



CITY COUNCIL MEETING AGENDA
TUESDAY APRIL 19, 2022

******PLEASE NOTE******

5:30 PM: RECONVENE OF LOCAL BOARD OF APPEALS AND EQUALIZATION MEETING

1. Call to Order
2. Hennepin County Assessor Mel Potter: Present Local Board of Appeals and Equalization Information.
3. Adjourn.

CITY COUNCIL MEETING TIME: IMMEDIATELY FOLLOWING BOARD OF APPEALS MEETING WHICH STARTS AT 5:30 PM.

4. Call to Order
5. Pledge of Allegiance
6. Roll Call

7. ****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 April 5, 2022, Regular City Council Meeting.
 - b. Approval of City Council Minutes from the April 5, 2022, Board (LBAE) City Council Meeting.
 - c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21165-21191)
 - d. Temporary Gambling Permit for Orono Baseball Association.
 - e. Approval of Final Pay Applications #15 and #16 by Rochon Corporation for City Hall Improvements.
8. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
 9. Reports of Boards and Committees by Council and Staff.

10. West Hennepin Public Safety – Director Gary Kroells: Presentation of the March 2022 Activity Report.
11. Tom Koch (Applicant/Owner) is requesting that the City consider the following action for the property generally located at 5865 Koch’s Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:
 - a. **RESOLUTION 22-0419-01:** Considering approval of a conditional use permit to allow a cluster development and approval of a Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.
12. Discuss possible meeting dates for Alternate Planning Commissioner interviews to replace vacant alternate commissioner position.
13. Open/Misc.
14. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY APRIL 5, 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 8:00 p.m. (running late due to LBAE meeting)

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, Attorney Bob Vose

VISITORS: See Full Sign-In Sheet

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 March 15, 2022, Regular City Council Meeting.
- b. Approval of City Council Minutes from the March 15, 2022, Pre-Board LBAE City Council Meeting.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 21118-21121 and Batch # 2; Checks Numbered 21122-21164).
- d. Agriculture Preserve Renewal Application for the Following Property:
 - i. PID No's. 31-118-24-41-0003, 31-118-24-41-0004 (Requested by Anne Leck)
- e. Approval and Award of Annual Dust Control and Gravel Contracts.
- f. 1st Quarter Building Permit Summary (for information only).

Motion by Spencer, second by Betts 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:

- Workshop
- Planning
- LBAE
- Visited the Timm Sawmill property

Spencer attended the following meetings:

- Workshop
- Planning
- LBAE

McCoy attended the following meetings:

- Workshop
- Planning
- LBAE

Betts attended the following meetings:

- Workshop
- LBAE
- Planning

Johnson attended the following meetings:

- Auditor
- Energy Environment Committee ULI (virtual)
- Mayor of MP and Kroells met with County Sheriff candidate
- Orono Healthy Youth (virtual)
- Theater Event at Delano High School
- Farm Bureau Celebrating State Ag in Eden Prairie
- Senior Community Services Board Meeting (virtual)
- Congressman Phillips at Orono High School
- Workshop
- LBAE
- Planning

Horner attended the following meetings:

- Workshop
- LBAE
- Planning

Kaltsas attended the following meetings:

- Highway 12
- Mediacom

- Workshop
- LBAE
- Planning

Kaltsas confirmed that the detour will begin on Hwy 12 on April 18th.

7. Hennepin County Commissioner Kevin Anderson: Annual Visit/County Updates.

Hennepin County Commissioner, Kevin Anderson explained that they set their tax levy at 3.5% increase. He made a motion to keep it at 2.5% but it failed. He stated that he did pass 2 different changes to the County budget. The first is to evaluate how public works evaluates road projects and how that changes the budgets. The other being adding a veteran's memorial on Hennepin County property. He has been working with the MN Association for Veterans for purchasing forfeited properties in HC. They authorized a sale of 4 properties to offer affordable housing for Veterans and bringing light to Veterans' issues. The ARP funding is another area that he is directing a lot of time on. The County allocated \$250 million to work on economic recovery, homelessness, broadband expansion, violence prevention and mental health issues. He is advocating for the needs of HC. They finalized an agreement to help pay for broadband expansion. They allocated \$10 million to help pay for broadband expansion in HC. It is a necessity for our lives. Where it doesn't exist, cities are stepping up to find companies that can help offer this to their residents. Another major area they are focusing on is mental health and expanding services to make sure emergency services are available. This is increasingly needed to get ahead of the curve coming out of the pandemic to team with local police departments.

Johnson asked if social services going to be available 24/7. The 24/7 service is the 1800 Chicago is the emergency location. They want to make sure they are building the foundation to keep this going for years to come. They are looking for ways to make this available and working with neighborhoods for a cost-sharing option. Anderson said he is always available to take phone calls. Spencer asked how the coffee with the commissioner is going. Anderson said it is slow, but he is working on this and to continue it with getting the word out ahead of time. Johnson said he met with Kevin for coffee. Anderson said they are transitioning back into the office within the next 3 months. Not everyone will go back full-time. They will utilize a hybrid model.

8. Doug Campbell and Colleen Klaers (Applicants/Owners) request that the City consider the following actions for the property located at 4390 Woodhill Drive and property associated with the home on 4364 S Lake Sarah Drive (PID No.s 01-118-24-32-0015 and 02-118-24-41-0001) in Independence, MN:

- ORDINANCE 2022-03:** Considering rezoning of the portion of property being added to 4390 Woodhill Dr. from AG-Agriculture to RR-Rural Residential.
- RESOLUTION 22-0405-01:** Considering approval of a minor subdivision to allow a lot line rearrangement which would take approximately .60 acres from the property associated with 4364 S Lake Sarah Drive and combine it to the 4390 Woodhill Drive property.

Kaltsas explained the request for minor subdivision for lot line rearrangement. This would need to re-zone the 0.06-acre vacant piece. The ROW for Woodhill Dr is stubbed into the adjacent property when the Woodhill development was done. We ask for the applicant to provide a 66' ROW to be maintained going to the North of that property.

Motion by Spencer, second by McCoy to approve ORDINANCE 2022-03 re-zoning from Ag to RR. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by McCoy, second by Betts to approve RESOLUTION 22-0405-01. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.

9. Kelly Brouwer (Applicant) requests that the City consider a relocation permit to bring in an existing home on the newly created 20-acre portion of the property generally located near 1730 County Line Rd SE (PID No. 19-118-24-34-0002) in Independence, MN.

Kaltsas explained that this is a request to relocate a home from outside the City to County Line Road. The building inspector inspected the home and the full site plan. They provided locations on the survey for the primary and secondary on-site septic sites. The relocation permit was approved by the Planning Commission. Vose said that there are many recommendations to make to make sure this is done safely. Johnson said there is a map of the route they are taking to move the home. Grotting said this used to happen quite a bit and doesn't happen very often anymore. He asked if there are changes to this ordinance. Kaltsas said the home will fit and meet applicable setbacks. This is a large lot and there are a lot of options on getting to the site. Johnson said usually the biggest complaint is that if there was an old home brought into a new home development. The building inspector evaluated everything and PC approved. Spencer asked if there are any special railroad challenges in this route. Kaltsas said that this is just a permit. Johnson said who ever the mover is, they would pull all applicable permits with the railroads, etc.

Motion by Spencer, second by Grotting to approve the relocation permit. Ayes: Johnson, Spencer, Grotting, McCoy and Betts. Nays: None. Absent: None. Abstain None. MOTION DECLARED CARRIED.

10. Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- c. **ORDINANCE 2022-04:** Considering rezoning of the subject property from AG-Agriculture to RR-Rural Residential.
- d. **RESOLUTION 22-0405-02:** Considering approval of a conditional use permit to allow a cluster development and approval of a Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Council Member Grotting Recused himself from this topic

Kaltsas said this is a consideration for a 33-lot cluster development. We would need to rezone the property from Ag to RR. The applicant is asking Council to look at a cluster development and approve preliminary

plat. There are 6 different parcels. The property touches Brei Kessel Road on the South side of the property. There are ponds and wetlands in this area as well. Overall, 141 acres in size. There was a concept plan in the early Fall 2021. The Comp plans show this is zoned as RR. The reason for re-zoning is to increase density. The city has permitted standards with minimum lot size and setbacks. They meet these requirements with their plan which allows for some relief of cluster development in exchange for the preservation of open space. The cluster standards have been in place for over 20 years. There was a need and benefit for adopting a cluster development standard. It is to preserve the rural character of the community. The requirements are that there is 50% open space within development to be left in common ownership outlot. Also 50% of that 50% must be usable open space (not wetlands, ponds, etc.). With these calculations there is about 35 acres that need to be usable and 70 acres as overall open space. Applicant is giving 40 acres as usable space. In exchange for this preservation, the city allows for an increase in density and smaller lots.

In the straight zoning, the property would yield 27 lots, but because of the preservation of a larger open space, the city has allowed 33 lots on this property that could meet these standards. Johnson asked if it could have been 36 lots. Kaltsas said the cluster development does not have an exact number. There is a minimum of 1.5 acres for lot size and we adopted 150' lot width standard on a public road. The 27 lots permitted would have to meet all the standards. The city broke down the detailed review and looked at the grading, drainage, stormwater and public improvement, infrastructure, road standards and type of pipe used under the roads. The prelim plat generates comments before the final plat application. Tonight, we are considering a preliminary plat. We need to look at any fatal flaws that would alter this plan. Planning Commission had thorough discussion and proposed a couple points.

The alignment of Koch's Crossing. County Road 90 causes sight line restrictions but could be re-aligned to the North to make it a better intersection. Hennepin County has made comments that the applicants need to address. The old Kochs crossing would need to be vacated after the re-alignment. They would then reconstruct a road going from the North to South called William Way and this would give access to 26 lots. Those lots have the minimum frontage requirement of 150' and a lot width/lot depth of 1:4. William Way extends to the South close to Brei Kessel. Brei Kessel was to be a temp cul-de-sac and to be put through in the future when this development was to be built. The cul-de-sac is not built to permanent standards. Williams Way is a dead-end road. Planning Commission had asked for information relating to surrounding community standards as it relates to dead end roads. The policy of the City and current ordinances say that roads be extended through. PC recommended to provide for the connection of Brei Kessel to William Way. The applicant provided an exhibit since then that would provide a 66' ROW that would allow for the extension of that road at some point. PC commented on emergency vehicle access, pedestrian walking train, but not necessarily vehicle through street. PC recommended that the applicant or the city require that the Brei Kessel cul-de-sac be brought up to standards as a permanent cul-de-sac and ROW. The applicant only controls a portion of that. PC also talked about the extension of roads anywhere else in this development, not just to Brei Kessel. There may be an impact of other properties if they were developed. There were some wetland buffer areas and rim easement that comes into some properties, these lots are not buildable so it would be excluded from the 1.5 acres minimum buildable lots. Johnson asked how many lots does this effect. Kaltsas said it is about 6 or 7 lots and just a small amount of the lots.

Kaltsas explained that the subdivision is subject to the city's park dedication requirements. There isn't additional request for the dedication of public open space on this development. The applicant is asking that the 6 existing lots reduce the number of park dedications. There is a small 1-acre lot. It went from 33 to 27. Johnson asked if the 1-acre lot is where the building site was. He asked where the 50% usable space. Kaltsas said it is comprised of a series of outlots. We take out the wetland area and calculate the upland areas. It is a linked system of upland areas and open spaces. Betts said this has a lot of trees. This is good for wildlife. Johnson said that's what the other 50% is for. Johnson said there should be more clarification in the ordinance

on what the usable space means.

The Ordinance 2022-04 is to rezone from AG to RR on this property. Bob Vose said that the second of the two actions is to approve the preliminary plat, there are quite a few proposed conditions. The 6th recommendation is that the applicant must submit the final plat within 90 days and Vose requested to add that applicant must submit title work on this as well. Also, assuming the council agrees to connect to the South. This is encompassed to 2e development agreement. The development agreement would address roads and public improvements. That is where you would say that the cul-de-sac on William Way may be temporary and could eventually go through to the South. McCoy said he would like to see a trail connecting those two cul-de-sacs. It is very appropriate for that area. He would also be in favor of waiving the 6 park dedication fees. Spencer said we need to be clearer with 26 homes on a dead-end road. The PC recommendation was that the connection be made so that the neighborhoods could be used in emergency situations. A connection should be made to support a vehicle. It may involve a culvert, gate, etc. or do we need to do more work on this. If Brei Kessel will become a cul-de-sac, the property from the end lot would have to be acquired for ROW since it doesn't meet city road standards. He asked if the ROW easement available from the property to the West and at what cost to the City. He asked who will pay for this and if we have found logistics out about this. The PC idea of connecting the two cul-de-sacs with a trail is better than nothing but it needs to be brought to standards.

Kaltsas said that PC wanted to see the connection. The detail was to come back to council and it hasn't been addressed yet. We can work on the details. This could become part of the record. Spencer said the other subject about a ROW to connect the east of block 10 with an outlet to County Road 90. He asked if this was discussed at all. Kaltsas said we could reserve the ROW. Given the high ground, there could be an East-West connection. Spencer said Bolton Menk recommends we connect Brei Kessel and William Way. Betts said that it would be nice to have a connection as far as a trail goes for emergency vehicles. When Brei Kessel was put in as a temporary cul-de-sac, that was 20 years ago, and things change over time. She said she would be much more comfortable with the two cul-de-sacs so the communities can be connected through a trail. The added traffic is a problem. Personally, she would not want this to connect. Spencer said sometimes when you do developments that happen in long periods of time, you need to make provisions along the way. He had a foresight of the road in the future. When the PC reviewed this 26 years ago, this was supposed to be the plan. The council needs to look at it as what is the right thing to do for the community. The cul-de-sacs are a bad idea. Johnson said we need to do our due diligence as a city. We need to put signage up immediately if something is to change in the future. We had a road on the N side of Lake Sarah was supposed to have a road go through but then years later it happened. Vose asked if there is a public ROW that adjoins this development. Johnson said yes. Vose said that the city has ROW, this can be addressed in a development agreement. He asked if Kaltsas wants to require now for a provision for a road to go through or not. Now is the time. We are in position to require delivery of a road through. It's up to the city to do. McCoy said if the developer came in originally and said they want to connect to Brei Kessel, we couldn't turn them down because that was the original agreement. As far as the emergency road for fire trucks could never get them through. That is the dividing line between fire departments. There is no hydrants there so water would have to be hauled. There is a 9-ton road standard for development. The roads need to be well designed. He said do not do a gated fire access because it is a lot of wasted time and energy. Johnson said that if you had something that was wide enough for cars to go through, people will use this illegally. HE would like to see a hiking path. He wouldn't approve this without ROW to properties for future connection. Spencer said this wouldn't happen in the future. There should be an exit to the West for future development. Planning Commission recommended that these two need to be connected. If Brei Kessel needs to be brought up to standards, then we need to do that and assess the property owners. Kaltsas asked if the council recommends that Brei Kessel be brought up to a standard it would need to be a separate process, needing a 429 feasibility. There was a temporary easement provided for. Unless we make it a permanent cul-de-sac we should not be using it. This would be a separate

direction and bring it back as an action item.

Motion by Spencer, second by Betts to approve the ORDINANCE 2022-04 to rezone the property from AG to RR. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

Betts said she would move Resolution 22-0405-02 with stipulation that Bob Vose mentioned. Kaltsas said that would be the added language about the DA and title work. Vose said Condition 6 would include that the requirement that title work be provided. There also should be clarification on the connection between the two be provided. Betts said that she would clarify that there be two separate cul-de-sacs with an easement such as a trail. Kaltsas said that if council is recommending a trail, then staff would work with the applicant to establish the kind of trail. Maybe a paved trail. There would be a culvert to connect the two communities. Kaltsas said this would be back at final plat to review the solution that we come up with. Vose said this is the most authority to make changes. Johnson asked about dedication of property to the West. Kaltsas said that then the prelim plat be revised with 66' of ROW west to William Way. Kaltsas said the property to the East is the Selstad property that is very limited. The city could include the ROW to the West to be included in the motion.

Vose said the safest approach is to direct staff to amend the resolution and bring it back for a vote. It is a good idea to table this and bring it back to the next meeting. McCoy asked if the amended resolution would reflect the Council's input. Kaltsas said yes.

Motion by Betts, second by McCoy to approve to table the RESOLUTION 22-0405-02 and bring it back to the April 19 meeting. Ayes: Johnson, McCoy, and Betts. Nays: Spencer. Absent: None. Abstain. Grotting. MOTION DECLARED CARRIED.

Spencer said we should examine Brei Kessel to bring this up to standards with exact cost, what it would entail, if we can get the property and who is paying for this.

Council member Grotting rejoined the Council

10. Open/Misc.

Marty Chelstrom said that the goal line keeps moving. How is Brei Kessel pushing through going to make emergency better. He sees no gain in punching through. There have been 2 fires in my 20 years and access wasn't a factor. We had a unanimous Providence approval. He said he hopes there was a higher order. No one wants this to happen. They have been proactive about bringing the road to the West. Spencer said that the number one item on the engineer said to connect the road. Ordinances in all cities discourage cul-de-sacs. They are not a good idea from a planning perspective. His job is to do what is right for the city. Chelstrom said he has a neighborhood that they are seeking to destroy. Vose said that this point was made through to PC, this is a public record. There will be other opportunities for comments, but this is not a public hearing.

11. Adjourn.

Mayor Johnson declared the meeting adjourned at 8:57 p.m.

Respectfully Submitted,
Amber Simon / Recording Secretary

DRAFT



BOARD OF REVIEW AND APPEAL- MINUTES
TUESDAY, APRIL 5, 2022
6:00 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a pre-appeal meeting of the Independence City Council/ Board of Review was called to order by Mayor Johnson at 6:00 p.m. in the City Hall Chambers.

2. ROLL CALL

PRESENT: Mayor Johnson, and Councilors Betts, Grotting, McCoy and Spencer
ABSENT: None
STAFF: City Administrative Assistant Horner, City Administrator Kaltsas
VISITORS: Hennepin County Assessor Mel Potter and Mitch King from Hennepin County, Ray Caruso, Pam and Gary Ballhagen, Tammy Wenz, Mark Perman, John Engel, Ruth Clark, Robert Eibensteiner and many more visitors that did not sign-in or speak

Johnson explained that this is an annual event. This is the first step and if someone wants to appeal their evaluation you need to come before the Council and regardless of what our decision is, you can still appeal with the HC LBAE. We need to have at least 2 council members that have gone through training for the LBAE and we have 4 members that have gone through this training this year. Johnson mentioned that the average home value increase in Independence was 19.2%. Hennepin County valuation increases were all over the place. Saint Louis Park and Saint Anthony did not see the increases as large as other cities.

Mel Potter is with the Hennepin County Assessors office. She is one of the residential principal appraisers with Mitch King to help Mel Potter gather information from the meeting tonight. The increase of 19% in residential areas in Independence is very typical in the Western side. Suburban Hennepin was up overall 18%. They looked at the sales from October 2020 through September 2021 to come up with the assessed value for January 2022. There were values all over the place with the sales. Wright County was up about 19% and Carver County was up 20%.

Johnson asked for the residents to make the comments short, and we won't make any votes or changes until everyone is heard.

Ray Caruso at 3560 County Rd 90, said that he has 3 properties and 2 of them only increased by 18% but his primary residence increased by \$251,000. He stated that he has to pay more to stay in his home and shouldn't be assessed until the sale. He said he also has empty land that went up 18% also. Johnson said after the 2008 market fall it took about 10-11 years to catch up to those values. Mel Potter said in the State of MN the property taxes is based on market value and that is a state statute. The value and what will happen to the taxes is yet to be determined. She doesn't know what the impact will be yet. Johnson said that is our responsibility come Fall and if we leave the tax rates the same then there will be a major increase in taxes for people and we have to be extremely careful in our budgeting. Spencer said that is kind of a misconception because one of the things the city does is levy a dollar amount against your taxable market value. In cases like this where the entire community goes up, unless the levy increases by the same amount, your taxes should not climb by that amount as well.

Ballhagen's at 6030 Drake Drive said they have lived there 27 years and have never been to a meeting. Pam wanted to compliment Mel for helping the residents out. Their property went up about 30% and was able to help take it down somewhat after providing pictures. Her main concern with a levy, if it goes up, why can't we spend some of that money on parks or activities for our children or grandchildren. There isn't a community here, it's a bedroom town. Pam said the board does not need to look at their property.

Tammy Wenz said we talked to Mel this afternoon so they will be working together. She said 3 of her properties went up more than 19.2%. Mel said that was just the average and it all comes down to what the property would sell for. Tammy said she agrees with Caruso, in selling real estate, a house isn't worth anything until someone agrees to pay that. In her neighborhood, nobody sold a home in over 20 years so we have no idea what it would sell for. Johnson asked if Tammy wishes to have a conversation with Mel. Tammy said yes. Johnson said if Mel hasn't looked at it so she would have to look at it first. Mel said there are 4 properties of Tammy that we will be addressing.

Mark Perhman on Becker Road. He is coming at this at a different angle. He said he is concerned with what happens next year when there are no sales and are stagnant for a year. Mel said we have already had some sales for the year. She looks at sales throughout the county market. He said if there are no transactions, how do you find your valuation. Mel said everything they do is based on sales and comps. Mel said they are within 90-105% of the sales price. Grotting said if residents don't agree with that and they think the assessor should stay off the retail price, is that something a complaint should happen tonight. Mel said that's a state law. Where do people go if people do not agree with being in 95% of the retail sales. Pehrman said he wants to make sure there is something in place that adjusts with the changes.

John Engel at 3670 County Road 90 said he talked with Mel on the phone, and they went through the process of taking photos. He originally saw an increase of 20.35% and she came back to about a 13.35% because of some deferred maintenance on the property. He said he agrees with this, but he is with everyone else tonight and that the increase in general is very large. We are going on a peak in the market right now. Around his property the Koch property is going to be taking place and million-dollar homes will be built around him. He said he will be the poor guy in the neighborhood when these homes are built. He has 5.7 acres which includes

trees. He said that land has no value to him, and he can't make any money off of what he has like someone with more usable land could.

Ruth Clark at 2365 Nelson Road said she is going to meet with Mel at a future date.

Robert Eibensteiner at 5270 Saddleridge Trail said he will work with Mel.

Marty Chelstrom at 3150 Brei Kessel Road said he would like to have a conversation with Mel due to his 22% increase.

Jim Busch lives at 5010 Fern Dr. said his property valuation went up 32% with no improvements and only a 2-bedroom home. With the large surplus he would like some help. Mel said we have spoken. The current value is \$229,000 on a 1-acre lot. What she was looking at, there was nothing in Independence. Outside of Independence in Greenfield was an older home sold in Jan 2021 that sold for \$190k with very few updates. It is now pending at \$345k. Mel said this best represented the property. Betts said there is a home on Moline Rd that is probably comparable to his, it is a brick home.

Tom Young lives at 2575 Nelson Road thanked the Council, Mayor and Mel for their work. His property was around 25% increase and Mel lowered the rate. He has a nonconforming business in his neighborhood that is a problem for him to fully enjoy the use of his property. There is a tree care business at 2515 Nelson Road. The impact is the noise at Steven Melco's property. The smell is year-round. The ordinance enforcement is not happening. He would like this looked at by the City and County for taxes and ordinance violations.

Doug Campbell at 4390 Woodhill Dr would like to talk with Mel.

John Reuter at 6275 Main Street said his property increased more than 30% based on comps. He asked if he would have access to those comps. Mel said he will have access to those, and they are offering virtual or in-person. She said he wanted to do this virtually. He said he lives on the worst road in the city. There's going to be a development put behind my house which is only going to decrease my property value. He looks out and sees woods, trees and farmland and now he will see houses.

Aaron Ratfield at 1915 Baker Park Road said he has spoke with Mel on the phone. His property went up over 38%. He paid a lot of money for the property and now paying a lot more for taxes. Mel said they can vote on this tonight. The value was valued at \$539k it increased to \$747k and was purchased for \$900k in the Fall 2021. Spencer confirmed that he paid \$900k for the home but is attesting that the valuation was at \$747k. Aaron said yes. It's a crazy real estate market. Spencer said if it was worth \$900k for Aaron than it must be worth \$900k or he's paying way too much money for a piece of property.

Mel said people can still call and be entered into the re-convene. It will depend on Mel's availability and if she can get to the properties.

3670 County Road 90 Owner John Engel, Mel's recommendation is to reduce the value from \$550k to \$518k.

Motion by Betts, second by Grotting to approve re-evaluation of 3670 County Road 90 per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting and Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

5010 Fern Dr, owner Jim Busch, Mel is suggesting no change. The value went from \$182k to \$229k. McCoy said that is too high. Betts said that is still low compared to others in the city and to a very comparable property that is much higher than this one. McCoy said it going up 32% seems high for a manufactured home vs a brick home. Spencer said about \$217k for 19% over the original \$182k. Busch agreed to \$217k.

Motion by Betts, second by Grotting to approve re-evaluation of 5010 Fern Dr to \$217k per Council recommendation. Ayes: Johnson, Betts, Grotting and Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

2575 Nelson Road, owner Tom Young, Mel recommended that the value be reduced from \$355k to \$342k.

Motion by Grotting, second by Betts to approve re-evaluation of 2575 Nelson Road per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting and Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

1915 Baker Park Road, owner Aaron Ratfield, Mel recommends no change to her assessed value at \$747k.

Motion by Spencer, second by Johnson to approve assessed value of 1915 Baker Park Road at \$747k per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting and Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

The following properties have been reviewed, given recommendations and the owners have agreed to the values of:

3330 Lake Sarah Rd – Mel reviewed the classification. It was RR and she recommends that the board take it to AG plat. They would be over 11 acres without the road. There is horse boarding at the property and that classifies as AG.

5175 Fern Dr, reduce value from \$560k to \$529k
4749 Lake Sarah Dr S, reduce value from \$675k to \$655k
5080 S Lakeshore Dr, reduce value from \$932k to \$885k
9295 Pagenkopf Rd, reduce value from \$291k to \$275k
5450 Timber Trail, reduce value from \$842k to \$818k
10 Ingerson Rd N, reduce value from \$449k to \$405k
872 County Rd 92 N, reduce value from \$388k to \$350k

4987 County Rd 6, reduce value from \$502k to \$403k
7225 Us Hwy 12, reduce value from \$339k to \$306k
2223 Nelson Rd, reduce value from \$706k to \$677k
6000 Providence Curve, reduce value from \$921k to \$823k
End of her recommendations

Motion by Betts, second by McCoy to approve the valuations listed above per Melissa Potter's recommendation. Ayes: Johnson, Betts, Grotting and Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

Mel said she has 4 other properties that she has reached out to the owners with the new evaluations and the owners have not reached back out to her. Mel asked if she wants them read in and vote on them and if they don't agree they can come to the April 19th meeting or if council wants to wait on these until they get back to her. Johnson said he would rather wait until they get back to her.

The following addresses are next for re-convene and haven't heard back from:

4015 Woodhill Dr
6516 Meadowridge Rd
2225 Co Rd 90
7950 Egret

The following addresses have appointments scheduled or Mel has not had time to get to yet:

3411 Brei Kessel
235 Game Farm Rd N
2376 Nelson Rd
8386 Pioneer Creek Rd
971 County Rd 19
3657 County Rd 90
6250 US Hwy 12
25 Timber Island Trail

The following addresses Mel will be in contact with:

3560 County Rd 90
5270 Saddle Ridge
3150 Brei Kessel
4390 Woodhill Dr
6275 Main St
The 4 properties owned by Tammy Wenz
2365 Nelson Rd
6064 Drake Dr

Those who had met with Mel Potter and agreed to changes prior to 10 days before this council meeting, do not have to be recognized by the LBAE.

Motion by Spencer, second by Grotting to re-convene on April 19th at 5:30pm. Ayes: Johnson, Betts, Grotting and Spencer and McCoy. Nays: None. Abstain: None. Absent: None. MOTION DECLARED CARRIED.

Meeting adjourned at 7:07pm.



ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE ENGINEERING

Mark Kaltsas
City of Independence
1920 County Rd 90
Maple Plain, MN
55359

March 31, 2022

Dear Mark,

We have received Payment Application #15 from Rochon Corporation for the Independence City Hall Renovation, with cover letter dated February 3, 2022. We have reviewed the application against work completed within the invoice period listed on the application and recommend payment of current payment due of \$89,320.73. Total balance to finish including retainage will be \$34,637.33. Note there will be a further Change Order (CO #5) that includes some items not yet approved by the City that will accompany an upcoming Payment Application. Rochon has confirmed they intend the next payment application to be the final and include the credits proposed for CO#5.

If there are any questions I can answer on this application, please reach out via email or phone.

Thanks,

A handwritten signature in blue ink, appearing to read 'A. Enright', with a stylized flourish at the end.

Anthony Enright

Senior Associate, Project Manager

BKV Group



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

February 3, 2022

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

Re: Pay Application for Independence City Hall

Dear Mark:

Enclosed is our fifteenth Application for Payment of work performed through January 31, 2022 at 1920 County Road 90 in Independence, MN. Please process promptly.

Sincerely,

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

Trevor Bisping
Project Manager

TB/glb
Enclosures

Commitment

Flexibility

Reliability

Capability

Equal Opportunity Employer

WAIVER OF CONSTRUCTION LIEN PAYMENT

February 1, 2022

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 EIGHTY NINE THOUSAND THREE HUNDRED TWENTY & 73/100 DOLLARS (\$89,320.73).

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

Company Name Rochon Corporation

By 

Paul Braton

Its Executive Vice President

Contractor Waiver Form

TO OWNER/CLIENT:

City of Independence

PROJECT:

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

APPLICATION NO: 15

INVOICE NO: 15

PERIOD: 01/01/22 - 02/01/22

PROJECT NO: 2017

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 DATE:

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)	\$1,843,493.90
5.	Retainage:	
	a. 0.91% of completed work	\$16,702.44
	b. 0.00% of stored material	\$0.00
	Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$16,702.44
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$1,826,791.46
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$1,737,470.73
8.	Current payment due:	\$89,320.73
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$34,637.33

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: 2-4-22

State of:

County of:

Subscribed and sworn to before

me this day of

Notary Public:

My commission expires:

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:

\$89,320.73

(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: 03.31.2022

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: 15

APPLICATION DATE: 1/25/2022

PERIOD: 01/01/22 - 02/01/22

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	\$174,884.68	\$177,536.14	\$(2,651.46)	\$0.00	\$174,884.68	100.00%	\$0.00	\$8,744.23
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	\$0.00
3	02-300.S Earthwork.Commitment	Earthwork	\$27,558.00	\$27,558.00	\$0.00	\$0.00	\$27,558.00	100.00%	\$0.00	\$0.00
4	02-480.S Landscaping.Commitment	Landscaping	\$10,200.00	\$4,325.00	\$0.00	\$0.00	\$4,325.00	42.40%	\$5,875.00	\$216.25
5	02-580.S Pavement Marking.Commitment	Pavement Marking	\$500.00	\$0.00	\$500.00	\$0.00	\$500.00	100.00%	\$0.00	\$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	\$0.00
9	03-300.S Cast In Place Concrete.Commitment	Cast In Place Concrete	\$105,753.14	\$106,150.00	\$(396.86)	\$0.00	\$105,753.14	100.00%	\$0.00	\$0.00
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	\$0.00
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	\$0.00
12	06-100.S Rough Carpentry.Commitment	Rough Carpentry	\$28,024.00	\$28,024.00	\$0.00	\$0.00	\$28,024.00	100.00%	\$0.00	\$0.00
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	\$0.00
14	06-400.S Millwork.Commitment	Millwork	\$100,586.49	\$100,586.49	\$0.00	\$0.00	\$100,586.49	100.00%	\$0.00	\$0.00
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	\$0.00
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	\$14,500.00	\$789.43	\$13,710.57	\$0.00	\$14,500.00	100.00%	\$0.00	\$0.00

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					
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	\$0.00
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	\$0.00
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	\$0.00
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	\$0.00
23	08-800.S Glazing.Commitment	Glazing	\$163,843.00	\$163,843.00	\$0.00	\$0.00	\$163,843.00	100.00%	\$0.00	\$0.00
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	\$0.00
25	09-300.S Tile.Commitment	Tile	\$44,170.00	\$44,170.00	\$0.00	\$0.00	\$44,170.00	100.00%	\$0.00	\$0.00
26	09-500.S Ceilings.Commitment	Ceilings	\$14,000.00	\$14,000.00	\$0.00	\$0.00	\$14,000.00	100.00%	\$0.00	\$0.00
27	09-600.S Flooring.Commitment	Flooring	\$45,035.00	\$45,035.00	\$0.00	\$0.00	\$45,035.00	100.00%	\$0.00	\$0.00
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	\$0.00
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	\$0.00
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	\$0.00
31	10-260.M Wall and Corner Guards.Materials	Wall and Corner Guards	\$90.72	\$90.72	\$0.00	\$0.00	\$90.72	100.00%	\$0.00	\$0.00
32	10-350.M Flagpoles.Materials	Flagpoles	\$403.92	\$403.92	\$0.00	\$0.00	\$403.92	100.00%	\$0.00	\$0.00
33	10-440.S Signage.Commitment	Signage	\$17,950.00	\$14,575.00	\$0.00	\$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	\$0.00
35	10-600.S Partitions.Commitment	Partitions	\$26,454.00	\$26,454.00	\$0.00	\$0.00	\$26,454.00	100.00%	\$0.00	\$0.00
36	10-800.M Toilet, Bath, and Laundry Specialties.Materials	Toilet, Bath, and Laundry Specialties	\$1,923.13	\$1,923.13	\$0.00	\$0.00	\$1,923.13	100.00%	\$0.00	\$0.00
37	11-452.S Appliances.Commitment	Appliances	\$3,653.60	\$3,653.60	\$0.00	\$0.00	\$3,653.60	100.00%	\$0.00	\$0.00

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	\$4,315.00	\$3,875.00	\$440.00	\$0.00	\$4,315.00	100.00%	\$0.00	\$0.00
39	15-400.S Plumbing.Commitment	Plumbing	\$53,500.00	\$53,500.00	\$0.00	\$0.00	\$53,500.00	100.00%	\$0.00	\$0.00
40	15-500.S HVAC.Commitment	HVAC	\$96,932.25	\$96,932.25	\$0.00	\$0.00	\$96,932.25	100.00%	\$0.00	\$0.00
41	16-000.S Electrical.Commitment	Electrical	\$121,474.00	\$122,374.00	\$(900.00)	\$0.00	\$121,474.00	100.00%	\$0.00	\$6,073.70
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	\$86,074.20	\$0.00	\$0.00	\$86,074.20	100.00%	\$0.00	\$0.00
TOTALS:			\$1,721,484.00	\$1,692,846.86	\$10,702.25	\$0.00	\$1,703,549.11	98.96%	\$17,934.89	\$16,702.44

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	\$56,497.59	\$3,875.00	\$0.00	\$60,372.59	100.00%	\$0.00	\$0.00
46	PCCO#002 Owner Change Order #2	\$34,932.66	\$34,932.66	\$0.00	\$0.00	\$34,932.66	100.00%	\$0.00	\$0.00
47	PCCO#003 Owner Change Order #3	\$16,743.87	\$16,743.87	\$0.00	\$0.00	\$16,743.87	100.00%	\$0.00	\$0.00
48	PCCO#004 Owner Change Order #4	\$27,895.67	\$27,895.67	\$0.00	\$0.00	\$27,895.67	100.00%	\$0.00	\$0.00
TOTALS:		\$139,944.79	\$136,069.79	\$3,875.00	\$0.00	\$139,944.79	100.00%	\$0.00	\$0.00

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	\$1,828,916.65	\$14,577.25	\$0.00	\$1,843,493.90	99.04%	\$17,934.89	\$16,702.44



ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE ENGINEERING

Mark Kaltsas
City of Independence
1920 County Rd 90
Maple Plain, MN
55359

April 06, 2022

Dear Mark,

We have received Payment Application #16 from Rochon Corporation for the Independence City Hall Renovation, with cover letter dated April 6, 2022. We understand you have worked with Rochon to finalize the remaining open items and come to agreement on the final Change Order (#5), we have signed and returned that updated Change Order on 04/05/2022. This Payment Application is a final application and therefore bills for the full contract amount less all agreed upon Change Orders including all remaining retainage.

If there are any questions we can answer on this application, please reach out via email or phone.

Thanks,

A handwritten signature in blue ink, appearing to read 'A. Enright', with a stylized flourish at the end.

Anthony Enright

Senior Associate, Project Manager

BKV Group



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

April 6, 2022

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

Re: Pay Application for Independence City Hall

Dear Mark:

Enclosed is our sixteenth Application for Payment of work performed through March 31, 2022 at 1920 County Road 90 in Independence, MN. Please process promptly.

Sincerely,

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

Trevor Bisping
Project Manager

TB/glb
Enclosures

Commitment

Flexibility

Reliability

Capability

Equal Opportunity Employer

WAIVER OF CONSTRUCTION LIEN PAYMENT

April 1, 2022

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 TEN THOUSAND FIVE HUNDRED FIFTY EIGHT & 49/100 DOLLARS (\$10,558.49).

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

Company Name Rochon Corporation

By 

Paul Braton

Its Executive Vice President

Contractor Waiver Form

TO OWNER/CLIENT:

City of Independence

PROJECT:

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

APPLICATION NO: 16

INVOICE NO: 16

PERIOD: 03/01/22 - 03/31/22

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	\$115,865.95
3.	Contract Sum to date (Line 1 ± 2)	\$1,837,349.95
4.	Total completed and stored to date (Column G on detail sheet)	\$1,837,349.95
5.	Retainage:	
	a. 0.00% of completed work	\$0.00
	b. 0.00% of stored material	\$0.00
	Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$1,837,349.95
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$1,826,791.46
8.	Current payment due:	\$10,558.49
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$145,506.04	\$(5,561.25)
Total approved this month:	\$14,521.05	\$(38,599.89)
Totals:	\$160,027.09	\$(44,161.14)
Net change by change orders:	\$115,865.95	

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: 4-6-22

State of:

County of:

Subscribed and sworn to before

me this

day of

Notary Public:

My commission expires:

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:

\$10,558.49

(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: 04.06.2022

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: 16

APPLICATION DATE:

PERIOD: 03/01/22 - 03/31/22

Contract Lines

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					
1	01.O General Requirements.Other	General Conditions	\$174,884.68	\$174,884.68	\$0.00	\$0.00	\$174,884.68	100.00%	\$0.00	\$0.00
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	\$0.00
3	02-300.S Earthwork.Commitment	Earthwork	\$27,558.00	\$27,558.00	\$0.00	\$0.00	\$27,558.00	100.00%	\$0.00	\$0.00
4	02-480.S Landscaping.Commitment	Landscaping	\$10,200.00	\$4,325.00	\$5,875.00	\$0.00	\$10,200.00	100.00%	\$0.00	\$0.00
5	02-580.S Pavement Marking.Commitment	Pavement Marking	\$500.00	\$500.00	\$0.00	\$0.00	\$500.00	100.00%	\$0.00	\$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	\$0.00
7	02-813.S Lawn Sprinkling and Irrigation.Commitment	Lawn Sprinkling and Irrigation	\$10,000.00	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00	100.00%	\$0.00	\$0.00
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	\$0.00
9	03-300.S Cast In Place Concrete.Commitment	Cast In Place Concrete	\$105,753.14	\$105,753.14	\$0.00	\$0.00	\$105,753.14	100.00%	\$0.00	\$0.00
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	\$0.00
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	\$0.00
12	06-100.S Rough Carpentry.Commitment	Rough Carpentry	\$28,024.00	\$28,024.00	\$0.00	\$0.00	\$28,024.00	100.00%	\$0.00	\$0.00
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	\$0.00
14	06-400.S Millwork.Commitment	Millwork	\$100,586.49	\$100,586.49	\$0.00	\$0.00	\$100,586.49	100.00%	\$0.00	\$0.00
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	\$0.00
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	\$14,500.00	\$14,500.00	\$0.00	\$0.00	\$14,500.00	100.00%	\$0.00	\$0.00

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					
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	\$0.00
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	\$0.00
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	\$0.00
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	\$0.00
23	08-800.S Glazing.Commitment	Glazing	\$163,843.00	\$163,843.00	\$0.00	\$0.00	\$163,843.00	100.00%	\$0.00	\$0.00
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	\$0.00
25	09-300.S Tile.Commitment	Tile	\$44,170.00	\$44,170.00	\$0.00	\$0.00	\$44,170.00	100.00%	\$0.00	\$0.00
26	09-500.S Ceilings.Commitment	Ceilings	\$14,000.00	\$14,000.00	\$0.00	\$0.00	\$14,000.00	100.00%	\$0.00	\$0.00
27	09-600.S Flooring.Commitment	Flooring	\$45,035.00	\$45,035.00	\$0.00	\$0.00	\$45,035.00	100.00%	\$0.00	\$0.00
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	\$0.00
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	\$0.00
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	\$0.00
31	10-260.M Wall and Corner Guards.Materials	Wall and Corner Guards	\$90.72	\$90.72	\$0.00	\$0.00	\$90.72	100.00%	\$0.00	\$0.00
32	10-350.M Flagpoles.Materials	Flagpoles	\$403.92	\$403.92	\$0.00	\$0.00	\$403.92	100.00%	\$0.00	\$0.00
33	10-440.S Signage.Commitment	Signage	\$17,950.00	\$14,575.00	\$3,375.00	\$0.00	\$17,950.00	100.00%	\$0.00	\$0.00
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	\$0.00
35	10-600.S Partitions.Commitment	Partitions	\$26,454.00	\$26,454.00	\$0.00	\$0.00	\$26,454.00	100.00%	\$0.00	\$0.00
36	10-800.M Toilet, Bath, and Laundry Specialties.Materials	Toilet, Bath, and Laundry Specialties	\$1,923.13	\$1,923.13	\$0.00	\$0.00	\$1,923.13	100.00%	\$0.00	\$0.00
37	11-452.S Appliances.Commitment	Appliances	\$3,653.60	\$3,653.60	\$0.00	\$0.00	\$3,653.60	100.00%	\$0.00	\$0.00

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	\$4,315.00	\$4,315.00	\$0.00	\$0.00	\$4,315.00	100.00%	\$0.00	\$0.00
39	15-400.S Plumbing.Commitment	Plumbing	\$53,500.00	\$53,500.00	\$0.00	\$0.00	\$53,500.00	100.00%	\$0.00	\$0.00
40	15-500.S HVAC.Commitment	HVAC	\$96,932.25	\$96,932.25	\$0.00	\$0.00	\$96,932.25	100.00%	\$0.00	\$0.00
41	16-000.S Electrical.Commitment	Electrical	\$121,474.00	\$121,474.00	\$0.00	\$0.00	\$121,474.00	100.00%	\$0.00	\$0.00
42	17-010.O Contingency.Other	Allowance #1	\$5,000.00	\$3,115.11	\$1,884.89	\$0.00	\$5,000.00	100.00%	\$0.00	\$0.00
43	17-010.O Contingency.Other	Allowance #2	\$1,800.00	\$0.00	\$1,800.00	\$0.00	\$1,800.00	100.00%	\$0.00	\$0.00
44	17-040.O Profit.Other	Overhead & Profit	\$86,074.20	\$86,074.20	\$0.00	\$0.00	\$86,074.20	100.00%	\$0.00	\$0.00
TOTALS:			\$1,721,484.00	\$1,703,549.11	\$17,934.89	\$0.00	\$1,721,484.00	100.00%	\$0.00	\$0.00

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	\$60,372.59	\$0.00	\$0.00	\$60,372.59	100.00%	\$0.00	\$0.00
46	PCCO#002 Owner Change Order #2	\$34,932.66	\$34,932.66	\$0.00	\$0.00	\$34,932.66	100.00%	\$0.00	\$0.00
47	PCCO#003 Owner Change Order #3	\$16,743.87	\$16,743.87	\$0.00	\$0.00	\$16,743.87	100.00%	\$0.00	\$0.00
48	PCCO#004 Owner Change Order #4	\$27,895.67	\$27,895.67	\$0.00	\$0.00	\$27,895.67	100.00%	\$0.00	\$0.00
49	PCCO#005 Owner Change Order #5	\$(24,078.84)	\$0.00	\$(24,078.84)	\$0.00	\$(24,078.84)	100.00%	\$0.00	\$0.00
TOTALS:		\$115,865.95	\$139,944.79	\$(24,078.84)	\$0.00	\$115,865.95	100.00%	\$0.00	\$0.00

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:		\$1,837,349.95	\$1,843,493.90	\$(6,143.95)	\$0.00	\$1,837,349.95	100.00%	\$0.00	\$0.00

Date: April 8, 2022

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

From: Director Gary Kroells

SUBJECT: MARCH 2022 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 accidents, 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							
March 2022							
Offense		This Month	Same Month Last Year		This Year To Date		Last Year To Date
City Of Independence							
Criminal		6	5		18		22
Traffic		87	60		226		238
Part III		5	2		13		11
Part IV		34	32		90		89
Part V		123	129		267		301
Total City of Independence		255	228		614		661
City Of Maple Plain							
Criminal		8	16		18		36
Traffic		31	41		68		91
Part III		1	4		3		8
Part IV		15	22		59		60
Part V		41	54		135		151
Total City Of Maple Plain		96	137		283		346
Grand Total Both Cities		351	365		897		1,007
TZD		0	0		0		4
Agency Assists		0	12		52		37
Total ICR Reports		351	377		949		1,048
How Received							
Fax		17	11		26		41
In Person		8	30		38		59
Mail		3	1		5		6
Other		1	0		5		2
Phone		41	31		89		96
Radio		129	144		390		397
Visual		127	121		316		358
Email		20	38		51		84
Lobby Walk In		33	1		57		1
Total		379	377		977		1,044

DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY March 2022 Activity Report

Year to Date Activity Report

At the end March 31, 2022, West Hennepin Public Safety (WHPS) handled year-to-date a total of 714 incident complaints: For the month of March; 255 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.

Recent Highlighted Cases:

Medical

March 1 5200 block of Bryantwood Drive, Maple Plain. Dispatched for a male party who was experiencing chest pain. Officer arrived on scene and assisted male unit North Ambulance and Maple Plain Fire arrived on scene. Male party was transported by North Ambulance.

Fire

March 2 7700 block of Pioneer Creek, Maple Plain. Officer dispatched to a stove on fire. Homeowner was advised to evacuate her residence. Officer on scene extinguished flames on the floor and stove. Maple Plain Fire arrived and checked the residence for hot spots.

Motor Vehicle Tampering

March 3 5000 block of Highway 12, Maple Plain. Dispatched to a report of a motor vehicle tampering. Officer arrived on scene and found damage to ignition and steering column of a vehicle in the lot. Officer did not find anything of evidentiary value left on scene from the attempted theft. Officer took a report from the owner and cleared.

Harassment

March 3 3600 block of Ihduhapi Trail, Independence. Officer was dispatched to a report of harassing communications. Reporting party indicated nothing of imminent violence or harm. Officer provided reporting party resources and suggestions for personal safety.

Suspicious

March 4 7100 block of Turner Road, Independence. A resident called 911 about a suspicious vehicle that had been parked on their road for an extended period. The car did not have any license plates on it at all. The officer found the vehicle and while speaking to the male and female occupants, he could smell marijuana coming from inside the car. Drug paraphernalia was found in the car. The juvenile female passenger was released to her parents. The adult male driver was allowed to drive his car home.

Violation of Protection Order

March 6 5000 block of Main Street, Maple Plain. Dispatched to a report of a violation of a Domestic Abuse No Contact Order. Officer arrived on scene and located male party who had a

restraining order prohibiting him from contact with female at the residence. Male party was arrested and booked into Hennepin County Jail on Felony DANCO Violation.

Vandalism

March 8 1500 block of Rainbow Ave, Maple Plain. Dispatched to a report of a vandalism in the warming house at Rainbow Park. Officer arrived on scene and took pictures of the writing and drawings that were left on the wall with black marker. Case is under investigation.

Motor Vehicle Crash

March 9 County Road 90 and Quass Cutoff, Independence. Dispatched to a report of a single vehicle rollover. Officer arrived on scene and contacted the driver and confirmed he was not injured. Officer determined the vehicle rolled over due to icy road conditions. A tow truck was called, and the officer gave the driver of the car a ride home to his residence in Delano.

Unconscious

March 11 5900 block of Three Oaks Ave, Maple Plain. Officer dispatched to male party unconscious but breathing. Officer arrived on scene and contacted the male who was now alert and talking. It was determined that the male party had several drinks that day. North Memorial ambulance arrived on scene and transported male.

Theft

March 12 2000 block of South Lake Shore Drive, Independence. Officer received a report of a stolen license plate. Vehicle was parked for several days but reporting party does not know where her plate was stolen. Officer advised reporting party to report the stolen plate to the Department of Motor Vehicle Services and remove the remaining plate on the vehicle. Reporting party will request new plates for her vehicle.

Fall

March 13 1000 block of County Road 83, Independence. Officer was dispatched to a report of a male party who fell. Officer arrived on scene and located the male party outside on the ground. North Ambulance arrived on scene and transported male.

Scam

March 14 800 block of County Road 19, Independence. Officer was dispatched to a report of a suspicious phone call. Reporting party told the officer that someone claimed to be Amazon and asked where she did her banking. Officer gave the reporting party an identity theft handbook and advised to take precautions with her credit and local bank. Case was forwarded to Investigations.

Damage to Property

March 15 Rainbow Park, Maple Plain. Dispatched to a report of continued vandalism at Rainbow Park. Officer arrived on scene and took pictures of damage. Case is under investigation.

Motor Vehicle Crash

March 16 Highway 12 and County Road 90, Independence. Officer dispatched to vehicle in the ditch. Officer responded and found the SUV in the Northwest ditch of the intersection. Officer approached the vehicle and spoke to the driver who stated he was distracted and was unfamiliar with the roundabout. The driver struck the center of the roundabout curb and berm causing the front driver tire to break and the vehicle proceeded through the intersection. The driver denied any injury and declined EMS. Officer assisted the driver until they obtained a ride, and the vehicle was towed.

Theft

March 16 1800 block of Newport Street, Maple Plain. Officer was dispatched to a report of theft. Homeowner reported theft of multiple packages that were delivered to the front of her residence. Officer forwarded the case to WHPS Crime Prevention.

Damage to Property

March 17 2100 block of Mcdow Lane, Independence. Officer was dispatched to a report of vandalism. Homeowner reported that her house was egged, and a landscaping rock was spray painted with profanity. Case is under investigation.

Trespass

March 18 2000 block of County Road 92 N, Independence. Officer dispatched to a trespassing complaint. Officer arrived on scene and spoke with two juveniles who stated they were taking pictures on the property. One juvenile admitted to drinking and was cited. Officer notified both parents of the juveniles. Juveniles were instructed by the Officer to go home.

Medical

March 21 1800 block of Budd Street North, Independence. Officer was dispatched to a report of a male party who was confused and disoriented. Officer arrived on scene and Maple Plain Fire was assessing the patient. North Ambulance arrived on scene and transported male to the hospital.

Animal

March 22 Highway 12 and County Road 90, Independence. Dispatched to a report of a loose dog. Officer responded to the owner's residence and the officer noticed the dog was already captured by the dog owner. Officer did not issue a citation based on the quickness of self-retrieving the dog.

Suspicious

March 23 4800 block of County Road 6, Independence. Officer was dispatched to a report of a suspicious person on the homeowner's property. Reporting party told the officer that she saw footprints next to the horse pasture and on her driveway. Officer responded and found footsteps leading next door. Officer spoke with one of the neighbors who stated they were bringing eggs to the neighbor.

Property Damage

March 24 6000 block of Wood Hill Lane, Independence. Officer was dispatched to a report of property damage. Officer met with homeowner who stated that someone engraved "SOS" in the wood mailbox post. Case is under investigation.

Motor Vehicle Crash

March 24 Highway 12 and Nelson Road, Independence. Officer was dispatched to a three-vehicle crash. Following investigation, it was learned traffic was stopped westbound Highway 12 and County Line Road extending back to Nelson Road. Driver #3 was completely stopped in traffic; Driver #2 was slowing to stop when Driver #1 struck rear of Driver #2 at highway speeds braking at moment just prior to crash. Two of the three vehicles were towed. Driver #1 was issued a citation for failure to drive with due care.

House Fire

March 27 5000 block Sunset Lane, Independence. Officer dispatched to a house fire. Officer arrived on scene and found that the house was full of smoke and a small fire was located on the entry way floor. Loretto Fire and Maple Plain Fire extinguished the fire and ventilated the home. Officer contacted the homeowner who stated she had left a candle on near the front entry way. The candle was located on a small table. Officer made sure she had somewhere else to stay for the night while her house ventilated.

Check Welfare

March 27 6000 block of Main Street, Independence. Officer received a report from Sherburne County to check the area for a female who may be having a medical emergency. A phone ping was started,

and the ping determined that the female was no longer in our jurisdiction. Officer informed Wright County of where the female party may be. Officer cleared.

Property Damage

March 28 5000 block of Industrial Street, Maple Plain. Officer dispatched to a report of property damage due to a semi driver who ran over a mailbox. Officer responded to the scene and spoke with the semi driver who stated he had pulled forward into a local business to deliver cargo and when he backed into the lot, he hit the mailbox. Business owner and semi driver made an agreement that the semi driver would pay for the damages. Officer did not issue a citation.

Alarm

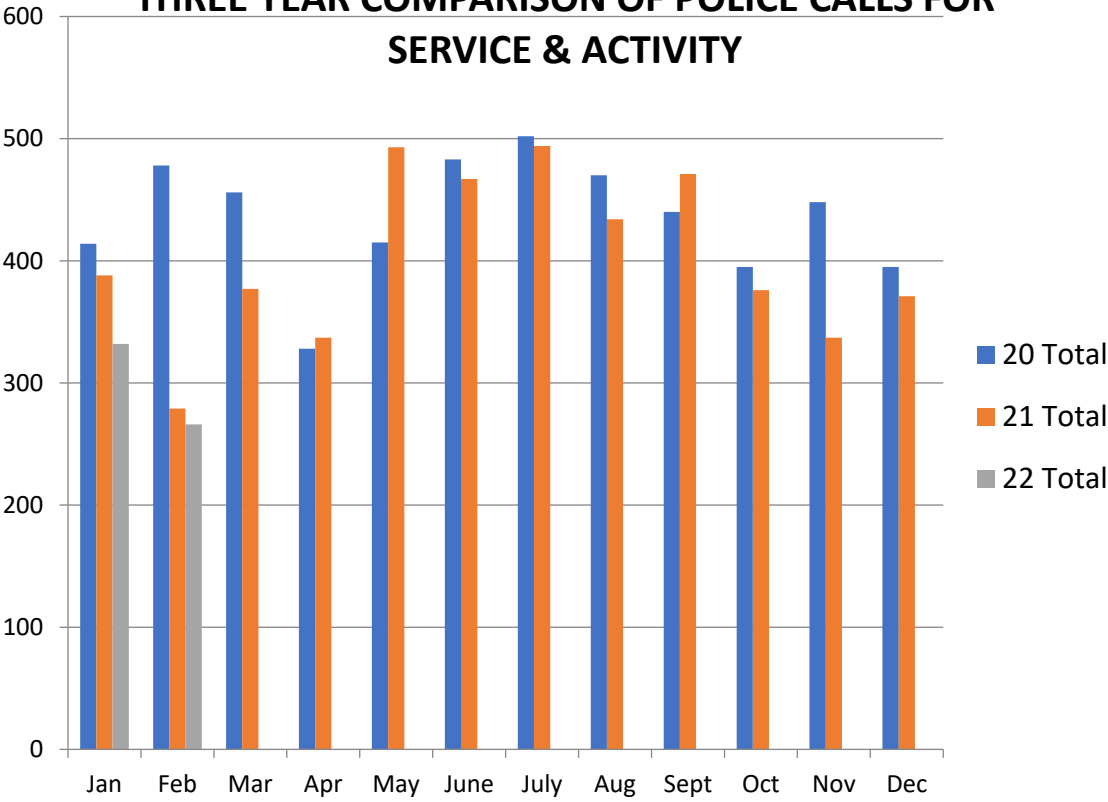
March 29 1800 block of Highsted Drive, Independence. Officer dispatched to a report of an alarm at a residence. Officer called the homeowner who advised she was out of town; the house should be secure, and no one should be there. Officer requested a second squad and checked the residence. The residence was secured, and nothing was found. Officers cleared.

Medical

March 29 3600 block of Ihduhapi Trail, Independence. Officer was dispatched to a report of one with low blood pressure. Officer arrived on scene and assisted until North Ambulance transported male patient.

118 contacts of citations, verbal and written warnings were issued for traffic and equipment violations.

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



March 2022 Part I & II

City of Maple Plain Grid #'s 1-2

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	22000613	Stolen Vehicle	3/3/2022	1	3/3/2022	VA021
WHPS	22000615	Motor Vehicle Tampering	3/3/2022	1	3/3/2022	V0081
WHPS	22000650	Court Orders - DANCO violation	3/6/2022	1	3/6/2022	N1370
WHPS	22000801	Theft/Rpt	3/16/2022	1	3/16/2022	TR029
WHPS	22000821	Theft/Rpt	3/17/2022	1	3/17/2022	T0069
WHPS	22000860	Drunk Problem - Assault	3/20/2022	1	3/20/2022	A430A
WHPS	22000962	Theft by Swindle / Civil	3/29/2022	1	3/29/2022	U0060
WHPS	22000684	Vandalism	3/8/2022	2	3/8/2022	P3129

March 2022 Part I & II

City of Independence Grid #'s 3-5

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	22000737	Stolen License Plate	3/12/2022	3	3/12/2022	TD159
WHPS	22000808	Criminal Damage to Property	3/17/2022	3	3/17/2022	P3190
WHPS	22000838	Trespassing - Minor	3/18/2022	3	3/18/2022	M3001
WHPS	22000901	Damage to property	3/24/2022	3	3/24/2022	P0110
WHPS	22000905	Damage Prop/Rpt	3/24/2022	3	3/24/2022	P0110
WHPS	22000617	Harassment	3/3/2022	4	3/3/2022	N0190

City of Independence

Consideration for a Proposed 33 Lot Cluster Development, Rezoning from AG to RR, Conditional Use Permit and Preliminary Plat on the Subject Properties Generally Located at 5865 Kochs Crossing

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: April 19, 2022
Applicant: Tom Koch
Owner: William P Koch Et Al Trustees
Location: 5865 Koch's Crossing

UPDATE:

Following City Council's direction at the last meeting, the applicant has provided additional information to the City relating to the two outstanding items as follows:

- Future road right of way/road connection to west property line. The applicant has provided some additional context relating to the existing conditions (grades, wetlands, possible layout) of the property west of the subject site. The City had discussed the need to provide for a future road connection to the west in the general location of Lots 3 and 4, Block 10 (see below). The applicant's engineer is concerned about a future layout of lots based on the current subdivision standards and spatial dimensions. Based on the additional information provided, the City should continue to consider the future connection to the west and possibly look at moving it slightly north (between lots 2 and 3, Block 10). The development of the adjacent property could occur utilizing different standards than are currently in place (i.e., sewer development) which would significantly change the future development context. It should be noted that the City can approve preliminary plat with the condition that the developer provide the connection and staff and the developer can work to provide for the connection on the final plat.
- Trail Connection. The applicant has looked at the trail connection in further detail and is seeking additional direction from the Council. The applicant has researched pedestrian style bridge kits and has provided the City with an image of a 4' wide wooden bridge kit. It is recommended that the City Council provide more direction relating to the type/width of a connection between the two cul-de-sacs. This connection is being required in lieu of a road connection and will be located within the prescribed City right of way. The City should consider a long-term solution to this connection that will provide an adequate pedestrian/bicycle connection and reduce future and long-term maintenance to the extent possible. This connection would also need to meet any applicable public safety standards. A wooden bridge structure will likely require more maintenance than other types of

crossings such as a culvert(s) type solution. In addition, the width of the trail and type of surfacing should be recommended. At the last meeting Council recommended a bituminous trail which would likely provide for the widest array of uses with a reduced amount of day-to-day maintenance as compared to a woodchip or gravel surfaced trail.

Staff has prepared a revised resolution with the two added conditions that still contain blanks to be filled in following direction at the meeting. Council does not need to approve or fully resolve an actual design of either of these items but does need to clarify details of the approval with preliminary plat.

Request:

Tom Koch (Applicant/Owner) is requesting that the City consider the following review/discussion for the property generally located at 5865 Koch's Crossing (PID No's. 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) in Independence, MN:

- a. Rezoning from AG-Agriculture to RR-Rural Residential.
- b. A conditional use permit to allow a cluster development. Cluster developments have additional standards which require the preservation of open space within a development.
- c. Preliminary Plat to allow a 33-lot subdivision to be known as KOCH FARM SANCTUARY.

Property/Site Information:

The overall property is comprised of six (6) individual properties located on the north and south sides of Koch's Crossing between County Road 90 and Independence Road. The property also touches Brei Kessel Road on the south. There is an existing home and a series of detached accessory buildings located across several of the properties. The properties are comprised primarily of agriculture land, a pond/wetlands.

Property Information: 5865 Koch's Crossing

Zoning: Agriculture

Comprehensive Plan: Rural Residential

Acreage: ~141 acres

5865 Koch's Crossing Aerial



Discussion:

The City reviewed a concept plan for the subject property in late summer/fall of 2021. The applicant has now submitted an application for rezoning of the property from AG-Agriculture to RR-Rural Residential, a conditional use permit to allow a cluster subdivision and preliminary

plat for a 33-unit subdivision developed across the 6 subject properties. The City provided guidance and feedback during the concept plan review process and has now completed a more comprehensive and detailed review of the proposed preliminary plat.

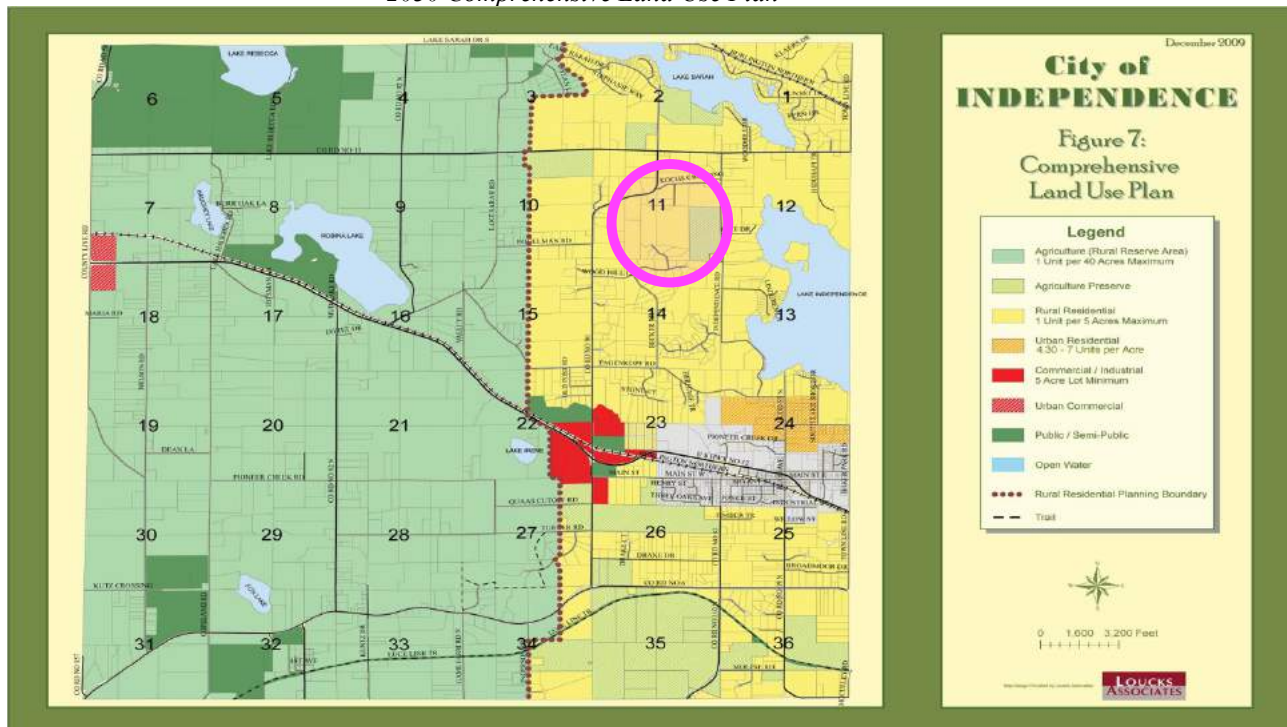
The following steps/sequencing and approvals will be required in order for the project to move forward.

1. Consider rezoning the property to Rural Residential from AG-Agriculture.
2. Consider a Conditional Use Permit to allow the proposed Cluster Subdivision.
3. Consider Preliminary Plat approval.
4. Consider Final Plat approval.

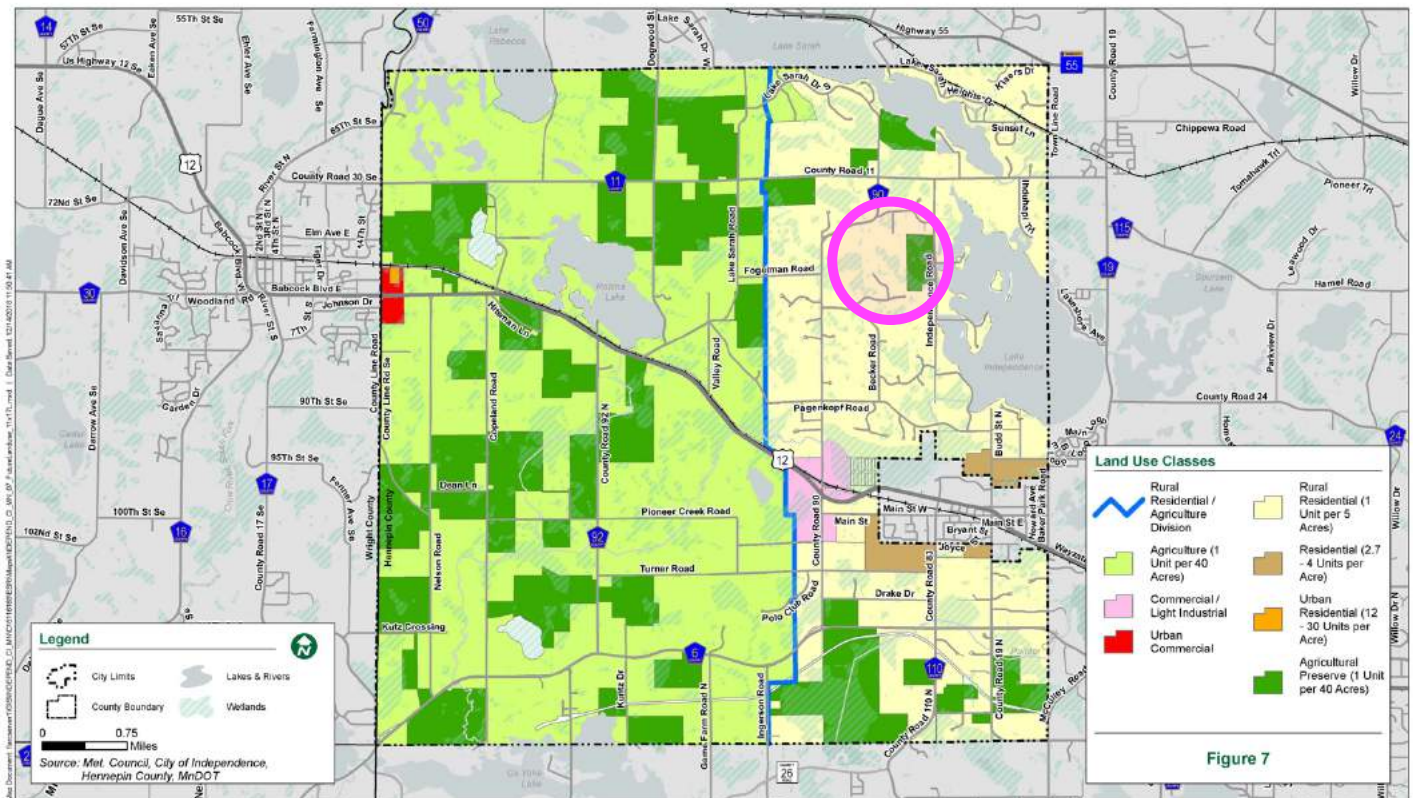
Comprehensive Plan/Rezoning

The City's adopted 2030 and proposed 2040 plan identify this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres.

2030 Comprehensive Land Use Plan



DRAFT 2040 Comprehensive Land Use Plan



Proposed Cluster Subdivision

The applicant has prepared detailed plans for further review by the City. The applicant has provided information pertaining to the total number of lots that can be realized on the subject properties using both the straight RR zoning and Cluster Subdivision provisions. Cluster Subdivisions are considered a conditional use in the RR Rural Residential zoning district. The City has criteria relating to granting a conditional user permit. Generally, the City has determined that the purpose of a cluster development is to promote the creative and efficient use of the land, protect natural features and preserve the rural character of the community.

The applicant has prepared the preliminary plat based on the cluster development standards. The City has reviewed the information and provided a comparison of the allowable development yield based on the RR-Rural Residential standards and the Cluster Subdivision standards as follows:

Subd. 3. 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 of 7.6 acres, 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 of Record	Maximum Number of Lots Permitted
7.59 acres or less	One

7.6 through 12.59 acres

Two, plus one additional lot for each additional five acres

Lots Permitted Based on RR Zoning

Total Area: 141.35 acres
138.75 net acres (subtracting CSAH 90 right of way)
12.59 = 2 lots
 $\frac{138.75 - 12.59}{5} = 25$
27 Lots Permitted

The applicant is proposing to meet all applicable cluster subdivision standards. The cluster subdivision standards are as follows:

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, 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, or other physical impediments;

- (7) Lots within the development must have a minimum of 150 feet of frontage 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.
- (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.

Lots Permitted Based on Cluster Subdivision

Total Area: 141.35 acres
138.75 net acres (subtracting CSAH 90 right of way)
138.75 x 50%: 69.40 acres of open space required
69.40 acres of open space provided
50% of 69.40 acres: 34.70 acres of useable open space required
40.60 acres of useable open space provided
33 Lots Proposed

Based on the cluster development standards, the applicant is proposing to develop the property in accordance with applicable provisions with several noted exceptions and or issues.

The City has completed a detailed review of the proposed subdivision as follows:

1. The proposed plan proposes to realign Koch's Crossing at the point of intersection with CSAH 90. The realignment of Koch's Crossing likely aids the sight lines at the CSAH 90/Koch's Crossing intersection. Hennepin County will ultimately need to approve the relocation of Koch's Crossing and has provided comments relating to the preliminary plat request.
 - Hennepin County supports the proactive intersection realignment. The realignment will require a site line profile to be completed by the applicant.
 - Hennepin County will review the need for turn lanes and provide additional feedback prior to City Council consideration.
 - The applicant is proposing to dedicate additional right of way to allow for a 50' half ROW. Hennepin County has initially stated that they agree with this ROW but is still finalizing their review.

2. Koch's Crossing will be fully upgraded to the City's improved street standards and will tie into the eastern half that was recently upgraded as a part of the Serenity Hills subdivision. The applicant is proposing to locate lots along the realigned Koch's Crossing. This would be consistent with the Serenity Hills subdivision.
3. A new north south cul-de-sac is proposed to serve 26 lots. The length of the proposed cul-de-sac is 3,900 lineal feet. The concept plan that has been reviewed by the City showed the north south road as a through street connecting to Brei Kessel Road to the south. There are several things that should be considered by the City relating to the proposed cul-de-sac as follows:
 - Section 500l.43 of the City's subdivision standards provides requirements relating to minimum subdivision design standards.

500.43. Minimum subdivision design standards.

Subd. 1. *Street plan.* The arrangement, character, extent, width, grade, and location of all streets shall conform to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

Subd. 2. *Continuation of existing streets.* The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.

Subd. 3. *Future projection of streets.* Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

Subd. 4. *Cul-de-sac easement required.* If a street terminates at the boundary line of the plat that could at a later date be extended into and through adjacent properties, a cul-de-sac shall be constructed and a cul-de-sac easement on a deed form shall accompany the final plats at the time of recording. Construction of the cul-de-sac shall be the same as the streets in the subdivision, and shall conform to these regulations in all respects.

Subd. 5. *Public access roads.* A subdivision shall not be approved unless the council makes a finding that the existing public roads providing access to the land to be divided can adequately accommodate any additional traffic that the subdivision may generate. If the public roads providing access to the subdivision do not meet the minimum requirements in section 500.45 of this Code, the required finding must be supported by a traffic study prepared by a licensed traffic engineer selected by the city.

- The preliminary plat does not appear to comply with Subdivision Ordinance section 500.43, Subd. 2. The applicant would need to request a formal variance from the Subdivision Standards relating to the proposed cul-de-sac. Section 500.75 of the City's Subdivision Ordinance provides standards pertaining to variances:

500.75. Standards for variances.

The planning commission may recommend, and the city council may grant variances from the literal provisions of this section in instances where their strict enforcement would cause undue

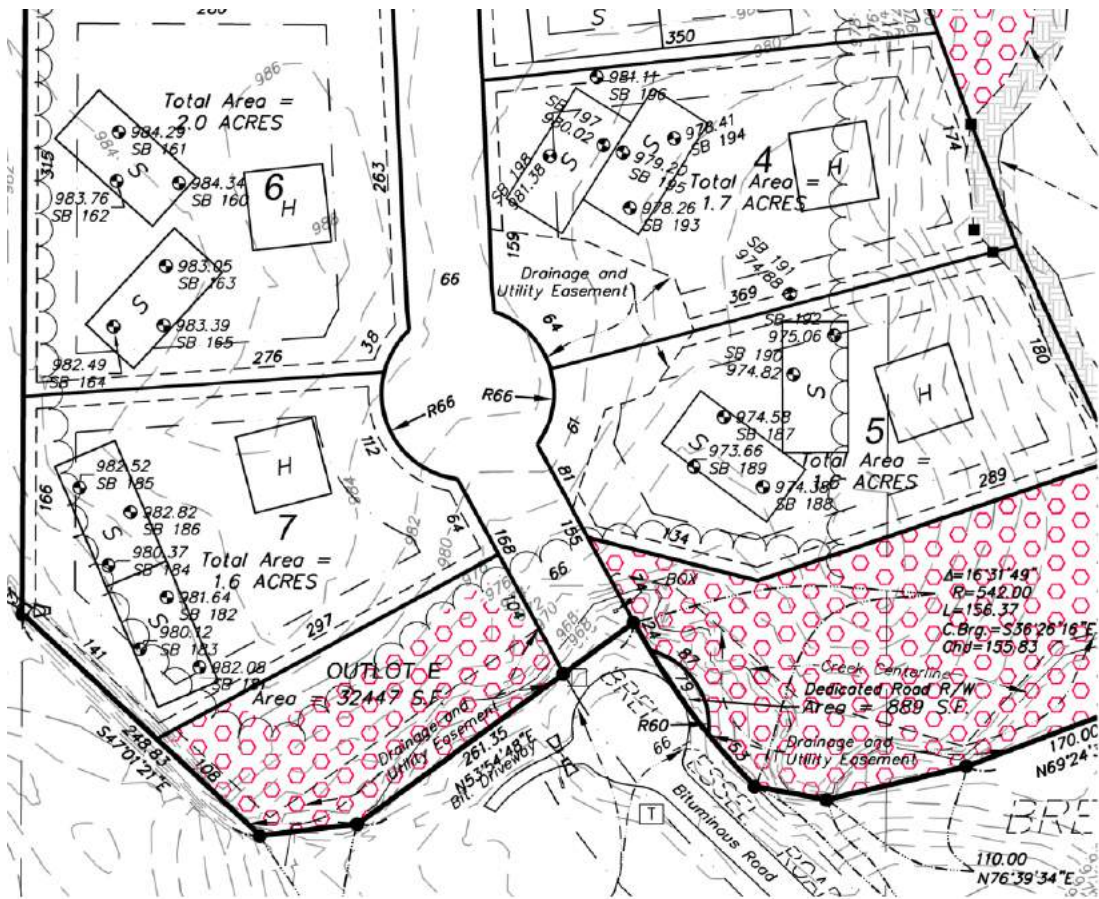
hardship because of circumstances unique to the individual property under consideration. Any person requesting a variance shall appear at all planning commission meetings and city council meetings where such application is considered and provide to the planning commission and the city council such maps, drawings, plans, records and other information necessary to make a determination on the application. It is the responsibility of the applicant to demonstrate that all of the following standards for variance have been met. Undue hardship can be found on the bases of the following:

- (a) Because of the particular physical surroundings, shape, or topographic conditions of the specific parcels of land involved, a particular hardship to the owner would result if the strict letter of this section were carried out.
 - (b) The conditions upon which the application for variance is based are unique to the parcel of land for which the variance is sought and are not common to other properties within the city.
 - (c) The hardship is related to the requirements of these regulations and has not been created by any persons presently or formerly having an interest in the parcel of land.
 - (d) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- Planning Commissioners should provide direction/findings relating to if/how the proposed cul-de-sac/dead end meets the applicable standards. The actual variance will need to be considered at a future meeting and any approvals of the proposed preliminary plat, if recommended, would be subject to a variance being considered.
- As requested by the Planning Commission, the City has reviewed and provided additional information relating to maximum cul-de-sac length and street design requirements of a handful of neighboring cities (attached to this report as EXHIBIT A).
- As requested by the Planning Commission, the City has researched and provided additional information relating to the approvals of Brei Kessel Subdivision (attached to this report as EXHIBIT B). Brei Kessel currently terminates with a temporary cul-de-sac. When Brei Kessel was approved in 1996, the City noted that they wanted to plan for the future development of the entire area as it related to roads and transportation. Brei Kessel was required to extend to the northern property line in order to provide for its future connection to the north. It is noted that the existing cul-de-sac does not meet current City dimensional/construction standards. The City has noted that the existing cul-de-sac bulb was not constructed as a permanent road and also that the City does not have right of way that encompasses the entirety of the cul-de-sac terminus. The existing bulb has an 85' diameter rather than 100' as required. The City currently has 66' of right of way and would require 120' for a permanent cul-de-sac. Permanent right of way and a permanent road section should be considered by the City should the road not be extended. **The applicant has prepared a revised exhibit which now includes additional right of way along the eastern perimeter of the existing temporary cul-de-sac. This would partially provide for the construction of a**

permanent cul-de-sac. Staff is seeking direction relating to the Planning Commission Recommendation to bring the temporary cul-de-sac up to a permanent cul-de-sac standard.



REVISED EXHIBIT



- The Independence subdivision ordinance requires that streets be extended through to adjacent properties unless there is a justification for not extending. The City does not currently stipulate a maximum length for cul-de-sacs. The City has several existing cul-de-sacs that exceed 2,000 LF throughout the City. For example, Polo Club Road is approximately 3,200 LF and has 15 homes on the road. Brei Kessel Rd. and Wood Hill Lane in combination are approximately 2,900 LF with 17 homes on the combined roads. Most recently, the City approved Hamilton Hills with a cul-de-sac length of 1,860 LF with 8 homes. **The applicant has now provided a revised exhibit which provides a full 66' of right of way that would allow a connection between the end of William Way and the end of Brei Kessel. The right of way proposed does not include any additional physical improvements. City Council should provide direction relating to the need for a physical connection that would accommodate emergency services/pedestrians between the two developments?**
- There are many varying viewpoints relating to the development of cul-de-sacs, the maximum and minimum cul-de-sac lengths and similar factors that could be considered. The standard of practice most commonly accepted in the planning, public works, public safety and emergency services realm would support a connected community and subsequent transportation network. Connectivity of a transportation network within a community is generally recognized by associated professional disciplines to reduce the total number of trips taken on a given roadway, reduce travel speeds, increase emergency response times and increase maintenance and similar efficiencies. There are a wide array of factors and considerations that can also influence and change the aforementioned elements. Elements such as traffic calming devices (choke points in a road, speed table, design speeds etc.) can also be used to accomplish some of the items noted. Ultimately, the City should consider whether or not the current ordinance requirements are aligned with the vision for the development of Independence neighborhoods. Planning Commissioners should also provide input relating to the proposed road and whether or not the City should require traffic calming measures due to the proposed length.
- There are no other future road extensions proposed within this preliminary plat. The City should consider if any additional future road connections are needed to allow the reasonable and orderly development of this portion of the City. Due to the existing wetlands and topography of the surrounding areas, it is unlikely that future roads would be beneficial to the southeast or southwest (as a result of the significant wetlands). There is a possible connection point that could be considered to the west near the location of Lots 3 & 4, Block 10 (see below).



4. The City recently revised the Cluster Subdivision section of the zoning ordinance to more clearly stipulate the minimum lot width for properties developed using the Cluster Subdivision standards. The minimum lot width now prescribed is 150 feet. All lots in the proposed development meet the minimum lot width of 150 feet. The average lot width within the development is 198 feet.
5. The City requires a minimum of 1.5 areas of buildable area for each lot. The applicant proposes several lots that have a minimum area of 1.5 acres including wetland buffer/RIM easement. The City would not permit development within the wetland buffer/RIM easement and would therefore not count it towards buildable area. There are several lots where it is not clear if these areas are included in the minimum buildable lot area calculation. The applicant will need to verify that the following lots meet the minimum area, not including the wetland buffer:

- Lot 1, Block 3
 - Lots 3, 4, 5, Block 5
 - Lot 1, Block 9
6. The proposed plan shows several lots that appear to have wetland/RIM easement encroachments on the private lots. Ideally, the wetlands/restrictive easements would be located within an Outlot and not on private property. The City would recommend that wetlands and wetland buffers are removed from the private lots to prevent future limitations on the useable lot area. Several lots should be noted:
 - Lots 3, 4, 5, Block 5
 - Lot 1, Block 6
 - Lots 1,2, Block 10
 - Lot 3, Block 4
 7. The applicant has provided information verifying each lot can accommodate a primary and secondary septic site.
 8. The applicant shows all applicable building setbacks on each proposed lot along with a proposed house pad. Applicable setbacks are as follows:
 - Front Yard Setback: 85' from centerline of road
 - Corner Yard Setback: 52' from property line
 - Side Yard Setback: 30' from property line
 - Rear Yard Setback: 40' from property line
 - Wetland Setback: 10' from edge of wetland buffer
 9. There are a handful of lots that have a non-traditional configuration. This is a result of the property having many unique features and geographical characteristics. Staff is seeking Planning Commissioners feedback relating to individual lot configurations.
 10. The applicant is proposing to preserve existing trees located within the proposed open space/Outlots.
 11. The developer has noted that they would likely phase the construction of the development going from the north to the south. Phasing of the development would be considered at the time of Final Plat.
 12. The existing portion of Koch's Crossing that is proposed to be eliminated will need to be formally vacated. The applicant will be required to make application to the City for vacation of Koch's Crossing.
 13. The City and Watershed have standards relating to storm water management and water quality. The City will ensure that the development of this property meets all applicable

standards relating to storm water management and water quality. The City's water resource engineers have completed a detailed review of the proposed plans. The applicant will be required to revise the plans in accordance with all applicable comments. Following preliminary plat consideration, the Pioneer Sarah Watershed Management Commission will review the plans.

14. The City's engineering consultant has reviewed the plans and prepared a detailed review of the preliminary plat. The applicant will be required to make all applicable revisions to the plans based on the comments provided.
15. The proposed subdivision is subject to the City's Park dedication requirements. The City is not requesting any public park land within the development. It is anticipated that the proposed useable open space would be fully accessible to the development and there appears to be good connectivity to all of the proposed Outlots. The standard park dedication requirement of \$3,500 per lot will be applicable to all newly developed lots. **The applicant is seeking credit for the six (6) existing parcels (this would reduce the total from 33 to 27 lots). Staff is seeking direction from the City Council relating to the credit for the existing parcels.**

Planning Commission Discussion:

Planning Commissioners reviewed the applications and asked questions of staff and the petitioner. Commissioners commented and discussed all aspects of the development and focused on several key issues. Commissioners discussed the connectivity of the proposed development to surrounding properties. Commissioners noted the previous subdivision approvals and the requirement to connect Brei Kessel to the proposed development. Commissioners also discussed the current ordinance requirements that also require the connection to the adjacent properties. Commissioners recommended approval of the requested actions to the City Council with two additional conditions; one to remove the need for a variance and to correct the temporary condition of the Brei Kessel cul-de-sac.

Neighbor Comments:

The City has received a petition from neighboring property owners relating to the proposed development and field several verbal questions. There was considerable public comment relating to the issue of the connection to Brei Kessel. The petition submitted to the City relating to this issue generally summarizes the comments provided at the public hearing. Several residents that live on Koch's Crossing noted concerns relating to drainage and increased traffic as a result of the proposed dead-end road. The developer's engineer provided additional information relating to the proposed drainage and noted that the proposed development would likely aid in mitigating some of the existing drainage conditions south of Koch's Crossing and along the east property line of the subject property.

Recommendation:

Planning Commissioners recommended approval of the request for Rezoning, Preliminary Plat and Conditional Use Permit for a Cluster Development with the following findings and conditions:

1. The proposed Rezoning, Preliminary Plat and Conditional Use Permit meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Preliminary Plat and Conditional Use Permit will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council.
 - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the associated review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall make all recommended and required revisions and receive final approval for all proposed and regulated improvements from Hennepin County.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - h. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
4. Koch's Crossing will need to be vacated by the City. The applicant shall apply for vacation of that portion of Koch's Crossing to be vacated. Vacation of the right of way will need to correspond with the establishment and construction of the new right of way and road.
5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
6. The Applicant shall submit the final plat to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

Attachments:

1. **ORDINANCE No. 2022-03**
2. **RESOLUTION No. 2022-0405-02**
3. EXHIBIT A
4. EXHIBIT B
5. Application
6. Preliminary Plat
7. Construction Plans
8. Detailed Engineering Review Letters



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-0419-01

**A RESOLUTION GRANTING APPROVAL OF A PRELIMINARY PLAT AND
CONDITIONAL USE PERMIT TO ALL A 33-LOT CLUSTER DEVELOPMENT
TO BE KNOWN AS KOCH FARM SANCTUARY**

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, Tom Koch (the “Applicant”) and William P Koch Et Al Trustees (the “Owner”) has submitted a request for a Preliminary Plat and Conditional Use Permit to the allow a 33-lot cluster development of the property identified by (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-31-0005, 11-118-24-13-0002, 11-118-24-42-0001, 11-118-24-42-0002) (the “Property”); and

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

WHEREAS, the Preliminary Plat is further depicted on **Exhibit B** attached hereto; and

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

WHEREAS the requested Preliminary Plat and Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on March 15, 2022, to review the application for the Rezoning, Preliminary Plat and Conditional Use Permit, 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; and

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 Tom Koch for a Preliminary Plat and Conditional Use Permit to allow the subdivision of the property per the City's subdivision regulations with the following conditions:

1. The proposed Rezoning, Preliminary Plat and Conditional Use Permit meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Rezoning, Preliminary Plat and Conditional Use Permit will be subject to the following:
 - a. The Applicant shall make all revisions required and as noted within this report, by the Planning Commission and City Council.
 - b. The Applicant shall address all comments and applicable requirements pertaining to the water resources and engineering as outlined in the associated review letters from Hakanson Anderson Associates and Bolton & Menk, Inc.
 - c. The Applicant shall make all recommended and required revisions and receive final approval for all proposed and regulated improvements from Hennepin County.
 - d. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - e. The Applicant shall enter into a development agreement with the City for this development.
 - f. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - g. The Applicant shall ensure that the final plat includes the extension of the 66' William Way right-of-way beyond the cul-de-sac terminus to the southerly boundary of the subdivision in an alignment that permits the future connection of William Way with Bree Kessel, and that the final plat includes the extension of 66' right-of-way from the William Way right-of-way to the westerly boundary of the subdivision in an alignment approved by City staff, and the development agreement shall address the potential future completion of such road connections.
 - h. The Applicant shall complete an _____ foot wide bituminous trail connection (including width of the creek crossing) that meets City standards between the William Way cul-de-sac and the existing terminus of Bree Kessel, all as

established by the development agreement. The final design of the trail and creek crossing will be reviewed at the time of final plat.

- i. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
 - j. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
 4. Koch's Crossing will need to be vacated by the City. The applicant shall apply for vacation of that portion of Koch's Crossing to be vacated. Vacation of the right of way will need to correspond with the establishment and construction of the new right of way and road.
 5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary plat and conditional use permit.
 6. The Applicant shall submit the final plat and title work to the City within ninety (90) days of the City Council approval of the Preliminary Plat.

This resolution was adopted by the City Council of the City of Independence on this day 19th of April 2022, by a vote of ____ ayes and ____ nays.

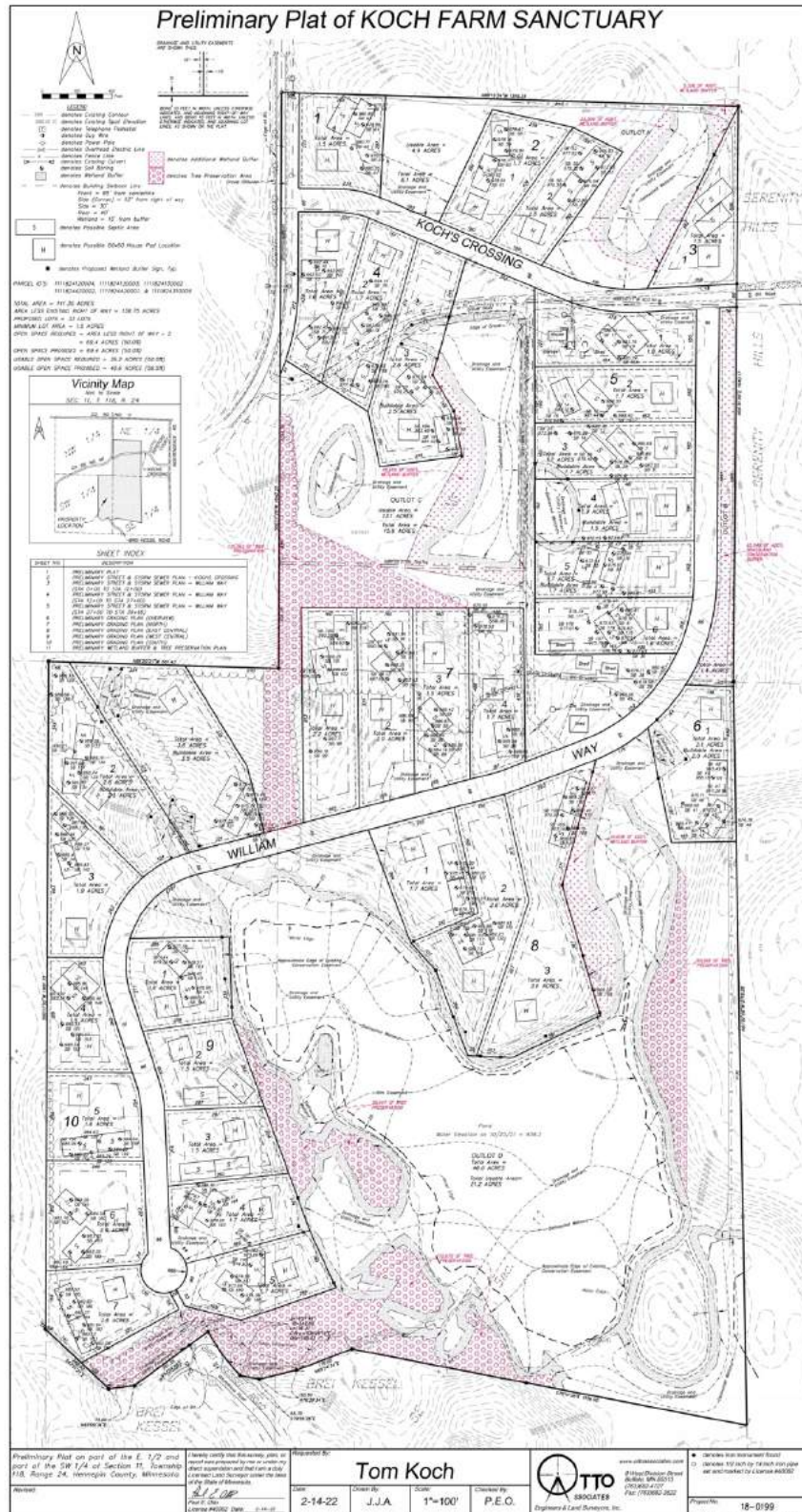
Marvin Johnson, Mayor

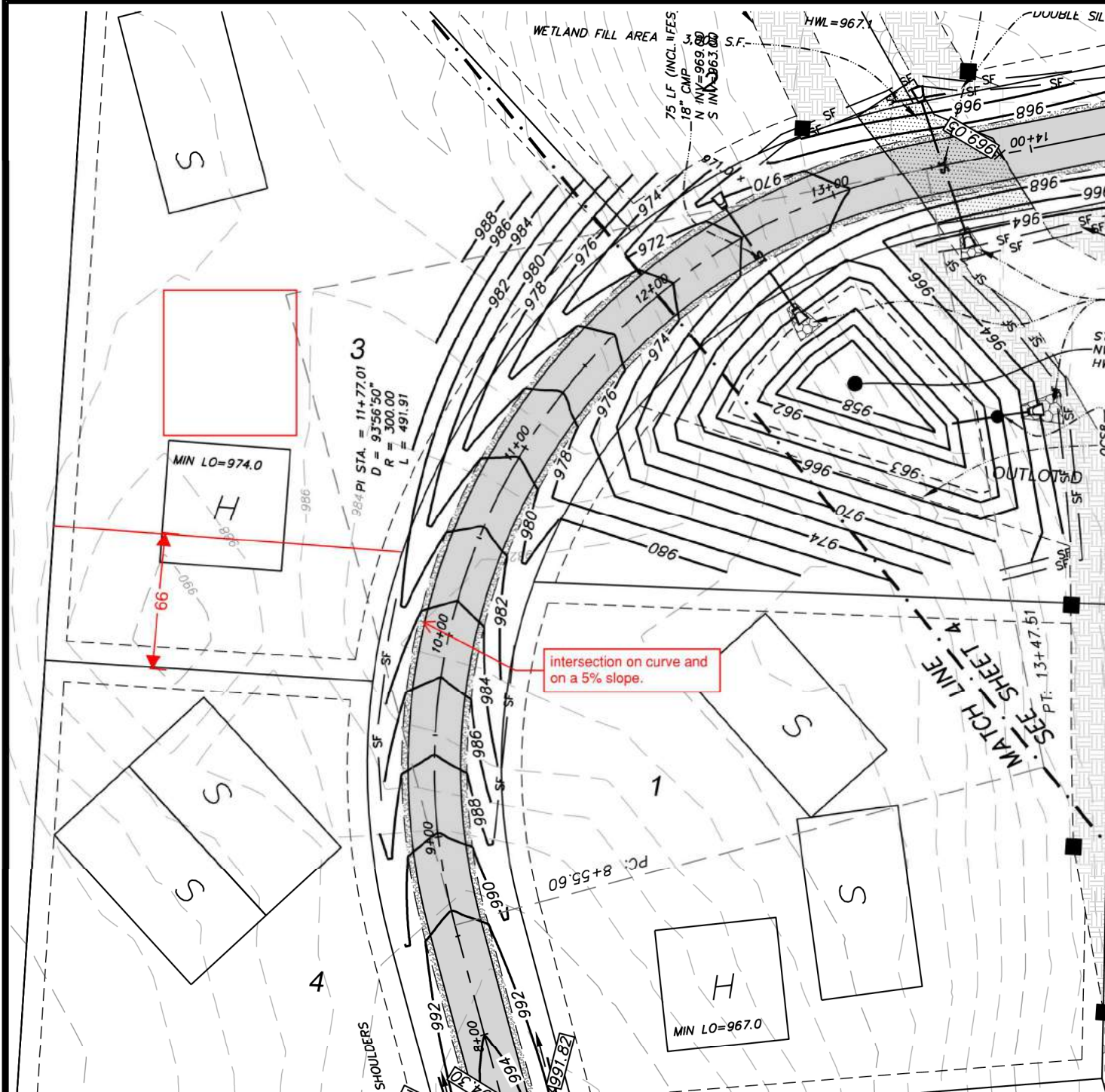
ATTEST:

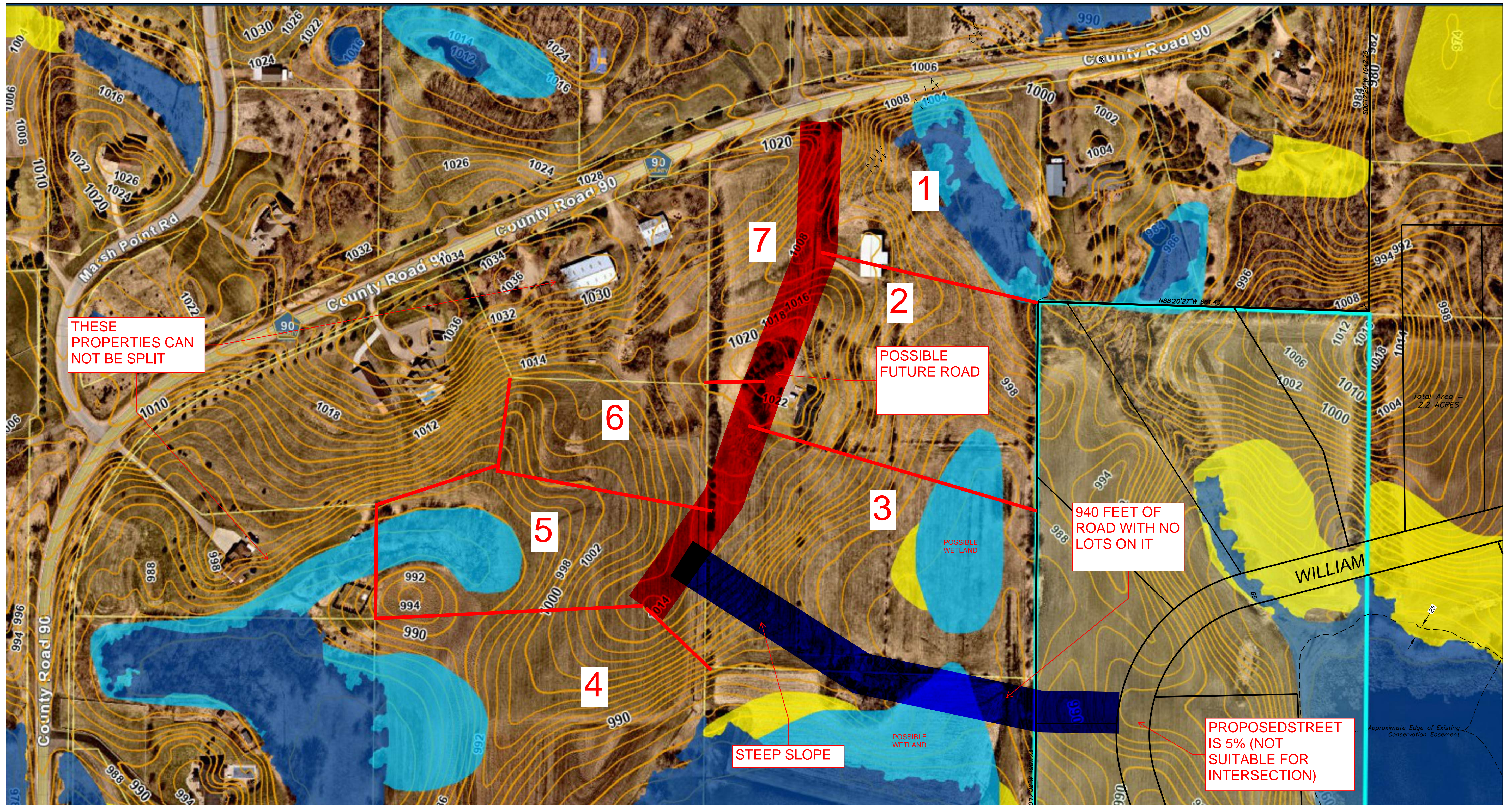
Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

(Preliminary Plat)









City of Independence

Planning Commission Alternate Appointment

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: April 19, 2022

Discussion:

As a result of the recent resignation of Tom Palmquist and appointment of Hal Tearse, the City has a vacant alternate Planning Commission position. The City has advertised the position and received two applications (see attached). Council has historically interviewed applicants and made appointments.

Recommendation:

Staff would like Council to discuss the interview process and determine a date/time when the City can interview the two applicants for the open position.

Attachment: Applications



APPLICATION FOR PLANNING COMMISSION APPOINTMENT

NAME GENE SNYDER DATE 3/24/2022
ADDRESS 4749 50 LAKE SARAH DR PHONE 612 817 5577
OCCUPATION RETIRED WORK PHONE _____

EDUCATIONAL BACKGROUND SEE ATTACHED

WORK EXPERIENCE SEE ATTACHED

INDEPENDENCE RESIDENT FOR 23 YEARS.

HAVE ATTENDED 3 PLANNING COMMISSION MEETINGS.

PLANNING AND ZONING EXPERIENCE _____

WHY DO YOU WANT TO SERVE ON THE COMMISSION, AND WHAT DO YOU FEEL YOU CAN CONTRIBUTE?

Familiarity with Zoning and Subdivision Ordinances is a prerequisite for serving in this position.
Feel free to submit additional comments and/or resume information on separate paper.



APPLICATION FOR PLANNING COMMISSION APPOINTMENT

NAME Timothy J Usset DATE 31 March 2022

ADDRESS 6576 Turner Rd, 55359 PHONE 763-742-5279

OCCUPATION Chaplain/Health Services Researcher WORK PHONE _____

EDUCATIONAL BACKGROUND See attached resume/CV.

WORK EXPERIENCE See attached resume/CV.

INDEPENDENCE RESIDENT FOR 2 YEARS.

HAVE ATTENDED 4 PLANNING COMMISSION MEETINGS.

PLANNING AND ZONING EXPERIENCE _____

Have read and reviewed Planning Commission agendas, packets, and meeting minutes over the past two years. 15+ years government experience in the United States Army and Department of Veterans Affairs

WHY DO YOU WANT TO SERVE ON THE COMMISSION, AND WHAT DO YOU FEEL YOU CAN CONTRIBUTE?

I desire to serve the community and help steward Independence into the 2040 comp plan and beyond. My professional background allows me to bring unique perspective to the Commission.

Familiarity with Zoning and Subdivision Ordinances is a prerequisite for serving in this position.
Feel free to submit additional comments and/or resume information on separate paper.