City Council Meeting Agenda

DATE	TIME	LOCATION
Tuesday, November 10, 2026	5:30 PM	City Hall, 1920 County Road 90

Please note: the City Council meeting now begins at **5:30 PM**.

AGENDA

01 Call to Order

02 Pledge of Allegiance

03 Roll Call

04 Consent Agenda

All items listed under the Consent Agenda are considered routine by the 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 considered separately.

a. Approval of City Council Minutes from the October 20, 2026, Regular City Council Meeting.
b. Approval of Accounts Payable: Batch #1, Checks No. 24698 to 24722.
c. Approval to not waive the monetary limits on tort liability established by Minnesota Statutes, Section 466.04, to the extent of the limits of liability coverage obtained from the League of Minnesota Cities Insurance Trust (LMCIT).

05 Reports of Boards and Committees by Council and Staff

06 West Hennepin Public Safety

Director Matthew DuRose: Presentation of the October 2026 Activity Reports.

07 Certification of Delinquent Sewer Service Charges as Special Assessments

a. **RESOLUTION No. 26-1110-01** – Resolution certifying delinquent sewer service charges.

08 PUBLIC HEARING: 1951 Baker Park Road – Conditional Use Permit Revocation

City Council consideration of the revocation of the Conditional Use Permit approved by the City Council on June 22, 1993, which authorized the continuation of an automobile/general repair business on the property located at 1951 Baker Park Road (PID 24.118.24.41.0002), Independence, Minnesota.

a. **RESOLUTION No. 26-1110-02** – Resolution considering the revocation of the Conditional Use Permit approved by the City Council on June 22, 1993, for the property located at 1951 Baker Park Road.

09 Open / Miscellaneous

10 Adjourn

CITY COUNCIL MEETING MINUTES
TUESDAY OCTOBER 20, 2026

CITY COUNCIL MEETING TIME: 5:30 PM

1. CALL TO ORDER

Mayor Brad Spencer called the meeting to order on Tuesday, October 20, 2026, at 5:30 PM

2. PLEDGE OF ALLEGIANCE

Mayor Spencer led the group in the Pledge of Allegiance.

3. ROLL CALL
PRESENT: Spencer, Betts, Grotting, McCoy, Fisher
ABSENT: None
STAFF: Administrative Services Director Simon,
VISITORS: WHPS Chief, DuRose, Edward Genereux

4. ****CONSENT AGENDA****

Mayor Spencer stated that the consent agenda items would be considered routine and acted on by one motion unless someone would like to remove an item for discussion. The consent agenda

a. Approval of City Council Minutes from the September 15, 2026, Regular City Council Meeting.
b. Approval of Accounts Payable: Batch #1, Checks No. 24623 to 24647; Batch #2, Checks No. 24649 to 24668; and Batch #3, Checks No. 24669 to 24697. *Note: Check No. 24648 was voided due to a printer error.*
c. Agriculture Preserve Applications:
- PID No. 20-118-24-43-0003
- PID No. 20-118-24-44-0001
- PID No. 20-118-24-41-0001
- PID No. 28-118-24-32-0008

d. *For Information Only:* LMCIT Dividend
e. *For Information Only:* Quarterly Building Permit Report

Motion by McCoy, seconded by Betts to approve the consent agenda. Ayes: Spencer, Betts, Grotting, McCoy, Fisher. Nays: None. Absent: McCoy, Fisher. Abstain: None. Motion Approved. 5-0

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

Council member Fisher Attended the following meeting:

- Workshop

Council member Betts Attended the following meeting:

- Workshop

Council member McCoy Attended the following meeting:

- Orono Cornerstone Vault Opening – 75th Anniversary year
- WHPS police commission meeting
- Workshop
- Billy Graham Law Enforcement Retirement Party

Council member Grotting Attended the following meeting:

- Workshop
- Planning

Mayor Spencer Attended the following meeting:

- Planning
- PSCWM Tac Meeting
- WHPS police commission meeting
- NW Hennepin League of Mayors

Spencer shared with the Council that a longtime administrator of the bookkeeping and secretarial services for the area's watershed joint powers organizations had died two days earlier in a motorcycle accident. He noted that the person would be greatly missed and that it was not yet known how those duties would be handled.

Amber Simon Attended the following meeting:

- None

Mark Kaltsas Attended the following meeting:

- None

Following the vote, the Mayor and City Administrator Kaltsas discussed the LMCIT dividend, which was for information only. Administrator Kaltsas stated the dividend was $9,879, reflecting

the City's claims experience for the year. It would be deposited in the general fund. It is not a budgeted item because the City cannot know in advance whether a dividend will be issued, and in some years none is received.

6. West Hennepin Public Safety – Director Matthew DuRose: Presentation of the August 2026 Activity Reports.

Director Matthew DuRose presented the August and September 2026 activity reports. He noted that the August report had not been included in the September packet because of his absence at training. Director DuRose highlighted the following:

- **Pursuit:** During his absence, officers were involved in a pursuit of a stolen vehicle that traveled through Maple Plain on Highway 12 and was terminated just west of the County Road 6 exit. Two people were taken into custody, and both the driver and passenger were severely impaired by narcotics.
- **DWI enforcement:** Officers have made 40 DWI arrests so far this year, more than in all of last year. Twenty-one involved drugs or narcotics. He emphasized the importance of training in detecting drug-impaired drivers, noting that the department has two drug recognition experts, Nick Eldred and Avery Freeman.
- **Eagle Ridge Court incident:** On the previous Thursday, officers responded to a shots-fired complaint. A patrol officer established command and coordinated a response involving six to eight agencies, including SWAT, armored vehicles and drones. The incident was resolved without injury, and one person was taken into custody. Some additional investigation remained. A SWAT board debriefing was planned in two weeks to review lessons learned.
- **Insurance dividend:** He noted the department had also received an insurance dividend. The previous ones were received in 2024 and 2012.

Mayor Spencer thanked Director DuRose for the response and said the shelter-in-place notification generated many resident questions. Director DuRose explained that the shelter-in-place radius was set at one-half mile based on the information available to officers and dispatch at the time. It remained in effect for about an hour and a half while additional agencies and SWAT were brought in. He said the department's first priority is the safety of the scene. He added that feedback about updating or providing additional information to residents would be considered, balanced against the likelihood that the person sought also has a cell phone.

In response to the Mayor's question, Director DuRose explained that the alert system (iPAWS) is run through dispatch. Dispatch draws a polygon, and cell phones within it receive the alert. Phones entering the area afterward also receive it, which explained reports of residents receiving the alert only as they approached the area. He noted that residents should confirm that emergency alerts are enabled on their phones. Active and past alert messages and their boundaries can be viewed at pbswarn.org.

In response to a question from the Council about overlap with Code Red, Director DuRose stated that Code Red no longer exists. The City's subscription was canceled and credited earlier in the year. Councilmember McCoy noted this was the second shelter-in-place affecting Independence

residents in two weeks. He added that the alert system had been activated three times in Independence in the past year, including for a lost person. The Council agreed the system is valuable.

7. **6551 County Road 6 – Minor Subdivision**

Racheal M. Holland ("Applicant") and Margaret Kowalke ("Owner") request that the City consider the following action for the properties located at and directly north of 6551 County Road 6, Independence, MN 55359 (PID Nos. 34-118-24-11-0001 and 27-118-24-44-0001):

a. **RESOLUTION No. 26-1020-01** – Considering approval of a minor subdivision to allow a lot line rearrangement. The lot line rearrangement would adjust the line separating the two properties by shifting the northern property line of 6551 County Road 6 south to County Road 6. No new properties are being proposed.

City Administrator Kaltsas introduced the request from applicant Racheal M. Holland and owner Margaret Kowalke for a minor subdivision allowing a lot line rearrangement for the properties at and directly north of 6551 County Road 6. The request was intended to resolve estate-related issues following the passing of the previous owners. Both properties are zoned Agriculture and guided Rural Residential in the comprehensive plan.

Administrator Kaltsas stated that the existing properties are approximately 73.63 acres (south) and 30 acres (north). Under the proposal, the property line would follow County Road 6 rather than the section line, resulting in a northern lot of 44.27 acres and a southern lot of 59.36 acres. He noted that no new lots would be created. He stated that the change makes sense from a planning perspective and would bring both properties into conformance with the minimum lot size for the agricultural district. Building eligibilities would not change, since any future subdivision would require rezoning under the Rural Residential designation.

The Planning Commission held a public hearing, found the request routine and recommended approval with the findings and conditions in the report. No written comments were received. One verbal comment asked whether the county had vacated its County Road 6 right-of-way. Administrator Kaltsas noted that it had not, and that the matter is not under City control.

Councilmember Fisher asked about a utility easement along the former railroad corridor, now held by Xcel (formerly NSP). Administrator Kaltsas responded that the railroad property is fully excepted from both parcels, so the subdivision does not affect any easement over it.

Motion to approve Resolution No. 26-1020-01, approving a minor subdivision for a lot line rearrangement for the properties at and directly North of 6551 County Rd 6, was made by Fisher and seconded by McCoy. The motion carried unanimously. 5-0

8. **Intersection Improvements at CSAH 6 and CSAH 83**

Review and consider directing the City Administrator to send a letter to Commissioner Anderson recommending that Hennepin County pursue intersection improvements at CSAH 6 and CSAH 83.

Mayor Spencer explained that he added this item following the Northwest Hennepin mayors' league meeting. The City has received several letters from residents about the intersection of County Road 6 and County Road 83 (110), which has a history of safety concerns that the community takes very seriously. Signage, flashing lights and striping have not resolved the problem. Hennepin County Commissioner Kevin Anderson, who oversees public works for the county, favors a roundabout at the intersection. He asked the City to send the resident letters and a letter of request asking the county to evaluate the intersection for a roundabout. Administrator Kaltsas drafted a letter for the Council to sign. The Mayor noted that a similar treatment at County Road 19 and County Road 6 might also be considered.

Mayor Spencer noted that the western intersection at 110 appears to be more challenging than the one at 19, though they are similar in design and close together. Administrator Kaltsas offered possible traffic-related reasons. He cited raw traffic data (likely dated and needing an updated count) showing about 3,000 trips per day southbound on 110 at County Road 6 versus about 1,600 northbound, and total volumes of roughly 9,000 trips per day on County Road 6. He suggested that if the county pursued one intersection it would likely consider two, and that the intersection at County Road 90 is also a dangerous three-leg intersection.

The Council expressed general agreement, and the Mayor stated that Administrator Kaltsas would send the letter and community correspondence to Commissioner Anderson once signed. No formal motion was recorded.

9. Open/Miscellaneous

Mayor Spencer shared that he had heard a radio interview with Professor James Coleman of the University of Minnesota about a 144-page neutral study on the water and energy impacts of data centers, developed with the university's freshwater research institute. The study is intended to help communities weigh revenue potential against public concerns and to indicate what cities should request in agreements, such as support for schools and infrastructure. The Mayor noted that the issue is not currently facing the City and that impacts vary by data center type, design and size. He obtained a PDF copy from Professor Coleman and offered to email it to any Council member.

10. Adjourn

Motion to adjourn was made by Councilmember Grotting and seconded by Councilmember McCoy. The motion carried unanimously. 5-0

The meeting was adjourned at 6:00 PM.

CITY OF INDEPENDENCE
City Council

CITY COUNCIL STAFF REPORT

League of Minnesota Cities Insurance Trust Tort Liability Waiver

Annual Determination • Monetary Limits on Municipal Tort Liability

To:	City Council
From:	Mark Kaltsas, City Administrator
Meeting Date:	Tuesday, November 17, 2026, 5:30 PM

DISCUSSION

Each year the City is required to decide whether to waive the monetary limits on tort liability established by Minnesota Statutes, Section 466.04, to the extent of the limits of liability coverage obtained from the League of Minnesota Cities Insurance Trust (LMCIT). The City has historically made the determination to not waive the monetary limits based on the direction provided by the City Attorney.

Recommendation

It is recommended that the City Council move to *not* waive the monetary limits on tort liability established by Minnesota Statutes, Section 466.04, to the extent of the limits of liability coverage obtained from the LMCIT.

Attachments: LMCIT Waiver Form

LEAGUE of MINNESOTA CITIES

LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to pstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than $500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to $1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.

- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to $2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is $2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to $2,000,000, regardless of the number of claimants.

- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name:

_____

Check one:

☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: _____

Signature:_____ Position: _____

Date: November 9, 2026

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

From: Director Matt DuRose

SUBJECT: October 2026 Monthly Activity Report

Enclosed with this letter is West Hennepin Public Safety's September Monthly Activity Report. This report is meant to provide an overview of the monthly activity for West Hennepin Public Safety as well as year-to-date information for the reader. In addition to criminal and non-criminal offenses, the activity report also highlights traffic related activity as well as community engagement by staff.

All incidents are broken down as defined in the National Incident-Based Reporting System (NIBRS). NIBRS is the accepted reporting system utilized by police agencies across the country. NIBRS provides more complete and detailed incident information because it requires reporting of every offense committed within the incident. In this month's report, you will see that there were 18 criminal offenses reported from 11 incidents.

This month saw an increase of car vs. deer crashes which seem to spike this time of year. We also saw a significant criminal incident involving shots fired that resulted in a multi-agency response.

NIBRS is broken down in the following categories:

Group A offenses

Animal Cruelty	Drug offenses	Homicide	Prostitution
Arson	Embezzlement	Human Trafficking	Robbery
Assault	Extortion	Kidnapping	Sex Offenses
Bribery	Forgery	Larceny	Stolen Property
Burglary	Fraud	Motor Vehicle Theft	Weapon Laws
Destruction/Damage	Gambling	Obscene Material	

Group B offenses

Bad Checks	Driving Under Influence	Liquor Law Violations	All Other Offenses
Curfew	Drunkenness	Peeping Tom	
Disorderly Conduct	Family Offenses	Trespass	

If anyone would like more detailed data, please contact my office.

Respectfully submitted,

West Hennepin Public Safety
Monthly Activity Report

October 2026

October 2026 Overview

Calls for Service Maple Plain 136 (29%)	Total Calls for Service 463	Calls for Service Independence 262 (57%)

Traffic Offenses 39	DWIs 0		Traffic Offenses 87	DWIs 1
Crashes 2	Arrests 3	Other (14%) AA – 52 Oth – 13	Crashes 14	Arrests 2
Group A Offenses 8	Group B Offenses 0		Group A Offenses 8	Group B Offenses 2

*Traffic Offenses include citations, parking tickets, written and verbal warnings
*Arrests include physical arrests and citations issued for criminal offenses
*Group A & B Offenses include all reportable offenses whether a physical arrest was made or not
*TZD is not included in CFS or traffic offenses

Year to Date 2026 Overview

Calls for Service Maple Plain 1,374 (30%)	Total Calls for Service 4,549 (2025 YTD: 4,664)	Calls for Service Independence 2,524 (55.5%)

Traffic Offenses 545	DWIs 14	Other (14.5%) AA – 386 TZD – 182 Oth – 83	Traffic Offenses 1,005	DWIs 22
Crashes 18	Arrests 30		Crashes 103	Arrests 28
Group A Offenses 46	Group B Offenses 35		Group A Offenses 65	Group B Offenses 29

*Traffic Offenses include citations, parking tickets, written and verbal warnings
*Arrests include physical arrests and citations issued for criminal offenses
*Group A & B Offenses include all reportable offenses whether a physical arrest was made or not
*TZD is not included in CFS or traffic offenses

Calls for Service: Non-Criminal

Medicals & Lift Assists/Falls 40	Alarms 9
Traffic Complaints 21	Suspicious Activity 16
Disturbance 2	Welfare Check & Mental Health 10
Record Checks & Permits 51	Animal Calls 13

*Medicals & Lift Assists/Falls include all medical emergencies
*Alarms include home, business, fire, CO2 alarms
*Disturbance includes fights, harassment, and disorderly situations.

Year to Date Calls for Service: Non-Criminal

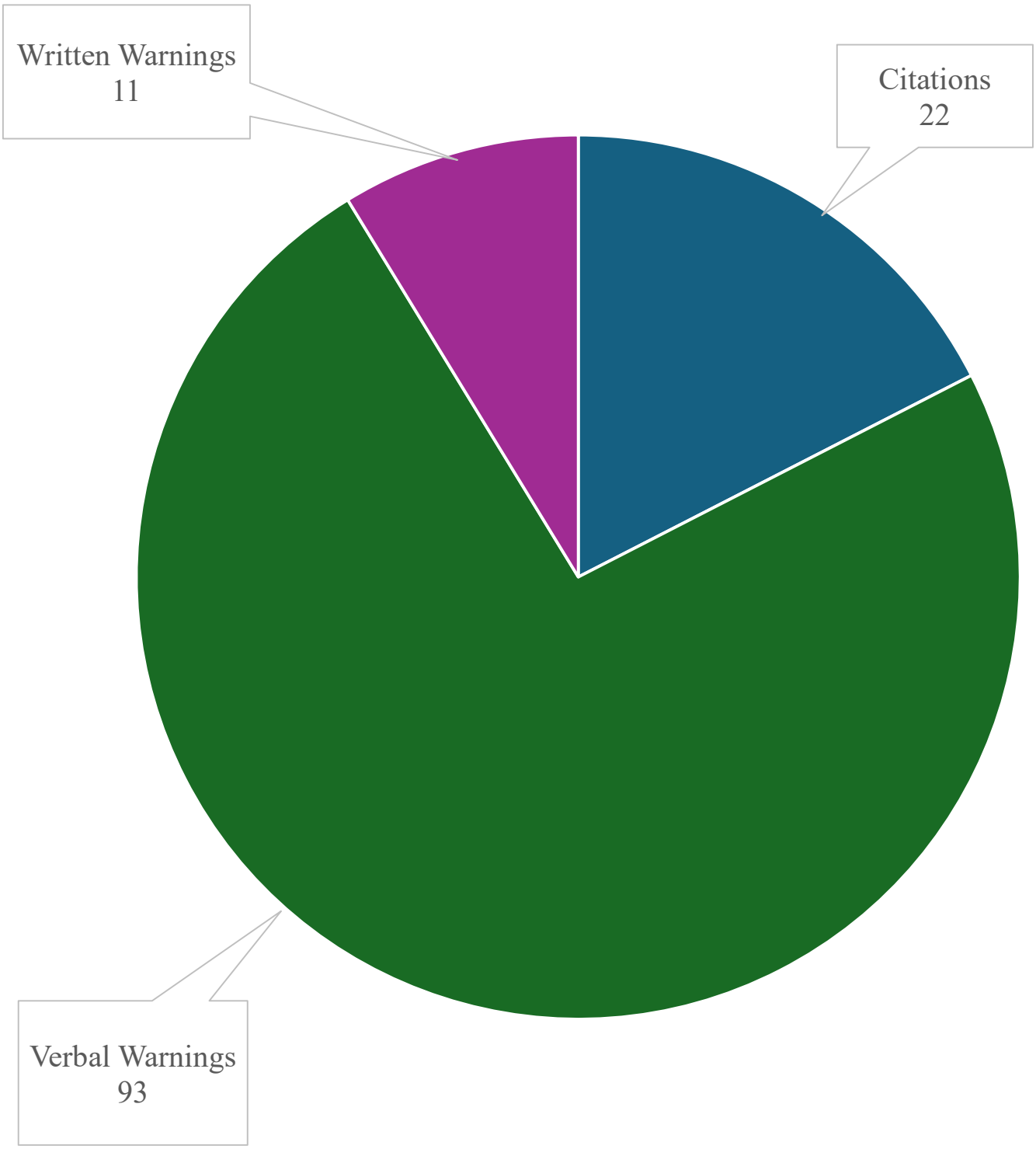
Medicals & Lift Assists/Falls 306	Alarms 170
Traffic Complaints 117	Suspicious Activity 110
Disturbance 40	Welfare Check & Mental Health 101
Record Checks & Permits 443	Animal Calls 91

*Medicals & Lift Assists/Falls include all medical emergencies
*Alarms include home, business, fire, CO2 alarms
*Disturbance includes fights, harassment, and disorderly situations.

Notable Calls for Service

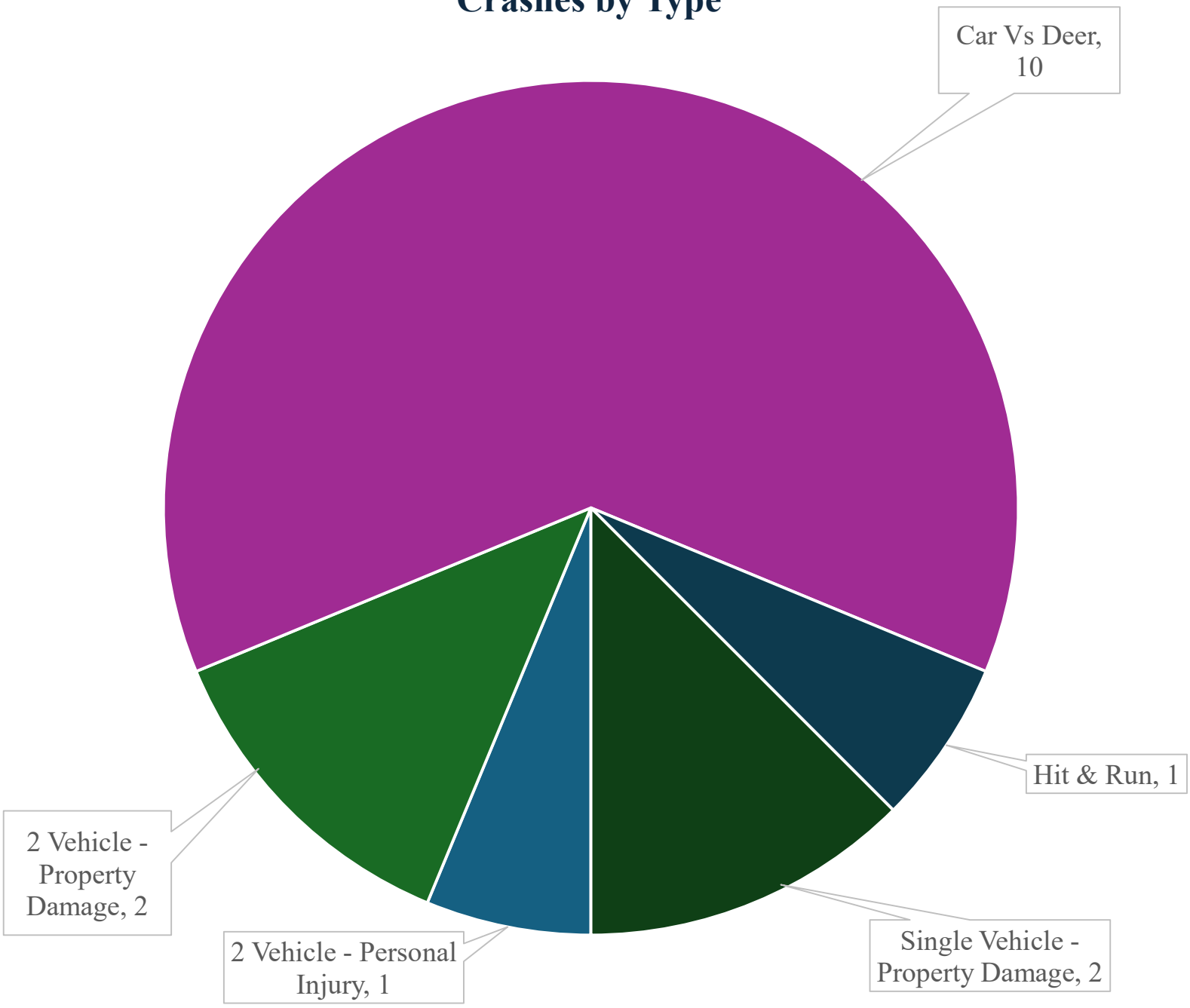
- **Traffic Complaint, ICR 26004146:** Highway 12/County Line Road, Independence. Officer was dispatched to a driving complaint. Officer located the vehicle and observed the vehicle weaving between lanes. Officer stopped the vehicle and spoke to the driver. The Officer noted no signs of impairment. The driver admitted to driving slow due to not being familiar with the area and afraid of hitting a deer. Driver was released and the reporting party was advised.
- **Welfare Check, ICR 26004356:** 5500 block of Highway 12, Maple Plain. Officer was on routine patrol and observed an individual that appeared to be asleep or slumped over with their head down. Officer spoke to the individual to confirm he wasn't having a medical emergency. He advised he was on his way home and gets tired easily. The driver thanked the officer for checking on him.
- **Trespassing, ICR 26004360:** 2100 block of Bridgevine Ct, Independence. Officer was on routine patrol and observed a vehicle in a driveway with the rear hatch ajar. Officer stopped and spoke to the property owner who advised he was bringing his wife to the hospital for medical complications. Officer offered medical assistance, which was declined.
- **Crash, ICR 26004371:** 2200 block of County Line Road, Independence. Officer was dispatched to a single-vehicle rollover crash. Officer arrived on scene and identified four occupants who were all juveniles. Officer spoke to the driver who admitted to "drifting" on the gravel road. The driver stated this caused the vehicle to leave the roadway and roll three or more times. The occupants did not sustain any injuries and were released to their parents. The driver was issued a citation for Failure to Drive with Due Care.
- **Welfare Check, ICR 26004533:** 5500 block of Pioneer Creek Drive, Maple Plain. Officer was dispatched to a business regarding an employee experiencing a mental health crisis. Officer arrived and spoke to the subject who advised of his medical history and current prescription information. It was determined the employee did not need to be placed on an emergency hold and he was advised to leave work for the day. A social worker referral was completed.

Traffic Offense Data



Crash Statistics

Crashes by Type



Criminal Offenses

DWI
Ind – 2

Narcotics
MP – 1

HRO Violation
MP – 1
Ind – 1

Property Damage
Ind – 2

Weapons
Ind – 2

Domestic
MP – 4

Theft
MP – 2
Ind – 3

*18 total reportable criminal offenses to the State/FBI in 11 separate incidents

Notable Criminal Offenses

- **Domestic, ICR 26004165:** 5000 block of Independence Street, Maple Plain. Officer was dispatched to a report of a domestic assault. Officer spoke to the female party who provided recordings of the male party becoming extremely angry and aggressive striking at her hands, knocking her phone out of her hands, shoving her into a wall, and causing fear for her safety. Officer located the male party and arrested him for Domestic Assault. He was transported to Hennepin County Jail and denied the significant confrontation and becoming angry at the female.
- **Narcotics, ICR 26004253:** Howard Ave/Gateway Blvd, Maple Plain. Officer was on routine patrol and observed a vehicle failing to signal at a stop sign. Due to prior contacts and paraphernalia in plain view, a K9 conducted a sniff and gave a positive alert. Driver advised he had methamphetamine on his person. Officer retrieved a bag of white crystal substance, which later field-tested positive for methamphetamine. Driver was arrested and transported to Hennepin County Jail where he was charged with 5th Degree Drug Possession.
- **Domestic, ICR 26004254:** 4800 block of Drake Street, Maple Plain. Officers were dispatched to a physical domestic disturbance involving a father and son. Officer arrived on scene and spoke to the parties involved. Both parties involved had visible injuries. Ultimately, the father was arrested and transported to Hennepin County Jail where he was charged with Domestic Assault by Strangulation.
- **DWI, 26004280:** County Road 92/County Road 6, Independence. Officer was on routine patrol and observed a vehicle weaving in the lane, crossing the centerline, and varying speeds. Officer stopped and spoke to the driver and observed signs of impairment. The driver also admitted to consuming alcohol. Field Sobriety Tests were performed and determined the driver was unsafe to drive. He was ultimately arrested and provided an evidentiary breath sample of .24. The driver was transported to Hennepin County Jail where he was charged with 3rd Degree DWI.

Notable Criminal Offenses

- **Assault, 26004352:** 4400 block of Eagle Ridge Ct, Independence. Officers responded to a report of gunshots fired. The victim reported being shot at by a known individual after an earlier disturbance. The victim was able to get away from the property uninjured. Several agencies arrived to assist, and the suspect was ultimately taken into custody and transported to Hennepin County Jail where he was charged with 2nd Degree Assault. The investigation is still ongoing.

Community Engagement

- October 6 — Chief DuRose attended the Orono Coalition Meeting
- October 8 — Chief DuRose attended the Orono Healthy Youth Meeting
- October 13 — Chief DuRose attended the monthly WHCC meeting
- October 17 — Detective Zilles and Chief DuRose entered the Chili Cook-off at Chopper Powersports
- October 22 — Chief DuRose attended WSFD Quarterly meeting
  Chief DuRose attended WMDTF Quarterly meeting
- October 29 — Officer Lueth completed a car seat inspection and provided 3 seats to the citizen
- October 31 — WHPS Staff attended the Trunk or Treat event at Veteran's Memorial Park and handed out candy

CITY OF INDEPENDENCE
City Council

CITY COUNCIL STAFF REPORT

Certification of Delinquent Sewer Service Charges

Resolution No. 26-1110-01 • Certification to Hennepin County Tax Rolls

To:	Mayor and City Council
From:	Amber Simon, Administrative Services Director
Meeting Date:	Tuesday, November 10, 2026, 5:30 PM
Action Type:	Resolution Certifying Delinquent Sewer Service Charges

REQUEST

The City Council is asked to consider adopting Resolution No. 26-1110-01, which certifies delinquent sewer service charges to Hennepin County as special assessments for collection with property taxes payable in 2027.

DISCUSSION

The records of the City's billing department list certain sewer service accounts that are delinquent for the year 2026. A copy of the list is on file with the City Clerk. The owners of the properties with delinquent accounts have been notified of the delinquent balances in accordance with the requirements of law.

Section 715.13, Subd. 1 of the City Code authorizes the City to collect delinquent accounts by certifying them to the county tax rolls. Once certified, each delinquent account, consisting of principal and interest at the rate of 5%, is placed on the property tax statement for the property and collected by Hennepin County with property taxes.

Delinquent Accounts

The billing records identify eleven (11) delinquent accounts totaling $6,946.00, as follows:

Property Address	Delinquent Amount
1951 Baker Park Road	$280.00
5175 Sunset Lane	$280.00
2906 Lindgren Lane	$280.00
2989 Lindgren Lane	$560.00
5315 Sunset Lane	$560.00
2930 Lindgren Lane	$831.00
3690 Independence Road	$831.00
3925 Independence Road	$831.00
4654 South Lake Sarah Drive	$831.00
4972 Bridgevine Way	$831.00
5330 Sunset Lane	$831.00
Total	**$6,946.00**

Recommendation

It is recommended that the City Council adopt Resolution No. 26-1110-01, directing the Hennepin County Auditor to place the delinquent sewer service accounts, consisting of principal and interest thereon at the rate of 5%, on the payable 2027 tax rolls.

Attachments: Resolution No. 26-1110-01, including Exhibit A (List of Delinquent Accounts)

CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 26-1110-01

A RESOLUTION OF THE CITY OF INDEPENDENCE CERTIFYING DELINQUENT SEWER SERVICE CHARGES AS SPECIAL ASSESSMENTS

WHEREAS, the records of the billing department of the City of Independence (the "City") list certain sewer service accounts that are delinquent for the year 2026, a copy of which is on file with the City Clerk and is attached hereto as Exhibit A; and

WHEREAS, the owners of the properties with delinquent accounts have been notified of the delinquent accounts in accordance with the requirements of law; and

WHEREAS, Section 715.13, Subd. 1 of the City Code authorizes the collection of delinquent accounts by certification to the county tax rolls for collection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Independence, Minnesota that the County Auditor of Hennepin County is hereby directed to place the delinquent accounts listed on Exhibit A, consisting of principal and interest thereon at the rate of 5%, on the payable 2027 tax rolls.

BE IT FURTHER RESOLVED that the City Administrator is directed to provide a certified copy of this resolution, including Exhibit A, to the Hennepin County Auditor.

Adopted by the City Council of the City of Independence this 10th day of November 2026, by a vote of _____ ayes and _____ nays.

_____
Brad Spencer, Mayor

ATTEST:

_____
Mark Kaltsas, City Administrator

EXHIBIT A

LIST OF DELINQUENT ACCOUNTS

Delinquent sewer service accounts for the year 2026:

Property Address	**Delinquent Amount**
1951 Baker Park Road	$280.00
5175 Sunset Lane	$280.00
2906 Lindgren Lane	$280.00
2989 Lindgren Lane	$560.00
5315 Sunset Lane	$560.00
2930 Lindgren Lane	$831.00
3690 Independence Road	$831.00
3925 Independence Road	$831.00
4654 South Lake Sarah Drive	$831.00
4972 Bridgevine Way	$831.00
5330 Sunset Lane	$831.00
Total	**$6,946.00**

CITY OF INDEPENDENCE

City Council

CITY COUNCIL STAFF REPORT

1951 Baker Park Road Conditional Use Permit Revocation

Public Hearing • Noncompliance with Conditions of Approval

To:	Mayor and City Council
From:	Mark Kaltsas, City Planner
Meeting Date:	Tuesday, November 10, 2026, 5:30 PM
Owner:	Jacob David Rossetto
Location:	1951 Baker Park Road, Independence, MN 55359
PID No.:	24-118-24-41-0002
Action Type:	Conditional Use Permit Revocation (City Initiated)

Exhibit A – Recognized Site Plan (Approved Outdoor Parking Area)



Exhibit A to the City's letter dated March 3, 2026

REQUEST

The City of Independence requests that the City Council hold a public hearing and consider the following action for the property located at 1951 Baker Park Road, Independence, MN 55359 (PID No. 24-118-24-41-0002):

a. Revocation of the Conditional Use Permit approved by the City Council on June 22, 1993, which authorized the continuation of an automobile/general repair business on the property, based on the failure to comply with the conditions of the permit.

PROPERTY / SITE INFORMATION

The subject property is located at 1951 Baker Park Road and is approximately 0.89 acres in size. The property contains a single family home and a detached accessory building. A Conditional Use Permit (CUP) was approved for the property in 1993 to allow the continuation of an automobile/general repair business, subject to conditions. The property is currently owned by Jacob David Rossetto.

Property Address:	1951 Baker Park Road, Independence, MN 55359
PID:	24-118-24-41-0002
Owner:	Jacob David Rossetto
Lot Area:	Approximately 0.88 acres
Zoning:	RR - Rural Residential
Comprehensive Plan:	Rural Residential
Existing Use:	Single family residence and automobile/general repair business
Conditional Use Permit:	Planning Commission recommendation June 21, 1993; City Council approval June 22, 1993

DISCUSSION

The Conditional Use Permit

Following a recommendation by the Planning Commission on June 21, 1993, the City Council approved a CUP on June 22, 1993 authorizing the continuation of an automobile/general repair business on the property. The CUP was approved subject to conditions that include the following:

1. The number of employees is limited to the owner/operator.
2. Hours of operation are limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday.
3. Signage must comply with the ordinance and is limited in size.
4. Exterior storage is limited to that shown on the approved site plan.

The City has reviewed its files and determined that the approved site plan allows no more than four (4) vehicles to be parked outside of the existing buildings on the property, and only within the designated 40 foot by 30 foot area located

directly south of the detached accessory building, as depicted on Exhibit A. Vehicles stored or awaiting repair outside of this area, including vehicles parked across the front yard or elsewhere on the site, are not permitted. The adjacent property to the north was not included in the CUP, and no use of that property related to the business is permitted.

Authority for Revocation

Section 520.09, Subd. 9 of the City Code provides that if the conditions set forth in a conditional use permit are violated, the City Council may revoke the conditional use permit. Minnesota Statutes, Section 462.3595, Subd. 3 provides that a conditional use permit remains in effect only as long as the conditions agreed upon are observed. A CUP runs with the land and is binding on the current owner of the property.

Consideration of the revocation of a CUP is a quasi judicial decision. The City Council's decision must be based on the record presented at the hearing, including the information provided by staff and any testimony and evidence presented by the owner and the public, and should be supported by written findings of fact. The City Code does not require a Planning Commission hearing prior to Council consideration of a revocation; Section 520.09, Subd. 9 places the authority to revoke a CUP with the City Council.

Compliance History

The City has received multiple complaints related to the property from a wide array of neighboring property owners and residents of the City regarding outdoor vehicle storage and repair activities on the property. The complaints coincide with the timing of the City's initial letters seeking compliance from the property owner, beginning in September 2024. The property has been in violation of the conditions of the CUP since at least September 19, 2024, when the City issued its first written notice, a period of more than two (2) years. Despite repeated written notices and requests from the City over that period, the property has not been brought into full compliance. The City's written notices include the following:

- September 19, 2024 – The City notified the property owner of the storage of junk vehicles on the property in violation of City Code Section 1110.05 and requested that the property be brought into compliance by October 18, 2024. The property was not brought into compliance.
- May 15, 2025 – The City again notified the property owner of the same violations and requested compliance by May 31, 2025. The property was not brought into compliance.
- March 3, 2026 – The City provided formal notice of the required compliance with the CUP conditions, identified the specific corrective actions required, provided Exhibit A depicting the approved outdoor parking area, and advised that failure to comply within fifteen (15) days would result in the City Council considering revocation of the CUP. The property was not brought into full compliance.
- October 30, 2026 – The City provided written notice to the owner of the November 10, 2026 public hearing by certified mail and first class mail. The notice identified the violations constituting the basis for revocation, the facts supporting those violations, and the owner's right to appear and be heard.

Violations Constituting the Basis for Revocation

Based on the information in the City's files and the City's observations of the property, the city has identified the following continuing violations of the conditions of the CUP:

1. Exterior storage of more than four (4) vehicles on the property, in violation of the condition limiting exterior storage to that shown on the approved site plan.
2. Exterior storage of vehicles, including vehicles awaiting repair, outside of the designated area directly south of the detached accessory building, including vehicles parked across the front yard and elsewhere on the site.
3. Storage of vehicles on the property that are inoperable and/or not currently registered.
4. Use of the adjacent property to the north for activities related to the business, which property is not included in the CUP.

Analysis

The limitation on exterior storage is a central condition of the CUP. It was intended to allow a small repair business to continue in a residential setting while protecting surrounding properties from the visual and nuisance impacts of outdoor vehicle storage. The violations identified above go directly to that condition. They have continued since at least September 2024, have been the subject of repeated complaints from a wide array of neighbors and residents of the City, and have persisted after the City provided multiple written notices, a specific list of corrective actions, and a reasonable period of time to comply.

The CUP criteria in Section 520.11 of the City Code require, among other things, that a conditional use not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. The continued noncompliance with the exterior storage condition is inconsistent with this criterion and with the basis on which the CUP was originally approved.

If the CUP is revoked, the automobile/general repair business would be required to cease, and the property could be used only for uses permitted in the RR, Rural Residential District. The property would continue to be subject to Section 1110.05 of the City Code, which regulates the parking and storage of junk vehicles. A resolution revoking the CUP would be recorded against the property with Hennepin County.

City Council Options

Following the public hearing, the City Council may consider the following options:

- Revoke the CUP by adopting Resolution No. 26-1110-02 with the findings of fact incorporated into the resolution.
- Decline to revoke the CUP, with or without direction to staff regarding further enforcement.
- Continue the hearing to a future meeting to allow the submission of additional information or to establish a final compliance deadline, with revocation to be reconsidered if compliance is not achieved.

NOTICE AND HEARING

Written notice of the public hearing was provided to the property owner by first class mail on October 30, 2026. The notice identified the conditions of the CUP, the violations constituting the basis for revocation, the facts supporting those violations, and the owner's right to appear, be represented by an attorney, and present testimony and evidence. Notice of the public hearing was also published in the Crow River News, the City's official newspaper, on October 29, 2026, and mailed to property owners within 350 feet of the subject property, consistent with the notice provided for conditional use permits under Section 520.09, Subd. 4.

NEIGHBOR COMMENTS

The City has received multiple complaints related to the property from a wide array of neighboring property owners and residents of the City. The complaints coincide with the timing of the City's initial letters seeking compliance from the property owner, which began in September 2024.

Recommendation

It is recommended that the City Council hold the public hearing, consider the information presented in this report, by the owner, and the public, and, if the Council finds that the violations identified in this report have occurred and are continuing, adopt Resolution No. 26-1110-02 revoking the Conditional Use Permit for the

property located at 1951 Baker Park Road, based on the following findings and subject to the following provisions.

Findings:

- The City Council approved a CUP on June 22, 1993 authorizing the continuation of an automobile/general repair business on the property, subject to conditions including that exterior storage be limited to that shown on the approved site plan.
- The approved site plan allows no more than four (4) vehicles to be stored outside of the buildings, and only within the designated 40 foot by 30 foot area directly south of the detached accessory building.
- The City has received multiple complaints related to the property from a wide array of neighbors and residents of the City, coinciding with the City's letters seeking compliance.
- The property has been in violation of the conditions of the CUP since at least September 19, 2024, a period of more than two (2) years, including exterior storage of more than four vehicles, storage of vehicles outside of the designated area, storage of inoperable and/or unregistered vehicles, and use of the adjacent property to the north for business activities.
- The City provided written notice of the violations on September 19, 2024, May 15, 2025, and March 3, 2026, and provided a reasonable opportunity to correct them. The property was not brought into compliance.
- The owner was provided written notice of the public hearing and an opportunity to be heard.
- The continued violations have a detrimental effect on the use and enjoyment of surrounding properties and are inconsistent with the criteria for a CUP under Section 520.11 of the City Code.
- Revocation is authorized by Section 520.09, Subd. 9 of the City Code and Minnesota Statutes, Section 462.3595.

Recommended Provisions of Revocation:

1. The automobile/general repair business authorized by the CUP shall cease upon the adoption of the resolution.
2. All inoperable and/or unregistered vehicles, and all vehicles associated with the business, shall be removed from the property and from the adjacent property to the north.
3. Following revocation, the property may be used only for uses permitted in the RR, Rural Residential District, and shall remain subject to all applicable provisions of the City Code, including Section 1110.05.
4. The City shall record the resolution with Hennepin County.
5. Failure to comply with the resolution may result in enforcement action by the City under Section 520.37 of the City Code and any other remedy available at law.

Attachments: Resolution No. 26-1110-02
Notice of Public Hearing letter to the property owner dated October 30, 2026
City letter dated September 19, 2024
City letter dated May 15, 2025
City letter dated March 3, 2026, including Exhibit A (Recognized Site Plan)
1993 Planning Commission minutes and City Council approval of the CUP

CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 26-1110-02

A RESOLUTION OF THE CITY OF INDEPENDENCE REVOKING THE CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED AT 1951 BAKER PARK ROAD

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

WHEREAS, Jacob David Rossetto (the "Owner") is the owner of record of the property located at 1951 Baker Park Road (PID No. 24-118-24-41-0002), which is legally described on Exhibit A, attached hereto and incorporated herein (the "Property"); and

WHEREAS, on June 22, 1993, following a recommendation by the Planning Commission on June 21, 1993, the City Council approved a conditional use permit for the Property authorizing the continuation of an automobile/general repair business, subject to conditions (the "CUP"); and

WHEREAS, the conditions of the CUP include, among others, that the number of employees is limited to the owner/operator; that hours of operation are limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday; that signage comply with the ordinance and be limited in size; and that exterior storage be limited to that shown on the approved site plan; and

WHEREAS, the approved site plan allows no more than four (4) vehicles to be parked outside of the buildings on the Property, and only within the designated 40 foot by 30 foot area located directly south of the detached accessory building; and

WHEREAS, the CUP runs with the land and is binding on the Owner; and

WHEREAS, Section 520.09, Subd. 9 of the City Code provides that if the conditions set forth in a conditional use permit are violated, the City Council may revoke the conditional use permit, and Minnesota Statutes, Section 462.3595, Subd. 3 provides that a conditional use permit remains in effect only as long as the conditions agreed upon are observed; and

WHEREAS, the City provided written notice of violations on the Property on September 19, 2024, May 15, 2025, and March 3, 2026, and the March 3, 2026 notice identified the specific corrective actions required to comply with the CUP and advised that failure to comply would result in the City Council considering revocation of the CUP; and

WHEREAS, the Property was not brought into compliance with the conditions of the CUP; and

WHEREAS, on October 30, 2026, the City provided the Owner with written notice of a public hearing to consider revocation of the CUP by certified mail and first class mail, which

identified the violations constituting the basis for revocation and the facts supporting those violations, and notice of the public hearing was published in the Crow River News, the City's official newspaper, on October 29, 2026, and mailed to property owners within 350 feet of the Property; and

WHEREAS, on November 10, 2026, the City Council held a public hearing, at which time the Owner and all persons wishing to be heard were given the opportunity to speak and present evidence, and the City Council reviewed the staff report and the information presented at the hearing. [The Owner appeared / did not appear at the hearing.]

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Independence that the CUP for the Property is hereby revoked based on the following findings:

1. The City Council approved the CUP on June 22, 1993, authorizing the continuation of an automobile/general repair business on the Property, subject to conditions including that exterior storage be limited to that shown on the approved site plan.
2. The approved site plan allows no more than four (4) vehicles to be stored outside of the buildings on the Property, and only within the designated 40 foot by 30 foot area directly south of the detached accessory building.
3. The City has received multiple complaints related to the Property from a wide array of neighbors and residents of the City, coinciding with the City's letters seeking compliance from the Owner.
4. The Property has been in violation of the conditions of the CUP since at least September 19, 2024, a period of more than two (2) years.
5. The following violations of the conditions of the CUP have occurred and are continuing: (a) exterior storage of more than four (4) vehicles on the Property; (b) exterior storage of vehicles, including vehicles awaiting repair, outside of the designated area directly south of the detached accessory building; (c) storage of vehicles on the Property that are inoperable and/or not currently registered; and (d) use of the adjacent property to the north, which is not included in the CUP, for activities related to the business.
6. The City provided written notice of the violations on September 19, 2024, May 15, 2025, and March 3, 2026, and provided the Owner with a reasonable opportunity to correct the violations. The Property was not brought into compliance.
7. The Owner was provided written notice of the public hearing, the violations constituting the basis for revocation, and the facts supporting those violations, and was given an opportunity to be heard.
8. The continued violations have a detrimental effect on the use and enjoyment of other property in the immediate vicinity and are inconsistent with the criteria for a conditional use permit set forth in Section 520.11 of the City Code.
9. Revocation of the CUP is authorized by Section 520.09, Subd. 9 of the City Code and Minnesota Statutes, Section 462.3595.

BE IT FURTHER RESOLVED that the revocation of the CUP is subject to the following provisions:

1. The automobile/general repair business authorized by the CUP shall cease upon the adoption of this resolution.
2. All inoperable and/or unregistered vehicles, and all vehicles associated with the business, shall be removed from the Property and from the adjacent property to the north.
3. Following revocation, the Property may be used only for uses permitted in the RR, Rural Residential District and shall remain subject to all applicable provisions of the City Code, including Section 1110.05.
4. Failure to comply with this resolution may result in enforcement action by the City under Section 520.37 of the City Code and any other remedy available at law.
5. The City Administrator is directed to record this resolution with Hennepin County and to provide a copy of this resolution to the Owner.

Adopted by the City Council of the City of Independence this 10th day of November 2026, by a vote of _____ ayes and _____ nays.

_____
Brad Spencer, Mayor

ATTEST:

_____
Mark Kaltsas, City Administrator

EXHIBIT A

LEGAL DESCRIPTION

PID No. 24-118-24-41-0002 (1951 Baker Park Road):

That part of the East 233 feet of the North 13 1/3 acres of the East Half of the Southeast Quarter of Section 24, Township 118 North, Range 24 West of the Fifth Principal Meridian, Hennepin County, Minnesota, lying South of the North 247 feet thereof, EXCEPT road.

September 19, 2024

David Rossetto
1951 Baker Park Road
Independence, MN 55359

Dear Property Owner:

The City is reaching out to you to ask for your help in resolving an issue that has been identified by surrounding property owners and relating to your property. There have been several concerns expressed relating to ordinance violations on this property. The issues identified relate to the storage of vehicles on the property. The City is seeking your assistance to bring your property into compliance with all applicable standards relating to these issues.

- Violation of Parking and storage of vehicles. –The City regulates parking and storage of vehicles in all zoning districts of the City (see Chapter XI, Section 1110.05 of the City Ordinance below). The subject property has a significant number of vehicles that are parked to the north and west of the existing house. The vehicles do not appear to be property registered and or are in disrepair ("Junk vehicle") and have been identified as a source of blight and nuisance and unreasonable annoyance to one or more neighboring property owners (conditions identified in ordinance 1110.05 (a) and (b) below).

1110.03. Definitions.

Subd. 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd 2. "Person" means any natural person, firm, association, partnership or corporation, and agent of any of the aforesaid, except duly licensed new and used car dealers who are engaged in the operation of their business.

Subd. 3. "Junk vehicle" means and includes any motor vehicle which is not currently licensed in Minnesota or any other state or which is not in operable condition or which is partially dismantled or which is used for the sale of parts or as a source of repair or replacement parts for other vehicles or which is kept for scrapping or dismantling or salvage of any kind.

1110.05. Parking and storage.

With the exception of appropriately licensed pioneer, classic or collector vehicles as defined in Minn. Stats. § 168.10, no person shall park, keep, place, store or permit the parking, keeping, placement or storage of a junk vehicle whether on public or private land if such junk vehicle causes or becomes any one of the following:

(a) A source of visual blight or nuisance;

(b) A source of nuisance or danger to the physical and mental well-being of children and adults within the city;

(c) A source of unreasonable annoyance to one or more neighboring property owners.

In order to comply with the requirements of the City's Ordinance, the City is requesting that you remove the vehicles from property. Please bring the property into compliance no later than ***Friday October 18th, 2024***. Please contact the City as soon as the property is in full compliance so that we can inspect the and confirm compliance with applicable ordinances. If you have any questions regarding this letter, please contact me at (763) 479-0527.

Sincerely,



Bruce Satek, Building Official

CC: Mark Kaltsas, City Administrator
John Thames, City Attorney
Gary Kroells, Public Safety Director - WHPS

May 15, 2025

David Rossetto
1951 Baker Park Road
Independence, MN 55359

Dear Property Owner:

The City is reaching out to you to ask for your help in resolving an issue that has been identified by surrounding property owners and relating to your property. There have been several concerns expressed relating to ordinance violations on this property. The issues identified relate to the storage of vehicles on the property. The City is seeking your assistance to bring your property into compliance with all applicable standards relating to these issues.

- Violation of Parking and storage of vehicles. –The City regulates parking and storage of vehicles in all zoning districts of the City (see Chapter XI, Section 1110.05 of the City Ordinance below). The subject property has a significant number of vehicles that are parked to the north and west of the existing house. The vehicles do not appear to be property registered and or are in disrepair ("Junk vehicle") and have been identified as a source of blight and nuisance and unreasonable annoyance to one or more neighboring property owners (conditions identified in ordinance 1110.05 (a) and (b) below).

1110.03. Definitions.

Subd. 1. For purposes of this section, the terms defined in this subsection have the meanings given them.

Subd 2. "Person" means any natural person, firm, association, partnership or corporation, and agent of any of the aforesaid, except duly licensed new and used car dealers who are engaged in the operation of their business.

Subd. 3. "Junk vehicle" means and includes any motor vehicle which is not currently licensed in Minnesota or any other state or which is not in operable condition or which is partially dismantled or which is used for the sale of parts or as a source of repair or replacement parts for other vehicles or which is kept for scrapping or dismantling or salvage of any kind.

1110.05. Parking and storage.

With the exception of appropriately licensed pioneer, classic or collector vehicles as defined in Minn. Stats. § 168.10, no person shall park, keep, place, store or permit the parking, keeping, placement or storage of a junk vehicle whether on public or private land if such junk vehicle causes or becomes any one of the following:

(a) A source of visual blight or nuisance;

(b) A source of nuisance or danger to the physical and mental well-being of children and adults within the city;

(c) A source of unreasonable annoyance to one or more neighboring property owners.

In order to comply with the requirements of the City's Ordinance, the City is requesting that you remove the vehicles from property. Please bring the property into compliance no later than ***Saturday, May 31st, 2025.*** Please contact the City as soon as the property is in full compliance so that we can inspect the and confirm compliance with applicable ordinances. If you have any questions regarding this letter, please contact me at (763) 479-0527.

Sincerely,

Bruce Satek, Building Official

CC: Mark Kaltsas, City Administrator
John Thames, City Attorney
Matt DuRose, Public Safety Director - WHPS

March 3, 2026

Jacob David Rossetto
1951 Baker Park Road
Independence, MN 55359

Subject: CUP Compliance – 1951 Baker Park Road (Approved 1993)

Dear Property Owner:

The City of Independence has received multiple formal complaints regarding outdoor vehicle storage and repair activities occurring at 1951 Baker Park Road. Following a review of the property's Conditional Use Permit (CUP) approved in 1993, the City is providing this formal notice of required compliance with the CUP conditions.

Per the 1993 approval, the CUP authorized the continuation of an automobile/general repair business on the .89-acre parcel subject to the following conditions, among others: (1) number of employees limited to the owner/operator; (2) hours of operation limited to 8:00 a.m. – 6:00 p.m., Monday through Saturday; (3) signage compliant with ordinance and limited in size; and (4) exterior storage limited to that shown on the approved site plan **(Exhibit A).**

> *CUP Reference: Planning Commission recommendation (June 21, 1993) and City Council approval (June 22, 1993).*

The approved CUP only allows minimal outdoor storage on the 1951 Baker Park Road .89-acre property. The adjacent property to the north was not included in the conditional use permit and no use of the property related to the business is permitted. The CUP identifies an approved site plan that allowed limited vehicle parking. The city has reviewed the files and determined that up to four (4) vehicles are allowed to be parked outside of the existing buildings on the property. The allowed parking/outdoor storage area shall be confined to the designated area directly south of the existing detached accessory building as depicted on **Exhibit A**, attached hereto. Any vehicles stored or awaiting repair outside this designated area, including vehicles parked across the front yard or elsewhere on the site, are not compliant.

Required Corrective Actions:

1. Remove from the property all vehicles that are inoperable and/or not currently registered.
2. Relocate any vehicles stored outdoors so that all outdoor vehicle storage and any vehicles awaiting repair are confined to the designated area directly south of the detached accessory building, as shown on Exhibit A.
3. Ensure that the total number of vehicles stored outdoors at any time does not exceed four (4), consistent with the CUP's allowance for minimal outdoor storage.

Please bring the property into full compliance within **fifteen (15) days** of the date of this letter. If compliance is achieved sooner, please notify the City so that staff may confirm. Failure to comply within the timeframe above will result in the City Council considering revocation of the Conditional Use Permit, in accordance with the conditions of approval and applicable provisions of the City Code.

If you have questions regarding the necessary compliance steps, please contact the City. Our goal is to work with you cooperatively to bring the property into compliance with the applicable conditional use permit.

Respectfully,
Bruce Satek
Building Official
City of Independence
(763) 479-0527

CC: Mark Kaltsas, City Administrator
John Thames, City Attorney
Matt DuRose, Public Safety Director - WHPS

EXHIBIT A
(*Recognized Site Plan*)



Plann. Comm. 6-21-93

3. PUBLIC HEARING - EUGENE ALLEN - CONDITIONAL USE PERMIT FOR LEGAL NON-CONFORMING BUSINESS

Eugene Allen, 1951 Baker Park Road, PID 24-118-24 41-0002, was present with a request for a small business conditional use permit to facilitate the continuation of an automobile and general repair business on his .89 acre parcel.

The applicant has submitted a site plan. City Planner Tom Loucks has reviewed this application and recommended approval with conditions as listed in his staff report.

No one was present at the public hearing and no telephone calls or letters have been received in regard to this request. Motion by Cook, second by McWilliams to close the public hearing; all ayes, motion declared carried.

Volkenant arrived at this time (7:35 p.m.)

Motion by Cook, second by Gardner to recommend to the Council approval of the conditional use permit with the following conditions:

1. Number of Employees - Limited to owner/operator of business
2. Hours of operation to be 8:00 a.m. to 6:00 p.m. Monday through Saturday.
3. Signage to be in compliance with the ordinance or no greater than 2 sq. ft. per surface and having no more than two surfaces.
4. Exterior storage to be limited to that as shown on the site plan.

All ayes, motion declared carried.

--

Council 6-22-93

6. EUGENE ALLEN - CONDITIONAL USE PERMIT FOR LEGAL NON-CONFORMING BUSINESS

Eugene Allen, 1951 Baker Park Road, PID 24-118-24 41-0002, was present with a request for a small business conditional use permit to facilitate the continuation of an automobile and general repair business on his .89 acre parcel.

The Planning Commission held a public hearing on this request at their meeting of June 21, 1993 and recommended approval with conditions as listed in those minutes.

Motion by Haglund, second by Vassar to approve this conditional use permit with the following conditions:

1. Number of Employees - Limited to owner/operator of business.
2. Hours of operation to be 8:00 a.m. to 6:00 p.m. Monday through Saturday.
3. Signage to be in compliance with the ordinance or no greater than 2 sq. ft. per surface and having no more than two surfaces.
4. Exterior storage to be limited to that as shown on the site plan.

Upon vote being taken, all voted in favor; motion declared carried.

Eugene G. Allen - 1951 Baker Park Road - Small Business Conditional Use Permit

BACKGROUND

The applicant is requesting a Small Business Conditional Use Permit to facilitate the continuation of an Automobile and General Repair business.

The applicants operational plan and site plan are attached for your review.

RECOMMENDATION

It is recommended that the Conditional Use Permit be approved subject to compliance with the attached operational plan with special emphasis placed on the following:

1. Number of Employees - Limited to owner/operator of business.
2. Hours of Operation - 8:00 a.m. to 6:00 p.m. Monday through Friday.
3. Signage - none.
4. Exterior Storage - none.

#4 Signed 5-6-93

site plan reviewed by Lee 6/7

SMALL BUSINESS CONDITIONAL USE PERMIT APPLICATION

CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

File No. _____ Date 5-5-93

Legal Description: (Hennepin County P.I.N. 4587501)
or 24-118-24-41-0002

Owner: Eugene G. Allen .89 acre

Address: 1951 Baker Park Road 479-3363 (d)
Maple Plain, MN 55359 479-6404

Present Zoning District: Agriculture & Residential 3

I. SMALL BUSINESS CONDITIONAL USE PERMIT FOR: Eugene G. Allen

All Conditional Use Permits shall be subject to the following conditions and/or restrictions approved to by the Independence City Council and the Owner:

General Description of Small Business:

1. Type of Business: Auto & General Repair

2. No. of Employees: 1-(Self)

3. Hours at Operation: 8 A.m to 6 p.m

4. Parking Provisions: plenty on own property

5. Advertising/Signage: NONE AS of yet

II. Additional restrictions and provisions.

The following additional restrictions and provisions being part of the Small Business Conditional Use Permit to be issued herein affecting the following matters shall be:

A. Accessory Buildings 2228 S.F.

B. Exterior Storage None and none needed

C. Screening

D. Landscaping

E. Lighting 600 watt yd. light - in front of garage

F. Fencing None

G. Sewage/Waste - 1200 S.F. mound - see plan

H. Drainage, Lot Coverage

(I.) Chemical/Pollutant Storage and Disposal

J. Access Roads - shown on plan

(K.) Noise, Vibration, Odor, Glare and Heat

L. Other

No change or increase in operations. No business which is granted a conditional use permit under this section shall change the type of its operations from or increase or extend the size or scope of its operations beyond that specifically approved at the time such conditional use permit is granted;

III. Review

Pursuant to Ordinance 88 of the Zoning Ordinance of the City of Independence, periodic review of this Conditional Use Permit is imposed as a condition of its grant. This Conditional Use Permit shall be reviewed annually at the direction of the Planning Commission which shall notify the permit holder of the date of the annual review at least ten (10) days prior to the review hearing.

In witness whereof, the parties have set forth their hands and seals.

CITY OF INDEPENDENCE

Date: _____ By_____
Mayor

Date: _____ and_____
Clerk

Date: _____ _____
Owner/Applicant/Permit Holder