

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JANUARY 13, 2009 – 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, Gyllenblad, Wallace and Wenck.

STAFF: Administrator Hirsch, Attorney Vose, Comp Plan Consultant Hagen.

VISITORS: LuAnn Brenno, Ed Pluth, Liz Babcock, Dave Appelhoff, Chris Cady, Chris Dahlberg, Eleanor Kalash, Harry Pool, Jim & Lynda Franklin, Rose Lorsung, Tom Gonyea.

4. CONSENT AGENDA.

Approve:

- Council Minutes – Dec. 23, 2008.
- Approval of Accounts Payable for January 2009.
- Approval of Resolution No. 09-0113-01 to continue agreement to use the County's electronic proprietary database. Agreement No. A12819.
- Approval to set the Board of Review date for Tuesday, May 12 at 6 p.m.

**Motion by Gyllenblad, second by Wenck, to approve the consent agenda. All present voted aye.  
MOTION DECLARED CARRIED.**

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

Johnson added the Tri-City Agreement and Northern Natural Gas.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: City Council budget work session.

Wenck: Delano Chamber Task Force meeting, West Hennepin Chamber meeting, Medina City Council meeting, Meeting with Ryan Companies officials regarding wastewater treatment options, City Council budget work session.

Wallace: City Council budget work session.

Betts: City Council budget work session.

Mayor: Senior Community Services Executive Committee Meeting, Hennepin County Swearing In Ceremony, Orono Healthy Communities work session, Appearance before the Hennepin

County Board on behalf of Community Action Partnership of Suburban Hennepin, City Council budget work session.

Hirsch: City Council budget work session.

7. REVISIT APPROVING THE SHORELAND ZONING ORDINANCE NO. 2008-03.

Vose stated the Minnesota Department of Natural Resources sent a letter to the City stating that if the City did not adopt an updated Shoreland Ordinance, the DNR would have the authority to adopt one for the City.

Johnson stated the Planning Commission had made changes to the Ordinance to make it better for residents. He added he would like to see the Ordinance passed.

**Motion by Betts, second by Johnson, to approve the updated Shoreland Ordinance.**

Wenck stated he thinks there are unnecessary restrictions in the updated Shoreland Ordinance. He added that he believes the City is in substantial compliance with its current ordinance.

Johnson asked Wenck what restrictions he would like dropped.

Wenck responded that he needs to study the document more, but he thinks the Ordinance puts too many restrictions on streams.

Johnson suggested putting the Shoreland Ordinance on the next meeting agenda in order to give the Council time to study the issue.

Wallace and Gyllenblad agreed that they would like to take a look at the Shoreland Ordinance at another meeting.

Wenck suggested reviewing the Shoreland Ordinance at the first meeting in February.

**Motion by Johnson, second by Wallace, to table the motion and review the Shoreland Ordinance at the Feb. 10, 2009, City Council meeting. All present voted aye. MOTION DECLARED CARRIED.**

8. REVISIT UPDATING STREET SPECIFICATIONS AND DEVELOPMENT STANDARDS AS PROPOSED BY BRIAN MILLER OF BDM AND PUBLIC WORKS DIRECTOR DAN KOCH.

Hirsch explained Public Works Director Koch would like to update the street specifications now, as it's a slow time for development proposals. She added the City ordinances would not have to be updated until after a Comp Plan was adopted.

Wenck stated he would like to wait for the City to update its road specifications if the Minnesota Department of Transportation is in the process of updating its road specifications. He added he would check to see if MnDOT would be updating its specifications this year.

**Motion by Betts, se second by Gyllenblad, to review updating City street specifications and development standards at the Jan. 27, 2009, City Council meeting. All present voted aye. MOTION DECLARED CARRIED.**

9. NORTHERN NATURAL GAS UPDATE.

Vose stated he sent a letter to FERC as per the Council's request. He noted the letter expressed the City's concern about the explanation of the reason the alignment was chosen and the location of the pipeline through potential commercial area. Vose stated a representative from NNG contacted him after receiving a copy of the letter and expressed a willingness to work with the City on the alignment of the pipeline. He stated NNG would like the City to withdraw its concerns.

Liz Babcock, of NNG, stated the company believed the original resolution that was passed by the City was due to concerns of residents on County Line Road, north of Highway 12. She stated NNG had originally planned on putting the pipeline through those properties' backyards because NNG believed putting it through the front yards would be more disruptive. Babcock added once NNG received the resolution, it changed the route of the pipeline north of Highway 12. She stated the next concern that came to NNG's concern was the commercial rezoning. Babcock stated that NNG is willing to work with the City to address all of the concerns.

Johnson noted Three Rivers Park District recently reversed its complaints with the project after meeting with NNG.

Betts asked if NNG would have a problem following County Line Road.

Babcock responded that NNG could follow County Line Road, but cautioned that there are trees and a residence along that path.

Betts asked how large the easement would be for the pipeline.

Babcock responded it would be a 50-foot easement. She explained that during construction there would be a 75- to 100-foot construction easement needed.

Johnson stated the Council hadn't received any answers about the project. He added the City doesn't have any direction from the landowners in the area.

Wenck requested a draft route of the pipeline project.

Babcock stated she would work with the landowners and asked the City to withdraw its opposition.

Wenck stated he did not believe the Council should withdraw its opposition during this meeting. He suggested that NNG should work with landowners and come up with a solution for the pipeline route.

Babcock stated NNG is willing to work with developers and residents.

Lorsung, representing the Zeglin family, stated the Zeglins are dissatisfied with the current route of the proposed pipeline. She added the Zeglins would prefer not to have the pipeline on their property.

Vose stated he wouldn't want to the City to put in negative comments, withdraw them, and then have to submit additional negative comments if the residents are unhappy with NNG. He added he believes NNG is willing to work with the City and residents on the project.

Betts stated she was concerned because when the Council had previously met with NNG officials, they said the current proposed route could not be changed.

Babcock responded NNG officials probably wanted to protect the negotiations it was having with private land negotiations.

Wallace suggested making a motion to withdraw the FERC letter, pending an agreement between NNG and residents.

Vose responded that Wallace's suggestion would be fine, as long as the Council defines what an acceptable agreement between NNG and residents would be. He also noted NNG hasn't discussed its plans with landowners south of Highway 12 adjacent to County Line Road. He suggested the Council make the motion pending agreements between NNG and the residents immediately adjacent to Highway 12 on the north and south sides.

Babcock asked for clarification of what property owners the motion would cover.

**Motion by Wallace, second by Betts, to withdraw the City's letter to FERC, pending an agreement between NNG and landowners immediately adjacent to Highway 12 on the north and south side. All present voted aye. MOTION DECLARED CARRIED.**

10. PUBLIC HEARING. VACATE A DRAINAGE AND UTILITY EASEMENT THAT WAS CREATE BY THE PLAT OF J. LYNN FARMS 2<sup>ND</sup> ADDITION, RESOLUTION NO. 09-0113-02.

Vose explained the City approved preliminary plat for Franklin Hills. He stated the current plat would be inconsistent with the preliminary plat, and so the City would need to vacate the current easement. He noted the Council could wait to discuss this matter when it reviews the final plat at its Jan. 27 meeting, but it should open up the public hearing at this meeting. Vose stated staff has no objection to the vacation. He noted the City would be taking easements with the final platting of Franklin Hills.

Tom Gonyea, developer, stated he could answer any questions the Council may have.

Johnson asked if there would be any ramifications to approving the vacation of the easement at this meeting instead of waiting.

Vose stated he was not concerned about vacating the easement at tonight's meeting because a final plat is going to be submitted.

Wenck asked if any other easements would connect to the current easement.

Gonyea explained that there might be easements on other properties.

Vose responded there aren't any platted easements to the south, and may not be any easements to the north.

Brenno, resident, asked why the public hearing is being held at a Council meeting instead of a Planning Commission meeting.

Vose responded that State statute does not require public hearings for vacation of easements to be held at Planning Commission meeting.

Wenck suggested waiting to approve the vacation of easement until the Council reviews the final plat.

Hirsch explained the issue was noticed because staff thought the final plat would be complete, but it won't be complete until the Jan. 27 meeting. She noted that the Council could wait to vacate the easement until that meeting.

**Motion by Wenck, second by Betts, to close the public hearing. All present voted aye. MOTION DECLARED CARRIED.**

**Motion by Johnson, second by Wenck, to table the issue of vacating the drainage and utility until the Jan. 27, 2009 City Council meeting. All present voted aye. MOTION DECLARED CARRIED.**

11. CONTINUED DISCUSSION OF THE 2030 COMPREHENSIVE LAND USE PLAN.

Johnson noted staff had compiled Council Members' Comprehensive Plan comments.

Wallace stated he had some additional changes:

- Page 32, number 5 – Strike the last sentence.
- Page 34, under Comprehensive Park & Trail Planning – Instead of “community education,” put “Committee education.”
- Page 43, Polices No. 4 – Strike the term “purchase.”
- Page 49, Policies – Remove “actively pursue.”

Hagen stated he had a conversation with Three Rivers Park District to change the route of the proposed regional trail to follow County Road 11 instead of following a path on South Lake Sarah Drive. Hagen noted that the map in the Comp Plan would be changed.

Wallace requested that Hagen double-check the names of the railroad lines within the City.

Wenck asked Hagen if he had incorporated his comments.

Hagen responded that he had reviewed the comments and didn't think the Met Council would have a problem with any of them.

Johnson responded to Wenck's question about why County Road 90 is classified as a collector street south of Highway 12. He explained that the County had designated it a collector street several years ago due to the level of traffic on the road.

Betts asked Wenck about his comment on page 62. She and Hagen clarified that it Met Council should be listed.

Wenck stated he felt strongly about promoting cluster systems. He stated when he was on the Planning Commission, when cluster systems would come up, residents would be against them. He suggested removing references from the cluster system from the Comp Plan. Wenck noted that cluster systems are allowed by ordinance.

Johnson stated he had no objection to removing references to cluster systems.

Wenck stated on page 48, he does not want to specify where utility services would come from.

Vose asked if the Comp Plan still needed to mention the possibility of cluster developments so that City Code still aligns with the Comp Plan.

Wenck stated he would not be opposed to including a small mention of cluster systems.

Gyllenblad stated he was satisfied with the response from Three Rivers Park District regarding the regional trail map. He stated on page 84, paragraph 4, the mention about the 20-acre parcel should be removed.

**Motion by Wenck, second by Betts, to incorporate the changes recommended by City Council into the 2030 Comprehensive Plan and circulate a draft of the Plan for comment. All present voted aye. MOTION DECLARED CARRIED.**

12. FIRST OF THE 2009 YEAR APPOINTMENTS.

**Motion by Wenck, second by Betts, to approve the following appointments:**

<b>Assessor</b>	<b>Hennepin County</b>
<b>Acting Mayor</b>	<b>Council Member Wenck</b>
<b>Official Depository</b>	<b>Bank of Maple Plain, Northland Securities, League of Minnesota Cities, Ehlers Associates</b>
<b>Assistant Weed Inspector</b>	<b>Dan Koch</b>
<b>Association of Metro Municipalities</b>	<b>Mayor Johnson</b>
<b>Attorney, Civil</b>	<b>Kennedy and Graven</b>
<b>Attorney, Criminal</b>	<b>Carson and Clelland</b>
<b>Auditor</b>	<b>Kern Dewenter Viere</b>
<b>Civil Defense Director</b>	<b>Ray McCoy</b>
<b>Comp Plan Task Force</b>	<b>Lance Gyllenblad, Lindsay Wallace</b>
<b>Data Compliance Officer</b>	<b>Toni Hirsch</b>
<b>Dangerous Dog Mitigation</b>	
<b>Dog Pound</b>	<b>Crossroads Animal Shelter</b>
<b>Engineer</b>	<b>BDM</b>
<b>Fire Department Advisory Board</b>	<b>Maple Plain – Mayor Johnson, Council Members Betts, Wenck (alternate), Toni Hirsch Delano – Mayor Johnson, Council Members Wallace, Gyllenblad (alternate), Toni Hirsch</b>
<b>Fire Marshall</b>	<b>Bruce Satek</b>
<b>Highway 55 Coalition</b>	<b>Mayor Johnson, Council Member Gyllenblad (alternate)</b>

<b>HRA</b>	<b>Mayor Johnson, Council Members Betts, Gyllenblad, Wallace, Wenck</b>
<b>Lake Minnetonka Cable Commission</b>	<b>Jim Smith, Council Member Wenck</b>
<b>Minnehaha Watershed</b>	<b>Mayor Johnson, Council Member Gyllenblad</b>
<b>Northwest League of Municipalities</b>	<b>Mayor Johnson, Council Members Betts, Gyllenblad, Wallace, Wenck</b>
<b>Newspaper</b>	<b>Pioneer &amp; Delano Eagle</b>
<b>Planner</b>	<b>Terramark</b>
<b>Planning Commission Liaison</b>	<b>Council Members Gyllenblad, Wenck (alternate)</b>
<b>Parks Commission Liaison</b>	<b>Council Members Wallace, Betts (alternate)</b>
<b>Pioneer Sarah Watershed Commission</b>	<b>Carole Peter, Jim Smith and Council Member Gyllenblad (alternates)</b>
<b>Water Resources Staff</b>	<b>Hakanson-Anderson</b>
<b>West Hennepin Police Commission</b>	<b>Mayor Johnson, Council Member Gyllenblad</b>

**All present voted aye. MOTION DECLARED CARRIED.**

13. APPOINTMENTS TO THE PLANNING AND PARKS COMMISSION POSITIONS.

Johnson noted that the only application the City received was from Brad Spencer for the Planning Commission position.

Wallace stated he believes the City needs to receive more applications. He added that the City should accept applications for an additional month.

Johnson noted this was the first time the City had not received multiple applications for the Planning Commission. He added the City had a hard time finding applicants for the Parks Commission.

**Motion by Gyllenblad, second by Wallace, to postpone the appointments for 30 days and accept additional applicants. Ayes: Gyllenblad, Wallace, Wenck. Nays: Betts, Johnson. MOTION DECLARED CARRIED.**

14. APPROVAL OF THE 2009 FEE SCHEDULE.

Betts expressed a concern about the building permit fees when the fee seems to come close to the value of the project.

Hirsch responded that some of the permits don't go by value. She explained that the flat fees haven't changed much in about 10 years.

Johnson noted that staff had suggested some changes for the 2009 fee schedule. He noted that the SAC fee is set by the Met Council.

Betts asked Hirsch if she had done any research on the Community Room rentals.

Hirsch responded she contacted the Maple Plain Fire Department regarding false alarms and the Department recommended including at \$350 fee for false alarms. She stated that fee was added into the proposed 2009 fee schedule and would be taken out of a damage deposit if a false alarm occurred.

Betts asked if staff had considered charging different amounts for residents and non-residents.

Hirsch responded that most of the people who rent the Community Center are not residents.

Betts responded that other communities have different fees for residents and non-residents. She added that many cities also require that when alcohol is served, they require the renters to hire a bartender.

Hirsch explained that the City does charge more for events that have alcohol.

Wenck asked if the City has liability.

Hirsch responded that the City requires that the renter provides liability insurance.

Betts suggested charging \$400 for residents renting the Community Center for weddings.

**Motion by Wenck, second by Gyllenblad, to approve the 2009 Fee Schedule with the suggested changes. All present voted aye. MOTION DECLARED CARRIED.**

15. OPEN/MISC.

Tri-City Agreement

Wenck stated he attended the Medina City Council meeting. He stated the Medina City Council agreed to allow residents 3 years to connect to the sewer system after the line is complete, as long as their septic system is not failing. Wenck explained that the Medina Council agreed to include four residences on the west side of Independence Road, which would bring the total number of new connections to 49. He added that until the residents hook-up, they would be required to have an annual inspection. Wenck stated the Medina Council decided to allow Greenfield to have 10 additional hook-ups, if that city still wanted them. He noted that if Greenfield does not sign the agreement, Medina and Independence could create a separate agreement, but he would prefer not to do that.

Hirsch stated that Greenfield would be discussing the issue at one of its Council meetings in January. She added she received a call from Medina Public Works Director Steve Scherer about the Met Council's approval of the agreement. Hirsch said she told Scherer Independence had met the Met Council's density requirement by creating an urban residential area at the north edge of Maple Plain in the 2030 Comp Plan.

16. ADJOURN.

**Motion by Betts, second by Wallace, to adjourn the City Council meeting at 8:53 p.m. All present voted aye. MOTION DECLARED CARRIED.**

---

Respectfully submitted by Christina Scipioni,  
Recording Secretary