

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, AUGUST 17, 2021 –6:30 P.M.
Police Dept. Conference Room

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
ABSENT: City Attorney Vose
STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner

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 August 3, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20635-20638, Batch #2 Checks Numbered 20639-20672).
- c. Approval of Pay Application #8 from Rochon Corporation.
- d. Approval of Chip Sealing Bid for 2021.

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

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

Johnson added appointing alternate planning commissioners.

Motion by Spencer, second by Betts to approve the appointing of Planning Commissioners Alternates J.P. Story and Hal Tearse. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Betts attended the following meetings:

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City of Independence
City Council Meeting Minutes
6:30 p.m. August 17, 2021

- National Night to Unite (3)

McCoy attended the following meetings:

- National Night Unite (3)
- Loretto Fire Dept

Grotting attended the following meetings:

- Planning Commissions
- National Night Out (1)

Spencer attended the following meetings:

- Planning Commissions

Johnson attended the following meetings:

- National Night Out (6)
- Loretto Fire Dept
- National League of Cities – EENR (Virtual)
- Chamber of Commerce
- Senior Community Services Finances (Virtual)
- Small Cities NLC (Virtual)
- NW Trail Picnic
- American Experiment

Horner attended the following meetings:

- Planning Commissions
- BKV

Kaltsas attended the following meetings:

- Loretto Fire Dept
- MnDOT
- Planning Commissions
- BKV

7. West Hennepin Public Safety Director Gary Kroells: Presentation of the July 2021 Activity Report.

Kroells states that Night to Unite went extremely well. Having 8 in our community was a great number of hosting homes. We will push for bigger and stronger for next year as well. Normally we only get 3 in Maple Plain and we had 7.

For the month of July, there were 212 citations.

Tour-de-Tonka went much better than expected with the traffic lights in place with the road construction. Highway 12 and County Road 90 should re-open on September 17, 2021.

- For a complete report see the packet for tonight's meeting

8. Richard Wood (Applicant/Owner) is requesting the following actions for the property located at 5233 Lake Sarah Heights Drive (PID No. 01-118-24-24-0023) in the City of Independence, MN:

- a. **RESOLUTION No. 21-0817-01** – Considering approval of a variance to allow a reduced front yard setback related to the construction of a new home on the subject property.

Kaltsas states that the council recognizes this property as being vacant and that there is a known wetland on the property. They question the extent of this wetland. Applicant approached the city early this year about constructing a new home on the property. The challenges with this property is that a wetland delineation would be needed to determine the buildable area. The lot has a single sewer stub available and would be capable of being connected to the city sewer. Once the applicant was able to determine the wetland extent, there was further discussion of building a new home and detached accessory building on the property. The applicant came forward with a plan to build a principal structure, which in previous conversation was the detached accessory structure that they would like to build first on the property, bring it into compliance with the criteria they would need to meet for a single-family home in the city, utilize it as a residential dwelling and construct a single family home on the property in the future and change this building into the detached accessory building.

The setback has been in question since the front yard setback should be 85' from the centerline or 50' from the right of way, whichever is greater. The applicant was instructed to review the ordinance. The city issued a permit for this structure from a substitute inspector, the structure was approved which was 10' less than the setback requirements. The city issued a stop-work order to review the plans. Planning commission reviewed this variance and applicant gathered a signed petition from adjacent property owners approving of the detached accessory building. There is a slope on the property that would cause many issues and hardship for the property owners.

Kaltsas says granting a variance could be applied and recommends approving a variance with the findings found in the resolution such as the structure to be in its current location, with setback 9.9' reduction. Any alterations would have to be compliant. This doesn't create a new setback; it would only apply to the current structure. Any other structure built on the property in the future would have to abide by current setback requirements.

Spencer asks about the staircase that comes down from the structure into the 18' side setback which may need a variance as well on that side of the structure or would need to be redrawn.

Wood states that he has pulled the garage more to the left to face down the channel. That will grant him the required side setback to allow the stairs in the current drawing. Johnson states that there is a resolution to approve the variance for Wood.

Motion by Betts, second by McCoy to approve the resolution of granting a variance to allow a reduced front yard setback. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

9. Tom Koch (Applicant) is requesting that the City consider the following review/discussion for the property generally located at 5865 Kochs Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-12-0002, 11-118-24-13-0002, 11-118-24-42-0002) in Independence, MN:

- a. Concept plan review relating to the proposed subdivision of the subject property. The concept plan proposes 34 single-family residential lots.

Kaltsas explains that this is a cluster development in rural residential on 140 acres. It is comprised of 5 individual properties on both the North and South sides of Kochs Crossing. It would have to be rezoned from agriculture to rural residential and they would have to consider a conditional use permit to allow proposed cluster development and consider preliminary and final plat. There is a density table in our rural residential for the number of lots allowed on so many acres. In a cluster development, 50% of land needs to be open space, 50% of that 50% has to be usable space. Kochs are asking to subtract 9 acres of right of way and then calculate the 50% calculation on what is left. Planning commission would like to be able to look at it in the case of the ordinances based on their final decision on how to move forward.

Betts asks about who is going to care for the open space and outlots. Kaltsas believes that the planning commission will review the ordinance to come up with some solutions. Koch asks if they have to abide by open spaces along the way or as a whole. Kaltsas says, yes, it would have to apply as they develop in the phases from right from the start. Also, wetland delineation would need to be completed and storm water.

Kroells states that the pond in Outlot E is a great hunting area. He asks what the rules and regulations would be for hunting in concern with the houses being so close by. Johnson questions the Kochs on what their plan is as far as hunting on the outlots. Tom Koch says that they would work with their HOA to get covenants in place to restrict hunting in these areas.

Tom Koch states that they would like to subtract the road to get a few more lots on the property. He explains that the goal is to have the same amount of open space as the real estate.

Spencer notes that the traffic through Brei Kessel may be a negative impact on the residents. The preferred start would be from Kochs Crossing instead and work towards the South. They would also keep construction traffic down and out of the Brei Kessel residences by coming in from the North. Tom Koch says they would also like to start development in phases from the North. They may be able to avoid the high cost of roadwork that would need to be done by starting from the South.

Motion by McCoy, second by Betts to direct staff and Planning Commission to review cluster development ordinances. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

10. National Honors Society Project Proposal and Presentation – Pioneer Creek Park Kiosk Renovation and Butterfly Garden (Christian Eichers).

Spencer explains that the signage is very faded and updating the signage for more funding to get a better-quality weather resistant material. Johnson agrees that more funds would help to get something more permanent instead of having to replace the signage every few years. Spencer recommends offering \$1,200 to update the signage for something more durable and permanent.

Motion by Grotting, second by Betts to fund Christian a maximum budget of \$1,200 to renovate the kiosk structure to a more permanent signage. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

11. Open/Misc.

12. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 8:03 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

