

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, APRIL 12, 2011 – 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, Wallace and Wenck.

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

ABSENT: None

VISITORS: Gene Purdy, Steve Thompson, Al Johnson, Craig Olson, Tammy Wenz, Lisa and Bob Perry, Kay Gabriel, Louis Merchant

4. CONSENT AGENDA.

Approve:

- Approval of Council Minutes from March 22, 2011
- Approval of Accounts Payable for April 2011
- Approval of Resolution No. 11-0412-01 Congratulating the Orono High School Basketball Team for winning the 3A State Basketball Tournament
- Approval to clarify the “Extension Request” in the City’s fee schedule to include any zoning requests and extension of the two-year request to become compliant with a resident’s septic system
- Approval to award the Gravel Bids, per the Public Works Director’s recommendations
- Approval to grant an Agricultural Preserve application for Kay Gabriel, 2660 County Line Road
- Approval to extend the septic replacement for Lisa and Bob Perry for two-years (June 2, 2013)

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

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

Carol Besacker on the topic of Lake Sarah Culvert.

Public Works Director Koch and City Engineer Miller to discuss last year’s sealcoat project.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

- Spencer: TMDL Summit at Baker Park hosted by Three Rivers Park District and Minnesota Pollution Control Agency, Board of Review
- Wenck: Sensible Land Use Coalition, TMDL Summit, Board of Review
- Wallace: Board of Review
- Betts: Sensible Land Use Coalition, Chamber of Commerce, Board of Review
- Johnson: Senior Community Services Board Meeting, League of Minnesota Cities, Counties, Schools and Townships Legislative Day, Community Action Partnership Suburban Hennepin County Annual Meeting, Active Living Workshop, Open House at St. Michael City Hall and Senior Center, Metro Cities Regional Council of Mayors, Orono School Board, Volunteer Appreciation for Plymouth Seniors on behalf of Senior Community Services, Chamber of Commerce, TMDL Summit, Board of Review
- Hirsch: Active Living meeting on Step To It program where you can sign up online, Sensible Land Use Coalition, Hennepin County Recycling Coordinators Meeting, TMDL Summit, AFLAC Representative to speak to employees, ABDO to close out first quarter, Salvation Army to have a box onsite at City Center as a trial for clothing and small household items, Bill Leonard from Hennepin County to discuss the upcoming clean up days May 5-7, Board of Review

7. PLANNING COMMISSION INTRVIEW AND APPOINTMENT FOR A TERM OF THREE YEARS.

Johnson stated that there is one vacancy on the Planning Commission for a three year term and they have received two applications. He invited Craig Olson to the podium to introduce. Mr. Olson reported that he has lived in the community since 2008 and lives on Lake Independence. He is active in the community with Boy Scouts, youth sports, and Habitat for Humanity. He stated that he can bring in an addition to a general understanding of building and development as it affects things is understanding the complexities of lakeshore and watershed districts as it relates to the Planning Commission. He stated that he can be a fair and honest member of the Planning Commission and appreciates the Council's consideration. Johnson thanked Mr. Olson for taking the time to complete the application and for his interest in the Planning Commission.

Johnson asked the second applicant Steve Thompson to do the same. Mr. Thompson stated he and his family moved into Independence in 2007 and has his children in the Orono school district. He stated that he saw this as an opportunity to get involved. He has a degree in political science from the University of Minnesota. He has stayed connected and interested in the topic of property and land issues such as interesting Supreme Court decisions, challenges to planning and zoning. He said he sees this as an opportunity to help the community.

Betts asked if the two would be able to make all the meetings. Mr. Thompson stated that he does do some traveling for work but would be able to attend the Commission meetings.

Council requested that the application of the applicant not chosen be kept on file. Clerk-Administrator Hirsch replied that she will.

Spencer would like to see someone appointed that lives around the lakes since there are no current representatives from the lakes on the Commission.

Motion made by Spencer, second by Wenck, to appoint Craig Olson to the Planning Commission for a three year term. All present voted aye. Motion declared carried.

8. APPROVAL OF THE DRUG AND ALCOHOL TESTING AND THE CONSENT TO DO THE TESTING, TO BE ADDED TO THE EMPLOYEES HANDBOOK.

Motion by Betts, second by Spencer, to approve the Drug and Alcohol Testing Policy and the Consent to do the testing be added to the employee handbook. All present voted aye. Motion declared carried.

9. APPROVAL TO CANCEL THE TUESDAY, APRIL 26, 2011 CITY COUNCIL MEETING DUE TO LACK OF AGENDA ITEMS.

Motion by Wenck, second by Wallace, to cancel the April 26, 2011 City Council meeting due to a lack of items. All present voted aye. Motion declared carried.

10. MISC./OPEN

Lake Sarah Outlet near County Rd 92

Carol Besacker, 625 North Shore Dr, Greenfield, is here as a resident on Lake Sarah. She stated that the Cities of Greenfield and Independence need to realize that there are some outstanding citizens that live on the lake that have undertaken the chore on trying to make sure the outlet off of Cty Rd 92 is clear and running. Several of the citizens are board members of LSIA (Lake Sarah Improvement Association). She stated that they have cleaned that up and would like to recognize the community members that participated in the clean up. They are:

Greenfield

Scott Heintzma
Scott Walsh – Board member

Independence

Joe Baker – Board Member
Dan Cady
Jeff Carlson
Joe Slavec – Board member
Lee Nguyen
Brock Dlein
Rob Sheely
Roger VanBeuseson – Board member

Sealcoat

Engineer Miller handed out correspondence from the city and contractor. He stated that staff looked at the failure of the sealcoat and sent a letter and copies of the pictures of the degradation of the sealcoat. The contract has a two year guarantee. There is a performance bond in place. The contractor reported to staff that he completed the project as the specifications directed and he has no liability. Miller stated that the contractor would need to show that something else besides materials or workmanship caused it to fail. He stated that the contractor used materials for FA-1 and the City has a FA-3 gradation. The contractor

was unable to obtain the correct aggregate and Miller inquired if the contractor still wanted to keep the contract since the aggregate they chose to use was not the specified kind and was also more expensive. The contractor chose to keep the contract. Miller pointed out this would have been the time for them to say they could not keep the contract and then the City would have gone to the next bidder.

Miller would like the contractor to clean up the mess. If they fail to do so, he would like the City to authorize someone else to do it. He stated that the oil and aggregate need to be laid and rolled right away.

Wenck felt the attorney should write a letter to the contractor that they are in violation of the contract and if the situation is not rectified, the City will go to the performance bond.

Motion by Wallace, second by Betts, to direct the City Attorney to work with the Public Works Director to rectify the situation and report back.

City Attorney Vose stated that the contractor's dispute is not on whether the work failed but rather that they City accepted and paid for the service. He stated that the product guarantee is for two years and is not affected by whether the City paid or not.

Al Johnson, Providence by the Lake Homeowners Association, has already cleaned up the mess for approximately \$2000. As a homeowner association, they were forced to take action to remove the rock before the grass died out. He stated that this is a time sensitive issue and encouraged the Council to get this rectified as quickly as possible.

Mayor Johnson inquired if other roads were done. Staff replied that it was also Fieldstone and Polo Club Rd. Koch stated that Independence Road was down in 2009 and Providence in 2010 and the difference is incredible.

Al Johnson stated that although they would like their homeowner's costs to be recouped, they do not necessarily want the road graveled again as they still have gravel in their homes, yards, shoes, etc. Public Works Director Koch responded that when temperatures rise in the summer, the oil will begin to stick to cars and tires and so something will need to be done quickly.

11. ADJOURNMENT

Motion by Betts, second by Wenck, to adjourn the City Council meeting at 8:15 p.m. All present voted aye. Motion declared carried.

Recording Secretary Kimberly A. Olson, Administrative Assistant