

MINUTES OF A REGULAR MEETING OF  
THE INDEPENDENCE CITY COUNCIL  
TUESDAY, DECEMBER 3, 2024 – 6:30 P.M.  
City Hall Chambers

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: Johnson, Spencer, McCoy, Betts

ABSENT: Grotting

STAFF: City Administrator Kaltsas, Administrative Services Director Simon,  
City Attorney Vose

VISITORS: Julie Mass-Kusske, Laker-Pioneer

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 November 19, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 23272-23283, Batch # 2; Checks Numbered 23284-23290).
- c. Agriculture Preserve Renewal Application – James and Roberta Meehan
  - i. PID No. 20-118-24-43-0004
  - ii. PID No. 29-118-24-12-0002

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

- Truth in Taxation

**Spencer attended the following meetings:**

- Planning

- County Assessor
- Truth in Taxation

**McCoy attended the following meetings:**

- Truth in Taxation

**Johnson attended the following meetings:**

- Metro Cities Policy Development (virtual)
- Orono HS Anastasia musical
- Funeral for Linda Schmidt, former WHPS employee
- Hennepin County Assessor
- Truth in Taxation
- (Hennepin County's TNT meeting was also scheduled for tonight at the exact same time, and Mayor Johnson would normally attend that.)

**Simon** – none

**Kaltsas** – none

7. Consider Adoption of the Final 2025 Tax Levy and General Fund Budget and Associated Actions.

It was presented tonight at 6pm and no one came to that. It was also mentioned in our newsletter. Since this is the last meeting of the year, we need to approve it.

- a. **RESOLUTION 24-1203-01** – Adopting the 2025 General Fund Budget.

**Motion by Betts, seconded by Spencer to approve the 2025 General Fund Budget.**  
**Ayes: Johnson, Spencer, McCoy, Betts. Nays: None. Absent: Grotting. Abstain. None.**  
**MOTION DECLARED CARRIED. 4.0**

- b. **RESOLUTION 24-1203-02** – Adopting the 2025 General Tax Levy.

**Motion by Johnson, seconded by McCoy to approve the 2025 Final Property Tax General Levy. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0**

- c. **RESOLUTION 24-1203-03** – Adopting the 2025 Pioneer Sarah Creek Watershed Management Commission Tax Levy.

**Motion by Spencer, seconded by Betts to approve the 2025 Pioneer Creek Watershed Management Commission Tax Levy. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0**

Spencer shared appreciation to Joe Baker and staff for maintaining a level levy for this.

8. Amy Pelowski (Applicant) and Jeremiah Staples (Owner) are requesting the following action for the property located at 25 Game Farm Road (PID No. 33-118-24-44-0005) in the City of Independence, MN.

- a. **RESOLUTION 24-1203-04** – Considering a conditional use permit to allow a 500 SF ground mounted solar system that meets all applicable requirements of the City’s Solar Energy System Ordinance.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet and opened questions for the council. The property is on the West side of Game Farm, South of County Road 6, and there are an existing home and detached garage and accessory. It’s guided as AG/agriculture. All ground mounted solar systems in the City require a CUP/conditional use permit. There are requirements for where it can be located, maximum size, setbacks, and height. The Applicant is proposing a ground mounted solar system/GMSS that meets all requirements. Applicants did obtain support letters from the properties on the North and South. The proposed is for two solar arrays, West of house in rear yard. It’s approximately 450 sqft, located 50ft from North property, 90 ft from West property line, and a long distance from West and East property lines. It’s approximately 9.5 ft high. The nearest property is 200ft away and there is considerable tree coverage or vegetation. These GMSS are becoming more common within the City. The City held a Public Hearing. The Planning Commissioners noted these were far enough away and that it met applicable standards, and so recommended its approval. The Owner is here tonight.

Jeremiah Staples – Surveyors were out there and confirmed that all setbacks were met by at least 50 ft.

**Motion by Spencer, seconded by McCoy to approve RESOLUTION 24-1203-04 for the ground mounted solar system Conditional Use Permit noting that it meets all applicable conditions and restrictions. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None. Abstain. None. MOTION DECLARED CARRIED. 4-0**

9. Jon Dailing/Windson Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the properties generally located at 18 Golf Walk and 550 CSAH 92 N. (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32-118-24-42-0030, 32-118-24-43-0002, 32-118-24-42-0031, 32-118-24-42-0029, 32-118-24-42-0025, 32-118-24-42-0036, 32-118-24-34-0001 and 32-118-24-31-0001) in the City of Independence, MN:

- a. **RESOLUTION 24-1203-05** – Considering a conditional use permit amendment to allow a modification to the vehicle parking area for the out-of-town member guest house and amendment to the approved conditions for use of the house in association with the private golf club.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet. Windson Farm Golf Club is on the South side of County Road 6, West of County Road 92, zoned as AG, guided as public - semiprivate. The Murphy guest house was approved in 2012. It was established by its club for use of its national club members that travel to use facilities. The conditions limited the guests’ length of stay, access to it by golf cart only, and access to be maintained at all times. The Murphy guest house has no kitchen, and no meals are prepared there. The number of national members increased, and they have demand

to utilize that house in off-season months. Members want to stay at the golf course, but the conditions stating you must access it by golf cart in the winter months make it challenging. They are requesting the amendment to modify 2 of its 6 conditions: Maximum length of stay from 3 consecutive nights to 14 consecutive nights from November 1 to April 30. The second condition requests a change from accessing the guest house by golf cart only from May 1<sup>st</sup> to October 31<sup>st</sup> (peak months) to allowing access by automobile from November 1 to April 30 (off-season months) and the parking of those automobiles used to access the guest house shall be only in the designated parking spaces. They will construct 8 parking spaces near / east of the guest house. After talking to WHPS and MP Fire, they were in support of this. This only applies to off-season months, but during its regular season, they cannot drive cars out there as it would be a prime location for cars to be hit by golf balls. The criteria for granting amendment are the same as for granting a conditional use. It doesn't take away from reasonable use and enjoyment of the surrounding properties. The Planning Commission had asked about Emergency and Fire access, and it was noted that both West Hennepin Public Safety and Maple Plain Fire Department had approved. When asked about the guest house history and initial conditions, it was noted that when the initial CUP in 2012 was permitted, the City did not want permanent housing on the golf course that could be converted to housing. Planning Commission noted that it met criteria and recommended approval. The Applicant is here to answer any questions as needed.

John Dailing agreed with Mark's summary.

**Motion by McCoy, seconded by Spencer to approve RESOLUTION 24-1203-05.  
Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None.  
Abstain. None. MOTION DECLARED CARRIED. 4-0**

#### 10. Annual Opportunity for Public Comment on MS4 Permit.

- a. This is an opportunity for interested citizens to comment on the city's Storm Water Pollution Prevention Program (SWPPP) which is a part of the City's MS4 Permit.

Kaltsas - Mayor and Council, so annually, in accordance with our MS4 Permit, which is our municipal storm sewer system permit, and then the Stormwater Prevention Plan that we put into place, we're required to provide an opportunity for public to comment on that plan. There were some things that changed in the requirements last year, and so normally we would do it in the Spring, like early Summer, and that requirement doesn't exist anymore. But we still have to hold the opportunity for people to comment. The MS4 General Permit is designed to reduce the amount of sediment and other pollutants entering stormwaters from our stormwater systems, and all of our stormwater systems that are put into place or that are privately put into place are covered under our MS4 Permit. And with that the City does do various things to try to maintain those systems, manage and kind of oversee what happens with that. But with that, one of our obligations is to just give people an opportunity to ask questions, approach the City about the MS4 Permit or the Swift that goes into place. And this is regulated by the MPCA.

Johnson - Why don't we just move on to the next agenda item, and if she happens to come, then we can move back. We can move back and pick that up. Do you want to discuss the high-water level in Lake Independence?

11. Discussion Regarding the Ordinary High-Water Level (OHWL) for Lake Independence:

- a. Lake Independence Citizens Association (LICA), Pioneer Sarah Creek Watershed Management Commission (PSCWMC) and the Department of Natural Resources (DNR) have been discussing the status of the OHWL for Lake Independence. The city is being asked to support further study and analysis of the OHWL for Lake Independence.

Kaltsas- Sure, and I'll let Council Member Spencer as well if he wants to provide any other input relating to this. But Ordinary High-Water Level of Lake Independence has been a topic in the City for a number of years. The level has been consistently above the 10-15 years we've seen that level not only be above the Ordinary High-Water Level, but it's been sustained. We've had many years where it's just held above. This particular topic has been discussed by LICA and the Pioneer Sarah Creek Watershed Commission, and there's been an interest to try to analyze study and look at that Ordinary High-Water Level in more detail, to try to understand why the lake is maintaining that level, and then, whether or not the ordinary high-water level should be adjusted. The DNR has established the ordinary high-water level, which was most recently established in 1976. There was a weir that was installed at the lake outlet in 1984, which does kind of maintain the water level of that lake. With that the Pioneer Sarah Creek is moving forward with a hydrological study to evaluate the situation based on the request from LICA, and the DNR has been contacted about whether or not they should look at and investigate the Ordinary High-Water Level. In order to do that, they want support from Medina and Independence City Councils to suggest that that they should continue to look at that. A couple of things I'll note, and then Council Member Spencer, if you'd like to chime in. I think the basis for that Ordinary High Water Level discussion for the most part relates to the No Wake issues that get placed on that lake and stay in place during periods of high water like we had this past year that no wake restriction stayed on almost the entirety of the summer. But with that there are implications to the ordinary high-water level if it is adjusted. Looking at those 2 aspects, the ordinary high-water level and the lake No Wake level, they really are separate items because the one is controlled exclusively by the cities, Medina and Independence, and the other is controlled by the DNR. And if that ordinary high-water level were to get adjusted, there are some properties that could have impact, mostly relating to their separation above the Ordinary High-Water Level and their lowest opening. If that Ordinary High-Water Level got adjusted that in and of itself could have implications for some properties on the lake that may or may not be now subject to flood insurance or some different things like that. There's some pros and cons. I did talk to Medina about this. They had called and said, "Where are you guys at?" and that their concern is not so much the No Wake issue it's more the Ordinary High-Water Level and whether or not that impacts properties and whether or not we should actually try to change that. Their initial blush is, let's look at the wake level but not the not try to adjust the Ordinary High Water, but at the same time look at the inlet and the outlet of Lake Independence to try to see where's the water coming from and why it's staying and raising that level. Councilmember, Spencer, would you want to add to that because you're more knowledgeable?

Spencer: Part of the reason that we're the request was made in the DNR to investigate the High Water elevation isn't necessarily because of the setbacks or the other impacts it might have, but because that delineates the enforcement ability for the DNR to protect the waters, and we ran into a little issue in Bridgevine with people not needing a permit to dig in 2 feet of water, which is kind of ridiculous. That triggers the conversation about the Ordinary High-Water Level. The Ordinary High-Water Level isn't anything that we or Medina would set. It's a thing that's established by a scientific formula that observes what the traditional water level elevations have been on that lake by observing things such as marks on trees. When they raised the Ordinary High-Water Level on Lake Sarah, they certainly didn't ask the City of Independence or Greenfield about it, and why our current hydrologist seems to feel the need to request the approval of Medina and Independence is beyond me. This is his job. Where we have a problem is that the enforcement from the Ordinary High-Water Level is up to us and Medina, and we would theoretically be trying to reinforcing actions that potentially could be under 2 feet of water like we were this summer, and that's kind of not really in our purview. The second thing is that we've been dealing with this for so many years. We've helped and participated in the project to clear the outlet 10-12 years ago with Sunram. Now that clearing the outlet may help, but it certainly isn't the problem. The water levels have been above the Ordinary High-Water Level most of the last 15 years. Very rarely has it gone under the Ordinary High-Water Level. The no wake level isn't really driven by the ordinary water level, it's driven more off the 100-year FEMA flood elevation, which is also slightly ridiculous. It's supposed to be a one percent event, and I think it's happened 5 times in about 10 years, which makes it about a 50% event. But that's just math. A few other people and I went to the Pioneer-Sarah Creek Watershed Commission meeting and requested that a study be done to understand why the water elevations are high on Lake Independence and whether or not something can be done about it. And if nothing can be done about it, then we should raise the Ordinary High-Water Level to whatever it should be. If we can't lower the water elevations back to where they historically have been, we adjust our enforcement boundaries to the realities of today with this global warming, or more rain, or whatever it is, it really isn't of no particular interest. It just is what it is. That's been the process. Lake Independence is going to be coming to us for some participation in another clean out of the outlet that should involve contractor this Winter. He's anticipating that should cost about \$40,000 - \$45,000. If we have historical participation, there'll be 5 parties involved in this. We probably ask for about 1/5th of that.

Johnson - Is it a different area than before?

Spencer - No, it's pretty much the same area. The maintenance hadn't occurred in that area, so cattails have built up in the channel, and they need to be physically removed. It just needs to be done. The DNR is asking for the cities of Independence and Medina to weigh in on this, probably more to kind of offset what he feels is a concern about the negative impacts to shoreline property owners. LICA did a survey of its property owners, and it was of minimal concern to them if the ordinary high water rewarded you guys. I'd be comfortable in saying, Yeah, sure, I think you should raise the Ordinary High-Water Level. The data serves and supports that. I think part of the problem for Lake Independence is the flow of water coming into the lake. That's obviously through Three Rivers Parks, so there'll have to be some study on that culverts, drainage, and things like that. And it sounds like the DNR is going to participate in that study. If the Department of Natural Resources Area Hydrologist needs a letter of support from the City of Independence to restudy the standards, I think that's a good idea.

Johnson - Has Three Rivers Park weighed in on this at all?

Kaltsas - A little bit on the study. They have issues with the No Wake on the park and the campground, but I don't know if they've formally given any kind of direction.

Spencer - I don't think I haven't heard anything. I think they're a little more concerned about the impacts to their visitors. They received quite a few complaints about the season long. That is a different subject. We will have to look and readdress that way. Medina has a separate issue at some point, but we want LICA to be involved and make sure that their owners are in some agreement if whatever changes we might require. I guess the motion would be is, it is if requested that this, the city staff be authorized to send a letter of support for our studies.

**Motion by Spencer, seconded by Betts to approve sending a letter of support to raise the Ordinary High-Water Level (OHWL) if requested. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0**

#### 12. Open/Misc.

Johnson - We've reached the end of the agenda as I understand it, and it's the end of my pounding the gavel. I'm gonna miss it, but I'm not gonna miss it.

Spencer - Unless some tragedy should befall us, this is the final council meeting that you would be administering, and we applaud you for your 45 years of extraordinarily consistent service. I think you've missed all of maybe 5 meetings in those 45 years.

Johnson - I know it hasn't been that many, but as I mentioned in my newsletter article, it's been a venture with the good staff, Police, Public Works, and Councils when you really get something done and you're respected for it. We've had about I don't know. Bob (Attorney Vose), we've had 3 or 4 City Attorneys before you, and in every case, I was comfortable (well, in one case I wasn't). It makes a lot of difference. I'll miss it, but I'll be relieved of the responsibility.

Spencer - The testament to your consistent service is the frequent absence of attendance at your meetings and controversy. I think that's something to be incredibly proud of. I would congratulate you, and I'd offer a round of applause for his. Thank you, everybody for coming. We do have cake for anybody in the audience who wants to stick around.

#### 13. Adjourn.

**Motion by Spencer, second by McCoy to adjourn the meeting at 7:09pm. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None. Abstain. None. MOTION DECLARED CARRIED. 4-0**

Meeting adjourned at 7:09 pm.

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Respectfully Submitted,  
Linda Johnson/ Recording Secretary