



CITY COUNCIL MEETING AGENDA  
TUESDAY AUGUST 2, 2022

**PLEASE NOTE TIME CHANGE:**  
**CITY COUNCIL MEETING TIME: 5:00 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 July 19, 2022, Regular City Council Meeting.
  - b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21312 and Batch # 2; Checks Numbered 21313-21342).
  - c. Approve Adding One (1) Additional Election Judge for the General Election.
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. Patti Good (Applicant/Owner) requests that the City consider the following actions for the property located at 4986 South Lake Shore Drive, Independence, MN (PID No. 24-118-24-11-0001):
  - a. **RESOLUTION 22-0802-01:** considering a variance allowing a reduced setback from the OHWL permitting the construction of a screened deck to be constructed in place of the existing legal non-conforming deck on the subject property.
8. Open/Misc.
9. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY July 19, 2022–6:30 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: Mayor Johnson, Councilors McCoy, Betts, Spencer, and Grotting (virtual)

ABSENT: None.

STAFF: City Administrator Kaltsas, City Admin Assistant Simon, and Chief Kroells

VISITORS: JP Story, Keith Becker, Steve Bohl

*All votes were roll call votes.*

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 5, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21343-21365)
- c. Agriculture Preserve Renewal Application for the Following Properties:
  - i. PID No. 17-118-24-43-0008 (Requested by Keith Triplett)
  - ii. PID No. 33-118-24-34-0001 (Requested by Maura Tierney)
- d. Large Assembly Permit for This Old Horse, Inc. (Polo Match at TC Polo Club) – To be Held on Sunday, August 7, 2022.
- e. Approve Adding Two (2) Additional Election Judges to for the Upcoming Elections.
- f. 2<sup>nd</sup> Quarter Building Permit Report (for information only).
- g. West Metro Drug Task Force (YTD Report – for information only).

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

**Grotting attended the following meetings:**

- nothing

**Spencer attended the following meetings:**

- nothing

**McCoy attended the following meetings:**

- Fire Commission

**Betts attended the following meetings:**

- Hwy 12 Coalition
- Fire Commission
- Police Commission

**Johnson attended the following meetings:**

- Hwy 12 Coalition
- Regional Council Mayors Meeting
- Maple Plain Fire Commission
- Police Commission
- LMC Policy Committee (Zoom)
- Visitation for Peter Tritz- formerly with LMC Trust Funds
- Orono schools play, The Little Mermaid

**Kaltsas attended the following meetings:**

- nothing more than what others mentioned

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the June 2022 Activity Report.

Chief Kroells shared the West Metro Drug Task Force is extremely busy and successful - actively building cases and is one of the most successful DTF in Hennepin County. Members include: 1 WHPS, 2 HC Sherriff Dept (supervising), 1 Minnetrista, 1 Medina, and 1 Orono. They've been active since 2004 after completing a 2003 case study. Mayor Johnson recalled when it began, they filled the community room with all the drugs. Gary: 10 years ago, we were proud of a minimum number and now we need 10lbs to feel excited about it because of the amounts available. Cocaine is making a big comeback in MN and the Midwest. McCoy: asked what's driving that. Kroells: Availability. It's easier to come across the borders. Crossing into US from Mexico and is more expensive than Meth. Legalizing Marijuana cuts into the Mexican cartels supply chain so they're increasing their efforts to make others like Meth and making it cheaper to maintain their profit margins. Johnson: Several years ago, the HS were a hotbed. Is that still true recently? Kroells: MJ & TCH/vaping is, especially now that the state legalized TCH gummies. These are starter drugs, and they move up from that. McCoy: Gummy issue in schools yet? Kroells: It's not well-regulated and the interpretation "anyone can sell gummies". It's not licensed- so it's not needed to sell. Kaltsas: Cities' attorneys can weigh in and cities can make their own restrictions. So ordinances will need to be brought before the council. McCoy: After spending millions on "anti-smoking," this should not be overlooked. Betts: Can anyone overdose on them? Kroells: 10mg TCH can be too much, even for an addict. Shared from a person's testimony: A CO legal dose (MN-eating 2 to equal it) impacted someone making them feel like their legs were not working. Tobacco use is not a crime, only attempting to buy at a store if underage. Betts: What does not interact well with TCH (life-threatening)? Kroells: IDK but some medical benefits exist but there are worries. McCoy: noted "take 1 at a time" vs. smoking tobacco which

they don't just smoke 1. Whatever is printed on the package, doesn't mean anything.

342 Incidents: 253- Independence & 89- Maple Plain. See the full report for more details.

WHPS may be down 1 squad after a pursuit. Lastly mentioned, Officers took their time to calm people down and deescalate helping those struggling. A suicidal male report. Johnson: Several suicidal reports were mentioned. What happens when taking them to hospitals? Kroells: Hospitals do their best, but Drs release if they're found not to be harmful to themselves. Rarely do they stay there long and are returned home. Mayor thanked the West Metro Drug Task Force and WHPS.

8. 2022 Chip Sealing Bid Award: Discussion and Consideration of Awarding to Lowest Bidder.

Kaltsas: Annually or biannually, we have an adopted 5-year plan that looks at various aspects of our roads. Franklin Hills, McKown Ct, Woodhill Ln and Becker Rd – we will look to update that next year for the next 5 years. We only received 1 bid this year and a written statement from another saying that they couldn't get it done this year. Pearson Bros, \$1.25 last year up to \$1.65. We budgeted \$50k for roads annually. We are a couple thousand over but will reduce somewhere else to maintain budget. We had issues with sweepings last year and we will inspect and make sure to get granite chips up. Johnson: Do we always use rollers with overlays? Kaltsas: Yes. Johnson: We will send out notification letters to the property owners to let them know when we will do this project. Kaltsas: We are required to have more than one bid, but we have documentation saying that the other bid cannot get it done. Johnson: With the increased gas prices, I'm surprised the bid wasn't higher.

**Motion by Spencer, seconded by McCoy to accept and approve the Pearson bid for chip sealing the streets. Ayes: Johnson, McCoy, Betts, Spencer, and Grotting. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.**

9. Discuss August 2, 2022, City Council Meeting Time to Facilitate Attendance at Night to Unite.

Kaltsas: Anticipating 2 or maybe 3 routine items for the 8-2-2022 CC mtg and since Night to Unite is the same night, he proposed moving up the time so councilors could attend gatherings. Sometimes we can't accommodate with our time schedules. Johnson: A previous year's host was also concerned as they're on the agenda. Kroells: 12 parties are already registered. 7 already in Independence; more are likely coming. Police and Fire Depts usually meet here 4:30-4:45 and roll to those by 5:30-5:45pm. Johnson: Pointed out that McCoy is the Fire Chief and would prefer to attend. McCoy agreed. Betts: We can't change to a different day, right? McCoy: Kaltsas: I'll limit to 2 items. Normally we have elections to contend with, but this yr. elections are on 8/9.

**Moved by McCoy, seconded by Spencer to move the starting time of the August 2<sup>nd</sup> City Council Meeting to 5pm. Ayes: Johnson, McCoy, Betts, Spencer, and Grotting. Nays: None. Absent: None. Abstain: None. MOTION DECLARED CARRIED.**

The City will publish in the papers and notify the Planning Commissioners.

10. Discuss on Funding Community Park Garden Maintenance Updates

Christian Eichers would like to fix vandalized kiosk and replace a few plants. Kaltsas: We have funding. Eichers didn't yet give a budget amount. Suggest it's \$1k or less. Minus Plexiglass which Gary will help monitor since we have cameras installed. No donuts have been seen and cameras are fully functioning now. Johnson: We want to keep the park looking nice. Eichers won't always be available to work on it, so

this reduces time that Public Works spends there.

**Moved by Spencer, seconded by Betts to allow spending up to \$1,000 for replanting in the park.  
Ayes: Spencer, Grotting, McCoy, Betts, Johnson Nays: None. Absent: None. Abstain. None. MOTION  
DECLARED CARRIED.**

Staff to reach out to Eichers

11. Open/Misc.

12. Adjourn.

**Motion carried by Betts, second by Spencer to adjourn the meeting at 7:13pm.**

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Respectfully Submitted,  
Linda Johnson / Recording Secretary

CITY OF INDEPENDENCE

**\*Check Detail Register©**  
10100 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Bank of Maple Plain</b>					
<b>21366</b>	07/20/22	<b>DELTA DENTAL</b>			
G 100-11505		MAPLE PLAIN AR	\$89.88	CNS0001018	Maple Plain Dental - August 2022
G 100-11510		WHPS AR	\$1,246.88	CNS0001018	WHPS Dental - August 2022
E 100-43100-131		CITY PAID BENEFIT ALL	\$143.54	CNS0001018	PW Dental - August 2022
E 602-49450-131		CITY PAID BENEFIT ALL	\$100.51	CNS0001018	Sewer Dental - August 2022
E 100-41500-131		CITY PAID BENEFIT ALL	\$138.42	CNS0001018	Admin Dental - August 2022
E 100-42400-131		CITY PAID BENEFIT ALL	\$42.69	CNS0001018	Bldg Dental - August 2022
		Total	\$1,761.92		
<b>21367 07/20/22 HEALTHPARTNERS NW3600</b>					
E 100-42400-131		CITY PAID BENEFIT ALL	\$1,123.44	114117042	Health Insurance - August 2022
E 100-43100-131		CITY PAID BENEFIT ALL	\$1,926.39	114117042	Health Insurance - August 2022
E 602-49450-131		CITY PAID BENEFIT ALL	\$634.70	114117042	Health Insurance - August 2022
E 100-41500-131		CITY PAID BENEFIT ALL	\$4,107.55	114117042	Health Insurance - August 2022
		Total	\$7,792.08		
<b>21368 07/20/22 JOHNSTON, KATI</b>					
R 100-34103		ZONING/SUBDIVISION F	\$500.00	07.19.22	Refund
G 430-20300		ESCROW	\$750.00	07.19.22	Refund
R 430-34116		NON REFUNDABLE DEP	\$750.00	07.19.22	Refund
		Total	\$2,000.00		
<b>21369 07/20/22 TEGRETE</b>					
E 100-41940-401		MAINT.&REPAIR BLD CO	\$399.50	101953	Monthly Cleaning - August 2022
G 100-11510		WHPS AR	\$399.50	101953	WHPS Monthly Cleaning - August 2022
		Total	\$799.00		
<b>21370 07/20/22 WRIGHT HENNEPIN ELECTRIC</b>					
E 602-49450-380		ELECTRIC & GAS UTILIT	\$1,149.15	35029763020	Lift Stations -
E 100-43100-381		STREET LIGHTING	\$328.09	35029763020	Street Lights -
E 602-49450-380		ELECTRIC & GAS UTILIT	\$1,014.63	35029763020	Sewer Electricity -
		Total	\$2,491.87		
		<b>10100 Bank of Maple Plain</b>	<b>\$14,844.87</b>		

Fund Summary

<b>10100 Bank of Maple Plain</b>	
100 GENERAL FUND	\$10,445.88
430 CITY PROJECTS AGENCY FUND	\$1,500.00
602 SEWER FUND	\$2,898.99
	<u>\$14,844.87</u>

CITY OF INDEPENDENCE

07/27/22 4:53 PM

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**\*Check Detail Register©**

10100 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
<b>10100 Bank of Maple Plain</b>					
<b>21371</b>	<b>07/27/22</b>	<b>BOLTON &amp; MENK, INC</b>			
E 415-43100-303		ENGINEERING	\$920.00	284930	Hilltop Prairie Development
		Total	\$920.00		
<b>21372</b>	<b>07/27/22</b>	<b>BRUCE SATEK</b>			
E 100-41000-405		MISCELLANEOUS	\$48.98	07.25.22	Covid Test - reimbursement
		Total	\$48.98		
<b>21373</b>	<b>07/27/22</b>	<b>CINTAS CORP</b>			
E 100-43100-210		OPERATING SUPPLIES/	\$41.62	5115987831	Supplies
E 100-41500-200		OFFICE SUPPLIES	\$38.57	5115987831	Supplies
		Total	\$80.19		
<b>21374</b>	<b>07/27/22</b>	<b>Diamond Mowers</b>			
E 100-43100-220		MAINT.&REPAIR SUPPLI	\$1,183.30	0212798IN/ 0 Parts	
		Total	\$1,183.30		
<b>21375</b>	<b>07/27/22</b>	<b>ECM Publishers, Inc.</b>			
E 100-41500-350		PRINTING & PUBLICATI	\$135.28	902312	July 19 PH - Laker Pioneer
E 100-41500-350		PRINTING & PUBLICATI	\$205.79	903072	Partisan/Nonpartisan Sample Ballot - Crow River News
E 100-41500-350		PRINTING & PUBLICATI	\$39.58	903073	
E 100-41500-350		PRINTING & PUBLICATI	\$47.49	903074	Public Accuracy Test - Crow River News
		Total	\$428.14		
<b>21376</b>	<b>07/27/22</b>	<b>KENNEDY &amp; GRAVEN</b>			
E 100-41600-304		CIVIL, LEGAL (K&G)	\$88.20	168553	Legal Services - 2019 and Beyond
E 100-41600-304		CIVIL, LEGAL (K&G)	\$78.40	168553	Legal Services - 2019 and Beyond
E 100-41600-304		CIVIL, LEGAL (K&G)	\$814.00	168553	Legal Services - 2019 and Beyond
E 100-41600-304		CIVIL, LEGAL (K&G)	\$1,126.30	168553	Legal Services - Hilltop Prairie Subdivision
E 100-41600-304		CIVIL, LEGAL (K&G)	\$575.70	168553	Legal Services - Minor Subdivision/Lot Combination
		Total	\$2,682.60		
<b>21377</b>	<b>07/27/22</b>	<b>MID-COUNTY COOP</b>			
E 100-43100-212		VEHICLE OPER.SUPPLI	\$1,123.13	25341	Diesel
E 100-43100-212		VEHICLE OPER.SUPPLI	\$2,065.03	54596	Diesel
E 100-43100-212		VEHICLE OPER.SUPPLI	\$1,494.99	54773	Diesel
		Total	\$4,683.15		
<b>21378</b>	<b>07/27/22</b>	<b>NELSON ELECTRIC</b>			
E 602-49450-404		MAINT.&REPAIR EQUIP.(	\$300.00	2102	Lift #26 - Repairs
E 602-49450-210		OPERATING SUPPLIES/	\$300.00	2111	Repairs
		Total	\$600.00		
<b>21379</b>	<b>07/27/22</b>	<b>OFFICE of SECRETARY of STATE</b>			
E 100-41500-433		DUES & SUBSCRIPTION	\$120.00	07.27.22	Notary fee - Carrie Solien
		Total	\$120.00		
<b>21380</b>	<b>07/27/22</b>	<b>QUILL CORP.</b>			
E 100-41500-200		OFFICE SUPPLIES	\$50.98	26150529	Supplies

CITY OF INDEPENDENCE

**\*Check Detail Register©**

10100 Unposted

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 100-41500-200		OFFICE SUPPLIES	\$28.99	26161652	Supplies
		Total	\$79.97		
<b>21381</b>	07/27/22	<b>RELIANCE STANDARD</b>			
E 100-43100-131		CITY PAID BENEFIT ALL	\$33.16	07.18.22	LT Disability 8/1/22-8/31/22
E 602-49450-131		CITY PAID BENEFIT ALL	\$15.42	07.18.22	LT Disability 8/1/22-8/31/22
		Total	\$48.58		
<b>21382</b>	07/27/22	<b>SIMON, AMBER</b>			
E 100-41500-331		CONFERENCE & TRAVE	\$25.30		Voting Training - mileage reimbursement
		Total	\$25.30		
<b>21383</b>	07/27/22	<b>STANDARD INSURANCE COMPANY</b>			
E 100-43100-131		CITY PAID BENEFIT ALL	\$10.83	07.18.22	PW
E 602-49450-131		CITY PAID BENEFIT ALL	\$13.72	07.18.22	Sewer
E 100-41500-131		CITY PAID BENEFIT ALL	\$15.44	07.18.22	Admin
E 100-42400-131		CITY PAID BENEFIT ALL	\$150.10	07.18.22	Building
		Total	\$190.09		
<b>21384</b>	07/27/22	<b>U.S. Bank Equipment Finance</b>			
E 100-41500-602		LEASE/PURCHASE (COP	\$279.00	477934335	Monthly Maintenance - August 2022
		Total	\$279.00		
<b>21385</b>	07/27/22	<b>WEST HENNEPIN PUBLIC SAFETY</b>			
E 100-42000-440		POLICE CONTRACT	\$109,791.73	08.01.22	Police Contract - August 2022
		Total	\$109,791.73		
<b>21386</b>	07/27/22	<b>XCEL ENERGY</b>			
E 416-43100-580		CAPITAL OUTLAY (BUIL	\$15,922.52	07.27.22	Garage Project - JOB# 13080148
		Total	\$15,922.52		
<b>21387</b>	07/27/22	<b>XCEL ENERGY</b>			
E 416-43100-580		CAPITAL OUTLAY (BUIL	\$15,922.52	07.27.22	Garage project - JOB# 13080148
E 416-43100-580		CAPITAL OUTLAY (BUIL	(\$15,922.52)	07.27.22	Garage project - JOB# 13080148
E 602-49450-380		ELECTRIC & GAS UTILIT	\$196.12	788092768	51-6632253-0 Lift Station # 6
		Total	\$196.12		
		<b>10100 Bank of Maple Plain</b>	<b>\$137,279.67</b>		

Fund Summary

<u>10100 Bank of Maple Plain</u>	
100 GENERAL FUND	\$119,611.89
415 2020 STREET IMPROVEMENT	\$920.00
416 CITY HALL REMODEL	\$15,922.52
602 SEWER FUND	\$825.26
	<u>\$137,279.67</u>



# City of Independence

## Approval of Election Judges for the 2022 Primary and General Elections

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To: City Council  
From: Amber Simon  
Meeting Date: August 2, 2022

### ***Discussion:***

The City Council is required to appoint election judges for the upcoming primary and general elections to be held in August and November 2022. Staff has prepared a list of election judges for consideration by the City Council. The following election judges can be considered for appointment by the City Council:

- Charlie Hayes
- Marilyn Hamilton
- Darcy Ciatti
- Lori McNamara
- Marvin Johnson
- Lynette Boyd Timpe
- Chris Lyrek
- Martha McCabe
- Damon Kocina
- Susan Ritts
- Chris Burr
- JP Story
- Julie Larson
- James Schmitt
- Carol Neyens

Additional election judges available:

- Kim Klancke

***Recommendation:***

It is recommended that the City Council approve appointing the one additional listed election judge.

## City of Independence

### ***Request for a Variance from the Requisite OHWL Setback for the Property Located at 4986 South Lake Shore Drive***

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*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* August 2, 2022  
*Applicant:* Patti Good  
*Owner:* Patti Good  
*Location:* 4986 South Lake Shore Drive

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

Patti Good (Applicant/Owner) requests that the City consider the following actions for the property located at 4986 South Lake Shore Drive, Independence, MN (PID No. 24-118-24-11-0001):

- a. A variance allowing a reduced setback from the OHWL permitting the construction of a screened deck to be constructed in place of the existing legal non-conforming open deck on the subject property.

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

The subject property is located at 4986 South Lake Shore Drive. The existing home is a legal non-conforming structure that does not meet all of the current setback requirements. There is an existing home and detached accessory structure on the subject property.

Property Information: 4986 South Lake Shore Drive  
Zoning: *Rural Residential (Shoreland Overlay)*  
Comprehensive Plan: *Rural Residential*  
Acreage: *1.0 acres (43,560 square feet)*  
Impervious Surface Maximum: *25% (10,890 square feet)*

4986 South Lake Shore Drive (blue line)



**Discussion:**

The applicant submitted a building permit application seeking approval to rebuild the existing deck in its current location and to enclose a portion of the existing deck with a new screen porch. It was identified that the existing deck does not meet applicable setbacks from the OHWL and is considered a legal non-conforming structure. The City discussed the potential options (variance) with the applicant and noted that the existing deck can be rebuilt in its current location as long as no expansion or intensification of the deck occurs.

The applicant decided to move forward with an application for a variance from the OHWL to allow the existing deck to be reconstructed generally in its current location with a small expansion (69 SF) to allow a new stairway and a portion of the deck to be covered/screened. The City has historically considered variances for properties located in the Shoreland Overlay district that are substandard lots of record. The City currently allows an “administrative variance” from the requisite standards by acknowledging lots of record that were in existence prior to 1982. For

these lots, the City allows all requisite setbacks to be reduced by 40% for substandard lots of record. In this particular situation, there is no location attached to the rear (lakeside) of the home that would accommodate any expansion or intensification.

The subject property is considered a substandard lot of record in accordance with the City's Shoreland Ordinance Section 505.15.

*505.15. Substandard lots. Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:*

*(a) such use is permitted in the zoning district;*

*(b) the lot of record is in separate ownership from abutting lands, and can meet or exceed 60% of the lot area and setback requirements of this section; and*

*(c) all requirements of section 705 of this code regarding individual sewage treatment systems are complied with.*

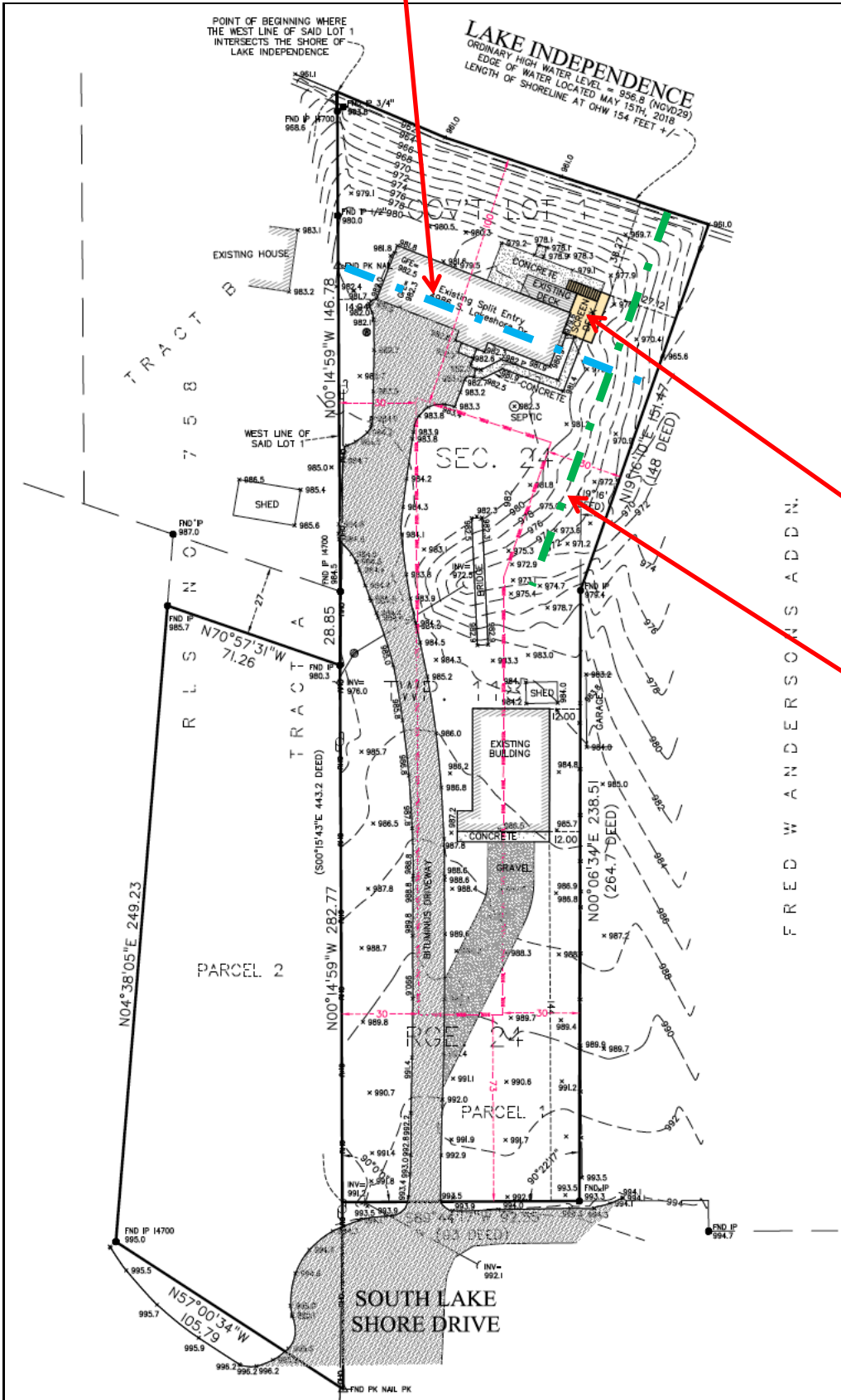
Setbacks for properties located in the shoreland ordinance are as follows:

Subd. 2. Lot standards.

	Unsewered Areas			Sewered Areas		
	NE Waters	RD Waters	Tributary Streams	NE Waters	RD Waters	Tributary Streams
Lot Area	2.5 acres	2.5 acres	2.5 acres	1.0 acre	1.0 acre	1.0 acre
Water frontage and lot width at building line	200 ft	200 ft	200 ft	125 ft	100 ft	100 ft
Structure setback from ordinary high water mark	150 ft	100 ft	100 ft	150 ft	100 ft	100 ft
Structure setback from roads and highways	85 ft from centerline or 50 ft. from right-of-way, whichever is greater					
Structure height limitation	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Maximum lot area covered by impervious surface	25%	25%	25%	25%	25%	25%
Sewage system setback from ordinary high water mark	150 ft	75 ft (RR) 150 ft (AG)	75 ft (RR) 150 ft (AG)	125 ft	75 ft	75 ft



**REQUIRED OHWL  
SETBACK IS 60'**



**EXISTING DECK WITH (69 SF  
EXPANSION)**

**REQUIRED SIDE YARD  
SETBACK IS 18'**

**OHWL Setback:**

Required: 60 feet

Provided (Existing and Proposed): 38'

In addition to the setback requirements, properties located in the shoreland district can have a maximum impervious surface coverage of 25%. This property would be permitted to have a maximum impervious surface coverage of 10,890 square feet. The current property exceeds the allowable amount by 645 square feet. This is an existing condition that is considered to be legal non-conforming. The applicant has noted that they also own the adjacent vacant property and have calculated impervious surface coverage based on the total of both lots. The proposed screen deck would not increase the impervious coverage on this property. The applicant has prepared an analysis of the impervious surface area for this property. The existing and proposed impervious surface calculations are provided as follows:

<b><u>Existing Hardcover</u></b>		<b><u>Proposed Hardcover</u></b>	
Lot Area	= 63,952 S.F.	Lot Area	= 63,952 S.F.
House Area	= 1,678 S.F.	House Area	= 1,678 S.F.
Structure Area	= 1,488 S.F.	Structure Area	= 1,488 S.F.
Bituminous Area	= 5,804 S.F.	Bituminous Area	= 5,804 S.F.
Deck Area	= 355 S.F.	Deck Area	= 424 S.F.
Gravel Area	= 1,457 S.F.	Gravel Area	= 1,457 S.F.
Concrete Area	= 753 S.F.	Concrete Area	= 753 S.F.
<u>Total Area</u>	<u>= 11,535 S.F.</u>	<u>Total Area</u>	<u>= 11,604 S.F.</u>
Coverage = 18.04 %		Coverage = 18.14 %	

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. Each property in this area is non-conforming and typically requires relief from certain setbacks. The City will need to determine if the requested variance is unique to this property.
- c. The character of the surrounding area is residential. The proposed 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 to the east has submitted a letter in support of the requested variance.
3. The proposed screen porch would be covering an area that has historically been used as a deck. The overall structure would not be moving closer to the OHWL.
4. There is limited visibility to the portion of the deck that would be screened from adjacent properties due to the heavy tree coverage.

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

***Planning Commission Discussion and Recommendation:***

Planning Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked for clarification on the existing versus proposed setbacks. The setbacks were noted by staff. Commissioners noted that the proposed deck rebuild and screen porch addition would not increase the encroachment towards the lake. Commissioners found that the



existing home was constructed prior to the adoption of the current standards and as a result there was no reasonable way that the applicant could make any changes to the existing home and deck without a variance. Commissioners recommended approval of the variance to the City Council with the findings and conditions noted within this report.

***Public Comments:***

The City received one written letter from the adjacent property owner to the east. Several residents have stopped in or called City Hall to obtain additional information relating to the requested variance. There was one verbal comment from an adjoining property at the public hearing that was in favor of the City granting the variance.

***Recommendation:***

The Planning Commission recommended approval of the request for a variance to the City Council 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 applicant is proposing to use the property in a manner consistent with the Rural Residential Zoning District.
  - b. The character of the surrounding area is rural residential. The proposed reconstruction of the existing deck and addition of a covered screen deck is in keeping with the character and types of use found on surrounding properties.
  - c. The location of the existing and proposed deck/screen deck on the property and in relation to surrounding properties along with the existing vegetation will aid in mitigating potential impacts of the proposed screen deck.
3. The variance will allow a deck and associated screen porch to be constructed/reconstructed in accordance with the approved plans attached hereto as Exhibit B. No portion of the deck shall be located closer than 38.27 feet from the OHWL of Lake Independence.
4. 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 home/ garage or impervious areas will be permitted without an additional variance request.

5. The Applicant shall pay for all costs associated with the City's review of the requested variance.

***Attachments:***

1. Application
2. Site Plan/Survey
3. Existing Deck Plan/Elevation
4. Proposed Deck Plan/Elevation
5. Letter from Neighboring Property Owner



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 22-0802-01**

**RESOLUTION APPROVING A VARIANCE  
TO ALLOW A REDUCED SETBACK FROM THE OHWL OF LAKE INDEPENDENCE  
FOR THE PROPERTY LOCATED AT 4986 SOUTH LAKE SHORE 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 ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Patti Good, (the “Applicant/Owner”) submitted an application for a variance to allow a reduced setback form the OHWL on the property located 4986 South Lake Shore Drive (PID No. 24-118-24-11-0001) (the “Property”); and

WHEREAS, the Property is zoned RR-Rural Residential; and

WHEREAS, the Property is legally described on attached **Exhibit A**; and

WHEREAS the requested variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on July 19, 2022, 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 Patti Good and grants the requested 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 applicant is proposing to use the property in a manner consistent with the Rural Residential Zoning District.
  - b. The character of the surrounding area is rural residential. The proposed reconstruction of the existing deck and addition of a covered screen deck is in keeping with the character and types of use found on surrounding properties.
  - c. The location of the existing and proposed deck/screen deck on the property and in relation to surrounding properties along with the existing vegetation will aid in mitigating potential impacts of the proposed screen deck.
3. The variance will allow a deck and associated screen porch to be constructed/reconstructed in accordance with the approved plans attached hereto as Exhibit B. No portion of the deck shall be located closer than 38.27 feet from the OHWL of Lake Independence.
4. 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 home/ garage or impervious areas will be permitted without an additional variance request.
5. The Applicant shall pay for all costs associated with the City's review of the requested variance.

This resolution was adopted by the City Council of the City of Independence on this 2<sup>nd</sup> day of August 2022, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

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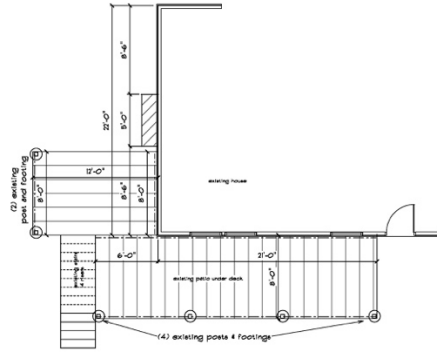
Mark Kaltsas, City Administrator

**EXHIBIT A**  
*(Legal Description)*

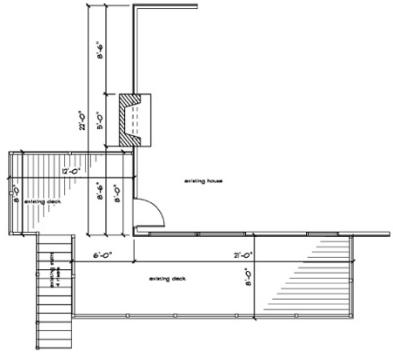
PARCEL 1: Abstract Property

That part of Government Lot numbered 1 in Section numbered 24, Township numbered 118 North, Range numbered 24, West of the 5th Principal Meridian, according to the Government Survey thereof, described as follows, to wit: Beginning at a point where the West line of said Lot 1 intersects the shore of Lake Independence, thence South a distance of 443.2 feet, thence at right angles East a distance of 93 feet, thence at right angles North a distance of 264.7 feet, thence deflecting to the East at an angle of 19 degrees and 16 minutes and running a distance of 148 feet to the shore of Lake Independence, thence Northwesterly along the shore of Lake Independence to the place of beginning, Hennepin County, Minnesota.

**EXHIBIT B**  
*(Site Plans/Survey)*



Existing framing & footing  
Scale 1/4" = 1'-0"



Existing deck plan  
Scale 1/4" = 1'-0"



Existing Elevation East  
Scale 1/4" = 1'-0"



Existing Elevation North - Lakeside  
Scale 1/4" = 1'-0"

Contractor: Perry & Patty Good  
4986 S Lakeshore Dr  
Maple Plain, MN

April 13 2022

Existing Drawings  
Sheet 3 of 3



Proposed Elevation North - Lakeside  
Scale 1/4" = 1'-0"



Proposed Elevation West



Proposed Elevation East  
Scale 1/4" = 1'-0"



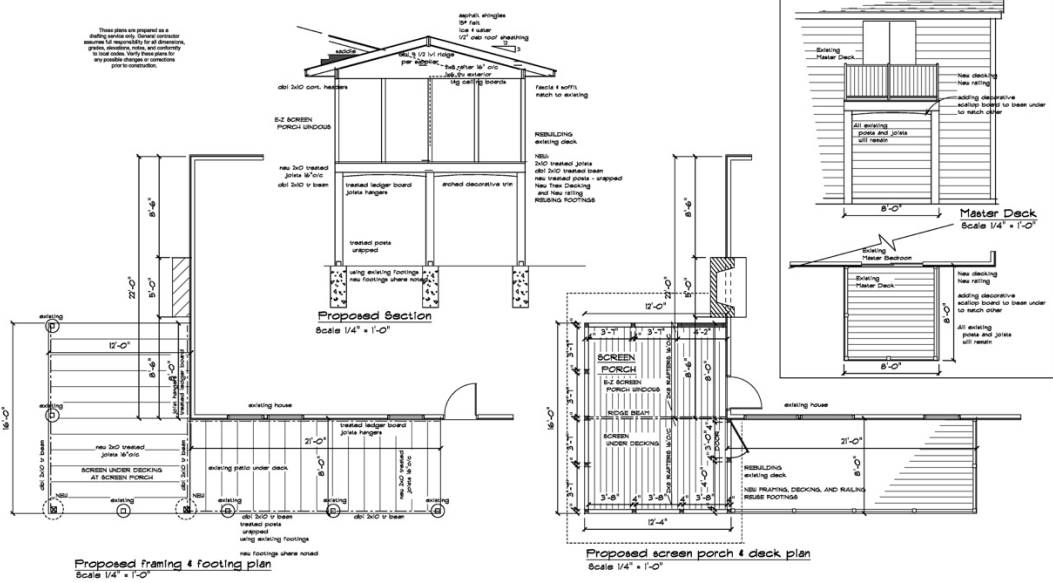
Proposed Elevation West  
Scale 1/4" = 1'-0"

Contractor: Perry & Patty Good  
4986 S Lakeshore Dr  
Maple Plain, MN

May 6 2022  
May 11 2022  
add master deck  
resurface only  
June 20 2022  
no struts

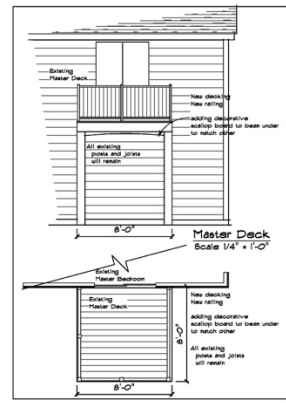
Sheet 1 of 3

These plans are prepared as a design proposal only. General contractor assumes responsibility for materials, price, availability, etc., and conformity to local codes. Any discrepancies or omissions are the responsibility of the contractor.

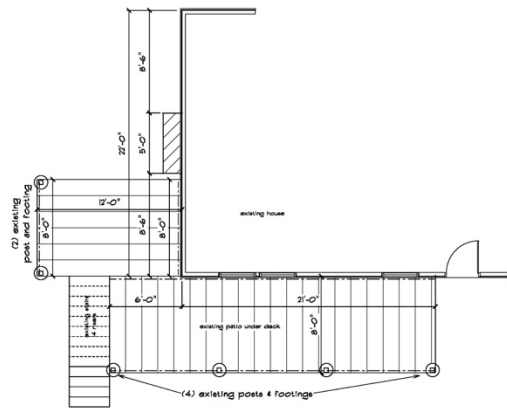


Proposed Framing & Footing Plan Scale 1/4" = 1'-0"

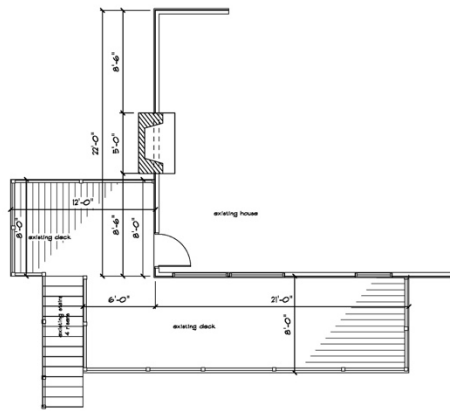
Proposed Screen Porch & Deck Plan Scale 1/4" = 1'-0"



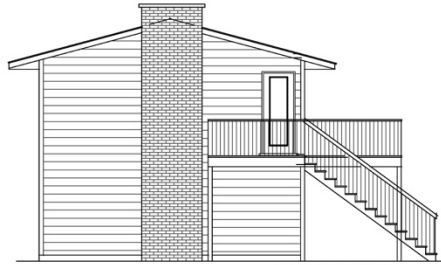
Sheet 2 of 3



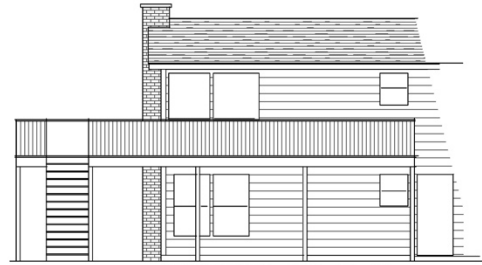
Existing Framing & Footing Plan Scale 1/4" = 1'-0"



Existing Deck Plan Scale 1/4" = 1'-0"



Existing Elevation East Scale 1/4" = 1'-0"



Existing Elevation North - Lakeside Scale 1/4" = 1'-0"

Contractor: Frank Maestro  
 Perry & Patty Good  
 4986 S Lakeshore Dr  
 Maple Plain, MN

April 13 2022

Existing Drawings  
 Sheet 3 of 3







**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: Patti Good  
Address: 4986 South Lakeshore Drive  
Maple Plain, Minnesota  
55359  
Primary Phone: 612-281-8755  
Email: pgood161@yahoo.com

**Owner Information**

Name: Patti Good  
Address: 4986 South Lakeshore Drive  
Maple Plain, Minnesota  
55359  
Primary Phone: 612-281-8755  
Email: pgood161@yahoo.com

Property Address:

PID:

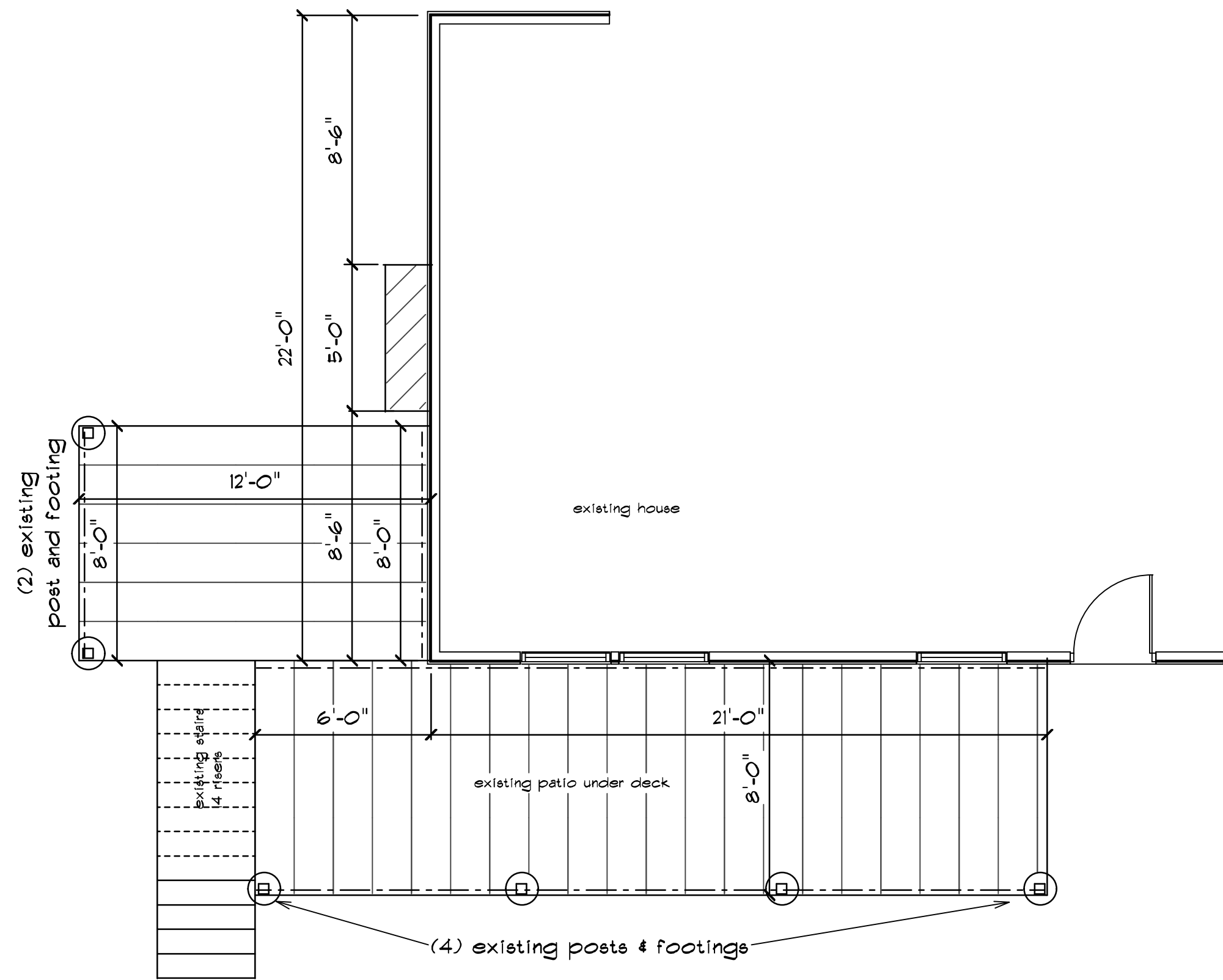
Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions), Building Plans

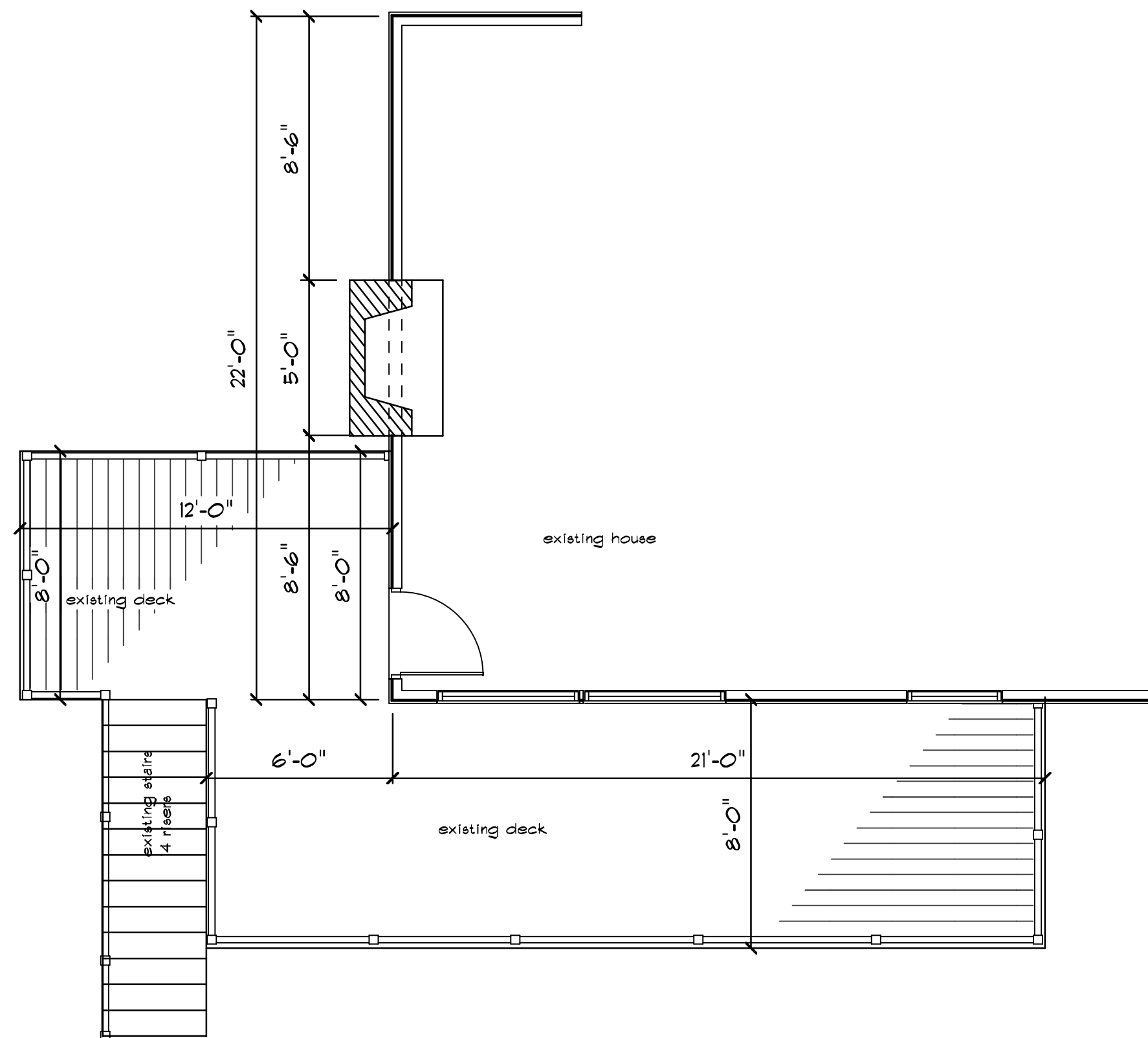
Signature:

*Patti Good*



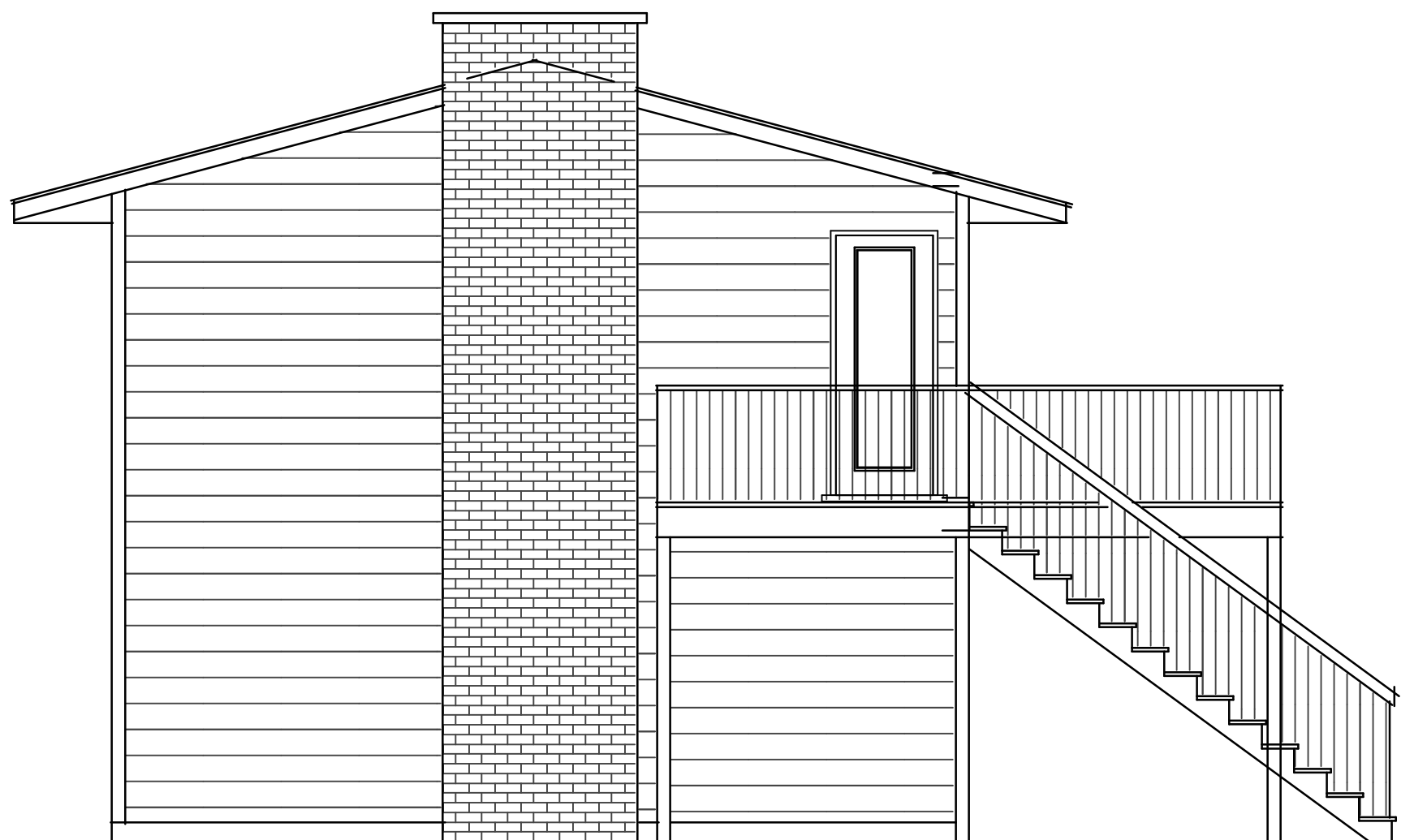
Existing framing & footing plan

Scale 1/4" = 1'-0"



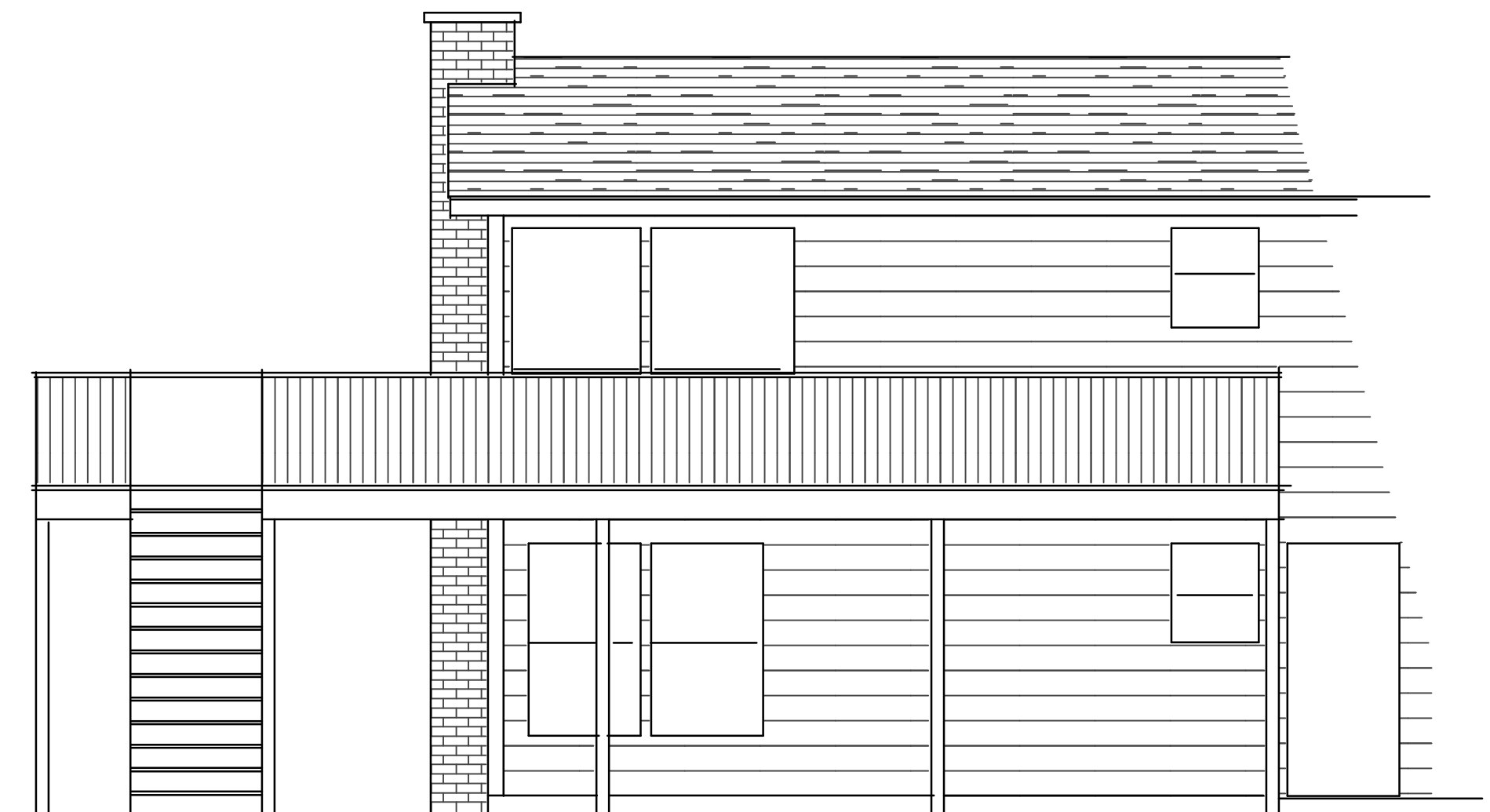
Existing deck plan

Scale 1/4" = 1'-0"



Existing Elevation East

Scale 1/4" = 1'-0"



Existing Elevation North - Lakeside

Scale 1/4" = 1'-0"

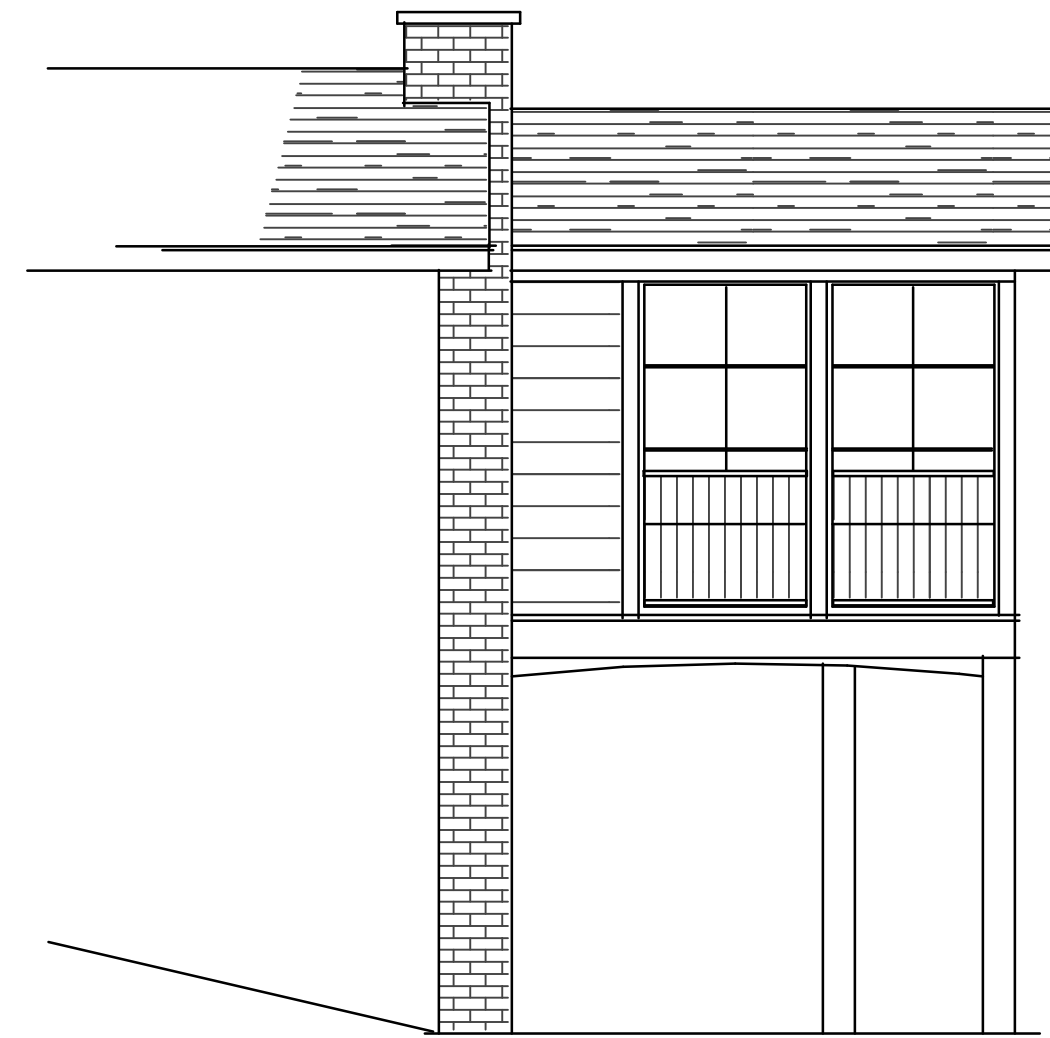
Contractor: Perry & Patty Good  
 Frank Mastro 4986 S Lakeshore Dr  
 Maple Plain, MN

April 13 2022

Existing Drawings Sheet  
 3 of 3



Proposed Elevation North - Lakeside  
Scale 1/4" = 1'-0"

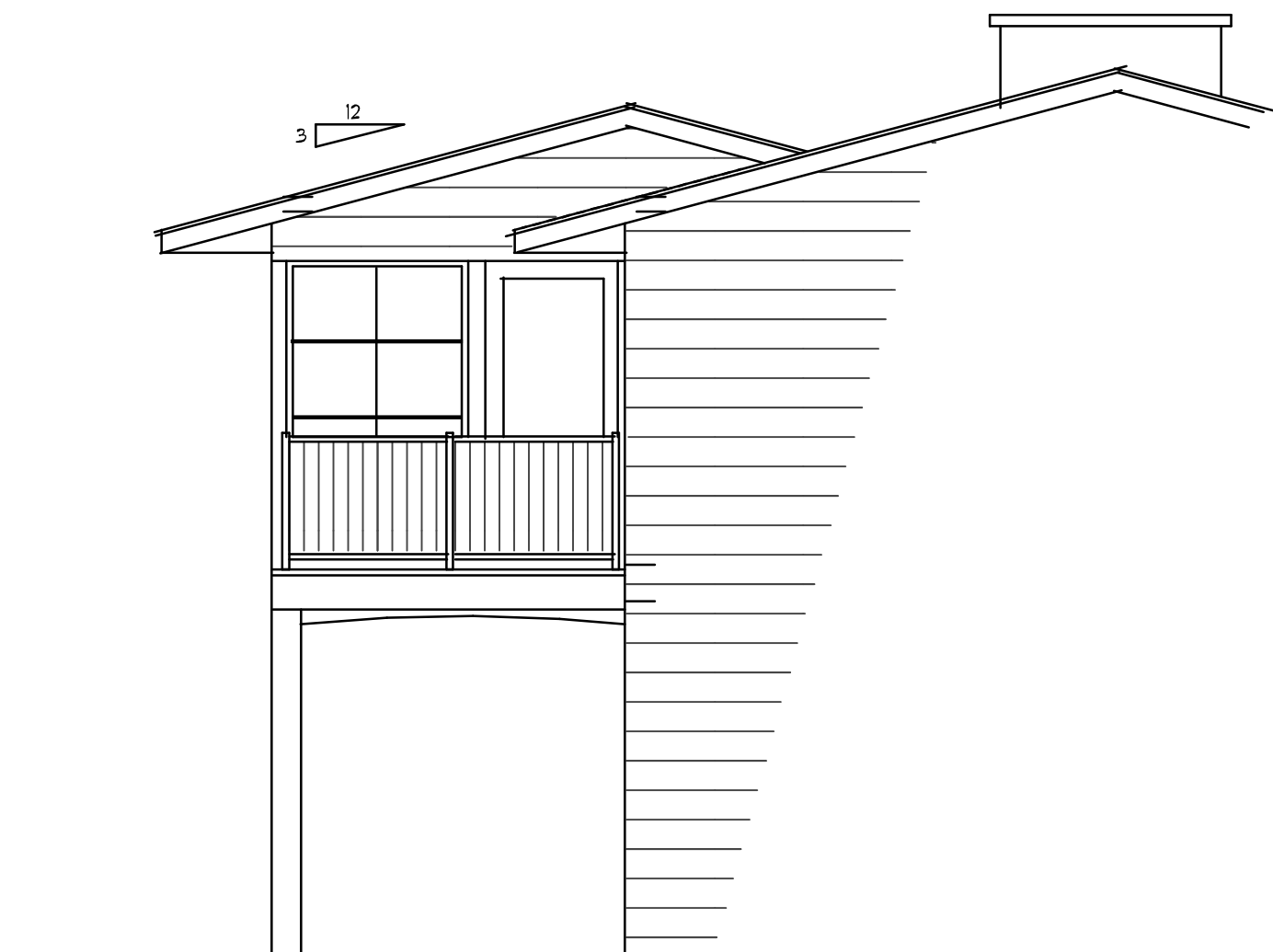


Proposed Elevation



shown matching  
roof & overhang  
estimated at 3/12  
30" overhang

Proposed Elevation East  
Scale 1/4" = 1'-0"



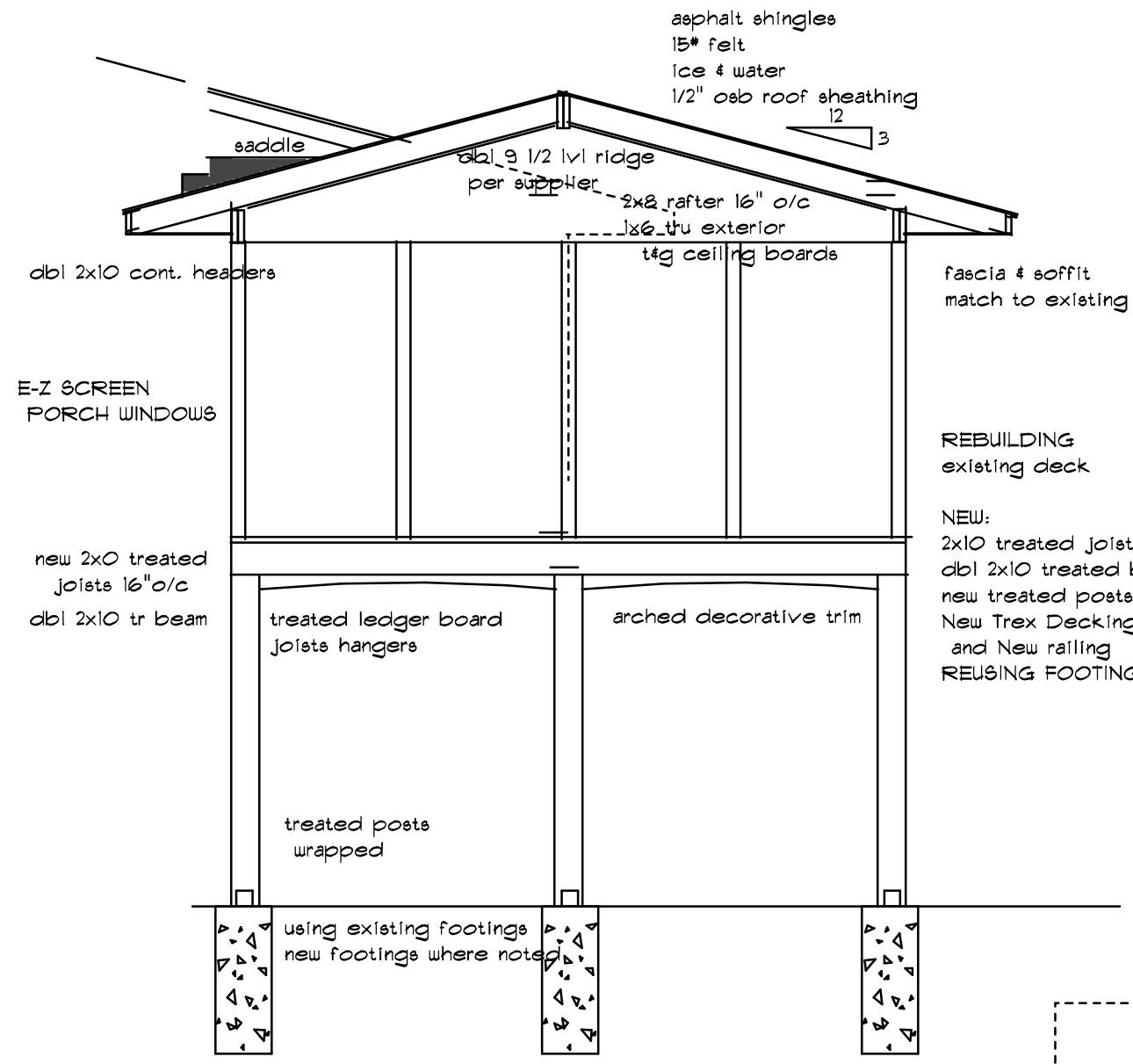
Proposed Elevation West  
Scale 1/4" = 1'-0"

Contractor: Perry & Patty Good  
Frank Mastro 4986 S Lakeshore Dr  
Maple Plain, MN

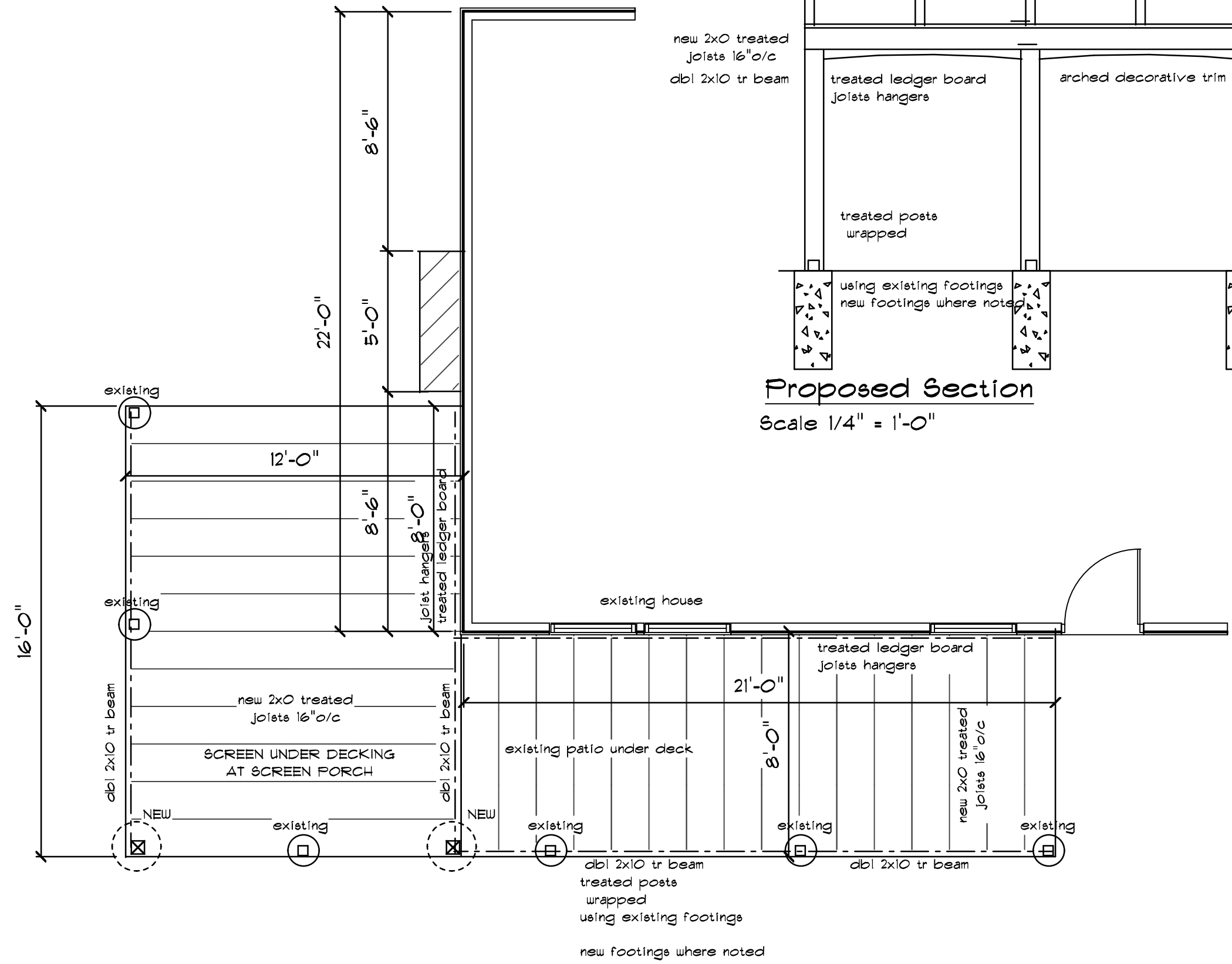
May 6 2022  
May 11 2022  
add master deck  
resurface only  
June 20 2022  
no strairs

Sheet  
1 of 3

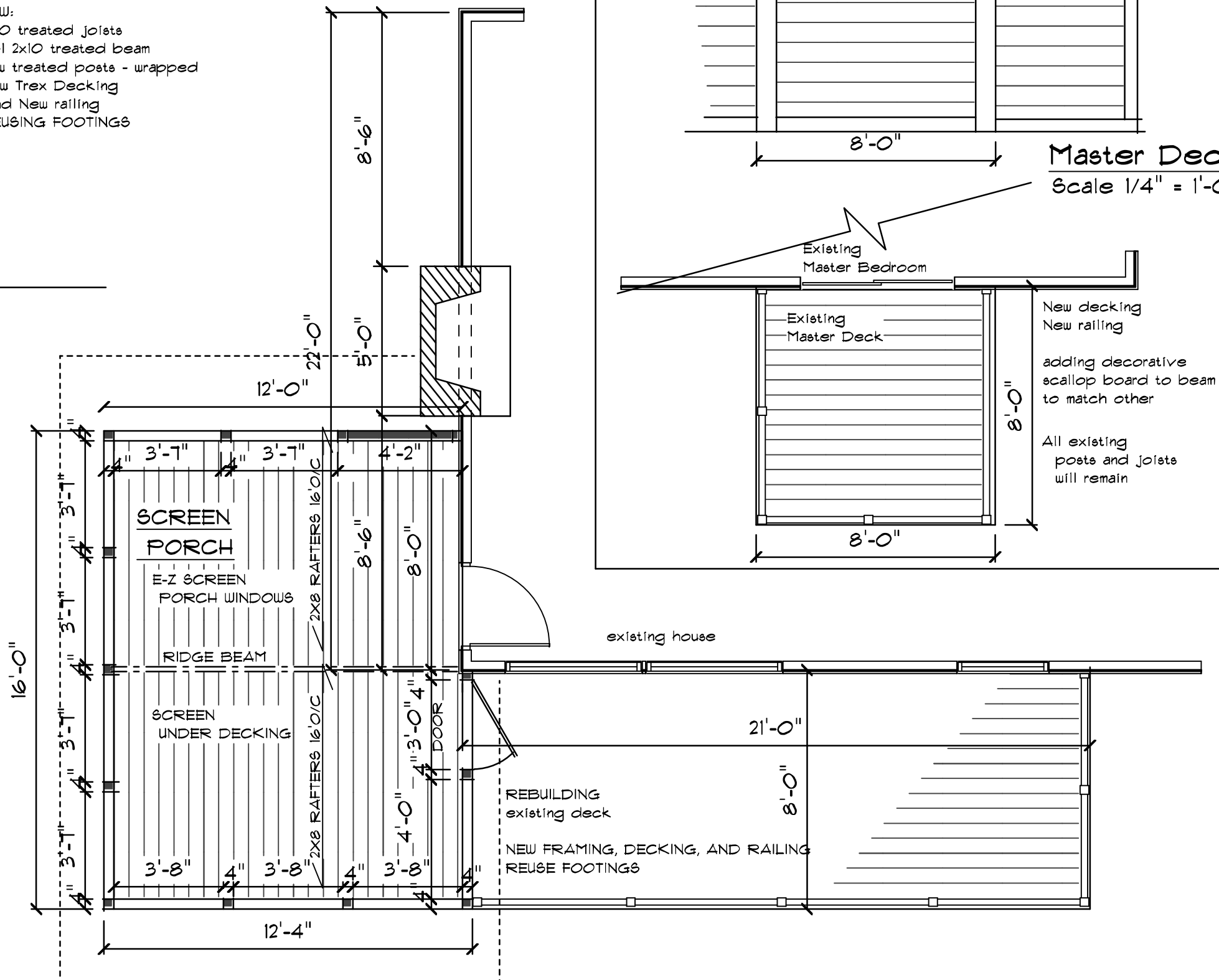
These plans are prepared as a drafting service only. General contractor assumes full responsibility for all dimensions, grades, elevations, notes, and conformity to local codes. Verify these plans for any possible changes or corrections prior to construction.



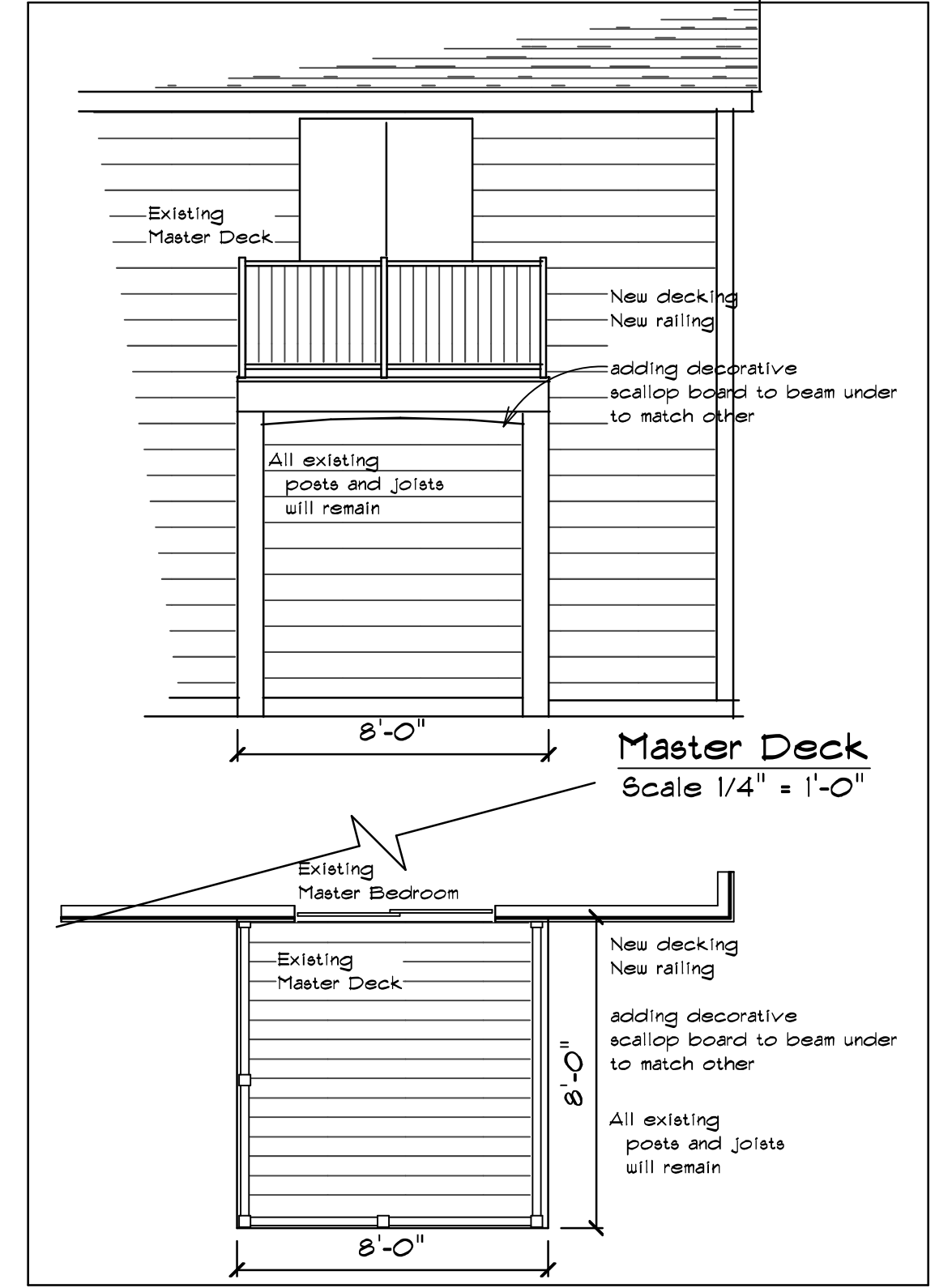
**Proposed Section**  
Scale 1/4" = 1'-0"



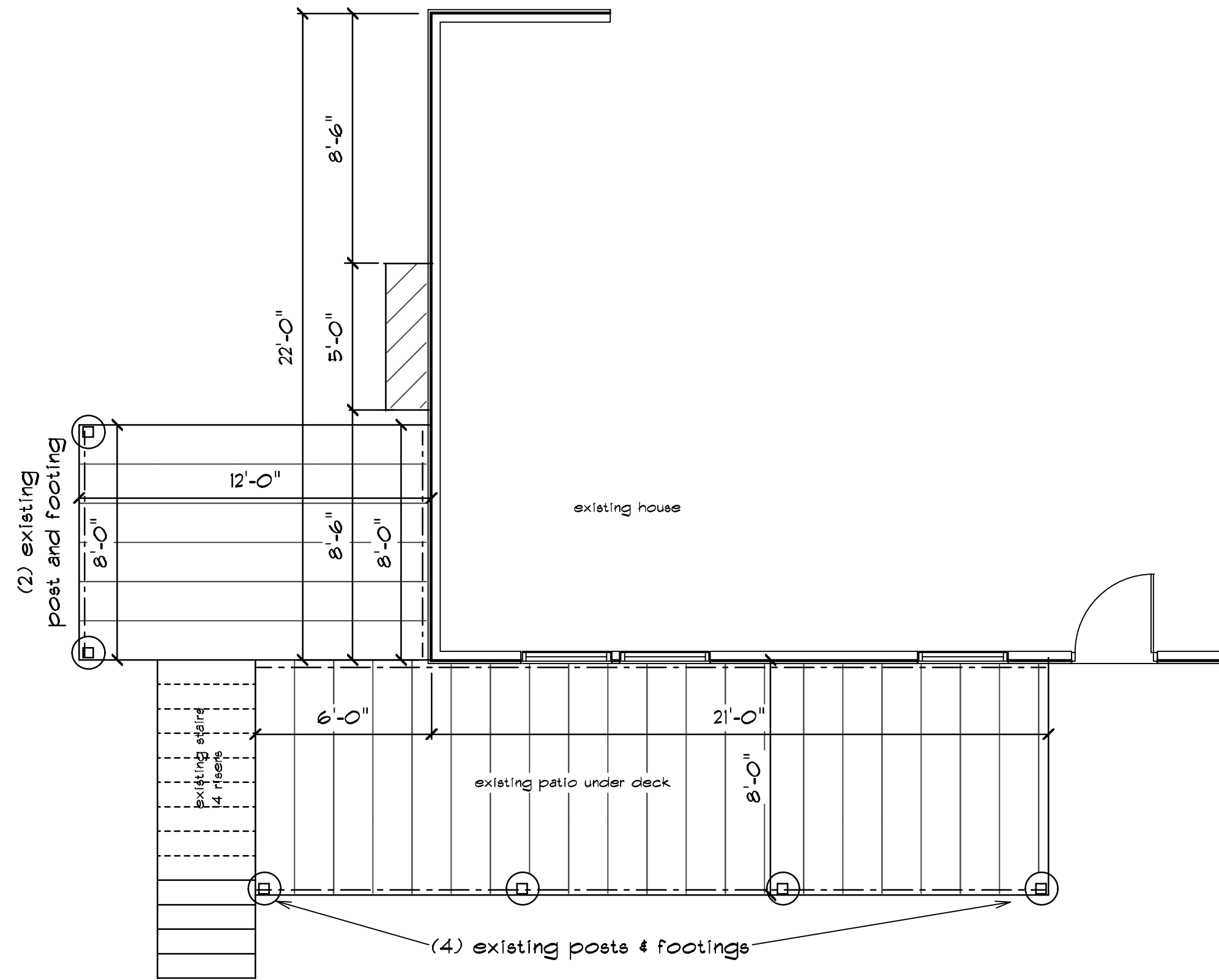
**Proposed framing & footing plan**  
Scale 1/4" = 1'-0"



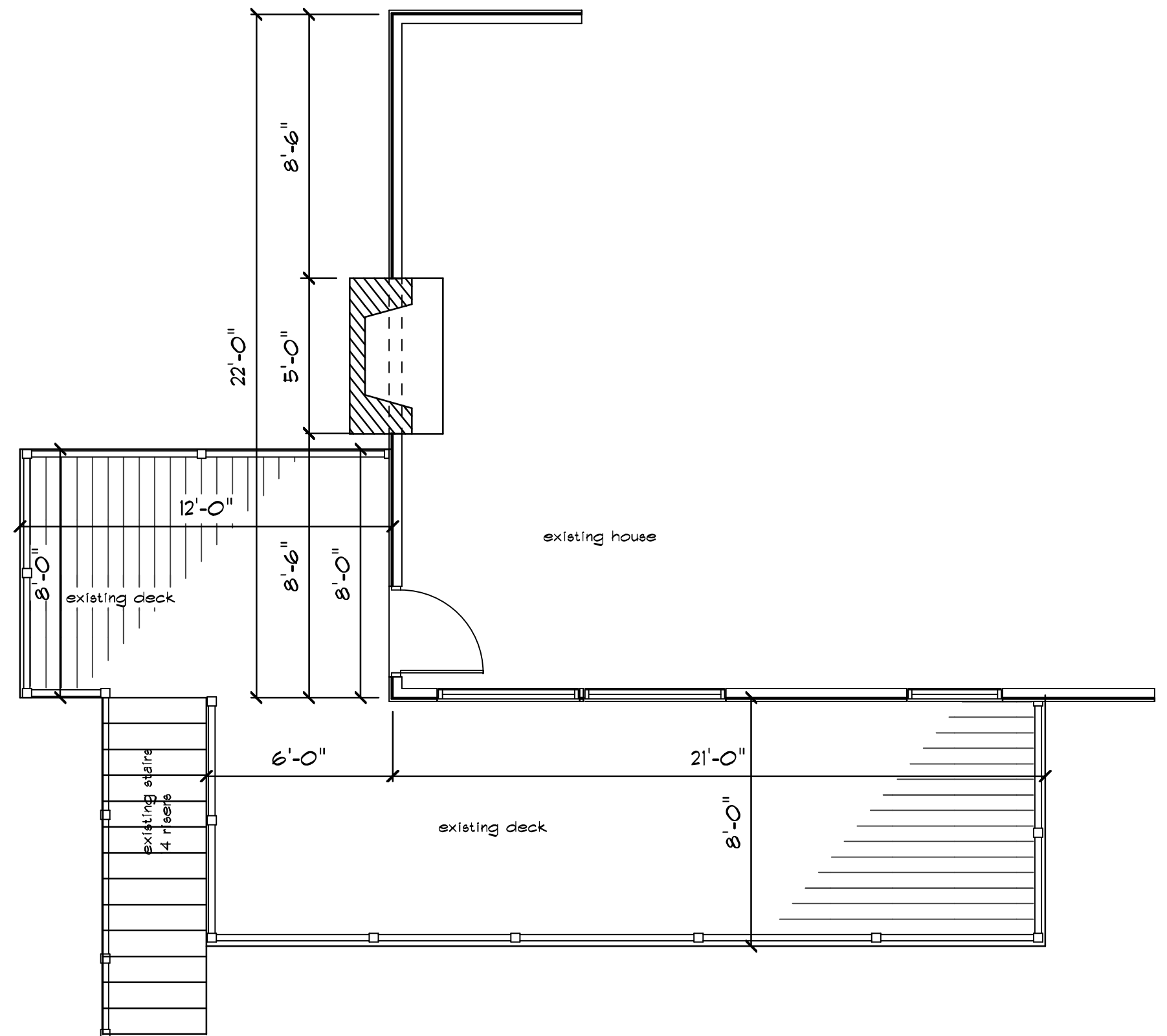
**Proposed screen porch & deck plan**  
Scale 1/4" = 1'-0"



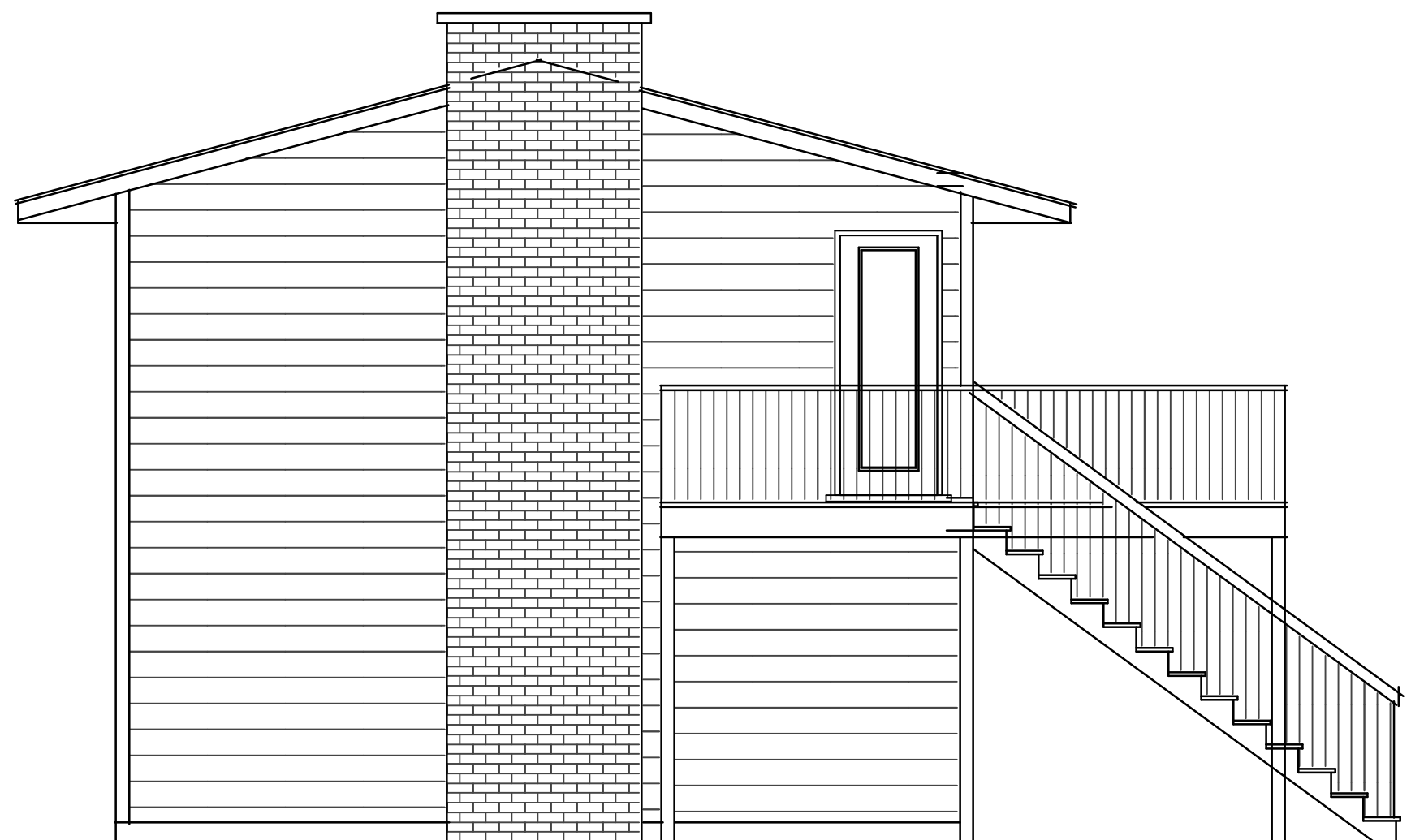
**Master Deck**  
Scale 1/4" = 1'-0"



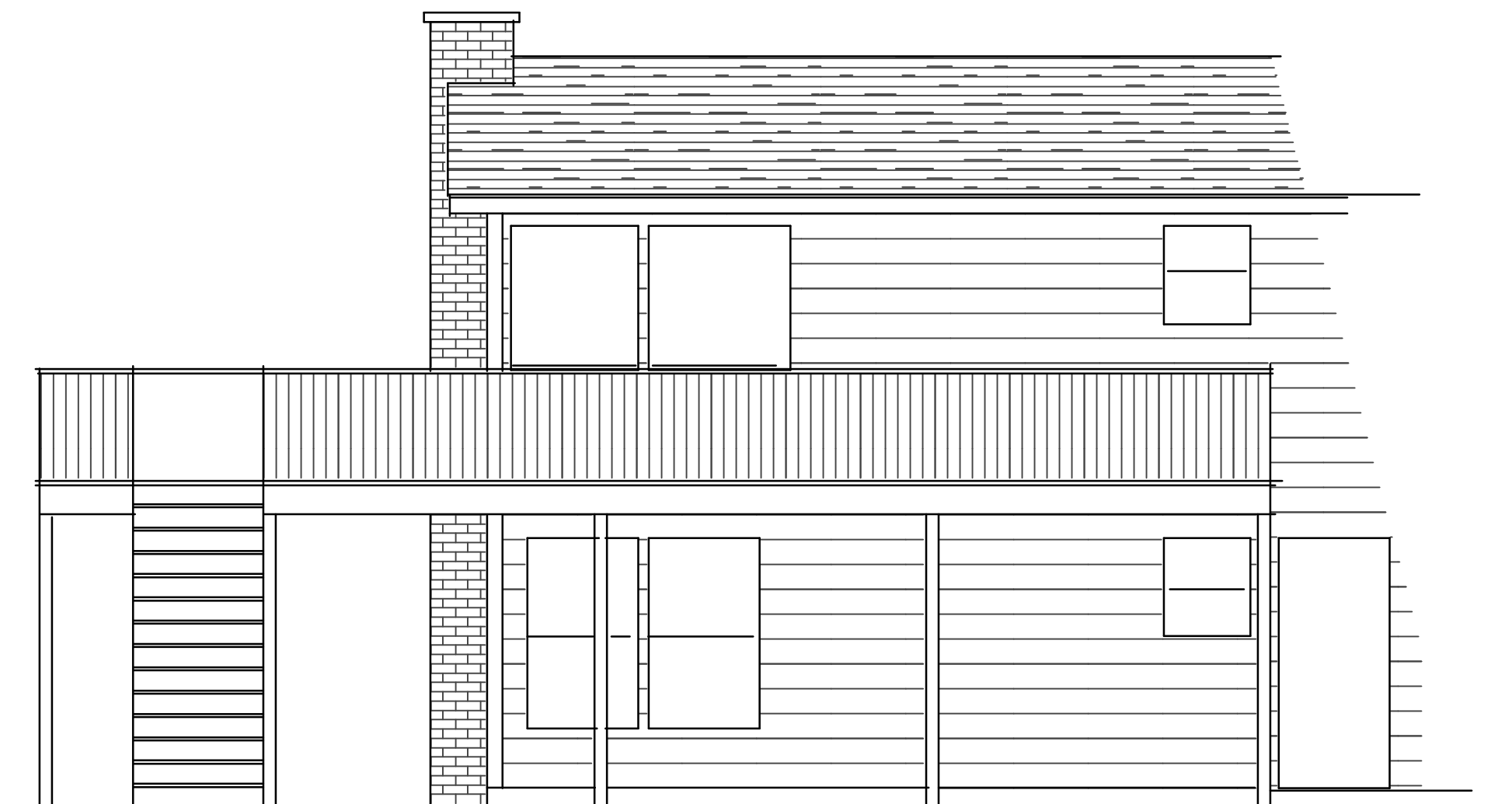
Existing framing & footing plan  
Scale 1/4" = 1'-0"



Existing deck plan  
Scale 1/4" = 1'-0"



Existing Elevation East  
Scale 1/4" = 1'-0"



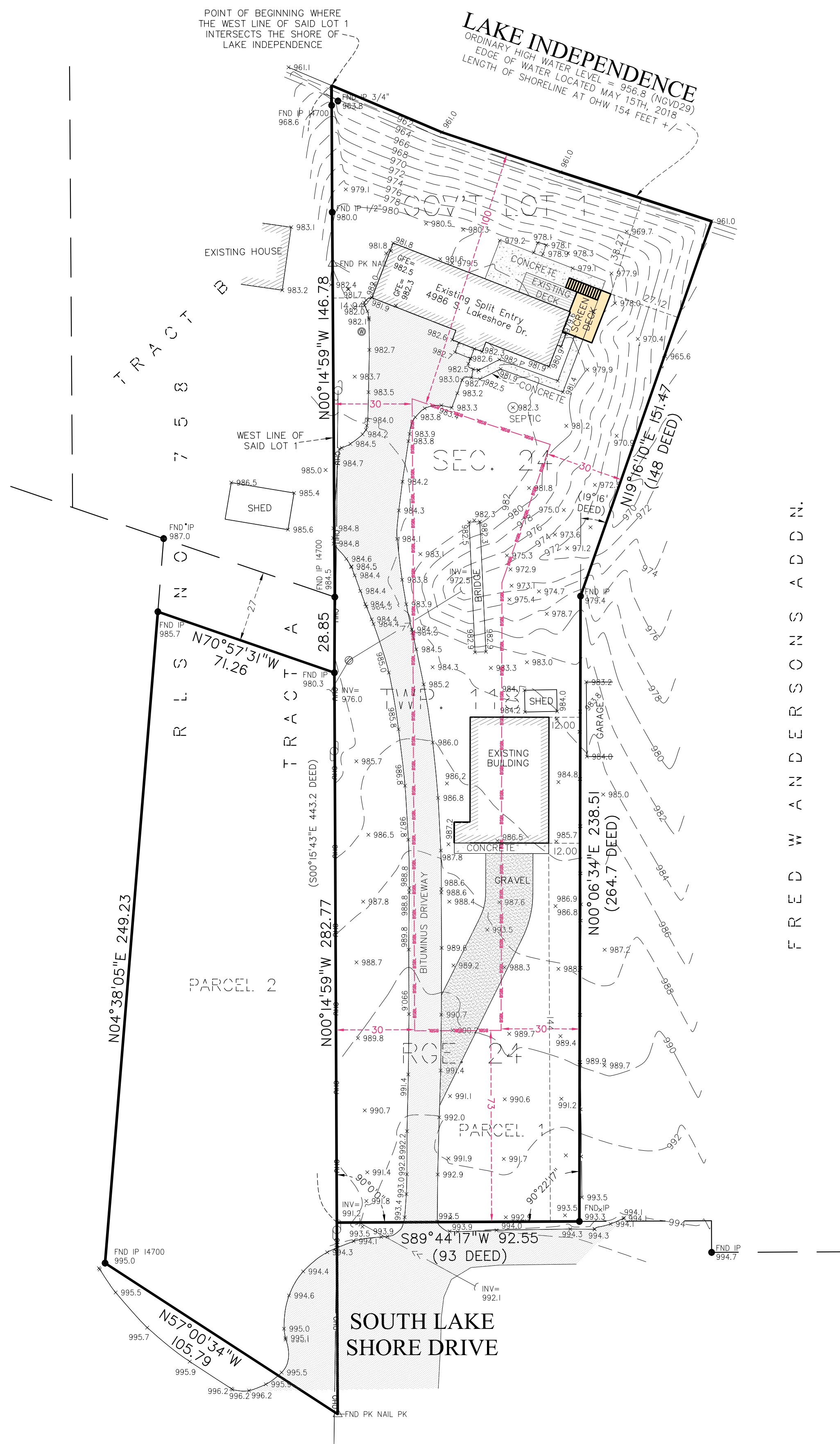
Existing Elevation North - Lakeside  
Scale 1/4" = 1'-0"

Contractor: Perry & Patty Good  
Frank Mastro 4986 S Lakeshore Dr  
Maple Plain, MN

April 13 2022

Existing Drawings  
Sheet  
3 of 3



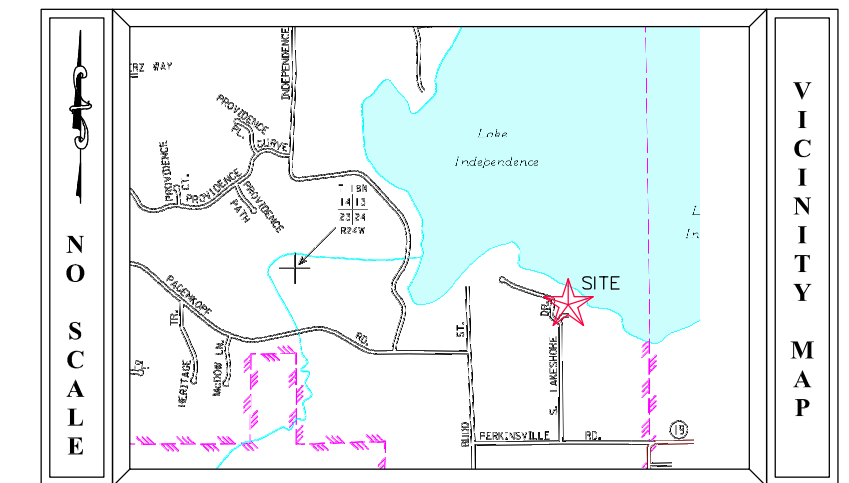


**DESCRIPTION OF PROPERTY SURVEYED**

PARCEL 1: Abstract Property  
 That part of Government Lot numbered 1 in Section numbered 24, Township numbered 118 North, Range numbered 24, West of the 5th Principal Meridian, according to the Government Survey thereof, described as follows, to wit: Beginning at a point where the West line of said Lot 1 intersects the shore of Lake Independence, thence South a distance of 443.2 feet, thence at right angles East a distance of 93 feet, thence at right angles North a distance of 264.7 feet, thence deflecting to the East at an angle of 19 degrees and 16 minutes and running a distance of 148 feet to the shore of Lake Independence, thence Northwestwesterly along the shore of Lake Independence to the place of beginning, Hennepin County, Minnesota.

PARCEL 2: Torrens Property  
 Tract A, Registered Land Survey No. 758, Hennepin County, Minnesota according to the files Registrar of Titles, except the North 27.33 feet thereof.

- STANDARD NOTES**
- 1) **Site Address:** 4986 South Lake Shore Drive, Maple Plain, MN
  - 2) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.
  - 3) **Benchmark:** Elevations are based on Hennepin County Brass Disk in left upstream abutment of Independence Road bridge over outlet at SW corner of lake. Elevation is 959.46 feet, based on NGVD 29 Datum.  
**Principal Structure Setbacks** - Street(s): 85 feet from centerline  
 Side: 30 feet  
 Rear: 40 feet  
 Height: 35 feet  
 Lake: 100 feet or 30 feet when on top of a bluff from Ordinary High Water Line  
 Hardcover: 25%  
 Please note that the general restrictions for the subject property may have been amended through a city process. We could be unaware of such amendments if they are not in a recorded document provided to us. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site.  
 We have not received the current zoning classification and building setback requirements from the insurer.
  - 4) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.



Existing Hardcover		Proposed Hardcover	
Lot Area	= 63,952 S.F.	Lot Area	= 63,952 S.F.
House Area	= 1,678 S.F.	House Area	= 1,678 S.F.
Structure Area	= 1,488 S.F.	Structure Area	= 1,488 S.F.
Bituminous Area	= 5,804 S.F.	Bituminous Area	= 5,804 S.F.
Deck Area	= 355 S.F.	Deck Area	= 424 S.F.
Gravel Area	= 1,457 S.F.	Gravel Area	= 1,457 S.F.
Concrete Area	= 753 S.F.	Concrete Area	= 753 S.F.
Total Area	= 11,535 S.F.	Total Area	= 11,604 S.F.
Coverage	= 18.04 %	Coverage	= 18.14 %



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

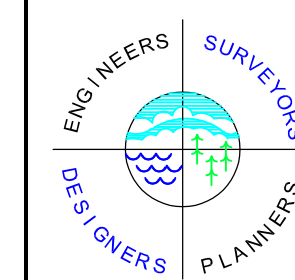
**SURVEY LEGEND**

● CAST IRON MONUMENT	WOE WALKOUT ELEVATION	BITUMINOUS
▣ CATCH BASIN	FFE FIRST FLOOR ELEVATION	BUILDING SETBACK LINE
◁ FLARED END SECTION	GFE GARAGE FLOOR ELEVATION	CTV CABLE TV
⊗ GATE VALVE	TOF TOP OF FOUNDATION ELEV.	CONCRETE CURB
< GUY WIRE	LOE LOWEST OPENING ELEV.	CONCRETE
⊕ HYDRANT	□ CABLE TV PEDESTAL	960 CONTOUR EXISTING
○ SURVEY MONUMENT SET	⊠ ELECTRIC TRANSFORMER	960 CONTOUR PROPOSED
● SURVEY MONUMENT FOUND	⊠ ELECTRIC MANHOLE	— GUARD RAIL
△ SURVEY CONTROL POINT	⊠ ELECTRIC METER	— DT DRAIN TILE
⊕ LIGHT POLE	⊠ GAS METER	— ELC ELECTRIC UNDERGROUND
⊕ POWER POLE	⊠ GAS VALVE	— FO FENCE
⊕ SANITARY MANHOLE	⊕ HAND HOLE	— FO FIBER OPTIC UNDERGROUND
⊕ SANITARY CLEANOUT	⊕ SOIL BORING	— GAS GAS UNDERGROUND
— SIGN	⊕ TREE CONIFEROUS	— OHU OVERHEAD UTILITY
972.5 GROUND ELEVATION	⊕ TREE DECIDUOUS	##### RAILROAD TRACKS
⊕ STORM DRAIN	⊕ TELEPHONE MANHOLE	— SANITARY SEWER
⊕ STORM MANHOLE	⊕ TELEPHONE PEDESTAL	— STORM SEWER
⊕ YARD LIGHT	— TRAFFIC SIGNAL	— TEL TELEPHONE UNDERGROUND
⊕ A/C UNIT	⊕ UTILITY MANHOLE	— UTL UTILITY UNDERGROUND
⊕ WELL	⊕ UTILITY PEDESTAL	— W WATERMAIN

FIELD CREW	NO.	BY	DATE	REVISION
XXX				
DRAWN				
EMW				
CHECKED				
DLS				
DATE				
06/09/2022				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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.  
 Dated this 9th day of June, 2022.  
*Daniel L. Schmidt*  
 Daniel L. Schmidt, PLS  
 schmidt@sathre.com  
 Minnesota License No. 26147



**SATHRE-BERGQUIST, INC.**  
 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000  
 WWW.SATHRE.COM

TWP:118-RGE-24-SEC.24  
 Hennepin County  
**Maple Plain, MINNESOTA**

**CERTIFICATE OF SURVEY**

PREPARED FOR:  
**Perry & Patty Good**

FILE NO.  
 31290-001  
**1**  
**1**


McDonald  
4976 S. Lakeshore Dr.  
Independence MN 55359

June 15, 2022

Re 4986 S. Lakeshore Drive

To the City of Independence and/or whom it may concern:

Our address is 4976 S. Lakeshore Drive. We have discussed with the Goods of 4986 S. Lakeshore Drive their plan to replace their deck with a screened porch on the footprint of the deck, near our lot line. A porch will not obstruct our views, nor do we have any other objection to their project.

  
Douglas M. and GERALYN J. McDonald

6/15/22