



CITY COUNCIL MEETING AGENDA

TUESDAY JUNE 3, 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 April 30, 2025, City Council Workshop.
 - b. Approval of City Council Minutes from the May 20, 2025, Regular City Council Meeting.
 - c. Approval of Accounts Payable; (Batch #1 - Checks No. 23679-23689, Batch #2 - Checks No. 23690-23702).
 - d. Approval of the following Assembly Permits:
 - i. 3350 County Road 90 – Wedding on Saturday, June 7, 2025.
 - ii. 6625 Fogelman Road – Wedding on Saturday, June 7, 2025.
 - e. Approval of a Solicitor Application for Curbside Waste.
5. Reports of Boards and Committees by Council and Staff.
6. Tyler and Kaitlin Johnson (Applicant/Owner) are requesting the following actions for the property located at 4610 Lake Sarah Dr. S. (PID No. 02-118-24-21-0001) in the City of Independence, MN.
- a. **RESOLUTION No. 25-0603-01** – Considering a variance to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size and a minor subdivision to allow the subdivision of the subject parcel into two (2) lots.
7. A proposed text amendment to the City of Independence Ordinance as follows:
- a. **ORDINANCE No. 2025-03** – Considering a text amendment to Chapter VII, Section 705 of the city's ordinance relating to regulations governing On-Site Sewage Treatment. The amendment will consider minor changes that will bring the ordinance into alignment with

recent changes to state statute and also establish provisions relating to the “type” of systems allowed as alternate systems in the city. Council will also consider establishment of language requiring more specific language pertaining to the transfer of properties in the city.

- b. **RESOLUTION No. 25-0603-02** – Approving publication of a summary of Ordinance No. 2025-03.
8. Recommendation to establish a new Capital Fund for Public Safety and the transfer of funds from the General Fund to the newly created Public Safety Capital Fund.
- a. **RESOLUTION No. 25-0603-03** – Considering establishment of a Public Safety Capital Fund.
 - b. **RESOLUTION No. 25-0603-04** – Considering a transfer of \$69,227 from Fund 100 – *General Fund* to Fund 407 *Public Safety*.
9. Consider amendment to the Employee Handbook relating to the recent statutory changes requiring cities to provide Earned Sick and Safe Time (ESST). The proposed would stipulate provisions relating to part-time employees.
- a. **RESOLUTION No. 25-0603-05** – Considering an amendment to the Employee Handbook.
10. Open/Misc.
11. Adjourn.

MINUTES OF A WORK SESSION OF THE
INDEPENDENCE CITY COUNCIL
WEDNESDAY, APRIL 30, 2025 – 7:00 AM.
(City of Independence Community Room)

Call to Order

Mayor Brad Spencer called the City Council Workshop to order at 7:12 AM.

Roll Call

Mayor Spencer, Councilmembers Grotting, McCoy, Betts, and Fisher.

Director of Public Safety DuRose, Building Official Satek, City Administrator Kaltsas, Public Works Supervisor Lehman and Administrative Services Director Simon.

2025 Gravel Road Project

Review Bids, Bond Sale and Project Timeline

City Administrator Mark Kaltsas reported that the city received an AA+ bond rating from S&P for the bond issuance, the highest rating the city has ever received. He explained that to achieve the next level (AAA), the city would need a robust capital improvement plan, which would cost approximately \$50,000 to create and \$15,000-\$20,000 annually to maintain.

Kaltsas presented the bids received for the gravel road project. Only two bids were received out of six plan holders, both from high-quality contractors. The low bid came in at \$2,240,000, higher than the engineer's estimate of just under \$2,000,000. The main cost increase was attributed to the aggregate surface (granite) price, which was estimated at \$31 per ton but came in at \$41 and \$39 per ton from the two bidders.

Kaltsas explained that the city has agreed to use granite for its longevity and maintenance benefits, despite the higher cost. To address the budget overage, he proposed removing a few roads from the 2025 project and shifting them to the 2026-2028 plan. The roads suggested for removal included County Line, Quaas Cut Off, Dean Lane, and Valley.

The council discussed the benefits of using granite over limestone and the possibility of using different types of granite in the future. They also discussed the option of using premium bids on bonds to potentially fund the project overage.

Water System Study Update

Kaltsas reported that Lennar signed the agreement for the water system study and the city is waiting on an escrow check. The study, to be conducted by Kimley Horn, will take 2-3 months to complete. The study will evaluate Maple Plain's water system capacity and explore options for a new system in Independence, including potential locations for wells and towers.

Septic System Escrow Discussion

Possible Ordinance Amendment

Building Official Bruce Satek presented three aspects of the septic ordinance discussion:

- Technical updates to align the city code with MPCA 7080 rules.
- A proposal to allow Type 3 septic systems for new construction lots that cannot accommodate Type 1 systems due to soil conditions.
- Improving enforcement of compliance inspections during property transfers and replacement of failing systems.

The council discussed the challenges of enforcing septic compliance during property transfers and the possibility of implementing an escrow requirement. They also considered proactively monitoring real estate listings to notify sellers of compliance requirements.

Kaltsas and Satek agreed to draft language for ordinance amendments to address these issues, including specifying seller responsibility for compliance inspections and exploring escrow options.

Fire District Update

Mayor Brad Spencer provided an update on the potential merger between West Suburban and Maple Plain fire departments. He reported significant progress, with the possibility of completing the merger by January 1st. Key points discussed included:

- Potential benefits: improved coverage, retention, and efficiencies.
- Financial considerations: pension adjustments, equipment upgrades, and operating costs.
- Future plans: possibility of forming a taxing district for fire services.
- Concerns: ensuring protection for Independence's interests in the merger agreement.

The council agreed to hold a special meeting to review detailed numbers and potentially vote on a resolution of support for the merger process.

Pioneer Creek Community Park

2025 Project Discussion (Boardwalk Proposal)

Kaltsas presented a proposal for a new 8-foot wide, 50-foot long boardwalk to replace the existing bridge in Pioneer Creek Park. The estimated cost is \$25,000, to be funded from the park fund. The council discussed the location and height of the boardwalk, considering factors such as flood levels and potential kayak access.

The council also discussed potential improvements to the park, including grading work, road construction, and the possibility of creating soccer fields. Kaltsas suggested using some of the park fund money to start these improvements while continuing to seek grant opportunities.

Historic City Hall Renovation

Discussion and Review Renovation Possibilities

Kaltsas presented a proposal for renovating the old city hall building, which currently houses historical artifacts but is in poor condition. The estimated cost for renovations, including a new roof, siding, windows, and HVAC system, is approximately \$50,000. The council discussed funding options and the importance of preserving the building and its contents.

Miscellaneous

Kaltsas provided updates on several miscellaneous items:

- Delano water extension to Lifestyle Garage Condominiums: Kaltsas reported on an unexpected offer from Delano to allow a water line extension to the development. The council discussed potential implications and agreed to gather more information.
- Nuisance violations: The council discussed enforcement strategies for the city's top nuisance violators and agreed to proceed with enforcement actions against the top five violators.
- Staffing update: Kaltsas reported on the hiring process for a new administrative assistant, with a suitable candidate identified for a full-time position without benefits.

Adjourn

Mayor Brad Spencer adjourned the meeting at 9:12 AM.

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, MAY 20, 2025 – 6:30 P.M.
City Hall Chambers

Call to Order

Mayor Spencer called the Tuesday, May 20, 2025 meeting of the Independence City Council to order at 6:32 PM.

Pledge of Allegiance

The Pledge of Allegiance was recited by all present.

Roll Call

Mayor Spencer noted that Council Members Fisher and Grotting were present, while Council Members McCoy and Betts were absent. A quorum was established.

Consent Agenda

Mayor Spencer presented the Consent Agenda, which included approval of the City Council minutes from the May 6, 2025 Regular City Council Meeting and approval of Accounts Payable (Batch #1; Checks Numbered 23644-23664 and Batch #2, Checks Numbered 23665-23678).

Motion by Fisher, seconded by Grotting, to approve the Consent Agenda. Motion carried unanimously.

Set Agenda

Mayor Spencer asked if anyone had anything to add to the agenda. No additions were made.

Reports of Boards and Committees by Council and Staff

Council Member Fisher's Report

Council Member Fisher reported attending an LMCC meeting on May 8. He noted that the LMCC was facing financial challenges and considering options, including the possibility of Jim stepping down at the end of the year. Fisher also mentioned ongoing efforts to sell the LMCC building, with no active buyer at present. He suggested that reducing the price might be necessary to complete the sale.

Council Member Grotting's Report

Council Member Grotting reported attending the Maple Plain Fire Awards ceremony on May 9.

Staff Report

Kaltsas reported that there was nothing significant to record beyond Amber's clerk training. Mayor Spencer congratulated Amber on completing her clerk's training.

Mayor's Report

Mayor Spencer reported attending the Maple Plain Fire Department awards ceremony and the Northwest League meeting on May 14. He also mentioned receiving a letter from the Board of Peace Officer Standards and Training, stating that West Hennepin Public Safety Department had passed a recent review.

The Mayor discussed a request from Kelly Morrison's office for input on funding requests for federal road reconstruction. He noted that the city, with help from staff, quickly submitted information regarding Highway 12 to Kelly's office on behalf of both Independence and Maple Plain.

West Hennepin Public Safety – Director Matthew DuRose: Presentation of the April 2025 Activity Report

Director Matthew DuRose presented the April 2025 activity report for West Hennepin Public Safety. He reported a 7% increase in calls for service compared to the previous year, with an uptick in traffic-related incidents due to officers focusing on traffic enforcement and education.

DuRose highlighted three DWI arrests and an incident involving an abandoned camper in a ditch. He explained how social media was used to track down the camper's owner, who then paid for the tow bill.

The Director also mentioned a case inadvertently left off the report, where West Hennepin assisted Edina police in apprehending a suspect involved in a firearms incident at a hospital on April 22. He noted that felony charges against the individual were dismissed by the Hennepin County attorney's office and sent to the Edina city attorney for consideration of non-felony offenses.

Mayor Spencer raised concerns about speeding in residential areas and suggested the use of temporary speed bumps or signage to address the issue. Director DuRose responded that the department has technology to set up speed signs that can operate in "ghost mode" to gather data without encouraging drivers to set high scores. He mentioned that they were already aware of speed complaints on Budd Street and encouraged reporting of problem areas so they could allocate resources effectively.

Council Member Grotting inquired about reporting online crimes, specifically mentioning a recent incident involving his company's EIN number being used in a payroll scam. Director DuRose advised reporting such incidents to the Federal Trade Commission (FTC) or through IC3.gov, as local law enforcement typically doesn't have the resources to investigate these types of crimes.

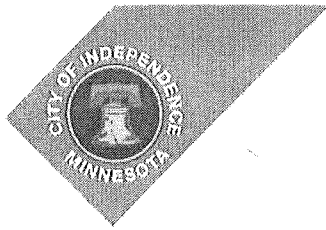
Open/Misc.

No items were discussed under this agenda item.

Adjourn

Motion by Fisher, seconded by Grotting, to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 6:46pm



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

*paid 25.00 cash
LP 5-28-25*

200+ Attendees (*Large Assembly) = \$100
100+ Attendees (*Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

*Medium & Large Assemblies require a \$500 WHPS deposit with application.
(Double fee for application received less than 45 business days prior to event).
NOTE: This application must be approved by Council at Council meeting.

Event Location: 3350 County Rd 90, Independence, MN 55359

Number of People: 85-95 **Date:** 6/7/25

Type: ☒ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☐ Other

Event Holder's Name(s): Adrian Rossing and Forrest Schrader

Event Holder's Address: 3350 County Rd 90, Independence, MN 55359

Contact Person's Name: Adrian Rossing

Email: adriangrossing@gmail.com **Phone #:** 920-378-9887

2nd Contact Person Name: Forrest Schrader

Email: forrest.schrader@gmail.com **Phone #:** 952-406-2727

SECURITY PLANS:

This is a private wedding for family and friends, with no security needed. We will have hired catering and bartending. We will have an events coordinator on-site who can coordinate any risks.

Severe Weather Plans (in the event of): _____

In the event of severe weather, we have 2 large garages and a 5500 sq ft house that can easily accommodate the people present.

SOUND PLANS

Amplification and Sound Control: Outdoor wedding ceremony with speaking and music. Outdoor music on speakers during reception.

Outdoor Music: ☒ Yes ☐ No **Starting Time:** 3:00 PM **Ending Time:** 11:00 PM

FOOD and CONCESSION PLANS

Vendor's Name, Address, and License Number (Copies of vendor license, insurance, and permits must be provided.)

B's On the River - 1455 County Rd 27, Watertown, MN 55388

Minnesota School of Bartending - 2426 University Ave W, St Paul, MN 55114

Phone/763-479-0527

1920 County Road 90

ASimon@ci.independence.mn.us

Fax/763-479-0528

Independence, MN 55359

www.ci.independence.mn.us

25002040

Vendor Work # B's - (952) 955-2223;
Bar - (612) 333-6692

Vendor Cell # B's - (952) 955-2223;
Bar - (612) 333-6692

Serving Alcohol:

☒ Yes ☐ No

Selling Alcohol

☐ Yes ☒ No

(*If selling alcohol, contact the City
for a Permit.)

Restroom Provisions: Quantity 5

Locations: 1 Restroom in shop, 4 restrooms accessible to guests in house

LIGHTING

Type: String Lights, existing house lights

Quantity 25

Location of lights: String lights in garages and around property, lights already included on house

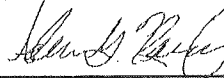
\$1,000,000 Certificate of Liability Insurance-provide a copy: State Farm;
Requested 5/28

PARKING PLANS: *Please provide a site plan showing 1 parking space for each vehicle per
4 guests. If using adjacent property, written permission from property owners must be obtained.*

Parking will be sufficient for 30+ vehicles along the driveway on our property

5/28/25

Date



Applicant's Signature

5/28/25

Date



Applicant's Signature

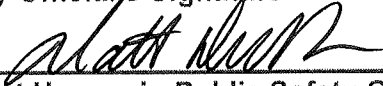
Office Use Only

Application Received: - - - Application Fee: \$ - - - Date Fee Paid: - - -

Received Date of \$1,000,000 Certificate of Liability Insurance: - - -

Date West Hennepin Public Safety was notified of event. - - -

City Official's Signature



West Hennepin Public Safety Official's Signature

Date

5 - 29 - 25

Date

Date Council Approved



NON-CITY ASSEMBLY PERMIT APPLICATION

25002032

Fees & Definitions:

200+ Attendees (*Large Assembly) = \$100
100+ Attendees (*Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

*Medium & Large Assemblies require a \$500 WHPS deposit with application.
(Double fee for application received less than 45 business days prior to event).
NOTE: This application must be approved by Council at Council meeting.

Event Location: 6625 FOURMAN RD INDEPENDENCE MN
Number of People: 150 Date: 6/7/25 Wedding
Type: ☒ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☐ Other

Event Holder's Name(s): MIKE MROSAK & CRYSTAL MICOLEY
Event Holder's Address: 1119 HODRICK TER

Contact Person's Name: BOB YOUNGQUIST
Email: _____ Phone #: 952-200-8000

2nd Contact Person Name: CRYSTAL MICOLEY (micoley)
Email: CMICOLEY@GMAIL.COM Phone #: 612 345 1195

SECURITY PLANS:

N/A

Severe Weather Plans (in the event of): TENT WITH SIDEWALLS

SOUND PLANS

Amplification and Sound Control: _____

Outdoor Music:

☒ Yes ☐ No

Starting Time:

4:00 AM/PM

Ending Time:

11:00 AM/PM

FOOD and CONCESSION PLANS

TRU PIZZA / WILD FLOUR PIZZERIA
TWO FOOD TRUCKS - THE AMARY UNO COOK

Vendor's Name, Address, and License Number (Copies of vendor license, insurance, and permits must be provided.)

Vendor Work # _____ Vendor Cell # (612) 499-8091

Serving Alcohol:

☒ Yes ☐ No

Selling Alcohol

☐ Yes ☒ No

(*If selling alcohol, contact the City for a Permit.)

Restroom Provisions: Quantity 1 VIA LUXURY LOO TRAILER
Locations: 3 STALLS FOR WOMEN/ 2 MEN

LIGHTING

Type: STRING LIGHTS/UP LIGHTING IN TENT Quantity _____

Location of lights: _____

\$1,000,000 Certificate of Liability Insurance-provide a copy: _____

PARKING PLANS: Please provide a site plan showing 1 parking space for each vehicle per 4 guests. If using adjacent property, written permission from property owners must be obtained.

PARKING WILL BE ON THE SAME PROPERTY

5/19/25
Date

[Signature]
Applicant's Signature

Date

Applicant's Signature

Office Use Only

Application Received: 5 - 28 - 25 Application Fee: \$ 25 Date Fee Paid: 5/25/25

Received Date of \$1,000,000 Certificate of Liability Insurance: - -

Date West Hennepin Public Safety was notified of event. - -

City Official's Signature

Date

[Signature]
West Hennepin Public Safety Official's Signature

5 - 28 - 25
Date

Date Council Approved

City of Independence

Request for Variance and Minor Subdivision for the Property Located at 4610 Lake Sarah Drive S.

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: June 3, 2025
Applicant: Tyler & Katie Johnson
Owner: Tyler & Katie Johnson
Location: 4610 Lake Sarah Drive S.

Request:

Tyler and Kaitlin Johnson (Applicant/Owner) are requesting the following actions for the property located at 4610 Lake Sarah Dr. S. (PID No. 02-118-24-21-0001) in the City of Independence, MN.

- a. A variance to allow the subdivision of property in the RR-Rural Residential and S-Shoreland Overlay zoning districts that does not meet the minimum lot size.
- b. A minor subdivision to allow the subdivision of the subject parcel into two (2) lots.

Property/Site Information:

The subject property is located at 4610 Lake Sarah Drive S. The property is located along the west shoreline of Lake Sarah. There is an existing home and detached garage located on the property.

Property Information: 4610 Lake Sarah Drive S

Zoning: Rural Residential (Shoreland Overlay)

Comprehensive Plan: Rural Residential

Acreage (North Parcel Proposed): 1.0 acres (43,560 square feet)

Acreage (South Parcel): .62 acres (26,920 square feet)



Discussion:

In 2024, the applicant approached the City about the possibility of subdividing their existing property into two lots and constructing a new home on the new (north parcel). The initial application proposed to subdivide the property such that the existing home and garage would be located on a 1-acre parcel and a new .6-acre property on the lake would be created. In addition to the subdivision of the property, the applicant was seeking several setback variances to allow

the construction of a new home on the newly created property. The applicant ultimately withdrew the original application following Planning Commission consideration.

The applicant has now revised the application and is again seeking a variance to permit the subdivision of a property that does not meet the minimum lot size for sewered lots in the S-Shoreland Overlay District. The applicant has determined that they can construct a home on the proposed property that would meet all applicable building setbacks with no additional variances (see attached site plan).

The existing property has an existing home with detached garage that is accessed via Lake Sarah Drive S. The property also touches the end of the cul-de-sac on Shady Beach Circle with \pm 50 LF of frontage. It has been noted that the city has had several different property owners of this property inquire about a similar subdivision over the past 7-10 years.

The applicant is proposing to construct a new home on the proposed north parcel and sell the south parcel. The applicant has prepared a site plan and conceptual house plans for the proposed home and associated site improvements. The proposed home would be a two-story structure at grade.

Minimum Lot Size Variance:

The minimum lot size in the S-Shoreland Overlay District for sewered lots is one (1) acre. The existing property is 1.62 acres. In order to subdivide the property into two conforming lots, the minimum acreage would need to be two (2) acres. The applicant is asking the city to consider a .38-acre variance to allow the south parcel to be .62 acres in total size. Should the variance to allow a reduction in minimum lot size be considered, the city could grant the requested minor subdivision.

Lot Development:

The applicant has prepared a site plan showing the proposed subdivision along with the allowable building area for a new home/garage. The proposed home would have following setbacks:

<u>Required:</u>	<u>Proposed:</u>
Lake (OHWL): 100'	100'
Side: 30'	30' (west side), 30' (south side)
Street: 85' from centerline, 50' from PL*	85' to centerline of street/ 50' to property line
Detached Accessory Buildings: 15'	15'

*whichever is greater – setback from property line would be greater

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

Subd. 2. Lot standards.

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

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)

Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)

520.23. *Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the criteria for granting a variance:

- a. The applicant has revised the application so that the proposed lakeshore lot (north parcel) would meet the 1-acre minimum lot size. This would preserve the city's historic findings that lakeshore lots must maintain a minimum lot size of 1-acre.
- b. The proposed south parcel is .62 acres. The surrounding area has a mixture of lot shapes/sizes that are similar to the proposed subdivision.



- c. The subject property is somewhat unique in that it has frontage on two public roads. The proposed subdivision would create a property that is similar to adjacent properties to the east. The applicant is proposing to develop a single-family home on the property and that is consistent with the Rural Residential/Shoreland Overlay zoning districts.
- d. It has been noted that several of the surrounding properties (many of the lots located on the lakes) do not comply with applicable setbacks. This area of the City contains an array of properties that do not conform to applicable setbacks and are considered sub-standard lots of record.
- e. The character of the surrounding area is residential. The proposed single-family home is in keeping with the City's comprehensive plan.

The Planning Commission will need to determine if the requested variances meet the requirements for granting a variance and then if the minor subdivision meets applicable criteria. Several additional considerations that could be considered are as follows:

1. The proposed new lot is now 1-acre and would comply with S-Shoreland Overlay minimum lot sizes. It would be similar in size and character to many of the lots in this area.
2. The applicant is not seeking any additional variances for the proposed structure. They are proposing to design a home that would meet all applicable setbacks, impervious surface requirements, etc. The city would review any proposed home or structure with a building permit submittal.
3. The proposed property would be connected to the city's sanitary sewer system via a connection to the sewer in Shady Beach Circle.
4. There is a wetland located on the property that has been delineated. The applicant is seeking relief from the requisite wetland buffer (by increasing the buffer on the south side of the wetland) which would need to be further reviewed by the watershed commission if the application is moved forward.
5. Note that the existing home on the south parcel does not meet applicable building setbacks and is currently considered lawful non-conforming property. The applicant is proposing to subdivide the property so that the south parcel would remain a lawful non-conforming property with lawful non-conforming buildings.

Neighbor Comments:

The City received comments at the public hearing from two neighboring property owners. One neighbor was in support of the request and the other was against the request. One other neighboring resident requested a copy of the application/proposed plans.

Planning Commission Discussion:

Planning Commissioners reviewed the request and asked questions of staff and the petitioner. Commissioners discussed the reduction in the number of variances initially requested and noted that the applicant is now proposing to subdivide the property so that the lakeshore lot is fully compliant with applicable standards. It was noted that the existing home is currently a legal non-conforming structure and will remain legal non-conforming in the after condition. Commissioners confirmed that no additional variances are needed to construct the home and that the applicant would have to go through the typical building permit process when they are ready to proceed with home construction. Commissioners noted that the city would not be setting a precedent with this approval as a result of several factors unique to this lot. Those factors include the subject property having public access on two separate roads, the proposed lakeshore lot meeting all applicable requirements of the ordinance and the existing lot already being legal-non-conforming. Commissioners also clarified that the applicant is not proposing a separate lakeshore easement for the existing home in the after condition. Commissioners found that the criteria for granting a variance to allow the reduced lot size had been satisfied by the applicant and recommended approval to the City Council.

Recommendation:

The Planning Commission is recommending approval of the requested Minor Subdivision and Variance with the following findings and conditions:

1. The proposed Subdivision and Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District.
 - b. The character of the surrounding area is residential. The applicant is proposing to use the new lot for the construction of a single-family road.

- c. The proposed lakeshore lot will meet all applicable criteria of the city's zoning ordinance.
 - d. The characteristics of this lot are unique due to it having public access to two roads.
 - e. No variances will be required to build a single-family residential home on the newly created lot.
- 3. The variance will permit the subdivision of a property that does not meet the minimum lot standards. The applicant is proposing to subdivide the property so that there is one 1-acre property that meets all applicable criteria and one .62-acre property that is less than the 1-acre minimum lot size. Any modification, rearrangement or alteration to the proposed lot configuration will not be permitted.
 - 4. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
 - 5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.
 - 6. The applicant shall provide a revised exhibit indicating the requisite perimeter drainage and utility easements and legal descriptions. The applicant shall execute all documents to convey the easements to the City.
 - 7. The applicant shall pay the park dedication fee of \$3,500 prior to the subdivision being recorded by the City.
 - 8. The applicant shall pay for all costs associated with the City's review and recording of the requested variance and minor subdivision.
 - 9. The applicant shall record the City Council Resolution, minor subdivision and requisite D&U easement conveyance documents with the county within six (6) months of approval.
 - 10. The variance approval will be valid for one year from the date of City Council approval.

Attachments:

- 1. Application
- 2. Site Survey – Existing and Proposed Conditions
- 3. Site Picture

View looking west from end of Shady Beach Cir. Cul-de-sac





RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0603-01

**A RESOLUTION APPROVING A VARIANCE TO ALLOW A MINOR SUBDIVISION
FOR A LOT THAT DOES NOT MEET THE MINIMUM LOT SIZE
AND A MINOR SUBDIVISION FOR THE
PROPERTY LOCATED AT 4610 LAKE SARAH DRIVE**

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

WHEREAS, the City adopted a Comprehensive Plan in 2020 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Tyler and Kaitlin Johnson (the “Applicants/Owners”) have submitted a request for a variance and minor subdivision for the property located at 4610 Lake Sarah Dr. S. Road (PID No. 02-118-24-21-0001); and

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

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

WHEREAS the requested variance and minor subdivision meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for RR-Rural Residential and S-Shoreland Overlay; and

WHEREAS the City held a public hearing on May 20, 2025, to review the application for a variance and minor subdivision, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Tyler and Kaitlin Johnson for a variance and minor subdivision per the City's subdivision and zoning regulations with the following conditions:

1. The proposed Subdivision and Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
 - a. Residential use of the property is consistent with the RR-Rural Residential District.
 - b. The character of the surrounding area is residential. The applicant is proposing to use the new lot for the construction of a single-family road.
 - c. The proposed lakeshore lot will meet all applicable criteria of the city's zoning ordinance.
 - d. The characteristics of this lot are unique due to it having public access to two roads.
 - e. No variances will be required to build a single-family residential home on the newly created lot.
3. The variance will permit the subdivision of a property that does not meet the minimum lot standards. The applicant is proposing to subdivide the property so that there is one 1-acre property that meets all applicable criteria and one .62-acre property that is less than the 1-acre minimum lot size (as depicted in Exhibit B). Any modification, rearrangement or alteration to the proposed lot configuration will not be permitted.
4. The applicant shall submit a grading and drainage plan to the City at the time of building permit application. The grading and drainage plan will be reviewed by the City to ensure that the proposed improvements do not adversely impact any of the surrounding properties relating to grading and drainage.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.
6. The applicant shall provide a revised exhibit indicating the requisite perimeter drainage and utility easements and legal descriptions. The applicant shall execute all documents to convey the easements to the City.

7. The applicant shall pay the park dedication fee of \$3,500 prior to the subdivision being recorded by the City.
8. The applicant shall pay for all costs associated with the City's review and recording of the requested variance and minor subdivision.
9. The applicant shall record the City Council Resolution, minor subdivision and requisite D&U easement conveyance documents with the county within six (6) months of approval.
10. The variance approval will be valid for one year from the date of City Council approval.

This resolution was adopted by the city council of the City of Independence on this 3rd day of June 2025 by a vote of ____ ayes and ____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A

(Legal Description)

PROPOSED LEGAL DESCRIPTIONS :

NORTH PARCEL

That part of the following described property:

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

which lies northerly of a line drawn from a point on the westerly line of the above described property distant 269.10 feet northerly, as measured along said westerly line, from the southwest corner of said above described property to a point on the easterly line of said above described property distant 260.17 feet northerly, as measured along said easterly line, from the southeast corner of said above described property.

SOUTH PARCEL

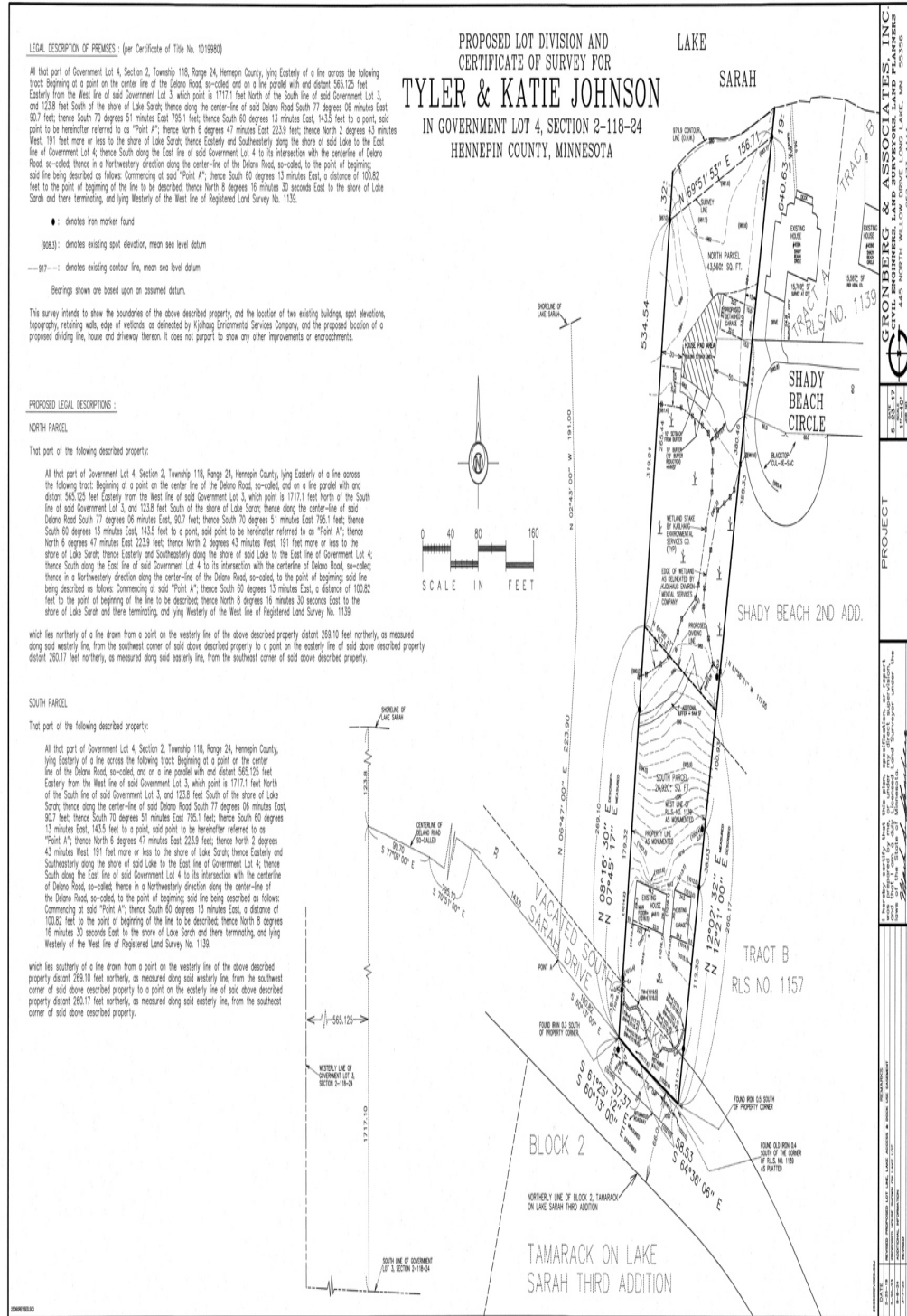
That part of the following described property:

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

which lies southerly of a line drawn from a point on the westerly line of the above described property distant 269.10 feet northerly, as measured along said westerly line, from the southwest corner of said above described property to a point on the easterly line of said above described property distant 260.17 feet northerly, as measured along said easterly line, from the southeast corner of said above described property.

0
N
S

EXHIBIT B
(Subdivision Exhibit)





**CITY OF
INDEPENDENCE
MINNESOTA**

Date Submitted: 04-10-2025

Applicant Information

Name: Katie & Tyler Johnson
Address: 4610 S Lake Sarah Drive
Independence, Minnesota
55359
Primary Phone: 8479179643
Email: kfapka@gmail.com

Owner Information

Name: Katie & Tyler Johnson
Address: 4610 S Lake Sarah Drive
Independence, Minnesota
55359
Primary Phone: 8479179643
Email: kfapka@gmail.com

Property Address:

PID:

Planning Application Type: Subdivision

Subdivision Type: Minor Subdivision (3 lots or less)

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

LEGAL DESCRIPTION OF PREMISES : (per Certificate of Title No. 1019980)

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

• : denotes iron marker found

(908.3) : denotes existing spot elevation, mean sea level datum

—917— : denotes existing contour line, mean sea level datum

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of two existing buildings, spot elevations, topography, retaining walls, edge of wetlands, as delineated by Kjolhaug Environmental Services Company, and the proposed location of a proposed dividing line, house and driveway thereon. It does not purport to show any other improvements or encroachments.

PROPOSED LEGAL DESCRIPTIONS :

NORTH PARCEL

That part of the following described property:

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

which lies northerly of a line drawn from a point on the westerly line of the above described property distant 269.10 feet northerly, as measured along said westerly line, from the southwest corner of said above described property to a point on the easterly line of said above described property distant 260.17 feet northerly, as measured along said easterly line, from the southeast corner of said above described property.

SOUTH PARCEL

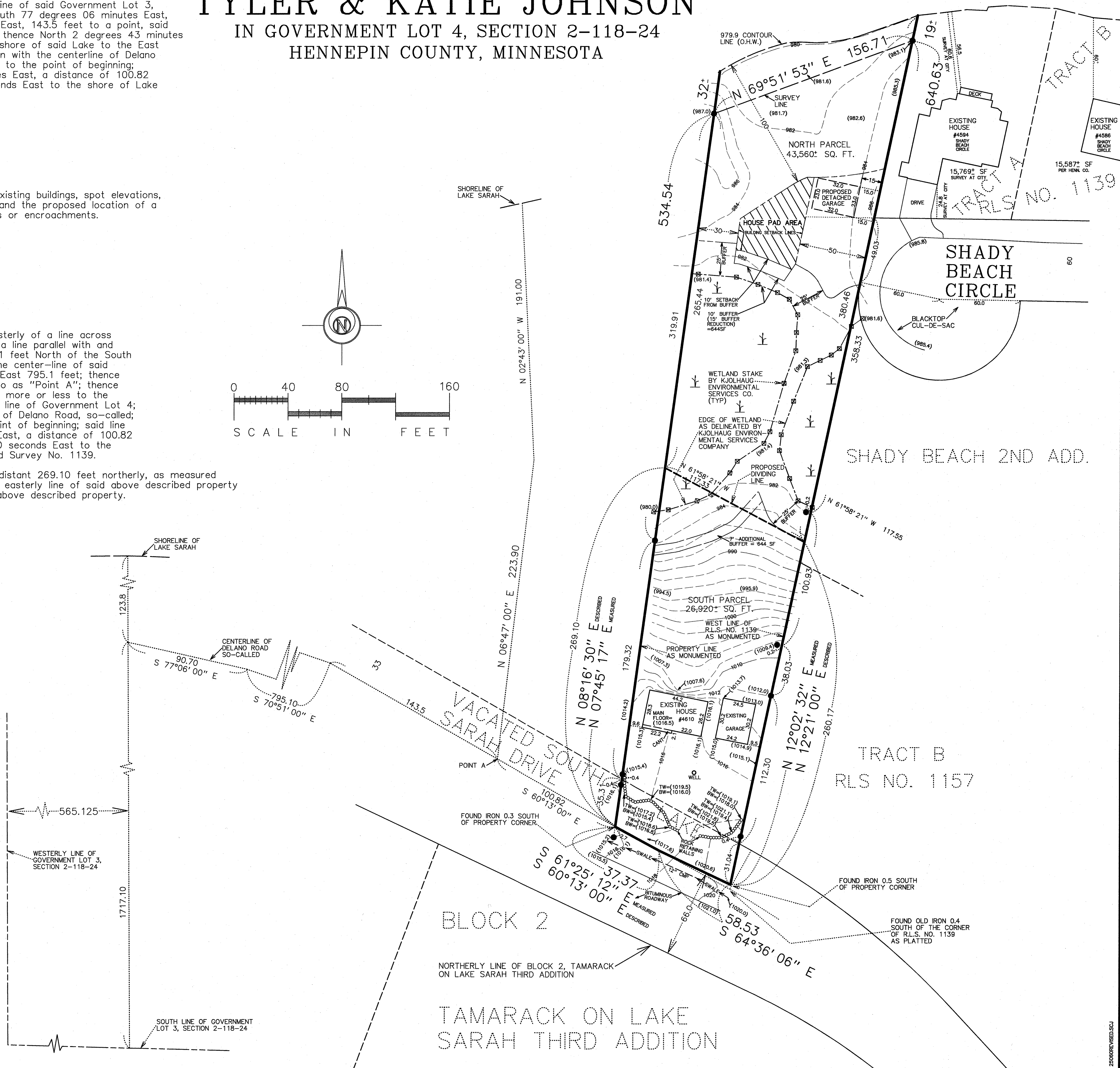
That part of the following described property:

All that part of Government Lot 4, Section 2, Township 118, Range 24, Hennepin County, lying Easterly of a line across the following tract: Beginning at a point on the center line of the Delano Road, so-called, and on a line parallel with and distant 565.125 feet Easterly from the West line of said Government Lot 3, which point is 1717.1 feet North of the South line of said Government Lot 3, and 123.8 feet South of the shore of Lake Sarah; thence along the center-line of said Delano Road South 77 degrees 06 minutes East, 90.7 feet; thence South 70 degrees 51 minutes East 795.1 feet; thence South 60 degrees 13 minutes East, 143.5 feet to a point, said point to be hereinafter referred to as "Point A"; thence North 6 degrees 47 minutes East 223.9 feet; thence North 2 degrees 43 minutes West, 191 feet more or less to the shore of Lake Sarah; thence Easterly and Southeasterly along the shore of said Lake to the East line of Government Lot 4; thence South along the East line of said Government Lot 4 to its intersection with the centerline of Delano Road, so-called; thence in a Northwesterly direction along the center-line of the Delano Road, so-called, to the point of beginning; said line being described as follows: Commencing at said "Point A"; thence South 60 degrees 13 minutes East, a distance of 100.82 feet to the point of beginning of the line to be described; thence North 8 degrees 16 minutes 30 seconds East to the shore of Lake Sarah and there terminating, and lying Westerly of the West line of Registered Land Survey No. 1139.

which lies southerly of a line drawn from a point on the westerly line of the above described property distant 269.10 feet northerly, as measured along said westerly line, from the southwest corner of said above described property to a point on the easterly line of said above described property distant 260.17 feet northerly, as measured along said easterly line, from the southeast corner of said above described property.

PROPOSED LOT DIVISION AND
CERTIFICATE OF SURVEY FOR
TYLER & KATIE JOHNSON
IN GOVERNMENT LOT 4, SECTION 2-118-24
HENNEPIN COUNTY, MINNESOTA

LAKE
SARAH



GRONBERG & ASSOCIATES, INC. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 NORTH WILLOW DRIVE LONG LAKE, MN 55356 952-473-4141	
DATE 5-23-17	PROJECT PROJECT
SCALE 1"=200'	REMARKS I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
JOB NO. 25-080	MINNESOTA LICENSED SURVEYOR Mark S. Gronberg Number 12755
REVISIONS	REVISIONS
1-2-25	1-2-25
3-2-25	3-2-25
5-2-25	5-2-25
7-2-25	7-2-25
9-2-25	9-2-25
11-2-25	11-2-25
13-2-25	13-2-25
15-2-25	15-2-25
17-2-25	17-2-25
19-2-25	19-2-25
21-2-25	21-2-25
23-2-25	23-2-25
25-2-25	25-2-25

City of Independence

Consider Amendment to the City's On-Site Sewage Ordinance (SSTS)

To:	City Council
From:	Mark Kaltsas, City Administrator
Meeting Date:	June 3, 2025

Discussion:

Staff discussed potential on-site sewage ordinance amendments with Council at our last workshop. It was noted that the city has identified several minor (technical) septic ordinance amendments that should be considered by the Council. The proposed amendments would bring the city's ordinance into alignment with current state statute and or clarify information within the ordinance. The city has prepared an ordinance amendment which would remove an outdated definition (for *Failing System*), add language citing state statute (for the definition of *Holding Tank*) and expand the types of systems allowed in the city to include Type 3 systems.

The proposed ordinance amendment would also establish a process and escrow requirement for all homes sold in the city – similar to several surrounding counties. The city continues to have instances where homes being sold do not provide the requisite compliance inspection report and or have the inspection but fail to make the required improvements following transfer of the property. The proposed ordinance amendment would establish a requirement that the seller of a property be responsible for filing a septic compliance report. If the system fails the inspection, the system will be required to be replaced prior to the sale of the property, or an escrow will need to be created to ensure that the system is replace. The ordinance does not stipulate which party (buyer or seller) is responsible for establishing or funding the escrow as this is typically a negotiated term of the sale. The ordinance amendment further notes that if a compliance inspection cannot be completed due to frozen conditions, an escrow will be required.

Staff has prepared an ordinance amendment and subsequent summary publication for consideration by the City Council.

Recommendation:

The City Council is being asked to consider approval of the proposed ordinance amendment. Should Council approve the ordinance amendment, it is recommended that the Resolution approving the summary ordinance publication also be approved.

Attachments:

1. **ORDINANCE No. 2025-03**
2. **RESOLUTION No.s 25-0603-02**

ORDINANCE NO. 2025-03

CITY OF INDEPENDENCE COUNTY OF HENNEPIN STATE OF MINNESOTA

AN ORDINANCE AMENDING INDEPENDENCE CITY CODE REGARDING SUBSURFACE SEWAGE TREATMENT SYSTEMS

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE DOES ORDAIN:

SECTION 1. AMENDMENT. The Independence City Code Chapter VII Public Utilities, Section 705, On-Site Sewage Treatment, is hereby amended as set forth below to add the underlined language as follows:

Section 705.02. Definitions.

Subd. 1. The following definitions are provided for reference and ease of use of this Code, however, all terms used within section 705 shall be defined as found in Minn. R. chapter 7080, as amended:

(Added, Ord. No. 2007-03, § 1)

~~Subd. 2. Failing system. "Failing system" means a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation as described in Minn. R. part 7080.0060, subpart 3.~~

~~(Added, Ord. No. 2007-03, § 1)~~

Subd. ~~3~~2. Imminent threat to public health or safety. "Imminent threat to public health or safety" means situations with the potential to immediately and adversely affect or threaten public health or safety. At a minimum, this includes ground surface or surface water discharges and sewage backup into a dwelling or other establishment.

(Added, Ord. No. 2007-03, § 1)

Subd. ~~4~~3. Notice of noncompliance. "Notice of noncompliance" means a document written and signed by a ~~qualified employee or licensee~~ certified inspector after a compliance inspection that gives notice an individual sewage treatment system is not in compliance as specified under Minn. R. part 7080.0060 ~~1500~~.

(Added, Ord. No. 2007-03, § 1)

Subd. ~~5~~4. Holding tank. "Holding tank" means a tank for storage of sewage until it can be transported to a point of approved treatment and disposal. Holding tanks are considered a septic tank under Minnesota Statutes, Section 115.55.

Subd. ~~6~~5. SSTs. A Subsurface Sewage Treatment System as defined in Minn. R. 7080.1100, subp. 41 and subp. 82.

Section 705.03. Additional soil treatment area requirements.

All lots that are not served by municipal sewer and were created after January 23, 1996, shall have a minimum of two soil treatment and dispersal areas that support systems as described in parts 7080.2200 to 7080.2230~~300~~ or site conditions described in part 7081.0270, subparts 3 to 7, as applicable. All soil treatment areas shall be protected before, during and after construction on the lot. The method of protection of the additional soil treatment area shall be approved by the building official and may include, but is not limited to, such things as snow fencing, permanent fencing and silt fencing. No building permit shall be issued for construction on any lot that is not served by municipal sewer services until at least two soil treatment areas that can accommodate standard systems have been identified and protected as required by this subsection.

Section 705.07. Inspection program for subsurface sewage treatment systems.

Subd. 1. *Inspection required.* A compliance investigation, as defined in Minn. R. part 7082.0700, must be conducted:

- (a) For all new construction or replacement,
- (b) For an existing system, when there is an application to construct the addition of a bedroom on property served by the system; and
- (c) For an existing system located on property that is subject to a purchase agreement.

Subd. 2. Transfer of Properties.

(a) Whenever a conveyance of land occurs, the following requirements shall be met:

- 1. The seller of the property is responsible for providing a MPCA existing SSTS compliance inspection form, with any required attachments, to the city and buyer at or before closing. These documents shall provide the status and location of all known SSTS and components thereof on the property and, if applicable, the requirements for bringing the SSTS into compliance with this chapter.
- 2. If the seller fails to provide a certificate of compliance, sufficient security must be established in the form of an escrow account to assure the installation of a complying SSTS. The security, in the amount set forth in the City of Independence Fee Schedule, shall be placed in an escrow with a licensed real estate closer, licensed attorney-at-law, or federal or state chartered financial institution. The SSTS must be installed within the time frame established in 705.08, Subd. 2. After a complying SSTS has been installed and a certificate of compliance issued, the escrow may be released.
- 3. The MPCA existing SSTS compliance inspection form need not be obtained if the sale or transfer involves one of the following circumstances:
 - a. Tract of land is vacant or contains no structures with plumbing fixtures;
 - b. The SSTS serving the existing dwelling or other structure with plumbing has been abandoned per §52.058. Attach the MPCA's SSTS abandonment reporting form;
 - c. The transfer does not require the filing of a certificate of real estate value, as described in M.S. §272.115;
 - d. The transfer is a foreclosure or tax forfeiture. This subsection applies only for the transfer from the original mortgagee to the financial/lending institution or local unit of government. The subsequent transfer shall meet the requirements of this chapter;
 - e. A refinance of a property;

- f. The sale or transfer is to the seller's spouse or ex-spouse only. The sale or transfer may be by deed, through a joint tenancy, of a testamentary nature, or by trust document;
 - g. Dwellings or other structures connected exclusively to a municipal wastewater treatment system.
- 4. All property conveyances subject to this chapter where an SSTS compliance cannot be determined due to frozen soil conditions, shall have an escrow account established pursuant to the City of Independence Fee Schedule. The buyer is responsible to have the compliance inspection completed by the following June 1st by a licensed SSTS inspector. If, upon inspection, the SSTS is found to be in compliance, the funds in escrow may be released. If, upon inspection, the SSTS is found to be non-compliant, the SSTS shall be brought into compliance within ten months from the date of property transfer.
- 5. Should the seller fail to have the compliance inspection completed, and neither party established an escrow account, the buyer of the property becomes wholly responsible and shall have a certificate of compliance on the existing SSTS submitted to the City within 30 days of the property transfer or have the SSTS brought into compliance within 90 days of the property transfer.

Subd. ~~2~~3. *Construction inspections.*

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Independence this 3rd day of June 2025.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0603-02

**A RESOLUTION APPROVING PUBLICATION OF A SUMMARY OF THE
ON-SITE SEWAGE TREATMENT ORDINANCE AMENDMENT**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE DOES ORDAIN:

NOTICE IS HEREBY GIVEN that on June 3, 2025, Ordinance No. 2025-03, was adopted by the City Council of the City of Independence, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 2025-03, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council amends City Code Chapter VII Public Utilities, Section 705, On-Site Sewage Treatment, of the Independence Zoning Ordinance, by amending several definitions to align with changes made to state statute. The ordinance was further amended to include a requirement that makes clearer the process for inspecting SSTS systems when property is transferred (i.e., sold) and establishing an escrow requirement to ensure failing system are brought into compliance with applicable standards upon the transfer of property.

A printed copy of the entire ordinance is available for inspection by any person during the City's regular office hours at the City of Independence City Hall.

APPROVED for publication by the City Council of the City of Independence, Minnesota on this 3rd day of June 2025.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of June 2025, by a vote of _____ ayes and _____ nays.

Brad Spencer, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

Fund Creation and Transfer Consideration

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: June 3, 2025

Discussion:

The city received a payment from the Maple Plain Fire Commission in the amount of \$69,227 resulting from a recent reconciling of the historic payments made by both cities. In order to preserve these funds for future public safety expenditures, it is recommended that the city consider creating a new capital improvement fund specific to public safety. The city's accountant has determined that the new fund would be Fund 407 – Public Safety. With the creation of this new fund, it is recommended that the city transfer the \$69,227 from the general fund to the public safety fund.

It is recommended that the city approve a fund transfer from *Fund 100 – General Fund* to *Fund 407 – Public Safety*.

Transfer from	Transfer to	Amount	Reason
Fund 100 – General	Fund 407 – Public Safety	\$69,227	To establish new Capital Fund

Recommendation:

The City Council is being asked to consider approval of the fund creation and subsequent fund transfer.

Attachments:

1. RESOLUTION No.s 25-0603-03 and 25-0603-04



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0603-03

A RESOLUTION ESTABLISHING NEW CAPITAL OUTLAY FUND

WHEREAS, the City of Independence establishes the following Capital Outlay Fund:

Fund No. 407 Public Safety Capital Fund

To be governed by the applicable statutory provisions.

WHEREAS, funds exceeding the acceptable balance of the fund balance policy in the General Fund and the City of Independence is permitted to use these dollars on future capital purchases.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Independence, Minnesota, hereby agrees that a Capital Outlay Fund be established for the specific purpose of purchasing and maintaining capital assets and improvements.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of June 2025, by a vote of ___ ayes and ___ nays.

Attest:

Brady Spencer, Mayor

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0603-04

A RESOLUTION APPROVING FUNDS TRANSFER

WHEREAS, the City has the following transfers to be made:

Transfer from	Transfer to	Amount	Reason
Fund 100 – General	Fund 407 – Public Safety	\$69,227	To establish new Capital Fund

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Independence hereby agrees to make the following adjustments to the City Funds.

This resolution was adopted by the City Council of the City of Independence on this 3rd day of June 2025, by a vote of ___ ayes and ___ nays.

Attest:

Brady Spencer, Mayor

Mark Kaltsas, City Administrator

City of Independence

Employee Handbook Amendment Consideration

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: June 3, 2025

Discussion:

For 2025, the city is subject to new statutory requirements relating to the Earned Sick and Safe Time (ESST). The city would like to clarify how the new requirements relate to seasonal or part-time employees. The new law requires cities to offer all employees ESST time which is accumulated over the course of their employment. The cities policy has historically identified procedures relating only to full time employees and how their earned sick or vacation time is handled at the end of their employment with the city. It is recommended that the city now include procedures and policy relating to Part-Time and Seasonal/Temporary employees.

Staff is recommending that the following language be included in the employee handbook relating to Part-Time and Seasonal/Temporary employees.

Upon termination of employment, all Regular Full-Time and Regular Part-Time employees shall receive a cash payment for accumulated sick leave equal to one-half of their accumulated sick leave. Temporary/Seasonal workers will not be eligible for a cash payment for unused accumulated sick leave. Payment will not be made if termination results from violation of the Rules of Conduct, set out within this handbook. Payment for accumulated sick leave shall be based on the employee's average base rate of pay during the preceding three years.

Recommendation:

The City Council is being asked to consider approval of the proposed amendment to the Employee Handbook.

Attachments:

1. RESOLUTION No. 25-0603-05



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 25-0603-05

A RESOLUTION ADOPTING AN AMENDMENT TO THE EMPLOYEE HANDBOOK

WHEREAS, the City of Independence (the “City”) has adopted policies governing city employees and associated personnel matters; and

WHEREAS, the City has proposed an amendment to the employee handbook governing personnel policies; and

WHEREAS, the updated policy is shown on **EXHIBIT A** attached hereto; and

WHEREAS, the Council has reviewed the proposed amendment and directed the revisions to the policies stipulated in the handbook.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the proposed amendment attached hereto and the amendment shall be incorporated into the previously adopted employee handbook.

This resolution was adopted by the city council of the City of Independence on this 3rd day of June 2025 by a vote of ____ ayes and ____ nays.

ATTEST:

Brad Spencer, Mayor

Mark Kaltsas, City Administrator

Exhibit A

Proposed Policy Amendments:

ESST AMENDMENT

SICK LEAVE/EARNED SICK AND SAFE TIME (ESST)

Regular full-time, regular part-time and seasonal employees are eligible to earn and use sick leave as described in this policy. Introductory employees accumulate sick leave and may use paid sick leave/ESST prior to successful completion of the introductory period.

Eligible employees may take sick leave in the event of the employee's sickness or injury, for medical or dental appointments, or to care for a sick or injured child or other legal dependent.

Regular full-time employees accrue sick leave monthly, at the rate of one day per month, for a total of twelve days per year. Regular part-time employees accrue sick leave on a prorata basis, based on the number of hours worked. Any unused sick leave accumulated during the calendar year will be carried over to the next year provided it does not exceed a maximum of 120 days. In computing sick leave, the following schedule will apply:

If an employee becomes ill and cannot report to work, his or her absence must be reported to his or her immediate supervisor at least thirty minutes prior to the regular reporting time, unless otherwise instructed by the supervisor. All such absences will be charged to the employee's accrued sick leave. Failure to report an absence within the specified time period will be deemed to be an absence without permission, in which case the employee will not be paid for the absence.

An employee whose employment begins before the 16th day of any month or whose employment ends after the 15th day of any month shall earn one day of sick leave for that month.

Upon termination of employment, all Regular Full-Time and Regular Part-Time employees shall receive a cash payment for accumulated sick leave equal to one-half of their accumulated sick leave. Temporary/Seasonal workers will not be eligible for a cash payment for unused accumulated sick leave. Payment will not be made if termination results from violation of the Rules of Conduct, set out within this handbook. Payment for accumulated sick leave shall be based on the employee's average base rate of pay during the preceding three years.

Employees who abuse sick leave may be terminated. The City may require an employee to provide a signed statement from a licensed physician attesting to any illness of such employee for which sick leave is used.