

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 5, 2021 – 6:30 P.M.
City Hall Chambers

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: None

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

VISITORS: Mary Fehn, John Conlin, Sam Vandeputte, State
Representative Jerry Hertaus

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 September 21, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1 Checks Numbered 20740, Batch #2 Checks Numbered 20741-20772)

Motion by Betts, second by Spencer to approve the Consent Agenda. Ayes: Johnson, Spencer, Grotting, McCoy 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.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Fire Department Open House

Spencer attended the following meetings:

- Planning Commission

McCoy attended the following meetings:

- Fire Department Open House

Betts attended the following meetings:

- Police Commission

Johnson attended the following meetings:

- Planning Commission
- Installation Ceremony of the new President of Crown College
- Orono Healthy Youth (Zoom)
- Senior Community Services Board (Zoom)
- Hennepin County Active Living (Zoom)
- Finance Meeting for Sr. Community Services Board (on stand-by)
- Police Commission
- Toward Zero Death (TDZ) Phone Interview
- Annual Citizens League, MN (virtual)
- Fire Department Open House

Horner attended the following meetings:

- Planning

Kaltsas attended the following meetings:

- MetCouncil
- Working on meeting with Mediacom and Medco to expand data & internet services

7. Sam Vandeputte (Applicant) and 1985 Co Rd 90 Llc (Owner) are requesting the following actions for the property located at 1985 County Road 90 (PID No. 22-118-24-41-0005) in the City of Independence, MN:

- a. **RESOLUTION NO. 21-1005-01** – Considering approval of site plan review to construct a new principal structure and outdoor storage on the property; and
- b. A commercial conditional use permit to allow an increase in the total allowable impervious surface coverage above 30%.

Kaltsas explains the request from Sam Vandeputte. One of the biggest things that was noted during the earlier plans are the need to mitigate the wetland closest to the road on the property. They did go through the process to mitigate that wetland. They have put together a plan to construct two new 12,000 sq ft buildings. There would be a large outdoor storage area on gravel for raw material storage. Parking is proposed on the east side of both buildings. The building is nonsteel exterior which meets city building design standards. Their plan will meet all architectural code and they may go with a flat pitched or metal roof. The building would be a mix of office, warehouse and manufacturing space so as far as parking, the city has come up with approximately 65 parking

spaces, however the plan shows 69 parking spaces which is adequate. The parking will be paved and curb and gutter. Setbacks will all be met and there is a landscape and stormwater plan.

They are asking for a conditional use permit for an increased total allowable impervious surface coverage above 30% which would be approximately 53% impervious. The base level is 30%. They noted that they would be requesting it for additional outdoor storage. The planning commission would like to see opaque fencing on the North and East sides where it is visible from public view. The South and West sides could be a chain link fence if needed. Planning commissioners noted that outdoor storage will be used for paying tenants in this building and not lease or rent. They included this in the condition. There were no public comments on this request and planning commission recommended approval.

Johnson asks if the plan will be presented to the city for the outdoor storage. Kaltsas says there isn't a separate plan provided for the outdoor storage. Johnson asks if there is a plan for rain overflow into the county ditch. Kaltsas says rainwater would flow into the wetland to the West or into the ditch. Johnson mentions he would hate for a high rainstorm to flood the road. Kaltsas says they will do final review once they get all the calculations, and they are subject to watershed review and approval. Betts asks what types of buildings would be allowed here? Sam Vandeputte says it will be just like they have now. We would have 50% of the building and lease out the other half of the building. Johnson asks if the driveway is the same. Sam explains that it is right across the street from the East building.

Grotting asks if the west side of the building are loading docks or what is between the buildings. Kaltsas says there are loading docks and it is for staging, loading and deliveries. The primary and secondary septic was also noted as well as drain fields. Spencer asks about the opaque fence between the park and the business. He asks isn't there a significant number of trees along that line. Kaltsas says some of the trees will come out but most of the trees are on the city side of the line. It is possible that the city would impact the trees in the future as well if they added a ballfield or something else to the park. Sam says once they get the percentage of landcover they will move ahead. Then we will get the grading and building plans to Mark within the next 3 months.

Johnson asked if they have taken any consideration to the footage that the city usually allows on County Road 90 or has that already been included to make it a 100' from the road? We usually ask for an additional 17' for county road upgrades. Kaltsas said we could clarify that with the county. There is a 33' half section with the present road. McCoy asks if this is considered a subdivision. Kaltsas says no and that is probably why the county is not asking for the additional 17' setback. McCoy says if it was built as proposed it'd be like the city hall as it comes to our parking lot. Spencer says he thinks there is enough room that if the county wants to come back and get 17' they can. Johnson asked what the county required on County Road 11 for the berm. Kaltsas said this is different.

Bob Vose proposed #8 about the outdoor storage limited to use by owners or tenants. It should be noted that there is no separate renting. Applicant may want to allow renting of outdoor storage but only to tenants. Johnson says this would be a 2- or 3-word change. McCoy mentions that he likes that additional change.

Motion by Spencer, second by McCoy to approve Resolution No. 21-1005-01 with the amended #8 wording change. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

Johnson recognized Jerry Hertaus walked in. Jerry greeted the Council. Hertaus read the House Resolution honoring Mayor Marvin Johnson on 41 years of service. Marvin Johnson is the longest serving Mayor in Minnesota history. He has been involved with the city since 1973. Hertaus presented this to Mayor Marvin

Johnson and they took a couple photos with the Council members.

8. Katie and Brian Roers and Mary Fehn (Applicants/Owners) request that the City consider the following action for the properties located at 2914 and 2030 Lindgren Lane (PID No.s 13-118-24-24-0006 and 13-118-24-24-0031) in Independence, MN:

A. **RESOLUTION NO. 21-1005-02** – Considering minor subdivision to allow a lot line rearrangement between the subject properties.

Kaltsas explains a minor subdivision and lot line rearrangement between Fehn and Roers. There are a few changes this will cause. It would add acreage to 2914 Lindgren Lane and take away acreage from the 2030 Lindgren Lane property. The property on 2030 does not have applicable frontage on a public right of way so it is considered a legal nonconforming property and 2914 has no frontage on a public right of way. Both properties are connected to the city sanitary sewer and 2914 will be connected in the constructed condition. There are no changes in the after condition to the properties. Mary Fehn is present as well as John Conlin. They discussed a cut through for delivering packages and neighbors noticed increase traffic. There is no formal agreement related to access, but they feel it would be resolved with construction of a new home. Planning commission noted we don't control this cut-through issue and recommended approval. Mary noted that the two people that spoke last time are 2 lots South of her property and the partial driveway helps get larger emergency vehicles and delivery vehicles in and out efficiently.

Johnson asked if the old cabin still there. Mary says no. Kaltsas says they are planning on doing something to build in accordance with the variance. Johnson asked if anyone is online that would like to speak to this topic. Kaltsas says no. Spencer asks if the intention is for them to build another driveway or what the agreement is. Kaltsas says we gave them a license agreement to use the city side. Grotting asks if there is a casual maintenance agreement. Kaltsas says we have a written agreement on the maintenance and access on the city's property, but it is up to the two owners if they want to do something on the cut-through driveway. Grotting asks what the ratio is and if it is still 1:4. Kaltsas said it is still 1:4 but essentially, they are taking two legal nonconforming lots and making them better. The 1:4 does not apply when they are not creating new.

Motion by McCoy, second by Spencer to approve Resolution No. 21-1005-02 for a minor subdivision to allow a lot line rearrangement between the subject properties. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

9. Consider Approval of **RESOLUTION NO. 21-1005-03** Appointing Election Judges for the November 2, 2021 General Election.

Motion by Grotting, second by McCoy to approve Resolution No. 21-1005-03 the approval of appointing election judges for the November 2, 2021 General Election. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

10. Consider Approval of **RESOLUTION NO. 21-1005-04** Approving the Jurisdictional Transfer of a Portion of CSAH 92 South of Highway 12 As a Result of the CSAH 92/TH 12 Overpass and Realignment Project.

Kaltsas explains this is to transfer a portion of County Rd 92, South of Highway 12. The county would give part of County Rd 92 back to the City. The County would give the City a lump sum of cash to put towards multiple repairs that would be needed after this road project. The city would determine how to use the funds to make improvements to items such as signs, culverts, etc. and bring the road up to standards. It would be about \$110,000 as a part of that turn-back. It would get us a 15-year road. Johnson asks if the driveway off the new road is all owned by the same person. Kaltsas says yes. The property to the West would have access to the cul-de-sac. Spencer asks if the cul-de-sac is on Valley Rd? Kaltsas says this is just the project map. Valley is being constructed at 100% of Hennepin County. McCoy asks if Valley will be the last Road done. Kaltsas says it will be the first road done since the railroad would like it closed off. McCoy says he is just thinking of emergency vehicles to have it closed last so we can get through. Kaltsas says he wonders if it can just allow for emergency vehicles to get through. Johnson says if locals know its open, they'll use it all the time. It could be a major cut-through road.

Motion by Betts, second by McCoy to approve Resolution No. 21-1005-03. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

11. Discussion Regarding November 2, 2021 City Council Meeting Date Conflict Due to the General Election.

Due to the General Election on November 2, this would interfere with the City Council Meeting planned this evening. Kaltsas says there are a few planning items so we can't skip this one. The Monday before or the Wednesday following would work or pushing it to the following week. Johnson says he is busy the following Tuesday. We can do it Wednesday, November 3 at an earlier time, 5:30pm.

Motion by Spencer, second by Grotting to change the November 2, 2021 City Council Meeting to November 3 2021 at 5:30pm. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.

12. Open/Misc.

13. Adjourn.

Motion by Betts, second by Spencer to adjourn at 7:42 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: McCoy. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary