

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, DECEMBER 14, 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, Planner Kaltsas, Engineer Miller.

VISITORS: Art Ahlstrom, Eric Ahlstrom, Lyle Olson.

4. CONSENT AGENDA.

Approve:

- Council Minutes for November 23, 2010.
- Accounts Payable for December 2010.
- Landwehr Construction Inc.'s third pay request.
- Change Order #4, Landwehr Construction Inc., miscellaneous materials.
- Resolution No. 10-1214-01, authorizing execution of the Project DWI Enforcement Grant program.
- Authorizing the new Cleaning Contract with Tower Cleaning Systems (TNT Cleaning & Consulting, Inc.)
- Authorizing the new Audit contract with Larson Allen, LLP.

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

Motion by Wenck, second by Spencer, to approve the extended Accounts Payable list. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

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

Nothing was added to the agenda.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer: Planning Commission meeting.

Wenck: Nothing to report.

- Betts: Sensible Lane Use meeting, Reserve Police Officer retirement ceremony.
Johnson: National League of Cities Convention in Denver, Greater Lakes Food Bank meeting, Orono Schools Finance Director Neil Lawson retirement party, Northwest League of Municipalities meeting, Legion Auxiliary Christmas party, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Regional Conference of Mayors meeting, Orono School Board meeting.
Hirsch: ABDO seminar on financial issues, including fraud and capital improvement plans.

7. LYLE AND SHARON OLSON, 3434 LAKE HAUGHEY ROAD (PID NO. 08-118-24-32-0005 AND 08-118-24-32-0006), REQUEST A MINOR SUBDIVISION TO PERMIT A LOT COMBINATION ON THE SUBJECT PROPERTY. RESOLUTION NO. 10-1214-05.

Kaltsas stated the applicants would like to combine their two properties into one property. The applicants currently use their property as if it was already combined. The proposed combination does not appear to have any effect on the existing properties or buildings located on the property. The applicants recently applied for and received a Conditional Use Permit to have retail sales of agricultural products grown on the premises. The minor subdivision would have no effect on the CUP currently in place over both properties. Once combined, the property would have one building eligibility rather than two. The newly created lot would become subject to the City's current zoning and subdivision regulations and standards. The requested minor subdivision appears to meet all of the requirements for a minor subdivision. The Planning Commission recommended approval of the request.

Motion by Betts, second by Spencer, to approve Resolution No. 10-1214-05. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECALRED CARRIED.

Johnson noted the applicant would want to let the County Assessor know when the properties have been combined.

8. ART AHLSTROM, OWNER OF THE PROPERTY LOCATED AT 9115 STATE HIGHWAY 12 (PID NO. 18-118-24-12-0001 AND 18-118-24-12-0002), IS REQUESTING A MINOR SUBDIVISION TO PERMIT A LOT LINE REARRANGEMENT ON THE SUBJECT PROPERTY. RESOLUTION NO. 10-1214-04.

Kaltsas stated the applicant would like to rearrange the property lines to make them consistent with the current use and natural boundaries of the property. The property located at 3180 Nelson Road would be made larger, while the property located at 9115 US Highway 12 would be made smaller. 3180 Nelson Road currently has a play area and fire pit located on a portion of the adjacent property. There is a significant evergreen planting (screening) also located on the 9115 US Highway 12 property that benefits 3180 Nelson Road. In an effort to more closely align the use of the property with the property lines, the applicant is seeking a lot line rearrangement. The proposed lot line rearrangement does not appear to substantially impact either property as it relates to the current lot standards in the City's zoning ordinance. Neither lot currently meets the minimum lot size for acreage in the Agriculture District in the before condition. In the after condition as proposed, the property located at 3180 Nelson Road would meet the minimum 2.5 acre size requirement. In the after condition, the storage building on 9115 US Highway 12 would still meet the City's setback requirements.

Motion by Wenck, second by Betts, to approve Resolution No. 10-1214-04. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

9. APPROVAL TO PURCHASE A USED VEHICLE FOR THE BUILDING INSPECTOR.

Johnson stated staff is requesting approval to purchase a used vehicle for the Building Inspector. The truck the Building Inspector currently uses would be used by a public works employee who currently uses a freight liner truck. Staff has provided the Council with several vehicle options.

Hirsch stated the City has an equipment certificate from 2007 and \$7,500 of it needs to be spent before the end of the year to avoid any arbitrage issues. When the City took out the equipment certificate part of the money was meant for a new vehicle for the Building Inspector. Staff has recommended two different used vehicles from Star West that still have warranty coverage. One is a 2009 Chevy Aveo with 40,000 miles on it and the other is a 2010 Chevy Colbalt LT with about 21,000 miles on it. The City would save on fuel expenses by having public works use a smaller vehicle while driving around town.

Johnson stated he would prefer to authorize staff to purchase the vehicle they think is the best value.

Wenck stated he is against purchasing a vehicle. He noted the City has taken in \$60,000 in building permit fees so far this year, which would have cost \$20,000 if the building official was a contract employee. He stated the City is already over-paying for building inspections and he would prefer to contract out for building inspections and give the truck to public works.

Johnson stated the Building Inspector does other jobs besides just inspections.

Spencer stated the Council has already voted on requesting proposals for building inspection services. He added it makes sense to have public works use the pickup truck.

Motion by Spencer, second by Betts, to approve the purchase of a used vehicle for the Building Inspector and direct staff to make a decision as to which vehicle would be most appropriate.

Betts noted the City has the money for this purchase and it must be spent or else there will be negative consequences for the City.

Hirsch stated the City would lose \$22,000 if the money is not spent by the end of the year.

Johnson called for a vote. Ayes: Betts, Johnson, Spencer. Nays: Wenck. MOTION DECLARED CARRIED.

10. APPROVAL OF 2011 FINAL BUDGET AND LEVY. RESOLUTION NO. 10-1214-03.

Hirsch stated she made about \$16,000 more in cuts from the preliminary budget due to changes in the auditor and recycling contracts.

Wenck stated he is ready to approve the levy, but not ready to approve the budget. He stated he asked staff to submit 10 suggestions for significantly cutting the budget, but had not seen anything yet.

Johnson stated Hirsch is working on the suggestions.

Motion by Wenck, second by Spencer, to approve only the final levy, amended Resolution No. 10-1214-03. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

Motion by Wenck, second by Johnson, to direct staff to submit 10 suggestions for significantly lowering the City's budget. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

11. OPEN/MISC.

Assessment Appeal

Wenck asked what the process would be for the appeal the City received on its assessment for the Lindgren Lane/Independence Road sewer extension.

Vose discussed the process for an assessment appeal. He noted the City would be open to discussions with the property owners before the issue goes to trial. If the appeal goes to trial, the courts would decide what the amount of the assessment would be.

Sewer Project Update

Miller stated the sewer project is complete. The startup of the lift station is scheduled for Dec. 16. Any residents who want to connect could do so after that date. Some blacktop patches will need to be done in the spring on Lindgren Lane and Independence Road. Restoration work will also need to be done in the spring.

12. ADJOURN.

Motion by Wenck, second by Spencer, to adjourn the City Council meeting at 8:03 p.m. Ayes: Betts, Johnson, Spencer, Wenck. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary