



CITY COUNCIL MEETING MINUTES TUESDAY JUNE 4, 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 Spencer, Betts, Grotting and McCoy

Absent: None

Staff: Kaltsas, Simon, Vose

Visitors: Andrew Grice, Dave and Karen Malinak, Jon and Patty Malecek; Kristen Robbins

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 May 21, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 22856-22867, Batch #2, Checks Numbered 22868-22880).
- c. Agriculture Preserve Application for the following property:
 - i. PID No.s 35-118-24-34-0002, 35-118-24-44-0002, 35-118-24-43-0001, 35-118-24-34-0001, 27-118-24-14-0007, 35-118-24-23-0001, 35-118-24-32-0001 and 35-118-24-31-0001.

**Motion by Spencer, seconded by Betts to approve the Consent Agenda items a. and b.
Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None.
Abstain. None. MOTION DECLARED CARRIED. 5-0**

**Motion by Spencer, seconded by Grotting to approve the Consent Agenda item c.
Ayes: Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain:
Johnson. MOTION DECLARED CARRIED. 4-0**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

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

Betts

None

Spencer

Lake Minnetonka Cable Commission Executive Committee Meeting for the sale of the building
in Spring Park via Zoom

Accessory Building Review Committee

LMCC Full Committee first budget

Grotting

Planning

Party in the Park

McCoy

None

Johnson

Planning Commission

Regional Meeting for Towards Zero Deaths

Committee 4H building at the state fair (zoom)

Memorial Day Service

Sensible Land Use

Virtual Community Action Agency National Committee

Virtual American Experiment

Party in the Park

Regional Council of Mayors at Microsoft in Edina

Simon

Planning

Election Training

Kaltsas

Notified on Friday that we received a \$2500 Centerpoint Energy Community Safety Grant for
speed sign on Perkinsville Rd.

Johnson

Received a letter on Friday. Population Estimates say 1,394 housing units, 1324 occupied, Total Population 3,916 (52 of those are from Vinland Center)

7. Minnesota House of Representatives (District 37A): Representative Kristin Robbins – Legislative Update.

Session was very busy. Being minority, chief bills didn't get over the finish line but was able to do some bipartisan work. Last session we got bonding projects done. This session did not make it over the finish line. I expect the bonding bill will be revisited next year. Greenfield road and railroad crossing at Townline road was approved and will be starting soon. Working with Johnson, DNR was charging residents for crossing the luce line trail, we got language passed that says DNR not allowed to do that anymore. If anyone wants a letter, we can get an application to fill out.

Johnson – later this summer I want to take you for a ride on luce line trail trees grow sideways so we are losing another 50-75 ft of property over the fields.

Kristen Robbins – we can bring DNR with as well.

Working with chief Bush in Maple Grove for Sick and Safe Time for paid on call firefighters are not employees but needed to get their training hours. We got language passed that will exempt the SST for scheduling.

Citizen brought an idea for High School coaches trained in recognizing eating disorders. Limiting cannabis advertising.

Citizen brought assistant living facilities are not required to report to family members when a correction order issued and how they fixed order. Worked with Assisted Living Facility and MDH to ensure correction orders are handled.

Getting SROs back in school.

Huge tax increase. Majority 17.5 billion surplus, 38%, this year they increased 877 Million split between employees and employers. Raised the tax to 0.88% There is more to come on that bill.

Public safety – got straw purchasers to be a felony now. Jamal was in our district, lives in Maple Grove. Keep them in your prayers.

Sports betting didn't pass.

McCoy – withholding for employer and employee is 0.88%? is paid on call firefighters getting that withdrawn as well but also ESST?

Kristen Robbins – two different programs. PFML will be subject to it.

Johnson – it sounds like it was chaotic for house and senate.

Kristen Robbins – most chaos I have seen. Significant push at the end to pass constitutional amendment. Prevents discrimination, protects gender identity, and abortion up to birth. Did fail.

Grotting – I set in Met Council review meetings; you did a great job of synthesizing that.

Kristen Robbins – Met Council governance elected or stagnant. Ended in a draw. Nothing changed but we did highlight problems in cities and communities. Push again next year.

Grotting – hazards of elected officials as well

Kristen Robbins – sounds good to have them be elected. All 16 members are appointed by governor. Responsible to our governor, not our community.

Johnson – we appreciate the work that you do down there. Empathize with you on voting, so glad you are our representative.

8. Presentation of the 2023 Financial Audit.

a. 2023 Financial Audit

b. 2023 Audit Presentation

Andrew Grice – EOY 2023, clean unmodified opinion.

Any noncompliance – no instances to report

Communications letter

5-year history of general the fund – increased amount \$566k for the year or 15%

Largest increases, misc, taxes, assessments, intergovernmental increased from 26K to up 192K mainly driven by new state aid for public safety.

Revenues – taxes and special assessments down a bit to 80% down from 85%

Budget to actual results – adopt and monitor 3.7M budgeted and came in better +\$504k or 14% with building and permits. Property taxes and assessments with large assessment collected.

Additional costs for Townline rd. and write offs of escrow balances, Overall increase of \$165k.

Expenditures – Public safety the most significant expense category. Overall, 12% increase.

Fund Balance – increased to \$2.1M because of public safety aid that came through that was not yet spent.

Sewer Utility Fund – operating loss of \$206k.

Spencer – I've been curious of deficiency, we are small, but is there anything else we can do to comply with this?

AG – permanently in deficiency status because.... Most cities done everything they can do have it at that level.

Grotting – half budget is public safety, when you look at other towns, what do you see as on average for general expenditures for PS?

AG – most common for PS to hold majority. Sometimes general govt can creep up there for smaller cities. It is probably higher for others of similar size. Contracting out vs in house.

Johnson – you must be careful to compare cities, they include cars in their general fund vs PS fund. Every penny that PS spends is in PS.

Andrew Grice – some cities put that in a separate funds.

Spencer – because of joint powers, we are fully functional PS.

Johnson – I asked yesterday why we didn't have investment income, but it has been included in misc. Mark and I were talking about locally we can't get much on our investments, so we are doing more with 4 M, and LMC.

Betts – looks like a good clean report.

Johnson – thank you, Andy! IS everyone comfortable or can we accept the report from auditor tonight.

Motion by Betts, seconded by McCoy to accept the Auditors results

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

Abstain: None. MOTION DECLARED CARRIED. 5-0

9. Mosiah Willis (Applicant) and Jared Haley (Owner) is requesting the following action for the property located at 2485 Independence Rd. (PID No. 13-118-24-33-0001) in the City of Independence, MN:
 - a. **RESOLUTION No. 24-0604-01:** Considering approval of a variance to allow the existing detached accessory structure to be used as an accessory dwelling unit which will exceeds the maximum size of an accessory dwelling unit permitted; and
 - b. A conditional use permit to allow an accessory dwelling unit to be located in the existing detached accessory structure.

Mark Kaltsas – went to planning twice – first was just a CUP and after review, it was advised by Planning Commission to seek a variance and CUP and we held those Public Hearings at two different meetings. Utilizing existing building to convert space into an ADU for a family member. Applicant determined max they could convert was 877 sq. ft but 1032 square feet was in existing building. Applicant said they would finish what they could and leave the rest unfinished. Difficult to administer and to applicant to give up that space. Met all other applicable criteria. Came back to Planning Commission, and now recommending approval. Detached garage in front of the building. Previous owner finished out a portion of that space, was finished without permits. Anything that is done now would have to come in and get permitted. 2 BR Accessory Dwelling Unit with living room, kitchen and laundry. Variance to allow ADU to exceed the amount permitted, 877sqft. 1232 square feet requested or a variance 355 square feet. No comments at both Public Hearing. Planning Commission found criteria for variance and CUP had been satisfied and recommended approval.

Betts – was this originally a workshop?

Mark Kaltsas – yes, there is a garage below. Walkout type of building. Someone who was renting previously and used it as a business – dog grooming without permitting from the city.

Grotting – trying to figure out as a precedent how this might come back to bite us. Anything you can think of, Mark, by approving something like this with an existing small house on it to do the same thing.

Mark Kaltsas – it was a discussion point. It is a concern. We haven't had this application ever. If we got more of these, and someone was trying to figure that angle out, we could look at ordinance. Variance gives you the ability to decide. Is it a hardship? By just cutting out the box in the corner and made it unfinished.

Betts – how long have these been there?

Mark Kaltsas – over 40 years for this building. House was prior to that.

Grotting – it would be almost impossible to police.

Mark Kaltsas – we could put something in place for buildings built before a certain timeframe or something. We are getting more CUPs like this.

Motion by Grotting, seconded by McCoy to approve RESOLUTION No. 24-0604-01 as written. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

10. Nathan Mendiola (Applicant) and Pam and Andy Krominga (Owners) are requesting the following action for the property located at 3585 William Way (PID No. 11-118-24-42-0004) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0604-02:** Considering approval of a conditional use permit to allow an accessory dwelling unit to be located within the proposed new home.

Mark Kaltsas – no variance to go with it, Accessory Dwelling Unit to be wholly within the principal structure. Recently development of Koch Farms Sanctuary. NW side of William Way. RR, 2.7 acres. Applicant wants to construct a new home on the property and wants a family member to live in ADU within the home. Cannot have a detached for the lot size, can only have an attached dwelling. First floor of the home. Meeting all applicable criteria. Applicant could get up to 1200 square feet based on the principal structure size. Less than max permitted size is requested. Will be a Kitchen, 1 BR, 1 Bath. Sewer would be connected to septic. It will blend into the surrounding architecture. Sits nice behind garage and wouldn't be able to see it. Planning Commission reviewed and recommended approval.

Brad Spencer- what happens to it after it is no longer used by a family member?

Mark Kaltsas – they keep it. CUP runs with the land. The thing that gets tricky with ADU is the stove. If they wanted to remove the CUP, you just remove the stove.

Brad Spencer – it could be used for a future owner for a family member.

Mark Kaltsas – you can't rent to non-family members.

Marvin Johnson – how far is relative described.

RV – administration question. Should it be rescinded after sale? Keep track of CUP.

Relatives – doesn't go past 1st cousins.

Motion by Spencer, seconded by Betts to approve RESOLUTION No. 24-0604-02. Ayes: Johnson, Spencer, McCoy and Betts. Nays: None. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED. 4-0

11. Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0604-03:** Considering approval of a conditional use permit to allow a dog kennel on the subject property.

Mark Kaltsas – request for interim use permit – east side of County Rd 92. Existing detached structure. AG, AG, property is 23 acres in overall size. This property was part of the property for County Road 92 for the overpass. Seeking CUP for dog kennel but recommended by Planning Commission applicant seek IUP instead for many reasons including future use and the city maintaining the uses. It would not carry on to future

owners. Dog kennel up to 10 dogs to be boarded within the existing principal structure. 10 includes the owner's own dogs. Outside existing fenced rear yard. It is a walkout where the dogs would be kept. Utilize back fenced in area. Applicant noted they would be boarded during normal business hours. This is not a daycare facility; it is a long-term boarding for people going out of town for extended periods of times. No other employees, just the owners themselves. Issues with kennels is noise. Owner has run this in another city and has noted wooden panels can be added to help mitigate any barking. Have not had noise issues in the past. General conditions we include – Planning Commission did hold Public Hearing. Planning Commission recommended IUP. Indoor boarding would limit expansion and how the operation would be. Applicant did meet with surrounding property owners. We did have one owner call and ask for additional information, but no one spoke about denying this. One condition that IUP gives is that we can identify when it would go away. We note that it would end when the owner stopped use of facility or sold the property. It would not carry forward.

Marvin Johnson – have all these criteria been gone over with the owner?

Mark Kaltsas – they were talked about at the Planning Commission as well.

Grotting – this is zoned AG; it seems like this would be a relatively benign use in AG.

Mark Kaltsas – the cities current definition of kennel – 4 or more over 6 mo are kept.

Grotting – so they could have 100 pigs but must ask for dogs?

Brad Spencer – that came from the puppy mill issue.

Marvin Johnson – if they had dogs with puppies, they would have to get rid of them by 6 mo., but that's not what this is.

Brad Spencer – it's nice that you have the letters from previous city.

BV – no more than 10 dogs. Expiration of IUP that could be revoked if condition is not met?

Mark Kaltsas – sale of the property

RV – if intention is only for this owner, we should add a condition #12.

Mark Kaltsas – it's in the report but not resolution. Will add that as #12. Interim use will expire upon the conveyance of the property or seller or the cessation of the kennel whichever occurs first.

Motion by Spencer, seconded by Betts to approve RESOLUTION No. 24-0604-03. Ayes: Johnson, Spencer, McCoy Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

12. Jon and Patricia Malecek (Applicant/Owner) are requesting the following action for the property located at 1215 Copeland Road (PID No. 30-118-24-14-0002) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0604-04:** Considering approval of a rural view lot subdivision to divide a 7.37-acre parcel from the subject property.

Mark Kaltsas – 64.82 acres on Copeland and goes to Nelson Rd. Property is North of 6, zoned AG, guided as AG. Allowing subdivision 7-acre parcel. Every 40 acres you can realize 1 rural view lot. Asking for the lot to be 7.37-acre lot. 300ft lineal min. lot ratio frontage to dept 1-4. 1:2 is proposed. All of the land is upland. New tract primary and

secondary septic. Park dedication for new parcel. Satisfied by the applicant.

Recommended approval with noted finding and conditions.

Betts – was this always one large section as its shown?

Mark Kaltsas – I couldn't see a division of Lot line rearrangement. There is an old farm as well out of the other portion on Nelson.

Marvin Johnson – I didn't realize you had so much creek. Is it flowing well?

Patti – it has a lot of water and we have a beaver dam.

Mark Kaltsas – we might have to look at that.

Motion by McCoy, seconded by Johnson to approve RESOLUTION No. 24-0604-04. Ayes: Johnson, Spencer, McCoy Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

13. Open/Misc.

- a. Consider City Council Meeting Change – Cancel July 2, 2024, due to July 4th Holiday.

Motion by Grotting, seconded by Betts to cancel July 2nd City Council Meeting Ayes: Johnson, Spencer, McCoy Grotting and Betts. Nays: None. Absent: None. Abstain. None MOTION DECLARED CARRIED. 5-0

Mark Kaltsas – the next June meeting is fairly light and we don't have planning. Without planning we can just handle consent. July gives us 5 Tuesdays and we could add one at the need of the month.

14. Adjourn.

Motion by Spencer, seconded by McCoy to Adjourn meeting at 7:51pm. Ayes: Johnson, Spencer, Grotting, Betts and McCoy. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Recording Secretary,

Carrie Solien