

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, JULY 30, 2019 –6:30 P.M.

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.

3. ROLL CALL

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

ABSENT: City Administrator Kaltsas, City Attorney Vose

STAFF: City Administrative Assistant Horner

VISITORS: Shawn Bode, Lynda Franklin, Gina Piazza Ward

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 July 16, 2019 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19016-19038.
- c. Set Truth in Taxation Meeting Date for Tuesday December 3, 2019 at 6:00 PM.
- d. Approval of the Cystic Fibrosis Bike Ride Assembly Permit (Event Held on September 14, 2019).
- e. Approval of the Homes by Architects Tour Assembly Permit (Event Held on September 21 and 22, 2019).

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

**Spencer attended the following meetings:**

- Lake Sarah Association Meeting and Picnic

**Grotting attended the following meetings:**

- Planning Commission Meeting

**McCoy attended the following meetings:**

- Welcome home reception for Ben Raskin

**Betts attended the following meetings:**

- Planning Commission Meeting
- Delano Senior Center get together for volunteers

**Johnson attended the following meetings:**

- Planning Commission Meeting
- 4 Community Theatre production of the Addams Family
- Lake Sarah Association Meeting and Picnic
- Welcome home reception for Ben Raskin
- Met with Ellie Howe who is interested in filing for the Orono School Board position
- Community Action Partnership for Hennepin County Board Meeting
- Met with Staff Members of Met Council Waste Commission
- Met with Ronan Bonavige about his Eagle Scout Project

**Horner attended the following meetings:**

- Met with Ronan Bonavige about his Eagle Scout Project

**Kaltsas attended the following meetings:**

- Met with Pioneer Sarah Creek Watershed Commission about what will happen next year, if they will hire a replacement for Jim Kijawa who is retiring. If he is not replaced there may be a consultant group hire for technical service.
- Kaltsas noted the Waste Water Quad City agreement will be replacing the Tri-City agreement.

7. Roger Pitts of 4330 Woodhill Drive Would Like to Discuss the Highwater Level on Lake Sarah.

Johnson asked Pitts what he would like to discuss. Pitts provided his research materials on the high-water levels of Lake Sarah and asked the Council to review and then address at a future date. Johnson said Staff would look at it and come back with their recommendations. Spencer noted the level today was 4 inches below the high-water level. He said Lake Sarah has been remarkably stable this year.

8. Consider Revocation of Conditional Use Permits No Longer in Use or Not in Compliance with Applicable Conditions of Approval.

**a. RESOLUTION 19-0730-01**

Kaltsas said the City has reviewed all the active conditional use permits over the last year and half. The City initially notified property owners of the intent and need to review the conditions of the conditional use permit and asked owners to contact the City to schedule an inspection. Following inspection of the majority of conditional use permits and or multiple attempts to inspect properties, it was recommended that a handful of conditional use permits be considered for revocation.

The City Council revoked several conditional use permits in February 2019 based on non-compliance or no longer being used by the property owner. One of the properties determined to be non-compliant (the City has not been contacted by the property owner to schedule an inspection and could only conduct a visual inspection from the public right of way) and without response to multiple notifications of non-compliance, was provided a final notice of the City's intent to consider revocation at the February 5th City Council Meeting. Unfortunately, it was mistakenly not included in the February resolution. That property is located at 3315 County Road 92 (PID: 09-118-24-34-0004). The property is currently in a non-compliant condition (conditional use permit resolution attached). A second property is being recommended for revocation following non-use of the conditional use permit and failure to comply with applicable conditions by a designated date.

The property located at 4885 Perkinsville Rd. (PID: 24-118-24-41-0004) is not compliant and the conditional use permit is no longer in use (conditional use permit resolution attached). City Council is being asked to consider revocation of the following conditional use permits:

Leo Poole	3315 County Road 92	09-118-24-34-0004
Rachel Myskevitz	4885 Perkinsville Road	24-118-24-41-0004

Grotting asked if the Myskevitz property was sold would the new owner want the CUP? Kaltsas said it was clear that revocation is recommended due to non-compliance. Grotting noted the City has tried numerous times to get the Poole property to comply. Vose said that from a legal prospective the CUP's are set by statute and an ordinance that follows that statute. There is not a revocation statute but City's want to give land owners notice that revocation is being considered. Betts asked if the CUP went with the land or the owner. Vose noted they run with the land not the owner and it runs as long as it is compliant. Vose said a new owner should have a blank slate and new conditions would apply.

Vilie (Attorney) said he bought the property because it as a CUP for landscaping and snow plowing. He had heard it was not revoked. He did understand there had a been a long, messy history. Vilie has been cleaning up the property for two weeks by spending \$3000 on labor. He said there are five trucks, skid loaders and no employees. Vilie is planning to build a pole barn to put his equipment in and he wants to be a good neighbor. He will also be remodeling the home. McCoy said Vilie bought the property assuming the CUP was active, and the City could not revoke it now in good conscience. McCoy said he would like to see them work with Staff to get it into compliance.

**Motion by Betts, second by Spencer to amend RESOLUTION 19-0730-01 with the deletion of the line pertaining to the Leo Poole property at 3315 County Road 92 /09-118-24-34-0004. Ayes: Johnson, Betts, McCoy, Grotting and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**Motion by Betts, second by McCoy to approve RESOLUTION 19-0730-01 with the deletion of the Leo Poole property at 3315 County Road 92 /09-118-24-34-0004. Ayes: Johnson, Betts, McCoy and Spencer. Nays: Grotting. Absent: None. MOTION DECLARED CARRIED.**

9. Designate Replacement Council Member for the August 13, 2019 Loretto Fire Commission Meeting.

The date was changed for the Loretto Fire Department meeting and the Mayor is not able to attend. Councilor McCoy will attend.

10. Open/Misc.

11. Adjourn.

**Motion by Spencer, second by McCoy and carried to adjourn the meeting at 7:44 p.m.**

Respectfully Submitted,

Trish Gronstal/Recording Secretary