

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MARCH 10, 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-Clerk Hirsch, Attorney Vose, Water Resource Consultant Craig Jochum.

VISITORS: LuAnn Brenno, Ed & Katie Pluth, Lynda Franklin, Chris Cady, Keith Triplett, Brad Spencer, Bradford Olson, Craig Olson.

4. CONSENT AGENDA.

Approve:

- Council Minutes – Feb. 10, 2009.
- Approval of accounts payable for March 2009.
- Approval of liquor license renewals for Ox Yoke Inn, Windsong Farm Golf Course and Pioneer Creek Golf Course LLC.

Johnson removed Shoreland Ordinance follow-up and approval from the consent agenda.

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

Shoreland Ordinance follow-up and approval

Hirsch responded to the questions Council Members had about the Shoreland Ordinance during the last Council meeting. She stated that the State standard for the setback from the ordinary high water mark was 10 feet. She added the State limit for accessory structures in the shoreland overlay district is 250 square feet, except watercraft storage structures on general development and recreational development lakes, which may measure up to 400 feet as long as the structure is at least 20 feet from the shoreline. Hirsch explained the DNR had told her residents could build larger structures further from the shoreline. She added that the DNR would not allow the City to remove the provision that limits the size of landings for stairways.

Wenck stated that he doesn't think the City should adopt an ordinance that is more restrictive than the DNR's requirements. He requested that the building size requirement should be changed from 120 square feet to 400 square feet.

Johnson noted property owners would still need to obtain a City building permit before building a structure larger than 120 square feet.

**Motion by Wallace, second by Wenck, to change the building size regulations in Subd. 5.E. to match the building size regulations in MN Admin. Rules 6120.330.**

Brenno, resident, expressed a concern about the motion being in compliance with the State Statutes.

Vose responded staff would look at Brenno's concern if the motion is adopted. He added Council would not be adopting the Shoreland Ordinance at this meeting, but would be approving it and directing staff to send it to the DNR for any further comments.

Spencer, Planning Commission Chair, explained the Commission recommended the ordinance be more restrictive than the DNR recommendation was because the watercraft storage structures require a conditional use permit and the Commission was attempting to avoid having to issue many CUPs. He added the DNR requires the watercraft storage structures to be no more than 10 feet high with screening from adjacent properties, which would be difficult for a large building to comply with.

**Johnson called for a vote. All present voted aye. MOTION DECLARED CARRIED.**

**Motion by Betts, second by Johnson, to direct staff to forward the approved Shoreland Ordinance to the Minnesota Department of Natural Resources for comment. All present voted aye. MOTION DECLARED CARRIED.**

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

Johnson added an update on the Northern Natural Gas pipeline project.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Nothing to report.

Wenck: Lake Minnetonka Communication Commission is looking into purchasing a new building, which will come back to the City Council for approval at a later date.

Wallace: Nothing to report.

Betts: West Hennepin Chamber of Commerce meeting, Maple Plain Fire Commission meeting.

Mayor: Northwest League of Municipalities meeting, Hennepin County Active Communities meeting, West Metro Drug Task Force award dinner, Reviewed Minnetrista Comp Plan, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Maple Plain Fire Department Meeting, Land Use Advisory Committee meeting, Highway 55 Corridor Coalition Meeting, LMC Conference for elected officials, Interfaith Outreach and Community Partners event, Senior Community Services dinner, Senior Community Services Executive Committee meeting, Sensible Land Use meeting, Greater Lake Food Bank breakfast meeting, Meeting in which former Governor Al Quie was the speaker, Active Living Hennepin Communities Walking Workshop and follow-up meeting, Orono Healthy Communities meeting, Community Action Partnership of Suburban Hennepin Board meeting, WeCan Board meeting, Maple Plain City Council meeting with Sen. Olson and Rep. Smith, Orono School Board meeting.

Hirsch: Maple Plain Fire Commission meeting.

7. APPOINTMENT TO THE PLANNING COMMISSION.

Johnson noted there were two applicants for on Planning Commission position. He asked the applicants, Spencer and Triplett, if they would like to address the Council.

Spencer stated he has served on the Planning Commission for six years and would like to continue serving.

Triplett stated he had lived in Independence 30 years and currently lives on County Road 92. He added he works for the Wright County Assessor's Office working on appraisals of commercial properties and farms. Triplett stated he has attended the Comp Plan Task Force meetings and the Parks, Trails and Open Spaces Committee meetings. He stated that through his work experience, he has learned about the planning and zoning process. Triplett added he is in favor of more commercial within the City. He stated he is not in favor of zoning the east half of the community one way and the west half another way.

**Motion by Wallace, second by Gyllenblad, to appoint Keith Triplett to the Planning Commission.**

Gyllenblad stated he and two other Council Members were elected to serve because residents were tired of the way the City government had been run. He stated residents are tired of higher taxes and want a change from the same way business has been conducted.

Johnson stated he will vote against the motion because Spencer has done a commendable job serving on the Planning Commission.

Betts stated she agrees with Johnson. She added that Triplett could serve on the Parks Commission.

**Johnson called for a vote. Ayes: Gyllenblad, Wallace, Wenck. Nays: Betts, Johnson. MOTION DECLARED CARRIED.**

8. CRAIG JOCHUM, HAKANSON ANDERSON.

MINNEHAHA CREEK WATER SHED MANAGEMENT MODEL.

Jochum explained that the Council would have to authorize Hirsch to sign on behalf of the City to use the Minnehaha Creek Watershed Management Model.

**Motion by Wenck, second by Johnson, to authorize staff and Mayor Johnson to enter into an agreement to use the Minnehaha Creek Watershed Management Model. All present voted aye. MOTION DECLARED CARRIED.**

INDEPENDENCE WATER MANAGEMENT PLAN

Jochum discussed his memo to the Council that summarized the Water Management Plan. He noted that the Planning Commission had already reviewed the plan and recommended approval. He explained that

the Met Council prefers that the City classifies all of its wetlands. He suggested a plan for completing the wetland classification as the City develops.

Wenck asked if the City needed to include the Minnehaha Watershed District buffers shown in the memo in its Water Management Plan.

Jochum responded that the City would not be including the Minnehaha Watershed District buffers in its plan.

Johnson stated he has minor changes that he will give to staff.

Wenck stated he also had minor changes.

Jochum stated he would like to incorporate the Council's changes and then move the plan on to other governmental agencies for approval.

**Motion by Betts, second by Gyllenblad, to submit comments to City staff by 4:30 p.m. on Tuesday, March 17 for incorporation into the Independence Water Management Plan. All present voted aye. MOTION DECLARED CARRIED.**

9. OPEN/MISC.

Northern Natural Gas Update.

Johnson stated the Zeglin family signed off on the route through their property, but Kay Gabriel had not settled with NNG on a route through her property, which is north of the Highway 12 area. He added the letter the City sent to FERC was in regards to the properties south of Highway 12.

Vose stated FERC has completed its environmental review of the project and has determined there are not environmental impediments. He stated that he was prepared to withdraw the City's letter to the FERC.

Johnson stated the Council is comfortable with him withdrawing the letter.

March 24 Council Meeting

Hirsch stated that because the Planning Commission did not meet in March there isn't anything for the March 24 City Council agenda.

**Motion by Betts, second by Wenck, to cancel the March 24, 2009 City Council meeting. All present voted aye. MOTION DECLARED CARRIED.**

10. ADJOURN.

**Motion by Wenck, second by Gyllenblad, to adjourn the City Council meeting at 8:25 p.m. All present voted aye. MOTION DECLARED CARRIED.**

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Respectfully submitted by Christina Scipioni,  
Recording Secretary