

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, NOVEMBER 26, 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, Wenck, and Spencer

ABSENT: Councilor Fisher and City Planner Kaltsas

STAFF: City Administrator Hirsch and Bob Vose

VISITORS: Ray and Carrie Caruso, Darryl Jorgensen, Ray McCoy, and Jerry Hertaus

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 November 12, 2013
- Approval of Resolution No. 13-1126-03 to continue the agreement to use the County's electronic proprietary database. Agreement A12819

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

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

None.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Pioneer-Sarah Creek Watershed Meeting
- City Budget Workshop
- Maple Plain Fire Department Retirement Banquet

Wenck attended the following meetings:

- LMCC Commission Meeting

Fisher attended the following meetings:

- Absent

Betts attended the following meetings:

- Police Commission Meeting
- City Budget Workshop

Johnson attended the following meetings:

- National League of Cities Meeting in Washington
- Two (2) Steering Committee Meetings in Washington
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Police Commission Meeting
- League of Minnesota Cities Regional Meeting for Metro Cities Policy Adoption Meeting
- Senior Community Services Board Meeting
- Inauguration of the New President of Crown College
- City Budget Workshop
- Community Action Partnership Suburban Hennepin County Board Meeting
- Hennepin County Truth in Taxation Hearing

Hirsch attended the following meetings:

- Northwest League Meeting
- Police Commission Meeting
- City Budget Workshop
- Meeting with Met Council regarding the Sewer Line
- Met with City Planner and City Engineer regarding Vinland Center's Sewer Connection
- Chamber of Commerce Board Meeting

7. DIRECTOR OF PUBLIC SAFETY –RAY MCCOY, OCTOBER 2013 ACTIVITY REPORT

McCoy discussed the October report. October was a very busy month. There were 410 more calls for the year-to-date, thru October.

McCoy updated the Council with a few incidents including the four-wheeler crash on October 4th. He stated the driver is now doing much better considering his 30+ broken bones and a head injury.

McCoy mentioned other incidents including a theft of a boat trailer, personal injury accidents on Hwy 12, high risk search warrants, solicitor complaints, a spike in minor theft, and vandalism. He stated their Facebook page website has been a great tool in alerting the public and obtaining information. McCoy stated the department in October had two (2) felony domestic assaults in Maple Plain. He stated the Department Investigator has been very busy working on numerous search warrants.

McCoy updated the Council on the budget. The budget actual, as of November 15th, was 87.5% of the budget year and the expenses are at 84.06%. The June 21st storm caused the department about \$18,000 in damage, for which they are hoping to get reimbursed from the insurance company in the near future. Johnson stated further storm damage to the Police Department was discovered when they went to start the furnaces this fall. McCoy stated the computer boards were fried.

McCoy stated the new phone system is in, and they have received approval from the Police Commission for a lease on their new radios.

McCoy informed the Council that their View Santa event is on Saturday, December 7th. They will be in the City Hall parking lot at 3:30PM. They will be at the Maple Plain City Hall at approximately 5PM. He stated the next Citizen's Police Academy is set-up to start February 20th thru April 10th.

Wenck asked if the perpetrators were from within the community or from an outside area. McCoy stated the issues started in July when they moved to the area.

Johnson asked McCoy what the Department would do here if a similar tragedy to the holding pond car accident that took place last week on Hwy 100 and County Rd 7. McCoy stated it would be a fire department response. They do have cold water Gumbo suits. They also have Zodiac floatation device and a sled for ice rescue on the lakes. Johnson questioned about the length of time it took to make that rescue. McCoy stated given the conditions that was a reasonable time frame. He stated it was not an easy rescue. Hennepin County has a dive team, but it takes a lot of training to be certified as a rescue diver. McCoy stated he doesn't understand why retention ponds are added next to highway entrance and exit ramps.

Jerry Hertaus, state representative, came to visit and to say a few words.

He thanked the Council and audience for their time. He wanted to update everyone on the last session, 2013. He stated he felt having the house, senate, and governor's office being controlled by the majority of one party is not a good idea. He stated the bills are not as carefully checked or viewed when the majority of a party is in control. Most of the proposed bills passed.

Hertaus stated the session was marked by the largest tax and spending increase in Minnesota history. There was a 6.12 billion dollar tax and spending increase; which amounted to a 10% increase in state governments spending for the biennium as proposed. A fourth tier income bracket was created; which for some Minnesotans increased their income tax by 25%. Hertaus expressed why he was unhappy with the governor. He listed some of the new taxes including: cigarette tax, gift tax, inheritance tax, a repair tax on farm and business equipment, and warehousing tax. He stated 90 million dollars was appropriated to building a new senate office building on the Capital Mall. He mentioned bailouts of teacher pension funds, Mayo Clinic funding, additional state property taxes, and an increased local government aide, education spending, traffic violation surcharges, and professional license increases.

Hertaus stated in his first term he was able to accomplish a change to the safe school levy, allowing schools to use those funds for security measures. He stated he was able to co-author a bill for cities and towns making consulting fees tax exempt. Another bill he co-authored was for modifying location equity for schools. He stated he tried adding \$500,000 of funding to the Pioneer-Sarah Creek Watershed District for the TMDL mitigation; however it was line item vetoed.

Hertaus listed where other spending was allocated from the LCCNR. He stated some changes that would affect cities including: passing a bill for organized trash collection, the Metropolitan Council redistricting every 10 years, and Met Council Waste Water Services allowing cities to defer the cost to include a payment plan and interest if there is a large bill.

Hertaus stated he informed Met Council how important he felt it was to represent your district and understand their issues. Hertaus stated he was also on the Housing Property Tax Finance Committee. He was disappointed there was little to no reform with property tax this year. Minnesota has 55 different classifications of property; which is significantly more than most other states. In this area, agricultural land is worth more than it can produce. Johnson stated this is one of the reasons Green acres and Ag Preserve was created. They discussed that these programs do not always fix the problem for everyone. Johnson stated he has received a lot of calls regarding resident's estimated tax value of their land. Part of the issue is that land values are benchmarked off of farmland value in Southern Minnesota.

8. RAY AND CARRIE CARUSO (APPLICANTS/OWNERS) REQUEST THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTIES LOCATED AT 3560 AND 3610 COUNTY ROAD 90 (PID NOS. 11-118-24-32-0002 AND 11-118-24-32-0003):

A. A lot line rearrangement to adjust the existing lot lines which would increase the acreage of 3560 and decrease the acreage of 3610 County Road 90. Resolution No. 13-1126-01.

B. Rezoning of a portion of the property to be combined with 3560 County Road 90 from A-Agriculture to RR – Rural Residential. Ordinance No. 2013-11

Kaltsas was absent, so Vose discussed the situation and request. Vose stated the Planning Commission has reviewed this request and does recommend approval. He stated the applicants are looking to rearrange the lot lines for the construction of a home. Essentially they are looking to connect approximately 19 acres of their larger property (3610) to their smaller property (3560).

Vose stated the 3610 property currently is approximately 21 acres and is zoned agricultural. This property does have a home and few accessory buildings.

Vose stated the 3560 property currently is just under three (3) acres and is zoned rural residential. In the after condition the property would be just less than 22 acres.

Vose stated there are three concerns the Planning Commission found. There could be a drainage issues on the 3560 property, so appropriate drainage and utility easements around the perimeter would be needed. With rezoning, Vose stated the applicant is looking to rezone the lots as it is guided in the Comp Plan to Rural Residential. The last thing the Commission discussed was the accessory structures on the 3610 property, totaling 6,500 square feet. The accessory structures would be considered legal

non-conforming structures, as they exceed the allotted size, 3,100 square feet, of the newly resized parcel.

Vose summed up the resolutions and the order in which they would need to be approved.

Johnson inquired about the driveway location of the property just south of the 3560 property. The applicant, Caruso, stated the property survey shows that the lot line is in the middle of their driveway. Vose stated it may appear that the driveway encroaches on the applicant's property; but, it is not a shared driveway. Caruso stated their new home would be built closer to the other side of the property. Vose stated there is an existing field access to the property and the County would likely allow an improvement to make this a driveway.

Wenck questioned why the resolutions did not mention the restrictions on 6,500 square feet of accessory structures. Vose stated, on the first page, it is stated as fact not a condition, upon approval the accessory structures would become legal non-conforming. Wenck stated therefore they could not be added onto, based on the City Code.

Motion by Wenck, second by Betts to approve the rezoning from Agricultural to Rural Residential, Ordinance No. 2013-11. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

Motion by Johnson, second by Spencer to approve the lot line rearrangement, Resolution No. 13-1126-01. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

9. SHADY MOON PROPERTIES, LLC (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 4540 AND 4560 SHADY BEACH CIRCLE (PID NOS. 02-118-24-21-0009 AND 02-118-24-21-0010 AND 02-118-24-21-0027):

A lot combination to combine the property identified as PID No. 02-11824-21-0027 with 4540 and 4560 Shady Beach Circle. Resolution No. 13-1126-02

Vose gave a brief description of the parcels layout and location. He stated the proposal is to add a small slice of outlot to the properties 4540 and 4560 Shady Beach Circle. The reason for the outlot was the road was reconstructed and the curve of the road was changed creating a small outlot. The increase in size of one of the parcels is negligible and the other parcel change is .02 acres. He stated this would adjoin a vacant non-improvable parcel that should be added to these parcels and this was the Planning Commission recommendation for the City Council.

Motion by Wenck, second by Spencer to approve the lot combination. Resolution No. 13-1126-02. Ayes: Johnson, Betts, Spencer, and Wenck. Nays: None. Absent: Fisher. MOTION DECLARED CARRIED.

10. MISC. /OPEN.

None.

11. ADJOURN.

Motion by Betts, second by Wenck to adjourn the City Council Meeting at 8:24 p.m.

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

Respectfully submitted,

Jolene Nelson, Recording Secretary