

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JANUARY 22, 2013 – 7:30 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 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, and Spencer

ABSENT: Councilors Fisher & Wenck

STAFF: Clerk-Administrator Hirsch, City Attorney Vose, City Planner Kaltsas,

VISITORS: Jerry Wise, Dean Jablonsky, Donald Baird, Adam Young, Jim Smith, and Mary Smith

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 January 8, 2013
- Approval of the Mayor's request to attend the National League of Cities in Washington, DC in March.
- Approval of setting the 2013 Local Board of Appeal and Equalization for Tuesday, April 9, 2013 at 7:00 p.m.
- Approval of Ordinance No. 2013-02 Amending City Code Section 1100 (Tobacco) to today's standards and Statutes.

2013 Local Board of Appeal and Equalization for Tuesday, April 9, 2013 changed to 6:30 p.m.

**Motion by Spencer, second by Betts, to approve the Consent Agenda items, with a change to the meeting time of the of 6:30 p.m. for the 2013 Local Board of Appeal and Equalization for Tuesday, April 9. Ayes; Mayor Johnson, Council members Betts and Spencer. Nays: None. Absent: Wenck & Fischer. MOTION DECLARED CARRIED.**

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

- Appoint a Commissioner to the Pioneer-Sarah Creek Watershed Board.
- Approve a pay equity report.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Planning Commission Meeting

**Betts attended the following meetings:**

- Earl Taylor's 90<sup>th</sup> Birthday Party

**Johnson attended the following meetings:**

- Lake Minnetonka Cable Commissions Meeting
- Regional Council of Mayor's Meeting
- Focus Group Meeting for Westonka School with Supt. Borg
- Orono School Board Meeting
- Senior Community Services Annual Meeting
- Community Action Partnership Suburban Hennepin (CAPSH) Finance Committee
- Assist and Attend the Swearing in of Maple Plain's New Mayor
- Earl Taylor's 90th Birthday Party.
- Senior Community Service Retreat
- Pete Keding Interview Regarding the History of Independence

**Hirsch attended the following meetings:**

- Met with Representatives of the Frontier Telephone Company along with WHPS, regarding replacement of our obsolete phone equipment; which you can no longer get parts for.
- Met with a Representative from Ochs Long Term Care Insurance
- Met with a Representative from Loffler the City Copy Machine Vendor, regarding our contract and fees.
- Met with a couple who inherited 60 acres in Independence to help explain their tax statement.
- IRS Auditor came and performed a Compliance Check, everything appeared to be fine, the City will be receiving a report.

7. RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY MONTHLY ACTIVITY REPORTS FOR NOVEMBER AND DECEMBER, 2012.

McCoy stated Independence total criminal activity and total crashes were down, but personal injury crashes are up.

He explained more people have reported calls about phone scams misrepresenting utility companies. WHPS sent out a Crime Alert regarding this scam. True utility representatives send letters and do not do cold calling. They also should present credentials upon entering.

McCoy stated a new thing WHPS has started doing is teaming up with the Discovery Center School. They are doing daily walk-thrus and speaking with teachers and parents to help to add a sense of security since the Newtown school shooting. He stated they have received very positive feedback. Access into schools has changed. Visitors are now required to be buzzed in and eventually cameras will be installed. More changes to the security are to come.

McCoy stated starting March 7<sup>th</sup> through April 18<sup>th</sup> WHPS will have another Citizen's Academy; which will be held on Thursday nights.

McCoy stated the next WHPS Police Commission Meeting will be on Monday, January 28<sup>th</sup>.

8. A + D PROPERTIES, LLC (APPLICANT) AND DONALD BAIRD (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2076 COUNTY ROAD 90, INDEPENDENCE, MN (PID NO. 23-118-24-23-0001):

- Rezoning of the subject property from AG-Agriculture to CLI-Commercial-Light Industrial.

Kaltsas explained the property locations. He stated the owner's recently acquired the property and are looking to add some commercial uses. Rezoning of the property would be the recommendation.

Kaltsas stated the property has a residential dwelling with two detached accessory structures on 10.3 acres. It is zoned Agricultural and guided in the Comprehensive Plan as CLI, Commercial-Light-Industrial.

The owners want to use the lot as a place to keep large compost piles; which, is not permitted in the Agriculture zones nor is it allowed under the property's previous Conditional Use Permit. It's been recommended that the owner's seek rezoning of the property to CLI, as it is guided for CLI in the Comprehensive Plan.

Kaltsas explained it does meet the City's criteria for rezoning. He stated if it is rezoned the applicant will likely seek to expand the use of the property by adding an additional building and utilizing the commercial flexibility. He stated that all new construction or expanded use of the property in a commercial zoned district is required to have a site plan review by the City. The applicant is still reviewing their options regarding any new construction.

Kaltsas stated the property meets the minimum lot size and minimum frontage.

Kaltsas explained there is an existing house on the property; which, the owner currently has rented. The home is not a permitted use on a CLI zoned property. He stated since it is pre-existing it would be "grandfathered" in and would be considered a non-conforming use. The grandfathering of the residential home would be terminated if the home is not used for 12 months.

Kaltsas stated a new septic system was installed in 2010, so it is in compliance.

Kaltsas stated no comments were received at the Planning Commission Public Hearing. The Planning Commission made a recommendation to approve this rezoning.

Johnson stated he was surprised the property was still zoned agricultural as he thought it was already commercial.

Dean Jablonsky (6405 Hillstrom Rd), a neighbor, stated he is not excited about the property becoming commercial and adding extra traffic, but he does support the owner's business needs.

Betts stated it has been in the Plans to be zoned as light commercial for some time.

Young asked if composting will be an issue and how to resolve it. Kaltsas explained it is permitted as a matter of use in the CLI zone, but as it relates to stormwater a site plan would need to be reviewed.

**Motion by Betts, seconded by Spencer, to adopt Ordinance No. 2013-04, allowing for the rezoning from Agricultural to Commercial-Light Industrial. Ayes: Johnson, Spencer & Betts. Nays: None. Absent: Wenck & Fischer. MOTION DECLARED CARRIED.**

9. CARLA J. SMITH, OWNER OF THE PROPERTY LOCATED AT 3826 INDEPENDENCE ROAD (PID NO. 12-118-24-22-0006), AND JAMES W. AND MARY R. SMITH OWNERS OF THE PROPERTY LOCATED AT 3858 INDEPENDENCE ROAD (PID NO. 12-118-24-22-0005), ARE REQUESTING THE FOLLOWING ACTION FROM THE CITY:

- A minor subdivision to permit a lot line rearrangement which would reconfigure the boundaries of the two properties.

Kaltsas explained the property locations and that each property has an existing home and several detached accessory structures. He stated the applicants would like to reconfigure a new lot line for the two properties so that one of the accessory structures on the smaller property (3858) would now be included on the larger property (3826). The property at 3826 Independence Road is currently 16.55 acres. With the new lot line rearrangement it would increase to 17.70 acres. The property at 3858 Independence Road is currently 3.82 acres. With the new lot line rearrangement it would decrease to 2.67 acres.

Kaltsas stated both properties meet the minimum lot size requirements and all the set-backs would be met before and after the rearrangement. The lot line rearrangement would bring both properties into compliance with the amount of allowed detached accessory structures. The lineal frontage would not change on either property.

Kaltsas stated 3858 is connected to the City Sewer and 3286 will need to connect by the end of this year.

Kaltsas stated the change in the property line would not affect any surrounding properties or create any non-conformities. The Planning Commission did discuss the new shape of the property and it no longer being square, but the diagonal lot line follows structures layout on the property.

Kaltsas stated what would change is the potential to subdivide for the larger lot from three (3) to four (4) lots. The owner stated subdividing is not their intention but it does open that door.

Kaltsas stated there were no comments at the Planning Commission's Public Hearing.

Johnson stated with the amount of tree coverage it is difficult decipher where the lot lines would be.

**Motion by Spencer, seconded by Betts, to approve Resolution No. 13-0122-01, approving a minor subdivision to all allow a lot line rearrangement. Ayes: Johnson, Spencer & Betts. Nays: None. Absent: Wenck & Fischer. MOTION DECLARED CARRIED.**

10. JERRY WISE, PIONEER-SARAH CREEK WATERSHED COMMISSION LIASON – UPDATE OF ONGOING PROJECTS AND MEETINGS OF THE COMMISSION.

Wise stated a few projects are in the works, including the Lake Independence Outlet Project. A bid for this work came in at \$277,000. So far, there are two residents that have given their permission granting access on their property for the project and others are being contacted. The Commission is also looking into any grant options for the project. He stated the project would involve the City of Medina, The Three Rivers Park District, Pioneer-Sarah Creek Watershed District, Lake Independence Citizen Association, and the City of Independence.

Wise stated Jim Kujawa, Hennepin County Environmental Services, is looking into implementing a livestock manure management ordinance for all cities to put into action. During a recent meeting, there was discussion about how the ordinance was stricter than what the state allowed. Further clarification is needed before it can be implemented.

Wise stated Hennepin County is looking at hiring an agricultural technician to work with landowners. Johnson stated he doesn't understand why more people are needed, as there are a handful of people who work with agricultural questions in the county. Wise stated the staff assigned to agriculture is spread too thin, and some are also being assigned additional areas. Wise explained some believe agriculture and livestock is one of the largest pollutants to waterways. Developing a better rapport with farmers would be helpful.

Wise stated the Commission approved the Third Generation Plan consultant, Diane Spector of Wenck Associates. Their proposal could meet all the requirements and because some of the work was already done and the overall fee were reduced by \$7000.

Wise stated the Commission is forming a Technical Advisory Committee (TAC); which is comprised of City Consultants, Engineers, and Public Works. Names of contacts for Independence are needed by March 1<sup>st</sup>. Johnson asked about a written description or tasks needed for the appointed person. Wise stated they are the technical advisors some cities also use as their consultants; some are using their public works employee. Spencer discussed that various cities around use the same consultant, Hakanson Anderson, and sending someone with no expertise would defeat the purpose. Wise stated the other people on the board would include Jim Kujawa, representative from the Three Rivers Park District, Diane from Wenck Associates. Spencer requested getting a list of people other cities are appointing. He stated this TAC could be a very useful tool, but bringing in less knowledgeable people or using the same resource consultants may not accomplish the goals. The Councilors stated they would like to support this, but would like to make this a useful tool.

Wise stated they are also forming the Citizen Advisory Committee (CAC); which will be comprised of citizens from LICA, sportsman's clubs, the agricultural community, and the community at large. Their job is to supply input as to what they would like to see done and get their thoughts on current progress.

Wise stated the other committee they are forming is the Policy Advisors Committee (PAC); which is comprised of the City Council members or elected officials, City Staff, Commissioners and their staff. The goal is to get people involved within the City.

Johnson stated he has not been receiving information regarding regular meetings of the Lake Sarah Association. Spencer stated times and dates have changed. Wise stated he would like to add the Commission information and updates to the City Newsletters. Hirsch suggested adding it to the City Website as well. Wise also mentioned The South Crow River News will now be the official newspaper and publish information about the Pioneer-Sarah Creek Watershed.

11. MARK KALTSAS – 2012 ANNUAL SUMMARY

Kaltsas explained the report; which showed 2012 was a very active year. It showed the applications that were reviewed by the Planning Commission and if it was reviewed by the Council. It also shows the status of the applications and their outcomes.

12. MISC. /OPEN

- Appoint a Commissioner to the Pioneer-Sarah Creek Watershed Board.

Jerry Wise would like to be re-appointed as the Commissioner of the Pioneer-Sarah Creek Watershed Board.

**Motion by Spencer, seconded by Betts, to approve Jerry Wise as the Commissioner of the Pioneer-Sarah Creek Watershed Commission. Ayes: Johnson, Spencer & Betts. Nays: None. Absent: Wenck & Fischer. MOTION DECLARED CARRIED.**

- Approve a pay equity report.

Johnson stated this report needs to be approved on a regular basis and the City meets the criteria on where it's supposed to be. Hirsch stated the report is now due every three years.

**Motion by Johnson, seconded by Betts, to accept the report on pay equity. Ayes: Johnson, Spencer & Betts. Nays: None. Absent: Wenck & Fischer. MOTION DECLARED CARRIED.**

- Appoint a representative to the Police Commission.

Johnson stated we need to appoint someone to the Police Commission. The Mayor is always on the Commission but another representative needs to be appointed. Betts has previously served in the past as Treasurer and is willing to serve again.

**Motion by Spencer, seconded by Johnson, to appoint Lynn Betts to the Police Commission and in the absence of either Johnson or Betts any other Council Member could be the official representative. Ayes: Johnson, Spencer & Betts. Nays: None. Absent: Wenck & Fischer. MOTION DECLARED CARRIED.**

Spencer asked about the Board of Review and when are the expiration dates for training for the elected officials. Hirsch stated she would check into that.

13. ADJOURN.

**Motion by Fisher, second by Betts to adjourn the City Council meeting at 8:30 p.m. Ayes; Mayor Johnson, Councilmembers Betts, and Spencer; Nays; None: Absent: Fisher & Wenck. MOTION DECLARED CARRIED.**

Respectfully submitted,

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Jolene Nelson, Recording Secretary