

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 24, 2007, 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 Marvin 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 Fisher, Betts, Gyllenblad, Wenck.

STAFF: Clerk-Administrator Hirsch, Attorney Vose, Planner Lorsung.

VISITORS: Gene Purdy, Sharon and Gene Cook, Kathi and Ed Pluth, Walter White, Carol Bros, June Sutton, LuAnn Brenno, Cynthia and Steven Erickson, Brad Spencer, Lindsay Wallace, Carole Peter, Grace Henning, Lynda Franklin, LeRoy Kowalke, Donna Smith, Harold Pellett, Mario Crespo, Cindy Sullwold, Mary Lynch, Lisa Phillips, Harry Pool, LaVern Vasser.

4. CONSENT AGENDA. APPROVE:

- July 10 Council Minutes.
- June 30, 2007 Financial Report.
- First Quarter 2007 Report from ABDO.
- Resolution No. 07-0724-01 identifying the need for funding to complete the 2008 Comprehensive Plan Update and authorizing an application for grant funds. (Exhibit A.)

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

5. SET AGENDA.

GRACE HENNING - GRAVEL ROADS AND DUST CONTROL.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF.

Gyllenblad: Police Commission.

Wenck: West Hennepin Chamber meeting, received lots of calls about Lake Sarah's low level, and some calls from Maple Plain residents about sharing our building inspector.

Betts: Chamber meeting, Parks Commission and Maple Plain Fire Commission meeting.

Fisher: Maple Plain Fire Commission meeting, Police Commission.

Mayor: LMC committee meeting, had an interview with LMCC regarding future events, and my year as president of the League of MN Cities. Had the Police Commission meeting, Executive Committee for Senior Community Services, LMC Board retreat in Stillwater, West Hennepin Museum Wild West program, Lake Sarah Homeowners Assn. summer picnic, Finance Committee meeting for CAPSH, annual meeting for Ag in the Classroom representing League of MN Cities.

Clerk Hirsch: Fire Commission meeting, was guest speaker at the West Hennepin Chamber meeting.

7. APPOINTMENTS TO THE PLANNING AND PARKS COMMISSIONS.

There was one applicant for Parks Commission. Motion by Wenck, second by Fisher to appoint LeRoy Kowalke to the Parks Commission. All present voted aye. MOTION CARRIED.

There were six applicants for Planning Commission: Sharon Cook, Lindsay Wallace, Gene Purdy, Mike LePage, Carl Phillips and Walter White, who were interviewed prior to the meeting. Mayor Johnson suggested that each council member nominate two candidates for consideration to help narrow the field down and make the job a little easier.

Mayor: Cook, LePage.  
Fisher: Cook, Phillips.  
Betts: Cook, LePage.  
Wenck: LePage, Phillips.  
Gyllenblad: Phillips, Wallace.

Council members talked for a short time about the various candidates, stressing that the decision is very tough because all candidates are so good. The field was narrowed to LePage and Phillips.

Motion by Wenck, second by Gyllenblad to appoint Carl Phillips to the Planning Commission. All present voted aye. MOTION CARRIED.

Mayor Johnson asked Clerk Hirsch to contact the remaining candidates and ask if they would be willing to fill in Carl Phillips' position on the Parks Commission.

Harlan Strong was a representative on the Cable and Police Commissions, and a new council member should be appointed to take his place. Council Member Fisher stated that he would fill in on the Cable Commission.

Council Member Fisher would like to serve on the Police Commission rather than the Maple Plain Fire Commission. Motion by Mayor Johnson, second by Betts to appoint Fisher to the Police Commission. Motion by Fisher, second by Gyllenblad to appoint Betts to the Fire Commission position. All present voted aye. MOTION CARRIED.

Motion by Betts, second by Wenck to appoint Fisher to the Cable Commission. All present voted aye. MOTION CARRIED.

8. MARY LYNCH, 4976 SOUTH LAKESHORE DRIVE, PID #24-118-24-11-0008. REQUEST FOR THE SUBDIVISION OF A 2-ACRE LAKESHORE PARCEL IN TWO 1-ACRE SEWERED LOTS AND A VARIANCE FROM THE ALLOWED LOT SIZE IN THE UNDERLYING ZONING DISTRICT.

Mary Lynch was present to answer questions. City Planner Lorsung reviewed the request for council members. She noted that 7.6 acres is the minimum lot size in order to have a division in the rural residential area. The applicant has paid for an additional sewer hook up, and the shoreland overlay district (which this is in) allows for 1-acre subdivisions. The frontage left on the existing lot of record would be less than 200 feet; the 1:4 width to depth ratio would not be met.

There was a brief public hearing at Planning Commission with no comments or questions from the public. Upon review of this particular request it was noted that a couple of similar requests had been granted in the past due to the hardship of paying a sewer assessment. Lorsung stated that generally whenever someone has paid a sewer assessment they should be allowed to use the service they have paid for. Additionally, within lakeshore areas we are more aware of public health and safety as well.

Lorsung provided a map that showed which divisions could be allowed with the same three variances that would apply to Mary Lynch's property. Lorsung stated that Council may want to amend its code eventually to more closely match its past policy of smaller subdivisions for sewerred lots. Planning Commission and Staff recommend approval of this request.

Mayor Johnson stated that there is only one road and one sewer assessment on this lot, but we could still grant the request if there is another sewer hook-up available. Attorney Vose agrees with Lorsung's

recommendation. The best approach would be a code amendment rather than addressing it with a variance. There are 27 lots like Lynch's, but there are not 27 hook-ups, so it would be tough to make a code amendment work. Lorsung agreed that it would be best to assess how many sewer hookups we would be allowed before amending the code. Mayor Johnson thought we have about a dozen hookups that have not been used yet. We are trying to get permission from Met Council to connect the homes on Lindgren Lane to city sewer.

Clerk Hirsch stated that in the recent past we have allowed two properties to be split and the new lot was allowed to hook up to city sewer. In both cases the property owners paid an assessment for the new lot. Council Member Betts suggested that this should be set aside. Attorney Vose stated it should be approved or denied by resolution.

Motion by Betts, second by Mayor Johnson to have Staff prepare a resolution denying the request. All present voted aye. MOTION CARRIED.

Clerk Hirsch asked council members that any future fees be waived, since the applicant had wrong information about having paid for two hookups, and it wasn't her fault. Council members agreed that would be best.

9. DONNA SMITH - THE GILLESPIE CENTER FUNDING REQUEST.

Ms. Smith read a letter that she had sent to council members reviewing the things that take place there, and how it has added to the community. She asked that the mayor and council consider contributing city money to the Center, and asked them to consider \$6 per capita. She stated that they need about \$120,000 per year for operating expenses, plus \$60,000 per year for staff. She invited everyone to visit at any time. She stated that they have difficulty determining who is using the center, because Maple Plain and Independence have the same zip code, and parts of Orono, Medina and Minnetrista also share that same zip code. She invited all council members to a Thursday night Board meeting at 6:00 p.m. A light supper is supplied by one of the Board members. She thanked Council Members for their time.

10. CAROLE PETER, PIONEER-SARAH CREEK WATERSHED MANAGEMENT COMMISSION 2008 OPERATING BUDGET.

Carole stated that the budgets are based on land values that come from the Hennepin Co. assessor's office. The Commission is hopeful that the City will agree with the amount requested. Mayor Johnson asked why Maple Plain's budget is 25% less in 2007 than it was in 2006 and in 2005 there was a large drop in Loretto's portion of the budget. Council members wondered if the market value for Independence was correct. Council Member Wenck stated that he thinks the budget increases should be held to 4% for salaries rather than showing a 9% increase. Mayor Johnson asked if Carole knew what was causing the large increase in their budget request. She did not know.

Council members think the increase in market values for Independence was 10% rather than 17%. And they would like to see any increases held to 4%.

The Commission has completed a TMDL on Lake Independence and are in the process of doing one now on Lake Sarah. They had a boat tour last week and saw the rip rap that Camp Ihduhapi had put in last winter. They are hoping the landowners affecting the phosphorous loading in Independence will be willing to decrease that loading.

11. PUBLIC SAFETY DIRECTOR RAY MCCOY:

- JUNE 2007 ACTIVITY REPORT.
- APPROVE RESOLUTION NO. 07-0724-02 AUTHORIZING AN EXECUTION OF AGREEMENT FOR A SAFE AND SOBER GRANT TO BE USED FROM OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.

Chief McCoy reviewed the activity report with council members. All officers completed their required driver training.

On July 12 we had a high-speed chase on Highway 12. He went through a red light at County Line Road and Highway 12, went west on Co. Road 30 in Franklin Township and lost control on a curve. He had a female passenger in the car against her will. Fortunately nobody was hurt.

We had three Iraq veterans come home last week and we escorted them from Maple Plain to Delano. There were some MN Patriot bike riders that escorted them, and they organized the parade.

McCoy reported that a young man who had been arrested for theft has turned his life around. He spent some time in jail, has stopped using crack, and thanked the department publicly for the good treatment he received from them. McCoy has passed this on to all of his officers, and is very pleased to see that they CAN make a good difference in someone's life.

They are installing their records management system and will start training soon. They will delay getting a tenth officer until next year, when grant money may be available. National Night Out will be held at North Side Park in Maple Plain.

Chief McCoy asked that Council adopt the Safe and Sober resolution that he included in their packets.

Motion by Wenck, second by Betts to approve Resolution No. 07-0724-02 (Exhibit B.) All present voted aye. MOTION CARRIED.

12. APPROVAL TO AMEND THE ORIGINAL AGREEMENT WITH CITY PLANNERS SCHOELL MADSON TO ELIMINATE THE "NON-ROUTINE AND ROUTINE" FROM THE EXISTING AGREEMENT AND REPLACE WITH "REGULAR AND OTHER TYPES" IN THE NEW AGREEMENT.

Clerk Hirsch stated that this will simplify the billing and make it less confusing. Motion by Betts, second by Mayor Johnson to approve the requested change. (Wenck noted that we appear to be going from a retainer to a time and material type of payment.) All present voted aye. MOTION CARRIED.

13. APPROVAL TO CANCEL THE AUGUST 14 COUNCIL MEETING FOR LACK OF AN AGENDA.

Motion by Fisher, second by Wenck to cancel the August 14 council meeting. All present voted aye. MOTION CARRIED.

Motion by Betts, second by Fisher to have a budget workshop on Wednesday, August 15 at 7:30 a.m., and hold a special council meeting at 8:00 a.m. to approve the August Accounts Payable. All present voted aye. MOTION CARRIED.

14. OPEN/MISCELLANEOUS.

Grace Henning is dissatisfied with the dust control this year, because it does not seem to be effective. She thinks the gravel roads are dangerous because of the amount of dust thrown into the air by vehicles. She asked the Council to consider treating all the gravel roads, and to budget for it, rather than charging individual property owners for it. Cindy Sullwold asked that the roads be maintained for safety and aesthetics by all residents. LuAnn Brenno stated that the dust control this year on Turner Road seems to be totally ineffective.

The group agreed that the unusually dry conditions this year have probably been the main factor in the ineffectiveness of the magnesium chloride. Mayor Johnson and council members acknowledged the

residents' desire to have the dust control applied to all roads at all taxpayer expense. He thanked the residents for their comments.

15. ADJOURN.

Motion by Fisher, second by Wenck to adjourn. All present voted aye. MOTION CARRIED. Meeting adjourned at 9:17 p.m.

Respectfully submitted,

Mollie Little, Recording Secretary