



CITY COUNCIL MEETING MINUTES
TUESDAY MAY 7, 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, Councilors Grotting, McCoy, Spencer and Betts

Absent: Simon

Staff: Kaltsas, Bob Vose

Visitors: Gary Kroells, Bryan Vanbeusekom, John Bauman, Jackson and Paige Striggow

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 April 2, 2024, LBAE Meetings.
- b. Approval of City Council Minutes from the April 16, 2024, Reconvene LBAE Meetings.
- c. Approval of City Council Minutes from the April 16, 2024, Regular City Council Meeting.
- d. Approval of Accounts Payable (Batch #1; Checks Numbered 22795-22801, Batch #2, Checks Numbered 22802-22811 and Batch #3, Checks Numbered 22812-22822).
- e. Release of Development Contract for Independence Ridge Subdivision (Wild Oak Trail). Mayor Johnson had a couple questions on the release of development contract.

Motion by Spencer to approve consent agenda items a-d, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None Abstain: None.

MOTION DECLARED CARRIED. 5-0

- e. Release of Development Contract for Independence Ridge Subdivision (Wild Oak Trail).
Mayor Johnson had a question regarding the equestrian trail. Is that delineated so we don't have an issue with like we had off County Rd 6 with that property.

Kaltsas – The easement was in place for the trail. The trail was not constructed on the easement because the easement is in a spot that has significant mature trees. There was never a resolution with the property owner that I am aware of. That trail was dedicated as a part of this development. City has the easement but the improved portion of that is not on the easement. It wasn't constructed on the easement. We did talk to the property owner to consenting to changing the easement, but they did not want to do that.

Motion by Johnson to approve consent agenda item e, seconded by Grotting to approve the release the development contract for Independence Ridge Subdivision. Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. 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.

Motion to add agenda item consider approval of Developmental Agreement for Breckenridge Farm Subdivision as required by plat approval by Betts, seconded by Spencer.

Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None Abstain: None.

MOTION DECLARED CARRIED. 5-0

6. Reports of Boards and Committees by Council and Staff.

Betts

Retirement Party for Rick Denneson

Spencer

Retirement Party for Rick Denneson

LMCC Executive Committee (Zoom Meeting)

Loretto Fire Department quarterly meeting

Lake Sarah Improvement Meeting

Grotting

Planning Commission Meeting

McCoy

West Hennepin Police Commission Meeting

Retirement Party for Rick Denneson

Nate Scotts Retirement Party

Johnson

Retirement Party for Rick Denneson

Planning Commission Meeting

Orono Healthy Youth Collaborative Meeting

Wright Hennepin Electric Cooperative Meeting

Mayor of Spring Park Memorial

Haven Homes Advisory Committee
Police Commission Meeting
County Commissioner Meeting
Metro Cities Annual Meeting
Fire District Meeting in Loretto
3 Rivers State of the Parks
Virtual Meeting with National League of Cities
Hwy 12 Corridor Meeting
Orono Wellness Expo
Memorial for Larry Bakkan former Mayor of Golden Valley

Kaltsas

Community Clean up

- 9 dumpsters full
- 1 dumpster with just TV/Electronics
- 30-40 Mattresses
- Bicycles recycled and given to families with needs

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the March 2024 Activity Report. See full police report.

Thank you to Mayor, Council Members and City Staff for attending and being present for the retirement for Sergeant Rick Denneson. Rick worked here for 35 years and 7 months. Solid patrol officer and sergeant for us. Amazing job by all for attending and recognizing him for all of his years of service. The good news is he is now the Maple Plain Fire Chief!

187 Incidents in Independence / 95 Maple Plain

1021 total cases handled through March

8. Jackson Striggow (Applicant/Owner) is requesting the following action for the property located at 5760 Drake Drive (PID No. 26-118-24-41-0009) in the City of Independence, MN:
 - a. **RESOLUTION No. 24-0507-01:** Considering approval of a variance for a reduced side yard setback to allow an addition to be constructed onto the existing home using the current side yard setback which is non-conforming with the requisite setback.

Kaltsas-item coming to you after being considered at the regular planning commission meeting. The property is zoned Rural Residential. Guided by the cities comprehensive plan as rural residential and .698 acres in size. The property is located on the north side of Drake Drive just West of Co Rd 83. There is currently an existing home and detached accessory building on the property. The applicant is requesting a variance that would allow for an existing home addition. This would include additional living space and master bedroom and be comprised of two stories. the existing home was noted as being a legal non-conforming structure. That was prior to the adoption, the current standards and it does not meet all applicable setbacks for the property. Specifically, the East side yard setback of 30 feet or the front yard setback of 85 feet from the center line of Drake Drive. The applicant is asking for

the city to consider allowing a variance that would allow for an addition to be constructed onto the north side of the back of the existing home Inline or aligned with the East wall of the existing home. You can see that the wall of the existing home, the far NE corner is 25.5 feet from the property line and if they were to expand that line to the North it would be 24.7 feet and so they are asking for a variance from the side yard setback of 5.3 feet to allow for the setback of 24.7 feet. The remainder of the structure that is proposed, the proposed deck and really the rest of the proposed addition would be compliant with applicable setbacks. Planning Commission did review and ultimately recommended approval noting that jogging the addition really starts to impact the usability of the existing house and doesn't seem to make much sense. The hardship was not caused by the current owner. The house was in existence prior to the adoption of the current standards so they made up finding the properties consistent with the residential use and then therefore the surrounding uses of the property. they noted the house is illegal non-conforming structure in its current condition. Recommended that the city council approval of the requested side yard setback variance.

Motion by McCoy seconded by Grotting to approve Resolution No. 24-0507-01 request for a variance for a reduced side yard setback to allow an addition to be constructed onto the existing home using the current side yard setback which is non-conforming with the requisite setback.

Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None Abstain: None.

MOTION DECLARED CARRIED. 5-0

John Bauman (Jackson's neighbor) – There is a \$2000 Fee for the variance. I want the council to help me understand, how do you justify that fee? How did it go from \$500 nine years ago to \$2000.

Johnson – We set the fee.

Bauman – How and Why?

Johnson – We charge for the cost of staff reviewing everything and we have to do mailings and published in the newspaper. There is a checklist. If they do not need as much money as paid we do return what is left in escrow.

Spencer – You are paying for the staff time, engineering your paying for the watershed investigation, you're paying for the legal description and research and the history of the property to find if the variance is reasonable. Planning Commission time, paying for our time, fairly standard fee when compared to other cities around this area.

Vose – You annually adjust your fee schedule. That is the time to debate various fees in your fee schedule. You have a public hearing on your fee schedule at the beginning of the year and the public is invited to attend. You have a contracted City Administrator and City Attorney. I prefer that you move on and let folks take about the fee at the right time. This is not the right time.

9. Consider Approval of Development Agreement for Breckenridge Farm Subdivision as required in Final Plat approval.

Kalstas - Bill Stoddard – we approved final plat subject to the DA. We have got to a point where we have a DA worthy of the adoption. The only thing I would not is that this is just a little unique. Developer is platting under everything under a single plat but developing in

phases. Normally we would plat in phases. We broke it into 3 sections, 1) residential lots on Nelson – letter of credit and improvements, 2.) Half commercial. 3.) Other half of commercial. Letters of credits associated with all the phases. The commercial pieces are different than the residential development. These are all private streets. Wetland credits, stormwater. Some improvements have to be installed in order for the project to go. I think with commercial nature, it can work in this phased manner.

Vose – I agree with what Mark said. From lawyer perspective, you have multiple plats usually in phases. Breaking it up is primarily to protect the developer. No risk to the city in doing it this way all at once. Approving it all, we have protected the city from that in the DA.

Motion to add item consider approval of Developmental Agreement for Breckenridge Farm Subdivision as required by plat approval by Spencer, seconded by Johnson

Ayes: Johnson, Betts, Spencer, McCoy and. Nays: None. Absent: None Abstain: None.

Grotting

MOTION DECLARED CARRIED. 4-0

10. Consider Approval of a text amendment to the City's zoning ordinance Chapter 5, Section 515, Solar energy systems.

- a. **ORDINANCE No. 2024 -02:** Considering an amendment to the solar energy systems ordinance that will allow an increase in the maximum square footage of residential scale ground mounted solar energy systems.

Kaltsas – City had adopted a city ordinance in 2015, provisions related to ground mounted solar energy system. In the last 2 years the city has had 3 requests that exceeded allowable in the ordinance of 500 sq. ft. Planning Commission came up with a way the city could consider allowing a solar energy system to exceed 500 Square feet by adding in provisions necessary to warrant the increase in size. 500 sq. Ft. was the size necessary to provide energy to a typical single family residential home. That would serve a typical 2500 square foot residential home. Independence has an array of house sizes and many of the homes would be above that average size. As such some of the requests we have gotten have been over the average size. Planning Commission looked at allowing essentially up to a 2500 sq foot ground mounted solar system. The 2500 comes from the maximum residential size the solar system can be without being outside of the residential regulations. That is about a 45KW system. What the Planning Commission talked about leaving the 500 sq ft as the base size that somebody can apply for via CUP but then establishing some additional criteria that says the city could or may permit a ground mounted solar energy system that exceeds 500 sq ft as long as the additional criteria are satisfied.

Ground mounted solar energy systems maximum size of 2500 sq. Ft.

Increase the property size minimum from 2.5 acres to 5 acres.

Must be located the located 100 feet from the property line and 500 Ft from any residential structure on an adjoining property. Adding some additional criteria, that could be used to help the city to determine if it is allowed to exceed 500 sq ft. It can not be visible from any public street or adjacent property. Applicant could provide the written consent of the adjacent properties. City would try to utilize the system

would not be detrimental to the public or take away reasonable use and enjoyment of the surrounding properties.

Grotting- How many lots would be eligible?

Kaltsas – more than you think. Over 100 properties would be able to realize these setbacks and get a system. Up to 5 acres gives us space. Helps keep it away from surrounding properties. No one has gotten a variance for a larger system. Denied all 3 that have applied. The last one that came forward are the only one that could have passed.

Grotting- because they had endless land?

Kaltsas – yes, they could meet the criteria, they have a flat roof on their house and their home would use all they could produce.

Johnson – this won't make any difference on the amount of sq ft they could put on outbuildings, would it?

Spencer – this would be under the CUP app, not a variance?

Kaltsas – yes instead of adding more applications and process and fees. If we could do it under the CUP. Planning Commission thought that was the most reasonable too. Review committee? It takes it out of the hearing process, and we can vet it if we keep it in a CUP.

Johnson – when ordinance was established in the first place we had a major issue.

Lots of people showing up. Maybe biased ideas. No planning committee had anyone showing up for this ordinance item.

Kaltsas – not for this. We had 3 public hearings too. When we adopted this, we didn't anticipate all that would happen and how it would grow. Solar pavement, roof, siding, etc. So much advancing.

Grotting – the points you have are pretty hard and I think there is a gray one as well.

Kaltsas – 2500 nonnegotiable, 500 lineal ft from residential structure, no, the rest is something that could help or maximize what is allowed.

Vose – this has been a hot issue. Supplies have changed rates that cities participate. It is not possible to have a solar garden and sell energy directly to a neighbor, you could sell back to the company and then they could sell it to your neighbor.

Johnson – you would have to live a long time to recoup your cost.

Spencer – using variance process is challenging because there is a no hardship usually. Thanks to planning for multiple hearings and thoughtfulness they put into it.

Motion by Spencer seconded by Betts to approve ORDINANCE No. 2024-02

Considering an amendment to the solar energy systems ordinance that will allow an increase in the maximum square footage of residential scale ground mounted solar energy systems.

Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None

Abstain: None.

MOTION DECLARED CARRIED. 5-0

11. Amendment to Annual City Council Appointments: Maple Plain Fire Commission.

Lynn asked to be replaced on fire appointment and appoint Spencer to take that position.

Motion by McCoy seconded by Johnson to approve amendment to Annual City Council Appointments: Maple Plain Fire Commission from Betts to Spencer.

**Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None
Abstain: None.
MOTION DECLARED CARRIED. 5-0**

12. Resolution Confirming Pioneer Park Master Plan.

- a. **RESOLUTION No. 24-0507-02:** Considering approval of a resolution confirming willingness to work with Orono Softball and Orono Baseball on park development if funding supports intended improvements.

Talked extensively last year and getting ready to apply for grant funding. We met with youth organizations around us about the design for the park. When we applied, we identified the improvements for the baseball fields and other improvements as well. We are trying to partner with some organizations – baseball/softball field complex. Talking with those organizations, they want to go out and do fundraising to help. It would be good for the city to show that it has dedicated those spaces for those facilities and that it supports the organizations to go out and fundraise. If they do that and come back with funds, we will work with them to go to the next piece/steps. We would have to enter into an agreement for maintained, agreements and construction. We are not at that point yet. Just a stronger faith agreement to the organizations so that people are donating money to these with a confirmation that those spaces are dedicated to them. Orono softball and baseball.

Johnson – would this be included when you apply for a grant? Exhibit?

Kaltsas – yes, that would be good. Both organizations provided us with letters last year as well.

**Motion by McCoy seconded by Betts to approve RESOLUTION No. 24-0507-02:
Considering approval of a resolution confirming willingness to work with Orono Softball
and Orono Baseball on park development if funding supports intended improvements.**

**Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None
Abstain: None.**

MOTION DECLARED CARRIED. 5-0

13. Open/Misc.

- a. West Hennepin History Center – Flag Raising Ceremony on May 11th.

Bryan Vanbeusekom – Turner Road. 4 people living there. 4 homes. Road is not a city road, it is a cartway. It needs some work. Water accumulates too much on the road and causes potholes. Road patrol was out this morning and leveled it but huge potholes that had a lot of water. Some material was hauled up there, but it is still sinking and mud. I know what to do with it, but we need to make the ditches better so the water can run off, more sloped. He said this is a driveway, not a road. I have a friend from Buffalo, and he is a one-man excavator. He is pretty smart, he said he could take care of that. Has a machine, back blade has tilt. He has done a bunch of this.

Johnson– has this been in the road report at all?

Kaltsas – they looked at all gravel roads. We put \$20k into this road 3-4 years ago. We brought in new material to get water away. City has no ROW on that road because it is a maintained road but no easement. We got permission to put the right ditch in which has helped a little, but I will talk to Public Works on the condition. We just got a lot of rain in the last 5 days.

Johnson – maybe you, Shawn and Brian can do some work.

14. Adjourn.

Motion by Spencer seconded by Grotting to adjourn at 7:52pm.

Ayes: Johnson, Betts, Spencer, Grotting, McCoy and. Nays: None. Absent: None

Abstain: None.

MOTION DECLARED CARRIED. 5-0

Recording Secretary,

Carrie Solien