



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY, SEPTEMBER 27, 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 September 13, 2016 City Council Meeting.
 - b. Approval of Accounts Payable; Checks numbered 16485-16533.
 - For Information - Checks numbered 16461-16484 are Payroll Checks covering two payroll periods.
 - c. Approval of One (1) New Election Judge.
 - d. Approve Mayor's Attendance at the National League of Cities Annual Conference November 16-19 in Pittsburgh, Pennsylvania.
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 Month of August, 2016.
 8. Recognition of Director Gary Kroells for Being Awarded the Distinguished Public Leadership Award from Toward Zero Deaths Program.
 - a. Proclamation Recognizing Director Kroells

9. Recognition of Local High School Students Derek Spencer, Nathan Moe and Cameron Baker For Painting “Buckle Up” Awareness Signs at Key Local Intersections.
 - a. Proclamation Recognizing Service to Our Community
10. Amendment to the City Hall/Community Center Usage Policy.
 - a. **RESOLUTION NO. 16-0927-01** – Approving policy for use of the City Hall/Community Center.
11. Ordinance Amendment to Section 915 - Regulation of Lake Sarah Surface Use.
 - a. **ORDINANCE 2016-05:** An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.
12. Open/Misc.
13. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, SEPTEMBER 13, 2016, 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, Grotting and McCoy

ABSENT: None

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

VISITORS: Scott Hines, Derek Lash, Bob Lamp, Donna Hendley, Dave Truax, Dale Hoikken, John Fought, 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 August 23, 2016 City Council Meeting.
- b. Approval of City Council minutes from the August 31, 2016 City Council Workshop.
- c. Approval of Accounts Payable; Checks numbered 16441 (reprint) 16442-16460.
 - For Information - Checks numbered 16426-16440 are Payroll Checks.
- d. Approval of Four (4) New Election Judges.
- e. Approval of Administrative/Planning Services Contract.
- f. Escrow Reduction Request for Serenity Hills Subdivision.
- g. Agriculture Preserve Renewal Request for the Following Properties:
 - 09-118-24-41-0002
 - 09-118-24-44-0001
 - 10-118-24-32-0004
- h. Payment Request #2 from Knife River for the 2015 Street Overlay Project in the Amount of \$146,437.85.
- i. Date Change for the November 8, 2016 City Council Meeting Due to National Election.

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

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

Johnson added per Kaltsas request “Buckle Up” parking lot painting initiative.

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- WHPS Budget Workshop
- MnDOT Stencil project “Buckle-Up”
- Sensible Land Use Coalition Luncheon
- City Budget Workshop
- Lake Sarah Invasive Species Training by Hennepin County
- Gehrman site visit
- Hennepin County Comprehensive Plan Commission for 2040

Grotting attended the following meetings:

- City Budget Workshop
- Met with Kaltsas about LMCC
- LMCC Committee Meeting

McCoy attended the following meetings:

- City Budget Workshop
- Maple Plain Fire Department Commission Meeting
- Highway 12 Safety Coalition Meeting
- Haven Home Pig Roast

Betts attended the following meetings:

- City Budget Workshop
- Sensible Land Use Coalition Conference
- Highway 12 Safety Coalition
- West Hennepin Chamber of Commerce Meeting
- Police Commission Meeting

Johnson attended the following meetings:

- Community Action Partnership Suburban Hennepin County Board Meeting
- City Budget Workshop
- Maple Plain Fire Department Commission Meeting
- Highway 12 Safety Coalition Meeting
- Haven Homes Pig Roast
- Gehrman site visit
- Regional Council of Mayors Meeting
- West Hennepin Emergency Collaboration Meeting
- Metro Cities Policy Committee Meeting
- Police Commission Meeting
- LMCC Police Department Filming

Horner attended the following meetings:

- City Budget Workshop
- Post-Primary Election Meeting

Kaltsas attended the following meetings:

7. DONNA HENDLEY (OWNER/APPLICANT) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 4150 LAKE SARAH DR. S., INDEPENDENCE, MN (PID NO. 02-118-24-43- 0003):

- a. **ORDINANCE 2016-04:** Rezoning from Ag-Agriculture to RR-Rural Residential.
- b. **RESOLUTION 16-0913-01:** A preliminary plat to permit a five (5) lot subdivision.

Kaltsas said the subject property is located at the northeast intersection of County Road 11 and Lake Sarah Drive South. The property has an existing home and several detached accessory structures. There is an existing Conditional Use Permit on the property for a Commercial Riding Stable. The property is heavily wooded with a diverse terrain and widespread wetlands.

Kaltsas said This property was recently subdivided in 2014 in order to separate two existing homes that had historically occupied this property (One of the homes was used as a caretaker's house - home located near the stables in the northwest corner of the property and accessed off of Lake Sarah Drive South and the other as the principal home of the owner - located in the middle of the property with access off of County Road 11). The previous subdivision was permitted under the provisions of the rural view subdivision ordinance. At the time of that subdivision, the City required the applicant to submit a ghost plat of the remaining property in order to ensure that the surrounding property could be subdivided in the future. The owner is now interested in rezoning the property to Rural Residential which would allow the subdivision of four new lots in addition to the existing lot. Following consideration for rezoning, the applicant is requesting that the City consider the proposed preliminary plat

The City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be twelve (12). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the preliminary is the location of the wetlands on the property. The wetlands bisect this property in a manner that appears to limit the future development potential.

The proposed subdivision would create four new lots along with the existing lot. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands, capture the best building site locations and limit construction of additional public infrastructure. The 4 newly created lots will be required to pay the City's requisite park dedication fee.

Other Considerations:

1. The property is guided for rural residential by the City's Comprehensive Plan. The proposed subdivision is keeping with the intent and guidance provided by the Comprehensive Plan.
2. The existing 5 acre property (5850 County Road 11- in the middle of the property) along with the subject property will be rezoned to Rural Residential as noted during the approval of the initial minor subdivision.
3. There is a small upland portion of the property that is proposed to remain with Lot 3, but is separated from the principle portion of the property by a wetland. This upland portion may be difficult to access in the

future. It would be possible to access the property from Lot 4 via an additional easement, but the City would then require a full private driveway to be constructed. At this time the applicant does not want to develop any infrastructure. This upland portion may not be developable in the future unless another means of access is provided. The City will want to note that this portion of the Lot 3 cannot be further subdivided without access that meets the City's applicable requirements.

4. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.
5. The City will require the applicant to enter into a Development Agreement for the proposed public sewer improvements and the costs of the park dedication. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading.

The proposed subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. The proposed plan is in keeping with the previously submitted ghost plat that was reviewed by the City. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

The Planning Commission recommended approval of the requested Rezoning and Preliminary Plat. Final Plat will need to be considered following submittal of and satisfaction of all requirements contained in the findings and conditions. Approval of the rezoning and preliminary plat shall include the following findings and conditions:

1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Preliminary Plat is subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.
 - d. The Applicant shall enter into a development agreement with the City for this development.
 - e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development.
 - f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.

- g. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. All lots approved as a part of this subdivision shall be required to connect to the City's sanitary sewer system. The cost for the connections will be further defined in the development agreement for this subdivision.
4. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
5. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.
6. The Applicant shall submit the final plat and associated documents to the City within one year of approval of the Preliminary Plat.

Motion by Spencer, second by Betts to approve ORDINANCE 2016-04: Rezoning from Ag-Agriculture to RR-Rural Residential. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Motion by Spencer, second by Grotting to approve RESOLUTION 16-0913-01: A preliminary plat to permit a five (5) lot subdivision. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. WINDSONG FARM GOLF CLUB, LLC (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 18 GOLF WALK (PID NO. 32-118-24-13-0001) IN INDEPENDENCE, MN:
 - a. **RESOLUTION 16-0913-02:** A comprehensive plan amendment to allow an expansion of Windsong Golf Club to the property north of CSAH 6.
 - b. **RESOLUTION 16-0913-03:** A conditional use permit amendment to allow an expansion of Windsong Golf Club to the property north of CSAH 6 for a new driving range/practice facility (private facility).

Kaltsas said the applicant is seeking an amendment to the existing conditional use permit to allow the use of their property located north of CSAH 6 for a new golf practice facility. Windsong has recently acquired several properties just north of the existing golf course. The proposed practice facility would include a larger driving range, seasonal building for bathrooms, a short game practice area, putting green and small storage building. The new practice facility would be accessed via the golf cart tunnel beneath CSAH 6 that was installed last year to provide access to the overflow parking area. The overflow parking area would no longer be in use on the north side of CSAH 6.

Commercial golf courses are permitted as conditional uses in the AG - Agriculture zoning district. The golf club has a conditional use permit that was originally approved in 2001 and amended in 2012 and 2013. The CUP allows a golf course and its associated 29,000 SF club house/pro shop, guest house and overflow parking north of CSAH 6. The initial Golf Course CUP was issued under 530.01, subd. 4(s) which makes "commercial golf course" a conditionally permitted use.

The applicant is proposing to mitigate any visual impacts of the proposed practice facility by constructing 8- 10 foot tall berms along CSAH 6 in a similar fashion to the berms that screen the golf course on the south side of CSAH 6. The

proposed practice facility is intended to serve the courses existing membership base and will be for the private use of the members. The new practice facility will ultimately allow the club to expand their existing parking lot on the south side of CSAH 6 into their existing driving range. A practice facility is a use that is typically associated with a golf course.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. *The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.*
4. *Sufficient off-street parking and loading space will be provided to serve the proposed use.*
5. *The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.*
6. *The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.*
7. *The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.*
8. *The proposed condition use is consistent with the comprehensive plan of the City of Independence.*
9. *The proposed use will not stimulate growth incompatible with prevailing density standards.*

The existing golf course is relatively secluded from the surrounding properties and County Roads. There are existing golf courses to the west and south of this property. Most impacts that would result from the use of the property would be mitigated by the remaining open space and proposed earthen berming. Golf courses are permitted as a conditional use in the Agriculture zoning district. The property is guided in the Comprehensive Plan as Public/Semi-Public. The use of the property as a golf course is consistent with the existing zoning. The City will need to determine if the practice facility is consistent with the use of the property as a golf course. In addition, the City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit.

The applicant is currently in the process of securing a grading/wetland mitigation permit from the City to allow grading and site work to be completed on this property. The City has completed an initial review of the proposed grading and wetland mitigation and has provided detailed comments to the applicant. The City will continue reviewing the grading, drainage and mitigation plans for the proposed practice facility expansion and all approvals will be subject to the City's review and approval.

There are a few additional considerations that should be noted:

1. The proposed building noted on the plans is approximately 3,500 SF. The building will be used only during the golf season and will house bathrooms, video swing analysis rooms and a small club repair area. The building will be accessed only via golf carts from the club. A fire department/emergency vehicle access route will be required to serve the building. There is an existing access route that serves the site off of CSAH 6. The applicant is working on a plan to relocate the access drive to the east and maintain an adequate fire access road and turn around. The City will review the revised access drive and any changes to the driveway locations on CSAH 6 will be subject to the review and approval of Hennepin County.
2. The applicant is designing a new septic system to accommodate the proposed building. The City will

review any proposed sanitary service during building permit review.

3. The applicant is not proposing to have artificial lighting on the practice facility. The City may want to consider a condition that specifically addresses artificial lighting of the facility.
4. The City has guided this property in the comprehensive plan as Public/Semi-Public. In an effort to maintain the comprehensive plan guiding, the City requested that the applicant amend the comprehensive plan to include the land north of CSAH 6. Staff met with the Metropolitan Council relating to the comprehensive plan amendment and it appears that there are no issues with the requested amendment. Any City approval of the requested comprehensive plan amendment will be subject to the approval of the Metropolitan Council.

In the existing zoning district, a commercial golf course is permitted as a conditional use. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed practice facility expansion. The use of the facility will be limited to the members of the club and will not increase the amount of traffic or number of users at the golf course. The Planning Commission will need to determine if the requested amendment to the conditional use permit and comprehensive plan meets all of the aforementioned conditions and restrictions.

Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked if the current CUP for the golf course was in good standing with the City. Staff noted that there are currently no violations or issues. Commissioners asked if the proposed berm along CSAH 6 would screen the proposed facility from the road. Staff noted that it is very similar to the berm on the south side of the road which screens the golf course. Commissioners asked about the impact of the proposed practice facility on the adjacent lake. It was noted that the City will require storm water related improvements which will benefit the quality of the water entering the lake. Commissioners recommended approval of the proposed conditional use permit amendment and comprehensive plan amendment to the City Council.

The City received a comment during the public hearing from the property owner to the north. The adjacent property owner had met with the golf course and was in favor of the proposed use. No additional written or verbal comments have been received regarding the proposed amendment to the conditional use permit.

The Planning Commission recommended approval of the request for an amendment to the conditional use permit and comprehensive plan with the following findings and conditions:

1. The proposed conditional use permit and comprehensive plan amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The comprehensive plan amendment is subject to the review and approval of the Metropolitan Council.
3. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
4. This amendment approves the use of a portion of the property to the north of CSAH 6, and further defined on the approved plans, for a practice golf facility. The following conditions should be added to the conditional use permit:
 - a. In addition to the 18-hole golf course, 29,000 square foot clubhouse and 5,350 square foot guest house with six sleeping rooms, Windsong Farm Golf Club can use the property

north of CSAH 6 for a practice facility with the following limitations:

- 1) The practice facility shall be no greater in area than that which is designated on the approved plans.
 - 2) Landscaping and berming along CSAH 6 as detailed on the proposed plans shall be required to be installed.
 - 3) A designated and approved fire/emergency vehicle access shall be maintained into the site at all times.
 - 4) There shall be no artificial lighting of the practice facility.
 - 5) Any expansion of the practice facility, additional buildings or expansion of the proposed buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
5. Prior to the City granting a grading permit for the proposed practice facility expansion, the applicant shall complete the following items:
- a. Revise the plans and provide information as requested by the City's water resource consultant Hakanson Anderson.
 - b. Receive all applicable agency approvals for the proposed grading and drainage associated with the improvements to this property.
6. Prior to the City granting a building permit for the proposed practice facility building, the applicant shall complete the following items:
- a. Provide the City with a sanitary sewer plan for serving the proposed building.
 - b. Provide the City with cut sheets for any building lighting.
7. Pay all costs associated with the City's review of the applications.

Betts asked what they would do when the area designated for temporary parking is gone. Kaltsas said in the short-term they have an area for overflow parking and the long-term plan is to remove a driving range and expand parking in that area.

Lash stated he manages the stormwater efforts and is working with the DNR. He said they are a third of the way through the pre-application process and all of the Ag land will be used for golf. Johnson asked how many acres were Ag and Kaltsas said 89 acres.

Grotting asked if it was ok to proceed as there were pending issues. Kaltsas said it was a good question and noted he spoke with the water resource consultants to see if anything would come up that would alter or change things. He said the land use will remain the same. Kaltsas noted it may take the Met Council sixty days to approve.

Vose stated he is less concerned about changes in ownership than with granting rights that run with the property.

McCoy asked what size the building was going to be. Kaltsas said it would be about 3000 sq. ft. He noted it will have primary and secondary septic or an on-site permanent system. Kaltsas noted it will also have a separate address than Golf Walk.

Motion by McCoy, second by Spencer to approve RESOLUTION 16-0913-02. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Motion by Spencer, second by Betts to approve RESOLUTION 16-0913-03. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. HOIKKA CONSTRUCTION (APPLICANT) AND BEAU'SELLE STABLE (OWNER) REQUEST THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 1060 COPELAND ROAD (PID NO. 29- 118-24-31-0001) IN INDEPENDENCE, MN:

- a. **RESOLUTION 16-0913-04:** A conditional use permit to allow a commercial riding stable and to allow an accessory structure that exceeds 5,000 SF.

Kaltsas said the property was recently acquired by a new owner and they are seeking a conditional use permit to allow a commercial riding stable on the property. There is an existing barn located on the property that currently has 22 stables. The applicant is seeking to expand the existing barn to include an indoor riding arena, 3 additional stables and a bunkhouse. The indoor riding arena expansion is greater than 5,000 square feet. All accessory structures greater than 5,000 square feet require a conditional use permit.

The existing barn is approximately 8,750 square feet in size and houses 22 stables. The proposed expansion would add an additional 18,700 square feet and 3 additional stables. In addition to the indoor riding arena, the applicant is seeking a conditional use permit to allow a bunkhouse within the proposed riding arena addition to house a property caretaker. The proposed barn addition would be designed to complement the existing barn and be constructed with matching materials. The proposed expansion would maintain an approximately 100 foot setback from the east property line (closest property line). The applicant has provided the City with a floor plan of the proposed barn addition. The existing barn is currently connected to the septic system for the property. The additional bedroom and bathroom facilities may cause for the system to be expanded. The City will require the applicant to submit a full septic analysis with the building permit.

The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is approximately 85 acres. Of the 85 acres, approximately 67 acres is useable open space. Applying the City's typical standard, the site would accommodate 84 animals using the gross acreage or 66 animals using the useable acreage. The 25 horses being sought by the applicant would fit within the allowable number of animal units on the property.

The applicant is seeking permission to board up to 25 horses on the subject property. The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and maintain 1/3 acre of open space per animal unit.

There is an existing manure retention area located on the site. The applicant is proposing to fully enclose the retention area with concrete as a part of the construction for the new addition. The manure generated from the existing barn has historically been spread on the fields. In addition to the subject property, the applicant owns an additional 40 acre parcel to the southeast that could also be used for manure spreading. The applicant anticipates that there would be approximately 2 to 6 guests utilizing the stables and riding arena per day. The only other additional traffic proposed would be for the delivery of bedding materials for the stables.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed conditional use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. Given the location of the property on Copeland Road, the adjacent commercial riding stable (810 Copeland Road to the south), the orientation of the buildings and their relationship to the surrounding properties, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable, accessory structure larger than 5,000 square feet and a bunkhouse for a caretaker on the property.

The following conditions should be considered:

1. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
2. Any new signage shall comply with all applicable standards of the City's ordinance.
3. No more than 25 horses shall be boarded on the property.
4. The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
5. City roads will not be littered in the hauling of manure.
6. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.
7. The hours of operation are: summer 7:00am-10:00pm., winter 7:00am-9:00pm.
8. Horse shows will require special approval from the City

9. No renting of hack horses.
10. No riding on private land unless authorized by owners.
11. No parking on public roads.
12. All feed and bedding are to be stored inside a closed building.
13. Utilize appropriate management practices to control flies and odor.
14. Training clinics offered to non-borders will require special approval from the City.
15. The bunkhouse is for the caretaker of the owners of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
16. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.

At the public hearing a neighboring property owner addressed the Planning Commission. She wanted to understand if there would be an increase in traffic due to the conditional use permit. The owner addressed the issue and stated that the majority of the horses on site are their own horses. They may have one additional rider or guest at the facility on any given day. The City has not received any written or oral comments outside of the public hearing regarding the proposed conditional use permit.

Commissioners discussed the proposed request. Commissioners asked about any increase in traffic. Commissioners asked the owner whether or not they would be living on the property. The owner noted that they would have a full time caretaker and that they would maintain the primary residence as their own. They did state that they would not always be on the property. Commissioners asked about the number of horses proposed to be boarded on the property. Staff noted that the total consider by the conditional use permit was 25 horses. Commissioners felt that the proposed conditional use permit would not cause any issues or potential impacts to the surrounding properties and was generally in keeping with the character of this area. Commissioners recommended approval of the conditional use permit to the City Council.

The Planning Commission recommended approval of the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will include the following conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. Any new signage shall comply with all applicable standards of the City's ordinance.
 - c. No more than 25 horses shall be boarded on the property.
 - d. The applicant and facility must operate in compliance with manure management permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.

- e. City roads will not be littered in the hauling of manure.
 - f. A minimum of 1/3 acre or green covered open space, excluding wetland, is required within the horse facility, for each horse allowed by this permit. Grass shall be maintained and be the primary groundcover in all pasture areas.
 - g. The hours of operation are: summer 7:00am-10:00pm., winter 7:00am-9:00pm.
 - h. Horse shows will require special approval from the City
 - i. No renting of hack horses.
 - j. No riding on private land unless authorized by owners.
 - k. No parking on public roads.
 - l. All feed and bedding are to be stored inside a closed building.
 - m. Utilize appropriate management practices to control flies and odor.
 - n. Training clinics offered to non-borders will require special approval from the City.
 - o. The bunkhouse is for the caretaker of the property only. The bunkhouse shall not be rented to anyone not employed on the property.
 - p. No future expansion of the barn and riding arena shall be permitted on the property without the further review and approval by the City through the conditional use permit amendment process.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Spencer asked about the septic system, and if they'd have to expand. It was noted the septic system had to be expanded. The applicant would need to submit full septic analysis. Grotting asked if we should treat this as a commercial application, and not like a typical residential system. Kaltsas said we treat it according to occupancy. Spencer also questioned 'conditions h & n' regarding City approval for training clinics or horseshows. Kaltsas said it would be a Large Assembly Permit, which is allowed for only a few events per year. They are not proposing to hold numerous events. Spencer asked about setbacks on the east side to the property line which is 100 feet, and if that was typical. Kaltsas said yes, but there is a stipulation to those housing animals which is 150 feet. Betts asked if it would be used as a breeding facility. The applicant stated it may be used for that reason in the future. Johnson asked if all feed and bedding will be stored inside and the applicant said it would be. Kaltsas said the bunkhouse would be a single dwelling and falls in line with the City's ordinance.

Motion by Betts, second by McCoy to approve RESOLUTION 16-0913-04. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

10. Consider Approval of the 2017 Preliminary Budget and Tax Levy

- a. **RESOLUTION NO. 16-0913-05** – Establishing the General and Debt Service preliminary tax levy.
- b. **RESOLUTION NO. 16-0913-06** – Establishing the Pioneer Sarah Creek Watershed preliminary tax levy.

Kaltsas stated Staff and Council have had several workshop meetings to discuss and revise the preliminary budget for 2017. Based on the discussions, the preliminary budget now reflects an approximately 6.83 percent increase (down from 8.07 percent in initial draft) from 2016. The tax rate resulting from the proposed increase would remain nearly constant going from 38.59 to 38.85 percent. The primary drivers of the budget are the capital improvement fund contribution, comprehensive plan preparation fees and the increase in recycling costs. Since our last workshop, the City has received all fire department budgets from Delano, Loretto and Maple Plain. Based on the projected fire numbers, the budget now reflects an approximately \$34,000 administration capital outlay contribution. This potential contribution to capital outlay has been assembled by making reductions in the budget in all areas. This number and the final amount contributed to capital outlay for 2017 can be further evaluated by the Council.

McDonald noted the City Council will have the opportunity to further refine the budget following approval of the WHPS budget and review of the third quarter financial summary. The City is considering the adoption of the maximum tax levy by September 30, 2016. The City can adopt a final levy that is less than the preliminary, but cannot increase the final levy from the adopted preliminary levy.

Johnson thanked McDonald and Kaltsas for refining the budget. He noted Rockford and Orono will have bond votes.

Motion by Spencer, second by Betts to approve RESOLUTION 16-0913-05. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Motion by Spencer, second by Grotting to approve RESOLUTION 16-0913-06. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

11. Consider Approval of Second Quarter Financial Report.

Kaltsas said the City Council receives quarterly financial reports detailing the current financial status of the City. The reports are typically presented for information to the Council on the consent agenda. The second quarter report was completed in July of 2016 and set to be presented to the Council at that time. Staff reviewed the report and found several items that stood out and needed to be further researched. Staff spent some time trying to better understand several key pieces of the budget.

There were two primary issues that staff was further investigating.

1. The City typically receives the first half tax settlement from Hennepin County in July of a given year. Many cities request an advance on that first half settlement so that they can cash flow the City's budget. The County will distribute a 70% advance of the first half settlement in May and then the remaining first half settlement in July. Upon receipt of the 70% advance, the City typically funds 100% of the Pioneer Sarah Creek budget and 100% of the debt service issued by the City. This then shows a significant gap between the year to date expenditures and revenues for the second quarter. The budget does not fully show balance until it receives the second settlement in December.
2. Fines and Forfeitures revenue is showing a significant gap between budgeted and received. Staff

investigated this further and discovered that there is a software error in the system used by WHPS and the County for issuing citations/tickets. The error was causing revenue due to the City to go to Hennepin County Attorney's Office. The County and City are now working to correct this error and refund the money owed to the City.

McDonald said the other note relating to the second quarter financial summary is that many of the City's expenditures for items like insurance, licenses, fees, certain contracts and roads, are paid upfront during the first or second quarter. Those upfront payments tend to skew the budget in the first half of the year. Staff's overall review of the budget shows that we are in line with spending and on track to be on budget for the year.

Motion by Betts, second by McCoy to approve the Second Quarter Financial Report. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

12. Open/Misc.

13. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 9:00 p.m. Ayes: Johnson, Betts, Spencer, Grotting and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

City of Independence
City Council Appointment of Election Judges

To: City Council

Meeting Date: September 27, 2016

Request:

The City Council is required to appoint election judges for the upcoming election. Staff has prepared a list of an election judge for consideration by the City Council. The following election judge can be considered by the City Council:

1. Marvin Johnson

Recommendation:

It is recommended that the City Council approve the appointment of the aforementioned election judges.

Independence City Council:

I would like to have your approval to attend the National League of Cities Annual Conference November 16th to 19th, 2016, at Pittsburgh, Pennsylvania.

I would have to travel to Pittsburgh on Tuesday, November 15th, in order to attend a mobile workshop on Wednesday morning. I am a member of the Energy, Environment and Natural Resources Steering Committee and that committee will meet on Wednesday afternoon. Also, I am second Vice Chair of the Small Cities Council and we will have a couple of meetings during the annual conference. The conference annual meeting is Saturday afternoon and the closing event is Saturday night, November 19th. I would be returning home on Sunday, November 20th.

Costs would be \$540.00 for the Registration Fee, approximately \$300.00 for airfare and I think a can get a non-convention downtown hotel room for \$150.00 or less per night.

The League of Minnesota Cities covers my cost for midyear meetings for the Energy, Environment and Natural Resources Steering Committee and Small Cities Council, but I must have city support to attend the NLC annual meeting and the Washington D. C. Congressional Cities Conference. I would like to continue serving on those committees and would appreciate your support.



Marvin D. Johnson, Mayor

September 27, 2016



Date: September 1, 2016
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *G. Kroells*
SUBJECT: AUGUST 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
August 2016**

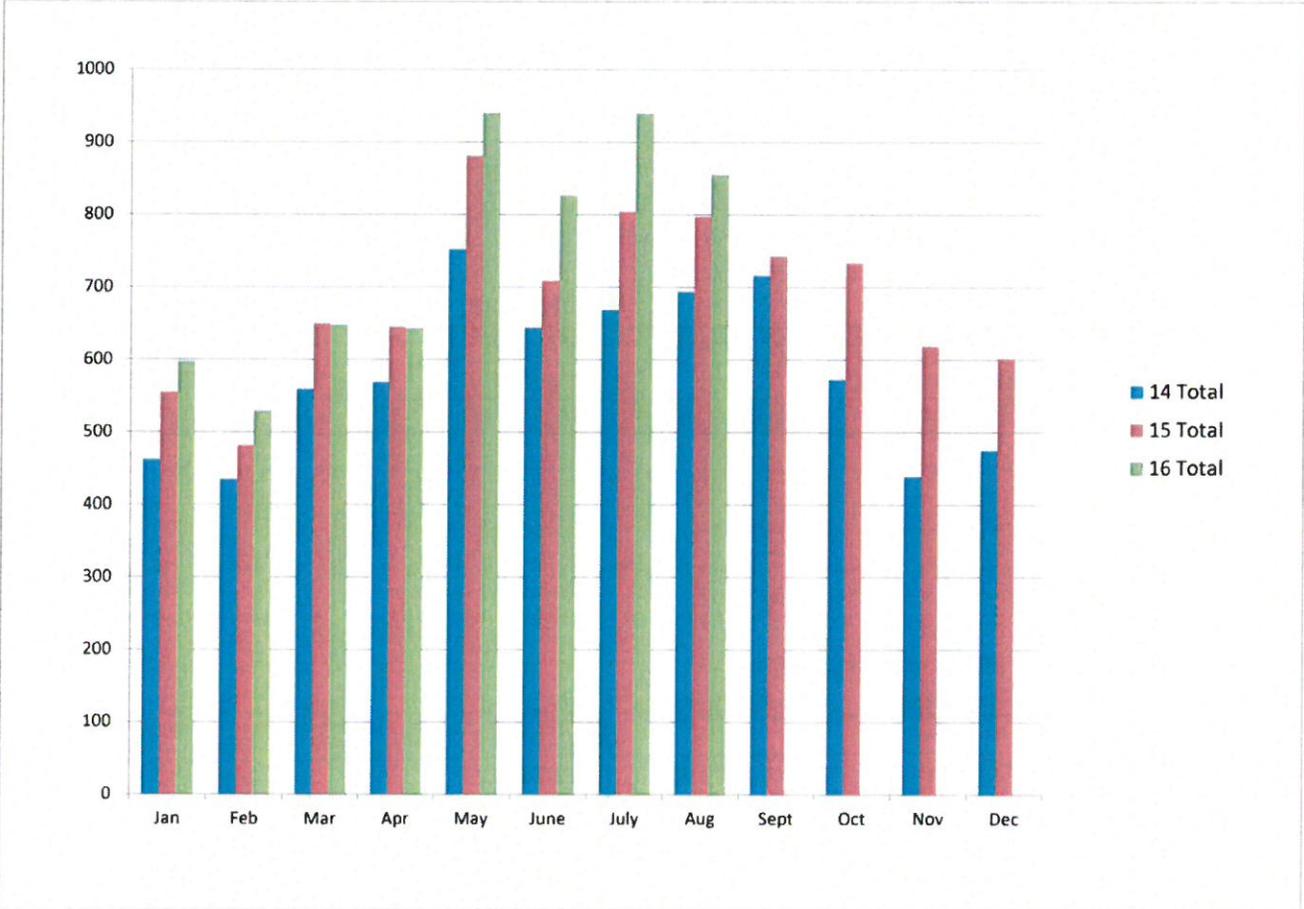
Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	12	24	83	89
Traffic	257	189	1,761	1,650
Part III	15	10	103	78
Part IV	37	40	273	264
Part V	206	208	1,363	1,271
Total City of Independence	527	471	3,583	3,352
City Of Maple Plain				
Criminal	11	4	57	47
Traffic	137	66	730	436
Part III	22	8	59	47
Part IV	10	26	159	176
Part V	168	167	1,080	1,017
Total City Of Maple Plain	348	271	2,085	1,723
Grand Total Both Cities	875	742	5,668	5,075
TZD	1	16	130	211
Agency Assists	31	39	308	237
Total ICR Reports	907	797	5,977	5,523
Mileage	14,213	10,854	102,978	102,623
How Received				
Fax	14	7	98	86
In Person	29	44	309	302
Mail	1	2	16	27
Other	4	6	49	28
Phone	33	52	276	353
Radio	242	235	1,713	1,529
Visual	459	376	3,097	2,786
Email	7	4	38	29
Lobby Walk In	66	71	381	383
Total	855	797	5,977	5,523

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

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16005164	3rd Degree DWI / Driving After Suspension	8/1/2016	3	8/1/2016	JFW01
WHPS	16005185	Property Damage	8/3/2016	3	8/3/2016	P3129
WHPS	16005315	3rd Degree DWI	8/6/2016	5	8/6/2016	JFW01
WHPS	16005320	Drugs - Possess Small Amount of Marijuana	8/6/2016	3	8/6/2016	DA540
WHPS	16005336	Drugs - Possess Small Amount of Marijuana / Drugs-Paraphernalia Possession	8/6/2016	3	8/6/2016	DC500
WHPS	16005451	Damage to Property	8/12/2016	3	8/12/2016	P3129
WHPS	16005489	4th Degree DWI	8/13/2016	3	8/13/2016	JGW01
WHPS	16005554	Theft of Street Signs	8/16/2016	5	8/16/2016	TR229
WHPS	16005702	Drugs-Small Amt of Marijuana in Motor Vehicle /Drugs-Paraphernalia Possession / Open Bottle in Motor Vehicle Possession / Possess Alcohol Under 21	8/20/2016	3	8/19/2016	M4104
WHPS	16005740	Property Damage - Mailbox	8/21/2016	3	8/21/2016	P3119
WHPS	16005854	4th Degree DWI	8/26/2016	3	8/26/2016	JGW01
WHPS	16005864	Theft of 5 Gnome Statutes	8/26/2016	5	8/26/2016	TC229

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

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16005370	Theft of Construction Tools	8/8/2016	2	8/8/2016	T0999
WHPS	16005384	Vandalism / Property Damage	8/9/2016	1	8/9/2016	P3129
WHPS	16005401	Domestic Assault / 2nd Degree	8/9/2016	1	8/9/2016	AL441
WHPS	16005462	Vandalism	8/12/2016	1	8/12/2016	P3119
WHPS	16005489	4th Degree DWI	8/13/2016	2	8/13/2016	JGW01
WHPS	16005543	Financial Transaction Card Fraud	8/15/2016	2	8/15/2016	U0560
WHPS	16005557	Vandalism / Damage to Property	8/16/2016	1	8/15/2016	P3129
WHPS	16005558	Financial Transaction Card Fraud	8/16/2016	2	8/16/2016	U0550
WHPS	16005595	Underage Attempt to Purchase	8/17/2016	1	8/17/2016	M4113
WHPS	16005703	Not a Drop-Underage drinking-driving / Underage Purchase of Alcohol	8/20/2016	1	8/19/2016	M4106
WHPS	16005705	Underage Purchase of Alcohol	8/20/2016	1	8/20/2016	M4113



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY
August 2016 Activity Report

Year to Date Activity Report

At the end of August 31, 2016, West Hennepin Public Safety (WHPS) has year-to-date handled a total of 5,977 incident complaints; 2,085 in Maple Plain and 3,583 in Independence. This is an increase of 454 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:

3rd Degree DWI / Personal Injury Crash

Aug 1 9:57 p.m. reported a vehicle had gone through the T intersection and rolled over at Budd Street and Perkinsville Rd., Independence. The driver, Riley Charles Hanson, 25 from Mound was found sitting on the ground alert and conscious with minor scrapes on his knee. Hanson provided a breath sample which resulted in .19% breath alcohol concentration. Hanson was arrested for 3rd Degree DWI and transported to jail.

Property Damage

Aug 3 Someone tore up the grass areas with a vehicle at the Pioneer Creek Community Park, Independence. Case is under investigation.

Crash / Personal Injury

Aug 3 A 59 year old male motorcyclist from Rockford was westbound on Co Rd 11, Independence when an eastbound vehicle driven by a 70 year old male from Maple Plain turned into a driveway in the 7000 block of Co Rd 11, Independence. The motorcyclist collided with the passenger car and was thrown from his M/C. He was airlifted to the hospital. The vehicle driver had injuries and was checked by the paramedics.

Help Requested

Aug 4 Female in the 2000 block of Co Rd 90, Independence was having bad thoughts, was out of medication and admitted she had been drinking. A preliminary breath sample resulted in .18% breath alcohol concentration. A friend took her to the hospital.

Welfare Check

Aug 4 A welfare check requested for a friend in the 4000 block of Woodhill Lane, Independence. She calls her friend every day at 9 a.m. and has not been able to reach her. Contact was made with the friend; the neighborhood had a power outage and would call her as soon the power is back on.

Solicitation Complaint

Aug 4 Complaint of two males selling magazine subscriptions without a permit in the 5000 block of Lake Sarah Heights Dr., Independence. The males were asking questions about what the resident did for work and other activities in the neighborhood. The suspects were located who stated they were selling subscriptions to earn a vacation trip. 21 year old male from Texas was issued a citation for Soliciting without a Permit as he had been contacted in Minnetrista the day prior and warned about soliciting.

4th Degree DWI

Aug 6 A vehicle did not stop at the stop sign at CR 92 and CR 11, Independence. Shari Lynn Kuechle, 49 from Delano submitted a breath sample which resulted in .10% breath alcohol concentration. Kuechle was arrested for 3rd Degree DWI and was released to a friend.

Suspicious Activity

Aug 7 Three individuals were taking pictures of the construction equipment on the north side of Highway 12 at the intersection of 92, Independence; saw the squad car and got into their car to leave. Contact with the driver who said they were leaving. No warrants or evidence of criminal activity were found.

ATV Complaint

Aug 10 2000 block of Heritage Trail, Independence. Complaint of four kids riding ATV's and dirt bikes in the wet lands and on the road. Contact was made with a juvenile and his mother and advised of the DNR rules and regulations and given the Off-Highway Vehicle regulations book.

Suspicious Act

Aug 11 1700 Co Rd 90, Independence At 10:22 p.m. an occupied vehicle was parked along a gravel driveway between two bushes. Two 18 year olds; male from Orono and female from Independence were in the back seat of the vehicle. Both said they were there willingly and were advised to move on and be careful of being in parks and on private property.

Damage to Property

Aug 12 Pioneer Creek Community Park, 2055 Co Rd 90, Independence. Someone had driven their vehicle on the south side of the park road, near the playground on the soft wet grass, leaving several tire marks and gouges in the grass. Anyone that observed a vehicle in the Park on the 11th or 12th, please call WHPS with the information. The case is under investigation.

Trespassing

Aug 12 Reported someone living in a tent in the woods behind a business in the 4000 block of Highway 12, Maple Plain. The tent was located and a 42 year old female from Maple Grove and her 38 year old fiancé from Delano stated they were there one night as Baker Park and MP Motel were full. It was obvious they were there longer than one night and found they were removed from Baker Park Campground for failure to pay. They were trespassed from the property.

4th Degree DWI

Aug 13 Vehicle stopped for a license plate light not working at Highway 12 / Co Rd 90, Independence. The driver Cory Jobe Scott Remington, 22 from Grand Forks, ND provided a breath sample which resulted in a .13% breath alcohol concentration. Remington was arrested for 4th Degree DWI.

Suspicious Act /Warrant Arrest

Aug 13 Reported a male and female were arguing about cleaning and digging stuff out of the back of a U-Haul truck in the 1600 block of Marsh Ave. Maple Plain. The male had a Gross Misdemeanor Warrant out of Cass County. He was arrested and transported to jail. The female was clear and left to go to meet her sister.

Cyclist Down

Aug 14 5000 block of Co Rd 11, Independence, Reported a motorcyclist down with unknown injuries. Loretto Fire Rescued assisted with treating the 47 year old male from Independence who did not remember what had happened. He had injuries to his head, face, and hands. It appeared the motorcyclist had lost control and left the roadway. The rider refused ambulance transportation and his family took him to the hospital.

Damage to Property

Aug 15 Discovery Center, Maple Plain reported the playground equipment was vandalized again, 2nd weekend in a row. A plastic covered table was burned and a porta-potty located at the northeast corner of the school was pushed over. The case is under investigation. Please call if have information.

Disturbance

Aug 15 Reported in the area of Pagenkopf Road and Fieldstone Rd, Independence a loud 'boom' cannon like explosion was heard twice on Saturday and once on Monday. The area was checked and nothing was found.

Suspicious Act

Aug 15 10:17 p.m. a vehicle was parked behind a business in the 5000 block of Highway 12, Maple Plain. The 19 year old female from St Bonifacius and the 30 year old male from South Haven were in the back seat of the vehicle and stated they were boyfriend and girlfriend and were meeting to spend some time together. The female was separately interviewed and confirmed she was there of her own will and it was determined everything was ok. They were advised to seek a private place to spend intimate time together and not a public location.

Underage Attempt to Purchase Alcohol

Aug 17 4000 block of Highway 12, Maple Plain. Business reported a male was using a false ID to purchase alcohol. The male became argumentative when questioned by the clerk and left the store. Armin Allan Berglund, 18 from Mound cited for Minor Entering Licensed Premises for Purchase of Alcohol.

Dog Bite

Aug 18 5000 block of Joyce Street, Maple Plain. A dog crawled underneath its fencing, charged out and bit a dog walking in Bryantwood Park. The dog owner was notified and given potential dangerous dog forms.

Possession of Drugs

Aug 19 Co Rd 92 / Highway 12, Independence. At 11:38 p.m. vehicle stopped for a taillight that was out. The driver and two passengers, 18 year old males from Delano were in possession of alcohol, open container of alcohol and possession of marijuana paraphernalia. They were cited for the violations.

ATV Complaint

Aug 21 Complaint of ATV riding in a yard and in the wetland at 2000 block of Heritage Trail, Independence. Contact made with the homeowner who would ensure his children stayed on their property.

Stolen Checks

Aug 23 A resident in the 7000 block of Pioneer Creek Rd, Independence found an envelope in their yard containing personal checks from persons in the cities of Mound and Minnetrista. Contact with the check owners found the checks were stolen from their mailboxes. Checks were submitted to the check owner's police department for processing.

Traffic Complaint

Aug 24 Co Rd 19 / Co Rd 6, Independence reported a house move with two trailers with a half a house on each one was blocking traffic and the overhead high wires were being pushed up so the trailers and house could go underneath them. The house movers had a permit for moving at night but said it was too dangerous and had to move during the day. Drivers were cited for registration or permit required, directing another to violate regulation and registration or permit required. The House Movers were from Long Prairie.

Loose Pig

Aug 25 Co Rd 11 / County Line Rd, Independence. Caller reported a pig was walking on Co Rd 11. The pig was found and when called "Pig", the pig would stop and turn and look at whoever called to it. The pig turned and began trotting to the Officer when he called out "HERE PIG". The pig followed the Officer as he walked to the owner's farm. The pig's owner arrived and assisted with coaxing "Paprika" to her pen.

Community Relations

Aug 25 Reserve Officers participated in a vehicle fair at the Orono Discovery Center. A squad car was on display.

Crash

Aug 25 Independence Street / Baker Park Rd, Maple Plain. A vehicle towing a boat on a trailer was rear ended. The driver stated she reached for her sunglasses, taking her eyes off the road, when she looked back she saw the boat in front of her and collided with it. The driver was issued a citation for Failure to Drive with Due Care and No Proof of Insurance.

4th Degree DWI

Aug 26 Co Rd 19 / Perkinsville Rd, Independence. Vehicle crossed the center and fog lines of the road. The driver Robin Marie Karnes, 29 from Loretto submitted a breath test which resulted in .09 Breath Alcohol Concentrations. Karnes was arrested for 4th Degree DWI and released to a responsible person.

Theft

Aug 26 3000 block of Lake Haughey Rd, Independence for 5 gnome sculptures /statues were stolen from a front yard. The Gnome's are approximately 3 feet tall, weight approximately 200 lbs. and are very rare and were handmade by the previous property owner. Approximate loss \$1,200.00.

Crash

Aug 26 Vehicle stopped at Co RD 90 waiting for traffic to clear on Co Rd 6 was rear-ended. The 17 year old female driver from Minnetrista stated she was distracted talking to her passengers and misjudged the distance to stop. Both vehicles had minor damage. No injuries. The driver's father was called and advised of the contributing factor of his daughter being distracted by other occupants.

Crash

Aug 27 4000 block of Lake Sarah Drive S., Independence. 16 year old male driver from Big Lake, admitted he drove with a fogged over windshield and struck a parked vehicle on roadway. He was issued a citation for Failure to Drive with Due Care.

Steamed Over Vehicle

Aug 28 1:17 a.m. reported an occupied vehicle in the 9000 block of Roy Rd, Independence; the windows were steamed over and the vehicle was running. Contact was made with two occupants, a 17 year old female and her 18 year old boyfriend. They said they were just 'hanging out' in the rear of van after celebrating a birthday. Female's father was contacted and made aware of the police contact. Both were advised of the complaint and being in area at such a late hour and to find more appropriate location to "hang out".

Flagged License Plates

Aug 31 Co Rd 6 / Co Rd 90, Independence a vehicle was stopped for license plates flagged for impoundment. The driver stated her husband had a DWI about a month ago and was unaware the plates needed to be removed. The plates were removed from the vehicle and the driver was given a ride to Watertown.

Dumping Complaint

Aug 31 Caller reported he was going home for lunch and saw a male dumping something out of a white storage container down the storm sewer drain at CR 83/Joyce Street, Maple Plain. The male told the caller he was just dumping fish when he was told he shouldn't be doing that. The case is under investigation.

 **TOWARD ZERO DEATHS** MINNESOTA
TOWARD ZERO DEATHS

August 26, 2016

Chief Gary Kroells
Highway 12 Coalition, Chair
West Hennepin Police Department
1918 County Road 90
Maple Plain, MN 55359

Dear Chief Kroells,

Congratulations! It is an honor to share that the Toward Zero Deaths (TZD) program has selected you as a 2016 recipient of their Distinguished Public Leadership Award for your passion and dedication to traffic safety, most notably for your work with the Highway 12 Coalition. This award honors a public leader who through their vision, leadership, and knowledge have influenced traffic safety policy directions that benefit society and reduce traffic fatalities in Minnesota. You were nominated for this award by TZD leadership.

Award recipients will be presented with their award and honored at the awards ceremony at the statewide TZD Conference on Wednesday, November 16 from 12:00 to 1:00 p.m. at the Duluth Entertainment Convention Center in Duluth. Visit www.minnesotatzd.org/events/conference/2016 for more conference information.

If you are not already planning to attend the conference, the TZD program can pay for your registration fee and sleeping room. Kaydee Kirk will be in touch shortly via email to follow up with details and answer any questions; she can also be reached at 612-626-5854 or kkirk@umn.edu.

Thank you for your dedication to safety on Minnesota's roadways. We look forward to seeing you in November.

Sincerely,



Donna Berger
Director, Office of Traffic Safety
Minnesota Department of Public Safety
Co-Chair, Minnesota TZD



Jay Hietpas
Director, Office of Traffic, Safety, and Technology
Minnesota Department of Transportation
Co-Chair, Minnesota TZD





A PROCLAMATION OF THE CITY OF INDEPENDENCE

**A PROCLAMATION RECOGNIZING WEST HENNEPIN PUBLIC SAFETY
DIRECTOR GARY KROELLS FOR HIS LEADERSHIP AND DEDICATION
IN PROMOTING, ENFORCING AND INFLUENCING TRAFFIC
SAFETY ON HIGHWAY 12**

WHEREAS, West Hennepin Public Safety Director Gary Kroells has been selected as the recipient of the Distinguished Leadership Award from Towards Zero Deaths for his leadership, vision and direction in making Highway 12 safer for the residents of Independence; and

WHEREAS, Director Kroells has worked on behalf of the City of Independence to promote and influence traffic safety in our community; and

WHEREAS, Director Kroells and his department have spent many hours on behalf of the City of Independence to reduce traffic accidents and fatalities throughout the City and on Highway 12; and

WHEREAS, Director Kroells has represented the City of Independence on the Highway 12 Coalition as a leader of the organization,

NOW, THEREFORE, I, Marvin Johnson, Mayor of Independence, and on behalf of the entire City Council, recognize, congratulate and thank West Hennepin Public Safety Director Kroells for all that he has done to influence traffic safety on Highway 12.

Marvin Johnson, Mayor



Buckle Up!

Painted reminders to fasten your seatbelts were recently added to strategic driveway exits around the Maple Plain and Independence area. The awareness program, part of MN DOTs Towards Zero Deaths initiative was brought to the community as part of the Highway 12 Safety Coalition and its chairman, West Hennepin Public Safety Director Gary Kroells.

The reminders were spray painted with permission of the property owners on August 31, 2016 by National Honor Society students as one of their Community Service projects. Headed by NHS student Derek Spencer with Nathan Moe and Cameron Baker, Derek's team painted 17 of the reminders in 12 separate locations. The stencil was supplied by MNDOT, the paint was provided by RBC Wealth Management in Minnetonka.





A PROCLAMATION OF THE CITY OF INDEPENDENCE

A PROCLAMATION RECOGNIZING LOCAL HIGH SCHOOL STUDENTS DEREK SPENCER, NATHAN MOE AND CAMERON BAKER FOR THEIR OUTSTANDING SERVICE TO THE COMMUNITY BY HELPING TO PROMOTE TRAFFIC SAFETY IN OUR COMMUNITY

WHEREAS, Local High School Students Derek Spencer, Nathan Moe and Cameron Baker coordinated, organized and completed a service project by painting “Buckle Up” awareness signs at key local intersections throughout our community; and

WHEREAS, Derek Spencer, Nathan Moe and Cameron Baker worked on behalf of the City of Independence to promote and influence traffic safety in our community; and

NOW, THEREFORE, I, Marvin Johnson, Mayor of Independence, and on behalf of the entire City Council, recognize and thank, Derek Spencer, Nathan Moe and Cameron Baker for their service to the residents and City of Independence.

Marvin Johnson, Mayor

City of Independence

UPDATE TO CITY'S COMMUNITY CENTER/CITY HALL USAGE POLICY

To: City Council
From: Mark Kaltsas, Interim City Administrator
Meeting Date: September 27, 2016

Request:

The City recently updated certain policies pertaining to the use of the community center/city hall. Following the update in 2015, staff has identified two additional items that it is recommending for consideration by the City Council.

Discussion:

Staff has prepared a proposed amendment to the usage policy which will address the following:

1. All applicants of the City Hall/Community Center facility shall be 21 years of age or older.
2. All applicants of the City Hall/Community Center facility that intend to serve or have alcohol on the premises shall contract with West Hennepin Public Safety to provide an on-site security officer during the event.

Recommendation:

Staff is seeking consideration from Council relating to the adoption of Resolution No. 16-0927-01 approving an update to the community center/city hall usage policy.

Attachments:

1. Updated Usage Policy



CITY OF INDEPENDENCE
1920 County Road 90, Independence MN 55359
763-479-0527

POLICY GUIDELINES FOR USE OF THE COMMUNITY CENTER

USERS:

Community Center facilities are available Sunday-Thursday from 8:00 a.m. to 11:00 p.m. and Friday and Saturday from 8:00 a.m. to 12:00 a.m. for the following users:

1. Private use of the City of Independence residents (Must be age 21 or older to rent facility)
2. Private use of residents of cities contiguous to Independence
3. Local non-profit organizations
4. Local civic organizations
5. Local school organizations
6. Local government organizations
7. Other groups or organizations, not identified above that serve Independence or communities contiguous to the City of Independence.

PRIORITIZATION:

The City Council, official City commissions or other organizations whose meetings are sponsored by the City have priority in the use of the Community Room. Groups reserving these facilities must understand it may be necessary for them to relocate their meetings if the Community Center is needed for municipal government purposes.

REQUIRED SUBMITTALS:

- Application forms, deposit checks, and a \$1,000,000 insurance liability policy must be provided to the city at least four weeks prior to scheduled use.
- If alcohol is to be served on the premise, the Applicant must contract with West Hennepin Public Safety to provide an on-site security officer for the event. It is the responsibility of the applicant to notify West Hennepin Public Safety sixty (60) days prior to the event that alcohol will be served. If for any reason West Hennepin Public Safety is unable to accommodate the date of the event, alcohol will not be permitted on the premise.

PROCEDURES:

- A. Arrange to pick up a key before 11:00 a.m. on the Friday of the scheduled weekend.
- B. The City assumes no liability for loss, damage, injury or illness incurred by users of the facilities.
- C. The person signing the application is responsible for:

- Proper disposal of coffee, cups, paper, etc. and rearrangement of furniture.
 - Turning off all lights and locking the entrance doors
 - Reporting, repairing or replacing any damage to or loss of City facilities or equipment within 24 hours of meeting, or pay for the work to be done.
- D. Report any difficulties to City Clerk-Administrator or, if necessary, to local police.
- E. The use of alcoholic beverages is allowed in the Community Center. However, sale of such beverages is prohibited.
- F. Smoking is allowed outdoors only.
- G. Failure to conform to these policies may be cause for only a partial return of deposit money or forfeiture of future use privileges.

CLEAN UP:

1. Sweep (or, if necessary, wet mop) all floors and vacuum rugs.
2. Wipe down all tables and chairs before putting them away.
3. Wash all items used in kitchen and return to their proper places.
4. Wipe down kitchen counters, refrigerator, freezer, stove and microwave after use.
5. Empty all garbage containers and replace garbage bags (in mechanical room.) (Dumpster is outside the north door in back.)
6. Make sure the bathrooms are swept, counter tops are wiped down and waste containers are emptied.
7. If the parking lot, courtyard and garden areas have been used, make sure all debris, including cigarette butts, are picked up and placed in the dumpster.
8. Turn off all lights before leaving, and return the key the next business day unless other arrangements have been made.

*****We expect you to leave the facility as clean as it was when you entered.*****



RESOLUTION NO. 16-0927-01

A RESOLUTION APPROVING AN AMENDMENT
TO THE CITY'S COMMUNITY CENTER/CITY HALL USAGE POLICY

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

WHEREAS, the City has reviewed its current Community Center/City Hall usage policy and has determined that a revised policy is needed; and

WHEREAS, the City has determined that it is in the best interests of the City to adopt a revised usage policy.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve an amendment to the City's Usage Policy.

This resolution was adopted by the city council of the City of Independence on this 27th day of September, 2016, by a vote of ____ayes and ____nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

(SEAL)

City of Independence

Consider Amendment to the City's "No Wake" Ordinance – Section 915

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

Discussion:

The City of Independence in collaboration with the City of Greenfield and the Department of Natural Resources established an ordinance to address no wakes on Lake Sarah. The ordinance stipulated no-wake restriction criteria for both Lake Sarah and Lake Independence.

Independence adopted a revision to the ordinance in July of this year. Following adoption, the City of Greenfield reviewed the ordinance and has now adopted a slightly modified version.

There are no materially differences in the version adopted by Greenfield; however, they moved some of the language from one area of the ordinance to another.

In an effort to maintain the “same” ordinance, staff is recommending that the City adopt a revised ordinance which would be identical to that which was recently adopted by the City of Greenfield. The ordinance numbers would not change as a result of the new adopted language. A copy of the proposed changes is attached to this report.

Summary:

The City has prepared an ordinance for adoption by the City Council. Following adoption of the ordinance, further coordination will be made with Hennepin County and the Department of Natural Resources.

ATTACHMENTS: City of Independence Ordinance 2016-05
Greenfield Ordinance 2016-03



**CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**ORDINANCE NO. 2016 -05
AMENDING CITY CODE SECTION 915 -REGULATION OF LAKE SARAH AND LAKE
INDEPENDENCE SURFACE USE**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY,
MINNESOTA, ORDAINS:

Section 1. Section 915 of the City Code is amended as follows (additions shown as **bold/double underline**; deletions shown as ~~strikethrough~~):

Section 915 - Regulation of Lake Sarah and Lake Independence Surface Use

Subd. 2. No-wake at high water level. Whenever the waters of Lake Sarah reach or exceed 981.1 feet above sea level, for a period of three consecutive days or more, as measured by the water level gauge set by the State Department of Natural Resources on Lake Sarah, the city administrator-clerk or designee may, ~~at their discretion~~, upon notifying the Hennepin county sheriff, establish a slow no-wake zone on those portions of the lake within the city. ~~The no-wake restriction shall become effective upon a date specified by the city administrator-clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level.~~ Both the implementation and removal of these restrictions must be done in coordination with similar actions by the city of Greenfield. ~~The city administrator-clerk or designee shall notify the public of both the implementation and removal of the no-wake restriction by publishing a notice in the official newspaper, posting the restriction at all public lake access points prior to and during the time the restriction is in place, and posting the restriction at city hall, and by such other means as the administrator-clerk determines to be reasonable.~~

Subd. 3. No-wake regulation. No person shall operate a water craft, including aircraft, in excess of slow no-wake speed 24 hours per day when the high water slow no-wake restrictions in subdivision 2 are in effect. ~~Such restrictions shall become effective upon publication in a local daily newspaper as a news item or on a specified date, whichever is later.~~ (Added, Ord. No. 2002-09)

Subd.4. Effective Date of slow no-wake regulation. A slow no-wake restriction shall become effective upon the date specified by the city administrator-clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level for at least three consecutive days.

915.07. Notification. **The city administrator-clerk or designee shall notify the public of both the implementation and removal of the no-wake restriction by posting the restriction at all public lake access points prior to and during the time the restriction is in place, and posting the restriction at city hall, and by such other means as the administrator-clerk determines to be reasonable.** The city is responsible for providing adequate notification to the public, ~~which shall include p.~~ Placement of a sign at each public watercraft access outlining essential elements of this section, as well as the placement of necessary buoys and signs **shall be the responsibility of the Lake Sarah Improvement Association.**

Section 2. The City Administrator is hereby directed to amend the City of Independence City Code in accordance with the foregoing amendment.

Section 3. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 27th day of September, 2016.

Marvin D. Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

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

**AN ORDINANCE TO AMEND CITY CODE CHAPTER 95 AS IT RELATES TO
LAKE SARAH REGULATIONS**

The City Council of the City of Greenfield, Minnesota, does ordain:

That Section 95.04, No Wake at High Water Level, be amended as follows:

§ 95.04 NO WAKE AT HIGH WATER LEVEL.

Whenever the waters of Lake Sarah reach or exceed 981.1 feet above sea level, for a period of 3 consecutive days or more, as measured by the water level gauge set by the State Department of Natural Resources on Lake Sarah, the City Administrator-Clerk or designee may, ~~at his or her discretion, upon notifying the Hennepin County Sheriff, establish a slow-no-wake zone on those portions of the lake within the city. The slow-no-wake restriction shall become effective upon a date specified by the City Administrator-Clerk and shall remain in effect until the water level for the lake has receded to 981.1 feet above sea level.~~ Both of the implementation and removal of these restrictions must be done in coordination with similar actions by the City of Independence. ~~The City Administrator-Clerk or designee shall notify the public of both implementation and removal of the no-wake restriction by publishing a notice in the official newspaper, posting the restriction at all public lake access points prior to and during the time the restriction is in place, and posting the restriction at city hall, and by other means as the Administrator-Clerk determines to be reasonable.~~

That Section 95.05, No Wake Regulations, be amended as follows:

§ 95.05 NO WAKE REGULATIONS.

(A) No person shall operate a water craft, including aircraft, in excess of slow-no-wake speed 24 hours per day when the high water slow-no-wake restrictions in § 95.04 are in effect.

(B) Effective date of slow no-wake regulation. A slow no-wake restriction shall become effective upon the date specified by the City Administrator-Clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level for at least three consecutive days.

~~—(B) These restrictions shall become effective upon publication in a local daily newspaper as a news item or on a specified date, whichever is later.~~

~~(Prior Code, § 580.01) (Am. Ord. O-13A-02, passed 10-15-2002) Penalty, see § 95.99~~

That Section 95.06, Notification, be amended as follows:

§ 95.06 NOTIFICATION.

The City Administrator or designee shall notify the public of both implementation and removal of the no-wake restrictions by causing the posting of the restriction at all public lake access points prior to and during the time the restriction is in place, and posting the restriction at city hall, and by other means as the Administrator determines to be reasonable. The City is responsible for providing adequate notification to the public. ~~which shall include~~ Placement of a sign at each public watercraft access outlining essential elements of this chapter, as well as the placement of necessary buoys and signs shall be the responsibility of the Lake Sarah Improvement Association.

Passed by the City Council of the City of Greenfield on this 20th day of September, 2016.

Mayor Brad Johnson

Attest: Bonnie Ritter, City Administrator-Clerk

Published in the official newspaper on the 29th day of September, 2016.
Effective on the 30th day of September, 2016.