



Please note that, pursuant to the authority provided by Minn. Stat. Sec. 13D.021, subd. 1(1), the City has determined that in-person meetings of the City Council are not practical or prudent due to the COVID-19 public health pandemic and the declared national, state, and local emergencies. Meetings of the Council will be conducted by electronic or telephonic means. Under Minn. Stat. Sec. 13D.021, subd. 3, to the extent practical and possible, the City Council will allow individuals to monitor the meeting electronically. Access to the meeting can be obtained online by following the link provided below or by contacting the City Hall for instructions and methods for obtaining access to the meeting.

Meeting Access Information: <https://www.ci.independence.mn.us/meetings>

CITY COUNCIL MEETING AGENDA
TUESDAY JULY 20, 2021
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 July 6, 2021 Regular City Council Meeting.
 - b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20585-20592, Batch #2 Checks Numbered 20593-20604).
 - c. Approval of Pay Application #7 from Rochon for City Hall Improvements.
 - d. Assembly Permit Consideration:
 - i. 3658 County Road 90 – Family Reunion on August 13&14, 2021.
 - ii. 2026 Copeland Road – Wine Tasting on September 11, 2021.
5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
6. Reports of Boards and Committees by Council and Staff.
7. Minnesota Senator David Osmeck: Annual Council Visit.
8. West Hennepin Public Safety Director Gary Kroells: Presentation of the June 2021 Activity Report.

9. Consider Acceptance of the Corona Virus Local Recovery Funds Established Under the American Rescue Plan Act:
 - a. **RESOLUTION No. 21-0720-01** – Accepting the funds and authorizing staff to take necessary actions to acquire the funds.

10. John Klinkner (Applicant/Owner) is requesting the following action for the property located at 2160 Nelson Road (PID No. 19-118-24-13-0001) in the City of Independence, MN:
 - a. **RESOLUTION No. 21-0720-02** – Considering approval of a rural view lot subdivision to allow the creation of two (2) rural view lots on the subject property.

11. Set Date to Consider Approval of the 2022 Budget and Tax Levy: December 7th, 2021, at 6:00 PM.

12. Discuss City Council Meeting Date/Time that Conflicts with Night to Unite on August 3rd, 2021.

13. Open/Misc.

14. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 6, 2021 –6:30 P.M.
Public Works Garage & Virtual

1. CALL TO ORDER.

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

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts, and Grotting

ABSENT: McCoy

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner

VISITORS: Sofia Lykke, Attorney with Kennedy & Graven; Diane Pangal, Justin Fincher; Elmer Schefers; Donovan DesMarais; Jerry Wise; Nathan Kirkpatrick; and others. All attended virtually.

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 June 15, 2021, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20551-20553, Batch #2 Checks Numbered 20554-20562, batch #3 Checks Numbered 20563-20584).
- c. Approval of Large Assembly Permits:
 - i. Wedding at 7297 County Road 6 – July 24, 2021.
 - ii. Charity Fundraiser at Twin City Polo Grounds – August 1, 2021.
- d. PSCWMO – Proposed Annual Budget and Member Assessments (for information).
- e. 2nd Quarter Building Permit Report (for information).

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

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning, LMC Conference, virtual

Grotting attended the following meetings:

- Planning

McCoy attended the following meetings:

- Absent

Betts attended the following meetings:

- Planning

Johnson attended the following meetings:

- Planning
- Northwest League of Cities
- NLC Small Cities-Virtual
- LMC conference-Virtual
- WHCC
- KARE 11 t.v. interview
- Legislative update with Rep. Hertaus and Senator Osmeck

Horner attended the following meetings:

- BKV architect meeting and Rochon
- Planning
- Administrative Asst Interviews

Kaltsas attended the following meetings:

- Planning
- Administrative Asst Interviews

7. PUBLIC HEARING: Consideration of Conduit Bond Issuance.

Attorney Sofia Lykke was present virtually to introduce the resolution and background on this bond. The City has no obligation to repay these bonds-no liability to the City.

The Public Hearing was opened for up to a \$30 million bond. This is tax exempt up to \$10 M and taxable after that. This is in Brooklyn Park to construct a charter school owned by Friends of Spero. Johnson asked who else was funding this bond. Lykke replied Independence is the only one. She clarified these are not bank qualified although they will be tax exempt, with a small taxable amount. Spencer noted it is a tuition free school.

Diane Pangal, Executive Director of Spero provided background on Spero Academy. There are 150 students focusing on kids with special needs. They have a very dedicated staff.

Justin Fincher of JBVang was introduced and thanked Independence for this opportunity.

Grotting asked how they got the name Spero. Pangal said it means Hope and was founded by Frasier. They split from Frasier to start their own. Spero is the Latin term for 'hero'.

Motion by Spencer to close the Public Hearing, second by Grotting.

Motion by Spencer, second by Betts to approve RESOLUTION 21-0706-01: Considering approval of Conduit Bond Issuance for Spero Academy. Ayes: Johnson, Spencer, Betts and Grotting. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

8. Elmer Scheffers (Applicant/Owner) is requesting the following actions for the property located at 3590 Independence Road (PID No. 12-118-24-32-0003) in the City of Independence, MN:

- a. **ORDINANCE NO. 2021-04:** Considering approval of Rezoning from AG- Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan.
- b. **RESOLUTION 21-0706-02:** Considering approval of Preliminary and Final Plat for a 3-lot subdivision of the subject property.

Elmer Scheffers (Applicant/Owner) is requesting the following actions:

- a. Rezoning from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Land Use Plan.
- b. Preliminary Plat for a 3-lot subdivision of the subject property.
- c. Final Plat for a 3-lot subdivision of the subject property.

Property/Site Information:

The property is located on the east side of Independence Road, just north of Pete Drive. There is an existing home and a detached accessory structure located on the property. The house is accessed off of Independence Road. The property is a combination of rolling hills, tillable acreage and wetlands. The property has the following characteristics:

Property Information: 3590 Independence Road
Zoning: *Agriculture*
Comprehensive Plan: *Rural Residential*
Acreage: ±24.34 acres

The applicant approached the City about the possibility of subdividing the subject property to realize several additional lots. The City has had multiple conversations with the applicant regarding the layout, number of lots and access to the proposed lots. The applicant has prepared a preliminary plat and is seeking Rezoning, Preliminary and Final Plat approval for a three (3) lot subdivision to be known as Scheffers Hills Subdivision. The proposed subdivision would split the existing 24 acre parcel into three lots. There is an existing home located on the north edge of the property just off of Independence Road. The existing home would remain in the after condition and be located on one of the three lots.

Rezoning

Rezoning this property is consistent with the City's 2030 and 2040 Comprehensive Plan. There are several lots in close proximity to the subject property which are similar in nature to the proposed lots.

Site Plan

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. The City’s applicable standards are further defined as follows:

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

<u>Area of Lot of Record</u>	<u>Maximum Number of Lots Permitted</u>
7.5 acres or less	One
7.6 through 12.5 acres	Two
12.6 through 17.5 acres	Three
17.6 through 22.5 acres	Four
22.6 through 27.5 acres	Five
27.6 through 32.5 acres	Six
32.6 through 37.5 acres	Seven
37.6 through 42.5 acres	Eight
42.6 through 47.5 acres	Nine, plus one addn. lot for every five addn. acres of land.

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

530.03. Physical Standards.

Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:

(a) *Minimum lot area* ^a *2.50 acres buildable land*

(b) *Minimum lot frontage on an improved public road or street: Lot*

<u>area</u>	<u>Minimum frontage</u>
2.50 – 3.49 acres	^b 200feet
3.50 – 4.99 acres	^b 250feet
5.00 – 10.00 acres	^b 300feet

(c) *Lot depth. The ratio of lot frontage to lot depth must be no more than 1:4.*

^a *A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.*

A more detailed breakdown of the proposed individual lots is as follows:

Block 1	Area	Upland Acreage	Frontage	Lot Frontage to Lot Depth
Lot 1	15.6 acres	5.3 acres	811 LF	1:1

Lot 2	3.17 acres	2.5 acres	481/286 LF	1:1.5
Lot 3	5.57 acres	2.5 acres	531 LF	1:1

The applicant has prepared a preliminary plat and site plan that shows the proposed lots, applicable building setbacks, possible home site locations and all requisite easements. The two new lots would be connected to the City's sewer (force main) located on Independence Road. Each of the homes would have to install an individual connection to the existing sewer line. The City identified several issues relating to the proposed subdivision that are further described as follows:

- The applicant and City discussed access to the proposed lots at length. Staff recommended that the applicant provide access to the lots off of Pete Drive rather than Independence Road. The site lines on Independence Road are compromised in the vicinity of the proposed lots and potential driveways. In addition, if the lots were laid out in the current configuration, the new property owners would likely want to use Pete Drive for access to the principal structure and or accessory structures. The issue with Pete Drive access is that Pete Drive does not meet the City's current gravel road standards for the road and right of way widths. The existing road is approximately 12 feet wide, and the existing right of way is 33 feet. The City requires new roads to be 26 feet wide and right of way of 66 feet. The City recommended that the applicant provide an additional 33 feet of right of way on the subject property and reconstruct a fully compliant Pete Drive.
- The applicant has agreed to construct the new section of road and provide the City with the requested road easement for the length of the property. The City would only require the construction of the additional road width up to a point where the existing wetland makes further expansion prohibitive (see below). This would provide for an improved section of Pete Drive up to the point where the additional driveways (traffic) would access/use the public road. The widened section of road would be blended back into the existing road as it narrows to the east. The City does maintain Pete Drive beyond the wetlands to the east. Construction of a widened road section through the wetland will be challenging and expensive. The neighboring property owner has recently reached out to the City to inquire about vacating a portion of Pete Drive. Staff will review this request further and may present additional information at the meeting.
- The applicant would like the City to credit a portion of the proposed Pete Drive right of way/easement towards the upland portion of the property. This credit would allow the proposed lots to meet the applicable 2.5-acre minimum lot size. The City's current ordinance excludes right of way in the lot area for this type of subdivision.

500.57. Lots.

Subd. 1. Location. Lots may have no less than 200 feet of frontage on a street or road, except lots fronting on the terminus of a cul-de-sac shall have no less than 50 feet of frontage, and must meet minimum width requirements at the building setback line.

*Subd. 2. Size. Lot size requirements for divisions and subdivisions shall be governed by the zoning code or section 705, or both. **All dimensions and lot area shall exclude right-of-way.***

Staff is seeking direction from the City relating to the possibility of crediting the applicant for a portion of the additional (33 feet) Pete Drive right of way/easement? If the City does not allow the additional

right of way to be credited towards the upland portion of the property, the northern property line would need to be adjusted. This could potentially limit the future subdivision of the Lot 1, Block 1 (currently has ~5.3 acres of upland).

- There are several significant wetlands located on this property which make the subdivision more difficult. The applicant and the City have reviewed the location and boundaries of the wetlands on this property. A wetland delineation has been completed and approved by the state, watershed and City. The applicant will be required to maintain the requisite wetland buffer around the wetlands.
- When the City installed the sewer on Independence Road it estimated the potential subdivision of properties located along the sewer line. It was estimated that this property could realize up to 4 lots (see attached exhibit). Each new sewer connection will be subject to the sewer assessment fee and all applicable connection charges.

The proposed lot configuration takes advantage of the best possible home locations on the southern portion of the property. Access to Pete Drive provides for a better solution to access for both properties given the limited site lines and topography along Independence Road. The properties to the east on Pete Drive have the potential to redevelop in the future. There are currently three parcels located to the east of the wetland. It is possible that the properties to the east could subdivide in the future depending on their ability to bring Pete Drive up to a full City street.

Engineering

The City has reviewed the proposed road expansion plans for Pete Drive and found them to be compliant with applicable standards. The City will require the developer to enter into a development agreement relating to the proposed road improvements, park dedication fees and sewer connection fees. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading.

Park Dedication

The proposed subdivision is subject to the City's park dedication requirements. The park dedication requirements are broken down as follows:

Park dedication fee \$3,500 per lot up to 4.99 acres, plus \$750 per acre for each acre over 5.

Lot 1 includes the existing home and will not be subject to additional park dedication fees. Lot

2 – 3.17 acres = \$3,500

Lot 3 – 5.57 acres = \$3,500 + 428 (\$3,928)

The total amount of the park dedication is \$7,428 for the two (2) new lots.

Planning Commission Discussion/Comments:

Planning Commissioners reviewed the request and asked questions of the applicant and staff. Commissioners concurred that access to the proposed lots would be off of Pete Drive. Commissioners noted that the

proposed layout was based on trying to accommodate the best home building sites. It was confirmed that each of the proposed lots would be able to connect to City sewer. Commissioners discussed that the additional right of way for Pete Drive would normally be split between the properties on either side, but in this case, there is not an option to go to the south due to the wetland. Commissioners recommended approval of the proposed subdivision with the findings and conditions included in this report and the resolution.

Neighbor Comments:

The City has received several questions and comments from adjacent property owners. Adjacent property owners had questions relating to the road improvements, number of lots and access. Neighboring property owners wanted to ensure that the proposed homes and associated traffic would not impact Pete Drive in a way that negatively impacts their respective properties.

Recommendation:

The Planning Commission recommended approval of the requested rezoning, preliminary plat and final plat subject to the developer entering into a development agreement with the City. The following findings and conditions should be considered by the Council:

1. The proposed Rezoning and Preliminary and Final Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council Approval of the Preliminary and Final Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Creek Watershed Management Commission.
 - d. The Applicant shall enter into a development agreement with the City for this development.
 - e. The Applicant shall provide a letter of credit or acceptable form of security as established by the development agreement for all public improvements associated with this development.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
4. The Applicant shall pay the applicable sewer assessment and connection fees.
5. The Applicant shall pay for all costs associated with the City's review of the rezoning, preliminary and final plats.
6. The Applicant shall record the final plat and associated documents with Hennepin County within six (6)

months of approval of the City Council approval.

Spencer asked for total park dedication fees, Kaltsas said \$7428.

Motion by Spencer, second by Johnson to approve ORDINANCE 2021-04: Considering approval of Rezoning from AG-Agriculture to RR-Rural Residential in accordance with the Comprehensive Lane Use Plan. Ayes: Johnson, Spencer, Grotting and Betts. Nays: None. Absent: McCoy: None. Abstain. None. MOTION DECLARED CARRIED.

Motion by Betts, second by Spencer to approve RESOLUTION 21-0706-02: Considering approval of Preliminary and Final Plat for a 3-lot subdivision of the subject property. Ayes: Johnson, Spencer, Grotting and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

9. Donavan DesMarais (Applicant) and Jerry Wise (Owner) are requesting the following actions for the property located at the northeast corner of CSAH 11 and Woodhill Drive (PID No. 01-118-24-34-0010) in the City of Independence, MN:

- a. **RESOLUTION 21-0706-03:** Considering approval of Preliminary and Final Plat for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).

Donavon DesMarais (Applicant) and Jerry Wise (Owner) are requesting the following actions:

- a. Preliminary Plat for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah).
- b. Final Plat for a proposed subdivision of the subject property to create four (4) new lots.

Property/Site Information:

The property is located at the northeast corner of CSAH 11 and Woodhill Drive. There is a non-conforming detached accessory structure located on the property. There are several wetlands on the property, and it has lake frontage on Lake Sarah.

Property Information: PID No. 01-118-24-34-0010

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential (S-Shoreland Overlay)*

Acreage: *~10*

The applicant is asking the City to consider approving preliminary and final plat for a new four (4) lot subdivision on the subject property. Earlier this year, the City reviewed a concept plan for this development and provided feedback to the applicant and staff relating to the proposed development. The applicant has now prepared a more detailed submittal for the requested actions. The City is being asked to consider the following actions:

1. Preliminary Plat approval.
2. Final Plat approval.

The City has reviewed this plan and provided review comments to the applicant. The property is currently zoned RR-Rural Residential and is also located within the S-Shoreland Overlay zoning district adjacent to Lake Sarah. The City allows properties zoned S-Shoreland and have access to sanitary sewer, to be subdivided into 1-acre minimum lots as long as all applicable requirements can be satisfied by the applicant. The applicable requirements that stipulate the number of lots generally relate to the minimum road frontage (200 LF – for lots less than 3.49 acres), minimum shoreline frontage (100 LF) and minimum width at the building setback line (100 LF).

505.13. Zoning provisions.

Subd. 1. *General.* The following standards shall apply to all proposed developments and subdivisions within the shoreland district of the protected waters listed in subsection 505.05. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply.

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

Proposed Lot Details:

Lot No.	Lot Area	Lot Width at OWHL	Lot Width at Setback	Frontage
Lot 1	2.0 acres	142 LF	~120 LF	137 LF
Lot 2	2.8 acres	107 LF	~115 LF	137 LF
Lot 3	3.2 acres	129 LF	~125 LF	137 LF
Lot 4	2.12 acres	N/A	N/A	139 LF/619 LF

A detailed review of the storm water, grading, wetlands and infrastructure details has been completed by the City. The following comments should be considered by the City:

1. There is no grading being proposed as a part of the subdivision.
 - a. Each lot will be individually graded at the time a building permit is pulled.

- b. Each lot will be individually connected to City sewer at the time a building permit is pulled.

As a result, there are no overall development concerns relating to grading, utilities or stormwater.

2. A wetland delineation has been completed for the property. The applicant is proposing to contain the wetlands and the requisite buffer within a newly established drainage and utility easement. The establishment of the D&U easements surrounding wetlands and wetland buffers is required and consistent with established City standards.
 - a. It should be noted that Lot 3, Block 1 has approximately 5 feet of clear access from the main portion of the lot to get to the lake side of the property. In addition, the applicant would have to cross the wetland in some manner to access the lake. As a result of these conditions, it is recommended that the developer be required to provide perspective buyers with information relating to the lot limitations. The City has prepared information relating to Lot 3 that will be required to be recorded against the property.
3. The applicant has identified the potential home sites for each lot along with the prescribed building setbacks.
4. The proposed subdivision creates a total of 4 lots: 3 with shoreland access to Lake Sarah. The City requires a minimum lot public road frontage of 200 LF per lot. This property has approximately 1169 LF of total frontage on Woodhill Drive and CSAH 11. The City can waive the minimum frontage requirement per lot if the following criteria is satisfied.

^b Lots must have no less than the specified minimum frontage respectively on a right-of-way, provided that the city council may waive the requirement if the following conditions are met:

- (1) The applicant submits and the city council approves a development plan encompassing all land under the control of the applicant.*
- (2) The development plan must demonstrate that vehicular and pedestrian access, as well as emergency and public vehicular access can be provided to each lot in the development plan.*
- (3) The applicant must enter into a private road agreement that meets the criteria of subsection 510.05, subdivision 70 of this Code as well as additional conditions deemed necessary by the city council to protect the health, safety and welfare of the occupants of the lots within the development plan.*

The proposed layout appears to create a more advantageous configuration due to access for all lots coming off of Woodhill Drive versus CSAH 11. During the review of the concept plan, Council and Planning Commission noted that access for all lots off of Woodhill Drive would better serve the proposed properties. Hennepin County has also indicated that an additional access onto CSAH 11 would not likely be approved. One key aspect of this consideration is that the property has the requisite length of frontage to support all four proposed lots. The City would therefore be waiving the frontage requirement for each individual lot, but not the reduction of total frontage required to realize the lots.

5. The proposed layout is somewhat impacted by the existing detached accessory structure located on Lot 2, Block 1. This structure is not considered a legal structure as there is no principal structure located on this property. It is recommended that the City require the developer to enter into an agreement and require an escrow deposit of \$5,000 that would stipulate that there shall be no use of the building until such time as a new

principal home building permit is pulled and construction commences on the structure. It should further be noted that this structure is shown to meet all applicable building setbacks in the proposed condition.

6. There is a second existing detached accessory structure located on Lot 2, Block 1 near the shoreline. This shed is also considered to be an illegal structure as there is no principal structure on the property. In addition, the maximum size of a detached accessory structure located within 100 feet of the OHWL of the lake is 120 SF. The City will verify the size of this shed which will need to comply with all applicable requirements.
7. The proposed lots would be connected to the City's sanitary sewer system. The type of connection to the public sewer line will need to be further reviewed and considered by the City at the time a building permit is pulled. It has been noted by the City that the invert elevation of the existing public sewer may dictate additional restrictions for the elevations of the proposed homes.
8. There is one existing connection to the sanitary sewer serving the existing detached accessory structure. This connection can be used for one of the proposed lots. The three new and additional lots would be subject to applicable connection fees in addition to the initial assessment fee of \$9,550 per lot.
9. As historically has been done along County Road 11, Hennepin County is requesting additional right of way for future trail and road expansion. The existing road right of way is 80' along this property. This means that the County would like an additional 10' for future road expansion. In addition, the County is recommending that the City consider requiring a 10' wide easement that could be used for a future trail. There is a proposed 10' wide drainage and utility easement that will also need to include trail language if required by the City. The County's right of way request has been consistently applied to all recent subdivisions along CSAH 11.
10. The City's current park dedication fee is \$3,500 per lot (less than 4.99 acres).

The proposed subdivision of this property is generally in keeping with the existing Rural Residential zoning district. The proposed lots would be similar in nature and character to the surrounding properties. Lots along Woodhill Drive range in size from approximately .5 acre to 2 acres.

Planning Commission Discussion and Recommendation:

Commissioners reviewed the requested plat and asked questions of staff and the applicant. Commissioners noted that while the layout did not meet the requirements pertaining to road frontage, the overall property had adequate frontage which would distinguish this property from other properties requesting reduced frontage. Commissioners discussed the existing detached accessory structure. Commissioners wanted a condition added to the resolution that clearly noted that the existing building does not have any existing conditions which will be grandfathered by the approval of this subdivision. In particular, Commissioners noted that no accessory dwelling unit has been approved for this structure and any use of the structure would have to meet all applicable requirements of the City. Commissioners also discussed the limited access to the water on Lot 3. It was noted that the City will provide language pertaining to the restrictions on water access and grading and filling of the wetlands and wetland buffers. Commissioners recommended approval of the preliminary and final plat with the conditions and findings contained within this report and the resolution.

Recommendation:

The Planning Commission recommended approval of the applications for a preliminary and final plat with the

following findings and conditions:

1. The proposed preliminary and final plats meet all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions, in the City of Independence Zoning Ordinance.
2. Approval of the Preliminary and Final Plat is subject to the following:
 - a. The Applicant shall address all comments made within this report and recommended by the Planning Commission.
 - b. The Applicant will allow the inspection of the existing building by the City's Building Inspector. Any building code requirements that were not permitted by the City shall be corrected and brought into compliance with applicable building codes.
 - c. The Applicant shall enter into an agreement with the City and provide a \$5,000 escrow relating to the use and removal of the two detached accessory structures located on Lot 2, Block 1. The agreement will stipulate conditions of use and or modification of the existing structures.
 - d. The Applicant shall revise the plat to include the additional 10 feet of right of way and 10' trail easement for the future trail and road expansion as requested by Hennepin County.
 - e. The Applicant shall provide prospective buyers with the Letter of Information Pertaining to the Lake Sarah Hill Subdivision as prepared by the City and attached hereto.
 - f. There is one existing connection to the sanitary sewer serving the existing detached accessory structure. This connection can be used for Lot 1 or 2, Block 1. The three new and additional lots would be subject to all applicable connection fees in addition to the initial assessment fee of \$9,550 per lot. The \$9,550 shall be paid by the developer prior to recording of the final plat.
 - g. The Applicant shall pay the City's current park dedication fee of \$3,500 per lot (less than 4.99 acres). This The \$3,500 per lot shall be paid by the developer prior to recording of the final plat.
3. The existing detached accessory structure is not an approved accessory dwelling unit. Any use of the structure is subject to all applicable ordinances of the City of Independence.
4. The Applicant shall pay for all costs associated with the City's review of the requested preliminary and final plat.
5. The Applicant shall record the final plat and associated documents with Hennepin County within six (6) months of City Council approval.

There was discussion. Kaltsas reiterated all 4 lots would be connected to city sewer, so they'd pay the connection fee and all sewer related fees. There would be 4 park dedication fees to total \$14,000 and an escrow would be required. Kaltsas spoke to Hakanson regarding filling of wetland/buffer. Lot 3 has a wetland that crosses the lake frontage. Planning suggested we provide a letter of notice to future buyers. The only way to cross lot 3 wetland is to build a bridge. Around the pond it's very narrow and buffer would need to be maintained. Johnson said very important for this to be recorded/noted. This is above the OHW.

Donavan DesMarais affirmed Marks accurate explanation. He asked what is unique to this lot? Kaltsas said it's above the OHW is above so there's no impact permitted. DesMarais asked about snowmobiling in this area. Kaltsas said there are no

snowmobile restrictions. Spencer said restricted to filling or mowing. As long as there's a boardwalk they're fine. Grotting-is this a disclosure requirement for lot 3? Kaltsas confirmed it was. Jerry Wise was present and asked what if any restrictions there are on the use of the shed once it's closed? He still has a lot of stuff in there. Also, it's being used for weekly AA meetings. Donovan gave us the okay to continue using it. Spencer said we wouldn't proactively allow illegal use of this.

Spencer agreed with the \$5,000 escrow and confirmed it is refundable. Would like a time-frame on this. Maybe 1-2 years to make this in conformance?

Motion by Spencer, second by Johnson to approve RESOLUTION 21-0706-03: Considering approval of Preliminary and Final Plat for a proposed subdivision of the subject property to create four (4) new lots (3 would have lakeshore on Lake Sarah). Ayes: Johnson, Spencer, Grotting and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

10. Nathan and Molly Kirkpatrick (Applicants/Owners) are requesting the following action for the property located at 2485 County Road 90 (PID No. 15-118-24-44-0003) in the City of Independence, MN:

- a. **RESOLUTION 21-0706-04:** Considering approval of a variance to allow a reduced side yard setback to add a screen porch to the south side of the existing home on the subject property.

Nathan and Molly Kirkpatrick (Applicants/Owners) are requesting the following action:

- a. A variance from the side yard setback to add a screen porch to the south side of the existing home on the subject property.

Property/Site Information:

The subject property is located at 2485 County Road 90. The property is on the west side of County Road 90 and just north of the intersection of County Road 90 and Pagenkopf Road. There is an existing home on the subject property.

Property Information: 2485 County Road 90

Zoning: *Rural Residential*

Comprehensive Plan:

Rural Residential Acreage:

1.01 acres (43,995 square feet)

Discussion:

The applicant is seeking approval to construct a screen porch on the south side of the existing home. The applicant approached the City about the potential to encroach into the side yard setback along the south property line. The existing home is currently located approximately 31 feet off of the south property line. The City requires a side yard setback of 30 feet for properties zoned RR-Rural Residential. The proposed screen porch addition would encroach into the side yard setback approximately 19.5 feet. The house is not perfectly parallel to the south property line and the subsequent variance would allow a 20-

foot encroachment.

The resulting variance to the side yard setback would be 20 feet. The required setbacks for properties zoned RR-Rural Residential are as follows:

Front Yard Setback:

Required: 85 feet from centerline or 51 feet from the ROW Existing: 143 feet from centerline

Rear Yard Setback:

Required: 40 feet
Existing: 136 feet

Side Yard Setback (South

Side): Required: 30 feet
Existing: 31 feet

Proposed: 10 feet (variance of 20 feet)

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. Residential use of the property is consistent with the Rural Residential District.
- b. Many of the surrounding properties do not appear to be in compliance with all applicable principle or accessory structure setbacks.
- c. The character of the surrounding area is residential. The proposed screen porch addition is generally in keeping with the residential uses on properties in the surrounding area.

There are several additional items that could be considered by the City:

1. Staff discussed alternative options for locating the screen porch in compliance with applicable setbacks with the applicant. The applicant noted that the general interior configuration of the home would best support the proposed porch location. The proposed porch also is in line with the west (rear) of the existing home. The applicant has provided additional information relating to the existing conditions that are relevant to the variance request. The applicant recently began construction on a new inground swimming pool to the rear of the house. The potential location of the swimming pool was limited due to the existing septic mound, main power line and existing trees (see attached diagram prepared by applicant).
2. The applicant could locate a detached accessory structure on this property in the general location of the proposed screen porch and meet applicable setbacks (15 feet).
3. The adjacent property to the south is located approximately 19' from the shared property line.
4. The applicant discussed the encroachment with the neighboring property owner and they have provided a letter in support of the requested variance.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. The lots in this area are somewhat smaller (1 acre versus 2.5) than the typical rural residential property in the City. The existing home was located against the south property line setback. Due to the configuration of the house on the property and the interior layout there are some limitations to add this type of addition without impacting function of the existing structure/use. The setback of the proposed screen porch from County Road 90 and the natural screening and buffering that exists between this and the surrounding properties appear to help mitigate the potential

impacts.

Planning Commission Discussion:

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners discussed in detail the reason for needing a variance and asked why the proposed screen porch could not be located in the rear yard versus the side yard. Commissioners discussed the pool and it was confirmed that construction was under way with the pool and that could no longer be moved. The applicant noted that there are several other restrictions in the yard that caused the pool to be located in the current location. Commissioners discussed that there were several layers of information that when combined and considered together, could meet the criteria for granting a variance. Commissioners recommended approval of the requested variance with the findings and conditions noted herein.

Public Comments:

The City has received written correspondence from the adjacent property owner in support of the requested variance (see attached).

Recommendation:

The Planning Commission recommended approval of the request for a variance with the following findings and conditions.

1. The proposed 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 Rural Residential District. The applicant is seeking a variance to allow a screen porch addition to be added onto the existing home.
 - b. The alignment of the proposed porch with the rear of the home and the proposed building architecture and exterior finishes appears to mitigate some of the potential impacts resulting from the addition.
 - c. The location of the septic mound, existing trees, power line and utilizes and interior layout of the home all combine to necessitate the requested variance.
 - d. The character of the surrounding area is residential. The proposed screen porch addition and would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 20-foot reduction (from 30 feet to 10 feet) to the south side yard setback to allow the proposed screen porch to be added onto the existing

structure as depicted on the site plan and building plans attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.

Spencer mentioned Planning Commission did a great job and agrees with them as to why this just can't be omitted. Kaltsas said Planning wants to revisit how variances are laid out, such as the criteria used.

It was confirmed the original house was built in 1962 and Betts noted that alone could be a hardship because he had nothing to do with this size. Nathan Kirkpatrick came on and assured that he would maintain the character of the neighborhood. Johnson said we appreciate the extra comments provided to staff today because helpful. Spencer agreed their remodel looks beautiful. Grotting commented on number of breaches that have happened in the area, and trying to find the hardship, other than the layering.

Motion by Betts, second by Grotting to approve RESOLUTION 21-0706-04: Considering approval of a variance to allow a reduced side yard setback to add a screen porch to the south side of the existing home on the subject property. Ayes: Johnson, Spencer, Grotting and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

11. City Council Pay Discussion

Betts said she felt we need to be commensurate with other cities. This would have to be done prior to the City election in November. Johnson suggested some Councilmembers in other cities get reimbursed for every single meeting and conference. Betts said there is a lot of time preparing for each City, and would like to see the Administrator coming up with a formula so we're viewed as employees. Spencer mentioned other commissioned residents' such as Joe Baker with PSCWMC and the Planning Commissioners. Just a way to tell them thank you. Spencer suggested a voter question on the City ballot, and Johnson said he'd like to keep it more low-key. Grotting suggested a public hearing. Kaltsas said Cities' Councils make these decisions. Johnson said years ago we changed the mayor term from 2 years to 4 years. Spencer suggested we have the Administrator budget for it. Kaltsas said he'd check to see if we needed to have a special resolution to do this.

Motion by Spencer, second by Betts to allow the City Administrator to budget for a pay increase for the Councilmembers and other appointees. Ayes: Johnson, Spencer, Grotting and Betts. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

Johnson mentioned to Council the state small cities road fund was only approved for 1 year again. Senator Osmek will attend our next Council meeting.

Motion by Betts, second by Spencer to adjourn at 8:53 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Beth Horner/ Recording Secretary

DRAFT



ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE ENGINEERING

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

July 8th, 2021

Dear Mark,

We have received Payment Application #6 from Rochon Corporation for the Independence City Hall Renovation, with cover letter dated June 7th, 2021.

We have reviewed the application against work completed and documented work stored within the invoice period listed on the application and recommend payment of the listed current payment due, \$291,352.69 which includes a retainage of 5.00% of completed work.

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

A handwritten signature in blue ink, appearing to read 'A. Enright', written over a light blue circular stamp.

Anthony Enright, Assoc. AIA

Senior Associate, Project Manager
BKV Group



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

June 7, 2021

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

Re: Pay Application for Independence City Hall

Dear Mark:

Enclosed is our seventh Application for Payment of work performed through May 31, 2021 at 1920 County Road 90 in Independence, MN. Please process promptly.

Sincerely,

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

Trevor Bisping
Project Manager

TB/glb
Enclosures

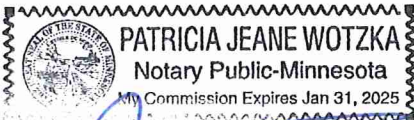
WAIVER OF CONSTRUCTION LIEN PAYMENT

June 1, 2021

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

This waiver covers all labor, material and supplies for construction, alteration, erection, and repairs furnished by the undersigned under a contract with City of Independence through the date of this waiver in the amount of TWO HUNDRED NINETY ONE THOUSAND THREE HUNDRED FIFTY TWO & 69/100 DOLLARS (\$291,352.69).

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



Contractor Waiver Form

Company Name Rochon Corporation

By _____

Jerry Braton

Its CEO

TO OWNER/CLIENT:

City of Independence

PROJECT:

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

APPLICATION NO: 7

INVOICE NO: 7

PERIOD: 05/01/21 - 05/31/21

PROJECT NO: 2017

FROM CONTRACTOR:

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

VIA ARCHITECT/ENGINEER:

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

CONTRACT DATE:

CONTRACT FOR: Independence City Hall Renovations Prime Contract

CONTRACTOR'S APPLICATION FOR PAYMENT

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

1. Original Contract Sum	\$1,721,484.00
2. Net change by change orders	\$112,049.12
3. Contract Sum to date (Line 1 ± 2)	\$1,833,533.12
4. Total completed and stored to date (Column G on detail sheet)	\$1,118,673.09
5. Retainage:	
a. 5.00% of completed work	\$55,933.67
b. 0.00% of stored material	\$0.00
Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$55,933.67
6. Total earned less retainage (Line 4 less Line 5 Total)	\$1,062,739.42
7. Less previous certificates for payment (Line 6 from prior certificate)	\$771,386.73
8. Current payment due:	\$291,352.69
9. Balance to finish, including retainage (Line 3 less Line 6)	\$770,793.70

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$95,305.25	\$0.00
Total approved this month:	\$21,365.12	\$(4,621.25)
Totals:	\$116,670.37	\$(4,621.25)
Net change by change orders:	\$112,049.12	

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

CONTRACTOR: Rochon Corporation Minnesota

By: [Signature] Date: 6-7-21

State of: Minnesota
County of: Hennepin
Subscribed and sworn to before
me this 7th day of June
Notary Public: Patricia
My commission expires: 1-31-2025



ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED: \$291,352.69

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

ARCHITECT/ENGINEER:

By: [Signature] Date: 07-08-2021

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

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

APPLICATION NUMBER: 7
 APPLICATION DATE: 5/25/2021
 PERIOD: 05/01/21 - 05/31/21

Contract Lines

ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	01.O General Requirements.Other	General Conditions	\$194,801.33	\$55,798.21	\$6,694.65	\$0.00	\$62,492.86	32.08%	\$132,308.47	\$3,124.64
2	02-100.S Selective Demolition.Commitment	Selective Demolition	\$59,987.75	\$58,987.75	\$0.00	\$0.00	\$58,987.75	98.33%	\$1,000.00	\$2,949.39
3	02-300.S Earthwork.Commitment	Earthwork	\$27,558.00	\$21,700.00	\$3,273.00	\$0.00	\$24,973.00	90.62%	\$2,585.00	\$1,248.65
4	02-480.S Landscaping.Commitment	Landscaping	\$9,300.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$9,300.00	\$0.00
5	02-580.S Pavement Marking.Commitment	Pavement Marking	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$500.00	\$0.00
6	02-784.S Stone Unit Pavers.Commitment	Stone Unit Pavers	\$10,675.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$10,675.00	\$0.00
7	02-813.S Lawn Sprinkling and Irrigation.Commitment	Lawn Sprinkling and Irrigation	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$10,000.00	\$0.00
8	02-820.S Fences and Gates.Commitment	Fences and Gates	\$27,423.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$27,423.00	\$0.00
9	03-300.S Cast In Place Concrete.Commitment	Cast In Place Concrete	\$108,650.00	\$61,003.00	\$0.00	\$0.00	\$61,003.00	56.15%	\$47,647.00	\$3,050.15
10	05-100.M Structural Metals.Materials	Structural Metals	\$18,500.00	\$18,500.00	\$0.00	\$0.00	\$18,500.00	100.00%	\$0.00	\$925.00
11	05-600.S Steel Erection.Commitment	Steel Erection	\$6,900.00	\$6,900.00	\$0.00	\$0.00	\$6,900.00	100.00%	\$0.00	\$345.00
12	06-100.S Rough Carpentry.Commitment	Rough Carpentry	\$26,924.00	\$0.00	\$4,774.00	\$0.00	\$4,774.00	17.73%	\$22,150.00	\$238.70
13	06-170.M Structural Wood.Materials	Structural Wood	\$53,977.55	\$53,977.55	\$0.00	\$0.00	\$53,977.55	100.00%	\$0.00	\$2,698.88
14	06-400.S Millwork.Commitment	Millwork	\$92,739.00	\$50,323.45	\$18,135.80	\$0.00	\$68,459.25	73.82%	\$24,279.75	\$3,422.96
15	07-400.S Roofing and Siding Panels.Commitment	Roofing and Siding Panels	\$86,850.00	\$60,000.00	\$26,850.00	\$0.00	\$86,850.00	100.00%	\$0.00	\$4,342.50
16	07-420.S Wall Panels.Commitment	Wall Panels	\$18,900.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$18,900.00	\$0.00
17	07-500.S Membrane Roofing.Commitment	Membrane Roofing	\$1,344.88	\$789.43	\$0.00	\$0.00	\$789.43	58.70%	\$555.45	\$39.47

A	B	C	D	E	F	G		H	I									
						ITEM NO.	BUDGET CODE			DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
												FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
18	07-530.S Roofing & Sheetmetal.Commitment	Roofing & Sheetmetal	\$3,155.12	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,155.12	\$0.00								
19	07-810.S Skylights.Commitment	Skylights	\$25,470.00	\$0.00	\$6,870.00	\$0.00	\$6,870.00	26.97%	\$18,600.00	\$343.50								
20	07-900.S Joint Sealers.Commitment	Joint Sealers	\$1,680.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,680.00	\$0.00								
21	08-100.M Hollow Metal & Hardware.Materials	Hollow Metal & Hardware	\$32,800.00	\$26,100.00	\$6,700.00	\$0.00	\$32,800.00	100.00%	\$0.00	\$1,640.00								
22	08-360.S Overhead Doors.Commitment	Overhead Doors	\$12,300.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$12,300.00	\$0.00								
23	08-800.S Glazing.Commitment	Glazing	\$160,008.00	\$49,232.00	\$61,859.00	\$0.00	\$111,091.00	69.43%	\$48,917.00	\$5,554.55								
24	09-250.S Gypsum Wallboard.Commitment	Gypsum Wallboard	\$163,788.00	\$160,372.60	\$3,415.40	\$0.00	\$163,788.00	100.00%	\$0.00	\$8,189.40								
25	09-300.S Tile.Commitment	Tile	\$43,195.00	\$14,450.00	\$15,563.00	\$0.00	\$30,013.00	69.48%	\$13,182.00	\$1,500.65								
26	09-500.S Ceilings.Commitment	Ceilings	\$14,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$14,000.00	\$0.00								
27	09-600.S Flooring.Commitment	Flooring	\$45,035.00	\$0.00	\$29,486.69	\$0.00	\$29,486.69	65.48%	\$15,548.31	\$1,474.33								
28	09-843.S Acoustical Wall Panels.Commitment	Acoustical Wall Panels	\$9,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$9,500.00	\$0.00								
29	09-900.S Paints and Coatings.Commitment	Paints and Coatings	\$21,408.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$21,408.00	\$0.00								
30	10-200.M Louvers and Vents.Materials	Louvers and Vents	\$13,883.63	\$3,698.87	\$10,184.76	\$0.00	\$13,883.63	100.00%	\$0.00	\$694.18								
31	10-260.M Wall and Corner Guards.Materials	Wall and Corner Guards	\$90.72	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$90.72	\$0.00								
32	10-350.M Flagpoles.Materials	Flagpoles	\$403.92	\$0.00	\$403.92	\$0.00	\$403.92	100.00%	\$0.00	\$20.20								
33	10-440.S Signage.Commitment	Signage	\$17,950.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$17,950.00	\$0.00								
34	10-520.M Fire Protection Specialties.Materials	Fire Protection Specialties	\$803.52	\$0.00	\$803.52	\$0.00	\$803.52	100.00%	\$0.00	\$40.18								
35	10-600.S Partitions.Commitment	Partitions	\$26,454.00	\$7,600.00	\$16,798.00	\$0.00	\$24,398.00	92.23%	\$2,056.00	\$1,219.90								
36	10-800.M Toilet, Bath, and Laundry Specialties.Materials	Toilet, Bath, and Laundry Specialties	\$1,923.13	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,923.13	\$0.00								
37	11-452.S Appliances.Commitment	Appliances	\$3,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,500.00	\$0.00								

A	B	C	D	E	F	G		H	I	
ITEM NO.	BUDGET CODE	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
38	12-490.S Window Coverings.Commitment	Window Coverings	\$3,875.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,875.00	\$0.00
39	15-400.S Plumbing.Commitment	Plumbing	\$52,550.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$52,550.00	\$0.00
40	15-500.S HVAC.Commitment	HVAC	\$97,581.25	\$22,517.48	\$15,207.31	\$0.00	\$37,724.79	38.66%	\$59,856.46	\$1,886.25
41	16-000.S Electrical.Commitment	Electrical	\$122,225.00	\$77,775.00	\$28,900.00	\$0.00	\$106,675.00	87.28%	\$15,550.00	\$5,333.75
42	17-010.O Contingency.Other	Allowance #1	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$5,000.00	\$0.00
43	17-010.O Contingency.Other	Allowance #2	\$1,800.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,800.00	\$0.00
44	17-040.O Profit.Other	Overhead & Profit	\$86,074.20	\$38,200.00	\$15,000.00	\$0.00	\$53,200.00	61.81%	\$32,874.20	\$2,660.00
TOTALS:			\$1,721,484.00	\$787,925.34	\$270,919.05	\$0.00	\$1,058,844.39	61.51%	\$662,639.61	\$52,942.23

Change Orders

A	B	C	D	E	F	G		H	I	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE	
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
45	PCCO#001 Owner Change Order #1	\$60,372.59	\$5,680.00	\$20,346.00	\$0.00	\$26,026.00	43.11%	\$34,346.59	\$1,301.30	
46	PCCO#002 Owner Change Order #2	\$34,932.66	\$18,380.70	\$9,681.00	\$0.00	\$28,061.70	80.33%	\$6,870.96	\$1,403.09	
47	PCCO#003 Owner Change Order #3	\$16,743.87	\$0.00	\$5,741.00	\$0.00	\$5,741.00	34.29%	\$11,002.87	\$287.05	
TOTALS:			\$112,049.12	\$24,060.70	\$35,768.00	\$0.00	\$59,828.70	53.40%	\$52,220.42	\$2,991.44

Grand Totals

A	B	C	D	E	F	G		H	I	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE	
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD						
GRAND TOTALS:			\$1,833,533.12	\$811,986.04	\$306,687.05	\$0.00	\$1,118,673.09	61.01%	\$714,860.03	\$55,933.67



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

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

(Double fee for application received less than 45 business days prior to event).

Event Location: Home 3658 CTY Rd. 90 INDEPENDENCE
 Type of event: Reunion Number of people 200 Date Aug. 13-14
 Residential Corporate Partnership Group or Association Other 2021

Event Holder's Name: Jody Toufges Address: 3658 CTY Rd. 90
 Contact Person: Jesse Phone: 850 687 5145
 2nd Contact Person: Jesse Phone: 952 913 5856

Security Plans: None
 Date West Hennepin Public Safety was notified of the event: _____

Severe Weather Plans (in the event of): DEPART

Sound Plans - amplification and sound control: Radio
 Outdoor Music Yes No - Starting Time 7 AM/PM, Ending
 Time 12:00 AM/PM

Food and Concessions Plans: Blue MOO ICE CREAM TRUCK
 Vendor's name, address, and license number (copies of vendor license, insurance and permits
 must be provided They sent in Already and spoke to Beth.
 Vendor Work #: _____ Vendor Cell #: _____

Serving Alcohol: Yes: _____ No: X
BYOB

Selling Alcohol: Yes: _____ No: X (If selling alcohol contact the City for a Permit)

Restroom Provisions: How many?
2 Porta Potties Location: by Pole barn

Lighting - Type: farm lights How many? _____
Location of lights: Building & Rest Rooms

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

Parking Plan: 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 ON PROPERTY/Field.

6/20/21
Date

[Signature]
Signature of applicant

6-20-21
Date

[Signature]
Signature of applicant

Office Use Only		
Application Received: <u>6/29/2021</u>	Application Fee: <u>25⁰⁰</u>	Date Fee Paid: <u>6/29/2021</u>
Date \$1,000,000 certificate of liability insurance received: _____		
Signature of City Official <u>[Signature]</u>	Date <u>7-17-21</u>	
Signature of West Hennepin Public Safety	Date	

No Parking on County Road 90



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

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

(Double fee for application received less than 45 business days prior to event).

Event Location: 2026 Copeland Rd
Type of event: wine tasting **Number of people** 250 **Date** 9/11/21
 Residential Corporate Partnership Group or Association Other

Event Holder's Name: Wishing Well Farms Bethany Walker **Address:** 2026 Copeland Rd
Contact Person: Bethany Walker **Phone:** (612) 227-5001
2nd Contact Person: Brett Walker **Phone:** (607) 458-1603

Security Plans: contacted them + they said once this permit is turned in they'd be notified.
Date West Hennepin Public Safety was notified of the event: 6/4

Severe Weather Plans (in the event of): cancellation of event in the event of severe weather.

Sound Plans - amplification and sound control: Jason Paulson Band sound controller
 Outdoor Music Yes No - Starting Time 3:30 AM/PM, Ending Time 9:00 AM/PM

Food and Concessions Plans: _____
 Vendor's name, address, and license number *(copies of vendor license, insurance and permits must be provided)* _____
 Vendor Work #: _____ Vendor Cell #: _____

Serving Alcohol: Yes: No: _____

Selling Alcohol: Yes: X No: _____ (If selling alcohol contact the City for a Permit)

Restroom Provisions: How many? 8 Location: bathroom trailer between event & parking.

Lighting - Type: none How many? N/A
Location of lights: N/A

\$1,000,000 Certificate of Liability Insurance-provide a copy: sent with application

Parking Plan: 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. sent w/ application

6/22/21
Date

Bethany Walker
Signature of applicant

6/22/21
Date

Brett Walker
Signature of applicant

Office Use Only		
Application Received: <u>7/1/2021</u>	Application Fee: <u>100</u>	Date Fee Paid: <u>7/1/2021</u>
Date \$1,000,000 certificate of liability insurance received: <u>7/1/2021</u>		
Signature of City Official <u>[Signature]</u>	Date <u>7-12-21</u>	
Signature of West Hennepin Public Safety	Date	

No Parking on Copeland Road



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization	Date organized	Tax exempt number	
Wishing Well LLC	6/25/21		
Address	City	State	Zip Code
2026 Copeland Rd	Independence	MN	55359
Name of person making application	Business phone	Home phone	
Bethany Walker	(612) 227-5001	(612) 227-5001	
Date(s) of event	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer		
Saturday, Sept. 11, 2021	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name	City	State	Zip Code
		MN	
Organization officer's name	City	State	Zip Code
		MN	
Organization officer's name	City	State	Zip Code
		MN	

Location where permit will be used. If an outdoor area, describe.

Outdoors - behind the last shed at 2026 Copeland Rd, Independence, MN 55359

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

AAA - \$1M

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City or County approving the license	Date Approved
Fee Amount	Permit Date
Date Fee Paid	City or County E-mail Address
	City or County Phone Number
Signature City Clerk or County Official	Please Print Name of City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

**ONE SUBMISSION PER EMAIL, APPLICATION ONLY.
PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY
PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY
CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US**



APPLICATION FOR LIQUOR, BEER, SET-UP OR CLUB LICENSING

SUBMIT APPLICATION & FEES BY: _____

On Council Agenda: _____

**Please fill out the following information:

I, Walker Bethany M for and on behalf of myself
(Last) (First) MI (Individual owner, office, partner)

_____ hereby submit this application for a on sale 3.2 beer, on sale
(Myself, partners, corporation)

wine, off sale intoxicating (wine only) = 1 day temporary liquor
liquor license for (Name and address of business): Wine tasting event of

Sept. 11

in accordance with the provisions of Minnesota Statutes and City Of Independence Ordinances, commencing April 1, 2008 and ending March 31, 2009.

DL# 6677089579120

Signature of Applicant Bethany Walker

For: myself

(Myself, Partners or Corporation, Association)

D.O.B. 06/15/1990

SUBMIT: (1) Liability Insurance (2) License Fees (3) Receipt showing payment of taxes

FEES: (the following are highlighted for easy reference)

<u>On-Sale 3.2 Beer</u>	<u>\$ 600</u>	<u>per year?</u>	Cigarette	\$ 100
Off-Sale 3.2 Beer	50		Dance	75
Set-up	500			
Club	200		On-Sale Intoxicating	5,500
Sunday Liquor	200		<u>On-sale Wine</u>	<u>600</u>
<u>Temporary Liquor</u>	<u>100 per day</u>		<u>Off-Sale Intoxicating</u>	<u>100</u>
(1 - 4 days)				<u>per year?</u>

TOTAL Due: _____

9:33

5G



p: 0.19 mi
a: 51,743 sq ft

Map

Sat.

*over flow
parking
here
if need be*



16.9



0 100ft



Date: July 1, 2021
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *G.K.*
SUBJECT: June 2021 ACTIVITY REPORT

The purpose of this report is to give the reader a quick overview of the activities of the Public Safety Department each month. It also compares monthly and year-to-date information to the reader.

The report is broken down into five categories, as defined by the Criminal Justice Reporting System.

CRIMINAL-- Criminal is broken down into Part I and Part II crimes.

Part I includes crimes against persons versus crimes against property; criminal homicide, forcible rape, robbery assault, aggravated assault, burglary -breaking or entering, larceny-theft, larceny analysis, motor vehicle theft and arson.

Part II includes other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, buying, receiving, possession; vandalism, weapons, carrying, possessing, etc.; prostitution and commercialized vice, sex offenses; drug abuse violations, gambling, offenses against the family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses, suspicion, curfew and loitering laws - persons under 18; and runaways - persons under 18.

TRAFFIC-- Includes violations of the road and driving laws.

PART III-- Lost and Found: Includes lost and found persons, animals, and property, and stalled and abandoned vehicles.

PART IV-- Casualties: Includes all motor vehicle accidents, boating, and snowmobile; public home occupational accidents, fires, suicides, sudden deaths, burning permits, and burning violations.

PART V-- Miscellaneous Public: Includes open doors, gun permit applications, suspicious activities, animal complaints, motorist assists, alarm calls, parking complaints, house checks, driving complaints, civil matters, family disputes, department assists.

The balance of the report shows the total number of incidents handled, miles driven and how the Public Safety Department received calls. If anyone should desire more detailed statistical data, please contact my office.

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West Hennepin Public Safety Department
1918 County Road 90 / Maple Plain, Minnesota 55359
Phone: (763) 479-0500 / Fax: (763) 479-0504

Web Address: <http://www.westhennepin.com> E-mail: westhennepin@westhennepin.com

Monthly Activity Report
June 2021

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	8	5	54	48
Traffic	141	111	575	579
Part III	5	8	35	46
Part IV	37	32	182	172
Part V	143	167	675	742
Total City of Independence	334	323	1,521	1,587
City Of Maple Plain				
Criminal	2	6	45	35
Traffic	24	30	202	320
Part III	1	5	16	33
Part IV	26	30	123	111
Part V	70	70	342	355
Total City Of Maple Plain	123	141	728	854
Grand Total Both Cities	457	464	2,249	2,441
TZD	7	9	16	31
Agency Assists	10	10	76	102
Total ICR Reports	467	483	2,341	2,574
How Received				
Fax	8	13	75	58
In Person	17	19	114	107
Mail	2	2	16	4
Other	2	1	7	10
Phone	49	54	214	206
Radio	196	175	921	929
Visual	168	157	818	1,033
Email	25	46	170	127
Lobby Walk In	0	16	6	100
Total	467	483	2,341	2,574

June 2021 Criminal Part I & II
 City of Independence Grid #'s 3-5

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	21001968	3rd Degree DWI/Open Bottle	3	6/5/2021	JF501
WHPS	21002002	Domestic Assault -Misdemeanor - Inflicts Bodily Harm - Family	4	6/8/2021	AL301
WHPS	21002084	Domestic Assault -Misdemeanor - Inflicts Bodily Harm - Family	3	6/14/2021	AL351
WHPS	21002110	3rd Degree DWI Refusal	3	6/15/2021	JF501
WHPS	21002180	Burglary	5	6/19/2021	T0999
WHPS	21002215	Identity Theft	3	6/22/2021	U0540
WHPS	21002276	2nd Degree DWI/ DANCO Violation	3	6/26/2021	N2370
WHPS	21002322	Possession of Drug Paraphernalia and Open Bottle	3	6/30/2021	DA540

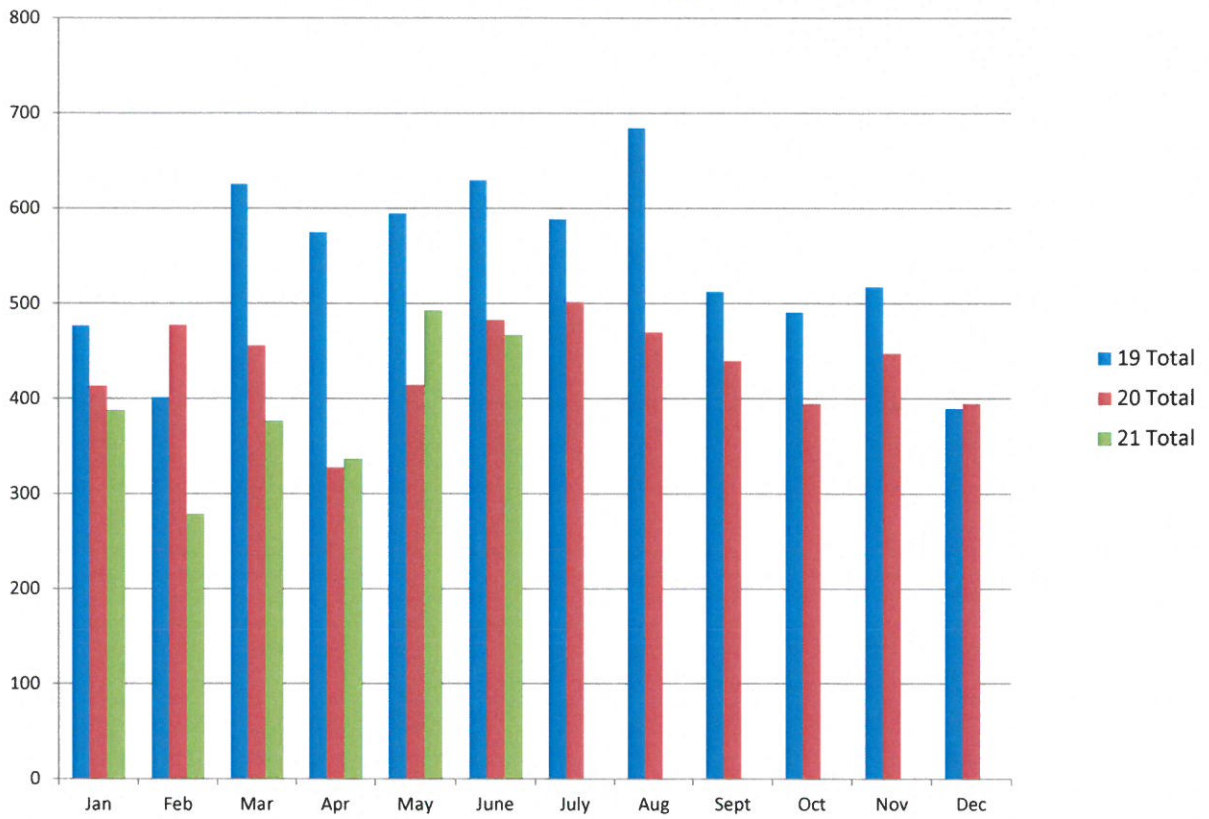
June 2021 Criminal Part I & II
 City of Maple Plain Grid # 1-2

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	21002185	Criminal Damage to Property	2	6/19/2021	P3119
WHPS	21002320	Misdemeanor Domestic Assault / Obstruct Legal Process - Interfere with Peace Officer	1	6/29/2021	AL05F/ X3080

June 2021 TZD - Towards Zero Deaths Criminal Part I & II

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	21001962	4th Degree DWI	81	6/5/2021	JG501

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

June 2021 Activity Report

Year to Date Activity Report

At the end June 30, 2021 West Hennepin Public Safety (WHPS) handled year-to-date a total 2,341 incident complaints: For the month of June, 334 occurred in the City of Independence and 123 in the City of Maple Plain.

The Criminal Part I and Part II cases for both cities have been highlighted for your review on the attached documents.

Recent Highlighted Cases:

Property Damage Crash

June 1 Hwy 12/ Main Street E, Maple Plain. Truck pulling a camper side swiped a parked car while making an east turn on Main Street from n/b CR 19. No injuries

Fall

June 2 4800 block Gateway Blvd. Maple Plain. Female fell and hit her head. Female was conscious and breathing. Maple Fire and North Memorial assisted with patient care. NM transported female to the hospital.

Scam Attempt

June 2 Ingerson Rd, Independence. Female reported someone filed Iowa unemployment benefits in her name. State of Iowa fraud department was notified of the fraudulent claim.

Medical

June 2 3700 block Lake Haughey Road, Independence. Male was very weak and needed assistance. Delano Fire Dept and North Memorial arrived and assisted the male. North Memorial transported the male to the hospital.

Solicitor Complaint

June 2 4300 block Woodhill Dr, Independence. Male on a Segway stopped at a resident's house to sell a product / service to rid her yard of bugs. When asked for ID the male left abruptly on his Segway. Officer located the 22-year-old male who was identified by his Utah driver's license as William Stewart Clark. Clark was cited for Solicit without a Permit.

Property Damage

June 3 1500 block Copeland Rd, Independence. Resident reported his bird feeder was raided and the thick steel pole it was attached to was bent down. Said the only thing that could have bent the pole like that would be a bear.

Suspicious package

June 3 Pioneer Creek Community Park, Independence. Reported a suspicious package found in a downed tree. Officer located the package; it is a geo cache.

Gas Odor

June 4 5900 block CR6, Independence. Gas was shut off and a propane gas odor was still coming from the furnace area. MPFD arrived and determined a recently moved gas grill with an open valve was causing the issue.

Barricades

June 4 1600 Block CR90, Independence. Road barricades in the construction zone had been moved allowing an opening in the closed road. Officer repositioned the barricades.

Suspicious Act

June 4 11:29 p.m. 1900 block CR90, Independence. Officer observed a vehicle running outside a gate of a closed business. Contact made with the male who was an employee bringing his work truck back to the yard.

DWI

June 5 Co Rd 110 & Three Points Blvd, Minnetrista. Vehicle was stopped for swerving within the traffic lane and speeding 57/35. Driver Arijit Das, 40 from Plymouth had been drinking. Das submitted a breath test which resulted in .14 breath alcohol concentration. Das arrested and charged for 4th Degree DWI and was released to a responsible person.

Accident/Crash

June 5 CR92 N & CR6, Independence. Veh1 turned too sharp and side swiped Veh 2. Minor damage of paint transfer to a vehicle. No injuries

DWI

June 5 6:58 p.m. CO RD 11 /LAKE SARAH ROAD, Independence. Vehicle pulled out in front of the squad car causing the officer to brake sharply. Driver Ah Ri Htoo, 28 from St, Paul admitted the violation and thought the officer should just ignore it. A strong odor of alcohol was detected coming from the driver who admitted drinking while fishing. Htoo performed poorly on field sobriety tests and provided a breath test which resulted in .15 breath alcohol concentration. Htoo was arrested, transported to HC Jail, and booked on Gross Misdemeanor 3rd Degree DWI. Passenger, Kyu Koh, 56 of St. Paul was cited for Open Bottle.

Medical

June 6 5200 block Bryantwood Dr. Maple Plain. A female had not taken her medication was acting strange, said she was burning up, lightheaded and the inside of her mouth was itching. North Memorial EMS arrived, administered medication, and transported her to the hospital.

Warrant Pick Up

June 7 3600 block Ihduhapi Trail, Independence. 31-year-old male had a Goodhue County body only warrant for a Felony 5th Degree Drug Possession and Theft was picked up and transported to Hennepin County Jail.

Vandalized

June 7 3300 block Lak Sarah Rd, Independence. Residents reported their truck had been vandalized. Two clamps on the fuel line were loosened and the clamps require a special tool to be loosened.

Broken Window

June 7 1700 block CR90, Independence. A screen window was found on the ground. The window/screen was held in by clips that were pushed out and allowed the window to fall to the ground, breaking the window. No other windows were broken. Property owner was notified of the damage.

Personal Injury Crash

June 8 CR6 / CR83, Independence. Driver of the dump truck, Veh1 was w/b on CR6, had the green light, all sudden Veh2 n/b on CR 110/83 came out of nowhere into the intersection. Veh2 was t-boned. Witness confirmed Veh2 blew through the red stop light. North Memorial EMS arrived and took over care of Veh2 driver, checking for minor injuries. Veh2 was towed from the scene.

Domestic

June 8 4600 block Lake Sarah Rd, Independence. 30-year-old female was arrested and booked into Hennepin County Jail for Domestic Assault – Misdemeanor Intentionally Inflicts/ Attempts to Inflict Bodily Harm on Another.

Garage Fire

June 8 3800 block Lake Haughey Rd., Independence. Resident was burning brush in a small fire pit, stepped quickly inside his house, came back out and his outbuilding was on fire. Delano Fire arrived and put the fire out.

Caught in the Elevator.

June 8 1500 block Howard Ave, Maple Plain. A multiple city-wide power outage caused two people to become stuck in an apartment elevator as the power went out in the building. Maple Fire assisted in getting them out.

Disturbance

June 9 9:21 p.m. 5200 block Bryantwood Dr, Maple Plain. Caller reported a vehicle alarm had been sounding every thirty minutes for approximately 30 seconds, since 1:00 p.m. Vehicle owner son was contacted to check the vehicle. Possible issue with the alarm computer chip as it is an older car. Officer did not find any signs of tampering, criminal damage, or theft issues to the vehicle.

Disturbance

June 11 2400 block Independence Rd, Independence. Occupants in a dark colored Jeep Rubicon with no doors or top on it stopped and started hassling 3 kids fishing along the shoreline and threw a plastic cup at them. Victim was not injured or assaulted, did not know who occupants were.

Traffic Complaint

June 11 Pagenkopf Rd/ Budd, Independence. Reported a Jeep CJ style or Rubicon, dark color, possibly army green with 4 – 5 kids, turned s/b on Pagenkopf from Budd, drove down into the ditch for a distance and then came back up onto the roadway and went west on Independence Rd. Jeep description is the same as the one that hassled the kids fishing. The area was checked, the jeep was not located.

Domestic

June 11 1:13 p.m. Budd Ave/ Independence St, Maple Plain. Dispatched for a female who appeared to be in distress/crying walking towards the park. Female was located with a male walking on Independence St. They were separated, both stated they had gotten into a verbal argument, and she left to cool off. Nothing physical had taken place, and they soothed everything over.

Loud Music

June 12 10:48 p.m. 18 Golf Walk, Independence. Reported loud music coming from Windsong Golf Course. Windsong was closing up and they did not have any loud music in the club house. An employee heard music from somewhere north of the golf course several minutes ago but no idea where it was coming from. The area was checked, unable to locate.

Unconscious

June 12 11:08 p.m. 5700 block Main Street, Maple Plain. Female fell down a stairway, lost consciousness for several minutes, was awake, groggy and was bleeding from her head. North Memorial EMS arrived and transported her to the hospital.

Unconscious

June 13 4800 block Gateway Blvd, Maple Plain. Reported a 97-year-old male was unconscious. Upon arrival the elderly man was conscious, breathing but seemed lethargic. Maple Plain Fire assisted in care of the male. North Memorial EMS arrived and transported him to the hospital.

Property Lost / Found

June 13 Kuntz Dr/ Luce Line, Independence. Caller was biking on the Luce Line, lost his driver's license and debit card and did not notice until later in the day they were missing. Caller had received a random call on his home phone. Officer called the phone number, a male answered stating he found a DL and debit card and was trying to reach the owner. Male stated he would mail them. Officer advised caller of his findings.

Condition / Debris

June 13 Dean Ln/Copeland Rd, Independence. A large tree had fallen across the road blocking most of it. Independence Public Works responded and removed the tree.

Warrant Arrest

June 14 3600 block Ihduhapi Trail, Independence. Mn Dept. of Corrections requested Officers to pick up at Vinland National Center, a 31-year-old male from Faribault who had a warrant for a release violation. The male was arrested and transported to Henn Co Jail.

Medical

June 15 4800 block Gateway Blvd. Maple Plain. 77-year-old male was not feeling well and wanted to talk with someone on his thoughts. North Memorial EMS transported him to the hospital.

Crash

June 15 Baker Park Rd / Independence St. Maple Plain. Veh2 backed into the side of Veh1 delivery truck that was stopped at the stop sign. Veh2 driver acknowledged the crash was her fault and she did not see the truck. No injuries, minor damage to vehicles.

3rd Degree DWI Refusal

June 15 8:51 p.m. 7300 block CR6, Independence. Homeowner reported a vehicle was in his driveway and the driver is in his garage. Suspect stated his vehicle ran out of electricity for his electric vehicle and he was trying to find an electrical cord and power to charge his vehicle. Officer noted an odor of alcoholic beverage was emitting from the male. Paul Michael Murray, 52 performed poorly on field sobriety tests, provided a PBT test over the legal limit. Murray was arrested and charged with 3rd Degree DWI Refusal.

Suspicious Act

June 16 1600 block Baker Park Rd, Maple Plain. Reported an unknown female came to the front door asking to take photos of the house and how many were living in the home. Female did not have an ID badge, stated she was from a mortgage company collecting information regarding homes in the area. Female was told the homeowner was not home and the female left.

Accident/Crash

June 16 5500 block Pioneer Creek Dr., Maple Plain. Veh1 backed out of a parking spot and began to drive forward when Veh2 began to back out of a parking spot, striking Veh1. There was no physical damage to either vehicle. Drivers were given an accident exchange form and vehicles were driven from the scene.

Gas Odor

June 17 Hwy 12/ CR90, Independence. Reported the construction crew at Hwy 12 and CR 90 struck a 3-inch gas main. Maple Plain Fire and West Hennepin Public Safety quickly established a safe zone until CenterPoint Energy arrived and turned off the gas leak in this area. CenterPoint Energy had to turn off 66 gas meters for their customers. 6 residential customers were affected by this outage, the remaining 60 were commercial properties.

Mental Problem

June 17 3600 block Ihduhapi Trail, Independence. 35-year-old male suffers from psychosis and wanted to go to the hospital to seek a doctor's care in a behavioral unit. Officer assisted the patient until North Memorial EMS arrived and transported him to the hospital.

Burglary

June 19 7300 block Lake Sarah Dr, Independence. Someone forced entry into a shed and stole a chain saw and circular saw. Case is under investigation.

Fire Alarm

June 19 6900 block Fogelman Rd, Independence. Responded to fire alarm sounding. Pieces of bread were drying inside the oven for homemade breadcrumbs. The "clean oven" button was accidentally hit, locking the oven door, and heating the oven up to a high temperature. Due to high oven temperature, and unable to unlock the oven door, smoke was coming from the oven. MPFD assisted removing the smoke. The house was cleared, breadcrumbs removed and taken outside.

Disturbance

June 19 10:06 p.m. 5200 block Bryantwood Dr, Maple Plain. Reported 3-4 people in the hallway being loud. Officer walked the three floors and did not find an issue. Caller was advised of Officer findings. Caller stated about 30 seconds after she called, it got quiet, and they stopped.

Domestic /Criminal Damage to Property

June 19 10:57 p.m. 5200 block Bryantwood Dr. Maple Plain. Caller reported neighbors started yelling, there was a thud against their common wall, their window was broken, and a folding knife found between the screen and window. Hennepin County Crime Lab responded to process the scene. Possibly the upset person broke the wrong window. Case under investigation.

Shots Heard

June 20 9:21 p.m. 4100 block Woodhill Dr. Independence. Reported someone was shooting for quite some time and inappropriate at this time of evening. Area was checked unable to locate. Contact with the caller who said it stopped shortly after calling 911.

Mental Health

June 20 3600 block Ihduhapi Trail, Independence. Reported a client was having a lot of personal issues and making paranoid statements. Officer arrival the client had talked with his roommate who helped him work through issues. Client was not diligent on taking his medication, started taking them again and stated he feels better.

Fireworks Complaint

June 22 5400 block Bryant Street, Maple Plain. Several fireworks complaints in the area of the 5400 block of Bryant Street, Maple Plain going off between the hours of 9:30–10:00 p.m. Families and young children, dogs woken up by them. Resident is passing the word around the neighborhood to keep it reasonable.

Traffic Complaint

June 22 E. Main Street, W. Main Street, Maple Plain. Received several complaints of vehicles driven at high speeds. Families and children live on the road and caller does not want anything to happen. Police monitored the traffic.

Medical

June 22 1400 block Wyman Ave, Maple Plain. Reported a female sitting in a vehicles driver's seat was breathing but unconscious. Officer arrival, the female would not wake to stimuli. Officer contacted the female's son to provide medical and health history. MPFD assisted administering care. North Memorial EMS arrived took over care and transported the female to the hospital.

Labor

June 23 5800 block Drake Dr. Independence. Officer responded for a female 9 months pregnant, started having contractions 4 minutes apart. North Memorial EMS transported female to the hospital.

Personal Injury Crash 3 vehicles

June 24 CR 6/ CR110/CR83. Independence. Eastbound on CR6, Veh1 and Veh2 were stopped in traffic for the stoplight at CR6/CR83/CR110. Veh2 observed Veh3 rapidly approaching his vehicle and knew the vehicle was not going to be able to stop. Veh3 rear ended Veh2 which caused Veh2 to hit Veh1 in a secondary collision. North Memorial EMS conducted patient care of Veh3 driver who had chest pains and was transported to Waconia hospital by her mother. Two vehicles were towed from the scene. All drivers were wearing their seatbelts.

Vehicle Fire

June 24 CR 92 / Egret, Independence. Hwy 12. Officer and Maple Plain Fire responded to a vehicle on fire. Flames and smoke were coming from the engine. Maple Plain Fire Dept extinguished the fire. Driver denied any injury and was the only occupant. Vehicle was towed from the scene.

Fall

June 26 5100 block Independence Street, Maple Plain. 48-year-old female had rib pain after falling off the park slide that was about 6' up. Maple Plain Fire assisted with care, until Ridgeview EMS arrived and took over care and transported to the hospital.

2nd Degree DWI/ DANCO Violation

June 26 6:31 p.m. CR 83/CR 6, Independence. Vehicle observed crossing the center line and travel into oncoming traffic. Driver, Britta Sunde Connors, 23 of Plymouth stated she was arguing with a male passenger causing her driving conduct. Connors provided a breath test which resulted in .27 breath alcohol concentration. Connors was arrested and transported to Henn Co Jail, charges: 2nd Degree DWI and DANCO – Domestic Abuse No Contact Order.

Motorist Assist

June 27 300 block CR 110, Independence. Officer assisted motorist in changing a flat tire.

Crash

June 27 7:18 p.m. Hwy 12/ Main Street, Maple Plain. Veh1 was n/b on CR 19. Proceeded into the intersection of Hwy12, turning to go e/b on Hwy12. Veh2 was stopped at the stop sign at Main Street East, pulled out into the intersection, not yielding to Veh1 right-of-way. Veh1 could not avoid the crash and struck the side of Veh2. No injuries and both vehicles were towed from the scene.

Breathing Problem

June 28 5100 block Industrial St, Maple Plain. Patient was suffering with a severe asthma attack. Maple Plain Fire treated the patient. North Memorial EMS arrived and transported him to the hospital.

Suspicious Act

June 29 5900 block Main Street W, Maple Plain. Officer observed a vehicle pull onto the wrong side of the road, opened several mailboxes before driver took something out. Contact with the 20-year-old male driver from Maple Grove who stated he was picking up a key out of the mailbox for his dad's girlfriends' car. Girlfriend was contacted who provided the correct address and stated the male was supposed to pick up the key, all was ok.

Unknown Problem

June 29 5200 block Manchester Dr, Maple Plain. Caller reported possible slumper, male passed out in a white van. Officer advised the 29-year-old male of the call. Male stated everything was ok, he was working construction outside all day and was taking a quick nap in the shade of the parking lot. Officer did not detect impairment or medical issues, and advised he was leaving. Male thanked the officer for checking on him. Caller was advised of Officer findings.

Loud Music

June 29 5300 block Hwy 12, Maple Plain. Caller reported loud music from two people sitting outside listening to music. Two tenants were outside using a small Bluetooth speaker. Officer advised them of the complaint. They apologized and stated they could certainly turn the music down. Officer advised the caller of his findings.

Domestic Assault

June 29 1800 block Newport Street, Maple Plain. 31-year-old male from Maple Plain reported his 26-year-old girlfriend from New Hope assaulted him. Jenna Irene Och, 26 provided a PBT which resulted in .289 BAC. Ochs was arrested and transported to Henn Co Jail for Domestic Assault and Obstruct Legal Process – Interfere w/Peace Officer.

Suspicious Act

June 30 6:21 a.m. 2700 block County Line Rd, Independence. Caller reported a suspicious vehicle was parked partially blocking the roadway with wood next to it. Officer found vehicle occupied by 4 people who were sleeping inside. In the roadway were several blocks/pieces of wood burned in a campfire along with a bunch of trash. Contact with the occupants, 1 male and 1 female from Rockford, 1 male from Minneapolis and 1 juvenile female from Big Lake who realized it was a bad decision to sleep in the car as the campground was full. Driver, Kylie Delyn Loraff 19 from Rockford was issued a citation for Possession of Drug Paraphernalia and Open Bottle. All occupants cleaned up the area of trash and wood.

Crash

June 30 CR 110N / CR 6 Independence. Driver reported she was on her way to work in the morning. She felt what she thought was a bump on her vehicle bumper but was not sure. Driver noted the license plate of the vehicle that was directly behind her. Driver continued on and arrived at work and noticed a small dent and small scratch in her bumper.

162 contacts of citations, verbal and written warnings were issued for traffic and equipment violations.
3 citations for wireless hands-free communications device
9 citations for barricade – drive around

City of Independence

American Rescue Plan Act Funds Acceptance Resolution

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: July 20, 2021

Discussion:

The American Rescue Plan Act of 2021 (ARPA) was signed into law on March 11, 2021. The legislation provides \$1.9 trillion in funding to address the economic impacts of the Coronavirus (COVID-19) pandemic, \$350 billion of which is allocated to state and local governments. Of the \$350 billion, \$19.5 billion is allocated to local governments considered Non-Entitlement Units (NEUs), generally those with a population under 50,000. Funding for NEUs is passed through the State rather than being received directly from the United States Treasury and cannot exceed 75% of their most recent budget. Payments from the State will come in two tranches – one in 2021 and one in 2022.

The calculation for the distribution is based off the 2019 census population as reported by the Treasury, then multiplied by \$105. Independence's portion would calculate to approximately \$399,315; however these amounts have not been finalized.

The funding may be used on eligible expenses as determined by the by the United States Treasury. Generally, they may fall into the following categories:

1. Responding to the public health emergency. (Vaccination programs, medical care, contact tracing, public communication efforts, PPE)
2. Responding to negative economic impacts of the pandemic. (Assistance to households, small businesses/non-profits)
3. Premium pay for essential workers.
4. Revenue replacement for the provision of government services to the extent the reduction in revenue is due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency.
5. Investments in water, sewer, and broadband infrastructure.

The Treasury has extensive guidance on what the funds can be used for and is continually being updated.

Staff is in the process of filing the appropriate paperwork with the State of Minnesota to receive the ARPA funds. The first distribution should be released to the City by October 2021 and the second distribution will be released a year later. Funding covers eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024.

By approving resolution 21-0720-01, Council is accepting the allocation of the Coronavirus Local Fiscal Recovery Funds under the ARPA law and authorizing the staff to complete necessary paperwork to accept the funds.

Council Recommendation:

Staff is seeking approval of **RESOLUTION No. 21-0720-01** accepting the funding.

ATTACHMENTS: **RESOLUTION No. 21-0720-01**



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 21-0720-01

**A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY
FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

WHEREAS, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans (“Pandemic”). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs; and

WHEREAS, as a result of the Pandemic cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19; and

WHEREAS, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic; and

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country; and

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses; and

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds; and

WHEREAS, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance; and

WHEREAS, the State of Minnesota will distribute ARPA funds to the City because its population is less than 50,000.

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

1. The City intends to collect its share of ARPA funds from the State of Minnesota to use in a manner consistent with the Department of Treasury’s guidance.

2. City staff are hereby authorized to take any actions necessary to receive the City's share of ARPA funds from the State of Minnesota for expenses incurred because of the Pandemic.
3. City staff are hereby authorized to make recommendations to the City Council for future expenditures that may be reimbursed with ARPA funds.

This resolution was adopted by the City Council of the City of Independence on this 20th day of July 2021, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

Minor Subdivision to Permit a Rural View Lot Subdivision for the
Property Located 2160 Nelson Road

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: July 20, 2021
Applicant: John Kinkner
Owner: John Kinkner
Location: 2160 Nelson Road

Request:

John Klinkner (Applicant/Owner) is requesting the following action for the property located at 2160 Nelson Road (PID No. 19-118-24-13-0001) in the City of Independence, MN:

- a. A rural view lot subdivision to allow the creation of two (2) rural view lots on the subject property.

Property/Site Information:

The property is located in between Nelson and Copeland Roads and north Deans Lane. There is an existing home and several outbuildings associated with the original farmstead. The property has a large woodland on the south and east side and tillable acreage across a large portion of the north and west. There are potential wetlands located throughout the entirety of the property.

The property has the following characteristics:

Property Information: 2160 Nelson Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture (Agriculture Preserve Removed)*

Acreage (BEFORE) - 80.84 acres

Acreage (AFTER) - Parcel A: 10.00 acres

Parcel B: 60.84 acres

Parcel C: 10.00 acres

Site Aerial – 2160 Nelson Road



Discussion:

The applicant’s representative approached the City about the possibility of subdividing the property in order to realize the allowable rural view lots. The applicant would like to establish two (2) rural view lots and has configured both to maximize the value of the new lots created. The applicant is proposing to create two (2) rural view lots in accordance with the provisions set forth in the City’s Zoning Ordinance. The subject property has a total acreage of 80.84 acres.

The Agriculture Zoning District prohibits the subdivision of property with two exceptions: rural view lot subdivisions and lot line rearrangements. The provisions in the Agriculture Zoning District also allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize two (2) rural view lots for a total of three (3) lots across the property.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed - Parcel A – 10.00 acres
Parcel C – 10.00 acres

Buildable Upland Required - 2.5 acres

Buildable Upland Proposed - Parcel A – ~10.00 acres
Parcel C – ~9.00 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed – Parcel A – 662 LF
Parcel B – 670 (Nelson Rd) / 812 (Copeland Rd)
Parcel C – 507 LF

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel A – ~1:1
Parcel 4 – ~1:1.5

In addition to the minimum size necessary to subdivide, the ordinance requires at least 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, both proposed rural view lots would meet all applicable setbacks.

There is an existing home and several detached accessory buildings that would be located on the newly created Parcel A. This home is accessed off of Nelson Road. The new lot would have 10 acres and all existing structures would meet applicable building setbacks.

Parcels B and C would be vacant properties with no existing structures in the after condition. The applicant is proposing to subdivide the property into lots that take advantage of the natural characteristics of the property and offer the best geographic location for a potential new home site. The remaining 60-acre Parcel B would have multiple locations for a future home site which could be accessed off of either Nelson or Copeland Roads.

The City received an on-site septic report verifying that the proposed rural view lots can accommodate a primary and secondary on-site septic system. The applicant has provided the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for all three parcels. Parcel B will have **no** rural view lot subdivision eligibilities following this subdivision.

The newly created rural view lots (Parcels A and C) will be required to pay the City's requisite Park Dedication fee. For this property the requirement is as follows: Lot A and B (10 acres) \$7,250 each. This fee will need to be paid prior to recording the subdivision.

*Park dedication fee of \$3,500 per lot up to 4.99 acres,
plus \$750 per acre for each acre over 5 acres*

The City will need to determine if the proposed rural view lot subdivision is in keeping with the requirements set forth by the City. The proposed subdivision of this property is intended to maximize the value in each of the lots being created while meeting all applicable criteria. The proposed lots being created generally align with the character of the surrounding properties and the intent of the City's Comprehensive Land Use Plan.

Discussion:

Planning Commissioners reviewed the application and found no issues or concerns relating to the proposed minor subdivision. Commissioners recommended approval to the City Council.

Recommendation:

The Planning Commission recommended approval of the request for a rural view lot subdivision with the following findings and conditions:

1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the rural view lot subdivision is subject to the following:
 - a) The Applicant shall pay the park dedication fees in the amount of \$14,500, for the newly created Parcels A and B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
 - c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
 - d) The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
 - e) Parcel B will have no remaining rural view lot eligibilities.

Attachments:

1. **RESOLUTION No. 21-0720-02**
2. Proposed Subdivision Exhibit



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 21-0720-02

**A RESOLUTION APPROVING A MINOR SUBDIVISION
TO ALLOW A RURAL VIEW LOT SUBDIVISION FOR THE PROPERTY
LOCATED AT 2076 COPELAND ROAD**

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

WHEREAS, the City adopted a Comprehensive Plan in 2010 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, John Klinkner (the “Applicant/Owner”) has submitted a request for a minor subdivision for the property located at 2160 Nelson Road (PID No. 19-118-24-13-0001) in the City of Independence, MN; and

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

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS the requested minor subdivision meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for Agriculture Property; and

WHEREAS the City held a public hearing on June 15, 2021 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 John Klinkner for a minor subdivision to allow a rural view lot subdivision per the City's subdivision and zoning regulations with the following conditions:

1. The proposed rural view lot subdivision meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Approval of the rural view lot subdivision is subject to the following:
 - a) The Applicant shall pay the park dedication fees in the amount of \$14,500, for the newly created Parcels A and B, prior to the applicant receiving final approval to record the subdivision by the City.
 - b) The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
 - c) The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
 - d) The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
 - e) Parcel B will have no remaining rural view lot eligibilities.

This resolution was adopted by the City Council of the City of Independence on this 20th day of July 2021, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

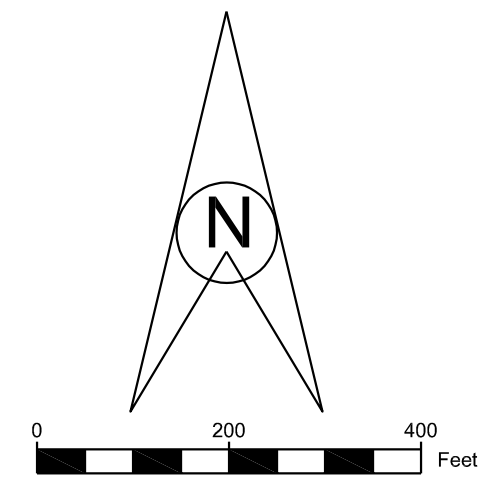
Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description of Property)

EXISTING PROPERTY DESCRIPTION:

The South Half of the Northeast Quarter and that part of the North Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, lying Southerly of a line described as beginning at the Southeast corner thereof; thence Westerly to a point on the East line of the Northwest Quarter of the Northeast Quarter, distant 5.00 feet North from the Southeast corner thereof; thence Westerly to a point on the West line thereof, distant 10.00 feet North from the Southwest corner thereof and there terminating.

Concept Plan



Concept Plan on the South 1/2 of the N.E. 1/4 and Part of the North 1/2 of the N.E. 1/4 of Section 19, Township 118, Range 24, Hennepin County, Minnesota

Revised: 5-6-2021

Requested By:

John Klinkner

Date: 5-6-2021

Drawn By: S.O.S.

Scale: 1"=200'

Checked By: P.E.O.

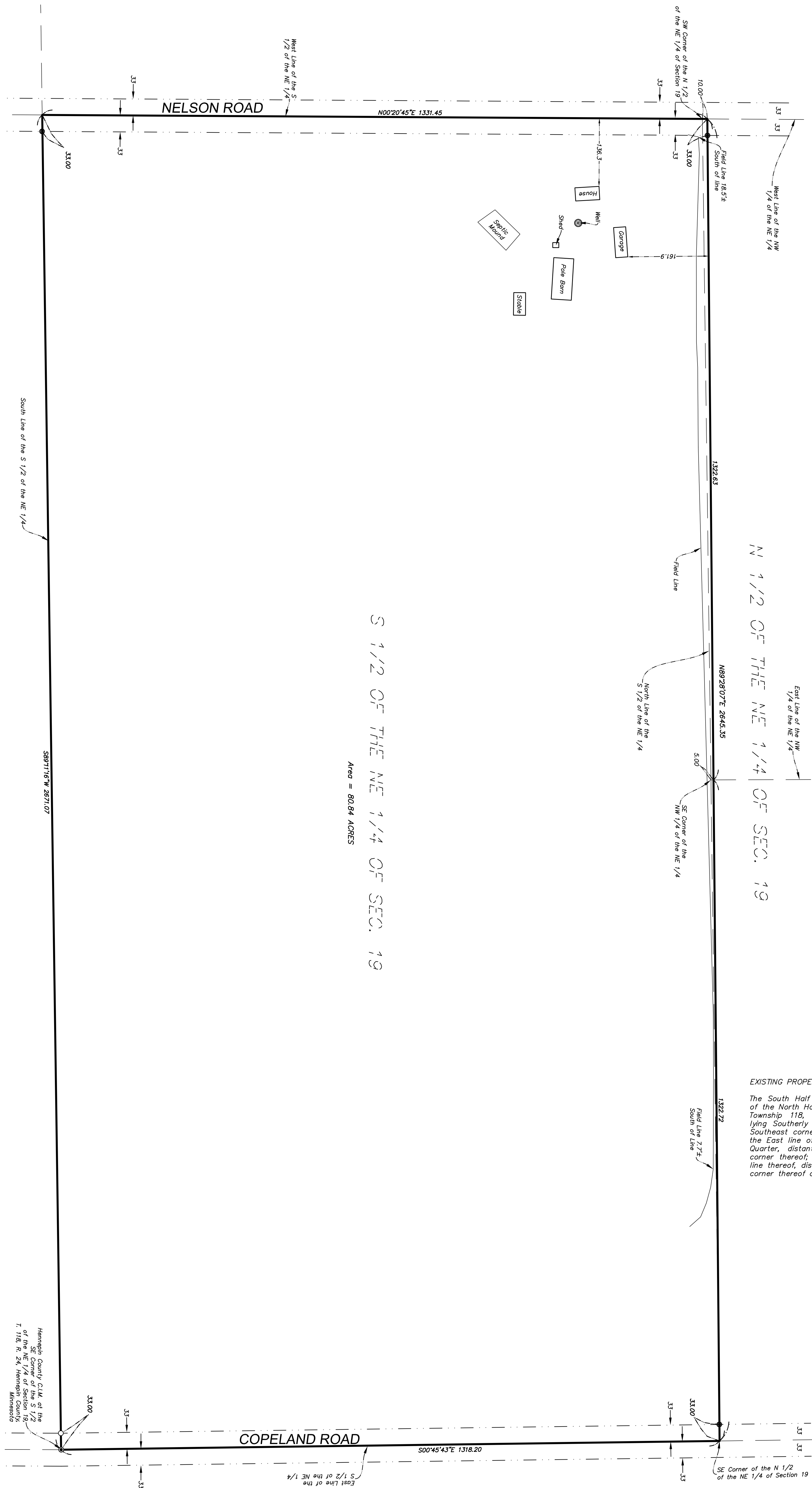
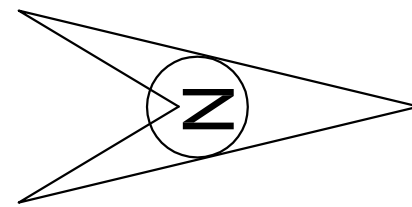
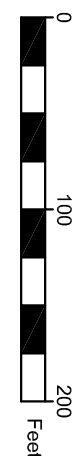


www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No. 21-0258

Certificate of Survey (Before)



EXISTING PROPERTY DESCRIPTION:

The South Half of the Northeast Quarter and that part of the North Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, lying Southerly of a line described as beginning at the Southeast corner thereof; thence Westerly to a point on the East line of the Northwest Quarter of the Northeast Quarter, distant 5.00 feet North from the Southeast corner thereof; thence Westerly to a point on the West line thereof, distant 10.00 feet North from the Southwest corner thereof and there terminating.

Certificate of Survey on the S 1/2 of the NE 1/4 and Part of the N 1/2 of the NE 1/4 of Section 19, Township 118, Range 24, Hennepin County, Minnesota.

Revised:

I hereby certify that this survey, plan, 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.

Paul E. Otto
Paul E. Otto
License #40062 Date: 7-7-21

Requested By:

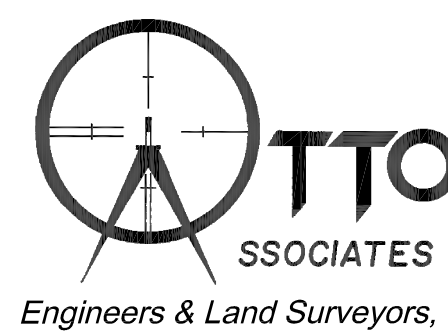
John Klinkner

Date: 6-30-21

Drawn By: N.N.B.

Scale: 1"=100'

Checked By: J.J.A.



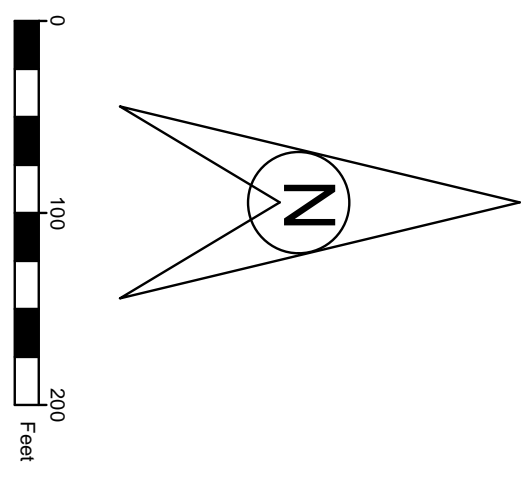
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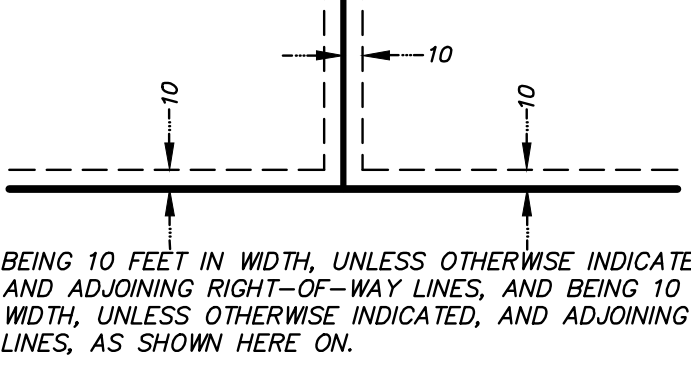
- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No. 21-0258

Certificate of Survey (After)



PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING PARCEL LINES, AS SHOWN HERE ON.

SURVEYOR'S NOTE:
Elevations on soil tests are assumed datum.

PROPOSED PROPERTY DESCRIPTIONS:

Parcel A:
The West 659.80 feet of the South Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, lying Northerly of the South 659.49 feet thereof.

AND
The West 659.80 feet of the North Half of said Northeast Quarter lying Southerly of a line described as follows:

Beginning at the Southeast corner of said North Half of the Northeast Quarter; thence Westerly to a point on the East line of the Northwest Quarter of said Northeast Quarter, distant 5.00 feet Northerly from the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence Westerly to a point on the West line of said North Half of said Northeast Quarter, distant 10.00 feet Northerly of the Southwest corner of said North Half of said Northeast Quarter and said line there terminating.

Parcel B:
The East 856.41 feet of the South Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, lying Northerly of the South 811.67 feet thereof.

AND
The East 856.41 feet of the North Half of said Northeast Quarter lying Southerly of a line described as follows:

Beginning at the Southeast corner of said North Half of the Northeast Quarter; thence Westerly to a point on the East line of the Northwest Quarter of said Northeast Quarter, distant 5.00 feet Northerly from the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence Westerly to a point on the West line of said North Half of said Northeast Quarter, distant 10.00 feet Northerly of the Southwest corner of said North Half of said Northeast Quarter and said line there terminating.

Parcel C:
The South Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota.

EXCEPT:
The West 659.80 feet of said South Half of the Northeast Quarter lying Northerly of the South 659.49 feet thereof.

ALSO EXCEPT:
The East 856.41 feet of said South Half of the Northeast Quarter, lying Northerly of the South 811.67 feet thereof.

AND
The North Half of said Northeast Quarter lying East of the West 659.80 feet thereof, and lying West of the East 856.41 feet thereof, and lying Southerly of a line described as follows:

Beginning at the Southeast corner of said North Half of the Northeast Quarter; thence Westerly to a point on the East line of the Northwest Quarter of said Northeast Quarter, distant 5.00 feet Northerly from the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence Westerly to a point on the West line of said North Half of said Northeast Quarter, distant 10.00 feet Northerly of the Southwest corner of said North Half of said Northeast Quarter and said line there terminating.

PROPOSED EASEMENT DESCRIPTIONS:

Parcel A:
A 10.00 foot perpetual easement for drainage and utility purposes over, under, and across the following described property:

The West 659.80 feet of the South Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, lying Northerly of the South 659.49 feet thereof.

AND
The West 659.80 feet of the North Half of said Northeast Quarter lying Southerly of a line described as follows:

Beginning at the Southeast corner of said North Half of the Northeast Quarter; thence Westerly to a point on the East line of the Northwest Quarter of said Northeast Quarter, distant 5.00 feet Northerly from the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence Westerly to a point on the West line of said North Half of said Northeast Quarter, distant 10.00 feet Northerly of the Southwest corner of said North Half of said Northeast Quarter and said line there terminating.

Said 10.00 foot drainage and utility easement strip is adjoining the perimeter of said property on the interior side, Except for that part embraced within the Nelson Road right of way.

And a 10.00 foot perpetual easement for drainage and utility purposes over, under, and across that part of said property lying Easterly of and adjoining the East line of said Nelson Road right of way.

Parcel B:
A 10.00 foot perpetual easement for drainage and utility purposes over, under, and across the following described property:

The East 856.41 feet of the South Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota, lying Northerly of the South 811.67 feet thereof.

AND
The East 856.41 feet of the North Half of said Northeast Quarter lying Southerly of a line described as follows:

Beginning at the Southeast corner of said North Half of the Northeast Quarter; thence Westerly to a point on the East line of the Northwest Quarter of said Northeast Quarter, distant 5.00 feet Northerly from the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence Westerly to a point on the West line of said North Half of said Northeast Quarter, distant 10.00 feet Northerly of the Southwest corner of said North Half of said Northeast Quarter and said line there terminating.

Said 10.00 foot drainage and utility easement strip is adjoining the perimeter of said property on the interior side, Except for that part embraced within the Copeland Road right of way.

And a 10.00 foot perpetual easement for drainage and utility purposes over, under, and across that part of said property lying Westerly of and adjoining the West line of said Copeland Road right of way.

Parcel C:
A 10.00 foot perpetual easement for drainage and utility purposes over, under, and across the following described property:

The South Half of the Northeast Quarter of Section 19, Township 118, Range 24, Hennepin County, Minnesota.

EXCEPT:
The West 659.80 feet of said South Half of the Northeast Quarter lying Northerly of the South 659.49 feet thereof.

ALSO EXCEPT:
The East 856.41 feet of said South Half of the Northeast Quarter, lying Northerly of the South 811.67 feet thereof.

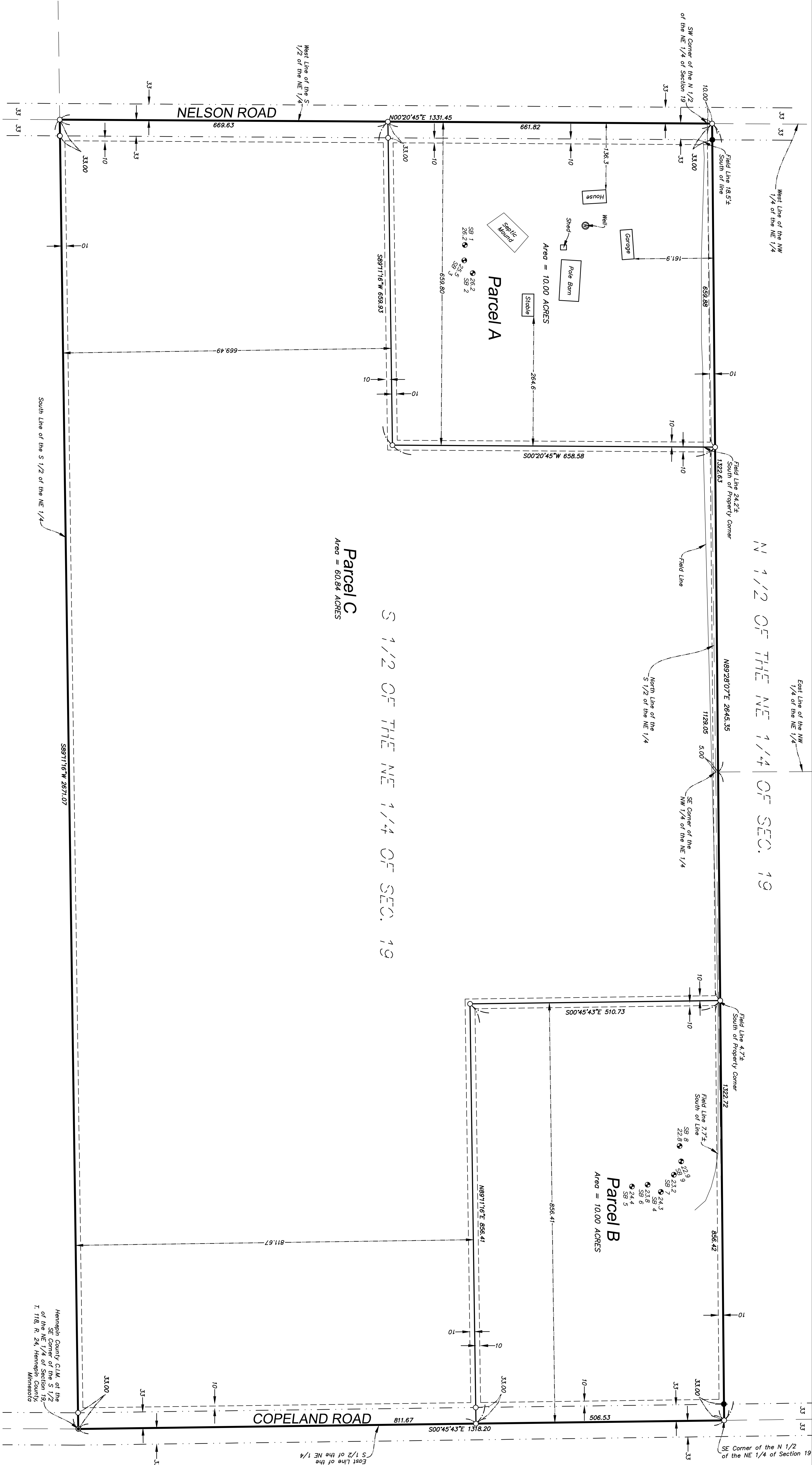
AND
The North Half of said Northeast Quarter lying East of the West 659.80 feet, lying West of the East 856.41 feet, and lying Southerly of a line described as follows:

Beginning at the Southeast corner of said North Half of the Northeast Quarter; thence Westerly to a point on the East line of the Northwest Quarter of said Northeast Quarter, distant 5.00 feet Northerly from the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence Westerly to a point on the West line of said North Half of said Northeast Quarter, distant 10.00 feet Northerly of the Southwest corner of said North Half of said Northeast Quarter and said line there terminating.

Said 10.00 foot drainage and utility easement strip is adjoining the perimeter of said property on the interior side, Except for that part embraced within the Copeland Road and Nelson Road right of way.

And a 10.00 foot perpetual easement for drainage and utility purposes over, under, and across that part of said property lying Westerly of and adjoining the West line of said Copeland Road right of way.

And a 10.00 foot perpetual easement for drainage and utility purposes over, under, and across that part of said property lying Easterly of and adjoining the East line of said Nelson Road right of way.



Certificate of Survey on the S 1/2 of the NE 1/4 and Part of the N 1/2 of the NE 1/4 of Section 19, Township 118, Range 24, Hennepin County, Minnesota.

I hereby certify that this survey, plan, 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.

Requested By:

John Klinkner



www.ottoassociates.com
9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

● denotes iron monument found
○ denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Revised:

Paul E. Otto
License #40062 Date: 7-7-21

Date: 6-30-21

Drawn By: N.N.B.

Scale: 1"=100'

Checked By: J.J.A.

Project No. 21-0258

City of Independence

Council Meeting Date – August 3rd Regular Meeting

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Administrator
<i>Meeting Date:</i>	July 20, 2021

Discussion:

The City Council Meeting scheduled for August 3rd at 6:30 PM would possibly conflict with Night to Unite. Staff would recommend that we consider moving the City Council Meeting to an earlier time (5:00 PM) on the same day due to items on the agenda that need to be considered. We could also look at a different day during the same week of August 2nd.

Council Recommendation:

Staff is seeking Council discussion and direction relating to the meeting date/time.