



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY APRIL 16, 2019

******PLEASE NOTE******

**6:30 PM - LOCAL BOARD OF APPEALS AND EQUALIZATION MEETING
(RECONVENE FROM APRIL 2, 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 April 2, 2019 Board of Appeals and Equalization Meeting.
- b. Approval of City Council minutes From the April 2, 2019 Regular City Council Meeting.
- c. Approval of Accounts Payable; Checks Numbered 18773-18809 (Check No. 18772 was voided).
- d. Agriculture Preserve Renewal Application – (Goodman Property) PID No.s 20-118-24-34-0001 and 20-118-24-34-0002.
- e. Large Assembly Permit for Running of the Bays Annual Event to be Held on Saturday, September 7th, 2019.
- f. First Quarter Building Permit Report – For Information Only.

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

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

7. Consider Post-Issuance Debt Compliance Procedures and Policy.

- a. **RESOLUTION 19-0416-01** - Approving an Update to Existing Policy Based on New Regulations.
8. Open/Misc.
 9. Adjourn.

-BOARD OF REVIEW AND APPEAL- MINUTES
TUESDAY, APRIL 02, 2019
6:00 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, an appeal meeting of the Independence City Council/ Board of Review was called to order by Mayor Johnson at 6:00 p.m.

2. ROLL CALL

PRESENT: Mayor Johnson, and Councilors Betts, Grotting, McCoy and Spencer
ABSENT: None
STAFF: City Administrative Assistant Horner, City Administrator Kaltsas
VISITORS: (Hennepin County Assessor's Dave Thomsen, Melissa Potter), Brent Visser, Anita Volkenant, John Hayes, Brad Hayes, Duane and Karen Schlosser, Jeff and Bonnie Jacobs, Cindy Volkenant, Mary Jacobs

3. Board of Appeal –

- A. Brent Visser (361 Game Farm Road) asked if there was an advantage to combine his 2 lots. Kaltsas stated he has 2 buildable lots, and he can combine them but he'd never get it back to 2. Thomsen told him there'd be no tax advantage to combing them. He was given an application for Green Acres and was told in order to qualify for that he needs at least 10 acres in production. The Assessors office can review his application once he's sent it in.
- B. Lynda Franklin (6615 Franklin Hills Road) questioned the classification on 2 of their properties: 6695 McKown Ct. and 6694 McKown Ct. (They are currently classified as residential). She asked that they be reviewed to determine if they would qualify for Agricultural classification.

Thomsen received a call about the storage units next to City Hall, wondering why their particular unit had gone up. Thomsen said since they were able to reduce his assessment, they'd need to reduce every unit. Thomsen read each PID for the record. They are:

PID:

0111824230003, 5395 Sunset Lane
2011824430003, 1755 Highsted Dr.
STORAGE UNITS AT 1940 Co Rd 90:
2311824320014, Unit 1
2311824320015, Unit 2
2311824320016, Unit 3
2311824320017, Unit 4

2311824320018, Unit 5
2311824320019, Unit 6
2311824320020, Unit 7
2311824320021, Unit 8
2311824320022, Unit 9
2311824320023, Unit 10
2311824320024, Unit 11
2311824320025, Unit 12
2311824320026, Unit 13
2311824320027, Unit 14
2311824320028, Unit 15
2311824320029, Unit 16
2311824320030, Unit 17
2311824320031, Unit 18
2311824320032, Unit 19
2311824320033, Unit 20
2311824320034, Unit 21
2311824320035, Unit 22
2311824320036, Unit 23
2311824320037, Unit 24
2311824320039, Unit 25
2311824320040, Unit 26
2311824320041, Unit 27
2311824320042, Unit 28
2311824320043, Unit 29
2311824320044, Unit 30
2311824320045, Unit 31
2511824340013, 971 Co Rd 19 N
3211824410043, 274 Co Rd 92
3611824230011, 5451 Anderson Estates Rd

Motion by Betts, second by Spencer to approve the list of PID's for the record. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

- C. Gerald Fredin (7850 Turner Road) was not present but called two hours before the meeting questioning his value which he thinks is excessive. This will be reviewed prior to the reconvene.

Motion by Spencer, second by Grotting to approve reviewal of Franklin's and Fredin's requests. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Motion by McCoy, second by Betts to reconvene on Tuesday, April 16, 2019 at 6:30 p.m. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED

Motion by McCoy, second by Betts to recess. Ayes: Johnson, Betts, Grotting, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

DRAFT

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, APRIL 2, 2019 –6:30 P.M.

6:00 PM - Hennepin County Assessor David Thomsen – Local Board of Appeals and Equalization Meeting. Separate minutes are available.

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, McCoy and Betts

ABSENT: City Attorney Vose

STAFF: City Administrator Kaltsas, City Administrative Assistant Horner

VISITORS: Dave Thomsen, Melissa Potter, Lynda Franklin, Brent Visser, Anita Volkenant, Brad Hayes, Duane & Karen Schlosser, Jeff & Bonnie Jacobs, Cindy Volkenant, Bob Volkenant, Mary Saedits.

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

All items listed under the 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 March 19, 2019 Regular City Council Meeting.
- b. Approval of Accounts Payable; Checks Numbered 18747-18771..
- c. Agriculture Preserve Renewal Application - PID is 04-118-24-13-0002.
- d. Approval of Dust Control and Gravel Quotations for 2019.

Motion by Spencer, second by Grotting to approve the Consent Agenda. 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:

- Local Board of Appeals & Equalization

Grotting attended the following meetings:

- Planning Commission
- Local Board of Appeals & Equalization

McCoy attended the following meetings:

- WHCC
- Local Board of Appeals & Equalization

Betts attended the following meetings:

- WHCC
- Local Board of Appeals & Equalization

Johnson attended the following meetings:

- WHCC
- MnDOT- Engineers designing Co Rd's 90 & 92
- Land Use Advisory
- Senior Community Services Finance Committee
- Judy Johnson's farewell reception in the City of Plymouth
- SLUC
- Community Action Partnership Hennepin County Annual Meeting
- Parade of Homes
- Visited with Senators & Representatives at Capital
- Local Board of Appeals & Equalization

Horner attended the following meetings:

- Planning Commission
- WHCC
- Local Board of Appeals & Equalization

Kaltsas attended the following meetings:

- MnDOT Engineers designing Co Rd's 90 & 92
- Local Board of Appeals & Equalization

7. Anita Volkenant (Applicant/Owner) requests that the City consider the following actions for the property located at 5835 Drake Drive, Independence, MN (PID No. 26-118-24-43-0006):

RESOLUTION 19-0402-01 – Approving an interim use permit allowing the continued horticulture use of the existing property.

Kaltsas said the City has been working with the applicant for several years to better understand the existing use of the property and how it conforms to permitted and accessory uses within the RR-Rural Residential zoning district. The applicant has stated that the use of the property is for horticulture, which is a permitted use in the RR zoning district. Horticulture is defined by the City as follows:

Subd. 42. "Horticulture." The use of land for the growing or production of fruits, vegetables, flowers, cultured sod and nursery stock, including ornamental plants and trees, for the production of income.

The applicant currently operates a business which grows and produces flowers and ornamental plants for the “production of income”. The applicant has noted that the plants grown on the premise are integral to and the primary use of the business known as Pleasant View Gardens, Inc. In association with the horticulture use of the property, the applicant has equipment, materials and employees. The City has been

working with the applicant to understand and to address several issues relating to the horticultural use of the property. The City believes that the use of the property is more intense than the historically interpreted allowed horticulture use of similar properties. As such, it was found to be in the best interest of the City to establish parameters relating to the existing and future use of the property for horticultural purposes. The current zoning ordinance does not fully establish conditions or criteria relating to the horticultural use of a property.

The City and applicant have agreed that consideration of an interim use permit would be the clearest way to allow the continued horticultural use of the property while establishing requirements and stipulations on several elements of the use. The applicant and the City have developed a list of significant parameters and conditions in the form of a settlement and stipulation agreement. The agreement has been considered by the City Council and approved in an effort to establish key parameters and conditions that can be considered during the review of the interim use permit application. The approval of the settlement and stipulation agreement is subject to the applicant obtaining an interim use permit for the continued use of the property for horticultural use. The City is not obligated to approve the interim use permit and shall review the application and proposal based on the established criteria in the zoning ordinance.

There are several key considerations relating to the proposed interim use permit that should be noted and further considered by the City.

1. The applicant has stated that this property has historically been used for horticultural purposes similar to the current use of the property.

2. The City regulates the total square footage of detached accessory structures on a property. The subject property would allow for a total of 3,306 SF (165,315 SF x 2%). The applicant currently has the following detached accessory structures on the property totaling 3,457 SF:

- a. Garage: 600 SF
- b. Garage #1: 270 SF
- c. Garage #2: 420 SF
- d. Barn & Lean-to: 881 SF
- e. Shed: 736 SF
- f. Lean-to: 550 SF

In addition, the applicant has the following hoop houses totaling 4,600 SF:

- a. Hoop House #1: 3,000 SF (300' x 100')
- b. Hoop House #2: 1,600 SF (20' x 80')

The square footage of detached accessory structure exceeds the allowable amount permitted on the property. All of the permanent detached buildings are existing and considered legal-nonconforming. The applicant has constructed two hoop houses (greenhouses) on the property in the last 5 years without approval from the City. The applicant has noted that they believe the structures to be temporary and considered agricultural buildings which would not require a building permit. The City does differentiate

between temporary and permanent structures and the hoop houses fit into the City's current definition of accessory structures. The applicant is proposing that one of the hoop houses will be taken down for a portion of the year (see detailed condition in Exhibit A attached hereto). As a condition of the approval, the applicant would not be permitted to expand or add any additional detached accessory structures to the property without meet all applicable ordinances and obtaining the requisite approvals and permits.

3. The applicant has employees that are integral to the horticultural use of the property. The employees tend to and maintain the plants grown on the premise. The City and applicant have discussed that the employees being permitted on the premise will be limited to the growing season from March to November. The total number of employee vehicles is limited and further detailed on the attached Exhibit A.

4. The applicant has equipment associated with the horticultural use of the property that is used to maintain the plants, move material associated with growing and tending to the plants and vehicles associated with taking the plants off site for delivery and installation. The City has discussed limiting the vehicles and equipment permitted on the property. In addition, the City has discussed allowing equipment and vehicles to be stored on a nearby property located at 1030 County Road 83. This property is owned by a relative and has an existing conditional use permit allowing employee vehicle parking associated with a construction business. The City and applicant have discussed that the vehicles and equipment stored on the premise would need to be located in designated areas and reasonably screened from public view.

5. The applicant has materials associated with the horticultural use of the property. The City and applicant have discussed that the materials would need to be located in designated areas and reasonably screened from public view.

6. The applicant has prepared a site plan which further details the existing buildings, location of proposed parking, storage of materials and existing and proposed screening. The applicant is proposing to develop a more complete landscape screen along Drake Drive and the east and west property lines. In addition, the applicant is proposing to add additional screening to the north side of the hoop houses and outdoor materials storage areas (a copy of the proposed site and landscape plan is attached to this report).

The City has criteria relating to interim use permits. One of the criteria of an interim use permit is that it meets the standards for granting a conditional use permit. The following criteria have been established for both an interim use permit and conditional use permit:

- 1. The use is deemed temporary and the use conforms to the development and performance standards of the zoning regulations.*
- 2. The date or event that will terminate the use can be identified with certainty.*
- 3. Allowing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.*
- 4. The user agrees to any conditions that the city council deems appropriate for allowing the use.*
- 5. The use meets the standards set forth in subsection 520.11 governing conditional use permits.*

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

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

The City will need to determine if the requested interim use permit meets all of the aforementioned conditions and restrictions. The City has worked with the applicant to develop an agreeable set of conditions and parameters to limit, and where necessary, mitigate potential impacts relating to the horticultural use of the property. It should be noted again that horticulture is a permitted use in the Rural Residential zoning district. The interim use permit will provide the City with ability to establish measures and conditions to the use of the property in order to mitigate potential impacts. It should also be noted that the City Council has determined that the zoning ordinance will be updated to ensure clarity relating to the desired intent of permitting horticulture use of a property and to more fully provide regulations of the same.

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The interim use permit will expire upon the conveyance of the property or the sale or cessation of the business (Pleasant View Gardens, Inc.), whichever occurs first.
3. The horticulture use of the property shall be subject to all conditions provided for and further detailed in the attached **Exhibit A**.
4. The applicant shall pay for all costs associated with the City's review and processing of the requested interim use permit.

The Planning Commission held a public hearing where there were comments as well as some that just came in and sent to Council. The Planning Commission discussed the overall aspects of the Interim Use, and temporary versus permanent. This is a zoning code issue, not building code. They discussed the Settlement Agreement in detail. They recommended approval of the IUP with the inclusion of the entire Settlement Agreement.

Grotting wondered if our horticulture language mimics that of the State. Kaltsas said our definition are very typical of municipalities such as ours. What differs is they have a broader array of zoning districts. Johnson asked what the reasoning is behind removing one hoop house cover and leaving the other one on. Kaltsas said that since we don't have a definition of temporary vs permanent this is one way to make it temporary. We haven't granted a CUP for a detached structure of this size because it would more than double the square

footage for detached structure. By taking off the cover it makes it temporary. Kaltsas said the applicant said it is difficult to put the cover on at certain times of the year. The larger structure would be kept up, and the smaller would come down. McCoy commended Staff and the Applicant for coming to an agreement on this but questioned the taking it off and putting it on. He wondered if there be a different material that could avoid ending up in the landfill. Grotting also thanked Staff and the Applicant but felt since the agreement has been made we should leave it alone. Grotting asked if she needs to leave it off for a certain period of time. Kaltsas said the Applicant came up with the dates and the policing would be like that of CUP, with annual inspections. Johnson felt it unnecessary to have to store the Bobcat. Vose explained Council has the right to make any changes to this IUP but advised against it because it could bring this process back to square one. Spencer asked the Applicant if she were in agreement with this and she said yes but would appreciate it if it could be tweaked in the future.

Motion by Spencer, second by McCoy to approve RESOLUTION 19-0402-01 – Approving an Interim Use Permit Allowing the Continued Horticulture Use of the Existing Property. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

8. **PUBLIC HEARING** – Consider the Vacation of a Portion of East Lake Rebecca Road.

RESOLUTION 19-0402-02 – Vacating a portion of the public right of way between CSAH 11 and the City of Greenfield.

Johnson opened the Public Hearing of vacating a portion of E. Lake Rebecca Road, on which no residents are residing. Public Works has felt for some time that this could be a liability issue. Kaltsas said this road is completely surrounded by Three Rivers Park and they'd like to maintain and eventually close that portion. It's currently in need of a major overlay. They plan to keep the road to the maintenance shed open for now, up to the Greenfield line. The road is used to launch small personal craft. The City notified the DNR, and it was confirmed it's wholly Three Rivers Park Districts. There have been no comments from Greenfield. Spencer asked when this would take effect, and Kaltsas stated we need to file the determination and publish it.

Johnson asked if anyone wanted to speak to this point. Bob Volkenant asked why we're considering this since we don't know what Greenfield is doing. Johnson said they can put a block up anytime. Volkenant said he is not in favor of it, and Johnson explained that the cost to maintain it is very high, and the liability is also a huge issue. Johnson asked for further public comments.

Motion by Spencer, second by Grotting to close the Public Hearing. Ayes: Johnson, Grotting, Betts, Spencer and McCoy. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Grotting asked if we're giving up any use rights? Betts clarified-are there any advantages to us keeping it open? She felt there were none, but the advantages of closing it are saving tax-payers money and public safety. Johnson added that people like to use that to go fishing because it's free now. Spencer confirmed people really like fishing there, but now it'll be up to Three Rivers Park District.

Motion by Spencer, second by Betts to approve RESOLUTION 19-0402-02 – Vacating a Portion of the Public Right of Way Between CSAH 11 and the City of Greenfield. Ayes: Johnson, Grotting, Betts, McCoy and Spencer. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9. **Open/Misc.**

10. **Adjourn.**

Motion by Grotting, second by McCoy to adjourn at 7:25.

Respectfully Submitted

Beth Horner/Recording Secretary

DRAFT

**METROPOLITAN AGRICULTURAL PRESERVES
RESTRICTIVE COVENANT**

THIS AGREEMENT, made and entered into this 17th day of April 2019, by and between Shane A. Goodman & Carolin B. Goodman, husband & wife Record Fee Owner(s);
_____ Contract for Deed Vendor(s) (Sellers), if any;
_____ Contract for Deed Vendor(s) (Buyers), if any;
hereinafter collectively referred to as Landowner(s); AND the City of Independence,
Hennepin County, Minnesota,

(NOTE: Above named Landowner(s) must be identified as husband and wife, a single person, a Partnership, a (State) Corporation, a Trustee of a Trust (describe), a Guardian or Administrator of an Estate (describe) — whatever the case might be — If property is homestead — spouse must join whether their name is on record or not — if property is non-homestead and spouse doesn't join — then a statement must be put at end of legal description that it is non-homestead.)

WITNESSETH:

WHEREAS, the Landowner(s) above named are the owners of the tract of land (the Land) in the County of Hennepin, State of Minnesota, legally described as:

(IF TORRENS PROPERTY — Use description from Certificate of Title, verbatim; IF ABSTRACT PROPERTY — Use description from abstract or deed, if possible, or get it from your county auditor. Use an additional sheet if extra space is needed. Be sure to state your parcel identification number and whether or not your property is homesteaded.)

Parcel identification number: 20-118-24-34-0001 Homestead or Non-homestead.
Legal Description: 20-118-24-34-0002 (Circle one)

See Attached Exhibit A

WHEREAS, the Landowner desires to receive the benefits of participation in the State of Minnesota Metropolitan Agricultural Preserves Program established by Minn. Stat., Chapter 473H, and has made application for initiating placement of the Land into a Metropolitan agricultural preserve, a copy of which is attached hereto and incorporated herein as Attachment A; and

WHEREAS, the Land described herein is classified as agricultural pursuant to Minn. Stat., Section 273.13 and City of Independence has (have) approved and certified this Land as being eligible for designation as an agricultural preserve; a copy of the affidavit evidencing that the land is certified long-term agricultural is attached hereto and incorporated herein by reference as Attachment B;

WHEREAS, Minn. Stat., Section 473H.05, requires that the applicant complete and file as part of his application a "restrictive covenant which shall constitute an easement running with the land";

NOW, THEREFORE, in consideration of receipt of the benefits of participation in the State of Minnesota Metropolitan Agricultural Preserves Program, the Landowner on behalf of himself, his successors and assignees, agrees and covenants as follows:

1. The Land herein described shall be kept in agricultural use. Agricultural use as that is used herein means the production for sale of livestock, dairy animals, dairy products, poultry or poultry products, fur bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, pasture and woodlands accompanying land in agricultural use shall be deemed to be in agricultural use.

2. The Land herein described shall be used in accordance with the provisions of Minn. Stat., Chapter 473H which exist on the date of this covenant.

For Partnership:

State of)
) SS
County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, partner of _____ a partnership,
on behalf of the partnership.

Signature of Notary Public
Commission Expires _____

For Attorney-in-Fact:

State of)
) SS
County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, as attorney-in-fact on behalf of _____

Signature of Notary Public
Commission Expires _____

For Trustee or Personal Representative:

State of)
) SS
County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, the _____ of the _____

Signature of Notary Public
Commission Expires _____

THIS INSTRUMENT WAS DRAFTED BY:
Beth Horner, Assistant City Administrator
City of Independence
1920 County Road 90
Independence, MN 55359

Exhibit A

PID 20-118-24-34-0001

The Southeast Quarter of the Southwest Quarter of Section 20, Township 118 North, Range 24 West of the 5th Principal Meridian, EXCEPT that part of said Southeast Quarter of the Southwest Quarter which lies Northeasterly of a line drawn from a point on the North line of said Southeast Quarter of the Southwest Quarter distant 60.00 feet Westerly from the Northeast corner of said Southeast Quarter of the Southwest Quarter to a point on the East line of said Southeast Quarter of the Southwest Quarter distant 60.00 feet Southerly from said Northeast corner, Hennepin County, Minnesota.

APPLICATION FOR INITIATING
PLACEMENT OF LAND INTO A
METROPOLITAN AGRICULTURAL PRESERVE

LOCAL AUTHORITY: City of Independence and _____
(if applicable)

1. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF RECORD FEE OWNER(S) Owner(s) is ("X" one):
(Use this space only if applicable. Must be same names as on page 1.)

Shane A. Goodman Individual
Carolin B. Goodman Legal Guardian
1925 Highsted Dr. Family Farm Corporation
Independence, MN 55359 Other
(specify): _____

2. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED BUYER(S) (VENDEES)
(Use this space only if applicable. Must be same names as on page 1.)

3. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED SELLER(S) (VENDORS)
(Use this space only if applicable. Must be same names as on page 1.)

4. BASIS OF ELIGIBILITY OF LAND ("X" one):

- 40 or more acres of land.
- Non-contiguous parcels of at least ten acres each; parcels farmed as a unit.
- 35-acre parcel, bound by public right-of-way or perturbation in the rectangular survey system.
- 20-acre parcel, subject to the conditions of Minnesota Statutes, section 473H.03, subdivision 4.

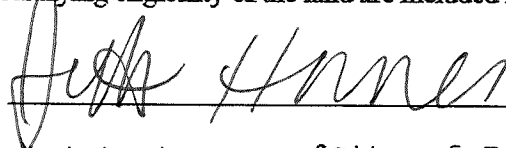
5. TOTAL ACRES: 38.42

6. TYPE OF PROPERTY ("X" one):

- Abstract
- Registered (Torrens). If "Torrens" property, include your Owner's Duplicate Certificate of Title.

FOR LOCAL AUTHORITY ONLY:

7. This application has been reviewed by this Authority and is determined complete this 17 day of April, 2019.
The restrictive covenant and the affidavit from the Authority certifying eligibility of the land are included in this application.



Asst. City Administrator _____ of City of Independence
(Signature and Title or Position of Local Authority)

8. DATE OF PLACEMENT OF LAND INTO PRESERVE: May 17, 2019
(Must be thirty days after the date in No. 7 above.)

ATTACHMENT B

STATE OF MINNESOTA)
)
COUNTY OF Hennepin) SS AFFIDAVIT OF "AUTHORITY"
)
)

Beth Horner _____, being first duly sworn upon oath deposes and says as follows:

1. I am the Asst. City Administrator of City of Independence,
(Title or Position of Local Authority)
State of Minnesota, which unit of government exercises the planning and zoning authority for the land described herein, and constitutes the "Authority" as that term is defined under Minn. Stat., Section 473H.02, Subd. 4.

2. This affidavit is being executed and submitted on behalf of the Authority.

3. The tract of land in the County of Hennepin, State of Minnesota, legally described as *(must be same as on page 1)*:

Parcel identification number: 20-118-24-34-0001 Homestead or Non-homestead.
20-118-24-34-0002 *(Circle one)*

Legal Description:

See Attached Exhibit A

is, as of April 17, 2019, designated as long term agricultural land and in accordance with a resolution adopted by the Authority on April 16, 2019, is certified and eligible for designation as an agricultural preserve as provided under the provisions of Minn. Stat., Section 473H.04.

4. This affidavit is submitted at the request of Shane A. Goodman & Carolin B. Goodman
(Applicant)
for the purpose of making application for designation and creation of an agricultural preserve in accordance with Minn. Stat., Chapter 473H.

Dated April 17, 2019.

Signature: *Beth Horner*
Asst. City Administrator of City of Independence
(Title or Position of Local Authority)

Subscribed and sworn to before me

this 17 day of April, 2019.

Beth Horner
Signature of Notary Public
Commission Expires 01/31/2024



THIS INSTRUMENT WAS DRAFTED BY:
Beth Horner
City of Independence
1920 County Road 90
Independence, MN 55359

**NOTICE INITIATING EXPIRATION OF AN
AGRICULTURAL PRESERVE**

COUNTY OF: Hennepin and _____
(Other planning and/or zoning authority, if applicable)

1. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF RECORD OWNER(S) Owner(s) is ("X" one):
(Use this space only if applicable.)
Shane A. Goodman Individual
Carolyn B. Goodman Legal Guardian
1925 Highsted Dr. Family Farm Corporation
Independence, MN 55359 Other
(Specify) _____

2. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED SELLER(S) (VENDORS)
(Use this space only if applicable.)

3. PRINT OR TYPE NAME(S) AND ADDRESS(ES) OF CONTRACT FOR DEED BUYER(S) (VENDEES)
(Use this space only if applicable.)

4. TYPE OF PROPERTY ("X" one):
 Abstract
 Registered (*Torrens*).

5. COMPLETE LEGAL DESCRIPTION OF THE LAND. *(If Torrens property, use the description from the Certificate of Title, verbatim. If Abstract property, use the description from the abstract or deed, or get it from your county auditor. Use an additional sheet if extra space; is needed. Be sure to state your parcel identification number and circle whether or not your property is homesteaded.)*

Parcel Identification Number: 20-118-24-34-0001 Homestead or Non-Homestead
20-118-24-34-0002 (Circle one)

Legal Description:

See Attached Exhibit A

6. TOTAL ACRES: 38.42

7. DATE OF EXPIRATION OF AGRICULTURAL PRESERVE:
April 17, 2027
(Must be at least eight years after the last notarized date in either No. 9 or No. 10.)

8. DATE OF EXPIRATION OF PROPERTY TAX CREDITS: _____

This is to notify the landowner(s) of the parcel(s) of land described in this notice that said land will be taken out of agricultural preserve status because the agricultural land preservation plan and official controls of the planning and/or zoning authority have been amended so that the land is no longer designated for exclusive long-term agricultural use and is no longer eligible to be an Agricultural Preserve. The agricultural land preservation plan and official controls were amended in accordance with Minn. Stat. Section 40A.071.

State of Minnesota)
) SS
 County of)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

by _____
 (Print or type same name and title at left.)

 of _____
 (Signature and Title or Position of Local Planning and/or Zoning authority.)

 of _____

 Signature of Notary Public
 Commission Expires _____

10. IF LANDOWNER-INITIATED:

This is to notify the county that the agricultural preserve status of the land described in this notice shall expire on the date specified in No. 7 unless this notice is rescinded by the Landowner(s) within the first two years following execution of this notice.

IN WITNESS HEREOF, the parties to this agreement have caused this instrument to be executed on the day and year first above written. (To be signed in the presence of a notary public with exact same name as on page 1.)

Witnessed Signature of Record Fee Owner(s):

Shane A. Goodman
Carolyn B. Goodman

Shane A. Goodman
Carolyn B. Goodman

State of Minnesota)
) SS
 County of Hennepin)

The foregoing instrument was acknowledged before me this 17 day of April, 2019.

by Shane A. Goodman & Carolyn B. Goodman, husband & wife
 (Print or type exact name(s) with marital status or identity as on page 1.)



[Signature]
 Signature of Notary Public
 Commission Expires 01/31/2024

Witnessed Signature of Contract for Deed Vendor(s) (Sellers), if any:

State of _____)
) SS
 County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by

(Print or type exact name(s) with marital status or identity as on page 1.)

Signature of Notary Public
Commission Expires _____

THIS INSTRUMENT WAS DRAFTED BY:
Beth Horner, Asst. City Administrator
City of Independence
1920 County Road 90
Independence, MN 55359

Exhibit A

PID 20-118-24-34-0001

The Southeast Quarter of the Southwest Quarter of Section 20, Township 118 North, Range 24 West of the 5th Principal Meridian, EXCEPT that part of said Southeast Quarter of the Southwest Quarter which lies Northeasterly of a line drawn from a point on the North line of said Southeast Quarter of the Southwest Quarter distant 60.00 feet Westerly from the Northeast corner of said Southeast Quarter of the Southwest Quarter to a point on the East line of said Southeast Quarter of the Southwest Quarter distant 60.00 feet Southerly from said Northeast corner, Hennepin County, Minnesota.

City of Independence
AG Preserve Renewal Application

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: April 16, 2019

Discussion:

The properties identified as PID 20-118-24-34-0001 & PID 20-118-24-34-0002 and owned by Shane A. Goodman & Carolin B. Goodman has expired from the Ag Preserve program in 2017. The property owner is requesting to renew the Ag Preserve status. The landowner has also requested to begin the expiration period concurrently.

Recommendation:

City Council is being asked to approve the application for renewal of the Ag Preserve status for the subject property. Shane A. Goodman & Carolin B. Goodman

Attachments: Application



NON-CITY ASSEMBLY PERMIT APPLICATION

Fees & Definitions:

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

(Double fee for application received less than 10 business days prior to event).

Event Location: Starts at Grandview Middle School (Mound), runs N on 110, E on Moline and 19 to trail.

Type of event: Half Marathon Number of people 250 **Date** 9/07/2019
 Residential Corporate Partnership Group or Association Other

Event Holder's Name: Invictus LLC **Address:** 2465 Lost Lake Road, Mound, 55364
Contact Person: Heidi Knight **Phone:** 612-730-8587
2nd Contact Person: Mark Wegscheid **Phone:** 612-581-6710

Security Plans: See attached

Date West Hennepin Public Safety was notified of the event: _____

Severe Weather Plans (in the event of): See attached

Sound Plans - amplification and sound control: None

Outdoor Music Yes No - Starting Time AM/PM, Ending Time AM/PM

Food and Concessions Plans: None

Vendor's name, address, and license number *(copies of vendor license, insurance and permits must be provided)* _____

Vendor Work #: _____ **Vendor Cell #** _____

Serving Alcohol: Yes: _____ No: _____

Selling Alcohol: Yes: _____ No: _____ (If selling alcohol contact the City for a Permit)

Restroom Provisions: How many? 1 Location: Corner of 110 and Moline

Lighting - Type: None How many? _____
Location of lights: _____

\$1,000,000 Certificate of Liability Insurance-provide a copy: Certificate will be issues 90 - 60 days prior to event

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

3-13-2019
Date

Heidi D. Knight
Signature of applicant

Date

Signature of applicant

Office Use Only

Application Received: 3/13/19 Application Fee: 100.⁰⁰ Date Fee Paid: _____

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

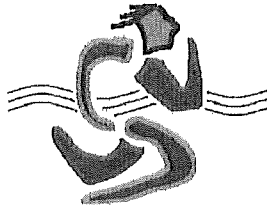
Signature of City Official
C. Kivells
Signature of West Hennepin Public Safety

Date
3-29-19
Date

~~*~~ \$35 per hour for reserve officers working this event will be invoiced.

C. Kivells

Running of the Bays



Running of the Bays
City of Independence

March 1, 2019

Permit only for
local government

March 5, 2019

City of Independence:

5K Run and Half Marathon - Saturday, September 7th, 2019

Running of the Bays Half Marathon and 5K Run will take place in your area from 7:30am-11:00am on Saturday, September 7.

Enclosed is your city permit application for this event. Also included with the application are documents requested. I understand permits cannot be issued without the Certificate of Liability Insurance. You should have received a letter from our insurance provider stating that it will be provided to you 60 days prior to the event. Once you process and approve the permit, please confirm with me.

The Lord Fletcher's Half Marathon offers runners a scenic tour of the lovely lake communities of Mound, Minnetrista, Independence, Orono, and Spring Park and benefits West Metro charities.

The 5K Run benefits Our Lady of the Lake Catholic Church and Westonka food shelf.

Course Information

Both races start at 7:30am at Grandview Middle School in Mound.

5K Run: Heads South on CR 110 to CR 15. East on CR 15 to Dakota Rail Trail, follows trail to Spring Park and comes back in to finish at Bethel Methodist Church on Church Road.

Lord Fletcher's Half Marathon: Heads North on CR 110 to Moline Road. East on Moline Road to CR 19, follows CR 19 to McCulley Road, North on McCulley Road to Luce Line Trail. Exit trail at Stubbs Bay Road to Bayside Road (CR 84) to Old Crystal Bay Road, follows Old Crystal Bay Road to North Shore Drive (CR 51), follows to Shadywood (CR 51) to Sunset Drive at Lord Fletcher's, Sunset to Dakota Rail Trail, West to Belmont Lane, then Left to Church Road and finish at Bethel Methodist Church.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,

Heidi Knight

612-730-8587

hknight@mchsl.com

2465 Lost Lake Road

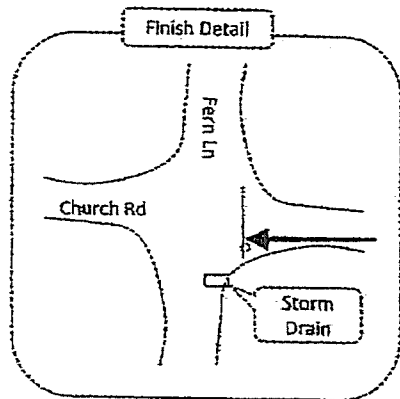
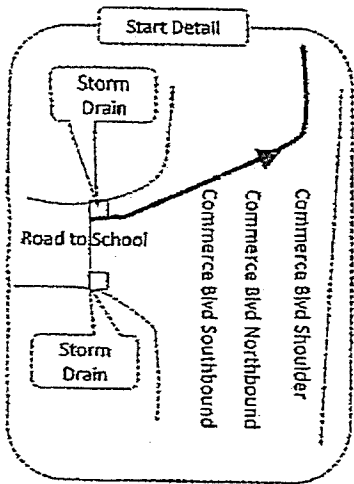
Mound, MN 55364

Running of the Bays

Running of the Bays Half Mound, MN

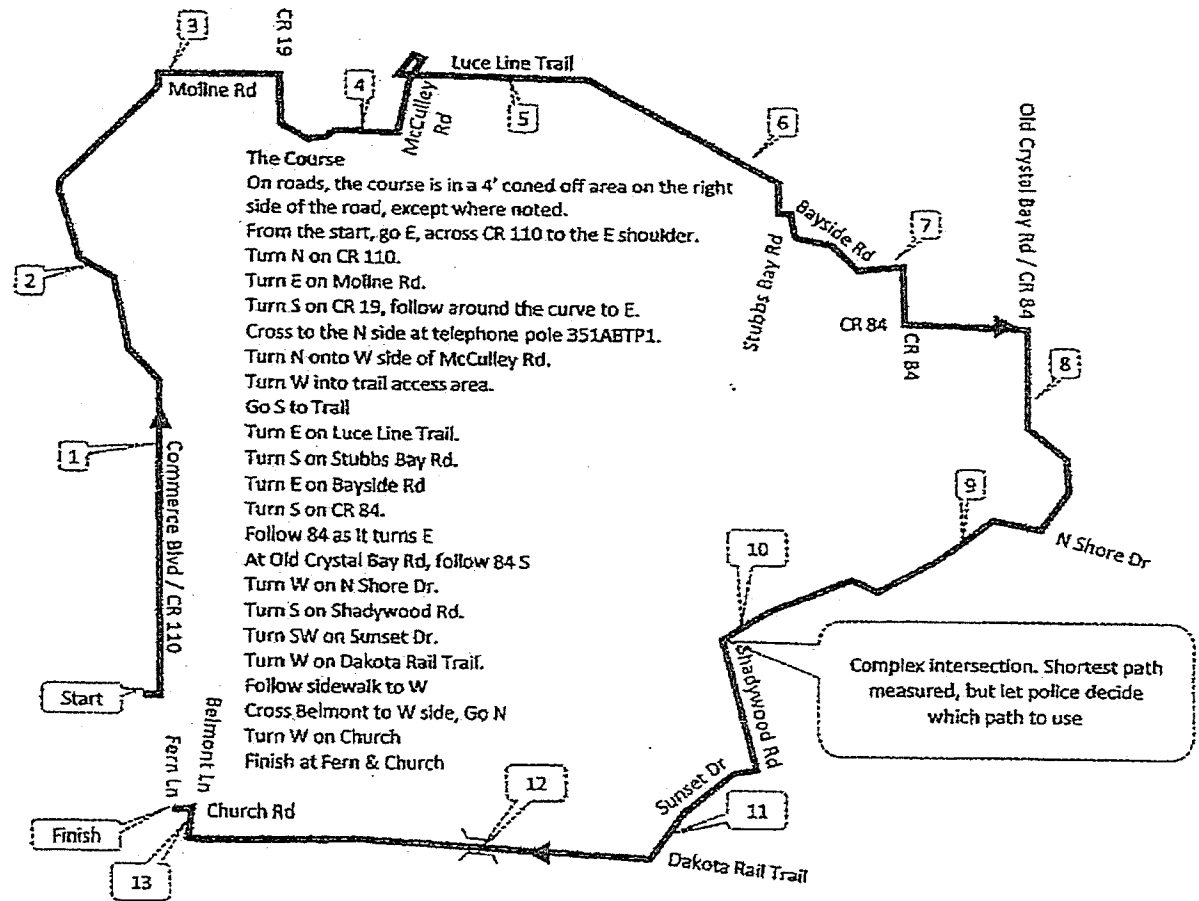
Start – On drive to Grandview Middle School, at matching storm drains just W of CR 110, at W edge of N storm drain. No PK nail

Finish – On SE corner of Church and Fern, 3 curb sections NE of storm drain on Fern. PK nail in asphalt.

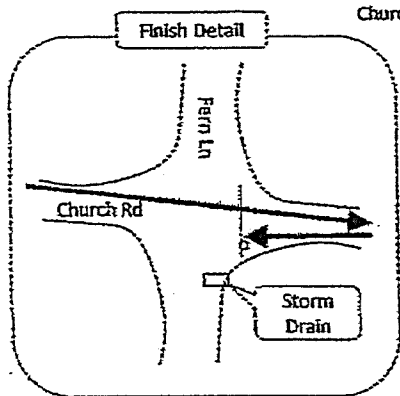
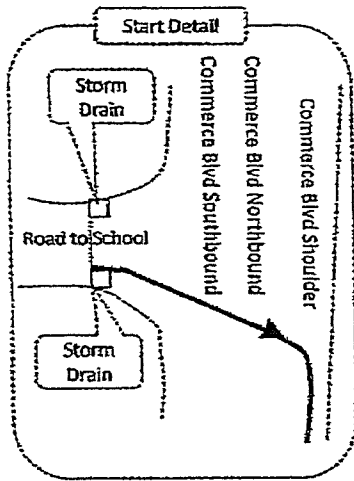


Measured by: Bruce Leasure
Measured on: 29 August 2014

- 1 mile – on CR 110, N of mailbox 1100, N of driveway + 1m N. PK on E side of Rd
- 2 mile – on CR 110, N of N Arm Dr, N of W side mailbox 415 + 10m N. PK on E side of Rd
- 3 mile – on Moline (gravel Rd), 2 1/2 utility poles E of CR 110. No PK nail
- 4 mile – on CR 19, E of telephone pole 351AB TP1, at mailbox 492D. No PK nail
- 5 mile – on trail, 28m W of utility pole 136 (last pole before grass trail climbs a hill on the S side to Lowry Woods). No PK nail
- 6 mile – on trail, 7m E of utility pole 120 (utility pole 116 is at the corner of the trail and Stubbs Bay Rd). No PK nail
- 7 mile – on Leaf, just N of Sussex Rd, at utility pole 40. No PK nail
- 8 mile – on Old Crystal Bay Rd S, at double mailbox (850 & 870) on E side. PK on W at road edge.
- 9 mile – on N Shore Dr at mailbox 3085. No PK nail
- 10 mile – on Shadywood Rd, just S of N Shore Dr, at E side fire hydrant. No PK nail
- 11 mile – 4044 Sunset Dr, Spring Park – at the W edge of the US Post Office front door. No PK nail.
- 12 mile – on trail, on wooden floored bridge, 4 1/2 N side railing sections W of E end of flooring. No PK nail.
- 13 mile – on Belmont Ln, 5m S of first driveway on W. PK nail at road edge.



Running of the Bays 5k
Mound, MN



The Course

From the start, go E, across CR 110 to the E shoulder.
Turn S on CR 110.
Turn E on Church Rd. Go thru the finish.
Turn S on the W side of Belmont Ln.
Cross Belmont Ln before crossing Shoreline Dr
Take the sidewalk at the NE corner of Belmont Ln and
Shoreline Dr to the E
Turn N onto the Dakota Rail Trail.
Go past Minnetonka Drive In to the Turn.
Return on the same path to the finish.

Start – On drive to Grandview Middle School, at matching storm drains just W of CR 110, at W edge of S storm drain. No PK nail

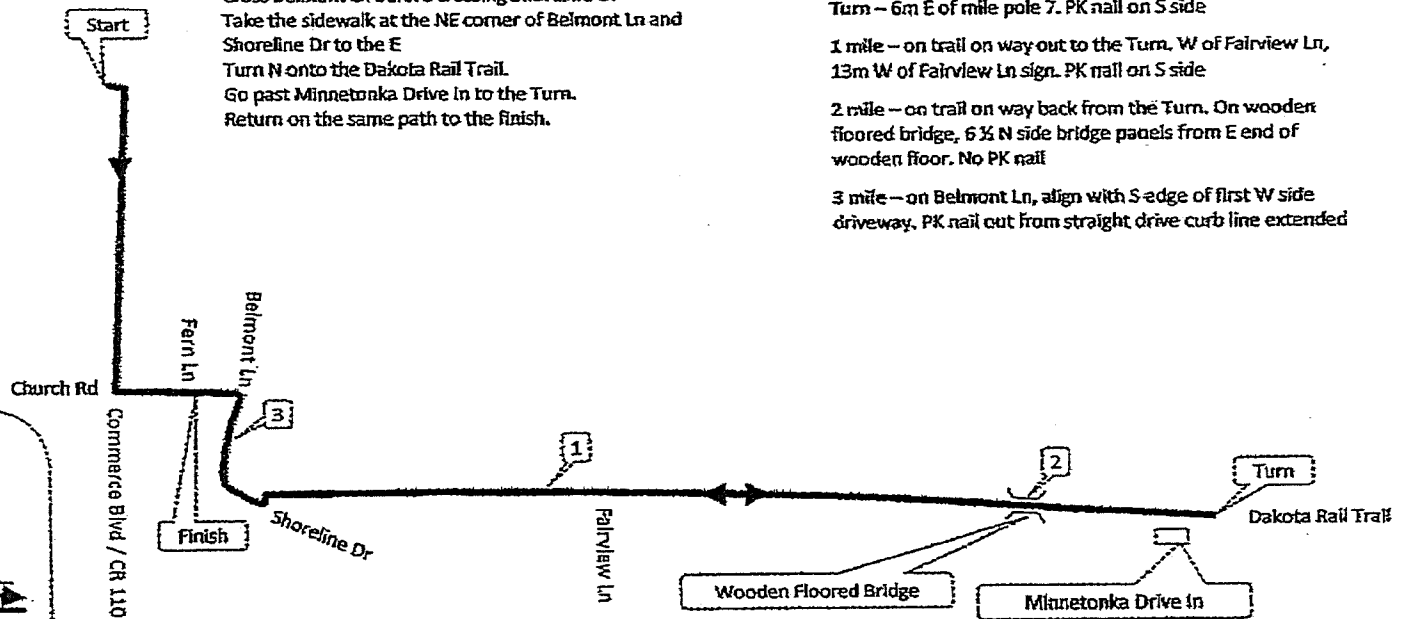
Finish – On SE corner of Church and Fern, 3 curb sections NE of storm drain on Fern. PK nail in asphalt.

Turn – 6m E of mile pole 7. PK nail on S side

1 mile – on trail on way out to the Turn. W of Fairview Ln, 13m W of Fairview Ln sign. PK nail on S side

2 mile – on trail on way back from the Turn. On wooden floored bridge, 6 1/2 N side bridge panels from E end of wooden floor. No PK nail

3 mile – on Belmont Ln, align with S-edge of first W side driveway. PK nail cut from straight drive curb line extended



Measured by: Bruce Leasure
Measured on: 29 August 2014

EMERGENCY TELEPHONE NUMBERS

Emergency – Police/Fire/Medical/Sherriff/State Patrol	911
KARE 11 Weather Line	763-512-1111
Orono Police Department	763-525-6210-Dispatch
Mound Fire Department (Medical)	952-472-3555

Race Contacts/Phone Numbers

Police Contact	Steve Sturm	952-292-2467
Race Director	Mark Wegscheid	612-581-6710

GENERAL CRISIS RESPONSE PROCEDURES

1. Take necessary action to create a safe environment.
2. Notify authorities in the event of an emergency.
 - **911 FOR EMERGENCIES**
 - **See Medical Emergency Protocal, Medical Non-Emergency and Property Damage Protocal or Weather-related Emergency/Event Cancellation Protocal, as applicable**
3. Notify Volunteer Lead or Race Director(s) via telephone NOT radio, if possible.
4. Volunteer Lead follows up with first responder/volunteer to make sure appropriate authorities have been notified and appropriate steps have been taken.
5. Volunteer Lead reports to Race Directors.

MEDICAL EMERGENCY PROTOCOL

1. Call 911 IMMEDIATELY. Provide exact location of the caller, nature of emergency, number of injured/involved and any other pertinent information. The first responder should stay with the injured person until assistance arrives and treatment has been taken over by the authorities. If additional volunteer assistance is needed, at least one person must stay with the injured person at all times until medical assistance arrives and treatment has been taken over by the authorities.
2. The first responder should seek to secure the area and protect the injured person, but should NOT provide medical assistance unless it is absolutely necessary for the protection of the injured person.

3. First responders should provide pertinent information relative to the emergency to the authorities upon arrival.
4. Advise the Volunteer Lead and/or Race Directors ASAP.
5. After immediate care has been rendered by the medical professionals, either the Volunteer Lead or the Race Directors should attempt to obtain statements from all witnesses (at a minimum obtain names, addresses and telephone numbers of witnesses).
6. First responders should be prepared to provide pertinent information relative to the emergency to the Volunteer Lead and/or Race Directors.

MEDICAL NON-EMERGENCY AND PROPERTY DAMAGE PROTOCOL

1. Contact the Volunteer Lead or Race Directors ASAP. Provide exact location of the caller, nature of emergency (medical situation or property damage), number of injured/type of property damage and any other pertinent information.
2. The first responder should stay with the injured person or damaged property until assistance arrives. If additional volunteer assistance is needed, at least one person must stay with the injured person or damage property until assistance arrives.
3. The first responder should seek to secure the area and protect the injured person or damaged property, but should NOT provide medical assistance to an injured person unless it is absolutely necessary to the protection of the injured person.
4. Volunteer Lead or Race Directors will decide whether to involve the police/fire/etc.
5. First responders should provide pertinent information relative to the authorities upon arrival.
6. After immediate care/protection has been rendered, either the Volunteer Lead or the Race Directors should attempt to obtain statements from all witnesses (at a minimum obtain names, addresses and telephone numbers of witnesses).
7. First responders should be prepared to provide pertinent information relative to the situation to the Volunteer Lead and/or Race Directors.

WEATHER RELATED EMERGENCY/EVENT CANCELLATION PROTOCOL

1. Race Directors will meet on Friday and assess the weather forecast for Saturday. To the extent possible, participants will be advised of any weather related issues via the ARM website, Twitter, Facebook, media partners and other media outlets (radio and television).
2. Race Directors will meet on Saturday morning no later than 6 a.m. to reassess the weather forecast and will determine whether to delay or cancel the events. The criteria used to delay or cancel the events will include:
 - Lightning - if you can hear it, clear it. The event can resume 30 minutes after the last thunder or lightning.
3. If the Race Directors determine that there is a risk to the participants, spectators and/or volunteers, the start of the events will be delayed until it is deemed safe to start the events.

4. The Race Directors will advise the Volunteer Leads of any delay or cancellation. The Volunteer Leads will be responsible for keeping the volunteers within their respective areas informed of the status of the events and any delays or cancellation.
5. To the extent possible, participants, spectators and volunteers will be notified of any weather related delays or cancellation.
6. Delays or cancellation close to the start of the events will be announced by the MC. The MC will provide periodic updates to participants, spectators and volunteers.
7. If an immediate evacuation is necessary, participants, spectators and volunteers will be instructed to seek shelter.
 - Race Headquarters/Start- participants, spectators and volunteers will be instructed to go inside the Grandview Middle School.
 - On the Course – participants, spectators and volunteers will be instructed to seek cover in a safe place (i.e. in buildings or vehicles).
 - Finish/Race Headquarters – participants, spectators and volunteers will be instructed to go inside the Bethel Methodist Church.



Date: April 2, 2019
To: Public Safety Commissioners
City of Independence Council Members
City of Maple Plain Council Members
From: Director Gary Kroells *GJK*
SUBJECT: MARCH 2019 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

CITY OF INDEPENDENCE - 2019 Quarter # 1 Building Permit Activity

Commercial	New House	Septic
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DATE	#	Applicant	ADDRESS	PID #	PERMIT TYPE	O	M	P	BV	Septic Sewer	Total Fees includes surcharge	Total Surcharge	Total Fees w/o Surcharge	VALUE
1/2/2019	19-01	Custom Remodelers	4590 S Lake Sarah Dr	24-21-0015	Windows			1			230	1	229	\$32,706.00
1/8/2019	19-02	Fireside Hearth	3425 Ihduhapi	12-41-0001	Fireplace			1			101	1	100	\$4,677.00
1/9/2019	19-03	Charity Heating	2636 Independence Rd	13-32-0003	Heat/AC			1			101	1	100	\$7,000.00
1/9/2019	19-04	Hearth & Home	1070 Drake Ct	25-31-0013	Gas line			1			101	1	100	\$5,000.00
1/16/2019	19-05	Craftsman Choice	65 Game Farm Rd	33-44-0004	Re-side			1			101	1	100	\$40,000.00
1/23/2019	19-06	Hearth & Home	5112 S. Lake Shore	13-12-0018	Fireplace			1			101	1	100	\$5,687.00
1/28/2019	19-07	Htg & Cooling Two	4230 Woodhill	01-32-0004	Mech			1			201	1	200	\$2,695.00
1/31/2019	19-08	Fireside Hearth	1395 County Rd 83	26-14-0001	Fireplace			1			101	1	100	\$2,240.00
2/1/2019	19-09	United Building	2375 Old Post	22-11-0001	Remodel				17.5		955.08	17.5	937.58	\$35,000.00
2/1/2019	19-10	Appliance Connect	5370 Lake Sarah Hghts	01-24-0003	Plumbing				1		51	1	50	\$900.00
2/4/2019	19-11	Gonyea	264 Hamilton	??	New Home						7213.07			\$525,000.00
2/5/2019	19-12	Ben Scherer	5983 County Road 6	35-12-0001	Plumbing				1		101	1	100	\$1,000.00
2/5/2019	19-13	Nybo Plumbing	5635 Providence Curv	14-41-0010	Plumbing				1		101	1	100	\$2,500.00
2/13/2019	19-14	Scott Ritter	5622 County Road 11	02-44-0004	Fireplace			1			101	1	100	\$4,539.00
2/14/2019	19-15	MA Peterson	8453 Hitsman	17-31-0006	New Home			2	1	250	6798.76	253	6545.76	\$500,000.00
2/19/2019	19-16	Ridler Htg & Clg	8145 Pioneer Creek Rd	29-11-0003	Furn. & AC			1			201	1	200	\$8,784.00
2/19/2019	19-17	Matt Ketcham	5410 Timber Trail	25-23-0011	Finish basement				1		656.96	1	655.96	\$20,000.00
2/21/2019	19-18	Sammons	5983 County Road 6	35-12-0001	Basement				0.5		66.36	0.5	65.86	\$1,000.00
2/27/2019	19-19	Lake Country	2636 Independence Rd.	13-32-0003	Remodel				10		555.96	10	545.96	\$20,000.00
2/28/2019	19-20	Josh Sammons	5983 County Road 6	35-12-0001	Fireplace			1			101	1	100	\$4,028.00
2/28/2019	19-21	Bidmon Homes	4530 S. Lake Sarah	02-24-0020	Remodel				10		656.96	10	646.96	\$20,000.00
2/28/2019	19-22	Randy Clabaugh	5990 County Road 90	24-23-0009	Remodel				3		316.86	3	313.86	\$6,000.00
3/1/2019	19-23	David Jacobson	2065 Nelson	19-24-0006	Addition			1	36.5		1505.17	37.5	1467.67	\$73,000.00
3/6/2019	19-24	Nicholas Builders	7825 County Rd 11	09-22-0002	Remodel				1		559.79	1	558.79	\$16,000.00
3/18/2019	19-25	WS & D	5881 Pagenkopf	23-12-0014	Windows	1					241	1	240	\$35,072.00
3/28/2019	19-26	Watertown Homes	6511 Highway 12	22-44-0011	Bathroom				2.5		191.57	2.5	189.07	\$5,000.00
3/28/2019	19-27	Affordable Egress	410 Kuntz Dr.	33-24-0004	Windows	1					113.51	1	112.51	\$1,875.00

Monthly Activity Report
March 2019

Offense	This Month	Same Month Last Year	This Year To Date	Last Year To Date
City Of Independence				
Criminal	7	13	18	36
Traffic	183	182	421	464
Part III	7	6	19	17
Part IV	52	32	138	100
Part V	140	160	345	378
Total City of Independence	389	393	941	995
City Of Maple Plain				
Criminal	4	3	14	9
Traffic	51	83	119	242
Part III	3	1	9	5
Part IV	25	18	59	58
Part V	86	109	243	302
Total City Of Maple Plain	169	214	444	616
Grand Total Both Cities	558	607	1,385	1,611
TZD	75	23	76	23
Agency Assists	28	44	44	91
Total ICR Reports	586	651	1,505	1,702
How Received				
Fax	13	21	30	48
In Person	23	37	76	92
Mail	1	1	3	1
Other	0	3	4	8
Phone	48	37	106	106
Radio	180	158	462	463
Visual	321	339	746	881
Email	11	2	24	8
Lobby Walk In	29	53	54	95
Total	626	651	1,505	1,702

March 2019 Criminal Part I & II
City of Independence Grid #'s 3-5

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19000922	4th Degree DWI/ Minor Consumption of Alcohol	4	3/2/2019	M3001
WHPS	19001026	Drugs-Small Amt of Marijuana in M-V	5	3/10/2019	DA540
WHPS	19001236	Theft of Property	3	3/21/2019	TW029
WHPS	19001243	3rd Degree DWI/Obstruct Legal Process / License Revocation	5	3/21/2019	X3080
WHPS	19001367	Damage Property	3	3/26/2019	P3119
WHPS	19001436	Drugs-Paraphernalia Possession / DAR	5	3/29/2019	DC500
WHPS	19001462	Drugs-Paraphernalia Possession / Drugs-Small Amt of Marijuana in M-V	3	3/30/2019	DC500

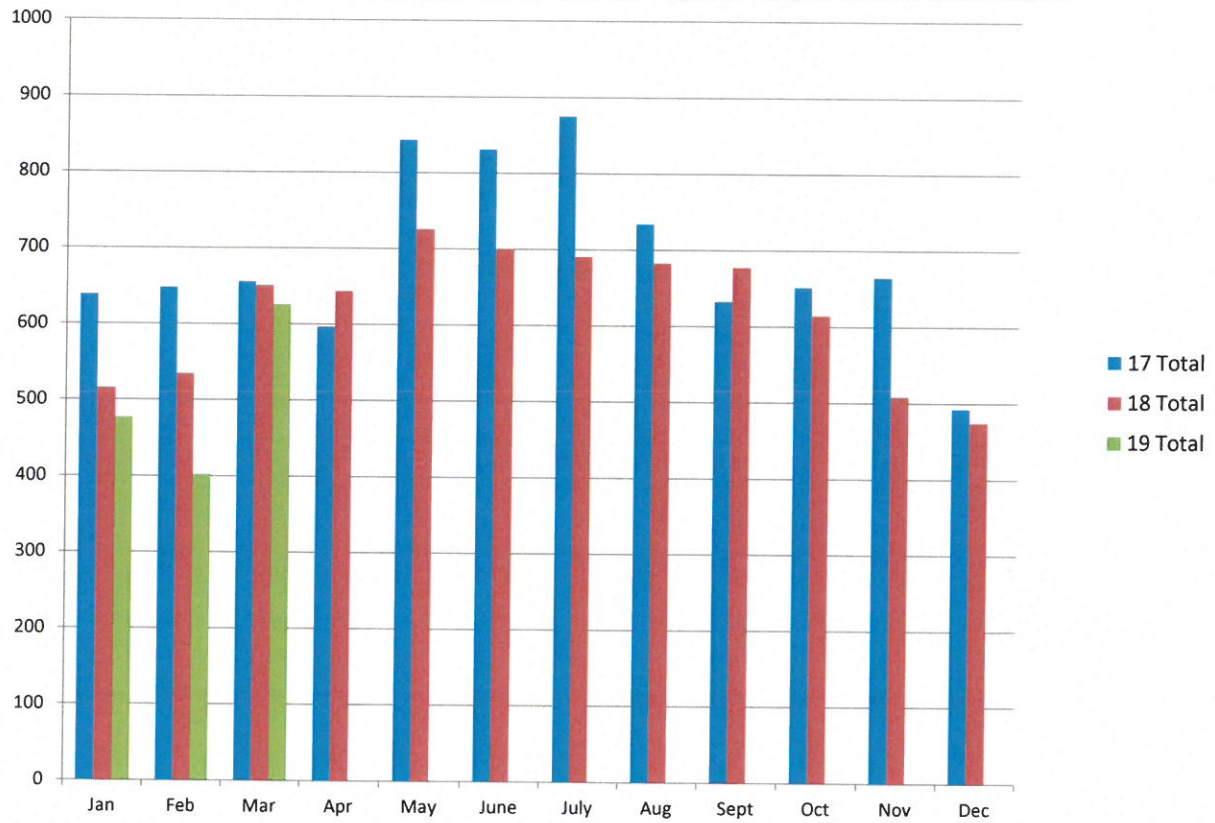
March 2019 Criminal Part I & II
City of Maple Plain Grid # 1-2

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19001003	Theft	1	3/9/2019	TK999
WHPS	19001088	Fraudulent Use of Financial Transaction Card - No Consent	1	3/14/2019	U355B
WHPS	19001104	Theft- False Representation	2	3/15/2019	U0052
WHPS	19001189	Drugs-Paraphernalia Possession / Drugs-Small Amt of Marijuana in M-V	1	3/18/2019	DC500

March 2019 Criminal Part I & II
Towards Zero Death Grant Shift

AGN	ICR	Title	Grid #	Reported Date	MOC range
WHPS	19001174	Drugs-Paraphernalia Possession	72	3/18/2019	DA540
WHPS	19001487	3rd Degree DWI	35	3/31/2019	JFW01
WHPS	19001489	4th Degree DWI / Reckless Driving	62	3/31/2019	JGW01

THREE YEAR COMPARISON OF POLICE CALLS FOR SERVICE & ACTIVITY



DIRECTOR'S NEWS & NOTES

WEST HENNEPIN PUBLIC SAFETY March 2019 Activity Report

Year to Date Activity Report

At the end of March 28, 2019 West Hennepin Public Safety (WHPS) handled year-to-date a total of 1,505 incident complaints. For the month of March; 389 incidents occurred in Independence and 169 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:

Fatal Crash

Mar 2 Hwy 12 / Lake Haughey Rd, Independence. Officer Howes responded to a serious motor vehicle crash involving a passenger vehicle and a semi-truck crash striking head on. The driver of the passenger vehicle, 18-year-old female from Delano had died as a result of the crash. WHPS was assisted at the scene by the Minnesota State Patrol for a reconstruction of the accident scene. Case is under investigation by West Hennepin Police Department.

Vehicle in Ditch - DWI

Mar 2 Sunset Lane/ Townline Rd, Independence. Officer dispatched for a vehicle in the ditch. Contact with the driver indicated an odor of alcohol was coming from the vehicle. Driver and passenger were juveniles and were found to have been drinking. 17-year-old driver from Mound submitted a breath test which resulted in .13 breath alcohol concentration. Juvenile driver was arrested for 4th Degree DWI. The passenger, 15 year old female from Mound, was given a preliminary breath test which resulted in .106 breath alcohol concentration and she cited for Minor Consumption. Both were released to their father.

Motorist Assist

Mar 3 6000 CR 11, Independence. Motorist had her vehicle flashers on, stated the vehicle went into a 'limp mode' and she was unable to go any faster and she was looking for a place to pull over and turn around. Officer had her turn the truck off and then back on, which seemed to solve the issue and was she was able to continue her route at the posted speed.

Crash

Mar 4 Hwy 12 / County Line Rd, Independence. 33 yoa female from Cokato mistakenly pushed the accelerator instead of the brake when approaching a stopped tractor/trailer, and rear-ended it. Her SUV had severe disabling damage and was towed from the scene. Female was cited for Failure to Drive with Due Care. No injuries

Harassment

Mar 8 Motorist approached a crew cleaning snow along CR 19 and the Maple Plain Post Office, began to shout at them and call names and sped off when a crew member tried to speak with him. The motorist was located who was upset because the county was pushing snow onto the sidewalks that he clears. Motorist agreed to have the county call him and discuss concerns on snow removal. Motorist was advised to attempt civility and shouting at road crews was uncalled for.

Forgery

Mar 8 5200 Manchester Dr, Maple Plain. Resident reported unauthorized recurring monthly charge on her bank card with TCF bank. Resident had filed a fraud/forgery report with TCF and was asked by the bank to contact law enforcement and make a report as well. Total loss: \$8.75.

Theft

Mar 9 1800 Budd Ave, Maple Plain. Renter reported while in the process of relocating to another state, sometime between the end of February 2018 to end of March 2018, military gear stored in a locked locker were stolen. Approximate loss value of \$1,700

Snow Plowing Complaint

Mar 10 5100 Main Street, Maple Plain. Public Works reported a snow plow driver was pushing snow into their street windrow. Contact with the driver who stated the city has allowed him to plow snow into the windrow. Officer findings it was a Public Works mix-up and it was allowed.

Hit and Run Crash

Mar 12 CR 83 / CR 6, Independence. Officer responded to a reported hit and run crash. Victim had passed a vehicle and the driver of the passed vehicle began driving aggressively and tailgating him. Victim's vehicle was passed on the right shoulder of the roadway and his right front fender was struck while being passed. Victim's vehicle had minor scrapes on the plastic. Officer found the incident happened in Carver County and the victim did not want any further action.

Theft

Mar 15 5100 Industrial Street, Maple Plain. Someone got into their email system and impersonated the business owner who convinced their bookkeeper to send them \$18,500. The case is under investigation.

Property Damage Crash

Mar 15 Hwy 12 / County Line Rd, Independence. Vehicle #1 stopped at the intersection had a flashing amber turn arrow; she was talking on her phone and did not notice eastbound traffic on Hwy.12 and turned in front of vehicle #2, striking the driver's side of the vehicle, causing it to spin. Vehicle #2 had substantial damage to the left side and the left rear wheel had broken off of the axle. Driver of vehicle #1 was cited for Failing to Yield. Vehicle #2 was towed from the scene.

Welfare Check

Mar 15 1800 Newport Street, Maple Plain. Caller reported a resident was intoxicated and she was worried about him. Contact with the resident who smelled strongly of alcohol but was able to stand and walk around without falling. Resident was cooperative and did not display any signs of being a danger to him or others.

Suspicious Act

Mar 16 9:54 p.m. Maple Plain Food Center A semi-truck/ trailer and a vehicle were parked in a parking lot posted "no semi-truck parking". Contact with the vehicle driver who stated she was just catching up with an old friend. They used to work for the same trucking company and they just had dinner. She was dropping the male off at his truck and he was continuing back to WI. No criminal activity found.

Car Stall

Mar 18 12:05 a.m. Officer assisted motorist with a car with a flat tire on the shoulder of the road on Hwy 12/ Valley Rd, Independence. The motorist did not have the appropriate sized lug wrench, the wheel was rusted to the hub and a hammer was used to remove the wheel. The driver was able to get the spare on.

Damage to Property

Mar 18 1400 Prairieland Ave. Maple Plain. Reported daughter's ex-boyfriend punched a hole in the wall at the resident's house and she wanted to press charges. It was found her daughter had invited him into the house and it would be a civil matter. Contact with the ex who stated he would pay for the damages.

Slumper

Mar 20 7:09 a.m. Dispatched for a slumper near 2200 Independence Rd, Independence Officer found the vehicle running with a male in the driver's seat sleeping. He was woken up, said he was at a friend's house last night, pulled over to send a text and admitted to being tired. No signs of impairment were observed. Officer followed him home and spoke with his girlfriend who had reported him missing a couple minutes prior. All ok.

Narcotics Complaint

Mar 20 6:46 p.m. Officer dispatched to 1800 Newport St, Maple Plain for a narcotics complaint consisting of the hallway smelling like burnt marijuana. Officer entered through the front apartment doors and did not detect any odor of marijuana inside the hallway of the building. Contact with the occupant of the apartment where the smoking of marijuana was reported coming from; the door was opened wide while speaking with the occupant and Officer did not smell marijuana. The caller was advised of the findings.

Theft

Mar 21 1200 Poplar Ave., Maple Plain. Renter reported his storage unit was broken into and a portable metal miter saw work bench was stolen. Case under investigation. Estimated loss \$100.00.

3rd Degree DWI / Obstruction

Mar 21 9200 Highway 12, Independence. An e/b vehicle passed a group of w/b vehicles at a high rate of speed, 104 / 55 mph zone. Squad activated its lights and siren, was behind the suspect vehicle and the suspect vehicle passed another vehicle in a no passing zone on a curve. Contact with the driver, Eric Helmut Demke, 51 Ashtabula, OH, a very heavy odor of an alcoholic beverage was coming from the driver. Demke refused to step out of his vehicle, resisted being arrested and refused a breath test. Demke was transported to Hennepin Co Jail, arrested and booked for 3rd Degree DWI Refusal, Obstruction of Legal Process, Driving after Revocation and Speed.

Crash/ Personal Injury

Mar 22 Co Rd 11 / Woodhill Dr, Independence. Officers responded to a personal injury crash involving four vehicles. One driver was transported by Air Ambulance to North Memorial Medical Center suffering critical injuries. One driver was transported by Ridgeview Ambulance to Ridgeview Medical Center suffering significant injuries. The preliminary investigation showed that a 2004 Chevrolet Silverado driven by Jeremie Berg 44 yoa male from Independence crossed the center line westbound into oncoming traffic first striking a 2014 Chevrolet Silverado driven by Aaron Wagner 22 yoa male from Delano. Berg's vehicle then struck a 2010 Mazda CX-7 driven by Lisa Krebsbach 57 yoa female from Buffalo, before leaving the roadway and coming to rest next to a tree in the southern ditch. After being struck by Berg's vehicle, Wagner's vehicle then struck a

1976 Harley Davidson Motorcycle that was parked on the eastbound shoulder of the roadway, the driver of the motorcycle was then struck either by the motorcycle or Wagner's truck causing both to be thrown into the into the ditch. Loretto FD, Maple Plain FD, North Ground EMS, North Air EMS, and Ridgeview EMS responded and provided medical treatment to all parties involved and transport for Berg and Wagner. MN State Patrol is conducting the reconstruction of the crash. Illegal drugs and paraphernalia were found in Berg's vehicle. A search warrant was obtained, and a blood test was taken from Berg at the hospital for possible DWI / Criminal Vehicular Operation charges.

Suspicious Act

Mar 22 3200 County Line Rd, Independence. Resident reported empty shell casings were scattered at the end of his driveway as if someone drove by and threw them out a car window on to the driveway. The resident wanted it documented. The casings look as if they were left outside for a long period of time and were not recently shot.

Unwanted Person

Mar 22 10:19 p.m. 9100 Highway 12, Independence. Resident reported his ex-girlfriend was outside pounding on his house window and repeatedly texting him. While officer was enroute the Ex had left and was not located.

Accident Personal Injury/ DWI Controlled Substance

Mar 23 8:44 p.m. 6000 Hwy 12, Maple Plain. Two citizens called 911 reporting driving conduct of a vehicle swerving lane to lane and in other lanes of travel. The vehicle swerved towards the oncoming lane and hit the metal Jersey barrier head on. The driver Joshua Steven Conzet, 19 from Winsted admitted to possibly falling asleep; performed poorly on Field Sobriety Tests and admitted drug use within the last day. Conzet was transported to the hospital where a search warrant for a blood draw was administered. Conzet was arrested and transported and booked in Henn Co Jail for Criminal Vehicular Operation of a Motor Vehicle pending blood test results. A passenger in the vehicle was transported by ambulance with non-life-threatening injuries.

Trespass Complaint

Mar 24 5300 Independence Rd, Independence. Property owner reported two dirt motorcycles were trespassing, driving through property that is water soaked and the owner did not want damage done to the property. One of the dirt bikes is white/red in color. Area was checked and m/c was not located.

Vandalism

Mar 25 1100 Polo Club Rd, Independence. Resident reported his mailbox was egged and again eggs smashed inside on Mar 26th. Unknown who did the vandalism.

Found Property

Mar 25 1900 Budd Street, Independence. Officer found a reciprocating saw lying on the roadway. The saw had markings on it and the battery. The saw was put in WHPS found property for the owner to call to identify and claim it. As of April 2nd, no one has called to identify and claim it.

Safety Check

Mar 26 6:33 p.m. Officer responded to a report of 3 teenaged boys hopped on an EB train that was going slowly from County Line Road, Independence. Officers set up in Maple Plain and watched the train go by and did not see anyone on the train. The train stopped east of Maple Plain. Officer's drove past the train several times looking for anyone on the train or getting off. No one was seen. BNSF was contacted and advised train was clear.

Suspicious Act

Mar 27 5300 Bryantwood Dr, Maple Plain. Resident reported a neighbor had called that his shed was possibly broken into. Resident found nothing was stolen or missing. It was apparent the wind blew open the temporary shed door.

Suspicious Act

Mar 27 3800 CR 139, Independence. Reported a male was putting items into the back of a pickup truck at an unoccupied residence. Contact with the male who had permission to take wood to make a swing set.

Hazardous Check

Mar 29 5600 Pioneer Creek Dr. Reported possible hazardous material in numerous containers of pink colored fluid, possibly diesel fuel not being stored properly. Report unfounded, liquid is a food grade propylene glycol and does not possess any hazardous material. Case to city hall to determine if any city codes are being violated.

Verbal Domestic

Mar 29 1500 Budd Ave., Maple Plain. Caller did not want the ex-boyfriend at the apartment and he was trying to get inside. The ex-wanted to leave and could not find his shoes. Nothing physical happened and the ex was given a ride to the Maple Plain Motel where he got a room.

DWI

Mar 31 1:56 a.m. Vehicle traveling at a high rate of speed was stopped at Hwy 100 / Hwy 55 in Golden Valley. Contact with driver Michael Paul Adam, 24 from Crystal submitted a breath test which resulted in .15 Breath Alcohol Concentration. Adam was arrested and booked into Henn Co Jail for Gross Misdemeanor 3rd Degree DWI.

DWI

Mar 31 2:50 a.m. Vehicle clocked at 109 stopped for speed at I-394 / Hopkins Crossroad, Minnetonka, Contact with the driver Stephen Lane Whitehill, 52 from Aspen, Co a strong odor of alcohol was detected coming from his breath. Whitehill submitted a breath test which resulted in .11 Breath Alcohol Concentration. Whitehill was arrested and booked into Henn Co Jail for 4th Degree DWI.

Due to the snow storms and slippery roads, officers responded to 19 calls of vehicles in the ditch. 1 Fatal, 2 Personal Injury, 1 Hit & Run, 1 DWI, 1 CVO, 13 No injuries or property damage.

273 contacts of citations, verbal and written warnings were issued for traffic and equipment violations.

City of Independence

Post Issuance Debt Policy Update - 2019

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: April 16, 2019

Discussion:

The City occasionally issues tax exempt and tax-advantaged bonds. The City adopted an initial policy in 2015. Due to increased underwriter scrutiny (the Municipalities Continuing Disclosure Cooperation initiative "MCDC" in March of 2014 and afterward) regarding disclosure practices it is now recommended that the City include several procedural items in our policy that are intended to assist with how to monitor compliance with each unique Continuing Disclosure Agreement.

Also, effective February 27, 2019, the Securities and Exchange Commission (SEC) required amendments to Rule 15c2-12 of the Securities Exchange Act (the "Rule") to include two additional reportable events, increasing the number of required event notices to 16. The two additional reportable events are as follows:

- *Incurrence of a financial obligation of the issuer or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the issuer or obligated person, any of which affect security holders, if material; and,*
- *Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the issuer or obligated person, any of which reflect financial difficulties.*

Numerous Industry experts have suggested updating policies and procedure documents to ensure Issuers are ready to comply with their disclosure obligations, which includes the two new rules. Updating the policy will provide assurance to current security holders assurance that the City is compliant with post issuance obligations.

Recommendation:

City Council is being asked to consider approval of the updated procedures and post issuance debt Compliance Policy by adopting **RESOLUTION 19-0416-01**.

**Attachments: Post-Issuance Debt Compliance Procedures
Post-Issuance Debt Compliance Policy
RESOLUTION 19-0416-01**

The City of Independence, Minnesota Post-Issuance Debt Compliance Procedures

The City Council (the "Council") of The City of Independence, Minnesota (the "City") has adopted the attached Post-Issuance Debt Compliance Policy dated April 16, 2019. The Post-Issuance Debt Compliance Policy applies to qualifying debt obligations issued by the City. As directed by the adoption of the Post-Issuance Debt Compliance Policy, the City Administrator of the City will perform the following Post-Issuance Debt Compliance Procedures for all of the City's outstanding debt.

1) General Post-Issuance Compliance

- a) Ensure written procedures and/or guidelines have been put in place for individuals to follow when more than one person is responsible for ensuring compliance with Post-Issuance Debt Compliance Procedures.
- b) Ensure training and/or educational resources for post-issuance compliance have been approved and obtained.
- c) The City Administrator understands that there are options for voluntarily correcting failures to comply with post-issuance compliance requirements (e.g. as remedial actions under Section 1.141-12 of the Treasury Regulations and the ability to enter into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31 (the "VCAP Program")).

2) General Recordkeeping

- a) Retain records and documents for the obligation and all obligations issued to refund the obligation for a period of at least seven years following the final payment of the obligation. If an obligation is refunded, then the final payment of the refunding obligation becomes the beginning of the period unless otherwise directed by the City's bond counsel.
- b) Retain electronic (preferred) and/or paper versions of records and documents for the obligation.
- c) General records and documentation to be assembled and retained:
 - i) Description of the purpose of the obligation (i.e. the project or projects) and the state statute authorizing the project.
 - ii) Record of tax-exempt status or revocation of tax-exempt status, if applicable.
 - iii) Any correspondence between the City and the IRS.
 - iv) Audited financial statements.
 - v) All accounting audits of property financed by the obligation.
 - vi) Obligation transcripts, official statements, and other offering documents of the obligation.
 - vii) Minutes and resolutions authorizing the issuance of the obligation.
 - viii) Certifications of the issue price of the obligation.

- ix) Any formal elections for the obligation (i.e. an election to employ an accounting methodology other than the specific tracing method).
 - x) Appraisals, demand surveys, or feasibility studies for property financed by the obligation.
 - xi) All information reports filed for the obligations.
 - xii) All management contracts and other service agreements, research contracts, and naming rights contracts.
 - xiii) Documents related to governmental grants associated with construction, renovation or purchase of property financed by the obligation.
 - xiv) Reports of any prior IRS examinations of the City or the City's obligation.
 - xv) All correspondence related to the above (faxes, emails, or letters).
- 3) Arbitrage Yield Restriction and Rebate Recordkeeping
- a) Investment and arbitrage documentation to be assembled and retained:
 - i) An accounting of all deposits, expenditures, interest income and asset balances associated with each fund established in connection with the obligation. This includes an accounting of all monies deposited to the debt service fund to make debt service payments on the obligation, regardless of the source derived. Accounting for expenditures and assets is described in further detail in Section 4.
 - ii) Statements prepared by Trustee and/or Investment Provider.
 - iii) Documentation of at least quarterly allocations of investments and investment earnings to each obligation.
 - iv) Documentation for investments made with obligation proceeds such as:
 - (1) investment contracts (i.e. guaranteed investment contracts),
 - (2) credit enhancement transactions (i.e. obligation insurance contracts),
 - (3) financial derivatives (e.g. swaps, caps, and collars), and
 - (4) bidding of financial products:
 - (a) Investments acquired with obligation proceeds are purchased at fair market value (e.g. three bid safe harbor rule for open market securities needed in advance refunding escrows).
 - b) Computations of the arbitrage yield.
 - c) Computations of yield restriction and rebate amounts including but not limited to:
 - i) Compliance in meeting the "Temporary Period from Yield Restriction Exception" and limiting the investment of funds after the temporary period expires.
 - ii) Compliance in meeting the "Rebate Exception."
 - (1) qualifying for the "Small Issuer Exception,"
 - (2) qualifying for a "Spending Exception,"
 - (a) 6-Month Spending Exception
 - (b) 18-Month Spending Exception
 - (c) 24-Month Spending Exception
 - (3) qualifying for the "Bona Fide Debt Service Fund Exception," and

- (4) quantifying arbitrage on all funds established in connection with the obligation in lieu of satisfying arbitrage exceptions including reserve funds and debt service funds.
 - d) Computations of yield restriction and rebate payments.
 - e) Timely Tax Form 8038-T filing, if applicable.
 - i) Remit any arbitrage liability associated with the obligation to the IRS at each five-year anniversary date of the obligation, and the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 60 days of said date.
 - f) Timely Tax Form 8038-R filing, if applicable.
 - i) Remit the form after the date in which the obligation is no longer outstanding (redemption or maturity date), whichever comes sooner, within 2 years of said date.
 - g) Procedures or guidelines for monitoring instances where compliance with applicable yield restriction requirements depends on subsequent reinvestment of obligation proceeds in lower yielding investments (e.g. reinvestment in zero coupon SLGS).
- 4) Expenditure and Asset Documentation to be Assembled and Retained
- a) Documentation of allocations of obligation proceeds to expenditures (e.g. allocation of proceeds to expenditures for the construction, renovation or purchase of facilities owned and used in the performance of exempt purposes).
 - i) Such allocation will be done not later than the earlier of:
 - (1) eighteen (18) months after the later of the date the expenditure is paid, or the date the project, if any, that is financed by the obligation is placed in service; or
 - (2) the date sixty (60) days after the earlier of the fifth anniversary of the issue date of the obligation, or the date sixty (60) days after the retirement of the obligation.
 - b) Documentation of allocations of obligation proceeds to issuance costs.
 - c) Copies of requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks related to obligation proceed expenditures during the construction period.
 - d) Copies of all contracts entered into for the construction, renovation or purchase of facilities financed with obligation proceeds.
 - e) Records of expenditure reimbursements incurred prior to issuing obligations for projects financed with obligation proceeds (declaration of official intent/reimbursement resolutions including all modifications).
 - f) List of all facilities and equipment financed with obligation proceeds.
 - g) Depreciation schedules for depreciable property financed with obligation proceeds.

- h) Documentation that tracks the purchase and sale of assets financed with obligation proceeds.
- i) Documentation of timely payment of principal and interest payments on the obligation.
- j) Tracking of all issue proceeds and the transfer of proceeds into the debt service fund as appropriate.
- k) Documentation that excess earnings from a Reserve Fund are transferred to the Debt Service Fund on an annual basis. Excess earnings are balances in a Reserve Fund that exceed the Reserve Fund requirement.

5) Miscellaneous Documentation to be Assembled and Retained

- a) Ensure that the project, while the obligation is outstanding, will avoid IRS private activity concerns.
- b) The City Administrator shall monitor the use of all obligation-financed facilities in order to:
 - i) Determine whether private business uses of obligation-financed facilities have exceeded the *de minimus* limits set forth in Section 141(b) of the Code as a result of:
 - (1) sale of the facilities;
 - (2) sale of City capacity rights;
 - (3) leases and subleases of facilities including easements or use arrangements for areas outside the four walls (e.g. hosting of cell phone towers);
 - (4) leasehold improvement contracts, licenses, management contracts in which the City authorizes a third party to operate a facility (e.g. cafeteria);
 - (5) research contracts;
 - (6) preference arrangements in which the City permits a third-party preference (e.g. parking in a public parking lot, joint ventures, limited liability companies or partnership arrangements);
 - (7) output contracts or other contracts for use of utility facilities including contracts with large utility users;
 - (8) development agreements which provide for guaranteed payments or property values from a developer;
 - (9) grants or loans made to private entities including special assessment agreements;
 - (10) naming rights agreements; and
 - (11) any other arrangements that provide special legal entitlements to nongovernmental persons.
 - ii) Determine whether private security or payments that exceed the *de minimus* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such obligation-financed facilities.

- c) The City Administrator shall provide training and educational resources to any City staff that have the primary responsibility for the operation, maintenance, or inspection of obligation-financed facilities with regard to the limitations on the private business use of obligation-financed facilities and as to the limitations on the private security or payments with respect to obligation-financed facilities.
 - d) The City shall undertake the following with respect to the obligations:
 - i) An annual review of the books and records maintained by the City with respect to such obligations.
 - ii) An annual physical inspection of the facilities financed with the proceeds of such obligations, conducted by the City Administrator with the assistance of any City staff who have the primary responsibility for the operation, maintenance, or inspection of such obligation-financed facilities.
 - e) Changes in the project that impact the terms or commitments of the obligation are properly documented and necessary certificates or opinions are on file.
- 6) Additional Undertakings and Activities that Support Sections 1 through 5 above:
- a) The City Administrator will notify the City's bond counsel, financial advisor and arbitrage provider of any survey or inquiry by the IRS immediately upon receipt. Usually responses to IRS inquiries are due within 21 days of receipt. Such IRS responses require the review of the above-mentioned data and must be in writing. As much time as possible is helpful in preparing the response.
 - b) The City Administrator will consult with the City's bond counsel, financial advisor and arbitrage provider before engaging in post-issuance credit enhancement transactions (e.g. obligation insurance, letter of credit, or hedging transaction).
 - c) The City Administrator will monitor all "qualified tax-exempt debt obligations" (often referred to as "bank qualified" obligations) within the first calendar year to determine if the limit is exceeded, and if exceeded, will address accordingly. For obligations issued during years 2009 and 2010 the limit was \$30,000,000. During this period, the limit also applied to pooled financings of the governing body and provides a separate \$30,000,000 for each 501 (c)(3) conduit borrower. In 2011 and thereafter it is \$10,000,000 unless changed by Congress.
 - d) Identify any post-issuance change to terms of obligations which could be treated as a current refunding of "old" obligations by "new" obligations, often referred to as a "reissuance."
 - e) The City Administrator will consult with the City's bond counsel prior to any sale, transfer, change in use or change in users of obligation-financed property which may require "remedial action" under applicable Treasury Regulations or resolution pursuant to the VCAP Program.

- i) A remedial action has the effect of curing a deliberate action taken by the City which results in satisfaction of the private business test or private loan test. Remedial actions under Section 1.141-12(d)(e) and (f) include the redemption of non-qualified obligations and/or the alternative uses of proceeds or the facility (i.e. to be used for another qualified purpose).
- f) The City Administrator will ensure that the appropriate tax form for federal subsidy payments is prepared and filed in a timely fashion for applicable obligations (e.g. Build America Bonds).

7) Continuing Disclosure Obligations

- a) Identify a position at the City to be responsible for compliance with continuing disclosure obligations as defined by the Rule and any policies of the City.
- b) The position responsible for compliance may have the ability to assign responsibilities, delegate where appropriate or engage a dissemination agent or third-party service providers to perform all or some of the duties described in this section. The City cannot delegate its compliance responsibilities.
- c) The City should specify how providers or delegated authorities will be monitored and supervised.
- d) The City should identify the documents that set forth the respective requirements being monitored at the time of closing for each obligation.
- e) The City should catalog all outstanding Continuing Disclosure Agreements and establish consolidated filing requirements based on the outstanding CDAs.
- f) The City should identify the frequency of the actions to be undertaken to ensure compliance, establish a system or filing alerts or reminders to administer the filing requirements.
- g) The City Administrator for compliance must be made aware of any new outstanding debt, changes to obligation or loan covenants, events of acceleration or default that would materially affect investors.
- h) The City should review a compliance checklist to verify compliance with CDA requirements, at least annually, although it may be advisable to provide more frequent reviews in connection to specific material events.
- i) The City should monitor mandatory material events specifically identified in accordance with the Rule and file required notices within 10 days of occurrence.
 - i) Principal and interest payment delinquencies.
 - ii) Non-payment related defaults, if material.
 - iii) Unscheduled draws on debt service reserves reflecting financial difficulties.
 - iv) Unscheduled draws on credit enhancements reflecting financial difficulties.
 - v) Substitution of credit or liquidity providers or their failure to perform.

- vi) Adverse tax opinion, IRS notices or material events affecting the tax status of the obligation.
 - vii) Modifications to rights of security holders, if material.
 - viii) Obligation calls, if material.
 - ix) Defeasances.
 - x) Release, substitution or sale of property securing repayment of the obligations, if material.
 - xi) Rating Changes.
 - xii) Bankruptcy, insolvency, receivership, or similar event of the obligated person(s).
 - xiii) Merger, consolidation, or acquisition of the obligated person, if material.
 - xiv) Appointment of a successor or additional trustee, or change of name of a trustee, if material.
 - xv) Incurrence of financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material.
 - xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the City, any of which reflect financial difficulties.
- j) In addition to the mandatory material events, the City should review and file any additional or voluntary event notices.
 - k) The City should maintain a catalog of all outstanding obligations whether publicly offered or privately placed, and the terms and conditions that govern default or acceleration provisions.
 - l) Any missed filing requirement should be remedied with a failure to file notice as soon as possible once the late filing is identified and the required information is available to file.
 - m) Sensitive information such as bank accounts and wire information should be redacted from documents prior to posting on EMMA.
 - n) The City needs to monitor for changes in law and regulations that effect continuing disclosure obligations and review disclosure policies and procedures periodically to ensure compliance and consistency with regulation and market expectations.
- 8) Compliance with Future Requirements
- a) Take measures to comply with any future requirements issued beyond the date of these Post-Issuance Debt Compliance Procedures which are essential to ensuring compliance with the applicable state and federal regulations.

The City of Independence, Minnesota Post-Issuance Debt Compliance Policy

The City Council (the “Council”) of the City of Independence, Minnesota (the “City”) has chosen, by policy, to take steps to help ensure that all obligations will be in compliance with all applicable federal regulations. This policy may be amended, as necessary, in the future.

IRS Background

The Internal Revenue Service (IRS) is responsible for enforcing compliance with the Internal Revenue Code (the “Code”) and regulations promulgated thereunder (“Treasury Regulations”) governing certain obligations (for example: tax-exempt obligations, Build America Bonds, Recovery Zone Development Bonds and various “Tax Credit” Bonds). The IRS encourages issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations.

SEC Background

The Securities and Exchange Commission (SEC) is responsible for enforcing compliance with the SEC Rule 15c2-12 (the “Rule”). Governments or governmental entities issuing obligations generally have a requirement to meet specific continuing disclosure standards set forth in continuing disclosure agreements (“CDA”). Unless the issuer, obligated person, or a specific obligation is exempt from compliance with CDAs, these agreements are entered into at the time of obligation issuance to enable underwriter(s) to comply with the Rule. The Rule sets forth certain obligations of (i) underwriters to receive, review and disseminate official statements prepared by issuers of most primary offerings of municipal securities, (ii) underwriters to obtain CDAs from issuers and other obligated persons to provide material event disclosure and annual financial information on a continuing basis, and (iii) broker-dealers to have access to such continuing disclosure in order to make recommendations of municipal securities transactions in the secondary market. The SEC encourages issuers and beneficiaries adopt and implement a post-issuance debt compliance policy and procedures to safeguard against Rule violations.

When obligations are issued, the CDA commits the issuer or obligated person to provide certain annual financial information and material event notices to the public. Issuers and other obligated persons may also choose to provide periodic, voluntary financial information and filings to investors in addition to fulfilling the specific responsibilities delineated in their CDA. It is important to note that issuers and other obligated persons should not give any one investor certain information that is not readily available to all market participants by disseminating information to the marketplace, at large. Issuers and other obligated persons should be aware that any disclosure activities determined to be “communicating to the market” can be subject to regulatory scrutiny.

Post-Issuance Debt Compliance Policy Objective

The City desires to monitor these obligations to ensure compliance with the IRS Code, Treasury Regulations and the SEC Rule. To help ensure compliance, the City has developed the following policy (the “Post-Issuance Debt Compliance Policy”). The Post-

Issuance Debt Compliance Policy shall apply to the obligations mentioned above, including bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper or any other form of debt that is subject to compliance.

Post-Issuance Debt Compliance Policy

The City Administrator of the City is designated as the City's agent who is responsible for post-issuance compliance of these obligations.

The City Administrator shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in corresponding procedures (the "Post-Issuance Debt Compliance Procedures"). At a minimum, the Post-Issuance Debt Compliance Procedures for each qualifying obligation will address the following:

1. General Post-Issuance Compliance
2. General Recordkeeping
3. Arbitrage Yield Restriction and Rebate Recordkeeping
4. Expenditure and Asset Documentation to be Assembled and Retained
5. Miscellaneous Documentation to be Assembled and Retained
6. Additional Undertakings and Activities that Support Sections 1 through 5 above
7. Continuing Disclosure Obligations
8. Compliance with Future Requirements

The City Administrator shall apply the Post-Issuance Debt Compliance Procedures to each qualifying obligation and maintain a record of the results. Further, the City Administrator will ensure that the Post-Issuance Debt Compliance Policy and Procedures are updated on a regular and as needed basis.

The City Administrator or any other individuals responsible for assisting the City Administrator in maintaining records needed to ensure post-issuance debt compliance, are authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance.

Most of the provisions of this Post-Issuance Debt Compliance Policy are not applicable to taxable governmental obligations unless there is a reasonable possibility that the City may refund their taxable governmental obligation, in whole or in part, with the proceeds of a tax-exempt governmental obligation. If this refunding possibility exists, then the City Administrator shall treat the taxable governmental obligation as if such issue were an issue of tax-exempt governmental obligations and comply with the requirements of this Post-Issuance Debt Compliance Policy.

Private Activity Bonds

The City may issue tax-exempt obligations that are "private activity" bonds because either (1) the bonds finance a facility that is owned by the City but used by one or more qualified 501(c)(3) organizations, or (2) the bonds are so-called "conduit bonds", where the proceeds are loaned to a qualified 501(c)(3) organization or another private entity that finances activities eligible for tax-exempt financing under federal law (such as certain manufacturing projects and certain affordable housing projects). Prior to the issuance of

either of these types of bonds, the City Administrator shall take steps necessary to ensure that such obligations will remain in compliance with the requirements of this Post-Issuance Debt Compliance Policy.

In a case where compliance activities are reasonably within the control of a private party (i.e., a 501(c)(3) organization or conduit borrower), the City Administrator may determine that all or some portion of compliance responsibilities described in this Post-Issuance Debt Compliance Policy shall be assigned to the relevant party. In the case of conduit bonds, the conduit borrower will be assigned all compliance responsibilities other than those required to be undertaken by the City under federal law. In a case where the City Administrator is concerned about the compliance ability of a private party, the City Administrator may require that a trustee or other independent third party be retained to assist with record keeping for the obligation and/or that the trustee or such third party be responsible for all or some portion of the compliance responsibilities.

The City Administrator is additionally authorized to seek the advice, as necessary, of bond counsel and/or its financial advisor to ensure the City is in compliance with this Post-Issuance Debt Compliance Policy.

Adopted April 16, 2019 by the City of Independence, Minnesota



Resolution No. 19-0416-01

The City of Independence, Minnesota

Adopting Post-Issuance Debt Compliance Policy for Tax-exempt and Tax-advantaged Governmental Bonds

WHEREAS, the City of Independence, Minnesota (the “City”) from time to time will issue tax-exempt and tax-advantaged governmental bonds; and

WHEREAS, under the Internal Revenue Code of 1986, as amended and related regulations (the “Code”), and Securities and Exchange Commission (the “SEC”) the City is required to take certain actions after bond issuance to ensure that interest on those bonds remains in compliance with the Code and SEC; and

WHEREAS, the City has determined to adopt a policy regarding how the City will carry out its compliance responsibilities via written procedures, and to that end, has caused to be prepared documents titled Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures; and

WHEREAS, the City Council (the “Council”) of the City has reviewed the Post-Issuance Debt Compliance Policy in connection with the Post-Issuance Debt Compliance Procedures and has determined that it is in the best interest of the District to adopt the Policy.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF INDEPENDENCE, MINNESOTA; the Council approves the Policy as shown in the form attached; and

BE IT FURTHER RESOLVED; City staff are authorized to take all actions necessary to carry out the Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures.

Adopted by the City of Independence, Minnesota this 19th day of April 2019.

ATTEST:

Marvin Johnson, Mayor

Mark Kaltsas, City Administrator