

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 22, 2014 – 7:30PM

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.

4. ROLL CALL

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

ABSENT: None

STAFF: City Administrator Hirsch, City Planner Kaltsas, Public Works Director Ende, and City Attorney Voss

VISITORS: Gary Kroells, Jim Atchison, Jill Robbins, Kent Koch, Mike McLaughlin, and Mark Fisher

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 joint Independence and Maple Plain City Council minutes from June 17, 2014
- Approval of the regular City Council minutes from June 17, 2014
- Approval of Accounts Payable for July 2014,
- Approval of a Non-City Assembly permit, for the annual Polo Club Classic Fund Raiser to be held on August 3, 2014
- Approval of a Temporary 1-day On-Sale Liquor License for the August 3, 2014 Event for the Polo Club.

**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.

Larry Ende, the Public Works Director, will be discussing updates and a request.

Johnson wanted to discuss a request to the Minnehaha Watershed District Board. This will also give more direction to Spencer regarding the Pioneer Sarah Creek Watershed Commission.

Spencer requested a small change to the item number 13 on the agenda.

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

**Spencer attended the following meetings:**

- A couple of meetings with the Mayor of Medina
- Meetings with several residents regarding No Wake concerns
- A couple of meetings with Larry Ende regarding roads
- LSIA Picnic
- Funeral for Roger Van Beusekom
- Joint Work Session – Independence Council & Planning Commission

**Wenck attended the following meetings:**

- Joint Work Session – Independence Council & Planning Commission
- LMCC Meeting

**Fisher attended the following meetings:**

- Joint Work Session – Independence Council & Planning Commission

**Betts attended the following meetings:**

- MN League of Cities Conference in St. Cloud
- Highway 12 Coalition in Delano
- Joint Work Session – Independence Council & Planning Commission
- Police Commission Meeting

**Johnson attended the following meetings:**

- Joint Work Session – Independence Council & Planning Commission
- League of MN Cities Nominating Committee Meeting
- League of MN Cities Conference in St. Cloud
- Open House for Gail Sinkel
- Community Action Partnership Suburban Hennepin County Board Meeting
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Highway 12 Coalition in Delano
- Conference of Mayors in Minneapolis
- Metro Cities Committee Meeting
- League of MN Cities Policy Meeting
- Land Use Advisory Committee Meeting
- LSIA Picnic

- Police Commission Meeting

**Hirsch attended the following meetings:**

- Joint Work Session – Independence Council & Planning Commission
- Couple Meetings with Abdo, Eick & Meyer
- Highway 12 Coalition in Delano
- League of MN Cities Conference in St. Cloud
- Police Commission Meeting

7. **DIRECTOR OF PUBLIC SAFETY, GARY KROELLS – ACTIVITY REPORT FOR THE MONTH OF JUNE, 2014**

Director Kroells stated he will now be including a more detailed list of monthly activity. He stated year-to-date there were 1,954 incidents they responded to in Independence. In June, WHPS responded to a total of 644 incidents between the two cities.

Kroells discussed June's activity including a neighbor dispute due to mental health issues in Maple Plain. He discussed an incident in Independence where an emergency 911 call was made by children attempting to help their father. He further discussed the following issues that all took place in June: a welfare check, felony DWI, warrants, felony domestic assaults, assistance with a felony assault in Minnetrista, felony theft burglary cases, and fake ID cases. He stated WHPS has a lot of activity that takes place on a daily basis, and often times the general public is not aware of this.

Kroells recapped other activity including the reserves assisted with a triathlon race at Baker Park. He stated officers also assisted Hennepin County Water Patrol with no wake ordinance violations. Kroells described some of the road closures the Independence Public Works assisted with. He placed a request for reimbursement from the State's disaster relief fund for the City of Independence and WHPS. This would include the extra time material and labor, totaling \$67,000. The majority of this is for the dust control chemicals that were washed away.

Kroells discussed some ATV complaints after the school year ended. He stated unless you have a Minnesota driver's license you are not allowed to drive an ATV on any streets. People over 14 and without a license need to have an ATV safety certificate and can drive on the road shoulders. Kroells stated he is looking into the option of offer a safety certificate course in August for ATV's and snowmobiles.

8. **JILL S. ROBBINS – (APPLICANT/OWNER) IS REQUESTING THE CITY TO CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTIES LOCATED AS 3570 LAKE SARAH ROAD (PID NO.'S 10-118-24-31-0004 AND 10-118-24 31-0007): RESOLUTION NO. 14-0722-01**

- a. A minor subdivision to permit a lot line rearrangement that would allow the existing accessory buildings to be located entirely on 3570 Lake Sarah Road.

Kaltsas explained the request and that it has already been reviewed by the Planning Commission. These two properties are under the same ownership. The request is simply to rearrange the existing lot lines. The smaller property has a home on it with the address 3570 Lake Sarah Road. The adjacent larger property does not have a home, and it is not addressed. Doing this would take several of the existing accessory buildings, located on the large property, and now bringing them entirely within the smaller principal homestead property. This would also change the buildings from legal non-conforming to legal conforming. With this change, the property lines would then meet all current setbacks for the accessory structures. He stated the larger property would change from 17.8 acres to 16.59 acres, and the smaller property would change from 3.71 acres to 4.92 acres.

Kaltsas explained the 2010 lot line rearrangement of the larger property and the allowable road frontage of 125 lineal feet. He stated the only change would be moving road frontage from the south side of the property to the north side of the property.

Kaltsas stated no comments were made at the Public Hearing and the Planning Commission recommended approval.

**Motion by Betts second by Wenck to approve Resolution No. 14-0722-01, a minor subdivision to permit a lot line rearrangement that would allow the existing accessory buildings to be located entirely on 3570 Lake Sarah Road. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. JIM ATCHISON, HENNEPIN COUNTY ASSESSOR - TO DISCUSS THE RENEWAL OF ASSESSMENT SERVICES PROVIDED FOR THE CITY, BY THE HENNEPIN COUNTY ASSESSOR'S OFFICE FOR ANOTHER 4-YEAR TERM.

Jim Atchison, Hennepin County Assessor, stated the County has been the City of Independence's assessor since 1972. He discussed the current four-year agreement, approved in 2010, with an option to extend this agreement. The extension would be for two years, with an option to extend four more years thereafter.

He stated the County has a proven quality of service. Currently they have a staff of 53 people.

Johnson questioned about similar cities cost per parcel. Atchison gave the Council a spreadsheet with 26 cities that the County services with data they use for their approval and budgeting process. He stated their costs are based on the parcels and different types in each city. Atchison stated they are not out to make money. The higher the value of the home the more they charge per parcel. Values are categorized in five different levels. Atchison stated for 2015 Independence estimated cost would be \$53,600 or approximately \$30.68 per parcel.

Fisher inquired about the construction number 63 listed in the report. Atchison stated this number was an estimate of building permits that add value to a property. Johnson stated the home values are fairly high for the City. Atchison stated Independence is a relatively difficult city to appraise, due to a lot of high value homes, agricultural property, lake front, lower value homes, and very few sales.

Betts inquired about other similar cities to Independence, such as Minnetrista. Atchison stated of all the contract cities they work with, Independence has the most farm parcels.

Johnson stated he is very happy with all the positive experience they have had with the County's appraisers and public interaction. Atchison stated this area's senior appraiser is Molly Potter, and he hears that she does a great job with all the cities she works in.

Wenck inquired about the cost per parcel Corcoran pays using Rolf Erickson, and he suggested asking him for a quote. Staff was asked to request a quote from Rolf Erickson. The Council will then make a decision at the August 19 City Council meeting.

**Motion by Wenck second by Fisher to have staff get an appraisal quote from Rolf Erickson by the next City Council Meeting on August 19, 2014. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

10. ATTORNEY ROBERT VOSE – KENNEDY & GRAVEN, UPDATE OF A PRIOR REQUEST TO DO A TRAINING BURN ON THE PROPERTY LOCATED AT 3212 INDEPENDENCE ROAD, BY THE MAPLE PLAIN FIRE DEPARTMENT.

Robert Vose, City Attorney, explained that the litigation started and ended before he had a chance to update the City Council. He explained a neighbor opposed the training house fire, at 3212 Independence Road, and filed litigation. He stated the City was named in the litigation on Friday, and then on the following Tuesday the owner of the property agreed not to do the burn, and instead it would be demolished. The litigation will be settled upon.

11. APPROVAL TO SEND A LETTER OF SUPPORT TO THE MPCA TO ALLOW THE CITY OF LORETTO TO REQUEST A DELAY FROM THE MANDATED REQUIREMENT TO IMPROVE THEIR TMDL BY 2017 TO 2020. THIS REQUEST IS DUE THE OWN MPCA'S EXTENDED TIME TO COMPLETE THEIR OWN REGIONAL IMPROVEMENTS.

Hirsch stated she received a call from Representative Jerry Hertaus asking area cities to support Loretto's request to delay the MPCA's requirement.

Kent Koch, Mayor of Loretto, further explained the request. He stated the main part of this is that the Met Council will be further extending Loretto's sewer line in 2017, so they felt it would be difficult to meet the MPCA's due date in the same year. The area's Senator and Representative recommended creating a letter of support to request the delay. He stated the main goal is to avoid situations like this in the future.

Johnson inquired if the Met Council has approved everything to be connected. Koch stated they were supposed to be done with a feasibility study, but they are not on track. He stated they are waiting for that to be completed before City of Loretto starts anything. Vose inquired about a legislative fix. Koch stated there is nothing official yet.

**Motion by Wenck second by Betts to approve sending a letter of support to the MPCA to allow the City of Loretto to request a delay from the mandated requirement to improve their TMDL by 2017 to 2020. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

12. ORDINANCE NO. 2003-01, AMENDMENT REQUEST TO CHANGE THE NOW RESTRICTED 250' FROM THE SHORE REQUIREMENT, TO A "THREE DAY SUCCESSION" OF BEING AT OR BELOW THE NOW REQUIRED "NO TIME LIMIT NEEDED" TO CALL OFF THE EMERGENCY NO-WAKE ZONE USE. ONCE BOTH THE CITIES OF MEDINA AND INDEPENDENCE MUST THEN GIVE NOTICE TO THE COMMISSIONER OF THE DNR THAT BOTH ADOPTED THIS SAME ORDINANCE CHANGE. OUR AMENDED ORDINANCE NO WILL THEN BE ORDINANCE NO. 2014-01.

Spencer stated he would speak on both items 12 and 13 at the same time. He stated when the water on Lake Independence is one foot over the Ordinary High Watermark, established by the DNR, a no wake zone was put in place, as agreed upon by the City of Medina and the City of Independence. This allows free activity use in the middle of the lake. Spencer stated a few years ago a revised no wake zone, during high-water time, for the entire lake was proposed. However, it was not changed as it was further discussed to wait until the outlet project was completed.

Spencer stated the City of Medina has requested a change to the no wake ordinance to include the entire lake, as 250 feet is hard to judge and enforce. The City of Medina voted to begin to amend their no wake ordinance, and the Three River's Park District supports the change to the entire lake using a no wake ordinance. This process would involve public hearings.

Spencer stated Lake Independence has had issues with high water since ice out. The Lake Independence no wake zone should be removed in the next few days. He stated Lake Sarah's no wake was removed before the 4<sup>th</sup> of July. Lake Sarah levels out fairly quickly due largely to LSIA's assistance with keeping the outlet clean.

**Motion by Spencer second by Betts to begin the process to amend the existing ordinance regulating surface water and no wake zones on Lake Independence with help from the City of Medina, and begin Public Hearings for minor change in the ordinance wording and conversion from a 250 foot setback from shoreline to an entire lake no wake ordinance. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

13. RESOLUTION NO. 14-0722-02 AUTHORIZING THE PUBLICATION OF ORDINANCE NO. 2014-01 REGULATING LAKE INDEPENDENCE SURFACE WATER AT OR BELOW THE OHW, AFTER IT WAS INITIATED TO BE OVER BY LAKE WATER APPOINTED MONITORS.

Spencer stated the DNR has now giving city's the ability to implement a 30-day no wake restriction without very little process, as an emergency type of action. This was designed for emergency situation. Vose stated both item #12 and 13 require DNR approval; however, the DNR has now granted cities pre-approval for emergency no wake situations. He suggested making sure the DNR helps coordinate with the city's before action is taken on item number 12.

14. 2015 PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION BUDGET – DISCUSSION?

Spencer stated this is pretty straight forward and it is more a discussion on direction. He stated this is a joint powers watershed management organization of six cities and has been administrating the City's watershed requirements. He stated currently there are some issues administrating the Generation 3 Plan update for the watershed, the ongoing budget, and the capability to perform the tasks as expected by the Board of Soil and Water. Spencer discussed the option of working with the city of Medina to create a new watershed district. The watershed district would be an appointed and a separate taxing authority. Spencer stated he was looking for some direction from the City Council before going any further.

Spencer stated the biggest issue is budgeting. The Pioneer-Sarah Creek Watershed Commission's budget is designed to pay for administration fees. The cities are responsible for capital improvement projects. The Board of Soil and Water is looking for the Pioneer-Sarah Creek Watershed Commission to take more of a leadership role, but this would be difficult with the existing budget. The Commission's budget for next year's is relatively flat, but includes a few administrative changes and the creation of a technical advisory committee. Spencer stated even with these changes it will probably not meet the standards for the Board of Soil and Water. He wondering if a new watershed district should be further investigated or if the Pioneer-Sarah Creek Watershed Commission should be reworked.

The Board of Soil and Water states that the current plan does not include enough action. The Generation 2 Plan identified the issues and now the Generation 3 Plan would include what will be done with the findings. The Council members discussed and clarified the issue. Wenck stated there is not enough capital improvement projects listed in the plan. Johnson stated with the planned budget it would not physically do much. Wenck inquired about Greenfield's position and the area representatives. Greenfield has had some discussions about this. Greenfield Council member Alcon would prefer to convert to a watershed district. However, Spencer stated some of the joint powers partners are more budget concerning rather than meeting the requirements. Spencer stated this request for a watershed district is coming from the City of Medina; who would assist Independence in heading up the project. The district would encompass the same areas.

Spencer stated Medina's request to leave the Pioneer Sarah Creek Watershed District would mean that they may then joint the Elm Creek Watershed District. The Board of Soil and Water's response is due in November. Johnson commented that the Minnehaha Creek Watershed District Board Members are all appointed by the County board and that is a how all watershed district work. When starting a watershed district by petition a list of candidates must be presented. Once a watershed district is formed, it is in the County's hands.

The Council members all agreed it would be a good idea to meet with the City of Medina to discuss possible options.

15. CANCEL AND RESCHEDULE THE AUGUST 12, 2014 CITY COUNCIL MEETING DUE TO PRIMARY ELECTIONS HELD ON THE SAME DAY. SUGGESTING TUESDAY, AUGUST 19 – 7:30 P.M.

**Motion by Wenck second by Fisher to cancel and reschedule the August 12, 2014 City Council meeting to August 19, 2014. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

16. MISC./OPEN.

Minnehaha Creek Watershed District

Johnson stated the Minnehaha Creek Watershed District has had a fair amount of turnover and change. Johnson requested to draft a letter in support of having the district video record their meetings, as the City of Shorewood has also requested this.

**Motion by Fisher second by Spencer to support sending a letter to the Minnehaha Creek Watershed District Board requesting them to record and televise their meetings. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Public Works Director – Larry Ende

Ende stated he met with Spencer the week before to look over the budget together. Upon the meeting, Spencer suggested Ende update the City Council with questions, comments, billing concerns, and upcoming projects.

Ende discussed how things were going and mentioned the spring flooding and closed roads. He stated they made it through the spring without any major problems, just minor issues. He thanked Director Kroells for all his help and especially for assisting with the FEMA paperwork.

Ende stated the sewer system, for just Independence, in the first quarter typically runs 3.5 million gallons. In the first quarter this year, it ran 6.5 gallons. He stated they have made improvements to the system in the past, but there are still a lot of improvements that are needed. The focus now is to better document and file all the changes and issues. The Public Works Department in the City of Medina stated they are willing to work with Independence to help find issues and pinpoint locations that need to be fixed; however, this will take some time.

Ende explained the roadwork that has been completed, including dust control and gravel projects. He then further explained some of the costs.

Ende explained his report and the previously approved building funds. After getting a more exact bid, for the salt shed, he found that the shed cost would be about \$8,000 less than what was estimated. Ende then pointed out bituminous projects that need to be corrected on Windmill Drive, Bell Rose Drive, South Lake Sarah, and Nelson Road. These bituminous projects would total \$56,954. He stated of \$150,000 budget to improve roads the budget remainder is now at \$36,490. However, with the Fogelman Road county aid and dust control reimbursement, from the Vinland Center and the YMCA, there would be \$55,408 available in the budget. The bituminous projects will exceed the budget by \$1546. Ende asked to move the cost savings of \$8000 from the salt shed fund plus another \$2000 from the building fund, for a total of \$10,000, moved into the road improvement fund. Ende further explained his road improvement tracking and future goals.

**Motion by Wenck second by Spencer to approve shifting \$10,000 from the Public Works Building Fund into the Road Improvement Fund. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.**



Fisher commended Ende and the whole Public Works Department on the work they have done.

17. ADJOURN.

**Motion by Wenck second by Spencer to adjourn the City Council Meeting at 9:22 p.m.  
Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION  
DECLARED CARRIED.**

Respectfully submitted,

---

Jolene Nelson, Recording Secretary