

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 7, 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 and Grotting

ABSENT: McCoy

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

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 17, 2021, Regular City Council Meeting.
- b. Approval of City Council Minutes from the August 25, 2021, City Council Workshop.
- c. Approval of Accounts Payable; (Batch #1 Checks Numbered 20673-20683, Batch #2 Checks Numbered 20685-20719, Check # 20684 was voided).
- d. Approval of Pay Application #9 from Rochon Corporation.

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

Betts attended the following meetings:

- City Budget Workshop
- Police Commission
- Highway 12 Coalition

Spencer attended the following meetings:

- City Budget Workshop

- Special Planning Commission Meeting

Grotting attended the following meetings:

- City Budget Workshop
- Special Planning Commission Meeting

Johnson attended the following meetings:

- WH Museum Annual Meeting at Calvin Presbyterian
- Congressman Phillips
- One of the assistant MnDOT commissioners
- Orono School Board Meeting
- City Budget Workshop
- Signed Mylars
- Police Commission Meeting
- Highway 12 corridor Coalition Meeting

Horner attended the following meetings:

- City Budget Workshop
- Special Planning Commission Meeting

Kaltsas attended the following meetings:

- Preconstruction Meeting for Hwy 92 & 12
- Substantial completion October 2022
- Special Planning Commissions
- City Budget Workshop

Johnson asks about a ribbon cutting for Highway 12/90. Kaltsas says that is something they can talk about.

7. Jessie Koch (Applicant) and Christopher Leines (Owner) are requesting the following actions for the property generally located near the northwest corner of County Road 11 and Lake Sarah Drive and identified by (PID No. 02-118-24-34-0003) in the City of Independence, MN:

- a. **RESOLUTION No. 21-0907-01:** Considering approval of a minor subdivision to permit the creation of a new lot on the subject property.

Kaltsas explains that this is a request for a minor subdivision. It would create a new lot on the property. It is zoned RR and guided by the city's comprehensive plan as RR. There is an Eastern parcel about 5.25 acres and west parcel just under 26 acres. We have allowable density based on the size. There could be 6 potential new lots. Applicant proposing an easement for a future right-of-way. They have a park dedication fee of \$3,600. A nearby resident was concerned about the road between their property and the other lot. Commissioners discussed plan and thought it was a good idea. They did not prepare a ghost plat. The property is generally developable. Commissioners approved it with subject to all our typical conditions, drainage, utility, septic sites. Johnson asks if the western boarder is the RR border? Kaltsas says it does go over one. The line for the Western edge of our Rural Residential goes over another ¼ section and a half. Kaltsas says we will need to have the legals of before and after to record. Betts asks what is on the property now. Kaltsas says there is nothing currently on the property. The SE lot is a separate lot. Vose says the east lot should be 66' right-of-way easement for future developmental plans. By doing an easement it will help to create less odd shaped lots. Betts

asks what is the advantage of doing it this way over a cartway. Vose says you don't want to rely on a cartway lot. Kaltsas says it was proposed as a flag lot. He says he is calling it a 66' ROW. Johnson asks if they are comfortable with the resolution as it is. Vose says it doesn't require dedication of the 66' easement because it is a flag lot subdivision. We would have to add a conditional resolution with the 66' easement if council decides this is the best decision. This would increase the park dedication fees. Betts says now is a good time to put the easement in. Kaltsas says it doesn't plan into the size. Spencer asks if someone purchased the 25 acres and did not subdivide but put a driveway across the easement, would it be better to have an easement or a flag lot? Vose says it doesn't matter anymore because of where we have dedicated easements for public roads. Johnson asks where the access to this property is with the division. Kaltsas says the new access will be somewhere on lake Sarah and we would have to permit this. Spencer says there is a hill that will be rough on site lines but points out two possible spots. Spencer states that he isn't too concerned with it being a flag lot since the city has them all over. Grotting says it is not your traditional flag lot. Kaltsas says if they are wanting access, they could get an easement now from the owner.

Motion by Spencer, second by Betts to approve Resolution No. 21-0907-01 of a minor subdivision to permit the creation of a new lot on the subject property. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

8. PUBLIC HEARING: Consideration of Conduit Bond Issuance.

- a. RESOLUTION 21-0907-02:** Considering the authorization of the issuance, sale, and delivery of charter school lease revenue bonds for New Brighton Global Academy in New Brighton.

Kaltsas explains that we have become a hot commodity with conduit bond issuance. They have a new 16 million bond issuance request. There may be a third request coming through as well because of the previous one. He says we have Gina from Kennedy Graven who handles the bonds on the city's behalf. Johnson says he thought that 10 million was the top amount in any given year, but we can issue them more, it is just not bank qualified. Gina Fiorini says the 10 million comes from "qualified bonds" each year, but cities can issue more than 10 million, but they are allowed to go over that amount. The Spiro Academy and the other request this year are not needing to be bank qualified, so we were able to work with them at the higher amount. Johnson asks if Hilltop was being paid off for earlier issuance? Gina says yes. In 2018 the Global ABC purchased some land in New Brighton and improved an existing building as their charter school so they will be paying of their taxable loans and expanding their existing facility. Johnson asks anyone on the call to speak to this. Helen Fisk, director of Global Academy thanked the Council for considering the proposition. They opened in 2008 and can pay off 1st debt and add a 2nd gym to the school. Johnson asks how many students in the school? Hellen says 450 kids from the metro area. They are a K-8 charge school. Johnson asks if there are any emphasis on subjects? Helen says they are an international baccalaureate global citizenship. They encourage them to think well and are well informed in technology. They have a high population of immigrants and have a very interesting student body. Johnson states that the last few bonds have been to schools. Spencer clarifies that we do this as a service, not as a debt. Gina says that is true. The borrower is sole obligation to pay debt, not the City. There is no debt to the city and will not impact the city's credit. Johnson says we can't do this in a year where the city is bonding. Kaltsas says that is correct.

Motion by Betts, second by Grotting to close the public hearing

Motion by Spencer, second by Betts to approve Resolution No. 21-0907-02 the authorization of the issuance, sale, and delivery of charter school lease revenue bonds. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

9. Consideration of the State of Minnesota Department of Transportation and Hennepin County and City of Independence Cooperative Construction Agreement for the County Road 90 and TH 12 Roundabout Construction Project.

- a. **RESOLUTION 21-0907-03:** The City Council is being asked to approve the cooperative agreement and authorize the Mayor and City Administrator to execute the agreement.

Johnson asks Kaltsas if the plans are similar to County Road 90 and Highway 12. Kaltsas says they have a cooperative agreement come up for accommodating stormwater. MnDot and Hennepin County helped incorporate some language into the cities hand in stormwater issues. Johnson says watching the one big one down here, they put fabric under the whole thing and if we were responsible for cleaning that up would be a huge burden and stormwater management is expensive. Spencer asks if there are any issues with mowing the center of the roundabouts. Kaltsas says it is rock and decorative grass now so less maintenance. Both roundabouts will be consistent. Spencer asks if there is still pedestrian crossing? Kaltsas says it is for people coming down the highway that are bicycling and need to get from one side of the road to the other. The provision is the same as with County Road 90. Vose says nice work to Mark since they are not particularly agreeable or flexible on the policies. Grotting asks about lighting. Kaltsas says there is lighting on the local legs along the highway strip.

Motion by Johnson, second by Spencer to move Resolution No. 21-0907-03. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

10. Open/Misc.

Johnson asks if we have a firm grasp on who is responsible for the wetlands and housing developments. Kaltsas says we require a stormwater maintenance to be signed by the developer or owner. We have also adopted a stormwater ordinance if an HOA doesn't take care of it. Kaltsas says that some common land will be put on another level. We can assess some of the cost to the property owners. Cities that have been growing, these ponds are a real cost. Ponds can be \$250,000 just to clean the sediment. You can excavate it but any material you pull out you have to pay to dispose of contaminated materials because it is pollutants. Vose says that some cities assume ownership of the costs, but the debts come due all at once. Kaltsas says we want to stop erosion and assess every year. Betts asks about using some pumps to water their lawn with contaminated water. Kaltsas says the reuse system has a new set of criteria. We require an electrical outlet to plug in and aerate the ponds.

Johnson asks about the ribbon cutting for the road construction. Nathan from MnDOT says he will try to get a huge pair of scissors. Johnson says he would like to do this to say the project is completed. Nathan says he will talk with MnDOT about making this happen and for Hwy 12 and County Road 92 also.

Grotting asks if there will no longer be a whistle blowing at Valley and 92. Kaltsas says there will not be a whistle there or at 92 because the train will run under 92.

11. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 7:35 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

