

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 26, 2010 – 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: Council Member Wallace.

STAFF: Clerk-Administrator Hirsch, City Attorney Vose, City Planner Kaltsas.

VISITORS: Jim Wollschlager, Deb Gatz, Cathy Bailey, Robert Demson, Matt Maes, Chris Cady.

4. CONSENT AGENDA.

Approve:

- Council Minutes for October 12, 2010.
- Financials ending September 30, 2010
- Pay request No. 1 from Landwehr Construction Inc., Lindgren Lane Sanitary Sewer Extension.

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

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

Wenck added Pioneer-Sarah Creek to the agenda.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer: Pioneer-Sarah Creek Watershed Management Commission meeting, Lake Sarah TMDL meeting, Highway 12 Bridge ribbon-cutting, Loretto Fire Department Open House, assessment work session.

Wenck: Lake Minnetonka Communications Commission Executive Committee meeting, assessment work session.

Betts: Assessment work session, Chamber of Commerce meeting.

Johnson: Northwest League of Municipalities meeting, Orono Healthy Communities meeting, Chamber of Commerce meeting, Greater Lakes Food Bank meeting, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Highway 12 Bridge ribbon-cutting ceremony, assessment work session, meeting with the Hennepin County Assessor, Senior Community Services Executive Committee meeting.

Hirsch: Meeting with the Hennepin County Assessor, assessment hearing work session, Northwest League of Municipalities meeting, Chamber of Commerce meeting.

7. DIRECTOR RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY SEPTEMBER 2010
ACTIVITY REPORT.

Item was removed from the agenda.

8. APPROVAL OF ORDINANCE NO. 2010-03, AMENDING CHAPTER 5 – RELATING TO
TEMPORARY SIGN USAGE.

Kaltsas stated the Planning Commission reviewed the ordinance and created a provision that addresses recent requests the City has received for temporary signs. The new provisions allow for a temporary seasonal sign that would allow institutions to advertise for events that happen over a length of time, not more than three months. The ordinance would not allow one institution to have both temporary event signs and temporary seasonal signs. The Planning Commission recommended approval of the ordinance.

Betts asked what would happen if the new ordinance creates a proliferation of signs.

Kaltsas responded the ordinance limits the signs to institutional users in the City of Independence, which will keep the number of signs in the community down. In addition, the process required by the ordinance will keep institutions from putting up signs without approval.

Johnson added the City could change its ordinances if necessary. He asked if the seasonal signs should be limited to one event, as it is written in the draft ordinance.

Kaltsas responded institutions could obtain permission for temporary event signs instead of a seasonal sign if they have specific events they want to advertise.

Johnson asked if the Polo Club sign would fit into the definition of a seasonal event sign.

Kaltsas responded the Polo Club sign would be a seasonal event sign because the events advertised on the sign are all the same activity. He noted the sign would not be able to advertise something other than polo matches.

Vose stated if the City sees a proliferation of signs, the City could change the ordinance for temporary signs. However, if the City changed its ordinance for permanent signs, anyone that constructed a sign under the present ordinance would be grandfathered in.

Motion by Wenck, second by Johnson, to approve Ordinance No. 2010-03. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

9. APPROVAL OF ORDINANCE NO. 2010-04, AMENDING CHAPTER 5 – RELATING TO RETAIL SALES OF AGRICULTURAL AND HORTICULTURAL PRODUCTS GROWN ON THE PREMISES BY A PERSON WHO OCCUPIES THE PREMISE AS A PRINCIPAL RESIDENCE.

Kaltsas stated per Council's direction staff made some minor clarifications to the ordinance, created a draft application and proposed an application fee for the seasonal sales of agricultural products. Staff suggests a \$75 fee for the first time property owners apply for an administrative permit and a \$25 renewal fee each year after the initial year if no changes are made. Anyone with a current Conditional Use Permit for the seasonal sales of agricultural products would be considered an existing user and would only be charged the \$25 yearly fee.

Johnson asked what the process would be for approving a permit.

Kaltsas responded staff would check to ensure the application meets City standards and would work with the applicant if it did not meet standards.

Johnson noted the Council will need to make a motion to pass the ordinance and a motion to set the fee schedule. He asked if current Conditional Use Permit holders would need to pay the yearly fee.

Vose responded current Conditional Use Permit holders would not be subject to the \$25 yearly fee. He stated some Conditional Use Permits could be more restrictive than the new administrative process, in which case Conditional Use Permit holders may want to operate under an administrative permit.

Betts noted if current Conditional Use Permit holders request a change then they would be subject to the \$25 yearly fee. She asked if residents would be able to request their money back if they had already paid the fee to obtain a Conditional Use Permit.

Vose responded the Council would not legally have to refund any fees.

Spencer expressed a concern about charging \$25 to people who already have Conditional Use Permits. He suggested removing that requirement.

Johnson asked if the motion to approve the ordinance should include a statement that the current Conditional Use Permits are grandfathered into the new administrative process.

Vose responded the ordinance itself does not address current Conditional Use Permits, so the Council could approve the ordinance and then address the yearly fees in its fee schedule.

Motion by Spencer, second by Wenck, to approve Ordinance No. 2010-05. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

Spencer requested removal of the \$25 fee for existing Conditional Use Permits.

Hirsch asked what would happen if a Conditional Use Permit holder wanted to amend their CUP.

Johnson responded a Conditional Use Permit holder would need to pay the necessary fees to amend their CUP.

Motion by Wenck, second by Betts, to set the fee to \$75 for the first year and \$25 for subsequent years for administrative permits for the seasonal sale of agricultural products. Current Conditional Use Permits are grandfathered into the fee schedule. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

10. APPROVAL OF ORDINANCE NO. 2010-06, AMENDING CHAPTER 5 – RELATING TO STREET CLASSIFICATIONS, PUBLIC ACCESS ROADS AND PHYSICAL STANDARDS.

Kaltsas stated the Planning Commission and staff reviewed the current ordinances and found some deficiencies in the standards for private roads. The proposed ordinance amendment clarifies what is permitted for a private driveway and defines a shared access driveway. It also sets the maximum number of three lots a private driveway may access and clarifies the standards associated with a private driveway. Standards for a private driveway include a minimum easement width of 66 feet, minimum driveway width of 22 feet and a maximum driveway length of a quarter of a mile. The proposed ordinance also notes private roads are discouraged. The proposed ordinance creates criteria for the City to consider when approving a common driveway.

Johnson asked how the proposed ordinance would affect a property owner who has to upgrade a City cart way in order to gain access into his property.

Kaltsas stated the proposed ordinance would not affect that property owner because the cart way only provides access to one lot and is a public cart way.

Vose stated there are two properties on Lake Independence that require a shared driveway, but their driveway could not be called a shared access driveway. He expressed a concern that the ordinance currently has one criterion that is too specific for allowing a shared driveway. He suggested removing item B from the list of criteria.

Kaltsas suggested removing the “and” to “or” in the list so that any of the criteria would allow a property owner to have a shared driveway.

Vose suggested the Council give staff direction to refine the criteria for allowing a shared driveway.

Motion by Wenck, second by Spencer, to direct staff to change the proposed ordinance to include broader criteria for allowing a shared driveway and to put the updated ordinance on the consent agenda of the next Council Meeting. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

11. 2010 AUDITOR – APPROVAL OF STAFF’S RECOMMENDATION TO CONTRACT WITH LARSON ALLEN CPA FOR THE YEARS 2010 AND 2011.

Hirsch stated the City received five proposals for auditing services. The City’s current auditing firm’s proposal was the second-highest. Staff recommends Larson Allen for the 2010 and 2011 audits. The proposals were reviewed by herself, Council Member Betts and the City’s accounting firm and all three recommended Larson Allen. In addition, the City’s accounting firm is able to prepare the City’s financial statements for \$200 less than what Larson Allen had proposed.

Johnson stated another organization he works with contracts with Larson Allen for accounting services and he has been satisfied with their work.

Hirsch noted Larson Allen was the only auditing firm to come to the City and meet with staff.

Motion by Wenck, second by Betts, to contract with Larson Allen CPA for auditing services for the years of 2010 and 2011. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

12. 2011 RECYCLING CONTRACT – APPROVAL OF STAFF’S RECOMMENDATION TO CONTRACT WITH RANDY’S SANITATION OF DELANO FOR THE YEARS 2011, 2012 AND 2013.

Hirsch stated the City received three proposals for recycling services. Randy’s Sanitation submitted the lowest proposal. Staff recommends contracting with Randy’s Sanitation for the next three years for residential recycling services, which also includes free document destruction for City offices.

Wollschlager, of Randy’s Sanitation, stated he would be excited to provide recycling service to the City and offered to answer questions from the Council.

Maes, of Waste Management, thanked the Council for the opportunity to serve the City. He noted Waste Management provided two proposals, one for dual-sort recycling and one for single stream recycling. Single stream recycling does increase recycling rates. Maes stated he believes the tonnage estimates given to the City are accurate. He noted the drivers do frequent house counts as well.

Johnson thanked Waste Management for its service to the community. He asked if the single stream recyclables actually get recycled.

Maes responded the single stream recyclables have about a 96 percent recovery rate. He invited the Council to tour the processing facility to see what happens to the materials. Maes stated Waste Management is the nation’s largest recycling company.

Wollschlager invited the Council to tour Randy’s Sanitation’s facility in Delano.

Hirsch noted she was able to tour Waste Management’s plant and was impressed with the sorting process.

Motion by Betts, second by Spencer, to contract with Randy’s Sanitation, per the staff recommendation, for residential recycling service in the years of 2011, 2012 and 2013. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

13. APPROVAL TO NOTIFY WASTE MANAGEMENT THAT WE WILL NOT BE RENEWING OUR CONTRACT BEYOND 2010.

Motion by Betts, second by Spencer, to notify Waste Management the City will not renew its recycling contract beyond 2010. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

14. OPEN/MISC.

Pioneer-Sarah Creek

Wenck asked for an accounting of the Legacy Grant money the Pioneer-Sarah Creek Water Management Commission received for water quality improvement.

Spencer stated because the grant was targeted toward projects with high landowner involvement and there were no interested parties, the funds were used for alternative projects that were not the preferred projects.

15. ADJOURN.

Motion by Spencer, second by Wenck, to adjourn the City Council meeting at 8:25 p.m. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary