

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MARCH 08, 2011 – 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, Council Members Betts, Wallace and Spencer.

STAFF: Clerk-Administrator Hirsch, Attorney Vose, Planner Mark Kaltsas, Engineer Brian Miller

ABSENT: Norm Wenck

VISITORS: Chris Cady, Karen Nikolai, Lance Gyllanblad, Manya Kalamaha,

4. CONSENT AGENDA.

Approve:

- Council Minutes from February 8, 2011
- Accounts Payable for March 2011
- Approval of the 4th Quarter Report prepared by ABDO
- Application for a Right of Way Permit for the Seventh Annual USA Triathlon to be held on June 11, 2011.
- Approval of the Cady vs City of Independence Stipulation of Settlement.
- Approval to withdraw the conditional use permit from 8975 County Road 6, Curtis and Darcy Johnson. Resolution No. 11-0308-02
- Approval of Liquor License Permits for the Pioneer Creek Golf Course, Windsong Farm Golf Club and the Ox Yoke Inn.
- Approval of the Mayor's request to represent the City of Independence at the National League of Cities Congressional Cities Conference.

Motion by Betts, second by Spencer, to approve the consent agenda. Ayes: Betts, Johnson, Spencer and Wallace, Nays: none, Absent: Wenck. MOTION DECLARED CARRIED.

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

City Admin Hirsch added the Ag Preserve application fee and a moving permit application for William Abbott.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

- Spencer: Aquatic Invasive Species (AIS) Roundtable w/DNR & MN Waters, LMC conference of Elected Officials and the Council Work Session.
- Wenck: not present.
- Wallace: Council Work Session.
- Betts: Council Work Session, Sensible Land Use meeting and LMC conference of Elected Officials.
- Johnson: Northwest League of Municipalities, Drug Task Force Dinner, Community Action Partnership Suburban Hennepin Finance Meeting (CAPSH), Regional Meeting of Mayors, Orono School Board meeting, Brad Spencer to discuss the Lake Sarah access, Senior Community Services Finance Committee, Vinland Center Snow Day fundraiser, Metropolitan Council Interviews, Greater Lakes Food Bank,, Council Work Session, Community Action Suburban Hennepin Partnership Board meeting (CAPSH), attended Kay Gabriel's husband funeral, Sensible Land Use, Delano Fire Department Annual Budget meeting, Panel Discussion at the Active Living, Experienced Officials Conference, Regional Council of Mayors Training Session, Delano Senior Center Volunteer Recognition Luncheon, Brooklyn Parks Mayor Lampi's funeral, City Work Session, Senior Community Service Meeting with a program evaluation, Minnehaha Watershed Invasive Aquatic Species (AIS) meeting, Met with the City Auditors, Love Inc., and passed on a salutation from League of Minnesota's Cities liaison, Tom Thielen.
- Hirsch: Met with the City's copier lease company, Delano Fire Department Annual meeting, Council Work Session and several meetings for Active Living,

7. APPOINTMENT OF TOM PALMQUIST TO THE PLANNING COMMISSION.

Johnson stated he was glad to see that Palmquist wanted to remain on the Planning Commission, Spencer commented on the contributions he's added to the Planning Commission.

Motion by Wallace, second by Spencer, to appoint Tom Palmquist to the Planning Commission for a three-year term. Ayes: Betts, Johnson, Spencer, and Wallace; Absent: Wenck; Nays: none. MOTION DECLARED CARRIED.

8. PHIL JENSEN, HENNEPIN COUNTY ASSESSOR – PRE-BOARD OF REVIEW

Jensen stated the Board of Review is scheduled for Tuesday, April 12th at 6:30 p.m., He stated that every year one fifth of the properties in the City are normally reviewed and updated. That means they completed Sections 4 – part of 14 and will be reviewing the rest of Section 14 and all of Sections through 25 next year.

There were 354 property parcels reviewed in those sections. Due to 2008-2009 and 2010 Legislative property tax law changes involving Green Acre, Agricultural Preserve and the new rural vacant classification; all agricultural and vacant land in Independence was rechecked from the 2009 review. The review involved 378 properties, they additionally reviewed 245 building permits for 149 properties as noted as having newly issues building permits or properties here the property permit was not complete on January 2, 2010.

For the Board of Review Period, rates for Residential Off-lake dropped -7.1%, Residential On-lake dropped -2.0%, Agricultural Land dropped -8.4% and Ag (Ag Preserve and Green Acres) increased 8%.

The value of agricultural land went from \$4,000 per acre to \$4,300 per acre. Wetlands went from \$750 to \$1,075 per acre, pasture and woods at \$2,150 per acre.

Jensen said the Board of Review can't change the Ag Preserve and Green Acres values. He also said the Legislature doesn't like the way the Green Acres program is working and would like to take it back to where it was in 2008. Independence has at least 40 properties in this program.

Jensen also noted only 4 homes/properties in Independence are in a foreclosure status. He stated that this is a fairly normal amount.

9. Harry Pool, 8145 County Road 11, (PID# 08-118-24 11-0001) Approval of a Minor Subdivision, Resolution No. 11-0308-01.

Kaltsas stated the property is located along the South side of County Road 11, west of County Road 92 and north of Lake Robina. The existing property consists of three lots, with gentle rolling agricultural land with some woodlands/wetlands adjacent to Lake Robina with a minor wetland/pond in the northeast corner of the property. Pool is requesting to divide his existing homestead with all the out buildings into a ten acre parcel or rural view lot in accordance with the provisions set forth in the City's zoning ordinance.

The Provision allows for one (1) rural view lot for every 40 acres of land under the same ownership.

The City has received any written comments or calls regarding the proposed subdivision. The Planning Commission has held a public hearing on this request and had no one appear with any comments or concerns.

The Planning Commission recommends approval of the rural view lot subdivision with the following findings:

1. The proposed minor subdivision for one (1) rural view lot meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall provide to the City a final survey indicating the legal description of the minor subdivision for the one (1) newly created rural view lot and proposed Tract D.
3. The Applicant shall pay the park dedication fees in the amount of \$7,250, for the newly created Tract E prior to the City signing off on the subdivision for recording.
4. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
6. The total combined four properties will have two (2) remaining rural view lot eligibilities as stated and further detailed in the staff report.

7. Should any additional subdivision of this property be proposed, the Applicant shall submit a “ghost” plat to the City that indicates how the remainder of the property (Tracts A, C and D) can be subdivided to realize two (2) additional rural view lots with the required frontage and approved County access.

Motion by Spencer, second by Betts to approve the rural view lot subdivision in accordance with the Planning Commissions findings. Those present voting aye: Johnson, Betts, Wallace and Spencer; nay: none, Absent: Wenck. Motion declared carried.

10. Discussion and direction of Staff to bring the Wright-Hennepin Cooperative Electric Association Franchise Ordinance.

Hirsch noted that Wright-Hennepin Electric Cooperative Electric Association Franchise ordinance has expired. In discussion with the Cooperative it was apparent they were not concerned or aware of the expired franchise. Hirsch discussed the matter with the City Attorney and he suggested we bring it before the Council.

Motions by Betts, second by Wallace to have the City Attorney update the Ordinance for a period of 20 years. Those present voting aye: Johnson, Betts, Wallace and Spencer, nay: none; Absent: Wenck. Motion declared carried.

11. Councilmember Spencer – Lake Sarah Channel update

Spencer had Butch and Tom Gardner out at the channel. There is no frost in the ground and lots of muck adjacent to the flood plain. Because of no frost, Three Rivers Park won't allow any heavy equipment at the site nor would anyone want to do the work this year.

12. Misc./Open

William Abbott – has the opportunity to move in a two-car garage onto his property located at 5375 Moline Road. The Building Inspector did inspect the building and made his recommendations. The building is in good shape on the outside other than normal wearing. He was unable to see the inside, but was told it's insulated and sheet rocked. It will need to be put on a foundation. The building is 960 sq. ft. in size. William Abbott had attached to the application a drawing of the location on his property of where it will be placed. With no other unattached buildings, other than a small garden tool shed – Staff recommended approval of placing this building on the property located at 5375 Moline Road.

Motion by Spencer, second by Wallace to approve Mr. Abbott's moving permit, with the Building Inspectors recommendations, for the unattached two car garage since he meets zoning ordinance requirements. Those present voting aye: Johnson, Betts, Wallace and Spencer; nay: none; Absent: Wenck. Motion declared carried.

Agricultural Preserve Fee

Hirsch noted that Hennepin County is now charging an \$86 fee for every application or termination for Agricultural Preservation Property. Hirsch recommends to the Council to increase the fee from \$50.00 to \$100.00.

Motion by Wallace, second by Spencer to approve the increase from \$50 to \$100 for the Ag preserve applications, effective immediately. Those present voting aye: Johnson, Betts, Wallace and Spencer; nay: none; Absent: Wenck. Motion declared carried.

13. Adjourn

Motion by Wallace, second by Betts to adjourn the City Council meeting at 8:43 p.m., those present voting aye:: Johnson, Betts, Wallace and Spencer; nay: none; Absent: Wenck. Motion declared carried.

Respectfully submitted by Toni Hirsch, Recording Secretary