

MINUTES OF A WORK SESSION OF THE
INDEPENDENCE CITY COUNCIL AND PLANNING COMMISSION
TUESDAY, JULY 22, 2014 – 6:30PM

1. CALL TO ORDER

Pursuant to due call and notice thereof, a work session meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. ROLL CALL

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

COMMISSION PRESENT: Chair Phillips and Commissioners Gardner, Palmquist, and Olson

ABSENT: Commissioner Thompson

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

VISITORS: Joe Baker, Jan Gardner, Lynda Franklin, Ben and Tara Carlson, Dean and Dawn Mooney, and Brian and Kyle Johnson

3. THE PLEDGE OF ALLEGIANCE

Postponed until the City Council Meeting at 7:30 p.m.

4. DISCUSSION REGARDING POSSIBLE APPLICATIONS FOR EVENT CENTERS

Kaltsas explained the city has had numerous questions and requests about creating event centers with an agricultural theme. He discussed a comparison to Minnetonka Orchard's venue. The City has received one formal request where the applicant is willing to move forward with their application. The City's Ordinance does not allow any type of event type facility in the Agricultural or Rural Residential zoning districts. He explained conditional uses allowed in the city do include a golf course, apple orchard, and the polo club; which include some events. The City would need to amend the Ordinance to provide language to permit it, make it a conditional use, or make it an interim use.

Kaltsas discussed examples of what other cities allow and what they state in their ordinance. A major question would be how it affects neighboring properties use and enjoyment of their property. One area to consider is traffic and transportation. Number of events, hours of operation, noise mitigation, and live music would be other factors. Other areas to be reviewed include public improvements, building codes, utilities, storm water management, and accessibility. The City is looking for further direction or feedback from the Planning Commission and the City Council.

Kaltsas and Mayor Johnson discussed the difference between an Assembly Permit and a Conditional Use Permit. Councilor Betts compared other locations and types of events allowed depending on neighborhoods. Commissioner Phillips stated the current permitted uses are all daytime events; this type of event would take place into the evening and nighttime. He was not a proponent of allowing evening

events and temporary structure/tent. Phillips stated he could not support anything like this unless you could effectively mitigate noise. Commissioners discussed interior and exterior noise levels.

Councilor Spencer inquired about Minnetrista's City Code and if there were any issues that city has encountered. Kaltsas has not inquired directly with them regarding this, but he has had discussions with other area city planners. He used The City of Minnetrista as an example because their similarities to the City of Independence.

Commissioner Gardner discussed new structures versus existing and the capacity of the venues. Councilor Wenck liked the general idea as long as the neighbors are considered, including not allowing outside speakers. Commissioner Phillips discussed traffic and the effect on the City's roads. Palmquist stated allowing this could be more of a detriment than a benefit to residents. He stated this should be very location specific. The Commissioner all agreed that a Conditional Use Permit may not be a good fit for this use, and that it should be more limited. Vose further explained use specific versus event specific conditions. Council Spencer discussed adding specific conditions for alcohol; which could include the need for police or emergency response officials. He also inquired about septic requirements or the use of port-a-potties. Kaltsas explained most inquiring individuals want to run these venues as a permanent facility and business not just a temporary place. He stated for the casual events, people have been using the assembly permit. This focus is more for commercial business.

Betts inquired how people are taxed, if it is commercial or agricultural. Kaltsas directs people to the City's assessor for more information, but his understanding is that it would be commercial regardless of the land use. He suggested a minimum lot size and that the building location would be an important requirement. Commissioner Palmquist stated it should be allowed if there is enough of a benefit to the residents, and if there is not, then it should not be allowed. Councilor Fisher stated if too restrictive the City could face lawsuits. New Conditional Use Permits could have more restrictions, but the City cannot enforce new rules on existing Conditional Use Permits. Commissioner Phillips suggested a two year Interim Use Permit; which would allow the City to create a better Conditional Use Permit as issues are discovered over the next two years. Vose suggest it be event and site specific and not use specific.

Kaltsas discussed the facility next to the Shriner's Farm. This property does not have a Conditional Use Permit to operate horse events. This location is not for hosting weddings, but it does involve having several hundred people attend the public events for a profit. This is not a permitted agricultural use of the property. The building permit was pulled for agricultural use and not business use. The buildings on the property do not meet commercial building code.

Kaltsas stated upon receiving an application there will be a request to amend the City's Ordinance which could have a huge effect in the future. Vose stated this change would create a new enforcement issue on owners who are currently having events already. Betts stated a Public Hearing still allows the public to oppose or approve a request. She stated it could be a good thing to have as long as it could be managed in a specific place and as an Interim Use Permit rather than a permanent use. This would give the City a place to start. Councilor Spencer wants careful consideration and research to be done before further pursuing. Commissioners Phillips, Palmquist and Gardner stated they cannot find any benefits in this, and that it outweighs the costs. Betts felt the City Park should be more utilized for events. Johnson asked Kaltsas to take this information and gather information from other cities regarding their ordinances.

5. DENNISON’S – TURNER ROAD AGREEMENT PERMITTING THE DENNISON’S USE OF THE DEDICATED TURNER ROAD RIGHT-OF-AWAY TO ACCESS PARCEL PID# 26-118-24-42-0002.

Postponed until the City Council Meeting at 7:30 p.m.

6. COUNCILMEMBER SPENCER – PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION (PSCWMC)

- a. Budget 2015
- b. Ordinance amendment to allow for a “no-wake” across the whole Lake of Independence...
- c. Medina’s discussion of options for the PSCWMC

Spencer stated the City has been approached by a neighboring city to support the creation of a new watershed district to replace the Pioneer Sarah Creek Watershed Commission. He stated the Generation 3 Plan direction does not meet the standards set by the Board of Water and Soil, especially from a performance, projects, and budgeting standpoint. He stated some of the cities involved in the Commission are more active and more willing to participate. As part of the seven county metropolitan mosquito control district area the City is required to have a representing watershed and perform certain rolls. The City of Medina, which is part of the PSCWMC, is looking to leave as they want to become more aggressive on water quality. The City of Medina has asked the City of Independence if they would like to meet to discuss the option of starting a watershed district. Spencer is looking for direction from the City Council and find out if the City should look into starting a new watershed district or work on making the current Commission better.

Johnson inquired how the city of Medina does their taxing, and Spencer stated the same way we do it with taxing districts. Commissioner Phillips inquired about the difference in cost for a watershed district. The City’s budget for the PSCWMC this year was roughly \$44,000 and cost for a watershed district is unknown but it would be as much higher. More results would be seen with a watershed district.

6. COUNCILMEMBER SPENCER – PUBLIC WORKS REQUEST TO TRANSFER FUNDS FROM THE BUILDING CAPITAL RESERVE FUND INTO THE ROAD CAPITAL IMPROVEMENT FUND, BOTH 800 RESERVE FUNDS.

Postponed until the City Council Meeting at 7:30 p.m.

7. MISC. - None

8. ADJOURNMENT

Respectfully submitted,

Jolene Nelson, Recording Secretary