

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, FEBRUARY 27, 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, Fisher.

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

VISITORS: Brad Spencer, Mike and Mary Magnuson, Sandy Hornig, Curt Johnson, Pat Anderson, John Hasse, Jennifer Hasse, Sally Brown, Jim Coleman, Debi Friedrichson, Jan and Bruce Frahm, Cathy Brown, Julie Gunderson, B. Hazledine, Leslie Norgren, Cathy Mueller, Kathy and Tony Anderson, Doug Doty, LuAnn Brenno, Cynthia and Steven Erickson, Lisa Phillips, Leo Poole, Tom Emmer, Harvey Dalbec, Elizabeth Rick and son.

4. CONSENT AGENDA. APPROVE:

- February 13 Council Minutes.
- Budget Update as of 1-31-07.
- Renew Liquor Licenses for Windsong Farm Golf Club, Pioneer Creek Golf and Ox Yoke Inn.
- Resolution No. 07-0227-01, Supporting Funding for Senior Programs.

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

5. SET AGENDA.

There were no additional items.

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

- Gyllenblad: Delano Facility Task Force meeting.
- Strong; Northwest League.
- Mayor: Northwest League, LMC Board meeting, Metro Council Land Use Advisory Committee, Highway 55 Corridor Coalition, death of George Roadfeldt, former Hennepin Co. Ag Extension agent, CAPSH Exec. And Finance Committee meeting, Employee recognition for LMC, American Experiment luncheon re. urban sprawl, CAPSH Board meeting, Gloria Johnson's (Senior Community Services Board member) son's death in Corcoran house explosion, spent a day at the State Capitol with MN Counties Assn., MN School Board Assn., and LMC Executive Directors and Board Chairs meeting with key leadership, Senior Community Services Executive Board meeting.
- Clerk Hirsch: Met with Rose Lorsun and Schoell Madsen to discuss proposed 2010-2030 comp plan zoning portion, met with Pete Alworth re. equestrian trail, Parks Commission, had Pictometry installed by Hennepin Co., met with Beth Kunkel of Kimley-Horn to discuss shoreland ordinance, met with a representative from Horsemen Inc. re. drain tile work.

7. FOURTH QUARTER 2006 REPORT, STEVE MCDONALD.

Steve McDonald reviewed the fourth quarter report for council members. They thanked him for the good report and for his time.

8. MN POLO CLUB, 8590 COUNTY ROAD 6 (PID #32-118-24-22-0001.) REQUEST TO AMEND THE ZONING CODE TO ALLOW POLO GROUNDS IN EXCESS OF 50 ACRES IN THE AGRICULTURAL ZONING DISTRICT.

Tom Emmer was present to represent the applicants. City Planner Goodrum reviewed the request for council members. Goodrum commented that the City will have to decide if polo grounds are an appropriate use in this district. He went on to say that polo grounds should be defined in our code. If Council members find this to be an appropriate use they should be thinking about what conditions they would like to place on such a facility. Council Member Betts asked if we don't already have a definition in our present code. Goodrum stated that we do not. Attorney Vose stated that the council will want to decide if polo grounds are consistent with our comp plan.

Goodrum was present at the Planning Commission, which recommended denial of the request because they felt it was included in the horse facility definition. There was a discussion about the existing polo grounds, and the fact that it was in place before the zoning code was written. Goodrum recommends that polo grounds should be permitted by conditional use, so the city has some control over the operation. Goodrum thinks a polo grounds is far removed from a riding stable, although the Planning Commission, in its recommendation, stated that it felt polo grounds falls under the definition of "Riding stable, commercial: stables, barns and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use."

Attorney Vose thought the Council could look at the definition of riding stables; clearly, some think it includes polo grounds. Council could re-define riding stables - to include or exclude polo grounds. Betts commented that horse racing could even be included under this definition. Strong stated that he feels polo clubs and riding stables are two separate things. He thinks polo clubs should be named as an accepted use in the Ag Zone, with a conditional use permit. There were a few comments about what is considered commercial or non-commercial. Council Member Fisher commented that whether the polo grounds is listed as an accepted use or is deemed to be covered by the riding stable definition, it should require a conditional use permit because it is a commercial operation.

Mr. Emmer stated that he was concerned that the conversation was going beyond the scope of the request before the Council. The request is to add "or polo grounds in excess of 50 acres." He did not think the discussion should include restaurants, etc. We should just be looking at polo fields in the Ag District. Any commercial use would be addressed when and if it comes before the Council. Emmer stated that prior requests have nothing to do with this one. His client is only proposing to have polo grounds in excess of 50 acres. Betts wondered how this would impact the present polo fields. Fisher asked if we change the ordinance to include polo fields, how much control we would have over operations under a conditional use permit. Attorney Vose stated that you can lay out general conditions and special conditions for particular uses. If the proposal meets existing codes, it is permitted.

One resident asked if there would be lighting. If so, he thinks it would impact the area. He wondered if open space would be preserved by putting in a polo field. Attorney Vose stated that if lighting is requested, Council could decide if it would have an adverse impact on the neighborhood. Vose stated that the fact that there is an existing polo field does not compel the Council to allow another one, because the present one existed before the zoning codes and comprehensive plan were written.

One resident stated that she is not opposed to a polo field. If we are going to look at allowing them at this point, why don't we just add polo or polo fields as a conditional use? Mr. Emmer agreed; the discussion about club house or hours of operation, etc. should take place during a conditional use permit application.

It was suggested that the city planner come back with a definition of "polo" or "polo fields" and a set of conditions that he would suggest if a polo field is allowed. Mr. Goodrum stated that if the applicant is not willing to extend the time required for a decision we would have to make a decision tonight. Mr. Emmer stated that he would advise his client to work with the City in any way he can.

One resident stated there are three polo fields in the general area already, all within 8 miles of the proposed site, so couldn't we make better use of those. Attorney Vose stated that we probably need to act by April 12 on the current application. Attorney Emmer will talk with his client and encourage him to extend the deadline for action.

Motion by Mayor Johnson, second by Betts to direct Staff to incorporate the language in a resolution that has been discussed tonight that states that polo is an accepted use in the Ag Zone with a conditional use permit, and also that we have in writing an extension of time to make a final decision. All present voted aye. MOTION CARRIED.

9. PAT ANDERSON, 3715 LAKE HAUGHEY ROAD (PID #08-118-24-23-0014.) ADMINISTRATIVE APPEAL TO STAFF'S INTERPRETATION OF SUBDIVISION AND SHORELAND DISTRICT CODES TO DETERMINE SUBDIVISION ELIGIBILITY OF 3715 LAKE HAUGHEY ROAD AND OTHER SHORELAND DISTRICT PROPERTIES.

Pat Anderson was present to answer questions. City Planner Goodrum stated that the applicant believes she should be allowed a 2 1/2 acre minimum lot size; Staff believes the overlying Ag District dictates that she must have 50 acres in order to divide her lot. The lot in questions is just less than 10 acres, well below the 50-acre requirement.

Planning Commission suggested she could apply for a variance from the 50-acre requirement. The applicant suggested that she would be willing to put in rain gardens, do lakeshore restoration, install a 75' barrier strip to stop runoff, and a 35' easement from the wetland areas. She thought this type of project could encourage others to do the same. Betts asked if the applicant has a hardship. Goodrum answered that if the applicant should apply for a variance she would have to prove there is a hardship. Staff thinks it would be very difficult to find a hardship in this case. The applicant stated that the DNR recommended that there be a 75' barrier strip to keep the runoff from Lake Haughey Road out of the lake.

Mayor Johnson stated that under the present ordinance a lot split would not be allowed. He asked for direction from Attorney Vose. Vose agreed that the original Ag requirements take precedence over the shore land overlay requirements. Vose stated that a variance request would proceed through the normal channels. A new application would have to be filed. Vose thought some of the fees the applicant has paid could be applied to the new request.

The applicant asked for feedback. Mayor Johnson stated that it will be hard to convince the Council that we should allow such a small lot to be divided. He thought it was possible that the changes could be made in the comprehensive plan when it is redone. She asked if the Council cares about the environmental steps she is willing to take. They agreed that they like the plan, but it can't be used as a barter tool.

Motion by Strong, second by Betts to accept the Planning Commission's recommendation to deny the property division as presented, and instruct Staff to work with Ms. Anderson with a variance request. All present voted aye. MOTION CARRIED. Ms. Anderson thanked the Council.

10. PUBLIC SAFETY DIRECTOR RAY MCCOY, JANUARY 2007 ACTIVITY REPORT.

Chief McCoy briefly reviewed his report. He stated that there are 22 people in the Citizens Academy, the largest class they have had so far. One officer was injured while in military operations and is not working presently. The audit is scheduled for March 1 and 2. He completed his annual report on Monday, and encouraged council members to read through it. The Dare program at Delano will be taken on by the full time Wright County liaison officer. Sargeant Kroells is working with Delano to make a smooth transition. Gyllenblad asked if the officers are paid when they are teaching the Citizens Academy. Chief McCoy answered that they usually take comp time for those hours.

11. DISCUSSION OF NAME CHANGE FOR THE POLICE COMMISSION.

Gyllenblad requested that this be postponed until the March meeting, as information he requested from the attorney general has not been furnished yet.

12. ACKNOWLEDGE LAKE SARAH TMDL TASK FORCE COMMITTEE AND PURPOSE.

Mayor Johnson acknowledged this, and announced there would be a TMDL meeting at 6:30 on Wednesday, February 28 in the council chambers.

13. OPEN/MISCELLANEOUS.

Mayor Johnson stated that the LMC has prepared a resolution that many cities have endorsed, asking that transportation needs be addressed by the State legislature. Motion by Betts, second by Fisher to approve the afore-mentioned resolution, attached as Exhibit A. All present voted aye. MOTION CARRIED.

Clerk Hirsch stated that she will be out of town next week, and since there is only one item for the next council meeting, she asked if that meeting could be canceled. Mayor Johnson stated that he will be out of town as well, at the NLC legislative conference. There is only one planning commission item for the March 27 meeting.

Motion by Betts, second by Strong to cancel the March 13 meeting. All present voted aye. MOTION CARRIED.

14. ADJOURN.

Motion by Fisher, second by Strong to adjourn. All present voted aye. MOTION CARRIED. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Mollie Little, Recording Secretary