

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MAY 27 - 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 Betts, Wenck, Wallace, Gyllenblad.

STAFF: Attorney Thompson, Administrative Assistant Scipioni, Planner Tom Goodrum

ABSENT: Clerk-Administrator Hirsch

VISITORS: David Appelhof, Mark & Pat Johnson, Eric Ahlstrom, Brad Spencer, LuAnn Brenno, Chris Dahlberg, Mary Fehn, Dick Larson, Barbara Zadeh, Leo Poole, Mary Paine, Harry Pool

4. CONSENT AGENDA.

Approve:

- May 13, 2008 Council Minutes.
- Resolution No. 08-0527-01 Authorizing Execution of the Safe & Sober Grant request.

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

5. SET AGENDA.

No agenda items were added.

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

Gyllenblad: Comprehensive Plan workshop, Police Commission meeting.

Wenck: RFP interviews, RFP Selection Committee meeting, Lake Minnetonka Cable Commission meeting.

Wallace: Comprehensive Plan workshop.

Betts: Comprehensive Plan workshop, RFP interviews, RFP Selection Committee meeting.

Mayor: Northwest League of Municipalities meeting, Comprehensive Plan workshop, Dedication ceremony at the Robina Foundation, Sesquicentennial Celebration, Police Commission meeting, Active Living Committee meeting, Orono Schools award assembly program, Community Action Partnership of Suburban Hennepin Board meeting, WeCan Volunteer Appreciation Dinner, Memorial Day ceremony at Lewis Cemetery.

7. DIRECTOR OF PUBLIC SAFETY , RAY MCCOY - APRIL ACTIVITY REPORT

McCoy reviewed the April Activity Report with the Council. He noted that as of April 30, 2008 WHPS had a total of 2,152 incidents in the cities of Maple Plain and Independence. This is up from April 2007, in which 2114 incidents were handled. McCoy stated that criminal incidents are down from 109 in 2007 to 91 in 2008.

The Department participated in two tabletop exercises. One was with the Mound School District and the other was focused on water supply contamination.

Mayor Johnson stated that the person in charge of putting together the water supply tabletop was impressed with Independence and Maple Plain for having an emergency management plan and knowing what is in it.

McCoy reported that from 7 a.m. to 1 p.m. on June 14, the Liberty Triathlon will be held in the cities of Independence, Maple Plain and Medina. About 30 intersections will need to be covered by police and reserve officers. The race will be kept off Highways 55 and 12.

Council Member Wallace asked McCoy to remind the bikers to ride single-file on the roadways.

Council Member Betts also brought up a concern about bikers riding in traffic on Pagenkopf and other City roads.

McCoy explained that bikers are required to follow all traffic laws. He stated that West Hennepin Public Safety is trying to get bicycle races moved to roads with paved shoulders, which would help mitigate the effect bikers have on traffic. He also said that the department is working to draft a special events ordinance for these types of events.

8. ART AHLSTROM, 9115 HIGHWAY 12 (PID# 18-118-24-12-0002), REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A 3,600 SQUARE FOOT COLD STORAGE BUILDING

Planner Goodrum stated that after reviewing the Conditional Use Permit request, staff and the Planning Commission recommended approval. The approval is based on Code requirements. Goodrum explained that the code lists nine criteria that need to be met for a Conditional Use Permit. The criteria staff looked at specifically when reviewing the request was how the building would affect the character of the neighborhood. Goodrum explained that the City received no negative feedback from nearby residents. Staff did receive a letter of support from a neighbor on the south side of the property. Also, Goodrum explained that along U.S. Highway 12 there are many oversized buildings, so the proposed building would fit into the character of the neighborhood. In addition, the property is screened from U.S. Highway 12.

Goodrum stated that for this property, the owner is allowed 1850 square feet for accessory buildings. Ahlstrom is requesting an additional 2,281 square feet of building space above what is allowed by Code.

Goodrum noted that there was a property to the south on Nelson Road that was recently denied a Conditional Use Permit. Staff found that the Nelson Road request was significantly different because the property currently under consideration is on U.S. Highway 12, which has a different neighborhood with a

different character. In addition, the Nelson Road property needed a variance in addition to the Conditional Use Permit in order to build the proposed structure.

Goodrum stated that the applicant will only use the structure for personal use, which is one of the conditions for approval.

Mayor Johnson asked if this was a new Conditional Use Permit, or an amendment to an existing permit.

Goodrum stated that this is a new Conditional Use Permit.

Council Member Betts asked for clarification about this type of request and the request made for Nelson Road.

Goodrum explained that both properties needed a Conditional Use Permit in order to build a structure larger than City Code permits. However, the property on Nelson Road also would have required a variance, as the proposed structure did not meet setback requirements.

Council Member Wenck asked if Ahlstrom is fine with the conditions.

Ahlstrom stated that he is fine with the conditions.

Motion by Wenck, second by Wallace, to approve the request subject to the following conditions:

- Applicant will obtain all necessary permits from the City and other applicable entities.
- The height of the building shall conform to City Code.
- The building shall only be for personal use.
- The applicant shall install 10, 6-foot conifers along the south and west side of the building in order to screen the use from those residents.
- There shall be no outside storage allowed on the property.
- The conditional use permit shall be reviewed annually for compliance.

All present voted aye. MOTION CARRIED.

9. LICA BOARD – ADDRESS THE COUNCIL ABOUT THE LINDGREN LANE ISSUE

Appelhof, president of LICA, addressed the Council about concerns about a septic system on Lindgren Lane that might not be working properly. The LICA board is concerned that a mound septic system may be going in on the Merz property. In addition, LICA would like a sewer system on Lindgren Lane.

Appelhof asked what Met Council is doing about the issue. He stated that Medina originally had approved 55 units being connected to a sewer system, but that was changed to include only the residents on Lindgren Lane. LICA would like to know where the City is with Met Council in discussions about a sewer system.

Council Member Wallace explained that the City is going forward with Met Council, but is also investigating a cluster system. He stated that the City cannot afford to sewer just Lindgren Lane, however the City also cannot force people on Independence Road to hook up to sewer. In addition, Wallace said he does not want the City to have to run sewer uphill, toward County Road 11. He stated that the sewer should run toward Maple Plain. The Met Council said the City does not have enough units per acre to sewer. Wallace stated that the City is looking for good, economical solutions.

Appelhof said that many residents would be more in favor of a sewer system, rather than a cluster system.

Council Member Wallace noted that it is very costly to build a sewer system.

Mayor Johnson noted that if the water were pumped uphill to the line on County Road 11, the City would have to have financial consideration for the property owners. In addition, Johnson stated that wherever the pipe goes, the Met Council wants the City to change the zoning to at least three units per acre.

Appelhof asked if the City has done a cost analysis on the project.

Mayor Johnson said no.

Appelhof said LICA would like to go on record as preferring a sewer system to a cluster system. He stated that federal and state grants could be available.

Council Member Wenck stated that it's difficult to receive grants unless the area is below the poverty line. He noted that once a City Engineer has been selected, the City can conduct a feasibility study of cluster and sewer systems. Wenck said that the Council could plan to hold a workshop with the Engineer and LICA.

Appelhof said LICA would like to participate in the workshop and that residents on Lindgren Lane would like to stay informed on the process.

Mayor Johnson stated that when the Council has discussed this issue, it has always voiced LICA's concerns about water quality. Johnson then asked for other public comment.

Zadeh wanted to confirm that the two main concerns about a sewer hookup are the cost issue and an issue about increased density.

Mayor Johnson confirmed that these are concerns. He clarified that if a pipe were run along Independence Road, every property on the east side of Independence Road would need to be rezoned to three units per acre.

Council Member Wallace stated that his concern with putting a line down Independence Road is that it would require lift stations, which would lead to more cost and maintenance.

Zadeh asked if houses along Lake Independence would be allowed to hook up to a cluster system if one is every built.

Council Member Wallace stated that the City hasn't done any analysis on that issue, yet.

Mary Paine suggested that the City seek help from the University of Minnesota to conduct a study on the issue.

Mayor Johnson thanked Paine for the suggestion.

Appelhof thanked the Council for the opportunity to discuss this issue.

10. RFP – RECOMMENDATIONS TO THE COUNCIL FROM THE SELECTION COMMITTEE FOR ENGINEER, PLANNER AND WATER RESOURCE STAFF

Issue tabled until the June 10, 2008 Council meeting.

11. OPEN/MISCELLANEOUS.

Nothing was added to the agenda.

12. ADJOURN.

Motion by Betts, second by Wenck to adjourn the Council meeting at 8:15 p.m. All present voted aye.
MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary