

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, NOVEMBER 27, 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 Councilor Spencer at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Brad Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Councilors Spencer, Betts, Fisher, and Wenck.

ABSENT: Mayor Johnson

STAFF: Clerk-Administrator Hirsch, City Attorney Voss, City Planner Kaltsas,

VISITORS: Ray McCoy, Janet Weisberg & Mike Bloom

4. CONSENT AGENDA.

Approve:

- Approval of City Council Minutes from November 13, 2012.
- Approving the certification of delinquent utilities for the year 2012, Resolution No. 12-1127-01.

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

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

- Resolution for Conditional Use Permit for the use of Hennepin County electronic data.
- Letter of Support for the West End Development

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- City Budget Workshop
- City Planning Commission Meeting
- Graduation for WHPS Citizen's Police Academy at City Hall
- Meeting with Jeff and Purita Edson regarding the Thanksgiving Dinner at City Hall

Wenck attended the following meetings:

- City Budget Workshop
- Regional Metro Cities Meeting

Fisher attended the following meetings:

- City Budget Workshop

Betts attended the following meetings:

- City Budget Workshop
- Graduation for WHPS Citizen's Police Academy at City Hall
- Police Commission Meeting

Hirsch attended the following meetings:

- City Budget Workshop
- Police Commission Meeting

Hirsch stated she received a letter signed by Larry Palm and Company stating a reimbursement payment will be received upon the sale of the property located at 9560 US Highway 12.

7. RAY MCCOY – DIRECTOR OF THE WEST HENNEPIN PUBLIC SAFETY DEPARTMENT, OCTOBER 2012 ACTIVITY REPORT.

McCoy stated the incidents from 2012 are roughly the same as 2011.

McCoy pointed out a few items. The number of crashes for the month, 24, was above normal for this time of year with one of them being fatal. He stated 11 of them were personal injury crashes and 12 were personal property crashes. Many of the injuries were minimized due to the use of seat belts.

McCoy stated it looks as though the department will come in at .25% under the projected budget.

McCoy stated the Citizens Academy was a success with a good interactive group. The next group will take place March 7th through April 18th of 2013.

McCoy stated ICS (NIMS) class is scheduled for January 30th, 2013 at Long Lake Fire Station from 6PM to 9PM.

8. JANET WEISBERG AND CHERI MORGAN – HOLD YOUR HORSES, A MINNESOTA NON-PROFIT, REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 6824 COUNTY ROAD 6, INDEPENDENCE, MN (PID NO. 34-118-24-21-0003):

1. Conditional Use Permit to allow an Animal Assisted Therapy (AAT) operation on the subject property.

Kaltsas read his report; which described the location and described the organization. He stated Hold Your Horses is a non-profit 501.c3 organization that provides equine assisted services to children with disabilities. The organization consists of three part-time professional staff and three independent contractors, plus approximately 10 part-time volunteers. All staff are licensed and/or trained in their area of expertise. The organization currently has approximately six (6) horses on the property that are used for therapy.

Kaltsas stated the property consists of an indoor riding arena including an office and therapy room, a barn, main house and riding trails. Services are provided between the hours of 9 a.m. and 6 p.m. Monday through Friday. The organization typically serves three (3) to eight (8) clients per day, which includes some group and some one-on-one services. However, on occasion they do have other events on the property including: school field trips, community ed events, and there is an annual fundraiser. The annual fundraiser requires a large assembly permit, and it would not be part of the conditional use permit.

Kaltsas stated the applicant is proposing to utilize the existing barn, riding arena and pastures to provide therapy to their clients.

Kaltsas stated Hold Your Horses was leasing the property. The owner of the property also signed the application requesting the Conditional Use Permit.

Kaltsas stated the property is somewhat secluded with substantial tree coverage and a long paved driveway. Currently there is ample daily parking with 10 to 12 defined spots. The property is accessed from County Road 6.

Kaltsas explained the applicant meets the City's Conditional Use Permit criteria.

In addition, the City requires that the following conditions are met in order to consider granting a conditional use permit for an AAT:

Subd. 5. Animal assisted therapy operation. ATT may be permitted as a conditional use by action of the city council pursuant to subsections 520.09, 520.11 and 520.13 of the zoning ordinance, subject to the following additional conditions:

(a) The applicant shall provide proof of insurance in an amount and with such coverage as the city attorney deems reasonable, and shall thereafter maintain such insurance.

(b) The applicant shall provide proof of licensing or appropriate educational attainment and training in ATT for all therapists delivering services at the site. This requirement shall be

continuing and the city may request such proof on a periodic basis for all therapists then delivering services.

(c) The applicant shall provide documentation and a site plan describing the AAT program(s) to be delivered. Such documentation shall include a description of the goal-directed process and criteria for evaluating the effectiveness of the program(s).

(d) The applicant shall identify all species of animals that will be present at the site and used in delivering AAT. No other species of animals shall be allowed with the city's approval.

(e) For parcels of less than ten acres, the maximum density of animal units is two acres for the first animal unit and one additional acres for each additional animal unit.

(f) Other than the delivery of AAT, no commercial or business activities may be conducted on the site except the production of agricultural products in de minimis amounts as a result of the delivery of AAT.

(g) The city may periodically inspect the site without notice.

The applicant has provided documentation to the City verifying that the conditions for granting an AAT have been satisfied.

Kaltsas explained the applicant presented their request to the Planning Commission. The Commissioners asked for clarification about special events and were informed the organization would still need a large assembly permit. The Commissioners also asked about the service animals. The applicant informed them occasionally, there may be a service dog brought in but it will not reside on the property. The Commissioners also questioned about disposal of manure, to which applicant had explained they spread it on their property and have an agreement to spread it on a neighbor's property.

Kaltsas stated a neighbor did attend the Planning Commission Meeting to seek clarification that this was not a permit allow for expansion. With this, the neighbor had no objection to the current operations.

Kaltsas stated the Planning Commission recommended approval with the findings and conditions that are stated in the ordinance. They did modify one condition to add a dog and horses as a therapy animal.

Motion by Betts, seconded by Fisher, to approve the Conditional Use Permit, allowing for an Animal Assisted Therapy operation on the property. Ayes: Spencer, Betts, Fisher, and Wenck. Nays: None. Absent: Johnson. MOTION DECLARED CARRIED.

9. MISC./OPEN

RESOLUTION 12-1127-02 APPROVING HENNEPIN COUNTY ELECTRONIC DATA AGREEMENT A12819.

- Resolution approving the continued use of Hennepin County Electronic Data.

Motion by Wenck, seconded by Spencer, to approve the Conditional Use Permit, allowing for the City's use of the Hennepin County Electronic Proprietary Database. Ayes: Spencer, Betts, Fisher, and Wenck. Nays: None. Absent: Johnson. MOTION DECLARED CARRIED.

LETTER SUPPORTING THE DEVELOPMENT OF THE PROPERTY LOCATED AT 9560 US HIGHWAY 12.

Hirsch handed out a copy of the letter supporting the development of the land located at the northeast side of the County Line Road, address of 9560 US Highway 12.

Council had no additional comments or questions. Voss stated he had no issues with the letter.

Motion by Wenck, seconded by Fisher, to approve the letter of support for the CBRE and North Central Commercial Real Estate LLC (Larry Palm). Ayes: Spencer, Betts, Fisher, and Wenck. Nays: None. Absent: Johnson. MOTION DECLARED CARRIED.

10. ADJOURN.

Motion by Betts, second by Wenck to adjourn the City Council meeting at 7:47 p.m. Ayes; Councilmembers Spencer, Betts, Fisher, and Wenck; Nays; None; Absent; Mayor Johnson. MOTION DECLARED CARRIED.

Respectfully submitted,

Jolene Nelson, Recording Secretary