

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, DECEMBER 17, 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, City Attorney Melissa Manderschied, and City Planner Kaltsas

VISITORS: Mike Flannigan, Erica Severin, Deb & Les Peterson, Eldon Sassen, Rob Viers, Steve Larson, Deb Gatz, Charles Van Patten, and Leslie Henning

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 December 10, 2013
- Approval of additional Accounts Payable for December 2013 and year end

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

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

Spencer requested adding information regarding the sub watershed retro fit analysis for the surface watershed grant.

Johnson requested adding information about the Three Rivers Park District's proposed trail.

6. DIRECTOR OF PUBLIC SAFETY, RAY MCCOY – ACTIVITY REPORT FOR THE MONTH OF NOVEMBER

McCoy recapped the November Activity Report. He stated that incidents in Independence year-to-date were up by 293.

McCoy stated they had arrested the main suspect of thefts occurring in Maple Plain.

McCoy reported last week there was a 3-car personal injury crash near Hwy 12 and County Road 90. The driver who caused the crash was cited for careless driving and another driver was escorted to the hospital.

McCoy stated on, Saturday, December 7th WHPS held their View Santa event. They collected just over 1,000 pounds of food for the Maple Plain Food Shelf. He then thanked the volunteers and public for all their help. The cold weather may have deterred some, but they still had a great food collection.

McCoy stated some Orono school representatives came to the the December Department Meeting and gave their security and crisis updates. Our Officers felt it was very educational and informative. He stated WHPS still tries to make a daily appearance at the Discovery Center in Maple Plain. The schools have implemented a new radio system and are working closely on this with WHPS and the Fire Department. Johnson inquired about their radio systems. McCoy stated they are using new radios on an 800 megahertz system. He stated they were similar but slightly smaller than what the Police Officers carry.

McCoy stated that the Citizen's Police Academy is having another session on February 20th which runs through April 10th. He stated the Police Commissioners Meeting has been rescheduled for, Monday, December 23rd at 9AM. McCoy then thanked the Independence Councilors and WHPS Officers for their support and assistance.

7. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF.

Spencer attended the following meetings:

- None

Wenck attended the following meetings:

- Maple Plain/Independence Taskforce Meeting

Fisher attended the following meetings:

- None

Betts attended the following meetings:

- None

Johnson attended the following meetings:

- Funding Meeting for the Orono Healthy Youth
- Northwest League Meeting
- Highway 55 Corridor Coalition Meeting
- Charlie Nelson, former Mayor of Montrose, Funeral
- Finance Committee Meeting for Senior Community Services
- Community Action Partnership Suburban Hennepin County Finance Committee Meeting
- Retirement dinner for an employee of the Senior Community Services
- Delano School Board Meeting
- Maple Plain/Independence Taskforce Meeting
- Orientation Meeting with Met Council

Johnson stated the Delano Community Ed Board is looking for committee members.

Hirsch attended the following meetings:

- Staff Meeting with West Hennepin Public Safety Director and Sergeant & our Public Works Director

8. **ELDON AND MARY SASSEN AND MICHAEL FLANNIGAN, RESPECTIVE OWNERS OF THE PROPERTIES LOCATED AT 755 KUNTZ DRIVE AND 7914 COUNTY ROAD 6 (PID NO. 33-118-24-22-0027 AND 28-118-24-23-0007), ARE REQUESTING THE FOLLOWING ACTIONS FROM THE CITY:**

- A minor subdivision to allow a lot line rearrangement which would combine a portion of the adjacent property, 755 Kuntz Drive with 7914 County Road 6. Resolution No. 13-1217-01

Kaltsas described the property, its location, and the request. He gave the history of the lots. He explained the property 755 Kuntz acquired some extra land a few years ago. The owners had an agreement with neighboring properties that should they want some extra land, they could sell a portion of it. The owner's of the property at 7914 County Road 6 are now interested in purchasing a portion of the property from 755 Kuntz. Kaltsas explained 7914 County Road 6 recently replaced their septic system, so they no longer have a secondary site. He stated this newly acquired land would allow for a future secondary septic site.

Kaltsas explained the Planning Commission reviewed this and recommended City Council approve the lot line combination.

Motion by Wenck, second by Spencer to approve the lot line rearrangement, Resolution No. 13-1217-01. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. VERIZON WIRELESS (APPLICANT) AND DELANO UNITED METHODIST CHURCH (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 3310 COUNTY LINE ROAD (PID NO. 07-118-24-33-0004): RESOLUTION NO. 13-1217-02

- Amendment to the conditional use permit to allow new antennas on the existing telecommunications tower.
- Site plan approval for the proposed accessory structure and site layout.
- A variance to permit an accessory structure to a telecommunications tower that exceeds 300 square feet.

Kaltsas explained the request and the current Conditional Use Permit issued in 2001. The amendment to the CUP would allow replacing some of the existing antennas and ground equipment. The applicant is proposing to have 12 antennas in the same location as previous antennas. The tower height will not be extended.

Kaltsas explained the applicant is looking to build a new enclosed equipment shelter that will house the new equipment and generator. The shelter would be accessed by a new gravel driveway. Kaltsas explained the City has requirements for a communications tower. Most of the requirements were met upon their first application. However, the City now requires site plan approval with the changing of the antennas and the construction of a shelter. Property lighting and screening would also need to be reviewed by the City. Kaltsas stated the applicant is looking to screen the equipment by building the shelter and landscaping.

Kaltsas explained the Planning Commission reviewed the request and recommended approval with additional landscaping. The applicant is no longer requesting a variance for a larger than 300 square foot equipment shelter, as first proposed. He explained that the Commissioners and applicant discussed the City's 300 square foot maximum shelter size may be undersized for this type of use. The resolution does have a fifth condition regarding removal of the tower should it become vacated.

Motion by Betts, second by Fisher to approve an amendment to Conditional Use Permit and site plan for an existing telecommunications tower, Resolution No. 13-1217-02. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

10. DEBORAH PETERSON, REQUESTS TO HAVE THE CITY COUNCIL CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2810 NELSON ROAD, INDEPENDENCE, MN (PID NO. 18-118-24-13-0010): RESOLUTION NO. 13-1217-03

- A conditional use permit to allow a Kennel to be kept on the subject property.

Kaltsas explained the item and the applicant's request. He stated the Planning Commission initially reviewed this in September. The Commission stated they did not feel the owner could adequately resolve the problems brought forth at the Public Hearing and recommended Council deny a Conditional Use Permit (CUP). The Commissioners explained if the applicant could mitigate the issues they could review it again. The City Council sent the applicant with her solutions back to the Planning Commission once again for a

second Public Hearing. However, the Commissioners felt she did not address or mitigate all the concerns. The Planning Commissioners then made a second recommendation to deny the request.

Johnson asked Kaltsas about the Interim Use Permit (IUP) options and its parameters. Kaltsas stated this IUP requires a certain start and end date or an event.

Deborah Peterson, owner and applicant 2810 Nelson Rd, stated she got some new electronic bark collars for the dogs, and they are working. She stated they bark the most when they are in the kennels, and now she has them spending less time in the kennels. Around 3PM they would bark, as they learned that's when people got home, and they would be let out. Peterson believes they are much better and the collars are working for them. She stated they plan on installing a temporary fence further from the property line that will offer more privacy from the neighbors, thus lessening the dogs' reactions to the neighbors' activities. Peterson stated she was making every effort to curb the barking issue; which was the main complaint.

Johnson asked about downsizing to the allowable three dogs. Peterson stated she has already found a new home for one of them. She has another rescue dog that she is looking at placing, but this dog needs a home without children in it, as he bites. She stated she does not have a problem with re-homing some of the dogs. Some of the other dogs she was hoping to keep, letting them live out their lives her home. Two of the dogs are eight years old, and a Corgi's live span is typically 15 years old. They are all healthy and have their shots. Peterson stated her goal is to get down to the appropriate number of dogs on her property.

Fisher asked if she plans to continue to breed them. Peterson stated one of the dogs was having one litter every year, but the female dog can no longer have puppies. So at this time, she would rather show the dogs than breed them.

Johnson suggested an IUP with an end date allowing her time to re-home the dogs. However, he stated this was no excuse for not following the City's Ordinance. Fisher stated he has heard the neighbor's concerns over the last few meetings, and they are still opposed to the CUP. He was concerned about having issues again with an IUP. At the second Public Hearing neighbors stated the slight improvement was still not acceptable and felt she needs to abide by the ordinance. Kaltsas stated at the first Public Hearing four neighbors spoke up and at the second Public Hearing two neighbors spoke up. Betts stated she feared this could set precedence for other dog owners.

Johnson asked Manderschied and Kaltsas if there was a time period that a resident is required to comply with an ordinance. Manderschied stated the Council could set a time period for the resident to comply, and if not brought into compliance you could issue a citation or prosecute. Kaltsas stated it is not listed in the resolution, but if Council recommends denying, the City should establish a timeframe to comply with the ordinance. Wenck asked the applicant if she could get down to just three (3) dogs in six (6) months. The applicant stated the hardest part is deciding which dogs to keep. Fisher stated he understands they are pets and is willing to give some time, but he does not want to set a standard. Betts commented how it can be difficult to find a new home for a dog in the winter and suggested allowing a time period of nine (9) months to comply. Manderschied stated nine months is a long time to comply and an IUP would be better suited for this situation.

Johnson stated we have a resolution to deny the CUP, and the City could add a stipulation stating the applicant has nine (9) months to comply with the ordinance. Kaltsas stated that could be added as item number four (4).

Motion by Betts, second by Wenck to deny the Conditional Use Permit for a kennel at 2810 Nelson Rd, approving Resolution No. 13-1217-03 with a fourth item number requiring Ordinance Compliance by September 1st, 2014. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

11. DISCUSSION AND APPROVAL TO APPOINT A NEW RECYCLING CONTRACT FOR THE CITY.

Johnson explained that Hirsch has been working on the Request for Proposal (RFP) with three different recycling vendors. With this information, Hirsch had a recycling vendor recommendation for the Council. Hirsch stated the first attempt created no response and then letters were directly sent to the vendors. The City received a response from Randy's, Allied, and Waste Management. Randy's bid was the lowest and Allied was the second lowest. After another request for better figures from the vendors, Randy's offered the best deal with a seven (7) year contract and no increased charges in fuel pricing changes.

Johnson stated the only price increase would be after year four (4) and year six (6). Fisher inquired about the cost sharing and the current charges. Hirsch stated there was a minimal amount of cost sharing, about \$4000, and the net charges through October was \$32,000. She stated by the end of seven (7) years the Randy's contract would cost \$49,000. She stated the first year would be \$3.12 per site.

Steve Larson, from Randy's Sanitation, stated there would be a couple of changes: dual sort would change to single sort recycling and everyone would be receiving a new 65 gallon cart. The slight increase would be the result of the purchasing the new carts; which equate to a cost of \$50 a piece. The cart cost was amortized over a seven (7) year period. He estimated that single-sort recycling will likely increase the recycling by 40%. This will also help with score funds; which effects money received from the state. He stated with residents increasing the recycling, they may be able to reduce their trash bin size and save money.

Betts questioned about what can be included in single sort recycling and Larson explained that recyclables are to all be placed together in one bin. The bins will have wheels and the carts will list examples of what is acceptable. Randy's will also send out mailers explaining the recycling changes. One item that Randy's does not accept in their recycling is plastic bags.

Johnson inquired how many residents use Randy's as their trash removal company. Larson stated he did not have those figures with him. Johnson stated in the future it might make sense to consider having the City work with one trash removal company.

Hirsch stated this contract gives residents a rolling recycling cart at no charge. Larson stated if needed, residents could get a second cart at no charge or residents could increase from a 65 gallon cart to a 95 gallon cart free of charge.

Motion by Wenck, second by Betts to approve Randy's seven (7) year contract for recycling services. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

12. DISCUSSION AND APPROVAL OF THE 2013-2018 MS4 PERMIT APPLICATION

Hirsch stated the MS4 Permit is a reauthorization of its five (5) year plan, and it needs to be completed by the end of the month.

Motion by Wenck, second by Spencer to approve the reauthorization of the MS4 Permit. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

13. MISC. /OPEN.

Update on the surface water grant

Spencer recapped the grant the City received to assess the surface water flowing into Lake Sarah and Lake Independence. The study was to be completed by Anoka Soil and Water in December. It was discovered there was a problem with the model they were using in an agricultural area. Anoka Soil and Water was asking for an extension into February to re-run the modeling.

Motion by Wenck, second by Spencer to approve the Anoka Soil and Water study extension until February 28, 2014. Ayes: Johnson, Betts, Spencer, Wenck, and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Three River's Park Proposed Trail

Johnson stated he has received calls regarding the proposed Three River's Park trail after reading about it in *The Laker*. Leslie Henning, resident of Independence, stated she had not been notified about the trail coming through. Henning stated she contacted Anne Rexine from the Three River's Park District office, and Rexine stated the side of the road and the timeline is still undetermined. Rexine informed Henning that comments are considered and welcomed until December 31st, 2013. Henning stated she was not opposed to a trail, but she simply wants to be informed. She stated the Luce Line Trail runs through her property and she has had issues with snowmobilers staying on the trail and obeying the speed limits.

Johnson described the location of Henning's property, and he stated that the Council may be able to request some additional time to accept comments. Henning stated that Rexine informed her additional details would be made available in the spring. Henning requested being placed on their mailing list. Johnson suggested sending a letter from the City requesting additional time due to some residents not receiving adequate notice and information. This would allow residents more time to comment and get further information.

Motion by Betts, second by Fisher to send a letter to Anne Rexine of the Three River's Park District requesting additional time for residents to submit comments about the proposed trail coming through Independence. Ayes: Johnson, Betts, Spencer, Wenck and Fisher. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Met Council Sewer Meeting

Kaltsas recapped the Met Council's meeting regarding the Loretto's sewer system; which would extend a regional line of sewer from Maple Plain into Medina. This change would take over a few stations were Independence cooperates with Medina. Currently, this area has a lift station with limited capacity. He stated this change would be a positive thing that could allow more capacity.

Kaltsas stated there would be two phases. One phase would improve the lift station in Maple Plain and the second would be to upgrade some of the Independence stations along County Road 19. He pointed out additional areas that could possible connect to the sewer line if these changes are made.

Wenck inquired if there was anything Independence needs to do or provide. Kaltsas stated there is not because we have already provided them with information. Johnson felt this was good news and it will ease some of the maintenances issues with joint pump stations.

Charles Van Patten request

Charles Van Patten, owner of 5405 Pete Drive, attended the meeting and wanted to make a formal statement to the Council regarding his neighbors request to obtain an easement on his property for sewer access. He was adamant about denying Barbara Zadeh an easement; which was initially request on November 18th, 2013. Johnson stated it would be noted in the minutes and any agreement would need to be negotiated between the property owners.

14. ADJOURN.

Motion by Wenck, second by Fisher to adjourn the City Council Meeting at 8:45 p.m.

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

Respectfully submitted,

Jolene Nelson, Recording Secretary