



CITY COUNCIL MEETING MINUTES  
TUESDAY JULY 30, 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, McCoy, Betts

**Absent:** Grotting

**Staff:** Kaltsas, Simon, Vose

**Visitors:** Jeanne Hoene, Jenny Harris, Tom Bren, Karen & Dave Malinak,

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 July 16, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 22973-22986).
- c. Large Assembly Permit:
  - i. Zuhrah Shrine Event - 4505 CSAH 92 on September 21, 2024.
  - ii. Wedding Ceremony - 7165 Turner Road on September 7, 2024

**Motion by Spencer, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Spencer, Betts, McCoy. 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 attended the following meetings:

Minneapolis club Dayton award

Spencer attended the following meetings:

West Suburban Fire

McCoy attended the following meetings:

West Hennepin Police Commission

Johnson attended the following meetings:

Planning Commission

Hwy 55 Corridor Coalition

Police Commission

West Suburban Fire District

Simon attended the following meetings:

Planning Commission

Kaltsas attended the following meetings:

7. Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.
  - a. **RESOLUTION No. 24-0730-01:** Considering approval of a conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

Kaltsas – zoned agriculture, guided as agriculture, 23 acres. Brought to planning, planning considered this at two different meetings. Tabled may meeting to relocate/shift/moving arena to have less impact on adjacent meeting. They shifted arena to the west by 96ft. Adjacent property had direct visibility of it. Talked about alternative locations. Applicant decided to shift it to the west and use existing evergreen trees to help mitigate some of the views from the property. Planning Commission recommended approval subject to updating a landscape plan on top of the evergreen trees that were there. Applicant worked with Otten bros to prepare landscape plan. They met with neighbor to utilize feedback and plan for updating landscape plan. Original riding arena was constructed without permits. City reviewed and noted that drainage area that went from the south property to the north. There is a drop from Turner Road going down into the wetland area. With the shift, the applicant is creating better drainage solution or a swale that helps direct it to the wetland area. Applicant proposing a drain tile system to help dry out that area that has been historically a wet area. Landscape plan takes out evergreen trees and install a shrub edge with dogwoods and lilacs with mounding. Also, a less intense edge. Done with adjacent property owner. PC discussed an issue relating to existing CUP. 1. Condition that states no employees reside at the residence. Noted that the owner of the property does not reside in the residence, but the owner of Windamawr Stables does. They are the running business of the property. PC recommended removing that. 2. Discussion about horse shows and events. The condition that spoke to that, owner doesn't plan on utilizing that. We could remove that condition. This limits the events to two. PC stated that we have an assembly permit that council needs to approve it. PC recommended the amendment to CUP.

Johnson- with the removal of the evergreens currently there, it will take several years before there is noticeable growth.

Kaltsas – I think that's right. It's an existing hedge line. Lower-level screening is what the neighbor preferred.

Johnson – asked applicants if they agree with everything Mark said.

Jeanne – he did a beautiful job.

Johnson – Bren? Ok?

Bren – we got together and spoke, and everything was agreed upon.

RVose – no employees, but you have a tenant living. How would the change work? Para 4 would be removed. Is there no restriction?

Kaltsas – the intent is that its gray and hard to define. We have provisions in place as a SFD. We cover it in our ordinance already. I don't think its necessary, PC recommended, use of principle use. They would have to do an ADU. Take away the gray language and fall back on the ordinance to enforce.

RVose – whether you own the home or rent the home, in precedence, what a single-family home is. Its typically not a large amount of people. Cannot have a bunch of employees living in the home. Somehow associated with the home.

**Motion by McCoy, seconded by Betts to approve RESOLUTION No. 24-0730-01.**

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

**None. MOTION DECLARED CARRIED. 4-0**

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. 24-0730-02:** Considering approval of a conditional use permit (CUP) to allow a ground mounted solar system greater than 500 SF.

Kaltsas – zoned agriculture, guided as agriculture, 42 acres overall. Applicant had made an application for ground mounted solar last winter and it was considered by the city as both CUP and variance. Recommended denial for variance, CUP was approved up to 500 sq. ft. Ordinance amendment came up after that. When city adopted ground mounted solar, they looked at what the typical house usage. 500 sq. ft is the practical use size to serve the energy need for a typical residential house. MN average home size. Independence doesn't have the same averages for homes. We have seen a couple applications come through for larger than this size. We have seen that properties can go up to 55 kw hours. Max size for residential size can be up to 2500 sq. ft. We amended ordinance as a CUP Ground Mounted Solar System for up to 2500 sq.ft. with additional criteria. Have to be on property located on 5 acres or more and min setback from 100ft and 500 lineal feet. This application came back under new ordinance for additional sqft. 2,070sqft solar – 4 arrays – 230ft from W, 1000 ft to Hwy 12. Nearest structure is approx. ½ mile. Application has written consent of neighboring properties but they own the surrounding properties. Planning Commission held Public Hearing and no comments made. PC recommended approval based on meeting all criteria.

Johnson – I'm curious on solar garden, if you aren't using any electricity, all batteries are charged up. You can't sell it back to the coop.

Kaltsas – they can sell it back. When its being used or not being used, they are selling it back. It is connected to the grid. They are getting an offset on their energy bill. Utility company gets to decide how much that is. They have a substantial property, and they are suggesting they will use all the energy being produced. They are right at the max that is regulated. If they exceed

that, they would be commercial. Shingles, siding, driveway, everything is becoming fair game for solar. I think GMS will go away and everything will become more advanced.

RV – the idea to limit solar systems to a size that would accommodate more than needed, that is smart. The state public utility has changed credits available. Good work, Mark!

Johnson – it's a learning process. Everything getting more efficient. What are they going to do with the stuff? Its nice they are doing this as a new structure. It's an unusual circumstance because of their area.

Kaltsas – Usset said if he stood on his roof on a clear day, he might be able to see it.

J – at initial hearing, a lady built a new house just south of them, she thought she could maybe see it but she was in favor of doing it.

**Motion by Spencer seconded by Johnson to approve RESOLUTION No. 24-0730-02. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

9. 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. 24-0730-03:** Considering approval of a conditional use permit to allow an accessory structure greater than 5,000 SF.

Kaltsas – item went to July planning commission meeting. Detached Accessory Structure larger than 5000. Zoned Agriculture, guided agriculture, approximately 23 acres. Familiar with this property since they just came forward asking for a dog kennel within property, interim use permit approved. Expansion of existing barn, 36x80 – 2080. Add 30x80 (2400) on to the building 5280. It exceeds the max of 5000. Limits all buildings to 5000 sq. ft without at CUP. Greater than 10 acres so there isn't a max of coverage. Livestock and other animals. They are using it for their own purposes. We noted that existing building. No property adjacent to the property, across 92. Expansion goes to the south. Views are limited from surrounding properties. PC discussed proposed CUP, this does not change or have anything to do with the IUP and the dogs. They made a recommendation to approve and met criteria.

Johnson – is everything Mark said Karen, **do you agree?**

Karen – yes, absolutely.

Johnson – building is going up! Hopefully they can approve it.

Karen – we have a permit for what we have built so far.

**Motion by Betts seconded by McCoy to approve RESOLUTION No. 24-0730-03. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

10. Consider Approval of the Council Chambers Flooring Replacement.

Kaltsas – not a great item we have to talk about. As you know the flooring had some issues, we talked to floor people, architect, original architect, installer. They all point back to moisture coming in through the floor causing them not to adhere. Councilmember Spencer talked with someone he knows and Kroells did as well. Two quotes. To be safe and be durable you should put tile back into the floor for longevity. We don't know without significant testing to correct that. There are samples back there. Can't match exactly, but something to look nice without tripping hazard. Scraping floor completely and then scrape glue off floor, treat and waterproof it.

We do have drain tile and televised it. Drain tile was in good operating condition. We got scuppers that go under the building and high-water table. When we peel up these tiles, and electrical outlet in the ground but no standing water but still condensation. Scuppers will be tiled out. Extending drain tile in front of WHPS. Sam's was contracted to finish that drain tile. Its difficult to go after contractors to find out whose fault it was.

Betts – they said a primer and then a waterproofing.

Kaltsas – prime and waterproof on top.

Betts – I'd like to know the process.

Kaltsas – he 's local Delano contractor.

Johnson – where does the drain tile go out to?

Kaltsas – daylight's off the hill and rolls back around into the catch basin. Maybe take it right to the manhole. It runs.

Johnson – if the water table is high, it should be running now.

Kaltsas – it should be but its not. Under WHPS we had some duct work, and one was broken.

That duct was filling with water regularly. We vacuum sucked that duct and replaced it going up and over. I'm worried there are other ducts doing the same thing. 14" deep and it was filling up with water. There is high ground water. WHPS is having a lot of humidity at 80%.

Betts – WHPS has carpet and no issue?

Kaltsas – no issue. This was linoleum and never had issues, now we do. It should have been looked at further. We have carpet right here and there are no issues. It's odd that the laminate can't take it.

**Motion by Spencer seconded by Betts to approve flooring replacement. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

#### 11. Review *Draft* Interim Ordinance Relating to Cannabis Businesses Within Independence.

Kaltsas – this has been kicked around and we've been holding out. Vose sends a lot of info on this. We need to act on this and take a look at what the state is going to pass down. We are in an area that could be subject to some of these growing locations. I would like to adopt it before Aug 16<sup>th</sup> meeting.

RV – we have been tracking this pretty closely. Cities are not excited to be doing this. There is a concern that there is an exception.

State has divided this into different elements by regulation. One relates to AG, grower could set up and be grandfathered. That potential exists and I'm not sure you want that to occur. You would put it all on hold and figure out what you want the business to look like if it is going to happen at all. Cover all elements relating to cannabis and not allow anything to happen until state says or cities decide what to do.

Betts – what is the difference between marijuana and hemp.

RV – I don't know but I'm going to guess. THC, cannabis is a stronger form of that.

Betts – plants don't look the same, do they?

RV – put an end or no start on everything until state puts rules on

Kaltsas – we should sit back, let state do its thing and then talk about what we care about and what we don't care about as a protection, this gives us the opportunity to try to understand it.

Betts -what's a timeline on it

RV- no deadline, expectation has been mid or end of q1 next year will start to issue licenses.  
State is leaning towards allowing some things to happen before licensing is in place.

Motioned by Johnson to have staff prepare a future resolution, seconded by McCoy. **Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

12. Open/Misc.

13. Adjourn.

**Motion by Spencer, seconded by McCoy to Adjourn meeting at 6:59pm. Ayes: Johnson, Spencer, Betts and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Recording Secretary,

Carrie Solien