

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MARCH 23, 2010 – 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, Spencer and Wenck.

ABSENT: Council Member Wallace.

STAFF: Clerk-Administrator Hirsch, Attorney Thompson, Planner Kaltsas and West Hennepin
Public Safety Director McCoy.

VISITORS: Daniel Reed, Lynda Franklin, Jon Larson, Eldon Sassen.

4. CONSENT AGENDA.

Approve:

- Council Minutes – March 9, 2010.
- Liquor License renewals for Ox Yoke Inn, Windsong Farm Golf and Pioneer Creek Golf Course.
- Resolution No. 10-0323-01 applying for grant money from the Minnesota Department of Natural Resources from the Parks and Trails Program for the maintenance and reconstruction of parts of the equestrian trail.

Wenck asked where the City's matching funds for the equestrian trail grant would come from.

Hirsch responded it would come from the City's park fund.

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

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

Johnson added a discussion of the City-owned house next to City Hall.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer: Pioneer-Sarah Creek Watershed Commission meeting, City Council work session.

Wenck: Lake Minnetonka Communication Commission Executive Committee meeting, City Council work session.

Betts: Police Commission meeting, City Council work session.

Mayor: Minnehaha Creek Watershed District meeting, Northwest League of Municipalities meeting, Orono Health Communities, SCS Exec Comm, Energy, Environment and Natural Resources Committee and Small Cities Council meeting for the League of Minnesota Cities, Police Commission meeting, coffee with Congressman Paulsen event, Council work session.

Hirsch: Minnesota Clerks and Finance Officers Association conference, with topics including home occupations, budgeting, PERA and other retirement programs and election training, Council work session.

7. DIRECTOR MCCOY – WEST HENNEPIN PUBLIC SAFETY, JANUARY AND FEBRUARY 2010 ACTIVITY REPORTS.

McCoy stated WHPS responded to 755 calls so far in 2010 compared to 926 in 2009. He explained the difference in the numbers is a result of better weather than this time last year. He stated the investigation into the recent death of an 11-day-old child from a dog bite was almost complete. He added he received many emails and phone calls regarding the decision to euthanize the dog. The dog was quarantined for 10 days before it was euthanized because its rabies vaccinations were not up-to-date and it had contact with other children living in the home. He added that the department is waiting for a DNA test to conclude if the dog was part wolf. McCoy stated WHPS received several complaints of gunshots, which was caused by coyote hunters. He noted that in Wright County people are allowed to have loaded weapons in their car while hunting, but in Hennepin County that is prohibited.

Johnson asked if anyone had been successful in hunting the coyotes.

McCoy responded that someone told him they had caught about 100 so far. McCoy stated WHPS had several DUI arrests and mailbox damage complaints. McCoy stated on Dec. 26, 2009 there was an overdose death and the investigation is complete and has been sent to the County Attorney's office. He added that thieves are cutting the locks off storage lockers, stealing the contents and replacing the lock so that it looks as though the locker is secure.

McCoy stated the 2009 unaudited budget amount is approximately \$27,000 under budget. The audit would be complete in about a month. McCoy stated Officer Raskin returned from serving in Iraq, but has some injuries so he will not be back for about 8 to 9 months. McCoy stated WHPS had its statistics audited by the Minnesota BCA and was found to be 100 percent in compliance. McCoy noted National Night Out is Aug. 3 and encouraged residents to host parties in their neighborhoods.

8. ELDON AND MARY SASSEN, 755 KUNTZ DRIVE (PID NO. 33-118-24-22-0002), AND JON AND KAREN LARSON, 825 KUNTZ DRIVE (PID NO. 28-118-24-33-0007), REQUEST A SUBDIVISION TO COMBINE PORTIONS OF THE ADJACENT PROPERTY (PID NO. 33-118-24-22-0027) WITH THEIR EXISTING PROPERTIES. RESOLUTION NO. 10-0323-02.

Kaltsas stated the property owners purchased a property adjacent to their properties in order to combine portions of it with their existing properties. All three properties are currently zoned and guided as agricultural. Currently 755 Kuntz Drive is 1 acre, 825 Kuntz Drive is 4.64 acres and 33-118-24-22-0027 is 11.99 acres. After the proposed combination, 755 Kuntz Drive would be 6.66 acres, 825 Kuntz Drive would be 11.25 acres and 33-118-24-22-0027 would no longer exist. Kaltsas noted after the subdivision one building eligibility would be lost because 33-118-24-22-0027 would no longer exist. He stated there do not appear to be any adverse effects. He noted that in the future the property owners might allow

adjacent property owners to buy portions of the parcel to add onto their own parcel. At the Planning Commission, there were no public comments and the Commission recommended approval.

Johnson asked what is in front of 33-118-24-22-0027 at its southern point near County Road 6.

Kaltsas responded there is a house between 33-118-24-22-0027 and County Road 6.

Johnson stated he was happy with the rearrangement that will alleviate some issues on the properties.

Motion by Wenck, second by Spencer, to approve Resolution No. 10-0323-02. Ayes: Betts, Spencer, Johnson and Wenck. Nays: none. MOTION DECLARED CARRIED.

9. DAN AND PAMELA REED, 3470 LAKE SARAH ROAD (PID NO. 10-118-24-31-0002) REQUEST A MINOR SUBDIVISION TO COMBINE A PORTION OF THE ADJACENT PROPERTY (PID NO. 10-118-24-31-0005) WITH THEIR EXISTING PROPERTY. RESOLUTION NO. 10-0323-03.

Kaltsas stated the applicant is requesting a lot line rearrangement to add land on a neighboring parcel onto their parcel because their driveway is on the neighboring parcel. He explained that if the applicant wanted to construct a driveway on their existing parcel they would need to mitigate a portion of wetland on their road frontage. Both properties are zoned agricultural. Kaltsas noted the road frontage for 10-118-24-31-0005 currently does not meet ordinance standards and would lose additional frontage in the proposed lot line rearrangement. A lot line rearrangement between 10-118-24-31-0005 and 3570 Lake Sarah Road, which currently have the same owner, could mitigate the problem in the future. There were no public comments at the public hearing and the Planning Commission recommended approval of the minor subdivision for the lot line rearrangement.

Johnson stated he remembered when the drive was built on the property because of the wetlands.

Motion by Wenck, second by Spencer, to approve Resolution No. 10-0323-03. Ayes: Betts, Spencer, Johnson and Wenck. Nays: none. MOTION DECLARED CARRIED.

10. APPROVAL TO UPDATE THE PUBLIC WORKS MANUAL.

Hirsch stated she is bringing the public works manual before the Council again because she City needs to have an updated manual for its MS4 reporting. She noted the City Engineer said the State has made changes to its design manual.

Wenck suggested adopting the Minnesota Pollution Control Agency's guidance manual for the MS4. He stated the standards should be updated as developments come into the City, so that developers are paying for the update instead of the City having to pay for the update. The developer would be notified of the process when they apply for a development.

Johnson suggested having the attorney create a resolution putting this policy in place.

Thompson stated she and Vose would draft a resolution and would discuss with staff how developers would be notified of the policy.

Johnson directed staff to look into a policy for who is responsible for cleaning out catch basins once they are built.

Motion by Wenck, second by Spencer, to direct staff to prepare a resolution regarding updating the public works manual as new developments are created. Ayes: Betts, Spencer, Johnson and Wenck. Nays: none. MOTION DECLARED CARRIED.

11. OPEN/MISC.

House on City property

Johnson stated the City owns the house just south of City Hall. He added staff prepared a resolution that would allow the house to be put up for sale and moved off the property.

Wenck suggested adding the garage to the resolution.

Motion by Wenck, second by Betts, to approve Resolution No. 10-0323-04. Ayes: Betts, Spencer, Johnson and Wenck. Nays: none. MOTION DECLARED CARRIED.

12. ADJOURN.

Motion by Betts, second by Wenck, to adjourn the City Council meeting at 8:07 p.m. Ayes: Betts, Johnson, Spencer and Wenck. Nays: none. MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni, Recording Secretary