

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 14, 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: Clerk-Administrator Hirsch, Attorney Vose, Planner Kaltsas, Engineer Miller.

VISITORS: Joseph O'Brien, Chris Cady, Chris Hildreth, Ildiko Hildreth, Kathy Pluth, Harlan Lewis, Ed Pluth, John Zeglin, LuAnn Brenno, Chris Stephan, Harry Pool, Leo Poole.

4. CONSENT AGENDA.

Approve:

- Council minutes, June 23, 2009.
- Accounts Payable, July 2009.
- Ultimate Disc Tournament to be held at the Twin Cities Polo Club on Saturday, July 25 and Sunday, July 26.
- Partial lot release from Deer Ridge Farms Developers Agreement, per those terms.
- Accept Deer Ridge Trail from the Deer Ridge Farms Development as a City road.
- Resolution No. 09-0714-01 approving revisions to the City of Independence Employee Handbook.

Vose stated the partial release of the development agreement was regarding a lot to be purchased by the Hildreths. He explained that at the closing, the City would be paid what was still owed on the lot as part of developer's agreement.

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

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

Nothing was added.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Received phone call from friends.

Wenck: League of Minnesota Cities Conference.

Wallace: Nothing to report.

Betts: Sensible Land Use Committee meeting, League of Minnesota Cities Conference.
Mayor: League of Minnesota Cities Conference, Retirement reception for Hennepin County Assessor Tom May, Greater Lakes Food Bank Board meeting, Senior Community Services Executive Committee meeting, funeral for Rep. Steve Smith's mother, funeral for Rep. Jim Ramstad's father, WeCan Home Tour, Wright County Economic Development Authority meeting on behalf of Highway 55 Corridor Coalition, Minnehaha Watershed District Board meeting, farewell party for a WeCan employee, Community Action Partnership of Suburban Hennepin Finance Committee meeting, two Association of Metropolitan Municipalities meetings, meeting with Clerk-Administrator Hirsch to discuss City finances.
Hirsch: Nothing to report.

7. DISCUSSION – TURNER ROAD POSTINGS.

Johnson requested that Wenck chair this portion of the meeting, as the request to be discussed was from his brother.

Hirsch stated a requested came from Bryan Johnson, who lives on the north side of Turner Road. She stated Bryan Johnson requested the No Parking signs be removed.

Motion by Betts, second by Gyllenblad, to remove the permanent No Parking signs in the area near 6576 Turner Road, as per the letter in the Council packet, and use temporary signs for special events.

Brenno, resident, stated she wants the Council to specify that there not be cars parked on both sides of Turner Road because she has safety concerns.

Betts explained that the City could place temporary signs along the north side of Turner Road when special events are taking place.

Gyllenblad expressed a concern about if Bryan Johnson were to hold a family event at the same time the Polo Club was hosting an event.

Hirsch responded Bryan Johnson does make some room on his property for cars to park out of the right-of-way.

Wenck called for a vote. Ayes: Betts, Gyllenblad, Wallace, Wenck. Nays: none. Abstention: Johnson. MOTION DECLARED CARRIED.

8. PIONEER-SARAH CREEK WATER MANAGEMENT COMMISSION REVISED BUDGET.

Johnson noted the Pioneer-Sarah Creek Water Management Commission had already given the City a 2010 budget, but had one revision it wanted to make the City aware of.

Wenck directed staff to send a letter to the Pioneer-Sarah Creek WMC requesting that it reduce its budget by 10 percent and respond to the City's request in writing.

Johnson recommended sending a copy of the letter to Carole Peter, who is the City representative on the Pioneer-Sarah WMC.

9. LMCC (LAKE MINNETONKA CABLE COMMISSION) – SALLY KOENECKE, APPROVAL OF RESOLUTION NO. 09-0714-02 SUPPORTING LMCC’S APPLICATION FOR FEDERAL STIMULUS FUNDING FOR CONSTRUCTION OF A FIBER-TO-THE-HOME NETWORK.

Wenck stated the LMCC is requested a resolution supporting its grant application for construction of a fiber-to-the-home network.

Motion by Wenck, second by Johnson, to approve Resolution No. 09-0714-02. Ayes: Betts, Gyllenblad, Johnson, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

10. DISCUSSION REGARDING THE COMMENTS RECEIVED FROM MET COUNCIL IN REGARDS TO THE CITY’S COMP PLAN.

Kaltsas stated the City is still awaiting comments from some neighboring communities. He noted most of the comments dealt with the urban commercial and urban residential zoning districts, which are two new zones within the City.

Gyllenblad stated the City paid Loucks Associates \$65,000 for a Comp Plan and asked if the firm was still working with the Met Council on behalf of the City.

Hirsch responded the City paid about \$58,000. She added the firm is supposed to be helping to create the City’s response to the Met Council’s comments.

Gyllenblad noted the City also spent \$10,000 on the project on Lindgren Lane.

Hirsch stated Loucks Associates is still required to work with the City to gain final approval of the Comp Plan, but the firm had not responded to her recent phone calls.

Brenno, resident, stated many of the Met Council’s comments regarded incorrect data within the original submittal. She stated she believed that the City should not be paying its planner for doing work that should have originally been done by Loucks Associates under its Comp Plan contract. Brenno noted that many of the Met Council’s comments were only in regards to the urban commercial district. She added that the City currently cannot respond to those comments because it does not have a plan for the utilities and storm water system.

Kaltsas stated the Comp Plan amendment that was recently submitted also dealt with the urban commercial area.

Betts noted that the Comp Plan amendment was originally handled by the City’s planner and she asked who would then be responsible for it.

Hirsch responded the City Planner would be responsible for responding to comments regarding the Comp Plan amendment and Loucks Associates would be responsible for responding to Met Council comments regarding the Comp Plan.

Johnson noted the urban commercial district was in the Comp Plan update.

Vose explained that Ryan Companies submitted a Comp Plan update in order to avoid its project being stalled due to issues within the Comp Plan update. He added what happened was that the Met Council's comments on the Comp Plan update ended up focusing on the urban commercial area.

Wallace stated he would prefer that Kaltsas work on the Comp Plan update and that Loucks Associates reimburse the City for Kaltsas' time.

Hirsch stated she thought Kaltsas would provide better results in coordinating the rest of the Comp Plan update. She added the person at Loucks Associated who was assigned to the Independence Comp Plan no longer worked for the company.

Johnson asked which entities have submitted comments about the Comp Plan.

Kaltsas responded that all of the surrounding cities, except Maple Plain, had submitted comments or had prepared a document stating they did not have comments. He added that none of the school districts had responded.

Brenno asked when the formal review of the Comp Plan by the Met Council would occur.

Kaltsas responded that the City would have to submit all of the requested items before Met Council would review the Comp Plan update. He added the Comp Plan would need to be approved by the end of 2009.

Vose asked the Council how much it thought Loucks Associates should reimburse the City for work still outstanding on the Comp Plan update.

Motion by Gyllenblad, second by Betts, to direct staff to communicate to Loucks Associates that the City is requesting reimbursement for work on the Comp Plan update that is still outstanding. Ayes: Betts, Gyllenblad, Johnson, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

11. APPROVAL TO MOVE FORWARD WITH RYAN COMPANIES.

Miller explained he met with Ryan Companies regarding sewer and water service for the property included in the Comp Plan Amendment. He stated Ryan Companies requested a general cost to do a scoping study, which would be the first step in a feasibility study. Miller stated the study would review the entire 60-acre parcel included in the Comp Plan update as urban commercial. Miller stated the study would list various options for commercial development in the area.

Johnson asked if the \$5,000 to \$5,500 estimate would be paid by the City. He also asked if the City would be liable if they study was not accurate.

Miller responded the study would give Ryan Companies and the City a range of expenses to provide various on-site utilities.

Betts asked if Ryan Companies or the City of Independence would pay the \$5,000 for the study.

Miller suggested that Ryan Companies pay the City the amount necessary to pay for the study and the City then pay BDM. He added he was not comfortable providing engineering services for a private company working in a city he represents. Miller stated the scoping study would only provide estimates.

Wenck stated he believes its fine for the City to move forward with the study.

Kaltsas stated the study would give the City the ability to initially respond to the Met Council's Comp Plan comments.

Motion by Wenck, second by Wallace, to direct BDM to prepare a scoping study for water and sewer service on the 60-acre area adjacent to the Delano border, subject to full reimbursement to the City by Ryan Companies. Ayes: Betts, Gyllenblad, Johnson, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

12. APPROVAL TO CANCEL THE JULY 28 CITY COUNCIL MEETING DUE TO A LACK OF AGENDA ITEMS.

Motion by Wenck, second by Betts, to cancel the July 28, 2009 City Council meeting. Ayes: Betts, Gyllenblad, Johnson, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

13. OPEN/MISC.

Nothing was added to the agenda.

14. ADJOURN.

Motion by Gyllenblad, second by Wenck, to adjourn the City Council meeting at 8:15 p.m. Ayes: Betts, Gyllenblad, Johnson, Wallace, Wenck. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary