



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY, AUGUST 23, 2016

CITY COUNCIL MEETING TIME: 7:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. ****Consent Agenda****

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

- a. Approval of City Council minutes from the July 26, 2016 City Council Meeting.
 - b. Approval of City Council minutes from the August 3, 2016 City Council Workshop.
 - c. Approval of Accounts Payable; Checks numbered 16373-16425.
 - For Information - Checks numbered 16364-16372 are Payroll Checks.
 - d. **RESOLUTION 16-0823-01:** Approval of Temporary Gambling Permit Request for Windsong Farm Golf Club.
 - e. Approval of Partial Release of Contract for Development For Lot 5, Block 1, Woodhill Farms.
 - f. Establish Date for the Truth and Taxation Budget Public Hearing on **December 13th, 2016 at 7:00PM.**
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. Director Gary Kroells, West Hennepin Public Safety - Activity Report for the Months of June and July, 2016.
 8. A proposed text amendment to the City of Independence Ordinances as follows:

- a. **ORDINANCE 2016-03:** An ordinance opting-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.
8. Open/Misc.
9. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 26, 2016 –7:30 P.M.

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 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None

STAFF: City Planner & City Administrator Mark Kaltsas, City Administrative Assistant Horner, City Attorney Vose

VISITORS: Nathan Rogers, Peter Beck, Rich Kirkland, John Hasse, Kathy and Ed Pluth, Barb and Tom Janas, LuAnn Brenno, Gabe Licht, Jack Wegmann, Lynda Franklin

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 12, 2016 City Council Meeting.
- b. Approval of Accounts Payable; Checks numbered 16316-16343.
 - a. For Information - Checks numbered 16344-16363 are Payroll Checks.
- c. Approval of an Amendment to Agreement with MnDOT Covering Maintenance of the Highway 12 Lighting.

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

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

Betts said she would like to add a discussion on having a Park Board.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Lake Sarah Improvement Association Meeting and Picnic

Grotting attended the following meetings:

- Ultimate Frisbee Tournament

McCoy attended the following meetings:

- Alexandria Law Enforcement Skills Graduation

Betts attended the following meetings:

- Police Commission Meeting

Johnson attended the following meetings:

- National League of Cities/ Small Cities Meeting
- Police Commission Meeting
- Met Council Land Use Advisory Committee Meeting
- Legacy of Delano Open House
- Vikings Stadium Ribbon Cutting
- Senior Community Services Finance Meeting

Horner attended the following meetings:

- Hennepin County Assessors Meeting
- Hennepin County Election Judge Training
- Alexandria Law Enforcement Skills Graduation

Kaltsas attended the following meetings:

7. **ORDINANCE AMENDMENT TO SECTION 915 - REGULATION OF LAKE SARAH SURFACE USE.**

- a. **ORDINANCE 2016-01:** An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.

Motion by Spencer, second by Betts to approve the amendment to section 915 of Ordinance 2016-01. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. **A PROPOSED TEXT AMENDMENT TO THE CITY OF INDEPENDENCE ORDINANCES AS FOLLOWS:**

- a. **ORDINANCE 2016-02:** A proposed amendment to Chapter 5, Sections 510 and 515 – establishing regulations which would permit and govern certain Solar Energy Systems within the City of Independence.

Kaltsas said the Planning Commission has been working on the development of a solar energy ordinance following the submittal of an application for a text amendment to permit large scale solar energy systems within the City. The development of the solar energy ordinance occurred during a series of public hearings held over the last six months. The Planning Commission considered a wide array of information, public input and research in developing the recommended language. A key consideration made during the process pertains to large scale solar energy systems or community solar gardens. Ultimately the Planning Commissioners recommended an ordinance which would not allow community solar gardens in the City. Commissioners

noted that they did not feel large scale systems were a compatible land use with the predominantly residential and agriculture uses in the City.

The Planning Commission did develop an ordinance which provides for solar energy systems in the City. The ordinance developed defines several types of solar energy systems as well as provides qualifying site and system/site specific design criteria pertaining to residential or smaller commercial scale solar energy systems. The ordinance establishes where and what types of systems are permitted, accessory or a conditional use. The ordinance further provides detailed standards regulating the placement, size, types and other criteria for solar energy systems permitted within the City. The recommended ordinance establishes and defines essentially two types of solar energy systems; building integrated (roof mounted), and ground mounted (not attached to a building or accessory structure and typically mounted on a frame or pole). Building integrated systems would be permitted as an accessory use in all zoning districts of the City. Ground mounted systems would be a conditional use in all zoning districts of the City. The standards and performance criteria pertaining to each type of systems is further detailed in the attached recommended ordinance.

Kaltsas noted the City has received a great deal of public input throughout the development of this ordinance. New public input has been attached to this report for further consideration.

Kaltsas said the Planning Commissioners recommended approval of a text amendment to permit and provide regulations pertaining to solar energy systems. The recommended ordinance language has been incorporated into an ordinance which is attached to this report.

Grotting asked if this was limiting use to personal use on properties. Kaltsas said not exactly; that a building in zoned commercial light industrial use could get a conditional use permit for a ground-mounted system and it could also be an accessory integrated use on a building. Grotting asked about an individual who wants to sell back and how this affects their personal use. Kaltsas said the ordinance does not prohibit or restrict a person from selling back into the grid.

Betts asked if a commercial building had a very large roof if they could have the panels covering the whole roof. Kaltsas said they could as there was not a limitation on accessory use. Grotting noted more than 500 square feet could be permitted in residential as well. Kaltsas said that was correct.

McCoy asked about the screening requirements and what was designated as "adjacent residential". Kaltsas said the spirit of what they were getting at is a sight line and it is difficult to define. He said if the panels could be seen it would have to be screened. Vose said Kaltsas' point was if the system was screened by topography no additional screening would be required. McCoy said solar may fit better on the front yards are some of the large properties in the City than in the back yards where it may be may not be screened as well. He thought the language was tight around the screening conditions. Kaltsas said this was discussed by the Planning Commission and they felt you could wholly screen something and it could still be obtrusive element. Kaltsas said the Planning Commissioners felt that 90% of the time these systems would be installed in a backyard but if someone wanted to make a case for a front yard system they could lobby for a variance.

Grotting said it would be hard to address all zoning districts as a whole and they should be addressed individually pertaining to the ordinance.

Johnson said this was very discriminatory in his opinion as a few individuals were trying to dictate what looks good and what does not for the City of Independence. He said this was closing our minds to the future. Johnson said land owners should have a right to use their land for green energy and should not be prevented

from it by someone that does not want to look at it. Grotting said that residents make good decisions and should be able to decide where to park their implements etc.

Vose stated the reason this process is taking place is that there is an applicant with an application to amend the City's ordinance as it relates to a specific solar use. He said the City needs to act on this request or deny it. Vose said if it was going to be denied it needed to be done in writing within the 60 day rule. He noted that if the Council was not comfortable acting on the other parts of the amendment beyond the application request that those parts did not need to be acted on at this point but rather just the application itself could be addressed.

Betts said the Planning Commission has done their due diligence and government should represent the people. She said the people have made it clear what they want and she would make a motion to move the Planning Commission's recommendation. There was not a second to her motion. Spencer said he would like to hear from the applicant before proceeding with the motion. Johnson invited the applicant to address the audience.

Nathan Rogers with Ecoplexus said communities benefit from solar gardens and all of the power generated goes into the grid. He said subscribers get a credit on their bill from Xcel Energy and the savings can be very substantial. Rogers said a project in Colorado will save subscribers in excess of a million dollars over a 25 year period. Rogers said community solar has many advantages with one being that they produce power close to the load which is much more efficient. Current energy models waste as much as 30% of power due to long transmission lines. Solar is a free resource whereas natural gas can be very costly. There are numerous pollutants associated with fossil fuel whereas solar has none. Rogers said there has been a lot of talk that if solar was allowed in the City would they spread all across the City and how that could be regulated. Rogers noted they are looking at specific criteria to install solar gardens so that limits where they would be implemented. He said they are placed on 40 contiguous acres which needs to be flat and free of trees. There cannot be any wetland or streams. Rogers said they are ideally looking for sights within 2 miles of an Xcel substation. Xcel cannot charge subscribers for the cost of installing the solar gardens. The costs of developing and installing the gardens are paid by Ecoplexus. He said the landowner needs to sell or agree to a long-term lease. Rogers said that at most there would be 3 solar gardens in Independence which represents less than 1% of the land.

Rogers said Ecoplexus use completely non-toxic materials and ensures there solar gardens are aesthetically pleasing. The units are normally 8-10 feet high and they use deer fencing and reseed under the panels with low growing grasses. Rogers said these are nuisance free developments that do not produce noise or gases, etc. He said there are no traffic issues other than maybe the three or four months it takes to install the unit. He noted there is no dust or odor and this is a suitable use for RR and AG areas. Rogers said this is similar use to cell towers and wind turbines which are already allowed in the City of Independence. He said they have done exhaustive research and have found the solar gardens have not had an effect on property values. Rogers said electricity is a need not a luxury.

Vose stated the Planning Commission was in dispute over whether or not the land values would be affected or not and did not know if that needed to be opened again for discussion.

Johnson asked if the limited number of gardens that Rogers was talking about was from his company only as there are other competing companies out there. Rogers stated there were competing companies but since no others have come forward they would have a hard time bringing a project forward at this point. He said all solar gardens have to be online one year from now. A project normally has a gestation period of 18+ months. Rogers said this comes from the agreement reached between Xcel and the utility commission.

McCoy asked if solar power was going to be our savior over fossil fuels why was there a deadline attached to implementing it. Rogers noted Xcel is not crazy about solar as they are public company and are obviously beholden to their investors. It is in Xcel's best interest to limit the pace of development as it will economically affect them. Johnson asked if there are incentives from Xcel for people to put in solar gardens that end after this deadline. Rogers said not beyond the credits provided.

Betts asked if the roof-mounted systems only have benefits for the individual homeowner. Rogers said that was correct.

There was discussion around the actual vote for tonight and what exactly was being addressed whether it be the application as presented or the ordinance. Vose stated the history behind the statute. Johnson noted he was not ready to vote an ordinance tonight but would be prepared to vote on the application as the Council needed to be cognizant of the 60 day rule.

Peter Beck stated that the timeline is not the issue. He said the application is to approach the City to see if they are willing to incorporate an ordinance that addresses the statewide policy being implemented on solar gardens. Kaltsas said following the technical process pushes the deadline date at this point to August 15, 2016.

Janas said he felt this process was derailed. He said the City should have been looking at the ordinance but instead immediately went to this specific application. Janas said solar gardens can be totally invisible to adjacent properties so why limit them to 500 square feet. Johnson said the Council tried working on this solar issue before with previous staff and now that it has come back the applicant becomes the sounding board for the whole issue unfortunately.

Johnson asked Rogers about the money they proposed putting towards Nelson Road. Rogers stated if the ordinance went through and the applicants CUP or IUP was approved they would pave Nelson Road.

Johnson asked why the solar garden in Rockford was on a slope. Rogers said it could be a south facing slope but ideally flat property is the preferred location.

McCoy asked who performs the maintenance. Rogers stated the solar maintenance providers perform any maintenance. Rogers said there is a remote shut-off called a recloser.

Brenno said her concern is that the Council has just spent an hour listening to the developer again. Brenno referenced Bett's comments that this has already been through the Planning Commission for review. She said she disagrees with the comments that the opposition is coming from a small group of people. Brenno said she mailed flyers to every residence in Independence in March. She said she has been to all of the meetings and she did not hear them talking about the Janas property. Brenno said many residents made public comments and the vast majority does not want solar gardens in the City. She urged the Council to be more cognizant of the work the Planning Commission has done with the ordinance.

Franklin said she disagreed with the comments about this being discriminatory and that property owners should be able to do whatever they want. She noted the comprehensive plan that is for the good of the City. Franklin said this is an application before the City. She asked for clarification on the ramifications of a zoning change and if it would affect the whole City. Vose said it may but it all depends on the nature of the request. He said a zoning change is not generally property specific. Franklin said that is why it is important to examine how a zoning change would affect everyone. Franklin said everyone has worked hard to make the City beautiful. Franklin asked who the customer base for this type of energy would be as she had heard it would

not be local residents. She also wanted to know what would happen after the five year mark if it was determined this was not a viable source, what would be done with the solar garden at that point.

Johnson said Council should vote on the application or get in writing that the applicant would not hold them accountable to the 60 day rule. Spencer said they could take an informal poll and see where everyone sits and if there is a lot of dissention than table it. He said there has been as much time as any spent on this and the Planning Commission has done a lot of work on it so it would make sense to act.

Johnson said his personal feeling is that it is very discriminatory to the Ag district and that needs to be included in the ordinance as well. Betts said they should vote on the ordinance and the recommendations the Planning Commission has put before them. McCoy said he is not against solar gardens but he does not like picking and choosing what will be allowed. He said this should be part of the comp plan discussions. McCoy said that other avenues of revenue for land owners have been turned down and noted it is hard for large Ag properties to make it. He said he would be opposed to approving solar farms individually as it should be part of the comp plan review instead. Grotting said he has problem with the Ag valuation aspect and if this is an acceptable use. He said he is not in favor of the ordinance in its current state. Spencer said he understands the benefits of solar and knows a lot of communities are dealing with this issue right now. He said he respects the work the Planning Commission has done and supports their recommendations.

Motion by Betts, second by Spencer to approve Ordinance 2016-02. Ayes: Betts, Spencer and McCoy. Nays: Grotting and Johnson. Absent: None. MOTION DECLARED CARRIED.

Motion by Spencer, second by Betts presented by Ecoplexes for a solar garden. Ayes: Betts, Spencer and McCoy. Nays: Grotting and Johnson. Absent: None. MOTION DECLARED CARRIED.

Vose stated this is an oral denial of the application but there would have to be a written denial that states the reason for denial. He said that could be added to the agenda for the special session on August 3rd and the Council could formally act on it at that time.

9. OPEN/ MISC.

Betts said there is some money in the park fund now and it would be nice to get a park board organized again. Johnson said we could advertise it again in the next newsletter but noted this was done a year ago and there were no responses.

10. ADJOURN

Motion by Spencer, second by McCoy to adjourn at 9:30 p.m. Ayes: Betts, Spencer, McCoy, Grotting and Johnson. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

MINUTES OF A WORK SESSION OF THE
INDEPENDENCE CITY COUNCIL
WEDNESDAY, AUGUST 3, 2016 –7:00 A.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a work session of the Independence City Council was called to order by Mayor Johnson at 7:00 a.m.

2. PLEDGE OF ALLEGIANCE.

Postponed until regular meeting.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts and Grotting

ABSENT: McCoy

STAFF: City Administrator Kaltsas, Administrative Assistant Beth Horner

VISITORS: ABDO Steve McDonald, LuAnn Brenno, Lynda Franklin

3. **RESOLUTION 16-0803-01:** Denying the application for a text amendment to allow Community Solar Gardens as a conditional use permit in the AG-Agriculture zoning district.

Motion by Spencer, second by Betts to approve Resolution 16-0803-01. Ayes: Johnson, Betts, Spencer and Grotting. Nays: None. Absent: McCoy. MOTION DECLARED CARRIED.

4. **REQUEST TO RELEASE PROPERTY FROM COVENANCE:**

Kaltsas said an attorney had contacted the City regarding a property at 6140 Woodhill Lane and requested that the property be released from its covenant. He noted there is a Declaration of Covenant and it cannot be released.

Motion by Grotting, second by Spencer to close the special meeting. Ayes: Johnson, Betts, Spencer and Grotting. Nays: None. Absent: McCoy. MOTION DECLARED CARRIED.

5. **2017 Budget**

- a. Long Range Capital Plan
- b. Initial Budget Assumptions /Discussion Points
- c. Draft Budget

Kaltsas said City staff has been working on the 2017 Budget. Abdo, Eick & Meyers has prepared a preliminary budget to initiate the budget development process. In the initial draft, staff has used “placeholder” budget increases based on historical knowns as well as any early information obtained from various entities (i.e. insurance premiums, fire and police initial budget information). The actual budget and any proposed increases or decreases will be fully vetted over the next several months. The City has tried to identify any special projects or initiatives (i.e. comprehensive plan) that will need to be considered in the 2017

budget. Based on the preliminary estimated tax capacity, the City will realize increased revenues from 2016.

In preparation for the 2017 budget, staff is currently working on a comprehensive public works road and equipment capital improvement plan, a City Hall capital improvement plan and a sanitary sewer capital improvement plan. It is anticipated that this information will be presented at the upcoming budget workshop. It is anticipated that the City will have additional budget specific workshops in August and September (as needed) to develop the 2017 budget. The City has until September 30, 2016 to adopt a maximum tax levy.

Kaltsas said some of the key 2017 budget considerations are as follows:

1. General 3% inflation increase built into budget.
2. Using WHPS draft budget proposal as a placeholder which reflects an approximate \$115,000 increase over 2016. This budget has not been approved by the Police Commission and will likely change prior to final adoption.
3. Moved portion of building inspector salary out of sewer budget to reflect actual time allocation.
4. Increase budget to reflect true recycling costs incurred.
5. Included \$15,000 in 2017 budget for 2040 Comprehensive Plan preparation. It is anticipated that the City would complete this process over two years and therefore pay for the plan over two years (must submit plan to Metropolitan Council by end of 2018).
6. Budget as proposed does not fully fund capital/long range plans for equipment and City Hall upgrades.
7. City will be transferring approximately \$92,000 from overlay project to Public Works capital fund in 2016.
8. City will be receiving approximately \$40,000 for Beacon Academy conduit financing in 2016. This funding could be utilized to fund capital expenditures.

Johnson noted that we are one of the few cities that will not get money from Met Council. Kaltsas said our tax capacity is too high so that is the reason. Johnson said if the City ends up hosting the National League of Small Cities meeting in 2018, funds would need to be earmarked for that event.

McDonald said Kaltsas hit all the major points. He said there would be a 9% increase in the general fund. McDonald said the preliminary levy has to be certified by September 30th. He said the Building Inspectors salary was reallocated from the sewer to the general fund. Recycling expenses increased by 20k. Kaltsas noted clean-up day remained fairly neutral. Spencer noted recycling commodities are down. He said it may make sense to go back to a flat rate on recycling.

Betts asked if the increase in the general fund towards City Hall was to replace the carpeting. Kaltsas said they went through the budget to true line items and last year they were short on capital.

Spencer asked about the increase in the financial administration, up 29k. McDonald noted the biggest factor there is the comp plan.

McDonald said the overall tax capacity increase for the City of Independence is 5.61%. He said a comparison was run with three neighboring cities which included Greenfield, Dayton and Corcoran. Kroells commented that Greenfield has no police, Dayton has only 6 officers and Corcoran has 7 so that is a big difference when comparing budgets. Spencer said we should be comped out against Minnetrista and Medina for a better picture.

McDonald noted there was no change in staffing. Revenue was up 8.07% and taxes represent the biggest increase in the general fund.

Johnson asked about the Public Safety portion of the budget. Kroells said 78% is for staff. He said it is a young, new staff and they are still in the step increase years as well as cost of living. He said with step increases and health insurance increases the department has a 75k increase. Spencer said 7.2% per year since the increase to 10 officers is not going to be sustainable year after year. He said the community is not growing fast enough to keep up with these numbers. Kroells said he hears and understands the budget restraints but also wants it noted that no one wants to do the police job. He said officers will leave and go other places. Kroells said one is leaving for Eden Prairie and noted they are the highest paying police department in the state.

Kaltsas asked if there was any feedback from the Council on the rate or percentage increase numbers. He said McCoy provided feedback prior that he would like to see the rate remain flat and if that is not possible at least keep it under 40. Johnson asked about meeting with the Maple Plain Fire Department as there is nothing on his schedule yet for that. Spencer said he is with McCoy and would like to stay under 40. He said the Lake Sarah Pioneer Creek Watershed provided their budget and it is not 3%. McDonald noted the big dollar ticket items are known. He said there are 10-15 items subject to 3%. Kaltsas said the conduit funding is a nice chunk that can be tagged into the capital reserve.

Spencer said the fund balance is not at 50 where it needs to be. McDonald said this is the by-product from 2007-2011 where they kept making cuts and left the City with no cushion. McDonald noted that for future repair/ replacement on streets using tax levies for bonds the amount will be around 100-120k per year. Kaltsas noted that by structuring the debt sooner they can plan for 5-10 years on roads maintenance and know costs long term. McDonald said there will be 115k falling off in 2021 from the levy and that will free up capital.

Spencer said money needs to go towards fixing up the City Hall building. McDonald said Kaltsas has done a great job in thinking ahead and being proactive with the budget.

Ende said an issue coming up is maintaining the 35 miles of gravel roads and costs associated with that. Spencer said Ende has done a great job with the crack sealing of roads this year.

Kaltsas said if Maple Plain Fire stays flat that will help.

6. Sewer Rates

Kaltsas outlined the study saying the City of Independence, Minnesota (the City) owns and operates sewer utilities. These services are provided to roughly 225 residential and commercial customers and charges for availability to another 26 parcels. The City estimates new connections as outlined on the assumptions page. Since the annual expectation for increased connections is fairly low, the City will need to rely primarily on rate increases in order to fund increased operating costs and future capital needs.

This rate study analyzes the cash flows of the sewer utilities and sewer access charge funds of the City. Sources and uses of cash are projected for the years ending December 31, 2016 to December 31, 2025. The study uses the current number and type of accounts to project future revenue at a suggested rate for each of the utility funds, each year.

Annual capital costs are projected separately for each of the funds for the projection period. The City has an updated capital improvement plan that goes from 2016 to 2025. Projections anticipate bonded street projects for each of the next five years.

The Sewer fund has had negative cash from operations for each of the previous three years presented. In order to fund future operations, capital and debt, it will be necessary to increase rates and consider establishing a sewer district for all potential users of the system.

The financial projection is based on billings at the current rate inflated (current state) and billings increased over a 10 year period sufficient to generate positive cash flow (Scenario 1). Expense assumptions are outlined in the assumptions section on the following page and present, to the best of management's knowledge and belief, the City's expected results of cash flows for the projection period if such uses of cash occur. Accordingly, the projection reflects management's judgment, as of the date of this projection, of the expected conditions and the City's expected course of action if such usage and expense totals were attained. The presentation is designed to provide information to the City Council concerning recovery of expenses that might be achieved if rates were adjusted and should not be considered to be a presentation of expected future results. Accordingly, this projection may not be useful for other purposes. The assumptions disclosed herein are those that management believes are significant to the projection. Furthermore, there will usually be differences between projected and actual results, because events and circumstances frequently do not occur as expected and those differences may be material.

Kaltsas noted the burden is placed on those who are hooked up to sewer to cover the costs of the investment twenty years ago as the 26 parcels that have availability and have not hooked up are only paying a nominal year fee in comparison. He said to cover costs the quarterly rate for paying subscribers will go up 10% over the next three years and then 3% thereafter. The rate would go from \$168.00 in 2016 to \$185.00 in 2017 to \$203.00 in 2018 and to \$224.00 in 2019. The availability rate for those that have not hooked up would go from \$32.00 per quarter to \$92.00 per quarter. McDonald said this is working towards a 2025 target to build the cash reserve. Spencer said 20 years in a septic system is fair use so what tools can be implemented in these instances to get the hookups. Kaltsas said some are senior residents waiting to sell and the buyer will have to hookup. Johnson said this is moving in the right direction.

7. **General Correspondence**- brief mention of several upcoming items.

Johnson asked about the Budd Street project. Kaltsas said it is projected to start after Labor Day.

Kaltsas said MnDOT will be coming out to meet with Staff about the County Road 90 intersection independent of the Highway 12 Coalition project. He said they are looking at a round-about at the intersection. Kaltsas said plans get approval and then it would be an 18 month timeframe to implement.

Kroells said the median barrier is funded from 6 to Wayzata. They received one bid and it was very high. They will re-open the bid and set the terms as they will close the road for 18 days instead of trying to do weekend work. Kroells said the work at the County Road 92 intersection is set to be completed on August 26th.

Kaltsas said he had a meeting with the Met Council about the proposed subdivision at 1385 Co Rd 19 (former tree farm). They talked about sewerage the development with hookups to the L63 lift station. Kaltsas said Met Council is interested in the project and it does fit in with their long range sewer plan.

5. **ADJOURN**

Johnson adjourned the work session at 8:45 a.m.

Respectfully submitted,

Trish Bemmels, Recording Secretary

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City of Independence

City Council Work Session Minutes

7:00 a.m. August 3, 2016

City of Independence

Windsong Farm Golf Club – Temporary Gambling Permit Request

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: August 23, 2016

Request:

Chapter 14 of the City Code regulates lawful gambling in the City. The City has the ability to license certain types of gambling which are exempt from the state licensing requirements. The City has received an application for a temporary gambling licensing from Windsong Golf Club in association with a charity golf event being held on September 12, 2016. The event will be held at the golf course and benefits the Open Arms of Minnesota non-profit organization.

The City has criteria for evaluating gambling licenses within the City. The criteria require a sponsoring organization (Windsong GC) to comply with the following: have a permanent facility in the City for at least three years; the event must occur on the sponsoring organizations premises; the sponsoring organization must have a minimum of 20 members; the event cannot occur at the same time as another gambling event and stipulates the types and maximum amounts for certain types of gambling.

The applicant appears to meet the criteria established in Chapter 14 of the Independence City Code relating to gambling licenses.

Recommendation:

Staff is seeking consideration by the City Council for the license application requesting a temporary gambling license. **Resolution No. 16-0823-01** is provided should the City Council wish to approve the application.

Attachments

RESOLUTION NO. 16-0823-01



CITY OF INDEPENDENCE, MINNESOTA

RESOLUTION NO. 16-0823-01

RESOLUTION APPROVING TEMPORARY GAMBLING LICENSE FOR WINDSONG FARM GOLF CLUB, LLC FOR AN EVENT TO BE HELD ON SEPTEMBER 12, 2016 AND LOCATED AT 18 GOLF WALK

WHEREAS, Windsong Farm Golf Club, LLC has submitted an application to the City of Independence requesting City approval of a Minnesota Lawful Gambling LG220 Application for an Exempt Permit located at 18 Golf Walk, Independence, MN 55359; and

WHEREAS, the City has established criteria for evaluating applications for gambling licenses; and

WHEREAS, the applicant has been found to meet the criteria established by the City for a temporary gambling license.

NOW THEREFORE, BE IT RESOLVED, that the City of Independence approve of the Minnesota Lawful Gambling LG220 Application for an Exempt Permit. The City Administrator is directed to attach a copy of this resolution to the application to be submitted to the Gambling Control Board.

This resolution was adopted by the City Council of the City of Independence on this 23rd day of August, 2016, by a vote of ___ayes and ___nays.

Marvin Johnson, Mayor

Attest:

Mark Kaltsas, City Administrator



TEMPORARY GAMBLING PERMIT APPLICATION

NON-PROFIT ORGANIZATION: \$50.00
MUST HAVE PROOF OF NONPROFIT STATUS

Event Location: Windsong Farm Golf Club
Type of event: Fundraiser Number of People Attending: 160 Date: 9-12-16
 Residential Corporate Partnership Group or Association Other

Event Holder Organization Name: Open Arms of MN Non Profit Charity Event
Address: 2500 Bloomington Ave S Mpls, MN 55404
Contact Person: Jennifer Van Wyk Home Phone: _____ Cell Phone: 612-327-8028
2nd Contact Person: Lisa Lane Home Phone: _____ Cell Phone: 612-972-1152
MN Tax ID Number: _____ Federal Tax ID Number: 41-1681317
Purpose of Organization: Nutrition Services for life-threatening illness
No. of Active Members: _____
Length of Time Organization Has Been In Existence: 30 years

Type of Gambling Activity: Bingo _____
Raffle _____
Paddlewheels _____
Pull-Tabs _____
Tipboards _____
Estimated Value of Prizes to be Awarded: \$ 3000

Purpose of Event and How Proceeds Will Be Used:

Charity Golf Event to raise funds and awareness for Open Arms.

Office Use Only

Application Received: 8/17/16 Application Fee: 50.⁰⁰ Date Fee Paid: 8/17/16

Signature of City Official

Date

Guidance relating to Lawful Gambling is contained in the Independence City Code, Chapter 14. All permit holders are required to be familiar with the provisions of this Chapter and with applicable Minnesota Statutes and federal regulations.

In submitting a permit application, the applicant and their business associates declare that they meet the requirements for issue of said permit and that such business will be operated in compliance with the regulations, statutes and ordinances. Knowingly submitting an incomplete or inaccurate application constitutes fraudulent application; failure to comply with the aforesaid regulations, statutes and ordinances; or conviction for related felony or misdemeanor violations constitutes grounds for denial, suspension, or revocation of permits.

I declare that the information I have provided on this application is truthful and I understand that falsification of answers on this application will result in denial of the application. I authorize the City of Independence to investigate and make whatever inquiries necessary to verify the information provided.

8-17-16
Date


Signature of applicant

Date

Signature of applicant

OGDEN UT 84201-0038

In reply refer to: 0441977571
Jan. 24, 2011 LTR 4168C E0
41-1681317 000000 00

00027052
BODC: TE

OPEN ARMS OF MINNESOTA INC
2500 BLOOMINGTON AVE
MINNEAPOLIS MN 55404-3920



0048736

Employer Identification Number: 41-1681317
Person to Contact: Corrinna Patino
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Jan. 12, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(03) of the Internal Revenue Code in a determination letter issued in September 1991.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Rita A. Leete
Accounts Management II

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Open Arms of Minnesota Previous Gambling Permit Number: _____

Minnesota Tax ID Number, if any: _____ Federal Employer ID Number (FEIN), if any: _____

Mailing Address: 2500 Bloomington Ave S

City: Minneapolis State: MN Zip: 55404 County: Hennepin

Name of Chief Executive Officer (CEO): Leah Hebert

Daytime Phone: 612-872-1152 Email: leah@openarmsmn.org

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

- Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
 Don't have a copy? Obtain this certificate from:
 MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
 60 Empire Drive, Suite 100 www.sos.state.mn.us
 St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
 If your organization falls under a parent organization, attach copies of both of the following:
 1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Windsong Farm Golf Club

Address (do not use P.O. box): _____

City or Township: Independence Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): _____

Check each type of gambling activity that your organization will conduct:

- Bingo* Paddlewheels* Pull-Tabs* Tipboards*
 Raffle (total value of raffle prizes awarded for the calendar year: \$ _____)

* **Gambling equipment** for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

The application is acknowledged with no waiting period.
 The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
 The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

The application is acknowledged with no waiting period.
 The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
 The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
 On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: 7/19/2016
(Signature must be CEO's signature; designee may not sign)

Print Name: Leah J. Hebert

REQUIREMENTS

Complete a separate application for:

- all gambling conducted on two or more consecutive days, or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- a copy of your proof of nonprofit status, and
- application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Questions?
 Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

City of Independence

Council Meeting

Partial Release of Contract for Development – Lot 5, Block 1, Woodhill Farms

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: August 23, 2016

Discussion:

The City received a request for a partial release of the contract for development on a property located at 6140 Wood Hill Lane. This development contract was recorded in May of 1995 in association with the Woodhill Farms Development. The City does not have any indication or record of outstanding items/payments relating to this development and in particular to this one property. The attorney for the property owner had provided the City with an incorrect document number asking for the release of the private covenants for this property. The City is not able to provide such a release. Since that time, the attorney recognized their error and has now requested a release from the developer's agreement for the subject property. This agreement dates back to 1995 and the City is not aware of any outstanding issues relating to this property. Paragraph 1.08 provides for the release of the property if all conditions of the agreement are satisfied.

It is recommended that the City approve the release of the contract for development for Lot 5, Block 1, Woodhill Farms.

Attachments: Partial Release of Contract for Development
Contract for Development

**PARTIAL RELEASE OF
CONTRACT FOR DEVELOPMENT**

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, the undersigned, CITY OF INDEPENDENCE, MINNESOTA, a municipality of the State of Minnesota (“City”), hereby releases the real property legally described on the attached Exhibit A hereto from the Contract for Development between Peter Andrea Company, a Minnesota corporation, as developer, and the City, dated May 26, 1995 and recorded on May 30, 1995 as Document No. 6431979 in the office of the County Recorder for Hennepin County.

IN WITNESS WHEREOF, the undersigned has executed this instrument this ____ day of _____, 2016.

CITY OF INDEPENDENCE
a municipality of the State of Minnesota

By: _____
Marvin Johnson, Mayor

By: _____
Mark Kaltsas, City Administrator

EXHIBIT A
Legal Description

Lot Five (5), Block One (1), Woodhill Farms, Hennepin County, Minnesota

PID No. 14-118-24-21-0003

Street Address: 6140Wood Hill Lane, Independence, MN 55359

CONTRACT FOR DEVELOPMENT

THIS AGREEMENT is made this 26th day of May, 1995, by and between the CITY OF INDEPENDENCE, a Minnesota municipal corporation (City), and PETER ANDREA COMPANY, a Minnesota corporation (Developer).

Recitals

A. Developer is under contract or has the right to purchase certain real estate located in Hennepin County, Minnesota, legally described on the attached Exhibit A (the Phase I Property). Developer may purchase in the future an interest in the real estate located in Hennepin County, Minnesota, legally described on the attached Exhibit B (the Phase II and III Properties). (The Phase I Property and the Phase II and III Properties are collectively referred to as "the Property".) The fee owners of the Property are Paul J. Merz and Rosa Marie Merz, husband and wife ("Merzs"), whose consent to this agreement is attached hereto. Developer is not presently under contract with Merzs to purchase the Phase II and/or Phase III Properties.

B. Developer proposes to develop the Property in three phases for residential land use.

C. Developer has presented and received preliminary plat approval from the city council of the City for subdivision of the Property, by Resolution No. 94-0426-02, adopted on April 26, 1994.

D. By Resolution No. 94-0927-02 adopted on September 27, 1994, Developer has presented and received final plat approval from the city council of the City for the Phase I Property, which is a subdivision to be filed of record as WOODHILL FARMS (Phase I).

E. In consideration of City approval of the preliminary plat for the Property, and in consideration of City approval of final plat approval for Phase I, Developer is required to construct and install certain street, grading, and drainage improvements.

Agreement

In consideration of each party's promises as set forth in this Agreement, it is mutually agreed as follows:

ARTICLE ONE
GENERAL PROVISIONS

1.01. Phased Development. Development of the Property according to the approved preliminary plat is expected to occur in three phases over a period of years. The schedule for obtaining final plat approval and commencing construction of improvements for each phase is set forth on the attached Exhibit C.

1.02. Extension of Time Period for Final Plat Approval. Pursuant to Minnesota Statutes, Section 462.358, subdivision 3c, the one-year time period provided by that statute is extended until

Box 537 44
A 59-1165C

May 1, 1999, provided that the Developer purchase from Merzs the Phase II and Phase III Properties and complies with the deadlines for obtaining final plat approval for Phases II and III, as set forth in Exhibit C, and also complies with the deadlines for commencing and completing construction of improvements in Phases I and II. If the Developer fails to purchase from Merzs the Phase II and Phase III Properties and to comply with any of those deadlines, the city council of the City may, at its sole discretion, shorten or terminate the extension granted under this paragraph.

1.03. Park Dedication Fees. The Developer agrees to pay a park dedication fee in the amount required by City ordinances at the time that each final plat is approved by the city council.

1.04. Payment of City Costs. Upon execution of this contract, the Developer shall pay to the city clerk-treasurer a deposit in the amount of \$12,500, to be used by the City to pay its out-of-pocket costs in: (a) preparing and administering this contract; (b) processing the Developer's development proposals for the Property; and (c) preparing and reviewing an environmental assessment worksheet (EAW) and environmental impact statement (EIS), if required. The out-of-pocket costs to be paid shall include, but not be limited to, attorneys' fees, engineering fees, and other technical or professional assistance, including the work of the city staff and employees. The Developer must make additional deposits from time to time as may be necessary to maintain the deposit at a level of not less than \$2,500, upon written notice from the city clerk-treasurer that the balance of the deposit is less than \$2,500. Upon completion of all work required by this contract, any balance remaining shall be refunded to the Developer.

1.05. Attorneys' Fees. The Developer will pay the City's costs and expenses, including attorneys' fees, in the event a suit or action is brought to enforce the terms of this Agreement.

1.06. Amendment. Any amendment to this contract must be in writing and signed by both parties.

1.08. Assignment. The Developer may not assign any of its obligations under this agreement without the prior written consent of the City.

1.07. Agreement to Run with Land. This contract is to be recorded among the land records of Hennepin County, Minnesota. The provisions of this contract shall run with the land and be binding upon the Developer and its assigns or successors in interest. Notwithstanding the foregoing, no conveyance of the Property or any part thereof shall relieve the Developer of its personal liability for full performance of this contract unless the City expressly so releases the Developer in writing. If the Developer fails to purchase from Merzs all or any part of the Phase II and/or Phase III Properties on or before May 1, 1999, then the provisions of this Contract shall on said date automatically terminate with respect to and cease to run with the real estate described on

Exhibit B (the Phase II and III Properties) not so purchased by the Developer from Merzs.

1.08. Releases. When a lot has been platted and the Developer Contribution for that lot has been paid as required by Article Three of this contract, the Developer may provide to the City an instrument in recordable form that releases the lot from this agreement. The City agrees to execute the instrument when the conditions of this paragraph have been met, provided that the City may withhold execution of the instrument if the Developer is in default of any of its obligations under this contract. All costs of recording the partial releases are the responsibility of the Developer or its assigns or successors in interest.

ARTICLE TWO CONSTRUCTION OF IMPROVEMENTS

2.01. Agreement to Construct Improvements. Developer agrees to construct the street, grading, and drainage improvements required for each phase of development of the Property (the Improvements), as described in plans and specifications that must be approved by the city council prior to final plat approval for each phase (the Approved Plans). A copy of the Approved Plans must be filed with the city clerk-treasurer prior to commencement of construction. The Approved Plans for Phase One are entitled WOODHILL FARMS and were prepared by Westwood Professional Services, and dated May 5, 1995. For each subsequent phase, an addendum to this contract will be prepared which specifically identifies and incorporates the Approved Plans for that phase. All labor and work will be done and performed in the best and most workerlike manner and in strict conformance with the Approved Plans. Any deviation from the Approved Plans must be approved in writing by the City's consulting engineer, Loucks & Associates, Inc. (City Engineer).

2.02. Staking, Surveying and Inspections. Developer, through its engineer, must provide all staking, surveying and resident inspection for the Improvements in order to ensure that the completed Improvements conform to the Approved Plans. The City will provide for general inspection. Developer must notify the City Engineer of all tests to be performed.

2.03. Unsatisfactory Labor or Material. In the event that the City Engineer or its designated representative rejects as defective or unsuitable any material or labor supplied by the Developer, then the rejected material must be removed and replaced with approved material and the rejected labor must be done again to the specifications and approval of the City Engineer and at the sole cost and expense of the Developer.

2.04. Time for Developer's Performance: General Provision. The Developer agrees that it will commence work on the Improvements on or before a date mutually agreed to by the parties and will have all work done and the improvements for each phase fully completed to the satisfaction and approval of the city council of the City on

or before a date mutually agreed to by the parties. The parties shall agree to the commencement and completion dates for each phase prior to final approval of the plat for that phase, and shall incorporate the agreed dates into this agreement by addendum. For each phase, the Developer must submit to the City a written schedule indicating the progress schedule and order of completion of the work covered by this contract. The city council may at its discretion extend the date(s) specified for completion upon receipt of written notice from the Developer of the existence of causes over which the Developer has no control that will delay the completion of the work. Whenever an extension of the date of completion is granted by the city council, the Developer must continue the bond required by this contract to cover the work during the extension of time.

2.05. Time for Developer's Performance: Phase One. The Developer agrees that it will commence work on the Improvements in Phase One on or before June 1, 1995 and will have all work done and the Improvements for Phase One completed to the satisfaction and approval of the city council of the City on or before November 1, 1995.

2.06. Records. Copies of all bids, change orders, suppliers, subcontractors, etc., relating to the work to be performed by the Developer must be provided to the City Engineer for its files. To the extent provided by law, the City shall maintain such records as non-public data.

2.07. Additional Work or Materials. All work covered by this contract shall be done at no expense to the City. The Developer shall not do any work or furnish any materials not covered by the Approved Plans and this contract, for which reimbursement is expected from the City, unless such work is first ordered and reimbursement is approved by the city council. Any such work or materials which may be done or furnished by the Developer or its contractor without prior written order are furnished at the Developer's or contractor's own risk, cost and expense, and the Developer agrees that it will make no claim for compensation for work or materials so done or furnished.

2.08. Final Inspection/Acceptance. For each phase, upon completion of all work required by the City Engineer or designated representative, the City Engineer and representatives of the Developer's contractor and/or engineer will make a final inspection of the work for that phase. Before final payment is made to the contractor by the Developer for that phase, the City Engineer shall be satisfied that all work is satisfactorily completed in accordance with the Approved Plans for that phase, and the Developer's engineer shall submit a written statement attesting to the same. The final approval and acceptance of each phase of development shall take the form of a resolution duly passed by the city council of the City, on the advice of the City Engineer.

2.09. As-built Plans. Upon completion of the work for each phase, the Developer shall provide the City with a full set of as-built plans for that phase for City records.

2.10. Indemnification. Notwithstanding anything to the contrary in this contract, the City, its officials, agents and employees shall not be personally liable or responsible in any manner to the Developer, the Developer's contractor or subcontractor, material suppliers, laborers or to any other person or persons for any claim, demand, damages, actions or causes of action of any kind or character arising out of or by reason of the execution of this contract or the performance and completion of the work required by this contract to be performed by the Developer. The Developer will save the City, its officials, agents and employees harmless from all such claims, demands, damages, or causes of action and the costs, disbursements, and expenses of defending the same, including but not limited to, attorneys' fees, consulting engineering services, and other technical or professional assistance, including the work of City staff and employees.

2.11. Financial Guaranty. Prior to commencement of construction on each phase of development, the Developer will furnish the City a corporate surety bond or a dual obligee bond (running in favor of the Developer and the City), certified check, certificate of deposit or irrevocable letter of credit (the Security), approved by the City Attorney, in the amount of 150% of the City Engineer's estimated project costs for the Improvements for that phase. The City Engineer's estimated project costs for Phase One are set forth in Exhibit D to this contract, which exhibit shall be amended from time to time to reflect the estimated project costs for each succeeding phase. Reduction in the Security may be granted upon written request by the Developer based upon the value of the completed work at the time of the requested reduction. The amount of the reduction will be submitted to the city council for action. The Security may not be reduced to less than 20% of the original amount until all work in that phase required of the Developer by this contract has been completed and accepted by the City. Upon failure of the Developer to perform, the City may declare the contract to be in default and the amount of the Security shall be paid over to the City. From the proceeds of the Security, the City shall be reimbursed for any attorneys' fees, engineering fees or other technical or professional assistance, including the work of the City staff and employees, and the remainder thereof shall be used by the City to complete the contract. The Developer shall be liable to the City to the extent that the Security is inadequate to reimburse the City its costs and pay for the completion of the work.

2.12. Insurance. The Developer shall furnish proof of insurance acceptable to the City, covering any public liability or property damage by reason of the operation of the Developer's equipment, laborers, and hazard caused by the Improvements. The Developer must keep the insurance in force at all times that construction on any phase of the development is in progress. The

insurance must name the City as an additional insured and must provide that the insurer will give the City not less than 30 days' written notice prior to cancellation or termination of the insurance policy.

2.13. Maintenance Bond. Upon completion of the work for each phase and prior to final payment for that phase, the Developer and/or its contractor shall be required to furnish the City a one-year maintenance bond guaranteeing said work to the City.

ARTICLE THREE FUTURE ROAD IMPROVEMENTS

3.01 Road Improvements. The parties agree that the development of the Property will likely precipitate the need for future upgrading of Independence Road immediately adjacent to the Property and Becker Road from the Property to Pagenkopf Road (the "Road Improvements").

3.02 Developer Contribution. As an inducement to the City to authorize the Road Improvements, the Developer agrees to make a contribution (Contribution) to the City for each lot of the Property which is developed. The amount of the Contribution shall be \$1,400.00 per lot for each of the anticipated 64 lots in all of Phases I, II, and III of the Property. The Developer will pay \$1,400.00 to the City for each lot contained in each platted Phase, upon execution of a final plat for such Phase.

3.03 Building Permits. The City shall not be required to issue any building permit for improvement of any lot, until the Developer or its successor or assign has made the Contribution as required by Section 3.02 above.

3.04 Use of Funds Restricted. The City shall deposit all Contributions received under Section 3.02 above in a separate interest-bearing or investment fund (the Fund), which shall be reserved exclusively for defraying the cost of the Road Improvements. If construction of the Road Improvements does not commence prior to December 1, 2004, the entire balance of the Fund, including accrued interest, earnings or dividends, if any, shall be refunded prorata to the then-current owners of the lots for which Contributions were made.

3.05 Special Assessments. Nothing in this Contract shall prevent the City from levying special assessments against all or a portion of the Property for the construction of the Road Improvements, provided that such special assessments shall be assessed according to Minnesota Statutes, Section 429 or other applicable law. However, the total amount of Contributions made pursuant to this agreement, plus accrued interest, earnings, or dividends, if any, in the possession of the City, shall be offset against the total of such special assessments that are levied against all or a portion(s) of the Property.

EXHIBIT A

(Legal Description of Phase I Property)

That part of the Northeast Quarter of the Northeast Quarter, part of the Northwest Quarter of the Northeast Quarter and part of the Southwest Quarter of the Northeast Quarter, all in Section 14, Township 118, Range 24, Hennepin County, Minnesota, lying westerly, northwesterly and westerly of the following described line:

Commencing at the northwest corner of said Northeast Quarter of Section 14; thence South 87 degrees 47 minutes 42 seconds East, assumed bearing, along the north line of said Northeast Quarter, a distance of 2083.03 feet to the west line of the East 660.00 feet of said Northeast Quarter and the actual point of beginning of the line to be described; thence South 01 degrees 11 minutes 19 seconds West, along said west line of the East 660.00 feet of said Northeast Quarter, a distance of 409.35 feet; thence South 85 degrees 53 minutes 45 seconds West, a distance of 374.45 feet; thence South 09 degrees 46 minutes 26 seconds West, a distance of 351.09 feet; thence South 79 degrees 33 minutes 51 seconds West, a distance of 550.92 feet; thence South 28 degrees 13 minutes 59 seconds West, a distance of 1074.58 feet; thence South 62 degrees 36 minutes 51 seconds West, a distance of 218.95 feet; thence South 00 degrees 15 minutes 59 seconds East, a distance of 447.11 feet; thence South 89 degrees 40 minutes 23 seconds West, a distance of 320.00 feet to the east line of the West 66.00 feet of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 15 minutes 59 seconds East, along said east line, a distance of 162.08 feet to the south line of said Southwest Quarter of the Northeast Quarter and said line there terminating.

ALSO

The South 808.5 feet of the Northwest Quarter of the Northwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota, EXCEPT the Westerly 539 feet of the South 404 feet of said NW 1/4 of the NW 1/4, and EXCEPT the West 353 feet of the North 185 feet of said South 808.5 feet, and EXCEPT the East 100 feet of the West 639 feet of the South 374 feet of said NW 1/4 of the NW 1/4.

ALSO

The North 30 feet of the South 404 feet of the West 539 feet of said Northwest Quarter of the Northwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota.

ALSO

That part of the Northwest 1/4 of Section 14, Township 118, Range 24, Hennepin County, Minnesota described as follows:

Beginning at the Northeast corner of the East 1/2 of said Northwest 1/4; thence Westerly to the Northwest corner of said East 1/2 of Northwest 1/4; thence Southerly to a point on the west line of said East 1/2 of Northwest 1/4 distant 390 feet North from the Southwest corner of said East 1/2 of Northwest 1/4; thence North 85 degrees 22 minutes 58 seconds East, a distance of 716.07 feet to a point distant 714 feet Easterly of and measured perpendicular to said West line of the East 1/2 of the Northwest 1/4 and distant 466 feet Northerly of and measured perpendicular to said

South line of the Northwest 1/4; thence Southerly along a line parallel with said west line of the East 1/2 of the Northwest 1/4, a distance of 186 feet; thence Easterly to a point in the East line of said Northwest 1/4 distant 220 feet North from the Southeast corner of said Northwest 1/4; thence Northerly to the point of beginning.

Containing 148.94 acres more or less.

EXHIBIT B

(Legal Description of Phase II and III Properties)

LEGAL DESCRIPTION FOR PHASE II

The East 898 feet of the Southeast Quarter, Section 14, Township 118, Range 24, except the East 532 feet of the North 820 feet of said Southeast Quarter, Hennepin County, Minnesota. (Torrens)

ALSO

That part of the Southeast Quarter of Section 14, Township 118, Range 24 described as follows:

Beginning at the intersection of the North line of said Southeast Quarter with the West line of the East 898 feet of said Southeast Quarter; thence on an assumed bearing of North 88 degrees 32 minutes West along said North line to the East line of the West 349.2 feet of said Southeast Quarter; thence Southerly along said East line to the South line of the North 450 feet of said Southeast Quarter to the point of beginning of a line hereinafter referred to as Line "A"; thence North 79 degrees 28 minutes East a distance of 288 feet; thence North 60 degrees 28 minutes East a distance of 625 feet and said Line "A" there terminating; thence South 02 degrees 32 minutes East a distance of 961.6 feet; thence North 79 degrees 17 minutes West to the intersection with a line drawn Easterly parallel with said North line of the Southeast Quarter, from a point on the West line of said Southeast Quarter distant 1695.5 feet Northerly from the Southwest corner of said Southeast Quarter; thence Westerly along said parallel line to said West line of the Southeast Quarter; thence Southerly along said West line of the Southeast Quarter to the North line of the South 500 feet of said Southeast Quarter; thence Easterly along said North line of the South 500 feet to said West line of the East 898 feet of the Southeast Quarter; thence Northerly along said West line of the East 898 feet to the point of beginning.

EXCEPT that part thereof embraced within the South 566.00 feet of the North 1016.00 feet of the West 1055 feet of said Southeast Quarter, and

EXCEPT that part thereof lying northerly of said line "A" and westerly of a line bearing South 11 degrees East from a point on the North line of said Southeast Quarter, distant 664.59 feet Easterly from the Northwest corner thereof, according to the Government Survey thereof. (Torrens)

EXCEPT those parts of the Southeast Quarter, Section 14, Township 118, Range 24 described as follows:

That part of the Southeast Quarter of Section 14, Township 118, Range 24 described as follows: Beginning at the Southeast corner of the North 450.00 feet of the West 149.20 feet of said Southeast Quarter; thence North 79 degrees 28 minutes East (assuming the North line of said Southeast Quarter has a bearing of North 88 degrees 32 minutes West) a distance of 288.00 feet; thence North 60 degrees 28 minutes East to an intersection with a line bearing South 11 degrees East from a point on the North line of said Southeast Quarter distant 664.59 feet Easterly from the Northwest corner of said Southeast Quarter; thence South 11 degrees East to the South line of the North 450.00 feet of said Southeast Quarter; thence North 88 degrees 32 minutes West along said South line to the point of beginning. (Abstract)

That part of the Southeast Quarter, Section 14, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence South 88 degrees 30 minutes 37 seconds East, assumed bearing, along the north line of said Southeast Quarter, a distance of 664.59 feet to the point of beginning; thence South 10 degrees 58 minutes 37 seconds East a distance of 460.87 feet to the south line of the North 450.00 feet of said Southeast Quarter; thence South 88 degrees 30 minutes 37 seconds East, along said south line of the North 450.00 feet of the Southeast Quarter, a distance of 305.21 feet to a point distant 450.00 feet southerly and measured perpendicular to said north line of the Southeast Quarter and distant 1055.00 feet easterly and measured perpendicular to the west line of said Southeast Quarter; thence North 27 degrees 52 minutes 47 seconds East a distance of 502.35 feet to said north line of the Southeast Quarter; thence North 88 degrees 30 minutes 37 seconds West, along said north line of the Southeast Quarter, a distance of 627.99 feet to the point of beginning.

LEGAL DESCRIPTION FOR PHASE III

That part of the Northeast Quarter of the Northeast Quarter, part of the Northwest Quarter of the Northeast Quarter, and part of the Southwest Quarter of the Northeast Quarter, all in Section 14, Township 118, Range 24, Hennepin County, Minnesota, lying easterly, southeasterly and easterly of the following described line:

Commencing at the northwest corner of said Northeast Quarter of Section 14; thence South 87 degrees 47 minutes 42 seconds East, assumed bearing, along the north line of said Northeast Quarter, a distance of 2083.02 feet to the west line of the East 660.00 feet of said Northeast Quarter and the actual point of beginning of the line to be described; thence South 01 degrees 11 minutes 19 seconds West, along said west line of the East 660.00 feet of said Northeast Quarter, a distance of 409.35 feet; thence South 85 degrees 53 minutes 45 seconds West, a distance of 374.45 feet; thence South 09 degrees 46 minutes 26 seconds West, a distance of 351.09 feet; thence South 79 degrees 33 minutes 51 seconds West, a distance of 550.92 feet; thence South 28 degrees 13 minutes 59 seconds West, a distance of 1074.58 feet; thence South 62 degrees 36 minutes 51 seconds West, a distance of 218.95 feet; thence South 00 degrees 15 minutes 59 seconds East, a distance of 447.11 feet; thence South 89 degrees 40 minutes 23 seconds West, a distance of 320.00 feet to the east line of the West 66.00 feet of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 15 minutes 59 seconds East, along said east line, a distance of 162.08 feet to the south line of said Southwest Quarter of the Northeast Quarter and said line there terminating.

EXCEPT the East 660.00 feet of said Northeast Quarter of the Northeast quarter, Section 14, Township 118, Range 24; and

EXCEPT that part of said Southwest Quarter of the Northeast Quarter, Section 14, Township 118, Range 24, described as follows:

Beginning at the intersection of the South line of said Southwest Quarter of the Northeast Quarter with the East line of the West 66.0 feet of said Southwest Quarter of the Northeast Quarter; thence on an assumed bearing of South 83 degrees 32 minutes East along said South line to a point distant 664.59 feet easterly of the Southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 11 degrees West a distance of 184.23 feet; thence South 89 degrees 39 minutes West to said East line of the West 66.0 feet; thence Southerly along said East line of the West 66.0 feet to the point of beginning.

ALSO

The Southeast Quarter of the Northeast Quarter, Section 14, Township 118, Range 24, Hennepin County, Minnesota

ALSO

That part of the Southeast Quarter, Section 14, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Commencing at the Northwest corner of said Southeast Quarter; thence South 88 degrees 30 minutes 37 seconds East, assumed bearing, along the north line of said Southeast Quarter, a distance of 664.59 feet to the point of beginning; thence South 10 degrees 58 minutes 37 seconds East a distance of 460.87 feet to the south line of the North 450.00 feet of said Southeast Quarter; thence South 88 degrees 30 minutes 37 seconds East, along said south line of the North 450.00 feet of the Southeast Quarter, a distance of 305.21 feet to a point distant 450.00 feet southerly and measured perpendicular to said north line of the Southeast Quarter and distant 1055.00 feet easterly and measured perpendicular to the west line of said Southeast Quarter; thence North 27 degrees 52 minutes 47 seconds East a distance of 502.35 feet to said north line of the Southeast Quarter; thence North 88 degrees 30 minutes 37 seconds West, along said north line of the Southeast Quarter, a distance of 627.99 feet to the point of beginning.

EXHIBIT C

(Schedule for Phased Development)

<u>Deadline</u>	<u>Approval/Activity</u>
To be determined	Final plat approval for Phase Two
To be determined	Construction commences on Phase Two Improvements
To be determined	Construction completed on Phase Two Improvements
To be determined	Final plat approval for Phase Three
To be determined	Construction commences on Phase Three Improvements
To be determined	Construction completed on Phase Three Improvements

If Developer and City fail to reach agreement on the above deadlines by September 27, 1996, the City may, at its option, terminate the extension granted under Section 1.02 of this Agreement.

EXHIBIT D
(Estimated Project Costs)

<u>Item Description</u>	<u>Estimated Cost</u>
Road Asphalt	\$224,000.00
Grading	120,000.00
Storm Sewer	48,000.00
Silt Fence	15,000.00
Seeding	15,000.00
Clearing and Grubbing	30,500.00
 TOTAL ESTIMATED COSTS	 \$ 452,500.00
	<u> x 150%</u>
AMOUNT OF FINANCIAL GUARANTY	\$ 678,750.00

TRANSFER ENTERED
HENNEPIN COUNTY TAXPAYER SERVICES

MAY 31 1995

HENNEPIN COUNTY MINN.
BY *[Signature]* DEPUTY

30

6431979

30MAY95 8:32 06431979 SCD \$4.50
30MAY95 8:32 06431979 DDC \$18.00

OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNESOTA

CERTIFIED TRUE AND OR
RECORDED ON

95 MAY 30 AM 8:35

AS DOCUMENT # **6431979**
BY *[Signature]* DEPUTY

REC FEE 12.-
COPY FEE 1.-

AW530



Date: July 15, 2016
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *G. Kroells*
SUBJECT: JUNE 2016 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\2015\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

Monthly Activity Report
June 2016

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	10	18	57	54
Traffic	217	193	1,189	1,284
Part III	14	19	75	58
Part IV	42	18	203	175
Part V	217	169	975	860
Total City of Independence	500	417	2,499	2,431
City Of Maple Plain				
Criminal	8	10	38	41
Traffic	126	62	491	320
Part III	6	9	27	36
Part IV	17	30	139	130
Part V	114	154	743	670
Total City Of Maple Plain	271	265	1,438	1,197
Grand Total Both Cities	771	682	3,937	3,628
TZD	21	0	77	142
Agency Assists	90	27	281	152
Total ICR Reports	861	709	4,218	3,922
Mileage	12,533	11,980	73,554	74,363
How Received				
Fax	5	13	72	69
In Person	27	33	260	221
Mail	1	4	10	18
Other	3	7	37	15
Phone	30	56	201	258
Radio	252	213	1,237	1,070
Visual	449	328	2,077	2,005
Email	3	5	27	18
Lobby Walk In	56	50	262	248
Total	826	709	4,183	3,922

June 2016 Criminal Part I & II
City of Independence Grid #'s 3-5

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
		Open Bottle/Possession of Marijuana Paraphernalia/Possess Alcohol Under				
WHPS	16003437	21	42524	5	42524	M4104
WHPS	16003565	2nd Degre DWI	42529	4	42529	JEW01
WHPS	16003607	Theft of Fuel	42530	3	42530	T0059
WHPS	16003615	Damage to Property / Mailbox	42530	3	42530	P3119
WHPS	16003699	Burglary/Theft of Equipment	42533	3	42533	B0394
WHPS	16003736	Theft of Trailer	42535	3	42535	TC229
WHPS	16003765	Theft of Hay Wagon	42536	5	42536	TC999
WHPS	16004048	3rd Degree DWI / Driving without a Valid License	42546	5	42546	JFW01
WHPS	16004127	Domestic Assault	42549	4	42549	AL441
WHPS	16004133	Possession Child Pornography	42549	3	42549	O2932

June 2016 Criminal Part I & II

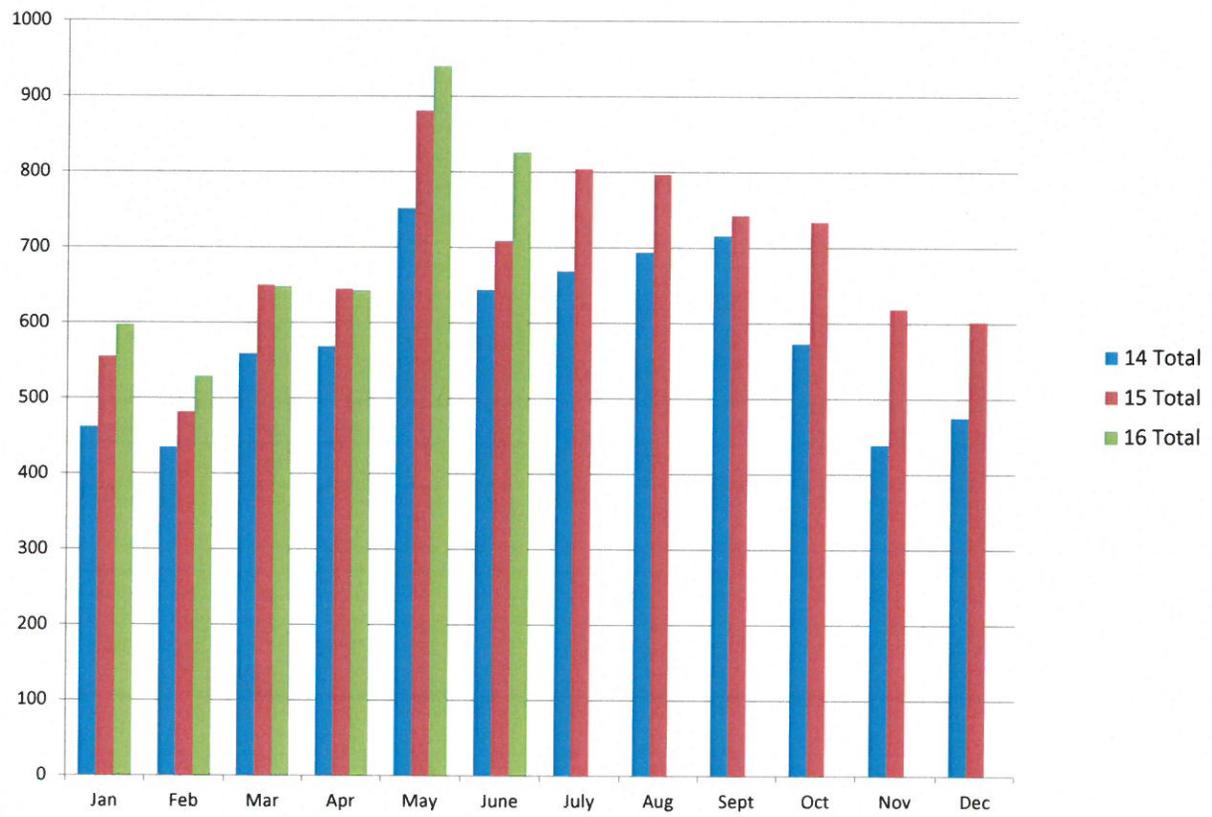
City of Maple Plain Grid # 1-2

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16003392	4th Degree Damage to Property	42522	2	42522	P3119
WHPS	16003462	3rd Degree DWI / 3rd Degree DWI Refusal	42524	1	42524	JFG01
WHPS	16003552	Theft From Auto	42528	1	42528	T0159
WHPS	16003636	Theft of Financial Funds	42531	2	42531	U1111
WHPS	16003778	4th Degree DWI	42537	1	42537	JG501
WHPS	16003818	2nd Degree DWI / Open Bottle	42538	2	42538	JE501
WHPS	16004064	4th Degree DWI	42546	1	42546	JGW01
WHPS	16004107	Theft of Vehicle Equipment	42548	2	42548	TB229

June 2016 Criminal Part I & II

Towards Zero Death Grant Shift

WHPS	16003933	Possession of Drug Paraphernalia	42543	12	42543	DC500
WHPS	16004067	3rd Degree DWI	42546	35	42546	JFW01



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

June 2016 Activity Report

Year to Date Activity Report

At the end of June 30, 2016, West Hennepin Public Safety (WHPS) has year-to-date handled a total of 4,183 incident complaints; 1,438 in Maple Plain and 2,499 in Independence. This is an increase of 261 incidents compared to the same time frame last year.

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

Recent Highlighted Cases:

Neighbor Complaint

June 1 500 block of Nelson Road, Independence. Reported weeds had overgrown a fence that was built 2 feet on the neighbor's property and it was not being taken care of. The neighbor agreed to maintain it.

Civil Dispute

June 1 2000 block of County Line Rd, Independence. Resident reported a business partner she has worked with for 20 years took 20 calves from her and has not paid. Contact was made with the partner who stated the business transactions have all been verbal and he would contact her and make sure everything was settled.

Damage to Property

June 1 5300 block of Highway 12, Maple Plain. At 3:42 p.m. a verbal argument started over a phone call. As the female tried to leave, the boyfriend hit her vehicle windshield twice. The female then left and called the Police. The boyfriend admitted to getting mad and punching the windshield. The boyfriend submitted a preliminary breath test which resulted in .24% alcohol concentration. He was issued a citation for damage to property.

Missing Person

June 1 At 5:45 p.m. Vinland Center at 3675 Ihduhapi Tr, Independence reported a missing person. A male had left the facility and had suicidal thoughts in the past. He was not located and was entered into NCIC as a missing person. At 11:54 p.m. the male returned to the property and Vinland allowed him to stay for the night. He was removed from NCIC as a missing person.

Traffic Complaint

June 2 At Co Rd 6 and Co Rd 90, Independence responded to a traffic complaint of a tractor that was spilling chemicals all over the road and unto the passing vehicles. The tractor was located and had a sprayer attached to it. The farmer stated that he just left the field and was driving back to his barn when he realized that it was spraying fertilizer on the road. The fertilizer would not harm anything and would wash off the road the next rain.

Pick Up / Warrant

June 2 WHPS officers responded to Vinland Center, Independence for a warrant pick up. The male had left the center and had walked into the woods. The male was located in the woods and was transported Hennepin County Jail for a misdemeanor theft warrant.

Traffic Complaint

June 2 WHPS officers responded to 400 block of Nelson Road, Independence for a homeowner reported he heard a woman screaming, an engine revving, and what sounded like rocks on metal. He went outside and found a Dodge Dakota pickup that looked like it was in the ditch. When he approached the vehicle, it was accelerated towards him and the homeowner had to push off the side of the vehicle to avoid being hit. The vehicle was not located and approximately 1/4 mile of skid marks were left in the gravel. Photos were taken for future investigation.

Open Bottle / Possession of Marijuana Drug Paraphernalia

June 3 At 12:06 a.m. a vehicle was stopped for running a red light at County Line Road and Highway 12, Independence. The driver and passenger were under 18 and were in possession of open containers of alcohol and marijuana and drug paraphernalia. Driver 17 year old juvenile from Lake Elmo, was cited for possession of marijuana, drug paraphernalia and failing to obey a red semaphore: 17 year old female juvenile from Mahtomedi, possession of alcohol and open bottle; passenger 17 year old juvenile female from Plymouth— possession of alcohol – under 21, open bottle in a motor vehicle and no proof of insurance as she was the owner of the vehicle. Parents were called and advised of their daughters contact with the Police.

Pedestrian Struck

June 4 WHPS officer responded to 1100 block of Co Rd 83, Independence for a female crawling in the roadway. A resident walking to her mailbox was struck by a vehicle traveling on Co Rd 83. The female was transported to the hospital. The driver had stopped and was issued a citation for Fail to Drive with Due Care.

Medical / Fall

June 5 At 3:42 a.m. responded to the 4400 block of Lake Sarah Drive, Independence for a male who fell into a fire pit and was bleeding. WHPS found a male sitting in a chair by the fire pit. He had fallen backwards from a bench striking his head on some rocks. North Memorial Ambulance transported him to the hospital.

Truancy

June 7 2000 block of South Lake Shore Drive, Independence. Reported a 16 year old juvenile male refused to go to school. The juvenile stated he would go to school and catch the middle school bus. His mother called later advising he did not go to school.

Burglary Report

June 7 5200 block of Bryantwood Drive, Maple Plain reported a burglary and then canceled the call. The resident stated he had misplaced his wallet and keys and initially could not find them. Then he found them and canceled the police.

Theft from Auto

June 7 1500 block of Howard Ave., Maple Plain. Reported theft from a parked vehicle. Someone had removed part of the vehicles dash and stolen his in-dash car stereo and tools from the trunk. The case is under investigation.

Personal Injury Crash

June 8 Intersection of Main Street and Budd Ave., Maple Plain. The driver of a Ford F-150 pickup truck drove through the stop sign and T-Boned a Dodge Ram in the intersection.

The Dodge Ram ended up on its side and the driver had to be extricated. The driver of the Ford was issued a citation for Failure to Stop at Stop Sign.

Theft

June 8

1500 block of Howard Ave., Maple Plain. Plants were stolen that were sitting by a flower plot in the yard. 4 flats of plants consisted of Tuberous Begonias, Meri Golds, Impatiens (white, red, pink), chives and parsley were stolen. Approximate lost \$180.

Theft

June 9

7000 block of Highway 12, Independence. Resident reported 100 gallons of fuel had been stolen from a tank. A padlock had been cut to access the fuel. The case is under investigation.

Theft

June 10

5400 block of Industrial Street, Maple Plain a business reported theft of funds that were paid for remodeling repairs. The check had been deposited into a personal account instead of the business account. The case is under investigation.

Vehicle in Ditch

June 11

County Road 11 & Town Line Road, Independence a driver did not see the stop sign because of the thick fog and continued to drive down into the ditch at the "T" intersection. The driver had some chest pain from her seatbelt but did not need an ambulance to respond. No alcohol or drug use was found and her parents arrived to give her a ride home.

Suspicious Activity

June 11

At 7:09 a.m. at Highway 12 and Baker Park Rd, Maple Plain a male was walking around the parking lot of a business. He stated his girlfriend dropped him off at the bus stop this morning on her way to the airport and he did not know that a bus does not come on the weekends. He contacted a friend for ride but it was too early and that his friend is not up yet. He was given a ride to the bus stop in Wayzata to wait for his friend.

Neighbor Trouble

June 11

Reported at the 4000 block of Main Street E, Maple Plain a resident that shares a duplex was rude and disrespectful when he is in the communal parts of the building. The landowner was going to take care of the problem

Harassment

June 12

Reported at Vinland Center a male stated staff was accusing him of having alcohol in a diet Coke can. He provided a breath sample that resulted in .03% alcohol concentration. Staff dealt with the issue.

Welfare Check

June 12

1500 block of Howard Ave., Maple Plain for a male asking for help. His vitals were taken and found his heart rate was high. He admitted he had snorted and drank methamphetamines either two or three days ago. North Memorial Ambulance transported him to the hospital.

Burglary / Theft

June 12

Reported in the 1200 block of Co Rd 90, Independence a generator was stolen and a motorhome broken into. The case is under investigation.

- Assault
June 12 Reported at Vinland Center a female was slapped by another female. Both females and witnesses were spoken to and it was found no crime had occurred other than pushing. No arrests were made.
- Civil Matter
June 12 5200 block of Manchester Dr, Maple Plain. An ex-roommate wanted to pick up items from an apartment. The renter did not want the ex-roommate to come over as it was 11:17 p.m. The renter wanted WHPS to know in case the ex-roommate shows up.
- Crash
June 13 Reported a black BMW 3-series went off the road and crashed into a tree at Windsong Golf Course, Independence. Contact was made with the driver who was found had a suspended driver's license; he had been texting and driving and had no proof of insurance. North Memorial Ambulance responded and checked the driver. The driver was issued citations for DAS, text and drive, drive with due care, and no proof of insurance.
- Trespassing
June 13 3400 block of Ihduhapi Trail, Independence. A makeshift campsite with a sleeping bag and a couple of blankets were found on private property. The property owner left printed signs notifying anyone who returns they are trespassing and asking for their property to be removed within 48 hours otherwise it would be disposed of.
- Drunk Problem
June 13 At 11:23 p.m. reported an intoxicated 30 year old male called 911 stating he was intoxicated and was walking near the Maple Plain Family Center. While enroute the caller told dispatch he was going to lie down and was near Maple Plain Bank. The male was located found lying on the ground in the parking lot of Collision Corner with the phone to his ear and did not appear in distress. As he was approached, he got up and stated he was "drunk" and needed a ride. He had been drinking at a friends' and was trying to walk home. He was transported to his residence and was left in the care of his father who stated he would take care of him.
- Vandalism
June 13 While on patrol, WHPS officer discovered a speed limit sign defaced. The sign is located on the east side of Copeland Rd south of Dean Ln. Independence Public works notified of the vandalism.
- Theft
June 14 Business in the 6500 block of Highway 12, Independence reported theft of a trailer. A homemade 6 ½ ft. X 12 ft. trailer, black in color with a rear mesh gate and side mesh gate used to load four wheelers onto the trailer was stolen. The trailer was entered into NCIC and the case under investigation.
- Medical
June 14 Reported at Vinland Center a male was having a psychotic break down but was somewhat cooperative. He voluntarily had North Memorial Ambulance transport him to the hospital.

Theft

June 15 2000 block of County Line Rd, Independence. Resident reported he had a kicker hay rack stolen. It was 9'x18' Meyer's Industry rusty red with regular sized car tires on it. The case is under investigation.

Harassment

June 15 2000 block of Lindgren Lane, Independence. A resident reported her neighbor came over to her residence earlier in the day and began yelling at landscapers doing work on her driveway. The resident wanted the neighbor contacted to tell her not to bother her.

Civil Matter

June 15 Caller reported he and his girlfriend broke up and wanted to get his horse and boat off the property at 2000 block of Hitsman Ln, Independence. He was advised to have his paperwork in order showing his ownership and as a courtesy to notify his ex-girlfriend that he will be coming over to pick up his property.

Suspicious Act

June 15 At 11:43 p.m. reported an occupied vehicle at Pioneer Creek Community Park after hours. Contact was made with three juveniles who were just 'hanging out and looking at the stars'. They were advised the park was closed, they are out past their curfew and they needed to go home. The juveniles left and the officer followed them home.

Crash

June 16 Budd Ave & Oak Street, Maple Plain. A vehicle was approaching a driveway near Budd Ave. when a cube van backed out of the driveway and struck her vehicle. Approximate damage \$1,000.00. No injuries.

Probation Violation

June 16 5000 block of Main Street, Maple Plain. A male on probation and to be abstaining from alcohol use gave a preliminary breath test which resulted in .08% breath alcohol concentration. He was taken into custody for probation violation. He admitted to just opening and having a beer before police arrival.

ATV Complaint

June 16 Becker Road and Merz Way, Independence. Reported ATV's racing up Becker Road and were loud. The area was checked and the ATV or a dirt bike were located.

Traffic Complaint

June 18 At 10:28 p.m. caller reported a vehicle had rubbed up against the jersey barrier and was driving erratically on Highway 12 towards Maple Plain. The caller stated the driver nearly drove into the ditch. Contact was made with the driver who was sweating profusely and her speech was erratic. She had difficulty stating where she had come from or where she was going. She had lost 1 of her contacts while driving and became lost and "frazzled". No alcohol involvement was found. Her boyfriend responded and picked her up as she was in no condition to operate a motor vehicle safely due to her vision and physical state at the time.

Threats

June 19 5500 Lake Sarah Heights Drive, Independence. Reported 4 fishermen in 2 boats were threatening a resident and his daughter. The men in the boats had been making rude statements to his daughter and continued to anchor their boats within feet of their dock and blocked the path behind the residents boat lift. The fisherman agreed to leave the area and move to another location.

Loud Music

June 20 At 11:25 p.m. reported loud music in the 2700 block of Copeland Rd, Independence. Contact was made with the homeowner who was advised of the noise ordinance and agreed to turn his music down.

Crash

June 21 Co Rd 6 / Kuntz Drive, Independence. The motorist was waiting for traffic to clear to turn into his driveway when his vehicle was hit from behind. The driver stated she looked down to adjust the radio, when she looked back up she saw the brake light and turn signal from the other vehicle. She attempted to go around and brake but ended up striking the other vehicle. She was in a hurry and running late for a date in Maple Grove. She was issued a citation for Fail to Drive with Due Care.

Mental Problem

June 22 An officer responded to the 3600 block of Ihduhapi Trail, Independence for one out of control. The party was transported to the hospital.

Misc. Assist

June 23 Responded to Vinland National Center, Independence for a patient had called for police help stating one of the staff members was mean to him and he did not like the rules. He was advised to call his case manager when he had a conflict with staff.

Verbal Domestic

June 23 Responded to the 8000 block of Burr Oak Ln, Independence for a female who got into an argument with her roommate being drunk for the last couple days. She stated "he should be punished" as he was not to be drinking. She was advised there was no crime that had been committed. Both persons were intoxicated and were told to stop drinking.

3rd Degree DWI

June 25 12:03 a.m. at Highway 12 and Copeland Rd, Independence. Vehicle was stopped, the driver failed to dim the high beams on his vehicle and a brake light was out. The driver, Rosas Velazquez Salvador, 33 from Buffalo, submitted a breath sample which resulted in .21 % breath alcohol concentration. Salvador was arrested for 3rd Degree DWI; Driving without a Valid Driver's License and transported to Hennepin County Jail.

4th Degree DWI

June 25 At 7:24 p.m. vehicle stopped at Halgren Rd and Highway 12, Maple Plain for an unsecured front license plate that was hanging completely vertical and held on by one bolt. Contact with the driver, Laura Donna Delude, 32 from Montrose was found under the influence of alcohol and submitted a breath sample which resulted in .13% breath alcohol concentration. Delude was arrested for 4th Degree DWI.

Vandalism

June 16 5000 block of Oak Street, Maple Plain. Someone had used chalk to draw graphic male anatomy pictures on the road. Maple Plain Fire hosed off the chalk drawings from the road.

Medical

June 26 A male at Vinland National Center, Independence reported extreme pain down his left side that led down to his abdomen; he was extremely hot and thirsty and was in tears from the pain. Loretto Fire and North Memorial Ambulance arrived on scene to assist. Possibly kidney stones or appendicitis. North Memorial transported the male to North Memorial Hospital.

Suspicious Act

June 27 At 6:42 a.m. a suspicious vehicle with someone inside, was parked against the retaining wall at the back of the Metro Transit parking lot. Contact was made with the driver, 56 year old male from Maple Plain who said he was just skipping out on work and had stopped to eat his breakfast and wait for his wife to leave the house. The driver was found valid and did not have any warrants.

Theft

June 27 Theft in the 5800 block of Highway 12, Maple Plain of three wheels from a trailer, three ramps and a tongue jack. Approximate loss \$2,200.00. The case is under investigation.

Suspicious Activity

June 28 At 12:16 a.m. WHPS officer observed a van backed up to the rear entrance to a restaurant in the 200 block of Co Rd 92, Independence. Investigation found a crew performing maintenance on the kitchen and found not to be nefarious.

Domestic Arrest

June 28 WHPS and Hennepin County Sheriff's Office responded to the 5000 block of Sunset Lane, Independence for a domestic. A father tried to take the pick-ax from his 30 year old daughter and ended up wrestling over it. The female was arrested and transported to Hennepin County Jail for Domestic Assault.

Possession of Pornography

June 28 2000 block of South Lakeshore Drive, Independence. Reported child pornography was on a computer. The case is under investigation.

Missing Person

June 28 At 11:21 p.m. reported by Vinland National Center a male who was to found to be missing in the staff's final check of residents. The 25 year old male from Burnsville was entered in NCIC – National Crime Information Center as a missing person. He was located on July 30th and removed from NCIC.

Stalled Car

June 30 WHPS officer observed a vehicle with its hazard lights on in the 4800 block of Perkinsville Rd, Independence. The driver said he had run out of gas. He was given a ride to the Holiday Gas Station, borrowed a gas can to purchase gas and was brought back to this vehicle. WHPS officer returned the borrowed gas can to the Holiday Gas Station



Date: August 5, 2016
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *GK*
SUBJECT: JULY 2016 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.

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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\2015\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

Monthly Activity Report
July 2016

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	14	11	71	65
Traffic	315	177	1,504	1,461
Part III	13	10	88	68
Part IV	33	49	236	224
Part V	182	203	1,157	1,063
Total City of Independence	557	450	3,056	2,881
City Of Maple Plain				
Criminal	8	2	46	43
Traffic	102	50	593	370
Part III	10	3	37	39
Part IV	10	20	149	150
Part V	169	180	912	850
Total City Of Maple Plain	299	255	1,737	1,452
Grand Total Both Cities	856	705	4,793	4,333
TZD	52	53	129	195
Agency Assists	31	46	277	198
Total ICR Reports	939	804	5,122	4,726
Mileage	15,211	17,406	88,765	91,769
How Received				
Fax	12	10	84	79
In Person	20	37	280	258
Mail	5	7	15	25
Other	8	7	45	22
Phone	42	43	243	301
Radio	234	224	1,471	1,294
Visual	561	405	2,638	2,410
Email	4	7	31	25
Lobby Walk In	53	64	315	312
Total	939	804	5,122	4,726

July 2016 Criminal Part I & II
City of Independence Grid #'s 3-5

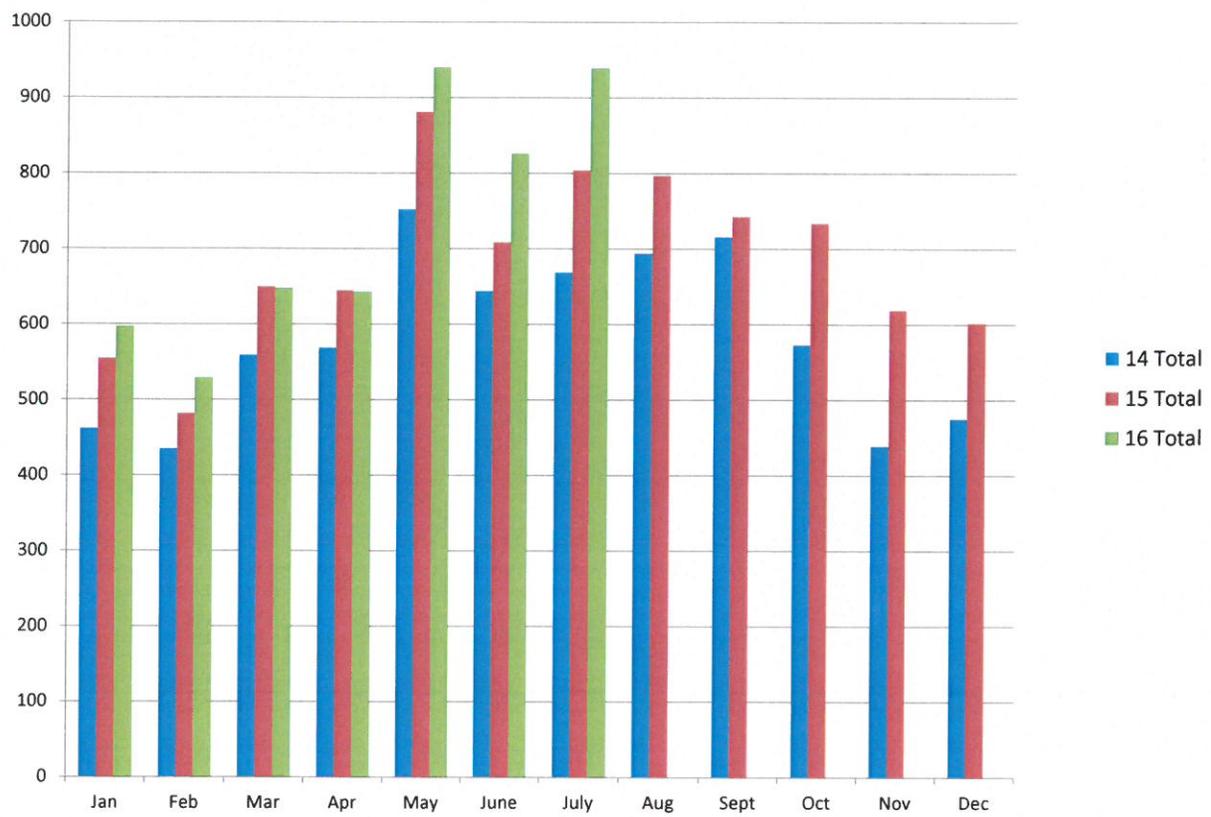
AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16004206	Possess Alcohol under 21	7/1/2016	3	7/1/2016	M4104
WHPS	16004300	4th Degree DWI/ Open Bottle / Crash	7/4/2016	5	7/4/2016	JG501
WHPS	16004302	Damage to Property	7/4/2016	3	7/4/2016	P3119
WHPS	16004344	Malicious Punishment Bodily Harm to Child - Unfounded	7/6/2016	4	7/6/2016	I1075
WHPS	16004451	Possession of Marijuana in Motor Vehicle	7/9/2016	3	7/9/2016	DC500
WHPS	16004493	Drugs-Small Amount of Marijuana in Motor Vehicle / Drugs - Possession of Paraphernalia	7/10/2016	3	7/10/2016	DC500
WHPS	16004556	Vandalism /Damage to Residence	7/12/2016	4	7/12/2016	P3129
WHPS	16004698	Tobacco - Possession by Minor / Possess Alcohol Under 21 / Fireworks - Possession of	7/16/2016	3	7/16/2016	M4104
WHPS	16004763	Burglary	7/19/2016	3	7/19/2016	B0494
WHPS	16004770	Stolen Trailer	7/19/2016	3	7/19/2016	TC229
WHPS	16004925	Possession of Marijuana in Motor Vehicle/ Possession of Drug Paraphernalia / Driving After Revocation	7/23/2016	3	7/23/2016	DC500
WHPS	16004934	1st Degree DWI/Refusal	7/23/2016	3	7/23/2016	JDR01
WHPS	16004990	Identity Theft - Misdemeanor	42577	3	42577	U2737
WHPS	16005126	2nd Degree DWI	42582	3	42582	JEW01

July 2016 Criminal Part I & II
City of Maple Plain Grid # 1-2

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16004275	3rd Degree DWI	7/2/2016	1	7/2/2016	JFW01
WHPS	16004440	Theft of Jewelry	7/8/2016	1	7/8/2016	TC009
WHPS	16004578	DANCO Violation ~ Domestic Abuse No Contact Order	7/12/2016	1	7/12/2016	N1390
WHPS	16004659	Theft from Auto	7/14/2016	2	7/14/2016	TQ159
WHPS	16004662	Drugs-Small Amount of Marijuana in Motor Vehicle / Drugs - Possession of Paraphernalia	7/14/2016	1	7/14/2016	DC500
WHPS	16004755	Court Orders	7/18/2016	2	7/18/2016	N0370
WHPS	16004782	Domestic Assault / 2nd Degree Do	7/20/2016	1	7/20/2016	A2341
WHPS	16004865	4th Degree DWI/DAR/Open Bottle	7/21/2016	2	7/21/2016	JGW01

July 2016 Criminal Part I & II
Towards Zero Death Grant Shift

WHPS	16004241	4th Degree DWI	42553	56	42553	JGW01
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DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

July 2016 Activity Report

Year to Date Activity Report

At the end of July 31, 2016, West Hennepin Public Safety (WHPS) has year-to-date handled a total of 5,122 incident complaints; 1,737 in Maple Plain and 3,056 in Independence. This is an increase of 396 incidents compared to the same time frame last year.

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

Recent Highlighted Cases:

Internet Scam

July 1 5200 block of Bryantwood Drive, Maple Plain. Victim reported she bought a Honda Odyssey off of Craig's List that advertised that the vehicle was also listed on EBay. The buyer wanted her to send the money using a gift card in the amount of \$3,000.00. The card was sent and victim did not hear back on the vehicle. It was found it was a common scam on Craigslist and used in similar phone scams.

4th Degree DWI

July 2 AT 12:07 a.m. a vehicle westbound on Excelsior Blvd, Excelsior did not have its headlights on. Driver Tara Charlotte Houdek, 44 from Minnetonka submitted a breath sample which resulted in .17 % alcohol concentration. Houdek was arrested for 4th Degree DWI.

3rd Degree DWI

July 2 At 8:40 p.m. reported a vehicle was driven all over the road and blew through a stop sign at Co Rd 110 and Co Rd 6, Independence. The vehicle was located and the driver Caitlin Michelle Berry, 26 from Bloomington submitted a breath sample which resulted in .19% alcohol concentration. Berry was arrested for 3rd Degree DWI and transported to Hennepin County Jail.

Suspicious Act

July 2 At 10:35 p.m. WHPS Officer observed a vehicle parked in front of a closed business in the 5000 block of Highway 12, Maple Plain. Two persons were outside the vehicle by the front door who stated they were getting cigarette butts from the ash tray as they cannot afford to buy cigarettes. They had a plastic bin in the vehicle and appeared to have stopped and grabbed some other from business ash trays. They were told to stop and leave the area.

Medical

July 3 Reported a male was unconscious in the 800 block of Copeland Rd, Independence. The male was walking and then went down hard on the pavement. The male was air lifted to the hospital.

Crash/ Personal Injury

July 4 A vehicle driven by a 30 year old female from Delano was Eastbound on Co Rd 11, turned Northbound on Lake Sarah Drive South in front of a westbound vehicle on Co Rd 11, driven by 50 year old female from Brooklyn Park. All drivers and passengers had their seatbelts on. One was transported to the hospital. Both vehicles were towed from the scene. 30 year old female was issued a citation for Fail to Yield.

Noise Complaint

July 7 At 10:57 p.m. reported loud noises, possible domestic in the 5000 block of Main Street, Maple Plain. The area was checked and did not hear any loud people or noises. Contact was made with a homeowner standing outside of her house who stated there was no domestic and that it was loud people walking through her yard on their way home from the bar.

Suspicious Act

July 8 12:36 a.m. a vehicle was parked on the south side of the Maple Plain Fire Station, Maple Plain. Contact was made with the driver who stated he was locked out of his house. He was just hanging out there because he and his girlfriend got into an argument a short time ago and he needed to leave the house to "cool down".

Safety Check

July 8 Caller reported a Bobcat was driven down the road at Independence and Pagenkopf, Independence with kids riding in the bucket. The Bobcat was driven by a 12 year old juvenile boy and his brother, age 10 and his sister age 8 were riding in the bucket. Contact was made with the father who knew what they were doing and thought it was ok. He was advised the 12 year old does not have a drivers' license and cannot operate the Bobcat on a public street and endangering the two kids riding in the bucket. The father apologized and said it would not allow it to happen again.

Suspicious Act

July 9 1800 block of Highstead Drive, Independence. At 12:31 a.m. WHPS officer observed a vehicle parked at the end of the road, both driver and passenger seats were reclined. 17 year old juvenile male from Minnetrista and female passenger from Delano came into view when the squad spot light was shined on them. They stated they were 'hanging out' before heading home. Both were told they are out past curfew and to go home.

Suspicious Act

July 9 WHPS Officer responded to a suspicious person at the end of a cul-de-sac in the 9000 block of Roy Rd, Independence. Reported a male was spending a lot of time sitting in his vehicle on a computer and not utilizing the trails. He talks with the kids but when an adult approaches he leaves or will not talk to them. Contact was made with the 47 year old driver from Jackson who said that he comes to the cul-de-sac to study and walk on the paths. The male is homeless and stays with his mom or a friend.

Suspicious Act

July 9 WHPS Officer observed two females facing each other appeared to be in a heated argument in the turn lane at Baker Park Road, Highway 12, Maple Plain. 28 year old female from Bloomington was intoxicated and trying to walk home. Her friend, 28 year old female was trying to get her to go to her boyfriend's house somewhere in Maple Plain but could not provide an address. The female gave a preliminary breath sample which resulted in .22% breath alcohol concentration. She agreed to go with her friend.

Property Damage

July 20 Reported at Vinland National Center a vehicle parked in the parking lot had the rear side window broken out. Approximate loss \$200.00. Case under investigation.

Fall

July 11 Assisted a female who fell at the end of her driveway in the 7000 block of Co Rd 11, Independence. The female had a laceration on her head and had no recollection of how or why she had fallen. She was transported by North Memorial Ambulance to the hospital.

Vandalism

July 12 Homeowners found their house had been egged during the night in the 4000 block of Lake Sarah Drive, Independence. Eggs were splattered on the driveway, vehicle, peak of the house, porch and garage doors etc. All of the damage noted was on the front side of the house. Unknown who would have done the vandalism.

Animal Complaint

July 12 Homeowner reported in the 3000 block of Lake Haughey Rd, Independence a neighbor's dog had killed two chickens and two others were missing. The dog owner was contacted who said he is actively working on keeping his dog on his property by using an electronic collar and remote device. He offered to pay for the chickens. The homeowner stated that was not the issue, he does not want to lose any more chickens or have the dog on his property.

Breathing Problem

July 12 A male was hit in the head with a softball and was now having difficulty breathing at Northside Park Maple Plain. The male had labored breathing and a hard time speaking. Maple Plain Fire assisted with treatment. He was transported to the hospital by ambulance.

Crash / Personal Injury

July 13 WHPS Officer's responded to Valley Road and Highway 12, Independence for a personal injury accident. The vehicle was located down the steep embankment near the railroad tracks. The vehicle had rolled multiple times and was occupied with one driver and no passengers. The driver stated he fell asleep and all of a sudden drove off the road. Maple Plain Fire and North Memorial Ambulance assisted. The driver was transported to North Memorial Hospital for his injuries.

Theft from Auto

July 14 Reported a backup camera was stolen off an RV parked in a driveway in the 1000 block of Rainbow Avenue, Maple Plain. The camera brand is 'Peak'.

Misc. Assist

July 15 Caller reported a vehicle was parked in the WHPS Police parking lot by the Goodwill Box and a male and female had a bottle spraying / cleaning items and putting them in their vehicle. Upon Police contact the male and female unloaded everything out of their vehicle and left.

Mental Problem

July 18 WHPS Officer responded to Vinland National Center for a problem between a male and staff that was escalating. The male was pacing back and forth, was not making a lot of sense and was becoming agitated. The male was transported to the hospital.

Gas Line Struck

July 18 Mediacom was installing / digging new lines when a gas line was struck in the 5000 block of Clayton Drive, Maple Plain. Maple Plain Fire responded and monitored the gas levels. Centerpoint was contacted and responded to the area.

Court Order Violation

July 18 Reported a violation of an Order of Protection in the 1000 block of Rainbow Avenue, Maple Plain. The victim received a message on her phone that violates the no contact order. The case is under investigation.

Crash / Property Damage

July 19 WHPS Officers responded to a single car crash that occurred at Highway 12 and Valley Rd, Independence. The driver stated as he was driving the vehicle began to drift right, he attempted to correct the vehicle but it continued to pull right. The vehicle entered the ditch, went over a driveway ending up on the other side of the driveway, striking and taking out several trees. A friend picked up the driver and the vehicle was towed.

Burglary

July 19 Two bicycles were stolen from a garage in the 1000 block of Co Rd 83, Independence. Both bicycles had serial numbers. One was found pawned at a pawn shop. The pawn shop was notified of the theft and a hold was put on the bicycle, confiscated by the Police. The second bicycle was entered in NCIC. Charges pending on the 21 year old male from Montrose who pawned the bicycle.

Stolen Trailer

July 19 8000 block of Pioneer Creek Rd, Independence for a stolen trailer from homeowners yard. The 2007 Northern Tool Trailer, brand name CARR, 5 X 8 Utility Trailer with plywood sides, metal floor and beaver rear tail gate was stolen from the front yard. Tire tracks were observed in the yard just off the driveway. The trailer was entered into NCIC.

Crash

July 20 Vehicle was rear ended while proceeding through a light that had just turned green at Highway 12 and Baker Park Rd, Maple Plain. The driver of the vehicle stated she was attempting to proceed but the vehicle in front of her stopped at the last minute. She tried to stop but her brakes are in poor condition. Her license was revoked and she had to call friends to pick her up.

Traffic Complaint

July 20 A No Motorized Vehicle sign was posted by the City of Maple Plain Public Works on a trail between Pioneer and Halgren in Maple Plain. Reported a Pokémon is nearby and asked if motorized vehicles are on the trails to have them removed.

4th Degree DWI

July 21 Highway 12 / Budd Ave, Maple Plain. Vehicle stopped for burnt out headlight. The male driver, Miguel Angel Rivera Jr., 28 from St. Paul provided a breath sample which resulted in .12 % breath alcohol concentration (BAC) and was arrested for 4th Degree DWI and Open Bottle.

Airplane Complaint

July 22 1600 block of Nelson Rd, Independence, reported a small airplane was flying around lower than the 500 ft. minimum allowed. The plane was spotted but unable to read the tail number.

Noise Disturbance

July 22 12:43 p.m. reported a loud banging and yelling at a residence in the 5000 block of Main Street, Maple Plain. A 44 year old female was lying in her front yard as it was too hot in her house and she did not have A/C. She was fine and unsure what the loud banging was from. She admitted to drinking alcohol, she was intoxicated; she was able to take care of herself and agreed to go inside her house to bed.

Storm Damage Wire Down

July 23 4000 block of So Lake Shore Dr, Independence. A tree fell across the power lines, knocking the lines to the ground. MPFD assisted with blocking the area and Xcel Energy responded.

Loud Noise

July 23 Reported loud music or radio on near Nelson Rd and Kutz Crossing, Independence. Determined music was coming from B's on the River in Watertown who had an event going on.

1st Degree DWI /Refusal

July 23 Complaint of a vehicle weaving all over the road at CR 110 & CR 6. Jimmy Lee Robinson, 49 from Minneapolis submitted a Preliminary Breath Test (PBT) which resulted in .15% breath alcohol concentration. Robinson would not provide a valid Breath Sample into the DMT-G and was arrested for 1st Degree DWI Refusal and transported to Henn Co Jail.

Verbal Domestic

July 25 3000 block of Independence Rd, Independence. Loud yelling and arguing between a 31 year old male from Plymouth and the 25 year old female from St. Paul who were inside a tent. They were arguing about their car accident earlier and the citations issued. The male was trying to make advances and she did not want to engage. The male was intoxicated, gave a breath sample into PBT which registered a .28% BAC. The male agreed to leave and his mother picked him up.

Vandalism

July 25 1600 block of Budd Ave, Maple Plain. Someone egged a truck and egg shells were on the driveway. Estimated damage to the truck \$400.00. Unknown who would have done it.

Vandalism

July 25 5000 block of Providence Curve, Independence. Eggs were thrown at a house and possibly have used a launcher of some sort as egg residue was quite high up. Unknown if there is any permanent damage to the house. A neighbor had witnessed a suspicious car in the area around 11:40 p.m. Unknown if car / occupants were related to the egging.

Welfare Check

July 27 2000 block of Nelson Rd, Independence for a female who was having mental health issues. The female was located and the ambulance transported her to the hospital.

Noise Complaint

July 28 11:44 p.m. 5000 block of Bryantwood Dr, Maple Plain. Noise complaints of people talking loudly that were outside the apartment building. Contact was made with a renter standing in front of his open garage door. He was advised of the complaint and stated his friends had just gone inside. He apologized and stated he would talk quieter.

Traffic Complaint

July 29 11:30 p.m. reported a vehicle was driven all over the road at Hwy 12 / Baker Park Rd, Maple Plain. Contact was made with the driver who did not have a valid Driver's License. The driver was trying to calm his passenger while driving. The passenger stated she asked him to drive as she was having a panic attack. The driver was cited for Crossing the Centerline and no Proof of Insurance.

Missing Person

July 30 Vinland Center reported a male who was committed to treatment did not return after being out on a pass. He was violating his release conditions. Later it was found the male had been arrested by Medina PD for theft and was in custody at the Hennepin County Jail.

2nd Degree DWI

July 31 Co Rd 6 / Co Rd 92, Independence. Vehicle was speeding and the driver threw a cigarette out the window. The driver, Michael Robert Fauser, 35 from Minneapolis was found under the influence of alcohol. He submitted a breath sample which resulted in .22 % breath alcohol concentration. Fauser was arrested for 2nd Degree DWI and transported to Hennepin County Jail. Fauser's vehicle is pending forfeiture.

City of Independence

Proposed Amendment to the City of Independence Ordinances Title XV: Land Usage Opting-out of the Requirements of Minnesota Statute, Section 462.3593

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: August 23, 2016

Consideration:

Consideration of an amendment to the City's Zoning Ordinance as follows:

1. An ordinance opting-out of the requirements of Minnesota Statutes, Section 462.3593 which defines and regulates Temporary Family Health Care Dwellings.

Discussion:

During the 2016 legislative session, the state adopted a new law relating to temporary family health care dwellings. Temporary family health care dwellings are defined by the new statute as follows:

"Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

The Temporary Family Health Care Dwellings law requires cities to approve qualifying temporary accessory dwelling units unless the City opts out of the law by Ordinance prior to September 1st. The law allows temporary structures similar to a trailer or mobile home to be parked on any residential property for a period of six months for the purpose of providing care to family members. The time period can be extended for an additional six months by requesting a permit extension. The mobile dwelling unit would need to be temporarily connected to water and electric from the principal structure. Sewer removal would also need to be accommodated by allowing access to the temporary structure. The temporary dwelling unit can be located anywhere on the property that meets the principal structure setbacks and is accessible to emergency vehicles.

Many Minnesota cities are opting out of the statute so that they can locally govern land use within their respective jurisdiction. Cities are then typically evaluating their own ordinances to determine if changes should be considered to accommodate temporary health care dwelling units. Independence does not have

a specific ordinance pertaining to temporary dwelling units; however, the City does consider the use of an accessory dwelling unit for living quarters in both the RR-Rural Residential and AG-Agriculture zoning districts as a conditional use permit.

The City typically uses the conditional use process to fully vet and consider the ramifications, impacts and then potential mitigation measures for land use decisions. The process required for conditional use permits involves a public hearing and notification of the surrounding property owners. During this process the City can evaluate potential impacts to surrounding properties due to the use proposed. Most cities regulate permanent structures for family care under an accessory dwelling unit or similar ordinance. Independence has the provisions in place for residents to seek approval of a "mother-in-law" type accessory dwelling unit. The City can discuss and further evaluate if temporary "mother-in-law" units or uses fit within Independence and should be further considered by the City.

Planning Commission Discussion/Recommendation:

The Planning Commission reviewed the request pertaining to the proposed ordinance opting-out of the state statute. Planning Commissioners believed that the City's current ordinances comprehensively address and provide residents with the provisions for similar care of family members. Commissioners believed that zoning controls should be governed by cities at the local level. Commissioners recommended approval of the opt-out ordinance to the City Council.

City Council Members will need to consider approval of Ordinance 2016-03 opting-out of the requirements of Minnesota Statutes, Section 462.3593 which defines and regulates Temporary Family Health Care Dwellings.

Attachments: Ordinance No. 2016-03
League of Minnesota Cities Summary Publication



**ORDINANCE NO. 2016-03
CITY OF INDEPENDENCE**

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE ORDAINS as follows:

Section 1. City Code, Chapter 5 is amended by adding Section 515.12 as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION 515.12. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Independence opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 23rd day of August, 2016, by the City Council of the City of Independence.

CITY OF INDEPENDENCE

By: _____
Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)



Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Gov. Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.²

Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. When analyzing whether or not to opt out, cities may want to consider that:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

¹ [2016 Laws, Chapter 111](#).

² Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that individual's power of attorney sign the permit application or a consent to release his or her data.
- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties³. Cities should consider whether there is an interplay between these two statutes.

Do cities need to do anything to have the new law apply in their city?

No, the law goes into effect Sept. 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances.

Do cities lose the option to opt out after the Sept. 1, 2016 effective date?

No, the law does not set a deadline for opting out, so cities can opt out after Sept. 1, 2016. However, if the city has not opted out by Sept. 1, 2016, then the city must not only have determined a permit fee amount⁴ before that date (if the city wants to have an amount different than the law's default amount), but also must be ready on that date to accept applications and process the permits in accordance with the short timeline required by the law. Cities should consult their city attorney to analyze how to handle applications submitted after Sept. 1, 2016, but still pending at the time of a later opt out.

What if a city already allows a temporary family health care dwelling as a permitted use?

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

What process should the city follow if it chooses to opt out of this statute?

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.⁵

³ See Minn. Stat. §394.307

⁴ Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

⁵ For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the

Does the League have a model ordinance for opting out of this program?

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

Can cities partially opt out of the temporary family health care dwelling law?

Not likely. The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

Can a city adopt pieces of this program or change the requirements listed in the statute?

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

What is required in an application for a temporary family health care dwelling permit?

The mandatory application requests very specific information including, but not limited to:⁶

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”⁷

statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

⁶ New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

⁷ This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Who can host a temporary family health care dwelling?

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

Is this program just for the elderly?

No. The legislature did not include an age requirement for the mentally or physically impaired dweller.⁸

Who can live in a temporary family health care dwelling and for how long?

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

⁸ The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

What structures qualify as temporary family health care dwellings under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;
- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means⁹);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter [1360](#) (prefabricated buildings) or [1361](#) (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”¹⁰; and
- Must contain a backflow check valve.¹¹

Does the State Building Code apply to the construction of a temporary family health care dwelling?

Mostly, no. These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

What health, safety and welfare requirements does this new law include?

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

What local ordinances and zoning apply to a temporary health care dwelling?

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings.

⁹ The Legislature did not provide guidance on what represents “other comparable means”.

¹⁰ ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

¹¹ New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city's other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

What permit process should cities follow for these permits?

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame within which the local governmental unit can make a decision on the permit. Due to the time sensitive nature of issuing a temporary dwelling permit, the city does not have to hold a public hearing on the application and has only 15 days (rather than 60 days) to either issue or deny a permit. For those councils that regularly meet only once a month, the law provides for a 30-day decision. The law specifically prohibits cities from extending the time for making a decision on the permit application. The new law allows the clock to restart if a city deems an application incomplete, but the city must provide the applicant written notice within five business days of receipt of the application identifying the missing information.

Can cities collect fees for these permits?

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

Can cities inspect, enforce and ultimately revoke these permits?

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

How should cities handle data it acquires from these permits?

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state "that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living", without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

Should the city consult its city attorney?

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

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Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhoefer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.