



CITY COUNCIL MEETING AGENDA
TUESDAY AUGUST 18, 2020

CITY COUNCIL MEETING TIME: 6:30 PM

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

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

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

- a. Approval of City Council Minutes from the August 4, 2020 Regular City Council Meeting.
 - b. Approval of Accounts Payable; Checks Numbered 19802-19829.
 - c. Approval of Mayors Attendance at the Virtual National League of Cities Conference November 18th-21st, 2020.
 - d. Pay Request #1 and #2 from Wm. Mueller and Sons, Inc. for work completed on the 2020 Overlay Project Through July 31, 2020.
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 July 2020 Activity Report.
8. Consider Approval of the Petition and Waiver of Objection to Special Assessment for Installation of Drain Tile in Klaers Drive for Four Properties.
9. Wayzata Cross Country Team Request to Use Pioneer Community Park.
10. Open/Misc.
11. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, AUGUST 4, 2020 –6:30 P.M.

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.

3. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

2. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer and Grotting (remote)

ABSENT: McCoy

STAFF: City Administrator Kaltsas, Assistant to Administrator Horner, Public Works Supervisor Bode (remote), City Attorney Vose (remote)

VISITORS: None

3. ****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 July 21, 2020 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 19774-19801.
- c. 2nd Quarter Financial Report (for Information).
- d. Renewal of Annual Tobacco License for Windsong Golf Club.

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

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

5. REPORTS OF BOARDS AND COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Planning Commission Meeting (zoom)
- Pioneer Sarah Creek Watershed Committee Meeting (zoom)

Grotting attended the following meetings:

- Planning Commission Meeting (zoom)

McCoy attended the following meetings:

- Absent

Betts attended the following meetings:

- Police Commission Meeting

Johnson attended the following meetings:

(all meetings were via zoom)

- Planning Commission Meeting
- Webinar towards Zero deaths breakfast meeting
- Conference Call for NLC Small Cities Council
- Police Commission Meeting (in person)
- Finance Committee Meeting for Senior Community Services

Horner attended the following meetings:

- Planning Commission Meeting
- Video Conference with Banyon and Abdo

Kaltsas attended the following meetings:

- Highway 12 and County Road 90 Meeting

6. PTS Products, Inc. (Applicant/Owner) requests that the City consider the following actions for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN:

- a. **RESOLUTION 20-0804-01:** Considering approval of a variance and site plan review to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial.

Kaltsas said the applicant is seeking site plan approval to allow an accessory building to be constructed on the subject property. In 2018, the City reviewed and approved an expansion of the existing building. The expansion of the building provided for a total of 25,600 SF of commercial space. The applicant is now seeking approval to add a 4,800 SF detached accessory storage building on the property.

Along with the request to expand the building in 2018, the applicant also sought and received approval for a variance to allow the building to be constructed using matching materials to the existing building (steel panels) rather than residing the entire building with materials that met applicable architectural design standards. The City noted that the east façade of the building met applicable design requirements and was the most visible from TH 12. The City allowed the expansion of the building using materials that matched the existing building.

The applicant is proposing a new detached accessory storage building that would be located behind the existing building. The new building would be used solely for storage and would not increase the number of employees or provide finished interior manufacturing space. The applicant would like the City to consider granting a variance to allow the detached accessory storage building to match the exterior of the existing building (steel panels).

The subject property is zoned CLI – Commercial Light Industrial. Manufacturing is a permitted use within the CLI zoning district. New construction and expansion of existing buildings in the CLI zoning district requires the review and approval of the City. The extent of the review is based on the intensity of the proposed development along with the ability of the proposed development to meet the requirements of the zoning ordinance (Sections 530.17 and 530.23).

The City has adopted site requirements for commercial development and there are several provisions within the commercial standards that are applicable to the proposed building expansion.

530.23. - Building design requirements.

Subd. 1. *Standards established.* Building design standards are hereby established to ensure commercial and industrial buildings meet acceptable aesthetic standards.

Subd. 2. *Applicability.* The design standards in this section shall apply to the following:

- (a) All facades of new principal buildings;
- (b) All facades of new accessory buildings;
- (c) Remodeling of existing buildings that result in "refacing" more than one side of an existing building or refacing of the wall oriented towards the nearest public road.
- (d) Additions to buildings that increase the gross floor area by more than 15 percent for commercial or retail buildings, or 25 percent for industrial buildings. Additions not exceeding these thresholds may be constructed using exterior materials that match or are compatible with the existing building materials.

530.17. - Site development standards.

Subd. 3. *Setbacks.* All buildings and structures must meet or exceed the following setbacks:

- (a) Front yard setback: 100 feet from centerline of road.
- (b) Side yard setback: 20 feet from side lot line.
- (c) Rear yard setback: 20 feet from rear lot line.
- (d) Setback from boundary of agricultural or rural residential district: 100 feet.

The City has reviewed the plans as they relate to the standards provided in the zoning ordinance. The following items should be further considered by the Planning Commission:

1. Building Design – The City ordinance states that accessory structures in the CLI zoning district shall conform to the design standards noted in the CLI section of the zoning ordinance (530.23). The standards do not provide specifically for accessory structures, but there is no other standard identified. For this reason, accessory structures are treated the same as principle buildings. a. Allowed materials for principal buildings. Principal commercial or industrial buildings in the commercial/industrial zoning district shall use the following materials on their exterior facades:

- (1) Brick;
- (2) Natural stone or stone veneers;
- (3) Decorative concrete block (color impregnated with a split faced, robbed, or textured surface;
- (4) Glass curtain wall panels;
- (5) Stucco or synthetic stucco;
- (6) Exterior insulation and finish systems (EIFS).

The applicant has prepared an illustrative image which shows the proposed exterior elevations of the new building. The primary material proposed is standing seam metal which is consistent with

the majority of the existing building. The applicant is asking the City to consider allowing the proposed addition to be constructed of materials similar to the existing building noting that the majority of the addition will be located behind the existing building. The applicant also noted that the existing building located to the east of this building is constructed of similar materials. In order for the City to consider approval of the accessory building utilizing materials that match the existing building, a variance is required.

2. Site Design and Parking Requirements - The applicant is proposing to construct a gravel driveway to access the proposed building off of the existing parking lot. The City generally requires bituminous pavement for all driveways and parking areas in the CLI zoning district. The City has allowed outdoor storage areas to use a gravel surface similar to that which is being proposed. The Planning Commission recommended that the applicant be permitted to construct the access driveway out of gravel rather than bituminous. For wholesale and warehousing uses, the City requires: one parking space for each 2,000 square feet of gross floor area. The total existing building square footage is approximately 26,000 square feet and would therefore require 13 parking spaces. The existing site has 54 parking spaces. The proposed new building would add 4,800 square feet and require an additional 2 parking spaces for a total of 15 spaces. The number of existing parking spaces would satisfy parking requirements for this site even with the proposed new accessory storage building.

3. Setbacks – The City has the following setback requirements for buildings located in the CLI zoning district:

- a. Front yard setback: 100 feet from centerline of road.
- b. Side yard setback: 20 feet from side lot line.
- c. Rear yard setback: 20 feet from rear lot line.
- d. Setback from boundary of agricultural or rural residential district: 100 feet. The proposed new accessory storage building would meet all applicable setbacks. The closest setback would be from the west (side) property line. The proposed accessory storage building would be approximately 50 feet from the west (side) property line.

4. Landscaping – The City worked with the applicant during the last plan review to develop a landscape plan that met the intent of the landscape ordinance. It should be noted that the applicant has not completed all requisite landscaping from the 2018 approval. The City has been working with the applicant to complete the requisite work. No new landscaping is proposed with this plan. The City could request additional landscaping along the east side of the building to provide additional screening from TH 12. The City would recommend requiring 5 - 6' tall evergreen trees and 3 - 2.5" caliper deciduous trees along the east side of the proposed building (see concept plan below).

5. Storm Water Management – The proposed improvements do not trigger the one-half acre threshold for site improvements. The plan will need to comply with all applicable standards relating to storm water. The City does recognize that the runoff from the impervious surface is directed to the south and there is a significant infiltration area prior to the water getting to the wetland area at the south end of the property.

6. Lot Coverage - The maximum impervious lot coverage in the CLI zoning district is thirty (30) percent. The overall site is 293,600 square feet. Thirty (30) percent of the total site area would allow 88,000 square feet of impervious coverage. The total existing impervious surface area is 61,300 square feet. The proposed new building and associated site improvements would add an additional 8,200 square feet for a total of 69,500 square feet. This total is below the maximum coverage area. a variance.

520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the

terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08) Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08) Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08) 520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

Consideration of the criteria for granting a variance:

- a. The applicant is proposing to use the property in a manner consistent with the Commercial Light Industrial District - CLI.
- b. The character of the surrounding area is commercial with similar structures and site improvements.
- c. The proposed variance to allow an accessory building that matches the exterior façade and materials of the existing building on this property is in keeping with the City's comprehensive plan.
- d. The applicant is proposing to locate the new building to the rear of the existing building which will help to mitigate potential impacts from Highway 12.
- e. The applicant can screen the proposed building with new landscaping to further mitigate any visual impacts from TH 12.
- f. The buildings in the surrounding area are generally constructed of similar building materials.
- g. The proposed building addition will meet all other requisite requirements for this property.

The City will need to determine if the requested variances meet the requirements for granting a variance. Planning Commissioners reviewed the request and asked questions of staff and the petitioner. Commissioners were concerned that the landscaping required with the last amendment had not been installed. The Applicant noted that there were issues with installing the septic tank that has interfered with the installation of the requisite landscaping. Planning Commissioners recommended that the Applicant be required to add additional landscaping in accordance with the concept landscape plan that was prepared by staff. Commissioners also recommended that the applicant be permitted to construct the access driveway out of gravel rather than bituminous. Commissioners did recommend approval to the City Council with the findings and conditions contained within this report and the corresponding resolution.

Neighbor Comments:

The City has not received any written or verbal comments regarding the proposed site plan review. Staff is seeking a recommendation from the Planning Commission relating to the site plan review and variance. Should the Planning Commission make a positive recommendation to the City Council, the following findings and conditions should be considered:

1. The proposed site plan approval and variance request meet all applicable conditions and restrictions stated in Chapter V, Section 520.25, Site Plan Approval Procedures and Chapter V, Section 520.19, Procedures on Variances, in the City of Independence Zoning Ordinance.
2. City Council approval is approved of the variance and site plan review is subject to the following conditions:
 - a. The Applicant shall prepare a final landscape plan based on the concept plan included in the staff report.
 - b. The Applicant shall revise the site plan based on any outstanding comments or direction provided by the City Council.
3. Site plan approval shall allow the construction of the new detached storage building in accordance with the approved site plan prepared by Wenck Associates and attached hereto as Exhibit B.
4. The total impervious surface coverage for this property will not exceed 30% of the total lot area.
5. Landscaping shall be installed and maintained in accordance with the concept landscape plan. The Applicant shall prepare a landscape plan prior to consideration by the City Council.
6. The variance will allow the construction of a new building using exterior materials (matching steel panels) that match the existing building and in accordance with the approved building elevations attached hereto as Exhibit C.
7. The City finds the following existing conditions of the property support the request for a variance and are consistent with the criteria for granting a variance:
 - a. The applicants are proposing to use the property in a manner consistent with the Commercial Light Industrial – CLI zoning district.
 - b. The character of the surrounding area is commercial or guided for commercial development.
 - c. The proposed expansion of the building is generally in keeping with the City's comprehensive plan.
 - d. The additional landscaping will provide a buffer between the highway and the existing and proposed building.
 - e. The variance will allow the expansion of a commercial business in the City's CLI zoning district. The City's approval of the requested applications will be beneficial in supporting its local businesses and protecting valuable jobs within the City.
8. Any change in use shall be subject to the City review and approval.
9. No outdoor storage is permitted on the property.
10. The Applicant shall comply with all applicable storm water requirements and obtain any additional storm water approvals if determined necessary.
11. Any new building or site lighting shall comply with the City's applicable standards. The Applicant shall submit cut sheets to the City prior to obtaining building permit approval.
12. Any future development or improvements made to this property will need to be in compliance with all applicable standards relating to the Commercial-Light Industrial zoning district.
13. The Applicant shall pay for all costs associated with the City's review of the requested site plan and variance approval. The resolution shall be recorded against the property.
15. The Applicant shall pay all applicable fees associated with the City processing the application for site plan review and a variance.

Johnson asked about timeline to install the septic and trees. Kaltsas said the design is approved and they are working with the owner. Kaltsas noted he would not be granted a CO until it is done. Betts said it would be nice for the City to know when it will be done. Grotting said the plan looks great and he is glad to see the business is doing well. Spencer said he agrees to match the existing material. Vose said matching aesthetically seems fine.

Motion by Spencer, second by Grotting to approve RESOLUTION 20-0804-01 for a variance and site plan review to allow a new detached accessory building to have the same exterior siding as the existing building. The exterior siding does not meet the applicable design standard requirements of the City Ordinance for properties zoned CLI – Commercial Light Industrial. for the property located at 6511 US Highway 12 (PID No. 22-118-24-44-0011) in Independence, MN. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

7. John Sega (Applicant) and MN Horsepower LLC (Owner) request that the City consider the following action for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN:

- a. **RESOLUTION 20-0804-02:** Considering a conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit.

Kaltsas noted in 2018, the City granted a conditional use permit to the applicant for a commercial riding stable and new detached accessory building that exceeded the 5,000 SF maximum permitted. The applicant is now seeking approval to connect the new indoor riding arena with the existing barn. This connection would be a 26 x 20 rectangular building between the two existing buildings. In addition to the building connection, the applicant would like to add several additional small detached accessory buildings to the site and several “lean to” type additions onto the existing buildings.

The applicant has provided a conceptual site master plan showing the general location and size of each of the buildings proposed. The total additional square footage proposed, including the building connection, is approximately 7,600. The applicant has provided a narrative of the additional buildings. The applicant has noted that the exact location of each of the proposed buildings has not been finalized; however, they would like the City to approve the site master plan so that they can simplify the process required in the future to permit the buildings. The City has approved similar master plans in the past. The applicant is seeking approval of the following buildings:

Building Type Square Footage Timing

Building Link: 520 SF Now

Viewing Area: 300 SF Future

Viewing Area: 150 SF Future

Building Overhang: 500 SF Future

Building Overhang: 1,000 SF Future

Building Overhang: 500 SF Future

Shavings Addition: 324 SF Now

Machine Shed: 2,400 SF Future

Dry Storage Shed: 2,400 SF Future

The City can approve the concept site master plan and then work with the applicant through the building permit process to confirm the exact building locations and grading/site plans as each building is requested by the applicant. The previously approved site plan is shown below: In order to expand and alter an existing CUP, the City requires an amendment. The existing CUP allows for a commercial riding stable allows for 50 horses to be boarded on the subject property. In addition, the City allowed the new indoor riding arena to be constructed which is greater than 5,000 SF.

The following key points should be considered by the City Council:

- The proposed connection between the two buildings would be constructed using the same materials as the new riding arena. There will be two main overhead doors and two ingress/egress doors constructed with the connection.
- The City has reviewed the building plans from a building and fire code standpoint. The plans meet all applicable criteria and requirements.
- The Delano Fire Chief has reviewed and approved the proposed plans.
- The proposed site master plan contemplates several additional building additions and or detached accessory buildings. Due to the size and nature of the property, the City can consider approving the master plan to reduce the process for future development of the property. The proposed buildings would be utilized to serve the existing commercial operation. No expansion to the actual operation or number of horses is being requested. Staff has reviewed the proposed site master plan and found that the proposed buildings fit the general nature and layout of the property.
- All conditions of the original conditional use permit would remain in place.
- The applicant noted in their application that they would like to extend natural gas to this location.

This extension does not require an amendment to the conditional use permit. Other permits may be necessary such as a right of way permit or similar. The City will work with the applicant as necessary relating to this issue. The criteria for granting a conditional use permit amendment are the same as granting a conditional use permit and are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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

The City has visited the site and discussed the proposed building expansion with the applicant. Given the location of the property off of CSAH 6, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a commercial horse facility, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit.

Planning Commissioners reviewed the request and asked questions of staff and the petitioner. Commissioners discussed the concept of the "master" site plan and asked what would happen if the ordinance changed concerned that the landscaping required with the last amendment had not been installed. Staff noted that a condition could be added that stated approval of the master site plan was subject to the applicant meeting applicable requirements at the time a building permit was made to the City. Planning Commissioners asked a

question relating to the fire code/sprinkler requirements for the building. Staff noted that the City had reviewed the proposed addition from a code and fire perspective. Commissioners discussed that the property is fairly screened from view and located in a position that the proposed additional buildings/additions do not appear to pose potential impacts to the surrounding properties or character of the surrounding area. Commissioners recommended approval of the proposed CUP amendment to the City Council.

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

The Planning Commission recommended approval of the request for a conditional use permit amendment with the following findings and conditions should be considered:

1. The proposed conditional use permit amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. All conditions of the existing conditional use permit granted by the City in **RESOLUTION NO. 18-1105-02** shall remain.
3. The conditional use permit amendment will include the following additional conditions:
 - a. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
 - b. The Applicant shall provide the City with an updated professionally prepared site plan prior to City Council consideration.
 - c. All new buildings or building additions constructed on the property shall be in accordance with the approved site master plan, attached to the City Council approving resolution as Exhibit B.
 - d. The City is approving the Master Site Plan for the conditional use permit. The Master Site plan will allow the applicant to construct future buildings and additions on the site as long as they meet all applicable requirements at the time requisite applications (i.e. building or zoning permit) are made to the City.
 - e. The Applicant shall obtain all applicable building and other permits associated with any building expansion or new detached accessory building. Each building permit will need to include grading and drainage plans.
 - f. No future expansion of the existing buildings or site master plan shall be permitted without the further review and approval by the City through the conditional use permit amendment process.
4. The Applicant shall pay for all costs associated with the review and recording of the resolution for a conditional use permit amendment.
5. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Betts noted Bruce would still need to go out for inspect, Kaltsas said yes and they would need the required permits. Johnson noted building codes would apply as well. Kaltsas said the fire code is met and it is fire-rated. He said the natural gas connection has yet to be done but that is different permitting. Kaltsas noted this is all subject to the submittal of a professional drawing. Grotting agreed that there needs to be a professional master plan. Sega said he would submit a professional drawing for the link building. Kaltsas told Sega they need to submit a site plan to show the footprint.

Grotting asked about connecting the hot walker to the main area. Sega said the hot walker building was proposed but will probably never be built.

Motion by Grotting, second by Betts to approve RESOLUTION 20-0804-02 for a conditional use permit amendment allowing an expansion of the existing commercial riding stable by combining two of the

existing accessory buildings via an enclosed connection that would create a single building that would exceed the maximum allowable square footage of 5,000 square feet without a conditional use permit for the property located at 9255 County Road 6 (PID No. 31-118-24-34-0002) in Independence, MN. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

8. Water Resource Items (Hakanson Anderson – Water Resource Consultant):

- a. Annual Presentation of the City's Storm Water Pollution Prevention Plan (SWPPP) and Public Comment Opportunity.
 - i. The City is required to annually review the SWPPP plan and provide residents with an opportunity to provide comment.
- b. Overview of the Fourth Generation Pioneer-Sarah Creek Watershed Management Plan for the City of Independence.
 - i. The whole plan can be accessed using the following link:
<http://www.pioneersarahcreek.org/fourth-generation-plan.html>
 - ii. The City has prepared comments relating to a draft of the proposed plan that will be reviewed.

Fisher said each year the City is required to offer an opportunity to the public to provide comments relating to the City's SWPPP. No official public hearing is required. Fisher outlined what the MS4 entails.

From the Minnesota Pollution Control Agency

What is an MS4

A municipal separate storm sewer system is a conveyance or system of conveyances (roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, etc.) that is also:

- owned or operated by a public entity (which can include cities, townships, counties, military bases, hospitals, prison complexes, highway departments, universities, etc.) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage districts, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;
- designed or used for collecting or conveying stormwater;
- which is not a combined sewer; and
- which is not part of a publicly owned treatment works.

The SWPPP is designed to reduce the amount of sediment and pollution that enters surface and ground water from storm sewer systems to the maximum extent practicable. Stormwater discharges associated with MS4s are subject to regulation under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS). Through the MS4 General Permit, the system owner or operator is required to develop a stormwater pollution prevention program (SWPPP) that incorporates best management practices (BMPs) applicable to their MS4. Pioneer-Sarah Creek Watershed Management Commission has released their draft Fourth Generation Watershed Management Plan. The formal comment period extends from June 22 to August 14, 2020. Hakanson Anderson has reviewed the Plan for the City of Independence, and the following points summarize the updates to the plan as it relates to the City.

- Changes over the last 10 years show Lake Independence and Lake Sarah trending in a positive direction with decreases in total phosphorus and/or increases in Secchi depth. Lake Irene was added to the impaired list for nutrients, while Lake Rebecca was removed from the impaired list.
- Achievements from the past six years include: delisting Lake Rebecca as an impaired water, completing a SWA to identify options for stormwater retrofit in the Lake Independence and Lake Sarah sub watersheds, and continued partnerships with lake associations to complete curly-leaf pondweed treatment for Lake Sarah and Lake Independence.
- Areas in need of improvement include holding regular TAC meetings, assessing progress towards meeting TMDL load reductions and water quality goals, increasing outreach on the Commission to nonlake shore property owners and ensuring city-appointed commissioners are kept informed of the history and technical knowledge needed on watershed issues.
- Fourth Generation Plan priorities through 2030 includes protecting Lake Rebecca so it continues to meet water quality standards, meeting the state water quality standards for Lake Independence and Lake Sarah, and improving water clarity in impaired lakes by ten percent.
- The Commission is also prioritizing cost-share in TMDL/WRAPS implementation projects for Lake Independence and Lake Sarah.
- The Commission will continue to monitor Lake Independence and Lake Sarah as well as periodically monitoring Pioneer Creek.
- The Commission will prepare lake management plans for Lake Independence and Lake Sarah, focusing on holistic, whole-lake ecological management that includes actions to manage aquatic vegetation and fish communities and internal loads in addition to watershed load reductions.
- The Plan proposes to collaborate with Hennepin County to undertake targeted education and outreach to agricultural and other landowners in the watershed.
- The next page shows a table the CIP list within the Plan followed by a short summary of each of the projects.

Lake Independence TMDL Review and Management Plan

The Lake Independence TMDL was completed in 2007. Stakeholders have completed several implementation actions since that time. Additional monitoring data such as sediment core release rate analysis and lake inflow have since been collected. This project is a progress review and development of a Lake Management Plan for Lake Independence, including updating watershed and lake response modelling and TMDL load reduction targets. The progress review will also update the TMDL implementation plan, including actions for the upstream impaired lakes. The focus of this plan will be on holistic, whole-lake ecological management that includes actions to manage aquatic vegetation and fish communities and internal load in addition to watershed load reductions.

Lake Independence Area BMPs

The City of Independence had previously completed a sub watershed assessment for that part of the city that is tributary to Lake Independence. The report identified 64 potential BMPs, including wetland restorations,

hydrologic restorations, gully stabilizations, residential rain gardens, grassed waterways, and other practices to reduce phosphorus and sediment loading to the lake. Most of these are on private property. This project is to provide cost share for those practices as willing landowners become available.

<http://www.pioneersarahcreek.org/independence-sra.html>

Lake Independence Alum Treatment

The project is to significantly reduce the sediment phosphorus release during anoxic conditions through the application of aluminum sulfate in Lake Independence, which will significantly improve the in-lake water quality conditions. The control of internal load in Lake Independence is necessary to achieve the MPCA in lake water quality standards. The Commission considers Independence a Sentinel Lake. A TMDL study was completed in 2007 that identified internal loading as a significant portion of the total loading that impacts water quality conditions.

Lake Sarah Sediment Sampling

Prior to completing the proposed TMDL Review and Management Plan, sampling the sediment in Lake Sarah would provide a more accurate estimate of internal load released from sediments. This is critical for partitioning phosphorus load between external and internal sources and in determining the types of BMPs and their priority.

Lake Sarah TMDL Review and Management Plan

The Lake Sarah TMDL was completed in 2011. A sub watershed assessment has been completed for the Dance Hall Creek drainage area. Stakeholders have completed several watershed and in-lake implementation actions since that time. Additional monitoring data has been or will be collected. This project is a progress review and development of a Lake Management Plan for Lake Sarah, including updating watershed and lake response modelling and TMDL load reduction targets. The progress review will also update the TMDL implementation plan. The focus of this plan will be on holistic, whole-lake ecological management that includes actions to manage aquatic vegetation and fish communities and internal load in addition to watershed load reductions.

JB Gully Stabilization

Stabilization of a gully/creek that is conveying excess phosphorus and sediment to Lake Sarah. While located on private property willing landowners have been identified *Lake Sarah Curlyleaf Pondweed Treatment* In partnership with the DNR and the Lake Sarah Improvement Association, apply herbicide (Aquathol) to nonnative curly-leaf pondweed (CLP) which was included in the TMDL Implementation Plan as a solution to the large in-lake load for Lake Sarah (900 lbs/yr or 17% overall load).

Lake Sarah Alum Treatment

The purpose of the project is to significantly reduce the sediment phosphorus release during anoxic conditions through the application of aluminum sulfate in Lake Sarah. The reduction of phosphorus internal loading in Sarah will significantly improve the in-lake water quality conditions and is necessary to achieve the MPCA inlake water quality standards.

Pioneer Creek Pagenkopf Road Carp Barrier

The project is to install a carp barrier on Pioneer Creek at the downstream end of the culvert located at Pagenkopf Road. A carp movement study indicated that fish are moving in large numbers in the spring through Pioneer Creek to access shallow lakes located downstream of Lake Independence to spawn. A barrier would prohibit carp movement from moving back and forth between Lake Independence and the downstream shallow lakes through Pioneer Creek at Pagenkopf, and (2) provide an opportunity to remove carp at the barriers in the spring to reduce overall biomass.

Lake Rebecca Alum Treatment

The purpose of the project is to reduce the sediment phosphorus release during anoxic conditions through the application of aluminum sulfate in Rebecca Lake. The reduction of phosphorus internal loading in Rebecca will be necessary to ensure that the lake continues to meet the MPCA water quality standards. Lake Rebecca had an alum treatment in 2010/2011 to reduce the internal loading of sediment phosphorus release. The overall effectiveness of the alum treatment has been reduced overtime, and a bump treatment will be needed to ensure that the lake continues to meet the MPCA water quality standards. A study will be completed in 2020 to evaluate the existing alum-phosphorus binding capacity through sediment phosphorus release analysis.

Spencer stated Council should show their support for Kaci's recommendation and he also noted that Joe Baker was doing a great job and taken huge strides in water improvement initiatives.

Motion by Spencer, second by Johnson to approve the Annual Presentation of the City's Storm Water Pollution Prevention Plan (SWPPP) as presented by Kaci Fisher with Hakanson Anderson – Water Resource Consultant): Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

9. OPEN/MISC.

10. ADJOURN.

Motion by Spencer, second by Grotting to adjourn at 7:42 p.m. Ayes: Johnson, Betts, Grotting and Spencer. Nays: None. Absent: McCoy. Abstain. None. MOTION DECLARED CARRIED.

Respectfully Submitted,
Trish Gronstal/ Recording Secretary

August 6, 2020

Independence City Council

Subject: National League of Cities Annual Summit

This year's National League of Cities Annual Summit was scheduled for Tampa, Florida, November 18th to 21st, 2020 . The in person Summit has been canceled this year and will be entirely " Virtual" with General Sessions, Workshops, Committee Meetings, etc.

I would like to seek permission to register for the Summit and attend the meetings via my personal computer. Registration cost is \$199.00 if I am registered before September 15th. If others from the City would like to attend, there is a further reduction on each individual registration cost.

Thank you for your consideration of this request.

MARVIN D. JOHNSON, MAYOR

City of Independence

2020 Street Overlay Improvement Project Pay Request

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: August 18, 2020

Summary:

The City has received two pay requests for the 2020 Street Overlay Project. The City engineer has reviewed the requests by the contractor and provided detail relating to the quantities provided, work completed and remaining balance. The City retains 5% of the project cost until the project is complete and accepted by the City. It is anticipated that the project will be completed under the estimated and approved amount. It is anticipated that there will be a final pay request once the project is completed. Staff has reviewed the requested payments with the City engineer and find them to be in line with anticipated and budgeted project costs.

City Council Direction:

Council is being asked to consider approval of the pay requests as recommended by the City Engineer.

Attachments: Pay Request #1
Pay Request #2



Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

July 9, 2020

City of Independence
Attn: Mr. Mark Kaltsas
1920 County Road 90
Maple Plain, MN 55359

Re: 2020 Overlay Project

Dear Mr. Kaltsas:

Enclosed is Payment Request No. 1 from Wm. Mueller and Sons, Inc. for work completed on the 2020 Overlay Project through June 30, 2020. This estimate includes Mobilization, Traffic Control, Casting Adjustments, Bituminous Paving, and other related work.

We have reviewed the estimate, verified the quantities, and recommend payment in the amount of **\$367,835.87**, which includes a retained percentage of 5%.

Please contact me if you have any questions or need additional information.

Sincerely,
BOLTON & MENK, INC.

Andrew L. Budde
Principal Engineer

Contractor's Application for Payment

Owner:	City of Independence	Owner's Project No.:	N/A
Engineer:	Philip J. Schrupp	Engineer's Project No.:	C16.119985
Contractor:	Wm. Mueller and Sons, Inc.	Contractor's Project No.:	
Project:	2020 Overlay		
Contract:			
Application No.:	1	Application Date:	7/9/2020
Application Period:	From 6/1/2020 to 6/30/2020		

1. Original Contract Price	\$	940,513.65
2. Net change by Change Orders	\$	-
3. Current Contract Price (Line 1 + Line 2)	\$	940,513.65
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	387,195.65
5. Retainage		
a. 5% X \$ 387,195.65 Work Completed	\$	19,359.78
b. X \$ - Stored Materials	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	19,359.78
6. Amount eligible to date (Line 4 - Line 5.c)	\$	367,835.87
7. Less previous payments (Line 6 from prior application)		
8. Amount due this application	\$	367,835.87
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	553,318.00

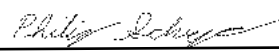
Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Wm. Mueller and Sons, Inc.

Signature:  Date: 7/9/20

Recommended by Engineer		Approved by Owner	
By:		By:	
Title:	PROJECT ENGINEER	Title:	
Date:	7/9/2020	Date:	
Approved by Funding Agency			
By:		By:	
Title:		Title:	
Date:		Date:	

Progress Estimate - Unit Price Work
Contractor's Application for Payment

Owner:	City of Independence	Owner's Project No.:	N/A
Engineer:	Philip J. Schrupp	Engineer's Project No.:	C16.119985
Contractor:	Wm. Mueller and Sons, Inc.	Contractor's Project No.:	
Project:	2020 Overlay		
Contract:			

Application No.:	1	Application Period:	From	06/01/20	to	06/30/20	Application Date:					07/09/20
A	B	C	D	E	F	G	H	I	J	K	L	
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)	
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)					
Original Contract												
1	MOBILIZATION	1.00	LUMP SUM	29,000.00	29,000.00	0.75	21,750.00		21,750.00	75%	7,250.00	
2	TRAFFIC CONTROL	1.00	LUMP SUM	10,650.00	10,650.00	0.75	7,987.50		7,987.50	75%	2,662.50	
3	MILL BITUMINOUS PAVEMENT (VARIES)	10,900.00	SQ YD	2.45	26,705.00	6,865.00	16,819.25		16,819.25	63%	9,885.75	
4	GRAVEL APROACH TIE IN GRADING	7.00	EACH	455.00	3,185.00	6.00	2,730.00		2,730.00	86%	455.00	
5	AGGREGATE SURFACING CL 2	2,915.00	TON	35.05	102,170.75	-	-		-		102,170.75	
6	SUBGRADE EXCAVATION (EV)	90.00	CU YD	29.00	2,610.00	-	-		-		2,610.00	
7	STABILIZING AGGREGATE (CV)	90.00	CU YD	30.00	2,700.00	-	-		-		2,700.00	
8	ADJUST FRAME AND RING CASTING	10.00	EACH	825.00	8,250.00	1.00	825.00		825.00	10%	7,425.00	
9	MANHOLE RISER RING	4.00	EACH	205.00	820.00	2.00	410.00		410.00	50%	410.00	
10	FULL DEPTH BITUMINOUS PATCH	270.00	SQ YD	41.85	11,299.50	213.00	8,914.05		8,914.05	79%	2,385.45	
11	BITUMINOUS SURFACE CRACK REPAIR	4,090.00	LIN FT	6.95	28,425.50	3,900.00	27,105.00		27,105.00	95%	1,320.50	
12	TYPE SP12.5 WEARING COURSE MIX (2,B)	11,900.00	TON	58.90	700,910.00	5,092.23	299,932.35		299,932.35	43%	400,977.65	
13	BITUMINOUS FLUME SEALCOAT	81.00	SQ YD	10.00	810.00	-	-		-		810.00	
14	4" SOLID WHITE STRIPE (PAINT)	3,230.00	LIN FT	0.14	452.20	-	-		-		452.20	
15	8" SOLID WHITE STRIPE (PAINT)	3,140.00	LIN FT	0.28	879.20	-	-		-		879.20	
16	4" DOUBLE YELLOW STRIPE (PAINT)	3,300.00	LIN FT	0.28	924.00	-	-		-		924.00	
17	LANDSCAPE ALLOWANCE	1.00	ALLOWANCE	10,000.00	10,000.00	-	-		-		10,000.00	
18	WORK ORDER #1: REPLACE CASTING ON LINDGREN	1.00	LUMP SUM	100.00	100.00	1.00	100.00		100.00	100%	-	
19	WORK ORDER #2: EXTRA DRIVEWAY @ 5740 PROVIDENCE	1.00	LUMP SUM	622.50	622.50	1.00	622.50		622.50	100%	-	
Original Contract Totals					\$ 940,513.65		\$ 387,195.65	\$ -	\$ 387,195.65	41%	\$ 553,318.00	



**BOLTON
& MENK**

Real People. Real Solutions.

2638 Shadow Lane
Suite 200
Chaska, MN 55318-1172

Ph: (952) 448-8838
Fax: (952) 448-8805
Bolton-Menk.com

August 3, 2020

City of Independence
Attn: Mr. Mark Kaltsas
1920 County Road 90
Maple Plain, MN 55359

Re: 2020 Overlay Project

Dear Mr. Kaltsas:

Enclosed is Payment Request No. 2 from Wm. Mueller and Sons, Inc. for work completed on the 2020 Overlay Project through July 31, 2020. This estimate includes Mobilization, Traffic Control, Bituminous Paving, Gravel Shouldering, Topsoil, and other related work.

We have reviewed the estimate, verified the quantities, and recommend payment in the amount of **\$496,490.75**, which includes a retained percentage of 5%.

Please contact me if you have any questions or need additional information.

Sincerely,
BOLTON & MENK, INC.

Andrew L. Budde
Principal Engineer

Contractor's Application for Payment

Owner: <u>City of Independence</u>	Owner's Project No.: <u>N/A</u>
Engineer: <u>Philip J. Schrupp</u>	Engineer's Project No.: <u>C16.119985</u>
Contractor: <u>Wm. Mueller and Sons, Inc.</u>	Contractor's Project No.: _____
Project: <u>2020 Overlay</u>	
Contract: _____	
Application No.: <u>2</u>	Application Date: <u>8/4/2020</u>
Application Period: <u>From</u> <u>7/1/2020</u> <u>to</u> <u>7/31/2020</u>	

1. Original Contract Price	\$ 940,513.65
2. Net change by Change Orders	\$ -
3. Current Contract Price (Line 1 + Line 2)	\$ 940,513.65
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 909,817.49
5. Retainage	
a. <u>5%</u> X <u>\$ 909,817.49</u> Work Completed	\$ 45,490.87
b. _____ X <u>\$ -</u> Stored Materials	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 45,490.87
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 864,326.62
7. Less previous payments (Line 6 from prior application)	\$ 367,835.87
8. Amount due this application	\$ 496,490.75
9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 30,696.16


Contractor's Certification


The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: <u>Wm. Mueller and Sons, Inc.</u>	
Signature: <u></u>	Date: <u>8/5/20</u>

Recommended by Engineer By: <u></u> Title: <u>PROJECT ENGINEER</u> Date: <u>8/5/2020</u>	Approved by Owner By: _____ Title: _____ Date: _____
Approved by Funding Agency By: _____ Title: _____ Date: _____	By: _____ Title: _____ Date: _____

Progress Estimate - Unit Price Work
Contractor's Application for Payment

Owner:	City of Independence					Owner's Project No.:	N/A				
Engineer:	Philip J. Schrupp					Engineer's Project No.:	C16.119985				
Contractor:	Wm. Mueller and Sons, Inc.					Contractor's Project No.:					
Project:	2020 Overlay										
Contract:											

Application No.:	2	Application Period:	From	07/01/20	to	07/31/20	Application Date:	08/04/20			
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A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (I / F) (%)	Balance to Finish (F - J) (\$)
						Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
1	MOBILIZATION	1.00	LUMP SUM	29,000.00	29,000.00	1.00	29,000.00		29,000.00	100%	-
2	TRAFFIC CONTROL	1.00	LUMP SUM	10,650.00	10,650.00	1.00	10,650.00		10,650.00	100%	-
3	MILL BITUMINOUS PAVEMENT (VARIES)	10,900.00	SQ YD	2.45	26,705.00	6,902.00	16,909.90		16,909.90	63%	9,795.10
4	GRAVEL APPROACH TIE IN GRADING	7.00	EACH	455.00	3,185.00	12.00	5,460.00		5,460.00	171%	(2,275.00)
5	AGGREGATE SURFACING CL 2	2,915.00	TON	35.05	102,170.75	1,576.91	55,270.70		55,270.70	54%	46,900.05
6	SUBGRADE EXCAVATION (EV)	90.00	CU YD	29.00	2,610.00	-	-		-		2,610.00
7	STABILIZING AGGREGATE (CV)	90.00	CU YD	30.00	2,700.00	-	-		-		2,700.00
8	ADJUST FRAME AND RING CASTING	10.00	EACH	825.00	8,250.00	1.00	825.00		825.00	10%	7,425.00
9	MANHOLE RISER RING	4.00	EACH	205.00	820.00	2.00	410.00		410.00	50%	410.00
10	FULL DEPTH BITUMINOUS PATCH	270.00	SQ YD	41.85	11,299.50	213.00	8,914.05		8,914.05	79%	2,385.45
11	BITUMINOUS SURFACE CRACK REPAIR	4,090.00	LIN FT	6.95	28,425.50	3,900.00	27,105.00		27,105.00	95%	1,320.50
12	TYPE SP12.5 WEARING COURSE MIX (2,B)	11,900.00	TON	58.90	700,910.00	12,578.42	740,868.94		740,868.94	106%	(39,958.94)
13	BITUMINOUS FLUME SEALCOAT	81.00	SQ YD	10.00	810.00	81.00	810.00		810.00	100%	-
14	4" SOLID WHITE STRIPE (PAINT)	3,230.00	LIN FT	0.14	452.20	-	-		-		452.20
15	8" SOLID WHITE STRIPE (PAINT)	3,140.00	LIN FT	0.28	879.20	-	-		-		879.20
16	4" DOUBLE YELLOW STRIPE (PAINT)	3,300.00	LIN FT	0.28	924.00	-	-		-		924.00
17	LANDSCAPE ALLOWANCE	1.00	ALLOWANCE	10,000.00	10,000.00	1.29	12,871.40		12,871.40	129%	(2,871.40)
18	WORK ORDER #1: REPLACE CASTING ON LINDGREN	1.00	LUMP SUM	100.00	100.00	1.00	100.00		100.00	100%	-
19	WORK ORDER #2: EXTRA DRIVEWAY @ 5740 PROVIDENCE	1.00	LUMP SUM	622.50	622.50	1.00	622.50		622.50	100%	-
20		-	-	-	-	-	-		-		-
Original Contract Totals					\$ 940,513.65		\$ 909,817.49	\$ -	\$ 909,817.49	97%	\$ 30,696.16



Date: August 11, 2020

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

From: Director Gary Kroells

SUBJECT: July 2020 ACTIVITY REPORT *G. Kroells*

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

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

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

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

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

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

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

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

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

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

\\WHPS#0\share\monthlyactivityreport\2020\lettertocouncilmonthlyreport.docx

West Hennepin Public Safety Department
1918 County Road 90 / Maple Plain, Minnesota 55359
Phone: (763) 479-0500 / Fax: (763) 479-0504

Web Address: <http://www.westhennepin.com> E-mail: westhennepin@westhennepin.com

Monthly Activity Report

July 2020

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	6	14	54	54
Traffic	146	174	725	1,007
Part III	11	9	57	66
Part IV	31	25	203	277
Part V	104	138	846	923
Total City of Independence	298	360	1,885	2,327
City Of Maple Plain				
Criminal	7	7	42	37
Traffic	93	60	413	426
Part III	7	6	40	36
Part IV	20	15	131	120
Part V	68	119	423	663
Total City Of Maple Plain	195	207	1,049	1,282
Grand Total Both Cities	493	567	2,934	3,609
TZD	0	8	31	145
Agency Assists	9	14	111	140
Total ICR Reports	502	589	3,076	3,894
How Received				
Fax	8	2	66	52
In Person	6	21	113	193
Mail	1	0	5	6
Other	1	1	11	11
Phone	33	41	239	278
Radio	165	170	1,094	1,181
Visual	243	302	1,276	1,924
Email	26	14	153	49
Lobby Walk In	19	38	119	200
Total	502	589	3,076	3,894

July 2020 Criminal Part I & II

City of Independence Grid #'s 3-5

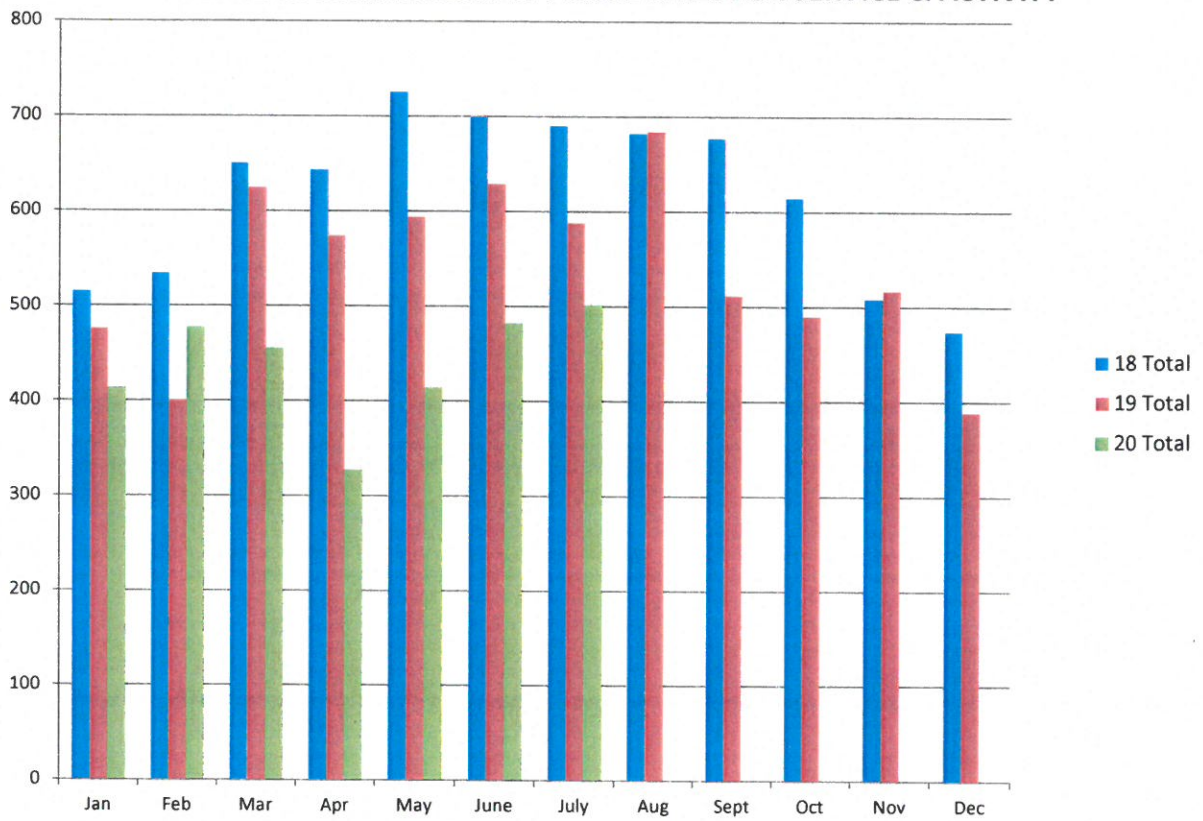
AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	20002628	Possession of Small Amount MJ and Drug Paraphernalia	5	7/4/2020	DC500
WHPS	20002691	3rd Degree DWI	3	7/7/2020	JFW01
WHPS	20002713	Possession of Drug Paraphernalia	3	7/8/2020	DC500
WHPS	20002771	2nd Degree DWI Refusal	5	7/10/2020	JER01
WHPS	20002785	Gross Misdemeanor Domestic Assault	3	7/11/2020	AL451
WHPS	20003024	Misdemeanor Domestic Assault	3	7/29/2020	A5001

July 2020 Criminal Part I & II

City of Maple Plain Grid # 1-2

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	20002602	Damage To Property & Disorderly	2	7/2/2020	P3119
WHPS	20002820	Vehicle Theft	2	7/13/2020	V0021
WHPS	20002822	Property Damage to Storage Unit	2	7/13/2020	P3119
WHPS	20002852	Burglary of Jewelry	1	7/15/2020	B0464
WHPS	20002920	Theft of Stolen Trailer	1	7/20/2020	TS229
WHPS	20002935	Theft of Stolen Vehicle from Storage Unit	1	7/20/2020	VA021
WHPS	20003006	Tresspassing Enter Posted Construcion Site	1	7/25/2020	P3319

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY

July 2020 Activity Report

Year to Date Activity Report

At the end of July 31, 2020 West Hennepin Public Safety (WHPS) handled year-to-date a total 502 incident complaints. For the month of July 298 incidents were in the city of Independence and 195 in the city of Maple Plain.

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

Recent Highlighted Cases:

Welfare Check

July 1 8000 block Pioneer Creek Rd, Independence. Caller was concerned for her elderly neighbor; the grass was very long and has not seen any activity. Officer contact with the neighbor found he is ok; his mower is broken.

Crash

July 1 CO RD 11 & CO RD 92 N, Independence, Motorist of Veh1 reported he was w/b on CR 11, slowing down for a tractor in front of him that was turning off the main road and his vehicle was rear-ended. Driver of Veh2, stated he was not paying attention, he did not see the Veh1 until it was too late, and he was unable to stop. No signs of impairment were found on Veh2 driver and a citation was issued for Following too Close.

Motorist Assist

July 2 1600 block Pioneer Ave, Maple Plain. Officer observed a motorist pull into the Maple Plain Fire Dept parking lot with a flat tire. The driver did not have a sufficient jack to change the tire. Officer assisted with a jack from the MPFD and changed the tire.

GM Property Damage & Disorderly Conduct

July 2 10:22 p.m. 5200 block Bryantwood Dr, Maple Plain. Caller reported a loud crash and a male had a shovel in his hand. Caller noted his car windshield was smashed. As the area was being checked, a 2nd call was received from a resident in Settlers Court in Independence of a male talking loudly. Officer located a male hiding in a yard and his clothing matched the description provided by both callers. Kameron Jackson Anderson, 22 from Maple Plain, was arrested, transported, and booked into HCADC for Gross Misdemeanor 3rd Degree Criminal Damage to Property and Disorderly Conduct.

Fireworks Complaint

July 4 5:22 p.m. 2500 block Nelson Rd, Independence Caller reported complaint of fireworks that 'shook her house'. Officer located a small gathering of people, that had lit off some small firecrackers after they heard a large mortar type firework went off. They did not light the mortar off; it was to the south of them.

Dumpster Fire

July 4 5200 block Manchester Dr, Maple Plain. Caller reported he heard some fireworks being lit off earlier and a short time later he heard a "pop" and looked out his window to see the dumpster on fire. Upon arrival the dumpster was fully on fire. MP Fire extinguished the fire. Caller did not see anyone outside or any vehicles leaving the area.

Welfare Check / Assault

July 5 9:05 p.m. 1800 block Newport St, Maple Plain. Female reported a male wanted to harm himself. The male was located, who was intoxicated and PBT registered .203%: he denied wanting to harm himself and the female took responsibility of him. Shortly after, the male refused to exit the female's car and got into an argument. Another friend accepted responsibility of the male. At 11:43 p.m. it was reported an assault occurred between the friend and the intoxicated suspect. Charges pending investigation.

Personal Injury

July 7 5100 block Highway 12, Maple Plain Vehicle backing out of a parking space, struck a female walking in the parking lot. 76-year-old female fell to the ground and hit her head on the pavement. North Memorial EMS transported her to the hospital.

Warrant Arrest

July 7 1800 block Newport St, Maple Plain. Caller reported a male was knocking on her apartment door and she did not want him there. The male was located: Kurt Michael McCaherty, 20 who had a Felony Warrant for 4th Degree Assault. McCaherty was arrested, transported, and booked into Hennepin County Jail for his Felony Warrant.

Parking Complaint

July 7 Rainbow Park, Maple Plain. Parking complaint of three vehicles were parked in a no parking area. Contact with the three drivers who apologized for the illegal parking and moved their vehicles.

DWI

July 7 Hwy 12/ Co Rd 92, Independence. Traffic complaint on a Chevy pickup truck that struck several centerline delineators and passed 3 cars in a center turn in a no passing zone. Contact with the driver Patrick Montague Schneider, 38 of Jordan, gave a breath test resulting in .12 Breath Alcohol Concentration. Schneider was arrested and transported to Hennepin Co Jail for Gross Misdemeanor DWI and Open Bottle.

Suspicious Act

July 10 5300 block Pioneer Creek Dr. Maple Plain. Officer on routine patrol found an opened overhead door on a storage rental unit that was full of items. Officer closed the door and contacted the storage manager advising of the open door.

Welfare Check

July 10 2000 block Copeland Rd, Independence. Caller requested a welfare check on a woman who had been riding her bike and was not answering her phone. The female was located, she was ok and had lost her phone on her bike ride.

Fireworks

July 11 4100 block Woodhill Dr., Independence. Reported fireworks in the east side of Lake Rebecca. The area was checked, and no fireworks were observed, or located where the caller thought the fireworks occurred.

Threat

July 11 3576 Ihduhapi Trail, Independence. Vinland reported a client was told he could not get on the shuttle to go to the store, so he threatened to beat up the shuttle driver. Upon arrival the client was calm, understood he made inappropriate comments and understood he needs to talk to staff if he is having troubles.

Domestic

July 11 5800 block Main Street, Maple Plain. Victim reported a domestic assault. Jacob Richard Andres, 46 from Maple Plain was arrested, transported to Henn Co Jail, and charged with Gross Misdemeanor Domestic Assault.

Property Damage

July 12 5300 block Lake Sarah Heights Dr, Independence. Reported a vehicle window was shattered, glass was inside and outside of the vehicle. The area was checked and did not find any objects which may have been used to break the window. No witnesses were found.

Vehicle Theft

July 13 5400 block Bryant Street, Maple Plain. Owner returned home, found the side garage service door broken in and his white 2003 Buick LeSabre, license plate 012XAB was stolen.
**July 21st, St. Paul Police Department reported they located the stolen vehicle. The license plates on the vehicle had been removed and replaced with other stolen plates. Owner was notified of his recovered vehicle. Case pending DNA results obtained from the stolen vehicle.

Property Damage

July 13 1200 block Budd Ave., Maple Plain. Attempted theft and damage to multiple storage units. The locks were cut and removed from several units. Cases under investigation.

Burglary

July 15 1800 block Newport Street, Maple Plain. Reported personal property was stolen. Case under investigation.

Medical

July 15 3576 Ihduhapi Trail, Independence. Vinland reported a client may be experiencing excited delirium, was hallucinating, hearing voices and wanted to go to the hospital. North Memorial EMS transported the client to the hospital.

Wire Down /

July 17 5300 block Main Street E. Maple Plain. A semi-truck and trailer hooked the low overhead power lines and snapped the power pole off its base. Power lines were down in multiple locations in the area. The street was shut down for several hours while Xcel responded to repair the lines.

Crash

July 17 Hwy 12/ Main Street, Maple Plain. Veh 1 was stopped in the turn lane for w/b on Main Street from Hwy 12. Driver of Veh 2 was w/b on Hwy 12, admitted to being distracted and rear-ended Veh1. Driver was distracted by looking at fire trucks blocking the road for down wires. Both drivers were wearing seatbelts. Both vehicles were driven from scene.

Illegal Dumping

July 17 5700 block Roberts Rd, Independence. Someone illegally dumped a large amount of broken up concrete which appeared to be from a patio.

Welfare Check

July 17 11:00 p.m. 1500 block Howard Ave, Maple Plain. Reported a male was in the hallway talking loudly and screaming but this was 'normal'. Officer contact with the male who was mildly intoxicated and upset about a friend who was being harassed. Officer advised him to speak with his friend in the morning. The male thanked the Officer for his time and service as a Law Enforcement Officer and returned to his apartment.

Theft

July 20 5300 block Pioneer Creek Dr, Maple Plain. Stolen 10' heavy duty single axle, tilt flatbed trailer with a pintle hitch. License Plate 2864CLT: Frame is a bright blue color. Suspect(s) removed the trailer from the truck, left the pintle hitch pin behind and a bong mouthpiece. Hennepin Co Sheriffs Crime lab responded to process the crime scene. Stolen trailer was entered in NCIC.

Theft

July 20 5300 block Pioneer Creek Drive, Maple Plain. Reported theft from a storage unit of a 1967 Ford ¾ ton pickup truck with MN collector plate: 759797. The vehicle has a red cab with a white top and wooden bed box. Vehicle entered in NCIC. Case under investigation.

Crash

July 21 400 block CR 92, Independence. Veh2 was s/b on CR 92; Driver stated he looked away for a couple seconds and did not see that Veh1 was slowing to turn off the road and rear-ended Veh1. Veh2 ended up in the ditch. Both drivers stated they were not injured and had been wearing their seatbelts. Veh2 driver was cited for Following Too Close and his vehicle was towed from the scene. Veh1 was driven from the scene.

Warrant Pick Up

July 21 3675 Ihduhapi Trail, Independence MN Dept of Corrections filed an Apprehension & Detention Order to pick up their client for violation of his probation sentencing. Lee Anthony Holmes, 48 from Rochester was arrested and transported to Henn Co Jail for MN Dept. of Corrections Felony Warrant, Violation of Probation.

Scam / Fraud

July 23 5200 block Manchester Maple Plain. Caller called resident three times stating he was with the DEA in Texas. He had questions regarding cocaine and credit cards left in a vehicle rented by the resident. The caller wanted to confirm his identity, rule him out and asked for the last four digits of his social security number. Resident gave the info, then realized this was suspicious and hung up. Resident was advised on what to do to protect and monitor his identity and finances.

Property Damage

July 24 9100 block CR 11, Independence. Driver was w/b Co Rd 11, swerved to miss a deer, struck a mailbox and two garbage cans before going into the ditch. Driver was not injured and showed no signs of impairment. Vehicle was towed from the scene. Mailbox owner and Randy's Sanitation were notified of the damage.

Smoke Indoors

July 26 4900 block Drake Street, Maple Plain. MP Fire Dept assisted with a reported 'smoke in the basement' called in by the homeowner. A greyish/white smoke with a heavy smell of electrical was found in the basement. There was no clear evidence showing what caused the smoke. MPFD fanned out the smoke. Resident was advised to not use the dehumidifier and to get her furnace / central air units looked at.

Welfare Check

July 26 3675 Ihduhapi Trl, Independence. Vinland Center client stated he was Bi-Polar and had suicidal thoughts. Client stated he did not have plans but was descriptive on how he would do it. North Memorial arrived and transported him to the hospital.

Electrical Fire

July 26 5200 block Bryantwood Dr, Maple Plain. Reported an electrical fire and Maple Plain Fire was on scene assessing the situation. The renters had drilled a hole near the electrical box and struck a wire which caused a spark and light smoke.

Suspicious Vehicle

July 27 10:22 p.m. 1600 block Pioneer Ave., Maple Plain Caller reported a suspicious vehicle parked next to Maple Plain Public Works building. Contact with the driver who was playing a point spot on the Pokémon game.

Allergic Reaction

July 28 5000 block Perkinsville Rd, Independence. 15-year-old male was transported to the hospital by ambulance for an allergic reaction from bee stings and had difficulty breathing.

Personal Injury Crash

July 29 3100 block CR 92 N, Independence. Reported a vehicle in the ditch appeared to be starting on fire. Upon officer arrival the vehicle was fully engulfed in flames. Delano Fire responded and extinguished the fire. The 17-year-old male driver from Cokato, stated he was s/b on CR 92, looked down for a second and his vehicle left the roadway at the curve, hit a driveway culvert, crossed over the driveway, and struck a tree. North Memorial EMS arrived and took over driver care as he had injuries.

Welfare Check

July 30 1500 block Howard Ave Maple Plain. Caller requested a welfare check on an employee who did not show up for work last night and that was odd. Officer contact with the employee who was not feeling well. No problems found.

Shooting Complaint

July 30 7:40 p.m. 150 block McCulley Rd, Independence. Dispatched to a complaint of people shooting hundreds of rounds of ammo. Property owner was advised of the complaint. And stated they would be wrapping up shooting for the day.

232 contacts of citations, verbal and written warnings were issued for traffic and equipment violations
8 citations for 'hands-free'

City of Independence

Klaers Drive Improvement Project

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: August 18, 2020

Summary:

The City has been working with the residents living on Klaers Drive to develop solutions to address the perennial maintenance issues associated with the road. The road is a minimal maintenance road that was not built to City standards. A large section of the road is located in Greenfield; however, no Greenfield residents live on the road.

The City has prepared a plan to tile the road and establish working ditches on both the north and south side. These improvements are intended to reduce annual maintenance and keep the road in a passable and working conditioning through the spring and fall seasons.



The City has discussed the proposed project with residents and offered to complete the ditch work (grading and seeding) and resurface the top of the road following the drain tile installation. The residents have agreed to pay for the cost of the drain tile installation. It was estimated that the cost of the tiling would be \$7,500. There are four properties located on Klaers Drive. The properties included are as follows:

- 4915 Klaers Drive
- 4985 Klaers Drive
- 5215 Klaers Drive
- 5210 Klaers Drive

Staff has prepared a Petition and Waiver of Objection to Special Assessment for Installation of Drain Tile in Klaers Drive for each of the properties included in the area. All three properties owners (Vanbeuekoms own two properties) have approved and signed the agreement. Due to Covid, staff is in the process of obtaining notarized signatures which is a bit more complicated at this time.

City Council Direction:

Council is being asked to consider approval of the City commencing the project and acceptance of the four Petition and Waiver of Objection to Special Assessment for Installation of Drain Tile in Klaers Drive.

Attachments: Signed Petition and Waiver of Objection to Special Assessment for Installation of Drain Tile in Klaers Drive

City of Independence

Request to Use Pioneer Park for Cross Country Meet

To: City Council
From: Mark Kaltsas, Administrator
Meeting Date: August 18, 2020

Summary:

The City has been approached by the Cross-Country Coach for the Wayzata High School team (Independence Resident) about the possibility of holding meets at Pioneer Creek Park this fall. They have visited the park and determined that they could create a course that would accommodate their needs throughout the park. The City has not received all details for the request, but understands that the following would occur:

- Meets held on Friday and Saturday.
- Races would occur one at a time based on various competition levels. Races would be spaced so that only one group would be at the park at a time.
- No spectators would be permitted at the races.

Staff would like to have a general discussion with Council prior to entertaining the request in any further detail. Issues that staff has considered include:

- Could portions of the park (frisbee golf course, playground) remain open to the public during the meets.
- Cost for park rental (currently \$300 per day).
- Hours of use.
- Number of participants during the events.
- Parking and drop off logistics.

City Council Direction:

Staff is seeking direction from the Council relating to the request. Staff could administratively approve a permit for use of the park pending submittal and understanding of additional details.