

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JUNE 12, 2007, 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 Marvin 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 Fisher, Betts, Strong, Gyllenblad.

STAFF: Clerk-Administrator Hirsch, Attorney Vose, Planner Goodrum.

VISITORS: Lindsay Wallace, LuAnn Brenno, Kathie Pluth, Kay Gabriel, Marilyn Harter, Norm Wenck, Jerry Ahrendt, Pat Anderson, Harry Pool.

4. CONSENT AGENDA. Approve:

- May 22, 2007 Council Minutes.
- May 22 Continuation of Board of Review Minutes.
- June 2007 Accounts Payable.
- MNCIS Access Agreement request.

Motion by Betts, second by Strong to approve the Consent Agenda. All present voted aye. MOTION CARRIED.

5. SET AGENDA.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF.

Gyllenblad: Took 47 phone calls regarding the comp plan task force and consultants.

Strong: Northwest League.

Betts: Sensible Land Use, Parks Commission.

Fisher: Planning Commission.

Mayor: Senior Community Service Board meeting, attended Orono High School Grad Scholarship breakfast, Minnehaha Watershed District meeting for elected officials, CAPSH Board meeting, several conversations with the person conducting the active living survey, Memorial Day service at Lewis Cemetery w/Tom Emmer as speaker. Attended the Active Living Committee meeting to discuss the report, Gillespie Center budget meeting. Special conference call with LMC to discuss governor's veto of the tax bill. Attended the retirement party for the Minnetrista police chief. Greater Lakes Food Bank annual fund raiser in Golden Valley, attended American Experiment luncheon about climate change, went to several special graduations with Dist. 287. Attended the Energy, Environment and Natural Resources Steering Committee for the National League of Cities in Minneapolis, Orono Education Association breakfast, WECAN Board, reception for Orono retiring mayor and council member.

Clerk Hirsch: Met with Dan Koch, Otto Associates, City Engineer Roger Larson and the developer to discuss some changes in Deer Ridge Farms. The pre con is scheduled for next Tuesday.

7. APPROVE THE CONTRACT WITH LOUCKS ASSOCIATES TO FACILITATE AND DRAFT THE CITY'S COMPREHENSIVE LAND USE PLAN.

Gyllenblad asked why Exhibit A was blank. Clerk Hirsch answered that it is the proposal and it will be inserted. She reminded council members that if they ever feel something is missing to be sure and let her know so she can include it. Mayor Johnson asked if there would be any problems meeting the time line, since we are running a month or two late. Mr. Hagen from Loucks Associates replied that they would like to see it adjusted because of the unforeseen delay. They will be moving along quickly.

Motion by Betts, second by Mayor Johnson to approve the contract. Voting Aye: Mayor Johnson, Council Members Betts, Fisher, Strong. Voting Nay: Council Member Gyllenblad. MOTION CARRIED.

8. APPROVE RESOLUTION NO. 07-0612-01 DENYING A REQUEST BY THE MINNESOTA POLO CLUB, LLC FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE RELATED TO THE CONDITIONAL USE FOR A POLO OPERATION.

Attorney Vose stated that we talked about this at our last meeting, but did not act on it. It is essentially a 60-day rule issue. The applicant asked for a change to the text in the ordinance. Staff is recommending that you deny this request, understanding that you could ultimately propose different language, which could well be something they would be happy to accept. This is just a clean-up item for the 60-day rule.

Motion by Strong, second by Fisher to approve:

RESOLUTION NO. 07-0612-01

RESOLUTION DENYING A REQUEST BY THE MINNESOTA POLO CLUB, LLC. FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE RELATED TO THE CONDITIONAL USE OF A POLO OPERATION

WHEREAS, The Minnesota Polo Club, LLC. (the "Applicant") has requested that the City amend the zoning ordinance to allow for commercial equestrian polo operations as a conditional use in the Agriculture Zoning District; and

WHEREAS, the Applicant proposed the following modifications to Section 530.01 Subdivision 4 of the City Code: add a conditional use for polo grounds in excess of fifty acres; and

WHEREAS, pursuant to said request, the planning commission of the City of Independence (the "City") conducted a public hearing on the proposed ordinance amendment on February 12, 2007; and

WHEREAS, at the public hearing, the Applicant and the public provided oral and written testimony in regard to the request and the planning commission provided findings of fact for the city council; and

WHEREAS, the City continued the review of the request and was provided a written extension by the Applicant for May 14, 2007 to allow for additional time to prepare for city council review; and

WHEREAS, on February 27, 2007, the city council considered Applicant's proposed language and directed staff to prepare alternative language for Council consideration; and

WHEREAS, the City requested an additional written extension to review the request within the allotted time period and was granted until June 14, 2007; and

WHEREAS, the City did not receive any additional materials to review for reconsideration of the proposed ordinance amendment before the extension expired.

NOW, THEREFORE, BE IT RESOLVED by the city council of Independence, Minnesota, that the council concludes, as a matter of its legislative discretion, that the particular ordinance amendment, as proposed by the Applicant, is inappropriate and the application for such amendment is denied.

Upon vote being taken, the following voted in favor: Mayor Johnson, Council Members Fisher, Betts, Strong, Gyllenblad. Against: None. Absent: None. Whereupon said resolution was passed and adopted.

9. 8:00 PUBLIC HEARING - BETH KUNKEL AND JESSICA LAABS, KIMLEY-HORN & ASSOCIATES, MS4 ANNUAL REPORT INCLUDING THE STORMWATER POLLUTION PREVENTION PLAN.

Jessica Laabs stated that we are issued a permit by MPCA to discharge our storm water. Annual reporting is required. We are required to reduce pollutants to the maximum extent practicable. The six important control measures are public education, public participation, detection and elimination of illicit discharge, construction site runoff control, post-construction site runoff control and pollution prevention. Storm water ponding and policies for new development are important. Regular maintenance and inspection are also important, such as street sweeping, which we already do. We are required to submit a report to the MPCA by June 30 each year. We will submit a new permit application in 2011. This report shows what we have done this year and what we plan for the future.

The purpose of tonight's hearing is to give council members and the public a chance to ask questions. There was a little discussion about aeration of ponds, and NURP ponds in general.

Mayor Johnson thanked Beth and Jessica for their time.

Motion by Betts, second by Strong to accept the MS4 annual report. All present voted aye. MOTION CARRIED.

10. PAT ANDERSON, 3715 LAKE HAUGHEY ROAD (PID #08-118-24-23-0014.) PRELIMINARY PLAT WITH A VARIANCE.

Planner Goodrum reviewed the application for council members. He stated that she wants to divide a 10 1/2-acre parcel into two lots. She is in the Ag Zone, which requires a minimum of 50 acres in order to divide it into two lots. The applicant has asked for a variance from this requirement. She proposes to provide environmental design elements to these lots. The only condition that could not be met was the 25-foot setback for a secondary septic site. It would be 19 1/2 feet from the wetland. Kimley-Horn looked at this for drainage issues. The visibility for a driveway would be poor in this area, and a variance might have to be made for the distance from the neighboring property. Staff recommends denial because it is a large variance and if approved, it could set a precedent for others who would like to subdivide in the Ag District. Mr. Goodrum feels that this is a land use issue and should be changed during the comp plan update if Council so desires. Goodrum also stated that in his opinion the applicant has not proven a true hardship. The lots along the east side of Lake Haughey were created before the zoning code was in effect.

Mr. Goodrum noted that the Planning Commission held its public hearing last night. There were several people who spoke in opposition to the project. Planning Commission recommended denial of the request because it is clearly outside the ordinance and comp plan parameters, and the applicant had not proven a hardship.

Mayor Johnson stated that the applicant had requested that Carolyn Dindorf be allowed to give a presentation on rain gardens, but he had denied the request because all council members know what rain gardens are and this was a zoning issue.

Pat Anderson stated that she is asking for a variance based on reasonable use. She stated that the other 20 properties on her road average 2.8 acres. She stated that she would be willing to do a beautiful environmental project that would enhance the city. She stated that she had 5 letters from residents on the road supporting her request.

There were no questions from the council. Council Member Betts commented that the Planning Commission had recommended denial of the request as it far exceeded zoning ordinance requirements, and a hardship was not proven.

Motion by Betts, second by Mayor Johnson to deny the request and have Staff prepare for the next council meeting a formal resolution including a statement of findings of fact. Gyllenblad stated that the environmental issue should be looked at for all small divisions. He also thought that this property should not be zoned Agricultural. Betts stated that she agreed, but the request is a little premature. It is one that could spur changes in the comp plan. Voting Aye: Mayor Johnson, Council Members Betts, Strong and Fisher. Voting Nay: Council Member Gyllenblad. MOTION CARRIED.

11. PRESENTATION OF RECOGNITION PLAQUE TO HARLAN STRONG FOR HIS YEARS OF SERVICE AS A COUNCILMAN.

Mayor Johnson, Council Members and Staff thanked Harlan Strong for serving on the Council and Planning Commission and told him that they would miss the good working relationship we have had together. Mayor Johnson presented a plaque to Mr. Strong.

12. INTERVIEW AND POSSIBLE APPOINTMENT OF THE COUNCIL VACANCY LEFT BY HARLAN STRONG EFFECTIVE JUNE 14, 2007.

There were two applicants for this position, Norm Wenck and Lindsay Wallace. The order of interview was determined by lot. Mayor Johnson and council members asked each candidate a series of questions. The mayor and council members were very impressed to see that both candidates would make excellent additions to the Council. Because Mr. Wenck had Planning Commission experience with our city, there was a motion by Fisher, second by Betts to accept Mr. Wenck's application. All present voted aye. MOTION CARRIED. Because of the open position created on the Planning Commission, the Council asked Staff to advertise for the open position. Mayor Johnson and council members strongly urged Mr. Wallace to apply for the open position on the Planning Commission that Mr. Wenck has left.

13. SCHEDULE A 2008 BUDGET WORKSHOP MEETING.

Council members concurred that 7:30 a.m. on Thursday, June 21 would work for everyone.

14. OPEN/MISCELLANEOUS.

There were no additional items.

15. ADJOURN.

Motion by Fisher, second by Betts to adjourn. All present voted aye. MOTION CARRIED. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Mollie Little, Recording Secretary