



CITY COUNCIL MEETING MINUTES
TUESDAY JUNE 18, 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 and McCoy

Absent: Councilor Grotting and City Administrator Kaltsas

Staff: Simon

Visitors: WHPS Director Kroells

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. For Information: ABRC Meeting Minutes from the May 28, 2024, ABRC Meeting.
- c. Approval of Accounts Payable (Batch #1; Checks Numbered 22881-22897 and Batch #2, Checks Numbered 22898-22914).
- d. Agriculture Preserve Application for the following property:
PID No. 28-118-24-31-0002.

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

Vinland Center Open House

Hennepin County Watershed & MPCA regarding possible hazardous waste in Lake Sarah (it was actually natural – biological events that produce a sheen)

Meeting with Maple Plain Fire Dept, WHPS & MP for the upcoming Battle of the Badges (some time in August)

McCoy

Orono School Board meeting honoring Independence residents

Orono Public Works Open House

Orono Graduation

Johnson

Vinland Center Open House

Metcouncil Environmental Services (virtual)

Orono Graduation (virtual)

Orono Retirement teachers

NLC Small Cities (virtual)

Midco Meeting with Mark Kaltsas

NW League

1006 Society Governor's Mansion Annual meeting

Simon

None

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the May 2024 Activity Report.

Director Kroells stated there were a total of 1816 incidents. Of that, 215 were in Independence and 97 were in Maple Plain.

See full report.

8. Open/Misc.

Russell and Katia Harnois asks to discuss their neighborhood
Katia says she emailed Mark Kaltsas but he's not here tonight.

Spencer explained that they need to provide supporting materials in advance and get added to a council agenda.

Katia explains that their property is subject to two easements for drainage. She says Lake Sarah is in their yard right now. The second easement is for neighborhood access. Access to Lake Sarah was given to 29 households additionally. Since 1977 there was no problem. People would walk or drive to the lake with no disputes. She said the house next door was sold last year. The new owners gathered the neighborhood together and the Harnois received a letter from their attorney that the new owners are proposing to install a dock. In addition to the road, there is an area that is 43ft by 157ft where they are proposing a dock, benches and equipment for the lake. It is given to 29 households. Not everyone supports it. Eight properties have their own shoreline. Katia said they have talked to lawyers and the DNR; everyone says it is a city zoning question now. The lot is zoned residential. The easement is only written on her lot.

Spencer said we have looked at it and it is not a zoning issue. It is an issue whether the abstract was written over the property or not. That is an issue for the courts. The city isn't going to determine if an easement over private property is valid or not. This needs to be resolved by the courts. The city does not zone in a way that people can grant easements or not. Unfortunately, this most recent document is curious. If they want to challenge you, they will have to take it to the courts to tell you that it is valid.

Spencer explained that back in the 70s when Fern was subdivided, a drainage easement was written in there and a gravel driveway. It has been maintained by Russ and was a way to get down to the lake. There was nothing on the original subdivision that indicated anything else. There is another document that shows a much larger easement for multiple use. It would allow a dock, firepit, etc. It has some interesting qualities and not sure if it is valid or not valid. It is on them to prove that they have rights. Someone needs to adjudicate that.

Katia said let's imagine there is no easement and there's no land. There is no shoreline down there right now, it is a swamp. Over 80% of it is under water. There are 100ft of cattails and then a swamp behind it. To make it for a public use, can we request a study from a water engineer. It is not safe. Is that area suitable for heavy use?

Spencer said you have multiple different agencies for different areas. What they do with the property can be controlled by the DNR, etc. whether this is valid or not. It does carry with the property unless the courts says it doesn't.

Katia said they are concerned what is going to happen when they sell their house. No one wants to go to court. It's given to 29 households evenly.

Betts said the easement is not owned by the city; it is the property owner that is there. It is registered to make them legal.

Spencer said if a neighbor that doesn't currently care to use it sells to someone that does want to use it, they can use it.

Katia said most of the neighbors want to settle it down and not end up in court. She asked if she could file a variance and include the beneficiaries of the easement.

Spencer said you can amend the easement as long as everyone agrees to it. As long as it exists it rides with the property. You can decline them access and they can sue you for it. This is something that needs to be adjudicated to have it settled.

Katia said she would like to define the easement to the road, not to docks, etc. A variance would be to define that easement better.

Spencer said you could take that to court to press that. If someone decides they don't want to use the easement, they can do that, but you can't do that.

Katia asked if they need to take everyone to court with her in order to do an amendment.

Betts said you can record as a group.

Battle of the Badges

Spencer said the game will be held on August 19th, a Monday night, before school starts so there is hopefully less conflict with kids going back to school. He said we might lose some to vacations. It might change again in years to come based on the turnout. He said this is a joint city event going forward. Independence is happy to be involved with our first responders. This will be a fundraiser for mental health for all first responders, not just police and fire. If anyone has any other fun ideas, we welcome that input. There is lots of discussion going on. There is currently a training for the fire department that night but that could be changed, or it could be a part of their training.

9. Adjourn.

Motion by Spencer, seconded by Betts to Adjourn meeting at 7:33pm. Ayes: Johnson, Spencer, Betts and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

Recording Secretary,

Amber Simon