



CITY COUNCIL MEETING AGENDA  
TUESDAY OCTOBER 18, 2022

**6:30 PM REGULAR MEETING**

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 4, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21536-2139, Batch # 2; Checks Numbered 21540-21567).
- c. Building Permit Summary – Quarter 3 (for information only).
- d. Approval to not waive the monetary limits on Tort Liability established by MN Statutes, to the extent of the limits of liability coverage obtained from the LMCIT.

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. Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the property generally located at and adjacent to 8590 County Road 92 N (PID No.s 32-118- 24-23-0001, 32-118-24-22-0003, 32-118-24-22-0002, 32-118-24-13-0002, 32- 118-24-12-0003 and 32-118-24-12-0004) in the City of Independence, MN:

- a. **RESOLUTION NO. 22-1018-01** – Considering approval of a conditional use permit amendment to allow the development of a new 18- hole golf course and associated site improvements on the subject properties.

8. Consideration of an amendment to Chapter II, Section 210.01 to align municipal elections with local, state and national election schedules.

- a. **ORDINANCE NO. 2022-07** – Approving an amendment to Chapter II, Section 210.01 of the Independence City Code.

9. Park Development and Hennepin County Facilities Grant Discussion.

10. Open/Misc.

11. Adjourn.

MINUTES OF A REGULAR MEETING OF  
THE INDEPENDENCE CITY COUNCIL  
TUESDAY, OCTOBER 4, 2022–6:30 P.M.  
City Hall Chambers

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

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

ABSENT: None.

STAFF: City Administrator Kaltsas, City Admin Asst Simon, and  
Bob Vose (City Attorney).

VISITORS: (See Sign-In Sheet.)

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 20, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21508-21514, Batch # 2; Checks Numbered 21515-21535).
- c. Approval of Additional Election Judges for 2022 General Election.

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

**Grotting attended the following meetings:**

- Workshop
- Visiting properties on agenda

**Spencer attended the following meetings:**

- Visiting properties on agenda
- HC Sheriff's Dept

**McCoy attended the following meetings:**

- Planning Commission Mtg

**Betts attended the following meetings:**

- None

**Johnson attended the following meetings:**

- Planning Commission Mtg
- Senior Community Services Board Mtg – Zoom – ½ are new board members now
- Police Candidate Interview
- 4 Community Theatre at Rockford High School
- Orono School Board Mtg and Workshop
- NLC Small Cities Council – Zoom
- Orono Healthy Youth Mtg
- Senior Community Services Fall Reimagining Age Conference – highlighted several fraud cases
- Sharon Cook passed away and had run elections for years.
- Wayne Hillstrom's funeral – Saturday
- Carol Strassburg's funeral – Friday - She had helped with elections for years.

**Simon attended the following meetings:**

- Benefits Coordinator Mtg

**Kaltsas attended the following meetings:**

- Benefits Coordinator Mtg
- HN Cty - Co Rd 19 & Perkinsville and trail options

October is National Domestic Abuse Awareness Month. Orono Healthy Communities and Hennepin County Commissioner Kevin Anderson's newsletters have mentioned this.

Maple Plain Fire Dept's Open House Saturday, 11-4pm – all are invited.

Jeff Leuer of Loretto Fire Dept. was chosen as the Minnesota Fire Chief of the Year and will be honored in Duluth on Oct. 21, 2022. Jeff plans on ordering tickets for anyone wanting to attend.

Lewis Cemetery off Cty Rd 90 updated their entrance signs, and they plan on holding a dedication on Memorial Day 2023.

7. Don Hamilton (Owner/Applicant) requests that the City consider the following actions for the property located at 5687 County Road 6, Independence, MN (PID No. 35-118-24-11-0003):

- a. **ORDINANCE NO. 2022-06** – Considering rezoning of the property from AG-Agriculture to RR-Rural Residential consistent with the Comprehensive Plan; and
- b. **RESOLUTION NO. 22-1004-01** – Considering approval of a minor subdivision to allow a rural view lot subdivision.

Kaltsas recapped the Property/Site Information, Discussion, and Recommendations of packet pages 10-19 regarding a minor subdivision and rezoning application for the property location at 5687 County Road 6 (PID: 35-118-24-11-0003). Don Hamilton wants to subdivide his property to allow a second home on the property. The City did a review and various aspects of the project. To consider it, it must be rezoned. It's currently zoned AG, guided RR, and is 11.54 acres. The City allows RR property to be rezoned if it's a minimum of 7.6 acres. We give one additional unit per every 5 acres over that. So since this property is 11.54 acres, 2 lots are allowed. The west lot is 5.52 acres, and the east is 6.05 acres. Detached accessory buildings exist on the property. In the before condition because there are 10+ acres and there is no detached accessory building limitations; in the after condition as proposed, there will be limitations on the 5.52 acre lot. It allows a maximum of 2% of the buildable upland area to be covered with detached accessory structures- which is approx. 4,500 sq ft of allowable detached accessory structures. You need to take into account wetlands. The 5.52-acre lot would be ok. For access, the western parcel would have 662 of lineal ft frontage on Cty Rd 6 which is more than enough (300 lineal ft minimum). The East parcel has 922 lineal ft. on Co Rd 110 and 191 lineal ft on Co Rd 6, thus these are in compliance. The East parcel has driveway access on 110 near Luce Line Trail, south of the property. The City would require Park Dedication Fee for the new lot being created. PC made recommendation to approve rezoning and subdivision with considerations. See the Rezoning Ordinance and the Minor Subdivision Resolution if it is approved.

Don asked if the lean-to shed would be allowed on NW corner.

Kaltsas said it would be proposed to be taken down in this minor subdivision proposal tonight. You would need to apply for a Variance asking to allow it to stay because it is beyond the 2% allowable sq footage. Ordinances do not differentiate between the 2-side, 3-sided for permanent structures. There is no exception to structure besides a horse feed area.

Johnson – Did you take into consideration the old milk house that were to be torn down?

Kaltsas – That is 390 sq ft. and is included to stay. I did not take into account the silo, it was excluded.

Johnson – What would be the difference between the milk house and lean-to?

Don – 28x45 possibly. He was not aware of non-conforming buildings until after the planning meeting.

Spencer – You could file for a variance but there is no hardship, so the variance would probably not be possible to save the lean-to. There is some historical preservation of old buildings, but there's nothing in the ordinance to provide for that.

Don – I have had 4 offers for the place already, and 2 of them have been just because of the buildings.

Johnson – You don't have a hardship because you can move the lot line.

Don- There is interest in the property with buildings. I'd rather keep the lot size.

Kaltsas – 950 sq ft is the difference between lean-to and milk house which is right at the threshold.

Johnson – Everything could be approved but you'd have to take down the one building.

McCoy recused himself from the voting.

**Motion by Spencer, second by Grotting to approve RESOLUTION NO. 22-1004-01 – approving the minor subdivision to allow a rural view lot subdivision.**

**Ayes: Johnson, Betts, Grotting, and Spencer. Nays: None. Absent: None. Abstain. McCoy. MOTION DECLARED CARRIED. 4:0**

**Motion by Grotting, second by Betts to approve Ordinance No. 2022-06 – approving the rezoning of the property from AG-Agriculture to RR-Rural Residential consistent with the Comprehensive Plan. Ayes: Johnson, McCoy, Betts, Grotting, and Spencer. Nays: None. Absent: None. Abstain. McCoy. MOTION DECLARED CARRIED. 4:0**

8. Nicholas Mozena (Applicant/Owner) requests that the City consider the following action for the property located at 1187 County Road 92 N., Independence, MN (PID No. 29-118-24-14-0003):
  - a. **RESOLUTION NO. 22-1004-02** – Considering approval of a variance to permit a reduction to the rear yard setback allowing an existing detached accessory structure to remain in its current location.

Kaltsas recapped the Property/Site Information, Discussion, and Recommendations of packet pages 20-35 regarding a variance to permit a reduction to the rear yard setback allowing an existing detached accessory structure to remain in its current location for the property at 1187 County Road 92 N (PID: 29-118-24-14-0003). During review of pole barn reconstruction, there was a shed that did not comply with applicable setbacks. It is zoned AG and about 4.5 acres. The shed was not recorded or permitted for and is placed too close to property line. Applicants had recently purchased this property and were unaware that the 9’x16’ shed was not legal as it sits 3 ft off the rear/western property line. The City recently updated the ABRC/ Accessory Building Review Committee for reduced setbacks. The required Rear Setback is 40-yards, and the Side Setback is 15-yards. They installed a new fence, existing trees, and septic field. There are limitations on where to move or put the shed. They chose to ask for a variance to allow the shed to remain in the current location. They wrote a letter showing the hardship. It relates to the character of the property and doesn’t take away or cause impact to surrounding properties as the Western property is a commercial riding property. The PC had a lot of discussion and determined the applicant didn’t create the issue. There are unique characteristics on this property and recommended approval to allow it to remain.

Johnson – Do we require anything in writing from neighboring property that they don’t object or for sake of paper trail?

Kaltsas – The PC brought this up and neighbors were noticed, so that they felt it was satisfied since no one came forward. The western property is owned by an entity and not a sole person.

Johnson – We should make note here that they were noticed, and they chose not to come.

Vose- When a landowner comes in and wants a variance, it is persuasive but not required to have neighbors’ written statements. It’s recommended to put into the minutes for recording purposes.

**Motion by McCoy, second by Spencer to approve RESOLUTION NO. 22-1004-02 – approving the variance to permit a reduction to the rear yard setback allowing an existing detached accessory structure to remain in its current location. Ayes: Johnson, McCoy, Betts, Grotting, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0**

9. Review Concept Plan Submittal for the property located at 9285 Highway 12 (PID No. 18-118-24-21-0001). William Stoddard (Applicant) and John Zeglin (Owner) are asking the City to provide feedback relating to the proposed concept development of the subject property. The Applicant is proposing to develop the property into office warehouse, garage condominiums, and rural residential lots on the subject property.

Kaltsas recapped the Property/Site Information, Discussion, and Recommendations of packet pages 36-69. The proposed Business Park is an office warehouse and garage condominium project. The Concept Plan is an optional process where the applicant can approach the City and present a proposal of a particular property so that the Planning and Council can ask questions and provide feedback. There is no formal review or decisions made. It is high level feedback to see a project before it is developed.

This property is West of Nelson and South of Hwy 12, zoned AG, but guided as AG and Urban Commercial. It is 58 acres in overall size. It has been on the market for close to 15 years. The City has received, asked questions from high density residential, churches, any other type of land use in between. We have never had a formal application or concept plan submitted before. The City has considered a portion of this as Commercial and some to remain AG. In its current condition, it's bordered on the East by Nelson Rd and on the North by Hwy 12 Co Rd. There is an existing farmhouse and detached accessory structures with several wetlands, wooded areas in the middle, and pastureland on the NW. The Comp Plan shows it with blue dashed lines. The furthest west 12 acres is guided as Urban Commercial, which is a placeholder in the 2030 Comp Plan that identified some potential commercial development. This Concept Plan would have 3 different land uses: asking the City to reguide a larger portion from AG to Urban Commercial (the darker red area on the western side), an additional 16 acres along Hwy 12 to Nelson (the lighter pink area on the south side) proposed to be reguided as Urban Commercial, and 28 acres (the green area) would remain AG. A stormwater pond would be in the AG. Three (4.5 acre lots) residential properties would mirror properties across the street and can remain AG. 2 – 100,000 sq ft office warehouse buildings. Office in the front along the Hwy 12 and warehouse in the back with parking and loading dock. The Western edge of property would be 100 units of garage condos and private garage space showcases.

This initial application showed access onto Nelson Rd. The City said that access to Nelson Rd would be a nonstarter and is not a safe access point for residential and adding commercial would not be supported. Two ways they proposed would be acquisition on the property to the West with an easement for a frontage road or Hwy 12 access with a right in right out, but they would have to discuss this with MNDot. It would limit the types of uses you could get with that access. There could be a roundabout at County Line but until then it would be hard. Applicant did complete a wetland delineation. There are a couple in the NE corner that would stay, underneath a building, and some in the trees. They would mitigate the wetlands where the buildings are but maintain the other 2 wetlands. They are proposing to leave the trees and preserve the woodland area. They would utilize on-site septic and well for water. There is a possibility for the City to possibly serve these areas with water at some point consolidating water system to serve the commercial area only. Delano offered the City to annex the property then they will serve that property. It shows a flex space where the possibility is to divide the space up depending on what people are asking for. Medina has the auto plex like the garage spaces proposed. We have had a lot of interest in the surrounding cities for these garage condos. The Planning Commission felt there was likely an opportunity to expand the commercial area but was concerned about the proximity to Nelson Rd residents. They discussed options of mirroring residential properties on the east with more on the west side that would buffer and back up to the commercial area essentially allowing a mirror residential development while maintaining some commercial a little west than proposed, but having additional separation of green space, berming, etc.

Johnson – The road study we just had; our preferred alternative was double lane through town. What does that say from County Line back to 92?

Kaltsas- Essentially echoes what we're showing. A frontage road would be preferred. We're talking about Nelson Rd having limited access there in that study, but also roundabouts on both ends. We didn't look at right in right out and would not be preferred, but it is a half section from Nelson to County Line Rd. There is a wider section of Hwy 12 that you can slide the right in right out a little N-S if needing to accommodate.

Betts – What is the size of those 3 lots?

Kaltsas – About 4.35 acres each. They mirror lots across the street in width but are less in depth more similar to the lots south on Nelson on the west.

Betts – What is the land being used for right now?

Kaltsas – There is active farming on there now. The original home site with detached buildings, wetlands, trees, tillable land.

Grotting – If they were to utilize this design out to County Line to avoid direct access on Hwy 12, they would need permission from that landowner?

Kaltsas – They would need to acquire an easement and or property to go across. Either way they'd need cooperation of that property owner.

Grotting – If someone came in and wanted all of these, you would have to gauge what type of retail would go on there. It's a different type of retail, right?

Kaltsas – Carpet, widgets, granite, pool and spa, or maybe some manufacturing inside with an office up front. There's nothing like right in this area, but Delano has some similar buildings in their area like Landscape Structures.

Grotting – There would be a fine line between selling carpet or selling groceries.

Kaltsas – These are not set up for retail sales. We would have ordinance that describes usage types.

Johnson – Not sure about conversation with the property owner to the west, there is a lot of space needed off of County Line Road and that seems like the only way to get in there. If the neighbor isn't interested in selling it, I'm not sure how that would work.

Grotting – Would the state turn around and say that we need to take right of way because we don't want this dangerous access?

Kaltsas – Access management for the City is important also. The City has not been in the position to take right of way. We would be interested in resolving the access issue since some of it is commercially guided and it needs to get to a place of safe access. 10-12 acres is guided for commercial, and we need to master plan access for that property somehow. But this is the first one in and they need to go across the other property. If the opposite were happening and that property to the west came forward, we would require a road access to serve this property. We could have an interim solution that fits today and a future solution.

Johnson – Turn lanes on County Line Road.

Kaltsas - Delano is a heavy user and Independence is a light user. It would change a portion of County Line Rd and we would have to have a conversation about what to do.

Grotting – Could the western property hang this area up forever?

Kaltsas – Yes, if the City or state doesn't take it. The developer has access rights off Hwy 12 so there's something that we and MNDot would need to permit in some manner. We couldn't land lock that property. We do have rights over the types of land uses.

Johnson – What is the history that dark bold line on Hwy 12 have looks like an easement and what about the other half?

Kaltsas – They just take- get different pieces of property over time. A section there has not been acquired to the full width they likely want. They won't take it if they don't need it. County roads do the same jog in and out, and the RR does this too although they take more readily. We treat this the same and looking at the ultimate use of Hwy 12 and does this property support that. During any application



for land use consideration, is there an opportunity for the City to help assist getting the right of way that we would need.

Johnson – Is all of this area between the condos hard surface?

Kaltsas – Yes, that is typical with lots of doors between back-to-back units which empty into an inner courtyard.

Vose – Regarding a Business Park plan on the north side, it looks like it might require Comp Plan amendment and not a minor amendment, right?

Kaltsas – Minor amendment likely. They look at impact to systems, so I don't know how they'd deem this. Their biggest issue is development without sewer and water. We did show them how we can serve this property of 60 (not necessarily with the 16 additional) with onsite utilities which is in line with what we are talking about. We would require an amendment to the current Comp Plan if extending Urban Commercial to anywhere outside of that existing 12. We'd need to rezone property, consider site plan review, consider CUP to allow PUD/plan use development. We did write a blanket ordinance for Urban Commercial that requires all development to come in under CUP and PUD. That's because we don't know what things will come in. We would require having preliminary plat and final plat steps if anything were to come forward for a formal application.

Spencer – So until access to this property can be resolved, we can't do much with this option. Without a roundabout or access point on County Line Rd to serve this business park, that is all a lot of IFs.

Kaltsas – The applicant is here tonight and would like to know if the City would be interested in this, then they would try to solve the access issues. Not having access on Nelson is a non-starter to Council. Serving this property from Hwy 12 is a viable option but to what level – right in right out only or an interim access? There is a substantial gas pipeline easement on the North side of this property on Hwy 12 and if that west property would ever develop, it would require an access on County Line Rd likely where we're showing it. That's the property owner's decision what they want to do with it.

Johnson – Every time we have done a Comp Plan amendment, we have said no to allow further business development along Hwy 12 in order to preserve the corridor for a decent road. It doesn't make sense for a right in right out off this property when we're as close to County Line Rd. Until we know we have better access there from the west, I'm not willing to discuss the rest of it.

Betts – I would agree. If we can have it on County Line Road then yes, but anything coming on to Hwy 12 would defeat all the safety of that road that we have been working so hard on to get a better highway.

Grotting – If we could slide it to the south and have some frontage- that would still be right in right out.

Spencer – Coming from the E towards Delano where is that U turn point to get into a right in right out? That is the challenge. Like Mark said if a roundabout is installed at County Line Rd and then roundabout to 92 to a right in right out, but without that with that much traffic trying to turn left from the westbound lane is impractical.

Grotting – If we own half of County Line Rd then maybe we should encourage the state to do a roundabout. That's the only way to get to this.

Spencer - But that is beyond our control.

Grotting – The state has no motivation to develop the area.

Spencer - The developer is the only thing within their control to establish access to the west, and until that's a possibility, this is hypothetical.

Applicant Bill Stoddard, from Excelsior, MN – I've developed some big and little things- 10 brick rowhouses across from the Excelsior brewery and 18 twin villas on the bike trail a block off. I started a 233 unit in St. Louis Park and did a 172 unit in Golden Valley. We want a safe good access also, and on our initial concept using MNDot map, we have a 60ft wide access point. We would not be proposing the current plan if we don't get the County Line Rd access point. Instead we would be proposing more residential lots. We have a couple meetings and discussions with MNDot, and they would like a roundabout at County Line Rd in their 10-year plan. If we don't get anything worked out with the neighbor and there is a wide gas easement there already, we would expand on condos instead of commercial use. Like the golf course presenter shared, covid changed a lot of what people need these

days. We could have a \$40 million project of just condos and residential. A city water source and sewer would be great instead of the 12" fire suppression wells. There would be an association to control hour usage, no overnight stays, etc. While we know that the access point is a deal for the City, receiving our max field research report will help to address our potential uses. Without proper access, we know that large trucks can't access this site. ESG Architects designed this project and is an award-winning architect. The City has been great to work with and Mark continues to give me more homework. We agree with the overall site access and will continue meeting with MNDot.

Vose – If the access worked out with the frontage road as depicted, that would accommodate large trucks for light industrial park?

Bill – Yes, and a straight in would be better but only if the neighbor would allow it. We are trying not to impact any tress for Nelson Road residents or taking farmlands.

Johnson – Would one well be sufficient for fire suppression?

Kaltsas – They would have to meet the fire suppression code. If they are doing that onsite there are different requirements. If we are going to develop that area, it makes sense to provide water instead of lots of small wells.

Bill- Summit Fire is helping design and engineer a plan. If we served it by well, it would be reviewed from city staff and engineer.

Johnson – Once we find out if there is a cooperative landowner to the West, it would make a lot of difference. I can see major discussion for the comp plan building discussion.

Kaltsas – PC was very thoughtful of the neighbors to buffer the commercial from existing residential. Allow additional residential to buffer commercial and longer-term assurance of what is across the street.

Betts- With so much impervious surface, how is that going to affect the water? There's a percentage needed.

Kaltsas – This would have to meet all applicable stormwater requirements. They'd only be developing 20 some acres of the 58 acres. Wetlands are in the broader report. Some would be mitigated.

Grotting – It sounds like the applicant is willing to come up with a good balance depending on what we can come up with if he can figure out the access.

10. Consider approval of an ***Early Development Grading Agreement*** as requested by BohLand BridgeVine, LLC in association with the proposed 28 single family lot BridgeVine Subdivision.

Kaltsas introduced the early development grading request of the preliminary plat which was subject to a few things. By allowing the early grading, it does not pre-approve any further action. This is not uncommon due to seasons and weather matters, and we don't see it much here since we don't have a lot of development. This is at the risk of the developer. We would be protecting the tree area down by the lakeshore, adding silt and erosion control, etc. They have transplanted a lot of the trees. People made a lot of comments about the trees coming down. This agreement was drafted by Vose, Pioneer Sarah Creek Watershed would have to approve their preliminary grading permit prior and they're meeting on the 21<sup>st</sup>. We could not trump or override it. Ours would be subject to them granting approval and security in place so the city could restore the site to an acceptable standard if the developer failed to make the improvements.

Johnson – We don't have anything in place about hours of operation of when they can do work. Should we look at that?

Kaltsas – In ordinances, we state no construction noise between 7am-10pm. We could put in a limitation although it is dark now.

Betts- I don't recall lots of noise when Fieldstone and Providence were being done. They seemed to work during daylight hours.

Bohl- We will absolutely be working just during daylight hours.

Grotting – What is your confidence level on MetCouncil approval?

Kaltsas - It's not my decision. We are working to get the ability to connect the lots.

Johnson – 150% of costs is bonded here. We should also change date on the grading agreement date.

**Motioned by Grotting, second by McCoy to approve the early development grading agreement as written as presented. Ayes: Johnson, McCoy, Betts, Grotting, and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5:0**

11. Open/Misc. -

State Senator Osmek was present and stopped to say hi and goodbye. Redistricting wasn't kind to me. He wasn't going to get Independence anyway. He's moving to his parents' farm by Biscay, MN. He'd been elected 14<sup>th</sup> president of the MN Senate serving both democrats and republicans many who had shared how they'd appreciated how he'd protected their voice. Senator Warren Limmer will be our district's Senator as well as the Judiciary Chair. The then thanked everyone for the support. I'd love to be present for your Hwy corridor ribbon cutting. Your remodeled city hall is beautiful, and I love that the community room is named in honor of you, Mayor Johnson.

Johnson – You have represented us well and we appreciated your support on the Hwy 12 corridor as well as serving during Covid issues. We will miss you.

12. Adjourn.

**Motion by Betts, second by McCoy to adjourn the meeting at 8:12pm.**

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Respectfully Submitted,  
Linda Johnson / Recording Secretary



|         |        |                          |                          |             |                        |         |          |           |             |           |             |               |
|---------|--------|--------------------------|--------------------------|-------------|------------------------|---------|----------|-----------|-------------|-----------|-------------|---------------|
| 9/16/22 | 22-199 | Janecky Plumbing         | 2692 Becker Rd           | 14-42-0007  | Plumbing/Remodel       | \$ 1.00 |          |           | \$ 101.00   | \$ 1.00   | \$ 100.00   | \$ 2,500.00   |
| 9/16/22 | 22-200 | Dan Swanson              | 3480 County Line Rd      | 07-32-0002  | Plumbing               | \$ 1.00 |          |           | \$ 101.00   | \$ 1.00   | \$ 100.00   | \$ 2,000.00   |
| 9/13/22 | 22-201 | Fireside Hearth and Home | 4944 S Lake Shore Dr     | 24-11-0007  | (add 1)Gas Fireplaces  | \$ 1.00 |          |           | \$ 101.00   | \$ 1.00   | \$ 100.00   | \$ 7,338.00   |
| 9/20/22 | 22-202 | Phillip Joseph Sheridan  | 155 McCully Rd           | 36-44-0007  | Garage / Ad            |         | \$ 55.00 |           | \$ 1,839.05 | \$ 55.00  | \$ 1,784.05 | \$ 110,000.00 |
| 9/21/22 | 22-203 | Steve Prickett           | 2236 S Lake Shore Dr     | 24-14-0005  | Pole Shed Removal      |         |          |           | \$ 100.00   | \$ -      | \$ 100.00   | \$ 1,000.00   |
| 9/21/22 | 22-204 | Shannon Russell Stubbs   | 1125 Polo Club Rd        | 27-41-0005  | Addition, Deck, & Pool | \$ 1.00 | \$ 1.00  | \$ 125.00 | \$ 3,573.46 | \$ 127.00 | \$ 3,446.46 | \$ 250,000.00 |
| 9/12/22 | 22-205 | Emily Benitez            | 4850 Deer Ridge Trail    | 25-41-0010  | Re-Roof                | \$ 1.00 |          |           | \$ 101.00   | \$ 1.00   | \$ 100.00   | \$ 42,155.52  |
| 9/22/22 | 22-206 | Andrew Franck            | 3480 County Line Rd      | 07-32-0002  | Mechanical             | \$ 1.00 |          |           | \$ 101.00   | \$ 1.00   | \$ 100.00   | \$ 875.00     |
| 9/22/22 | 22-207 | Andy Burke               | 2242 South Lake Shore Dr | 24-14-0005  | Demo                   |         |          |           | \$ 600.00   | \$ -      | \$ 600.00   |               |
| 9/22/22 | 22-208 | Kevin Jaunich            | 2055 County Line Rd      | 19-23-0001  | Swimming Pool          | \$ 1.00 | \$ 47.50 |           | \$ 1,777.90 | \$ 48.50  | \$ 1,729.40 | \$ 95,000.00  |
| 9/26/22 | 22-209 | Jerrid Voss              | 7646 Turner Rd           | 28--24-0004 | New Detached Garage    |         | \$ 30.00 |           | \$ 1,243.02 | \$ 30.00  | \$ 1,213.02 | \$ 60,000.00  |
| 9/26/22 | 22-210 | Valentin Shargorodskiy   | 125 Ingerson Rd          | 34-34-0007  | House Demo             |         |          |           | \$ 100.00   | \$ -      | \$ 100.00   | \$ 5,000.00   |
| 9/27/22 | 22-211 | Brandon Jurmu            | 7075 US Hwy 12           | 22-24-0001  | Demo                   |         |          |           | \$ 200.00   | \$ -      | \$ 200.00   | \$ 100,000.00 |

# City of Independence

## League of Minnesota Cities Insurance Trust Tort Liability Waiver

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* October 18, 2022

***Discussion:***

Each year the City is required to decide whether to waive the monetary limits on Tort Liability established by MN Statues, to the extent of the limits of liability coverage obtained from the LMCIT. The City has historically made the determination to not waive the monetary limits based on discussion with the Counsel.

***Requested Action:***

It is recommended that the City Council not waive the monetary limits on Tort Liability established by MN Statues, to the extent of the limits of liability coverage obtained from the LMCIT.

**ATTACHMENTS:** LMCIT Waiver Form

## LIABILITY COVERAGE – WAIVER FORM

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member’s effective date of coverage. Return completed form to your underwriter or email to [pstech@lmc.org](mailto:pstech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member’s governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.*
- *If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member’s liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.*
- *If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

---

LMCIT Member Name:

\_\_\_\_\_

*Check one:*

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).
- The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_



# City of Independence

## **Request for an Amendment to the Conditional Use Permit for the Windsong Farm Golf Club Located at 18 Golf Walk**

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*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* October 18, 2022  
*Applicant:* Windsong Farm Golf Club  
*Owner:* David Meyer  
*Location:* 18 Golf Walk

### **Request:**

Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the property generally located at and adjacent to 8590 County Road 92 N (PID No.s 32-118-24-23-0001, 32-118-24-22-0003, 32-118-24-22-0002, 32-118-24-13-0002, 32-118-24-12-0003 and 32-118-24-12-0004) in the City of Independence, MN:

- a. A conditional use permit amendment to allow the development of a new 18- hole golf course and associated site improvements (private facility) on the subject properties.

### **Property/Site Information:**

The subject properties are located on the north side of County Road 6, just west of County Road 92. The properties are comprised of rolling topography, ponds, wetlands and tree coverage. The properties have the following characteristics:

Property 32-118-24-13-0002

Zoning: *Agriculture*

Comprehensive Plan: *Public/Semi-Public*

Acreage: 15.19 acres

Property 32-118-24-23-0001

Zoning: *Agriculture*

Comprehensive Plan: *Public/Semi-Public*

Acreage: 69.91 acres

Property 32-118-24-12-0004

Zoning: *Agriculture*

Comprehensive Plan: *Public/Semi-Public*

Acreage: 10.06 acres

Property 32-118-24-12-0003

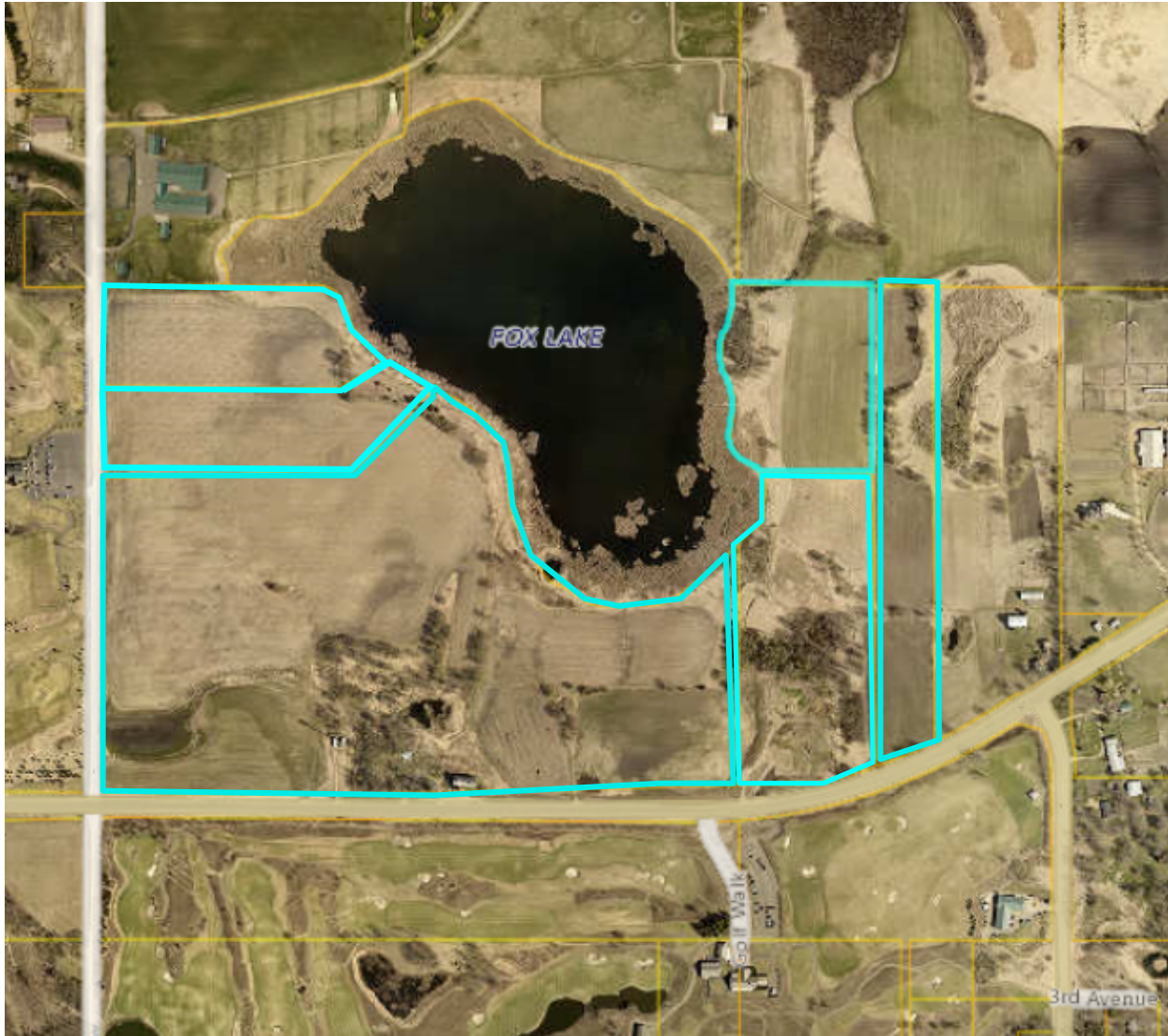
Zoning: *Agriculture*

Comprehensive Plan: *Public/Semi-Public*

Acreage: 10.75 acres

Property 32-118-24-22-0002  
Zoning: *Agriculture*  
Comprehensive Plan: *Public/Semi-Public*  
Acreage: 9.76 acres

Property 32-118-24-22-0003  
Zoning: *Agriculture*  
Comprehensive Plan: *Public/Semi-Public*  
Acreage: 9.93 acres



***Discussion:***

The applicant is seeking an amendment to the existing conditional use permit to allow the use of their property located north of CSAH 6 for a new 18-hole golf course. Windsong has been working on a plan to develop the north side of this property for many years. The City reviewed and approved an amendment to allow this property to be developed as a practice facility and driving range in 2016. That plan never was brought to fruition. The applicant is now proposing to develop the property into a new 18-hole golf course that would become a second private

course associated with the Windsong Golf Club. The proposed 18-hole course would include a starter house (1,400 SF) and a seasonal building for bathrooms (400 SF) and associated 92 stall parking area. The new course would be accessed via a new access driveway and parking area and also from the existing golf cart tunnel beneath CSAH 6. The existing overflow parking area would be removed, and the new parking areas would be constructed.

In order to consider the expansion of the golf course facility to the north side of CSAH 6, an amendment to the conditional is necessary.

*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.*

Commercial golf courses are permitted as conditional uses in the AG - Agriculture zoning district. The golf club has a conditional use permit that was originally approved in 2001 and amended in 2012 and 2013, 2016 and 2021. The CUP allows a golf course and its associated 29,000 SF club house/pro shop, guest house and overflow parking north of CSAH 6. The initial Golf Course CUP was issued under 530.01, subd. 4(s) which makes "commercial golf course" a conditionally permitted use.

In addition to the CUP, the City reviewed an environmental assessment worksheet (EAW) that was required in order for agricultural land to be converted into a golf course. The EAW has been reviewed and the City is being asked to make a negative declaration relating to any further environmental action being required. The findings and response to comments are attached to this report. The City is in the process of preparing a final Resolution making a negative declaration of need for an environmental impact statement are attached to this report. Approval of the CUP Amendment is subject to the final resolution findings for the EAW.

The applicant is proposing to mitigate visual impacts of the proposed golf course on the surrounding landscape by constructing 6-10-foot-tall berms along CSAH 6 in a similar fashion to the berms that screen the golf course on the south side of CSAH 6. The proposed facility is intended to serve the courses existing membership base and will be for the private use of the members.

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

- 1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.*

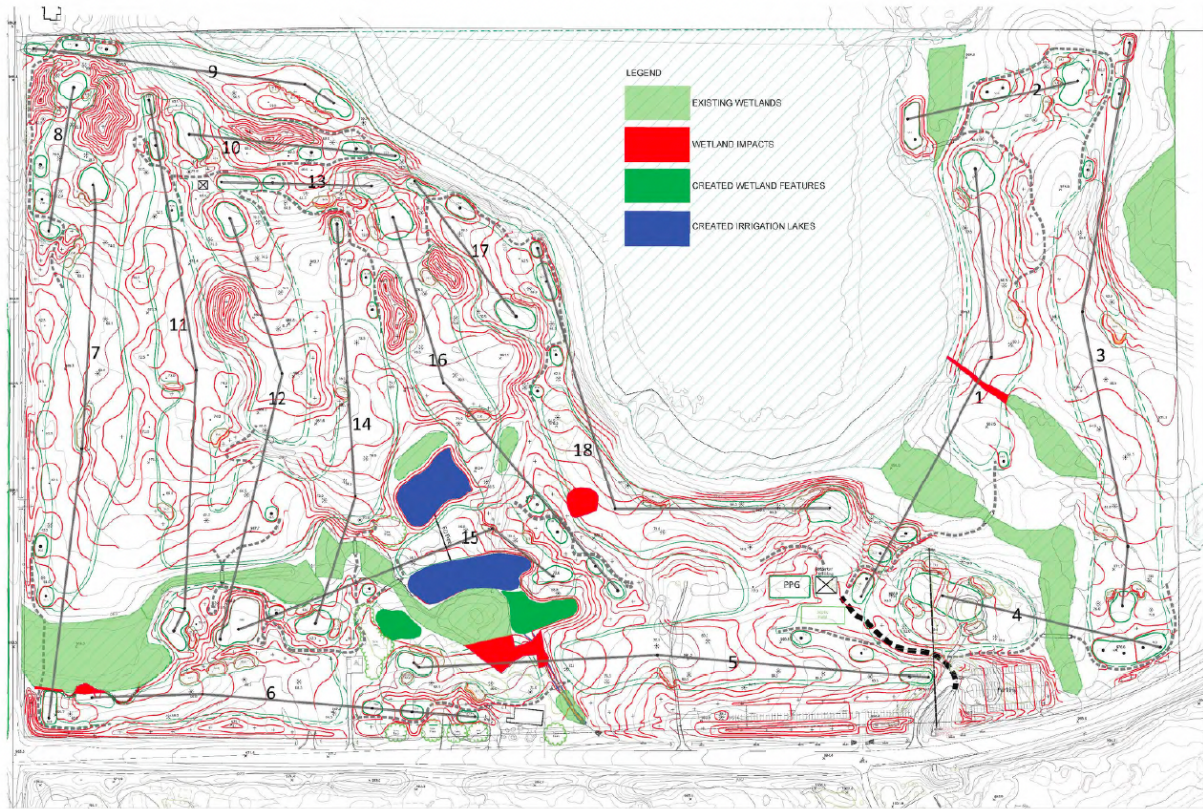
2. *The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Existing roads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

The existing golf course is relatively secluded from the surrounding properties and County Roads. There are existing golf courses to the west and south of this property. Most impacts that would result from the use of the property would be mitigated by the remaining open space and proposed earthen berming. Golf courses are permitted as a conditional use in the Agriculture zoning district. The property is guided in the Comprehensive Plan as Public/Semi-Public. The use of the property as a golf course is consistent with the existing zoning. The City will need to determine if the new 18-hole course is consistent with the use of the overall property as a golf course. In addition, the City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit.

The applicant is currently in the process of securing a wetland mitigation permit that will allow for approximately 0.5 acres of wetlands to be mitigated out of the approximately 46 acres of wetlands on the property (see image below). The City, Army Corps., and wetland TEP panel have completed an initial review of the proposed grading and wetland mitigation and has provided detailed comments to the applicant. The City has completed a full review of the grading and drainage plans for the golf course and provided comments to the applicant. The City is anticipating that the applicant will submit a revised set of plans to finalize and address all outstanding comments. City approval would be subject to final review and approval of revised plans.

Development of the new golf course will include light cut and fill over approximately 100 acres to shape the play areas as well as excavation of irrigation ponds. Approximately 170,000 cubic yards of cut and fill will be balanced on-site. Forty-one acres will be seeded with native fescue as

soon as feasible after grading to stabilize the soil. Another 65 acres will be devoted to managed turfgrasses, which will be installed on a separate schedule. The fairways will be tilled to prevent compaction before turfgrass is installed. The greens will be built to United States Golf Association (USGA) standards. Approximately 10,000 cubic yards of sand and gravel will be needed to construct bunkers and install the soil profile for the greens. There will be two irrigation ponds created to provide irrigation to the course.



There are several additional considerations that should be noted:

1. The applicant is proposing to construct two buildings on the north course property (see attached building plans and elevations for full detail): a starter building (1,400 SF with restrooms, small pro shop area and covered porch), and a restroom building (400 SF). The buildings will be used only during the golf season. The building will be accessed only via golf carts from the club. A fire department/emergency vehicle access route will be required to serve the starter building. The City will work with the fire department and applicant to coordinate this detail.
2. The City will review the revised access drive and proposed change to the driveway location on CSAH 6 and coordinate the with Hennepin County. City approval will be subject to the review and approval of Hennepin County.

3. The applicant is designing a new septic system to accommodate the proposed building. The City will review any proposed sanitary service during building permit review.
4. The applicant is proposing to construct 92 new parking spaces to serve the new course and existing course. The City does not have a specific parking standard for golf clubs but would generally recommend 5-6 spaces per hole which would be consistent with the accepted “standard of practice”. This would equate to 106 parking spaces required for the north course. The applicant has 137 parking spaces on the south side of CSAH 6. The total number of parking spaces on both the north and south sides is proposed to be 237 spaces. The total number would exceed the general standard of approximately 212 spaces. The total number of spaces is generally found to be adequate to serve the day-to-day use of the golf course. The applicant does have the ability to expand the parking areas on the north side of CSAH 6 should parking become an issue in the future.

The applicant was originally proposing to construct the parking spaces and drive aisles to serve the north course using crushed gravel. This would be a departure from the City’s general bituminous paving requirements for other types of development. The City does not have a specific standard for parking areas associated with golf courses and outside of the commercial zoning districts. The parking that is currently located on the north side is considered temporary or overflow parking and is crushed gravel. The proposed parking areas (or a portion of the proposed parking areas) would become permanent parking. The Planning Commission reviewed the request and recommended that the applicant utilize bituminous paving for all parking on the north side noting that this will be permanent parking. The applicant is agreeable to installing bituminous paving for all proposed parking areas.

5. The parking lot will need to be illuminated for use in the spring and fall. There are existing lights that were installed by the applicant that were not approved by the City previously. The applicant is indicating several locations for parking lot lights in the proposed parking areas. It is recommended that the proposed lighting be consistent with the existing lighting located within the south parking lot and that the applicant prepare a photometric and provide cut sheets to the City verifying conformance with applicable lighting standards.
6. The applicant is proposing to establish a general perimeter buffer that is comprised of earthen berms and native grasses. The perimeter landscape treatment will mirror the treatment along CSAH 6 on the south side that currently screens the south course.
7. The applicant is working with the City relating to stormwater mitigation. The applicant will be required to meet all applicable stormwater requirements. The City is concerned about the water quality of Fox Lake and will ensure that the proposed plans accommodate the runoff in a responsible manner that meets all applicable requirements. Following Planning Commission recommendation, the applicant has submitted an application to Pioneer Sarah Creek Watershed Management Commission for review and approval.

8. The furthest west tee box for hole 9 may need to be adjusted so that grading is limited to the private property

In the existing zoning district, a commercial golf course is permitted as a conditional use. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed new course expansion. The use of the facility will be limited to the existing members of the club and should therefore minimize the amount of new traffic or number of users at the golf course. The private nature of this facility that is not open to the public also helps to mitigate the potential impacts relating to the proposed course. The Planning Commission will need to determine if the requested amendment to the conditional use permit meets all of the aforementioned conditions and restrictions.

***Neighbor Comments:***

The City received a verbal question relating to the proposed golf course. No written comments have been received prior to the time this report was prepared.

***Recommendation:***

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

1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This amendment will approve the use of a portion of the property to the north of CSAH 6, and further defined on the approved plans, for a new 18-hole golf course. All conditions of the initial conditional use permit and subsequent conditional use permit amendments shall remain in force. The following conditions should be added to the conditional use permit:
  - a. In addition to the 18-hole golf course, 29,000 square foot clubhouse and 5,350 square foot guest house with six sleeping rooms, Windsong Farm Golf Club can use the property north of CSAH 6 for a new 18-hole golf course with the following limitations:
    - 1) The golf course shall be no greater in area than that which is designated on the approved plans.

- 2) Landscaping and berming along CSAH 6 and Copeland Road, as detailed on the proposed plans, shall be required to be installed.
  - 3) All parking areas shall be paved with bituminous surfacing.
  - 4) The applicant shall provide additional information relating to the proposed parking lot lighting. A photometric plan and lighting cut sheets shall be submitted to the City for review and approval.
  - 5) The fire department will be required to approve the proposed vehicle access to the proposed starter building. A designated and approved fire/emergency vehicle access shall be maintained into the site at all times.
  - 6) There shall be no artificial lighting of any portion of the golf course at any time.
  - 7) Any expansion of the golf course, additional buildings or expansion of the proposed buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
4. Prior to the City granting a grading permit for the proposed 18-hole golf course expansion, the applicant shall complete the following items:
    - a. Revise the plans and provide information as requested by the City's water resource consultant Hakanson Anderson.
    - b. Receive all applicable agency approvals for the proposed wetland mitigation and grading and drainage associated with the improvements to this property.
  5. Prior to the City granting a building permit for the proposed starter building, the applicant shall complete the following items:
    - c. Provide the City with a sanitary sewer plan illustrating how the proposed buildings will be served.
    - d. Provide the City with cut sheets for any building lighting.
  6. Pay all costs associated with the City's review of the applications.



***Attachments:***

- 1. Resolution No. 2022-1018-01**
2. Proposed Course Plans
3. Proposed Building Plans and Elevations
4. EAW Response to Comments



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 22-1018-01**

**A RESOLUTION GRANTING APPROVAL OF AN AMENDMENT TO THE  
CONDITIONAL USE PERMIT FOR THE WINDSONG FARMS GOLF CLUB  
LOCATED AT 18 GOLF WALK**

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, requested amendment to the Conditional Use Permit is consistent with the City of Independence comprehensive plan; and

WHEREAS, Windsong Farm Golf Club (the “Applicant”) submitted a request for an amendment to the conditional use permit to allow a new 18-hole golf course to be located on the club properties identified by (PID No.s 32-118-24-23-0001, 32-118-24-22-0003, 32-118-24-22-0002, 32-118-24-13-0002, 32- 118-24-12-0003 and 32-118-24-12-0004) (the “Property”); and

WHEREAS, the Property is zoned Agriculture; and

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

WHEREAS the requested amendment to the Conditional Use Permit 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 20, 2022 to review the application for an amendment to the Conditional Use Permit, 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, this amendment adds additional provisions to the previous Conditional Use Permit for this property and all previous conditions not being amended shall remain in force; and

WHEREAS, Windsong Farm Golf Course is a private club with a defined membership that inherently restricts the use of the club and its facilities; and

WHEREAS, the proposed 18-hole golf course will be used solely by members of Windsong Farm Golf Club and their guests.

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 Windsong Farms Golf Club for an amendment to the conditional use permit per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This amendment will approve the use of a portion of the property to the north of CSAH 6, and further defined on the approved plans, for a new 18-hole golf course and attached hereto as **EXHIBIT**. All conditions of the initial conditional use permit and subsequent conditional use permit amendments shall remain in force. The following conditions should be added to the conditional use permit:
  - a. In addition to the 18-hole golf course, 29,000 square foot clubhouse and 5,350 square foot guest house with six sleeping rooms, Windsong Farm Golf Club can use the property north of CSAH 6 for a new 18-hole golf course with the following limitations:
    - 1) The golf course shall be no greater in area than that which is designated on the approved plans.
    - 2) Landscaping and berming along CSAH 6 and Copeland Road, as detailed on the proposed plans, shall be required to be installed.
    - 3) All parking areas shall be paved with bituminous surfacing.
    - 4) The applicant shall provide additional information relating to the proposed parking lot lighting. A photometric plan and lighting cut sheets shall be submitted to the City for review and approval.

- 5) The fire department will be required to approve the proposed vehicle access to the proposed starter building. A designated and approved fire/emergency vehicle access shall be maintained into the site at all times.
  - 6) There shall be no artificial lighting of any portion of the golf course at any time.
  - 7) Any expansion of the golf course, additional buildings or expansion of the proposed buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
4. Prior to the City granting a grading permit for the proposed 18-hole golf course expansion, the applicant shall complete the following items:
    - a. Revise the plans and provide information as requested by the City's water resource consultant Hakanson Anderson.
    - b. Receive all applicable agency approvals for the proposed wetland mitigation and grading and drainage associated with the improvements to this property.
  5. Prior to the City granting a building permit for the proposed starter building, the applicant shall complete the following items:
    - c. Provide the City with a sanitary sewer plan illustrating how the proposed buildings will be served.
    - d. Provide the City with cut sheets for any building lighting.
  6. Pay all costs associated with the City's review of the applications.

This resolution was adopted by the City Council of the City of Independence on this 18<sup>th</sup> day of October 2022, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

\_\_\_\_\_  
Marvin Johnson, Mayor

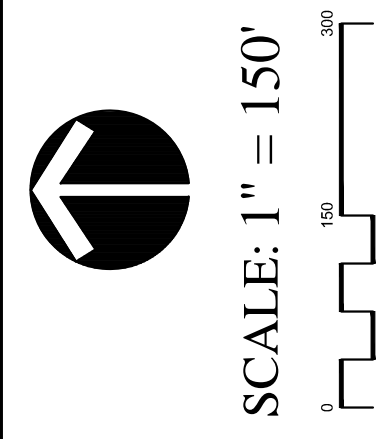
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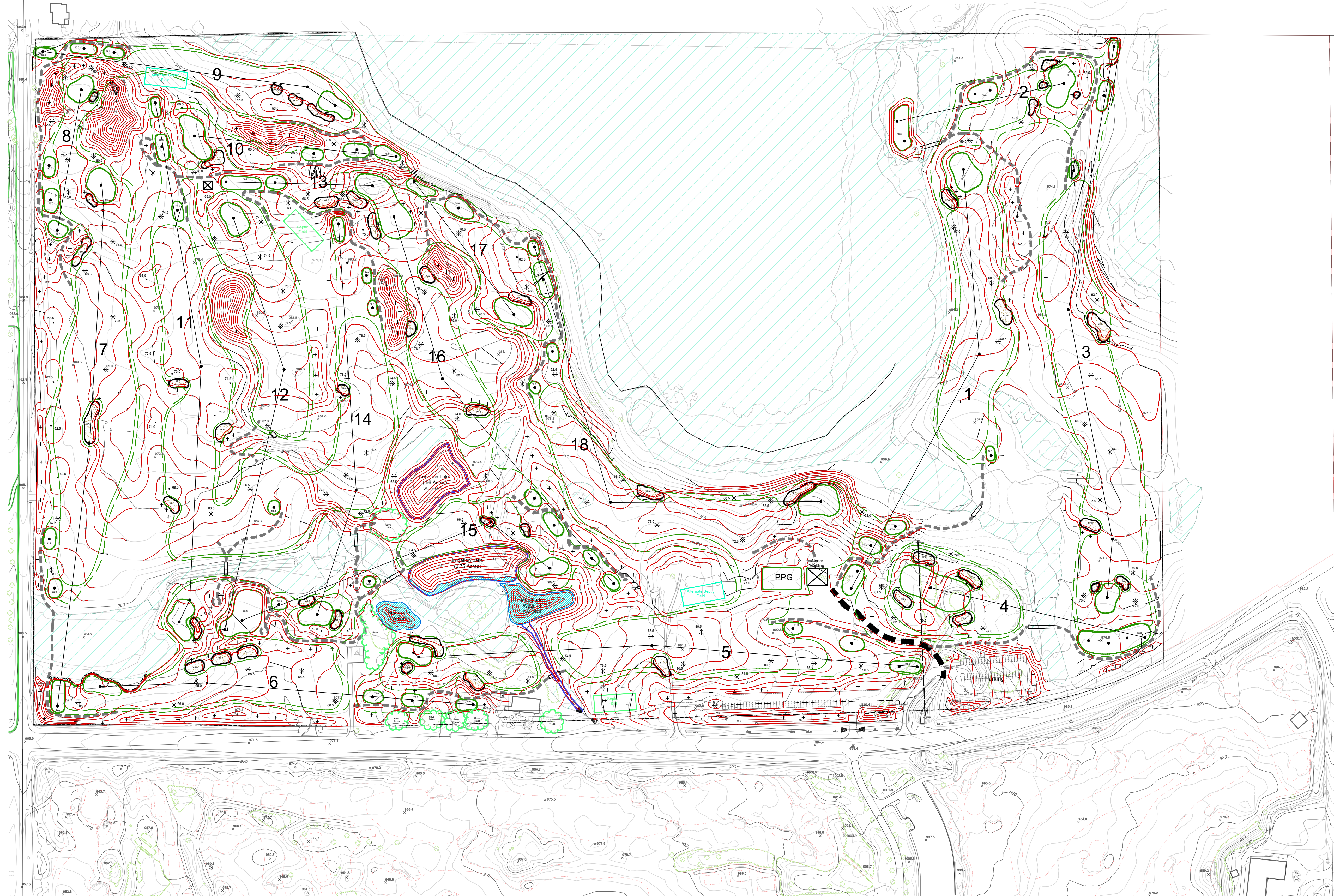
\_\_\_\_\_  
Mark Kaltsas, City Administrator



| DATE:              | REVISIONS: |
|--------------------|------------|
| September 15, 2023 |            |
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**SITE PLAN**  
 Overall



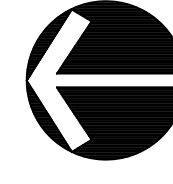


**JOHN FOUGHT DESIGN**  
 GOLF COURSE ARCHITECTURE  
 8640 Morgan Trail, Suite 18  
 Scottsdale, Arizona 85258

**WINDSONG FARM GOLF CLUB**  
**NORTH COURSE PLANS**  
 MAPLE PLAIN, MINNESOTA, USA

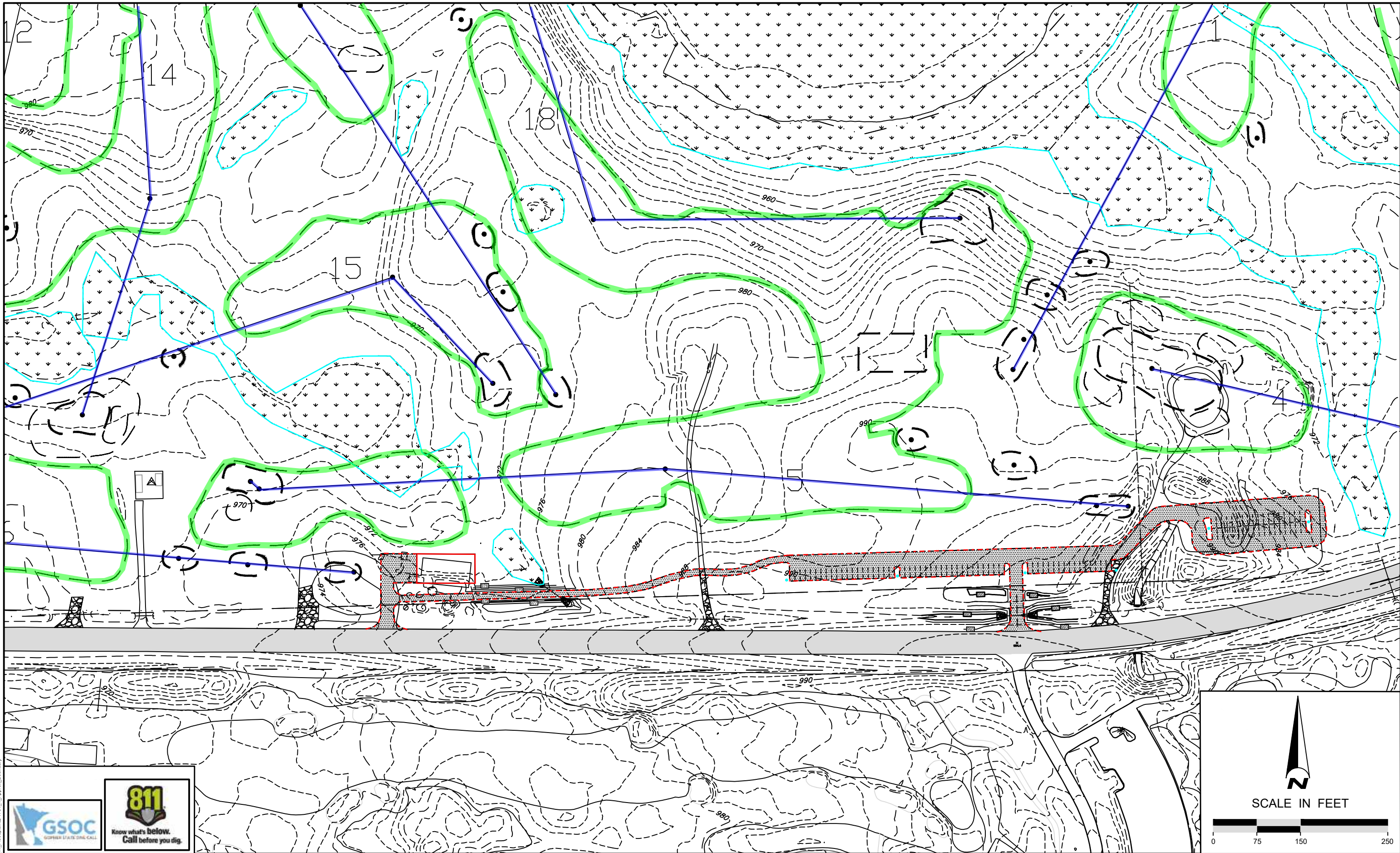
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| REVISIONS: |                    |
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**GRADING  
 PLANS**  
 Overall



SCALE: 1" = 150'

SHEET NUMBER:  
**GP**  
**7 OF 19**



Plot Date: 05/20/2022  
 Drawing: X:\Clients\Projects\1761761\_EOR\_Lake\_Erie\_Midland\_Permitting\05\_GMS\01761\_L1\_P-base.dwg  
 User: 1761761\_P-Base.dwg



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| 3  |            |     |                                  |
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| 1  | 05/19/2022 | DRL | CONDITIONAL USE PERMIT SUBMITTAL |
| NO | DATE       | BY  | REVISION                         |

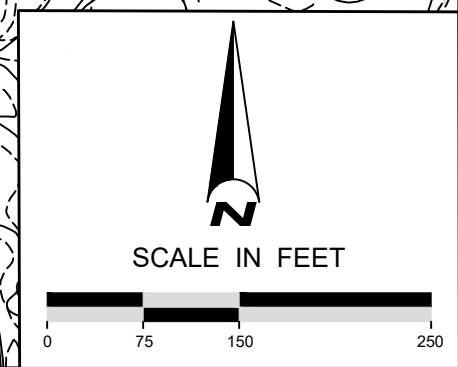
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 DEREK R. LASH  
 DATE: \_\_\_\_\_ LICENSE # 45156

SUBMISSION DATE: 5/19/2022  
 DESIGN BY: DRL DRAWN BY: DRL  
 EOR PROJECT NO. 01716-0001

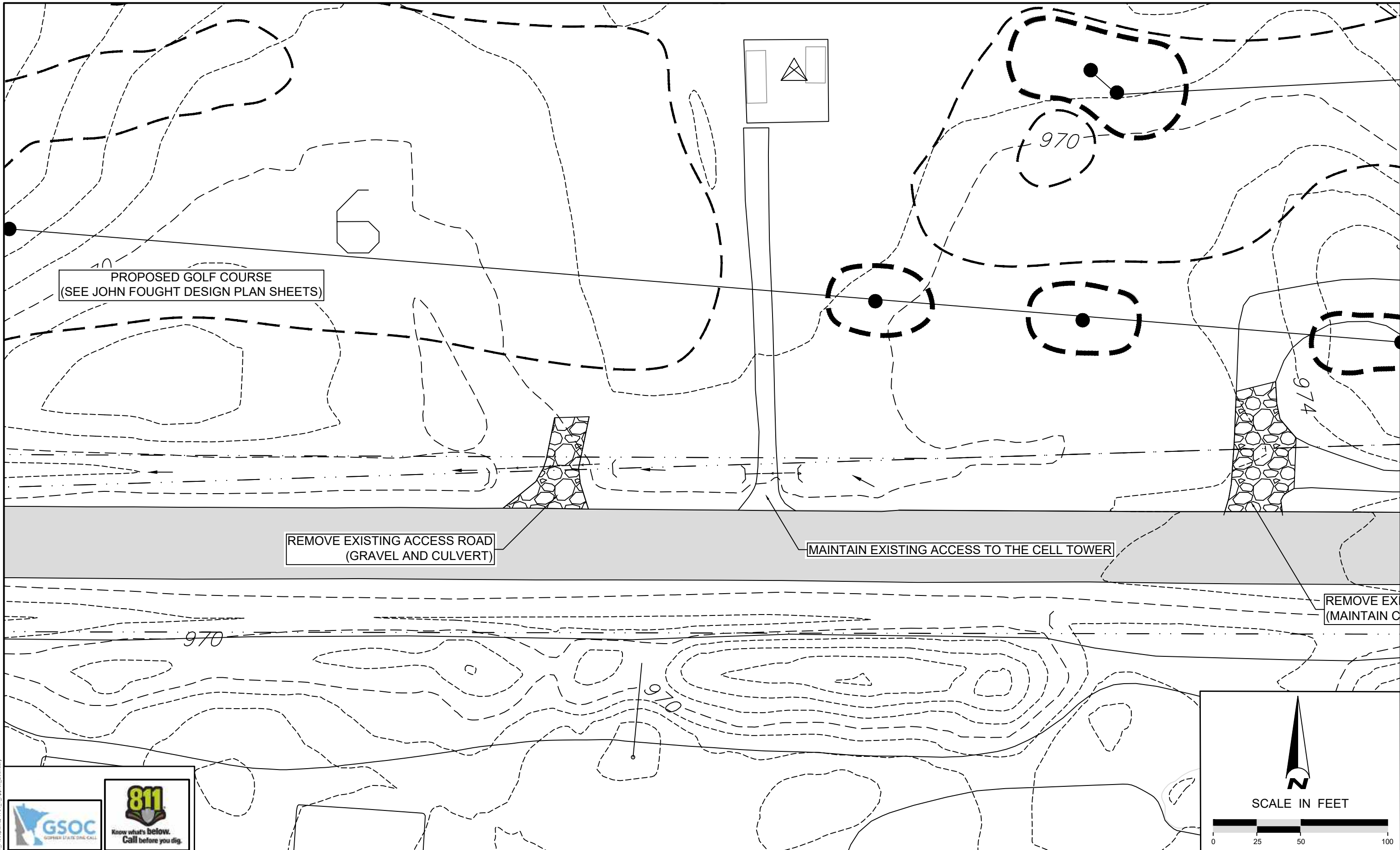
**EOE** Emmons & Olivier Resources, Inc.  
 1919 Univ. Ave W #300  
 St. Paul, MN 55104  
 ecology Tele: 651.770.8448  
 community www.eorinc.com

WINDSONG FARM GOLF CLUB  
 NORTH COURSE  
 INDEPENDENCE, MN

STATE PROJECT NO. ### CITY PROJECT NO. #



SITE ACCESS AND PARKING OVERVIEW PLAN  
 SHEET 01 OF 05 SHEETS

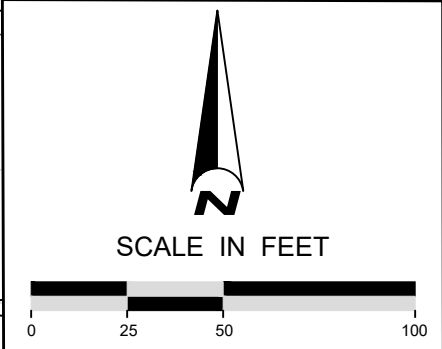


PROPOSED GOLF COURSE  
(SEE JOHN FOUGHT DESIGN PLAN SHEETS)

REMOVE EXISTING ACCESS ROAD  
(GRAVEL AND CULVERT)

MAINTAIN EXISTING ACCESS TO THE CELL TOWER

REMOVE EX  
(MAINTAIN C



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| 2  |            |     |                                  |
| 1  | 05/19/2022 | DRL | CONDITIONAL USE PERMIT SUBMITTAL |
| NO | DATE       | BY  | REVISION                         |

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DEREK R. LASH  
DATE: \_\_\_\_\_ LICENSE # 45156

SUBMISSION DATE:  
5/19/2022

DESIGN BY: DRL DRAWN BY: DRL

EOR PROJECT NO.  
01716-0001

**EOR** Emmons & Olivier Resources, Inc.  
1919 Univ. Ave W #300  
St. Paul, MN 55104  
ecology Tele: 651.770.8448  
community www.eorinc.com

STATE PROJECT NO. ### CITY PROJECT NO. #

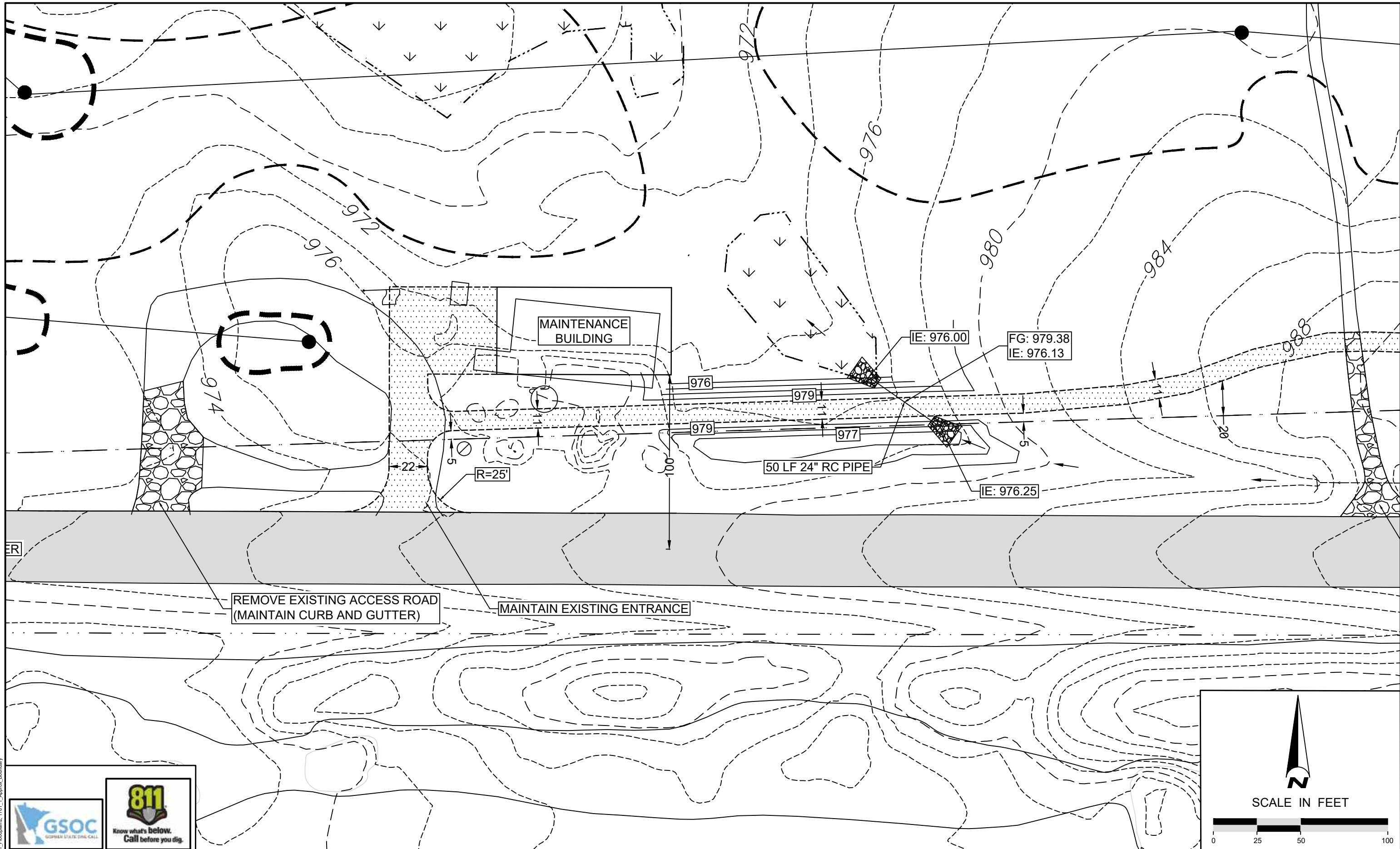
WINDSONG FARM GOLF CLUB  
NORTH COURSE  
INDEPENDENCE, MN

SITE ACCESS AND PARKING PLAN

SHEET 02 OF 05 SHEETS

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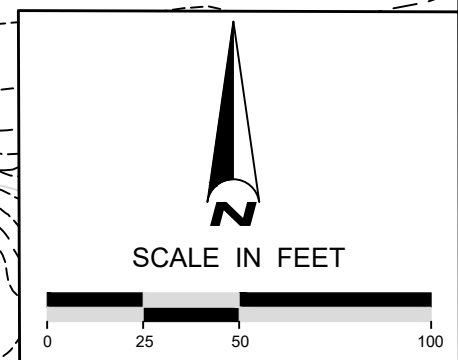
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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 DEREK R. LASH  
 DATE: \_\_\_\_\_ LICENSE # 45156

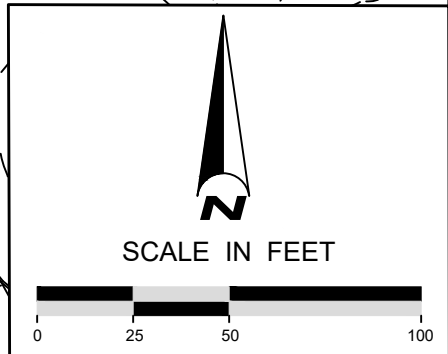
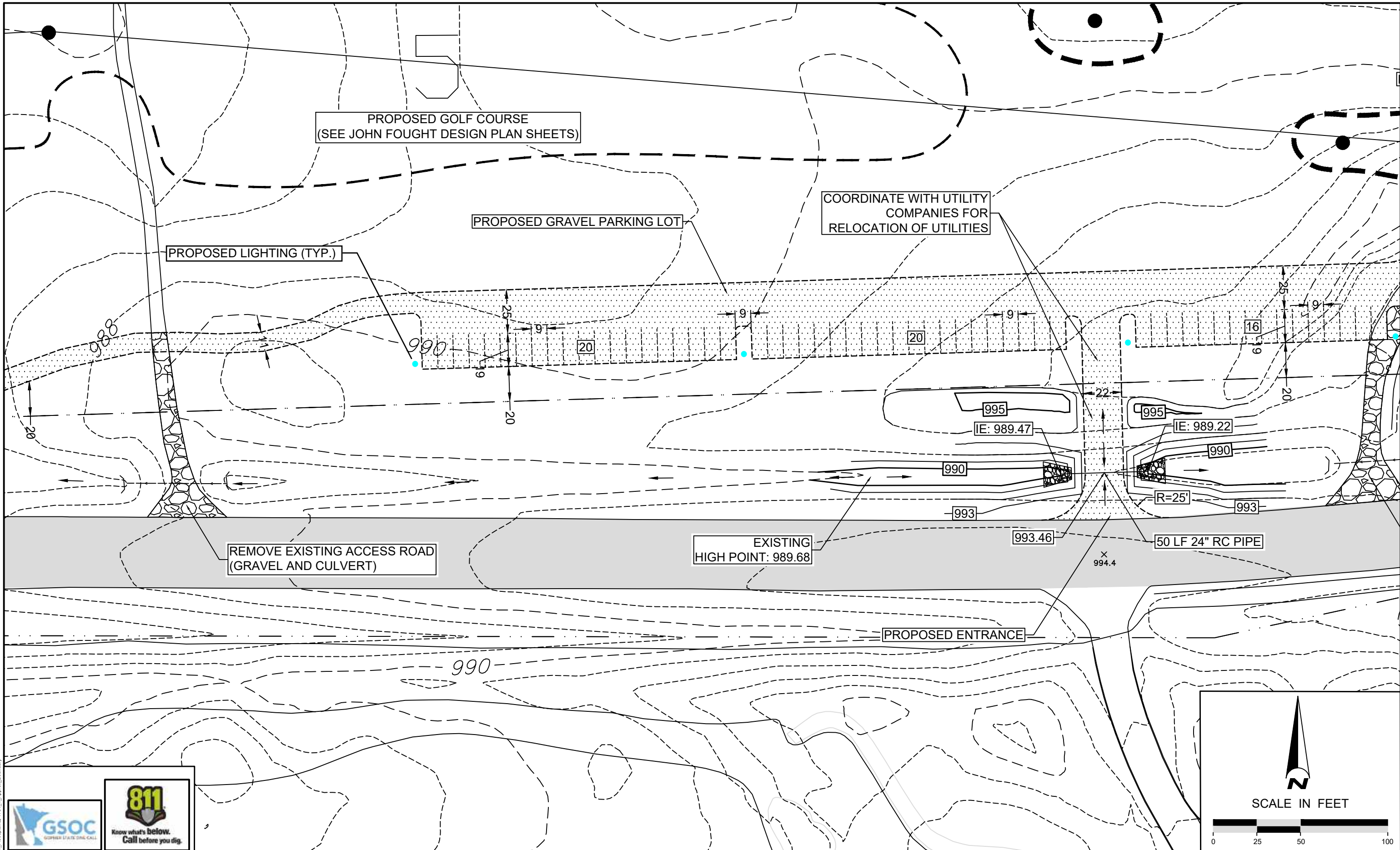
SUBMISSION DATE: 5/19/2022  
 DESIGN BY: DRL DRAWN BY: DRL  
 EOR PROJECT NO. 01716-0001

**EOE** Emmons & Olivier Resources, Inc.  
 1919 Univ. Ave W #300  
 St. Paul, MN 55104  
 ecology Tele: 651.770.8448  
 community www.eorinc.com

WINDSONG FARM GOLF CLUB  
 NORTH COURSE  
 INDEPENDENCE, MN  
 STATE PROJECT NO. ### CITY PROJECT NO. #



SITE ACCESS AND PARKING PLAN  
 SHEET 03 OF 05 SHEETS



Plot Date: 05/20/2022  
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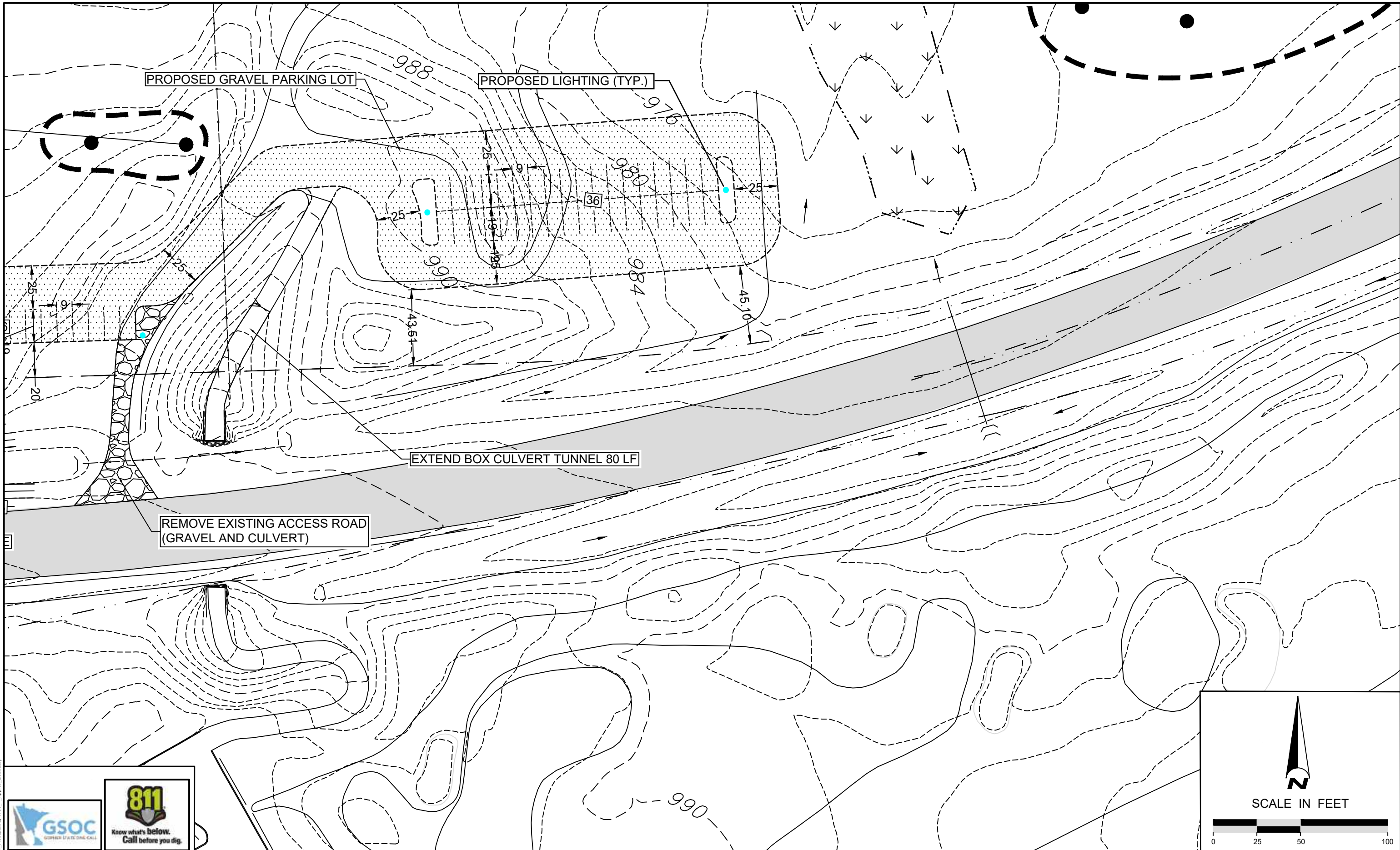
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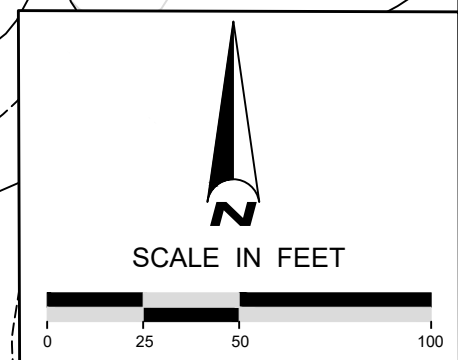
WINDSONG FARM GOLF CLUB  
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 INDEPENDENCE, MN  
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WINDSONG FARM GOLF CLUB  
 NORTH COURSE  
 INDEPENDENCE, MN  
 STATE PROJECT NO. ### CITY PROJECT NO. #

SITE ACCESS AND PARKING PLAN  
 SHEET 04 OF 05 SHEETS



Plot Date: 05/20/2022  
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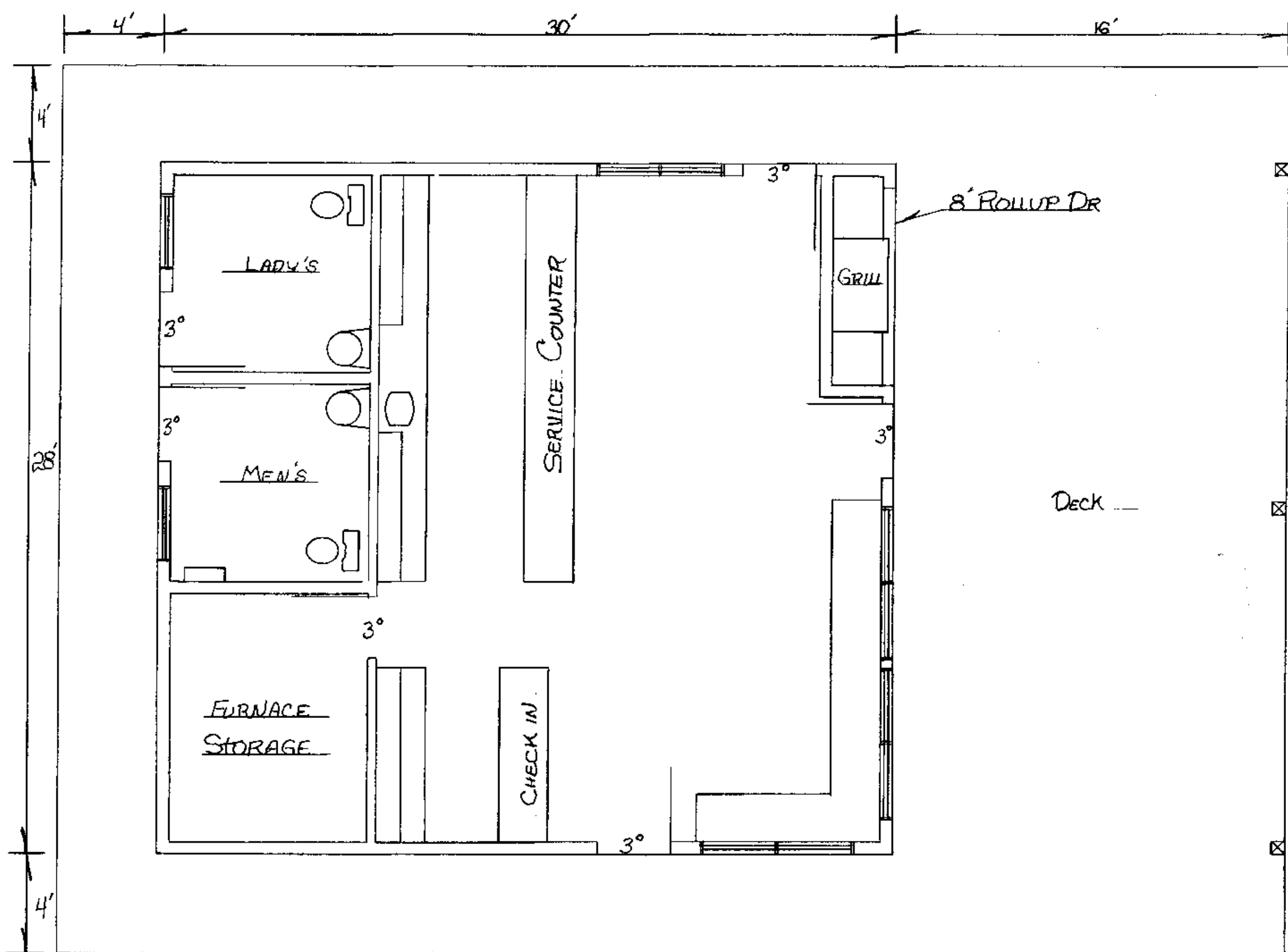
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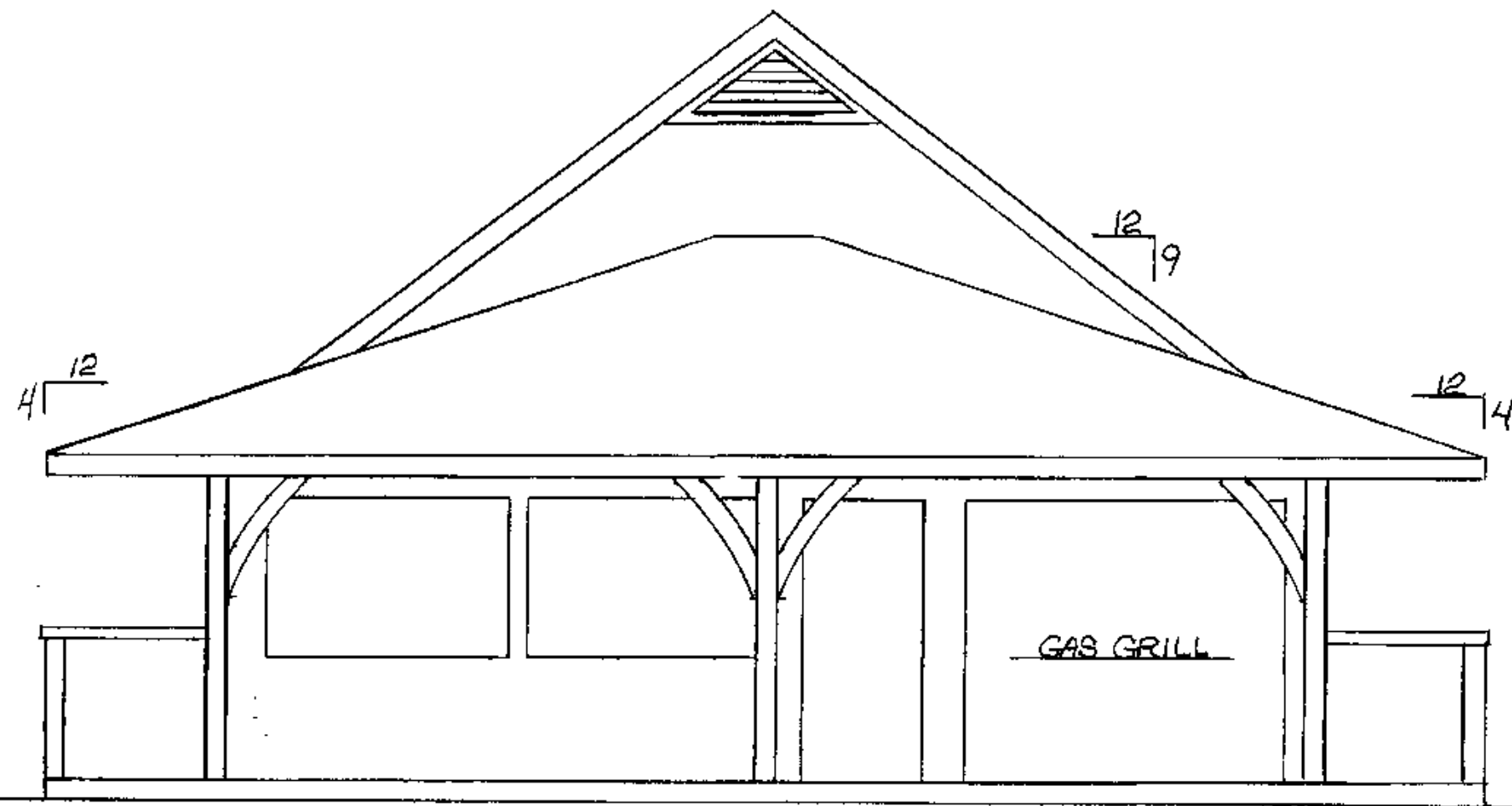
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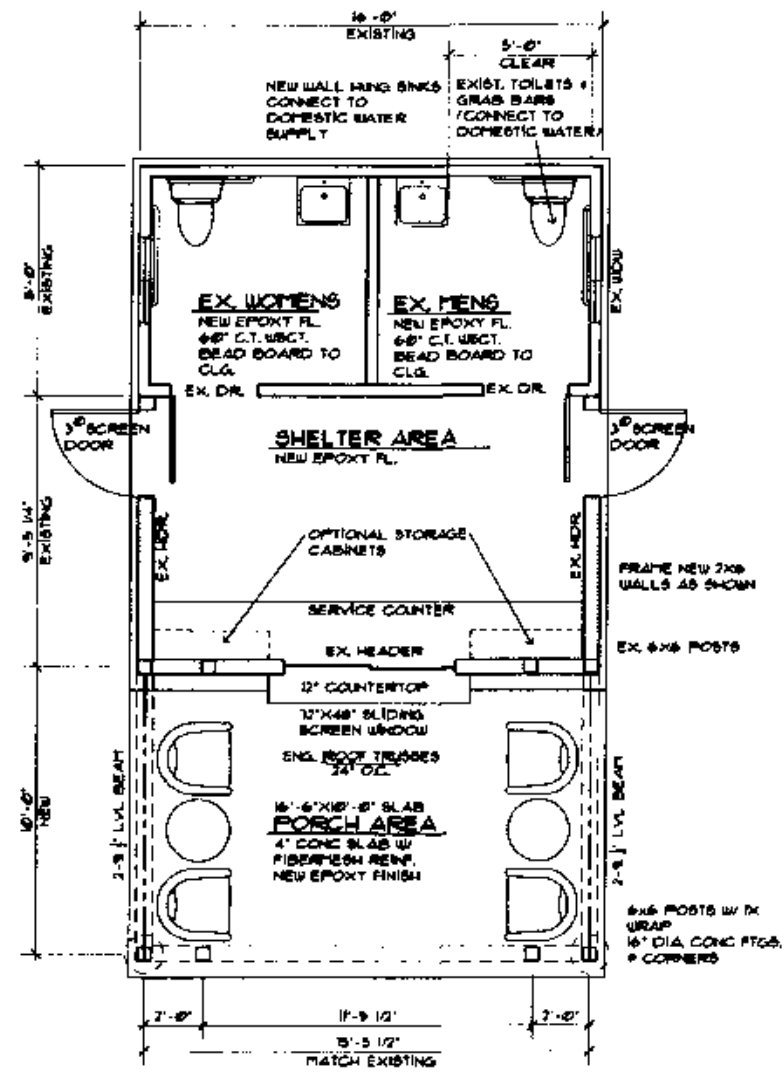
WINDSONG FARM GOLF CLUB  
 NORTH COURSE  
 INDEPENDENCE, MN

SITE ACCESS AND PARKING PLAN  
 SHEET 05 OF 05 SHEETS

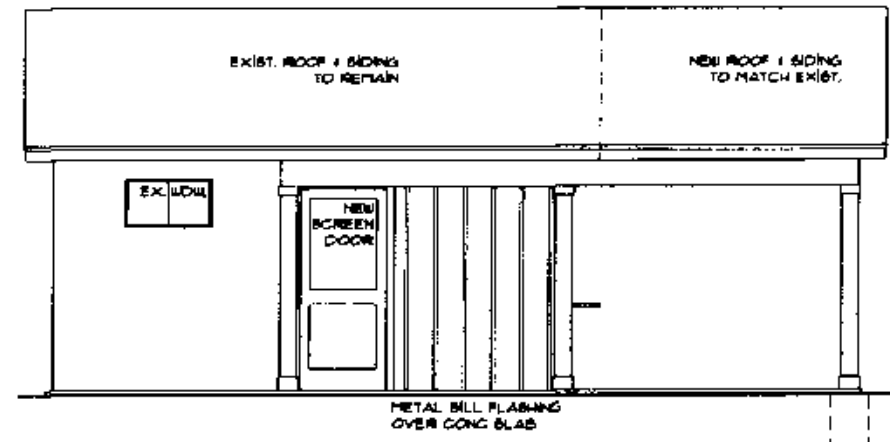


STARTER BUILDING CONCEPTUAL DRAWING - WINDSONG FARM 1/4" = 1'

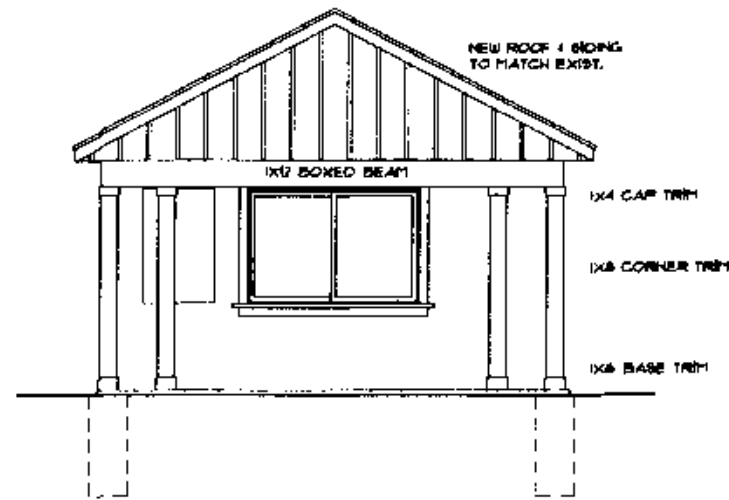




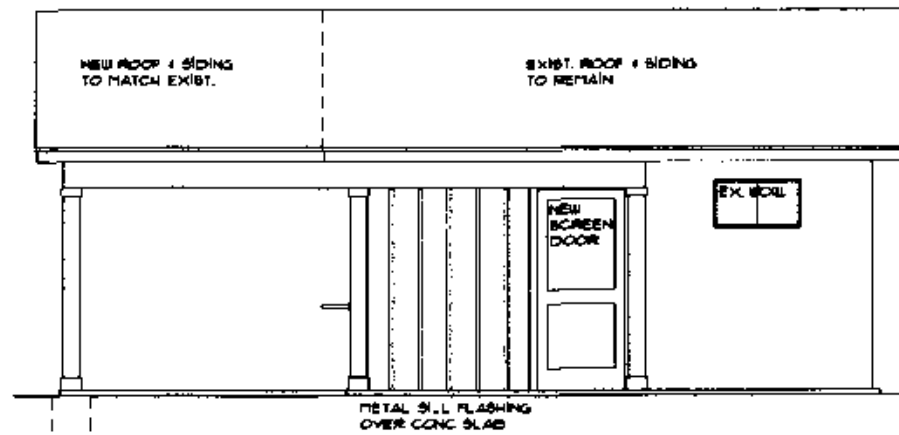
1  
1a  
1/4" = 1'-0"



2  
1a  
1/4" = 1'-0"



3  
1a  
1/4" = 1'-0"



4  
1a  
1/4" = 1'-0"

OUTBUILDINGS FOR  
**WINDSONG FARMS GOLF CLUB**

ISSUE  
MARCH 30, 2019  
REVISIONS

JOB #191915  
SHEET #  
**1a**  
OF X

**Project Name** | Windsong Farm Golf Club North Course

**Date** | 9/07/2022

**To / Contact info** | Mark Kaltsas - City of Independence

**Cc / Contact info** | Jon Dailing - Fox Lake, LLC (Windsong Farm Golf Club)

**Cc / Contact info** | Jason Naber / EOR

**From / Contact info** | Derek R. Lash, PE

**Regarding** | Response to EAW Comments

## Summary

The City of Independence received two comment letters from different government agencies in response to the EAW prepared for the Windsong Farm Golf Club North Course Project. In addition, the City's consultants provided comments. The comments have been compiled and categorized by agency. Following are responses to each of the subjects for which comments were received.

### 1.0 Metropolitan Council

The Metropolitan Council submitted one comment letter (Ms. Angela R. Torres) with comments regarding Section 11. Water Resources AND Section 18. Transportation.

#### 1.1 Item 11. Water Resources – Surface Water

**Comment 1:** The developer noted they will be working with the City as the Wetland Conservation Act (WCA) authority and will be applying for wetland banking credits. We encourage the developer look within the same watershed/sub-watershed to do the wetland banking replacement.

**Response:** The proposer (Fox Lake LLC) submitted a Joint Permit Application (JPA) to the Local Government Unit (LGU) and US Army Corps of Engineers (Corps) for permitting of wetland impacts. The proposer indicated in the original JPA they intend to enter into an agreement to purchase credits from an approved and established wetland bank but have not reached a tentative agreement to utilize specific bank credits yet. The review of the Board of Water and Soil Resources (BWSR) database indicates there are credits available in the major watershed (South Fork Crow River), but none in the minor watershed (Pioneer Sarah Creek) or in Hennepin County. Since submitting the original JPA the proposer has entered into a tentative purchase agreement to purchase credits from a bank in the same major watershed.

**Comment 2:** The applicant makes note of how the project would improve stormwater management from the land's current agricultural state. The applicant does not address how the use of pesticides and fertilizers for golf course maintenance would impact surrounding waters. The developer should use organic fertilizers when possible and apply fertilizers in a safe way that protects air, water, and soil quality.

**Response:** Golf course staff are trained and licensed by the Minnesota Department of Agriculture (MDA) to apply pesticides with a non-commercial pesticide applicators license. All handling and usage of pesticides and fertilizers are done in accordance with the written label and Safety Data Sheets (SDS) of the products. All Environmental Protection Agency (EPA) and MDA rules and regulations are followed. In addition, the golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year. Furthermore, all wetlands including Fox Lake are required to have vegetated buffers that minimize impacts from runoff.

**Comment 3:** The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.

**Response:** The greens construction will be based on United States Golf Association (USGA) guidelines with 12" of approved sand mix over 4" of gravel and drain tile.

**Comment 4:** We commend the applicant for the use of an irrigation pond to limit stress on groundwater sources. We recommend the applicant look into water reuse to further conserve water, and reuse water when possible.

**Response:** To ensure the irrigation ponds capture the most drainage possible, they are being placed at the lowest points on the site that capture the most runoff while being located outside of wetlands to ensure no impact. This will ensure the most runoff water is reused.

## 1.2 Item 11. Water Resources – Water Supply

**Comment 1:** The project should work with the Minnesota Department of Health (MDH) and Department of Natural Resources (DNR) to ensure that the repurposing of the identified unsealed well is of condition to be repurposed and acquire any necessary permits for new wells and water appropriation.

**Response:** The proposer will work with the Minnesota Department of Health (MDH) and the Department of Natural Resources (DNR) to secure permits to properly repurpose, seal, and drill new wells, as well as for water appropriations for water usage.

**Comment 2:** The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.

**Response:** The proposer will repurpose an existing well for the maintenance building, drill a new well for the starter building, and drill a new well for the satellite restroom.



**Comment 3:** Pumping of groundwater for course irrigation should be limited to those times when the irrigation pond cannot meet the course needs. Pumping groundwater into the irrigation pond for storage or future need should be avoided to limit evaporative loss and limit unnecessary energy consumption. Utilizing best practices to help limit evaporation from the irrigation pond surface will help preserve the water needed for irrigation and conserve the energy needed to pump additional water.

**Response:** The proposer intends to irrigate only during evening hours and pump groundwater during the same hours.

**Comment 4:** Ensuring the course irrigation system is “smart” will help the course managers to be efficient in the water and energy use. Smart irrigation systems utilize real-time weather data and other information to determine the need for irrigated water helping landscape managers to take the guesswork out of irrigation. If such a system is not feasible for the course itself the development would still benefit from including these controllers for any irrigated non-course areas.

**Response:** The proposer intends to irrigate only during evening hours. Each sprinkler head is adjustable to dial in the water arc of the heads and minimize wasted water usage. In addition, the heads can be controlled based on the current evapotranspiration rates. Lastly the golf course has been designed to have less irrigated areas that will reduce water usage by 30 to 40% compared to the existing south golf course.

**Comment 5:** We recommend working with the University of Minnesota Extension Turfgrass Science Program to identify grass species that will meet the course needs, work well in Minnesota, and help limit the need for irrigation and lower fertilizer use. The extension will also be able to provide information regarding smart irrigation systems. <https://turf.umn.edu/>

**Response:** All bent grass species proposed to be used are bred for drought tolerance and disease resistance. The strength of these species is evaluated by the National Turfgrass Evaluation Program (NTEP). Information such as turfgrass quality, color, density, resistance to diseases and insects, tolerance to heat, cold, drought and traffic is collected and summarized by NTEP annually. The golf course is a member of the Minnesota Golf Course Superintendents Association, which works closely with the University of Minnesota to ensure golf courses are properly maintained (including grass species) that minimizes impacts on the environment.

**Comment 6:** Planting native prairie plants and pollinator species where feasible will contribute natural beauty to the course, increase area biodiversity, while lowering the carbon footprint of the course. Limiting herbicide, pesticide, and fertilizer use and considering chemical alternatives where feasible will also help to maintain habitat and limit negative impacts to wildlife, insects, groundwater, and surface waters.

**Response:** The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping.

**Comment 7:** Cart paths and other impervious surfaces could be developed with pervious pavement or other pervious materials to lower runoff and promote shallow groundwater recharge. This may also help limit the need for groundwater pumping by ensuring adequate infiltration that replenishes the shallow aquifer and maintains surface water levels, particularly during periods of high heat or drought.

**Response:** The cart paths are intended to be asphalt pavement where a hard surface is necessary. This course has been designed to mirror golf as it was played before there were golf carts. Therefore, cart paths are limited to strongly encourage walking on the course, as there are also no long walks between greens and tees.

### **1.3 Item 18. Transportation - Transit**

**Comment 1:** Transit service in the area is available with Transit Link through the Metropolitan Council.

**Response:** There are currently no pedestrian or bicycle facilities along the parcel on Watertown Road or Copeland Road due to the location's rural setting. Additionally, there is no routine transit service that is provided to this area of Hennepin County. Because of this, it is assumed that all trips to the site would be vehicle trips. It should be noted that the Metropolitan Council operates Transit Link in this area, which is a shared ride service available in parts of the metro where routine transit service is unavailable.

## **2.0 Department of Natural Resources**

The Department of Natural Resources (Ms. Melissa Collins) submitted one comment letter with comments regarding Section 11. Water Resources, Section 13 Fish, Wildlife, Plant Communities, and Ecological Resources AND Section 16 Air.

### **2.1 Section 11. Water Resources**

**Comment 1:** Page 11, Groundwater. If unknown wells are encountered onsite, they should be sealed in accordance with guidance from the Minnesota Department of Health.

**Response:** The proposer will work with the Minnesota Department of Health (MDH) to secure permits to properly seal unknown wells if encountered onsite.

**Comment 2:** Page 12, Wastewater. We appreciate that mound systems will be used and that the depth to the surficial water table has been verified. It would be helpful to identify the placement of the mound system drainfields on figure maps, as well as any secondary drainfield locations preserved for when the life of the initial system has been exhausted. It will be important that these areas are sectioned off and excluded from grading activities and spoil pile/equipment storage in order to preserve soil structure and function and extend the longevity of the system.

**Response:** A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

**Comment 3:** Page 13, Post Construction Site Runoff. This section states that unmaintained vegetation will be utilized throughout the golf course. We strongly encourage the development to use weed-free, suitable, native seed mixes and plants in project stormwater features and landscaping in order to provide pollinator habitat and reduce the loss of wildlife habitat onsite. Native species also require very little fertilizing or irrigation. The Board of Soil and Water Resources' website contains many great resources for choosing seed mixes and establishing native plants.

**Response:** The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. All of the seed is certified to be 99.99% weed free from the seed manufacturer.

**Comment 4:** Page 14, Water Appropriations. A single DNR Water Appropriation Permit can be used for establishing the turf and providing the long-term irrigation of the golf course provided the proposer uses the same well and pond for the irrigation. We appreciate that portions of the golf course will utilize native fescues in order to reduce irrigation needs.

**Response:** The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary and long-term water usage.

**Comment 5:** Page 14, Water Appropriations. It is likely that a temporary DNR Water Appropriation Permit will be required for the construction of the golf course. If construction dewatering exceeds 10,000 gallons in a day or one million gallons in a year, a DNR Water Appropriation Permit will be required.

**Response:** The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

## 2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

**Comment 6:** Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.

**Response:** The DNR concurs with the approach to the project. The proposer will avoid impacts to ecological resources in the manner described in the EAW; primarily avoiding wetlands and conducting tree removal in the winter.

**Comment 7a:** Page 21, Ecological Impact Mitigation. It is still unclear from the EAW how much of the site will be planted in native fescue versus what portion of the site will be “unmaintained” as described in the Stormwater section. It is also unclear how the unmaintained areas will be managed for invasive species.

**Response:** A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends. Regarding maintenance of the unmaintained areas: once they are established, the unmaintained areas will be mowed once per year, as well as receive one application of preemergent treatment in the spring followed by spot treatments of broad leaf herbicide throughout the season.

**Comment 7b:** Page 21, Ecological Impact Mitigation. From an ecological perspective, traditional golf courses are essentially “green deserts” that maintain turf monocultures while providing very little wildlife habitat. Some golf courses have found ways to maintain necessary turf while utilizing rough and landscaped areas to actually improve wildlife habitat. This course is located within a Regional Ecological Corridor as well as a Low Potential Zone for the federally-listed Rusty patched bumble bee, which could become a High Potential Zone as maps are revised in the near future. Given that, there is an opportunity to improve habitat for pollinators and other wildlife utilizing the site by actively planting more diverse native vegetation that includes flowering plants, and managing it to prevent the spread of invasive species.

**Response:** The proposer intends to plant non-maintained turf areas with a native grass blend. A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping. The grassing plan indicates areas proposed for pollinator species.

## 2.3 Section 16. Air

**Comment 8:** Page 25, Dust and Odors. Please do not use products that contain calcium chloride or magnesium chloride for dust control in areas that drain to public waters. Please note that the use of more than 10,000 gallons of water in a day, or one million gallons in year, for dust control requires a DNR Water Appropriation Permit.

**Response:** The proposer will only use water for controlling dust. The proposer will work with the Department of Natural Resources (DNR) to secure permits for water appropriations for temporary water usage if dewatering exceeds 10,000 gallons in a day or one million gallons in a year.

### **3.0 City of Independence**

The City of Independence (Mr. Mark Kaltsas) submitted one comment letter with comments regarding Section 7 Cover Types AND Section 11 Water Resources.

#### **3.1 Section 7. Cover Types**

**Comment 1:** Provide more information related to overall site vegetation (areas planned for native fescue versus unmaintained areas).

**Response:** A grassing plan has been prepared that indicates locations for bluegrass, bentgrass, native grass blend, and trees or landscaping as well as pollinator blends.

#### **3.2 Section 11. Water Resources**

**Comment 2:** Provide details for post construction stormwater management.

**Response:** The proposer has prepared a stormwater management plan that includes hydrology and water quality calculations. Based on the land cover changes, which are converting the existing agricultural area on the site to either maintained grass areas or unmaintained native grass or landscaping areas, the proposed project will be improving land cover conditions by retaining more water on the site and decreasing runoff rates and volumes. There are no proposed structural stormwater BMPs for the site as the land cover change will meet the stormwater management requirements for PSCWMC and the City.

**Comment 3:** Will the site preserve/protect an area for replacement septic/mounds?

**Response:** A grading plan has been prepared that indicates mound septic system locations. There is a primary and secondary septic field location for the satellite restroom, as well as a primary and secondary septic field location to be used jointly by the maintenance and starter buildings. These areas will be marked off during construction with silt fence or a similar measure.

**Comment 4:** What types of fertilizers (organic?) are planned to be used on the course?

**Response:** The golf course does intend to use Milorganite Fertilizer and Humic Coated Urea organic fertilizers as well as only 1.80 pounds of Nitrogen per 1000 square feet for the entire year.

## 4.0 Other

In addition to the comments received from the Metropolitan Council, the Department of Natural Resources, and the City of Independence, additional information was submitted by the Department of Natural Resources (Ms. Samantha Bump) for the Natural Heritage Information System review, as well as from Nienow Cultural Consultants, LLC for the Phase 1A Archaeological and Cultural Resources review, both a part of preparing the EAW.

### 4.1 Minnesota Department of Natural Resources

#### 4.1.1 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources

**Comment 1:** As requested, the above project has been reviewed for potential effects to rare features. Given the project details provided on the cover page, I do not believe the proposed project will negatively affect any known occurrences of rare features. To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) tool.

**Response 1:** This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

**Response 2:** The proposer produced an IPaC Resource list from the U.S. Fish and Wildlife Service (USFWS's) online tool that was the basis for the discussion and conclusions in Section 13 of the EAW.

**Comment 2:** The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed below, all seven of Minnesota's bats, including the federally threatened northern long-eared bat (*Myotis septentrionalis*), can be found throughout Minnesota. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided during the months of June and July.

**Response:** To avoid an impact to the wetlands as it meets the definition by the U.S. Army Corps of Engineers, tree removal will be completed under frozen ground conditions or with equipment that does not impact the wetlands / Waters of the US. This work will be completed outside of the months of June and July.

**Comment 3:** The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist

within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

**Response 1:** This letter is the response to the Natural Heritage Information System (NHIS) review that was requested by the proposer. The letter was not received until after the EAW was published and is included in the comments for informational purposes.

**Response 2:** The letter's conclusions underline the conclusions from the proposer's internal review which was conducted via a licensed access to the same database. The proposer concluded that no impacts to rare natural features are anticipated by the project. Notably, these conclusions were also supported by the previous DNR letter authored by Ms. Melissa Collins (see 2.0 Department of Natural Resources, 2.2 Section 13. Fish, Wildlife, Plant Communities, and Ecological Resources, Comment 6).

## **4.2 Nienow Cultural Consultants, LLC**

### **4.2.1 Section 14. Historic Properties**

**Comment 1:** To address Section 14. Historic Properties, the proposer (Fox Lake LLC) completed a Phase 1A Archaeological and Cultural Resources Desktop Assessment technical memorandum. The technical memorandum was submitted to the MnSHPO with a request for Project Review and photographs of the farmstead. The MnSHPO responded to the request to comment on the effects the Project may have on potentially historic properties and resources. Because modeling indicates a moderate to high probability of pre-contact archaeological sites in the Project site, they requested that the Project area be inventoried by a professional archaeologist for archaeological resources. The proposer (Fox Lake LLC) contracted with Nienow Cultural Consultants LLC to review the project area, which they did not identify any cultural materials during the survey.

# City of Independence

## Election Cycle Ordinance Amendment

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To: City Council  
From: Mark Kaltsas, City Administrator  
Meeting Date: October 18, 2022

### **Discussion:**

City Council has held several discussions relating to the current election year cycle for municipal elections. The City has noted that there are several known issues relating to holding local elections in odd years. The following has been noted by the City:

- Low voter turnout: the City has discussed whether or not the current local election schedule best serves the City's residents. The City has reviewed the last 20 years of voter turnout for local elections and noted that voter turnout is approximately 20% (off all registered voters) as compared to voter turnout during even year elections which is close to 80%. The City has 2,815 registered voters and consistently see more than 2,000 vote during even year elections. The City Council noted that increasing voter turnout would promote more public engagement in local decision making (sample of recent election turnout below).
  - 2021 Election            755 voters (27%)
  - 2020 Election           2,200 voters (78%)
  - 2019 Election           545 voters (19%)
  - 2018 Election           2,173 voters (77%)
- Off the four-school district represented in Independence, all but one have recently switched to even year elections. Adjusting the City's election schedule would align with school district voting schedules. It should be noted that if Mound Westonka had an odd year election, the City would not be responsible for hosting the election.

### **EVEN YEARS**

- Orono/#278
- Rockford/#883
- Delano/#879 – can also be on ODD depending on levy needs, etc.

### **ODD YEARS**

- Mound Westonka/#277



- The cost of hosting an election: the City is continually looking at how to provide efficient and cost-effective government. An average election costs approximately \$10,000-\$15,000 depending on a variety of factors. This estimate of cost includes staff hours that are often difficult to account for due to the increasing complexity, documentation, and expansion of the voting system. Removing odd year elections would reduce costs and increase available staff time for City residents.

***Council Direction:***

The City Council has discussed this issue several times over the course of the last year and noted that there is not an “ideal” time to make a change to the local election schedule. The Council has the ability to amend the City’s ordinance and subsequent election schedule. Adoption of an amendment would cause for a shift in the current Council Member terms by aligning with the new election date (i.e., 2023 election shifts to 2024).

City Council can consider adoption of **ORDINANCE No. 2022-07** attached to this report.

***Attachments:***                    ***ORDINANCE No. 2022-07***



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**ORDINANCE NO. 2022-07**

**AN ORDINANCE AMENDING THE CITY OF INDEPENDENCE  
CITY CODE, CHAPTER II, ELECTIONS, SECTION 210.01, WHEN HELD IN ORDER  
TO ALIGN WITH STATE, LOCAL AND SCHOOL DISTRICT ELECTION  
SCHEDULES**

**THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:**

Section 1. The City of Independence City Code Chapter II, Section 210.01 be amended to as follows:

**SECTION 210 ELECTIONS**

**210.01. When held.**

The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every ~~odd~~-even-numbered year.

Section 2. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 18<sup>th</sup> day of October 2022.

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Marvin Johnson, Mayor

ATTEST:

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Mark Kaltsas, City Administrator

City of Independence  
Pioneer Park Improvement Discussion

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* October 18, 2022

***Discussion:***

City Council has previously discussed making certain improvements to Pioneer Creek Park in an effort to attract more users to the park and better serve the residents of the City. The City has had limited funding but has slowly been increasing park funding as a result of recent residential developments. The City is now in a position that it has funds available to undertake a project and would like to apply for grant funding to leverage the City's funds to the maximum extent possible and return a high value project to the City. The City's current park fund balance is \$199,909. Hennepin County annually funds a youth sports facility grant that offers funding for youth recreational facilities. The grant application was published a few weeks ago with a deadline of November 1.

Staff has been discussing possible partnerships and has met with a handful of youth sports organizations over the past 5 years. Staff has had fairly sophisticated discussions with the following youth sports organizations:

Orono Youth Baseball  
Orono Youth Softball  
Westonka Youth Soccer  
Orono Youth Football

In an effort to identify project costs, determine physical space requirements and provide a visual exhibit to help with the discussion, the City has prepared several detailed park concepts. All concept plans were prepared using the Pioneer Park Master Plan as the base. The City has developed the following plans:

- Soccer/football/lacrosse fields – three (3) multi-purpose fields located to the east of the sledding hill (see attached plans). The total cost estimated for developing three (3) multi-purpose fields with seasonal parking improvements is approximately \$300,000.
- Softball Fields – two (2) softball fields located near the entrance and CSAH 90 on the east side of the park (see attached plans). The total costs estimated for developing two (2) softball fields is approximately \$350,000.

- Tennis Courts/Pickleball Courts – two (2) tennis, four (4) pickleball courts. The courts would be multi-use (allow for both tennis and pickleball) and be located in the center of the park, just east of the playground. The total cost estimated for developing a tennis/pickleball court facility is \$330,000.

Staff also recently heard from Orono Baseball about the possibility of developing baseball fields in Pioneer Park.

The Hennepin County grant awards funding from \$10,000 to \$300,000. The City would need to fund a matching or near matching amount in order to be competitive in the application process. With this in mind, the City could leverage its approximately \$200,000 in park fund to realize a \$400,000 project if awarded. Based on the initial estimates, the City would likely be able to develop one of the projects and or look at some potential alternative combination of projects.

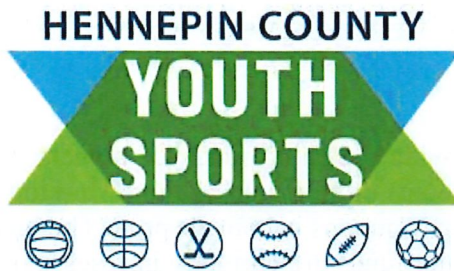
Staff would like to discuss the park development with Council and determine how to proceed with development of a project. It is still possible to apply for a grant in this cycle if there was general consent on a project (likely require a brief special City Council Meeting to approve a grant submittal resolution). The City can also consider a 2023 grant and 2024 project timeline if there was direction to look at several options and a more extensive process for determining what to develop.

***Council Direction:***

Staff would like to discuss pioneer park development and the aforementioned information with City Council.

***Attachments:***

*Hennepin County Youth Sports Recreational Facilities Grant Information*  
*Pioneer Park Masterplan*  
*Multi-purpose Soccer Plan/Estimate of Costs*  
*Softball Field Plan/Estimate of Costs*  
*Tennis Court/Pickleball Court Concept Plan*



# Hennepin Youth Sports Program Facility Application Guidelines 2022

## **Project summary**

Write a short summary describing the project. Include the street address of the facility and the Hennepin County Commissioner district the project is located in.

## **Geographic location map**

Prepare a geographic location map which clearly indicates the location of the facility. The map should be no larger than 8.5 x 11 inches.

## **Site plan**

Provide a site plan of the proposed project. It should be on one sheet not exceeding 11 x 17 inches.

## **Timeline**

Submit a proposed timeline of the start, major segments, and completion of the project. The project is required to be completed by June 30, 2024.

## **Project budget**

Submit a complete and itemized budget for the project.

## **Partnerships**

List additional local government units, youth sports associations or other non-profit organizations that are partners in the project. Describe the nature of each partnership. If available, include a copy of legal agreements, such as a joint powers agreement, or other arrangements with entities that will manage, maintain, or use the facility.

## **Increased capacity**

Describe the new or expanded athletic or recreational opportunities that will be created by the project.

## **Improved conditions**

Describe the improvements to existing athletic or recreational opportunities.

## Hennepin Youth Sports Program Facility Application 2022

### **Matching funds**

Applicants are required to provide matching funds of monetary and/or in-kind contributions. Itemize the sources and the amounts of all matching funds. In-kind contributions should be listed at the fair market value of the contributions in both the project budget and matching funds sections. State whether monetary matching funds are currently in reserve or are future commitments. For the latter, provide a written plan on how the source intends to raise the funds, including fundraising methods and timelines.

### **Community support**

Show the level of support within the community for the project. This could include volunteer contributions to the construction of the project or to the operation of the facility. Another example would be letters of support from community organizations or local representatives.

### **Number of youth served and user demographic characteristics**

List the potential users or user groups of the facility. Estimate how frequently each will use the facility and the overall yearly usage of the facility, preferably the number of participant visits each year. Describe the demographic characteristics of the potential users.

### **Environmental improvements**

List and describe all environmental improvements. Examples include energy efficiency improvements, water re-use, water run-off and drainage improvements, new green space and new irrigation.

### **Stewardship and sustainability**

Indicate what entities are responsible for operations and maintenance and list the sources of these funds. If the project is a new facility or expands sports or recreational opportunities, state how much additional operational and maintenance funds will be required each year.

### **Resolution of Local Government Unit**

The applicant is required to execute a resolution which authorizes the filing of this application and pledges execution of final agreements with Hennepin County if a grant is awarded. The form of the required resolution is a separate document found on the HYSP webpage. If the resolution will be taken up by the local government unit after the deadline of the application, state the date that the resolution will be considered and include an agenda with the resolution listed.

### **Application form**

Complete the Application Form found on the HYSP webpage. All three copies of the Application Form must be dated and bear the original signature of the authorized official.

## Hennepin Youth Sports Program Facility Application 2022

### **Notes**

If an award is made to a facility that is located on private land, the private land owner must agree to a covenant with the local government unit to ensure the facility remains open for long-term, significant public access. See [mnsports.org/hennepin-county-youth-sports-grant/](https://mnsports.org/hennepin-county-youth-sports-grant/) for more details about this covenant.

### **Administrator**

The Hennepin County Board of Commissioners has contracted with the Minnesota Amateur Sports Commission to administer the application, evaluation, contract, and payment process. The Hennepin County Board will make the decisions to award facility and fall equipment grants to applicants in December 2022.

### **Information and updates**

All information and any updates can be found at [mnsports.org/hennepin-county-youth-sports-grant/](https://mnsports.org/hennepin-county-youth-sports-grant/).

### **Deadline**

Send or deliver one set of the application by 4:00 PM on Monday, November 1, 2022 to the Minnesota Amateur Sports Commission, 1750 – 105th Avenue NE, Blaine, Minnesota 55449. Also send an electronic copy of the application by the same time to Karah Lodge, email below.

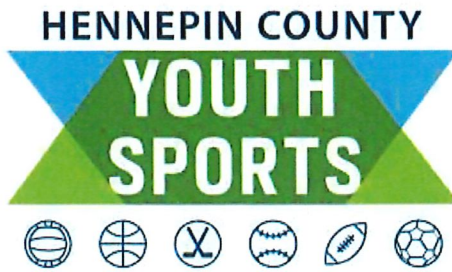
### **Contacts**

Applicants who have questions regarding this application may contact:

Karah Lodge, Program Director [grants@mnsports.org](mailto:grants@mnsports.org)

Applicants are also encouraged to inform their County Commissioner's office of their application. Commissioner districts can be found at <http://www.hennepin.us/your-government/leadership/find-commissioner>.

Updated: September 2022



## Hennepin Youth Sports Program Facility Application Form

|  |
|--|
| Name and address of project  |
| County Commissioner District Number where facility is located        |
| Local Government Unit (LGU)  |
| LGU Application contact (Name, mailing address, email and telephone) |
| LGU Public Affairs contact (Name, email and telephone)               |
| Minnesota Tax ID Number  |
| Federal Employee ID Number   |

### EXECUTION

IN WITNESS THEREOF, the applicant has caused this application to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
By: (Name, Title)



Required form of resolution authorizing filing of application and execution of agreement to develop sports or recreation facilities under the provisions of the Hennepin Youth Sports Program. If the LGU has a standard format for this type of resolution, that is also acceptable

### **Facility Grant – Sample Resolution of Local Government Unit**

WHEREAS, the Hennepin County Board of Commissioners, via the Hennepin Youth Sports Program, provides for capital funds to assist local government units of Hennepin County for the development of sports or recreational facilities, and

WHEREAS, \_\_\_\_\_ (local government unit, hereinafter LGU) desires to develop \_\_\_\_\_ (name of project, hereinafter PROJECT).

NOW, THEREFORE BE IT RESOLVED BY THE \_\_\_\_\_ (authorizing entity) of the LGU:

I. The estimate of the total cost of developing PROJECT shall be \$ \_\_\_\_\_. The LGU is requesting \$ \_\_\_\_\_ from the Hennepin Youth Sports Program and will assume responsibility for providing matching funds of \$ \_\_\_\_\_.

II. \_\_\_\_\_ (LGU or other entity as allowed by LGU) is the owner of the property where the PROJECT is located. \_\_\_\_\_ (same entity) will own the property where PROJECT is located for at least the functional life of the facility, which is estimated to be \_\_\_\_\_ years. The PROJECT may not be converted to a non-public or non-recreational uses within this time period without the approval of Hennepin County.

[NOTICE: If the LGU will not be the owner of the property, a Covenant between the LGU and the owner must be executed. Please refer to other program materials for the requirements of the covenant.]

III. \_\_\_\_\_ (LGU or other entity as allowed by LGU) agrees to assume one hundred (100) percent of operational and maintenance costs for PROJECT. \_\_\_\_\_ (same entity) will operate PROJECT for its intended purpose as stated in the PROJECT application for the functional life of the facility.

IV. LGU agrees to enter into necessary and required agreements with Hennepin County for the specific purpose of developing PROJECT and managing its long-term operation.

V. That \_\_\_\_\_ (authorized representative of the LGU) is authorized and directed to execute the application for the Hennepin Youth Sports Program grant.

#### **CERTIFICATION**

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the \_\_\_\_\_ (authorizing entity) at a duly authorized meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, YEAR, as shown by the minutes of said meeting in my possession.

[Signature block]

### Park Elements

- ① **Disc Golf:** 9 holes, par 36, average 250 feet per hole.
- ② **Tennis Court:** 108 feet x 120 feet; For 2 tennis courts
- ③ **Baseball:** 90 foot bases, 320 feet to foul pole and 50 feet of foul area on the sidelines.
- ④ **Softball:** 60 foot bases, 250 feet to foul pole and 25 feet of foul area on the sidelines.
- ⑤ **Soccer:** 300 feet long by 160 feet wide
- ⑥ **Park Sign:** 4 feet by 8 feet
- ⑦ **Sand Volleyball:** Court lines about 30 feet wide by 60 feet long, 10 foot perimeter buffer.
- ⑧ **Basketball:** HS varsity 94 feet long by 50 feet wide, with 4 cross court baskets.
- ⑨ **Horseshoe Pitching:** 40 feet stake to stake and 10 foot on-center between pits, 4 lanes.
- ⑩ **Playground With Equipment:** Preschool play area is 75 feet by 120 feet, Elementary play area is approximately 120 feet by 150 feet.
- ⑪ **Existing Sledding Hill / Amphitheater:** Existing slope is 18 feet high on east facing(23% grade) and 33 feet high on west facing(23%).
- ⑫ **Ice Skating:** Approximately 100 feet x 210 feet, seasonal skating area on existing grade.
- ⑬ **Temporary Corn Maze:** 175 feet by 175 feet, with planted corn.
- ⑭ **Nature Interpretive Center / Ice Skating Warming House:** 8 sided, 24 feet wide with 16 feet by 20 feet extension, possible rest rooms.
- ⑮ **Picnic Shelter / Small Pavilion:** Shelter for adjoining open space with a possible kitchenette.
- ⑯ **Imagination Play Area:** The area will include more natural materials such as sticks, branches, rocks, etc. Other items will include a tire swing, lookout tower, and a play fort made of natural materials.
- ⑰ **Historic Village:** Park features include Historical Buildings, interpretive signage, garden plots, an outdoor classroom, and a simple children's play area.
- ⑱ **Concessions / Rest room:** 8 sided, 24 foot wide with 16 feet by 20 feet extension.
- ⑲ **Trails:** 8 foot wide bituminous pavement
- ⑳ **Boardwalk:** 8 foot wide Boardwalk spanning over an existing wetland.
- ㉑ **Pedestrian Bridge:** Spanning the river, 8 foot wide wood structure.
- ㉒ **Observation Platform:** 12 feet x 12 feet wooden boardwalk.
- ㉓ **Wood Duck Houses:** Elevated wood structure on Post.
- ㉔ **Site Furniture:** Benches, picnic tables, trash receptacles, bike racks, etc. (Not shown on the plan)
- ㉕ **Drive Aisle and Parking:** 268 vehicle spaces, 25 feet wide, with parking spaces 9 feet wide by 19 feet long.
- ㉖ **Overflow Parking:** Parking for 200 +/- vehicles.
- ㉗ **Existing Well:** To remain.
- ㉘ **Existing Flag Pole:** To remain.



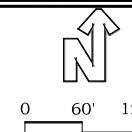
# PIONEER PARK

# MASTER SITE PLAN

City of Independence, Minnesota

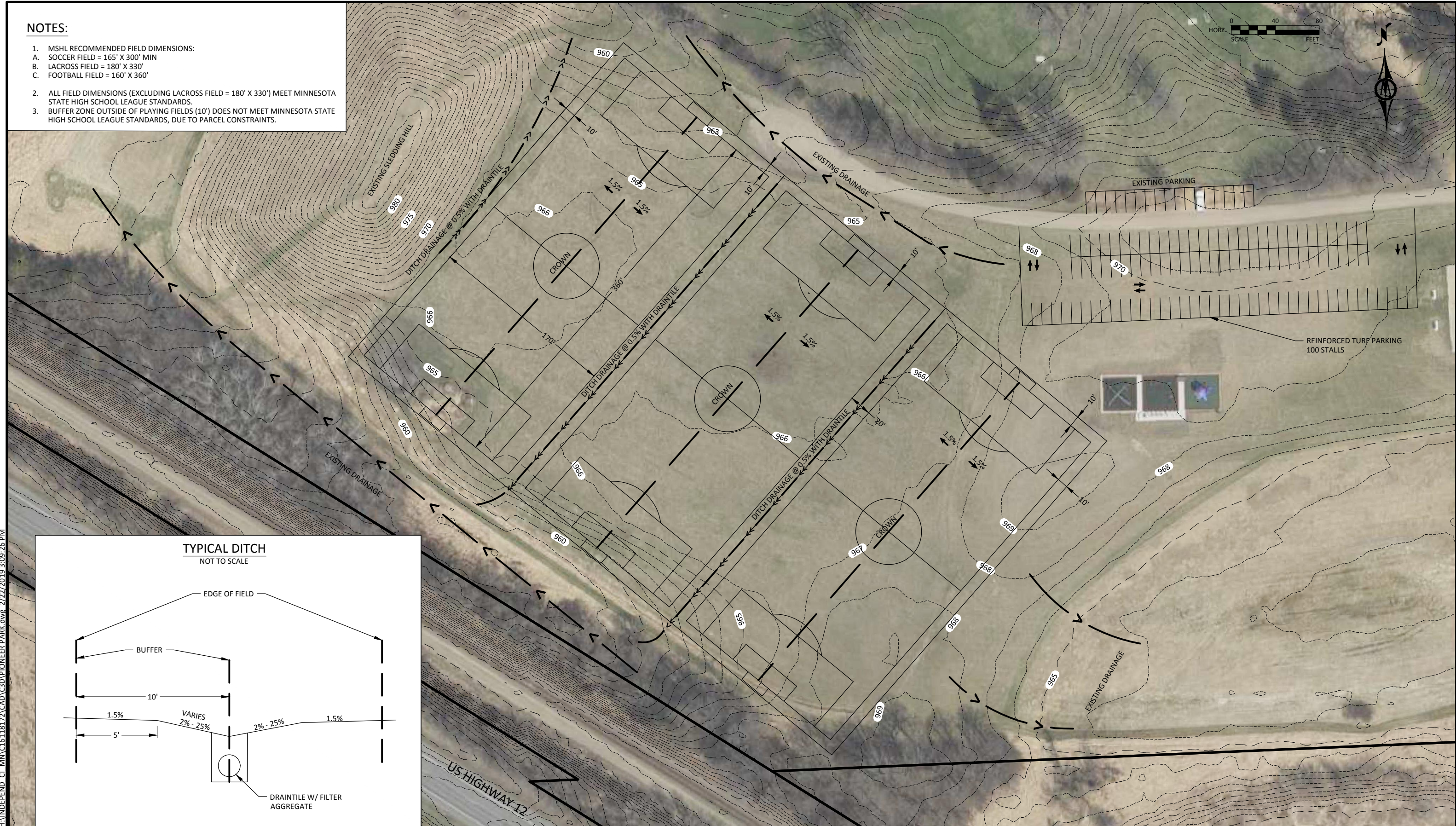
2055 County Road 90

March 1st, 2007

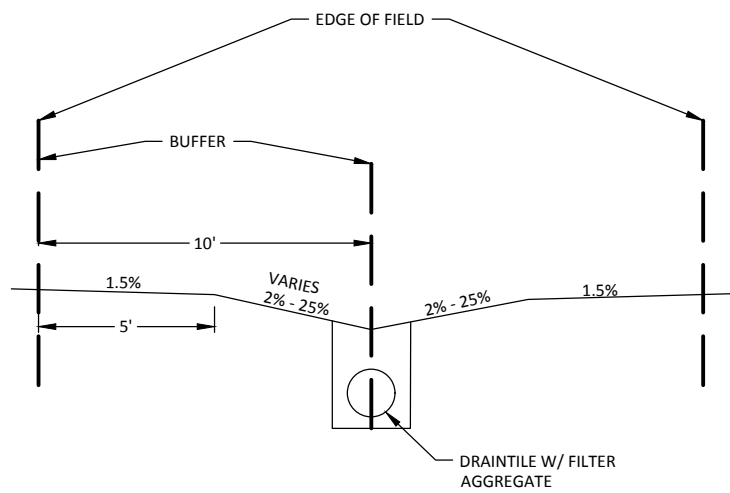


**NOTES:**

1. MSHL RECOMMENDED FIELD DIMENSIONS:  
A. SOCCER FIELD = 165' X 300' MIN  
B. LACROSS FIELD = 180' X 330'  
C. FOOTBALL FIELD = 160' X 360'
2. ALL FIELD DIMENSIONS (EXCLUDING LACROSS FIELD = 180' X 330') MEET MINNESOTA STATE HIGH SCHOOL LEAGUE STANDARDS.
3. BUFFER ZONE OUTSIDE OF PLAYING FIELDS (10') DOES NOT MEET MINNESOTA STATE HIGH SCHOOL LEAGUE STANDARDS, DUE TO PARCEL CONSTRAINTS.



**TYPICAL DITCH**  
NOT TO SCALE



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# PIONEER PARK

PRELIMINARY CONCEPT ENGINEER'S ESTIMATE - 3 SPORT FIELDS

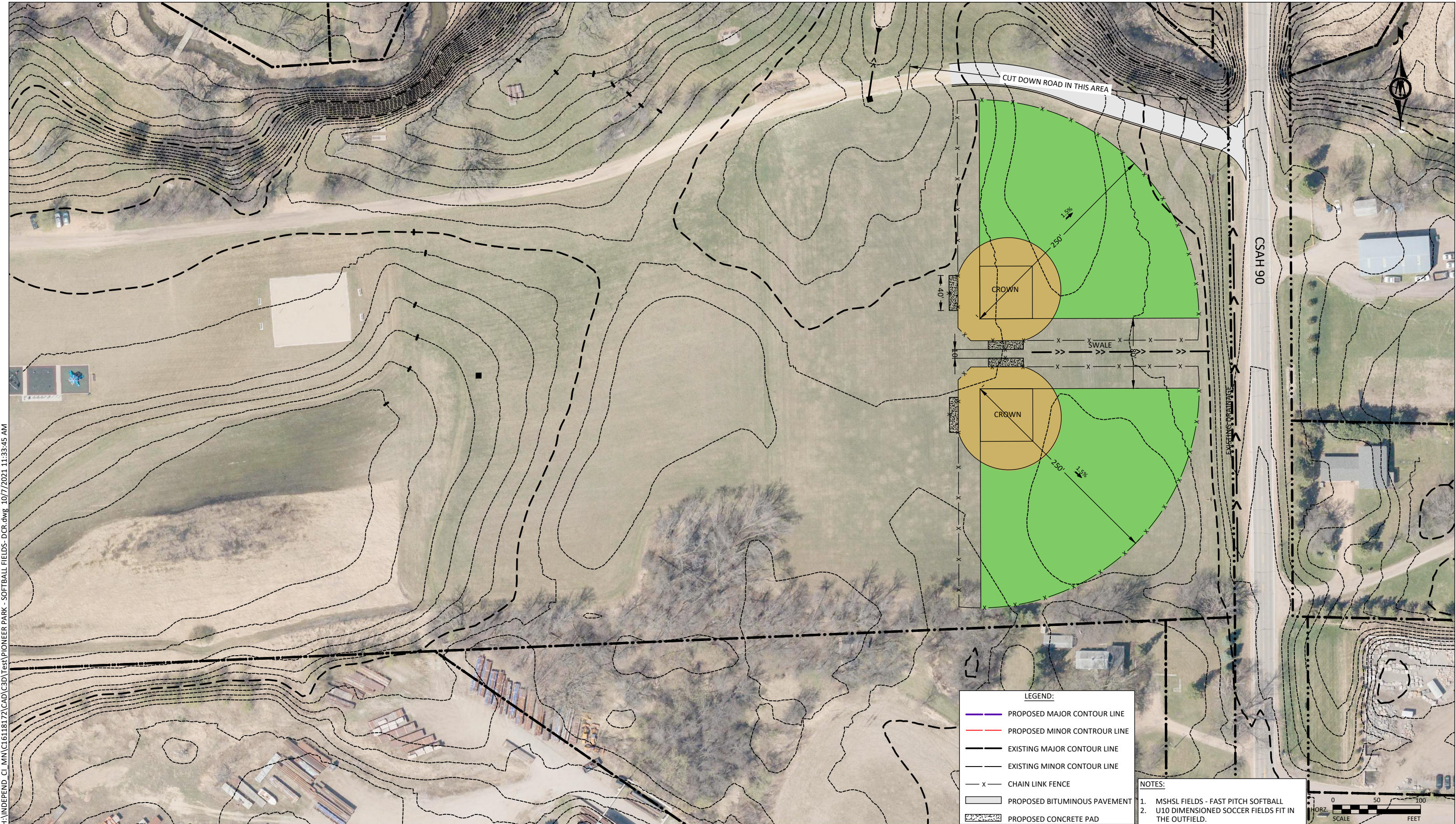
CITY OF INDEPENDENCE, MN

BMI #C16.118172

DATE: 02/22/2019

| NO  | ITEM                              | NOTES | UNIT     | UNIT PRICE  | QUANT | COST                |
|---|-----------------------------------|-------|----------|-------------|-------|---------------------|
| 1   | MOBILIZATION                      |       | LUMP SUM | \$15,000.00 | 1     | \$15,000.00         |
| 2   | EROSION CONTROL                   |       | LUMP SUM | \$15,000.00 | 1     | \$15,000.00         |
| 3   | TURF ESTABLISHMENT                |       | SQ YD    | \$1.25      | 33000 | \$41,250.00         |
| 4   | TOP SOIL IMPORT (ASSUME 6" DEPTH) |       | CU YD    | \$25.00     | 4000  | \$100,000.00        |
| 5   | SITE GRADING                      |       | LUMP SUM | \$38,000.00 | 1     | \$38,000.00         |
| 6   | DRAINTILE                         |       | LIN FT   | \$15.00     | 1100  | \$16,500.00         |
|   |                                   |       |          |             |       |                     |
|   |                                   |       |          |             |       |                     |
| <b>ESTIMATED SUBTOTAL:</b>                    |                                   |       |          |             |       | <b>\$225,750.00</b> |
| <b>ENGINEERING ADMINISTRATION LEGAL (25%)</b> |                                   |       |          |             |       | <b>\$56,437.50</b>  |
| <b>ESTIMATED TOTAL PROJECT COST:</b>          |                                   |       |          |             |       | <b>\$282,187.50</b> |

| OPTIONAL:                           |  |  |       |        |      |                     |
|-------------------------------------|--|--|-------|--------|------|---------------------|
| 1                                   | REINFORCED TURF FOR PARKING (100 STALLS) |  | SQ YD | \$5.00 | 3600 | \$18,000.00         |
|                                     |  |  |       |        |      |                     |
| <b>OPTIONAL TOTAL PROJECT COST:</b> |  |  |       |        |      | <b>\$300,187.50</b> |



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**SOFTBALL FIELDS**  
**PIONEER PARK**  
 October 7th, 2021 (SD Estimate)

| ITEM     | Description       | Total Cost | Comments                         |
|----------|-------------------|------------|----------------------------------|
| <b>A</b> | <b>GENERAL</b>    |            |                                  |
| 1        | Mobilization/G.C. | \$ 14,000  | 4% of Construction Cost          |
| 2        | Staking           | \$ 7,000   | Construction staking by surveyor |
|          |                   |            | <b>\$21,000.00</b>               |

| ITEM     | Description                    | Total Cost | Comments                              |
|----------|--------------------------------|------------|---------------------------------------|
| <b>C</b> | <b>EARTHWORK</b>               |            |                                       |
| 1        | Silt Fence                     | \$ 5,000   |                                       |
| 2        | Rock Construction Entrance     | \$ 8,000   | At base of hill                       |
| 3        | Strip, Pile, Replace Topsoil   | \$ 16,000  | Strip, stockpile, respread (6" depth) |
| 4        | Rough Grading, Subcut Infields | \$ 4,000   | Cut                                   |
| 5        | Mass Grading                   | \$ 26,000  | Cut and Fill (general)                |
| 6        | Fine Grading                   | \$ 15,000  | Fine grading of entire site           |
| 7        | Clay Pitcher's Mound           | \$ -       | Raised pitcher's mound w/ clay (2)    |
| 8        | Sand Subbase                   | \$ -       | 18" depth @ field events, under slabs |
| 9        | Aglime                         | \$ 70,000  | 5" depth (infields, batting cage)     |
|          |                                |            | <b>\$144,000.00</b>                   |

| ITEM     | Description                 | Total Cost | Comments                               |
|----------|-----------------------------|------------|--|
| <b>D</b> | <b>PAVING</b>               |            |  |
| 1        | Paths, Plazas               | \$ -       | 2" asphalt + 6" base agg.              |
| 3        | Gravel Drive                | \$ -       | 8" base agg.                           |
| 4        | Concrete Maintenance Strips | \$ 3,000   | 15" wide ctrip under backstop/ fencing |
| 5        | Concrete Gutter             | \$ -       | Drainage gutter                        |
| 6        | Concrete Slabs              | \$ 2,000   | Dugouts (4) and Bleacher Slabs (2)     |
|          |                             |            | <b>\$5,000.00</b>                      |

| ITEM     | Description               | Total Cost | Comments                                   |
|----------|---------------------------|------------|--|
| <b>E</b> | <b>MISC IMPROVEMENTS</b>  |            |  |
| 1        | Ball Field Fence          | \$ 45,000  | 6' ht. at ball fields                      |
| 2        | Backstop Net System (2)   | \$ 80,000  | 30'x30'x30', 20' high netted backstops (2) |
| 3        | Foul Poles                | \$ 8,000   | Two pair, 30' ht. at Fields #1 and #2      |
| 4        | Batting Cage              | \$ -       | Two new cage systems (60' x 14')           |
| 5        | Ball Field Bases          | \$ 4,000   | Each field, batting cage                   |
| 6        | Player Benches            | \$ 20,000  | 24' benches at each dugout (4)             |
| 7        | Dugout Roof Systems       | \$ -       | 10'x32' roof system at each dugout (4)     |
| 8        | Removeable Outfield Fence | \$ -       | 3.5' high removeable fence                 |
|          |                           |            | <b>\$157,000.00</b>                        |

**SOFTBALL FIELDS  
PIONEER PARK**

October 7th, 2021 (SD Estimate)

| ITEM     | Description            | Total Cost | Comments      |
|----------|------------------------|------------|---------------|
| <b>G</b> | <b>SITE ELECTRICAL</b> |            |               |
| 1        | Service/ Transformer   | \$ -       | by Other      |
| 2        | Sportsfield Lighting   | \$ -       | by Other      |
| 3        | Site Connections, Misc | \$ -       | by Other      |
|          |                        |            | <b>\$0.00</b> |

| ITEM     | Description        | Total Cost | Comments                             |
|----------|--------------------|------------|--------------------------------------|
| <b>H</b> | <b>LANDSCAPING</b> |            |                                      |
| 1        | Sod                | \$ 3,000   | Around edges                         |
| 2        | Seed               | \$ 20,000  | Ball Fields, including establishment |
|          |                    |            | <b>\$23,000.00</b>                   |

|  |  |                     |
|--|--|---------------------|
| <b>Total Opinion of Probable Construction Cost :</b> |  | <b>\$350,000.00</b> |
|--|--|---------------------|

**ALTERNATES**

|   |   |           |
|---|---|-----------|
| 1 | Add Bull Pens (4):                                | \$40,000  |
| 2 | Add Scoreboards (2):                              | \$50,000  |
| 3 | Add Field Lighting (Field 2):                     | \$205,000 |
| 4 | Add Bleachers (2 5-row mitered, ~200 seats each): | \$175,000 |
| 5 | Add Irrigation                                    | \$65,000  |



