

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 13, 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, Wallace and Wenck.

STAFF: Clerk-Administrator Hirsch, Attorney Vose, Public Works Director Koch.

VISITORS: Harlan Lewis, George Johnson, Tom Palmquist, Ed Pluth, Mike McLaughlin, J. Sipila, LuAnn Brenno, Dave Appelhof, Dale Vander Linden, Kathie Pluth, Gene Purdy, Neil Purdy, Elliott Purdy, Mark Wilfert.

4. CONSENT AGENDA.

Approve:

- Council Minutes – June 29, 2010.
- Accounts Payable for July 2010.
- The Budget/Actual Report ending June and June's Check Register.
- Large Assembly Permit for an Ultimate Golf Tournament for July 24 and 24, 2010.

Betts corrected typographical errors in the minutes.

**Motion by Betts, second by Wenck, to approve the consent agenda with the inclusion of typographical error corrections in the minutes. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

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

Wenck added a discussion of a request for proposals for the Building Inspector position.

Wenck added a discussion of the Three Rivers Park District trail corridor in the 2030 Comprehensive Plan.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer: Planning Commission meeting.

Wenck: Lake Minnetonka Communication Commission budget meeting.

Wallace: Nothing to report.

Betts: Sensible Land Use Conference, meeting with Senator Franken's staff person.  
Mayor: Meeting with Senator Franken's staff person, public access television show taping, funerals for Ruth Cummings and former Council Member Gene Cook, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Regional Conference of Mayors meeting.  
Hirsch: Nothing to report.

7. PLANNING COMMISSION INTERVIEW AND APPOINTMENT.

Johnson stated Palmquist had applied for the Planning Commission earlier in the year and now that there is a vacant position, the Council asked to meet him.

Palmquist stated he has lived in Independence for over 12 years and has been involved in real estate for most of his career. He has a bachelor's degree and masters degree in business and has worked with communities' city councils and planning commissions throughout the Twin Cities area. He appreciates the Independence community and wants to serve on the Planning Commission to preserve the City's excellent quality of life.

**Motion by Wenck, second by Spencer, to appoint Thomas Palmquist to the Planning Commission to fill the remainder of the vacant term, which expires Dec. 31, 2010. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

8. JOUKO SIPILA, PROVIDENCE BY THE LAKE HOMEOWNER'S ASSOCIATION REQUEST FOR ADDITIONAL SIGNS ALONG THEIR ROAD.

Sipila, representing Providence By The Lake Homeowner's Association, stated residents are concerned about vehicles driving at excessive speeds through their neighborhood. The Association is requesting additional traffic signs to help reduce the speeds throughout the neighborhood. He noted the residents are requesting a low-cost approach to solving the problem.

Betts asked if the lane that had been striped on the pavement was for walkers as well as bicyclists.

Hirsch responded the lane was for both walkers and bicyclists. The original striping had worn off, but would be restriped after seal coating on the road is complete.

Johnson asked if it would be a major cost to stripe a centerline on Providence Curve.

Koch responded he would look into the cost for striping a centerline on Providence Curve. He added the speed limit signs in the neighborhood are smaller than the rest of the signs throughout the City. Koch suggested placing standard-sized signs in the neighborhood and placing flags on them to help attract motorists' attention.

Johnson noted speed bumps are hazardous to the Public Works plows and other drivers.

Sipila noted the Association is concerned about the cost of speed bumps.

Wenck asked how the City would pay for new signs and additional striping. He asked how many signs the City would be adding.

Koch responded there are currently two signs on Providence Curve.

Sipila stated the Association is requesting a sign warning drivers of children in the area and a sign that denotes Providence Curve is winding and gives an advisory speed limit.

Koch stated he agrees with adding a sign warning drivers to watch for pedestrians and children. He noted the speed limit advisory signs are placed on roads where the speed limit is reduced because the road was designed to handle a slower speed. Providence Curve was designed to handle traffic at 30 miles per hour and is posted at 25 miles per hour.

**Motion by Wenck, second by Spencer, to direct staff to install two larger “25-miles-per-hour” signs and two “watch for children/pedestrian” signs on Providence Curve. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

Brenno, resident, noted there is a “watch for children” sign on Turner Road that is no longer needed and could be used on Providence Curve.

9. APPROVAL TO EXTEND THE 4-YEAR CONTRACT WITH THE HENNEPIN COUNTY ASSESSOR’S OFFICE.

Johnson stated the contract information was placed in the Council packets for the Council to review.

Wenck stated he wants to request proposals for assessing services to ensure the City is paying an appropriate price.

Johnson stated the County provides effective service and he is not in favor of request proposals.

Wallace suggested staff ask other communities that do not contract with Hennepin County how much they pay for their assessing services.

Wenck stated he wants the contract renewal with Hennepin County for one year so that the City can conduct research on other available services.

Johnson notes each city’s costs are based on number of households and parcels within the city.

Wallace asked if the Hennepin County contract amount was based on the number of parcels within Independence.

Wenck stated he believed the contract estimates were based on hourly costs.

Hirsch responded she would research how Hennepin County develops its estimates.

Johnson asked for information on communities that do not hold local board of review meetings and instead allow the County to handle the entire process.

Wenck stated he wants information from other cities about how many residential and commercial parcels they have.

**Motion by Wenck, second by Wallace, to table the contract extension with Hennepin County for assessing services. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

Johnson stated the League of Minnesota Cities is looking for applicants interested in serving on a legislative commission regarding property taxes.

10. DISCUSSION AND APPROVAL OF THE TRI-CITY AGREEMENT BETWEEN THE CITIES OF MEDINA, GREENFIELD AND INDEPENDENCE.

Johnson stated the City needs to amend the Tri-City Agreement in order to begin work on the Lindgren Lane/Independence Road sanitary sewer extension.

Vose stated the Agreement has been amended to include 60 connections for the Lindgren Lane/Independence Road project. In addition, the Agreement has been changed to require the City of Independence to amend its City Code to require property owners to connect to the sanitary sewer within three years of the sewer service becoming available.

Koch noted the properties on Lindgren Lane and Independence Road would have about four years to connect to the sanitary sewer because of the project's construction schedule.

**Motion by Wenck, second by Betts, to approve the amended Tri-City Agreement between the Cities of Medina, Greenfield and Independence with any necessary minor changes. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

11. APPROVAL OF THE PURCHASE AND INSTALLATION OF A SALT SHED.

Koch stated most other cities have a salt shed for their public works materials. The Council packet included information on the cost of building a salt shed. The City would also need to pay for concrete work on the site. Koch asked for Council direction in moving forward on the project.

Betts asked if Koch knows how the salt sheds hold up over time.

Koch responded he has not yet viewed salt sheds in nearby communities.

Wenck asked when the salt shed would be constructed and how the City would pay for it.

Koch responded staff is requesting the salt shed be built in 2010 and be paid for with equipment certificate funds.

Wenck stated he supports the project because the salt should not be stored outside for environmental reasons.

Johnson stated the City thought it would be able to work with Hennepin County for salt storage, but that was not feasible.

Wallace asked how the City of Maple Plain stores its salt. He also asked if the cost for building the salt shed is in the 2010 budget.

Koch responded the City of Maple Plain stores its salt outside, but has a considerably smaller supply. The cost of building the salt shed is not in the 2010 budget, but could be paid for funds from an equipment certificate.

**Motion by Betts, second by Wenck, to direct staff to obtain bids and actual costs for the installation of a salt shed. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

12. APPROVAL TO LET LARRY STUBBS ADVERTISE AND MOVE THE OLD CITY HOUSE.

Johnson stated the City advertised for proposals for the removal of the City-owned home on the City Hall property, but did not receive any bids. The City checked with Larry Stubbs, a local house-mover, to see if he would advertise the home for the City.

Hirsch stated Stubbs agreed to advertise the home for the City and pay the City a nominal amount for the house if he finds an interested buyer.

**Motion by Wenck, second by Betts, to allow Larry Stubbs to advertise the sale of and move the old City house. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

13. DISCUSSION – POLO CLUB CONDITIONAL USE PERMIT.

Hirsch stated the City has received concerns about the special events taking place at the Polo Fields. She suggested reviewing the Conditional Use Permit to see if any items need to be amended or added.

Betts asked if the Council had discussed the Conditional Use Permit since it had been granted in 1998.

Johnson responded the Council discussed issues regarding parking and special event permits.

Wenck asked if the Polo Club had violated any of its conditions.

Hirsch responded the ultimate Frisbee tournaments are not listed on the Conditional Use Permit, but the tournaments have been receiving special event permits from the City. The City has discussed residents' concerns with the tournament organizers.

Johnson noted there are charity events and special dinners being held on the event that are not listed in the Conditional Use Permit. He added it is difficult to include every eventuality.

Betts asked if any property owner would be able to request a Large Assembly Permit.

Vose responded anyone could apply for a Large Assembly Permit, but the use on the permit would have to comply with the underlying zoning. He noted the Polo Field property is zoned Agricultural. The Conditional Use Permit allows for polo matches and lists additional allowed activities. The list of

included activities does not exclude other activities and an argument in favor of or against hosting ultimate Frisbee tournaments could be made using the current Conditional Use Permit conditions.

Brenno, resident, stated none of the nearby residents she has spoken to have an issue with the horse-related activities. The problem is with the Frisbee tournaments because of the noise and traffic. Brenno noted that residents did not expect to have Frisbee tournaments on the Polo Fields. In addition, more Large Assembly Permit requests are being made for Frisbee tournaments, weddings and corporate dinners. All these events are creating noise and traffic concerns for residents. She notes the Twin City Polo Club advertises for hosting corporate events and stated that use does not fit under the current Conditional Use Permit.

Vose stated it would be fair for the Council to reach a conclusion about what the secondary uses listed in the Conditional Use Permit are. If the definition does not include the types of events currently being held at the Polo Fields, the property owner could ask for a Conditional Use Permit amendment.

Spencer asked if the problem is the use or the nuisances. He asked if there is something that can be done to control the nuisances, including discussions between the Polo Club and residents. Spencer requested the representatives from the Polo Club work with the City to control the nuisances.

Wilfert, Polo Club Road resident, stated he does not have a problem with the horse activities on the Polo Field property. He stated weddings once a year do not bother him, but the Frisbee tournaments create significant noise nuisances. Wilfert expressed a concern about the commercialization of the site. He spoke to 11 of the 15 neighbors and of those 6 people signed a petition and another 4 people expressed a concern about the Polo Field usage.

Johnson asked if any of the residents discussed their concerns with representatives from the Polo Club.

Wilfert responded he was working through the City to resolve the problem.

Johnson suggested residents address their concerns directly with Polo Club representatives.

Wilfert noted the Polo Club is most likely receiving revenue from the large Frisbee tournaments.

Wallace asked how many calls West Hennepin Public Safety had received regarding issues during tournaments.

Purdy, resident and Polo Club member, expressed concern that the residents had not discussed the issues with Polo Club representatives. He stated the Polo Club will address issues such as public urination.

Johnson stated residents have concerns about the non-horse related activities.

Purdy responded the Polo Field tries to open up its facility up for use of youth events and activities that require open space for their activities.

Betts asked why the noise level was so high during the tournaments.

Purdy responded the noise level is difficult to address. He noted the property is 70 acres.

Purdy noted he lives down the street from the Polo Fields. He stated the Polo Club would be happy to meet with residents to address their concerns.

Johnson suggested the City should review the Conditional Use Permit uses. In addition, the Polo Club should meet with residents to discuss their concerns.

Larson, Polo Club Road resident, stated events starting at 8 a.m. Saturday and Sunday creates noise issues. She suggested a compromise that would allow for a limited amount of Frisbee tournaments. Larson noted she has had issues with Frisbee tournament participants urinating on her property.

Purdy responded the public urination is unacceptable behavior.

Johnson asked Purdy and other Polo Club members to meet with neighbors. He also directed staff to research the Conditional Use Permit issue and bring it back to the Council for further consideration.

Brenno restated her concerns regarding the usage of the Polo Fields.

#### 14. APPROVAL OF THE PIONEER-SARAH CREEK WATERSHED 2011 BUDGET.

Johnson stated the increase in the Independence contribution to the 2011 Pioneer-Sarah Creek Water Managing Commission (PSCWMC) budget is because Independence's property values did not decrease as much as other communities within the PSCWMC.

Spencer noted the 2011 PSCWMC budget does not include creating the third generation plan because the Commission decided to delay the plan for a year.

Wenck stated the Commission needs to review the costs of the third generation plan and decide if Hennepin County is charging a fair rate.

Johnson noted the third generation plan is not included in the 2011 budget.

Mike McLaughlin, Lake Independence Citizen's Association member, noted water quality issues will continue to surface and become more costly. He supports Hennepin County's services to the PSCWMC. McLaughlin noted the longer the Commission waits to address water quality issues the more expensive they become.

Wenck noted the Independence contribution to the 2011 PSCWMC budget was increasing by \$1,285.

Hirsch added the budget includes \$5,827 for the third generation plan.

Betts stated the PSCWMC would not be changing its 2011 budget.

Wallace asked what would happen if the City did not approve the PSCWMC 2011 budget unless the Commission decreases the budget. He expressed a concern about the growth of government bureaucracies.

Spencer stated the PSCWMC is tasked with its responsibilities from the Legislature. The City has the option to work with the PSCWMC, manage its responsibilities on its own or have the Minnesota Board of

Water and Soil Resources bill the City for managing the responsibilities. The PSCWMC allows the City more local control.

Betts stated the 2011 PSCWMC budget is a guiding document. She noted the Commission could come under budget.

Hirsch responded the Commission stays within its budget, but does not typically end the year under-budget.

Johnson stated if the Commission ends the year under-budget it will keep the money and apply it to the next budget year.

**Motion by Betts, second by Spencer, to approve the 2011 Pioneer-Sarah Creek Water Management Commission budget. Ayes: Betts, Johnson, Spencer. Nays: Wallace, Wenck. MOTION DECLARED CARRIED.**

Spencer stated he would follow-up with the PSCWMC to determine why they are including expenses for the third generation plan in the 2011 budget.

15. APPROVAL TO SHARE THE COST OF A GRANT TO HELP RESTORE A 120' PROJECT AREA ON LAKE INDEPENDENCE THAT RUNS PARALLEL TO INDEPENDENCE ROAD.

McLaughlin, Lake Independence Citizen's Association member, stated Hennepin County conducted a study detailing the areas of shoreline erosion on Lake Independence. One of the areas is in the right-of-way on Independence Road north of the small bridge. LICA has received a grant from the Minnesota Department of Natural Resources to stabilize the shoreline in that area. The grant requires a 25 percent match, which is \$4,170. LICA is proposing to share equally in that cost with the City. McLaughlin noted the project would improve the water quality, fish habitat and protect Independence Road from erosion issues.

Johnson asked if lake access in the winter causes any of the problems with lake quality in the summer.

McLaughlin stated the largest cause of erosion in the proposed project area is wave action.

Betts asked if the project would cut off winter access to Lake Independence.

Wenck responded the lake access is south of the project area.

Johnson asked if the erosion was caused in part by freezing lake water.

McLaughlin responded he was unsure if freezing and heaving lake water caused any of the erosion. The largest cause of the erosion is the lack of vegetation.

Wallace asked what would happen after the proposed two-year monitoring period.

McLaughlin responded the contractor in charge of the project would be responsible for monitoring the shoreline to ensure the shoreline restoration is effective.



Spencer asked if the life expectancy of bio bags is known.

McLaughlin responded they are designed to break down once aquatic plants have been established.

Wallace asked what account the cost of the project would come from.

Hirsch responded the cost for the project would be paid from the City's 200 accounts, which are designated for water resources. There is money in the water resource consultant fund that could be used for the project. The cost to the City would be \$2,200.

McLaughlin stated the project needs to be completed by June 2011.

**Motion by Johnson, second by Spencer, to share the cost of a grant to help restore a 120-foot project area on Lake Independence that runs parallel to Independence Road. The approval requires the City be a party to the project contract. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

16. APPROVAL TO RE-OPEN DISCUSSION WITH THE CITY OF DELANO FOR UTILITIES TO RUN ACROSS THE COUNTY LINE ROAD TO THE NEWLY CREATED URBAN COMMERCIAL AREA IN INDEPENDENCE.

Johnson stated Wallace had been the Council liaison to the negotiations.

Wenck stated Independence should re-open the discussion and Wallace should continue to serve as the Council liaison. He recommended investigating a connection to Greenfield for utility services because it would put infrastructure in place for future growth. In addition, Greenfield has capacity for future developments. In previous negotiations, Delano was only interested in providing service to one commercial development.

Spencer asked if the City has spoken with Greenfield about connecting to its system.

Wenck responded Greenfield was open to discussing potential connections. He suggested beginning a conversation with Greenfield if the City will be discussing utility service with Delano. Wenck added this opportunity would not present itself for many years.

Wallace stated he would continue to act as the Council liaison to the negotiations.

17. OPEN/MISC.

RFP for Building Inspections

Wenck stated the City has spent \$35,000 for building inspection services so far in 2010. If the City contracted for those services, it would cost the City about 30 percent of permit fees, which to date would be about \$6,000. For the year, the City could pay \$12,000 to \$15,000 for contracted services or \$90,000 for in-house services. He added the City could save about \$80,000 per year. Wenck stated he wants to request proposals for building inspection services in preparation for the 2011 budget.

Johnson stated the staff building inspector also addresses zoning and planning issues, which would not be addressed in a contracted service.

Spencer added the Building Inspector is also a code compliance officer, conducts CUP inspections and assists the Public Works Department. He expressed concern with requesting proposals for an existing City employee who is a veteran. The correct course of action would be to remove the employee from service to the City using the appropriate process and the request a proposal for those services. Spencer stated any other process would be unfair to the employee.

**Motion by Wenck, second by Wallace, to request proposals for building inspection services. Ayes: Wallace, Wenck. Nays: Betts, Johnson, Spencer. MOTION FAILS.**

Three Rivers Trail Search Corridor

Wenck directed staff to work with Three Rivers Park District to move the search corridor to County Road 11 and County Road 92.

Spencer noted Three Rivers has moved the trail search corridor before. The corridor is more of a wish-list than a plan, which should not be included in the Comprehensive Plan. He added he is not comfortable with the proposed route either.

Johnson noted a bicycle trail on County Road 92 was included in the City's 1992 Parks, Trails and Open Spaces Plan.

18. ADJOURN.

**Motion by Wenck, second by Spencer, to adjourn the City Council meeting at 9:08 p.m. Ayes: Betts, Johnson, Spencer, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.**

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Respectfully submitted by Christina Scipioni, Recording Secretary