

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 20, 2021 –6:30 P.M.
Public Works Garage & Virtual

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 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts, McCoy and Grotting (arrived late).

ABSENT: None

STAFF: City Administrator Kaltsas, Police Chief Kroells.

VISITORS: All attended virtually.

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the July 6, 2021 Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20585-20592, Batch #2 Checks Numbered 20593-20604).
- c. Approval of Pay Application #7 from Rochon for City Hall Improvements.
- d. Assembly Permit Consideration:
 - i. 3658 County Road 90 – Family Reunion on August 13&14, 2021.
 - ii. 2026 Copeland Road – Wine Tasting on September 11, 2021.

Motion by Spencer, second by McCoy to approve the Consent Agenda. Ayes: Johnson, Spencer, McCoy and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED.

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Highway 12 Safety Coalition-Virtual
- Lake Sarah Improvement Association (ice cream social)

Grotting attended the following meetings:

- Not present

McCoy attended the following meetings:

- None

Betts attended the following meetings:

- Highway 12 Safety Coalition-Virtual

Johnson attended the following meetings:

- NLC Energy, Environment & Natural Resources-Virtual
- Board meeting for Senior Community Services-Virtual
- NLC Small Cities-Virtual
- Regional Council of Mayors-In person

Horner attended the following meetings:

- Absent

Kaltsas attended the following meetings:

- None

7. Minnesota Senator David Osmek: Annual Council Visit. (Council member Grotting arrived at this time)

Transportation bill, a one time small cities. Johnson asked how much was in that fund, Osmek couldn't remember for sure. He defended what they did last July by requiring better police training for Minneapolis and St. Paul. He sees good cops doing good work. Problems with catching people with warrants and then letting them go. Gets very frustrated with the legislative process. The \$6 million to start planning for a park over I-94 is turning into a \$2 billion project. This isn't an appropriate use of taxpayers dollars. Johnson asked if there are anymore special sessions, Osmek said they're not sure yet. A committee has been established to talk about a bonus plan for first responders which he agrees with, but not necessarily for grocery store workers. McCoy asked about approval of fire district, but he had no updates on this. Met Council said they'd continue to work on the Comp Plan.

8. West Hennepin Public Safety Director Gary Kroells: Presentation of the June 2021 Activity Report.

Kroells stated through June 30, 2021 there were a total of 457 incidents handled by WHPS. 334 incidents were in the City of Independence and 123 in Maple Plain. Kroells highlighted several cases. Chief Kroells reminded all that Night to Unite will be August 3.

For a complete list of incidents please see the packet for tonight's meeting

9. Consider Acceptance of the Corona Virus Local Recovery Funds Established Under the American Rescue Plan Act:

- a. **RESOLUTION No. 21-0720-01** – Accepting the funds and authorizing staff to take necessary actions to acquire the funds.

We will be receiving a certain amount of Corona funds from the State and we will discuss how we'll utilize these funds tomorrow morning. Grotting asked if Kaltsas saw any use the City would have for these funds, and Kaltsas said that he did. Grotting asked the cut off date, and it was confirmed a few years. Kaltsas said the sewer always needs funds, and that we'll get the allocation and then see.

Motion by Spencer, second by Betts to approve Resolution No. 21-0720-01 to accept the funds and authorize staff to take necessary actions to acquire the funds. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

10. Set date to Consider Approval of the 2022 Budget and Tax Levy: December 7th, 2021 at 6:00 PM.

Motion by Betts, second by McCoy to approve the 2022 Budget and Tax Levy meeting be held December 7th, 2021 at 6:00 P.M. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

11. Discuss City Council Meeting Date/Time that Conflicts with Night to Unite on August 3rd, 2021.

Kaltsas said there will be some Planning items that will need to be discussed, and it's hard to move the meeting to a different night to capture everyone's schedules.

Motion by Grotting, second by McCoy to move the August 3rd City Council meeting to 5:00 P.M. in order to avoid a conflict with Night to Unite. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None.

12. John Klinkner (Applicant/Owner) is requesting the following action for the property located at 2160 Nelson Road (PID No. 19-118-24-13-0001) in the City of Independence, MN:

- a. **RESOLUTION No. 21-0720-02** – Considering approval of a rural view lot subdivision to allow the creation of two (2) rural view lots on the subject property.

The applicant's representative approached the City about the possibility of subdividing the property in order to realize the allowable rural view lots. The applicant would like to establish two (2) rural view lots and has configured both to maximize the value of the new lots created. The applicant is proposing to create two (2) rural view lots in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 80.84 acres.

The Agriculture Zoning District prohibits the subdivision of property with two exceptions: rural view lot subdivisions and lot line rearrangements. The provisions in the Agriculture Zoning District also allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize two (2) rural view lots for a total of three (3) lots across the property.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed - Parcel A – 10.00 acres
Parcel C – 10.00 acres

Buildable Upland Required - 2.5 acres
Buildable Upland Proposed - Parcel A – ~10.00 acres
Parcel C – ~9.00 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)
Minimum lot frontage proposed – Parcel A – 662 LF
Parcel B – 670 (Nelson Rd) / 812 (Copeland Rd)
Parcel C – 507 LF

Ratio of lot frontage to lot depth required - no more than 1:4
Ratio of lot frontage to lot depth proposed – Parcel A – ~1:1
Parcel 4 – ~1:1.5

In addition to the minimum size necessary to subdivide, the ordinance requires at least 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, both proposed rural view lots would meet all applicable setbacks.

There is an existing home and several detached accessory buildings that would be located on the newly created Parcel A. This home is accessed off of Nelson Road. The new lot would have 10 acres and all existing structures would meet applicable building setbacks.

Parcels B and C would be vacant properties with no existing structures in the after condition. The applicant is proposing to subdivide the property into lots that take advantage of the natural characteristics of the property and offer the best geographic location for a potential new home site. The remaining 60-acre Parcel B would have multiple locations for a future home site which could be accessed off of either Nelson or Copeland Roads.

The City received an on-site septic report verifying that the proposed rural view lots can accommodate a primary and secondary on-site septic system. The applicant has provided the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for all three parcels. Parcel B will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created rural view lots (Parcels A and C) will be required to pay the City's requisite Park Dedication fee. For this property the requirement is as follows: Lot A and C (10 acres) \$7,250 each. This fee will need to be paid prior to recording the subdivision.

*Park dedication fee of \$3,500 per lot up to 4.99 acres,
plus \$750 per acre for each acre over 5 acres*

The City will need to determine if the proposed rural view lot subdivision is in keeping with the requirements set forth by the City. The proposed subdivision of this property is intended to maximize the value in each of the lots being created while meeting all applicable criteria. The proposed lots being created generally align with the character of the surrounding properties and the intent of the City's Comprehensive Land Use Plan.

Discussion:

Planning Commissioners reviewed the application and found no issues or concerns relating to the proposed minor subdivision. Commissioners recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the request for a rural view lot subdivision with the following findings and conditions:

1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the rural view lot subdivision is subject to the following:
 - a) The Applicant shall pay the park dedication fees in the amount of \$14,500, for the newly created Parcels A and C, prior to the applicant receiving final approval to record the subdivision by the City.
 - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
 - c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
 - d) The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
 - e) Parcel B will have no remaining rural view lot eligibilities.

Johnson asked if each of the 10 acres will still have Ag status, and Kaltsas said they would. Johnson asked if there's access from the big portion to Nelson Rd. Kaltsas said there might be limited access due to wetland but there would also be access from Copeland.

Motion by Spencer, second by Betts to approve Resolution No. 21-0720-02 to consider approval of a rural view lot subdivision

to allow the creation of two (2) rural view lots on the subject property. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

Motion by Spencer, second by McCoy to adjourn at 7:20 p.m. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

