

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, NOVEMBER 25, 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: Administrator Hirsch, Attorney Vose, Planner Lorsung, Public Safety Director McCoy,
City Engineer Miller, Public Works Director Dan Koch

VISITORS: Kathy & Ed Pluth, Mike Zeglin, John & Cathy Zeglin, LuAnn Brenno, Dave Appelhoff

4. CONSENT AGENDA.

Approve:

- Council Minutes – Oct. 28, 2008.
- Approval of Accounts Payable for the month of November 2008.
- Approval of Resolution No. 08-1125-02 approving a Preliminary Plat and Rezoning, submitted by James & Lynda Franklin, of property located at 2825 County Road 90.
- Approval of Resolution No. 08-1125-03 to Certify Delinquent 2008 Sewer charges as special assessments.

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

The following items were removed from the consent agenda:

Approval of Resolution No. 08-1125-01 approving a Preliminary Plat and Rezoning, submitted by James & Lynda Franklin, of property located at 6475 & 6615 Franklin Hills Road.

Lorsung explained that this resolution needed to include a requirement for the applicant to follow the engineering requirements, including the drain tile requirements.

Motion by Betts, second by Wallace, to approve Resolution No. 08-1125-01 with the appropriate additions. All present voted aye. MOTION DECLARED CARRIED.

Approval of application for Agricultural Preserves submitted by Erwin and Catherine Nistler, 3375 Lake Sarah Road (PIDs 09-118-24-41-0002, 09-118-24-44-0001 and 10-118-24-32-0004).

Motion by Gyllenblad, second by Johnson, to approve the application for Agricultural Preserves. Ayes: Betts, Gyllenblad, Johnson, Wenck. Abstention: Wallace. MOTION DECLARED CARRIED.

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

Betts asked to add a discussion on the City Hall rentals.

Johnson recommended waiting to add that discussion until staff could put together additional information.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Police Commission meeting, Council work session, Lake Sarah Stakeholders meeting.

Wenck: Lake Minnetonka Communication Commission meeting, League of Minnesota Cities regional meeting, Council work session, Lake Sarah Stakeholders meeting.

Wallace: Council work session, Lake Sarah Stakeholders meeting.

Betts: Sensible Land Use Committee meeting, two Fire Department SOG meetings, Police Commission meeting, Fire Commission meeting, Council work session, Lake Sarah Stakeholders meeting.

Mayor: Sensible Land Use meeting, breakfast meeting with Orono Schools staff, meeting with Hennepin County Assessors office staff, Love INC sleep-out fundraiser, served as an Election Judge, meeting with City Attorney, Delano staff and City staff, Mayor of Spring Park retirement open house, Orono School Board meeting, WeCan Board meeting, Energy, Environment and Natural Resources Committee meeting, Small Cities Council meeting, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Police Commission meeting, Senior Community Services board meeting, Orono Healthy Communities meeting, which included meeting with RideNet coordinator, Community Action Partnership of Suburban Hennepin board meeting, WeCan Finance Committee meeting, meeting with the Minnehaha Watershed District staff, Met Senators Coleman and Klobuchar, Council work session, Lake Sarah Stakeholders meeting.

Hirsch: Hosted 12-city recount for the U.S. Senate race, Council work session, Lake Sarah Stakeholders meeting.

7. DIRECTOR RAY MCCOY – WEST HENNEPIN PUBLIC SAFETY.

October Activity Report

McCoy stated that as of the end of October, West Hennepin Public Safety had responded to 3,067 incidents. He noted that West Hennepin Public Safety responded to an accident on Highway 12 near Day Distributing, which resulting the WHPS awarding a Save By the Belt award to the non-at-fault party.

McCoy stated that WHPS responded to several solicitor complaints in October.

McCoy stated that WHPS has responded to many calls for service at the Common Bond Communities facility (Terrace Apartments) in Maple Plain because the facility has begun to rent to mentally handicapped individuals, rather than just senior citizens. He added that WHPS is working with the facility manager to reduce the number of service calls.

McCoy stated that he met with residents on Woodhill Lane to discuss recent thefts from autos.

Johnson stated that he read an article in the newspaper that stated horses were on the airstrip and went down County Road 83. He asked where the horses ended up.

McCoy stated that WHPS had received a few loose horse complaints recently.

8. BRIAN MILLER, BDM.

Cost to update City development standards (Public Works Design Manual), approval to move forward with the project.

Miller stated that he provided the Council with an estimate for updating the City development standards. He stated that the City's current standards are not up-to-date, do not match City ordinances and do not meet Minnesota Department of Transportation standards.

Miller stated that a Public Works Design Manual would bring all the standards up-to-date and make it easier to update later on without requiring an ordinance amendment. Miller added that currently, the City has to pass an ordinance amendment in order to change development standards. He stated that creating a Public Works Design Manual would take the development standards out of City Code, thus making them easier to update.

Miller stated that the estimate to create a draft manual was \$3,000. He stated that the City would incur additional costs for the ordinance revision.

Johnson asked how this issue came to the City's attention.

Hirsch explained that the out-of-date standards came to the City's attention when staff was reviewing the Franklin subdivision.

Betts asked if the ordinance should be changed to reference the Manual, if it was created.

Lorsung responded that the ordinance would be changed to reference the Manual.

Wenck asked if the City needed to update the standards now.

Koch responded that it would be prudent for the City to update the standards. He added that he would like to be involved in the process before he retires.

Wenck noted that there would be other ordinance changes that will be needed after the updated Comp Plan has been accepted.

Lorsung agreed with Wenck.

Miller stated that sometimes it's best to do these updates when the City isn't busy considering subdivisions.

Wenck stated that he would like to wait six months to update the standards.

Johnson and Wallace agreed with Wenck that updating the standards should be revisited in six months.

Feasibility Study, Sewer Services, Lindgren Lane.

Miller discussed his memo to the Council about sewer service for Lindgren Lane. He stated that the options that were considered were a community system, connecting to an existing line on County Road 11 and connecting to the Maple Plain system to the south.

Wallace stated that Met Council wanted all the properties on Lindgren Lane and Independence Road to be required to hook up to the sewer system right away, instead of when their septic systems failing. He added that the requirement was the reason the Council tabled the discussion before.

Miller stated that the current feasibility study looked at the capital costs for each of the options. He noted that negotiations would still need to be done if the Council decided to pursue to Tri-City Agreement. Miller stated that if the City wanted to build a community system, it would have to obtain a permit from the Minnesota Pollution Control Agency. He added that if the City wants to connect to the Met Council system, he doesn't know if the Met Council can require immediate hook-ups to the system.

Hirsch stated that staff needs direction from the Council before starting any further talks or negotiations.

Wenck asked who would pay for sewer hook-ups or community system.

Johnson explained that typically, the City bonds for the projects and goes through an assessment process.

Hirsch explained that all the properties on Lindgren Lane would be assessed.

Vose stated that the timeline in the memo included time for an assessment process. He added that the City's policy for assessment would typically to have the City pay for a portion of the cost.

Johnson noted that the costs for putting the pipe in the ground on Lindgren Lane could also be assessed once it is being used.

Wenck asked what the cost for the pipe was.

Hirsch stated that the cost was approximately \$103,000 ten years ago.

Appelhoff, resident, stated that the sewer system runs from the cul-de-sac down the road, but does not run all the way to Independence Road. Appelhoff asked if the study looked at three options.

Miller stated that the study looked at three different options for providing sewer service to Lindgren Lane. He explained that the study reviewed hooking up to a line on County Road 11 or to a line in Maple Plain. He added that hooking up to a line in Maple Plain would require more pipe and would be more expensive. Miller stated that the study also reviewed two types of community systems. He noted that the study did not include land value costs associated with the community systems. Miller stated that the City will probably need between two and five acres for a drain field, if it uses a community system. He added that pipes connecting to existing sewer systems would mainly be place in road rights of ways, but land would probably need to be acquired for any lift stations.

Wenck stated that the City should approach the members of the Tri-City Agreement to see if they would be amenable to changing the agreement so that it doesn't require immediate hook-up to the system.

Johnson asked Wenck if he would negotiate with Medina.

Wenck agreed to negotiate with Medina.

Johnson, Miller and Koch discussed the location of the sewer system in Maple Plain. Miller confirmed that the estimates in the memo are correct.

Vose stated that the schedule in the memo is correct, but some of the dates should be changed to 2009. He stated that before a public hearing is held, the Council will want to do more research into the option it would like to take, receive a more detailed report on that option and then hold a public hearing. He stated that it would be hard for the public to state comment on three different projects.

Wenck stated that the intent of the feasibility study was to help the Council determine which option to pursue before staff spent more time detailing the feasibility of any one plan.

Vose stated that there are other costs besides the capital costs that the Council will also need to consider.

Motion by Johnson, second by Wallace, to direct staff and Council Member Wenck to meet with the City of Medina to see if changes to the Tri-City Agreement are possible. All present voted aye. MOTION DECLARED CARRIED.

Vose added that it would be appropriate to have Miller also involved in the discussion and to have Miller contact the Met Council.

Johnson stated that his motion included any staff that are needed for the discussions.

9. ATTORNEY VOSE – COMPLIANCE WITH RED FLAG RULE FOR IDENTITY THEFT PREVENTION AND DETECTION, RESOLUTION NO. 08-1125-04, ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM.

Vose explained that the Federal Trade Commission recently passed a law that requires creditors, including cities that provide utility services, to put into place policies that will prevent people from using their accounts to create a false identity. He added that the Minnesota Municipal Utilities Commission drafted a sample policy for cities to use. He stated that the policy before the Council is based on the MMUC sample policy.

Vose stated that the policy identifies “red flags” that might signal a person is trying to set up an account using a false identity and then prescribes actions the City can take.

Wenck asked if there was any difference between a policy or a program, as both were being used to describe the Red Flag Rule.

Vose responded that in this case, policy and program mean the same thing.

Wenck asked if the City will need to report to someone.

Vose responded that there is not an on-going reporting requirement, but the Federal Government could ask to see the City’s policy.

Wenck asked what would happen if the City decided not to put a policy in place.

Vose stated that there isn't a consequence written into the law, so he couldn't answer the question.

Wenck asked how much staff time would be needed to implement the new policy.

Hirsch responded that it would not require much staff time because the City only has about 200 utility users. She added that staff and attorneys took out parts of the sample ordinance that didn't apply to Independence.

Motion by Betts, second by Wallace, to approve Resolution No. 08-1125-04. All present voted aye. MOTION DECLARED CARRIED.

10. REQUEST TO GO OUT FOR ADDITIONAL RFP'S FOR PLANNER FOR 2009.

Hirsch stated that since the Council's last action to appoint a City Planner, Rose Lorsung, the current City Planner, left MFRA and started her own firm with another partner. Hirsch requested that the Council allow MFRA and Lorsung's new company to submit proposals for planning services. She stated that she is more comfortable working with a company that has more than one person on staff.

Wenck stated that he would still like the City to work with Terramark. He added that he would like his original motion to stand.

Hirsch stated that the RFP Selection Committee had recommended MFRA.

Betts stated that the Council had already acted on choosing a City Planner.

Johnson stated that he was also concerned about holding another vote for City Planner.

Wallace stated that the timing for the request would be bad.

11. REQUEST TO CHANGE OUR DECEMBER 23 CITY COUNCIL MEETING TO TUESDAY, DECEMBER 16, DUE TO THE HOLIDAYS THE WEEK OF THE REGULARLY SCHEDULED MEETING.

Hirsch noted that Dec. 16 wouldn't work, as Betts would have a conflict. She stated that Betts would be available on Dec. 18. She noted that the Comp Plan might be on the agenda for that meeting.

The Council decided to keep the meeting on Dec. 23.

12. OPEN/MISC.

Open Meeting Question

LuAnn Brenno, resident, asked if the meetings with the entire Council regarding discussions with Delano and a potential utility agreement were open to the public.

Vose stated that the meeting with Delano representatives have not had a quorum. He added that the meeting held before the Council meeting to discuss the City's position in the negotiations was an open meeting of the Council.

Brenno asked if the staff meetings were open to the public.

Vose responded that the staff meetings with Delano officials are not open to the public.

Brenno stated that she wants work sessions to be publicized.

Johnson directed staff to notice Council work sessions. He apologized to Brenno for the lack of notice and noted that no decisions are made at the work sessions.

13. ADJOURN.

Motion by Betts, second by Wenck, to adjourn the City Council meeting at 8:40 p.m. All present voted aye. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary