



CITY COUNCIL MEETING AGENDA
TUESDAY NOVEMBER 14, 2023

6:30 PM REGULAR MEETING

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

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

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

- a. Approval of City Council Minutes from the October 12, 2023, Special/Workshop City Council Meeting.
 - b. Approval of City Council Minutes from the October 17, 2023, Regular City Council Meeting.
 - c. Approval of Accounts Payable (Batch # 1; Checks Numbered 22397-22406, Batch # 2; Checks Numbered 22407-22416, Batch # 3; Checks Numbered 22417-22428, Batch # 4; Checks Numbered 22429-22430 and Batch # 5; Checks Numbered 22431-22454).
 - d. Approval to not waive the monetary limits on Tort Liability established by MN Statutes, to the extent of the limits of liability coverage obtained from the LMCIT.
 - e. Temporary Gambling Permit – Wayzata Clay Target Booster Club
5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
 6. Reports of Boards and Committees by Council and Staff.
 7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the September 2023 Activity Report.
 8. Certification of Delinquent Sewer Service Charges as Special Assessments.
 - a. **RESOLUTION NO. 23-1114-01** – Resolution certifying delinquent sewer service charges.
 9. Peter Bullemer (Applicant/Owner) is requesting the following action for the property located at 3375 Lake Haughey Road (PID No.s 08-118- 24-33-0007 and 08-118-24-33-0008) in the City of Independence, MN:

- a. **RESOLUTION NO. 23-1114-02** – Resolution approving a minor subdivision to allow a lot combination which would combine the two properties into one property.

10. Sam Vandeputte (Applicant) and 1985 Co Rd 90 Llc (Owner) is requesting the following action for the properties located at 1985 and 1989 County Road 90 (PID No.s 22-118-24-41-0005 and 22-118-24-41-0001) in the City of Independence, MN:

- a. **RESOLUTION NO. 23-1114-03** – Resolution approving a minor subdivision to allow a lot combination which would combine the two properties into one property.

11. Approval of the Issuance and Sale of Conduit Bonds for 180 Degrees, Inc.

- a. **RESOLUTION NO. 23-1114-04** – Resolution approving the authorization of the issuance, sale and delivery of revenue bonds for 180 Degrees, Inc. Projects (this includes the renovation and expansion of two facilities; “Minneapolis Project,” and together with the St. Cloud Project, the “Projects”).

12. Open/Misc.

13. Adjourn.

MINUTES OF A SPECIAL MEETING AND WORK SESSION OF THE
INDEPENDENCE CITY COUNCIL
THURSDAY, OCTOBER 12, 2023 – 7:00 AM.
(WHPS Conference Room)

1. CALL TO ORDER.

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

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts, McCoy

ABSENT: Grotting

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

VISITORS: WHPS Chief Kroells, WHPS Sergeant Dennison

3. Pioneer Park Master Plan

Kaltsas discussed that the applications for the HC Youth Sports Grant is due by Tuesday, October 17th. He said after talking with HC and looking at the costs, the city would like to start designing a long-range vision for Pioneer Park. The city has met with Orono Softball/Baseball and they would like to see a clover leaf or a 4 field complex for tournaments. In order to provide these fields, we would have to push the entrance about 50ft to the North. It would not impact the entrance off of County Road 90. The park would need significant parking to accommodate these fields (roughly 200 parking stalls). Orono is in the process of fundraising for this right now and they are looking to bring in a combined amount of \$2m. The city would not be able to cover those funds ahead of time and HC will not allow us to use unraised/pledged funds so we can do these fields in the future once we receive these funds. For now, the city is proposing the road project with parking, four pickleball courts and two multi-purpose fields.

The cost is \$1.3m, but \$1m of that is in hard costs. The \$300k in soft costs include fees that the city could potentially bring down. The grant is for \$300k, down \$200k from last year. The city is considering going in with an application for \$280k.

Betts asked if a lot of trees need to come down when the road is shifted.

Kaltsas said there will be about a dozen.

Johnson asked about dredging the wetlands and making a skating area there.

Kaltsas said you could do that. There are many years that there is plenty of water there and some years there isn't. He said Hockey has reached out twice and they would love to have something there, but the city does not have the staff to do this kind of maintenance, supervision and water trucks. There will be another development that will have park dedication that could help support the costs of this in the future potentially.

Johnson said the resolution states that we would be responsible for the maintenance. He asked if that would include the ball fields.

Kaltsas said that is just for the multi-purpose fields such as mowing and spraying for weeds. He said there isn't any nets accounted for in the money. Orono Westonka would have to provide their own.

Betts asked if there is still room for the walking path.

Kaltsas said yes.

Chief Kroells said the back half of the park is where most kids mess around. He said they have been trying to watch it closely. He asked if there is anything the city can do predesigned to stop the kids from ruining those fields. He asked about gates and fencing that would keep them out.

Kaltsas said he thought about putting a gate out in the front that shuts at 10pm. There will be a license plate reader going up very soon in the park since there was just damage done about a month ago.

McCoy said he would be in favor of a curb to keep people off the north side from the parking. Parking is always short when there are tournaments and people tend to park wherever.

Spencer asked if there was any noise screening with pickleball from the neighborhood to the North. He said they do have sound dampening that the city could add to one side.

McCoy mentioned putting the pickleball courts on the South side of the large parking lot to move it further away from the neighborhood.

Kaltsas said the city is not proposing lighting so it wouldn't be outside of ordinance hours. The trees will also help with the sound barrier. He is waiting on Bolton Menk to give detailed scope of cost to show HC.

Johnson asked if this grant is once or twice a year.

Kaltsas said the facility grant is once a year. The DNR has a good park grant as well that the city could start to look into. It is broader. He said the city could also do their own too. He said they will try to use as much of the existing road as possible.

- a. **RESOLUTION 2023-1012-01** – Considering Approval of the Application for a Hennepin County Youth Sports Grant.

Motion by Spencer, seconded by Betts to approve the Application for a Hennepin County Youth Sports Grant. Ayes: Johnson, McCoy, Spencer, and Betts. Nays: None. Absent: Grotting. Abstain: None. MOTION DECLARED CARRIED. 4-0

4. Fire District Update

Kaltsas said that Maple Plain would like to have a joint meeting to discuss fire. He said he would really like to have some numbers to look comparing the option to join with West Suburban and to stay independent of West Suburban. He said he needs Jeff to take market evaluation and call data to plug into the spreadsheet.

He said he is looking to see what the tax impact would be if we went to a taxing district. Jeff does not include the \$20m station in Loretto. Maple Plain would need a \$10m station.

Johnson asked if Loretto purchased land somewhere.

McCoy said yes by Chippewa.

Betts asked where MP would put a station.

Kaltsas said in the same location. Kaltsas said it would be about 2 more weeks before he could get numbers back and out to MP and Independence Council. He said he wants to look at the best way to provide fire services to the residents long term. He said the city has set a meeting with the state auditor and PERA to talk about the fire issues. He has not seen a date set yet.

McCoy said that they will also include the person that does the special legislation if anything would have to be done, it would take place next legislation.

Kaltsas said we do have the public safety aid money coming in December. He said the city has not talked about that money yet. The city will get \$166k. On a percentage basis, Independence spends 29% on fire and 71% on police. We would have about \$117k to WHPS and reminder would go to fire. Kroells said he took each city's budget on what they pay for police and fire which is percentage based and proposed the same percentage. You have to use this money for police and fire. He also stated that WHPS is looking for part time officers that was not proposed for 2024 or a part time SCO. This could be used to get us through the next 3-4 years. We are very understaffed compared to the police departments around us.

5. Open/Misc.

Kaltsas stated that we switched our November 7th meeting date to November 6th a while back because it was election night. We also have a meeting scheduled on the week of Thanksgiving. He asked if we split the difference and have both meetings on Tuesday, November 14th instead. We have delinquent sewer bills that we will need to do at the council meeting that we can approve at the November 14th meeting.

We could potentially have a joint meeting with Maple Plain on the 6th or the 28th.

Motion by Betts, seconded by McCoy to change the CC meetings scheduled for November 6th and 21st to November 14th. Ayes: Johnson, McCoy, Spencer, and Betts. Nays: None. Absent: Grotting. Abstain. None. MOTION DECLARED CARRIED. 4-0

6. Adjourn

Motion by Spencer, seconded by McCoy to adjourn the meeting at 8:09am.

Respectfully Submitted,
Amber Simon/ Recording Secretary



MINUTES OF A REGULAR MEETING OF
THE INDEPENDENCE CITY COUNCIL
TUESDAY OCTOBER 17, 2023 – 6:30PM
CITY HALL CHAMBERS

6:30 PM REGULAR MEETING

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, Grotting, and Betts

ABSENT: None.

STAFF: City Administrator Kaltsas, Administrative Services Director Simon,

VISITORS: Zeglins

4. ****CONSENT AGENDA****

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

- a. Approval of City Council Minutes from the October 3, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch # 1; Checks Numbered 22341-22354, Batch # 2; Checks Numbered 22355-22376 and Batch # 3; Checks Numbered 22377-22396).
Note: Checks Numbered 22327-22340 were voided due to printer error.
- c. Quarter 3 Building Permits – (For Information Only).

Grotting asked about how we determine the contractor to remove the septic such as the Kothrade project. In 2008 – The city agreed we had an agreement with the property owner to remove and pay for that. Kothrade came in 1/3 of the price.

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

5. SET AGENDA - Anyone Not on the Agenda can be Placed Under Open/Misc. Zeglin
6. Reports of Boards and Committees by Council and Staff.

Grotting attended the following meetings:

- Met Council Task Force Research

Spencer attended the following meetings:

- Maple Plain Fire Dept Open House
- Lunch with the Chief, Mayor of MP took out Gary and Cody from WHPS to thank them for their efforts organizing the softball game

Betts attended the following meetings:

- Maple Plain Fire Dept Open House
- Workshop

Johnson attended the following meetings:

- Maple Plain Fire Dept Open House
- Orono Parade
- Department of Labor/Representative Robbins
- Orono Annual Alumni Breakfast
- Wright Hennepin Electric Co-Op Appreciation Dinner
- Chamber Meeting
- Legion Meeting
- NW League
- Work session meeting
- Regional Council of Mayors
- Hwy 55 Executive Committee Meeting (Zoom)
- Hwy 55 Towards zero death(Webinar)
- Leander Wetter Funeral

McCoy attended the following meetings:

- Fire Dept Open House
- Workshop

Simon attended the following meetings:

- Workshop

7. OPEN/MISC

Zeglins asking for the status about finding any information for us regarding the deferment.

Kaltsas- info on the assessment, but nothing specific relating to that property. Nothing on the deferment. Programs like Green Acres do allow for deferment, but the city does not allow for deferment unless it is in one of these programs.

Johnson- have you found a list on this?

Kaltsas- not a specific list yet. There was one on Maria Road. Question on if that property was previously assessed for the paving. We found it at one point, but we can't find that again currently. We have a lot of historic files.

Johnson- I don't remember the criteria to making that assessment because of the length of that farm property.

Kaltsas- it was a per unit assessment not footage. This property could have had 2 units, but it doesn't look like that's what was assessed. It was only assessed 1 unit at that time, which was the same as everyone else.

Johnson – Has the property always been in green acres?

Johnson- need to know the life of the bond. We are setting a precedence here.

Kaltsas- we need to do whatever is acceptable to repeat. Life of the bond, index,

Spencer- I think that's a standard we can apply to other situations. Find out the original term of the bond, compound at agreeable rate, from that point forward use calculation based on average 30-year mortgage until closing date. I want to see that number. That is a reasonable precedent to set.

Motion by Spencer, seconded by Betts to have City Staff research deferment: Ayes:

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

MOTION DECLARED CARRIED. 5-0

8. ADJOURN

Motion by Spencer, seconded by Grotting to Adjourn meeting. Ayes: Johnson, McCoy, Spencer, Betts and Grotting. Nays: None. Absent:

MOTION DECLARED CARRIED. 5-0

Meeting Adjourned at 7:21pm

Respectfully submitted,

Carrie Solien, Recording Secretary

City of Independence

League of Minnesota Cities Insurance Trust Tort Liability Waiver

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: November 14, 2023

Discussion:

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

Requested Action:

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

ATTACHMENTS: LMCIT Waiver Form



LIABILITY COVERAGE WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before their effective date of coverage. Email completed form to your city's underwriter, to pstech@lmc.org, or fax to 651.281.1298.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. *The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.* The decision has the following effects:

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

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

LMCIT Member Name: _____

Check one:

☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: _____

Signature: _____

Position: _____

Date: October 6th, 2023

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

From: Director Gary Kroells

SUBJECT: SEPTEMBER 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

September 2023

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	6	9	34	55
Traffic	136	89	815	819
Part III	19	3	36	36
Part IV	33	45	243	292
Part V	120	109	874	1,062
Total City of Independence	314	255	2,002	2,264
City Of Maple Plain				
Criminal	8	2	33	39
Traffic	95	28	336	218
Part III	10	1	22	15
Part IV	28	30	212	195
Part V	50	40	350	462
Total City Of Maple Plain	191	101	953	929
Grand Total Both Cities	505	356	2,955	3,193
TZD	94	19	301	135
Agency Assists	22	33	197	230
Total ICR Reports	527	408	3,453	3,558
How Received				
Fax	5	9	67	61
In Person	14	15	94	127
Mail	0	0	3	9
Other	1	0	9	12
Phone	33	25	208	286
Radio	165	159	1,174	1,418
Visual	255	140	1,398	1,210
Email	17	10	131	178
Lobby Walk In	37	31	202	229
Total	527	389	3,286	3,530

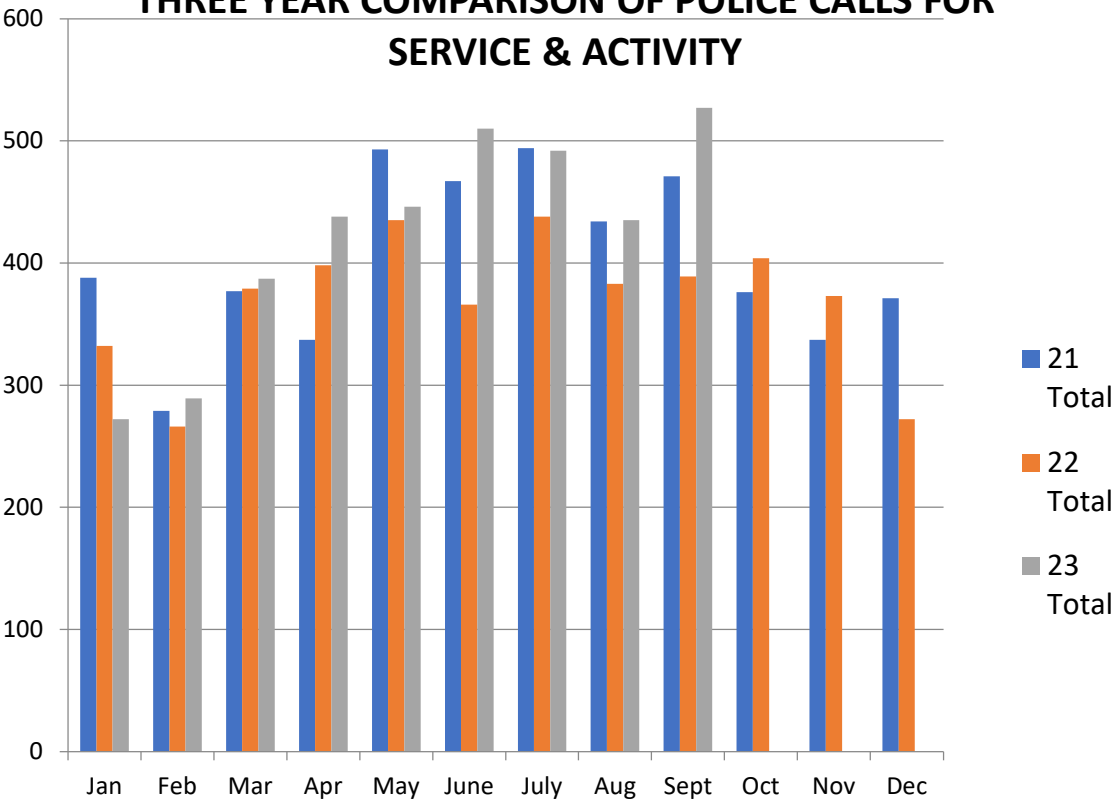
September 2023 Part I & II**City of Maple Plain #'s 1 & 2**

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
WHPS	23003403	Burglary	09-08-2023	01	09-08-2023	B3065	1
WHPS	23003475	Domestic Assault Arrest	09-12-2023	01	09-12-2023	AL350	2
WHPS	23003694	Domestic/Rpt	09-23-2023	01	09-23-2023	AL350	2
WHPS	23003476	Stolen Veh/Theft from Autos – Main Case	09-13-2023	02	09-13-2023	V0071	1
WHPS	23003484	Theft from MV	09-13-2023	02	09-13-2023	U351D	1
WHPS	23003556	4 th Degree DWI/GM No Insurance	09-15-2023	02	09-15-2023	JGW01	2

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

AGN	ICR	Title	Create Date	Grid #	Committed Date	MOC range	UCR Part
WHPS	23003439	DWI 4 th Degree	09-09-2023	03	09-09-2023	JGW01	2
WHPS	23003477	Theft From MV	09-13-2023	03	09-13-2023	U351D	1
WHPS	23003478	Theft From MV	09-13-2023	03	09-13-2023	TB009	1
WHPS	23003481	Theft From MV	09-13-2023	03	09-13-2023	U351D	1
WHPS	23003557	Crash/Pi – Susp DWI	09-15-2023	03	09-15-2023	JF5B1	2
WHPS	23003389	Fraud	09-07-2023	04	09-07-2023	U1552	2

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



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

September 2023 Activity Report

Year to Date Activity Report

At the end of September 2023, West Hennepin Public Safety (WHPS) handled year-to-date a total of 3,286 incident complaints. For the month of September; 314 incidents occurred in the City of Independence and 191 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.

Crash

September 1

Intersection of Drake Street and Baker Park Road, Maple Plain. Officer was dispatched to a motorcycle versus deer crash. Officer arrived on scene and spoke to the driver who advised he struck the third deer that was in a group of three. Driver advised he was feeling sore but declined medical services. The deer was dispatched after an officer found it still alive at the scene.

Juvenile Problem

September 1

5700 block of Drake Drive, Independence. Officer was dispatched to an 11-year-old throwing stuff and hit his mother with a tomato. Reporting party advised her son ran out the back door of the residence and disappeared but was able to find his location via a phone application. Officer was able to locate the child and return him home. Report party explained the child has numerous disorders and is working on getting him help. Officers advised to call back if further assistance is needed.

Trespass

September 2

4800 block of Highway 12, Maple Plain. Officer was dispatched to a local establishment where a patron was argumentative and refusing to leave. Officers arrived on scene and spoke to the reporting party who advised the subject was asking other patrons for methamphetamine and marijuana. The subject was denied these requests and began calling people names and became belligerent. Ultimately, the subject was trespassed and was forced to grab his belongings and leave. Subject was warned if he returns, he would be arrested.

Citation
September 5

Intersection of Highway 12 and Baker Park Road, Maple Plain. Officer was on routine patrol in the area and observed a vehicle driving a high rate of speed. Radar indicated 74 MPH in a 45 MPH zone. Vehicle passed by the officer and radar then indicated 91 MPH in a 55 MPH zone. Officer caught up to the vehicle and initiated a traffic stop. Driver had no good reason for his speed. Officer detected the odor of marijuana and observed a small baggie in plain view. The bag of marijuana was not packaged properly and was in possession of a juvenile. Driver was cited for the offenses.

Suspicious Vehicle
September 6

400 block of Kuntz Drive, Independence. Officer was dispatched to suspicious vehicle. Reporting party stated they have never seen the vehicle before, and it was driving very slow down the street. Officer arrived in the area and located the vehicle. Officer made contact with the driver who advised they were driving around while waiting for their realtor to view a house for sale in the area. Nothing criminal.

Fraud
September 7

5000 block of Sunset Lane, Independence. Officer was dispatched to take a fraud report. Report party stated a few weeks ago, the credit card company froze her account due to fraudulent activity. She stated someone out of the country purchased about \$10,000 worth of merchandise from various websites on her credit card. Report party advised the credit card company has an active investigation but has not been refunded the money yet. She stated one of the items that was fraudulently purchased arrived at her address. Case forwarded to investigations.

Burglary
September 8

4800 block of Highway 12, Maple Plain. Officer was dispatched to a burglary that occurred overnight. Reporting party advised two individuals in ski masks broke into the establishment during the early morning hours and appeared take the pull tabs. Reporting party stated nothing was taken but a glass door was shattered, and the phone line was cut. Case forwarded to investigations.

Missing Person
September 8

9300 block of Kuntz Xing, Independence. Officer was dispatched to a missing person report. Reporting party is the son to an elderly female who has Alzheimer's. The elderly female was not seen or heard from in about 24 hours. Credit card statement was checked and was used in the area. Officer issued an alert for the female's vehicle and was entered as a missing person. Eventually, the female was located in another county and was brought home safely.

DWI Arrest
September 9

Intersection of County Road 90 and Quass Cut-Off, Independence. Officer received information about a driver with a revoked driver's license. Officer was in the area and located the vehicle. Officer initiated a traffic stop and spoke to the driver who was showing signs of impairment. Ultimately, Michael Bradley Brant (32) was arrested and booked for 4th Degree DWI, Driving After Revocation, and No Insurance. He was released to a responsible party.

Assault
September 10

3600 block of Ihduhaip Trail, Independence. Officer was dispatched to a possible assault. Officer responded and spoke to the parties that were involved who explained one individual was watching TV and making derogatory comments to the other individual, who then got up and punched the other. Both parties were calm and neither wanted to press charges.

Harassment
September 11

5700 block of Three Oaks Avenue, Maple Plain. Officer was dispatched to take a harassment report. Report party advised he dated a female for nine months and then broke things off. He stated she began harassing and stalking him by calling from unknown numbers and making fake social media accounts. Officer contacted the suspect who stated she hasn't been contacting him and was upset about the encounter. Officer advised to stop contacting him or he would file a restraining order.

Property Damage
September 12

4100 block of Woodhill Drive, Independence. Officer was dispatched to take a property damage report. Reporting party explained there's a screen on the first floor looks like someone pulled it out in attempt to gain entry to the home. Officer arrived on scene and confirmed the screen had damage to it and it was forced out of the window. After assessing the damage, the only way the damage would have occurred is from the inside. Report party advised they heard their dog barking at something and thought they dog was the one who pushed the screen out of the window.

Arrest
September 12

1500 block of Howard Avenue, Maple Plain. Officer was dispatched to a domestic assault where the victim had been hit in the head with a frying pan and was bleeding. Officer met with the victim would had blood dripping down their face. Officer observed the pot with a broke off handle on the ground. Victim was checked out by North Memorial Paramedics. The suspect, Aleisha Michelle Bonet (50) was arrested for Domestic Assault and transported to Hennepin County Jail without incident.

Theft from Auto
September 13

Overnight, the officer on-duty took multiple theft from auto reports. A group of approximately four individuals went around to local neighborhoods and found multiple vehicle doors were unlocked. They then went through each vehicle and stole multiple items, including thousands of dollars and passports. While the officer was taking these reports, it was reported a vehicle had been stolen off Rainbow Avenue in Maple Plain. The vehicle was recovered unoccupied a short time later a few blocks away from where it was stolen. The vehicle was left unlocked with the keys inside. The investigation is on-going and is currently being investigated by West Hennepin Public Safety and multiple surrounding agencies.

Arrest
September 13

6100 block of Highway 12, Independence. Officer was on routine patrol and located a vehicle with expired registration and a driver with a revoked driver's license status. Officer initiated a traffic stop and spoke to the driver who advised she did not have insurance. Driver, Ty'Janae Monique Walker (22) was arrested for gross misdemeanor no insurance, which would be her second offense. Officer booked and released her pending formal charges.

Traffic Complaint
September 14

Intersection of Highway 12 and County Road 92, Independence. Officer was dispatched to a traffic complaint regarding a vehicle swerving, driving in the oncoming lane, and fluctuating speeds. Officer located the vehicle and spoke to the driver. The driver stated he didn't have a license and admitted to weaving due to the road and a fear of hitting deer. Officer issued the proper citations and advised the driver to park the vehicle and get a valid driver.

Welfare Check
September 15

1700 block of Baker Park Road, Maple Plain. Officer was dispatched to a welfare check regarding an elderly male who appeared lost, confused, and unsteady on their feet. Officer contacted the male who didn't know where he was going and had been trying to get to Coon Rapids. Officer had North Memorial Paramedics respond to the scene to evaluate the male. He was cleared by paramedics and is believed to have early stages of dementia. Officer did not believe he would find his way home, so the male's daughter was able to respond and take him and his vehicle home.

Arrest
September 15

Intersection of Highway 12 and Halgren Road, Maple Plain. Officer received information about a driver with a revoked license. Officer confirmed the driver was revoked and initiated a traffic stop. Driver stated she had insurance but when the officer called the insurance company it was learned the policy had been inactive since 2015. The driver was showing signs of impairment, which she denied. Driver was arrested for no insurance and suspected narcotics DWI. A search warrant was obtained for a blood draw. Pending toxicology results.

Arrest
September 15

Intersection of Highway 12 and County Road 92, Independence. Officer was dispatched to a crash with injuries in the area involving a motorcyclist. Officer arrived on scene and observed the driver of the motorcycle with injuries to their arm and leg. After assessing the scene, officer determined the motorcycle drove over the roundabout before crashing. Driver smelled like alcohol and admitted to drinking. Preliminary test showed BAC of .117. Search warrant was issued a blood draw was performed. Pending toxicology results.

Arrest

September 16

Intersection of Highway 12 and County Road 90, Independence. Officer received information regarding a driver with a cancelled – inimical to public safety driving status. Officer located the vehicle and initiated a traffic stop. Driver confirmed his driving status was DAC-IPS from a previous felony DWI arrest. Driver, Samson Dean Weinzetl (32) was arrest for driving after cancellation – inimical to public safety, which is a gross misdemeanor. He was booked and released from WHPS. Pending formal complaint.

Medical

September 16

5500 block of Lake Sarah Heights Drive, Independence. Officer was dispatched to a head injury. Reporting party stated his wife was drinking and fell. Officers arrived on scene and found the patient and lots of blood. The patient advised she was fine and didn't have any pain. West Suburban Fire arrived and took over assessment. A large cut was found on the back of her head. Patient refused medical treatment after North Memorial Paramedics arrived. Reporting party was advised to call if they needed any further assistance.

Suspicious Activity

September 17

5900 block of Main Street, Maple Plain. Officer was dispatched to suspicious activity where the homeowner was notified that there was motion in their garage when no one was supposed to be home. There were lights on and movement inside of the house. Due to the circumstances, assistance was requested from other agencies and a K-9 arrived on scene. Commands were given to the individuals inside of the house who were all found to be juveniles. They advised they were given permission to be there by the homeowner's juvenile son. All parents were contacted. Homeowners did not seek charges.

Traffic Complaint

September 17

4800 block of Townline Road, Independence. Officer was dispatched to a traffic complaint where a vehicle was driving 90-MPH. Officer arrived in the area and still smelt burnt rubber. Officer spoke to the reporting party who witnessed the car driving at a high rate of speed and then suddenly braked to the point where the tires were smoking. Officer located the vehicle and spoke to the driver who stated they didn't see their turn, so they had to brake hard. Officer could still smell their hot brakes. Driver was issued a citation for careless driving.

Damage to Property
September 18

2000 block of South Lakeshore Drive, Independence. Officer was dispatched to a report of slashed tires. Officer spoke to the reporting party who advised she kicked her son out of the house the night prior and woke up to her car tires slashed. It was found the tires were not damaged, they had just been deflated. Reporting party wanted nothing further done.

Missing Person
September 19

2600 block of County Road 90, Independence. Officer was dispatched to a missing elderly female with dementia. Officer arrived on scene and located the female in an outbuilding on their property. She was upset and confused but denied medical attention.

Arrest
September 20

300 block of County Road 92, Independence. Officer was on routine patrol and observed a vehicle driving a high rate of speed. Radar indicated 52-mph in a 30-mph zone. Officer stopped the vehicle, and the driver didn't realize he was speeding. Upon running checks, driver's license status came back cancelled inimical to public safety. Driver was aware of his license status. Officer arrested Michael Ray Dunning (70) and transported him to the police department to be booked for DAC-IPS. Pending formal complaint.

Crash
September 21

Intersection of County Road 6 and Kuntz Drive, Independence. Officer was dispatched to a two-vehicle property damage crash. Officer arrived on scene and determined it was a rear-end collision. Both drivers denied medical attention. It was found the first vehicle was waiting for a break in traffic to turn off County Road 6, when she was struck from behind. The second driver was cited for failure to drive with due care.

Suspicious Activity
September 22

5500 block of Highway 12, Maple Plain. Officer was on routine patrol in the area and observed a vehicle with front end damage in the back corner of the MNDOT parking lot. Officer approached the vehicle and observed a male sleeping in the driver's seat. The driver was woken up and advised he was on his way home from work and pulled over to take a quick nap. Officer inquired about the damage to his vehicle which the driver stated was from last winter. Driver didn't show signs of impairment and didn't suspect criminal activity was afoot.

Suspicious Activity

September 22

5600 block of County Road 11, Independence. Officer was on routine patrol in the area and observed two vehicles parked in a closed business after hours. Officer observed a male exit one vehicle and made contact. The male stated he was there talking with a female friend. Both parties were identified. Neither party appeared to be in distress. Both parties were advised to leave the parking lot.

Arrest

September 23

1600 block of Budd Avenue, Maple Plain. Officer was dispatched to a physical domestic. Officer arrived on scene and spoke to the victim, who advised her boyfriend grabbed her out of bed leaving marks on her arms. Officer observed visible bruising and redness to her arm in the shape of fingers. The victim explained her boyfriend was upset and accused her of cheating. He left the residence prior to police arrival. Eventually, the suspect, Shawn Michael Schlosser (40) turned himself in and was arrested for domestic assault. He was transported to Hennepin County Jail without incident.

Damage to Property

September 26

8300 block of Pioneer Creek Road, Independence. Officer was dispatched to take a damage to property report. Reporting party advised she was hunting last weekend and her ex-boyfriend was loading his shotgun when it accidentally went off blowing a hole in the floorboards of her vehicle. It was determined to be an accident. Reporting party was advised to refer the damage to her insurance company.

Civil Issue

September 28

4900 block of Main Street East, Maple Plain. Officer was dispatched to an on-going civil issue between parents for child custody. Both parents were taking the child from each other and wanting to report it as a crime. They were both advised to take care of the custody issue through the court system or mediation.

Medical

September 29

3600 block Ihduhapi Trail, Independence. Officer was dispatched to an allergic reaction where the patient was stung by a bee, tongue was swollen and itchy, and an EpiPen was administered with no effects. The patient was conscious and breathing but breathing was getting increasingly harder. Officer arrived on scene and rendered care. The patient's oxygen levels were low. North Memorial Paramedics arrived on scene and transported the patient to the hospital.

Disturbance

September 29

5300 block of Highway 12, Maple Plain. Officer was dispatched to a disturbance where a male party was drunk and being obnoxious. Officer arrived on scene and could hear the male yelling and saying profanities. Officer spoke with him and advised it was time to call it a night. The parties involved understood.

Disturbance

September 30

6400 block of Hillstrom Road, Independence. Officer heard multiple loud bangs that sounded like gunfire nearby. A short time later, officer observed numerous large aerial fireworks in the sky. Officer approached the driveway and located five males standing in the driveway with more fireworks that they intended to light off. Officer seized the remaining fireworks and cited two individuals who took blame for purchasing and lighting them off. They were both cited for the violation.



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 23-1114-01

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

WHEREAS, the records of the billing department of the City of Independence lists certain accounts delinquent for the year 2023 (a copy of which is with the City Clerk); and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Independence, Minnesota to direct the County Auditor of Hennepin County to place the delinquent accounts, consisting of principal and interest thereon at the rate of 5% of the payable 2024 tax rolls.

List of Delinquent Accounts

5355 SUNSET LANE	\$23.10
5515 LAKE SARAH HEIGHTS DRIVE	\$779.10
5065 COUNTY ROAD 11	\$464.10
5275 COUNTY ROAD 11	\$779.10
5070 FERN DRIVE	\$525.00
5528 COUNTY ROAD 11	\$262.50
5574 COUNTY ROAD 11	\$779.10
1951 BAKER PARK ROAD	\$525.00
3925 INDEPENDENCE ROAD	\$779.10
3690 INDEPENDENCE ROAD	\$779.10
	<u>\$ 5,695.20</u>

This resolution was adopted by the City Council of the City of Independence on this 14th day of November 2023, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

Request for a Minor Subdivision to Allow a Lot Combination for the Properties located at 3375 Lake Haughey Road

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 17, 2023
<i>Applicants:</i>	Peter Bullemer
<i>Owners:</i>	Peter Bullemer
<i>Location:</i>	3375 Lake Haughey Road

Request:

Peter Bullemer (Applicant/Owner) is requesting the following action for the property located at 3375 Lake Haughey Road (PID No.s 08-118- 24-33-0007 and 08-118-24-33-0008) in the City of Independence, MN:

- a. A minor subdivision to allow a lot combination which would combine the two properties into one property.

Property/Site Information:

The subject properties are located along the west side of Lake Lake Haughey Road near the southwest corner of Lake Haughey and just north of Hwy 12. The north property has an existing house, and the south property is vacant. The properties are heavily wooded, and both have lake frontage on Lake Haughey. The properties have the following site characteristics:

Property Information: 3375 Lake Haughey Road and PID No. 08-118- 24-33-0007

Zoning: AG-Agriculture

Comprehensive Plan: AG-Agriculture

Acreage (Before): PID No. 08-118- 24-33-0007 – 4.07 acres

PID No. 08-118- 24-33-0008 – 2.28 acres

Acreage (After): 6.35 acres

Aerial of Properties



Discussion:

The applicant approached the City about the possibility of combining the two properties into one property earlier this year. The City noted that the combination of properties would be permitted and advised the applicant of the process. The applicant has prepared a survey showing the individual and combined properties.

There are several items that should be noted by the City during consideration of the application:

1. Both properties have mature tree coverage and lake frontage on Lake Haughey.
2. There is an existing home located on the north lot. The existing home meets all applicable setback requirements in the before and after conditions. The proposed lot combination does create any non-conformities.
3. Based on the current zoning standards for AG - Agriculture properties, this property could not be subdivided again following the combination. The minimum lot size in the AG-Agriculture zoning district required in order for subdivision to be considered is 40 acres.
4. The applicant will be required to dedicate the requisite 10' drainage and utility easements and execute all applicable documents.
5. There are a variety of lot sizes on Lake Haughey Road and the proposed larger lot realized as a result of the combination does not appear to change, alter or be out of context with the surrounding area.

The proposed subdivision to allow a lot combination appears to meet all applicable standards of the City's zoning and subdivision ordinance. The combined lot will fit into the surrounding area and should have minimal impacts on the surrounding properties.

Neighbor Comments:

The City has not received any written comments regarding the proposed subdivision.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision with the following findings:

1. The proposed minor subdivision to allow a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.

2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
4. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

Attachments:

1. Application
2. Survey with Before and After



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION 22-1114-02

A RESOLUTION APPROVING A MINOR SUBDIVISION TO ALLOW
A LOT COMBINATION FOR THE PROPERTIES
LOCATED AT 3375 LAKE HAUGHEY 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 and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Peter Bullemer (Applicant/Owner) has submitted a request for a minor subdivision to allow a lot combination for the properties located at 3375 Lake Haughey Road in Independence, MN (PID No.s 08-118- 24-33-0007 and 08-118-24-33-0008); and

WHEREAS, the Properties are legally described on **Exhibit A** attached hereto; and

WHEREAS, the Properties are both zoned AG-Agriculture; and

WHEREAS the requested minor subdivision meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for Agriculture Property; and

WHEREAS the Planning Commission held a public hearing on October 17, 2023 to review the application for a minor subdivision, 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.

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

Peter Bullemer for a minor subdivision to allow lot combination per the City's subdivision and zoning regulations with the following conditions:

1. The proposed minor subdivision to allow a lot combination request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
4. The Applicant shall provide the legal descriptions and execute and record the requisite drainage and utility easements with the county within six (6) months of approval.

This resolution was adopted by the City Council of the City of Independence on this 14th day of November 2023, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

Boundary Description (per Doc. No. 3314480, dated July 28, 2000 and recorded September 13, 2000)

Real property in Hennepin County, Minnesota, described as follows:

That part of Government Lot 3 lying Westerly of the centerline of travel of the town road and Southwesterly of a line and its extensions, said line being described as follows: Commencing at the southwest corner of said Government Lot 3; thence East along the South line thereof 765.48 feet; thence North perpendicular to said South line 1355.43 feet to the point of beginning of the line being described; thence deflecting left 73 degrees 14 minutes 09 seconds to the shore of Haughey Lake and there ending, and Northerly of a line drawn at right angles to the West line of said Government lot from a point thereof distant 930 feet North of the Southwest corner of said Government Lot in Section 8, Township 118, Range 24.

Subject to any and all easements of record.



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: Peter Thomas Bullemer

Address: 3375 Lake Haughey Road
Independence, Minnesota
55359

Primary Phone: 7632265884

Secondary Phone: 7632265884

Email: pfbullemer@gmail.com

Owner Information

Name: Peter Thomas Bullemer

Address: 3375 Lake Haughey Road
Independence, Minnesota
55359

Primary Phone: 7632265884

Secondary Phone: 7632265884

Email: pfbullemer@gmail.com

Property Address:

PID:

Planning Application Type: Subdivision

Subdivision Type: Lot Line Rearrangement

Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

Certificate of Survey

Prepared for:

Peter Bullemer

Boundary Description (per Doc. No. 3314480, dated July 28, 2000 and recorded September 13, 2000)

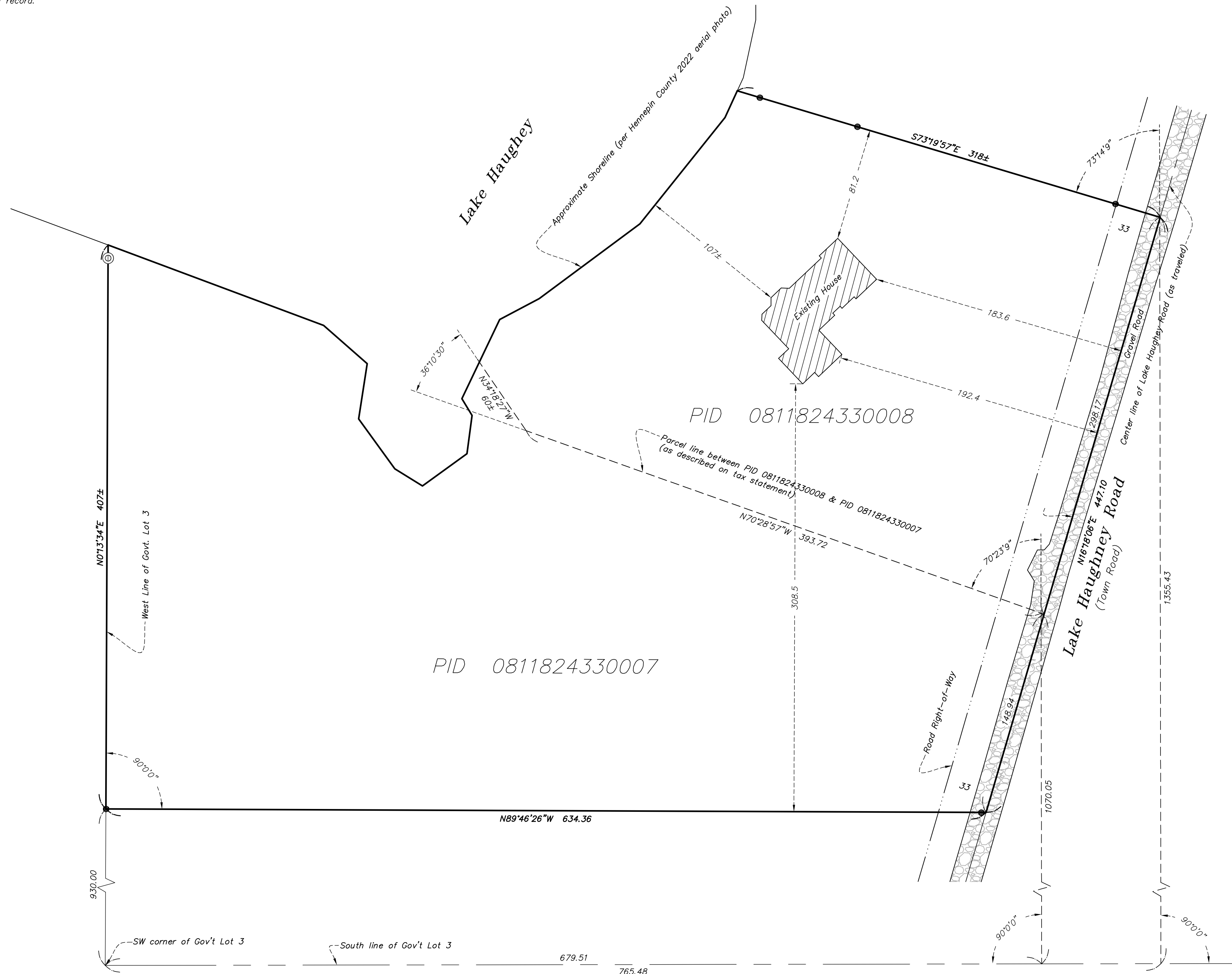
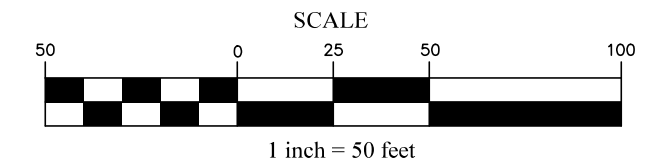
Real property in Hennepin County, Minnesota, described as follows:
That part of Government Lot 3 lying Westerly of the centerline of travel of the town road and Southwesterly of a line and its extensions, said line being described as follows: Commencing at the southwest corner of said Government Lot 3; thence East along the South line thereof 765.48 feet; thence North perpendicular to said South line 1355.43 feet to the point of beginning of the line being described; thence deflecting left 73 degrees 14 minutes 09 seconds to the shore of Haughey Lake and there ending, and Northerly of a line drawn at right angles to the West line of said Government lot from a point thereof distant 930 feet North of the Southwest corner of said Government Lot in Section 8, Township 118, Range 24.

Subject to any and all easements of record.

Site Address:
3375 Lake Haughey Road,
Independence, MN 55359

Legend

- Found Iron Monument
◎ Cast Iron Monument



Bearings based on Carver County Coordinate System

Job Number:	9644
Survey Date:	8/29/23, 9/6/23
Drawing Name:	buellemier.dwg
Drawn by:	SKH
Revisions:	

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

Kelly L. Brouwer
Kelly L. Brouwer

Date: September 12, 2023 Registration No. 48328

SCHOBORG
LAND SERVICES
INC.

763-972-3221
www.SchoborgLand.com

■City of Independence

**Request for a Minor Subdivision to Allow a Lot Combination for
Properties Located at 1985 and 1989 County Road 90**

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	October 17, 2023
<i>Applicant:</i>	Sam's Landscape, Inc.
<i>Owner:</i>	1985 Co Rd 90 LLC
<i>Location:</i>	1985 and 1989 County Road 90

Request:

Sam Vandeputte (Applicant) and 1985 Co Rd 90 Llc (Owner) is requesting the following action for the properties located at 1985 and 1989 County Road 90 (PID No.s 22-118-24-41-0005 and 22-118-24-41-0001) in the City of Independence, MN:

- a. A minor subdivision to allow a lot combination which would combine the two properties into one property.

Property/Site Information:

The properties are located on the west side of CSAH 90 just north of the intersection of County Road 90 and Highway 12. The properties are currently vacant. There are two wetlands on the properties and existing trees located on the north side of both properties. The property has the following characteristics:

Property Information: 1985 and 1989 County Road 90

Zoning: CLI - *Commercial Light Industrial*

Comprehensive Plan: *Commercial Light Industrial*

Acreage: *7.56 acres*

1985 and 1989 County Road 90



Discussion:

In 2018, the City approved a site plan allowing for the commercial development of this property. During the City's review of the site plan, it was noted that there were two properties that would have to be combined and a condition was added to the approval. The owner has begun the site development and is now in a position to combine the two lots.

The combination of the two properties is in keeping with previously approved site plan. It will also allow the requisite drainage and utility easements to be recorded in accordance with the conditions for approval. The City did not find any potential issues relating to the proposed combination. The combination is required in order to allow the proposed development of the property.

Hennepin County has requested an additional 17 feet of right of way as a result of the subdivision; however, the City did not request additional right of way when the site plan was previously approved due to no plat or subdivision being requested. The City does recognize that the proposed improvements are located wholly outside of the 17 feet of future right of way.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed site plan review and conditional use permit.

Planning Commission Discussion:

Commissioners discussed the requested lot combination and noted that it was consistent with the previously approved site plan. Commissioners recommended approval of the minor subdivision to allow a lot combination.

Recommendation:

The Planning Commission recommended approval of the requested minor subdivision to allow a lot combination with the following findings and conditions:

1. The proposed subdivision allowing a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The applicant shall dedicate the requisite drainage and utility easements to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.
3. The applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
4. The applicant shall record the subdivision and City Council Resolution with Hennepin County within six (6) months of approval.
5. The applicant shall record the requisite drainage and utility easements with Hennepin County within six (6) months of approval.

Attachments:

1. Application
2. Survey



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION 22-1114-03

A RESOLUTION APPROVING A MINOR SUBDIVISION TO ALLOW
A LOT COMBINATION FOR THE PROPERTIES
LOCATED AT 1985 AND 1989 COUNTY ROAD 90 N

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 and Subdivision Ordinance and other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, Sam Vandeputte (Applicant/Owner) has submitted a request for a minor subdivision to allow a lot combination for the properties located at 1985 and 1989 County Road 90 N in Independence, MN (PID No.s 22-118-24-41-0005 and 22-118-24-41-0001); and

WHEREAS, the Properties are legally described on **Exhibit A** attached hereto; and

WHEREAS, the Properties are both zoned CLI-Commercial Light Industrial; and

WHEREAS the requested minor subdivision meets all requirements, standards and specifications of the City of Independence subdivision and zoning ordinance for CLI Property; and

WHEREAS the Planning Commission held a public hearing on October 17, 2023 to review the application for a minor subdivision, 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.

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

Sam Vandeputte for a minor subdivision to allow lot combination per the City's subdivision and zoning regulations with the following conditions:

1. The proposed subdivision allowing a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The applicant shall dedicate the requisite drainage and utility easements to the City. The applicant shall execute the necessary documents to convey the easements as determined necessary by the City.
3. The applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
4. The applicant shall record the subdivision and City Council Resolution with Hennepin County within six (6) months of approval.
5. The applicant shall record the requisite drainage and utility easements with Hennepin County within six (6) months of approval.

This resolution was adopted by the City Council of the City of Independence on this 14th day of November 2023, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

EXHIBIT A
(Legal Description)

That part of the Northeast Quarter of the Southeast Quarter of Section 22, Township 118, Range 24, Hennepin County, Minnesota, lying Northeasterly of a line drawn from a point on the East line of said Northeast Quarter of the Southeast Quarter, distant 696.47 feet South from the Northeast corner of said Northeast Quarter of the Southeast Quarter, to a point on the North line of said Northeast Quarter of the Southeast Quarter, distant 947.10 feet West from said Northeast corner.

PARCEL SKETCH AND DESCRIPTION

~for~ 1985 COUNTY ROAD 90, LLC
~of~ 1985 COUNTY ROAD NO. 90,
INDEPENDENCE, MINNESOTA

EXISTING PARCEL DESCRIPTIONS

(Per Hennepin County Tax Records)

Parcel 1: (PID: 22-118-24-41-0005)

That part of the Northeast 1/4 of the Southeast 1/4 of Section 22, Township 118, Range 24, Hennepin County, Minnesota, lying Northeasterly of a line drawn from a point on the East line thereof, distant 696.47 feet South from the Northeast corner thereof, to a point on the North line thereof, distant 947.10 feet West from said Northeast corner, EXCEPT the East 112.00 feet of the North 416.00 feet thereof.

Parcel 2: (PID: 22-118-24-41-0001)

The East 112.00 feet of the North 416.00 feet of the Southeast Quarter of Section 22, Township 118, Range 24, Hennepin County, Minnesota.

PROPOSED PARCEL DESCRIPTION

That part of the Northeast Quarter of the Southeast Quarter of Section 22, Township 118, Range 24, Hennepin County, Minnesota, lying Northeasterly of a line drawn from a point on the East line of said Northeast Quarter of the Southeast Quarter, distant 696.47 feet South from the Northeast corner of said Northeast Quarter of the Southeast Quarter, to a point on the North line of said Northeast Quarter of the Southeast Quarter, distant 947.10 feet West from said Northeast corner.

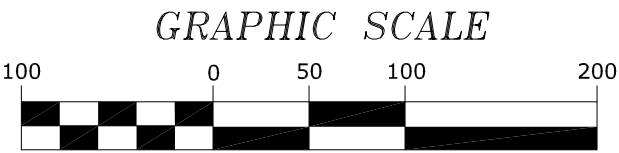
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


JASON E. RUD

Date: 9/25/2023 License No. 41578

NOTES

- For the purposes of this exhibit, no field work has been performed by E.G. Rud and Sons.
- Bearings shown are on Hennepin County Coordinate System.



GRAPHIC SCALE

1 INCH = 100FEET

NORTH



E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

City of Independence

**Consideration of Final Approval of the
Issuance and Sale of Conduit Revenue Bonds**

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: November 14, 2023

Discussion:

180 Degrees, Inc. (together with its affiliates, the “Corporation”), a Minnesota nonprofit corporation and a tax-exempt organization under Section 501(c)(3) desires to issue one or more series of revenue bonds or other obligations (the “Bonds”), and loan the proceeds thereof to the Corporation for the purpose of financing:

- (i) the renovation and expansion to approximately 7,500 square-feet of the Corporation’s existing 7,143 square-foot, 12-bed youth shelter facility located at 1111 Washington Memorial Drive in St. Cloud, Minnesota (the “St. Cloud Project”); and
- (ii) the renovation of the Corporation’s existing approximately 15,000 square-foot, 37-bed transitional facility located at 236 Clifton Avenue South in the City of Minneapolis, Minnesota (the “Minneapolis Project,” and together with the St. Cloud Project, the “Projects”).

The City of Independence is authorized by Minnesota Statutes, Sections 469.152 through 469.1655 (the “Act”) and Minnesota Statutes, Section 471.656, as amended, to issue one or more series of revenue obligations in anticipation of the collection of revenues of the Projects. City Council will need to find that it would be desirable and would further the purposes of the Act for the City to finance all or a portion of the costs of the Projects, including the funding of capitalized interest, the funding of any required reserve funds, and the payment of certain costs of issuance (the “Costs”), under the provisions of the Act in the maximum aggregate par amount of \$6,000,000, payable solely from the amounts pledged.

The City has issued conduit revenue bonds in the past and would be compensated by a one-time fee of .50% (\$30,000). In addition, the Borrower shall pay to the City any and all costs incurred by the City in connection with the Bonds or the financing of the Project.

Recommendation:

The City Council is being asked to consider **RESOLUTION NO. 23-1114-04**, granting approval for the issuance of the conduit revenue bonds.

ATTACHMENTS: **RESOLUTION No. 23-1114-04**
Certification of Minutes

CERTIFICATION OF MINUTES

Municipality: The City of Independence, Minnesota

Governing Body: City Council

Meeting: A meeting of the City Council of the City of Independence was held on the 14th day of November 2023, at 6:30 p.m. at the Independence City Hall, 1920 County Road 90, Independence, Minnesota.

Members present:

Members absent:

Documents: Resolution No. 23-1114-04 – A RESOLUTION GIVING FINAL APPROVAL TO THE ISSUANCE AND SALE OF THE CITY’S REVENUE NOTE (180 DEGREES PROJECT), SERIES 2023; FIXING THE FORM AND SPECIFICATIONS THEREOF; DIRECTING ITS ISSUANCE AND DELIVERY AND PROVIDING FOR THE PAYMENT THEREOF

Certification:

I, Mark Kaltsas, the City Administrator of the City of Independence, Minnesota, do hereby certify the following:

Attached hereto is a true and correct copy of a resolution on file and of record in the offices of the City of Independence, Minnesota, which resolution was adopted by the Independence City Council, at the meeting referred to above. Said meeting was a regular meeting of the Independence City Council, was open to the public, and was held at the time at which meetings of the City Council are regularly held. Councilmember _____ moved the adoption of the attached resolution. The motion for adoption of the attached resolution was seconded by Councilmember _____. A vote being taken on the motion, the following voted in favor of the resolution:

and the following voted against the resolution:

Whereupon said resolution was declared duly passed and adopted. The attached resolution is in full force and effect and no action has been taken by the City Council of the City of Independence, Minnesota, which would in any way alter or amend the attached resolution.

Witness my hand officially as the City Administrator of the City of Independence, Minnesota this _____ day of November 2023.

By: _____
Its City Administrator



RESOLUTION OF THE
CITY OF INDEPENDENCE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION 22-1114-04

**A RESOLUTION GIVING FINAL APPROVAL TO THE ISSUANCE AND SALE OF
THE CITY'S REVENUE NOTE (180 DEGREES PROJECT), SERIES 2023; FIXING
THE FORM AND SPECIFICATIONS THEREOF; DIRECTING ITS ISSUANCE AND
DELIVERY AND PROVIDING FOR THE PAYMENT THEREOF;**

BE IT RESOLVED by the City Council (the "Council") of the City of Independence, Minnesota (the "City"), as follows:

Section 1. Background; Findings.

1.01. It is hereby determined that:

(a) the City has been requested by 180 Degrees, Inc. (together with its affiliates, the "Corporation"), a Minnesota nonprofit corporation and a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") to issue revenue bonds or other obligations (the "Obligations"), and loan the proceeds thereof to the Corporation for the purpose of financing:

(i) the renovation of and expansion to approximately 7,500 square-feet of the Corporation's existing 7,143 square-foot, 12-bed youth shelter facility located at 1111 Washington Memorial Drive in St. Cloud, Minnesota (the "St. Cloud Project"); and

(ii) the renovation of the Corporation's existing approximately 15,000 square-foot, 37-bed transitional facility located at 236 Clifton Avenue South in the City of Minneapolis, Minnesota (the "Minneapolis Project," and together with the St. Cloud Project, the "Projects"); and

(b) the City is authorized by Minnesota Statutes, Sections 469.152 through 469.1655 (the "Act") and Minnesota Statutes, Section 471.656, as amended, to issue revenue obligations in anticipation of the collection of revenues of the Projects; and

(c) at a public hearing, duly noticed and held on March 7, 2023, in accordance with Section 469.154, Subdivision 4 of the Act and Section 147(f) of the Code, on the proposal to undertake and finance the Projects, all parties who appeared at the hearing were given an opportunity to express their views with respect to the proposal to undertake and finance the Projects and interested persons were given the opportunity to submit written comments to the City Administrator before the time of the hearing; and

(d) based on the public hearing, such written comments (if any) and such other facts and circumstances as this Council deemed relevant, by resolution adopted March 7, 2023 (the “Preliminary Resolution”), this Council gave preliminary approval to the issuance of the Obligations and approved the submission of an application to the Minnesota Department of Employment and Economic Development; and

(e) pursuant to a resolution adopted April 10, 2023, after a public hearing, duly noticed and held on April 10, 2023, in accordance with Section 469.154, Subdivision 4 of the Act and Section 147(f) of the Code, on the proposal to provide host approval for the St. Cloud Project, the City Council of the City of St. Cloud granted host approval on the issuance of the Obligations by the City; and

(f) pursuant to a resolution adopted March 23, 2023, after a public hearing, duly noticed and held on March 14, 2023, in accordance with Section 469.154, Subdivision 4 of the Act and Section 147(f) of the Code, on the proposal to provide host approval for the Minneapolis Project, the City Council of the City of Minneapolis granted host approval on the issuance of the Obligations by the City; and

(g) the City is authorized by the Act to enter into a revenue agreement with any person in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of principal of and interest on all of its revenue obligations issued under the Act for the benefit of such contracting party when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of the revenue agreement; and

(h) pursuant to a Loan Agreement (“Loan Agreement”) between the City and the Corporation, the City proposes to loan the proceeds of the City of Independence, Minnesota, Revenue Note (180 Degrees Project) Series 2023 (the “Note”) to the Corporation, which the Corporation will agree to repay in installments in amounts and at times sufficient to pay the principal of, premium, if any, and interest on the Note when due, and which proceeds the Note will agree to use to pay the costs of financing the Project (the “Costs” or the “Project Costs”); and

(i) neither the City nor the State of Minnesota (the “State”) nor any political subdivision thereof (other than the City and then only to the extent of the revenues pledged, which shall consist of the payments to be made by the Corporation in accordance with the Loan Agreement) shall be liable on the Note, and the Note shall not be a debt of the City or the State or any political subdivision thereof (other than the City and then only to the extent of the revenues pledged herein, which consists of the payments to be made by the Corporation in accordance with the Loan Agreement), shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City, and in any event shall not give rise to a pecuniary liability of the City or a charge against the credit or taxing power of the City, the State, or any political subdivision thereof; and

(j) pursuant to a Pledge Agreement (the “Pledge Agreement”) between the City and Stearns Bank National Association, a national banking association organized under the laws of the United States, as lender, or another lender selected by the Borrower (the “Lender”), the City will assign its interest in the Loan Agreement to the Lender, subject to retention of certain rights to indemnification, payment of fees, etc. enumerated in such Loan Agreement.

1.02. The Preliminary Resolution provided for the final approval for the issuance, execution, and delivery of the Note and the approval of the necessary Bond documents by this Council at a later meeting.

Section 2. Approval and Execution of Documents. The forms of the Note, the Loan Agreement and the Pledge Agreement (the “City Documents”) are approved. The City Documents are authorized to be executed in the name and on behalf of the City by the Mayor and the City Administrator or their designees (the “Authorized Officers”), at such time, if any, as they may deem appropriate, or executed or attested by other officers of the City, in substantially the forms on file, but with all such changes therein (including changes to the aggregate principal amount of the Note, the stated maturity of the Note, the interest rate on the Note, and the terms of redemption of the Note), not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

Section 3. Final Approval, Execution and Delivery of Note. The City is authorized to issue the Note, in an aggregate principal amount not to exceed \$6,000,000, in the form and upon the terms set forth in the Loan Agreement, which terms are for this purpose incorporated in this resolution and made a part hereof; provided, however, that the interest rates on the Note shall be as set forth in the final form thereof, to be approved, executed and delivered by the officers of the City authorized to do so by the provisions of this Resolution, which approval shall be conclusively evidenced by such execution and delivery. The Authorized Officers are authorized to execute the Note at such time, if any, as they may deem appropriate, and to deliver them to the Lender, together with a certified copy of this Resolution and the other documents required by the Loan Agreement, for authentication, registration and delivery to the Lender.

The Note shall not constitute a general or moral obligation of the City but shall be a special, limited obligation of the City payable solely from the revenues provided by the Corporation under the terms of the Loan Agreement and from the revenues and security pledged, assigned, and granted under the terms of this resolution, the Note, the Loan Agreement, and any other security documents provided by the Corporation or any other party to secure the timely payment of the principal of, premium, if any, and interest on the Note. As provided in the Loan Agreement, the Note shall not be payable from nor charged upon any funds other than the revenue pledged to its payment, nor shall the City be subject to any liability thereon, except as otherwise provided in this paragraph. No holder of the Note shall ever have the right to compel any exercise by the City of any taxing powers of the City to pay the Note or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the City in the Loan Agreement and the revenues and assets thereunder, which will be assigned to the Lender under the terms of the Pledge Agreement.

Section 4. Certificates, etc. The Authorized Officers are authorized at such time, if any, as they may deem appropriate, to prepare and furnish to bond counsel and the Lender, certified copies of all proceedings and records of the City relating to the Note, and such other affidavits and

certificates as may be required to show the facts appearing from the books and records in the officers custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

Section 5. Bank Qualification.

5.01. In order to qualify the Note as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Note is a “private activity bond” as defined in Section 141 of the Code but is a “qualified 501(c)(3) bond” under Section 145 of the Code;

(b) the City hereby designates the Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2023 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2023 have been designated as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

Section 6. Future Amendments. The authority to approve, execute, and deliver future amendments to the City Documents entered into by the City in connection with the issuance of the Note and consents required under the City Documents is hereby delegated to the Authorized Officers, subject to the following conditions: (a) such amendments or consents do not materially adversely affect the interests of the City; (b) such amendments or consents do not contravene or violate any policy of the City; (c) such amendments or consents do not require the consent of the holder or such consent has been obtained; and (d) such amendments or consents are acceptable in form and substance to Bond Counsel and City’s Counsel. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by an Authorized Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of an Authorized Officer, any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the City authorized to act in his or her place and stead.

Section 7. Resolution for Benefit of City. Except as otherwise expressly provided herein, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, and any holder of the Note issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole

and exclusive benefit of the City, the Corporation, the Lender, and any holder from time to time of the Note issued under the provisions of this resolution.

Section. 8 Electronic Signatures. The electronic signature of a party to the City Documents, including all acknowledgements, authorizations, directions, waivers and consents thereto (or any amendment or supplement thereto) shall be as valid as an original signature of such party and shall be effective to bind such party to the City Documents. Any electronically signed City Documents shall be deemed (i) to be “written” or “in writing,” (ii) to have been signed, and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. For purposes hereof, (i) “electronic signature” means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign, Adobe or a similarly digitally auditable signature gathering process; (ii) “transmitted by electronic means” means sent in the form of a facsimile or sent via the internet as a portable document format (“pdf”) or other replicating image attached to an electronic mail or internet message; and, (iii) “electronically signed document” means a document transmitted by electronic means and containing, or to which there is affixed, an electronic signature.

Section 9. Severability. If any provision of this resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions contained herein invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs contained in this resolution shall not affect the remaining portions of this resolution or any part thereof.

Section 10. The City and Its Officers, Employees, and Agents.

10.01. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body, or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

10.02. No covenant, stipulation, obligation, or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the City Council, or any officer, agent, or employee of the City in that person’s individual capacity, and neither the City Council nor any officer or employee executing the Note shall be liable personally on the Note or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 11. Costs; Indemnification by Borrower. The Borrower has agreed and it is hereby determined that any and all costs incurred by the City in connection with financing the Project will be paid by the Borrower whether or not the Notes are issued. It is understood and agreed that the Borrower shall indemnify the City against all liabilities, losses, damages, costs and

expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Projects and the financing, as further provided in the Loan Agreement.

This resolution was adopted by the City Council of the City of Independence on this 14th day of November 2023, by a vote of ____ ayes and ____ nays.

Marvin Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator