

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MAY 15, 2012 – 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, Spencer and Wenck  
ABSENT: None  
STAFF: Clerk-Administrator Hirsch, City Attorney Manderschied, City Planner Kaltsas  
VISITORS: None

4. CONSENT AGENDA.

Approve:

- Approval of City Council Minutes from April 24, 2012
- Approval of Accounts Payable for May, 2012
- Approval of the 1<sup>st</sup> Quarter Report, provided by ABDO
- Approval of Resolution No. 12-0515-01 authorizing the recycling grant agreement with Hennepin County.
- Approval of the Large Assembly Permit request by Ben Feldman to allow an Ultimate Frisbee Tournament to be held at the Polo Club
- Approval of Large Assembly Permit request by Craig Robbins to allow for the Polo Club to hold their annual Polo Classic on August 12, 2012
- Approval of the policy to put in place the use of a City Credit Card and Resolution No. 12-0515-02

Spencer requested the Large Assembly Permit for the Ultimate Frisbee Tournament at the Polo Club be removed from the consent agenda and added to the regular agenda for discussion.

Johnson directed staff to look into credit card options at the bank in Long Lake.

**Motion by Spencer, seconded by Fisher, to approve the amended consent agenda. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

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

**Auditor Report Follow Up**

Wenck would like to verify if the direction from the auditors regarding cash receipts has been followed. Hirsch replied staff have made the changes. Johnson felt this may not have occurred if not for new staff and he and Betts had discussed this with the auditors. He felt these are the checks and balances the Council needs to follow through on.

**Pioneer Sarah Creek Watershed Commission Vacancy**

Johnson stated that he received a call from Jim Smith that he would be resigning from the Pioneer Sarah Creek Watershed Commission due to his recent illness. Smith felt he would not be able to fulfill his responsibilities at this time. Johnson stated that Spencer is the alternate that can attend this week's meeting and he would like to see the position filled as soon as possible.

**Motion by Spencer, seconded by Betts, to advertise for the Pioneer Sarah Creek Watershed Commission opening. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission
- Clean Up Day

Wenck attended the following meetings:

- Lake Minnetonka Communications Commission Budget Meeting
- Minnehaha Watershed District TMDL Meeting – He stated they will need to be involved in the allocation process, especially regarding agriculture properties.
- Lake Minnetonka Communications Commission Quarterly Meeting – He stated that it appears that subscribers are down 8%.

Fisher attended the following meetings:

- Clean Up Day

Betts attended the following meetings:

- Minnehaha Watershed District TMDL Meeting
- West Hennepin Chamber of Commerce

Johnson attended the following meetings:

- Sensible Land Use Meeting
- Metro Cities Annual Meeting
- MN Mayors Conference in Winona
- Funeral for Jim Taylor, Former Rockford Township Administrator
- Highway 55 Corridor Coalition Executive Committee Meeting – They will be keeping the organization intact. They will be sending out an RFP for companies to work with them.
- Senior Community Services Finance Meeting
- Call from Steve Bohl and discussion of another possible project in Independence
- Orono Intermediate School – Local mayors were invited to attend and students performed a skit dealing with the environment. It was for a “listening post”/gazebo that was to be built at the lake by the school.
- Washington D.C. – He was able to see the two senators and three of the four congress members where we had appointments scheduled.
- Greater Lakes Country Food Bank – The director has passed away and they are looking to possibly merge with another organization.
- Northwest League of Cities – Hennepin County Commissioner Jeff Johnson was present.
- Community Action Partnership for Suburban Hennepin County Finance Committee Meeting
- Regional Council of Mayors in Minneapolis – They had the president of the University of Minnesota, president of Minnesota State College System and president of Macallister College. They discussed education and the education gap.
- Twins Game for the Step To It Challenge
- MnDot Meeting for Corridor Coalitions at the Maple Grove library – They had maps available showing upcoming projects. Some of the projects specific to Independence were for Highway 12, Highway 55 and Highway 7
- Met Council will now have transportation for western Hennepin County residents to the Delano Senior Center

Hirsch attended the following meetings:

- All Day Safety Loss Seminar
- Two meetings with West Hennepin Chamber of Commerce for the Maple Plain Centennial Celebration
- Bob Blake from the Delano Herald to discuss rates for legal services – She stated that she has not been entirely happy with the coverage that Independence has not been receiving from the current Pioneer paper

- Worked partial Clean Up Day
- Conversation with Brad Ellingson from Randy's Sanitation regarding the tonnage from Clean Up Day – increased by 5 tons from last year
- West Hennepin Chamber of Commerce

7. APPROVAL OF THE LARGE ASSEMBLY PERMIT REQUEST BY BEN FELDMAN TO ALLOW AN ULTIMATE FRISBEE TOURNAMENT TO BE HELD AT THE POLO CLUB

Spencer was concerned with the agreement that was negotiated between the Polo Club and the neighbors last year. There was to be a limitation on the number of non-club member attendees to be no more than 750 per day. The application for the large assembly permit lists expected attendance at 900.

Spencer stated that he understood the Council did not adopt that policy at the time it was discussed but it was an agreement made by the Polo Club and the neighborhood. He suggested the Council consider limiting the attendance to 750.

Johnson felt they should in good faith follow the agreement that was made and the Polo Club should be able to limit the attendance to 750. Spencer realized the timing was short as the event is the upcoming weekend.

**Motion by Spencer, seconded by Wenck, to approve the large assembly permit request by Ben Feldman to allow an Ultimate Frisbee Tournament to be held at the Polo Club, with the stipulation that attendance is limited to 750 people. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Hirsch suggested they officially bring the issue back and officially change the CUP for the Polo Club property. Johnson felt that it was appropriate for administrative staff to take care of it and it did not need to come back to Council.

8. ROBERT AND JANET SELSTAD, 3525 INDEPENDENCE ROAD (PID #S 11-118-24 41-0002 AND 11-118-24 44-0001) IS REQUESTING A LOT LINE REARRANGEMENT TO ADD 1 ACRE TO THE EXISTING 5 ACRE PARCEL, TO INCLUDE THE WHOLE POND, THAT IS NOW SPLIT BETWEEN HIS TWO PROPERTIES. RESOLUTION NO. 12-0515-03

Kaltsas reported that in order to accommodate the request it would be a minor subdivision to allow a lot line rearrangement. Both properties are zoned Agriculture and guided Rural Residential. The after acreage of the two properties would be 75.84 and 6.34. There is a homestead and out buildings on the larger property and no buildings on the smaller property. The applicant is requesting the lot line rearrangement so the entirety of the pond is on one lot. The only thing to note is the applicant has paid the fees for sewer connection. The applicant has provided the required drainage and utility easements for the smaller property.

Kaltsas reported the Planning Commission held a public hearing on the request the previous evening and there were no public comments.

**Motion by Wenck, seconded by Spencer, to adopt Resolution 12-0515-03 approving a minor subdivision and lot line rearrangement as requested by Robert and Jane Selstad for the property located at 3525 Independence Road. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. PETER CARLSON, 7275 TURNER ROAD (PID#'S 28-118-24 41-0004 AND 28-118-24 44-0004) IS REQUESTING A MINOR SUBDIVISION TO ALLOW A RURAL VIEW LOT SUBDIVISION WHICH WOULD SUBDIVIDE THE SUBJECT PROPERTY INTO TWO LOTS. RESOLUTION NO. 12-0515-04

Kaltsas reported there are two property identification numbers for the property that represent the two watershed districts, but there is only one property. The property is zoned and guided Agriculture. The applicant would like to split off a ten acre parcel that includes the homestead and out buildings and leave the remaining 31.66 acres undeveloped.

The proposed subdivision meets all standards of the zoning and subdivision ordinance. The newly created 10 acre lot would be required to pay the City's park dedication fees of \$7,250. The Planning Commission held a public hearing the previous evening on the proposed subdivision and there was no public comment. The Planning Commission inquired about a septic site on the remaining lot and staff suggested there was adequate space for a primary and secondary site. The Planning Commission also had concerns about the remaining lineal frontage space and if that will be adequate for the future. The Planning Commission did recommend approval with the findings in the staff report.

Johnson had one concern about when the development was originally put in, the western portion could not be developed into more parcels than there originally was. He would like to be sure in the future that condition is reviewed, because he is afraid one of the parcels may have been divided that should not have been. However, he is comfortable with this application.

Betts asked how this can be flagged for these properties. Hirsch stated they pull the section file while reviewing any applications. Kaltsas stated they look for remaining eligibilities and they put the condition in the resolution so that it is recorded. Betts was just concerned if there would be a change of staff that the condition may not be recognized.

**Motion by Spencer, seconded by Betts, to adopt Resolution No. 12-0515-04 approving a minor subdivision to allow a rural view lot subdivision which would subdivide the subject property into two lots. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

10. GERRY GREWE AND SHEILA SMITH, 1080 COUNTY ROAD 92 NO. (PID # 28-118-2-4 32-0008) IS REQUESTING A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ZONING ORDINANCE PERTAINING TO SECTION 530.01, SUBD. 4, CONDITIONAL USES IN THE AGRICULTURAL ZONING DISTRICT. THE PROPOSED TEXT AMENDMENT WOULD CONSIDER ADDING THE PROCESSING OF AGRICULTURAL PRODUCTS GROWN ON THE PROPERTY INTO SALEABLE PRODUCTS, THROUGH A CONDITIONAL USE PERMIT.

Johnson asked Kaltsas to explain the history on the property.

Kaltsas reported the item had been before the Planning Commission. The neighbor to the orchard came to the City with a request to process the apples on the orchard into wine and liquor. There currently is nothing in the Zoning Ordinance to allow that use. The applicant then made application for a text amendment to the Zoning Ordinance as well as a Condition Use Permit. The Planning Commission recommended denial of the text amendment and closed the public hearing. However, they left open the public hearing for the Condition Use Permit and requested more information relating to ownership of the orchard.

Kaltsas stated that Grewe had given verbal permission for another 60 day extension at the last Planning Commission meeting and staff will follow up with a written agreement. They will bring the item back to the June Planning Commission meeting.

11. MISC/OPEN

There were no items.

12. ADJOURN

**Motion made by Wenck, seconded by Spencer, to adjourn the meeting at 8:20 p.m. Ayes: Johnson, Betts, Fisher, Spencer and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully submitted,

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Kimberly A. Olson, Recording Secretary