

MINUTES OF A REGULAR MEETING OF  
THE INDEPENDENCE CITY COUNCIL  
TUESDAY, February 4, 2025 – 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 Spencer at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Spencer, Betts, Grotting, Fisher

ABSENT: McCoy.

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

VISITORS: City Attorney Vose, Bill Stoddard, Bob Topp.

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 January 21, 2025, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 - Checks No. 23391-23402 and Batch #2 - Checks No. 23403-23413).

**Motion by Betts, seconded by Grotting to approve the Consent Agenda. Ayes: Spencer, Betts, and Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 3-0**

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:**

- Dinner for Marvin Johnson

**Grotting attended the following meetings:**

- Dinner for Marvin Johnson
- Marvin's Open House

- Met with Ben Lehman, Public Works Supervisor
- Workshop

**Spencer attended the following meetings:**

- Lifesaving Award at McDermid Alpha
- Workshop
- WHPS Chief Interviews
- WHPS Commission
- Marvin's Dinner
- Marvin's Open House
- Maple Plain Fire Dept meeting
- local developer

**Simon** – None

**Kaltsas** – None

7. City Council Acceptance of Council Member Resignation and Declaration of Vacancy.
  - a. **RESOLUTION 25-0204-01** – A Resolution Accepting Resignation and Declaring a Vacancy

**Motion by Grotting, seconded by Betts to approve RESOLUTION 25-0204-01 for adopting Resolution Accepting Resignation and Declaring a Vacancy. Ayes: Spencer, Betts, and Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 3-0**

8. Appointment and Swearing in of New Council Member Brad Fisher.

**RESOLUTION No. 25-0204-02** - Approval of City Council Member Appointment of Brad Fisher to the vacant City Council position.

Attorney Vose – For the record we are appointing a replacement councilmember for the remainder of the term ending December 31, 2026, and no special election was needed. It's extraordinarily fortunate a resident of the city could finish out the term for Spencer.

Grotting – It is good to have a past councilmember to finish out the term.

Brad Fisher was appointed to serve out the remainder of Brad Spencer's council term ending December 31, 2026.

Simon swears Brad Fisher

**Motion by Betts, seconded by Grotting to approve RESOLUTION 25-0204-02**

**appointing Brad Fisher to the vacant City Council position. Ayes: Spencer, Betts, Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 3-0**

Spencer introduces and welcomes Ben Lehman as the new Public Works Supervisor.

9. William Stoddard (Applicant) and Motor Condos LLC (Owner) requests that the City consider the following action for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):
  - a. **RESOLUTION No. 25-0204-03** – Considering approval of a variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance.

Kaltsas – This sign variance for US Hwy 12. Planning Commission made recommendation to City Council. It's a commercial development to occur at Hwy 12 that is platted, recorded, and has a development agreement. Applicant would like to put up a temporary real estate sign on the property but in looking at ordinance the max sign is 32sqft. Typically, that's not an issue and is a common sign, but the setbacks and additional right of way/ROW to MNDOT and the City and being on Hwy 12, so were asking City Council to consider sign variance. Planning Commission discussed that the proposed sign would be back 75ft from pavement, sign size would be 80 sqft., and the speed of the road and proximity. This location could warrant a larger sign. Planning Commission recommended approval to Council to have 2 sides of a V configuration. This is temporary. Up to 3 years from date of Council approval but can ask for extension based on how many units are left to sell.

Grotting – I'm not involved in this business, but under contract with a different parcel, should not affect voting.

Stoddard – that's exactly what we applied for. The one slide up here now. You can't see the old sign there. Reason for v shape you can see from both sides and would like to be portable and moveable with skid loader. Update – the first motor sales staff meeting is tomorrow night and hoping to break ground in the Spring and have a couple residential lots sold in the Spring here. With nothing to do after Superbowl then to drive around and look at properties.

**Motion by Betts, seconded by Fisher to approve Resolution 25-0204-03 approving a variance to allow a temporary real estate sign that exceeds the maximum size permitted by ordinance at 9285 US Hwy 12. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

10. Tom Bren (Applicant) and Sarah Goullaud (Owner) requests that the City consider the following action for the properties located at 7104 Pioneer Creek Rd., Independence, MN (PID No. 19-118-24-14-0001 and 22-118-24-33-0001):

- a. **RESOLUTION No. 25-0204-04** – Considering approval of a conditional use permit (CUP) to allow the construction of a detached accessory dwelling unit (ADU) on the subject property.

Kaltsas reviewed the request from the packet. This conditional use permit/CUP is for detached accessory dwelling unit/ADU for Applicant Bren and Owner Goullaud. It's zoned AG, guided as AG, and is just under 10 acres in overall size. It's for building an ADU noting they would be building a new detached structure and locate the accessory dwelling unit/ADU within the detached structure. Make a finding that it meets both. ADU – it's within a detached building and there is a principal structure on the property. It must be subordinate in size to Single Family Dwelling and fully separated from the SFD, architecturally compatible, and 1200 sqft or less and more than 400 sqft. This meets size requirements. Other sqft is exempt from overall size such as storage and garage. Permanent provisions for cooking, living and sanitation. Kitchen, bathroom – shower, open living space, and second floor loft. Set up as studio style with no bedrooms. It's limited to homesteaded occupants or family. A family member would occupy this in the future. They will connect to existing to septic or holding tank. It will be reviewed by inspector. It's 9.71 acres and has no impact on the property surrounding. Criteria granting CUP cannot take away reasonable use of surrounding properties. Planning Commission reviewed this once comment prior to Public Hearing asking city to review setbacks to ensure compliance for the setbacks for side property line. Planning Commission discussed request with applicant and staff – it met all setbacks and requirement.

**Motion by Grotting, seconded by Betts to approve Resolution 25-0204-04 approving the conditional use permit allowing the construction of a detached accessory dwelling unit at 7104 Pioneer Creek Road. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

#### 11. Consideration and Confirmation of Land Use Determination for the property located at 1985 County Road 90 N.

Kaltsas reviewed that it is not coming before you after Planning Commission and asking for clarification on land use. City recently approved two buildings and are now built. Owner is starting to lease the spaces outside of the ones that are being used. A tenant asked about some land use. It didn't fit perfectly into our uses. Property zoned Commercial Light Industrial. Only commercial zoning district. Owner of building has a tenant that has an AG gas Inc. Company would like to use refrigerant gas storage. Not recycled on this property but brought to be stored in canisters there. Several issues noted. City confirmed occupancy rating would allow proposed use without modifications, but if the use would trigger any building occupancy use issues. We're good on building code side but would ask for land use input. The City does accept – city Commercial Light Industrial zoning code lists permitted uses. Storage and warehouses are

permitted except for storage of toxic, hazardous and highly flammable products. Currently it's not specifically listed as to how it fits in our ordinance definition. The tenant of building brought in third party engineer and looked at definition of hazardous materials. Based on review, they provided a definition – refrigerant gas is excluded from hazardous definition or tables that break out health or physical hazard. Hazardous relates to the release of gas into environment, and it's not flammable. We want Council's direction; Attorney did weigh in on it already. There are multiple ways we could consider this or how close it is. It's a grey area. We could consider a variance to ordinance or find that it's similar to existing uses and put it in record that it is permitted or that it is not. Could put this in Commercial Light Industrial district. We have done a lot of digging and worked without building official as well. I don't see how this type of gas fits in. It does not fit toxic, flammable.

Attorney Vose – Your zoning code doesn't exactly define this. Looking to building code makes sense. Adjacent ordinance. You could look up the terms as well. Terms are not defined so staff needs to reach a decision. Explosive and flammable don't need explanation, and this isn't that. In the condition it would be stored would not be an issue. Staff determination is the best one. I agree explosive and flammable does not need to be defined or was relevant here.

Spencer – Is it freon that what we are talking about R2R2. My pass at it would be this isn't explosive as a gas and isn't ingestible.

Betts – With freon it is toxic if you inhale it. It depletes oxygen. This type of freon is going to be banned in 5 years. They won't use it in 5 years.

Grotting – I find it harder to define storage. A 20 lb. propane tank is more volatile than freon. No problem of storage with recycled freon and refrigerant.

Vose – If you were put in an environment that you were put around gas, any substance that excludes oxygen.

Betts – After 5 years that person won't need storage there.

Grotting – degassed and it's a great nitch as a tenant.

Kaltsas – motion that we make a finding that refrigerant gas and recycling would be permitted.

Vose – We need a staff determination that this is allowed, but we want to make sure that all staff agrees.

Grotting – Are they processing on site or moving, or what's the process?

Sam Van –All the amounts and how they process it is all submitted. The engineer stated that nitrogen is similar. If you breath in 100% nitrogen, that would be harmful, but if you release a can, then it wouldn't be. They reach a certain level, and those amounts are put into medium canisters and sent to Georgia.

Kaltsas – No process or reuse would be in this facility. Strictly storage. Building code max in a specific area.

Spencer – not destroyed on the property.

Grotting – And state and federal is being followed?

Vose – The building code is the international building code adopted by the city. Doesn't occur onsite so it doesn't matter.

Spencer – As an air conditioner installing capture refrigerant, could be reused, destroyed. This is all regulated. Not destroyed on site. This is done by every AC installer. I would defer to staff recommendation that this is an allowed use.

**Motion by Spencer, seconded by Grotting deferring to staff interpretation that it is an allowed use. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

12. Open/Misc.

Tomorrow night from 4:30-8pm is the second round of WHPS Chief interviews.

Spencer – There will be 3 break outs of the 3 finalists. Council will be in Community Room and each candidate will give a public news release to us as citizens. There will be two other groups, one citizen group and one group of Emergency Responders. Candidates will rotate and that info will be used to make a final selection. Get here at 4:30 for instruction.

Grotting – Gravel Road Open House on Thursday from 5 – 7:30pm.

Kaltsas – We'll have no formal presentations, and the room will be in 3 stations. 2 for the 2025 project showing all roads and properties. Anyone that is a 2026-2029 project will go to a different station. Residents will give information and receive comment cards and FAQ sheet. We expect a good turnout.

Spencer – Residents often give good comments when given the option to do so.

Grotting – We may need to get back to people with answers too so bring something to write on.

13. Adjourn.

**Motion by Grotting, seconded by Betts to adjourn the meeting at 7:16 pm. Ayes: Spencer, Betts, Grotting, and Fisher. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Meeting adjourned at 7:16 pm.

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Respectfully Submitted,  
Linda Johnson/ Recording Secretary