

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 28, 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, Spencer, and Wenck

ABSENT: Councilmember Wallace

STAFF: Clerk-Administrator Hirsch, City Attorney Vose, City Planner Kaltsas, Public Safety Director McCoy

VISITORS: Richard Stanek, Hennepin County Sheriff's Office; Shane Nelson, Hakanson Anderson; Linda and Scott Learned, 2165 S. Lakeshore Drive

4. CONSENT AGENDA.

Approve:

- Approval of Council Minutes for May 24, 2011
- Approval of Special Council Meeting Minutes to approve the Accounts Payable for the month of June 14, 2011
- Approval to correct Section 530.07, Subd. 2 Setbacks, referencing "subsection 505.25" should be "subsection 505.15"
- Approval of Windsong Farm Golf Club's request for a Tobacco License to sell Cigars
- Approval to allow Appelhof and Pennaz to continue their agreement held for the shared on-site sewer when they transfer to the City Sewer
- Approval of Resolution No. 11-0628-01, Declaration adopting model measures of performance standards for Cities

Wenck requested the model measures of performance standards item be removed from the consent agenda and placed on the regular agenda for more discussion.

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

Wenck asked staff if there was an update on the seal coating issue that happened earlier in the year. Hirsch replied she would check with Public Works Director Koch.

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

A. Approval of Resolution No. 11-0628-01, Declaration adopting model measures of performance standards for Cities

Wenck reported it was a subject of discussion at the League of Minnesota Cities. He liked the idea, but was not sure of the cost. He stated they should estimate the level of cost versus improvement of services. Hirsch reported that the deadline to report if they will be participating is July 1st. Hirsch stated that the Census numbers have dropped slightly for 2010 and multiplying that number by the amount per capita would equal a cash benefit of \$490. If they were to do a survey, they could do so by the newsletter that goes out to all homeowners and property owners. But they would also need to include staff time to accumulate and review those survey responses. Wenck said there is also quite a bit more involved than the survey. Wenck stated the concept is good but they need to figure the cost to do performance standards. He stated that it may be more beneficial for other cities.

Motion by Councilmember Betts, seconded by Wenck, to table the item. Ayes: Betts, Johnson, Spencer, and Wenck. Nays: None. Absent: Wallace. MOTION DECLARED CARRIED.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

- Spencer: Sensible Land Use Conference, Loretto Fire Dept meeting on how to charge cities for fire services
- Wenck: Lake Minnetonka Communications Commission, League of MN Cities Annual Meeting in Rochester, Loretto Fire Dept meeting,
- Betts: Sensible Land Use Conference, Planning Commission for Spencer, June 14th Council meeting
- Johnson: Orono Scholarship Breakfast, Sensible Land Use Conference, Senior Community Services Board Meeting, Community Action Suburban Hennepin Board meeting, Hubert Humphrey 100th Birthday Party at Hennepin County, represented League of MN Cities at Energy & Environment Natural Resources Committee at Kansas City, Northwest League of Cities, Community Action Suburban Hennepin Finance Committee Meeting, Regional Council of Mayors, June 14th Council meeting, Small Cities Conference in Beulah, North Dakota, Active Living Quarterly meeting in Minnetonka
- Robert Hamilton, husband to Marilyn, and father in law to Public Safety Director Ray McCoy, has passed away. Councilmember Wenck's mother also passed away. The Council gave their condolences to both families.
- Hirsch: Sensible Land Use Conference, Planning Commission, Open House for Carol Neyens, meeting with Steve McDonald from ABDO

7. HENNEPIN COUNTY SHERIFF RICH STANEK, NEW 911 COMMUNICATIONS FACILITY, RESOLUTION 11-0628-03

Rich Stanek, Hennepin County Sheriff, introduced several staff from the Sheriff's office.

Stanek gave a presentation on the Sheriff's Office and how their office interacts with other law enforcement offices. He chose to run for office when seeing violent crime rise in the County in 2006. Violent crime has since been reduced by 32 percent.

Stanek reviewed the nine lines of business at the Sheriff's office: jail, 911/dispatch, patrol, crime lab, investigations, warrants, court security, personnel/training and civil process. He highlighted their medicine collection events.

Stanek stated that their communications area is in a heavy residential area. It is a sixty-four year old facility that cannot keep up with the technology and the infrastructure of the building is failing. There is also a need for other dispatch centers to turn their calls over to Hennepin County if there is an emergency that takes out their dispatch center. He cannot afford to have a 911 call unanswered. The resolution before Council will help send the message that local communities support a new emergency communications facility.

Johnson asked about over building of jails. Stanek stated that they have bed capacity for 839 but can take about another 300 for holding capacity without beds. However, the Sheriff's staff at the jail is only enough for about 600 bed capacity and has a lot to do with sentencing issues.

Johnson asked if a tower will be built at the new location in Plymouth. Stanek replied they are going to be using the land already owned by Hennepin County in Plymouth as well as the tower that is already there. That will save a significant amount of money. The Golden Valley site will be phased out eventually, but the tower will remain there.

Johnson asked about any issues with the 800 megahertz radio working properly with Wright and Hennepin County. Stanek will look into it but has not heard of issues as they often cross the county line to assist with calls.

Motion made by Wenck, seconded by Spencer, to adopt Resolution 11-0628-03, supporting Hennepin County Sheriff's New Regional 911 Emergency Communications Facility. Ayes: Betts, Johnson, Spencer, Wenck. Nays: None. Absent: Wallace. MOTION DECLARED CARRIED.

8. PUBLIC HEARING – SHANE NELSON, HAKANSON-ANDERSON – STORMWATER POLLUTION PREVENTION PROGRAM

Johnson opened the public hearing.

Council inquired how NURF ponds are dealt with in the plan. Both Nelson and Vose agreed that in the long term, the City may see itself responsible for these ponds.

Spencer inquired if the language had been strengthened regarding TMDL. Nelson stated that ultimately the city as the permit holder is responsible for the waste loads, but they may delegate that to the water shed districts.

Motion by Wenck, seconded by Betts, to close the public hearing. Ayes: Betts, Johnson, Spencer, Wenck. Nays: None. Absent: Wallace. MOTION DECLARED CARRIED.

9. DIRECTOR RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY REPORT FOR MARCH, APRIL AND MAY, 2011

McCoy described the issues his department has experienced with the 800 megahertz radio.

McCoy stated that he had several police officers step up to help several high school students with making sure homework and classes were completed on time to ensure they graduated with the rest of their class. He was glad to announce all the students they worked with graduated.

McCoy gave an update on recent crime rates and also announced Night to Unite on August 2 and Public Safety Days on August 18 at the Udder Market in Maple Plain.

10. SCOTT AND LINDA LEARNED, DONALD AND NANCY LEARNED – 2165 AND 2185 SOUTH LAKESHORE DRIVE (PID #'S 21-118-24-13-0019 AND 21-118-24-13-0020) LOT LINE REARRANGEMENT REQUEST

Planner Kaltsas gave an outline of the circumstances regarding the lot line rearrangement and the Planning Commission recommendation.

Spencer clarified the trench system for the older property is forty years old whereas the newer property was built in the 1990's. Kaltsas stated that there was some discussion about requiring a condition to hook up within three years as was similar to the most recent sewer project on Independence and Lindgren Lanes; but the Planning Commission did not add it to the conditions set forth to Council. Spencer stated that the trench system is probably nearing the end of its life. Johnson explained much less water is used by elderly persons and that was part of the consideration. Spencer inquired what event would require a sewer hookup. Kaltsas stated a connection to sanitary sewer service would be required within 120 days within the onset of a failing septic system or a certificate of occupancy. These are the conditions that were placed on properties when the 1994 sanitary sewer line was put in place.

Betts stated the ownership has not changed, just the lot line. Johnson stated the sale of the home or additions to the home would require the hook up. Spencer stated that by changing the lot size, it requires a sanitary sewer hookup. He understands the economic costs to hook up, but it must still be fair in terms of what they would require of other homeowners. He felt the need for consistency in the way Council applies their standards. Spencer asked if they could ask for a certified inspection of the current septic system.

Motion by Wenck, seconded by Betts, to adopt Resolution 11-0628-02 approving the minor subdivision for a lot line rearrangement as recommended by the Planning Commission.

Vose asked if Council would like to insert language that requires a certification when the property is sold. Hirsch reported that many home sales go through without a septic certification and city staff does not find out until later. Kaltsas replied they can include a condition that requires the septic certification upon sale or change of ownership.

Motion made by Wenck, seconded by Betts, to amend the motion to include a condition to require a septic certification at the time of sale or change of ownership.

Ayes: Betts, Johnson, Wenck. Nays: Spencer. Absent: Wallace. MOTION DECLARED CARRIED.

11. APPROVAL OF A PROPOSED TEXT AMENDMENT TO CHAPTER V, ORDINANCE – SECTION 550.00, TEMPORARY SIGNS, REGARDING SIGN SIZE.

Kaltsas reported on the proposed text amendment. The text amendment went before the Planning Commission and they did not have an issue with the temporary sign size being extended to 32 square feet rather than the current 24 square feet.

Betts stated that this will be more consistent. Kaltsas stated that the Planning Commission did discuss holding an escrow amount for the temporary signs in the amount of \$25 that would allow for some compensation if city staff needs to go out and remove the sign if it is not taken down in a timely fashion. Kaltsas clarified that this would not be adopted in the ordinance under discussion tonight but would be adopted into the fee schedule.

Motion made by Wenck, seconded by Johnson, to adopt Ordinance No 2011-03, amending Chapter 5 of the Independence City Code. Ayes: Betts, Johnson, Wenck. Nays: Spencer. Absent: Wallace. MOTION DECLARED CARRIED.

Motion by Wenck, seconded by Betts, to establish a \$25 escrow fee for sign permits. Ayes: Betts, Johnson, Spencer, Wenck. MOTION DECLARED CARRIED.

Spencer asked for clarification of what defines “institutional” when applying to this section of the City Code.

Spencer wanted to state that it has been viewed that this change in the ordinance and sign size has been done to accommodate one individual or organization, but he wanted to clarify that this helps to make other signs in the city legitimate.

Motion by Spencer, seconded by Wenck, to request staff to review the definition of “institutional” for Chapter 5 of the City Code. Ayes: Betts, Johnson, Spencer, Wenck. Nays: None. Absent: Wallace. MOTION DECLARED CARRIED.

12. PUBLIC WORKS DESIGN MANUAL - FEE

Kaltsas reported that the fee was designed for the creation and annual upkeep of the public works design manual. The original cost of the document was \$3000. It has been estimated by the City’s Engineer that it may take \$500 annually to review. Kaltsas estimated that every 10 years it would need an overall

update. He stated that there have been five new residential developments creating 21 lots. Approximately one third of the costs associated with the manual of standards benefit the City's existing needs. His proposal is to have the city cover one third of the cost and the remaining 2/3 would be covered by newly created lots.

Johnson stated that he does not like adding another fee and feels that is the City's role to have these standards in place. Wenck inquired how the building fee is determined. Hirsch replied that there is a surcharge, based on value, that goes to the state and the city gets the remainder. The city is currently using the 1997 fee schedule. Hirsch stated that she has done a survey of surrounding city's building code fees and some are at an even earlier fee schedule. The latest fee schedule out there is 2000.

Wenck stated that this fee is just to cover the cost to update the manual when needed. Betts stated the cost will go to the developer, not the builder. Johnson inquired if more building permits come in, will the fee be reduced. Kaltsas stated that they could review the fees at anytime to make sure they were not charging more than is needed to update the manual. Kaltsas stated it is usually part of the development fee. The existing tax base shouldn't necessarily pay for it as they have already built their homes.

Johnson stated he did not like adding additional fees. Spencer agreed and felt that is part of the City's job. Wenck stated that they have already created the manual and absorbed that cost up front. Betts stated that the manual will need continuous updating every few years. Hirsch stated that if they are going to move forward, the fee should be a part of the developer's agreement; because once the developer is gone, it will be left to the homeowner. Kaltsas stated that the fee could be part of the developer costs.

Motion by Wenck, seconded by Betts, to adopt a \$125 Design Standards Development Fee. Ayes: Betts, Johnson, Wenck. Nays: Spencer. Absent: Wallace. MOTION DECLARED CARRIED.

13. OPEN/MISC.

Council discussed training for the Board of Review.

11. ADJOURN

Motion by Wenck, seconded by Betts, to adjourn the meeting at 9:27 p.m. Ayes: Betts, Johnson, Spencer, Wenck. Nays: None. Absent: Wallace. MOTION DECLARED CARRIED.

Respectfully submitted,

Kimberly A. Olson, Recording Secretary