

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, MARCH 18, 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, McCoy, Betts, Fisher
ABSENT: Grotting
STAFF: City Administrator Kaltsas, Administrative Services Director Simon,
Public Works Supervisor Ben Lehman, WHPS Chief Kroells
VISITORS: See Sign-in Sheet.

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 March 4, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 - Checks No. 23506-23, Batch #2 - Checks No. 23523-23539).
- c. Non—City Assembly Permit for Fishing Derby on Lake Sarah – Saturday, July 19, 2025.
- d. Funds Transfer Approval - **RESOLUTION No. 2025-0318-01**
 - Closing of Account 416 (City Hall Remodel Fund).

Motion by Betts, seconded by McCoy to approve the Consent Agenda. Ayes: Spencer, McCoy, Betts, and Fisher. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

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

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

Fisher – none

Betts attended the following meetings:

- Hwy 12 Safety Coalition (honored Chief Gary Kroells for his long service)

McCoy attended the following meetings:

- West Hennepin Public Safety Commission meeting

Spencer attended the following meetings:

- West Hennepin Public Safety Commission meeting
- Hwy 12 Safety Coalition
- NW League of Municipalities

Simon – none

Kaltsas – none

7. Hennepin County District 7 Commissioner Kevin Anderson - Annual Report.

Commissioner Anderson shared his slideshow presentation. Since 2021 he serves Hennepin County District 7 which includes Independence +15 other cities. He serves as the Public Works Committee Chair, Housing Redevelopment Authority Vice Chair, Health Committee Vice Chair, and AMC Business and Partner Development Chair and was appointed to several local boards. He mentioned a few future Public Works road projects including: (1) Stabilized Full Depth Reclamation on County Rd 92, (2) Cold In-Place Recycling on another section of Co Rd 92, and (3) a little bit of work on the railroad crossings that the County just approved in committee today on Co Rd 92 near our border in Greenfield. He always looks at ways to make roads safer including signage, wants to hear about safety concerns, and appreciates the relationship with community and the City. Housing grants are available for developers who approach cities with the purpose of serving lowest income residents & affordability. Some tools are likely available to offset costs. We're in the middle of uncertainty with national and state governments. Last year about 15-20% of our population received help from the County. There are many state budget challenges. Serious work needs to be done at both levels. His concern is if cuts go through without corresponding policy change, the needs don't go away, and we will have to make up for lost revenue from state or federal government resulting in higher property taxes, which he didn't like. Inflation has been hitting us across the board. Last year's 5.5% levy increase went to support hospitals. Medicaid is one concern at the Federal level. Nearly ¼ of U.S. births are covered by Medicaid and 60% of Senior Care is covered by Medicaid. There are possible funding unknowns with potential cuts resulting in a big shift of responsibility onto the County. He doesn't want to have the State's budget balanced on the backs of local governments because if that happens, we are going to likely try to make up for that with reduced service, which means people are not going to get the service in the time that they expect it to and that's going to cause people to probably reach out to cities or utilize emergency services which is even worse. He asked us all to have conversations with federal and state legislatures asking not to shift burden on local governments thus reducing services.

Kaltsas stated residents' requests regarding the public safety concern due to the recent tragic fatality on County Road 6 & County Road 83 who were wondering if there is anything else like lighted stop signs, etc. could be done. Commissioner Anderson said he would share our discussions to the County Public Works Director and said we currently have an advanced notice sign and a 4-way flasher above intersection and agreed that the loss was a tragedy.

Chief Kroells thanked Hennepin County in seeing the benefit of license plate readers and allowing all law enforcement partners to partner up with their Flock license plate reader company, as it helps West Hennepin Public Safety combat criminal investigations, stolen cars,

warrants, amber alerts, etc. It had been a long, tedious process, but now they're all over the County creating an excellent investigative tool thus aiding the ability to solve crimes.

8. West Hennepin Public Safety – Director Gary Kroells: Presentation of the February 2025 Activity Report.

West Hennepin Public Safety has handled 799 incident complaints total year-to-date. For February, 200 were in Independence and 129 were in Maple Plain. Please see the 3-18-2025 Council Packet for the full report.

Director Kroells shared their thoughts and prayers go out to the family who'd lost their 11-year-old daughter in the tragic accident on County Rd 6 & County Rd 83 and noted the concerns they've been seeing on social media wanting justice for the family. He explained the time-consuming process of gathering data and doing it right so that all evidence is considered. He further explained that "Criminal Vehicular Homicide" states that one must drive a vehicle in a "grossly negligent" manner, which is not defined in MN State statutes but is defined by previous case law.

9. A proposed text amendment to the City of Independence Ordinance as follows:

Kaltsas explained this is coming back after being considered at the March 4th meeting where Council directed an update to the ordinance, and the Summary Publication by Resolution would need to be approved as Attorney Vose noted. Council wanted to include having the buffer in the ordinances to impact existing or future land uses where we would permit retail related cannabis. The maximum buffer would be within our UC/Urban Commercial zoning district at the City's West end where only retail cannabis would be allowed. Thus, if there is a place of gathering for children, it would have a buffer of 1,000 ft max of a school or 500 ft max of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field. We don't currently have a school there, but it would apply if we did. It doesn't impact Pioneer Creek Park because only Non-Retail cannabis businesses would be allowed near there. If you are a Cannabis Testing and located in the CLI/Commercial Light Industrial, there would be no buffer. It will apply to the West side of City with retail establishments. This ordinance includes that buffer language, and the ordinance and the Summary Publication by Resolution are before you tonight.

Betts asked when someone applies for this license, does it also include Cannabis Growers? Kaltsas clarified where each license type would be allowed: No cannabis businesses would be allowed in the city's AG/Agricultural and RR/Rural Residential areas. Only Retail Cannabis (Cannabis Manufacturer, Mezzobusiness, Microbusiness, or Cannabis Cultivator) would only be allowed on the West end of the City in the UC/Urban Commercial zone. All others would be allowed in the CLI/Commercial Light Industrial and UC/Urban Commercial zones. All cannabis businesses are regulated under the new law and the Office of Cannabis Management. The State's new law requires all cannabis businesses to first register with the State as well as abide by our City's local zoning.

Betts wondered if we could get the State's list of registered businesses. The Office of Cannabis Management oversees that, and Full Potency Retail Sales registry was due yesterday. Kaltsas had

a lot of calls in cities asking to confirm zoning confirm because they were applying and going into the state's lottery. These cannabis licenses are limited to 75 statewide. Kaltsas will look at the Office of Cannabis Management database.

McCoy discussed Subd. 13. "Cannabis Business Buffer" definition raising concern that this might not take into consideration church youth groups who meet weekly as there would likely be more youth present there than what would typically be at a local park. Kaltsas said the statute was silent on that, and that no one had contested that yet. Our take would be if children commonly congregate there, then we could include them in the buffer. He would run this by City Attorney Vose. He recommended approval with adding it after since the City has some discretion in defining the "regular assembly" terms. Spencer thought Vose had previously shared the statute's language "constant daily services" referred to school or preschool. McCoy interpreted it would qualify. Kaltsas said the State statute stated, "or an attraction within a public park," so if a church had a playground that was regularly used, you could include that. Spencer thought Vose referred to it as an interpretation and that we could change it. Kaltsas said the Council would be adopting the maximum extent we can adopt. McCoy wanted churches to be included just like they are for "adult use and adult business" buffer. Kaltsas reiterated if churches had a daycare that would in that 500 ft. buffer or if they had a school, that would be in the 1,000 ft buffer. Kaltsas would follow-up on this.

- a. **ORDINANCE No. 2025-02** – Considering a text amendment to Chapter V, Sections 510 and 530 of the city's zoning ordinance relating to regulations governing cannabis businesses. The ordinance amendment will consider establishment of regulations pertaining to the definitions associated with a cannabis business and the permitted zoning district and associated standards.

Motion by Fisher, seconded by Betts to approve Ordinance No. 2025-02. Ayes: Spencer, McCoy, Betts, and Fisher. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

- b. **RESOLUTION No. 2025-0318-02** – Considering approval of a summary of ORDINANCE No. 2025-02 for publication.

Motion by Fisher, seconded by Betts to approve RESOLUTION No. 2025-0318-02. Ayes: Spencer, McCoy, Betts, and Fisher. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

10. Purchase of Public Works Capital Equipment in Accordance with Capital Improvement Plan (Mower, Woodchipper and Utility Trailer).

Two of the four items Public Works Supervisor Lehman is asking for were already in the plans. The ordered chassis just was delivered. The zero turn lawn mower, woodchipper, and aerial

bucket truck are in the budget. We sold the bigger lawn mower last year, purchased one last year, and will buy another this year so more than one person can mow at once. Lehman favored the Hustler, which was first company to build a zero-turn mower and is cheaper than the Toro option. He stated it is built like a tank yet is more comfortable for users with its new suspension. The current Toro doesn't have it, so it's rough on operators. Owning a woodchipper will improve clearing and park clean up, but the aerial bucket truck is also needed and may come later this year when it's found. Since a new woodchipper would eat up whole budget, Lehman recommends the used 2017 Vermeer BC Diesel with higher hours which handles 12" limbs instead of the 9" max. They also found a smaller 6.5'x10', maintenance-free aluminum JD Lund trailer that would allow moving mowers around more easily. We may also do seasonal help for mowing again this year.

Betts and Lehman briefly discussed the dead ash trees. He noted that there are several dead ash trees and that City ordinances only state concern when they are a safety issue and stated dead ash can stay a long time before becoming a safety issue.

Motion by Betts, seconded by McCoy to approve the purchases of the Hustler zero-turn mower, the used 2017 Diesel Vermeer woodchipper, and the small aluminum trailer. Ayes: Spencer, McCoy, Betts, and Fisher. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

11. 2025 Gambling Proceeds Annual Report and Consideration to Fund Speed Control Signs.

Simon identified these recently purchased speed signs for Perkinsville Road qualified under the gambling proceeds for reimbursement. There is limited opportunity to reimburse ourselves for those speed signs. The City did get an initial \$2,500 CenterPoint Energy grant which leaves \$8,370 remaining. We don't have to, but we can use up those funds. Spencer shared neighbors liked these signs and thought it was a great idea.

Motion by McCoy, seconded by Fisher to approve speed signs for Perkinsville Rd. Ayes: Spencer, McCoy, Betts, and Fisher. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

12. Open/Misc.

Spencer shared that the MN DNR was deciding to increase the ordinary high-water level/OHWL on Lake Independence after its study as requested by the Watershed due to it consistently happening and challenging enforcement. It was raised 8" so the new ordinary high-water level/OHWL is 957.5 vs the 956.8.

The Delano Sportsman Club finally opened a trap range after trying for 10 years to get it in place. It supports 90+ youth in high school leagues. Their trap league shoots Wed/Thursday and started last week. The Delano High School will begin May 31st and shoots Mondays and Tuesdays.

The NW League of Mayors brought attention to some House and Senate bills which don't apply to Independence yet. They're mostly impacting cities with high populations and more infrastructure like in Corcoran, Rogers. Reps. Robbins and Limmer have opposed these previously. These bills are the MN Starter Home Act, More Homes Right Places Act, Transforming Main Street Act, and People Over Parking Act. These attempts to bypass the cities' planning and zoning standards. These applied to cities of 10,000+ population.

13. Adjourn.

Motion by McCoy, seconded by Betts to adjourn the meeting at 7:33pm. Ayes: Spencer, McCoy, Betts, and Fisher. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

Meeting adjourned at 7:33 pm.

Respectfully Submitted,
Linda Johnson/ Recording Secretary