

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 23, 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, Spencer, and Wenck
ABSENT: Councilor Brad Fisher
STAFF: City Administrator Hirsch, Bob Vose, and Mark Kaltsas
VISITORS: Mike Wells, Gary Kroells

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 June 25, 2013
 - Approval of City Council minutes from July 10, 2013 approving the July Accounts Payable
 - Approval of the 2nd Quarter Financial Report prepared by ABDO
 - Approval of Council directing Staff to further research the Minnesota State Retirement System for current and retiring Staff.
 - Approval of Resolution No. 13-0723-01, approving the cancelation of an assessment to a resident on Independence Road, as was missed in the certification process in 2010,
 - Approval of the Liquor License for the Twin Cities Polo Club event.

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

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

- Public Work open position due to the retirement of Dan Koch.
- The handout information regarding the Maple Plain Council Packet

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Fisher attended the following meetings:

- Absent

Spencer attended the following meetings:

- Work session for the Pioneer Sarah Creek Watershed Meeting
- City Work Session on July the 10th
- Mayor Johnson's Reception

Wenck attended the following meetings:

- Work session for the Pioneer Sarah Creek Watershed Meeting
- City Work Session on July the 10th
- Mayor Johnson's Reception
- Two LMCC Budget Committee Meetings
- Two LMCC Executive Committee Meetings

The Commissioners and Voss briefly discussed the LMCC and if a decision would be made soon. A few nearby cities have dropped out and final notification to leave the Commission is due by October 15th.

Betts attended the following meetings:

- Attended the Circus in Independence
- City Work Session on July the 10th
- July Police Commission Meeting
- Mayor Johnson's Reception
- Planning Commission Meeting

Johnson attended the following meetings:

- Energy, Environment, and Natural Resources Committee in Washington DC
- Attended the Circus in Independence
- Several Interviews regarding Winning the C.C. Ludwig Award
- Regional Council of Mayors in Minneapolis
- City Work Session on July 10th
- Community Action Partnership for Suburban Hennepin County Finance Committee Meeting
- Police Commission Meeting
- Three Rivers Park District Trail Meeting
- League of Minnesota Cities Local Economy Committee Meeting

Hirsch attended the following meetings:

- Medica & Medicare Informational Meeting
- Safety Meeting in Ramsey
- Three Rivers Park District Trail Meeting
- City Work Session on July 10th
- Attended the Circus in Independence
- Meetings with Girl Scout Troops
- Reports preparation with ABDO
- NW Tonka Lion's Club regarding help for the Heritage Fest
- Meetings with Bob Blake from the Delano Herald Regarding Promotional Ideas
- Meeting with Frontier Company

7. DIRECTOR OF PUBLIC SAFETY–GARY KROELLS, MAY AND JUNE 2013 ACTIVITY REPORT

- a. Update on FEMA in regards to the June 21. 2013 Storm

Kroells filled in for Chief Ray McCoy. He discussed mostly the June's report as most of the City activities and storms happened in June. Traffic and ICR was up quite a bit, but he stated this was mostly due to the storms and the damage it created. Maple Plain also saw an large increase, mostly due to graffiti incidents.

Kroells stated the bike race will add some additional duties and services. This is an annual event and consists of roughly 500 riders and numerous agencies helping.

Kroells felt the Circus went very well. He stated Nate Pearson from the Public Works Department was a great help.

Kroells recapped the storms and the damage it caused, including no power. He stated they suspect the City hall building was struck by lightning. There was damage to outlets and power strips in the Police Department and in City Hall. Plus, damage to computer systems and garage door openers in the Police Department. In a 48-hour period there was over 11 inches of rain causing flooding, uprooted trees, and tree damage debris. All support services worked really well together to team up getting roadways cleared.

Kroells stated he and Chief McCoy on July 10th attended the Hennepin County Emergency Management for a disaster declaration through FEMA to see if funding is available. The public funds rough estimate costs of \$29,000 for the City of Independence, Maple Plain had \$37,000 and WHPS had \$6,900. He stated they were waiting to see if the results will go through, 18 other counties also applied.

Kroells stated Night to Unite is coming up on, Tuesday, August 6th. All Council members are invited, and once we have all the applications, a list of location and times will be supplied to Councilors.

8. HENNEPIN COUNTY COMMISSIONER JEFF JOHNSON – UPDATE OF WHAT HENNEPIN COUNTY IS DOING NOW.

Jeff Johnson congratulated Mayor Johnson for his CC Ludwig Award. He then discussed the progress of the new Sheriff's 911 Communications Center. He stated they hired a new County Administrator, David Hoff.

Jeff Johnson stated the Wheelage Tax was passed; which he did not support, but will go into effect for the County on August 1st. This will add a \$10 fee onto vehicle licenses in Ramsey and Hennepin County and can be used for any transportation costs. He stated two other Commissioners Opat and Randy Johnson did not vote for it either. He stated he was pushing for a property tax relief. He stated he was also working with the watershed districts.

Jeff Johnson stated the first budget presentation will be in August and passed in December.

Jeff Johnson is in his second term, but it is his first four year term.

9. RICHARD SCHIEFFER, ATTORNEY - APPROVAL OF THE LAKE SARAH GROUP ROW LICENSE/AGREEMENT.

Voss explained the situation of how residents of Greenfield & Independence are requesting a right of access to their easement allowing access to Lake Sarah. The easement is located in Independence. They are looking for rights from the improved to the unimproved street right of way.

Voss stated in the letter that these licensed residents are allowed rights to 30 feet of the 60 foot right-of-way and allow them to maintain it. It also discusses the City's right to further finish the Lake Sarah Heights Circle, should the City decide to do that. The residents with rights to the easement are also responsible for maintaining a safe access and liability. This is consistent with the agreement the City has in other places.

Betts asked about DNR regulations since there are wetlands. Voss stated the licensed residents have to maintain it within DNR regulations. The private easement maintenance is their own responsibility. What the City is allowing is only access to the easement. The elevation of the road is higher and not in a wetland.

Voss stated photographs showing a clearing of 30 feet will be used as a measurement of what is to be maintained.

Motion by Wenck, seconded by Betts, to approve the Lake Sarah right-of-way license agreement. Ayes: Johnson, Betts, Spencer and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

10. DISCUSSION AND APPROVAL OF ORDINANCE NO. 2013-07 AMENDMENT TO SECTIONS 530.01 AND 530.05 OF THE INDEPENDENCE CITY CODE RELATING TO ACCESSORY USES.

Kaltsas stated this item as been brought back to the City Council after further review. The part of that was further reviewed related to the total allowable size of an individual building size. He stated the Planning Commission reviewed what other neighboring cities allow.

Kaltsas stated a new provision was written limiting an individual building size on all properties in the City of Independence to no more than 5,000 square feet without a Conditional Use Permit.

Without a Conditional Use Permit, the maximum individual building size for Medina 5,000 sq. ft, Minnetrista 1,000 sq. ft., and Orono 3,000 sq ft. Some of these are based upon lot size criteria.

Betts asked who this rule applies to. What is the acreage size? Kaltsas stated this size limit rule applies to any size acreage. He explained you still have to meet the 2% rule and it's based upon upland useable acreage. Plus, you cannot exceed 25% impervious surface.

The Councilors all agreed this seems to be a well thought out good change.

Motion by Wenck, seconded by Betts, to approve the revision of the ordinance 2013-07. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

11. DISCUSSION AND APPROVAL OF ORDINANCE NO. 2013-05 AMENDING SECT. 1115 LARGE ASSEMBLY PERMITS TO NON-CITY ASSEMBLY PERMIT AND REVISIONS TO UPDATE THIS CHANGE.

Johnson felt he wasn't comfortable with the application, due to assemblies of 50 needing a permit. He thought this was too restrictive. Hirsch stated this information came together based upon researching and planning. She stated often times residents only inform the City about their event with a short notice and the Council decided to allow the staff to authorization these permits. She stated we brought this revised application to the Council, so these changes could be made to the City's ordinance.

Johnson and Betts both felt that an open house or graduation should not need this application. Hirsch pointed out that some graduation parties can be quite large. Distinguishing between an open house and an event can be difficult. Kaltsas stated an open house does not really meet the same definition of an assembly. He said the main concern is when there is a large mass in one place, there can be safety concerns.

Hirsch stated this would apply to events like weddings and large extended birthday parties. Spencer asked about clarification for where this would be applicable. Hirsch stated this is intended for events on personal property. The previous permit was required for more than 200 people. Hirsch stated the police department should also be aware of events for emergencies. Wenck inquired about what is currently used. Johnson stated while it is under review Council gave the City staff authority to review events case by case.

Spencer inquired about the application process. Hirsch stated they come in and complete an application, supply insurance document, and this form is shared with and signed by the police department. Betts inquired about the timeline. Hirsch stated one of the problems is the short notice the City is given. Kroells stated the police need more lead time so they can have adequate staff needed to patrol area. The last minute notifications make it challenging. Johnson stated the Council does not need to be informed but feels the staff and police department should know. The Councilors suggested requiring a deadline and charging a double fee if proper notice is not given. Wenck stated he would still like to see it only apply to parties larger than 200. Kroells stated depending upon the type of event, size is important. Johnson stated with these suggestions he would like to have the staff revise it again and come back with changes. Spencer stated he would like the fire department and area EMT be notified as well.

Motion Betts, second Wenck to rework the large assembly permit application and then bring back to the City Council for approval. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

12. PIONEER-SARAH CREEK COMMISSION 2014 BUDGET

Spencer stated the primary change in the budgeting is the annual budget increase; which is mostly due to the work on the Generation 3 Plan and capital improvement projects. The City of Independence assessment is up roughly 30% increase over the previous year. There are several meetings scheduled over the next two months. They will be discussing scoping and administrative decision making including administrative functions and their budgeting. Comments about the assessment are due by August 13th, however the City's approval is not needed. They are looking to work with outside services to help with administrative costs.

13. COUNCILOR BRAD SPENCER – LAKE INDEPENDENCE OUTLET

Spencer stated he attended a meeting with City consultant staff and Three Rivers Park to alleviate some of the blockage in the Lake Independence outlet channel. A public meeting to discuss the outlet project is scheduled for July 25th. A presentation and question answer session will happen. Spencer stated the preliminary permit has been applied for with the DNR, but the fee has not been paid yet. The permit is requesting just under one acre of vegetation removal to be side-cast into the wetland. The removal of vegetation to be no deeper than 3 (three) feet. The vendor to do this has not yet been identified. Application of the permit and filling with the watershed will cost roughly \$1,500. Spencer stated the next step is to put out proposal requesting some bids, and then costs can be determined.

Spencer is asking for permission and consent to create the RFP and advertise for bids, costing roughly \$3,500. He informed the Council about the public meeting on July 25th and discussed how people were informed. He stated LICA was in charge of notifying residents and they sent letters, emails, and did a notice in the newspaper.

Wenck inquired about the costs and who will pay. Spencer stated at this point all that has been agreed upon is the permit application and permit cost. Now he is requesting to have the RFP costs be

approved. He stated in past discussions cost sharing was to be divided up between the Three Rivers Park, Pioneer-Sarah Creek Watershed, Medina, and Independence. Wenck stated he has heard from residents who feel only the lakeshore owners should have to pay for this project. He suggested applying for a 429 Project. Voss stated it may be difficult on a project like this in proving the benefit and the City determines the petition requirements. Spencer stated Lake Sarah went through similar issues. He stated the lower level of water may benefit one property but creates a shortcoming for another property owner, so this has caused issues in the past. Spencer and Wenck further discussed the project and have differing views. Spencer stated if the bids for the project come in with astronomical costs the City may decide not to do it, but right now the request is to obtain some bids.

Motion by Spencer, second by Betts, to ask Hawkensen/Anderson to create a RFP to seek bids for the project. Ayes: Johnson, Betts, and Spencer. Nays: Wenck. Absent: Fisher. MOTION DECLARED CARRIED.

14. COMMUNITY CENTER RENTAL MORATORIUM REQUEST

Hirsch discussed an option of turning part of the Community Room into a permanent Council Chambers and large meeting room. Spencer stated he has had discussions with the police department about recommendations and recent party guest issues. He suggested clearly outlining the rules, restricting the rentals, and restricting alcohol uses. Staff is looking for suggestions on how to proceed on booked events. Kroells stated some of the main issues that happen are when alcohol is involved, inside and outside. He said extra police staffing becomes an issue. There are a number of factors that cause an issue but the alcohol, which also is effecting mistreatment of the facility, is the most concerning. He mentioned renters are often here very late on Fridays still setting up for their event.

The Councilors all agreed they feel the Community Room should used for the Community and its residents. They felt that it would be best to create a trial period where no alcohol is allowed and the hall time frames and size of events are reduced. They decided after this trial staff could come back with suggestions if changes need to be made.

Motion by Spencer, second by Betts, to create a temporary trial period allowing only events 200 people or less, no alcohol inside or outside, and to be out of the building by midnight.

Wenck felt that alcohol should still be allowed.

Ayes: Johnson, Betts, and Spencer. Nays: Wenck. Absent: Fisher. MOTION DECLARED CARRIED.

15. SET A JOINT CITY COUNCIL-PLANNING COMMISSION MEETING FOR MONDAY, AUGUST 12, 2013 AT 7:30 TO LISTEN AND DISCUSS A POSSIBLE EXTENSION OF THE REGIONAL TRAIL/CARVER TO BAKER PARK RESERVE, ANN REXINE, PLANNER THREE RIVERS PARK DISTRICT.

This meeting would be with the Three River's Park District Planner. Johnson stated he is unable to attend; however, he has already attended a meeting on this topic. The Park Planner will be in Maple Plain first and then in Independence right after. Betts stated she will attend the Planning Commission Meeting, so she will be there. Wenck stated he may be able to attend. Spencer would not attend but Fisher is attending the Commission meeting as the liaison.

Johnson stated some of these plans have been already been in conjunction with our comp plans since 1992.

16. SET A SHORT COUNCIL WORK SESSION FOR WEDNESDAY, JULY 24TH AT 7:30 A.M.

This session has been canceled.

17. MISC. /OPEN.

Johnson discussed the report Hirsch created regarding a proposal to place an ad for new Public Works position for Larry Ende's position, since Dan Koch is retiring and Ende is taking his place.

Wenck asked for clarification on what is being proposed and if it included wages. The Councilors discussed simply the ability to place an ad for employment. Hirsch explained Larry Ende would continue doing what he has been doing and Nate Pearson would start doing the sewer reporting. Nate is already certified to handle this, and he would be the on call person as well. This would be the only change in the job descriptions.

Johnson stated further discussions would be made in the future. Hirsch stated Koch's official last day is September 15th, but he is taking two weeks of vacation, so his physical last day here will be Friday, August 30th.

Motion by Spencer, second by Betts to place an ad for a new Public Work heavy equipment operator. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

Wenck informed the Council, for the last few years, he has been inquiring about combining services with the City of Maple Plain and never got an answer. He stated he was offended that Hirsch and, the Maple Plain administrator, Jason Ziemer, had discussed this. He felt it was the Council's job to determine what staffing needs. Wenck stated he feels there is dishonesty about these discussions with Maple Plain. Wenck stated based upon Ziemer's report to his Council, there is money and efficiencies to save if services were to join.

Johnson stated this has been discussed previously and at that time Maple Plain was not interested. Betts stated conversations have been going on for numerous years. Johnson was surprised this was suddenly brought to the attention of his Council at this time since Ziemer may be leaving the Maple Plain. Spencer stated this information was supposed to be part of work session not a Council meeting. The discussion between Hirsch and Ziemer took place in 2011 and suddenly now has worked its way into a summarized report and shared. Spencer spoke to some of the Maple Plain Councilors and found out the point of the whole thing was should Ziemer leave the City here are some options to consider.

Wenck stated again that we should consider combining the Cities. Spencer noted from this report the City of Maple Plain would benefit more than Independence from a merger and made some assumptions on cost savings. Hirsch stated she and Ziemer meet occasionally to discuss what is working for each other's city. She stated this discussion was a simple brainstorming idea. Back in 2007 both Councils had a meeting to discuss this idea. No one followed up on the idea and these ideas fizzled away. Hirsch stated no secrets are kept. She stated she reports on everyone she has meetings with.

Wenck stated he was willing to work with the City of Maple Plain to see if there is anything that could be done. Johnson stated based upon the experience of other cities merging costs have not decreased especially in the first few years. Betts suggested maybe some of the maintenance services could be merged now. Hirsch stated she would have liked Ziemer to have shared this information with her before sharing it with the public and his Council. Wenck inquired about working with the Maple Plain's Mayor on this idea.

18. ADJOURN.

Motion by Wenck, second by Spencer, to adjourn the City Council meeting at 9:30 p.m. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

Respectfully submitted,

Jolene Nelson, Recording Secretary