



CITY COUNCIL MEETING AGENDA
TUESDAY MARCH 12, 2024

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 February 20, 2024, Regular City Council Meeting.
 - b. Approval of Accounts Payable; (Batch # 1; Checks Numbered 22661-22666, Batch # 2; Checks Numbered 22667-22679, Batch # 3; Checks Numbered 22680-22698, and Batch # 4; Check Numbered 22699).
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. West Hennepin Public Safety – Director Gary Kroells: Presentation of the February 2024 Activity Report.
8. John Bellingham (Applicant) Mary Bellingham (Owner) are requesting the following action for the property located at 2616 CSAH 90 N (PID No. 14-118-24-32-0004) in the City of Independence, MN:
 - a. **RESOLUTION 24-0312-01** – Considering approval of a minor subdivision to allow a lot line rearrangement which would adjust the property line between the two existing properties.
9. Consider Approval of Annual Dust Control and Gravel Bids as Recommended by the Public Works Supervisor.
10. Open/Misc.
11. Adjourn.



CITY COUNCIL MEETING
MINUTES
TUESDAY FEBRUARY 20, 2024

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. Pledge of Allegiance

Mayor Johnson led the group in the Pledge of Allegiance.

3. Roll Call

Present: Mayor Johnson, Councilor Spencer, Betts,

Absent: Councilor Grotting and McCoy

Staff: Kaltsas, Simon

Visitors: Bill Stoddard

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 February 6, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch # 1; Checks Numbered 22624-22644, Batch # 2; Checks Numbered 22645-22660) NOTE: Check Numbered 22621-22623 were voided due to printing error.
- c. Approval of Additional Election Judges for 2024 PNP, Primary General Elections.
- d. Approval of annual liquor/tobacco license renewals for the following establishments:
 - i. Ox Yoke Inn - Off Sale, On Sale and Sunday License
 - ii. Windsong Farm Golf Club LLC - Off Sale, On Sale, Sunday and Tobacco License
 - iii. Pioneer Creek Golf LLC - On Sale and Sunday License

**Motion by Spencer, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Betts and Spencer. Nays: None. Absent: Grotting and McCoy. Abstain. None.
MOTION DECLARED CARRIED. 3-0**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.



Spencer attended the following meetings:

- Fire district at Loretto Fire Station 1
- Mayor Julie Mass Kuske
- LMC experienced leaders conference
- LMCC commission meeting

Johnson attended the following meetings:

- Orono Healthy Youth
- Delano School Board meeting
- Police Commission
- Quarterly West Suburban Fire Dept
- Interviews for police candidate
- LMC training
- Chamber of Commerce
- Zoom - small cities council National League of Cities
- NW League
- Former Council Member Harlan Strong's Funeral service

Kaltsas attended the following meetings:

- Luke Fisher with LMC to go over items on our agenda going on with legislative session, met with administrators about fire services.
Johnson – anything productive come from the fire meeting?
Kaltsas – nothing productive. There's a lot of questions and uncertainty. What is the process and financial pieces. That's the reason for the administrators meeting.
Spencer – I'd be happy to go to the next meeting. People are concerned about the taxing. People have a lot of different concerns.
Johnson – we are dealing with MP as city fire and WS as private.
Spencer – people want different roles and a lot to work through. There is unified interest.
Johnson – On Thursday I am supposed to give a state of the city at LMCC.

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

Kroells – tragedy that happened in Burnsville police and paramedics. The city of Independence and Maple Plain, our thoughts and prayers go out to them and their families. Gave ultimate sacrifice running towards gun fire instead of away. It's a bad time in MN and our country.

Johnson – my sister called from Iowa, her family is very close friends with one of the officers.
Kroells – 27 year olds and 40. They just started their law enforcement careers. Earlier today we laid Sergeant Pieper to rest. Struggled with cancer. Really amazing turn out for the local area. Leaves behind wife and two kids. He was a resident of MP in his youth. He lived with Sergeant Denneson and was on MP Fire Dept. He gave training on citizens academy.

January – 377 incident complaints (241 Independence/95 Maple Plain)

*See full police report

Citizen's academy started last Thursday. Largest group so far. This is our 25th year of doing this.



Tomorrow we have a swearing in ceremony for officer Nick Eldred

8. William Stoddard (Applicant) Breck Farm, LLC (Owner) requests that the City consider the following actions for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

Final plat and rezoning tonight. Development we are looking at received a recommendation from planning. A few items needed to be completed by applicant. We are at a point where we have a final plat and rezoning that can be looked at. It is zoned AG currently but guided by comp plan as UC/residential. We approved a CUP for planned unit development which it will fall under for guiding this commercial portion. Residential will remain under AG standards for those individual lots.

Residential lots on the East side (7) will mirror lots on Nelson Rd. It will create division between residential along both sides of road and on the west side will go all the way to the corner of Hwy 12. MnDOT needed to approve right in right out access, and we just received approval temporary until a frontage road can be constructed to county line rd. We have had discussion about that and can reconstruct that with the roundabout or reconstruction of Hwy 12. There isn't anything set or determined. Where does it make sense to build this. We do have ROW.

Johnson – is that at the hands of the city or county, or MnDOT

Kaltsas – it isn't defined. It will be triggered by development to the west of this property or triggered as a part of the MnDOT project. We show this as a preferred project.

Johnson – but the property owner in the corner is not interested in selling?

Kaltsas – no they have no interest. There are still a couple of final engineering comments being revised. Stormwater and wetland mitigation. Mitigation of wetlands on the property to accommodate the property. Minimize wetland impact as much as possible. Applicant has been working with the panel that reviews this information. Out of 15 acres, they are impacting less than an acre. In the prelim plat, applicant proposed to use small stormwater ponds and in talking through that, the city recommended eliminate those small ponds. Primary and secondary septic sites are on all the lots. On site septic and well will service this property until we get to the point to serve this area. It would probably need another development to come in to get to that point. Developer provided a phasing plan on how they intend to develop the commercial properties. Residential properties can start at any point. The way the applicant is platting the property is an overall plat, lots 1 being commercial, lot 2 second phase and lot 3 be final. As they built these, they would break it into their own PID. They are all separate plats broken down into individual PIDS. There is park dedication broken down by residential and commercial. In the prelim plat, developer noted they intended to keep the storage barn. Once we got all the sizing figured out, the building does meet setbacks, but it is a nonconforming building. It was noted at prelim, but we didn't know how it would fit. Applicant would like to keep it and then sell it with the highway lot. That lot is closer to highway, it does have some buffer with evergreen screen around it. Developers' agreement would finalize phasing of buildings and securities and brought back to council.

Betts – refresh mind on materials

Kaltsas – architectural for condominiums it is a mixture of siding, steel, and glass.

Johnson – I have no concerns about it remaining there.

Spencer – I just worry about it not having a house on it, and just a pole building. Maybe we make



an expectation that a house be built within a timeframe and update the color or aesthetic of it to match. It should be conforming and an accessory to something. It is a waste to tear it down.

Kaltsas – condos are a steel building with wood finish and glass.

Betts – contemporary and clean.

Johnson – how many home lots have joint driveways?

Kaltsas – lots 1 & 2, lots 3 & 4 and lots 6&7. 3 of the 7.

Betts – do any of the properties have shared driveways?

Kal – they are all separate, but they don't have any of the wetland issues. They are identical sizing though.

- a. **ORDINANCE 2024-01** – Considering approval of rezoning of a portion of the property (~28 acres) from AG-Agriculture to UC-Urban Commercial, consistent with the approved Comprehensive Plan.

Motion by Spencer seconded by Betts to approve ordinance 2024-01. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: Grotting, McCoy. Abstain. None.

MOTION DECLARED CARRIED. 3-0

- b. **RESOLUTION 24-0220-01** – Final Plat for the proposed subdivision consistent with the approved preliminary plat; and the development agreement as recommended by City Council.

Motion by Johnson seconded by Spencer to approve resolution 24-0220-01. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: Grotting, McCoy. Abstain. None.

MOTION DECLARED CARRIED. 3-0

9. Open/Misc.

10. Adjourn.

Motion by Spencer, seconded by Betts to adjourn at 7:15pm. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy, Grotting. Abstain. None.

MOTION DECLARED CARRIED. 3-0

11. Meeting adjourned

Respectfully Submitted,

Carrie Solien/Recording Secretary

Date: March 1st, 2024

To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members

From: Director Gary Kroells

SUBJECT: FEBRUARY 2024 ACTIVITY REPORT



The purpose of this report is to give the reader a quick overview of the activities of the Public Safety Department each month. It also compares monthly and year-to-date information to the reader.

The report is broken down into five categories, as defined by the Criminal Justice Reporting System.

CRIMINAL-- Criminal is broken down into Part I and Part II crimes.

Part I includes crimes against persons versus crimes against property; criminal homicide, forcible rape, robbery assault, aggravated assault, burglary -breaking or entering, larceny-theft, larceny analysis, motor vehicle theft and arson.

Part II includes other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, buying, receiving, possession; vandalism, weapons, carrying, possessing, etc.; prostitution and commercialized vice, sex offenses; drug abuse violations, gambling, offenses against the family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses, suspicion, curfew and loitering laws - persons under 18; and runaways - persons under 18.

TRAFFIC-- Includes violations of the road and driving laws.

PART III-- Lost and Found: Includes lost and found persons, animals, and property, and stalled and abandoned vehicles.

PART IV-- Casualties: Includes all motor vehicle crashes, boating, and snowmobile; public home occupational accidents, fires, suicides, sudden deaths, burning permits, and burning violations.

PART V-- Miscellaneous Public: Includes open doors, gun permit applications, suspicious activities, animal complaints, motorist assists, alarm calls, parking complaints, house checks, driving complaints, civil matters, family disputes, department assists.

The balance of the report shows the total number of incidents handled, miles driven and how the Public Safety Department received calls. If anyone should desire more detailed statistical data, please contact my office.

Monthly Activity Report

February 2024

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	3	2	5	3
Traffic	76	60	178	121
Part III	4	2	4	3
Part IV	33	37	76	63
Part V	99	67	193	161
Total City of Independence	215	168	456	351
City Of Maple Plain				
Criminal	3	5	4	6
Traffic	24	34	46	48
Part III	3	1	6	2
Part IV	24	20	49	42
Part V	42	39	86	71
Total City Of Maple Plain	96	99	191	169
Grand Total Both Cities	311	267	647	520
TZD	18	0	38	6
Agency Assists	19	22	40	35
Total ICR Reports	348	289	725	561
How Received				
Fax	8	8	12	18
In Person	18	11	28	22
Mail	2	0	4	0
Other	0	0	1	1
Phone	25	24	44	38
Radio	133	121	283	239
Visual	125	101	271	193
Email	16	14	32	27
Lobby Walk In	21	10	50	23
Total	348	289	725	561

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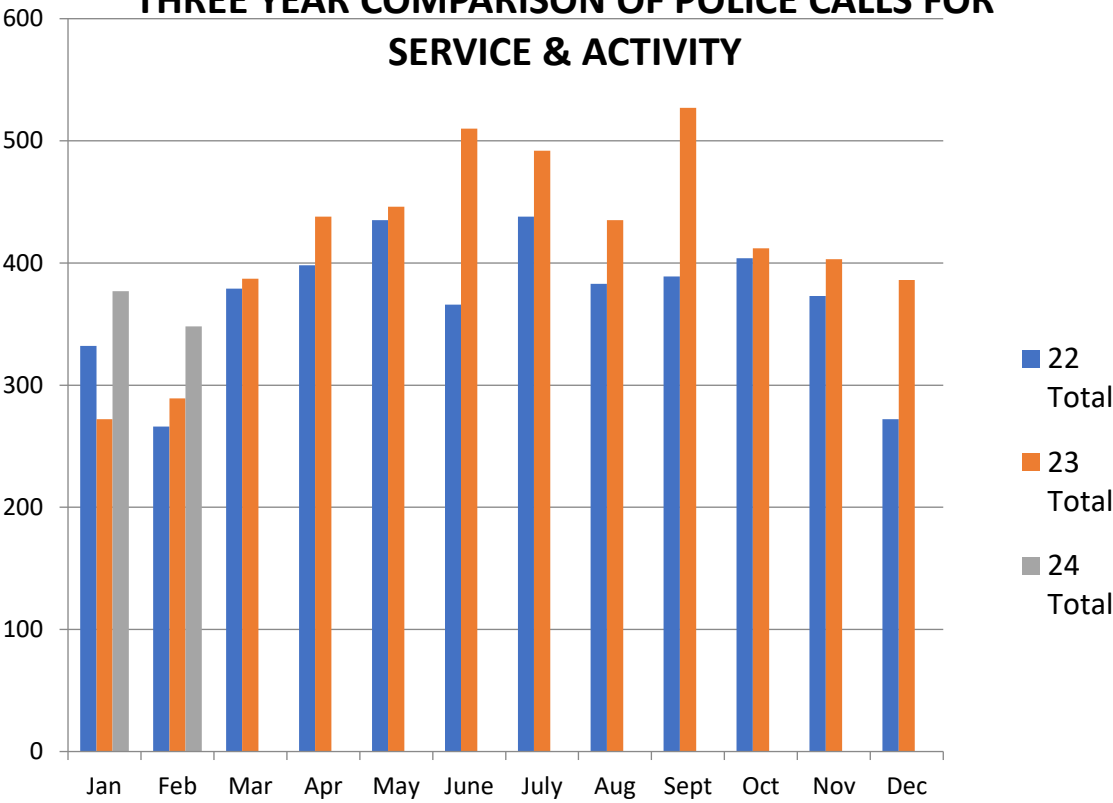
February 2024 Part I & II**City of Maple Plain #'s 1 & 2**

AGN	ICR	Title	Create Date	Grid #	MOC range	UCR Part
WHPS	24000553	Property Damage	2024-02-14	01	P311L	2
WHPS	24000587	Theft from Auto Report	2024-02-16	01	VE021	1
WHPS	24000674	Chase/Pursuit – Firearm/Narcotics	2024-02-24	02	DH500	2

February 2024 Part I & II**City of Independence Grid #'s 3-5**

AGN	ICR	Title	Create Date	Grid #	MOC range	UCR Part
WHPS	24000386	Theft by Swindle	2024-02-01	03	U1063	2
WHPS	24000503	4 th Degree DWI	2024-02-10	03	JG503	2
WHPS	24000670	Domestic Assault – Arrest	2024-02-23	04	AL350	2

**THREE YEAR COMPARISON OF POLICE CALLS FOR
SERVICE & ACTIVITY**



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY February 2024 Activity Report

Year to Date Activity Report

At the end of February 2024, West Hennepin Public Safety (WHPS) handled year-to-date a total of 725 incident complaints. For the month of February; 215 incidents occurred in the City of Independence and 96 in the City of Maple Plain.

The Criminal Part I and Part II cases for both cities have been highlighted for your review on the attached documents.

Suspicious Activity

February 1

1000 block of County Road 92, Independence. Officer was dispatched to take a report about a possible counterfeit bill used in a marketplace transaction. The reporting party advised she was selling a washer and dryer for \$30. Two individuals came to pick them up and exchanged the washer and dryer for cash. After the individuals took the machines, the reporting party realized the \$20 bill that was wrapped in the \$10 bill was fake. Suspects were identified via their social media pages and when confronted, they advised it was an accident. Counterfeit bill was taken as evidence.

Animal Complaint

February 2

5800 block of Main Street, Maple Plain. Officer was dispatched to a possible injured or sick dog in their backyard. Officer arrived on scene and located the dog who could barely walk. The dog didn't have a collar and was not microchipped or registered through the city. Unable to find the owners, the officer took the dog to animal control until the owner could be located. A short time later, the animal owners called and were able to get their dog back. It was determined the dog was 17 years old and was not sick or injured, just very old.

Burning Complaint

February 3

4200 block of Woodhill Drive, Independence. Officer was dispatched to a possible illegal burn. Officer arrived on scene and found a brush pile approximately 5 feet onto the ice from the shoreline. It was observed the fire didn't contain any prohibited materials and the homeowner had a burn permit. It was determined burning on the ice was not illegal as long as the fire contains wood only.

Traffic Complaint
February 4

9200 block of County Road 6, Independence. Officer was dispatched to a driving complaint where a vehicle was swerving, hit a curb, and could not maintain speed. Officer located and initiated a traffic stop on the vehicle. The driver denied swerving but did admit to accidentally hitting the curb. The driver blamed his driving conduct on his age. He did not show signs of impairment. Officer told him to be more careful while driving. Driver asked the officer to follow him home. Officer followed him until he pulled into the garage.

Dumping Complaint
February 6

5200 block of Bryantwood Drive, Maple Plain. Officer was dispatched to an illegal dumping complaint. Reporting party advised he observed two females arrive and dump multiple trash bags in a private dumpster. Officer was able to contact the registered owner of the vehicle who admitted to illegally dumping large amounts of clothes in a private dumpster. Officer asked the suspect to remove the bags from their dumpster, and she disconnected the call. A citation for illegal dumping was issued to the suspect.

Suspicious Activity
February 7

5800 block of Main Street, Maple Plain. Officer was dispatched to suspicious activity. Reporting party advised a female appeared to have tried their door handle and then went to the neighbor's residence. Officer responded and located the female walking between homes. Officer approached the female who advised she lived in the neighborhood and was trying to organize a community gathering. She was placing door hangers on doors to reach out to her neighbors.

Stalled Vehicle
February 8

Intersection of Highway 12 and Howard Avenue, Maple Plain. Officers were dispatched to a semi-truck blocking the lane of traffic. Officers arrived on scene and spoke to the driver who advised he was southbound on Howard Avenue to go east on Highway 12. The driver advised he did not see the sign prohibiting the left-hand turn. Driver was attempting to make the turn and slid into the ditch. Traffic was redirected for a short time and the driver was cited for the improper turn violation.

Arrest

February 10

Intersection of County Road 6 and County Road 19, Independence. Officer was on routine patrol and observed a vehicle violate multiple traffic laws. Vehicle was stopped and when contact was made with the driver, multiple indications of impairment were found. Driver was found to be intoxicated and arrested for DWI. Driver tested a .11 AC on the DMT and was booked and released with a citation.

Suspicious Activity

February 11

1000 block of Polo Club Road, Independence. Officer was dispatched to a suspicious vehicle in the area. Reporting party advised the vehicle was driving slowly in the area and proceeded back and forth at one point. Reporting party was concerned the driver of the vehicle may have been casing the neighborhood. Officer was unable to locate the vehicle. Reporting party was advised to remain vigilant on security and to call back if the vehicle is observed in the future.

Traffic Complaint

February 14

Intersection of Highway 12 and Halgren Road, Maple Plain. Officer was dispatched to multiple reports received of aggressive drive and a subject passing on the right shoulder. Vehicle was located and stopped. Driver admitted to driving the vehicle but denied passing on the shoulder. Officer advised the driving behavior would not be tolerated and encouraged the driver to learn more about the history and dangers of Highway 12.

Crash

February 15

6800 block of County Road 6, Independence. Officer was dispatched to a vehicle that crashed, went into the ditch, and hit multiple trees. Officer arrived on scene and spoke to the driver who advised he lost control due to slippery conditions, crossed the oncoming lane, and entered the ditch the struck the trees. Driver was found to not have a valid Minnesota driver's license and no insurance on the vehicle. Driver was issued a citation for the violations.

Motorist Assist

February 15

700 block of County Road 6, Independence. Officer was dispatched to a stalled vehicle on the shoulder. Officer arrived on scene and found the driver standing at the rear of the vehicle holding his nose with a bloody hat. Driver advised he got a bloody nose and pulled over. Officer assisted and provided him some gauze until the bleeding stopped. Driver refused further medical services.

Theft

February 16

5000 block of Pioneer Creek Drive, Maple Plain. Officer was dispatched multiple to theft from auto reports. Officer arrived on scene and learned unlocked vehicles had been gone through and items from the vehicles were found outside in the snowbank. There were miscellaneous items taken from a vehicle. Vehicle owners were reminded to lock their vehicles and to keep an eye on their bank accounts and credit.

Welfare Check

February 18

5200 block of Bryantwood Drive, Maple Plain. Officer was dispatched to a male having a breakdown. Reporting party advised the subject was punching things and bleeding from the hands. Officer arrived on scene and located the subject. North Memorial Paramedics arrived on scene and rendered care. Based off the subject's injuries and the mental health concerns, North Memorial Paramedics transported the patient to the hospital.

Arrest

February 19

Intersection of Highway 12 and Halgren Road, Maple Plain. Officer was on routine patrol and located a vehicle whose registration showed the owner had a revoked driver's license and a warrant for false information. Officer confirmed the driver was the registered owner and verified the warrant was current. Officer found empty bags of marijuana in the vehicle. She was transported to an ATM where bail was collected, and she was issued her new court date and released. Driver was also cited for driving after revocation.

Welfare Check

February 21

3600 block of Ihduhapi Trail, Independence. Officer was dispatched to a person hallucinating. Officer arrived on scene and spoke to the individual. He advised two to four guys were holding him up in his room and stealing his stuff. There was no one else in the room. It was found the individual was possibly experiencing hallucinations due to alcohol withdrawal. North Memorial Paramedics arrived on scene and transported the patient to the hospital.

Fire
February 21

4500 block of Lake Sarah Drive, Independence. Officer was dispatched to a house fire. Homeowner reported seeing smoke and smelling fire in the upper level. Officer arrived on scene with Maple Plain and West Suburban Fire Department. Upon arrival, light smoke was observed coming from the roof vents. Officer ensured everyone had been evacuated. Fire departments assessed the issue and found a ceiling light had been burnt out which may have been causing an electrical issue. Breaker was shut off and homeowners were advised to contact an electrician.

Arrest
February 23

3900 block of County Road 90, Independence. Officer was dispatched to a physical domestic involving a father and son. Officer arrived on scene and found the two males tussling in the entryway of the home. The two were separated to calm down. After the investigation was completed one male was arrested for domestic assault and transported to Hennepin County Jail.

Arrest
February 24

4500 block of Highway 12, Maple Plain. Officer was on routine patrol and observed a driver not wearing a seatbelt. Officer attempted to initiate a traffic stop. Vehicle was slow to stop and ultimately fled, going east in the westbound lane. A PIT maneuver was used to disable the vehicle. Driver was placed under arrest and a search of his person found ammunition and narcotics. During a search of the vehicle, a sawed off .22 rifle which was made into a pistol and more narcotics were found. Driver also had an outstanding felony warrant from the Department of Corrections. Driver was transported to Hennepin County Jail.

Welfare Check
February 27

5200 block of Bryantwood Drive, Maple Plain. Officer was dispatched to a 911 hand-up where a female was heard crying. Officer arrived on scene and met with the female patient who had visible self-inflicted cuts on her legs. The patient also admitted to taking miscellaneous pills. An emergency evaluation form was completed. North Memorial Paramedics transported the patient to the hospital.

Fire Alarm
February 28

1500 block of Howard Avenue, Maple Plain. Officer and Maple Plain Fire Department responded to a smoke alarm sounding and smoke coming from an apartment. Contact attempted at the door was unsuccessful. Officer was able to make entry into the unit and a pan of burnt food was found on the stove top. The pan was hot to the touch and smoldering. Maple Plain Fire Department was able to remediate the pot and ventilate the unit.

■City of Independence

***Request for a Minor Subdivision to Allow a Lot Line Rearrangement Between
the Properties Located at 2616 County Road 90***

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: February 20, 2024
Applicant: John Bellingham
Owner: Mary Bellingham
Location: 2616 County Road 90

Request:

John Bellingham (Applicant) Mary Bellingham (Owner) are requesting the following action for the property located at 2616 CSAH 90 N (PID No. 14-118-24-32-0004) in the City of Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement which would adjust the property line between the two existing properties.

Property/Site Information:

The properties are located on the east side of County Road 90, just north of Warren Way. The east property has an existing home and detached garage, and the west property has an existing detached accessory structure. The property has the following characteristics:

Property Information: 2616 County Road 90 (PID No. 14-118-24-32-0004)

Zoning: *RR-Rural Residential*

Comprehensive Plan: *RR-Rural Residential*

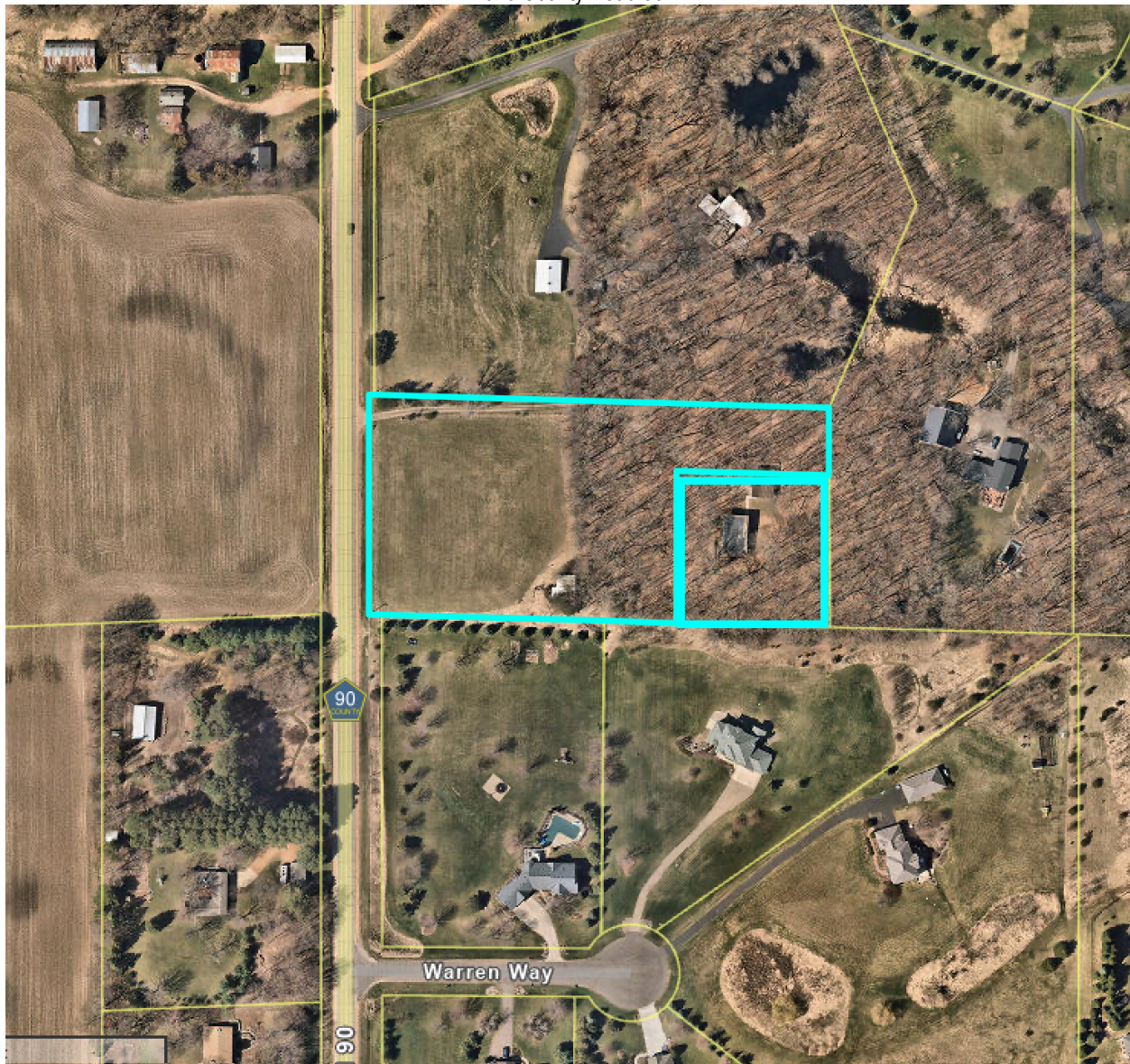
Acreage: Before – .99 acres
After – 2.50 acres (*Proposed – East Lot*)

Property Information: Unassigned Address (PID No. 14-118-24-32-0003)

Zoning: *RR-Rural Residential*

Comprehensive Plan: *RR-Rural Residential*

Acreage: Before – 3.56 acres
After – 2.05 acres (*Proposed- West Lot*)



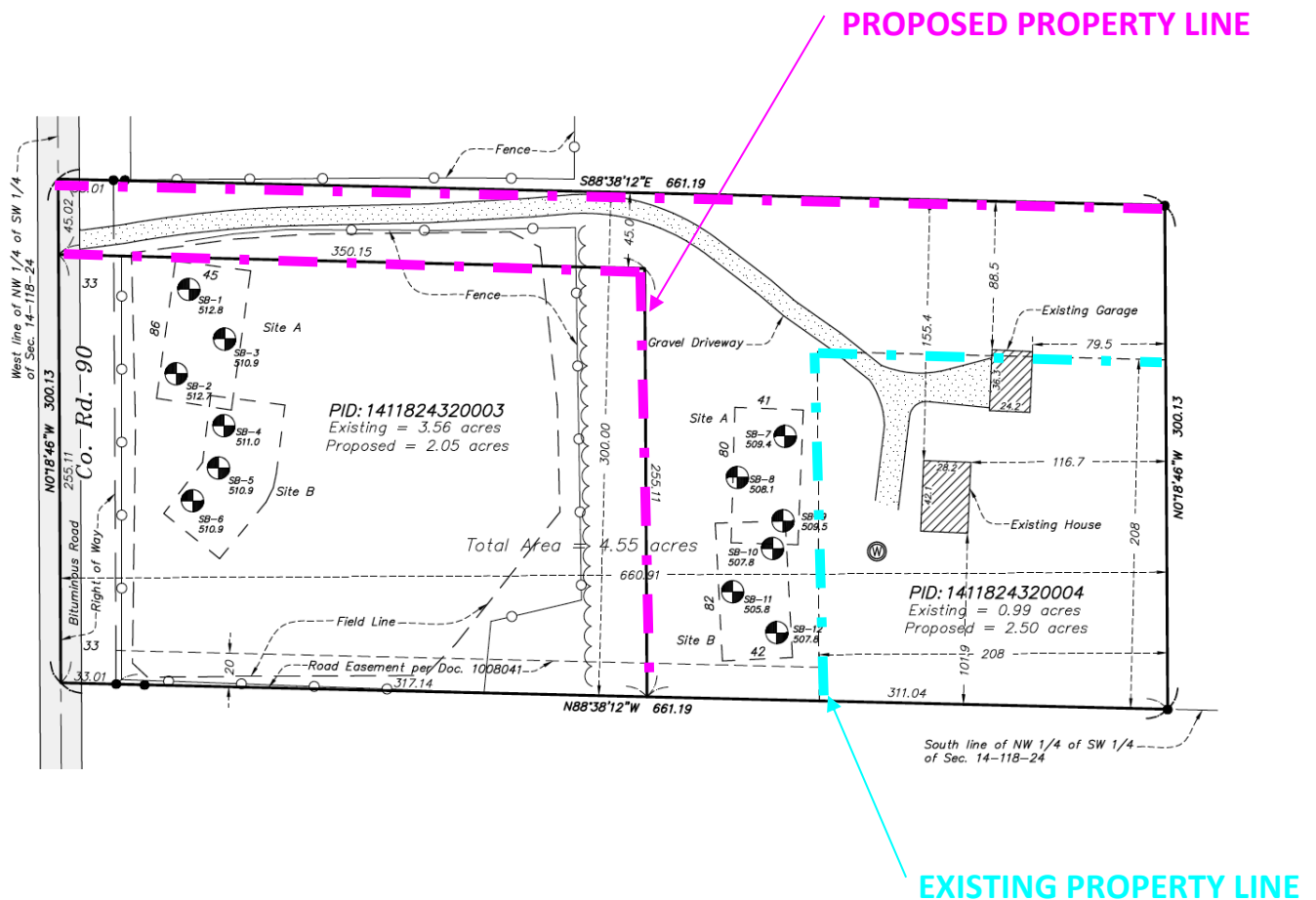
Discussion:

The applicant is seeking a minor subdivision to allow a lot line rearrangement that would more equally divide the two existing lots of record. The east lot is considered a legal non-conforming lot of record due to not meeting the minimum lot size or minimum lot frontage requirements. The west lot is a conforming lot of record. The owner has historically owned both properties and lived in the existing home located on the east property. The owner is seeking to sell the properties and would like to adjust the lot line currently dividing the properties.

The proposed lot line rearrangement would shift the lot line separating the properties to the west. This shift would increase the size of the east lot from approximately 1 acre to 2.5 acres. It would also decrease the

size of the west property from approximately 3.5 acres to 2 acres. There are several potential benefits that could be obtained as a result of the proposed lot line rearrangement.

- In the proposed condition, the east property would now have frontage (approximately 45') on County Road 90.
- The east property would gain additional property to accommodate primary and secondary septic sites.



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

1. In the before condition, both lots are considered lots of record with a building entitlement for each lot. The requested lot line rearrangement will not change the total number of building entitlements.

2. The lot line rearrangement would adjust the lot lines so that the lots would nearly be equal in size.
3. The increased size of the east lot would bring that lot closer to conformance with applicable standards while providing space for a primary and secondary septic system and frontage on CSAH 90.
4. In the after condition, the western lot would be less than 2.5 acres which will change the conforming status of the property to non-conforming.
5. The minimum frontage required by ordinance for properties that are between 2.5 and 3.49 acres is 200 LF. There is not enough frontage to make both properties fully conforming. The proposed lot line rearrangement would provide some frontage for the east lot without reducing the frontage of the west lot below the minimum.
6. There is an existing detached accessory structure located on the western parcel that is in poor condition. It is recommended that a condition be added to the approval requiring the removal of the structure by the owner.
7. The existing home located on the eastern lot will require a new septic system to be installed. The applicant has provided the City with information showing a primary and secondary on-site septic system for both of the proposed properties.
8. The applicant will be required to dedicate the requisite perimeter drainage and utility easements for both properties.
9. Driveway access to the properties is subject to Hennepin County. It is unlikely that any additional driveway connections to County Road 90 will be permitted. It is likely that both properties will have a shared driveway. The applicant should prepare a shared driveway easement for the western property and provide a draft maintenance agreement to be reviewed by the City.

Neighbor Comments:

The City has received questions relating to the requested lot line rearrangement.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for 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. City Council approval of the requested minor subdivision shall be subject to the following:
 - a. The applicant providing and executing the requisite drainage and utility easements.
 - b. The applicant shall prepare a shared driveway easement for the western property and provide a draft maintenance agreement to be reviewed by the City and recorded against the property.
 - c. The applicant shall remove the existing detached accessory structure prior to conveying the property.
4. The applicant shall record the subdivision, easements, maintenance agreement and City Council Resolution with the county within six (6) months of approval.

Attachments:

1. Application
2. Survey (Before and After Conditions Shown on the Same Survey)



RESOLUTION 24-0312-01

A RESOLUTION APPROVING A MINOR SUBDIVISION TO ALLOW A LOT LINE REARRANGEMENT FOR THE PROPERTIES GENERALLY LOCATED AT 2616 COUNTY ROAD 90

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 2020 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, John Bellingham (Applicant) and Mary Bellingham (Owner) have submitted a request for a minor subdivision to allow a lot line rearrangement for the properties generally located at 2616 CSAH 90 in Independence, MN (PID No.s 14-118-24-32-0004 and 14-118-24-32-0003); and

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

WHEREAS, the Properties are both zoned RR-Rural Residential; 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 February 20, 2024 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 John Bellingham 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. Any change in access or new access request to CSAH 90 will require the review and approval of Hennepin County.
4. City Council approval of the requested minor subdivision shall be subject to the following:
 - a. The applicant providing and executing the requisite drainage and utility easements.
 - b. The applicant shall prepare a shared driveway easement for the western property and provide a draft maintenance agreement to be reviewed by the City and recorded against the property.
 - c. The applicant shall remove the existing detached accessory structure prior to conveying the property.
5. The applicant shall record the subdivision, easements, maintenance agreement and City Council Resolution with the county within six (6) months of approval.
6. Any change in access or new access request to CSAH 90 will require the review and approval of Hennepin County.

This resolution was adopted by the City Council of the City of Independence on this 12th day of March 2024, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Descriptions)

EXISTING PROPERTY DESCRIPTIONS:

Boundary Description (Doc. No. 1097390)

The South 300 feet of the West 600.91 feet (as measured at right angles to the South and West lines respectively) of the Northwest Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

PROPOSED PROPERTY DESCRIPTIONS:



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: John A Bellingham
Address: 8 Westwood Circle
Minnetonka, Minnesota
55305
Primary Phone: 7634437255
Email: jbellingham09@gmail.com

Owner Information

Name: Mary L Bellingham
Address: 2616 County Road 90
Maple Plain, Minnesota 55359
Primary Phone: 7634791537
Email: john.a.bellingham@medtronic.com

Property Address:

PID:

Planning Application Type: Subdivision

Subdivision Type: Minor Subdivision (3 lots or less)

Description: Updating/redrawing lots- Payment Check # 18132 submitted for \$2000 on
1/17/2024 at city desk

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

Signature:

Certificate of Survey

Prepared for:
Mary Bellingham

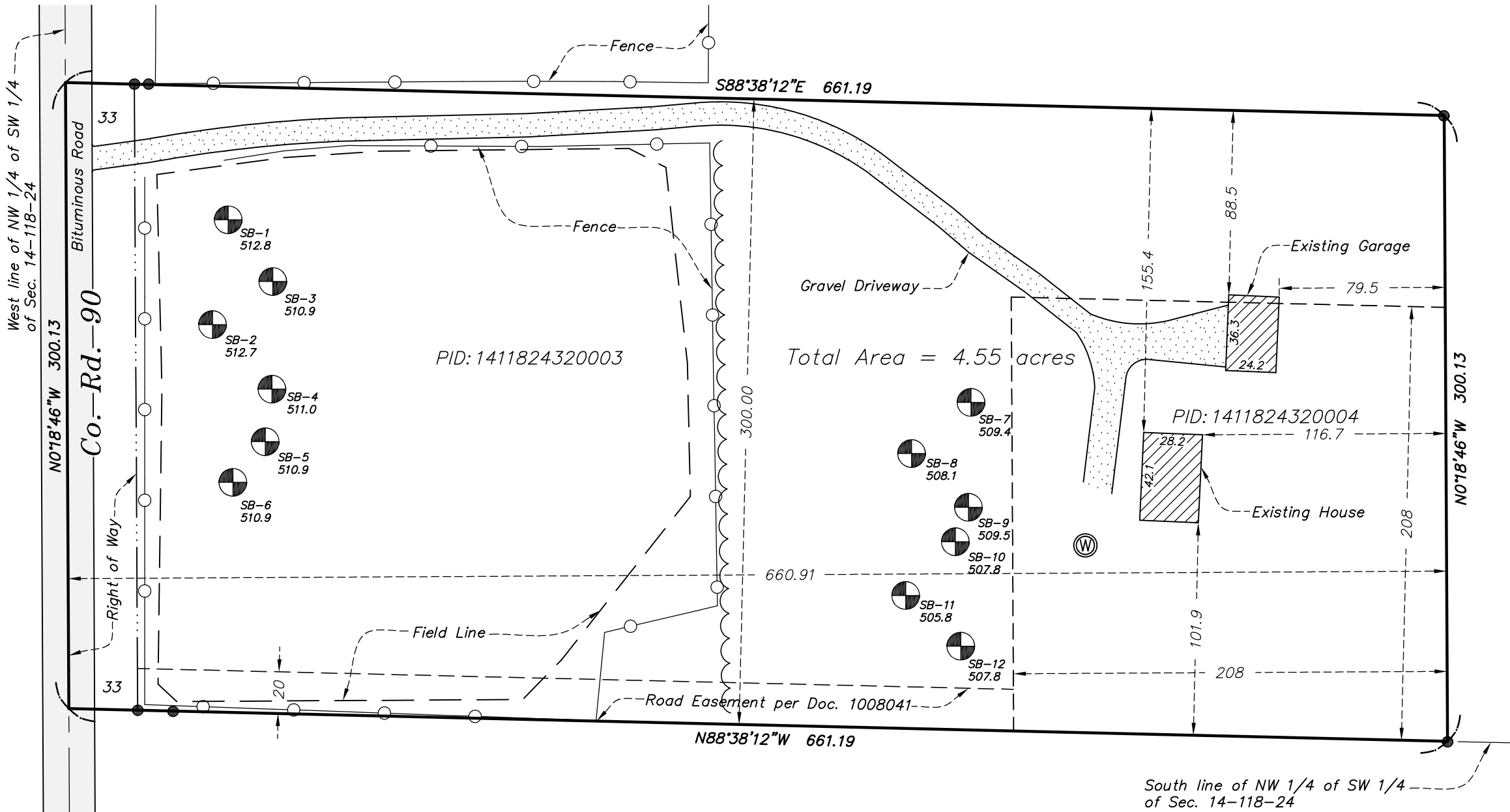
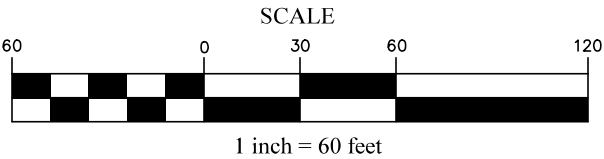
Site Address:
2616 Co. Rd. No. 90
Independence, MN 55359

Legend

- Found Iron Monument
- Soil Boring (with boring # & grade elevation labels)
- Existing Well
- Tree Line

Boundary Description (Doc. No. 1097390)

The South 300 feet of the West 600.91 feet (as measured at right angles to the South and West lines respectively) of the Northwest Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota.



Job Number:	9690
Survey Date:	12/15/23
Drawing Name:	Bellingham.dwg
Drawn by:	SKH
Revisions:	

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

Kelly L. Brouwer
Kelly L. Brouwer

Date: December 26, 2023 Registration No. 48328

SCHOBORG
LAND SERVICES
INC.

763-972-3221 8997 Co. Rd. 13 SE
www.SchoborgLand.com Delano, MN 55328

Bearings based on
Hennepin County
Coordinate system.

Elevations based on
assumed datum.



March 12, 2024

TO: Mayor and City Council

FROM: Shawn Bode, Public Works Supervisor

RE: Dust Control/Gravel Bids

The City annually bids out dust control and bulk gravel in an effort to obtain the best value to the City for treating the gravel roads. The City typically applies approximately 60,000-65,000 gallons of dust control material per year to treat the City roads. This year the City received two bids: one from Quality Propane and one from Envirotech. The City has not yet made a determination relating to a recommendation for dust control. The City has had issues for the past few years with timing of the dust control application. Staff has reached out to both contractors to obtain additional information relating to intended application time frames and will discuss further with Council at the meeting.

The City received three bids for sand and gravel from Bryan Rock, Martin Marietta and Hassan Sand & Gravel. The City recommends awarding the dust control and sand and gravel bids as shown below:

DUST CONTROL

Magnesium Chloride:

FOB

Quality Propane Inc.	2023: \$1.13 per gal.	2024: \$1.18 per gal.
Envirotech	2023: \$1.38 per gal.	2024: \$1.54 per gal.

SAND AND GRAVEL

Class 5 Gravel-Bryan Rock	2024: \$22.65/ton Delivered
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Class 5 Martin Marietta (Granite Fill Stone)	2024: \$18.45/ton Delivered
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Class 5 Hassan Sand (Con-bit)	2024: \$15.00/ton Delivered
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