



CITY COUNCIL REGULAR MEETING AGENDA
TUESDAY OCTOBER 15, 2019
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 October 1, 2019 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19161-19195.
- c. 3rd Quarter Building Permit Report.

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. Annual Visit from Orono School Board Member Sarah Borchers.

8. West Hennepin Public Safety Director, Gary Kroells, September 2019 Monthly Report.

9. AT&T (Applicant) requests that the City consider the following action for the property located at 3310 County Line Road, Independence, MN (PID No. 07-118-24-33-0004):

- a. **RESOLUTION NO. 19-1015-01** – considering a conditional use permit amendment to allow the colocation of new cellular antennas on the existing wireless tower located on the subject property and a variance to allow a second accessory structure on the property and the reduction of the requisite 40-foot rear yard setback.

10. Discussion/Approval Relating to City Hall Upgrades – Architectural Services.

11. Open/Misc.

12. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, OCTOBER 1, 2019 –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.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts and Grotting
ABSENT: Assistant to Administrator Horner, Councilor McCoy
STAFF: City Administrator Kaltsas, City Attorney Vose
VISITORS: None

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

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

- a. Approval of City Council Minutes from the September 17, 2019 Regular City Council Meeting.
- b. Approval of City Council Minutes from the September 12, 2019 City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 19133-19160 (Check 19132 was voided).
- d. Approval of Election Judges for the 2019 Election.
- e. Large Assembly Permit for an Event to be Held on the Property Located at 7075 US Highway 12 on October 12, 2019.

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

- Planning Commission Meeting
- Pioneer Sarah Creek Watershed Meeting
- Lynn Nadasdy Memorial Service

Grotting attended the following meetings:

- Pioneer Sarah Creek Watershed Meeting
- Planning Commission Meeting
- LMCC meeting with Mediacom

McCoy attended the following meetings:

Betts attended the following meetings:

Johnson attended the following meetings:

- Sensible Land Use Committee Meeting
- Orono Healthy Youth Meeting
- Lynn Nadasdy Memorial Service
- Delano School Board Meeting
- Orono School Board Work Session
- National League of Small Cities Conference Call Meeting
- Senior Community Services Board Meeting
- Community Action Partnership Meeting

Horner attended the following meetings:

Kaltsas attended the following meetings:

- Several meetings with residents on the Otten Development
- Several meetings with residents on road conditions on Klaers Drive
- Met with Architectural Firms on City Hall remodel

7. R. Michael and Margaret King (Applicants/Owners) request that the City consider the following actions for the property located at 2365 County Road 92 N., Independence, MN (PID No. 20-118-24-11-0002):

- a. RESOLUTION NO. 19-1001-01 – considering a variance and minor subdivision to allow the creation of a rural view lot. The property is an original quarter, quarter section with the exception of a small piece of property that was taken by Wright Hennepin Electric for their substation. The variance would allow the subdivision of property for a rural view lot that is less than 40 acres.

Kaltsas said the applicants approached the City about the possibility of subdividing their property to create a rural view lot. The property is zoned Agriculture. The City does not allow the subdivision of property zoned Agriculture with the exception of lot line rearrangements and rural view lot splits. The overall property does not meet the minimum 40-acre requirement to realize a rural view lot subdivision; however, the property has not previously been subdivided for the purpose of creating any additional lots. The City has an additional provision that allows properties that were originally subdivided into a quarter-quarter section and not further subdivided to be deemed a 40-acre parcel for purposes of determining rural view lot eligibility.

Wright Hennepin Electric has a substation located in the northeast corner of the property that appears to have taken a small piece of the original quarter-quarter section. The applicant would like the City to consider granting a variance to allow the subdivision of property in the Agriculture zoning district that does not meet the minimum 40-acre lot size. The applicant is proposing to subdivide a 10-acre parcel from the overall property. The newly created lot would be located along the north property line. The newly subdivided property would be accessed via a private driveway easement that would provide access from County Road 92 N into the site on the existing driveway that serves the existing residence. Based on the information provided and a site visit, the proposed lot would appear to accommodate the development of a single-family home meeting all requisite requirements. The proposed property would have the following detail:

Min. Lot Size Required to Subdivide:
40 Acres

Existing Lot Size:
38.95 Acres (original quarter-quarter sect.)

Min. Lot Frontage Required:
300 Lineal Feet

Lot Frontage Proposed:
280 Lineal Feet

Min. Upland Acreage Required:
2.5 Acres

Upland Acreage Proposed:
8.32 Acres

Min. Lot Frontage to Lot Depth Required:
1:4

Min. Lot Frontage to Lot Depth Proposed:
1:4

The proposed Parcel 2 would meet all applicable criteria of the City's zoning ordinance with the exception of the minimum lot frontage (300 LF required/280 LF proposed). The applicant could meet the minimum lot frontage; however, the shape of the lot would become skewed rather than square. The overall width of the lot with the exception of the utility property is proposed to be 350 LF. The City can provide direction relating to whether or not the line should be adjusted to provide for the 300 LF of frontage. The remainder property with the existing home and accessory structures would not be negatively impacted as a result of the proposed subdivision. The proposed property line for the new parcel would not create any non-conformities or reduced setbacks relating to the remainder property, the existing home or accessory buildings.

The City has standards for granting a variance which need to be considered prior to making a recommendation relating to the application. The standards established by the City require the applicant to demonstrate that the requested variance does not create a situation that is not in keeping with the character of the surrounding area. In addition, the applicant must demonstrate that the requested variance is unique to the subject property.

The standards for granting a variance are as follows: 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 standards for granting a variance:

- a. The applicants are proposing to use the property as residential which is consistent with the AG-Agriculture Zoning District.
- b. The properties created by the subdivision are similar in nature and character to the surrounding properties. There are existing properties located along County Road 92 N. that range between 5 and 40 acres plus.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture.

The City’s current comprehensive plan guides this area for long term agriculture. The City will need to determine if the proposed subdivision is in keeping with the intent of the City’s comprehensive plan. The requested variance to allow the subdivision of the property must be found to be unique to this property. The City could find that because the parcel has not benefited from the subdivision of a rural view lot in the past, that it could consider this property to be an original quarter-quarter section. Due to the large area of the City and the number of properties, it is difficult to determine if this situation is wholly unique to this property but believes that there are very few properties impacted by a utility similar to this situation. The City will need to determine if the unique characteristics of this property are distinctive and discernable from other conditions on similar properties. The Planning Commission recommended approval of the requested variance and minor subdivision with the following findings and conditions:

1. The proposed variance and minor subdivision request meet all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, and Chapter V, Section 500, Subdivisions, in the City of Independence Zoning Ordinance.
2. The proposed subdivision meets the criteria for granting a variance due to the following findings:
 - a. The resulting rural view lot is in keeping with the character of the surrounding area.
 - b. The existing property has not realized any previous subdivision that resulted in an additional buildable lot.

3. The Applicant shall provide to the City verification that proposed Parcel 2 can accommodate a

primary and secondary septic site.

4. The Applicant shall provide, execute and record the requisite drainage and utility easement with the county within six (6) months of approval.
5. The Applicant shall pay the park dedication fees in the amount of \$7,250 prior to the applicant receiving final approval to record the subdivision by the City.
6. The Applicant shall pay for all costs associated with the City's review of the requested variance and subdivision.
7. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Johnson said he appreciates the easement with the driveway. Betts noted the wider driveway and Kaltsas said it was a 15' easement. Johnson asked about maintenance responsibility and Kaltsas said that is put in place with three or more properties.

Motion by Spencer, second by Grotting to approve RESOLUTION NO. 19-1001-01 – considering a variance and minor subdivision to allow the creation of a rural view lot. The property is an original quarter, quarter section with the exception of a small piece of property that was taken by Wright Hennepin Electric for their substation. The variance would allow the subdivision of property for a rural view lot that is less than 40 acres for the property located at 2365 County Road 92 N., Independence, MN (PID No. 20-118-24-11-0002) Ayes: Johnson, Grotting, Betts and Spencer. Nays: None. Absent: McCoy. MOTION DECLARED CARRIED.

8. AT&T (Applicant) requests that the City consider the following action for the property located at 3310 County Line Road, Independence, MN (PID No. 07-118-24-33-0004):

RESOLUTION NO. 19-1001-02 – considering a conditional use permit amendment to allow the colocation of new cellular antennas on the existing wireless tower located on the subject property and a variance to allow a second accessory structure on the property and the reduction of the requisite 40-foot rear yard setback.

Johnson noted this would not be heard tonight as the applicant needed more time to work on some open items.

9. Anita Volkenant (Applicant/Owner) requests that the City consider the following actions for the property located at 5835 Drake Drive, Independence, MN (PID No. 26-118-24-43-0006):
 - a. **RESOLUTION NO. 19-1001-03 – considering an amendment to the existing interim use permit previously granted on the property.**

Kaltsas said the City granted an interim use permit (IUP) in April of 2019 to allow the continued use of horticulture on the subject property. The IUP was approved subject to a settlement and stipulation agreement which further detailed the conditions of the IUP approval. One of the conditions related to the two hoop houses located on the property. The agreement included the following provisions relating to the hoop houses on the property:

There are currently two temporary hoop houses situated on the Property (the "Hoop Houses"). Volkenant and PVG agree that the Hoop Houses will be utilized for Horticultural Purposes, and the City consents to the

continued use of the Hoop Houses on the Property for Horticultural Purposes. Volkenant and the City further agree as follows:

- (i) Volkenant shall be allowed to maintain the temporary plastic covering on the 30X1 00 Hoop House year-round.
- (ii) Between November 1 and December 1 of each calendar year, Volkenant shall be allowed to install the temporary plastic covering on the 20X80 Hoop House that is currently situated on the Property;
- (iii) Between July 1 and July 30 of each calendar year, Volkenant shall remove the temporary plastic covering from the 20X80 Hoop House that is currently situated on the Property; and
- (iv) Volkenant shall not install any additional temporary hoop house structures on the Property without prior City review and approval.

The current agreement requires the applicant to remove the temporary plastic covering from the 20 x 80 hoop house between the dates of July 1 and July 30. The applicant is now asking the City to consider allowing the temporary plastic covering to remain on the 20 X 80 hoop house year-round. There are several key considerations relating to the proposed amendment to the interim use permit that should be noted and further considered by the City.

1. The City regulates the total square footage of detached accessory structures on a property. The subject property would allow for a total of 3,306 SF. The applicant currently has the following detached accessory structures on the property totaling 3,457 SF:

- a. Garage: 600 SF
- b. Garage #1: 270 SF
- c. Garage #2: 420 SF
- d. Barn & Lean-to: 881 SF
- e. Shed: 736 SF
- f. Lean-to: 550 SF

In addition, the applicant has the following hoop houses totaling 4,600 SF:

- a. Hoop House #1: 3,000 SF (300' x 100')
- b. Hoop House #2: 1,600 SF (20' x 80')

The total square footage of detached accessory structures on the property is 8,057 SF. This total is more than twice the allowable square footage of 3,306 SF. The square footage of detached accessory structure exceeds the allowable amount permitted on the property. All of the permanent detached buildings are existing and considered legal-non conforming.

The two hoop houses (greenhouses) on the property were constructed in the last 5 years without approval from the City. The applicant noted that they believe the structures to be temporary and considered agricultural buildings which would not require a building permit. The City does not differentiate between temporary and permanent structures in the zoning ordinance and the hoop houses are considered permanent accessory structures. City will need to find that it should permit more than double the allowable square footage on the property and the buildings are adequately mitigated so as to not take away from the reasonable use and enjoyment of the surrounding properties.

The City has criteria relating to interim use permits. One of the criteria of an interim use permit is that it meets the standards for granting a conditional use permit. The following criteria have been established for both an interim use permit and conditional use permit:

1. The use is deemed temporary and the use conforms to the development and performance standards of the zoning regulations.
2. The date or event that will terminate the use can be identified with certainty.
3. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The user agrees to any conditions that the city council deems appropriate for allowing the use.
5. The use meets the standards set forth in subsection 520.11 governing conditional use permits.

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 City will need to determine if the requested interim use permit amendment meets all of the aforementioned conditions and restrictions. Along with the initial IUP approval, the applicant did prepare a site plan which proposed screening of the property from Drake Drive. A copy of the site plan is attached to this report. Staff is seeking a recommendation from the Planning Commission pertaining to the request for an amendment to the interim use permit with the following findings and conditions:

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The horticulture use of the property shall be subject to all conditions provided for and further detailed in the attached Exhibit A (Settlement and Stipulation Agreement) with the following amendment:
 - a. Volkenant shall be allowed to maintain the temporary plastic covering on the 30X1 00 Hoop House year-round.
 - b. Volkenant shall be allowed to maintain the temporary plastic covering on the 20 X 80 Hoop House year-round.
3. The applicant shall pay for all costs associated with the City's review and processing of the requested amendment to the interim use permit.

Vose explained the amended IUP does not allow the applicant to get out of the original settlement agreement. Betts asked about the hoop house and once a freeze hits. Volkenant said the current style is temporary and not re-usable and the one she will put on will be a much higher grade and last 5-7 years. Grotting disagreed with the legal opinion as this was a request for further change after a negotiated agreement with the City. Betts said maybe there should be different applications for structures like this that are more than temporary. Vose said some cities spell out the types of structures that don't count against structure space. He noted Independence does not differentiate structures.

Spencer said he is concerned that if this approved is it backward engineering that hoop houses are not accessory structures. What if someone comes in and wants to put up a huge hoop house for horses. He noted the City has already been through a big legal process with the original settlement. Vose said that someone may come in and argue that this is not fair. He noted the facts are never truly identical. Spencer said if these structures don't count then someone can come in and say they want a pole barn in addition to their hoop house. Spencer said the agreement was put in place to deter people from putting up these hoop houses all over. Vose said the answer may be that anything temporary or permanent count. Spencer said the applicant has been waiting too long for an answer. Grotting said Council gave them answer originally and now it is back in front of them. Johnson said he was disappointed when he saw this application coming in so quickly after the agreement.

Volkenant said she didn't want to open a can of worms, but she needs to order the plastic in order to put it on by November. Grotting asked if there was anything else other than this issue that is not in the agreement that also needs to be looked at.

Motion by Grotting, second by Johnson to approve RESOLUTION NO. 19-1001- 03 for an amendment to the existing interim use permit previously granted on the property located at 5835 Drake Drive, Independence, MN (PID No. 26-118-24-43-0006) Ayes: Johnson, Grotting and Betts. Nays: Spencer. Absent: McCoy. MOTION DECLARED CARRIED.

10. Open/Misc.

11. Adjourn.

Motion by Spencer, second by Grotting to adjourn at 7:42 p.m.

Respectfully Submitted,

Trish Gronstal
Recording Secretary

DATE	#	APPLICANT	ADDRESS	PID #	PERMIT TYPE	O	M	P	BV	TOTAL FEES		TOTAL SUR.	FEES W/O SUR.	VALUATION
										INC.	SURCHARGE			
7/1/2019	19-106	C & S Mgmt Co	7576 Turner Rd	28-13-0002	Plumbing				1		101	1	100	\$9,000.00
7/3/2019	19-107	Hayes & Sons	6165 Main St	26-21-0005	Septic						300			\$2,000.00 FINAL
7/3/2019	19-108	Josh Sammons	6630 Franklin Hills		Lower level				1	7.5	535.5	8.5	527	\$15,000.00
7/5/2019	19-109	Larry Lindberg	2995 Copeland	18-14-0006	Deck					4	264.45	4	260.45	\$8,000.00
7/8/2019	19-110	Marsh Hallberg	2696 Copeland	17-32-0003	Demo						100			\$100.00
7/8/2019	19-111	Carrigan Curtis	7576 Turner Rd	28-13-0002	Remodel					40	39.5			\$1,720.96
7/8/2019	19-112	Standard Htg	5645 Lake Sarah Hgts	02-11-0004				1			101	1	100	\$11,172.00
7/10/2019	19-113	Derrick Martin	6365 Waldemar Way	14-23-0015	Reroof	1					101	1	100	\$30,000.00 FINAL
7/11/2019	19-114	Scherer Bros	3162 Independence Rd	13-22-0004	21 windows	1					301	1	??	
7/11/2019	19-115	John Sega	9255 County Rd 6	31-34-0001	New barn						4994.47			\$425,000.00
7/12/2019	19-116	Bill Urskel	6926 Pagenkopf	15-31-0001	New Home		1	1			6098.13	2	6096.13	\$464,220.00
7/12/2019	19-117		1918 Budd	24-42-0004	Reroof	1					101	1	100	\$10,000.00
7/12/2019	19-118	Travis Schauer	5745 Lake Sarah	02-11-0010	zoning						40			\$40.00
7/16/2019	19-119	Energy Concepts	7297 Co Rd 6	33-14-0003	Solar system				18.5		889.41	18.5	870.91	\$34,000.00
7/16/2019	19-120	Countryside	4648 S. Lake Sarah	02-22-0009	AC/Htg		1				401	1	400	\$14,028.00
7/19/2019	19-121	Hot & Cooling Two	6355 Stephanie Way	02-23-0004	AC		1				101	1	100	\$3,488.00
7/19/2019	19-122	Birsch Bros	2925 Becker	14-24-0005	Mound						150			\$7,500.00
7/19/2019	19-123	Abel Htg & Cool	2850 Becker Rd	14-13-0006	Furnace		1				201	1	200	\$11,851.00
7/22/2019	19-124	Safe Basements	4648 Woodland	01-22-0007	Drain tile				4.3		288.74	4.3	284.44	\$9,300.00
7/23/2019	19-125	PTS Products	6511 Hwy 12		Front walk				5		313.03	5	308.03	\$10,000.00
7/24/2019	19-126	Christian Builders	2224 Co Rd 92	21-21-0003	New home				277		7166.39	277	6889.39	\$550,000.00
7/26/2019	19-127	Country Side	2100 Heritage Trail	23-13-0010	Pool				16		1001.09	16	985.09	\$32,000.00
7/29/2019	19-128	Northrup	7676 Turner Rd.	28-24-0001	Re-roof	1					101	1	100	\$20,920.00
7/29/2019	19-129	Alma Homes	3016 Lindgren Lane	13-22-0007	New Home				343		12210.27	343	11867.27	\$685,523.00
7/29/2019	19-130	Hero PHC	6775 Fogelman Rd.	10-43-0008	AC		1				101	1	100	\$5,378.00
7/29/2019	19-131	Renewal by Ander.	420 Game Farm Rd.	34-23-0006	Windows	1					161	1	160	\$34,430.00
7/31/2019	19-132	Stonegate	5841 Robert Rd	35-42-0005	New Home				294		7852.15	294	7558	\$587,519.32
8/1/2019	19-133	Jade Pixley	5405 Pete Dr.	12-33-0001	Chimney	1					101	1	100	\$14,000.00 FINAL
8/5/2019	19-134	Steve Berg	1010 Drake Ct	26-31-0014	Pool		1	1	12.5		879	14.5	73.4	\$25,000.00
8/6/2019	19-135	Vince Velie	3315 County Rd 92	09-24-0004	Remodel				1		656.96	1	655.96	\$20,000.00

8/6/2019	19-136	Brian Whisney	6785 Co Rd 11	10-11-0003	Demo				100			FINAL
8/6/2019	19-137	Major	9094 Kutz	30-43-0003	Deck		7		410.21	7	403.21	\$14,000.00
8/7/2019	19-138	Gordan James	4755 Lake Sarah Htgs	02-12-0007	Deck		147		3692	147	3545	\$295,000.00
8/8/2019	19-139	Bollig & Sons	499 Nelson Rd	31-24-0001	Demo				100			\$15,000.00 FINAL
8/12/2019	19-140	Frank Mastro	5024 S. Lakeshore Dr.	24-12-0008	Deck		143		143			\$5,000.00 FINAL
8/12/2019	19-141	Garlock French	5164 County Rd 19	36-43-0001	Re-roof	1			101	1	100	\$42,041.00 FINAL
8/12/2019	19-142	Fireside Hearth	4986 S. Lakeshore	24-11-0001	2 fireplaces		1		201	1	200	\$10,262.00 FINAL
8/12/2019	19-143	Jason Revels	6165 Main St. W.	26-21-0005	4 windows	1			131	1	130 ?	
8/13/2019	19-144	Alexander Exterior	5405 Pagenkopf	24-23-0008	Re-roof/side	1			201	1	200	\$25,000.00
8/14/2019	19-145	Holmberg Roofing	4672 S. Lake Sarah	02-22-0024	Re-roof	1			101	1	100	\$8,700.00 FINAL
8/14/2019	19-146	Centerpointe	5205 Sunset Lane	01-31-0001	Mech/pc		1		101	1	100	\$5,400.00 FINAL
8/15/2019	19-147	Greenwood	3757 Independence	11-14-0012	New	1	1	172.5	5245.09	174.5	5071	\$345,000.00
8/16/2019	19-148	Energy Concepts	7297 County Rd 6	33-14-0003	Solar system			15.5	783.42	15.5	767.92	\$31,000.00
8/16/2019	19-149	Verizon	8590 County Rd 6	32-22-0001	Equipment			7.5	434.5	7.5	427	\$15,000.00
8/19/2019	19-150	Jeff Peterson	5161 Perkinsville	24-42-0002	Demo				100			FINAL
8/19/2019	19-151	Johnson Exteriors	4510 Shady Beach	02-24-0006	Re-roof	1			101	1	100	\$22,000.00 FINAL
8/19/2019	19-152	Gary Frazier	5085 Fern Dr.	01-42-0013	Re-siding	1			101	1	100	\$5,000.00
8/19/2019	19-153	A-Team Construct.	5112 S. Lakeshore	13-43-0002	Re-roof	1			101	1	100	\$20,000.00 FINAL
8/19/2019	19-154	Comfort Matter	3976County Line Rd	07-22-0005	Htg & AC		1		201	1	200	\$6,700.00 FINAL
8/19/2019	19-155	Home Depot	5030 Sunset Lane	01-13-0004	windows			1	111	1	110	\$2,290.00 FINAL
8/19/2019	19-156	Safe Basements	6724 Fox Ridge Cr.	34-43-0004	Footings			2	167.25	2	165.25	\$3,500.00
8/19/2019	19-157	Roofing & Restora.	2865 Becker Rd	14-24-0003	Re-roof	1			101	1	100	\$15,000.00
8/20/2019	19-158	Langdon Construc	1918 Budd St.	24-42-0004	Windows	1			101	1	100	\$8,300.00 FINAL
8/20/2019	19-159	Juvland Homecare	8170 Co Rd 6	32-11-0006	Re-roof	1			101	1	100	\$24,342.94
8/20/2019	19-160	Sela Roofing	7786 Pioneer Creek	21-31-0004	Re-roof	1			101	1	100	\$5,000.00
8/20/2019	19-161	Hayes & sons	3095 Copeland Rd.	18-11-0006	Septic				300			\$18,000.00
8/21/2019	19-162	Volkenant	951 Co Rd 19	25-34-0002	Septic				300			
8/21/2019	19-163	Volkenant	5835 Drake Dr.	26-43-0006	Septic				300			\$20,000.00
8/21/2019	19-164	Holmberg Constr	6300 Warren Way	04-33-0002	Re-roof	1			101	1	100	\$28,000.00
8/21/2019	19-165	Repair King	2223 Nelson Rd	19-21-0009	Re-roof	1			101	1	100	\$35,000.00 FINAL
8/21/2019	19-166	Advantage Constr	2909 Lindgren Lane	13-24-0022	Re-roof	1			101	1	100	\$16,044.00
8/23/2019	19-167	Indigo Homes	5175 Fern Dr.	01-42-0005	Addition		48		1790.29	48	1742.29	\$96,249.80
8/26/2019	19-168	Janetta Constr.	499 Nelson Rd.	31-24-0001	New Home		262		6532.07	262	6270.07	\$525,000.00
8/26/2019	19-169	Lindstrom Rest.	4955 Perkinsville Rd	24-41-0008	Fire damage		19		1008.07	19	989.07	\$37,830.68

8/26/2019	19-170	Coovi Heating	6245 Waldemar	14-23-0004	2 AC's	1		201	1	200	\$8,000.00	FINAL
8/26/2019	19-171	Roof Doctor	2835 Lindgren Lane	13-24-0026	Re-roof	1		101	1	100	\$20,000.00	FINAL
8/26/2019	19-172	A-Team Construct.	4915 S. Lakeshore	24-11-0011	Re-roof	1		101	1	100	\$15,000.00	
8/26/2019	19-173	All Star Roofing	5500 Anderson Estate	36-22-0006	Re-roof	1		101	1	100	\$39,000.00	FINAL
8/27/2019	19-174	John McClelland	2035 Nelson	19-24-0013	Acc. Bldg		3.5	240.16	3.5	236.66	\$15,000.00	
8/27/2019	19-175	Brian McNamara	2375 Fieldstone	23-21-0010	Re-roof	1		101	1	100	\$17,367.84	
8/27/2019	19-176	RRSA	2930 Becker Rd	14-13-0004	Re-roof	1		101	1	100	\$9,500.00	
8/27/2019	19-177	Serviro of St Cloud	6496 Fogelman Rd	10-44-0009	Re-roof	1		101	1	100		FINAL
8/28/2019	19-178	Lindberg Exc.	9350 Co Rd 11	06-34-0003	Septic			300				FINAL
8/29/2019	19-179	Turnkey Restorat.	2275 Independence	24-21-0003	Re-roof	1		101	1	100	\$10,871.29	
8/29/2019	19-180	Smart Builders	6340 Pagenkopf Rd	14-33-0007	Re-roof	1		101	1	100	\$9,966.00	
8/29/2019	19-181	All Season Remod	6115 Woodhill Rd	14-12-0007	Re-roof	1		101	1	100	\$67,356.00	
8/29/2019	19-182	All Star Constr.	7376 Turner Rd	28-14-0005	Re-roof	1		101	1	100	\$53,960.00	FINAL
8/29/2019	19-183	All Star Constr.	6455 Meadow Ridge	15-14-0007	Re-roof	1		101	1	100	\$32,163.00	FINAL
8/30/2019	19-184	Hamel Bldge Ctr	3664 Co Rd 90	11-24-0006	Door	1		101	1	100	\$3,100.00	
9/3/2019	19-185	Merritt Restor.	2885 Becker Rd	14-24-0004	Re-roof	1		101	1	100	\$30,000.00	
9/3/2019	19-186	Aston McGee	612 Nelson Rd	31-13-0001	Re-roof	1		101	1	100	\$14,000.00	
9/3/2019	19-187	Gary Frazier	5085 Fern Dr.	01-42-0013	Deck		1.5	142.98	1.5	141.48	\$3,000.00	
9/3/2019	19-188	Krech Exteriors	6240 Waldemar Way	14-23-0013	Re-roof	1		101	1	100	\$35,000.00	
9/4/2019	19-189	joe Dzurik	5280 Lake Sarah Hgts	01-24-0006	window/f.p.	1	1	242	2	240		
9/4/2019	19-190	Sela Roofing	6125 Stone Ct.	23-24-0006	Re-roof	1		101	1	100	\$15,000.00	
9/4/2019	19-191	All Star Roofing	2750 County Rd 90	14-32-0001	Re-roof	1		101	1	100	\$9,520.00	
9/4/2019	19-192	The Kingdom Bld	2222 Copeland Rd	20-21-0004	Re-roof	1		101	1	100	\$13,940.00	
9/6/2019	19-193	Jason Menghal	4955 Perkinsville Rd.	24-41-0001	Mech/AC		1	201	1	200	\$6,600.00	
9/6/2019	19-194	Anderson	7025 Co Rd 6	34-23-0005	Windows	1		101	1	100	\$3,115.00	
9/6/2019	19-195	Lindstrom Rest.	4955 Perkinsville	24-41-0008	Windows	1		151	1	150	\$2,000.00	
9/6/2019	19-196	Anderson	4450 Eagle Ridge	01-14-0004	Windows	1		151	1	150	\$13,800.00	
9/9/2019	19-197	Apex Energy	4655 TownLine Rd	01-11-0004	Windows	1		121	1	120	\$5,300.00	
9/9/2019	19-198	Roof Company	663 Nelson Rd	31-21-0005	Re-roof	1		101	1	100	\$13,300.00	FINAL
9/9/2019	19-199	Allied Construction	6180 Pagenkopf	14-34-0006	Re-roof	1		101	1	100	\$14,456.00	FINAL
9/10/2019	19-200	Gary Ballhagen	6030 Drake Dr.	26-31-0001	Mech		1	101	1	100	\$5,800.00	FINAL
9/11/2019	19-201	BRSA	2940 Becker Rd	14-13-0003	Re-roof	1		101	1	100	\$7,500.00	
9/11/2019	19-202	All Around Roofing	2091 Nelson Rd	19-24-0005	Re-roof	1		101	1	100	\$7,615.00	
9/11/2019	19-203	John Randolph	2880 Becker Rd	14-13-0005	Re-roof	1		101	1	100	\$55,000.00	

9/11/2019	19-204	Tyler Stephenson	5175 Sunset Lane	01-42-0028	Deck			0.5	66.36	0.5	65.76	\$1,000.00
9/12/2019	19-205	A&M Exterior	9094 Kutz Crossing	30-43-0003	Re-roof	1			101	1	100	\$20,000.00
9/12/2019	19-206	A-Team Construct.	5010 S. Lakeshore Dr.	24-12-0007	Re-roof	1			101	1	100	\$15,000.00
9/13/2019	19-207	Strucutural Bldgs	1730 County Line Rd	19-34-0001	Re-roof	1			101	1	100	\$14,289.00
9/13/2019	19-208	All Star	6575 Warren Way	14-33-0006	Re-roof	1			101	1	100	\$13,696.00
9/13/2019	19-209	Saul Bauman	6085 Drake	26-34-0003	Garage			10	555.96	10	545.96	\$20,000.00
9/16/2019	19-210	Hoffman-Weber	8575 Pioneer Creek	29-21-0003	Re-roof	1			101	1	100	\$6,200.00
9/16/2019	19-211	Legacy Exteriors	9460 Co Rd 6	31-32-0005	Re-roof	1			101	1	100	\$26,000.00
9/16/2019	19-212	Indine Ext.	5050 Lindgren?	13-24-0015	Re-roof	1			101	1	100	\$9,500.00
9/16/2019	19-213	Bischel Bldg	190 Co Rd 92	32-44-0003	Re-roof	1			101	1	100	\$11,000.00
9/16/2019	19-214	Servproof	6485 Fogelman	10-44-0009	Re-roof	1			101	1	100	\$41,700.00
9/17/2019	19-215	All Star Constr.	2692 Becker Rd	14-42-0007	Re-roof	1			101	1	100	\$14,560.00
9/18/2019	19-216	Rooster Ext.	636 Nelson Rd	31-12-0002	Re-roof	1			101	1	100	\$15,970.00
9/18/2019	19-217	Rooster Ext.	685 Nelson Rd	31-21-0004	Re-roof	1			101	1	100	\$15,552.00
9/19/2019	19-218	Frigidaire Connect	5080 Fern Dr.	01-42-0005	Water htr		1		51	1	50	\$600.00
9/19/2019	19-219	Ram Builders	8303 Burr Oak	08-42-0002	New Home	1	1	395	9383	397	8986	\$790,000.00
9/19/2019	19-220	A-Team Construct.	5080 S. Lakeshore	24-12-0012	Re-roof	1			101	1	100	\$15,000.00
9/19/2019	19-221	All Star Constr.	3025 Co Rd 90	15-11-0006	Re-roof	1			101	1	100	\$15,000.00 FINAL
9/20/2019	19-222	JRS Pools	3825 Co Rd 90	11-21-0004	Pool		1	1	16	2	14	\$33,000.00
9/23/2019	19-223	Bohlman Ext.	2635 Nelson Rd	18-31-0005	Re-roof	1			101	1	100	\$11,000.00 FINAL
9/23/2019	19-224	AllStar Construct.	175 Game Farm Rd.	33-44-0001	Re-roof	1			101	1	100	\$24,000.00
9/23/2019	19-225	Hoffman Weber	1786 Copeland Rd	20-33-0004	Re-roof	1			101	1	100	\$4,300.00
9/23/2019	19-226	NewTown Ext.	6520 Franklin Hills	15-11-0005	Re-roof	1			101	1	100	\$8,374.00 FINAL
9/23/2019	19-227	Sela Roofing	621 Nelson Rd	31-21-0007	Re-roof & side	1			201	1	200	\$18,000.00
9/23/2019	19-228	Krech Exteriors	5300 Pagenkopf	24-21-0006	Re-roof	1			101	1	100	\$18,200.00
9/23/2019	19-229	Twin City Fireplace	5280 Lake Sarah Hgts	01-24-0006	Fireplace		1		101	1	100	\$2,000.00
9/23/2019	19-230	City View Plmbg	940 Polo Club	21-34-0003	Water htr		1		151	1	150	\$10,000.00 FINAL
9/23/2019	19-231	Michael Galls	1626 Nelson Rd.	19-43-0002	Re-roof	1			101	1	100	\$20,000.00
9/24/2019	19-232	Kat Construction	2600 Providence	14-42-0009	Re-roof	1			101	1	100	\$28,800.00
9/24/2019	19-233	Midwest Ext.	8145 Pioneer Creek Rd	29-11-0003	Re-roof	1			101	1	100	\$24,000.00
9/24/2019	19-234	Al Hackbarth	6675 Pagenkopf	22-12-0003	Re-roof	1			101	1	100	\$10,000.00
9/24/2019	19-235	Al Hackbarth	6785 Pagenkopf	22-12-0007	Re-roof	1			101	1	100	\$14,000.00
9/24/2019	19-236	Al Hackbarth	6775 Pagenkopf	22-12-0008	Re-roof/side	1			201	1	200	\$24,000.00
9/25/2019	19-237	Theresa Willete	1475 Copeland	30-11-0004	Re-roof	1			101	1	100	\$8,000.00

9/25/2019	19-238	FNP Holdings	5991 Pagenkopf	23-12-0002	Re-roof	1		101	1	100	\$9,400.00
9/25/2019	19-239	Bolechawka	2680 County Rd 90	14-32-0011	Re-roof	1		101	1	100	\$39,000.00
9/25/2019	19-240	All Star Constr.	7965 Egret Dr.	16-32-0007	Re-roof	1		101	1	100	\$22,000.00
9/25/2019	19-241	D & D	2415 County Road 92	17-43-0007	Re-roof	1		101	1	100	\$7,100.00
9/26/2019	19-242	Rooster Ext.	2260 Fieldstone	23-21-0005	Re-roof	1		101	1	100	\$28,806.00
9/27/2019	19-243	Kelsey Becker	4915 S. Lakeshore	24-11-0011	Deck		3	215.86	3	212.86	\$6,000.00
9/27/2019	19-244	Highmark Ext.	5635 Providence Curv	14-41-0010	Re-roof	1		101	1	100	\$26,000.00
9/27/2019	19-245	Polar Bldrs	7645 Turner Rd.	28-31-0002	Re-roof	1		101	1	100	\$26,750.00
9/27/2019	19-246	Jed Reed	7789 Pioneer Creek	28-21-0005	Re-roof	1		101	1	100	\$12,000.00
9/27/2019	19-247	Pheasant Run	6695 Hillstrom	22-13-0003	Door		8	458.79	8	450.79	\$16,400.00
9/30/2019	19-248	Krech Ext.	6175 Stone Ct.	23-24-0008	windows/door	2		412	2	410	\$64,400.00
9/30/2019	19-249	Callus Constr.	1724 County Rd 92	21-33-0002	Re-roof	1		101	1	100	\$16,000.00
9/30/2019	19-250	Fireside Hearth	4755 Lake Sarah Cr.	02-12-0007	Gas/Fireplace		1	101	1	100	\$1,738.00
9/30/2019	19-251	Polar Bldrs	5700 Providence Cr	14-41-0003	Re-roof	1		101	1	100	\$17,500.00
9/30/2019	19-252	Polar Bldrs	2855 Providence Pl	14-41-0008	Re-roof	1		101	1	100	\$14,250.00
9/30/2019	19-253	A-Team Construct.	4986 S. Lakeshore	24-11-0001	Re-roof	1		101	1	100	\$12,000.00
9/30/2019	19-254	K&S Htg	2215 Old Post Rd	22-11-0007	Furn/AC	1		201	1	200	\$4,995.00



Date: October 2, 2019

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

From: Director Gary Kroells *G. Kroells*

SUBJECT: SEPTEMBER 2019 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

September 2019

Offense	This Month	Same Month Last Year		This Year To Date		Last Year To Date
City Of Independence						
Criminal	9	9		71		101
Traffic	138	209		1,296		1,447
Part III	4	8		82		65
Part IV	28	25		333		272
Part V	135	116		1,220		1,258
Total City of Independence	314	367		3,002		3,143
City Of Maple Plain						
Criminal	8	4		52		46
Traffic	61	72		590		827
Part III	4	5		44		32
Part IV	13	22		151		190
Part V	88	142		898		1,188
Total City Of Maple Plain	174	245		1,735		2,283
Grand Total Both Cities	488	612		4,737		5,426
TZD	12	43		175		138
Agency Assists	13	23		180		261
Total ICR Reports	513	678		5,092		5,825
How Received						
Fax	5	12		69		106
In Person	38	83		262		317
Mail	1	1		8		14
Other	2	2		15		24
Phone	26	25		353		324
Radio	163	154		1,528		1,631
Visual	233	365		2,507		3,044
Email	6	4		63		48
Lobby Walk In	39	32		287		317
Total	513	678		5,092		5,825

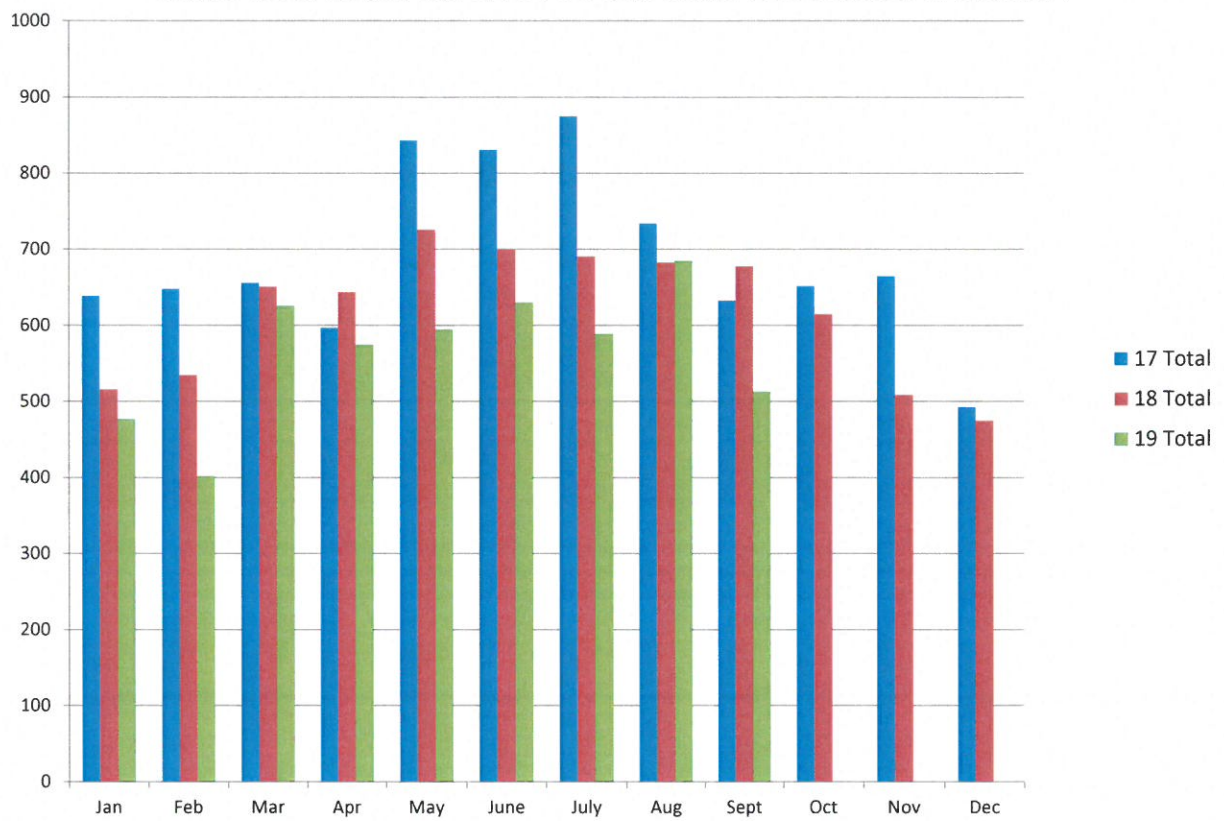
September 2019 Criminal Part I & II
City of Independence Grid #'s 3-5

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19004655	Drugs-Small Amt of Marijuana in M-V / DL-Violate Limited Drivers License Conditions-License not in possession /	9/5/2019	5	DA540
WHPS	19004685	Tobacco-Possession by Minor	9/7/2019	5	M3005
WHPS	19004865	Theft of Tools	9/18/2019	3	TT029
WHPS	19004883	Property Damage - Residence under construction	9/19/2019	3	P3119
WHPS	19004885	Burglary	9/19/2019	3	B0790
WHPS	19004913	3rd Degree Gross Misdemeanor DWI over .08/ 4th Degree Driving Under Influence / Open Bottle	9/21/2019	3	JFW01
WHPS	19004915	3rd Degree Gross Misdemeanor DWI over .08/ 4th Degree Driving Under Influence	9/21/2019	3	JFW01
WHPS	19005078	Drugs-Small Amt of Marijuana in M-V / Driving after Revocation	9/30/2019	5	DC500
WHPS	19005079	Property Damage to mailbox	9/30/2019	5	P3119

September 2019 Criminal Part I & II
City of Maple Plain Grid # 1-2

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19004599	Scam/Theft	9/2/2019	2	TT011
WHPS	19004600	Property Damage - business	9/2/2019	2	P3119
WHPS	19004659	Property Damage - garage	9/5/2019	1	P3119
WHPS	19004687	Count 1: Domestic Assault- Misdemeanor-Intentionally Inflicts / Count II: Domestic Assault- Misdemeanor-Commits Act to Cause Fear of Immediate Bodily Harm or Death / Count II: Domestic Assault- Misdemeanor-Intentionally Inflicts- Attempts to Inflict Bodily Harm on Another	9/7/2019	2	AK352
WHPS	19004694	2nd Degree Gross Misdemeanor DWI over .08 - 2 Priors	9/8/2019	1	JEW01
WHPS	19004996	Crash: 4th Degree Driving Under Influence - Pending Blood Results	9/25/2019	1	JG601
WHPS	19005020	Theft from Business	9/26/2019	2	TW229
WHPS	19005044	Drugs-Small Amt of Marijuana in M-V	9/27/2019	1	DA540

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY
SEPTEMBER 2019 Activity Report

Year to Date Activity Report

At the end of September 30, 2019 West Hennepin Public Safety (WHPS) handled year-to-date a total of 5,092 incident complaints. For the month of September; 314 incidents occurred in Independence and 174 incidents were in Maple Plain.

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

Recent Highlighted Cases:

Scam Theft

Sept 2 5400 block Joyce Street, Maple Plain. Victim reported communicating with a male on 'hang out' who stated he was entitled to \$800k in a beneficiary and wanted to help her out. She was scammed out of \$3,600.00 from the unknown male. The case is under investigation.

Damage to Property

Sept 2 4900 block Industrial Street, Maple Plain. Business reported the padlock to their gate was super glued again. The padlock had to be cut to gain access to the business. This has happened several times, unknown suspect. The case is under investigation and surveillance cameras are being reviewed to ID the suspect.

Suspicious Person

Sept 2 6100 block of Wood Hill Ln, Independence. Reported a female on an ATV/UTV was asking for food shelf donations. Officer located a 15 yoa female from Independence on a UTV. Female stated she was collecting food for the Maple Plain food shelf on her own to do a good deed. She was advised although she was doing a good deed, people are suspicious and she would need a permit from the city. Female was advised to return home. Female's father was called and a message was left advising him of the complaint and an issue with his daughter operating the UTV as she was in violation for operating the UTV.

Suspicious Act

Sept 2 9:58 p.m. 5300 block Hwy 12, Maple Plain. Hazard lights were flashing on a vehicle on a closed car sales lot. Vehicle was found secure and no signs of forced entry. It appeared the vehicle lights were activated either by mistake or possibly due to the storm activity. No criminal activity was found.

Suspicious Act

Sept 2 9:58 p.m. 5200 block Hwy 12, Maple Plain Officer observed a vehicle pull to the shoulder of the road, then back into the traffic lane, continued on and made a U-turn on Hwy 12 and stop. Driver stated he travels this route often. He scraps metal and often there are items for free along the roadside. He was looking for scrap metal.

Vehicle Fire

Sept 5 4000 block Lake Rebecca Rd, Independence. Caller found an abandoned burned vehicle in the roadway. Officers were unable to find a VIN number or plates for the vehicle as it was completely destroyed by a fire. Three Rivers Park Police responded to the scene and took over the investigation as the vehicle is on their property. Unknown when the fire occurred.

Internet Scam

Sept 5 3000 block Lake Haughey Rd, Independence. Victim thought her sister-in-law messaged her on FB that she needed to do a fantastic government grant program. Victim followed directions to contact another person via FB who instructed her to send money via Western Union. Victim later found the FB message was not from her sister-in-law; it was a scam and notified police of the internet scam and theft / loss of money. Case is under investigation.

Gas Odor

Sept 6 4900 block CR 6, Independence. Property owner struck a natural gas line behind his house while digging a trench for a new sewer line. The property was flagged prior to digging. The gas line was partially pinched and a leak could still be heard. Maple Plain FD and CenterPoint responded to the scene to repair the line.

Fall

Sept 7 7100 block CR 11, Independence. Male had fallen on his front steps while moving some plants and shrubs and had a contusion and a small laceration on his forehead. He was transported to the hospital.

Domestic Assault

Sept 7 5800 Block Main Street, Maple Plain. Reported of a domestic assault of two females were assaulted by Jacob Richard Andres 45 of Maple Plain. Andres was arrested, transported and booked in Henn Co Jail for Gross Misdemeanor Domestic Assault and Disorderly Conduct.

2nd Degree DWI

Sept 8 4:18 p.m. 4800 Hwy 12, Maple Plain. Reported two parties were denied service due to intoxication; they left and were observed leaving in SUV. The SUV was located. Driver Elizabeth Anne Tadych, 33 of Monticello submitted a breath test which resulted in .23 breath alcohol concentration. Tadych was arrested, transported and booked in Henn Co Jail for 2nd Degree DWI. Vehicle is pending forfeiture.

Trespass Arrest

Sept 8 7:30 p.m. 4500 block Townline Rd, Independence. Homeowner reported a trespasser was in his back yard, next to his house and he detained the male. Henn Co Sheriff's Office assisted and found the 40 year old male; Mario Tito SantaCruz from Minneapolis had a Hennepin County Misdemeanor Warrant for Theft. SantaCruz was arrested, transported and booked in Henn Co Jail for his warrant.

Medical

Sept 10 4800 Block Main Street, Maple Plain. A male had passed out and was sweating profusely. He was transported to the hospital by ambulance.

Appliance Fire

Sept 11 2100 South Lake Shore Dr., Independence. An appliance company installed a new kitchen stove. They turned it on to test it and had forgotten to remove some packing Styrofoam from inside and it caught fire. Homeowners used fire extinguishers to put the fire out. Maple Plain Fire arrived and ventilated the house.

Unwanted Person

Sept 11 2200 South Lake Shore Dr., Independence. Male had been allowed to stay in a bunkhouse while he was completing a work project on the property. The project had been completed and the male showed up unannounced and was asked to leave. The male had been drinking and a friend arrived and gave him a ride to a place to stay.

Animal Complaint

Sept 12 5200 Block Bryant Street, Maple Plain. Two raccoons were stuck in a dumpster. A nearby long tree branch was put in the dumpster to allow the two raccoons to exit if they wished to do so. It was noted the weather was cold and rainy and believed the raccoons were warm in the dumpster and able to fill their bellies full.

Scam Attempt

Sept 12 3800 block Lake Haughey Rd, Independence. Resident reported she received a phone call and the caller said she was from social security and there was a warrant for her arrest. The resident knew it was scam and stated this to the caller. The caller got upset and stated in the next 30 minutes the police would arrest her. Resident wanted other residents to know the social security scam is still happening and for them to be aware of it. Don't give any information and block the phone number.

Misc. Assist

Sept 13 8:15 p.m. Hwy 12 / Nelson Rd, Independence. Officer assisted a female who was walking E/B on Hwy 12. The female was trying to get to Iowa and needed to get to a shelter for the night. She had a few dollars to use a bus. Officer brought her to the transit stop at Hopkins Crossroad and I-394. The bus schedule was checked to ensure there were still buses running into Minneapolis.

Taxi No Pay

Sept 14 1500 block Hwy 12, Maple Plain. Taxi driver reported he gave a male who exhibited signs of intoxication a ride from downtown Mpls to 1500 block Budd Avenue. Upon arrival at the address, the male refused to pay, exited the cab and entered the house. The male had left his cell phone in the cab. There was no response to police knocking on the door several times and announcing "POLICE". Officer maintained custody of the cell phone and it was put in evidence at the PD. The male was identified as 28 yoa Trent Theis of Maple Plain. On 9/16/19 Theis paid the Taxi cab the fee and his cell phone was released to him. Taxi driver did not want to press charges if he received payment.

Hunting Complaint

Sept 14 Independence Rd / Pagenkopf Rd, Independence. Jogger reported she was scared from a geese hunter's gun shots. She felt they were shooting too close to the road and where they were shooting was unsafe. The hunters were located and found the hunting was not unsafe and a shot would not make it close to the road. Hunting licenses were checked and were valid. The property owner had given permission to hunt on the property.

Allergic Reaction

Sept 14 Vinland Center / 3675 block Ihduhapi Trail, Independence. 54 yoa female from Edina has an allergy to coconut and someone in the room had been eating something with coconut. The female was visibly shaking and had administered an Epi pen prior to Officer arrival. Loretto Fire and North Memorial EMS assisted with patient care. The female was transported to the hospital by ambulance.

Medical

Sept 14 5200 block Bryantwood Dr, Maple Plain. Male had a significant cut on his foot when he was trying to turn his power chair around and his foot got caught between the foot rest and the wall. Maple Plain Fire and North Memorial EMS administered care. He was transported to the hospital by ambulance per his request.

Suspicious Act

Sept 14 5100 block Broadmoor Dr, Independence. Two vehicles were parked on a resident's property and she was unaware of who they belonged to. It was later determined two juveniles parked their vehicles at the wrong address. Resident was ok with the vehicles being left there.

Vandalism / Graffiti

Sept 16 18 block Golf Walk, Independence. Sometime overnight unknown person(s) sprayed graffiti in an underground tunnel. Approximate damage \$1,000.00. Case is under investigation.

Stop Arm Violation

Sept 18 9000 block Hwy 12, Independence. Reported students were loading on a school bus stopped e/b on Hwy12 when a pickup w/b on Hwy. 12 went through the school bus's stop arm. The case is under investigation.

Property Damage/ Vandalism

Sept 18 9000 block Kutz Crossing, Independence Reported spray paint vandalism. The case is under investigation.

Theft

Sept 18 2800 block of Lake Sarah Rd, Independence. Homeowner reported theft of tools. Stolen were a Paslode Framing Nailer, DeWalt Sander & Miter Saw, Ryobi drill and other misc. tools. Approximate loss is over \$1,000.00. The case is under investigation

Bitcoin Letter Scam

Sept 19 7200 block Turner Rd, Independence. Letter addressed to the recipient states a secret is known about him that is being kept from his wife and everyone else. For the secret to remain a secret, the recipient can pay \$19,500.00 in bitcoin. If not, evidence of the secret will be sent to his wife, family, friends and neighbors. The letter is very explicit on how to pay in bitcoin. Do NOT pay or respond to the request. It is a scam. Several residents have reported they received a bitcoin scam letter. DO NOT PAY or RESPOND TO THE LETTER.

Damage to Property

Sept 19 6900 block of Pagenkopf Rd, Independence. Overnight someone had pried the door jams of a house and garage that are under new construction. Approximate damage is \$200.00. The case is under investigation.

Burglary
Sept 19

1700 block CR 90, Independence. Grounds keeper mowing the lawn found a window in the lower portion of the church broken out. Glass was on the outside of the window and inside the church was a large amount of glass on the floor and a rock. Also discovered a broken window at the museum and inside there was damage to a glass display case. No one was inside either building upon Officer arrival. Hennepin County Crime Lab responded and processed the scene. Damaged happened between Wednesday Sept 18th after 8 p.m. to 4 p.m. Thursday Sept 19th. Case under investigation.

Traffic Complaint

Sept 20

Hwy12 / CR 90, Independence. Motorist reported earlier in the morning a vehicle w/b on Hwy 12 was going 40/50 mph, then turned n/b on CR 90 still travelling at a very slow speed. Motorist turned in to his work place on CR 90. Later the same male, in the same vehicle stopped at his work place, yelling at the motorist that he was riding him and also threatened to come back and break some windows. Motorist didn't get a license plate. Motorist was encouraged in the future to call 911.

Welfare Check

Sept 20

Hwy 12 / Baker Park Rd, Maple Plain. Reported a male was walking in the middle of Hwy 12 near Baker Park Rd. The male was located walking on the shoulder of Hwy 12. The male stated his girlfriend was mad at him and he didn't think she was picking him up from work so he started walking. While speaking with him, his girlfriend stopped on scene to pick him up. The girlfriend was found to have a suspended license, she was cited and released. They waited in the vehicle until they could figure out a driver.

Damage to Property

Sept 20

2800 block Lake Sarah Rd, Independence. Reported a lock was cut off a shed and a fingerprint was found on the house front entry door handle. Hennepin County Sheriff Crime Lab responded to process the scene. The residence was checked and found all was ok. Unknown who the suspect(s) are.

GM DWI / Open Bottle

Sept 20

9:22 p.m. Hwy 12/ CR 90, Independence. A 911 caller stated a white pickup truck in front of them was weaving back and forth crossing the yellow center line and the white fog line. The caller stayed behind the vehicle and officer stopped the vehicle. Driver David Larry Johnson 51 of Watertown submitted a breath test which resulted in .19 Breath Alcohol Concentration. Johnson was arrested, transported and booked into Hennepin Co Jail for Gross Misdemeanor 3rd Degree DWI and Gross Misdemeanor Open Bottle.

GM DWI

Sept 21

3:35 a.m. CR 92 / Hwy 12, Independence. Dispatched for a vehicle that was in the ditch and the driver was still inside the car. Driver Humberto Delgado-Reyes 32 of Montrose submitted a breath test of .18 breath alcohol concentration. Delgado-Reyes was arrested, transported and booked into Hennepin Co Jail for Gross Misdemeanor 3rd Degree 3rd Degree DWI.

Welfare Check

Sept. 21 12:43 p.m. 3675 block Ihduhapi Trail, Independence. Reported a male was asking for a ride to Willmar because his mom is going through cancer. The male stated he was a resident at Vinland Center and knew he had to stay, but wanted to go see his mom before she dies of cancer. Officer had contact with family members and found his mother was in the hospital and expected to recover. The male agreed to return to Vinland and Vinland advised he was welcomed back. Officer transported him to Vinland Center.

Shooting Complaint-Disturbance

Sept 22 7000 block Pagenkopf Rd, Independence. Someone has been shooting a high number of rounds from early morning until midafternoon every weekend, 3 weeks in a row. Reported it is rapid fire, not hunting and at the time of the call they were not shooting. Caller would call if it started up again.

Medical

Sept 22 100 block Kuntz Drive, Independence. Female fell from a horse and was suffering from a head injury. Female was found alert, lying on a couch in the tack room with hip pain. MPFD and North Memorial EMS arrived, took over treatment and transport the female to the hospital.

Shots Heard

Sept 22 4900 block CR 19, Independence. Caller reported shots heard, possibly coming from his property. Two males were located in the 100 block McCulley Rd who admitted they had been target shooting. Caller was notified of Officer findings.

Suspicious Activity

Sept 23 7200 block Lake Sarah Dr, Independence. A walking stick left in a wood line near a trail on homeowner's property was moved and placed on the trail to trip someone. Also a portable deer stand had been previously moved and the wire fence cut. The case is under investigation.

Drone Complaint

Sept 24 7200 block of CR 6, Independence. Caller reported a drone was flown over and hovered over their property. No description was given, unknown who operator was.

Abandoned Vehicle

Sept 25 6400 block of Fogelman Rd, Independence. Reported an abandoned trailer on Fogelman Rd. The registered owner was located who was working at property on Co Rd 90 and did not have a place to park the trailer. Shortly after the trailer was moved.

Hunting Complaint

Sept 25 3300 block Lake Haughey Rd, Independence. Caller reported someone was illegally hunting on the Robina WMA off of Lake Haughey Road. DNR agent assisted with the male hunter who had a valid hunting license. Hunting is still permitted in the WMA. No illegal activity was found. Caller did not answer her phone when Officer attempted to advise her of his findings.

Theft

Sept 26 5100 block Oak Street, Maple Plain. Reported 17 pallets were stolen during the night. Business camera video is being reviewed for suspect information. The case is under investigation.

Property Damage

Sept 26 Cr 90 / CR 6, Independence. Driver reported he was driving a company vehicle south on County Rd 90 approaching County 6. He was not paying attention to the road and ended up going off the end through a fence. The Driver would not admit to what he was distracted by. The property owner of the damaged fence was notified. Total damages appeared over \$1000.00.

Solicitor Complaint

Sept 27 5:23 p.m. 5000 block Broadmoor Drive, Independence. Officer located the male of a solicitor complaint who was soliciting for window cleaning. The male was wearing a lanyard displaying a solicitor permit for Prior Lake. He did not realize what city he was in and had not gotten one for the city of Independence. He was advised he needed a solicitor permit and to leave the area or he would be cited. The city was closed at the time of contact.

Crash

Sept 28 1800 block of Baker Park Rd, Independence. Driver was almost done backing his truck and trailer into a driveway when his front driver panel area was struck by a southbound vehicle. The driver of the s/b vehicle stated he did not see the truck and trailer because of the sun and he also was just not paying attention. S/B driver was cited for Failure to Yield Half of Road when meeting a vehicle.

Wire arching

Sept 29 1500 block of Budd Ave, Maple Plain. Dispatched to a report of a wire arcing and upon arrival wires were no longer arcing. Two of the three power lines had become disconnected. They were still suspended above the ground and not causing any threat of fire or of injury or property damage. Xcel responded to repair the wires.

Injured Bald Eagle

Sept 30 Co Rd 11 / Bell Rose, Independence. Caller reported a Bald Eagle was injured. Upon arrival Officer was unable to locate the Eagle. MN DNR agent was notified of the report.

Scam Attempt

Sept 30 3600 block of Co Line Rd, Independence. Resident rec'd a letter addressed to her in the mail and a check made out to her from an Ontario Canada address from the North West Lottery Inc London England. The check was in the amount of \$2,800.00. The letter stated she was the winner of an international general market survey and her winnings were \$350,000.00. The resident knew it was a scam and she should not cash the check or act further on it. Resident requested a copy of the letter and check to help educate her senior age friends. The case is under investigation.

Suspicious Act

Sept 30 8:17 p.m. 5100 block of Hwy 12, Maple Plain. Employees requested an escort to their car as they had heard loud knocking sounds on the rear door of the closed business. They were escorted to their cars. The area was checked and did not locate any persons or vehicles.

203 contacts of citations, verbal and written warnings were issued for traffic and equipment violations. 8 citations were written for 'hands free'.

City of Independence

Request for an Amendment to the Conditional Use Permit to Allow New Antennas on the Existing Telecommunications Tower, Site Plan Approval and a Variance to Permit More than One Accessory Building Per Telecommunications Tower Requirements

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: October 15, 2019
Applicant: AT&T Wireless
Owner: Delano United Methodist Church
Location: 3310 County Line Road

Request:

1. AT&T/SAC Wireless (Applicant) and Delano United Methodist Church (Owner) request that the City consider the following actions for the property located at 3310 County Line Road (PID No. 07-118-24-33-0004):
 - a. A Conditional Use Permit Amendment to allow collocation on the existing telecommunications tower.
 - b. A Variance to allow more than one accessory building per tower site and a reduced rear yard setback.
 - c. Site plan approval for the proposed site layout.

Property/Site Information:

The property is located on the east side of County Line Road, just north of TH 12. The property is comprised of the existing church building and parking lot, open space and wetlands. The property has the following characteristics:

Property Information for 3310 County Line Road

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 6.89 Acres

3310 County Line Road



Discussion:

The applicant is seeking an amendment to the existing conditional use permit, site plan approval and variance to allow new antennas and to be located on the existing telecommunications tower and a new accessory structure to be located at the base of the tower. There is an existing Conditional Use Permit which was granted by the City in 2001 approving the site plan to allow the tower to be installed. In 2013, the City approved an amendment to allow Verizon Wireless to locate new antennas and accessory equipment building on the property. In 2014, the City granted approval to AT&T to allow the colocation and site plan for new antennas on the existing tower. AT&T did not install the antennas that were approved.

The applicant is again proposing to install new antennas on the existing tower as well as locate the associated equipment at the base of the tower. Given the proposed improvements, an amendment to the conditional use permit is required.

520.09 Subd. 8. If a conditional use permit holder wishes to alter or extend the operation or to change the conditions of the permit, the city will evaluate the permit holder's compliance with the existing permit conditions. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued requires an amended conditional use permit. An amended conditional use permit application must be administered in a manner similar to that required for a new conditional use permit.

The City has criteria relating to the location (setbacks), site improvements and landscaping for new telecommunications tower development. In this case, the tower already has a conditional use permit. The location and setbacks for the existing tower were approved by the initial conditional use permit. There are several factors that should be considered relating to the site plan approval and variance:

1. The applicant is proposing to install new base equipment that is located within a fenced area at the base of the tower. The equipment would be located within a steel cabinet and the generator would be mounted to a pad on the ground, but otherwise not enclosed. The previous proposal (2014 and approved by the City) proposed to locate the equipment within a prefabricated equipment shelter similar to that used by Verizon on this site. Verizon Wireless has an approximate 300 SF equipment shelter which houses all of the requisite base equipment and a generator already on the property. Staff would like direction from the City relating to whether or not all of the proposed equipment and generator should be located in a prefabricated building similar to that Verizon already has on the property? In either case, the proposed cabinet is considered an accessory structure that would count as a second accessory structure on the property.
2. The applicant is proposing to remove some of the existing landscaping and add additional landscaping to the site. The location of the proposed equipment does not currently impact any of the surrounding properties. In the future, the subject property and adjacent property to the east could be redeveloped. It is recommended that an additional 4 Spruce trees be added to the north and east fence lines to further screen the proposed base equipment.
3. The City will need to grant a variance from the rear property line to allow the location of the equipment cabinet within the requisite 40 foot setback. The applicant is noting the proposed equipment cabinet would be located 9'-7" from the rear property line. The location of the existing tower would likely not allow for any structure to meet the requisite setback. The City granted a

similar variance in 2013 to allow the Verizon structure to be located within the requisite 40-foot setback.

4. The plans do not indicate that there will be any exterior lighting added to the site as a result of the proposed improvements. All lighting will need to comply with the City's lighting ordinance. The applicant will need to provide the City with lighting cut sheets indicating a cut-off type fixture along with verification that the proposed lighting does not spill over the existing property lines.
5. The plans do not label the height of the proposed fence. This should be noted on the plans. It appears that the proposed fence will tie into the existing fence already located on the property.
6. The plans do not show the existing gravel driveway. It is anticipated that access to the proposed equipment will be via the existing driveway access. This should be confirmed on the plans.
7. The proposed new antennas would be located below the height of the existing Verizon antennas. The Verizon antennas are located at a height of 181 feet. The proposed AT&T antennas would be located at a height of 172 feet.

The City can grant a variance if it determines that it meets the criteria for granting a variance as established by ordinance. The criteria for granting a variance are as follows:

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)

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

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

The existing tower has a conditional use permit. The new antennas will be located just below those approved for Verizon Wireless. The proposed equipment cabinet and generator are not consistent with the existing enclosed equipment shelter used by Verizon on this site. Enclosing the proposed ground equipment and generator inside of a building would be consistent with the plans approved for the Verizon Wireless equipment shelter. Landscaping will further mitigate the impacts of the proposed equipment shelter. It should be noted that the existing and adjacent properties to the south, east and north are guided for Urban Commercial by the City's 2030 Comprehensive Plan.

In the existing zoning district, telecommunication towers are permitted as a conditional use. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed new antennas and associated base site improvements. The City will need to determine if the requested amendment to the conditional use permit, site plan and variance meet all of the aforementioned conditions and restrictions.

Neighbor Comments:

The City has not received any written comments regarding the proposed amendment to the conditional use permit, site plan approval or variance.

Planning Commission Discussion:

Commissioners discussed the proposed request and asked questions of staff and the petitioner. Commissioners discussed the proposed plan relating to the generator and whether or not it should be enclosed. Commissioners also discussed the proposed landscape plan. Commissioners recommended approval to the City Council with several additional conditions. Commissioners recommended that the applicant add 4 additional evergreen trees to the plan. Commissioners recommended that the proposed generator be removed from the site or enclosed in a sound mitigating enclosure.

Recommendation:

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

1. The proposed conditional use permit amendment, site plan review and variance meet 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. This amendment approves new antennas, site improvements (as indicated on the approved site plan, attached to this report) and associated base equipment.
4. Prior to consideration by the City Council, the applicant shall provide the City with the following items:
 - a. A copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed.
 - b. A landscape plan with the requested landscaping indicated in the staff report. The landscape plan shall include the following:
 - One (1) 2.5" cal. Freeman Maple
 - Four (4) 18' black hills spruce or equivalent.
 - Four (4) 10' black hills spruce or equivalent.

- c. A revised site plan showing the existing driveway and proposed access.
 - d. Cut sheets for the proposed lighting. All lighting shall be required to meet applicable City requirements.
 - e. Updated plans that further depict the required sound mitigating enclosure for the generator. If no enclosure is provided, the generator shall be removed from the plans.
- 5. The applicant shall pay for all costs associated with the City's review and processing of the requested amendment to the conditional use permit and site plan review.
 - 6. The City Council may revoke the conditional use permit if the applicant violates any of the conditions set forth in the conditional use permit.

Attachments:

- 1. Application and Project Narrative
- 2. Proposed Plan Set
- 3. Resolution No. 19-1001-2019



RESOLUTION NO. 19-1015-01

A RESOLUTION GRANTING APPROVAL OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT, VARIANCE AND SITE PLAN APPROVAL FOR THE TELECOMMUNICATIONS TOWER AND EQUIPMENT LOCATED AT 3310 COUNTY LINE ROAD

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

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

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

WHEREAS, AT&T Wireless (the “Applicant”) submitted a request for an amendment to the Conditional Use Permit, Variance and Site Plan Review to allow new antennas to be installed on the existing telecommunications tower and a new equipment shelter to be placed on the property located at 3310 County Line Road (PID No. 07-118-24-33-0004) (the “Property”); and

WHEREAS, the Property is zoned Agriculture; and

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

WHEREAS the requested amendment to the Conditional Use Permit, Variance and Site Plan meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture property; and

WHEREAS the Planning Commission held a public hearing on September 17, 2019 to review the application for an amendment to the Conditional Use Permit, Variance and Site Plan, 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; and

WHEREAS, the initial Conditional Use Permit was issued in December 2013.

WHEREAS, this amendment adds additional provisions to the previous Conditional Use Permit for this property and all previous conditions shall remain in force.

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 AT&T Wireless for an amendment to the Conditional Use Permit, Variance and Site Plan Approval per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit amendment, site plan review and variance meet 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. This amendment approves new antennas, site improvements (as indicated on the approved site plan, attached hereto as Exhibit B) and associated base equipment.
4. Prior to consideration by the City Council, the applicant shall provide the City with the following items:
 - a. A copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed.
 - b. A landscape plan with the requested landscaping indicated in the staff report. The landscape plan shall include the following:
 - One (1) 2.5" cal. Freeman Maple
 - Four (4) 18' black hills spruce or equivalent.
 - Four (4) 10' black hills spruce or equivalent.
 - c. A revised site plan showing the existing driveway and proposed access.
 - d. Cut sheets for the proposed lighting. All lighting shall be required to meet applicable City requirements.
 - e. Updated plans that further depict the required sound mitigating enclosure for the generator. If no enclosure is provided, the generator shall be removed from the plans.
5. The applicant shall pay for all costs associated with the City's review and processing of the requested amendment to the conditional use permit and site plan review.
6. The City Council may revoke the conditional use permit if the applicant violates any of the conditions set forth in the conditional use permit.

This resolution was adopted by the City Council of the City of Independence on this 15th day of October 2019, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

EXHIBIT B

(Approved Site Plan)

City of Independence

City Hall/WHPS Building Upgrades – Architectural Services

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: October 15, 2019

Discussion:

The City has been holding off on making improvements to the City Hall/WHPS mechanical equipment and cosmetic needs (i.e. painting, carpet, etc.) for several years with the intent to undertake a larger and more comprehensive renovation/update project. The City should consider making improvements that include upgrades to the front entrance, carpet and flooring, interior and exterior painting, new HVAC equipment for WHPS, community room upgrades and storage and garage space upgrades.

Council provided direction to staff at our most recent workshop to further investigate and identify costs associated with updating City Hall and WHPS. Staff reached out to several architectural firms that specialize in municipal facilities and met with two of the firms to discuss the potential project in more detail. Both firms provided the City with a professional services proposal to analyze the existing building and provide high level concept plans and associated costs for making the desired improvements to the facility. Staff reviewed the proposals and found that the costs associated with both proposals is approximately \$14,000 taking into account estimated reimbursable expenses. The process for evaluating the facility and developing plans and cost estimates would take 6-8 weeks.

Based on the proposals provided, staff would like to move forward with BKV Architects. The majority of the costs associated with the fees (approximately \$10,000) would be taken from the remaining administration capital outlay budget for 2019. Staff will work to identify sources of funding for the remaining balance if billed in 2019 or would be able to accommodate the additional amount if it carried over to 2020. Staff believes that it would be beneficial for the City to begin this process in 2019 so that a 2020 project could potentially be realized. Both proposals are included in the packet for Council review.

Council Recommendation:

Staff is seeking Council direction and approval to move forward with hiring BKV Architects to provide preliminary professional design services associated with potential updates to City Hall and WHPS offices.



Architecture
Interior Design
Landscape Architecture
Engineering

Boorman
Kroos
Vogel
Group
Inc.

222 North Second Street
Minneapolis, MN 55401
Telephone: 612.339.3752
Facsimile: 612.339.6212
www.bkvgroup.com
EOE

October 2, 2019

City of Independence
1920 County Rd 90
Independence, MN 55359

Attention: Mark Kaltsas, City Administrator
E-mail: mkaltsas@ci.independence.mn.us

**RE: Professional Service Proposal for City of Independence Remodeling
Concept Planning**

Dear Mark,

On behalf of the BKV Group team, thank you for considering our proposal to assist you and the City with this project. BKV Group is a Minnesota-based full-service firm that provides our clients with complete architectural, engineering, interior design, and planning services. Providing all services in one office helps to create efficiency and thoroughness in our projects. Since the firm started over 41 years ago City Hall planning, design and construction has been a focus of our firm. In addition to the comprehensive services we provide we have a staff of 220 professionals. While our senior government team will be involved and support you on this project having this large support staff helps us to meet deadlines and provide all required materials. The services that BKV would provide for this concept planning would be architectural, interior design, structural, mechanical and electrical engineering.

Based on our meeting on September 25, 2019 the following is our understanding of the items that the City would like to have reviewed for possible options and estimated cost:

- Exterior Entrance Design Options
- Police Garage Expansion or separate building
- Upgrade mechanical system
- Possible roof replacement
- Accessibility Review (focus on restrooms)
- Floor Plan Changes to:
 - Entry flow to the Council / community room
 - Relocation of storage needs
 - City artifact display in lobby
 - Council layouts
 - Increased light and views from Council / Community Room
 - Add 6 to 10 person conference room
- Technology upgrades for AV systems

Based on these requirements the following are the steps we would propose to assist the City in evaluating options and the associated cost.

1. Obtain and review existing plans and maintenance records available from the City.
2. A & E team site tour of the building to review existing conditions and systems

3. Kickoff meeting with the City to review goals, scope and schedule
4. Design team will develop data and concept plans to identify options to address the items stated above
5. Review workshop with the City to review proposed concepts
6. Design team to make refinements based on City input and review
7. Design team to issue update concept design and planning options to the City
8. Review workshop with the City to review submitted concept information, along with cost estimate analysis.
9. Design team to make refinements based on City input and review
10. BKV to present proposed design concepts, cost and possible next steps to the City Council
11. BKV submit final concept planning summary

The task stated in this scope would take approximately 6 to 7 weeks to complete from the date of authorization to proceed.

Our proposed fees for this work stated in this proposal is \$13,800. We would also have industry standard reimbursable expenses for travel and printing. For those expenses we would propose a not to exceed amount of \$600.

Thank you for the opportunity and we look forward to working with you on this project. If this is acceptable please sign, date as noted below and return a copy. Upon receiving your approval, we will make arrangements to start the process.

If you have any questions, please don't hesitate to contact me.

Sincerely,
BKV Group, Inc.



Bruce Schwartzman, AIA
Partner - Managing Architect

Cc: Beth Horner, Administrative Assistant at BHorner@ci.independence.mn.us
Susan Morgan,

Signing below is acknowledgement and notification of approval to proceed based on the services stated in this proposal.

Name (Print)

Date

Signature



September 26, 2019

Mark Kaltsas
City Administrator
City of Independence
1920 County Road 90
Independence, Minnesota 55359

Re: City of Independence
City Hall / Public Safety Improvements
Commission No. 9999

Dear Mark:

We are pleased to provide a proposal for professional architectural, engineering and interior design consulting services required to plan, design, procure and administer implementation of the potential improvements to the City Hall and West Hennepin Public Safety Facility in Independence, Minnesota.

After meeting with you, we understand the need to begin our efforts with an assessment of the condition of the existing facility to establish its immediate and upcoming maintenance needs. Improvements to the facility will be weighed with the maintenance needs to determine the scope of project that fits within the allotted \$1.0 to \$1.5 million project budget that the City Council has considered. Based upon our discussion and tour through your facility, we understand the desire to consider improvements to the following:

- Aesthetic Improvements to the facility's main entry (eliminating the cupola)
- Addition of a larger capacity Public Safety Garage for six to eight squads
- Mechanical Systems maintenance
- Replacement of finishes throughout (carpet, paint and ceilings)
- Reconfiguration of the multi-purpose room to create a more dedicated chambers
- Creation or reconfiguration of multi-purpose room storage
- Reconfiguration of the main entry to provide views to the wetlands to the east
- Creation of a City Hall Conference Room for six to eight people

Wold typically proposes establishing a fixed fee at the onset of each project. We provide a comprehensive package of professional design services for you and manage our time internally to always meet your expectations. All required engineering and consultant services are provided in our fee. We believe that by establishing a fixed fee for each project, based on an agreed upon construction cost and scope, this eliminates the potentially negative dialog that often happens regarding extra services. Our commitment to you is to agree on a fixed fee and not request additional fees unless the scope of the project changes significantly.

Wold Architects and Engineers offers a similar fixed fee approach for furnishings, calculated by our offered 7½% rate multiplied by the value of the construction, furnishings or equipment that we are responsible for designing. However, we understand that many of our clients want to have us spend time studying the potential scope and defining the budget more precisely prior to initiating a full design process. Therefore, we are providing two paths for you to consider. In both cases, proposed fees are calculated based upon an assumed project costs of \$1,250,000 and a construction cost of \$1,000,000.

Wold Architects and Engineers
332 Minnesota Street, Suite W2000
Saint Paul, MN 55101
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**PLANNERS
ARCHITECTS
ENGINEERS**



OPTION A – Pre-Design, then Design:

Pre-Design Fixed Fee	\$ 10,000
Assumed Construction Cost Estimate	\$1,000,000
<u>Full Service Fixed Fee Rate</u>	<u>x 7.5%</u>
Calculated Fixed Fee	\$ 75,000
<u>Credit for Half of Pre-Design</u>	<u>(\$ 5,000)</u>
Proposed Design Fixed Fee	\$ 70,000

OPTION B – Start Design Immediately:

Assumed Construction Cost Estimate	\$1,000,000
<u>Full Service Fixed Fee Rate</u>	<u>x 7.5%</u>
Proposed Design Fixed Fee	\$ 75,000

Reimbursable Expenses are in addition to compensation for Pre-Design and Design Fees and include expenses incurred by the Architect and Architect's consultants directly related to the Project, as follows:

- Mileage and transportation in connection with travel.
- Long distance services, dedicated data and communication services, teleconferences, Project Web Sites, and extranets.
- Fees paid for securing approval of authorities having jurisdiction over the Project.
- Printing, reproductions (except sets of each phase for Owner review), plots, standard form documents.
- Postage, handling and delivery.
- Models, professional photography, and presentation materials requested by the Owner.
- All taxes levied on professional services and on reimbursable expenses.
- Other similar Project-related expenditures, if authorized in advance by the Owner.

We have found that reimbursable expenses typically do not exceed \$4,000 per million of construction cost on a project of this size. Therefore, we propose to invoice reimbursable expenses at actual cost plus a ten percent administrative processing fee resulting in a maximum limit of \$4,000 (beyond the fixed fee options given above).

We thank you for the opportunity to submit this proposal and look forward to collaborating.

Sincerely,

Wold Architects and Engineers

Joel Dunning | AIA, LEED AP
Partner

cc: Andy Dahlquist, Wold
Matt Mooney, Wold