

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, DECEMBER 23, 2008 – 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: Administrative Assistant Scipioni, Attorney Vose, Planner Goodrum, Comp Plan Consultant Hagen, Public Safety Director McCoy.

ABSENT: Administrator Hirsch.

VISITORS: Mike Zeglin, John Zeglin, LuAnn Brenno, Jim & Lynda Franklin, Ed & Kathie Pluth, Harlan Lewis, Mr. & Mrs. Jack Ayers.

4. CONSENT AGENDA.

Approve:

- Council Minutes – Dec. 9, 2008.
- LMC Insurance Trust for City not to waive monetary limits on tort liability.

**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 approval of an invoice from Kennedy & Graven and an update on the Tri-City Agreement.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Police Commission meeting.

Wenck: Lake Minnetonka Communications Commission meeting, Fire Commission meeting, Police Commission meeting, Meeting with Public Works Director Dan Koch and Medina City Administrator Adams.

Wallace: Nothing to report.

Betts: Sensible Land Use Committee meeting, Police Commission meeting, Chamber meeting.

Mayor: Northwest League of Municipalities meeting, Chamber meeting, Active Living Committee meeting, Senior Community Services meeting, Meeting with Mn/DOT and Maple Plain officials regarding work on the railroad bridge, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Greater Lakes Food Bank meeting,

Hennepin County Commissioner Penny Steele retirement party, Fire Commission meeting, Rep. Ramstad retirement party, Police Commission meeting, Highway 55 Corridor Coalition meeting, Highway 12 Grand Opening, Conference call with Active Living staff.

7. APPROVE KENNEDY & GRAVEN INVOICE.

Johnson explained that the City received the invoice from Kennedy & Graven after the last Council meeting and the firm would like it paid before the end of the year.

Motion by Wenck, second by Wallace, to approve payment of the Kennedy & Graven invoice by the end of 2008. All present voted aye. MOTION DECLARED CARRIED.

8. WEST HENNEPIN PUBLIC SAFETY DIRECTOR RAY MCCOY – NOVEMBER ACTIVITY REPORT.

McCoy stated West Hennepin Public Safety had responded to slightly fewer incidents in 2008 than during the same time period in 2007. He noted that the Department had recently seen an increase in the number of felony DWI arrests. McCoy told the Council about a welfare check that responded to an officer recovering 24 firearms and drug paraphernalia. McCoy explained about 91.83 percent of the WHPS budget had been spent and the Department should end the year on or below budget.

Johnson asked McCoy if the next couple of weeks would be busy for the Department.

McCoy responded the holidays are usually a busy time of year. He added that the next Police Commission meeting will be at 8:30 a.m. on Jan. 26.

9. ROBERT LACHERMEIER, 5680 PAGENKOPF ROAD (PID NO. 23-118-24-11-0005), RESOLUTION NO. 08-1223-01 APPROVING A SIMPLE SUBDIVISION RESULTING IN NO NEW LOTS.

Goodrum explained that a small portion of the applicant's property was location south of Pagenkopf Road, while the majority of the property, including the house, is located north of Pagenkopf Road. He explained that the applicant owns a lot to the south of 5680 Pagenkopf Road that is in Maple Plain. Goodrum added that the applicant is requesting that the portion of his 5680 Pagenkopf Road that is south of Pagenkopf Road be attached to the property in Maple Plain. He stated that the City of Maple Plain would also need to approve the request.

Betts asked if the septic system for the house was located on the southern part of the parcel.

Goodrum explained that the septic system was located at 5605 Pagenkopf Road and accessed through an easement.

Betts voiced a concern about a road being constructed near the septic system.

Goodrum explained that the applicant was not asked for permission to build a road. He added the applicant wanted to have road access to the Maple Plain property in order to construct a driveway.

Vose explained the City of Maple Plain would also need to approve the applicant's request before the City would give Lachermeier a signed resolution to register with the County.

Motion by Wenck, second by Wallace, to approve Resolution No. 08-1223-01 approving a Simple Subdivision resulting in no new lots. All present voted aye. MOTION DECLARED CARRIED.

10. UPDATE OF COMP PLAN AMENDMENT FOR THE RYAN COMPANIES DEVELOPMENT.

Vose updated the Council on the Comp Plan Amendment that was being reviewed by the Met Council and neighboring communities. He explained that Met Council had responded to the CPA request with additional questions, especially regarding how waste water would be treated. He stated most of the comments the City received were positive. He noted Delano sent negative comments with the caveat that if a utility sharing agreement were created, Delano would be in favor of the CPA.

Vose then discussed the status of the City's negotiations with Delano. He explained Delano wants additional money from Independence, along with fees for utility services. Vose added Independence and Delano had put together a tentative agreement, but then Independence found out that the retail development would change the City's fiscal disparities payments. Vose stated that because the City's financial situation is different from what officials had thought it would be, a new utility-sharing agreement would have to be negotiated.

11. NORTHERN NATURAL GAS DISCUSSION.

Johnson stated an official with Three Rivers Park District told him the District was also unhappy with the route NNG has chosen for the gas pipeline because it would run through the middle of the Lake Rebecca Park Reserve. Johnson noted that he has been in contact with a Three Rivers Park District attorney regarding the issue.

Wenck suggested that the Council pass a resolution that be sent to the FERC and PUC and that requests NNG reroute the pipeline to avoid conflicts with future commercial development.

Vose reminded the Council it doesn't have final approval over where the pipeline is placed, but NNG is required by the FERC and PUC to work as much as possible with local governments. He added that the City had already passed a resolution requesting that the pipeline remain in its current location or be located in the road rights-of-way. He noted the resolution has not been sent to the FERC or PUC.

Wallace stated he wanted what the City sends to the FERC and PUC to be very specific about the City's position on the pipeline project and its attempts to work with NNG.

Motion by Wenck, second by Betts, to have staff prepare a transmittal letter to be sent to the FERC and PUC along with Resolution No. 08-0513-01. All present voted aye. MOTION DECLARED CARRIED.

12. REVIEW OF PROPOSED CITY OF INDEPENDENCE COMPREHENSIVE PLAN FOR 2030.

Zeglin stated he wanted to clarify the letter his family had sent to the Council and Planning Commission. He stated his family wanted the entire parcel guided commercial. He stated that if the City would not zone

the entire property commercial, he would prefer that the 10 acres originally zoned commercial stay in the commercial zoning district.

Johnson noted the Planning Commission had chosen to remove the entire parcel from the commercial area.

Hagen stated staff was asking the Council for permission to circulate a draft copy of the Comp Plan to neighboring communities and school districts. He added that the Council would still need to review the Comp Plan at later meetings.

Johnson asked if the City needed to send a copy of the Comp Plan to Franklin Township for comments.

Hagen responded that he would check to see if the City was required to send the Comp Plan to townships.

Hagen discussed some small items that would be changed before the Comp Plan was sent out for review.

Wenck asked what the Environmental Protection Area zoning classification meant.

Hagen responded the Environmental Protection Area means that the properties in that area have an effect on lakes. He added the City would not allow additional development without some type of sewer system.

Wenck asked if new development in the Environmental Protection Area had to have three units per one acre zoning.

Hagen responded that that the zoning in the Environmental Protection Area would be one unit per five acres, with the requirements that new developments have sewer and comply with the State Shoreland Ordinance.

Johnson discussed the following changes for the Comp Plan:

- Change the graph on page 10 to make it easier to read.
- On page 43, B.4., Johnson stated that he didn't want the City's policy be taking easements and purchasing land.
- Page 64 should be updated to reflect that work at Highway 12 and County Road 6 has been completed.
- On page 65, the correct spelling for the railroad is "Soo Line."
- There is an improper indent on page 69.
- On page 70, headings should be added for churches and Vinland Center and Camp Ihduhapi.
- Number 3 on page 46 should include a mention of the Park Dedication Fund.

Wallace expressed a concern that on page 43, significant is not defined.

Hagen explained that the document is supposed to be general and the Council could define significant elsewhere.

Wallace discussed the following changes for the Comp Plan:

- Remove number 3 on page 44 as it is redundant with City Code.

- Remove number 4 on page 48 or replace “shall be serviced with an urban storm sewer system and urban sewer and water from the City of Delano” with “shall be serviced by a suitable sewer system.”
- Number 1 under “Policies” on page 49 should be changed because the City cannot afford to actively pursue the 1992 Comprehensive Parks and Trail Systems Plan.

Vose asked what the timeline was to have the Comp Plan reviewed.

Hagen responded that in order to meet the Met Council’s deadlines, the Comp Plan should be sent out for review by the end of the year.

Motion by Betts, second by Johnson, to direct staff to change the Comp Plan to include 10 acres of the Zeglins’ property in the Commercial zoning district and then send the Comp Plan to neighboring communities for comment.

Gyllenblad asked why the trail on the map on page 85 had been moved off of Lake Sarah Drive.

Hagen responded that the Met Council requires the map be included in the Comp Plan. He added that the City didn’t create the map.

Wenck suggested holding a Council work session in the beginning of January to discuss the Comp Plan.

Johnson noted that the Council would still be able to make changes to the Comp Plan after it has been sent out for circulation.

Vose stated if the Council plans to make policy changes, it should not send out the Comp Plan without the changes included.

Johnson called for a vote. Ayes: Betts, Johnson. Nays: Gyllenblad, Wallace, Wenck. Motion fails.

Wallace stated he would like to review the Comp Plan in a work session.

Brenno, resident, voices a concern about residents being aware of Council work sessions and being able to attend them.

Johnson stated the Council would need to discuss the Comp Plan at a regular meeting because motions would need to be made to change the Comp Plan. He directed the Council to forward their comments to staff.

13. SET BUDGET WORKSHOP FOR JANUARY 13, 2009 AT 4:30 P.M.

The Council Members agreed that a Jan. 13, 2009 budget workshop would work with their schedules.

14. OPEN/MISC.

Tri-City Agreement

Wenck stated he and Public Works Director Koch met with Medina City Administrator Adams. He added Medina would most likely allow up to two years before residents would have to hook up to the sewer

system, if more hook-ups were added in Independence. Wenck noted it would probably be about two years before service would be available and then residents would have another two years before they would be required to hook up to the sewer system. He stated the City would have to pay between \$500 and \$1,000 to have the Tri-City Agreement updated. Wenck noted that the City is still waiting to hear whether or not Greenfield would likely sign the agreement.

Johnson asked if the Met Council would approve the change.

Wenck responded he was optimistic that Met Council would approve it. He asked the Council Members if they thought a two-year limit time limit for hooking up to the system would be acceptable.

The Council Members responded that it seemed like a sufficient amount of time.

MFRA

Goodrum thanked the Council Members for the opportunity to work with them.

15. ADJOURN.

Motion by Betts, second by Wenck, to adjourn the City Council meeting at 8:47 p.m. All present voted aye. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary