

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MAY 26, 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 and Wallace.

STAFF: Administrator-Clerk Hirsch, Attorney Thompson, Public Works Director Koch, Planner Kaltsas, West Hennepin Public Safety Director McCoy.

VISITORS: LuAnn Brenno, Troy Denneson.

4. CONSENT AGENDA.

Approve:

- Council Minutes – May 12, 2009.
- First quarter report, ABDO.
- Ordinance No. 2009-05, An Ordinance Replacing Section 505 of the Independence City Code regulating Shoreland areas.
- Summary of an ordinance for publication, Ordinance 2009-06.
- Resolution No. 09-0526-02, Approving Summary Publication of Ordinance No. 2009-05.
- Resolution No, 09-0526-01, 2009 Budget.

**Motion by Betts, second by Gyllenblad, 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.

Hirsch added a personal request.

Denneson asked to be added to the agenda.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Police Commission meeting, Board of Review meeting.

Wallace: Board of Review meeting.

Betts: Board of Review meeting.

Mayor: Northwest League of Municipalities, Orono Healthy Communities, Senior Community Service Finance Committee meeting, WeCan Finance Committee meeting, Community

Action Partnership of Suburban Hennepin Finance Committee meeting, Mayor's Conference, Police Commission meeting, Lake Sarah Stakeholder's meeting, Hennepin County Collaborative meeting, Board of Review meeting.

Hirsch: Police Commission meeting, Meeting with representative from Lookout Point doing research for the LMC.

7. DIRECTOR RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY.

April 2009 Activity Reports.

McCoy summarized the April 2009 activity report. He noted the incidents in Independence are down from 2008.

Johnson asked why there were more incidents in Maple Plain this year.

McCoy responded that there have been more incidents of vandalism in Maple Plain.

Gyllenblad asked about the boat parked in the City Hall parking lot.

McCoy explained that the boat's owner didn't drain the water out of it. McCoy stated the owner was traveling down Highway 12 and realized he wouldn't fit under the railroad bridge, so he slammed on his breaks, causing the water to push the boat forward and ruin the trailer hitch.

McCoy discussed a fatal accident that occurred recently on Highway 12.

Johnson asked McCoy about recent developments regarding administrative fines.

McCoy stated he would have to discuss the issue further with the city attorneys. He added the cities might need to stop the administrative fine process because of the new State Statutes. McCoy explained that the new rules set a maximum citation limit of \$60, of which \$20 must go to the State, and the rest must be divided between the City and police department. McCoy stated he believes the police department should not be in the business of collecting fines. McCoy noted that the new law only addresses traffic enforcement.

Approval of Resolution Authorizing Execution of Agreement to enter the Safe and Sober Program for year starting Oct. 1, 2009 through Sept. 30, 2010.

McCoy asked the Council for approval for WHPS to participate in the Safe and Sober Program. He stated WHPS receives about \$10,000 in reimbursement.

Motion by Betts, second by Gyllenblad, to approve the resolution authorizing execution of an agreement to enter the Safe and Sober Program for year starting Oct. 1, 2009 through Sept. 30, 2010. All present voted aye. MOTION DECLARED CARRIED.

Hennepin County Mutual Aid Pact

McCoy explained some changes that had occurred within the Mutual Aid Pact, including clarification of incident command and a statement that there are no charges for mutual aid calls.

Thompson agreed with McCoy's interpretation of the revised contract.

McCoy added the Pact includes information about a web-based program to allow for faster incident response.

Motion by Johnson, second by Betts, to approve Resolution No. 09-0526-03 to adopt the Hennepin County Mutual Aid Pact. All present voted aye. MOTION DECLARED CARRIED.

McCoy noted that he send a memo to Maple Plain and Independence regarding the new 2009 WHPS Budget.

8. DAN KOCH, PUBLIC WORKS DIRECTOR

Approval of Seal Coating Bids

Koch stated the City received seal coating bids from three companies. He stated Pearson Brothers had the low bid using granite, which is the material the City usually uses. Koch stated the bid was for \$84,209.50, but he would be dropping \$10,000 off of the bid by reducing the quantity because of budget issues. Koch recommended awarding the bid to Pearson Brothers for approximately \$75,000.

Johnson asked if the City has worked with Pearson Brothers before.

Koch responded Pearson Brothers had done seal coating in the City for many years.

Johnson asked if the City received the quote before gas prices started increasing.

Koch responded that the price of diesel fuel had remained fairly stable.

Motion by Wallace, second by Gyllenblad, to approve the letting of the seal coat bid to Pearson Brothers. All present voted aye. MOTION DECLARED CARRIED.

Six Month follow-up concerning updating of the Public Works Design Manual

Koch suggested tabling this issue until October.

Johnson asked if the City still needed to worry about the State standards changing.

Koch responded that the next time the City updates its standards, it should reference State standards in case State standards change.

Motion by Gyllenblad, second by Betts, to table the issue until October. All present voted aye. MOTION DECLARED CARRIED.

9. MARK KALTSAS, CITY PLANNER – UPDATE OF THE 2030 COMPREHENSIVE PLAN AND LINDGREN LANE.

Kaltsas stated in the current draft of the 2030 Comprehensive Plan, the City has guided some area north of Maple Plain for a medium-density land use in order to balance out the density with the properties along Independence Road and Lindgren Lane that need to be connected to sewer. He stated the Met Council is requiring the City to have a net 3 units per acre, which a higher density than what is currently being proposed in the Comp Plan. Kaltsas stated staff sat down with Maple Plain officials and asked if they would prefer to have either the density of the proposed area be higher or to make the medium-density area

larger with a slight increase in density. Kaltsas explained the Met Council uses the lowest number of a density range when doing its calculations, so Independence would need to change its zoning in the urban residential district from 3-8 units per acre to 4-7 units per acre. Kaltsas stated Maple Plain officials preferred expanding the urban residential district instead of increasing the density. Kaltsas stated that with a larger area and a 4-7 units per acre zoning, the average zoning would be 3.11 units per acre, which would meet the Met Council's requirements. Kaltsas stated Maple Plain approved the land use change, but had questions about traffic and costs to Maple Plain. Kaltsas asked Council for its input.

Johnson asked if Met Council will approve putting sewer on Lindgren Lane if Independence approves the proposed land use change.

Kaltsas responded when he spoke with the Met Council, they were only concerned about the numbers involved in the situation and making sure the City had enough density.

Johnson noted that the property owners in the new zoning district would not be required to develop their properties, but would have the option to if they wanted.

Kaltsas stated the City will have to create an overlay district for the area once the Comp Plan is updating. He suggested adding information about the timeframe and staging within the Comp Plan. He added the Comp Plan and the City should address sewer capacity, as the area could have 585 units if it were fully developed.

Johnson asked what Kaltsas meant by staging.

Kaltsas responded he meant in what order the properties could develop.

Hirsch stated the first draft of the Comp Plan had a larger urban residential district, but the Planning Commission had made it smaller. She added the former Planning Commission Chair called her and said he supported increasing the size of the area in order to get sewer on Independence Road and Lindgren Lane.

Johnson asked if the City would need to send an amendment to the Comp Plan to all of the neighboring cities for comment.

Kaltsas responded that the City would need to send the amendment to communities that would be directly impacted by the change. He added City staff spent more time working with Maple Plain because it would be the most directly affected by the change.

Johnson, Kaltsas and Koch discussed where some of the water and sewer utilities are currently located.

Johnson asked if the changes to the proposed urban residential district were adopted would alleviate the need for the City to rezone along Independence Road.

Kaltsas responded that the new urban residential district would alleviate the need to rezone Independence Road. He noted that some of the lots along Independence Road do have the potential to split, based on current zoning requirements.

Johnson asked if the Met Council would allow any additional hook-ups on the west side of Independence Road.

Kaltsas responded the Met Council would probably not allow it unless there was additional density added. He asked the Council to give staff direction to go ahead with the updated plan or devise a new plan. He added that the City is trying to get the Met Council to approve this change and the new sewer before the entire Comp Plan is approved so that the City can start work on the sewer project.

Johnson asked if many cities had commented on the Comp Plan.

Kaltsas responded that Independence has the city comments it needs, but is still waiting for Three Rivers Park District, the school districts and MnDot.

Wallace stated he would ask Delano School District officials to review the Comp Plan and submit their comments to the City. He added that until school is over, the school district probably won't review the Comp Plan.

Johnson directed staff to continue working toward getting the issue resolved.

10. OPEN/MISC.

Hirsch's Personal Request

Johnson stated Hirsch requested permission from the Council to have two weeks of her vacation paid out to her for a family emergency. He noted the City does not have a policy regarding paying out vacation.

Betts stated she doesn't have a problem doing that.

Hirsch stated she was not able to use all of her accumulated vacation time last year.

Johnson noted the City does have a policy that pays out vacation time when a City employee leaves and to payout half of the employee's accumulated sick time with a prorated amount.

Gyllenblad stated he believes payouts on vacation are based on a contract or policy that is in place.

Betts asked if Hirsch would still have two weeks of vacation she would be able to take this year.

Hirsch responded that she had two weeks of vacation scheduled for the end of July and beginning of August.

Betts suggested the City have a written policy regarding vacation payouts and stated she was in favor of allowing Hirsch to be paid out two weeks of vacation.

Motion by Betts, second by Wallace, to allow Clerk-Administrator Hirsch to be paid two weeks of her accumulated vacation. All present voted aye. MOTION DECLARED CARRIED.

Troy Denneson

Denneson explained he owns property at 5835 Turner Road. He stated the lot is vacant right now, but he wants to build a home on it in the future. Denneson added that he would like to put a tool shed on the

property now, but was told by the Building Official that City Code does not allow accessory structures without a primary residence.

Johnson explained to the Council the location of Denneson's property. Johnson asked the building size.

Denneson responded the building would be 12' by 16' on skids.

Betts asked if the skids make a difference in how the shed would be treated. She added that unless there is a home on the property, she doesn't think the City should allow a shed to be built.

Gyllenblad asked if trailers are permitted on vacant properties.

Johnson responded that trailers are allowed when a property owner is actively building a home. He added that if the Council were to allow Denneson to build a shed it would need to document a good reason for doing so. He asked if the sugar shack is still on the property.

Denneson responded the sugar shack is still on the property and he could fix it up and make it into something he could lock, but he would prefer to start from scratch and build a smaller shed that would possibly be movable.

Thompson suggested a written request from the property owner that included timeframes, materials, location and sizes of the structure would help the Council discuss the issue at a future meeting.

Betts asked if it would be a conditional use permit.

Thompson responded that staff would have to look at City Code to determine how to correctly classify it, but it wouldn't be a conditional use.

Johnson directed Denneson to submit a plan to City staff.

11. ADJOURN.

Motion by Betts, second by Wallace, to adjourn the City Council meeting at 8:35 p.m. All present voted aye. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary