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CITY COUNCIL MEETING AGENDA  
REGULAR MEETING  
TUESDAY, MAY 24, 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 April 26, 2016 City Council Meeting.
  - b. Approval of City Council minutes from the May 10, 2016 City Council Meeting.
  - c. Approval of Accounts Payable; Checks Numbered 16140-16173.
    - For Information - Checks Numbered 16125-16139 are Payroll Checks.
  - d. First Quarter Financial Report
  - e. **RESOLUTION 16-0524-01** – Revised Resolution approving a minor subdivision to allow a lot line rearrangement for the property located at 2810 Nelson Road – revised from the May 10, 2016 City Council Meeting.
  - f. Approval of Contribution to Delano Area Senior Center
  - g. Approval of Pioneer Creek Golf Course – Certification of an On Sale Liquor License, 3.2% Liquor License, or Sunday Liquor License Application
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 April, 2016.

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, APRIL 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 and Grotting  
ABSENT: None  
STAFF: City Planner & City Administrator Mark Kaltsas, City Administrative Assistant Horner, City Attorney Vose  
VISITORS: Melissa Potter, Arnold Simpson, Carol and Heather Beasecker, Terri Barreiro, Jeffrey Ramsden

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 April 6, 2016 City Council Workshop.
- b. Approval of City Council minutes from the April 12, 2016 Board of Equalization and Appeals Meeting.
- c. Approval of Accounts Payable; Checks Numbered 16066-16091.
  - a. For Information - Checks Numbered 16046-16065 are Payroll Checks.
- d. Approve Large Assembly Permits for the Following Events:
  - A Wedding at the Home of 2636 Independence Road - May 21, 2016
  - Ultimate Frisbee at Polo Grounds - May 7/8, 2016
  - Tour de Tonka - August 6, 2016
- e. Consider Approval of an Agreement with Hennepin County Relating to the KNOWiNK Poll Pad Hardware and Software Units for the Upcoming Elections.
- f. **RESOLUTION 16-0426-01** - Supporting the Three Rivers Park District Crow River Regional Trail Alignment.

Spencer pulled the Large Assembly permits (d) from the consent agenda for further review.

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

- Hearing on Whistle Blowing at the Legislature
- Metro Cities Annual Meeting
- Chaired the FFA Parliamentary Procedure State Convention
- Senior Community Services Finance Committee Meeting
- Orono School Board Tour of 287 Schools
- Minnehaha Creek Advisory Meeting
- Hennepin County Natural Resources Meeting

**Horner attended the following meetings:**

- Hennepin County Election Training
- Joint Meeting with the Planning Commission
- Planning Commission Meeting

**Kaltsas attended the following meetings:**

- Met with Loretto about their ongoing sewer issue

**7. DIRECTOR GARY KROELLS, WEST HENNEPIN PUBLIC SAFETY - ACTIVITY REPORT FOR THE MONTH OF MARCH 2016.**

Kroells stated there were 1,104 incidents addressed in Independence for the month of March. He noted it was a very busy month and highlighted a few events. \*the full report is available in the city council packet for March 26, 2016\* Kroells stated there was a school bell stolen from a property at in the 4500 block of Shady Beach Circle. Kroells outlined DWI arrests, protection order violations and welfare checks. Kroells stated there were texting while driving citations given out and many people are under the assumption that when they pull up to a red light they can text and that is not the case. They will be given a citation. Kroells said there were multiple mailboxes damaged on Pagenkopf road and they have a lead in the case. Kroells said there was an accident on March 26<sup>th</sup> that involved a truck being rear-ended due to the driver slamming on their brakes. The driver felt the car behind them was traveling too closely.

Kroells stated the CodeRed Emergency notification initiative was going very well. He noted the Councilmembers and Mayor will be on the contact list as well as others.

Kroells said the Citizens Academy Graduation marked the largest class to date and also the largest alumni gathering at the graduation ceremony as well.

Kroells said the Highway 12 Coalition initiatives are in progress with the installation of LED lighting at all intersections in Independence on Highway 12. The project will be completed mid-May. He noted the intersections at 92 will be widened and turn lanes installed with construction starting mid-July.

**RECONVENE BOARD OF EQUALIZATION MEETING - TIME: 8:00PM**

Potter stated the Hendricks property was reviewed after the April 12<sup>th</sup> meeting and the recommendation is to reduce the value from \$759,000 to \$645,000. She noted the house had not been toured since 1998 and the characteristics on file did not match what was actually found. Potter said the homeowner feels this valuation is better but noted Zillow.com's valuation of \$611,000 was more accurate. Betts asked if the homeowner received an actual estimate. Potter said no, just the website valuation. Spencer noted the home was purchased in 2012 for \$635,000 so with slight value increase since that time \$645,000 seems reasonable.

Potter said the Simpson property at 2840 Copeland Road was reviewed after the last meeting and the recommendation is no change to the valuation. Potter stated it was a 4.37% increase which was the average for the whole city.

**Motion by Grotting, second by Betts to approve the original valuation/ no change per the assessor for the property at 2840 Copeland Road. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Potter stated the Ramsden property at 4720 S. Lake Sarah Dr., was reviewed after the meeting and the recommendation is to reduce the valuation from 903,000 to 775,000. She noted this is a subject property between two sales. Potter spoke with the owners and they thought it was still too high but were okay with the number.

**Motion by McCoy, second by Betts to approve the revised valuation of \$775,000 for the property at 4720 S. Lake Sarah Dr. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

Potter stated the Eckman property at 3250 Co. Rd. 92 N is the owner of this lot and the vacant lot next to it. He contacted the assessor's office as he was concerned with the value compared to his refi appraisal. Potter reviewed the property and the recommendation is to reduce the values noting the green acres qualifications.

**Motion by Johnson, second by Spencer to approve the revised taxable valuation of \$862,800 and the deferred valuation to 1,100,000 for the PID ending in -0002 for the property at 3250 Co. Rd. 92 N. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**Motion by Grotting, second by Betts to approve the original valuation/ no change for the PID ending in -001 for the property at 3250 Co. Rd. 92 N. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

8. ADJOURN

**Motion by McCoy, second by Betts to conclude the Board of Review portion of the City Council Meeting. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

9. DISCUSSION RELATING TO ALLOWING A WEDDING CEREMONY (WITH THE RECEPTION HELD AT CITY HALL) IN PIONEER CREEK PARK.

Kaltsas said this is a discussion pertaining to a resident who is interested in using the community room for a wedding reception in September as they are also interested in using Pioneer Park for the ceremony portion of the event. Kaltsas said there is nothing defined as far as use of the park for a wedding. Betts said there were discussions in the past about this and they talked about possibly even putting in a gazebo for this type of purpose. Johnson said he was surprised this has not been requested before and he would like to encourage it as it is a beautiful setting.

Kaltsas said Staff could research other cities ordinances and put together a recommendation if Council wanted to pursue it. Spencer said parties would be liable for insurance, deposits, etc. and it would have to be rented

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE CITY COUNCIL  
TUESDAY, MAY 10, 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 and Grotting

ABSENT: None

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

VISITORS: Jim Ostvig, Dick Ward, Les Peterson, Peter Nagstrom, Ruth Clark, Sean Koster

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 April 12, 2016 City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 16093-16115 (16092 – Printing Error and was Voided).
  - a. For Information - Checks Numbered 16116-16124 are Payroll Checks.

Johnson added the renewal of the liquor license for Pioneer Creek Golf Course to the consent agenda.

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

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

6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

**Spencer attended the following meetings:**

- Sensible Land Use Coalition Meeting
- Highway 12 Coalition Meeting
- Met with Nate Uselding Lake Sarah Association Board President
- Met with Larry Ende about Nelson Road tiling
- City Clean Up Day

law enforcement. He said if Kroells needs more help, he has access to it. Stanek noted Hennepin County has the largest jail in the state and last year there were 58 bookings from West Hennepin. Stanek said the Water Patrol Division is a full-time, year-round unit. They service area lakes such as Rebecca, Sarah, Independence and Minnetonka.

Stanek said the 911 Emergency Communications Center dispatches for 35+ cities and municipalities. It is the largest dispatch in the region and they do an excellent job. Stanek noted 75% of calls come from cell phones. Stanek said there are eight 911 communication centers in Hennepin County. Stanek said the crime lab is located in downtown close to the Viking's stadium. He said they partner with local law enforcement on investigations.

Stanek stated the Drug Task Force works with West Hennepin and noted the excellent job done by the local team. He noted heroin overdoses have doubled in Hennepin County in the first few months of this year compared to last year. Stanek said they have taken over 28 tons of prescription drugs off of the streets in the past 2-3 years.

Grotting asked how funding for NARCAN would work if West Hennepin Public Safety wanted to start using it. Stanek said it was not that expensive and the training would be about 4 hours per officer. Stanek said it costs about \$40/dose and looks like an epi pen.

Stanek said the Volunteer Services division is comprised of 300 people who put in many hours at community events or assist inmates in jail with educational help, parenting skills, etc. Stanek said they also have a Professional Standards Division that provides training in many different facets to those at the local level. He said there is a Community Engagement Team that teaches the community how the system works.

Stanek said violent crime in Hennepin County rose by 8% last year. He noted the importance of City Council's support to their local police and fire in trying to reverse this trend.

Johnson said how much the sheriff's representation at the Highway 12 meetings is appreciated.

8. **PUBLIC HEARING: CONSIDERATION OF A PROPOSAL FOR THE ISSUANCE OF CONDUIT REVENUE BONDS FOR THE BENEFIT OF BEACON ACADEMY PUBLIC CHARTER SCHOOL PROJECT UNDER MINNESOTA STATUTES, SECTIONS 469.152 THROUGH 469.1655.**

A. **RESOLUTION 16-0510-01 – APPROVING THE ISSUANCE OF CONDUIT REVENUE BONDS FOR THE BENEFIT OF BEACON ACADEMY PUBLIC CHARTER SCHOOL.**

Vose said this is a financing option that is being looked at as it may be a good public effort by the City but there is a small fee associated with it so that is why it is opened up for review as a public hearing. He introduced John Utely with Kennedy and Graven who is the bond finance contact. Vose also introduced Dick Ward with Doherty.

Utely said Beacon Academy is located in Crystal and the City of Crystal was approached about this bond originally but they are not able to provide financing as it would put them over their limit for bonds. Utely said it is important to emphasize that these are conduit revenue bonds and the City has no responsibility to the facility that will be financed by these bonds. He said the issuance of these bonds has no effect on the credit rating of the City.

accessory building and behind the existing residence. From the aerial photographs, you can see how the site could accommodate additional vehicles.

Staff has reviewed the request and found that the site is in compliance with applicable City requirements. There have not been any known issues relating to the operation of the business on this property or pertaining to the conditions of the conditional use permit.

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.

This property is guided for commercial use. Should the applicant wish to expand the buildings or make other material improvements to the business in the future, the City would likely want to consider rezoning the property to CLI and requiring other aspects of the business to be brought into compliance with applicable commercial standards (i.e. paved parking and loading areas, lighting, etc.). The nature and geographic location of the applicants business generally mitigates potential impacts on surrounding properties. The City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit. Commissioners can provide further direction relating to any additional provisions if recommended for approval. Kaltsas noted there have not been any public comments received pertaining to the CUP.

Kaltsas said the Planning Commission recommended approval of the request for an amendment to the Conditional Use Permit with the following findings and conditions:

1. The proposed Conditional Use Permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.

Kaltsas noted the City has not received any written comments. He said the Planning Commissioners discussed the requested minor subdivision. Commissioners believed that the request was straight forward and would actually "clean-up" the property boundaries. Commissioners did not see any issues with the requested minor subdivision and recommended approval to the City Council.

Kaltsas said the Planning Commission recommends approval of the request for a minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Vose stated the intent in the resolution was to combine with the property to North. Vose said a condition should be added to the resolution that a deed recording will have to be part of any real estate record on the property and will need to reflect this change.

**Motion by Betts, second by Grotting to conceptually approve Resolution 16-0510-03 per clarifications being added and presented on the consent agenda at the next City Council meeting. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**11. RUTH AND STEPHEN CLARK (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTIONS FOR THE PROPERTY LOCATED AT 2365 NELSON ROAD, INDEPENDENCE, MN (PID NO. 19-118-24-21-0008):**

**A. RESOLUTION 16-0510-04 – APPROVING A VARIANCE TO ALLOW A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS THE HEIGHT OF THE PRINCIPAL STRUCTURE.**

Kaltsas said the applicant would like to construct a detached accessory structure on the property. There is currently an existing home located on the property. The City regulates the total square footage permitted for detached accessory structures using a percentage based formula. The formula allows a property owner to construct an accessory building which does not exceed 2% of the upland square footage of the property. In this particular case the City has determined that the upland portion of the property is 8 acres. Based on this determination, the total allowable square footage for a detached accessory structure is 6,970 SF (8 acres - 348,480 sf \* .02 = 6969.50).

The applicant is proposing to construct a 2,088 square foot detached accessory structure which is less than the maximum size permitted. In addition to the limitation on building size, the City regulates the maximum height of detached accessory structures. The maximum height of a detached accessory structure shall not exceed the height of the principle structure.

*<sup>3</sup> The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.*

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

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicants are proposing to use the property in a manner consistent with the AG- Agriculture District. The applicants have attempted to locate the building to meet all other applicable setbacks for property zoned Agriculture.
- b. The applicant has provided the City with information regarding accessory structures and the heights of similar style homes on Nelson Road (see applicants Exhibits 7 and 8). The information provided shows that the proposed accessory building height would be in keeping with the general character of the surrounding properties.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture. The proposed detached accessory building is in keeping with the City's comprehensive plan.

This variance request represents the second height variance for an accessory structure since the adoption of the revised ordinance in 2013. At the time of adoption, the City contemplated initiating a limitation on accessory structure height in an effort to limit potential impacts on surrounding properties and establish a proportional relationship to the principle structure. The City additionally reviewed a number of surrounding communities' ordinances to understand context for considering a height limitation. It was noted that many communities limited accessory structure height in residential or rural residential zoning districts. Agricultural zoning districts had less restrictive height limitations. The Planning Commission recommended that the City complete a future review of the accessory height limitations. The City will ultimately need to determine if the requested variance meets the requirements for granting a variance.

Kaltsas stated the City has not received any written comments. Kaltsas said he did have one neighbor say she was in favor of the request. He said the Commissioners discussed the request for a variance on the subject property. Commissioners discussed the proposed building and its location on the property. Commissioners

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There is currently an approximately 25 acre parcel and 6 acre parcel that would be combined to form an approximately 30 acre parcel. The applicant has plans to ultimately construct a single family home on the combined parcel. There does not appear to be any adverse effects on the surrounding properties as a result of the proposed lot combination. The larger parcel is in keeping with the intent of the City's Comprehensive Plan.

The proposed lot combination is generally in keeping with the City's zoning and subdivision regulations. The applicant owns several lots that are surrounding this property and located along the non-developed right of way. Applicable standards for development of the combined parcel do not change in the after condition.

Kaltsas said the City has received no written comments. Planning Commissioners discussed the requested minor subdivision. Commissioners believed that the request was straight forward and did not see any issues with proposed lot combination. Commissioners recommended approval of the request to the City Council.

Kaltsas stated Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot combination with the following findings:

1. The proposed minor subdivision for a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Spencer noted both lots have building eligibility and Kaltsas confirmed that aspect.

**Motion by Johnson, second by Spencer to approve Resolution 16-0510-05. Ayes: Johnson, Betts, Spencer, McCoy and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.**

**13. PRESENTATION BY CHRISTOPHER KNOPIK OF CLIFTON LARSEN ALLEN - 2015 FINANCIAL AUDIT AND YEAR END FINANCIALS.**

Knopik stated the general fund increased by 150k in 2015. This was a result of the City's deliberate attempt to restore the fund balance in the general fund. Knopik said expenditures were down due to a decrease in capital outlay. He noted dust control was moved from a capital outlay line item to public works. Knopik noted 98.9% of the tax levy was collected in 2015.

Knopik noted the sanitary sewer fund has been operating at a deficit over the last few years. He said he met with Kaltsas and Mayor Johnson the week prior to make sure that would be a focus of the City's to work on moving forward.

Knopik said the audit provides reasonable but not absolute assurance. He said there are new government requirements directed at Net Pension Liability for the PERA program.



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**RESOLUTION 16-0524-01**

**A RESOLUTION APPROVING A MINOR SUBDIVISION TO ALLOW  
A LOT LINE REARRANGEMENT FOR THE PROPERTY  
LOCATED AT 2810 NELSON ROAD**

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

WHEREAS, the City adopted a Comprehensive Plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Leslie Peterson (the "Applicant/Owner") has submitted a request for a minor subdivision to allow a lot line rearrangement for the property located at 2810 Nelson Road (PID No. 18-118-24-13-0010); and

WHEREAS, the Property is legally described as:

*The south 301 feet of the West Half of the Northeast Quarter of Section 18, Township 118 North, Range 24 West of the 5<sup>th</sup> Principal Meridian; ALSO the North 426 feet of the South 727 feet of the East 100 feet of the West Half of the Northeast Quarter of said Section 18.; and*

WHEREAS, the Property is zoned Agriculture; and

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

WHEREAS the Planning Commission held a public hearing on April 19, 2016 to review the application for a minor subdivision, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and

## City of Independence

### Consideration of a Contribution to the Delano Area Senior Center for 2016

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To: City Council  
From: Mark Kaltsas, City Administrator  
Meeting Date: May 24, 2016

**Discussion:**

The City of Independence is being asked to consider contributing \$1,640.00 to the Delano Area Senior Center for 2016. The amount represents a 3% increase from the 2015 contribution. The City has historically contributed to the Senior Center. Most recently the City contributed to the Senior Center in 2015. The Senior Center provides congregate meals, meals on wheels, education, wellness clinics, assistance with taxes and health insurance, legal aid, day tours, socialization and recreation to area senior citizens. The Senior Center served approximately 2,500 individuals in the past year. It is estimated that 81 of the individuals served were from Independence.

The City Council is being asked to consider granting approval for the 2016 contribution in the amount of \$1,640.00 to the Delano Area Senior Center.

## Delano Area Senior Center 2015 Year-End Statistics

1. Individuals Served: 2,429 individuals participated in some form of program at the Senior Center.
2. Dining: 14,839 meals were provided to 750 individuals.
3. Volunteers: 265 volunteers worked 8,584 hours.
4. Education: 190 educational classes or events were provided.
5. Transportation: 2,185 trips were provided.
6. Information and referrals: 17,130 requests for information were handled at the center.
7. Tax Assistance: 202 individuals received tax assistance.
8. Health: 225 health screenings and/or events (blood pressure, hearing test, exercise classes, chair yoga, health speakers, etc.).
9. Social/Recreational: 885 recreational and social programs and trips were scheduled.

Women: 1,498

Men: 931

Delano & other	1,845	Maple Plain	49
Franklin Township	125	Rockford	79
Buffalo	112	Greenfield	24
Rockford Township	38	Watertown	24
Independence	81	Montrose	23
Loretto	29		



Date: May 9, 2016  
To: Public Safety Commissioners  
City of Independence Council Members  
City of Maple Plain Council Members  
From: Director Gary Kroells *G. Kroells*  
SUBJECT: APRIL 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.

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*West Hennepin Public Safety Department*  
1918 County Road 90 / Maple Plain, Minnesota 55359  
Phone: (763) 479-0500 / Fax: (763) 479-0504  
Web Address: <http://www.westhennepin.com> E-mail: [westhennepin@westhennepin.com](mailto:westhennepin@westhennepin.com)

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

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16001951	Property Damage / Mailbox	42469	3	42469	P3119
WHPS	16001953	Property Damage / Mailbox	42469	3	42469	P3119
WHPS	16002120	Property Damage / Mailbox	42476	3	42476	P3119
WHPS	16002240	4th Degree DWI / Possession of Open Bottle / Carrying Pistol While Under Influence of Alcohol / Gross Misdemeanor Carry - Possess Pistol without MN Permit to Carry	42481	3	42481	JFW01
WHPS	16002247	DWI under Influence of Controlled Substance / Pending Results	42482	3	42482	JG501
WHPS	16002401	Damage to Property / Yard	42489	3	42489	P3119

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

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	16001959	2nd Degree DWI / Vehicle Forfeiture	42469	1	42469	JEW01
WHPS	16001971	Theft from Storage Locker	42470	1	42470	TO999
WHPS	16002080	Property Damage / Mailbox	42474	2	42474	P3119
WHPS	16002216	Theft from Motor Vehicle	42480	2	42480	TB159
WHPS	16002309	Violation of Order for Protection	42485	1	42485	N2370

# DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

April 2016 Activity Report

## Year to Date Activity Report

At the end of April 30, 2016, West Hennepin Public Safety (WHPS) has year-to-date handled a total of 2,417 incident complaints; 853 in Maple Plain and 1,500 in Independence. This is an increase of 85 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:**

### **Theft / Missing Purse**

April 2 Resident of the 300 block of Ingerson Rd, Independence reported her purse was either lost or stolen. The resident had stopped at several places, Long Lake, Maple Plain and Chanhassen before realizing she did not have her purse. She was advised to call her bank and credit card companies and to keep an eye on her credit report.

### **Disturbance**

April 3 1600 block of Marsh Ave., Maple Plain. Complaint was received of drivers in several vehicles were playing loud music, honking the horn and driving in and out of the cul-de-sac. Upon Officer arrival the area was checked and did not see individuals or vehicles that were in the neighborhood.

### **Pick Up Warrant/ Emergency Hold**

April 4 A warrant was issued for a female in the 5300 block of Highway 12, Maple Plain. The 55 year old female was arrested for her warrant and transported to the hospital instead of jail as she was found to be intoxicated with an alcohol concentration of over .40.

### **Disturbance**

April 4 Responded to the 1500 block of Wyman Ave. Maple Plain for a male who was agitated, angry with staff and would not take his medicine. The male wanted to leave the place and North Memorial Ambulance transported him to the hospital.

### **Domestic**

April 4 A female from Crystal reported she had been driving for the last two hours in the city of Independence trying to find the Home Free Shelter. She was upset and feared for her life. The female was given directions to the shelter.

### **Attempted Scam**

April 5 Resident in the 2000 block of Pagenkopf Rd, Independence reported she received a phone call and the caller said "Hi Grandma" and said she was in jail and that she needed money right away to get out. The resident recognized it was an attempted scam and stated that is a good place for you in jail. The caller said No Grandma it isn't. The resident told the caller she needed to get a job and disconnected the phone call.

## Theft

April 10

1800 block of Newport Street, Maple Plain received a theft report. Someone had cut the hasp/lock off of a storage locker in the apartment building and stole several items. A Dell latitude Laptop was stolen. Fingerprints were found on several items in the locker. The fingerprints were processed and sent in to BCA Crime Lab to process. The case is under investigation.

## Dirt Bike Complaint

April 10

Received a complaint of a young kid riding a dirt bike at Becker Road and Merz Way, Independence. A 13 year old juvenile boy was found riding a dirt bike on Becker Road. The juvenile admitted he had been at his friend's house, and was riding his dirt bike back home to get something. Contact was made with his father who was advised it is illegal to operate a dirt bike in the ditch or on the road and it was not licensed. A warning was issued to the families and their kids for using recreational vehicles on the road.

## Reckless Driving / Motorcycle

April 10

WHPS officer was standing on the side of the road when an m/c passed by at approximately 45 – 50 mph. on Shady Beach Circle. The driver put his right hand up and made a hand sign towards the officer and continued to drive at a high rate of speed. The driver made it to the end of the road and locked up the brakes squealing the tires. Then turned around and accelerated back at a fast rate towards the officer, stopping approximately 30 yards away and began to yell at the officer. Then proceeded to take off at a high rate of speed again. WHPS officer attempted to catch up to the motorcycle but was unable to see it. Wright County Sheriff's Office (WCSO) located the motorcycle in Delano traveling Westbound on Hwy 12, also was unable to stop the m/c. Shortly after, a caller from Monticello reported a male rode up to a house on a motorcycle and was not making any sense. The driver had left the m/c in the front yard and walked away. The m/c matched the one on Shady Beach Circle. The driver of the m/c was located. Jeffery James Derocher, 25 from Maple Plain admitted seeing the WHPS officer on Shady Beach Circle which made him panic. Derocher had put many drivers and citizens at risk and was charged with reckless driving.

## Disturbance / Fight

April 12

Caller reported what sounds like some drunken individuals that may be fighting in the 1800 block of Budd Ave., Maple Plain. WHPS officer found 3 males outside behind the apartment complex who were trying to find keys in the yard. There was not a fight. Two males were intoxicated and were told to stay inside the apartment as they were too drunk to be outside and they were being loud. They understood and went inside.

## Mental Problem

April 13

Reported suicidal male at Vinland Center, 3675 Ihduhapi Tr, Independence. The 35 year old male from Maplewood wanted to be taken to Regions Hospital. North Memorial Ambulance assisted and transported the male to the hospital.

#### Traffic Complaint

April 18 Complaint of a sanitation truck driven on the wrong side of the street every Monday morning in the 5000 block of Main Street, Maple Plain. Contact was made with the sanitation driver's manager who said it will be corrected and the driver will drive the correct way.

#### Unwanted Person

April 18 WHPS Officer responded to the 4000 block of Main Street, Maple Plain for an unwanted male. WHPS officer found the ex-boyfriend wanting to say goodbye before he moved to California. The male was told to leave and not communicate with the female. The male agreed to stop and left.

#### Theft

April 20 Reported a catalytic converter was cut off of a vehicle in the 5000 block of Industrial Street, Maple Plain. The case is under investigation.

#### Welfare Check

April 20 Reported a female appeared to be hitchhiking and walking into the lane of traffic at Highway 12 and Lake Haughey Rd, Independence. The female was from Howard Lake was trying to get to Crystal. WHPS officer transported her to the Park and Ride Stop in Golden Valley.

#### Theft

April 22 5000 block of Pagenkopf Rd, Independence, resident reported someone used her debit card in Massachusetts and again tried using it 5 more times in other cities. She contacted her bank and canceled her card. The bank requested she report the theft to her local police department.

#### Unconscious Agency Assist

April 23 WHPS assisted Three Rivers Park Police in Greenfield with 3 people who had fallen off of a horse. They were all injured and one unconscious. It was found the unconscious person was alert, feeling dizzy and had pain. She was back boarded and air-lifted transported to the hospital by North Memorial Ambulance Helicopter.

#### Reckless Driving

April 23 MN State Patrol reported they were looking for assistance with multiple vehicles, close to 15 high dollar sports cars that were driving extremely fast, racing and reckless driving, traveling westbound on I-394. WHPS Officer observed a couple of Lamborghinis and other high end sports cars stopped at the Holiday Gas Station at 1300 Baker Park Road, Maple Plain. Contact was made with three drivers. The drivers stated they were coming from a car show at the BMW dealership on I394, were on a group drive, were coming out west and then they were going back to the dealership. MN State Patrol arrived and the drivers were issued citations for reckless driving.

#### Violation of Order of Protection

April 25 Reported in the 1500 block of Howard Ave., Maple Plain female received text messages that violated an Order for Protection. Herbert Lindsay Bradley, 54 from Maple Plain; charges are pending Domestic Abuse- Violate Order for Protection – Previous Conviction and Violate Domestic Abuse No Contact Order.



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CITY OF INDEPENDENCE, MINNESOTA

**RESOLUTION NO. 16-0524-02**

**AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF CHARTER SCHOOL LEASE REVENUE BONDS (BEACON ACADEMY PROJECT), SERIES 2016, IN ONE OR MORE SERIES; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE BONDS AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE BONDS; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO**

WHEREAS, the City of Independence, a statutory city and municipal corporation duly organized and existing under the Constitution and laws of the State of Minnesota (the "Issuer" or the "City"), has been authorized under the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152-469.1655, as amended (the "Act"), to issue revenue bonds to finance, in whole or in part, the costs of the acquisition, construction, improvement, or extension of revenue producing enterprises, whether or not operated for profit; and

WHEREAS, Friends of Beacon, a Minnesota nonprofit corporation (the "Company"), has represented to the Issuer that it is proposing to assist Beacon Academy, a Minnesota nonprofit corporation and charter school (the "School"), in the financing of the acquisition of 12.52 acres of land and the buildings located on the land at 3420 Nevada Avenue North in the City of Crystal, renovate the interiors of the existing buildings, and add an addition to the existing buildings to increase the total square footage from approximately 61,200 square feet to approximately 76,200 square feet for use as a public charter school for grades kindergarten through grade eight (the "Facility"); and

WHEREAS, the Company has requested that the Issuer issue one or more series of revenue bonds and loan the proceeds derived from the sale of the revenue bonds to the Company, in accordance with the terms and conditions of a Loan Agreement, dated on or after July 1, 2016 (the "Loan Agreement"), between the Issuer and the Company to finance costs related to: (i) the acquisition, renovation, construction, and equipping of the Facility (the "Project"); (ii) funding certain reserve funds; (iii) paying a portion of the interest on the revenue bonds; and (iv) paying the costs of issuing the revenue bonds; and

WHEREAS, in accordance with the requirements of Section 147(f) of the Code and Section 469.154 of the Act, the Public Hearing Notice included a general description of the Project, the maximum aggregate face amount of revenue bonds to be issued with respect to the Project, the identity of the initial owner, operator, or manager of the Project, the location of the Project by street address, and a statement that a draft copy of the proposed application to DEED, together with all attachments and exhibits, would be available for inspection at the offices of the Issuer following the publication of the Public Hearing Notice; and

WHEREAS, following the public hearing before the City Council of the Issuer on May 10, 2016, the City Council adopted a resolution determining to proceed with the Project and its financing;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of one or more series of revenue bonds to be designated Charter School Lease Revenue Bonds (Beacon Academy Project), Series 2016 (the "Series 2016 Bonds" or the "Bonds"), of the Issuer in an original aggregate principal amount not to exceed \$17,000,000. If the Series 2016 Bonds are issued in more than one series, the separate series shall be separately designated in such manner as is deemed appropriate by the Mayor of the Issuer and the City Administrator of the Issuer (collectively, the "Issuer Officials"), in their discretion. The Series 2016 Bonds shall be issued under the terms of an Indenture of Trust, dated on or after July 1, 2016 (the "Indenture"), between the Issuer and a trustee selected by the Company and acceptable to the Issuer (the "Trustee"). The Series 2016 Bonds shall bear interest at fixed rates established by the terms of the Indenture. The Series 2016 Bonds shall be designated, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Indenture, in substantially the form on file with the Issuer, with the amendments referenced herein. The Issuer hereby authorizes the Series 2016 Bonds to be issued as "tax-exempt bonds" the interest on which is excluded from gross income for federal and State of Minnesota income tax purposes. Any separate series of Series 2016 Bonds may be issued as "taxable bonds," if deemed necessary and appropriate by the Issuer Officials and bond counsel, to be designated as Taxable Charter School Lease Revenue Bonds (Beacon Academy Project), Series 2016, or such other designation deemed appropriate by the Issuer Officials.

All of the provisions of the Series 2016 Bonds, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Series 2016 Bonds shall be substantially in the forms in the Indenture on file with the Issuer, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of each series of Series 2016 Bonds, the stated maturities of each series of Series 2016 Bonds, the principal amount of Series 2016 Bonds maturing on each maturity date, the interest

provided in this paragraph. No holder of the Series 2016 Bonds shall ever have the right to compel any exercise by the Issuer of any taxing powers to pay the Series 2016 Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the Issuer except the interests of the Issuer in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Trustee under the terms of the Indenture. The Series 2016 Bonds shall recite that the Series 2016 Bonds are issued pursuant to the Act, and that the Series 2016 Bonds, including interest and premium, if any, thereon, are payable solely from the revenues and assets pledged to the payment thereof, and the Series 2016 Bonds shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitations.

5. The Facility is located in the City of Crystal, Minnesota. Under Treasury Regulations, Section 5f.103-2(c)(3), each governmental unit the geographic jurisdiction of which contains the site of a facility to be financed by the issuance of tax-exempt private activity bonds must approve the issuance of such tax-exempt private activity bonds. The City of Crystal has offered to grant host approval by publishing a notice of public hearing with respect to its proposed host approval, conducting a public hearing before the City Council of the City of Crystal on the proposed host approval, and considering the adoption of a resolution by the City Council of the City of Crystal (the "City of Crystal Resolution") granting host approval of the issuance of the Series 2016 Bonds by the Issuer to finance the Project and approving a Cooperation Agreement, to be dated on or after July 1, 2016 (the "Cooperation Agreement"), between the Issuer and the City of Crystal, authorizing the issuance of the Series 2016 Bonds. The issuance of the Series 2016 Bonds is subject to the condition that the City of Crystal Resolution is adopted and becomes effective prior to the issuance of the Series 2016 Bonds.

6. The Issuer Officials are hereby authorized and directed to execute and deliver the Loan Agreement, the Indenture, the Cooperation Agreement, a Bond Purchase Agreement, dated on or after July 1, 2016 (the "Bond Purchase Agreement"), among the Issuer, Dougherty & Company LLC (the "Underwriter"), the Company, and the School, and such other documents as bond counsel to the Issuer considers appropriate in connection with the issuance of the Bonds (collectively, the "Financing Documents"); provided that the Bond Purchase Agreement may be executed on behalf of the Issuer solely by the City Administrator of the Issuer. All of the provisions of the Financing Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Financing Documents shall be substantially in the forms on file with the Issuer which are hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Issuer Officials, in their discretion, shall determine, and the execution of the Financing Documents by the Issuer Officials shall be conclusive evidence of such determination.

7. The Issuer Officials and other officers, employees, and agents of the Issuer are hereby authorized to execute and deliver, on behalf of the Issuer, the Financing Documents to which it is a party and such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Series 2016 Bonds, including: (i) an Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038; (ii) an endorsement to a Company Tax Certificate; (iii) a certificate as to the

to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the Series 2016 Bonds, as provided therein and in the Indenture.

10. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the Issuer or any holder of the Series 2016 Bonds issued under the provisions of this resolution, any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the Issuer and any holder from time to time of the Series 2016 Bonds issued under the provisions of this resolution.

11. In case any one or more of the provisions of this resolution (other than the provisions limiting the liability of the Issuer or limiting the liability of the members of the City Council of the Issuer, or the officers, agents, or employees of the Issuer), or of the aforementioned documents, or of the Series 2016 Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Series 2016 Bonds, but this resolution, the aforementioned documents, and the Series 2016 Bonds shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

12. The Series 2016 Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Series 2016 Bonds and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Series 2016 Bonds, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

13. The officers of the Issuer, bond counsel, other attorneys, and other agents or employees of the Issuer are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the Series 2016 Bonds for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Series 2016 Bonds, the aforementioned documents, and this resolution. In the event that for any reason any of the Issuer Officials is unable to carry out the execution of any of the documents or other acts provided herein, such documents may be executed and such actions may be taken by any official or employee of the Issuer delegated the duties of any such Issuer Official with the same force and effect as if such documents were executed and delivered by such Issuer Official.

14. The Company has agreed and it is hereby determined that any and all costs incurred by the Issuer in connection with the financing of the Project will be paid by the Company. It is understood and