

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, MAY 13 - 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 7:45 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: Clerk-Administrator Hirsch, Attorney Vose, Building Inspector/Zoning & Code Enforcement Official Satek, Administrative Assistant Scipioni.

VISITORS: Eleanor Kalash, LuAnn Brenno, John and Cathy Zeglin, Mike Zeglin, Leverne Vassar, Leo Poole, Harry Pool

4. CONSENT AGENDA.

Approve:

- April 22, 2008 Council Minutes.
- Accounts Payable for May 2008.
- Month end Budget report for April 2008.
- Resolution No. 08-0513-01 Regarding Northern Natural and its location staying in the original right of way.

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

5. SET AGENDA.

ADD: Auditor's Report
2009 budget
Leverne Vassar
League of Minnesota Cities Conference
Building Official Position

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

Gyllenblad: Nothing to report.

Wenck: Chamber of Commerce meeting, RFP Selection Committee meeting

Wallace: Nothing to report.

Betts: RFP Selection Committee meeting, Sensible Land Use meeting, WeCan prayer breakfast

Mayor: Active Living Committee meeting, Community Action Partnership of Suburban Hennepin Board meeting, WeCan prayer breakfast, Sensible Land Use meeting, WeCan Finance

Committee meeting, State Mayor's Conference, Board meeting for the Terrace Apartments in Maple Plain, Active Living presentation for Blue Cross Blue Shield, Community Action Partnership of Suburban Hennepin Finance Committee meeting, Chamber of Commerce meeting, Orono Healthy Communities meeting, Employer Support Guard and Reserve Appreciation Dinner

Clerk Hirsch: RFP Selection Committee meeting, Meetings with current City Engineer, Planner and Water Resources Coordinator to explain RFP process, Interviews for the Administrative Assistant position. The City hired Christina Scipioni to fill the position.

Mayor Johnson asked Scipioni to tell the Council a little bit about herself.

Scipioni is a graduate of the University of St. Thomas with a degree in public relations and political science. She previously worked in the communications department at the City of Edina and as a Communications Coordinator for Community Action Partnership of Suburban Hennepin.

7. PRELIMINARY PLAT APPROVAL, RICHARD MEYER – 705 COPELAND ROAD (PID# 31-118-24 11-0002) REQUEST FOR TWO RURAL VIEW LOTS IN AN AGRICULTURAL ZONING DISTRICT

Item was removed from the agenda.

8. CHRIS STEPHANS, 3775 COUNTY ROAD 92 (PID# 09-118-24 24-0001) REQUEST TO MOVE A HOME ONTO HIS PROPERTY

Clerk Hirsch explained that Stephans would like to move a home from the City of Wayzata onto their property at 3775 County Road 92. Hirsch stated that typically when a home is being moved the Council makes a decision about whether or not to allow it to be moved. Because of time constraints, there isn't another way to do this process. After the decision about moving the house has been made, the issue goes back to the Planning Commission for a public hearing and then it is brought before the Council again. Hirsch added that Stephans is willing to do work to their barn building as part of this process.

On Monday, May 12, 2008, Satek inspected the home and found it in good condition to be moved. Hirsch stated that the City and Stephans could put an agreement together if the Council approves the move.

Mayor Johnson asked for clarification about the process for approving the moving permit.

Attorney Vose explained that when a city is considering moving permits there are two factors that are considered. The first factor is the safety of moving the structure. The second factor is the safety of reinstalling the structure at the property. Vose stated that the Council can approve moving the structure and at a later meeting consider the safety of the home's reinstallation during a normal permitting process. Vose also noted that Satek has already inspected the home and has found that moving it would be possible.

Councilmember Betts asked if Stephans needs a foundation in place when he moves his house or if the home needs a place to sit while a foundation is being built.

Vose explained that it is possible to move the structure on the property without it being permanently installed.

Mayor Johnson noted that Stephans only has a short period of time to move the home before it would be demolished. Mayor Johnson stated that it seems like a very simple project.

Vose stated that approval would be subject to the condition that the final installation be permitted and that the City and West Hennepin Public Safety are notified of the moving date. Hirsch added that the conditions would also include requiring the Stephans to receive all the necessary permits from the County and the State.

Motion by Betts, second by Wenck, to approve the request subject to the conditions noted by Vose and Hirsch. All present voted aye. MOTION CARRIED.

9. COMMUNITY TRANSPORTATION SURVEY – TABLED FROM APRIL 22 COUNCIL MEETING.

Clerk Hirsch explained that the City of Maple Plain is conducting a transportation survey of its residents for its redevelopment projects. Maple Plain would like to survey Independence residents about Maple Plain developments. Hirsch said the survey could be mailed with the Independence newsletter at no additional cost to the City. Maple Plain staff would be in charge of tabulating the results of the surveys. The current Maple Plain survey would be updated to make the questions relevant to Independence residents.

Motion by Betts, second by Wallace, to print a Community Transportation Survey with the condition that there is no additional cost to the City and that the newsletter note that the survey is being conducted to help Maple Plain secure information and at no cost to the City. All present voted aye. MOTION CARRIED.

10. CLARIFICATION OF WHETHER OR NOT THE CITY COUNCIL PROCEEDS WITH THE INTERVIEW PROCESS OF THE RFP'S SELECTED BY THE SELECTION COMMITTEE OR DOES THE SELECTION COMMITTEE PROCEED WITH THIS PROCESS AS IT HAS DONE IN THE PAST?

Clerk Hirsch stated that during the Selection Committee meeting Councilmember Wenck said that he thought the City Council should conduct the interviews. Hirsch stated that the other three Selection Committee members thought the Committee should conduct the interviews and bring their recommendations to the Council. Hirsch asked for clarification on how the process should proceed. She noted that the interviews were scheduled for the following day, May 14, 2008.

Councilmember Wenck stated that because a large amount of the City's business is with consultants, he believes that the Council should be conducting the interviews. He stated that the Council did not have to conduct all of the interviews at once.

Mayor Johnson asked how many interviews are scheduled.

Hirsch stated that there are 10 interviews scheduled.

Mayor Johnson stated that he believes the Selection Committee has a good cross-section of the Council, Planning Commission and staff. He said he would rather have the interviews take place as scheduled. He stated if there aren't clear candidates for any of the positions, then the Council could potentially hold second interviews. Mayor Johnson noted that the interviews would have to be in open meeting.

Councilmember Lindsay stated that he thought Council interviews with the consultants would be worthwhile because of the amount of the City budget that's spent on consultants. He said he would be in favor of allowing the Selection Committee to narrow down the candidates to the top two for each position, and then having the Council conduct the final interviews.

Councilmember Betts said that if there's a stalemate in the Selection Committee, then the Council could review the applicants.

Mayor Johnson recommended that the Selection Committee continue with its interviews as scheduled.

Resident Leo Poole stated that the problem with using a Selection Committee is that there might be some residents who want to watch the interviews.

Councilmember Wenck stated that he would be comfortable with the Selection Committee presenting its top two candidates for each position.

Councilmember Lindsay recommended that the final interview round should be scheduled with the Council on a separate night.

Councilmember Betts suggested that the meeting should be held in the evening. She also stated that the meeting must be noticed.

Mayor Johnson advised the Selection Committee to continue on with the interview process.

11. OPEN/MISCELLANEOUS.

Auditor's Report. Councilmember Wenck requested that Clerk Hirsch prepare a memo to the Council explaining the City's plan for addressing the five items noted in the audit.

2009 Budget. Clerk Hirsch confirmed that she sent a memo, per Councilmember Wenck's request, to the Police Commission, Fire departments and Pioneer-Sarah Creek Watershed. The memo instructed them to look at a 10 percent cut for 2009.

Leverne Vassar. Resident Leverne Vassar expressed concerns about the Minnesota Department of Natural Resources creating a parking lot in the land near his property. He stated that the DNR is bringing in trucks that don't meet the City's weight restrictions. In addition, he said that people are coming to the new parking lot in the evenings and are causing trouble. Vassar also questioned how the DNR can change the land use without City approval.

Attorney Vose stated that in most cases, State land would still be subject to City codes and zoning, unless there is a specific exemption. He recommended contacting the DNR

Mayor Johnson asked if the situation was different because the property was privately owned land that was put into a trust after the owner died and then donated to the State.

Vose stated that how the property is conveyed from one owner to the next does not change the City's oversight. However, he noted that the State may have exemptions.

Building Official Satek stated that the DNR has pushed less than 50 cubic yards, so, per City ordinance, they do not need a permit. He said he would look into the extra gravel being brought into the site.

Mayor Johnson recommended that if Vassar sees the DNR violating weight restrictions he should contact the Police Department. He also directed Clerk Hirsch to contact the DNR about the property.

Councilmember Wallace also requested that a DNR official come before the Council to explain what is happening with the property. He stated that the DNR seems to have pushed to open the property up for public hunting, but hasn't notified the City about any of the changes.

Vassar requested to be notified if the DNR appears before the Council.

League of Minnesota Cities Conference. Mayor Johnson reminded the Council to notify Accounting Clerk Carol if they would like to register for the annual conference.

Building Official Position. Councilmember Wenck asked Attorney Vose to prepare information on how the City could change the Building Official position from a staff position to a consultant.

12. ADJOURN.

Motion by Betts, second by Wenck to adjourn the Council meeting at 8:30 p.m. All present voted aye.
MOTION DECLARED CARRIED.

Respectfully submitted by Christina Scipioni,
Recording Secretary