

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, DECEMBER 8, 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, Gyllenblad and Wenck.

STAFF: Clerk-Administrator Hirsch, Attorney Vose, Public Works Director Koch, City Engineer Miller.

ABSENT: Council Member Wallace.

VISITORS: Chris Cady, Mike Zeglin, Ed & Kathie Pluth, Brad Spencer, LuAnn Brenno, Craig Olson, Dave Appelhof, Bob & Marilyn Hamilton, Public Safety Director Ray McCoy. Robert Lyrek.

4. CONSENT AGENDA.

Approve:

- Council Minutes – November 17, 2009
- Accounts Payable for December 2009
- Ordinance 2009-07 providing for Administrative Offenses and providing penalties for violation of the administrative offenses.
- Crow River Youth Hockey Association third annual ice fishing contest/fundraiser.

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

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

Nothing was added to the agenda.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Gyllenblad: Budget work session.

Wenck: Budget work session, two Lake Minnetonka Cable Commission meetings, Sensible Land Use Coalition meeting.

Betts: Budget work session.

Mayor: Budget Workshop, Finance Committee for Senior Community Services, Board Meeting for Senior Community Services, Community Action Partnership of Suburban Hennepin Board

Meeting, Nominating Committee Meeting for Senior Community Services, Retirement Dinner/Program for Newport Police Chief, LMC/AMM/800mghz Board Member, Drug Task Force Meeting at Orono City Hall, Hennepin County Truth In Taxation Hearing, Recognition Reception for Former Hennepin County Extension Director, James Kemp, Recognition Party for former Spring Park Mayor Jerry Rockvam & wife, Joyce, Greater Lakes Food Bank Meeting.

Hirsch: Budget work session, Drug Task Force meeting.

7. BRIAN MILLER, BDM (CITY ENGINEER), AND DAN KOCH, PUBLIC WORKS DIRECTOR – REQUEST FOR A FEASIBILITY STUDY FOR SEWER IMPROVEMENTS IN THE LINDGREN LANE NEIGHBORHOOD LOCATED EAST OF INDEPENDENCE ROAD AND ALONG THE WEST SHORE OF LAKE INDEPENDENCE, RESOLUTION NO. 09-1208-01.

Johnson asked if the City had received a letter from Met Council regarding the proposed project.

Hirsch responded that the City had not yet received a letter because the Met Council representative writing it has been out of the office. She added staff expected to have the letter soon and suggested the Council approve the resolution contingent upon receiving a letter of approval from the Met Council.

Miller stated that during the last meeting staff had with the Met Council, it seemed the agency was prepared to accept the Comp Plan. He added the timeline in his report set out a process for a 429 special assessment project to be completed during the 2010 construction season. Miller stated his company might begin working on the feasibility study before the letter from the Met Council arrives, but if for some reason the Met Council does not approve of the project, his company would be responsible for the cost of any work that had been preformed for the project.

**Motion by Betts, second by Wenck, to approve Resolution No. 09-1208-01, contingent upon receiving a letter of approval from the Metropolitan Council.**

Appelhof, resident, asked if the feasibility study would include assessment costs for the homeowners and monthly operating costs. He requested these items be included. Appelhof added he supports the project.

Miller responded the feasibility study would include an engineer's opinion of construction costs and proposed assessment amounts. He added the actual construction costs would be determined once the project is bid.

Johnson stated the Council can stop the process if the bids are much higher than the estimate in the feasibility study, which will include the cost for the sewer pipe that's already in the ground.

Wenck requested the feasibility study also include estimated annual costs.

Gyllenblad asked if the study would look at routes to the north and south.

Miller responded it would analyze the route to the north because a preliminary study had found that a route to the south was more expensive and did not provide services to as many properties. He noted the route to the north also already has an agreement in place with other communities for providing service.

Vose stated there are two public hearings in the process – first a hearing to decide if the Council wants to move ahead with the project and a second to make a final decision about the amount of the assessments. He noted there are two variables in the process – first the construction costs, which aren't know until the project is bid, and second the City's policy for assessing each property.

**Johnson called for a vote. All ayes: Betts, Johnson, Wenck. Nays: Gyllenblad. MOTION DECLARED CARRIED.**

8. APPROVAL OF THE 2010 BUDGET AND 2010 LEVY, RESOLUTION NO. 09-1208-0 .

Wenck stated he wanted to separate approval of the levy from approval of the budget because Council Member Wallace wanted to discuss it.

Johnson noted the budget can be amended any time throughout the year.

**Motion by Wenck, second by Betts, to approve Resolution No. 09-1208-03, amended to remove approval of the 2010 Budget. Ayes: Betts, Gyllenblad, Johnson, Wenck. Nays: none. MOTION DELCARED CARRIED.**

Vose stated the League of Minnesota Cities has sent out a bulletin stating a new State Law requires cities to approve a final 2010 budget by Dec. 20. He suggested the Council hold a special meeting to discuss the budget.

Johnson suggested approving the current budget and whoever votes for the motion would have the option to move to reconsider at a later date.

Betts noted that the Council can always choose to cut the budget at a later date.

**Motion by Betts, second by Wenck, to approve the 2010 budget with the condition that the Council will have the option to reconsider it at a later meeting. Ayes: Betts, Gyllenblad, Johnson, Wenck. Nays: none. MOTION DECLARED CARRIED.**

9. DISCUSSION OF THE RECYCLING PROCESS FOR GOVERNMENT AGENCIES ON CLEAN-UP DAY.

Johnson asked the Council for a motion directing staff to send a letter to the Hennepin County Commissioners requesting that cities, West Hennepin Public Safety and local businesses be able to use the drop off facility during Clean-Up Day.

**Motion by Gyllenblad, second by Wenck, to direct staff to send a letter to the Hennepin County Commissioners requesting cities and local businesses be able to use the drop off facility hosted by Independence City Hall. Ayes: Betts, Gyllenblad, Johnson, Wenck. Nays: none. MOTION DECLARED CARRIED.**

10. CANCEL THE DECEMBER 22, 2009 COUNCIL MEETING?

Gyllenblad stated he wanted to meet on December 22 to discuss the Comprehensive Plan.

Hirsch stated the City has to wait until the Met Council has approved the Comp Plan before it can make a final vote.

Gyllenblad stated there are some issues with the Ag Preserve zoning he wants to discuss. He added that he wants to know the status of the reimbursement the City requested from Loucks Associates from the work that was not completed on the Comprehensive Plan.

Hirsch stated she asked Loucks Associates for a reimbursement and was told they would not give one.

**Motion by Betts, second by Johnson, to cancel the December 22 City Council meeting. Ayes: Betts, Johnson. Nays: Gyllenblad, Wenck. MOTION FAILS.**

Betts stated she did not think the Council would be able to act on the Comp Plan unless the Met Council had responded to it.

Gyllenblad stated the agenda items for the meeting would be to start a legal process against Loucks Associates for reimbursement for unfinished work.

Vose stated the issue is whether the consultant met the contract requirements, which he would have to review.

Johnson asked Hirsch what the contract stipulated.

Hirsch stated she would have to review the contract, but she knew the consultant did not completely finish the project.

**Motion by Wenck, second by Betts, to direct the City Attorney to review the Comp Plan contract with Loucks Associates and taking action necessary to rectify any deficiencies with the contract.**

Brenno, resident, asked if the current City Planner had been keeping track of the hours he spent on the Comp Plan.

**Johnson called for a vote. Ayes: Betts, Gyllenblad, Johnson, Wenck. Nays: none. MOTION DECLARED CARRIED.**

**Motion by Wenck, second by Betts, to cancel the December 22 City Council meeting. Ayes: Betts, Gyllenblad, Johnson, Wenck. Nays: none. MOTION DECLARED CARRIED.**

12. OPEN/MISC.

Nothing was added to the agenda.

13. ADJOURN.

**Motion by Wenck, second by Betts, to adjourn the City Council meeting at 8:05 p.m. Ayes: Betts, Gyllenblad, Johnson and Wenck. Nays: none. MOTION DECLARED CARRIED.**

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Respectfully submitted by Christina Scipioni, Recording Secretary