



CITY COUNCIL MEETING AGENDA
TUESDAY JANUARY 4, 2022

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Swearing in of Newly Elected Council Members
4. Roll Call

5. ****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 December 21, 2021, Regular City Council Meeting.
 - b. Approval of Accounts Payable; (Checks as listed).
 - c. Agriculture Preserve Application – 421 Ingerson Road.
 - d. Approval of Pay Application Request #13 from Rochon Corporation for work completed on the 2020 City Hall Project.
6. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
7. Reports of Boards and Committees by Council and Staff.
8. Peg Timm – Request to Discuss Property Issues with City Council (7290 County Road 6).
9. Annual City Council Appointments.
 - a. **RESOLUTION 22-0104-01** - Annual Organizational Appointments.
 - b. **RESOLUTION 22-0104-02** - Approval of Planning Commission Appointments.
10. Annual Fee Schedule Adoption.

- a. **RESOLUTION 22-0104-03** – Considering the Annual Update to the City’s Fee Schedule.

11. Zoning Ordinance Amendment Consideration.

- a. **ORDINANCE 2022-01:** Considering an amendment to the City’s Subdivision Standards and Rural Residential Cluster Development Standards as follows:

Considering amendments to Section 530.05 Rural Residential District established., Subd. 3. *Density* and Section 530.05 Rural Residential District established., Subd. 4. *Cluster development conditional use permit*.

The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments. In addition, the City is considering establishing a minimum lot width for Cluster developments as well as modifying slope steepness to be consistent with other areas of the zoning and subdivision ordinances.

12. Meeting Date/Time Change for the February 1, 2022, Regular City Council Meeting resulting from of the 2022 Precinct Caucus.

13. Open/Misc.

14. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY DECEMBER 21, 2021–6:30 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 Spencer, Betts, McCoy and Grotting

ABSENT: None

STAFF: City Administrator Kaltsas, Assistant to Administrator
Horner

VISITORS: Police Chief Gary Kroells

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 December 7, 2021, Truth in Taxation Meeting.
- b. Approval of City Council Minutes from the December 7, 2021, Regular City Council Meeting.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 20907-20909 and Batch # 2; Checks Numbered 20910-20939).
- d. Approval of Pay Application Request # 12 from Rochon Corporation for work completed on the 2020 City Hall Project.

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

- TNT

Spencer attended the following meetings:

- TNT

McCoy attended the following meetings:

- TNT

Betts attended the following meetings:

- TNT
- WHCC

Johnson attended the following meetings:

- NW League
- Metro Cities
- Legion – Annual Christmas Meeting
- 20th Anniversary Hwy 55 Corridor Coalition
- Orono School Foundation Breakfast (could not attend/conflict)
- Regional Council of Mayors
- Orono School Board Meeting
- Maple Plain Chamber of Commerce
- Finance Meeting Sr. Comm. Services (virtual)
- Shared Services Fire Meeting
- Orono Healthy Youth (Virtual)
- NLC Mayors Round Table (Virtual)
- Christmas Caroling
- TNT

Horner attended the following meetings:

- None

Kaltsas attended the following meetings:

- None

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the November 2021 Activity Report.

Public Safety Director Kroells reported on some of the November activities (full report attached to minutes). He also stated that some of our officers were on mutual aid at Brooklyn Park this week because of the Potter trial. Addressed also was the carjacking crimes that are coming into the suburbs.

8. Open/Misc.

9. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 7:02 p.m. Ayes: Johnson, McCoy, Grotting, Betts, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Amber Simon / Recording Secretary

After the meeting was adjourned, resident Marty Chilstrom, wanted to ask some questions and make some statements. The council listened and advised him to attend and make his comments at the Planning Commission meeting which was starting at 7:30 p.m.



Suite 200
28 2nd St NW
Osseo, MN 55369
Office 763.559.9393
Fax 763.559.8101
www.rochoncorp.com

December 6, 2021

Mr. Mark Kaltsas
1920 County Road 90
Independence, MN 55359

Re: Pay Application for Independence City Hall

Dear Mark:

Enclosed is our thirteenth Application for Payment of work performed through November 30, 2021 at 1920 County Road 90 in Independence, MN. Please process promptly.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Bisping", written over a horizontal line.

Trevor Bisping
Project Manager

TB/glb
Enclosures

WAIVER OF CONSTRUCTION LIEN PAYMENT

December 1, 2021

For good and valuable consideration, the undersigned hereby irrevocably and unconditionally waives and releases any and all (a) rights and claims for a construction or other lien on land and buildings being constructed, altered, erected or repaired and to the appurtenances thereunto, (b) rights and claims on any payment bond(s) furnished in conjunction with said construction, alteration, erection or repair, and (c) rights and claims for lien on money, bonds, or warrants due or to become due to the prime contractor therefor. The property covered by this waiver is owned by City of Independence (owner), is located at 1920 County Road 90, Independence, MN is described as Independence City Hall Renovations and this waiver pertains to a portion of the work to be performed by Rochon Corporation (prime contractor).

This waiver covers all labor, material and supplies for construction, alteration, erection, and repairs furnished by the undersigned under a contract with City of Independence through the date of this waiver in the amount of FORTY TWO THOUSAND SEVEN HUNDRED FORTY FOUR & 29/100 DOLLARS (\$42,744.29).

This lien waiver is not valid until the amount listed above has been received.



Contractor Waiver Form

Company Name Rochon Corporation

By
Jerry Braton
Its CEO

TO OWNER/CLIENT:

City of Independence

PROJECT:

Independence City Hall Renovations
1920 County Road 90
Independence, Minnesota 55359

APPLICATION NO: 13

INVOICE NO: 13

PERIOD: 11/01/21 - 12/01/21

PROJECT NO: 2017

CONTRACT DATE:

FROM CONTRACTOR:

Rochon Corporation Minnesota
28 2nd St NW, Suite 200
Osseo, Minnesota 55368

VIA ARCHITECT/ENGINEER:

Susan Morgan (BKV Group)
222 North Second Street
Minneapolis, Minnesota 55401

CONTRACT FOR: Independence City Hall Renovations Prime Contract

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1.	Original Contract Sum	\$1,721,484.00
2.	Net change by change orders	\$139,944.79
3.	Contract Sum to date (Line 1 ± 2)	\$1,861,428.79
4.	Total completed and stored to date (Column G on detail sheet)	\$1,772,437.74
5.	Retainage:	
	a. 5.00% of completed work	\$88,621.96
	b. 0.00% of stored material	\$0.00
	Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$88,621.96
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$1,683,815.78
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$1,641,071.49
8.	Current payment due:	\$42,744.29
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$177,613.01

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$145,506.04	\$(5,561.25)
Total approved this month:	\$0.00	\$0.00
Totals:	\$145,506.04	\$(5,561.25)
Net change by change orders:	\$139,944.79	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Rochon Corporation Minnesota

By: 

Date: 12-6-21

State of: MN

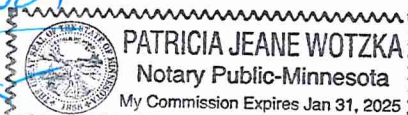
County of: Hennepin

Subscribed and sworn to before

me this 6th day of Dec 2021

Notary Public: 

My commission expires: 1-31-2025



ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$42,744.29

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm the amount certified.)

ARCHITECT/ENGINEER:

By: _____

Date: _____

This certificate is not negotiable. The amount certified is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

Document SUMMARY SHEET, APPLICATION AND CERTIFICATE FOR PAYMENT, containing
 Contractor's signed Certification is attached.
 Use Column I on Contracts where variable retainage for line items apply.

APPLICATION NUMBER: 13

APPLICATION DATE:

PERIOD: 11/01/21 - 12/01/21

Contract Lines

ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	01.O General Requirements.Other	General Conditions	\$184,927.82	\$152,637.87	\$11,893.39	\$0.00	\$164,531.26	88.97%	\$20,396.56	\$8,226.56
2	02-100.S Selective Demolition.Commitment	Selective Demolition	\$56,865.17	\$56,865.17	\$0.00	\$0.00	\$56,865.17	100.00%	\$0.00	\$2,843.26
3	02-300.S Earthwork.Commitment	Earthwork	\$27,558.00	\$27,558.00	\$0.00	\$0.00	\$27,558.00	100.00%	\$0.00	\$1,377.90
4	02-480.S Landscaping.Commitment	Landscaping	\$9,300.00	\$4,325.00	\$0.00	\$0.00	\$4,325.00	46.51%	\$4,975.00	\$216.25
5	02-580.S Pavement Marking.Commitment	Pavement Marking	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$500.00	\$0.00
6	02-784.S Stone Unit Pavers.Commitment	Stone Unit Pavers	\$10,675.00	\$10,675.00	\$0.00	\$0.00	\$10,675.00	100.00%	\$0.00	\$533.75
7	02-813.S Lawn Sprinkling and Irrigation.Commitment	Lawn Sprinkling and Irrigation	\$10,000.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	50.00%	\$5,000.00	\$250.00
8	02-820.S Fences and Gates.Commitment	Fences and Gates	\$27,423.00	\$27,423.00	\$0.00	\$0.00	\$27,423.00	100.00%	\$0.00	\$1,371.15
9	03-300.S Cast In Place Concrete.Commitment	Cast In Place Concrete	\$106,150.00	\$94,783.00	\$0.00	\$0.00	\$94,783.00	89.29%	\$11,367.00	\$4,739.15
10	05-100.M Structural Metals.Materials	Structural Metals	\$18,500.00	\$18,500.00	\$0.00	\$0.00	\$18,500.00	100.00%	\$0.00	\$925.00
11	05-600.S Steel Erection.Commitment	Steel Erection	\$7,725.00	\$7,725.00	\$0.00	\$0.00	\$7,725.00	100.00%	\$0.00	\$386.25
12	06-100.S Rough Carpentry.Commitment	Rough Carpentry	\$28,024.00	\$26,924.00	\$1,100.00	\$0.00	\$28,024.00	100.00%	\$0.00	\$1,401.20
13	06-170.M Structural Wood.Materials	Structural Wood	\$53,977.55	\$53,977.55	\$0.00	\$0.00	\$53,977.55	100.00%	\$0.00	\$2,698.88
14	06-400.S Millwork.Commitment	Millwork	\$100,586.49	\$98,673.81	\$0.00	\$0.00	\$98,673.81	98.10%	\$1,912.68	\$4,933.69
15	07-400.S Roofing and Siding Panels.Commitment	Roofing and Siding Panels	\$105,750.00	\$105,750.00	\$0.00	\$0.00	\$105,750.00	100.00%	\$0.00	\$5,287.50
16	07-420.S Wall Panels.Commitment	Wall Panels	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
17	07-500.S Membrane Roofing.Commitment	Membrane Roofing	\$4,500.00	\$789.43	\$0.00	\$0.00	\$789.43	17.54%	\$3,710.57	\$39.47

A		B	C	D	E	F	G		H	I
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				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
18	07-530.S Roofing & Sheetmetal.Commitment	Roofing & Sheetmetal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
19	07-810.S Skylights.Commitment	Skylights	\$25,470.00	\$25,470.00	\$0.00	\$0.00	\$25,470.00	100.00%	\$0.00	\$1,273.50
20	07-900.S Joint Sealers.Commitment	Joint Sealers	\$1,690.00	\$1,690.00	\$0.00	\$0.00	\$1,690.00	100.00%	\$0.00	\$84.50
21	08-100.M Hollow Metal & Hardware.Materials	Hollow Metal & Hardware	\$33,100.00	\$33,100.00	\$0.00	\$0.00	\$33,100.00	100.00%	\$0.00	\$1,655.00
22	08-360.S Overhead Doors.Commitment	Overhead Doors	\$12,300.00	\$12,300.00	\$0.00	\$0.00	\$12,300.00	100.00%	\$0.00	\$615.00
23	08-800.S Glazing.Commitment	Glazing	\$163,843.00	\$160,446.00	\$0.00	\$0.00	\$160,446.00	97.93%	\$3,397.00	\$8,022.30
24	09-250.S Gypsum Wallboard.Commitment	Gypsum Wallboard	\$163,788.00	\$163,788.00	\$0.00	\$0.00	\$163,788.00	100.00%	\$0.00	\$8,189.40
25	09-300.S Tile.Commitment	Tile	\$44,170.00	\$44,170.00	\$0.00	\$0.00	\$44,170.00	100.00%	\$0.00	\$2,208.50
26	09-500.S Ceilings.Commitment	Ceilings	\$14,000.00	\$14,000.00	\$0.00	\$0.00	\$14,000.00	100.00%	\$0.00	\$700.00
27	09-600.S Flooring.Commitment	Flooring	\$45,035.00	\$45,035.00	\$0.00	\$0.00	\$45,035.00	100.00%	\$0.00	\$2,251.75
28	09-843.S Acoustical Wall Panels.Commitment	Acoustical Wall Panels	\$9,500.00	\$9,500.00	\$0.00	\$0.00	\$9,500.00	100.00%	\$0.00	\$475.00
29	09-900.S Paints and Coatings.Commitment	Paints and Coatings	\$21,408.00	\$21,408.00	\$0.00	\$0.00	\$21,408.00	100.00%	\$0.00	\$1,070.40
30	10-200.M Louvers and Vents.Materials	Louvers and Vents	\$13,883.63	\$13,883.63	\$0.00	\$0.00	\$13,883.63	100.00%	\$0.00	\$694.18
31	10-260.M Wall and Corner Guards.Materials	Wall and Corner Guards	\$90.72	\$0.00	\$90.72	\$0.00	\$90.72	100.00%	\$0.00	\$4.54
32	10-350.M Flagpoles.Materials	Flagpoles	\$403.92	\$403.92	\$0.00	\$0.00	\$403.92	100.00%	\$0.00	\$20.20
33	10-440.S Signage.Commitment	Signage	\$17,950.00	\$0.00	\$14,575.00	\$0.00	\$14,575.00	81.20%	\$3,375.00	\$728.75
34	10-520.M Fire Protection Specialties.Materials	Fire Protection Specialties	\$803.52	\$803.52	\$0.00	\$0.00	\$803.52	100.00%	\$0.00	\$40.18
35	10-600.S Partitions.Commitment	Partitions	\$26,454.00	\$26,454.00	\$0.00	\$0.00	\$26,454.00	100.00%	\$0.00	\$1,322.70
36	10-800.M Toilet, Bath, and Laundry Specialties.Materials	Toilet, Bath, and Laundry Specialties	\$1,923.13	\$0.00	\$1,923.13	\$0.00	\$1,923.13	100.00%	\$0.00	\$96.16
37	11-452.S Appliances.Commitment	Appliances	\$3,653.60	\$3,653.60	\$0.00	\$0.00	\$3,653.60	100.00%	\$0.00	\$182.68

A		B	C	D	E	F	G		H	I
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	%(G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
38	12-490.S Window Coverings.Commitment	Window Coverings	\$3,875.00	\$3,875.00	\$0.00	\$0.00	\$3,875.00	100.00%	\$0.00	\$193.75
39	15-400.S Plumbing.Commitment	Plumbing	\$53,500.00	\$53,500.00	\$0.00	\$0.00	\$53,500.00	100.00%	\$0.00	\$2,675.00
40	15-500.S HVAC.Commitment	HVAC	\$96,932.25	\$94,731.95	\$2,200.30	\$0.00	\$96,932.25	100.00%	\$0.00	\$4,846.63
41	16-000.S Electrical.Commitment	Electrical	\$122,374.00	\$119,974.00	\$0.00	\$0.00	\$119,974.00	98.04%	\$2,400.00	\$5,998.70
42	17-010.O Contingency.Other	Allowance #1	\$5,000.00	\$3,115.11	\$0.00	\$0.00	\$3,115.11	62.30%	\$1,884.89	\$155.76
43	17-010.O Contingency.Other	Allowance #2	\$1,800.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,800.00	\$0.00
44	17-040.O Profit.Other	Overhead & Profit	\$86,074.20	\$79,604.66	\$2,500.00	\$0.00	\$82,104.66	95.39%	\$3,969.54	\$4,105.23
TOTALS:			\$1,721,484.00	\$1,622,513.22	\$34,282.54	\$0.00	\$1,656,795.76	96.24%	\$64,688.24	\$82,839.82

Change Orders

Change Orders									
A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
45	PCCO#001 Owner Change Order #1	\$60,372.59	\$46,153.00	\$0.00	\$0.00	\$46,153.00	76.45%	\$14,219.59	\$2,307.65
46	PCCO#002 Owner Change Order #2	\$34,932.66	\$32,517.66	\$0.00	\$0.00	\$32,517.66	93.09%	\$2,415.00	\$1,625.91
47	PCCO#003 Owner Change Order #3	\$16,743.87	\$14,634.35	\$0.00	\$0.00	\$14,634.35	87.40%	\$2,109.52	\$731.71
48	PCCO#004 Owner Change Order #4	\$27,895.67	\$11,625.50	\$10,711.47	\$0.00	\$22,336.97	80.07%	\$5,558.70	\$1,116.87
TOTALS:		\$139,944.79	\$104,930.51	\$10,711.47	\$0.00	\$115,641.98	82.63%	\$24,302.81	\$5,782.14

Grand Totals

Grand Totals									
A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
GRAND TOTALS:		\$1,861,428.79	\$1,727,443.73	\$44,994.01	\$0.00	\$1,772,437.74	95.22%	\$88,991.05	\$88,621.96

City of Independence
Consideration of Annual City Appointments

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: January 04, 2022

Discussion:

Each year the City selects Council Members, consultants and staff to serve the City and fill roles supporting boards and commissions. The Council has the discretion to make appointments as necessary. The various positions are identified on the attached schedule. Council appointments that have typically changed on an annual basis are highlighted on the attached appointment schedule.

Requested Action:

It is recommended that the City Council discuss and approve the official 2022 appointments by adopting **RESOLUTION No. 22-0104-01**.

ATTACHMENTS: **RESOLUTION No. 22-0104-01**
Appointment Schedule

City of Independence

2022 Council Appointments

Acting Mayor	Councilor Brad Spencer
Assessor	Hennepin County, David Thomsen
Weed Inspector	PW Director Shawn Bode
Assn. of Metro Municipalities	Mayor Johnson
Attorney, Civil	Kennedy & Graven
Attorney, Criminal	Carson, Clelland & Schreder
Auditor	Clifton Larson Allen, LLP
Civil Defense Director	WHPS Director Gary Kroells
Dog Pound	TBD
Engineer	Bolton & Menk, Inc., Andrew Budde
Fire Department Advisory Boards	
- Maple Plain FD	Mayor Johnson, Councilor Betts, City Admin Kaltsas
- Delano FD	Mayor Johnson, Councilor McCoy, City Admin Kaltsas
- Loretto FD	Mayor Johnson, Councilor McCoy, City Admin Kaltsas
Fire Marshall	Building Official Bruce Satek
Hennepin County Recycling Comm	Asst. City Administrator, Beth Horner
Highway 55 Coalition	Mayor Johnson
Highway 12 Coalition	Mayor Johnson, Councilor Betts
HRA	Mayor Johnson, Councilors Betts, Spencer, McCoy and Grotting
Lake Minnetonka Cable Commission	Councilor Grotting
Minnehaha Creek Watershed District	Mayor Johnson
Newspaper	Crow River News - Official (Delano Herald Journal - Optional)
Northwest Hennepin League	Mayor Johnson, Councilors Betts, Spencer, McCoy, Grotting and City Admin Kaltsas
Official Depository	Bank of Maple Plain, Northland Securities, Ehlers & Assoc., League of MN Cities
Personnel Committee	Mayor Johnson, Councilor Spencer
Pioneer Sarah Watershed	Joe Baker, Alt. Brad Spencer
Planner	Terramark - Mark Kaltsas
Planning Commission Liaison	Councilor Grotting, Spencer as back-up
Public Works Road Liasion	Councilor Spencer
Water Resource Staff	Hakanson/Anderson – Kaci Fisher, Shane Nelson and Craig Jochum
West Hennepin Police Commission	Mayor Johnson, Councilor Betts

If a Councilmember is unable to attend a meeting another Councilmember can go in their place as the representative.



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0104-01

**RESOLUTION DECLARING ANNUAL ORGANIZATIONAL
POSITIONS OF THE CITY**

WHEREAS, the City of Independence (the City) annually declares various positions and appointments within the City; and

WHEREAS, the City Council has prepared a list of the appointments.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Independence that it approves the appointments and positions within the City as noted on the schedule attached hereto for 2022.

This resolution was adopted by the City Council of the City of Independence on this 4th day of January 2022, by a vote of _____ ayes and _____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



Elected and Appointed Officials Terms

City Council: (4-year term)

Mayor Marvin Johnson:	term - Jan. 1, 2020 - Dec. 31, 2023	(Began 1980)
Lynn Betts:	term - Jan. 1, 2022 - Dec. 31, 2025	(Began 2001)
Brad Spencer:	term - Jan. 1, 2022 - Dec. 31, 2025	(Began 2009)
Ray McCoy:	term - Jan. 1, 2020 - Dec. 31, 2023	(Began 2016)
Steve Grotting:	term - Jan. 1, 2020 - Dec. 31, 2023	(Began 2016)

Planning Commission: (3-year term)

Robert Gardner:	term - Jan. 1, 2019 - Dec. 31, 2024	(Began 1992)
Tom Palmquist:	term - Jan. 1, 2020 - Dec. 31, 2022	(Began 2014)
Steve Thompson:	term - Jan. 1, 2021 - Dec. 31, 2023	(Began June 2013)
Leith Dumas	term Jan. 1, 2020 - Dec. 31, 2022	(Began 2017)
Anita Volkenant:	term Jan. 1, 2021-Dec. 31, 2023	(Began 2019)
Jon-Paul Story, Alternate		(Began 8/10/2021)
Hal Tearse, Alternate		(Began 8/10/2021)



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0104-02

RESOLUTION APPOINTING PLANNING COMMISSION MEMBERS

WHEREAS, the City of Independence (the City) engages advisory bodies to the City Council in addressing planning needs within the community; and

WHEREAS, the commissioner members serve three (3) year terms at the request of the Council; and

WHEREAS, the following commissioner members are seeking reappointment to a new three- year term.

Robert Gardner, Planning Commissioner

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Independence approves the noted appointments to a new term effective January 1st, 2022.

This resolution was adopted by the City Council of the City of Independence on this 4th day of January 2022, by a vote of ____ayes and____nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence 2022 Fee Schedule Adoption

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: January 04, 2022

Discussion:

The City annually reviews and considers adoption of a fee schedule which establishes fees related to services/permits/review provided by the City. The annual review of the City's fee schedule ensures that the cost of providing various services is commensurate with the services provided. The City has determined that several fees should be amended based on the costs of providing services and or administration of the fees in 2022. It is recommended that the City Council consider maintaining quarterly sewer charges for 2022 after several years of steeper sewer rate increases, the City's anticipated sewer rates are beginning to flatten with more typical increases recommended in the future. The sewer connection fee should be increased by 3% for 2022.

The following fees are proposed to be amended:

1. Quarterly sewer charges are proposed to be amended as follows:
 - a. Quarterly sewer access charge: \$242 (\$242 in 2021)
 - b. Quarterly availability charge: \$242 (\$242 in 2021)
 - c. Sewer Connection Fee: \$5,300 (\$5150 in 2021)

Council Recommendation:

City Council is asked to consider approval of **RESOLUTION NO. 22-0104-03** adopting the 2022 fee schedule.

Attachments: Proposed Fee Schedule 2022
RESOLUTION NO. 22-0104-03

LIQUOR LICENSES

Wine, on sale	\$ 600
On-sale intoxicating	\$5500
Off-sale intoxicating	\$ 240
Sunday On-sale	\$ 200
Beer Off-sale	\$ 50
Beer On-sale	\$ 500
Setup	\$ 500
Investigation fee	\$ 500
Temporary liquor (1-4 days)	\$ 100/day

DOG LICENSES (#)

Lifetime License	\$ 20
Replacement tag	\$ 2
Dangerous Dog annual fee	\$ 500
Dog Impound Fee 1 st Violation	\$ 35
2 nd Violation	\$ 70
3 rd Violation	\$ 105

SERVICE FEES (#)

Address Labels	\$ 50
Address List	\$ 30
Copies 8 ½ x 11	\$.25
Copies, Oversize	\$.50
Copies: City Code Book	\$ 60
Copies: Subdivision Ordinance	\$ 15
Copies: Zoning Ordinance	\$ 15
Copies: Shoreland Ordinance	\$ 15
Copies: City Comp. Plan	\$ 40
Copies: Park Comp. Plan	\$ 15
Copies: Audit Book	\$ 45
City Address Map	\$ 8
Zoning Map (color)	\$ 3
Land Use Map (color)	\$ 3
Assessment Search written req.	\$ 25
Flood Zone Search written req.	\$ 25
Ag Preserve Application	\$ 50
Ag Preserve Expiration	\$ 50
NSF Check	\$ 30
Special Council Meeting fee	\$ 250
Election Filing fee	\$ 2

SIGN PERMIT (#)

Temporary (administrative)	\$ 100
Permanent Sign/Site Plan Review	\$ 250
Farm Nameplate Sign Permit	\$ 25

ZONING FEES

Extension	\$ 250
Appeal Admin. Decision	\$ 750
Move Building	\$ 175
Zoning Permit (Sheds, Ag buildings)	\$ 40
Accessory Building Review	\$ 100
Grading Permit + Deposit (100 cu yd or more)	\$ 300+700
Wetland Delineation/Review + deposit.	\$ 300+700
Other (non-defined) Planning/Review:	\$ 250

Staff time in excess of application fees:

Professional per hour	\$ 100
Clerical per hour	\$ 50

Planning Application Type I-Application Fee:
\$1,250/Additional Fee Deposit \$750

- Concept Minor Subdivision, Minor Subdivision (Minor Subdivision (Lot Line Rearrangement, Lot Consolidation, Rural View Lot Subdivision, Lot Split-2 lots or less)
- Rezoning
- Variance (residential)
- Conditional Use Permit (residential)
- Interim Use Permit (residential)
- Right of Way or Easement Vacation
- Simple Concept Plan
- Simple Zoning Text Amendment
- Simple Site Plan Review

Planning Application Type II-Application Fee:
\$1,750/Additional Fee Deposit \$1,500

- Concept Subdivision, Preliminary Plat (3 lots or more) - (plus \$250 per lot)
- Final Plat (plus \$250 per lot)
- Conditional Use Permit (commercial)
- Interim Use Permit (commercial)
- Variance (commercial)
- Comprehensive Plan Amendment
- Complex Concept Plan
- Complex Site Plan Review
- Complex Zoning Text Amendment

After-the-fact fees

double

PARK DEDICATION FEES

\$3500 per lot to 4.99 acres + \$750 per acre over 5 acres.

MISC. PERMIT/REIMBURSEMENT FEES

Fireworks Dealer License	\$ 75
Tower (wireless communication)	\$ 1000
Mailbox Reimbursement	\$ 125

LICENSES (#)

Garbage hauler/per year	\$ 150
Per truck per year	\$ 20
Tobacco	\$ 100
1 st Offense	\$ 75
2 nd Offense	\$ 200
3 rd Offense & over	\$ 250
Solicitation	\$ 100

FLAT FEE BUILDING PERMIT FEES (#)

Mechanical	
Furnace	\$ 100
Air Conditioner	\$ 100
Gas Fireplace	\$ 100
Water Heater	\$ 50
Wood stove/fireplace	\$ 100
Chimney	\$ 100
Fuel tank removal	\$ 100
Lawn Sprinkler	\$ 100
Plumbing remodel	\$ 100
Plumbing new	\$ 100
(\$10 per fixture over five)	
Re-roof	\$ 100
Re-side	\$ 100
Window replacement same size	\$ 100 (1) +
(\$10 each additional opening)	

Flat Fee State Permit Surcharge Add \$ 1
(Example: A/C + Furnace = \$201)

Demolition	\$ 100
Driveway	\$ 100
Right Of Way	\$ 100

All Other Building Permits Based on Value
Electrical Permits (Contact State)

SEPTIC FEES

Private On-site Permit	\$	300
Mound Repair	\$	150
Abandonment of System/Tank	\$	75
Holding Tank with Pumping Agreement	\$	100
First Year	\$	50
Annual	\$	25
Operating Permit Business	\$	175
First Year	\$	175
Annual	\$	75
Mid-Size System	\$	400
(+ \$1,000 escrow)		

*Total New Sewer Connection Fee	\$	7910
- Includes \$ 5300 City Sewer Permit		
- Includes \$ 125 Street to house connect		
- Includes \$ 2485 SAC (MUSA)		

*Property with an existing sewer stub paid for prior to December 31, 2020 will pay \$1250 for the City Sewer Permit Fee.

Quarterly sewer access charge	\$	242
Quarterly availability charge	\$	242
(dwelling not connected to available sewer)		
SAC (MUSA)	\$	2485
Winter septic holding tank escrow*	\$	8000
*Plus Administrative fee	\$	55

OTHER INSPECTION FEES

Investigation/Re-inspection Fee	\$	100/1 st Hr.
	\$	50/Hr.
Fire Damage Inspection	\$	100

COMMUNITY ROOM RENTAL (#)

(maximum 200 guests)

Non-Profit	\$	75
Security /Damage Deposit	\$	650
False Fire Alarm	\$	350
Organizations regular mtgs.	\$	100
Events under 50 – resident	\$	150
Events under 50 – <i>non-resident</i>	\$	250
Events 50 – 100 – resident	\$	200
Events 50 – 100 – <i>non-resident</i>	\$	400
Events 101 – 150 – resident	\$	300
Events 101 – 150 – <i>non-resident</i>	\$	500
Events 151 – 200 – resident	\$	400
Events 151 – 200 – <i>non-resident</i>	\$	750
Funeral – resident	\$	50

Funeral – <i>non-resident</i>	\$	100
Wedding – resident	\$	400
Wedding – <i>non-resident</i>	\$	1000

CONFERENCE ROOM RENTAL (#)

(seats 25 people)

Rent per day	\$	100
with kitchen	\$	150
per hour	\$	35

OVERWEIGHT VEHICLE PERMIT FEES-AT THE DISCRETION OF PUBLIC WORKS SUPERVISOR

Daily Permit (per truck/ day max 7 ton)	\$	100
Single Trip-Seasonal, Home Delivery	\$	250
Commercial Tow Truck (per occurrence)	\$	750
No Permit		DOUBLE FEE
Emergency-Well & Septic (max 7 ton)		NO CHARGE
Resident Annual to/from (max 5 ton)		NO CHARGE

ASSEMBLY PERMIT FEES

Small Assembly Permit (50+ attendees)	\$	25
*Medium Assembly (100+ attendees)	\$	25
*Large Assembly (200+ attendees)	\$	100
*Requires West Hennepin Public Safety Deposit (\$500)		

PARK RENTAL FEES (#)

Commercial, daily - resident	\$	200
Commercial, daily - <i>non-resident</i>	\$	300
Individual, daily - resident	\$	75
Individual, daily – <i>non-resident</i>	\$	150
(Liability Insurance Required)		

FREQUENTLY CALLED NUMBERS

Public Works Sup. Shawn Bode	763-479-0530
City Administrator Mark Kaltsas	763-479-0527
Building Inspector Bruce Satek	763-479-0531
Asst. City Admin. Beth Horner	763-479-0527
Office Assistant Trish Bemmels	763-479-0514
West Hennepin Public Safety	763-479-0500
Burn permits WHPS	763-479-0500
Hennepin County	612-348-3000

CREDIT CARD PAYMENTS ACCEPTED FOR FEES IDENTIFIED WITH THE (#) SYMBOL. THE CITY WILL CHARGE THE LISTED FEE, PLUS APPLICABLE CHARGES FOR PROCESSING THE CREDIT CARD (CURRENTLY 2.75%, PLUS \$0.50 FOR ANY TRANSACTION LESS THAN \$100).

FEE SCHEDULE

Effective September 1, 2003

Updated January 4, 2022



1920 COUNTY ROAD 90
INDEPENDENCE MN 55359

PHONE: 763-479-0527

FAX: 763-479-0528

Website: <https://ci.independence.mn.us>

ALL FEES ARE NON-REFUNDABLE.
Fees are Subject to change



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0104-03

**A RESOLUTION APPROVING AN UPDATE TO THE
CITY'S FEE SCHEDULE**

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

WHEREAS, the City has adopted a Fee Schedule to set forth fees for certain services provided by the City; and

WHEREAS, the Fee Schedule is referred to in the City's Code of Ordinances and determined to be necessary to ensure that the City is reimbursed for the cost of providing the services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF INDEPENDENCE, MINNESOTA:

1. The Fee Schedule attached hereto as **Exhibit A** is hereby adopted.

This resolution was adopted by the City Council of the City of Independence on this 4th day of January 2022, by a vote of _____ ayes and _____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

Exhibit A
(Fee Schedule)

City of Independence

Consideration of Zoning Ordinance Amendments for Subdivisions (Cluster Developments and Rural Residential Developments)

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: January 4, 2022

Request:

Subdivision Standards – Rural Residential Cluster Development Standards

- Consider an amendment to Section 530.05 Rural Residential District established., Subd. 3. Density and Section 530.05 Rural Residential District established., Subd. 4. Cluster development conditional use permit.

The amendment will consider clarifying the table for determining density calculations as well as the way that open space is calculated for cluster developments.

Following consideration and discussion relating to several recent subdivisions, City Council directed the Planning Commission to review and consider possible changes to a few key standards. The Planning Commission reviewed the ordinances and discussed possible amendments over the course of 2 meetings and 1 public hearing. The following proposed language changes are presented for further consideration:

1. **Section 530.05 Rural Residential District established., Subd. 4. Cluster development conditional use permit:** The current Cluster Development standard requires two calculations to be made to determine overall density of a development. 50% of the “development” must be preserved as open space and 50% of the open space preserved open space must be useable. The ordinance does not fully detail how the initial 50% of the “development” should be calculated. Planning Commission recommended that the City consider clarifying that the calculation be taken with the exception of State, County and Existing City right of way. New streets that would be required to serve the proposed lots would not be excluded from the calculation.
 - a. In addition to the density calculation, Planning Commissioners discussed the minimum lot width for lots developed under the cluster development provisions. Commissioners recommended a minimum of 150 feet.
 - b. One additional point of clarification has been brought to the City’s attention and pertains to the provision in the ordinance designating steep slopes. The cluster development standards (b, 6.) designates slopes in excess of 10% as “steep”. The City defines steep slopes in the Shoreland Overlay section of the ordinance (505.05, subd. 33) as slopes having an average of 12% or greater. Planning Commissioners recommended removing the slope limitations altogether in the ordinance.

2. **Section 530.05 Rural Residential District established., Subd. 3. Density:** Similar to the issue noted above, the City has been asked to consider changes to the current density table. The City has had a density table that equates a range of acreage to a prescribed number of potential lots that can be realized on a property. The table goes up to 47.5 acres at which point you get one additional lot for each 5 acres of property. The question raised challenges the method for calculating the additional units if there is more acreage than 47.5 acres. The Planning Commission recommended keeping the density “bonus” and then going to a straight calculation for each additional 5 acres of property.
- a. **Ownership of the Outlots created within a development.** There has been questions and discussion historically about the ownership, allowable use and maintenance of the Outlots and open space created in cluster developments. Commissioners recommended that the City enter into an agreement with the developer designating the City’s ability to assess the property owners in the development for maintenance of the Outlot should the HOA not maintain them to an acceptable level. The current ordinance language has been amended to clarify this point.

Cluster Developments:

Subd. 6. Cluster development conditional use permit. Cluster development is a conditional use in the rural residential district, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this code.

- (a) **Purpose.** *The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:*
- (1) *Protect natural features in common open space.*
 - (2) *Improve the arrangement of structures, facilities and amenities on a site.*
 - (3) *Preserve the rural character of the community.*
- (b) **Criteria.** *A cluster development is a residential development in which a number of single-family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.*
- (1) *The development parcel must be 40 or more acres in size;*
 - (2) *A minimum of 50% of the gross acreage of the subject property, excluding right of way dedicated for State, County and Existing City Roads, development must be preserved as open space, recreational space or agricultural use;*
 - (3) *A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;*

- (4) *Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;*
- (5) *The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;*
- (6) *Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, ~~slopes in excess of 10%~~ or other physical impediments;*
- (7) *Lots within the development must have a minimum of 150 feet of frontage on a on an improved public road or street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.*

RENUMBER REMAINING

- (8) *Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;*
- (9) *The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members and memorialized in an agreement with the City;*
- (10) *All utilities must be placed underground;*
- (11) *All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;*
- (12) *A development agreement must be entered into with the city.*

Rural Residential Developments:

530.07. Physical standards.

Subd. 1. Construction. All construction in the Rural Residential District must meet the following physical standards:

- (a) Minimum lot area (Added, Ord. No. 2010-01):^a 2.50 acres buildable land.
- (b) Minimum lot frontage on an improved public road or street:

Lot Area	Minimum Frontage
2.50—3.49 acres	^b 200 feet
3.50—4.99 acres	^b 250 feet
5.00—10.00 acres	^b 300 feet

^a A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, ~~slopes in excess of ten percent~~ or other physical impediments.

SUBD. 2 Remains

Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)

A maximum of one (1) lot is permitted for each lot of record up to 7.59 acres. For lots of record with a minimum acreage of 7.6, one (1) additional lot shall be permitted for every five acres. The following table is illustrative of the allowed number of lots.

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.59 acres or less	One
7.6 through 12.59 acres	Two, <u>plus one for each additional five acres</u>

Planning Commission Consideration/Action:

Staff is seeking direction and a recommendation from the Planning Commission relating to the proposed ordinance amendments. Should the amendments be recommended for approval to the City Council, staff will prepare the requisite ordinances.

ORDINANCE NO. 2022-01

**CITY OF INDEPENDENCE
COUNTY OF HENNEPIN**

STATE OF MINNESOTA

**AMENDING SECTION 530 OF THE INDEPENDENCE CITY CODE
RELATING TO RURAL RESIDENTIAL SUBDIVISION STANDARDS**

**THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY,
MINNESOTA, ORDAINS:**

SECTION 1. The Independence City Code, Chapter IV, Section 530 is revised to include the following (additions shown in **bold/underline**, deletions as ~~striketrough~~):

530.07. Physical standards.

Subd. 1. Construction. All construction in the Rural Residential District must meet the following physical standards:

- (a) Minimum lot area (Added, Ord. No. 2010-01):^a 2.50 acres buildable land.
- (b) Minimum lot frontage on an improved public road or street:

Lot Area	Minimum Frontage
2.50—3.49 acres	^b 200 feet
3.50—4.99 acres	^b 250 feet
5.00—10.00 acres	^b 300 feet

^a A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, ~~slopes in excess of ten percent~~ or other physical impediments.

SUBD. 2 Remains

Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)

A maximum of one (1) lot is permitted for each lot of record up to 7.59 acres. For lots of record with a minimum acreage of 7.6, one (1) additional lot shall be permitted for every five acres. The following table is illustrative of the allowed number of lots.

Area of Lot

Maximum Number

of Record

7.59 acres or less

7.6 through 12.59 acres

of Lots Permitted

One

Two, **plus one for each additional five acres**

Subd. 4. Cluster development conditional use permit. Cluster development is a conditional use in the rural residential district, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this code.

(a) *Purpose.* The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:

- (1) Protect natural features in common open space.
- (2) Improve the arrangement of structures, facilities and amenities on a site.
- (3) Preserve the rural character of the community.

(b) *Criteria.* A cluster development is a residential development in which a number of single-family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.

- (1) The development parcel must be 40 or more acres in size;
- (2) A minimum of 50% of the gross acreage of the subject property, **excluding right of way dedicated for State, County and Existing City Roads, development** must be preserved as open space, recreational space or agricultural use;
- (3) A minimum of 50% of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100 year flood plain elevation are not considered to be useable for the purpose of this subsection;
- (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;
- (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location; provided, that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;
- (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, ~~slopes in excess of 10%~~ or other physical impediments;

- (7) **Lots within the development must have a minimum of 150 feet of frontage on a on an improved public road or street, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage.**

*****RENUMBER REMAINING*****

- (8) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;
- (9) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members **and memorialized in an agreement with the City;**
- (10) All utilities must be placed underground;
- (11) All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;
- (12) A development agreement must be entered into with the city.

SECTION 2. This ordinance shall be in force and effect after enactment and publication as required by law.

Adopted this 4th day of January 2022, by the Independence City Council.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator