

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, SEPTEMBER 8, 2008 – 8:30 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 8:35 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: Attorney Vose, Planner Lorsung, Public Safety Director McCoy

ABSENT: Administrator Hirsch

VISITORS: Joan Davis, Joe & Janice Kittok, Jody & Greg Gustafson, Mark Fischer, Jim Bull, Steve Melco, Jan Gardner, Bob Berens, Nora Carey, Wyman Haberer, Dick Evans, Curtis Johnson, Paul Williams, Tom Janas, Ed Pluth, June Sutton, Pat Anderson, Cynthia Erickson, Douglas Doty, LuAnn Brenno, Faye Bullemer, Dolores Ullstrom, Shirley Koecheler, Ed & Elaine Kalash, Dave Appelhof, Bob Saterbo, Bob & Marilyn Hamilton, Jim Smith, Gary Gardner, Elizabeth Rick, Cathy Mueller, Colleen Klaers, Susan Hartley, Robert Zelanzy, Mark Mundahl, Mrs. Bruhn, D. Olstad, Frances Fignar, Dan Hamilton, Winnie & Don Baird, Earl Taylor, Paul & Paula Savage, Carol Neyens, Grace Nolan, Wally & Gloria Brehm, J. Soderholm, Ryan Gueningsman, Heidi Cook, Theresa Wallace, R.C. Olson, Carroll Gabriel, Steve Berl, Keith Triplett, Randy O'Brien, Martha McCabe, John & Cathy Zeglin, Gregg Donnelly, Julie Larson, Bobbi McCoy, Pat Meyer, Judy Denneson, John & Sherri Orsucci, Tom Goodrum, Janelle Petnisa, Brad Spencer, Leo Poole, Joel Christiansen, and many others who did not sign in.

4. CONSENT AGENDA.

Approve:

- Council Minutes – August 26, 2008.
- Accounts payable for September 2008.
- Resolution No. 08-0809-01 approving a lot line rearrangement submitted by Kathy Armstrong and Russel Wefel.
- Resolution No. 08-0809-02 approving a Conditional Use Permit for Peter and Tracy Kooman for the operation of a commercial horse boarding facility.
- Resolution No. 08-0809-03 requesting additional time within which to complete comprehensive plan “decennial” review obligations to May 2009.
- Resolution No. 08-0809-04 approving amendment to Section 1130.05 Peddlers/Solicitors Ordinance.
- Approval to allow the City Administrator and Mayor to sign off on a Quick Claim Deed to release property from the City to Ian and Brianna Stewart located at Lyndale Corners, which was platted as such in Jan. 1, 2004.

- Contract agreement between City of Independence and the water resources firm Hakanson-Anderson Associates, Inc.

**Motion by Betts, 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.

Wallace added the Police Services RFP and requested that discussion take place before agenda item 7.

Dave Appelhof asked to add an update regarding a sewer system on Lindgren Lane.

Johnson explained that a work session has not been scheduled, so there isn't any update for the sewer system, but staff is updating the new engineer on the issue.

LuAnn Brenno asked to be added to the agenda.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Budget workshop, Police Commission meeting, Planning Commission meeting.

Wenck: Budget workshop, Planning Commission meeting.

Wallace: Budget workshop, meeting with Ryan Companies and Delano officials, Planning Commission meeting.

Betts: Sensible Land Use Committee Conference, budget workshop, Police Commission meeting, Fire Commission meeting, Planning Commission meeting.

Mayor: Sensible Land Use Committee meeting, Ribbon-Cutting for new District 287 education center, budget workshop, election judge training session, Police Commission meeting, Fire Commission meeting, Planning Commission meeting.

Police Department RFP

Wallace said that he appreciated the feedback he has received from residents and business owners. He said that the Council looks at the budget numbers and tries to determine what's best for the community. He said he hadn't received the West Hennepin Public Safety budget until a couple of weeks ago. Wallace explained that when the Council asked for an RFP, it didn't mean Council Members wanted to start changing things right away. He said that as a Council Member, he believes his job is to compare numbers from other sources and compare. He said that he thinks the issue was over-exaggerated. He said that the people who sent out a community-wide letter didn't ask him what his intent was before sending out the letter. Wallace said he wanted to sit down with numbers in order to evaluate the budget. He said he told Chief McCoy that he just wanted numbers for comparisons. Wallace said that he believes the decision he made was a good decision.

Johnson said he received a call from the Hennepin County Sheriff's office requesting information.

LuAnn Brenno, resident, said she didn't believe the letter sent to Hennepin County was done properly. She said that what the Council Members did was against the Open Meeting Law. She said that the motion to send out an RFP for proposal wasn't on the agenda. She said that Wallace should have called Hirsch

and asked for the issue to be placed on the agenda. Brenno added that she believes that the police issue is of serious consequence to the community. She said that the issue should have been on the Council agenda.

Johnson said that the Police Commission requested that in the future, all Council Members receive a packet directly from West Hennepin Public Safety.

Vose said normally the Council agenda is set by staff, working with Council. Vose said that staff recommended that the Police RFP be added to the agenda because the issue came to staff's attention after the agenda had been published and distributed.

7. APPROVAL OF RESOLUTION NO. 08-0809-05 SETTING THE PRELIMINARY BUDGET AND LEVY FOR 2009.

Johnson explained that the Council needed to set a preliminary levy limit. He said that the West Hennepin Public Safety budget, which is shared with Maple Plain, was proposed by Director McCoy at no increase, but the Police Commission added a couple of items. Johnson added that the City has three contracts with different fire departments, which are under the public safety budget. He added that there is also a public works budget, which includes the sewer system and dust coating. The budget also includes administration Johnson said that the preliminary budget is 2.2 percent less than the 2008 levy. He explained that after approving the limit, the Council could not increase it, but could decrease it.

Vose added that cities set preliminary budget because the Truth In Taxation hearing notices use the preliminary levy limit.

Wenck said that the Council's recent actions do not reflect on the type of service the City has received from the organizations it contract with. He said that the City's major contract make up about 53 percent of the budget. He said that the contract organizations tell the City what their budgets are, and the City has a hard time negotiating with the organizations. Wenck said that he's trying to determine what the real value of the services the City receives is in comparison with the increases the contract organizations keep asking for. He said that in April, the Council asked the contract organizations to look at cutting their budgets by 10 percent, but only the Delano Fire Department came back with a lower budget. Wenck said that the Council asked staff to present a budget with a 10 percent cut, but didn't receive one. He said that is why he decided to ask the Hennepin County Sheriff's Office directly for a comparison. He added that he asked the Sheriff's Office for 24 hours a day, seven days a week coverage, with an officer in the City at all times. He said that type of coverage would give Independence more service because the City wouldn't be sharing services with Maple Plain. Wenck added that the City has to give 367 days notice before changing police services. He said that he isn't talking about performance and changing services, he's trying to discuss the value of the services that the City is receiving. Wenck said that Greenfield hired Hennepin County Sheriff's Office for four hours a day and Franklin Township uses what protection Wright County Provides. He said that the Wright County Sheriff Office services the entire county with a budget of less than \$150,000. Wenck said he is trying to determine the right cost of Independence.

Johnson said that one of the reasons the Delano Fire Department budget was less this year was because there was more growth in the valuation of Delano properties, so the share Independence had to pay was less.

**Motion by Johnson, second by Betts, to approve Resolution No. 08-0809-05 setting the preliminary budget and levy for 2009.**

Wallace said that he will vote to approve the preliminary levy limit, but he still thinks there's room for changes that the Council should look at this year. He said he's already picked out a few items to look at.

Johnson called for a vote. **Ayes: Betts, Johnson, Wallace and Wenck. Nays: Gyllenblad. MOTION DECLARED CARRIED.**

8. SELECTION OF THE TRUTH IN TAXATION DATE AND TIME.

Johnson stated that the Council needed to pick a date for the Truth In Taxation hearing.

**Motion by Wenck, second by Wallace, to hold the Truth In Taxation hearing at 6:30 p.m. on Dec. 1, 2008 and a continuation hearing followed by a regular Council meeting at 6:30 p.m. on Dec. 8, 2008. All ayes. MOTION DECLARED CARRIED.**

9. OPEN/MISC.

Process for Handling Complaints

Wenck requested that staff add to the next meeting agenda the process for handling complaints.

City Planner

Johnson said that City Planner Lorsung left MFRA, the City's planning firm.

Lorsung explained that she would be sub contracting under MFRA to allow her to continue working as the Independence City Planner.

LuAnn Brenno

Brenno said that she thinks there needs to be public meetings regarding services that are vital to the community, such as public safety. She said she wants assurance that the public will get to see a straightforward comparison between the West Hennepin budget and any proposal from the Hennepin County Sheriff's Office. She said she thinks that the Council needs to hear budget numbers.

Johnson said that the issue would be on future agendas.

Wallace said that at the last meeting, he made his opinion very public. He said that some people are making the issue more than it actually is.

Public Safety Discussion

John Armbruster, resident, said he thinks that what the Council did was appropriate. He said that comparison numbers are important to understand where the City's money is being spent. He said that when creating a budget, Council members need to look at alternatives. Armbruster added that he doesn't have any issue with the services from West Hennepin Public Safety.

Susan Marakov, resident, said she thinks it's appropriate to make assessment of budgets. She said that she would like the process to be in the open for the public. She added that the contract partners should be included in the budget review process.

Ronald Lyrek, resident, said that it's a good idea to look at budget numbers. He said he owns a business and does the same thing. He added that Delano has 16 hours per day of police services with twice the population. He encouraged the Council to keep looking at the budget.

Public Safety Director Ray McCoy stated that he also pays taxes in the community and supports reviewing the budget. He said the Maple Plain and Independence City Councils asked him to compare West Hennepin Public Safety's budget with the Medina Police Department budget. He said that the two department's budgets come within about \$3,500. He said that the Police Commission approved the budget 4-0. He said cutting 10 percent from the budget would result in losing two staff positions. He noted that West Hennepin provides 24-hour coverage, investigations, community outreach and is highly responsive to its community. McCoy added that the high cost of the police service is personnel and the price of gas. He stated that West Hennepin tries to share costs with its partner cities and added that the officers have a combined 110 years of experience. He said the Council needs to decide what level of service it would like for police services, adding that West Hennepin also provides narcotics investigations through the West Metro Drug Task Force. McCoy stated that the Drug Task Force seized \$19 million worth of illegal drugs \$15,000 worth of weapons. He said that West Hennepin should do more than have patrol cars throughout the City, but if that's the level of service the Council would like, he needs to receive that directive.

Gyllenblad asked if the numbers from the West Metro Drug Task force were from the work done by West Hennepin alone or the whole Task Force.

McCoy responded that the Task Force includes the police officers from West Hennepin, Mound, Orono and Medina.

A resident asked what Medina's population is and what their average household income is versus in the City of Independence.

Lorsung responded that Medina's population is just over 5,000.

Johnson added that Independence and Maple Plain have a combined population of about 5,500 residents. He also noted that Medina also provides police protection for the City of Loretto.

Gyllenblad said that the City of Independence does not have the commercial infrastructure that Medina has. He said that comparing the West Hennepin budget with that of another City is difficult because Independence does not have the same infrastructure.

McCoy confirmed that there are problems with making comparisons.

Richard Schieffer, resident, asked if Medina had 24-hour service and a its own department. He also asked if Medina contracts with Loretto to provide police protection.

McCoy responded that Medina has 24-hour service, its own department, and investigator and an officer on the West Metro Drug Task Force. He added that service to Loretto is provided through a contract.

Richard Olson, resident, said that he has lived in Independence in 40 years. He said that if Independence changes the police department, it will also affect Maple Plain. He asked if the fire department would be affected if Independence decided to contract with the Hennepin County Sheriff Office.

Johnson said it probably would be affected because of the facility.

Olson said that could change residents' property insurance ratings if the fire department is affected. Olson added that on three occasions he has had to call for West Hennepin. He said that within three minutes, officers responded. He said that on one occasion, off-duty officers who lived in the community heard the call on their home scanners and responded to the scene. Olson stated that the Council should look at service along with cutting money.

Wallace responded that the Council is looking at service and saving money. He said that right now, West Hennepin only has two officers that live in Independence because the City is expensive to live in. He said that as a teacher, he has a hard time being able to afford living in Independence.

Olson added that he would like to stay in the City as well.

Brad Spencer, resident, said he was one of the four people who sent the letter to residents. He said that he doesn't oppose trying to save the residents money by comparing cost. He said that the problem he has is the manner in which Gyllenblad, Wallace and Wenck conducted themselves by sending a letter to Hennepin County without Council action or discussion on it. He said that they should know better than to conduct themselves that way. He said that a majority of an elected body signing a letter is a violation of the Open Meeting Law. Spencer said that the Council Members should conduct this type of business in a public forum.

John Zeglin, resident, stated that budget issues could keep getting worse every year. He said that it seems like the City doesn't want development, but without more development, taxes will continue to go up for the same level of service. He suggested that the City start looking at allowing more development. He said that residents don't want less service, but he doesn't know how he will be able to afford to stay in his house with the way taxes have been increasing.

Dick Schieffer, resident, said that the issue seems to be about cutting the budget and lowering taxes. He said that when the Council cuts budgets, it should understand the programs and services its cutting. Otherwise, the Council won't know what services are being cut and could inadvertently end up costing the City more money. Schieffer gave the example of the West Hennepin Police Reserves to illustrate his statement. He said the Council should discuss the services it wants to cut instead of the money it wants to cut. He added that the Council might like to cut an employee who does other tasks. He said that if the Council does that, it would also be losing other services. He stated that eliminating West Hennepin would also eliminate the support from residents for the police department.

Wallace asked Schieffer if he thought it was prudent for the Council to look at its expenses and compare them. He said that no one has proposed cutting services at this point.

Schieffer said that a comparison is one thing, but sending a letter to the Hennepin County Sheriff Office causes mistrust. Schieffer also said that the Sheriff Office should have made a call to Independence after receiving the letter.

Wallace said that the Sheriff Office did call.

Schieffer said that as a city attorney, he doesn't communicate with elected officials until he receives an RFP. He said that's what the Sheriff Office should have done. He also stated that he believes that the issue was handled badly by a number of people.

Wallace said that he's not looking at cutting, he's looking at comparing. He said that people are jumping to conclusions.

10. ADJOURN.

**Motion by Wallace, second by Betts, to adjourn the City Council meeting at 9:50 p.m. All present voted aye. MOTION DECLARED CARRIED.**

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Respectfully submitted by Christina Scipioni,  
Recording Secretary