



CITY COUNCIL MEETING AGENDA  
REGULAR MEETING  
TUESDAY, OCTOBER 2, 2018

**CITY COUNCIL MEETING TIME: 6:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
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 September 18, 2018 Regular City Council Meeting.
  - b. Approval of Accounts Payable; Checks Numbered 18290-18319. Check number 18289 to WHPS Provided Separately.
  - c. Approval of Election Judges for the November General Election.
  - d. First and Second Quarter Building Permit Information – For Information.
5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
6. Reports of Boards and Committees by Council and Staff.
7. David Zoldahn (Applicant/Owner) requests that the City consider the following action for the property located at 440 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002):
  - a. **RESOLUTION 18-1002-01** considering approval of a minor subdivision to permit a lot line rearrangement to adjust the east/west line between the two subject parcels.
8. Doug and Geralyn McDonald (Applicants/Owners) request that the City consider the following action for the property located at 4976 South Lakeshore Drive in Independence, MN (PID No. 24-118-24-11-0013):

- a. **RESOLUTION 18-1002-02** considering approval of a variance to allow the construction of a detached accessory building that does not meet the side yard setback from the west property line.

9. Open/Misc.

10. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, SEPTEMBER 18, 2018 –6:30 P.M.

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, Grotting and McCoy

ABSENT: Councilor Betts and City Attorney Vose

STAFF: City Administrator Kaltsas, City Administrative Assistant Horner

VISITORS: Geralyn McDonald, David Zoldahn, Samantha Kleinfield, Lieutenant Shane Magnuson, Steve McDonald

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 September 4, 2018 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18259-18289.
- c. Approval of Final Security Release for Serenity Hills Subdivision.
- d. Approval of Agriculture Preserve Status Renewal for the Property Identified by PID 31-118-24-34-0001 and owned by the Jeanne M. Ahrenholz Living Trust.

**Motion by McCoy, second by Spencer to approve the Consent Agenda items. Ayes: Johnson, McCoy, Grotting and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.**

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Highway 12 Safety Coalition
- Klaers Century Farm Celebration

**Grotting attended the following meetings:**

- LMCC and Media Com Canvassing meeting

**McCoy attended the following meetings:**

- Craig Maas funeral

**Betts attended the following meetings:**

**Johnson attended the following meetings:**

- Highway 12 Safety Coalition meeting
- Regional Council of Mayors meeting
- West Hennepin Chamber of Commerce meeting
- Northwest League of Cities meeting
- Klaers Century Farm Celebration
- Craig Maas funeral

**Horner attended the following meetings:**

**Kaltsas attended the following meetings:**

6. Annual Presentation of Hennepin County Sheriff's Office.

Watch Commander, Lieutenant Shane Magnuson and Samantha Kleinfield presented on behalf of Sheriff Stanek. Magnuson outlined responsibilities of the office and noted the population of Hennepin County is currently 1.3 million people. He stated there is an unorganized territory by the Fort Snelling area. Magnuson said there are four task forces that operate under the leadership of the Sheriff's office. Magnuson thanked the Council for supporting recent legislation and the resolution allowing law enforcement to carry Narcan. McCoy asked if the use of Narcan was being tracked and Magnuson said they are starting to track incidents.

7. Discussion of the 2019 Draft Budget and Preliminary Tax Levy.

- Draft 2019 Budget Memorandum
- Draft 2019 Tax Levy
- Draft 2019 Pioneer Sarah Creek Watershed Management Commission Levy

Lindrud noted the revised budget came in a little lower. Johnson asked about the Maple Plain decrease in the fire budget. Kaltsas noted it was a proposed fire budget not an adopted one yet. He said Larry Ende may be retiring in the next year and the funding for Public Works capital equipment is on track. Kaltsas said they will need new radios in Public Works. He said overall the proposed budget increase would be less than two percent. Kaltsas said the tax rate would be kept flat at 40%.

8. Consider Approval of the 2018 Preliminary Budget and Tax Levy:

- RESOLUTION NO. 18-0918-01** – Establishing the General and Debt Service preliminary tax levy.
- RESOLUTION NO. 18-0918-02** – Establishing the Pioneer Sarah Creek Watershed Management Commission preliminary tax levy.



Kaltsas outlined the 2018 Preliminary Budget and Tax Levy. He noted it could go lower but not higher. Kaltsas said there are established funds that would have to be used to pay for equipment for Public Works. He described the cash flow analysis of the budget.

McDonald noted the budget impact for homeowners was 3.36% which keeps at 40%. He noted overall revenue was 2.7 million and the key changes were in the general fund. McDonald stated there would be \$20,430 funded in capital outlay costs.

**Motion by Spencer, second by Grotting for preliminary approval of RESOLUTION NO. 18-0918-01 – Establishing the General and Debt Service preliminary tax levy. Ayes: Johnson, Grotting, McCoy and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.**

**Motion by Grotting, second by McCoy for preliminary approval of RESOLUTION NO. 18-0918-02 – Establishing the Pioneer Sarah Creek Watershed Management Commission preliminary tax levy. Ayes: Johnson, Grotting, McCoy and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.**

9. Open/Misc.

10. Adjourn.

**Motion by Spencer, second by Grotting to adjourn at 7:09 p.m. Ayes: Johnson, McCoy, Grotting and Spencer. Nays: None. Absent: Betts. MOTION DECLARED CARRIED.**

Respectfully Submitted,  
Trish Gronstal/ Recording Secretary

---

# City of Independence

## Accounts Payable Clarification

---

*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* October 2, 2018

### ***Discussion:***

As you will notice, check no. 18289 for WHPS is missing from the Check Detail. It was handed to each Councilmember separately at the last City Council Meeting. It was missed during the regular check run. There were two Nelson business related checks in this AP run. The check for Nelson Auto Center for \$375 had the wrong address and will need to be reissued next week.

# City of Independence

## Approval of Election Judges for the 2018 General Election

---

*To:* City Council  
*From:* Beth Horner  
*Meeting Date:* October 2, 2018

The City Council is required to appoint election judges for the upcoming 2018 General Election. Staff has prepared a list of judges for consideration by the City Council. The following election judges can be considered for appointment by the City Council:

- Charles Hayes
- Sharon Cook
- Marvin Johnson
- Marilyn Hamilton
- Jerry Wise
- Judy Crosby
- Marlys Timm
- Jeanne Gardner
- Carol Neyens
- Kay Gabriel
- Darcy Ciatti
- Paula Savage
- Lori McNamara
- Carol Tubesing
- Kim Niedzielski
- Martha McCabe
- Lynette Lang
- Julie Grist (If needed)
- Joan Kittok (If needed)

### Recommendation:

It is recommended that the City Council approve the appointment of the aforementioned election judges.

# City of Independence

## Building Permit Report - First and Second Quarters 2018

---

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas
<i>Meeting Date:</i>	October 2, 2018

### Discussion:

The building permit report provides general information relating to the number, type and valuation of building permits pulled in the City through July of 2018. This report will be provided quarterly to the City Council for information. Year to date comparisons will be included in from subsequent years moving forward. The City has issued 153 building permits through July of 2018.

DATE	#	Applicant	ADDRESS	PID #	PERMIT TYPE	O	M	P	BV	Septic	Sewer	Fees includes surcharg	Total Surcharge	Total Fees w/o Surcharge	VALUE	FINAL
1/2/2018	18-01	Hearth & Home	2125 Heritage Trail	23-13-0008	Fireplace		1					101	1	100	\$ 9,138.00	FINAL
1/8/2018	18-02	Woodland Fireplace	1286 Copeland Rd		Fireplace		1					101	1	100	\$ 8,200.00	
1/8/2018	18-03	Metro Fireplace	4220 Woodhill Dr.	01-32-003	Fireplace		1					101	1	100	\$ 6,000.00	FINAL
1/11/2018	18-04	Center Point Energy	2520 Providence PI	14-44-0005	Furnace/AC		1					101	1	100	\$ 11,900.00	FINAL
1/17/2018	18-05	Pella Northland	4514 ShadyBeach	02-21-0017	Windows	1						261	1	260	\$ 22,100.00	
1/17/2018	18-06	Fireside-Ketola	6724 Fox Ridge	34-43-0004	Fireplace		1					101	1	100	\$ 1,671.00	CANCELLED
1/17/2018	18-07	Allstar Construction	4895 Eagle Ridge Rd	01-14-0006	Reroot		1					101	1	100	\$ 9,120.00	
1/17/2018	18-08	Peterson Co.	5971 Pagenkopf	24-12-0015	Septic					x		150			\$ 10,000.00	
1/19/2018	18-09	Mileski Remodeling	4692 S. Lake Sarah Dr.	24-22-0022	Alterations				6			462.62	6	456.62	\$ 12,000.00	
1/23/2018	18-10	Centerpointe Energy	6000 Providence Crv	24-42-0008	Furnace/AC		1					201	1	200	\$ 10,000.00	
1/24/2018	18-11	Just Us Construction	4716 S. Lake Sarah Dr.	24-11-0005	Water repair				27.6			1269.64	27.6	1242.04	\$ 53,965.79	
1/25/2018	18-12	Al Hackbarth Constr.	6675 Pagenkopf	24-12-0003	Reside	1						101	1	100	\$ 10,000.00	
1/30/2018	18-13	Perfection Heating	7875 County Road 6	33-23-0004	Furnace		1					101	1	100	\$ 2,306.00	
2/5/2018	18-14	Appliance Conn.	6000 Providence Crv	24-42-0008	Water htr		1					51	1	50	\$ 600.00	
2/7/2018	18-15	Tena Ungerman	4725 Townline	01-11-0003	Bathroom			1				101	1	100	\$ 5,000.00	
2/9/2018	18-16	Window Concepts	2791 Copeland	24-41-0002	Windows		1					281	1	280	\$ 12,000.00	FINAL
2/12/2018	18-17	Renewal by Anderson	4210 Woodhill	01-32-0002	4 windows		1					131	1	130	\$ 17,000.00	FINAL
2/16/2018	18-18	Pavel Kvncheriuk	710 Wild Oak Tr.	34-22-0004	Basement				15			866.75	15	851.75	\$ 30,000.00	
2/21/2018	18-19	Gallus Construction	8950 Co Rd 11	06-44-0005	Plumb/mech		1	1				202	2	200	\$ 40,000.00	FINAL
2/21/2018	18-20	Deans Construction	3925 Independence	24-11-0010	Plumbing		1					101	1	100	\$ 6,000.00	
2/23/2018	18-21	High Road Heating	4124 Woodhill Dr.	24-34-0003	Mech.		1					101	1	100	\$ 2,189.00	
2/26/2018	18-22	Marcia Kreklow	9094 Kutz Crossing	30-43-0003	Alt.			1	62.5			2200.31	63.5	2136.81	\$ 125,000.00	
2/27/2018	18-23	Angel Aire Inc.	9055 County Rd 11	07-12-0003	Mech.		1					101	1	100	\$ 2,342.00	
2/27/2018	18-24	Ryan McCabe	650 Wild Oak Trail	34-22-0006	Unit heater		1					101	1	100	\$ 1,000.00	FINAL
3/5/2018	18-25	Polar Builders	4500 Shady Beach	02-24-0009	Siding		1					101	1	100		
3/6/2018	18-26	Anthony Cardinal	1070 Drake Ct.	26-31-0013	Porch				12.5			768.43	12.5	755.93	\$ 25,000.00	
3/6/2018	18-27	Alla Johnson	4692 S. Lake Sarah Dr.	24-22-0022	F.P. gasline		1					101	1	100	\$ 4,440.00	
3/7/2018	18-28	Air Mechanical	1120 Polo Club Rd.	24-41-0003	Boiler		1					101	1	100	\$ 8,400.00	
3/9/2018	18-29	Beautiful Chaos	4514 Shady Beach Cr	02-21-0017	Stairs				2.5			191.57	2.5	189.07	\$ 5,000.00	FINAL
3/9/2018	18-30	Standard Htg & Air	6125 Stone Ct.	23-24-0006	A/C		1					101	1	100	\$ 5,330.00	
3/13/2018	18-31	Danielson Constr.	8875 Hwy 12	18-11-0001	Demo		1					101	1	100	\$ 1,500.00	FINAL
3/13/2018	18-32	Steve Horner	291 County Road 19	36-31-0009	Alt			1	1.5			243.98	2.5	241.48	\$ 3,000.00	
3/13/2018	18-33	Smart Builders	4715 S. Lake Sarah D	24-14-0007	Windows	1						361	1	360	\$ 30,000.00	
3/13/2018	18-34	Knudsen	4015 Windmill Dr.	01-43-0012	Plumbing		1	1				202	2	200		FINAL
3/16/2018	18-35	Pronto Htg	2865 Becker Rd.	14-24-0003	Htg alt.		1					201	1	200	\$ 12,500.00	
3/19/2018	18-36	Pella Northland	5325 Sunset Lane	24-24-0015	Window		1					111	1	110	\$ 8,478.00	FINAL
3/21/2018	18-37	Outdoor Solutions	2845 Providence PI	24-41-0007	Deck				3.5			240.16	3.5	236.66	\$ 7,300.00	FINAL
3/21/2018	18-38	Sharrah Design	2989 Lindgren	24-24-0019	Alt.				22.5			1030.73	22.5	1008.23	\$ 45,000.00	
3/22/2018	18-39	Dave Dvorak	5260 Lake Sarah Hgts	24-24-0008	Deck				2			167.28	2	165.28	\$ 4,000.00	
3/22/2018	18-40	Deb Sangster	7325 S. Lake Sarah D	24-11-0005	Remodel				20			1043.4	20	1023.4	\$ 40,000.00	
3/26/2018	18-41	Pella Northland	6160 WoodHill Lane	24-21-0002	Patio door	1						101	1	100	\$ 4,541.00	FINAL
3/27/2018	18-42	Jeffrey Conzemius	5645 Lake Sarah Hts	21-11-0004	Reroot	1						101	1	100	\$ 21,270.00	FINAL
4/2/2018	18-43	Renewal by Anderson	4270 Woodhill Dr.	01-32-0003	Windows	1						151	1	150	\$ 27,325.00	
4/2/2018	18-44	Craftman Choice	5398 Lake Sarah Hgts	01-23-0002	Windows	1						141	1	140	\$ 4,793.00	
4/4/2018	18-45	Finished Basement	6724 Fox Ridge	34-43-0004	Basement		1		20			1043.4	21	1022.4	\$ 40,000.00	



4/9/2018	18-46	Fireside Hearth	1020 County Rd 83	24-32-0007	Fireplace	1			101	1	100	\$	975.00	
4/9/2018	18-47	Prestige Pools	6500 Olstad Dr.	15-14-0008	Pool	1	12.5		778.43	13.5	764.93	\$	25,000.00	
4/9/2018	18-48	Todd Brousseau	3985 Independence	11-11-0001	Shed		2.5		191.57	2.5	189.07	\$	5,000.00	
4/13/2018	18-49	Lavoi Construction	6805 Rachel Ridge	24-12-0002	New		175		5256.18	175	5081.18	\$	350,000.00	
4/13/2018	18-50	Seasons	5540 Timber Trl	24-23-0006	Windows	5			337.33	5	332.33	\$	11,200.00	
4/13/2018	18-51	Glowing Hearth	6724 Fox Ridge	24-43-0004	Fireplace	1			101	1	100	\$	1,875.00	
4/18/2018	18-52	Bldg Cornerstone	6800 Rachel Ridge	03-12-0006	24 windows	1			321	1	320	\$	30,000.00	
4/18/2018	18-53	Renewal by Anderson	5395 Sunset Lane	24-23-0003	2 doors	1			111	1	110	\$	10,014.00	FINAL
4/24/2018	18-54	Gordan James	765 Wild Oak Trl	24-11-0005	Heater		1		101	1	100	\$	1,150.00	
4/24/2018	18-55	Atkinson	4725 Lake Sarah Htgs	24-12-0008	Re-roof	1			101	1	100	\$	15,000.00	
4/24/2018	18-56	Atkinson	4530 County Rd 50	24-23-0006	Re-roof	1			101	1	100	\$	12,000.00	
4/25/2018	18-57	Norling	4625 S. Lake Sarah	24-24-0015	Re-roof	1			101	1	100	\$	17,000.00	
4/27/2018	18-58	Legacy Restoration	5590 Lake Sarah Hgts	01-22-0003	Re-roof	1			101	1	100	\$	18,627.00	
4/27/2018	18-59	Legacy Restoration	5191 Fern Dr.	01-42-0029	Re-roof	1			101	1	100	\$	8,237.00	
4/27/2018	18-60	Design Spaces	5615 Providence	14-41-0009	Deck		20.5		1061.07	20.5	1040.57	\$	41,500.00	FINAL
4/27/2018	18-61	Magnuson	5765 Lake Sarah Hgts	02-11-0019	Remodel	2	1	100	2003.36	103	1900.36	\$	200,000.00	
4/30/2018	18-62	Weilands	4210 Woodhill	24-32-0002	Mech.	1			101	1	100	\$	6,800.00	
5/2/2018	18-63	Polar Builders	2825 Providence Pl	14-41-0006	Re-roof	1			101	1	100	\$	18,000.00	
5/2/2018	18-64	City View Plumbing	4885 Deer Ridge	25-41-0013	Plumbing		1		101	1	100	\$	2,000.00	
5/3/2018	18-65	Custom Wood	5112 S. Lakeshore	24-43-0002	Remodel		12.5		778.43	12.5	765.93	\$	25,000.00	FINAL
5/3/2018	18-66	Window Concepts	2791 Copeland	24-41-0002	Windows	1			131	1	130	\$	8,000.00	FINAL
5/4/2018	18-67	Chip Bauer Constr.	3375 Co Rd 92	24-34-0003	Deck		4.5		288.74	4.5	284.24	\$	9,100.00	FINAL
5/4/2018	18-68	Centerpointe Energy	5310 Sunset	24-24-0028	Mech.	1			101	1	100	\$	6,000.00	FINAL
5/7/2018	18-69	Standard Water	5062 Perkinsville	24-13-0005	Draintile	1			101	1	100	\$	3,390.00	FINAL
5/8/2018	18-70	Metro Gas Installers	6500 Olstad Dr.	15-14-0003	Gas grill	1			101	1	100	\$	1,000.00	
5/8/2018	18-71	Allstar Construction	6000 Providence Crv	14-42-0008	Re-roof	1			101	1	100	\$	16,120.00	FINAL
5/9/2018	18-72	Paul Johnson	2864 County Rd 92	16-13-0004	Re-side	1			101	1	100	\$	2,300.00	
5/9/2018	18-73	Nick Reynolds	1015 Drake Ct.	26-32-0008	Pool	15	1	1	967.75	17	950.75	\$	30,000.00	
5/9/2018	18-74	Hoss Plumbing	4005 Windmill	01-43-0011	Plumbing		1		101	1	100	\$	4,500.00	FINAL
5/9/2018	18-75	Polar Builders	2715 Providence Pl	14-41-0004	Re-roof	1			101	1	100	\$	15,300.00	
5/9/2018	18-76	Katie Roers	2914 Lindgren Lane	13-24-0006	Demo				100			\$	500.00	
5/15/2018	18-77	R&R Construction	9510 Roy Rd	06-23-0008	Windows		10		191	1	190	\$	9,000.00	FINAL
5/16/2018	18-78	Smart Builders	4719 S. Lake Sarah	03-11-0007	Re-roof	1			101	1	100	\$	10,120.00	
5/17/2018	18-79	Ben Franklin Plmbg	1212 Co Road 19	24-13-0006	Water Htr		1		51	1	50	\$	1,900.00	
5/17/2018	18-80	Hamel Bldg	4015 Windmill Dr.	24-43-0012	Windows	1			161	1	160	\$	20,000.00	FINAL
5/17/2018	18-81	Legacy Restoration	5300 Lake Sarah Hts	24-24-0005	Re-roof	1			101	1	100	\$	786.00	
5/17/2018	18-82	Scotts Lawn	1385 Co Rd 19	25-24-0001	Re-roof	11			604.55	11	593.55	\$	22,000.00	
5/18/2018	18-83	Exact Exteriors	4450 Eagle Ridge	01-14-0004	Re-roof	1			101	1	100	\$	32,000.00	Final
5/18/2018	18-84	Scott Underwood	4870 Perkinsville	24-14-0004	Htg alt.		1		101	1	100			
5/21/2018	18-85	Brad Hayes	675 Wild Oak	33-11-0005	Holding Tank				100			\$	2,500.00	
5/22/2018	18-86	Legacy Restoration	5590 Lake Sarah Hgts	24-22-0003	Re-roof	1			101	1	100	\$	15,843.00	
5/24/2018	18-87	Pat Node	9510 Roy Rd	06-23-0008	Septic				300					Final
5/24/2018	18-88	Air Mechanical	6095 Woodhill Lane	24-11-0003	Mech.		1		101	1	100	\$	4,000.00	FINAL
5/24/2018	18-89	Sondergaard	2686 Copeland	43-20-0004	New	287			7693.13	287	7406.13	\$	574,097.00	
5/24/2018	18-90	Frank Warner	4870 Perkinsville	24-14-0004	Deck	15			765.75	15	750.75	\$	30,000.00	
5/29/2018	18-91	Renewal by Anderson	9235 Kutz Crossing	31-21-0001	Windows	1			111	1	110	\$	4,505.00	Final
5/29/2018	18-92		6200 Stephanie Way	02-24-0014	Reroof	1			101	1	100	\$	23,000.00	
5/30/2018	18-93	Legacy Restoration	4270 Woodhill Dr.	01-32-0008	Reroof	1			101	1	100	\$	13,568.20	
5/30/2018	18-94	Legacy Restoration	5185 Fern Dr.	01-42-0004	Re-roof	1			101	1	100	\$	11,768.40	



5/31/2018	18-95	Lester Builders	2125 Heritage Trail	24-31-0008	Shed		75	2340.74	75	2265.74	\$ 150,000.00	
5/31/2018	18-96	Renewal by Anderson	6375 Warren Way	14-33-0006	Door		1	101	1	100	\$ 5,950.00	
5/31/2018	18-97	Matt Denghartigh	4250 Woodhill Dr.	01-32-0006	Deck		2.5	191.57	2.5	189.07	\$ 5,000.00	
6/1/2018	18-98	Marge Ritter	5622 Co Rd 11	02-44-0004	New House	1	1	200	18706	202	18504.04	\$ 400,000.00
6/4/2018	18-99	Blue Ox Heating	1212 Co Rd 19	25-13-0006	Furnace/AC	1		201	1	200	\$ 9,000.00	
6/4/2018	18-100	Fireside Hearth	5615 Providence Crv	24-41-0009	Fireplace	1		101	1	100	\$ 4,000.00	Final
6/5/2018	18-101	Josh Brozek	1020 Cty Rd 83	25-32-0007	Remodel	2.5		191.57	2.5	189.07	\$ 5,000.00	
6/6/2018	18-102	Perfect Exterior	4525 S. Lake Sarah	24-24-0017	Re-roof	1		101	1	100	\$ 25,927.09	
6/6/2018	18-103	Scott McKown	2065 Budd St.	24-24-0013	Pool		2	167.28	2	165.28	\$ 3,700.00	FINAL
6/7/2018	18-104	Minnesota Pools	5458 Anderson Lakes	24-22-0008	Pool		28.5	1407.83	28.5	1379.33	\$ 56,843.00	8/1/2018
6/7/2018	18-105	Cleary Building	6520 Franklin Hills	24-11-0008	Pole barn		18.5	889.41	18.5	870.91	\$ 37,000.00	
6/7/2018	18-106	Metro Gas Installers	6576 Turner Rd	24-14-0005	Gasline	1		101	1	100	\$ 1,300.00	
6/7/2018	18-107	Joshua Schefer	4975 Perkinsville	24-41-0009	Front entry			264.45			\$ 8,000.00	
6/8/2018	18-108	Ungerman Constr.	5375 Sunset Lane	24-23-0004	Remodel		37.5	1529.97	37.5	1491.87	\$ 75,000.00	
6/11/2018	18-109	Legacy Restoration	5015 Eagle Ridge	24-14-0003	Roof/Siding	1		201	1	200	\$ 25,075.26	
6/11/2018	18-110	Sela Root	1212 Co Rd 19	24-13-0006	Re-roof	1		101	1	100	\$ 7,500.00	
6/11/2018	18-111	Matter Excavating	525 Game Farm	33-14-0001	Septic			300			\$ 12,000.00	FINAL
6/12/2018	18-112	Nate Uselding	5375 Sunset Lane	01-23-0004	Plumbing		1	101	1	100	\$ 500.00	
6/12/2018	18-113	Hearth & Home	6805 Rachel Ridge	24-12-0002	Fireplace	1		101	1	100	\$ 4,000.00	
6/14/2018	18-115	Legacy Restoration	4500 Eagle Ridge	01-14-0005	Re-roof	1		101	1	100	\$ 16,379.55	
6/13/2018	18-114	Sievers	1180 County Rd 83	25-32-0001	Foundation		2	167.28	2	165.28	\$ 3,870.00	
6/14/2018	18-116	Lecy	1085 County Rd 83	24-41-0003	Addition		65	2240.39	65	2175.39	\$ 130,000.00	
6/14/2018	18-117	Comfort Matters	3976 County Line Rd	24-22-0005	AC/Furn.	1		201	1	200	\$ 6,951.00	
6/14/2018	18-118	High Road Heating	3425 Ihduhapi Rd	24-41-0001	AC	1		191.57	1	190.57	\$ 5,289.00	
6/14/2018	18-119	NIH Homes	5016 Settlers Ct	25-42-0010	New		200	5977.04	200	5777.04	\$ 400,000.00	
6/18/2018	18-120	Sela Roofing	3162 Independence	24-22-0004	Siding	1		101	1	100	\$ 30,000.00	
6/20/2018	18-121	BWS Plumbing	4920 County Rd 19	36-44-0010	2 Mech.	1		201	1	200	\$ 7,785.00	
6/22/2018	18-122	Mike Bistodeau	6804 Rachel Ridge	03-12-0005	Deck		12.5	677.43	12.5	664.93	\$ 25,000.00	
6/22/2018	18-123	Robert Scheyer	4645 S. Lake Sarah	24-23-0010	Re-roof	1		101	1	100	\$ 20,000.00	Final
6/22/2018	18-124	Fireside	6805 Rachel Ridge	24-12-0002	Fireplace	1		101	1	100	\$ 2,685.00	
6/25/2018	18-125	Foss Exterior	5895 Providence	14-43-0011	Re-roof	1		101	1	100	\$ 46,000.00	Final
6/25/2018	18-126	Gaphil Plumbing	2989 Lindgren Lane	24-24-0019	Plumbing		1	51	1	50	\$ 1,500.00	
6/28/2018	18-127	Dorian Thompson	6465 Olstad Dr.		Reroot	1		101	1	100	\$ 1,500.00	
6/29/2018	18-128	Tom Knoohuizen	2590 Providence Ct	14-43-0009	Reroot	1		101	1	100	\$ 37,023.00	
6/29/2018	18-129	Dean Trongard	6525 Franklin Hills	15-11-0011	Pole barn		35	1366.98	35	1331.98	\$ 70,000.00	
7/5/2018	18-130	Kathy Ramsden	2550 Lake Haughey	24-34-0002	Re-roof	1		101	1	100	\$ 1,900.00	
7/9/2018	18-131	Pella Northland	2935 Lindgren Lane	24-24-0020	Windows							
7/9/2018	18-132	City View Plumbing	5345 Lake Sarah Hgt	01-24-0018	Furnace	1	1	252	2	250	\$ 7,000.00	Final
7/9/2018	18-133	Scherer Windows	4895 Broadmoor	25-44-0014	Windows	1		121	1	120	\$ 4,950.00	
7/11/2018	18-134	Morton Bldgs	4986 S. Lake Shore	24-11-0001	Acc. Struct.		15	765.75	15	750.75	\$ 30,000.00	
7/12/2018	18-135	Patnode Bros	612 Nelson	31-13-0001	Septic tank			100			\$ 4,950.00	
7/13/2018	18-136	Scherer Bros	4895 Broadmoor	25-44-0014	3 windows	1						
7/17/2018	18-137	Designer Spaces	5615 Providence	24-41-0009	Re-roof	1		101	1	100	\$ 15,500.00	
7/18/2018	18-138	Hayes & Sons	2020 Cty Rd 90	23-23-0002	Septic			300			\$ 22,000.00	
7/18/2018	18-139	Midwest	6245 Waldemar	14-23-0014	Reroot	1		101	1	100	\$ 60,000.00	
7/18/2018	18-140	Fireside Hearth	3920 County Rd 90	11-12-0007	Fireplace		1	101	1	100	\$ 5,000.00	
7/19/2018	18-141	Ryan Hannay	1065 Drake Ct.	26-32-0009	Pole Barn			1366.98			\$ 70,000.00	
7/20/2018	18-142	Legacy Restoration	5595 Lake Sarah Hgt	02-11-0014	Re-roof	1		101	1	100	\$ 18,630.00	Final
7/20/2018	18-143	Mike Pink	6930 Dylan	24-14-0003	Bonus room		15	765.75	15	750.75	\$ 30,000.00	

7/23/2018	18-144	Hugh James	5112 Perkinsville	24-13-0007	Furnace	1		201	1	200	\$	2,000.00	
7/23/2018	18-145	Tom Dainsburg	1120 Co Rd 83	24-32-0003	Fence		1	118.69	1	117.69	\$	2,400.00	
7/24/2018	18-146	Cinergy	4230 Woodhill	24-32-0004	Remodel		11.5	656.96	11.5	645.46	\$	20,000.00	
7/25/2018	18-147	Betsy Wolfe	2580 Copeland Rd	17-33-0003	Redecking			434.5			\$	15,000.00	
7/26/2018	18-148	Shane Collian	5197 Settlers Ct	25-42-0007	Entry		1	631.67	1	630.67	\$	19,180.00	
7/27/2018	18-149	Mike Brandt	2415 Cty Rd 92	17-43-0007	Plmbg		43.5	1653.93	43.5	1610.43	\$	85,000.00	
7/30/2018	18-150	Stephen Steiner	6515 Meadow Rdge	15-14-0006	Re-root	1		101	1	100	\$	22,106.71	
7/31/2018	18-151	Jacob Hallan	5414 Anderson Est.	24-23-0011	Re-side	1		101	1	100	\$	10,000.00	
7/31/2018	18-152	Pat Bacon	6025 Fieldstone	25-24-0003	Deck		2	167.28	2	165.28	\$	4,000.00	
7/31/2018	18-153	Polar Builders	2845 Providence Pl	14-41-0007	Re-roof	1		101	1	100	\$	16,000.00	Final



## City of Independence

### ***Request for a Minor Subdivision to Allow a Lot Line Rearrangement on the Property located at 498 Kuntz Drive***

---

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 2, 2018
<i>Applicant:</i>	David Zoldahn
<i>Owner:</i>	David Zoldahn
<i>Location:</i>	498 Kuntz Drive

#### ***Request:***

David Zoldahn (Applicant/Owner) requests that the City consider the following action for the property located at 498 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002):

- a. A minor subdivision to permit a lot line rearrangement to adjust the east/west line between the two subject parcels.

#### ***Property/Site Information:***

The property is located south of CSAH 6 at the southeast corner of CSAH 6 and Kuntz Drive. There is an existing home and several detached accessory structures located on the southern property. The northern property does not have any existing structures. The majority of the property is currently tillable land with some wetlands located on the far east side of the property. The property has the following characteristics:

##### **Property Information: 498 Kuntz Drive (South Property)**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage:       Before – *22.64 acres*  
                  After – *10.00 acres*

##### **Property Information: Unaddressed PID No.33-118-24-21-0002 (North Property)**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage:       Before – *2.55 acres*  
                  After – *15.19 acres*



### *Discussion:*

The applicant is seeking a minor subdivision to allow a lot line rearrangement which would allow the north property to be expanded and the south property to be reduced. Both properties are considered buildable lots of record. Currently, the south property is approximately 22.5 acres and the north property is 2.5 acres. The applicant would like to essentially balance the properties so that the north property has more "buildable" area. The south property has the existing home and detached accessory buildings and would be 10 acres in the after condition. The 10-acre lot size will allow no square footage restrictions for detached accessory structures.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

1. The applicant meets applicable criteria relating to the existing accessory structures located on the south parcel. In the after condition, all structures will meet requisite setbacks.
2. In the after condition, the properties will have the following frontage on a public right of way and lot width to frontage ratios:

*North Property:*

Required Frontage: 300 LF  
Required Lot Frontage to Depth Ratio: 1:4

Proposed Frontage: 501 LF (Kuntz Drive)  
1215 LF (CSAH 6)  
Proposed Lot Frontage to Depth Ratio: 1:2.5

*South Property:*

Required: 300 LF  
Required Lot Frontage to Depth Ratio: 1:4

Proposed: 322 LF (Kuntz Drive)  
Proposed Lot Frontage to Depth Ratio: 1:4

3. The applicant has provided the City with the requisite percolation tests confirming that there is a primary and secondary on-site septic site for each property.
4. Access to the north property could be from either CSAH 6 or Kuntz Drive. Access to CSAH 6 would be subject to Hennepin County approval. Hennepin County has noted that access onto CSAH will not be permitted at this time.
5. There is adequate space on the north property to construct a residence and associated accessory buildings.
6. Both properties are lots of record and no park dedication fees are required for either existing lot.
7. The City will require the requisite drainage and utility easements for both properties.

*Neighbor Comments:*

The City has not received any written comments pertaining to the request for a lot line rearrangement.

*Planning Commission Discussion:*

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners found that the request for the lot line rearrangement met all applicable criteria and was straight forward. Commissioners asked about access onto CSAH 6 and it was noted that Hennepin County had reviewed the proposed minor subdivision and will not allow access.

***Recommendation:***

The Planning Commission recommended approval to the City Council of the requested minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. Access to CSAH 6 will require the review and approval of Hennepin County.
4. The Applicant shall provide the City with the legal descriptions, execute and record the requisite perimeter drainage and utility easements with the county within six (6) months of approval.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

***Attachments:***

1. Application
2. Proposed Subdivision Exhibit (Survey)



## **RESOLUTION 18-1002-01**

### **A RESOLUTION APPROVING A MINOR SUBDIVISION TO ALLOW A LOT LINE REARRANGEMENT FOR THE PROPERTIES LOCATED AT 498 KUNTZ DRIVE**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a Comprehensive Plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, David Zoldahn (Applicant/Owner) has submitted a request for a minor subdivision to allow a lot line rearrangement for the properties located at 498 Kuntz Drive in Independence, MN (PID No.s: 33-118-24-24-0001 and 33-118-24-21-0002); and

WHEREAS, the Properties are legally described and further depicted on attached **Exhibit A**; and

WHEREAS, the Properties are both zoned Agriculture; and

WHEREAS the requested minor subdivision meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for Agriculture Property; and

WHEREAS the Planning Commission held a public hearing on September 18, 2018 to review the application for a minor subdivision, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by David Zoldahn for a minor subdivision to allow lot line rearrangement per the City’s subdivision and zoning regulations with the following conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. Access to CSAH 6 will require the review and approval of Hennepin County.
4. The Applicant shall provide the City with the legal descriptions, execute and record the requisite perimeter drainage and utility easements with the county within six (6) months of approval.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

This resolution was adopted by the City Council of the City of Independence on this 2<sup>nd</sup> day of October 2018, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

---

Mark Kaltsas, City Administrator

## EXHIBIT A

### PROPOSED PROPERTY DESCRIPTIONS:

#### Parcel A:

*That part of the North 22.00 acres of the Southeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota, that lies North of the South 332.54 feet thereof.*

AND

*That part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota, described as follows:*

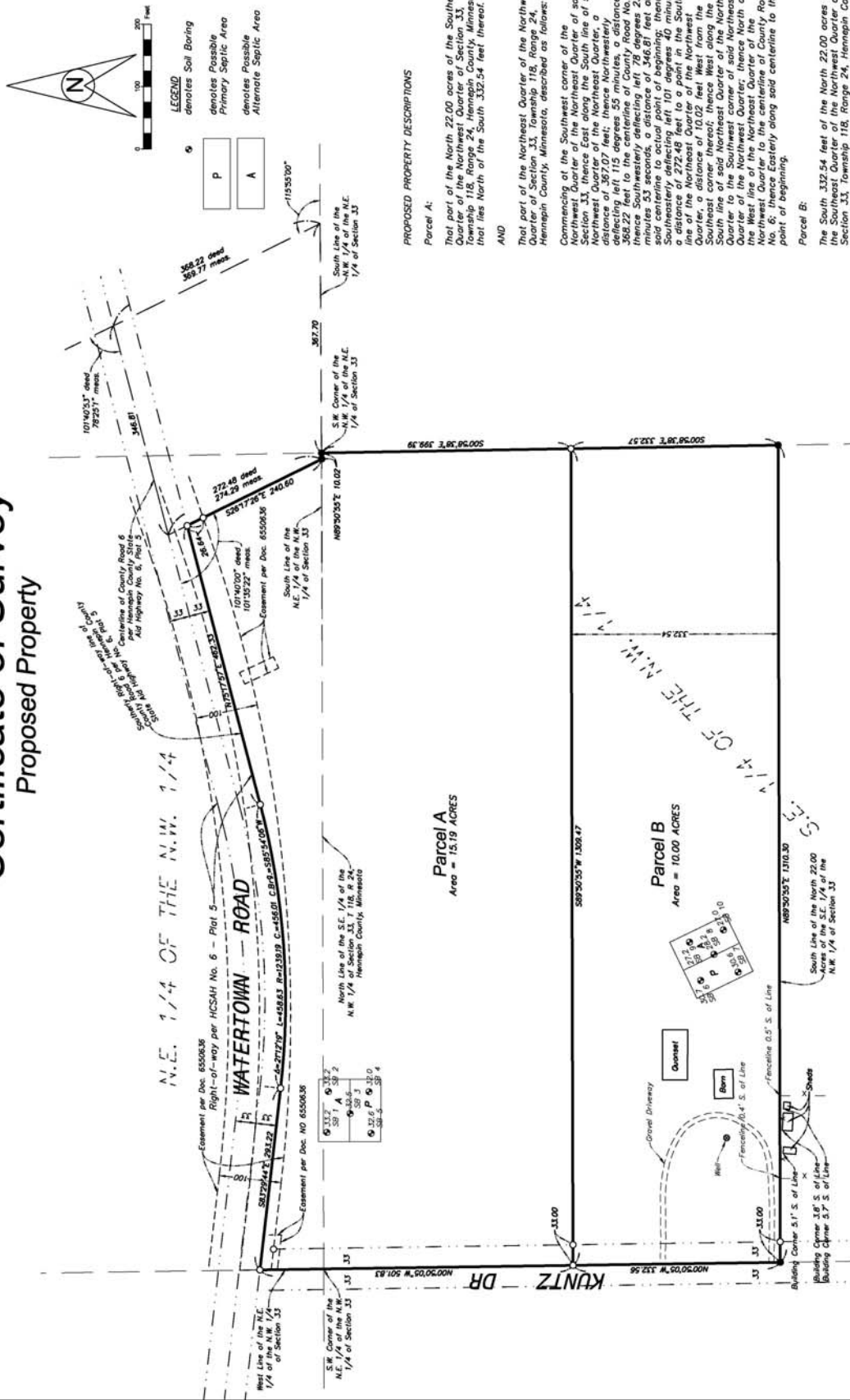
*Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 33, thence East along the South line of said Northwest Quarter of the Northeast Quarter, a distance of 367.07 feet; thence Northwesterly deflecting left 115 degrees 55 minutes, a distance of 368.22 feet to the centerline of County Road No. 6; thence Southwesterly deflecting left 78 degrees 23 minutes 53 seconds, a distance of 346.81 feet along said centerline to actual point of beginning; thence Southeasterly deflecting left 101 degrees 40 minutes, a distance of 272.48 feet to a point in the South line of the Northeast Quarter of the Northwest Quarter, a distance of 10.02 feet West from the Southeast corner thereof; thence West along the South line of said Northeast Quarter of the Northwest Quarter to the Southwest corner of said Northeast Quarter of the Northwest Quarter; thence North along the West line of the Northeast Quarter of the Northwest Quarter to the centerline of County Road No. 6; thence Easterly along said centerline to the point of beginning.*

#### Parcel B:

*The South 332.54 feet of the North 22.00 acres of the Southeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota.*



# Certificate of Survey Proposed Property



<b>Certificate of Survey on part of the N.W. 1/4 of Section 33, Township 118, Range 24, Hennepin County, Minnesota</b>		<b>David Zoldahn</b> Scale: 1"=100' Drawn By: M.J.H. Checked By: P.E.O.		<b>ATTO ASSOCIATES</b> 9 West Division Street Buffalo, MN 55313 (763) 682-4727 Fax: (763) 682-3622 www.attoassociates.com	• denotes iron monument found ○ denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #40062
<b>Revised:</b> I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Paul E. Otto License #40062 Date: 9-18-18		<b>Date:</b> 9-6-18 <b>Requested By:</b>		<b>Project No.</b> 18-0425	



## City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others—all applications are viewed on a case-by-case basis.

Request: Move Lot Line Between

the two Parcel to Form  
2 - 12 Acre Parcels

Site Address or Property Identification Number(s):

PP 3311824240001 / 3311824210002

NOTE: Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request. **To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/Administrator at least one week prior to submittal.** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

- ☐ Appeal
  - ☐ Comprehensive Plan Amendment
  - ☐ Concept Plan
  - ☐ Conditional Use Permit
    - ☐ Residential
    - ☐ Commercial/Light Industrial
    - ☐ Telecommunications
    - ☐ Agriculture
    - ☐ Home Occupation
    - ☐ Non-Conforming Use
    - ☐ Guest/Bunk House
    - ☐ Institutional
    - ☐ CUP Amendment
  - ☐ Extension Request
  - ☐ Final Plat
  - ☐ Interim Use Permit
  - ☐ Lot Consolidation
  - ☒ Minor Subdivision (Survey)
    - ☐ Lot Subdivision
    - ☐ Lot Combination
    - ☒ Lot Line Rearrangement
  - ☐ Moving Buildings
  - ☐ Preliminary Plat
  - ☐ Rezoning
  - ☐ Site Plan Review (Commercial)
  - ☐ Vacation
  - ☐ Variance
    - ☐ Subdivision Regulations
    - ☐ Zoning
    - ☐ Road Frontage
  - ☐ Zoning Text Amendment
- \*\* Please check all that apply**

### Office Use Only

Received By (Staff Initials) BAA

8/8/18  
Date

1,250  
Application Amount  
750  
Deposit Paid

7694  
Application Check #  
same  
Deposit Check #

Date Accepted by Planner

City Planner

**\*\*\*Note:** All parties with a fee interest in the real estate must sign this application before the City will review for consideration!

**Applicant Information:**

Name: David Zaldala

Address: 440 Kuntz Dr.

City, State, Zip: Maple Plain, MN 55359

Phone: 612-423-5335

Email: d.zaldala@frontiernet.net

Signature: 

**Owner Information (if different than applicant)**

Name: Same

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

**Review Deadline and Timeline:** All applications must be received by the deadline according to the schedule provided. Failure to submit by the date shown will result in a delay in the scheduling of the application review by the Planning Commission and City Council.

---

**Application for Planning Consideration Fee Statement**

The City of Independence has set forth a fee schedule by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are included in the fee schedule. By signing this form, the applicant recognizes that he/she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

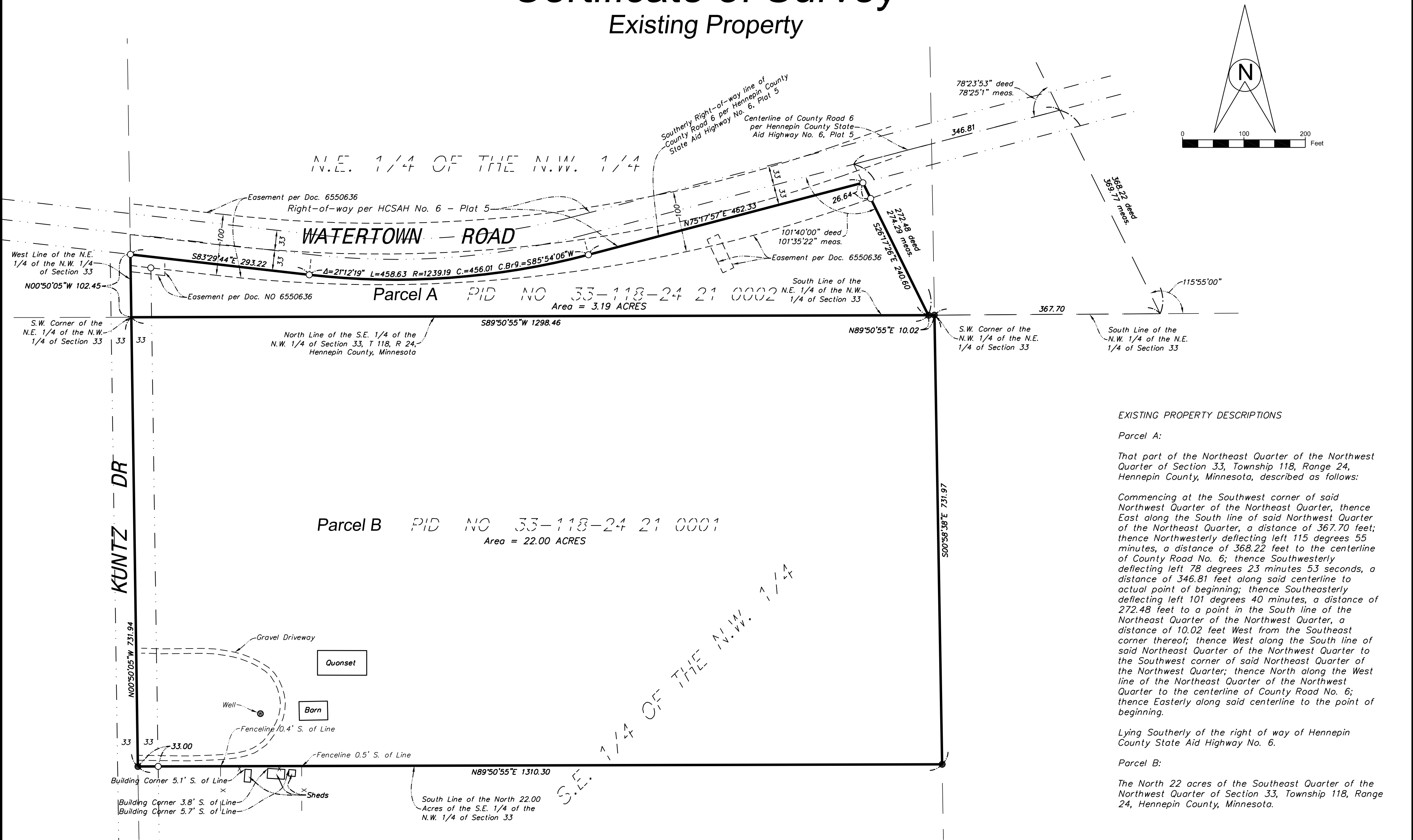
Applicant Signature: 

Date: 2-2-18

Owner Signature (if different): \_\_\_\_\_

Date: \_\_\_\_\_

Certificate of Survey  
Existing Property



EXISTING PROPERTY DESCRIPTIONS

Parcel A:

That part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter, thence East along the South line of said Northwest Quarter of the Northeast Quarter, a distance of 367.70 feet; thence Northwesterly deflecting left 115 degrees 55 minutes, a distance of 368.22 feet to the centerline of County Road No. 6; thence Southwesterly deflecting left 78 degrees 23 minutes 53 seconds, a distance of 346.81 feet along said centerline to actual point of beginning; thence Southeasterly deflecting left 101 degrees 40 minutes, a distance of 272.48 feet to a point in the South line of the Northeast Quarter of the Northwest Quarter, a distance of 10.02 feet West from the Southeast corner thereof; thence West along the South line of said Northeast Quarter of the Northwest Quarter to the Southwest corner of said Northeast Quarter of the Northwest Quarter; thence North along the West line of the Northeast Quarter of the Northwest Quarter to the centerline of County Road No. 6; thence Easterly along said centerline to the point of beginning.

Lying Southerly of the right of way of Hennepin County State Aid Highway No. 6.

Parcel B:

The North 22 acres of the Southeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota.

Certificate of Survey on part of the N.W. 1/4 of Section 33, Township 118, Range 24, Hennepin County, Minnesota

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Paul E. Otto*  
Paul E. Otto  
License #40062 Date: 9-18-18

Requested By:

David Zoldahn

Date: 9-6-18 Drawn By: M.J.H. Scale: 1"=100' Checked By: P.E.O.

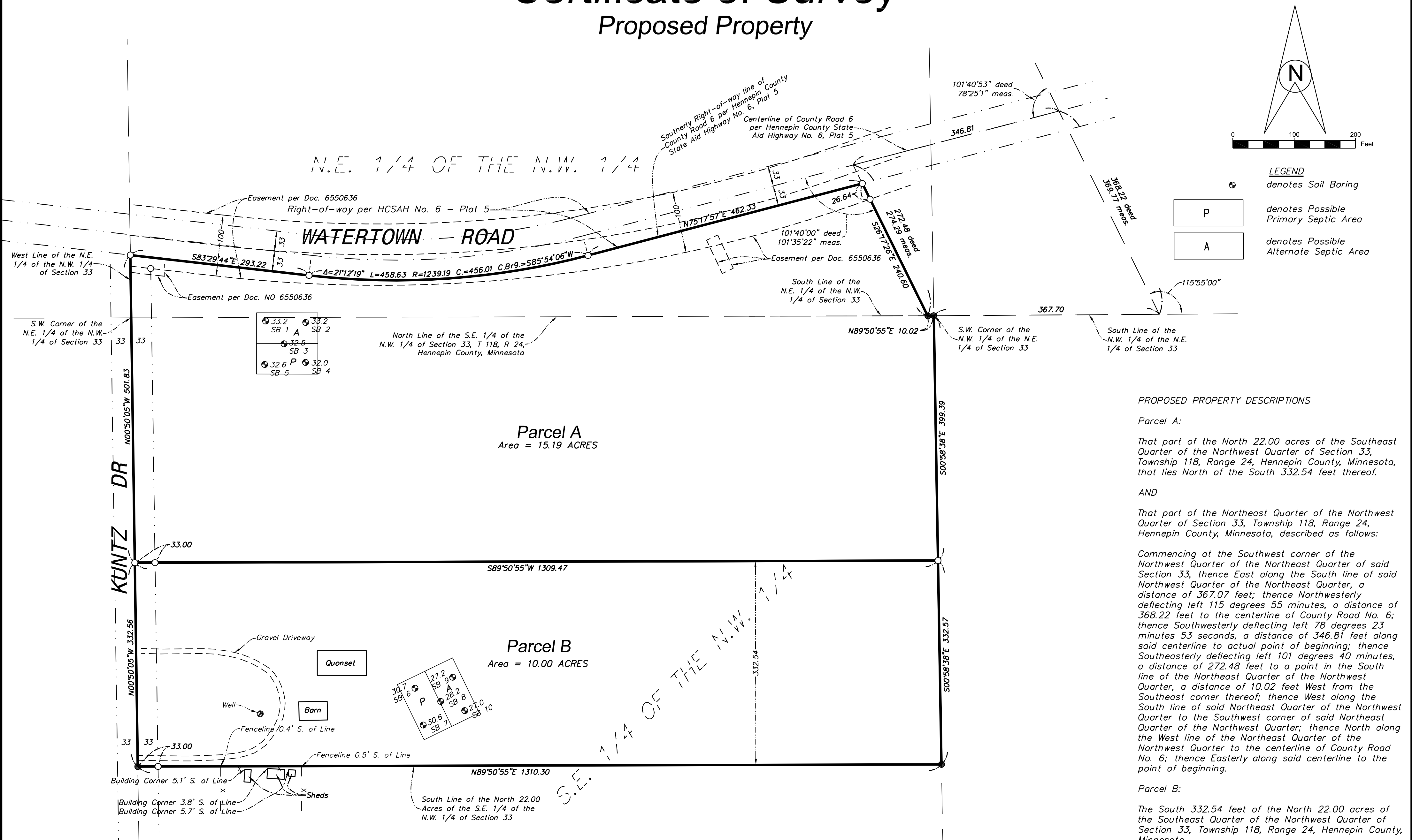


www.ottoassociates.com  
9 West Division Street  
Buffalo, MN 55313  
(763)682-4727  
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No. 18-0425

Certificate of Survey  
Proposed Property



PROPOSED PROPERTY DESCRIPTIONS

Parcel A:  
That part of the North 22.00 acres of the Southeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota, that lies North of the South 332.54 feet thereof.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 33, thence East along the South line of said Northwest Quarter of the Northeast Quarter, a distance of 367.07 feet; thence Northwesterly deflecting left 115 degrees 55 minutes, a distance of 368.22 feet to the centerline of County Road No. 6; thence Southwesterly deflecting left 78 degrees 23 minutes 53 seconds, a distance of 346.81 feet along said centerline to actual point of beginning; thence Southeasterly deflecting left 101 degrees 40 minutes, a distance of 272.48 feet to a point in the South line of the Northeast Quarter of the Northwest Quarter, a distance of 10.02 feet West from the Southeast corner thereof; thence West along the South line of said Northeast Quarter of the Northwest Quarter to the Southwest corner of said Northeast Quarter of the Northwest Quarter; thence North along the West line of the Northeast Quarter of the Northwest Quarter to the centerline of County Road No. 6; thence Easterly along said centerline to the point of beginning.

Parcel B:

The South 332.54 feet of the North 22.00 acres of the Southeast Quarter of the Northwest Quarter of Section 33, Township 118, Range 24, Hennepin County, Minnesota.

Certificate of Survey on part of the N.W. 1/4 of Section 33, Township 118, Range 24, Hennepin County, Minnesota

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul E. Otto  
License #40062 Date: 9-18-18

Requested By:

David Zoldahn

Date: 9-6-18 Drawn By: M.J.H. Scale: 1"=100' Checked By: P.E.O.



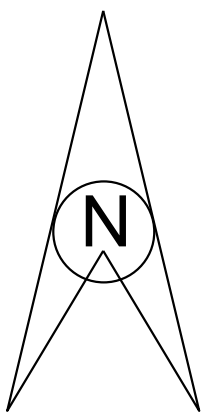
www.ottoassociates.com  
9 West Division Street  
Buffalo, MN 55313  
(763)682-4727  
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

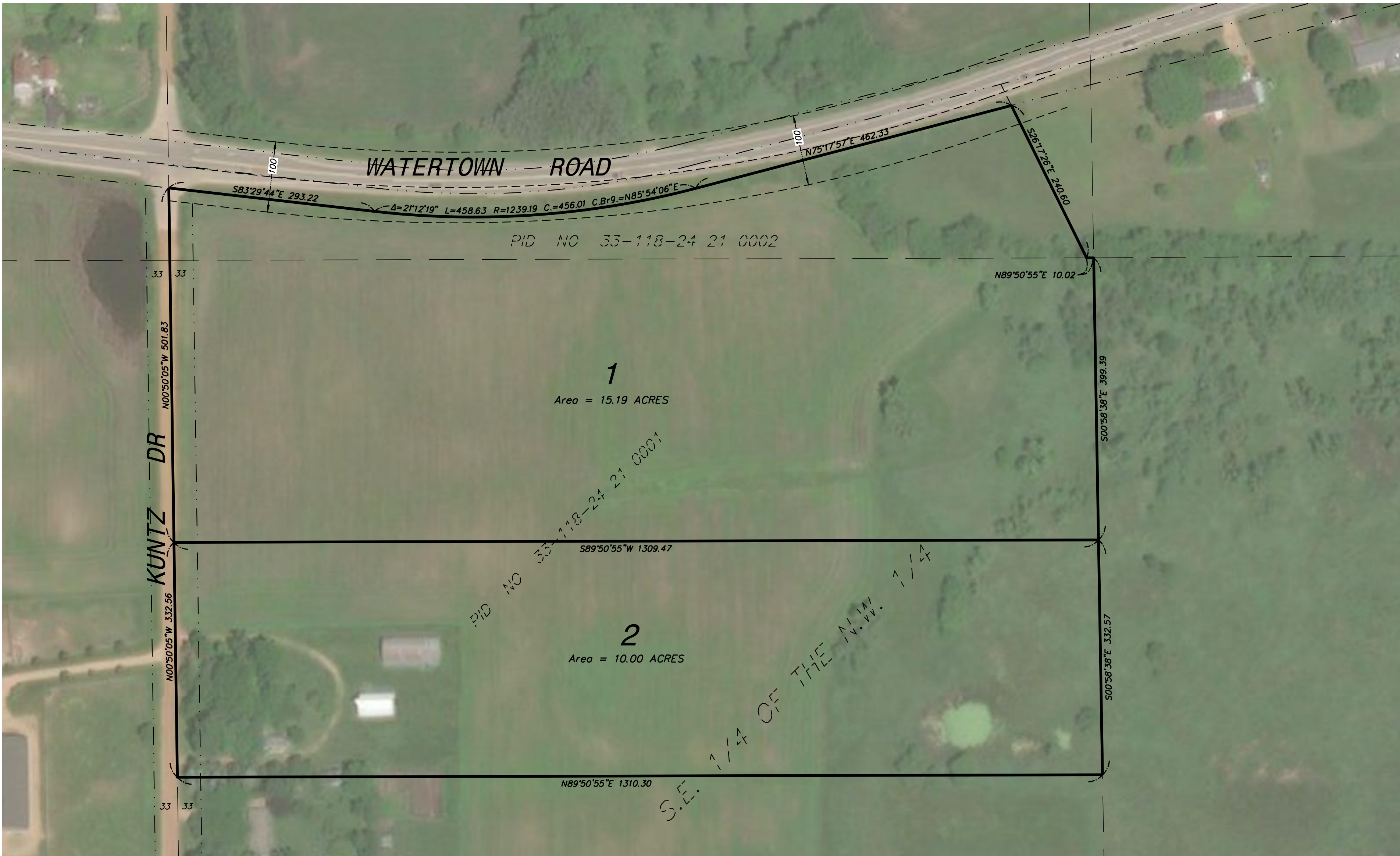
Project No. 18-0425



# Concept Plan



0 100 200 Feet  
Total Area = 25.2± ACRES  
LOT 1 PID NO 33-118-24 21 0002  
PID 2 PID NO 33-118-24 24 0001



Concept Plan on part of , and the S.E. 1/4 of the N.W. 1/4 of Section 33, Township 118, Range 24, Hennepin County, Minnesota

Revised:

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Paul E. Otto*  
Paul E. Otto  
License #40062 Date: 9-7-18

Requested By:

David Zoldahn

Date:

9-6-18

Drawn By:

M.J.H.

Scale:

1"=100'

Checked By:

P.E.O.



www.ottoassociates.com

9 West Division Street  
Buffalo, MN 55313  
(763)682-4727  
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No. 18-0425

## City of Independence

### ***Request for a Variance from the Front and Corner Yard Setbacks for the Property Located at 4976 Lake Shore Drive South***

---

*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* October 2, 2018  
*Applicant:* Doug and GERALYN McDonald  
*Owner:* Doug and GERALYN McDonald  
*Location:* 4976 South Lake Shore Drive

#### ***Request:***

Doug and GERALYN McDonald (Applicants/Owners) request that the City consider the following action for the property located at 4976 South Lake Shore Drive in Independence, MN (PID No. 24-118-24-11-0013):

- a. A variance to allow the construction of a detached accessory building that does not meet the side yard setback from the west property line.

#### ***Property/Site Information:***

The subject property is located at 4976 South Lake Shore Drive. The property is located on Lake Independence off of South Lake Shore Drive. There is an existing home and detached garage on the subject property.

Property Information: 4976 South Lake Shore Drive  
Zoning: *Rural Residential (Shoreland Overlay)*  
Comprehensive Plan: *Rural Residential*  
Acreage: 1.01 acres (43,995 square feet)  
Impervious Surface Maximum: 25% (10,999 square feet)





**Discussion:**

The applicant is seeking approval to remove and replace an existing legal non-conforming detached accessory structure located on the subject property. There is an existing detached accessory structure located on the property that does not currently meet the required side yard setback from the west property line. The existing garage is located 1.5 feet from the west side property line. The required setback for detached accessory structures is nine (9) feet. The applicant would like to raise the height of the building foundation to allow proper drainage of the site to go around the building and towards the lake without inundating the structure. In addition to raising the elevation of the existing structure, the applicant would like to change the roof line of the building so that they can access the building from a door on the south elevation. The existing garage has an off-centered roof line that can be seen from the photographs attached to this report. The applicant would like to construct a standard centered gabled roof on the new garage.

Staff has had correspondence with the applicant to discuss the existing and proposed detached garages on the property. The applicant did look at rebuilding the existing shed in its current location which would be permitted by the City. Ultimately, the applicant determined that they would like the City to consider granting a variance to allow a new detached accessory garage to be constructed in the same location as the existing garage with three changes:

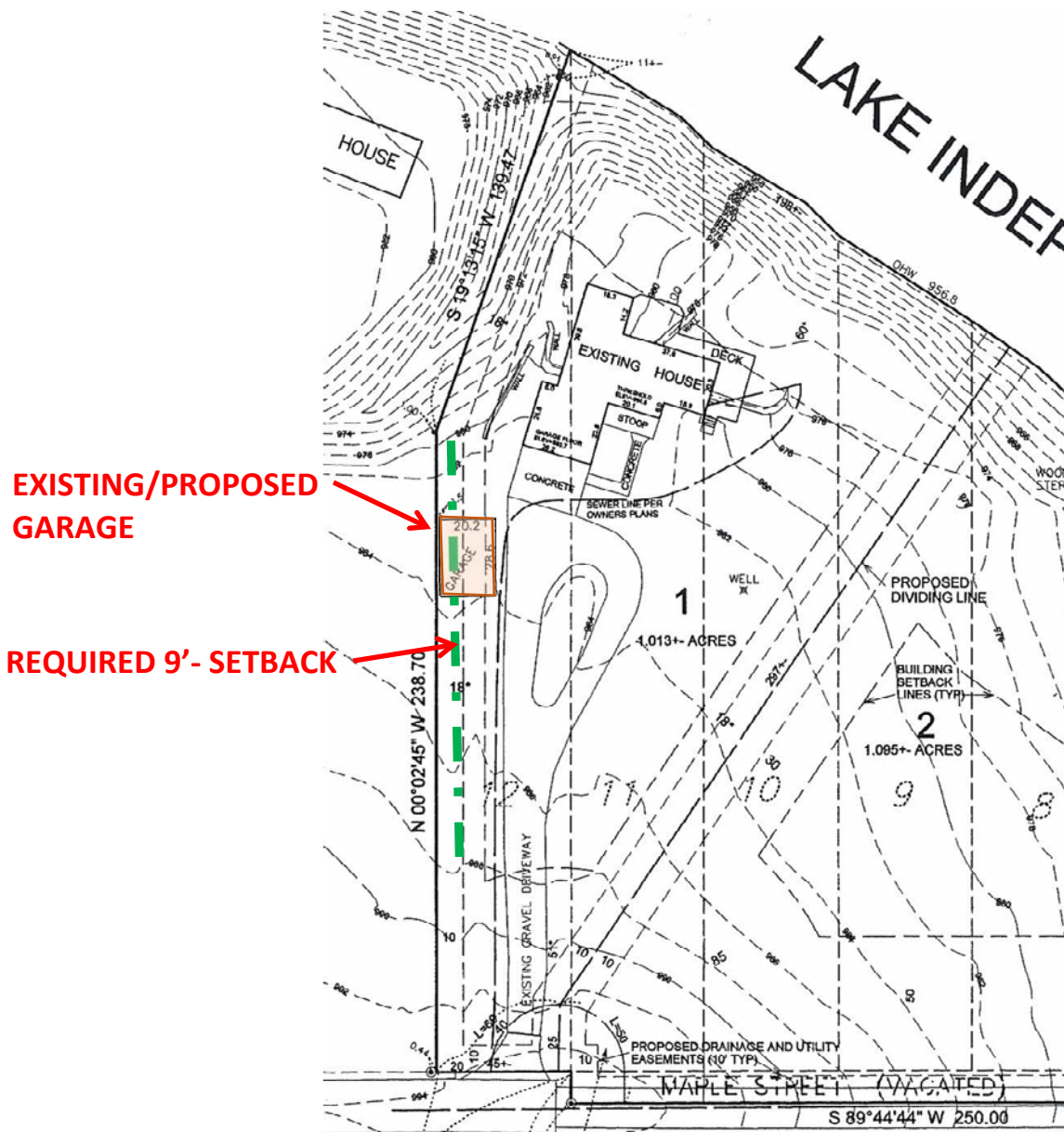
1. Raise the finished floor elevation of the new structure so that it sits 1.5 feet above the adjacent drainage swale.
2. Change the roofline of the new structure from an offset gable roof to a center gable roof.
3. Extend the structure 3 feet to the south while maintaining the 1.5-foot side yard setback.

The proposed garage would have the following setbacks:

Side Yard Setback:

Required: 9 feet from the side yard property line

Proposed: 1.5 feet from the side yard property line (variance of 7.5 feet)





There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

*Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the criteria for granting a variance:

- a. Residential use of the property is consistent with the Rural Residential District. The applicants are seeking a variance that is generally consistent with similar variances granted for properties in this area.
- b. Many of the properties in this area have setbacks from the right of way or side property lines that do not meet the required setbacks.
- c. The character of the surrounding area is residential. The proposed garage expansion for a single-family home is in keeping with the City's comprehensive plan.

There are several additional items that could be considered by the City:

1. Many of the surrounding properties have been granted relief from the requisite setback requirements due to the small size of the properties, unique lot layouts resulting from the historic nature of the structures on the properties and the change in nature of the homes from seasonal to permanent.
2. The neighboring property owner directly west that would have the most visibility of the garage has submitted a letter to the City stating that they support the requested variance. In addition, this property owner recently constructed a new detached accessory structure on their property. During the construction of the adjacent detached accessory building, the drainage along this property line was generally corrected.
3. The proposed garage would be very similar to the existing garage on the property.
4. The maximum impervious surface coverage for this property is .25% or 10,999 SF. The existing coverage is as follows:

House, walks, patio and deck:	4,953 SF
Driveway:	3,803 SF
Existing Garage:	575 SF
<b>Total: 8,781 SF</b>	

The total coverage with the existing and proposed garage (plus 60 SF for the 3 foot addition) would be within the allowable impervious coverage for this property.

5. The applicant has submitted a proposed drainage plan which indicates how the drainage will be addressed on the subject property.
6. The City allows up to 1,850 square feet of detached accessory structure for this property. The existing and proposed garage is approximately 600 SF and well within the allowable structure size.

Ultimately the City will need to find that the aforementioned criteria for granting a variance have been met by the applicant.

***Public Comments:***

The City received a letter from the neighboring property owner located at 4986 South Lake Shore Dr. offering support for the request.

***Planning Commission Discussion:***

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked for additional information relating to the drainage on this property. The property owner noted that they had worked

with Hennepin County Land and Water on a design for the drainage between the existing garage and new detached accessory structure on the adjacent property. Commissioners noted that the applicant could rebuild the existing building and that the proposed building was similar in size and height to the building proposed. Commissioners asked if the new building conformed in all other aspects to the City's ordinances. Staff noted that it was fully in conformance outside of the side yard setbacks. Commissioners found the variance to meet the criteria of the City and recommended approval to the City Council.

***Recommendation:***

The Planning Commission recommended approval to the City Council for the requested variance with the following findings and conditions should be considered.

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested variance.
3. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the garage will be permitted without an additional variance request.
4. The Applicant shall record the City Council Resolution within six (6) months of the Council Approval.

***Attachments:***

1. Application
2. Site Plan/Survey
3. Drainage Plan from Hennepin County
4. Letter from Adjacent Property Owner
5. Pictures



## **RESOLUTION NO. 18-1002-02**

### **A RESOLUTION GRANTING APPROVAL OF A VARIANCE TO ALLOW A REDUCTION IN THE PERMITTED SIDE YARD SETBACK FOR THE PROPERTY LOCATED AT 4976 LAKE SHORE DRIVE SOUTH**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Doug and Geralyn McDonald (the “Applicant/Owner”) submitted a request for a variance to allow a reduced side yard setback which would permit a detached accessory structure on the property located at 4976 South Lake Shore Drive (PID No. 24-118-24-11-0013) (the “Property”); and

WHEREAS, the Property is zoned Rural Residential; and

WHEREAS, the Property is legally described as shown and depicted on Exhibit A attached hereto.

WHEREAS the requested Variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on September 18, 2018 to review the application for a Variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by**

Doug and GERALYN McDonald and grants a Variance for the property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been met by the applicant and specially that:
  - a. The requested variance is consistent with the historic use of the property and fits into the character of the surrounding property.
  - b. The neighboring properties have similarly located accessory structures that mitigate the impacts of the proposed shed.
  - c. The previous shed could have been reconstructed in the current location.
3. The requested variances will allow the proposed detached accessory structure in accordance with the approved plans only (plans will become an exhibit of the resolution). The variance granted shall be as follows:
  - a. Side Yard: 1.5 feet (7.5 variance)
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts. No expansion of the detached accessory structure or impervious surface area will be permitted without additional review and approval from the City.
6. The Applicant shall record the City Council Resolution within six (6) months of the Council approval.

This resolution was adopted by the city council of the City of Independence on this 2<sup>nd</sup> day of October 2018, by a vote of \_\_\_ ayes and \_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

---

Mark Kaltsas, City Administrator

**EXHIBIT A**  
(Legal Description)

**LEGAL DESCRIPTION OF PREMISES**

**Lots 7,8,9,10,11, and 12, FRED W. ANDERSON'S ADDITION. Also that part of the adjoining north half of vacated Maple Street which lies easterly of the southerly extension of the west line of Said Lot 11, and westerly of the southerly extension of the east line of Said Lot 7.**



# PLANNING APPLICATION

Case No.

## Type of application

- ☒ Standard ☐ Staff Approval ☐ Plan Revision ☐ Amended ☐ Reapplication
- ☐ Rezoning ☐ Conditional Use Permit ☒ Variance ☐ Ordinance Amendment ☐ Subdivision
- ☐ Preliminary Development Plan ☐ Interim Use Permit ☐ Comprehensive Plan Amendment
- ☐ Final Development Plan ☐ Final Site & Building Plan ☐ Other \_\_\_\_\_

## Site Location— Additional addresses on back and legal description attached

Property address 4976 S. Lakeshore Drive PID 24-118-24-11-0013

## Proposal -Full documentation must accompany application

Requesting variance to rebuild and improve  
shed for water drainage and function

## Applicant

Name Doug + Geralyn McDonald Email dgmjmcDonald@msn.com

Address 4976 S. Lakeshore Drive Independence MN 55359

Phone 763-568-4193 (Geraldyn) Additional phone/contact Doug 763-518-6940

Printed Name Geraldyn McDonald Signature Geraldyn McDonald

## Owner Information (if different from applicant)

Name \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Additional phone/contact \_\_\_\_\_

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_

## Office Use Only

Date 8/14/18 Application Amount 20001,250 Check # 8635 Accepted By [Signature]

Escrow Paid 750 Check # 8635 Date Accepted by Planner \_\_\_\_\_

## City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others— all applications are reviewed on a case-by-case basis.

Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/ or if additional information is needed to adequately review the subject request. ***To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/ Administrator at least one week prior to submittal.*** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

### ***Application for Planning Consideration Fee Statement***

---

The City of Independence has set forth a fee schedule for the year 2018 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are noted on the current fee schedule. By signing this form, the applicant recognizes that he/ she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

**Applicant Signature:** *Geraldyn McDonald*

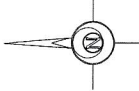
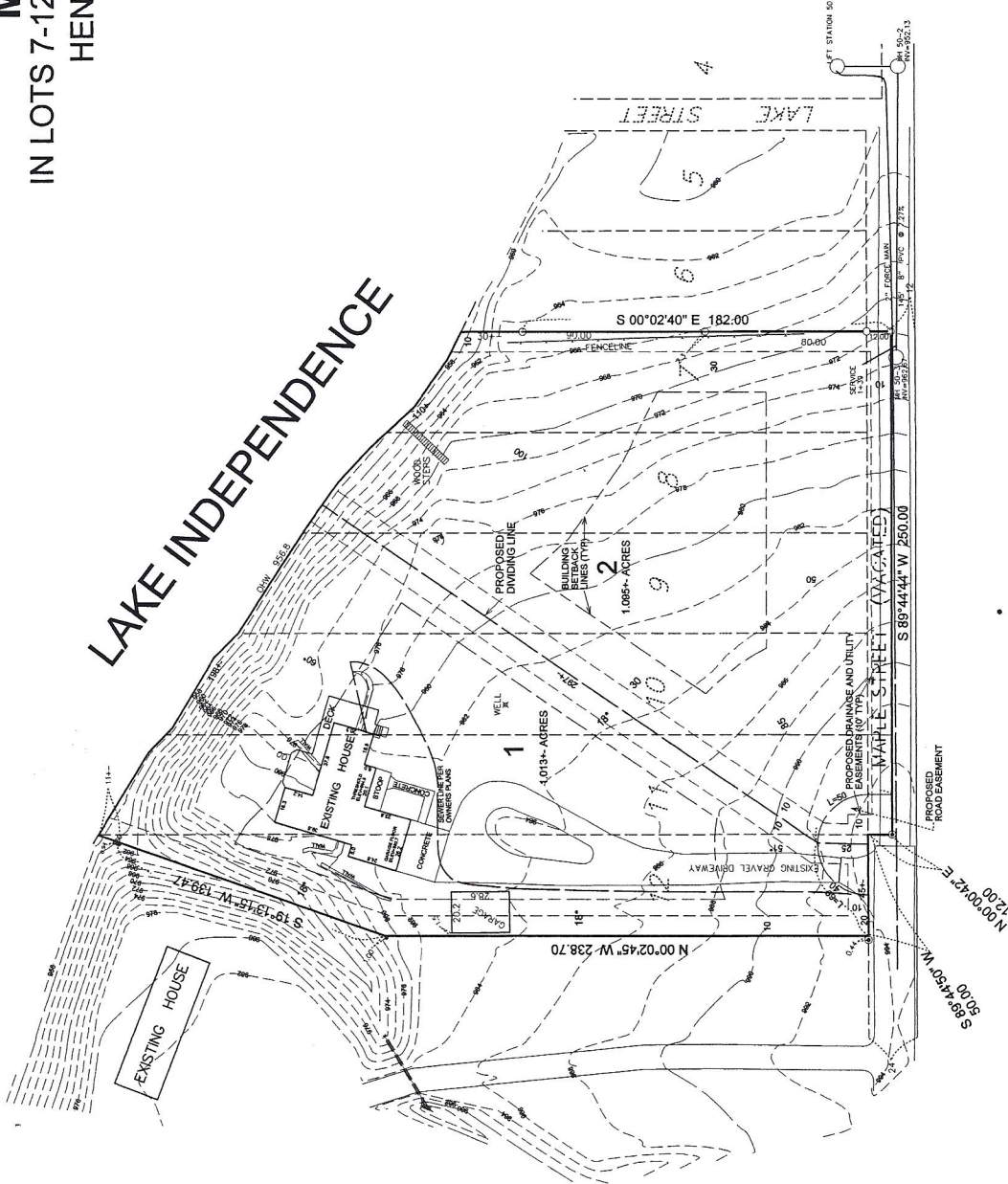
**Date:** *8/14/18*

**Owner Signature (if different):** \_\_\_\_\_

**Date:** \_\_\_\_\_



CERTIFICATE OF SURVEY AND  
 PROPOSED MINOR SUBDIVISION FOR  
**MARY JANE LYNCH**  
 IN LOTS 7-12 OF FRED W. ANDERSON'S ADDITION  
 HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES  
 Lots 7, 8, 9, 10, 11, and 12, FRED W. ANDERSON'S ADDITION. Also that  
 part of the adjoining north half of vacated Maple Street which lies  
 between the east line of said lots and the east line of said Lot 7.  
 and westerly of the southerly extension of the east line of said Lot 7.

o- denotes iron marker found  
 o- denotes existing contour line, mean sea level datum  
 Bearings shown are based on an assumed datum.

This survey shows the boundaries of the above described property,  
 and the location of an existing house and driveway thereon. It  
 does not purport to show any other improvements or encroachments.

\* DENOTES SETBACKS 40% LESS PER  
 ARCHITECT'S SITE PLAN FOR CERTAIN LOTS  
 SEWER INFORMATION SHOWN FROM CITY RECORDS

CURRENT ZONING - RURAL RESIDENTIAL  
 CURRENT AREA - 91840+- S.F.  
 2.11+- ACRES

CURRENT OWNER-TAXPAYER-DEVELOPER  
 MARY JANE LYNCH  
 4976 SOUTH LAKESHORE DRIVE  
 MAPLE PLAIN, MN 55359  
 763-479-3448

SURVEYOR  
 MARK S. GRONBERG  
 GRONBERG & ASSOCIATES, INC.  
 445 NORTH WILLOW DRIVE  
 LONG LAKE, MN 55356  
 952-473-4141

GRONBERG & ASSOCIATES, INC.  
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS  
 445 N. WILLOW DRIVE LONG LAKE, MN 55356  
 PHONE: 952-473-4141 FAX: 952-473-4435



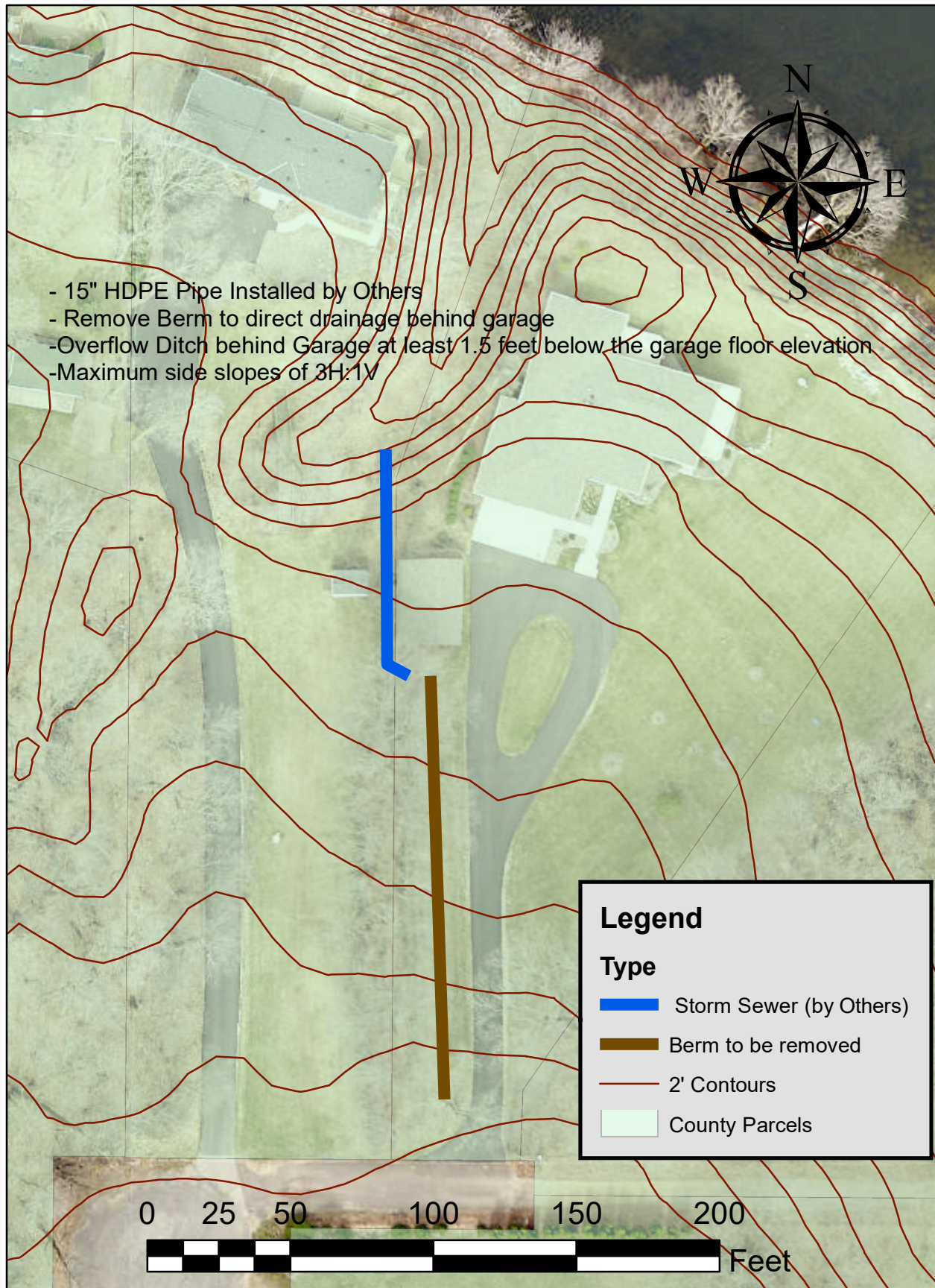
DATE	BY	REVISIONS
7-12-12		
12-06-12		
12-06-12		

I hereby certify that this plan, specification, or report  
 was prepared by me or under my direct supervision  
 and that I am a duly Licensed Land Surveyor or under  
 the laws of the State of Minnesota  
 DATE: 7-12-12  
 MINN. LICENSE NUMBER: 12063

DATE	BY	REVISIONS

# McDonald Residence Erosion Repairs

Date: 8/31/2018



Garage Drainage

Prepared by Hennepin County Land and Water







