



CITY COUNCIL MEETING MINUTES
TUESDAY JULY 15, 2025

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

Mayor Brad Spencer called the meeting to order on Tuesday, July 15, 2025, at 6:30 PM

2. Pledge of Allegiance

Mayor Spencer led the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Spencer, McCoy, Betts, Fisher, Grotting

ABSENT: None

STAFF: City Administrator Kaltsas, Administrative Services Director Simon,
Public Works Supervisor Ben Lehman, WHPS Chief DuRose

VISITORS: See Sign in Sheet

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

Mayor Spencer stated that the consent agenda items would be considered routine and acted on by one motion unless someone would like to remove an item for discussion. The consent agenda included the following items:

a. Approval of City Council Minutes from the June 24, 2025, Regular City Council Meeting.

b. Approval of Accounts Payable (Batch #1; Checks Numbered 23769-23783, Batch #2, Checks Numbered 23784-23795 and Batch #3, Checks Numbered 23796-23816).

c. Agriculture Preserve Renewal Application – PID No. 10-118-24-41-0001.

d. Large Assembly Permit: Twin City Polo Club – 2025 Polo Club Classic – August 3, 2025.

No council members requested to remove any items for discussion.

Motion by Councilmember Betts, seconded by Councilmember Fisher, to approve the consent agenda. All in favor. Motion carried. 5-0

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

Mayor Spencer asked if anyone present wanted to discuss a topic not on the agenda. No one responded. Mayor Spencer asked if any council members had items to add to the agenda. City Administrator Mark Kaltsas suggested adding a special meeting for the joint meeting with Maple Plain in August. Mayor Spencer confirmed that a joint council meeting was tentatively scheduled for August 21, 2025, at 6:30 PM with Maple Plain to discuss the merger of the Maple Plain Fire Department into the West Suburban Fire District. The council members agreed to the proposed meeting date.

6. Reports of Boards and Committees by Council and Staff.

Fisher attended the following meetings:

- None

Betts attended the following meetings:

- None

McCoy attended the following meetings:

- Fire Commission Meeting on July 8th

Grotting attended the following meetings:

- Planning Commission Meeting

Spencer attended the following meetings:

- Planning Commission on the 15th
- Zoom meeting regarding Lake Independence OHWL with the DNR, Hennepin County, Pioneer Creek Watershed District on the 25th
- Meeting with LICA's president Tom Blank on the 26th
- West Suburban Fire District board meeting on the 26th
- Meeting with Maple Plain mayor and administrator regarding the fire department on the 2nd
- West Hennepin Public Safety Commission hiring discussion on the 8th
- Maple Plain Fire Department quarterly commission meeting on the 8th
- KwikTrip groundbreaking on the 9th
- Highway 12 Safety Coalition on the 10th
- Lakes Sarah Improvement Association meeting and picnic on the 13th

7. West Hennepin Public Safety – Director Matthew DuRose: Presentation of the June 2025 Activity Report.

Chief Matt DuRose presented the June 2025 activity report for West Hennepin Public Safety. He reported that incident numbers were up, primarily due to increased traffic stops resulting from officers' interest in traffic enforcement and education. He noted an increase in DWIs, including one that resulted in a pursuit ending in Minnetonka with assistance from partner agencies. There were also two second-degree DWIs, a third-degree DWI, and a fourth-degree DWI.

Chief DuRose mentioned ongoing issues with thefts, swindles, and scams with no consistent pattern. He explained that these are typically online or phone scams where victims fall prey to calls or emails without proper verification. While these cases are difficult to investigate because they cross state and country borders, the department has made progress on some and is working to help victims recover lost funds.

Looking ahead, Chief DuRose highlighted upcoming events including the Polo Classic, Tour de Tonka, Night to Unite on August 5th (for which they are still seeking neighborhood party registrations), and the Battle of the Badges and McGarry's Golf Tournament on August 18th.

Mayor Spencer inquired about a "Cops and Bobbers" fishing event that had recently taken place on Lake Minnetonka, organized by South Lake Minnetonka PD. Chief DuRose expressed interest in organizing a similar event in the future, possibly in partnership with Medina PD. He noted it would be an excellent opportunity to connect with local children and take them fishing. The council discussed potential resources, including donors for equipment and food, and boat sponsors.

8. Lake Independence Citizens Association – Presentation to Council on Lake Independence Water Quality.

Chris Dahlberg, Treasurer of the Lake Independence Citizens Association (LICA), presented on water quality initiatives. He explained that LICA is addressing two major concerns: high water levels and water quality in Lake Independence.

For the first initiative, Dahlberg described the outlet channel cleanup project. He explained that Lake Independence has one outlet channel with very little slope, which causes water to leave the lake slowly. The channel, which used to be well-defined at 15 feet wide, has become overgrown with cattails. In partnership with the Pioneer Sierra Creek Watershed Management Commission, LICA obtained a Minnesota DNR permit and conducted herbicide treatment via drone last fall to kill cattails in the channel from Independence Road to Pagenkopf.

The next step requires physical clearing of the cattails using a tracked machine called a "truxor" that can drive through muck, dirt, and float on water. The machine will cut cattails at the base of the channel and remove "bog" materials. LICA has proposals from two vendors, with Aquatic Weed Harvesting being the primary vendor under consideration.

The second initiative focuses on curly-leaf pondweed control. Dahlberg noted that the frequency of occurrence has increased from under 20% to over 60% in recent years. This invasive species grows early and dies off at the worst time of year, releasing phosphorus that causes algae blooms. LICA has worked with Three Rivers Park District on assessments and has secured a lake vegetation management plan approved by the DNR, which will allow them to apply for grants starting in 2025.

Dahlberg presented a five-year program with estimated costs of \$65,000 for 2025, decreasing to around \$35,000 in subsequent years. LICA is seeking financial partnerships with the cities of

Independence and Medina (20% each), Pioneer Sierra Creek Watershed Management Commission (25%), Three Rivers Park District (15%), and LICA (20%). He noted that LICA has created a GoFundMe site and has raised over 50% of their portion, plus secured an additional \$5,000 commitment.

After discussion about the effectiveness of channel cleanouts and the precedent for cost-sharing in lake management projects, Mayor Spencer made a motion:

Motion by Mayor Spencer, seconded by Councilmember Betts, to support the channel clean out at 20% for 2025 and 2026 to a maximum of \$10,000 for this year and 20% to a maximum \$2,000 for next year. All in favor. Motion carried. 5-0

9. Lake Independence Residents – Presentation of Petition Relating to Proposed No Wake Ordinance Amendment.

Mayor Spencer announced that the agenda would be modified to hear Item 9 next to accommodate presenters who needed to leave to attend a Medina meeting.

Brian Roers introduced himself, noting he has three properties in Independence: 2914 Lindgren Lane, 2930 Lindgren Lane, and 2324 Copeland Road. He explained that the purpose of his presentation was to address the no-wake restriction on Lake Independence that has been in place since mid-June of this year, following a similar restriction from May to September last year.

Roers clarified that his group was not seeking removal of the no-wake restriction but rather a modification of the original ordinance to include a 250-foot setback. This would protect shorelines while allowing recreation in the deeper portions of the lake. He presented a petition with 53 signatures from lakeshore owners (out of approximately 109 total owners) supporting a 300-foot setback during no-wake periods. He noted this represented 386% more support than the 14 members who originally supported the no-wake ordinance in 2014.

Roers explained that his family and others purchased lakefront property to recreate on the water, and the ongoing restrictions had prevented that for nearly two summers. He noted that the original 250-foot setback was not included in the final ordinance due to enforcement concerns, which he believes are now solved with rangefinder technology. He mentioned that other area lakes like Minnetonka, Long Lake, and Buffalo have implemented setbacks during no-wake periods.

Regarding the process for changing the ordinance, Roers acknowledged that DNR approval would be required but noted that Buffalo had recently completed a similar process in less than two weeks. He also discussed research on wake boats, pointing out that studies recommend operation in water deeper than 15 feet and 500 feet from shore.

Mayor Spencer explained that since two cities regulate the lake, the process would take time. He noted that coordinated public hearings would need to be held in both Independence and Medina, with proper notification through newspapers and mailings to affected residents. The mayor estimated this would likely occur around August 19. He also mentioned that the Sheriff would

need to review any proposed ordinance and that the DNR has authority over the timeline for approval.

Mayor Spencer emphasized that this is a contentious issue with strong opinions on both sides, and that a comprehensive public input process would be necessary before any decisions are made.

10. Presentation of the 2024 Financial Audit.

Andy Grice presented the 2024 Financial Audit. He reported that the city received a clean or unmodified opinion on the financial statements, which is the best possible outcome. There were no findings to report regarding internal control over financial reporting, and no compliance findings related to Minnesota legal compliance.

Grice noted a low-level finding regarding lack of segregation of accounting duties, though mitigating controls were in place to reduce risk. He then presented financial analysis highlights:

- General fund revenues increased by approximately 3% from 2023 to 2024, primarily driven by increases in taxes, special assessments, and miscellaneous revenue (which included a one-time payment from Maple Plain Fire).
- This was partially offset by decreases in licenses and permits due to less development activity and a decrease in intergovernmental revenue.
- Taxes represented about 81% of total general fund revenues, with licenses and permits at 9% (down from 12% in 2023).
- Actual revenues exceeded budget by approximately \$429,000, mainly due to conservative budgeting for building permits and receipt of the small cities assistance grant and a new county grant for street projects.
- Expenditures exceeded budget by about \$318,000, primarily in public safety (increased contract fees with West Hennepin Public Safety) and public works (culvert maintenance project).
- The net result was a surplus of about \$71,000, increasing fund balance to approximately \$2,200,000, which represents 43% of the 2025 budgeted expenditures (in compliance with the city's 40-50% policy).
- The sewer utility fund showed an operating loss of about \$103,000, but when excluding non-cash depreciation expense, operations were positive by about \$19,000.

No action was required on the audit presentation.

11. Arman Taghizadeh (Applicant) and Mark Moorhouse (Owner) are requesting the following actions for the property located at 7949 County Road 11 (PID No. 09-118-24-22-0004) in the City of Independence, MN.

- a. **RESOLUTION No. 25-0715-01** – Considering approval of a conditional use permit (CUP) to allow a ground mounted solar system which is greater than 500 SF; and a

variance to allow the ground mounted solar system to be located less than 100' from the side property line. The applicant owns both of the properties on either side of the property line.

City Administrator Mark Kaltsas explained that the applicant requested a conditional use permit to allow ground-mounted solar that exceeds 500 square feet and a variance to allow the solar system to be located less than 100 feet from the side property line. The property is located on the south side of County Road 11, just west of the intersection with County Road 92. The applicant owns both the subject property and adjacent properties.

The proposal includes four ground-mounted solar tracking arrays totaling 2,244 square feet, which is less than the maximum 2,500 square feet allowed by ordinance. The applicant proposed constructing two berms for screening: one along County Road 11 (already constructed but not yet landscaped) and a second in front of the panels.

The Planning Commission recommended approval with conditions, including that the applicant combine the two properties into a single property rather than granting a variance for the setback. The city received one letter from a resident across the street requesting denial of the application, citing concerns about ongoing construction activity on the property.

Cece Hardigan, the engineer for the project, explained that the proposed location was selected due to:

1. Plans to remove two existing barns and build a larger structure in their place
2. The need to minimize distance to utility service equipment to reduce wiring costs
3. The need to avoid underground geothermal wells
4. Future plans for a pool, pool house, and other structures on the property

The council discussed whether to require lot combination or grant the variance. Mayor Spencer asked about the property owner's future plans, and Kaltsas confirmed they intend to eventually combine their properties through a broader replat process, but that would take more time than a simple lot combination.

After discussion, the council decided to approve with a condition requiring lot combination within one year, secured by an escrow:

Motion by Councilmember Betts, seconded by Councilmember Grotting, to approve Resolution 25-0715-01 with the condition that the applicant combine the lots within one year, secured by a \$10,000 escrow. All in favor. Motion carried. 5-0

12. Chloe Kirks (Applicant) and Andrew Fairbairn (Owner) are requesting the following actions for the property located at 7975 County Road 6 (PID No. 33-118-24-23-0001) in the City of Independence, MN.

- a. **RESOLUTION No. 25-0715-02** – Considering approval of a conditional use permit (CUP) to allow a ground mounted solar system which is greater than 500 SF.

City Administrator Mark Kaltsas presented the application for a conditional use permit to construct a ground-mounted solar system at 7975 County Road 6. The property is located on the south side of County Road 6, just east of the intersection with County Road 92, and is approximately 7.75 acres.

The applicant proposed a fixed ground-mounted solar array of 944 square feet that would meet all applicable setbacks from property lines. The system would be located to the south and west of the existing house, sitting in a lower area of the field. Due to existing tree lines along County Road 6 and in the field, along with the topography, the Planning Commission determined that additional screening was not necessary.

The Planning Commission held a public hearing where no one spoke on the matter, and the city received no comments or opposition. The Planning Commission recommended approval with standard conditions including compliance with all applicable codes and recording the conditional use permit with Hennepin County.

Motion by Councilmember McCoy, seconded by Councilmember Fisher, to approve Resolution 25-0715-02. All in favor. Motion carried. 5-0

13. Open/Misc.

14. Adjourn.

Motion by Councilmember McCoy, seconded by Councilmember Grotting, to adjourn the meeting at 7:50pm. All in favor. Motion carried. 5-0