



**Agenda
Minnetonka City Council
Regular Meeting
Monday, Feb. 7, 2022
6:30 p.m.
WebEx**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Kirk-Schack-Wilburn-Calvert-Schaeppi-Coakley-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
 - A. Jan. 10, 2022 study session minutes
 - B. Jan. 24, 2022 regular meeting minutes
6. Special Matters:
 - A. Police and Fire Facility Energy Conservation and Rebates
Recommendation: Informational only, no action required
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
 - A. Bids for Ridgedale Commons Cast-In-Place Concrete
Recommendation: Award the contract (4 votes)
10. Consent Agenda - Items Requiring a Majority Vote:
 - A. Approve GovHR USA, LLC agreement

Due to the COVID-19 health pandemic, all meetings of the Minnetonka City Council will be conducted pursuant to Minn. Stat. § 13D.021, until further notice. City council members will participate in the meeting remotely via WebEx. Members of the public who desire to monitor the meeting remotely or to give input or testimony during the meeting can find instructions at <https://www.minnetonkamn.gov/government/virtual-meeting-information>. Limited seating may be available at the regular meeting room, for members of the public who wish to attend in person, but the public is advised to call 952.939.8200 the day of the meeting to confirm that the room will be open.

Recommendation: Approve agreement (4 votes)

- B. Approve Municipal Legislative Commission agreement

Recommendation: Approve agreement (4 votes)

- C. Resolution approving a conditional use permit for a detached accessory dwelling unit at 2001 Hopkins Crossroads

Recommendation: Adopt the resolution (4 votes)

- D. Resolution supporting housing and local decision making authority

Recommendation: Adopt the resolution (4 votes)

- 11. Consent Agenda - Items Requiring Five Votes: None.

- 12. Introduction of Ordinances: None.

- 13. Public Hearings: None.

- 14. Other Business:

- A. Approve 2022 study session work plan

Recommendation: Approve work plan (4 votes)

- 15. Appointments and Reappointments:

- A. Appointment of representatives to various advisory boards, commissions and committees

Recommendation: Approve the appointments (4 votes)

- 16. Adjournment

**Minutes
City of Minnetonka
City Council Study Session
Monday, January 10, 2022**

Council Present: Deb Calvert, Kissy Coakley, Brian Kirk, Rebecca Schack, Bradley Schaeppi, Kimberly Wilburn and Mayor Brad Wiersum.

Staff: Mike Funk, Moranda Dammann, Corrine Heine, Kelly O'Dea, Scott Boerboom, Rachel Meehan and Darin Nelson

Wiersum called the meeting to order at 5:02 p.m.

1. Reports from City Manager & Council Members

Wiersum requested councilmembers wait until the subsequent regular council meeting to provide reports.

Acting City Manager Mike Funk also indicated he would wait until the subsequent regular council meeting to provide his report.

2. Establish 2022 Council Work Plan

Funk introduced the item and reviewed the identified work plan topics and their corresponding ranking scores. He requested council provide direction to staff on how to incorporate these topics into the 2022 study session schedule.

Councilmembers provided their feedback and suggestions on what topics to discuss and how to structure those discussions.

Funk outlined the current schedule for 2022 study sessions and corresponding topics of discussion. He reported staff would take the feedback and suggestions from council and return with a complete study session schedule.

3. Study sessions streaming/broadcasting

Funk introduced the topic and provided background on how the city has conducted study sessions up to now.

Councilmembers provided their feedback on the topic.

Council decided to not yet begin broadcasting study sessions, but requested that staff look into finding a way to make the meeting audio for study sessions available on the city website.

4. Adjournment

Wiersum adjourned the meeting at 6:08 p.m.

**Minutes
City of Minnetonka
City Council Study Session
Monday, January 10, 2022**

Respectfully submitted,

Kyle Salage
Elections Specialist

**Minutes
Minnetonka City Council
Monday, January 24, 2022**

1. Call to Order

Mayor Brad Wiersum called the virtual meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members, Kissy Coakley, Brian Kirk, Rebecca Shack, Kimberly Wilburn, Deb Calvert, Bradley Schaeppi and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Item 14.B. All voted "yes." Motion carried.

5. Approval of Minutes:

A. January 10, 2022 regular meeting

Calvert moved, Kirk seconded a motion to approve the minutes, as presented. All voted "yes." Motion carried.

B. January 14, 2022 regular meeting (continued)

Calvert moved, Kirk seconded a motion to approve the minutes, as presented. All voted "yes." Motion carried.

6. Special Matters:

A. Retirement recognition for Sergeant Mike Nelson

Wiersum recognized Sergeant Mike Nelson and thanked him for his 26 years of dedicated service to the City of Minnetonka. He wished Sergeant Nelson all the best in his retirement.

Sergeant Nelson thanked the city council and the Minnetonka Police Department for a rewarding career as a Minnetonka Police Officer. He encouraged the city council to continue to support the police department during these difficult times.

He believed the community was very fortunate to have such a professional police department serving its residents.

B. Cullen Smith property restoration project

Acting City Manager Mike Funk and Natural Resources Manager Leslie Yetka gave the staff report.

Wiersum thanked the Friends of Cullen Smith Park for all of their hard work to remove buckthorn and other invasives.

Informational item.

7. Reports from City Manager & Council Members

Acting City Manager Mike Funk reported on upcoming city events and council meetings. He explained staff was gearing up to hire 200 part-time seasonal workers.

Wiersum commented on the special city council meeting that was held on January 14. He explained at this meeting he stated he felt mandating masks in Minnetonka was bad public policy and he opposed taking this action. He indicated he still feels this way. However, it was clear at this meeting that the emergency requirement was going to pass and his focus then shifted to if schools, places of worship and children under five should be included in the mandate, which he did not believe they should be. He stated when it came time to vote, he supported the modifications to the proposed ordinance but not the ordinance itself. He reported when he was called to vote on the ordinance he said yes, when his intention was to vote no. He commented this was an error and he wanted to set the record straight.

Calvert reported she served on the Metro Cities Street Racing Task Force. She understood people were hearing if not seeing street racing all over the metro area. She discussed the criminal activity that went along with those who were street racing. She noted Police Chief Boerboom recently attended a virtual meeting with her where the group discussed possible strategies to address this concern which included involving other agencies. She indicated she asked the task force to put together data and it was her hope this data could be shared with the council in the future.

Wiersum expressed his sincerest condolences to the Jewish community in the wake of a horrific shooting that occurred at a synagogue in Texas. He encouraged all residents to stand against antisemitism, racism and all forms of hate. He asked all Minnetonka residents to commit to being tolerant, kind and respectful to one another even when their views differ.

Wiersum reported the Basset Creek Watershed Management Commission serves as the watershed management organization for the Basset Creek Watershed area and was charged with managing stormwater, along with the water quality of lakes, streams and wetlands. He noted Mike Fruen served as a watershed representative for the past six years and noted he passed away in December of 2021. He thanked Mr. Fruen for generously sharing his time and talents with the community.

Wiersum reported he received a call from Governor Walz. He explained the governor was reaching out to talk about some of the efforts he was making on his budget noting there was a considerable effort to address crime, not only its enforcement but its prevention. He indicated some of the budget surplus was proposed to be used to address this concern along with officer enrichment.

8. Citizens Wishing to Discuss Matters not on the Agenda:

Karl Bunday, 16865 Saddlewood Trail, explained he was the complainant in the recent case regarding the use of the city's logo in a campaign ad. He indicated he was attending this meeting to provide the council with a report on the case. He stated the office of administration hearings found that the candidates that used the city logo had committed an unfair campaign practice. He noted this information was passed along to City Attorney Corrine Heine. He encouraged the city council to continue to protect its brand and logo. He suggested the council consider adopting a policy to address this concern.

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution accepting the pay equity implementation report

Schack moved, Calvert seconded a motion to adopt Resolution 2022-007. All voted "yes." Motion carried.

B. TIF Note and Development Agreement for Overlook on the Creek located at 9731 Minnetonka Blvd.

Schack moved, Calvert seconded a motion to adopt Resolution 2022-008. All voted "yes." Motion carried.

C. Strategic profile 2021 quarter four/year-end report

Schack moved, Calvert seconded a motion accepting the strategic profile quarter four report. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes:

A. Applications for renewed precious metal and secondhand dealer licenses for 2022

Schack moved, Kirk seconded a motion to approve the licenses. All voted “yes.” Motion carried.

12. Introduction of Ordinances: None

13. Public Hearings:

A. Vacate the drainage and utility easements for Chabad Center for Jewish Life located at 2327, 2333, 2339 Hopkins Crossroad, and 11170 Mill Run

City Planner Loren Gordon gave the staff report.

Wiersum opened the public hearing.

Rabbi Mordechai Grossbaum thanked the council for considering his request and noted he was available for questions.

There being no further comments from the public, Wiersum closed the public hearing.

Calvert moved, Kirk seconded a motion to hold the public hearing and adopt Resolution 2022-009. All voted “yes.” Motion carried.

14. Other Business:

A. Business survey presentation

Community Development Director Julie Wischnack and William SaintAmour from Cobalt Community Research gave the staff report.

Wiersum stated he was concerned about the issue of the power grid. He noted he receives calls from residents who raise concerns about the number of power outages in their neighborhood. He commented his initial response was to push this concern off to Xcel Energy. However, when people are surveyed they are going to judge the community based on the adequacy of the power grid. For this

reason, the city had a stake in this. He explained with COVID, the future of work has changed and more people may be working from home. He discussed how power outages could take people out of their workplace for two or three hours a day, which was a big, serious issue. He stated this was an important issue that the council should further consider. Wischnack thanked the mayor for this feedback.

Acting City Manager Mike Funk commented he had been in contact with an intergovernmental relations specialist at Xcel Energy. He noted a meeting would be scheduled and the results from this survey would be discussed.

Wiersum recessed the city council meeting.

Wiersum reconvened the city council meeting.

B. Noise regulation ordinance

Community Development Director Julie Wischnack gave the staff report.

Wiersum opened the meeting for public comments.

Erin Armijo, 3000 Chase Drive, stated she has lived in her home for the past six years. She commented in this time she has had several children and loves living in the City of Minnetonka. However, she noted the machine her neighbors purchased has greatly disrupted her life because it runs all day long. Ms. Armijo's connection to the meeting was lost at this time.

Kerry Gardner, 13370 Stanton Drive, explained she brought this issue to the council in August of 2021. She thanked the council for hearing her and for taking action to address her concern. She stated the council's support was very much appreciated. She believed it was sad that the issue had come to this and that the ordinance had to be amended in order for the neighbors to have quiet enjoyment of their property. However, given the circumstances, she understood the ordinance had to be amended. She played a brief clip of woodpecker repellent machine her neighbors had purchased for the council so they had an understanding of what she had to listen to from dawn until dusk for 30 to 90 second intervals at her home. She discussed how a study from the CDC regarding the exposure to irritating noises can cause stress, anxiety, depression, high blood pressure, heart disease and many other health problems. She commented she believed the machine being used by her neighbor was not appropriate for any property in Minnetonka. She suggested the language within the ordinance be amended to state the noise can not be heard from the property line. She commented on how the ordinance would be enforced and stated she did not want a lot of police time spent addressing these noise machines. She indicated woodpeckers were protected and anything that disturbs their natural

habitat was a threat. She reported she enjoys the natural wonder around her home, especially the pileated woodpecker, who were now absent from her woods. She recommended that the council eliminate the use of this device in Minnetonka.

Ms. Armijo thanked Ms. Gardner for her report. She explained she was concerned about the health issues that would arise from this machine. She reported she has small children and this machine was causing anxiety and stress because the machine could be heard from inside her home. She indicated this was a tremendous distraction for herself and her neighbors who were now working from home due to the pandemic. She stated she understood why her neighbor purchased the machine, but explained this machine was causing a great deal of distress in her neighborhood. She thanked the council for taking her concerns into consideration.

Wiersum closed the meeting for public comments.

Schack asked if the ordinance should be changed to have the machine not audible at the property line versus five feet from the property line. Police Chief Scott Boerboom stated if the property line were in dispute, the five feet would give police officers a bit more flexibility.

Calvert commented on the unintended consequences that may occur by changing the noise ordinance. She questioned if another fix were required could the noise ordinance be revisited. Wischnack indicated ordinances took time to change and there was a formal process that had to be followed.

Wilburn questioned if a ban should be put on this specific device because it could not function within the city's noise ordinance. Wischnack stated it was difficult to predetermine if someone was in violation. She commented it was safe to say the proposed ordinance would address the current issue at hand. City Attorney Corrine Heine advised even if a device was too loud at its lowest setting, muffling and other things could be explored. She explained other modifications could be made to bring the device into compliance.

Wiersum stated enforcement of ordinances like this were difficult. He inquired how this ordinance would be enforced. Wischnack described how this ordinance would be enforced.

Wiersum asked what would be done if the device remained operational and was deemed a nuisance to the neighbors. Wischnack explained the city has several choices. She reported the city would first try and get the resident to comply with the ordinance without any enforcement. If the property was not brought into compliance, a citation would be issued and if the citation was not abided by, the matter would go to court.

Wiersum questioned if the resident had been a willing property owner, could this matter have been resolved through mediation without needing to amend the noise ordinance. Wischnack stated there would have to be two willing parties that wanted to participate in mediation in order for a matter to be resolved. She reiterated the fact that there was no violation with city code, but rather was a neighborhood issue that needed to be solved. She commented this issue was not over. She anticipated the noise machine would continue and if the ordinance was adopted, the city would be faced with enforcing the ordinance.

Coakley asked if mediation was offered. Wischnack stated a police officer who was acting as the neighborhood liaison offered to talk to everyone to assist in finding a resolution. She indicated this was not able to be determined.

Coakley commented it may have been beneficial to offer mediation through a mediation program and not through a police officer. Wischnack reported the police were not the only ones trying to mediate this issue, noting there were other staff members involved working to try and achieve cooperation.

Kirk recommended the language within the ordinance read within five feet of the property line instead of at the property line. Boerboom commented if his department receives a complaint, the officers would be walking on the neighboring property and he would like them to have a little buffer.

Kirk indicated he would rather look at this ordinance as a way to protect habitat. He encouraged residents to not use this device because it disrupts the habitat of woodpeckers. He noted he would be supporting the ordinance as presented.

Schack thanked staff for all of their efforts on this ordinance. She thanked the neighbors for engaging in dialogue with the city council. She reported there has been a lot of staff members involved in addressing this concern and working to bring about a resolution. She indicated she was in favor of the ordinance as drafted.

Coakley acknowledged the letter that was received from the person being targeted with this ordinance. She stated she understood their feelings and how they felt about the ordinance. However, she also supported the language as proposed by staff. She encouraged the city to continue to work with this person to address the device they have on their property so there won't be any violations to the noise or nuisance ordinance.

Calvert thanked staff for their work on this ordinance. She appreciated the neighbors for sharing their views. She understood this was a difficult situation and discussed how noise disrupted people in a neighborhood. However, in the end, she did not believe the homeowners problem should become the

neighborhoods problem. She supported the ordinance moving forward as written.

Wiersum stated it was too bad this situation had to come to this. He commented it was his understanding the idea of mediation was rejected and the neighbors could not get together. He reported he read the letters from the neighbor that has the device and understood he feels targeted. He understood this ordinance was targeted to address this one device in this one neighborhood. He indicated if the neighbors had come together and worked out a solution, the city would not have had to step in. However, this did not happen and for this reason, the council had to step in and amend the noise ordinance. He reported he supported the ordinance as written.

Calvert moved, Schack seconded a motion to adopt the Ordinance 2022-02. All voted "yes." Motion carried

C. Review the executive search firm proposals

Human Resources Manager Dawn Pearson gave the staff report.

Mark Casey, DDA Human Resources Inc., introduced his search firm to the city council. He explained he had 20+ years of experience working with cities and counties in Minnesota. He described the process and approach DDA would follow to recruit a new city manager.

Charlene Stevens, GOV HR USA, introduced her search firm to the city council. She reported she has had a 22 year career in local government and served as a member of the League of Minnesota Cities Board of Directors. She discussed the number of recruitments her organization has conducted over the past decade, providing details on the recruitments that occurred in Minnesota. She commented further on how GOV HR would work with the city to find and recruit a new city manager.

Jim Miller, Mercer Group Associates, introduced his search firm to the city council. He thanked the council for their time and noted he was honored to be considered for this work. He believed the council should consider hiring Mercer Group Associates because it was made up of senior level associates with many, many years of experience. In addition, the Mercer Group name was well-known across the country. He then discussed how he could assist the City of Minnetonka in finding the best candidate for the next city manager, noting he only works with one city at a time.

Wiersum thanked the three candidates for their time and presentations. He asked the council for their thoughts or comments on the recruiting firms.

Coakley stated she supported GOV HR being selected as the recruiting firm. She appreciated how this firm focused on diversity and inclusion.

Kirk thanked staff for all of their efforts on finding these three candidates. He explained after reviewing all of the information from the three firms he had them ranked DDA, GOV HR and then Mercer. He reported after hearing the presentations he would now have GOV HR at the top of the list. He appreciated how this group focused on diversity and he appreciated how this organization would work to recruit outside the state of Minnesota.

Schack stated she believed each of the firms had different strong suits but were closely aligned when considering their approach. She indicated she believed GOV HR had the strongest presentation and most closely aligned with the city's strategic profile when considering inclusivity.

Calvert stated she believed all of the candidates were strong. She noted she has been through several executive searches in her day job and explained the recruitment firm would be following the council's strategic profile. She appreciated the connections the three firms have all over the country. She was of the opinion Mercer Group had the edge on GOV HR because this organization was more familiar with the community.

Schaepfi commented each of the firms were highly qualified. He explained he did not see a lot of difference between the firms and noted he would give his nod to Mercer Group, then DDA and GOV HR.

Wilburn indicated this was all new to her and she agreed each of the firms were highly qualified. She stated at this time she would select GOV HR.

Wiersum explained this was particularly difficult for him because he knew all three of these individuals and reported he has a lot of respect for each of these individuals. He thanked staff for bringing these three firms forward for consideration. He believed that each of the organizations would do a great job for the City of Minnetonka. He stated at this time the council had four votes for GOV HR and noted he would put his hat in this ring.

Calvert commented she was leaning towards Mercer Group because Jim Miller really knew this community and she saw value in this.

The consensus of council was to direct staff to select GOV HR USA as the recruitment firm.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Kirk seconded a motion to adjourn the meeting at 9:23 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk



**City Council Agenda Item 6A
Meeting of Feb. 7, 2022**

Title: Police and Fire Facility Energy Conservation and Rebates

Report From: Kevin Maas, Facilities Manager

Submitted through: Mike Funk, Acting City Manager
Will Manchester, P.E., Public Works Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

During the construction of the city's new public safety facility, a number of energy conservation strategies were implemented into the design. In response, Xcel Energy and CenterPoint Energy provided incentives and rebates to the city.

Recommended Action

Informational only, no action required.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input checked="" type="checkbox"/> Sustainability & Natural Environment | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Statement: This project helps achieve the council's key strategy of providing efficient, sustainable and cost-effective systems and infrastructure.

Financial Consideration

Is there a financial consideration? No Yes
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other: Rebates-Energy Reduction

Statement: The city invested in additional design and implementation of energy conservation measures above and beyond what was necessary for the project and received a rebate of \$13,985 from CenterPoint Energy and \$23,085 from Xcel Energy. These savings will apply to the city's annual usage and provide a payback of the initial investment of 2.2 years.

Background

During the design phase of the project, the city selected a number of energy conservation strategies as shown in the attached verification report. These strategies include the categories of mechanical, architectural, electrical, and service water heating and implemented strategies such as efficient heating and cooling units, improved glazing/sealing of areas, additional roof insulation practices, and electrical controls for dimming, power down, vacancy sensors and reduction of lighting to reduce over lighting.

In response, Xcel Energy and CenterPoint Energy offer an incentive for the implementation of these strategies, which allow the city to reduce energy consumption and operate at minimal levels for years to come.

Verification Report

Minnetonka Police and Fire Facility
Minnetonka, MN

ENERGY DESIGN ASSISTANCE



December 2, 2021
4017584

Xcel Energy

414 Nicollet Mall, 6th Floor | Minneapolis, MN 55401
xcelenergy.com/BusinessNewConstruction

and

CenterPoint Energy

505 Nicollet Mall, 4th Floor | Minneapolis, MN 55402
CenterPointEnergy.com

Prepared by



www.willdan.com

Introduction

This report documents the results of verification for several energy conservation strategies for the Minnetonka Police and Fire Facility project and shows the results of verification as compared to the baseline model. This report serves as a final document for verifying energy savings strategies implemented at this new building located in Minnetonka, MN.

Xcel Energy and CenterPoint Energy offers the Energy Design Assistance to assist owners and design teams in evaluating potential energy conservation strategies for new and renovated building projects during the design and construction processes. During the design phase, the building owner selected a number of energy conservation strategies. In response, Xcel Energy and CenterPoint Energy offered an incentive for the implementation of these strategies.

For this project, the owner selected Bundle 1 for implementation. For more information about selected results, please see the Bundle Requirements Document (from July 2, 2020). Upon construction completion, Willdan has verified the selected strategies via Construction Documents review, on site verification of the strategies selected (on October 7, 2021), and construction submittals. These measures provide projected energy cost savings of over \$35,600 per year, in relation to the building baseline.

The simple payback analysis shows that the Xcel Energy and CenterPoint Energy incentive has helped reduce the incremental costs associated with the energy conservation strategy investments in this building, resulting in a payback of 2.2 years.

Energy Conservation Investments - Simple Payback Analysis

Project Incremental Construction Cost	\$116,870
Final Xcel Energy and CenterPoint Energy Incentive	\$37,070
Project Adjusted Incremental Cost	\$79,800
Annual Energy Cost Savings	\$35,688
Payback, with incentive (in years)	2.2

For more information, please refer to the following report.

Process

The following list provides the process steps for this energy conservation program.

- Energy Design Assistance
 - Establish goals and intentions
 - Computer modeling of baseline, strategies, and bundles
- Bundle selection by the owner
- Bundle Requirements Document
 - Summarizes key features/verification plan for all bundle strategies
- Verification study (following project completion and occupancy)
 - Request construction documents
 - Request submittals (e.g., glazing, insulation, cooling, heating plants)
 - Locate the energy conservation measures on site
- **Final Verification Report**
 - **Detail the findings of the verification process**
 - **Estimate of final energy savings for the building**
 - **Document final incentive**
- Xcel Energy and CenterPoint Energy incentive payment

List of Verified Strategies

The following table provides a complete list of the modeled energy conservation strategies that were selected by the project team for installation. All savings percentages in the table below are relative to the selected bundle savings.

Space Asset Area	Strategy Description	Portion of Total \$ Savings Modeled	Verified as Modeled?	Portion of Total \$ Savings Verified
HVAC	Scenario A: See Appendix A System Summary	14%		14%
Mechanical				
Facility	95% efficient gas boiler with aggressive temperature reset	2%	Partial	1%
Facility	VFD on water source heat pump circulation pump	< 1%	Yes	< 1%
Garage MAU	CO sensor control of ventilation beyond ASHRAE 90.1-2010	25%	Yes	25%
Garage MAU	Direct-fired furnace	13%	Yes	13%
DOAS	DOAS 5% improved DX cooling efficiency	< 1%	Partial	< 1%
Facility	VFD on cooling tower fan	< 1%	Yes	< 1%
DOAS	DOAS Total heat recovery	7%	Partial	7%
Facility	95% efficient water loop gas boiler	3%	Yes	3%
Facility	VFD on building heating water pump	< 1%	Yes	< 1%
Garage MAU	De-stratification fans in high bay spaces for Emergency vehicle garage	2%	Yes	2%
Architectural				
Office	Glazing high solar gain, metal frame	4%	Yes	8%
Common Areas	Glazing high solar gain, metal frame	< 1%	Yes	2%
Emergency vehicle garage	Glazing high solar gain, metal frame	< 1%	Yes	2%
Dorm Rooms	Glazing high solar gain, metal frame	< 1%	Yes	1%
Office	Roof R 30	1%	Yes	2%
Common Areas	Roof R 30	< 1%	Yes	2%
Emergency vehicle garage	Roof R 30	1%	Yes	2%
Dorm Rooms	Roof R 30	< 1%	Yes	< 1%
Electrical				
Office	Dimming daylighting control, 50% of space	< 1%	No	0%
Common Areas	Dimming daylighting control, 50% of space	< 1%	No	0%
Office	Lighting power in Office reduced to 0.63 W/ft ²	5%	Partial	5%
Common Areas	Lighting power in Common Areas reduced to 0.51 W/ft ²	2%	Partial	< 1%
Emergency vehicle garage	Lighting power in Emergency vehicle garage reduced to 0.39 W/ft ²	9%	Partial	8%
Dorm Rooms	Lighting power in Dorm Rooms reduced to 0.43 W/ft ²	< 1%	No	0%
Jail facility	Lighting power in Jail facility reduced to 0.68 W/ft ²	< 1%	Partial	< 1%
Common Areas	Occupancy sensor controls	N/A	Added*	1%
Jail facility	Occupancy sensor controls, 25% of space	< 1%	Yes	< 1%
Office	Vacancy sensor controls, 75% of space	2%	Yes	3%
Common Areas	Vacancy sensor controls, 75% of space	1%	Not Implemented	0%
Dorm Rooms	Vacancy sensor controls, 75% of space	< 1%	Partial	< 1%
Facility	Exterior tradable site lighting reduced to 3.22 kW	< 1%	Yes	2%

Space Asset Area	Strategy Description	Portion of Total \$ Savings Modeled	Verified as Modeled?	Portion of Total \$ Savings Verified
Emergency vehicle garage	Dimming daylighting control	N/A	Added*	< 1%
Service Water Heating				
Facility	95% SWH efficiency	< 1%	Yes	< 1%
Total Savings		100%		107%

**Denotes reintroduced strategy that exceeds modeled goals and may offset other strategies that do not meet the modeled goals.*

Summary

The list below details items that are different from the selected bundle.

Roof Assembly

- The verified roof assembly R-value of R-45 is higher than the expected R-30, resulting in more savings.

Glazing

- The verified windows glazing U-factor is lower than expected, resulting in more savings.

Daylighting

- Dimming daylighting controls were found in a smaller area of the office and common areas than the baseline requirement, resulting in no savings.
- Dimming daylighting controls were found the emergency vehicle garage. A strategy has been added to account for additional savings.

Lighting Control

- The common areas have occupancy sensor control in lieu of vacancy sensors, resulting in less savings.
- Vacancy sensor controls covered a larger area of the office than expected, resulting in more savings.
- Vacancy sensor controls covered a smaller area of the dorm rooms than expected, resulting in less savings.
- Occupancy sensor controls covered a larger area of the jail than expected, resulting in more savings.

Lighting Design

- The exterior lighting power of 1.03 kW is lower than the expected 3.22 kW, resulting in more savings.
- The office lighting power density of 0.65 W/ft² is higher than the expected 0.63 W/ft², resulting in less savings.
- The common areas lighting power density of 0.65 W/ft² is higher than the expected 0.51 W/ft², resulting in less savings.
- The emergency vehicle garage lighting power density of 0.43 W/ft² is higher than the expected 0.39 W/ft², resulting in less savings.
- The dorm rooms lighting power density of 0.68 W/ft² is higher than the expected 0.43 W/ft², resulting in no savings.
- The jail lighting power density of 0.71 W/ft² is higher than the expected 0.68 W/ft², resulting in less savings.

5% Improved DX Cooling Efficiency

- The DOAS EER of 11.02 is lower than the expected EER of 11.38, resulting in less savings.

95% Efficient Gas Boiler with Aggressive Temperature Reset

- The facility boiler gas efficiency of 96% is higher than the expected 95%, but the boiler only had a moderate temperature reset, resulting in less savings.

Total Heat Recovery

- The DOAS total heat recovery effectiveness of 71% sensible/78% latent are lower than the expected 75% sensible/75% latent effectiveness, resulting in slightly less savings.

Service Water Heating

- The service water heating gas efficiency of 96% is higher than the expected 95%, resulting in more savings.

Further detail about these strategies may be found in the “Individual Strategy Verification Results” section of this report.

Individual Strategy Verification Results

The following table(s) provides the verification detailed findings for the applicable strategies. In addition, the appendices have further information and calculations.

Mechanical Strategy Verification Results

Mechanical

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings				
Facility	95% efficient gas boiler with aggressive temperature reset	Install a condensing gas boiler with 95% peak efficiency and specify an aggressive temperature reset schedule with return water temperatures ranging from 140°F (60°C) at peak winter conditions to 90°F (32.2°C) at mild conditions.	Explicit efficiency: 96% Temperature reset type: Moderate	The verified value resulted in less savings than planned.				
Facility	VFD on water source heat pump circulation pump	Provide VFD control of the circulation pump that allows the pump to reduce its flow to 30% of peak flow.	Implemented	The verified value meets the strategy requirements.				
DOAS	DOAS 5% improved DX cooling efficiency	Improve cooling efficiency to values shown in the table below: <table border="1" data-bbox="558 890 935 991"> <thead> <tr> <th>Size (tons)</th> <th>Efficiencies (EER)</th> </tr> </thead> <tbody> <tr> <td>5.42 - 20</td> <td>10.76</td> </tr> </tbody> </table>	Size (tons)	Efficiencies (EER)	5.42 - 20	10.76	DX unit improved cooling efficiency: 10.43 EER	The verified value resulted in less savings than planned.
Size (tons)	Efficiencies (EER)							
5.42 - 20	10.76							
Facility	VFD on cooling tower fan	Install variable frequency drives on cooling tower fan motors to adjust motor speed in response to water return temperature.	Implemented	The verified value meets the strategy requirements.				
Facility	95% efficient water loop gas boiler	Install an improved efficiency boiler with 95% efficiency.	Explicit efficiency: 96%	The verified value resulted in less savings than planned.				
Facility	VFD on building heating water pump	Install VFD control rather than constant speed drives on the loop pump motors. This strategy assumes two-way valves on applicable hydronic system coils to reduce flow rate (modeled to minimum 30% flow) during periods of low load.	Implemented	The verified value meets the strategy requirements.				
Garage MAU	De-stratification fans in high bay spaces for Emergency vehicle garage	Install de-stratification fans in high bay spaces to keep zone air well mixed and improve thermal comfort.	Implemented	The verified value meets the strategy requirements.				

Conditioning of Outside Air

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
DOAS	DOAS Total heat recovery	Provide 75% effective sensible and latent heat recovery on 90% of the building exhaust air.	Summer/winter effectiveness: 71% Latent effectiveness: 78%	The verified value resulted in less savings than planned.

Garage

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Garage MAU	CO sensor control of ventilation beyond ASHRAE 90.1-2010	Provide carbon monoxide sensors that control the garage ventilation rates so that ventilation is reduced during times of low noxious gas concentrations.	Implemented	The verified value meets the strategy requirements.
Garage MAU	Direct-fired furnace	Provide direct fired gas furnaces. Direct fired furnaces vent their exhaust air directly into the space.	Explicit efficiency: 100%	The verified value meets the strategy requirements.

Site Photos



Image of typical pump VFDs



Image of cooling tower fan VFDs



Image of typical water source heat pumps



Image of typical CO/NO2 sensor



Image of destratification fans



Image of service water heaters

Architectural Strategy Verification Results

Roof

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Office/Common Areas/ Emergency vehicle garage/Dorm Rooms	Roof R-30	Install a roof with a total assembly value, including thermal bridging of R-30 (U-0.033).	R-45	The verified value resulted in more savings than planned.

Glazing

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Office/ Common Areas/ Emergency vehicle garage/ Dorm Rooms	Glazing high solar gain, metal frame	Unit U-factor: 0.42 Center of glass U-factor: 0.29 Solar heat gain coefficient (SHGC): 0.38 Visible transmittance (VT): 0.70	0.24 0.11 0.39 0.70	The verified value resulted in more savings than planned.

Electrical Strategy Verification Results

Daylighting Control

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Office	Dimming daylighting control, 50% of space	Provide automatic dimming (down to 10%) daylighting controls for 50% of the area with daylight harvesting potential. Dimming daylighting controls are assumed to control the area within the first 15 feet from the perimeter walls or two window head heights, whichever is smaller.	Area covered: 3% of space	The verified value resulted in no savings.
Common Areas	Dimming daylighting control, 50% of space	Provide automatic dimming (down to 10%) daylighting controls for 50% of the area with daylight harvesting potential. Dimming daylighting controls are assumed to control the area within the first 15 feet from the perimeter walls or two window head heights, whichever is smaller.	Area covered: 5% of space	The verified value resulted in no savings.
Emergency vehicle garage	Dimming daylighting control	Provide automatic dimming (down to 10%) daylighting controls for 50% of the area with daylight harvesting potential. Dimming daylighting controls are assumed to control the area within the first 15 feet from the perimeter walls or two window head heights, whichever is smaller.	Area covered: 11% of space	The verified value resulted in less savings than planned.

Lighting Controls

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Office	Vacancy sensor controls, 75% of space	Provide vacancy sensors in 75% of the applicable spaces throughout the Space Asset Area such that manual switches are used to turn lights on and the sensors automatically turn lights off when the space is unoccupied.	Area covered: 93% of space	The verified value resulted in more savings than planned.
Common Areas	Vacancy sensor controls, 75% of space	Provide vacancy sensors in 75% of the applicable spaces throughout the Space Asset Area such that manual switches are used to turn lights on and the sensors automatically turn lights off when the space is unoccupied.	Not Implemented	Occupancy sensors were found in lieu of vacancy sensors.

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Common Areas	Occupancy sensor controls	Provide occupancy sensors in some or all of the applicable spaces throughout the Space Asset Areas.	Area covered: 80% of space	The verified controls resulted in less savings than the expected vacancy sensors.
Dorm Rooms	Vacancy sensor controls, 75% of space	Provide vacancy sensors in 75% of the applicable spaces throughout the Space Asset Area such that manual switches are used to turn lights on and the sensors automatically turn lights off when the space is unoccupied.	Area covered: 34% of space	The verified value resulted in less savings than planned.
Jail facility	Occupancy sensor controls, 25% of space	Provide occupancy sensors in 25% of the applicable spaces throughout the Space Asset Area.	Area covered: 51% of space	The verified value resulted in more savings than planned.

Lighting Power Density

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Office	Lighting power in Office reduced to 0.63 W/ft ²	Reduce lighting power density by 30% below the Baseline specified by Space Asset Area allowances.	Improved power density: 0.65 W/ft ²	The verified value resulted in less savings than planned.
Common Areas	Lighting power in Common Areas reduced to 0.51 W/ft ²	Reduce lighting power density by 30% below the Baseline specified by Space Asset Area allowances.	Improved power density: 0.65 W/ft ²	The verified value resulted in less savings than planned.
Emergency vehicle garage	Lighting power in Emergency vehicle garage reduced to 0.39 W/ft ²	Reduce lighting power density by 30% below the Baseline specified by Space Asset Area allowances.	Improved power density: 0.43 W/ft ²	The verified value resulted in less savings than planned.
Dorm Rooms	Lighting power in Dorm Rooms reduced to 0.43 W/ft ²	Reduce lighting power density by 30% below the Baseline specified by Space Asset Area allowances.	Improved power density: 0.68 W/ft ²	The verified value resulted in no savings.
Jail facility	Lighting power in Jail facility reduced to 0.68 W/ft ²	Reduce lighting power density by 30% below the Baseline specified by Space Asset Area allowances.	Improved power density: 0.71ft ²	The verified value resulted in less savings than planned.
Facility	Exterior tradable site lighting reduced to 3.22 kW	Reduce tradable exterior site lighting power by 30% below the Baseline allowance.	Exterior lighting load: 1.03 kW	The verified value resulted in more savings than planned.

Site Photos



Image of the break room lighting



Image of the training room lighting



Image of a typical ceiling mounted occupancy sensor

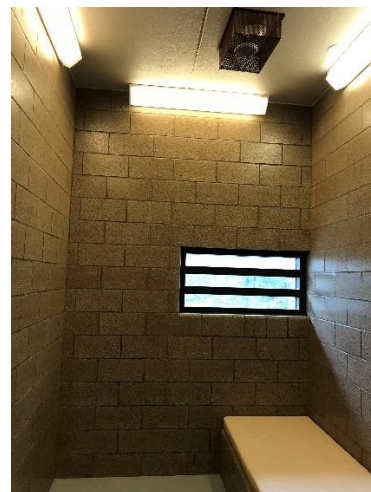


Image of a typical jail cell lighting



Image of a typical corridor lighting

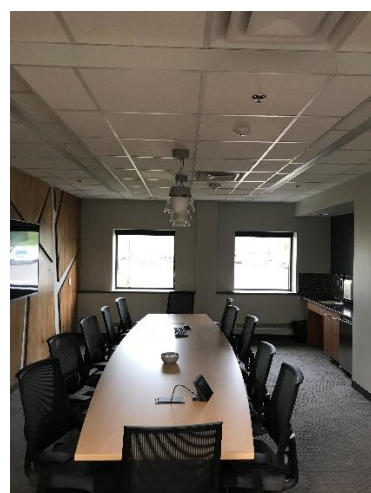


Image of conference room lighting

Other Strategy Verification Results

Service Water Heating

Space Asset Area	Strategy Description	Strategy Requirements	Verification Review	Verification Findings
Facility	95% SWH efficiency	Install an 95% efficient natural gas service hot water heater.	Explicit efficiency: 96%	The verified value resulted in more savings than planned.

Verified Bundle Results and Incentive

The tables on the next pages show the calculated energy cost savings for these energy investments with the included Xcel Energy and CenterPoint Energy incentive. The table also provides payback analysis of the verified bundle.

Energy Parameter	Baseline	Bundle 1, As Modeled*	Bundle 1, As Built
Building Results			
Energy Cost	\$108,060	\$75,463	\$73,372
Energy Cost Savings		\$32,597	\$35,688
Percent Energy Cost Savings		30%	33%
Electric Demand (kW)	163 kW	127 kW	125 kW
Electric Demand Savings		36 kW	38 kW
Percent Electric Demand Savings		22%	23%
Electric Consumption	766,888 kWh	587,698 kWh	569,771 kWh
Electric Consumption Savings		179,190 kWh	197,117 kWh
Percent Electric Consumption Savings		23%	26%
Gas Consumption	5,463 dekatherm	2,926 dekatherm	2,666 dekatherm
Gas Consumption Savings		2,537 dekatherm	2,797 dekatherm
Percent Gas Consumption Savings		46%	51%
Total Results			
Total Incremental First Cost		\$130,076	\$116,870
Xcel Energy Electric Incentive		\$21,568	\$23,085
CenterPoint Energy Gas Incentive		\$8,879	\$13,985**
Total Incentive		\$30,447	\$37,070**
Simple Payback with Incentive		2.7	2.2

* The figures in the "As modeled" column above are reprinted from the July 2, 2020 Bundle Requirements Document for this project, which were the basis for the original energy savings projections.

** The "Bundle 1, As Built" gas incentive reflects an increased gas incentive rate approved after the original bundle selection.

Energy Parameter	Baseline*	Bundle 1, As Modeled*	Bundle 1, As Built
Building Results			
Energy Use Intensity (EUI)	104.1 KBtu/ft ² /yr	63.5 KBtu/ft ² /yr	59.4 KBtu/ft ² /yr
EUI Savings		40.6 KBtu/ft ² /yr	44.7 KBtu/ft ² /yr
Percent EUI Savings		39%	43%

Note: Subject to the following qualifications, the computer model offers sophisticated predictions of energy savings with estimations as good as any other means available for a building that has not been built.

The strategy and bundle results compare relative differences in net energy use for design alternatives. The results are not appropriate for system design and/or equipment selection; these are responsibilities of the registered design professionals of record.

The actual energy use of this building will be different from simulated results. Building systems and other operating parameters provided by the design team and modeled by Willdan approximate actual conditions, but differences in weather, operating parameters, occupancy level, and changes that occur through the bidding and construction process will result in annual energy costs that will be different from what is predicted here. However, when a bundle of strategies is selected relative to other alternatives, its energy (and dollar) conserving value can be expected to remain constant relative to the other alternatives, and the magnitude of the cost should be approximately as predicted.

Thus, implementation of a bundle of strategies offers the opportunity for energy savings, but the realization of those savings is the responsibility of the owner/operator of the building – not Xcel Energy and CenterPoint Energy or Willdan. Savings are not guaranteed.

Appendix A. Project Information

Building Summary			
Location	Minnetonka, MN		
Space Asset Areas		Area	Number of Stories
Jail facility		4,300 ft ²	1
Office		20,400 ft ²	2
Common Areas		8,500 ft ²	1
Emergency vehicle garage		43,000 ft ²	1
Dorm Rooms		1,400 ft ²	1
Total		77,600 ft²	2
Exterior lighting		38,500 ft ²	
Utilities			
Electric Utility	Xcel Energy		
Gas Utility	CenterPoint Energy		
Schedule			
Construction Documents Complete	12/31/2018		
Construction Start	03/06/2020		
Occupancy	09/30/2021		
Baseline Reference	ASHRAE 90.1-2010		
Other Notes			

Systems Summary	
Selected HVAC	Dorm Rooms: Jail facility, Office, Common Areas: Water Cooled Heat Recovery VRF; Emergency vehicle garage: Direct Fired MAU

Appendix B. Verified Isolated Strategy Results

The table below includes detailed results modified based on verification findings shown earlier in this report.

Space Asset Area	Strategy Description	Peak kW Savings	kWh Savings	Gas Savings (Therm)	Energy Cost Savings	Inc. Cost
HVAC Scenario A	Dorm Rooms: Variable Refrigerant Flow Heat Recovery WS with Variable Refrigerant Flow and Variable Refrigerant Flow cooling; Jail facility, Office, Common Areas: Variable Refrigerant Flow Heat Recovery WS with Variable Refrigerant Flow and Variable Refrigerant Flow cooling; Emergency vehicle garage: Packaged Single Zone with Gas Furnace	8.9	49,927	255	\$4,728	\$0
Facility	VFD on water source heat pump circulation pump	0	5,354	-163	\$236	\$437
Facility	VFD on building heating water pump	0	210	-6	\$7	\$437
DOAS	DOAS 5% improved DX cooling efficiency	0.3	256	0	\$66	\$1,365
Facility	VFD on cooling tower fan	0.7	102	0	\$115	\$980
Facility	95% efficient gas boiler with aggressive temperature reset	0	58	779	\$481	\$5,678
Facility	95% efficient water loop gas boiler	0	-308	1,866	\$1,123	\$5,678
DOAS	DOAS Total heat recovery	7.4	1,536	2,029	\$2,526	\$6,101
Garage MAU	CO sensor control of ventilation beyond ASHRAE 90.1-2010	0	18,455	12,346	\$8,729	\$3,440
Garage MAU	Direct-fired furnace	0	-2	7,376	\$4,521	\$4,006
Garage MAU	De-stratification fans in high bay spaces for Emergency vehicle garage	-1.3	-11,303	2,478	\$600	\$6,626
Office	Roof R-30	0.8	3,446	486	\$636	\$10,075
Office	Glazing high solar gain, metal frame	2	15,688	2,572	\$2,886	\$16
Common Areas	Roof R-30	0.7	2,882	407	\$536	\$8,396

Space Asset Area	Strategy Description	Peak kW Savings	kWh Savings	Gas Savings (Therm)	Energy Cost Savings	Inc. Cost
Common Areas	Glazing high solar gain, metal frame	0.4	3,382	545	\$614	\$3
Emergency vehicle garage	Roof R-30	0	0	1,052	\$646	\$42,474
Emergency vehicle garage	Glazing high solar gain, metal frame	0.1	600	858	\$574	\$8
Dorm Rooms	Roof R-30	0.1	445	88	\$104	\$1,383
Dorm Rooms	Glazing high solar gain, metal frame	0.3	1,936	455	\$451	\$2
Facility	Exterior tradable site lighting reduced to 3.22 kW	0	13,682	0	\$860	\$1,027
Jail facility	Occupancy sensor controls, 25% of space	0.1	674	-16	\$44	\$294
Jail facility	Lighting power in Jail facility reduced to 0.68 W/ft ²	0.3	3,444	-70	\$224	\$573
Office	Dimming daylighting control, 50% of space	0	0	0	\$0	\$0
Office	Vacancy sensor controls, 75% of space	1.9	12,604	-193	\$980	\$2508
Office	Lighting power in Office reduced to 0.63 W/ft ²	4.6	18,234	-264	\$1,726	\$2,721
Common Areas	Dimming daylighting control, 50% of space	0	0	0	\$0	\$0
Common Areas	Occupancy sensor controls	0.8	5,970	-111	\$427	\$581
Common Areas	Vacancy sensor controls, 75% of space	0	0	0	\$0	\$0
Common Areas	Lighting power in Common Areas reduced to 0.51 W/ft ²	0.5	2,673	-47	\$218	\$1,134
Emergency vehicle garage	Lighting power in Emergency vehicle garage reduced to 0.39 W/ft ²	3.8	35,177	490	\$2,522	\$5,735
Emergency vehicle garage	Dimming daylighting control	0.1	683	-13	\$47	\$535
Dorm Rooms	Vacancy sensor controls, 75% of space	0	123	-2	\$13	\$287
Dorm Rooms	Lighting power in Dorm Rooms reduced to 0.43 W/ft ²	0	0	0	\$0	\$0

Space Asset Area	Strategy Description	Peak kW Savings	kWh Savings	Gas Savings (Therm)	Energy Cost Savings	Inc. Cost
Facility	95% SWH efficiency	0	0	287	\$178	\$3,184

Average Grid Peak*

Bundle Description	Grid Peak kW Savings
Verification Bundle	34

*Xcel Energy use only, not used for incentive calculation

Appendix C. Project Participants

Name	Company	Email	Phone
Kevin Maas	City of Minnetonka	kmaas@eminnetonka.com	952-988-8412
Brian Wagstrom	City of Minnetonka	bwagstrom@eminnetonka.com	952-988-8412
Gary Swanson	Energy Management Solutions, Inc.	gswanson@emsenergy.com	612.819.7975
Isaac Overmyer	Energy Management Solutions, Inc.	iovermyer@emsenergy.com	952.797.3025
Peter Baldwin	Wold Architects and Engineers	pbaldwin@woldae.com	651-227-7773
Pat Jansen	Wold Architects and Engineers	pjansen@woldae.com	651-227-7773
Brad Johannsen	Wold Architects and Engineers	bjohannsen@woldae.com	651-227-7773
Dominic Jones	Wold Architects and Engineers	dominic.jones@woldae.com	651-227-7773
Amanda Marcott	Wold Architects and Engineers	amarcott@woldae.com	651-227-7773
John Maust	Wold Architects and Engineers	jmaust@woldae.com	651-227-7773
John McNamara	Wold Architects and Engineers	jmcmamara@woldae.com	651-227-7773
Melissa Stein	Wold Architects and Engineers	mstein@woldae.com	651-227-7773
Paige Sullivan	Wold Architects and Engineers	psullivan@woldae.com	651-227-7773
Meng Xiong	Wold Architects and Engineers	mxiong@woldae.com	651-227-7773
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Ryan Setterholm	CenterPoint Energy	ryan.setterholm@centerpointenergy.com	612-321-4482
Alison Decker	Willdan	adecker@willdan.com	952.939.1849
Yash Pinapati	Willdan	ypinapati@willdan.com	952.938.1588
Brett Kubly	Questions & Solutions Engineering	brett.kubly@qseng.com	612.865.9007
Stephanie Gallatin	Questions & Solutions Engineering	steph.gallatin@qseng.com	612.819.2151



**City Council Agenda Item 9A
Meeting of February 7, 2022**

Title: Bids for Ridgedale Commons Cast-In-Place Concrete

Report From: Kelly O'Dea, Recreation Director

Submitted through: Mike Funk, Acting City Manager
Will Manchester, Public Works Director
Darin Nelson, Finance Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

The city council received and approved bids for the construction of [Ridgedale Commons Park](#) and [Crane Lake Preserve Shelter](#) at their August 23, 2021 meeting. Three contracts did not receive any bids, including the Cast-In-Place Concrete (#0330), with an engineer's estimate of \$800,000. At that time, city staff indicated they would work with the construction manager to rebid this item.

Recommended Action

Award the contract to Curb Masters in the amount of \$622,000.

Strategic Profile Relatability

Financial Strength & Operational Excellence Safe & Healthy Community
 Sustainability & Natural Resources Livable & Well-Planned Development
 Infrastructure & Asset Management Community Inclusiveness
 N/A

Statement: The Ridgedale Area Park Improvements Project is a key component to keeping the Ridgedale area vibrant and successful as retail space and land uses continue to evolve. The park amenities will allow the city to provide a full range of excellent and meaningful programs and amenities to serve and enhance the community while improving and interpreting the natural resources in the area.

Financial Consideration

Is there a financial consideration? No Yes [\$622,000]
Financing sources: Budgeted Budget Modification New Revenue
Source

Use of Reserves Other [Enter]

Statement: N/A

Background

In 2012, the city completed a village center study for the Ridgedale area that identified the need for a new park/community gathering space to address a park space deficiency, keep the area vibrant and successful and catalyze additional development and public realm improvements. As part of an adjacent development project, the city was able to acquire land for Ridgedale Commons in an underused portion of the Ridgedale Mall parking area and begin planning park improvements.

Cast-In-Place Concrete Bids

In August 2021, the city solicited competitive bids as required by state law, covering 17 different trades. Bids were opened for the project on August 5, 2021. The city council approved bids for 14 trade contracts at its August 23, 2021 meeting and amended the 2021-2025 Capital Improvement Program (CIP). The city did not receive any bids on the remaining three trade contracts. That work was included in the CIP for the project and included:

- **#0330, Cast-In-Place Concrete: \$800,000**
- #0835, Metal Bi-Fold Doors: \$95,000
- #0965, Resilient Flooring & Tile: \$35,000

Contract #0330, for Cast-in Place Concrete, was rebid in January 2022. The bid opening occurred January 11, with the following results:

Cast-In-Place Concrete	
Engineer's Estimate	\$800,000
Curb Masters	\$622,000
B&D Associates	\$646,000

The city's construction management firm, H+U Construction, has reviewed the low bid and recommends awarding the contract to Curb Masters. The difference between the low bid and the engineer's estimate would shift to the project contingency.

The other two trade contracts listed above (#0835, Metal Bi-Fold Doors: \$95,000 and #0965, Resilient Flooring & Tile: \$35,000) do not meet the threshold requiring council approval. Those trade contracts can be approved by the Acting City Manager and will likely occur in the two months.

Estimated Schedule

The project is currently on schedule and on budget, with estimated substantial completion by the end of 2022.



January 27, 2022

City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345

ATTENTION: Kelly O'Dea

**RE: Ridgedale Commons and Crane Lake Preserve
 RECOMMENDATION FOR CAST-IN-PLACE SITE CONCRETE
 CONTRACT #0330-01 AWARD**

Dear Kelly:

On January 11, 2022, we had the bid opening to for the rebid of Contract 0330-01 Cast-In-Place Site Concrete for the unawarded concrete work for Ridgedale Commons and Crane Lake Preserve. We privately solicited 14 bidders as well as publicly posting the bid in the Business Journal, Sun Sailor, and various other public exchanges. The following bids were received on bid day:

<u>Contract #</u>	<u>Contractor/Description</u>	<u>Contract Amount</u>
0330-01	Curb Masters	\$622,000
0330-01	B&D Associates	\$646,000

We have reviewed the bid documents received and conducted a pre-award conference with the apparent responsive low bidder. We recommend award of the following base bid prime contracts.

<u>Contract #</u>	<u>Contractor/Description</u>	<u>Contract Amount</u>
#0330-01	Cast-In-Place Concrete Curb Masters, Inc. 496 Farwell Avenue South Saint Paul, MN 55075	

Base Bid (Combined Labor and Material bids) **\$ 622,000**





The total of the recommended combined contract award is \$622,000.00, which is under the budgeted amount of \$800,000.00.

Upon Council Authorization to award the above referenced contract, we will proceed with contract agreements, bonding, and insurance document collection.

Thank you, and please call with any questions.

A handwritten signature in black ink that reads 'Luke D. Nelson'. The signature is written in a cursive style and is placed on a light grey, textured rectangular background.

Luke Nelson
Project Manager





**City Council Agenda Item 10A
Meeting of Feb. 7, 2022**

Title: Approve GovHR USA, LLC agreement
Report From: Dawn Pearson, Human Resources Manager
Submitted through: Moranda Dammann, Acting Assistant City Manager
Corrine Heine, City Attorney

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

During the Jan. 24, 2022 regular meeting, the majority of council directed staff to move forward with contract review with GovHR USA, LLC. Since this meeting, staff have met with Charlene Stevens, Senior Vice President to create a proposed timeline and complete agreement negotiations.

Recommended Action

Approve contract with GovHR USA, LLC, subject to final approval by the city attorney and approve proposed timeline.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input checked="" type="checkbox"/> N/A | |

Financial Consideration

Is there a financial consideration? No Yes: not to exceed \$22,000
Financing sources: Budgeted Budget Modification New
Revenue Source Use of Reserves Other [Salary savings associated with current vacancy]

Background

At the Dec 6, 2021 regular meeting, council directed staff to solicit proposals from executive search firms to assist with the recruitment process for a new city manager. Three very reputable firms provided proposals.

During the Jan. 24, 2022 regular meeting, representatives from the firms gave presentations to the city council and the majority of council directed staff to move forward with contract review with GovHR USA, LLC. Since this meeting, staff have met with Charlene Stevens, Senior Vice President to create a proposed timeline and complete agreement negotiations. The parties have come to agreement on the contract language. The city attorney has requested confirmation regarding the company's business registration. Council is asked to approve the agreement, subject to final approval by the city attorney .

Upon approval by the council and city attorney, the attached agreement will be executed by the parties. Additionally, a proposed timeline has been included for information.

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made as of February 8, 2022 between the City of Minnetonka, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55345 ("City") and GovHR USA, LLC, an Illinois limited liability company ("Consultant") whose business address is 630 Dundee Road, Suite 225, Northbrook, IL 60062.

The City has adopted a policy regarding the selection and hiring of consultants to provide a variety of professional services for City projects. That policy requires that persons, firms, or corporations providing such services enter into written agreements with the City. The purpose of this agreement is to set forth terms and conditions for the provision of certain services by the Consultant for the City.

The City and the Consultant agree as follows:

1. **Consultant's Services.** The Consultant agrees to provide professional services as described in Exhibit A, attached and made a part of this Agreement ("the Work"). The initial Work shall consist of Phases I through VI of the city manager recruitment process, as described in the attached Exhibit A. Consultant agrees to provide additional services, as described in Part 2 of Exhibit A, if requested in writing by the City. If there is any conflict between the language of this document and the language of Exhibit A, the language of this document prevails.
2. **Project Manager and Staffing.** The Consultant has designated GovHR USA Senior Vice President Charlene Stevens to provide the Work. They may be assisted by other staff members as necessary to facilitate the completion of the Work in accordance with the terms of this Agreement. The Consultant may not remove or replace these designated staff from performing the Work without the City's prior approval. The Consultant's primary point of contact on behalf of the City is Dawn Pearson, Human Resources Manager.
3. **Time for Performance of Services.** The Consultant must perform the Work as determined by the search timeline developed by the city or within such other time period as may be agreed by the City and the Consultant in writing. If Consultant is delayed in performance due to any cause beyond its reasonable control, such as strikes, riots, fires, acts of God, governmental actions, actions of a third party, or actions or inactions of City, the time for performance will be extended by the period of time lost by reason of the delay.
4. **Compensation for Services.** City agrees to pay the Consultant for the Work in the manner described in Exhibit A, attached and made a part of this Agreement. A change in the scope of the Work that may increase the compensation due to Consultant will not be effective unless the City has given prior written approval.
5. **Method of Payment.** The Consultant must submit itemized invoices for services provided to the City on a monthly basis, unless otherwise provided in the attached Exhibit A. Consultant is encouraged, but not required, to submit invoices electronically by emailing a copy of the invoice and any supporting documentation, in a PDF format, to payables@eminnetonka.com. Invoices submitted will be paid in the same manner as other claims made to the City. Consultant may request that the City make electronic (ACH) payments to Consultant, by contacting the City's accounts payable officer.

For work reimbursed on an hourly basis, the Consultant must indicate for each employee, his or her name, job title, the number of hours worked, rate of pay, a computation of amounts due for each employee, and the total amount due. By making the claim for payment, the Consultant declares that the account, claim or demand is just and correct and that no part of it has been paid.

For reimbursable expenses, if permitted in Exhibit A, the Consultant must provide such documentation as reasonably required by the City. Reimbursable mileage expenses will be billed at the applicable IRS mileage rate.

6. **Audit Disclosure.** Under Minn. Stat. § 16C.05, subd. 5, the Consultant's books, records, documents, and accounting procedures and practices relevant to this Agreement, including books and records of any approved subcontractors, are subject to examination by the City and/or the State Auditor or Legislative Auditor, as appropriate for a minimum of six years after the termination of this Agreement.
7. **Document Ownership.** All finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the Consultant will become the property of the City upon termination of this Agreement, but Consultant may retain copies of such documents as records of the services provided. Except to the extent that Minnesota Statutes Chapter 466 limits the City's liability, the City agrees to defend and indemnify the Consultant for any claims or losses resulting from the City's use of the documents in a manner not approved by the Consultant or not contemplated by the parties at the time of the preparation.
8. **Term.** The term of this Agreement is from February 7, 2022 – February 6, 2023, the date of signature by the parties notwithstanding. This Agreement may be extended upon the written mutual consent of the parties for such additional period as they deem appropriate, and upon the terms and conditions as stated in this Agreement.
9. **Termination.** This Agreement may be terminated by either party by seven days' advance written notice delivered to the other party at the address written above. Upon termination under this provision if there is no fault of the Consultant, the Consultant will be paid for services rendered and reimbursable expenses (to the extent allowed by Exhibit A) until the effective date of termination. If however, the City terminates the Agreement because the Consultant has failed to perform in accordance with this Agreement, no further payment will be made to the Consultant, and the City may retain another Consultant to undertake or complete the Work.
10. **Subcontractor.** The Consultant may not enter into subcontracts for services provided in this Agreement except as noted in Exhibit A, without the express written consent of the City. The Consultant agrees to pay any subcontractor within ten days of the Consultant's receipt of payment from the City for undisputed services provided by the subcontractor. The Consultant must pay interest of 1.5% per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For any unpaid balance of less than \$100, the Consultant must pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest penalties from the Consultant must be awarded its costs and disbursements, including

attorney's fees, incurred in bringing the action. This paragraph is inserted in this Agreement pursuant to Minn. Stat. §471.425, Subd. 4a.

11. **Independent Contractor.** At all times and for all purposes under this Agreement, the Consultant is an independent contractor and not an employee of the City. No statement in this Agreement may be construed to find the Consultant an employee of the City.
12. **Assignment.** Neither party may assign this Agreement without the written consent of the other party.
13. **Services Outside Contract.** The City will not honor claims for services furnished by the Consultant unless this Agreement specifically provides for those services.
14. **Worker's Compensation.** This paragraph is inserted in this Agreement pursuant to Minn. Stat. § 176.182. Consultant certifies that Consultant is in compliance with Minn. Stat. chapter 176, pertaining to workers' compensation insurance coverage. Prior to executing this Agreement, Consultant agrees to provide City with evidence of Consultant's compliance with the workers' compensation insurance coverage required by Minn. Stat. §176.181, subd. 2, in the form of either a certificate of insurance or written order of the Commissioner of Commerce permitting self-insurance ("Evidence of Insurance"). Consultant warrants that it will maintain the required workers' compensation insurance coverage at all times during the performance of this Agreement and that the Evidence of Insurance provided to the City is current and in force and effect.
15. **Indemnification.** Consultant agrees to defend, indemnify and hold the City, its officers, and employees harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorney's fees, resulting directly or indirectly from an act or omission (including without limitation professional errors or omissions) of the Consultant, its agents, employees, or subcontractors in the performance of the Work and against all losses by reason of the failure of the Consultant fully to perform, in any respect, all obligations under this Agreement.
16. **Insurance.** During the term of this Agreement, Consultant must maintain a professional liability insurance policy with limits of at least \$1,000,000 per occurrence, and \$1,000,000 general aggregate, for both personal injury and property damage. This policy must also insure the indemnification obligation contained in this Agreement. A certificate of insurance that verifies the existence of these insurance coverages must be provided to the City before Work under this Agreement is begun. No deductible greater than \$50,000 is allowed on any required insurance policy without prior approval of the City's attorney.
17. **Severability.** The provisions of this Agreement are severable. If any portion is held by a court of competent jurisdiction to be contrary to law, that decision will not affect the remaining provisions of the Agreement.
18. **Entire Agreement.** The entire agreement of the parties is contained in this Agreement. This Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter of this Agreement as well as any previous agreements presently in effect between the parties relating to the same subject matter. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement will be valid only

when expressed in writing and signed by the parties, unless otherwise provided in this Agreement.

19. **Compliance with Laws and Regulations.** In providing services under this Agreement, the Consultant must abide by all statutes, ordinances, rules, and regulations pertaining to the provision of services to be provided. Any violation constitutes a material breach of this Agreement and entitles the City to immediately terminate this Agreement.
20. **Government Data.** Contractor acknowledges that, to the extent this Agreement requires Contractor to perform a government function, all of the data created, collected, received, stored, used, maintained or disseminated by Contractor in performing government functions is subject to the requirements of the Minnesota Government Data Practices Act (Minn. Stat. ch. 13, the "MGDPA"), and that Contractor must comply with the MGDPA as if Contractor were a government entity, including the remedies in Minn. Stat. §13.08. Contractor agrees to promptly notify City of any request for data that Contractor receives related to this Agreement.
21. **Equal Opportunity.** During the performance of this contract, the Consultant must not discriminate against any employee or applicant for employment, or participant in a program provided under this Agreement, by reason of any characteristic or classification protected by state or federal law. The Consultant must post in places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause and stating that all qualified applicants will receive consideration for employment. The Consultant must incorporate the foregoing requirements of this paragraph in all of its subcontracts for program work, and will require all of its subcontractors for such work to incorporate such requirements in all subcontracts for program work.
22. **Waiver.** Any waiver by either party of a breach of any provisions of this Agreement will not affect, in any respect, the validity of the remainder of this Agreement.
23. **Governing Law.** This Agreement will be controlled by the laws of the State of Minnesota, without regard to conflict of law provisions.
24. **Disputes.** In an effort to resolve any conflicts that arise during or following the completion of the services described in this Agreement, the dispute will first be submitted to non-binding mediation unless the parties mutually agree otherwise. The cost of mediation will be shared equally by the parties. If the parties are unable to resolve the dispute through mediation, the parties may pursue all remedies available under law. The parties agree that any lawsuit between the parties that arises out of this Agreement will be venued in Hennepin County District Court.

[remainder of this page left blank intentionally]

Signature Page – City

CITY OF MINNETONKA:

By: _____
Dawn Pearson, Human Resources Manager

APPROVED AS TO FORM AND LEGALITY:
Corrine A. Heine, City Attorney (2019)
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Signature Page - Consultant

GovHR USA, LLC

By: _____

Its _____

Attachment A: Scope of Services and Price Terms

Project Approach and Methodology

A typical recruitment and selection process takes approximately 175 hours to conduct. At least 50 hours of this time is administrative, including advertisement placement, reference interviews, and due diligence on candidates. We believe our experience and ability to professionally administer your recruitment will provide you with a diverse pool of highly qualified candidates, including BIPOC and women, for your position search. GovHR clients are informed of the progress of their recruitment throughout the entire process. We are always available by mobile phone or email should you have a question or need information about the recruitment.

Phase I: Position Assessment, Position Announcement & Position Profile

GovHR treats each executive recruitment as a transparent partnership with our client. We believe in engaging with stakeholders early in each recruitment process to fully understand the challenges and opportunities inherent in the position. Understanding the organizational culture as well as a range of diversity and cultures are critical to a successful recruitment. We gain this insight and information through meetings (one on one and small groups), surveys and a review of relevant information. This information is reflected in a polished marketing piece that showcases the organization and the area it serves.

Information Gathering:

- One-on-one or group interviews with stakeholders identified by the client
 - Including but not limited to the mayor and council, directors and key staff
- GovHR can establish a dedicated email address for feedback from stakeholders or the community.
- Community forums (In-person or via video) can be used to gather input and feedback.
- Surveys can be used for department personnel and/or the community to gather feedback.
- Conversations/interviews with department heads.

A combination of the above items can be used to fully understand community and organizational needs and expectations for the position (this proposal includes 12 hours of meetings – additional meetings can be added for a fee of \$150/hours plus actual expenses if incurred. Dedicated email address and one organizational survey are included. Community Survey can be conducted for \$2,500. Community Forums can be conducted as an optional service.

Development of a **Position Announcement** to be placed on websites and social media.

Development of a thorough **Position Profile** for client review and approval. The Position Profile will include:

- Information about the position, the city, departments, other staff, council, and community;
- Information about the requirements of the position, including the areas of expertise and the competencies developed above;
- Information about the council's strategic objectives and the expectations of the city manager in making efforts to achieve them;
- Major steps in the recruitment process and an associated timeline for completing each step;
- Highlights of some of the position's benefits and a general statement about the salary for the position.

Agreement on a detailed **Recruitment Timetable** – a typical recruitment takes between 90 to 120 days from the time you sign the contract to appointment of the finalist candidate.

Phase II: Advertising, Candidate Recruitment & Outreach

We make extensive use of social media as well as traditional outreach methods to ensure a diverse and highly qualified pool of candidates. In addition, our website is well known in the local government industry – we typically have 6,000 visits to our website each month. Finally, we develop a database customized to your recruitment and can do an email blast to thousands of potential candidates.

Phase II will include the following:

- GovHR consultants will personally identify and contact potential candidates.
- Develop a database of potential candidates from across the country unique to the position and to the Client, focusing on:
 - Leadership and management skills
 - Size of organization
 - Experience in addressing challenges and opportunities also outlined in Phase I
- The database will range from several hundred to thousands of names and an email blast will be sent to each potential candidate.
- Placement of the Position Announcement in appropriate professional online publications:
 - Public sector publications & websites
 - Including but not limited to, professional associations, ICMA, League of MN Cities and other postings nationwide
 - Social media: LinkedIn (over 15,000 connections), Facebook, and Twitter
 - GovHR will provide you with a list of advertising options for approval

Phase III: Candidate Evaluation & Screening

Phase III will include the following steps:

- Review and evaluation of candidates' credentials considering the criteria outlined in the Position Profile
- Candidates will be narrowed down to a group of around 10-15 qualified semi-finalists that meet the qualification criteria
- Candidate evaluation process:
 - Completion of a questionnaire explaining prior work experience
 - Live Video Interview (45 minutes to 1 hour) conducted by consultant with each finalist candidate
 - References (at least 5 references per candidate will be contacted at this time)
 - Internet/Social Media search conducted on each finalist candidate

All résumés will be acknowledged and inquiries from candidates will be personally handled by GovHR, ensuring that the Client's process is professional and well regarded by all who participate. At each stage, and upon completion of the search, GovHR will notify applicants who were eliminated from further consideration of their status.

Phase IV: Presentation of Recommended Candidates

Phase IV will include the following steps:

- GovHR will prepare a Recruitment Report presenting the credentials of those candidates most qualified for the position.
- GovHR will provide an electronic recruitment portfolio which contains the candidates' materials along with a "mini" résumé for each candidate so that each candidate's credentials are presented in a uniform way.

- The City of Minnetonka will receive a log of all applicants and may review résumés if requested.
- Report will arrive in advance of the Recruitment Report Presentation.

GovHR will spend approximately 2 hours with the Client reviewing the recruitment report and providing additional information on the candidates.

- Provide advice and assistance to the council with further narrowing the candidate pool down to those who will be interviewed

Phase V: Interviewing Process & Background Screening

Phase V will include the following steps:

GovHR will:

- Develop the first and second round interview questions for your review and comment
- Coordinate candidate travel and accommodations
- Provide you with an electronic file that includes:
 - Candidates credentials
 - Set of questions with room for interviewers to make notes
 - Evaluation sheets to assist interviewers in assessing the candidate’s skills and abilities

Background screening will be conducted along with additional references contacted:

GovHR USA Background Screening	
<ul style="list-style-type: none"> ✓ Social Security Trace & Verification ✓ U.S. Federal Criminal Search ✓ Enhanced Verified National Criminal - National Sex Offender Registry - Most Wanted Lists FBI, DEA, ATF, Interpol - OFAC Terrorist Database Search - OIG, GSA, SAM, FDA - All felonies and misdemeanors reported to the National Database 	<ul style="list-style-type: none"> ✓ County/Statewide Criminal ✓ Civil Search ✓ Bankruptcy, Leans and Judgements ✓ Motor Vehicle Record ✓ Education Verification – All Degrees Earned Optional: Credit Report – Transunion with score (based on position and state laws) Optional: Professional License Verification Drug Screen Employment Verification

GovHR will work with you to develop an interview schedule for the candidates, coordinating travel and accommodations. GovHR consultants will be present for all the interviews, serving as a resource and facilitator.

GovHR will coordinate a 2-Step Interview process. The first round interviews will include five or six candidates. The second round interviews will include two or three candidates. GovHR will supply interview questions and an evaluation form.

In addition to a structured interview, the schedule can incorporate:

- Tour of Client facilities
- Provide interview questions and rating forms, determine panel(s) and process for this step
- Prepare others for the interviews (including a brief primer on legal issues associated with interviewing)
- Interviews with senior staff
- Ensure compliance with Open Meeting Law

Phase VI: Appointment of Candidate

- GovHR will assist you as much as you request with the salary and benefit negotiations and drafting of an employment agreement, if appropriate.
- GovHR will notify all applicants of the final appointment, providing professional background information on the successful candidate.

Please note that GovHR will abide by all MN Government Data Practices Act (MGDPA) requirements when responding to any inquiries from any source. GovHR will respond to media inquiries about the progress of the search, after discussing with human resources and the council.

Diversity, Equity & Inclusion in Recruitments

GovHR has a long-standing commitment to Equity, Diversity, and Inclusion in all our recruitment and selection processes. Since our firm's inception we have supported, with our time and financial resources, organizations that advance women and other underrepresented minorities in local government. These include the National Forum for Black Public Administrators, the Local Government Hispanic Network, The League of Women in Government and CivicPride.

GovHR President Heidi Voorhees was a keynote speaker at the first meeting of the WCMA Women's Leadership Seminar. Our employees and consultants all underwent Implicit Bias Training in the last year and we are frequent speakers on incorporating DEI values in recruitment and selection. We have a list of DEI resources on the front page of our website (<https://www.govhrusa.com/diversity-equity-and-inclusion-resources/>) that can be accessed by anyone who visits our website.

GovHR has formally partnered with the National Forum for Black Public Administrators' consulting arm, i4x, in several recruitment and selection processes throughout the country including Toledo, OH, Ft. Collins, CO, Ann Arbor, MI, Oakland, MI and Arlington, TX. Our partnership reflects our mutual commitment to advancing DEI values and increasing the diversity of local government leaders at the highest levels of the organization.

Full Scope Recruitment – Price Proposal

Recruitment Phase:		Consultant Hours	Consultant Cost	RC Hours	Recruitment Coordinator	RS Hours	Reference Specialist	Total Hours	Total Cost
Hourly Rates:			\$ 135.00		\$ 75.00		\$ 60.00		\$ 275.00
Phase I	Assessment, Ad & Brochure Developed	25	\$ 3,375.00	0	\$ -	0	\$ -	25	\$ 3,500.00
Phase II	Advertising, Candidate Rec. & Outreach	15	\$ 2,025.00	5	\$ 375.00	0	\$ -	20	\$ 2,460.00
Phase III	Candidate Evaluation and Screening	35	\$ 4,725.00	15	\$ 1,125.00	20	\$1,200.00	70	\$ 7,135.00
Phase IV	Presentation of Candidates	8	\$ 1,080.00	15	\$ 1,125.00	0		23	\$ 2,197.00
Phase V	Interviewing Process	15	\$ 2,025.00	5	\$ 375.00	5	\$ 300.00	25	\$ 2,790.00
Phase VI	Appointment of Candidate	2	\$ 270.00	0	\$ -	0		2	\$ 418.00
Total of above items		100	\$13,500.00	40	\$ 3,000.00	25	\$1,500.00	165	\$18,000.00
Additional:	Advertising Charges for ad placements								\$ 2,500.00
	Background Screenings (4 candidates)								\$ 1,500.00
Total with Additional Items:							Not to Exceed		\$22,000.00
**Consultant and Candidate travel is not included or estimated in the above Recruitment Process									

*We are carefully monitoring recommendations from the federal, state and local governments and working with clients on alternatives to in person meetings. We are fully operational and can work with you via video and by utilizing electronic files. If at the time of recruitment, COVID-19 restrictions are lifted and travel is possible, we are happy to attend meetings in person.

**Consultant travel expenses are not included in the price proposal. If the consultant is requested to travel to the client, travel costs will be estimated at time of request. Only actual expenses will be billed to the client for reimbursement to GovHR. This fee does not include travel and accommodations for candidates interviewed.

Possible in-person meetings could include:

1. Recruitment Position Profile interview process
2. Presentation of recommended candidates
3. Interview Process

Any additional consultant visits requested by the Client (beyond the three visits listed above) will be billed at \$150/hour; \$500 for a half day and \$950 for a full day. The additional visits may also result in an increase in the travel expenses and those expenses will be billed to the client.

Payment for Fees & Services

- **1st Payment:** 1/3 of the Recruitment Fee (invoice sent upon acceptance of our proposal).
- **2nd Payment:** 1/3 of the Recruitment Fee and expenses incurred to date (invoice sent following the recommendation of candidates).
- **Final Payment:** 1/3 of the Recruitment Fee and all remaining expenses (invoice sent after recruitment is completed).

Payment of invoices is due within thirty (30) days of receipt (unless the client advises that its normal payment procedures require 60 days.)

The GovHR Guarantee – Full Scope Recruitment

GovHR is committed to assisting our clients until a candidate is appointed to the position. Therefore, no additional professional fee will be incurred if the client does not make a selection from the initial group of recommended candidates and requests additional candidates be developed for interview consideration. If additional advertising beyond the Phase I advertising is requested, client will be billed for actual advertising charges. Reimbursable expenses may be incurred should the recruitment process require consultant travel to the Client.

Upon appointment of a candidate, GovHR provides the following guarantee: should the selected and appointed candidate, at the request of the Client or the employee’s own determination, leave the employ of the Client within the first 12 months of appointment, we will, if desired, conduct one additional recruitment for the cost of expenses and announcements only. This request must be made within six months of the employee’s departure. GovHR's obligations under the guarantee shall survive the expiration of the term of this Agreement.

Project Timeline

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14
Phase I		Phase II				Phase III			Phase IV	Phase V		Phase VI	

- Weeks 1 & 2 Phase 1: On Site Interviews & Position Profile Development
- Weeks 3 thru 6 Phase 2: Advertising, Candidate Recruitment & Outreach
- Weeks 7 thru 9 Phase 3: Candidate Evaluation & Background Screening
- Week 10 Phase 4: Presentation of Recommended Candidates
- Week 11 & 12 Phase 5: Interview Process & Additional Background Screening
- Weeks 13 & 14 Phase 6: Appointment of Candidate

Part 2 (optional): Additional Consulting After Hire

Optional Services

Onboarding

At the request of the City of Minnetonka, Minnesota, GovHR may provide one GovHR Consultant to assist with the initial onboarding of the selected candidate.

Estimated Hours	Hourly Rate	Total
8	\$150	\$1,200

Six-Month Performance Evaluation

As a service to the City of Minnetonka, Minnesota, we offer the option to provide you with a proposal for a 360° performance evaluation for the appointed position at six months into his or her employment. This evaluation will include seeking feedback from both elected officials and department directors, along with any other stakeholder the Client feels would be relevant and beneficial. This input will be obtained on a confidential basis with comments known only to the consultant. If you are interested in this option, GovHR will bill an hourly of \$150/hr plus expenses.

Estimated Hours	Hourly Rate	Total
16	\$150	\$2,400

GovTemps USA

Need an Interim? GovTempsUSA, a subsidiary of GovHR USA, specializes in the temporary placement of positions in local government. The firm offers short-term assignments, in addition to long-term and outsourced arrangements. Our placement professionals at GovTempsUSA have typically enjoyed distinguished careers in local government and displayed a commitment to public service throughout their career.

Recorded One-Way Video Interview of Candidates

Candidates we recommend for your consideration can complete a one-way video interview with 3 to 5 questions that will be recorded and which you can review electronically at your convenience. This can occur prior to making your decision on which candidates to invite for an interview. Cost \$100 per candidate.

Leadership/Personality Testing

GovHR has experience working with a wide variety of leadership and personality assessment tools, depending on the qualities and experiences the client is seeking in their candidates. These include but are not limited to Luminaspark, Caliper, DISC and others. Depending on the evaluation type selected fees can range between \$100 to \$500 per candidate.

**Cost Proposal & Reimbursable Expenses- Minnetonka, Minnesota
City Manager Recruitment**

Consultant Travel: 62 Miles Round Trip to be reimbursed at \$.585 cents per mile = \$36.27 per trip.

Recruitment Phase:		Consultant Hours	Consultant Cost	RC Hours	Recruitment Coordinator	RS Hours	Reference Specialist	Total Hours	Total Cost
Hourly Rates:			\$ 135.00		\$ 75.00		\$ 60.00		\$ 275.00
Phase I	Assessment, Ad & Brochure Developed	25	\$ 3,375.00	0	\$ -	0	\$ -	25	\$ 3,500.00
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Phase V	Interviewing Process	15	\$ 2,025.00	5	\$ 375.00	5	\$ 300.00	25	\$ 2,790.00
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Additional:	Advertising Charges for ad placements								\$ 2,500.00
	Background Screenings (4 candidates)								\$ 1,500.00
Total with Additional Items:							Not to Exceed		\$22,000.00
**Consultant and Candidate travel is not included or estimated in the above Recruitment Process									

Candidate travel is additional and cannot be estimated at this time.

GovHR Guarantee:

If Guarantee is requested based on the page 16 of the GovHR proposal, Client will be charged no more than \$2,500 for advertising expenses and \$1,500 for background screening expenses. Candidate travel expenses are not included in the Guarantee. Any travel expenses for GovHR consultant = \$36.27/trip



City of Minnetonka, MN

City Manager

Proposed Timeline

February 8-18	GovHR intake meetings with Mayor, Council, Department Directors to develop Position Profile/job advertisement. (conducted virtually).
Week of February 21st	Draft materials sent to city for review and approval
February 28th	Council approval of Position Profile and recruitment begins
April 8th	Deadline for resumes
April 9th – April 29th	Consultant reviews resumes, interviews candidates, conducts background reviews, due diligence, etc. Consultant narrows field to 8-10 candidates for further consideration.
Week of May 9th	Consultant submits Recruitment Report to the City of Minnetonka (electronically) and meets with Mayor and Council to review candidates. Recruitment Materials received 2 days prior. <u>Proposed special meeting, May 9th at 4:30 p.m.</u>
Week of May 16 th	City conducts first interviews. May 19 th and May 20 th proposed for interviews
June 2 nd or 3 rd	City conducts second interviews if needed
June 13 th	Council approves employment contract
July	Candidate commences employment



**City Council Agenda Item 10B
Meeting of Feb. 7, 2022**

Title: Approve Municipal Legislative Commission agreement
Report From: Moranda Dammann, Acting Assistant City Manager
Submitted through: Mike Funk, Acting City Manager
Corrine Heine, City Attorney

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

The City of Minnetonka is a member of the Municipal Legislative Commission (MLC) and, as such, a participant in a joint and cooperative agreement. MLC has updated the bylaws and joint and cooperative agreement (JCA) that govern the association. The JCA requires each member city council to approve the updated agreement.

Recommended Action

Approve agreement

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input checked="" type="checkbox"/> N/A | |

Financial Consideration

Is there a financial consideration? No Yes
Financing sources: Budgeted Budget Modification New
Revenue Source Use of Reserves Other [Enter]

Background

The City of Minnetonka is a member of the Municipal Legislative Commission (MLC) and, as such, a participant in a joint and cooperative agreement. The Municipal Legislative Commission (MLC) is an association of 19 suburban communities sharing common demographic, economic, and tax base characteristics. The association provides a voice for sound public policy on issues of shared interest to member cities. The association is governed by a board of directors and operating committee, and is staffed by the Messerli Kramer law firm.

Subject: Approve Municipal Legislative Commission agreement

The members of the MLC include the following cities: Apple Valley, Bloomington, Burnsville, Chanhassen, Eagan, Eden Prairie, Edina, Golden Valley, Inver Grove Heights, Lakeville, Maple Grove, Minnetonka, Plymouth, Prior Lake, Rosemount, Savage, Shakopee, Shoreview and Woodbury. Minnetonka has been a member since 1984. The board consists of the mayor and city manager/administrator from each member city.

If the Minnetonka city council would want to withdraw from this joint cooperative agreement at any time, the council would need to adopt a resolution and provide written notice to the MLC by no later than Sept. 18 of any year in order to avoid paying a contribution for the following year. If the notice is given after Sept. 18, the city would be required to pay for the contribution in the following year.

MLC has updated the bylaws and joint and cooperative agreement (JCA) that govern the association. The JCA requires each member's city council to approve the updated agreement.

Adopted February _____, 1984
Amended July 19, 1995
Amended July 27, 2000
Amended and Restated _____, 2022

JOINT AND COOPERATIVE AGREEMENT

PRELIMINARY STATEMENT

The parties to this Agreement are governmental units of the State of Minnesota. Minnesota ~~Statute~~Statutes Section 471.59 permits two or more sub-units, by agreement of their governing bodies, to jointly and cooperatively exercise any power common to each of them. Pursuant to statutory authorization, the parties to this Agreement have chosen to execute a joint powers agreement providing, in essence, for the development of legislative programs on matters of mutual concern and interests.

ARTICLE 1. GENERAL PURPOSE

The primary purpose of this Agreement is for the member municipalities (the “Members”) to jointly and cooperatively develop legislative programs on matters of mutual concern and interest, and to identify, review, and ~~to~~ actively oppose proposals which may be in conflict with the interests of the ~~member municipalities~~Members.

The organization formed pursuant to this Agreement will be funded by ~~member municipalities~~Members' contributions, as herein specified, with contributions being used for the retention of professional assistance, information preparation and dissemination, research, and other activities that may from time to time be authorized by the ~~membership~~governing body of the organization.

ARTICLE 2. NAME

The Members hereto agree to establish an organization to be known as the Municipal Legislative Commission (the “Commission”) to carry out the objectives of this Agreement.

ARTICLE 3. DEFINITION OF TERMS

For the purpose of this Agreement, the terms defined in this Article shall have the meanings given them by this Article.

- 3.1) “Agreement” means this Joint and Cooperative Agreement, as amended from time to time and as joined by additional Members in the manner provided in Article 4 of this Agreement.
- 3.2) ~~3.1)~~ “Board” or “Board of Directors” means the governing body of the Commission.
- 3.3) “Bylaws” means the bylaws of the Commission adopted by the Board of Directors, as amended from time to time.
- 3.4) ~~3.2)~~ “Commission” means the organization created pursuant to this Agreement.
- 3.5) ~~3.3)~~ “Council” means the governing body of a Member.
- 3.6) ~~3.4)~~ “Directors” means the persons appointed pursuant to this Agreement to serve ~~ason~~ the Board of Directors.
- 3.7) ~~3.5)~~ “Operating Committee” means the committee ~~consisting of the City Managers or Administrators of each Member.~~
- 3.8) ~~3.6)~~ ~~“Member” means a municipality which has entered into~~ established pursuant to Article 9 of this Agreement.
- 3.9) ~~3.7)~~ ~~“Associate”~~ “Member” means a municipality which has entered into this Agreement, ~~but does not have the same voting rights and privileges as a Member.~~

ARTICLE 4. ADDITIONAL MEMBERS

~~Any other~~ Following the effective date of this Agreement, any Minnesota municipality that is not then a Member may become ~~a Member or Associate~~ an additional Member upon approval by a majority vote of ~~the then Members~~ all Directors.

~~ARTICLE 5.~~

~~EFFECTIVE DATE~~

A municipality that has been approved to become an additional Member shall enter into this Agreement by duly executing a counterpart copy of this Agreement ~~any by filing such.~~ The additional Member shall file the signed counterpart copy of this Agreement, together with a certified copy of the authorizing resolution of the additional Member’s Council, with the Commission’s Chair and Executive Director. ~~This Agreement shall become effective upon approval by at least six (6) municipalities, or on~~

ARTICLE 5. EFFECTIVE DATE

The original effective date of this Agreement was February , 1984, ~~whichever is sooner.~~ It was most recently amended and restated effective as of , 2022.

**ARTICLE 6.
POWERS AND DUTIES OF THE COMMISSION**

- 6.1) The powers and duties of the Commission shall include the powers set forth in this article.
- 6.2) ~~#~~[The Commission](#) may establish legislative programs embodying proposed legislation and positions on proposed legislation.
- 6.3) ~~#~~[The Commission](#) may take such action as it deems necessary and appropriate to accomplish the general purpose of ~~this organization~~[the Commission](#).
- 6.4) ~~#~~[The Commission](#) may consult with persons knowledgeable in the legislative process and persons having a special interest therein, such as legislators, research organizations, educational institutions, other political subdivisions, municipal organizations, regulatory organizations, technical experts, and any other persons who can provide pertinent information concerning legislation of interest to the Commission.
- 6.5) ~~#~~[The Commission](#) may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose.
- 6.6) ~~#~~[The Commission](#) may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of any metropolitan, state, federal, regulatory, or legislative or administrative bodies, on any proposed or existing law, bill, or recommendation related to or affecting any or all ~~members~~[Members](#).
- 6.7) ~~#~~[The Commission](#) may enter into any contracts deemed necessary by the Board to carry out ~~#~~[the Commission's](#) powers and duties, subject to the provisions of this Agreement.
- 6.8) ~~#~~[The Commission](#) may contract with any of the Members or others to provide space, services, or materials on its behalf. Any contracts let or purchases made shall conform to the requirements applicable to Minnesota statutory cities.
- 6.9) ~~#~~[The Commission](#) may accept gifts, apply for use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.
- 6.10) ~~It shall cause an annual audit of the books of the Commission to be made by an independent auditor, or an independent auditor of a member city, whichever the Board determines. It shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for and open to the examination by~~

~~the Parties at all reasonable times. It shall establish the annual budget for the Commission as provided in this Agreement.~~

~~6.11) It may delegate authority to the Operating Committee between Commission meetings. Such delegation of authority shall be by resolution of the Board and may be reconditioned in such manner as the Board may determine.~~

~~6.12) It~~The Commission may exercise any other ~~power~~powers necessary ~~and~~or incidental to the implementation of its powers and duties.

ARTICLE 7. BOARD OF DIRECTORS

- 7.1) The governing body of the Commission is its Board of Directors. Each Member is entitled to appoint two (2) Directors. ~~Each Member is entitled to one vote to be cast by the elected Director or in his/her absence the appointed Director or their respective proxies.~~—The Council of each Member shall appoint its two ~~(2)~~ Directors, one ~~(1)~~ of whom shall be the Member's City Manager or Administrator (the Member's "staff Director") and the other of whom shall be ~~an~~the Mayor or another elected official from the Council of the Member—(the Member's "elected Director"). Each Member is entitled to one vote on each matter to come before the Board, to be cast by the Member's elected Director or, in his or her absence, by the Member's staff Director or by a proxy designated under Section 7.2 below. Directors shall serve without compensation from the Commission, but this shall not prevent a Member from ~~providing compensation for~~compensating one or both of its Directors for service on the Board, if such compensation is authorized by the Member and is not prohibited by law.
- 7.2) Proxy voting by Directors shall be permitted. ~~Proxies~~A proxy must be designated in writing by a Member's elected Director ~~and~~or, in the elected Director's absence, by the Member's staff Director. Any individual designated as a proxy must be present at the meeting to vote.
- 7.3) Each Director shall serve until that Director's successor is appointed and assumes his or her responsibilities. Directors shall serve at the pleasure of the ~~Council~~Member appointing them. When ~~at~~the Council of a Member appoints a Director, it shall give notice of such appointment in writing or by e-mail to both the Commission's ~~Secretary/Treasurer~~Chair and the Commission's Executive Director. Such notice shall include the mailing address and e-mail address of the ~~person~~Director so appointed. The names and addresses shown on such notices may be used as the official names and addresses for the purposes of giving notices of any meetings of the ~~Commission~~Board.
- 7.4) A majority of the Members represented by at least one (1) Director or proxy entitled to vote shall constitute a quorum for conducting business at a meeting of the Board.
- 7.5) A vacancy on the Board shall be filled by the Council of the Member whose position on the Board is vacant. During the time that one or more vacancies exist, the Board shall continue to have full power and authority to conduct business and a majority of

the Members represented by at least one (1) Director or proxy entitled to vote shall be sufficient to constitute a quorum.

7.6) The Board of Directors may delegate its authority to the Operating Committee between meetings of the Board. Such delegation of authority shall be by resolution of the Board or as provided in the Bylaws and may be conditioned in such manner as the Board may determine.

7.7) Meetings and proceedings of the Board shall be conducted as set forth in the Bylaws.

ARTICLE 8.

MEETINGS

~~8.1) The Commission shall meet at least quarterly and shall hold an annual organizational meeting in July.~~

BYLAWS

~~8.2) The Board shall adopt Bylaws governing its procedures, including the time, place, and frequency of its regular the the meetings and proceedings of the Board, the officers of the Commission, committees, financial matters, and any other matters concerning the Commission that are not inconsistent with the provisions of this Agreement. Such Bylaws may be amended from time to time by the vote of at least two-thirds (2/3) of all Directors or their authorized proxies.~~

~~8.3) Special meetings of the Board may be called (a) by the Chair or (b) by the Operating Committee, or the Board upon written request of the majority of the Directors. Five (5) days' written notice of special meetings shall be given to the Directors. Such notice shall include the agenda for the special meeting. Only matters set forth in the agenda shall be considered at a special meeting.~~

~~8.4) Notice of regular meetings of the Board shall be given to the Directors by the Secretary/Treasurer at least seven (7) days in advance and the agenda for such meetings shall accompany the notice. However, business at regular meetings of the Board need not be limited to matters set forth in the agenda.~~

ARTICLE 9.

OFFICERS

~~9.1) Number, Election, Qualifications The officers of the Commission shall consist of a Chair, Vice Chair and a Secretary/Treasurer. Each officer shall be elected at the annual organizational meeting by the Board. The Chair and Vice Chair shall hold office for a two-year term and until his/her successor shall have been elected and have qualified or until his/her earlier disqualification, death, resignation, or removal. The Secretary/Treasurer's term shall commence on January 1 of the following year and end on December 31 twenty-four months later. All officers shall be Directors. New officers shall take office at the adjournment of the annual meeting of the Commission at which~~

~~they were elected, with the exception of the Secretary/Treasurer who shall take office on the first day of January of the following year. Not more than one (1) Director of a Member shall be elected an officer during the same term. Directors of a Member that have given notice of withdrawal shall not be eligible to become officers or to vote on the selection of officers. Any officer who ceases to be a Director shall at the same time cease to be an officer. Officers may serve for more than one term.~~

- ~~9.2) — Resignation — Any officer of the Commission may resign at any time by giving written notice of his/her resignation to the Board, to the Chair, or to the Secretary/Treasurer of this Commission. The resignation shall take effect at the time, if any, specified therein or, if no time is specified therein, upon receipt thereof by said Board Chair, or to the Secretary/Treasurer. The acceptance of a resignation shall not be necessary to make it effective.~~
- ~~9.3) — Removal — Any officer may be removed, with or without cause, by a vote of four fifths (4/5) of the total number of Directors, at any meetings of the Board, provided that such purpose is stated in the notice or waiver of notice of the meeting unless all of the Directors of this Commission are present at the meeting.~~
- ~~9.4) — Vacancies — A vacancy in any office because of disqualification, death, resignation, or removal shall be filled for the unexpired portion of the term in the manner prescribed herein for election to that office.~~
- ~~9.5) — Chair; Vice Chair — The Chair shall preside at all meetings of the Commission and shall perform all duties incident to the office of Chair and such other duties as may be delegated by the Commission. The Vice Chair shall act as Chair in the absence of the Chair. The Chair shall be an elected Director and the Vice Chair shall be an appointed Director who shall also serve as Chair of the Operating Committee.~~
- ~~9.6) — Secretary/Treasurer — The Secretary/Treasurer shall be a Director who is a member of the Operating Committee. He/She shall be responsible for keeping a record of all of the proceedings of the Commission and Operating Committee. The Secretary/Treasurer shall send written notice and material pertaining to agenda items to each Director. He/She shall have custody of the Commission's funds, shall pay its bills, and keep its financial records, and generally conduct the financial affairs of the Commission. The Secretary/Treasurer shall be responsible for the activities provided by Section 6.10. The Secretary/Treasurer shall be responsible for such other matters as shall be delegated to him/her by the Commission. Orders, checks, and drafts of the Commission shall be issued in accordance with the financial practices applicable to the member city from which the Secretary/Treasurer is elected. In conducting the Commission's financial affairs, the Secretary/Treasurer shall, at all times, act in accordance with general accepted accounting principles. The Secretary/Treasurer's reports, including any bills or claims to be acted upon by the Commission, shall be distributed to all Directors. Any persons may be engaged to perform such services under the Secretary/Treasurer's supervision and direction, when authorized by the Commission.~~
- ~~9.7) — Other officers — The Commission may appoint such other officers as it deems necessary. All such officers shall be Directors.~~

~~9.8) — Committees — The Commission may appoint such committees as it deems necessary or desirable to accomplish its purposes.~~

ARTICLE 10. OPERATING COMMITTEE

~~10.1) — Qualifications — The Operating Committee of the Commission shall consist of the City Manager or Administrator Director appointed by each Member Directors of the Members.~~

~~10.2) — Authority — The Operating Committee shall have the authority to manage make recommendations to the Board regarding the property, operations, affairs, and business of the Commission between Commission meetings, to the extent specifically delegated by. Except as provided in the Bylaws or by Board resolution, the Operating Committee shall not have the authority of the Board, but at all times, The Operating Committee shall be subject at all times to the control and direction of the Board.~~

~~10.3) — Meetings — The Operating Committee shall meet monthly at a time and place to be determined by the Operating Committee. Special meetings may be called by the Vice Chair or by any other two (2) members of the Operating Committee or by the Commission. The date and place of the special meeting shall be fixed by the person or persons calling it. At least seventy two (72) hours (from the time of mailing) advance written notice of a special meeting shall be given to all members of the Operating Committee by the person or persons calling the meeting. The notice shall state the matters to be considered at the special meeting and only those matters shall be considered at that meeting.~~

~~10.4) — Personnel — The Operating Committee shall have authority to hire, supervise, and discharge full or part time employees but their compensation shall be within budget limitations. The Operating Committee may make any required employer contributions which local government units are authorized or required to make by law.~~

ARTICLE 11.

FINANCIAL MATTERS

~~11.1) — Commission funds may be expended by the Board in accordance with the procedures established by law for the expenditure of funds by Minnesota statutory cities. Legal instruments shall be executed with authority of the Board, by any two (2) officers.~~

~~11.2) — The financial contributions of the Members in support of the Commission shall be per capita. Each of the Members shall pay to the Commission an amount to be determined by the Board annually based upon the most recent Metropolitan Council population estimates. The financial contributions of Associate Members shall be determined by the Board. These amounts may be used by the Commission to pay all legal and consultant costs and expenses and other expenses as approved by the Board. The Board may authorize changes in the per capita and maximum charge for all members upon majority vote.~~

~~11.3) A proposed budget shall be formulated by the Board and submitted to the Members on or before August 1 of each calendar year. Such budget shall be deemed approved by a Member unless, prior to September 15 of the year involved, the Member gives notice in writing to the Chair that it is withdrawing from the Commission. Final action adopting a budget for the ensuing calendar year shall be taken by the Board on or before November 1 of each year.~~

~~11.4) Any Member may inspect and copy the Commission books and records at any and all reasonable times. All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota statutory cities.~~

ARTICLE 12.

ARTICLE 10. **WITHDRAWAL**

~~12.1)~~ 10.1) Withdrawal — Any Member ~~or Associate Member~~ may withdraw from ~~this Agreement~~ the Commission effective on January 1 of any year by giving notice pursuant to Section ~~2 of this Article~~ 10.2 below prior to September 15 of the preceding year.

~~12.2)~~ 10.2) Notice — In order to effectuate a withdrawal, a Member ~~or Associate Member~~ withdrawing from the Commission shall give ~~written notice to the Chair of the Commission, served personally on the Chair~~ in writing or addressed by e-mail to the Chair at the address shown on the records of both the Commission's Chair and by giving with such the Commission's Executive Director. Such notice, shall include a copy of a resolution of ~~its~~ the withdrawing Member's Council stating its decision to withdraw from the Commission. ~~The withdrawal shall be effective upon actual receipt by the Chair of such notice and resolution. The withdrawing Member shall have the responsibility for such actual receipt by the Chair.~~ Upon receipt of such notice and resolution, the Chair of the Commission shall forward a copy of the notice and resolution to each Director. Any notice of withdrawal not actually received by the Chair at least 105 days prior to the first day of any calendar year shall be effective on January 1 of the subsequent calendar year unless the notice deadline is waived by a resolution of the Board.

~~12.3)~~ 10.3 Financial Effect of Withdrawal — ~~No financial benefit shall inure to a Member or Associate Member that withdraws~~ A Member who withdraws effective as of January 1 of a calendar year shall not be obligated to pay dues to the Commission for such calendar year. A withdrawing Member shall not be entitled to any payment or financial benefit from this the Commission nor and shall there not be entitled to any refund or reimbursement for any dues or other contribution made or required of by the withdrawn withdrawing Member by this Agreement.

ARTICLE ~~13~~11.

AMENDMENTS

~~13.1) This agreement may be amended only by the written approval of the City Councils of each member city.~~

**ARTICLE 14.
DISSOLUTION**

~~14.1)~~ 11.1) Duration of Commission — The Commission shall be dissolved if less than four (4) Members remain, or by ~~operating operation~~ of state or federal law or regulation, now or hereafter enacted, or by mutual signed agreement of all ~~of the remaining~~ Members.

~~14.2)~~ 11.2) Distribution of Assets — Upon dissolution of the Commission, all remaining assets of the Commission, after payment of all obligations, shall be distributed among the Members that are Members ~~to~~ of the Agreement Commission at the time of dissolution, in proportion to their ~~contributions~~ respective dues paid in the most recent full calendar year, and in accordance with procedures established by the ~~Commission~~ Board of Directors. The Commission shall continue to exist after dissolution for such period, no longer than six (6) months, as is necessary to wind up ~~its~~ the Commission's affairs, but for no other purposes.

**ARTICLE 12.
AMENDMENTS**

This Agreement may be amended only by the unanimous written approval of the Councils of all Members.

IN WITNESS WHEREOF, ~~The~~ the municipality of _____ has joined in and caused ~~the~~ a counterpart of this Agreement to be signed on its behalf this _____ day of _____, 2022.

By: _____
Its: Mayor

Its: City Manager

By: _____

Document comparison by Workshare 10.0 on Tuesday, October 19, 2021
10:35:47 AM

Input:	
Document 1 ID	PowerDocs://MK_MPLS/2376189/1
Description	MK_MPLS-#2376189-v1- MLC_Joint_Cooperative_Agreement
Document 2 ID	PowerDocs://MK_MPLS/2376189/4
Description	MK_MPLS-#2376189-v4- MLC_Joint_Cooperative_Agreement
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	148
Deletions	161
Moved from	7
Moved to	7
Style change	0
Format changed	0
Total changes	323

Adopted February ___, 1984
Amended July 19, 1995
Amended July 27, 2000
Amended and Restated _____, 2022

JOINT AND COOPERATIVE AGREEMENT

PRELIMINARY STATEMENT

The parties to this Agreement are governmental units of the State of Minnesota. Minnesota Statutes Section 471.59 permits two or more sub-units, by agreement of their governing bodies, to jointly and cooperatively exercise any power common to each of them. Pursuant to statutory authorization, the parties to this Agreement have chosen to execute a joint powers agreement providing, in essence, for the development of legislative programs on matters of mutual concern and interests.

ARTICLE 1. GENERAL PURPOSE

The primary purpose of this Agreement is for the member municipalities (the “Members”) to jointly and cooperatively develop legislative programs on matters of mutual concern and interest, and to identify, review, and actively oppose proposals which may be in conflict with the interests of the Members.

The organization formed pursuant to this Agreement will be funded by Members’ contributions, as herein specified, with contributions being used for the retention of professional assistance, information preparation and dissemination, research, and other activities that may from time to time be authorized by the governing body of the organization.

ARTICLE 2. NAME

The Members hereto agree to establish an organization to be known as the Municipal Legislative Commission (the “Commission”) to carry out the objectives of this Agreement.

ARTICLE 3. DEFINITION OF TERMS

For the purpose of this Agreement, the terms defined in this Article shall have the meanings given them by this Article.

- 3.1) “Agreement” means this Joint and Cooperative Agreement, as amended from time to time and as joined by additional Members in the manner provided in Article 4 of this Agreement.

- 3.2) “Board” or “Board of Directors” means the governing body of the Commission.
- 3.3) “Bylaws” means the bylaws of the Commission adopted by the Board of Directors, as amended from time to time.
- 3.4) “Commission” means the organization created pursuant to this Agreement.
- 3.5) “Council” means the governing body of a Member.
- 3.6) “Directors” means the persons appointed pursuant to this Agreement to serve on the Board of Directors.
- 3.7) “Operating Committee” means the committee established pursuant to Article 9 of this Agreement.
- 3.8) “Member” means a municipality which has entered into this Agreement.

**ARTICLE 4.
ADDITIONAL MEMBERS**

Following the effective date of this Agreement, any Minnesota municipality that is not then a Member may become an additional Member upon approval by a majority vote of all Directors. A municipality that has been approved to become an additional Member shall enter into this Agreement by duly executing a counterpart copy of this Agreement. The additional Member shall file the signed counterpart copy of this Agreement, together with a certified copy of the authorizing resolution of the additional Member’s Council, with the Commission’s Chair and Executive Director.

**ARTICLE 5.
EFFECTIVE DATE**

The original effective date of this Agreement was February __, 1984. It was most recently amended and restated effective as of _____, 2022.

**ARTICLE 6.
POWERS AND DUTIES OF THE COMMISSION**

- 6.1) The powers and duties of the Commission shall include the powers set forth in this article.
- 6.2) The Commission may establish legislative programs embodying proposed legislation and positions on proposed legislation.
- 6.3) The Commission may take such action as it deems necessary and appropriate to accomplish the general purpose of the Commission.

- 6.4) The Commission may consult with persons knowledgeable in the legislative process and persons having a special interest therein, such as legislators, research organizations, educational institutions, other political subdivisions, municipal organizations, regulatory organizations, technical experts, and any other persons who can provide pertinent information concerning legislation of interest to the Commission.
- 6.5) The Commission may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose.
- 6.6) The Commission may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of any metropolitan, state, federal, regulatory, or legislative or administrative bodies, on any proposed or existing law, bill, or recommendation related to or affecting any or all Members.
- 6.7) The Commission may enter into any contracts deemed necessary by the Board to carry out the Commission's powers and duties, subject to the provisions of this Agreement.
- 6.8) The Commission may contract with any of the Members or others to provide space, services, or materials on its behalf. Any contracts let or purchases made shall conform to the requirements applicable to Minnesota statutory cities.
- 6.9) The Commission may accept gifts, apply for use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.
- 6.10) The Commission may exercise any other powers necessary or incidental to the implementation of its powers and duties.

**ARTICLE 7.
BOARD OF DIRECTORS**

- 7.1) The governing body of the Commission is its Board of Directors. Each Member is entitled to appoint two (2) Directors. The Council of each Member shall appoint its two Directors, one of whom shall be the Member's City Manager or Administrator (the Member's "appointed Director") and the other of whom shall be the Mayor or another elected official from the Council of the Member (the Member's "elected Director"). Each Member is entitled to one vote on each matter to come before the Board, to be cast by the Member's elected Director or, in his or her absence, by the Member's appointed Director or by a proxy designated under Section 7.2 below. Directors shall serve without compensation from the Commission, but this shall not prevent a Member from compensating one or both of its Directors for service on the Board, if such compensation is authorized by the Member and is not prohibited by law.
- 7.2) Proxy voting by Directors shall be permitted. A proxy must be designated in writing by a Member's elected Director or, in the elected Director's absence, by the Member's

appointed Director. Any individual designated as a proxy must be present at the meeting to vote.

- 7.3) Each Director shall serve until that Director's successor is appointed and assumes his or her responsibilities. Directors shall serve at the pleasure of the Member appointing them. When the Council of a Member appoints a Director, it shall give notice of such appointment in writing or by e-mail to both the Commission's Chair and the Commission's Executive Director. Such notice shall include the mailing address and e-mail address of the Director so appointed. The names and addresses shown on such notices may be used as the official names and addresses for the purposes of giving notices of any meetings of the Board.
- 7.4) A majority of the Members represented by at least one (1) Director or proxy entitled to vote shall constitute a quorum for conducting business at a meeting of the Board.
- 7.5) A vacancy on the Board shall be filled by the Council of the Member whose position on the Board is vacant. During the time that one or more vacancies exist, the Board shall continue to have full power and authority to conduct business and a majority of the Members represented by at least one (1) Director or proxy entitled to vote shall be sufficient to constitute a quorum.
- 7.6) The Board of Directors may delegate its authority to the Operating Committee between meetings of the Board. Such delegation of authority shall be by resolution of the Board or as provided in the Bylaws and may be conditioned in such manner as the Board may determine.
- 7.7) Meetings and proceedings of the Board shall be conducted as set forth in the Bylaws.

ARTICLE 8. BYLAWS

The Board shall adopt Bylaws governing the meetings and proceedings of the Board, the officers of the Commission, committees, financial matters, and any other matters concerning the Commission that are not inconsistent with the provisions of this Agreement. Bylaws may be amended from time to time by the vote of at least two-thirds (2/3) of all Directors or their authorized proxies.

ARTICLE 9. OPERATING COMMITTEE

The Operating Committee of the Commission shall consist of the appointed Directors of the Members. The Operating Committee shall make recommendations to the Board regarding the property, operations, affairs and business of the Commission. Except as provided in the Bylaws or by Board resolution, the Operating Committee shall not have the authority of the Board. The Operating Committee shall be subject at all times to the control and direction of the Board.

ARTICLE 10.

WITHDRAWAL

- 10.1) Withdrawal – Any Member may withdraw from the Commission effective on January 1 of any year by giving notice pursuant to Section 10.2 below prior to September 15 of the preceding year.
- 10.2) Notice – In order to effectuate a withdrawal, a Member withdrawing from the Commission shall give notice in writing or by e-mail to both the Commission’s Chair and the Commission’s Executive Director. Such notice shall include a copy of a resolution of the withdrawing Member’s Council stating its decision to withdraw from the Commission. Upon receipt of such notice and resolution, the Chair of the Commission shall forward a copy of the notice and resolution to each Director. Any notice of withdrawal not actually received by the Chair at least 105 days prior to the first day of any calendar year shall be effective on January 1 of the subsequent calendar year unless the notice deadline is waived by a resolution of the Board.
- 10.3) Financial Effect of Withdrawal – A Member who withdraws effective as of January 1 of a calendar year shall not be obligated to pay dues to the Commission for such calendar year. A withdrawing Member shall not be entitled to any payment or financial benefit from the Commission and shall not be entitled to any refund or reimbursement for any dues or other contribution made by the withdrawing Member.

ARTICLE 11. DISSOLUTION

- 11.1) Duration of Commission – The Commission shall be dissolved if less than four (4) Members remain, or by operation of state or federal law or regulation, now or hereafter enacted, or by mutual signed agreement of all remaining Members.
- 11.2) Distribution of Assets – Upon dissolution of the Commission, all remaining assets of the Commission, after payment of all obligations, shall be distributed among the Members that are Members of the Commission at the time of dissolution, in proportion to their respective dues paid in the most recent full calendar year, and in accordance with procedures established by the Board of Directors. The Commission shall continue to exist after dissolution for such period, no longer than six (6) months, as is necessary to wind up the Commission’s affairs, but for no other purposes.

ARTICLE 12. AMENDMENTS

This Agreement may be amended only by the unanimous written approval of the Councils of all Members.

IN WITNESS WHEREOF, the municipality of _____ has joined in and caused a counterpart of this Agreement to be signed on its behalf this ___ day of _____, 2022.

By: _____
Its: Mayor

By: _____
Its: City Manager

AMENDED AND RESTATED BYLAWS
OF
THE MUNICIPAL LEGISLATIVE COMMISSION

ARTICLE I.
MEMBERSHIP

Section 1. As of the date of adoption of these Amended and Restated Bylaws (these “Bylaws”), the Members of the Municipal Legislative Commission (the “Commission”) are the Minnesota cities listed below:

Apple Valley
Bloomington
Burnsville
Chanhassen
Eagan
Eden Prairie
Edina
Golden Valley
Inver Grove Heights
Lakeville
Maple Grove
Minnetonka
Plymouth
Prior Lake
Rosemount
Savage
Shakopee
Shoreview
Woodbury

Section 2. Additional Members of the Commission may be added pursuant to the terms of the Joint and Cooperative Agreement establishing the Commission, as amended (the “Agreement”).

ARTICLE II.
DEFINITIONS

For purposes of these Bylaws, the terms defined in this Article shall have the following meanings:

“Agreement” means the Joint and Cooperative Agreement establishing the Commission, as amended from time to time.

“Board” or “Board of Directors” means the governing body of the Commission.

“Bylaws” means these bylaws of the Commission adopted by the Board of Directors, as amended from time to time.

“Commission” means the Municipal Legislative Commission established by the Agreement.

“Council” means the governing body of a Member.

“Directors” means the persons appointed pursuant to the Agreement and these Bylaws to serve on the Board of Directors.

“Executive Director” means the person serving in such position pursuant Section 1 of Article VIII of these Bylaws.

“Member” means a municipality that has entered into the Agreement.

“Nominating Committee” means the committee established pursuant to Section 2 of Article VII of these Bylaws.

“Operating Committee” means the committee established pursuant to Article 9 of the Agreement and Section 1 of Article VII of these Bylaws.

ARTICLE III. BOARD OF DIRECTORS

Section 1. The governing body of the Commission is its Board of Directors. Each Member is entitled to appoint two (2) Directors. The Council of each Member shall appoint its two Directors, one of whom shall be the Member’s City Manager or Administrator (the Member’s “appointed Director”) and the other of whom shall be the Mayor or another elected official from the Council of the Member (the Member’s “elected Director”). Each Member is entitled to one vote on each matter to come before the Board, to be cast by the Member’s elected Director or, in his or her absence, by the Member’s appointed Director or by a proxy designated under Section 2 below. Directors shall serve without compensation from the Commission, but this shall not prevent a Member from compensating one or both of its Directors for service on the Board, if such compensation is authorized by the Member and is not prohibited by law.

Section 2. Proxy voting by Directors shall be permitted. A proxy must be designated in writing by a Member’s elected Director or, in the elected Director’s absence, by the Member’s appointed Director. Any individual designated as a proxy must be present at the meeting to vote.

Section 3. Each Director shall serve until that Director’s successor is appointed and assumes his or her responsibilities. Directors shall serve at the pleasure of the Member appointing them. When the Council of a Member appoints a Director, it shall give notice of such appointment in writing or by e-mail to both the Commission’s Chair and the Commission’s Executive Director. Such notice shall include the mailing address and e-mail address of the Director so appointed. The names and addresses shown on such notices may be used as the official names and addresses for the purposes of giving notices of any meetings of the Board.

Section 4. A majority of the Members represented by at least one (1) Director or proxy entitled to vote shall constitute a quorum for conducting business at a meeting of the Board.

Section 5. A vacancy on the Board shall be filled by the Council of the Member whose position on the Board is vacant. During the time that one or more vacancies exist, the Board shall continue to have full power and authority to conduct business and a majority of the Members represented by at least one (1) Director or proxy entitled to vote shall be sufficient to constitute a quorum.

Section 6. The Board of Directors may delegate its authority to the Operating Committee between

meetings of the Board. Such delegation of authority shall be by resolution of the Board or as provided in the Bylaws and may be conditioned in such manner as the Board may determine.

ARTICLE IV. BOARD MEETINGS

Section 1. Regular meetings of the Board shall be held quarterly each year at dates, times and locations designated by the Chair. Notice of regular meetings of the Board shall be given to the Directors in writing or by email at least at least 48 hours in advance of the meeting. Notice shall be sent to each Director at the mailing address or email address on record with the Commission. Notices of regular meetings shall specify the date, time and location of such meetings. Business at regular meetings need not be limited to matters set forth in the notice of the meeting.

Section 2. Special meetings of the Board may be called (a) by the Chair, (b) by the Operating Committee, or (c) upon the written request of any three (3) Directors. Notice of special meetings of the Board shall be given to the Directors in writing or by email at least five (5) days in advance of the meeting unless shorter notice is required due to an emergency. Notice shall be sent to each Director at the mailing address or email address on record with the Commission. The date, time and location of each special meeting shall be determined by the party or parties calling the meeting and shall be set forth in the notice of the meeting. Only matters set forth in the notice of a special meeting shall be considered at the meeting.

Section 3. At any meeting of the Board, the presence of Directors representing a majority of all Directors in office shall constitute a quorum for the conduct of business. If a quorum is not present at any meeting, those present shall have the power to adjourn the meeting without notice other than announcement at such meeting, until the requisite number of Directors shall be present to constitute a quorum. At any adjourned meeting at which a quorum is present any business may be transacted that might have been transacted at the meeting as originally called.

Section 4. Any resolution, election, or other formal action of the Board shall require the affirmative vote of at least two-thirds of the Directors present at any duly called and held meeting of the Board at which a quorum is present.

Section 5. Written minutes of each meeting of the Board shall be taken and distributed to all Directors at or prior to the next regular meeting of the Board for approval by the Board. Approved and signed meeting minutes shall be maintained with the permanent records of the Commission.

Section 6. The Chair may determine the order of business for Board meetings. Unless otherwise determined by a resolution of the Board, all meetings of the Board and of any committees of the Commission shall be conducted in accordance with Roberts' Rules of Order Newly Revised.

ARTICLE V. FINANCIAL MATTERS

Section 1. The fiscal year of the Commission shall be the calendar year.

Section 2. Financial support of the Commission shall be derived from dues paid by the Members. Each Member shall pay dues to the Commission, on a per capita basis, in amounts to be determined by the Board annually based upon the most recent Metropolitan Council population estimates. These amounts may be used by the Commission to pay all legal and consultant costs and expenses and other expenses as

approved by the Board. The Board may authorize changes in the per capita and maximum amount of annual dues for all Members upon a majority vote of all Directors.

Section 3. A proposed budget shall be formulated by the Board and submitted to the Members on or before August 1 of each year. Such budget shall be deemed approved by a Member unless, prior to September 15 of the year involved, the Member gives notice in writing to the Chair that it is withdrawing from the Commission. Final action adopting a budget for the ensuing fiscal year shall be taken by the Board on or before November 1 of each year.

Section 4. A depository for Commission funds shall be designated by the Board. Commission funds may be expended by the Board in accordance with the procedures established by law for the expenditure of funds by Minnesota statutory cities. Legal instruments of the Commission shall be authorized by resolution of the Board and executed by any two (2) officers of the Commission.

Section 5. All books and records of the Commission shall be kept in accordance with generally accepted accounting principles for Minnesota statutory cities. Following each fiscal year, the Treasurer shall make an annual financial report in writing to the Board at the Board's first scheduled quarterly meeting. Following approval of the annual financial report, the Board shall submit the report to the Members. Authorized representatives of each Member shall be permitted to inspect and copy the Commission's books and records at any reasonable time. The books of the Commission shall be audited by an independent auditor selected by the Board at least once every two (2) fiscal years.

ARTICLE VI. OFFICERS

Section 1. The principal officers of the Commission shall be the Chair, the Vice-Chair and the Treasurer. The Chair shall be elected by the Board and must be a Director that is an elected official. The Vice-Chair and Treasurer shall each be elected by the Board and must each be a Director that is an appointed official. The Board may elect such other officers as the Board may designate from time to time. Officers shall serve without compensation from the Commission.

Section 2. Each officer shall serve for a term of two (2) years. There shall be no limit on the number of consecutive terms that an officer may serve if re-elected. To qualify for election and continued service as an officer, a person must be a Director. Not more than one (1) Director appointed by the same Member shall serve as an officer during the same term. Directors appointed by a Member that has given notice of withdrawal from the Commission shall not be eligible to serve as officers nor to vote on the election of officers. Any officer who ceases to be a Director shall at the same time cease to be an officer.

Section 3. The Chair shall be the chief presiding officer of the Commission. The Chair shall preside at all meetings of the Board. The Chair shall have primary responsibility for seeing that all orders and resolutions of the Board are carried into effect. The Chair shall cause notice to be given of all meetings of the Board, shall cause all votes and actions taken by the Board of Directors to be recorded, and shall cause minutes of all proceedings of the Board to be taken and maintained with the permanent records of the Commission. The Chair shall have the general powers and duties of supervision and management usually vested in the office of the Chair and shall have such other authority and perform such other duties as may be prescribed by the Board.

Section 4. The Vice-Chair shall, in the absence or disability of the Chair, perform the duties and exercise the powers of the Chair. The Vice-Chair shall also serve as chair of the Operating Committee. The Vice-Chair shall have such other authority and perform such other duties as may be prescribed by the

Board.

Section 5. The Treasurer shall have responsibility for overseeing all funds and other valuable effects of the Commission. The Treasurer shall oversee the disbursements of the funds of the Commission, as ordered by the Board, taking proper vouchers for such disbursements, and shall cause to be rendered to the Board, at regular meetings of the Board, or whenever the Board may require it, an account of all the transactions of the Commission and an account of the financial condition of the Commission. The Treasurer shall be responsible for supervision and direction of the financial statements and audit reports of the Commission. The Treasurer's reports shall be distributed to all Directors. The Treasurer may delegate any of his or her responsibilities to any other person, without requiring Board approval, but shall remain responsible for supervision and direction of all duties and powers so delegated. The Treasurer shall serve as a member of the Operating Committee.

Section 6. An officer may resign at any time by giving written notice of resignation to the Board, the Chair or the Treasurer. The resignation is effective without acceptance when the notice is given, unless a later effective date is specified in the notice. No resignation may be effective prior to the time such notice is given.

Section 7. The Board may remove any officer, with or without cause, by the affirmative vote of at least four-fifths (4/5) of the total number of Directors, at any meeting of the Board, provided that such purpose is stated in the notice or waiver of notice of the meeting unless all of the Directors are present at the meeting.

Section 8. A vacancy in an office by reason of death, resignation, removal, disqualification or other cause shall be filled for the unexpired portion of the term by prompt action of the Board.

Section 9. The Board may require that any officer having custody or control of the Commission's funds furnish adequate fidelity bonds. The premiums on such bonds shall be paid by the Commission.

ARTICLE VII. COMMITTEES

Section 1. The Operating Committee shall be a standing committee chaired by the Vice-Chair. The Operating Committee shall consist of the appointed Directors of the Members. The Operating Committee shall make recommendations to the Board regarding the property, operations, affairs and business of the Commission. Except as provided in these Bylaws or by Board resolution, the Operating Committee shall not have the authority of the Board. The Operating Committee shall meet monthly at a time and place to be determined by the Vice-Chair. Special meetings may be called by the Vice Chair or by any other two (2) members of the Operating Committee. The date and place of any special meeting shall be fixed by the person or persons calling the meeting. At least 72 hours advance written notice of a special meeting shall be given to all members of the Operating Committee by the person or persons calling the meeting. The notice shall state the matters to be considered at the special meeting and only those matters shall be considered at that meeting. The Operating Committee shall be subject at all times to the control and direction of the Board.

Section 2. The Nominating Committee shall be a standing committee charged with making nominations of officers for election or re-election by the Board. Members of the Nominating Committee shall be selected and appointed by the Chair and shall consist of two elected Directors of the Members and two appointed Directors of the Members. The Nominating Committee shall meet prior to the expiration of the terms of the officers or as may be needed for the Board to fill a vacancy in any office. The Nominating

Committee shall not have any authority of the Board and shall be subject at all times to the control and direction of the Board.

Section 3. The Board may appoint such other committees from time to time as the Board shall deem necessary. Such committees shall be selected in the manner determined by the Board. Unless otherwise expressly provided in the Board resolution established a committee, the committee shall have not have the authority of the Board and shall be subject at all times to the control and direction of the Board.

ARTICLE VIII. ADMINISTRATIVE MANAGEMENT

Section 1. The Operating Committee shall have authority to engage one or more firms to provide administrative management services for the Commission. Compensation for such services shall be within the budget limitations set by the Board for any fiscal year. An employee of the firm providing management services to the Commission may serve as Executive Director of the Commission. Any person serving as Executive Director shall not be an officer of the Commission and shall have no authority to bind the Commission to any obligation or liability without express authorization by the Board.

Section 2. The Operating Committee shall have authority to hire, supervise, and discharge one or more full or part-time employees to provide administrative or other services for the Commission and may make any required employer contributions that local government units are authorized or required to make by law with respect to such employees. Compensation, benefits and other costs related to such employees shall be within the budget limitations set by the Board for any fiscal year.

ARTICLE IX. AMENDMENTS TO THE BYLAWS

These Bylaws may be amended at any regular or special meeting of the Board by the affirmative vote of at least two-thirds (2/3) of all Directors or their authorized proxies. Notice of the full text of the proposed amendment shall be given to each Director at least five (5) days prior to the meeting, in writing or by email. The notice shall be sent to the mailing address or email address of each Director on record with the Commission. Any Member or Director may propose an amendment by submitting the amendment in writing to the Chair and the Chair shall see that notice is given of the proposed amendment at the next regular meeting of the Board for which five days' notice can be given.

ARTICLE X. CONFLICTS

In the event that any provision of these Bylaws is in conflict with a provision of the Agreement, the Agreement shall control.

The undersigned, Chair of the Municipal Legislative Commission, hereby certifies that the foregoing Bylaws were duly adopted as the complete Amended and Restated Bylaws of the Commission by valid approving action, pursuant to the requirements of the pre-existing Bylaws of the Commission, effective as of _____, 2021.

_____, Chair



**City Council Agenda Item 10C
Meeting of Feb. 7, 2022**

Title: Resolution approving a conditional use permit for a detached accessory dwelling unit at 2001 Hopkins Crossroads

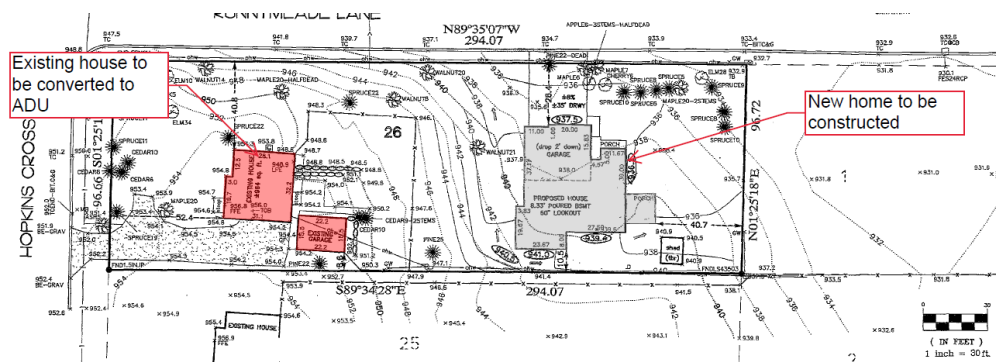
Report From: Ashley Cauley, Senior Planner

Submitted through: Mike Funk, Acting City Manager
Julie Wischnack, AICP, Community Development Director

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

The property at 2001 Hopkins Crossroads is currently improved with a 960 square foot house and a detached single car garage. The property owners are proposing to convert the existing house into a detached accessory dwelling unit (ADU) and construct a new house on the east side of the lot. The proposal requires a conditional use permit to allow a detached accessory dwelling unit on the property.



Recommended Action

Adopt the resolution approving the conditional use permit for a detached accessory dwelling unit.

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input checked="" type="checkbox"/> N/A | |

Statement: NA

Financial Consideration

Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other

Statement: NA

Background

The planning commission considered the request on Jan. 20, 2022. The commission report, associated plans, and meeting minutes are attached.

Staff recommended approval, finding:

- **General standards:** The property owners would reside in the newly constructed home. Parking is available and the ADU would continue to meet all the setback requirements.
- **Construction and design:** The ADU would be larger than the code-allowed size because of the full basement. Despite this, staff is comfortable with the proposal as the ADU:
 1. contains two bedrooms on the main floor;
 2. screening is provided by existing and proposed vegetation;
 3. is created by the reuse of an existing structure;
 4. would not extend above the highest point of the principal structure; and
 5. the property is located at the intersection of Hopkins Crossroads and Runnymede Lane.

At the commission meeting, a public hearing was opened to take comment but no one appeared to speak. Following the public hearing, the commission asked questions and discussed the proposal and generally:

- confirmed that the proposal would: (1) meet the driveway ordinance; (2) tree protection ordinance; and visually would appear to be a single story from adjacent roadways.
- commented that the proposal was an innovative use of the ADU ordinance and would repurpose an existing structure, while increasing diversity in the city’s housing stock.

On a 7-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes are attached. There have been no changes to the proposal or additional information received since the planning commission’s review of the item.

MINNETONKA PLANNING COMMISSION
Jan. 20, 2022

Brief Description	Conditional use permit for a detached accessory dwelling unit at 2001 Hopkins Crossroads
Recommendation	Recommend the city council approve the request.

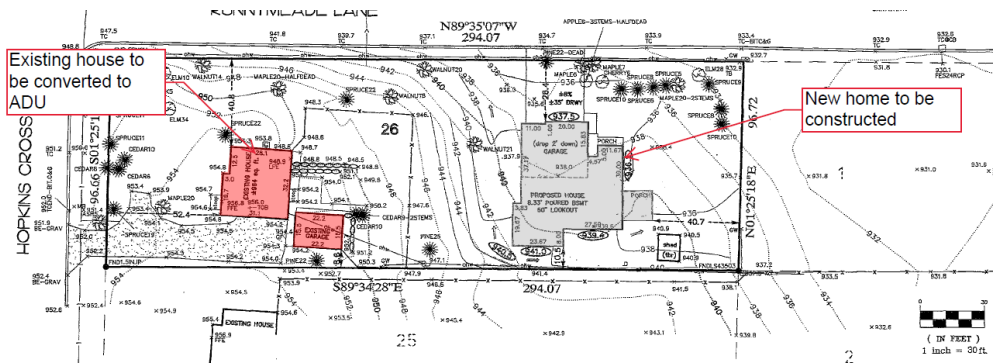
Background

Accessory dwelling units (ADUs) integrated into – either by being located within or attached to – single-family residential homes have been allowed in Minnetonka by a conditional use permit since 1986. Prior to this, the zoning ordinance didn't restrict development to one single-family home per R-1 zoned property.

On Oct. 4, 2021, the city council amended the ordinance to allow detached ADUs as conditionally-permitted uses.

Proposal

The property at 2001 Hopkins Crossroads is currently improved with a 960 square foot house and a detached single car garage. The property owners are proposing to convert the existing house into a detached ADU and construct a new home on the east side of the lot. The proposal requires a conditional use permit to allow a detached, accessory dwelling unit on the property.



Staff Analysis

The proposal is reasonable and would meet the standards outlined in the city code for an accessory dwelling unit. The following is intended to summarize the standards and staff's findings. A full list of the standards and staff's findings can be found in the "Supporting Information" section of this report:

- **General Standards:** The property owners are proposing to reside in the newly constructed home on the east side of the lot. Parking for the dwellings would be within existing and proposed driveways and garages. The ADU would continue to meet all setback requirements.
- **Construction and design:** The ordinance provides several construction and design-related standards to ensure compatibility into existing single-family residential neighborhoods:

Size: The ADU would be larger than the code-allowed size because of the full basement. Despite this, the staff is comfortable with the proposal as (1) the ADU contains two bedrooms on the main floor; (2) screening of the ADU is provided by existing and proposed vegetation; and (3) the creation of the ADU is through the reuse of an existing structure.

Height: The highest point of the ADU would not extend above the highest point of the new home. The new home would sit roughly twelve feet “lower” than the ADU and would have a height of 27 feet. The height of the existing home/ADU is roughly 15 feet.

Driveway: The property is located at the intersection of Hopkins Crossroads and Runnymede Lane. This presents an opportunity to allow driveway accesses on both roadways.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for a detached, accessory dwelling unit at 2001 Hopkins Crossroads.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding property and subject property

	Subject Property	North	South	East	West
Use	Single-family residential home	Single-family residential home	Omegon Center	Single-family residential home	Single-family residential home
Zoning	R-1	R-1	R-1	R-1	R-1
Guide plan designation	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential

CUP Standards

The following intended to summarize ordinance standards and staffs findings:

CITY CODE STANDARD	STAFF FINDING
	The proposal would meet the general conditional use permit standards as outlined in City Code §300.16, Subd. 2:
1.	The use is consistent with the intent of the ordinance;
2.	The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3.	The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and
4.	The use does not have an undue adverse impact on public health, safety, and welfare.
	The proposal would meet the specific conditional use permit standards as outlined in City Code §300.16, Subd. 3(d) for accessory apartments:
GENERAL STANDARDS	
a.	ADUs are allowed only on properties zoned R-1, R-1A, and R-2.
b.	No more than one ADU is allowed per property.
c.	The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
d.	ADUs may not be subdivided or otherwise separated in
	The property is zoned R-1.
	Only one ADU is proposed.
	The property owner is proposing to reside in the newly constructed home on the east side of the lot. Additionally, this has been added as a condition of approval.
	Subdivision is not proposed as part of the project, but this

	ownership from the principal dwelling unit.	has been added as a condition of approval.
e.	Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.	Off-street parking is proposed within an existing and proposed driveway. A condition of approval has been added to limit the number of vehicles – not related to occasional guests – to four vehicles.
f.	The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.	The ADU would comply with setback requirements for general structures. The site contains no natural features requiring a setback, such as wetland or floodplain.
CONSTRUCTION AND DESIGN STANDARDS		
a.	On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.	The existing house would be converted into a detached, accessory dwelling unit.
b.1.	Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional	The ADU would be larger than 1,000 square feet because of the basement. However, the following is proposed:

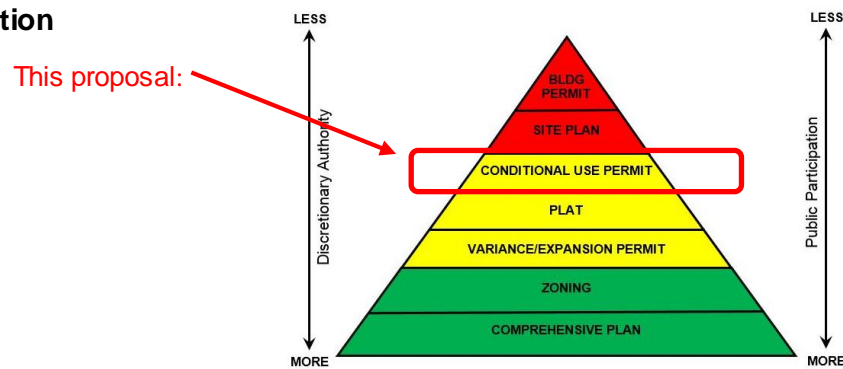
	<p>size would not result in undue adverse impacts to the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique. In no case may a detached ADU be 200 square feet or less in total size.</p>	<ol style="list-style-type: none"> 1. Existing vegetation screening. 2. The property is a corner lot. The ADU driveway access would be to Hopkins Crossroads. The new home driveway would be to Runnymede Lane. 3. The ADU would "align" with the front of other homes along with Hopkins Crossroads. The new home would "align" with the home to the north and east.
<p>b.2.</p>	<p>Must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.</p>	<p>This has been added as a condition of approval.</p>
<p>b.3.</p>	<p>Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.</p>	<p>This has been added as a condition of approval.</p>
<p>b.4.</p>	<p>May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.</p>	<p>A second curb cut would be created on Runnymede Lane for the driveway to the new home. This would</p>

		comply with the city's driveway ordinance.
b.5	Must be registered with the Minnetonka police and fire departments prior to occupancy.	This has been added as a condition of approval.
ATTACHED ADUs		
1.	Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.	The ADU is detached.
2.	May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.	
3.	Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.	
DETACHED ADUs		
1.	Must be designed to maintain the residential character of the lot on which it will be located.	The existing home would be converted into the ADU. A new home would be constructed on the east side of the lot.
2.	May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits a detailed	The ADU would not be created by the conversion of garage space.

	plan that demonstrates adequate vehicular parking exists on the site.	
3.	<p>The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not adversely impact neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.</p>	<p>The text on the plans for the new home plans is somewhat difficult to read. However, staff was able to decipher and infer enough to determine that the highest point of the ADU would not extend above the highest point of the new home.</p> <p>The newer home would sit roughly twelve feet "lower" than the ADU and would have a height of 27 feet. Based on the submitted photo, the building height of the ADU is likely around 15 feet.</p> <p>Nonetheless, more information on the ADU would be required at the time of a building permit for the new home to confirm.</p>
LOCATION REQUIREMENTS		
a)	Behind the rear building line of the principal dwelling unit. In the case <u>of a corner</u> or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.	The property is a corner lot. The ADU would continue to maintain established setbacks.
b)	To preserve existing, natural site features to the extent practicable.	The proposal consists of converting an existing home into an ADU. The tree protection ordinance would apply to the construction of a new home at the time of a building permit.

5.	Must be set back from side and rear property lines a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance.	The ADU would meet the required setbacks.
OTHER REQUIREMENTS		
6.	May contain a maximum of two bedrooms.	The existing home contains two bedrooms. Nonetheless, this has been added as a condition of approval.
7.	Must be constructed on a permanent foundation with no wheels.	The ADU is located on a permanent foundation.

Pyramid of Discretion



Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority.

Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to

why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood
Comments**

The city sent notices to 36 area property owners and received several comments. Those comments are attached.

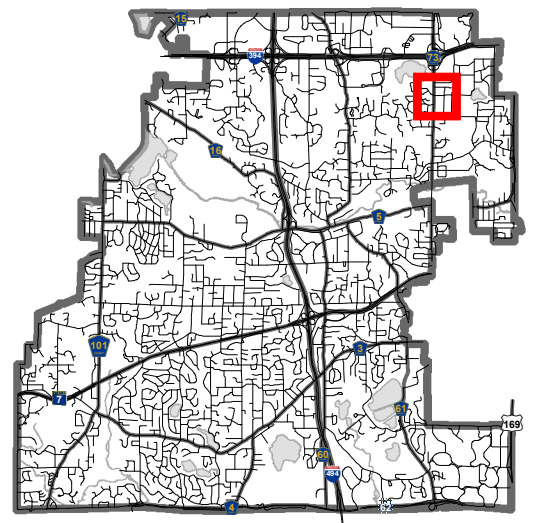
**Deadline for
Decision**

March 21, 2022



Location Map

Project: Leonard Residence
Address: 2001 Hopkins Crossroad



Dear Members of the Planning Commission and City Council,

We write regarding our plan for our property at 2001 Hopkins Crossroad. We are looking to build a new home for our growing family and are seeking approval for a conditional use permit to keep the existing small structure as a detached, accessory dwelling unit. We intend to use the ADU as separate living quarters for our aging parents. Our intent is to coordinate the primary residence with the ADU and the surrounding neighborhood. As you will see on the attached survey, the area of the existing structure is 964 square feet. It is important to note that neither the new construction nor the ADU would interfere with any of the neighbors in any way, as all neighboring homes are a significant distance away due to the shape of the surrounding lots (as you will see in the attached diagram). We believe the structures on our property will only add to the aesthetics of the neighborhood.

We thank you in advance for your time and consideration. Please do not hesitate to reach out with any questions or concerns.

Very truly yours,

Jonathan and Rachel Leonard

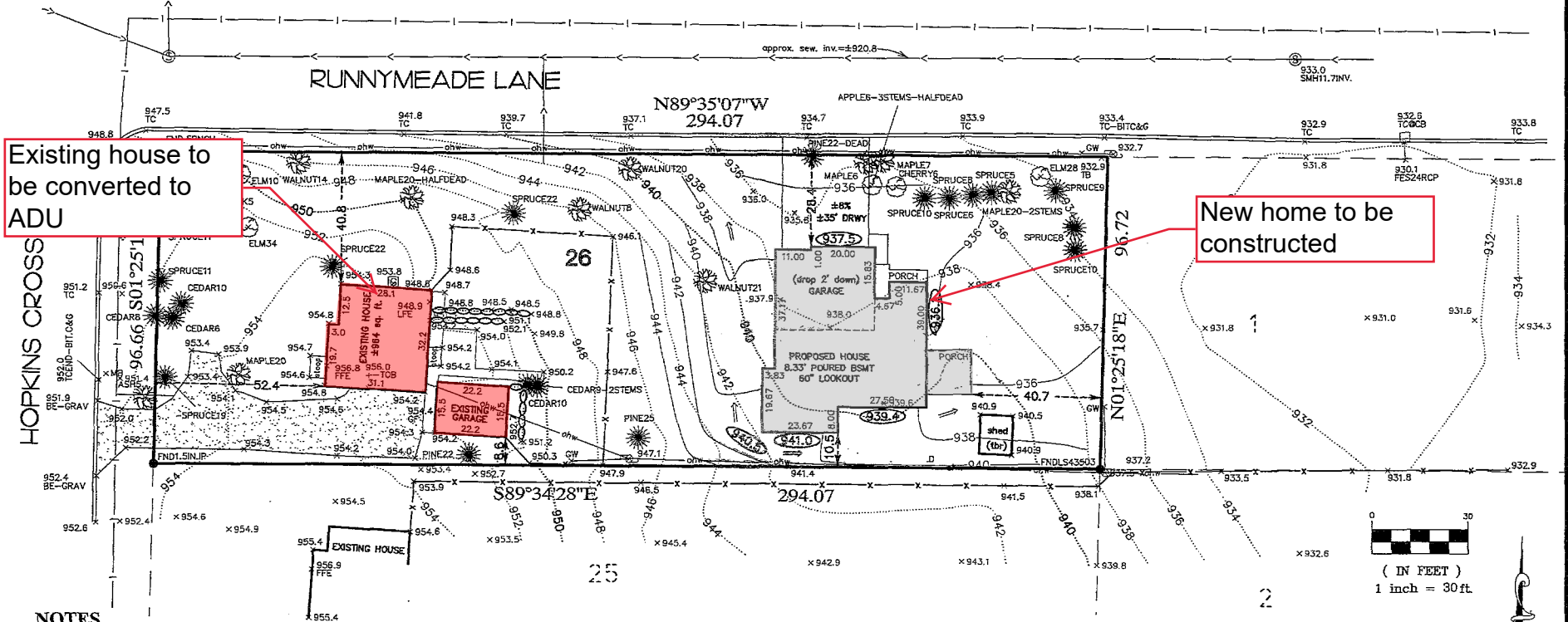
CONCEPT PLAN

PROPERTY ADDRESS: 2001 HOPKINS CROSSROAD, MINNETONKA

LEGAL DESCRIPTION

Lot 26, Block 2, KNOLL RIDGE, Hennepin County, Minnesota.

FOR: TJB HOMES



Existing house to be converted to ADU

New home to be constructed

NOTES

- BEARING'S SHOWN ARE ON ASSUMED DATUM
- ELEVATIONS BASED ON CITY OF MINNETONKA BM's (NGVD29)
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.
- SUBJECT TO CITY OF MINNETONKA APPROVAL FOR PROPOSED IMPROVEMENTS. CONCEPT ONLY.

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

Joshua P. Schneider
 JOSHUA P. SCHNEIDER

Revised: 10-20-21 (placement)
 Date: 10-15-21 Reg. No. 44655

LEGEND

- ☐ DENOTES GAS METER/BOX
- DENOTES IRON MONUMENT FOUND
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊠ DENOTES CATCH BASIN
- ~ DENOTES EXISTING CONTOUR
- GW → DENOTES GUY WIRE
- ohw- DENOTES OVERHEAD WIRE
- x1011.2 DENOTES EXISTING ELEVATION
- ▨ DENOTES GRAVEL
- ▩ DENOTES CONCRETE
- ⊗ DENOTES EXISTING TREE & DBH
- ⊕ DENOTES UTILITY POLE
- ⊙(937.5) DENOTES PROPOSED ELEVATION
- DENOTES DIRECTION OF DRAINAGE

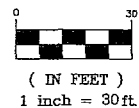
EXISTING AREA CALCULATIONS

TOTAL LOT = ±28,429 sq. ft.
 Existing Hse/Stoops = ±1,024 Sq. Ft.
 Existing Garage = ±344 Sq. Ft.
 Existing Concrete = ±325 Sq. Ft.
 Existing Shed (tbr) = ±123 Sq. Ft.
 Total Hardcover = ±1,816sf or ±6.4%

PROPOSED AREA CALCULATIONS

TOTAL LOT = ±28,429 sq. ft.
 Existing Improvements = ±1,693 Sq. Ft.
 Proposed Hse/Porches = ±2,672 Sq. Ft.
 Proposed Drwy/Sdwb = ±820 Sq. Ft.
 Hardcover = ±5,185sf or ±18.2%

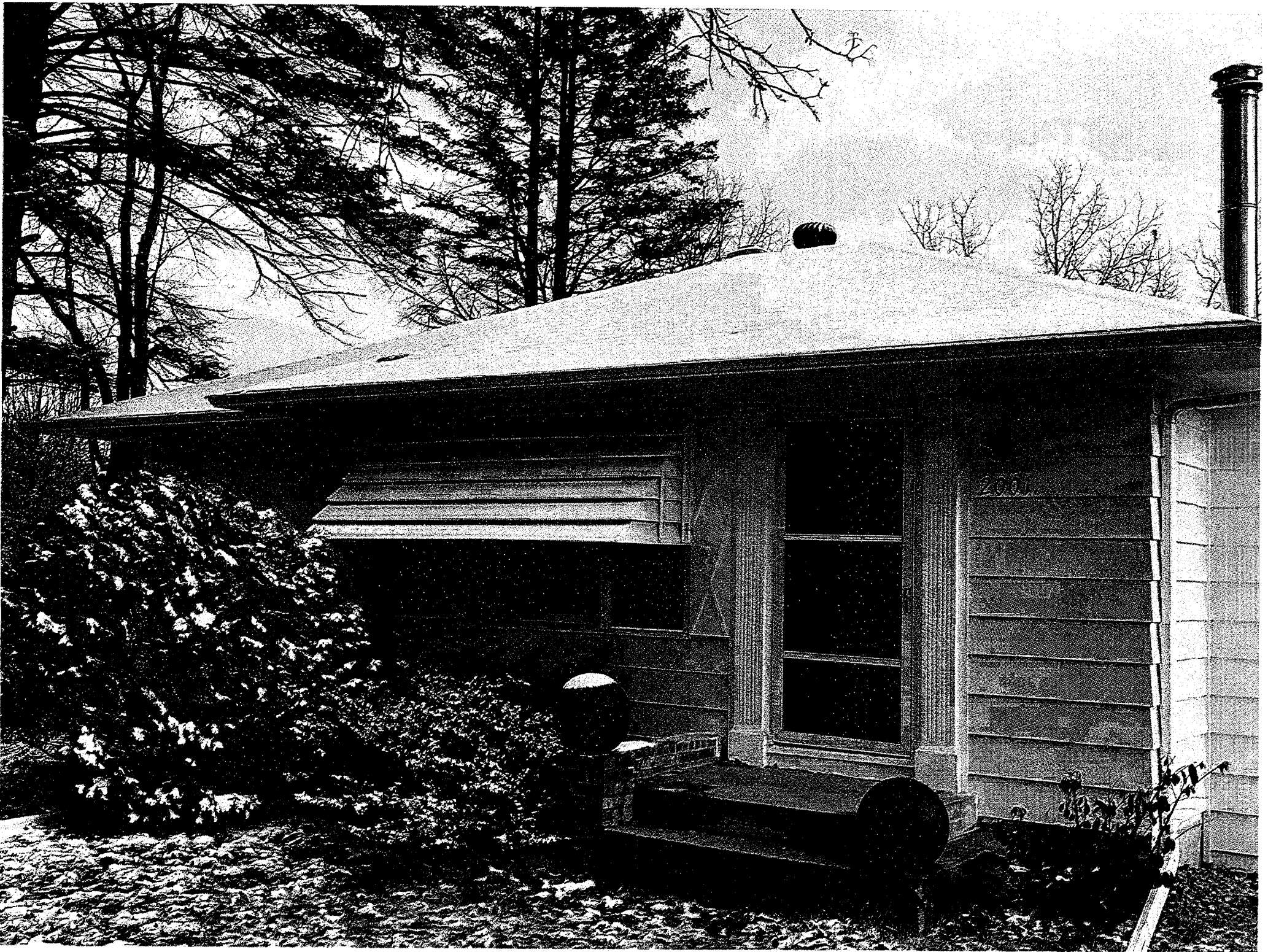
DROP GARAGE 2.0' DOWN
PROPOSED ELEVATIONS
 GARAGE FLOOR = 937.5
 TOP OF FOUNDATION = 939.9
 LOWEST FLOOR = 931.9
 60" LOOKOUT = 936.6



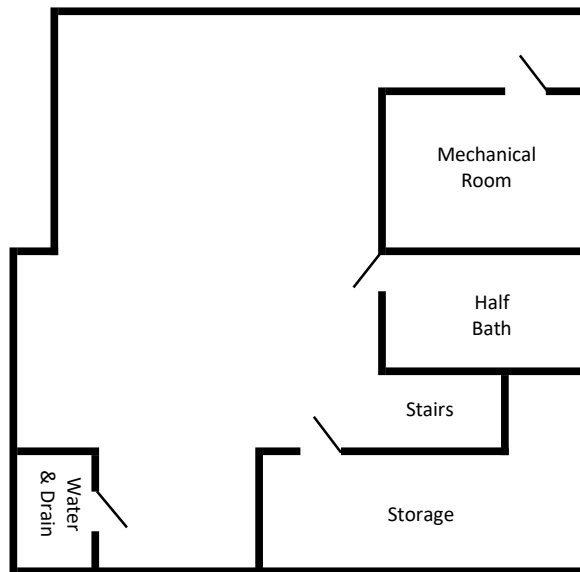
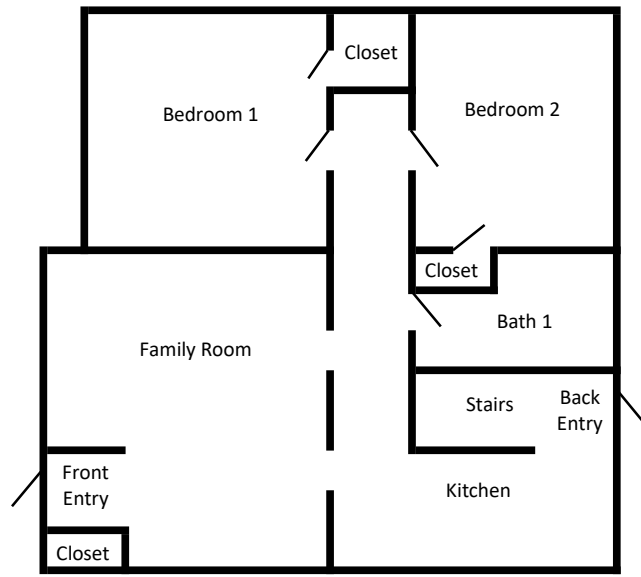
NORTH

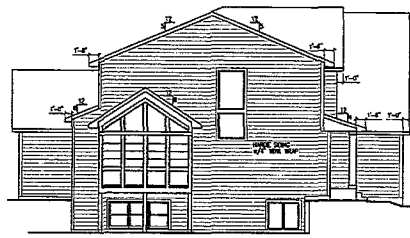
JOB #21301

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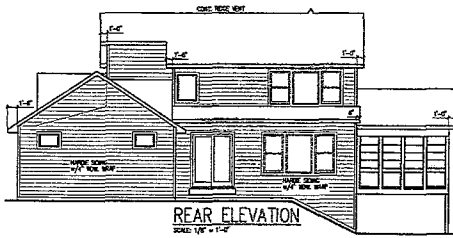


2001 Hopkins Crossroad Floorplan

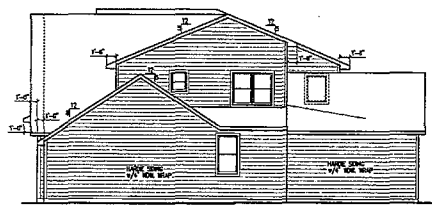




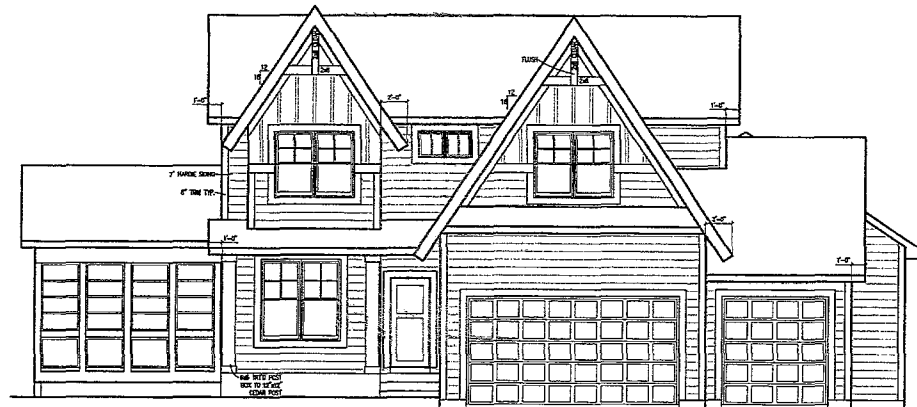
LEFT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"



RIGHT ELEVATION
SCALE 1/8" = 1'-0"



FRONT ELEVATION
SCALE 1/8" = 1'-0"

LAND 90 FT. FRONT FROM
1.000.00 - 1.000.00
1.000.00 - 1.000.00
1.000.00 - 1.000.00
1.000.00 - 1.000.00
1.000.00 - 1.000.00

JON & RACHEL SPERLING
2001 HOPKINS CROSSROADS
MINNETONKA, MN

JULIEANNE III

In hereby agree to furnish all construction materials, labor, equipment and services required to construct the project in accordance with these plans, drawings, specifications and other documents. It is one of the conditions of this contract that the contractor shall not be permitted to alter, modify or change any part of the plans, drawings, specifications and other documents without the written consent of the architect.

Architect Name: TJB Homes, Inc.
1110 Hennepin Ave. S.W. #100
Minneapolis, MN 55426
308 Hennepin Ave. S.W. #100

Accepted - Date, place, amount, specifications and other documents are satisfactory and are hereby accepted.

Contractor Name: _____ Date: _____

PLEASE SIGN & RETURN THE OFFICE COPY. THANK YOU

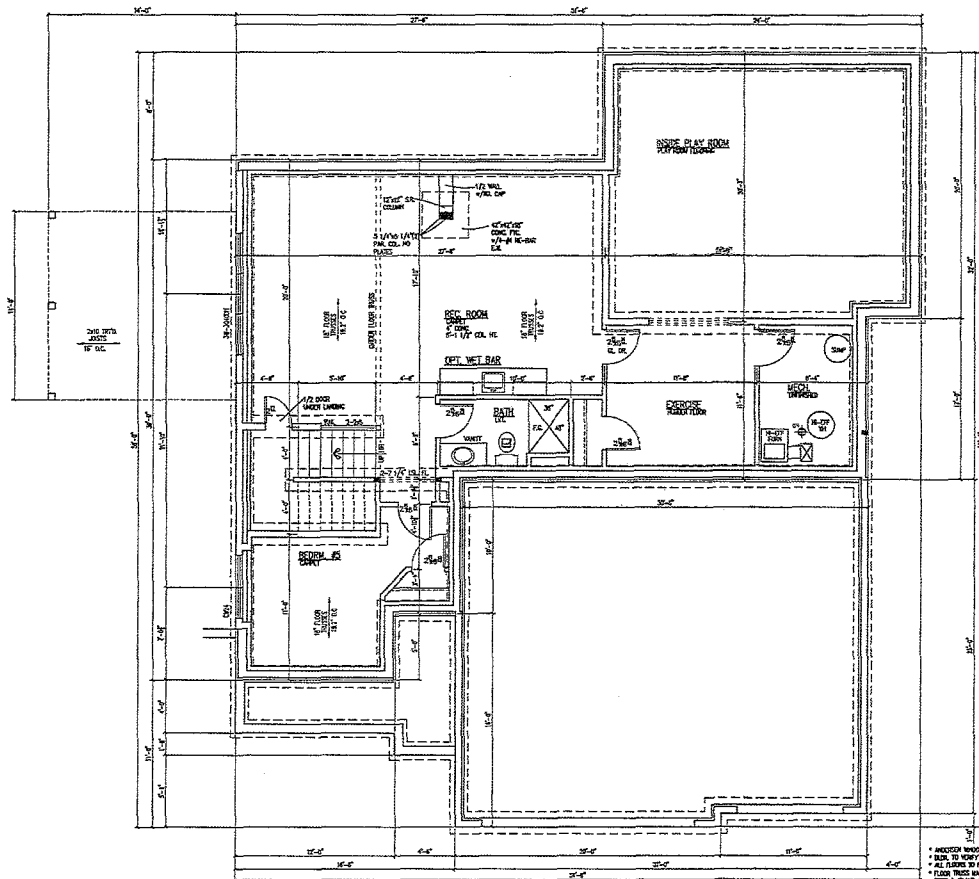
WARNING:
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TJB326 TJB389 TJB609

T.J.B. HOMES INC.
1110 HENNEPIN AVE. S.W. #100
MINNEAPOLIS, MN 55426

DATE: _____
BY: _____
TITLE: _____
SHEET NO. 1



* CHECKED WORKING DRAWINGS
 * SEE TO VERIFY ALL ROOM DOOR & C.C. FOR H.E.L.
 * ALL ROOMS TO BE 8'0" HIGH
 * FLOOR TRUSS MARKED TO SHOW FINISH BELOW
 * SEE PLAN FOR ALL ROOMS
 * FLOOR TRUSS MARKED TO SHOW HEAT SERVICE &
 * REPAIR CHASE IN TRUSSES

BASEMENT PLAN
 SCALE: 1/4" = 1'-0"

We hereby agree to furnish all construction materials, labor, equipment, and services required to complete the project in accordance with these plans, contracts, specifications, and other documents, in case of a discrepancy, the price will be that stated hereon.

Date: _____
 Job Number: 12345678
 5700 Baltimore St., N.E. #102
 Atlanta, GA 30328
 RT Building Contractor #12345

Accepted: _____
 Date: _____
 For/Owner Name: _____
 Title: _____

PLEASE SIGN & RETURN THE OFFICE COPY. THANK YOU

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 IS PROHIBITED BY LAW.

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SCALE: _____
 SHEET NO: _____
 TOTAL SHEETS: _____

DRAWN BY: _____
 CHECKED BY: _____
 SHEET NO: 2.1

Neighborhood feedback

To Whom It May Concern -

We live in the Runnymede neighborhood and are aware of the proposed project at 2001 Hopkins Crossroad, Minnetonka, MN 55305, including the application for the existing structure to be used as an Accessory Dwelling Unit. We believe this project will have a positive impact on our neighborhood and are very supportive of the project.

Sincerely,
Karen & Tim Wilcox
2089 Cape Cod Place
Minnetonka, MN 55305

January 10, 2022

To Whom it May Concern:

We write regarding the proposal for 2001 Hopkins Crossroad. We are in support of this project, including the application for the existing structure to be used as an Accessory Dwelling Unit. We feel the improvements will only have a positive impact on our neighborhood and contribute to property values. We also understand the proposed ADU will meet one of the City's stated goals of providing more diverse and affordable housing within Minnetonka, which is very important to us.

Very truly yours,
Ajibola Ayanwale and Caryl Hamblin
11105 Oak Knoll Terrace S
Minnetonka, Minnesota 55305

January 10, 2022

To whom it may concern:

We're aware of the proposed project at 2001 Hopkins Crossroad and are in support of it, including keeping the existing structure to be used as an Accessory Dwelling Unit. We think it will add value to the neighborhood and properties and will be a positive addition overall.

Thanks,

Betsy and Bobby Paulus
2205 Vernon Drive S

**LETTER IN SUPPORT OF PROPOSED IMPROVEMENTS AT 2001 HOPKINS
CROSSROAD, MINNETONKA, MINNESOTA**

We are aware of the proposed project at 2001 Hopkins Crossroad, Minnetonka, MN 55305, including the application for the existing structure to be used as an Accessory Dwelling Unit. We would like to express our support for this project. We believe the improvements to the land will only have a positive impact on our neighborhood and add to the overall aesthetics. We also understand the proposed ADU will meet one of the City's stated goals of providing more diverse and affordable housing within Minnetonka.

Danielle and Sean Smith
2204 Vernon Drive South
Minnetonka, MN 55305

1/10/2021

To Whom It May Concern,

We are writing this letter in regards to the proposed project at 2001 Hopkins Crossroad. We understand the nature of the project and want to express our full support. To us, this proposal will provide two key attributes to our neighborhood that will benefit the surrounding residents. Firstly, the construction of a new home will boost the overall aesthetics of a somewhat outdated neighborhood, while at the same time potentially increase the home values of the surrounding residents. Secondly, the proposed accessory dwelling unit will help the city bring about more diverse and affordable housing to the area. Please let us know if there is anything further needed from us.

Regards,

Robert and Abby DuBe'
1901 Hopkins Xrd
Minnetonka, MN 55305

January 11, 2022

Dear City of Minnetonka Planning Committee,

Our names are Bob and Jeanne Alm, home owners of 2024 Vernon Dr. S. We are writing in support of the proposed improvement project at 2001 Hopkins Crossroads, Minnetonka 55305. We understand that this proposed project includes using the existing structure as an accessory dwelling unit that will meet the City's goals of diverse and affordable housing. We have lived in our house since 1979. As longtime residents we too have made many improvements to our home and property that have allowed us to stay in the neighborhood, raise our family here and improve the overall aesthetics of this neighborhood. This has included receiving our own variance for a remodel project years ago that helped reach these goals and therefore fully support this improvement project as well. If you have any questions please feel free to contact us.

Thank you,
Bob and Jeanne Alm

January 11, 2022

Dear City of Minnetonka Planning Committee,

My name is Kate Alm, home owner of 1904 Vernon Dr. S. I am aware of the proposed project at 2001 Hopkins Crossroads, Minnetonka 55305 and are in full support of the proposed improvement. I understand that this proposed project includes using the existing structure as an accessory dwelling unit that will meet the City's goals of diverse and affordable housing which I fully support. As a resident of the corner house on Runnymede and Vernon this project directly affects the aesthetic view from my house and feel this adds value to the area and my neighborhood. If you have any questions please feel free to contact me.

Thank you,
Katherine Alm
katealm@gmail.com

January 11, 2022

Dear City of Minnetonka Planning Committee,

My name is Sarah Knight, home owner of 2025 Vernon Dr. S. We are aware of the proposed project at 2001 Hopkins Crossroads, Minnetonka 55305 and are in full support of the proposed improvement at 2001 Hopkins Crossroads. My husband and I understand that this proposed project includes using the existing structure as an accessory dwelling unit. My husband and I have owned our house since 2005 and prior to that I grew up in my parents home at 2024 Vernon Dr. S to which they still live. We have watched changes over the years to this

neighborhood and fully support this improvement project that adds value and overall aesthetics to this neighborhood. We also understand that accessory dwelling unit helps the City of Minnetonka reach its goal of providing more diverse and affordable housing options. We feel very strongly that this goal needs to be met for our everchanging community. If you have any questions please feel free to contact us.

Thank you,
Sarah and Trevor Knight



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | eminnetonka.com

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: Jan. 20, 2022
Subject: Change Memo for the Jan. 20th Planning Commission Agenda

ITEM 8A – LEONARD RESIDENCE

The following comment was received after the packet was distributed:

Dear Members of the Planning Commission and City Council,

We are writing in response to the notification, regarding the request for a conditional use permit for the property at 2001 Hopkins Crossroads. We have a few comments and questions...

We are the current residents of the property at 2008 Vernon Dr. S, which is just to the southeast of this property. Our northwest property corner is the southeast property corner of the subject property.

Our property was purchased in 2006, based on the current lot size and the size of the surrounding lots. Our purchasing decision was made with the understanding that the current lot sizes will allow for a particular density of homes within the Knoll Ridge lots. Lot sizes in our neighborhood are over 0.40 acre, with most over at a half-acre. With these lot sizes, it was understood that there would be only one dwelling on a property. Based on the plans submitted for the property at 2001 Hopkins Crossroads, the lot size will remain untouched. However, with proposed multiple dwellings on one lot, the density of homes will increase. With two dwellings on one lot, it essentially increases the density to a typical third acre lot.

Per city definition of an Accessory Dwelling Unit (ADU), a detached ADU structure requires a variance. However, this appears to be merely a conditional use permit. Further, under the ADU variance requirements, the size requirement is the smaller of 35 percent of the gross living area or 950 square feet. The ADU in question is a 964 square foot structure and as such, larger than the minimum size currently allowed.

Given the above, we are concerned about the future 2001 Hopkins Crossroads lot splitting. While the current city plans do not include the possibility of the lot to be split, we would like to understand that if the 2001 Hopkins lot splitting were to happen, would it set a precedent for other similarly sized lots in the neighborhood? If allowed by variance, would the split remain an exception limited only to the property in question? Should the Planning Commission consent to the proposed split, would the

Commission exclude the commercial use of such second dwelling in the future?

In addition, the conditional use permit claims that the existing dwelling on the west side of the property is 964 square feet in total, whereas the MLS Listing from spring/summer 2021 purports that the property was sold as 1592 square feet, and as such far exceeding the ADU restrictions for detached dwellings. This is a factual issue and needs to be answered accordingly.

The proposal further calls for some lingering questions to be addressed: if it is within city code to allow for this dwelling to be rebuilt in the future without neighboring property owners' comments? Is there a defined limitation to the size of the dwellings, especially when two dwellings occupy one lot? Is there a defined limitation on the number of dwellings/stand-alone buildings on a property within the city? How common is it within the City of Minnetonka to have multiple detached dwellings on one property?

From the public information available today, the city is looking at the future of Hopkins Crossroads in conjunction with Hennepin County plans, including relevant road upgrades and a bike trail. Does this proposal fit within the future of Hopkins Crossroads?

Finally, we also would like to know that a city approved hydrological review has been performed so that by having two single family units on the property, it will not negatively impact the city with new runoff flows.

Best Regards,
Peter and Kelly Smith

8. Public Hearings

A. Resolution approving a conditional use permit for an accessory dwelling unit at 2001 Hopkins Crossroad.

Chair Sewall introduced the proposal and called for the staff report.

Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Powers' question, Cauley explained that the site is unique; it is located on a corner, and city ordinances allow the site to have two driveways. The applicants plan to add additional screening that would mitigate the appearance of two principle structures.

Waterman confirmed with Cauley that compliance with the tree protection ordinance and the landscape plan would be reviewed during the building permit process.

In response to Henry's question, Cauley explained the accessory dwelling unit (ADU) ordinance.

Rachel Leonard introduced herself and her husband, Jon Leonard, applicants. She stated that:

- She appreciates everyone's time and consideration.
- The main floor would have 964 square feet. The basement would not be a full basement, so it would not be included in the floor-area ratio calculation.
- She was excited that the ADU ordinance was adopted so the proposal would not need a variance. She thinks the ordinance will be good for the community and give families options to assist aging parents, which is what the applicants plan to do.
- No neighbor would be adversely impacted by the proposal since the site is a corner lot and the way in which the lots are laid out. No neighbor is located close to the site in any direction. Seven or eight property owners in the area wrote letters in support of the proposal.
- The proposal would increase the property's value and make it more aesthetically attractive.
- She has received positive feedback from the neighborhood.
- There is quite a lot of existing foliage along Hopkins Crossroads, and the applicants would add pine trees to provide year-round coverage.
- She was excited to move forward.

Waterman asked where the pine trees would be planted. Ms. Leonard answered along the backside of the new construction on the south side. The north side on Runnymede Lane already has quite a few pine trees.

Banks confirmed with Ms. Leonard that the basement would have a door on the east side, and the other three sides of the basement would be underground.

The public hearing was opened. No testimony was submitted, and the hearing was closed.

Maxwell thought the proposal was a clever and innovative use of the ADU ordinance. The project would repurpose an existing structure; update the neighborhood; increase the diversity of the housing stock in Minnetonka, which supports the comprehensive guide plan; and supports multi-generational families and aging in place. She has never seen so many positive comments from neighbors. She commended the applicants for working with the neighbors to make sure the proposal would be a positive impact on the whole neighborhood. She supports the staff's recommendation. The size is not a concern at all. Subdividing the property would not be possible since a subdivision into two lots would not meet minimum lot size requirements. She found no negative. She supports the proposal.

Powers concurred with Maxwell.

Banks agreed.

Waterman loved the repurposing. The property is unique in terms of the location of the structures, which would both be located on two different streets. The location of the new home would be a good use of the site's blank space. He supports the staff's recommendation.

Henry liked the thought the applicants put into the proposal and appreciated the applicants working with neighbors to meet the neighbors' needs and create an appropriate use of the space. He supports the staff's recommendation.

Chair Sewall has seen many larger and higher-priced houses torn down. He loves the repurposing. The proposal has many unique features, including the property being located on a corner and the existing house being located so far to one side. He supports the staff's recommendation.

Henry moved, second by Waterman, to recommend that the city council adopt the resolution approving a conditional use permit for a detached, accessory dwelling unit at 2001 Hopkins Crossroads.

Powers, Waterman, Banks, Hanson, Henry, Maxwell, and Sewall voted yes. Motion carried.

Resolution No. 2022-

Resolution approving a conditional use permit for a detached accessory dwelling unit at 2001 Hopkins Crossroads

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 The property owners, Jonathan and Rachel Leonard have requested a conditional use permit for a detached, accessory dwelling unit.
- 1.02 The property is located at 2001 Hopkins Crossroads. It is legally described as:

Lot 26, Block 2, KNOLL RIDGE, Hennepin County, Minnesota

Torrens Certificate No. 1528707
- 1.03 The proposal is to convert the existing home, originally constructed in 1952, into an accessory dwelling unit and construct a new home on the east side of the property.
- 1.04 On Jan. 20, 2022, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

- 2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.
- 2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:
 - 1) General Standards:
 - a. ADUs are allowed only on properties zoned R-1, R-1A, and R-2.

- b. No more than one ADU is allowed per property.
- c. The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
- d. ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
- e. Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.
- f. The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.

2) Construction and Design Standards:

- a. On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.
- b. Any ADU, whether attached or detached:
 - 1. Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts to the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers

important or unique. In no case may a detached ADU be 200 square feet or less in total size.

2. Must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
3. Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
4. May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.
5. Must be registered with the Minnetonka police and fire departments prior to occupancy.

c. Attached ADUs:

1. Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.
2. May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.
3. Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.

d. Detached ADUs:

1. Must be designed to maintain the residential character of the lot on which it will be located.
2. May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits a

detailed plan that demonstrates adequate vehicular parking exists on the site.

3. The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not result in undue adverse impacts to neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.
4. Must be located:
 - a) Behind the rear building line of the principal dwelling unit. In the case of corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.
 - b) To preserve existing, natural site features to the extent practicable.
5. Must be set back from side and rear property lines a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance.
6. May contain a maximum of two bedrooms.
7. Must be constructed on a permanent foundation with no wheels.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(d).

3) General Standards:

- a. The property is zoned R-1.

- b. Only one ADU is proposed.
 - c. The property owners are proposing to reside in the newly constructed home on the east side of the lot. Additionally, as a condition of this resolution, future subdivision of this property is restricted.
 - d. Subdivision is not proposed. Nonetheless, this has been added as a condition of approval.
 - e. Off-street parking is proposed within the existing and a proposed driveway. A condition of approval has been added to limit the amount of vehicles – not related to occasional guests – to four vehicles.
 - f. The ADU would comply with setback requirements for general structures. No property contains no natural features requiring a setback, such as wetland or floodplain areas.
 - g. The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.
- 4) Construction and Design Standards:
- a. The existing house would be converted into a detached, accessory dwelling unit.
 - b. Any ADU, whether attached or detached:
 - 1. The ADU would be larger than 1,000 square feet in size but would be screened by existing vegetation, be located on a corner lot, and "aligns" with structures within the existing neighborhood.
 - 2. As a condition of this resolution, the ADU must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
 - 3. As a condition of this resolution, the ADU must comply or be brought into compliance with all applicable building,

housing, electrical, plumbing, mechanical, and related city codes.

4. A second curb cut would be created on Runnymede Lane for the driveway to the new home. This would be in compliance with the city's driveway ordinance.
5. As a condition of this resolution, the ADU must be registered with the Minnetonka police and fire departments prior to occupancy.

c. The ADU is detached.

d. Detached ADUs:

1. The existing home would be converted into an ADU. A new home would be constructed on the east side of the lot.
2. The ADU would not be created by the conversion of garage space.
3. The highest point of the ADU would not extend beyond the highest point of the newly constructed home. The new home would sit roughly twelve feet "lower" than the ADU and would have a height of 27 feet. The building height of the ADU would be 15 feet.
4. Must be located:
 - a) The property is a corner lot. The ADU would continue to maintain established setbacks.
 - b) The proposal consists of converting an existing home into an ADU. The tree protection ordinance would apply to the construction of the new home at the time of a building permit.
5. The ADU would meet the required setbacks.
6. The existing home contains two bedrooms. Nonetheless, this has been added as a condition of approval.
7. The ADU is located on a permanent foundation.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. This resolution must be recorded with Hennepin County.
2. A building permit is required.
3. The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
4. The ADU may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
5. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum does not include vehicles of occasional guests who do not reside on the property.
6. The ADU must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
7. The principal structure and the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
8. The ADU must be registered with the Minnetonka police and fire departments prior to occupancy.
9. The highest point of the ADU cannot extend beyond the highest point of the roof of the principal dwelling unit.
10. The ADU cannot contain more than two bedrooms.
11. The city council may reasonably add or revise conditions to address any future unforeseen problems.
12. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 7, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 7, 2022.

Becky Koosman, City Clerk



**City Council Agenda Item 10D
Meeting of Feb. 7, 2022**

Title: Resolution supporting housing and local decision making authority.

Report From: Julie Wischnack, AICP, Community Development Director

Submitted through: Mike Funk, Acting City Manager

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

The League of Minnesota Cities has provided a draft resolution to support housing and local decision making authority. There have been multiple bills introduced in the legislature which affects those decision making abilities.

Recommended Action

Adopt the resolution.

Strategic Profile Relatability

- | | |
|--|--|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input checked="" type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
| <input type="checkbox"/> N/A | |

Financial Consideration

- Is there a financial consideration? No Yes [Enter estimated or exact dollar amount]
- Financing sources: Budgeted Budget Modification New Revenue Source
 Use of Reserves Other [Enter]

Background

The League of Minnesota Cities has provided a model resolution which supports the authority of local elected officials and city staff to make land use decisions in their community.

Housing industry groups have recently targeted city land use tools such as zoning and planned use developments. The groups claim that these basic regulatory functions are prohibiting the building of more affordable housing stock, when market factors such as labor costs, land, and materials are creating the market failures that are occurring today.

Staff has been actively involved in reviewing various legislative proposals and has concerns about the ability of the city to regulate its land use.

Resolution No. 2022-

A Resolution Supporting Housing and Local Decision-Making Authority

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

- 1.01 Local elected decision-makers are in the best position to determine the health, safety, and welfare regulations that best serve the unique needs of their constituents.
- 1.02 Zoning regulations are an important planning tool that benefits communities economically and socially, improves health and wellness, and helps conserve the environment.
- 1.03 Local zoning regulation allows communities to plan for the use of land transparently, involving residents through public engagement.
- 1.04 Cities across the state are keenly aware of the distinct housing challenges facing their communities and they target those local housing challenges with available tools; and
- 1.05 Multiple bills restricting local decision-making related to housing have been introduced in the 2021-2022 biennium.

Section 2. City Council Action.

- 2.01 The City of Minnetonka supports local decision-making authority and opposes legislation that restricts the ability for local elected officials to respond to the needs of their communities.
- 2.02 The City of Minnetonka also supports housing policy that advances solutions to support full housing spectrum solutions, local innovation, incentives instead of mandates, and community-specific solutions throughout Minnesota.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Feb. 7, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 7, 2022.

Becky Koosman, City Clerk



**City Council Agenda Item 14A
Meeting of Feb. 7, 2022**

Title: Approve 2022 study session work plan
Report From: Moranda Dammann, Acting Assistant City Manager
Submitted through: Mike Funk, Acting City Manager

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

At the Jan. 10, 2022 study session the Minnetonka City Council reviewed and discussed council priorities and provided staff with direction to create a 2022 study session work plan.

Recommended Action

Approve work plan

Strategic Profile Relatability

Financial Strength & Operational Excellence Safe & Healthy Community
 Sustainability & Natural Resources Livable & Well-Planned Development
 Infrastructure & Asset Management Community Inclusiveness
 N/A

Financial Consideration

Is there a financial consideration? No Yes
Financing sources: Budgeted Budget Modification New
Revenue Source Use of Reserves Other [Enter]

Background

The Minnetonka city council is scheduled to hold eleven (11) study sessions in 2022. In order to maximize these meetings, provide staff direction and focus on council priorities, council was tasked on Dec. 28, 2021 to individually rank topics that have been raised by councilmembers throughout the course of the last year.

At the Jan. 10, 2022 Study Session Council reviewed the rankings and discussed priorities to provide staff with direction to create the 2022 study session work plan. After approval this evening, at each proceeding council meeting the topics for the upcoming study session will be

Subject: Approve 2022 study session work plan

provided. This document can be modified throughout the remainder of the year by a majority of council members.

<u>2022 Council Study Session Work Plan</u>	
	Quarter 1
10-Jan	Establish 2022 Council Work Plan Study Session: streaming/broadcasting
TDB	Council Retreat/In-Service
14-Feb	Joint EDAC/CC wealth building buy-down program Boards & Commission Interviews 2022 Community Survey questions review
14-Mar	Director presentation: Chief Scott Boerboom, Police Director presentation: Mike Funk/ Moranda Dammann, Administration Director presentation: Corrine Heine, Legal Director presentation: Kelly O'Dea, Recreation programming overview
TBD	Insights Discovery Session: Dr. Jean Davidson
	Quarter 2
TBD	Joint meeting with City of Hopkins: Southwest Light Rail & Dual city contracts: in-person/spring
04-Apr	Recap RCV Sign ordinance in reference to elections Director presentation: Julie Wischnack, Community Development Director presentation: Chief John Vance, Fire
11-May	Annual Park Board tour
16-May	Director presentation: Will Manchester, Public Works Director presentation: Darin Nelson, Finance 2023 Kick-Off Budget discussion
20-Jun	NRMP/POST Plan, park dedication fees, funding, priority list 2023 CIP/EIP
TBD	Boards & Commissions dinner
	Quarter 3
15-Aug	2023 budget discussion Media Training
25-Aug	Annual joint Planning Commission, EDAC and City Council tour
19-Sep	Housing: homelessness Affordable Housing
	Quarter 4
02-Nov	Annual Park Board and City Council joint meeting
07-Nov	Speed limits Police policy/data collection
21-Nov	2023 Enterprise budget discussion, including utility billing/senior discount) 2023 budget discussion
12-Dec	2023 Study Session Work plan 2023 Legislative Breakfast - confirm priorities



**City Council Agenda Item 15A
Meeting of Feb. 7, 2022**

Title: Appointments of representatives to various advisory boards, commissions and committees

Report From: Brad Wiersum, Mayor

Submitted through: Mike Funk, Acting City Manager

Action Requested: Motion Informational Public Hearing
Form of Action: Resolution Ordinance Contract/Agreement Other N/A
Votes needed: 4 votes 5 votes N/A Other

Summary Statement

Each year the council is required to approve the appointments of the representatives to various outside boards, commissions and committees. These appointments are indicated on the attached listing by a single asterisk next to the committee name. The appointments that are not made on an annual basis are indicated by a single spade next to the committee name.

Also on the roster is a listing of the various city advisory groups, outside agency boards, commissions and committees for which council members, city staff, and others serve as City of Minnetonka representatives. These representatives have been appointed by other agencies, and formal city council approval is not necessary. New representatives for 2022, are shown in red. This list is updated and presented to the council on an annual basis.

Recommended Action

Approve the following appointments:

- Mike Funk as the official participant to the LMC Improving Fiscal Futures Committee
- Mike Funk as the official participant to the Metro Cities Legislative Contact
- Mike Funk as the staff participant to the Metro Cities Transportation and General Government Committee
- Patty Latham as the staff participant to the LOGIS Board of Directors
- Brad Wiersum as the council representative to the Southwest LRT Construction Information Workgroup
- Julie Wischnack as the staff participant to the Southwest LRT Construction Information Workgroup
- Mike Funk as the staff participant to the Lake Minnetonka Conservation District
- Mike Funk as the staff participant to the Regional Council of Mayors
- Mike Funk as the staff participant to the Hopkins SD Schools/Cities

Subject: Appointments of representatives to various advisory boards, commissions and committees

- Mike Funk as the staff participant to the Minnetonka SD Schools/Cities
- Brad Wiersum as the council representative to Minnetonka SD Tonka Cares
- Kelly O'Dea as the staff participant to the Hopkins SD Community Ed Advisory Council

Strategic Profile Relatability

- | | |
|--|---|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input type="checkbox"/> Safe & Healthy Community |
| <input type="checkbox"/> Sustainability & Natural Resources | <input type="checkbox"/> Livable & Well-Planned Development |
| <input type="checkbox"/> Infrastructure & Asset Management | <input type="checkbox"/> Community Inclusiveness |
- N/A

Financial Consideration

- Is there a financial consideration? No Yes
- Financing sources: Budgeted Budget Modification New
- Revenue Source Use of Reserves Other [Enter]

City of Minnetonka
2022 Council Representatives/Staff Participant or Contact

Committee * - rep appointed annually by official council action ♣ - rep appointed when term ends by official council action	Council Representative	Staff Participant/Contact ** - official participant * ^a - alternate * ^L - liaison
CITY ASSOCIATIONS		
LMC Improving Fiscal Futures Committee	Brad Wiersum	**Darin Nelson
LMC Improving Service Delivery Committee	Deb Calvert	**Andrew Wittenborg
LMC Improving Local Economies Committee	Kissy Coakley	**Mike Funk
LMC HR & Data Practices Committee	Vacant	**Corrine Heine, * ^a Dawn Pearson
LMC Board	Brad Wiersum	NA
*Metro Cities Legislative Contact	Brad Wiersum	**Mike Funk
Metro Cities Municipal Revenues Committee	Vacant	Darin Nelson
Metro Cities Metropolitan Agencies Committee	Deb Calvert	NA
Metro Cities Transportation & Gen. Gov't Committee	Kissy Coakley	Mike Funk
Metro Cities Housing & Econ. Develop. Committee	Rebecca Schack	Julie Wischnack
*MLC Board of Directors	Brad Wiersum	**Mike Funk
NLC Energy, Environment, & Natural Resources Steering Committee	Deb Calvert	NA
LOGIS Board of Directors	NA	Patty Latham
REGIONAL ORGANIZATIONS		
♣Bassett Creek Watershed Mgmt. Commission	Vacant	Leslie Yetka
SW LRT Comm. Works Steering Committee	** Brad Wiersum	**Julie Wischnack
SW LRT Mgmt Committee	Brad Wiersum	Julie Wischnack
SW LRT Executive Change Control Board	Brad Wiersum	Julie Wischnack
Southwest LRT Business Advisory Committee	Dave Pellner & Dan Duffy (TwinWest)	None
Southwest LRT PLACES Committee	Brian Kirk	Alisha Gray, Julie Wischnack
Southwest LRT Construction Information Workgroup	Brad Wiersum	Julie Wischnack
*I-494 Joint Powers Organization	Rebecca Schack & * ^a Brad Wiersum	**Julie Wischnack
Lake Minnetonka Area Mayors Group	Brad Wiersum	NA
♣Lake Minnetonka Conservation District	Nicole Stone	City Manager
Minnehaha Creek Watershed District	Bill Becker	Leslie Yetka
Nine Mile Creek Watershed District	Vacant	Leslie Yetka
Regional Council of Mayors	Brad Wiersum	City Manager
Riley/Purgatory Creek Watershed District	Vacant	Leslie Yetka
*Southwest Suburban Cable Commission	Deb Calvert	**Patty Latham
*Suburban Rate Authority	Vacant	**Will Manchester
Active Living Hennepin Communities	Bradley Schaeppi	**Kelly O'Dea
MINNETONKA AREA ORGANIZATIONS		
*Bennett Family Park Board	Vacant	**Darin Ellingson
Caring Youth Awards Committee	Vacant	Andrew Wittenborg
Charter Commission	Brad Wiersum	* ^L Corrine Heine
♣Economic Development Advisory Comm (EDAC)	** Deb Calvert & * ^a Kissy Coakley	* ^L Alisha Gray & * ^a Julie Wischnack
Glen Lake Golf Course Operating Committee	Vacant	**Kelly O'Dea
Hopkins SD Schools/Cities	Brad Wiersum	City Manager
Hopkins SD Hopkins One Voice	Brian Kirk	Andy Gardner
Hopkins Schools & Communities in Partnership	Rebecca Schack	Alisha Gray
Hopkins Community Ed Advisory Council	Vacant	Kelly O'Dea
Juvenile Diversion (Northern Star Council)	Kissy Coakley & Brian Kirk	Scott Boerboom
Minnetonka Family Collaborative (SD #276)	Vacant	Alisha Gray
Minnetonka Fire Fighters Relief Association	Brad Wiersum	John Vance & Darin Nelson
*Minnetonka SD Community Ed Advisory Council	Kissy Coakley	**Sara Woeste
Minnetonka SD Schools/Cities	Brad Wiersum	City Manager
Minnetonka SD Tonka Cares	Brad Wiersum	Vacant
*Music Association of Minnetonka (MAM)	Vacant	**Kelly O'Dea
SW Twin Cities Beyond the Yellow Ribbon	Vacant	Andrew Wittenborg
*West Hennepin Affordable Housing Land Trust	Brad Wiersum	Julie Wischnack & Alisha Gray
*Wayzata Schools Cmty Collaboration Council	Bradley Schaeppi	**Alisha Gray
Hopkins SD Community Ed Advisory Council	NA	Kelly O'Dea