

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY DECEMBER 7, 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, Bob Vose

VISITORS: Several for agenda items

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 November 16, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable (Checks Numbered 20868-20906).
- c. Approval of Pay Application Request #11 from Rochon Corporation for work completed on the 2020 City Hall Project.
- d. Approval to not waive the monetary limits on Tort Liability established by MN Statues, to the extent of the limits of liability coverage obtained from the LMCIT.

Motion by Betts, second by McCoy 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.

Peg Timm came to ask to be put on the Council Agenda for January 4. Vose suggested that she send in some information prior to that and notify other party and residents as well.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Planning Commission

Spencer attended the following meetings:

- Planning Commission
- View Santa

Betts attended the following meetings:

- Planning Commission

McCoy attended the following meetings:

- Planning Commission
- View Santa

Johnson attended the following meetings:

- Orono Mama Mia
- Kevin Anderson (County Commissioner) Hosted a Coffee at Blackwater
- Active Living (virtual)
- View Santa

Horner attended the following meetings:

- Planning Commission
- View Santa

Kaltsas attended the following meetings:

- Planning Commission
- Metro Cities – limiting zoning rights within the cities

7. Bellissimo Farms, LLC (Applicant/Owner) requests that the City consider the following action for the property located at 7220 Turner Road (PID No. 28-118-24-14-0006) in Independence, MN:

- a. **RESOLUTION 21-1207-01** – Considering approval of a conditional use permit amendment to allow the expansion of a building used by the commercial riding stable on the subject property.

Kaltsas explained that they are requesting a CUP amendment to add a connecting building or expansion. It is zoned AG. They are currently boarding 7 horses. They will add tack area and some stalls that will be approximately 1,800sqft. Planning had a public hearing, and they are recommending approval with conditions in resolution.

Spencer said it looked like the same as is. Grotting asked if the two permits affect each other, referring to a barn dominium request a few years ago. Kaltsas said it would not affect each other on the total.

Motion by Spencer, second by Grotting to approve Resolution 21-1207-01. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

8. Anita Branson (Applicant/Owner) requests that the City consider the following actions for the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN:

- a. **RESOLUTION 21-1207-02** – Considering approval of a variance and minor subdivision to permit the subdivision of property zoned AG-Agriculture that does not meet the minimum of 40 acres to qualify for a rural view lot subdivision.

Kaltsas explained that this was already considered at the last planning meeting. This is a request for a variance to allow a subdivision. Property is on County Line Road, zoned AG and is approximately 30 acres in size. It is bi-sected by County Line Road. In the after condition, it would be two properties. Tract A would be 20 acres on the Southern portion and Tract B would be the Northern portion of 10 acres. RR lot subdivision needs at least 40 acres so the variance would be needed to allow for the subdivision. This meets all conditions and standards for granting a variance. The bi-section is of no fault of the owner and is a hardship. There are not many properties in Independence that have these conditions. Planning Commission had no public comments. A park dedication fee would be applied to Tract B.

Johnson asked Anita Branson if everything is clear. Anita replied, yes. Grotting asked why it says that there is an exception on this. Kaltsas said it is a ¼ of a ¼.

Vose said that when we subdivide and plat, we get title work done. On small things we do not require this. Anita is a member of the Roth family properties entity. In addition to recording Resolution, we have to record quick claim deeds. They will need a warranty deed and Anita is aware of this. He asked if Anita has power for this. They would have to execute deeds. Grotting asked if there is any discussion to realign County Line Road. Johnson said we do not.

Anita confirmed that the family is in a LLC as well as the property.

Motion by McCoy, second by Spencer to approve Resolution 21-1207-02. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Jeremy and Sadie Kolbe (Applicants/Owners) are requesting the following action for the property located at 3110 County Road 90 (PID No. 14-118-24-22-0004) in Independence, MN:

- a. **RESOLUTION 21-1207-03** – Considering approval of a variance for a reduced side yard setback to allow the expansion of the existing home in alignment with and using the same setback as the existing home.

Kaltsas explained that this is a request to reduce the side-yard setback on the South side to expand the size of their house. The house encroaches into the setback just over one foot. Planning Commission had a public hearing with no issues. The building structure make sense in the same footprint. Planning recommended they provide 1.5 feet for the variance, and it meets the criteria for granting a variance.

Spencer said that these small variances seem to make sense. He asked if these should have some of these minor things in our ABR building committee so it's a less rigorous process. Kaltsas agreed and stated if it's in line with existing structure, this would be justified. Grotting said having it under that board still insulates Mark. Johnson asked if it was explained well. Sadie said it was explained well.

Motion by Spencer, second by Johnson to approve Resolution 21-1207-03. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

10. Consider Adoption of the Final 2022 Tax Levy and General Fund Budget and Associated Actions.

- a. **RESOLUTION 21-1207-04** – Adopting the 2022 General Fund Budget.
- b. **RESOLUTION 21-1207-05** – Adopting the 2022 General Tax Levy.
- c. **RESOLUTION 21-1207-06** – Adopting the 2022 Pioneer Sarah Creek Watershed Management Commission Tax Levy.

Kaltsas said it is very similar to preliminary plans for the budget for 2022. Betts said that the budget looks really good and thanked Mark for all the work he has done on this. Spencer said Mark and ABDO have done a super job and it looks very clean.

Motion by Johnson, second by Spencer to approve Resolution 21-1207-04, General Fund Budget. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by McCoy, second by Betts to approve Resolution 21-1207-05, General Tax Levy. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by Spencer, also calling out Joe Baker who has kept the budget flat and has done a great job, second by Grotting to approve Resolution 21-1207-06 PSCWMC. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

11. General Administration Action Items:

- a. **RESOLUTION 21-1207-07** – Considering approval of the Hennepin County Residential Waste Reduction and Recycling Grant Agreement. Hennepin County requires each city to implement and maintain an organics recycling program for all residents.

Johnson introduced this item to explain that this would be a recycling grant to require organic recycling. Kaltsas said we have to provide organic recycling to residents. We will first require haulers to offer it, or we can provide a waste container at the City. Johnson asked about a different color garbage bag. Kaltsas said it is a blue bag. He stated this is food organics. Grotting asked if this is just a passthrough. Recycling is paid by the City and paid back through taxes. He asked if we could charge residents for recycling. Kaltsas said that waste hauler is paid for by the residents, but recycling is ultimately paid for by property taxes. Spencer said we don't have billing set up for this. He asked if we could be exempt since most people compost. It made more sense for Minneapolis than it does out here in the suburbs. Johnson said before regular recycling we had a building that turned into a junk pile.

Motion by Spencer, second by Johnson to approve Resolution 21-1207-07. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- b. **RESOLUTION 21-1207-08** – Considering approval to accept the redistribution of unrequested American Recovery Plan Act funds. Approval would allow the City to obtain additional funding if it becomes available.

Motion by Betts, second by Spencer to approve Resolution 21-1207-08. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- c. **RESOLUTION 21-1207-09** – Certifying Delinquent Sewer Service Charges. The City is annually required to certify delinquent sewer service charges to Hennepin County for inclusion in 2022 property tax bills.

Spencer clarifies that this is not tax deductible.

Motion by Spencer, second by McCoy to approve Resolution 21-1207-09. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- d. Consideration of a Stipulation Agreement with Erik and Marjorie Hegstrom to allow them to retain and occupy the existing house located on the property at 2160 Nelson Road while they construct a new home on the same property. The agreement requires an escrow deposit to be made and retained by the City until the new home is complete and the existing home is removed.

Motion by Grotting, second by McCoy to allow the owners to live in the existing home while constructing their new home. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

- 12. Request by residents on County Road 92 to consider a road name change for the portion of County Road 92 that will be turned back to the City following completion of the new overpass and realignment.

Johnson stated that he wanted to move this up on the agenda to be discussed first.

Keith Triplett who lives on 2555 County Rd 92 N where the City will be taking ownership from the County. He stated that on October 19th he got a letter from Hennepin County that the road name will be changed to Rumpza Rd. Sara Triplett polled the neighbors who would be affected. They discussed that none of the 4 residences were interested in the name that was chosen. He thought that it should be Cardinal Way since Egret was close by, nothing against the Rumpza's, but there have been other residents along this stretch that have passed away that could have been honored as well with the road name. Instead, they chose a bird name to not offend anyone. He said they felt disappointed they were not given a say in what the name should be. He thought they should have been involved in the naming process.

Johnson apologized that he did not feel heard regarding the name change. He said the City does have the prerogative to name any road within the City. Anyone that comes in with a new development, they do have a say in the name. There are three generations of Rumpzas that have grown up on that farm. He stated that he was disappointed that the neighbors of the Rumpzas feel this way because he believes history should be recognized here as it has been done in the past. He asked for other Council members to chime in if they have input.

Spencer asked what the logistics are to changing the name at this point. Kaltsas said that no signage has been ordered at this point so it would be just notifying the State. Betts asked if there is a possibility that they could use a Rumpza first name instead of their last name such as Robert Road. Johnson said that the family chose that name, so it was what they wanted.

Sue Fink said she has lived at 2775 Co Rd 92 for 52 years. They were good friends with the Rumpza family. She asked Marvin who the 3 generations of Rumpzas that lived there. She said they felt like they had no input in this selection.

Spencer said that he thought they should have been notified, especially having to deal with the inconvenience of the road work and now not being considered in the road name. He said they should be issued a letter of apology to the residents that they were not included in this decision. Betts said she agreed with Spencer's opinion. Spencer said since they already all agreed on a name, the Council should consider this.

Motion by Spencer, second by Betts to change Rumpza Rd to Cardinal Rd, Spencer to draft a letter to the Rumpza family to explain the decision and to apologize. Ayes: Johnson, McCoy, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

13. Open/Misc.

Johnson asked about the ARPA funds and what we can use it on. Kaltsas explained the ARPA funds will be available but no clear number yet. It has to be an expense associated with the act.

Kaltsas explained that the condition of the Public Works roof is a rubber membrane roof with a steel deck. It is 20 years old and is needing repair or replacement. After a contractor looked at it, it would be beyond repair and a new one would be needed. This year there was little rain so that was in favor for us this year. Johnson asked if there were any repairs lately. Shawn Bode said there has been but it's basically like putting Band-Aids on it. Grotting asked about the sky lights and if they are deteriorating. Bode said they skylights are fine but where the membrane is attached is where it is deteriorating and causing the problem. Grotting asked if 60M is the average in thickness. Bode said yes, the standard insulation is 3". McCoy said it sounds like if it's that bad we need to

get this fixed. He asked if this is the proposal that we are recommending. Kaltsas said Pinnacle is a better price which is a company Shawn likes. Vose told Kaltsas that the warranty is for 20 years so they may want to include the manufacturers warranty since it is not guaranteed in their contract.

Johnson asked if both companies have good reviews. Bode said he contacted several people about them, and they recommend them. Kaltsas said we just need to get multiple quotes. Spencer asked if we would want to consider the downspouts. Bode said he doesn't recommend replacing the existing downspouts at this time. Spencer said we can accept the bid from Pinnacle with language recommended.

Motion by Spencer, second by McCoy to accept the bid from Pinnacle with the additional language recommended by Vose. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

14. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 7:48 p.m. Ayes: Johnson, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary