



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY, JULY 10, 2018

CITY COUNCIL MEETING TIME: 6:30 PM

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

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

- a. Approval of City Council minutes from the June 19, 2018 Regular City Council Meeting.
 - b. Approval of Accounts Payable; Checks Numbered 18078-18128. Check Number 18105 was voided.
 - c. Approve the Release of the Security Associated with the Public Improvements in the Serenity Hills Subdivision.
 - d. Approval of the Large Assembly Permit and Associated Minnesota Lawful Gambling Exempt Permit for Twin Cities Polo Club Annual Polo Classic Event to be Held August 3-5, 2018.
 - e. Approval of the Large Assembly Permit for the Running of the Bays Race Event to be Held September 8, 2018.
 - f. Approval of Election Judges for the November 2018 Elections.
5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
 6. Reports of Boards and Committees by Council and Staff.
 7. Director Gary Kroells, West Hennepin Public Safety - Activity Report for the Months of April and May 2018.
 8. Annual Opportunity for Public to Comment on MS4 Permit.

9. Consideration of Approval of the Cooperative Water Resources Agreement Relating to the Baker Park Ravin Project.
 - a. Cooperative Water Resources Agreement – Baker Park
10. Mike Kuka (Applicant/Owner) requests that the City consider the following actions for the properties located at 4405 County Road 92 N, Independence, MN (PID No.s 04-118-24-24-0002 and 04-118-24-31-0001):
 - a. **RESOLUTION 18-0710-01** – Considering approval of a conditional use permit amendment to allow additional horses to be boarded in association with the existing commercial riding stable on the subject property.
11. Fish and Son Properties (Applicant/Owner) request that the City consider the following action for the property located at 2020 County Road 90 (PID No. 23-118-24-23-0002) in Independence, MN:
 - a. **ORDINANCE 2018-02** - Rezoning the subject property from AG-Agriculture to CLI- Commercial Light Industrial.
 - b. **RESOLUTION 18-0710-03** – Considering approval of site plan review for the proposed commercial use of the property and a conditional use permit to allow boat service and repair on the subject property.
12. Hamilton Bros. (Applicant/Owner) requests that the City consider the following action for the property located at 1050 County Road 83 (PID No. 35-118-24-41-0001) in Independence, MN:
 - a. **RESOLUTION 18-0710-04** – Considering approval of a final plat for a sixteen-lot residential subdivision to allow the subdivision of the property.
 - b. **ORDINANCE 2018-03** – Considering approval of the Hamilton Century Farm Storm Sewer Improvement Tax District.
13. Open/Misc.
14. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 19, 2018 –6:30 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 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: City Attorney Vose

STAFF: City Administrator Kaltsas, Administrative Assistant Horner

VISITORS: Bob Volkenant, Bonnie Kuka, Mike Kuka

4. ****Consent Agenda****

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

- a. Approval of City Council minutes from the June 5, 2018 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18044-18077.

Motion by McCoy, second by Spencer to approve the Consent Agenda items. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. 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 AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Wright County Planning Commission Meeting

Grotting attended the following meetings:

- LMCC Meeting

McCoy attended the following meetings:

- Orono High School Graduation

Betts attended the following meetings:

- West Hennepin Chamber of Commerce Meeting

Johnson attended the following meetings:

- Highway 12/ County Road 92 Design Committee Meeting
- National League of Cities Event phone calls
- Highway 55 Open House
- Orono High School Graduation
- Orono Teachers' Retirement Breakfast
- National League of Cities Interview
- West Hennepin Chamber of Commerce Meeting
- Guest Speaker at Fox and Hounds Meeting
- Northwest League Meeting
- Toured the new Bell Museum in St. Paul

Horner attended the following meetings:

- West Hennepin Chamber of Commerce Meeting
- Met with LMC Insurance Agent

Kaltsas attended the following meetings:

7. PTS Products, Inc. (Applicants/Owners) requests that the City consider the following action for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN:
 - a. **RESOLUTION 18-0619-01** - Consideration of site plan approval and a variance to allow the expansion of the existing commercial building located on the subject property. The expansion of the building will be permitted to be comprised of the same building materials as the existing building.

Kaltsas said the applicant is seeking site plan approval to allow the expansion of the existing building. The applicant moved their manufacturing business to Independence in 2015 to facilitate future growth. The business is nearing capacity in the current facility and the owner would like to expand the facility. The existing building is approximately 12,800 SF in overall size. The applicant is proposing to expand the building by another 12,800 SF for a total of 25,600 SF. The applicant has noted that the proposed expansion will require approximately 15 additional jobs. The subject property is zoned CLI – Commercial Light Industrial. Manufacturing is a permitted use within the CLI zoning district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23). The City has adopted site requirements for commercial development there are several provisions within the commercial standards that are applicable to the proposed building expansion. be considered:

530.23. - Building design requirements.

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

Subd. 3. *Setbacks*. All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lot line.
- (c) Rear yard setback: 20 feet from rear lot line.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance provides the following requirement for additions to commercial buildings:

a. Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

b. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface);
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

The proposed addition increases the gross floor area of the building by more than 15 percent (100 percent). The applicant has prepared several illustrative images which shows the proposed exterior elevations of the expansion. The primary material proposed is standing seam metal which is consistent with the majority of the existing building. There is a low split face block base that would be added to the base of the addition. The east facing façade of the existing building has a brick/stone finish. The applicant is asking the City to consider allowing the proposed addition to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. The applicant also noted that the existing building located to the east of this building is constructed of similar materials. In order for the City to consider approval of the expansion utilizing materials that match the existing building, a variance is required.

2. Parking Requirements - The applicant is proposing to construct new bituminous parking spaces and a loading area to serve the new addition. For wholesale and warehousing uses, the City requires: one space for each 2,000 square feet of gross floor area. The total building square footage is approximately 26,000 square feet and would therefore require 13 parking spaces. The existing site has approximately 30 parking spaces. The proposed parking lot expansion would add an additional 20 parking spaces for a total of 50 parking spaces. The number of parking spaces proposed combined with the existing would satisfy parking requirements for this site.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

- a. Front yard setback: 100 feet from centerline of road.
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 20 feet from rear lot line.
- d. Setback from boundary of agricultural or rural residential district: 100 feet.

The proposed building expansion would meet all applicable setbacks. The closest setback would be from the west (side) property line. The proposed addition would be approximately 55 feet from the west (side) property line. There is one existing accessible parking space. One additional accessible parking space will be required. Staff will work with the applicant to locate the additional accessible space.

4. Landscaping - Landscaping is required for new construction within all requisite setback areas. Minimum landscape requirements in the protective buffer must include one tree (at least 2.5-inch caliper deciduous tree or six-foot-high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs. No impervious surfaces such as concrete or asphalt may be placed in the protective buffer. The applicant has worked with the City to develop a landscape plan that meets the intent of the landscaping ordinance.

5. Storm Water Management – Storm water management is being reviewed by the City. The project does not appear to meet the one-half acre threshold for site improvements. The plan will need to comply with all applicable standards relating to storm water. The City does recognize that the prior to the water getting to the wetland area at the south end of the property.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 293,600 square feet. Thirty (30) percent of the total site area would allow 88,000 square feet of impervious coverage. After construction of the proposed building addition and site improvements it is calculated that the total impervious surface area would be

61,300 square feet. The proposed addition and site improvements would be below the maximum coverage area.

7. Sanitary Sewer - There is an existing septic system located to the north of the building on the subject property. Staff has discussed the expansion of the building and how and if this will require additional septic capacity. The City will work with the applicant to ensure the proposed building expansion is accommodated by the existing system or expanded system. There is adequate space on site to expand the existing drain field.

In addition to the site plan review, the City's ordinance has established criteria for consideration in granting variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where:

1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)

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

(a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;

(b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;

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

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

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

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

Consideration of the criteria for granting a variance:

A. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.

B. The character of the surrounding area is CLI.

C. The proposed variance to allow the expansion of the existing building on this property is in keeping

with the City's comprehensive plan.

- d. The applicant is proposing to locate the expansion to the rear of the existing building which will mitigate potential impacts from Highway 12.
- e. The applicant is proposing to screen the existing building and expansion with new landscaping.
- f. The buildings in the surrounding area are generally constructed of similar building materials.
- g. The proposed building addition will meet all other requisite requirements for this property.

The City will need to determine if the requested variances meet the requirements for granting a variance.

Planning Commission Discussion:

Planning Commissioners reviewed the request and held a public hearing relating to the application. Commissioners generally agreed that the variance to allow the applicant to construct a building addition that matches the existing building should be granted. Commissioners noted that landscaping should be provided in accordance with the landscape plan. Commissioners recommended approval of the request for site plan review and a variance.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed site plan review.

Recommendation:

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

1. The proposed Site Plan approval and Variance request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. Site plan approval shall allow the expansion of the building in accordance with the approved site plan prepared by Wenck Associates and attached hereto as Exhibit B.
3. The total impervious surface coverage for this property will not exceed 30% of the total lot area.
4. Landscaping shall be installed and maintained in accordance with the approved landscape plan attached hereto as Exhibit C.
5. The variance will allow the expansion of the existing building to use exterior materials (matching steel panels) that exactly match the existing building.
6. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The character of the surrounding area is commercial or guided for commercial development.
 - c. The proposed expansion of the building is generally in keeping with the City's comprehensive plan.
 - d. The additional landscaping will provide a buffer between the highway and the existing and proposed building.
 - e. The variance will allow the expansion of the commercial business and number of employees

on the property.

7. Any change in use shall be subject to the City review and approval. Additional parking requirements may be required to be added to the site plan approval should the building change uses.
8. No outdoor storage is permitted on the property.
9. The applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
10. Any new building or site lighting shall comply with the City's applicable standards. The applicant shall submit cut sheets to the City prior to obtaining building permit approval.
11. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
12. The Applicant shall pay for all costs associated with the City's review of the requested site plan and variance approval.
13. The resolution shall be recorded against the property.
14. The applicant shall pay all applicable fees associated with the City processing the application for site plan review and a variance.

Motion by Grotting, second by McCoy to approve RESOLUTION 18-0619-01 - Consideration of site plan approval and a variance to allow the expansion of the existing commercial building located on the subject property. The expansion of the building will be permitted to be comprised of the same building materials as the existing building for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011). Ayes: Johnson, Grotting, Betts McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. Approval of the 2017 Financial Audit.

- a. Fourth Quarter Financial Report

Motion by Betts, second by Spencer to approve to approve the 2017 Financial Audit. Ayes: Johnson, Grotting, Betts McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. Open/Misc.

10. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 6:51 p.m. Ayes: Johnson, McCoy, Grotting, Betts and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary

City of Independence

Serenity Hills - Letter of Credit Reduction

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: July 10, 2018

Discussion:

Elmer Schefers, developer of the Serenity Hills Subdivision, is requesting a full reduction in the amount of security being held by the City relating to the public improvements constructed within the development. The City has completed final inspections of the development and has now fully accepted all public improvements made in accordance with the approved plans and specifications. The developer has also prepared the final "as built" drawings of the development.

It is recommended that the City release the remaining security relating to the development following payment of all fees associated with the review and approval of the development.

City of Independence

Twin Cities Polo Large Assembly Permit

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: July 10, 2018

Discussion:

Twin Cities Polo Club holds an annual fundraiser event called the Polo Classic. This year the event will be held August 3rd – August 5th.

The following summarizes several issues noted by the City:

- There will be a combination of live and recorded music in front of the clubhouse on the field side for both Polo en Blanc and The Polo Classic (this is the same as last year).
- The Friday event will be similar to last year with a dinner and music and auction.
- There will not be any public events on Saturday. There may be some players/teams practicing during the day.
- The Sunday event will be the same format as in past years.

The City has previously approved the large assembly permit for this event with the following conditions:

1. State of Minnesota approval of the temporary liquor license.
2. All attendees of the event that are 21 years of age or older shall be provided with a clear and visible identification method. A typical method of clearly identifying attendees that are 21 years of age or older is by using wristbands.
3. All food vendors will need to apply for and be licensed by the City prior to serving food at the event.
4. You will be required to submit an escrow payment prior to issuance of the signed permit to be billed against for the costs associated with WHPS reserve officer attendance at the event.
5. All conditions noted by West Hennepin Public Safety on the approved application.
6. All amplified sound will stop at 10:00 PM in accordance with the City's noise ordinance.

Summary:

The City Council is being asked to consider approval of the large assembly permit with the proposed conditions.

ATTACHMENTS: Large Assembly Permit Application

PERMIT # _____



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

• 200+ Attendees (Large Assembly) = \$250	• 50+ Attendees (Small Assembly) = \$50
• 100+ Attendees (Medium Assembly) = \$100	• Non-profit Organizations = \$25

(Double fee for application received less than 10 business days prior to event)

Event Location: CASS Turner Rd Maple Plain MN 55359

Type of event: Religious Number of people attending: 3500 Date: _____

Residential Corporate Partnership Group or Association Other

Event Holder's Name: Robert Philpotts Address: 3570 Lake Sarah Rd

Contact Person: Cheryl Rubben Home Phone: _____ Cell Phone: 651-283-9930

2nd Contact Person: _____ Home Phone: _____ Cell Phone: _____

Security Plans: on site Personal / Fire A/E on site

Date West Hennepin Public Safety was notified of the event: TBD

Severe Weather Plans (in the event of): Evacuate to nearest Severe Weather Site

Sound Plans - amplification and sound control: PA - Game Announcements, Background Music
Outdoor Music Yes No - Starting Time 10 AM/PM, Ending Time 9 AM/PM

Food and Concessions Plans: Catered Meals Food Trucks

Vendor's name, address, and license number (copies of vendor license, insurance and permits must be provided)

Vendor Work #: _____ Vendor Cell #: _____

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

Restroom Provisions: How many? 1/100 Guest Location: Skinner Level Area

Lighting - Type: None How many? _____
Location of lights: -

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

Parking Plan: Please provide a site plan showing 1 parking space for each vehicle per 4 guests. If using adjacent property, written permission from property owners must be obtained.

7/3/2018
Date

[Signature]
Signature of applicant

Date

Signature of applicant

Office Use Only		
Application Received: _____	Application Fee: _____	Date Fee Paid: _____
Date \$1,000,000 certificate of liability insurance received: _____		
_____ Signature of City Official	_____ Date	
_____ Signature of West Hennepin Public Safety	_____ Date	

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

SUBMIT APPLICATION & FEES BY: Rob for Philanthropy

On Council Agenda: _____

**Please fill out the following information:

I, Craig Roberts as representative for and on behalf of
(Name of applicant) (Individual owner, office, partner)

Rob Classic hereby submit this application for a Temporary
(Myself, partners, corporation)

liquor license for (Name and address of business): Rob Classic

3570 Lake Sarah Rd Maple Plmn MN

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

Signature of Applicant [Signature]
For: Rob Classic
(Myself, Partners or Corporation, Association)

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

FEES: (the following are highlighted for easy reference)

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

TOTAL Due: 200



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555

**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization: Polo Classic Date organized: _____ Tax exempt number: 41 125 42 16

Address: 3570 Lake Sarah Rd City: Maple Plain State: Minnesota Zip Code: 55359

Name of person making application: Craig Robbinc Business phone: - Home phone: 651-283-9930

Date(s) of event: 8/3 - 8/5 Type of organization: Club Charitable Religious Other non-profit

Organization officer's name: Craig Robbinc City: Maple Plain State: Minnesota Zip Code: 55359

Organization officer's name: _____ City: _____ State: Minnesota Zip Code: _____

Organization officer's name: _____ City: _____ State: Minnesota Zip Code: _____

Organization officer's name: _____ City: _____ State: Minnesota Zip Code: _____

Location where permit will be used. If an outdoor area, describe.
Polo fields 6755 Turner Rd Maple Plain

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

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
Christensen Group 1,000,000 Occurance
1,000,000 Personal & Injury

APPROVAL

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

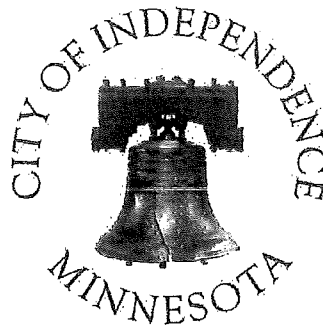
_____ City or County approving the license	_____ Date Approved
_____ Fee Amount	_____ Permit Date
_____ Date Fee Paid	_____ City or County E-mail Address
	_____ City or County Phone Number

Signature City Clerk or County Official _____ Approved Director Alcohol and Gambling Enforcement _____

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

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

PERMIT # _____



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

• 200+ Attendees (Large Assembly) = \$250	• 50+ Attendees (Small Assembly) = \$50
• 100+ Attendees (Medium Assembly) = \$100	• Non-profit Organizations = \$25

(Double fee for application received less than 10 business days prior to event).

Event Location: Starts at Grandview Middle School (Mound), runs N on 110, East on Moline & 19th Ave
Type of event: Half Marathon Number of people attending: 300 Date: 09-08-18
 Residential Corporate Partnership Group or Association Other

Running of the Bay half Marathon & SK Fun Run

Event Holder's Name: Invictus LLC Address: 2465 Lost Lake Road, Mound
Contact Person: Heidi Knight Home Phone: _____ Cell Phone: 612-730-8587
2nd Contact Person: Mark Wiescheid Home Phone: _____ Cell Phone: 612-581-6710

Security Plans: See attached safety plan
 Date West Hennepin Public Safety was notified of the event: _____

Severe Weather Plans (in the event of): See attached plan

Sound Plans - amplification and sound control: No sound amplification in Independence
 Outdoor Music Yes No - Starting Time _____ AM/PM, Ending Time _____ AM/PM

Food and Concessions Plans: None
 Vendor's name, address, and license number (copies of vendor license, insurance and permits must be provided)

Vendor Work #: N/A Vendor Cell #: _____

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

Restroom Provisions: How many? 1 Location: Corner of 110 E. Moline

Lighting - Type: None How many? 0
 Location of lights: _____

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

Parking Plan: Please provide a site plan showing 1 parking space for each vehicle per 4 guests. If using adjacent property, written permission from property owners must be obtained. No parking in Independence

2-20-18

 Date

Hedi D. Knight

 Signature of applicant

Date

Signature of applicant

Office Use Only		
Application Received: <u>2/26/18</u>	Application Fee: _____	Date Fee Paid: _____
Date \$1,000,000 certificate of liability insurance received: _____		
_____ Signature of City Official	_____ Date	
_____ Signature of West Hennepin Public Safety	_____ Date	

City of Independence

Approval of Election Judges for the 2018 Elections

To: City Council
From: Beth Horner
Meeting Date: July 10, 2018

Discussion:

The City Council is required to appoint election judges for the upcoming 2018 primary and regular elections. Staff has prepared a list of election judges for consideration by the City Council. The following election judges can be considered for appointment by the City Council:

- Charlie Hayes
- Sharon Cook
- Marilyn Hamilton
- Jerry Wise
- Marlys Timm
- Jeanne Gardner
- Kay Gabriel
- Paula Savage

Recommendation:

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



Date: May 14, 2018
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *G. Kroells*
SUBJECT: APRIL 2018 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\2018\lettertocouncilmonthlyreport.docx

West Hennepin Public Safety Department
1918 County Road 90 / Maple Plain, Minnesota 55359
Phone: (763) 479-0500 / Fax: (763) 479-0504
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**Monthly Activity Report
April 2018**

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	19	9	55	30
Traffic	157	167	621	709
Part III	5	7	22	26
Part IV	32	30	132	131
Part V	144	132	522	539
Total City of Independence	357	345	1,352	1,435
City Of Maple Plain				
Criminal	8	7	16	14
Traffic	95	84	337	365
Part III	4	5	9	15
Part IV	28	17	86	54
Part V	101	100	403	477
Total City Of Maple Plain	236	213	851	925
Grand Total Both Cities	593	558	2,203	2,360
TZD	5	4	6	24
Agency Assists	51	39	143	180
Total ICR Reports	644	597	2,346	2,540
Mileage	14,222	11,380	55,444	48,032
How Received				
Fax	15	11	63	51
In Person	24	21	116	101
Mail	1	1	2	7
Other	2	3	10	11
Phone	35	31	141	102
Radio	202	188	665	679
Visual	318	321	1,199	1,435
Email	6	3	14	12
Lobby Walk In	41	18	136	142
Total	644	597	2,346	2,540

April 2018 Criminal Part I & II
City of Independence Grid #'s 3-5

<u>AGN</u>	<u>ICR</u>	<u>Title</u>	<u>Create Date</u>	<u>Grid #</u>	<u>Reported Date</u>	<u>MOC range</u>
WHPS	18001767	4th Degree DWI	4/4/2018	3	4/4/2018	JGW01
WHPS	18001782	Theft From Auto Rp	4/5/2018	3	4/5/2018	TD159
WHPS	18001783	Theft From Auto Rp	4/5/2018	3	4/5/2018	TC159
WHPS	18001784	Theft From Auto Rp	4/5/2018	3	4/5/2018	TR159
WHPS	18001816	Sign Vandalism	4/6/2018	5	4/6/2018	P3129
WHPS	18001846	Domestic Assault	4/8/2018	3	4/8/2018	AJ305
WHPS	18001854	Trespassing / Drugs - Paraphernalia Possession / Small Amount of Marijuana Possession	4/8/2018	3	4/8/2018	DC500
WHPS	18001865	Drugs - Paraphernalia Possession	4/9/2018	5	4/9/2018	DC500
WHPS	18001869	Burglary	4/9/2018	4	4/9/2018	B0394
WHPS	18001903	3rd Degree DWI	4/12/2018	5	4/12/2018	JFW01
WHPS	18001920	Theft	4/12/2018	3	4/12/2018	TG059
WHPS	18002078	Small Amount of Marijuana Possession in Motor Vehicle	4/19/2018	3	4/19/2018	DA540
WHPS	18002136	Small Amount of Marijuana Possession in Motor Vehicle / Drugs - Paraphernalia Possession	4/20/2018	5	4/20/2018	DC500
WHPS	18002164	4th Degree DWI / Open Bottle	4/21/2018	3	4/21/2018	JFW01
WHPS	18002323	Damage Prop/Theft / Burglary	4/29/2018	3	4/29/2018	P3119
WHPS	18002331	Burglary	4/30/2018	3	4/30/2018	B0794
WHPS	18002333	Damage to Property /Theft / Burglary	4/30/2018	3	4/30/2018	P3119
WHPS	18002334	Damage to Property /Theft / Burglary	4/30/2018	3	4/30/2018	P3119
WHPS	18002339	Property Damage / Theft / Burglary	4/30/2018	3	4/30/2018	B0794

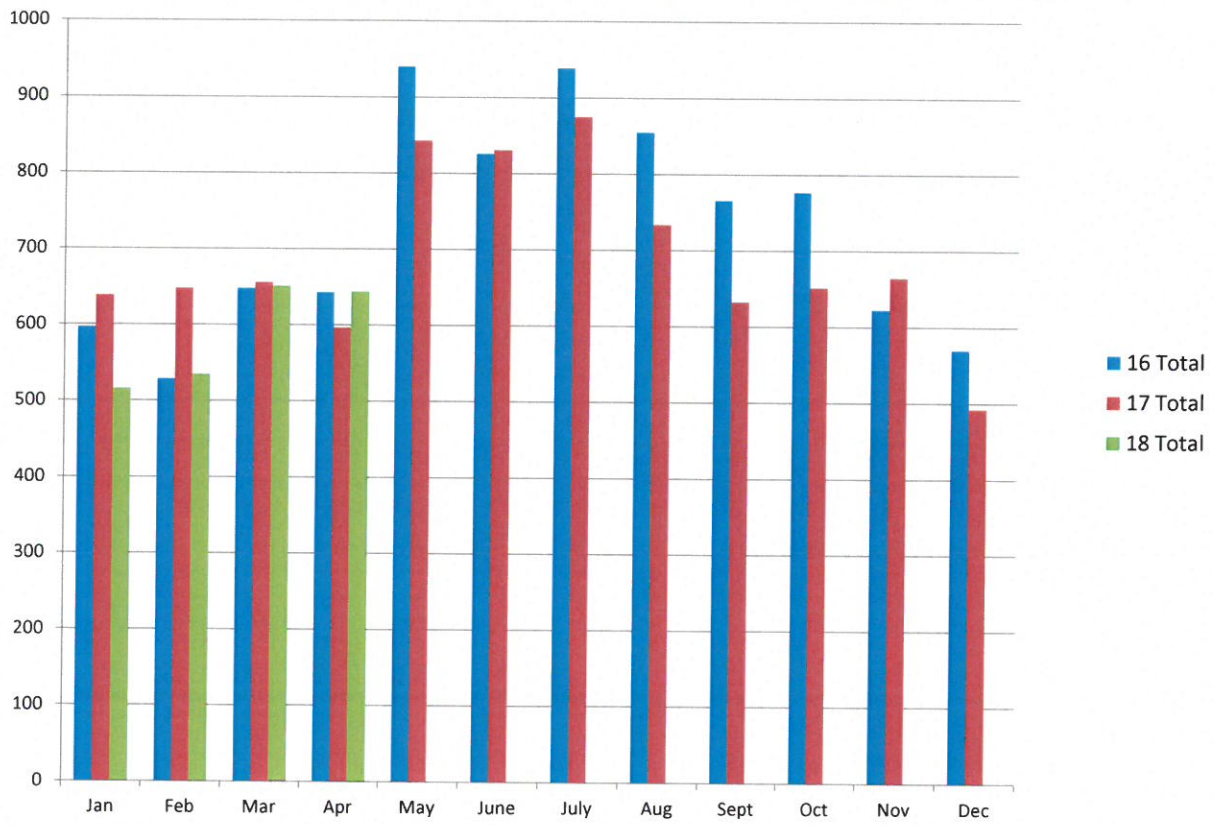
April 2018 Criminal Part I & II
City of Maple Plain Grid # 1-2

<u>AGN</u>	<u>ICR</u>	<u>Title</u>	<u>Create Date</u>	<u>Grid #</u>	<u>Reported Date</u>	<u>MOC range</u>
WHPS	18001879	Domestic Assault	4/10/2018	1	4/10/2018	AL302
WHPS	18001924	4th Degree DWI	4/12/2018	2	4/12/2018	JGW01
WHPS	18001940	Possess Alcohol Under 21	4/13/2018	1	4/13/2018	M4104
WHPS	18001945	Disorderly Conduct /Psych Hold	4/13/2018	1	4/13/2018	M4140
WHPS	18001961	DWI Controll Substance - Narcotics	4/15/2018	2	4/14/2018	DH540
WHPS	18001987	Fraud/Forgery	4/16/2018	1	4/16/2018	C0412
WHPS	18002194	2nd Degree DWI- Vehicle under Forfeiture	4/23/2018	1	4/23/2018	JEW01
WHPS	18002270	3rd Degree DWI	4/26/2018	2	4/26/2018	JEW01

April 2018 Criminal Part I & II
Towards Zero Death Grant Shift

<u>AGN</u>	<u>ICR</u>	<u>Title</u>	<u>Create Date</u>	<u>Grid #</u>	<u>Reported Date</u>	<u>MOC range</u>
WHPS	18001706	4th Degree DWI	43191	20	43191	JGW01
WHPS	18002166	Obstruct Legal Process-Interfere w/Peace Officier / Drugs - Possess/Sale Small Amount of Marijuana	43211	20	43211	X3080
WHPS	18002316	Drugs - Paraphernalia Possession	43218	20	43218	DC500
WHPS	18001940	Possess Alcohol Under 21	43203	65	43203	M4104
WHPS	18002321	4th Degree DWI / Careless Driving	43219	72	43219	JGW01

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY April 2018 Activity Report

Year to Date Activity Report

At the end of April 30, 2018 West Hennepin Public Safety (WHPS) handled a year to date total of 2,346 incident complaints. 1,352 In Independence and 851 in Maple Plain. For the month of April, 236 incidents were in Maple Plain and 357 incidents occurred in Independence.

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

Recent Highlighted Cases:

Harassment

April 1 9100 Hwy 12, Independence. Ex-girlfriend keeps sending text messages from different numbers and continues to show up at his house un-invited. He has blocked her phone number and she has an app that changes numbers. He was advised to obtain a Harassment Restraining Order as this continuously occurs.

Verbal Dispute

April 1 9:15 p.m. 1800 Newport Street, Maple Plain. Tenant was trying to go to bed and her neighbor had her vehicle high beam headlights shining into her apartment. Tenant asked her to dim her headlights and was told to mind her own business and watch her back. Police spoke with all involved and mediated and all issues were resolved. No crime committed

Property Damage Crash

April 2 Hwy 12 CR 92, Independence. During an April snowstorm, 3 vehicles were involved in a property damage crash. 1 car went into the ditch and 2 others collided on the slippery roads. No injuries to any of the occupants. 1 vehicle was towed from the scene.

Verbal Domestic

April 3 6000 Main Street, Independence. Verbal domestic between parents on who was to pick up their child at daycare. Police mediated on a reasonable solution and encouraged them to continue working together and not make a mountain out of a mole hill.

Vehicle Assist

April 3 CR 11 / Lake Haughey Rd, Independence. USPS truck was getting stuck going up the hill to get onto CR 11 due to icy road conditions. Police assisted with a push for the driver to get safely onto CR 11.

Agency Assist / Suspicious Vehicle

April 4 1:29 a.m. Police observed a vehicle parked at the edge of the gas station parking lot with a female sleeping inside. Contact with the driver who stopped to take a nap as she was tired and was traveling from Willmar to Faribault.

Vehicle in Ditch

April 4 7: 54 a.m. CR 110 / CR 6, Independence. Driver with a two year old inside reported she was e/b on CR 6, traffic was slowing down, vehicle started sliding, the ABS is not working, and she lost control and entered a very steep ditch. The road conditions were very slippery and ice covered. The vehicle was towed out of the ditch. No injuries to driver and child. Vehicle had damage.

Traffic Complaint

April 4 5000 Hwy 12, Maple Plain. Traffic complaint of a vehicle that pulled into a business on Highway 12. Contact with a female who stated the van was hers but she was not driving, possibly her husband had. The female had an ID from Florida that came back not on file. Police found she had tried to change her name and she had a revoked driver's license. Her husband admitted to driving the van and he was found to have a suspended license. Both individuals were advised not to drive as they did not have valid licenses.

4th Degree DWI

April 4 CR 19/ CR 6, Independence. Vehicle stopped after observed crossed over the fog line on CR 19. Driver Suzanne Marie Caola, 46 of Wayzata submitted a breath sample which resulted in .10 Breath Alcohol Concentration. Caola was arrested for 4th Degree DWI and released to a responsible party.

Gas Odor

April 5 1500 Howard Ave, Maple Plain. Resident reported she smells natural gas in her apartment. Police walked in her apartment, did not smell any natural gas and could smell strong cigarette smoke. Resident had not contacted management for the gas smell because she does not want to get in trouble for smoking in her apartment. She was advised we do not smell natural gas and to contact management.

Theft from Auto

April 5 5:00 a.m. 4800 Deer Ridge Trail, Independence. Resident reported at 4 a.m. her husband saw dome lights on in their truck. He went outside, found the dome lights off and found a plastic tub of tie downs and a ball hitch was missing. Estimated loss about \$300 and approximately \$15 in cash was also missing. No leads at this time.

Theft from Auto

April 5 5:57 a.m. 4900 Deer Ridge Trail, Independence. Resident reported his truck was broken into. Vehicle was left unlocked, no damage done, missing is cash, sun glasses, garage door opener and 2" ball and receiver hitch. No foot impressions were found through the yard or around the truck. Estimated loss \$250.00. No leads at this time.

Theft from Auto

April 5 7:51 a.m. 1100 Town Line Rd, Independence. Resident walked out to her vehicle and noticed both the driver and passenger front doors were slightly ajar. It appeared someone rifled through the center console. The vehicle was left unlocked; her purse in the back seat was not taken. All her cards and cash were still inside. No physical evidence was found.

Traffic / Warrant

April 5 Budd Ave / Oak Street, Maple Plain. Vehicle stopped for failure to signal turn. Police found the 51 year old passenger from Delano had a Warrant out of Dakota County for a Gross Misdemeanor 3rd Degree DWI Refusal, for body only. She was transported to Hennepin County Jail and booked in on her warrant.

Misc. Assist

April 6 5000 Pioneer Creek Drive, Maple Plain. Business owner reported a young girl was at his office and stated she missed the school bus. Her mother was home but the girl did not want to wake her up. Police gave her a ride to her residence, had contact with the mother who was sleeping. The mother was going to call her father to pick her up and take her to school.

Personal Injury – Single Car Crash

April 6 7000 CR 11, Independence. A call from On Star reported a 74 year old female driver was injured in a crash. Police found a heavily damaged vehicle with the driver's side airbags deployed and the driver was inside the vehicle. Driver stated she observed a deer crossing the road; she hit the gas pedal instead of the brake, veered right into the north ditch, striking small trees/brush, going over a driveway approach and finally coming to a rest. North Memorial arrived on scene and took over care. Driver was transported by North Ambulance to Methodist Hospital. Vehicle was towed out of the ditch.

Agency Assist/ Attempt to Locate Anoka Co Sheriff's Office

April 7 9:18 p.m. Anoka County Sheriffs Officer requested assistance in looking for a runaway possibly with a male at a treatment facility. Vinland Center, Independence was checked and found the runaway had been there and left with a male around 7:50 p.m. in a cab. The male was not court ordered to be at the facility and had checked himself out against medical advice. Anoka Co Sheriffs Officer was advised of the findings.

Domestic Assault

April 8 900 CR 19, Independence. Police responded to a victim who was pushed down and her fingers slammed in a car door causing pain. 34 year old male was arrested and transported to Hennepin County Jail, pending charges for Felony - Domestic Assault.

Medical

April 8 5000 Hwy 12, Maple Plain. Male wanted to go to the VA hospital. He had drunk a pint of Vodka straight, was vomiting and going through alcohol withdrawals; he was transported to the hospital by ambulance.

Property Crash

April 8 Hwy 12/ Maple Ave. Maple Plain. Driver stated he was w/b Hwy 12 when he lost control due to it being slippery. Police found the roads were wet, but not slippery and the vehicle tires were in good condition. Driver admitted to texting and using snapchat while driving. The vehicle was driven through a snowbank, two signs and ended up in another snowbank. Driver issued a citation for Texting and Driving and Fail to Drive with Due Care.

Suspicious Act

April 8 9:21 p.m. 3000 Lake Sarah Rd, Independence. Reported fresh car tracks going into an abandoned property. Police found a vehicle in the yard; the male occupant was sitting in the passenger seat naked. He was asked to put his pants on. 55 year old male claimed he was there to meet his girlfriend to have sex. They need to have sex off property so his landlord doesn't get mad. The male was issued a citation for No Trespassing (he claimed to not have seen the signs) Possession of Drug Paraphernalia and Small Amount of Marijuana. The property owner was notified of Police findings.

Trespass Notice

April 9 5000 Main Street, Maple Plain. Business reported an incident that happened in their parking lot between an employee and her boyfriend yelling at her, and then blocked her car from exiting the parking lot. The boyfriend was served a Trespass Notice and is barred from the property.

Burglary

April 9 3000 Schefers Ct., Independence. House under construction was burglarized. Power tools, generator, misc. equipment was stolen. Approximate loss \$4,000.00. Hennepin County Sheriff's Crime Lab responded and prints were found left at the scene and taken as evidence. Photos taken of the crime scene. Case is under investigation pending results of evidence taken from the scene.

April 10

1:14 a.m. Hwy 12/ Oak Street, Maple Plain. Traffic complaint of motorist all over the road and nearly struck a guard rail. Vehicle was located; male driver identified himself with a Mexico passport and admitted to living here 6 years and did not obtain a MN DL. He was issued a citation for No MN Driver's License. After releasing the driver, a MN Driver's License was found and the driver is suspended with multiple fail to appear at court or pay fines. Charges pending for additional charges.

Domestic

April 10 5000 Manchester Dr., Maple Plain. Victim reported her boyfriend pushed her several times down the stairway. The male was arrested for 5th Degree Domestic Assault and transported to Hennepin County Jail.

Crash
April 11

Baker Park Rd / Hwy 12, Maple Plain. Routine patrol, Police saw a green Ford Fiesta sitting in the middle of the w/b lane, front end was heavily damaged; crash debris in the road and a semi tanker with rear-end damage also stopped on the road. Fiesta driver stated he wasn't paying attention and didn't realize that the semi had slowed / stopped. Fiesta driver was cited for Fail to Drive with Due Care.

Property Crash / 3rd Degree DWI

April 12 3100 CR 92, Independence. Police found a SUV vehicle in the ditch, sitting on top of a fence and damage all the way around it. Sue Yang, 24 from Brooklyn Park admitted to driving the vehicle. Police smelled a strong odor of alcohol and Yang admitted to drinking. Yang submitted a breath test which resulted in .17 breath alcohol concentration. Yang was arrested and transported to Henn Co Jail for 3rd Degree DWI.

Pick Up Warrant

April 12 1800 block Newport Street, Maple Plain. Search warrant was executed on an apartment for possible narcotics. 30 year old male was arrested and transported to Henn Co Jail pending charges for 5th Degree Possession of Drugs.

4th Degree DWI

April 12 CR 19 / Oak Street, Maple Plain. Vehicle traveling 63 mph in a 45 mph zone was stopped. Contact with the driver; officer smelled a strong odor of alcohol and the driver admitted to drinking. Jon Paul Ranck, 47 from Maple Plain, submitted a breath sample which resulted in .14 breath alcohol concentration. Ranck was arrested for 4th Degree DWI and transported home and left with a sober person.

Medical

April 13 1500 Howard Ave., Maple Plain. Resident was having withdrawals related to alcohol and needed to be transported to the hospital. A preliminary breath test resulted in .000 Breath Alcohol Concentration. North Ambulance transported her to the hospital.

Potentially Dangerous Dog

April 13 2000 Heritage Trail, Independence. Reported a neighbor's large dog attacked her small dog and she was able to separate them. The dog owner grabbed her dog, lost control of it and it attacked the neighbor's dog a second time. Caller was bit by the attacking dog and her dog was taken to the vet for its injuries. Dog owner was given Notice of Potentially Dangerous Dog according to MN Statute 347.50.

Suspended items on power lines

April 13 4000 Main Street, Maple Plain. A pair of shoes, pants and clothing were hanging from the power lines. Xcel Energy was notified and would respond to remove the items.

Disorderly/ Hold

April 13 9:51 p.m. 1800 Newport Ave., Maple Plain. Police responded to a disturbance. A female caller reported that her neighbors in the apartment above are walking too loud. Caller invited the Police in her apartment, walking noises were heard, nothing out of the ordinary, normal for apartment living. She was advised the noise is not excessive, to speak to management and to not make confrontation with her neighbors. Shortly after, a 911 call was received that someone had kicked and banged on their door yelling to shut up. While Police were talking with the 911 person, the original female caller returned kicking, banging on the door causing an obscene amount of noise that could be heard clearly from other apartments. The 20 year old female caller was intoxicated and a preliminary breath test resulted in .19 breath alcohol concentration. She was issued a citation for "Underage Consumption". A friend staying the night would care for the caller. Police left and a few minutes later were called back; the female caller was knocking on doors again. The female caller was arrested for Disorderly Conduct and put on a health and welfare hold.

Property Crash / Vehicle in Ditch

April 15 12:37 p.m. CR 90, Independence, Driver stated she was not injured. She was traveling e/b on the Highway 12, hit some slush, causing her to lose control of her vehicle and entered the ditch and striking a tree. Driver was wearing her seatbelt. Vehicle was towed from the ditch and the driver was picked up by a friend.

Loud Music

April 17 4:20 a.m. 1800 Newport Street, Maple Plain. Loud music complaint. Police arrival could hear loud music all the way to the entry of the building. Male came to the door, was unaware the music was too loud and apologized. Stated he was watching YouTube and then Guns-N-Roses came on, so he turned it up and admitted to drinking too much tonight. Advised the music could be heard through the entire building and he was being a poor neighbor with his actions. He stated those were not his intentions and agreed to go to bed.

Over Weight Truck

April 18 Sunset Lane / Town Line Rd, Independence. A large box truck driven on a posted 4 ton road limit was weighed and found 3,600 lbs. overweight. Driver did see the posted sign, could not turn around and they were enroute to Corcoran. Driver issued citation for Vehicle Overweight 3000 to 3999 lbs.

Suicidal Welfare Check

April 19 5000 Pagenkopf Rd, Independence. While at the lift assist a male parked in the driveway, was not there for the lift assist, was seeking Police to help him as he was feeling suicidal and thoughts of driving his vehicle head on to another vehicle and just end it. North Memorial Ambulance responded and transported the 27 year old male who was from Mound to the Buffalo Hospital.

Citation

April 20 5:22 p.m. Police observed a motorist attempting to cross Hwy 12 at Main Street, Maple Plain, stopped in the middle of the intersection blocking traffic, then pulled into the library parking lot. Contact with the driver, Police smelled a strong odor of marijuana. Passengers; 18 year old male from Long Lake who admitted purchasing marijuana for everyone in the car. 18 year old male from Mound admitted his backpack had marijuana in it. Both were issued citations for Possession of Drug Paraphernalia and Marijuana. The father of the 17 year old male juvenile driver from Maple Plain responded to the scene and took responsibility of his son.

Traffic Complaint – Citation

April 20 Hwy 12 / Co Rd 90, Independence. Caller reported a younger female driver was taking selfie pictures with passengers in the car while driving, causing the vehicle to veer towards the center line, Caller reported activity was ongoing for several miles. Contact with the registered owner of the vehicle who stated his daughter was operating the car enroute to their cabin with friends. 19 year old female driver from Shakopee admitted to taking pictures while driving to send to a friend. Citation issued for Failure to Drive with Due Care.

April 21 8:21 a.m. Report received of young kids on roof of a church. Police found four young males on the roof of the Discovery Center School. Two 15 year old male juveniles from Mound, 13 yoa and 14 yoa males from Maple Plain, stated they were bored and were just playing around. Parents were notified of the incident. No damage noted at the church or school.

3rd Degree DWI

April 21 7:32 p.m. 1700 CR 90, Independence. Police on routine patrol observed a vehicle parked in a business parking lot which is normally not occupied during the weekend. The driver's side window was down and a male was passed out in the driver's seat. Police could smell the odor of alcohol coming from the vehicle. Dylan Reese Kiner, 26 of Minnetonka was woken up and admitted to driving into the lot and he was alone. In Police sight were several open beer cans, including two in the center console. Kiner submitted a breath test which resulted in .19 Breath Alcohol Concentration. Kiner was arrested and transported to Hennepin County Jail and booked and charged with 3rd Degree DWI and Open Bottle.

Utility Check

April 22 1500 Howard Ave., Maple Plain. Received call of a utility check for an apartment that the tenants had been evicted from. Water was coming out of the apartment door which is abnormal, and the size of the puddle/wet carpet is getting larger in the hallway. Access to the apartment found water everywhere on the floor of the apartment. The kitchen sink did not have a faucet and the one of the lines was dripping very slowly. Officer tightened the valves and the water stopped dripping. The apartment manager was called and advised of the findings.

Phone Scam

April 23 2000 Nelson Road, Independence. Resident reported two separate phone scams. Both he and his wife received scam calls on their cell phones, just minutes apart. Neither answered the calls and it went to voice message. A pre-recorded woman stating there were 4 serious charges pending against his name and he needed to get a hold of him right away. His wife's message the caller said he was from Home Depot and there was a problem with her order, her PayPal info was incorrect and he wanted her new PayPal info so the order could be shipped. The call was not returned, it was recognized as a scam call.

2nd Degree DWI / Forfeiture

April 23 5000 Bryantwood Dr, Maple Plain. Caller reported following a driver of a hit and run crash. Driver pulled into an apartment complex; vehicle was sitting crossways in front of multiple garage doors. Male driver got out of the vehicle, was unsteady on his feet, smelled of alcohol and asked if he had hit someone. Kevin Ray Pemberton, 62 from Maple Plain admitted to drinking one beer. The last one he had was in his vehicle and on the vehicle center console was an open beer can. Pemberton submitted a breath test which resulted in .24 Breath Alcohol Concentration. Pemberton was arrested for 2nd Degree DWI, Open Bottle, Driving Restriction Violation and transported to Henn Co Jail. Vehicle pending forfeiture.

Vehicle Stall

April 24 Hwy 12/ Pioneer, Maple Plain. Police observed a vehicle with its hazards on. The driver was offered a ride and was transported to his girlfriend's house in Delano.

Civil Matter

April 25 A small fork lift was stuck in the ditch on Lake Sarah Drive S, Independence. Independence Public Works requested WHPS to gather information from the driver to re-coop damages done by the fork lift. Contact with the driver who admitted to getting stuck in the ditch and was advised this is a civil issue between the City and himself. Damage appeared to be under \$150.00.

Drone Complaint

April 25 7000 Turner Rd, Independence. Police dispatched by radio to the area of the Polo Club Fields on Turner Rd for a drone complaint. 4 individuals were standing on the shoulder of the road; all were wearing yellow vests and hard hats. A large drone was on the side of the road and the area coned off. The 4 individuals stated they are engineers who work for Honeywell and were hired by Xcel Energy to inspect the power lines on Turner Rd with their drone. All were wearing Honeywell identification badges.

BB Gun Complaint

April 25 Reported neighbor kids are shooting BB guns at pop cans and the BB's are ricocheting off of the cans and hitting his garage. He did not believe there is any damage but is fearful his dog or he may get hit with a BB. Contact with the juvenile who lives on 5000 Main Street, Maple Plain, was advised Maple Plain ordinance section 130.15(1) it prohibits the use of a gun used to project items in the manner of spring, air or carbon dioxide. BB guns are not allowed to shoot inside MP City limits.

ATV Complaint

April 25 Reported two ATV's and a UTV just drove on to the Luce Line Trail heading eastbound from CO RD 110 Independence. Police located three off road vehicles in the north field of Drake and CO RD 90. Contact with Driver #1 who stated his dad and uncle own the property they are riding on, and then admitted they were on the Luce Line Trail for a short duration because they could not get to their property because of the flooding. He understood he is not supposed to be on the Luce Line. While speaking with Driver #2, a strong smell of alcohol was coming from him and an open beer container was in the cup holder of the UTV. Driver #2 submitted a preliminary breath test which resulted in .061 Breath Alcohol Concentration. ATV regulations were explained to all drivers and verbally warned for their violations.

Over Weight Truck

April 26 Copeland Rd / CR 6, Independence. A 3 axle box truck with a full sized tractor and a large fork lift attached to the back end were driven on a posted 4 ton axle road limit. Contact with the driver who was making deliveries. The vehicle was weighed and overweight by 19,489 pounds. The business was issued a civil penalty fine for the truck being over the seasonal road weight violation.

3rd Degree DWI

April 26 1500 Rainbow Ave, Maple Plain. Vehicle parked in Rainbow Park parking lot. Contact with driver Abigail Irene Mobley, 38 from Maple Plain Police could smell the odor of alcohol coming from the vehicle. Mobley provided a breath sample which resulted in .14 Breath Alcohol Concentration. A bottle of wine was found under the driver's seat. Mobley was arrested for 3rd Degree DWI and released to her husband.

Road Limits

April 27 Budd Av. / Independence Street, Maple Plain. Driver stopped for an equipment violation on his truck. The driver was going to drop off an empty dumpster at a residence on Providence and pick up a full one. The truck was weighed and it was decided to leave the empty dumpster and not pick up the full dumpster as Providence has road weight limits on it.

Open Door

April 28 3000 County Line Rd, Independence. Police dispatched for an open door at a church and found the front door to be wide open and the interior door unlocked. The building was checked and found everything to be ok and nobody inside. No issues were found and Police secured the front door.

Welfare Check

April 28 700 Kuntz Dr. Independence. Reported a saddled horse with no rider was running down the road and the caller was worried the rider was bucked off and may be hurt. Contact with the rider who advised the horse was spooked by two bedded down deer. The horse and rider were ok.

Utility Check/ Water Main Break

April 28 Budd Ave / Main Street Maple Plain. Resident reported water bubbling up from the roadway just south of the intersection. City of Maple Plain Public Works supervisor was contacted by phone

and advised of the issue. PW responded and stated it was a water main break and he would be contacting crews to get started on repairs.

Missing Person – Unfounded

April 28 5000 Hwy 12, Maple Plain. Caller reported her boyfriend was possibly missing as he was not at his motel room when she stopped by to drop off food. She did not have any reason to believe that he was in danger or it was suspicious other than she was worried about him. Approximately 1 hour later she called dispatch stating that he was back at the motel. All was fine.

4th Degree DWI

April 29 1:33 a.m. Police working special detail, Towards Zero Death Enforcement at Highway 12 near Central Ave, Wayzata; Radar lock of the vehicle traveling 90 – 91 mph as it passed by the Squad. Driver Andrew David Parker, 56 of Minnetonka submitted a breath sample which resulted in .10 Breath Alcohol Concentration. Parker was arrested for 4th Degree DWI and Careless Driving and released to a sober person.

Damage to Property / Burglary

April 29 6000 Highway 12, Independence. Reported Mini Storage had padlocks cut off of 20 units and were burglarized. Rental owners were notified of the burglary and are reporting multiple items stolen, tools and personal property. Stolen items are entered in a NCIC – National Crime Information Center. Cases are under investigation.

Safety Check

April 29 5000 Main Street, Maple Plain. Reported a juvenile was pointing what appeared to be a BB gun at passing cars and around their house. Police responded to the residence and spoke with the homeowner and his son. His son was playing with a toy gun not a BB gun and showed a plastic generic brown toy gun with a bright orange tip on it. They were advised to not point it at passing cars, if that was the case, and continue to play with it if they want.

Suspicious Person / Act

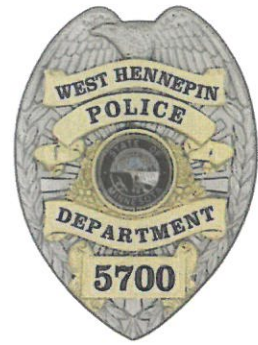
April 29 1:18 p.m. 3000 CR 92, Independence. Homeowner reported a suspicious male at his residence inquiring about the property across the street. Then the male had walked across the street. Arrival on scene Police were unable to see anyone and yelled "POLICE COME OUT". After the 3rd time yelled, a man emerged from one of the out buildings. 76 year old male from St. Paul stated he was looking to rent the place. When asked if he knows who owns the property he said no. He was asked if he thinks its ok for him to come onto some random person's property, he did not have a good response. The male said he was going to ask the city but figured he would just check it out. The male was told he has no right to go "check it out". He was identified by MN DL and told to not come back.

Theft

April 29 5000 Bryant Street, Maple Plain. Reported a bag with 2 purses went missing from a garage sale. It was discovered a neighbor who had been helping had put the bag in his house. All items were recovered.

Burglary Report

April 30 6000 Highway 12, Independence. Owner reported one of their vans had been broken into and a large number of construction tools had been stolen. A trailer had also been stolen and inside the trailer were two specialty Genie Lift SLA-20, lifts for construction purposes, Police noted muddy / gloved fingerprint smudges that were left on the vehicle and tire tracks left in the mud. Stolen items and trailer entered in NCIC – National Crime Information Center. Case is under investigation.



Date: June 1, 2018
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *GK*
SUBJECT: MAY 2018 ACTIVITY REPORT

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

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

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

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

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

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

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

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

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

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

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

Monthly Activity Report
May 2018

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	6	14	61	44
Traffic	166	194	787	903
Part III	15	10	37	36
Part IV	37	20	169	151
Part V	138	196	660	735
Total City of Independence	362	434	1,714	1,869
City Of Maple Plain				
Criminal	7	9	23	23
Traffic	130	153	467	518
Part III	5	4	14	19
Part IV	19	25	105	79
Part V	159	142	562	619
Total City Of Maple Plain	320	333	1,171	1,258
Grand Total Both Cities	682	767	2,885	3,127
TZD	24	61	30	85
Agency Assists	40	76	157	256
Total ICR Reports	722	843	3,072	3,383
Mileage	12,593	14,528	67,427	62,560
How Received				
Fax	5	8	68	59
In Person	22	40	138	141
Mail	4	0	6	7
Other	4	4	14	15
Phone	41	34	182	136
Radio	205	175	870	854
Visual	405	502	1,608	1,937
Email	8	11	22	23
Lobby Walk In	28	69	164	211
Total	722	843	3,072	3,383

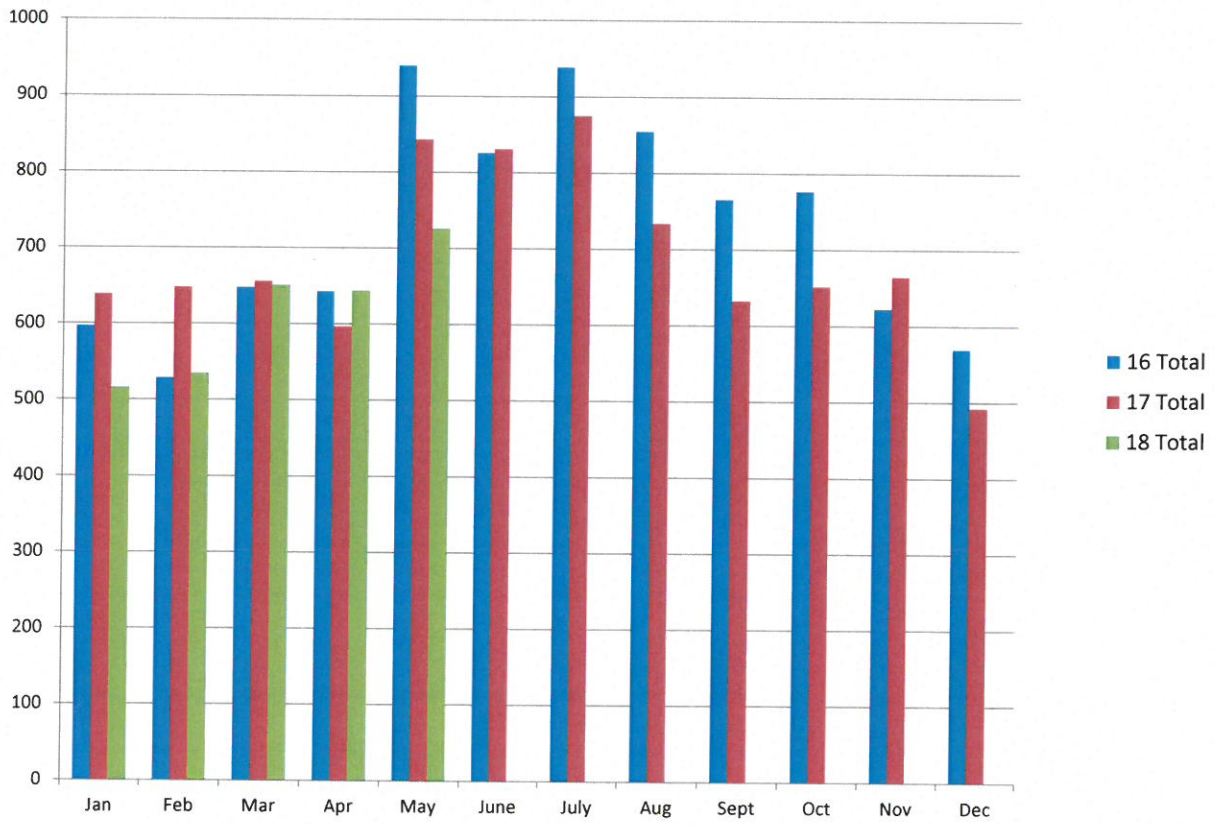
May 2018 Criminal Part I & II
City of Independence Grid #'s 3-5

<u>AGN</u>	<u>ICR</u>	<u>Title</u>	<u>Create Date</u>	<u>Grid #</u>	<u>Reported Date</u>	<u>MOC range</u>
WHPS	18002388	Criminal Sexual Conduct - 1st Degree	43223	3	43223	L3821
WHPS	18002581	Drugs-Small Amt of Marijuana in Motor Vehicle / Drugs-Paraphernalia Possession	43231	5	43231	DC500
WHPS	18002622	Auto Theft Chev Trail Blazer / Recovered Auto Trail Blaze	43233	5	43233	VB021
WHPS	18002905	Theft of Boat Motor	43244	3	43244	TB229
WHPS	18002979	4th Degree DWI	43247	3	43247	JGW01
WHPS	18003067	3rd Degree DWI	43250	5	43250	JFW01

May 2018 Criminal Part I & II
City of Maple Plain Grid # 1-2

<u>AGN</u>	<u>ICR</u>	<u>Title</u>	<u>Create Date</u>	<u>Grid #</u>	<u>Reported Date</u>	<u>MOC range</u>
WHPS	18002447	Property Damage	43225	1	43225	P3129
WHPS	18002472	Fraud - Financial Transaction- Card - Use -Forged	43227	2	43227	U156A
WHPS	18002743	Shoplifting	43238	1	43238	U3280
WHPS	18002751	Fraud - Financial Transaction- Card - Use -Forged	43238	2	43238	U0560
WHPS	18002769	Theft	43239	2	43239	TG229
WHPS	18002815	Theft of Motorcycle / Recovered Motorcycle	43241	1	43241	VA023
WHPS	18002853	3rd Degree DWI	43242	1	43242	JFW01

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

May 2018 Activity Report

Year to Date Activity Report

At the end of May 31, 2018 West Hennepin Public Safety (WHPS) handled a year to date total of 3,072 incident complaints. 1,714 In Independence and 1,171 in Maple Plain. For the month of May, 320 incidents were in Maple Plain and 362 incidents occurred in Independence.

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

Recent Highlighted Cases:

Agency Assist

May 1 5000 County Line Rd, Delano. Wright County Sheriff's Office dispatched a shooting in the city of Delano and requested assistance from Hennepin County. WHPS Police were the first to arrive on scene and make contact with the victim who was sitting in his vehicle and had glass cuts to his face. His vehicle was shot at and a 9mm casing was found on the s/b lane of County Line Road. Wright County Sheriff arrived and took over the scene. A couple of days later, the shooter was located and arrested by WCSO.

Over Weight Truck / Road Limits

May 2 Pioneer Creek Rd Independence. Police observed a large semi-truck pulling a large trailer on a posted 4 ton road Pioneer Creek Road. The driver admitted to seeing the 4 ton road posting but thought the road restrictions were lifted. All three axles on the truck were weighed and found the vehicle and trailer was over axle weight by a total of 3,500 pounds. The driver was cited for Vehicle Over Weight.

Grass Fire

May 3 1300 Copeland Rd, Independence. Police and Maple Plain Fire Dept. responded to a 1.5 acre grass fire. MPFD extinguished the fire. Home owner was burning small sticks and some itch weed in a burn pile approximately 1.5 ft. by 1.5 ft. and did not contain any illegal materials in the pile. Homeowner advised the fire spread to the south a little bit and she tried to put it out but it became overwhelming so she called for help.

Welfare Check

May 3 5000 Manchester Dr, Maple Plain. A mother stated she has not heard from her 12 year old son who usually calls her when he gets home from school. It has been about 45 minutes since he should have gotten home and she requested a welfare check on him. Police found her son sitting on a retaining wall. He had forgotten his keys at home and was locked out. The property maintenance person used his master key to let her son in the apartment; His mother was advised of the situation.

Unwanted Male

May 3 7:39 p.m. Vinland Center reported earlier in the day a male was picked up from Regions Hospital and once he arrived at the facility, he did not want to stay. He was given a ride to his girlfriend's place, Later the girlfriend returned him and Vinland wanted him removed from their premise. The male was cooperative and he was provided a ride to Harbor Light Shelter.

Warrant Attempt

May 4 5000 Bryantwood Dr, Maple Plain. WHPS assisted Hennepin County Sheriff's Office (HCSO) on a warrant attempt to locate a 19 year old male on a 1st degree aggravated robbery warrant. He was not located.

Personal Injury Crash

May 4 7000 Highway 12, Independence. Police dispatched to a single vehicle personal injury crash and found a motorcycle ridden by a 64 year old male and his 58 year old female passenger were EB on Hwy 12 and the M/C was put it on its side to avoid rear ending Vehicle #2. The driver of Veh #2; 49 year old female from Roseville stated traffic in front of her had almost come to a stop due to a tractor in the roadway. She looked in her rear view mirror and saw the M/C start to turn right to avoid running into the back of her. The M/C and Vehicle #2 never made contact. Maple Plain FD and North Ambulance responded to the scene. The M/C rider and passenger were not wearing helmets and were transported by North Ambulance to North Hospital for possible head injuries.

Littering / Dumping

May 5 6000 Hwy 12, Independence. Dispatched to a dumping complaint of approximately 20 bags of trash and debris at the end of a residents driveway. Earlier in the day Police had seen cleaning crews picking up trash on both sides of Hwy 12 in the area, Resident was advised this was most likely their gathering location and to call back if it was not cleaned up by tomorrow.

Motorist Assist

May 5 Hwy 12 / CR 92, Independence. Police assisted a motorist who was headed to his grandson's game in Wayzata and his smart phone was saying he was 2 hours away. Police noted he was getting routed for a bicyclist and changed the settings and wished him luck.

Railroad Track Debris

May 5 Halgren Rd / Railroad, Maple Plain. Police dispatched for a tree down on RR tracks and found a deadfall tree across railroad tracks east of Halgren Rd. Burlington Northern Santé Fe was notified of the findings.

Spot Checking / Property Damage

May 5 9:52 p.m. Northside Park, Maple Plain. Police checking Northside Park, as Officers approached the bathrooms they heard the chain link fence rattle nearby as someone was scaling it or ran into it. Someone had attempted to force entry into the shed under the announcer booth where maintenance equipment is kept. The door had been broken off part of the hinges and the door damaged. Officers checked the area and were unable to locate any suspects. Maple Plain Public works were notified of the damage.

Loud Music

May 5 10:07 p.m. 5000 Bryant Street Maple Plain. Complaint received of loud music and party occurring at a residence. A large birthday party was found and several people were outside in the yard and the music could be heard from the roadway. Contact with the homeowner who stated they were having a birthday party for a friend. The homeowner was advised of the complaint and the noise ordinance. The homeowner stated they would quiet down; the music was turned down prior to leaving.

Suspicious Act

May 5 10:31 p.m. Northside Park, Maple Plain. A vehicle was parked along the south side of the parking lot occupied by two parties. The driver stated they were playing Pokémon GO on their phones and showed their phones which had the game active and there is a meeting point near the church as part of the game. Parties released.

Lock out

May 6 6:09 p.m. 9000 Highway12, Independence. Police dispatched for priority vehicle lock out with a baby inside the car. The baby had not been in there long and Police unlocked the vehicle and the baby was fine.

Suspicious Person

May 7 Dispatched for a suspicious male on foot in the area of Co Rd 11 and County Line Rd, Independence. The male was carrying something and wasn't sure if it was a fishing pole or a rifle. 67 year old male from St. Michael was sitting on a bench at the Delano Gun Club. He had a large backpack and an umbrella with him, the umbrella was the item in question. The male stated he was just spreading the word of God.

Theft

May 7 5000 Main Street, Maple Plain. Resident reported he was checking his online banking and discovered \$484 was withdrawn using his TCF bank card from an ATM in the city of St. Louis, MO. Resident had traveled thru Missouri, not in St. Louis and he had not lost his card. TCF closed his accounts and were planning on reimbursing him the money.

Suspicious Act

May 8 7000 Hwy 12, Independence. Vehicle was backed off to the side of a driveway and party unloading debris into the ditch along the driveway. Contact with the person who stated he works maintenance at the property and was doing clean-up.

Medical

May 8 6000 CR 11, Independence. Report received of a 2 year old having a breathing problem. Loretto Fire responded and assisted with the child who had a bark type cough which the father stated has happened before and he did not feel comfortable driving to the hospital with the children. North Memorial EMS arrived and took over treatment and transport of child to Children's Hospital.

Safety Check

May 8 4000 Main Street, Maple Plain. A full size refrigerator that was standing up on the edge of the property near the curb, along with two leather couches with a sign that said free. Attempts to reach the resident were unsuccessful. Contact with a previous renter who stated he would contact the renter to let him know to remove the doors, place it on the ground with the front facing the ground. Xcel was coming to pick it up in approx. one week. He was told to take care of the hazard ASAP.

Counterfeit Money

May 8 4000 Hwy 12, Maple Plain. Bank reported a \$5,000.00 cash deposit had a \$5.00 bill made up to look like \$100.00 bill. The bill was wrapped in the paper wraps that banks use to bundle money. Investigation found cash was saved from many different sales and other things and did not know of the \$100.00 being counterfeit. No criminal activity found.

Ordinance Violation

May 8 1000 Marsh Ave. Maple Plain. Property owner contacted in regards to his illegal business of selling antique items. This property has become overrun with wide variety of items for sale and it is against city code to do so. He has until May 24, 2018 to clean up his property or he will be cited for Public Nuisance code 93, Zoning violation 153.029 (c) and Permits required 150.26 (a).

Gas Odor / Unknown Alarm

May 9 3:10 a.m. 7800 Pioneer Creek Rd, Independence. Home owner reported an odor of LP gas and an alarm is sounding. Maple Plain Fire responded and assisted Police and found an alarm sounding in the utility room in the basement, did not smell any gas; appeared to be wired to the septic system. Homeowner advised to contact septic company to have it serviced

Assault

May 9 3675 Ihduhapi Trail, Vinland Center, Independence. Two residents had been arguing over who had been in one of the staterooms and a male claimed he had been choked. No marks were on the reporting victim. Witnesses stated both had been yelling and a male was pushed when he got into the others face about the argument. Staff was going to keep the two separate for the night.

Stolen Vehicle

May 13 12:20 p.m., Nelson Rd, Independence. WHPS took a report of a vehicle stolen from a driveway. Keys were in it but no personal property, it had mechanical problems. The vehicle was located the next day in Medina. Closed pending further leads.

Child Stuck in Tree

May 13 12:23 p.m., 5000 block Independence St, Independence. Police responded to a child stuck in a tree. Upon arrival Maple Plain Fire Department was assisting the child down. No injuries were reported.

PD Crash

May 13 1:56 p.m., CR 11/Ind Rd, Independence. Police were called to a property damage crash in which a vehicle drove through a fence. The driver denied drinking but admitted falling asleep, driving into the ditch and through the fence. He was cited for driving off the roadway and drive with due care.

Animal Complaint

May 13 8:32 p.m., 9000 block Hwy 12, Independence. Police stood by while the owner of a loose bull spent an extended period of time trying to convince it to go back into its pasture. The bull was eventually persuaded to go back inside. The owner was advised to keep it contained or risk being cited.

Unwanted Person

May 14 11:08 a.m. 9000 block Hwy 12, Independence. An officer responded to a residence for an unwanted person arguing with the homeowner about goats on the property they both own. The homeowner's mother arrived on scene and agreed to move the goats to her property.

Assist/Fire

May 15 1:39 p.m., 1500 Howard Ave, Maple Plain. Police were dispatched to a party stuck in an elevator due to a power outage. Maple Plain Fire Department was able to open the elevator door and assist the party out.

Scam Attempt

May 16 6:52 p.m., 5000 block Timber Tr, Independence. A resident reported receiving a FB message from a friend stating to click on a link in the message to receive money to help cover her son's medical bills. The resident recognized it as a scam did not click on the link and wanted to know if the person who hacked her friend's FB account could be tracked. The resident was advised there was no to track the hacker, who was probably not even in the United States.

Suspicious Act

May 16 7:11 p.m., 5000 block Main St, Maple Plain. Police received a call of two suspicious people walking behind a daycare center, through private yards and around houses. The suspects were found later and admitted living at the motel; they were bored so they went for a walk. They were advised to stay out of yards and on the sidewalk.

Suspicious Act

May 17 2:10 p.m. Police responded to a report of someone locked in the Post Office in Maple Plain. No one was found locked inside. Contact with a route driver who said the front lobby employee had a personal emergency and had left for the day. No signs of criminal activity were found.

- Trespassing
May 17 Hwy 12/ Mud Lake, Independence. On routine patrol Police observed two people cross HWY 12 to the north and enter the Wild Life Management Area. Contact with the two persons who were advised they are trespassing and cannot enter the park from that location. The persons did not know they could not walk across the tracks and did not want to park in the lot off of Lake Haughey Rd to access the area they wanted to go for picking mushrooms. They were told if they cannot legally park to get to the area, then they will have to find another spot to find mushrooms. Both understood and stated they will be sure not to trespass in the future
- Theft
May 18 10:23 a.m. 4900 Hwy 12, Maple Plain. Business reported a male stole three bottles of liquor and a 12 pack of bottle beer and fled in a vehicle. The male ran out a side door that is not used by customers but goes to the parking lot. The business owner chased him as he got into a vehicle and left. An out of state license plate was noted and the area was checked and the vehicle was not found. Store video of the male is being reviewed. Total theft loss \$182.18. The case is under investigation.
- Police Assist
May 18 9:41 p.m. 700 Copeland Rd, Independence. Golf course reported that the course closes at dark but there were still players out on the course in a cart and they wanted assistance getting them off the course. While enroute, they called back requesting Police to cancel - golfers had returned.
- Welfare Check
May 19 2:28 a.m. Reported a naked male was walking w/b on Hwy 12 and Halgren Rd in Maple Plain. Medina and Minnetrista PD's assisted in searching the area and the male was not found. Contact with the caller who said the male was actually near CR 6 and Hwy 12. The male who was naked and carrying his clothes was located. His step-dad arrived and gave him a ride home.
- Theft
May 19 2:59 p.m. Oak Street / Budd Ave., Maple Plain. Employee working at Waconia Farm Store observed a male grab a backpack leaf blower from the back of vehicle parked on the street and preceded back down the street. Employee contacted the homeowner who was mowing his lawn and had his back turned when the theft occurred. The employee yelled at the suspect to stop who ran down Bryant Street carrying the leaf blower, The suspect had his hoodie up the entire time and kept his head down most of the time. The resident took off after the suspect, checked the area and talked to residents who were outside and no one saw anyone running or matching the description of the suspect. The tree lines were checked if the leaf blower had been ditched and it was not found. Stolen was a medium size Echo brand backpack style leaf blower that was white and orange with black straps; estimated the value at around \$100.
- Court Order Violation
May 19 5000 Manchester Dr, Maple Plain. Resident reported a court order violation as she received a text message from her Ex who is court ordered to not have direct or indirect contact including text or social media with the female. The males' probation officer was contacted and advised of the contact.
- Trespassing Complaint
May 20 3000 CR 92, Independence. Dispatched for a complaint for two males believed were trespassing while picking wild asparagus. They were walking in the ditch but they went too far into the private property. The males stated they were in the ditch right away and were not doing anything wrong. They were told to verify with the county where the road right away is for this portion before coming back and it might help to have something showing what it is to avoid another conflict. Both males were very cooperative and understood.

Verbal Domestic

May 21 12:11 a.m. 5000 Hwy 12, Maple Plain. Dispatched to a reported domestic with a female yelling for help at the residence. Minnetrista and Medina PD assisted. Upon Police arrival, could hear people talking in the front yard and found a female inside the residence. The female said she had been emotional over recent events in her life and she had gone outside and screamed, but did not actually require any assistance. She was not injured, no physical violence had occurred, and did not require medical attention. Contact with a male at the residence who said the same thing. All parties involved said they were going to bed for the day, agreed to spend the night in separate areas of the house and would not continue the argument.

Theft

May 21 5000 Pioneer Creek Dr., Maple Plain. Motorcycle parked behind a repair shop was stolen. The m/c was entered in NCIC and a shortly after Minnetonka PD located it in their city. The case is under investigation and pending charges if the thief is identified from the repair shop surveillance cameras and the evidence left at the recovery scene.

Phone Scams

May 22 Police Department has received numerous reports of phone scams of callers stating they are the IRS, Social Security, Grandchild in a crash or arrested. A reminder they are a scam, do not return the call or give the caller any personal information.

3rd Degree DWI

May 22 4800 Hwy 12, Maple Plain. Dispatched for an intoxicated driver had left the scene of a domestic in Long Lake. Contact with the driver, William Donald McGannon, 45 of Long Lake who provided a breath sample which resulted in .09 Breath Alcohol Concentration. McGannon was arrested for 3rd Degree DWI and Open Bottle and transported to Hennepin County Jail.

Heart

May 24 CR 92 / Hwy 12, Independence. Motorist pulled over to the side of the road, called 911 and was lying down due to her chest pain. Motorist stated she had pressure in her chest while driving and saw stars so she pulled over. Maple Plain Fire assisted and North Memorial Ambulance transported her to the hospital.

Vandalism

May 24 2000 Lakeshore Dr Independence. Resident reported someone punched the ignition out of a zero turn mower. Police investigation found the ignition punched out of a John Deere Zero Turn mower and did not observe the ignition lying around anywhere. Resident wanted it reported to the Police.

Theft

May 24 6000 Hwy 12, Independence. Business reported a theft. Someone had broken through a fence and stolen items off a fishing boat. A black with red and gray Mercury 9.9 kicker motor was stolen off a boat. Estimated loss \$7,000 to \$9,000. Case under investigation.

Fall

May 25 900 CR 19, Independence. Female was in a lot of pain. She had slipped and fell by her bird feeder and it was apparent she had broken hip or high femur fracture.. Maple Plain Fire arrived and stabilized the female. North Memorial Ambulance arrived, administered medication to the female before attempting to move her. She was transported to the hospital by ambulance.

Property Damage

May 25 5000 Hwy 12, Maple Plain. Business owner reported property damage to one of their rental rooms. Two kitchen drawer fronts were missing and a knob for the stove. The renters moved out owing \$80.00. Contact with the renter's sister who did not know where her brother was but if she has contact with him will have him call the Police.

Crash
May 25

Hwy 12/ County Line Rd, Independence. Motorist and his family were traveling in their truck WB on Hwy 12, stopped for traffic when another vehicle struck their boat and boat trailer. The trailer and boat were severely damaged. Driver of striking vehicle observed the traffic was stopped on Hwy 12, she hit the brakes and tried turning to avoid the crash but couldn't. The driver's vehicle air bags were deployed and had major front end damage. The driver was issued a citation for Fail to Drive with Due Care. All drivers and passengers were wearing their seatbelts. The truck was driven from the crash. The boat and trailer and the striking vehicle were towed from the scene.

Parking Complaint

May 27

Main Street/Thee Oaks, Maple Plain. Dispatched for a complaint of vehicles parking on both sides of Main Street West in Maple Plain. Police arrival found no vehicles parked along the south curb of the road. No violation. Contacted the reporting party who said there were at least four vehicles parked on the wrong side of the road.

4th Degree DWI

May 27

6000 Hwy 12, Independence. Police observed a vehicle cross the fog line multiple times and the vehicle was stopped. Contact with the driver and could immediately smell a strong odor of an alcoholic beverage coming from him. Driver admitted drinking alcoholic beverages in St. Paul at a concert. The driver Cody Lee James Andres, 24 of Hutchinson submitted a breath test which resulted in .14 Breath Alcohol Concentration. Andres was arrested for 4th Degree DWI and released to a responsible party.

Property Damage

May 29

4000 Industrial Street, Maple Plain. Property owner wanted the Police to know that two padlocks were super glued in the key port to prevent a key from going inside. The locks were on the front gates and no other damage was located.

Escort Request

May 29

5000 Timber Trail, Independence. Female was given permission by her mother to get some of her clothes from her residence and requested Police escort. Police provided escort, the female gathered her items and left.

Suspicious Activity

May 30

1000 Rainbow Ave, Maple Plain. Resident reported a juvenile is ordering e-cigs and having them delivered to her home in his name. The juvenile knows her schedule and probably thinks he'll get them out of her mailbox before she gets home. The juvenile was spoken to and admitted to making a mistake by sending his package to his friend's house and won't happen again.

Warrant Arrest

May 30

5000 Independence Street, Maple Plain. 32 year old male was arrested and transported to Henn Co Jail for a Hennepin County Felony Warrant for 2nd Degree Burglary Probation Violation.

3rd Degree DWI

May 31

CR 6 / Nelson Rd, Independence. Vehicle approached the squad at a high rate of speed, 70 mph in a 50 mph zone. Police contact with the driver, Leonard David Lome, 46 from Plymouth who stated he knew he was speeding and was in a hurry, running late to his kid's soccer game. Police could smell a strong odor of an alcoholic beverage coming from him. Lome provided a breath sample which resulted in .14 Breath Alcohol Concentration. Lome was arrested for 3rd Degree DWI and transported and booked into Henn Co Jail.

Agency Assist Warrant Arrest

May 31 5000 Main Street, Maple Plain. Police assisted Hennepin County Sheriff's Office with a Felony Warrant for 5th Degree Possession. Jessica Lyn Schellenberg, 35 from Maple Plain was arrested and HCSO transported her to Henn Co Jail.

City of Independence

Annual Public Comment Opportunity for MS4 Permit

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: July 10, 2018

Summary:

Each year the City is required to offer an opportunity to the public to provide comments relating to the City's MS4 Stormwater Permit. No official public hearing is required.

From the Minnesota Pollution Control Agency

What is an MS4

A municipal separate storm sewer system is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that is also:

- owned or operated by a public entity (which can include cities, townships, counties, military bases, hospitals, prison complexes, highway departments, universities, etc.) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage districts, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
- designed or used for collecting or conveying stormwater;
- which is not a combined sewer; and
- which is not part of a publicly owned treatment works.

The MS4 General Permit is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable. Stormwater discharges associated with MS4s are subject to regulation under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS). Through the MS4 General Permit, the system owner or operator is required to develop a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs) applicable to their MS4.

City of Independence

Cooperative Water Resources Management Agreement - Baker Park

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: July 10, 2018

Summary:

The City was presented with the details of a multi-agency ravine stabilization project earlier this year that would help to improve water quality in Lake Independence. Independence, Medina, the Park District, and the Commission recognize that intergovernmental cooperation in achieving the phosphorus watershed load reductions called for in the Lake Independence TMDL to improve water quality in Lake Independence is in the mutual interest of the Parties, the citizens of Hennepin County, and the metropolitan area. The City would enter into the Agreement to facilitate the improvement of Lake Independence water quality through the implementation of the Baker Campground Ravine Stabilization project.

The City of independence would be responsible for up to \$10,500 of the total project cost which represents approximately 23% of the total. The total cost of the project is equally split between the four aforementioned entities, with the remaining balance coming from grant funds. The City's share of the funding would come from the Pioneer Sarah Creek budget annually levied by the City.

Council Consideration:

Council is being asked to consider approving the Cooperative Agreement and authorize the Mayor and Administrator to execute the agreement on behalf of the City.

Attachments: Cooperative Agreement

**COOPERATIVE WATER RESOURCES MANAGEMENT
PROJECT JOINT POWERS AGREEMENT
BETWEEN**

**Three Rivers Park District, City of Independence, City of Medina,
Pioneer and Sarah Creek Watershed Management Commission, and
Lake Independence Citizens Association**

1. PARTIES

The City of Independence (hereinafter referred to as "Independence"), the City of Medina (hereinafter referred to as "Medina"), the Pioneer and Sarah Creek Watershed Management Commission (hereinafter referred to as "the Commission"), and the Three Rivers Park District (hereinafter referred to as "the Park District"), all being governmental units of the State of Minnesota, and acting through their respective governing bodies, hereby enter into this Joint Powers Agreement ("Agreement"). Independence, Medina, the Commission, and the Park District from time to time may be referred to hereinafter as "the Parties."

2. PURPOSE

Independence, Medina, the Park District, and the Commission recognize that intergovernmental cooperation in achieving the phosphorus watershed load reductions called for in the Lake Independence TMDL to improve water quality in Lake Independence is in the mutual interest of the Parties, the citizens of Hennepin County, and the metropolitan area. The Parties enter into this Agreement to facilitate the improvement of Lake Independence water quality through the implementation of the Baker Campground Ravine Stabilization project.

3. AUTHORITY

The parties enter into this agreement pursuant to Minn. Stat. § 471.59, regarding joint exercise of powers which allows two or more governmental units, by agreement entered into through action of their governing bodies, to jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they may be exercised.

4. DUTIES OF THE PARK DISTRICT

The Park District will be responsible for:

- a. Preparation of the Clean Water Fund project work plan and grant agreement and delivering the grant agreement to the Commission for signature.

- b. Securing regulatory permits from the U.S. Army Corp of Engineers and the Minnesota Department of Natural Resources to allow the project to proceed.
- c. Leading a project coordinating committee to facilitate communication about the project and manage project execution.
- d. Securing the services of a qualified contractor to execute the Baker Campground Ravine Stabilization Project. The Park District will go through a formal bidding process as per Minnesota Statutes Section 471.345 to select and hire the contractor.
- e. Securing a fully executed contract between the selected contractor, the Park District, and the Commission to carry out the project.
- f. Provide coordination with, and supervision of, the contractor to assure the project is constructed/implemented according to the approved design/specification plans.
- g. Coordinate the invoicing process for the work, including review of the invoices from the contractor and forwarding of the contractor invoices to the Commission for payment consistent with the project contracts.
- h. Preparation of project reports as required by the granting agency.
- i. Providing a cash contribution of 23% of the non-grant cost of the project up to \$10,500 as the Park District's share of the capital cost of the project.

5. DUTIES OF THE COMMISSION,

The Commission will be responsible for:

- a. Acting as the signatory for the Clean Water Fund grant contract with the Board of Soil and Water Resources (BWSR) as well as being party to a fully executed contract between the selected contractor, the Park District and the Commission to carry out the project.
- b. Acting as the Fiscal Agent for the Clean Water Fund grant. This includes receipt and management of CWF grant funds issued by BWSR for the project as per the terms of the grant contract, prompt payment of invoices received by the contractor, invoicing the Parties to pay their share of the project cash cost (as specified in Sections 4i.) and 6c.), and such other duties as are required for the successful fiscal management of the Project.

- c. Providing a cash contribution of 23% of the non-grant cost of the project up to a maximum of \$10,500 as the Commission's share of the capital cost of the project.
- d. Designation of one individual to represent the Commission on the coordinating committee for the Project.
- e. Assuring timely and responsive participation from that individual.

6. DUTIES OF THE CITY OF INDEPENDENCE AND MEDINA

- a. Designation of one individual from each city to represent Independence and Medina on the coordinating committee for the Project.
- b. Assuring timely and responsive participation from that individual.
- c. Each City will provide a cash contribution of 23% of the non-grant cost of the project up to \$10,500 as its share of the capital cost of the project. It is anticipated that the Cities will work with the Lake Independence Citizen's Association (LICA) to reach agreement on a contribution from that organization to defray a portion of this local cost share.

7. AMENDMENT

Any amendment to this agreement must be in writing and approved by the Parties. The Parties shall have full power to amend this agreement to add or delete items from the scope of this agreement upon such terms as are agreed to between the Parties.

8. TERMINATION

This agreement will terminate upon completion of the Baker Campground Ravine Stabilization project or on December 31, 2020, whichever comes first. Notwithstanding, this Agreement shall terminate in the event the State of Minnesota terminates the Grant Agreement with the Commission. In the event of termination, all parties will pay pro rata for that portion of the Project completed in accordance with Sections 4 and 5.

IN WITNESS WHEREOF, the parties have caused this joint powers agreement executed and effective as of the date of signature of the last party to the agreement.

City of Independence

Dated: _____,

(Name), (position)

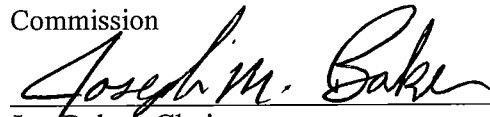
City of Medina

Dated: _____,

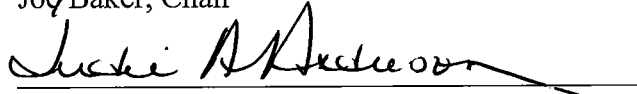
(Name), (position)

Pioneer and Sarah Creek Watershed Management
Commission

Dated: 6-21-18,



Joe Baker, Chair



Judie A. Anderson, Exec. Secretary

THREE RIVERS PARK DISTRICT

Dated: _____,

John Gunyou, Chair

Boe Carlson, Superintendent
and Secretary to the Board

City of Independence

Request for a Conditional Use Permit Amendment to Allow Additional Horses to be Boarded in Association with the Commercial Riding Stable on the Property Located at 4405 County Road 92 N.

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: July 10, 2018
Applicant: Mike and Bonnie Kuka
Owner: Mike and Bonnie Kuka
Location: 4405 County Road 92 N

Request:

Mike and Bonnie Kuka (Applicants/Owners) request that the City consider the following actions for the properties located at 4405 County Road 92 N, Independence, MN (PID No.s 04-118-24-24-0003 and 04-118-24-31-0002):

- a. A conditional use permit amendment to allow additional horses to be boarded on the subject property in association with the existing commercial riding stable.

Property/Site Information:

The property is located on the west side of CSAH 92 and north of CSAH 11. The property is comprised of rolling topography, ponds, wetlands and pasture. The applicant has two properties under the same ownership. The properties have the following characteristics:

Property Information 4405 County Road 92 N

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: PID No. 04-118-24-31-0002 – 80.07 acres

PID No. 04-118-24-24-0003 – 17.06 acres

Aerial View of 4405 County Road 92 N



Previous Approval/Conditional Use Permit:

The City approved a conditional use permit (CUP) for the subject properties in 2016 to allow a commercial riding stable. The conditional use permit granted allowed a total of 25 horses to be boarded on the property. The applicant is seeking a conditional use permit amendment to allow an additional 35 horses to be boarded on the properties (total of 60 horses). A commercial riding stable is further defined in the City's ordinance as follows:

Subd. 69. "Riding stable, commercial." Stables, barns, and facilities for the keeping and riding of horses, both indoor and outdoor, operated as a livery or boarding stable, or other commercial recreational use.

The commercial riding stable currently permitted allows the boarding of horses as well as hosting a limited number of additional equestrian related events within the facility. Staff has reviewed the request and offers several discussion points for further consideration by the City.

1. The applicant is requesting permission to board up to 60 horses on the subject properties. The two properties are comprised of a total of approximately 97 acres. The City allows one (1) animal unit for the first 2 acres and one (1) additional animal unit for each additional acre. Based on gross acreage, the property would allow a total of 96 animal units (1 horse equals one animal unit) on the properties. The City has recently reviewed commercial boarding stables with an additional filter which looks at the total upland acreage (versus gross acreage) of a property when determining animal unit count. Of the approximately 97 acres, staff has calculated that approximately 19 acres is wetland/drainage way and an additional 2 acres is covered with existing buildings and or parking areas. Based on this calculation, there are approximately 76 upland acres which would allow a total of 75 animal units.

There are many recommended acreage standards for the management of horses on a given property. The City has historically required that a commercial stable maintain 1/3 acre of useable pasture area per animal unit. To accommodate the 60 total horses, the applicant would need to maintain 20 acres of pasture area and 61 gross acres. The applicant has provided the City with a plan that indicates the location of the proposed boarding pastures. The applicant is not proposing to pasture all of the horses boarded on this property in the pasture areas. The 25 horses that were permitted with the initial CUP will continue to be stabled in the existing barn and allowed to pasture within the existing pastures located to the north of the existing indoor riding arena.

Ultimately, proper pasture and manure management is critical for maintaining and sustaining the land and managing the potential impacts of manure runoff. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate the number of additional animal units being requested by the applicant. The applicant is currently managing manure by spreading it on the subject property. The City has recently required similar facilities to regularly test soil conditions to ensure that manure can be spread on the subject property. The condition considered on past approvals is as follows:

- a. The applicant shall be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease. The number and location of the soil samples will be determined by the City.
2. There is an existing wetland located on the property. The applicant is proposing to fence the pasture areas so that there is no access to the wetland from the pasture areas. The City will want to consider requiring a minimum vegetative buffer distance from all wetlands. Staff recommends that the City require a 50-foot vegetative buffer be maintained around the existing wetland and drainage areas. This does not appear to be an issue based on the proposed pastures but would memorialize the buffer requirement to ensure changes in the pasture areas will not compromise water quality.
3. All other aspects and conditions of the existing conditional use permit would remain. The applicant has operated the facility for the past two years and the City has not identified or been made aware of any issues relating to the existing operation. The applicant has worked with the City to mitigate

impacts of the commercial stable on the surrounding properties. The geographic location of this facility aids in its ability to mitigate potential impacts. The property has been developed to accommodate a significant amount of traffic due to the regular use of the indoor riding area.

Commercial riding stables are permitted as conditional uses in the Agriculture zoning district. In order for the City to consider approval of an amendment to the conditional use permit request it must find that it meets the criteria established within the zoning ordinance. 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 subject property is located directly south of the Shrine Horse Facility which operates as a commercial riding stable. The relative size of the property, its access to County Road 92 and geographic seclusion help to mitigate potential issues related to operation of the proposed facility. The City is not aware of any additional complaints or concerns relating to the operation of the commercial riding stable on this property.

The proposed conditional use permit amendment to allow additional horses is generally consistent with the Agricultural nature of the property and surrounding land uses. The applicant believes that resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the increased number of horses due to the existing and historic use of the property. The City will need to determine if the requested conditional use permit amendment meets the criteria for granting a conditional use permit.

Neighbor Comments:

The City has not received any verbal or written comments at the time this report was prepared.

Planning Commission Discussion:

Planning Commissioners discussed the requested CUP Amendment and asked questions of staff and the applicants. Commissioners asked if the CUP would no longer be conforming if one of the properties was sold. Staff noted that the CUP would be applied to both properties. Should the property be sold in the future, the CUP would no longer meet the conditions or would need to be amended. Commissioners asked about the Ag Preserve status of the property. It was noted that the property is currently in Ag Preserve. Commissioners discussed the origin of the 50-foot buffer requirement and it was noted that this represents the largest possible setback from wetland boundaries and was therefore determined to be appropriate for this application. Commissioners asked about spreading manure on-site versus hauling it off-site. Staff noted that the soil would be tested based on the same standard applied to the Shrine Horse farm to the north and then a determination would be made relating to the suitability of spreading the manure on-site or hauling it off-site. Commissioners recommended adding an additional sentence to the resolution that would clarify this point. Commissioners ultimately recommended approval of the CUP amendment to the City Council.

Recommendation:

The Planning Commission recommended approval of the request for a conditional use permit amendment to the City Council. Should the City Council approve the requested action, the following findings and conditions should be considered:

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.
3. All conditions stated in **RESOLUTION No. 16-1213-02** shall remain in force with the exception of condition (f) stipulating the number of horses.
4. Approval of the conditional use permit amendment shall be subject to the following additional conditions being added to the conditional use permit:
 - a) No more than 60 horses shall be boarded on the property.
 - b) The applicant shall be required to test the soil in the existing pasture areas prior to land

application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease to a level found to be acceptable by the City. The number and location of the soil samples will be determined by the City. The City shall cause for the applicant to review the soil conditions annually and prior to any manure application to the property.

- c) The applicant shall maintain a minimum 50-foot vegetative buffer between the existing wetland and any pasture areas. Animals shall not be permitted in the buffer areas.
 - d) The applicant shall manage the fenced pastures areas so that a minimum of 70 percent vegetative cover is maintained on the during the growing season.
5. The applicant shall pay for all costs associate with the City's review and processing of the conditional use permit amendment and recording of the resolution.
 6. The Resolution shall be recorded against the property.

Attachments:

1. **RESOLUTION 18-0710-01**
2. Approved Site Plan
3. Pasture Fencing Plan



RESOLUTION NO. 18-0710-01

A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW ADDITIONAL HORSES TO BE BOARDED IN ASSOCIATION WITH THE COMMERCIAL RIDING STABLE AS REQUESTED BY MIKE AND BONNIE KUKA FOR THE PROPERTY LOCATED AT 4405 COUNTY ROAD 92

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

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

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

WHEREAS, Mike and Bonnie Kuka, (the “Owners/Applicants”) submitted a request for a Conditional Use Permit Amendment to allow additional horses to be boarded in association with the Commercial Riding Stable operation on the property located at 4405 County Road 92 (PID No.s 04-118-24-24-0003 and 04-118-24-31-0002) (the “Property”); and

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

WHEREAS, the Property is zoned Agriculture; and

WHEREAS the requested Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on June 19, 2018 to review the application for a Conditional Use Permit Amendment, following mailed and published noticed as required by law; and

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

now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Mike and Bonnie Kuka for a Conditional Use Permit Amendment to allow additional horses in association with the Commercial Riding Stable on the subject property per the City's zoning regulations with the following 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.
3. Should either property be subdivided or sold, the conditional use permit shall no longer be effective unless amended by the City of Independence.
4. All conditions stated in **RESOLUTION No. 16-1213-02** shall remain in force with the exception of condition (f) stipulating the number of horses.
5. Approval of the conditional use permit amendment shall be subject to the following additional conditions being added to the conditional use permit:
 - a) No more than 60 horses shall be boarded on the property.
 - b) The applicant shall be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease to a level found to be acceptable by the City. The number and location of the soil samples will be determined by the City. The City shall cause for the applicant to review the soil conditions annually and prior to any manure application to the property.
 - c) The applicant shall maintain a minimum 50-foot vegetative buffer between the existing wetland and any pasture areas. Animals shall not be permitted in the buffer areas.
 - d) The applicant shall manage the fenced pastures areas so that a minimum of 70 percent vegetative cover is maintained on the during the growing season.
6. The applicant shall pay for all costs associate with the City's review and processing of the conditional use permit amendment and recording of the resolution.
7. The Resolution shall be recorded against the property.

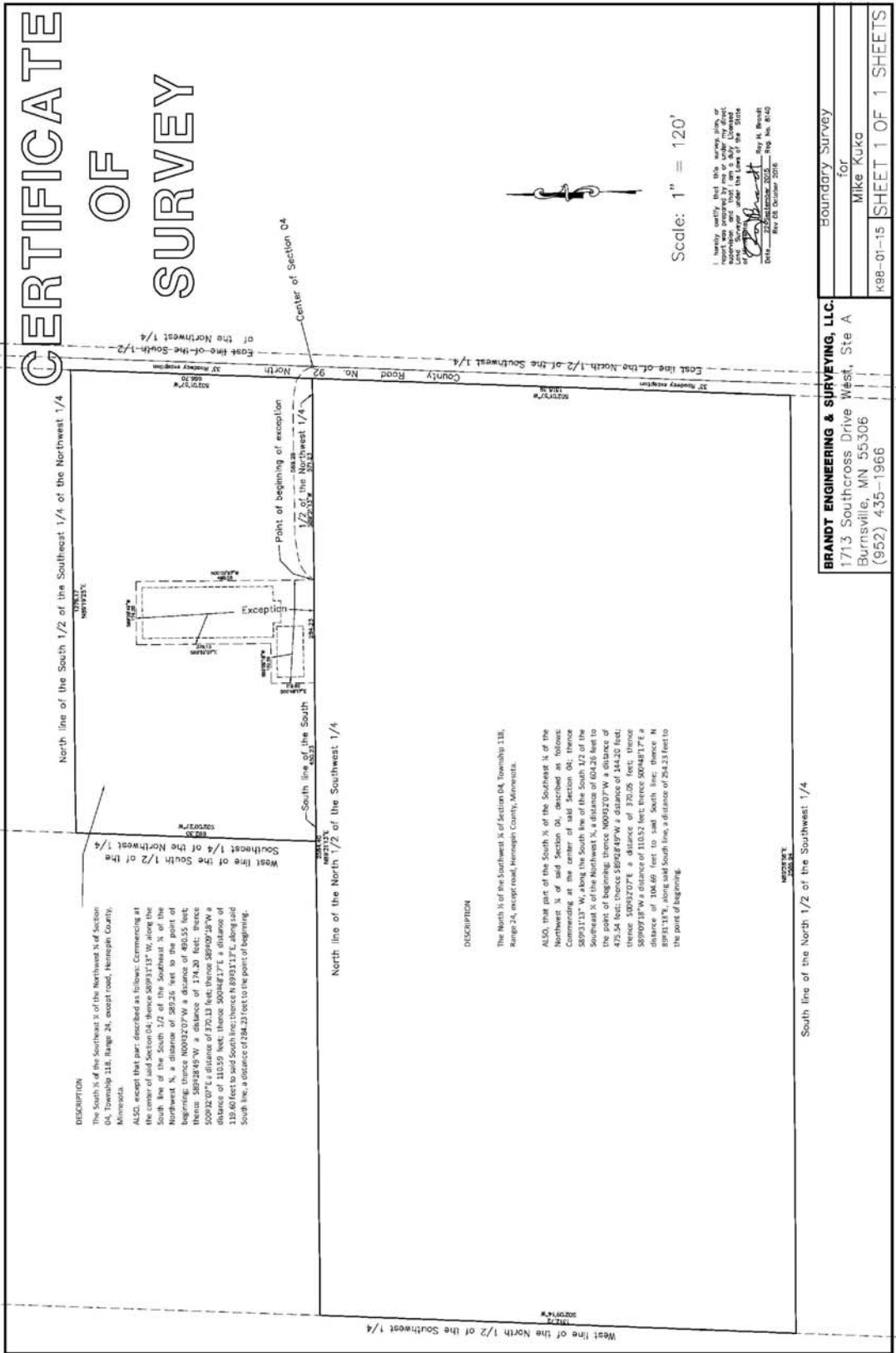
This resolution was adopted by the City Council of the City of Independence on this 10th day of July 2018, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A

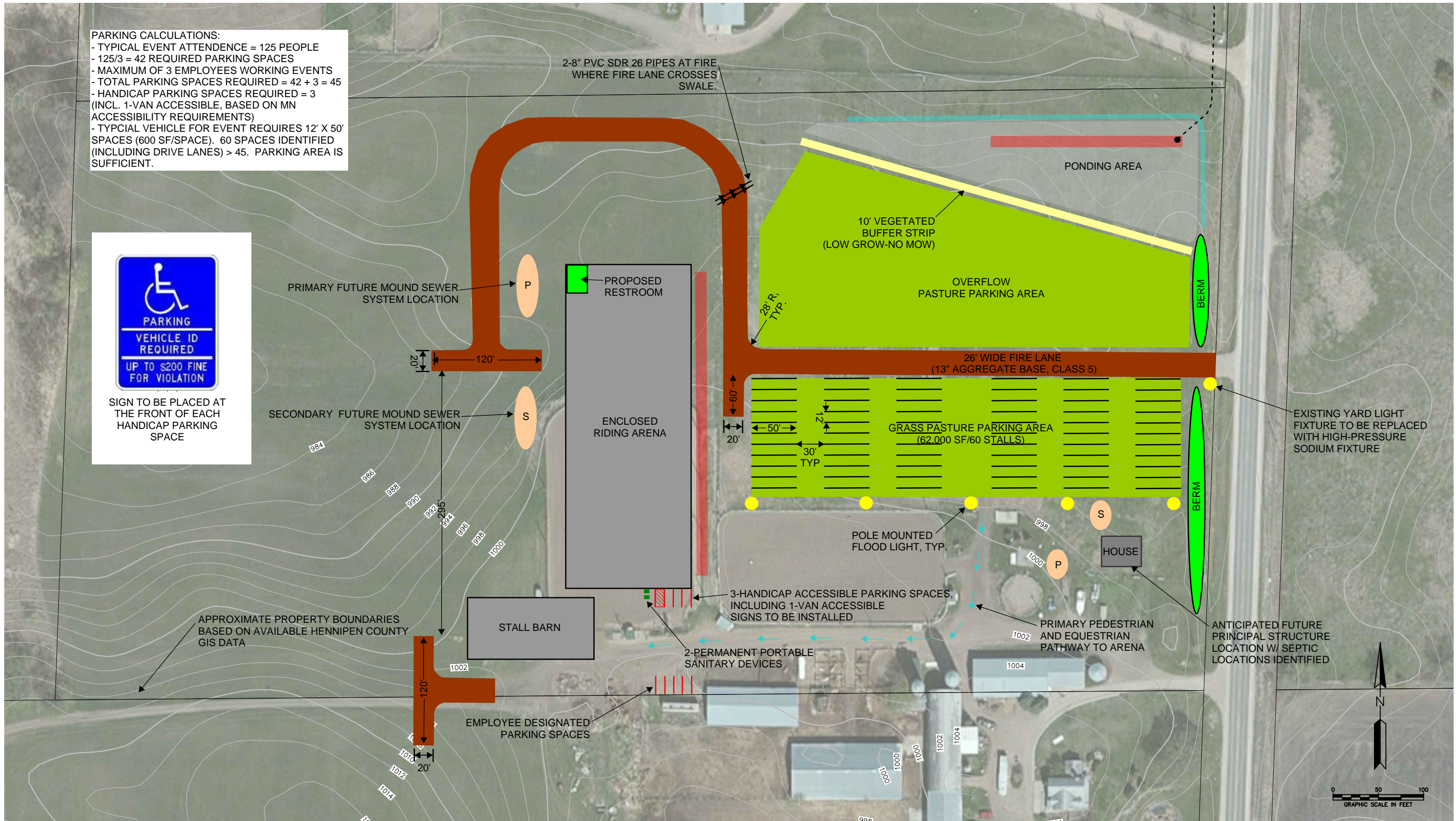


BRANDT ENGINEERING & SURVEYING, LLC 1713 Southcross Drive West, Ste A Burnsville, MN 55306 (952) 435-1966	Boundary Survey for Mike Kuko K98-01-15 SHEET 1 OF 1 SHEETS
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PARKING CALCULATIONS:
 - TYPICAL EVENT ATTENDANCE = 125 PEOPLE
 - $125/3 = 42$ REQUIRED PARKING SPACES
 - MAXIMUM OF 3 EMPLOYEES WORKING EVENTS
 - TOTAL PARKING SPACES REQUIRED = $42 + 3 = 45$
 - HANDICAP PARKING SPACES REQUIRED = 3
 (INCL. 1-VAN ACCESSIBLE, BASED ON MN ACCESSIBILITY REQUIREMENTS)
 - TYPICAL VEHICLE FOR EVENT REQUIRES 12' X 50' SPACES (600 SF/SPACE). 60 SPACES IDENTIFIED (INCLUDING DRIVE LANES) > 45. PARKING AREA IS SUFFICIENT.



2-8" PVC SDR 26 PIPES AT FIRE WHERE FIRE LANE CROSSES SWALE.



Note:
 Existing topographic information provided is based on LIDAR and dimensions provided by the Owner. Existing elevations and grades shall be field verified prior to any work taking place.

#	DESCRIPTION	XXX	XXX	XX/XX/XX
REV	REVISION DESCRIPTION	DWN	APP	REV DATE

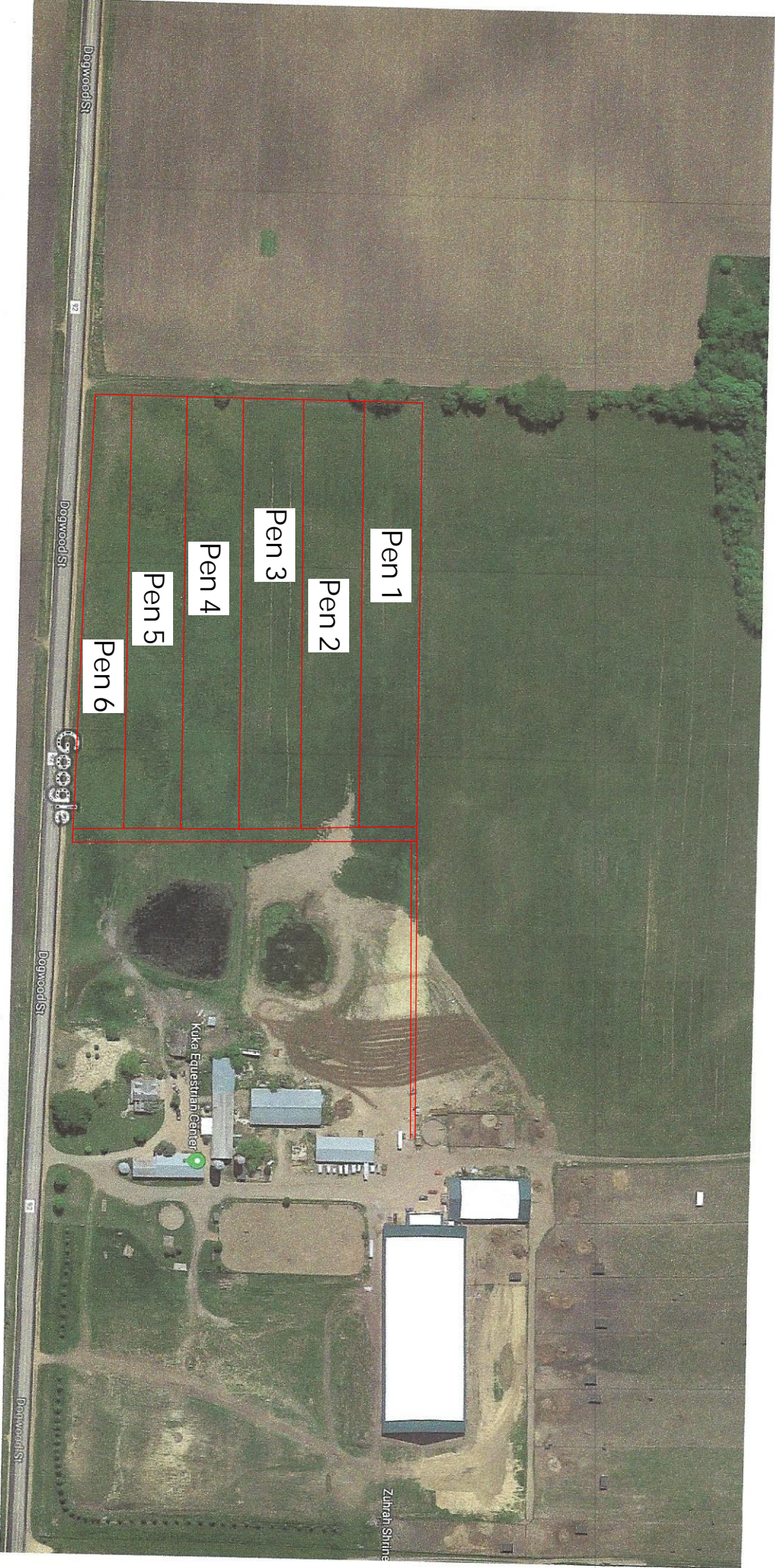
SEAL
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 PRINT NAME: JARED T. WARD
 SIGNATURE: *Jared T. Ward*
 DATE: 01/25/2015 REG. NO.: 48677

PRIME CONSULTANT

 Wenck Associates, Inc. Consulting Engineers
 Web Site: www.wenck.com

PROJECT TITLE
 KUKA SITE IMPROVEMENTS
 SHEET TITLE
 SITE PLAN

DWN BY JTJW	CHK'D JTJW	APP'D JTJW	DWG DATE JAN 2015	SCALE AS NOTED
PROJECT NO. 5199-001	SHEET NO. FIG. 1	REV NO.		



Imagery ©2018 Google, Map data ©2018 Google

100 ft

City of Independence

Request for a Zoning Map Amendment to Amend the Zoning from A-Agriculture to CLI-Commercial/Light Industrial, Site Plan Review and Conditional Use Permit for the Property Located at 2020 County Road 90

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: July 10, 2018
Applicants: Fish and Sons Properties, LLC
Owners: Fish and Sons Properties, LLC
Location: 2020 County Road 90

Request:

Fish and Son Properties (Applicant/Owner) request that the City consider the following action for the property located at 2020 County Road 90 (PID No. 23-118-24-23-0002) in Independence, MN:

- a. Rezoning of the subject property from AG-Agriculture to CLI- Commercial Light Industrial.
- b. Site Plan Review for the proposed commercial use of the property.
- c. Conditional Use Permit to allow boat service and repair on the subject property.

Property/Site Information:

The subject property is located along the east side of County Road 90 just north of US Hwy 12. There is an existing home and two (2) detached accessory structures located on the property. There is an existing wetland that borders the entire east side of the property. After subtracting the portion of the site that is wetland, there is approximately \pm 2.88 acres of upland. The property has the following site characteristics:

Property Information: 2020 County Road 90 (PID No. 23-118-24-23-0002)

Existing Zoning: *A- Agriculture*

Proposed Zoning: *CLI-Commercial-Light Industrial*

Comprehensive Plan: *CLI-Commercial-Light Industrial*

Acreage: *5.7 acres (~2.88 upland)*

Aerial View 2020 County Road 90



Discussion:

The applicants recently purchased the subject property. The existing home is not occupied by the owners and is rented out as a residence. There is an existing conditional use permit on the property that was granted in 1972 and allowed a commercial trucking business to exist on the property. While the existing CUP allows the use of the property for storing and maintaining equipment for a trucking and construction business inside the existing buildings, it does not allow the use of the property for any other purposes. The applicants would like to use the property for uses permitted in the Commercial Light Industrial – CLI zoning district, including the storage and potentially servicing of boats.

REZONING:

The property is currently zoned A-Agriculture and guided by the Comprehensive Plan as Commercial Light Industrial. (see Comprehensive Plan and Zoning Map attached). This property is the only remaining property that lies north of City Hall which is guided for CLI but has not been rezoned.

There are several factors to consider relating to rezoning a property. The City's ordinance has established criteria for consideration in granting a zoning amendment.

520.07. Criteria on zoning amendments. Subdivision 1. The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments.

Subd. 2. Zoning amendments must conform to the Independence city comprehensive plan.

Subd. 3. The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment.

Subd. 4. The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts.

Subd. 5. The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned.

Subd. 6. The zoning amendment application must demonstrate merit beyond the private interests of the property owner.

As it relates to meeting the criteria for granting a zoning map amendment, the following information can be considered:

Subd. 2. The proposed rezoning is consistent with the comprehensive plan.

Subd. 3. As stated in the Comprehensive Plan, rezoning the property will provide the City with additional commercial property which generally serves a broader purpose for attracting and retaining business in the City.

Subd. 4. The property has historically been used as a commercial property. The neighboring properties to the north and south are currently used for commercial purposes. There is a substantial wetland that separates the existing property from the residential properties to the north.

Subd. 5. The property is currently zoned agriculture. The use of property as an agriculture operation is somewhat restricted due to the limited amount of tillable acreage. The city has identified that this property will be better suited for commercial activities.

Subd. 6. The City will need to determine that the rezoning of the property has public merit that reach beyond the interests of the property owner.

The applicants have indicated that they will expand the use of the property if it is rezoned. All future uses will be subject to meeting all applicable standards set forth in the City's zoning ordinance. All new construction or expansion of use will require the applicant to submit a site plan review application. The application will be reviewed by the City and may be forwarded to the Planning Commission and City Council depending on the scope and compliance of the proposed improvements.

There are several other factors that should be noted and considered by the City. The minimum lot size in the CLI district is 2.5 acres. The subject property is a little over 5 acres with approximately 2.8 acres of upland. The minimum lot frontage for properties in the CLI district is 200 LF. The subject property has approximately 222 LF of frontage. There is an existing house on the property. Residential is not a permitted use in the CLI district. The use of the property for residential and the existing house will be "grandfathered in" and become a permitted non-conforming use after the rezoning. The use and structure will be subject to all criteria relating to non-conforming uses. The septic system that serves this home was found to be non-compliant and is in the process of being replaced. The applicant has also been working with the City to provide sewer service to the larger existing accessory structure.

The rezoning from A-Agriculture to CLI-Commercial-Light Industrial does not appear to impact the subject property as it relates to the current lot standards in the City's zoning ordinance. The proposed rezoning does not appear to create a property that is inconsistent with the surrounding properties. Given the historical use of the property and the existing physical separation between this property and any surrounding residential properties, there does not appear to be any substantial adverse effects on the surrounding or subject properties in the after condition as a result of this rezoning. The rezoning of this property would be subject to the City revoking the existing Conditional Use Permit.

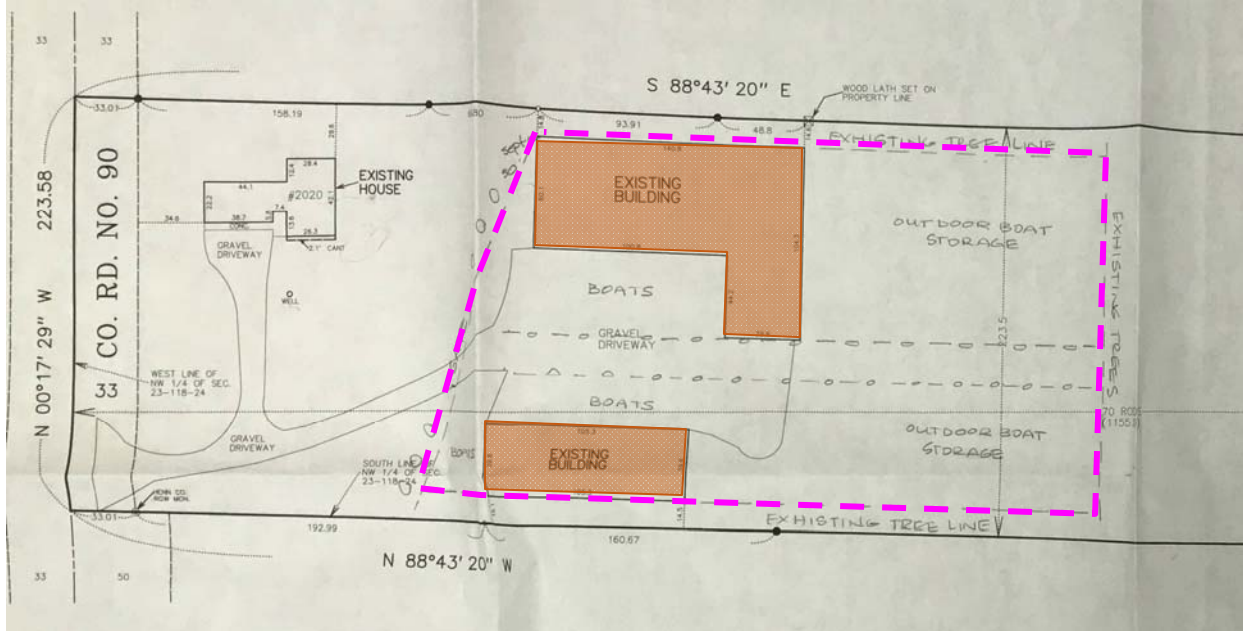
SITE PLAN:

A change in use within the CLI zoning district typically triggers site plan review by the City. The applicant is not proposing to expand any of the existing buildings at this time. The applicant is planning on using the property and buildings for indoor and outdoor boat storage and possibly boat service and repair. Indoor boat storage would be permitted on the property if it meets all applicable requirements. Outdoor boat storage is permitted if properly screened in accordance with applicable standards provided in the zoning ordinance. Boat repair and service is a conditional use within the CLI zoning district as it is similar to automobile service and repair.

Subd. 8. Storage and display. All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, provided that materials stored shall not exceed the height of the fence. Outdoor storage is permitted only in conjunction with a principal building on the same property.

The applicant has prepared a proposed site plan which identifies the location of the existing buildings, driveway, existing house and proposed outdoor storage area. The plan further depicts the location of a proposed opaque fence, landscaping and gate. The applicant has worked with the City to define the outdoor storage areas, as well as to provide screening around the perimeter of the storage areas. There is an existing tree line that surrounds the property that further screens the rear portion of the site.

SITE PLAN



The City has reviewed the plans as they relate to the site plan review standards provided in the zoning ordinance. In addition, the City has criteria for granting a conditional use permit. 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 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.

As it relates to both site plan review and the conditional use permit, the following items should be further considered by the City:

1. The applicant is not proposing to expand or renovate the existing buildings on the property. The existing CUP allows for the commercial use of the larger building for a trucking business.
2. The proposed use of indoor and outdoor boat storage is permitted within the CLI zoning district.
3. The requested CUP for boat service and repair is consistent with other boat storage facilities in the CLI zoning district. The City will require that the portion of the building used for boat service and repair have a concrete floor with requisite waste traps as required by the building code. In addition, the boat service and repair area within the building may need to be separated from other portions of the building in accordance with applicable building codes.
 - a. Staff has reviewed the building codes with the applicant and noted that all uses in the building will need to be reviewed by an architect and given a prescribed occupancy rating. Based on that rating, additional improvements may be required.
 - b. Boat service and repair will need to comply with
4. There is no change proposed to the existing outdoor storage and parking areas. The applicant has already cleaned up a portion of rear storage area remaining from the previous owner.
5. The applicant has provided the City with a structural analysis of the buildings verifying that they can meet current snow loads. This is a basic requirement for being able to use the buildings for commercial uses.

6. No boats will be permitted and or displayed for public sale on any portion of the property.
7. No outdoor storage or parking associated with the commercial use of the property will be permitted outside of the fenced and screened storage areas.
8. Any additional commercial uses will be subject to all applicable ordinance requirements relating to CLI zoned property.
9. The applicant is proposing to screen the street facing side of the property using a combination of fencing and landscaping. The City generally requires screening to be placed at a spacing of 1 tree per 40 linear feet. The applicant is showing 6 evergreen trees which would meet this requirement. The minimum tree size is 6' ht.
10. Fencing and screening will be required to be installed prior to any outdoor storage being permitted on the property.

The City staff has met with the applicant on several occasions to discuss the proposed rezoning, site plan review and conditional use permit for boat service and repair. The rezoning of this property is consistent with the comprehensive plan. The existing residential home on the property will become a legal non-conforming structure once rezoned. This condition previously existed on the property to the north. The residential home was eventually razed. This property has been used as a commercial property since the early 1970's. The use of the property for boat storage is permitted in the CLI zoning district. The applicant is proposing to screen the outdoor storage which will likely be perceived as an improvement to the existing and historic use of the property. Boat service and repair within the existing building is generally consistent with other boat storage and service facilities in the City. In addition, the property to the south has an automobile service and repair business. The City's other design, paving and landscaping standards would apply to new construction or expansion of the existing buildings. The City will need to find that the criteria for granting a conditional use permit have been met by the applicant.

Neighbor Comments:

The City has received a written comment from a commercial property owner located at CSAH 90 and Highway 12. The concern relates to the City requiring the same standards for this building as those imposed on their building relating to the servicing of boats. The City has noted that concrete floors and waste traps will be required for those portions of the buildings where boat service and repair would occur.

Planning Commission Discussion:

Planning Commissioners discussed the application and asked questions of staff and the applicants. Commissioners asked for clarification relating to the rezoning and comprehensive

plan. It was noted that this is the only property remaining north of Highway 12 and east of CSAH 90 that has not been rezoned. Commissioners asked about the surface requirements and existing conditions of the outdoor storage area as shown on the site plan. Staff stated that the area to be used for outdoor storage is currently surfaced with class 5 and that the City would include a condition requiring all outdoor storage areas to be surfaced with a minimum of class 5 base. Commissioners asked for more information relating to the requirements for a service bay within the existing building. It was noted that any portion of the building used for servicing boats would need to meet all applicable building code requirements, have a concrete floor and flammable waste trap. Commissioners discussed the screening of the outdoor storage area. Commissioners noted that the eastern portion of the site can be seen from the residential properties to the northeast during the winter months. Commissioners asked about the height of the fence and the requirements for screening. Planning Commissioners recommended that the City work with the property owners to add some additional evergreen landscaping to the northeast property line. Ultimately Planning Commissioners recommended approval of the request for rezoning, site plan review and a conditional use permit to allow boat servicing.

Recommendation:

The Planning Commission recommended approval to the City Council of the request for a zoning map amendment, site plan review and a conditional use permit to allow boat service and repair. Should the City Council approve the application, the following findings and conditions should be included.

1. The proposed rezoning, site plan review and conditional use permit meet all applicable criteria stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The proposed land use and zoning will be in conformance with the City of Independence Comprehensive Plan and the City of Independence Zoning Ordinance.
3. The Conditional Use Permit shall have the following conditions:
 - a) There can be no change to the existing outdoor storage and parking area limits or surfacing outside of routine maintenance.
 - b) No boats will be permitted and or displayed for public sale on any portion of the property.
 - c) No outdoor storage or parking associated with the commercial use of the property will be permitted outside of the fenced and screened storage areas.
 - d) No boat servicing shall occur outside of the designated and approved service bays wholly within the existing building. Any portion of the building used for servicing

boats will need to meet all applicable building code requirements, make building permit application and receive a certificate of occupancy verifying all applicable building codes have been satisfied, have a concrete floor and flammable waste trap.

- e) Any additional commercial uses will be subject to all applicable ordinance requirements relating to CLI zoned property.
 - f) The applicant shall be required to install the proposed landscape screening in accordance with the approved landscape plan attached hereto as **EXHIBIT B**. The City requires screening to be placed at a spacing of 1 tree per 40 linear feet. The minimum tree size is 6' ht. or 2" cal.
 - g) Fencing and screening will be required to be installed in accordance with the proposed site plan prior to any outdoor storage being permitted on the property (see attached Exhibit B).
4. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
 5. The City will revoke the existing Conditional Use Permits pertaining to the subject property.
 6. The Applicant shall pay for all costs associated with the City's review of the requested actions.
 7. **RESOLUTION 18-0710-03** shall be recorded against the property.

Attachments:

1. **ORDINANCE 2018-02**
2. **RESOLUTION 18-0710-03**
3. Property Pictures
4. Application
5. Comprehensive Plan
6. Zoning Map
7. Original CUP
8. Site Plan
9. Landscape Plan

Attachment #1

2020 County Road 90 (looking north)



2020 County Road 90 (looking east)





ORDINANCE NO. 2018-02

**AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE
ZONING CODE, INCLUDING ZONING MAPS**

THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:

Section 1. The City of Independence Zoning Code be amended to rezone 5.77 acres of property, 2020 County Road 90 (PID No. No. 23-118-24-23-0002), from A-Agriculture to CLI-Commercial-Light Industrial and legally described as follows:

All that part of the South 223.5 feet of the West 70 rods of the Northwest Quarter of Section 23, Township 118, Range 24 lying South of Pioneer Creek, according to the United States Government Survey thereof, Hennepin County, Minnesota.

Section 2. The City Administrator is hereby directed to amend the City of Independence Zoning Ordinance, including Zoning Maps, 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 10th day of July 2018.

Marvin D. Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION NO. 18-0710-03

RESOLUTION APPROVING SITE PLAN REVIEW AND CONDITIONAL USE PERMIT TO ALLOW THE COMMERCIAL USE OF THE SUBJECT PROPERTY AND BOAT SERVICING TO OCCUR ON THE PROEPRTY LOCATED AT 2020 COUNTY ROAD 90

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

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

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

WHEREAS, Fish and Son Properties (Applicant/Owner) request that the City consider site plan review and a conditional use permit to allow the commercial use and boat servicing for the property located at 2020 County Road 90 (PID No. 23-118-24-23-0002) (the “Property”); and

WHEREAS, the Property is zoned Commercial Light Industrial – CLI; and

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

WHEREAS the requested Site Plan Review and Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for property zoned Commercial Light Industrial - CLI; and

WHEREAS the Planning Commission held a public hearing on June 19, 2018 to review the application for Site Plan Review and Variance, following mailed and published noticed as required by law; and

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

now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Fish and Son Properties and grants Site Plan Review and a Conditional Use Permit for the subject property in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Site Plan approval and Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.09, Procedures for Conditional Use Permits, in the City of Independence Zoning Ordinance.
2. The proposed rezoning, site plan review and conditional use permit meet all applicable criteria stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
3. The proposed land use and zoning will be in conformance with the City of Independence Comprehensive Plan and the City of Independence Zoning Ordinance.
4. The Conditional Use Permit shall have the following conditions:
 - a) The conditional use permit shall be reviewed annually by the City.
 - b) There can be no change to the existing outdoor storage and parking area limits or surfacing outside of routine maintenance.
 - c) No boats will be permitted and or displayed for public sale on any portion of the property.
 - d) No outdoor storage or parking associated with the commercial use of the property will be permitted outside of the fenced and screened storage areas.
 - e) No boat servicing shall occur outside of the designated and approved service bays wholly within the existing building. Any portion of the building used for servicing boats will need to meet all applicable building code requirements, make building permit application and receive a certificate of occupancy verifying all applicable building codes have been satisfied, have a concrete floor and flammable waste trap.
 - f) Any additional commercial uses will be subject to all applicable ordinance requirements relating to CLI zoned property.
 - g) The applicant shall be required to install the proposed landscape screening in accordance with the approved landscape plan attached hereto as **EXHIBIT B**. The City requires screening to be placed at a spacing of 1 tree per 40 linear feet. The minimum tree size is 6' ht. or 2" cal.
 - h) Fencing and screening will be required to be installed in accordance with the proposed site plan, attached hereto as **EXHIBIT B**, prior to any outdoor storage being permitted on the property

5. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
6. The City will revoke the existing Conditional Use Permits on the subject property.
7. The Applicant shall pay for all costs associated with the City's review of the requested actions.
8. **RESOLUTION 18-0710-03** shall be recorded against the property.

This resolution was adopted by the city council of the City of Independence on this 10th day of July 2018, by a vote of ___ ayes and ___ nays.

ATTEST:

Marvin Johnson, Mayor

Mark Kaltsas, City Administrator

City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others—all applications are viewed on a case-by-case basis.

- Appeal
- Comprehensive Plan Amendment
- Concept Plan
- Conditional Use Permit
 - Residential
 - Commercial/Light Industrial
 - Telecommunications
 - Agriculture
 - Home Occupation
 - Non-Conforming Use
 - Guest/Bunk House
 - Institutional
 - CUP Amendment
- Extension Request
- Final Plat
- Interim Use Permit
- Lot Consolidation
- Minor Subdivision (Survey)
 - Lot Subdivision
 - Lot Combination
 - Lot Line Rearrangement
- Moving Buildings
- Preliminary Plat
- Rezoning
- Site Plan Review (Commercial)
- Vacation
- Variance
 - Subdivision Regulations
 - Zoning
 - Road Frontage
- Zoning Text Amendment

*Please check all that apply

Request: STORAGE & SERVICE
REZONE AG TO COMMERCIAL
SITE PLAN REVIEW
COND. USE PERMIT FOR SERVICE

Site Address or Property Identification Number(s):
2020 COUNTY ROAD 90
INDEPENDENCE

NOTE: Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request. *To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/Administrator at least one week prior to submittal.* Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

Office Use Only	
<u>\$ 5750⁰⁰</u>	<u>5-16-2018</u> Date
Application Amount	<u>#6013</u> Application Check =
Escrow Paid	Escrow Check #
<u>5/16/2018</u> Date Accepted by Planner	Accepted By
<u>[Signature]</u> City Planner	

*****Note: All parties with a fee interest in the real estate must sign this application before the City will review for consideration!**

Applicant Information:

Name: SAME

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Signature: _____

Owner Information (if different than applicant)

Name: FISH & SON PROPERTIES

Address: 70 FLORENCE DR

City, State, Zip: TONKA BAY MN 55331

Phone: 612-296-5751

Email: stevelynnefisher@msn.com

Signature: Lynne Fisher

Checklist: Please review the checklist that goes with the request(s) as all materials in the checklist unless waived by the City.

Review Deadline and Timeline: All applications must be received by the deadline according to the schedule attached hereto. Failure to submit by the date shown will result in a delay in the scheduling of the application review by Planning Commission and City Council.

Application for Planning Consideration Fee Statement

The City of Independence has set forth a fee schedule for the year 2014 by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are shown at the bottom of this form. By signing this form, the applicant recognizes that he/she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

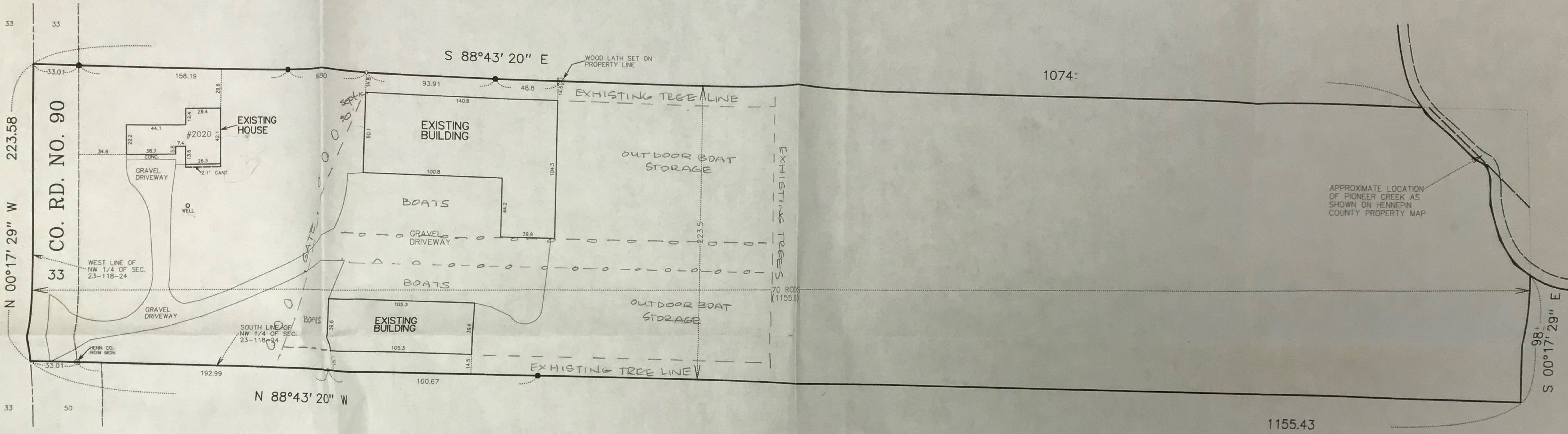
Applicant Signature: Lynne M. Fisher

Date: _____

Owner Signature (if different): _____

Date: _____

CERTIFICATE OF SURVEY FOR
FISH & SON PROPERTIES LLC
 IN THE NW 1/4 OF SEC. 23-118-24
 HENNEPIN COUNTY, MINNESOTA



--- 6' HIGH PLASTIC FENCE
 O O O SHRUBS/PINETREES
 -o-o- FIRELANE - NO PKG

LEGAL DESCRIPTION OF PREMISES :

All that part of the South 223.5 feet of the West 70 rods of the Northwest Quarter of Section 23, Township 118, Range 24 lying South of Pioneer Creek, according to the United States Government Survey thereof, Hennepin County, Minnesota.

- : Denotes iron marker set
- : Denotes iron marker found

Bearings shown are based upon Hennepin County coordinates.

This survey intends to show the boundaries of the above described property, and the location of three existing buildings and driveway thereon. It does not purport to show any other improvements or encroachments.



City of Independence

Final Plat for a 17 Lot Subdivision to be Kown as Hamilton Century Farms and
Located on the Property at 385 County Road 110 N.

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 10, 2018
<i>Applicant:</i>	Marilyn Hamilton
<i>Owner:</i>	Hamilton Bros Inc.
<i>Location:</i>	385 County Road 110 N

Request:

Hamilton Bros. Inc. (Applicant/Owner) requests that the City consider the following actions for the property located at 385 County Road 110 N (PID No. 35-118-24-41-0001) in Independence, MN:

- a. Final Plat to allow the subdivision of the property consistent with the approved Preliminary Plat.

Property/Site Information:

The property is located on the west side of County Road 110 N and just south of the Luce Line Trail. There is an existing home and several accessory buildings located on the property. The property is comprised of densely wooded areas, wetlands and tillable acreage.

Property Information: 385 County Road 110 N

Zoning: *Rural Residential*

Comprehensive Plan: *Rural Residential*

Acreage: ~ 106 acres

Subject Property Aerial



Discussion:

The City approved the rezoning and preliminary plat for the proposed subdivision in April, 2018. The applicant is now asking the City to consider final plat for the 17-lot subdivision of the subject property. The applicant has finalized the wetland delineation as well as prepared final storm water, grading, street and utility plans for the proposed subdivision. The final plat is consistent with the preliminary plat and is considered a formality to ensure that all proper securities and agreements are completed.

Since the approval of the preliminary plat, the following items should be noted as a part of the City's consideration of the application:

1. The applicant revised the plan based on the Planning Commission's recommendation to remove the road connection to the southern property. Hamilton Hills road has been shortened to improve grading and provide a better storm water solution along the southern property line.
2. The applicant has finalized the wetland delineation and confirmed that there was not a delineated wetland across Lots 5 and 6.
3. The City Council approved the preliminary plat based on the notion that Hamilton Bros., Inc. will retain ownership of the Outlots.
4. The applicant worked with Hennepin County pertaining to the access into this property. Hennepin County has now approved the application for access to the County Road. The County is going to require a south bound right turn lane into the development. No north bound left turn lane is warranted at this time and will not be required as a part of this development.
5. The City has completed a full review of the proposed final plat and has been working with the applicant to make all necessary corrections. The City has prepared a development agreement for approval by the City Council.
6. Storm water management has been reviewed by the City and several revisions have been asked of the applicant. Minnehaha Creek Watershed District has reviewed the Final Plat application and is still working with the applicant to resolve several conditions. The City will incorporate any outstanding issues into the final plat conditions of approval.
7. In addition to requiring the long-term maintenance of the storm water conveyance system by the homeowner's association (HOA), the City will establish a storm sewer improvement tax district for this development. The City is permitted to establish a storm sewer improvement tax district to acquire, construct, reconstruct, extend, maintain and otherwise improve storm sewer systems and related facilities within the District and to levy a tax on all taxable property within the District to finance such activities. The district boundary would directly correspond with the extents of this development and would provide the City with the ability to maintain the system in the future if the HOA is no longer solvent. The City can establish this district by ordinance following a public hearing on the matter. The ordinance has been prepared for formal adoption following the requisite public hearing to be held at the Council Meeting.

Park Dedication

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

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

The park dedication fee requirement for this development is anticipated to be \$56,000 (16 lots x \$3,500)

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for Final Plat approval. Should the Planning Commission recommend approval of the Final Plat, the following findings and conditions should be included:

1. The proposed Final Plat meets all applicable conditions and restrictions stated Chapter V, Planning and Land Use Regulations and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Final Plat shall be subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development, as requested in the City's review letter dated March 9, 2018.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall address all comments and applicable requirements pertaining to the water resources and as outlined in the water resources review letters from Hakanson Anderson Associates, dated March 6, 2018 and June 15, 2018.
 - d. The Applicant shall address all comments and applicable requirements made in the City Engineer's review letters dated, March 8 and June 15, 2018 (MSA).
 - e. The Applicant shall comply with all applicable regulations and conditions prescribed by Minnehaha Creek Watershed District and receive all applicable approvals.
 - f. The Applicant shall comply with all applicable regulations and conditions prescribed by Hennepin County and receive all applicable approvals.
 - g. The Applicant shall enter into a development agreement with the City for this development.
 - h. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - i. The Applicant shall consent to the establishment of the storm sewer improvement tax district.
 - j. The Applicant shall enter into a storm water maintenance agreement pertaining to the required storm water ponds to be located on the property.
 - k. The Applicant shall provide the City with copies of the HOA agreement and covenants.
 - l. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.

3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.
4. The Applicant shall pay for all costs associated with the City's review of the Final Plat.
5. The Applicant shall record the Final Plat within ninety (90) days of the City Council approval of the Final Plat.

Attachments:

1. **RESOLUTION 18-0710-04**
2. **ORDINANCE 2018-03**
3. Development Agreement
4. Property Pictures
5. Application
6. Site Survey
7. Final Plat
8. Final Construction Plans

View Looking West



View Looking South



RESOLUTION NO. 18-0710-04

A RESOLUTION APPROVING THE FINAL PLAT
FOR A RESIDENTIAL DEVELOPMENT TO BE KNOWN AS
HAMILTON CENTURY FARM SUBMITTED BY
HAMILTON BROS. INC.

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, Hamilton Bros. Inc. (the “Applicant”) submitted a final plat for the property located at 385 County Road 110 N. (PID No. 35-118-24-41-0001) (the “Property”); and

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

WHEREAS, the property is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the Property is zoned Rural Residential; and

WHEREAS, the preliminary plat was approved by the City on April 17, 2018; and

WHEREAS the final plat is found to be consistent with the approved preliminary plat and meets all requirements, standards and specifications of the City of Independence zoning and subdivision ordinances for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on June 19, 2018 to review the application for final plat following mailed and published noticed as required by law; and

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

now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Hamilton Bros, Inc. for final plat for a residential development of the HAMILTON CENTURY FARM subdivision per the City's subdivision and zoning regulations with the following conditions:

1. The proposed Final Plat meets all applicable conditions and restrictions stated Chapter V, Planning and Land Use Regulations and Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. City Council approval of the Final Plat shall be subject to the following:
 - a. The Applicant shall address all comments and applicable requirements pertaining to the development, as requested in the City's review letter dated March 9, 2018.
 - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
 - c. The Applicant shall address all comments and applicable requirements pertaining to the water resources and as outlined in the water resources review letters from Hakanson Anderson Associates, dated March 6, 2018 and June 15, 2018.
 - d. The Applicant shall address all comments and applicable requirements made in the City Engineer's review letters dated, March 8 and June 15, 2018 (MSA).
 - e. The Applicant shall comply with all applicable regulations and conditions prescribed by Minnehaha Creek Watershed District and receive all applicable approvals.
 - f. The Applicant shall comply with all applicable regulations and conditions prescribed by Hennepin County and receive all applicable approvals.
 - g. The Applicant shall enter into a development agreement with the City for this development.
 - h. The Applicant shall provide a letter of credit as established by the development agreement for all public improvements associated with this development.
 - i. The Applicant shall consent to the establishment of the storm sewer improvement tax district.
 - j. The Applicant shall provide the City with copies of the HOA agreement and covenants.
 - k. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in accordance with the terms defined in the Development Agreement.

4. The Applicant shall pay for all costs associated with the City's review of the Final Plat.
5. The Applicant shall record the Final Plat within ninety (90) days of the City Council approval of the Final Plat.

This resolution was adopted by the city council of the City of Independence on this 10th day of July 2018 by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



ORDINANCE NO. 2018-03

**AN ORDINANCE ESTABLISHING THE HAMILTON CENTURY FARM
STORM SEWER IMPROVEMENT TAX DISTRICT**

THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:

Section I. Background: Findings.

1.01. The City is authorized by Minnesota Statutes, Sections 444.16 – 444.21 (the “Act”) to establish a storm sewer improvement tax district (the “District”) to acquire, construct, reconstruct, extend, maintain and otherwise improve storm sewer systems and related facilities within the District in accordance with the Act and to levy a tax on all taxable property within the District to finance such activities.

1.02. It is found and determined that it is in the best interests of Independence and its storm water management program that the District be established for the property being developed as Hamilton Century Farm. The District shall be comprised of the following land within Independence legally described as follows:

The North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter in Section 35, Township 118, Range 24, Hennepin County, Minnesota, except that part of said Southeast Quarter of the Southeast Quarter lying South of Painter Creek.

And to be platted as Hamilton Century Farm, Hennepin County, Minnesota.

Section II. Establishment: Authorizations.

2.01. The Hamilton Century Farm Storm Sewer Improvement Tax District is established. The city shall have all powers and authority conferred by the Act in the operation and financing of the activities of the District.

2.02. The boundaries of the District are as described above.

2.03. The City Administrator is authorized and directed to file a certified copy of the ordinance with the Hennepin County Auditor, the Office of the Hennepin County Recorder.

Section III. This ordinance shall become effective upon its adoption and publication and shall be recorded with the Hennepin County Auditor, Registrar of Titles and Recorder.

Adopted by the City Council of the city of Independence this 10th day of July 2018.

Marvin Johnson, Mayor

Attest:

Mark Kaltsas, City Administrator

DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF INDEPENDENCE
AND
HAMILTON BROS., INC.
FOR
HAMILTON CENTURY FARM

This document drafted by:

Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300 (RJV)

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SIGNATURES 12-13

- EXHIBIT A LEGAL DESCRIPTION OF PROPERTY
- EXHIBIT B LIST OF PLAN DOCUMENTS
- EXHIBIT C FORM OF STORMWATER MAINTENANCE AGREEMENT
- EXHIBIT D SUBDIVISION IMPROVEMENT COST ESTIMATE

This Development Agreement (the “Agreement”) is made and entered into this ___ day of _____, 2018, by and between the city of Independence, a municipal corporation under the laws of Minnesota (the “City”), and Hamilton Bros., Inc., a Minnesota corporation (the “Developer”).

WITNESSETH:

WHEREAS, the Developer is the fee owner of land located at 385 County Road No. 110 North, which land is legally described on Exhibit A attached hereto (the “Property”); and

WHEREAS, in April, 2018, the City Council approved the re-zoning of the Property to Rural Residential (RR) and the preliminary plat of Hamilton Century Farm (the “Subdivision”); and

WHEREAS, the above-described City approvals are collectively referred to hereinafter as the “City Approvals”; and

WHEREAS, the final approval of the plat of Hamilton Century Farm is contingent upon the Developer entering into a development agreement satisfactory to the City, which development agreement will be recorded against the Property.

NOW, THEREFORE, based on the mutual covenants and obligations contained herein, the parties agree as follows:

1. Right to Proceed. The Property is approximately 106 acres and the Subdivision consists of seventeen (17) single family residential lots and several outlots. This Agreement is intended to regulate the development of the Property and the construction therein of certain public and private improvements. The Developer may not construct public or private improvements or any buildings within the Subdivision until all the following conditions precedent have been satisfied:

- a) the final plat of Hamilton Century Farm has been filed with Hennepin County;
- b) this Agreement has been executed by the Developer and the City;
- c) the required Improvement Deposit and escrow amount (as hereinafter defined) have been received by the City from or on behalf of the Developer;
- d) final engineering and construction plans in digital form have been submitted by the Developer and approved by the city engineer;
- e) the Developer has paid the City for all legal, engineering and administrative expenses incurred by the City regarding the City Approvals and has given the City the additional construction inspection escrow required by this Agreement;
- f) the Developer has responded to all comments in the memoranda from Hakanson Anderson dated March 6 and June 15, 2018, and from MSA Professionals dated March 8 and June 15, 2018, and such responses have been approved in writing by the city administrator;
- g) the Developer has obtained written approval from the Minnehaha Creek Watershed District and provided evidence of such approval to the City;

- h) the Developer has provided evidence of lawful establishment of a homeowners association;
- i) the Developer has executed the stormwater maintenance agreement in the form attached hereto as Exhibit C;
- j) the Developer has paid the park dedication fee required by section 13 of this Agreement;
- k) the Developer or the Developer's engineer has initiated and attended a preconstruction meeting with the City engineer and staff; and

Upon completion or satisfaction of the foregoing conditions precedent, the Developer shall notify the City and, upon confirmation of completion, the City shall provide written notice that the Developer may proceed.

2. Plans; Improvements. a) The Developer agrees to develop the Property in accordance with the City Approvals, and to construct all improvements in accordance with the approved engineering and construction plans (collectively, the "Plans"). All terms and conditions of the City Approvals are hereby incorporated by reference into this Agreement. The documents which constitute the Plans are those on file with and approved by the City and are listed on Exhibit B attached hereto. The Plans may not be modified by the Developer without the prior written approval of the City.

b) In developing the Subdivision in accordance with the Plans, the Developer shall make or install at its sole expense the following public and private improvements (collectively, the "Subdivision Improvements"):

- 1. streets;
- 2. stormwater facilities; and
- 3. street lighting and signage.

c) All work performed by or on behalf of the Developer related to construction of the Subdivision Improvements shall be restricted to the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday, and 8:00 a.m. through 4:00 p.m. on Saturday. Construction on homes within the Subdivision shall be restricted to the hours of 7:00 a.m. through 6:00 p.m., Monday through Friday and 8:00 a.m. through 4:00 p.m. on Saturday and Sunday.

3. Erosion Control. a) All construction regarding the Subdivision Improvements shall be conducted in a manner designed to control erosion and in compliance with all City ordinances and other requirements, including the City's permit with the Minnesota Pollution Control Agency regarding municipal separate storm sewer system program dated June 30, 2014. Before any portion of the Subdivision is rough graded, an erosion control plan shall be implemented by the Developer as approved by the City. The City may impose reasonable, additional erosion control requirements after the City's initial approval, if the City deems such necessary due to a change in conditions. All areas disturbed by the excavation shall be reseeded promptly after the completion of the work in that area unless construction of streets or utilities, buildings or other improvements is anticipated immediately thereafter. Except as otherwise provided in the erosion control plan, seed shall provide a temporary ground cover as rapidly as

possible. All seeded areas shall be mulched, and disc anchored as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion.

b) If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems reasonably appropriate to control erosion based on the urgency of the situation. The City agrees to provide reasonable notice to the Developer in advance of any proposed action, including notice by telephone or email in the case of emergencies, but limited notice by the City when conditions so dictate will not affect the Developer's obligations or the City's rights hereunder.

c) The Developer agrees to reimburse the City for all expenses it incurs in connection with any action it takes to control erosion. No grading or construction of the Subdivision Improvements will be allowed and no building permits will be issued within the Subdivision unless the Developer is in full compliance with the erosion control requirements. The erosion control measures specified in the Plans or otherwise required within the Subdivision shall be binding on the Developer and its successors and assigns.

4. Site Grading; Haul Routes. a) In order to construct the Subdivision Improvements and otherwise prepare the Property for development, it will be necessary for the Developer to grade the Subdivision and adjacent property. All grading must be done in compliance with this Agreement, the Plans and with all requirements of the Minnesota Pollution Control Agency regarding contaminated soils. The City may withhold issuance of a building permit for the Subdivision until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City. Within 30 days after completion of the grading, the Developer shall provide the City with an "as constructed" grading plan and a certification by a registered land surveyor or engineer.

b) The Developer agrees that any fill material which must be brought to or removed from the Subdivision while grading the site or during construction of the Subdivision Improvements or any buildings located within the Subdivision will be transported using the haul routes established by the City. For purposes of this provision, the City designates CSAH 110 as the haul route.

5. Construction of Subdivision Improvements. a) All Subdivision Improvements shall be installed in accordance with the Plans, the City Approvals, the City's subdivision regulations, the City's engineering standards for utility construction (as hereinafter defined) and the requirements of the City engineer as indicated in the comments from MSA Professionals. The Developer shall submit plans and specifications for the Subdivision Improvements prepared by a registered professional engineer. The Developer shall obtain any necessary permits from the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, the Minnesota Department of Health, the Metropolitan Council, the Minnehaha Creek Watershed District and any other agency having jurisdiction over the Subdivision before proceeding with construction. The City shall inspect all work regarding the Subdivision Improvements at the Developer's expense. The Developer, its contractors and subcontractors, shall follow all instructions received from the City's inspectors. Prior to beginning construction of any element of the Subdivision Improvements, the Developer or the Developer's engineer shall schedule a

preconstruction meeting with all parties concerned, including the City staff and engineers, to review the program for the construction work. Within 45 days after the completion of the Subdivision Improvements, the Developer shall supply the City with a complete set of reproducible “as constructed” plans and three complete sets of paper “as constructed” plans, each prepared in accordance with City standards and also electronic versions of said plans in AutoCADD and shapefile formats based on Hennepin County coordinates. Iron monuments must be installed in accordance with state law. The Developer’s surveyor shall submit a written notice to the City certifying that the monuments have been installed. All Subdivision Improvements required by this Agreement shall be completed by no later than December 15, 2018, except as specifically noted otherwise in this Agreement.

b) The Developer agrees to require its contractor to provide to the City a warranty bond against defects in labor and materials for all elements of the Subdivision Improvements for a period of two years from the date of their acceptance by the City. During such period, the Developer agrees to repair or replace any Subdivision Improvement, or any portion or element thereof, which shows signs of failure, normal wear and tear excepted. A decision regarding whether a Subdivision Improvement shows signs of failure shall be made by the City in the exercise of its reasonable judgment. If the Developer fails to repair or replace a defective Subdivision Improvement during the warranty period, the City may repair or replace the defective portion and may use the Improvement Deposit (as hereinafter defined) to reimburse itself for such costs. The Developer agrees to reimburse the City fully for the cost of all Subdivision Improvement repair or replacement if the cost thereof exceeds the remaining amount of the Improvement Deposit. Such reimbursement must be made within 45 days of the date upon which the City notifies the Developer of the cost due under this paragraph. The Developer hereby agrees to permit the City to specially assess any unreimbursed costs against any lots in the Subdivision which have not been sold to home buyers if the Developer fails to make required payments to the City. The Developer, on behalf of itself and its successors and assigns, acknowledges the benefit to the lots within the Subdivision of the repair or replacement of the Subdivision Improvements and hereby consents to such assessment and waives the right to a hearing or notice of hearing or any appeal thereon under Minnesota Statutes, Chapter 429.

c) No building permit shall be issued for structures within the Subdivision until adequate street access is available to the lot in question. If, for any reason, building permits are issued prior to the completion and acceptance of all Subdivision Improvements serving any lot, the final wear course of bituminous excepted, the Developer assumes all liability and costs resulting in delays in completion of the Subdivision Improvements and damage to the Subdivision Improvements caused by the City, the Developer, its contractors, subcontractors, materialmen, employees, agents, or third parties. No temporary or permanent certificate of occupancy shall be issued for any structure within the Subdivision until all streets, except for the final wear course of bituminous, have been completed.

6. Street. a) The Developer agrees to construct the street within the Subdivision in accordance with City specifications and the Plans. The City’s street specifications are contained in the most recent edition of its engineering standards (the “Engineering Standards”), which is hereby incorporated into this Agreement by reference. If there is a conflict between the Plans and the Engineering Standards, the Engineering Standards shall prevail except when an alternative has

been explicitly approved in writing by the City. Following completion of the street and inspection thereof by the City engineer, the City agrees to accept the street for maintenance if they are deemed by the City to have been constructed according to City specifications, including the Engineering Standards and the Plans. Removal of snow and ice from the street within the Subdivision shall remain the responsibility of the Developer until the City accepts the street for maintenance.

b) The streets shall be completed by no later than the date for completion of all Subdivision Improvements except that the final wear course of bituminous shall not be completed until after _____ new homes in the Subdivision have been completed. Notwithstanding the above, the City reserves the right to require installation of the wear course regardless of the number of homes completed whenever, at its sole discretion, it deems that to be in the public interest. After notice by the City, the Developer will have 90 days to install the wear course, which period may be extended to 180 days in recognition of seasonal weather conditions and the availability of bituminous. The Developer shall also repair or replace all broken or failing curbs and sidewalks at the time of installation of the final wear course of bituminous.

c) In order to allow the Developer to grade and to construct the streets and the related improvements, the City hereby agrees to grant to the Developer a temporary easement for purposes of street and utility installation over, under and across the Subdivision rights-of-way. The easement will commence upon filing of the plat of Hamilton Century Farm with Hennepin County and shall terminate upon completion and acceptance by the City of the work described herein regarding road and utility construction within the Subdivision.

7. Stormwater Improvements. a) The Developer agrees to complete all elements of the on-site stormwater facilities, including but not limited to ponds, infiltration basins and accompanying structures, in accordance with the Plans and in compliance with all City requirements regarding such improvements. The stormwater facilities serving the Subdivision will remain private and will be maintained by the Developer at its sole expense until taken over by the homeowners association established by Developer. The City does not intend to accept the stormwater facilities as public and does not intend to maintain them. In order to meet the requirements of the Minnehaha Creek Watershed District, the Developer agrees to enter into a Stormwater Maintenance Agreement with the City in the form attached hereto as Exhibit C. The purpose of the Stormwater Maintenance Agreement is to ensure that the Developer and ultimately the homeowners association maintain the stormwater facilities within the Subdivision and to give the City the right but not the obligation to do so if the Developer fails in its obligations. The Stormwater Maintenance Agreement will be recorded against the Property and will run with the land. The Developer acknowledges that i) the on-site storm water improvements will not be accepted by the City; ii) the City does not plan to maintain or pay for maintenance, repair or replacement of the storm sewer improvements and that the Developer and ultimately the lot owners will have primary responsibility for such work; iii) the City has the right but not the obligation to perform necessary work upon the failure or refusal by the Developer or the lot owners to do so; and iv) if the City performs any work on the storm water improvements, the City intends to recover its costs through one of the means available to it, including the right to specially assess the cost of such work against all of the lots within the Subdivision.

b) The parties anticipate that the Developer will make the homeowners association or lot owners responsible for the maintenance, repair or replacement of the storm water improvements as needed and that the lot owners documents recorded with Hennepin County shall so require. The Developer agrees to inform purchasers of lots within the Subdivision that i) the City does not plan to maintain or pay for maintenance, repair or replacement of the storm water improvements and that the lot owners will have primarily responsibility for such work; ii) the City has the right but not the obligation to perform necessary work upon the failure or refusal by the lot owners to do so; and iii) if the City performs any work on the storm water improvements, the City intends to recover the cost of such work against the lots within the Subdivision through one of the means available to it, including the right to specially assess the cost of the work against all the lots within the Subdivision.

c) The Developer acknowledges that the City has established a storm sewer improvement tax district which includes all of the Property. The district was established pursuant to Minnesota Statutes, sections 444.16 to 444.21 and authorizes the City to acquire, construct, reconstruct, extend, maintain, and otherwise improve storm sewer systems and related improvements within the Property if such work becomes necessary in the opinion of the City. In recognition of this possibility, the Developer agrees to provide prospective lot purchasers with a disclosure statement regarding the existence of the storm sewer improvement tax district and the fact that a tax could be imposed on the lots within the Subdivision if the City is required to repair or maintain the storm sewer systems and related improvements. The wording of the disclosure statement must be approved by the City for use in connection with the sale of lots in the Subdivision prior to its distribution or use by the Developer or to the marketing of any of the lots.

8. Street Lighting and Signs. The Developer agrees to install street lighting and street signs within the Subdivision. Prior to the issuance of any building permits, the Developer shall submit lighting details to the City for review and approval by city staff. All lighting shall meet City standards. Street lighting shall include lighting fixtures approved by the City and shall be equipped with luminaries which allow no light more than five percent above the horizontal plane. Street signs shall be of a design approved by the City and shall be dedicated by the Developer to the City after installation and acceptance by the City. The Developer shall pay for the cost of the street lighting and street signs. If the Developer installs street lighting fixtures consistent with the City's standard fixtures, the City will maintain the fixtures thereafter. Street signs requiring repair or replacement will be replaced by the City with the City's standard form of street sign.

9. Improvement Deposit. a) In order to ensure completion of the Subdivision Improvements required under this Agreement, repair of any roads damaged by the Developer or its contractors or subcontractors and satisfaction of all fees due to the City, the Developer agrees to deliver to the City prior to beginning any construction or work within the Subdivision, _____ and 00/100 Dollars (\$ _____) (the "Improvement Deposit"), which represents 150 percent of the estimated cost of the Subdivision Improvements as specified in the Plans. The Improvement Deposit amount represents the maximum risk exposure for the City, based on the anticipated sequence of construction and the estimate of cost of each element of the Subdivision Improvements, rather than the aggregate cost of all required Subdivision Improvements. The City shall deposit the Improvement Deposit in a

City account with a bank of its choosing. The City shall be the sole accountholder and have sole rights to access and control the funds within the account. The estimated cost of the work covered by the Improvement Deposit is itemized on Exhibit D attached hereto. Upon 10 days' written notice to Developer, the City may draw upon the Improvement Deposit, in whole or part, in order to complete construction of any or all of the Subdivision Improvements and other specified work within the Subdivision, to repair any damaged roads and to pay any fees or costs due to the City by the Developer.

b) The City agrees to return a portion of the Improvement Deposit, in an amount to be determined solely by the City, upon substantial completion of any significant portion of the covered Subdivision Improvements, delivery of the required warranty bond to the City, and satisfaction of all of the Developer's financial obligations to the City. The Improvement Deposit may also be used as security for additional elements of the Subdivision Improvements. Prior to releasing any portion of the Improvement Deposit, the City shall first be satisfied regarding the quality and completeness of the work and that the Developer has taken such steps as may be necessary to ensure that no liens will attach to the land within the Subdivision. The remaining balance of the Improvement Deposit shall be released in full and returned to the Developer following installation of the final wear course of bituminous on the streets and after satisfaction of all the Developer's financial obligations to the City under this Agreement.

c) It is the intention of the parties that the City at all times have available to it an Improvement Deposit in an amount adequate to ensure completion of all elements of the Subdivision Improvements and other obligations of the Developer under this Agreement, including fees or costs due to the City by the Developer. To that end and notwithstanding anything herein to the contrary, all requests by the Developer for a reduction or release of the Improvement Deposit shall be evaluated by the City in light of that principle.

10. Park Dedication Requirements. The Developer agrees to pay a cash-in-lieu park dedication fee of Fifty Five Thousand One Hundred Twenty-five and 00/100 Dollars (\$55,125.00) for the Subdivision.

11. Responsibility for Costs; Deposit for Construction Inspection. a) The Developer agrees to pay to the City an administrative fee in the amount necessary to reimburse the City for its reasonable costs and expenses in reviewing the final plat of Hamilton Century Farm and the drafting and negotiation of this Agreement. The Developer agrees to reimburse the City in full for such reasonable costs within 45 days after notice in writing by the City. The Developer agrees to reimburse the City for the reasonable cost incurred in the enforcement of any provision of this Agreement, including reasonable engineering and attorneys' fees.

b) The Developer shall also pay a fee for City construction observation and administration relating to construction of the Subdivision Improvements. Construction observation shall include inspection of all the Subdivision Improvements. In order to reimburse the City for the administrative fee and the reasonable cost of inspection of the Subdivision Improvements, the Developer shall deposit an additional \$ _____ with the City, which shall receive and hold such funds solely under the terms of this Agreement. The City shall reimburse itself for expenses from the deposit and will provide the Developer with a copy of any invoice

from the City engineer or evidence of other cost or expense prior to deducting such funds from the deposit. If any funds held exceed the amount necessary to reimburse the City for its costs under this paragraph, such funds shall be returned to Developer without interest. If it appears that the actual costs incurred will exceed the estimate, Developer and City shall review the costs required to complete the project and the Developer shall deposit additional sums with the City.

12. Developer's Default. In the event of default by the Developer as to construction or repair of any of the Subdivision Improvements or any other work or undertaking required by this Agreement, the City may, at its option, perform the work and the Developer shall promptly reimburse the City for any expense incurred by the City. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek an order from any court for permission to enter the Subdivision for such purposes. If the City does any such work, the City may, in addition to its other remedies, levy special assessments against the land within the Subdivision to recover the costs thereof. For this purpose, the Developer, for itself and its successors and assigns, expressly waives any and all procedural and substantive objections to the special assessments, including but not limited to, hearing requirements and any claim that the assessments exceed the benefit to the land so assessed. The Developer, for itself and its successors and assigns, also waives any appeal rights otherwise available pursuant to Minnesota Statutes, section 429.081.

13. Insurance. The Developer agrees to take out and maintain or cause to be taken out and maintained until six months after the City has accepted the Subdivision Improvements, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of Developer's work or the work of its contractors or subcontractors. Liability limits shall not be less than \$500,000 when the claim is one for death by wrongful act or omission or for any other claim and \$1,500,000 for any number of claims arising out of a single occurrence. The City shall be named as an additional insured on the policy. The certificate of insurance shall provide that the City must be given the same advance written notice of the cancellation of the insurance as is afforded to the Developer.

14. Floodplain Regulations. No structures, including fences and accessory structures, may be constructed within the Subdivision below the regulatory flood protection elevation. The Developer must comply with the requirements of the City with regard to flood protection.

15. No Building Permits Approved; Certificates of Occupancy. a) The City Approvals do not include approval of a building permit for any structures within the Subdivision. The Developer must submit and the City must approve building plans prior to an application for a building permit for a structure on any lot within the Subdivision. The Developer or the parties applying for the building permits shall be responsible for payment of the customary fees associated with the building permits and other deferred fees as specified in this Agreement.

b) No certificate of occupancy shall be issued for any home constructed in the Subdivision unless prior thereto the lot has been graded, the driveway has been installed, the sump pump is discharging in an approved location, the septic system and water well are in proper working order and an as built survey of the lot has been submitted and approved by the City. In cases in which seasonal weather conditions make compliance with these conditions

impossible, the City may accept an escrow of sufficient amount to ensure completion of the work during the following construction season.

16. Clean up and Dust Control. The Developer shall daily clean dirt and debris from streets adjoining the Subdivision resulting from construction work by the Developer, its contractors, agents or assigns. Prior to any construction within the Subdivision, the Developer shall identify to the City in writing a responsible party for erosion control, street cleaning, and street sweeping. The Developer shall provide dust control to the satisfaction of the City's engineer throughout construction within the Subdivision.

17. Compliance with Laws. The Developer agrees to comply with all laws, ordinances, regulations and directives of the state of Minnesota and the City applicable to the Subdivision. This Agreement shall be construed according to the laws of Minnesota. Breach of the terms of this Agreement by the Developer shall be grounds for denial of building permits for the Subdivision.

18. Agreement Runs With the Land. This Agreement shall run with the Property and shall be recorded against the title thereto and shall bind and inure to the benefit of the City and the Developer and their successors and assigns. The Developer's successor in title may be responsible for obligations under this Agreement as required by the City. The Developer warrants that there are no unrecorded encumbrances or interests relating to the Property. The Developer agrees to indemnify and hold the City harmless for any breach of the foregoing covenants.

19. Indemnification. The Developer hereby agrees to indemnify and hold the City and its officers, employees, and agents harmless from claims made by it and third parties for damages sustained or costs incurred resulting from approval of the final plat of Hamilton Century Farm and the other City Approvals. The Developer hereby agrees to indemnify and hold the City and its officers, employees, and agents harmless for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees, except matters involving acts of gross negligence by the City.

20. Assignment. The Developer may not assign this Agreement or its rights or obligations hereunder without the prior written permission of the City, which consent shall not be unreasonably withheld, conditioned or denied.

21. Notices. Any notice or correspondence to be given under this Agreement shall be deemed to be given if delivered personally or sent by United States certified or registered mail, postage prepaid, return receipt requested:

- a) as to Developer: Hamilton Brothers, Inc.
1050 County Road 83
Independence, MN 55359

b) as to City: City of Independence
1920 County Road 90
Independence, MN 55359-9448
Attn: City Administrator

with a copy to: Robert Vose
Kennedy & Graven
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

or at such other address as any party may from time to time notify the others in writing in accordance with this paragraph. The Developer shall notify the City if there is any change in its name or address.

22. Severability. In the event that any provision of this Agreement shall be held invalid, illegal or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other provision of this Agreement.

23. Non-waiver. Each right, power or remedy conferred upon the City by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the City at law or in equity, or under any other agreement. Each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

24. Counterparts. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original and shall constitute one and the same Agreement.

[The remainder of this page intentionally blank]

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed on the day and year first above written.

CITY OF INDEPENDENCE

By: _____
Marvin Johnson, Mayor

By: _____
Mark Kaltsas
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by Marvin Johnson and Mark Kaltsas, the Mayor and City Administrator, respectively, of the city of Independence, a Minnesota municipal corporation, on behalf of the municipal corporation.

Notary Public

**DEVELOPER
HAMILTON BROS., INC.**

By: _____

Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018,
by _____, the _____, on behalf of
Hamilton Bros., Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public

**EXHIBIT A TO
DEVELOPMENT AGREEMENT**

Legal Description of the Property

The land subject to this Development Agreement is located in Hennepin County, Minnesota and is legally described as follows:

[Insert Legal Description]

The North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter in Section 35, Township 118, Range 24, Hennepin County, Minnesota, except that part of said Southeast Quarter of the Southeast Quarter lying South of Painter Creek.

**EXHIBIT B TO
DEVELOPMENT AGREEMENT**

List of Plan Documents

The following documents prepared by _____ collectively constitute the Plans:

Sheet	Title	Revision Date
	Title Sheet	
	Final Street Plan	
	Final Storm Sewer Plan	
	Final Grading Plan	
	Final Erosion Control Plan	
	Drainage Map	

**EXHIBIT C TO
DEVELOPMENT AGREEMENT**

**FORM OF
STORMWATER MAINTENANCE AGREEMENT**

THIS AGREEMENT is made and entered into as of the ____ day of _____, 2018, by and between the city of Independence, a Minnesota municipal corporation (the “City”), and Hamilton Bros., Inc., a Minnesota corporation (the “Developer”).

WITNESSETH:

WHEREAS, the Developer owns certain real property located in Hennepin County, Minnesota, legally described on Exhibit A attached hereto (the “Property”); and

WHEREAS, the Developer has granted to the City conservation, drainage and utility easements over portions of the Property through a conservation easement and dedication on the plat of Hamilton Century Farm; and

WHEREAS, those portions of the Property subject to the conservation, drainage and utility easements are hereinafter collectively referred to as the “Easement Areas”; and

WHEREAS, the Developer intends to construct within the Easement Areas certain stormwater facilities (the “Stormwater Improvements”) for the benefit of the Property; and

WHEREAS, by a separate development agreement (the “Development Agreement”), the City and the Developer have entered into an agreement for the construction and maintenance of the Stormwater Improvements; and

WHEREAS, the Minnehaha Creek Watershed District requires permanent provisions for handling of storm runoff, including terms and conditions for operation and maintenance of all Stormwater Improvements, and requires such provisions to be set forth in an agreement to be recorded against the Property; and

WHEREAS, the City and the Developer intend to comply with certain conditions, including entering into a maintenance agreement regarding the Stormwater Improvements;

NOW, THEREFORE, in consideration of mutual covenants of the parties set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Maintenance of the Stormwater Improvements. The Developer and its successors or assigns as fee owners of the Property shall be responsible for maintaining the Stormwater Improvements and for observing all drainage laws governing the operation and maintenance of the Stormwater Improvements. The Developer shall provide the City with a schedule acceptable to the City for the periodic inspection of the Stormwater Improvements by the Developer. The

Developer shall make all such scheduled inspections, keep record of all inspections and maintenance activities, and submit such records annually to the City. The cost of all inspections and maintenance, including skimming and cleaning of the Stormwater Improvements, shall be the obligation of the Developer and its successors or assigns as the fee owner of the Property.

2. City's Maintenance Rights. The City may maintain the Stormwater Improvements, as provided in this paragraph, if the City reasonably believes that the Developer or its successors or assigns has failed to maintain the Stormwater Improvements in accordance with applicable drainage laws and other requirements and such failure continues for 30 days after the City gives the Developer written notice of such failure or, if such tasks cannot be completed within 30 days, after such time period as may be reasonably required to complete the required tasks provided that Developer is making a good faith effort to complete said task. The City's notice shall specifically state which maintenance tasks are to be performed. If Developer does not complete the maintenance tasks within the required time period after such notice is given by the City, the City shall have the right to enter upon the Easement Area to perform such maintenance tasks. In such case, the City shall send an invoice of its reasonable maintenance costs to the Developer or its successors or assigns, which shall include all reasonable staff time, engineering and legal and other reasonable costs and expenses incurred by the City. If the Developer or its assigns fails to reimburse the City for its costs and expenses in maintaining the Stormwater Improvements within 30 days of receipt of an invoice for such costs, the City shall have the right to assess the full cost thereof against the Property. The Developer, on behalf of itself and its successor and assigns, acknowledges that the maintenance work performed by the City regarding the Stormwater Improvements benefits the Property in an amount which exceeds the assessment and hereby waives any right to hearing or notice and the right to appeal the assessments otherwise provided by Minnesota Statutes, Chapter 429. Notwithstanding the foregoing, in the event of an emergency, as determined by the city engineer, the 30-day notice requirement to the Developer for failure to perform maintenance tasks shall be and hereby is waived in its entirety by the Developer, and the Developer shall reimburse the City and be subject to assessment for any expense so incurred by the City in the same manner as if written notice as described above has been given.

3. Hold Harmless. The Developer hereby agrees to defend, indemnify and hold harmless the City and its agents and employees against any and all claims, demands, losses, damages, and expenses (including reasonable attorneys' fees) arising out of or resulting from the Developer's, or the Developer's agents' or employees' negligent or intentional acts, or any violation of any safety law, regulation or code in the performance of this Agreement, without regard to any inspection or review made or not made by the City, its agents or employees or failure by the City, its agents or employees to take any other prudent precautions. In the event the City, upon the failure of the Developer to comply with any conditions of this Agreement, performs said conditions pursuant to its authority in this Agreement, the Developer shall indemnify and hold harmless the City, its employees, agents and representatives for its own negligent acts in the performance of the Developer's required work under this Agreement, but this indemnification shall not extend to intentional or grossly negligent acts of the City, its employees, agents and representatives.

4. Costs of Enforcement. The Developer agrees to reimburse the City for all costs

prudently incurred by the City in the enforcement of this Agreement, or any portion thereof, including court costs and reasonable attorneys' fees.

5. Rights Not Exclusive. No right of the City under this Agreement shall be deemed to be exclusive and the City shall retain all rights and powers it may have under Minnesota Statutes, sections 444.16 to 444.21 to acquire, construct, reconstruct, extend, maintain and otherwise improve the Stormwater Improvements.

6. Notice. All notices required under this Agreement shall either be personally delivered or be sent by United States certified or registered mail, postage prepaid, and addressed as follows:

a) as to Developer: Hamilton Bros., Inc.

b) as to City: City of Independence
1920 County Road 90
Independence, MN 55359-9448
Attn: City Administrator

with a copy to: Robert Vose
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

or at such other address as any party may from time to time notify the others in writing in accordance with this paragraph.

7. Successors. All duties and obligations of Developer under this Agreement shall also be duties and obligations of Developer's successors and assigns. The terms and conditions of this Agreement shall run with the Property.

8. Effective Date. This Agreement shall be binding and effective as of the date first written above.

9. Governing Law. This Agreement shall be construed under the laws of Minnesota.

**DEVELOPER
HAMILTON BROS., INC.**

By: _____

Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018,
by _____, the _____, on behalf of
Hamilton Bros., Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public

CITY OF INDEPENDENCE

By: _____
Marvin Johnson, Mayor

By: _____
Mark Kaltsas
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by Marvin Johnson and Mark Kaltsas, the Mayor and the City Administrator, respectively, of the city of Independence, a Minnesota municipal corporation, on behalf of the municipal corporation.

Notary Public

This instrument drafted by:

Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

**EXHIBIT A TO
STORMWATER MAINTENANCE AGREEMENT**

The land subject to this Stormwater Maintenance Agreement is located in Hennepin County, Minnesota and is legally described as follows:

[Insert Legal Description]

**EXHIBIT D TO
DEVELOPMENT AGREEMENT**

Subdivision Improvement Cost Estimate

[To be inserted]

City of Independence

The Independence City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. The land use application review is the mechanism that allows the city to examine proposed uses to ensure compatibility with the surrounding environment, natural or otherwise. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others—all applications are viewed on a case-by-case basis.

Request: Final Plat

Final Plat Application for
Hamilton Century Farm
Development

Site Address or Property Identification Number(s):

385 COR D 110 - 35-118 - 24-41-0001

NOTE: Minnesota State Statute 15.99 requires local governments to review an application within 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request. **To ensure an expedited review, applicants shall schedule a pre-application meeting with the City Planner/Administrator at least one week prior to submittal.** Most applications have a review period of 60 days, with the City's ability to extend an additional 60 days if necessary due to insufficient information or schedule.

<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Comprehensive Plan Amendment
<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	Conditional Use Permit
	___ Residential
	___ Commercial/Light Industrial
	___ Telecommunications
	___ Agriculture
	___ Home Occupation
	___ Non-Conforming Use
	___ Guest/Bunk House
	___ Institutional
	___ CUP Amendment
<input type="checkbox"/>	Extension Request
<input checked="" type="checkbox"/>	Final Plat
<input type="checkbox"/>	Interim Use Permit
<input type="checkbox"/>	Lot Consolidation
<input type="checkbox"/>	Minor Subdivision (Survey)
	___ Lot Subdivision
	___ Lot Combination
	___ Lot Line Rearrangement
<input type="checkbox"/>	Moving Buildings
<input type="checkbox"/>	Preliminary Plat
<input type="checkbox"/>	Rezoning
<input type="checkbox"/>	Site Plan Review (Commercial)
<input type="checkbox"/>	Vacation
<input type="checkbox"/>	Variance
	___ Subdivision Regulations
	___ Zoning
	___ Road Frontage
<input type="checkbox"/>	Zoning Text Amendment
	** Please check all that apply

Office Use Only	
Received By (Staff Initials) _____	_____
160 lots x 250.00 = 40,000.00	
\$ 7,250.00	_____
1,250.00	Date _____
Application Amount	Application Check # _____
1,500.00	
Deposit Paid	Deposit Check # _____
TOTAL \$ 7,250.00	
Date Accepted by Planner _____	
City Planner _____	

***Note: All parties with a fee interest in the real estate must sign this application before the City will review for consideration!

Applicant Information:

Owner Information (if different than applicant)

Name: Hamilton Brothers
Address: 1050 Co RD 83
City, State, Zip: Independence, MA 05359
Phone: 763-479-2292
Email: marham2@frontier.com
Signature: Marilyn Hamilton

Name: _____
Address: 385 County Road 110
City, State, Zip: _____
Phone: _____
Email: _____
Signature: _____

Review Deadline and Timeline: All applications must be received by the deadline according to the schedule provided. Failure to submit by the date shown will result in a delay in the scheduling of the application review by the Planning Commission and City Council.

Application for Planning Consideration Fee Statement

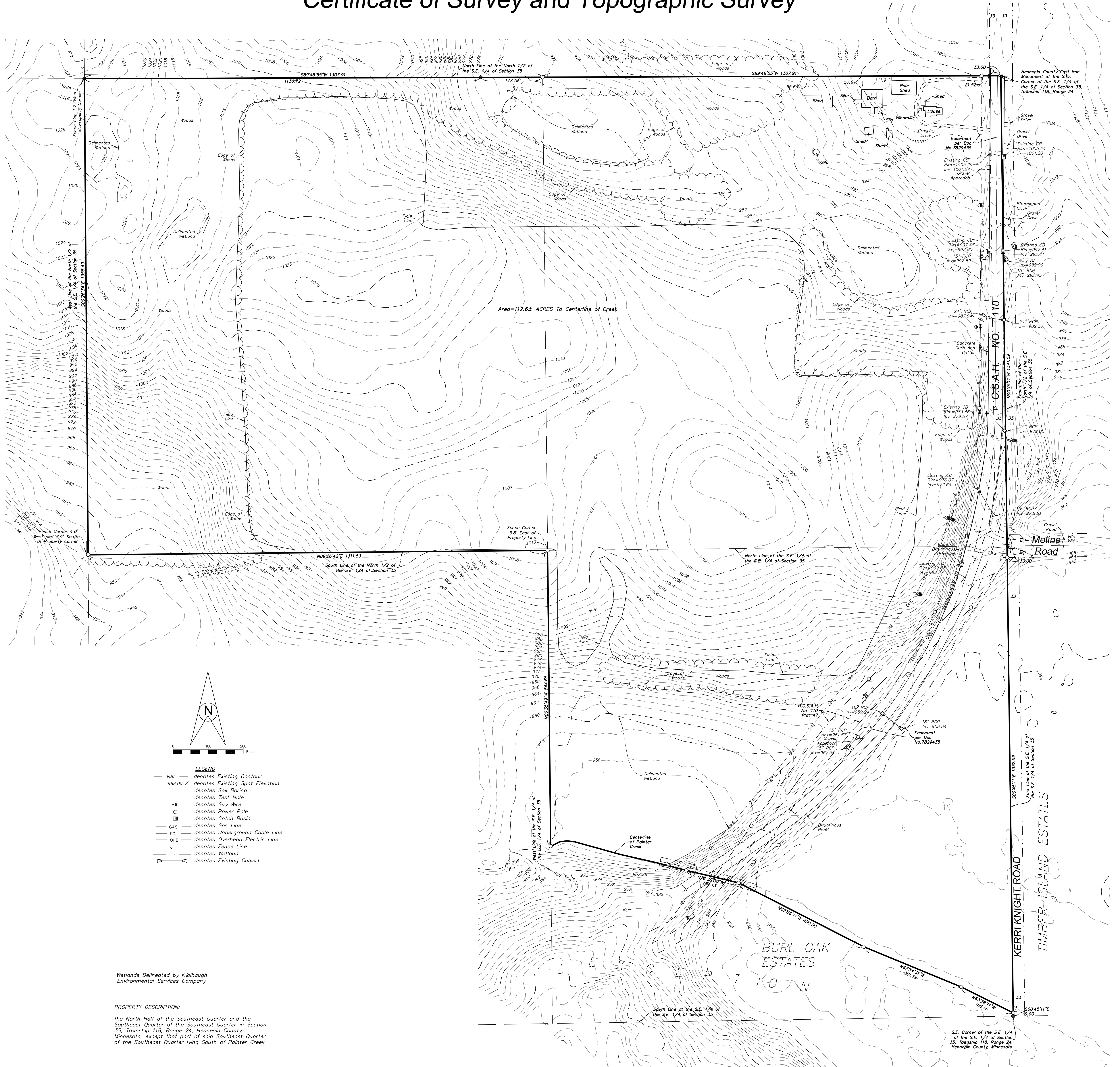
The City of Independence has set forth a fee schedule by City Ordinance. However, projects of large scope that include two or more requests will be required to provide a larger deposit than the resolution sets forth as set by the City Administrator. The fees collected for land use projects are collected as deposits. All invoices associated with each land employ application will be billed to the applicant within 30 days upon receipt by the City for each project. The City of Independence often utilizes consulting firms to assist in the review of projects. The consultant and City rates are included in the fee schedule. By signing this form, the applicant recognizes that he/she is solely responsible for any and all fees associated with the land use application from the plan review stage to the construction monitoring stage through to the release of any financial guarantee for an approved project. If a project is denied by the City Council or withdrawn by the applicant, the fees associated for the project until such denial or withdrawal, remain the applicant's responsibility.

I UNDERSTAND THE FEE STATEMENT AND RESPONSIBILITIES ASSOCIATED WITH THIS LAND USE APPLICATION:

Applicant Signature: Marilyn Hamilton
Date: 5-15-2018

Owner Signature (if different): _____
Date: _____

Certificate of Survey and Topographic Survey



LEGEND

- 988 — denotes Existing Contour
- 988.00 x denotes Existing Spot Elevation
- denotes Soil Boring
- denotes Test Hole
- denotes Guy Wire
- denotes Power Pole
- denotes Catch Basin
- GAS — denotes Gas Line
- FO — denotes Underground Cable Line
- OHE — denotes Overhead Electric Line
- X — denotes Fence Line
- denotes Wetland
- denotes Existing Culvert

Wetlands Delineated by Kjolhaug Environmental Services Company

PROPERTY DESCRIPTION:
 The North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter in Section 35, Township 118, Range 24, Hennepin County, Minnesota, except that part of said Southeast Quarter of the Southeast Quarter lying South of Painter Creek.

Certificate of Survey and Topographic Survey on the North 1/2 of the S.E. 1/4 and Part of the S.E. 1/4 of the S.E. 1/4 of Section 35, Township 118, Range 24, Hennepin County, Minnesota		I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.		Requested By: Don Hamilton		www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522	
Revised: Paul E. Otto License #40062 Date: 2-12-18	Date: 1-9-18	Drawn By: S.O.S.	Scale: 1"=100'	Checked By: P.E.O.	ENGINEERS & LAND SURVEYORS, INC.		denotes iron monument found denotes 1/2 inch by 1/4 inch iron pipe set and marked by License #40062 denotes P.K. nail set
						Project No. 16-0121	

HAMILTON CENTURY FARM

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Hamilton Bros., Inc., a Minnesota corporation, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

The North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter in Section 35, Township 118, Range 24, Hennepin County, Minnesota, except that part of said Southeast Quarter of the Southeast Quarter lying South of Painter Creek.

Has caused the same to be surveyed and platted as HAMILTON CENTURY FARM and do hereby dedicate to the public for public use the public ways and drainage and utility easements as created by this plat.

In witness whereof said Hamilton Bros., Inc., a Minnesota corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

HAMILTON BROS., INC.

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____ by _____ of Hamilton Bros., Inc., a Minnesota corporation, on behalf of the corporation.

(Notary Signature)

(Notary Printed Name)

Notary Public, _____ County, Minnesota

I, Paul E. Otto, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Paul E. Otto, Licensed Land Surveyor
Minnesota License Number 40062

STATE OF MINNESOTA
COUNTY OF WRIGHT

This instrument was acknowledged before me on this _____ day of _____, 20____, by Paul E. Otto.

(Notary Signature)

(Notary Printed Name)

Notary Public, _____ County, Minnesota

My commission expires _____

CITY COUNCIL, CITY OF INDEPENDENCE, MINNESOTA

This plat of HAMILTON CENTURY FARM was approved and accepted by the City Council of Brooklyn Park, Minnesota, at a regular meeting thereof held this _____ day of _____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minn. Statutes, Section 505.03, Subd. 2.

City Council of Independence, Minnesota

By _____ Mayor By _____ Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20____.

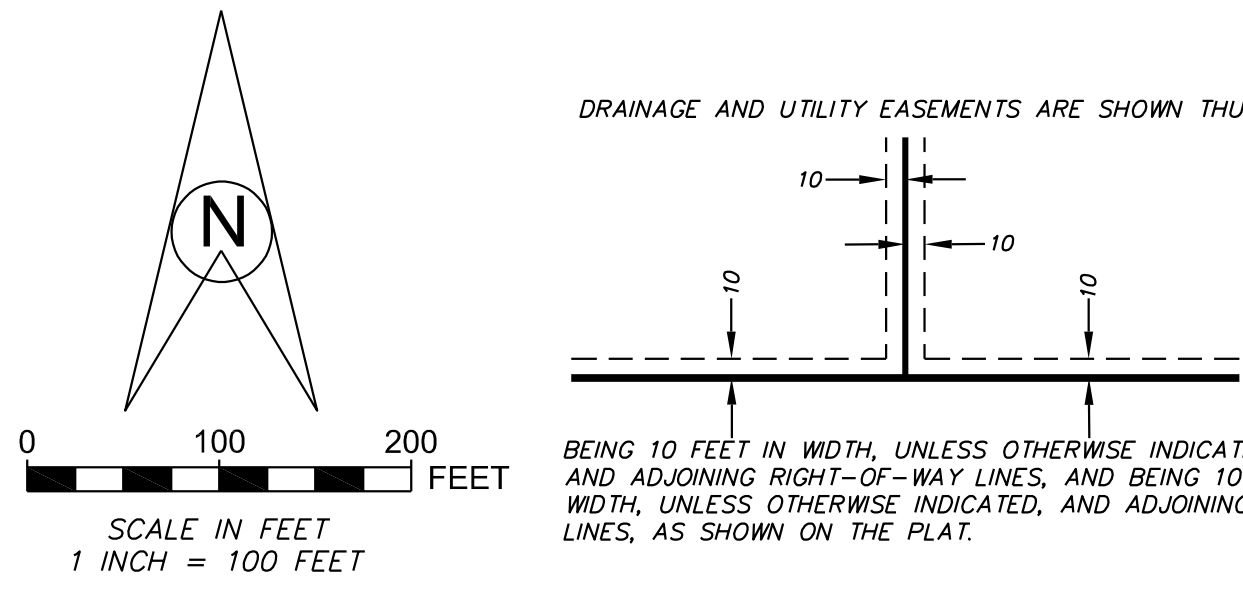
Mark V. Chapin, County Auditor by _____ Deputy

SURVEY DIVISION, Hennepin County, Minnesota
Pursuant to MN. STAT. Sec. 383B.565 (1969), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, County Surveyor by _____

COUNTY RECORDER, Hennepin County, Minnesota
I hereby certify that the within plat of HAMILTON CENTURY FARM was recorded in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

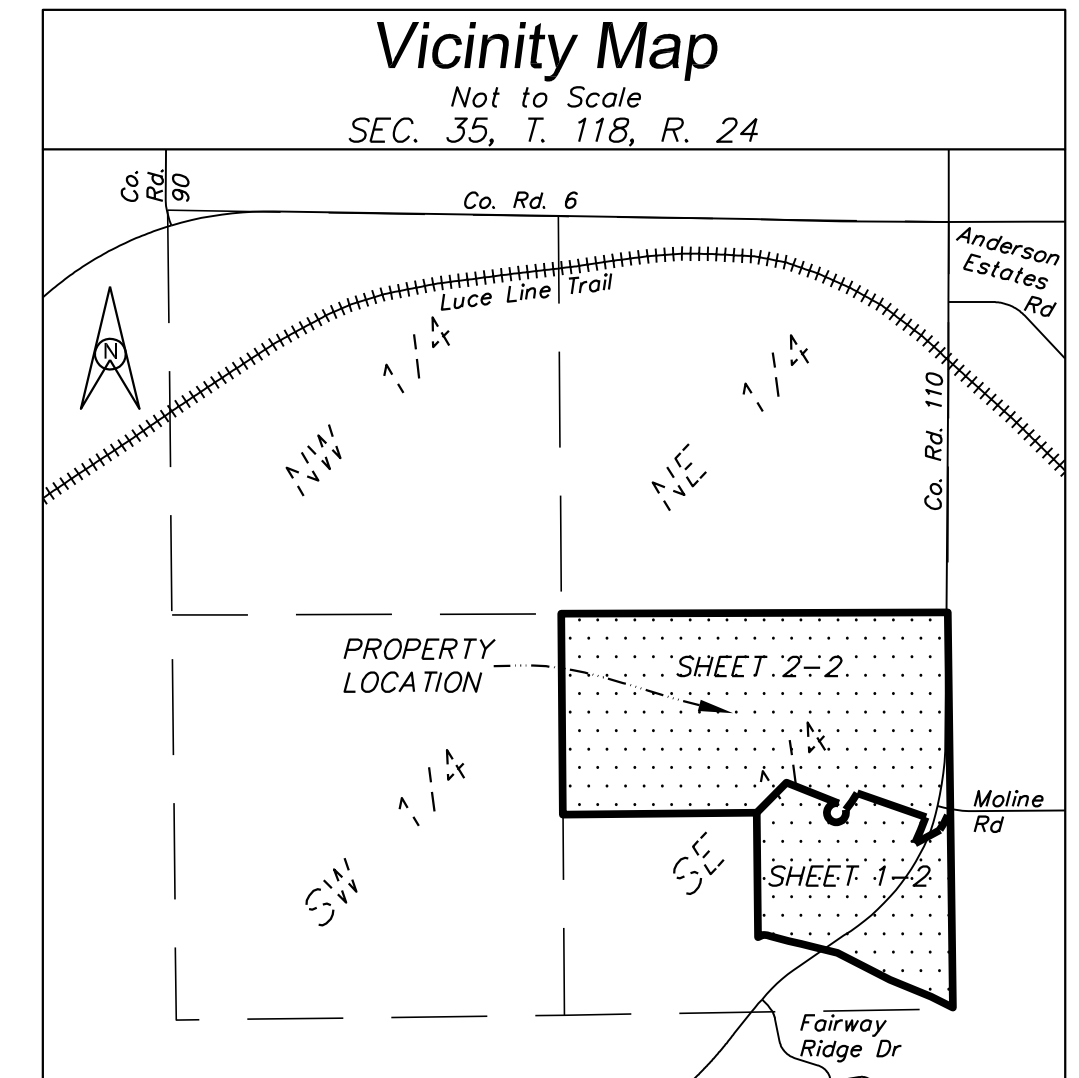
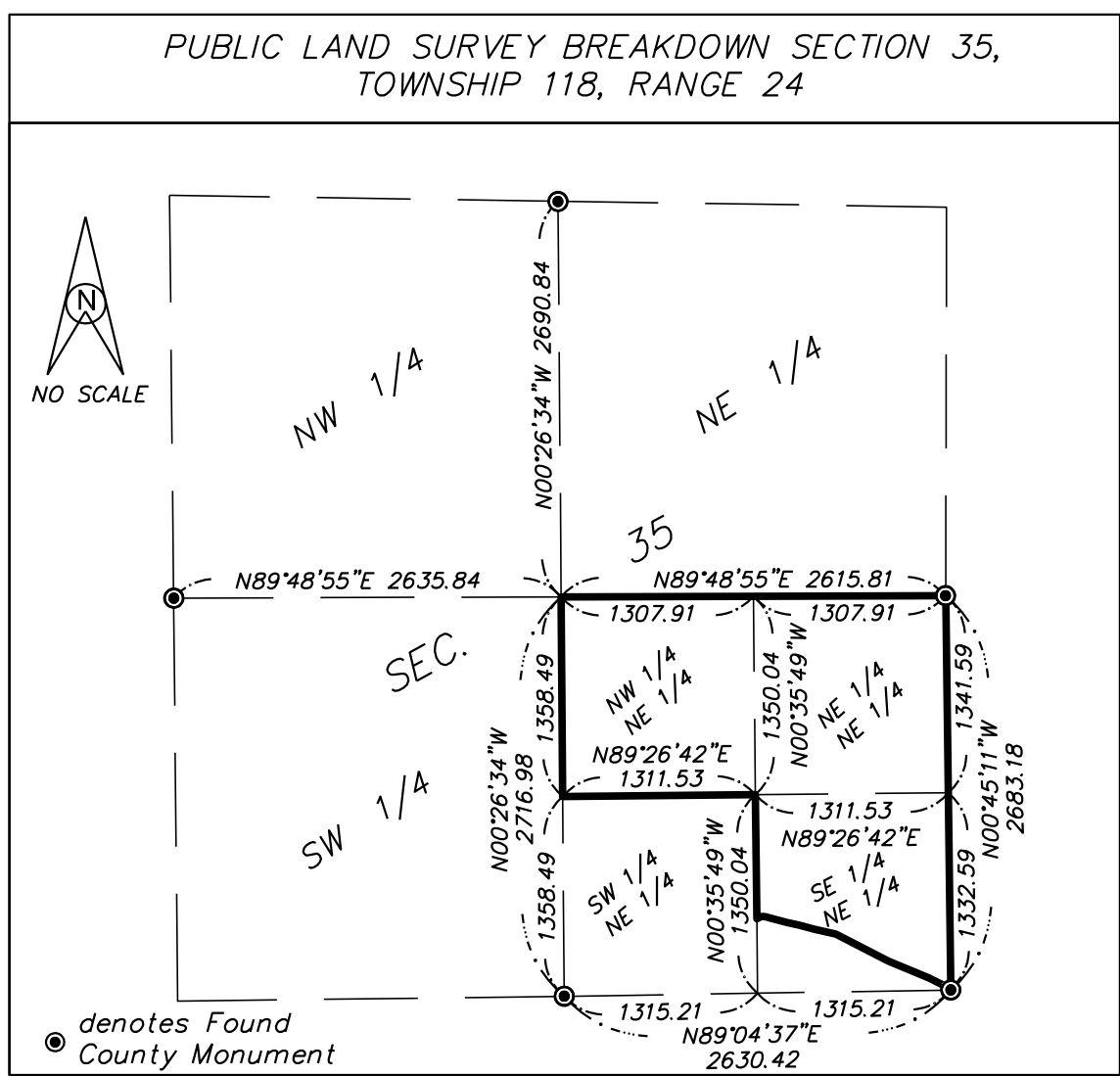
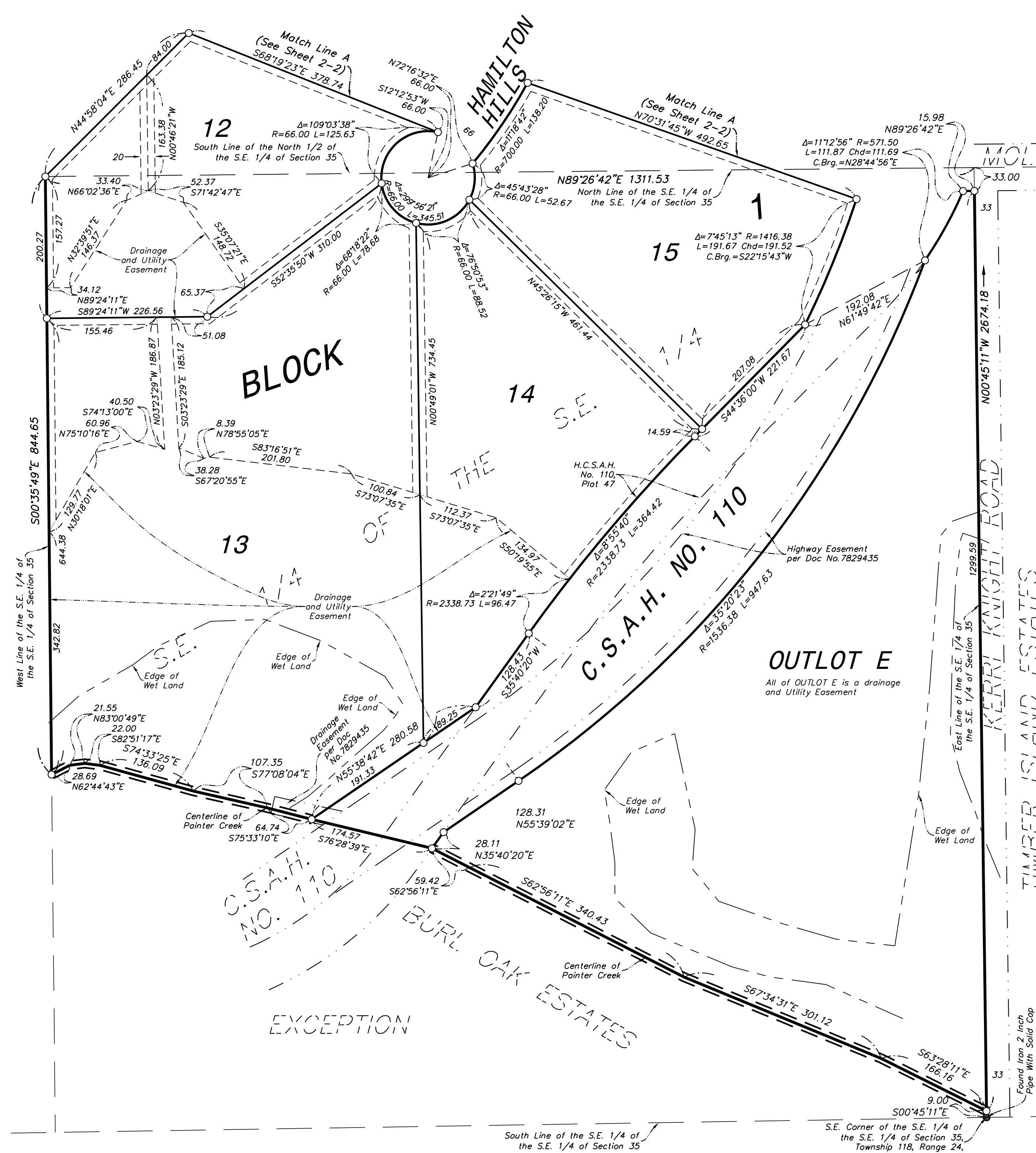
Martin McCormick, County Recorder by _____ Deputy



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

Bearing Note:
The South line of the North 1/2 of the S.E. 1/4 of Section 35, Township 118, Range 24, Hennepin County, Minnesota, is assumed to bear N89°26'42"E.

- denotes 3/4 inch open iron monument found (Unless otherwise noted)
- denotes 1/2 inch by 14 inch iron pipe set and marked by License number 40062.
- ◎ denotes found Hennepin County Cast Iron Monument (unless otherwise noted)

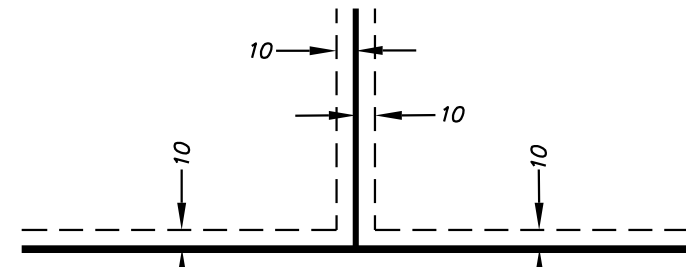


HAMILTON CENTURY FARM

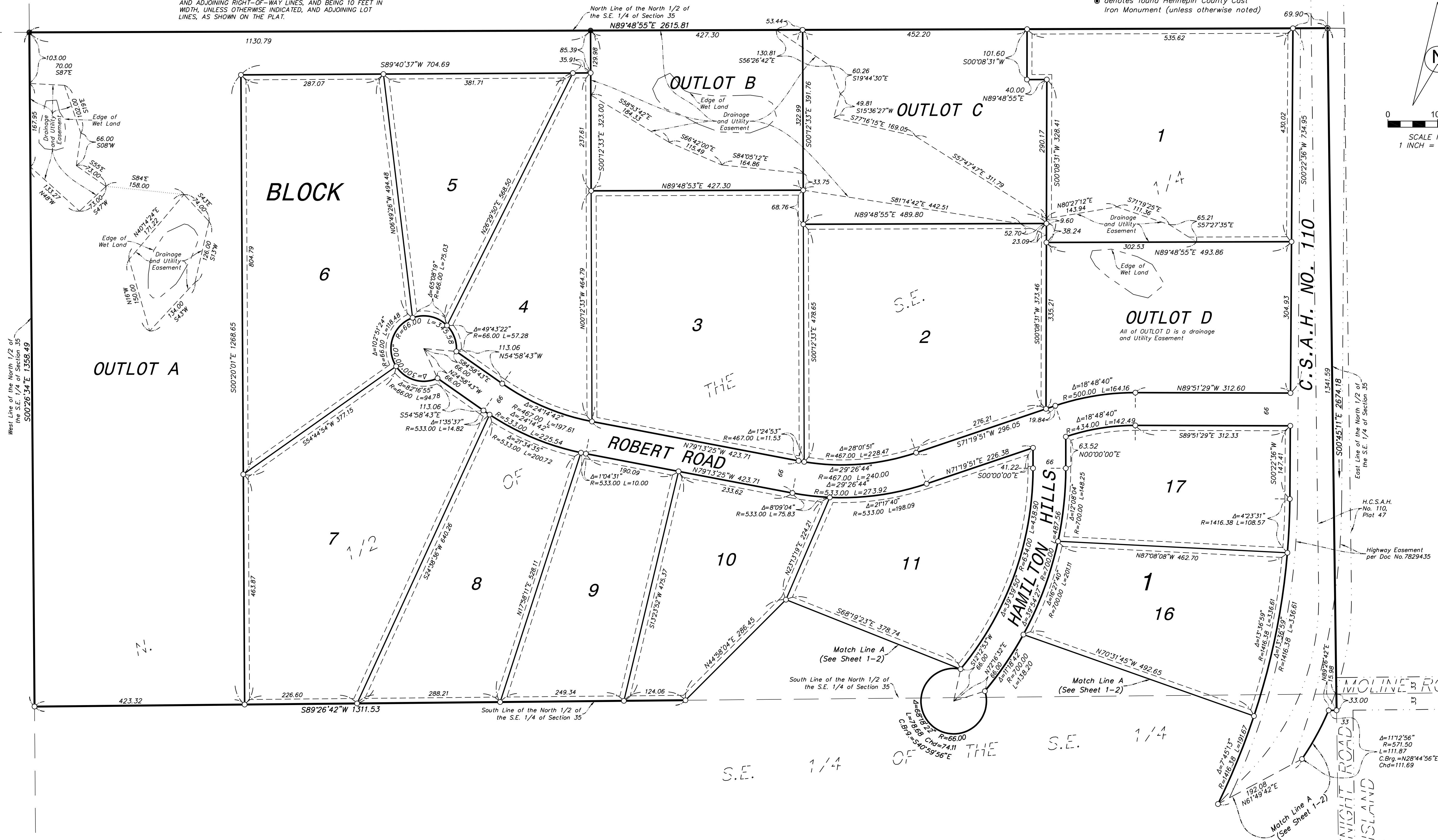
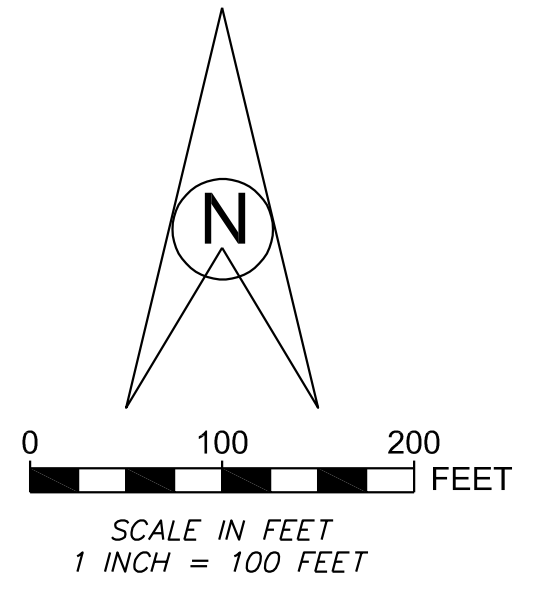
Bearing Note:
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- denotes 3/4 inch open iron monument found (Unless otherwise noted)
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- ⊙ denotes found Hennepin County Cast Iron Monument (unless otherwise noted)

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

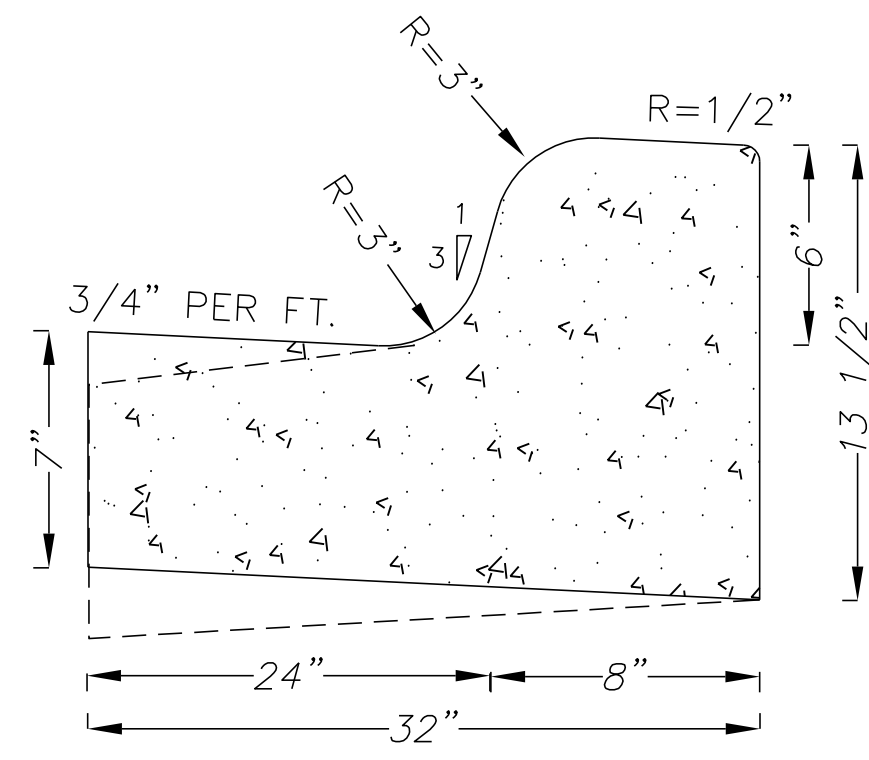
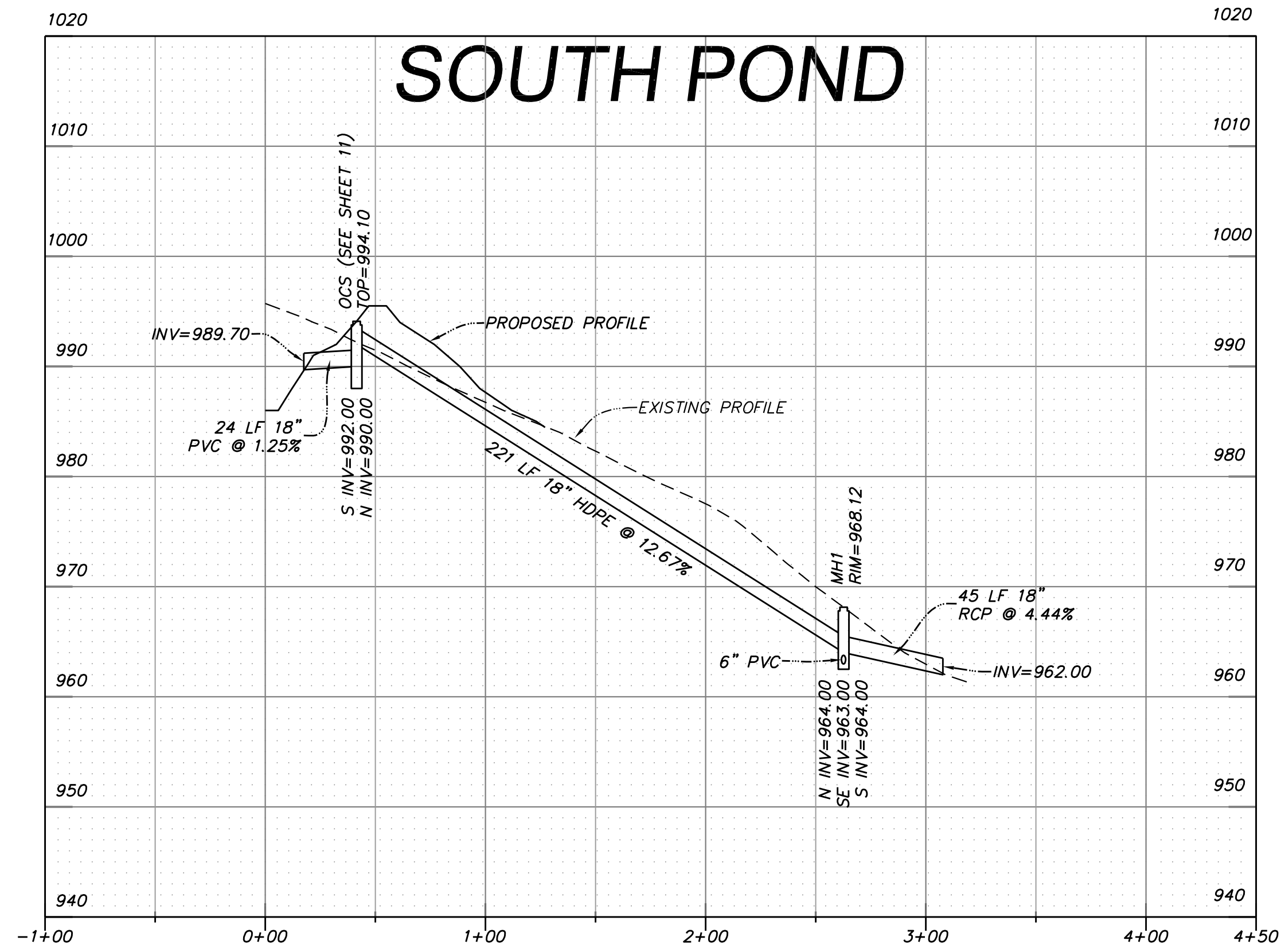


BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING RIGHT-OF-WAY LINES, AND BEING 10 FEET IN WIDTH, UNLESS OTHERWISE INDICATED, AND ADJOINING LOT LINES, AS SHOWN ON THE PLAT.



KERRI KNIGHT ROAD
TIMBER ISLAND ESTATES





B624 CONCRETE CURB AND GUTTER

REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

DESIGNED DRAWN
P.E.O. T.J.B.

CHECKED
P.E.O.

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

Paul E. Otto
Paul E. Otto
License #40062 Date: 5-24-18

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.

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

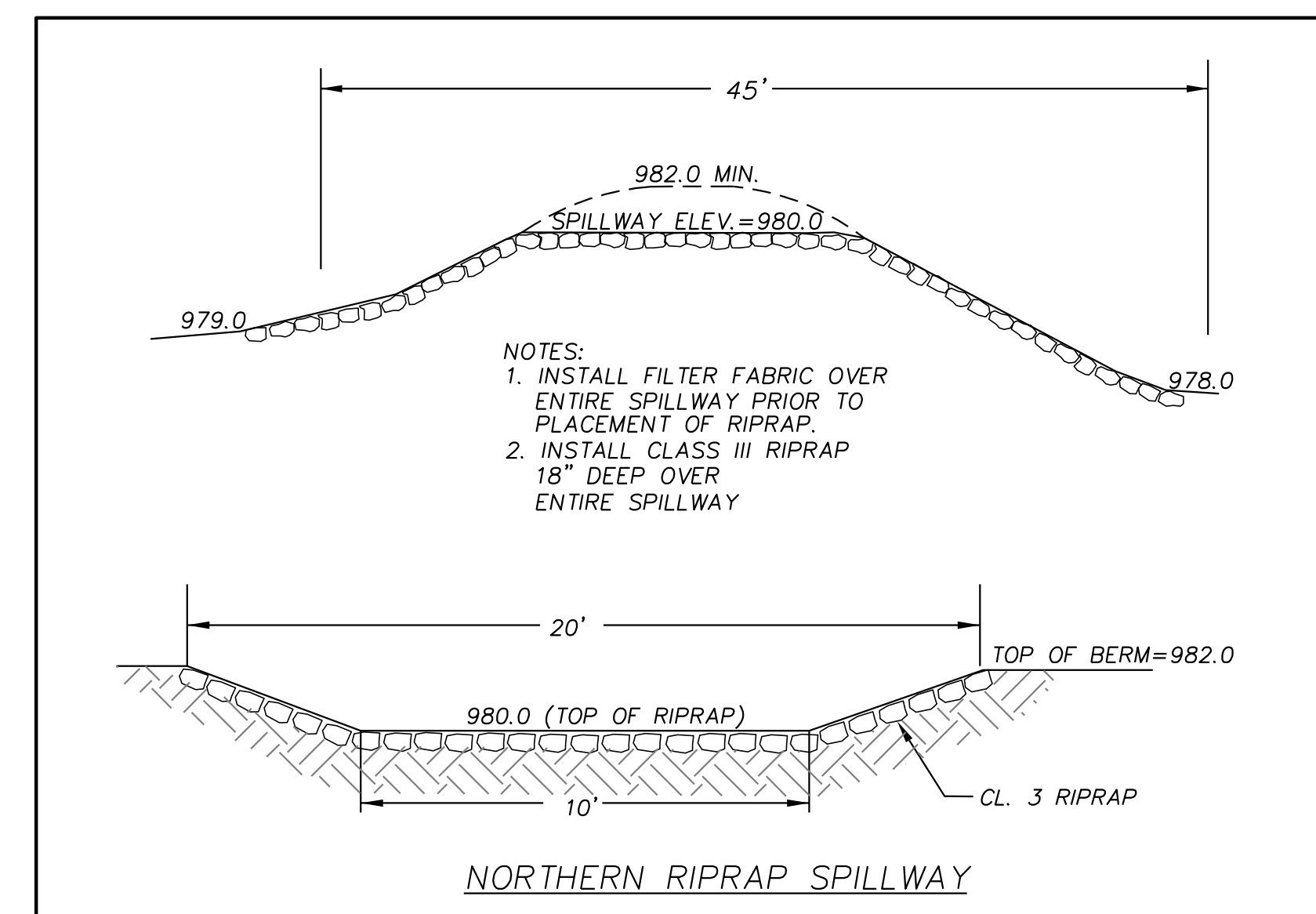
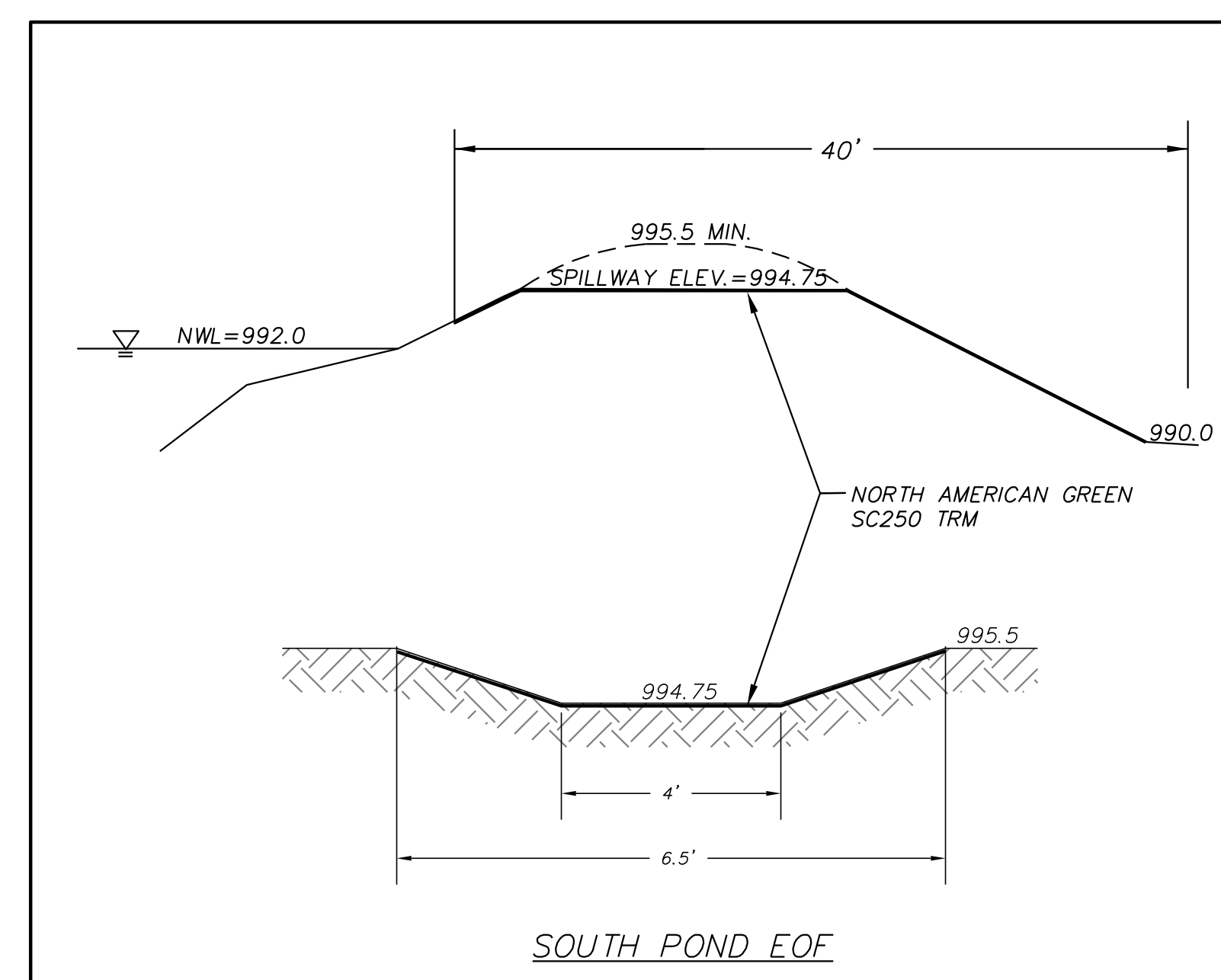
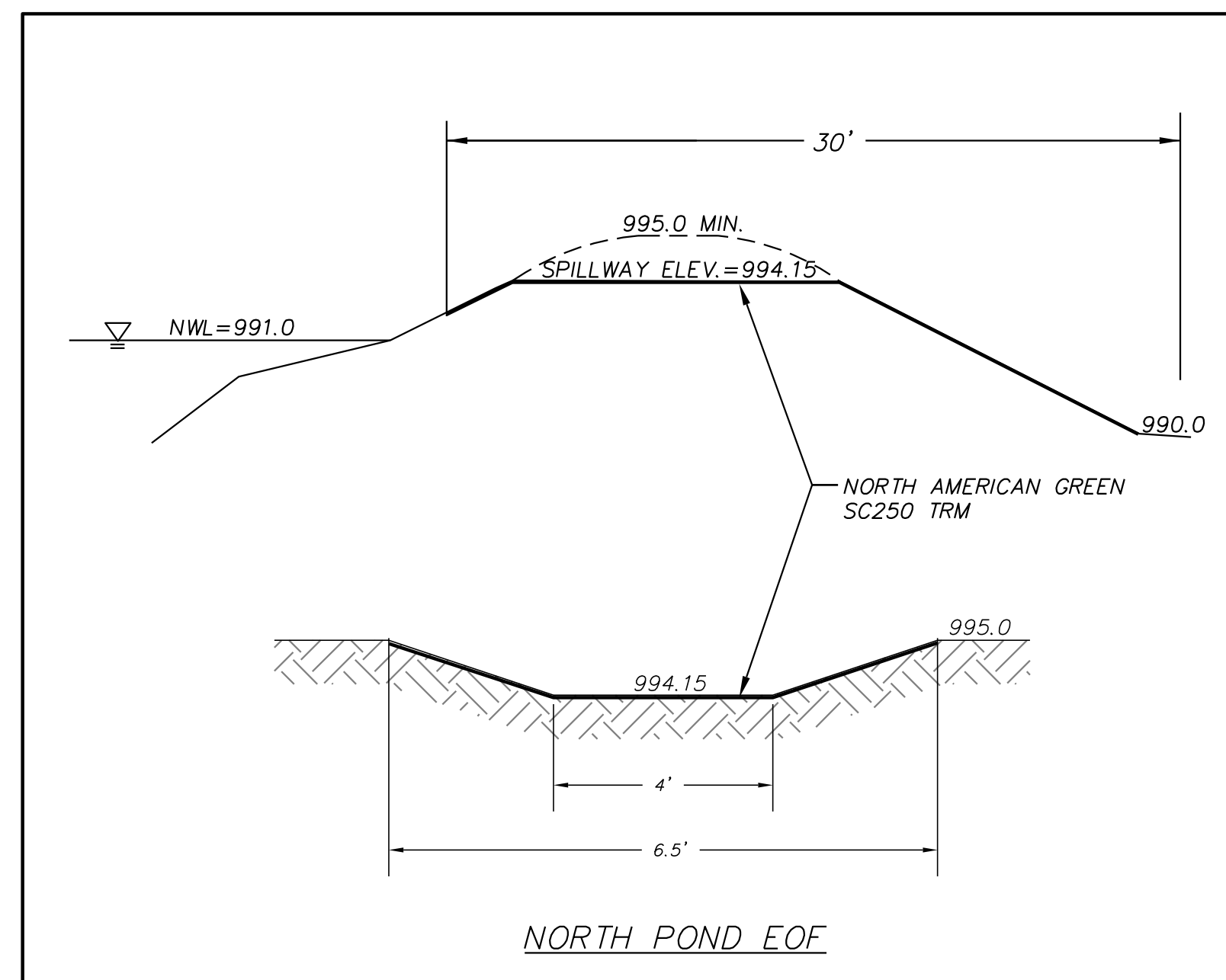
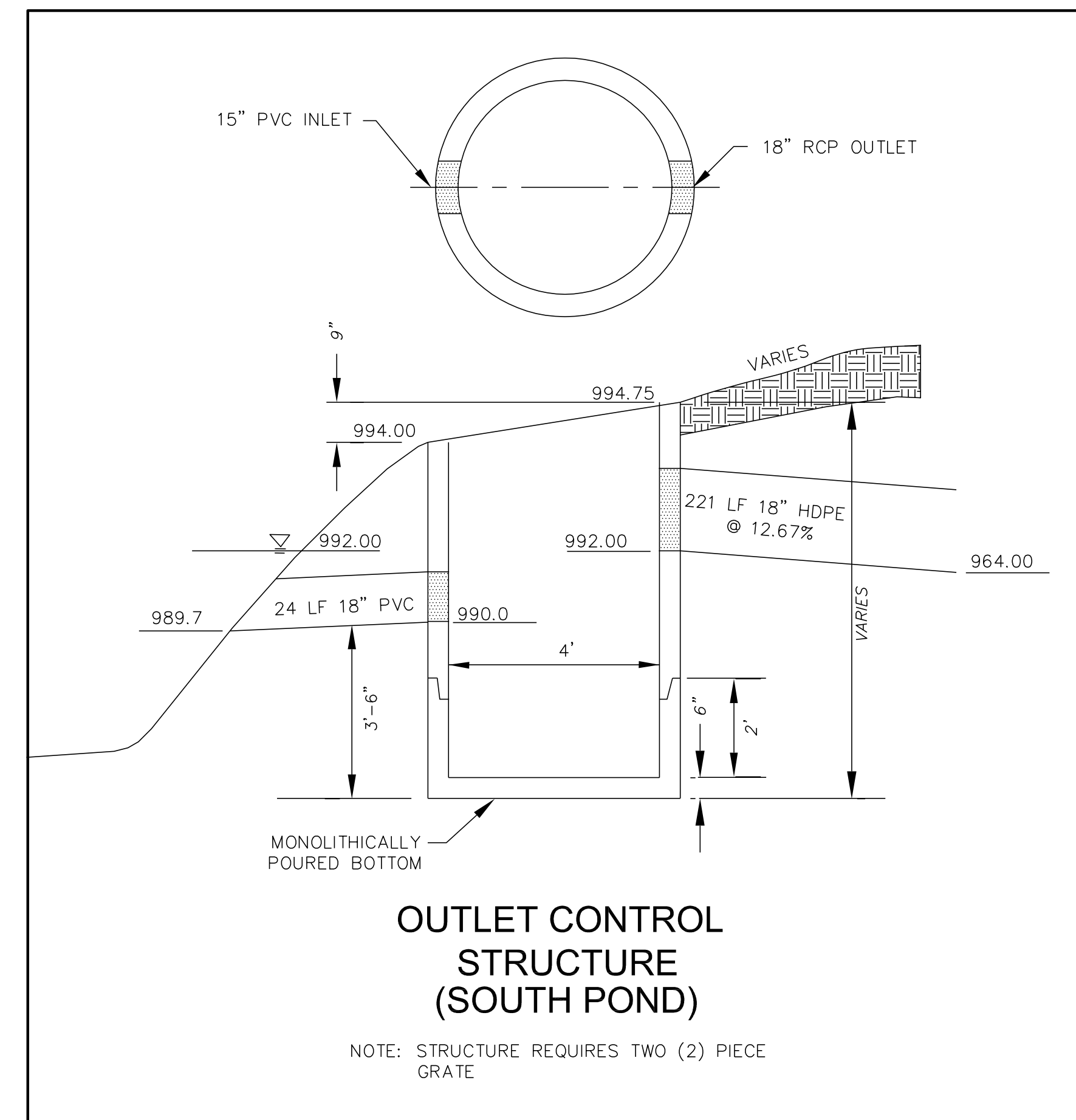
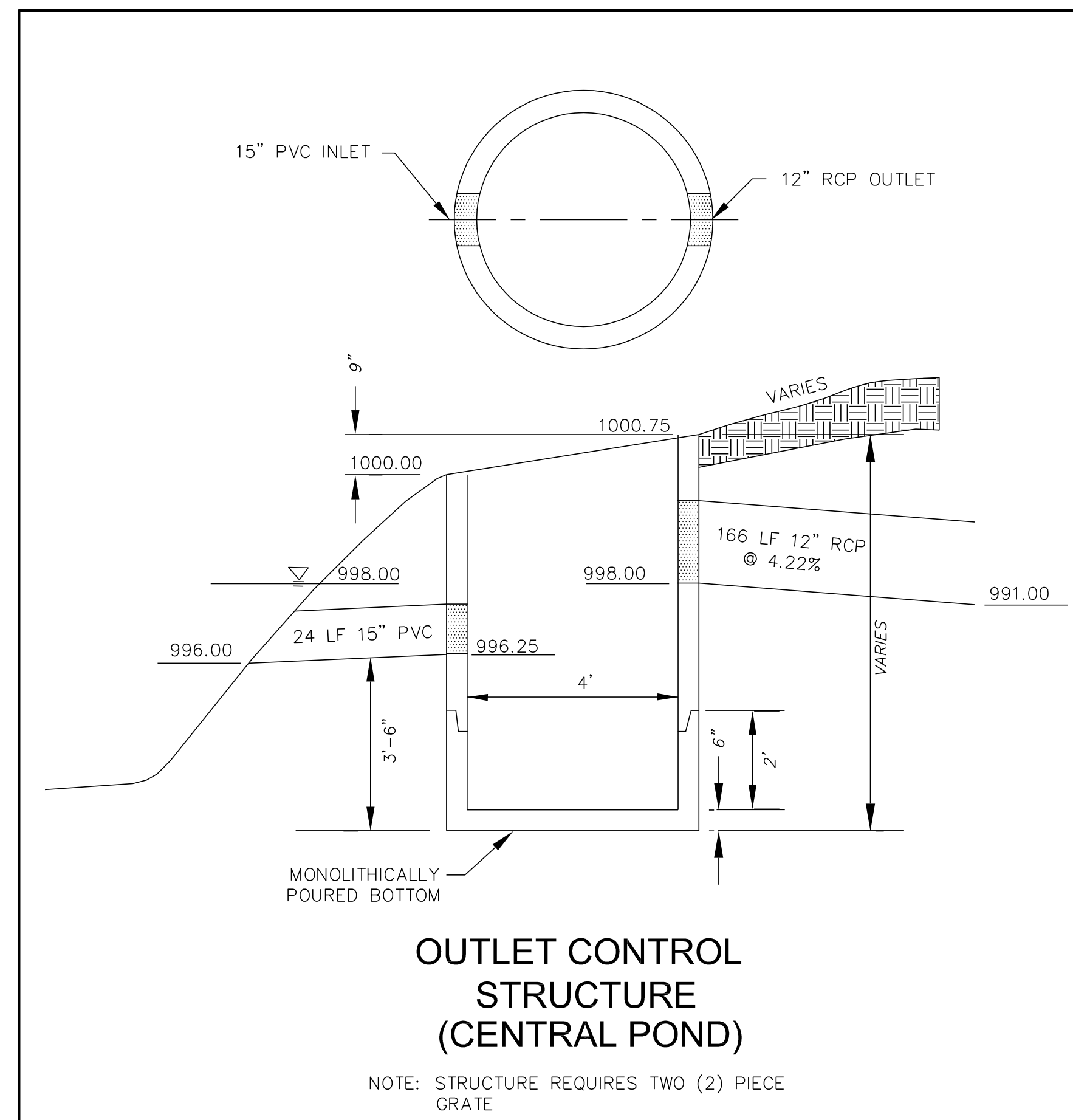
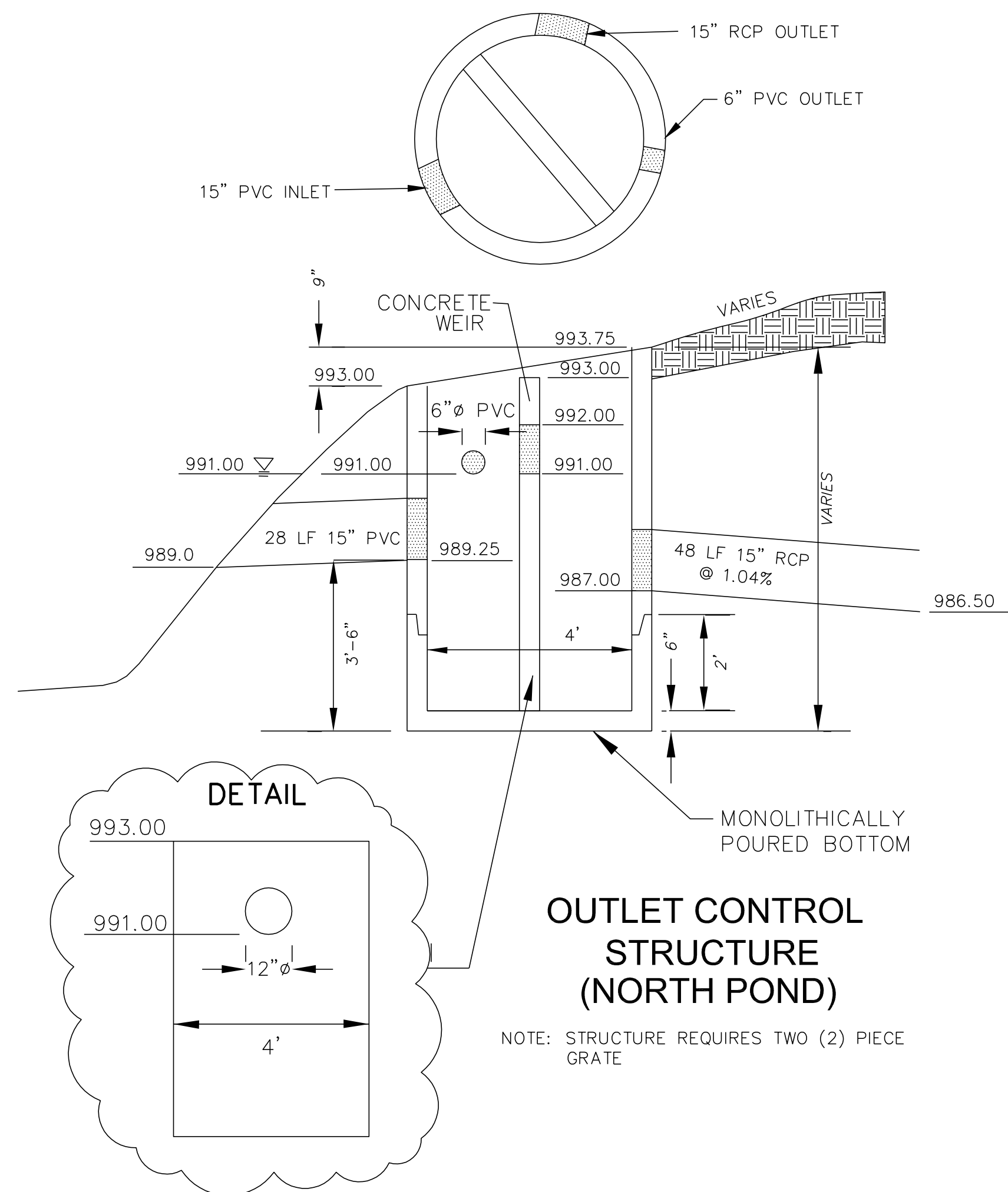
HAMILTON CENTURY FARM
DON HAMILTON
INDEPENDENCE, MN

DETAILS

SHEET NO. 12 OF 12 SHEETS

PROJECT NO:
16-0121

DATE:
5-18-18



REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

DESIGNED DRAWN
 P.E.O. T.J.B.
 CHECKED
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 Paul E. Otto
 License #40062 Date: 5-24-18

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HAMILTON CENTURY FARM
 DON HAMILTON
 INDEPENDENCE, MN

DETAILS
 SHEET NO. 11 OF 12 SHEETS

PROJECT NO:
 16-0121
 DATE: 5-18-18

SECTION B-B

PLAN

SECTION A-A

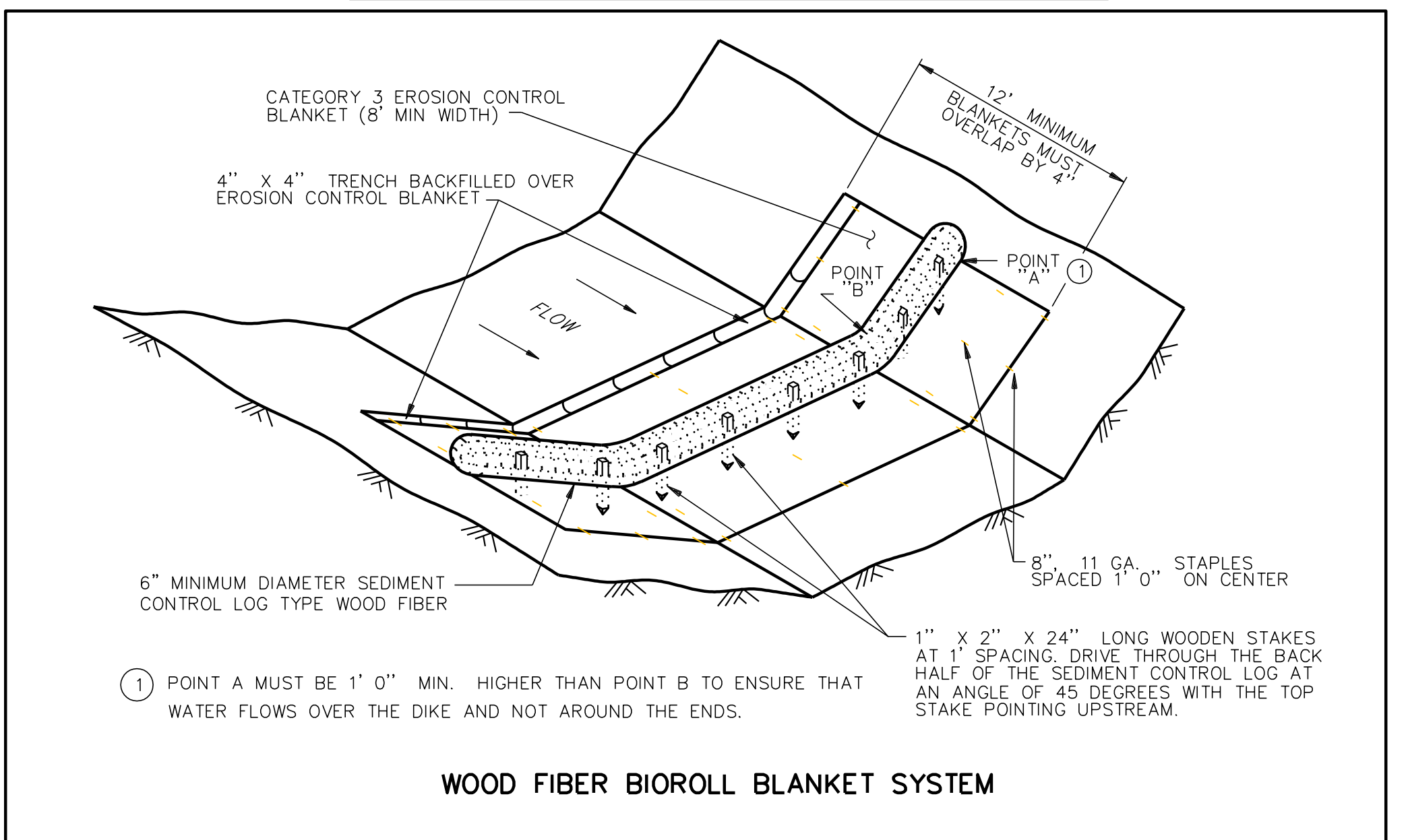
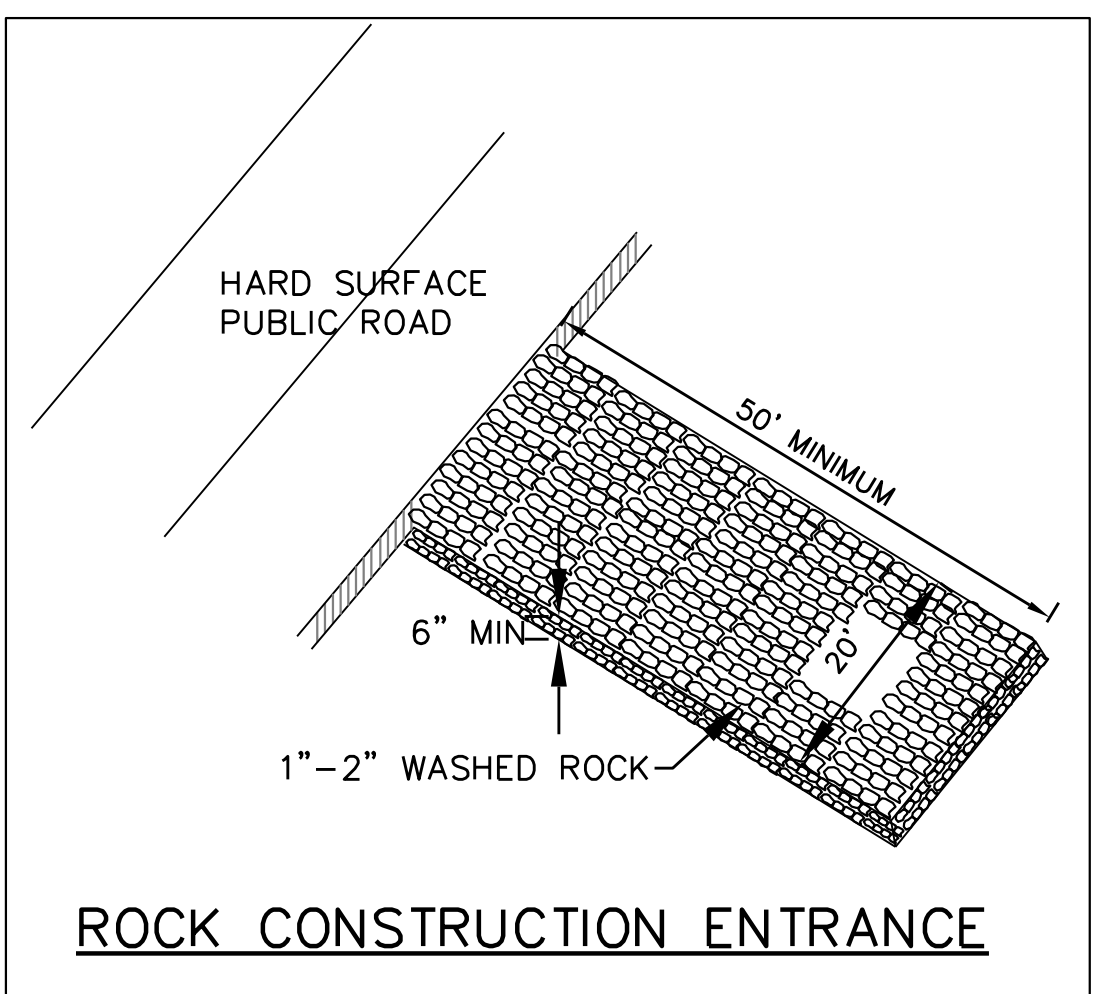
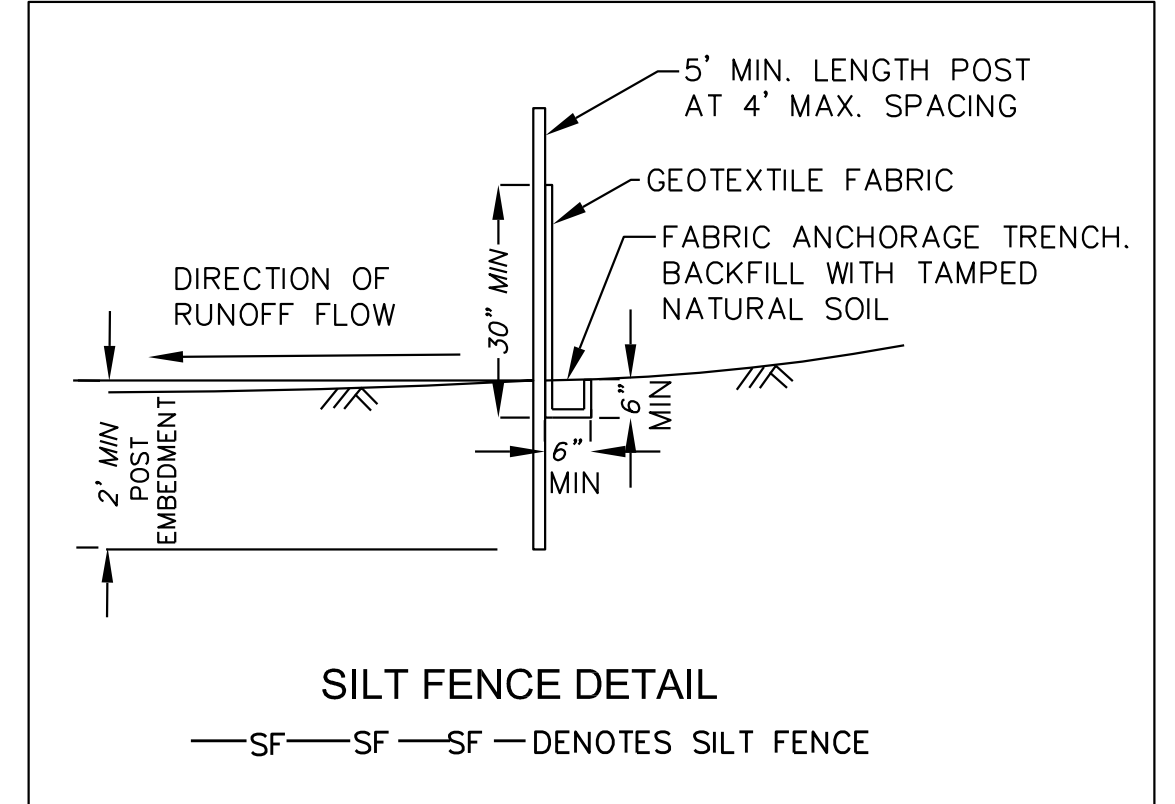
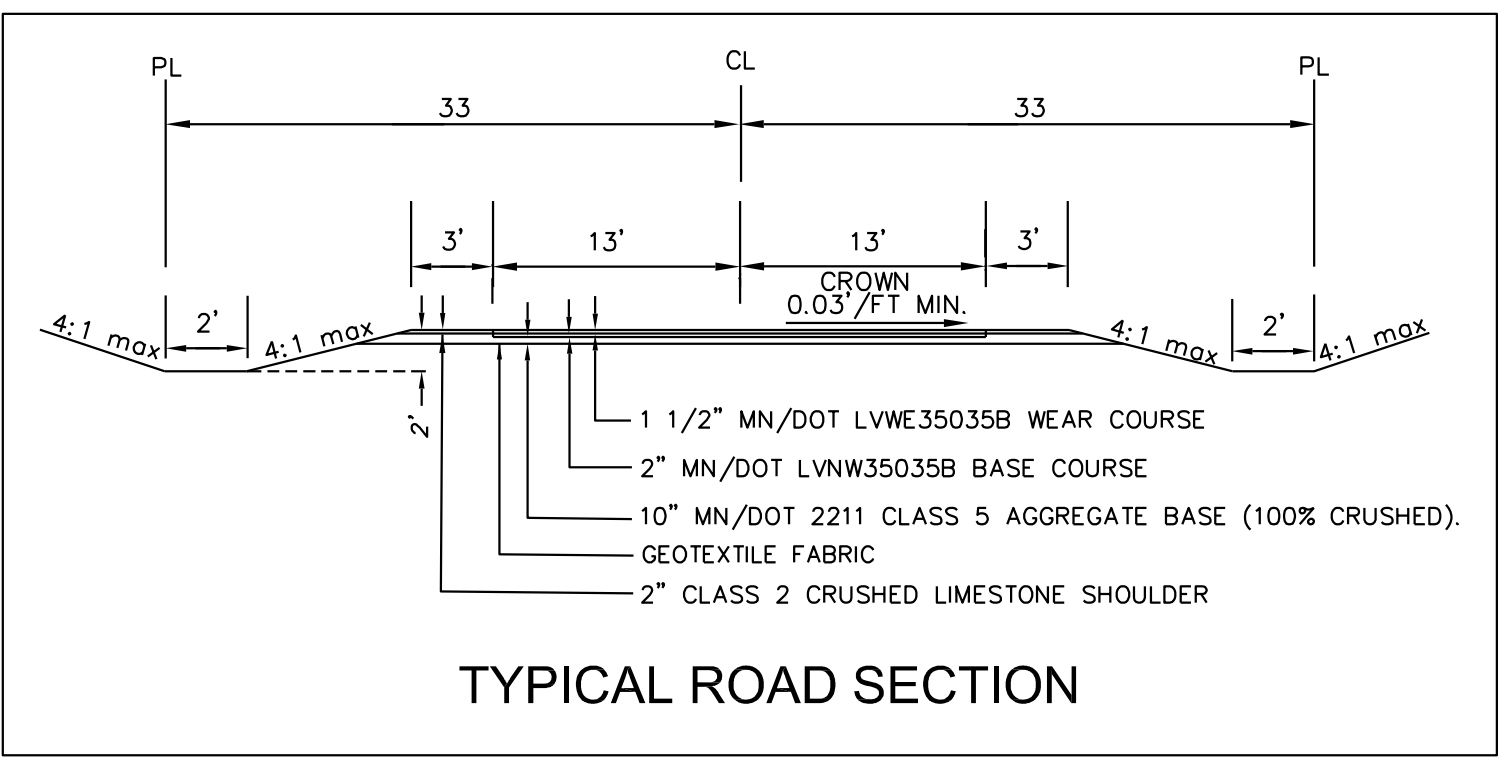
RIPRAP AT CMP OUTLETS

TABLE OF QUANTITIES
RIPRAP AT CMP OUTLETS

DIA. OF ROUND PIPE (IN.)	L (FT.)	CLASS II d ₅₀ = 6"		CLASS III d ₅₀ = 9"		CLASS VI d ₅₀ = 12"	
		12" DEPTH RIPRAP (CU. YD.)	6" DEPTH GRANULAR FILTER (CU. YD.)	18" DEPTH RIPRAP (CU. YD.)	9" DEPTH GRANULAR FILTER (CU. YD.)	24" DEPTH RIPRAP (CU. YD.)	12" DEPTH GRANULAR FILTER (CU. YD.)
12	8	3.2	1.6	4.7	2.4	6.3	3.2
15	8	3.5	1.8	5.2	2.6	6.9	3.5
18	10	4.7	2.4	7.0	3.5	9.4	4.7
21	10	5.5	2.8	8.2	4.1	10.9	5.5
24	12	6.5	3.3	9.8	4.9	13.0	6.5
30	14	8.6	4.3	12.8	6.4	17.1	8.6
36	16	10.9	5.5	16.3	8.2	21.8	10.9
42	18	13.5	6.8	20.3	10.2	27.0	13.5
48	20	16.0	8.0	24.0	12.0	32.0	16.0

NOTES:
REQUIREMENTS FOR RIPRAP SIZE AND THICKNESS AND FILTER BLANKET WILL BE DESIGNATED IN THE PLANS.

① FOR PIPES GREATER THAN OR EQUAL TO 30", USE 1.5'.
② THE CONTRACTOR, AT HIS OPTION, MAY SUBSTITUTE A GEOTEXTILE FABRIC, SPEC. 3601, FOR THE GRANULAR FILTER BLANKET UNLESS OTHERWISE SPECIFIED IN THE PLANS. THE FABRIC SHOULD COVER THE AREA OF THE RIPRAP AND EXTEND UNDER THE CULVERT APRON 3 FT.



SECTION B-B

PLAN

SECTION A-A

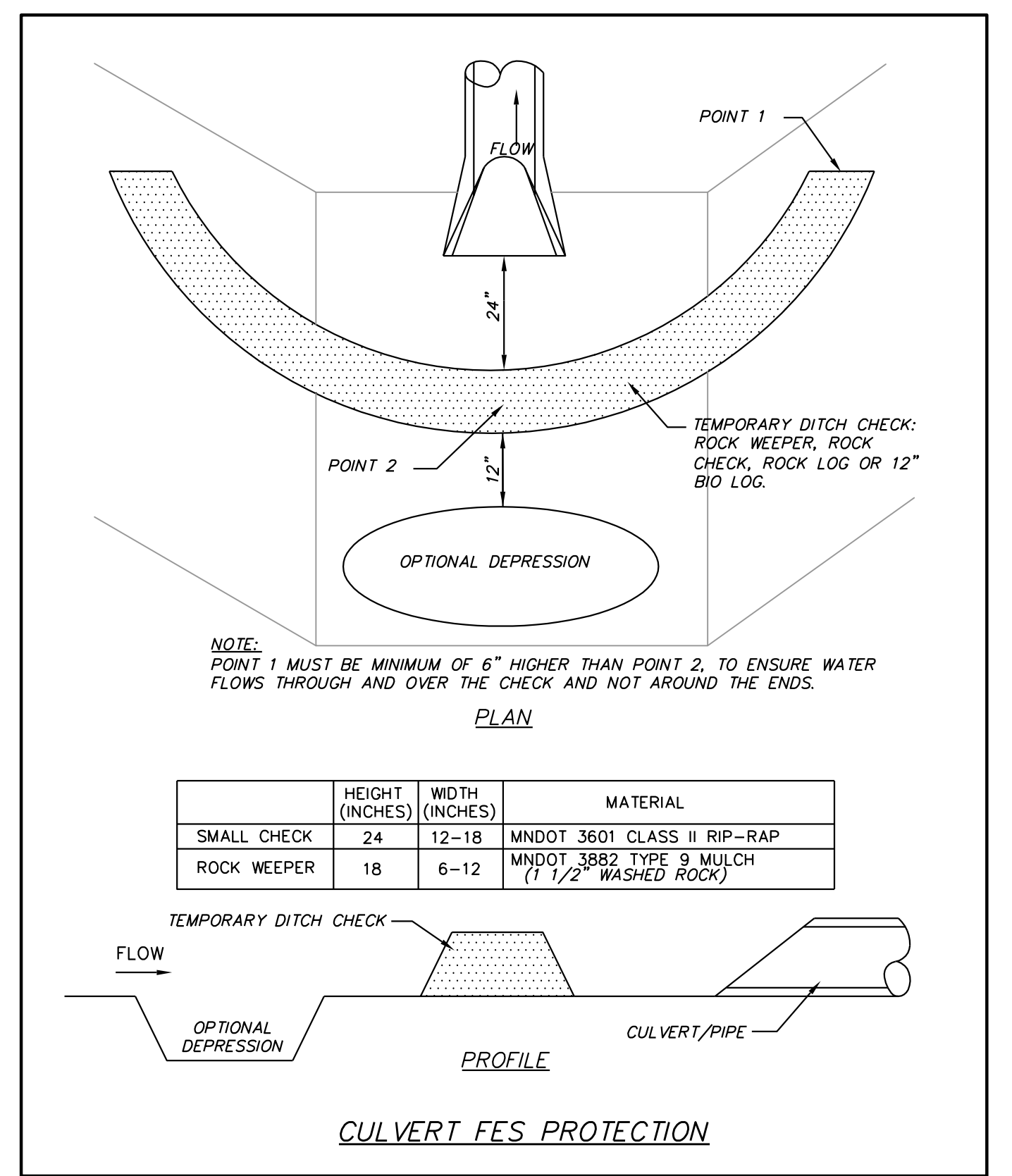
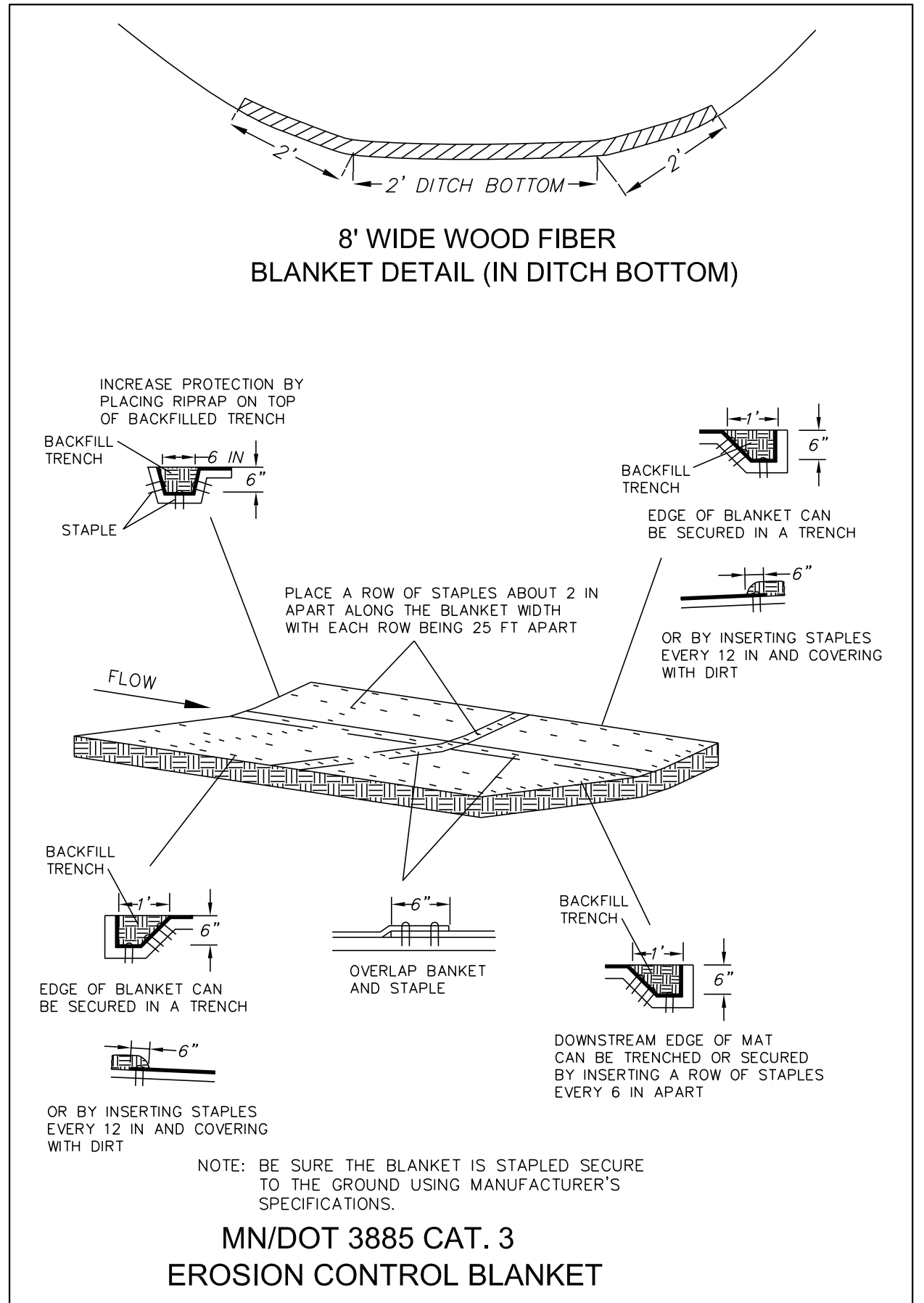
RIPRAP AT RCP OUTLETS

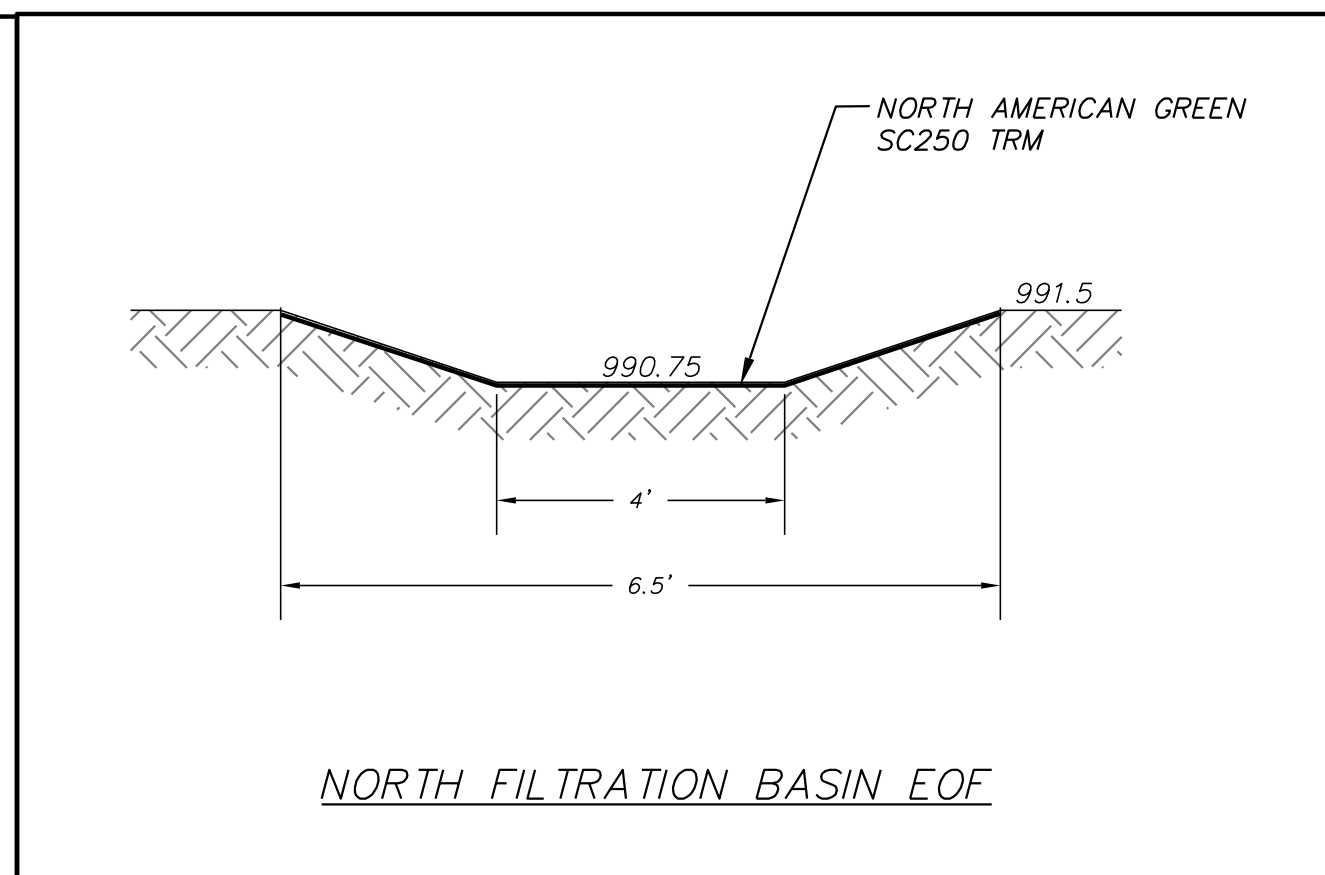
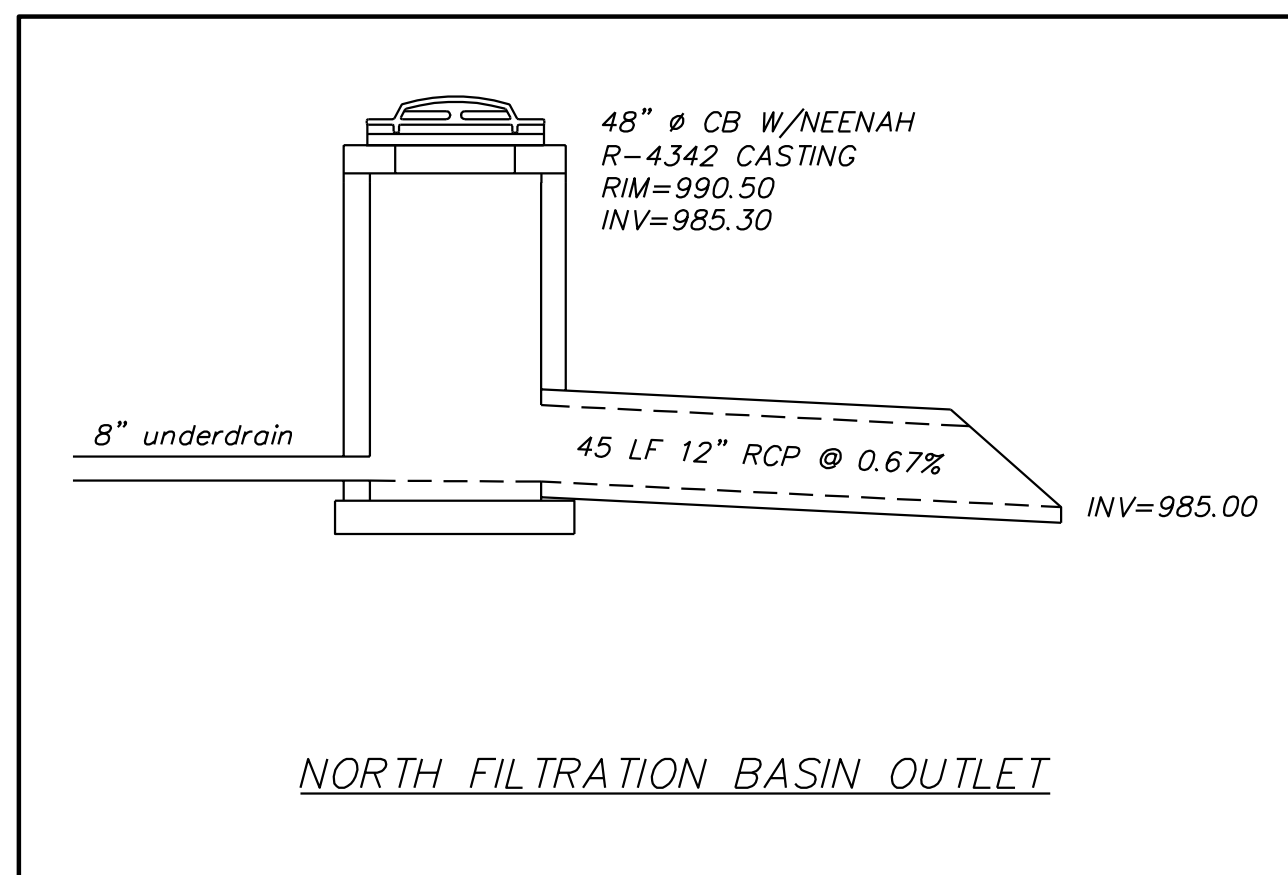
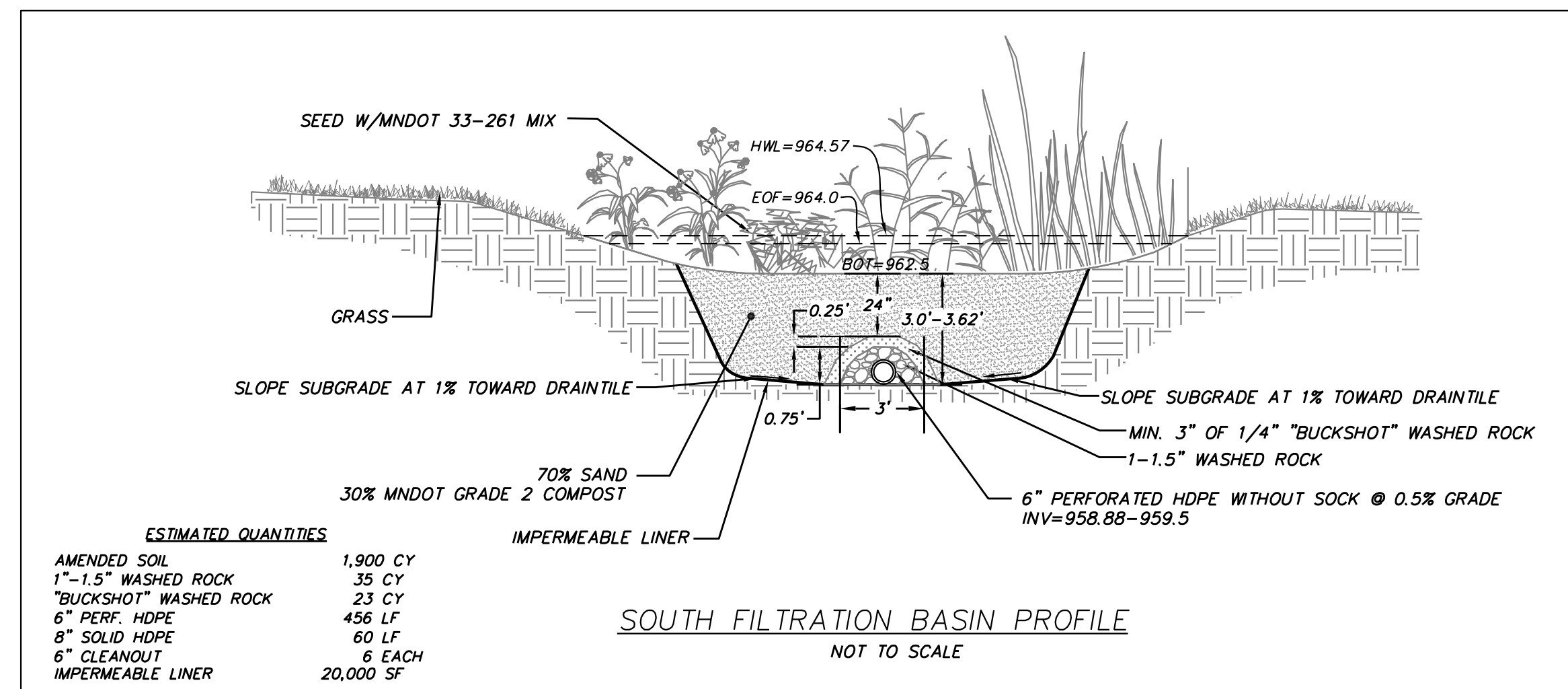
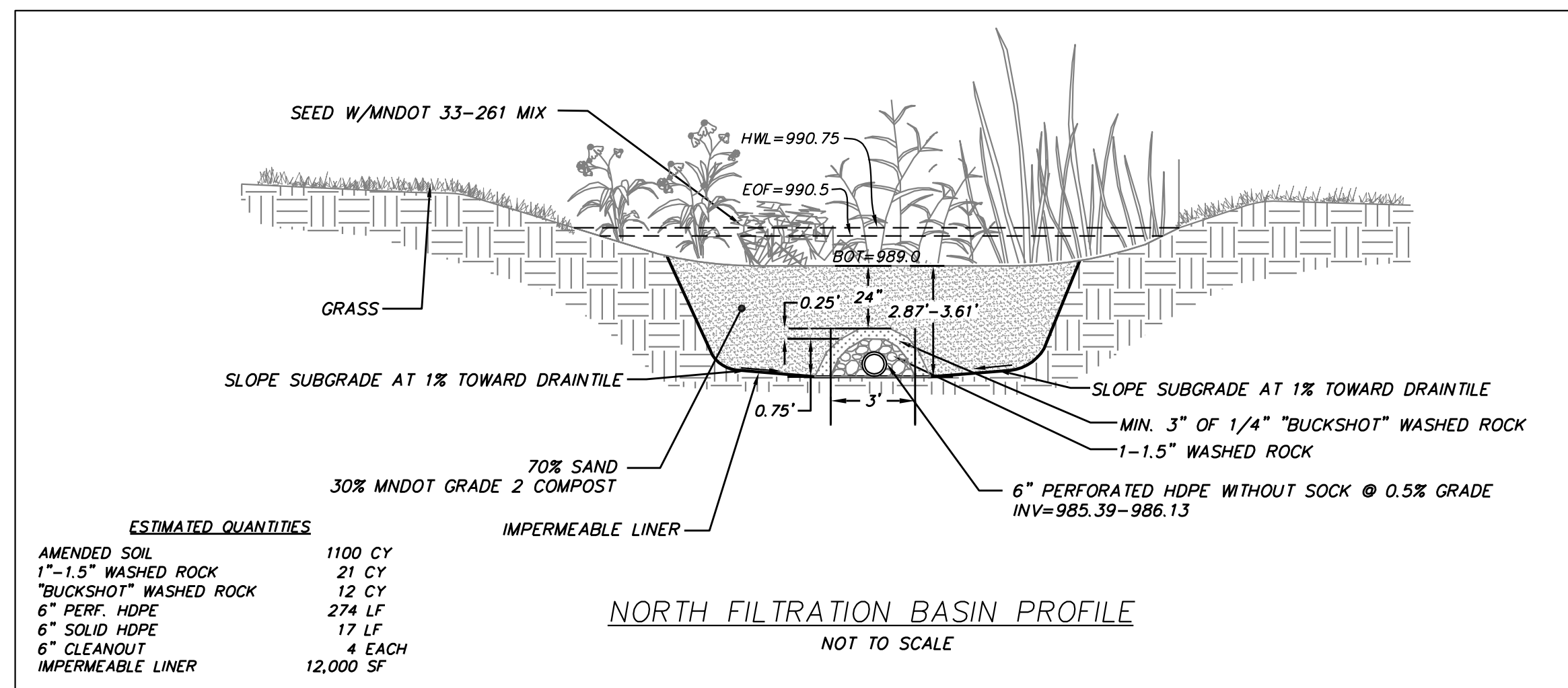
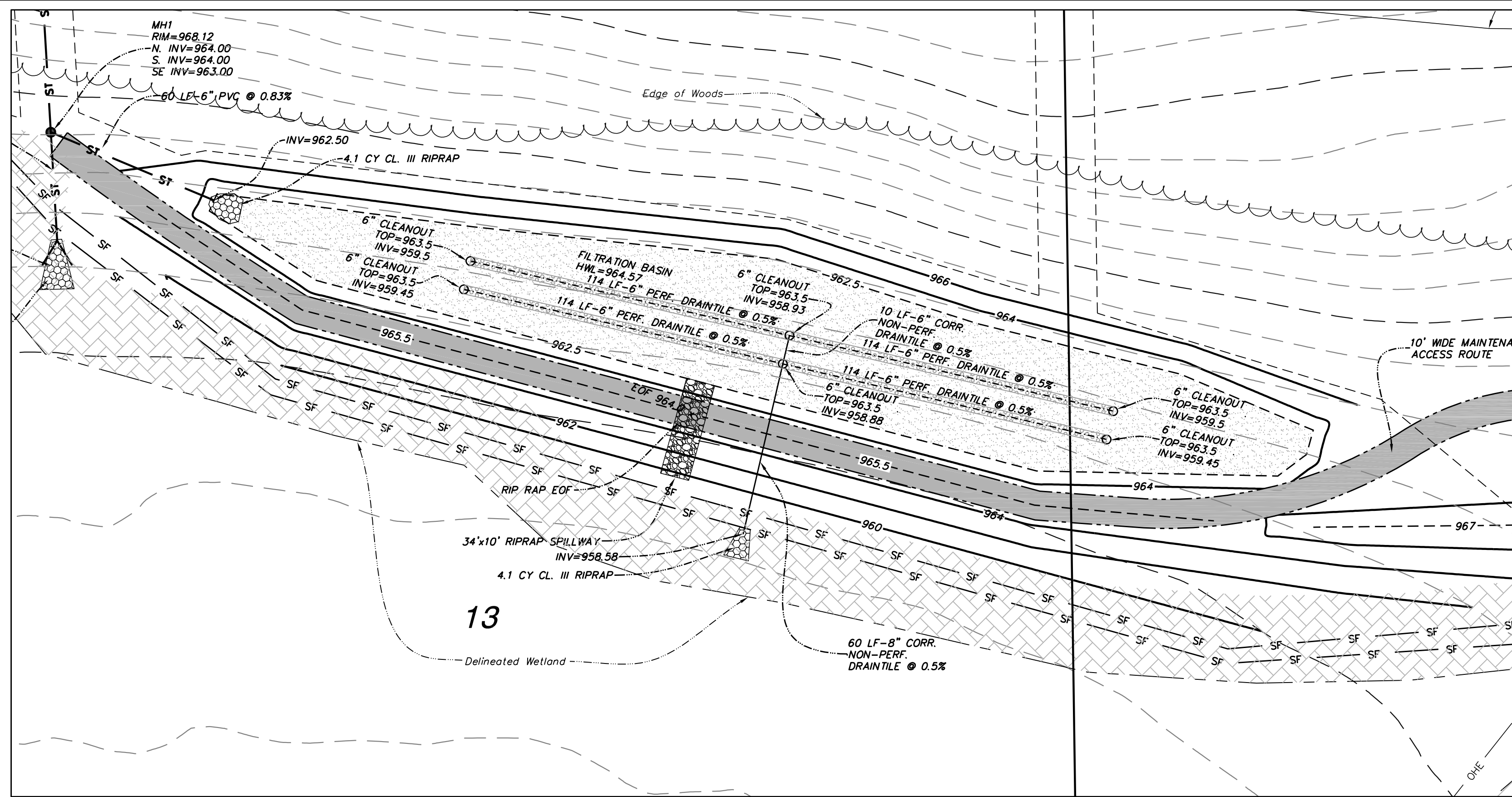
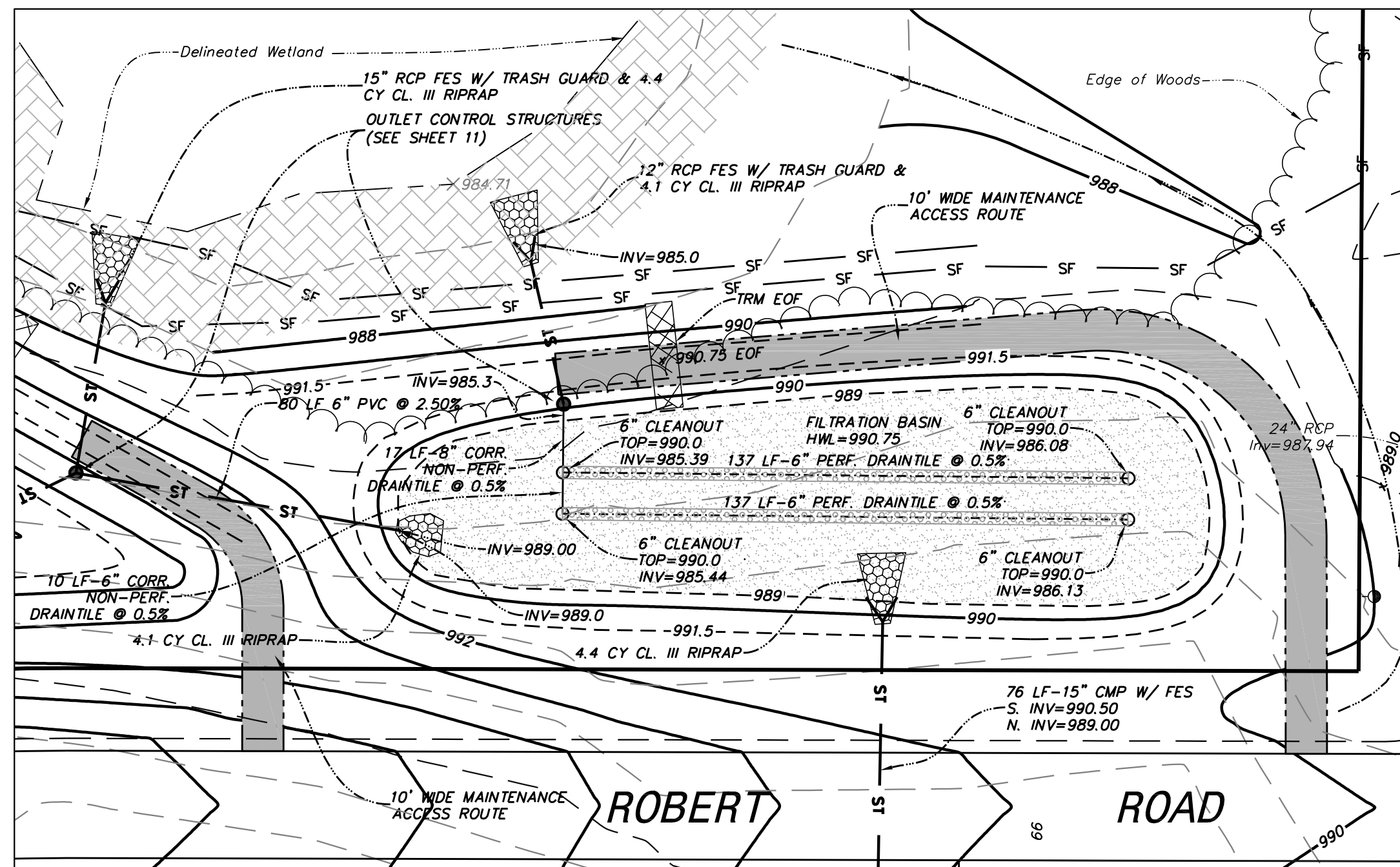
TABLE OF QUANTITIES
RIPRAP AT RCP OUTLETS

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		12" DEPTH RIPRAP (CU. YD.)	6" DEPTH GRANULAR FILTER (CU. YD.)	18" DEPTH RIPRAP (CU. YD.)	9" DEPTH GRANULAR FILTER (CU. YD.)	24" DEPTH RIPRAP (CU. YD.)	12" DEPTH GRANULAR FILTER (CU. YD.)
12	8	2.8	1.4	4.1	2.1	5.5	2.8
15	8	2.9	1.5	4.4	2.2	5.8	2.9
18	10	3.9	2.0	5.9	3.0	7.8	3.9
21	10	4.2	2.1	6.3	3.2	8.4	4.2
24	12	5.5	2.8	8.3	4.2	11.0	5.5
27	12	5.8	2.9	8.7	4.4	11.6	5.8
30	14	7.3	3.7	10.9	5.5	14.5	7.3
36	16	9.2	4.6	13.8	6.9	18.3	9.2
42	18	10.9	5.5	16.3	8.2	21.7	10.9
48	20	12.9	6.5	19.4	9.7	25.8	12.9

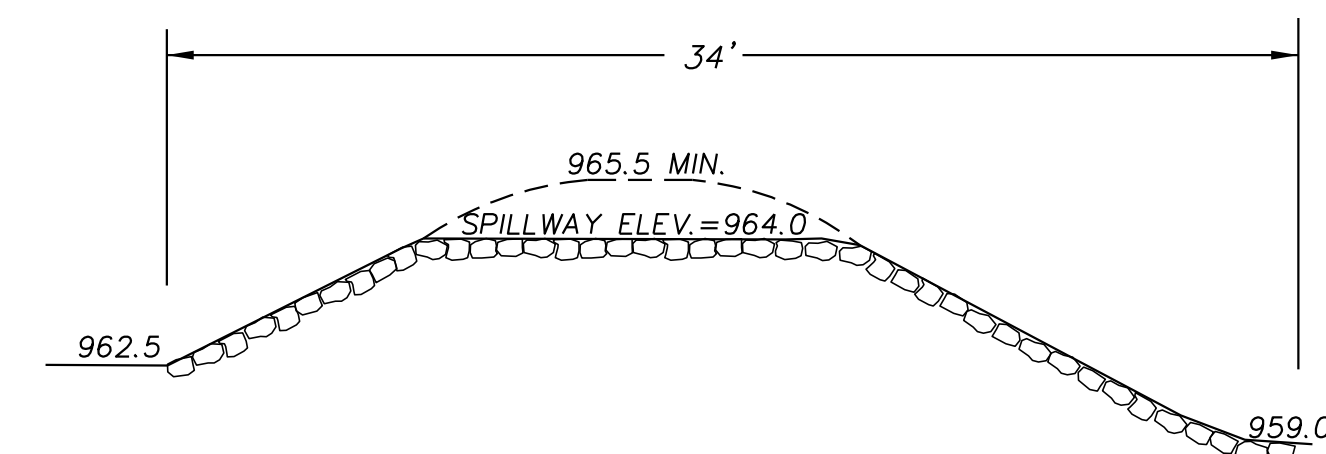
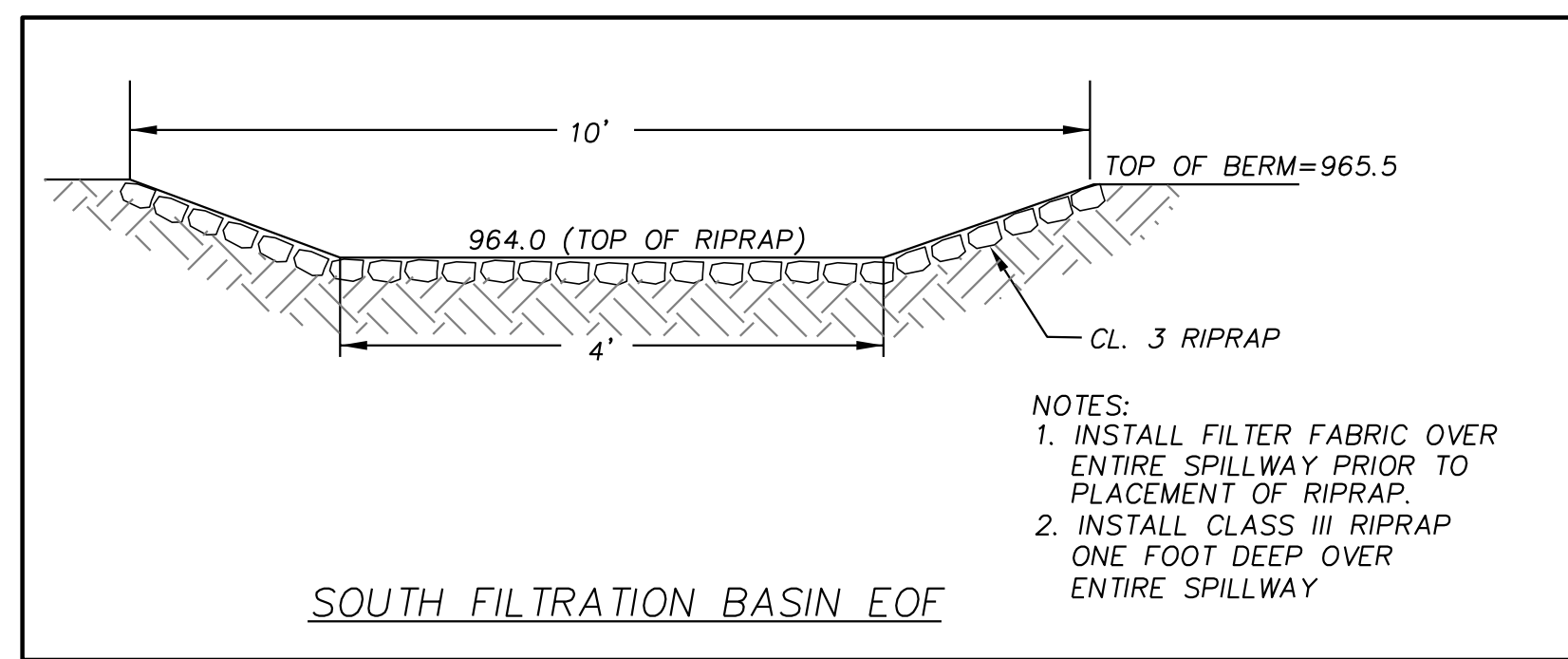
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NORTH FILTRATION BASIN DETAILS



SOUTH FILTRATION BASIN DETAILS

REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

DESIGNED DRAWN
P.E.O. T.J.B.

CHECKED
P.E.O.

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

Paul E. Otto
License #40062 Date: 5-24-18

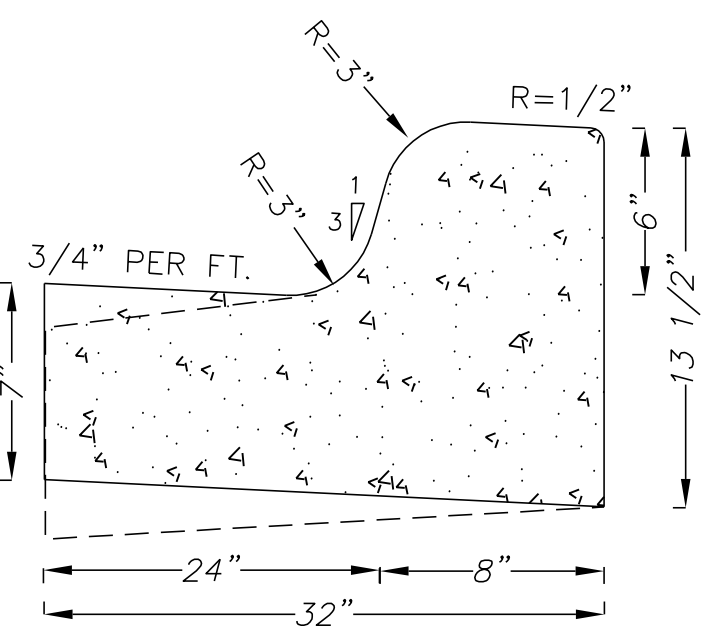
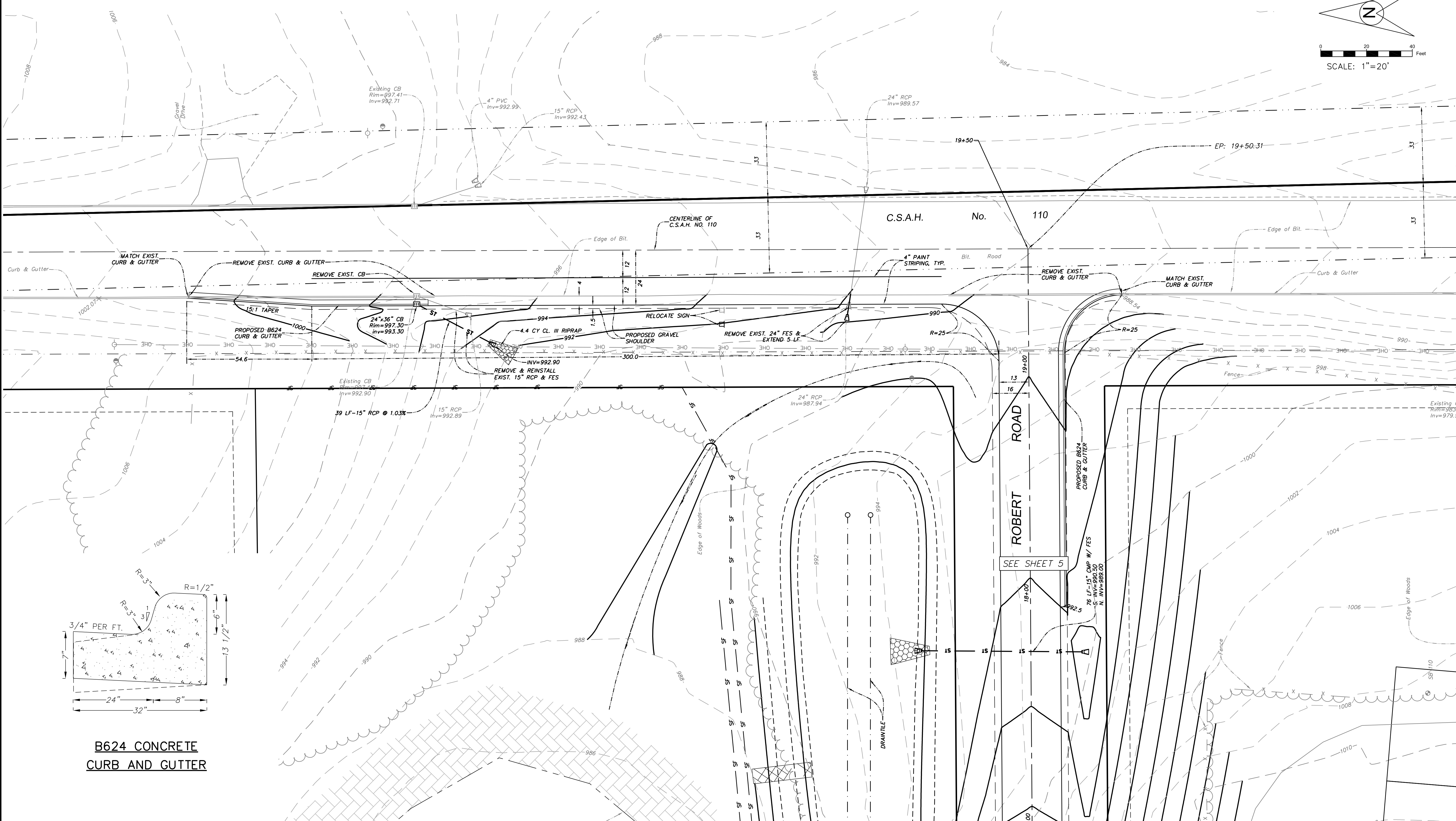
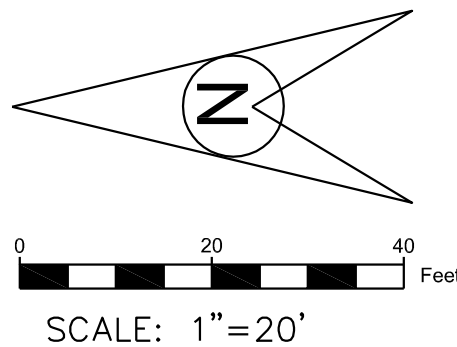
OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.

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

HAMILTON CENTURY FARM
DON HAMILTON
INDEPENDENCE, MN

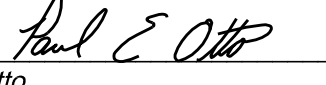
FILTRATION BASIN PLAN
PROJECT NO: 16-0121

SHEET NO. 9 OF 12 SHEETS
DATE: 5-18-18



**B624 CONCRETE
CURB AND GUTTER**

REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

DESIGNED	DRAWN	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  Paul E. Otto License #40062 Date: 5-24-18
P.E.O.	T.J.B.	
CHECKED		
P.E.O.		



www.ottoassociates.com
 9 West Division Street
 Buffalo, MN 55313
 (763)682-4727
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HAMILTON CENTURY FARM
 DON HAMILTON
 INDEPENDENCE, MN

PROJECT NO:	16-0121
TURN LANE	
SHEET NO. 8 OF 12 SHEETS	DATE: 5-18-18

GENERAL PROJECT INFORMATION

PROJECT LOCATION AND NARRATIVE:

THIS PROJECT CONSISTS OF A 17 LOT SUBDIVISION IN INDEPENDENCE, MN. THE SITE IS LOCATED NEAR LONGITUDE -93.6699, LATITUDE 44.9828. THE SITE IS ACCESSED FROM COUNTY ROAD 110 NORTH.

CONSTRUCTION ACTIVITIES INCLUDE GRADING, CULVERT INSTALLATION, GRAVEL & BITUMINOUS INSTALLATION, STORMWATER BASIN CONSTRUCTION AND HOME BUILDING. SITE CONSTRUCTION IS PLANNED TO BEGIN SUMMER OF 2018 AND COMPLETED IN THE FALL OF 2018, WITH HOMEBUILDING ANTICIPATED TO EXTEND THROUGH 2020.

THE SOILS ARE PREDOMINATELY HSG C SOILS. SOIL BORINGS WERE TAKEN ON ALL LOTS AND SEASONALLY SATURATED SOILS WERE FOUND WITHIN 3' OR LESS OF THE SURFACE ON ALL BORINGS. THEREFORE, INFILTRATION IS NOT FEASIBLE. THREE STORMWATER PONDS AND TWO FILTRATION BASINS (WITH IMPERMEABLE LINERS) WILL BE CONSTRUCTED TO MEET STORMWATER REQUIREMENTS.

RESPONSIBLE PARTIES:

CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F.

DON HAMILTON	612-685-4579
OWNER	CONTACT PERSON PHONE

OTTO ASSOCIATES, INC.	PAUL OTTO	763-682-4727
PLAN PREPARER	CONTACT PERSON	PHONE

TRAINING: 1/20/2016 (EXPIRES 2019) U OF MN CERTIFICATION - DESIGN OF CONSTRUCTION SWPPP

CONTRACTOR (RESPONSIBLE FOR INSTALLATION & INSPECTION)	CONTACT PERSON	PHONE
--	----------------	-------

TRAINING: -----

HAMILTON CENTURY FARMS HOA
PARTY RESPONSIBLE FOR LONG TERM O&M OF THE PERMANENT STORMWATER MANAGEMENT SYSTEM

PROJECT AREAS:

PROJECT SIZE (DISTURBED FOR SITE DEVELOPMENT) = 14.5 ACRES

EXISTING AREA OF IMPERVIOUS SURFACE = 1.2 ACRES
POST-CONSTRUCTION AREA OF IMPERVIOUS SURFACE = 6.3 ACRES
TOTAL NEW IMPERVIOUS SURFACE AREA CREATED = 5.1 ACRES

RECEIVING WATERS:

SURFACE WATERS AND WETLANDS THAT WILL RECEIVE STORM WATER RUNOFF FROM THE SITE AND ARE WITHIN ONE (1) MILE OF THE SITE ARE INDICATED WITH DIRECTION ARROW ON THE SWPPP PLAN SHEET AND ARE LISTED BELOW:

NAME OF WATER BODY	IMPAIRED WATER
UNNAMED WETLANDS	NO
PAINTER CREEK	NO

THE OWNER SHALL SUBMIT A NOTICE OF TERMINATION (NOT) WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE.

CONSTRUCTION ACTIVITY NOTES

ALL CONSTRUCTION ACTIVITIES MUST MEET THE REQUIREMENTS OF THE MPCA'S NPDES GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY.

EROSION PREVENTION:

ALL EXPOSED SOIL AREAS (INCL. STOCKPILES) MUST BE STABILIZED. STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION BUT COMPLETED NO LATER THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

TEMPORARY TURF RESTORATION SHALL BE MNDOT SEED MIX 21-111 @ 100 LB/ACRE WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED). STABILIZATION MUST BE INITIATED IMMEDIATELY BUT IN NO CASE COMPLETED LATER THAN 14 DAYS AFTER THE ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

PERMANENT TURF RESTORATION SHALL BE MNDOT SEED MIX 25-131 @ 220 LB/ACRE WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED).

SEDIMENT CONTROL PRACTICES:

THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTROL SEDIMENT-LADEN SURFACE WATER FROM LEAVING THE CONSTRUCTION ZONE. ALL MOBILIZED SEDIMENT THAT HAS LEFT THE CONSTRUCTION ZONE SHALL BE COLLECTED BY THE CONTRACTOR AND PROPERLY DISPOSED OF AT NO ADDITIONAL COST TO THE OWNER.

ENTERING/EXITING THE SITE SHALL OCCUR ONLY AT TEMPORARY CONSTRUCTION ENTRANCES TO LIMIT TRACKING OF SEDIMENT ONTO STREETS.

TEMPORARY SOIL STOCKPILES SHALL HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS INSTALLED AROUND THE PERIMETER.

DUST CONTROL MEASURES SHALL BE IMPLEMENTED AS NECESSARY.

CONSTRUCTION SEQUENCING:

- 1) PRECONSTRUCTION MEETING.
- 2) INSTALL PERIMETER SILT FENCE, INLET PROTECTION ON EXISTING CATCH BASINS & ROCK CONSTRUCTION ENTRANCE.
- 3) CLEARING & GRUBBING.
- 4) ROUGH GRADE SITE.
- 5) INSTALL CULVERTS & OUTLET CONTROL STRUCTURES.
- 6) TEMPORARY STABILIZE SITE AS INDICATED ON THE PLANS.
- 7) COMPLETE STREET CONSTRUCTION.
- 8) PRIVATE UTILITY INSTALLATION.
- 9) RESTORE SITE WITH PERMANENT RESTORATION.
- 10) AFTER UPGRADIENT AREAS ARE VEGETATED, CONSTRUCT FILTRATION BASINS & STABILIZE/RESTORE.
- 11) REMOVE SEDIMENT CONTROL DEVICES & SUBMIT NOTICE OF TERMINATION (NOT) TO MPCA ONCE ALL DISTURBED AREAS HAVE 70% VEGETATIVE DENSITY.

EROSION & SEDIMENT CONTROL BMP ESTIMATED QUANTITIES:

QUANTITIES LISTED ARE APPROXIMATE. REFER TO CONTRACT DOCUMENTS FOR EXACT QUANTITIES.

BMP	QUANTITY
SILT FENCE	4,686 LF
ROCK CONST. ENTRANCE	1 EACH
MNDOT 3885 CAT 3 EROSION CONTROL BLANKET	12,700 SY
INLET PROTECTION	2 EACH
CULVERT INLET PROTECTION	2 EACH
WOOD FIBER BIOROLL CHECK	11 EACH
MNDOT SEED MIX 21-111 W/ TYPE 1 MULCH	11.5 ACRES
MNDOT SEED MIX 25-131 W/TYP E 1 MULCH	11.5 ACRES
CL. III RIP RAP	145 CY
NORTH AMERICAN GREEN SC250 TRM	2300 SF

CONSTRUCTION NOTES

INSPECTIONS AND MAINTENANCE:

THE CONTRACTOR MUST ROUTINELY INSPECT THE CONSTRUCTION SITE ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.5 INCHES IN A 24-HR PERIOD. INSPECTION LOGS SHALL INCLUDE ANY CORRECTIVE MEASURES TAKEN.

ALL INSPECTIONS MUST BE RECORDED AND RECORDS RETAINED WITH THE SWPPP ON SITE. THE SWPPP, ALONG WITH INSPECTIONS AND MAINTENANCE RECORDS, SHALL BE RETAINED FOR THREE YEARS AFTER SUBMITTAL OF THE NOTICE OF TERMINATION (NOT).

SILT FENCE MUST BE MAINTAINED WHEN ACCUMULATED SEDIMENT REACHES 1/3 OF THE DEVICE HEIGHT. INLET PROTECTION DEVICES SHALL BE CLEANED ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAINSTORM EVENT. REMOVAL AND DISPOSAL OF THE SEDIMENT SHALL BE INCIDENTAL TO THE CONTRACT.

TEMPORARY CONSTRUCTION ENTRANCE(S) SHALL BE CLEANED AND REFRESHED AS NECESSARY TO CONFORM TO DETAIL.

OFF-SITE VEHICLE TRACKING SHALL BE REMOVED WITH 24 HOURS OF DISCOVERY.

POLLUTION PREVENTION:

ALL SOLID WASTE GENERATED BY/COLLECTED FROM THE CONSTRUCTION SITE MUST BE DEPOSITED IN A DUMPSTER.

NO CONSTRUCTION MATERIAL SHALL BE BURIED OR BURNED ONSITE.

ALL HAZARDOUS MATERIALS (OIL, GASOLINE, FUEL, PAINT, ETC) MUST BE PROPERLY STORED/CONTAINED TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS. ALL VEHICLES LEFT ONSITE SHALL BE MONITORED FOR LEAKS TO REDUCE THE CHANCE OF CONTAMINATION.

EXTERNAL WASHING OF TRUCKS OR OTHER CONSTRUCTION VEHICLES, ENGINE DEGREASING, NOR CONCRETE WASHOUTS ARE ALLOWED ON SITE. TRUCKS ARE TO USE SELF-CONTAINED WASHOUT SYSTEM.

ALL SPILLS SHALL BE CLEANED IMMEDIATELY UPON DISCOVERY. SPILLS LARGE ENOUGH TO REACH THE STORM CONVEYANCE SYSTEM SHALL BE REPORTED TO THE MPCA STATE DUTY OFFICER AT 1-800-422-0798.

CONTRACTOR SHALL MONITOR AND PROVIDE DUST CONTROL COLLECTION WHEN NEEDED.

FINAL STABILIZATION:

THE CONTRACTOR MUST ENSURE FINAL STABILIZATION OF THE SITE. THE PERMITEE MUST SUBMIT A NOTICE OF TERMINATION WITHIN 30 DAYS AFTER FINAL STABILIZATION IS COMPLETE.

SUFFICIENT TOPSOIL (6") SHALL BE PLACED ON DISTURBED AREAS FOR RE-VEGETATION.

ALL TEMPORARY EROSION CONTROL MEASURES AND BMP'S MUST BE REMOVED AS PART OF THE FINAL SITE STABILIZATION.

TRAINING REQUIREMENTS:

CONTRACTOR MUST BE TRAINED FOR BOTH CONSTRUCTION INSTALLER AND SITE MANAGEMENT PER REQUIREMENTS OF THE PERMIT, PART III.F. DOCUMENTATION SHALL BE ADDED TO THE SWPPP DOCUMENTS LOCATED ONSITE.

REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

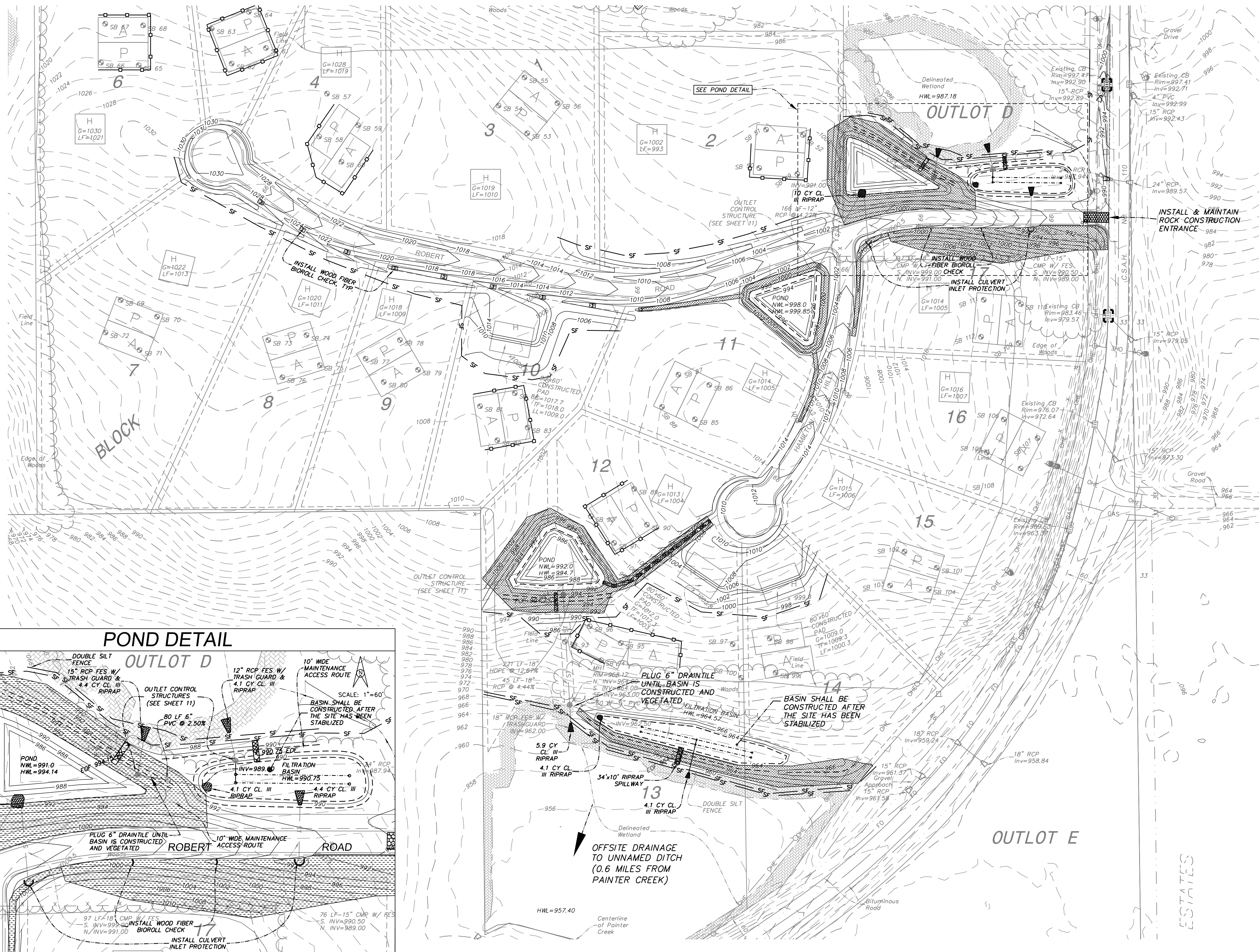
DESIGNED DRAWN
P.E.O. T.J.B.
CHECKED
P.E.O.
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
Paul E. Otto
Paul E. Otto
License #40062 Date: 5-24-18

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HAMILTON CENTURY FARM
DON HAMILTON
INDEPENDENCE, MN

STORMWATER POLLUTION PREVENTION PLAN NARRATIVE
SHEET NO. 7 OF 12 SHEETS

PROJECT NO: 16-0121
DATE: 5-18-18



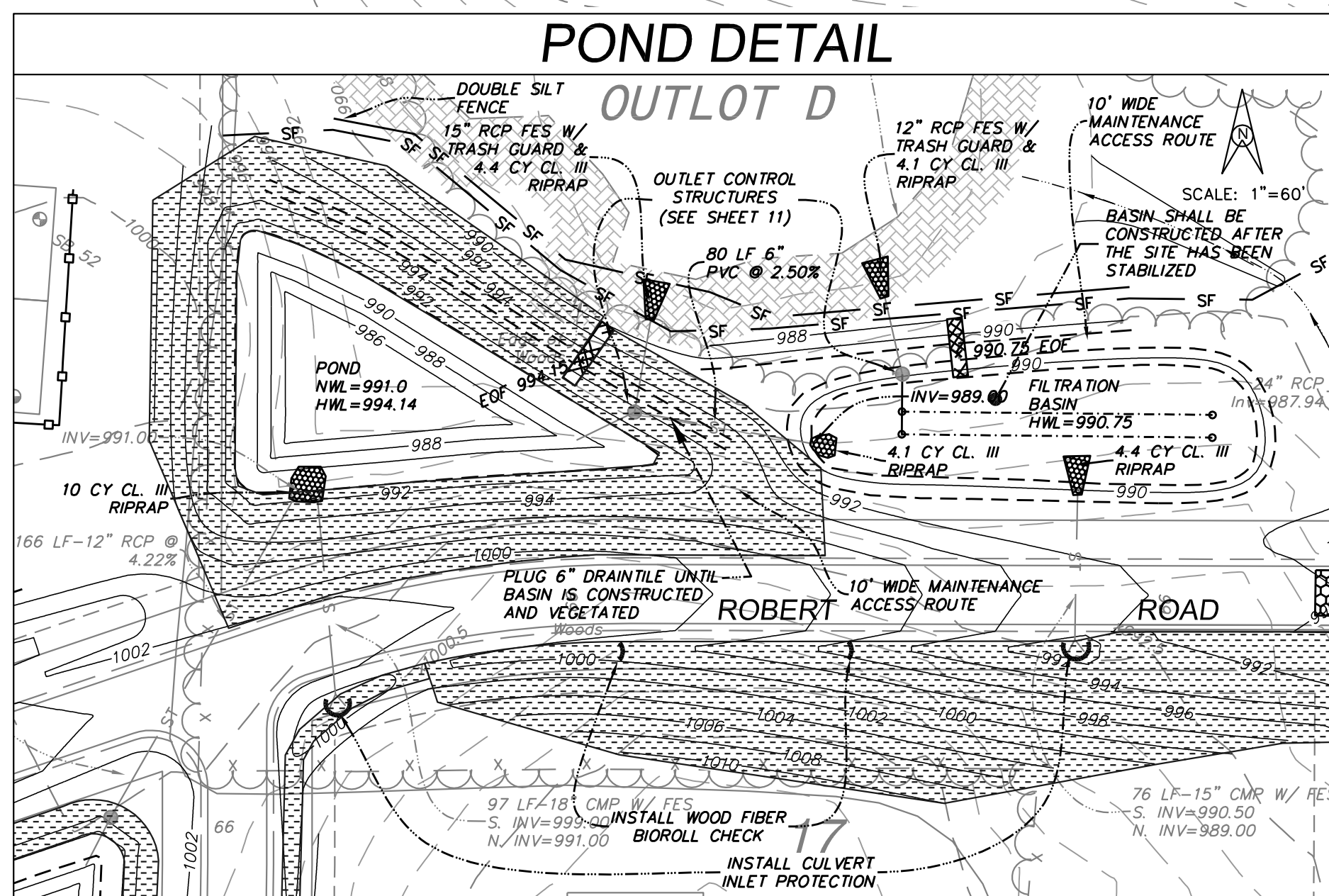
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0 100 200
Feet

SCALE: 1"=100'

LEGEND

- SF — denotes pre-construction silt fence
- ○ — denotes construction fence
- ▨ denotes MnDOT 3885 Cat. 3 erosion control blanket
- denotes in-street inlet protection
- ▤ denotes wood fiber bioroll check
- ⌋ denotes culvert inlet protection
- ▧ denotes North American Green SC250 TRM



REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

DESIGNED: P.E.O. DRAWN: T.J.B.

CHECKED: P.E.O.

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License #40062 Date: 5-24-18

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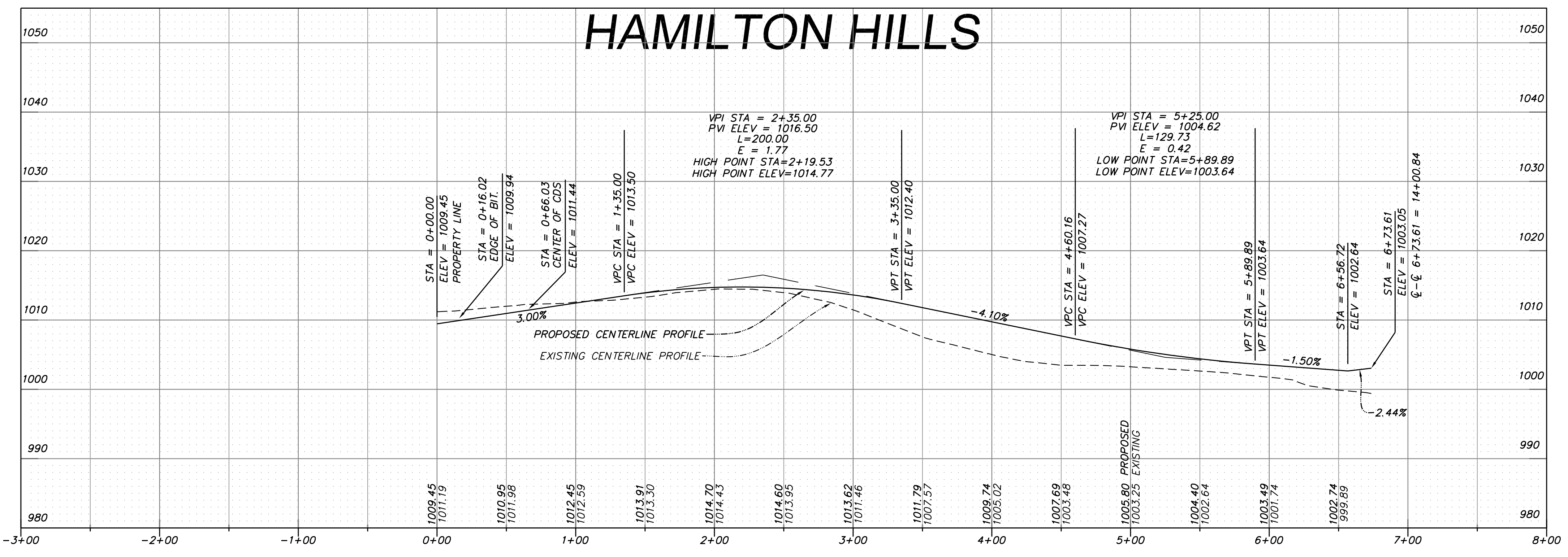
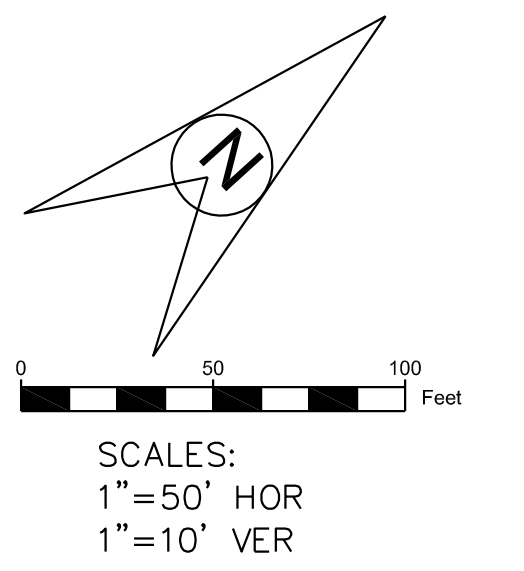
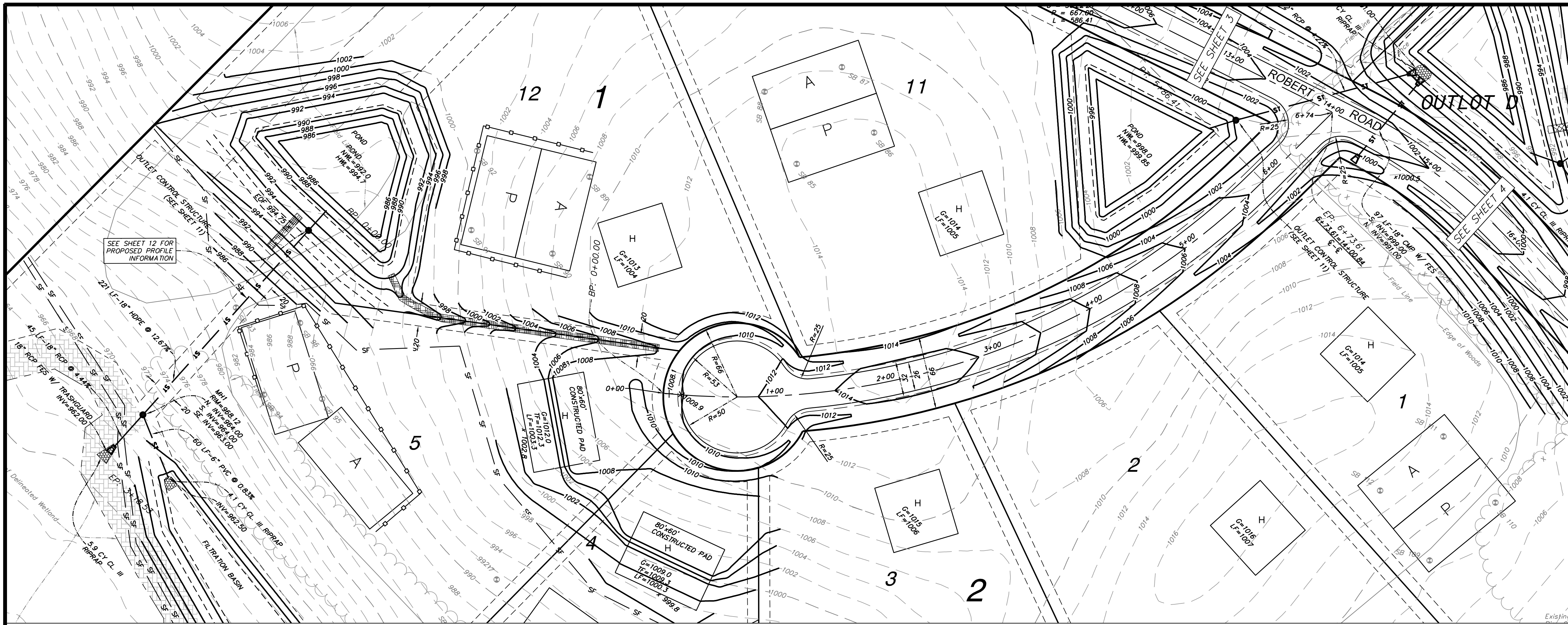
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HAMILTON CENTURY FARM
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STORMWATER POLLUTION PREVENTION PLAN

PROJECT NO: 16-0121

SHEET NO. 6 OF 12 SHEETS DATE: 5-18-18



REV. NO.	DATE	BY	DESCRIPTION
1	5-24-18	T.J.B.	REVISE STORM SEWER

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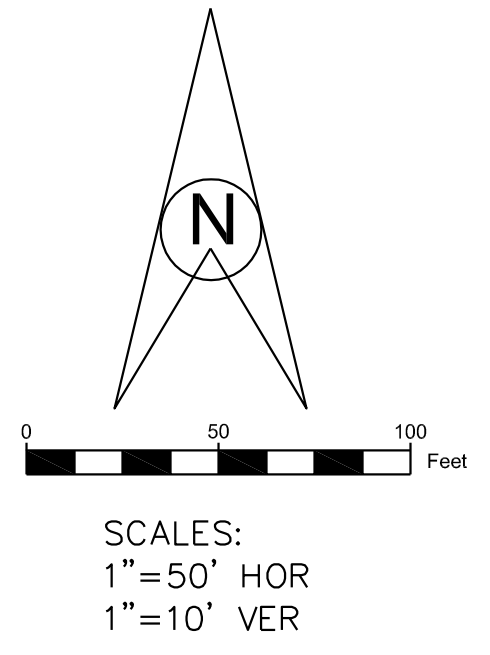
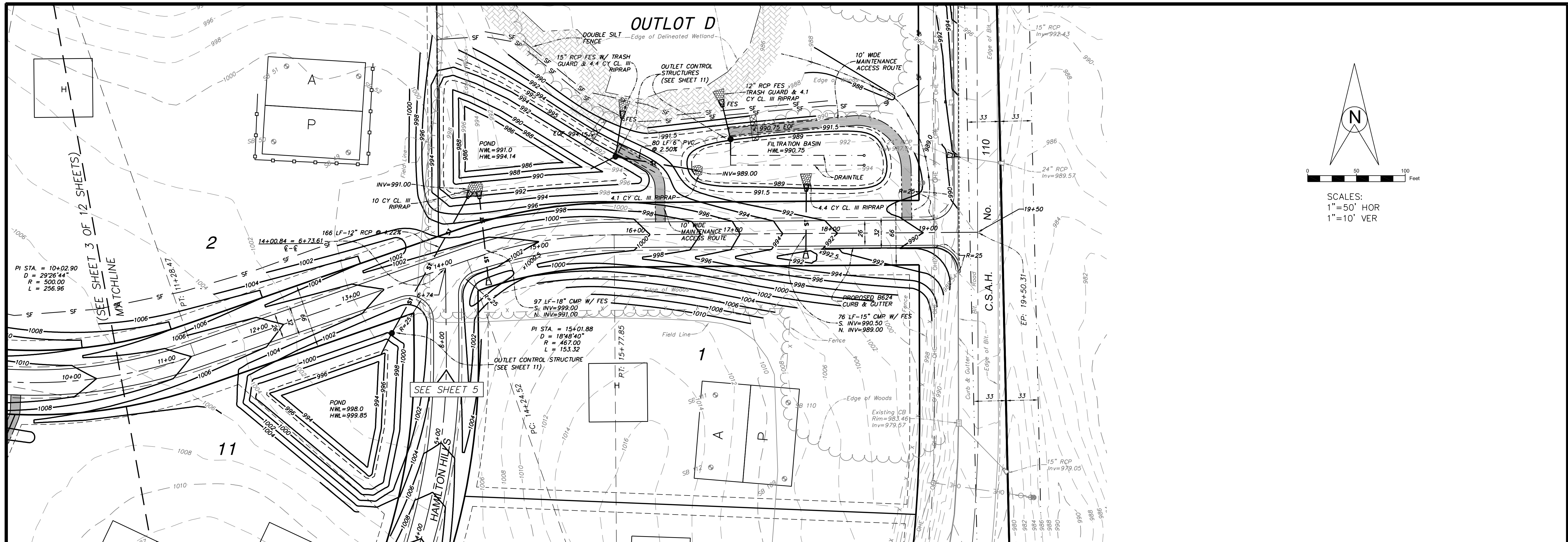
HAMILTON CENTURY FARM
DON HAMILTON
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STREET & STORM SEWER PLAN
HAMILTON HILLS

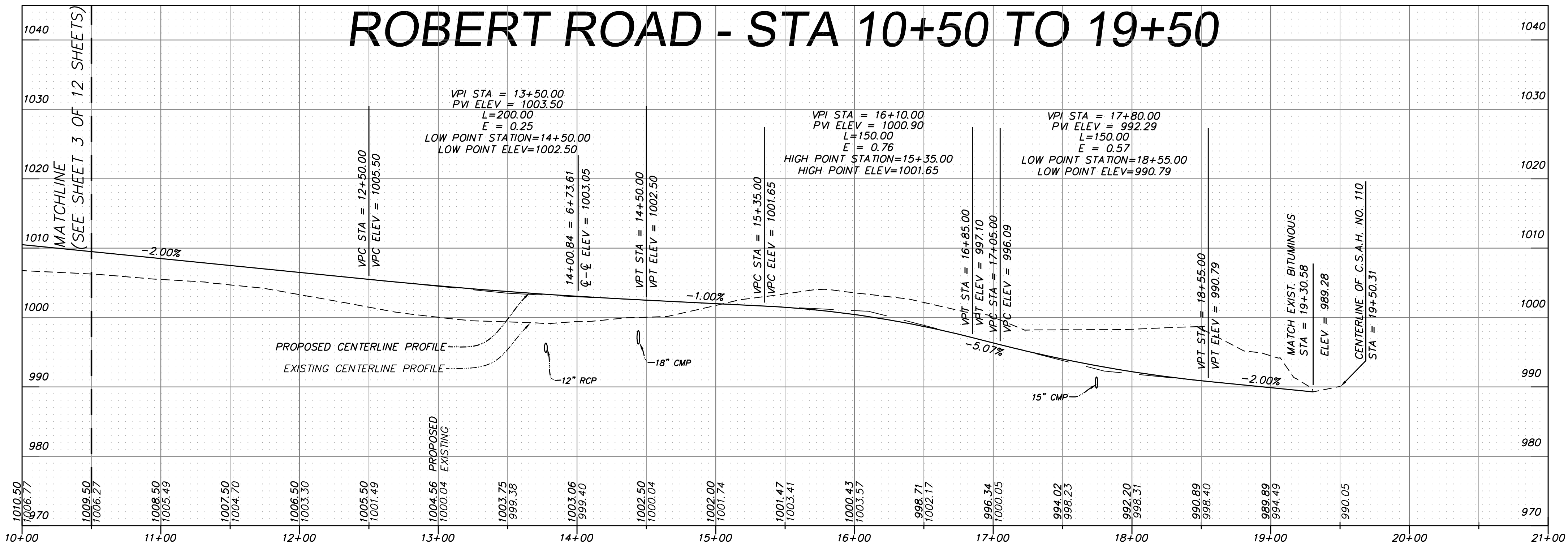
SHEET NO. 5 OF 12 SHEETS

PROJECT NO:
16-0121

DATE: 5-18-18



ROBERT ROAD - STA 10+50 TO 19+50



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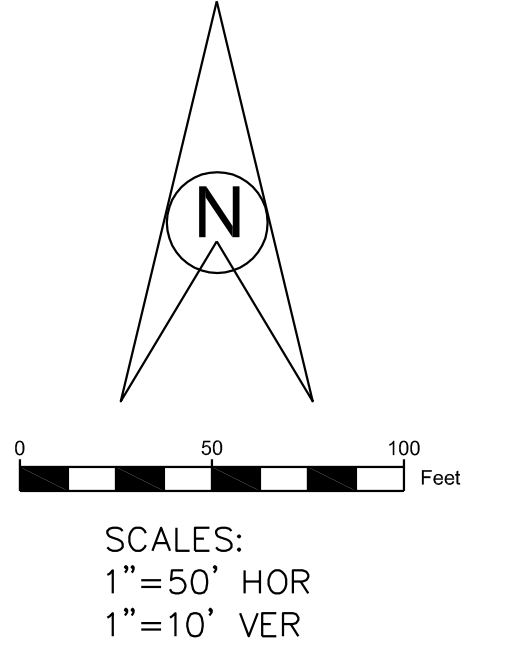
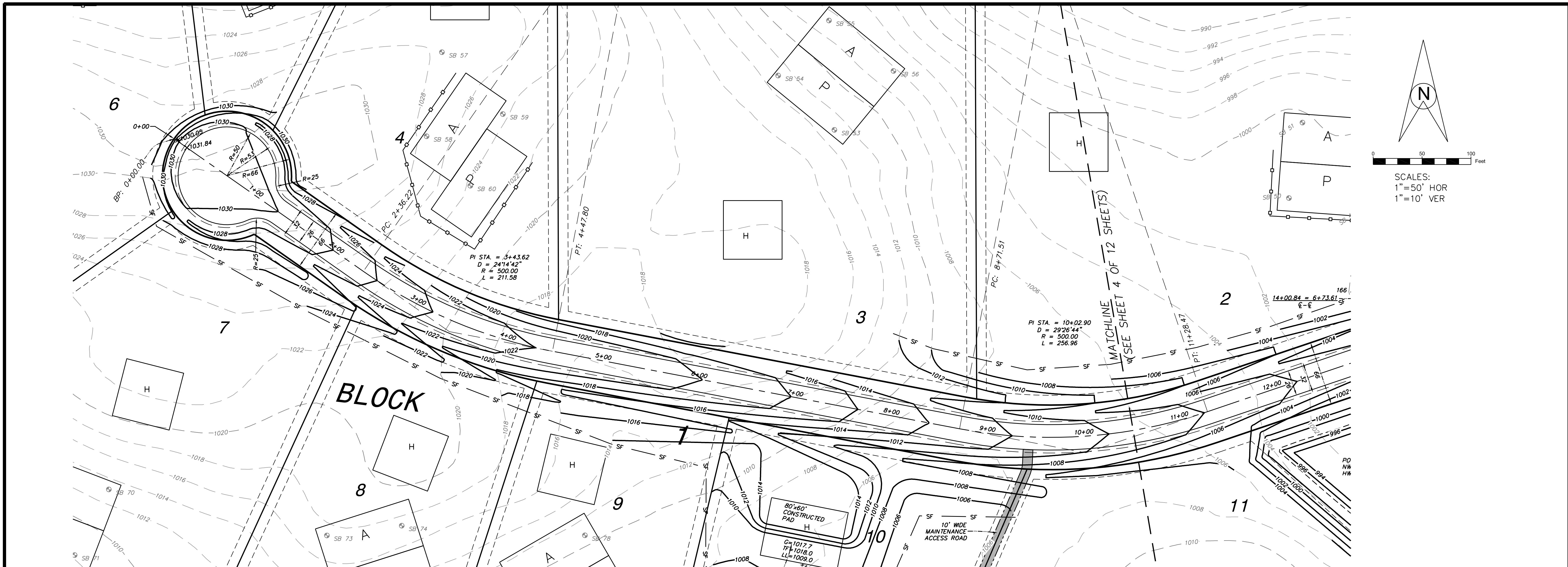
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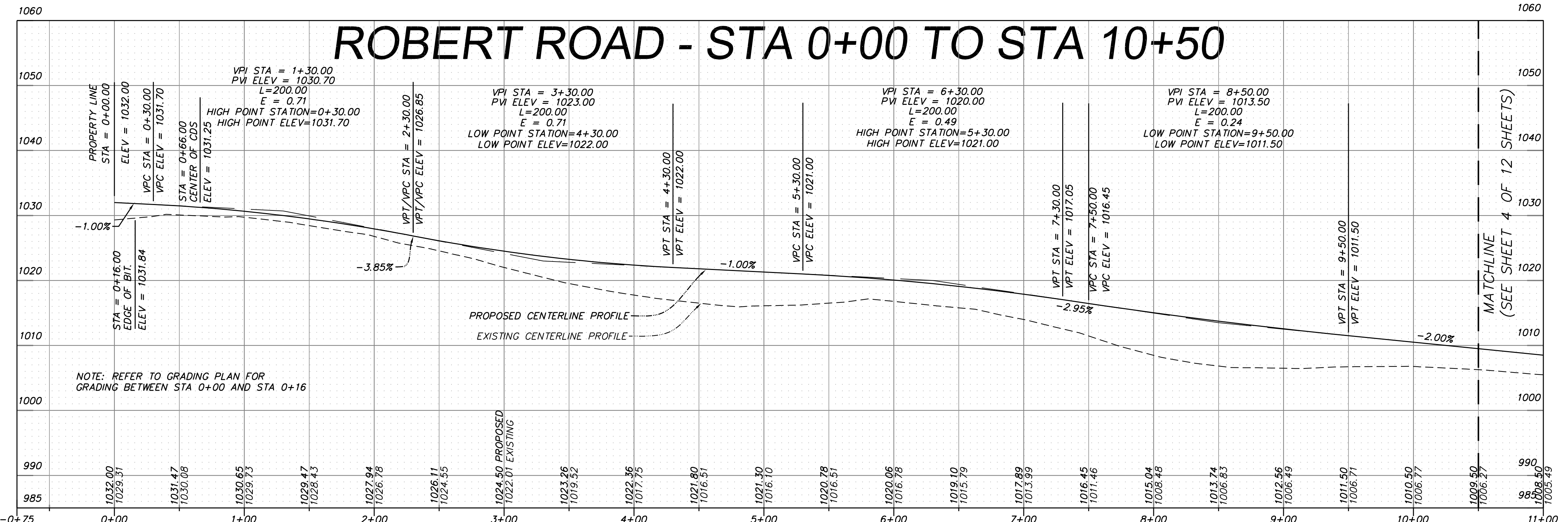
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HAMILTON CENTURY FARM
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INDEPENDENCE, MN

STREET & STORM SEWER PLAN ROBERT ROAD - STA 10+50 TO STA 19+50	PROJECT NO: 16-0121
SHEET NO. 4 OF 12 SHEETS	DATE: 5-18-18



ROBERT ROAD - STA 0+00 TO STA 10+50



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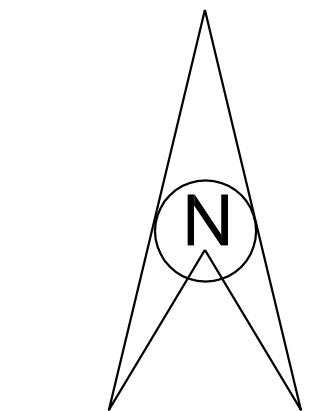
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HAMILTON CENTURY FARM
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STREET & STORM SEWER PLAN ROBERT ROAD - STA 0+00 TO STA 10+50	PROJECT NO: 16-0121
SHEET NO. 3 OF 12 SHEETS	DATE: 5-18-18



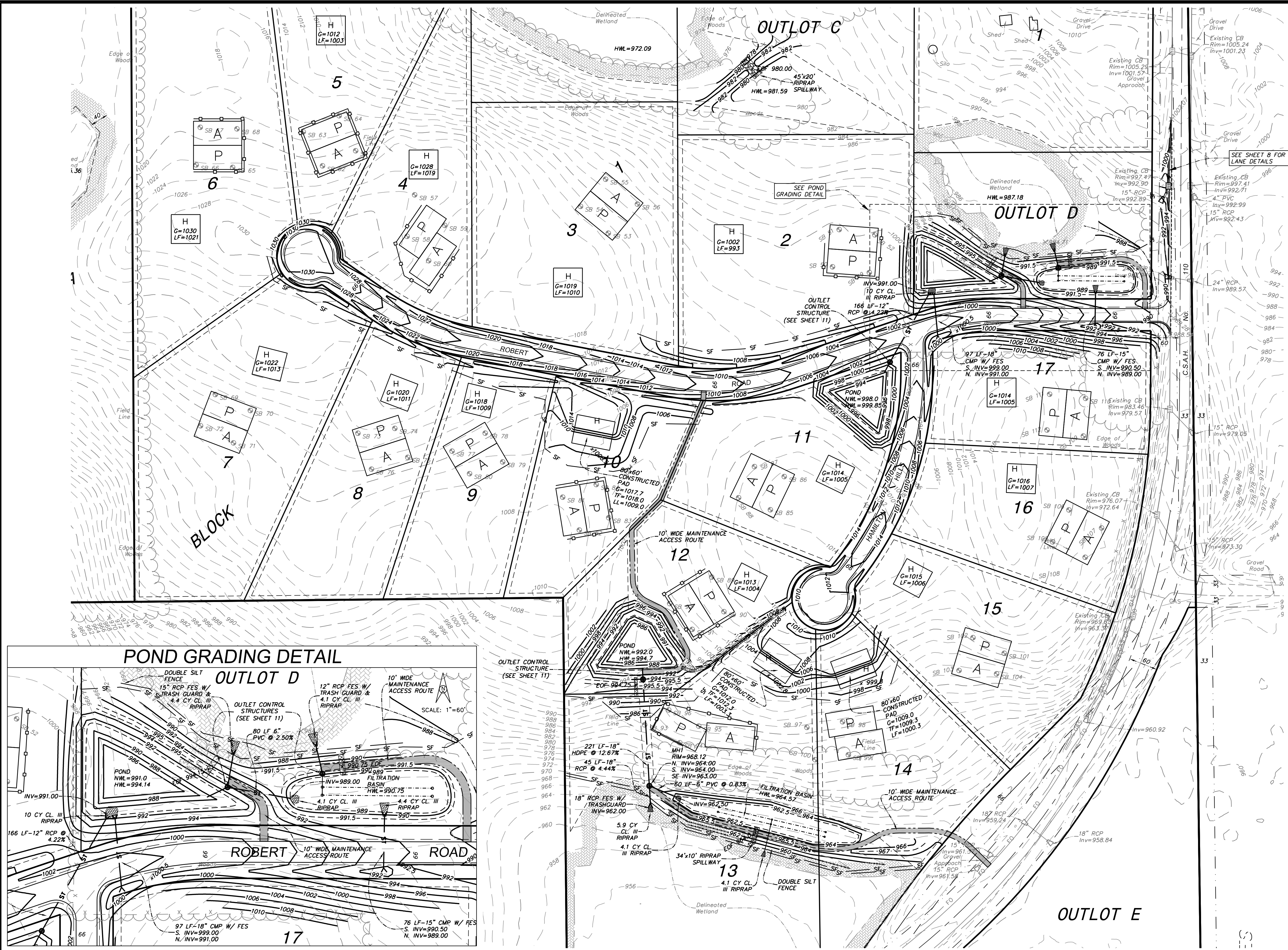
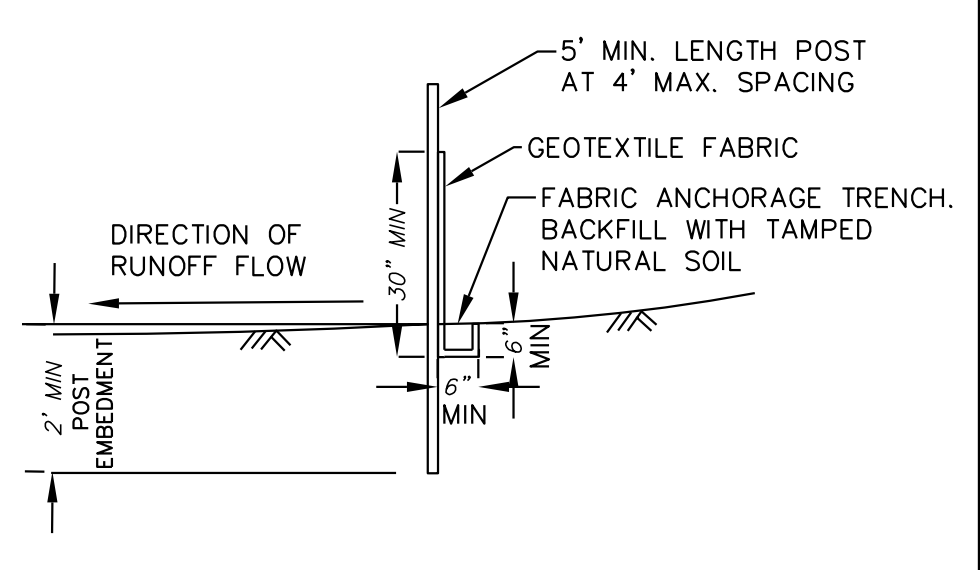
0 100 200 Feet
SCALE: 1"=100'

NOTES:
1. PRIOR TO ANY EXCAVATION THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES. CALL GOPHER STATE ONE CALL 48 HOURS BEFORE DIGGING.
2. CONSTRUCTION SHALL CONFORM TO THE 2018 EDITION OF THE MNDOT "STANDARD SPECIFICATIONS FOR CONSTRUCTION", CEAM STANDARD UTILITIES SPECIFICATION & CITY OF INDEPENDENCE PUBLIC WORKS MANUAL OF STANDARDS.

- LEGEND**
- 988- denotes Existing Contour
 - 988.00 x denotes Existing Spot Elevation
 - ⊙ denotes Soil Boring
 - ⊙ denotes Test Hole
 - ⊙ denotes Guy Wire
 - ⊙ denotes Power Pole
 - ⊙ denotes Catch Basin
 - GAS- denotes Gas Line
 - FO- denotes Underground Cable Line
 - OHE- denotes Overhead Electric Line
 - x- denotes Fence Line
 - denotes Wetland
 - denotes Existing Culvert
 - [Hatched Box] denotes 30' Wetland Buffer
 - denotes Proposed Wetland Buffer Sign
 - [Box P] denotes Possible Primary Septic Area
 - [Box A] denotes Possible Alternate Septic Area
 - SF- denotes pre-construction silt fence
 - o-o- denotes post-construction silt fence (to be installed after final grading)
 - o-o- denotes construction fence
 - [Grid] denotes North American Green SC250 TRM
 - [H] G=990 LF=981 denotes garage elevation lowest floor elevation
- HOUSE PADS 60' X 60' UNLESS OTHERWISE NOTED

NOTE: ANY UNVEGETATED WETLAND BUFFER AREAS AND WITHIN THE DESIGNATED CREEK FIELD STRIP SHALL BE RESTORED WITH MNDOT 35-241.

Wetlands Delineated by Kjolhaug Environmental Services Company



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1	5-24-18	T.J.B.	REVISE STORM SEWER

DESIGNED DRAWN
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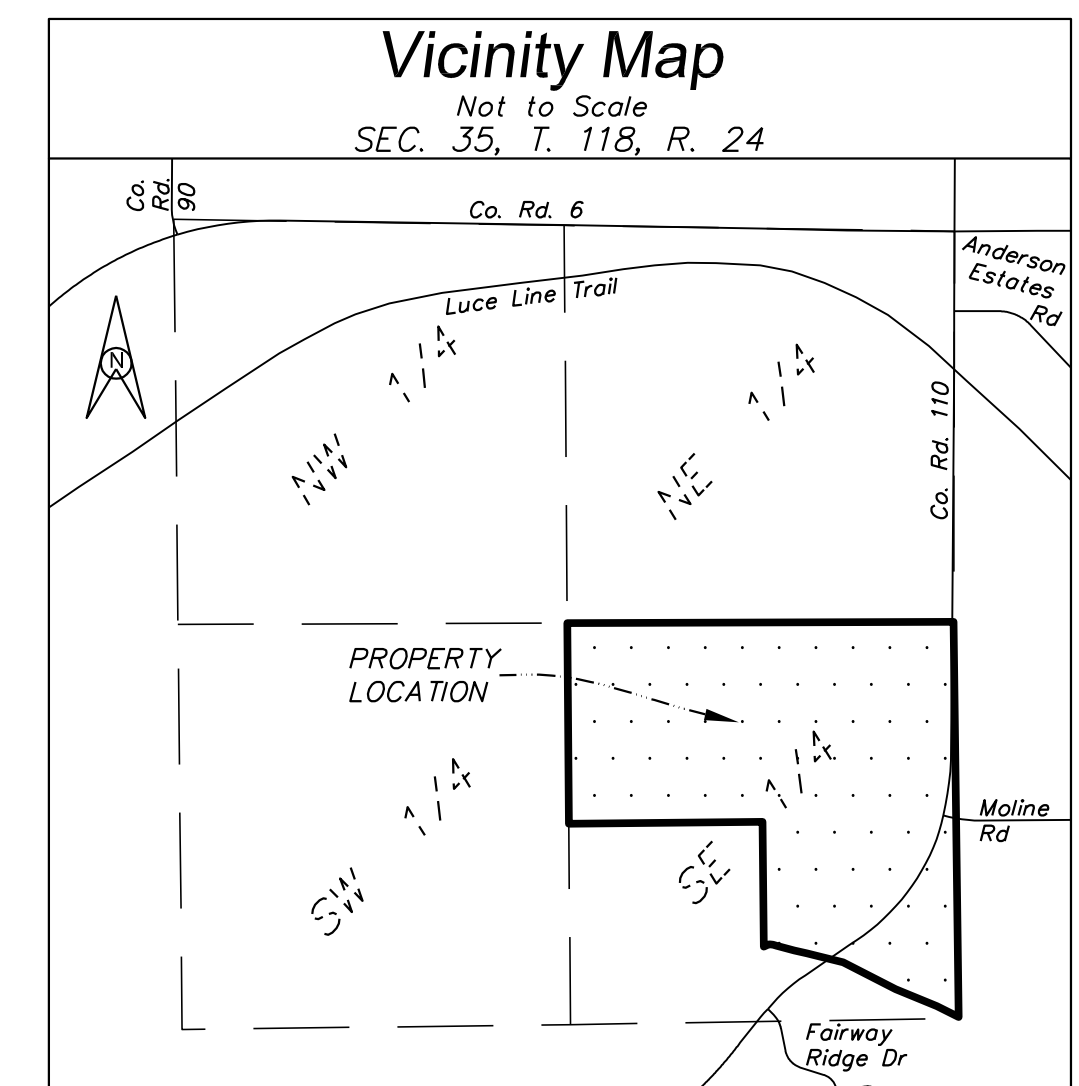
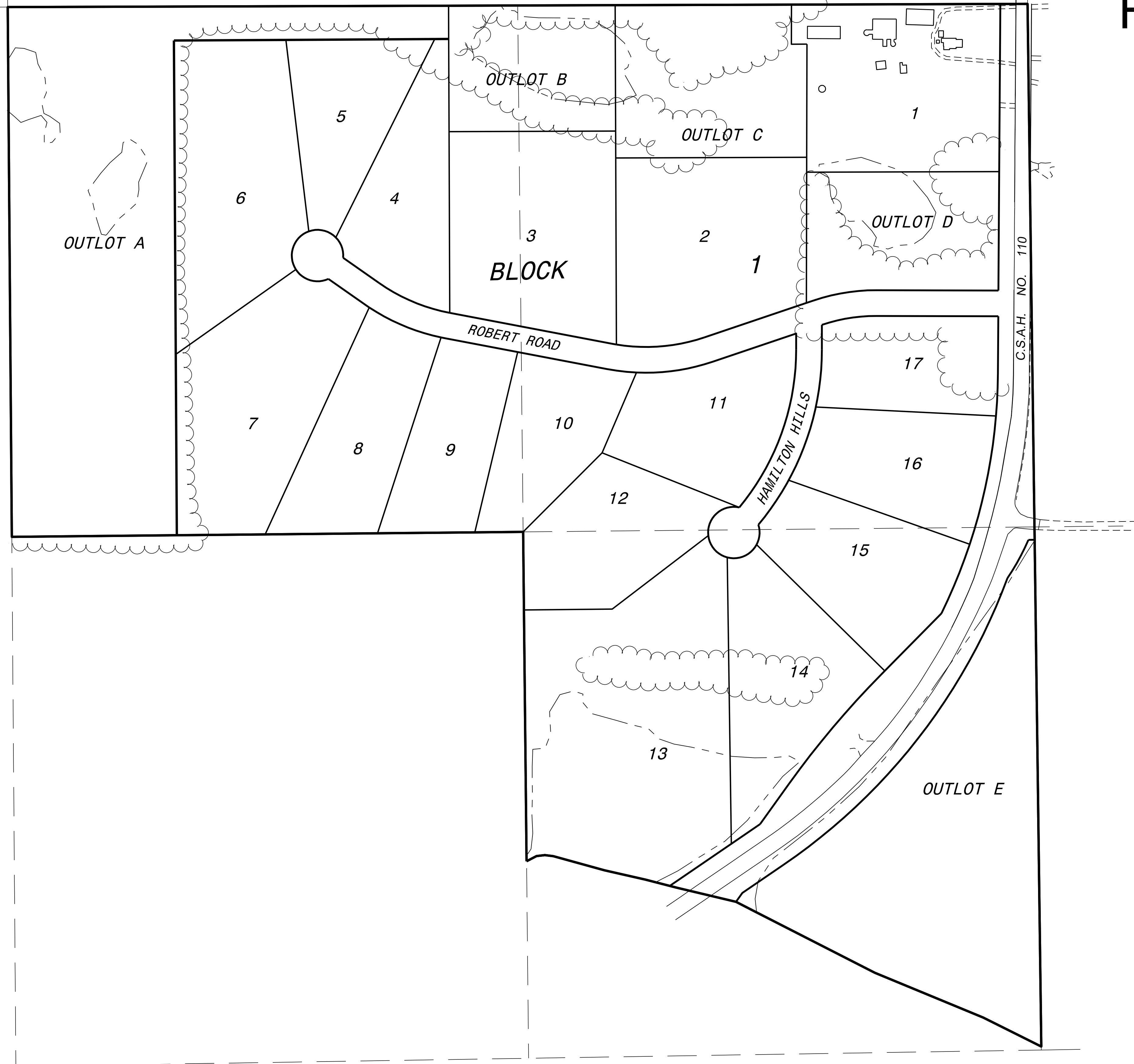
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HAMILTON CENTURY FARM
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GRADING PLAN
PROJECT NO: 16-0121
SHEET NO. 2 OF 12 SHEETS
DATE: 5-18-18

HAMILTON CENTURY FARM



SHEET INDEX

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2	GRADING PLAN
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4	STREET & STORM SEWER - ROBERT ROAD - STA 10+50 TO STA 19+50.31
5	STREET & STORM SEWER - HAMILTON HILLS
6	STORMWATER POLLUTION PREVENTION PLAN
7	STORMWATER POLLUTION PREVENTION PLAN NARRATIVE
8	TURN LANE
9	FILTRATION BASIN
10	DETAILS
11	DETAILS
12	DETAILS

REV. NO.	DATE	BY	DESCRIPTION
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HAMILTON CENTURY FARM
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COVER SHEET

SHEET NO. 1 OF 12 SHEETS

PROJECT NO: 16-0121
DATE: 5-18-18