

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY FEBRUARY 1, 2022 – 5:00 P.M.
SPECIAL MEETING TIME DUE TO CAUCUS
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 5:00 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer and Betts

ABSENT: McCoy and Grotting

STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner and Bob Vose

VISITORS: Mark and Melissa Gaalsysk, Ken Koziol, Robert Knight

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 18, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 20994-21031).
- c. Approve Required Pay Equity Report.
- d. Approval to Accept Public Improvements for Hamilton Hills and Release Letter of Credit in Accordance with Development Agreement.
- e. **RESOLUTION 22-0201-01** - Appointment of Planning Commissioner Hal Tearse.
- f. 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, Sunday and Tobacco License
 - iii. Pioneer Creek Golf LLC - On Sale and Sunday License

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

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

Johnson asked about adding a conversation about the DEED letter we received from Hennepin County about the Fern Dr. Property.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- MPCA
- Planning
- Lynda Franklin's Retirement

Betts attended the following meetings:

- Lynda Franklin's Retirement

Johnson attended the following meetings:

- Planning
- Orono Healthy Youth (virtual)
- Listened to a program about what Mark Johnson & Senator Robins think will happen in legislature
- Energy & Environment with NLC (Virtual)
- SLUC about housing (Virtual)
- Sr. Community Services (Virtual)
- Lynda Franklin's Retirement
- LMCC land use Webinar (Virtual)
- Retirement for Teresa Cain with Haven Homes (Virtual)

Horner attended the following meetings:

- Planning
- Lynda Franklin's Retirement

Kaltsas attended the following meetings:

- None

7. Proclamation Honoring Planning Commissioner Thomas Palmquist for His Service to the City of Independence.

Mayor Marvin Johnson read and presented the Proclamation to Thomas Palmquist. Johnson said he appreciated all the work Tom has done and for handling all the concerns that Planning Commission have.

Motion by Spencer, second by Betts to approve Proclamation for Tom Palmquist. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED.

8. Mark Gaalswyk (Applicant/Owner) is requesting the following action for the property located at 2855 Copeland Road (PID No. 18-118-24-14-0003) in the City of Independence, MN:

a. **RESOLUTION 22-0201-02** – Considering approval of the following:

- A conditional use permit to allow an accessory dwelling unit within the existing detached accessory structure.

Kaltsas said this is a consideration for a CUP to allow an accessory dwelling unit within the existing detached accessory structure. It is zoned AG. It is roughly 22 acres in size. ADU needs to be connected to the primary septic or utilize its own holding tank. This case, applicants have an existing building that has already been constructed as an accessory dwelling prior to them taking ownership of the property. It likely could comply with all the provisions they have made. The CUP cannot impact any of the surrounding properties, but this property is 22 acres and has limited views or no potential impact on surrounding properties. There were 2 other neighboring properties that submitted letters of support. This will need to be inspected. There were minor issues found but will be worked out. This ADU met the criteria for ADU and CUP.

Mark Gaalswyk said that everything was covered, and their goal is to use this for their parents.

Motion by Spencer, second by Betts to approve Resolution 22-0201-02. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED.

9. Robert Knight (Applicant/Owner) is requesting the following action for the property located at 4672 Lake Sarah Drive S (PID No. 02-118-24-22-0024) in the City of Independence, MN:

b. **RESOLUTION 22-0201-03** – Considering approval of the following:

- A variance for a reduced side yard setback to allow a new home to be constructed on the subject property in place of the existing home.

Kaltsas said this is a request for a variance for 4 setbacks. Applicant would like to take down the existing structure and rebuild. The new home would have an attached garage and deck. There is currently an extensive retaining wall and deck down to the lakeshore now with a detached garage. This lot is very narrow. For lots prior to 1982, they filled in an 60% admin variance. If you can meet 60% of the applicable setbacks, applicants and the City can work with that without any further consideration of the City. All the setbacks applicable to this lot would be reduced by 40%. The existing structure has a lake setback of 36%. The new structure would bring everything back into the center of the lot and further from the side yard setbacks and back further from the lake. There is a 25% max impervious surface area, and they are currently 13sqft away from that, so we are working with the applicants to figure that out. One of the ways that can do this is by having a permeable paved driveway which would help offset that 13sqft. Planning Commissioners felt that because of the difficulties trying to develop this lot and the present encroachments this would make it more compact and much better. They recommended Council grant approval as described in Resolution and staff report. Johnson asked if the original

house was a cabin. Spencer said it was expanded off the original cabin. Rob Knight said in 1950 it was a cabin. Spencer said the neighbors appreciate this because it has been a challenging lot.

Motion by Betts, second by Johnson to approve Resolution 22-0201-03. Ayes: Johnson, Spencer, and Betts. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED.

13. Open/Misc.

Regarding the DEED property, Kaltsas said we received a letter from the State of MN regarding a use agreement. The 30-year sunset on this property on Fern Dr. Johnson said we have a pumping station on it, but it is not a buildable lot since it is really steep and goes down to a swamp. They initially thought of this as a park. The staff should check this out and reach out to the state to see what the options are. Kaltsas said we will bring this back at the next meeting. Bob Vose said stick to the 30 days.

Motion by Johnson, second by Spencer to defer to staff for recommendations. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED.

14. Adjourn.

Motion by Spencer, second by Betts to adjourn at 5:43pm. Ayes: Johnson, Spencer, and Betts. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary