

MINUTES OF A SPECIAL MEETING OF
THE INDEPENDENCE CITY COUNCIL
THURSDAY, FEBRUARY 9, 2023 – 7:30 A.M.
City Hall Chambers

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a special meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 a.m. due to a lack of quorum on the regularly scheduled City Council meeting.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson and Councilors Betts, and Spencer.

ABSENT: McCoy and Grotting.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon

VISITORS: See 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 January 17, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1: Checks No. 21781-21788, Batch #2: Checks No. 21789-21800, Batch #3: Checks No. 21801-21822).
- c. Agriculture Preserve Application for the following property:
 - 35-118-24-14-0002
- d. Approve Hennepin County Recommended Local Board of Equalization Meeting Date – Tuesday, April 4th, 2023, at 6:00 PM.

Spencer will be absent for the Local Board of Equalization Meeting this year.

Motion by Spencer, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

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:

- Lake Minnetonka Cable Commission & Mark Lindberg
- Planning Commission mtg

Betts attended the following meetings:

- Planning Commission mtg
- Police Commission

Johnson attended the following meetings:

- Planning Commission mtg
- Orono Healthy Youth Collaborative mtg
- National League of Cities Mtg (virtual) - Energy Environment and Natural Resources
- Lyndale Lutheran church 125th anniversary potluck dinner – (resolution)
- Orono Healthy Youth Collaborative
- Orono School Board meeting and Workshop
- Police Commission
- Loretto Fire Dept – (merger w/ Hamel Fire Dept by 4/1)
- Bill Stoddard meeting
- Curtis Hill's funeral
- Interviews for Regents for U of MN (watched)
- Towards Zero Deaths webinar
- Hennepin County's Active Living Committee (virtual)
- Lake Minnetonka Cable Commission State of the City of Independence taping (misspoke Public Works - meant Public Safety)
- Northwest League mtg – County Sheriff Witt was to speak but rescheduled due to death in the family
- State of the Union Speech (watched)

Kaltsas attended the following meetings:

- Planning Commission mtg
- Police Commission
- MIDCO - Border-to-Border DEED state grant- getting MN legislatures' letters of support (400 residents/30% of City is potentially impacted)
- Lake Minnetonka Cable Commission & Mark Lindberg

Simon attended the following meetings:

- Planning Commission mtg

7. 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:

- a. **RESOLUTION 23-0209-01** – Considering approval of the Final Plat and Development Agreement to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Kaltsas recapped the Applicant's Request, Property/Site Information, and Discussion from packet for this Final Plat of 33 lot cluster subdevelopment. It is largely represented by the preliminary plat. Property is zoned Rural Residential – 141 acres, 6 individual properties. A rezoning CUP to allow a 33-lot subdivision was done in 2022. It was up to the City to approve final plat thereafter. MN Statutes state that if final plat application is largely consistent with preliminary plat approval, the City would have to move forward with approval of final plat. The Applicant made changes based on conditions of that preliminary plat approval and to help with comments from City and residents. Some of the key provisions that the City recommended include: A future access stub be added to the west if that property west develops. It is not a perfect route, but our ordinance says we provide those connecting points in case it was to develop in the future. 1:5 density in the City. No road will be constructed in that area, just a 165ft long stub drive right of way (shown in pink circle). It will be platted ROW/right of way. We will notify residents for those purchasing properties, so they'll have a letter of awareness for future buyers on that property. The City requested and obtained easement from Applicant to allow future expansion of the cul-de-sac on Brei Kessel as it is a temporary cul-de-sac and will need to be updated to be a permanent cul-de-sac standard. The Applicant is providing for that. The Applicant will also provide a paved trail connection between Brei Kessel and the new cul-de-sac, and it will be a 8.5-ft wide bituminous trail connection linking the 2 developments crossing the creek for a pedestrian/bicycle trail. Those were the primary changes. Significant number of engineering comments and are in the process of being resolved as typical to our process. Details accommodating stormwater management primarily due to the project size, significant number of wetlands, and challenges with some of the grades. The Applicant and engineer are working to resolve this and has already received approval of Co Rd 90 realignment from Hennepin County which would include a right turn lane on to Kochs Crossing. The vacation of Kochs Crossing will have a public hearing at the next meeting for that. It was initially scheduled for February 7th Council mtg due to lack of quorum. Hennepin County already signed the Applicant's plans. Planning Commission reviewed final plat at their meeting and thought the comments had been addressed and that it was consistent with the preliminary plat, giving recommendation for approval of final plat with conditions noted. The City and City Attorney drafted a Development Agreement covering the entire 33 lots noting any minor changes and we're seeking approval on that following the final review of that. The Agreement covers the entire 33 lots, as the Applicant is proposing developing it as one phase to include the construction of the new Kochs Crossing, William Way (new cul-de-sac constructed N-S through the property, the stormwater management system, and other Development Agreement details like Park Dedication. The City would assess Park Dedication on 27 lots – noting 6 existing lots (lots of record) would not be billed for that. Once approved Letters of Awareness will be sent to provide prospective buyers information to understand what their property includes (future road stubs, etc.). Those letters are recorded against the property typically only seen of the initial property owner.

Tom Koch: The original request was going to be for a 4-ft trail, and it is now an 8-ft trail to accommodate more than just the residents of these neighborhoods.

Motion by Johnson, seconded by Spencer to approve RESOLUTION 23-0209-01 approving the Final Plat and Development Agreement to allow a 33-lot Cluster Development to be known as KOCH FARM SANCTUARY. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

8. Chad Greenway (Applicant/Owner) requests that the City consider the following action for the properties located at 2171 Copeland Rd. and 2052 Nelson Rd., Independence, MN (PID No. 19-118-24-14-0001 and 19-118-24-13-0003):

- a. **RESOLUTION 23-0209-02** – Considering approval of a minor subdivision to permit a lot line rearrangement to adjust the property line that runs east and west between the two subject properties.

This minor lot line rearrangement request is between 2 properties where the Applicant owns both properties. The minor subdivision request came after he inquired about a building permit to allow a new accessory structure to be put on the property which did not have a principal structure, and he learned that it was not permitted. The City offered they could realign the property lines in between the two lots to allow for this as long as the structure was put where the principal structure was. The properties are abutting but have access off of different roadways. They would be expanding the 10-acre lot at 2171 Copeland Rd (Parcel B / North) by 2.88-acres and reducing the 60.84-acre lot at 2052 Nelson Rd (Parcel A / South) by that acreage. In the After, the south Parcel A would be 57.96-acres and without a structure, and the north Parcel B would be 12.88-acres with the principal structure and thus allow for the new accessory structure as there is no accessory structure limitations over 10-acres. Both properties meet the eligibility for the Single building. The accessory structure would meet all setback and is located in the SW corner of the property with the barn being the principal structure. So, the lot line rearrangement would just create a slightly larger Copeland Rd parcel. When Planning Commission met, there were no comments made before, during, or after the public hearing, and they were recommending approval.

Mayor Johnson and City Planner Kaltsas discussed where the old road and farm access point may have originally been in relation to the original farmstead and these 2 properties.

Motion by Betts, seconded by Spencer to approve RESOLUTION 23-0209-02 -approving a minor subdivision to allow a lot line rearrangement for the two properties at 2171 Copeland Road and 2052 Nelson Road. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

9. Consider Approval of the Proposed Auditor Contract with BerganKDV and Authorize the Mayor and City Administrator to Execute an Engagement Letter.

As discussed in the workshop, we and many other MN cities have discovered that auditors are short-staffed and dropping clients off their potential audit list. Because Independence is a smaller city with limited audit needs, we are not a great high-priority client. We've been doing a year-to-year audit contract with our auditor and have received a high value, low cost from it. In attempt to find a new auditing firm, we reached out to over half dozen auditing firms. ABDO is the largest but cannot audit us since they provide our financial consulting services. They requested favors and a very high-quality reputable firm, BerganKDV is available for our 2022 audit and the next 3-year option. They cost about \$9,000 more but we've known for 5 years that we were paying lots less than we should be. I recommend the Council Mayor Johnson and I should enter into an agreement with them. Mayor Johnson found the same with others he had talked to and thought they'd have to

pay 2-3 times as much in the next go around. Steve McDonald was instrumental in getting us an auditor.

Motion by Johnson, seconded by Betts to approve the Auditor Contract with BerganKDV and Authorize Mayor and City Administrator to Execute an Engagement Letter. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

10. Open/Misc.

There is a conflict for March 21, 2023, for councilmembers, and we could do March 28th if all are available. Typically, the 3rd Tuesday council meeting is our shorter meeting. We would ask Planning Commission to also meet then if possible.

Motion by Spencer, seconded by Betts to move the March 21st Council meeting to March 28th at 6:30 pm.

North Memorial Ribbon Cutting:

North Memorial is officially operating out of the facility. Police and North Memorial are loving the facility so far with the snow events. A poll for the Police and Councilmembers will be created to find a good daylight afternoon avoiding Friday, 24th for a (League training) and the 22nd (Ash Wednesday).

11. Adjourn.

Motion by Spencer, seconded by Betts to adjourn the City Council Meeting at 8:13 am. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy and Grotting. Abstain. None. MOTION DECLARED CARRIED. 3.0

Meeting Adjourned.

Respectfully submitted,

Linda Johnson, Recording Secretary