



CITY COUNCIL MEETING AGENDA
TUESDAY JANUARY 7, 2025

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

a. Approval of City Council Minutes from the December 3, 2024, Truth in Taxation Meeting.

b. Approval of City Council Minutes from the December 3, 2024, Regular City Council Meeting.

5. Resignation of Brad Spencer as City Council Member.

6. Swearing in of Newly Elected Mayor Spencer and Council Members McCoy and Grotting.

7. Proclamation and Appointment of Marvin Johnson as the City of Independence - Mayor Emeritus.

a. **PROCLAMATION** – Honoring Mayor Marvin Johnson.

b. **RESOLUTION No. 25-0107-01** – Appointment of Marvin Johnson to Mayor Emeritus.

8. Annual City Council Appointments.

a. **RESOLUTION No. 25-0107-02** - Annual Organizational Appointments.

b. **RESOLUTION No. 25-0107-03** - Approval of Planning Commission Reappointments for Robert Gardner, Hal Tarse and Jon-Paul Story.

9. Kim Jacobsen (Applicant/Owner) is requesting the following action for the property located at 5305 Sunset Ln. (PID No. 01-118-24-31-0004) in the City of Independence, MN.

a. **RESOLUTION No. 25-0107-04** – Considering approval of conditional use permit to allow an accessory dwelling unit (ADU) to be constructed on the property.



10. Joel Loomis (Applicant/Owner) is requesting the following action for the property located at 2112 CSAH 92 N. (PID No. 21-118-24-23-0001) in the City of Independence, MN.

- a. **RESOLUTION No. 25-0107-05** – Considering approval of a conditional use permit to allow an accessory dwelling unit (ADU) to be located within the existing accessory structure on the property.

11. Approval of Accounts Payable; (Batch #1 - Checks No. 23291-23313, Batch #2 - Checks No. 23314-23323, Batch #3 - Checks No. 23324-23334 and Batch #4 - Checks No. 23335-23341).\

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

13. Open/Misc.

14. Adjourn.

MINUTES OF THE TRUTH IN TAXATION
A SPECIAL MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, DECEMBER 3, 2024 – 6:00 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a special meeting, Truth in Taxation Hearing for 2025 City Operations. Independence City Council was called to order by Mayor Johnson at 6:00 p.m.

2. ROLL CALL

PRESENT: Mayor Johnson and Councilors Spencer, McCoy, and Betts.
ABSENT: Councilor Grotting
STAFF: City Administrator Kaltsas, Administrative Services Director Simon
VISITORS: Julie Mass-Kusske, Laker-Pioneer

3. TRUTH IN TAXATION HEARING

Johnson- I'm calling this Independence Truth in Taxation meeting to order for the City of Independence this 3rd day of December 2024. The Truth in Taxation hearing is basically a hearing regarding the budget for the City of Independence for the year 2025. Often, we have people that show up for the hearing to talk about their own valuation and taxes, but if somebody does show up for that, we will refer them to wherever they need to for that help. But I don't believe we have residents in the audience that want to ask about the truth in taxation in our budget for 2025. We're recording this meeting so that somebody can return to listen to the discussion that we've had tonight and learn a little bit more about the budget.

Kaltsas - Honorable Mayor and Council, before us tonight for the Truth in Taxation is the City's 2025 Final Budget and Levy. We've gone through the budget and levy on several occasions either at workshop and when adopting Preliminary Levy and Budget earlier this year, and we've put together what we think represents our Final Budget for consideration. (Slides are found in LMCC's Truth in Taxation meeting recording on the City's website as Watch a Meeting <https://www.lmcc-tv.org/independence.html> or summary details in packet.)

2025 Levy Compared to 2024.

So, with that, the 2025 Levy we always look at where we are, and then where we are compared to in 2024. So, our Proposed General Fund Budget for 2025 is \$3,784,539 which represents a 7.4% change year over year. The city shows its Debt Service as well then, as its Total Operating Levy, which is proposed or projected to be \$4,099,148, which represents a 6.73% increase year over year. The City then also has the Pioneer/Sarah Watershed Taxing District, which is a special taxing district, only impacting those residents within that portion of the city that are represented by the Pioneer/Sarah Creek Watershed and that levy for this year, or for 2025 is \$72,194. That represents a small increase of just over 1.5%.

The City looks at Tax Capacity annually, and we also then compare it to some surrounding cities that we have similar attributes to. So, if you look at what our tax capacity is comprised of, you can see that the majority of our tax capacity is residential, a smaller amount of farmer agriculture, no apartment or multifamily, and then a relatively modest amount of commercial industrial.

Tax Capacity Rate Graphs.

One of the things that the City Council has worked on doing over the last almost 10 years now is to try to maintain a consistent tax rate. And that tax rate is really what impacts the residents' taxes if their property values remained consistent. So, if you had a \$500,000 house in 2024 and you had a \$500,000 house in 2025, your city portion of your property taxes would go down year over year because this year we are reducing the city's tax rate only by a percentage- a couple of decimal points .2. But we are going down and is still kind of achieving our goal of trying to stay flat. You can see that year over year as we've gone out, we've held that rate flat. Then in 2023, we were able to considerably drop our tax rate and still maintain all the level of services that we try to provide.

The Levy Summary 2019 to 2025 Projected.

You can see that we have a very kind of steady or consistent rise that obviously represents cost of doing business as well as inflation and then all the factors. But you can see that our budget is very steady, which is what we try to do. We try to have either flat or a modest increase to be able to accommodate costs, and you can see what that looks like. You can see that our debt service has remained consistent. We haven't added new debt very frequently, and then you can see that Pioneer Sarah Creek has also stayed consistent as a portion of our levy annually.

2025 Projected General Fund Revenue.

This chart just represents where the City gets its funds from. You can see, as most cities, taxes make up 88% of our Total Revenue, or as a portion of our revenue. Other revenue sources are Intergovernmental and then License and Permits kind of makes up our 3rd tier. But you can see, just as a piece of total revenue, how little fees that the City takes in as a portion of its Total Revenue. Most of our revenue is taxes.

2025 Projected General Fund Expenditures.

As it relates to our General Fund Expenditures for 2025, this chart represents where our money is being spent in the City. You can see that Fire and Police make up almost 50% of the City's Total Expenditures, then Streets, which I think people would anticipate would make up the next largest piece, and then the smaller pieces of that pie to follow with Staffing and some other just General kind of office type expenditures. So, this really does help represent for Independence how we spend our money, and you can see that the custom Emergency Services is a is a big piece of what we spend money on and prioritize for the City.

Key Changes to the General Fund.

The Police Protection did increase. Fire Services increased modestly. Streets is really our largest increase in kind of General Fund expenditures. We have increased our funding by about \$220,000. A lot of this is represented in a Gravel Road Fund that we're creating to start doing gravel roads in accordance with our 5-year Capital Plan. It also represents the additional Small Cities Road Funding that we're getting from the State. For 2025 we are programming revenue into our budget because of that Small Cities Road Funding, which is the 1st year we're ever doing that. Historically that funding has been inconsistent and not always stable, and as a result we just have chosen not to include that as a part of our revenue. But with the Legislation that was approved last year and now the new system for funding that Small Cities Fund account, we feel good about the fact that we'll be able to budget as revenue that Small Cities Road Fund. Outside of that, there are just some minor changes in Elections and Building Inspections. We won't have Elections next year, so we took that out. Then in Building Inspections with our singular Building Official and our increase in Permits and Revenues that we're dealing with, our Building Official ends up working closer to 40 hours than 36, which historically had been our kind of overall number. And so, we just try to true the budget to show what's actually happening all the time now in order to kind of keep pace with demand on Permits.

Recommended Action.

Our recommendation for the Council tonight at our regular meeting will be to approve the Levy and Budget as presented and certify it to the County prior to December 20th. Questions?

Johnson - It's a minor amount, but our Obligation Bonds where we have 2 funds, and they are a \$1,000 or \$2,000 less than last year. Most of those I thought were amortized on a yearly basis, so they were pretty much the same. Are we at the end of?

Kaltsas - Yes, we're at the end of the bonds that you see there, and that's one of the reasons why that amount has decreased just a little bit year over years. because we got money.

Johnson- Mark, you and your staff continue to do a good job in preparing the budget, and I think that not hearing a lot from our citizens beforehand is evident of the work that we've done. And then, of course, the Winter newsletter just coming out and residents liked that they heard about this meeting ahead of time and had a lot to read in the newsletter.

Kaltsas - I appreciate that, Mayor. Our goal every year is to try to do as much as we can with less, but with that expenses always do increase on the Personnel side, on the goods side, Utilities, Equipment, and all those things. So, we try to incorporate that into the budget but still try to maintain fiscally sound and efficient in the way that we provide the services. The one thing for the residents to know is that our increase in the Gravel Road piece represents kind of a final leg of us being able to upgrade all our roads across the city. So, with this budget increase, we're really prepping ourselves to be able to carry out our 5-year Capital Plan for Gravel Roads and absorb some of the costs that we've already anticipated for 2026 when we issue debt in 2025 to be able to do that gravel road project. A key piece of that is that the Council has

decided to do that gravel road project without assessments to property owners. So, we're doing a pretty major overhaul of our gravel roads over the next 5 years and with a major piece in 2025 without assessment. So that's a big piece of what we're trying to do here.

Johnson - Just out of curiosity, do you have any idea how much the Minnehaha Watershed District Levy would be increased in Independence?

Kaltsas - It's a good question, Mayor, and I can look into that as I did not look prior to tonight's meeting what they were proposing as a Preliminary Levy for their year over year. But I can find that out.

Johnson - Do you know the Pioneer Sarah, because we're taxing our residents for that? But in that case the Watershed District is doing the taxes on that even though it's a small area in the City, their budget is a separate item.

Kaltsas - I do see that they had a report in their Preliminary, but I don't see what it is compared to 2024.

Spencer - They had reduced or flattened it. \$14,000,486 was for 2024 and \$9,000,869 was proposed for 2025.

Johnson- If there are no other questions, is there a motion to close the Truth in Taxation Hearing?

Kaltsas - We will adopt the budget during our City Council Meeting.

4. ADJOURNMENT.

Motion by McCoy, second by Betts to adjourn the Truth in Taxation meeting at 6:16pm. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None. Abstain. None. MOTION DECLARED CARRIED. 4-0

Meeting adjourned at 6:16 pm.

Respectfully Submitted,
Linda Johnson/ Recording Secretary

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, DECEMBER 3, 2024 – 6:30 P.M.
City Hall Chambers

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Johnson, Spencer, McCoy, Betts

ABSENT: Grotting

STAFF: City Administrator Kaltsas, Administrative Services Director Simon,
City Attorney Vose

VISITORS: Julie Mass-Kusske, Laker-Pioneer

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 November 19, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 23272-23283, Batch # 2; Checks Numbered 23284-23290).
- c. Agriculture Preserve Renewal Application – James and Roberta Meehan
 - i. PID No. 20-118-24-43-0004
 - ii. PID No. 29-118-24-12-0002

Motion by Spencer, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, Spencer, Betts, and McCoy. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

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

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

Betts attended the following meetings:

- Truth in Taxation

Spencer attended the following meetings:

- Planning

- County Assessor
- Truth in Taxation

McCoy attended the following meetings:

- Truth in Taxation

Johnson attended the following meetings:

- Metro Cities Policy Development (virtual)
- Orono HS Anastasia musical
- Funeral for Linda Schmidt, former WHPS employee
- Hennepin County Assessor
- Truth in Taxation
- (Hennepin County's TNT meeting was also scheduled for tonight at the exact same time, and Mayor Johnson would normally attend that.)

Simon – none

Kaltsas – none

7. Consider Adoption of the Final 2025 Tax Levy and General Fund Budget and Associated Actions.

It was presented tonight at 6pm and no one came to that. It was also mentioned in our newsletter. Since this is the last meeting of the year, we need to approve it.

- a. **RESOLUTION 24-1203-01** – Adopting the 2025 General Fund Budget.

Motion by Betts, seconded by Spencer to approve the 2025 General Fund Budget.
Ayes: Johnson, Spencer, McCoy, Betts. Nays: None. Absent: Grotting. Abstain. None.
MOTION DECLARED CARRIED. 4.0

- b. **RESOLUTION 24-1203-02** – Adopting the 2025 General Tax Levy.

Motion by Johnson, seconded by McCoy to approve the 2025 Final Property Tax General Levy. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0

- c. **RESOLUTION 24-1203-03** – Adopting the 2025 Pioneer Sarah Creek Watershed Management Commission Tax Levy.

Motion by Spencer, seconded by Betts to approve the 2025 Pioneer Creek Watershed Management Commission Tax Levy. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0

Spencer shared appreciation to Joe Baker and staff for maintaining a level levy for this.

8. Amy Pelowski (Applicant) and Jeremiah Staples (Owner) are requesting the following action for the property located at 25 Game Farm Road (PID No. 33-118-24-44-0005) in the City of Independence, MN.

- a. **RESOLUTION 24-1203-04** – Considering a conditional use permit to allow a 500 SF ground mounted solar system that meets all applicable requirements of the City’s Solar Energy System Ordinance.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet and opened questions for the council. The property is on the West side of Game Farm, South of County Road 6, and there are an existing home and detached garage and accessory. It’s guided as AG/agriculture. All ground mounted solar systems in the City require a CUP/conditional use permit. There are requirements for where it can be located, maximum size, setbacks, and height. The Applicant is proposing a ground mounted solar system/GMSS that meets all requirements. Applicants did obtain support letters from the properties on the North and South. So, the proposed is for two solar arrays, West of house in rear yard. It’s approximately 450 sqft, located 50ft from North property, 90 ft from West property line, and a long distance from West and East property lines. It’s approximately 9.5 ft high. The nearest property is 200ft away and there is considerable tree coverage or vegetation. These GMSS are becoming more common within the City. The City held a Public Hearing. The Planning Commissioners noted these were far enough away and that it met applicable standards, and so recommended its approval. The Owner is here tonight.

Jeremiah Staples – Surveyors were out there and confirmed that all setbacks were met by at least 50 ft.

Motion by Spencer, seconded by McCoy to approve RESOLUTION 24-1203-04 for the ground mounted solar system Conditional Use Permit noting that it meets all applicable conditions and restrictions. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None. Abstain. None. MOTION DECLARED CARRIED. 4-0

9. Jon Dailing/Windson Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the properties generally located at 18 Golf Walk and 550 CSAH 92 N. (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32-118-24-42-0030, 32-118-24-43-0002, 32-118-24-42-0031, 32-118-24-42-0029, 32-118-24-42-0025, 32-118-24-42-0036, 32-118-24-34-0001 and 32-118-24-31-0001) in the City of Independence, MN:

- a. **RESOLUTION 24-1203-05** – Considering a conditional use permit amendment to allow a modification to the vehicle parking area for the out-of-town member guest house and amendment to the approved conditions for use of the house in association with the private golf club.

Kaltsas reviewed the Request, Property/Site Information, Discussion, Neighbors Comments, and Recommendations from packet. Windson Farm Golf Club is on the South side of County Road 6, West of County Road 92, zoned as AG, guided as public - semiprivate. The Murphy guest house was approved in 2012. It was established by its club for use of its national club members that travel to use facilities. The conditions limited the guests’ length of stay, access to it by golf cart only, and access to be maintained at all times. The Murphy guest house has no kitchen, and no meals are prepared there. The number of national members increased, and they have demand

to utilize that house in off-season months. Members want to stay at the golf course, but the conditions stating you must access it by golf cart in the winter months make it challenging. They are requesting the amendment to modify 2 of its 6 conditions: Maximum length of stay from 3 consecutive nights to 14 consecutive nights from November 1 to April 30. The second condition requests a change from accessing the guest house by golf cart only from May 1st to October 31st (peak months) to allowing access by automobile from November 1 to April 30 (off-season months) and the parking of those automobiles used to access the guest house shall be only in the designated parking spaces. They will construct 8 parking spaces near / east of the guest house. After talking to WHPS and MP Fire, they were in support of this. This only applies to off-season months, but during its regular season, they cannot drive cars out there as it would be a prime location for cars to be hit by golf balls. The criteria for granting amendment are the same as for granting a conditional use. It doesn't take away from reasonable use and enjoyment of the surrounding properties. The Planning Commission had asked about Emergency and Fire access, and it was noted that both West Hennepin Public Safety and Maple Plain Fire Department had approved. When asked about the guest house history and initial conditions, it was noted that when the initial CUP in 2012 was permitted, the City did not want permanent housing on the golf course that could be converted to housing. Planning Commission noted that it met criteria and recommended approval. The Applicant is here to answer any questions as needed.

John Dailing agreed with Mark's summary.

**Motion by McCoy, seconded by Spencer to approve RESOLUTION 24-1203-05.
Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None.
Abstain. None. MOTION DECLARED CARRIED. 4-0**

10. Annual Opportunity for Public Comment on MS4 Permit.

- a. This is an opportunity for interested citizens to comment on the city's Storm Water Pollution Prevention Program (SWPPP) which is a part of the City's MS4 Permit.

Kaltsas - Mayor and Council, so annually, in accordance with our MS4 Permit, which is our municipal storm sewer system permit, and then the Stormwater Prevention Plan that we put into place, we're required to provide an opportunity for public to comment on that plan. There were some things that changed in the requirements last year, and so normally we would do it in the Spring, like early Summer, and that requirement doesn't exist anymore. But we still have to hold the opportunity for people to comment. The MS4 General Permit is designed to reduce the amount of sediment and other pollutants entering stormwaters from our stormwater systems, and all of our stormwater systems that are put into place or that are privately put into place are covered under our MS4 Permit. And so with that the City does do various things to try to maintain those systems, manage and and kind of oversee what happens with that. But with that, one of our obligations is to just give people an opportunity to ask questions, approach the City about the MS4 Permit or the Swift that goes into place. And this is regulated by the MPCA.

Johnson - So why don't we just move on to the next agenda item, and if she happens to come, then we can move back. We can move back and pick that up. Do you want to discuss the high-water level in Lake Independence?

11. Discussion Regarding the Ordinary High-Water Level (OHWL) for Lake Independence:

- a. Lake Independence Citizens Association (LICA), Pioneer Sarah Creek Watershed Management Commission (PSCWMC) and the Department of Natural Resources (DNR) have been discussing the status of the OHWL for Lake Independence. The city is being asked to support further study and analysis of the OHWL for Lake Independence.

Kaltsas- Sure, and I'll let Council Member Spencer as well if he wants to provide any other input relating to this. But Ordinary High-Water Level of Lake Independence has been a topic in the City for a number of years. The level has been consistently above the 10-15 years we've seen that level not only be above the Ordinary High-Water Level, but it's been sustained. We've had many years where it's just held above. So, this particular topic has been discussed by LICA and the Pioneer Sarah Creek Watershed Commission, and there's been an interest to try to analyze study and look at that Ordinary High-Water Level in more detail, to try to understand why the lake is maintaining that level, and then, whether or not the ordinary high-water level should be adjusted. So, the DNR has established the ordinary high-water level, which was most recently established in 1976. There was a weir that was installed at the lake outlet in 1984, which does kind of maintain the water level of that lake. With that the Pioneer Sarah Creek is moving forward with a hydrological study to evaluate the situation based on the request from LICA, and the DNR has been contacted about whether or not they should look at and investigate the Ordinary High-Water Level. In order to do that, they want support from Medina and Independence City Councils to suggest that that they should continue to look at that. A couple of things I'll note, and then Council Member Spencer, if you'd like to chime in. I think the basis for that Ordinary High Water Level discussion for the most part relates to the No Wake issues that get placed on that lake and stay in place during periods of high water like we had this past year that no wake restriction stayed on almost the entirety of the summer. But with that there are implications to the ordinary high-water level if it is adjusted. And so, looking at those 2 aspects, the ordinary high-water level and the lake No Wake level, they really are separate items because the one is controlled exclusively by the cities, Medina and Independence, and the other is controlled by the DNR. And if that ordinary high-water level were to get adjusted, there are some properties that could have impact, mostly relating to their separation above the Ordinary High-Water Level and their lowest opening. And so, if that Ordinary High-Water Level got adjusted that in and of itself could have implications for some properties on the lake that may or may not be now subject to flood insurance or some different things like that. So, there's some pros and cons. I did talk to Medina about this. They had called and said, "Where are you guys at?" and that their concern is not so much the No Wake issue it's more the Ordinary High-Water Level and whether or not that impacts properties and whether or not we should actually try to change that. So, their initial blush is, let's look at the wake level but not the not try to adjust the Ordinary High Water, but at the same time look at the inlet and the outlet of Lake Independence to try to see where's the water coming from and why it's staying and raising that level. Councilmember, Spencer, would you want to add to that because you're more knowledgeable?

Spencer: Part of the reason that we're the request was made in the DNR to investigate the High Water elevation isn't necessarily that it's gonna because of the setbacks or the other impacts it might have, but because that delineates the enforcement ability for the DNR to protect the waters, and we ran into a little issue on the Bridgevine with people not needing a permit to dig in 2 feet of water, which is kind of ridiculous. So that triggers the conversation about the Ordinary High-Water Level. The Ordinary High-Water Level isn't anything that we or Medina would set. It's a thing that's established by a scientific formula that observes what the traditional water level elevations have been on that lake by observing things such as marks on trees. So, when they raised the Ordinary High-Water Level on Lake Sarah, they certainly didn't ask the City of Independence or Greenfield about it, and why our current hydrologist seems to feel the need to request the approval of Medina and Independence is beyond me. This is his job. So, where we have a problem is that the enforcement from the Ordinary High-Water Level is up is us, and properties are Medina, and we would theoretically be trying to reinforcing actions that potentially could be under 2 feet of water like they were this summer, and that's kind of not really in our purview. The second thing is that we've been dealing with this for so many years. We've helped and participated in the project to clear the outlet 10-12 years ago with Sunram. So now that clearing the outlet may help, but it certainly isn't the problem. The water levels have been above the Ordinary High-Water Level most of the last 15 years. Very rarely has it gone under the Ordinary High-Water Level. The no wake level isn't really driven by the ordinary water level, it's driven more off the 100-year FEMA flood elevation, which is also slightly ridiculous. It's supposed to be a one percent event, and I think it's happened 5 times in about 10 years, which makes it about a 50% event. But that's just math. So, a few other people and I went to the Pioneer-Sarah Creek Watershed Commission meeting and requested that a study be done to understand why the water elevations are high on Lake Independence and whether or not something can be done about it. And if nothing can be done about it, then we should raise the Ordinary High-Water Level to whatever it should be. So, if we can't lower the water elevations back to where they historically have been, we adjust our enforcement boundaries to the realities of today with this global warming, or more rain, or whatever it is, it really isn't of no particular interest. It just is what it is. So that's been the process. Lake Independence is going to be coming to us for some participation in another clean out of the outlet that should involve contractor this Winter. He's anticipating that should cost about \$40,000 - \$45,000. If we have historical participation, there'll be 5 parties involved in this. So, we probably ask for about 1/5th of that.

Johnson - Is it a different area than before?

Spencer - No, it's pretty much the same area. The maintenance hadn't occurred in that area, so cattails have built up in the channel, and they need to be physically removed. So, it just needs to be done. The DNR is asking for the cities of Independence and Medina to weigh in on this, probably more to kind of offset what he feels is a concern about the negative impacts to shoreline property owners. LICA did a survey of its property owners, and it was of minimal concern to them if the ordinary high water rewarded you guys. So, I'd be comfortable in saying, Yeah, sure, I think you should raise the Ordinary High-Water Level. The data serves and supports that. I think part of the problem for Lake Independence is the flow of water coming into the lake. That's obviously through Three Rivers Parks, so there'll have to be some study on that culverts, drainage, and things like that. And it sounds like the DNR is going to participate in that study. So, if the Department of Natural Resources Area Hydrologist needs a letter of support from the City of Independence to restudy the standards, I think that's a good idea.

Johnson - Has Three Rivers Park weighed in on this at all?

Kaltsas - A little bit on the study. They have issues with the No Wake on the park and the campground, but I don't know if they've formally given any kind of direction.

Spencer - So I don't think I haven't heard anything. I think they're a little more concerned about the impacts to their visitors. They received quite a few complaints about the season long. So that is a different subject. We will have to look and readdress that way. Medina has a separate issue at some point, but we want LICA to be involved and make sure that their owners are in some agreement if whatever changes we might require. So, I guess the motion would be is, it is if requested that this, the city staff be authorized to send a letter of support for our studies.

Motion by Spencer, seconded by Betts to approve sending a letter of support to raise the Ordinary High-Water Level (OHWL) if requested. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0

12. Open/Misc.

Johnson - We've reached the end of the agenda as I understand it, and it's the end of my pounding the gavel. I'm gonna miss it, but I'm not gonna miss it.

Spencer - Unless some tragedy should befall us, this is the final council meeting that you would be administering, and we applaud you for your 45 years of extraordinarily consistent service. I think you've missed all of maybe 5 meetings in those 45 years.

Johnson - I know it hasn't been that many, but as I mentioned in my newsletter article, it's been a venture with the good staff, Police, Public Works, and counsels when you really get something done and you're respected for it. So, we've had about I don't know. Bob (Attorney Vose), we've had 3 or 4 City Attorneys before you, and in every case, I was comfortable (well, in one case I wasn't). It makes a lot of difference, so it makes lots of difference I'll miss it, but I'll be relieved of the responsibility.

Spencer - So the testament to your consistent service is the frequent absence of attendance at your meetings and controversy. So, I think that's something to be incredibly proud of. So, I would congratulate you, and I'd offer a round of applause for his. So, thank you, everybody for coming. We do have cake for anybody in the audience who wants to stick around.

13. Adjourn.

Motion by Spencer, second by McCoy to adjourn the meeting at 7:09pm. Ayes: Johnson, Spencer, McCoy, and Betts. Nays: None. Absent: Grotting. None. Abstain. None. MOTION DECLARED CARRIED. 4-0

Meeting adjourned at 7:09 pm.

Respectfully Submitted,
Linda Johnson/ Recording Secretary



PROCLAMATION

CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

WHEREAS, Marvin D. Johnson, born May 2, 1935, is a lifelong resident of Independence, Minnesota; and

WHEREAS, Marvin began his long history of public service upon his appointment to the vacant position of City Councilmember Clinton Bergman in 1976 by the then Mayor and Council of the City of Independence, Minnesota; and

WHEREAS, Marvin was elected to his initial 2-year term as Mayor for the City of Independence, Minnesota in the November 6, 1979 election; and

WHEREAS, Marvin has continued to serve as his community's elected Mayor without interruption from his swearing in on December 27, 1979 until this day, January 7, 2025, an impressive series of consecutive terms totaling more than 45 years; and

WHEREAS, Marvin's exceptional and unparalleled history of Community and Civic service, far exceeding the requirements of the elected position of Mayor, as documented by his being awarded the C.C. Ludwig award for Leadership by the League of Minnesota Cities in 2013; and

WHEREAS, Marvin has consistently demonstrated his generosity and compassion for all of his fellow citizens; and

WHEREAS, Marvin has always been available, willing and able to work with his fellow Councilmembers, City staff, First Responders, and representatives of all manner of public officials with the sole objective of making our community a better place to live; and

WHEREAS, in addition to his service as Mayor, Marvin has continued to serve on such a vast array of Boards, Committees and Commissions that they are far too numerous to attempt to list here; and

WHEREAS, Acknowledging Marvin's displayed personal dedication and objectivity, with which he has led his community with strength and integrity, an example that should serve as a model for us all.

NOW, THEREFORE, on behalf of the City of Independence and staff, I Mayor Brad Spencer, take immense pride in honoring Marvin D. Johnson for his selfless service to his community.

BE IT FURTHER PROCLAIMED, that Marvin D. Johnson be hereby granted the official Title of Mayor Emeritus for the City of Independence to encourage and support Marvin to maintain association with the City and with any of the Boards, Committees, or Commissions that he wishes as an official representative of the City of Independence.

Proclaimed on this 7th day of January 2025.

Brad Spencer, Mayor

Lynn Betts, Council Member

Ray McCoy, Council Member

Steve Grotting, Council Member

City of Independence

Consideration of Appointing Marvin Johnson as *Mayor Emeritus* of the City of Independence

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: January 7, 2025

Discussion:

The City has the ability to appoint ad hoc committees or individual representative to serve the City Council on various boards, coalitions, etc. In order to recognize and honor the nearly 45 years of public service that Marvin Johnson has provided to the City of Independence and its residents; it is recommended that the City Council consider bestowing the honor of Mayor Emeritus on Marvin Johnson. With this appointment, Marvin Johnson will be able to represent the City on various advisory boards, coalitions or similar organizations where he may attend meetings, provide insight and feedback on behalf of the City and report back to the City Council with pertinent information relating to the activities.

In order to offset the expenses associated with representing the City, attending meetings and official functions, the City will reimburse the Mayor Emeritus for mileage, fees, or per diem expenses in accordance with current policy.

Requested Action:

It is recommended that the City Council consider bestowing the honor of Mayor Emeritus on Marvin Johnson by adopting **RESOLUTION No. 25-0107-01**.

ATTACHMENTS: RESOLUTION No. 25-0107-01



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0107-01

**RESOLUTION APPOINTING MARVIN JOHNSON AS *MAYOR EMERITUS*
OF THE CITY OF INDEPENDENCE MINNESOTA**

WHEREAS, the City of Independence (the City) can and regularly appoints committees and or individuals to represent the City on various advisory boards, coalitions or similar organizations where they may attend meetings, provide insight and feedback on behalf of the City and report back to the City Council with pertinent information relating to the activities; and

WHEREAS, the committees and individuals serve at the request of the Council; and

WHEREAS, Marvin Johnson has represented the City in the official capacity of Mayor since following commissioner members are seeking reappointment to a new three-year term.

Steve Thompson and Anita Volkenant

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Independence approves the appointment effective January 1st, 2025.

This resolution was adopted by the City Council of the City of Independence on this 7th day of January 2025, by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence
Consideration of Annual City Appointments

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: January 7, 2025

Discussion:

Each year the City selects Council Members, consultants and staff to serve the City and fill roles supporting boards and commissions. The Council has the discretion to make appointments as necessary. The various positions are identified on the attached schedule. Council appointments that have typically changed on an annual basis and there are several that need to be decided annually. The positions known to be open for 2025 are highlighted on the attached appointment schedule.

Requested Action:

It is recommended that the City Council discuss and approve the official 2025 appointments by adopting **RESOLUTION No. 25-0107-02**.

ATTACHMENTS: **RESOLUTION No. 25-0107-02**
Appointment Schedule



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0107-02

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Independence that it approves the appointments and positions within the City as noted on the schedule attached hereto for 2025.

This resolution was adopted by the City Council of the City of Independence on this 7th day of January 2025, by a vote of _____ ayes and _____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

2025 Council Appointments

Acting Mayor	
Assessor	Hennepin County
Weed Inspector	Public Works Supervisor
Assn. of Metro Municipalities	Mayor Spencer
Attorney, Civil	Kennedy & Graven
Attorney, Criminal	Carson, Clelland & Schreder
Auditor	Bergan KDV (Creative Planning Services)
Civil Defense Director	WHPS Director Gary Kroells
Dog Pound	Crossroads Animal Shelter
City Engineer	Kimley-Horn, Michael Kirsch and Bolton & Menk, Inc., Andrew Budde
Fire Department Advisory Boards	
- Maple Plain FD	Mayor Spencer, Councilor Grotting, City Admin. Kaltsas
- Loretto FD	Mayor Johnson, Councilor McCoy, City Admin. Kaltsas
Fire Marshall	Building Official Bruce Satek
Hennepin County Recycling Comm	Administrative Assistant, Linda Johnson
Highway 55 Coalition	Mayor Emeritus Johnson
Highway 12 Coalition	Mayor Spencer, Councilor Betts
HRA	Mayor Spencer, Councilors Betts, McCoy and Grotting
Lake Minnetonka Cable Commission	Mayor Spencer, Alt. Councilor Grotting
Minnehaha Creek Watershed District	Mayor Spencer
Newspaper	Crow River News (official), Pioneer and Delano Herald (optional)
Northwest Hennepin League	Mayor Spencer, Councilors Betts, McCoy, Grotting and City Admin Kaltsas
Official Depository	Bank of Maple Plain, Northland Securities, Ehlers & Assoc., League of MN Cities
Pioneer Sarah Watershed	Joe Baker, Alt. Mayor Spencer
City Planner	Terramark - Mark Kaltsas
Planning Commission Liaison	
Public Works Road Liasion	
Registered Municipal Advisor	Tammy Omdal, Northland Securities
Water Resource Staff	Hakanson/Anderson – Shane Nelson and Craig Jochum
West Hennepin Police Commission	Mayor Johnson, Councilor McCoy

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

City of Independence

Consideration of Planning Commission Reappointments

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: January 7, 2025

Discussion:

The City annually reviews the terms of all Council and Commission seats. Three (3) planning commission seats expired on December 31, 2024, for **Robert Gardner, Hal Tearse and Jon-Paul Story** (alternate). All members would like to continue serving on the Planning Commission for a new three-year term.

Requested Action:

It is recommended that the City Council consider reappointing aforementioned Commissioners to new three-year terms by adopting **RESOLUTION No. 25-0107-03**.

ATTACHMENTS: RESOLUTION No. 25-0107-03



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0107-03

RESOLUTION APPOINTING PLANNING COMMISSION MEMBERS

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

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

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

Robert Gardner

Hal Tearse

Jon-Paul Story (alternate)

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Independence approves the noted appointments to a new term effective January 1st, 2025.

This resolution was adopted by the City Council of the City of Independence on this 7th day of January 2025, by a vote of _____ ayes and _____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator



Elected and Appointed Officials Terms

City Council: (4-year term)

Mayor Brad Spencer:	term - Jan. 1, 2025 - Dec. 31, 2028	(Began 2009)
Lynn Betts:	term - Jan. 1, 2022 - Dec. 31, 2026	(Began 2001)
Ray McCoy:	term - Jan. 1, 2025 - Dec. 31, 2028	(Began 2016)
Steve Grotting:	term - Jan. 1, 2025 - Dec. 31, 2028	(Began 2016)
Vacant Seat:	term - Jan. 1, 2022 - Dec. 31, 2026	(TBD)

Planning Commission: (3-year term)

Robert Gardner:	term - Jan. 1, 2019 - Dec. 31, 2024	(Began 1992)
Hal Tearse:	term - Jan. 1, 2020 - Dec. 31, 2024	(Began 2022 – took over for Tom P.)
Steve Thompson:	term - Jan. 1, 2021 - Dec. 31, 2023	(Began June 2013)
Leith Dumas	term - Jan. 1, 2020 - Dec. 31, 2025	(Began 2017)
Anita Volkenant:	term - Jan. 1, 2021- Dec. 31, 2023	(Began 2019)
Jon-Paul Story, Alternate	term - Aug 8, 2021 - Dec. 31, 2024	(Began 8/10/2021)
Timothy Usset, Alternate	term - May 17, 2022 - Dec. 31, 2025	(Began 5/17/2022)

■City of Independence

Request for a Conditional Use Permit to Allow a Detached Accessory Dwelling Unit (ADU) on the Property Located at 5305 Sunset Lane

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	January 7, 2025
<i>Applicant:</i>	Kim Jacobsen
<i>Owner:</i>	Kim Jacobsen
<i>Location:</i>	5305 Sunset Lane

Request:

Kim Jacobsen (Applicant/Owner) is requesting the following action for the property located at 5305 Sunset Ln. (PID No. 01-118-24-31-0004) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory dwelling unit (ADU) to be constructed on the property.

Property/Site Information:

The property is located on the south and west side of Sunset Lane on Lake Sarah. The property is mostly wooded. The property has an existing home and three (3) detached accessory buildings.

Property Information: **5305 Sunset Lane**

Zoning: RR-Rural Residential (S-Shoreland Overlay)

Comprehensive Plan: RR-Rural Residential

Acreage: 4.66 acres



Discussion:

The applicant is seeking a conditional use permit to allow the construction of a new detached accessory dwelling unit (ADU) on the eastern side of the property. The applicant met with staff to review the requirements and discuss the proposed plans. Accessory dwelling units are a conditional use within the RR-Rural Residential zoning district.

In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:

- (a) Physically attached to or within a single-family dwelling unit or within a detached^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to construct an accessory dwelling unit within a portion of a new detached accessory structure. The proposed ADU is 1,199 SF and the remainder of the proposed accessory structure is 3,445 SF (two floors).

- (b) *Subordinate in size to the single-family dwelling unit; and*

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The ADU would comprise only a portion of the proposed accessory structure which would be a multi-story building used for storage.

- (c) *Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and*

The proposed accessory dwelling unit would be separated from the single-family home as it is proposed to be located in a new detached accessory building.

- (d) *Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

The proposed accessory structure is existing and appears to be generally similar to the principal home on the property; however, there is not a close relationship between the two structures due to the distance between them.

- (e) *The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and*

The principal structure has ~3,624 square feet of above ground space. The city allows 33% of 3,624 square feet which equals 1,195 square feet. The proposed ADU is 1,199 SF (the proposed ADU is within a few SF of the allowed square footage - confirmation of the main house may be required to support the proposed square footage). The applicant is proposing that the accessory dwelling unit would be constructed on the upper floor of the proposed detached accessory structure. It should be noted that the remaining square footage is proposed to be used as storage/garage/shop/mechanical room space.

- (f) *Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

The lot is 4.51 acres and the city allows 2% of the total SF to be used for detached accessory structures ($196,455.60 \times .02\% = 3,929$ SF). The applicant is proposing to remove a shed and barn located on the property. The applicant has provided a calculation that shows a detached garage, bath house and cabin (all detached accessory structures) remaining on the property. The total square footage of all accessory structures is as follows:

EXISTING BUILDINGS (from survey)

STRUCTURE	EX. S.F.	S.F. COUNT FOR ACC. BUILDING (FUTURE)
House (main level)	3,624 sf	0
Cabin (10 x 12)	120 sf	0
Bath house (6 x 14)	84 sf	0
D, Garage (20 x 22)	440 sf	440
Shed (14 x 20)	280	280 Removed
Barn (25 x 40)	1,000 sf	1,000 Removed
New Storage bldg..		<u>3,445 sf</u>
TOTAL SF ACC. BLDGS		3,929 SF

As proposed, the total accessory structure square footage would be exceeded as the applicant is not including the 120 SF cabin and 84 SF bath house. These are considered accessory structures and are included in total calculations. The applicant can amend the plan to reduce the total square footage by 204 SF.

- (g) *Has permanent provisions for cooking, living and sanitation; and*

The proposed structure includes permanent provisions for cooking; living and sanitation (see attached depiction).

- (h) *Has no more than 2 bedrooms; and*

The proposed ADU has one bedroom.

- (i) *Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

The applicant is proposing that the accessory dwelling unit be occupied solely by family members.

- (j) *Uses the existing on-site septic system^b or an approved holding tank; and*

The property is connected to the city's sanitary sewer system. The applicant has plans that would connect the proposed ADU to their existing private sewer line.

- (k) *Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and*

The city noted that this property could be subdivided in the future. The applicant located the building so that the property could be subdivided in the future and the existing residence and ADU could meet all applicable setbacks.

- (l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

The proposed accessory structure will meet all applicable building codes

^a On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.

^b The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.

The size of the subject property is unique to this area. Based on the proposed new detached accessory structure location, the property likely has the ability to be subdivided into two to three (2-3) lots if all applicable criteria could be satisfied. The location of the proposed accessory building and its proximity to the surrounding properties does mitigate potential impacts. The surrounding properties have limited visibility and or site lines to the existing property due to the elevation of the property and existing wooded area. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

Consideration for the proposed conditional use permit should weigh the impact of having a detached accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

- Should the Planning Commission consider an approval recommendation, the following conditions should be included:

- There are a few minor revisions that would be required should the Planning Commission recommend approval. The applicant would need to revise the plans to reduce the total square footage of all detached accessory structures on the property by 204 SF.
- The city noted that the principal structure supports 1,195 SF. The applicant is proposing 1,199 SF. The city will confirm the principal structure square footage and the ADU will need to be adjusted accordingly.
- The proposed detached accessory structure has the following setback requirements:

	<u>Required</u>	<u>Proposed</u>
Lake (OHWL):	60'	~75' (will have surveyor confirm)
Side:	15'	184'
Front (street):	(51' to CL or 30' to property line, whichever is greater) 59' to CL, 33.8' to PL	

- The proposed ADU is being located in a manner that would allow the property to be subdivided in the future. Based on the proposed location, it does not appear that the applicant could locate another lot to the east of the proposed structure. This would likely limit the future development of the property to 2-3 lots that could meet frontage, lakeshore and the one-acre minimum requirements.
- The applicant has prepared an impervious surface calculation as this is a shoreland lot subject to the maximum impervious surface of 25%. The proposed total impervious surface including the proposed accessory building is approximately 6.5% (total will need to be revised to include bath house and cabin).
- The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

Neighbor Comments:

The City has not received any comments prior to the time this report was prepared.

Planning Commission Discussion and Comments:

Commissioners discussed the requested CUP and asked questions of staff and the applicant. Commissioners asked questions and discussed that the proposed structure looks like a second home. It was noted that the city's ADU requirements do not fully prohibit the style of the building proposed. Commissioners asked questions about the minor modifications needed to be made to bring the request into compliance. It was noted by the city staff and applicant that they could make the necessary changes. Commissioners asked for clarification relating to the OWHL setback and conditioned approval on the applicant providing an updated survey. Commissioners clarified that there was a second a driveway access onto Sunset and discussed how this lot could be subdivided to create a fully compliant lot. Following additional discussion, commissioners recommended approval with the conditions noted.

Recommendation:

The Planning Commission recommended approval or the requested conditional use permit with the following findings and conditions should be considered:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval is subject to the applicant making the following revisions and submitting a revised set of plans as follows:
 - a. Total SF of all detached accessory structures including cabin and bath house must not exceed 3,929 SF.
 - b. The maximum square footage for an ADU must not exceed 33% of the principal structure square footage. City will confirm principal structure square footage.
 - c. Impervious surface calculation will need to be revised to include the cabin and bath house.
 - d. The survey shall depict the setback from the OHWL to the proposed ADU.
3. The conditional use permit will allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
4. The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
5. The ADU will be constructed in accordance with the approved plans shown on **Exhibit B** attached hereto.

6. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.
7. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.
8. The conditional use permit shall be recorded with Hennepin County.

Attachments:

1. ***RESOLUTION No. 25-0107-04***
2. Application
3. Site Survey (Existing)
4. Site Plan (Proposed)
5. Proposed Accessory Dwelling Unit Floor Plan
6. Proposed Accessory Dwelling Unit Elevations



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0107-04

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO
ALLOW A DETTACHED ACCESSORY DWELLING UNIT ON THE PROPERTY
LOCATED AT 5305 SUNSET LANE**

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

WHEREAS, the City adopted a comprehensive plan in 2020 to guide the development of the community; and

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

WHEREAS Kim Jacobsen (Applicant/Owner) is requesting a conditional use permit to allow an attached accessory dwelling unit on the property located at 5305 Sunset Ln (PID No. 01-118-24-31-0004) in the City of Independence, MN:

WHEREAS, the Property is zoned Rural Residential (“RR”) and S-Shoreland Overlay (“S”); and

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

WHEREAS, Section 530.01, Subd. 4 of the City Code provides that an “accessory dwelling unit” is a conditional use in the RR- Rural Residential zoning district; and

WHEREAS the requested accessory dwelling unit, with the conditions imposed by this Conditional Use Permit, meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture property; and

WHEREAS the Planning Commission held a public hearing on December 10, 2024, to review the application for a 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, with the conditions noted below, is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Kim Jacobsen to grant a Conditional Use Permit for the subject property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval is subject to the applicant making the following revisions and submitting a revised set of plans as follows:
 - a. Total SF of all detached accessory structures including cabin and bath house must not exceed 3,929 SF.
 - b. The maximum square footage for an ADU must not exceed 33% of the principal structure square footage. City will confirm principal structure square footage.
 - c. Impervious surface calculation will need to be revised to include the cabin and bath house.
 - d. The survey shall depict the setback from the OHWL to the proposed ADU.
3. The conditional use permit will allow an accessory dwelling unit to be located within the proposed detached accessory structure. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
4. The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
5. The ADU will be constructed in accordance with the approved plans shown on **Exhibit B** attached hereto.
6. The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.

7. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.
8. The conditional use permit shall be recorded with Hennepin County.

This resolution was adopted by the city council of the City of Independence on this 7th day of January 2025, by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

Exhibit A
(Legal Description)

Exhibit B
(Approved Plan)



**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 11-07-2024

Applicant Information

Name: KIM R JACOBSEN

Address: 5305 SUNSET LN
INDEPENDENCE,
Minnesota 55357

Primary Phone: 763 479 3905

Email: krj@krjassociates.com

Owner Information

Name: KIM R JACOBSEN

Address: 5305 SUNSET LN
INDEPENDENCE,
Minnesota 55357

Primary Phone: 763 479 3905

Email: krj@krjassociates.com

Property Address:

PID:

Planning Application Type: Accessory Building Review

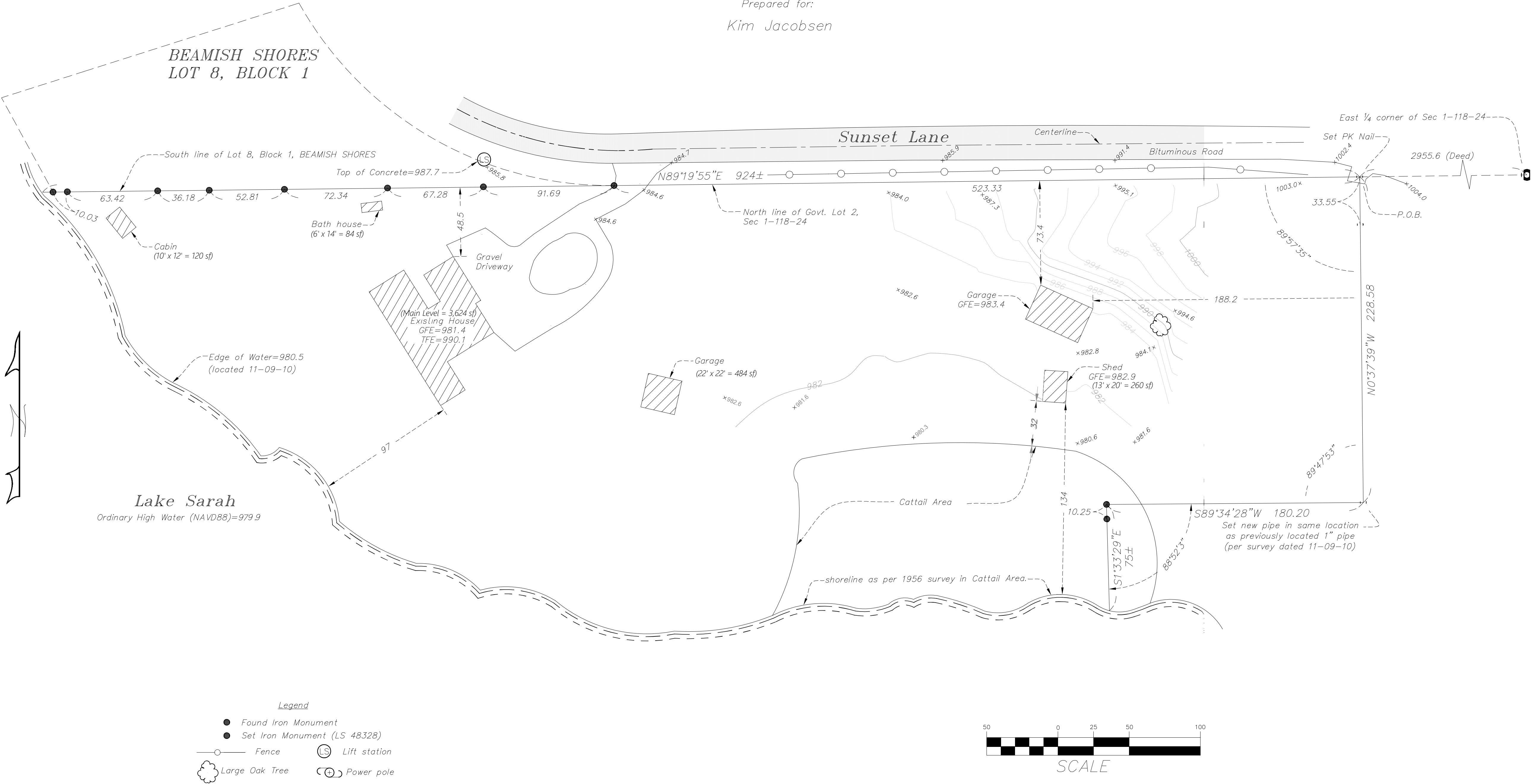
Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions), Building Plans, Wetland Delineation, Preliminary/Final Plan

Signature:

Certificate of Survey

Prepared for:
Kim Jacobsen



Legal Description (supplied by client)
All that part of Government Lot 2 of Section 1, Township 118, North Range 24, West of the 5th Principal Meridian, described as follows: Beginning at a point on the North line of Government Lot 2, Section 1, Township 118, Range 24, 2955.6 feet West of the East Quarter corner of Section 1; thence South at right angles to said North line, 228 feet; thence deflecting right 90 degrees, 180 feet; thence deflecting left 90 degrees, 62 feet, more or less, to the Northerly shoreline of Lake Sarah; thence Westerly and Northerly along said shoreline to its intersection with the aforesaid North line of Government Lot 2; thence East along said North line to the point of beginning, according to the United States Government Survey thereof, Hennepin County, Minnesota.

Elevations based in NAVD88
Bearings based on Hennepin County Coordinate system

Site Address:
5305 Sunset Lane
Independence, MN

Benchmark:
Hennepin County control Point "SILO", located approx.
99 ft. NWly of the S 1/4 corner of Section 2-118-24
Elevation (NAVD88) = 981.34

SCHOBORG
LAND SERVICES
INC.

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

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

Kelly L. Brouwer
Kelly L. Brouwer

Date: September 20, 2024 Registration No. 48328

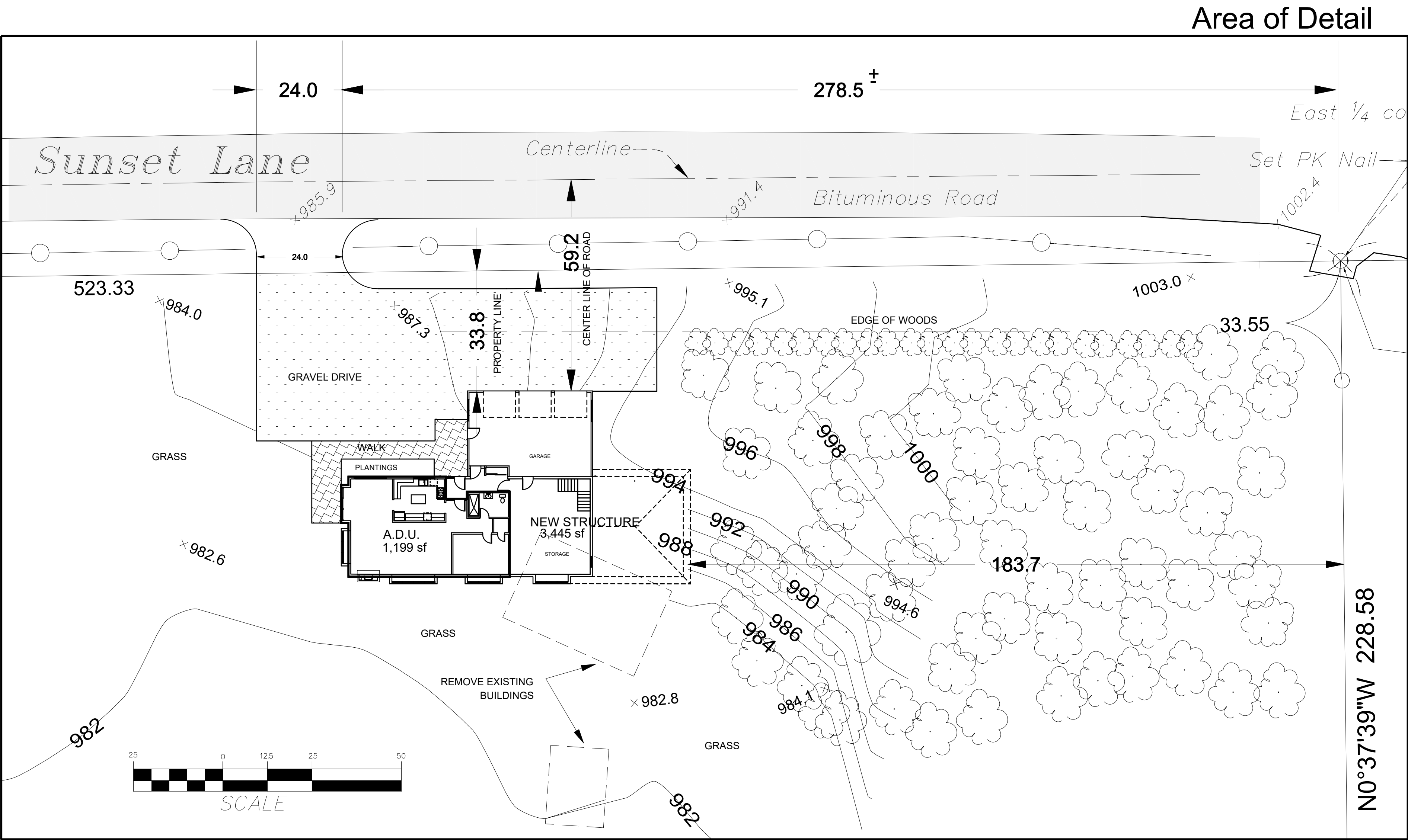
Job Number:	7240
Survey Date:	11/9/10, 8/14/24
Drawing Name:	Jacobsen-09-05-24.dwg
Drawn by:	SKH
Revisions:	

Note:
NAVD88 to NGVD29 conversion is based on benchmark note in MN DNR lake water level report on Lake Sarah, Hennepin County.
NAVD88 = NGVD29 + 0.41 ft

Accessory Building
with A.D.U.
Independence, MN 55357

JACOBSEN
5305 Sunset Lane
Independence, MN 55357
November 4, 2024

EXISTING
SITE SURVEY



PROJECT INFORMATION:

5305 Sunset Lane

ZONING –	Rural Residential (Shoreland Overlay)
ACREAGE	4.66 Acres (202,990 sf)
FLOOD ZONE	0.15 Acres (653 sf)
BUILDABLE ACREAGE	4.51 Acres (195,456 sf)
ACC. BUILDINGS SF ALLOWED	2% OF 4.51. ACRES (3,929 sf)
IMPERVIOUS AREA	12,277 sf (6.3 %)
House / Driveway	3,624 sf
Detached Garage	440 sf
New Acc. Bldg. / Drive	8,213 sf

LAKE SARAH	
Ordinary High Water	979.90
50 yr floor plain	981.80
100 yr floor plain	981.20

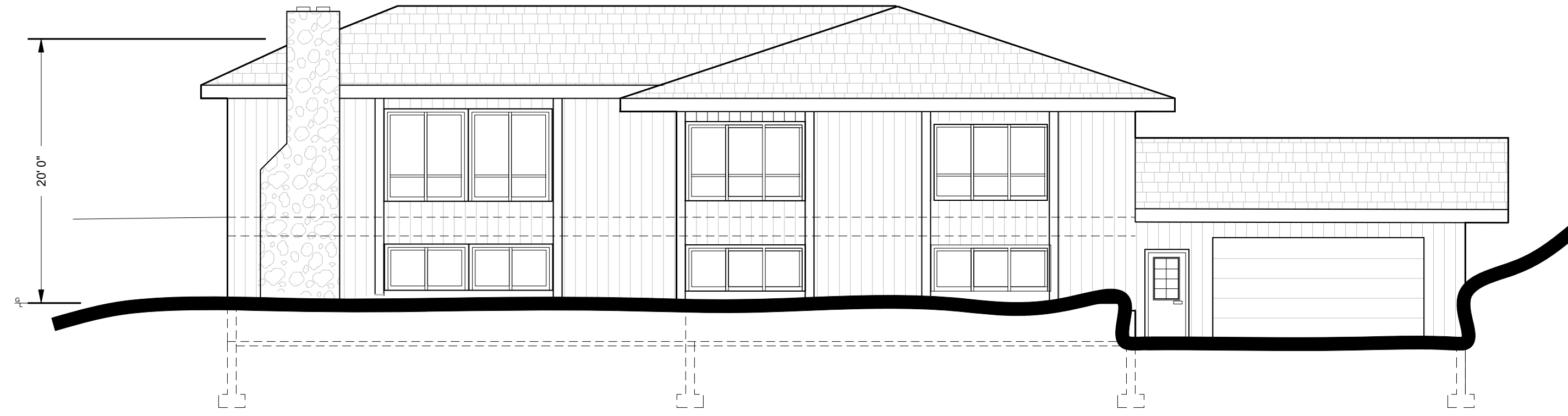
ACC. BUILDING (new)	
Lowest Floor level	985.00
Upper Floor level	995.00

EXISTING BUILDINGS (from survey)		
STRUCTURE	EX. S.F.	S.F. COUNT FOR ACC. BUILDING (FUTURE)
House (main level)	3,624 sf	0
Cabin (10 x 12)	120 sf	0
Bath house (6 x 14)	84 sf	0
D, Garage (20 x 22)	440 sf	440
Shed (14 x 20)	280	280 Removed
Barn (25 x 40)	1,000 sf	1,000 Removed
New Storage bldg..		3,445 sf
TOTAL SF ACC. BLDGS		3.929 SF

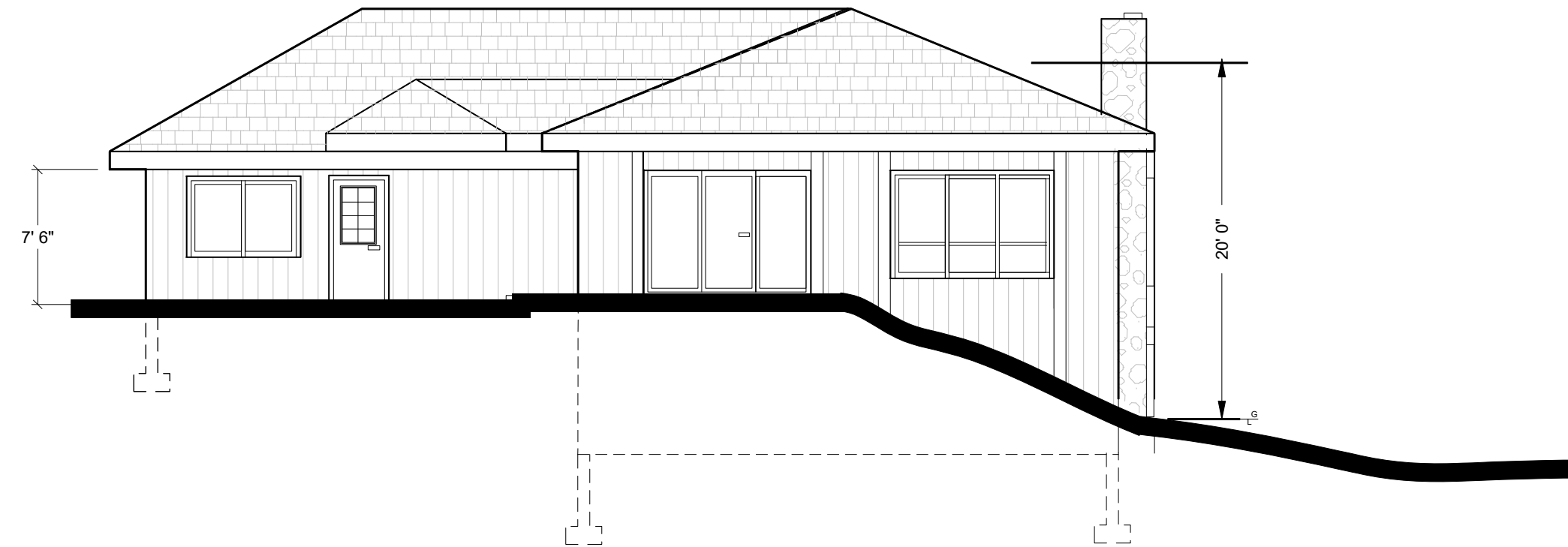
Accessory Building
with A.D.U.
Independence, MN 55357

JACOBSEN
5305 Sunset Lane
Independence, MN 55357
November 4, 2024

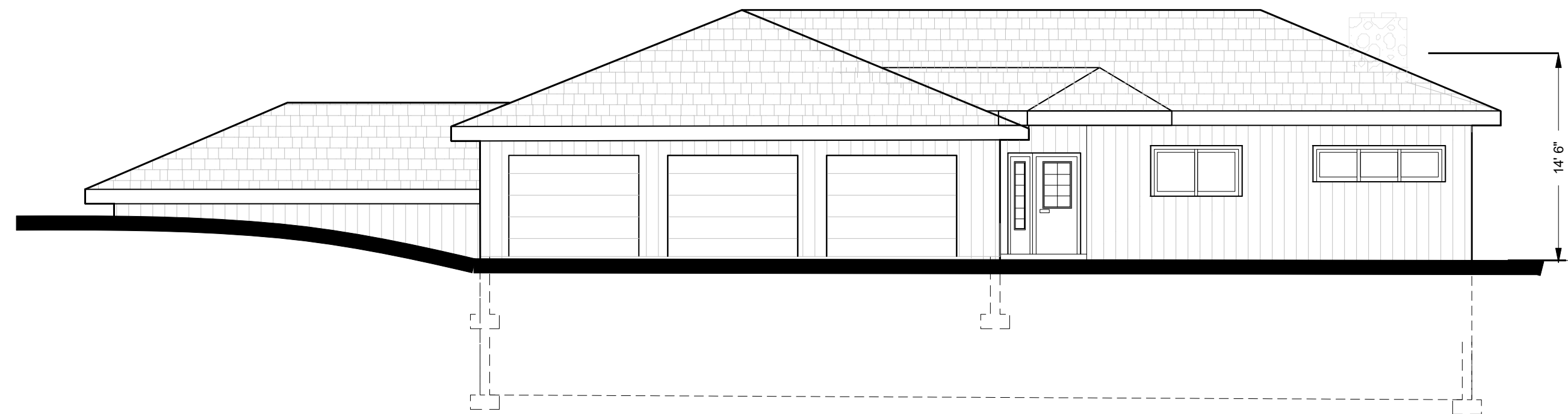
PROPOSED
AREA DETAIL



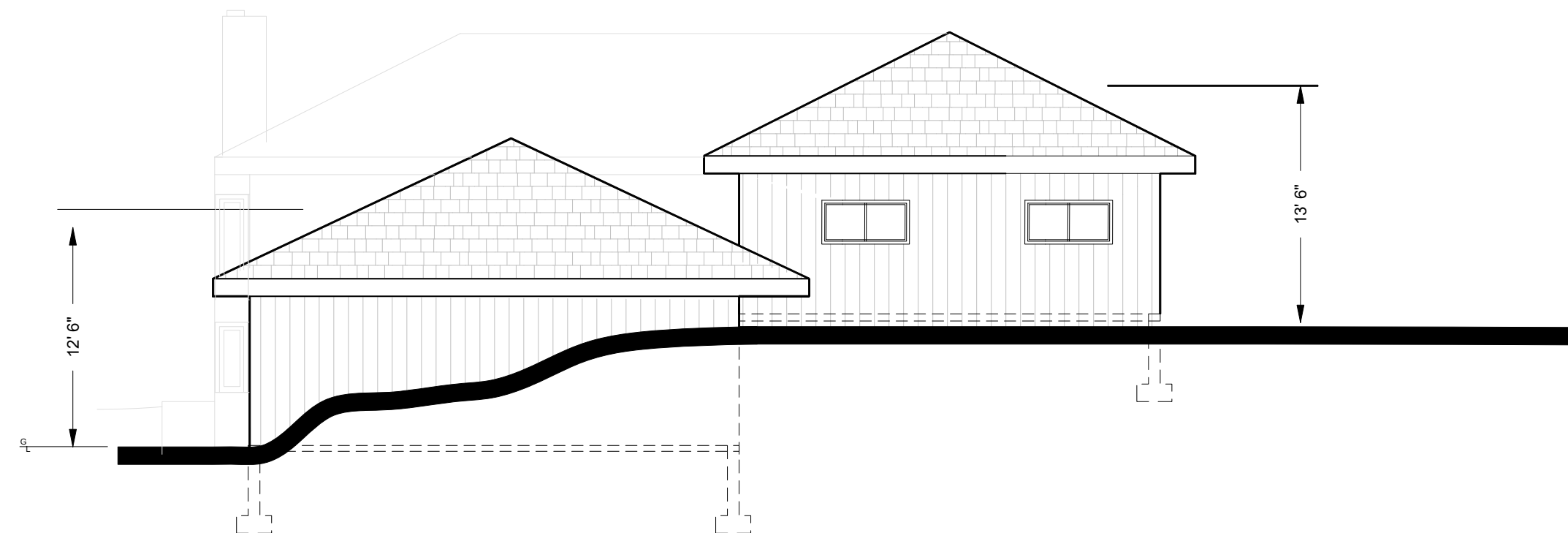
S



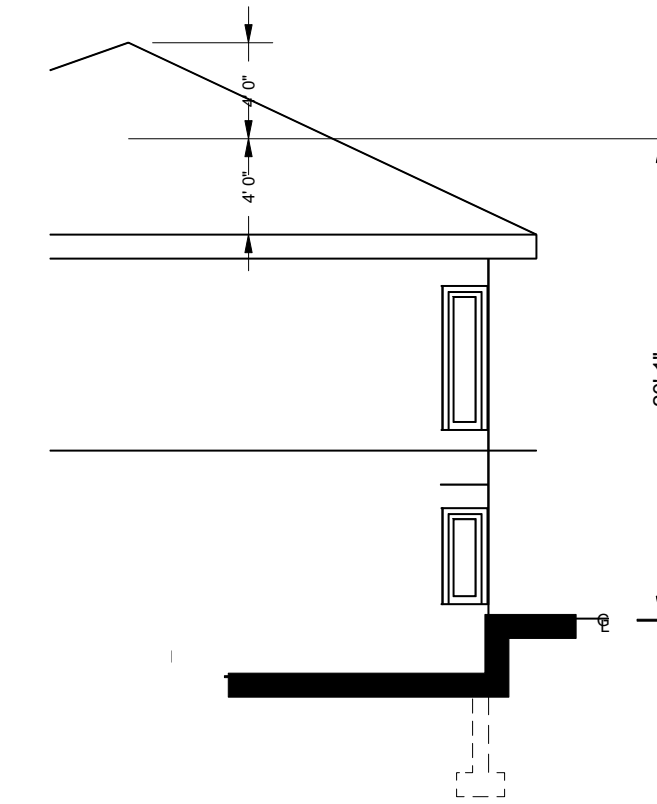
W



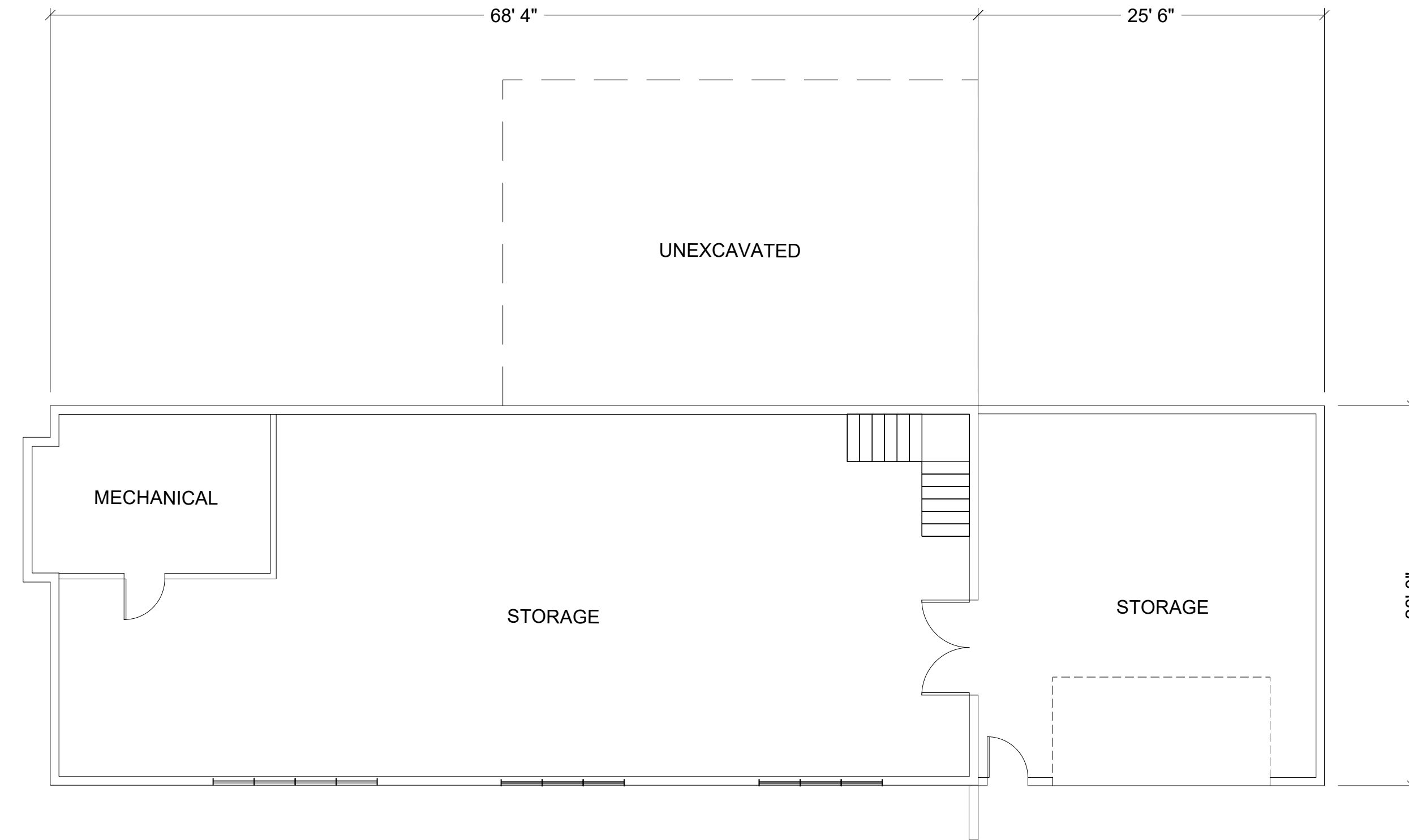
N



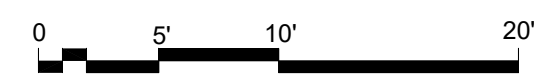
E



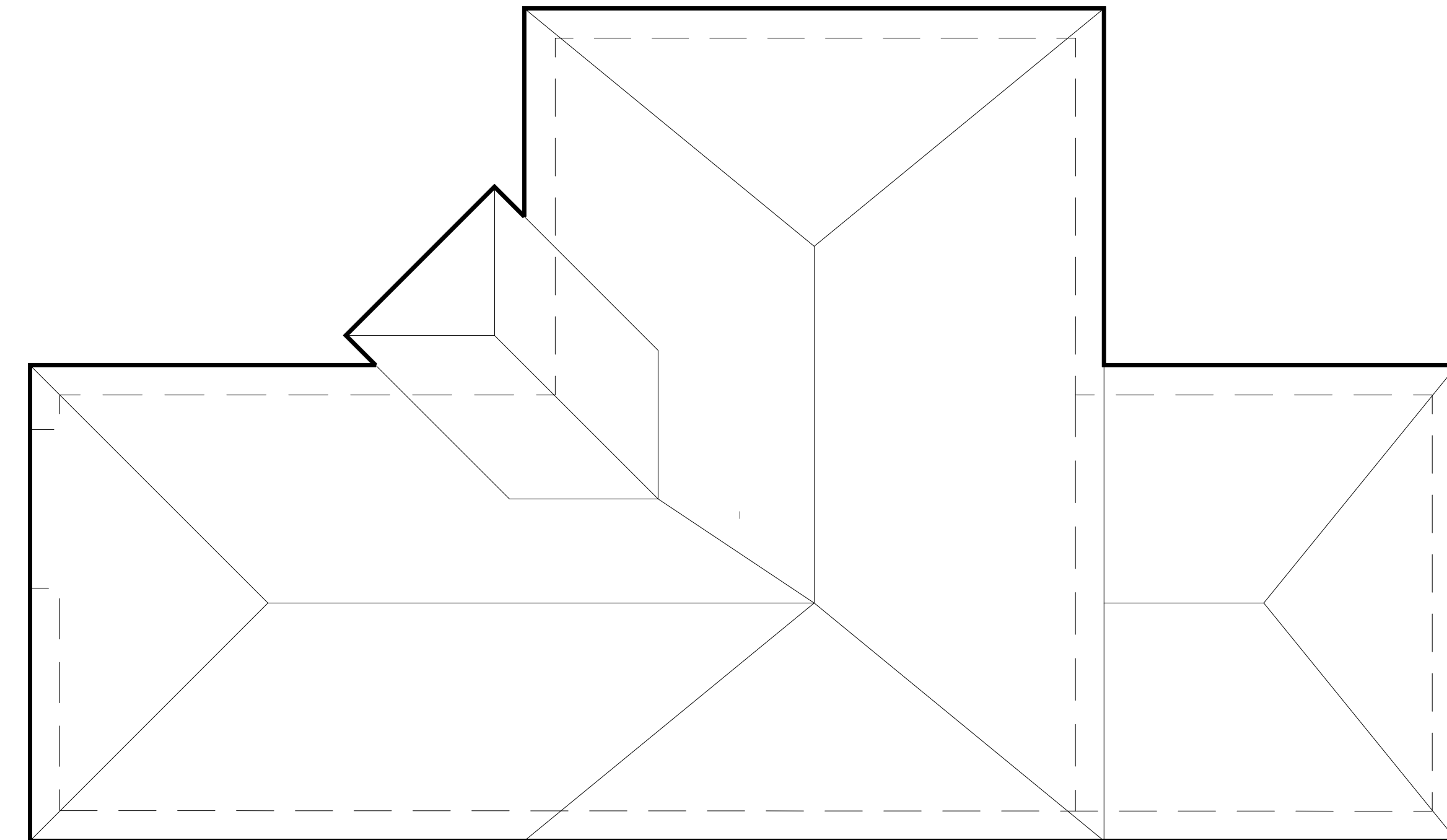
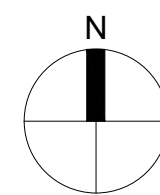
EXISTING HOUSE ROOF ELEV.



LOWER LEVEL PLAN

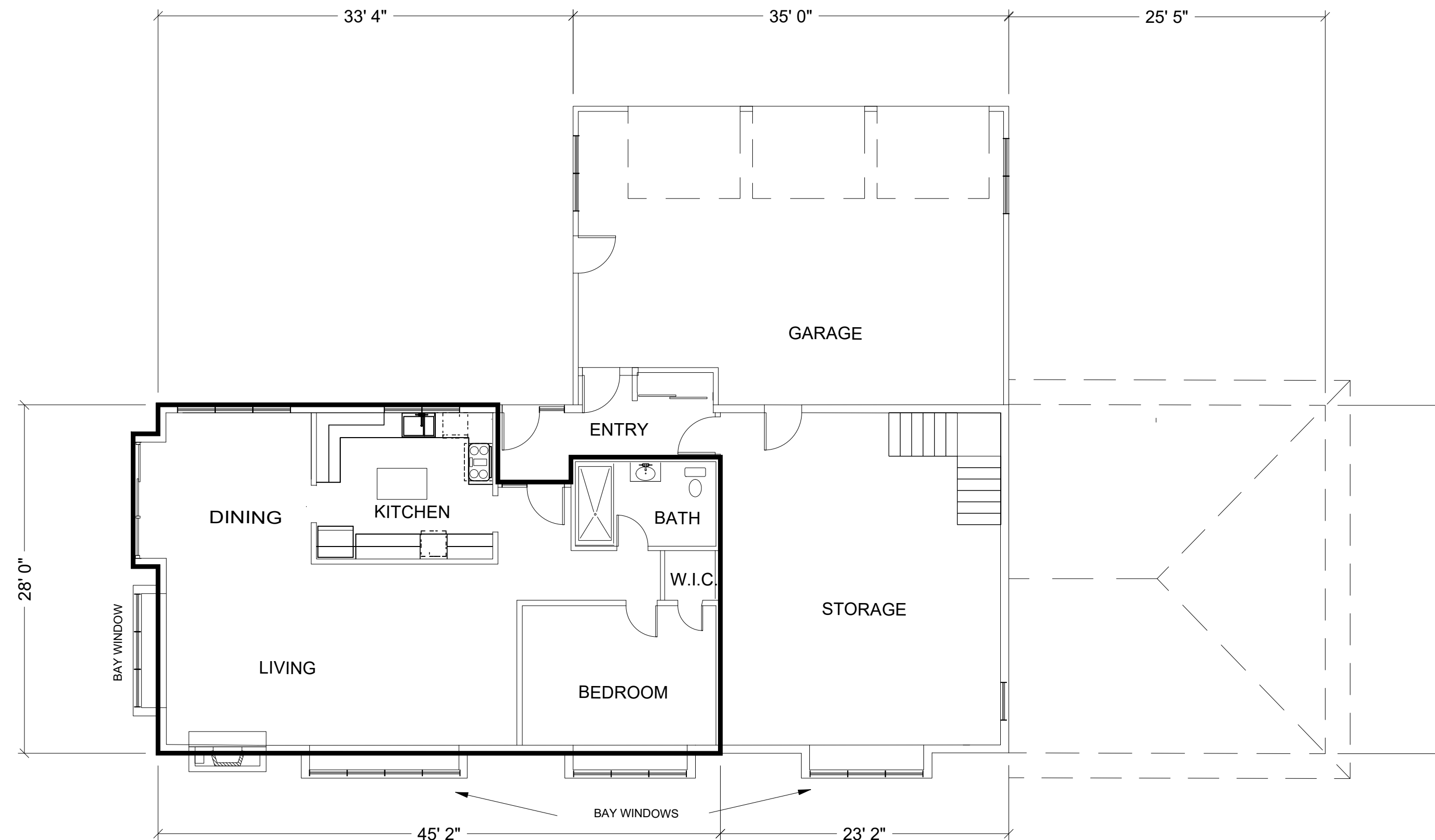


2,647 sf

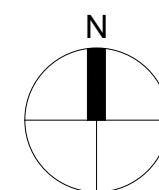
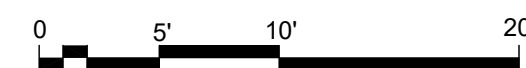


ROOF PLAN

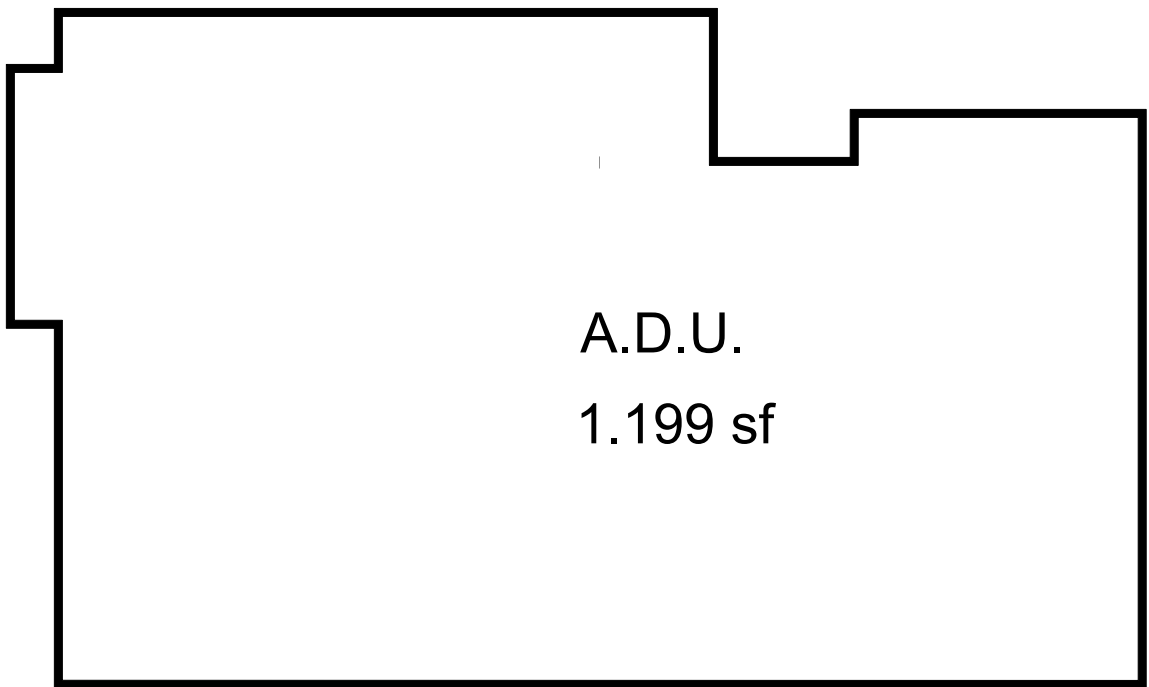




UPPER LEVEL PLAN



O.A. ACC. BUILDING 3,487 sf
A.D.U. 1,199 sf



■City of Independence

***Request for a Conditional Use to Allow an Accessory Dwelling Unit to be Located
Within an Existing Structure on the Property Located 2112 County Road 92 N.***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	January 7, 2025
<i>Applicant:</i>	Joel Loomis
<i>Owner:</i>	Joel Loomis
<i>Location:</i>	2112 County Road 92 N.

Request:

Joel Loomis (Applicant/Owner) is requesting the following action for the property located at 2112 CSAH 92 N. (PID No. 21-118-24-23-0001) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory dwelling unit (ADU) to be located within the existing accessory structure on the property.

Property/Site Information:

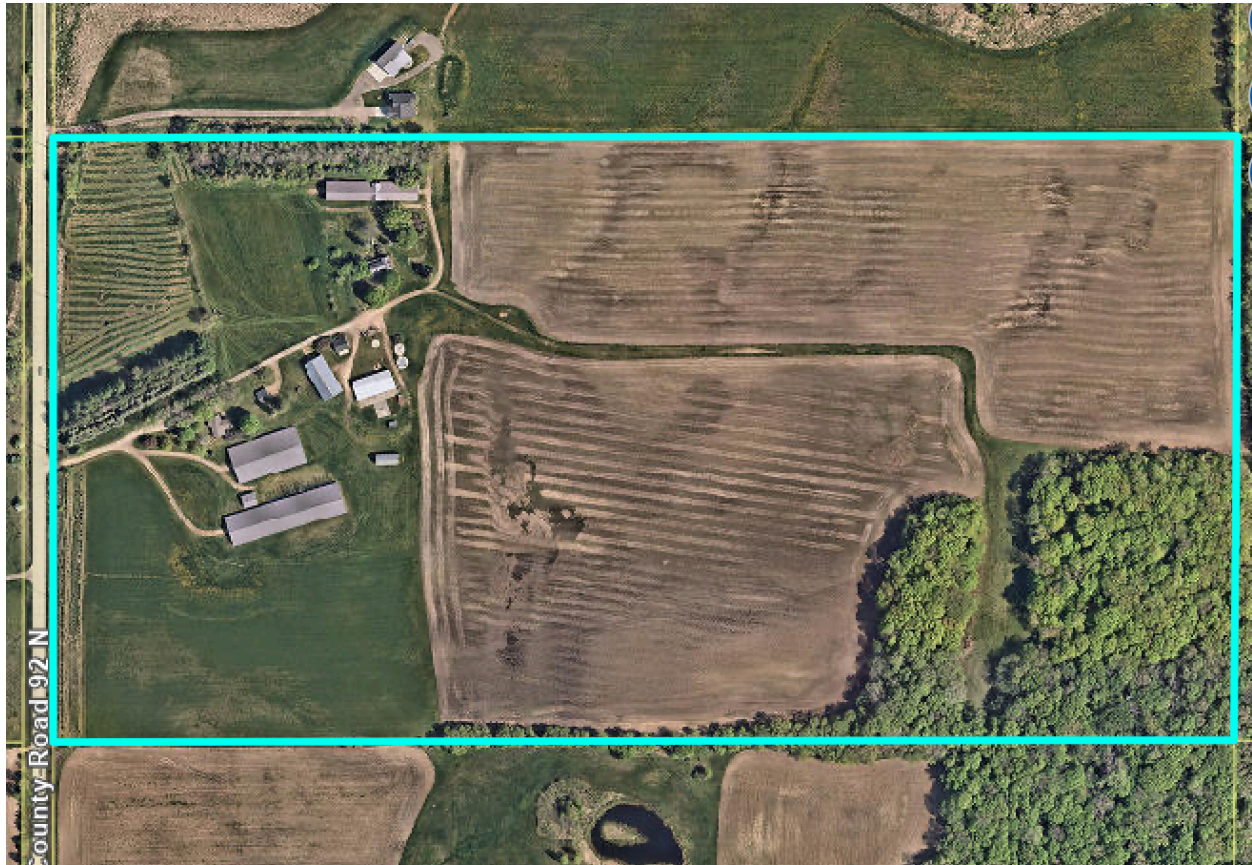
The property is located on the east side of County Road 92 N., south of Hwy 12. The property is mostly wooded with some wetlands to the east and west. The property has two principal structures and seven detached accessory structures.

Property Information: **2112 CSAH 92 N.**

Zoning: *Agriculture*

Comprehensive Plan: *AG-Agriculture*

Acreage: *78.55 acres*



Discussion:

The applicant is in the process of planning for an addition and major renovation to the original farmhouse located on this property. The applicant has been discussing the project with the city and upon submittal of the building permit application for the renovation, it was noted that there are two principal homes located on the property. The two homes are considered lawful non-confirming as they were constructed prior to adoption of the current ordinance that limits the number of principal structures on the property to one (1). Lawful non-confirming uses and structures cannot be expanded, enlarged or changed. As a result, the city cannot approve the expansion of the existing farmhouse without bringing the property into conformance with applicable standards. This would require the removal of the second home or modifications to convert it into a detached accessory structure.

The applicant would like to keep the second home in tact as it is in good condition (note that they are currently living in the second home until renovation of the farmhouse is complete) on the property for guests and possible a parent or family member in the future. The city met with the applicant on the property and toured both the farmhouse and the second home. It was determined that the second home structure could potentially be modified to meet applicable ADU requirements. As a result, the applicant is now seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the existing second home (which would then become classified as a detached accessory structure).

The city discussed the conversion of the existing space and reviewed the requirements relating to ADU's with the applicant. It was noted that the square footage of the entire structure (upper and lower) would

exceed the maximum allowable square footage for an accessory dwelling unit. The second home is a one level home with a small walkout lower level. The upper floor is comprised of 2 bedrooms, a kitchen, bathroom and living room and is 1,052 SF. The lower level (has less than 7-foot ceilings) has a bedroom, bathroom and living/storage area and mechanical room and is approximately 687 square feet.

The applicant would like to convert the upper level (main level) into an ADU. In order to make the conversion, they are proposing to install a door at the top of the stairs to separate the upper and lower levels. This would establish a clear separation between the ADU and storage/mechanical space in the downstairs.

Accessory dwelling units are a conditional use within the AG-Agriculture zoning district. In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit and also the criteria for granting a variance. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:

- (a) Physically attached to or within a single-family dwelling unit or within a detached^a accessory building that has a principal structure on the parcel; and*

The applicant is proposing to use the accessory dwelling unit located within the existing "detached accessory structure."

- (b) Subordinate in size to the single-family dwelling unit; and*

The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The proposed renovations to the existing farmhouse (principal structure) would bring the home to a total square footage of approximately 6,000 SF. The square footage would support the maximum size ADU of 1,200 SF. The proposed modifications to the second home would establish an approximate 1,052 SF ADU.

- (c) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and*

The proposed accessory dwelling unit would be separated from the single-family home and would be located in a completely separate structure.

- (d) Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

The proposed accessory structure is completely separate and has no connection to the principal home on the property.

- (e) *The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and*

The principal structure has ~6,000 square feet of above ground space. 33% of 6,000 square feet equals 1,980 square feet. The square footage would support the maximum size ADU of 1,200 SF. The proposed modifications to the second home would establish an approximate 1,052 SF ADU.

- (f) *Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

There is not a limitation on the total amount of accessory structure square footage for properties zoned Agriculture and greater than 10 acres. The maximum size for any individual accessory structure is 5,000 SF. The existing building is approximately 1,700 SF and therefore would comply with applicable standards.

- (g) *Has permanent provisions for cooking, living and sanitation; and*

The existing structure has permanent provisions for cooking; living and sanitation.

- (h) *Has no more than 2 bedrooms; and*

The existing structure has two bedrooms within the upper floor of the accessory dwelling unit.

- (i) *Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

The applicant is proposing that the accessory dwelling unit be occupied solely by family members.

- (j) *Uses the existing on-site septic system^b or an approved holding tank; and*

The applicant would need to confirm septic compliance for the existing structure.

- (k) *Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and*

The detached accessory building is a conforming structure that is currently in existence.

- (l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

The proposed accessory structure will meet all applicable building codes and may be required to obtain requisite after-the-fact permits.

^a On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.

^b The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.

The location of the existing accessory building and its proximity to the surrounding properties helps to mitigate potential impacts of allowing a portion of the structure to be used as an accessory dwelling unit. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City should consider the following issues as noted:

- The applicant is proposing to locate an ADU within the existing structure. The second home has been in existence on the property for many years. The applicant could meet the allowable ADU

square footage by limiting the “finished space” within the ADU and separating the lower level from the upper level. The remaining space does have a secondary exterior access to the lower level.

- Should the Planning Commission consider an approval recommendation, the following conditions should be included:
 - The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.



Neighbor Comments:

The City has not received any comments.

Planning Commission Discussion and Comments:

Commissioners discussed the requested CUP and asked questions of staff and the applicant. Commissioners asked questions and clarified what makes the structure a lawful non-conforming structure. It was noted that the ordinance only allows one home on a property and that the two homes were constructed on the property prior to the adoption of the current ordinance. Commissioners noted that this CUP would make both structures legal conforming and recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the conditional use permit to the City Council with the following findings and conditions:

1. The proposed Conditional Use Permit meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, and Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The conditional use permit is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The conditional use permit shall be recorded with Hennepin County.
4. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

Attachments: RESOLUTION No. 25-0107-05

Application

Building Photos (to be sent separately)



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0107-05

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO
ALLOW AN ACCESSORY DWELLING UNIT WITHIN THE EXISTING ACCESSORY
STRUCTURE ON THE PROPERTY LOCATED AT 2112 INDEPENDENCE ROAD**

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

WHEREAS, the City adopted a comprehensive plan in 2020 to guide the development of the community; and

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

WHEREAS Joel Loomis (Applicant/Owner) is requesting a variance and conditional use permit to allow an accessory dwelling unit on the property located at 2112 County Road 92 N. (PID No. 21-118-24-23-0001) in the City of Independence, MN:

WHEREAS, the Property is zoned Agriculture (“AG”); and

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

WHEREAS, Section 530.01, Subd. 4 of the City Code provides that an “accessory dwelling unit” is a conditional use in the AG-Agriculture zoning district; and

WHEREAS the requested accessory dwelling unit, with the conditions imposed by this Conditional Use Permit and Variance to allow an increase in the maximum size permitted, meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture property; and

WHEREAS the Planning Commission held a public hearing on December 10, 2024, to review the application for a 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, with the conditions noted below, is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Joel Loomis to grant a Conditional Use Permit for the subject property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling, not in compliance with the applicable criteria for the accessory dwelling unit, will cause the conditional use permit to be revoked by the City.
3. The conditional use permit will be issued subject to the following items being completed:
 - a. The proposed accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.
5. The conditional use permit shall be recorded with Hennepin County.

This resolution was adopted by the city council of the City of Independence on this 7th day of January 2025, by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

Exhibit A
(Legal Description)



**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 11-19-2024

Applicant Information

Name: Joel Alan Loomis
Address: 2112 CoRd 92 N
Independence, Minnesota
55359
Primary Phone: 6129642303
Email: Joelloomis@gmail.com

Owner Information

Name: Joel Alan Loomis
Address: 2112 CoRd 92 N
Independence, Minnesota
55359
Primary Phone: 6129642303
Email: Joelloomis@gmail.com

Property Address:

PID:

Planning Application Type: Accessory Building Review

Description:

Supporting Documents: Preliminary/Final Plan

Signature: