

MINUTES OF A REGULAR MEETING OF  
THE INDEPENDENCE CITY COUNCIL  
TUESDAY, MAY 3, 2023 – 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 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: McCoy.

STAFF: City Administrator Kaltsas, City Administrative Director Simon, and City Attorney Vose.

VISITORS: Jerry Rockvam, Sam Vandeputte and Beth Horner.

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 April 18, 2023, Regular City Council Meeting.
- b. Approval of City Council Minutes from the April 18, 2023, Board LBAE City Council Meeting.
- c. Approval of City Council Minutes from the April 11, 2023, City Council Workshop.
- d. Approval of Accounts Payable (Batch # 1; Checks Numbered 21977-21985 and Batch # 2; Checks Numbered 21986-22000).
- e. Large Assembly Permit: Tour de Tonka Bike Ride (Saturday, August 5, 2023).

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

**Spencer attended the following meetings:**

- LMCC (virtual)

- Planning Commission
- Phone call with Jim from LMCC
- LSIA

**Grotting attended the following meetings:**

- Workshop

**Betts attended the following meetings:**

- Police Commission

**Johnson attended the following meetings:**

- Planning
- Three Rivers Park – “State of the Parks”
- Metro Cities annual meeting
- Loretto Fire Dept meeting
- Orono Healthy Youth
- Annual Wright-Hennepin Electric
- Mary Olson Funeral
- Meeting with Congressman Emmer
- Orono Gala with Mayor Rockvam
- Long Lake Fire Dept brunch
- Police Commission
- Ridgeview Hospitals event in St. Bonifacius to introduce their mental health program
- Sensible Land Use
- Coffee at Blackwater with Commissioner Anderson
- Farewell party for Clarissa at the City of Maple Plain
- Breakfast with Congressman Phillips
- Meeting with interfaith fellowship
- Interview from someone going to get their doctor degree
- Resident phone call regarding Kuntz Dr.
- Call regarding passing of former Councilmember Jack Kuntz

7. Seasonal Investments, LLC, (Applicant) and 1980 County Road 90 LLC (Owner) request that the City consider the following action for the property located at 1980 County Road 90, Independence, MN (PID No. 23-118-24-32-0011):

- a. **RESOLUTION NO. 23-0502-01** – Resolution approving Site Plan review to allow the proposed development of two new storage buildings on the subject property.

Kaltsas explained that this application went before planning commission and they recommended approval to City Council. This property is located on the East side of County Rd 90, just North of City Hall. It was used by Sam’s Landscaping, but Sam’s Landscaping is now building across the street for their new location. This plan is for two 12,000sqft storage buildings. They are both single story buildings with no functional indoor space that is inhabitable. It is strictly storage. No bathrooms, no office. They are proposing a new ingress egress driveway that would service the property to the South. It would require easements and other formal reviews before being approved.

There is no parking being proposed, just a hammerhead turn around. There is no parking demand since there is no inhabitable areas within these two buildings. The owner or staff will be responsible for bringing the

items in and out of the storage units. There will be no public access. All setbacks are met according to the plan. They are proposing landscaping and the city noted that they would like to see more evergreen trees on the East side since there is visibility from the residential neighborhood across the swamp and would allow for additional screening. Hakanson Anderson has reviewed the plans and it is now being reviewed by Pioneer Sarah Creek. They are proposing a stormwater basin and mechanical drainage.

The lot coverage max is 30%. Majority of this site is wetland. The applicant is asking for a coverage amount of 15.4% which is much less. There is no provisions for sanitary sewer and there is no location on the site to provide sanitary sewer with the way the plan is set up. If it were to ever change, it would need to be connected to city sewer, a holding tank or changed to sanitary sewer.

Johnson asked if all the maintenance work on items stored in these buildings would be done off site. Kaltsas said yes. This is simply storage. The city is not limiting the storage items to just boats. They can put boats, vehicles or other items in here. There is no outdoor storage being proposed on this site. Planning Commission confirmed that this is not heated storage. It will be indoor storage only and the buildings materials will meet the ordinance requirements. Since there is no principle structure on this site and these will be the two principle structures, they have to abide by the ordinance architectural requirements. They are proposing stone wainscoting and brick on the side facing the street and stucco on the other sides.

Johnson asked if both buildings will be built at the same time and if there was enough room between the two buildings to get a boat in and out.

Rockvam said that they have another facility that they are leasing right now, and they have 30ft to maneuver the boats inside. This plan shows 35ft. Most boats will be on trailers. In the summer we will be storing trailers. We don't plan on building these until 2025. We would like to own the buildings instead of leasing. The buildings we have now cannot be rebuilt if something happens to them.

Vose asked if there is an operational plan that says there are no third parties such as the public coming in and out.

Kaltsas said that the nature of this is that the owners and employees only are the only ones coming in and out. He asked if they should put a restriction specifically to mention this.

Vose said that if the plan ever changes, there should be a requirement that it would come back to the council to review the plans due to increased traffic patterns with no parking available.

Spencer asked if there was going to be a security gate or signage at this site.

Rockvam said he would like to reserve the right to put signage there but they do not want any of that right now. There will not be a gate.

Spencer said to make sure the signage meets the standards if he chooses to do something in the future.

**Motion by Grotting, seconded by Betts to approve RESOLUTION NO. 23-0502-01 with the following additional language to be added to No. 5; any change in the operational use of the property (i.e., public drop-off or pick-up) will require an amendment to site plan review approval. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

8. Jeffrey Pitzenberger (Applicant/Owner) requests that the City consider the following actions for the property located at 4082 Woodhill Drive, Independence, MN (PID No. 01-118-24-34-0012):

- a. **RESOLUTION NO. 23-0502-02** – Resolution approving a conditional use permit to allow an attached accessory dwelling unit.

Kaltsas explained that detached ADU are allowed on lots that are 2.5 acres or more. This applicant brought a planning application to the city last year for the detached ADU, but it was not allowed given that there was no hardship, and it was a new lot and new home. Now the applicant is back to apply for a CUP for an attached ADU which is allowed on properties with under 2.5 acres. The property is zoned RR. It is part of the shoreland overlay district and is also guided by our comp plan as RR. The property is 2.0 acres in overall size. We have a series of requirements. The ADU must be subordinate in size to the primary home. It must also be separated from the SFD by a wall or floor. This plan shows that it will be separated by a garage space. It is architecturally compatible matching siding, shingles, and colors. The ADU must be lesser of 33% of the living area of the principal structure. Based on the size of the principal structure this would allow the size of the ADU to be 1,094sqft which is the exact size they are proposing. We do subtract the mechanical room, storage rooms and garage space to get this number. It must have permanent provisions for living such as it must have a kitchen, bathroom, and bedroom. This ADU will be utilized by their in-laws, and it will use on site septic. It will be connected to existing sanitary sewer. The ADU must be compliance with all building codes and will need a building permit from the city. The CUP requirements state that it must not affect the use or enjoyment of surrounding properties, and this does not. The city did not receive any comments from neighbors about this plan. The planning commissioners discussed this space between the primary residence and the ADU and it met criteria.

Johnson asked what kind of storage room the connecting space is.

Kaltsas said that it is proposed as a garage with a garage door on it. He said we need to talk about these moving forward because some people could use this as a three-season porch or get around the idea of what it is supposed to be. He said we may need to change this in the ordinance.

**Motion by Betts, seconded by Spencer to RESOLUTION 23-0502-02. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

## 9. Open/Misc.

### a. Kuntz Dr. South – Road Discussion

Johnson explained that he had a resident on Kuntz Dr. South call him about the condition of Kuntz Dr. Kaltsas said right now the road is really good. He said he drove down it to check on it and it looks nice. Spencer said thank you to Shawn and the public works crew for working hard on the roads. Kaltsas said they have been doing a lot of grading and repairs. Spencer said even when they shouldn't be out, they were still out trying to make it better. Johnson said that the resident recommended speed bumps on Kuntz due to the amount of horse trailers traveling down the road to the boarding facility. He said that that would not be a good idea and the owner of that property just needs to be talked to by all the residents of Kuntz Dr to let them know that they need to drive at a reasonable speed. Kaltsas said that should be our first strategy is to contact them about the wear and tear on the road that it is causing. At some point their ability to utilize that property with a CUP is dependent on them being able to mitigate the impacts.

### b. City Council/Planning Commission Schedule and Meeting Dates (Discussion relating to conflicts for meeting dates due to Fourth of July, 2023 Election and summer schedule).

Johnson said that we are having some scheduling conflicts with some of the upcoming meeting dates and we will need to change some of the meeting dates.

June 20<sup>th</sup> – Johnson, Spencer, Betts and Kaltsas have scheduling conflicts. We can move this meeting to the

27<sup>th</sup> of June.

Tuesday, July 4<sup>th</sup> we would skip this meeting and just keep the July 18<sup>th</sup> meeting.  
In August we would move August 22<sup>nd</sup> meeting to August 29<sup>th</sup> for both meetings.  
Tuesday, November 7<sup>th</sup> is Election Day. The City can't hold a meeting on this day because of the Election.  
We can move this to Monday, November 6<sup>th</sup> instead.

In summary:

June 20<sup>th</sup> meeting will be held on June 27<sup>th</sup>  
No July 4<sup>th</sup> meeting  
August 22<sup>nd</sup> meeting will move to August 29<sup>th</sup>  
November 7<sup>th</sup> meeting will move to November 6

Please see updated calendars and postings on our website for changes.

The council requests that Mark schedule a work session to discuss the future of LMCC.

**Motion by Spencer, seconded by Johnson to approve the Council meeting schedule changes. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Councilmember Spencer announces that it is Mayor Marvin Johnson's 88<sup>th</sup> Birthday! He wished him a Happy Birthday and played a singing Birthday Card for him.

10. Adjourn

**Motion by Spencer, seconded by Betts to adjourn the City Council Meeting at 7:29pm. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Meeting Adjourned.

Respectfully submitted,

Amber Simon, Recording Secretary