



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 AUGUST 17, 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 August 3, 2021, Regular City Council Meeting.
  - b. Approval of Accounts Payable; (Batch #1 Checks Numbered 20635-20638, Batch #2 Checks Numbered 20639-20672).
  - c. Approval of Pay Application #8 from Rochon Corporation.
  - d. Approval of Chip Sealing Bid for 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. West Hennepin Public Safety Director Gary Kroells: Presentation of the July 2021 Activity Report.
8. Richard Wood (Applicant/Owner) is requesting the following actions for the property located at 5233 Lake Sarah Heights Drive (PID No. 01-118-24-24-0023) in the City of Independence, MN:

- a. **RESOLUTION No. 21-0817-01** – Considering approval of a variance to allow a reduced front yard setback related to the construction of a new home on the subject property.
9. Tom Koch (Applicant) is requesting that the City consider the following review/discussion for the property generally located at 5865 Kochs Crossing (PID No.s 11-118-24-12-0004, 11-118-24-13-0003, 11-118-24-12-0002, 11-118-24-13-0002, 11-118-24-42-0002) in Independence, MN:
  - a. Concept plan review relating to the proposed subdivision of the subject property. The concept plan proposes 34 single-family residential lots.
10. National Honors Society Project Proposal and Presentation – Pioneer Creek Park Kiosk Renovation and Butterfly Garden (Christian Eichers).
11. Open/Misc.
12. Adjourn.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, AUGUST 3, 2021 –5:30 P.M.  
City Hall

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 5:30 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, McCoy and Grotting  
ABSENT: None  
STAFF: City Administrator Kaltsas, Assistant to Administrator  
Horner and City Attorney Bob Vose (virtual)

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 20, 2021, Regular City Council Meeting.
- b. Approval of City Council Minutes from the July 21, 2021, City Council Workshop Meeting.
- c. Approval of Accounts Payable; (Batch #1 Checks Numbered 20605-20608, Batch #2 Checks Numbered 20609-20634).
- d. Approval of the Following Development Agreements:
  - i. Schefers Hills Subdivision
  - ii. Lake Sarah Hill Subdivision

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

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

**Motion by Spencer, second by Betts to approve the appointing of Planning Commissioners Alternates J.P. Story and Hal Tearse. Ayes: Johnson, Spencer, McCoy, Grotting and Betts. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED.**

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

**McCoy attended the following meetings:**

- Fire Commission
- City Council Workshop
- Interviews for Planning Commissioners Alternates

**Betts attended the following meetings:**

- City Council Workshop
- Fire Commission
- Police Commission
- Interviews for Planning Commissioners Alternates

**Spencer attended the following meetings:**

- City Council Workshop
- Interviews for Planning Commissioners Alternates

**Grotting attended the following meetings:**

- Interviews for Planning Commissioners Alternates
- City Council Workshop

**Johnson attended the following meetings:**

- City Council Workshop
- Senior Community Services Board Meeting (virtual)
- Tour of Haven Homes
- Fire Commission
- Police Commission
- Towards Zero Death (virtual)
- Interviews for Planning Commissioners Alternates

**Horner attended the following meetings:**

- BKV architect meeting and Rochon

**Kaltsas attended the following meetings:**

- Interviews for Planning Commissioners Alternates
- BKV architect meeting and Rochon
- City Council Workshop

7. Open/ Misc.

The council mentioned how nice it is to be back in the City Hall and they approve of how the remodel is coming along so far. Johnson suggested a ribbon cutting once the remodel is complete and Kaltsas confirmed that they will set a date once they get a more definitive date of completion.

Kaltsas reports that the road projects are going well due to the dry weather and good construction conditions.



8. Adjourn.

**Motion by Spencer, second by Grotting to adjourn at 5:44 p.m. Ayes: Johnson, Grotting, McCoy, Betts, and Spencer. Nays: None. Absent: None. None. Abstain. None. MOTION DECLARED CARRIED.**

\_\_\_\_\_  
Respectfully Submitted,  
Amber Simon / Recording Secretary

DRAFT

DRAFT

DRAFT



ARCHITECTURE INTERIOR DESIGN LANDSCAPE ARCHITECTURE ENGINEERING

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

July 30<sup>th</sup>, 2021

Dear Mark,

We have received Payment Application #8 from Rochon Corporation for the Independence City Hall Renovation, with cover letter dated July 12<sup>th</sup>, 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 current payment due, less the portion requested this month for Casework and HVAC categories. This is due to pending issues in those categories and possible need to backcharge against the contract for those in the future. Total recommended to be paid for Application #8 is \$145,103.01 which includes a retainage of 5.00% of completed approved 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

July 12, 2021

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

Re: Pay Application for Independence City Hall

Dear Mark:

Enclosed is our eighth Application for Payment of work performed through June 30, 2021 at 1920 County Road 90 in Independence, MN. Please process promptly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Trevor Bisping", with a horizontal line above it.

Trevor Bisping  
Project Manager

TB/glb  
Enclosures

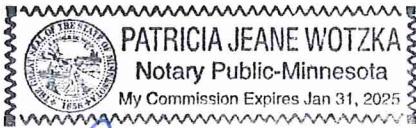
**WAIVER OF CONSTRUCTION LIEN PAYMENT**

July 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 ONE HUNDRED SIXTY NINE THOUSAND ONE HUNDRED TWENTY FOUR & 78/100 DOLLARS (\$169,124.78).

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



*[Handwritten signature of Patricia Jeane Wotzka]*

Contractor Waiver Form

Company Name Rochon Corporation

By *[Handwritten signature of Jerry Braton]*

Jerry Braton  
Its CEO

**TO OWNER/CLIENT:**

City of Independence

**PROJECT:**

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

**APPLICATION NO:** 8

**INVOICE NO:** 8

**PERIOD:** 06/01/21 - 06/30/21

**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)	\$1,296,699.18
5. Retainage:	
a. 5.00% of completed work	\$64,834.98
b. 0.00% of stored material	\$0.00
Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$64,834.98
6. Total earned less retainage (Line 4 less Line 5 Total)	\$1,231,864.20
7. Less previous certificates for payment (Line 6 from prior certificate)	\$1,062,739.42
8. Current payment due:	<b>\$145,103.01</b> <del>-\$169,124.78</del>
9. Balance to finish, including retainage (Line 3 less Line 6)	\$601,668.92

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$116,670.37	\$(4,621.25)
Total approved this month:	\$0.00	\$0.00
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: 7-12-21

State of: Mn  
County of: Hennepin  
Subscribed and sworn to before me this 12th day of July 2021  
Notary Public: [Signature]  
My commission expires: 1-31-2025

**PATRICIA JEANE WOTZKA**  
Notary Public-Minnesota  
My Commission Expires Jan 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: **\$145,103.01** ~~-\$169,124.78~~

(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: **07-30-2021**

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: 8

APPLICATION DATE: 6/25/2021

PERIOD: 06/01/21 - 06/30/21

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	\$188,677.46	\$62,492.86	\$10,495.12	\$0.00	\$72,987.98	38.68%	\$115,689.48	\$3,649.40
2	02-100.S Selective Demolition.Commitment	Selective Demolition	\$59,987.75	\$58,987.75	\$1,000.00	\$0.00	\$59,987.75	100.00%	\$0.00	\$2,999.39
3	02-300.S Earthwork.Commitment	Earthwork	\$27,558.00	\$24,973.00	\$0.00	\$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	\$33,780.00	\$0.00	\$94,783.00	87.24%	\$13,867.00	\$4,739.15
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	\$4,774.00	\$11,075.00	\$0.00	\$15,849.00	58.87%	\$11,075.00	\$792.45
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	\$97,087.87	\$68,459.25	<del>\$14,221.77</del>	\$0.00	\$82,681.02	85.16%	\$14,406.85	\$4,134.05
15	07-400.S Roofing and Siding Panels.Commitment	Roofing and Siding Panels	\$105,750.00	\$86,850.00	\$0.00	\$0.00	\$86,850.00	82.13%	\$18,900.00	\$4,342.50
16	07-420.S Wall Panels.Commitment	Wall Panels	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
17	07-500.S Membrane Roofing.Commitment	Membrane Roofing	\$4,500.00	\$789.43	\$0.00	\$0.00	\$789.43	17.54%	\$3,710.57	\$39.47



A ITEM NO.	B BUDGET CODE	C DESCRIPTION OF WORK	D SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		%( G / C)			
18	07-530.S Roofing & Sheetmetal.Commitment	Roofing & Sheetmetal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	100.00%	\$0.00	\$0.00
19	07-810.S Skylights.Commitment	Skylights	\$25,470.00	\$6,870.00	\$0.00	\$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	\$33,600.00	\$32,800.00	\$0.00	\$0.00	\$32,800.00	97.62%	\$800.00	\$1,640.00
22	08-360.S Overhead Doors.Commitment	Overhead Doors	\$12,300.00	\$0.00	\$12,300.00	\$0.00	\$12,300.00	100.00%	\$0.00	\$615.00
23	08-800.S Glazing.Commitment	Glazing	\$160,008.00	\$111,091.00	\$36,090.00	\$0.00	\$147,181.00	91.98%	\$12,827.00	\$7,359.05
24	09-250.S Gypsum Wallboard.Commitment	Gypsum Wallboard	\$163,788.00	\$163,788.00	\$0.00	\$0.00	\$163,788.00	100.00%	\$0.00	\$8,189.40
25	09-300.S Tile.Commitment	Tile	\$44,170.00	\$30,013.00	\$14,157.00	\$0.00	\$44,170.00	100.00%	\$0.00	\$2,208.50
26	09-500.S Ceilings.Commitment	Ceilings	\$14,000.00	\$0.00	\$11,500.00	\$0.00	\$11,500.00	82.14%	\$2,500.00	\$575.00
27	09-600.S Flooring.Commitment	Flooring	\$45,035.00	\$29,486.69	\$0.00	\$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	\$13,883.63	\$0.00	\$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	\$403.92	\$0.00	\$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	\$803.52	\$0.00	\$0.00	\$803.52	100.00%	\$0.00	\$40.18
35	10-600.S Partitions.Commitment	Partitions	\$26,454.00	\$24,398.00	\$0.00	\$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 ITEM NO.	B BUDGET CODE	C DESCRIPTION OF WORK	D SCHEDULED VALUE	E WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE
				FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		%	(G / C)		
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	\$96,932.25	\$37,724.79	\$0.00	\$0.00	\$37,724.79	38.92%	\$59,207.46	\$1,886.25
41	16-000.S Electrical.Commitment	Electrical	\$122,874.00	\$106,675.00	<del>\$9,800.00</del>	\$0.00	\$116,475.00	94.79%	\$6,399.00	\$5,823.75
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	\$53,200.00	\$8,500.00	\$0.00	\$61,700.00	71.68%	\$24,374.20	\$3,085.00
TOTALS:			\$1,721,484.00	\$1,058,844.39	\$162,918.89	\$0.00	\$1,221,763.28	70.97%	\$499,720.72	\$61,088.18

Change Orders

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E MATERIALS PRESENTLY STORED (NOT IN D OR E)	F TOTAL COMPLETED AND STORED TO DATE (D + E + F)		G %	H (G / C)	I BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		%	(G / C)				
45	PCCO#001 Owner Change Order #1	\$60,372.59	\$26,026.00	\$6,295.00	\$0.00	\$32,321.00	53.54%	\$28,051.59	\$1,616.05		
46	PCCO#002 Owner Change Order #2	\$34,932.66	\$28,061.70	\$700.00	\$0.00	\$28,761.70	82.33%	\$6,170.96	\$1,438.09		
47	PCCO#003 Owner Change Order #3	\$16,743.87	\$5,741.00	\$8,112.20	\$0.00	\$13,853.20	82.74%	\$2,890.67	\$692.66		
TOTALS:		\$112,049.12	\$59,828.70	\$15,107.20	\$0.00	\$74,935.90	66.88%	\$37,113.22	\$3,746.80		

Grand Totals

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E MATERIALS PRESENTLY STORED (NOT IN D OR E)	F TOTAL COMPLETED AND STORED TO DATE (D + E + F)		G %	H (G / C)	I BALANCE TO FINISH (C - G)	RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		%	(G / C)				
GRAND TOTALS:		\$1,833,533.12	\$1,118,673.09	\$178,026.09	\$0.00	\$1,296,699.18	70.72%	\$536,833.94	\$64,834.98		

# City of Independence

## 2021 Chip Sealing Project Award

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* August 17, 2021

### ***Discussion:***

The City has an adopted five year capital street plan that provides a strategic road maintenance plan that will help to maximize the life span of the public roads. The plan provides a detailed maintenance schedule for seal coating, tiling, and bituminous overlays. The City is planning on completing chip sealing in accordance with the plan for 2021. This year, the plan indicates that seal coating would be completed on Lake Sarah Drive S (see attached map for 2021 seal coating streets). The City has received two quotations (one written and one verbal) for the work as follows:

#### **Project Quantity - 44,293 SY**

- Pearson Brothers, Inc.: \$1.25 SY - \$55,366.35
- Astech Asphalt: \$1.32 SY - \$58,476.00

The City has used Pearson Brothers in the past for seal coating projects. If approved, the contractor would plan on starting on August 26<sup>th</sup>. The City would mail notification letters to the residents of the impacted areas prior to construction commencing.

Funding for the project would come from the Public Works seal coating budget. The City currently budgets \$50,000 annually to pay for seal coating. The City would need to offset the additional ~\$5,000 by reducing spending in the general road maintenance account.

### ***Council Recommendation:***

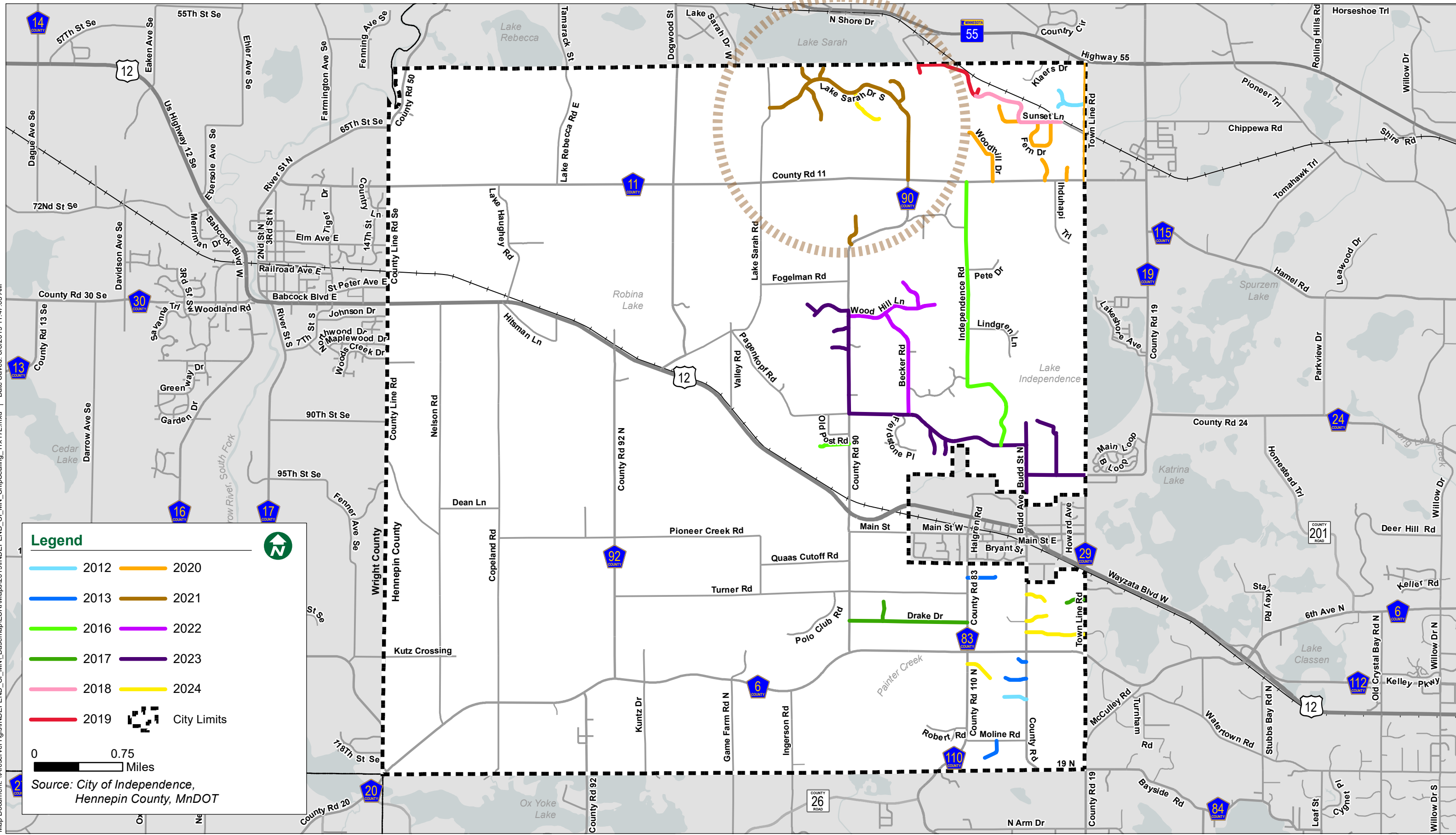
Staff is seeking City Council approval of the proposal submitted by Pearson Brothers, Inc. in the amount of \$55,366.35. City Council approval would also authorize the City Administrator to execute the agreement on behalf of the City of Independence.

**ATTACHMENTS:**      **Five Year Seal Coating Plan  
Proposal from Pearson Bros, Inc.**





Map Document: \\arcserver1\gis\INDEPEND\_CI\_MN\_Basemap\ESRI\Maps\2019\INDEPEND\_11x17L.mxd | Date Saved: 8/6/2019 11:47:03 AM



**Legend**

	2012		2020
	2013		2021
	2016		2022
	2017		2023
	2018		2024
	2019		City Limits

0 0.75 Miles

Source: City of Independence, Hennepin County, MnDOT

**Pearson Bros., Inc.**

11079 Lamont Avenue N.E. ~ Hanover, MN 55341  
Phone: (763) 391-6622 ~ Fax: (763) 391-6627

**ATTENTION:** Shawn Bode

**PHONE #:** 763-286-7286 Cell  
763-479-0527

**FAX #:** 763-479-0528

**JOB LOCATION:** City Of Independence  
**ADDRESS:** 1920 County Road 90  
Independence, MN 55359  
**DATE:** Aug 6, 2021

**WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR: 44,293 APPROX. SQUARE YARDS OF BITUMINOUS SEAL COATING.**

**PRE-SEAL:** Area to be swept by Pearson Bros., Inc.

**LIQUID APPLICATION:** Pearson Bros., Inc. will furnish and install CRS-2P Liquid Asphalt at .24-.26 gallons per square yard.

**AGGREGATE COVER:** Pearson Bros., Inc. will furnish and install 1/8" Trap Rock at 16-20 lbs per square yard.

**ROLLING:** Entire area shall be rolled with (2) Eleven (11) Wheel Pneumatic Tire Rollers.

**PICK-UP SWEEP:** Excess rock shall be picked up by PBI and disposed of by City

**START DATE:** No earlier than: May 15, 2021    **COMPLETION DATE:** No later than: Sep 15th, 2021

We Proposed Hereby to Furnish Material and Labor -- Complete in Accordance with the Above Specifications,  
for the Sum of:                    \$55,366.25 (44,293 sq yds @ \$1.25 per sq yd)

**AUTHORIZED SIGNATURE:**



*Payment Due Upon Completion*

**TODD BARTELS**  
**PEARSON BROS., INC.**

**ACCEPTANCE OF PROPOSAL --** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

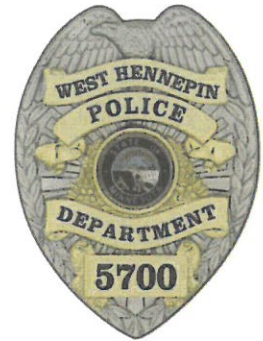
*Proposal good for 30 days.*

**City Of Independence**

<b>Street</b>	<b>Length</b>	<b>Width</b>	<b>Sq Feet</b>
Lake Sarah Drive	10245	24	245880
	0	0	0
Geneker Way	555	24	13320
Sac		100	
Rachel Ridge	790	24	18960
Sac		100	
Dylan Lane	745	24	17880
Sac		90	0
			0
Shady Beach Circle	1350	24	32400
Sac		90	
Marsh Point Road	1470	24	35280
Sac		90	
			0
			0
			0
			0

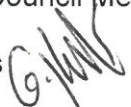
**2021 Total Y2**

**City is responsible to confirm all measurements - PBI charges for actual square yards**



Date: August 9, 2021

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

From: Director Gary Kroells 

SUBJECT: July 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.

\\WHPS#0\share\monthlyactivityreport\2021\lettertocouncilmonthlyreport.docx

*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](mailto:westhennepin@westhennepin.com)



**Monthly Activity Report**  
**July 2021**

<b>Offense</b>	<b>This Month</b>	<b>Same Month Last Year</b>	<b>This Year To Date</b>	<b>Last Year To Date</b>
<b>City Of Independence</b>				
Criminal	8	6	62	54
Traffic	141	146	716	725
Part III	13	11	48	57
Part IV	29	31	211	203
Part V	174	104	849	846
<b>Total City of Independence</b>	<b>365</b>	<b>298</b>	<b>1,886</b>	<b>1,885</b>
<b>City Of Maple Plain</b>				
Criminal	2	7	47	42
Traffic	36	93	238	413
Part III	4	7	20	40
Part IV	15	20	138	131
Part V	63	68	405	423
<b>Total City Of Maple Plain</b>	<b>120</b>	<b>195</b>	<b>848</b>	<b>1,049</b>
<b>Grand Total Both Cities</b>	<b>485</b>	<b>493</b>	<b>2,734</b>	<b>2,934</b>
TZD	1	0	17	31
Agency Assists	9	9	85	111
<b>Total ICR Reports</b>	<b>494</b>	<b>502</b>	<b>2,836</b>	<b>3,076</b>
<b>How Received</b>				
Fax	9	8	84	66
In Person	24	6	138	113
Mail	2	1	18	5
Other	1	1	8	11
Phone	44	33	258	239
Radio	179	165	1,100	1,094
Visual	219	243	1,037	1,276
Email	16	26	186	153
Lobby Walk In	0	19	7	119
<b>Total</b>	<b>494</b>	<b>502</b>	<b>2,836</b>	<b>3,076</b>



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

<a href="#">AGN</a>	<a href="#">ICR</a>	<a href="#">Title</a>	<a href="#">Grid #</a>	<a href="#">Reported Date</a>	<a href="#">MOC Range</a>
WHPS	21002478	Citation DAR	3	7/9/2021	DA540
WHPS	21002536	Forgery/Rpt	4	7/13/2021	U0540
WHPS	21002538	Dissemination of Child Pornography	3	7/13/2021	O1B90
WHPS	21002556	Theft From Vehicle	3	7/15/2021	TW150
WHPS	21002557	Theft from Vehicle	3	7/15/2021	TW150
WHPS	21002687	Burglary	5	7/23/2021	B3334
WHPS	21002759	Burglary	5	7/28/2021	B0734
WHPS	21002823	Possess Small Amount of Marijuana / Drug Paraphernalia	3	7/30/2021	DA540 / DC500

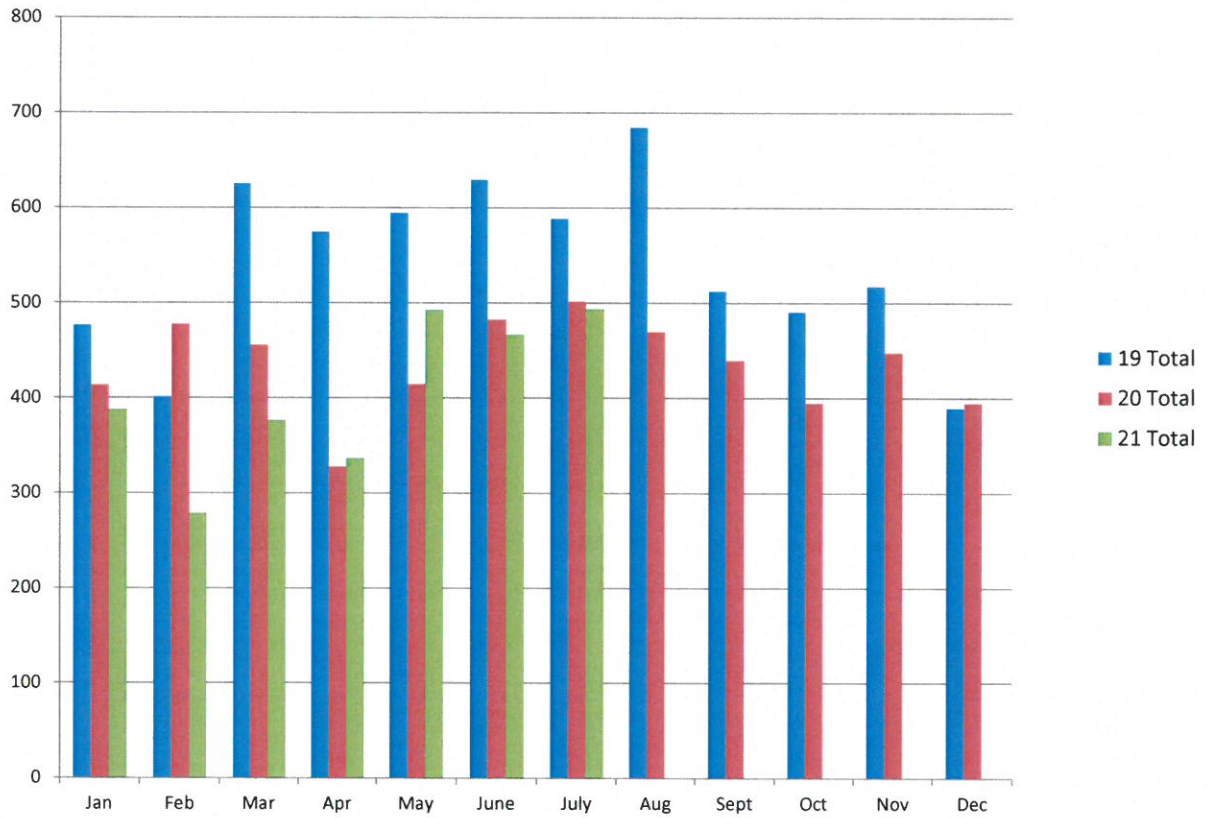
July 2021 Criminal Part I & II  
 City of Maple Plain Grid # 1-2

<a href="#">AGN</a>	<a href="#">ICR</a>	<a href="#">Title</a>	<a href="#">Grid #</a>	<a href="#">Reported Date</a>	<a href="#">MOC Range</a>
WHPS	21002493	Theft/Rpt	1	7/10/2021	TM999
WHPS	21002784	NSF Check	1	7/29/2021	U0022

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

<a href="#">AGN</a>	<a href="#">ICR</a>	<a href="#">Title</a>	<a href="#">Grid #</a>	<a href="#">Reported Date</a>	<a href="#">MOC Range</a>
WHPS	21002475	DWI - 3rd Degree - GM	59	7/8/2021	JF501

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



# DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY  
July 2021 Activity Report

## Year to Date Activity Report

At the end July 31, 2021 West Hennepin Public Safety (WHPS) handled year-to-date a total 2,836 incident complaints: For the month of July, 365 occurred in the City of Independence and 120 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:

#### Recovered Stolen Motorcycle

July 1 5000 block 105<sup>th</sup> St SE, Delano, MN. A motorcycle, along with other vehicles and items reported stolen from Maple Plain on April 26, 2021 were recovered in Delano on July 1, 2021. The recovered motorcycle was returned to the owner. Suspect from Delano, is currently in McLeod County Jail and charges pending for possession of stolen property.

#### Disturbance

July 2 5000 block Bryantwood Dr, Maple Plain. Police were dispatched to a possible disturbance/domestic. The homeowners admitted yelling at the kids, then each other, but everything was OK. After checking on the children and finding them OK, the officers left.

#### Phone Scam

July 2 5300 Bryant St, Maple Plain. A resident reported receiving a call from someone with Xcel Energy. The caller said she owed money on her account and if not paid her power would be shut off. The resident recognized the call as a scam and when she questioned the caller, the caller hung up.

#### Unwanted Persons

July 2 6000 block Turner Rd, Independence. A homeowner reported unwanted people in her driveway. Police responded to the residence and advised them to leave, which they did.

#### PD Accident

July 3 Main St/Three Oaks, Maple Plain. A resident reported a vehicle struck the fire hydrant in his front yard, then left the scene. Responding officers were able to see that the vehicle had been eastbound on Main St from Three Oaks, crossed the centerline and drove over a storm drain and the curb before striking the hydrant. Peoples Service and city admin were notified of the damaged hydrant. The vehicle was not located.

#### Property Damage

July 3 8000 block CR 6, Independence. Police responded to a damaged mailbox and a street sign. Car parts were found in the ditch and collected. An oil slick indicated the striking vehicle continued westbound CR 6. The officers followed it but did not locate the vehicle. Hennepin County Public Works was notified to fix the sign. Mailbox damage estimated to be \$200.



#### Allergic Reaction

July 4 5400 block Pagenkopf Rd, Independence. Police were dispatched to a female exposed to Indian Hemp and feeling lightheaded. Upon police arrival MPFD was accessing the patient who had already cleaned the exposed area and was feeling better but still experiencing some hives from the exposure. She refused ambulance and will follow up with a physician.

#### Dumping Complaint

July 5 2700 block County Line Rd, Independence. A caller reported witnessing a party dumping asphalt chunks in the ditch. A vehicle and trailer description and partial license plate were given. Upon the officers' arrival the suspect vehicle was gone and unable to be located.

#### Burn Without a Permit

July 5 1800/1900 block Highsted Dr, Independence. Police and fire were dispatched for logs smoldering at the end of a driveway. The homeowner was called down to the scene and admitted he burned without a permit. He was issued a verbal warning and the pile was sprayed down.

#### Fire

July 6 Town Line Rd/Hwy 55, Independence. An officer responded to a wooden crate of used fireworks that started on fire. Loretto Fire extinguished the fire. There was no damage to property, no witnesses or evidence. Public Works was advised to pick up the burned wood.

#### Ordinance Issue

July 6 5000 block Independence St, Maple Plain. A homeowner was spoken to about a vehicle parked in the street with no tires on, a shell of a vehicle in front of his driveway and visible clutter and junk that should have been in a storage tent. He agreed to put the tires back on the vehicle, move the clutter into the storage tent and get it covered by the weekend. Homeowner was cooperative and thanked the officer for stopping by and speaking to him about the issue.

#### Traffic Complaint

July 7 CR 90/Hwy 12, Independence. Officers were dispatched to a vehicle that drove through the construction zone at a high rate of speed, almost striking construction workers, then ran a red light at CR 92 S/Hwy 12. The vehicle was stopped, and the driver was found to be having a mental/medical issue. He was transported by ambulance to HCMC, and his vehicle towed.

#### Missing Person-Located

July 7 2000 block CR 92, Independence. A 3-year-old boy was reported to have been missing for 45-60 minutes. When police arrived, they asked the parent to re-check the house. The boy was found asleep in a room in the basement.

#### Found Property

July 8 5000 block Perkinsville Rd, Independence. Resident mowing his lawn found a wallet. Contact was made with the owner to pick it up.

#### Suspicious Act

July 9 5200 block Main St E, Maple Plain. A business owner reported that several times last week a person was recorded on a neighbor's ring doorbell camera walking up to his business door in the middle of the night, checking the door and then walking away. Police confirmed it was an officer checking local businesses to ensure their doors were locked.

#### Theft

July 10 5300 block Pioneer Creek Dr, Maple Plain. Renter reported his lock was missing and theft from his storage unit. Two neighboring storage units with personal property inside were observed not to have locks on them and are also possible victims. The business owner was called and told to contact the renters of those two units and have them call the police.

#### Grass Fire

July 11 4900 block Hwy 12, Maple Plain. Police and MPFD responded to a grass fire. The owner of a business was on scene with a garden hose as he had just burned some weeds. There was no grass fire.

#### Suspicious Vehicle

July 11 200 block CR 92, Independence. Reported a vehicle parked for 5 days in a business parking lot, had a spent shotgun casing on the hood that previously was not there. Vehicle owner, 64-year-old male from Hanover was contacted who did not know anything about the shotgun shell. Owner would remove his vehicle and no reason was given for leaving the vehicle for 5 days.

#### Medical: Allergic Reaction

July 11 Perkinsville Rd/ CR 19, Independence. Vehicle driver/father pulled over to the side of the road, called 911 for his 3 ½ year old having an allergic reaction and difficulty breathing. Officer and MP Fire responded and administered care. North Memorial EMS arrived and took over care.

#### Lost Property

July 12 CR 92 N, Independence. A caller reported losing a rectangular silver guitar suitcase containing guitar pedals, plexiglass/foam for an amplifier and a heavy-duty lock. The caller believes the items fell out of the trailer along CR 92 N or when he turned onto Hwy 55. His wife searched the ditches but only his cap was found.

#### Accident/PD

July 13 6000 block CR 6, Independence. An officer responded to a 2-vehicle accident, no injuries. Vehicle 1 was stopped in traffic when it was rear-ended by Vehicle 2. Driver of Vehicle 2 was traveling EB CR 6 when one of her children in the back seat threw a shoe at her, which distracted her and caused her to rear-end Vehicle 1. Damage to both vehicles was in excess of \$1,000. Driver of Vehicle 2 was cited for following too close.

#### Suspicious Act

July 13 1600 block Pioneer Ave, Maple Plain. While on patrol an officer observed a door open on an outdoor storage container. Contact was made with the MP Assistant Fire Chief who did not believe it had been left open. Police will do extra patrol.

#### Police Assist

July 13 1500 block Howard Ave., Maple Plain. Resident reported she is moving out of her apartment, is locked out and no one was around to help her get back in. Officer assisted in opening her apartment door.

#### Forgery

July 13 5200 block Lake Sarah Heights Dr, Independence. A resident reported being contacted by the State of MN Unemployment regarding a fraudulent unemployment claim in his name. He was provided information on how to check his credit.

#### Lift Assist

July 13 600 block Nelson Rd, Independence. Reported a male was down on his garage floor and needed help getting up. Officer assisted the male's wife in getting him up and into his vehicle. No injuries.

#### Tree/Pole Fire

July 14 7500 block Pioneer Creek Rd, Independence. Police and MPFD responded to a tree fire. They observed a tree branch near the top of the tree smoldering but due to the close proximity of the power lines water could not be used to put it out. Xcel Energy was notified to assess the problem and the homeowner advised to call back of the fire were to spread but it was not expected to.

#### Road Debris

July 14 11:14 p.m. Hwy 12/ Oak Street, Maple Plain. Male was walking from the Holiday on Hwy 12; at Oak Street found a tree had fallen on a dark part of the highway and was partially blocking the w/b lane. Reserve Officer and male rolled the tree off the highway and cleared the branches from the roadway.

#### Allergic Reaction

July 15 3:46 a.m. 3600 block Ihduhapi Trail, Independence. Dispatched to a reported allergic reaction. 43-year-old male from Isanti, said a guy few doors down from him has scabies, and he has been itching all over his body all day and wants to get checked out. North arrived on scene and transported the male.

#### Theft from Vehicle

July 15 6200 block Highway 12, Independence. Reported catalytic converters were stolen from several vehicles. Security camera video being reviewed and case under investigation.

#### Theft from Vehicle

July 15 6200 block Highway 12, Independence. Employee started his work truck and it sounded like a hot rod. He crawled under the truck and noticed the catalytic converter was cut from the 2021 Ford F550. Security camera video being reviewed and case under investigation.

#### Welfare Check

July 16 5000 block Bryantwood Dr, Independence. Mother requested a welfare check on her 23-year-old son who got into an argument with his roommates and left on foot. Roommates suspected he was drunk. Officer was assisted by Medina PD, checked the apartment, the surrounding area and the male was not located. Officer advised son's mother of his findings.

#### Fall

July 17 5400 block Main Street, Maple Plain. Roofer fell approximately 9 feet from a roof. Maple Plain Fire assisted rendering care to the patient. The patient was unconscious for a while, and very disorientated. North Memorial EMS arrived and transported him to the hospital.

#### Motorist Assist

July 17 9:39 p.m. 5200 block CR 6, Independence. Vehicle with its hazards on the side of the road: contact with the driver who stated his vehicle broke down, unable to drive the vehicle and he had AAA on the way. He would call if further assistance would be needed.

#### Medical

July 18 3600 block Ihduhapi Trail, Independence. Client called 911, he was covered in sweat, cold and clammy, and would have bouts of whole-body shakes. Loretto Fire and North Memorial EMS arrived on scene and assisted with patient care. Client was transported to the hospital by North Memorial EMS.

#### Medical

July 19 1500 block Howard Ave. Maple Plain. Female was not feeling well, had fainted, and had fallen 15 times in 25 minutes. North Memorial EMS transported her to the hospital.

#### Property Damage

July 19 Lewis Cemetery, Independence. Someone had struck the post on the Lewis Cemetery sign. A piece of silver plastic from the striking vehicle was found on the ground and taken as evidence. \$200.00 to replace the post.

#### Welfare Check

July 20 7:15 a.m. Veterans Memorial Park, Maple Plain. Male was asleep on the concrete behind the band shell in Veterans Memorial Park. Male stated he was just taking a quick nap and had been sleeping at a friend's house but did not sleep well. He was going to walk to his dad's business in town.

#### Traffic Complaint

July 21 Hwy 12 / Budd Ave. Maple Plain. Dispatched for a traffic complaint of an occupied vehicle with 3 juvenile males who were acting weird and driving erratically. The area was checked, the vehicle was not located.

#### Property Damage Crash

July 21 10:07 a.m. Pioneer Creek Rd/ CR 92, Independence. Motorist vehicle went into the ditch after he swerved to miss a deer that ran out in front of him. The deer was not struck; the vehicle did run over a Hennepin County Road sign. Motorist was wearing his seatbelt, no injuries. Vehicle was towed from the ditch.

#### Property Damage Crash

July 21 4800 block Gateway Blvd., Maple Plain. Veh1 was backing out of a parking stall, did not see Veh2 leaving the parking lot and backed into the side of the rear wheel / fender area on the passenger's side. No injuries.

#### Medical

July 22 3600 block Ihduhapi Trl, Independence. Client at Vinland reported a heart issue, felt as if his heart is being stabbed. Ridgeview Ambulance arrived on scene and transported the male to the hospital.

#### Burglary

July 23 8900 block CR 6, Independence. Reported someone broke into the house and stole jewelry, a large metal gun safe that contained rifles and shotguns. Tire tracks in the grass led to the basement door. Hennepin County Sheriffs Crime Lab arrived and processed the scene. Case is under investigation.

#### Suspicious Vehicle

July 23 2000 block S Lakeshore Dr, Independence. Reported a suspicious white vehicle driving back and forth on Lakeshore Dr. Area was checked and vehicle was not located.

#### Property Damage Crash

July 23 CR 6/CR83, Independence. Veh1 was tailgating and made contact with the bumper of Veh2 who was pulling over to let the aggressive driver of Veh1 pass. Veh1 admitted to being in a hurry and tailgating. Veh1 driver cited for Following too Close and Driving after Suspension.

#### Noise Complaints

July 25 12:43 a.m. Howard Ave/Drake Maple Plain. Dispatched to a party bus had stopped on the road and it was causing a disturbance. Officer responded to the area and did not locate the party bus.

#### Property Damage Crash

July 25 6:05 a.m. CR 19/ Painters Creek Green, Independence. Officer located a reported unlocked, unoccupied vehicle that had struck the guardrail at CR 19/ Painters Creek Greens. The vehicle had struck the barrier at the beginning of the span, damaged it, damaged the vehicle breaking the front wheel and skidding alongside the rail for approximately 70 feet. The vehicle was towed from the scene. Registered owner called at 10:00 a.m. inquiring on his vehicle. Male stated he did not have a phone to call police at the time of the crash and had left walking.

#### Disturbance

July 25 3600 block Ihduhapi Trail, Independence. Responded to a disturbance call of a male who had been punching the wall and threatening other residents. Male stated he was upset because another male said something that really upset him, but he would not be a further problem. He was chilling in his room, and all was ok.

Debris  
July 25 Pagenkopf Rd / Budd Ave, Independence. Complaint of road debris of thick grass clippings on the road and motorcyclist almost wiped out. Resident was contacted and removed the clippings by a leaf blower.

Abandoned Vehicle  
July 26 5200 block Manchester Dr, Maple Plain Reported an abandoned vehicle with expired registration parked in the parking lot had not been moved for quite some time. Management to contact the registered owner who is a renter at their apartment building.

Medical  
July 26 3600 block Ihduhapi Trail, Independence. Client being treated for chemical dependency, expressed suicidal ideation, was depressed, agreed he should speak to a doctor about his mental condition. He agreed for North Memorial EMS to transport him.

Suspicious Person  
July 26 4800 block Hwy 12, Maple Plain. Reported a male was acting odd, possibly suffering from mental health issues or drug use. The male would eat, then smoke a cigarette outside and move from window to window and stare inside. The male left before officer arrival.

Allergic Reaction  
July 27 3600 block Ihduhapi Trail, Independence. Client had an allergic reaction with new medication. The client was conscious and breathing but had swollen lips and tongue. North Memorial Ambulance arrived and transported to the hospital.

Vehicle in Ditch  
July 27 CR 11/ County Line Rd, Independence. Fed Ex delivering to an address, pulled over too far and started to slip down into the ditch. Driver did not want to roll the truck and turned into the ditch. No injuries. Truck was towed out of the ditch.

Hit Gas Line  
July 27 1700 block Perkins Lane, Maple Plain. Contractor crew were working around an exposed house service gas line when a piece of something fell and cut the line. All equipment was turned off, employees out of the way and the line kinked to stop the gas flow. Maple Plain Fire Dept and Center Point Energy responded to the scene.

Abandoned Vehicle  
July 28 9:26 a.m. Pioneer Creek Rd / Quaas Cutoff, Independence. Reported a vehicle parked in an abandoned lot off the roadway and the tire impressions leading to a vehicle appeared to be fresh. Officer found a male sleeping in the driver's seat. 60-year-old male from Maple Plain stated he pulled off the roadway during the storm and took a nap. He was advised this is private property and he needed to take off. He understood.

Burglary  
July 28 1000 block Nelson Rd, Independence. Reported someone broke into a house, out buildings, property inside was stolen and graffiti sprayed on the building. Two game cameras were on the property, one was stolen. Case under investigation, reviewing the cameras that were on site.

NSF Check  
July 29 5300 block Pioneer Creek Dr, Maple Plain. Business reported an NSF check received from a customer. Case under investigation.

Found Horse  
July 30 1<sup>st</sup> Ave./CR 92, Independence. Caller reported she found a horse and was bringing it to her farm; the horse had some minor cuts and needed water. Short time later, the animal owner called looking for her horse. Horse was returned to its owner.



Traffic Complaint

July 30 8:07 p.m. CR 6 / Copeland Rd, Independence. Driving complaint of a vehicle all over the road, varying speeds, and drove on the shoulder of the roadway. Driver admitted to using his phone to change music and other activity. Citation issued for use of cell phone while driving

Lock Out

July 31 6:57 p.m. 5200 block Manchester Dr., Maple Plain. Caller reported his car is running and he accidently locked his keys in his vehicle. Officer unlocked the vehicle.

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

8 citations for wireless hands-free communications device

22 citations for barricade – drive around

## City of Independence

### ***Request for a Variance to Allow a Reduced Front Yard Setback for the Property Located at 5233 Lake Sarah Heights Drive***

---

*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* August 17, 2021  
*Applicant:* Richard Wood  
*Owner:* Richard Wood  
*Location:* 5233 Lake Sarah Heights Drive

#### ***Request:***

Richard Wood (Applicant/Owner) is requesting the following action for the property located at 5233 Lake Sarah Heights Drive (PID No. 01-118-24-24-0023) in the City of Independence, MN:

- a. A variance to allow a reduced front yard setback related to the construction of a new home on the subject property.

#### ***Property/Site Information:***

The subject property is located at 5233 Lake Sarah Heights Drive which is on the west side of the road and just north of the intersection of Lake Sarah Heights and Sunset Lane. The property is comprised of approximately 1.55 acres. The property is located on the Lake Sarah channel and has a large wetland on the west side of the property. The property generally slopes towards the lake.

Property Information: **5233 Lake Sarah Heights Drive**

Zoning: *Rural Residential (Shoreland Overlay)*

Comprehensive Plan: *Rural Residential*

Acreage: 1.55 acres

Impervious Surface Maximum: 25%

5233 Lake Sarah Heights Drive (blue outline)



**Discussion:**

The applicant approached the City about the possibility of developing the subject lot in March of 2021. One of the key considerations relating to this property and the adjacent property to the south was the extent of the existing wetlands located adjacent to the channel. The applicant had the property delineated and determined the buildable area (see attached). Following approval of the delineation, the applicant moved forward with the preparation of a new home plan for the property.

The applicant initially asked about the possibility of building a new home with garage and a detached storage garage. Prior to submitting a building permit application, the applicant informed the City that they would like to construct the detached accessory structure first and prior to construction of the single-family home. The City notified the applicant that a principal structure was required prior to construction of an accessory structure. The applicant asked if they could construct the detached accessory structure as a principal structure and then later convert the building to a detached accessory structure and build the principal structure. The City does not have any provisions that would expressly prohibit a detached accessory building to be used as a principal structure if it could meet all provisions of the building code for a principal structure.

**515.12. Minimum size for residential dwellings.**

*All residential dwellings must be a minimum of 24 feet in width and 30 feet in length and must contain a minimum of 720 square feet of habitable floor space. Length and width must be measured from the outside of the exterior siding or fascia and habitable floor space must be measured from the inside of the interior wall surface. Interior partitions must not be considered.*

The applicant is proposing to construct the building to meet the applicable standards for a residential dwelling. If they chose to construct the single-family home at a later date, the now existing structure would need to be modified (removal of the stove and specific bedrooms – ADU could be applied for at a later date if they wanted to keep some of the living spaces). The change in the proposed construction sequencing did cause some confusion relating to side yard setbacks and does require different building setbacks (principal structure versus accessory structure).

The existing property is a lot of record. The City’s shoreland ordinance states:

**505.15. Substandard lots.**

*Lots of record in the office of the county register of deeds or registrar of titles prior to December 1, 1982, which do not meet the requirements of this section 505, may be allowed as building sites provided:*

- (a) Such use is permitted in the zoning district;*
- (b) The lot of record is in separate ownership from abutting lands, and can meet or exceed 60 percent of the lot area and setback requirements of this section; and*
- (c) All requirements of section 705 of this Code regarding individual sewage treatment systems are complied with.*

This lot is considered a substandard lot and would be allowed to take advantage of the administrative variance which permits a 40% (need to meet 60%) reduction in the established setbacks. Setbacks in the shoreland overlay district have two parts. The initial setbacks are regulated by the underlying zoning (in this case RR-Rural Residential). The shoreland overlay provides a second layer of setback standards that generally pertain to the shoreland setbacks.

The requisite (and applicable for this issue) building setbacks for this property are as follows:

Front Yard Required: 85 ft from centerline or 50 ft. from right-of-way, whichever is greater  
Side Yard Required: 30 feet

The applicant had reached out to the City in March of this year to verify the building setbacks and noted a summary informational sheet that the City had on its website. The City responded by recommending that the applicant confirm the setbacks by reviewing the actual ordinance and provided a link to the respective sections. It was noted that the allowable building setbacks could meet 60% of the required setbacks due to the status of the lot as a substandard lot established before 12/1/1982. The 60% provision would allow the following setbacks:



Permitted:

Front Yard Required: 51 ft from centerline or 30 ft. from right-of-way, whichever is greater  
Side Yard Required: 18 feet

As Constructed:

Front Yard: 50.1 ft from centerline  
Side Yard: 18.1 feet

When applying the setbacks, the provision that states, “whichever is greater” was not applied and the lesser of the setbacks was utilized. On this lot, there is a delta of 9.2 feet between the two measurements. The City issued a building permit to construct the building and noted that the setback was greater than what was shown on the plans (attached). As a result of a personal medical issue, the City’s building official was not available to inspect the property on the day the footing was approved, and a substitute inspector reviewed the footings. No measurements were taken on site, and the inspection resulted in approval of the footings as shown on the plan. The applicant poured the foundation approximately 9.2 feet closer to the property line than permitted.

The City was notified by a neighboring property owner that the foundation appeared to be too close to the road and the City inspected the foundation. It was determined that the foundation did not meet the applicable setbacks and a stop work was issued on the property. The City and applicant reviewed the issue and discussed possible solutions for moving the project forward.

It should be noted that a city employee cannot (either by mistake or purposely) change the ordinance and or issue an administrative variance to any ordinance provisions.

The applicant chose to move forward with a variance application seeking approval to allow a 9.2-foot variance from the required front yard setback.

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

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

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

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*

*(c) the variance, if granted, will not alter the essential character of the locality.*

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Rural Residential District.
- b. The applicant has noted that the slope behind the existing foundation is steep and would require significant fill to move the structure further away from the property line. In order to construct the existing foundation, additional fill was required. The property historically drops off towards the lake.
- c. The character of the surrounding area is residential. The applicant is proposing to construct a principal structure which is not wholly consistent with the surrounding properties. The initial building would look and feel more like an accessory structure than a principal structure.
- d. The structure would need to be moved 9.9 feet to the west to meet the applicable building setbacks (30 feet from the property line, currently 20.1 feet from the property line).
- e. The properties that surround this property generally comply with applicable front yard setbacks. It can be seen from aerial photographs, and it is otherwise known that many lake properties do not fully comply with all applicable zoning requirements.

The City noted that the structure should not have been permitted in the location that is proposed and that the building inspector should have measured the setback and identified the issue prior to approving the foundation. The Planning Commission will need to determine if the requested variance meet the requirements for granting a variance.

***Planning Commission Discussion and Recommendation:***

Planning Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners discussed and confirmed the setbacks for this property. Commissioners asked for clarification relating to the foundation type (thickened slab or full footing). Commissioners discussed and asked for more information relating to the slope behind the proposed building. Planning Commissioners

found that the proposed location and requested variance met the criteria stated in the City's zoning ordinance. Planning Commissioners recommended approval of the requested variance to the City Council.

**Neighbor Comments:**

The applicant provided a petition to the City of nearby property owners who are supportive of the variance request. The City initially received a phone call relating to the closeness of the structure to the road.

**Recommendation:**

The Planning Commission recommended approval of the requested variance with the following findings and conditions:

1. The proposed variance 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 new residence.
  - b. The existing slope of the property towards the lake channel creates a natural barrier to developing the lot in a manner that meets applicable setbacks and supports the requested variance.
  - c. The character of the surrounding area is residential. There are existing structures in this area of the City that do not meet all applicable setbacks.
3. Any modification, change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval by the City in the form of a variance.
4. The requested variance will allow the construction of the proposed principal structure in accordance with the existing foundation and associated building plans (approved plans only - plans will become an exhibit of the resolution). The variance will allow a 9.9' reduction in the requisite setback as follows:
  - a. Front Yard: 20.1-foot setback
5. The Applicant shall pay for all costs associated with the City's review of the requested variance.

***Attachments:***

1. Property Pictures
2. Building Plans
3. Site Survey





RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 21-0817-01**

**RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE  
TO ALLOW A REDUCED FRONT YARD SETBACK  
FOR THE PROPERTY LOCATED AT 5233 LAKE SARAH HEIGHTS DRIVE**

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

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

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

WHEREAS, Richard Wood, (the “Applicant/Owner”) submitted an application for a variance to allow a reduced front yard setback on the property located at 5233 Lake Sarah Heights Drive (PID No. 01-118-24-24-0023) (the “Property”); and

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

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

WHEREAS the requested variance meets all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on August 10, 2021, to review the application for a variance, 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 Richard Wood and grants the requested variance for the property in accordance with the City’s zoning regulations 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 new residence.
  - b. The existing slope of the property towards the lake channel creates a natural barrier to developing the lot in a manner that meets applicable setbacks and supports the requested variance.
  - c. The character of the surrounding area is residential. There are existing structures in this area of the City that do not meet all applicable setbacks.
3. Any modification, change or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval by the City in the form of a variance.
4. The requested variance will allow the construction of the proposed principal structure in accordance with the existing foundation and associated building plans (approved plans only - plans will become an exhibit of the resolution). The variance will allow a 9.9' reduction in the requisite setback as follows:
  - a. Front Yard: 20.1-foot setback
5. The Applicant shall pay for all costs associated with the City's review of the requested variance.

This resolution was adopted by the City Council of the City of Independence on this 17<sup>th</sup> day of August 2021, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

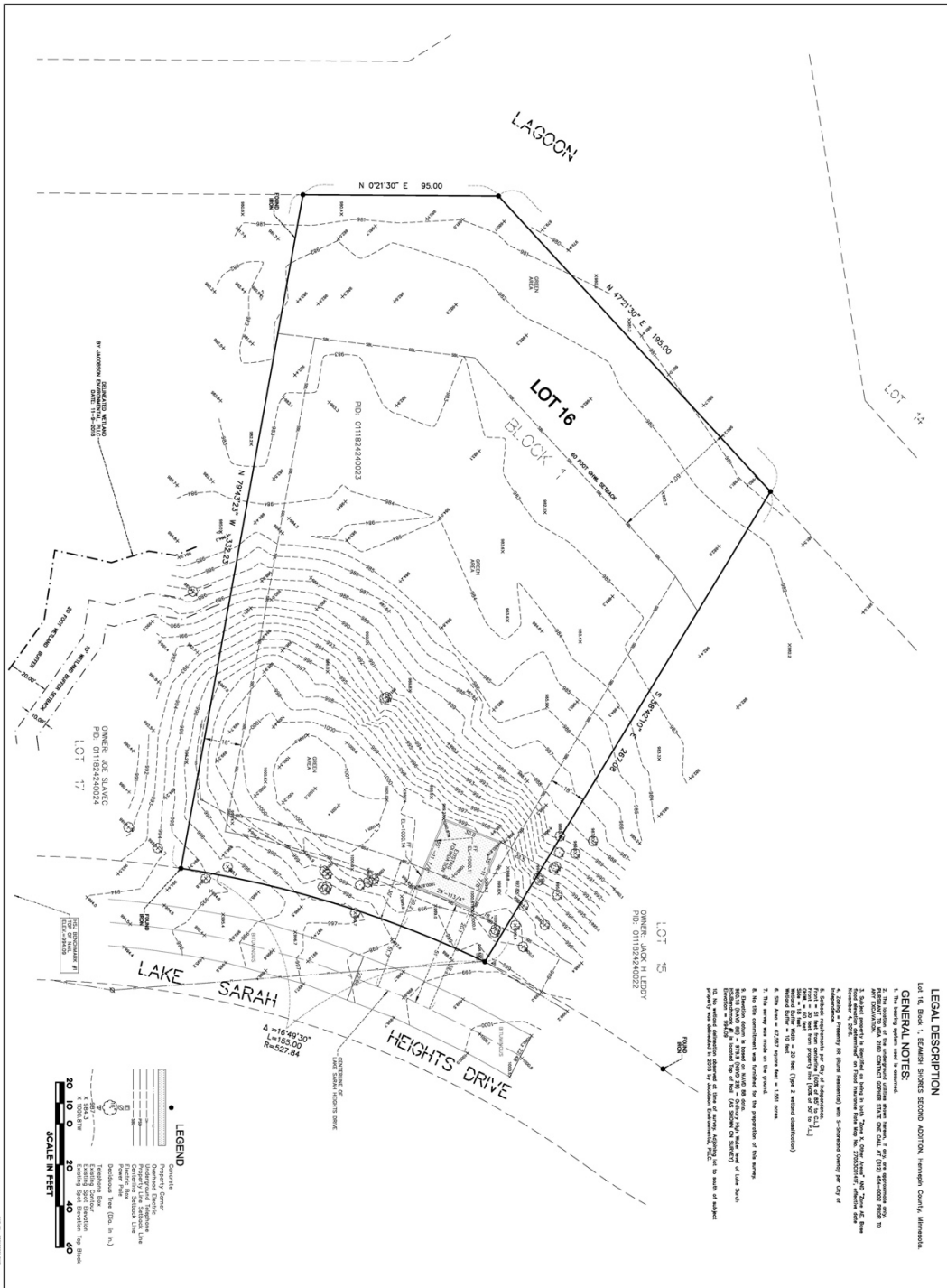
---

Mark Kaltsas, City Administrator

**EXHIBIT A**  
*(Legal Description)*

Lot 16, Block 1, BEAMISH SHORES SECOND ADDITION, Hennepin County, Minnesota.

**EXHIBIT B**  
(Site Plan)



**LEGAL DESCRIPTION**  
Lot 16, Block 7, Richard Wood's Second Addition, Hennepin County, Minnesota.

**GENERAL NOTES**

1. This plan is based on a survey conducted on 10/11/10 and is subject to any future survey.
2. The location of the boundaries shown hereon shall not be construed as representing any survey conducted for the purpose of this survey.
3. The location of the boundaries shown hereon shall not be construed as representing any survey conducted for the purpose of this survey.
4. There are no other boundaries shown hereon.
5. The lot area is 1.1806 acres.
6. The lot is shown on the attached map.
7. The lot is shown on the attached map.
8. The lot is shown on the attached map.
9. The lot is shown on the attached map.
10. The lot is shown on the attached map.



**SCALE 1 INCH = 20 FEET**

NO.	REVISIONS

I, **Richard Wood**, Surveyor,  
do hereby certify that this survey, plan or map is a true and correct copy of the original as filed in my office on 10/11/10 and that I am a duly licensed and active member of the Board of Surveyors and Map Makers of the State of Minnesota.  
Date: 10/11/10  
Signature: [Signature]

**AS-BUILT  
SURVEY**

**FOR:**  
RICHARD WOOD

**SITE:**  
3233 SARAH HEIGHTS DRIVE  
INDEPENDENCE, MINNESOTA  
HENNEPIN COUNTY

**HARRY S. JOHNSON CO. INC.**  
LAND SURVEYORS  
9061 Lydale Avenue South  
Twin Lakes, MN 55122  
Tel: 952-884-4341 Fax: 952-884-4344  
www.harryjohnson.com

**1-3-10506**  
202103.01  
1 OF 1



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: Richard Worsley Wood  
Address: 5233 Lake Sarah Heights  
Dr  
Independence, Minnesota  
55357  
Primary Phone: 6122145668  
Email: rwwood100@gmai.com

**Owner Information**

Name: Richard Worsley Wood  
Address: 5233 Lake Sarah Heights  
Dr  
Independence, Minnesota  
55357  
Primary Phone: 6122145668  
Email: rwwood100@gmai.com

Property Address:

PID:

Planning Application Type: Variance

Description:

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

Signature:



Figure 5 Delineation Map - Revised



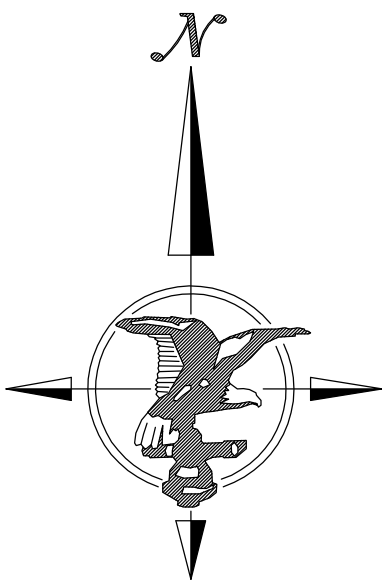


**LEGAL DESCRIPTION**

Lot 16, Block 1, BEAMISH SHORES SECOND ADDITION, Hennepin County, Minnesota.

**GENERAL NOTES:**

- The bearing system used is assumed.
- The location of the underground utilities shown hereon, if any, are approximate only. PURSUANT TO MSA 216D CONTACT GOPHER STATE ONE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
- Subject property is identified as being in both "Zone X, Other Areas" AND "Zone AE, Base flood elevation determined" on Flood Insurance Rate Map No. 27053C0141F, effective date November 4, 2016.
- Zoning = Presently RR (Rural Residential) with S-Shoreland Overlay per City of Independence.
- Setback requirements per City of Independence.  
Front = 51 feet from centerline [60% of 85' to C.L.]  
Front = 30 feet from property line [60% of 50' to P.L.]  
OHWL = 60 feet  
Side = 18 feet  
Wetland Buffer Width = 20 feet (Type 2 wetland classification)  
Wetland Buffer = 10 feet
- Site Area = 67,567 square feet = 1.551 acres.
- This survey was made on the ground.
- No title commitment was furnished for the preparation of this survey.
- Elevation datum is based on NAVD 88 data.  
980.18 (NAVD 88) = 979.9 (NGVD 29) = Ordinary High Water level of Lake Sarah  
HSJ Benchmark #1 is located Top of Nail (AS SHOWN ON SURVEY)  
Elevation = 994.09
- No wetland delineation observed at time of survey. Adjoining lot to south of subject property was delineated in 2018 by Jacobson Environmental, PLLC.



SCALE: 1 INCH = 20 FEET

**REVISIONS**

Date:

No.	Description	Date

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

*Thomas E. Hodorf*  
Thomas E. Hodorf, L.S.  
Minnesota Reg. No. 23677

Date: July 13, 2021

**AS-BUILT**

**SURVEY**

**For:**

RICHARD WOOD

**SITE:**

5233 SARAH HEIGHTS DRIVE

INDEPENDENCE, MINNESOTA

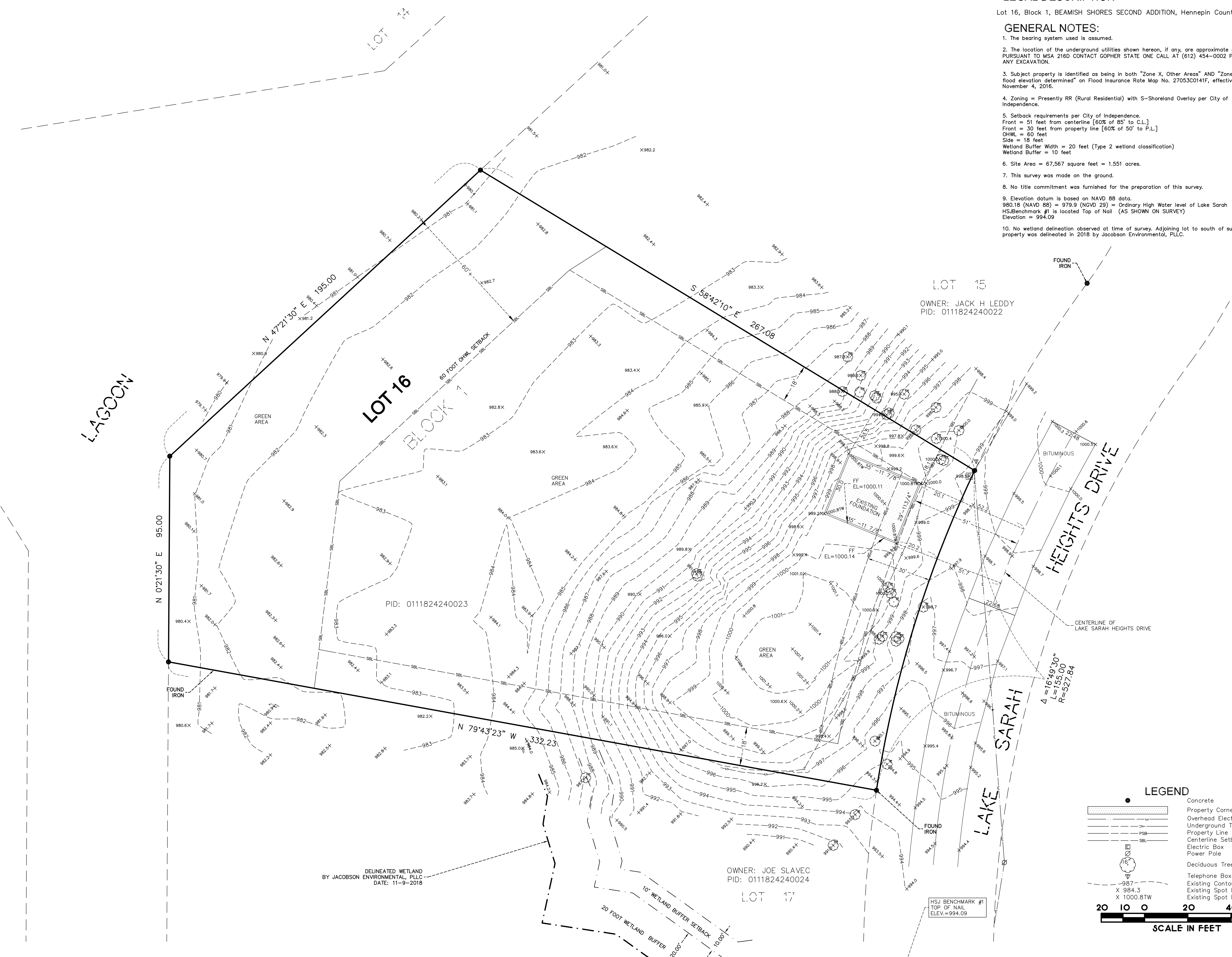
HENNEPIN COUNTY

HARRY S. JOHNSON CO., INC.  
**LAND SURVEYORS**

9063 Lyndale Avenue South  
Bloomington, MN. 55437  
Tel. 952-884-5341 Fax 952-884-5344

www.hsjurveyors.com

Book 660	File No. 1-3-10506
Page 54	W.O. Number 2021203.01
CAD Technician CT	Sheet No. 1 OF 1



**LEGEND**

- Concrete
- Property Corner
- Overhead Electric
- Underground Telephone
- - - Property Line Setback Line
- - - Centerline Setback Line
- Electric Box
- Power Pole
- Deciduous Tree (Dia. in In.)
- Telephone Box
- Existing Contour
- Existing Spot Elevation
- Existing Spot Elevation Top Block

20 10 0 20 40 60  
**SCALE IN FEET**





**LEGAL DESCRIPTION**

Lot 16, Block 1, BEAMISH SHORES SECOND ADDITION, Hennepin County, Minnesota.

**GENERAL NOTES:**

1. The bearing system used is assumed.
2. The location of the underground utilities shown herein, if any, are approximate only. PURSUANT TO MINN. STAT. CHAPTER 253B, SECTION 01.01, CALL 811 (612) 454-0082 PRIOR TO ANY EXCAVATION.
3. Subject property is identified as being in both "Zone X, Other Area" AND "Zone A2, Base Flood Elevation Determined" on Flood Insurance Rate Map No. 210503014E, effective date November 4, 2015.
4. Zoning = Presently RR (Rural Residential) with 5-footward Overlay per City of Independence.
5. Setback requirements per City of Independence:  
Front = 25 feet from setback.  
OFR = 20 feet  
Side = 10 feet  
Rearland Buffer Width = 25 feet (Type 2 setback classification)  
Rearland Buffer = 50 feet
6. Site Area = 57,007 square feet = 1.30 acres.
7. This survey was made on the ground.
8. No title commitment was furnished for the preparation of this survey.
9. Elevation datum is based on NAVD 88 units.  
553.93 (NAVD 88) = 573.9 (NGVD 29) = (Ordinary High Water level of Lake Sarah)  
15.00 (elevation of) is located Top of Road (LO 20000 ON SURVEY)  
Elevation = 554.28
10. An unrecorded easement (shown) at time of survey, adjacent lot to south of subject property was delineated in 2010 by another Environmental, PLLC.



SCALE: 1 INCH = 20 FEET

**REVISIONS**

DATE	DESCRIPTION

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

*Thomas E. Johnson, L.S., P.E.*  
 Thomas E. Johnson, L.S., P.E.  
 Minnesota Reg. No. 22677

Date: April 12, 2020

**LOT CERTIFICATION AND TOPOGRAPHICAL SURVEY**

**For:**

COLDWELL BANKER  
 REALTY

**SITE:**

52XX SARAH HEIGHTS DRIVE  
 INDEPENDENCE, MINNESOTA  
 HENNEPIN COUNTY

**HARRY S. JOHNSON CO., INC.  
 LAND SURVEYORS**

9663 Lyndale Avenue South  
 Bloomington, MN, 55437  
 Tele: 952-884-0341 Fax: 952-884-0344  
 www.harryjohnson.com

Date	File No.
Sheet	1-3-10305
Plot	14
City	2020266
Scale	1 OF 1

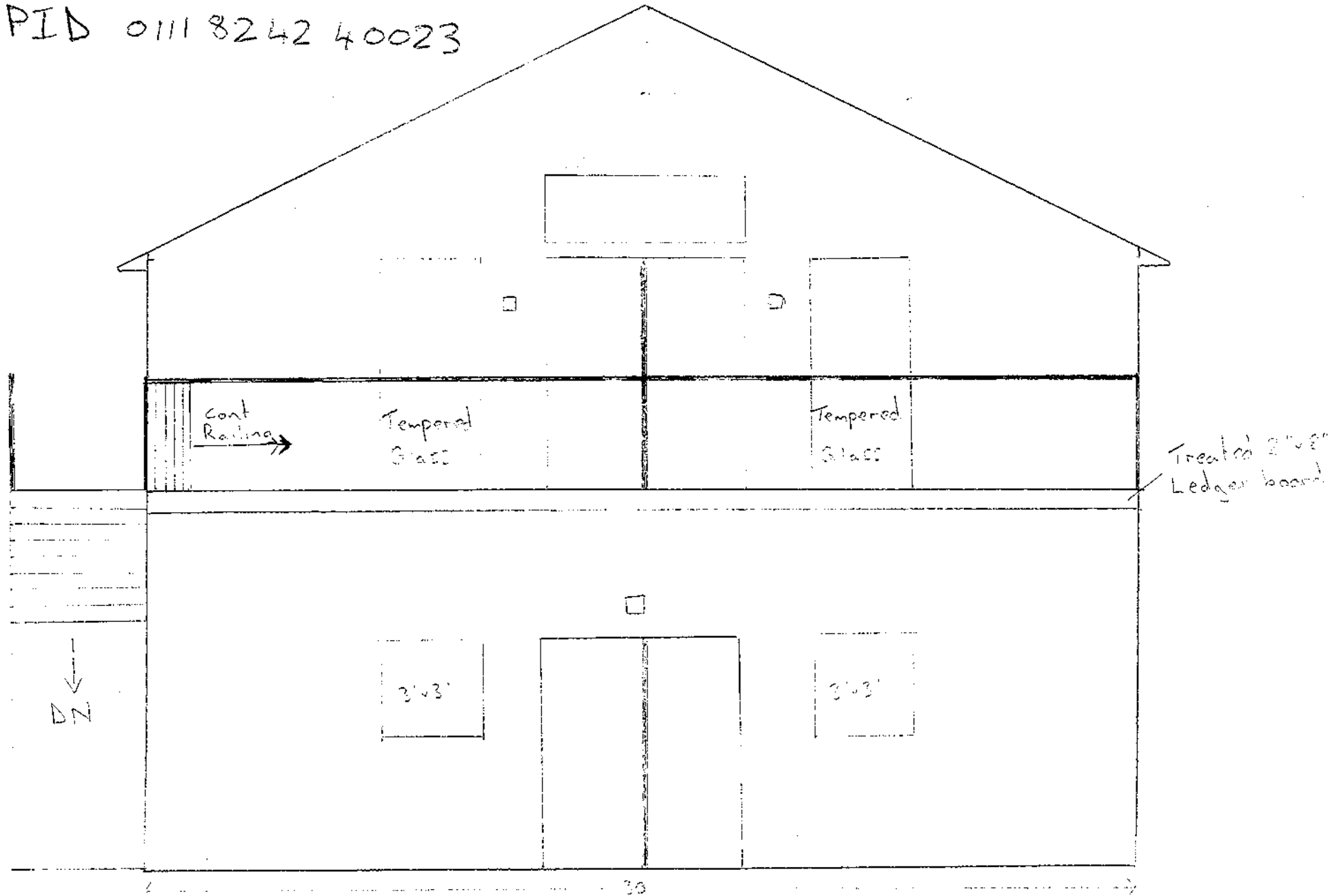
**LEGEND**

- Property Corner
- Overhead Electric
- Underground Telephone
- Overhead Gas
- Power Pole
- Deciduous Tree (20 ft. in h.)
- Telephone Pole
- Utility Cabinet
- Existing Spot Elevation

SCALE IN FEET

Richard Wood 612 214 5668  
52XX Lake Sarah Heights Dr  
East Ellsboro

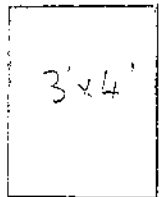
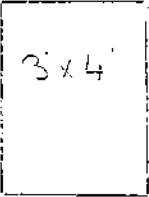
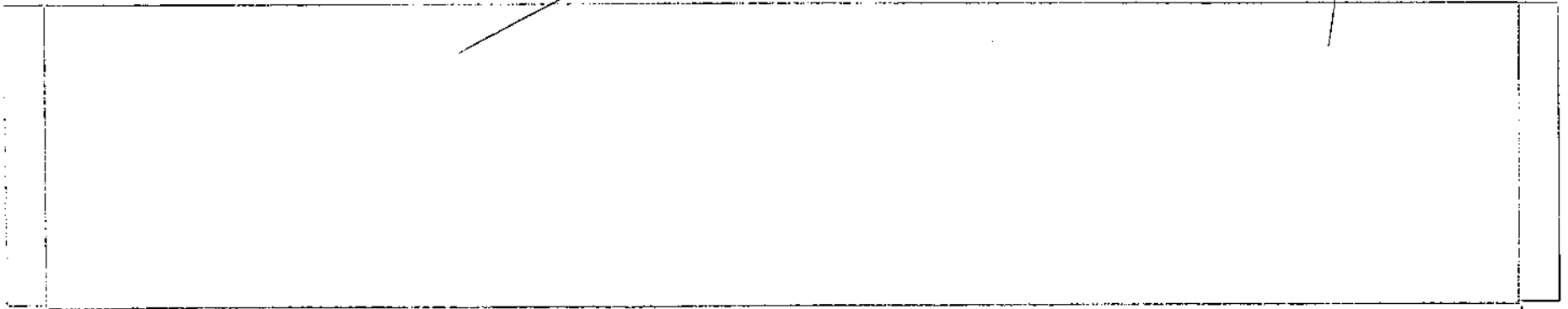
PID 0111 8242 40023



East Elevation

Engineered Roof Trusses "Scissor"  
21' clear height

Architectural  
asphalt shingles



Double 2x6 LVL  
headers

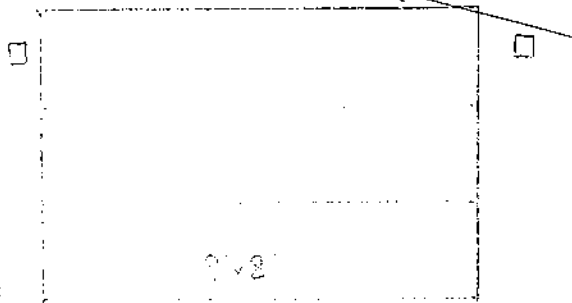
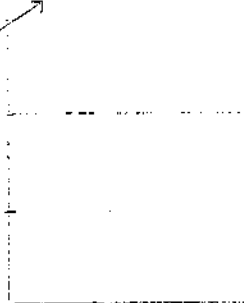
LP SmartSide  
Siding

16' x 30' Engineered Floor Trusses

2' x 30'  
Deck  
Forma  
2x8 Treated

Double 2x6 LVL  
headers

Double 2x6 LVL  
headers



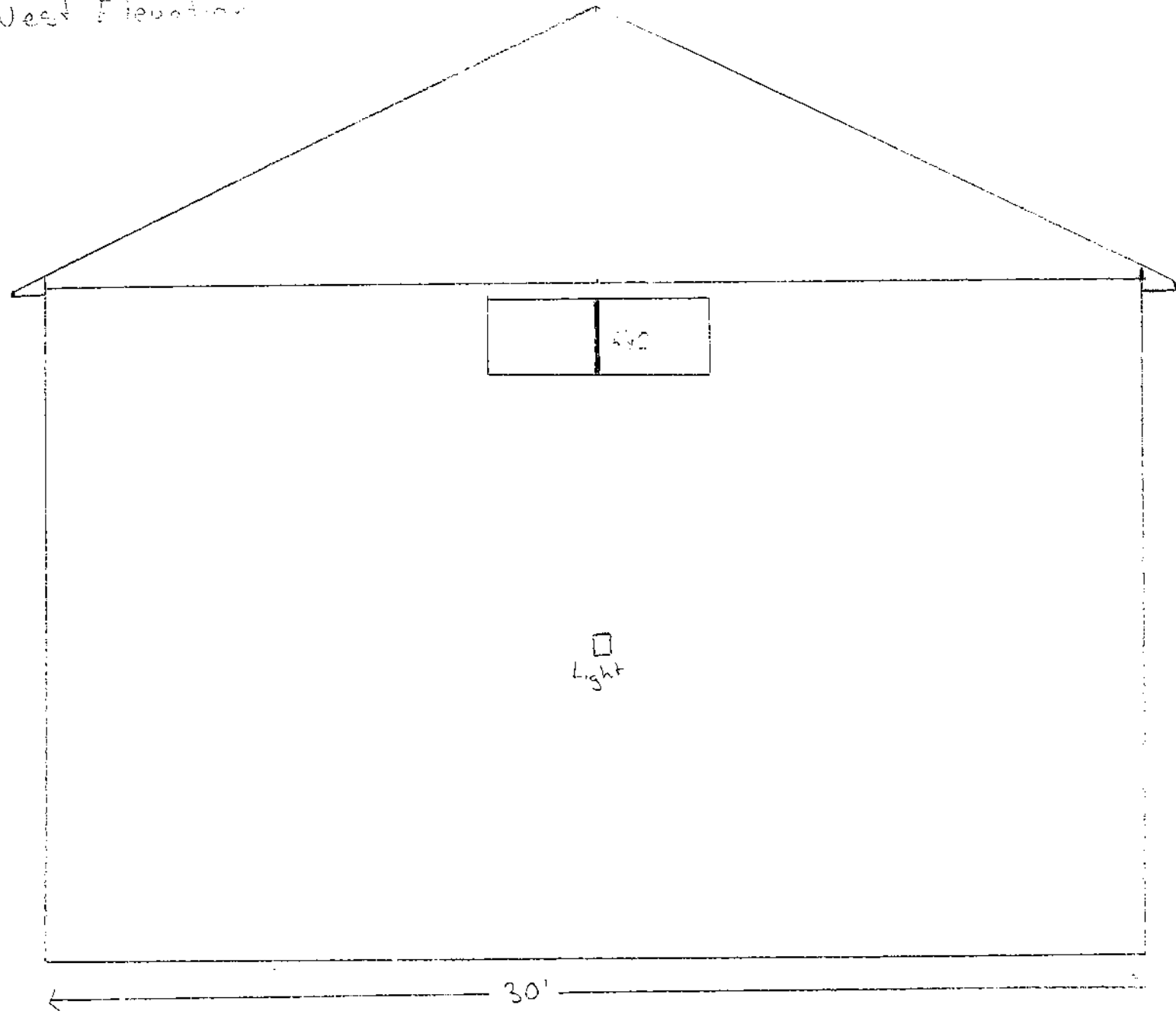
2' x 8'

2' x 8'

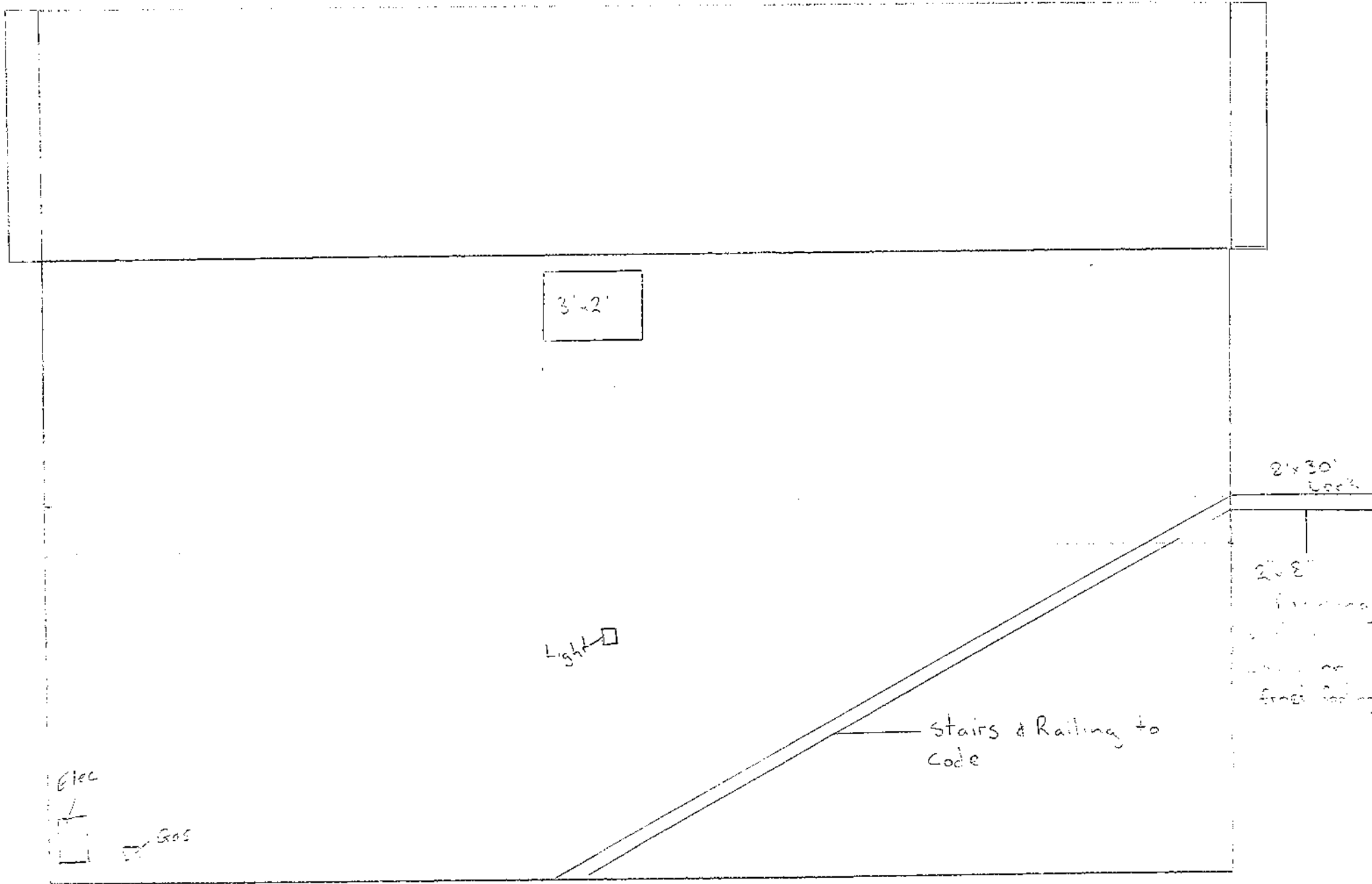
10'

12'

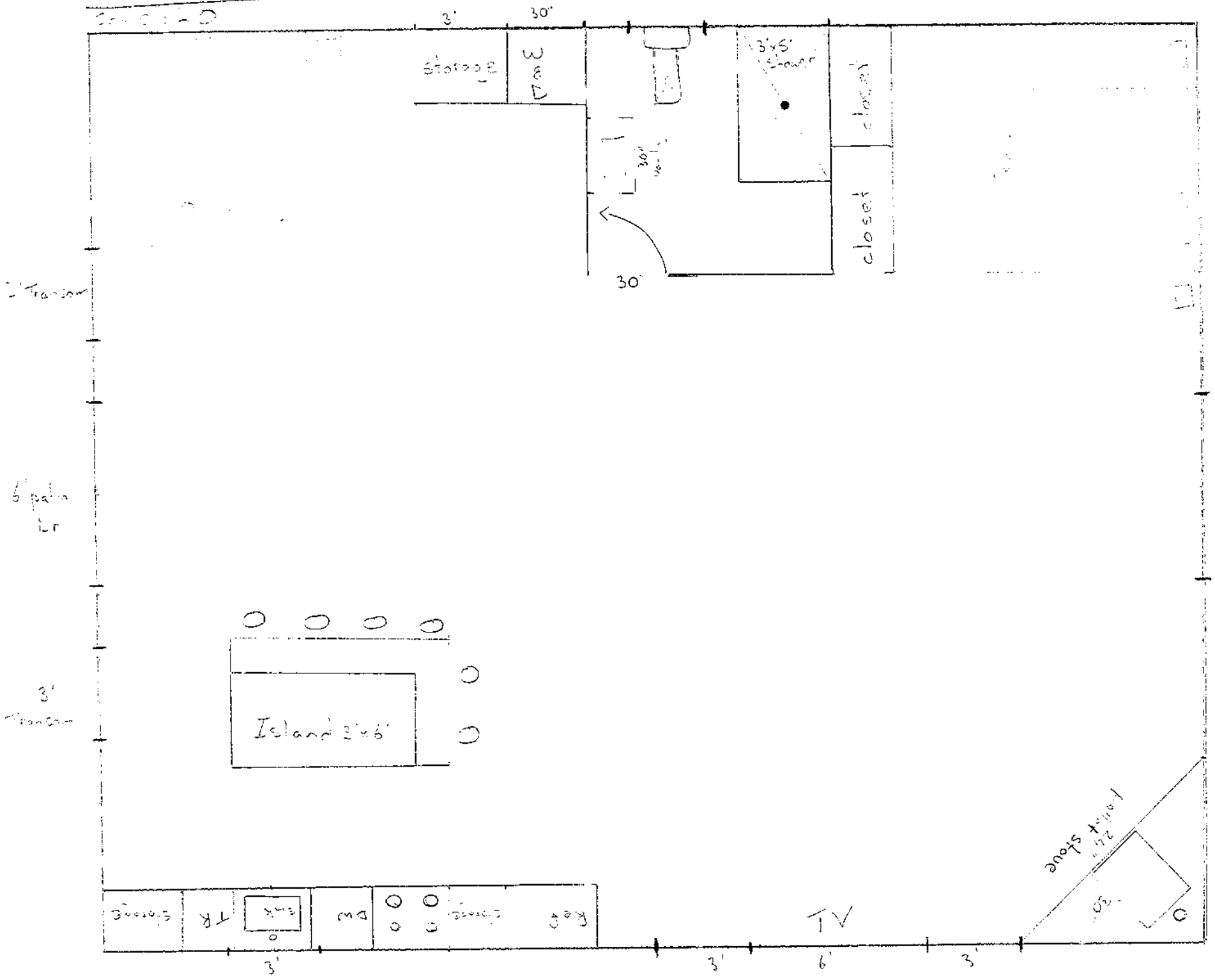
West Elevation



North Elevation



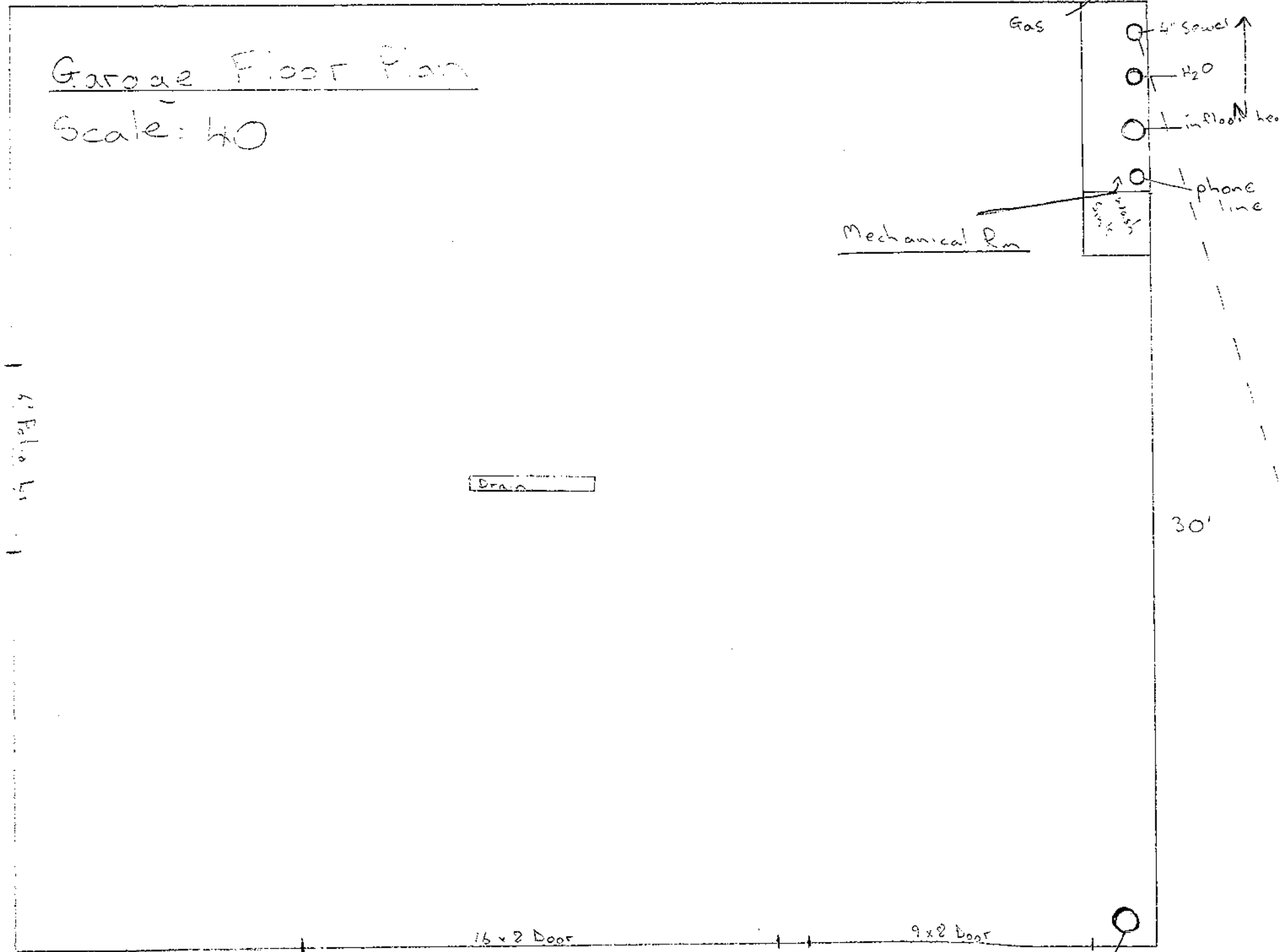
1st Floor Plan





# Garage Floor Plan

Scale: 40



30' Floor h

Drain

Mechanical Rm

Gas

4" Sewer

H2O

in floor ho.

phone line

30'

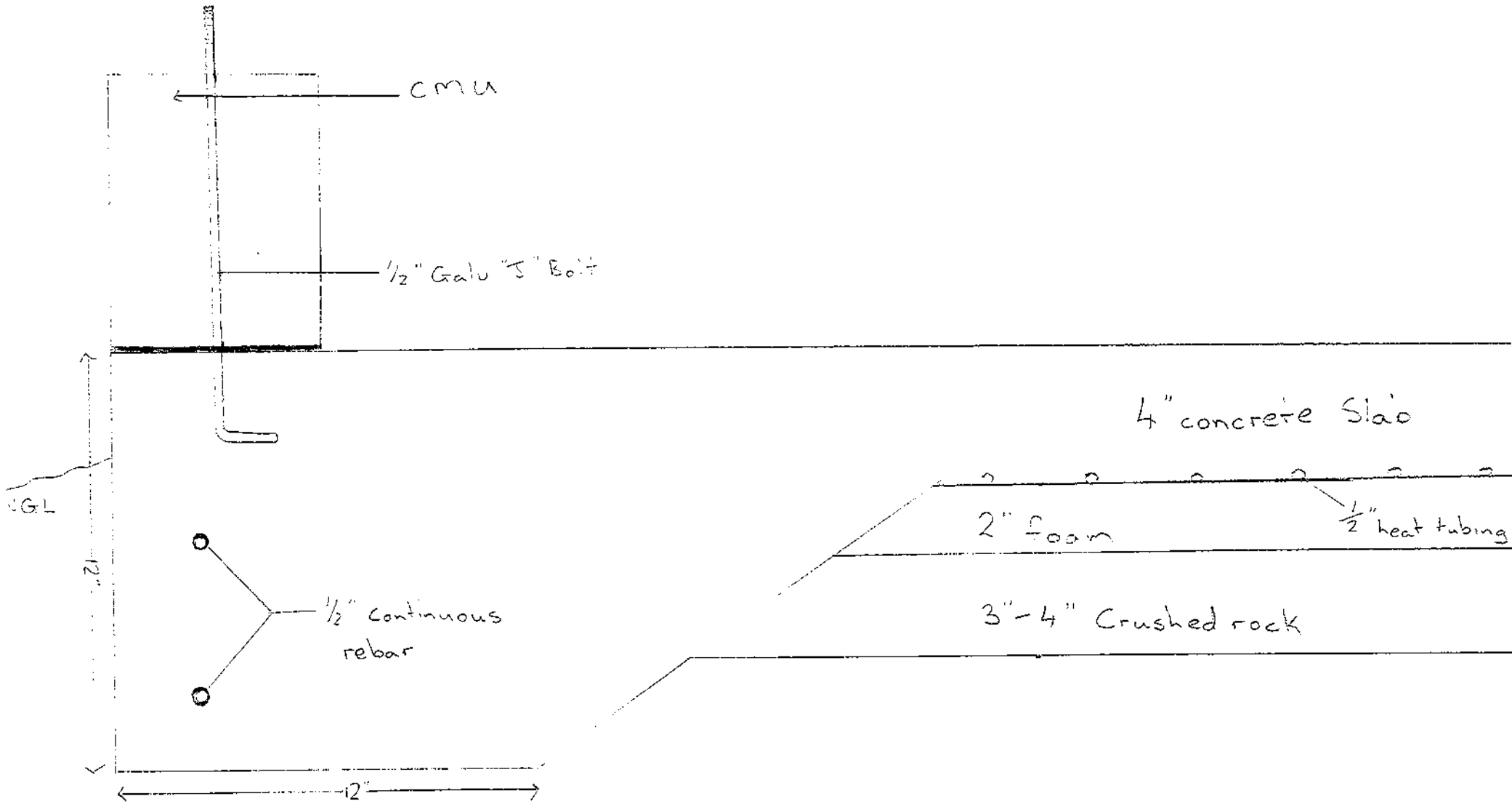
16 x 2 Door

9 x 8 Door

← 36' →

6" sleeve in concrete for 4" sewer pipe

# Slab Detail



# Construction Details

o windows: Andersen 100 Series

o roof trusses are supplied & approved by truss company  
2 series trusses 6/12 ext 4/12 int @ 2' c/c

o floor trusses supplied & approved by truss company  
16" → 20" @ 16" c/c (will verify we do have permit,  
supplier won't release info.)

o all int & ext framing is 2x4 SPT 18" c/c

o insulation in walls to be 3" closed cell spray foam

o full insulation R-21 between floor joist

o blown in insulation in attic ± 12" with vapor barrier

o Ext sheathing 7/16" OSB

o Roof sheathing 1/2" OSB

o Siding to be LP SmartSide board & batten

o all sheetrock 1/2"

o stairs 7" rise, 10" run & railing to code

o Pellet Stove: Comfortbilt HP2.2 2800sqft EPA certified

o CO<sub>2</sub> & Smoke alarm installed/hardwired

o hot water heater or tankless (TRB)

o garage stud length ft. 104 5/8", lining area 84" studs

o mid point 2.11" = 22.52'

o Deck: 8x30' with 4' wide stairs, 2"x8" Treated Framing with 5/4" cedar tone  
into 11" x 11" SPT across front 42" deep 12" Ø







City of Independence  
Concept Plan Review for a Proposed 34 Unit  
Cluster Subdivision on the Subject Properties Generally Located  
at 5865 Kochs Crossing

---

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	August 17, 2021
<i>Applicant:</i>	Tom Koch
<i>Owner:</i>	William P Koch Et Al Trustees
<i>Location:</i>	5865 Kochs Crossing

**Request:**

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

- a. Concept plan review relating to the proposed subdivision of the subject property. The concept plan proposes 34 single-family residential lots.

**Property/Site Information:**

The overall property is comprised of 5 individual properties that located on the north and south sides of Kochs Crossing in-between County Road 90 and Independence Road. The property also touches Brei Kessel Road on the south. There is an existing home and a series of detached accessory buildings located across several of the properties. The properties are comprised primarily of agriculture land and wetlands.

Property Information: 5865 Kochs Crossing

Zoning: *Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage: *~141 acres*





**Discussion:**

The applicant approached the City on several occasions over the last several years to discuss potential rezoning and redevelopment of the subject property. The applicant has now submitted a concept plan for a 34-unit subdivision that would be developed across the 5 subject properties. Staff discussed several aspects of the proposed subdivision with the property owner and the owners' representatives. A concept plan allows the City the opportunity to initially review the proposed subdivision and provide feedback and

comments to the applicant prior to the submittal of any formal applications for the development of the property.

The City has discussed the potential 34 lot subdivision with the applicant. A more detailed account of the comments and discussion is provided later in this report.

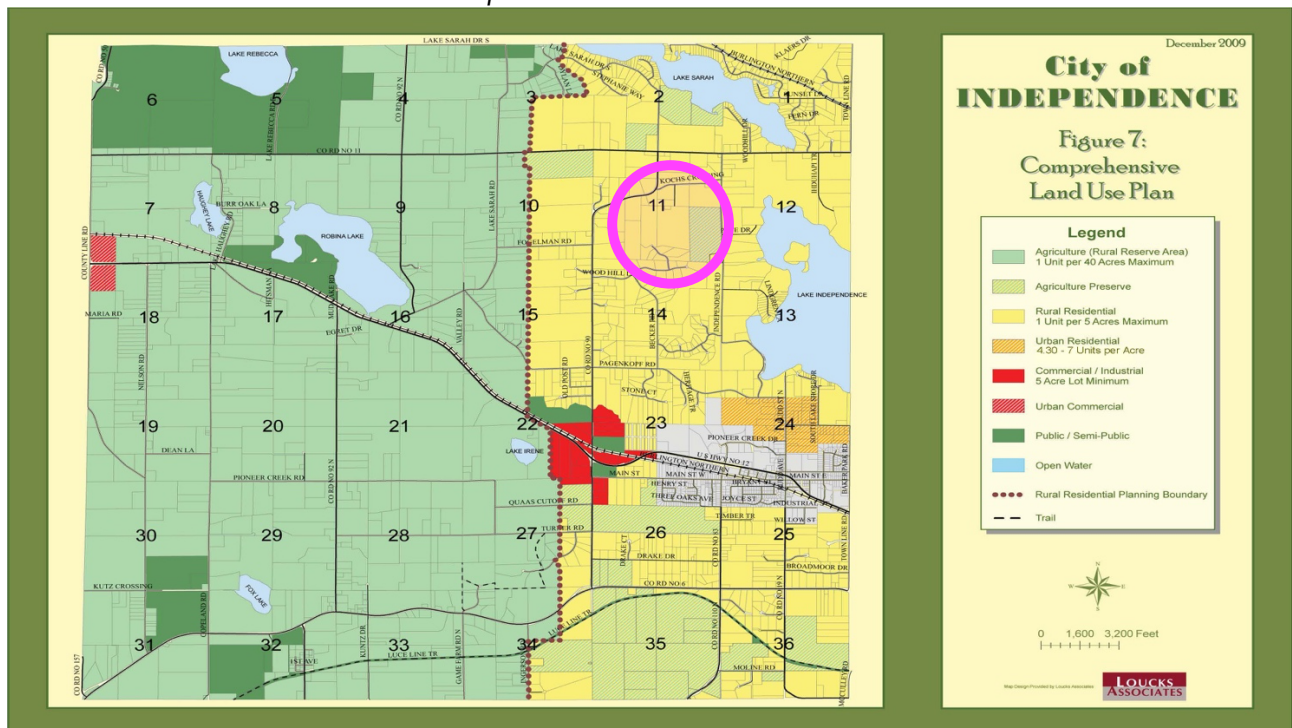
In order for the City to ultimately consider approval of a plan similar to the proposed concept plan, the following steps would be required:

1. Rezone the property to Rural Residential.
2. Consider a Conditional Use Permit to allow the proposed Cluster Subdivision.
3. Consider Preliminary Plat approval.
4. Consider Final Plat approval.

### Comprehensive Plan/Rezoning

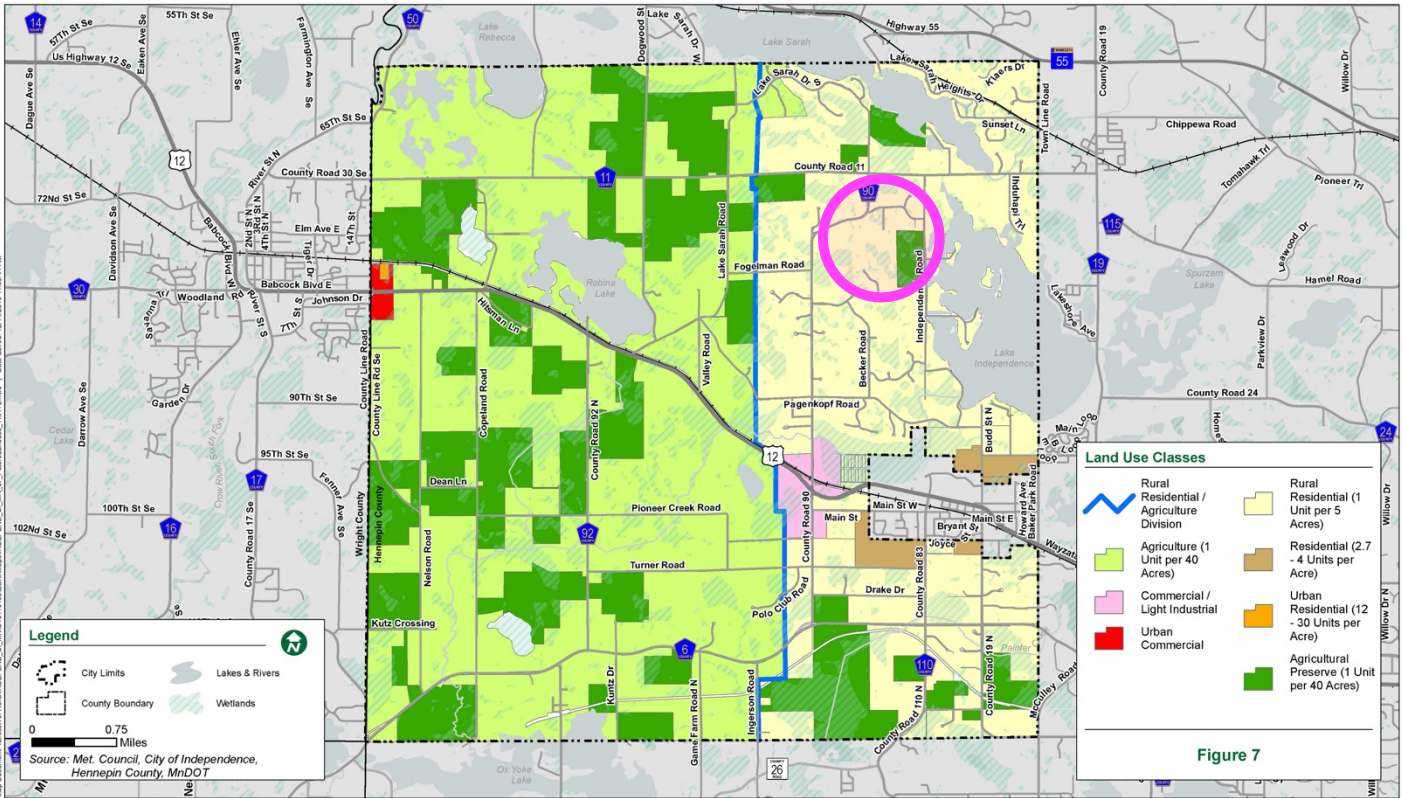
The City's adopted 2030 and proposed 2040 plan identify this property as Rural Residential. The rural residential designation allows for a general development density of 1 unit per 5 acres.

*2030 Comprehensive Land Use Plan*





# DRAFT 2040 Comprehensive Land Use Plan



## Proposed Subdivision Concept Plan

The applicant has prepared a concept plan for review by the City. The initially reviewed the plan to determine the number of lots that could be realized based on the total property acreage.

***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)***

<b><u>Area of Lot of Record</u></b>	<b><u>Maximum Number of Lots Permitted</u></b>
<b>7.5 acres or less</b>	<b>One</b>
<b>7.6 through 12.5 acres</b>	<b>Two</b>
<b>12.6 through 17.5 acres</b>	<b>Three</b>
<b>17.6 through 22.5 acres</b>	<b>Four</b>
<b>22.6 through 27.5 acres</b>	<b>Five</b>
<b>27.6 through 32.5 acres</b>	<b>Six</b>
<b>32.6 through 37.5 acres</b>	<b>Seven</b>

**37.6 through 42.5 acres**  
**42.6 through 47.5 acres**

**Eight**  
**Nine, plus one addn. lot for every five**  
**addn. acres of land.**

Total Area: 141.35 acres  
141.35 – 47.5 acres = 93.85/5 = 18 lots, plus 9 lots for the initial 47.5 acres.  
**27 Lots**

The applicant is proposing to utilize the cluster subdivision standards. The cluster subdivision standards are as follows:

Subd. 4. *Cluster development conditional use permit.* Cluster development is a conditional use in the Rural Residential District, subject to the provisions of subsections 520.09, 520.11 and 520.13 of this Code.

(Amended, Ord. No. 2010-01)

- (a) *Purpose.* The purpose of the cluster development conditional use permit is to promote the creative and efficient use of land. The provisions of this subdivision are intended to:
  - (1) Protect natural features in common open space.
  - (2) Improve the arrangement of structures, facilities and amenities on a site.
  - (3) Preserve the rural character of the community.
- (b) *Criteria.* A cluster development is a residential development in which a number of single-family dwelling units are grouped on smaller lots than in conventional developments, while the remainder of the tract is preserved as open space. If the following standards are complied with, density of one unit per four acres is permitted.
  - (1) The development parcel must be 40 or more acres in size;
  - (2) A minimum of 50 percent of the development must be preserved as open space, recreational space or agricultural use;
  - (3) A minimum of 50 percent of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100-year floodplain elevation are not considered to be useable for the purpose of this subsection;
  - (4) Woodland, wetlands and topography must be preserved in a natural state, with modification allowed when no reasonable alternative exists; or, if the site lacks unique features such as woodlands and wetlands, the site must be designed and constructed in such a manner that residential building sites are integrated into a created natural environment including reforestation, wetlands enhancement, and vegetative screening of structures;
  - (5) The preliminary plat must show a primary and secondary individual sewage treatment site for each dwelling unit and must be supported with soil test reports indicating the adequacy of each proposed location, provided that shared treatment systems within a development may be acceptable if the plat identifies two or more suitable sites for the shared system and the city council approves the proposal;
  - (6) Lots within the development must have a minimum lot size of 1.5 contiguous buildable acres. Buildable acreage must not be separated by streams, wetlands, slopes in excess of ten percent or other physical impediments;

- (7) Open space must be designated in the development as one or more outlots and must be owned either by a homeowners' association consisting of the owners of all of the residential lots in the development or by the owners of the residential lots, as tenants in common;
- (8) The developer must record against the development a declaration of covenants that places responsibility for management of the open space in a homeowners association and provides for the assessment of management costs to the association members;
- (9) All utilities must be placed underground;
- (10) All residential streets within the cluster development must be paved with a bituminous surface according to the city street standards in effect at the time of the development;
- (11) A development agreement must be entered into with the city.

Based on the cluster development standards, the applicant is proposing to develop the property in accordance with applicable provisions. The applicant is asking the City to provide feedback relating to the cluster development criteria and specifically, the 50% open space requirement. The City has historically calculated the 50% open space and subsequent 50% useable open space using the gross site acreage. The applicant is asking the City for direction relating to using the net acreage (gross acreage minus proposed right of way for new City streets) when calculating the open space and useable open space requirements. The ordinance using the following language:

*A minimum of 50 percent of the development must be preserved as open space, recreational space or agricultural use;*

*A minimum of 50 percent of the preserved open space, recreational space or agricultural use land must be useable. Wetlands, streams, lakes, ponds and lands within the 100-year floodplain elevation are not considered to be useable for the purpose of this subsection;*

The total area of the proposed roads is approximately 9 acres. If the ~9 acres was subtracted out of the total, the resulting developable land would increase by approximately 4.5 acres. Staff is seeking additional discussion and direction relating to this issue from the City.

The initial review of the subdivision contemplates a high-level review only of the proposed concept development plan. A detailed review of the storm water, grading, traffic impacts and infrastructure details will be completed prior to consideration of any future applications. The City does not formally approve or deny a concept plan. The concept plan review will provide direction and comments to the applicant for their use during the preparation of future applications. The following comments should be considered by the City:

1. The proposed plan proposes to realign Koch's Crossing at the point of intersection with CSAH 90. The City generally believes that this realignment would benefit the location of the access due to the existing location on the curve of CSAH 90. Hennepin County has provided a cursory review of the concept plan. The County generally believes that the proposed location is will ultimately need to approve the relocation of Koch's Crossing.



2. Koch's Crossing will be fully upgraded and will tie into the eastern half that was recently upgraded as a part of the Serenity Hills subdivision. The applicant is proposing to locate lots along the realigned Koch's Crossing. This would be consistent with the Serenity Hills subdivision.
3. A new north south road and cul-de-sac is proposed to provide access to a large portion of the property. The road is proposed to connect to Brei Kessel Road to the south. This connection would be supported by the City and would allow the development to have two points of access.
4. The proposed concept plan shows a number of lots that appear to have wetland and wetland buffers encroachments onto the private lots. The City would recommend that wetlands and wetland buffers are removed from the private lots to prevent future limitations on the useable lot area. More detail will ultimately need to be provided to understand how this would impact the layout of the proposed lots.
5. The proposed layout shows that those lots with direct shoreland would be developed so that the homes could be located at the top of the existing slope. This is preferable to previous layouts where the proposed building pads were located closer to the lakeshore which would have likely had significant impacts to the existing topography and vegetation.
6. Several of the proposed lots have significant slopes across the majority of the property. The City will want to look at the potential building pad and grading for all lots (i.e. Lots 4 & 5, Block 2).
7. A primary and secondary septic site would need to be verified on all proposed lots.
8. A wetland delineation will need to be completed.
9. The developer has noted that they would likely phase the construction of the development going from the north to the south. Phasing of the development would be considered at the time of Preliminary Plat.
10. The City and Watershed have standards relating to storm water management and water quality. The City would work to ensure that any development of this property would meet all applicable standards relating to storm water management and water quality. The proposed plans indicate several large outlots that would likely be utilized for stormwater.
11. The proposed concept subdivision would be subject to the City's Park dedication requirements. No park land dedication is shown on the concept plans. It is anticipated that the proposed useable open space would be fully accessible to the development and there appears to be good connectivity to all of the proposed open space. The City should provide feedback relating to possible park dedication on the subject property. The standard park dedication requirement of \$3,500 ( $\$3,500 \times 34 = \$119,000$ ) per lot would otherwise be applicable to all newly developed lots.

***Planning Commission Discussion:***

Planning Commissioners reviewed the request and asked questions of the applicant and staff. Commissioners discussed the calculation of open space as it pertains to the question on including dedicated right of way in the initial gross acreage total. Commissioners noted that the City Council could direct PC to review and consider amending the ordinance to clarify and address this issue prior to the applicant proceeding with a preliminary plat submittal. Commissioners discussed the overall transportation network for this portion of the City and asked if there should be a connection to the east and or to the west of this property. Commissioners recommended that the City continue to review the future transportation Connections to this development. Commissioners discussed the applicants question relating to phasing. Commissioners did not have a strong preference pertaining to phasing and wanted to better understand the applicants desired phasing before providing more direction. Commissioners asked about the lot standards and specifically the lot depth to lot width ration. It was noted that the proposed lots appeared to meet applicable standards. Commissioners discussed park dedication and generally agreed that a specific park land dedication was noted needed within the development and that the fees should be collected to support community park development. Commissioners encouraged the applicant reach out to the surrounding properties prior to submitting a preliminary plat application.

***City Council Discussion:***

The applicant is seeking feedback from the City pertaining to the concept plan for a 34-lot cluster development. No formal action can be taken by the City on the concept plan. There are many steps that will need to be taken for any development of this property to occur.

***Attachments:***

1. Application
2. Concept Site Plan



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: Tom Koch  
Address: 10509 Shelter Grv  
EDEN PRAIRIE,  
Minnesota 55347-4859  
Primary Phone: 9529131056  
Email: tkoch58@yahoo.com

**Owner Information**

Name: Tom Koch  
Address: 10509 Shelter Grv  
EDEN PRAIRIE,  
Minnesota 55347-4859  
Primary Phone: 9529131056  
Email: tkoch58@yahoo.com

Property Address:

PID:

Planning Application Type: Other

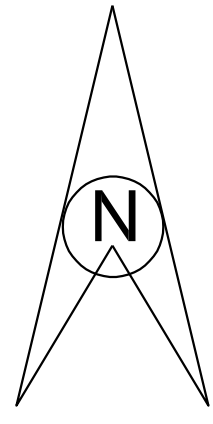
Description:

Supporting Documents: Preliminary/Final Plan

Signature:



# Concept Plan



0 200 400 Feet

PARCEL ID'S: 1111824120004  
1111824130003  
1111824130002  
1111824420002  
1111824420001  
1111824310005

TOTAL AREA = 141.35 ACRES  
AREA LESS EXISTING AND PROPOSED RIGHT OF WAY = 130.12 ACRES  
PROPOSED LOTS = 34 LOTS  
MINIMUM LOT AREA = 1.5 ACRES  
OPEN SPACE REQUIRED = AREA LESS RIGHT OF WAY ÷ 2  
= 65.1 ACRES (50.0%)  
OPEN SPACE PROVIDED = 65.5 ACRES (50.3%)  
USABLE OPEN SPACE REQUIRED = 32.5 ACRES (50.0%)  
USABLE OPEN SPACE PROVIDED = 44.7 ACRES (68.7%)

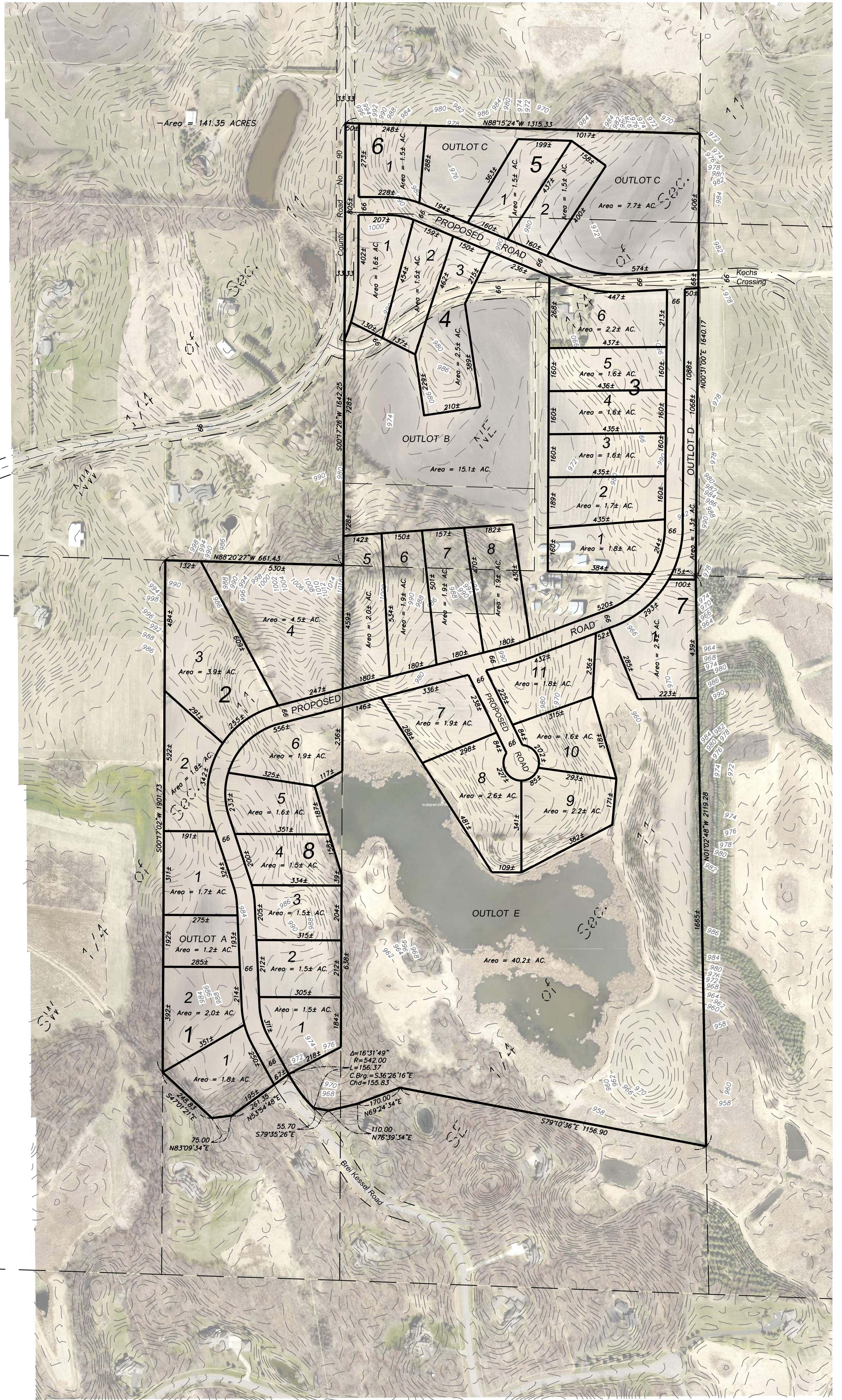
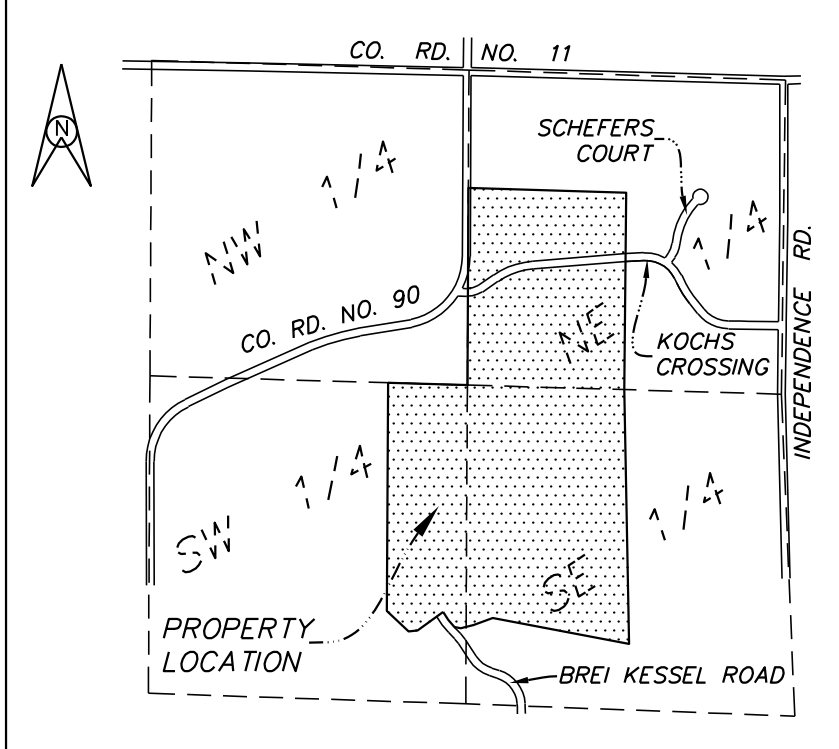
**LEGEND**

— 988 — denotes Existing Lidar Contour per MN DNR

**Vicinity Map**

Not to Scale

SEC. 11, T. 118, R. 24



Concept Plan on part of the E. 1/2 and part of the SW 1/4 of Section 11, 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.

*Paul E. Otto*  
Paul E. Otto  
License #40062 Date: 6-16-21

Requested By:

**Tom Koch**

Date: 5-24-18

Drawn By: T.J.B.

Scale: 1"=200'

Checked By: P.E.O.



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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. 18-0199



# City of Independence

## National Honor Society Service Project – Pioneer Creek Park

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* August 17, 2021

### ***Discussion:***

Several years ago, to fulfill an Eagle Scout project, Martin Eichers built various bird, bat and duck houses for Pioneer Park. He also constructed a kiosk explaining the various birds and trees around the park. In 2019 Christian Eichers wanted to supplement his brother's nature project by putting in a 1300 sq. ft. wildflower garden in the park by the kiosk. He and his Eagle Scout troop planted 230 different plants there, including native wildflowers, sedges, grasses and shrubs.

Christian approached Mayor Johnson, Councilmember Brad Spencer and City staff recently with a request for his National Honor Society service project. He'd like to re-stain the kiosk and erect a new sign since the colors and letters have faded. He plans to replace some of the rotting wood and offered to put fresh wood chips on the garden.

Christian is asking if the City would be willing to help cover his costs for stain, new signage, woodchips and any wood repair/replacement. He expects these costs not to exceed \$600. Currently, the Park Fund balance is \$107,607.

### ***Council Recommendation:***

Staff is seeking direction relating to the request to allow Christian to renovate the kiosk and erect a new sign in Pioneer Creek Park. If approved, the City would agree to fund the costs of renovation in an amount not to exceed \$600.

**ATTACHMENTS:**      **Letter of Request**

Hello Mayor Johnson, Mrs. Horner, and Mr. Spencer

How have you been doing? I hope you are all doing well in this time of uncertainty with the pandemic. I have been doing fine, being employed, but especially because the butterfly garden I installed at the park has been doing incredible.

It inspired me to do more to help the park. Before school starts, on September 7th, I decided I would do some renovation to the kiosk, if the city agrees. A requirement of our school's national honor society is to do a service project with at least ten hours of work put into it, and I knew exactly what to do when I heard about it.

The reason I am emailing you today is to tell you my proposal. I decided for my project I would re-stain the kiosk, and put a new sign on it, because the colors and the letters are faded, if not gone completely. I am also going to replace some of the rotting wood, and put more wood chips down on the garden. I am asking the city, if they agree, to help pay for the stain, wood repair, new signage, and woodchips. The cost will not exceed 600 dollars.

I know it takes time to decide on topics like these, but I have to say that I am under a time restraint. It really has to be done before school starts, because I will not have time afterwards as I will be too busy with school. I was unable to email earlier as we were still in the early planning stages, and I haven't fully decided until now.

I want to thank you again for your support on my project, and I want to let you know that I value your support and none of this would have happened if it weren't for you.

Sincerely,

Christian Eichers

[cpescout@gmail.com](mailto:cpescout@gmail.com)

[ceichers@spikesfeed.com](mailto:ceichers@spikesfeed.com)

763-479-9968