

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 27, 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 and Gyllenblad.

STAFF: Recording Secretary Scipioni, Attorney Vose, Planner Kaltsas.

ABSENT: Council Members Wallace and Wenck, Clerk-Administrator Hirsch.

VISITORS: Chris Cady, John & Cathy Zeglin, Ed & Kathie Pluth, Brad Spencer, LuAnn Brenno, Lynda Franklin.

4. CONSENT AGENDA.

Approve:

- LMC Trust for City not to waive monetary limits on tort liability.

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

Johnson pulled approval of the Oct. 13, 2009 Council minutes for clarification on the Hennepin County grant item. Council discussed the correct wording for the motion related to that grant.

Motion by Gyllenblad, second by Betts, to approve the minutes as corrected. Ayes: Betts, Gyllenblad, Johnson. Nays: none. MOTION DECLARED CARRIED.

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

Johnson added setting a date for the election canvass board.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Nothing to report.

Betts: Maple Plain Fire Commission meeting, Candidate Open House, Met Council Dialogue meeting.

Mayor: Northwest League of Cities meeting, Senior Community Services Finance Committee meeting, Senior Community Services Executive Committee meeting, Senior Community Services 29th Anniversary Party for the Minnetonka Senior Center, Highway 55 Corridor

Coalition, Love INC. Heartland Breakfast, Maple Plain Fire Commission meeting, two Orono Healthy Communities meetings – a collaborative meeting and an alliance meeting, Met Council Dialogue, Mound-Westonka Historical Society Gale Woods event.

Scipioni: Election judge training.

7. DIRECTOR RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY.

Item was removed from the agenda.

8. GERALD EVENSON, 4620 SOUTH LAKE SARAH DRIVE (PID NO. 02-118-24-21-0023), APPROVAL OF A SIDE YARD SETBACK VARIANCE TO ALLOW FOR THE CONSTRUCTION OF AN ATTACHED GARAGE. RESOLUTION NO. 09-1027-01.

Kaltsas stated the applicant is requesting a 10-foot setback variance to allow construction of an attached garage 8 feet from the property line. The property is zoned rural residential. Kaltsas added the request is typical of properties within the Lake Sarah area. He stated that if the Council approves the variance, one of the conditions would be that the applicant could not exceed the City's 25 percent permeable surface limitation.

Johnson asked if the use of a permeable driveway surface would help the applicant meet the 25 percent limit.

Kaltsas responded that City Code does not specifically address surfaces such as permeable pavers, but it would be something staff would take into account when reviewing the building plans.

Johnson stated the application is not unusual for that neighborhood.

Kaltsas stated the Planning Commission also asked the Council to direct staff to review the setbacks in the applicants' neighborhood to determine if a different setback should be created for that area.

Betts asked what options would be available for creating setbacks for one neighborhood.

Kaltsas responded that staff and the Planning Commission could review different options and could create an overlay district for the area. He noted the problem with the current City Code is that it was developed for the larger lots that exist throughout the rural residential district.

Johnson directed staff to determine how many other properties in the neighborhood had already applied for a variance. He noted that if most of the property owners had already received variances, it might not be necessary to spend staff time changing the City Code.

Vose asked what the applicant would do with the utility pole located on the property.

Kaltsas responded that the utility pole services only the applicants property and could be moved or buried, if necessary, at the applicants' expense.

Motion by Betts, second by Gyllenblad, to approve Resolution No. 09-1027-01. Ayes: Betts, Gyllenblad, Johnson. Nays: none. MOTION DECLARED CARRIED.

Johnson asked Scipioni to include in the minutes that the Evensons asked the Council before the meeting if they needed to stay and the Council Members told them they didn't have any questions and they could leave. The Evensons also told the Council before the meeting that they discussed the variance with their neighbors to the west and the property to the east was for sale.

9. OPEN/MISC.

Approve Date for Election Canvass Meeting

Motion by Betts, second by Johnson, to hold the Election Canvassing Board meeting at 7:30 a.m. on Wednesday, Nov. 4, 2009. Ayes: Betts, Gyllenblad, Johnson. Nays: None. MOTION DECLARED CARRIED.

13. ADJOURN.

Motion by Gyllenblad, second by Betts, to adjourn the City Council meeting at 7:50 p.m. Ayes: Betts, Gyllenblad, Johnson. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary