

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, AUGUST 27, 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, Wenck, and Fisher
ABSENT: None
STAFF: City Administrator Hirsch, Bob Vose, and Mark Kaltsas
VISITORS: Scott Hines

4. CONSENTAGENDA

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 August 13, 2013.
- Approval of Resolution No. 13-0827-01 to publish Ordinance No. 2013-07 by Summary.
- Approval of the 2013 Municipal Election list of Judges
- Set the date for the Truth in Taxation Meeting to be held on Tuesday, December 11th at 6:00 p.m.

Minor changes were noted on the City Council minutes and Ordinance.

Johnson and the other Councilors suggested changing the time to 6:30 p.m. on, Tuesday, December 10th.

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

5. SETAGENDA—ANYONENOTONTHEAGENDACANBEPLACEDUNDER
OPEN/MISC.

None

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Hosted the Independence Outlet Public Information Meeting
- Surface Water Management Study meeting with Hakanson Anderson and Anoka Soil and Water
- Budget Workshop

Wenck attended the following meetings:

- LMCC Full Commission Meeting
- Budget Workshop
- Maple Plain Taskforce Meeting – Review with Mayor Johnson, Mike DeLuca, and Justin McCoy. Discussed sharing of Public Works services and equipment. Scheduled four future meetings.
- Minnehaha Creek TMDL Workshop

Fisher attended the following meetings:

- Budget Workshop

Betts attended the following meetings:

- Lake Independence Lake Association Ice Cream Social
- Budget Workshop

Johnson attended the following meetings:

- Vinland Center Open House
- Night to Unite Party at Aaron Ruhland
- Meeting with County Assessor
- Highway 55 Corridor Coalition Quarterly Meeting
- Maple Plain Days Parade
- West Hennepin Pioneer Museum Annual Meeting
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Budget Workshop
- Interview with Randy Gilbert with LMCC
- Farewell Reception for Jason Ziemer
- Night to Unite Party at Mary Jo and Steve Hughes
- Maple Plain Taskforce
- League of Minnesota Cities Local Economies Committee Meeting

Hirsch attended the following meetings:

- Vinland Center Open House
- Budget Workshop
- Prepping for Heritage Fest and Staff Meetings
- Met Council Environmental Service Meeting
- Farewell Reception for Jason Ziemer
- Interviews for Public Works Position
- New Phone Training
- Loretto Fire Meeting

- Meeting with Western Publisher Business Magazine for Heritage Fest Ads
- FEMA Meeting
- Election Training Sessions

Johnson discussed road/public works concerns that were brought to his attention while the Night to Unite parties.

7. DIRECTOR OF PUBLIC SAFETY–RAY MCCOY, JULY 2013 ACTIVITY REPORT A. UPDATE ON FEMA IN REGARDS TO THE JUNE 21. 2013 STORM

McCoy stated incident in Independence are up verses one year ago. Criminal incidents are virtually the same. Maple Plain had issues with graffiti but did arrest a minor for these charges.

McCoy stated traffic accidents have occurred at locations Johnson noted, County Road 92 and Lake Sarah Road.

McCoy stated there were numerous reports from Maple Plain and Independence residents reporting non-licensed solicitors. Several arrests have been made. Some vehicle theft issues may be related to the non-licensed solicitors. Johnson asked about where they were coming from, and McCoy stated they are coming from out-of-state. They are soliciting for non-profits to sell magazines but often the magazines never arrive. McCoy stated it is a scam.

McCoy stated they are working on a bad check diversion program. He stated it's designed to give retailers back money from a bad check. The program helps those who are writing bad checks learn how to better manage their money.

McCoy discussed other issues including several domestic. Also, narcotic issues have been discovered in the parks and arrests have been made. In addition, he stated there have been issues with late night activity at Pioneer Park and WHPS has been working with the City to post park rules.

McCoy recapped recent activity. He stated the Circus and Night to Unite all went very well. August 6th there was a house fire that was difficult for firefighters to fight. He stated the new phone installation shared by WHPS, Maple Plain, and Independence all went very well.

Johnson inquired about about a stolen vehicle and trailer. McCoy stated it was recovered with the trailer in Delano. Minors were charged and some damage was reported.

FEMA Update – McCoy stated several meetings have taken place regarding the June 21st storm. Infrastructure, building damage, and debris removal are eligible to be submitted. An August 20th meeting was conducted with FEMA, WHPS, City of Maple Plain, and the City of Independence. There is a lot of paperwork that needs to be filed, but the Public Assistance Program will refund 75% of the cost incurred. At that point, the City would be responsible for 25% of the cost, unless the legislature votes otherwise.

McCoy stated if there are any roads and ditches needing repair due to flooding or causing flooding now may be a good time to identify the project, as there could be federal money for it. He stated one

other item to consider is purchasing a standalone generator for City Hall, allowing the portable generator to be used for lift stations. He mentioned new sewer lift station alarms may also be another project to identify. All these may be eligible to be funded.

8. WINDSONG FARM GOLF CLUB – REQUEST FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO ALLOW OCCASIONAL OVERFLOW PARKING ON THEIR APPROXIMATELY 16 ACRE PROPERTY NORTH OF COUNTY ROAD 6 AND DIRECTLY ACROSS FROM THEIR CURRENT PARKING LOT. APPROVAL BY RESOLUTION NO. 13-0827-02.

Kaltsas explained that Windsong is a private Golf Course located on roughly 200 acres of land on the south of County Road 6 and West of County Road 92. The property is zoned agricultural. Windsong recently amended their Conditional Use Permit (CUP) to create a club guesthouse. In building the guesthouse they had excess fill. Windsong would like to add the fill to their lot on the North side of County Road 6 and utilize this lot as an overflow parking. An amendment to their current Conditional Use Permit would be needed to allow occasional use of the lot for overflow parking.

Kaltsas stated this amendment is just for occasional overflow parking, using up to an acre of the property, allowing up to 50 additional cars. The area would remain as a turf and the extra fill, from the guesthouse, would be used to build the berms that will create a screen.

Kaltsas stated the applicant is looking for overflow parking on an occasion basis for no more than eight (8) times per year. They are proposing using berms along County Road 6 and the property lines to create a defined area for parking. Access to the area would be utilized by an existing farm road access off of County Road 6. Hennepin County has been in discussions, but we are still waiting for their written approval. Kaltsas stated, if the Council approves, he had a new resolution to sign pending the County's approval.

Kaltsas stated the applicant meets the criteria for the amendment to the CUP. The Planning Commission discussed getting the County's approval, traffic, and road crossing safety concerns. Windsong informed the Planning Commission they would be shuttling guests on golf carts and have extra parking staff for the events. Planning Commission recommended approving subject to the conditions in the report. The grading concept has been approved, but there are conditions that also have to be met should it be approved.

Johnson stated he thought this was overkill with the berms. Kaltsas stated some of the berms were the applicant's idea; making it blend into the surrounding area. The Planning Commission recommended all sides be bermed to define the parking space.

Motion by Betts, second by Wenck to pass Resolution No. 13-0827-02 an amendment to the original Conditional Use Permit. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. DAN BECK – REQUESTING APPROVAL TO INSTALL “NO PARKING” SIGNS ON THE EAST/NORTH SIDE OF INDEPENDENCE ROAD, LOCATED AT THE SHARP CURVE NORTH OF THE BRIDGE, WHERE THEIR HOME IS.

Councilors discussed the location and everyone agreed parking cars on along side that road can make visibility very difficult. They discussed the reasons why people park there; which is usually because they are fishing.

Motion by Wenck, second by Betts to approve adding No Parking signs on the East and North side of Independence Road.

McCoy asked that Public Work post at least two (2) or three (3) signs to the North and East Side. He asked that both sides of the road be posted and making them consistant where they start and stop. The South and West sides are already marked.

Voss stated only a motion is needed to add the signs because some No Parking signs already exist on that road.

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

10. LAKE INDEPENDENCE OUTLET CHANNEL BID RESULTS

Spencer stated 18 packets were sent out for bids and three (3) bids were received. Two of the bids came in very close to each other around \$50,000 the third was \$138,000. Spencer discussed the documents and timelines in the packet. If everyone approved and signed off on the bid the project could be completed by the middle of October. Sun Ray Construction out of Corcoran was the lowest bid. Spencer stated Sunray Construction has the proper equipment to do this and a great reputation. He stated, as of today, the permit for this project has not yet been approved by the DNR.

Spencer described the summary of charges and how the costs would be shared. If all goes as planned and the lowest bid is used, the total project cost would be \$56,774.60. An agreement with the Pioneer Sarah Creek Watershed District states they will pay 10% and the Three Rivers Park District will pay 11.2%, with a \$6,000 cap. The City of Independence and City of Medina have an agreement to share the remaining cost with Independence paying 63% (\$28,411.19) and Medina 37% (\$16,685.11). The repair of the weir would be needed once the water recedes, and the cost would be shared with all the four (4) parties; which is estimated to cost less than \$10,000.

Spencer stated it would be paid for by funds in our water resource account, but it would be short by roughly \$13,000. The difference could be made up with funds from the administrative account and by levying the Pioneer Sarah Creek Watershed Tax, and then the funds could be reimbursed. The length of the levy could be discussed at another time.

Motion by Spencer, second by Betts to accept the Lake Independence outlet channel bid from Sunray Construction. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

11. DISCUSSION AND POSSIBLE APPROVAL OF THE WATER RESOURCES MANAGEMENT PROJECT COOPERATIVE AGREEMENT BETWEEN THREE RIVERS PARK DISTRICT AND THE CITY OF INDEPENDENCE.

Motion by Spencer, second by Fisher to approve the agreement.

Voss and the Commissioners discussed the language of the agreement to better protect the City.

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

12. 340 COUNTY ROAD 92 NO., INSURANCE COMPANY REQUESTING APPROVAL TO MOVE IN A TEMPORARY MOBILE HOME FOR THE RESIDENTS LOCATED AT THE ABOVE ADDRESS; DUE TO A FIRE AT THE HOME.

Hirsch stated the insurance company would be in charge of bringing in the trailer and removing it. She stated these trailers are in high demand and needed as soon as they become available. The builder has been in discussion with the City Building Official. Water and sewage usage is a concern. Water could be tapped into from the existing well. The sewage could be dumped into a holding tank; which is needed for a new septic system.

Fisher stated guidelines should be set for septic pumping and trailer removal. Voss stated extra conditions could be added because this is not a permitted use in the zoning district. Hirsch stated the City has a pumping agreement.

The Councilors all agreed that the trailer should be removed within seven (7) days of receiving a Certificate of Occupancy for the primary residence and a pumping agreement.

Motion by Fisher, second by Johnson to approve a temporary mobile home, due to a fire at the home, with the conditions written above for removal and sewage pumping. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

13. APPROVAL TO REPLACE THE PUBLIC WORKS DIRECTOR DAN KOCH, WHO IS RETIRING AFTER 35 +/- YEARS WITH THE SENIOR PUBLIC WORKS/HEAVY EQUIPMENT OPERATOR WHO HAS BEEN WITH THE CITY HIMSELF, 19 YEARS.

Hirsch stated the person chosen to take over is ready to go, and he would like to meet with the Council. He has some great suggestions and changes he would like to make.

Motion by Wenck, second by Betts to approve the replacement of the Public Works director with another of the City's senior Public Works employee. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

14. APPROVAL TO HIRE A REPLACEMENT FOR THE #2 POSITION – WHICH THE TITLE NOW WILL BE PUBLIC WORKS/HEAVY EQUIPMENT OPERATOR.

Motion by Betts, second by Spencer to approve a new Public Works Heavy Equipment Operator. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

15. SET NEXT BUDGET WORK SESSION FOR THURSDAY, SEPTEMBER 5, 2013 AT 7:00 A.M.

Johnson discussed an email regarding the levy amounts and bonding questions.

Motion by Wenck, second by Spencer to set the budget work session for Thursday, September 5th, 2013, at 7:00 A.M. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

16. MISC. /OPEN.

Wenck stated the City should consider having a discussion with Met Council regarding expanding sewer connections. Johnson asked about this expansion and what part of Loretto will be connected to the system. Wenck stated all of it. The Commissioners all agreed they should look into this.

17. ADJOURN.

Motion by Wenck, second by Spencer to adjourn the City Council Meeting at 8:41 p.m. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted,

Jolene Nelson, Recording Secretary