



CITY COUNCIL MEETING AGENDA  
TUESDAY DECEMBER 19, 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 routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council Minutes from the November 29, 2023, City Council Workshop Meeting.
  - b. Approval of Truth in Taxation Meeting Minutes from the December 5, 2023, City Council Truth in Taxation Meeting.
  - c. Approval of City Council Minutes from the December 5, 2023, Regular City Council Meeting.
  - d. Approval of Joint City Council Minutes from the December 13, 2023, City Council Joint Meeting with the Maple Plain City Council.
  - e. Approval of Accounts Payable (Batch # 1; Checks Numbered 22490-22511, Batch # 2; Checks Numbered 22512-22523).
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 November 2023 Activity Report.
  8. Deferred Assessment Repayment Agreements
    - a. **Assessment Repayment Agreement** – Agreement providing for the repayment of deferred assessments for PID No. 13-118-24-23-0001.
    - b. **Assessment Repayment Agreement** – Agreement providing for the repayment of deferred assessments for PID No. 14-118-24-14-0002.
  9. Amendment to Employee Handbook as Recommended by the Personnel Committee.

- a. **RESOLUTION No. 23-1219-01** – Considering an amendment to the Personnel Policy relating to the requirement for ESST time and Public Works on-call compensation.

10. Open/Misc.

11. Adjourn.

MINUTES OF A WORK SESSION OF THE  
INDEPENDENCE CITY COUNCIL  
WEDSDAY, NOVEMBER 29, 2023 – 7:00 AM.  
(City Hall Community Room)

1. CALL TO ORDER.

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

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Betts

ABSENT: Grotting, McCoy

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

VISITORS: WHPS Chief Kroells, Sergeant Dennison

3. 2024 Final Budget Discussion

a. Final City Budget and General Tax Levy

Kaltsas – the adoption of the city budget and tax levy is scheduled for next week at the TNT meeting. The budget is the same as we proposed on the preliminary levy. The city looks at ways to reduce year over year actuals. The budget was trending poorly in some utility categories, some benefits and insurance costs are going up, and shifted funding in some other categories. There was a reduction in overall tax rate and a 5% increase in operating. The changes of valuations for CI went up and residential was about a 10% increase YoY. The city compares tax rates with other cities every year. Independence does have growth but not as much as the other cities. Independence compares well with Greenfield, however Independence has a full time police department and the city is comparable in costs with Greenfield with no police department.

Staffing for the City of Independence is the same and will remain the same for next year. In the general fund budget, our YTD actual in license and permits in 2023 is lower than we have been historically, but we are still trending higher than we were projecting for our 2024 budget. We did increase it to reflect the growth in permits. We have Kochs Crossing, Bridgevine and Hilltop that are all starting to build. The city will recognize a 3% cost of living increase as normal. We do not want to fall behind so to keep it the same would be good. We did have to redo our recycling contract this year and there was an increase in our contract. It came in \$10k less than we had in our preliminary budget. The city is projecting a 50% general fund balance for next year. Some of the overages were from our building and covid. The city is paring that down to normal levels. Pioneer Sarah Creek Watershed had a relatively modest budget. We show capital outlay line item in PSC.

Johnson – can you see what Minnehaha has done for our district or area or what percentage increase they are working with?

Kaltsas- yes.

Spencer – The development in Kochs was good since PSC didn't have to do anything. The developers did it all. The grants are covering all the major projects that are being worked on right now.

Kaltsas – Capital fund should be worked on next year. There are other things like roofing that the city will have to do soon. These items should be starting to get funded. Road capital fund is a piece the city is working on in Q1 in 2024 for gravel road capital. The city has been doing base work to identify the needs with the gravel roads in the city. We are putting together options for the council such as taking on debt or create a line item in our budget for it. We have a capital plan for seal coating and drain tile. Our overlay was thought of as a bonding fund. I will send correspondence to Copeland about coming back to them in Q1 of 2024 to show them what we will be doing. After our meeting, we will put costs to everything that residents are asking - \$385k for drain tile, storm water, ditches and a new gravel cap. No additional paving. I will talk to Windsong, Faraday Farms, Gage and Carruthers.

Johnson – Post is very concerned with what we do because he doesn't want the golf course traffic.

Kaltsas – there is no traffic on Copeland Road past the golf course currently besides residents on Copeland. Paving Copeland Road will create a lot of traffic. It will be a connector between County Road 6 and Highway 12.

We should talk about the capital plan for PW – we have a new tandem truck for 2025. The bids that came back now is for an 18 month build for \$326k. The city has to make a decision before February. That number will go up about 20% if we wait another year. The chassis stays pretty close. It did go up quite a bit. I added it in capital planning and balanced it in 2026. We might have to borrow from ourselves for a year to budget PW. This is not a traded machine. It will be an additional one. We are even talking about switching from Mack to Western Star. There is a 3-4 year build out for a Mack. The tractor is already ordered that has the ditch mower. It came in early, so we are leasing that out to make some money on it by not taking delivery this year. The lease is no more than 100 hours, and it would make a couple grand.

Bode – the warranty starts the day the city takes ownership, not the day it is leased.

Kaltsas – WHPS is going up about 6-7%. The fire budget dropped \$21k. Budget with MP increased a couple thousand because of that. We agreed to add \$10k with West Suburban. We reduced Delano Fire by \$69k.

Johnson – Judy Crosby is concerned with response time.

Kaltsas – we are providing an exceptional level of service. When you don't have community police services, you don't understand what that brings. We will get our guys there first.

The city increased legal fees to go after some of our nuisance issues. There has been some success in clean up on Lake Haughey Rd.

#### 4. Fire District Update

##### a. Overview of Fire District Financial Analysis

##### b. Fire District Boundary Update

Kaltsas said that McCoy called and did give some insight on this topic. ABDO and WS helped as well. Before our meeting with MP I wanted to get some direction. This initially started with a consultant with Mound, Long Lake, Indy and MP. He left us with saying we do fire services really inefficiently in MN because we have volunteer and pay on call services. Volunteer services will not be the future for fire services. We have talked about this for the last 7-8 years. Is there another way to provide Indy residents better services for the best cost? The most recent events are that Loretto and Hamel combined. Loretto was always the main contact in doing this. In talking with Jeff about Indy becoming a part of that entity, there is interest on WS to do that. We have talked to MP prolifically about this and have another discussion with them. We want to look at scenarios about what that looks like financially.

Johnson – You included Corcoran. I heard that they might establish their own district.

Kaltsas – I think Corcoran is a complete wild card. If Corcoran leaves, the budget could go down. We asked Jeff is Indy and MP combined with WS what that would look like for the budget. Jeff said \$1.5m. That would consist of Medina, Loretto, MP and Indy and contracting with Corcoran and Greenfield. We could get a full time chief and full time admin staff.

Johnson – what portions of Greenfield and Corcoran are with Hamel?

Kaltsas – I looked at the map but couldn't describe it. A lot of the South side is Hamel.

What happens if we have to pay for another fire station? I wanted to add costs in on this. One way or another we are going to be impacted with needing a new fire station or renovating one.

Dennison - \$10m will not get us anywhere with renovating the MP fire station. If we go the route of \$20m we will have room to move equipment around strategically.

Betts – who makes the decisions for the fire district? Who makes the decision on salaries, etc?

Kaltsas – that hasn't been determined yet. We have conveyed out interest in joining. I don't think local government can fully support HR and staff. I think the district is the fairest way. We could go into the district on a JPA or a taxing district. Legislation is super clear for a taxing district but not in a JPA. Our buy in would be our equipment.

Betts – so if we have an issue with our equipment, they would take care of it?

Dennison – yes.

Kaltsas – Retirement benefits – Jeff doesn't want to impact his funding. A law states that if someone is a fire fighter vested in one city and moves to another city, after one year, they have to recognize that time vested. It doesn't back feed the amount. Starting in the next year of service, you could get a pension based on what their pension is. There is a cost to doing that. It's one thing if you bring one person over, but another thing if you bring 20. WS is set up in PERA. The new pension would be run through PERA.

Johnson – what happens to the gap or the difference?

Kaltsas – What if we take our relief and merge it? We are talking about dissolving ours entirely, paying our members out completely and move them over. They would serve one year and then they would be a part of the new pension.

Kroells – Delano is trying to rally the troops against with the canceled contract for Fire. MP believe they can get to County Line faster than Delano. I pulled the 2023 medical calls data in zone 5. We are not the same as all the other cities in the way medical calls are dispatched. MP and Delano have always had fire dispatched automatically for every medical. For a nosebleed, ankle strain, fell of bicycle, etc. That doesn't happen at any other fire dept. This has been a long debate. Our police are first time medical responders with all the same supplies. We reduced 5 medicals to dispatch fire – pain, illness, MS. Out of our 29 calls, you can remove 7 from the list for these. Our response time is much quicker.

## 5. Highway 12 Grant Funding Proposal

Kaltsas – Delano wants to see that road expanded. They have a traffic issue and we have a safety issue. We did the study to show a 2, 3, and 4 lane option. We have been bugging MNDot. The roundabout at Hwy 12 and County Line did get into funding and is on the books and in process. MNDot also slated some dollars to do environmental work that would be a precursor for Hwy 12 such as wetlands, Indian burials, investigation. How do we get funding from federal or other avenues? We can't rely on MNDot. This grant doesn't rely on the level where they would go after funding on their own. We have a \$20-30m gap. We can partner with Delano and MP to find someone to write the grant. KLJ is the most suited and we have worked with previously. They gave us a proposal to write some grants. One grant identified was for regional solicitation for road work. We could get \$7m max. It is due on December 15<sup>th</sup>.

Kroells – we have been working with KLJ. This should have been a \$30k job for them to do this, but they

want to help us out.

Johnson – I would be good with that. Go ahead.

Kroells – HC asks directors to identify infrastructure with the FEMA Emergency Mitigation Plan. The flooding of 92 and Lyndale. If the road should get demolished or raised in a FEMA disaster. They want it by December 10<sup>th</sup> to put it into their county plan. I am doing this on behalf of the city. We have done this in the past. I need to identify police station, public works, lift stations, parks and anything else.

Public Safety funding - Indy will receive \$166k and MP \$89k. I took the cost of MP and Indy for police and fire and that is what should be allocated. Based on that WHPS would get \$132,139. I took \$50k to supplement training, mental health and fitness stuff. I'd like to sit down with the commissioners and discuss being short staffed. Community services officers and add an officer? We can never keep 10 officers and are always operating on 8 or 9. We would like to have 11 officers so we can always have 9 or 10. I am concerned with police and public safety.

#### 6. Administrative Updates

Kaltsas – we have been discussing deferred assessments. Hennepin County said that we can remove it. We could have a separate agreement with the city and the resident to pay it off yearly or bi-yearly and once it is paid in full, we would notify the county that it is paid off. Vose will draft the agreement.

It should be noted that if your property is in Green Acres, you are getting a deferral automatically. You can pay it right away or you can take the deferral.

### 3. Adjourn

The Workshop adjourned at 9:35 a.m.

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Respectfully Submitted,  
Amber Simon/ Recording Secretary



CITY COUNCIL SPECIAL MEETING AGENDA-TRUTH IN TAXATION  
TUESDAY DECEMBER 5, 2023

**CITY COUNCIL TRUTH IN TAXATION MEETING TIME: 6:00 PM**

1. Call to Order

Pursuant to due call and notice thereof, a special meeting, Truth in Taxation Hearing for 2024 City Operations. Independence City Council was called to order by Mayor Johnson at 6:00 p.m.

Attendees: Mayor Johnson, Councilor Betts, Councilor Spencer, Mark Kaltsas, Amber Simon and Steve McDonald.

2. Truth in Taxation Hearing

This meeting is to deal with the budget the city has prepared for 2024 for city operations.

It is required by law to be held before the final levy is given to Hennepin County for the taxpayers. We are going to be dealing with the city budget.

We have a couple people in the audience. Are you here for your own personal valuation? Yes. Please go to the microphone and introduce yourself.

Charlie Johnson – I own 1410/1470 County Rd 90 – Industrial on the other side of Hwy 12 (formerly Hagen warehouse). I received my tax statement and met with Dave Thompson the Hennepin County Assessor on the property. We had a conversation on the property based on values. He was there to take a look at the new building constructed getting square footage, taking pictures etc...

I received my 2024 tax statement for 1470 County Rd 90. The tax increase was 23.5% for one year. From 47K to 58K. When I bought the building, it was 40K. I thought the 23.5% was for the new building but it is not.

Mayor Johnson – the valuations from last year for the city of Independence, residential went up 8.6%, AG went up 7.7%, commercial up 17% and industrial up 37% across the board for Independence specifically. The value is the percentage of increase.

Kaltsas – The city sets a tax rate for the city portion of your taxes, which is only about 30% of your total tax bill. Hennepin County is about 30%, the schools 25% and the other 5% are your mosquito control district, watershed district. The city will adopt a budget tonight. Our increase is 5% but our tax rate which your valuation to determine how much you pay. It is going down. If your value stayed the same year over year, the city portion of your taxes would go down. But that is not how it works. The county does the assessments for the city. They provide the valuation for the property. He does it on a

complicated/sophisticated methodology. What they told us is county wide commercial has gone up. There has been a huge increase in sales and the prices paid for commercial. Independence doesn't have very much commercial. On average our commercial properties year over year are seeing an average of about 17%.

Charlie Johnson – The building that was just purchased that is older. The taxes went up 41.5%. I need to pass that on to my tenants. That is difficult for tenant to absorb that. The company has been there since the building was built. We are not in Plymouth, we have cows and Wright County is 5 miles away.

Kaltsas – There is a process you would need to go through. If you want to stay after I can meet with you regarding the process.

Truth in Taxation Hearing – Steve McDonald made the following observations

The overall levy is \$3.8M, increase 213K from prior year. Overall general fund is up 6.33% when you factor in all the debt service levy's, the overall city increase is 5.88%. The League of MN Cities shows the average levy increases statewide is over 8%. Hennepin County is 8% as well. Looking through the list we were on the lower half of the increases. Several were 10-20% year over year. Every city has a different situation.

Comparables are Corcoran, Greenfield, and Dayton. Corcoran and Dayton have grown a lot in the past years. Tax capacity rate, this year 31.47% tax rate which is a decrease from prior year. Over the past 7 years it has hovered just below 40% but with valuation increases. The actual rate has decreased each year for the last 3 years.

Levy from 2018-2024 the makeup has stayed similar. Majority of revenue comes from taxes 80%. This year more license and permits issued. Expenditures 50% of what you spend is for fire and police. Streets are 18%. Financial Admin is 17%.

Some of the changes General Fund. General fund tax levy increased 6.33% over prior year. The tax rate calculates down to 31.47% from prior year's tax rate was 33.01%. Court fines revenue projection increased 4.76% from the 2023 budget. A transfer in was established from the COVID funds earned in 2021 to offset \$37,500 annually for the next 3 years. Fire services decreased -5.14% from the 2023 budget. Streets increased by 7.78% due to increase in wages, supplies and seal coating/tiling. League of Minnesota Cities Insurance was budgeted with 5% increase over prior year. Worker's comp insurance was budgeted with 10% increase over prior year.

Recommended action is to approve the final levy and budget as presented and certified to the county.

Kaltsas - We will adopt the budget during our City Council Meeting.

3. Adjourn.

**Motion by Spencer, seconded by Betts to adjourn the meeting at 6:21pm. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**





CITY COUNCIL MEETING AGENDA  
TUESDAY DECEMBER 5, 2023

**CITY COUNCIL MEETING TIME: 6:30 PM**

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, Councilors Spencer, Betts,

Absent: Councilors Grotting and McCoy

Staff: Kaltsas and Simon and Kroells

Visitors: Mike Winkels

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

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

- a. Approval of City Council Minutes from the November 14, 2023, Regular City Council Meeting.
- b. Minutes from ABRC Meeting – November 20, 2023 (for information only).
- c. Approval of Accounts Payable (Check Numbered 22455 Voided, Batch # 1; Checks Numbered 22456-22462, Batch # 2; Checks Numbered 22463-22473 and Batch # 3; Checks Numbered 22474-22488).
- d. Approval of a Temporary Gambling Permit – Orono Baseball Association Event on January 14, 2023.

**Motion by Betts, seconded by Spencer to approve the Consent Agenda. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.

Spencer attended the following meetings:

ABRC – Accessory Building Review Committee Meeting

Open house by Bryant Johnson preliminary airport property.  
City Budget Workshop  
City Personnel Meeting  
Truth in Taxation Meeting

Betts attended the following meetings:

Fire Commission Meeting  
City Budget Workshop  
Truth in Taxation Meeting

Johnson attended the following meetings:

Zoom Meeting Metro Cities Legislative policy adoption meeting  
Maple Plain Fire Commission Meeting  
Police officer interviews – 2 Part Time  
Maple Plain City Council Meeting  
Hennepin County Truth in Taxation Meeting  
City Budget Workshop  
Hennepin County Assessor Meeting  
Visit from Council Member from another city  
View Santa  
Lutefisk Dinner at Lyndale Lutheran Church  
Ridgeview Foundation Event  
Personnel Committee Meeting  
Truth in Taxation Hearing

Simon attended the following meetings:

ABRC – Accessory Building Review Committee Meeting  
View Santa  
City Budget Workshop  
Personnel Committee Meeting  
Truth in Taxation Hearing

Kaltsas attended the following meetings:

Metro Cities Representative Meeting

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the October 2023 Activity Report.

Thank you to the city of Independence for everything they did for view Santa. Largest number of families, the cookies, set up and decorations were outstanding. Another thank you, our staff, reserves and officers setting the trailer up the sled and having the new shed to do this in. Food Shelf - Food was donated to the We Can food shelf in Mound. Brought a trailer of food, slightly over 1400 lbs of food and \$700 in cash. They will be doing a news release on the donation. Really nice turn out. It is interesting to see how the neighborhoods have changed over time. Thank you to Ray and his family stepping up during a difficult time.

October Incident Complaints 3698 (272 Independence) / (117 Maple Plain)

3 Year comparison – 9 out of 10 months were higher each month than the previous 2 years.

8. Consider Adoption of the Final 2024 Tax Levy and General Fund Budget and Associated Actions.

a. **RESOLUTION 23-1205-01** – Adopting the 2024 General Fund Budget.  
**Motion by Spencer, seconded by Betts to adopt the 2024 General Fund Budget. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**

b. **RESOLUTION 23-1205-02** – Adopting the 2024 General Tax Levy.  
**Motion by Johnson, seconded by Spencer to adopt the 2024 General Tax Levy. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**

c. **RESOLUTION 23-1205-03** – Adopting the 2024 Pioneer Sarah Creek Watershed Management Commission Tax Levy.  
**Motion by Betts, seconded by Spencer to adopt the 2024 Pioneer Sarah Creek Watershed Management Commission Tax Levy. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**

9. Approval of the League of Minnesota Cities Grant Navigator Application to fund Metropolitan Council Regional Sonication Application for Highway 12 Improvements.

a. **RESOLUTION 23-1205-04** – Considering approval of the League of Minnesota Cities Grant Navigator Application.

Kaltsas – Working for 10 years on the Hwy 12 Coalition to obtain funding to make improvements. \$40M of investment. We have done a lot; we are not done. We still want to see that corridor reconstructed from County Line Rd east to Baker Park Road. Worked with MNDOT doing a \$1M study, outcome was providing a handful of alternatives for the redevelopment. We would like to see the advancement of one alternative. MNDOT has not slated this section of road as high priority, so we are trying to advance that. Without MNDOT we can apply for additional grant funding. The more you show that you attempted to fund privately or alternatively, the higher up MNDOT advances those items. Metropolitan Council Regional grant is a starting point. This particular grant is one of the boxes we need to check to go to the next step. We partnered with KLJ Engineers to go out and do this. We identified a funding mechanism to pay for the grant writing. The scope is \$13.615 and would

be shared with Maple Plain and Delano. We can jointly apply and combine it. Independence would be the lead on this. No cost to taxpayers to write this grant. It would set the city to go after some grants in the spring that we may have better chances at. We met with KLJ and we are now asking council to adopt a supporting resolution to submit with our grant writing.

Johnson – This is fairly new program with LMC.

**Motion by Spencer, seconded by Betts to consider the approval of the League of MN Cities Grant Navigator Application. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**

10. Open/Misc.

Mike Winkels 5914 Drake Dr.

September 19<sup>th</sup> my name was brought up about putting in barriers of the snow mobile path on Turner Rd cartway. Just to clear that up, nothing was correct that night. I don't have any barriers, and no one has ever asked us about a snowmobile trail. I just wanted to clear that up.

Questions about the airport property. Bryant Johnson spoke, and they were preliminary plans. Has that property been rezoned yet?

Johnson – No, far from it.

Kaltsas – we encourage the landowner to have a meeting with residents before submitting an application with the city. We haven't accepted or reviewed. Their next step would be to submit a concept level plan review. That would have some review by the city planning to see it, think about, provide feedback. After that process, they would need to make an app for rezoning, prelim, and final plat. The city does not have a zoning category to support that development yet. There are multiple steps involved with that property and figuring out how to serve it with utilities.

Mike Winkels – do we have in place any ordinances?

Kaltsas – Cities adopt comp plan; they would need to have a new category. We have a year to bring our official controls into compliance that supports it.

Mike – So Met Council is after that property being rezoned?

Kaltsas – The Met Council is a regional planning authority, every 10 years met council does a demo study and projects new growth. They issue system statements to cities showing growth. They send us those statements showing growth. We have 5 years to adopt a comp plan that accommodates their projected growth. We try to object what they say and negotiate. We have some growth that they require for sewer residential. They say Independence has to determine how and where. That property has been earmarked for a while that could take some of the sewer growth with the proximity to MP sewer and how big it is. There were a lot

of meetings that we have discussed where to put the growth. It has to be able to connect to sewer so we are limited to where we can put that.

11. Adjourn.

**Motion by Betts, seconded by Spencer to adjourn the meeting at 7:13pm. Ayes: Johnson, Spencer and Betts. Nays: None. Absent: Grotting and McCoy None. Abstain. None. MOTION DECLARED CARRIED. 3-0**



MINUTES OF A JOINT COUNCIL MEETING OF  
THE INDEPENDENCE & MAPLE PLAIN CITY COUNCIL  
WEDNESDAY DECEMBER 13, 2023 – 7:00AM  
INDEPENDENCE COMMUNITY ROOM

**7:00 AM JOINT 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 7:00 a.m.

2. INTRODUCTIONS

Mayor Johnson led the group by asking everyone present to introduce themselves.

3. ROLL CALL

PRESENT: Mayors Johnson and Mass-Kusske and Councilmembers Spencer, McCoy, Grotting, Betts, Burak, Fay, Francis

ABSENT: DeLuca.

STAFF: City Administrators Kaltsas and Kolander, Administrative Services  
Director Simon

VISITORS: Director of Public Safety Kroells, Sergeants  
Denneson and Howes, Jeff Leuer, Scott  
Johnson, Brad Couser and other public visitors

4. FIRE DEPARTMENT JOINT POWERS AGREEMENT

Kaltsas presented information and numbers associated with fire budgets currently, in a fire taxing district with West Suburban and with Maple Plain and Independence combined:

- The consultant hired in 2015-2016 (Mound, Long Lake, Maple Plain, Loretto) to look at fire services reported that the sustainability of fire services is something that cities will need to look at long term and that fire districts are the future. How can residents be served best and most cost efficiently?
- Looked at the difference between taxing district and contract model and noted that for this model, taxing district took into account only market value and not number of calls.
- State statute now allows municipals to establish fire and emergency services districts.
- Estimated fire budget of \$1.5m to combine MPFD with WSFD includes full-time admin staff and full-time fire chief.
- To go into a district with just Independence and Maple Plan would have a higher cost

for both cities long-term with Independence responsible for highest percentage of increase. New or renovated station would have significant cost implications on only two cities.

- The relief association is a huge piece – still gathering information and trying to understand their options.

Independence Councilmember Spencer said that his perception is that it would allow a broader sharing of the equipment and facilities and not have duplicates where it may not be needed. It also would be professionally managed. It would be more efficient and can utilize the equipment where it is needed.

MP Mayor Maas-Kuske said we have to think about the personnel and sustainability. She said we have gone from volunteer to paid on call. It is a struggle for many departments, not just ours to maintain the staff.

MP Councilmember Fay asked about the state statute including the reference to market value and also the voting body. He asked if that dictates in the debt component that there is a basis for population. He asked if it is an election like the park district or can it be based on market value, population, calls, etc?

Kaltsas said statute stipulates having an elected official represent from each body. He noted that population is another factor that could be included in the cost allocation similar to the current formula for contract services. He said the authority exists on creating the district with latitude for how and what is included. Market value was used in this example and is fairly representative of total cost. Population and calls for service would have some impact on total costs for each city.

Independence Mayor Johnson asked Loretto Fire Dept Chief Leuer if they are considering going into a district.

Leuer said that they would like to look at a taxing district since they have seen what Cloquet is like. It is what the future look like. He said this will not be tomorrow. It will take some time. There is so much to be worked out. The relief association is a huge piece of this. Maple Plain relief is half of what ours is.

MP Councilmember Fay asked about an update on the fire relief from the state auditor.

Kaltsas said that representatives from the City and fire relief met with PERA. There are some options relating to the fire relief association. They could merge with the existing WSFD relief association or dissolve the MPFD relief association and join the WSFD relief association by taking what they have existing and then being eligible with the new one in accordance with state statute. He said there are costs associated and the relief association and city are trying to identify those and how it impacts the existing relief association.

MP Mayor Maas-Kuske said one thing that has been important to her is communicating with the fire fighters now. She said she doesn't want rumors. She asked MP Fire chief Denneson what he is currently hearing from fire fighters.

WHPS Sergeant and MP Fire Chief Denneson said he is having group meetings and passing on the information that is available. There are a lot of questions on what happens with the relief and what the options are for that. They are also asking what happens with the command structure. Another is concerned with the community feel of the fire department. He said we will still operate out of the MP fire station even if we would combine. The operations wouldn't change. It would be a different chief model. He said after a conversation with Leuer, it was important not to make huge changes, but make it more efficient with responding to calls and getting more training.

MP Administrator Kolander asked about the timeframe to do this.

Independence Administrator Kaltsas said it may take additional time to merge operations of the two entities, but the cities and WSFD could agree to the final outcome and allow time to go through process. Ultimately direction would need to be provided to begin the process of working towards the end goal.

Independence Mayor Johnson and Loretto Fire Dept Chief discussed the placement of a new fire station. Leuer mentioned that the decision made between Independence and MP on merging would have an effect on the decision so that it was centrally located.

Independence Councilmember Spencer said the direction that we are looking for is that Independence's contracts are a mess with no voice and lots of capital may or may not be met. He said he thinks that a fire district model might be a better fit for our needs for capital expenses in the future. He said we have equipment and volunteers. This might be a better fit for fire services for Independence. He asked MP if that looks like something they might be interested in as well.

MP Mayor Maas-Kuske said that there is value in this and to continue to have conversations. She said that having these numbers has been helpful. She also stated that she wants the relationship between Independence and MP to stay healthy. You can't grow without change. She asked that communication stay open throughout the entire process and that there is a lot of value in getting together to have these conversations.

Independence Mayor Johnson said this is the first time we have met as complete councils. Jacob and Mark need to work together to create a motion that both of us approve so we are on the same step and for Jeff to know the direction we are moving.

Meeting Adjourned at 8:19 am

Respectfully submitted,

Amber Simon, Recording Secretary



Date: December 11<sup>th</sup>, 2023

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

From: Director Gary Kroells

SUBJECT: NOVEMBER 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

## November 2023

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
<b>City Of Independence</b>				
Criminal	5	4	42	59
Traffic	95	100	1,001	923
Part III	4	5	46	40
Part IV	41	29	322	318
Part V	108	84	1,116	1,167
<b>Total City of Independence</b>	<b>253</b>	<b>222</b>	<b>2,527</b>	<b>2,507</b>
<b>City Of Maple Plain</b>				
Criminal	2	1	36	41
Traffic	51	60	415	250
Part III	2	1	29	18
Part IV	24	26	258	216
Part V	50	50	461	531
<b>Total City Of Maple Plain</b>	<b>129</b>	<b>138</b>	<b>1,199</b>	<b>1,056</b>
<b>Grand Total Both Cities</b>	<b>382</b>	<b>360</b>	<b>3,726</b>	<b>3,563</b>
TZD	0	25	301	135
Agency Assists	21	13	241	264
<b>Total ICR Reports</b>	<b>403</b>	<b>373</b>	<b>4,268</b>	<b>3,962</b>
<b>How Received</b>				
Fax	17	3	95	77
In Person	9	26	124	142
Mail	1	0	4	9
Other	1	1	10	12
Phone	23	18	263	306
Radio	164	128	1,508	1,577
Visual	153	164	1,679	1,359
Email	12	16	162	197
Lobby Walk In	23	17	256	255
<b>Total</b>	<b>403</b>	<b>373</b>	<b>4,101</b>	<b>3,934</b>

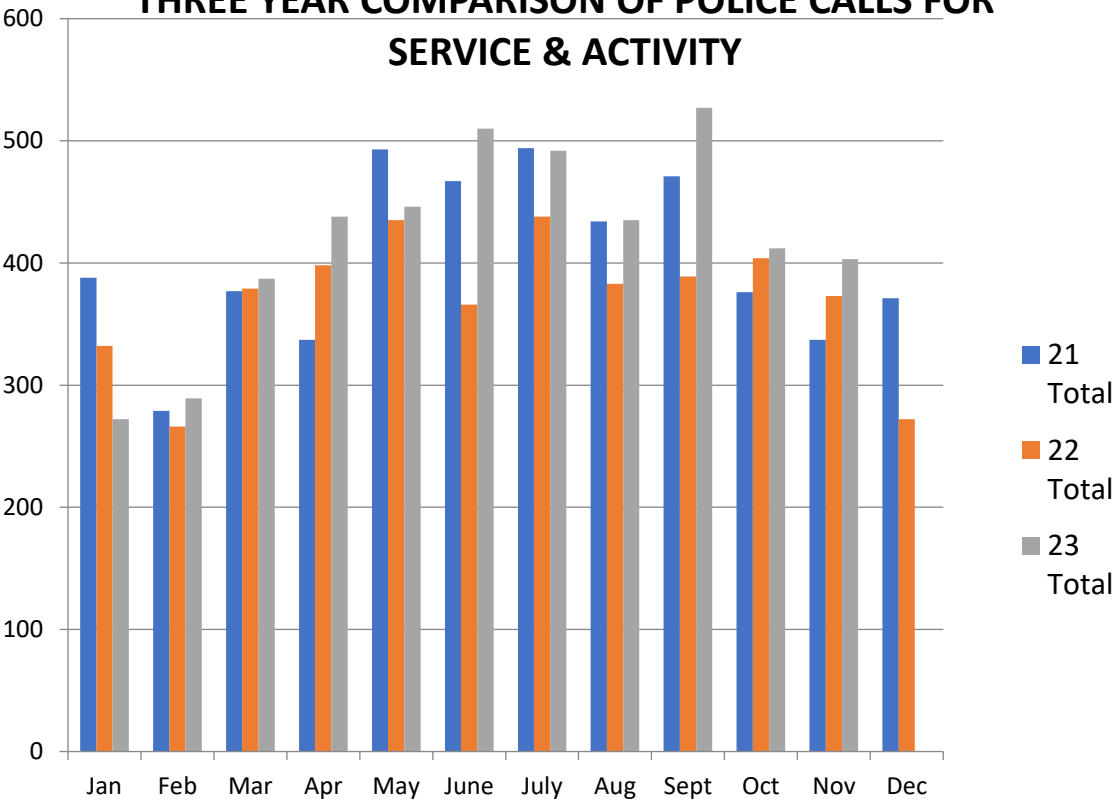
**November 2023 Part I & II****City of Maple Plain #'s 1 & 2**

<b>AGN</b>	<b>ICR</b>	<b>Title</b>	<b>Grid #</b>	<b>Committed Date</b>	<b>MOC range</b>	<b>UCR Part</b>
WHPS	23004456	4 <sup>th</sup> Degree DWI	01	2023-11-18	JG501	2

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

<b>AGN</b>	<b>ICR</b>	<b>Title</b>	<b>Grid #</b>	<b>Committed Date</b>	<b>MOC range</b>	<b>UCR Part</b>
WHPS	23004277	3 <sup>rd</sup> Degree DWI	03	2023-11-05	JF501	2
WHPS	23004248	Damage Prop/Rpt	03	2023-11-11	P219K	2
WHPS	23004558	Damage Prop/Rpt	03	2023-11-25	P111J	2
WHPS	23004577	Theft/Rpt – License Plate	03	2023-11-26	TG150	1
WHPS	23004257	Court Orders – Arrest	05	2023-11-03	N3390	2
WHPS	23004548	4 <sup>th</sup> Degree DWI Arrest – Blood Draw	59	2023-11-23	JG501	2

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



# DIRECTOR'S NEWS & NOTES

## WEST HENNEPIN PUBLIC SAFETY November 2023 Activity Report

### Year to Date Activity Report

At the end of November 2023, West Hennepin Public Safety (WHPS) handled year-to-date a total of 4,101 incident complaints. For the month of November; 253 incidents occurred in the City of Independence and 129 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.

#### Arrest

November 3

9500 block of Roy Road, Independence. Officer was dispatched to a possible Domestic Abuse No Contact Order (DANCO) violation. Officer spoke to the reporting party prior to arrival and advised the father of her son was at the house. She advised he was recently arrested for Domestic Assault and a judge issued a DANCO. Officers arrived on scene and found the suspect on the second floor. Officers took the suspect into custody. He also admitted to texting and calling her earlier in the day. Male suspect age 44 was arrested for violating a DANCO. He was booked and transported to Hennepin County Jail.

#### Traffic Complaint

November 4

Intersection of Highway 12 and County Road 92, Maple Plain. Officer was dispatched a traffic complaint where a vehicle was all over the road and driving under the speed limit. Officer located the vehicle and followed it while driving approximately 40-MPH in a 55-MPH zone with a large line of cars following. Officer initiated a traffic stop and found the vehicle was having steering problems. Verbal warning for impeding traffic.

#### Suspicious Activity

November 5

5200 block of Independence Street, Maple Plain. Officer was on routine patrol in the area around 2 a.m., and found a truck pull behind the local businesses. Officer darked out his squad car and waited until the vehicle left the area. Later, the truck was seen leaving the area with a trailer. Officer stopped the truck and spoke to the driver who is the owner of the business. The business owner thanked the officer for being proactive.

## Arrest

November 5

1900 block of County Road 90, Independence. Officer was dispatched to a traffic complaint where a vehicle was weaving all over the road. Officer located the vehicle driving through the roundabout and observed it nearly strike the right-hand curb. Officer initiated a traffic stop and spoke to the driver who was showing numerous signs of impairment. Field sobriety tests were performed unsatisfactory. 47 year old female driver was arrested for DWI and transported to Hennepin County Jail.

## Traffic Complaint

November 6

Intersection of Halgren Road and Joyce Street, Maple Plain. Officer was dispatched to a traffic complaint where a vehicle was swerving off the road. Officer located the vehicle driving 44-MPH in a 30-MPH zone. Officer stopped the vehicle and spoke to the driver who was unsure what the complaint would be and didn't recall driving off the road. Driver advised there was a vehicle behind her following closely and flashing their headlights. Driving didn't show signs of impairment. Released with a verbal warning. Reporting party admitted to flashing their lights and tailgating to get the license plate number.

## Fire

November 7

1900 block of Highsted Drive, Independence. Officer was dispatched to a possible grass fire approximately 100 feet away from their house. Officer arrived on scene and found a fully involved pole shed. DFD arrived and request mutual aid from additional agencies. Homeowner was on scene and advised only a few chickens were in the shed. Hennepin County Fire Investigation team responded to the scene. Building and its contents were a total loss.

## Welfare Check

November 9

7700 block of Cardinal Way, Independence. Officer was dispatched to a report of an individual slumped over the steering wheel of their car. Officer arrived on scene and found the driver resting his head on the steering wheel. Officer knocked on the window and the driver woke up. Driver advised he pulled over because he was having a hard time with a family member being in the hospital but advised he was okay.

## Crash

November 9

Intersection of Franklin Hills Road and County Road 90, Independence. Officer was dispatched to a dog struck by a vehicle. The animal owner was requesting assistance with getting the deceased dog off the road. Officer arrived and found a neighbor assisted with removing the dog. Animal owner advised they planned on burying the dog. There was no report made by the driver of the vehicle.

## Property Damage

November 11

500 block of Game Farm Road, Independence. Officer was dispatched to a damage to property report where someone shot at a vehicle that was for sale on the side of the road. Officer arrived on scene and looked at the vehicle. The rear window was shattered, and the bullet hole entrance was found on the rear driver's side door. There was no suspect information.

## Juvenile Problem

November 11

5700 block of Main Street, Maple Plain. Officer was dispatched to juveniles going between houses. Officer arrived on scene and found a group of boys climbing in a pine tree. Officer spoke to the boys who were apologetic and respectful. They acknowledged they were being loud and playing hide and seek during a birthday party. Officer noted numerous vehicles parked in the street that were parents picking up the kids. Officer warned them and advised them to call it a night, as it was approaching midnight.

## Suspicious Activity

November 13

5900 block of Highway 12, Maple Plain. Officer was on routine patrol of multiple closed businesses and located a vehicle driving around the buildings. Officer approached the business and found a keyholder walking out of the rear door. Individual advised he starts work at 4 a.m. every day. He showed his belongings on his desk in the business and thanked the officer for checking.

## Fight

November 13

3600 block of Ihduhapi Trail, Independence. Officer was dispatched to an assault. Officer arrived on scene and learned there was an altercation between two individuals. One party struck the other in the mouth with his elbow. It appeared there was a small cut on the victim's lip. Neither party wanted to pursue charged.

## Medical

November 15

3600 block of Idhuhapi Trail, Independence. Officer was dispatched to a patient having a seizure. Officer arrived on scene and found the patient was now conscious but slow to answer questions. The patient had bit his tongue and had experienced large seizure like convulsions after collapsing on the ground. Patient was hesitant to go to the hospital as he did not believe he had a seizure. North Memorial Paramedics explained the concerns for denying a transport. Eventually, the patient agreed to be transported.

## Theft

November 16

1500 block of Howard Avenue, Independence. Officer was dispatched to a theft report regarding packages being stolen. Officer contacted the reporting party via phone who advised \$150 worth of Amazon packages were taken and empty boxes were placed outside of her door. When asked, she advised she couldn't tell the officer what was in the packages, but she indicated she's an adult product tester. Forwarded to investigations for follow-up.

## Hit Deer

November 16

Intersection of County Road 11 and Idhuhapi Trail, Independence. Officer was dispatched to a possible crash. The reporting party was a nearby jogger who advised they believed they heard a vehicle strike something. Officers arrived on scene and found the crash was a vehicle versus a 12-point buck. Driver was given a DNR Deer Possession tag.

## Arrest

November 18

Intersection of Highway 12 and Pioneer Creek Center, Maple Plain. Officer was on routine patrol and observed a vehicle driving over the posted speed limit. Officer stopped the vehicle and made contact with the driver who was found to be under the influence. A 22 year old male driver was arrested for DWI and tested a 0.11 BAC.



Welfare Check  
November 18

3100 block of Nelson Road, Independence. Officer was dispatched to a welfare check on an individual who called dispatch and asked what he should do next time he has a gun pointed at him and hung up right away. Officer arrived on scene and found the male having possible mental health issues. He advised he is not currently in need of any police help. He was told to call back if he needs further help. Information passed along to Hennepin County Social Workers.

Suspicious Activity  
November 19

5200 block of Manchester Drive, Maple Plain. Officer was dispatched to possible suspicious activity. Reporting party stated there was a male looking into vehicles in a nearby parking lot. Officers arrived on scene and checked the area and was unable to locate the suspect. Officer returned to the area and checked vehicles. No vehicle appeared to be damaged or gone through.

Traffic Complaint  
November 20

Intersection of Highway 12 and Cardinal Way, Independence. Officer was dispatched to a driving complaint where a vehicle was weaving, crossing over the lines, and varying speeds. Officer caught up to the vehicle and made contact to the driver who explained her was just tired. Officer did not observe any signs of impairment.

Motorist Assist  
November 21

Intersection of Highway 12 and Baker Park Road, Maple Plain. Officer was on routine patrol and received information about stolen plates on a vehicle in the area. Officer located the vehicle and initiated a traffic stop. Driver advised one of his license plates was stolen off his vehicle the previous day. He reported it to another police department who entered the plate as stolen. The driver wasn't aware he needed to remove the other plate. He was advised it is imperative to get new plates the same day.

Fire  
November 23

2500 block of Providence Path, Independence. Officer was dispatched to a chimney fire. Officer arrived on scene and spoke to the homeowner who showed the wood burning fireplace on the porch. While the fireplace was going, the homeowner heard a sound and could immediately tell the fire was burning in the chimney. Homeowner closed the damper and deployed a fire extinguisher which appeared to have extinguished the fire. MPFD removed the remaining wood and coals from the fire box and made sure the fire was out. The room was ventilated with portable fans.

#### Arrest

November 23

Intersection of Highway 12 and Baker Park Road, Maple Plain. Officer was dispatched to a driving complaint where a vehicle was driving under the posted speed limit and weaving between the lines, nearly hitting the center median wall. Officer located the vehicle and made contact with the driver on a traffic stop. The officer immediately smelt the odor of marijuana. Driver admitted to smoking marijuana before driving. It was found the driver's license status was suspended. Driver performed unsatisfactory field sobriety testing. A 24-year-old male driver was placed under arrest for suspected DWI narcotics. A Drug Recognition Evaluation was conducted which indicated impairment of marijuana. A judge signed a search warrant for blood. Charges pending toxicology results.

#### Arrest

November 24

1400 block of County Road 90, Independence. Officer was on routine patrol and observed a vehicle with an expired license plate. Officer stopped the vehicle and identified the driver whose license showed he was Driving After Cancellation – Inimical to Public Safety which is gross misdemeanor. 39 male driver was arrested for DAC-IPS and transported to the police department to be booked and released to a valid driver pending charges.

#### Damage to Property

November 25

6000 block of Drake Drive, Independence. Officer was dispatched to a disturbance at a residence. Officer arrived on scene and spoke to all parties involved. It was determined that the reporting party's wife found his location to be with another female individual. The reporting party refused to go home with his wife. His wife waited until the two went to bed and came back to key each of their vehicles causing substantial damage. Case assigned to investigations for further follow up.

#### Damage to Property

November 26

800 block of County Road 19, Independence. Officer was dispatched a wire down where the transformer was blown, which caused a fire. Officer arrived on scene and the fire was out. MPFD arrived on scene and assisted with traffic control and clearing the road of debris. Power company was asked to respond. Tire tracks were found in the grass that had a path straight to the pole. It was determined a gold Toyota care crashed into the pole causing damage and fled the scene. No further suspect information. Power company arrived on scene and repaired the damage.

Welfare Check  
November 29

5100 block of Main Street, Maple Plain. Officer was dispatched to a welfare check. Reporting party advised there was an elderly male that seemed confused. Officer spoke to the reporting party who advised the male was talking about a place in Maple Plain and would frequently change topics. Officer arrived in the area and was unable to locate the male.

Traffic Complaint  
November 30

Intersection of Highway 12 and County Road 90, Independence. Officer was dispatched to a driving complaint where a pickup truck pulling a trailer was weaving between the lane of traffic. Officer arrived in the area and located the suspect vehicle. Officer stopped the vehicle and spoke to the driver who advised his truck was having a hard time steering the trailer. Officer observed no signs of impairment. Driver was released with a warning for not having fender covers the full width of his tires.

# City of Independence

## Deferred Assessment Repayment Agreement

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To:	City Council
From:	Mark Kaltsas, City Administrator
Meeting Date:	December 19, 2023

### ***Discussion:***

The City has recently discussed identifying any outstanding deferred assessments. Following discussion with Hennepin County the City obtained a current list of properties that have deferred assessments. The City notified all property owners that their property had a deferred assessment in the event that they had forgotten or lost track of the issue along with an estimated current pay-off amount. Following the notification, several property owners approached the City about the possibility of reassessing the properties or somehow allowing for the repayment of the deferred assessments now versus waiting until the properties were sold.

The two properties considered are as follows:

- PID No. 13-118-24-23-0001
- PID No. 14-118-24-14-0002 (2919 Independence Rd.)

The City consulted with Hennepin County and the City attorney on this matter and determined that for the deferred assessments discussed, it would not be possible to place those back on the taxes of the properties. With that understanding, the City did confirm that it could establish a separate agreement with the property owners to repay the outstanding assessments.

The City Attorney has prepared two Assessment Repayment Agreements that would establish the parameters for repaying the outstanding deferred assessments. The critical points of the agreements are as follows:

- The property owners are asking that the City allow for the repayment of the deferred assessment over a period of 5 years (number of years would allow up to 10 years maximum).
- City will consider freezing the accrual of interest starting on the date City and property owners approve agreement as long as the property owners pay the annual installment agreed to in the agreement.
- Annual payment will be total number divided by number of years allowed to repay.

- City will leave the deferred status of the assessment in place with the County until the entire amount is received. Once paid in full, City will notify the county that the assessment has been satisfied.
- Should the property owners fail to make payment, the terms of the original deferral will remain in place and the City will apply any amount paid towards to the total balance when assessment is paid in full.

***Recommendation:***

The City Council is being asked to consider approval of the Assessment Repayment Agreements provided and attached to this report. If approved, please note that the City Attorney can make any minor and non-material changes required to finalize the agreements and the term can be extended to a maximum of 10 years if requested by the property owner.

***Attachments:***

**Minimum Assessment Agreements (two agreements)**

## ASSESSMENT REPAYMENT AGREEMENT

THIS AGREEMENT is made this \_\_\_\_\_ day of December, 2023 by and among the City of Independence, a Minnesota municipal corporation (“City”) and Paul J. Merz, as Trustee of the Paul J. Merz Revocable Trust under Agreement dated 12-17-2008 (“Owner”).

WHEREAS, Owner is the fee owner of land in the City located at \_\_\_\_\_ Road, Independence, MN, and further identified as PID 14-118-24-14-0002 (the “Property”), and;

WHEREAS, the City constructed certain public improvements serving the Property as part of the 1997 Rd. Improvement Project (the “Project”), and;

WHEREAS, the City specially assessed costs of the Project to benefitted properties including the Property, and;

WHEREAS, under the Minnesota “Green Acres” statute, the special assessments imposed on the Property were deferred with interest at 7.5% per annum and remain deferred as of the date of this Agreement, and;

WHEREAS, the Owner requests that the City cause interest to cease accruing in exchange for Owner’s agreement to repay the current assessment total (\$ 81,714.41) over 5 years in equal installments of \$ 16,342.88 per year (each a “Payment”).

NOW, THEREFORE, based on the foregoing recitals which are incorporated herein, the parties agree as follows:

1. Representations and Warranties. The Owner represents and warrants that it is fee owner of the Property and has full legal power and authority to encumber the Property as herein provided, that doing so is not in violation of the terms or conditions of any instrument or agreement of any nature to which Owner is bound or which relates in any manner to the Property including outstanding mortgages, liens or encumbrance. The Owner further represents and warrants that no action will be taken nor any application or request filed to secure further deferral of special assessments, beyond the existing Green Acres status, until all Payments under this Agreement are made.
2. Payments. On or before January 15, 2024, and each January 15<sup>th</sup> thereafter thru and including January 15, 2028, the Owner shall remit a Payment to the City. The Owner may remit all or portions of future Payments with each Payment. The City shall keep account of the Payments and, upon receipt of \$ 81,714.41, the City will cause the special assessment(s)

against the Property to be released, satisfied or otherwise removed from Hennepin County's property tax rolls and future tax statements.

3. Failure to Make Payment. In the event Owner fails to timely make a Payment, the City shall give written notice to Owner. In the event Owner fails to make such Payment within 30 days of the date of such notice, the City may cancel this Agreement by notice to Owner and all remaining amounts assessed to the Property shall accrue interest as provided above, and the City shall take no action to release or satisfy or otherwise remove the amounts assessed from Hennepin County's property tax rolls and future tax statements. In such case, remaining amounts due shall be payable over a period and shall bear interest at a rate consistent with the special assessments imposed for the Project.
4. Runs with Land. This Agreement shall bind the Owner and City and their successors and assigns and run with the Property. The parties intend this Agreement to be in a form which is recordable among the land records of Hennepin County, Minnesota.

**[SIGNATURE PAGES TO FOLLOW]**

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

**OWNER**[illegible]

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public, within and for said County personally appeared \_\_\_\_\_, to me personally known, being by me duly sworn, and acknowledged signature of said instrument to be of his free act and deed.

---

Notary Public

# CITY OF INDEPENDENCE

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: City Administrator

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Marvin Johnson and Mark Kaltsas, the mayor and city administrator, respectively, of the city of Independence, a municipal corporation under the laws of Minnesota, on behalf of the municipal corporation.

Notary Public

This document drafted by:  
KENNEDY & GRAVEN, CHARTERED (RJV)  
150 South 5th Street, Suite 700  
Minneapolis MN 55402  
(612) 337-9300



## ASSESSMENT REPAYMENT AGREEMENT

THIS AGREEMENT is made this \_\_\_\_\_ day of December, 2023 by and among the City of Independence, a Minnesota municipal corporation (“City”) and Merz Farms Family Limited Liability Limited Partnership (“Owner”).

WHEREAS, Owner is the fee owner of land in the City located at \_\_\_\_\_ Road, Independence, MN, and further identified as PID 13-118-24-23-0001 (the “Property”), and;

WHEREAS, the City constructed certain public improvements serving the Property as part of the 1997 Rd. Improvement Project (the “Project”), and;

WHEREAS, the City specially assessed costs of the Project to benefitted properties including the Property, and;

WHEREAS, under the Minnesota “Green Acres” statute, the special assessments imposed on the Property were deferred with interest at 7.5% per annum and remain deferred as of the date of this Agreement, and;

WHEREAS, the Owner requests that the City cause interest to cease accruing in exchange for Owner’s agreement to repay the current assessment total (\$ 81,714.41) over 5 years in equal installments of \$ 16,342.88 per year (each a “Payment”).

NOW, THEREFORE, based on the foregoing recitals which are incorporated herein, the parties agree as follows:

1. Representations and Warranties. The Owner represents and warrants that it is fee owner of the Property and has full legal power and authority to encumber the Property as herein provided, that doing so is not in violation of the terms or conditions of any instrument or agreement of any nature to which Owner is bound or which relates in any manner to the Property including outstanding mortgages, liens or encumbrance. The Owner further represents and warrants that no action will be taken nor any application or request filed to secure further deferral of special assessments, beyond the existing Green Acres status, until all Payments under this Agreement are made.
2. Payments. On or before January 15, 2024, and each January 15<sup>th</sup> thereafter thru and including January 15, 2028, the Owner shall remit a Payment to the City. The Owner may remit all or portions of future Payments with each Payment. The City shall keep account of the Payments and, upon receipt of \$ 81,714.41, the City will cause the special assessment(s)

against the Property to be released, satisfied or otherwise removed from Hennepin County's property tax rolls and future tax statements.

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4. Runs with Land. This Agreement shall bind the Owner and City and their successors and assigns and run with the Property. The parties intend this Agreement to be in a form which is recordable among the land records of Hennepin County, Minnesota.

**[SIGNATURE PAGES TO FOLLOW]**

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

**OWNER**

[illegible]

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public, within and for said County personally appeared \_\_\_\_\_, to me personally known, being by me duly sworn, and acknowledged signature of said instrument to be of his free act and deed.

---

Notary Public

# CITY OF INDEPENDENCE

By: \_\_\_\_\_  
Its: Mayor

By: \_\_\_\_\_  
Its: City Administrator

[illegible]

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Marvin Johnson and Mark Kaltsas, the mayor and city administrator, respectively, of the city of Independence, a municipal corporation under the laws of Minnesota, on behalf of the municipal corporation.

Notary Public

This document drafted by:  
KENNEDY & GRAVEN, CHARTERED (RJV)  
150 South 5th Street, Suite 700  
Minneapolis MN 55402  
(612) 337-9300

# City of Independence

## Employee Handbook Amendment

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* December 19, 2023

### ***Discussion:***

The City has discussed two potential amendments to the Personnel Policy Handbook. The first relates to the newly established state statute stipulating that cities provide ESST (Earned Sick and Safe Time). The second issues considered relates the compensation for public works employees that are on-call for sewer and general public works issues.

### ***ESST Issue:***

ESST (Earned Sick and Safe Time) is a new state requirement that requires businesses/cities to provide time off to employees for a wide array of reasons without recourse (see attached handout from ABDO for more information). The new requirement goes into effect on January 1, 2024. The City is required to accommodate the new requirement and there are several ways that the City can comply. Below is a quick summary of the new requirements.

- a. ESST time can be used for almost any personal reason (i.e., family member care, mental health, bad weather, etc.)
- b. Employer cannot ask for reason why the employee is off for the first three consecutive days.
- c. Requires employers to offer ESST to employees that work 80 hours or more during a fiscal year.
  - i. Options for Compliance:
    - a. Front load at least 80 hours of E.S.S.T. time at the beginning of year.
      - a. Does not carry over
      - b. Does not have to be paid out at end of year
      - c. Can use existing sick time to count towards 80 hours
    - b. Accrue minimum of 48 hours during year
      - a. Employer has to pay out unused hours at end of year

Staff has reviewed the new requirements with the Personnel Committee. Staff noted that we worked with ABDO Solutions to identify the best possible options for adhering to the new requirements. The Personnel Committee considered the issue and recommended that the policy be updated to rename the existing sick time as E.S.S.T. This would allow compliance without changing the current level of time off allotted to each employee. This change would provide for the following changes:

remove the mandatory comp time requirement and pay the overtime pay earned by the employee.

**Proposal for Compliance:**

- i. Rename existing sick time hours (96 hours per year) to E.S.S.T. time off.
  - c. Because this would exceed the new law's requirements, can circumvent any of the other provisions (i.e., cannot carry over, does not have to be paid out).
- ii. At end of year any unused hours revert to sick time and will be subject to the City's current policies for carryover and payout.
- iii. Requires update *Personnel Policy Manual* (see attached recommended amendment as Exhibit A to the Resolution).

*Public Works Issue:*

Public Works on call pay. Staff was asked by members of our public works team to consider reviewing the on-call compensation for employees when on-call for the sewer/public works. Staff initiated a survey of adjoining/neighbor municipalities to understand current compensation levels for on-call employees. The City of Independence currently has the following policy relating to on-call public works employees.

- a. Independence currently pays 8 hours of straight time per week for the employee on-call. If called in, employee is guaranteed 2 hours of overtime for call.
- b. City surveyed (7) seven cities to compare on-call pay.

	<u>On-call Pay/Week</u>
Minnetrista	17 hours, min. call in is 3 hours guaranteed.
Watertown	0 hours
Corcoran	0 hours
Buffalo	14 hours, but are required to work on weekend days for a min. of 4 hours
Greenfield	0 hours, mi. call in is 2 hours guaranteed
Orono	17 hours, min. call in is 2 hours guaranteed
Loretto	8 hours
Medina	8 hours

**Proposed Amendment:**

- i. Increase on-call pay for 2024 by three (3) additional hours – total of 11 hours per week for on-call pay (1 per weekday M-F, plus 3 per weekend or holiday day)
- d. Cost to City is estimated to be \$4,500.00.

Staff has reviewed both personnel requests with the Personnel Committee. The Personnel Committee considered the issue and recommended that the current policies be updated as proposed.

***Recommendation:***

The City Council is being asked to consider approval of the required change to the Employee Handbook as proposed in the attached ***Exhibit A*** of the Resolution.

***Attachments:***

**RESOLUTION No. 23-1219-01**



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 23-1219-01**

**A RESOLUTION ADOPTING AN AMENDMENT TO THE EMPLOYEE HANDBOOK**

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

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

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

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

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

This resolution was adopted by the city council of the City of Independence on this 19<sup>th</sup> day of December 2023 by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

ATTEST:

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

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

## Exhibit A

### Proposed Policy Amendments:

#### ESST AMENDMENT

##### BEREAVEMENT LEAVE

Regular full-time, regular part-time and introductory employees are eligible to take paid time off because of a death as follows:

Immediate Family: maximum of three days. The term “Immediate Family” means a spouse, parent, child, brother, sister, grandparent, and grandchild.

Other Relatives Who Are Not Immediate Family: maximum of one day. The term “Other Relatives Who Are Not Immediate Family” means a parent-in-law, brother-in-law, sister-in-law, or grandparent-in-law.

Employees who need additional time off because of the death of a family member included in the above definitions may use accrued vacation leave, ESST or compensatory time, subject to authorization by the employee’s supervisor.

The City does not provide paid time off for the deaths of relatives not included in the above definitions or for the deaths of friends of the employee. Employees may, however, use accrued vacation leave, ESST or compensatory time for the death of such family members or friends, subject to authorization by the employee’s supervisor.

##### SICK LEAVE/EARNED SICK AND SAFE TIME (ESST)

Regular full-time ~~and~~, regular part-time and seasonal employees are eligible to earn and use sick leave as described in this policy. Introductory employees accumulate sick leave ~~but and~~ may ~~not~~ use paid sick leave /ESST until prior to successful completion of the introductory period.

Eligible employees may take sick leave in the event of the employee’s sickness or injury, for medical or dental appointments, or to care for a sick or injured child or other legal dependent.

Regular full-time employees accrue sick leave monthly, at the rate of one day per month, for a total of twelve days per year. Regular part-time employees accrue sick leave on a prorata basis, based on the number of hours worked. Any unused sick leave accumulated during the calendar year will be carried over to the next year provided it does not exceed a maximum of 120 days. In computing sick leave, the following schedule will apply:



If an employee becomes ill and cannot report to work, his or her absence must be reported to his or her immediate supervisor at least thirty minutes prior to the regular reporting time, unless otherwise instructed by the supervisor. All such absences will be charged to the employee's accrued sick leave. Failure to report an absence within the specified time period will be deemed to be an absence without permission, in which case the employee will not be paid for the absence.

An employee whose employment begins before the 16<sup>th</sup> day of any month or whose employment ends after the 15<sup>th</sup> day of any month shall earn one day of sick leave for that month.

Upon termination of employment, employees shall receive a cash payment for accumulated sick leave equal to one-half of their accumulated sick leave. Payment will not be made if termination results from violation of the Rules of Conduct, set out within this handbook. Payment for accumulated sick leave shall be based on the employee's average base rate of pay during the preceding three years.

Employees who abuse sick leave may be terminated. The City may require an employee to provide a signed statement from a licensed physician attesting to any illness of such employee for which sick leave is used.

## **PUBLIC WORKS AMENDMENT**

### **Public Works On-Call Rotation**

#### **PURPOSE:**

To define the policies and compensation for public works employees responding to emergency calls.

#### **POLICY:**

The Public Works Superintendent, or his/ her designee, shall schedule department employees to serve "on-call" during non-regular working hours to respond to emergency calls relating to the City's sanitary sewer and other public work functions or City utilities when applicable.

#### **SCHEDULE/ ROTATION**

1. An on-call rotation will consist of one full week, from ~~Friday~~ ~~Monday~~ 7:30 a.m. to the following ~~Monday~~ ~~Friday~~ 7:30 a.m.
2. The Public Works Superintendent, or his/ her designee, shall establish an on-call rotation schedule.

#### **RESPONSIBILITY OF DESIGNATED ON-CALL EMPLOYEE**

1. The employee is responsible for responding to all after hour emergency sewer calls.
2. The employee shall respond to the Public Works Facility within 45 minutes of being called.

3. The employee shall carry at all times a designated “call out phone”.

#### COMPENSATION OF ON-CALL EMPLOYEE

1. Non-exempt employees shall be compensated for eight (~~8~~11) hours of regular base rate pay during the seven-day on-call rotation.
2. Non-exempt employees shall be compensated at one and one-half (1 ½) the regular base rate of pay for time worked on call-outs beyond the normal 40 hour work week in accordance with Federal Labor Standard Act (FLSA) standards. However, the City will compensate non-exempt employees a minimum of two hours of regular base rate pay for responding to any call-out.