



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY FEBRUARY 19, 2019

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 February 5, 2019 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18627-18655 (checks numbered 18625 and 18626 were voided).
- c. Authorization to Advertise for the Position of Public Works Director.

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. Director Gary Kroells, West Hennepin Public Safety:

- a. Activity Report for the Months of December 2018 and January 2019.
- b. Discussion relating to amendment to Chapter 13 Motor Vehicles and Other Vehicles relating to enhanced procedures and criteria for vehicle weight restrictions on City
 - i. **ORDINANCE 2019-01** – Amending Chapter 13 Traffic Motor Vehicles and Other Vehicles, Section 1305, Road Restrictions.

8. Open/Misc.

9. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, FEBRUARY 5, 2019 –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.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Spencer, Grotting, Betts and McCoy

ABSENT: None

STAFF: City Administrator Kaltsas, City Administrative Assistant Horner, City Attorney Vose

VISITORS: Phil Saterbo, Christy Saterbo, Jim Ostvig, Anita Volkenant, Branden Lewis, Kathleen Blatz, Kati Johnston, Bob Volkenant, Patty Napier, Lynda Franklin, Karyn O'Brien

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 January 15, 2019 Regular City Council Meeting.
- b. Approval of City Council minutes From the January 10, 2019 City Council Workshop.
- c. Approval of Accounts Payable; Checks Numbered 18571-18624.
- d. Approve Purchase of New 800 MHZ Radios in Accordance with Capital Improvement Plan.
- e. Annual Liquor License Renewals for:
 - i. Ox Yolk Inn
 - ii. Windsong Golf Club
 - iii. Pioneer Creek Golf Club
- f. **RESOLUTION 19-0205-01** - Authorizing City Membership in the 4M Fund.
- g. **RESOLUTION 19-0205-02** - Approving the Pay Equity Report for the City.
- h. Consideration of Approving Settlement Agreement Relating to the Property Located at 5835 Drake Drive.

Johnson said the two resolutions should be pulled for separate motions to be made for those items.

**Motion by McCoy, second by Grotting to approve items a.-e. and item h. from the Consent Agenda.
Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION
DECLARED CARRIED.**

Motion by Spencer, second by Grotting to approve RESOLUTION 19-0205-01 - Authorizing City Membership in the 4M Fund. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Motion by Spencer, second by Betts to RESOLUTION 19-0205-02 - Approving the Pay Equity Report for the City. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

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:

- Planning Commission Meeting
- Maple Plain Fire Department Retirement Celebration
- League of Minnesota Cities Experienced Officials Conference

Grotting attended the following meetings:

- Maple Plain Fire Department Retirement Celebration
- Sensible Land Use Coalition Real Estate Update

McCoy attended the following meetings: (whole month)

- Planning Commission Meeting/ 2040 Comp Plan
- City Council Workshop
- Maple Plain Fire Department Retirement Celebration
- Roger Myers funeral

Betts attended the following meetings:

- Police Commission Meeting
- League of Minnesota Cities Experienced Officials Conference

Johnson attended the following meetings:

- Planning Commission Meeting
- Conference Call on infrastructure financing with National League of Cities
- Orono Healthy Youth Meeting
- Community Action Partnership Hennepin County Board Meeting
- Land Use Advisory Committee Meeting
- Maple Plain Fire Department Retirement Celebration
- Representative McDonald and Senators Osmek and Representative Hertaus dinner
- Sensible Land Use Committee Meeting
- Roger Myers funeral
- League of Minnesota Cities Experienced Officials Conference
- Ribbon Cutting at Orono Activity Center
- Police Commission Meeting

Horner attended the following meetings:

- Planning Commission Meeting
- Met with Orono Westonka Soccer Club
- Met with Insurance Broker

Kaltsas attended the following meetings:

- None
7. Kati Johnston (Applicant) and Kathleen Theissen (Owner) request that the City consider the following actions for the property located at 3035 Lake Sarah Road, Independence, MN (PID No. 16-118-24-11-0001):
- a. **RESOLUTION 19-0205-03** – Considering approval of a conditional use permit allowing the following:
 - i. A commercial riding stable.
 - ii. An accessory building which is greater than 5,000 square feet.

Kaltsas said the Applicant approached the City about purchasing the subject property and continuing to operate the existing commercial riding stable. The existing horse farm was granted a conditional use in 1979 to operate a commercial riding stable for 38 horses on the subject property. One of the conditions attached to the CUP stated, “A permit is granted to the person & expires when the property is under new management or ownership”. The City reviewed the conditions with the potential buyer and noted that the best way to proceed was to seek a new conditional use permit to operate the facility on the property. It was also noted that there was an existing bunkhouse historically used on the property for a care taker quarters that was not specifically permitted in the 1979 CUP approval. In addition to taking over operations of the existing commercial riding stable, the applicant noted that they would like to construct a covered (not enclosed) riding arena over the existing outdoor arena. A conditional use permit would be required as a result of the proposed structure being larger than 5,000 square feet. zoned Agriculture. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The existing CUP granted approval for 38 horses on the property based on the notion that they had approximately 39 gross acres. The subject property is comprised of approximately 39 acres including the cart way easement which provides access to this property and future access to the adjacent properties to the north and east. Of the 39 acres, approximately 36 acres is useable upland based on the national wetland inventory. Applying the City’s typical standard, the site would accommodate 38 animals using the gross acreage or 35 animals using the upland acreage.

The City has historically required that the applicants maintain a manure management plan, maintain all applicable permits relating to the management of manure on the property and maintain 1/3 acre of open pasture per animal unit. In December 2018, City Council adopted a Manure Management Policy for the City. The policy provides regulations relating to the management of manure associated with commercial horse operations in the City. This property would be subject to the new Manure Management Policy. The subject property is wooded along the north property line and has a small wetland in the southwest corner. There are approximately 16 acres of open pasture without the removal of existing woodlands. The open pasture areas on this property in the existing condition would accommodate 48 horses using the City’s standard of 1/3 acre per horse which is more than the number that would be permitted. The applicant noted that the horses are not dependent on pasture grazing as all horses are boarded inside the stall barn and receive hay and feed supplements.

The proposed commercial boarding stable would have the additional following characteristics:

NOTE: Applicants narrative attached to this report may have several discrepancies from the report. The information in this report is the most current information and should be considered.

1. The existing horse barn/indoor riding arena is generally one-story with a hay loft, 19,500 SF in size and has a total of 44 stalls.
2. The proposed covered riding arena would be 22,000 sf and would not be fully enclosed. The proposed structure would essentially cover the existing outdoor arena.
3. One additional detached accessory building (approximately 4,000 sf) is proposed to be constructed on the south side of the property.
4. There is an existing 1-bedroom bunkhouse in the existing detached garage. The applicant is proposing to raze the existing detached garage and construct a new garage and bunkhouse in the same location (exact location may be adjusted slightly to accommodate existing conditions).
5. There are currently 3 full time and 3 part time employees.
6. There are currently 38 horses on the subject property and the applicant is proposing to maintain a maximum of 38 horses boarded on the property at any time.
7. The Applicant would have regular deliveries of shavings which typically come via a single-axel truck weekly or less.
8. There is a total of 3 ferriers that come to the site to shoe the horses on a regular basis. This results in approximately one visit per week.
9. There would be regular weekly garbage service to the property.
10. Manure is proposed to be collected on-site and stored in a new concrete manure enclosure. The manure would be hauled off site on a monthly basis.
11. Hay is delivered to the property once per month in the winter and once per every two months in the summer.
12. The applicant noted that there are typically no more than 5-10 guests coming to the property at any given time and usually less. The current conditional use permit allows for no more than 2 events per year.
13. The Applicant has put together a sketch of the existing and proposed conditions.

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

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city from 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 conditional 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 operation of the proposed commercial riding stable with the applicant. The following considerations should be noted by the City:
 - This property has historically been operated as a commercial riding stable.
 - The proposed continued use as a commercial riding stable generally fits into the character of the surrounding area and is in keeping with the City's Comprehensive Land Use Plan.
 - Any new building constructed on this site will be subject applicable building codes, applicable setbacks as well as to any additional approvals from the Pioneer Sarah Creek Watershed Management Commissions.
 - All existing and proposed building lighting will need to fully comply with the City's applicable light standards including being full cut-off type lighting. The City will work with the applicant to obtain the cut sheets and detailed plan for all proposed lighting. The City typically reviews building and site lighting during the building permit review process.
 - The existing home on the property is served by an on-site septic system. The system was replaced in 2018 and is fully compliant. The system does accommodate the existing bunkhouse.
 - The applicant shall fully comply with the City's recently adopted Manure Management Policy. This will include maintaining the prescribed buffer from the existing wetland located in the southwest corner of the property and constructing a new manure containment area.

Given the location of the property, the orientation of the buildings and their relationship to the surrounding properties and the existing use of the property as a commercial riding stable, it appears that the proposed application can be found to meet the requirements for granting a conditional use permit to allow a commercial riding stable. The City received several comments pertaining to the proposed application at the public hearing. The following comments were provided to the City:

1. A question was asked on whether the new CUP would expire if the property were sold or business transferred? It was noted that the City can no longer apply time limits to conditional use permits due to statutory rights of CUP holders. The City could consider changing how it processes CUP's for commercial riding stables in the future.

2. A question was asked relating to lighting and whether additional lighting was going to be added to the property. It was noted that the City has current standards in place and that all existing and proposed lighting would need to be brought into compliance with applicable standards. The applicant noted that they are not intended to add any additional site lighting to the premises.
3. A question was asked about artificial or amplified sounds. It was noted that the City has an ordinance which regulates sound. The applicant noted that they do not have any plans for amplified sound on the property.
4. A question was asked about the proposed detached accessory structure on the south side of the property and whether it could be moved to a different location and or screened. It was noted that the structure needed to be setback a minimum of 15 feet from the property line and the proposed structure is currently shown with a setback of approximately 100 feet.
5. A question was asked relating to signage. It was noted that the City has signage allowances for properties zoned agriculture and that any proposed signage would be required to meet applicable standards. Planning Commissioners discussed the request for a conditional use permit and asked questions of staff and the applicant. Commissioners commented on the new Manure Management Policy and how it delineates and provides direction on many of the concerns that are usually expressed during the review of commercial riding stables. Commissioners noted the historic use of the property as a commercial riding stable and that the proposed use is essentially a continuation of that use. Commissioners found that the application for a commercial riding stable met the criteria for granting a conditional use permit and recommended approval to the City Council with the findings and conditions stated within this report.

The Planning Commission recommended approval to the City Council of the request for a conditional use permit with the following findings and conditions:

1. The proposed conditional use permit requests meet all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. The conditional use permit will include the following 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. Any new signage shall comply with all applicable standards of the City's ordinance and require a sign permit.
 - c. All existing and proposed lighting shall be brought into compliance and fully meet applicable City lighting standards.
 - d. No more than 38 horses shall be boarded on the property.
 - e. The applicant and facility must operate in compliance with the City of Independence Manure Management Policy.
 - f. The hours of operation are: 7:00 am – 10:00 pm.
 - g. No parking shall be permitted on public roadways.

h. Two (2), one day, horse related events will be permitted per year and shall comply with the following provisions:

- o The horse related events shall occur during the permitted hours of operation.
- o No more than 50 participants shall be permitted at each event.

i. No renting of hack horses shall be permitted.

j. No riding on adjacent private land unless authorized by owners.

k. Must utilize appropriate management practices to control flies and odor.

3. No future expansion of the existing barn, proposed detached garage, proposed covered riding arena and proposed detached accessory structure shall be permitted on the property 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.

5. City Council approval of the conditional use permit is subject to the following:

a. If applicable, the applicant shall obtain all requisite approvals from the Pioneer Sarah Watershed Management Commission for the proposed site work and disturbance.

b. The applicant shall provide the City with information and details pertaining to any and all building and site lighting. All lighting will be required to comply with the City's applicable lighting standards.

6. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Motion by Spencer, second by Grotting to approve RESOLUTION 19-0205-03 – Considering approval of a conditional use permit allowing the following: i. A commercial riding stable. ii. An accessory building which is greater than 5,000 square feet. for the property located at 3035 Lake Sarah Road, Independence, MN (PID No. 16-118-24-11-0001). Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. Verizon Wireless (Applicant) and Wesley Bendickson (Owner) request that the City consider the following actions for the property located at 6705 State Highway 12, Independence, MN (PID No. 22-118-24-44-0001):

- a) RESOLUTION 19-0205-04 – Considering approval of a Conditional Use Permit to allow a new 159' tall telecommunications tower on the subject property.

Kaltsas said Verizon Wireless has submitted an application to the City asking for approval to construct a wireless telecommunications tower on the property adjacent to the property that was considered for a similar request in 2015. The subject property is owned by the same owner that owned the property considered in 2015. At that time the City found that the proposed tower did not meet the criteria for granting approval due to the tower and associated base equipment not being adequately screened from the views of surrounding

residential property. The Planning Commission recommended approval of the tower subject to the applicant moving the tower further to the south (approximately 1,000 feet) on the adjacent property to aid in screening and reduce impacts on the surrounding properties. Ultimately, the application was withdrawn by the applicant and no further action was taken by the City Council. The applicant has now made a new application to the City seeking a conditional use permit and site plan approval to allow a new telecommunications tower and associated ground equipment to be located on the property that is essentially adjacent to the property previously considered by the City. The City has criteria relating to the location (setbacks), site improvements and landscaping for new telecommunications tower development. The proposed tower is a monopole type structure proposed to be 159 feet in height (to the tip of the highest antenna, pole is 150'). The required setback from the property line is equal to the height of the tower. The maximum height allowed for a telecommunications tower is 185 feet. For a tower that is 159' tall, the tower may be located no closer than 159 feet from any property line. The proposed tower location meets the requisite setbacks from the nearest property line (see attached site plan). The applicant is proposing to construct a gravel access drive to the proposed site from the existing driveway that provides access to the 6705 Highway 12 property. The proposed location on the property is currently farmed. The applicant is proposing to provide ground mounted base equipment associated with the tower. The equipment would be located within a fenced area comprised of approximately 1350 SF. A free-standing generator would be located within this area and not inside of a building. This is a departure from the last plan presented to the City in which all equipment was located within a fully enclosed structure. In addition to the ground mounted equipment, a new electric transformer would need to be installed on the property. provided in the ordinance are as follows:

- (a) To regulate the location of telecommunication towers and facilities;*
- (b) To protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;*
- (c) To minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;*
- (d) To promote and encourage shared use and co-location of telecommunication towers and antenna support structures;*
- (e) To avoid damage to adjacent properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;*
- (f) To ensure that telecommunication towers and facilities are compatible with surrounding land uses;*
- (g) To facilitate the provision of wireless telecommunications services to the residents and businesses of the city in an orderly fashion.*

There are several factors that should be considered relating to the conditional use permit and site plan approval. The following issues should be noted by the City:

1. The City requires that all towers and associated structures accessory to the tower must be of stealth design, landscaped and or screened and blend into the surrounding environment.

“Stealth” means designed to blend into the surrounding environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to appear other than as a tower, such as light poles, power poles, and trees.

Subd. 8. Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet setback requirements that are compatible with the actual placement of the tower.

Ground mounted equipment must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood.

Subd. 11. Design. Towers must be of stealth design as approved in the site plan unless the city determines that such design is infeasible due to the lack of comparable vertical structures in the vicinity of the proposed site.

The proposed tower is a monopole type tower with the low-profile antennas integrated with the tower rather than “hanging” off of the tower. This design appears to be different than other towers located in the City in that it is more streamlined. The ground mounted equipment is proposed to be located within a fenced area. The proposed fence is 10 feet in height and of an opaque composite fence design. The City will need to determine if the proposed tower is of a stealth type design.

1. The City requires towers to be of stealth design and further defines stealth as “towers designed to appear other than a tower, such as light poles, power poles and trees”. Staff is seeking additional direction from Planning Commissioners relating to the design of the tower.
2. The proposed tower is located on a property that is currently zoned AG-Agriculture but guided by the City’s Comprehensive Plan as future CLI – Commercial/Light Industrial. Locating a tower on commercial property will likely be more advantageous than locating the tower on a residential property. The location of the proposed tower on the subject site is largely a result of the setback requirement (towers must be setback a distance equal to or greater than the height of the tower). It was noted that this location in the middle of the subject property may hinder the future developability of the property and does not offer much ability to successfully screen the base of the tower. It was further noted that the tower could be moved further to the east (~30 feet without a variance and further with a variance) and south to allow future development and to better screen the tower from visibility. The applicant has stated that they would rather not move the proposed location of the tower.
3. The applicant has provided the City with verification of the need for the proposed tower (see attached letter and coverage map).
4. The City requires all towers to be able to accommodate colocation. The applicant has provided a letter from an engineer verifying that the proposed tower can accommodate additional antennas on this tower. In addition, the proposed tower elevations show the potential locations for colocation along with a lease area that appears to be suitable for accommodating additional providers.
5. The applicant is proposing to screen the ground mounted tower base equipment utilizing a 10-foottall, composite, opaque fence and eleven (11) 6-foot-tall evergreen trees around the north and east sides of the proposed site. While the proposed fence and associated landscaping will provide a visual barrier from Highway 12 to the proposed ground mounted equipment, the proposed screening could be vastly improved by installing a more complex and complete landscape and berming plan. The City recommends that the applicant provide a combination of an earthen berm and a more diverse and dense landscape screening plan around the north, east and west sides of the proposed tower base. This plan would need to be revised and resubmitted to the City. The City is anticipating that the applicant will resubmit a plan prior to City Council consideration but did not have the plan at the time this report was prepared.

6. The applicant has provided the City with a lighting fixture cut sheet for the proposed building lighting. All lighting will need to comply with the City's lighting ordinance. The proposed light does not appear to meet the cut-off requirements of the City as the light source appears to angle outwards from the head. Staff will work with the applicant to specify a compliant light fixture. The location of the proposed lights are noted on the building plans.

7. The applicant has provided the City with a copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed.

8. The City received correspondence from the Pioneer Sarah Creek Watershed Commission that is has reviewed and approved the proposed site improvements associated with the telecommunications tower. A request for a Conditional Use Permit must meet the requirements established for granting a Conditional Use Permit in the City's Zoning Ordinance. The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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

The proposed telecommunications tower and associated ground mounted equipment is similar to those located within the City. The proposed site improvements will help to screen the new equipment required to support the antennas on the tower. Landscaping will further mitigate the impacts of the proposed equipment and building. It should be noted that the adjacent properties to the north (across Highway 12) east, south and west are guided for Commercial/Light Industrial by the City's 2030 Comprehensive Plan

and Draft 2040 Comprehensive Plan. The proposed location in an area of the City that is guided for commercial development appears to be less impactful than if located in or adjacent to an area that was guided for or zoned residential. The tower will likely be visible from residential properties to the west and possible to the east. The closest existing residential structure that is zoned and guided for residential is approximately 1,450 feet from the base of the tower. There is a rental residential property located on the adjacent property to the east.

The applicant has provided several photo simulations that attempt to demonstrate views of the tower from several adjacent vantage points. The photo simulations show both the existing and proposed conditions from the designated vantage points. Staff has reviewed the photo simulations and noted that the base screening and landscaping is shown in a fully mature form and is not representative of the screening at the time the tower would be constructed.

In the AG-Agriculture zoning district, telecommunication towers are permitted as a conditional use. Resulting traffic, noise, and other measurable impacts (other than the height of the tower) should not be incrementally amplified as a result of the proposed telecommunications tower and associated base site improvements. The City will need to determine if the requested conditional use permit and site plan meet all of the aforementioned conditions and restrictions as well as the criteria for granting a conditional use permit and approving a wireless communications tower. The City received several comments pertaining to the proposed application at the public hearing. The following comments were provided to the City:

1. A question was asked regarding why the tower was not located on City property. It was noted that the City was working on a potential tower site on City property several years ago and was ultimately notified by Verizon that they were no longer going to pursue the City property...no reason was provided at that time. It was additionally noted that the City cannot prohibit towers on all other property but City property.
2. It was noted that the applicant did not reach out to any property owners regarding the proposed tower prior to notification of the public hearing being provided by the City.
3. A resident stated that they were concerned with the proposed location of the tower, the lack of screening and the visibility from their property. It was further stated that they did not believe that the proposed site was the best location within the City for a new wireless communications tower.
4. A resident stated that they were in favor of the tower and believed that the City needed to have another tower to improve service in the area. Planning Commissioners discussed the request for a conditional use permit and asked questions of staff and the applicant.

Commissioners commented that they had reviewed the location of the other towers in the area and their distance/relationship to surrounding residential properties. Commissioners noted that this tower appeared to have a better design aesthetic than the other towers in the area. Commissioners asked if the location of the tower on the property was going to be detrimental to the future development of the property. It was noted that the proposed location would likely impact future development in some manner. It was discussed whether or not the tower could be located closer to the east property line to aid in screening and to allow for the highest redevelopment potential of the property. The applicant has noted that they reviewed moving the tower and are not interested in moving the tower further east at this time.

Commissioners asked if there was going to be a light on the top of the tower. The applicant noted that they would comply with the FCC regulation regarding lights. At this time, the tower is not proposed to have a light. Commissioners discussed the proposed screening and landscaping and recommended that the

applicant work with the City to develop a more robust and better screen utilizing an earthen berm and additional and more mature landscaping. Planning Commissioners found that the proposed tower met the criteria for granting a conditional use permit and recommended approval to the City Council with the conditions and findings stated within this report.

Recommendation:

Planning Commissioners recommended approval to the City Council of the request for a conditional use permit and site plan approval with the following findings and conditions:

1. The proposed conditional use permit and site plan review meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. This conditional use permit will approve a monopole tower with a maximum height of 159 feet and the associated site improvements, ground mounted equipment and landscaping as indicated on the approved site plans and attached hereto as **Exhibit B**. The ground equipment and antennas shall be installed in accordance with the approved site plans and tower elevations.
4. The conditional use permit shall allow six (6) antennas to be located on the proposed tower.
5. Any expansion of the existing ground equipment, buildings or antenna will be subject to the City's review and an amendment to the conditional use permit.
6. The City can administratively approve replacement of existing antennas as long as the size and location are consistent with the existing equipment. Any expansion or increase to the size or area of the existing antennas or similar mounted transmission equipment, ground equipment, buildings or number of antennas will be subject to the City's review and require an amendment to the conditional use permit.
7. City Council approval of the Conditional Use Permit and Site Plan is subject to the Applicant completing the following items:
 - a. Completion of all comments and conditions made by the Planning Commission during their review of the Conditional Use Permit and Site Plan and including the following:
 - Revision to the landscape and screening plan to include an earthen berm and more diverse and dense landscape screening plan.
 - Moving the tower to the east ~30 feet to allow future development on the property.
8. The applicant shall pay for all fees associated with the City's processing and review of the Conditional Use Permit and Site Plan Review.

Betts asked what the size of the tower would be, and would it affect airplanes. Kaltsas said it would be 159 feet. Vose said they would have to comply with the FAA and noted lighting would be addressed.

Johnson asked if traffic would be a concern as far as maintaining this site. Kaltsas said it would be very limited based on other sites.

McCoy asked about the windmill already out by this site and the height of this in comparison. Kaltsas said this tower will sit lower but is taller so the difference will be about 40-50 feet.

Grotting noted Independence has a real internet connectivity problem and wondered if this tower would help in anyway. Kaltsas said it would increase data coverage but could not answer connectivity question. Grotting stated this new proposal was an updated design and asked if there was any merit to reforest around the tower. Kaltsas said anything to bolster the base would be better. Spencer asked if the screening to the West could be better. Spencer said the screening to the East would be a lesser concern as that is the commercial side, but the West would be more critical as it is a view residents would see and is a primary concern. Kaltsas said the proposed plan could be bolstered and improved. Grotting asked if there was a way to address aesthetics. Kaltsas said they could add a few more layers to the landscaping plan. McCoy asked if it could be moved more East to provide area for more berm to the West. O'Brien (with Verizon) said instead of moving the tower it would probably make more sense to provide more screening to the West.

Motion by Grotting, second by McCoy to table RESOLUTION 19-0205-04 – Considering approval of a Conditional Use Permit to allow a new 159' tall telecommunications tower with amended item 8 (a) referencing the 30' relocation and revising all site landscaping plans on the subject property located at 6705 State Highway 12, Independence, MN (PID No. 22-118-24-44-0001) until further review and edited content. Ayes: Spencer, Betts, Johnson, McCoy and Grotting.

Verbal agreement with the Applicant to allow if necessary to provide written notice of extension of time for action for RESOLUTION 19-0205-04.

Motion by Spencer, second by Betts to table RESOLUTION 19-0205-04 until the next meeting. Ayes: Spencer, Betts, Johnson, McCoy and Grotting.

9. Adoption of 2019 Fee Schedule.

a. RESOLUTION 19-0205-05

Motion by Spencer, second by McCoy to approve RESOLUTION 19-0205-05– Adoption of 2019 Fee Schedule. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

10. Consider Revocation of Conditional Use Permits No Longer in Use or Required Due to Rezoning or Not in Compliance with Applicable Conditions of Approval.

a. RESOLUTION 19-0205-06

Kaltsas noted the list includes those that do not want the CUP anymore as they are inactive or not applicable and those that have been revoked. Saterbo requested that his CUP for a dog kennel be moved from revoked to inactive.

Motion by Johnson, second by Spencer to approve RESOLUTION 19-0205-06 after deleting Phillip Saterbo's name from the list– Revocation of Conditional Use Permits No Longer in Use or Required Due to Rezoning or Not in Compliance with Applicable Conditions of Approval. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

11. Open/Misc.

Spencer thanked Staff for cleaning up the CUP list.

12. Adjourn.

Motion by Spencer, second by McCoy to adjourn at 8:10.

Respectfully Submitted,

Trish Gronstal/ Recording Secretary

DRAFT

City of Independence

Approval of Advertisement for Public Works Director

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: February 19, 2019

Discussion:

The City's Public Works Director is retiring at the end of June 2019. The City Council has discussed replacing the current Director with the same position. In the fall of 2018, the City had our human resource consultant review the job description and conduct a salary study. This information was discussed at our fall Council Workshop. The City's Personnel Committee met this week to review the job description, minimum job requirements and related starting salary range. The Personnel Committee made minor changes to the job description and minimum requirements. Based on the minor changes, the Personnel Committee recommends advertising for a new Public Works Director.

The City has prepared an updated job description as well as job advertisement. It is anticipated that the City would allow approximately 4 weeks for applicants to apply for the position. Following the receipt of applications, the City will score the applicants and conduct interviews of the top candidates.

The City would offer a starting salary ranging from \$64,667 - \$81,931 depending on qualifications. Criteria for general experience, supervisory experience and other qualifications are further detailed in the job description attached hereto.

Council Recommendation:

City Council is asked to consider approving the advertisement for a new Public Works Director

Attachments: Job Advertisement – Public Works Director
Job Description – Public Works Director



PUBLIC WORKS DIRECTOR POSITION: CITY OF INDEPENDENCE. The City of Independence, MN (pop. est. 3,740) is seeking a Full-time Public Works Director. This position has the responsibility to manage the daily operations of the City's public works and utilities consisting of streets and parks, wastewater collection & treatment, and other city-owned public works/utilities. Responsibilities also include routine and as-needed maintenance and repair activities to all City equipment and infrastructure. The position will aid in the preparation of the department's budget, capital improvement plans, and equipment replacement plans; makes budget-approved purchases and handles associated recordkeeping. Hires, trains, directs and evaluates subordinate staff. Starting Salary Range: \$64,667 to \$81,931 plus excellent benefits.

The City of Independence will be accepting applications until 12:00 pm, on Friday, March 22, 2019 at 1920 County Road 90, Independence, MN 55359; email bhorner@ci.independence.mn.us. Application, job notice, and job description are available on City of Independence website. www.ci.independence.mn.us or by calling city hall at (763) 479-0527.

Independence City Council

JOB DESCRIPTION

I. IDENTIFYING INFORMATION

POSITION TITLE: Public Works Director	DEPARTMENT: Public Works	WORK STATUS: Full-time
SUPERVISOR: City Administrator	LOCATION: Municipal Public Works Building or City Hall	WORK HOURS: Per Supervisor
	FLSA STATUS: Nonexempt	

II. ORGANIZATIONAL RELATIONSHIPS

Reports to: City Administrator

Coordinates work with: Other City departments including joint powers police department

Works Closely with: City office staff, City Engineer, West Hennepin Public Safety

Communicates with:

Internally- All city employees

Externally- Other municipal public works, maintenance, and utility employees; relevant county/state/federal staff; engineering, planning, operations, and other consultants and contractors, developers/contractors; vendors/suppliers; local business and community organizations; and city residents and utility customers.

Supervises: All departmental employees including any part-time and seasonal employees

III. DELEGATION OF AUTHORITY

Under the City Administrator's oversight, this position has the authority to manage the daily operations of the City's public works and utilities, including those that require licenses/certifications. Responsibilities also include routine and as-needed maintenance and repair activities. Other authority, based on particular projects and issues, may be delegated by the City Council through the Administrator. The employee prepares and recommends the department's budget, capital improvement plans, and equipment replacement plans; makes budget-approved purchases and handles associated recordkeeping. The position may be directed to track and conduct appropriate follow-up on Council directives and as directed by the Supervisor. (The incumbent has the authority to decisively respond to urgent and emergency situations in accordance with City policies/guidelines and generally-accepted standards and practices. The incumbent does not have authority to manage other City departments or supervise fellow department heads or their employees.)

IV. PURPOSE

Serves as a department head with primary responsibility to manage assigned City Department consisting of streets and parks, wastewater collection & treatment, and other city-owned public works/utilities. Performs executive and administrative work as well as field supervisory duties, including participation in production work. This position is the key contact for City-owned infrastructure and provides detailed local knowledge, input/feedback, oversight, and assistance to the City's consultants and contractors to help ensure resources are effectively and efficiently managed. Works regularly-scheduled hours, serves on-call during off-hours, and responds to urgent & emergency situations IAW City requirements.

V. ESSENTIAL FUNCTIONS

This section states the position's major areas of accountability, priorities/key responsibilities and recurring duties. All are essential. The list of recurring duties is not exhaustive. All duties and tasks that can be logically inferred are not specified. Other accountabilities, responsibilities, as well as particular duties and tasks, may be assigned.

<u>Major Areas of Accountability</u>	<u>Priorities/Key Responsibilities</u>
DAILY OPERATIONS ADMINISTRATIVE TASKS	OMR of Assigned Public Works and Utilities/Equipment Maintenance/ Parks Maintenance/Emergency Response
PLANNING & PROJECTS	Planning/Budgeting/Purchasing/Vendors/Suppliers/ Recordkeeping/Reporting/Policies & Procedures
OUTSIDE COMMUNICATIONS/PUBLIC RELATIONS	Project Management/Engineer Support/Technical Expertise/ Contractor Oversight/Field Supervision/Long-term Planning
COORDINATION WITH OTHER DEPARTMENTS	City Representation & Liaison/Intergovernmental Relations/ Utility Customer Relations/Public Relations
	Shared Responsibilities/City-wide projects events activities

Daily Operations

- Develops and executes a plan for the maintenance and repair of assigned public works and utilities, overseeing work and regularly performing field supervisory and actual production work with subordinate employees.
 - Maintains city paved streets, rights-of-way, and gravel roads: fills potholes, plows snow, grades roads and uses dust control on appropriate surfaces; sweeps streets; mows assigned road-sides or right-of-ways; and cleans storm sewers & culverts.
 - Oversees operation of City's wastewater and water facilities through supervision and direction of operator position, including participation in work as needed.
 - Maintains parks and parks areas by mowing and controlling weeds.
- Performs or coordinates the maintenance and repair of departmental tools, machines, and equipment. Secures and uses dealers and repair services as needed.
- Performs regular safety inspections and checks; notes deficiencies on log and determines appropriate corrective actions; and makes Gopher State One calls as requested.
- Monitors and evaluates processes to determine areas to improve effectiveness and efficiency.
- Prioritizes, assigns and directs the work of seasonal/temporary employees. May assist Supervisor in hiring process and other supervisory duties.

Administrative Tasks

- Daily monitors, manipulates and controls the systems, processes, and activities for assigned department in compliance with state and federal laws/rules/regulations and according to City policies/guidelines; prepares and maintains complete and accurate records; and ensures required reports are completed and submitted, in a timely manner, to appropriate agency.
- Regularly informs Supervisor and the City Council about the department's operations, projects, and activities; recommends, to Supervisor, any new and revised policies, implementing them after approval; and carries out assigned Council directives under Administrator's oversight. Prepares monthly status/activity reports and attends meetings, regularly and as directed.
- Initiates preparation of department's draft operating and capital budgets and recommends same to Administrator and City Council; makes routine and emergency purchases; tracks and codes expenses, working closely with accounting clerk; and monitors inventory & supplies. Notifies Supervisor of actions taken after urgent or emergency situations.

Planning & Projects

- Participates in the City's planning process for, and makes recommendations on, capital improvement and equipment replacement decisions; keeps informed of relevant industry changes and conducts research and analysis as needed/directed; makes additional recommendations to the Council about anticipated growth and direction for City's infrastructure, and carries out Council-approved plans, projects, and initiatives.
- Provides technical expertise and local knowledge in representing the City on projects; assists in the effective completion of work and efficient use of resources and works closely with City Engineer and other consultants & contractors.
- May assist Supervisor and Council in preparing and administering RFPs and bid requests. Provides input on contractor & consultant performance as requested.

Outside Communications/Public Relations

- Represents City before various outside entities: establishes and maintains relationships with a wide variety of individuals and groups; interacts with appropriate civic and community organizations and activities; informs Administrator, the Mayor, and/or the City Council of significant public relations concerns and issues depending on the nature of the situation.
- Engages and interacts with peers and colleagues in all levels of government to share information, discern issues and concerns, and improve operations of assigned department.
- Responds to utility customers' questions, concerns, and problems. Refers difficult issues to Supervisor and regularly updates city hall staff on this important area.

Coordination with Other City Departments

Areas of coordination include: community events, public works projects, utility service interruptions, budgeting, utility billing, and purchasing

- Works closely with city hall staff to coordinate work, provide updates, and receive input or direction such as work order requests.
- Coordinates work with other department heads by sharing information, actively seeking input/feedback and providing the same, and informing elected and appointed officials about important city-wide issues and concerns.

VI. OTHER DUTIES

- Performs other related duties as assigned or apparent.

VII. REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

This section contains the knowledge base, skill set and abilities that are essential to the incumbent's successful performance of the position.

<u>Knowledge of;</u>	<u>Skill in;</u>	<u>Ability to;</u>
<ul style="list-style-type: none"> • relevant laws, rules and regulations • City and department policies and procedures • City agreements and contracts • City's and Department's organizational structure and operations, projects and activities • each major area of accountability • City's infra- and super-structure including proper operation, maintenance, and repair practices • process control and improvement • project & construction management • community/economic development process & activities 	<ul style="list-style-type: none"> • providing/presenting reliable information and sound advice to decision makers • gathering relevant data and making independent decisions, oftentimes with imperfect information • taking quick and decisive action when the situation warrants it • using an appropriate degree of tact depending on the situation • establishing and maintaining cooperative and productive relationships with a variety of individuals and groups • providing leadership & supervision to employees • using information and other technologies to increase work productivity • purchasing and tracking expenses and inventory 	<ul style="list-style-type: none"> • continually improve personal knowledge base and keep current with best practices, new technologies, and industry trends • maintain all required licenses and certifications • travel and attend meetings within and outside the City • work beyond normal works hours as well as evenings and weekends • cope with the mental stress of the position • implement Council policies and carry out directives • interpret and administer policies with consistency and uniformity • actively participate in relevant professional organizations and associations • Interact with various local & community organizations

Machines, tools, and equipment regularly used: Various heavy equipment (plow and dump trucks, grader, sweeper, backhoe, etc.), front-end & tractor loaders, skid steer/bobcat, sewer rodder, mowers and blowers, lift bucket, various hand and power tools, lab & testing equipment, typical office equipment, phone & radio, and City vehicle

VIII. MINIMUM QUALIFICATIONS

- High school diploma or equivalent.
- Seven years of specific experience in one or more of this position's functional areas including street, parks, and wastewater system maintenance.
- Two years of supervisor experience with sufficient authority for majority of key personnel decisions.
- Valid MN Class A driver's license with air brake endorsement.

IX. PERFERRED QUALIFICATIONS

- Post-secondary education or training-equivalent to a bachelor's degree-in civil engineering or closely-related program of study in public works.
- Ten years of specific experience in one or more of this position's functional areas including street, parks, and wastewater system maintenance.
- Five or more years of management experience in one or more of this position's functional areas including primary responsibility for activities such as budgeting, CIP, project management, report preparation & recordkeeping, and decision-making support for governing bodies.

X. WORKING CONDITIONS

Time is spent performing both non-manual and manual work. Work outdoors covers tasks performed in all kinds of weather, in and around wastewater facilities, street & park facilities, and in the shop/office. Uses fine and large motor skills and movements. Coordinates hand/eye/feet to operate many tools, machines, and pieces of equipment and uses balance while climbing steps and entering/working in confined spaces. Ability to exert moderate to considerable physical effort when lifting, pushing/pulling, and moving objects. Uses all types of vision (far/near/peripheral/depth/color/night), and senses of smell, touch, and hearing. Works outside normal hours, including evenings/nights/weekends. Must be able to respond, in-person, to urgent and emergency situations as soon as possible.

Ability to read, understand and follow MSDS and take appropriate steps to properly use, store, and dispose of hazardous materials. Uses/wears protective clothing & equipment applicable to the task at hand.

XI. EMPLOYEE ACKNOWLEDGEMENT

I have reviewed a copy of the Public Works Director job description and understand it covers the City's expectations for my work. I also understand this document replaces any previous job description(s) and acknowledge management's exclusive right to make any changes to it. I agree this job description is a complete and accurate representation of the work I perform.

Employee's Signature: _____ Date: _____

XII. NON-DISCRIMINATION STATEMENT

The City of Independence seeks to administer its employment practices in a manner that promotes fairness and is free of illegal discrimination. No individual, within the context of their employment or application for employment with the City, shall be discriminated against or subjected to harassment on the basis of race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, veteran status, public assistance status, or membership on a local commission. And, no individual who is protected by applicable Federal and State laws, rules, or regulations against discrimination shall otherwise be subjected to illegal discrimination.

<<<For more information, please contact the City Administrator>>>

XIII. REASONABLE ACCOMMODATION STATEMENT

The City of Independence is committed to promoting equal opportunity for all of its employees and applicants for employment. The City affirmatively acknowledges its obligation to comply with the Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act (MHRA). Every reasonable effort will be made to provide an accessible work place and offer other accommodations to qualified individuals. Reasonable accommodation will be explored and determined on a case-by-case basis, generally after the individual concerned initiates a dialogue with the City's authorized representative.

<<<For more information, please contact the City Administrator>>>

XIV. EMPLOYMENT-AT-WILL & RIGHT-TO-REVISE DISCLAIMERS


This job description is provided to you as the primary source of information and immediate reference for the City's expectations regarding your position. This document is subject to unilateral change by the City at any time, without prior notification. It is not a contract and does not alter the employment-at-will relationship the City maintains between its employees and itself. Employment-at-will means an employee may resign from his/her position at any time, with or without cause. The City has similar rights to terminate the employment relationship. This document replaces any existing job description(s).

CHANGE HISTORY		
ADOPTED: _____ (Date)	NEXT REVIEW: _____ (Date) _____ (Date) _____ (Date)	REVISED: _____ (Date) _____ (Date) _____ (Date)



Date: January 4, 2019

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

From: Director Gary Kroells 

SUBJECT: DECEMBER 2018 ACTIVITY REPORT

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

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

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

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

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

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

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

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

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

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

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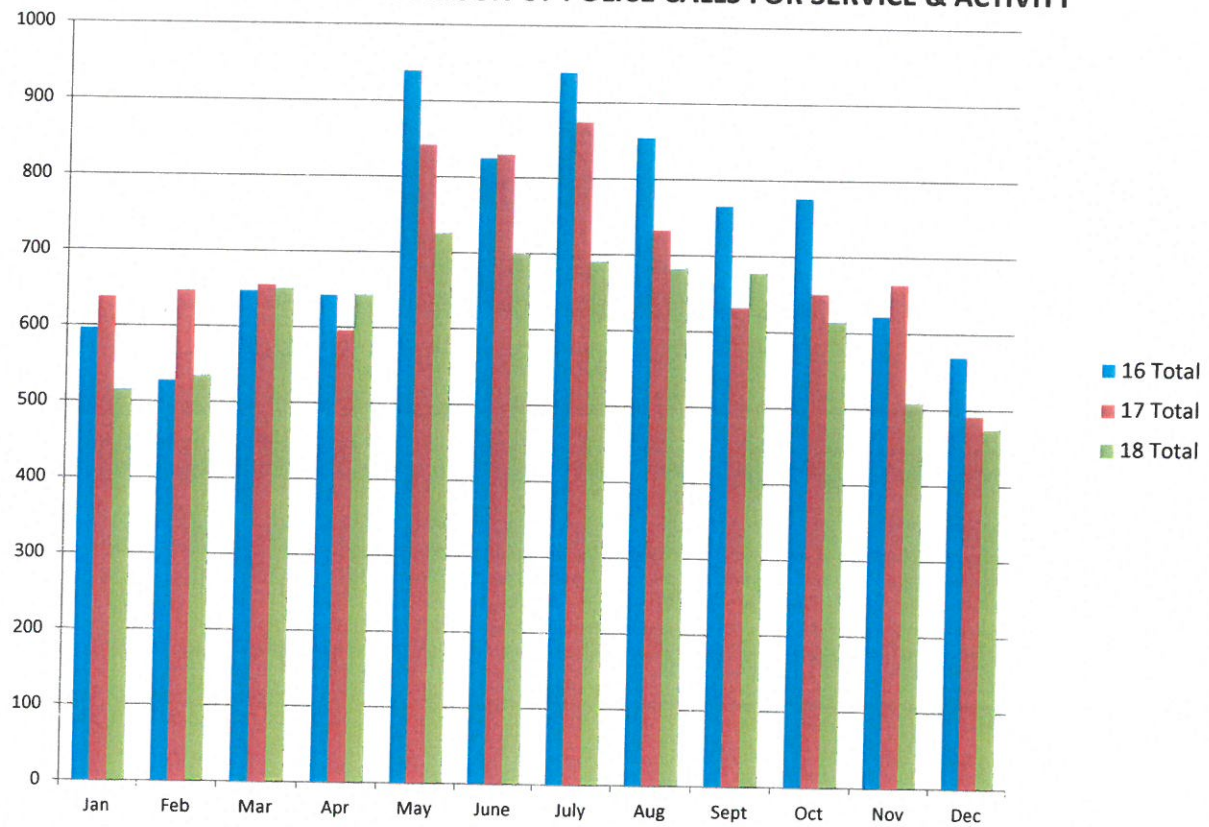
West Hennepin Public Safety Department
1918 County Road 90 / Maple Plain, Minnesota 55359
Phone: (763) 479-0500 / Fax: (763) 479-0504
Web Address: <http://www.westhennepin.com> E-mail: westhennepin@westhennepin.com

Monthly Activity Report

December 2018

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	9	5	120	123
Traffic	120	122	1,792	1,911
Part III	7	7	82	94
Part IV	37	33	372	318
Part V	110	124	1,631	1,786
Total City of Independence	283	291	3,997	4,232
City Of Maple Plain				
Criminal	5	3	61	65
Traffic	43	52	1,028	1,175
Part III	1	1	50	68
Part IV	14	21	267	203
Part V	97	98	1,507	1,578
Total City Of Maple Plain	160	175	2,913	3,089
Grand Total Both Cities	443	466	6,910	7,321
TZD	9	0	204	292
Agency Assists	23	28	309	653
Total ICR Reports	475	494	7,423	8,266
Mileage	28,861	10,063	145,314	145,473
How Received				
Fax	7	13	136	136
In Person	55	40	496	338
Mail	2	2	19	19
Other	1	2	28	48
Phone	27	29	429	367
Radio	166	165	2,131	2,203
Visual	190	216	3,703	4,614
Email	9	6	66	68
Lobby Walk In	18	21	415	473
Total	475	494	7,423	8,266

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



December Criminal Part I & II

City of Independence Grid #'s 3-5

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	18007090	3rd Degree DWI Refusal	12/10/2018	3	12/10/2018	JFR01
WHPS	18007102	Stolen Vehicle / Recovered	12/11/2018	4	12/11/2018	TH154
WHPS	18007161	Burglary - Theft - Unfounded	12/16/2018	3	12/16/2018	B0864
WHPS	18007163	Domestic - Interfere with 911 Emergency Telephone Call	12/16/2018	3	12/16/2018	N2130
WHPS	18007186	3rd Degree DWI / Open Bottle	12/17/2018	5	12/17/2018	JF501
WHPS	18007197	Drugs-Paraphernalia Possession	12/18/2018	5	12/18/2018	DA540
WHPS	18007222	Damaged Property	12/19/2018	3	12/19/2018	P3119
WHPS	18007251	Theft from Storage Unit	12/21/2018	3	12/21/2018	TN999
WHPS	18007261	3rd Degree DWI	12/21/2018	5	12/21/2018	JFW01
WHPS	18007280	Theft of Sign	12/22/2018	3	12/22/2018	TW229

December 2018 Criminal Part I & II

City of Maple Plain Grid # 1-2

AGN	ICR	Title	Create Date	Grid #	Reported Date	MOC range
WHPS	18006988	Domestic Assault - Misdemeanor	43437	2	43437	AJ301
WHPS	18007090	3rd Degree DWI Refusal	43444	1	43444	JFR01
WHPS	18007186	3rd Degree DWI / Open Bottle	43451	2	43451	JF501
WHPS	18007229	Thefts from Storage Unit	43454	2	43453	P3119
WHPS	18007423	5th Degree Assault - Misdemeanor	43465	2	43465	A5356

DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY December 2018 Activity Report

Year to Date Activity Report

At the end of December 31, 2018 West Hennepin Public Safety (WHPS) handled year-to-date a total of 7,423 incident complaints: 3,997 in the city of Independence and 2,913 in the city of Maple Plain. For the month of December; 283 incidents occurred in Independence and 160 incidents were in 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

Dec 1 2:09 a.m. 5200 Bryantwood Dr., Maple Plain. Dispatched for a female who left a residence after an argument and sent a text message she is going to lay down on the railroad tracks. Officer contact with the caller, who became uncooperative, stated she didn't need any help and hung up on the Officer.

Domestic / Welfare Hold

Dec 1 2:42 a.m. 5200 Bryantwood Dr., Maple Plain. Dispatched for a domestic in the parking lot. Contact with a female who had previously reported was arguing with her girlfriend. The girlfriend's car was kicked and she wanted to leave for the night. The girlfriend was willing to go voluntarily to get an evaluation and was transported to the hospital by ambulance.

Hit and Run – Property Damage

Dec 2 CR 11 / Town Line Rd, Independence. City of Independence Public Works reported sometime during snow conditions on Dec 1, unknown person drove a vehicle into the ditch and struck a manhole cover/sewer pipe causing damage. Unknown what time the damage occurred.

Suspicious Act / Solicitor

Dec 2 6:43 p.m. Prairieland Ave / Joyce Street, Maple Plain. Reported a male driving a white Chevy SUV was placing business flyers in newspaper mailboxes. The business flyers had information on saving on your electric bill and requesting \$250 be sent via PayPal. There was no information on the flyer indicating who is responsible. The area was checked and the male was not located.

Medical – Unconscious

Dec 3 5:30 a.m. 7400 Lake Sarah Dr, Independence. Female was in and out of consciousness was transported to the hospital by ambulance to the hospital.

Parking / Dumping Complaint

Dec 3 6800 Rachel Ridge Ct, Independence. Independence PW reported a construction company has been parking a large 5th wheel trailer/bobcat and a pile of boulders in the cul de sac of Rachel Ridge Ct. for building a retaining wall down by the lakeshore. Officer contact with the foreman who was advised the boulders can't be unloaded onto the street and the trailer / bobcat can't be left overnight. Foreman stated he would move the boulders/trailer.

Domestic Assault

Dec 3 4:33 p.m. 5200 Bryantwood Dr, Maple Plain. Dispatched for a mother assaulted by her daughter, caused a laceration to her chin. 24 yoa daughter was arrested for Domestic Assault and transported to HC Jail.

Personal Injury Crash

Dec 4 6:51 a.m. Hwy 12 / Budd Ave. Maple Plain. Motorist -37 yoa male driver from Cokato vehicle was w/b on Hwy 12 when an s/b vehicle driven by 51 yoa female driver from Independence failed to stop at a stop sign at Budd Street. The vehicle then struck the front right side of his pick-up truck. Female driver was not wearing her seatbelt and was treated at the scene for c spine and head injuries; transported by ambulance to the hospital. The male was wearing his seatbelt and was not injured. Female was cited for Failure to Stop at Stop Sign.

Suspicious Activity

Dec 6 2:05 a.m. 5100 Hwy 12, Maple Plain. Officer observed a male near a parked dump truck which had its lights off. Contact with the 48 yoa driver from St. Cloud who stated the truck had mechanical problems, could only get the truck up to 35 mph. Criminal activity was not found, and the driver was going to drive back to the company shop.

Theft

Dec 8 800 Copeland Rd, Independence. Resident reported UPS had delivered a package in November and she did not receive it. She was in contact with the company and UPS to get the situation handled.

Fall

Dec 9 900 Game Farm Rd, Independence. Female that was bucked off a horse was transported by ambulance to the hospital.

Burglary Report

Dec 10 1200 Budd Ave, Maple Plain. Reported locks cut off of a mini storage unit. Caller reported the locks were found inside the unit and had rust on the cut spots. It was found it happened quite some time ago. Missing was some Christmas wrapping paper.

3rd Degree DWI Refusal

Dec 10 Hwy 12/ Budd Ave., Maple Plain. Report received of driving complaint, vehicle swerving over fog line and weaving. Vehicle located, contact with the driver, Monica Rae Pomije 28 from Minneapolis showed indicia of impairment and admitted to the use of Methadone. Pomije refused to submit to blood or urine test. Pomije was arrested and charged with 3rd Degree DWI Refusal and was released to a responsible party.

Stolen Vehicle

Dec 11 7:27p.m. Vinland National Center, Independence. Passenger in a parked running car moved over to the driver's seat and drove it away without permission. 31 yoa male Darryl James Feather from Duluth took the vehicle. Another passenger in the vehicle made Feather stop and let him out. Vehicle was entered in NCIC and case under investigation.

Broken Bones

Dec 13 3675 Ihduhapi Trl, Independence. Dispatched for a male who had punched a wall and possibly had a broken hand at Vinland Center. Officer arrival, the male took off running when he saw the squad car, he believed he was in trouble. A short time later the male was located behind the building. He was clear of warrants and Staff transported him to urgent care to have his hand looked at.

Traffic Complaint/ RR Blocked

Dec 13 Dispatched to a report of a train blocking the crossing at Hwy 12/ CR 92, Independence. Officer arrival found a stopped BNSF train: crew advised a brake line blew, were re-airing the brakes and would be moved shortly. A short time later the train was gone.

Traffic Complaint

Dec 14 5:47 p.m. Traffic complaint of a w/b car driving with no lights on and weaving back and forth on the roadway on Hwy 12, Maple Plain. Vehicle located, stopped; 66 yoa female driver from Minnetrista stated her automatic headlights did not come on, she could not see; the only way she could stay on the road was thanks to the rumble strips on both the center line and also the shoulder. She was weaving back and forth between the rumble strips. Driver stated it was too dark and she could not see to pull off the road so she kept driving. Driver was not impaired and was told to become familiar with her lights and if something like this happens again to please pull off the road.

Burglary

Dec 16 200 Kuntz Dr, Independence Reported horse medicines stolen and the barn was ransacked. Hennepin County Crime Lab responded for collection of evidence left at the scene Loss is approximately \$100.

Domestic / 911 Interference.

Dec 16 2000 CR 90, Independence. Dispatched for a 911 call; physical domestic, arguing was heard in the background, a male out of control and the phone was hung-up. The phone continually was hung-up on call back from dispatch. Officer arrival: Mother had called 911 when her 27 yoa Son showed up, unannounced after not seeing or hearing from him for about a year; demanded money from his mother and got into a verbal domestic when she refused to provide him any money. Mother called 911 and the son took the phone several times from her attempts in calling 911, and then fled in a waiting vehicle.

Jonathan James Juneau was charged with Gross Misdemeanor Interfere with Emergency Telephone Calls.

Trespass Notice Served

Dec 17 5000 Hwy 12, Maple Plain. A resident was caught stealing alcohol on a different date, the store decided to trespass him. Resident signed the trespass form and did not have any questions. Resident will not be prosecuted for theft as the store did not call when the theft occurred or when it was discovered.

Traffic Complaint / 3rd Degree DWI

Dec 17 7:08 p.m. Hwy 12 / Halgren Rd, Maple Plain. Reported a vehicle was driving on Hwy 12 in the wrong lane of traffic, almost causing head-on crashes. Officer located the vehicle with its left blinker on even though there were no driveways or roads to turn left and swerving in its lane of traffic. Driver: Bonnie Jean Kane, 56 from Brooklyn Park submitted a breath test which resulted in .22 Breath Alcohol Concentration. Kane was arrested, transported to Henn Co Jail for 3rd Degree DWI and Open Bottle charges.

Narcotics

Dec 18 8:27 p.m. 8000 CR 6, Independence. Vehicle stopped for speeding: 64/50. Officer contact, a strong odor of a scent was emitting from the vehicle and occupants claimed it to be perfume and not marijuana. Officer detected a moderate odor of burnt marijuana, Vehicle search found a water bong, glass pipe, grinder; all items had trace amounts of both burnt MJ and green leafy substance. 19 yoa male driver from Long Lake was issued a citation for Speed 64/50 and Possession of Drug Paraphernalia.

Suspicious Act / Felony Warrant Arrest

Dec 20 1:54 a.m. Budd Ave & Main Street, Maple Plain. Routine patrol Officer observed an unoccupied truck parked in a designated USPS parking lot with its headlights and taillights on. The area was checked and the driver was not located. Short time later the vehicle left with its lights off. Contact with the 55 yoa male driver, Mitchell Goergen of Plymouth who had a Douglas County Felony Warrant for Drugs, was taken into custody and transported to Henn Co Jail. The 30 yoa female passenger from Mound was cleared and drove the vehicle from the scene.

Found Bunny Rabbit

Dec 20 9:24 a.m. Public Works found a rabbit in a cage sitting in the middle of the road near Quaas Cutoff / Pioneer Creek Rd, Independence. No damage to the cage or rabbit indicating it appeared it was abandoned. Rabbit info was posted on WHPS Facebook and the rabbit went to a new home.

Theft

Dec 21 11:28 a.m. 1200 CR 19, Independence. Storage locker was broken into and children toys were stolen including a 3 X 3 doll white doll house with a purple roof and other toys. Other valuable items were not taken, but moved around. Approximate loss \$250.00.

3rd Degree DWI

Dec 21 4:50 p.m. County Line Rd / CR 11, Independence. Vehicle stopped after approaching the squad from the rear, at a high rate of speed 73/55MPH zone. Contact with the driver 34 yoa Lucas William Roach, Delano who admitted to speeding. While talking with the driver Officer detected a strong odor of an alcoholic beverage coming from the vehicle. Roach submitted a breath test which resulted in .20 Breath Alcohol Concentration. Roach was arrested and transported to Henn Co Jail for 3rd Degree Gross Misdemeanor DWI charges.

Theft

Dec 22 12:10 p.m. Quaas Cutoff Rd, Independence. Reported an entire sign was taken out of the ground on an unknown date and time. The sign is yellow, says "Share the Road", displays a silhouette of a horse and had one bullet hole in the sign as well. Approximate value \$50.00.

Disturbance

Dec 23 9:57 p.m. Caller reported a disturbance of a vehicle doing donuts in the parking lot of Northside Park, Maple Plain. Officer contact with the driver, 18 yoa male from Minnetonka and passenger, 19 yoa male from Maple Plain, both admitted to doing donuts in the parking lot and were advised they were disturbing the peace and to move along. No damage was done.

Welfare Check

Dec 24 2:16 p.m. Hwy 12 / Baker Park Rd, Maple Plain. Caller requested a welfare check on a male with grey hair, wearing a long red coat and was walking with a cane. The 70 yoa male from Maple Plain, dressed like Santa Claus yelled, gave the finger and swore at the Officer who advised him of the call and reason for their contact. The male was found slightly unstable, was functioning, able to communicate and continued his walk.

Agency Assist

Dec 26 1000 CR 83, Independence. Reported cash was put in a sealed envelope and put in an after-hours deposit vault outside of a bank in Eden Prairie on December 25th. They checked with the bank on the 26th to verify the deposit and they had no record of the deposit. The information was forwarded to Eden Prairie PD for investigation as the loss happened in their city.

Disturbance

Dec 26 6:34 p.m. 5000 Independence Street, Maple Plain. Dispatched to a call regarding a person that was having narcotic and alcohol withdrawals and was disorderly earlier in the evening. Action was taken to separate the parties involved

Domestic

Dec 27 8:01 p.m. 5200 Bryantwood Dr. Maple Plain Caller reported yelling and believed things were being thrown around. Officer contact with the renters who admitted they had an argument but no physical altercation. A friend was coming over and both agreed to stay away from each other.

Snow Parking Violations – Independence

Dec 28 Lake Sarah Heights Dr, Marsh Point Rd, Brei Kessel Rd, in Independence. Vehicles were parked on the city streets overnight, in the snow storm causing the snow plows to plow around them. Street Winter Parking Restrictions: Prohibited November 1st thru April 15th between the hours of 2:00 a.m. and 8:00 a.m. In addition following a snow fall of three inches or more, parking is prohibited until the street is plowed or snow disposed of.

Snow Parking Violations – Maple Plain

Dec 28 Manchester Dr. Budd Ave, Independence Street, Maple Plain. Vehicles were left overnight parked on the city streets, in the snow storm causing the snow plows to plow around them. Street Winter Parking Restrictions: November 1st thru April 15th between the hours of 1:00 a.m. and 7:00 a.m. in addition following a snow fall of three inches or more is prohibited until the street is plowed

Vehicle in Ditch

Dec 28 8:35 a.m. 9200 Hwy 12, Independence. Motorist lost control of her vehicle on the icy roads and ended up in the ditch. Motorist hurt her knee trying to get back into the vehicle after the crash. Motorist was given a ride to her home. Officer spoke with her husband advising he would need to contact a tow company due to the road conditions, traffic level and location.

Welfare Check

Dec 29 9:03 a.m. 4700 Lake Sarah Dr., Independence. A nurse requested a welfare check on a patient who was not feeling well and was not answering her call. Contact with the resident who had been sleeping and found no issues. Nurse was called back and advised of Officer findings.

Domestic

Dec 28 8:13 p.m. 5200 Bryantwood Dr, Maple Plain. Reported possible verbal domestic. Officers responded and stood outside reported suspect unit and no obvious or loud altercation was heard. Contact made with tenants whom reported they had been arguing all day over several items. Both parties denied any physical altercation. Officers mediated and advised to call if any further assistance was needed.

Medical

Dec 30 3:50 p.m. 3000 Lake Sarah Rd, Independence. Officers responded to a female who was kicked by a horse and was unconscious. Officer on scene, the female was in the arena, conscious, but confused. Delano Fire assisted with care. North Memorial Air Care transported her to the hospital by helicopter.

Personal Injury Crash

Dec 31 10:36 a.m. Driver 1 was w/b on CR 6 turning s/b on Game Farm, Independence when Driver 2 passed Driver 1 on the left in a clearly marked double yellow line no passing zone and T-bone' d Driver 1. Vehicles had airbag deployment. Minor injuries to drivers. Driver 2 admitted to having rum in her egg nog at 2 a.m. and provided a PBT which resulted in .044. Driver 2; 75 yoa female from Plymouth was cited for Passing in a No Passing zone.

Suspicious Act

Dec 31 5800 Henry St., Maple Plain Caller reported his elderly neighbor is not home and he observed two younger males with beards get out of a car and go behind the neighbor's house, possibly a burglary. WHPS was assisted with Medina and Minnetrista police. The caller updated the Officers he could now see the owner of the home with the men in his garage. All was ok.

5th Degree Assault

Dec 31 11:11 p.m. Driver was parked on 5200 Bryantwood Dr in Maple Plain with his friend. She was approached by a male who she gave him \$20.00 to and they got into an argument. The driver panicked and tried to leave and the male walked to the driver's side, opened the door and punched the driver twice in the face and fled on foot. The male was identified as Isaiah Michael Sloan, 18 from Plymouth, charges pending for 5th Degree Assault.

DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY January 2019 Activity Report

Year to Date Activity Report

At the end of January 31, 2019 West Hennepin Public Safety (WHPS) handled year-to-date a total 477 incident complaints. : 291 in the city of Independence and 156 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:

Vehicle in Ditch

Jan 1 4:51 a.m. Officer dispatched to Pagenkopf Rd and Lake Sarah Rd in the city of Independence for an unattended vehicle, the nose of the vehicle is in the ditch, the back half of the car in the roadway, the windows were partially frosted and no one was around. The vehicle was impounded as it was a road hazard and the R/O's never made any attempt to contact Police. The R/O called Police the next day and did not think notifying the police was necessary.

Burglary

Jan 4 1200 CR 19, Independence. Reported burglary of a storage unit: items stolen 2 Toro 621 single stage snow blower, a blade sharpener, possibly a generator and two tool boxes containing tools. Case is under investigation.

Vehicle in Ditch

Jan 6 9:19 a.m. CR 11 / E. Lake Rebecca Rd, Independence. Officer dispatched for a vehicle in the ditch and a male party was walking away from the vehicle and appeared intoxicated. All directions were checked and unable to locate the driver, indicating the driver was picked up. The vehicle was partially on the shoulder of the narrow roadway and was towed from the scene.

Unwanted Person

Jan 6 Vinland 3675 Ihduhapi Trail, Independence. Responded to a request to remove a male from the property who did not want to take his medications, who said his medications are not needed to be taken daily and he was still sleeping. It was determined it was in the best interests of all involved to remove the client from the property and he was transported to a half-way house.

Threat

Jan 8 300 CR 92, Independence. Resident received a threatening text message. Officer read the text which contained some strong language, no threats. Resident advised to stop talking to sender.

Credit Card Fraud

Jan 9 4900 Hwy 12, Bank of Maple Plain. Reported multiple customers had fraudulent activity on their debit card. The case is under investigation.

Warrant Arrest

Jan 9 4300 Lake Sarah Dr, Independence. Vehicle stopped for speed. Driver 43 yoa John Michael Smith of Anoka was found to have a Felony 5th Degree Drug Warrant out of Anoka County and 3 Misdemeanor Warrants out of Wright County. Smith was placed under arrest and transported to Hennepin County Jail where he was booked in on his warrants. Passenger was valid and drove the vehicle from the scene.

4th Degree DWI

Jan 10 Hwy 12 / Baker Park Rd, Maple Plain. Vehicle was stopped for no front plate and weaving. Contact with the driver, an odor of alcohol was coming from the vehicle. Driver Katherine Stephanie Morales, 26 from Brooklyn Center submitted a breath test which resulted in a .13 breath alcohol concentration. Morales was arrested for 4th Degree DWI and released to a responsible person.

911 Hang-up

Jan 11 6:04 a.m. Dispatched for 911 only phone hang-up in the 1200 block of CR 19, Independence, same type of call as night prior. Vehicles were in the driveway and a light on in an upper window, Officer attempted contacts resulted in a male peeking out of an upstairs window who was ordered to come to the front door. Two males are renting rooms. One discovered his boost mobile phone without an active service had dialed the 911 call. He turned off the phone until he is able to correct the problem with the phone calling 911.

Car Seat Check

Jan 11 Sgt. Rick Denneson, National Certified Child Passenger Safety technician instructed the parent on safely securing her child's rear car seat. Avoid the Mankato incident of an unsecured child car seat tumbling out of a car; Call Rick to set up an appointment to confirm your child's car seat is secured in your car.

Agency Assist Ramsey Co Sheriff's Office

Jan 13 9000 CR 11, Independence. Ramsey County Sheriff's Office requested an agency assist for an attempt to locate a suspect of an Order for Protection violation. Residence was checked and no response. Homeowner was contacted who admitted the suspect might be there off and on, caring for her animals. No contact was made with the suspect.

Domestic

Jan 13 1400 Prairieland Ave. Maple Plain. Officers responded to a physical domestic between two sisters. Sisters were arguing over delivering work clothes to a boyfriend and who owns a vehicle. Sister admitted to putting some milk in the gas tank to prevent her sister from using it and then both got into a mutual combative altercation inside the house. A few items were gathered and a sister left the residence.

Fail to Stop / Drug Citation

Jan 13 Driver slammed on the brakes halfway through the intersection of Kutz Crossing / Nelson Rd, Independence. 18 yoa female driver from Delano admitted she was not planning to stop until she saw the squad. Her driver's license had a faint odor of fresh marijuana. A grinder and pipe from her purse and a bag of marijuana under her seat was handed over to the officer. Female cited for Small Amount Marijuana, Drug Paraphernalia and Fail to Obey Stop Sign.

Shed Fire

Jan 15 9842 CR 6, Independence. Police, Watertown and Delano Fire Depts. responded to a shed on fire. Arrival on scene, a warming house used for skating on the pond was on fire. Contents inside the shed were burned and the cause of the fire has not yet been determined. The fire was extinguished by Watertown and Delano Fire Depts.

Suspicious Vehicle.

Jan 15 Squad parked in lane of traffic, lights on, several fire trucks in the road, very obvious road is closed down at CR 6 / CR 17, Independence. Driver went into opposite lane and drove around the Officer and past two fire trucks. Vehicle was stopped, driver stated "I didn't see anyone outside" when asked why he thought he could drive around. Advised it is a safety issue and to use common sense when approaching emergency vehicles on a scene.

Theft by Swindle

Jan 15 5200 Bryantwood Dr, Maple Plain. Female selling her cell phone using Facebook Market met a female buyer at 5260 Bryantwood Dr Maple Plain. The buyer handed over a rolled up \$100 bill. Seller discovered the \$100 bill was counterfeit as the female was entering the apartment building. Officers attempts were made to locate and/or identify the female suspect inside of the apartment building. Charges have been filed in the case.

Damage to Property / Theft

Jan 18 6200 Hwy 12, Independence. Caller reported two vehicles and an enclosed trailer were broken into. The ignitions and steering columns were damaged and a Kenwood CD player was stolen. Inside the enclosed trailer was a motorcycle that sustained damage also. Case under investigation.

Burglary

Jan 16 1500 Howard Ave. Maple Plain. Resident reported burglary of his apartment. Stolen were a portable camera and a Glock bullet magazine. The approximate loss is \$400.00. The case is under investigation.

Warrant Arrest

Jan 17 Hwy 12/ Valley Rd, Independence. Motorist stopped for speed. Driver, Sergio Sanchez Arana 48 yoa male from Minneapolis was found to have a Warrant out of Scott County for failing to appear for a Driving after Suspension (DAS) and gave the Officer an inactive vehicle insurance card. The Driver was transported to Henn Co Jail and booked for his Scott County Warrant and cited for DAS, No Proof of Insurance and Speed.

Suspicious Act

Jan 17 9:26 p.m. 1800 Budd Street, Independence. Caller reported a suspicious vehicle. He went out to see what the people were doing and they took off prior to him calling 911. The area was searched and the vehicle was not located. A few minutes later the suspicious vehicle was reported stolen by the registered owner from 6200 Hwy 12. Multiple officers searched the area and were unable to locate the vehicle. The stolen vehicle was entered into NCIC.

Vehicle Theft

Jan 17 9:35 p.m. 6200 Hwy 12, Independence. Owner reported his blue 2008 Chevrolet Impala was stolen out of the parking lot. Owner saw a vehicle parked at a neighboring parking lot and spoke with the female driver. While he was talking to her he saw a vehicle that looked like his exit the parking lot to Hwy 12. The female driver left and the Owner called in his vehicle theft. Vehicle was entered in NCIC. Vehicle was located days later at Mall of America in Bloomington and Suspect taken into custody. Charges filed.

Verbal Domestic

Jan 19 5200 Saddle Ridge Trail, Independence. Officers responded to a verbal domestic regarding mutually owned property. Both persons agreed to stay in the house and leave each other alone.

Suspicious Activity

Jan 19 5:45 p.m. Officer on routine patrol observed a person sliding out of an opening in a gated fenced storage area in the 6200 block of HWY 12, Independence. Contact with the 47 yoa male from Maple Plain who was found ok to be there

Welfare Check

Jan 19 10:18 p.m. Newport St. Maple Plain Dispatched to an anonymous report of someone screaming and pounding that was coming from an apartment in the 1800 Newport Street, Maple Plain. Contact with the occupant of the apartment who had two children around 10-12 years old who had been playing video games and became overly excited and started yelling at the TV and jumping up and down. Officer advised occupants no one was in trouble and suggested being more careful in the future. All occupants seemed very confused that the police had been called.

DWI

Jan 19 11:41 p.m. Officer working a special TZD - Towards Zero Deaths shift was alongside the road with squad emergency lights activated when a vehicle flew past the squad. Driver Jason Charles Mattson, 53 admitted to moving through traffic to get home - they were in his way. Mattson admitted to drinking and submitted a breath test which resulted in .13 breath alcohol concentration. Mattson was arrested for Misdemeanor DWI and released.

Suspicious

Jan 20 12:09 a.m. Officer on routine patrol observed a parked, occupied vehicle behind the Independence Mini Storage, Independence. The vehicle was illuminated by the squad spot lights and it was observed the seats were reclined and two occupants began to scramble to put their clothing on. Once the Officer believed they were adequately clothed, he made contact with the 21 yoa male from Vadnais Heights and the 24 yoa female from Independence. They were advised of the suspicious location; both agreed and stated they will now be leaving. No criminal activity was found.

Citation – Marijuana

Jan 20 12:17 a.m. CR 92N / CR 6, Independence. Officer observed a truck cross the fog and center lines 3 times, increase speeds and make a turn without signaling. Driver said he had driven from Iowa to Buffalo and was trying to get back home. A slight odor of marijuana was coming from the truck. The Driver produced a zip-lock bag with "shake" and couple buds. Driver was cited for Small Amount of Marijuana. The marijuana was kept for evidence.

Vandalism

Jan 22 A Mother and her children are working on a service project to improve the Rainbow Park Warming House, Maple Plain and found vandalism to the interior of graphic graffiti on the walls. Mother and her children cleaned the graffiti off of the walls. It's very sad for the hard work and time the mother and children have spent to improve the warming house to have this damage done. Please call WHPS PD if you know who is doing this and damaging public property.

Suicide Threat

Jan 22 9:13 p.m. Dispatched to Vinland Center, Independence for a male who was making suicidal and homicidal comments and threatening to others. The male admitted to making the comments, stated he was getting kicked out of Vinland tomorrow and was having a bad day and was not going to the hospital as he has rights. The male was convinced to go to the hospital by ambulance.

Vandalism

Jan 23 7:20 a.m. Rainbow Park Warming House. Maple Plain Public Works reported new damage to the warming house ceiling that appeared to be from a hockey stick or stick blade. The damage may have been there from the Jan 22nd report of vandalism. MP Public Works was painting the ceiling, repairing the vandalism.

Suspicious Activity

Jan 24 3:59 a.m. 1700 Howard Ave., Maple Plain. Resident found a dome light on inside his wife's vehicle and footprints in the snow in his yard. Officer checked the area on foot and by patrol squad and determined unknown suspect(s) were stealing from unlocked vehicles.

Theft from Vehicle

Jan 24 8:04 a.m. 4900 Drake Street, Maple Plain. Resident reported her son's vehicle was rummaged through and a wallet, cash, a debit and gift card was stolen. Neighborhood kids found her son's wallet one block away and had returned it to him. The cash and cards were no longer in his wallet.

Vehicle in Ditch

Jan 24 5600 Pagenkopf Rd, Independence. Driver was going too fast around the corner; roads were slippery and his vehicle ended up in the ditch. Driver's dad pulled the car out. No injuries.

Fall

Jan 24 Vinland Center, Independence. Male who had a history of seizures fell in the elevator. He was confused, groggy and had shoulder pain. Male stated he hadn't been feeling good lately and wanted to see a doctor. North Memorial Ambulance transported him to the hospital.

Vehicle Tampering

Jan 24 1600 Howard Ave., Maple Plain. Resident reported someone went through his vehicle during the night. Mittens were on the floor of the vehicle but nothing was missing. A hat that was not theirs was found next to the vehicle. The hat was given to the police. Case pending further leads.

Vehicle Tampering

Jan 24 1600 Howard Ave. Maple Plain. Resident reported someone went through his vehicle glove box and center console. Nothing is missing.

Theft from Vehicle

Jan 24 1700 Howard Ave. Maple Plain Caller reported someone went through her vehicle console, spread things around and stole Ray Ban Sunglasses and a camouflage hat. Caller's son found their neighbors wallet in the ditch and returned it to the owner. The stolen hat was recovered from a neighbor's report of vehicle tampering.

Vehicle Tampering

Jan 24 5200 Bryantwood Dr. Maple Plain. Resident reported the trunk and console on her husbands locked truck had been gone through and an extra key was stolen and misc. change was stolen.

Welfare Check

Jan 25 Caller requested a welfare check on her brother who had broken up with his girlfriend, she was fearful he was suicidal and he was working somewhere in the Independence area. Caller called back stating she made contact with her brother and he is OK.

Scam Phone Call

Jan 25 800 Copeland Rd, Independence. Daughter reported her mother received a call from a male who said he was her grandson; he was crying and hard to understand. The daughter knew it was not a grandson and spoke with the caller who threatened her. Daughter was advised it is the 'common grandchild' scam and block the phone number if possible.

Assault

Jan 25 3675 Ihduhapi Trail, Vinland Center Independence. Client was out of control, yelling and threatening to assault the staff. Officer spoke with the client who was feeling disrespected by staff in how they were treating him and messing with this medication. Donell Green, 43 from Minneapolis continued to make threats, was arrested and transported to Henn Co Jail and booked on 5th Degree Assault Fear of Bodily Harm and Disorderly Conduct.

Crash / PI

Jan 26 10:43 a.m. Veh #1 put its turn signal on, began to slow and turn left into the church parking lot on CR 110, Independence. 16 yoa Mound female driver of Veh #2 saw the blinker was on, was unable to stop and struck Veh #1 from behind. Driver of Veh#1 was suffering from pain and a head laceration. She was treated and released on scene by North Memorial EMS. Both drivers were wearing their seatbelts. One vehicle was towed. Road conditions were slippery and snow covered.

Roll-Over Crash

Jan 26 6:22 p.m. 17 yoa male driver from Long Lake went off the road at Pagenkopf Rd & Becker Rd, Independence and the vehicle rolled over onto its side. The driver got out and was unable to shut the vehicle off. The vehicle was towed from the ditch. Road conditions were a factor on the crash.

Crash

Jan 26 8:18 p.m. Officer observed skid marks on the snow covered road of a vehicle slid NB Halgren across Pioneer Creek Drive, Maple Plain into the curb. A short time later Officer found a vehicle broke down in the driveway to Protolabs. 18 yoa driver from Spicer had his dad on the phone and they were arranging a tow. Vehicle had a broken axle.

Recovered Stolen Vehicle

Jan 27 A vehicle stolen from the city of Independence on Jan 17th was involved in a short police pursuit in Bloomington. The driver 28 yoa male from Minneapolis was arrested and transported to Henn Co Jail. The vehicle was towed to Bloomington impound lot and held for WHPS PD. The vehicle was picked up and the owner was notified of the recovery. Driver is charged with Theft of Vehicle, Receiving Stolen Property and Fleeing a Peace Officer.

Crash

Jan 26 6:18 p.m. 16 yoa driver from Montrose and his vehicle were down in the ditch in the 6000 block of Hwy 12, Maple Plain. Driver admitted he may have been going too fast for the road conditions. Driver's father arrived and pulled the vehicle out of the ditch while Officer stood by for assistance with traffic.

Vehicle Stuck

Jan 28 Motorist called requesting an Officer help a caregiver whose vehicle was stuck in the 3800 block of Independence Rd, Independence. Vehicle was already unstuck upon Officer arrival; a snow plow driver had stopped and helped.

Noise Complaint

Jan 28 6:57 p.m. Officer was dispatched to a possible verbal domestic/noise complaint at 1800 Newport St, Maple Plain. Officer's arrival could hear a female talking and did not hear anyone arguing or yelling. Contact with the female who had a phone in hand, stated she was alone in the apartment and was in an argument with her boyfriend who was on the phone.

Vehicle in Ditch

Jan 28 10:58 p.m. 3000 Lake Sarah Rd, Independence. Caller reported a vehicle in the ditch. Officer arrival found 20 yoa male driver from Minnetrista and 19 yoa male passenger from Maple Plain trying to get the stuck vehicle out. Both had cell phones and a warm vehicle. Speed and road conditions were a factor. Caller was advised of the findings.

Crash

Jan 29 40 yoa female driver from New Hope was e/b on Hwy12 / Budd Ave., Maple Plain when traffic began to slow, attempted to brake and the brakes did not work. Driver swerved to the right to avoid a collision and struck a stop sign and power pole. Driver stated she had lost brakes temporarily the day prior as well and had not had her vehicle serviced. Driver was issued a citation for Unsafe Equipment. No injury, driver was wearing her seatbelt and airbags deployed. Vehicle was towed from the crash.

Deceased

Jan 29 2000 Copeland Rd, Independence. Officers were dispatched for a female who was unconscious and not breathing. Officer arrival found the 65 yoa female was deceased. Next of kin were contacted and the cause of death is believed to be from natural causes.

Shots Heard

Jan 30 Resident reported numerous gun shots, possibly somebody target shooting coming from the s/e area of 5200 CR 11, Independence. Officer arrival did not hear any gun shots. Possibly shots are from the current open hunting season and landowners are allowed to shoot firearms in Independence.

Check Forgery

Jan 30 5100 Hwy. 12, Maple Plain. Reported a former employee fraudulently altered a business check. The case is under investigation.

Water Flow Alarm

Jan 31 5300 Hwy 12, Maple Plain. MP Fire responded to a water flow alarm at a business and found a large amount of water flowing from the ceiling. The business owner was contacted and advised of the situation.

Card Fraud

Jan 31 6400 Hwy 12, Independence. Business owner reported he received an iPhone in the mail that he did not order and it was charged to his Walmart account. The case is under investigation.

Vehicle in Ditch

Jan 31 3:59 p.m. 3500 Lake Haughey Rd, Independence. Homeowner reported he had just got home and a vehicle was in his front yard. Officer arrived on scene and located the vehicle unoccupied and stuck in a snow bank. The vehicle owner was found, a neighbor who stated she was heading home and did not realize the road was as icy as it was and slid right off into the snow bank. The vehicle was going to be removed from the ditch shortly.

Narcotics Complaint

Jan 31 8:08 p.m. 1800 Newport Street, Maple Plain. Caller reported smelling marijuana outside an apartment. Responding officers checked the building and noticed the odor of marijuana in the entry of the building but did not notice it on any specific floor or coming from any specific apartment. The odor dissipated as they were there. The caller was advised of officer findings.

Assault

Jan 31 9:25 p.m. 5200 Bryantwood Dr, Maple Plain. Officer's responded to a call of an assault. A male wanted a female to leave, she was happy to leave but he would not let her take her purse and a confrontation occurred. While investigating the incident it was determined no crime had occurred and all parties involved were separated.



WEST HENNEPIN PUBLIC SAFETY DEPARTMENT

1918 County Road 90

Maple Plain, MN 55359

Phone (763) 479-0500, Fax (763) 479-0504

www.westhennepin.com

DATE: October 25, 2018
TO: Command Staff
FROM: Officer Jon Howes
RE: Truck Weight Restrictions Ordinance Addition

A handwritten signature in black ink, appearing to read "Jon Howes", is written over the "FROM:" line of the memorandum.

Command Staff,

This memorandum is in regards to the newly drafted recommended city ordinance additions to Maple Plain City Code 70.35 thru 70.38 and Independence City Code 1305.

The content provided herein is related to weight restrictions within the Cities of Maple Plain and Independence. Included in the documents is the following items:

- Proposed new ordinance/code for both cities
- Example of Overweight Permit
- Example of West Hennepin PSD Weight Report
- Example of payment letter sent by West Hennepin PSD
- Existing city code/ordinance for both cities
- Relative Minnesota State Statutes
- Initial Memorandum to Command Staff from April 5, 2018

This information was compiled to adapt a more comprehensive city code in order to have effective truck enforcement in the cities of Maple Plain and Independence. The following code would allow West Hennepin Public Safety Officers to enforce all aspects of the Minnesota State Statute including the Excess Weight: Civil Penalty. This city code/ordinance was drafted under the recommendation of the city attorneys. Items contained in the new ordinance were obtained from current city code, Corcoran City Code and Medina City Code.

Attached is a WHPS Weight Report and WHPS Payment letter for the purposes of information only. This will not be part of the ordinance but serves an example of the documentation a WHPS Officer will complete.

If there is anything further needed please let me know.



West Hennepin Public Safety

1918 County Road 90, Maple Plain, MN 55359

(763) 479-0500 www.westhennepin.com

WEIGHT REPORT

ICR: [REDACTED] Date: [REDACTED] Time: [REDACTED]

Officer: 107

Type of Violation: Seasonal Weight Tons Per Axle

Total Overweight / Lbs.:

Location of Violation: Copeland Road & County Road Independence

Inspection Location: Roadside

Disposition: Civil Overweight Case

Cargo:

Driver: [REDACTED] DOB: [REDACTED] DL#: [REDACTED] State: MN Class: B
Address: [REDACTED] MN [REDACTED] Phone: [REDACTED]

Registered Owner/Leasee: [REDACTED]
Address: [REDACTED] MN [REDACTED] Phone: [REDACTED]

Power Unit LIC#: [REDACTED] State: MN VEH YR: [REDACTED] Make: [REDACTED] DOT#: [REDACTED]
VIN/Serial#: [REDACTED]

Trailer: LIC#: [REDACTED] State: [REDACTED] VEH YR: [REDACTED] Make: [REDACTED] DOT#: [REDACTED]
VIN/Serial#: [REDACTED]

SCALED WEIGHTS

Axle	LEFT	RIGHT	TOTAL
1	6,400	6,500	12,900
2	10,900	10,000	20,900
3	6,300	7,400	13,700
4			
5			
6			
7			
8			
9			

Allowed Tons per Axle: 4 Ton

Gross Weight: 47,500

Total Axle Overweight: 24,489

DIMENSIONS

	ACTUAL	LEGAL	OVER
HEIGHT			
LENGTH			
WIDTH			

TANDEM/TRIDEM/QUAD

COMBINATION #1
Combination Type: <u>Tandem</u>
Axle Combination: <u>L2 R2 L3 R3</u>
Axle Spacing Ft./In.: <u>54</u>
Allowed Combination: <u>Tandem - Axles ≤8' - 4ton - 15,111</u>
Combination Weight: <u>34,600</u>
Combination Overweight: <u>19,489</u>
COMBINATION #2
Combination Type:
Axle Combination:
Axle Spacing Ft./In.:
Allowed Combination:
Combinaiton Weight:
Combination Overweight:
Total Combination Overweight:

SUMMARY

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Officer

May 12, 2018

Attn: DRIVER OR OWNER
1234 Darlene Ave
Anywhere USA

RE: WHPS Case #

Dear Mr./ Mrs / Ms.:

The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections 169.822 and 169.829, 169.832 to 169.851 and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections 169.822 to 169.829, 169.832 to 169.851 and 169.87 is liable for a civil penalty.

This is the civil penalty due:

Total overweight of the vehicle combination:		<u>8,711 Pounds</u>
The first <u>7,000</u> pounds	\$	\$610.00
Remaining <u>1,711</u> pounds is \$.20/pound	\$	\$342.20
The civil Penalty due is:	\$	<u>\$952.20</u>

If the penalty is paid within **10 days** of the postmark of this letter the penalty will be reduced by **50%**, or **\$476.10 is due**.

If the penalty is paid within **30 days** of the postmark of this letter, the penalty will be reduced by **20%**, or **\$761.76**

If the penalty is paid within **60 days** of the postmark of this letter, the penalty will be reduced by **10%**, or **\$856.98**.

Any penalty not paid within **60 days** is due in full. Make checks payable to the **City of Independence**. Remit payment to West Hennepin Public Safety Attn: Officer Howes 1918 County Road 90, Independence, MN 55359. The payment may be mailed or hand delivered.

If you have any questions, please contact me at the West Hennepin Public Safety Department at 763-479-0500.

WEST HENNEPIN PUBLIC SAFETY

Jonathan Howes
Badge #107
Enclosure

shall be unlawful to park or permit to be parked, or to continue to park or permit to stand, any vehicle upon any city street until the snow has been plowed from the street or the same has been otherwise disposed of.

Subd. 3. *Violators towed.* Any motor vehicle, vehicle, machinery or implement parked in violation of this subsection shall be removed from the city street, avenue, or alley or city property and shall be impounded until the owner pays all towing and storage charges.

Subd. 4. *Penalty.* Any person, firm, or corporation who shall be convicted of a violation of any of the provisions hereof shall be deemed guilty of a petty misdemeanor.

(Amended, Ord. No. 2017-06, § 1)

1300.05. - Unreasonable acceleration prohibited.

No person shall start or accelerate any motor vehicle so rapidly or abruptly that a tire or tires breaks traction with the surface causing a squealing sound or the dislodging of sand, gravel or other objects by the vehicle's tires or exhibit any unnecessary speed when the peace or safety of any pedestrian, resident, driver, other person, animal or property is disturbed or threatened thereby.

1300.07. - Engine braking.

Subd. 1. No person may slow or stop a vehicle by the practice known as engine braking or dynamic braking whereby rapid downshifting of a vehicle's engine is used in lieu of or in addition to application of the vehicle's brakes causing loud noises to emit from the vehicle's engine and exhaust system. Engine braking by any motor vehicle on any public highway, street, parking lot or alley within the city is hereby declared to be a public nuisance and is prohibited. Engine braking is permissible if required to stop or slow a vehicle in an emergency or to avoid a collision or accident that may result in property damage, injury or loss of life.

(Added, Ord. No. 2005-07)

SECTION 1305. - ROAD RESTRICTIONS

(Amended, Ord. No. 111, 9-24-91)

1305.01. - Motor vehicles regulated.

The provisions of Minn. Stats. §§ 169.80, 169.81, 169.82 and 169.83, regulating the size, weight, load, width, height, length and trailer equipment of motor vehicles; Minn. Stats. § 169.831 regulating refuse compactors; Minn. Stats. § 169.85 regulating the weighing of vehicles; and Minn. Stats. § 169.86 regulating the issuance of special permits, are hereby adopted by reference and are hereby incorporated in and made a part of this section as though fully set forth.

1305.03. - Administrative control.

The road authority and local authority as used herein shall be the director of public works of the city herein called "director," who is hereby empowered to require permits, surety bonds, insurance contracts, permit fees and all other administrative procedures authorized hereunder.

1305.05. - Permit fee.

The director shall require payment of a fee for the issuance of any permit hereunder in an amount set by resolution of the city council for each ton by which the maximum allowable load per axle exceeds the maximum load per axle specified by law for the street or road being traveled up to a maximum of nine tons gross weight per axle. Such permits shall be issued upon good cause being shown as required by law, provided that good cause shall be related to the health, safety or welfare of the public or any member thereof.

1305.07. - Posting authorized.

The director may prohibit the operation of vehicles upon any city street, road or highway or impose restrictions as to the weight of vehicles to be operated upon any city street, road or highway when in the judgment of the director, by reason of deterioration, rain, snow or climatic conditions, such city street, road or highway will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced.

1305.09. - Posting of roads.

The director shall cause to be posted on any such city street, road or highway appropriate signs designating such restriction.

1305.11. - Civil and criminal penalties.

Subd. 1. *Penalty.* Any person not holding a seasonal permit who violates a posted load or vehicle restriction shall be subject to the penalty established in section 115 of this Code, together with a civil penalty payable directly to the city equal to the value of the damages caused by such violation.

Subd. 2. *Revocation of permit.* It shall be unlawful for any person to move a motor vehicle upon any street, road or highway within the city when such motor vehicle is not in compliance herewith, is not in compliance with any permit issued hereunder or without first obtaining a proper permit therefor. Any violation of this section for failure to comply with the terms of

any permit issued hereunder shall result in automatic cancellation of the permit violated and, for the purpose of any civil or criminal penalty prescribed by law, weight calculations shall be made without reference to the canceled permit.

SECTION 1310. - SNOWMOBILES

(Amended, Ord. No. 111, 9-24-91)

1310.01. - Intent.

It is the intent of this section to supplement the laws of the State of Minnesota, Minn. Stats. chapters 84.81 through 84.89, and chapters 168 through 171, as from time to time amended, with respect to the operation of snowmobiles. This section is not intended to allow what the state statutes prohibit nor to prohibit what the state statutes expressly allow.

1310.03. - Definitions.

The following words and phrases when used in this section have the meanings as set out herein:

- (a) "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
- (b) "Operate" means to ride in or on and control the operation of a snowmobile.
- (c) "Operator" means every person who operates or is in actual physical control of a snowmobile.
- (d) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular traffic.
- (e) "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or natural terrain, steered by wheels, skis or runners.

1310.05. - Unlawful acts.

- (a) No snowmobile shall be driven at a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- (b) No snowmobile shall be driven in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- (c) No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- (d) No snowmobile shall be driven without a lighted head and tail light when required for safety.
- (e) No snowmobile shall be driven in any tree nursery or planting in a manner which damages or

exhaust system shall not emit or produce a sharp popping or cracking sound. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of the operation.

(Am. Ord. 162, passed 3-26-1996)

(Prior Code, ' 28.04) Penalty, see ' 10.99

' 70.19 UNLAWFUL ACTS.

(A) *Operation.* It shall be unlawful for any person to operate a snowmobile:

(1) On private property of another without permission of the owner of the property; or

(2) In a manner so as to create a loud, unnecessary, or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

(B) *Unattended snowmobiles.* It is unlawful for the owner or operator of any snowmobile to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with the key to start the snowmobile in the ignition switch.

(C) It shall be unlawful for any person to place or allow a barrier in the existing rights-of-way.
(Prior Code, ' 28.05) Penalty, see ' 10.99

' 70.20 DEFENSE.

It shall be a sufficient defense to the prosecution for violation of ' 70.19(A)(1) that the defendant has permission in writing from the owner or lawful occupant of the land.

(Prior Code, ' 28.06)

TRUCK TRAFFIC

' 70.35 GENERALLY.

The Maple Plain City Council finds that certain roadways within the city receive excessive wear, resulting in damage, as a result of heavy truck traffic; the Council also finds there is an increased danger to children and other citizens as a result of heavy truck traffic over certain city roadways; and further that truck traffic can reasonably be prohibited on certain streets to eliminate a majority of the safety and property damage concerns.
(Prior Code, ' 31.01)

' 70.36 DESIGNATION OF TRUCK TRAFFIC.

The Maple Plain City Council is hereby authorized to prohibit certain truck traffic route(s) within the city. The designation shall be by Council resolution and shall set out the route or routes that are prohibited for the truck traffic within the city. The City Council shall also cause the designating resolution to be published and shall clearly mark the prohibited streets.

(Prior Code, ' 31.02)

' 70.37 TRUCKS SUBJECT TO DESIGNATED ROUTE.

All trucks that are licensed for a gross vehicle weight in excess of 9,000 lbs. shall be subject to this subchapter.

(Prior Code, ' 31.03)

' 70.38 EXCEPTIONS.

The following trucks are exempt from the provisions of this subchapter:

(A) Local truck traffic (traffic that has a legitimate local purpose);

(B) Garbage trucks;

(C) Milk trucks;

(D) School buses; and

(E) Other official emergency vehicles.

(Prior Code, ' 31.04)

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Found 1 matches for 169.871

169.871 EXCESS WEIGHT; CIVIL PENALTY.

Subdivision 1. Civil liability. (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections [169.823](#) to [169.8295](#), [169.84](#) to [169.851](#), and [169.87](#) or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections [169.823](#) to [169.8295](#), [169.84](#) to [169.851](#), and [169.87](#) is liable for a civil penalty as follows:

(1) if the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit;

(2) if the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;

(3) if the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;

(4) if the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;

(5) if the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.

(b) Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit imposed under this section or sections [169.823](#) to [169.8295](#), [169.84](#) to [169.851](#), or [169.87](#) is also found by the court to have knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise avoid weighing by means of stationary scales under section [169.85](#) or other law, the court must impose a penalty of twice the amount otherwise authorized under paragraph (a).

(c) Any penalty imposed upon a defendant under this subdivision must not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation is applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section [299D.06](#) who cites a driver for a violation of the weight limitations established by sections [169.81](#) to [169.851](#) and [169.87](#) must give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

(d) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section [169.872](#) must not exceed an aggregate of \$10,000.

Subd. 1a. Special permit violations. (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of an adjusted weight limit and a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds an adjusted weight limit is liable for a civil penalty. The civil penalty is the greater of (1) as calculated at a rate of five cents per pound for each pound in excess of the highest weight allowed by the permit or under section [169.826](#), [subdivision 1](#), or (2) \$100.

(b) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section [299D.06](#) who cites a driver for a violation of the adjusted weight limit shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings.

(c) For purposes of this subdivision, "adjusted weight limit" means a weight limit (1) imposed by a permit issued under this chapter, or (2) imposed under section [169.826](#).

subdivision 1.

Subd. 1b. Civil penalty for first two violations. Notwithstanding subdivision 1, paragraph (a), clauses (1) to (5), a civil penalty under subdivision 1 for a violation in a motor vehicle in the course of a first haul as defined in section 168.013, subdivision 3, paragraph (d)(3), of a weight limit imposed under sections 169.823 to 169.829, 169.84 to 169.851, and 169.87 that is not preceded by two or more violations of the gross weight limits in those sections in that motor vehicle within the previous 12 months, may not exceed \$150.

Subd. 2. Jurisdiction. The district court may hear, try and determine actions commenced under this section. Trials under this section shall be to the court, sitting without a jury. Trials to the court under this section shall, if possible, be conducted at the same time as pretrial motions or trials in the criminal prosecution under sections 169.81 to 169.87, if any, subject to the agreement of the defendant.

Subd. 3. Appearance. Notwithstanding the provisions of section 8.01, county or city attorneys may appear in civil actions commenced under this section at the request of the attorney general.

Subd. 4. Venue. Civil actions under this section may be commenced in any county in which the vehicle was loaded, unloaded or operated in violation of subdivision 1 unless there is agreement that the action may be tried in another county or municipality.

Subd. 5. Fines; proceeds allocated. Any penalty imposed and fines collected pursuant to this section shall be disposed of as provided in section 299D.03, subdivision 5, with the following exceptions:

(a) If the violation occurs in the county, and the county attorney appears in the action, the remaining five-eighths shall be credited to the highway user tax distribution fund.

(b) If the violation occurs within the municipality, and the city attorney appears in the action, the remaining one-third shall be paid to the highway user tax distribution fund.

(c) Except as provided in paragraph (d), when the attorney general appears in the action, all penalties imposed and fines collected shall be credited to the highway user tax distribution fund.

(d) If the violation occurs in Hennepin County, and the arrest or apprehension is made by the county sheriff, three-eighths of the civil penalty shall be credited to the general revenue fund of the county and the remaining five-eighths shall be credited to the highway user tax distribution fund.

Subd. 6. Costs and disbursements. The prevailing party in any action commenced under this section shall be entitled to reasonable costs incurred in the action.

Subd. 7. Shipper's good-faith exception. (a) The penalty imposed by subdivision 1 shall not be imposed on a shipper who in good faith ships goods or tenders goods for shipment in a vehicle that does not exceed the maximum gross weight for which the truck is licensed under section 168.013, subdivision 1e.

(b) For purposes of this section, "good faith" means that (1) the vehicle is licensed pursuant to section 168.013, subdivision 1e, (2) the operator of the vehicle is not under the control of the shipper, (3) the operator has requested that the vehicle be loaded to the maximum gross weight for which the vehicle is licensed, and (4) the road leading from the shipper's immediate place of shipment may be legally used for the allowed gross weight of the vehicle with its legally maximum load.

History: 1980 c 485 s 2; 1980 c 618 s 10; 1981 c 321 s 10; 3Sp1981 c 2 art 1 s 14, 15; 1983 c 198 s 13, 14; 1985 c 299 s 12; 1986 c 444; 1988 c 606 s 1, 2; 1996 c 455 art 3 s 23; 1997 c 230 s 4, 5; 1998 c 254 art 2 s 16; 2002 c 297 s 1; 2010 c 320 art 1 s 15-17; 2017 c 86 s 2

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169.87 SEASONAL LOAD RESTRICTION; ROUTE DESIGNATION.

§ Subdivision 1. **Optional power.** (a) Local authorities, with respect to highways under their jurisdiction, may prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained.

(c) Municipalities, with respect to highways under their jurisdiction, may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action.

(e) When a local authority petitions the commissioner to establish a truck route for travel into, through, or out of the territory under its jurisdiction, the commissioner shall investigate the matter. If the commissioner determines from investigation that the operation of trucks into, through, or out of the territory involves unusual hazards because of any or all of the following factors; load carried, type of truck used, or topographic or weather conditions, the commissioner may, by order, designate certain highways under the commissioner's jurisdiction as truck routes into, through, or out of such territory. When these highways have been marked as truck routes pursuant to the order, trucks traveling into, through, or out of the territory shall comply with the order.

Subd. 2. Seasonal load restriction. (a) Unless restricted as provided in subdivision 1, between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed:

(1) five tons on an unpaved street or highway; or

(2) ten tons on a paved street or highway.

(b) The gross weight on consecutive axles on an unpaved street or highway shall not exceed the gross weight allowed in sections 169.823 to 169.829 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight.

Subd. 3. School bus and Head Start bus. Weight restrictions imposed pursuant to subdivisions 1 and 2 do not apply to a school bus or Head Start bus transporting students, Head Start children, or Head Start parents when the gross weight on a single axle of the school bus or Head Start bus does not exceed 14,000 pounds; provided that, road authorities may restrict any highway under their jurisdiction to a lesser axle weight by written order to school boards and Head Start grantees 24 hours in advance of required compliance with such reduced axle weight.

Subd. 4. Vehicle transporting milk. A weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from the point of production to the point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle.

Subd. 5. Utility vehicles. (a) Weight restrictions imposed by the commissioner under subdivisions 1 and 2 do not apply to a two-axle or three-axle utility vehicle that does not exceed a weight of 20,000 pounds per single axle and 36,000 pounds gross vehicle weight for a two-axle vehicle or 48,000 pounds gross vehicle weight for a three-axle vehicle, if the vehicle is owned by:

(1) a public utility as defined in section 216B.02;

(2) a municipality or municipal utility that operates the vehicle for its municipal electric, gas, or water system; or

(3) a cooperative electric association organized under chapter 308A.

(b) The exemption in this subdivision applies only when the vehicle is performing service restoration or other work necessary to prevent an imminent loss of service.

Subd. 6. Recycling and garbage vehicles. (a) Except as provided in paragraph (b), weight restrictions imposed under subdivisions 1 and 2 do not apply to a vehicle that does not exceed 20,000 pounds per single axle and is designed and used exclusively for recycling, while engaged in recycling in a political subdivision that mandates curbside recycling pickup.

(b) Weight restrictions imposed under subdivisions 1 and 2 do not apply to: (1) a vehicle that does not exceed 14,000 pounds per single axle and is used exclusively for recycling as described in paragraph (a); (2) a vehicle that does not exceed 14,000 pounds per single axle and is designed and used exclusively for collecting mixed municipal solid waste, as defined in section 115A.03, subdivision 21, while engaged in such collection; or (3) a portable toilet service vehicle that does not exceed 14,000 pounds per single axle or 26,000 pounds gross vehicle weight, and is designed and used exclusively for collecting liquid waste from portable toilets, while engaged in such collection.

(c) Notwithstanding section 169.80, subdivision 1, a violation of weight restrictions imposed under subdivisions 1 and 2 by a vehicle designed and used exclusively for recycling while engaged in recycling in a political subdivision that mandates curbside recycling pickup while engaged in such collection, by a vehicle that is designed and used exclusively for collecting mixed municipal solid waste as defined in section 115A.03, subdivision 21, while engaged in such collection, or by a portable toilet service vehicle that is designed and used exclusively for collecting liquid waste from portable toilets, while engaged in such collection, is not subject to criminal penalties but is subject to a civil penalty for excess weight under section 169.871.

Subd. 7. Cargo tank vehicles. (a) Weight restrictions imposed by the commissioner under subdivisions 1 and 2 do not apply to cargo tank vehicles with two or three permanent axles when delivering propane for heating or dyed fuel oil on seasonally weight-restricted roads if the vehicle is loaded at no more than 50 percent capacity of the cargo tank.

(b) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle used for propane must have an operating gauge on the cargo tank that shows the amount of propane as a percent of capacity of the cargo tank. Documentation of the capacity of the cargo tank must be available on the cargo tank or in the cab of the vehicle. For purposes of this subdivision, propane weighs 4.2 pounds per gallon.

(c) To be exempt from weight restrictions under paragraph (a), a cargo tank vehicle used for dyed fuel oil must utilize the forward two tank compartments and must carry documentation of the empty weight of the cargo tank vehicle from a certified scale in the cab of the vehicle. For purposes of this subdivision, dyed fuel oil weighs seven pounds per gallon.

(d) To the extent practicable, cargo tank vehicles that are exempt from weight restrictions under paragraph (a) shall complete deliveries on seasonally weight-restricted roads by 12:00 p.m. and before the last week of April.

History: (2720-279) 1937 c 464 s 129; 1947 c 505 s 1; 1949 c 695 s 1; 1951 c 445 s 1; 1967 c 12 s 1; 1967 c 467 s 1; 1973 c 85 s 1; 1981 c 321 s 9; 1982 c 617 s 15; 1986 c 444; 1994 c 603 s 15; 1999 c 154 s 2; 1999 c 230 s 16; 2000 c 433 s 2-4; 2003 c 97 s 3; 1Sp2003 c 19 art 2 s 63; 2004 c 205 s 1; 2004 c 228 art 1 s 69; 2005 c 21 s 1; 2005 c 34 s

1; 1Sp2005 c 1 art 1 s 82; 2008 c 159 s 1; 2009 c 64 s 18; 2010 c 320 art 2 s 9; 2010 c 351 s 35; 2015 c 75 art 2 s 29

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169.824 GROSS WEIGHT SCHEDULE.

Subdivision 1. Table of axle weight limits. (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following axle weight limits table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration. Unless otherwise noted, the distance between axles must be measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used.

Axle Weight Limits

Maximum gross weight in pounds on a group of

2 3 4

Distances in feet
between centers of
foremost and
rearmost axles of a
group

consecutive axles of
a 2-axle vehicle or
any combination of
vehicles having a
total of 2 or more
axles

consecutive axles of
a 3-axle vehicle or
any combination of
vehicles having a
total of 3 or more
axles

consecutive axles of a 4-
axle vehicle or any
combination of vehicles
having a total of 4 or
more axles

4	34,000		
5	34,000		
6	34,000		
7	34,000	34,000	
8	34,000	34,000	
8 plus	34,000 (38,000)	42,000	
9	35,000 (39,000)	43,000	
10	36,000 (40,000)	43,500	49,000
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000
25		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	63,500
33			64,000

34	65,000
35	65,500
36	66,000
37	67,000
38	67,500
39	68,000
40	69,000
41	69,500
42	70,000
43	71,000
44	71,500
45	72,000
46	72,500
47	(73,500)
48	(74,000)
49	(74,500)
50	(75,500)
51	(76,000)
52	(76,500)
53	(77,500)
54	(78,000)
55	(78,500)
56	(79,500)
57	(80,000)

(b) The maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles of any axle group is seven feet or eight feet, is 34,000 pounds, except for vehicles manufactured before August 1, 1991. Notwithstanding any lesser weight shown in the axle weight limits table, for vehicles manufactured before August 1, 1991:

(1) the maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles of any axle group is seven feet, is 37,000 pounds; and

(2) the maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles of any axle group is eight feet, is 38,500 pounds.

(c) "8 plus" refers to any distance greater than eight feet but less than nine feet.

Axle Weight Limits (continued)				
Maximum gross weight in pounds on a group of				
	5	6	7	8
Distances in feet between centers of foremost and rearmost axles of a group	consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	consecutive axles of a 6-axle vehicle or any combination of vehicles having a total of 6 or more axles	consecutive axles of a 7-axle vehicle or any combination of vehicles having a total of 7 or more axles	consecutive axles of an 8-axle vehicle or any combination of vehicles having a total of 8 or more axles
14	57,000			
15	57,500			
16	58,000			
17	59,000			
18	59,500			
19	60,000			
20	60,500	66,000	72,000	
21	61,500	67,000	72,500	
22	62,000	67,500	73,000	
23	62,500	68,000	73,500	
24	63,000	68,500	74,000	

25	64,000	69,000	75,000	
26	64,500	70,000	75,500	
27	65,000	70,500	76,000	
28	65,500	71,000	76,500	
29	66,500	71,500	77,000	
30	67,000	72,000	77,500	
31	67,500	73,000	78,500	
32	68,000	73,500	79,000	
33	69,000	74,000	79,500	
34	69,500	74,500	80,000	
35	70,000	75,000	(80,500)	(86,000)
36	70,500	76,000	(81,000)	(86,500)
37	71,500	76,500	(81,500)	(87,000)
38	72,000	77,000	(82,000)	(87,500)
39	72,500	77,500	(82,500)	(88,500)
40	73,000	78,000	(83,500)	(89,000)
41	74,000	79,000	(84,000)	(89,500)
42	74,500	79,500	(84,500)	(90,000)
43	75,000	80,000	(85,000)	(90,500)
44	75,500	(80,500)	(85,500)	(91,000)
45	76,500	(81,000)	(86,000)	(91,500)
46	77,000	(81,500)	(87,000)	(92,500)
47	77,500	(82,000)	(87,500)	(93,000)
48	78,000	(83,000)	(88,000)	(93,500)
49	79,000	(83,500)	(88,500)	(94,000)
50	79,500	(84,000)	(89,000)	(94,500)
51	80,000	(84,500)	(89,500)	(95,000)
52	(80,500)	(85,000)	(90,500)	(95,500)
53	(81,000)	(86,000)	(91,000)	(96,500)
54	(81,500)	(86,500)	(91,500)	(97,000)
55	(82,500)	(87,000)	(92,000)	(97,500)
56	(83,000)	(87,500)	(92,500)	(98,000)
57	(83,500)	(88,000)	(93,000)	(98,500)
58	(84,000)	(89,000)	(94,000)	(99,000)
59	(85,000)	(89,500)	(94,500)	(99,500)
60	(85,500)	(90,000)	(95,000)	(100,500)
61			(95,500)	(101,000)
62			(96,000)	(101,500)
63			(96,500)	(102,000)
64			(97,000)	(102,500)
65				(103,000)
66				(103,500)
67				(104,500)
68				(105,000)
69				(105,500)
70				(106,000)
71				(106,500)
72				(107,000)
73				(107,500)
74				(108,000)

(d) The gross weights shown without parentheses in the axle weight limits table are allowed on unpaved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. The gross weights shown in this table, whether within or without parentheses, are allowed on paved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. Gross weights in excess of 80,000 pounds require an overweight permit under this chapter, unless otherwise allowed under section 169.826.

(e) Notwithstanding any lesser weight shown in the axle weight limits table, but subject to the restrictions on gross vehicle weights in subdivision 2, paragraph (a), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a

combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

§ **Subd. 2. Gross vehicle weight of all axles.** The gross vehicle weight of all axles of a vehicle or combination of vehicles must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all streets and highways, unless posted at a lower axle weight under section 169.87, subdivision 1; and

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (j).

Subd. 3. Weight limit credits; idle- and emissions-reduction technology; natural gas vehicles. (a) Notwithstanding the maximum weight provisions of this section, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 that is equipped with idle-reduction technology or emissions-reduction technology are increased by the amount of weight necessary to compensate for the weight of the idle-reduction technology or emissions-reduction technology, not to exceed 550 pounds.

(b) Notwithstanding the maximum weight provisions of this section, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle that is a natural gas vehicle and subject to sections 169.80 to 169.88 are increased by the amount of weight calculated as provided under United States Code, title 23, section 127(s), not to exceed 2,000 pounds.

(c) The weight limit increases under paragraphs (a) and (b) are cumulative.

(d) At the request of an authorized representative of the Department of Transportation or the Department of Public Safety, the vehicle operator must provide proof through documentation or demonstration that the vehicle meets the requirements of this subdivision.

History: 1981 c 321 s 4; 1982 c 424 s 42; 1982 c 617 s 11-13; 1983 c 198 s 9; 1986 c 398 art 13 s 6-9; 1986 c 452 s 20; 1Sp1986 c 3 art 4 s 13; 1991 c 112 s 4; 1991 c 333 s 18, 19; 1992 c 578 s 7-10; 1994 c 635 art 1 s 16; 1998 c 372 art 1 s 8; 2000 c 433 s 1; 2001 c 156 s 1; 2001 c 213 s 10; 2002 c 364 s 13; 1Sp2005 c 1 art 4 s 36; 2008 c 287 art 1 s 54; 2009 c 64 s 6; 2010 c 320 art 1 s 4, 5; 2013 c 127 s 42; 2016 c 142 s 1, 2

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2019 OVERWEIGHT VEHICLE PERMIT

Overweight permits are permitted within the City of Independence according to Municipal Code Section 1305.

All City roads are posted at a maximum of 4-ton or 5-ton per axle weight limit unless otherwise posted. Permits may be granted to allow up to a maximum 7-ton axle weight with Public Works approval. Permit holder must use the shortest route in and out of the City.

Any person not holding a valid permit, who violates a posted load restriction, shall be guilty of a misdemeanor and subject to the penalty established by MN Statute 609.02 as amended: Together with a civil penalty payable directly to the City, equal to the value of the damages caused by such violation.

FEES

<input type="checkbox"/> Daily Permit	\$100.00 per truck/ per day (max 7 ton) Valid 7:00 am- 11:00 am only
<input type="checkbox"/> Single Trip Seasonal- Home Delivery-	\$250.00 (max 5 ton)
<input type="checkbox"/> Commercial Tow Truck	\$750.00 per occurrence
<input type="checkbox"/> No Permit	Double Fee
<input type="checkbox"/> Emergency - Well & Septic	No Charge (max 7 ton)
<input type="checkbox"/> Resident Annual To/ From	No Charge (max 5 ton)

All charges are per truck and are restricted. Emergency includes septic, liquid propane and similar.

Permit Number 2019- _____

Date Issued _____

Amount Paid: \$ _____

Vehicle Owner's Name/ Applicant _____

Address: _____ Ph # _____

Type of Truck _____ License # _____

Destination: _____

Hauling Restrictions: _____

Route of Travel: _____

MAXIMUM AXLE WEIGHT ALLOWED: ☐ 5 ton ☐ 7 ton

Applicants Signature _____

Authorized Signature _____

PERMIT MUST BE IN POSSESSION OF VEHICLE DRIVER

ORDINANCE NO. 2019-01

CITY OF INDEPENDENCE

**AN ORDINANCE AMENDING CHAPTER XIII, SECTION 1305 OF
THE CITY CODE RELATING TO WEIGHT RESTRICTIONS ON
CITY ROADS**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE ORDAINS as follows:

SECTION 1. The Independence City Code, Chapter XIII, Section 1305 is repealed in its entirety and replaced with the following:

1305.01.-Weight Restrictions.

Pursuant to the authority granted to the City by Minnesota State §169.87 the City Council finds that it is in the public interest to regulate the weight of vehicles on City roads under the City's jurisdiction and hereby adopts the following regulations:

1305.03.-Seasonal Weight Limits; Posting.

The Public Works Director may prohibit the operation of vehicles upon any street under the jurisdiction of the City or impose restrictions as to the weight of vehicles to be operated upon any City street when, by reason of deterioration, rain, snow, or climatic conditions, such City street may be damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The City shall cause to be posted on any such City street appropriate signs designating such restrictions. The City will follow the State of Minnesota Commissioner of Transportation dates of seasonal load limits. However, the Public Works Director may initiate or extend the date if he/she deems it necessary to protect the public interest.

1305.05.-Administrative Regulation of Trucks.

The Public Works Director shall monitor the condition of all streets under the jurisdiction of the City and the use thereof by vehicles over 8,000 pounds gross weight, which vehicles are defined as trucks for purposes of this section. Whenever the Public Works Director determines that the excessive use of any City street by trucks has or is likely to endanger public health or safety or that such use has or may damage or destroy the street due to any condition, including but not limited to, street deterioration, rain, snow, climatic conditions, soil or subsurface conditions, or sight lines, the Public Works Director may regulate, restrict, or prohibit truck traffic on the street. The Public Works Director may set conditions or limitations on the use of the street to protect public health and safety or to prevent damage to the street, including requiring that a letter of credit or other financial guarantee be posted to compensate the City for damage to the street, establishing haul routes and restricting hours of operation. Any person aggrieved by a decision of the Public Works Director regarding regulation of truck traffic under this section may appeal that decision, in writing, to the Public Works Director within 7 days of the decision of the Public Works Director. The City Council shall review any such appeal at its next available business meeting and shall render a decision within a reasonable period of time. If no appeal is filed within seven (7) days of the Public Works Director's initial determination, this appeal right shall be deemed to have been waived. The City Council may continue, modify or terminate the regulations as it deems appropriate in order to protect public health and safety and to prevent or minimize damage to the City streets.

1305.07.-Weight Limits; Seasonal Restrictions.

- Subd. 1. *Violation:* Unless the appropriate permitting is secured in compliance with this Ordinance, it shall be unlawful to operate any vehicle or a combination of vehicles upon any public street, alley or highway within the City, between the dates set by the Commissioner of Transportation each calendar year, as may be amended locally by the Public Works Director as set forth herein, where the gross weight on any single axle exceeds 8,000 pounds on all City roads, unless otherwise posted. This limitation does not apply to emergency vehicles of public utilities used incidental to making emergency repairs to its plant or equipment within the City; nor to vehicles identified and exempted in Minnesota Statute, §169.87, Subds. 2-6; and section 169.801, as they are amended from time to time, nor shall this limitation apply to roads paved with concrete.
- Subd. 2. *Posting of Signs.* Upon the adoption of any prohibition or restriction as provided for in this Section, the Public Works Director shall cause to be posted or erected, signs plainly indicating the prohibition or restriction at each end of the street or alley or that portion of any street or alley affected thereby, and the prohibition or restriction is effective until after such signs so posted or erected are removed.

1305.09.- Restrictions Generally.

Prohibited vehicles – All motor vehicles, tractors, trailers, or any machine or instrument that is driven, pulled, pushed, or parked must comply with posted weight restrictions.

1305.11.-Permits for Vehicles in Excess of Weight Limitations.

- Subd. 1. The Public Works Director may issue an “Emergency Overweight Permit” authorizing an individual to travel with a vehicle having axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The individual must make written application to the Public Works Director showing good cause for the emergency overweight permit. The application shall specifically describe the vehicle or vehicles, the streets and particular routes to be traveled. Emergency overweight permits shall be valid for only a 24-hour period. If granted, the emergency overweight permit shall be carried in the vehicle and shall be open to inspection.
- Subd. 2. The Public Works Director may issue a “Single Trip Overweight Permit” authorizing an individual to travel with a vehicle having an axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The individual receiving such overweight permit must make written application to the City showing good cause for the permit. The application shall specifically describe the vehicle or vehicles, the street and particular routes traveled, and the period of time for which the permit is requested. The application will be reviewed by the Public Works Director for recommendation. If granted, the permit shall be carried in the vehicle at all times and shall be open to inspection.
- Subd. 3. The Public Works Director may issue a “Residential Annual Overweight Permit” authorizing an individual to travel with a vehicle having axle weight exceeding the restrictions herein set forth or otherwise posted on the street. The applicant must meet the following requirements:
- (a). Applicant must be a resident of Independence
 - (b). Applicant must have a valid form of identification to show residency

- (c). Permitted vehicle must be used as a commercial vehicle
- (d). Permitted vehicle must be parked at the applicant's residence in Independence.
- (e). Permitted vehicle exceeds 8,000 pounds per axle but no more than 10,000 pounds per axle
- (f). Issued Permit must be maintained in the permitted vehicle
- (g). A specific concise route of travel must be established, documented and approved by the Public Works Director on the permit
- (h). Permits will be issued on an annual basis without a fee to the applicant

Subd. 4. Issuance of any overweight permit imposes upon the holder of the permit all responsibility for damage caused to the designated routes by such excess load and the holder of the permit shall reimburse the City for all reasonable and necessary expenditures to repair and replace the street to its formed condition. Any person not holding a validly issued permit as described above is subject to Section 1305.13 – Penalty.

1305.13.- Fees.

The City Council shall set fees for the issuance of the above permits, from time to time by Council Resolution.

1305.15. -Penalty.

Any person violating this ordinance shall be guilty of a misdemeanor and subject to the maximum penalty permitted by Minnesota Statute 609.02, as amended from time to time, for each such violation. In addition to the driver or operator, the owner of any truck being operated with his/her permission and consent shall be liable for any violation of this ordinance and subject to all of the penalties contained within this Section.

In addition to any criminal liability, any person who violates this ordinance shall be subject to civil penalty. The City may pursue a civil penalty in an amount established from time to time by Council resolution or ordinance. The funds obtained through the civil penalty will be delegated as follows: fifty percent of the funds received will be used to repair damaged City roadways, the remainder will be used for training, equipment and enforcement associated with overweight vehicle violations.

In addition to any other penalty imposed under this Section, any person who violates a posted load, or vehicle restriction shall be liable to the City for the full amount of the damages caused by such violations.

1305.17. - Authority

Violations of this ordinance are to be enforced by a licensed Peace Officer in the State of Minnesota. Peace Officer must have training and certificate of completion in weight enforcement by the Department of Public Safety, as referenced in Minnesota law.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 19th day of February 2019, by the City Council of the City of Independence.

CITY OF INDEPENDENCE

By: _____
Marvin Johnson, Mayor

Attest:

Mark Kaltsas, Public Works Director