

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY APRIL 5, 2022–6:30 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 Johnson at 8:00 p.m. (running late due to LBAE meeting)

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

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

VISITORS: See Full 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 15, 2022, Regular City Council Meeting.
- b. Approval of City Council Minutes from the March 15, 2022, Pre-Board LBAE City Council Meeting.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21118-21121 and Batch # 2; Checks Numbered 21122-21164).
- d. Agriculture Preserve Renewal Application for the Following Property:
 - i. PID No's. 31-118-24-41-0003, 31-118-24-41-0004 (Requested by Anne Leck)
- e. Approval and Award of Annual Dust Control and Gravel Contracts.
- f. 1st Quarter Building Permit Summary (for information only).

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

Grotting attended the following meetings:

- Workshop
- Planning
- LBAE
- Visited the Timm Sawmill property

Spencer attended the following meetings:

- Workshop
- Planning
- LBAE

McCoy attended the following meetings:

- Workshop
- Planning
- LBAE

Betts attended the following meetings:

- Workshop
- LBAE
- Planning

Johnson attended the following meetings:

- Auditor
- Energy Environment Committee ULI (virtual)
- Mayor of MP and Kroells met with County Sheriff candidate
- Orono Healthy Youth (virtual)
- Theater Event at Delano High School
- Farm Bureau Celebrating State Ag in Eden Prairie
- Senior Community Services Board Meeting (virtual)
- Congressman Phillips at Orono High School
- Workshop
- LBAE
- Planning

Horner attended the following meetings:

- Workshop
- LBAE
- Planning

Kaltsas attended the following meetings:

- Highway 12
- Mediacom

- Workshop
- LBAE
- Planning

Kaltsas confirmed that the detour will begin on Hwy 12 on April 18th.

7. Hennepin County Commissioner Kevin Anderson: Annual Visit/County Updates.

Hennepin County Commissioner, Kevin Anderson explained that they set their tax levy at 3.5% increase. He made a motion to keep it at 2.5% but it failed. He stated that he did pass 2 different changes to the County budget. The first is to evaluate how public works evaluates road projects and how that changes the budgets. The other being adding a veteran's memorial on Hennepin County property. He has been working with the MN Association for Veterans for purchasing forfeited properties in HC. They authorized a sale of 4 properties to offer affordable housing for Veterans and bringing light to Veterans' issues. The ARP funding is another area that he is directing a lot of time on. The County allocated \$250 million to work on economic recovery, homelessness, broadband expansion, violence prevention and mental health issues. He is advocating for the needs of HC. They finalized an agreement to help pay for broadband expansion. They allocated \$10 million to help pay for broadband expansion in HC. It is a necessity for our lives. Where it doesn't exist, cities are stepping up to find companies that can help offer this to their residents. Another major area they are focusing on is mental health and expanding services to make sure emergency services are available. This is increasingly needed to get ahead of the curve coming out of the pandemic to team with local police departments.

Johnson asked if social services going to be available 24/7. The 24/7 service is the 1800 Chicago is the emergency location. They want to make sure they are building the foundation to keep this going for years to come. They are looking for ways to make this available and working with neighborhoods for a cost-sharing option. Anderson said he is always available to take phone calls. Spencer asked how the coffee with the commissioner is going. Anderson said it is slow, but he is working on this and to continue it with getting the word out ahead of time. Johnson said he met with Kevin for coffee. Anderson said they are transitioning back into the office within the next 3 months. Not everyone will go back full-time. They will utilize a hybrid model.

8. Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following actions for the property located at 4390 Woodhill Drive and property associated with the home on 4364 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001) in Independence, MN:

- ORDINANCE 2022-03:** Considering rezoning of the portion of property being added to 4390 Woodhill Dr. from AG-Agriculture to RR-Rural Residential.
- RESOLUTION 22-0405-01:** Considering approval of a minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4364 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.

Kaltsas explained the request for minor subdivision for lot line rearrangement. This would need to re-zone the 0.06-acre vacant piece. The ROW for Woodhill Dr is stubbed into the adjacent property when the Woodhill development was done. We ask for the applicant to provide a 66' ROW to be maintained going to the North of that property.

Motion by Spencer, second by McCoy to approve ORDINANCE 2022-03 re-zoning from Ag to RR. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by McCoy, second by Betts to approve RESOLUTION 22-0405-01. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Kelly Brouwer (Applicant) requests that the City consider a relocation permit to bring in an existing home on the newly created 20-acre portion of the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN.

Kaltsas explained that this is a request to relocate a home from outside the City to County Line Road. The building inspector inspected the home and the full site plan. They provided locations on the survey for the primary and secondary on-site septic sites. The relocation permit was approved by the Planning Commission. Vose said that there are many recommendations to make to make sure this is done safely. Johnson said there is a map of the route they are taking to move the home. Grotting said this used to happen quite a bit and doesn't happen very often anymore. He asked if there are changes to this ordinance. Kaltsas said the home will fit and meet applicable setbacks. This is a large lot and there are a lot of options on getting to the site. Johnson said usually the biggest complaint is that if there was an old home brought into a new home development. The building inspector evaluated everything and PC approved. Spencer asked if there are any special railroad challenges in this route. Kaltsas said that this is just a permit. Johnson said who ever the mover is, they would pull all applicable permits with the railroads, etc.

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

10. Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- c. **ORDINANCE 2022-04:** Considering rezoning of the subject property from AG-Agriculture to RR-Rural Residential.
- d. **RESOLUTION 22-0405-02:** Considering approval of a conditional use permit to allow a cluster development and approval of a Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Council Member Grotting Recused himself from this topic

Kaltsas said this is a consideration for a 33-lot cluster development. We would need to rezone the property from Ag to RR. The applicant is asking Council to look at a cluster development and approve preliminary

plat. There are 6 different parcels. The property touches Brei Kessel Road on the South side of the property. There are ponds and wetlands in this area as well. Overall, 141 acres in size. There was a concept plan in the early Fall 2021. The Comp plans show this is zoned as RR. The reason for re-zoning is to increase density. The city has permitted standards with minimum lot size and setbacks. They meet these requirements with their plan which allows for some relief of cluster development in exchange for the preservation of open space. The cluster standards have been in place for over 20 years. There was a need and benefit for adopting a cluster development standard. It is to preserve the rural character of the community. The requirements are that there is 50% open space within development to be left in common ownership outlot. Also 50% of that 50% must be usable open space (not wetlands, ponds, etc.). With these calculations there is about 35 acres that need to be usable and 70 acres as overall open space. Applicant is giving 40 acres as usable space. In exchange for this preservation, the city allows for an increase in density and smaller lots.

In the straight zoning, the property would yield 27 lots, but because of the preservation of a larger open space, the city has allowed 33 lots on this property that could meet these standards. Johnson asked if it could have been 36 lots. Kaltsas said the cluster development does not have an exact number. There is a minimum of 1.5 acres for lot size and we adopted 150' lot width standard on a public road. The 27 lots permitted would have to meet all the standards. The city broke down the detailed review and looked at the grading, drainage, stormwater and public improvement, infrastructure, road standards and type of pipe used under the roads. The prelim plat generates comments before the final plat application. Tonight, we are considering a preliminary plat. We need to look at any fatal flaws that would alter this plan. Planning Commission had thorough discussion and proposed a couple points.

The alignment of Koch's Crossing. County Road 90 causes sight line restrictions but could be re-aligned to the North to make it a better intersection. Hennepin County has made comments that the applicants need to address. The old Kochs crossing would need to be vacated after the re-alignment. They would then reconstruct a road going from the North to South called William Way and this would give access to 26 lots. Those lots have the minimum frontage requirement of 150' and a lot width/lot depth of 1:4. William Way extends to the South close to Brei Kessel. Brei Kessel was to be a temp cul-de-sac and to be put through in the future when this development was to be built. The cul-de-sac is not built to permanent standards. Williams Way is a dead-end road. Planning Commission had asked for information relating to surrounding community standards as it relates to dead end roads. The policy of the City and current ordinances say that roads be extended through. PC recommended to provide for the connection of Brei Kessel to William Way. The applicant provided an exhibit since then that would provide a 66' ROW that would allow for the extension of that road at some point. PC commented on emergency vehicle access, pedestrian walking train, but not necessarily vehicle through street. PC recommended that the applicant or the city require that the Brei Kessel cul-de-sac be brought up to standards as a permanent cul-de-sac and ROW. The applicant only controls a portion of that. PC also talked about the extension of roads anywhere else in this development, not just to Brei Kessel. There may be an impact of other properties if they were developed. There were some wetland buffer areas and rim easement that comes into some properties, these lots are not buildable so it would be excluded from the 1.5 acres minimum buildable lots. Johnson asked how many lots does this effect. Kaltsas said it is about 6 or 7 lots and just a small amount of the lots.

Kaltsas explained that the subdivision is subject to the city's park dedication requirements. There isn't additional request for the dedication of public open space on this development. The applicant is asking that the 6 existing lots reduce the number of park dedications. There is a small 1-acre lot. It went from 33 to 27. Johnson asked if the 1-acre lot is where the building site was. He asked where the 50% usable space. Kaltsas said it is comprised of a series of outlots. We take out the wetland area and calculate the upland areas. It is a linked system of upland areas and open spaces. Betts said this has a lot of trees. This is good for wildlife. Johnson said that's what the other 50% is for. Johnson said there should be more clarification in the ordinance

on what the usable space means.

The Ordinance 2022-04 is to rezone from AG to RR on this property. Bob Vose said that the second of the two actions is to approve the preliminary plat, there are quite a few proposed conditions. The 6th recommendation is that the applicant must submit the final plat within 90 days and Vose requested to add that applicant must submit title work on this as well. Also, assuming the council agrees to connect to the South. This is encompassed to 2e development agreement. The development agreement would address roads and public improvements. That is where you would say that the cul-de-sac on William Way may be temporary and could eventually go through to the South. McCoy said he would like to see a trail connecting those two cul-de-sacs. It is very appropriate for that area. He would also be in favor of waiving the 6 park dedication fees. Spencer said we need to be clearer with 26 homes on a dead-end road. The PC recommendation was that the connection be made so that the neighborhoods could be used in emergency situations. A connection should be made to support a vehicle. It may involve a culvert, gate, etc. or do we need to do more work on this. If Brei Kessel will become a cul-de-sac, the property from the end lot would have to be acquired for ROW since it doesn't meet city road standards. He asked if the ROW easement available from the property to the West and at what cost to the City. He asked who will pay for this and if we have found logistics out about this. The PC idea of connecting the two cul-de-sacs with a trail is better than nothing but it needs to be brought to standards.

Kaltsas said that PC wanted to see the connection. The detail was to come back to council and it hasn't been addressed yet. We can work on the details. This could become part of the record. Spencer said the other subject about a ROW to connect the east of block 10 with an outlet to County Road 90. He asked if this was discussed at all. Kaltsas said we could reserve the ROW. Given the high ground, there could be an East-West connection. Spencer said Bolton Menk recommends we connect Brei Kessel and William Way. Betts said that it would be nice to have a connection as far as a trail goes for emergency vehicles. When Brei Kessel was put in as a temporary cul-de-sac, that was 20 years ago, and things change over time. She said she would be much more comfortable with the two cul-de-sacs so the communities can be connected through a trail. The added traffic is a problem. Personally, she would not want this to connect. Spencer said sometimes when you do developments that happen in long periods of time, you need to make provisions along the way. He had a foresight of the road in the future. When the PC reviewed this 26 years ago, this was supposed to be the plan. The council needs to look at it as what is the right thing to do for the community. The cul-de-sacs are a bad idea. Johnson said we need to do our due diligence as a city. We need to put signage up immediately if something is to change in the future. We had a road on the N side of Lake Sarah was supposed to have a road go through but then years later it happened. Vose asked if there is a public ROW that adjoins this development. Johnson said yes. Vose said that the city has ROW, this can be addressed in a development agreement. He asked if Kaltsas wants to require now for a provision for a road to go through or not. Now is the time. We are in position to require delivery of a road through. It's up to the city to do. McCoy said if the developer came in originally and said they want to connect to Brei Kessel, we couldn't turn them down because that was the original agreement. As far as the emergency road for fire trucks could never get them through. That is the dividing line between fire departments. There is no hydrants there so water would have to be hauled. There is a 9-ton road standard for development. The roads need to be well designed. He said do not do a gated fire access because it is a lot of wasted time and energy. Johnson said that if you had something that was wide enough for cars to go through, people will use this illegally. HE would like to see a hiking path. He wouldn't approve this without ROW to properties for future connection. Spencer said this wouldn't happen in the future. There should be an exit to the West for future development. Planning Commission recommended that these two need to be connected. If Brei Kessel needs to be brought up to standards, then we need to do that and assess the property owners. Kaltsas asked if the council recommends that Brei Kessel be brought up to a standard it would need to be a separate process, needing a 429 feasibility. There was a temporary easement provided for. Unless we make it a permanent cul-de-sac we should not be using it. This would be a separate

direction and bring it back as an action item.

Motion by Spencer, second by Betts to approve the ORDINANCE 2022-04 to rezone the property from AG to RR. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

Betts said she would move Resolution 22-0405-02 with stipulation that Bob Vose mentioned. Kaltsas said that would be the added language about the DA and title work. Vose said Condition 6 would include that the requirement that title work be provided. There also should be clarification on the connection between the two be provided. Betts said that she would clarify that there be two separate cul-de-sacs with an easement such as a trail. Kaltsas said that if council is recommending a trail, then staff would work with the applicant to establish the kind of trail. Maybe a paved trail. There would be a culvert to connect the two communities. Kaltsas said this would be back at final plat to review the solution that we come up with. Vose said this is the most authority to make changes. Johnson asked about dedication of property to the West. Kaltsas said that then the prelim plat be revised with 66' of ROW west to William Way. Kaltsas said the property to the East is the Selstad property that is very limited. The city could include the ROW to the West to be included in the motion.

Vose said the safest approach is to direct staff to amend the resolution and bring it back for a vote. It is a good idea to table this and bring it back to the next meeting. McCoy asked if the amended resolution would reflect the Council's input. Kaltsas said yes.

Motion by Betts, second by McCoy to approve to table the RESOLUTION 22-0405-02 and bring it back to the April 19 meeting. Ayes: Johnson, McCoy, and Betts. Nays: Spencer. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

Spencer said we should examine Brei Kessel to bring this up to standards with exact cost, what it would entail, if we can get the property and who is paying for this.

Council member Grotting rejoined the Council

10. Open/Misc.

Marty Chelstrom said that the goal line keeps moving. How is Brei Kessel pushing through going to make emergency better. He sees no gain in punching through. There have been 2 fires in my 20 years and access wasn't a factor. We had a unanimous Providence approval. He said he hopes there was a higher order. No one wants this to happen. They have been proactive about bringing the road to the West. Spencer said that the number one item on the engineer said to connect the road. Ordinances in all cities discourage cul-de-sacs. They are not a good idea from a planning perspective. His job is to do what is right for the city. Chelstrom said he has a neighborhood that they are seeking to destroy. Vose said that this point was made through to PC, this is a public record. There will be other opportunities for comments, but this is not a public hearing.

11. Adjourn.

Mayor Johnson declared the meeting adjourned at 8:57 p.m.

Respectfully Submitted,
Amber Simon / Recording Secretary

