

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, OCTOBER 11, 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 Safety Director McCoy, City Attorney Vose  
VISITORS: Lynda Franklin, Kim and Becky Jacobson, Colin Brown, and Jennifer Strom

4. CONSENT AGENDA.

Approve:

- Approval of Council Minutes – September 27, 2011
- Approval of Accounts Payable for October, 2011
- Approval of a request from Kermit Dietrich, 7336 County Road 11 to reinstate his Agricultural Preserve.

Wenck questioned the expenses section of the budget stating that it appears they are \$100,000 over budget for the year so far and he had thought they were hoping to be under budget this year. Hirsch said she is optimistic it will level out by year end. Johnson requested staff prepare an explanation for the next meeting.

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

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

No items added.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer: Planning Commission  
Betts: Sensible Land Use Conference

Johnson: Senior Community Services Board Meeting, Maple Plain Fire Department Open House, Fundraiser Dinner for Greater Lakes Food Bank, Orono School/Clergy Breakfast, West Hennepin Museum Open House in Long Lake, Regional Council of Mayors Meeting, Orono School Board Meeting  
Hirsch: Sensible Land Use Conference

7. DIRECTOR RAY MCCOY, UPDATE ON THE PROPERTY LINE BETWEEN RESIDENTS JACOBSEN/STROM BROWN, LOCATED ON SUNSET LANE

City Attorney Vose stated that he and Director McCoy wanted to bring this situation to the attention of the Council. He stated that it is an unfortunate property line dispute. He said they were not looking for specific action from the Council, but wanted Council to be aware for two reasons:

1. The residents involved in the dispute feel the City is responsible to help resolve the dispute.
2. City resources are being spent when you add the amount of time he, the police, and the building official have spent on this dispute.

Vose stated the original dispute was a property line dispute with a driveway. Litigation has been started on that and the city involvement has gone down. He felt that until a judgment is made, the City does not have a role in the dispute. The newest dispute is involving a new fence and he does not know the status of that.

Wenck stated it is his view that if it isn't a City issue, they should not be spending any time on it. Secondly, he asked if there is a way to charge for repeated police calls and staff time. Vose stated that, as the civil attorney for the city, he would encourage the police to continue to respond to the calls. He termed this situation as unfortunate because some of the actions taken have shown that this is not a normal neighborly disagreement. The police should take it increasingly seriously up to and including arrest if needed to ensure the safety of the city's residents. In terms of charging for time spent, he doesn't believe it has come to that point but if the City is pulled into litigation, they would have the opportunity to recover costs.

Johnson stated that there was no decision that could be made this evening. Wallace felt they should not even be discussing a land dispute between owners. Vose felt that because the city is spending money on this, it is incumbent on the staff to bring it to the Council's attention.

Wenck felt the Council has received the written information and his preference is they stop the conversation at this point.

McCoy reported that outside of the property dispute, West Hennepin Public Safety has no problems with either family. He stated the department's officers have encouraged the proper process for the families to resolve the dispute. However, when it comes to physical violence, he will make an arrest if needed.

**Motion made by Wenck, seconded by Betts, to table the item indefinitely. Ayes: Betts, Johnson, Spencer, Wallace and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

8. SCHEDULE THE MUNICIPAL ELECTION CANVASSING FOR TUESDAY, NOVEMBER 15<sup>TH</sup> AT 7:45 P.M.

Johnson explained the Council must set a time for the canvassing of election results and the meeting date of November 15<sup>th</sup> is within the timeframe allowed by law.

**Motion by Betts, seconded by Wallace, to set the canvassing meeting for 7:45 p.m. on November 15, 2011. Ayes: Betts, Johnson, Spencer, Wallace and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Wenck stated that he may not be able to attend that meeting. He confirmed the City Council meeting that would have regularly been scheduled for November 8<sup>th</sup> has been cancelled because it is Election Day.

9. OPEN/MISC.

No items.

10. ADJOURN

**Motion made by Wenck, seconded by Betts, to adjourn the meeting at 7:50 p.m. Ayes: Betts, Johnson, Spencer, Wallace, and Wenck. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Respectfully submitted,

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Kimberly A. Olson, Recording Secretary