

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, OCTOBER 13, 2015 –7:30 PM

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, Councilors Betts, Fisher and Spencer

ABSENT: Wenck

STAFF: City Planner & Interim City Administrator Mark Kaltsas, City Attorney Bob Vose, City Administrative Assistant Horner

VISITORS: Mike DeLuca, LuAnn Brenno, Ray McCoy

4. CONSENT AGENDA

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the September 22, 2015 Meeting
- b. Approval of Special City Council Work Session Minutes from the September 22, 2015 Meeting
- c. Approval of Accounts Payable; Checks Numbered 15414-15436
- d. Approval of Large Assembly Permit for Hold Your Horses -1115 County Road 92 N.
- e. Personnel Committee Recommendations:
  - Approval of Pay Equity Hourly Wage Increase for the Administrative Assistant
  - Approval of Pay Increase Following Successful Six Month Probationary Period for Beth Horner
  - Approval of Administrative Services Contract
- f. Approval of Election Judges

**Motion by Spencer, second by Fisher to approve the Consent Agenda with the addition of WHPS to the Administrative Services Contract. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

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

Johnson noted there would be a closed session added at the end of tonight's meeting and deferred to Vose to explain details. Vose stated it would be a closed meeting due to attorney/ client privilege and deals with pending litigation between 5305 and 5315 Sunset. Vose said the City has previously been threatened with being joined in that litigation and that has reappeared. Vose said in previous public sessions this was referred

to as the Brown/ Strom/ Jacobson matter. Vose stated this is a property line/ city sewer dispute and more details would be provided in the closed session.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Highway 12 Coalition
- Maple Plain Fire Department Open House
- Independence Candidate Forum
- Minnetonka Public Works Workshop on Road Salt and Water Pollution
- Loretto Fire Department Open House
- Independence Weir Project

**Fischer attended the following meetings:**

- None to report

**Wenck attended the following meetings:**

- Absent

**Betts attended the following meetings:**

- SLUC Conference
- Highway 12 Coalition Meeting
- Maple Plain Fire Department Open House
- Independence Candidate Forum
- WHPS Safety Training Class
- Stephanie Heupel Reception

**Johnson attended the following meetings:**

- Freedom Foundation Meeting with former VP Cheney
- Two conference calls with the National League of Cities
- SLUC Conference
- Stopped at Olson's and thanked Greg
- Highway 12 Coalition Meeting
- Minnehaha Watershed Water Heroes Reception
- Maple Plain Fire Department Open House
- Interview for the Senior Community Services Newsletter
- Independence Candidate Forum
- Vinland Center 25<sup>th</sup> Anniversary Open House
- Orono Healthy Youth Community Meeting
- WHPS Safety Training Class
- MN Ag in the Classroom 30<sup>th</sup> Anniversary
- Independence Weir Project
- Loretto Fire Department Open House
- Regional Council Mayors Meeting
- Stephanie Heupel Reception
- Orono School Board Meeting
- Chamber of Commerce Meeting

**Horner attended the following meetings:**

- Maple Plain Fire Department Open House
- Independence Candidate Forum
- WHPS Safety Training Class

**Kaltsas attended the following meetings:**

- Loretto/Greenfield/ Medina Sewer Safety meeting with Met Council

7. Visit by Senator David Osmek – Minnesota Senate District 33.

Osmek stated he has not been receiving emails or notifications of the Highway 12 Coalition meetings for the past year and that has now been straightened out so he will be involved in those meetings going forward. He said he will be setting up a meeting with Representative Hertaus so they are up to speed on what has been happening in those meetings and they will represent the Coalition at the state level.

Osmek talked about some highlights of this legislative session. He said the session started out with a bang for him as he was selected to lead the energy committee. Osmek stated it was relatively unheard of for a freshman to be selected to such a lead role. He said he makes sure his fellow Republicans voices are heard in these meetings.

Osmek noted that there was a fund created in this legislative session that provides dollars to small cities to fix potholes. Osmek also stated there is a “Digital Right to Repair Bill”.

Osmek said he was contacted by a local resident who wants to stop the train whistle from blowing at a local crossing. He said he is not sure if they will be able to get that whistle stop removed but he is working on it. Kroells noted it was the crossing at 92 and 12. He said people illegally go there to cross and then hunt on the public land instead of parking where it is designated. He said WHPS receives many calls on this issue.

Osmek noted he was proud of his designation of being a “best friend of the taxpayer” award for the 3<sup>rd</sup> consecutive year on his scores that are determined after a legislative session.

Johnson said he was surprised Osmek had not been on the email list for Highway 12 as it is a very important issue. Spencer stated he has emailed Osmek about the coalition and Osmek had responded that he was part of the group. Spencer said it would be nice if Osmek would be willing to attend the actual meetings. Osmek stated he doesn’t normally react until he gets an agenda on what meetings he will be attending.

Johnson asked if Hertaus has shared his thoughts with Osmek on getting County Rd 92 made into one intersection instead of two. Osmek stated he had and that he would be interested in helping pursue that option. Osmek said it would belong in a bonding bill.

Johnson said he has recently heard the headlines that recycling is not worth it. He asked if Osmek thought the legislature would be reconsidering the money cities get for SCORE/ recycling. Osmek said he has not heard that and if money was promised for those programs then it should certainly be delivered.

Kroells asked what Osmek thought of Chapter 13 privacy laws and body cameras worn by officers. Osmek said this information should be as private as possible. He said it could be a device that could help protect the officer against outright lies that are said about them. In the same respect he said it could also be beneficial to the public in some cases. Osmek stated he hadn’t thought too much about it as it had not really gotten off the

ground after being introduced. Osmek stated he feels there needs to be some level of probable cause for an individual to be able to have access to information.

Johnson asked about getting more money into roads and public transportation. Osmek said this is the first priority to address roads. Osmek said he believes they should take 1/3 of the existing surplus and put it into roads. He does not want it to go into light rail as he does not think that is going to be successful in Minnesota.

8. Consider Approval of an Amendment to the Manual of Standards

- a. **RESOLUTION NO. 15-1013-01** – approving an amendment to the City’s Public Works Manual of Standards

Johnson stated we had nothing in the manual about using fabric in the construction of our roads prior to this update. Kaltsas said it was being done but now it is being captured and memorialized in a document. He said it was three years since the last update and this will get the document caught up to what was in practice actually being done in regards to road projects.

**Motion by Betts, second by Fisher to approve Resolution No. 15-1013-01. Ayes: Johnson, Betts, Fisher, and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

9. Open/Misc.

Spencer noted the sign in front of the building for the City of Independence is in very poor condition. Spencer’s daughter, Jordan, gave it a fresh coat of paint on Sunday and it looks much better for now but will in the near future need to be replaced as it is deteriorating. Spencer proposed that we highlight the need for a new sign in our next newsletter and ask for resident’s ideas on a replacement sign. He said it would be nice to get some ideas from the community. Spencer anticipates the sign will last another year to a year and a half.

Johnson asked about grant money for public art and if that would be a possibility. Spencer noted there is grant money out there if we knew specifically what we wanted to do with the sign. He said he knew a couple artists who have done work for other cities. Johnson said we could use the same model for City park signs to have some consistency. He noted the bell has historically been used for the City logo and on letterhead. Johnson and Council members thanked Spencer and his daughter Jordan for their work on painting the sign.

**Motion by Spencer, second by Betts to go into recess session at 8:10p.m. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED.**

The Council reassembled in the Council Chambers at 8:39 p.m. and no actions were taken.

10. Adjourn

**Motion by Spencer, second by Fisher to adjourn at 8:40 p.m. Ayes: Johnson, Betts, Fisher and Spencer. Nays: None. Absent: Wenck. MOTION DECLARED CARRIED**

Respectfully Submitted,

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Trish Bemmels  
Recording Secretary