

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MAY 19, 2020 –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. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

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

ABSENT: None

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

VISITORS: WHPS Chief Kroells, Tammy Ohmdahl

3. \*\*\*\*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 5, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19628-19645.
- c. First Quarter Financial Report – For Information.

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

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

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Highway 12 Safety Coalition Meeting

**Grotting attended the following meetings:**

- LMCC meeting

**McCoy attended the following meetings:**

- None

**Betts attended the following meetings:**

- Highway 12 Safety Coalition Meeting
- Police Commission Meeting

**Johnson attended the following meetings:**

**(all meetings were via zoom)**

- Met with Representative Dean Phillips
- Met with Chief of Staff Jeff Johnson
- Meetings with Senator David Osmek
- Regional Council of Mayors Meeting
- National League of Cities Energy Committee Meeting
- Small Cities Council Meeting
- Northwest League of Cities Meeting
- Orono Healthy Youth Committee Meeting
- Police Commission Meeting

**Horner attended the following meetings:**

- BKV Architect Meeting

**Kaltsas attended the following meetings:**

- BKV Architect Meeting
- Bi-weekly meeting with MnDOT and Hennepin County

6. West Hennepin Public Safety – Director Gary Kroells: Presentation of the April 2020 Activity Report.

Kroells said that at the end of April 30, 2020 West Hennepin Police Department handled a year-to-date total of 1,676 incident complaints. For the month of April, 208 incidents were in the City of Independence and 104 incidents were in Maple Plain.

\*For a full report see the City Council packet\*

7. Fred Pagenkopf Jr. (Owner/Applicant) requests that the City consider the following action for the properties located at and directly east of 2576 Valley Road, Independence, MN (PID No.s 15-118-24-32-0003 and 15-118-24-33-0001):

- a. **RESOLUTION 20-0519-01:** Considering approval of a minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions.

Kaltsas said the property is located in between Valley and Pagenkopf Roads and just north of US Hwy 12. The north property has an existing home and several outbuildings and was the original farmstead. The south property has no existing structures and is comprised of significant wetlands, woodlands and upland acreage. The applicant approached the City about the possibility of subdividing the two subject properties and realizing the permitted rural view lots. The applicant would like to create the allowable rural view lots and also rearrange the property line between the two existing properties in a configuration believed to maximize the value of the new lots created. The applicant is proposing to create two (2) rural view lots in accordance with the provisions set forth in the City’s Zoning Ordinance. The subject property has a total acreage of 92.5 acres.

The Agriculture Zoning District prohibits the subdivision of property with two exceptions: rural view lot subdivisions and lot line rearrangements. The provisions in the Agriculture Zoning District also allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize two (2) rural view lots for a total of four (4) lots across both properties. Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed - Parcel B – 10.00 acres

Parcel D – 8.81 acres

Buildable Upland Required - 2.5 acres

Buildable Upland Proposed - Parcel B – ~7.5 acres

Parcel D – ~3.75 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed – Parcel A - ~1,700 LF (Valley and Pagenkopf)

Parcel B – 464 LF

Parcel C – 316 LF

Parcel D – 1,130 LF

Parcel F – 901 LF

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel 2 – ~1:1.5

Parcel 4 – ~2:1

In addition to the minimum size necessary to subdivide, the ordinance requires at least 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, both proposed rural view lots would meet all applicable setbacks. There is an existing home and several detached accessory buildings located on north property. This home is accessed off of Valley Road. The existing homesite in the proposed after condition would be located on the newly created rural view lot (Parcel B). The new lot would have 10 acres and all existing structures would meet applicable building setbacks.

Parcels A, C and D and F would be vacant properties with no existing structures in the after condition. The applicant is proposing to subdivide the property into lots that take advantage of the natural characteristics of the property. The lots being created keep the majority of the existing lot lines intact while adjusting where necessary to accommodate the proposed rural view lots and or to ensure compliance with requisite street frontage.

There are two small pieces of property that are owned by the applicant that are bisected from their respective properties by Pagenkopf Road. There is a small triangular piece of property that is associated with the property on the east side of Pagenkopf Road that will be combined with Parcel D in the after condition. There is a little bit larger triangular shaped piece of property that is associated with the subject property that will be combined with the parcel on the east side of Pagenkopf. Parcel F is being created by moving the lot line between the property to the north of the subject property (PID No. 1511824320004) and approximately 5 acres of the subject property (see depiction below). This portion of useable property is separated from the remaining property by a significant wetland. The expanded property provides a more useable lot for future development. The City has received an on-site septic report verifying that the proposed rural view lots can accommodate a primary and secondary on-site septic system.

The applicant will need to include the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for Parcels A, C, D. Parcel F was an existing lot of record and is now being expanded. Parcel A will have no rural view lot subdivision eligibilities following this subdivision. The newly created rural view lots (Parcels B and D) will be required to pay the City's requisite Park Dedication fee. For this property the requirement is as follows: Parcel B (10 acres) \$7,250, Parcel D (8.8 acres) \$6,350. This fee will need to be paid prior to recording the subdivision. Park dedication fee of \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5 acres There is one remaining comment that was made by Hennepin County relating to the closing of Valley Road. The County has noted that the City should consider requiring an easement on Parcel C for a future cul-de-sac to be built on Valley Road as a part of the Highway 12/CSAH 92 project. The City currently has a 66-foot-wide of right of in this area. The closing of Valley Road to Highway 12 will require a cul-de-sac to be constructed north of the railroad tracks. The City's requisite right of way for a cul-de-sac is 120 feet. In order to accommodate the cul-de-sac, the City would need to request an approximately 60 x 54-foot easement. The City would likely be vacated a commensurate amount of right of way that would go back to the property owner for no net loss in property. Staff is asking Council to provide direction relating to this issue. An optional condition has been included in the Resolution should the Council condition the subdivision approval on the dedication of the easement.

The City Council will need to determine if the proposed rural view lot subdivision and lot line rearrangement is in keeping with the requirements set forth by the City. The proposed subdivision of this property is intended to maximize the value in each of the lots being created while meeting all applicable criteria. The proposed lots being created generally align with the character of the surrounding properties and the intent of the City's Comprehensive Land Use Plan.

Commissioners reviewed the request and asked questions of staff and the petitioner. The Planning Commission asked for clarification relating to the location of an existing lean to building online between Parcel B and C. It was noted that the building will be removed and has now been made a condition of the approval. Commissioners recommended approval of the requested minor subdivision. The Planning Commission recommended approval of the request for the rural view lot subdivisions and lot line rearrangement. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions:

1. The proposed rural view lot subdivision and lot line rearrangement meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the rural view lot subdivision and lot line rearrangement is subject to the following:

a) The Applicant shall pay the park dedication fees in the amount of \$13,600, for the newly created Parcels B and D prior to the applicant receiving final approval to record the subdivision by the City.

#### OPTIONAL CONDITION

- b) The applicant shall dedicate an approximate 56 x 60 right of way easement across Parcel C to accommodate the construction of a cul-de-sac. The cul-de-sac would be constructed following the closing of Valley Road north of the BNSF Railroad right of way.
- c) The Applicant shall execute and record the requisite drainage and utility and right of way easements with the county within six (6) months of approval.
3. Parcel A will have no remaining rural view lot eligibilities.
4. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
5. The Applicant shall record the subdivision and City Council Resolution with the county within

six (6) months of approval.

Kaltsas noted the lean-to would be removed and the right-of-way for the Cul-de-Sac would be on Valley View Road. McCoy stated if the cul-de-sac was moved down there would be more driveway options. Grotting said the nicest site is the East parcel. Grotting said the lot line is at an angle because of the pole barn and 300' frontage. Vose said Council is not required to allow the ROW. He said if it is not accepted the conditions could be put in the resolution. Johnson asked if the County was involved and Kaltsas said not formally but provided some input. Johnson said the railroad should be held accountable to figure something out. Grotting said he would abstain from the vote as he is the realtor for the property. McCoy asked where the D & U easement would be that is noted in the Resolution. Kaltsas said it would be 10' perimeter around the property.

**Motion by Spencer, second by McCoy to approve RESOLUTION 20-0519-01 of a minor subdivision to allow a lot line rearrangement and two rural view lot subdivisions for the properties located at and directly east of 2576 Valley Road, Independence, MN (PID No.s 15-118-24-32-0003 and 15-118-24-33-0001). Ayes: Johnson, Betts, McCoy, Spencer. Nays: None. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.**

8. Consideration of the Following Items Relating to the Proposed City Hall Improvements and Street Reconstruction Plans:

- a. **RESOLUTION 20-0519-02** – Awarding the sale of general obligation bonds series 2020A in the original aggregate principal amount of \$3,795,000.

Omdahl said they purchased low bid 1.84% at time of sale. AA rating. She noted there aren't a lot of upgrades on ratings these days.

**Motion by Johnson, second by Grotting to approve RESOLUTION 20-0519-02 – Awarding the sale of general obligation bonds series 2020A in the original aggregate principal amount of \$3,795,000. Ayes: Johnson, Betts, McCoy, Spencer and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

9. Council Discussion and Direction Related to Several Miscellaneous Items:

- a. Liquor License Fees
- b. Peddlers License Request
- c. Election Update

Kaltsas said Johnson suggested we possibly reimburse Ox Yoke for their liquor license since they were unable to sell alcohol for 2 months. Staff will be run some numbers together and bring it back.

**Motion by Betts, second by McCoy to approve reimbursing Ox Yoke for the liquor license as they were unable to sell alcohol for two months. Ayes: Johnson, Betts, McCoy, Spencer and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

Council discussed the upcoming Primary election, as well as the solicitor's license application. The Council asked a few questions about how it worked. Horner said they drive and stay in their truck as kids come down their driveway, go to the window and get a pre-packaged ice cream. The worker/driver will wear a mask and gloves, and they have a plan in place in case of a large crowd attempting to gather.

Johnson asked Kaltsas about plans to re-open City Hall. Kaltsas said the 10-person rule doesn't pertain to government but there are a lot of things to consider. Social distancing and noted the LMCC has guidelines in place for coming back. Parts of our population shouldn't come into a meeting.

Kaltsas said he was signing the Xtratyme lease tomorrow.

A Hwy 12/92 update was discussed by Council. Kaltsas and Kroells asked to be included in their meetings. They're not agreeing with the plans MNDOT has come up with. They feel it is a bad idea to have the three driveways come off of 12 right in the round-about and are still working for better plan. Johnson said if they are closing Valley Road, they should close those driveways.

9. OPEN/ MISC.

10. ADJOURN.

**Motion by Betts, second by McCoy to adjourn at 8:01 p.m. Ayes: Johnson, Betts, Grotting, Spencer and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

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Respectfully Submitted,  
Trish Gronstal/ Recording Secretary