



CITY COUNCIL MEETING AGENDA  
TUESDAY FEBRUARY 4, 2020

**CITY COUNCIL MEETING TIME: 6:30 PM**

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

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, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19404-19444.
- c. Approval of Election Judge Appointment for the 2020 Presidential Nominating Primary Election.
- d. Approval of annual liquor license renewals for the following establishments:
  - i. Ox Yoke Inn - Off Sale, On Sale and Sunday License
  - ii. Windsong Farm Golf Club LLC - Off Sale, On Sale and Sunday License
  - iii. Pioneer Creek Golf LLC - On Sale and Sunday License

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

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

7. **(REQUESTED TO BE CONTINUED TO FEBRUARY 18, 2020)** Vincent Velie III (Applicant) requests that the City consider the following action for the property located at 3315 County Road 92 N, Independence, MN (PID No. 09-118-24-34-0004):

- a. To consider granting an interim use permit to replace the existing conditional use permit. The new interim use permit would allow a landscape business to operate from the subject property. The interim use permit would add new conditions to the property and the existing conditional use permit would be removed.

8. **(REQUESTED TO BE CONTINUED TO FEBRUARY 18, 2020)** Theresa Marple (Applicant/Owner) requests that the City consider the following action for the property located at 7825 County Road 11, Independence, MN (PID No. 09-118-24-22-0003):
  - a. To consider granting an a variance to allow a minor subdivision of property zoned AG-Agriculture that does not meet all applicable requirements. The subdivision proposed would create two approximately 40-acre parcels from the existing 80-acre parcel.
9. Consideration of a Reimbursement Resolution relating to the proposed City Hall and the street reconstruction project.
  - a. **RESOLUTION 20-0204-01** – Declaring the official intent of the City to reimburse certain expenditures from the proceeds of bonds to be issued by the City.
10. Open/Misc.
11. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JANUARY 21, 2020 –6:30 P.M.

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

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, McCoy, and Spencer

ABSENT: Councilor Grotting, City Attorney Vose

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

VISITORS: Anita Volkenant, Bob Volkenant, Brian VanBeusekom

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 7, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19371-19404.
- c. Approve Mayor and Council Member Attendance at the League of Minnesota Cities Experienced Leaders Conference.

**Motion by McCoy, second by Spencer to approve the Consent Agenda. Ayes: Johnson, Betts, Spencer and McCoy. Nays: None. Absent: Grotting. 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

**Spencer attended the following meetings:**

- Pioneer Sarah Creek Watershed Next Generation Kick-Off Meeting

**Grotting attended the following meetings:**

- None

**McCoy attended the following meetings:**

- None

**Betts attended the following meetings:**

- West Hennepin Chamber of Commerce Meeting
- Highway 12 Corridor Coalition Meeting

**Johnson attended the following meetings:**

- Northwest League of Municipalities Meeting
- Highway 12 Corridor Coalition Meeting
- Regional Council of Mayors Meeting
- Ali Howe swearing in at Orono School Board Meeting
- West Hennepin Chamber of Commerce Meeting
- Orono Healthy Youth Meeting
- EENR Committee Conference Call Meeting for the National League of Cities
- Pioneer Sarah Creek Watershed Next Generation Kick-Off Meeting
- Joy Robb funeral (former Mayor of Robbinsdale)

**Horner attended the following meetings:**

- West Hennepin Chamber of Commerce Meeting

**Kaltsas attended the following meetings:**

- None

7. West Hennepin Public Safety Director, Gary Kroells, December 2019 Monthly Report.

Kroells stated there were a total of 6,491 incident complaints reported for Independence and Maple Plain through the end of 2019. For the month of December; 247 incidents occurred in Independence and 132 incidents were in Maple Plain.

\*for a complete report see the City Council packet\*

8. Annual Consideration of Fee Schedule Amendments.

A. **RESOLUTION 20-0121-01** – Considering the Annual Update to the City's Fee Schedule.

Kaltsas said the City annually reviews and adopts the City's fee schedule to ensure that the cost of providing various services is commensurate with the services provided. The City identified several fees that should be amended based on the costs of providing services and or administration of the fees in 2019. In addition, the City will increase quarterly sewer charges in accordance with the adopted Sewer Rate Study. After several years of steeper sewer rate increases, the City's anticipated sewer rates are beginning to flatten with more typical increases recommended. The following fees are proposed to be amended:

1. Right of way permit \$100 (\$75 in 2019)
2. Zoning Permit fee. The City reviews sheds and agriculture buildings for compliance with zoning ordinances (i.e. – setbacks, wetland impacts, height limitations, grading, etc.) even though a building permit is not required. The City typically spends ½ to 1 hour to review and approve these site plans. The City has been charging the review under miscellaneous services but would like to include the fee in the fee schedule.
  - a. Shed (120 SF or less), Ag Buildings \$40 (not specified previously)

3. Quarterly sewer charges are proposed to be amended in accordance with the City's sewer charge study that was updated in January of 2017. The City is in the process of updating the study for 2020. The updated study will be presented at an upcoming Council Meeting. The quarterly sewer fees will be amended for 2020 as follows:

- a. Quarterly sewer access charge \$231 (\$220 in 2019)
- b. Quarterly availability charge \$200 (\$150 in 2019)

Kaltsas noted there is an escrow added for assembly permits as a deposit for WHPS services. The deposit will be \$500. Kroells said there are several events that take place every year throughout the City that are on a large-scale requiring police presence. This escrow will ensure WHPS does not have to go back and collect after the event to recoup pay to cover police hours.

Johnson asked if SAC charges are increasing this year. Kaltsas noted they have not increased.

**Motion by Betts, second by McCoy to approve RESOLUTION 20-0121-01 – Adopting the Annual Update to the City's Fee Schedule. Ayes: Johnson, Betts, Spencer and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED.**

9. Open/Misc.

Brian VanBeusekom, 4985 Klaers Drive, said he was approached by a solar company about putting panels on his property. Johnson noted the Planning Commission has had several meetings about solar and felt that the City should remain limited due to public comments. He said the ordinance is in place for now and would have to be amended before any large solar gardens would be allowed in the City. Spencer noted residents were strongly opposed to solar panels in the City when it was presented several years ago. Kaltsas said community solar gardens are strictly prohibited. Council encouraged Mr. VanBeusekom to talk further with the Utility company and Administrator Kaltsas.

10. Adjourn.

**Motion by Spencer, second by McCoy to adjourn at 7:17 p.m. Ayes: Johnson, Betts, Spencer and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Trish Gronstal/ Recording Secretary

## City of Independence

### Appointment of Election Judges

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*To:* City Council  
*From:* Beth Horner  
*Meeting Date:* February 4, 2020

***Discussion:***

The City Council is required to appoint election judges for the upcoming 2020 Presidential Nominating Primary Election. Staff has prepared a list of judges for consideration by the City Council. The following election judges can be considered for appointment by the City Council:

- Marilyn Hamilton
- Jerry Wise
- Judy Crosby
- Jeanne Gardner
- Darcy Ciatti
- Carol Tubesing
- Julie Grist
- Damon Kocina
- Carol Neyens
- Chandani Shroff
- Atul Shroff
- Paula Savage
- Lori McNamara
- Kim Niedzielski
- Martha McCabe
- Sharon Cook

***Council Recommendation:***

It is recommended that the City Council approve the appointment of the aforementioned election judges.

## City of Independence

### Annual Liquor License Renewals

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*To:* City Council  
*From:* Beth Horner  
*Meeting Date:* February 4, 2020

***Discussion:***

The City annually reviews and considers renewal of both on and off sale liquor licenses. The City has three (3) businesses which annually renew their respective liquor licenses. The following applications have been made to the Council, and have passed a criminal history and background check performed by West Hennepin Public Safety:

- Ox Yoke Inn  
261 County Road 92 N.  
Independence, MN 55359  
Renewal for: Off Sale, On Sale and Sunday License
- Pioneer Creek Golf LLC  
705 Copeland Rd.  
Independence, MN 55359  
Renewal for: On Sale and Sunday License
- Windsong Farm Golf Club LLC  
18 Golf Walk  
Independence, MN 55359  
Renewal for: Off Sale, On Sale and Sunday License

***Council Recommendation:***

City Council is asked to consider approval the requested annual liquor license renewals.

## City of Independence

### Reimbursement Resolution Discussion

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* February 4, 2020

***Discussion:***

The City is in the process of preparing plans and specifications for the 2020 Bituminous Street Overlay Project and possibly a City Hall improvement project. If the City determines it necessary and appropriate to issue bonds for the projects, certain costs associated with the development and preparation of plans and the projects in general could be reimbursed with proceeds from bonds. This enabling resolution does not obligate the City to issue bonds and or move forward with either of the potential projects. The majority of the potential costs to be reimbursement include professional services fees such as engineering and architecture which are required to prepare plans and specifications. The resolution allowing the City to reimburse certain costs was prepared by the City's legal counsel.

***Council Recommendation:***

City Council is asked to consider approval of **RESOLUTION NO. 20-0204-01**.

***Attachment:*** RESOLUTION NO. 20-0204-01





**CITY OF INDEPENDENCE  
RESOLUTION NO. 20-0204-01**

**DECLARING THE OFFICIAL INTENT OF THE  
CITY OF INDEPENDENCE TO REIMBURSE  
CERTAIN EXPENDITURES FROM THE PROCEEDS  
OF BONDS TO BE ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City of Independence, Minnesota (the “City”) expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of a tax-exempt bond;

WHEREAS, the City has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA AS FOLLOWS:

1. The City proposes to undertake the renovation of the city hall of the City and certain street reconstruction projects including but not limited to bituminous overlay along with crack repair, restriping and shoulder work on roads within the City including Stephanie Way, Brei Kessel Road, Merz Way, Waldemar Way, Providence Place, Providence Court, Warren Way, Providence Curve, Providence Path, Turner Road, Polo Club Road, Copeland Road, Lindgren Lane, Independence Road, Budd Street, Fieldstone Place, Stone Court, Hillstrom Road, Drake Court, Drake Drive, Painter Creek Green and Timber Island Trail (collectively, the “Project”).

2. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of bonds in an estimated maximum principal amount of \$2,615,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an

amount not in excess of \$100,000 or five percent (5%) of the proceeds of an issue; or (c) “preliminary expenditures” up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the bonds described in paragraph 2 are consistent with the City’s budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City’s budget or financial policies to pay such Project expenditures.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

This resolution was adopted by the City Council of the City of Independence on this 4<sup>th</sup> day of February 2020, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

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Marvin Johnson, Mayor

ATTEST:

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Mark Kaltsas, City Administrator