



CITY COUNCIL MEETING AGENDA
TUESDAY NOVEMBER 15, 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 November 1, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21592-21595, Batch # 2; Checks Numbered 21596-21628).

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. West Hennepin Public Safety – Director Gary Kroells: Presentation of the October 2022 Activity Report.

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. Certification of Delinquent Sewer Service Charges as Special Assessments.

- a. **RESOLUTION NO. 22-1115-01** – Resolution certifying delinquent sewer service charges.

10. Windsong Golf Club – North Course Expansion Project: Environmental Assessment Worksheet.

- a. **RESOLUTION NO. 22-1115-02** – Resolution issuing a negative declaration of the need for an Environmental Impact Statement for Windsong Golf Club north course expansion project.

11. Open/Misc.

12. Adjourn.

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, NOVEMBER 1, 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, and Spencer.

ABSENT: Grotting.

STAFF: City Administrator Kaltsas. City Assistant Administrator Simon, and Director Kroells.

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 October 18, 2022, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 21568-21572, Batch # 2; Checks Numbered 21573-21591).

Motion by Betts, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, McCoy, Betts, and Spencer. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4.0

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Police Commission
- Hwy 12 Ribbon Cutting Ceremony

McCoy attended the following meetings:

- Hwy 12 Ribbon Cutting Ceremony
- Police Commission
- Planning Commission
- When Jeff Leuer received award in Duluth (MEA)

Betts attended the following meetings:

- Police Commission
- Hwy 12 Ribbon Cutting Ceremony

Johnson attended the following meetings:

- Planning Commission
- Maple Plain Council Meeting – McGarry’s Golf Tournament presentation
- Orono School Board meeting – award session
- Police Commission meeting
- Orono Healthy community meeting
- Interview with Fox News before ribbon cutting
- Jeff Leuer’s “Fire Chief of the Year: (cities under 10,000) Open House
- Hwy 12 Ribbon cutting

Kaltsas attended the following meetings:

- Police Commission
- Hwy 12 Ribbon Cutting Ceremony

Simon attended the following meetings:

- WHCC Truck or Treat
- Hwy 12 Ribbon Cutting Ceremony

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the September 2022 Activity Report.

At the end September 30, 2022, West Hennepin Public Safety (WHPS) handled year-to date a total of 3,558 incident complaints: For the month of September; 255 incidents occurred in the City of Independence and 101 in the City of Maple Plain.

See full report for more details.

Johnson – WeCAN’s budget includes gas coupons to help people in need. I’m unsure how much they have, but maybe those could be available to the Officers for these types of situations.

Kroells – I will check into that.

Johnson – How has traffic been with the re-opening of Hwy 12 and 92?

Kroells – It opened at 4pm. It seems to be adapting well. I passed on some comments to HN Cty to add additional signage and hopefully they’ll make those adjustments. Overall it went well, and time will tell. With our roundabout at 90, some may still drive it too fast or drive up and over it, but the goal is to reduce the severity of crashes. They won’t likely be serious and fatal crashes like in the past.

Johnson – For westbound Hwy 12 and 92 (marking unspecified), is the open lane on the right intentional for passing?

Kroells – Yes, turning right or going straight is allowed in that right lane. Painted arrows are painted to

allow that.

Betts – Are they going to keep the 4-way stop at Cty Rd 11 and Cty Rd 90?

Kroells – Yes. That’s what I’ve been told. The permanent ones were swapped in for the rented ones. I’m surprised the residents wanted that.

Johnson – At 90 and 6 the lights are flashing red to alert the people that it is changing.

Kroells – As soon as they can get the lights out, they will remove those lights.

Johnson – It’s a major improvement and it was a perfect year weather-wise. Do we have street signage up for Cardinal Way yet?

Kaltsas – We sent out letters to those 5 residents stating they would be switched over. The house numbers are not changing, just the road name. The final agreement was signed by both parties and now we can bill the county for that change and mil and overlay for the future.

Johnson – Since we initially talked about it, 3 of the major family members have passed away.

8. Kelly Brouwer (Applicant) and Al and Charlene Hatfield (Owners) are requesting the following action for the properties located at 3810 and 3850 County Line Road (PID No’s. 07-118- 24-22-0002 and 07-118- 24-22-0006) in the City of Independence, MN:

- a. **RESOLUTION NO. 2022-1101-01** – Considering approval of a minor subdivision to allow a lot line rearrangement that would reduce the acreage of 3810 and increase the acreage of 3850 County Line Road.

A Public Hearing was held to allow a lot line rearrangement to reduce the acreage of 3810 and increase 3850 properties. The after condition of the North Property (3850) would be increased to 31.5 acres. The City does allow lot line arrangements in the AG. A minimum lot size in AG is 2.5 acres in buildable acreage. There were some wetlands on the property. We required they do a wetland delineation. It did result in finding a couple small wetlands. The property increased to account for these to get to the 2.5 buildable acres. The lineal frontage would remain the same. The minimum frontage is 200 lineal feet. The smaller lot’s is 264 lineal feet. 3850 has a primary and secondary site for septic. Survey does show building setbacks are fully compliant with applicable standards. There is an existing detached structure on 3850 (legal nonconforming when a home was taken down, barn remains) there is no change to the property. City will require drainage and utility easements. There was no change to access on either property and any future change would need HN County’s approval. A neighboring property to the South attended the public hearing and had a concern whether this in any shape or form potentially impact an existing drain tile that runs from their property to the N / NW and out towards County Line and Co Rd 11. It was noted that the subdivision allowing the lot line rearrangement in and of itself does not change that and the City encouraged them to reach out to the owners (Hatfields) and work together with any future excavations, changes, or construction. The Planning Commission discussed the request talked about the drain tile piece but recommended approval noting all criteria in the City subdivision and zoning ordinance had been completed by applicant with conditions listed in the resolution.

Johnson – On the larger piece, there is a long diagonal line. Is there any history to that?

Kaltsas – Not sure what would have done that. It could have been someone that wanted a little more land and drew the line like that.

Motion by Spencer, seconded by McCoy to approve the minor subdivision allowing a lot line rearrangement for the properties located at 3810 and 3850 County Line Road.

Ayes: Johnson, McCoy, Betts, and Spencer. Nays: None. Absent: Grotting. Abstain. None.

MOTION DECLARED CARRIED. 4.0

9. 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.

We need a ¾ vote on the election change so recommended tabling.

Kaltsas – I did check with the city attorney, but we only need a majority. Timing we don't have one yet, but we will have an issue soon.

Johnson – Grotting said he had some things he wanted to talk about.

McCoy – If he had some input, I'd like to give him a chance to talk about. I'll be gone on the 15th and can't call in.

Kaltsas – We did not get any feedback from residents since the last meeting. Attorney Vose is on now.

Attorney Vose- Mark correctly reported that. It does not require a super majority vote. Administrator

Kaltsas has done the time calculation and you do have time.

Johnson tried calling Grotting.

Betts – It seems silly to not be synced with the other schools and it gives more reason for people to get out and vote and saving time and money. The turnout gives more people to share their voice. Otherwise many don't bother to know what's going on. Many are confused when signs are up and all around, but it ends up being for Maple Plain or whatever.

Spencer – It seems like we struggle to get everyone here at the same time. We should just talk about it then.

Motioned by Betts, seconded by Spencer to table Ordinance No. 2022-07. Ayes: Johnson, McCoy, Betts, and Spencer. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED TABLED. 4:0.

McCoy – I just feel bad if Grotting has input that we are not waiting.

Johnson – That's the way I feel too.

Spencer – Anyone that can't be here can submit their comments in writing. It's not that big of a topic. I don't see any reason to keep kicking this down the agenda road.

Johnson – I would've been ready to vote tonight but having said to Grotting what I did.

McCoy – I am in favor of changing it and will submit my comments for the December meeting if needed.

Tabled until December 6th meeting

10. Open/Misc.

McCoy - Do we want to officially honor Jeff for his award?

Johnson – I thanked him on the City's behalf, but it would be nice to have something in writing. This category included 600-700 cities.

Kaltsas – I'll draft something and bring it back to council at the next meeting.

Kaltsas- Update on the park – We had a couple community groups reach out to the City. We want to do

more work on our end to see what can come out of a partnership with these groups. The City will have the landscape architect do some fit planning to see what the open spaces allow in a couple variations and then meet with some people to see what the maintenance looks like and what people are willing to do for help. We can look at this again next year, and we have some more park dedication funds coming in as well.

Johnson- Do we have any delineation problems for wetlands?

Kaltsas – There are some wetlands, but I don't think we would mitigate them unless needed. We have the master plan but there is some space to be reprogrammed and then see what the groups are looking for and what they are willing to do and come up with an adoptive plan.

Johnson – Was the bridge installed this year?

Kaltsas – That bridge is something that we will look at updating. Something more permanent to allow water to flow through. We got cameras up in the park this year and I do think we're ripe for a project for increased users.

Johnson – We haven't had any problems with graffiti recently, have we?

Kroells – Not since the cameras got put in.

Johnson – A week from tonight we'll be closing the General Election Day polls. How many do we have so far?

Simon – We have over 200 Absentee Direct Ballot votes so far.

11. Adjourn.

Motion by McCoy, second by Betts to adjourn the meeting at 7:16 pm.

Respectfully Submitted,
Linda Johnson / Recording Secretary

Date: November 4th, 2022

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

From: Director Gary Kroells

SUBJECT: OCTOBER 2022 ACTIVITY REPORT



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

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

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

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

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

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

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

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

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

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

Monthly Activity Report October 2022

Offense	This Month	Same Month Last Year		This Year To Date		Last Year To Date
City Of Independence						
Criminal	4	5		59		76
Traffic	104	90		923		1,054
Part III	4	6		40		63
Part IV	26	27		318		313
Part V	105	106		1,167		1,208
Total City of Independence	243	234		2,507		2,714
City Of Maple Plain						
Criminal	2	5		41		73
Traffic	32	42		250		339
Part III	3	2		18		27
Part IV	21	18		216		215
Part V	69	57		531		567
Total City Of Maple Plain	127	124		1,056		1,221
Grand Total Both Cities	370	358		3,563		3,935
TZD	0	3		135		57
Agency Assists	34	15		264		124
Total ICR Reports	404	376		3,962		4,116
How Received						
Fax	16	1		77		117
In Person	15	16		142		189
Mail	0	1		9		22
Other	0	2		12		15
Phone	20	37		306		354
Radio	159	133		1,577		1,592
Visual	149	149		1,359		1,532
Email	19	21		197		246
Lobby Walk In	26	16		255		49
Total	404	376		3,934		4,116

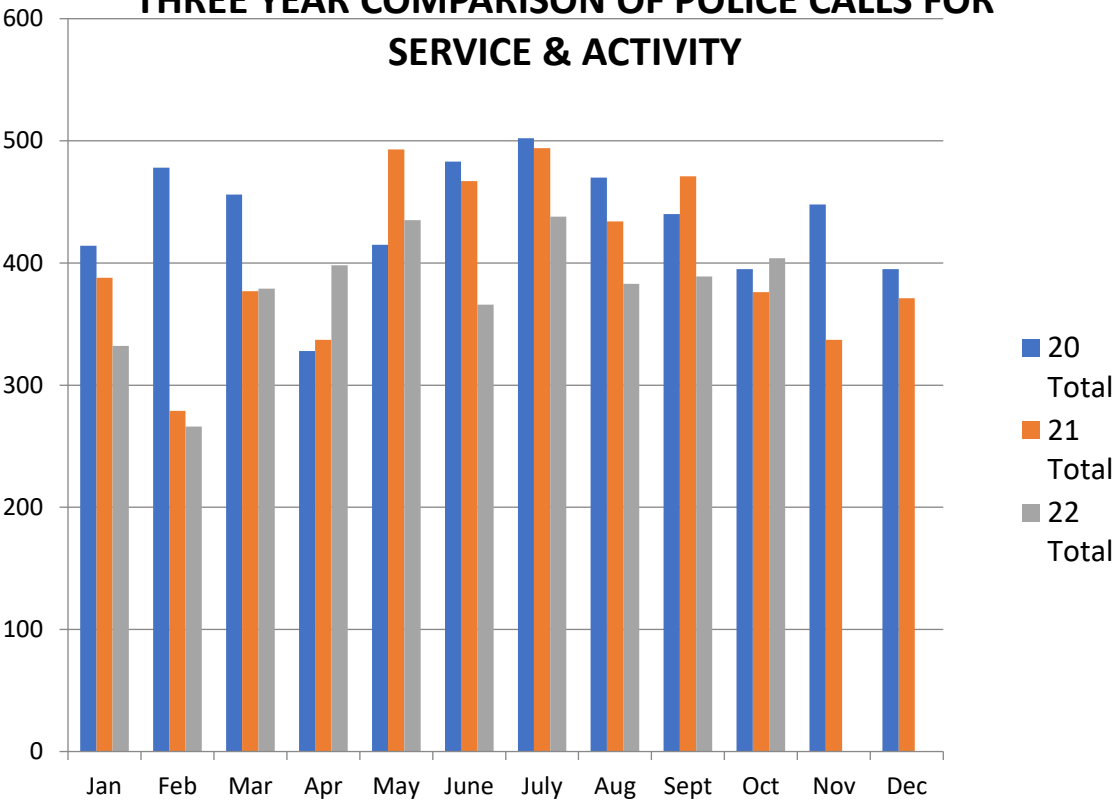
October 2022 Part I & II**City of Maple Plain #'s 1 & 2**

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
WHPS	22003679	Theft/Rpt – ID Theft/CC Fraud	2022-10-17	01	2022-10-17	U155H	2
WHPS	22003631	Dk/Suspected – DWI/Narcs	2022-10-13	02	2022-10-13	DH050	2

October 2022 Part I & II**City of Independence Grid #'s 3-5**

WHPS	22003514	PD Crash – Hit and Run GMIS DWI	2022-10-02	03	2022-10-02	J3301	2
WHPS	22003727	Theft/Rpt	2022-10-21	03	2022-10-21	TR999	1
WHPS	22003763	Court Order Violation	2022-10-23	03	2022-10-23	N3390	2
WHPS	22003807	DWI	2022-10-26	03	2022-10-26	JGW01	2

**THREE YEAR COMPARISON OF POLICE CALLS FOR
SERVICE & ACTIVITY**



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY October 2022 Activity Report

Year to Date Activity Report

At the end October 31, 2022, West Hennepin Public Safety (WHPS) handled year-to-date a total of 3,934 incident complaints: for the month of October; 243 incidents occurred in the City of Independence and 127 in the City of Maple Plain.

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

Recent Highlighted Cases:

Medical
October 1

3600 block of Ihduhapi Trail, Independence. Officer was dispatched to a patient with a headache requesting to go to the hospital. Officer arrived on scene with North Memorial Paramedics and was assessed for his symptoms. Paramedics advised Officer could clear the scene.

Arrest
October 2

Intersection of Baker Park Road and Perkinsville Road, Independence. Officer was dispatched to a hit and run property damage crash. Upon arrival, Officer located the suspect vehicle's license plate crumpled up into a tree. Officer ran a computerized check on the license plate and located the driver of the vehicle. Officer noted signs of impairment and placed the driver, Leonel Moises Murillo Galvan (25), under arrest for DWI. A breath test resulted in a .18 alcohol concentration. Officer later transported him to Hennepin County Adult Detention Center.

Medical
October 4

5900 block of Main Street, Maple Plain. Officer was dispatched to a report of an elderly female who was ill and weak. Officer arrived on scene with MPFD and North Memorial Paramedics and determined everyone in their household tested positive for Covid-19. Paramedics cleared MPFD and the Officer and advised they would be transporting the patient to the hospital.

Trespass
October 4

5000 block of Highway 12, Maple Plain. Officer was dispatched to trespass an individual from a local business. The following day, the party was served a trespass notice and advised not to return to the business.

Crash
October 5

Intersection of County Road 90 and Highway 12, Independence. Officer was dispatched to a vehicle that struck a deer and totaled the reporting party's vehicle. Officer arrived and wrote a crash report for the driver. The deer was not found.

Abandoned Vehicle
October 5

1500 block of Howard Avenue, Maple Plain. Officer was dispatched to a possible abandoned vehicle in a parking lot. Officer arrived on scene and made sure the vehicle wasn't stolen. Officer attempted to contact the registered owner but has not heard back. Officer advised the owner of the business will have to request a tow.

Medical
October 5

6600 block of Fogelman Road, Independence. Officer was dispatched to a child that was bleeding from the eye area. Reporting party advised a sibling had thrown a TV remote. Upon arrival, the bleeding was controlled. North Memorial Paramedics arrived on scene to assess the wound. Parents decided to keep an ice pack and pressure on it and not seek further assistance.

Disturbance
October 5

Intersection of County Road 6 and County Road 19, Independence. Officer was dispatched to a disturbance in the area. The reporting party stated there were people yelling and getting rowdy. Officer arrived on scene and observed a large group of people around a bonfire. Officer spoke to a resident who apologized for the noise. Officer advised to quiet down.

Fraud
October 6

4800 block of Drake Street, Maple Plain. Officer took a fraud report regarding an online scam involving Bitcoin. The victim was told to cash a check that was sent to him, then purchase and send Bitcoin in exchange for software and office supplies. Victim is not out any money. Prevention resources were provided to the victim.

Check Burn
October 13

6200 block of Main Street West, Independence. Officer was dispatched to a fire in the area. Upon arrival, Officer observed black smoke coming from the backyard. Officer made contact with the homeowner who was illegally burning. Officer advised the homeowner to get a burn permit, or he would receive a citation. He later applied for a permit.

Medical
October 14

1800 block of Newport Street, Maple Plain. Officer was dispatched to secondhand information of a possible overdose. Upon arrival, Officer forced entry into the residence. North Memorial Paramedics evaluated the patient, who ultimately refused medical treatment.

Medical
October 14

5900 block of Main Street, Maple Plain. Officer was dispatched to an elderly female who was Covid-19 positive and having low blood pressure. Officer arrived with North Memorial Paramedics. Patient was transported to the hospital.

Traffic Complaint
October 14

Intersection of Baker Park Road and Highway 12, Maple Plain. Officer was dispatched to a traffic complaint involving a semi. Reporting party stated the semi started to pass her and there was not enough room to safely pass and almost ran her off the road. Officer checked the area and did not locate the semi.

Medical
October 15

5100 block of Broadmoor Drive, Independence. Officer was dispatched to a patient having shortness of breath. Officer arrived with MPFD and North Memorial Paramedics. It was determined the patient fell after getting lightheaded. Officer was cleared from the scene by paramedics.

Medical
October 16

4800 block of Gateway Boulevard, Maple Plain. Officer was dispatched to a patient having hip pain. Officer arrived on scene and was advised by the patient she could barely walk after falling a few weeks prior. North Memorial Paramedics arrived and transported the patient to the hospital.

Medical
October 16

3900 block of Independence Road, Independence. Officer was dispatched to a patient who was ill and had a fever after surgery. Officer responded with North Memorial Paramedics, who ultimately transported the patient to the hospital.

Crime Prevention
October 17

5200 block of Bryantwood Drive, Maple Plain. Officer observed a running vehicle in a parking lot, unoccupied for an extended period of time. Officer examined the vehicle and noted the keys were in the ignition. Officer called the registered owner of the vehicle who stated she was warming up the vehicle. Officer discussed crime prevention.

Medical
October 17

3600 block of Ihduhapi Trail, Independence. Officer was dispatched to an individual with side pain and having difficulty breathing. Officer arrived on scene with North Memorial Paramedics who began patient assessment. Officer was cleared from the scene.

Fraud
October 17

4900 block of Main Street, Maple Plain. Officer was dispatched to take a call from a victim of credit card fraud/identity theft. Victim explained there were fraudulent charges on her credit card and the bank was refusing to assist her. Case forwarded to investigations for follow-up.

Welfare Check
October 18

1500 block of Rainbow Avenue, Maple Plain. Officer was dispatched to an ongoing issue about a male staying in the park after hours. Officer checked the park after hours and did not see the male. Extra patrol will be conducted

Crash
October 18

4600 block of Lake Sarah Drive, Independence. Officer was dispatched to a personal injury crash involving a car versus an ATV. The vehicle was pulling out of a driveway when the vehicle and ATV collided. The driver of the ATV was later transported to the hospital. Case is pending further investigation.

Crime Prevention

October 19

5800 block of Main Street West, Maple Plain. Officer was doing routine patrol in the area and observed an open garage door early in the morning. Officer left a crime prevention report.

Forgery Report

October 19

600 block of Nelson Road, Independence. Officer was dispatched to an attempted forgery. Victim stated someone remoted into their computer and was blackmailing them for Target gift cards. Officer will be conducting follow-up.

Medical

October 19

4800 block of Gateway Boulevard, Maple Plain. Officer was dispatched to an injury from a fall. Officer and MPFD arrived and provided care to the patient. Once North Memorial Paramedics arrived, they took over care and transported the patient to the hospital.

Medical

October 20

700 block of Copeland Road, Independence. Officer was dispatched to a seizure where the patient was conscious but disoriented and was out on the golf course. Officer arrived with North Memorial Paramedics and DFD. Officer and Delano FD transported the patient on a golf cart out to the road where the ambulance was waiting. Patient was transported to the hospital.

Suspicious Activity

October 21

4800 block of Drake Street, Maple Plain. Officer was dispatched to a suspicious vehicle. Reporting party stated the vehicle had been there all morning and one of its doors was left open. Ultimately, the vehicle belonged to a construction worker. Nothing criminal was found.

Animal Complaint

October 21

5900 block of Providence Curve, Independence. Officer was dispatched to an animal complaint regarding a domesticated duck that suffered a leg injury from a loose dog. The reporting person stated the dog came on to his property and he was able to yell at the dog to get the dog to drop the duck. Officer made contact with the dog owner and advised the dog will have to register as potentially dangerous. The duck is expected to survive.

Suspicious Vehicle
October 22

1800 block of Budd Avenue, Maple Plain. Officer was conducting routine patrol and noticed a vehicle with the dome light on in a closed, business parking lot. Officer made contact with the occupants who advised they were just talking. No signs of criminal activity.

Traffic Complaint
October 22

Highway 12 and County Road 90, Independence. Officer was dispatched to a traffic complaint passed along from a neighboring agency. Officer located a similar car but did not observe poor driving conduct.

Hunting Complaint
October 22

3300 block of Lake Haughey Road, Independence. Officer was dispatched to a hunting complaint in the area. Reporting party stated there were two hunters shooting too close to the road. Officer made contact with the hunters who explained they were shooting blanks to train their dog. Nothing criminal.

Juvenile Problem
October 23

1500 block of Rainbow Avenue, Maple Plain. Officer was dispatched to multiple juveniles going on top of the pavilion at Rainbow Park. Officer arrived on scene and didn't locate the juveniles.

Arrest
October 23

900 block of County Road 19, Independence. Officer was dispatched to a court order violation. Reporting party called stating that there was a court order in effect and the suspect cannot be at the residence. Officer ran routine records check on the suspect and confirmed that there was an Order for Protection (OFP) in place. The suspect, Alan Jeffrey Shrode (30), was placed under arrest and transported to Hennepin County Adult Detention Center for OFP violation.

Scam Attempt
October 24

4800 block of Drake Street, Maple Plain. Officer was dispatched to a report of an attempted phone scam. Reporting party stated they were trying to get financial information. Officer confirmed there was no monetary loss. Informational report completed.

Traffic Complaint

October 24

Intersection of Highway 12 and Baker Park Road, Maple Plain. Officer was dispatched to a vehicle pulling a camper driving out of its lane. Officer was in the area and did not see the described vehicle.

Welfare Check

October 25

3600 block of County Road 90, Independence. Officer was dispatched to a female screaming outside. Officer arrived on scene and spoke to a female outside of the residence. She said they recently lost a family member, and her daughter was very upset about it. Officer did not observe any signs of disturbance and made sure the female did not need any other assistance.

Medical

October 25

4800 block of Gateway Boulevard, Maple Plain. Officer was dispatched to a patient who had fallen and had a large bump on their head. Officer arrived on scene and determined the patient was conscious and had good vitals. North Memorial Paramedics arrived on scene and transported the patient to the hospital.

Arrest

October 26

Intersection of County Road 6 and Copeland Road, Independence. Officer observed a vehicle driving 80 miles per hour in a 55 mile per hour zone. Officer initiated a traffic stop on the vehicle and spoke to the driver who advised he was in a hurry to get home. Officer observed signs of impairment and ultimately arrested Grant William Quinlan (21) for DWI. He was booked and cited for the offenses and released to a sober party.

Utility Check

October 26

Intersection of Pagenkopf Road and County Road 90, Independence. Officer was dispatched to down powerlines in the area. Reporting party accidentally struck the lines with his combine and pulled the wires into the roadway. MPFD arrived to secure the area while Wright Hennepin Electric came to repair the lines.

Medical

October 29

5300 block of Joyce Street, Maple Plain. Officer was dispatched to a child with a high fever, who won't eat. Officer arrived on scene and spoke to the child's mother who explained they had brought the child to the hospital the day prior for neck pain and mild fevers. The child was transported to the hospital.

Suspicious Vehicle

October 29

6200 block of County Road 11, Independence. Officer was dispatched to a suspicious vehicle after a neighbor saw a vehicle drive up to a residence when no one was supposed to be there. Officer arrived on scene and did not locate the vehicle. Officer checked the main house and barn which were secure.

Welfare Check

October 30

5200 block of Manchester Drive, Maple Plain. Officer was dispatched to a welfare check of an individual sitting in a vehicle in a garage. Officer arrived on scene and determined everything was okay. The vehicle was only running for a short time inside of the garage. The individual was not suicidal.

Medical

October 31

400 block of Kuntz Drive, Independence. Officer was dispatched to an individual who had fallen off a horse and was now unconscious. Officer arrived on scene and found the patient laying in the road and still conscious. Officer spoke to a bystander who stated she was driving when the horse got spooked and bucked the patient off. Patient was transported to the hospital by North Memorial Ambulance.

136 contacts of citations, verbal and written warnings were issued for traffic and equipment.

City of Independence

Election Cycle Ordinance Amendment

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: November 15, 2022

Discussion:

City Council discussed this issue over three (3) City Council meetings and recommended tabling the item twice to allow more time for public comment. Council discussed phasing in the date change but noted that this would prove difficult and lengthy as you would have to temporarily adjust Mayor and Council Member terms (from 4 to 3 years), hold multiple elections, and then switch terms back (from 3 to 4 years) in order to align with even year elections. There are other scenarios that could also be considered relating to term limits but would be similarly confusing. The example process would take 6 years to complete and would require that the City continue to hold annual elections For example:

2023 Election: Mayor and Two Council Members – switch to 3- year term (to 2026)
2024 Election: National Election
2025 Election: Two Council Members – switch to 3-year term (to 2028)
2026 Election: Mayor and Two Council Members – switch to 4- year term (to 2030)
2027 – No Election
2028 Election: Two Council Members – switch to 4- year term (to 2032)

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 15th day of November 2022.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-1115-01

**RESOLUTION CERTIFYING DELINQUENT SEWER SERVICE CHARGE AS
SPECIAL ASSESSMENTS**

WHEREAS, the records of the billing department of the City of Independence lists certain accounts delinquent for the year 2022 (a copy of which is with the City Clerk); and

WHEREAS, the consumer has been notified of the delinquent account according to the legal requirement of the law; and

WHEREAS, Minnesota Statutes authorizes collection of delinquent accounts by certification to the county tax rolls for collection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Independence, Minnesota to direct the County Auditor of Hennepin County to place the delinquent accounts, consisting of principal and interest thereon at the rate of 5% of the payable 2023 tax rolls.

List of Delinquent Accounts

5065 COUNTY RD 11	\$695.33
5275 COUNTY RD 11	\$1,067.22
1951 BAKER PARK ROAD	\$481.31
3925 INDEPENDENCE ROAD	\$1,067.22
3690 INDEPENDENCE ROAD	\$1,067.22
5330 SUNSET LANE	\$1,360.04
5420 LAKE SARAH HEIGHTS DR	\$1,017.97
	<u>\$ 6,756.31</u>

This resolution was adopted by the City Council of the City of Independence on this 15th day of November 2022, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

Windsong Golf Club – North Course Expansion Environmental Assessment Worksheet (EAW)

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: November 15, 2022

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. Review of an EAW (Environmental Assessment Worksheet) associated with the proposed development of a new 18-hole golf course on the subject properties. The EAW is required as a result of the conversion of the property from agriculture to a new land use.

Property/Site Information:

The subject property is located on the south side of County Road 6, just west of County Road 92. The property is a golf course. The properties have the following characteristics:

Property Information: (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):

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage: ~125 total acreage of six (6) properties

Aerial Photograph of Subject Properties



Discussion:

The applicant approached the City about the possibility of constructing an 18-hole private golf course on the subject properties. The City Council has now approved the amendment to the conditional use permit to allow the golf course expansion. The properties are currently owned by the same ownership group that also owns Windsong Farm Golf Club. The City initially reviewed the request to determine if an environmental review was required by Minnesota statute. There are certain land use conversions that trigger a mandatory environmental review. In this case, it was determined that the conversion of more than 80 acres of agriculture land to a golf course initiated a mandatory environmental assessment worksheet (EAW). The purpose of the EAW is to consider information about a project that may have the potential for significant environmental impacts.

The EAW – Environmental Assessment Worksheet – document is designed to provide a brief analysis and overview of the potential environmental impacts for a specific project and to help the RGU determine whether further environmental review is necessary.

The City of Independence is what is referred to as the responsible government unit (RGU). The EAW is not approved or denied, but rather allows the City as well as other agencies to review the proposed land conversion to determine if/what environmental impacts could occur as a result of

Following review of the EAW and comments provided from all organizations that have review authority, the City has determined that no further action is required for the proposed conversion of this land from agriculture to a golf course. Based on the information contained in the EAW, comments received on the EAW, and the criteria in Minnesota Rules Chapter 4410.1700, it was determined that project does not have the potential for significant environmental impact and an Environmental Impact Statement (EIS) will not be prepared. The applicant's engineer has prepared a Findings of Fact and Conclusions which addresses all comments and questions raised during the review. This document has been reviewed by the City and found to satisfy all requirements.

Recommendation:

The City Council is being asked to consider adoption of **RESOLUTION NO. 22-1115-02** which finds that no further action is required relating to the conversion of the land into a Golf Course.

Attachments:

1. **RESOLUTION NO. 22-1115-02**
2. Findings of Fact and Conclusions



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 22-1115-02

A RESOLUTION ISSUING A NEGATIVE DECLARATION OF THE NEED FOR AN
ENVIRONMENTAL IMPACT STATEMENT FOR THE WINDSONG GOLF CLUB
NORTH COURSE EXPANSION PROJECT

WHEREAS, the improvements proposed as part of the Windsong Golf Club North Course Expansion Project (the “project”) will allow for the development of a second golf course; and

WHEREAS, pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410.4300 Subpart 36, Land Use Conversion, the project meets the thresholds for an Environmental Assessment Worksheet (EAW), and the City of Independence as the Responsible Governmental Unit (RGU) completed an EAW for the project; and

WHEREAS, copies of the EAW were distributed to all persons and agencies on the official EQB mailing list; and

WHEREAS, a notice was published in the Crow River News on May 5, 2022, and also published in the EQB Monitor on May 10, 2022 to announce the availability of the EAW to interested parties; and

WHEREAS, the 30-day comment period ended on June 8, 2022, and comments received have been considered; and

WHEREAS, based upon the comments received, the City of Independence has prepared the Findings of Fact and Conclusions including written responses; and

WHEREAS, all requirements for environmental review of the project have been met; and

WHEREAS, the EAW and permit processes related to the project have generated information that is sufficient to determine whether the project has the potential for significant environmental effects; and

WHEREAS, the EAW, in conjunction with comment responses, identified permitting and mitigation commitments that, if met, will address environmental effects caused by the project; and

WHEREAS, based on the criteria in Minnesota Rules part 4410.1700, the project does not have the potential for significant environmental effects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Independence hereby adopts the Findings of Fact and Conclusions (FOFC) for the Windsong Golf Club North Course Project EAW.

BE IT FURTHER RESOLVED, that based on the information contained in the EAW, comments received on the EAW, and the criteria in Minnesota Rules Chapter 4410.1700, the project does not have the potential for significant environmental impact and an Environmental Impact Statement (EIS) will not be prepared.

BE IT FINALLY RESOLVED that the City Council of the City of Independence hereby authorizes the distribution of a negative declaration on the need for an EIS to all parties included on the EAW distribution list and to all persons that commented in writing during the review period.

This resolution was adopted by the City Council of the City of Independence on this 15th day of November 2022, by a vote of _ayes and ____nays.

ATTEST:

Marvin Johnson, Mayor

Mark Kaltsas, City Administrator

FINDINGS OF FACT
and
CONCLUSIONS

Windsong Farm Golf Club North Course
CITY OF INDEPENDENCE

Responsible Government Unit: City of Independence

Contact Person:

Mark Kaltsas, City Administrator / Planner
1920 County Road 90
Independence, MN 55359
mkaltsas@ci.independence.mn.us

Proposer: Fox Lake, LLC

Contact Person:

Jon Dailing, Golf Course Superintendent
18 Golf Walk
Maple Plain, MN 55359
763-479-7161
jdailing@wsfarm.com

September 2022

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APPENDICES

APPENDIX A – EAW PUBLICATION AND NOTIFICATION MATERIALS

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I. STATEMENT OF ISSUE

Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

This EAW is mandatory under Minnesota Administrative Rule 4410.4300 subpart 36, Land Use Conversion, including golf courses, due to the fact that it will convert more than 80 acres of agricultural land. Fox Lake, LLC, is the project proposer, and the City of Independence is the Responsible Governmental Unit (RGU) for this project, as per Minnesota Rules 4410.4300, Subpart 19.a.C.

The City of Independence's decision in this matter shall be either a negative or positive declaration on the need for an Environmental Impact Statement (EIS). The City must order the preparation of an EIS for the project if it determines that the project has the potential for significant environmental effects.

Based upon information in the record, which is comprised of the EAW for the Proposed Project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, the City makes the following Findings of Fact and Conclusions:

II. ADMINISTRATIVE BACKGROUND

Fox Lake, LLC, is the proposer for the Windsong Farm Golf Club North Course Project. The RGU is the City of Independence. An EAW was prepared for this project as part of the Minnesota Environmental Policy Act (MEPA) to fulfill requirements M.S. 116D and Minnesota Rules Chapter 4410. The EAW is used to provide sufficient environmental documentation for the RGU to base a determination of need for a state EIS or that a Negative Declaration is appropriate.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review to the required EQB Distribution List. A "notice of availability" was published in the EQB Monitor on May 10, 2022. Appendix A contains a copy of the EQB Monitor listing for the project and members on the EAW Distribution List. A media release was made available to the Crow River News April 8, 2022 (see Appendix A).

The EAW was posted on the City of Independence's website at: <https://www.ci.independence.mn.us/community/news/windsongfoxlake-llc-eaw>. The EAW was also made available for public review at the City of Independence city hall. Comments were formally received through June 9, 2022.

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. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period are provided in Appendices B and C.

III. FINDINGS OF FACT

A. Project Description

Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

The Project proposes to construct the golf course expansion on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Hennepin County, MN. This 125.6- acre tract will be referred to as the Project. The project will consist of an 18-hole golf course, an irrigation pond, and several supporting structures; a starter building, a maintenance building, and a satellite restroom. These buildings will be connected to the electrical grid, have separate septic systems and derive their drinking water from groundwater wells. The starter house and the maintenance building will require natural gas pipes for heating. During operation, irrigation water will be provided from wells and from an irrigation pond that is proposed with the Project.

In preparation for construction, the Project will require removal of a majority of the trees from the Project site, as well as the demolition of an abandoned barn. Landscaping will include grading, grassing, excavating an irrigation pond, installation of irrigation pipes & heads, and establishing native vegetation outside of the fairway. The Project will require construction of paved and unpaved cart paths, cart path bridges, buildings, and the infrastructure mentioned above.

Construction of the Project is anticipated to take 2 years from start to finish: beginning in 2022 and continuing in phased steps until spring 2024. Grubbing the site and mass grading would begin in late 2022. Then the drainage would be installed, and outlying areas would be stabilized with temporary/permanent seed and mulch. Construction would continue in April 2023 with installation of additional drainage and irrigation, as well as utilities, cart paths, and buildings. Finally, grassing and any remaining revegetation would occur from August to September 2023.

B. Corrections to the EAW or Changes in the Project since the EAW was Published

No corrections to the EAW or changes in the project took place since the EAW was published.

C. Agency and Public Comments on the EAW and Responses

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. Those agencies include: Metropolitan Council and Minnesota Department of Natural Resources. In addition, the City's consultants provided comments. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. A listing of the comments and responses from the Project Proposer is found in Appendix B. Refer to Appendix C for agency comment letters in their entirety.

IV. DECISION REGARDING NEED FOR ENVIRONMENTAL IMPACT STATEMENT

Minnesota Rule 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

A. Type, extent, and reversibility of environmental impacts

The City of Independence finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects.

The EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed project. This document provides any corrections, changes, and new information since the EAW was published. The proposed design for the project includes features to mitigate the identified impacts.

B. Cumulative potential effects of related or anticipated future projects

This topic was addressed throughout the EAW and in Section 19. The City of Independence's 2040 Comprehensive Plan addresses cumulative impacts to City infrastructure such as roads. Zoning and all permits and approval requirements will be secured prior to construction.

C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority

There are several Federal, State, and local permits required to ensure that specific environmental effects are mitigated. The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to permitting processes. Permits and approvals that have been or may be required prior to project construction are included in Table 1. Permits and Approvals Required.

Table 1. Permits and Approvals Required

Unit of Government	Type of Application	Status
City of Independence	Environmental Assessment Worksheet	Decision Requested
City of Independence/Board of Water and Soil Resources (BWSR)/U.S. Army Corps of Engineers (USACE)	Joint Permit Application (Wetland Delineation Review)	Approved
City of Independence/BWSR/USACE/Minnesota Pollution Control Agency (MPCA)	Wetland Impact and Replacement Plan	To Be Applied For
City of Independence	Conditional Use Permit	To Be Amended
City of Independence	Grading Permit / Stormwater Permit / Floodplain Review	To Be Applied For
City of Independence	Demolition Permit	To Be Applied For
City of Independence	Building Permit: New Construction	To Be Applied For
City of Independence	Building Permit: Septic	To Be Applied For
City of Independence	Tree Clearing Permit	To Be Applied For
City of Independence (West Hennepin Public Safety)	Burn Permit	To Be Applied For
Hennepin County	Access Permit	To Be Applied For
Minnesota Department of Natural Resources (MnDNR)	Water Appropriation Permit	To Be Applied For
MnDNR	Natural Heritage Information System Review	Request Submitted.
Minnesota Pollution Control Agency (MPCA)	NPDES/SDS Permit	To Be Applied For
Pioneer-Sarah Creek Watershed Management Commission (PSCWMC)	Land Development Review	To Be Applied For
State Historical Preservation Office (SHPO)	Letter of Response from SHPO	Initial Response Letter Received. Additional Work Requested.
State of Minnesota	Electrical Permit	To Be Applied For
U.S. Fish and Wildlife	Section 7 Consultation	To Be Initiated
Minnesota Department of Health (MDH)	Water Supply Well Permit	To Be Applied For
Utility Providers	Electrical Service. Natural Gas Service, Telecommunications	To Be Applied For

- D. The extent to which the environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies of the project proposer, including other EISs

The City of Independence finds:

1. The Proposed Project includes various measures to reduce adverse impacts to the environment and existing natural resources.
2. The Proposed Project is subject to City, County, State, and Federal requirements.
3. The Project Proposer will secure all necessary permits and will adhere to all requirements of the permits.
4. Considering the results of environmental review and permitting processes for similar projects, the City of Independence finds that environmental effects of the Proposed Project can be adequately anticipated, controlled, and mitigated.

V. CONCLUSIONS

1. All requirements for environmental review of the Proposed Project have been met.
2. The EAW and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
3. Areas where potential environmental effects have been identified will be addressed during the final design and site plan approvals of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigation measures are incorporated into project design and have been or will be coordinated with state and federal agencies during the permit process.
4. Based on the criteria in Minnesota Rules part 4410.1700, the Proposed Project does not have the potential for significant environmental effects.
5. An Environmental Impact Statement is not required for the proposed Windsong Farm Golf Club North Course Project in Independence, Minnesota.

For the City of Independence

Mark Kaltsas

City Administrator / Planner
City of Independence

Date

APPENDIX A – EAW PUBLICATION AND NOTIFICATION MATERIALS

EQB Notice of Availability

May 10, 2022

Windsong Farm Gold Club North Course

Location: Independence, Hennepin County

Process: Environmental assessment worksheet (EAW)

Step: Environmental assessment worksheet available

End of comment period: June 9, 2022

Project description: Fox Lake, LLC proposes to construct an 18 hole golf course north of the existing Windsong Farm Golf Club south course which will be located on a 125.6-acre tract of land. The land is comprised of rolling farmland, forests and wetlands. The project is privately owned and funded.

Link to public documents: [Windsong Farm Gold Club North Course EAW](#)

Location of public documents: Independence City Hall, 1920 County Road 90, Independence, MN 55359

Responsible governmental unit and contact: City of Independence, [Mark Kaltsas](#), 612-567-8786

EAW Distribution List

EQB Distribution List for City of Independence - Windsong EAW		
Agency	Distribution	Email Submission
Environmental Quality Board	1 copy by email	*Please use the EQB Monitor Submission Form
Dept of Agriculture	1 copy by email	stephan.roos@state.mn.us
Dept of Commerce	1 copy by email	raymond.kirsch@state.mn.us
Dept of Health	1 copy by email	health.review@state.mn.us
Dept of Natural Resources	1 copy by email	jill.townley@state.mn.us
Pollution Control Agency	1 copy by email	karen.kromar@state.mn.us
Board of Soil & Water Resources	1 copy by email	annie.felix-gerth@state.mn.us
Dept of Transportation	1 copy by email	katherine.lind@state.mn.us
State Archaeologist	1 copy by email	mn.osa@state.mn.us
Indian Affairs Council	1 copy by email	melissa.cerda@state.mn.us
State Historic Preservation Office	1 copy by email	ENReviewSHPO@state.mn.us
Environmental Conservation Library	1 copy by email	govdoc@hclib.org
US Fish & Wildlife Service	1 copy by email	Shauna_Marquardt@fws.gov
US Army Corps of Engineers	1 copy by email	mvp-reg-inquiry@usace.army.mil
US Environmental Protection Agency	1 copy by email	westlake.kenneth@epa.gov
Region 11: Hennepin County Library	1 copy by email	govdoc@hclib.org
Metropolitan Council	1 copy by email	reviewscoordinator@metc.state.mn.us
City of Independence		MKaltsas@ci.independence.mn.us
Bolton & Menk		Bob.Rogers@bolton-menk.com; Andrew.Budde@bolton-menk.com
Other interested parties	1 copy by email	amy@jass.biz; chad.ellos@hennepin.us; environment@hennepin.us; dlash@eorinc.com

EAW Distribution Letter

Media Release Provided to:

April 28, 2022

MEDIA RELEASE

FOR IMMEDIATE USE – April 28, 2022



Windsong Farm Golf Club North Course – Environmental Review

Independence, MN – The City of Independence has received a development proposal, known as Windsong Farm Golf Club North Course, on an approximately 125.6-acre parcel located on the northeast corner of Watertown Road/County State Aid Highway 6 and Copeland Road in Hennepin County, MN. The proposed project would construct an 18-hole golf course, an irrigation pond, and several supporting structures. The proposed project would be privately owned and funded.

As part of the planning and design phase of project development, an Environmental Assessment Worksheet (EAW) has been prepared and will be available for public and agency review beginning May 10, 2022. The EAW documents the purpose and need of the project along with the anticipated social, economic, and environmental effects. An electronic copy of the EAW is available for review at the City's website at:

<https://www.ci.independence.mn.us/community/news/windsongfoxlake-llc-eaw>

The deadline for submitting comments is Wednesday, June 8, 2022. All comments should be directed to: Mark Kaltsas, City Administrator, City of Independence, 1920 County Road 90, Independence, MN 55359, or via e-mail at: mkaltsas@ci.independence.mn.us

To request this document in an alternative format, please contact the Affirmative Action Office at 651-366-4718 or call 1-800-657-3774 (Greater Minnesota). For Minnesota Relay, call 711 or 1-800-627-3529. You may also send an e-mail to ADArequest.dot@state.mn.us. (Please make your request at least one week in advance).

APPENDIX B – RESPONSE TO COMMENTS

APPENDIX C – COMMENTS RECEIVED



June 7, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1290 County Road 90
Independence, MN 55359

**RE: City of Independence - Environmental Assessment Worksheet (EAW) –
Windsong Farm Golf Club North Course**
Metropolitan Council Review No. 22759-1
Metropolitan Council District 1

Dear Mark Kaltsas:

The Metropolitan Council received the EAW for the Windsong Farm Golf Club North Course project on May 9, 2022. The Project proposes to construct a golf course expansion to the existing Windsong Golf Club on six contiguous parcels located on the northeast corner of Watertown Road (CSAH 6) and Copeland Road in Independence. The proposed development consists of 125.6 acres with plans for an 18-hole golf course, an irrigation pond, several supporting structures, starter building, maintenance building, and a satellite restroom. The land is comprised of farmland, forests, and wetlands.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes. We offer the following comments for your consideration.

Item 11. Water Resources - Surface Water (Maureen Hoffman, 651-602-1279)

- 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.
- 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.
- The developer should consider placing a small layer of sand on greens to improve aeration and water drainage.
- 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.

Item 11. Water Resources - Water Supply (John Clark, 651-602-1452)

- 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.

- The EAW should be more explicit about any potable water needs beyond the maintenance building or if no additional potable water is needed.
- 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.
- 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.
- 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/>
- 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.
- 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.

Item 18. Transportation -Transit (Patrick Haney, 612-349-7451)

Transit service in the area is available with Transit Link through the Metropolitan Council.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Freya Thamman, Principal Reviewer, at 651-602-1750 or via email at Freya.Thamman@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Senior Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Judy Johnson, Metropolitan Council District 1
Freya Thamman, Sector Representative/Principal Reviewer
Reviews Coordinator

N:\CommDev\LPA\Communities\Independence\Letters\Independence 2022 Windsong Golf Course EAW Complete 22759-1.docx



Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106

Transmitted by Email

June 9, 2022

Mark Kaltsas, City Administrator/Planner
City of Independence
1920 County Road 90
Independence, MN 55359

Dear Mark Kaltsas,

Thank you for the opportunity to review the Windsong Farm Golf Club North Course EAW located in Hennepin County. The DNR respectfully submits the following comments for your consideration:

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

6. Page 19, Rare Features. DNR concurs that impacts to rare features are not anticipated as a result of this project.
7. 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.

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.

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.

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Melissa Collins", is displayed on a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources
Minnesota Department of Natural Resources

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC: Jon Dailing, Fox Lake, LLC

Equal Opportunity Employer

City of Independence

Derek Lash

From: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Sent: Thursday, June 23, 2022 2:24 PM
To: Derek Lash
Cc: John Dailing ; Chris Long
Subject: Re: Windsong EAW Next Steps

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category

Derek,

See request for additional information below (from City engineer)...let me know if you have any additional questions. Based on the list of comments that you noted as received, I think that you have everything that the City does.

The applicant (golf course owners/developer) can provide additional details on a couple items it would be good to do so....such as post construction stormwater management, overall site vegetation (areas planned for native fescue vs. "unmaintained areas"), will the site preserve/protect an area for replacement septic/mounds, and what type of fertilizers (organic?) are planned to be used on the course. These items should be addressed in the "Response to Comments" section of the Findings of Fact and Conclusions (FOF&C) document. The new information regarding the cultural resource survey findings and MNDNR NHIS findings should go in the portion of the document meant to provide "Additional Information Obtained Since Publication of the EAW."

Thanks,

Mark Kaltsas | City Administrator | City of Independence
mkaltsas@ci.independence.mn.us
D: 763.479.0044 | O: 763.479.0527

From: Derek Lash <dlash@eorinc.com>
Date: Thursday, June 23, 2022 at 2:18 PM
To: Mark Kaltsas <MKaltsas@ci.independence.mn.us>
Cc: John Dailing <jdailing@wsfarm.com>, Chris Long <clong@eorinc.com>
Subject: RE: Windsong EAW Next Steps

Good afternoon Mark,

I thought I would quickly check-in to see when you might be sending over EAW or CUP comments.

Thanks,

Derek R. Lash, PE, CPESC, ICSD, ICCSPPI
Senior Civil Engineer
EOR: water | ecology | community

Windsong Farm Golf Club North Course
MCE #: 2022-00259
Page 1 of 5



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Windsong Farm Golf Club North Course

Project Proposer: Fox Lake, LLC

Project Type: Development, Recreational/Entertainment

Project Type Activities: Tree Removal/Wetland impacts (e.g., discharge, runoff, sedimentation, fill, excavation)

TRS: T118 R24 S29, T118 R24 S32

County(s): Hennepin

DNR Admin Region(s): Central

Reason Requested: State EAW

Project Description: The Project is an expansion of the Windsong Farm Golf Club that lies directly to the south of the Project Site across Watertown Highway. The Project proposes ...

Existing Land Uses: A majority of the Project Site is in corn-soybean rotation (~93 acres). Wetlands with the Project Site (which excludes Fox Lake) account for about 14 acres, ...

Landcover / Habitat Impacted: A majority of land that will be impacted is cropland. About 10 acres of trees will be removed from the Project Site which includes areas of forest, brushland, and tree lines along field margins.

Waterbodies Affected: Between 1-2 acres of wetlands will be impacted. Impacts include fill (from grading), tree removal, and excavation to create an irrigation pond and a narrow ...

Groundwater Resources Affected: Yes, The Project will require a permanent groundwater permit for irrigation, and likely a temporary permit for construction.

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	No Comments	No Further Review Required
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	No Records	Visit IP aC For Federal Review



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

April 22, 2022

Natural Heritage Review #: 2022-00259

Christopher Long
Emmons & Olivier Resources, Inc.
1919 University Avenue West, Suite 300
St. Paul, MN 55104

RE: Automated Natural Heritage Review of the proposed Windsong Farm Golf Club North Course
See Cover Page for location and project details.

Dear Christopher Long,

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](#).

Project Type and/or Project Type Activity Comments

- 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.

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.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

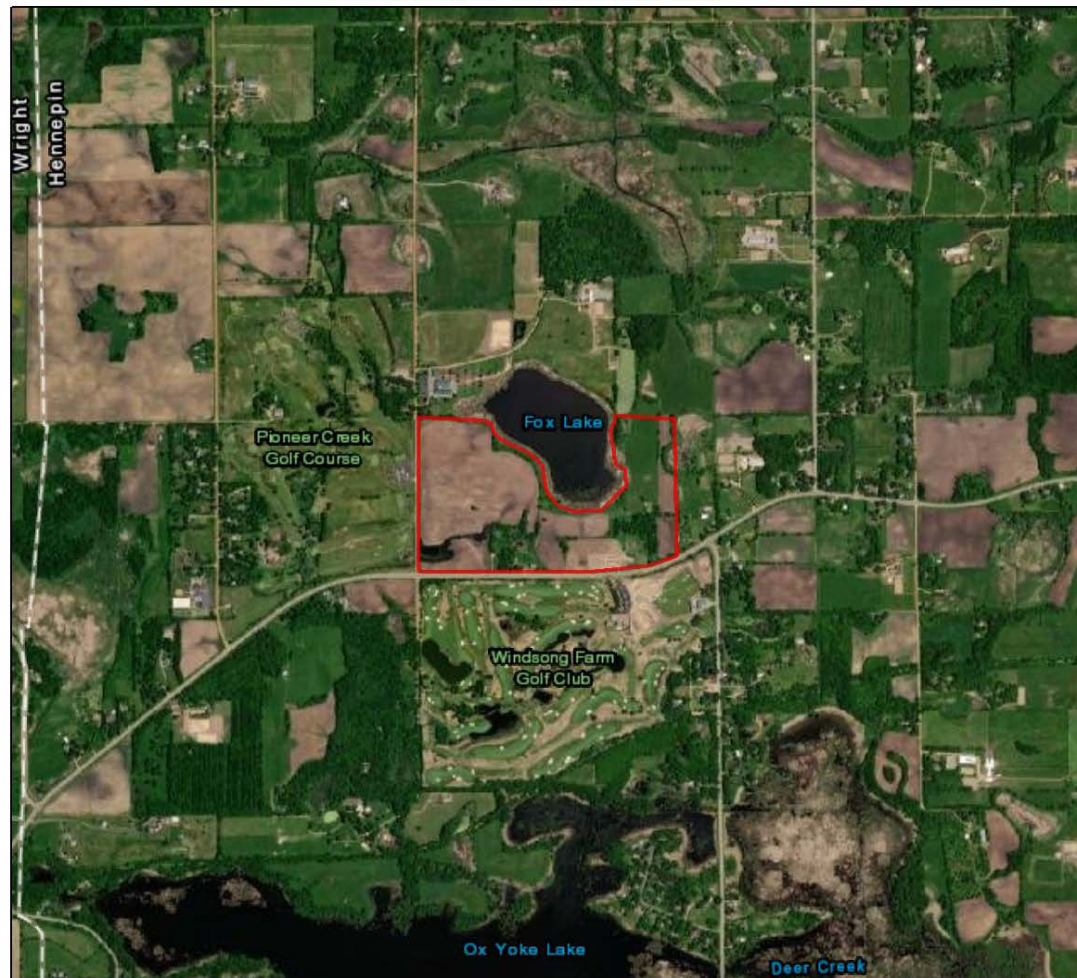
Sincerely,



Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
[Information for Planning and Consultation \(IPaC\) tool](#)
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Windsong Farm Golf Club North Course Aerial Imagery With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

 Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

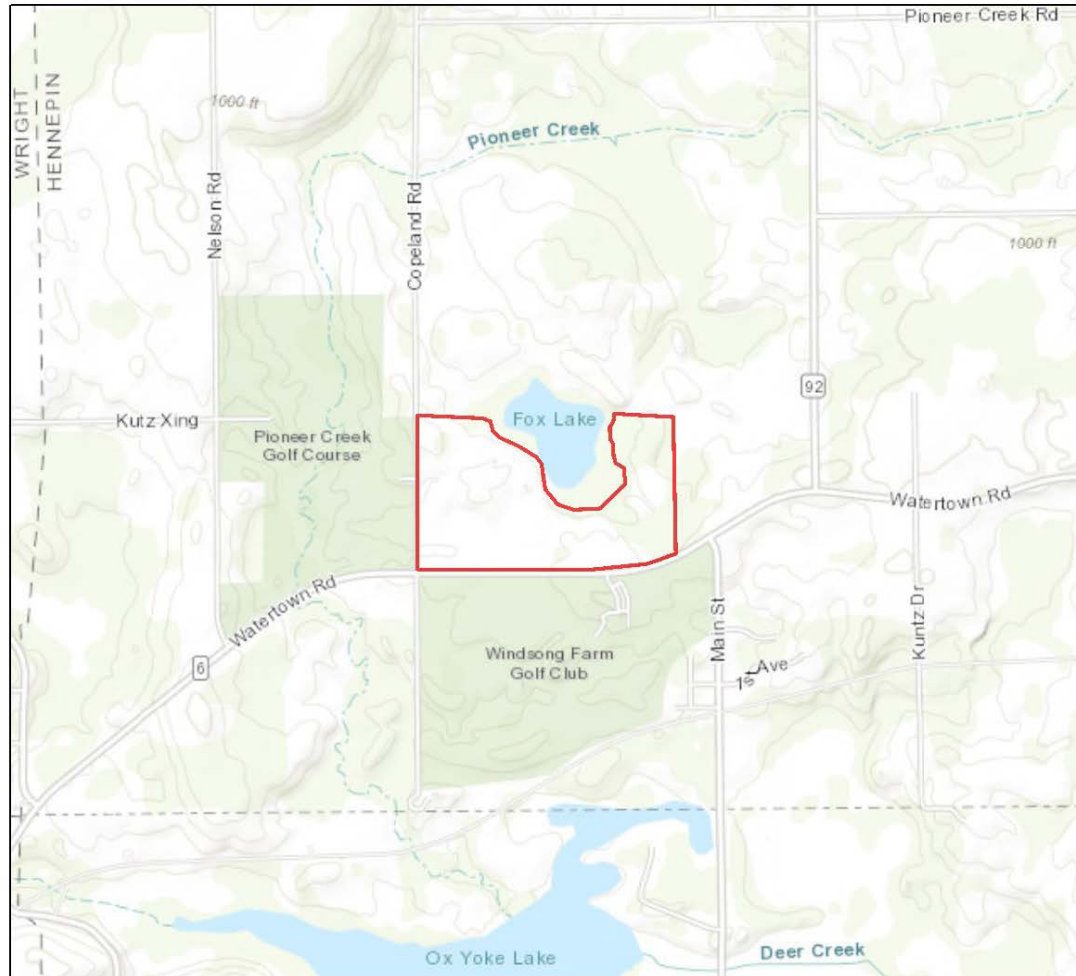
County(s): Hennepin

TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri



Windsong Farm Golf Club North Course USA Topo Basemap With Locator Map



0 0.15 0.3 0.6 0.9 1.2 Miles

 Project Boundary

Project Type: Development, Recreational/Entertainment

Project Size (acres): 124.47

County(s): Hennepin

TRS: T118 R24 S29, T118 R24 S32

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User



April 29, 2022

Jon Dailing
Fox Lake, LLC
18 Golf Walk
Maple Plain, MN 55359

Nienow Cultural Consultants
200 Plato Blvd. East
St. Paul, MN 55107



RE: NCC Phase I Archaeological Survey for Fox Lake, LLC, Maple Plain, Hennepin County,
Minnesota

Dear Mr. Dailing,

This letter is a summary of fieldwork completed by Nienow Cultural Consultants LLC (NCC) the week of April 25, 2022. This work is associated with the Fox Lake, LLC golf course expansion. The project area is located in Maple Plain, Minnesota in the N ½ of the NW ¼ and the E ½ of the NE ¼ of Section 32, Township 118N, Range 24W (Figure 1). The project proposes a northern expansion of the Windsong Golf Course. Fieldwork consisted of a surface survey of all cultivated areas followed by shovel testing in the northeast corner of the project area due to a lack of surface visibility. A total of six shovel tests were completed. No cultural materials were identified during survey.

Methodology

NCC's Principal Investigator for this project was Jeremy Nienow, PhD., RPA. A literature review was previously completed for this project by Emmons & Olivier Resources, Inc. in February of 2022. NCC conducted a brief literature review April 7, 2022 prior to fieldwork in order to identify any archaeological sites which may have been reported since the previous literature review was completed (see literature review results below).

Fieldwork consisted of surface survey of all cultivated fields, followed by shovel testing in the northeastern corner of the project area due to a lack of surface visibility. Shovel tests were excavated in a single transect on a 15-meter interval. The tested transect was placed on the highest area of the field overlooking the wetland located north-center within the project area. Shovel tests were typically 35-40 centimeters (cm) wide and at least 70cm deep. All soils were screened through ¼" mesh screen, detailed profile notes completed, photographs taken, and GPS points collected for each shovel test. All shovel tests were negative for prehistoric cultural materials.

Updated Literature Review

The archaeological site search includes all sites within a 2-mile radius of the edges of the project area. There are no known archaeological sites previously recorded within the project area. Six formally identified archaeological sites have been recorded within two miles of the project area, along with a single alpha site (Table 1.) Alpha sites are potential site leads identified via literature or mapping resources (i.e. *The History of Hennepin County* cited below). These have not been field-verified through archaeological survey. SHPO records contained no previously recorded architectural sites within the project area.

Table 1: Archaeological Sites Within Two Miles of the Fox Lake LLC Project Area

Site Number	Site Name	Site Type/ Details	Time Period/ Cultural Tradition	T/R/S	Distance from Project Area	Reference
21HE0171	Burkett	Artifact Scatter and Possible Human Burial	Pre-Contact	T118N, R24W, S20 NE ¼ of NE ¼ of SW ¼	1.37 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21HE0172	Evans Mounds and Habitation	Earthwork and Artifact Scatter	Pre-Contact: Woodland Period	T118N, R24W, S20 SE ¼ of SW ¼ of NW ¼	1.5 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21CR0066	-	Artifact Scatter	Pre-Contact	T117N, R25W, S1 SW ¼ of SE ¼ of NE ¼	1.55 Miles	Lofstrom (1980) An Archaeological Survey of Carver County
21HE0176	Pioneer Creek Overlook	Isolated Lithic Core	Pre-Contact	T118N, R24W, S27 NW ¼ of NW ¼ of NW ¼ of NW ¼	1.55 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21CR0067	Lukes Mounds	Mounds and Lithic Scatter	Pre-Contact	T117N, R25W, S1 S ½ of SW ¼ of NE ¼	1.66 Miles	Lofstrom (1980) An Archaeological Survey of Carver County
21HE0173	Brick Kiln	Remnants of a brick kiln	Post-Contact	T118N, R24W, S19 W ½ of NE ¼ of NW ¼	1.91 Miles	Mather (1995) Phase I Cultural Resources Report...Alternative Construction Corridors for Reconstruction of T.H. 12 from Wayzata to Montrose
21HEbd	Armstrong	Ghost Town	Post-Contact	T118N, R24W, S22	1.61 Miles	Neill (1881) History of Hennepin County

Five of the identified sites are Pre-Contact in origin, with the remaining formal site and the alpha site having originated in the Post-Contact Period. The Pre-Contact sites include a combination of artifact scatters (21HE0172, 21CR0066), isolated lithics (21HE0176), one earthwork (not-verified as burial-related, 21HE0172), one burial mounds site (21CR0067), and one artifact scatter with a potential human burial (21HE0171). The Post-Contact sites include a brick kiln (21HE0173) and a Ghost Town alpha site (21HEbd) for the town of Armstrong. None of these sites are within a mile of the project area, and the majority are located along the south fork of the Crow River to the west.

An historic farmstead is located along the southern edge of the project area just west of center. The farmstead appears to be first marked in Section 32 on the 1898 Plat of Independence Township (T118N, R24W) in Hennepin County. A 1937 aerial illustrates a large barn and at least five other structures, including two silos, present at the farmstead. Aerials between 1937 and today indicate structures were added and removed over time, but between 2012 and 2016, all farmstead structures besides the original barn, its shed addition, and the adjacent silo (also present since pre-1937) were demolished. The barn, attached shed, and adjacent silo were confirmed standing during the field survey on April 25, 2022 (Figures 8 through 11). A small wetland just north of the farmstead and another in the north-central portion of the project area are both present in the earliest aerials and appear to be majorly unchanged through today. The remainder of the project area was consistently cultivated historically. A monopole cell tower was installed just to the west of the farmstead between 2003 and 2004. NCC does not currently complete historic architectural reviews. NCC recommends the client communicate with a qualified architectural historian to see if evaluation of the barn is necessary.

Fieldwork Results

At the time of survey, the majority of the fields had been previously plowed (save for a section in the northeastern corner of the project area) allowing for a surface visibility of between 50% and 90% (see Figures 4 and 5 for examples of surface visibility). In areas of lowest visibility (50% to 60%) surface survey was completed on a 7 to 10-meter interval. In areas of highest visibility (60% to 90%) surface survey was completed on a 15-meter interval (See Figures 4 and 5 for visibility examples). Recent historic farmstead materials (i.e. shotgun shells, stoneware, whiteware), and modern debris (i.e. plastics, aluminum cans, golf balls) were encountered, but not collected. The project area contains several wetland areas containing thick brush. During survey, it was observed brush removal had begun adjacent to the southeasternmost wetland (Figure 6).

Six shovel tests were placed in a 15-meter interval on a transect overlooking the wetland in the north-center portion of the project area. Shovel tests were placed targeting the length of a high knoll. Soils were relatively consistent with an average profile of 10YR 2/1 Silty Clay Loam from 0 to 25cmbs, followed by 10YR 2/1 Silty Clay Loam mottled with 10YR 3/6 Clay from 25cmbs to 30cmbs, and finished with 10YR 3/6 Clay from 30cmbs to shovel test termination at 70cmbs. Tests were stopped once they were determined to be at least 30cmbs into culturally sterile subsoils. No prehistoric cultural materials were identified during surface survey or shovel testing. See Figure 3 for pedestrian survey and shovel testing locations.

Summary and Recommendation

NCC completed a Phase I Archaeological Survey including both surface survey and shovel testing within the Fox Lake, LLC project area for the Windsong Golf Course expansion. Shovel testing demonstrated consistent agricultural soils. No prehistoric cultural materials were identified during survey. Based on these results, *Nienow Cultural Consultants does not recommend any additional archaeological fieldwork at this time.*

With any project there is the chance of unanticipated discovery. Should archaeological materials surface during any future construction, it is advised a professional archaeologist be consulted. Minnesota Statute 307.08 protects unplatted cemeteries (including burial mounds) and issues guidelines for dealing with unexpected finds. Should human remains be encountered during earth moving activity, all work must stop and local law enforcement must be called.

If you have any additional questions about this work, do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, reading "Jeremy L. Nienow". The signature is written in a cursive, flowing style.

Jeremy L. Nienow, Ph.D., RPA
Nienow Cultural Consultants LLC.

Included: Figures 1-11

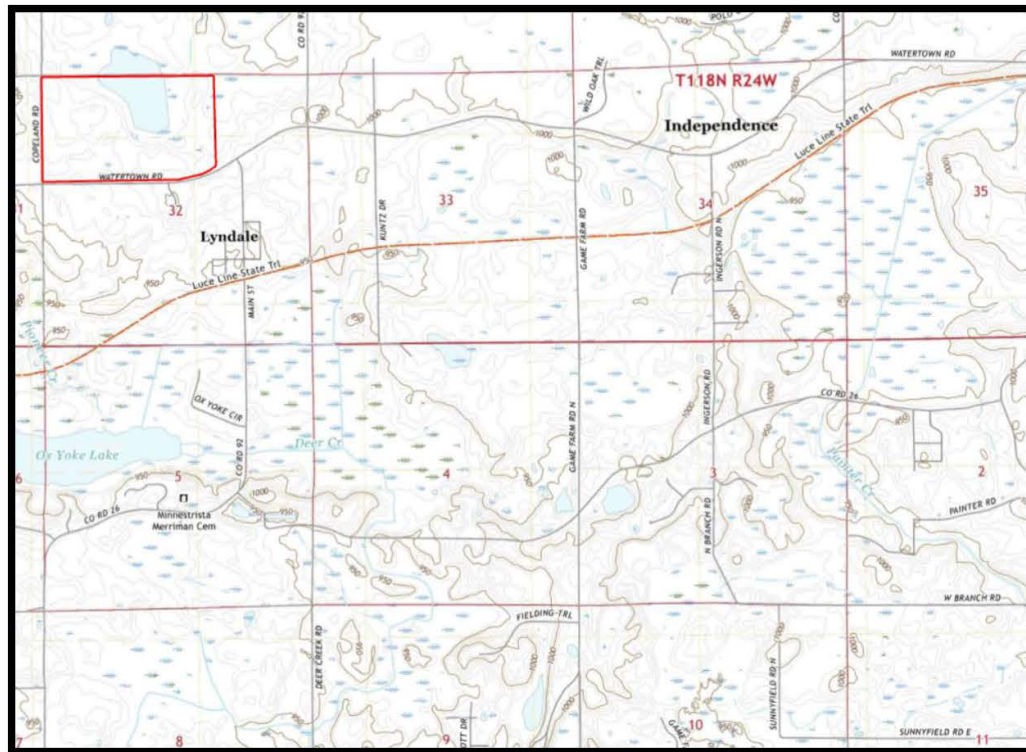


Figure 1: USGS Map of Project Area (red polygon).
7.5' Mound Quadrangle 2022, 1:24,000



Figure 4: Project Area Map (provided by EOR)

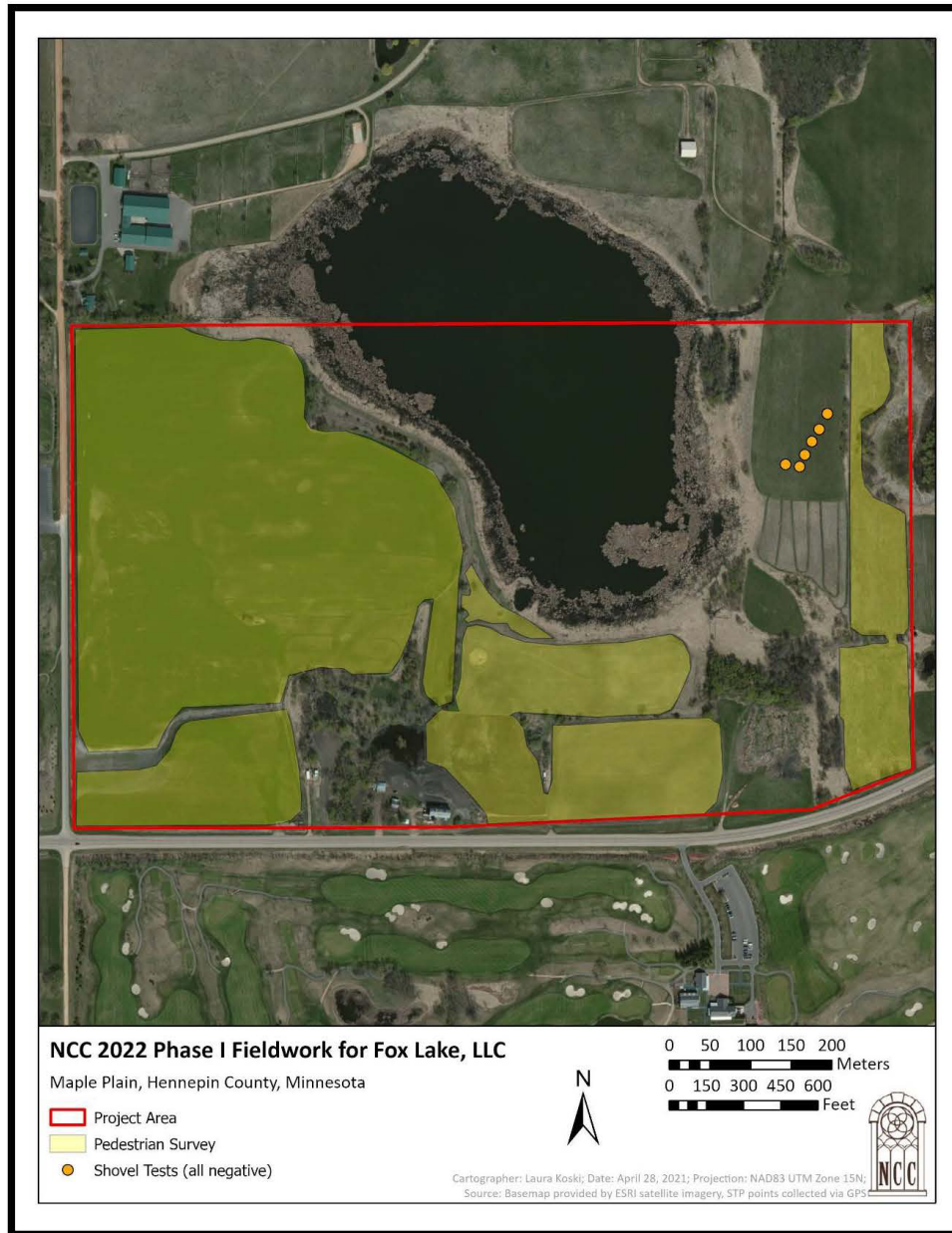


Figure 3: Close-Up Map of Shovel Testing Locations.



Figure 4: Surface visibility within easternmost fields within project area.



Figure 5: Field visibility and conditions in western and southern fields within project area.



Figure 6: Noted tree and brush removal within southeastern portion of project area.



Figure 7: Example shovel test pit.



Figure 8: Barn on Southern Edge of the Property Facing Northeast.



Figure 9: Barn on Southern Edge of the Property Facing Southeast.



Figure 10: Barn on Southern Edge of the Property Facing Southwest.



Figure 11: Barn on Southern Edge of the Property Facing Northwest.

**APPENDIX D – NEGATIVE DECLARATION
ON THE NEED FOR AN EIS**