

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 6, 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, McCoy and Grotting.

ABSENT: None.

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

VISITORS: Steve Bohl, Randy Stinson, Sally Simpson, Marsh Halberg, Dudley Bartholow

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 May 16, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 22050-22059 and Batch # 2; Checks Numbered 22060-22075 and Batch # 3; Checks Numbered 22076-22084).
- c. Large Assembly Permits:
 - i. Reception – 5280 Lake Sarah Heights. Dr. on June 24, 2023
- d. First Quarter Financial Report – ABDO (For Council Information Only)

Johnson asked if there was anything particular on the financial report. Kaltsas said that the budget is tracking as they expected for the year so far.

Motion by Spencer, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Planning

Spencer attended the following meetings:

- LMCC Budget meeting
- WHPS citizens academy graduation

McCoy attended the following meetings:

- Memorial Day services – Lewis Cemetery and Christ Lutheran

Betts attended the following meetings:

- WHPS citizens academy graduation

Johnson attended the following meetings:

- Planning
- Orono Healthy Youth
- Orono Awards Night (~\$100k in scholarships awarded)
- Mound, Hopkins, Wayzata and Minnehaha historical societies meeting on merging
- Orono school choir concert
- Dorothy Welch Funeral
- Sensible Land Use dinner on water issues
- MetCouncil Environmental services hearing (Virtual) (6.8% increase in budget across the board)
- WHPS police academy graduation
- Memorial Day Services – all 3 city cemeteries
- Common Bond meeting with WHPS Chief and MP Mayor
- Party in the Park in Maple Plain
- Regional Council of Mayors
- Resident on Kuntz phone call

Marilyn Hayes and Kathleen Blatz were the top donors for the new monuments in the cemeteries.

Simon attended the following meetings:

- Planning

Kaltsas attended the following meetings:

- Meeting with MnDot

7. Copeland Road Feasibility Study Discussion.

Kaltsas said there was a petition put together by the residents on Copeland Road to look to make improvements to the road. He said the city had conversations with several residents previously about the issues. The portion is being talked about is between County Road 6 and Hwy 12 and is about 3 miles long. There is a short portion of the road that is paved in front of the Golf Course and the rest is gravel. There was drain tile installation that was completed on that road. The city discussed a plan to put together a city-wide

gravel overlay project. This would be a 2024-2025 project. It is a large-scale overlay that the city would likely have to issue debt to get the roads back to where they should be and make it easier to maintain. Kaltsas stated that gravel roads everywhere were horrible this year. He explained that this could be an assessed project to the benefiting property owners. It depends on how in depth the repair would have to be such as storm water project that would be above and beyond a normal conveyance system, turning a gravel road to a bituminous road, different shoulders, larger scale drainage or gravel overlay. There is a statutory process in order to do this. Many other cities do this often, but Independence does not so we will have to follow procedure.

The process would be that the city first needs to talk with the city engineer, Geotech, site visits, design for more formal designs and options, Public Hearing, bids, assessment hearing and then council would decide. Kaltsas said before they proceed, they should do a site visit with public works and the city engineer, walk it, and look at drainage issues, historical improvements and how they have been holding up. Then they could look at design options and costs, schedule a meeting with residents and talk through what these things look like as well. One thing to note with rural roads is that there are extensive frontages on those roads so the benefiting properties may see significant numbers due to how much frontage they have on the road.

Betts asked if there is more density on the North side of Copeland.

Kaltsas said yes, it's not that far down on Copeland in comparison to Nelson.

Johnson asked if we have ever taken a traffic count in the summer to see if there are a lot of golfers that use that road.

Kaltsas said they have not recently done that in the last 20 years.

Betts asked if we have ever paved parts of roads in more dense areas.

Kaltsas said yes, Nelson has that.

Johnson said we demanded the golf course to pave in front of their frontage.

Betts asked if Nelson residents have been satisfied with their partial pavement.

Johnson said no. The people to the South of the pavement would like to see the pavement to continue in front of their properties as well. He asked if the tile that was put in a couple years ago was doing what it was supposed to do.

Kaltsas said he has seen good success with the tile installs, but there is limited material on top and this year was just a tougher year.

Johnson said we have a couple residents in the audience from Copeland Road and asked if they would like to speak.

Sally Simpson stated her name and that she lives at 2840 Copeland Road.

Marsh Halberg stated his name and lives at 2752 Copeland Road. He said he appreciates everyone that came together to discuss this. He stated that if someone drove down Copeland Road, it was down to 7mph this year because the roads were so bad. It led to all the residents talking. Sally and himself supplied a questionnaire to the residents and gave the results of that to the residents and the city. With 50 residents he said there are many opinions on what should happen with the road. He said he would like a walkthrough to talk about things that may not even be on their radar as possible solutions to the road. He also discussed that the timing of improvements to the road could be at the same time as other possible projects such as burying the power lines, the fiber optic cable or if there would be a roundabout happening on Hwy 12. He asked about educating the public works staff on grading or plowing to help maintain the roads condition. He said street funding is expensive and some residents will agree, and others will not.

Spencer said that he suggested to Sally that it is more feasible to have a community open house with staff, public works and a councilmember to talk about the concerns and discuss costs, positives, negatives and to update the residents on the city's future plans that are already in place. There are tiles that need to be completed before any work is done on the roads as well.

Sally said that she accepts this option and that there are probably more things that the residents do not know

about the city's plans than they actually know. It would be good to better understand this and get the discussion going.

Spencer said there have been several complaints about all the gravel roads in the city this year. The city does have plans for this and are already working on it.

Marsh said there are golfers coming down Copeland to get to Hwy 12.

Johnson said if it became a blacktop road, the traffic would increase.

Grotting said the quality of the gravel seems to be changing as well. It seems more like ag lime than gravel. He said he had a conversation with Shawn about it and Shawn had to specify the kind he wanted and stepped it up a notch due to the quality.

Johnson said we are limited to where we can get it.

Kaltsas said the city is only receiving one bid per year now.

Johnson said one good thing from the legislator is that we are getting a fund for roads of about \$99k. It will be permanent.

McCoy said Greenfield got money on a bonding bill and the city could maybe look into that when they are ready.

Grotting said Franklin Township went to granite and maybe there is a trade off there.

Kaltsas said he will look at it with the city engineers and bring back more information. He will initiate a project to go out and look at it with the residents.

8. BohLand Development (Applicant) and BohLand BridgeVine LLC (Owner) requests that the City consider the following action for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):
 - a. **ORDINANCE No. 2023-01** – Considering an ordinance amendment to allow planned unit developments as a conditional use in the Rural Residential Zoning District.
 - b. **RESOLUTION No. 23-0606-01** - Considering a conditional use permit to allow a planned unit development.
 - c. **RESOLUTION No. 23-0606-02** - Considering approval of a final plat and development agreement for the proposed subdivision of the property into 28 single-family lots with a minimum lot size of 1 acre.
 - d. **ORDINANCE No. 2023-03** – Considering establishment of the BridgeVine Storm Sewer Improvement Tax District.

Kaltsas said after being considered for final plat and ordinance from PC the applicant asked the city to consider final plat for the 28 lots. The city would have to adopt an ordinance to allow a planned unit development and CUP. He said he talked with the city attorney to notice the establishment of that district. The final plat is something that is reviewed on a more detailed level after approving the preliminary plat. The final plat is almost identical to the preliminary plat with the one difference being with the dock. MetCouncil has approved the comp plan and will be bringing it forward to respective communities this month. We will know on June 20th if any issues come of it. This plan was approved by Pioneer Sarah Watershed since then.

As related to comments about stormwater – the applicant did propose the addition above and beyond what was required such as a rain guard, rain garden on the SW side of the site and along Maple Street. Another high-level topic was the common dock. They are changing the outlot to an easement now along the lakeshore where the dock will go. The easement is in favor of association that gives access to a singular dock and is maintained by the HOA for one boat at any given time. This dock and boat would be utilized by the homeowners in this development. In the CUP permit, there is a section relating to the singular dock specifying that it is limited to one dock and one boat. It would be a condition of our CUP approval as well as their HOA.

The City currently doesn't have provisions for a PUD so we would be creating an ordinance to allow it as a PUD. Planning Commission talked about them being fine with the PUD but they thought it ought to be restricted. One thing planning recommended was to put a provision in the PUD that the property has to be guided by the comp plan and it is guided as lakeshore estates. The other provision of that ordinance is that a PUD needs to be 40+ acres, guided as lakeshore estates and connected to city sanitary sewer. Within the PUD, we would establish standards for this development such as the acre size and setbacks. These standards are right in between. We put additional provisions on accessory structures we are limiting to 1000sqft total. These are different lots than we have zoned. Outlots A, B, C, D and F are all open space with existing vegetation. Outlot D is a community amenity space that is internal to the development with a gathering space, covered structure, and is HOA regulated. There is a restrictive easement relating to preservation and protection of the ravine. There will be park dedication fees for the 27 lots with one existing lot. Planning reviewed the development, had more discussion on the PUD and CUP and they came up with lakeshore estates piece and inclusion of that in the final ordinance approval.

Kaltsas said we are including this in the comp plan amendment. It will be purple on the map and will be 0.75 units per acre for lakeshore estates. North of the park in Maple Plain is where MetCouncil will require us to do affordable housing. MetCouncil rejected the plan to put the affordable housing up against Delano since it couldn't connect to the sewer system. They would like to see 30-50 units per acre.

He stated that the comp plan will come back for adoption. It will be the same concept, same plan, just moving pieces around to get them to agree. If you look at density, when we proposed this plan, we had 2.7 units per acre.

Attorney Vose stated that there are some title issues with the property that will need be fixed prior to recording this subdivision. He also noted that the DA includes some provisions for the lift station.

Motion by Spencer, seconded by Betts to approve ORDINANCE 2023-01 to allow planned unit developments as a conditional use in the Rural Residential Zoning District. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Grotting, seconded by Johnson to approve RESOLUTION 23-0606-01 to allow a conditional use permit to allow a planned unit development. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Spencer, seconded by McCoy to approve RESOLUTION 23-0606-02 for the final plat and development agreement for Bridgevine subdivision. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Ordinance 2023-03 is delayed until a future date.

9. Request Approval of Funds Transfer as Recommended to Close Project Funding Accounts.

- e. **RESOLUTION No. 23-0606-02** – Considering an amendment to the City’s Employee Handbook based on recent legislative approvals.

Kaltsas explained that at the last legislative meeting the state recognized Juneteenth as a holiday effective this year instead of next year. It was signed into law. The city is looking to update the handbook to reflect this as a holiday.

Spencer noted that if Juneteenth is on a weekend, it would follow the state as far as which day it would be recognized, either Friday or Monday. The decision is to either grant staff another holiday or take one away. He said he would recommend granting it as another holiday.

Motion by Spencer, seconded by Betts to amend the Employee Handbook to add Juneteenth as a paid holiday effective immediately. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

10. Open/Misc.

11. Adjourn

Motion by Spencer, seconded by Grotting to adjourn the City Council Meeting at 7:45pm. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Meeting Adjourned.

Respectfully submitted,

Amber Simon, Recording Secretary