussions with the DNR, and they requested tabling the item to allow them to review it further. The applicant agreed to allow the city to review it further. Kaltsas suggested tabling the item until the May 13<sup>th</sup> Council meeting, allowing time for feedback from the DNR.

**Motion by Spencer, second by Betts to table this item for 4540 Shady Beach Circle until May 13, 2014. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

11. RYAN NESLUND (APPLICANT) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 2914 LINDGREN LANE (PID NO.13-118-24-24-0006): RESOLUTION NO. 14-0422-03

- A Variance to allow a reduction in the required side yard setback.

Kaltsas described the location of the property and the applicant's request. He explained the request for the variance from both sides of the property. He stated there is an existing 560 square foot cabin on the property. He stated it is a .36 acre property and zoned Rural Residential, in the Shoreland District. Kaltsas stated the applicant would like to tear down the existing structure and build a new home. The new home would not have a basement. He explained the lot would be a substandard lot of record. The lot is allowed 60% of the setback requirements. The side yard setback is reduced to 18 feet and shoreline to setback to 60 feet from the ordinary high water mark. He stated the applicant is looking to build a 32 foot wide home; which would require a side yard Variance of 15.8 feet from the each adjacent property.

Kaltsas explained the allowable impervious surface is 25% or less; which is about 4,000 square feet on this property. He stated the applicant is proposing about 3,400 square feet of impervious surface. The driveway would be constructed of permeable pavers.

Kaltsas stated the applicant meets the criteria in the ordinance for granting a Variance. This property was divided prior to the adoption of the current property division standards.

Kaltsas stated the Planning Commission reviewed this at a public hearing. He stated two comments were made at the hearing, both in support of the requested Variance. The Planning Commission recommended the City Council approve the Variance. Kaltsas stated he did hear back from the DNR on this request and felt the request was acceptable and had no further comments.

Johnson questioned about the impervious surface and the shared driveway. Kaltsas stated this impervious surface would only be on the property's driveway. He stated there is an easement to this property and there is another easement that allows access across other properties. Kaltsas stated it would be a condition to have a written easement with the city allowing access to the property. Spencer questioned if this would be the same shared driveway and easement that Jon Conlin uses across the City's driveway. Kaltsas stated it would be the same way it is accessed today.

Spencer asked about the sewer connection. Kaltsas stated it would run though the easement along the driveway. Johnson asked about preserving the trees. Kaltsas stated a few trees would be removed.

**Motion by Wenck, second by Spencer to approve Resolution No. 14-0422-03, requesting 2914 Lindgren Lane (PID No.13-118-24-24-0006) a Variance to allow a reduction in the required side yard setback. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

## 12. JOHN CONLIN – EASEMENT AMENDMENT

Kaltsas stated the city granted a utility and access easement across a city parcel to John Conlin at 2906 Lindgren Lane. The easement is 16.5 feet wide. He explained the city owned property in front of Conlin's home was recently surveyed and found that the sewer line runs down the easement and driveway but veers out of the easement as it nears Conlin's property. He stated this request would amend the easement to capture the triangular piece that veers off diagonally.

**Motion by Betts, second by Fisher to amend the easement between the City of Independence and 2906 Lindgren Lane.**

Johnson questioned what type of sewer line was installed. Conlin stated it was bored.

Voss stated an easement is also needed over a small portion of Mary Fehn's property; which borders the 2906 and 2914 Lindgren Lane and the city property in order access the previously discussed property, 2914 Lindgren Lane. Kaltsas stated there is an existing easement for that property.

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

13. HENNEPIN COUNTY ASSESSOR'S OFFICE REQUEST TO RETAIN THEM AS OUR CITY ASSESSORS FOR THE NEXT 4-YEARS (AUGUST 1, 2014 – JULY 31, 2018).

Hirsch stated a contract to use Hennepin County Assessors as the City Assessors has been in place for at least the last 26 years, and the 4-year contract is coming to an end in July. The County is asking the city to sign for another 4-year contract. Hirsch stated she researched the cost and looked into see what other cities are doing.

Wenck questioned the cost of this contract. The contract in 2011 cost \$45,000 per year. Hirsch stated she would do some more research on the costs.

**Motion by Spencer, second by Wenck to table the 4-Year Renewal Contract with Hennepin County as the City Assessor. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED**

14. MISC. /OPEN.

None

15. ADJOURN.

**Motion by Betts second by Fisher to adjourn the City Council Meeting at 9:35 p.m. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully submitted,

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Jolene Nelson, Recording Secretary