



CITY COUNCIL MEETING AGENDA
TUESDAY JULY 18, 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 27, 2023, Regular City Council Meeting.
 - b. (For Information Only) Meeting Minutes from the June 28, 2023, ABRC Meeting.
 - c. Approval of Accounts Payable (Batch # 1; Checks Numbered 22148-22162, Batch # 2; Checks Numbered 22163-22179 and Batch # 3; Checks Numbered 22180-22194).
 - d. Large Assembly Permit: 2171 Copeland Road on August 19, 2023.
 - e. Assembly Permit: Lake Sarah Fishing Contest on July 22, 2023.
 - f. 2nd Quarter Building Permit Report (For Information Only).
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 June 2023 – Chief Gary Kroells.
 8. Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the properties generally located at 18 Golf Walk and 550 CSAH 92 N. (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32- 118-24-31-0001 and 32-118-24-14-0002) in the City of Independence, MN:
 - a. **RESOLUTION No. 23-0718-01** – Considering a conditional use permit amendment to allow the inclusion of 550 CSAH 92 N. for storage of materials and equipment associated with the golf course.

9. James Ruehl (Applicant) and Jeffery Athmann (Owner) are requesting the following action for the property located at 6935 Pagenkopf Rd. (PID No. 15-118- 24-32-0005) in the City of Independence, MN:
 - a. **RESOLUTION No. 23-0718-02** – Considering a conditional use permit to allow the construction of an accessory structure greater than 5,000 SF.
10. Request Approval of Two (2) Stipulations for Removal of House to Allow the Owners to Live in the Existing House While Constructing a New Home on the Same Property:
 - a. Stipulation for Removal of House – 6465 Olstad Drive (PID No. 15-118-24-14-0011).
 - b. Stipulation for Removal of House – 1235 County Road 90 (PID No. 27-118-24-14-0007).
11. Consider Changing Time of August 1, 2023 City Council Meeting from 6:30 PM to 5:00 PM to Facilitate Attendance at Night to Unite.
12. LMCC – Discussion and Recommendation Relating to LMCC Member City Survey.
13. Open/Misc.
14. Adjourn.

MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY, JUNE 27, 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 Spencer, McCoy and Grotting.

ABSENT: Betts.

STAFF: City Administrator Kaltsas and City Administrative Director Simon

VISITORS: WHPS Chief Kroells, see attendance 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 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.

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

Grotting attended the following meetings:

- Workshop
- LMC Duluth Conference
- Resignation Party for Officer Brozek

Spencer attended the following meetings:

- Workshop
- Resignation Party for Officer Brozek

McCoy attended the following meetings:

- Workshop
- Meeting with Jeff Leuer for the Fire District

Johnson attended the following meetings:

- Farewell for Chris at LMCC
- Orono Graduation
- Meeting with Jeff Leuer for the Fire District
- NLC (virtual)
- Chamber of Commerce
- Workshop
- LMC nominating Committee (virtual)
- NW League Municipalities at Loretto
- Gary Carlson Retirement Party
- Connie Bergman Grover neighborhood gathering on Valley Rd
- Spent time with Ken Lee on a shared island property
- Duluth Nominating Committee Board Interviews
- LMC Duluth Conference
- Resignation Party for Officer Brozek

7. West Hennepin Public Safety Monthly Report for May 2023 – Chief Gary Kroells.

Chief Kroells thanked Officer Brozek for his 10 years of service with WHPS.

He stated that in May there were 1,832 incident reports. Independence had 305 and Maple Plain had 99. This number is slightly higher than this time last year and that is due to having the appropriate number of staff. Now with Officer Brozek leaving and an officer that is hurt, WHPS will be understaffed again. WHPS is actively seeking applicants to join their team of officers.

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.

Mayor Johnson motioned for the Public Hearing to be opened.

PUBLIC HEARING OPEN

Kaltsas said the city attorney recommended that we apply this in new developments. He stated that it allows a backup tax district to cover improvements made for storm water in the event that the HOA is not able to

sustain the maintenance for the system. The HOA is responsible for maintaining the ponds and pieces of the system. This will allow for the charges to go back to the benefiting properties.

Johnson said a question that Betts brought up is who pays when work is done on them.

Kaltsas said the only one notified of tonight is Bohl because it only impacts him. It will get passed onto homeowners. There is still due process that the residents will have if we need to assess back a cost for maintenance. It just takes a layer or two out he said. He stated we have done this consistently for the last 4-5 developments.

Motion by Grotting, seconded by McCoy to close the public hearing. Ayes: Johnson, Grotting, McCoy and Spencer. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0

PUBLIC HEARING CLOSED

Motion by Spencer, seconded by McCoy to approve the ORDINANCE 2023-03. Ayes: Johnson, McCoy and Spencer. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0

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

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

Kaltsas explained that the personnel committee met for consideration on overtime compensation. Currently any overtime is paid out by comp time. It is very complicated for payroll. This topic has been looked at numerous times. Once piece of this would be to change the work week to Monday morning at 12:00am to Friday at 11:59pm. Any hours over 40 during these times would be considered overtime. On Saturdays any hours worked would be paid at 1.5x pay and on Sundays and Holidays the rate would be double time. On-call hours do not count towards over time, 1.5x or double time, only actual hours worked. The city looked at hours and cost associated with it and it is rare to see anyone get close to the comp time max, therefore it makes minimal impact to costs. This would apply to all staff members. Employees would like to be actually paid out instead of accruing comp time. Comp time also cannot be carried over to the following year. He stated that from an administrative standpoint, it would simplify things greatly and get rid of one line item on the payroll.

Johnson stated that the council is making an ordinance change by resolution for this.

Kaltsas said he is trying to keep up with changes at the legislative level. Soon we will be discussing the new sick and safe time off and family leave.

Motion by Spencer, seconded by Johnson to approve RESOLUTION 23-0627-01 amending the employee handbook to adjust comp time payments. Ayes: Johnson, Grotting, McCoy and Spencer. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0

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

c. Agreement To Convey Easement in Exchange for Fees.

Kaltsas said he has been working on this item for 3 years. This resident approached the city and wanted to do improvements on his property. His grandmother owned the home and paid for the stub 30 years prior and he wants to connect to city sewer. The lift station is located 30ft on his property. After doing a title search and looking through our old records, there was never an easement put into place for this lift station. He said there have been the same issues on other properties with lift stations. It needs to be memorialized. The resident asked that we waive the fees to connect for the easement on his property. Kaltsas noted that this is a great deal for the city and the city would waive \$3,860 in connection fees. The easement would have 10ft on both sides and 16 ft on the backside. The resident has signed the agreements and it just needs council approval to do the exchange that was negotiated. This cleans up one more of our lift stations.

Johnson asked if the residents paid when the original sewer was put in.

Kaltsas said yes, they paid the full amount but they never connected.

Johnson said he wonders how many other properties don't have proper easements.

Kaltsas said he knows of a couple properties. Kaltsas said he needs a motion to approve the agreement.

Motion by Grotting, seconded by McCoy to approve the agreement to convey easement in exchange for fees. Ayes: Johnson, Grotting, McCoy and Spencer. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0

11. Open/Misc.

12. Adjourn

Motion by McCoy, seconded by Grotting to adjourn the City Council Meeting at 7:16pm. 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 THE MEETING OF THE
ACCESSORY BUILDING REVIEW COMMITTEE (ABRC)
TUESDAY JUNE 28, 2023 – 8:00 A.M.
City Hall Community Room

PRESENT: Council Member Spencer, Planning Commissioner Thompson

ABSENT: Story

STAFF: City Administrator Kaltsas, Administrative Services Director Simon

VISITORS: None

Kaltsas said there was a shed in the proposed location but was damaged in a storm and snow. They wanted to come in and build an AG building. They own all the land around the property. They consider this part of the farm still. They have less than the allowable tillable acreage to qualify for AG. They wanted bigger than 5,000sqft but they would need a CUP. They were considering moving property line. It is 9.73 acres, and it doesn't count the road ROW. The only thing they are exceeding on is height.

Spencer asked what the other building is on the property.

Kaltsas said its a Quonset hut.

Spencer asked if applicant going to clean up the property and put all the stuff inside the new shop.

Kaltsas said yes, the plan is to store all of his stuff in there.

Motion by Spencer to approve the application, seconded by Thompson.

Application was approved by the ABRC committee.

ABRC adjourned at 8:12 am.

Respectfully Submitted,
Amber Simon / Recording Secretary



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

200+ Attendees (Large Assembly) = \$100
100+ Attendees (Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

(Requires West Hennepin Public Safety Deposit of \$500)

(Double fees for applications received less than 45 business days prior to event).

Event Location: 2171 Copeland Rd. Independence
Type of event: Family gathering Number of people 200 Date 8-19-2023
☒ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☐ Other

Event Holder's Name: Chad Greenway Address: 623 Bushaway Rd. Wayzata
Contact Person: Chad Greenway Phone: 612 804 4063
Email: cgreenway18@gmail.com
2nd Contact Person: Jenni Greenway Phone: 815 258 4780
Email: chadngwa@gmail.com

Security Plans: NA
Date West Hennepin Public Safety was notified of the event: 6/20/23

Severe Weather Plans (in the event of): Cancel event

Sound Plans - amplification and sound control: Outdoor music - PA system
Outdoor Music ☒ Yes ☐ No - Starting Time 4:00 AM/PM, Ending
Time 10:00 AM/PM

Food and Concessions Plans: Family BBQ
Vendor's name, address, and license number (copies of vendor license, insurance and permits
must be provided)
Vendor Work #: _____ Vendor Cell #: _____

Serving Alcohol: Yes: X No: _____
Selling Alcohol: Yes: _____ No: X (If selling alcohol contact the City
for an additional permit)

Restroom Provisions: How many? 5
Location: Outdoors

Lighting - Type: Stage lighting (semi trailer) How many? 2
Location of lights: On stage

\$1,000,000 Certificate of Liability Insurance-provide a copy: 6

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

6/20/23
Date

[Signature]
Signature of applicant

6.20.2023
Date

Jennifer Greene
Signature of applicant

Office Use Only

Application Received: 6/20/2023 Application Fees/Deposit: _____ Date Fee Paid: 6/20/2023

Date \$1,000,000 certificate of liability insurance received: _____

Signature of City Official

Date

Signature of West Hennepin Public Safety

Date



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

200+ Attendees (Large Assembly) = \$100
100+ Attendees (Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

(Requires West Hennepin Public Safety Deposit of \$500)

(Double fees for applications received less than 45 business days prior to event)

Event Location: Lake Sarah
Type of event: Fishing Tournament Number of people 16 Date 7/22/2023
☐ Residential ☐ Corporate ☐ Partnership ☒ Group or Association ☐ Other

Event Holder's Name: Jeff Almanza Address: 257 Winkler Trail, Cologne, MN 55322
Contact Person: Jeff Almanza Phone: (915) 637-7858
Email: jeffalmanza35@gmail.com
2nd Contact Person: Ben Brien Phone: (763) 229-1356
Email: benji.brien14@gmail.com

Security Plans: N/A
Date West Hennepin Public Safety was notified of the event: _____

Severe Weather Plans (in the event of): N/A

Sound Plans - amplification and sound control: N/A
Outdoor Music ☐ Yes ☒ No - Starting Time _____ AM/PM, Ending
Time _____ AM/PM

Food and Concessions Plans: N/A
Vendor's name, address, and license number (copies of vendor license, insurance and permits
must be provided) _____
Vendor Work #: _____ Vendor Cell #: _____

763-479-0527 (Phone)

1920 County Road 90
Independence, MN 55359
www.ci.independence.mn.us

763-479-0528 (Fax)

Serving Alcohol: Yes _____ No. X
Selling Alcohol: Yes _____ No. X (If selling alcohol contact the City
for an additional permit)

Restroom Provisions How many? N/A
Location: _____

Lighting - Type: N/A How many? _____
Location of lights: _____

\$1,000,000 Certificate of Liability Insurance-provide a copy: Provided via email

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

6/29/2023
Date

[Signature]
Signature of applicant

Date

Signature of applicant

Office Use Only

Application Received: 6/29/23 Application Fees/Deposit: \$85- Date Fee Paid: 7/12/23

Date \$1,000,000 certificate of liability insurance received: 6/29/23

[Signature]
Signature of City Official

7/12/23
Date

[Signature]
Signature of West Hennepin Public Safety

7-12-23
Date

Commercial	New House	Septic
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Approved Date	Submission Date #	Applicant	ADDRESS	PID #	PERMIT TYPE	O	Mechanic	Plumbing	Base Value	Septic	Sewer	Total Fees includes surcharge	Total Surcharge	Total Fees w/o Surcharge	VALUE	FINAL
4/3/23	3/17/23	23-38	Preformance Pool & Spa	4650 Woodland Circle	01-22-000	Pool		\$ 1.00		\$ 7.50		\$ 535.50	\$ 8.50	\$ 527.00	#####	
4/4/23	3/30/23	23-39	Standard Heating & Air	422 Game Farm Rd.	34-23-000	Mechanical work		\$ 1.00				\$ 101.00	\$ 1.00	\$ 100.00	#####	
4/4/23	4/3/23	23-40	Brady Haislet	3015 Becker Road	14-24-000	Plumbing In Barn		\$ 1.00				\$ 131.00	\$ 1.00	\$ 130.00	#####	
4/25/23	3/28/23	23-41	James Sneltsjes	15 Ingerson Rd N	34-34-000	Replace AC/Furnace									#####	
4/5/23	3/7/23	23-42	Nick Stastny	6695 McKown Ct	15-12-000	NEW SFD		\$ 1.00	\$ 1.00	\$ 582.00		#####	\$ 584.00	#####	#####	
4/10/23	4/7/23	23-43	Lisa Strum	6090 Pagenkopf Road	14-34-000	Plumbing in Pole Barn		\$ 1.00				\$ 101.00	\$ 1.00	\$ 100.00	#####	
4/13/23	4/12/23	23-44	Dependable Heating & Cooling	2245 Old Post Rd.	22-12-001	Furnace & A-C		\$ 1.00				\$ 201.00	\$ 1.00	\$ 200.00	#####	
4/17/23	4/7/23	23-45	Matt Massoglia	2670 County Road 90	14-32-001	Door Replacement				\$ 1.00		\$ 101.00	\$ 1.00	\$ 100.00	#####	FINAL
4/17/23	3/27/23	23-46	Mike Randall	185 Kuntz Dr	33-33-000	Plumbing									#####	
4/17/23	3/3/23	23-47	James Sneltsjes	7375 S Lake Sarah Drive	04-11-000	Furnace Replacement		\$ 1.00				\$ 101.00	\$ 1.00	\$ 100.00	#####	
4/17/23	3/22/23	23-48	Dave Glieden	5900 Fieldstone Pl.	23-12-001	Bathroom Remodel		\$ 1.00				\$ 535.50	\$ 7.50	\$ 528.00	#####	
4/17/23	4/10/23	23-49	Bruce Strandberg	3740 County Line Rd SE	07-23-000	Furnace Replacement		\$ 1.00				\$ 201.00	\$ 1.00	\$ 200.00	#####	
4/17/23	4/11/23	23-50	Linda Locke	4648 S Lake Sarah Dr	02-22-000	Mechanical									#####	
4/17/23	4/13/23	23-51	Stevens Drilling	4275 Lake Sarah Rd	04-13-000	Residential 500 Gallon Tank Removal	\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	FINAL
4/17/23	4/17/23	23-52	All Around	3925 Independence Rd	11-11-001	Re-side	\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	
4/17/23	3/20/23	23-53	Patrick LaVine	2310 Old Post Rd	22-11-001	Pole Building			\$ 21.50			\$ 995.40	\$ 21.50	\$ 973.90	#####	
4/19/23	4/18/23	23-54	Russell Hornois	5175 Fern Dr	01-118-000	Deck			\$ 4.50			\$ 288.74	\$ 4.50	\$ 284.24	#####	
4/19/23	3/8/23	23-55	Pat Henry	3380 Brei Kessel Rd	11-43-000	In Ground Swimming Pool		\$ 1.00				\$ 778.43	\$ 13.50	\$ 764.93	#####	
4/19/23	2/14/23	23-56	Tom Druk	5540 Pete Drive	12-32-000	New SFD		\$ 1.00	\$ 1.00	\$ 191.00		#####	\$ 193.00	#####	#####	
4/7/23	4/7/23	23-57	April Clemens	4510 Shady Beach Circle	02-24-000	Replace Hot Water Heater		\$ 1.00				\$ 51.00	\$ 1.00	\$ 50.00	#####	
4/24/23	4/20/23	23-58	Kristopher Kanak	5180 Fern Dr	01-42-001	Fence - Zoning permit						\$ 40.00		\$ 40.00	#####	
4/25/23	4/7/23	23-59	Richard Palmer	5725 Lake Sarah Hights Dr	02-11-000	Water Oreinted Sturcture- shed						\$ 40.00		\$ 40.00	#####	
4/28/23	10/17/22	23-60	Eric Johnson	185 Kuntz Dr	33-33-000	Addition Finish/Remodel			#####	\$ 1.00		#####	\$ 47.50	#####	#####	
5/2/23	6/24/22	23-61	Dylan Getty	2870 Lake Sarah Rd	16-13-000	Pole Barn Addition		\$ 1.00	\$ 1.00			#####	\$ 35.00	#####	#####	
5/3/23	4/4/23	23-62	Cinergy Homes	4648 So. Lake Sarah Dr	02-22-000	Addition		\$ 1.00	\$ 1.00	\$ 57.50		#####	\$ 59.50	#####	#####	
5/1/23	5/4/23	23-63	John Glick	4875 Sunset Lane	16-12-000	Re-Roof detached garage								\$ -	#####	
5/4/23	5/1/23	23-64	Claire Deason	422 Game Farm Rd	34-23-000	Fence- Driveway gate						\$ 40.00		\$ 40.00	#####	
5/4/23	5/2/23	23-65	Chris Altobelli	6276 Drake Drive	26-32-000	Replace Water Heater		\$ 1.00				\$ 51.00	\$ 1.00	\$ 50.00	#####	
5/8/23	2/14/23	23-66	Dean Voss & Sons	5457 Lake Sarah Heights Dr	01-23-000	New SFD		\$ 1.00	\$ 1.00			#####	\$ 350.00	#####	#####	
5/11/23	5/4/23	23-67	Barbara Janas	1351 Nelson Rd	30-23-000	Deck	\$ 20.00					\$ 942.40	\$ 20.00	\$ 922.40	#####	
5/15/23	5/10/23	23-68	Weld and Sons Plumbing	4290 Woodhill Dr	01-32-001	Plumbing		\$ 1.00				\$ 141.00	\$ 1.00	\$ 140.00	#####	
5/15/23	1/15/23	23-69	Don Hamilton	737 Co Rd 110	35-11-000	NEW SFD		\$ 1.00	\$ 1.00			\$ 746.04	\$ 200.00	#####	#####	
5/16/23	4/28/23	23-70	Bob Moore	217 Hamilton Hills	35-41-000	Detached Garage									#####	
5/16/23	5/16/23	23-71	Craig Olson	5112 S Lakeshore Dr	13-43-000	Septic to Sewer						#####	\$ -	#####	#####	
5/17/23	4/15/23	23-72	Aaron Lewicki	5585 Lake Sarah Heights Dr	02-11-001	Replace Windows (3) and 1 Door	\$ 1.00					\$ 131.00	\$ 1.00	\$ 130.00	#####	
5/17/23	5/10/23	23-73	Shane Loberg	3675 Ihduhapi Trail	12-24-000	Roofing, Siding and Windows	\$ 137.50					#####	\$ 137.50	#####	#####	
5/18/23	4/7/23	23-74	Jason Maclean Johnson	4290 Woodhill Dr	01-32-001	Kitchen, Bath, Living Room Remodel						#####	\$ 50.00	#####	#####	
5/18/23	4/18/23	23-75	Paul Cameron	6002 Gustavus Dr	26-24-000	New SFD									#####	
5/22/23	4/18/23	23-76	Terry Brown	4875 Sunset Lane	01-41-099	Major - Remodel- addition		\$ 1.00	\$ 1.00			#####	\$ 292.50	#####	#####	
5/23/23	5/17/23	23-77	CPG Home Services	4290 Woodhill Dr	01-32-001	Replacement Furnace- A-C		\$ 1.00				\$ 201.00	\$ 1.00	\$ 200.00	#####	
5/24/23		23-78	Jon Dialing	18 Golf Walk	32-31-000	Demo	\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	\$ -	
5/24/23	5/23/23	23-79	Owen Slettedahl	6835 Co Rd 11	10-21-000	Plumbing - Water Heater	\$ 1.00					\$ 51.00	\$ 1.00	\$ 50.00	#####	
5/24/23	5/12/23	23-80	James Mercchant	2015 Nelson Rd	19-24-001	Window Replacement (3)						\$ 1.00		\$ 1.00	#####	
5/25/23	5/4/23	23-81	Patrick Lecy	9365 Kutz Crossing	31-21-000	Fence						\$ 40.00	\$ 1.00	\$ 39.00	#####	
5/25/23	5/19/23	23-82	Tim Underhill	6090 Pagenkopf Rd	14-34-000	Mechanical (unit heater, gas line, bath fan)								\$ -	#####	
5/26/23	5/16/23	23-83	Joe Janetka	291 County Rd 19	36-31-000	Window/Door								\$ -	#####	
5/30/23	5/22/23	23-84	Therasa Welinski	6365 Waldemar Way	14-23-001	Fence						\$ 40.00	\$ -	\$ 40.00	#####	
5/31/23	5/22/23	23-85	Megain Kroll	2112 Budd St N	24-13-001	AC and Air Handler		\$ 1.00				\$ 201.00	\$ 1.00	\$ 200.00	#####	
5/31/23	5/31/23	23-86	Harkness Excavating	3805 Lake Haughey Rd	07-11-000	Demo old garage								\$ -	#####	
6/1/23	5/25/23	23-87	Hayes & Sons	2585 Becker Rd	14-34-001	New Septic				\$ 400.00		\$ 400.00	\$ -	\$ 400.00	#####	
6/1/23	6/1/23	23-88	Burns Excavating	1665 Copeland Rd	19-44-000	Replace Septic Tanks				\$ 200.00		\$ 200.00	\$ -	\$ 200.00	#####	
6/1/23	5/30/23	23-89	Leah Ridler	5825 Providence Curve	14-43-001	Air Conditioner								\$ -	#####	
6/5/23	5/26/23	23-90	Fireseed Hearth and Home	4290 Woodhill Dr	01-32-001	Gas Fireplace	\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/5/23	6/1/23	23-91	Josh Clark	565 Co Rd 110	35-14-000	Re-Roof	\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/5/23	6/1/23	23-92	Melissa Dixon	65 Game Farm Rd N	33-44-000	Replace Heat Pump		\$ 1.00				\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/5/23	5/15/23	23-93	Jason Sievers	1180 County Road 83	25-32-000	Deck	\$ 10.00					\$ 555.96	\$ 10.00	\$ 545.96	#####	
6/6/23	6/5/23	23-94	Perry Leiter	5925 Fieldstone Place	23-13-000	Furnace and AC		\$ 2.00				#####	\$ 2.00	\$ 200.00	#####	
6/6/23	5/31/23	23-95	Commers Conditioned Water	2725 Valley Rd	16-41-000	Water Softener Replacement			\$ 1.00			\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/6/23	5/17/23	23-96	All around Preservation	4912 Broadmoor Dr.	25-44-001	Deck	\$ 12.00					\$ 653.14	\$ 10.00	\$ 643.14	#####	
6/6/23	5/21/23	23-97	Rich Rothstein	6550 Olstad Dr	15-14-000	Accessory pole building			\$ 114.00			#####	\$ 114.00	#####	#####	
6/7/23	3/9/23	23-98	April Clemens	5350 County Rd 6	25-34-000	Replace Hot Water Heater			\$ 1.00			\$ 51.00	\$ 1.00	\$ 50.00	#####	
6/8/23	6/7/23	23-99	Tracy Ellis	3380 Brie-Kessel Rd	11-43-000	Gas Line to Grill		\$ 1.00				\$ 101.00	\$ 1.00	\$ 100.00	\$ 750.00	

6/8/23	5/12/23	23-100	Scott Rice	1665 Copeland Rd	19-44-000	Inground Pool										#####	
6/9/23	5/31/23	23-101	Kirk Sherman	2875 Lindgren Lane	13-24-002	Barn										#####	
6/13/23	5/18/23	23-102	Jenny Yang	3841 Scheffers Ct	11-11-001	Basement Remodel										#####	
6/13/23	5/26/23	23-103	Hayes & Sons	2465 Co Rd 90	23-11-000	Install Type 3 Mound					\$ 400.00		\$ 400.00	\$ -	\$ 400.00	#####	
6/15/23	6/13/23	23-104	Lemke & Sons LLC	2375 Old Post Road	22-11-000	Door- Wider Opening				\$ 7.00			\$ 410.21	\$ 7.00	\$ 403.21	#####	
6/15/23		23-105	Keith Larson	4614 So. Lake Sarah Dr	02-21-000	addition-Re-model		\$ 1.00	\$ 1.00	\$ 135.00			#####	\$ 137.00	#####	#####	
6/20/23	6/2/23	23-106	Andrew Lewicki	5325 Saddle Ridge Trail	36-24-000	Replace Patio Doors (3)									\$ -	#####	
6/20/23	5/25/23	23-106B	Jim Kennedy	3310 County Line Rd SE	07-33-000	Modify existing AT&T Wireless Site				\$ 7.50			\$ 434.50	\$ 7.50	\$ 427.00	#####	
6/21/23		23-107	Jim Ludwig	4395 Woodhill Dr.	01-32-000	Mechanical		\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	???	
6/21/23		23-108	Mike Randall	5165 Fern Dr	01-31-000	Mechanical		\$ 1.00					\$ 200.00	\$ 1.00	\$ 199.00	#####	
6/21/23	3/27/23	23-109	Val Shargorodskiy	125 Ingerson Rd	34-34-000	Deck Addition							\$ 142.98	\$ 1.50	\$ 141.48	#####	
6/21/23	6/14/23	23-110	Renewal by Anderson	6235 Wood Hill Lane	14-22-001	Replace Windows (10)										#####	
6/21/23		23-111	Renewal by Anderson	2185 S Lakeshore Dr	24-13-002	Replace Windows (4)										#####	
6/21/23	6/20/23	23-112	Linda Locke	6765 Pagenhopf Rd	22-12-001	Mechanical		\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/21/23	6/13/23	23-113	John Hilberlink	5062 Perkinsville Road	24-13-002	Adding Deck										#####	
6/27/23	6/22/23	23-114	Chris Altobelli	4380 Woodhill Dr	01-32-001	Water Heater			\$ 1.00				\$ 51.00	\$ 1.00	\$ 50.00	#####	
6/29/23	5/26/23	23-115	Jeffrey Jacobs	4324 Lake Sarah Rd	03-31-000	Storage Shed										#####	
6/28/23	6/21/23	23-116	Cole Vagovich	5580 County Rd. 11	01-33-001	Remodel			\$ 1.00				#####	\$ 1.00	#####	#####	
6/29/23	6/20/23	23-117	Kerstin Deters-Engel	9110 County Rd 11	06-43-000	Re-Roof		\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/29/23	6/29/23	23-118	Knight Heating & Air	5015 Fern Dr	01-41-000	A-C		\$ 1.00					\$ 101.00	\$ 1.00	\$ 100.00	#####	
6/29/23	6/29/23	23-119	Crew 2 INC	2998 Lindgren Lane	13-24-000	2 Patio Doors				\$ 1.00			\$ 111.00	\$ 1.00	\$ 110.00	#####	

Date: July 13th, 2023

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

From: Director Gary Kroells

SUBJECT: JUNE 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 crashes, 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

June 2023

Offense	This Month	Same Month Last Year		This Year To Date		Last Year To Date
City Of Independence						
Criminal	0	6		15		33
Traffic	164	124		425		541
Part III	5	5		15		28
Part IV	36	32		145		185
Part V	134	148		664		662
Total City of Independence	339	315		1,264		1,449
City Of Maple Plain						
Criminal	1	4		19		31
Traffic	65	26		214		148
Part III	0	2		9		9
Part IV	20	22		143		123
Part V	49	55		254		307
Total City Of Maple Plain	135	109		639		618
Grand Total Both Cities	474	424		1,903		2,067
TZD	93	32		186		76
Agency Assists	36	22		140		146
Total ICR Reports	510	478		2,229		2,289
How Received						
Fax	12	5		63		44
In Person	17	19		77		73
Mail	0	1		2		7
Other	0	2		5		9
Phone	28	35		137		199
Radio	187	176		857		908
Visual	222	177		957		778
Email	13	32		99		119
Lobby Walk In	31	28		145		146
Total	510	475		2,342		2,283

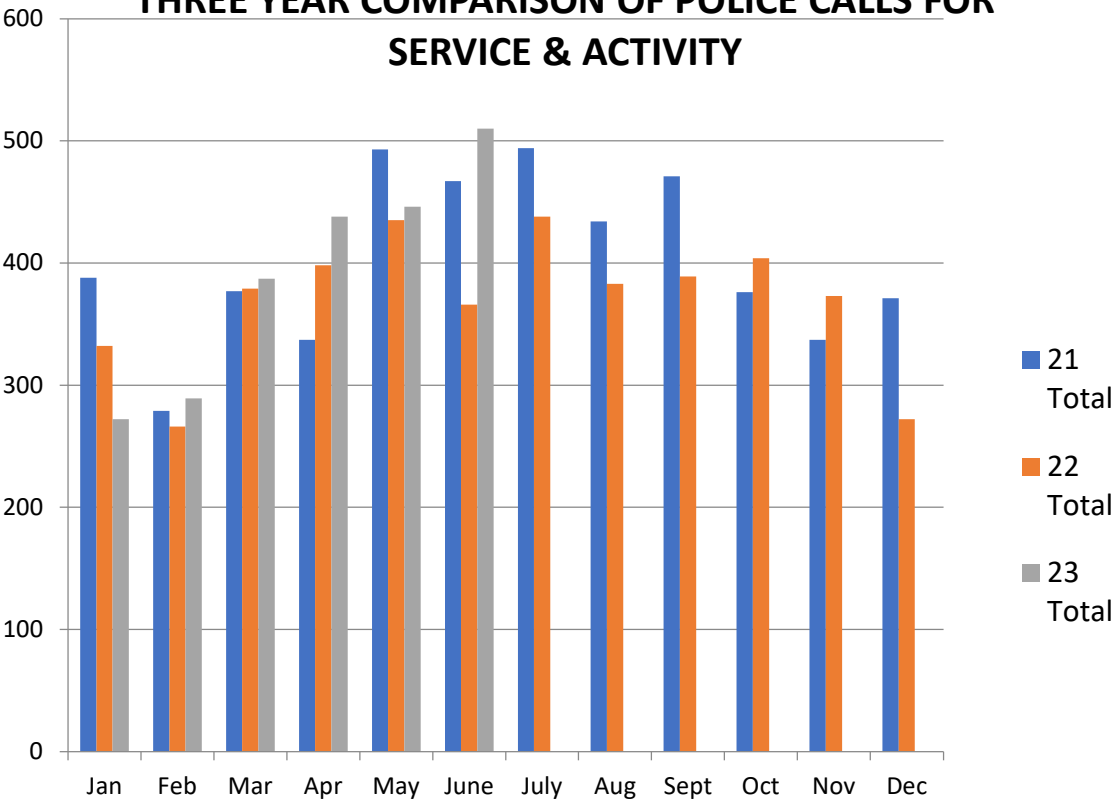
June 2023 Part I & II**City of Maple Plain #'s 1 & 2**

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
WHPS	23002003	Check Forgery	2023-06-08	02	2023-06-08	C17G1	2

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

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
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**THREE YEAR COMPARISON OF POLICE CALLS FOR
SERVICE & ACTIVITY**



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY June 2023 Activity Report

Year to Date Activity Report

At the end of June 2023, West Hennepin Public Safety (WHPS) handled year-to-date a total of 2,342 incident complaints. For the month of June; 339 incidents occurred in the City of Independence and 135 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.

Disturbance June 1

1500 block of Rainbow Avenue, Maple Plain. Officers were dispatched to a possible domestic disturbance with yelling in the background. Officers arrived on scene and spoke to the homeowner who advised everyone had been drinking and they wanted a friend to leave after getting into an argument. The friend refused to leave, was too intoxicated to drive, and was uncooperative with the Officers on scene. Eventually, Officers were able to find a responsible party that would take the subject home.

Suspicious Activity June 1

1600 block of Delano Avenue, Maple Plain. Officer was dispatched to suspicious activity in the area. Reporting party stated they witnessed an older man on a bicycle looking through vehicles. Later, the officer was on routine patrol in the area and observed an individual match the description of the suspect. Officer spoke to the suspect who stated he was just looking around. The suspect had blood on his arms and legs, likely from falling off the bicycle. He declined EMS. Officer advised to call if he needed any assistance.

Suspicious Activity June 2

1700 block of Budd Avenue, Maple Plain. Officer was dispatched to a possible slumper in a vehicle at a nearby park. Officer arrived on scene and observed a person asleep in their vehicle. Subject stated he works the night shift and was taking a quick nap on his way home.

Property Damage

June 2

Intersection of County Road 11 and E Lake Rebecca Drive, Independence. Officer was dispatched to a hit deer. Upon arrival, officer made contact with the driver who stated he was uninjured. The windshield of the vehicle was concaved and completely smashed. There was also minor front fender and plastic damage. The vehicle was towed, and the deer was unable to be located.

Traffic Complaint

June 4

Intersection of Highway 12 and Baker Park Road. Officer was dispatched to a traffic complaint to a vehicle weaving in between the lines. Officer located the vehicle and observed the occupants of the vehicle dancing around and weaving between the lines. Officer stopped the vehicle and spoke to the driver who admitted to being distracted by the passengers. Verbal warning issued.

Disturbance

June 4

7900 block of County Road 6, Independence. Officer was dispatched to a possible domestic. Officer arrived and made contact with one party involved who stated there was no domestic, she just wanted to get her clothes, but another tenant locked her out of the house because of possible damage she caused at a friend's house. The other individual eventually unlocked the door and let the subject get her belongings.

Domestic

June 5

1600 block of Marsh Avenue, Maple Plain. Officer was dispatched to a possible domestic. The reporting party stated she didn't want police to respond. Officer called the reporting party who was trying and stated the male party was taking a video of her. Officer responded and spoke to the female who advised nothing physical occurred. The male half was no longer on scene. Officer provided resources and discussed options of having the male half leave the residence.

Traffic Complaint

June 6

Highway 12 and County Road 92, Independence. Officer was dispatched to a vehicle speeding, passing on the right, and following too close. Officer located the vehicle and initiated a traffic stop. Driver was very cooperative and admitted to passing when there was a second lane. Driver was counseled about driving conduct and released.

Suspicious Activity
June 7

100 block of Hamilton Hills, Independence. Officer was dispatched to suspicious activity. Reporting party advised there was a vehicle parked on the backside of their property. Officer arrived on scene and located the vehicle in the tall grass. Two juveniles were found to be in the back of the vehicle. Officer let the pair gather themselves before approaching. After speaking to the juveniles, they apologized, and contact was made with their parents. They were advised to leave the area.

Suspicious Vehicle
June 8

1500 block of Wyman Avenue, Maple Plain. Officer was dispatched to a suspicious vehicle in the area. Reporting party had never seen a vehicle parked there and was worried about opportunity crimes. Officer spoke to the registered owner who advised their son was staying at a friend's house. Nothing criminal.

Forgery
June 8

5600 block of Highway 12, Maple Plain. Officer was dispatched to check forgery. Reporting party stated they wrote a check to an employee. The employee advised they never received the check. The employer pulled a copy of the check that was cashed at the bank and observed a forged signature. Investigation on-going.

Suspicious Activity
June 11

5100 block of Broadmoor Drive, Independence. Officer was dispatched to a possible trespasser on the property. Officer arrived on scene and met with the reporting party who advised she woke up from a nap and observed an individual outside of her front window. Reporting party advised the individual came to the door and attempted to gain access. Ultimately, it was determined the individual may have gone to the wrong door, instead of going to the tenant's area around the back of the house.

Welfare Check
June 12

5000 block of Highway 12, Maple Plain. Officer was dispatched to a call of a person who needs help and was in a ditch. Officer located the caller who was passed out next to their bicycle in the ditch. Due to his level of intoxication, concerning statements that were made, and not being able to care for himself, he was placed on an emergency hold and transported to the hospital for care.

Suspicious Activity

June 13

2000 block of County Line Road, Independence. Officer was dispatched to suspicious activity in the area. Reporting party stated there was a vehicle parked outside of her address and the driver had white clown-type makeup on. Upon arrival, the vehicle had left the area. Officer went to the registered owner's house and spoke to the driver's mother who explained they have been dealing with some increasing mental health concerns and would talk to her about her behavior. Nothing criminal.

Bicycle Crash

June 14

Intersection of County Road 83 and Drake Drive, Independence. Officer was dispatched to a person with a head injury caused by a bicycle crash. Upon arrival, the patient was unconscious on the pavement next to an electric bicycle. MPFD responded and provided care. It appeared there was a bungee type of material caught in the chain wheel that caused the bike to lock up. Patient was wearing a helmet. North Memorial Paramedics arrived and transported the patient to the hospital.

Damage to Property

June 16

200 block of County Road 92, Independence. Officer was dispatched to report someone crashed into a nearby business causing damage to the building. Reporting party stated a vehicle accidentally ran into the side of the building and at the time did not notice much damage. Later, after looking at the area more closely, more damage was noticed. Officer obtained both party's insurance so a claim could be filed with insurance.

Crash

June 16

9000 block of Highway 12, Independence. Officer was dispatched to a two-vehicle crash with one vehicle rolled over. Officer responded along with Delano Fire Department and observed all occupants outside of their vehicles. All parties involved denied serious injuries. It was determined one vehicle was driving westbound and the other vehicle was driving eastbound and attempting to turn into a parking lot. The vehicle that was turning did not see the oncoming vehicle which caused the two vehicles to collide. The driver of the vehicle that was attempting to turn was cited for failure to yield.

Harassment
June 19

5200 block of Bryantwood Drive, Maple Plain. Officer was dispatched to take a harassment/cybercrime report. Officer spoke to the reporting party who stated her social media pages had been hacked and the hackers were asking her friends and family for money to get the accounts back. Case forwarded to investigations for follow-up.

Disturbance
June 20

1500 block of Howard Avenue, Maple Plain. Officer was dispatched to an unwanted person. Officer arrived on scene and spoke to the individuals involved. It was determined there were people moving in and two brothers got into a verbal argument and were being disruptive. It was a verbal argument and nothing physical occurred and the subject left the area prior to officer arrival.

Disturbance
June 21

1100 block of County Road 83, Independence. Officer was dispatched to a disturbance. An individual called upset about a culvert being replaced in his front yard. Reporting party stated he talked to the job supervisor about the storm water from the ditch going into his yard. Reporting party wanted that fixed while they were doing their other work. Officer made contact with the engineer in charge of the project and was told to review the issue and find a solution.

Traffic Complaint
June 22

Intersection of Highway 12 and Budd Ave, Maple Plain. Officer was dispatched to a traffic complaint. Reporting party stated a vehicle was driving aggressive and estimated its speeds were over 90 at times. The vehicle also passed the reporting party on the shoulder on Highway 12 while entering Maple Plain. Officer went to the registered owner's house and spoke to the possible driver who advised no one was driving the vehicle within the noted time frame regardless of being shown photos of his vehicle and license plate on the road. Due to the clarity of the photos, officer was not able to positively identify the suspected driver.

Crash
June 23

Intersection of Highway 12 and Pioneer Avenue, Maple Plain. Officer was monitoring radio traffic from a neighboring agency regarding a hit and run crash. Officer located a vehicle matching the given description and initiated a traffic stop. Officer spoke to the driver who denied being involved in a crash. Photos of the vehicle were sent to the reporting officer and was positively identified by the other driver. The driver was revoked and had an ignition interlock restriction. She was cited for both offenses and for the hit and run.

Trespassing
June 24

Intersection of County Road 6 and Copeland Road, Independence. Officer was dispatched to a report of a suspicious incident. Reporting party stated that overnight, someone came to their property and opened the barn, letting out several livestock. There was no livestock missing. Reporting party had planned on getting trail cameras and double lock the barn doors. Extra patrol requested.

Theft
June 26

5100 block of Broadmoor Drive, Independence. Officer was dispatched to a report of a stolen golf cart. Reporting party is a neighbor who stated they witnessed an individual driveaway with the golf cart. Officers circle the area looking for the golf cart. It was found someone of relation with memory issues took the golf cart without asking. Golf cart was returned to the owners without any damage. Nothing criminal.

Welfare Check
June 27

2000 block of Budd Street, Independence. Officer was dispatched to a welfare check where it was an open 911 line and yelling was heard in the background. Officer responded and spoke with the homeowner who advised it was an accidental call and his sons were arguing. Officer checked the welfare of the boys who appeared to be in good spirits. No problems.

Crash
June 30

Intersection of Highway 12 and County Road 90, Independence. Officer was dispatched to a property damage crash with no injuries. It was found that driver 1 was attempting to pass a semi in the right lane of the roundabout when they ran out of lane and hit the semi-truck, who was in the left lane. Driver 1 was cited for the offense.

City of Independence

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

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 18, 2023
<i>Applicant:</i>	Windsong Farm Golf Club
<i>Owner:</i>	David Meyer
<i>Location:</i>	18 Golf Walk

Request:

Jon Dailing/Windsong Farm Golf Club (Applicant) and David Meyer (Owner) are requesting the following action for the properties generally located at 18 Golf Walk and 550 CSAH 92 N. (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32- 118-24-31-0001 and 32-118-24-14-0002) in the City of Independence, MN:

- a. A conditional use permit amendment to allow the inclusion of 550 CSAAH 92 N. for storage of materials and equipment associated with the golf course.

Property/Site Information:

The subject property is located on the S.E. corner of the intersection of County Road 6, and County Road 92 North. The property is comprised of a single-family home, detached accessory structures, tillable acreage and pastures. The property has the following characteristics:

Property Information: 550 County Rd. 92 N.
Zoning: Agriculture
Comprehensive Plan: Agriculture
Acreage: ~20.23 acres



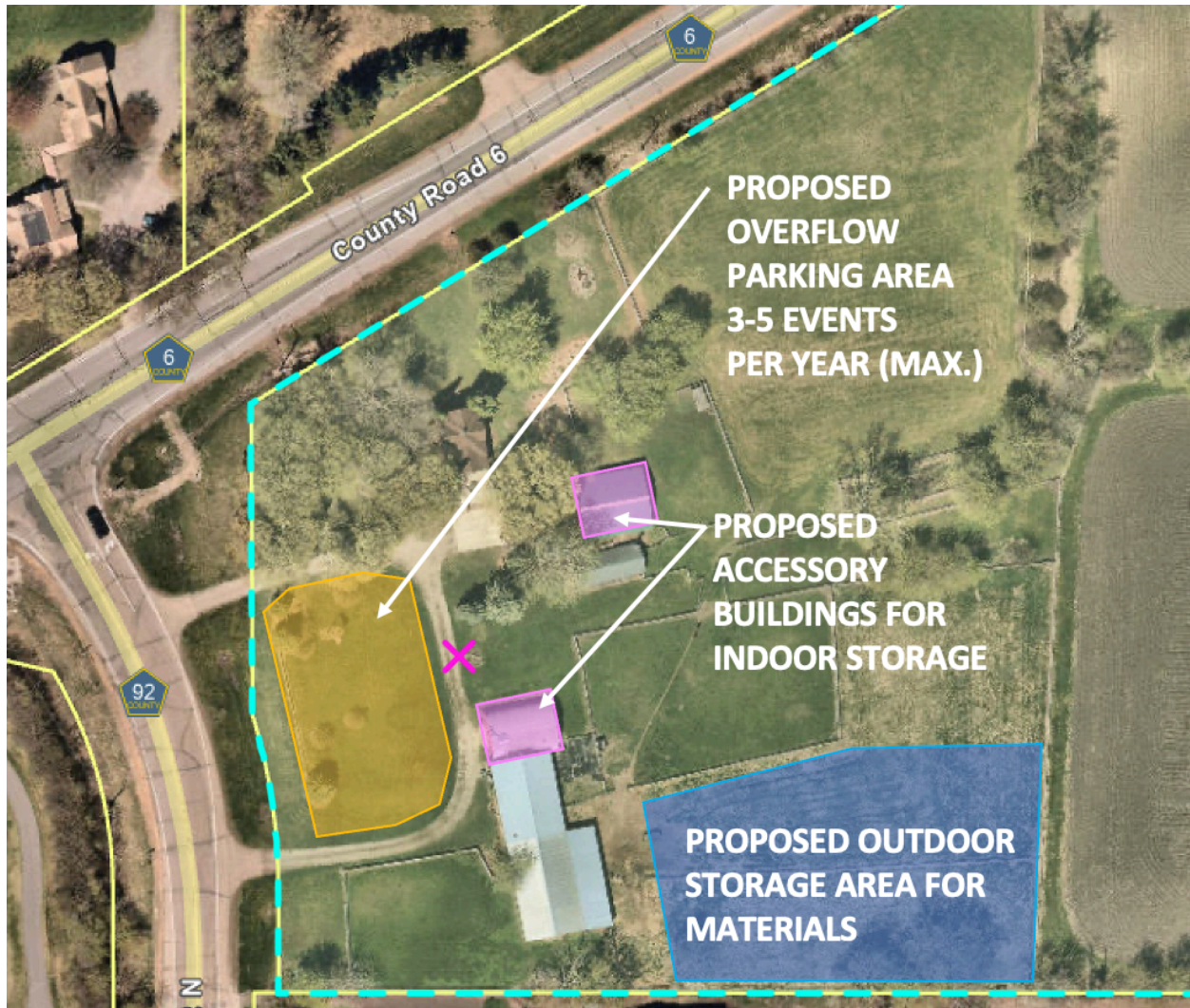
Discussion:

Windsong Golf Club recently acquired the property northeast of the existing golf course (550 CSAH 92 N.). The applicant approached the City about the possibility of expanding their current CUP to allow the use of a small portion of the property to support their maintenance operations of the golf club. Windsong had previously been utilizing the existing barn and land on the north side of CSAH 6 that is now in the process of being developed as their second golf course.

The subject property is approximately 20 acres in size and contains a single-family home, four (4) detached accessory buildings, pasture and tillable acreage. The single-family home is currently rented, and the applicant is proposing to continue farming the tillable acreage on the east side of the property (approximately 15 acres). The applicant is seeking an amendment to allow the following on the subject property:

- Utilization of a small portion of the property for bulk material storage (mulch, sand, aggregate), compost associated with the golf course (will be reused as compost) and brush and other organics. If permitted, the use would be limited to the areas depicted below which would become an exhibit to the approval.

- Indoor storage of equipment and vehicles within two (2) of the existing detached accessory structures as depicted. The applicant noted that the remaining detached accessory structure would not be suitable for indoor storage.
- Overflow staff parking for events. This would be limited to a maximum of 5 annual events. The City would have to be notified at least 2 weeks prior to any event. The applicant noted that the proposed overflow parking would eliminate any on-street parking that currently occurs on CSAH 92. N. This provision would be noted as a condition of the CUP.



In order to consider the expansion of the golf course facility to the subject property, an amendment to the conditional is necessary.

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

Commercial golf courses are permitted as conditional uses in the AG - Agriculture zoning district. The golf club has a conditional use permit that was originally approved in 2001 and amended in 2012 and 2013, 2016, 2021 and 2022. The CUP allows two golf courses, their associated 29,000 SF club house/pro shop, guest house and parking north of CSAH 6. The initial Golf Course CUP was issued under 530.01, subd. 4(s) which makes "commercial golf course" a conditionally permitted use.

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

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

The subject property is located at the S.E. corner of CSAH 92 and CSAH 6. The property has historically been used as a horse farm and agricultural property. Windsong's main maintenance facility is located almost directly across the street from the subject property (S.W.). Most impacts that would result from the use of the property for bulk materials, organics storage and indoor equipment would be mitigated by the remaining open space and existing vegetative screening. Golf courses are permitted as a conditional use in the Agriculture zoning district. The City will need to find that use of the property is considered an extension of the golf course and consistent with the existing zoning. In addition, the City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit.

There are a few additional considerations that should be noted:

1. The applicant is not proposing to make any permanent improvements to the land to accommodate the proposed material and organics. The outdoor storage areas would be utilized only during the golf season.
2. The City may want to consider establishing a minimum setback from the south property line to further mitigate any potential impacts (i.e. 50 feet). Staff will look for direction and feedback from Planning Commission relating to setbacks.
3. The use of the property for overflow staff parking would eliminate the use of CSAH 92 and CSAH 6 for on-street parking during a few larger course events (i.e. Annual Big 10 college golf tournament)
4. The applicant has worked well with the City with other expansions and has followed all applicable conditions.
5. If considered for approval, the City would want to provide a specific exhibit and associated conditions relating to the use of the subject property. This would limit the CUP use to specific areas of the property and not allow for its expansion without an additional amendment to the CUP. The City would also tie the proposed use of the property to the golf course CUP. This would eliminate any possibility that the CUP could exist on the property without the golf course.

The proposed use would increase the footprint of the golf course and would result in some equipment moving back and forth between the existing maintenance area and the subject property. This condition exists between the golf course, the property to the north and Pioneer Creek Golf Course. Resulting traffic, noise, and other measureable impacts should not be incrementally amplified as a result of the proposed expansion as long as the uses are limited to those areas identified.

The Planning Commission will need to determine if the requested amendment to the conditional use permit and comprehensive plan meets all of the aforementioned conditions and restrictions.

Neighbor Comments:

The City has not received any written comments regarding the proposed amendment to the conditional use permit.

Planning Commission Discussion and Recommendation:

Commissioners discussed the application and asked questions of the applicant and staff. Commissioners discussed the setback for the outdoor storage from the southern property line. Commissioners recommended that the City establish a minimum setback of 30 feet and require a landscaped buffer. Commissioners recommended approval with the additional conditions.

Recommendation:

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

1. The proposed conditional use permit and comprehensive plan amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This amendment approves the use of a portion of the subject property and further defined on the approved plans and exhibits. The following conditions shall be added to the conditional use permit:
 - a. In addition to the golf course, Windsong Farm Golf Club can use the property located at 550 CSAH 92 N. for additional outdoor storage, indoor storage and staff overflow parking with the following limitations:
 - 1) The outdoor storage area shall be limited to the area designated on the approved plans and attached to the approval resolution as an Exhibit. Outdoor storage shall be limited to compost of grass clippings, temporary storage of fallen trees or limbs (approval of trees and limbs will be limited to piles that are not a cause for nuisance as defined in the City's approved nuisance ordinance), bulk materials (mulch, aggregate and similar organics).
 - 2) The indoor storage will be limited to the two (2) detached accessory buildings designated on the approved plans and attached to the approval resolution as an Exhibit.

- 3) The overflow parking shall be limited to area designated on the approved plans and attached to the approval resolution as an Exhibit. The maximum number of events where overflow parking will be permitted is five (5). Each event shall be no more than three consecutive days in length.
 - 4) Any lighting of the storage areas, temporary parking or indoor storage building lighting shall be subject to the requisite City ordinances pertaining to outdoor lighting. Any existing lighting shall be modified to be fully compliant.
 - 5) Any expansion of the outdoor storage areas, indoor storage areas, overflow parking areas, and or expansion of the existing buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
 - 6) The remainder of the property that is not specifically designated on the approved plans shall only be used for permitted or accessory uses as specified in the City's zoning ordinances for A-Agriculture properties.
 - 7) The outdoor storage area shall be setback a minimum of 30 feet from the south property line. The 30-foot setback area shall be landscaped in accordance with the approved landscape plan attached hereto.
4. Prior to the City granting a grading permit for the proposed expansion, the applicant shall complete the following items:
 - a. Provide a scaled site plan indicating all designated areas.
 - b. Provide a landscape screening plan that is determined to be acceptable to the City.
 5. The applicant shall pay for all costs associated with the review of the conditional use permit amendment application.

Attachments:

1. Application



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 23-718-01

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

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

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

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

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

WHEREAS, Windsong Farm Golf Club (the “Applicant”) submitted a request for an amendment to the conditional use permit to allow a new 18-hole golf course to be located on the club properties identified (PID No.s 32-118- 24-13-0001, 32-118-24-42-0001, 32-118-24-24-0001, 32-118-24-31-0002, 32- 118-24-31-0001 and 32-118-24-14-0002) (the “Property”); and

WHEREAS, the Property is zoned Agriculture; and

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

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

WHEREAS the Planning Commission held a public hearing on June 27, 2023, to review the application for an amendment to the Conditional Use Permit, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

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

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Windsong Farms Golf Club for an amendment to the conditional use permit per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This amendment approves the use of a portion of the subject property and further defined on the approved plans and exhibits. All conditions of the initial conditional use permit and subsequent conditional use permit amendments shall remain in force. The following conditions shall be added to the conditional use permit:
 - a. In addition to the golf course, Windsong Farm Golf Club can use the property located at 550 CSAH 92 N. for additional outdoor storage, indoor storage and staff overflow parking with the following limitations:
 - 1) The outdoor storage area shall be limited to the area designated on the approved plans and attached to the approval resolution as an Exhibit. Outdoor storage shall be limited to compost of grass clippings, temporary storage of fallen trees or limbs (approval of trees and limbs will be limited to piles that are not a cause for nuisance as defined in the City's approved nuisance ordinance), bulk materials (mulch, aggregate and similar organics).
 - 2) The indoor storage will be limited to the two (2) detached accessory buildings designated on the approved plans and attached to the approval resolution as an Exhibit.
 - 3) The overflow parking shall be limited to area designated on the approved plans and attached to the approval resolution as an Exhibit. The maximum number of events where overflow parking will be permitted is five (5). Each event shall be no more than three consecutive days in length.

- 4) Any lighting of the storage areas, temporary parking or indoor storage building lighting shall be subject to the requisite City ordinances pertaining to outdoor lighting. Any existing lighting shall be modified to be fully compliant.
 - 5) Any expansion of the outdoor storage areas, indoor storage areas, overflow parking areas, and or expansion of the existing buildings shall be subject to the review and approval of the City through an amendment to the conditional use permit.
 - 6) The remainder of the property that is not specifically designated on the approved plans shall only be used for permitted or accessory uses as specified in the City's zoning ordinances for A-Agriculture properties.
 - 7) The outdoor storage area shall be setback a minimum of 30 feet from the south property line. The 30-foot setback area shall be landscaped in accordance with the approved landscape plan attached hereto.
4. Prior to the City granting a grading permit for the proposed expansion, the applicant shall complete the following items:
 - a. Provide a scaled site plan indicating all designated areas.
 - b. Provide a landscape screening plan that is determined to be acceptable to the City.
 5. The applicant shall pay for all costs associated with the review of the conditional use permit amendment application.

This resolution was adopted by the City Council of the City of Independence on this 18th day of July 2023, by a vote of _____ ayes and _____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Jonathan Dailing
Address: 18 Golf Walk
Independence,
Minnesota 55359
Primary Phone: 9527973727
Email: jdailing@wsfarm.com

Owner Information

Name: David Meyer
Address: 18 Golf Walk
Independence, Minnesota
55359
Primary Phone: 7634797161
Email: davidmeyernd@gmail.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

Windsong Farm Golf Club is proposing to add 550 County road 92 into its existing conditional use permit. This property consists of 25 acres, with 20 acres of farmland. In the upland field east of the existing house and barns this area would be used as an area for compost of grass clippings, and an area to place any fallen trees or limbs from the golf course just west of the property. Other materials that will be stored onsite will include mulch piles and aggregate materials for repairs to the grounds of the golf courses.

All access to the property will be from county road 92. We are proposing the large front yard could be utilized as an employee overflow parking lot in the event of Windsong hosting a large-scale event (possibly one to two times a year) rather than employees parking on the shoulder of county road 6. Employees will access the south course by walking to the maintenance facility and then to the clubhouse using cart paths.



■City of Independence

***Request for a Conditional Use Permit to
Allow a Structure Larger than 5,000 SF on the
Property located at 6935 Pagenkopf Road***

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 18, 2023
<i>Applicant:</i>	James Ruehl
<i>Property Owner:</i>	Jefferey Athmann
<i>Location:</i>	6935 Pagenkopf Road

Request:

James Ruehl (Applicant) and Jeffery Athmann (Owner) are requesting the following action for the property located at 6935 Pagenkopf Rd. (PID No. 15-118- 24-32-0005) in the City of Independence, MN:

- a. A conditional use permit to allow the construction of a structure greater than 5,000 SF.

Property/Site Information:

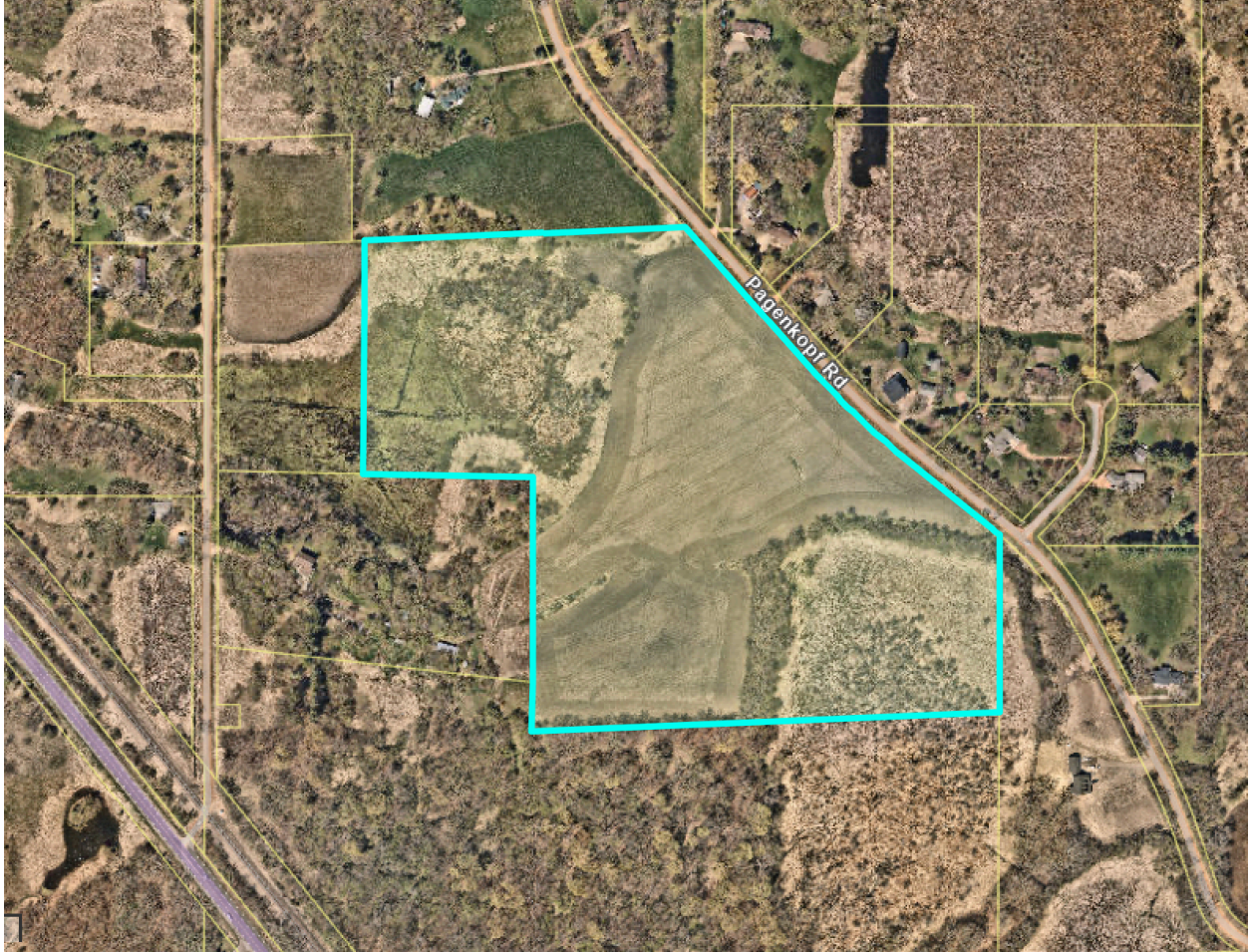
The property is located on the west side of Pagenkopf Road south of the intersection of Valley Road and Lake Sarah Road. The property has no structures and is primarily comprised of tillable acreage woodlands and wetlands. The property has the following characteristics:

Property Information: 6935 Pagenkopf Road

Zoning: Agriculture

Comprehensive Plan: Agriculture

Acreage: 35.32 acres



Discussion:

The subject property was recently subdivided as a part of a larger subdivision of the Pagenkopf Family property. The applicant approached the City with plans to construct a new horse farm and associated facility on the subject property. The proposed facility would consist of a new 27,504 square foot building. The building would be comprised of a 1,200 SF living quarters (principal residence), a barn with 6 horse stalls, an equipment storage room, and a riding arena. In addition, there will be two horse shelters in the Paddock area. This is proposed to be a private facility and the living quarters will be the residence for the owner's family.

The building will be located on the northern part of the property and situated to allow a future building site for a home just to its south. The fenced pasture for the horses will be to the west and south of the buildings. The proposed project is proposed to be constructed in two phases: the first phase consisting of the living quarters, barn and the equipment room, and the second phase consisting of the indoor arena. While there is no specific timeline for the indoor arena, it is expected that it will be built in the next 5 years.

The proposed 27,500 square foot building would exceed the maximum square footage permitted of 5,000 without a conditional use permit. The applicant would like the City to consider granting a conditional use permit to allow the proposed 27,500 SF building.

All accessory structures greater than 5,000 square feet require a conditional use permit

530.01 Agricultural District established.

Subd. 3. Accessory uses.

(d) Detached agricultural storage buildings, barns, or other structures, accessory to an existing single-family dwelling and subject to the following criteria:

3. *The maximum square footage of any individual accessory building or structure shall be 5,000 square feet.*

Phase I of the proposed facility will initially be comprised of the residence, a barn with six (6) horse stalls and an equipment storage room. The square footage of the Phase I facility is approximately 11,000 square feet. The proposed Phase II indoor riding arena is approximately 16,500 square feet in size (84' x 198'). The proposed building would be used solely for the applicant's personal use and own horses. There would be no commercial use or commercial boarding of horses allowed within the proposed accessory structure.

The applicant has provided the City with a site survey, floor plan and building elevations of the proposed building.

The proposed building has the following characteristics:

Required Setbacks:

Front Yard:	85 feet from centerline
Side Yard:	30 feet principal structure 15 feet accessory structure
Rear Yard:	40 feet
Wetland Buffer:	10 feet

Proposed Setbacks:

Front Yard:	113 feet from CL of Pagenkopf Rd.
Side Yard:	N/A - far exceeds requirement
Rear Yard:	N/A - far exceeds requirement
Wetland Buffer:	26 feet at closest point

The proposed building meets all applicable building setbacks.

The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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

The City has visited the site and discussed the proposed site improvements with the applicant. The conditional use permit would allow an accessory structure larger than 5,000 SF. The City is being asked to determine whether or not the proposed structure larger than 5,000 SF would meet the criteria for granting a conditional use permit. The applicant has designed the site to take advantage of the existing views, maximize useable land for the private horse facility and set the site up to accommodate a future single-family residence on the property. There is a natural high area that runs down the center of the property and best accommodates the proposed and future structures. There are several considerations that should be noted by the Planning Commission during your review.

Additional Notes/Considerations:

- The applicant has completed a wetland delineation for the property. The City has approved the delineation and reviewed the prescribed wetland buffers.
- The applicant is proposing to construct a stormwater detention and conveyance system to both regulate rate of runoff and water quality in accordance with applicable stormwater requirements. The City is in the process of finalizing a review of the proposed stormwater system. The applicant will be required to obtain all applicable permits (PSCWMO) relating to the proposed stormwater system.

- The applicant has provided a narrative and additional illustrations of the proposed building. This includes additional information relating to the proposed building materials, building height, and architectural details.
- The applicant is proposing to install wall mounted building lighting. The proposed “wall pack” lights appear to meet applicable lighting requirements; however, a photometric plan will be required to be submitted. The City typically reviews building lighting during the building permit review process.
- The applicant does indicate the location of a manure pit on the property. The applicant will be subject to meeting all provisions within the City’s Manure Management Policy.
- The Fire Chief has reviewed the proposed facility and requested that the applicant provide a secondary fire service road on the northwest side of the building.
- The proposed facility will be located along Pagenkopf Rd. There are several residential properties located on the north side of the road across from the proposed new facility. The applicant has noted that the proposed facility will be for private use only and be compatible with the surrounding land use. It should be noted that the proposed Phase II indoor riding arena would be setback from the right of way of Pagenkopf Road a distance of 80 feet. There is currently no landscaping proposed along the most public facing portion of the facility. Staff will look for Planning Commission discussion and feedback relating to the proposed proximity to the adjacent road and whether or not any mitigation measures are warranted.
- The applicant has noted that there is a longer-term plan to convert the proposed 1,200 square foot residence to an accessory dwelling unit and construct a single-family home on the property. The applicant is aware of the current ADU requirements and understands that the approval of any future single-family home will be subject to the standards and processes in place at the time it is proposed.
- The applicant has prepared detailed site plans, grading plan, stormwater plans and building plans for the proposed site improvements. The City has reviewed the plans to ensure that the proposed facility meets applicable standards but will perform a full review of the project and associated improvements at the time an application for a building permit is made.

Planning Commission Discussion and Recommendation:

Commissioners discussed the application and asked questions of the applicant and staff. Commissioners discussed the setback and screening from Pagenkopf Road. Commissioners were for the outdoor storage from the southern property line. Commissioners recommended that the City establish a minimum setback of 30 feet and require a landscaped buffer. The applicant has prepared a landscape plan and submitted it to the City for further consideration. The City has

reviewed the plan and will provide additional comments to the applicant. It is anticipated that the City and applicant will continue to work on the plan. Commissioners recommended approval with the additional conditions.

Neighbor Comments:

The City received a variety of questions and oral comments regarding the proposed conditional use permit at the public hearing. Concerns were expressed relating to the potential increase in traffic, departure from the rural character of the surrounding area.

Recommendation:

The Planning Commission recommended pertaining to the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The Conditional Use Permit will be issued subject to the following items being completed:
 - a. Obtaining all applicable permits from the Pioneer Sarah Creek Watershed Management Commission.
 - b. The Conditional Use Permit for the proposed facility will be subject to the applicant constructing the residence in accordance with applicable residential requirements and obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - c. The applicant shall provide the City with a photometric plan confirming conformance with applicable requirements. All lighting will be required to comply with the City's applicable lighting standards.
 - d. The applicant shall provide the City with a landscape and screening plan that is found to be acceptable to the City. The screening shall provide screening for the future indoor riding arena and manure collection area.
3. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
4. No commercial use of the proposed detached accessory structure shall be permitted.
5. No future expansion of the structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.

6. The owner of the property will be required to meet all requirements of the City's Manure Management Policy. The City will want to further review the proposed manure management for this property.
7. The maximum number of horses permitted on the property would be subject to the City's applicable animal unit density requirements.
8. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Attachments:

1. Application
2. Narrative
3. Site Survey/Site Plan/Grading Plan/Stormwater Plan
4. Building Floor Plan
5. Building Elevations
6. Colored Rendering



**CITY OF INDEPENDENCE
RESOLUTION NO. 23-0718-02**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT
TO ALLOW A DETACHED ACCESSORY STRUCTURE
LARGER THAN 5,000 SQUARE FEET
ON THE PROPERTY LOCATED AT 6935 PAGENKOPF ROAD**

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

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

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

WHEREAS, James Ruehl (Applicant) and Jeffery Athmann (Owner) submitted a request for a Conditional Use Permit to allow a detached accessory structure larger than 5,000 square feet on the property located 6935 Pagenkopf Rd. (PID No. 15-118- 24-32-0005) (the “Property”); and;

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

WHEREAS, the approved site plan is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the Property is zoned AG-Agriculture; and

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

WHEREAS the Planning Commission held a public hearing on June 27, 2023 to review the application for the Conditional Use Permit, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by James Ruehl for a Conditional Use Permit to allow a detached accessory structure larger than 5,000 square feet to be constructed on the subject property per the City's zoning regulations with the following conditions:

1. The proposed conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The Conditional Use Permit will be issued subject to the following items being completed:
 - a. Obtaining all applicable permits from the Pioneer Sarah Creek Watershed Management Commission.
 - b. The Conditional Use Permit for the proposed facility will be subject to the applicant constructing the residence in accordance with applicable residential requirements and obtaining and completing a building permit for all applicable improvements required for a dwelling unit.
 - c. The applicant shall provide the City with a photometric plan confirming conformance with applicable requirements. All lighting will be required to comply with the City's applicable lighting standards.
 - d. The applicant shall provide the City with a landscape and screening plan that is found to be acceptable to the City. The screening shall provide screening for the future indoor riding arena and manure collection area.
3. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
4. No commercial use of the proposed structure shall be permitted, including boarding of horses other than those owned by the property owner.
5. All improvements shall be in accordance with the approved plans attached hereto as **Exhibit B**.
6. No future expansion of the structure shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
7. The owner of the property will be required to meet all requirements of the City's Manure Management Policy. The City will want to further review the proposed manure management for this property.
8. The maximum number of horses permitted on the property would be subject to the City's applicable animal unit density requirements.

9. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

This resolution was adopted by the City Council of the City of Independence on this 18th day of July 2023, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

EXHIBIT B
(Proposed Improvements)



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: James "Nick" Nicholas
Ruehl

Address: 5630 Marsh Pointe Drive
Excelsior, Minnesota
55331

Primary Phone: 612-889-2851

Email: nruehl@outlook.com

Owner Information

Name: Jeffrey John Athmann

Address: 1140 Drake Court
Independence, Minnesota 55359

Primary Phone: 763-218-8840

Email: Jeffrey.Athmann@ieainstitute.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions), Building Plans,
Wetland Delineation

Signature:

Nick Ruehl – Planning Application 5.9.23

The Athmanns own a 35.32acre parcel located on Pagenkopf Road in Independence, MN. They propose to construct a 27, 504 SF. building consisting of a 1,200 SF living quarters, a barn with 6 horse stalls, an equipment storage room, and a riding arena. In addition, there will be two horse shelters in the Paddock area. This is a private facility, and the living quarters will be the residence for Lauren Athmann.

Narrative of Proposed Project

Project: Living Quarters, Barn, and Arena
Location: 6935 Pagenkopf Road, Independence, MN 55359
Owner: Jeff, Cindy, and Lauren Athmann
Owner Address: 1140 Drake Court, Independence, MN 55359

Project Description

The Athmanns own a 35.32acre parcel located on Pagenkopf Road in Independence, MN. They propose to construct a 27, 504 SF. building consisting of a 1,200 SF living quarters, a barn with 6 horse stalls, an equipment storage room, and a riding arena. In addition, there will be two horse shelters in the Paddock area. This is a private facility, and the living quarters will be the residence for Lauren Athmann.

The building will be located on the northern part of the property and situated to allow for a building site for a future home just to its south. The fenced pasture for the horses will be to the west and south of the buildings.

The proposed project is proposed to be constructed in two phases: the first phase consisting of the living quarters, barn and the equipment room, and the second phase consisting of the arena. While there is no specific timeline for the arena, it is expected that it will be built in the next 5 years.

Also, there is no specific timeframe for the construction of a future home. The evolution of Lauren's life will determine when a home will be built.

Description of Building

Building Height: The living quarters, barn, and equipment storage will have a sidewall height of 12', and the arena will have a sidewall height of 16'. The slope of the arena roof will be 2.98/12, resulting in an overall truss height of 13' 6" and an overall peak height of the building of 30' 0". The barn and living quarters will have a 6/12 top-chord slope, resulting in a peak height of 23' 6".

Building Materials and Color: The building will be constructed using the frame building structural system and will be clad with metal roofing and siding. The general color scheme will be black and white – a black roof and white metal siding. The windows and front door will be black in color, and the service doors and garage doors will be white, similar to the color of the siding.

Exterior Lighting: The exterior lighting for the facility will consist of recessed lighting in the soffits (over garage doors) and LED wall packs on the face of the buildings near service doors and the face of the garage. The wall packs will be mounted 15' above the ground and will have a fifteen degree "cut-off" feature to prevent light from leaving the property on . Attached is a plan showing the location of the proposed lights along with a specification of fixture.

Conditional Use Criteria Responses

1. **The Conditional use will not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands.** *The Athmanns will be using the property in a manner that is consistent with other private residential and horse facilities in the City of Independence.*
2. **The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.** *The properties in the immediate vicinity of the Athmann home are used for agricultural and private residential use. The residence, horse barn, and arena – all for private use - will have no detrimental effects on the adjacent properties.*
3. **Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.** *The traffic to and from the Athmann site will be typical of residential and private equestrian use. Athmann's will have occasional visitors, but no commercial events. There will be two access drives from Pagenkopf Road servicing the property. The main access will be for the living quarters, barn, and arena, and will also be used as access for a future home. A secondary access at the rear of the property will serve primarily as Fire Access, with occasional use as access to the manure storage area. Since there is a drive-through provided in the barn, there is day-to-day access to the back of the property.*
4. **Sufficient off-street parking and loading space will be provided to serve the proposed use.** *The site has been designed to accommodate the parking, maneuvering, and servicing needs typical of an equestrian facility. A single gravel courtyard provides access and maneuvering space to the living quarters garages, barn drive-through, equipment storage and arena. Deliveries (hay, supplies) will also be via the courtyard.*
5. **The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and a sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.** *The project civil engineer has performed soil tests and is currently preparing septic system documents. The general location for the septic system is noted on the attached site plan and engineered drawings will be submitted at time of permit.*
6. **The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.** *As a private residence and equestrian facility there is nominal vehicular traffic or other activity that would create undue dust, noise, vibration, etc. Proper manure storage and management will be provided to minimize offensive odor.*
7. **The proposed conditional use is consistent with the comprehensive plan of the City of Independence.** *The combination of uses for this proposed project is consistent with the zoning ordinances and comprehensive plan of the City. The need for conditional use is due to the size of the facility, and we believe the project, as designed, meets the City's requirements.*
8. **The proposed use will not stimulate growth incompatible with prevailing density standards.** *The use is consistent with the City's ordinances and plans and will not stimulate growth incompatible with prevailing density standards.*



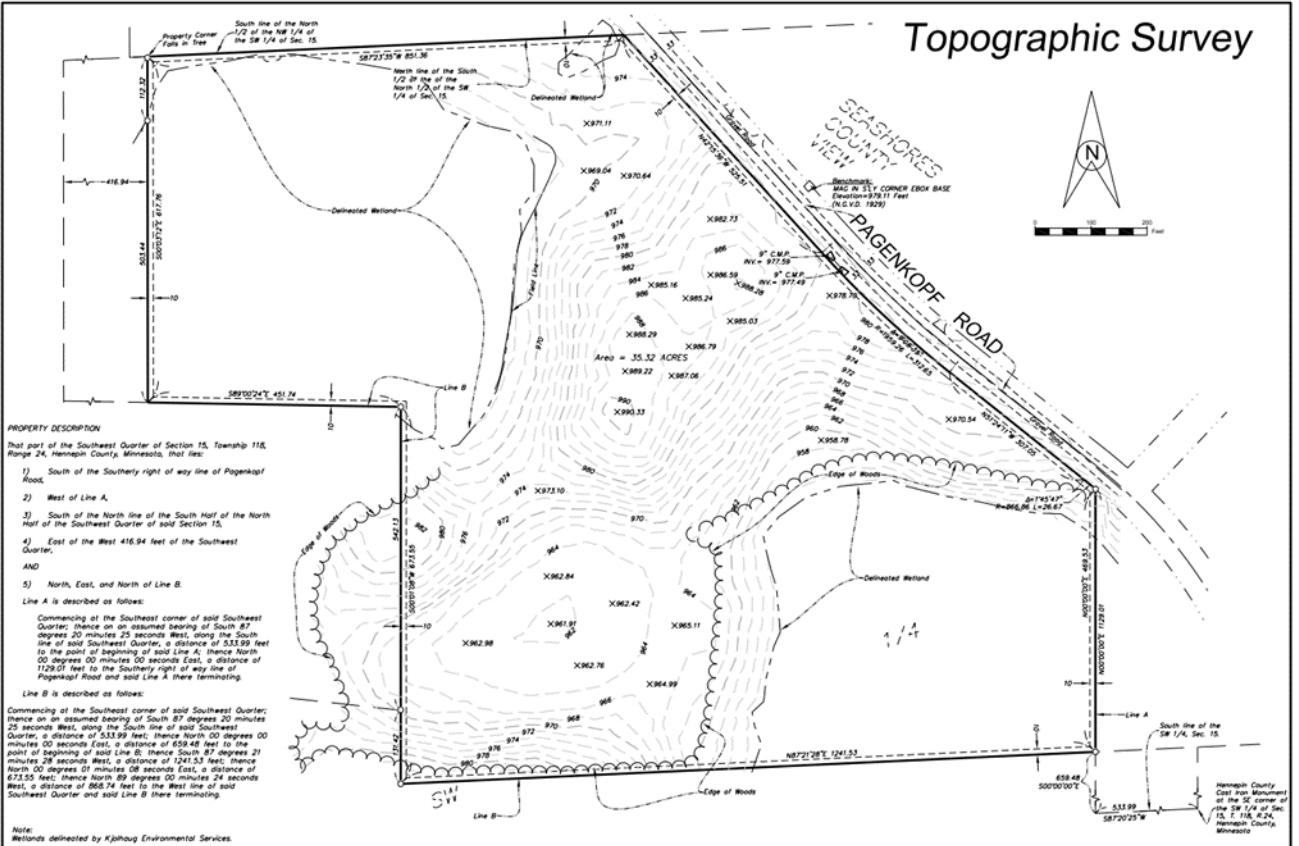
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Athmann

Conditional Use Responses

5/12/2023

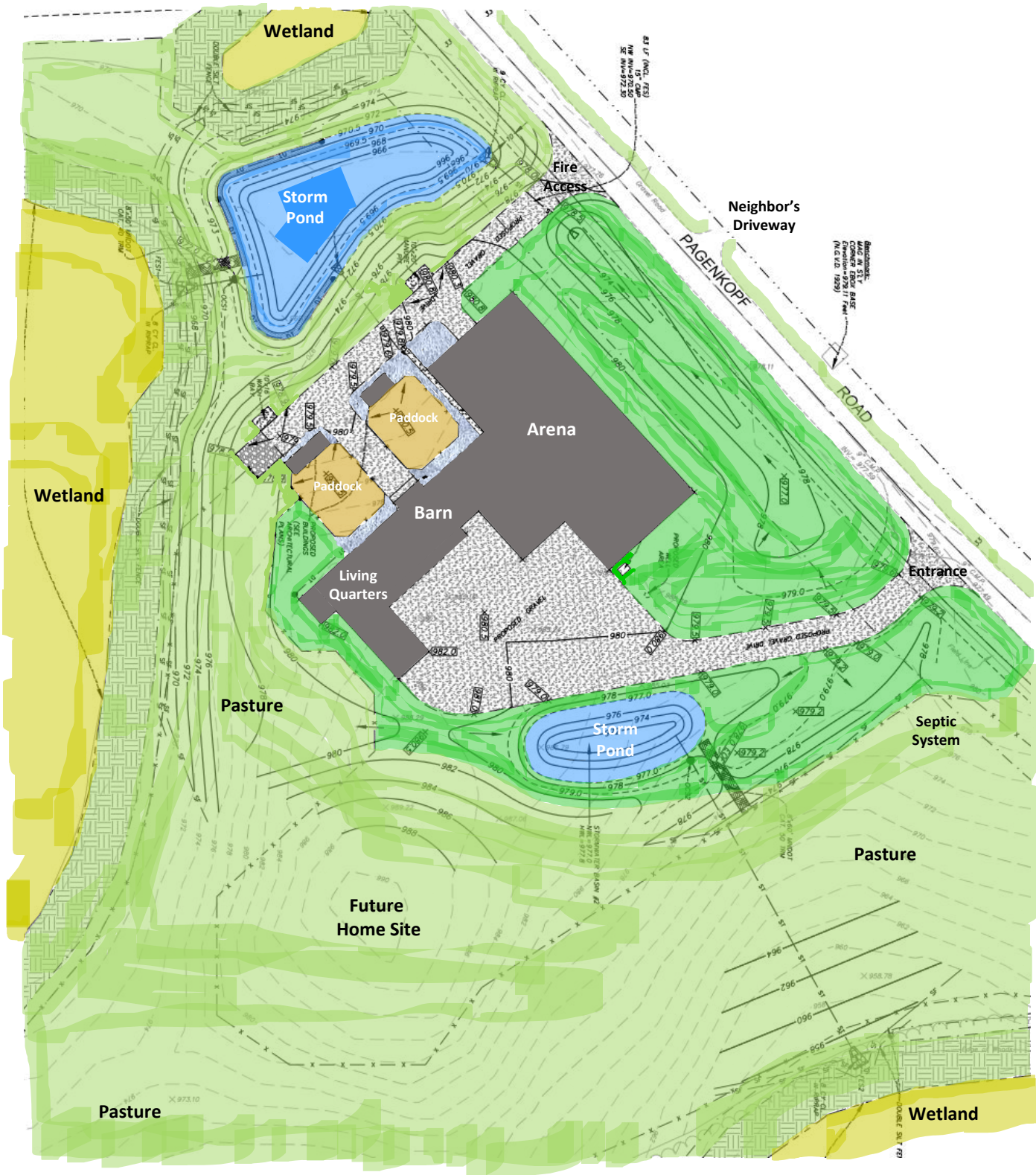
Topographic Survey



Arena (Ph 2)
Barn & Equipment (Ph 1)
Living Quarters (Ph 1)

Future Home Site

Pasture





LPACK 104W

400W MH equivalent. More light with 75% less energy. The LED Wall Pack you've been waiting for.

[Ordering Matrix](#)

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RAB

104W

Standard Cutoff Full Cutoff

5000K
Cool

14,159
Lumens

108
Input Watts

132
lm/W

71
CRI

4000K
Neutral

14,515
Lumens

111
Input Watts

131
lm/W

74
CRI

3000K
Warm

13,728
Lumens

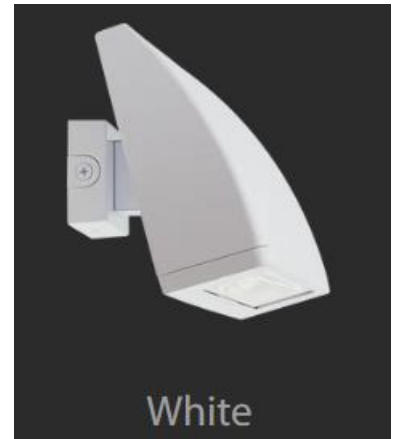
108
Input Watts

127
lm/W

71
CRI

Replaces Up To
400W
MH

Finishes



Arena Addition

RIDING ARENA
84' X 198'

OUTLETS @ 30" & 60"
PREFRIG BREAKER ON
SINGLE
4 LOCATIONS

THERM BOX & TV @ E.
OUTLETS @ 30" & 150"

LED LIGHTING ARENA &
ALLEY
SAFETY LIGHTING

CONCRETE WALK TO DRIVEWAY

STALL DOOR
HATCH DOOR

PAN @ 8"
TYPICAL

STALL 12X12

STALL 12X12

STALL 12X12

STALL 12X12

BARN
12 PANELS

SADDLE RACKS

HAY
12X18

TACK
12X18

DRIVE THROUGH
WASH BAYS
12X18 DOORS

EQUIPMENT

GRAIN CART

GRAIN 12X18

UTILITY & LAUNDRY
27X18

KITCHEN

DINING LIVING QUARTERS
12X18

LIVING

SLEEP PORCH COM
SCREENED VENDING
HATCH DOOR 14"

GUEST BATHROOM

BEDROOM

CLOSET

GARAGE
30X12

BLUCCO

TURNIN3
Athmann



Phase 2 Addition Plan

5/12/2023



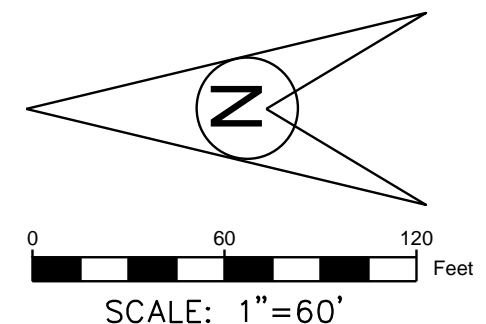
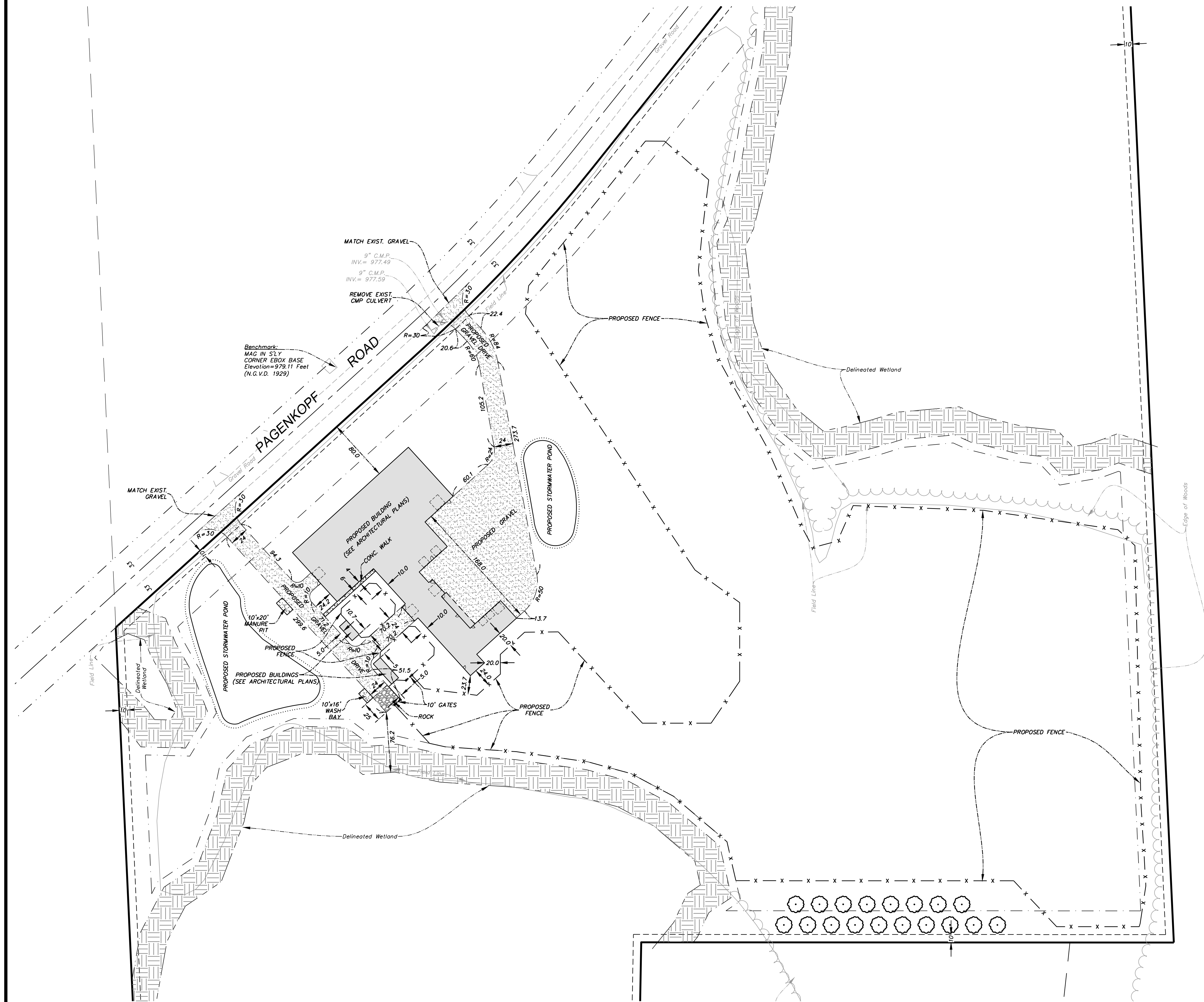
Materials

- *Metal Roofing & Siding*
- *Porch Siding / Vertical T&G Wood*

Colors

- *Roof / Black*
- *Siding / White*
- *Windows & Front Door / Black*
- *Service Doors & Garage Doors / White*
- *Front Porch Wood / Tan*

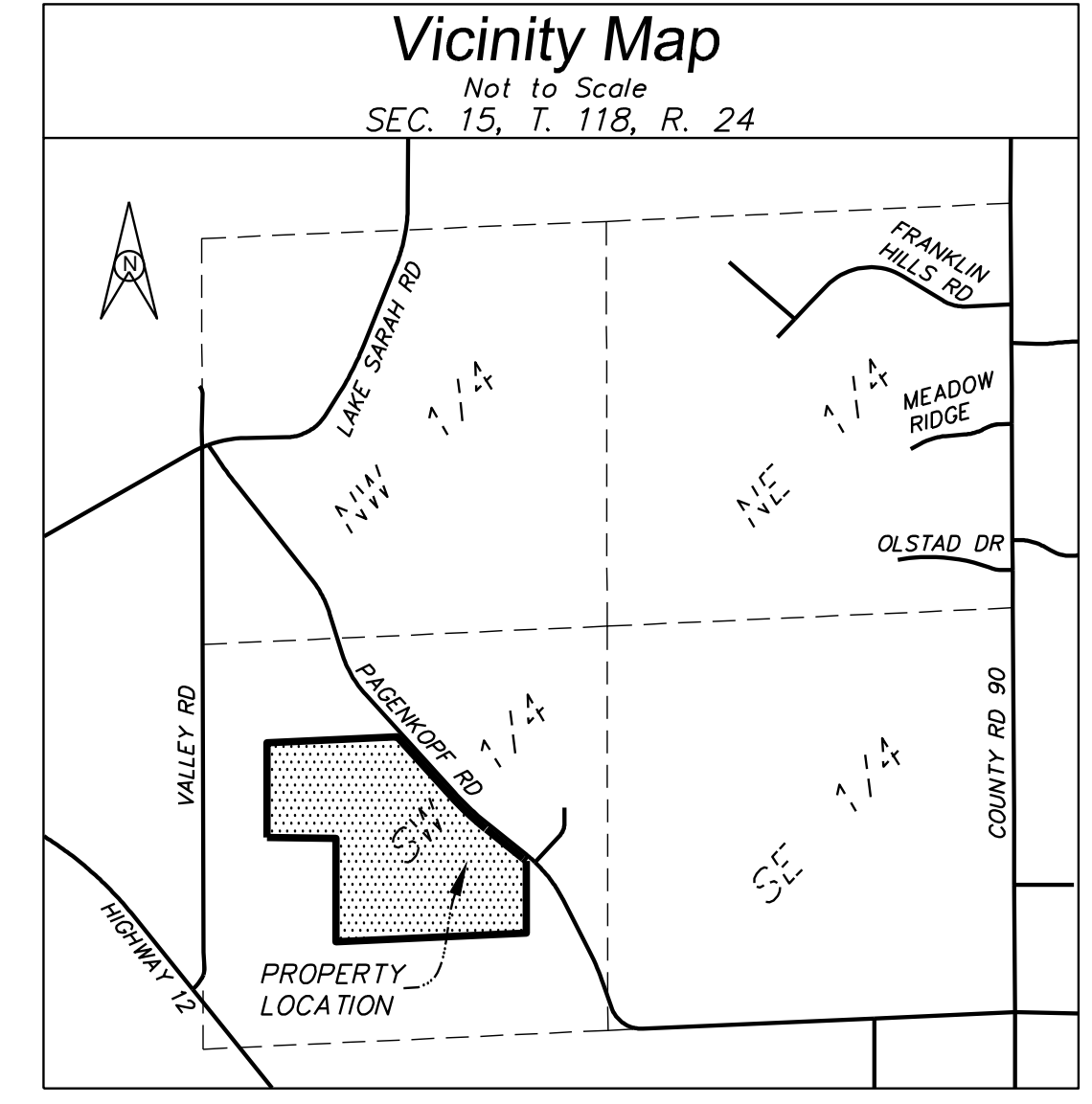




EXISTING ZONING: AG-PRESERVE

- LEGEND**
- denotes Delineated Wetland
 - - - - denotes Drainage and Utility Easement
 - ~~~~~ denotes Edge of Woods
 - ⊙ denotes Proposed Tree
 - ⌚ denotes 35' Wetland Buffer
 - · - · - denotes Building Setback Line
Front = 52'
Side = 30'
Rear = 40'
Wetland Buffer = 10'

Note:
Wetlands delineated by Kjolhaug Environmental Services.



SHEET INDEX

SHEET NO.	DESCRIPTION
1	SITE PLAN
2	GRADING PLAN
3	POND FILTRATION BENCH & DRAINTILE PLAN
4	SWPPP PROJECT INFORMATION
5	STORMWATER POLLUTION PREVENTION PLAN NARRATIVE
6	STORMWATER POLLUTION PREVENTION PLAN
7	RESTORATION PLAN
8	DETAILS
9	DETAILS

REV. NO.	DATE	BY	DESCRIPTION

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

CHECKED
P.E.O. *Paul E. Otto*
Paul E. Otto
License # 40062
Date: 5-3-23

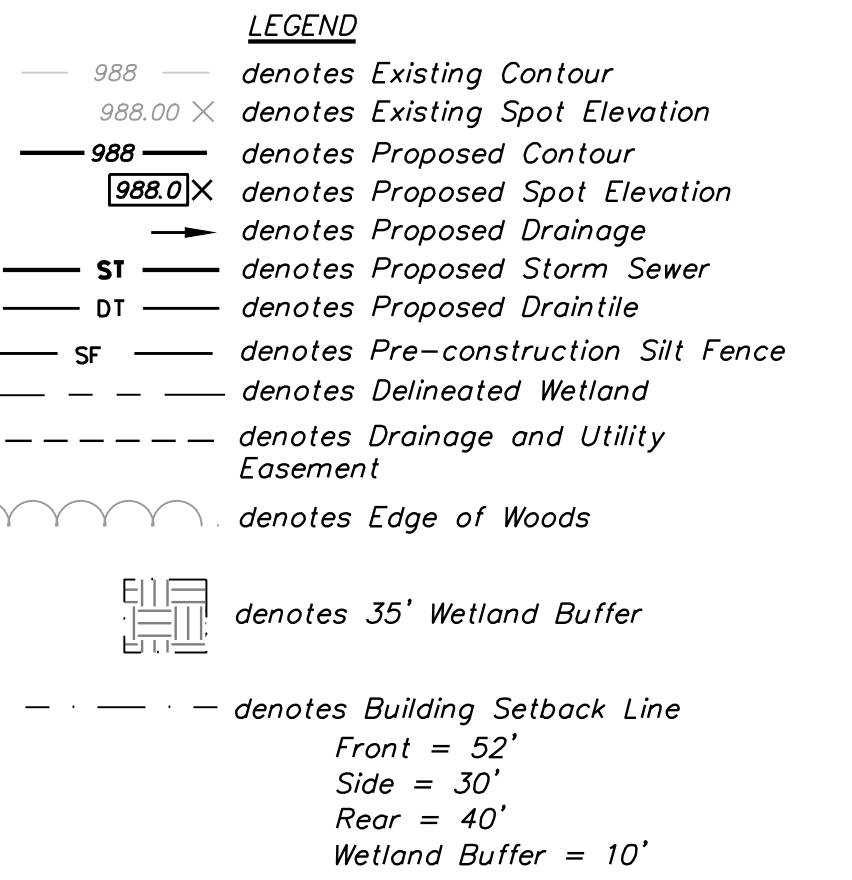
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

OTTO ASSOCIATES
Engineers & Land Surveyors, Inc.

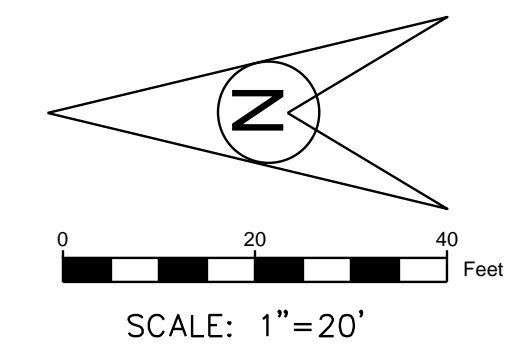
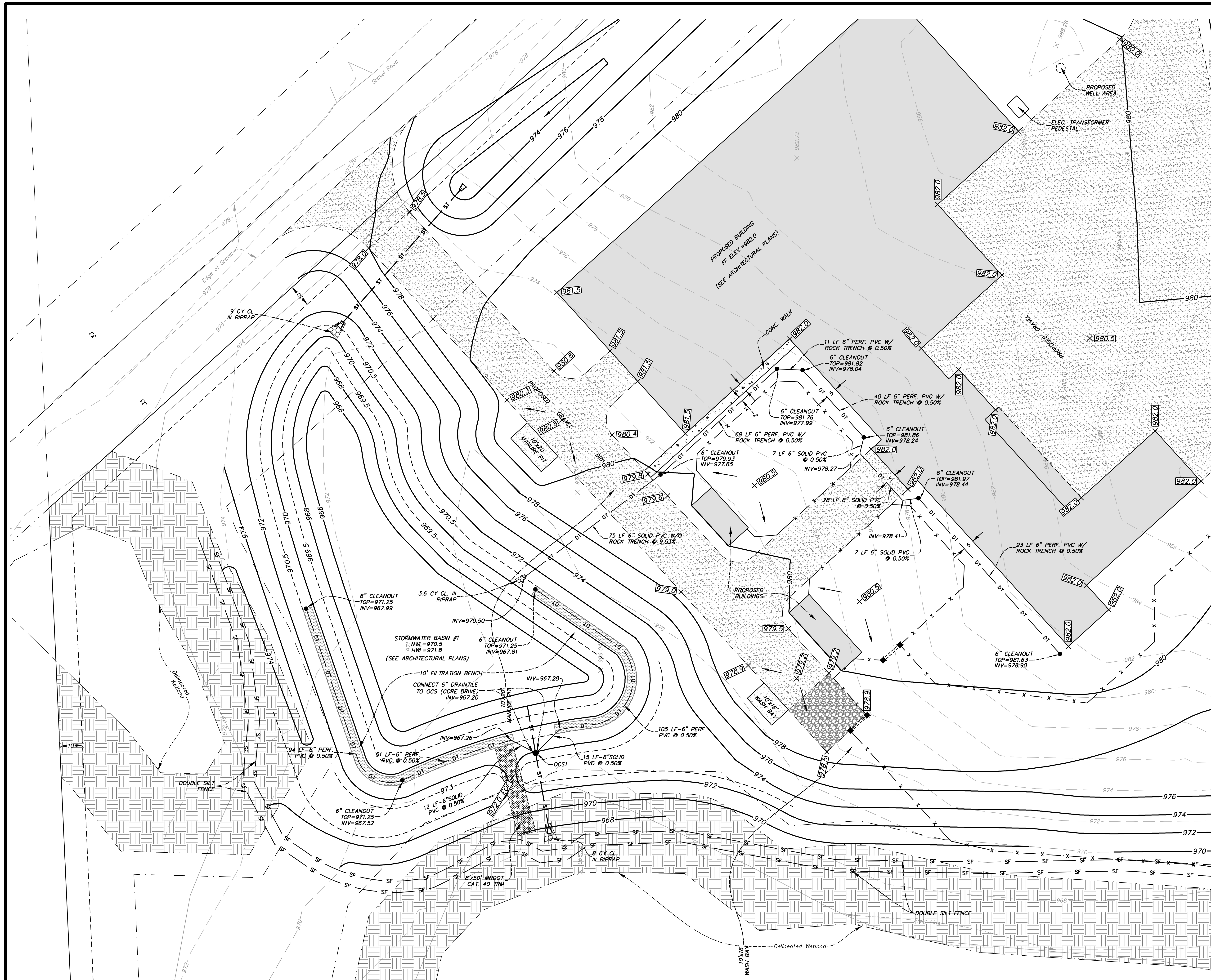
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9 West Division Street
Buffalo, MN 55313
(763)682-4727
Fax: (763)682-3522

6935 PAGENKOPF ROAD
JEFF ATHMANN
INDEPENDENCE, MN

SITE PLAN	PROJECT NO: 22-0514
SHEET NO. C1 OF C9 SHEETS	DATE: 5-3-23



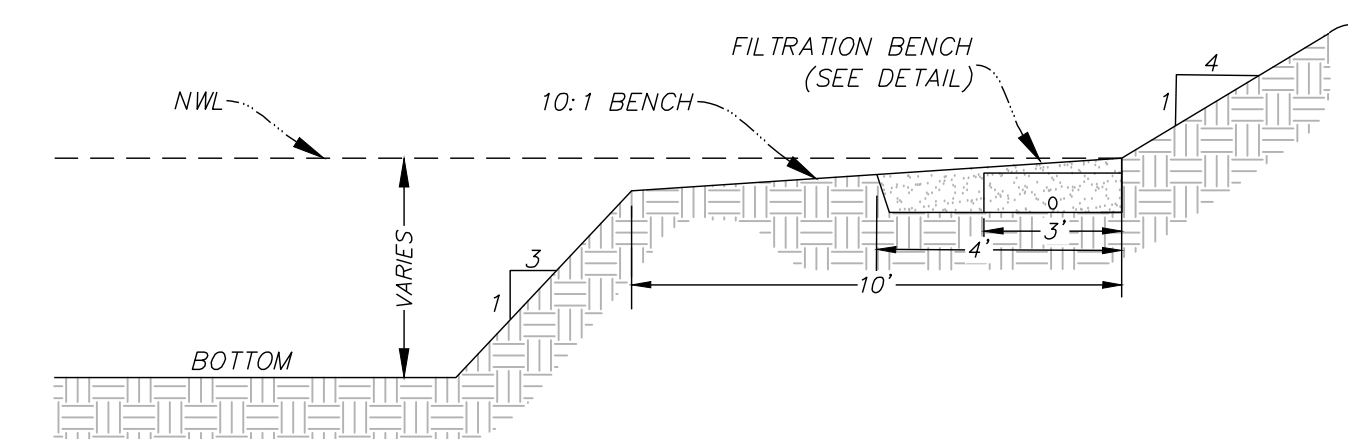
REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  Paul E. Otto License # 40062 Date: 5-3-23	 OTTO ASSOCIATES Engineers & Land Surveyors, Inc. www.ottoassociates.com 9 West Division Street Buffalo, MN 55313 (763)682-4727 Fax: (763)682-3522	6935 PAGENKOPF ROAD JEFF ATHMANN INDEPENDENCE, MN	PROJECT NO: 22-0514			
				P.E.O.	T.J.B.							
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				P.E.O.								
GRADING PLAN									DATE: 5-3-23			
SHEET NO. C2 OF C9 SHEETS												



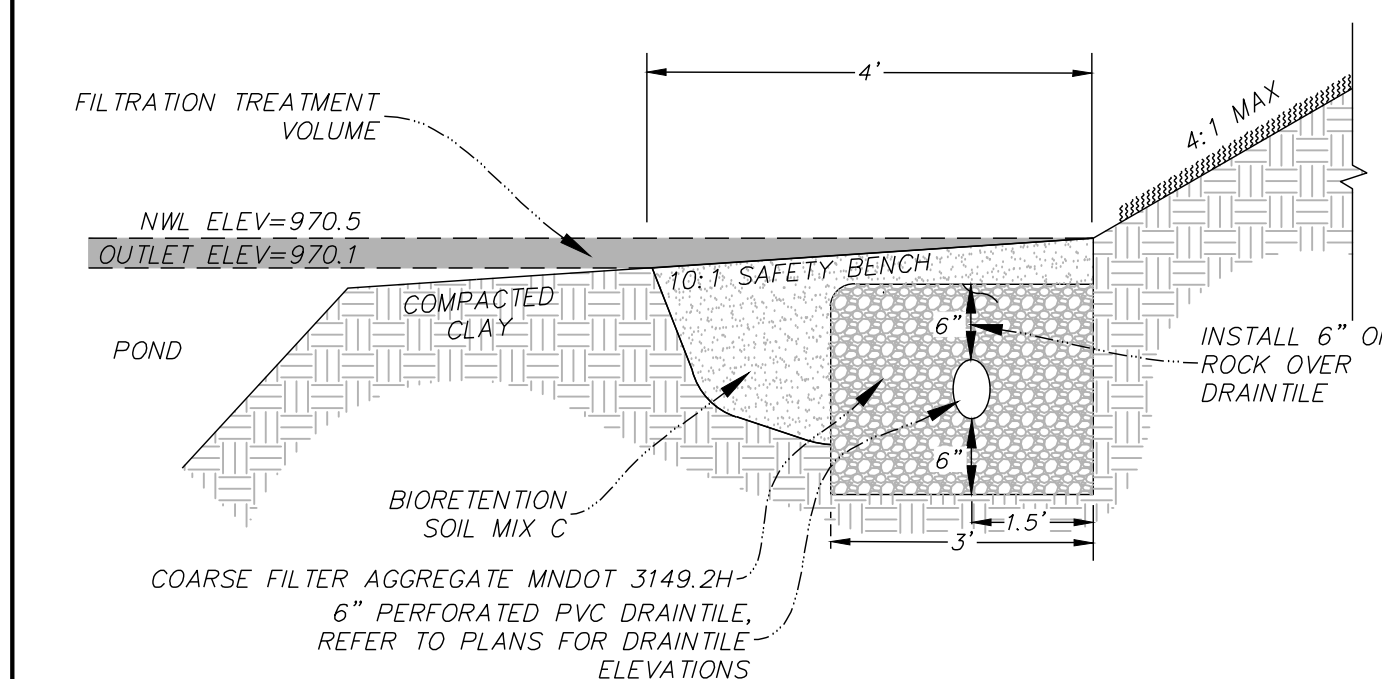
- LEGEND**
- 988 — denotes Existing Contour
 - 988.00 x denotes Existing Spot Elevation
 - 988 — denotes Proposed Contour
 - 988.0 x denotes Proposed Spot Elevation
 - DT — denotes Proposed Drainage
 - ST — denotes Proposed Storm Sewer
 - DT — denotes Proposed Drainage
 - SF — denotes Pre-construction Silt Fence
 - denotes Delineated Wetland
 - - - denotes Drainage and Utility Easement
 - ~~~~~ denotes Edge of Woods
 - ~~~~~ denotes 35' Wetland Buffer
 - - - denotes Building Setback Line
 - Front = 52'
 - Side = 30'
 - Rear = 40'
 - Wetland Buffer = 10'

Note:
Wetlands delineated by Kjolhaug Environmental Services.

POND #1 SECTION w/ FILTRATION BENCH



FILTRATION BENCH



REV. NO.	DATE	BY	DESCRIPTION	DESIGNED	DRAWN	DATE	PROJECT NO.
				P.E.O.	T.J.B.		22-0514
				CHECKED			DATE:
				P.E.O.			5-3-23

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Paul E. Otto
License # 40062

Date: 5-3-23

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INDEPENDENCE, MN

POND FILTRATION BENCH & DRAINTILE PLAN

SHEET NO. C3 OF C9 SHEETS

GENERAL PROJECT INFORMATION

PROJECT LOCATION AND NARRATIVE:

THIS PROJECT CONSISTS OF AN PROPOSED ARENA BARN IN INDEPENDENCE, MN. THE SITE IS LOCATED NEAR LONGITUDE -93.7022, LATITUDE 45.0265. THE SITE IS ACCESSED FROM PAGENKOPF ROAD.

CONSTRUCTION ACTIVITIES INCLUDE GRADING, AGGREGATE SURFACING, AND BUILDING CONSTRUCTION. CONSTRUCTION IS PLANNED TO BEGIN SUMMER OF 2023 AND COMPLETED FALL OF 2023.

EXISTING LAND USE: THE MAJORITY OF THE PROPERTY IS CROPLAND. THE REMAINDER OF THE SITE CONSISTS OF WETLANDS, MEADOW, AND A COMBINATION OF WOODS/GRASSLAND AREAS.

SITE DRAINAGE: THE SITE DRAINS TO THE WEST AND SOUTHEAST TO WETLANDS.

RESPONSIBLE PARTIES:

THE SWPPP DESIGNER, CONSTRUCTION SWPPP MANAGER, AND BMP INSTALLER MUST HAVE APPROPRIATE TRAINING. TRAINING DOCUMENTATION FOR THE SWPPP DESIGNER IS INCLUDED ON THE NARRATIVE SHEET. THE CONTRACTOR SHALL ATTACH TRAINING DOCUMENTATION TO THIS SWPPP FOR THE CONSTRUCTION SWPPP MANAGER AND BMP INSTALLER PRIOR TO THE START OF CONSTRUCTION.

	ENTITY	CONTACT PERSON	PHONE	EMAIL
OWNER				
SWPPP DESIGNER	OTTO ASSOCIATES, INC.	PAUL OTTO Design of SWPPP cert. - Expires 2025	763-682-4727	PAUL@OTTOASSOCIATES.COM
CONTRACTOR				
CONSTRUCTION SWPPP MANAGER				
PARTY RESPONSIBLE FOR LONG TERM O&M	PROPERTY OWNER	JEFF ATHMANN	763-315-7900	jeffrey.athmann@eainstitute.com

PROJECT AREAS:

PARCEL SIZE = 35.32 ACRES

AREA OF DISTURBANCE = 5.8 ACRES

EXISTING AREA OF IMPERVIOUS SURFACE = 0.35 ACRES

POST-CONSTRUCTION AREA OF IMPERVIOUS SURFACE = 1.84 ACRES

TOTAL NEW IMPERVIOUS SURFACE AREA CREATED = 1.49 ACRES

STORMWATER MANAGEMENT:

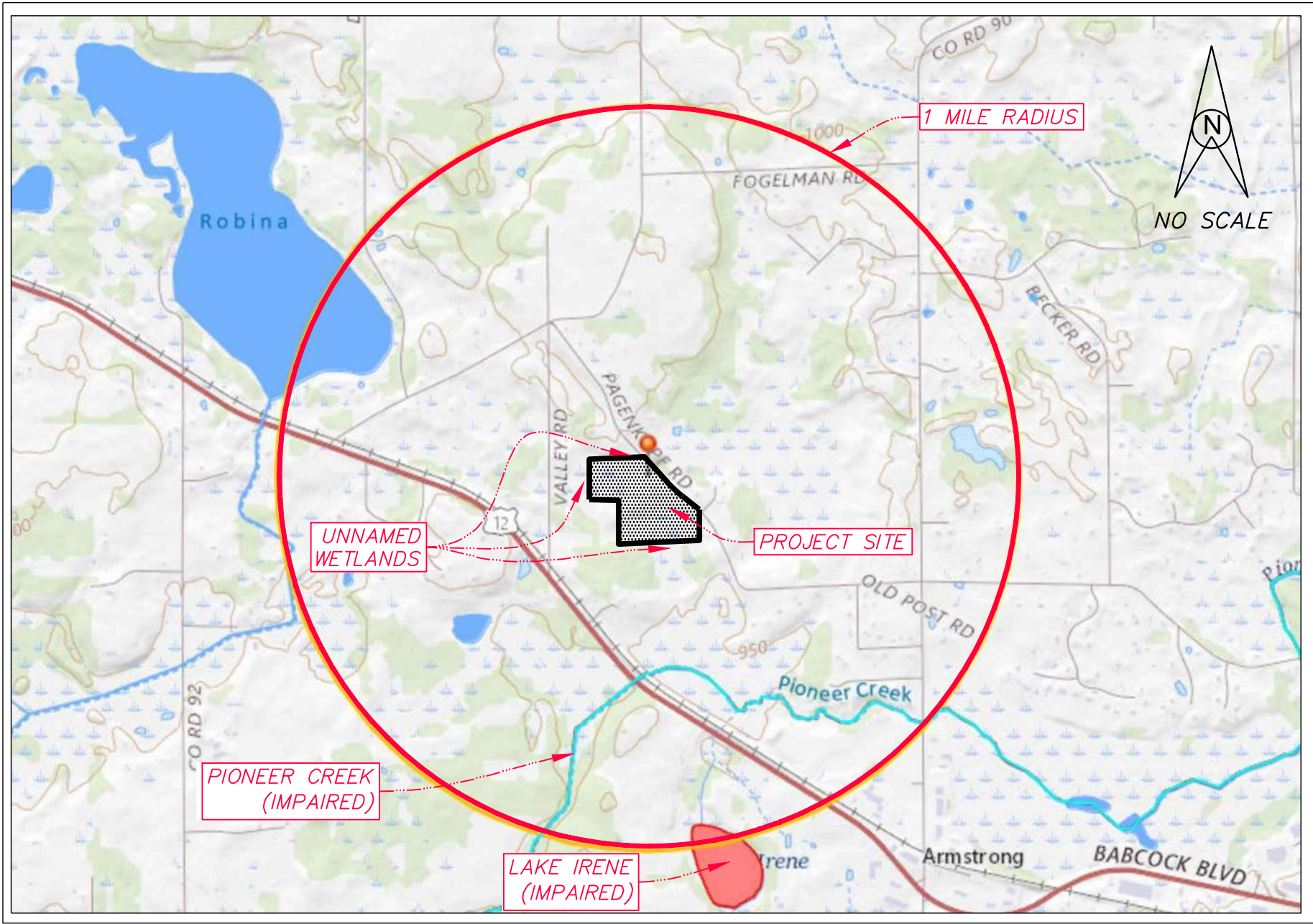
X	WET SEDIMENTATION BASIN
	INFILTRATION/FILTRATION
	REGIONAL POND
	PERMANENT STORMWATER MANAGEMENT NOT REQUIRED

ONSITE SOILS ARE HYDROLOGIC GROUP C AND C/D. SOIL BORINGS TAKEN THROUGHOUT THE SITE FOUND SEASONALLY SATURATED SOILS WITHIN 36" OF THE SURFACE. THEREFORE, INFILTRATION IS PROHIBITED. TO MEET THE NPDES REQUIREMENTS, THE PROPOSED STORMWATER PONDS ARE DESIGNED TO PROVIDE LIVE STORAGE FOR THE 1" WATER QUALITY VOLUME.

WATER QUALITY VOLUME = 1.49 AC. X 1" = 5,409 CF

WATER QUALITY PROVIDED IN PONDS = 6,600 CF

PERMANENT STORMWATER TREATMENT SYSTEMS FOR THIS PROJECT HAVE BEEN DESIGNED TO MEET SWPPP REQUIREMENTS. A COPY OF THE STORMWATER MANAGEMENT REPORT (INCLUDING DESIGN INFORMATION, DRAINAGE DIVIDES, AND CALCULATIONS) ARE PART OF THIS SWPPP AND WILL BE PROVIDED UPON REQUEST TO THE ENGINEER.



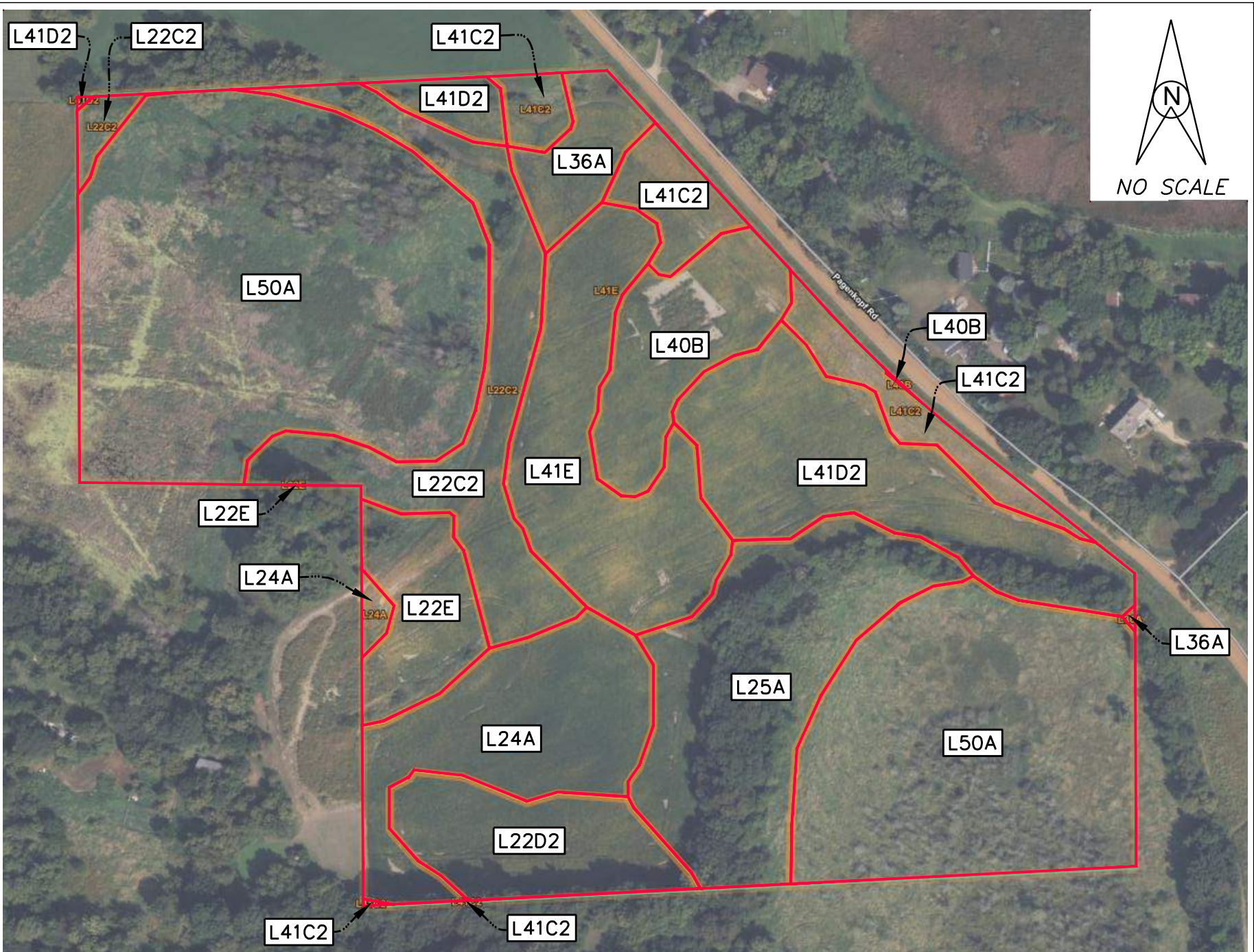
RECEIVING WATERS:

SURFACE WATERS AND WETLANDS THAT WILL RECEIVE STORM WATER RUNOFF FROM THE SITE AND ARE WITHIN ONE (1) MILE OF THE SITE ARE INDICATED ON THE MAP ABOVE.

NAME OF WATER BODY	TYPE (DITCH, POND, WETLAND, LAKE, ETC.)	SPECIAL, PROHIBITED, RESTRICTED WATER ¹	IMPAIRED WATER ²
UNNAMED WETLAND	WETLAND	NO	NO
PIONEER CREEK	CREEK	NO	YES

¹ SPECIAL, PROHIBITED AND RESTRICTED WATERS ARE LISTED IN SECTION 23 OF THE MN CONSTRUCTION STORMWATER GENERAL PERMIT (MNR100001).

² IDENTIFIED AS IMPAIRED UNDER SECTION 303 (d) OF THE FEDERAL CLEAN WATER ACT FOR PHOSPHORUS, TURBIDITY, TSS, DISSOLVED OXYGEN, AND/OR AQUATIC BIOTA.



Map unit symbol	Map unit name	Rating
L22C2	Lester loam, 6 to 10 percent slopes, moderately eroded	C
L22D2	Lester loam, 10 to 16 percent slopes, moderately eroded	C
L22E	Lester loam, 10 to 22 percent slopes	C
L24A	Glencoe clay loam, 0 to 1 percent slopes	C/D
L25A	Le Sueur loam, 1 to 3 percent slopes	C/D
L36A	Hamel, overwash-Hamel complex, 0 to 3 percent slopes	C/D
L40B	Angus-Kilkenny complex, 2 to 6 percent slopes	C/D
L41C2	Lester-Kilkenny complex, 6 to 10 percent slopes, moderately eroded	C
L41D2	Lester-Kilkenny complex, 10 to 16 percent slopes, moderately eroded	C
L41E	Lester-Kilkenny complex, 16 to 22 percent slopes	C
L50A	Muskego and Houghton soils, 0 to 1 percent slopes	C/D

CONSTRUCTION SEQUENCING:

- 1) PRECONSTRUCTION MEETING.
- 2) INSTALL PERIMETER CONTROL & CONSTRUCTION ENTRANCE.
- 3) TOPSOIL STRIP.
- 4) BEGIN BUILDING CONSTRUCTION.
- 5) ROUGH GRADE BUILDING SITE.
- 6) INSTALL STORM SEWER.
- 7) TEMPORARILY STABILIZE SITE AS INDICATED ON THE PLANS.
- 8) COMPLETE BUILDING CONSTRUCTION.
- 9) INSTALL FILTRATION BENCH IN POND.
- 10) RESTORE SITE WITH PERMANENT RESTORATION.
- 11) REMOVE SEDIMENT CONTROL DEVICES & SUBMIT NOTICE OF TERMINATION (NOT) TO MPCA ONCE ALL DISTURBED AREAS HAVE 70% VEGETATIVE DENSITY.

EROSION & SEDIMENT CONTROL BMP ESTIMATED QUANTITIES:

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

BMP	UNIT	QUANTITY
SILT FENCE	LF	1,903
ROCK CONST. ENTRANCE	EACH	1
TEMPORARY SEED & MULCH	AC	2.1
MNDOT SEED MIX 25-151 W/TYPE 1 MULCH & TYPE 3 FERTILIZER	AC	2.1
MNDOT SEED MIX 35-241 W/TYPE 1 MULCH & TYPE 3 FERTILIZER	AC	2.0
MNDOT SEED MIX 33-261 W/TYPE 1 MULCH & TYPE 3 FERTILIZER	AC	0.6
MNDOT CAT 25 EROSION CONTROL BLANKET	SY	6,658
MNDOT CAT 50 TRM	SF	880
BIOROLL INLET PROTECTION	EACH	1
CL. III RIP RAP	CY	28.6

DEWATERING:

- 1) PERMITTEES MUST DISCHARGE ALL WATER FROM DEWATERING ACTIVITIES IN A MANNER THAT DOES NOT CAUSE EROSION OR SCOUR IN THE IMMEDIATE VICINITY.
- 2) PRIOR TO DISCHARGE PERMITTEES MUST TREAT STORMWATER WITH APPROPRIATE BMPS SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT DOWNSTREAM SURFACE WATERS OR PROPERTIES. PERMITTEES MUST VISUALLY CHECK TO ENSURE ADEQUATE TREATMENT HAS BEEN OBTAINED.

REV. NO.	DATE	BY	DESCRIPTION

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

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Paul E. Otto
Paul E. Otto
License # 40062
Date: 5-3-23



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6935 PAGENKOPF ROAD
JEFF ATHMANN
INDEPENDENCE, MN

SWPPP PROJECT INFORMATION
SHEET NO. C4 OF C9 SHEETS

PROJECT NO:	22-0514
DATE:	5-3-23

EROSION PREVENTION PRACTICES:

ALL EXPOSED SOIL AREAS (INCL. STOCKPILES) MUST BE STABILIZED. STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION BUT COMPLETED IN NO CASE LATER THAN 7 DAYS IF DRAINING TO AN IMPAIRED WATER (14 DAYS IF NOT), AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

RAPID STABILIZATION SHALL BE MNDOT SEED MIX 22-111 (SPRING/SUMMER) OR 21-112 (FALL) @ 100 LB/ACRE WITH MNDOT TYPE 1 MULCH @ 2 TONS/ACRE (DISC ANCHORED) OR APPROVED EQUAL. STABILIZATION MUST BE INITIATED IMMEDIATELY BUT IN NO CASE COMPLETED LATER THAN 7 DAYS IF DRAINING TO AN IMPAIRED WATER (14 DAYS IF NOT), AFTER THE ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

PERMANENT TURF RESTORATION SHALL BE MNDOT SEED MIX 25-151 (120 LBS/AC) UNLESS OTHERWISE NOTED WITH MNDOT TYPE 1 MULCH (2 TONS/ACRE, DISC ANCHORED).

THE FOLLOWING SHALL BE INSTALLED WITHIN 24 HOURS OF CONNECTION TO SURFACE WATER:

- 1) STABILIZATION OF THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE SWALES WITHIN 200' OF EDGE OF SITE OR CONNECTION TO SURFACE WATER
- 2) ENERGY DISSIPATION SHALL BE INSTALLED AT ALL PIPE OUTLETS.

SEDIMENT CONTROL PRACTICES:

DOWN GRADIENT BMPS, INCLUDING PERIMETER BMPS, MUST BE IN PLACE BEFORE UP GRADIENT LAND-DISTURBING ACTIVITIES BEGIN AND SHALL REMAIN IN PLACE UNTIL FINAL STABILIZATION.

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

A 50-FOOT NATURAL BUFFER SHALL BE MAINTAINED FROM ALL SURFACE WATERS. WHERE INFEASIBLE DUE TO MAINTAINING DRAINAGE OR TRAIL CONSTRUCTION, REDUNDANT SEDIMENT CONTROLS WILL BE INSTALLED (REFER TO PLAN FOR LOCATIONS & TYPES).

TEMPORARY SOIL STOCKPILES SHALL HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS INSTALLED AT THE BASE ON THE DOWN GRADIENT PERIMETER.

DUST CONTROL MEASURES SHALL BE IMPLEMENTED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND WITHIN 4 HOURS OF NOTIFICATION BY THE CITY.

TEMPORARY SEDIMENTATION BASINS:

A TEMPORARY SEDIMENTATION BASIN HAS NOT BEEN INCLUDED IN THIS SWPPP AS DESIGNED BY THE ENGINEER. IF A BASIN IS LATER DETERMINED TO BE DESIRABLE OR NECESSARY THE CONTRACTOR SHALL PREPARE AND SUBMIT TO THE ENGINEER A SWPPP AMENDMENT. TEMPORARY SEDIMENTATION BASINS SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS OF SECTION 14 OF THE PERMIT. WHERE THE SITE DISCHARGES TO SPECIAL AND/OR IMPAIRED WATERS THE SWPPP AMENDMENT SHALL ALSO MEET OR EXCEED THE MINIMUM REQUIREMENTS OF SECTION 23 OF THE PERMIT.

SWPPP AMENDMENTS AND SUBMITTALS:

CONTRACTOR MUST PREPARE A SWPPP AMENDMENT AS NECESSARY TO INCLUDE ADDITIONAL BEST MANAGEMENT PRACTICES (BMPS) TO ADDRESS THE FOLLOWING SITUATIONS:

- 1) CONTACT INFORMATION AND TRAINING DOCUMENTATION FOR CONSTRUCTION SWPPP MANAGER AND BMP INSTALLER
- 2) THERE IS A CHANGE IN CONSTRUCTION METHOD OF PHASING, OPERATION, MAINTENANCE, WEATHER OR SEASONAL CONDITIONS NOT ANTICIPATED DURING THE DESIGN OF THE SWPPP.
- 3) ADDITIONAL OR MODIFIED BMPS ARE NECESSARY TO CORRECT PROBLEMS IDENTIFIED IN THE FIELD.
- 4) THE SWPPP IS NOT CONSISTENT WITH THE TERMS AND CONDITIONS OF THE PERMIT.

THE CONTRACTOR SHALL KEEP COPIES OF ALL SWPPP AMENDMENTS, WEEKLY EROSION AND SEDIMENT SCHEDULES, INSPECTION LOGS, AND MAINTENANCE LOGS WITH THE FIELD COPY OF THE SWPPP.

INSPECTIONS AND MAINTENANCE:

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

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

ALL NON-FUNCTIONING BMPS AND THOSE BMPS WHERE SEDIMENT REACHES ONE-HALF (½) OF THE DEPTH OF THE BMP, OR IN THE CASE OF SEDIMENT BASINS ONE-HALF (½) OF THE STORAGE VOLUME, MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW.

INLET PROTECTION DEVICES SHALL BE CLEANED ON A ROUTINE BASIS SUCH THAT THE DEVICES ARE FULLY FUNCTIONAL FOR THE NEXT RAINSTORM EVENT. REMOVAL AND DISPOSAL OF THE SEDIMENT SHALL BE INCIDENTAL TO THE CONTRACT.

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

SEDIMENT TRACKED ONTO STREETS DURING WORKING HOURS MUST BE RECLAIMED VIA SWEEPING WITHIN 24 HOURS OF DISCOVERY.

POLLUTION PREVENTION:

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

BUILDING PRODUCTS AND LANDSCAPE MATERIALS SHALL BE PLACED UNDER COVER (I.E. PLASTIC SHEETING OR TEMPORARY ROOFS). THIS ALSO APPLIES TO PESTICIDES, FERTILIZER AND TREATMENT CHEMICALS.

NO CONSTRUCTION MATERIAL SHALL BE BURIED OR BURNED ONSITE.

ALL HAZARDOUS MATERIALS (OIL, GASOLINE, FUEL, HYDRAULIC FLUIDS, PAINT, ETC) MUST BE PROPERLY STORED IN SEALED CONTAINERS TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH MINN. R. CH. 7045. CONTRACTOR SHALL ENSURE ADEQUATE SUPPLIES ARE AVAILABLE TO CLEAN UP DISCHARGED MATERIAL AND THAT AN APPROPRIATE DISPOSAL METHOD IS AVAILABLE FOR RECOVERED SPILLED MATERIALS. CONTRACTOR MUST REPORT AND CLEAN UP SPILLS IMMEDIATELY.

ALL VEHICLES LEFT ONSITE SHALL BE MONITORED FOR LEAKS TO REDUCE THE CHANCE OF CONTAMINATION.

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

PORTABLE TOILETS SHALL BE SECURED FROM BEING TIPPED OR KNOCKED OVER.

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

FINAL STABILIZATION:

TOPSOIL SHALL BE PLACED IN A MANNER TO MINIMIZE COMPACTION (LOW GROUND PRESSURE DOZERS, TRACKED EQUIPMENT, ETC).

VEGETATIVE COVER MUST CONSIST OF A UNIFORM PERENNIAL VEGETATION WITH A DENSITY OF 70% OF ITS EXPECTED FINAL GROWTH.

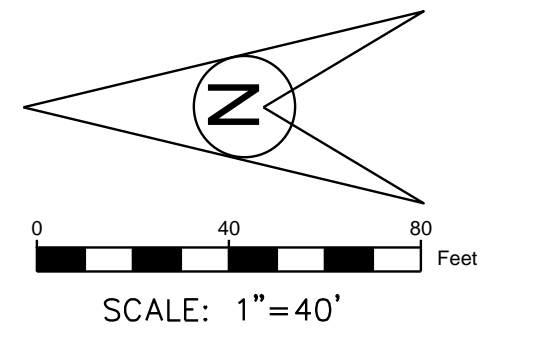
PERMANENT STORMWATER TREATMENT SYSTEMS MUST BE CLEANED OF ANY ACCUMULATED SEDIMENT PRIOR TO SUBMITTING THE NOT.

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

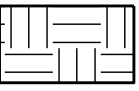
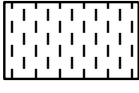
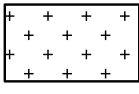

THE OWNER SHALL SUBMIT A NOTICE OF TERMINATION (NOT) AFTER ONE OF THE FOLLOWING HAS BEEN COMPLETED, WHICHEVER OCCURS FIRST.

1. WITHIN 30 DAYS AFTER FINAL STABILIZATION (PERMIT SECTION 13) IS COMPLETE.
2. WITHIN 30 DAYS AFTER SELLING OR OTHERWISE LEGALLY TRANSFERRING THE ENTIRE SITE.
3. IF 90% (BY AREA) OF ALL ORIGINALLY PROPOSED CONSTRUCTION ACTIVITY HAS BEEN COMPLETED AND PERMANENT COVER HAS BEEN ESTABLISHED ON THOSE AREAS.

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				CHECKED							
				P. E. O.		Paul E. Otto License # 40062					
						Date: 5-3-23				SHEET NO. C5 OF C9 SHEETS	DATE: 5-3-23

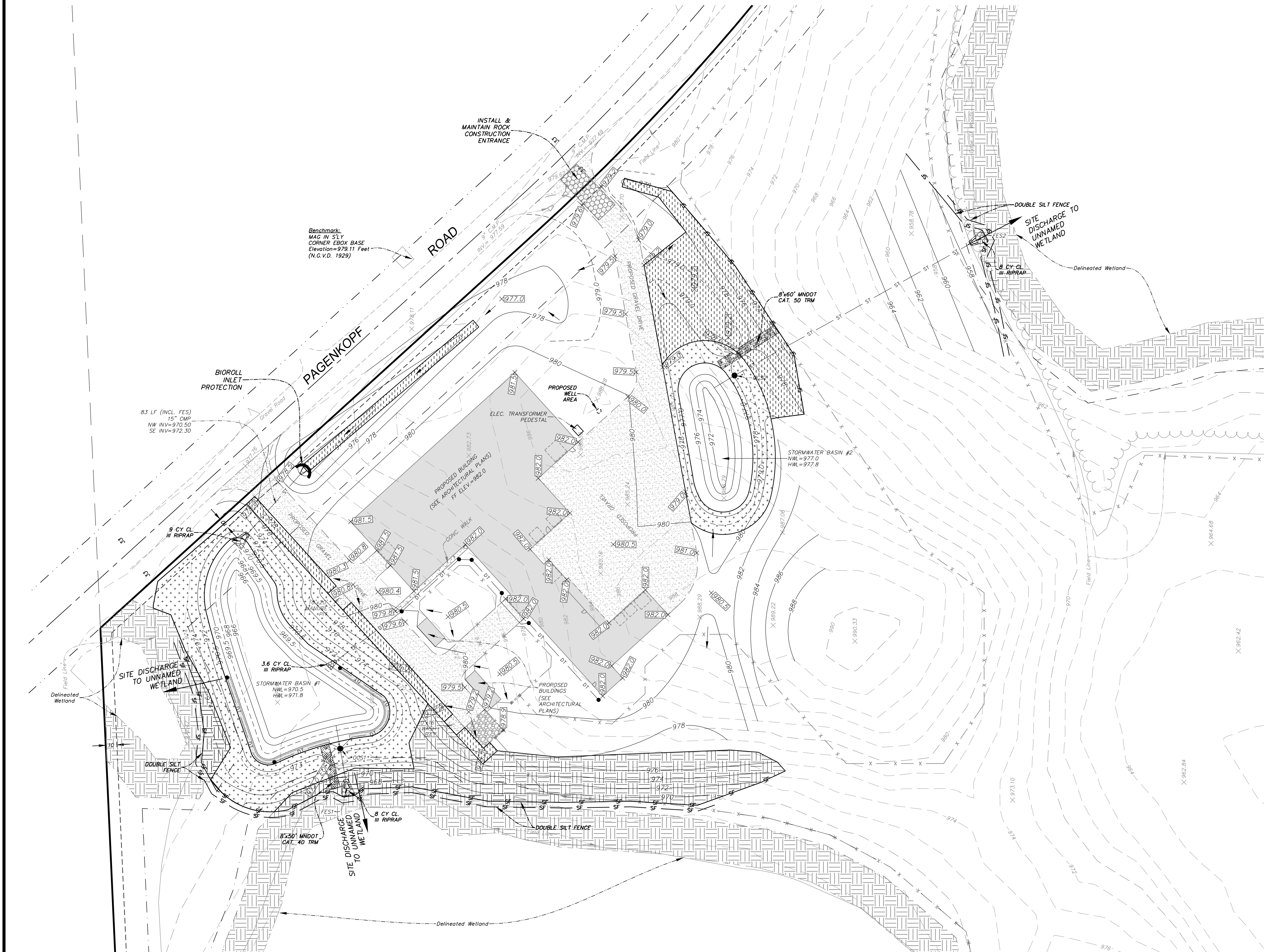


LEGEND

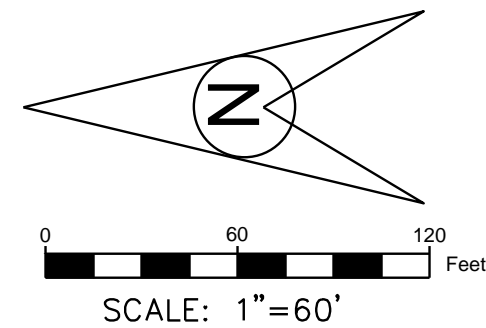
- SF — denotes Pre-construction Silt Fence
-  denotes MNDOT Seed Mix 35-241 w/
MNDOT CAT 25 erosion control blanket
-  denotes MNDOT Seed Mix 25-151 w/
MNDOT CAT 25 erosion control blanket
-  denotes MNDOT Seed Mix 33-261 w/
MNDOT CAT 25 erosion control blanket
-  denotes 35' Wetland Buffer

NOTES:

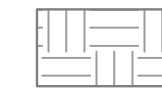



- 1) 6 INCHES OF TOPSOIL AT A MINIMUM MUST BE APPLIED TO ALL DISTURBED AREAS PRIOR TO SEEDING.
- 2) WETLANDS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES.



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				P.E.O.	T.J.B.						
				CHECKED							
				P.E.O.							



LEGEND

-  DENOTES UNDISTURBED WETLAND BUFFER
-  DENOTES WETLAND BUFFER RESTORATION: DECOMPACT TO A DEPTH OF 18" WITH INCORPORATION OF ORGANIC MATTER PRIOR TO SEEDING WITH MNDOT 35-241 MIX AND TYPE 1 MULCH
-  DENOTES RESTORATION WITH MNDOT SEED MIX 33-261
-  DENOTES RESTORATION WITH MNDOT SEED MIX 25-151 AND TYPE 1 MULCH

--- DENOTES DELINEATED WETLAND

- NOTES:
- 1) 6 INCHES OF TOPSOIL AT A MINIMUM MUST BE APPLIED TO ALL DISTURBED AREAS PRIOR TO SEEDING.
 - 2) WETLANDS DELINEATED BY KJOLHAUG ENVIRONMENTAL SERVICES.

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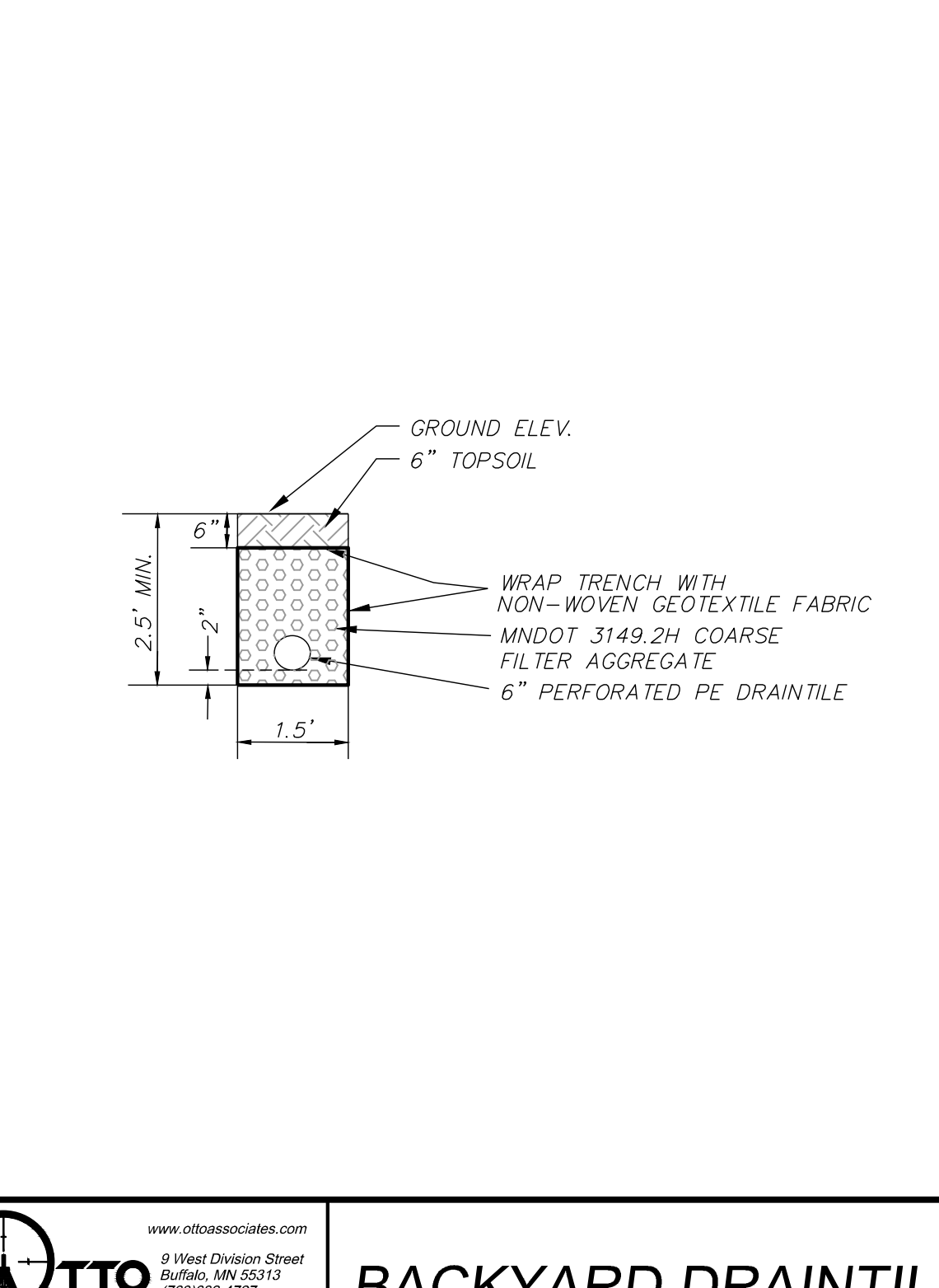
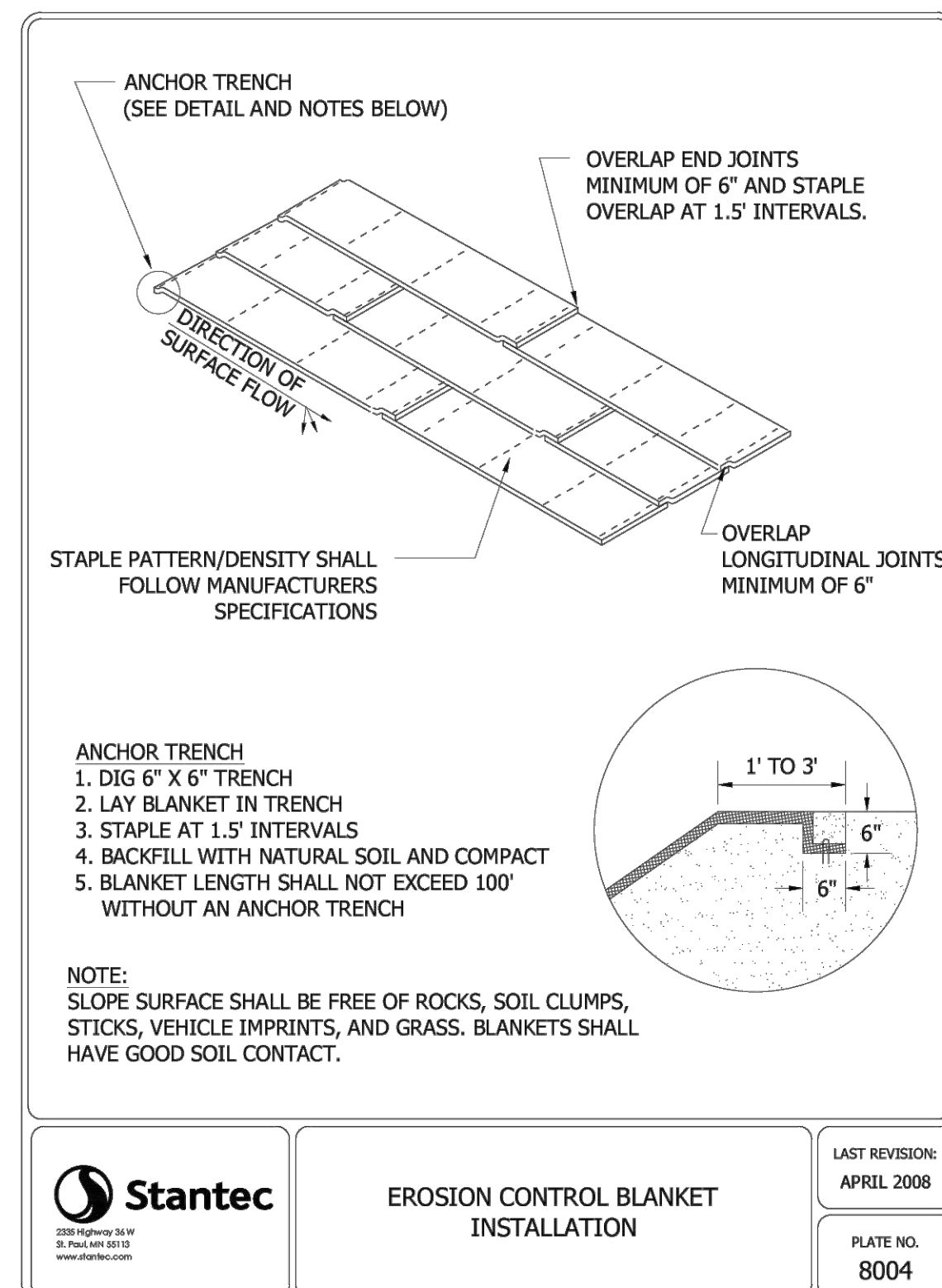
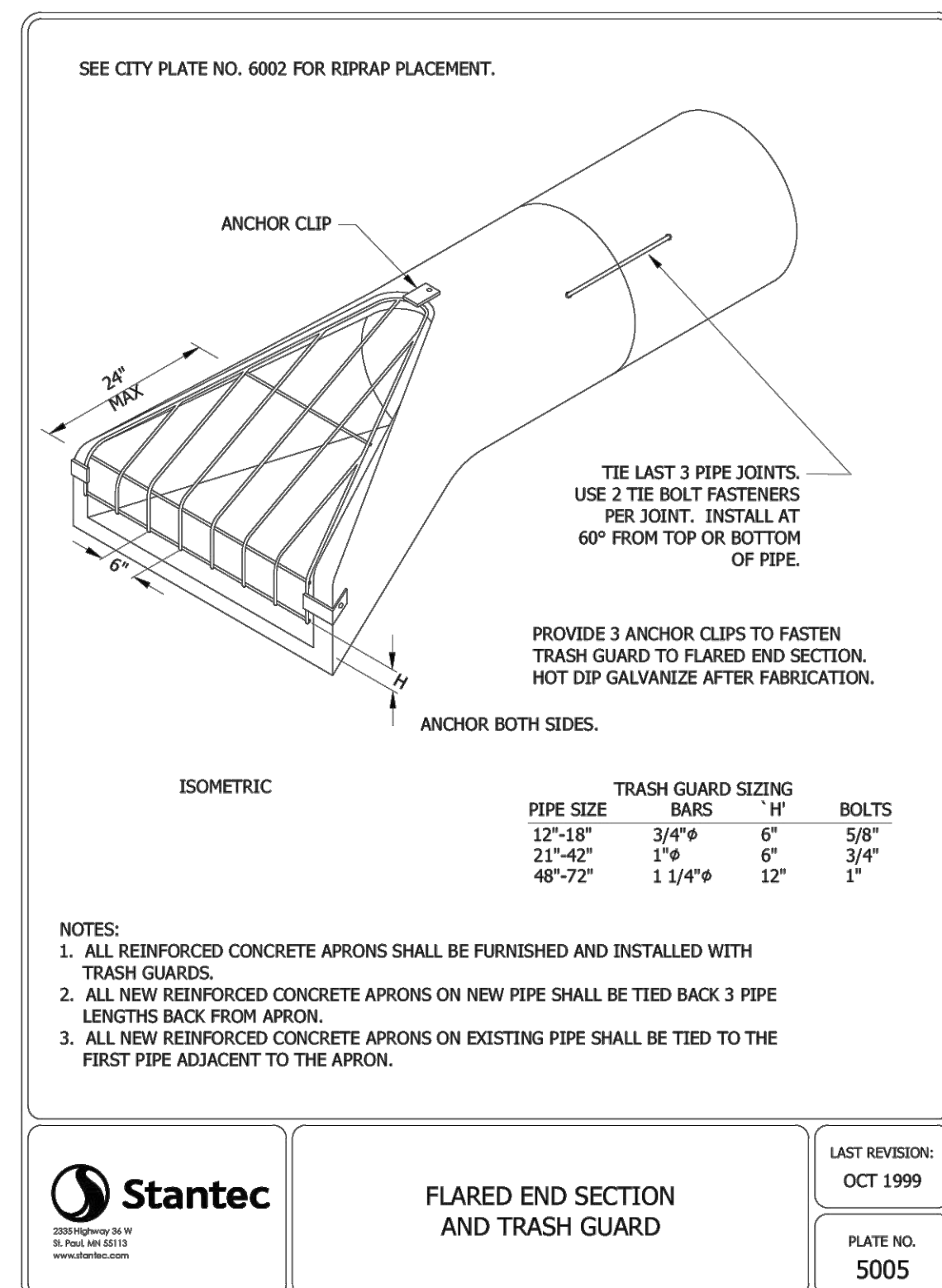
 **OTTO ASSOCIATES**
Engineers & Land Surveyors, Inc.

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

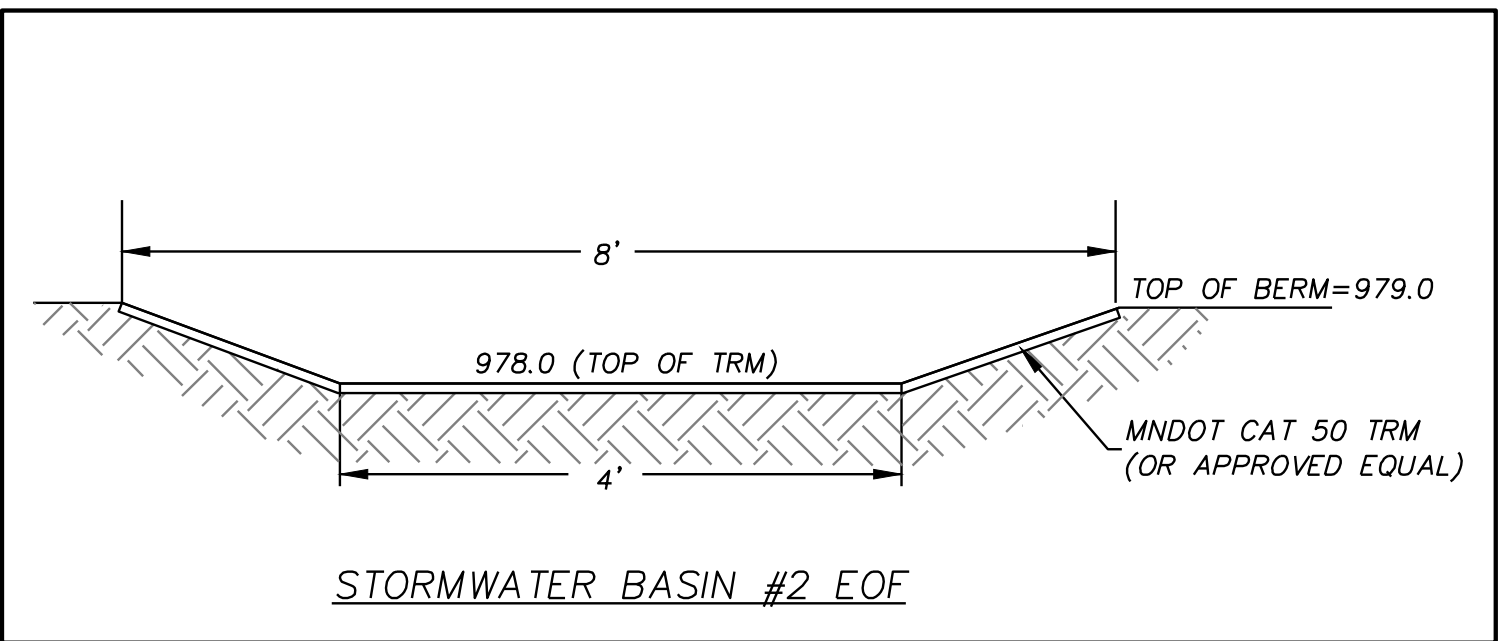
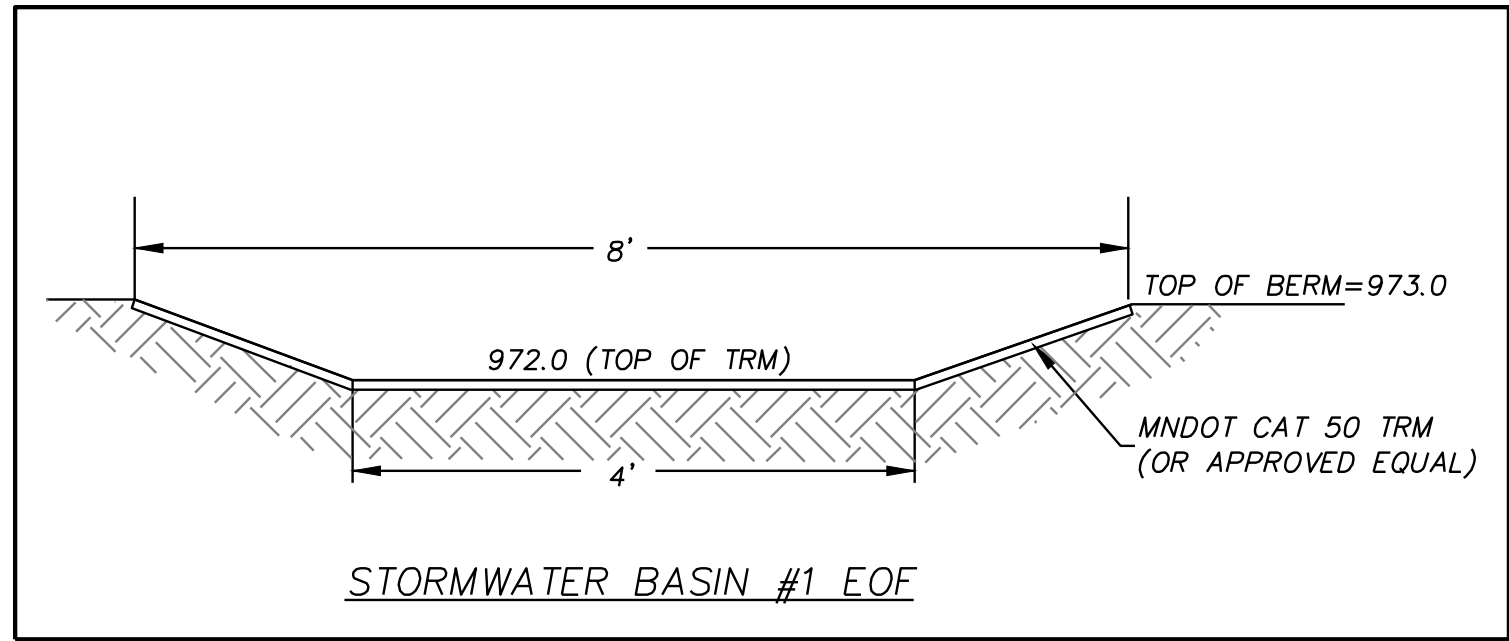
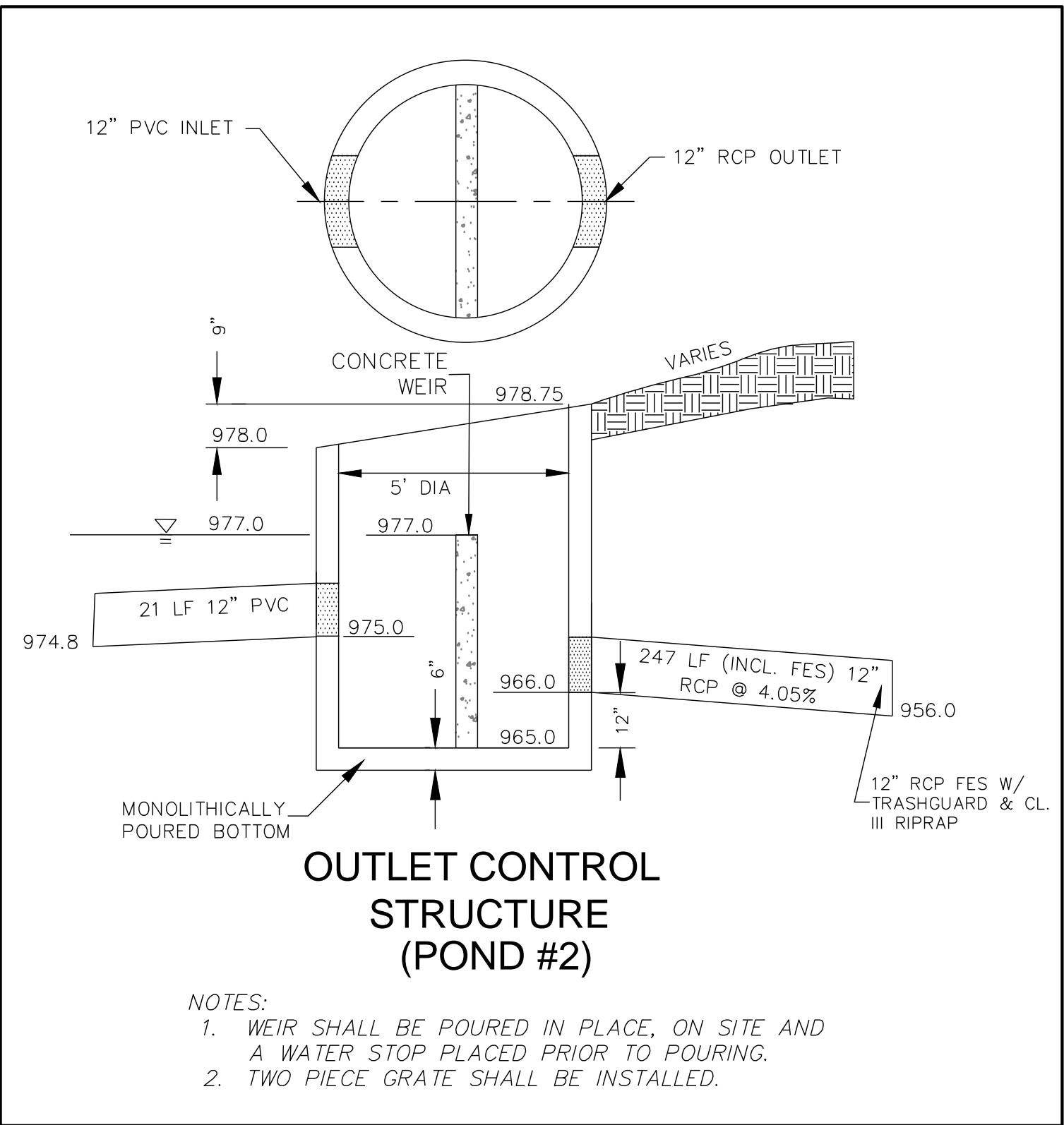
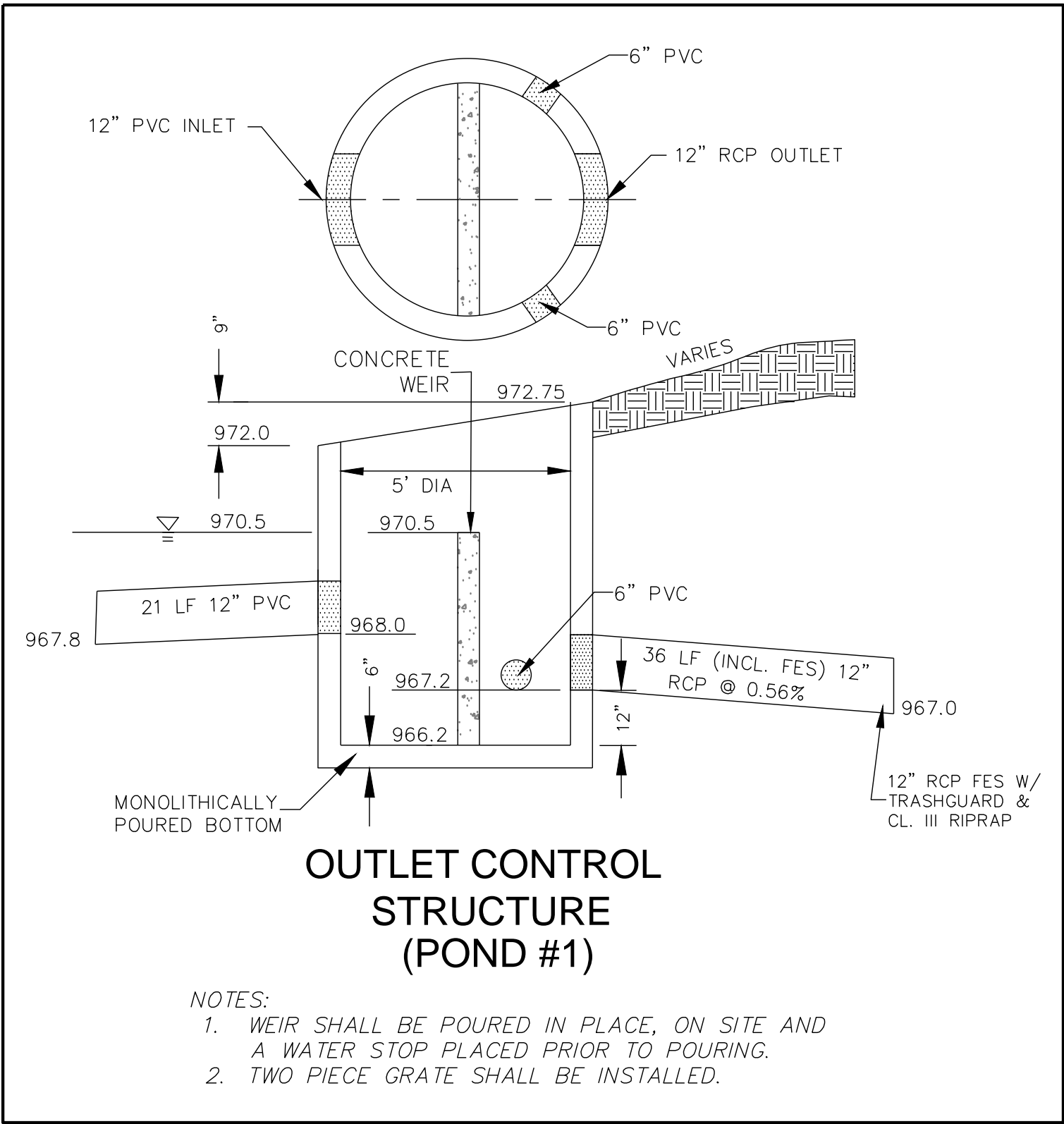
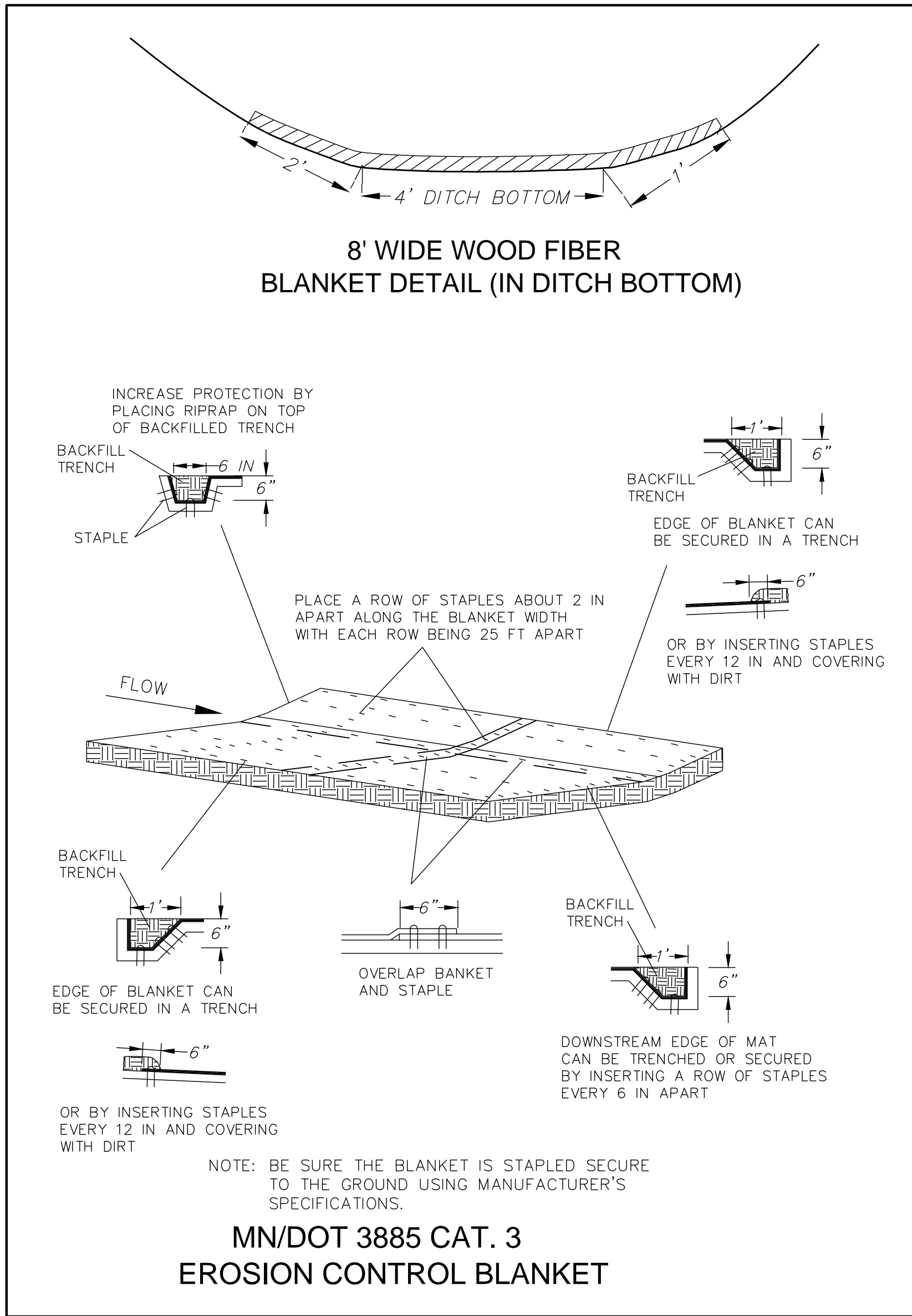
6935 PAGENKOPF ROAD
JEFF ATHMANN
INDEPENDENCE, MN

RESTORATION PLAN
SHEET NO. C7 OF C9 SHEETS

PROJECT NO: 22-0514
DATE: 5-3-23



<div style="text-align: center; font-weight: bold; font-size: 1.2em;">DETAILS</div>	<div style="text-align: right; font-size: 0.8em;">PROJECT NO:</div> <div style="text-align: center; font-size: 1.2em;">22-0514</div>
	<div style="text-align: right; font-size: 0.8em;">DATE:</div> <div style="text-align: center; font-size: 1.2em;">5-3-23</div>



REV. NO.	DATE	BY	DESCRIPTION

DESIGNED	DRAWN	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
P.E.O.	T.J.B.	
CHECKED		
P.E.O.		

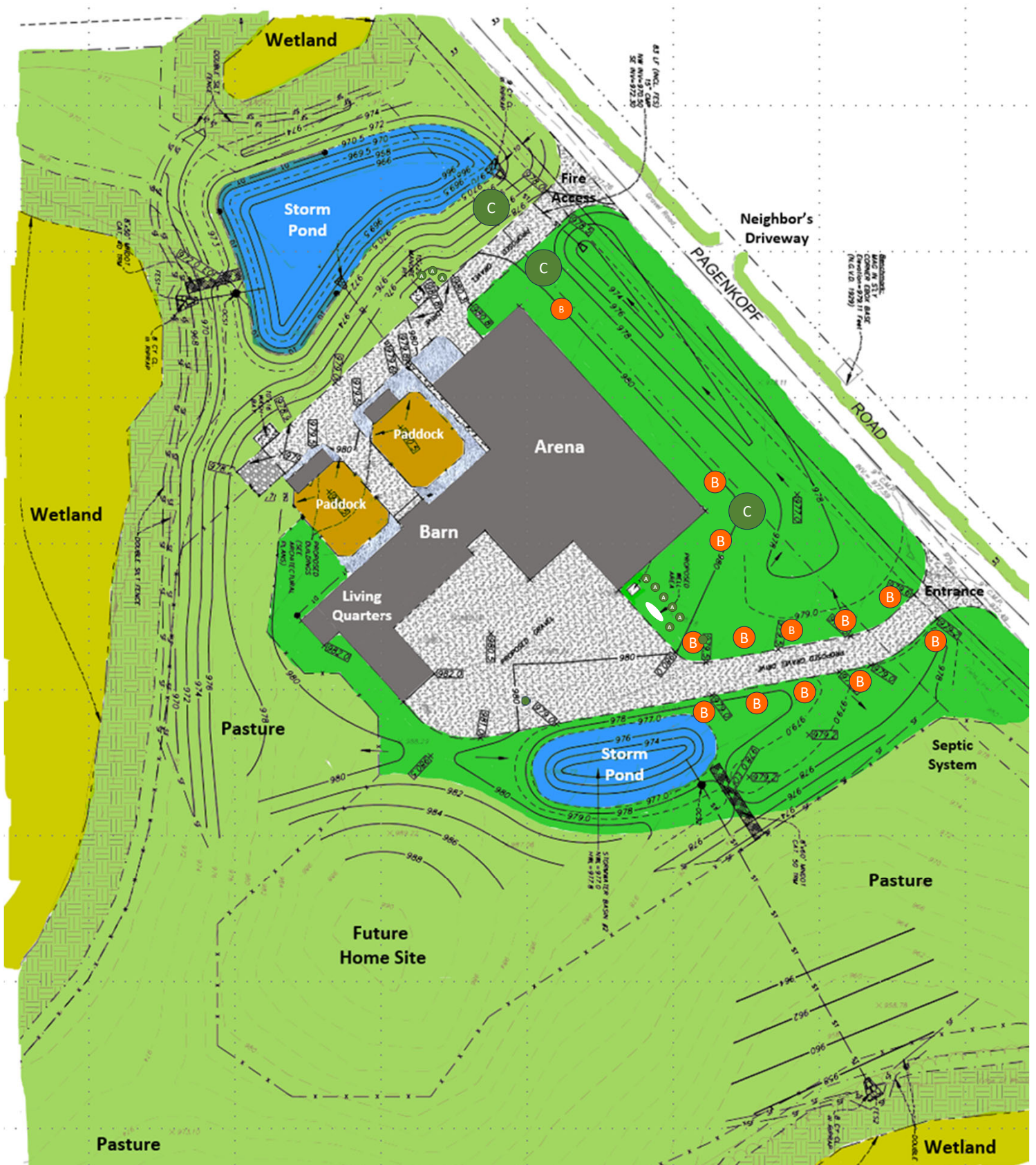


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6935 PAGENKOPF ROAD
JEFF ATHMANN
INDEPENDENCE, MN

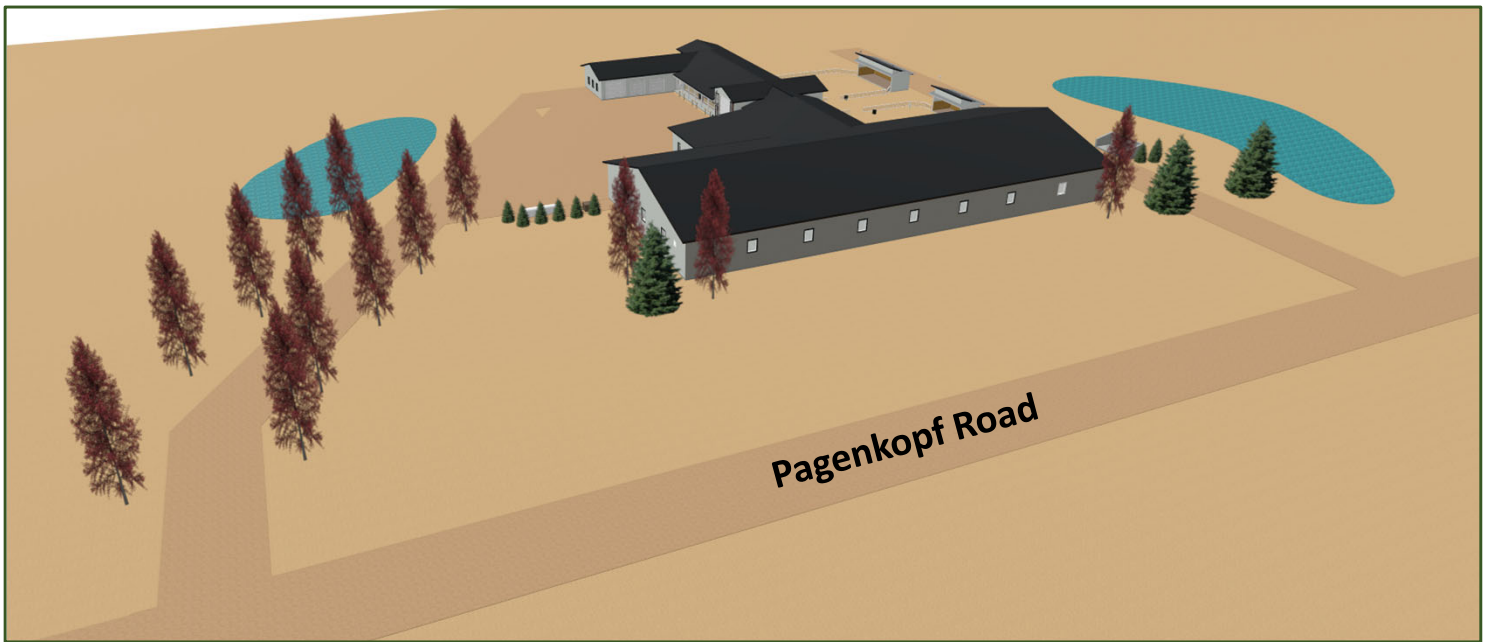
DETAILS
SHEET NO. C9 OF C9 SHEETS

PROJECT NO:	22-0514
DATE:	5-3-23



Plant Legend

Symbol	Name	Mature H/W	Planted Height
A	Dwarf Swiss Stone Pine	12' / 6'	4'
B	Armstrong Maple	60' / 17'	12'-14'
C	Fraser Fir	50' / 25'	8'-10'



Overall Landscape Image

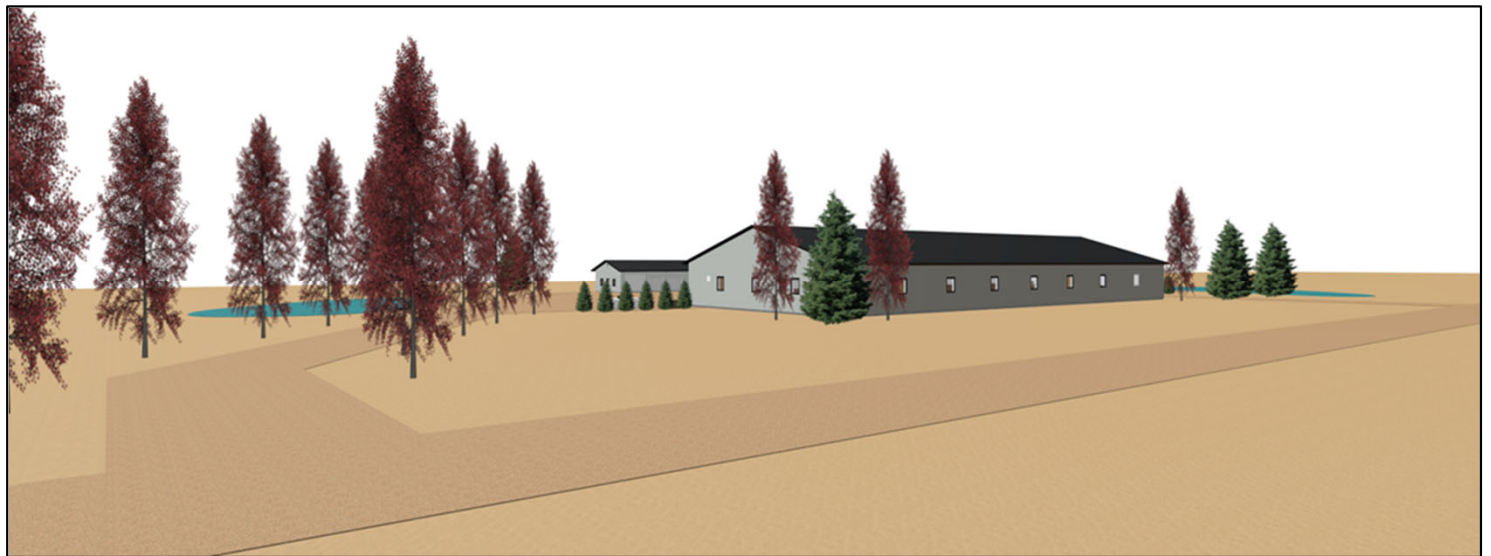


Image from Property Entrance



Image from Fire Access Road (SE to SW)

Note: Trees shown at mature heights

City of Independence

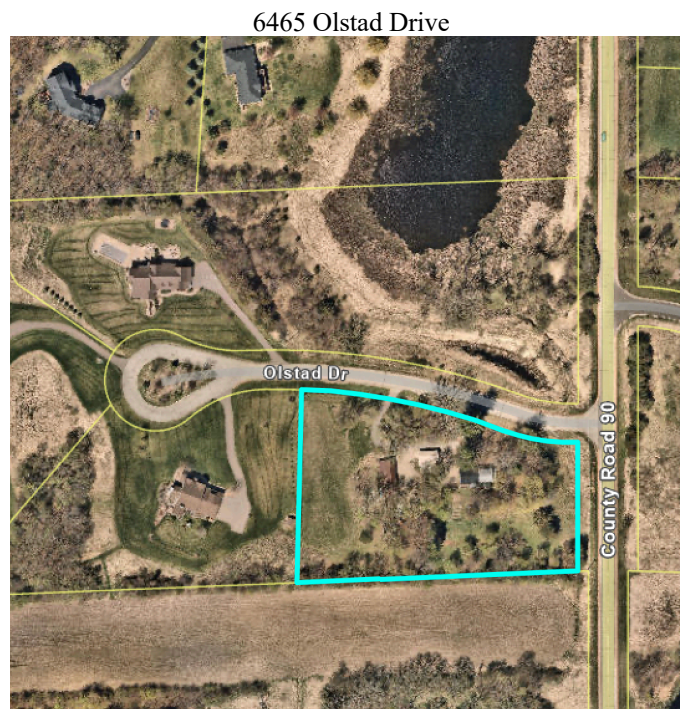
Discussion Regarding Construction of a New Home While Living in the Existing Home on the Properties Located at 6465 Olstad Dr. and 1235 County Road 90

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: July 18, 2023

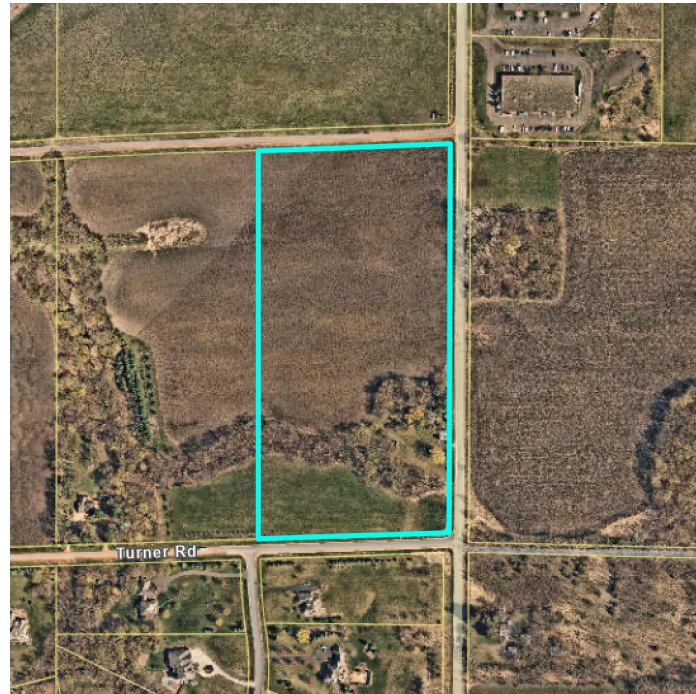
Discussion:

The property owners 6465 Olstad Drive and 1235 County Road 90, are asking the City to consider allowing the issuance of a building permit to construct a new principal home on the subject properties while living in the existing home. The City does not allow two principal structures on a single property. The owners are trying to improve the property and create a situation that would allow them to remain on the property during construction. The City does not have a specific provision for this in the ordinance. Recently, the City has considered permitting living in the existing home while constructing a new home while using a simple agreement and escrow that would provide the City with protections that would ensure the removal of the existing structure following substantial completion of the new structure.

The City has prepared a draft agreement for consideration.



1235 County Road 90



The agreements require the removal of the existing structure within 90 days of substantial completion of the new structure and a \$5,000 escrow deposit to be held by the City. In addition, the City has the ability to withhold the final certificate of occupancy until full compliance is realized. Staff believes that this approach is reasonable and enforceable by the City and allows flexibility for the property owner's construct their new homes.

Council Recommendation:

City Council is asked to consider approval of the Stipulations for Removal of House attached hereto.

ATTACHMENTS: **Stipulation for Removal of House 6465 Olstad Drive**
 Stipulation for Removal of House 1235 County Road 90

STIPULATION FOR REMOVAL OF HOUSE

The undersigned, Lindsay and Dorian Thompson (“Thompson”), hereby stipulate and agree with the City of Independence (“City”) as follows:

RECITALS

WHEREAS, Lindsay and Dorian Thompson own a home at 6465 Olstad Dr., Independence, Minnesota 55359 (PID 1511824140011) (the “Property”), and;

WHEREAS, Lindsay and Dorian Thompson intend to construct a new home on the Property to replace the existing house, and;

WHEREAS, two primary structures (houses) cannot be lawfully located on the same lot of record under the City’s zoning code, and;

WHEREAS, Lindsay and Dorian Thompson wish to retain and continue to occupy the existing home while the new home is being constructed, and;

WHEREAS, the City is willing to allow Lindsay and Dorian Thompson to complete construction of the new home upon Lindsay and Dorian Thompson agreement to promptly raze and remove the existing house upon completion of the new house.

AGREEMENT

NOW, THEREFORE, in consideration of the City’s willingness to permit construction of a new home on the Property while an existing home is temporarily retained, Lindsay and Dorian Thompson hereby agree as follows:

1. Lindsay and Dorian Thompson shall remove the existing house within ninety (90) days of substantial completion of the new home as reasonably determined by the City’s building official.
2. Lindsay and Dorian Thompson shall deposit \$5000.00 with the City, to be held in escrow, upon execution of this Agreement (“Deposit”) to secure completion of the house removal. The City may retain the deposit in its entirety in the event the existing house is not removed as provided this Agreement to offset the City’s anticipated costs to secure compliance.
3. Upon substantial and satisfactory completion of construction of the new home as determined by the City’s building official, Lindsay and Dorian Thompson may request and be issued a temporary certificate of occupancy for the new home and may occupy such new home during removal of the existing home. The temporary certificate of occupancy shall be for a period of ninety (90) days and shall be revocable by the building official in the event he/she determines that removal of the existing house is not proceeding or has ceased.

4. Lindsay and Dorian Thompson acknowledge that maintenance of two principal structures (homes) on the Property is impermissible and unlawful under Section 530.01, Subd. 2 of the City Code, and further that the City may cite and prosecute Lindsay and Dorian Thompson for non-compliance with this Agreement, or may sue to enjoin compliance with this Agreement, or may otherwise take any action deemed appropriate to secure compliance with this Agreement, and Lindsay and Dorian Thompson waive any opposition or defense to any such legal action to secure compliance with this Agreement.

IN WITNESS WHEREOF, Lindsay and Dorian Thompson have caused this instrument to be executed in acknowledgement and acceptance of all the terms and conditions herein set forth.

Dated: July 18, 2023

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by Lindsay and Dorian Thompson.

(Notarial Seal)

Notary Public

STIPULATION FOR REMOVAL OF HOUSE

The undersigned, Timothy and Kelly Usset (“Usset”), hereby stipulate and agree with the City of Independence (“City”) as follows:

RECITALS

WHEREAS, Timothy and Kelly Usset own a home at 1235 County Road 90, Independence, Minnesota 55359 (PID 2711824140007) (the “Property”), and;

WHEREAS, Timothy and Kelly Usset intend to construct a new home on the Property to replace the existing house, and;

WHEREAS, two primary structures (houses) cannot be lawfully located on the same lot of record under the City’s zoning code, and;

WHEREAS, Timothy and Kelly Usset wish to retain and continue to occupy the existing home while the new home is being constructed, and;

WHEREAS, the City is willing to allow Timothy and Kelly Usset to complete construction of the new home upon Timothy and Kelly Ussets agreement to promptly raze and remove the existing house upon completion of the new house.

AGREEMENT

NOW, THEREFORE, in consideration of the City’s willingness to permit construction of a new home on the Property while an existing home is temporarily retained, Timothy and Kelly Usset hereby agree as follows:

1. Timothy and Kelly Usset shall remove the existing house within ninety (90) days of substantial completion of the new home as reasonably determined by the City’s building official.
2. Timothy and Kelly Usset shall deposit \$5000.00 with the City, to be held in escrow, upon execution of this Agreement (“Deposit”) to secure completion of the house removal. The City may retain the deposit in its entirety in the event the existing house is not removed as provided this Agreement to offset the City’s anticipated costs to secure compliance.
3. Upon substantial and satisfactory completion of construction of the new home as determined by the City’s building official, Timothy and Kelly Usset may request and be issued a temporary certificate of occupancy for the new home and may occupy such new home during removal of the existing home. The temporary certificate of occupancy shall be for a period of ninety (90) days and shall be revocable by the building official in the event he/she determines that removal of the existing house is not proceeding or has ceased.

4. Timothy and Kelly Usset acknowledge that maintenance of two principal structures (homes) on the Property is impermissible and unlawful under Section 530.01, Subd. 2 of the City Code, and further that the City may cite and prosecute Timothy and Kelly Usset for non-compliance with this Agreement, or may sue to enjoin compliance with this Agreement, or may otherwise take any action deemed appropriate to secure compliance with this Agreement, and Timothy and Kelly Usset waive any opposition or defense to any such legal action to secure compliance with this Agreement.

IN WITNESS WHEREOF, Timothy and Kelly Usset have caused this instrument to be executed in acknowledgement and acceptance of all the terms and conditions herein set forth.

Dated: July 18, 2023

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by Timothy and Kelly Usset.

(Notarial Seal)

Notary Public



4071 SUNSET DRIVE ■ BOX 385 ■ SPRING PARK, MN 55384-0385 ■ 952.471.7125 ■ FAX 952.471.9151 ■ lmcc@lmcc-tv.org

5/17/23

To: All LMCC Member Cities
From: Jim Lundberg, Operations Manager
Reason: LMCC Member City Survey

DEEPHAVEN

EXCELSIOR

GREENWOOD

INDEPENDENCE

LONG LAKE

LORETTO

MINNETONKA
BEACH

ST. BONIFACIUS

SHOREWOOD

SPRING PARK

WOODLAND

On March 18th, the LMCC held a Cable Television Summit to discuss cord cutting and how our funding has been negatively affected by it. In fact, cord cutting has now made our current funding model unsustainable. Our current projections show the LMCC would require financial support from our Member Cities to cover any budget shortfalls after 2025.

After the Summit, the LMCC Executive Committee met numerous times to discuss the situation and try to find a means of moving forward. Due to funding constraints, the Committee has developed a survey to solicit feedback from our Member Cities to see how they would like us to move forward.

The attached survey offers 3 options, and we would like you to discuss these options with your City at an upcoming City Council meetings. We would like your City to rate the options 1 through 3 with 1 being what best represents the City's interests to 3 which would be the City's least favorite option. There are also some appendices (A through C) that provide more details as to what affect the 3 choices may have on either our organization or your City.

Please complete the survey and return it to the LMCC no later than August 1st of this year.

Please note that I am available to discuss the survey at any time and I can make myself available to attend your City Council meeting if you would like my input.

Sincerely,

Jim Lundberg
Operations Manager
LMCC
952-471-7125 x104



LMCC Member City Survey:

Cord Cutting, or canceling of cable television subscriptions through Mediacom is causing budgeting issues for community television facilities such as the LMCC. The LMCC has historically been self-sufficient through franchise and PEG fees charged on the cable customers' bills. As cable subscribership declines by 10-15% per year, this funding model is no longer viable.

The LMCC has looked into grants(Non forthcoming) and for fee production work(Not viable at current staffing levels).

Beginning with Budget Year 2025, Member Cities will have to decide on whether or not they are willing to pay a percentage of any shortfall that occurs with future LMCC budgets.

The following survey is designed to offer our Member Cities options on the future of the LMCC and the services that it provides. Please rank your choices using 1 as best through 3 as your least favorite choice.

We will tally our results and share the results at our August LMCC Full Commission meeting.

Our City would prefer that:

A. Continue LMCC – long term- Transition to a dual funding model with mix of Mediacom & City Funding:

Member Cities make up any LMCC budget shortfalls as revenues decline, based on % of population or dwelling units. *See Appendix A for allocations percentages and amounts in 2023 if revenues were to dry up completely(Worst case scenario)

B. Continue LMCC – short term- Use/Sell LMCC assets to fund LMCC in the short term:

The LMCC sell its building, moves into a Member City facility and use the funds to continue the LMCC mission without cost to our Member Cities for up to 8 to 10 years while continuing to look for solutions to our funding issues.

C. Dissolve LMCC – December 2024 – Distribute assets:

*The LMCC ceases to exist at the end of 2024 and current Member Cities would handle their own:

- 1). Franchise with the Cable Provider

- 2). Cable complaints from their residents
- 3). Recording, agenda parsing and posting of government meetings to the City's website
- 4). Programming Services
- 5). Service the City's Audio Visual Systems
- 6). Work with vendors to upgrade and/or replace existing Audio-Visual Systems

*See attached Appendix B

*For a complete listing of LMCC services, please refer to Appendix C

LMCC Shortfall Forecast

	A	B	C	D	E	F	G	H	I	J
1	City	Population	%	2024 %Budget	2024 %Funding	2024 Shortfall	2025 Shortfall	2026 Shortfall	2027 Shortfall	2028 Shortfall
2	Deephaven	3878	14.97%	\$41,921.09	\$40,704.33	\$1,216.76	\$6,137.78	\$10,766.83	\$15,134.70	\$19,269.58
3	Excelsior	2389	9.22%	\$25,825.03	\$25,075.46	\$749.57	\$3,781.11	\$6,632.79	\$9,323.57	\$11,870.81
4	Greenwood	732	2.83%	\$7,912.90	\$7,683.23	\$229.67	\$1,158.55	\$2,032.32	\$2,856.78	\$3,637.27
5	Independence	3735	14.42%	\$40,375.26	\$39,203.37	\$1,171.89	\$5,911.45	\$10,369.80	\$14,576.62	\$18,559.02
6	Long Lake	1738	6.71%	\$18,787.74	\$18,242.42	\$545.31	\$2,750.76	\$4,825.36	\$6,782.91	\$8,636.03
7	Loretto	727	2.81%	\$7,858.85	\$7,630.75	\$228.10	\$1,150.64	\$2,018.43	\$2,837.27	\$3,612.42
8	Mtka Beach	497	1.92%	\$5,372.56	\$5,216.62	\$155.94	\$786.61	\$1,379.86	\$1,939.65	\$2,469.57
9	St Boni	1969	7.60%	\$21,284.84	\$20,667.05	\$617.79	\$3,116.37	\$5,466.71	\$7,684.43	\$9,783.86
10	Shorewood	7779	30.03%	\$84,090.80	\$81,650.07	\$2,440.74	\$12,311.97	\$21,597.51	\$30,359.17	\$38,653.44
11	Spring Park	1921	7.42%	\$20,765.96	\$20,163.23	\$602.73	\$3,040.40	\$5,333.44	\$7,497.10	\$9,545.35
12	Woodland	537	2.07%	\$5,804.96	\$5,636.47	\$168.49	\$849.92	\$1,490.92	\$2,095.75	\$2,668.32
13	Total	25902	100.00%	\$280,000.00	\$271,873.00	\$8,127.00	\$40,995.57	\$71,913.97	\$101,087.95	\$128,705.66
14				280,000	\$271,873					
15	City	Housing Units	%	2024 %Budget	2024 %Funding	2024 Shortfall	2025	2026	2027	2028
16	Deephaven	1616	14.57%	40,804.40	\$39,620.05	\$1,184.35	\$5,974.28	\$10,480.02	\$14,731.55	\$18,756.28
17	Excelsior	1286	11.60%	32,471.82	\$31,529.32	\$942.49	\$4,754.29	\$8,339.92	\$11,723.25	\$14,926.10
18	Greenwood	350	3.16%	8,837.59	\$8,581.08	\$256.51	\$1,293.94	\$2,269.81	\$3,190.62	\$4,062.31
19	Independence	1191	10.74%	30,073.05	\$29,200.18	\$872.87	\$4,403.08	\$7,723.83	\$10,857.22	\$13,823.47
20	Long Lake	707	6.38%	17,851.93	\$17,333.77	\$518.15	\$2,613.75	\$4,585.01	\$6,445.05	\$8,205.87
21	Loretto	281	2.53%	7,095.32	\$6,889.38	\$205.94	\$1,038.85	\$1,822.33	\$2,561.61	\$3,261.46
22	Mtka Beach	204	1.84%	5,151.05	\$5,001.54	\$149.51	\$754.18	\$1,322.97	\$1,859.68	\$2,367.75
23	St Boni	854	7.70%	21,563.71	\$20,937.83	\$625.89	\$3,157.20	\$5,538.33	\$7,785.11	\$9,912.04
24	Shorewood	3046	27.47%	76,912.26	\$74,679.88	\$2,232.38	\$11,260.93	\$19,753.81	\$27,767.51	\$35,353.72
25	Spring Park	1316	11.87%	33,229.33	\$32,264.85	\$964.48	\$4,865.20	\$8,534.47	\$11,996.73	\$15,274.29
26	Woodland	238	2.15%	6,009.56	\$5,835.13	\$174.43	\$879.88	\$1,543.47	\$2,169.62	\$2,762.37
27	Total	11089	100.00%	280,000.00	\$271,873.00	\$8,127.00	\$40,995.57	\$71,913.97	\$101,087.95	\$128,705.66

LMCC Member City Survey Appendix B:

This appendix is designed to provide insight into what Cities would have to take on themselves if the LMCC ceased to exist:

1). Franchise with the Cable Provider

-The LMCC will negotiate a new franchise agreement with for Member Cities with the Cable Provider in 2024. After that, if the LMCC ceased to exist, former Member Cities will have to negotiate directly with the cable provider at their own expense.

2). Cable complaints from their residents

-Currently, Member City residents who have complaints regarding Mediacom's services contact the LMCC who then advocates for the residents by submitting a formal complaint to Mediacom. Cities would have to formally submit complaints to Mediacom's Government Relations Manager.

-The LMCC currently follows up with Mediacom until the resident is satisfied. The City would also need to take on this responsibility.

3) Recording, agenda parsing and posting of government meetings to the City website

-Cities would have to hire and train people to record their government meetings

-Cities would need to create/maintain their own recording systems and update them regularly as technologies change.

-Cities would have to create a means for residents to view their meetings online ie: A YouTube Channel

-Cities would have to agenda parse and link government meetings to their own website.

-Outsource/Contract for services

4) Programming Services

-Cities would have to hire and train an individual to create content and program their own channel(s) if they wished to be able to receive PEG funding.

-Recurring Programs at the LMCC Include: Lakeside News, First Responder TV, Talking Points, State of the City Addresses, Community Forums and Public Hearings

5) Service the Cities Audio Visual Systems

-Cities would have to maintain their own Audio-Visual systems and find vendors to service these systems when there are issues.

6) Work with vendors to upgrade and/or replace existing Audio-Visual Systems

-As Audio Visual system degrade or changes in technology require a system upgrade, Cities will need to work with multiple vendors to receive multiple bids for upgrades.

-Cities will need to create training for people operating their Audio-Visual equipment and update the training as changes to their systems are implemented.

Appendix C

LMCC Member City Benefits

Production Services:

The Lake Minnetonka Communications Commission produces a variety of quality Public, Educational, and Government (PEG) programming that serves our member cities on LMCC Community Channels 8, 12, 20, and 21.

- **Programming:** LMCC produces over **300** community television programs annually.
- **Awards:** LMCC has received a number of Local and National Awards (including the "Excellence in Public Access Programming Award" by the National Association of Telecommunications Officers and Advisors (NATOA).
- **Government Meetings:** LMCC produces over **300** government meetings annually.
- **Video On Demand:** Government Meetings are uploaded and linked to member city websites. Meetings are encoded and time stamped to agenda item locations.
- **Election Coverage:** LMCC produces election-based programming. This includes both Candidate Statements and Forums. LMCC election coverage airs on the LMCC channels and is also available from the LMCC website.
- **School Programming/Community Events:** LMCC has partnered with our local school districts (Minnetonka, Orono, Westonka), member cities, and area non-profits in the production of on-location programs with our Production Truck.
- **Technical Consulting/Channel Management/Equipment Maintenance** for all member cities.

Staff Produced Programs of Direct Interest to Area Residents:

- **First Responder TV:** Monthly public safety show featuring our local police and fire departments.
- **Lakeside News:** Award winning monthly program featuring our 17 member cities, area non-profits, and schools.
- **Community Forums**
- **State of the City Addresses:** By Member City Mayors
- **Public Hearings:** For major City related issues and discussions that require community feedback.
- **Talking Points:** A Local Issues oriented program

LMCC Production Classes/Public Access:

- **Local residents can take our LMCC Production Classes:** Studio Production Basics, Editing, and Van Production. Member City residents can then create programming (with staff assistance) that will air on LMCC Community Channel 12.

Program Promotion:

- We promote a variety of our member cities programming on LMCC Channels (8, 12, 20, and 21), the LMCC website, LMCC YouTube Channel, and through area publications.

LMCC Member City Benefits

Administrative/Cable Commission Services:

The Lake Minnetonka Communications Commission is an agency formed by a Joint Powers Agreement between area Member Cities, whose purpose is to oversee the franchise agreement with the cable operator, currently Mediacom, and to promote awareness and use of community television.

The LMCC Commission meets quarterly to hear subscriber reports, handle compliance issues and subscriber complaints. The Commission also advises cities on communication services that may be available to residents. The Commission and staff provide the residents with an opportunity to communicate with their area neighbors through the medium of community television.

- **Franchise Enforcement:** Ensuring Mediacom is following through on contractual obligations and by filing non-compliance reports or submitting legal documentation for non-compliance of the company according to the franchise agreement.
- **Subscriber Complaint Resolution:** LMCC files complaints and/or does follow up with non-compliance violations or fines to Mediacom for member cities residents.
- **Cable Audits:** Oversees Franchise Fee, PEG Fee, and LMCC Internal Audits. Provides this data to all member cities.
- LMCC provides **rights-of-way** information and legal updates from state and local governments in terms of laws, rules, and regulations that may affect cable franchising.
- **Ensuring Local Control:** Represents member cities in any opposition to state cable franchising.
- **Cable Disputes:** LMCC works with city attorneys or other legal representatives from member cities to resolve disputes with Mediacom or their subscribers.
- **Budget Planning and Oversight:** Staff provides strategic planning and budgeting services for the LMCC.
- **New Technologies:** LMCC researches advanced technology applications for the future and long-term viability of community television. This includes streaming video and other technical advances.

Non-Member Cities do not receive the Franchise Administration Functions of the LMCC currently administered by the LMCC Operations Manager