



CITY COUNCIL MEETING MINUTES  
TUESDAY JANUARY 2, 2024

**CITY COUNCIL MEETING TIME: 6:30 PM**

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, Grotting, McCoy, Attorney Vose

Absent: Councilor Betts, Councilors Spencer

Staff: City Administrator Kaltsas and Administrative Services Director Simon

Visitors: See Sign-in Sheet

4. \*\*\*\*Consent Agenda\*\*\*\*

All items listed under Consent Agenda are considered 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 December 19, 2023, Regular City Council Meeting.

b. Approval of Accounts Payable; (Checks No. 22527-22543).

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

Grotting attended the following meetings:  
Planning Commission Meeting

Johnson attended the following meetings:  
Planning Commission Meeting

7. Brian Anderson (Applicant) and Peter Johnson (Owner) are requesting the following actions for the property located at 6220 CSAH 11 (PID No. 02-118-24-32-0001) in the City of Independence, MN:

- a. **RESOLUTION NO. 24-0102-01** – Considering approval of a minor subdivision to allow a lot split which would create a new eight (8) acre parcel on the north side of the existing creek and would be accessed via Stephanie Way; and

A variance to allow a new property to be created which has less than the requisite lot frontage on a public road or right of way.

Kaltsas - considered at Planning Commission Meeting at the end of December. Request for minor subdivision to permit Rural view lot and a variance to allow a reduction requisition of property at 6220 County Rd 11. Applicant and owner requested city consider allowing a minor subdivision to create a new 8-acre parcel in the NE portion of the property that would be accessed via Stephanie way. Requesting a variance to allow reduction in the frontage required. Zoned Ag, guided as RR in comp. 57 acres overall. In the proposed after condition would break the property into an 8 acre in NE corner and remainder of about 49 acres overall. Could be subdivided into additional lots. Leave AG property and utilize provisions of the rural view lot. Properties to North and East are RR, West and South are still AG. The pink line that runs North/South shows RR and AG guided properties. We look at how it fits into the rest of the city. One conversation we had with applicant and owner and at the Planning Commission, the idea Stephanie way connects to this property from the North. There is a provision in the cities ordinance, if you are on the bulb of the cud-de-sac the requisite frontage is 50 lineal feet. It doesn't have clear frontage on the bulb. How does future planning happen with the surrounding properties and this property. Some challenges with developing this property. If Stephanie way needs to continue through this property, there is a lot of wetlands that would cause challenges and buildable lots. There is a connection to Lake Sarah Rd on the E side of the bank of properties. There is a connection from Dillon Lane that comes directly into this property. The parcel they are breaking off is along the wetlands. Connecting that to Stephanie way is much more fit. Consider allowing developing this parcel as an 8-acre parcel. All of this is upland. Min. frontage requirement relates to the amount of acreage being subdivided. Needs 350ft of frontage. This would have 120ft. If you are on the bulb of a cul-de-sac the req is 50 lineal feet. It is very grey. It is not clear frontage on the bulb. The other requirement is no more than 1-4 lot depth ratio. The remainder piece would have frontage on County Rd 11. No new nonconformities in the after condition. The existing house is boarded up and not inhabited. If approved by council, it would require owner to vacate the septic tank and not be allowed to be lived in. In order for the city to consider this, council needs to find that Stephanie way would not be extended in the

future. And granting 350ft to 120 ft of frontage. Grant the ROW and park dedication fee. PC had a good discussion and came to determination that the extension of Stephanie way does not make sense and residents did not want to see more lots developed or extended. PC did see this lot fitting with Stephanie way better and recommended approval of the subdivision and variance.

Johnson – I remember discussion on this property when we did the comp plan change to include Johnson property about 15 years ago. With that creek there, that was the only way that they could get access to that property. Several neighbors concerned with the proper drainage of the creek. What way does that water run, independence?

Kaltsas – Lake Sarah I believe.

Johnson – It looks like the creek splits to the East. Does it go to the Schumacher Farm?

Kaltsas – I think that was man made. The wetlands always had a flow through. It should be going to the East. PC did recommend a drainage and utility easement be added.

Vose – if you touch the bulb, you are on a cul-de-sac. That's not the interpretation here. The property to the east since the curvature is in the property. Not this property.

Kaltsas- the bulb in this case is from the start all the way around. The frontage on this is generally straight.

Vose – we always concerned about precedents. It seems unlikely you would want to make access even if you extend the curvature of the cul de sac and concluded there was 50 feet. When you have a topographic feature like a creek bisecting a property, most cities would recognize that as a reason of granting a variance or CUP.

Grotting – what's stopping it from switching to RR, is it the frontage?

Kaltsas – yes. Someone could come in but they would have to build additional public ROW. Its not impossible to do that but they do not have the frontage to do that currently.

**Motion by McCoy, seconded by Grotting to approve resolution 24-0102-01. Ayes: Johnson, McCoy, Grotting. Nays: None. Absent: Betts, Spencer. Abstain. None. MOTION DECLARED CARRIED. 3-0**

8. Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. **RESOLUTION NO. 24-0102-02 – Considering approval of a conditional use permit (CUP) to allow a 500 SF ground mounted solar system and denial of a variance to allow a ground mounted solar system that is greater than 500 SF.**

Kaltsas – went before Planning Commission at last meeting. Presented here in the request. CUP and variance to construct a solar system. CUP for the ground mounted solar system, also a variance for over 500ft. There is an existing home and several detached structures. Property is currently zoned as AG, guided as AG. The property is 42 acres. There is 550 acres under the same property owner in total. Solar is a CUP in the city. We set additional provisions regarding that capped ground mounted solar 500sq ft. You need to have a hardship or unique conditions that would be needed. Applicant is asking for approval 4 different arrays of 2,000sqft. Located in a way that would meet all setbacks and

limited visibility of any surrounding properties. 1,000 ft from Hwy 12 and to the East is 0.5 miles. The reason for additional sq ft was to provide electricity needed to operate their current residential uses. They are proposing a system that would generate 32.8 kilowatts. It wouldn't over generate, just what they would consume. The city had a few of these requests in the past. We adopted the ordinance when these were coming up for typical situations. Ground mounted solar can have an impact on other surrounding properties so we required the CUP. We established 500 sq ft max for the typical residential home. Their system 55,000 kilowatt hours per year. This is about 4-5 times the size of a typical home. 500 sq ft has accommodated many homes, but the last few have been over the sq ft and uses. Planning Commission said we don't have a hardship since they just want to create more power because you have a bigger house. Planning Commission said we should look at the ordinance since we have more experience with this now and have a better metric to establish threshold. More discretion to review. Planning Commission recommended approval of CUP but denial of the variance of over 500 sq ft. There was one resident that called in on Pioneer Creek to see if they can see it and they also wanted more info on it. No public comment at the hearing.

Johnson – Planning Commission said we need to review this.

Grotting - didn't we set it at 500 because technology would improve these panels to produce more and it wouldn't be about square footage.

Kaltsas – we did say that. Technology is continuing to change. They are doing solar shingles (GIF), Tesla is doing solar shingles. We are getting requests under current technology. Planning Commission was adamant in producing additional power was a non-starter. We were pretty clear on the community solar, and we specifically don't allow for that. This residential comes up because this might work and meet criteria but not grant variances just because.

Grotting – if I have an array and strategically placed, I am producing a lot more on any day than if it was fixed on my roof.

K – trackers can produce more efficiently. We also have a max height, but these are under that. There are other ways to do this like attaching to the house. There isn't a hardship or a unique situation.

Vose – this is a classic case where you have a use that you said under code that you don't want to negatively impact neighbors. This one can be screened from everyone. If it needs a larger array, it calls out to change code for people to serve their own needs. Do you want to limit because you will get pressure. It is a policy decision not a legal decision. This is not unique.

Ray – this fits what they want and their needs, but the next property may not be able to hide a 500ft array. There are places that work and places it doesn't. There are diverse topography to allow some of these. You aren't going to see this from anywhere.

Grotting – why are we saying no to this? No one cares, but we do need to change our ordinance.

Kaltsas – their recommendation was to look at the ordinance. I think we do it quickly at their next meeting with ideas to talk about it. There is a question about opening the solar garden again, but I don't think we want that. We can come up with some criteria like the accessory building that makes this work under distinct criteria.

Johnson – the alternative might be that more people add more solar to additional buildings on the property.

Kaltsas – you can go through the process, or you can cover your roof. It's not just as easy to do that either. Their roof isn't set up for this.

Vose – Get a copy of the resolution to the applicant since it is partial denial.

**Motion by Grotting to approve as written, seconded by McCoy to approve a conditional use permit (CUP) to allow a 500 SF ground mounted solar system and denial of a variance to allow a ground mounted solar system that is greater than 500 SF. Ayes: Johnson, Grotting, McCoy. Nays: None. Absent: Betts and Spencer. Abstain. None. MOTION DECLARED CARRIED. 3-0**

9. Open/Misc.

10. Adjourn.

**Motion by Grotting, seconded by McCoy to Adjourn meeting at 7:13pm. Ayes: Johnson, Grotting and McCoy. Nays: None. Absent: Betts and Spencer. Abstain. None. MOTION DECLARED CARRIED. 3-0**

Respectfully submitted,

Carrie Solien, Recording Secretary