

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 8TH, 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, Fisher, Wenck, and Spencer
ABSENT: None
STAFF: City Administrator Hirsch, Mark Kaltsas, and Bob Vose
VISITORS: David Osmeck

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 September 24th, 2013
- Approval of the Accounts Payable for the month of October, 2013
- Approval of Mayor Johnson's request to attend the National League of Cities in Seattle, Washington on November 13th through November 16th, 2013.
- Approval of to re-instate the Agricultural Preserve for Robin Ahrendt, 3805 Lake Haughey Road (PID # 07-118-24 11-0001).
- Approval of the LMCC 2014 Budget

Johnson mentioned minor corrections with the minutes, regarding attendance. He also suggested pulling out the LMCC 2014 Budget to discuss separately. Wenck asked to pull out the Accounts Payable and discuss that separately.

Motion by Betts, second by Fisher to approve the Consent Agenda with the exclusion of the LMCC 2014 Budget and the Account Payable. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Wenck questioned about being over budget for the year-to-date budget and wanted to know what the plan will be now until the end of the year. Hirsch stated ABDO, the City's Audit Consultant, reviewed it today, and they feel that with the incoming reimbursements it should be fine and within the budget.

She stated she also met with Larry Ende, the Public Works Director, and discussed supplies and budgeting concerns and restraints.

Betts stated based upon the expenses and the income for the park there a deficit of 10,000. Hirsch stated that is an entire accumulation for the year not just Heritage Fest. She stated she knew it would cost a lot to start up the Heritage Fest again but felt it was worth doing and would be good for the Community. Betts questioned about starting up a Park Board again. Hirsch stated with the Chamber of Commerce sponsorship assistance, it will be easier in the upcoming years. Hirsch stated part of the problem with the Park Board was a lack of participation. Johnson stated we can discuss this in further detail at our workshop session. He suggested we get something in writing to show what anticipated expenditures and reimbursements will happen yet this year.

Motion by Wenck, second by Betts to approve the Accounts Payable with further direction from staff. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

LMCC 2014 Budget

Wenck stated there is a strong potential of losing the cities of Orono, Medina, Minnitrista, and Victoria. These cities have been contributing in the past and are shown in the budget, but we will not spend any of that money unless the services are sold to these cities.

Wenck stated the organization has diminished and they may have to reduce the hours or layoff some staff in order to maintain it. The revenue looks large, but that is because it still includes all the cities previously involved.

Wenck stated two (2) changes have been proposed to the agreement: allowing members to withdraw out of the agreement and the ability to amend the agreement will only take two thirds of the members (currently 17 cities).

Motion by Wenck, second by Spencer to approve the LMCC 2014 Budget and Joint Powers Agreement.

Johnson asked Wenck if he was comfortable with all of this since he has had an active role in it. Wenck stated he was and called it a negotiated settlement. Wenck stated he thinks Orono may still purchase services. Voss stated he was under the same understanding about this agreement as Wenck was.

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

5. SET AGENDA-ANY ONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Greenfield City Council Meeting
- Heritage Fest

Wenck attended the following meetings:

- Taskforce Meeting for the City of Maple Plain
- SLUC Conference

Fisher attended the following meetings:

None

Betts attended the following meetings:

- SLUC Conference
- Heritage Fest

Johnson attended the following meetings:

- Senior Community Services Program Services Committee
- Northwest League of Municipalities
- Heritage Fest
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Lunch with Jeff Walton, Former Maple Plain Mayor
- Two (2) Taskforce Meeting for the City of Maple Plain
- Metro Cities Policy Committee Meeting
- Energy Environment Natural Resources Steering Committee for NLC at Miami
- Community Action Partnership Suburban Hennepin County Board Meeting
- History Organization in Mound
- Maple Plain Fire Department Open House

Hirsch attended the following meetings:

- Meeting with ABDO regarding quarterly reports
- Meeting with Steve McDonald, of ABDO, and Larry Ende regarding capital improvements
- Attended Sales Tax and Use Seminar in Maple Grove
- Met with Todd Hagen, of Ehler and Associates
- Met with Brian Miller (City Engineer), Mark Kaltsas (City Planner), and Bruce Satek (Building Official) to discuss Vinland Center quarterly fees, upcoming assessment for the City Sewer funding, and disposal issues.
- Meeting with Chief McCoy and Sargent Kroells regarding past and upcoming events
- Chamber of Commerce Luncheon
- Met with Chamber of Commerce regarding their Board
- Heritage Fest

Senator Dave Osmeck

Osmeck stated he was taking the opportunity to visit with each of his 20 City Councils. He stated he was trying to meet with each one at least once a year and address any concerns they may have. He stated he has 11 years experience serving on the City Council for Mound.

Osmek stated he serves on three committees: Transportation and Public Safety Committee, Energy and Environment Policy Committee, and The Finance Committee for Ag, Environment, and Development.

Osmek stated he is working with the City of Mound on the Clean Water Council Plans, helping reduce the phosphorus loads and nitrates.

Osmek stated he is also working with the City of Maple Plain with their HAWK system.

Osmek stated he welcomed the City and People to reach out to him for assistance with projects for the community and area.

Windsong Golf Course

Johnson asked Kaltsas for an update on their newest request. Kaltsas stated they submitted an application to add a tunnel under County Road 6 and have been working with the County on this for some time. He stated ultimately in the future they hope to use the parcel on the north side of County Road 6 for an additional golf facilities. The County stated they will be overlaying County Road 6 next year, so Windsong can look at pursuing a tunnel this year or wait five (5) years. The City does not have zoning or land use limitations on building a tunnel, but it does on grading. Kaltsas explained the tunnel permit would be with the County; however, we will be reviewing the grading permit. They will be installing a box culvert under the road. Kaltsas stated Windsong Golf Course does have intentions of bringing a master plan to the City Council for development of the property to the North. However, he stated there is a long process to go through, and it would take changes to the Comprehensive Plan amendment, as well as, changes to the Conditional Use Permit. So, there is no guarantee that it would be allowed.

Betts inquired about the size of the parcel. Kaltsas stated it's approximately 80 acres as a whole. Wenck asked if this non-agreement was in writing. Kaltsas stated we will get it in writing with the grading permit. Kaltsas stated he has also been in discussions with the County. This discussion was accelerated since the County decided to overlay the road next year, and they do not allow anyone to disturb it for five years after the road work.

7. LYNDA & JIM FRANKLIN REQUEST FOR THE FOLLOWING:

- a. Rezoning of a portion of the subject property from A-Agriculture to RR-Rural Residential.
- b. Preliminary Plat to approve a six (6) lot subdivision, to be known as Franklin Hills Second Addition, on the subject property.
- c. Plat to approve a six (6) lot subdivision, to be known as Franklin Hill Final Second Addition, on the subject property.

Kaltsas explained the request. He stated the applicant is seeking to rezone 22.4 acres to rural residential, allowing the remaining 18 acres to stay agricultural for the time being. The City moved the Rural Residential line further West with the last Comprehensive Plan.

Kaltsas stated in 2008 four (4) lots were platted out and the remaining acreage was ghost platted. They have the potential to create eight (8) lots but are looking to plat out six (6) lots, at this time. The

proposed lots meet the minimum standards for lot to depth ratio and lot frontage. He stated locations for the primary and secondary septic systems have been located and identified.

Kaltsas stated the storm water requirements could and have been met. It will include increasing the size of the nearby pond. At the public hearing another concern was brought to attention from a neighbor regarding drainage from Lot 6. The Planning Commission recommended the developer accommodate a perpetual drainage easement across Lot 6 allowing overland flow. There is existing tile system that cannot be exactly located, but if the developer finds it they requested that it is identified and repaired if broken.

Kaltsas stated the Pioneer-Sarah Creek Watershed district listed conditions needing to be met; which have been included in the recommended conditions.

Kaltsas stated the City's Engineer had a few minor comments regarding storm water. One of them includes an agreement with the City for the maintenance of the created storm water facility.

Kaltsas stated the proposed new city streets would be an extension off the current Franklin Hills Road and a new cul-de-sac to be known as McCalendar Court. The roads would be bituminous and 24' wide. Kaltsas explained the applicant wanted to note the visual difference in the new requirement of paving the shoulders of the road. The existing road's shoulders are not paved, but the new extension of the road will have paved shoulders and the applicant feels it may look odd.

Kaltsas stated the County Reviewed the Plat and has no issues with the extension of the road. The park dedication fee is \$3500 per lot with the exception of one lot's fee at \$4700. The applicant asked the City to consider phasing the park dedication fee and hard improvements.

Kaltsas stated the applicant requested allowing two lots (Lots 1 and 6) access off of an existing gravel driveway temporarily. If Lots 2, 3, 4, or 5 request a building permit, then the roads would need to be finished prior to building on any of the lots. Kaltsas explained the Planning Commission found their request to be acceptable, except for the window of time needed to build the road, reducing it from five (5) years to four (4) years.

Kaltsas stated if approved the City would take a letter of Credit for 150% of the cost of improvement. Building permits for lots 1 and 6 could be pulled without road improvements. They could subdivide Lots 1 through 6, but if Lots 2 through Lots 5 wanted to pull a building permit, they would need to initiate construction of the road improvements. Kaltsas stated if building permits for Lots 2 through Lots 5 were not pulled and four years have passed, they would be required to construct the road improvement per the developer's agreement.

Kaltsas stated the applicant requested paying half the park dedication fee now. The remainder would be divided up and paid upon the development of each individual lot.

Kaltsas stated two neighbors attended the public hearing and had questions about the road development and drainage concerns. The Planning Commission further clarified these and ultimately the Planning Commission recommended approval to the City Council for rezoning and preliminary and final plat subject to the conditions in the staff report.

Wenck and Fisher stated if they could, all developers would like to phase in these fees. Fisher stated you need to use the current developers agreement and should not consider using past agreements. He also did not like staggering the cost of the park dedication fee. Johnson also felt the new buyer of the property would then ultimately be paying the park dedication fee; however, this should be paid by the developer.

Wenck stated the four year window is way too long. Kaltsas explained the storm water improvements would be done right away. He stated the applicants were following the ordinance of allowing up to three (3) lots off of a private driveway. Fisher felt this proposal was a piecemeal way to do it and it lacked consistency.

Johnson inquired about a possible future third addition being developed. Kaltsas stated they do plan to develop the area to the South. At this time, they only wanted to develop the six (6) lots, as someone approached them about purchasing one (1) lot. Betts questioned why subdivide six lots if only looking to develop one (1) lot. Kaltsas stated the City was looking for the master plan, so each individual lot is not piecemealed, developing one at a time. The master plan helps to make sure the storm water, easements, and road and done correctly.

Johnson inquired about the storm water pond, and who is responsible once everything is developed. Kaltsas explained an association would be created and they would be responsible. Betts and Johnson discussed the existing properties on Franklin Hills and their pond maintenance agreement. Voss stated the details are yet to be decided, and the homeowner's association would need to be involved. The membership in the association would need to change, as well as additional responsibilities.

Fisher asked if this kind of request has been made before. Voss stated he recalled a development that had done something similar, including reimbursing the City for the completion of the road. Hirsch stated a development on Townline Road worked out an agreement like this and paid for the improvement when a building permit was pulled. Johnson also recalled the City taking a gamble on another development with a road development request.

Wenck stated we should consider tabling this issue so we can speak directly to the applicant and get further clarification.

The Councilors were all concerned and did not want to set a precedent allowing this for future developments. Voss stated should this be approved, it does not technically or legally mean you are bound to allowing this for every developer.

Voss stated decisions on this request for approval could be allowed up to 120 days, because of the preliminary and final approval request. The rezoning request does fall within the 60-day rule.

Motion by Fisher, second by Wenck to table the subdivision and rezoning request for the Franklin Hills Second Addition until the next City Council Meeting. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. SET A WORK SESSION WITH THE PUBLIC WORKS DIRECTOR FOR FRIDAY, OCTOBER 25TH AT 7:00 A.M.

Motion by Betts, second by Spencer to approve a work session for Friday, October 25th at 7:00 AM. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. MISC. /OPEN.

Johnson mentioned a letter stating Katie Rodriguez is the a new Met Council representative for our district.

Johnson also informed the Council of the new health care coverage letter sent by Hirsch.

Spencer informed the Council the DNR did issue the permit for the Independence outlet project. The start date of the project is still to be determined.

Wenck stated he may be gone for the next City Council meeting.

14. ADJOURN.

Motion by Wenck, second by Betts to adjourn the City Council Meeting at 8:40 p.m. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully submitted,

Jolene Nelson, Recording Secretary