

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

ABSENT: None

STAFF: Clerk-Administrator Hirsch, Bob Vose, City Attorney and Mark Kaltsas, City Planner

VISITORS: Mary Widmer, Rich Altendorf and Mary Lynch

4. CONSENT AGENDA.

Approve:

- Approval of City Council Minutes from June 12, 2012
- Approval of the Election Judge selection for the 2012 Primaries and General Elections.

Mayor asked to be added to the list of Election Judges for both Elections, as there was a miscommunication about the receipt of his application.

**Motion by Betts, second by Spencer to approve the consent agenda with the addition of Mayor Johnson to the Elections Judge lists. Ayes; Johnson, Betts, Fisher, Wenck and Spencer; Nays; None, Absent: None. MOTION DECLARED CARRIED.**

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

Agenda remained as presented.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following:**

- Pioneer Sarah Creek Watershed Management meeting
- Met with Administrator Hirsch, Water Resource Staff and Staff from BWSR to discuss ways for the City to apply for grant money for clean water projects and what exactly are the types of projects they want to see.
- Met and discussed the Pioneer Sarah Creek 2013 Budget with the Cities Rep Commissioner Jerry Wise

**Wenck nothing to report.**

**Fisher nothing to report.**

**Betts nothing to report.**

**Johnson attended the following meetings:**

- Small Cities Conference
- CAPSH Board Finance meeting
- Quarterly Active Living
- SCS Program Evaluation
- LC Food Bank
- LMC Convention in Duluth

**Hirsch attended the following meetings:**

- Attended Met Council's sponsored Census discussion on how to resolve wrong housing and population counts and how the Counts are done.
- Interviewed 6 out 53 Administration Assistants applications and;
- Also interviewed 5 out of 34 Accounting Clerk applications.
- Met with Becky Wozney and Shane Nelson of Hakanson/Anderson, Brad Wozney of BWSR, Councilmember Spencer and Pioneer Sarah Creek Watershed Commission representative for the City of Independence, Jerry Wise; to discuss ways the City can acquire grant money to do clean water projects within our Cities watersheds.
- Met with Chief McCoy and a representative from Crabtree Laser Fiche to discuss the possibilities of acquiring this for both the City and the Police Department.
- Met with Planner Kaltsas and Water Resource Staff Shane Nelson to discuss the upcoming changes that are to be made to several of the City's zoning code, now that we have adopted the Water Management Plan.
- Met with 2 Boy Scouts looking for Eagle Scout projects.
- Shown the Soley house to three different parties of interest

7. Director Ray McCoy, West Hennepin

Director McCoy reviewed the past two months of police activity, as well a reminder to the public that August 7, 2012 is National Night Out and is expecting another great turnout of neighborhood gatherings.

He reported the 2012 budget is running close at this time. He also introduced a new filing system that requires digital storage. They have also installed a new complaint process which involves the City Attorney's Office (Carson & Clelland); from the start of receiving a complaint to the time it takes to get through the Attorneys Office is approximately 24 minutes. This is just the beginning, there is more to come to include the City Attorney's Office.

8. Dan Koch, Public Works Director – Discussion and approval of the purchase of a Single Axel Snowplow Truck.

Public Works Director Dan Koch was present to review the estimate of the newly proposed plow truck and its extra's. He presented the Council copies of the material lists for the truck, which include a gravel box, plow, wing and sander.

He stated that Tow Master would supply the box and Falls Equipment would supply the plow, wing, under blade and sander.

Koch said the total cost came in under what he had estimated for total cost by @ \$10,000.

The Mayor asked what Koch thought we could get for the old truck? Koch stated that some of the old parts will be transferred to the new truck and the rest sold for parts. Making one big truck out of two.

Koch also stated we sold the old white S10 pick up for \$400.

Wenck asked if there were bids. Koch said it was the State Contract. Vose stated it was or will be ordered through the States Purchase Contact.

Lead time 3 months for truck and another 3 months to get all the parts on it.

**Motion by Spencer, second by Fisher to approve the request for #2, the Freight Liner 11450 Single Axel, with the gravel box, plow, wing and sander (under blade and sander) for the cost of approximately \$184,360.18. Ayes, Johnson, Betts, Fisher, Wenck and Spencer; Nays: None; Absent: None. MOTION DECLARED CARRIED.**

9. Rick Altendorf, 6785 County Road 11 (PID# 10-118-24 10-0003) Requesting a Conditional Use Permit to allow for 2 Rural View Lots from an eighty acre parcel. Resolution No. 12-0626-01

Rick Altendorf and Mary Widmer (Altendorf) owners of property located at 6785 County Road 11 were present to request that 2 – 10 acre Rural View Lots be subdivided from the 82 +/- acres they have in agriculture.

The applicants are acting on behalf of the estate left by their parents on the property.

Following the minor subdivisions, the three properties would be: Tract A – 10 acres, Tract B – 62.10 acres and Tract C – 10 acres.

Kaltsas went on to review the Staff report pertaining to what all three tracts would have regarding drainage issues, setbacks from side lines, distances required if there were to be animalson the Tract A, driveway locations and park dedication fees.

The proposed subdivision does not appear to create parcels that are inconsistent with surrounding properties. There is a wide array of property sizes in this particular portion of the City. The sizes of the surrounding properties range from approximately 1 to over 100 acres. There does not appear to be any adverse effects on the surrounding or subject properties in the after condition as a result of this minor subdivision.

The Planning Commission made the following recommendations:

1. The proposed minor subdivision for two rural view lots meet all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. Prior to the City Council's final approval of the Minor Subdivision, the applicant shall complete the following items:
  - A. The Applicant shall provide the City with verification of the soil and percolation report that indicates there is adequate soil to accommodate primary and secondary septic sites on Tracts A, B and C.
  - B. The Applicant shall receive a driveway permit approval from Hennepin County to allow driveway access for Tracts B and C.
3. Prior to the City executing the minor subdivision to be recorded at the County, the applicant shall provide the City with the following items:
  - A. The Applicant shall pay the City \$14,500.00 to satisfy the park dedication requirement for Tracts A and C.

- B. The Applicant shall pay for all costs associated with the City's review of the requested rezoning and minor subdivision.
4. The applicant shall bring the on-site septic system on Tract A into compliance with all applicable standards within the time frame permitted by the City's ordinance (Section 705.13, Subd. 2 and Subd. 3) with no extensions granted.
  5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
  6. The newly created Tract B will have no remaining rural view lot eligibilities.

Attorney Vose had one suggestion in respect to Tract A, which included all of the farms outbuildings and the two homes that were used for the family to live in. Vose stated there should be something in the Resolution that addresses this issue. The primary residence must comply with the City's City Code which permits a single primary residence and occupancy of an accessory building on the same parcel.

**Motion made by Wenck, seconded by Betts to approve the 2 – 10 acre Rural View Split, with the 6 conditions as recommend by the Planning Commission and to add a number 7 pertaining to the City's Code which permits a single primary residence and occupancy of an accessory building on the same parcel as suggested by Attorney Vose. Ayes: Johnson, Betts, Fisher, Wenck and Spencer; Nays: None; Absent: None. Motion declared carried.**

10. Vinland National Center Comprehensive Plan Amendment - Adoption, Mark Kaltsas – Resolution No. 12-0626-02

Kaltsas stated that the City had received its final approval from the Metropolitan Council to allow an extension of City Sewer to Vinland National Center. In order to do this, the City has to amend its current comp plan to allow for a Medical Institutional Campus such as Vinland National Center to hook up to the sewer.

The Met Council also had a couple other comments in regards to this process; they were Supplemental in the decision making of the request. It is believed with the extension of the sewer to Vinland, it would bring in at least 40 new jobs by 2015.

The Met Council also advised the City that total employment forecasts appear low. Even though State Employment statistics for 2011, the most available, shows 570 jobs in Independence exceeding theyear 202 forecast of 560 jobs.

Kaltsas presented Resolution No. 12-0626-02 approving an amendment to the 2030 Comprehensive Plan to allow the Expansion of MUSA for Vinland National Center and a Change in proposed Land Use as Recommended by the City of Independence Planning

Commission and City Council.

**Motion by Betts, second by Spencer to approve Resolution No. 12-0626-02 approving the Comp Plan change, Ayes: Johnson, Betts, Fisher, Wenck and Spencer; Nays: None, Absent: None. MOTION DECLARRED CARRIED.**

11. Mark Kaltsas – Interpretation and Intent of the Shoreland Ordinance

Kaltsas presented some information regarding the Intent of the Shoreland Ordinance because of the approval of two previous residents whose properties were located on lake shore and where less than 2 ½ to 3 acres in size, had sewer running right by their properties and where approved for a lot split (Emmer and Berens). These where split in accordance to Ordinance 2002-07, an Ordinance that was developed to allow for these two splits and interpreted as such. In 2007, MaryLynch came before the Council to ask for the same, a one lot (one acre) split, because she had over 2 acres with two city sewers.

After she applied, paid her fees and went through the Public Hearing process, we came to find out that she didn't have two sewers, nor did she ever pay for two sewer connections. So, her request was denied. And the City was going through a tough request of the Met Council – asking for approximately 60 more sewer connections for Lindgren Lane and Independence Road. The City didn't want to push any more requests through until we had this other issue figure out first.

Hirsch asked for forgiveness of any future fees of any kind, because the information she received from the City was wrong. The City Council did agree to that request.

After much discussion, it was decided to have this request go through the Planning Commission as a variance and then take another look at this ordinance itself and make some changes, changes that is better “interpreted”.

12. Brad Spencer - Discussion of the Lake Independence Outlet Project.

Councilmember Spencer shared with the Council his thoughts about helping Lake Independence deal with the high lake levels are they are right now. He stated that Lake Sarah was the same boat back in 1996 with a clogged channel that badly needed cleaning out. After many meetings with the City of Greenfield, Three Rivers Park, the DNR and our City, it was decide to spend some money and dredge the channel out. A group was put together, they went out for cost estimates and found it to be very expensive. The challenge then came to; who is going to pay for this. Some thoughts were to assess all the lakeshore residence in all Cities involved, split it with Three Rivers Park and the DNR and the two Cities the lake evolved around.

It ended up being done by the City of Greenfield, with the DNR authorizing the spreading of the sediment that would be dug out to be spread within the watershed. That meant it didn't need to be hauled outside of the grounds, which saved a ton of money – which made it more palatable.

Wenck questioned if this was a DNR issue and if it was, they should be taking care of it, at their own expense. Spencer said the engineering study wouldn't be covered by the DNR. Wenck

didn't like the Lake Sarah issue, he wanted the high water. Spencer again stated the flooding in Lake Independence is well over the O.H.W. mark.

Spencer suggested that funds be jointly spent for the removal process.

Betts stated noticing dead and down trees in areas that have never experienced this much water before.

If the project was approved, it would take place on the west side of Lake Independence where the Bridge is located.

**Motion by Spencer, second by Betts to approve to spend up to \$1,000 for a feasibility study to clean out the channel between Independence and Pagenkopf Roads. Ayes: Johnson, Betts, Fisher and Spencer; Nays: Wenck; Absent: None. MOTION DECLARED CARRIED.**

13. Discussion and approval of reimbursement to a resident for over payment of Sewer fees.

Administrator Hirsch brought this issue before the Council at their June 12, 2012 meeting, stating that a resident on the 1994 Sewer had been charged a Sewer Availability Charge for the sewer line running past his property, the charge was to be sent to residents who had a home on the sewer line and had not hooked up to the system yet. This fee was sent to approximately 29 households; however this particular resident had two properties, one with a home on it and the other didn't. He had been charged this fee since 2004.

Hirsch was directed at that meeting to go back and research the exact wording for this payment Process and to see if any other residents were part of this too.

Hirsch presented more background information as directed to the Council. Mayor Johnson stated from what he could see and with the copy of a letter from Attorney Vose to another Attorney's office stating the fee was to be charged to those who had a building on their lot and who had not yet connected. That is clearly stated a "home" on the site and would be okay with the reimbursement request.

**Motion by Betts, second by Fisher to approve the reimbursement to the resident for over Payment. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None Absent: None. MOTION DECLARED CARRIED.**

14. Cancel the August 14<sup>th</sup> City Council meeting due to that also being the Primaries and reschedule it for Tuesday, August 21<sup>st</sup>, 2012.

**Motion by Fisher, second by Spencer to cancel the August 14<sup>th</sup> meeting because of the Primaries and to reschedule it for Tuesday, August 21, 2012 at 7:30 p.m. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None; Absent: None MOTION DECLARED CARRIED.**

15. Cancel the July 10<sup>th</sup> Council meeting due to lack of Agenda Items

**Motion by Wenck, second by Betts to cancel the July 10, 2012 Council meeting due to lack of Agenda items. Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None; Absent: None. MOTION DECLARED CARRIED.**

16. Misc. /Open

Nothing added.

17. Adjourn.

**Motion by Betts, second by Spencer to adjourn the City Council meeting at 8:45 p.m.; Ayes: Johnson, Betts, Fisher, Wenck and Spencer. Nays: None; Absent: None. MOTION DECLARED CARRIED.**