

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, FEBRUARY 12, 2008, 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 Betts, Wenck, Wallace, Gyllenblad.

ABSENT: None.

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

VISITORS: Sharon and Gene Cook, LuAnn Brenno, Mario Crespo, Carole Peter, James Rick, Cynthia and Steve Erickson, Carl and Lisa Phillips, Kathy Pluth, Leo Poole, Chris Stephan, LaVerne Vassar, Harry Pool.

4. CONSENT AGGENDA. APPROVE:

- January 22 Council Minutes.
- February 2008 Accounts Payable.
- Resolution No. 08-0212-01 to continue agreement to use the County's electronic proprietary database.
- Fourth Annual Liberty Triathlon, Saturday, June 14.
- Resolution No. 08-0212-02 for a Conditional Use Permit for A&P Auto Specialists to include auto repair and new and used parts sales located at 1960 County Road 90.
- Resolution No. 08-0212-03 establishing procedures relating to compliance with reimbursement bond regulations under the Internal Revenue Code.
- Resolution to approve requests for block grant funds.

Motion by Betts, second by Wallace to approve the consent agenda, minus the accounts payable. All present voted aye. MOTION CARRIED.

Gyllenblad questioned the bill from Loucks Associates and from Met Council. He wonders if we should continue with the tri-city agreement with Greenfield and Medina for Lindgren Lane. Gyllenblad stated that he has received many phone calls regarding this. Mayor Johnson suggested that Staff gather documents that would clarify the Lindgren Lane improvements, and we could discuss it perhaps at the next meeting. Gyllenblad agreed.

Wallace asked to go into closed session after the last agenda item to talk about pending litigation, and accounts payable questions.

Council Member wondered why we had approved the tri-city agreement without approving the mandatory hook-up. He stated that Independence Road residents are not happy with this agreement. Gyllenblad thinks we should not pay Loucks Associates until we know what Met Council will approve.

Mayor Johnson thought we wanted to get the Lindgren Lane people city sewer, and we're trying to see what Metro Council is willing to do. Gyllenblad stated that Medina has mandated that all properties on

Independence Road be hooked up, whether they have a complying system or not. He doesn't think we should be paying the comp plan fees associated with this matter. Clerk-Administrator Hirsch stated that Mr. Loucks has been pleading our case with Met Council and Medina, as the City of Independence does not want to mandate hook-ups on Independence Road. All we want to do is get sewer hookups for the Lindgren Lane residents. Council Member Wallace stated that we should set aside some time to discuss this whole agreement and the Lindgren Lane issue. He thinks we all agree we want sewer there. He can't understand why we would want to run sewer up hill. He thinks there has to be a better way.

Council Member Betts thinks we should include Medina in our discussions. Wallace thought we might be able to come up with a better solution together and eventually we could present our plan to Medina. Wenck thought that if we need to negotiate with Met Council could do it ourselves rather than paying the consultant \$10,000.

Gyllenblad wondered if anyone had thought to approach Paul Merz (who has wanted to develop his land for quite some time) to see if he would want to set aside some of his land for a sewer system in exchange for a higher density development, and Lindgren Lane would be part of that sewer system. Council Member Gyllenblad volunteered to talk to Paul about the possibility. Council Member Wallace stated that there just has to be a better solution to this problem than having the taxpayers pay to run a sewer line all the way up Independence Road at such a huge expense. Betts stated that even the engineer for Metropolitan Council thought it was not a good plan, but one member of the Met Council staff was quite adamant that it was the right way to go.

Council Member Wenck stated that a cluster for 42 - 50 units would not be a big deal, and he thought it would be far more reasonable in cost than running a pipe up Independence Road. He asked for a short report that would show what has transpired with Lindgren Lane over the years.

After the closed session, motion by Wallace, second by Betts to approve the Accounts Payable. All present voted aye. MOTION CARRIED.

5. SET AGENDA.

Mayor Johnson added: Change of April 22 Council meeting time to 8:30, because Delano School will be holding an election here until 8:00 p.m.

Leo Poole would like to speak.

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

Gyllenblad: TMDL workshop January 31, Planning Commission, took about 45 phone calls re. Lindgren Lane sewer project.

Wenck: LMC Newly Elected Officials training.

Wallace: TMDL workshop.

Betts: Sensible Land Use conference, TMDL workshop, met with Metropolitan Council and City Staff here, met with city planner and staff re. comp plan, met with MNDOT and Maple Plain for railroad bridge update, Parks Commission, and met with Staff re. equestrian trail.

Mayor: Sensible Land Use conference, Active Living Committee meeting, spoke at the Medina Rotary, TMDL for Lake Independence, met twice at City Hall with Staff dealing with the equestrian trail and comp plan, attended the Big 3 meeting (Executive Committees for LMC, Counties Assn. and School Board Assn., WECAN Board meeting.

Clerk Hirsch: Conference call with Kimley-Horn, met with Met Council to discuss comp plan and Lindgren Lane, met with Jim Smith to discuss the web site, met with Brad from ABDO to get ready for February audit, met with a couple of Parks commissioners and a resident re. the equestrian trail, TMDL meeting, met with Maple Plain and MNDOT for railroad update, and Parks Commission. (If you have a

recommendation for a couple of additional parks commissioners they would appreciate it. They would contact people personally and invite them to be members of the Parks Commission.) Met with Council Member Gyllenblad. Received a complaint from a Nelson Road resident about increased and speeding traffic since a nearby road has been closed. Public Works Director Koch has ordered dust control in April for Kuntz Drive, County Line Road and Nelson Road, and expects reimbursement from Wright County whose closed road is causing extra traffic on our gravel roads. He may put up "Local Traffic Only" signs as well. A resident asked that Copeland Road be considered for early dust control and signs, as there is increased traffic there as well.

7. APPOINTMENTS TO PLANNING COMMISSION.

Mario Crespo, Greg Gardella and Sharon Cook applied for two positions on the Parks Commission. Mayor Johnson stated that he would like to see Sharon on the Commission, as she would offer a fresh perspective. There was a suggestion that we could expand the Planning Commission to 7 members. Commissioner Wenck spoke of the fine work that Gardella and Crespo have done. He would not have an objection to expanding the Planning Commission. Attorney Vose stated that we could do that. He thought it would be a change in our code, so we would have a public hearing and it would need to be approved by Council at another meeting. (Wenck thought a 7-member commission would be more complicated, but workable.)

Motion by Wenck, second by Wallace to reappoint Gardella and Crespo.

Motion by Mayor Johnson, second by Betts to table this action until the next meeting in order to study the size of the Planning Commission. AYE: Mayor Johnson, Betts. NAY: Wenck, Wallace, Gyllenblad. MOTION FAILED.

On the motion to reappoint Gardella and Crespo, voting Aye: Wenck, Wallace, Gyllenblad, Betts. Nay: Mayor Johnson. MOTION CARRIED.

8. APPOINTMENTS TO PARKS COMMISSION.

James Rick submitted an application. Motion by Betts, second by Wenck to appoint James Rick to a 3-year term on the Parks Commission. All present voted aye. MOTION CARRIED.

Carole Peter submitted an application. Motion by Betts, second by Wenck to appoint Carole Peter to a 3-year term on the Parks Commission. All present voted aye. MOTION CARRIED.

There was a short discussion regarding Parks Commissioners' desire to see all proposed subdivisions so they could review them in relation to trails and parks. Motion by Wenck, second by Betts that Parks Commission be able to review any subdivision that is submitted for approval. All present voted aye. MOTION CARRIED.

Carole Peter stated that in 1999 the developer of Independence Woods and Polo Ridge dedicated the existing equestrian trail to the city. There have been problem areas on this trail that were not corrected to begin with, and Parks Commission is requesting that the City order the work done in order to make the trail passable in these difficult spots. Carole had a detailed map showing what work would be required in specific locations. Mayor Johnson stated that it appears most of this work could be done by our public works department. It should probably be done before the ground thaws, so we don't cause damage. The trees and brush to be removed are on the trail itself, not on private property. Mrs. Peter stated that most of the brush and trees are boxelder, buckthorn, etc.

Motion by Betts, second by Wenck to direct Public Works to get the trail cleared as soon as possible. A resident reminded council members that several neighbors agreed to maintain the trail once it was opened up, and they still plan to do that.

9. FIRST OF THE YEAR APPOINTMENTS.

Mayor Johnson had written recommendations for each of the appointments and asked for questions, suggestions or discussion from council members. Clerk Hirsch stated that monies that Northland Securities has been handling could be handled by Ehlers if Council desires.

Councilmember Gyllenblad moved to nominate Norm Wenck for Acting Mayor in Mayor Johnson's absence, as he has chaired the Planning Commission very successfully in the past. No second. Mayor Johnson thought it was his prerogative to appoint the acting mayor, so he and Gyllenblad agreed they would wait for the appointments until they could determine the proper procedure.

Motion by Gyllenblad, second by Wallace to postpone all the appointments until council members can agree on the procedure. Attorney Vose will research the proper procedure to follow. Voting aye: Council Members Gyllenblad, Wallace, Wenck. Voting nay: Mayor Johnson, Council Member Betts.

10. ORDINANCE NO. 2008-01, A TRANSITORY ORDINANCE ESTABLISHING A FEE SCHEDULE.

Clerk-Administrator Hirsch stated that the proposed changes as recommended by Staff were shown in blue. She explained the reasoning for several of the changes, and pointed out that the schedule has been cleaned up and simplified.

Motion by Mayor Johnson, second by Betts to approve the fee schedule. Voting aye: Mayor Johnson, Council Members Betts, Wenck, Wallace. Voting nay: Council Member Gyllenblad. MOTION CARRIED.

11. OPEN/MISCELLANEOUS.

- Change April 22 Meeting Time.

Motion by Wallace, second by Wenck to change Council meeting on April 22 to 8:30 to accommodate the District 287 election. All present voted aye. MOTION CARRIED.

- Leo Poole asked that he be placed on the agenda for the next council meeting.
- Motion by Wallace, second by Gyllenblad to go into closed session regarding pending litigation for property at 3315 County Road 92 All present voted aye. MOTION CARRIED.

Mayor Johnson called the meeting to order again after the closed session. No action to report.

12. ADJOURN.

Motion by Betts, second by Wenck to adjourn. All present voted aye. MOTION CARRIED. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Mollie Little, Recording Secretary