



CITY COUNCIL MEETING AGENDA
TUESDAY JUNE 27, 2023

CITY COUNCIL MEETING TIME: 6:30 PM

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

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

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

- a. Approval of City Council Minutes from the June 6, 2023, Regular City Council Meeting.
- b. Approval of City Council Minutes from the June 14, 2023, City Council Workshop.
- c. Approval of Accounts Payable (Batch # 1; Checks Numbered 22085-22109, Batch # 2; Checks Numbered 22110-22116 and Batch # 3; Checks Numbered 22117-22132).
- d. For Information Only – Notification of Copeland Road Open House to be Held on August 2nd, 2023, at 7:00 PM.

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 Monthly Report for May 2023 – Chief Gary Kroells.

8. **PUBLIC HEARING:** Considering ordinance to Establish the BridgeVine Storm Sewer Improvement Tax District.

- a. **ORDINANCE No. 2023-03** – Considering establishment of the BridgeVine Storm Sewer Improvement Tax District.

9. Request Approval to Amend the City's Employee Handbook Based on Personnel Committee Recommendation.

- a. **RESOLUTION No. 23-0627-01** – Considering an amendment to the City's Employee Handbook to adjust comp time payments.

10. Consider Approval of Agreement to Convey Easement in Exchange for Waiver of Fees for the Property Located at 4224 Lake Sarah Drive South.

- a. Agreement To Convey Easement in Exchange for Fees.

11. Open/Misc.

12. Adjourn.

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 6, 2023 – 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 Betts, Spencer, McCoy and Grotting.

ABSENT: None.

STAFF: City Administrator Kaltsas, City Administrative Director Simon, and City Attorney Vose

VISITORS: Steve Bohl, Randy Stinson, Sally Simpson, Marsh Halberg, Dudley Bartholow

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 May 16, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 22050-22059 and Batch # 2; Checks Numbered 22060-22075 and Batch # 3; Checks Numbered 22076-22084).
- c. Large Assembly Permits:
 - i. Reception – 5280 Lake Sarah Heights. Dr. on June 24, 2023
- d. First Quarter Financial Report – ABDO (For Council Information Only)

Johnson asked if there was anything particular on the financial report. Kaltsas said that the budget is tracking as they expected for the year so far.

Motion by Spencer, seconded by McCoy to approve the Consent Agenda. Ayes: Johnson, Betts, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

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

6. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Grotting attended the following meetings:

- Planning

Spencer attended the following meetings:

- LMCC Budget meeting
- WHPS citizens academy graduation

McCoy attended the following meetings:

- Memorial Day services – Lewis Cemetery and Christ Lutheran

Betts attended the following meetings:

- WHPS citizens academy graduation

Johnson attended the following meetings:

- Planning
- Orono Healthy Youth
- Orono Awards Night (~\$100k in scholarships awarded)
- Mound, Hopkins, Wayzata and Minnehaha historical societies meeting on merging
- Orono school choir concert
- Dorothy Welch Funeral
- Sensible Land Use dinner on water issues
- MetCouncil Environmental services hearing (Virtual) (6.8% increase in budget across the board)
- WHPS police academy graduation
- Memorial Day Services – all 3 city cemeteries
- Common Bond meeting with WHPS Chief and MP Mayor
- Party in the Park in Maple Plain
- Regional Council of Mayors
- Resident on Kuntz phone call

Marilyn Hayes and Kathleen Blatz were the top donors for the new monuments in the cemeteries.

Simon attended the following meetings:

- Planning

Kaltsas attended the following meetings:

- Meeting with MnDot

7. Copeland Road Feasibility Study Discussion.

Kaltsas said there was a petition put together by the residents on Copeland Road to look to make improvements to the road. He said the city had conversations with several residents previously about the issues. The portion is being talked about is between County Road 6 and Hwy 12 and is about 3 miles long. There is a short portion of the road that is paved in front of the Golf Course and the rest is gravel. There was drain tile installation that was completed on that road. The city discussed a plan to put together a city-wide

gravel overlay project. This would be a 2024-2025 project. It is a large-scale overlay that the city would likely have to issue debt to get the roads back to where they should be and make it easier to maintain. Kaltsas stated that gravel roads everywhere were horrible this year. He explained that this could be an assessed project to the benefiting property owners. It depends on how in depth the repair would have to be such as storm water project that would be above and beyond a normal conveyance system, turning a gravel road to a bituminous road, different shoulders, larger scale drainage or gravel overlay. There is a statutory process in order to do this. Many other cities do this often, but Independence does not so we will have to follow procedure.

The process would be that the city first needs to talk with the city engineer, Geotech, site visits, design for more formal designs and options, Public Hearing, bids, assessment hearing and then council would decide. Kaltsas said before they proceed, they should do a site visit with public works and the city engineer, walk it, and look at drainage issues, historical improvements and how they have been holding up. Then they could look at design options and costs, schedule a meeting with residents and talk through what these things look like as well. One thing to note with rural roads is that there are extensive frontages on those roads so the benefiting properties may see significant numbers due to how much frontage they have on the road.

Betts asked if there is more density on the North side of Copeland.

Kaltsas said yes, it's not that far down on Copeland in comparison to Nelson.

Johnson asked if we have ever taken a traffic count in the summer to see if there are a lot of golfers that use that road.

Kaltsas said they have not recently done that in the last 20 years.

Betts asked if we have ever paved parts of roads in more dense areas.

Kaltsas said yes, Nelson has that.

Johnson said we demanded the golf course to pave in front of their frontage.

Betts asked if Nelson residents have been satisfied with their partial pavement.

Johnson said no. The people to the South of the pavement would like to see the pavement to continue in front of their properties as well. He asked if the tile that was put in a couple years ago was doing what it was supposed to do.

Kaltsas said he has seen good success with the tile installs, but there is limited material on top and this year was just a tougher year.

Johnson said we have a couple residents in the audience from Copeland Road and asked if they would like to speak.

Sally Simpson stated her name and that she lives at 2840 Copeland Road.

Marsh Halberg stated his name and lives at 2752 Copeland Road. He said he appreciates everyone that came together to discuss this. He stated that if someone drove down Copeland Road, it was down to 7mph this year because the roads were so bad. It led to all the residents talking. Sally and himself supplied a questionnaire to the residents and gave the results of that to the residents and the city. With 50 residents he said there are many opinions on what should happen with the road. He said he would like a walkthrough to talk about things that may not even be on their radar as possible solutions to the road. He also discussed that the timing of improvements to the road could be at the same time as other possible projects such as burying the power lines, the fiber optic cable or if there would be a roundabout happening on Hwy 12. He asked about educating the public works staff on grading or plowing to help maintain the roads condition. He said street funding is expensive and some residents will agree, and others will not.

Spencer said that he suggested to Sally that it is more feasible to have a community open house with staff, public works and a councilmember to talk about the concerns and discuss costs, positives, negatives and to update the residents on the city's future plans that are already in place. There are tiles that need to be completed before any work is done on the roads as well.

Sally said that she accepts this option and that there are probably more things that the residents do not know

about the city's plans than they actually know. It would be good to better understand this and get the discussion going.

Spencer said there have been several complaints about all the gravel roads in the city this year. The city does have plans for this and are already working on it.

Marsh said there are golfers coming down Copeland to get to Hwy 12.

Johnson said if it became a blacktop road, the traffic would increase.

Grotting said the quality of the gravel seems to be changing as well. It seems more like ag lime than gravel. He said he had a conversation with Shawn about it and Shawn had to specify the kind he wanted and stepped it up a notch due to the quality.

Johnson said we are limited to where we can get it.

Kaltsas said the city is only receiving one bid per year now.

Johnson said one good thing from the legislator is that we are getting a fund for roads of about \$99k. It will be permanent.

McCoy said Greenfield got money on a bonding bill and the city could maybe look into that when they are ready.

Grotting said Franklin Township went to granite and maybe there is a trade off there.

Kaltsas said he will look at it with the city engineers and bring back more information. He will initiate a project to go out and look at it with the residents.

8. BohLand Development (Applicant) and BohLand BridgeVine LLC (Owner) requests that the City consider the following action for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):
 - a. **ORDINANCE No. 2023-01** – Considering an ordinance amendment to allow planned unit developments as a conditional use in the Rural Residential Zoning District.
 - b. **RESOLUTION No. 23-0606-01** - Considering a conditional use permit to allow a planned unit development.
 - c. **RESOLUTION No. 23-0606-02** - Considering approval of a final plat and development agreement for the proposed subdivision of the property into 28 single-family lots with a minimum lot size of 1 acre.
 - d. **ORDINANCE No. 2023-03** – Considering establishment of the BridgeVine Storm Sewer Improvement Tax District.

Kaltsas said after being considered for final plat and ordinance from PC the applicant asked the city to consider final plat for the 28 lots. The city would have to adopt an ordinance to allow a planned unit development and CUP. He said he talked with the city attorney to notice the establishment of that district. The final plat is something that is reviewed on a more detailed level after approving the preliminary plat. The final plat is almost identical to the preliminary plat with the one difference being with the dock. MetCouncil has approved the comp plan and will be bringing it forward to respective communities this month. We will know on June 20th if any issues come of it. This plan was approved by Pioneer Sarah Watershed since then.

As related to comments about stormwater – the applicant did propose the addition above and beyond what was required such as a rain guard, rain garden on the SW side of the site and along Maple Street. Another high-level topic was the common dock. They are changing the outlot to an easement now along the lakeshore where the dock will go. The easement is in favor of association that gives access to a singular dock and is maintained by the HOA for one boat at any given time. This dock and boat would be utilized by the homeowners in this development. In the CUP permit, there is a section relating to the singular dock specifying that it is limited to one dock and one boat. It would be a condition of our CUP approval as well as their HOA.

The City currently doesn't have provisions for a PUD so we would be creating an ordinance to allow it as a PUD. Planning Commission talked about them being fine with the PUD but they thought it ought to be restricted. One thing planning recommended was to put a provision in the PUD that the property has to be guided by the comp plan and it is guided as lakeshore estates. The other provision of that ordinance is that a PUD needs to be 40+ acres, guided as lakeshore estates and connected to city sanitary sewer. Within the PUD, we would establish standards for this development such as the acre size and setbacks. These standards are right in between. We put additional provisions on accessory structures we are limiting to 1000sqft total. These are different lots than we have zoned. Outlots A, B, C, D and F are all open space with existing vegetation. Outlot D is a community amenity space that is internal to the development with a gathering space, covered structure, and is HOA regulated. There is a restrictive easement relating to preservation and protection of the ravine. There will be park dedication fees for the 27 lots with one existing lot. Planning reviewed the development, had more discussion on the PUD and CUP and they came up with lakeshore estates piece and inclusion of that in the final ordinance approval.

Kaltsas said we are including this in the comp plan amendment. It will be purple on the map and will be 0.75 units per acre for lakeshore estates. North of the park in Maple Plain is where Metcouncil will require us to do affordable housing. MetCouncil rejected the plan to put the affordable housing up against Delano since it couldn't connect to the sewer system. They would like to see 30-50 units per acre.

He stated that the comp plan will come back for adoption. It will be the same concept, same plan, just moving pieces around to get them to agree. If you look at density, when we proposed this plan, we had 2.7 units per acre.

Attorney Vose stated that there are some title issues with the property that will need be fixed prior to recording this subdivision. He also noted that the DA includes some provisions for the lift station.

Motion by Spencer, seconded by Betts to approve ORDINANCE 2023-01 to allow planned unit developments as a conditional use in the Rural Residential Zoning District. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Grotting, seconded by Johnson to approve RESOLUTION 23-0606-01 to allow a conditional use permit to allow a planned unit development. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Motion by Spencer, seconded by McCoy to approve RESOLUTION 23-0606-02 for the final plat and development agreement for Bridgevine subdivision. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Ordinance 2023-03 is delayed until a future date.

9. Request Approval of Funds Transfer as Recommended to Close Project Funding Accounts.

- e. **RESOLUTION No. 23-0606-02** – Considering an amendment to the City’s Employee Handbook based on recent legislative approvals.

Kaltsas explained that at the last legislative meeting the state recognized Juneteenth as a holiday effective this year instead of next year. It was signed into law. The city is looking to update the handbook to reflect this as a holiday.

Spencer noted that if Juneteenth is on a weekend, it would follow the state as far as which day it would be recognized, either Friday or Monday. The decision is to either grant staff another holiday or take one away. He said he would recommend granting it as another holiday.

Motion by Spencer, seconded by Betts to amend the Employee Handbook to add Juneteenth as a paid holiday effective immediately. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

10. Open/Misc.

11. Adjourn

Motion by Spencer, seconded by Grotting to adjourn the City Council Meeting at 7:45pm. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0

Meeting Adjourned.

Respectfully submitted,

Amber Simon, Recording Secretary

MINUTES OF A WORK SESSION OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, APRIL 11, 2023 – 7:00 AM.
(City Hall Community Room)

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a work session of the Independence City Council was called to order by Mayor Johnson at 7:00 a.m.

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts, Grotting, McCoy (arrived at Pioneer Park discussion)

ABSENT: None

STAFF: City Administrator Kaltsas, Administrative Services Director Simon, Public Works Supervisor Bode

VISITORS: WHPS Chief Kroells

3. General Administration

a. LMCC – Discussion relating to LMCC Member City Survey

Spencer explained that cable cutting is a big issue with source of funds. The number of people subscribing to cable is dropping by 5-10% each year. People have been going to streaming options instead of subscribing to cable. The primary service we enjoy from LMCC is that they upload our meeting videos online and you have the ability to click through an agenda and it will take you directly to the part of the meeting that the topic is being discussed in the video. LMCC is in a deficit for the next year but there are still reserves. Next year we are scheduled to renegotiate our contract. We are a large portion of their budget that is currently at \$280k. The options being presented to us are a.) does the city continue to pay the fees of 14% of their budget which would grow with inflation over time, b.) pull out and have someone else do our video uploading or c.) sell the building that LMCC is in, worth \$1m and use those funds to help keep LMCC afloat and offset some of these costs. This would defer the cost to its members for about 10 years.

Johnson asked what if the other cities decided to pull out and others didn't.

Spencer said they will have to choose. They are more concerned about the larger contributors such as Independence, Shorewood and some others pulling out.

Grotting said that we are seeing the value proposition for cable going away. The main value is to provide city meetings to people who do not have internet access. There is no connection to cable tv and internet regarding LMCC. Mediacom will continue to contribute 1 mile per year through the city. Grotting said working with Mediacom has been very difficult. They will continue to count rooftops and build out if there is enough density.

Spencer said if we negotiate for the next 10 years, we may need to include the short roads that they aren't considering, like Game Farm. Maybe an agreement to build those out.

Grotting said they are going to run into some competition with Xtratyme and Midco.

Spencer said we should do a vote in a council meeting with the three options. The executive committee seems to lean towards selling the building.

Kaltsas asked what our take home is if we sell.

Spencer said its about 14% of the value of the building. About \$130-140k. If we just pull out, we wouldn't get anything.

Kaltsas said \$140k in hand is better than not.

Spencer said there are young kids doing these types of things for cheap that we could get in here.

Johnson asked when we need to vote on this.

Spencer said by the August meeting. He said we should have an open discussion and vote on A, B or C in a public meeting. This isn't a final decision, it's just a survey of the members.

Kaltsas suggested we hear about the grant that the city applied for before voting if possible.

Spencer asked for this to be put on the July 18th meeting.

b. Pioneer Creek Community Park Master Plan – Cost Estimate and Youth Sports Organization Involvement.

Kaltsas asked where we want to go with the park plans. He said he got the engineering costs back for the full build out of the master plan for the park. The park would require rebuilding the entrance to the park to accommodate the full baseball/softball fields. The costs include a full bituminous drive, drainage, etc. The road would be moved about 50ft to the North. There is a baseball/softball complex with parking to service those fields on the East side of the park. The center of the park would have amenities such as the existing sand volleyball, playground and adding a skating rink and pickleball. And the West end shows 3 multi-purpose fields with more parking for soccer, football, frisbee, lacrosse or t-ball.

We have a lot of interest from Orono Baseball and Softball. There are some conflicts between the two. Softball wants the whole thing and baseball wants part of it. If they want to come forward with a proposal and money, we will have to know that both organizations are in agreement. Within the plan, there is a warming house, bathroom and concession that is currently located in the center of the park near the existing sand volleyball and playground. This would serve the whole park and would need septic, water and electricity. He asked what the city wants to go after with the existing funds and how to leverage the funds with the grant. He said the city is looking at a Fall submittal for the Hennepin County grant. There is also a DNR grant. The HC grant is the easiest to apply for and a better chance since we have never asked for it in the past. They reward up to \$500k, however it is not recommended to apply for the full amount, maybe \$400k. Kaltsas said we currently have about \$200k in park dedication and another \$200k roughly coming in soon. If we get the grant, it could be \$800k. It would pay for potentially the main drive, parking lot and maybe a multi-purpose field.

Grotting asked if grading would be included in that. If you could do one field and pickleball, that would be good.

Kaltsas said yes. The pickleball courts, drive, parking and 1 or 2 fields.

Grotting asked what about the savings on doing partial work now and having them come back.

Kaltsas said the city would put all the drainage, grading and lighting in. It would be prepped for future additions. The warming house is roughly \$520k. That is a fancy building that we do not need as much of what is included in it. It would have bathrooms.

Johnson asked if softball and baseball have different field size requirements.

Kaltsas said yes, softball plays on 1 size fields and baseball could play on 4 or 5 different sized fields. He said that Soccer is interested in an indoor facility but may still be a partner in this. Orono Softball and Baseball are very interested. Baseball said they are willing to give us \$1m to build the 2 fields and softball said they are interested in doing the same. He said without the grant though, we are really limited to what we can do.

Spencer said that would be just to build the infrastructure. He said if we are talking with the groups, his biggest concern is the maintenance costs that the city pays for. He said if this is something the city

needs to help maintain, he is out.

Grotting asked what cash flow comes out of it.

Kaltsas said if we partner, the groups will want to use the fields with no rent costs. Baseball said they will be doing all the maintenance. That works with good leaders and good volunteers.

Betts said it would be nice for the soccer fields and small amenities that our own community would use.

A lot of people wouldn't enjoy it if it was mainly for use by bigger groups. The soccer fields are low maintenance and pickleball would ease a lot of the community into the park. There could be picnic tables out there so people can enjoy it. This is not the Orono School Park.

Kaltsas said if they bring money in, we will consider building that part of the park. They have a challenge in front of them to raise \$1m but they are very confident they can do it.

Betts said that the city had a sports association years ago with an agreement that they were able to help with our parks and that fell apart and the association dissolved.

Grotting asked why this conversation started. Timing is everything. This is a great plan, but if we are getting dragged into it by other forces, its not good.

Kaltsas said the park isn't used very much. Frisbee golf is highly used. The city has been collecting park dedication fees for 10 years and haven't been spent. We could spend some of it on this park buildout.

Youth sports were very interested in using this park. We just need a place to start. You have to do a youth facility in order to qualify for the Hennepin County grant.

Spencer said that if the city does this, it has to be done right. The most sustainable would be to have a quad field with bathrooms and concessions in the middle to throw tournaments to raise money.

McCoy said the feedback he has received from softball is that they cannot throw tournaments there with how it is set up now.

Kaltsas said Orono Baseball said they were fine with this plan and it worked for them. There would be security and a gate when this gets built out to keep people from ruining it at night.

c. Fire District - Discussion and Provide Update

Kaltsas said he talked with Jeff Leuer, Chief of West Suburban District that is combined with Hamel and Loretto. They are open to Independence becoming part of that district. The only hold up is figuring out liability on the retirement relief. Right now, it is \$3,800/year for firefighters, and we would have to get to \$7,000. The cost is about \$800k to buy into that. He asked how we pay for that and is it feasible. We pay 70% and Maple Plain pays 30% right now. If we buy in, would it be 50/50? Nothing in the JPA talks about that. We have zero input.

McCoy said you have to look at it long term and what benefits it would have to be a part of a district.

Kaltsas said if Maple Plain said they were out, we wouldn't owe any of that. He said the city has talked about expanding the district next year and dissolving Delano. The city needs to notify Delano by October if they plan to make a change. Currently the city pays Delano \$75k/year. Leuer said he would do it for much less. Kaltsas said Leuer was going to plug in some numbers and see if it makes sense long term.

Spencer said if we could pay \$50k/year over the next 10 years that wouldn't be a big deal but if we have to cover it all right away, that would be difficult.

Kaltsas said that there is a provision in the statue that could cover this. Maple Plain would like to get into the JPA.

Spencer asked about Medina.

Kaltsas said they have committed 100%. Long Lake and Wayzata are even interested.

Spencer said he thinks this fire district is the future.

Kaltsas said we need to figure out the liability on the relief and who pays for what.

d. Miscellaneous Project Updates

Spencer said he had a conversation with Sally Simpson from Copeland Road. She wants to talk about the road. Rather than coming into a city council meeting and only getting 3 minutes to speak, he suggested doing an open house with staff where they could ask their questions. Shawn will be present from Public Works to discuss the process and educate residents on how the roads are maintained and what is being done to recover them. The city will send letters to the Copeland Road residents announcing the date of August 2nd at 7:00 pm at City Hall to have this discussion in-person. This will not be a virtual conversation.

Kaltsas said he is also working with the engineer to schedule a walkthrough and to get some costs for that road.

4. Adjourn

The Workshop adjourned at 8:49 a.m.

Respectfully Submitted,
Amber Simon/ Recording Secretary

Date: June 14th, 2023

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

From: Director Gary Kroells

SUBJECT: MAY 2023 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

May 2023

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	3	6	15	46
Traffic	129	97	425	434
Part III	6	7	15	30
Part IV	31	37	145	145
Part V	136	147	530	532
Total City of Independence	305	294	1,130	1,187
City Of Maple Plain				
Criminal	4	3	18	43
Traffic	22	13	149	178
Part III	4	1	9	15
Part IV	30	18	123	97
Part V	39	68	205	272
Total City Of Maple Plain	99	103	504	605
Grand Total Both Cities	404	397	1,634	1,792
TZD	19	14	93	12
Agency Assists	23	24	104	70
Total ICR Reports	446	435	1,831	1,874
How Received				
Fax	10	7	51	67
In Person	12	11	60	97
Mail	0	0	2	14
Other	1	0	5	5
Phone	31	50	109	165
Radio	160	180	670	725
Visual	180	132	735	650
Email	14	14	86	145
Lobby Walk In	38	41	114	6
Total	446	435	1,832	1,874

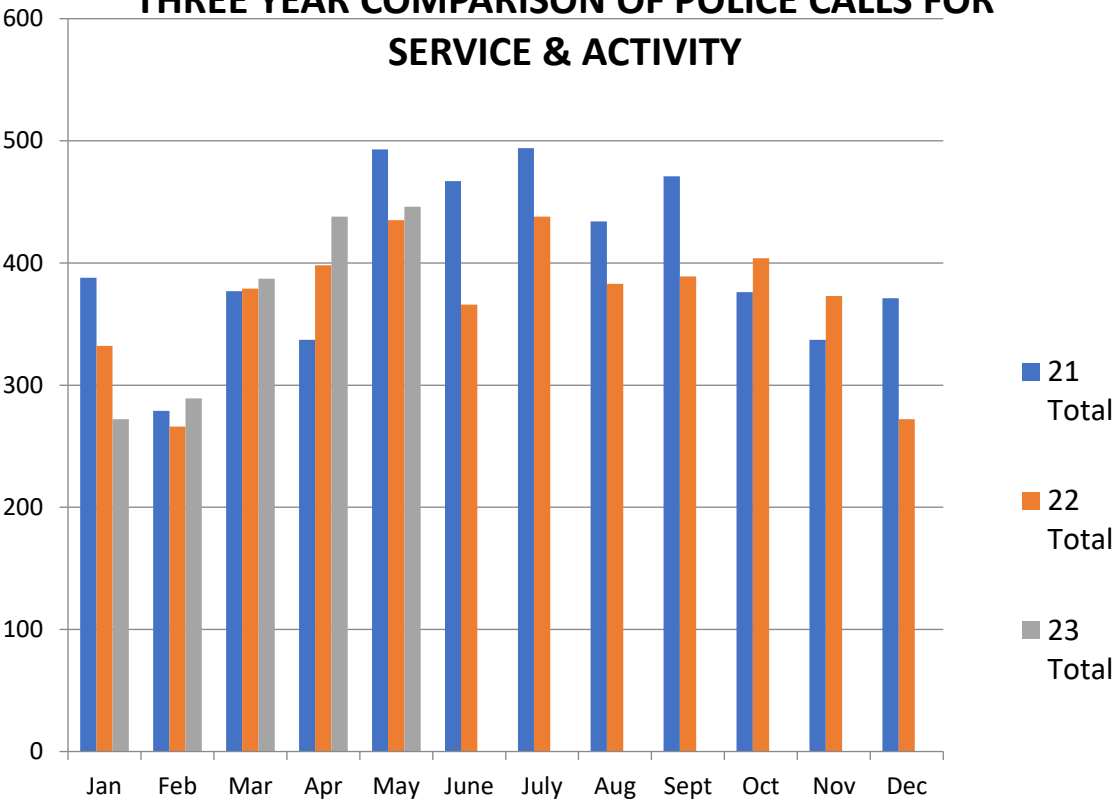
May 2023 Part I & II**City of Maple Plain #'s 1 & 2**

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
WHPS	23001492	Threats of Violence	2023-05-08	01	2023-05-08	A9b01	2
WHPS	23001524	Domestic	2023-05-10	01	2023-05-10	AL551	2
WHPS	23001668	Citation - Underage Drink	2023-05-21	01	2023-05-21	J3T01	2
WHPS	23001420	Thft Frm Auto Rp	2023-05-02	02	2023-05-02	VE111	1

May 2023 Part I & II**City of Independence Grid #'s 3-5**

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
WHPS	23001456	Theft From Auto/FTCF	2023-05-05	03	2023-05-05	U155B	2
WHPS	23001488	Thft Frm Auto Rp	2023-05-08	03	2023-05-08	VE111	1
WHPS	23001986	Assault	2023-05-30	03	2023-05-30	AL350	2

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



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY May 2023 Activity Report

Year to Date Activity Report

At the end of May 2023, West Hennepin Public Safety (WHPS) handled year-to-date a total of 1,832 incident complaints. For the month of May; 305 incidents occurred in the City of Independence and 99 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.

Suspicious Activity

May 2

700 block of Copeland Road, Independence. Officer was on routine patrol in the area and observed a vehicle in a parking with its lights. Due to the time of night and the business being closed, this was unusual. Officer made contact with the two occupants of the vehicle who explained they were hanging out. Officer didn't see indications of criminal activity. Officer explained a closed business late at night is not a good place to hang out. They left without incident.

Theft From Auto

May 2

5600 block of Highway 12, Maple Plain. Officer was dispatched to take a report of a stolen license plate. Reporting party stated the license plate was stolen during the day while parked at a nearby business. Officer entered the license plate as stolen.

Crash

May 3

Intersection of Highway 12 and County Road 90, Independence. Officer was dispatched to a property damage crash involving three vehicles, in which one had already left the scene due to a family emergency. It was found that the car that had caused the accident had tried to pass one vehicle and a semi on the shoulder. That car didn't see a sign on the shoulder, swerved to miss it, causing the collision. That driver was cited for the offense.

Neighbor Complaint

May 4

900 block of County Road 19, Independence. Officer was dispatched to a neighbor complaint. Report party stated kids keep driving four-wheels and bikes through her yard. Officer contacted the parent of the children. Both parties advised this is a reoccurring issue and they each wanted the other trespassed from their yards. Officer issued a trespass notice for each party involved.

Crash

May 4

9300 block of Highway 12, Independence. Officer was dispatched to a three-car property damage crash. Officer arrived and located three vehicles involved in a rearend crash. All parties involved denied injuries and refused EMS. It was determined the rear driver accelerated quickly to get onto Highway 12, the sun got in his eyes, and driver attempted to brake but mistakenly pushed the accelerator causing the crash. The third driver was cited for failure to driver with due care.

Noise Complaint

May 5

5200 block of Bryantwood Drive, Maple Plain. Officer was dispatched to a noise complaint. Reporting party was a neighbor who stated there was an individual yelling and possibly on the phone. Officer arrived on scene and determined the individual was on the phone yelling at Domino's regarding bleu cheese. Officer advised the keep his voice down.

Underage Party

May 6

Intersection of County Road 92 and Lake Sarah Road, Independence. Officer was dispatched to a welfare check regarding a subject sitting in the middle of the road. Officer responded and an assisting agency advised they were chasing individuals through the woods. Officers were able to take them into custody and it was determined there was a nearby party where multiple minors were drinking alcohol. Officers made contact with the homeowners who were out of town and stated their children were supposed to be the only one's home. All minors were issued tickets for underage drinking. Parents were contacted to pick up each minor.

Suspicious Activity

May 6

Intersection of Highway 12 and County Road 92, Independence. Officer was dispatched to a stalled vehicle in the area partially blocking the roadway. Officer arrived on scene and found the vehicle was unoccupied. Officer spoke with the registered owner who advised the vehicle broke down and they were waiting for AAA to tow it. Officer checked a short time later and the vehicle was removed from the roadway.

Warrant Arrest

May 6

5200 block of Highway 12, Maple Plain. Officer was dispatched to a possible suicidal party who stated he was going to take pills and overdose. Reporting party was the subject's mom who advised he's been having a tough time with substance abuse and obtaining work as he just got out of treatment. Officer located the subject who appeared to be in a sound state of mind. The subject did have two active warrants. He was transported to Hennepin County Jail for his warrants.

Fraud

May 8

4700 block of Lake Sarah Heights Circle, Independence. Officer was dispatched to take a call regarding fraudulent charges on the reporting party's account. Reporting party advised she was trying to send money to a different country for a trip she was planning, and the transaction wasn't going through. She contacted her bank and received a call back. The caller remoted into her computer, got her passwords, and eventually sent a transaction of almost \$800 to Bangladesh. Her bank was able to refund her.

Suspicious Activity

May 8

2700 block of Becker Road, Independence. Officer was dispatched to suspicious activity regarding an older vehicle that had stopped by the house. Reporting party thought the driver was scoping out the neighborhood. Reporting party spoke with the driver. The driver advised he was looking for an address to purchase a heater. The driver gave an address in the city of Becker then drove away. Later, neighbors noticed two other cars doing the same thing. Officer conducted extra patrol in the area.

Juvenile Problem

May 9

1500 block of Wyman Avenue, Maple Plain. Officer was dispatched to a report of juveniles entering a vacant building. Officer arrived on scene and located three juveniles who explained they had only made entry into the vestibule area, not the interior of the building. Officers contacts each of their parents and were advised to stay off the private property.

Civil Issue

May 10

3500 block of Lake Haughey Road, Independence. Officer took a phone call from an individual who was asking for a civil escort to get property. It was found that the individual has a no contact order on the homeowner. Officer advised he is not allowed to go to the property at all. A short time later, the homeowner advised the individual was breaking into her house and taking items. Ultimately, the individual was allowed to take his items and was issued a trespass notice. He was advised the severity of the crimes he committed.

Medical

May 11

1900 block of County Road 90, Independence. Officer was dispatched to an individual having chest pain. Officer arrived on scene and was advised that the patient was on his way to the hospital when he pulled over and called 911. MPFD and North Memorial Paramedics arrived and placed an EKG on the patient, which indicated the patient was having a heart attack. Patient was transported to the hospital.

Crash

May 11

Intersection of Highway 12 and County Road 90, Independence. Officer was dispatched to a crash involving two vehicles. One vehicle was attempted to pass the other in the outside lane in the roundabout. The passing vehicle ran out of room to complete the pass, causing the collision. Minor damage to the vehicle and no injuries.

Welfare Check

May 13

6500 block of Meadow Ridge, Independence. Officer was dispatched to a welfare check regarding the reporting party's daughter who is possibly at a prom after party drinking and smoke marijuana. Officer arrived on scene and met with the homeowner who explained the juvenile was there. Officer spoke to the juvenile and didn't smell alcohol or marijuana or show signs of impairment. Juvenile was told to call the reporting party.

Crash
May 13

3500 block of County Road 92, Independence. Officers, North Memorial Paramedics, and Delano Fire were dispatched to a report of a single vehicle roll-over crash. The driver told dispatched he hydroplaned and rolled the vehicle causing injury to his neck. Officers provided medical care along with Delano Fire until Paramedics arrived. It was determined the driver had driven off to the shoulder, hitting a private driveway, and rolled the vehicle end over end. Driver was transported to the emergency room.

Traffic Complaint
May 14

Intersection of Highway 12 and Delano Avenue, Maple Plain. Officer was dispatched to a traffic complaint regarding a vehicle following the reporting party too closely. Officer arrived in the area and observed the suspect vehicle. Officer initiated a traffic stop on the vehicle and found the driver was a juvenile and didn't have a reason to be tailgating. Officer issued a verbal warning for the driver and spoke to the driver's mother.

Abandoned Vehicle
May 15

Intersection of Sunset Lane and Fern Drive, Independence. Officer was dispatched to a parking complaint. Reporting party stated the vehicle had been there all day and looks like it had been in an accident. Officer arrived and identified the registered owner, who we were unable to find contact information for. The vehicle had extensive driver's side and front-end damage as if it had side swiped something significant. One tire was a flat donut, that the tread was worn down completely. The vehicle was not safe to drive on the road due to the damages, therefore the vehicle was towed.

Suspicious Activity
May 16

5600 block of Pioneer Creek Drive, Maple Plain. Officer was dispatched to a suspicious vehicle. Officer arrived and spoke to the occupant of the vehicle who she was a delivery driver and couldn't begin delivery for a few hours, so she was sleeping in the vehicle. Officer called the reporting party and was advised of the situation.

Domestic
May 17

1400 block of Rainbow Avenue, Maple Plain. Officer was dispatched to a phone call of a possible domestic assault. Officer spoke to the reporting party who explained he and his ex-wife were arguing about car insurance. His wife hit him in the arm. He did not want to press charges but wanted an officer to speak to her. Officer called and contacted the female party who advised he cancelled her insurance without her knowledge, so she punched him in the arm. Officer advised both parties to separate and to not get physical.

Traffic
May 18

Intersection of Highway 12 and Budd Avenue, Maple Plain. Officer was on routine patrol and observed a fully loaded claw truck with the tag axle not down. The was so much weight, that the tires were bouncing off the pavement and spinning. Officer stopped the truck and instructed the driver to come to the police department. Officer completed a weight report and determined the truck was almost 14,000 pounds overweight for its registration. Driver was issued a citation and was told to transfer its content before operating on the roadway.

Traffic Complaint
May 19

Intersection of County Road 6 and County Road 90, Independence. Officer was dispatched to a traffic complaint where a vehicle was crossing over the centerline. Officer located the vehicle and initiated a traffic stop. Driver stated he was unaware he was going over the centerline. Officer attempted to contact the reporting party for further information, but they didn't answer. No signs of impairment. Driver was issued a verbal warning for the driving conduct.

Suspicious Activity
May 20

5100 block of Main Street, Maple Plain. Officer was dispatched to an alarm at a nearby closed business. Alarm company advise they had video footage of a male entering the exterior doors and then leaving. Officer approached the business and met with a male who stated he set off the alarm. He explained he was looking for a place to warm up and found the outer door unlocked, not realizing the alarm would go off. He then waited nearby for Officers arrival. Officer gave him a ride home. Nothing criminal occurred.

Verbal Domestic
May 21

Intersection of Moline Road and County Road 110 North, Independence. Officer was dispatched to a possible domestic. Reporting party stated there was a vehicle driving next to a female who was walking in the area. Officer arrived on scene and observed both individuals who appeared to be engaged in civil conversation. Officer spoke to both parties who advised they had just broken up and nothing physical had occurred. Female party wanted to walk home, and the male driver drove in the other direction.

Suspicious Activity
May 22

6400 block of Pagenkopf Road, Independence. Officer was dispatched to a suspicious party on the road taking photos. Officer arrived in the area and located the male in a vehicle leaving the area. Officer stopped the vehicle and spoke to the driver who advised he was taking pictures of the lilacs. Driver showed the pictures on his professional type of camera. Officer did not observe anything that would intrude on a person's privacy. Reporting party was satisfied with the explanation.

Disturbance
May 23

6400 block of Highway 12, Independence. Officer was dispatched to customer trouble at a nearby business. Report party stated an individual was unhappy with their service and pushed him. Officer took statements from both parties involved and witnessed who stated the reporting party got into the employee's face. Ultimately, officer decided no charges would come of it.

Lockout
May 24

1500 block of Howard Avenue, Maple Plain. Officer was dispatched to a residential lockout. Report parting stated his door locked behind him when he left, and his dog is inside the residence. Officer was able to unlock the door for him and ensured the dog was okay.

Traffic Complaint
May 26

Intersection of Highway 12 and County Road 90, Independence. Officer was dispatched to a property damage hit and run crash. The officer located the suspected hit and run vehicle. After speaking with both parties, there was no collision or damage, but the reporting party wanted to complain about the other vehicle's driving.

Suspicious Vehicle

May 26

1500 block of Parkview Road, Maple Plain. Officer was dispatched to a vehicle that has driven by the reporting party's house multiple times within the last few minutes. Officer located the vehicle and spoke to the occupants of the vehicle. It was determined the driver had her learner's permit and was practicing driving on quiet road. Nothing criminal.

Assist

May 26

7700 block of Highway 12, Independence. Officer was on routine patrol in the area and observed a vehicle being towed. Officer stopped and asked the occupants standing outside of the vehicle if they needed a ride home. Officer transported both occupants to their residence.

Unwanted Person

May 27

5300 block of Highway 12, Maple Plain. Officer was dispatched to an unwanted party in the area. Officer spoke to the reporting party who stated the subject no longer wanted to stay and wanted his payment back. Reporting party refunded the subject, but he hadn't left yet. Officer was unable to locate the subject but contacted him via phone. Subject stated he was waiting for someone with a car to assist with moving his belongings out.

Arrest

May 30

7900 block of County Road 6, Independence. Officer was dispatched to a possible assault. Officer arrived and observed the reporting party bleeding from the face. He advised he was assaulted by a renter of his home. When the reporting party told the suspect he was going to call the police, he then threw the victim's phone, obstructing his ability to call the police. Jeffrey Michael Weinman (51) was arrested for assault and interfering with emergency communications. He was booked and transported to Hennepin County Jail.

Animal Complaint

May 30

6700 block of Turner Road, Independence. Officer was dispatched to an injured trumpeter swan. Officer arrived on scene and located the swan which appeared to have a broken wing. Officer called Wildlife Rehab and Release organization who sent employees to capture the swan. The swan was successfully captured and transported to the rehab center for treatment.

Arrest
May 30

3700 block of Lake Haughey Road, Independence. Officer was dispatched to an unwanted party at a residence. Reporting party stated she allowed the subject to stay at her place for a couple of nights but no longer wants him there. Reporting party advised the subject may have a warrant. Officer ran the subject and confirmed the warrant. The subject was picked up from the home and removed without incident. He was turned over to the arresting agency to be transported to jail.

Traffic Complaint
May 31

1300 block of Baker Park Road, Maple Plain. Officer was waved down by a driver while on routine patrol in the area. Officer spoke to the individual who explained a bicyclist almost caused a crash after running a stop sign. The two exchanged words and had a road rage episode. Ultimately, Officer discussed following the laws of the road and the two dispersed.

City of Independence

Consider Adoption of Storm Sewer Improvement Tax District that Would Apply to the BridgeVine Subdivision

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: June 27, 2023
Applicant: BohLand Development
Owner: BohLand BridgeVine LLC
Location: 2236 South Lake Shore Drive

Request:

BohLand Development (Applicant) and BohLand BridgeVine LLC (Owner) requests that the City consider the following action for the properties generally located at 2236 South Lake Shore Drive, Independence, MN (PID No's. 24-118-24-14-0005, 24-118-24-11-0009 and 24-118-24-11-0012):

- a. An ordinance establishing a Storm Sewer Improvement Tax District.

Property/Site Information:

The property is located on the north side of Perkinsville Road and in-between South Lake Shore Drive and County Road 19. The property has frontage on Lake Independence and is comprised primarily of agriculture land. There are two homes on the subject property along with several detached accessory buildings. The property is comprised of densely wooded areas, wetlands and tillable acreage.

Property Information: 2236 South Lake Shore Drive

Zoning: Agriculture (S-Shoreland Overlay), Rural Residential

Comprehensive Plan: Lakeshore Estates

Acreage: ~48 acres

2236 South Lake Shore Drive Aerial



Discussion:

The City approved the final plat for the proposed development at its last meeting. In addition to requiring the long-term maintenance of the storm water conveyance system by the homeowner's

association (HOA), the City has adopted a practice of establishing a storm sewer improvement tax district for new developments. The City is permitted to establish a storm sewer improvement tax district to acquire, construct, reconstruct, extend, maintain and otherwise improve storm sewer systems and related facilities within the District and to levy a tax on all taxable property within the District to finance such activities. The district boundary would directly correspond with the extents of this development and would provide the City with the ability to maintain the system in the future if the HOA is no longer solvent. The City can establish this district by ordinance. The ordinance has been prepared for formal adoption at the Council Meeting.

Improvement Districts require a public hearing which has been dually noticed. The proposed district would cover only those properties associated with the BridgeVine Subdivision and do not affect any additional properties of the City.

Recommendation:

The City Council is being asked to consider adoption of **ORDINANCE 2023-03**, establishing the BridgeVine Storm Sewer Improvement Tax District.

Attachments:

ORDINANCE 2023-03



ORDINANCE OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 2023-02

**AN ORDINANCE ESTABLISHING THE BRIDGEVINE
STORM SEWER IMPROVEMENT TAX DISTRICT**

THE CITY OF INDEPENDENCE, MINNESOTA DOES ORDAIN:

Section I. Background: Findings.

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

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

The West 525 feet of the East 657 feet of Government Lot 1 except the South 246 feet of the East 444 feet thereof; That part of Government Lot 1 lying West of the East 657 feet thereof and South of "Fred W. Anderson's Addition", all in Section 24, Township 118, Range 24, free and clear of all dedications of streets, roads, alleys and public use of property contained in the plat of Perkinsville, Hennepin County, Minnesota.

AND

Lots 13 to 25 inclusive, "Fred W. Anderson's Addition".

AND

Lot 4, "Fred W. Anderson's Addition", except the East 2.00 feet, as measured at right angles to the East line thereof, free and clear of all dedications of streets, roads, alleys

and public use of property contained in the plat of Perkinsville, Hennepin County, Minnesota.

That part of vacated Maple Street, dedicated in the plat of "Fred W. Anderson's Addition" lying southerly of the centerline of said Maple Street, and between the northerly extension across it of the westerly line of Lot 16, said plat, and the southerly extension across it of the centerline of Lake Street, said plat; That part of vacated Maple Street, dedicated in the plat of "Fred W. Anderson's Addition" lying southerly of the centerline of said Maple Street, and between the southerly extension across it of the centerline of Lake Street, as dedicated in said plat, and the northerly extension across it of the easterly line of Lot 25, said plat; That part of vacated Maple Street, dedicated in the plat of "Fred W. Anderson's Addition" lying northerly of the centerline of said Maple Street, and between the southerly extensions across it of the centerline of Lake Street, as dedicated in said plat, and westerly line of the East 2.00 feet of Lot 4, as measured of right angles to the East line thereof, said plat; That part of vacated Lake Street, dedicated in the plat of "Fred W. Anderson's Addition" lying easterly of the centerline of said Lake Street, as dedicated in said plat. (Torrens)

AND

Lot Twenty-six (26) in "Fred W. Anderson's Addition" and that part of vacated Maple Street as dedicated in said plat of "Fred W. Anderson's Addition" lying southerly of the centerline of said Maple Street and between the northerly extension of the easterly and westerly lines of said Lot 26.

And to be platted as BridgeVine, Hennepin County, Minnesota.

Section II. Establishment: Authorizations.

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

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

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

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

Adopted by the City Council of the city of Independence this 27th day of June 2023.

Marvin Johnson, Mayor

Attest:

Mark Kaltsas, City Administrator

City of Independence

Employee Handbook Amendment

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: June 27, 2023

Discussion:

The City's current overtime policy is not wholly clear and has several potential discrepancies that are in need of clarification. One aspect of the policy has been questioned by employees and relates to how overtime hours worked are compensated. The current policy requires employees to take comp time for ½ hour of any overtime pay earned, plus one hour of overtime pay. Employees have asked if the City would consider a change in the policy so that they are paid 1 ½ hours of overtime for each hour earned rather than having to take comp time as a portion of the compensation. There are few things to consider relating to this question:

The comp time requirement only applies to overtime accrued Monday through Friday. The City pays overtime separately for both Saturday and Sunday/Holidays. The cost to the City is conceivably the same. Employees that do not use the comp time will be paid out at the end of the year or if their accrual of comp time exceeds 20 hours at any time during the calendar year.

Staff has reviewed this issue with the Personnel Committee. The Personnel Committee considered the issue and recommended that the policy be updated to remove the mandatory comp time requirement and pay the overtime pay earned by the employee.

In addition to the comp time issue, the City reorganized the policy language to clarify how overtime is earned for each of the designated time periods (M-F, S, S/Holidays). The City is proposing to strike the current policy language and adopt the proposed language as follows:

Current Policy:

OVERTIME

~~Employees shall work overtime when necessary. Overtime compensation will be paid to all nonexempt employees in accordance with federal and state wage and hour laws. Employees must obtain prior authorization from their supervisor before working overtime. Overtime pay is based on actual hours worked. Overtime hours are anything over 40 hours in a one week time period, calculated from 12:00 a.m. on Sunday to 11:59 p.m. on Saturday. Time off on sick leave or vacation leave that is approved by Supervisor will be considered hours worked for purposes of computing overtime pay. Overtime accrued as a result of the use of compensatory time will be paid at straight time.~~

~~Your paycheck will include your basic pay plus any overtime pay you have earned. Overtime will be paid at the rate of one and one-half times the employee's basic rate of pay for every hour worked over 40 hours in a one-week time period, Sunday to Saturday, as follows: for each hour of overtime worked, employees will receive one hour of straight time pay plus one-half hour of compensatory time.~~

~~Compensatory time shall not exceed 20 hours at any time and cannot carry over year to year. Hours worked on Saturdays will be paid at the rate of one and one-half times the employee's usual rate of pay. All holidays and Sundays worked will be paid at double time. Employees must obtain prior authorization from their supervisor before working on a Saturday, Sunday or holiday, except in an emergency situation when it is impossible to obtain prior authorization.~~

~~Example: ——— Thanksgiving Day Double Time
Friday after Thanksgiving Day Double Time
Saturday Time and 1/2
Sunday Double Time~~

~~Your supervisor will be responsible for directing you to take time off after 40 hours has been reached. You are responsible for advising your supervisor if you are going to reach 40 hours before the regular workweek ends.~~

Proposed Policy:

OVERTIME

Employees shall work overtime when necessary. Overtime compensation will be paid to all nonexempt employees in accordance with federal and state wage and hour laws. Employees must obtain prior authorization from their supervisor before working overtime. Overtime pay is based on actual hours worked.

Overtime hours shall be calculated as follows:

- Work week – 1 ½ times pay for all hours worked over 40 hours in a one-week time period (calculated from 12:00 a.m. on Monday to 11:59 p.m. on Friday).
- Saturdays - 1 ½ times pay for all hours worked (calculated from 12:00 a.m. on Saturday to 11:59 p.m. on Saturday).
- Sundays and Holidays - 2 times pay for all hours worked (calculated from 12:00 a.m. on Sunday to 11:59 p.m. on Sunday).

Employees must obtain prior authorization from their supervisor before working on a Saturday, Sunday or holiday, except in an emergency situation when it is impossible to obtain prior authorization.

Example: Thanksgiving Day Double Time
 Friday after Thanksgiving Day Double Time

Saturday Time-and-1/2
Sunday Double Time

Your supervisor will be responsible for directing you to take time off after 40 hours has been reached. You are responsible for advising your supervisor if you are going to reach 40 hours before the regular workweek ends.

NOTE:

- “On call” hours do not count towards overtime hours earned.
- Time off on sick leave or vacation leave that is approved by a Supervisor will be considered hours worked for purposes of computing overtime pay.

Recommendation:

The City Council is being asked to consider approval of the required change to the Employee Handbook relating to overtime compensation.

Attachments:

RESOLUTION No. 23-0627-01



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 23-0627-01

A RESOLUTION ADOPTING AN AMENDMENT TO THE EMPLOYEE HANDBOOK

WHEREAS, the City of Independence (the “City”) has adopted policies governing city employees and associated personnel matters; and

WHEREAS, the City has proposed an amendment to the employee handbook governing personnel policies; and

WHEREAS, the updated policy is shown on **EXHIBIT A** attached hereto; and

WHEREAS, the Council has reviewed the proposed amendment and directed the revisions to the policies stipulated in the handbook.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the proposed amendment attached hereto and the amendment shall be incorporated into the previously adopted employee handbook.

This resolution was adopted by the city council of the City of Independence on this 27th day of June 2023 by a vote of ____ ayes and ____ nays.

ATTEST:

Marvin Johnson, Mayor

Mark Kaltsas, City Administrator

Exhibit A

Current Policy:

OVERTIME

~~Employees shall work overtime when necessary. Overtime compensation will be paid to all nonexempt employees in accordance with federal and state wage and hour laws. Employees must obtain prior authorization from their supervisor before working overtime. Overtime pay is based on actual hours worked. Overtime hours are anything over 40 hours in a one-week time period, calculated from 12:00 a.m. on Sunday to 11:59 p.m. on Saturday. Time off on sick leave or vacation leave that is approved by Supervisor will be considered hours worked for purposes of computing overtime pay. Overtime accrued as a result of the use of compensatory time will be paid at straight time.~~

~~Your paycheck will include your basic pay plus any overtime pay you have earned. Overtime will be paid at the rate of one and one-half times the employee's basic rate of pay for every hour worked over 40 hours in a one-week time period, Sunday to Saturday, as follows: for each hour of overtime worked, employees will receive one hour of straight time pay plus one-half hour of compensatory time.~~

~~Compensatory time shall not exceed 20 hours at any time and cannot carry over year to year. Hours worked on Saturdays will be paid at the rate of one and one-half times the employee's usual rate of pay. All holidays and Sundays worked will be paid at double time. Employees must obtain prior authorization from their supervisor before working on a Saturday, Sunday or holiday, except in an emergency situation when it is impossible to obtain prior authorization.~~

Example: ——— Thanksgiving Day Double Time
Friday after Thanksgiving Day Double Time
Saturday Time and 1/2
Sunday Double Time

~~Your supervisor will be responsible for directing you to take time off after 40 hours has been reached. You are responsible for advising your supervisor if you are going to reach 40 hours before the regular workweek ends.~~

Proposed Policy:

OVERTIME

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Overtime hours shall be calculated as follows:

- Work week – 1 ½ times pay for all hours worked over 40 hours in a one-week time period (calculated from 12:00 a.m. on Monday to 11:59 p.m. on Friday).
- Saturdays - 1 ½ times pay for all hours worked (calculated from 12:00 a.m. on Saturday to 11:59 p.m. on Saturday).
- Sundays and Holidays - 2 times pay for all hours worked (calculated from 12:00 a.m. on Sunday to 11:59 p.m. on Sunday).

Employees must obtain prior authorization from their supervisor before working on a Saturday, Sunday or holiday, except in an emergency situation when it is impossible to obtain prior authorization.

Example: Thanksgiving Day Double Time
 Friday after Thanksgiving Day Double Time
 Saturday Time-and-1/2
 Sunday Double Time

Your supervisor will be responsible for directing you to take time off after 40 hours has been reached. You are responsible for advising your supervisor if you are going to reach 40 hours before the regular workweek ends.

NOTE:

- “On call” hours do not count towards overtime hours earned.
- Time off on sick leave or vacation leave that is approved by a Supervisor will be considered hours worked for purposes of computing overtime pay.

■City of Independence

Agreement to Convey Easement in Exchange for Waiver of Fees

To:	City Council
From:	Mark Kaltsas, City Administrator
Meeting Date:	June 27, 2023

Discussion:

The City had identified that its lift station located at 4224 Lake Sarah Drive South was located outside of the City's right of way and wholly on the adjacent private property. The owner of the adjacent property had been considering making a connection to the City's sanitary sewer system. The City discussed the possibility of obtaining a drainage and utility easement across a portion of the property to allow for future and ongoing maintenance of the existing lift station. The City has occasionally discovered similar situations where an easement was not recorded and or formally obtained for lift stations or similar public utility structures.

The subject property is currently served by an on-site septic system but has a service stub and was assessed for the initial installation of the service. The City discussed the possibility of waiving the connection fees and SAC charge in exchange for conveyance of a drainage and utility easement that would provide access to the existing lift station. The City prepared an *Agreement to Convey Easement in Exchange for Waiver of Fees*, a survey of the proposed easement and the requisite conveyance documents. The owner of the property has signed all of the documents provided and the City is now presenting the final documents to the Council for formal consideration.

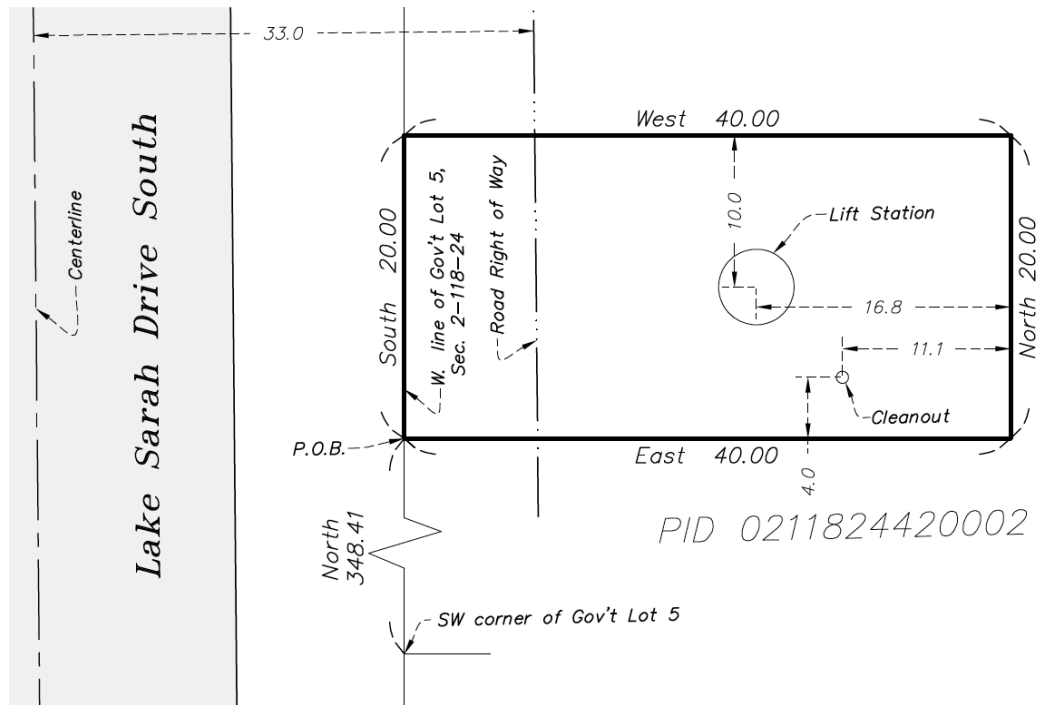
The easement that was proposed by the City is 20 feet wide by 40 feet long. The City has proposed a fee waiver that is broken down as follows:

\$125 street to house connection
\$2,485 SAC (to Metropolitan Council)
\$1,250 for the City sewer permit fee
\$3,860 Total Fee Waiver



Easement Survey

Prepared for: City of Independence



Recommendation:

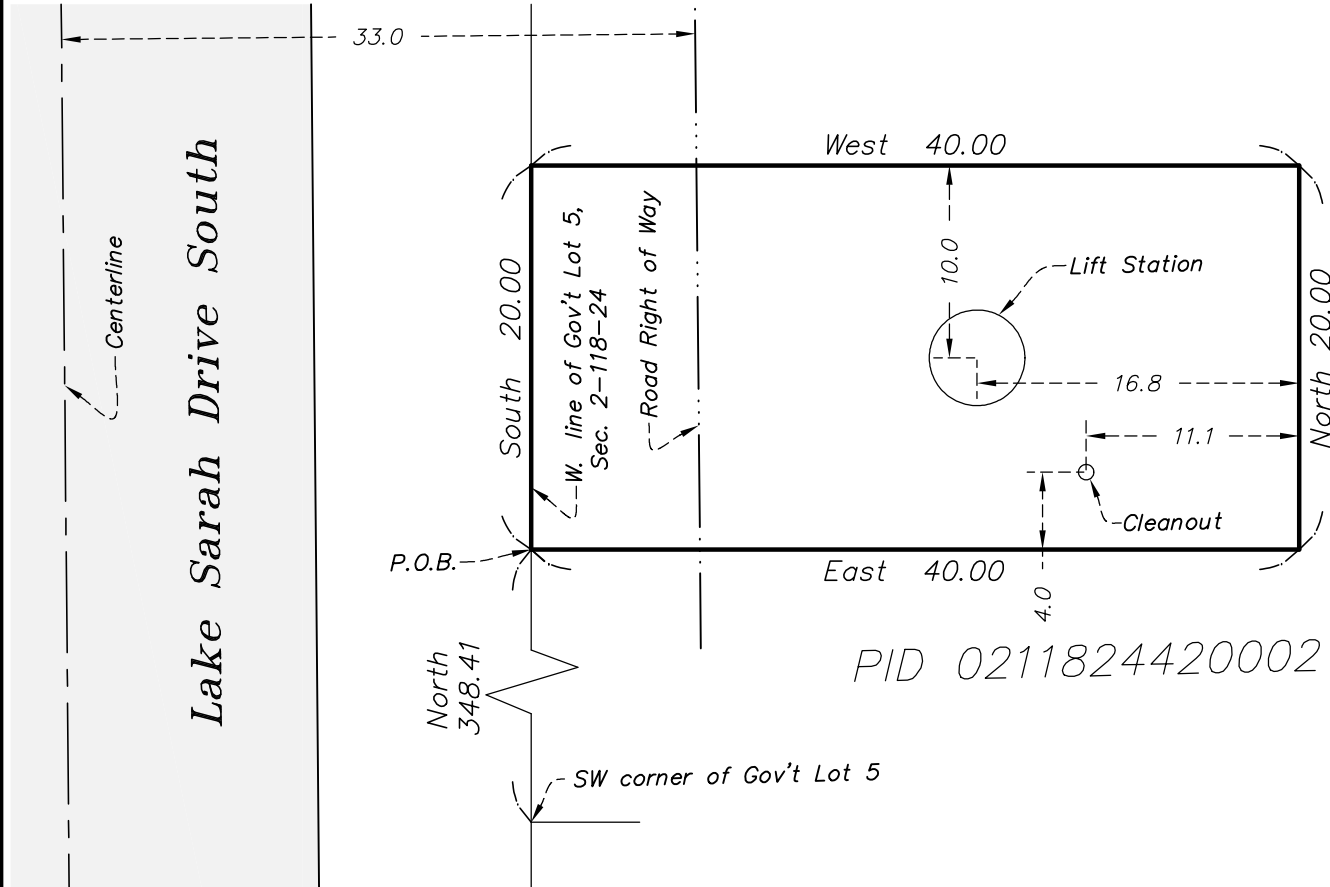
The City Council is being asked to consider approval of the *Agreement to Convey Easement in Exchange for Waiver of Fees*.

Attachments:

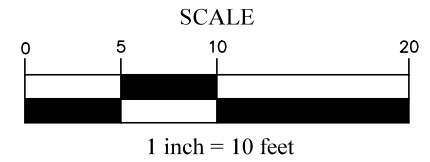
Survey of Proposed Easement
Agreement to Convey Easement in Exchange for Waiver of Fees
Drainage and Utility Easement

Easement Survey

Prepared for: City of Independence



Site Address:
4224 Lake Sarah Drive S.
Independence, MN 55359



Proposed Easement:

That part of Government Lot 5 in Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 5; thence on an assumed bearing of North, along the west line of said Government Lot 5, a distance of 348.41 feet to the point of beginning of the easement to be described; thence East 40.00 feet; thence North, parallel with said west line of Government Lot 5, 20.00 feet; thence West 40.00 feet to said west line; thence South, along said west line, 20.00 feet to the point of beginning.

Bearings based on assumed datum.

SCHOBORG
LAND SERVICES
INC.

763-972-3221
www.SchoborgLand.com

8997 Co. Rd. 13 SE
Delano, MN 55328

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

Kelly L. Brouwer

Kelly L. Brouwer

Date: June 8, 2023

Registration No. 48328

Job Number:	9616
Survey Date:	6/05/23
Drawing Name:	cityofindependence.dwg
Drawn by:	KLB
Revisions:	

**AGREEMENT TO CONVEY EASEMENT
IN EXCHANGE FOR WAIVER OF FEES**

THIS AGREEMENT is made and entered into as of the 8 day of June, 2023, by and between John A. and Toni L. Zitzloff, husband and wife (collectively, "Owners"), and the City of Independence, a Minnesota municipal corporation ("City").

WITNESSETH:

WHEREAS, Fee Owner is the fee owner of property in Hennepin County, Minnesota, legally described on the attached Exhibit A (the "Property").

WHEREAS, the Fee Owner and Contract for Deed Vendees entered into a contract for deed under which the Fee Owner agreed to sell certain real property to Contract for Deed Vendees. Said contract for deed was filed in the Office of the County Recorder on April 7, 2014 as Document No. A10068106.

WHEREAS, the Property is currently not connected to the City's sanitary sewer system ("City System") as is required by City Code Section 705.10.

WHEREAS, the City requires a drainage and utility easement covering the lift station located on the Property as depicted in Exhibit A (the "Easement").

WHEREAS, the Owners have agreed to grant the Easement on the condition that the City waive sanitary sewer connection fees.

WHEREAS, the Owners and City shall enter into a separate agreement titled Easement for Drainage and Utilities ("Easement Agreement") conveying the easement to the City.

WHEREAS, the Easement Agreement and this Agreement shall be recorded in the County's real estate records.

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

1. Grant of Easement. The Owners shall grant the City a drainage and utility easement in a separate Easement Agreement.

2. Connection to City System. The Owners shall connect the Property to the City System within five (5) years of the Effective Date of this Agreement. The Owners acknowledge and agree that if the connection is not timely completed, the City will not be obligated to waive connection fees pursuant to paragraph 3 below, and the City may seek to enforce City Code Section 705.10 and require completion of the connection.

3. **Waiver of Sanitary Sewer Connection Fees.** The City shall waive all fees required to connect the property to the City System, identified as the Total Sewer Connection Fee in the City's 2023 Fee Schedule, provided such connection is completed within five (5) years. The City shall be responsible for any increase in the Total Connection Fee that may occur between the Effective Date of this Agreement and the date the Owners connect to the City System.

4. **City's Maintenance Rights.** The City may enter the Easement and maintain the lift station if the City reasonably believes that the Owners have failed to maintain the lift station in accordance with this Agreement or applicable law. In such case, the City shall reasonably endeavor to give thirty (30) days' notice of such failure to Owners prior to undertaking maintenance activities. In the event of an emergency as determined by the City Administrator, no advance notice of failure to maintain shall be required. If maintenance is not promptly completed, the City may make access over the Property and enter the Easement to perform maintenance. In such case, the City shall send an invoice of its reasonable maintenance costs to the Owners, or their successors or assigns.

5. **Assessment of Costs.** The Owners, and any successors or assigns as fee owner(s) of the Property, shall reimburse the City for all costs incurred to maintain the Easement and enforce this Agreement, including reasonable attorneys' fees, within thirty (30) days of receipt of an invoice as provided in paragraph 4. If the City is not promptly reimbursed in full, the Owners consent to the City levying special assessments against the Property in a total amount not to exceed the City's actual invoiced costs, all in accordance with Minnesota Statutes Section 429.061. The Owners waive notice of hearing and hearing on the special assessments authorized by this Agreement, waive the right to appeal such special assessments, and agree that all requirements of Minnesota Statutes Chapter 429 are waived by the Owners. Any special assessments levied against the Property shall be payable over a period of time to be determined by the City, commencing at a time determined by the City, bearing interest at a rate determined by the City Council with such interest accruing from the date levied. Nothing herein shall preclude the City from levying additional special assessments against the Property for public improvements.

6. **Hold Harmless.** The Owners, and any successors or assigns as fee owner(s) of the Property, agree to indemnify and hold harmless the City and its agents and employees against any and all claims, demands, losses, damages, and expenses (including reasonable attorneys' fees) arising out of or resulting from their, or their agents or employee's, negligent or intentional acts, or any violation of any safety law, regulation, or code in the performance of this Agreement, without regard to any inspection or review made or not made by the City, its agents or employees or failure by the City, its agents or employees to take any other prudent precautions. In the event the City performs maintenance under this Agreement, the Owners, and any successors or assigns as fee owner(s) of the Property, shall indemnify and hold harmless the City, its employees, agents and representatives for its own negligent acts in the performance of work under this Agreement.

7. **Notice.** All notices required under this Agreement shall either be personally delivered or be sent by certified or registered mail and addressed as follows:

To the Owners:

John A. and Toni L. Zitzloff
4224 Lake Sarah Drive South
Independence, MN 55359

To the City:

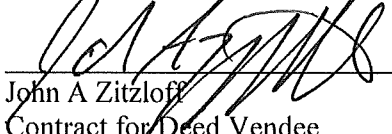
City of Independence City Administrator
1920 County Road 90
Independence, MN 55359

Upon the sale of any of the Property, the Owners shall provide updated notice and contact information to the City. All notices shall be deemed given when personally delivered or two (2) business days after being placed in the mail properly addressed as provided herein.

8. **Successors.** All duties and obligations of Owners under this Agreement shall also be duties and obligations of Owners' successors and assigns.

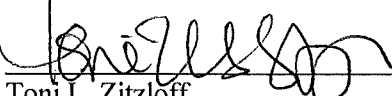
9. **Effective Date.** This Agreement shall be binding and effective as of the date hereof.

Fee Owners



John A. Zitzloff
Contract for Deed Vendee

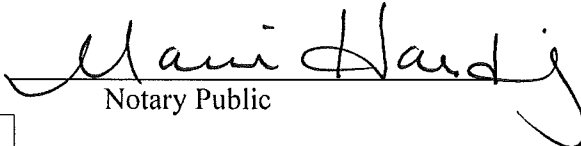
and



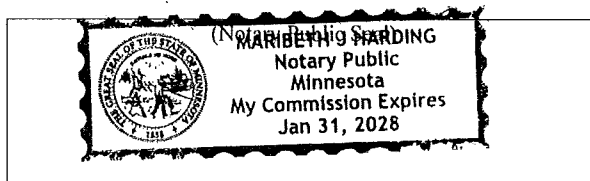
Toni L. Zitzloff
Contract for Deed Vendee

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 8 day of June 2023,
by John A. Zitzloff and Toni L. Zitzloff.



Notary Public



City of Independence, a Minnesota Municipal Corporation

By: _____
Marvin Johnson

Its: Mayor

By: _____
Mark Kaltsas

Its: City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023, by _____ and _____, the Mayor and City Administrator of the City of Independence, a Minnesota municipal corporation, on behalf of said municipal corporation.

Notary Public

(Notary Public Seal)

This instrument drafted by:
Kennedy & Graven, Chartered
470 US Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

EXHIBIT A

[Insert Depiction of Easement – Should be the same as in Easement Agreement]