

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, AUGUST 4, 2020 –6:30 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 6:30 p.m.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer and Grotting (remote)

ABSENT: McCoy

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner, Public Works Supervisor Bode (remote), City Attorney Vose (remote)

VISITORS: None

3. ****Consent Agenda****

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.

- a. Approval of City Council Minutes from the July 21, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19774-19801.
- c. 2nd Quarter Financial Report (for Information).
- d. Renewal of Annual Tobacco License for Windsong Golf Club.

Motion by Spencer, second by Betts to approve the Consent Agenda with revised minutes. Ayes: Johnson, Betts, Spencer and Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

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

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission Meeting (zoom)
- Pioneer Sarah Creek Watershed Committee Meeting (zoom)

Grotting attended the following meetings:

- Planning Commission Meeting (zoom)

McCoy attended the following meetings:

- Absent

Betts attended the following meetings:

- Police Commission Meeting

Johnson attended the following meetings:

(all meetings were via zoom)

- Planning Commission Meeting
- Webinar towards Zero deaths breakfast meeting
- Conference Call for NLC Small Cities Council
- Police Commission Meeting (in person)
- Finance Committee Meeting for Senior Community Services

Horner attended the following meetings:

- Planning Commission Meeting
- Video Conference with Banyon and Abdo

Kaltsas attended the following meetings:

- Highway 12 and County Road 90 Meeting

6. PTS Products, Inc. (Applicant/Owner) requests that the City consider the following actions for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN:

- a. **RESOLUTION 20-0804-01:** Considering approval of a variance and site plan review to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial.

Kaltsas said the applicant is seeking site plan approval to allow an accessory building to be constructed on the subject property. In 2018, the City reviewed and approved an expansion of the existing building. The expansion of the building provided for a total of 25,600 SF of commercial space. The applicant is now seeking approval to add a 4,800 SF detached accessory storage building on the property.

Along with the request to expand the building in 2018, the applicant also sought and received approval for a variance to allow the building to be constructed using matching materials to the existing building (steel panels) rather than residing the entire building with materials that met applicable architectural design standards. The City noted that the east façade of the building met applicable design requirements and was the most visible from TH 12. The City allowed the expansion of the building using materials that matched the existing building.

The applicant is proposing a new detached accessory storage building that would be located behind the existing building. The new building would be used solely for storage and would not increase the number of employees or provide finished interior manufacturing space. The applicant would like the City to consider granting a variance to allow the detached accessory storage building to match the exterior of the existing building (steel panels).

The subject property is zoned CLI – Commercial Light Industrial. Manufacturing is a permitted use within the CLI zoning district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development and there are several provisions within the commercial standards that are applicable to the proposed building expansion.

530.23. - Building design requirements.

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

Subd. 3. *Setbacks.* All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lot line.
- (c) Rear yard setback: 20 feet from rear lot line.
- (d) Setback from boundary of agricultural or rural residential district: 100 feet.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). The standards do not provide specifically for accessory structures, but there is no other standard identified. For this reason, accessory structures are treated the same as principle buildings. a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

The applicant has prepared an illustrative image which shows the proposed exterior elevations of the new building. The primary material proposed is standing seam metal which is consistent with

the majority of the existing building. The applicant is asking the City to consider allowing the proposed addition to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. The applicant also noted that the existing building located to the east of this building is constructed of similar materials. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

2. Site Design and Parking Requirements - The applicant is proposing to construct a gravel driveway to access the proposed building off of the existing parking lot. The City generally requires bituminous pavement for all driveways and parking areas in the CLI zoning district. The City has allowed outdoor storage areas to use a gravel surface similar to that which is being proposed. The Planning Commission recommended that the applicant be permitted to construct the access driveway out of gravel rather than bituminous. For wholesale and warehousing uses, the City requires: one parking space for each 2,000 square feet of gross floor area. The total existing building square footage is approximately 26,000 square feet and would therefore require 13 parking spaces. The existing site has 54 parking spaces. The proposed new building would add 4,800 square feet and require an additional 2 parking spaces for a total of 15 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

- a. Front yard setback: 100 feet from centerline of road.
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 20 feet from rear lot line.
- d. Setback from boundary of agricultural or rural residential district: 100 feet. The proposed new accessory storage building would meet all applicable setbacks. The closest setback would be from the west (side) property line. The proposed accessory storage building would be approximately 50 feet from the west (side) property line.

4. Landscaping – The City worked with the applicant during the last plan review to develop a landscape plan that met the intent of the landscape ordinance. It should be noted that the applicant has not completed all requisite landscaping from the 2018 approval. The City has been working with the applicant to complete the requisite work. No new landscaping is proposed with this plan. The City could request additional landscaping along the east side of the building to provide additional screening from TH 12. The City would recommend requiring 5 - 6' tall evergreen trees and 3 - 2.5" caliper deciduous trees along the east side of the proposed building (see concept plan below).

5. Storm Water Management – The proposed improvements do not trigger the one-half acre threshold for site improvements. The plan will need to comply with all applicable standards relating to storm water. The City does recognize that the runoff from the impervious surface is directed to the south and there is a significant infiltration area prior to the water getting to the wetland area at the south end of the property.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 293,600 square feet. Thirty (30) percent of the total site area would allow 88,000 square feet of impervious coverage. The total existing impervious surface area is 61,300 square feet. The proposed new building and associated site improvements would add an additional 8,200 square feet for a total of 69,500 square feet. This total is below the maximum coverage area. a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the

terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08) Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, “practical difficulties” means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08) Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08) 520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.
- b. The character of the surrounding area is commercial with similar structures and site improvements.
- c. The proposed variance to allow an accessory building that matches the exterior façade and materials of the existing building on this property is in keeping with the City’s comprehensive plan.
- d. The applicant is proposing to locate the new building to the rear of the existing building which will help to mitigate potential impacts from Highway 12.
- e. The applicant can screen the proposed building with new landscaping to further mitigate any visual impacts from TH 12.
- f. The buildings in the surrounding area are generally constructed of similar building materials.
- g. The proposed building addition will meet all other requisite requirements for this property.

The City will need to determine if the requested variances meet the requirements for granting a variance. Planning Commissioners reviewed the request and asked questions of staff and the petitioner. Commissioners were concerned that the landscaping required with the last amendment had not been installed. The Applicant noted that there were issues with installing the septic tank that has interfered with the installation of the requisite landscaping. Planning Commissioners recommended that the Applicant be required to add additional landscaping in accordance with the concept landscape plan that was prepared by staff. Commissioners also recommended that the applicant be permitted to construct the access driveway out of gravel rather than bituminous. Commissioners did recommend approval to the City Council with the findings and conditions contained within this report and the corresponding resolution.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed site plan review. Staff is seeking a recommendation from the Planning Commission relating to the site plan review and variance. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed site plan approval and variance request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. City Council approval is approved of the variance and site plan review is subject to the following conditions:
 - a. The Applicant shall prepare a final landscape plan based on the concept plan included in the staff report.
 - b. The Applicant shall revise the site plan based on any outstanding comments or direction provided by the City Council.
3. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan prepared by Wenck Associates and attached hereto as Exhibit B.
4. The total impervious surface coverage for this property will not exceed 30% of the total lot area.
5. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The Applicant shall prepare a landscape plan prior to consideration by the City Council.
6. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the approved building elevations attached hereto as Exhibit C.
7. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The character of the surrounding area is commercial or guided for commercial development.
 - c. The proposed expansion of the building is generally in keeping with the City’s comprehensive plan.
 - d. The additional landscaping will provide a buffer between the highway and the existing and proposed building.
 - e. The variance will allow the expansion of a commercial business in the City’s CLI zoning district. The City’s approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
8. Any change in use shall be subject to the City review and approval.
9. No outdoor storage is permitted on the property.
10. The Applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
11. Any new building or site lighting shall comply with the City’s applicable standards. The Applicant shall submit cut sheets to the City prior to obtaining building permit approval.
12. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
13. The Applicant shall pay for all costs associated with the City’s review of the requested site plan and variance approval. The resolution shall be recorded against the property.
15. The Applicant shall pay all applicable fees associated with the City processing the application for site plan review and a variance.

Johnson asked about timeline to install the septic and trees. Kaltsas said the design is approved and they are working with the owner. Kaltsas noted he would not be granted a CO until it is done. Betts said it would be nice for the City to know when it will be done. Grotting said the plan looks great and he is glad to see the business is doing well. Spencer said he agrees to match the existing material. Vose said matching aesthetically seems fine.

Motion by Spencer, second by Grotting to approve RESOLUTION 20-0804-01 for a variance and site plan review to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial. for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

7. John Sega (Applicant) and MN Horsepower LLC (Owner) request that the City consider the following action for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN:

- a. **RESOLUTION 20-0804-02:** Considering a conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit.

Kaltsas noted in 2018, the City granted a conditional use permit to the applicant for a commercial riding stable and new detached accessory building that exceeded the 5,000 SF maximum permitted. The applicant is now seeking approval to connect the new indoor riding arena with the existing barn. This connection would be a 26 x 20 rectangular building between the two existing buildings. In addition to the building connection, the applicant would like to add several additional small detached accessory buildings to the site and several “lean to” type additions onto the existing buildings.

The applicant has provided a conceptual site master plan showing the general location and size of each of the buildings proposed. The total additional square footage proposed, including the building connection, is approximately 7,600. The applicant has provided a narrative of the additional buildings. The applicant has noted that the exact location of each of the proposed buildings has not been finalized; however, they would like the City to approve the site master plan so that they can simplify the process required in the future to permit the buildings. The City has approved similar master plans in the past. The applicant is seeking approval of the following buildings:

Building Type Square Footage Timing

Building Link: 520 SF Now

Viewing Area: 300 SF Future

Viewing Area: 150 SF Future

Building Overhang: 500 SF Future

Building Overhang: 1,000 SF Future

Building Overhang: 500 SF Future

Shavings Addition: 324 SF Now

Machine Shed: 2,400 SF Future

Dry Storage Shed: 2,400 SF Future

The City can approve the concept site master plan and then work with the applicant through the building permit process to confirm the exact building locations and grading/site plans as each building is requested by the applicant. The previously approved site plan is shown below: In order to expand and alter an existing CUP, the City requires an amendment. The existing CUP allows for a commercial riding stable allows for 50 horses to be boarded on the subject property. In addition, the City allowed the new indoor riding arena to be constructed which is greater than 5,000 SF.

The following key points should be considered by the City Council:

- The proposed connection between the two buildings would be constructed using the same materials as the new riding arena. There will be two main overhead doors and two ingress/egress doors constructed with the connection.
- The City has reviewed the building plans from a building and fire code standpoint. The plans meet all applicable criteria and requirements.
- The Delano Fire Chief has reviewed and approved the proposed plans.
- The proposed site master plan contemplates several additional building additions and or detached accessory buildings. Due to the size and nature of the property, the City can consider approving the master plan to reduce the process for future development of the property. The proposed buildings would be utilized to serve the existing commercial operation. No expansion to the actual operation or number of horses is being requested. Staff has reviewed the proposed site master plan and found that the proposed buildings fit the general nature and layout of the property.
- All conditions of the original conditional use permit would remain in place.
- The applicant noted in their application that they would like to extend natural gas to this location.

This extension does not require an amendment to the conditional use permit. Other permits may be necessary such as a right of way permit or similar. The City will work with the applicant as necessary relating to this issue. The criteria for granting a conditional use permit amendment are the same as granting a conditional use permit and are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the proposed building expansion with the applicant. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a commercial horse facility, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit.

Planning Commissioners reviewed the request and asked questions of staff and the petitioner. Commissioners discussed the concept of the "master" site plan and asked what would happen if the ordinance changed concerned that the landscaping required with the last amendment had not been installed. Staff noted that a condition could be added that stated approval of the master site plan was subject to the applicant meeting applicable requirements at the time a building permit was made to the City. Planning Commissioners asked a

question relating to the fire code/sprinkler requirements for the building. Staff noted that the City had reviewed the proposed addition from a code and fire perspective. Commissioners discussed that the property is fairly screened from view and located in a position that the proposed additional buildings/additions do not appear to pose potential impacts to the surrounding properties or character of the surrounding area. Commissioners recommended approval of the proposed CUP amendment to the City Council.

The City has not received any written or oral comments regarding the proposed conditional use permit amendment.

The Planning Commission recommended approval of the request for a conditional use permit amendment with the following findings and conditions should be considered:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. All conditions of the existing conditional use permit granted by the City in **RESOLUTION NO. 18-1105-02** shall remain.
3. The conditional use permit amendment will include the following additional conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. The Applicant shall provide the City with an updated professionally prepared site plan prior to City Council consideration.
 - c. All new buildings or building additions constructed on the property shall be in accordance with the approved site master plan, attached to the City Council approving resolution as Exhibit B.
 - d. The City is approving the Master Site Plan for the conditional use permit. The Master Site plan will allow the applicant to construct future buildings and additions on the site as long as they meet all applicable requirements at the time requisite applications (i.e. building or zoning permit) are made to the City.
 - e. The Applicant shall obtain all applicable building and other permits associated with any building expansion or new detached accessory building. Each building permit will need to include grading and drainage plans.
 - f. No future expansion of the existing buildings or site master plan shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
4. The Applicant shall pay for all costs associated with the review and recording of the resolution for a conditional use permit amendment.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Betts noted Bruce would still need to go out for inspect, Kaltsas said yes and they would need the required permits. Johnson noted building codes would apply as well. Kaltsas said the fire code is met and it is fire-rated. He said the natural gas connection has yet to be done but that is different permitting. Kaltsas noted this is all subject to the submittal of a professional drawing. Grotting agreed that there needs to be a professional master plan. Sega said he would submit a professional drawing for the link building. Kaltsas told Sega they need to submit a site plan to show the footprint.

Grotting asked about connecting the hot walker to the main area. Sega said the hot walker building was proposed but will probably never be built.

Motion by Grotting, second by Betts to approve RESOLUTION 20-0804-02 for a conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the

existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

8. Water Resource Items (Hakanson Anderson – Water Resource Consultant):

- a. Annual Presentation of the City’s Storm Water Pollution Prevention Plan (SWPPP) and Public Comment Opportunity.
 - i. The City is required to annually review the SWPPP plan and provide residents with an opportunity to provide comment.
- b. Overview of the Fourth Generation Pioneer-Sarah Creek Watershed Management Plan for the City of Independence.
 - i. The whole plan can be accessed using the following link:
<http://www.pioneersarahcreek.org/fourth-generation-plan.html>
 - ii. The City has prepared comments relating to a draft of the proposed plan that will be reviewed.

Fisher said each year the City is required to offer an opportunity to the public to provide comments relating to the City’s SWPPP. No official public hearing is required. Fisher outlined what the MS4 entails.

From the Minnesota Pollution Control Agency

What is an MS4

A municipal separate storm sewer system is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that is also:

- owned or operated by a public entity (which can include cities, townships, counties, military bases, hospitals, prison complexes, highway departments, universities, etc.) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage districts, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
- designed or used for collecting or conveying stormwater;
- which is not a combined sewer; and
- which is not part of a publicly owned treatment works.

The SWPPP is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable. Stormwater discharges associated with MS4s are subject to regulation under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS). Through the MS4 General Permit, the system owner or operator is required to develop a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs) applicable to their MS4. Pioneer-Sarah Creek Watershed Management Commission has released their draft Fourth Generation Watershed Management Plan. The formal comment period extends from June 22 to August 14, 2020. Hakanson Anderson has reviewed the Plan for the City of Independence, and the following points summarize the updates to the plan as it relates to the City.

- Changes over the last 10 years show Lake Independence and Lake Sarah trending in a positive direction with decreases in total phosphorus and/or increases in Secchi depth. Lake Irene was added to the impaired list for nutrients, while Lake Rebecca was removed from the impaired list.
- Achievements from the past six years include: delisting Lake Rebecca as an impaired water, completing a SWA to identify options for stormwater retrofit in the Lake Independence and Lake Sarah sub watersheds, and continued partnerships with lake associations to complete curly-leaf pondweed treatment for Lake Sarah and Lake Independence.
- Areas in need of improvement include holding regular TAC meetings, assessing progress towards meeting TMDL load reductions and water quality goals, increasing outreach on the Commission to nonlake shore property owners and ensuring city-appointed commissioners are kept informed of the history and technical knowledge needed on watershed issues.
- Fourth Generation Plan priorities through 2030 includes protecting Lake Rebecca so it continues to meet water quality standards, meeting the state water quality standards for Lake Independence and Lake Sarah, and improving water clarity in impaired lakes by ten percent.
- The Commission is also prioritizing cost-share in TMDL/WRAPS implementation projects for Lake Independence and Lake Sarah.
- The Commission will continue to monitor Lake Independence and Lake Sarah as well as periodically monitoring Pioneer Creek.
- The Commission will prepare lake management plans for Lake Independence and Lake Sarah, focusing on holistic, whole-lake ecological management that includes actions to manage aquatic vegetation and fish communities and internal loads in addition to watershed load reductions.
- The Plan proposes to collaborate with Hennepin County to undertake targeted education and outreach to agricultural and other landowners in the watershed.
- The next page shows a table the CIP list within the Plan followed by a short summary of each of the projects.

Lake Independence TMDL Review and Management Plan

The Lake Independence TMDL was completed in 2007. Stakeholders have completed several implementation actions since that time. Additional monitoring data such as sediment core release rate analysis and lake inflow have since been collected. This project is a progress review and development of a Lake Management Plan for Lake Independence, including updating watershed and lake response modelling and TMDL load reduction targets. The progress review will also update the TMDL implementation plan, including actions for the upstream impaired lakes. The focus of this plan will be on holistic, whole-lake ecological management that includes actions to manage aquatic vegetation and fish communities and internal load in addition to watershed load reductions.

Lake Independence Area BMPs

The City of Independence had previously completed a sub watershed assessment for that part of the city that is tributary to Lake Independence. The report identified 64 potential BMPs, including wetland restorations,

hydrologic restorations, gully stabilizations, residential rain gardens, grassed waterways, and other practices to reduce phosphorus and sediment loading to the lake. Most of these are on private property. This project is to provide cost share for those practices as willing landowners become available.

<http://www.pioneersarahcreek.org/independence-sra.html>

Lake Independence Alum Treatment

The project is to significantly reduce the sediment phosphorus release during anoxic conditions through the application of aluminum sulfate in Lake Independence, which will significantly improve the in-lake water quality conditions. The control of internal load in Lake Independence is necessary to achieve the MPCA in lake water quality standards. The Commission considers Independence a Sentinel Lake. A TMDL study was completed in 2007 that identified internal loading as a significant portion of the total loading that impacts water quality conditions.

Lake Sarah Sediment Sampling

Prior to completing the proposed TMDL Review and Management Plan, sampling the sediment in Lake Sarah would provide a more accurate estimate of internal load released from sediments. This is critical for partitioning phosphorus load between external and internal sources and in determining the types of BMPs and their priority.

Lake Sarah TMDL Review and Management Plan

The Lake Sarah TMDL was completed in 2011. A sub watershed assessment has been completed for the Dance Hall Creek drainage area. Stakeholders have completed several watershed and in-lake implementation actions since that time. Additional monitoring data has been or will be collected. This project is a progress review and development of a Lake Management Plan for Lake Sarah, including updating watershed and lake response modelling and TMDL load reduction targets. The progress review will also update the TMDL implementation plan. The focus of this plan will be on holistic, whole-lake ecological management that includes actions to manage aquatic vegetation and fish communities and internal load in addition to watershed load reductions.

JB Gully Stabilization

Stabilization of a gully/creek that is conveying excess phosphorus and sediment to Lake Sarah. While located on private property willing landowners have been identified *Lake Sarah Curlyleaf Pondweed Treatment* In partnership with the DNR and the Lake Sarah Improvement Association, apply herbicide (Aquathol) to nonnative curly-leaf pondweed (CLP) which was included in the TMDL Implementation Plan as a solution to the large in-lake load for Lake Sarah (900 lbs/yr or 17% overall load).

Lake Sarah Alum Treatment

The purpose of the project is to significantly reduce the sediment phosphorus release during anoxic conditions through the application of aluminum sulfate in Lake Sarah. The reduction of phosphorus internal loading in Sarah will significantly improve the in-lake water quality conditions and is necessary to achieve the MPCA inlake water quality standards.

Pioneer Creek Pagenkopf Road Carp Barrier

The project is to install a carp barrier on Pioneer Creek at the downstream end of the culvert located at Pagenkopf Road. A carp movement study indicated that fish are moving in large numbers in the spring through Pioneer Creek to access shallow lakes located downstream of Lake Independence to spawn. A barrier would prohibit carp movement from moving back and forth between Lake Independence and the downstream shallow lakes through Pioneer Creek at Pagenkopf, and (2) provide an opportunity to remove carp at the barriers in the spring to reduce overall biomass.

Lake Rebecca Alum Treatment

The purpose of the project is to reduce the sediment phosphorus release during anoxic conditions through the application of aluminum sulfate in Rebecca Lake. The reduction of phosphorus internal loading in Rebecca will be necessary to ensure that the lake continues to meet the MPCA water quality standards. Lake Rebecca had an alum treatment in 2010/2011 to reduce the internal loading of sediment phosphorus release. The overall effectiveness of the alum treatment has been reduced overtime, and a bump treatment will be needed to ensure that the lake continues to meet the MPCA water quality standards. A study will be completed in 2020 to evaluate the existing alum-phosphorus binding capacity through sediment phosphorus release analysis.

Spencer stated Council should show their support for Kaci's recommendation and he also noted that Joe Baker was doing a great job and taken huge strides in water improvement initiatives.

Motion by Spencer, second by Johnson to approve the Annual Presentation of the City's Storm Water Pollution Prevention Plan (SWPPP) as presented by Kaci Fisher with Hakanson Anderson – Water Resource Consultant): Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

9. OPEN/MISC.

10. ADJOURN.

Motion by Spencer, second by Grotting to adjourn at 7:42 p.m. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary