



**Agenda  
Minnetonka City Council  
Regular Meeting  
Monday, August 23, 2021  
6:30 p.m.  
Council Chambers**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Carter-Calvert-Schaeppi-Coakley-Kirk-Schack-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
  - A. July 19, 2021 study session
  - B. August 9, 2021 regular meeting
  - C. August 9, 2021 special meeting
6. Special Matters:
  - A. Retirement Recognition for City Manager Geralyn Barone  
Recommendation: Recognize Geralyn Barone
  - B. Hispanic Heritage Month Proclamation  
Recommendation: Read the proclamation
  - C. National Suicide Prevention and Action Month Proclamation  
Recommendation: Read the proclamation
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda

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9. Bids and Purchases:
  - A. Items related to Ridgedale Area Park Improvements project  
Recommendation: Award the agreement, approve the contract, and amend the CIP (5 votes)
10. Consent Agenda - Items Requiring a Majority Vote:
  - A. Resolutions pertaining to levying the 2021 Special Assessments  
Recommendation: Adopt the resolutions, order the preparation of special assessment rolls and set the date for the public hearing (4 votes)
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances:
  - A. Ordinances amending City Code 1120 (small cell wireless) and 1105 (driveways), regarding right-of-way management  
Recommendation: Introduce the ordinances (4 votes)
13. Public Hearings:
  - A. Temporary on-sale liquor license for Unmapped Brewing, LLC, 14625 Excelsior Blvd  
Recommendation: Hold the public hearing and grant the license (5 votes)
14. Other Business:
  - A. Resolution amending Minnetonka Firefighters Relief Association lump sum pension benefit  
Recommendation: Adopt the resolution (4 votes)
15. Appointments and Reappointments: None
16. Adjournment

**Minutes  
City of Minnetonka  
City Council Study Session  
Monday, July 19, 2021**

**Council Present:** Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Rebecca Schack, Bradley Schaeppi and Mayor Brad Wiersum

**Staff:** Geralyn Barone, Mike Funk, Julie Wischnack, Alisha Gray, Drew Ingvalson, Loren Gordon, Susan Thomas, Ashley Cauley and Sara Woeste

**Guests:** Cathy Bennett, Bob Cunningham, Alex Frank, Cecile Bedor and Carl Runck

Planning Commissioners Josh Sewall, John Powers, Matt Henry and Alex Hanson

EDAC Commissioner Ann Duginske Cibulka

Charter Commissioners Terry Schneider and Linnea Sodergren

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

**1. Reports from City Manager & Council Members**

Wiersum welcomed those in attendance and provided introductory comments.

City Manager Geralyn Barone highlighted the Boards and Commissions Banquet scheduled for Wednesday, July 21.

**2. Urban Land Institute Presentation on Navigating Your Competitive Future**

Cathy Bennett of the Urban Land Institute provided background on the organization and gave the “Navigating Your Competitive Future” presentation. She then provided an overview of Minnetonka-specific and Hennepin County housing, development, income, and employment statistics.

Panelists Bob Cunningham, Alex Frank, Cecile Bedor, and Carol Runck each introduced themselves.

Bennett facilitated a panel discussion of questions related to market trends in housing, mixed-use redevelopment projects, partnerships between cities and the development community, metrics to support affordability and strategies for putting cities in a position to be economically competitive.

Councilmembers and Planning Commissioners offered their questions and comments to the panel and staff.

Wischnack thanked the council and commission members for attending and for their collaboration with staff on these issues.

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**3. Adjournment**

Mayor Brad Wiersum adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Kyle Salage  
Elections Specialist

**Minutes  
Minnetonka City Council  
Monday, August 9, 2021**

**1. Call to Order**

Mayor Brad Wiersum called the meeting to order at 6:32 p.m.

**2. Pledge of Allegiance**

All joined in the Pledge of Allegiance.

**3. Roll Call**

Council Members Rebecca Schack, Kissy Coakley, Deb Calvert, Susan Carter, Brian Kirk and Brad Wiersum were present.

**4. Approval of Agenda**

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

**5. Approval of Minutes:**

**A. July 26, 2021 regular meeting**

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

**6. Special Matters: None**

**7. Reports from City Manager & Council Members**

Acting City Manager Julie Wischnack reported on upcoming city events and council meetings. It was noted the mask requirement was back in place at all city facilities. The temporary water restrictions were reviewed with the council.

Carter thanked Acting City Manager Wischnack for her detailed report. She commented on the masking update and encouraged residents to offer grace to city staff members and to be grateful for the fact Minnetonka gets it right most the time. She thanked City Manager Geralyn Barone for doing the right thing on behalf of her and all Minnetonka residents.

Calvert agreed with Councilmember Carter and stated she agreed with staffs decision regarding the mask mandate. She explained these decisions are being made to keep people alive.

Schaeppi thanked staff and the contractors for doing great work along Groveland Road.

Schaeppi stated on Wednesday, August 18 at the Minnetonka Community Center an informational meeting would be held regarding the Minnetonka Boulevard trail project.

Schaeppi discussed the *Star Tribune* article that was recently published regarding suburban zoning. He indicated a one size fits all approach may not work with all cities in the metro area. He commented on the city's 2040 comprehensive plan and reported there was still work for the city to do when it came to affordable housing. He encouraged staff to bring this topic back to the council at a future meeting.

Schaeppi commented on the mask mandate and explained he supported the council weighing in on this issue at a future meeting.

Kirk indicated he read the same *Star Tribune* article as Councilmember Schaeppi.

Kirk believed the mask mandate was appropriate and was keeping in line with the CDC and Hennepin County Health requirements as much as possible. He supported the city protecting everyone in Minnetonka. He wished that the mask mandate was not required, but in order to protect everyone he supported staffs decision. He encouraged all residents in Minnetonka to get vaccinated.

Kirk commented on the ride along he completed on Night to Unite. He thanked all who participated in Night to Unite.

Schack stated she supported the mask mandate that was approved by city staff and the emergency management group. She understood that staff had to make unpopular decisions at times and she thanked staff for their efforts on behalf of the community.

Calvert explained the city was following the scientists and medical experts from the CDC and MDH to make these decisions.

Calvert commented on the community events she attended for Night to Unite. She thanked all of the residents who participated and were able to make donations to the ICA food shelf.

Calvert indicated she attended the employee appreciation picnic and the electric car show at Lone Lake Park.

Calvert reported she attended a National League of Cities Energy, Environment and Resources Committee meeting, a League of Minnesota Cities Elections Task Force meeting, and training for how to respond to antisemitism for Jewish elected officials.

Calvert stated the most fun event she attended in the past two weeks as the Ridge Point ice cream social.

Coakley explained she attended several Night to Unite events but decided to not participate in any ride alongs. She noted she was invited to attend a party off of Highland Terrace in her ward. She thanked the Dwight family for inviting her to their party. She indicated she also attended a party in her neighborhood.

Coakley reminded the city council that not all children from the BIPOC community may enjoy being involved with the police. She encouraged the council to consider not all communities feel safe around the police.

Wiersum discussed his involvement in the Tour de Tonka and stated he was pleased the rain stopped in order to allow participants to get their ride in.

Wiersum commented throughout the pandemic what the city has done has been remarkably consistent. He reported the objective of the city was to keep people safe. He indicated the city does not spend taxpayer dollars on primary scientific research, because this has been done already by other entities. He discussed the operating structure within the city and explained Minnetonka was run by the city manager and not the mayor or city council. He reported the mayor and council makes policy decisions, not day to day operating decisions.

Wiersum discussed the article that was printed in the *Star Tribune* and explained the city council understood the importance of diversifying the city's housing stock.

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

Christian LaBarbera, 113 Towns Road, stated he did not understand why youth had to be masked while skating whether in practice or in competition. He explained he appreciated the information the mayor provided regarding the city's governance but noted there was a lot of deference to the CDC and the recommendations made by the CDC. He reported the CDC was recommending masks and were not requirements or mandates. He stated outside of N95 or KN95 masks, the efficacy of mask usage was inconclusive at best. He commented when it came to recreation facilities and with children skating, he would like to see the mask requirement be strongly recommended, but not

required. He indicated he could support all fans and spectators being masked. He feared that the actions that were taken by staff were done in haste and there isn't an explanation outside of deferring to the CDC. He reported he was concerned when the masks would get dialed back.

Wiersum commented the emergency management team meets weekly and staff heard these comments.

Suzie Nelson, 16101 Kensington Court, asked how the mask mandate would be enforced. She commented on the numbers at this time and noted according to the CDC the seven day average for COVID cases in Hennepin County was 1,336 out of a population of 1.266 million. She reported this was 0.1% of the county's population and 77% of Hennepin County's residents age 12 and up were already vaccinated. She stated only 2.26% of hospital beds in Hennepin County were occupied by COVID patients. She indicated the current seven day average for COVID deaths in Hennepin County was 1. She asked if the mask mandate was necessary given the data, especially for those working out. She explained she would support peoples right to mask up, but encouraged the city to allow residents to make their own measured and thoughtful decisions. She reported there were rinks and fitness centers within 10 minutes of Minnetonka that did not require masks. She questioned how effective the city's decision would be given the fact residents and employees would be in buildings outside of the community that do not require masks. She encouraged the city to reverse its decision regarding masks and make masks optional.

**9. Bids and Purchases: None**

**10. Consent Agenda – Items Requiring a Majority Vote:**

**A. Tolling agreement in stormwater pond litigation**

Schack moved, Calvert seconded a motion to approve the tolling agreement. All voted "yes." Motion carried.

**11. Consent Agenda – Items requiring Five Votes: None**

**12. Introduction of Ordinances:**

**A. Items relating to Goddard School, a daycare facility, at 14900 Highway 7**

City Planner Loren Gordon gave the staff report.

Calvert stated this was a very tight site and understood several high priority oak trees would be lost. She commented the site would not accommodate tree



replacement and shrubs would be planted instead. She encouraged the applicant to work with city staff to replant trees onsite or somewhere else in order to assist in reducing the urban heat island. Gordon explained this was discussed by staff and noted the grading of the playground would be revisited.

Kirk moved, Carter seconded a motion to approve the introduction of the ordinance and refer it to the planning commission. All voted "yes." Motion carried.

**B. Ordinance authorizing the sale of a portion of city-owned property at 14840 Highway 7**

Acting City Manager Julie Wischnack gave the staff report.

Kirk moved, Carter seconded a motion to approve the introduction of the ordinance and refer it to the planning commission. All voted "yes." Motion carried.

**13. Public Hearings:**

**A. Temporary on-sale liquor license for The Rotary Club of Minnetonka Foundation, 14350 County Road 62**

Acting City Manager Julie Wischnack gave the staff report.

Wiersum opened the public hearing.

Chris Roselund, representative of the Rotary Club of Minnetonka, thanked the council for considering his request. He reported the Rotary Club met every Wednesday at the Eisenhower Community Center from 7:15 a.m. to 8:30 a.m. He discussed the importance of getting back out in the community to raise funds at the Links and Libations golf scramble, silent auction and raffle. He commented on how the funds raised by the Rotary Club benefit the community. He encouraged residents to consider participating in event or making a donation to the Rotary Club of Minnetonka.

Wiersum reported this was a great event.

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

Schack moved, Calvert seconded a motion to hold the public hearing grant the license. All voted "yes." Motion carried.

**14. Other Business:**

**A. Resolution for the Tonka-Woodcroft Improvements Project**

Public Works Director Will Manchester gave the staff report.

Carter explained this was her neighborhood. She anticipated there were 300 to 400 homes in the project area. She questioned how staff would reach out to each homeowner to have them understand how their property would be impacted. Manchester encouraged residents to reach out to Mitch Hatcher to have a one on one conversation at the property to talk through concerns about the project.

Kirk stated he was pleased a boxed trench would be used and asked if this can be done to assist in saving more trees. Manchester reported the city uses box trenches for OSHA reasons and explained the city works with a contractor in order to save trees.

Schaeppi commented this was a relatively complex project and he appreciated all of the best management practices that were included. He inquired if a tree were removed and replaced would it be planted in the right of way. Manchester indicated all replanted trees would have to be put in the right of way.

Schaeppi asked how the council could vote to approve additional funding for tree replacement. Manchester explained that in 2016 the council decided to do a tree replacement for the Libb's Lake project. He commented a voucher program was created to assist with tree replacement.

Schaeppi supported the city council pursuing a tree voucher program for this project.

Calvert thanked Councilmember Schaeppi for asking about the trees. She understood a lot of thought went into this project and she appreciated the work. She explained the trees in this neighborhood were truly special. For this reason, she implored all working on this project to save as many trees as possible or to offer vouchers for those that are lost. She requested further information on why the city was considering a ribbon curb for portions of the project area. Manchester stated ribbon curb was being proposed in the area of the buffer strips because it works well for water runoff when there is not much elevation relief.

Wiersum stated this was a very big project for the city to take on. He discussed the additional storm sewer infrastructure and asked if there would be any outlets in residential yards. Manchester commented he did not think the outlets would be an issue as they were fairly isolated.

Wiersum opened the meeting for public comments.

There were no comments from the public at this time.

Calvert encouraged staff to work to save as many trees as possible in the project area. She explained she was excited about the proposed pollinator gardens.

Carter stated her neighborhood needed these improvements and she looked forward to having this project completed.

Wiersum discussed the great job staff did in saving and protecting trees throughout the Libb's Lake project.

Carter moved, Calvert seconded a motion to adopt Resolution 2021-071. All voted "yes." Motion carried.

**B. Resolution for the Ridgedale Drive Trail Project and agreement with Xcel Energy**

Public Works Director Will Manchester gave the staff report.

Schack asked if the neighborhood engagement on this project has been fairly minimal. Manchester reported this was the case. He stated the watermain was being worked on at this time and noted the only concerns he has heard were regarding driveway access.

Schaeppi explained he was looking forward to this route being completed. He questioned what type of base coat would be used for this trail. Manchester commented on the base coat and noted compaction was key to ensure the trail did not settle.

Schack commented this was a low profile but very useful connection for the city.

Calvert concurred and suggested staff try to hold one more neighborhood meeting for this project.

Wiersum reported this trail segment was noteworthy because it would provide residents with safe passage across the city's interstates. In addition, this trail would lead from residential areas both west of I-494 and south of I-394 to some of the most significant commercial areas of the city. He indicated this trail would safely open up walking or biking to a significant part of the city, which could promote alternative modes of transportation for residents versus driving. He stated he was supportive of the proposed trail.

Schack moved, Calvert seconded a motion to adopt Resolution 2021-072, approve the agreement and amend the CIP. All voted "yes." Motion carried.

**15. Appointments and Reappointments:**

**A. Appoint Acting City Manager**

Acting City Manager Julie Wischnack gave the staff report.

Wiersum asked if Mr. Funk were to revert to the assistant city manager his salary would return to assistant city manager salary. Wischnack reported this was the case.

Calvert discussed the great work Mr. Funk was completing on behalf of the City of Minnetonka and noted she would be supporting this appointment.

Carter commented she was very grateful the city had Mr. Funk in place as an assistant city manager and she was grateful he was willing to step up and serve as the acting city manager in the interim.

Calvert moved, Carter seconded a motion to approve the appointment. All voted "yes." Motion carried.

**16. Adjournment**

Calvert moved, Kirk seconded a motion to adjourn the meeting at 8:31 p.m. All voted "yes." Motion carried.

Respectfully submitted,

Becky Koosman  
City Clerk

**Minutes  
Minnetonka City Council  
Special Meeting  
Monday, Aug, 9, 2021**

**Council Present:** Deb Calvert, Susan Carter, Kissy Coakley, Brian Kirk, Rebecca Schack, Bradley Schaeppi and Mayor Brad Wiersum.

**Staff:** Julie Wischnack, Corrine Heine, Will Manchester and Phil Olson

**1. Call to Order**

Wiersum called the meeting to order at 6:00 p.m.

**2. Roll Call**

Schack, Calvert, Schaeppi, Coakley, Kirk, and Wiersum were present.

Carter arrived at 6:05 p.m.

**3. Motion to convene in closed session in the Shady Oak Room, pursuant to Minnesota State Statute § 13D.05, subd. 3(b), for the purpose of discussing pending litigation in *In re Municipal Stormwater Pond Coordination Litigation*.**

City Attorney Corrine Heine provided a report on the litigation to be discussed in the subsequent closed session.

Kirk moved, Calvert seconded a motion to convene in closed session in the Shady Oak Room.

All voted "yes". Motion passed.

Council entered closed session at 6:03 p.m.

**4. Reconvene in Open Session**

Council reconvened in open session at 6:30 p.m.

**5. Adjournment**

Calvert moved, Schack seconded a motion to adjourn the meeting at 6:32 p.m.

All voted "yes". Motion passed.

Respectfully submitted,

Kyle Salage,  
Elections Specialist



**City Council Agenda Item 6A  
Meeting of August 23, 2021**

**Title:** Retirement recognition for City Manager, Geralyn Barone

**Report From:** All City Leadership

**Submitted through:** Mike Funk, Assistant City Manager

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**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

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**Summary Statement**

The city has a practice of recognizing city employees upon their retirement. City Manager, Geralyn Barone is retiring on Sept. 10, 2021.

**Recommended Action**

Recognize Geralyn Barone upon her retirement.

**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: ALL OF THE ABOVE!

**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]

Statement: Geralyn's fiscal management of the city needs no explanation – impeccable!

**Background**

Geralyn Barone, a City of Minnetonka employee since 1994, was appointed as city manager in 2012. She previously served Minnetonka as assistant city manager and director of administrative services. She has been dedicated to creating a culture of organizational excellence, including a specific focus on diversity, equity, and inclusion.

Ms. Barone holds a bachelor's degree in political science from the University of Minnesota and a master's degree in public affairs from the Humphrey School at the University of Minnesota.

Ms. Barone's impact extends well beyond Minnetonka. She has served in leadership roles for countless professional organizations, boards, and committees. In 2019, Barone received the Minnesota Women in City Government's Leadership Award for her emphasis on encouraging women leaders in government administration.

Geralyn's footprint is definitely ingrained within the City of Minnetonka, but she also has had a significant influence on other organizations that aid the city in providing its high-quality services. Geralyn was an active member of the LOGIS consortium's executive board from July 2006 to July 2018, providing guidance and direction during a time that saw exponential growth in technology and service delivery.

### **Departments**

***Administration*** - Prior to becoming city manager, Geralyn was assistant city manager, which included the role of director of administrative services. During this time, she effectively led the administration department, including the following four divisions: human resources, information technology (IT), communications, and city clerk. Administration is the vehicle that supports the organization, and while the administration department is often behind the scenes, this is where Geralyn made a significant impact. Creating the city's shared values and the MERIT program has formed a positive work culture and a desirable place to work. It's no accident that Minnetonka is well-known and respected for its strong leadership. Change is inevitable, and Geralyn has been a champion of best practices and supporting staff when process improvement ideas surface. It goes without saying that Geralyn was instrumental in creating the solid foundation that is recognized today.

***Community Development*** - Geralyn has led the city through its many changes and evolutions, and that is notable with her work with development issues. Her leadership during the 2010 Comprehensive Plan was needed and allowed the plan to be developed with all city functions in mind. With respect to certain projects, she was able to manage highly controversial projects like the Glen Lake redevelopment, Chabad Community Center, and Highland Bank redevelopment. In all of the projects, she ensured that all voices were heard, considered, and received a response. Geralyn's creativity and open-mindedness also led the city to achieve great public projects like the Ridgedale Vision, Opus Placemaking, and the new light rail line.

***Legal*** - Geralyn adheres to high ethical standards, always ensuring that her recommendations to the council and her own decisions comply with applicable legal requirements. She uses legal advice proactively to avoid putting the city at unnecessary risk, yet she is not afraid to look at new and innovative ways of doing the city's work.

***Recreation*** - Geralyn is an advocate for a safe and healthy community which ties in perfectly with the mission of the Recreation department. Geralyn's continued support for recreation programs and facilities help ensure a healthy lifestyle for all in Minnetonka. Under Geralyn's leadership, the City of Minnetonka purchased the Williston Fitness Center, partnered with Hopkins School District in the building of the Lindbergh Center, and created (and funded) the Trail Improvement Plan that will build out Minnetonka's trail system for current and future generations to enjoy. Her most amazing accomplishment was leading the city through the 15 million dollar bond referendum that resulted in parks renewal and open space preservation.

**Public Works** - Geralyn, by example, has led the city through a culture of high respect and integrity. She has been a strong advocate for the maintenance and replacement of the city's infrastructure system, as well as essential day-to-day operations and core services. Under her leadership, the city completed the first street and utility neighborhood reconstruction projects, in which full utility replacement of watermain and sewer was included. She recognized the need to update city hall in order to provide new efficiencies to staff as well as meet the demands of the current workforce. She also understood the importance of fiscal responsibility and held staff to high standards in their work, including capital projects, budgeting, and purchasing of equipment. Her detail-oriented analysis of city projects was a tremendous asset during the development of the Ridgedale area. This includes the westbound onramp at I-394, the public/private partnership project at Ridgehaven Lane, and the reconstruction of Ridgedale Drive, creating a pedestrian safe parkway with the city's first-ever roundabouts. Her value on the importance of the city's natural resources, parks, and open space has been a true asset. Ms. Barone's efforts related to public works have been nothing short of perfection and have created lasting impacts for years to come.

**Police** - As city manager, Geralyn holds herself and staff to a high standard. She is fair, approachable, and a strong, effective leader. Geralyn supports the police department through a shared vision of creating a safe environment for all who live, work, and visit Minnetonka.

Geralyn recognized the need to remodel the police facility to accommodate department growth and to ensure continued excellent police services. Geralyn's support of the police department is evident in our facility, training, equipment, and officer safety and well-being. She has consistently expressed compassion and concern for police employees and their families when critical incidents occurred, or family situations have impacted police staff and their personal lives.

Under her leadership, the City of Minnetonka-Police Labor Management Committee (LMC) was created to provide a means of communication between employees and management personnel. Geralyn's guidance in the labor management committee has created an environment of openness, mutual respect, and trust. Together, members of the LMC have solved problems, improved communication, and increased job satisfaction.

**Fire** - Geralyn's ability to navigate the changing climate with paid-on-call firefighters and understanding that the delivery model has to change is invaluable. Major issues such as consolidation of the dispatch center with the county, fire and life safety initiatives, particularly cancer prevention measures, were handled well and efficiently. Under her leadership, there is an environment of collaboration, especially between fire and police departments. She also supported and led the refurbishment of the satellite fire stations (that were outdated and needed repair). Of course, most recently, her support of the public safety remodeling and expansion was invaluable. Geralyn is a champion and mentor for the shared values and encourages firefighters and all city employees to integrate them into their daily work.

**Finance** - Geralyn's calm, thoughtful, genuine, and steady demeanor serves her well when it comes to the financial positioning of the city. Her foresight for long-range financial planning has aided the city in maintaining its Aaa bond rating throughout her tenure, which is the highest rating a city can receive and places Minnetonka in a small percentage of cities nationwide. Her demeanor is remarkable for problem-solving anything and everything that comes her way. The financing of the public safety facility renovation and expansion was no small feat. After the initial bids came in significantly higher than estimated, she retooled the



approach to the project to find alternative solutions, which are proved successful as ribbon cutting for the facility will be held just prior to her retirement date.

### **Summary**

There are many positive words in this report that describe Geralyn. The heartfelt thoughts and noted accomplishments from each of the city's directors indicate how important and involved she was in each area of city services. Anyone who knows Geralyn understands that she is fair, consistent, and strives to do the right thing in every decision.

It should not go unnoticed that Geralyn was also a leader that truly cared about her fellow employees. You see her checking in on someone with a sick family member, congratulating someone on a new life event, or attending services for fellow employees who lost a loved one. That happens often and consistently.

We would be remiss in not mentioning that her time with Minnetonka was also when she raised a family with her husband, Mike. Her very young children, at the time of her start with Minnetonka, are now grown adults. Her ability to balance that responsibility and to serve this community at the same time is unmatched. It is with great sadness for us, but excitement for her, that we say goodbye. She exemplifies great public leadership, and Minnetonka is a better place because of her.



# City of Minnetonka Proclamation

Hispanic Heritage Month  
September 15—October 15, 2021

WHEREAS, September 15—October 15 is celebrated as Hispanic Heritage Month, celebrating the histories, cultures and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

WHEREAS, the observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson and was expanded by President Ronald Reagan in 1988 to cover a 30-day period starting on September 15 and ending on October 15; and

WHEREAS, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively; and

WHEREAS, the day of September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetonka does hereby proclaim September 15—October 15 as Hispanic Heritage Month and call upon the people of Minnetonka to celebrate the history, heritage, and accomplishments of Hispanic and Latino Americans of past and present .

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Brad Wiersum, Mayor

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August 23, 2021



# City of Minnetonka Proclamation

## National Suicide Prevention + Action Month September, 2021

- WHEREAS** September is known globally as “Suicide Prevention Month”, the National Suicide Prevention + Action Month Proclamation was created to raise the visibility of the mental health resources and suicide prevention services available in our community; and
- WHEREAS** according to the American Foundation for Suicide Prevention (AFSP), Suicide is the 10th leading cause of death among adults, and the 2nd leading cause of death among individuals between the ages of 10 and 34 in the US; and
- WHEREAS** more than 48,000 people died by suicide across the United States in 2018, with an average of 132 suicides completed daily; and
- WHEREAS** each and every suicide directly impacts a minimum of 100 additional people, including family, friends, co-workers, neighbors, and community members; and
- WHEREAS** Minnetonka publicly places its full support behind those who work in the fields of mental health, education, and law enforcement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Minnetonka does hereby proclaim September National Suicide Prevention + Action Month and call upon the people of Minnetonka to take the time to understand the importance of mental health education and recognize that taking care of ourselves and others includes taking care of mental health.

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Brad Wiersum, Mayor

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August 23, 2021



**City Council Agenda Item 9A  
Meeting of August 23, 2021**

**Title:** Items related to Ridgedale Area Park Improvements project

**Report From:** Kelly O'Dea, Recreation Director

**Submitted through:** Geralyn Barone, City Manager  
Will Manchester, Public Works Director  
Darin Nelson, Finance Director

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**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

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**Summary Statement**

The city has received the second round of bids for construction of the [Ridgedale Commons Park](#) and [Crane Lake Preserve Shelter](#). Because of increasing material costs and an ambitious design, additional funds are requested to complete the project.

**Recommended Action**

1. Award the agreement for the Guaranteed Maximum Price (GMP) amendment to H+U Construction in the amount of \$5,851,800.
2. Approve Award and Contract agreement and Assignment of Award and Contract with each of the identified contractors for the contract amounts and scopes specified, including Alternate 2.
3. Amend the 2021-2025 CIP in the amount of \$1,312,476.

**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 addition 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 \$1,312,476  
Financing sources:  Budgeted  Budget Modification  New Revenue Source  
 Use of Reserves  Other [Enter]

Statement: Staff recommends an amendment to the 2021-2025 CIP in the amount of \$1,312,476 to complete the Ridgedale Area Park Improvements project. The additional dollars will be funded through the Park & Trail Improvement Fund, utilizing park dedication fees. The use of these fees is restricted specifically for park development. The CIP did not anticipate park dedication dollars from the United Properties apartment project on Carlson Parkway. That United Properties project is moving forward and has paid \$930,000 in park dedication fees that were not reflected in the CIP. Overall, the other major park investment is within the Opus area. The CIP anticipates costs for those improvements, but that project is still in the planning and development phase with no specific timeline for construction at this point, which will allow staff sufficient time to formulate a plan for project funding including the potential of state bonding funds.

**Background**

Over the past several years, the city has been planning the Ridgedale Area Park Improvements project, including the addition of a new park adjacent to the mall. On May 24, 2021 the city council approved an agreement with H+U Construction for the Construction Manager at Risk (CMAR) delivery method to assist with project construction. The CMAR delivery method involves a commitment by the construction manager to deliver the project within a guaranteed maximum price (GMP).

Since May, H+U has acted as a consultant to the city with expertise in all construction aspects of the project including working directly with the architects and the city to look at ways to engineer the plans and specifications and has assisted with the rebidding. Changes to the bid package included:

- Procurement of separate labor and material contracts for all work items to use the city's tax-exempt status for material purchases.
- Adjusted lumber grades and specifications for exterior finish carpentry
- Adjusted garage door types
- Changed granite pavers to decorative finish concrete
- Alternative material for coping on the park building roof
- Elimination of the graphic film to the park building
- Elimination of the park building drainage board from the foundation walls due to no conditioned space below grade
- Finish changes to the precast benches

Subject: Items related to Ridgedale Area Park Improvements project

**Bid Opening**

Bids were opened for the project on August 5, 2021, in response to the call for bids in the following scope areas. The low bid results of each scope area are below as follows.

<b>Contract #</b>	<b>Contract Description</b>	<b>Contractor</b>	<b>Lowest Responsible Bid</b>
0330	Cast-In-Place Concrete	No bidders*	-
0355	Precast Architectural Site Concrete	American Artstone	\$165,000
0420	Masonry	B&D Masonry	\$225,600
0510	Structural Steel – Erection	Metcon	\$77,800
0512	Structural Steel – Supply	Sowles	\$342,450
0610	Carpentry & General Construction	Ebert Construction	\$307,700
0750	Roofing & Metal Panels	Swickerts	\$180,975
0835	Metal Bi-Fold Doors	No bidders*	-
0840	Aluminum Entrances/Storefronts/Windows & Glazing	Envision Glass	\$82,433
0965	Resilient Flooring & Tile	No bidders*	-
0984	Sound Absorbing Baffles	Architectural Sales	\$31,700
1312	Water Feature	Flair Contracting	\$979,080
2200	Plumbing & HVAC Piping	NAC	\$86,570
2300	HVAC & Ventilation	NAC	\$98,100
2600	Electrical/Communications/Fire Alarm	NAC	\$712,000
3100	Earthwork & Site Utilities	US Siteworks	\$769,366
3290	Landscaping	Precision	\$886,101
<b>Total</b>			<b>\$4,944,875</b>

\*Estimated costs for the three contracts not receiving bids are:

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

As a part of the bid opening, the city solicited nine bid alternates for possible inclusion in the project, if funds were available, based upon bids received. These items include:

<b>Alternate</b>	<b>Description</b>	<b>Lowest Responsible Bid</b>
1	Fire features	\$43,100
<b>2</b>	<b>Crane Lake shelter</b>	<b>\$280,576</b>
3	Tiered stone seat wall (west)	\$55,163
4	Tiered stone seat wall (east)	\$37,496
5	Louver fence	\$86,230
6	Extended Maintenance package	\$20,000
7	Carved stone slab	\$25,739
8	Schweiss garage door	No bids
9	Galvanized coping	No bids

Subject: Items related to Ridgedale Area Park Improvements project

Staff is recommending approval of the base bids, with the addition of alternate 2, Crane Lake Shelter, and no other alternates. The construction manager will re-bid the cast-in-place concrete and staff will present those bid results to the council for consideration in the future. The construction manager will also solicit quotes for the metal bi-fold doors and flooring and tile and the city will purchase these as part of the owner's costs.

### **Project Costs and Funding**

The project requires an additional amount of \$1,312,476. Further reduction of the project would significantly change the project parameters and alter the original design of the park. Because many of the developments in the area have contributed dollars or land for the creation of the park, it is important to continue the public private partnership that allowed this space to be created.

Staff recommends approving the current bids and amending the CIP to include all currently designed elements for the following reasons:

- The bidding environment is not predicted to improve.
- New residents/developments in the area have invested in this project.
- This is a long term community investment which implements the city's Ridgedale Vision and Placemaking objectives.

Park & Trail Improvement Fund - <b><i>approved funding</i></b>	\$7,180,000
Base Bids	\$4,944,875
Estimated costs of contracts not receiving bids	\$930,000
Owner's costs plus contingency	\$2,337,025
Crane Lake shelter alternate	\$280,576
Total Project Cost	\$8,492,476
<b><i>CIP Amendment (revenue from park dedication funds)</i></b>	<b><i>\$1,312,476</i></b>

### **Estimated Schedule**

If the city council accepts the current bids and amends the 2021-2025 CIP, construction would begin in Fall 2021 with substantial completion by the end of 2022.

## **AWARD OF CONTRACT**

THIS AWARD OF CONTRACT ("Agreement") is effective as of \_\_\_\_\_, 2021, between CITY OF MINNETONKA (hereinafter called "Owner") and \_\_\_\_\_ (hereinafter called "Contractor").

**WITNESSETH THAT WHEREAS:**

- A. The Owner solicited bids for the Ridgedale Commons and Crane Lake Preserve Park Improvements Project in Minnetonka, Minnesota (the "Project").
- B. The Contractor submitted a sealed bid dated August 5, 2021 for Work Scope Category \_\_\_\_\_ for the Project (the "Bid").
- C. The Contractor agrees to perform and complete all the provisions of the specifications and plans provided in the bidding documents and as approved by the Owner for: Ridgedale Commons and Crane Lake Preserve Park Improvements Project, City Project #S19212.
- D. The Contractor agrees that the work contemplated by this Agreement will be fully and satisfactorily completed per the milestone schedule included with the bidding documents.
- E. The Contractor agrees during the life of this agreement not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin. The Contractor will include a similar provision in all subcontracts entered into for the performance of this agreement. This agreement may be cancelled or terminated by the City, and all money due or to become due under the Agreement may be forfeited for a second or subsequent violation of the terms or conditions of this paragraph. This paragraph is inserted in this Agreement pursuant to Minn. Stat. §181.59. Violation of this paragraph is a misdemeanor.
- F. The Contractor recognizes the City is an equal opportunity employer and agrees during the life of this agreement to take affirmative action to provide equal employment opportunities without regard to race, color, sex, creed, national origin, religion, disability, age, marital status, sexual preference, or status with regard to public assistance.

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows.

- 1. The Owner hereby awards and contracts with the Contractor for Work Scope Category \_\_\_\_\_ for the lump sum amounts of its Bids as summarized below:

Labor and Owned Equipment: \$ \_\_\_\_\_

Materials: \$ \_\_\_\_\_

- 2. The Contractor shall provide to the Owner performance and payment bonds, naming the Owner and H+U Construction as co-obligees, in an amount equal to the "Contract Price" as such term is defined in the Contract (as hereinafter defined).



3. The Owner intends to assign, transfer, and set over unto H+U Construction, as Construction Manager (the "Construction Manager"), all of the Owner's right, title and interest in and to this Agreement for the Construction Manager's benefit in completing the Project. By its signature below, the Contractor hereby consents to the Owner's assignment of this Agreement to the Construction Manager pursuant to the terms of the Contract agreement provided in the bid documents. The Contractor shall execute the Contract as part of the Owner's assignment to the Construction Manager pursuant to this Agreement.

4. To the extent applicable, and to the full extent required by law, the Contractor (i) acknowledges that all provisions of Minn. Stat. § 16C.285 shall be fully incorporated herein by reference and made applicable to this Agreement and (ii) shall comply with all provisions of Minn. Stat. § 16C.285, including, without limitation, verifying under oath to Owner the Contractor's compliance and providing and updating a list of the Contractor's first-tier subcontractors retained to provide any work on the Project. The Contractor is responsible to ensure compliance with the terms of Minn. Stat. § 16C.285 by all of its subcontractors. The Contractor shall indemnify the Owner and Construction Manager for all costs, expenses and damages (including reasonable attorney's fees) incurred by the Owner or Construction Manager as a result of the Contractor's failure to comply with the terms of this section. The Contractor's failure to comply with this section shall constitute a material breach of this Agreement. All references to Minn. Stat. § 16C.285 in this paragraph shall mean the current version of such §16C.285 applicable on the date of this Agreement, including any replacement statute thereof.

5. The Contractor agrees to the terms and conditions of the Contract Documents that were provided prior submitting their bid and will execute the AIA A101-2017 agreement as provided in the bid documents.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

CONTRACTOR

OWNER

\_\_\_\_\_

CITY OF MINNETONKA

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

## **Assignment of Trade Contract**

THIS ASSIGNMENT is made and effective this day, \_\_\_\_\_, 2021, by the City of Minnetonka, a municipal corporation (“Owner”) to, H+U Construction, a Minnesota professional corporation (“Construction Manager”).

### **RECITALS**

A. Owner and Construction Manager have entered into an agreement entitled Standard Form of Construction Management between Owner and Construction Manger as Constructor, A133 – 2019 dated May 24, 2021 (“CM Agreement”) regarding the Ridgedale Commons and Crane Lake Preserve construction project in the City of Minnetonka describe therein (“Project”).

B. Construction of the Ridgedale Commons and Crane Lake Preserve has been competitively bid pursuant to Minnesota law and Owner has awarded the bid for the performance of Work Scope \_\_\_\_\_ to \_\_\_\_\_ and entered into a contract with \_\_\_\_\_ dated \_\_\_\_\_, 2021 setting forth the terms and conditions of the work, together with all other plans, specifications, addenda, general conditions, as set forth in the Trade Contract – A101 - 2019, (“Trade Contract”).

C. By this Assignment, Owner is assigning certain rights under the Trade Contract and retaining certain rights under the Trade Contract and Construction Manager is accepting and assuming those rights and obligations for the defined work under the Trade Contract.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to the following:

1. The Recitals are made a part of this Assignment
2. Except for the terms and conditions set forth below, Owner assigns all its rights, duties, and obligations under the Trade Contract to Construction Manager, who hereby assumes such rights, duties, and obligations.
3. By this Assignment, and notwithstanding any language to the apparent contrary in the CM Agreement, Construction Manager assumes direct control over the Trade Contract, including, but not limited to the scheduling of the Work described in the Trade Contract, and payments pursuant to the Contract, and Construction Manager shall utilize its authority as assignee of the Trade Contract to facilitate timely completion of the Work.
4. Owner reserves its right to order changes to and final approval of the Work. If Owner orders changes to the Work after the Effective Date of this Assignment, Owner agrees to compensate Construction Manager in accordance with the CM Agreement.

5. Construction Manager will indemnify, defend, and hold Owner harmless from any and all claims, costs, disputes, requests for equitable adjustment or any other additional recovery sought by Trade Contractor after the effective date of this Assignment, regardless of whether the facts giving rise to such claims arose prior to the Effective Date. Construction Manager shall have no obligation to indemnify, defend, or hold Owner harmless for those Owner actions or inactions that are negligent, provided, however, that alleged Owner contributory negligence alone shall not be a basis to refuse to defend Owner, but rather the defense and indemnification shall be subject to a determination of the extent of actual Owner negligence.

IN WITNESS WHEREOF, the undersigned parties have executed this Assignment effective the date first above written.

CITY OF MINNETONKA

Owner

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CONTRACTOR NAME

Contractor

By: \_\_\_\_\_

Its: \_\_\_\_\_

**CONSTRUCTION MANAGER'S CONSENT**

The undersigned Construction Manager hereby consents to this Assignment on the condition that the Contractor shall execute the Trade Contract as required by the Assignment. Upon the Contractor's execution of the Trade Contract, the Construction Manager shall execute the same.

CONSTRUCTION MANAGER

H+U CONSTRUCTION

By: \_\_\_\_\_

Its: \_\_\_\_\_

# DRAFT AIA® Document A133™ - 2019

## Exhibit A

### Guaranteed Maximum Price Amendment

This Amendment dated the «23<sup>rd</sup>» day of «August» in the year «2021», is incorporated into the accompanying AIA Document A133™-2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the «24<sup>th</sup>» day of «May» in the year «2021» (the “Agreement”)  
(In words, indicate day, month, and year.)

for the following **PROJECT:**  
(Name and address or location)

«Construction Management Services for the Ridgedale Commons and Crane Lake Preserve Park Improvements»  
« »

**THE OWNER:**  
(Name, legal status, and address)

«City of Minnetonka »« »  
«14600 Minnetonka Blvd  
Minnetonka, MN 55345 »

**THE CONSTRUCTION MANAGER:**  
(Name, legal status, and address)

«Hoffmann + Uhlhorn Construction, Inc.  
5555 W 78<sup>th</sup> Street, Suite A  
Minneapolis, MN 55439 »« »  
« »

#### TABLE OF ARTICLES

- A.1 GUARANTEED MAXIMUM PRICE
- A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- A.3 INFORMATION UPON WHICH AMENDMENT IS BASED

#### ARTICLE A.1 GUARANTEED MAXIMUM PRICE

##### § A.1.1 Guaranteed Maximum Price

Pursuant to Section 3.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager’s Fee plus the Cost of the Work, as that term is defined in Article 6 of the Agreement.

**ADDITIONS AND DELETIONS:**  
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™-2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

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§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed «Five million eight hundred fifty one thousand eight hundred dollars» (\$ «5,851,800»), subject to additions and deductions by Change Order as provided in the Contract Documents.

§ A.1.1.2 **Itemized Statement of the Guaranteed Maximum Price.** Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, including allowances; the Construction Manager’s contingency; alternates; the Construction Manager’s Fee; and other items that comprise the Guaranteed Maximum Price as defined in Section 3.2.1 of the Agreement.

(Provide itemized statement below or reference an attachment.)

«See attached Exhibit – GMP Exhibit A »

§ A.1.1.3 The Construction Manager’s Fee is set forth in Section 6.1.2 of the Agreement.

§ A.1.1.4 The method of adjustment of the Construction Manager’s Fee for changes in the Work is set forth in Section 6.1.3 of the Agreement.

§ A.1.1.5 **Alternates**

§ A.1.1.5.1 Alternates, if any, included in the Guaranteed Maximum Price:

Item	Price
No alternates are included in the GMP. If the City elects to accept an alternate or alternates, the GMP will be increased by the amount of the alternate which is stated below in section 1.1.5.2.	

§ A.1.1.5.2 Subject to the conditions noted below, the following alternates may be accepted by the Owner following execution of this Exhibit A. Upon acceptance, the Owner shall issue a Modification to the Agreement.

(Insert below each alternate and the conditions that must be met for the Owner to accept the alternate.)

Item	Price	Conditions for Acceptance
1 Fire features	\$43,100	The City must accept an alternate at the time of contract award or within 60 days of the bid date. If the City accepts an alternate outside of this timeframe, the alternate will be repriced and any decrease or increase in costs associated with the alternate will be reflected in the awarded value.
2 Crane Lake shelter	\$280,576	
3 Tiered stone seat wall (west)	\$55,163	
4 Tiered stone seat wall (east)	\$37,496	
5 Louver fence \$86,230	\$86,230	
6 Extended Maintenance package	\$20,000	
7 Carved stone slab \$25,739	\$25,739	
8 Schweiss garage door	N/A - To be contracted direct with the City	
9 Galvanized coping	\$2,150	

§ A.1.1.6 Unit prices, if any:

(Identify the item and state the unit price and quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit (\$0.00)
N/A		

**ARTICLE A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION**

§ A.2.1 The anticipated date of substantial completion established by the Amendment shall be:

(Check one of the following boxes.)

«The Owner and Construction Manager agree that the date of commencement shall be September 7, 2021 providing a building permit has been issued. The date of substantial completion shall be December 1, 2022 provided the fiber line that currently runs through the project site is relocated by October 5, 2021. »

**ARTICLE A.3 INFORMATION UPON WHICH AMENDMENT IS BASED**

§ A.3.1 The Guaranteed Maximum Price and Contract Time set forth in this Amendment are based on the Contract Documents and the following:

§ A.3.1.1 The following Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
N/A			

§ A.3.1.2 The following Specifications:  
(Either list the Specifications here, or refer to an exhibit attached to this Amendment.)

«See attached Exhibit – GMP Exhibit A»

Section	Title	Date	Pages

§ A.3.1.3 The following Drawings:  
(Either list the Drawings here, or refer to an exhibit attached to this Amendment.)

«See attached Exhibit – GMP Exhibit A »

Number	Title	Date

§ A.3.1.4 Allowances, if any, included in the Guaranteed Maximum Price:  
(Identify each allowance.)

Item
Contract 0610 contains 300 labor hours, 250 carpenter hours and \$15,000 for allowances.

§ A.3.1.5 Assumptions and clarifications, if any, upon which the Guaranteed Maximum Price is based:  
(Identify each assumption and clarification.)

- «1. Performance and Payment Bonds for the Construction Manager’s portion of the work are to be provided by the Construction Manager.
2. Performance and Payment Bonds for the work provided by publicly bid contracts are provided by the Contractors with the City and Construction Manager listed as co-beneficiaries of the bond proceeds.
3. Hazardous material handling or removal costs are excluded from the GMP.
4. All sales tax is excluded from the GMP.
5. SAC/WAC and other water/sewer charges are excluded from the GMP.
6. Special Inspection costs are excluded from the GMP.
7. Commissioning costs are excluded from the GMP.
8. FFE costs that are not specifically included in the Contract documents are excluded from the GMP.
9. Soil corrections beyond what is identified in the Geotechnical Reports are excluded from the GMP. Soil improvements at the Crane Lake site are assumed to be helical piers.

- 10. Costs for relocating the Century Link fiber line at the site are excluded from the GMP.
- 11. Costs for the White Pine Trees that are to be installed in the Forest Lounge area are excluded from the GMP.
- 12. Costs for the flooring, site lumber, and metal bi-fold doors are excluded from the GMP.
- 13. \$20,000 is included in the GMP for surveying.
- 14. DBE/MBE or other workforce goal costs are excluded from the GMP.
- 15. Winter Conditions except as proposed in the Milestone Schedule are excluded from the GMP.
- 16. Builders Risk Insurance costs are excluded from the GMP.
- 17. Natural gas and Electric service provider fees for connections are excluded from the GMP.

»

This Amendment to the Agreement entered into as of the day and year first written above.

\_\_\_\_\_  
**OWNER** *(Signature)*

« »« »

\_\_\_\_\_  
*(Printed name and title)*

\_\_\_\_\_  
**CONSTRUCTION MANAGER** *(Signature)*

« »« »

\_\_\_\_\_  
*(Printed name and title)*





**City Council Agenda Item 10A  
Meeting of August 23, 2021**

**Title:** Resolutions pertaining to levying the 2021 Special Assessments  
**Report From:** Denise Ostlund, Assessment Specialist  
**Submitted through:** Geralyn Barone, City Manager  
Darin Nelson, Finance Director

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**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**

Annual process to approve collection of special assessments related to property nuisances, diseased trees and city court fines.

**Recommended Action**

Staff recommends the council to adopt resolutions that indicate the cost of the improvements; order the preparation of special assessment rolls; and set the date for the public hearing to consider the proposed special assessments.

**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 [Enter estimated or exact dollar amount]  
Financing sources:     Budgeted     Budget Modification     New Revenue Source  
                                   Use of Reserves     Other [Enter]



**Background**

As part of the process of levying special assessments, Minnesota statutes require the city council to adopt resolutions that: 1) indicate the cost of the improvements; 2) order the preparation of special assessment rolls; and 3) set the date for the public hearing to consider the proposed special assessments. Attached are a series of resolutions regarding nuisance abatements and diseased tree removals that are proposed to be specially assessed in 2021. Each of these resolutions is associated with a separate category of improvements and each category is outlined below.

The assessments are structured on the basis of cost variances and market rates. The finance director has determined that the interest rates for the 2021 nuisance and tree special assessments will be as noted below. These interest rates are benchmarked to the current U.S. prime rate. The term and interest rate for each assessment is as follows:

<b>Nuisance and Tree Term and Interest Structure</b>		
<b>Assessment Amount</b>	<b>Term</b>	<b>Interest Rate</b>
<\$1,000	1 year	3.25%
\$1,000-\$2,999	3 years	3.25%
\$3,000-\$5,000	5 years	3.25%
>\$5,000	10 years	3.25%

The process for special assessment includes numerous communications with parcel owners and opportunities for prepayments of the assessments. Prior to determining the property must be assessed, division staff associated with the specific type of assessment have notified or worked with the property owners regarding the associated work financed by the city. After determination of assessment, staff sends a notice of hearing to each property owner and publishes the notice in the newspaper in early September. After the public hearing in September, property owners are given thirty (30) days to prepay assessments or partial assessments without an interest charge. After this first prepayment deadline, property owners are given up to 48 additional days to pay the full amount with interest until required certification to the county on November 30.

- **Privately Installed Sewer and Water Improvement Projects.** No projects to be assessed this year.
- **Nuisance Abatement Projects.** There are 28 nuisance abatement projects (including diseased tree removals) in which the city has incurred costs totaling \$118,495.36. Three of the projects were completed through the use of a Nuisance Abatement Agreement signed by the property owners for work that was needed on the properties at 2816 Plymouth Rd, 4716 Chantry Pl, and 4542 Aspenwood Tr. It is proposed that the projects be specially assessed for the full cost of the abatement. These projects are proposed to be specially assessed in accordance with Minnesota statutes and city council policies regarding the levying of these nuisance abatement projects. The amounts proposed to be specially assessed are as follows:

<b>2021 Nuisance Abatements – Project No. 4894 (1-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
N-603	18	Westwood Cir	01-117-22-21-0020	\$105.00
N-608	11405	Timberline Rd	02-117-22-44-0036	\$105.00
N-600	14841	Copperfield Pl	09-117-22-43-0039	\$105.00
N-602	9708	St Johns Rd	13-117-22-41-0045	\$105.00
N-607	9705	St Johns Rd	13-117-22-41-0073	\$105.00
N-601	14501	Minnehaha Pl	16-117-22-11-0055	\$105.00
N-606	3429	Lowell St	18-117-22-41-0010	\$105.00
N-604	12701	Lake St Extension	23-117-22-32-0039	\$105.00
N-605	18740	Old Excelsior Blvd	30-117-22-31-0003	\$105.00
N-597	11836	Pheasant La	14-117-22-43-0016	\$126.00
N-583	3670	Robin La	14-117-22-34-0046	\$552.00
			<b>Subtotal</b>	<b>\$1,623.00</b>

<b>2021 Nuisance Abatements – Project No. 4894 (3-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
N-586	2816	Plymouth Rd	10-117-22-44-0020	\$2,601.90
			<b>Subtotal</b>	<b>\$2,601.90</b>

<b>2021 Nuisance Abatements – Project No. 4894 (10-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
N-595	17200	Grays Bay Blvd	08-117-22-34-0008	\$5,591.25
N-599	4542	Aspenwood Tr	20-117-22-33-0069	\$11,824.05
N-598	4716	Chantry Pl	28-117-22-21-0020	\$51,029.48
			<b>Subtotal</b>	<b>\$68,444.78</b>

<b>2021 Diseased Tree Removal – Project No. 4902 (1-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
T-17	5730	Shady Oak Rd	35-117-22-14-0269	\$575.80
			<b>Subtotal</b>	<b>\$575.80</b>

<b>2021 Diseased Tree Removal – Project No. 4902 (3-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
T-20	4501	Burr Oak La	23-117-22-33-0036	\$1,185.46
T-16	3940	Huntingdon Dr	23-117-22-21-0038	\$1,270.14
T-14	N/A	Minnetonka Mills Rd	23-117-22-11-0034	\$2,229.80
T-19	17	Westwood Rd	01-117-22-24-0029	\$2,822.53
			<b>Subtotal</b>	<b>\$7,507.93</b>

2021 Diseased Tree Removal – Project No. 4902 (5-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
T-12	12700	Creek Rd W	14-117-22-22-0003	\$3,353.17
T-3	5309	Beachside Dr	26-117-22-44-0059	\$3,612.84
T-7	11511	Lakeview La W	11-117-22-11-0028	\$3,657.06
T-9	11800	Live Oak Dr	11-117-22-12-0023	\$4,510.40
T-2	4401	Marlborough Ct	20-117-22-34-0003	\$4,882.98
			<b>Subtotal</b>	<b>\$20,016.45</b>

2021 Diseased Tree Removal – Project No. 4902 (10-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
T-21	2431	Sherwood Hills Rd	11-117-22-13-0029	\$5,419.26
T-1	4728	Coventry Rd E	27-117-22-21-0061	\$6,096.67
T-13	14308	Brandbury Walk	27-117-22-23-0054	\$6,209.57
			<b>Subtotal</b>	<b>\$17,725.50</b>

- **City Court Fines.** Listed below are the city court fines imposed in 2021 that are proposed to be specially assessed over a one-year term, bearing an interest rate of 10 percent. This assessment is categorized as city court fines. The interest is calculated from October 1, 2021. Hennepin County charges an additional administrative fee prior to the final certification. The following is the proposed parcel to be assessed:

2021 City Court Fines – Project No. 1020 (1-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
1020	1484	Copperfield Pl	09-117-22-43-0039	\$150.00
			<b>Total</b>	<b>\$150.00</b>

## **Recommendation**

Adopt the following attached resolutions:

- 1) Resolution declaring costs for Project No. 4894 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 2) Resolution declaring costs for Project No. 4894 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 3) Resolution declaring costs for Project No. 4894 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 4) Resolution declaring costs for diseased tree removal - Project No. 4902 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 5) Resolution declaring costs for diseased tree removal - Project No. 4902 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 6) Resolution declaring costs for diseased tree removal - Project No. 4902 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 7) Resolution declaring costs for diseased tree removal - Project No. 4902 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing.
- 8) Resolution declaring costs for city court fines, Project No. 1020 (1-year), ordering the preparation of special assessment rolls, and scheduling a public hearing.

## Resolution No. 2021-

### Resolution declaring costs for Project No. 4894 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

---

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a one-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a one-year term bearing an interest rate of 3.25 percent:

2021 Nuisance Abatements – Project No. 4894 (1-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
N-603	18	Westwood Cir	01-117-22-21-0020	\$105.00
N-608	11405	Timberline Rd	02-117-22-44-0036	\$105.00
N-600	14841	Copperfield Pl	09-117-22-43-0039	\$105.00
N-602	9708	St Johns Rd	13-117-22-41-0045	\$105.00
N-607	9705	St Johns Rd	13-117-22-41-0073	\$105.00
N-601	14501	Minnehaha Pl	16-117-22-11-0055	\$105.00
N-606	3429	Lowell St	18-117-22-41-0010	\$105.00
N-604	12701	Lake St Extension	23-117-22-32-0039	\$105.00
N-605	18740	Old Excelsior Blvd	30-117-22-31-0003	\$105.00
N-597	11836	Pheasant La	14-117-22-43-0016	\$126.00
N-583	3670	Robin La	14-117-22-34-0046	\$552.00
			<b>Subtotal</b>	<b>\$1,623.00</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk's office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.
- 2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

**Resolution No. 2021-**

**Resolution declaring costs for Project No. 4894 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing**

---

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a three-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a three-year term bearing an interest rate of 3.25 percent:

<b>2021 Nuisance Abatements – Project No. 4894 (3-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
N-586	2816	Plymouth Rd	10-117-22-44-0020	\$2,601.90
			<b>Subtotal</b>	<b>\$2,601.90</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.
- 2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.



Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

## Resolution No. 2021-

### Resolution declaring costs for Project No. 4894 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

---

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a ten-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a ten-year term bearing an interest rate of 3.25 percent:

2021 Nuisance Abatements – Project No. 4894 (10-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
N-595	17200	Grays Bay Blvd	08-117-22-34-0008	\$5,591.25
N-599	4542	Aspenwood Tr	20-117-22-33-0069	\$11,824.05
N-598	4716	Chantry Pl	28-117-22-21-0020	\$51,029.48
			<b>Subtotal</b>	<b>\$68,444.78</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk's office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

## Resolution No. 2021-

### Resolution declaring costs for diseased tree removal – Project No. 4902 (1-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a one-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a one-year term bearing an interest rate of 3.25 percent:

2021 Diseased Tree Removal – Project No. 4902 (1-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
T-17	5730	Shady Oak Rd	35-117-22-14-0269	\$575.80
			<b>Subtotal</b>	<b>\$575.80</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk's office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.
- 2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

**Resolution No. 2021-**

**Resolution declaring costs for diseased tree removal – Project No. 4902 (3-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing**

---

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a three-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a three-year term bearing an interest rate of 3.25 percent:

<b>2021 Diseased Tree Removal – Project No. 4902 (3-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
T-20	4501	Burr Oak La	23-117-22-33-0036	\$1,185.46
T-16	3940	Huntingdon Dr	23-117-22-21-0038	\$1,270.14
T-14	N/A	Minnetonka Mills Rd	23-117-22-11-0034	\$2,229.80
T-19	17	Westwood Rd	01-117-22-24-0029	\$2,822.53
			<b>Subtotal</b>	<b>\$7,507.93</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk’s office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

**Resolution No. 2021-**

**Resolution declaring costs for diseased tree removal – Project No. 4902 (5-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing**

---

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a five-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a five-year term bearing an interest rate of 3.25 percent:

<b>2021 Diseased Tree Removal – Project No. 4902 (5-year term)</b>				
<b>Project No.</b>	<b>Street No.</b>	<b>Street Name</b>	<b>PID</b>	<b>Assessment Amount</b>
T-12	12700	Creek Rd W	14-117-22-22-0003	\$3,353.17
T-3	5309	Beachside Dr	26-117-22-44-0059	\$3,612.84
T-7	11511	Lakeview La W	11-117-22-11-0028	\$3,657.06
T-9	11800	Live Oak Dr	11-117-22-12-0023	\$4,510.40
T-2	4401	Marlborough Ct	20-117-22-34-0003	\$4,882.98
			<b>Subtotal</b>	<b>\$20,016.45</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk's office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.



2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

## Resolution No. 2021-

### Resolution declaring costs for diseased tree removal – Project No. 4902 (10-year) nuisance abatement projects, ordering the preparation of special assessment rolls, and scheduling a public hearing

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

Section 1. Background.

- 1.01. State law allows the city to make improvements to abate nuisances and allows the city to assess those improvement costs against the benefitting properties.
- 1.02. City code section 845.045 provides the method by which the city may abate public nuisances. The abatement may take place through an agreement with the property owner, by order of the enforcing officer, or by order of the city council.
- 1.03. Listed below are the nuisance abatement improvement projects that are proposed to be specially assessed in 2021 over a ten-year time period bearing an interest rate of 3.25 percent. These improvements are categorized as general nuisance abatements or as diseased tree removals.

Section 2. Council Action.

- 2.01. The costs for the following nuisance abatement improvement projects are proposed to be specially assessed over a ten-year term bearing an interest rate of 3.25 percent:

2021 Diseased Tree Removal – Project No. 4902 (10-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
T-21	2431	Sherwood Hills Rd	11-117-22-13-0029	\$5,419.26
T-1	4728	Coventry Rd E	27-117-22-21-0061	\$6,096.67
T-13	14308	Brandbury Walk	27-117-22-23-0054	\$6,209.57
			<b>Subtotal</b>	<b>\$17,725.50</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk's office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021, in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At this public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.

2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with state law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

---

Becky Koosman, City Clerk

## Resolution No. 2021-

### Resolution declaring costs for city court fines, Project No. 1020 (1-year), ordering the preparation of special assessment roll, and scheduling a public hearing

---

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

Section 1. Background.

- 1.01. The city charter section 8.03 and city code section 1310.050 allow the city to impose civil penalties for violations of city code and to assess those penalties against the properties that were the location of activities that resulted in the penalties.
- 1.02. City code section 1310.050 provides the method by which civil penalties may be collected in those cases where a penalty has been imposed and is not paid within the time specified.
- 1.03. Listed below are the city court fines imposed in 2021 that are proposed to be specially assessed over a one-year time period bearing an interest rate of 10 percent. These assessments are categorized as city court fines.

Section 2. Council Action.

- 2.01. The costs for the following city court fines are proposed to be specially assessed:

2021 City Court Fines – Project No. 1020 (1-year term)				
Project No.	Street No.	Street Name	PID	Assessment Amount
1020	1484	Copperfield Pl	09-117-22-43-0039	\$150.00
			<b>Total</b>	<b>\$150.00</b>

- 2.02. The city clerk is directed to calculate the special assessment rolls to show the proper amount to be specially assessed against each designated property. The city clerk is also directed to keep a copy of the proposed special assessment rolls in the clerk's office for public inspection.
- 2.03. A public hearing will be held on September 13, 2021 in the council chambers of the City of Minnetonka at 6:30 p.m. to consider the proposed special assessments. At the public hearing, all persons owning affected property will be given an opportunity to be heard with reference to the special assessments.
- 2.04. The city clerk is directed to publish notice of the public hearing one time in the official newspaper at least two weeks prior to the hearing and to mail notice of the public hearing to the owner of each parcel described in the assessment rolls, in accordance with applicable law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

---

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 August 23, 2021.

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Becky Koosman, City Clerk



**City Council Agenda Item 12A  
Meeting of August 23, 2021**

**Title:** Ordinances amending City Code 1120 (small cell wireless) and 1105 (driveways), regarding right-of-way management

**Report From:** Phil Olson, PE, City Engineer  
Susan Thomas, AICP, Assistant City Planner  
Sarah Krake, Right-of-Way/Property Coordinator

**Submitted through:** Geralyn Barone, City Manager  
Corrine Heine, City Attorney  
Will Manchester, PE, Director of Public Works  
Julie Wischnack, AICP, Community Development Director

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**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

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**Summary Statement**

City code allows for certain private uses of public right-of-way by permit, including gas main, power poles, and telecommunications infrastructure as well as private roads, driveways, etc. Two sections of the city code are proposed for changes, which will add flexibility to regulations associated with small cell wireless facilities and driveways.

**Recommended Action**

Staff recommends the council introduce the ordinances.

**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: Ordinance amendments add flexibility to right-of-way regulations while maintaining capital assets and ensuring reliable services to residents.

**Financial Consideration**

Is there a financial consideration?     No     Yes  
Financing sources:     Budgeted     Budget Modification     New Revenue Source

Use of Reserves       Other

Statement: N/A

### **Background**

Two sections of the city code that relate to the management of the city right-of-way are proposed for updates. The purpose of introducing an ordinance is to give the city council the opportunity to review the ordinance prior to formal consideration. Introducing an ordinance does not constitute approval.

#### **Small Cell Wireless Facilities (Chapter 11, Section 1120):**

It is the goal of the city to encourage collocation of small cell wireless facilities on existing or replacement structures. Unfortunately, there are some provisions of the existing right-of-way management ordinance that conflict with this goal. Staff is proposing amendments to the ordinance to: (1) remove these conflicts and (2) ensure compliance with state and federal law.

The location of small cell wireless facilities within public right-of-way is regulated by federal and state law and local ordinances. By law:

- Small cell wireless facilities may be collocated on existing or replacement support structures within the public right-of-way of any zoning district. No special zoning approval is required. Rather, these facilities are only subject to the provisions of the city's right-of-way management ordinance. Applications for such facilities are reviewed and approved administratively by city engineering staff.
- Small cell wireless facilities may be located on new structures within right-of-way of office, commercial, industrial and high-density residential areas. Again, no special zoning approval is required. City engineering staff reviews and approves facilities that comply with the provisions of the right-of-way management ordinance.

Staff is proposing amendments to the right-of-way management ordinance to reduce obstacles to collocation and to ensure compliance with state law.

- **Enclosed Design and Metal Structures.** Under the existing ordinance all new and replacement structures must be: (1) an enclosed design; and (2) constructed of aluminum or steel. Many Xcel Energy distribution line poles are wooden. Generally, when agreeing to a collocation request, Xcel requires installation of replacement poles to accommodate both their components and the small cell wireless facility. Wooden distribution line poles may only be replaced with wooden replacement poles. Essentially, the existing ordinance makes it very difficult for wireless providers to collocate on Xcel Energy distribution line poles. Under the proposed ordinance, only new structures would need to be of an enclosed design and constructed of metal. Replacement structures could be of the same material as the existing structure.
- **Concealment.** Under the existing ordinance, the various components of a small cell wireless facility must be concealed. On wooden poles, it is very difficult to conceal components located below utility lines. Under the proposed ordinance, concealment of the components would be required only "when feasible;" if Xcel Energy policy regarding replacement poles or wireless technologies change in the future, concealment may be easier. Note, no change is

proposed to the current requirement that small cell antennas themselves be concealed. Antennas must be top-mounted and concealed within a radome enclosure.

- Separation from utility poles. Under the existing ordinance, new support structures must maintain a minimum separation from “existing wireless support structure[s] or utility pole[s].” As was noted during the recent review of proposed Verizon installations on new support structures, the “utility pole” reference is not enforceable under state law. Under the proposed ordinance, this reference is removed.

#### Driveway Standards (Chapter 11, Section 1105)

City code specifies the requirements for constructing new driveway approaches across public right-of-way or reconstructing existing driveway approaches. These standards ensure that both the number of access points and the size of driveway approaches are reasonable for the neighborhood both from an appearance standpoint and for ongoing city maintenance activities, such as plowing.

When existing driveways are replaced or modified, staff regularly requires these approaches to be modified to conform to city code requirements. In certain situations, there are driveway approaches that do not meet the city code but due to peculiar situations, are within reason and have not historically caused maintenance concerns. The proposed city code modifications would give city engineering staff more flexibility to deviate from city code due to these situations and when reasonable.

The proposed code changes also lays out a more formal appeal process for applicants wanting more flexibility than staff deems reasonable. This process includes an appeal to the public works director who may affirm, reverse, or modify the engineer’s decision. The process then includes an option for the applicant to appeal to the city council.



**Ordinance No. 2021-**

**An ordinance amending city code sections 1120.063,  
regarding small cell wireless facilities**

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The City Of Minnetonka Ordains:

Section 1. Section 1120.063, subdivision 4(a) of the Minnetonka City Code, regarding small cell wireless facility conditions, is amended to read as follows:

a. Wireless support structures: All ~~city or privately owned new~~ wireless support structures placed within the city shall be of a fully enclosed ~~desgin~~ design such that the maximum amount of facilities, including any wiring, are concealed inside the structure or below ground. ~~All wireless support structures, whether existing, new or replacement~~ In addition, all new wireless support structures, must:

- 1) be constructed of aluminum or steel;
- 2) be the same color as neighboring, similar support structures and of the same design characteristics;
- 3) where constructed as a light pole, luminaire(s) and luminaire arm(s) must match adjacent city lighting standard and must contain an LED fixture in accordance with city specifications.

Replacement structures may be of the same material as the existing structure.

Section 2. Section 1120.063, subdivision 4(d) of the Minnetonka City Code, regarding small cell wireless facility conditions, is amended to read as follows:

d. Concealment: When feasible, Cconcealment elements must be incorporated into the proposed design of the small wireless facility installation, ~~;~~ and must include approved such elements may include camouflaging or shrouding techniques.

Section 3. Section 1120.063, subdivision 4(g) of the Minnetonka City Code, regarding small cell wireless facility conditions, is amended to read as follows:

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The ~~stricken~~ language is deleted; the single-underlined language is inserted.

g. Location criteria for new or replacement wireless support structures.

1) New support structures: When feasible, ~~Any~~-new wireless support structures must be placed:

a) a minimum of two lot lines, or approximately 200 feet, whichever is greater, from any existing wireless support structure ~~or utility pole~~ on the same side of the street or right-of-way, and one lot line or approximately 100 feet, whichever is greater when on the opposite sides of the street or right-of-way.

Section 4. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Brad Wiersum, Mayor

Attest:

\_\_\_\_\_  
Becky Koosman, City Clerk

**Action on this ordinance:**

- Date of introduction:
- Date of adoption:
- Motion for adoption:
- Seconded by:
- Voted in favor of:
- Voted against:
- Abstained:
- Absent:
- Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Becky Koosman, City Clerk

\_\_\_\_\_  
The ~~stricken~~ language is deleted; the single-underlined language is inserted.

**Ordinance No. 2021-**

**An ordinance amending city code sections 1150.030 and 1105.060  
regarding driveways, approaches and entrances**

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The City Of Minnetonka Ordains:

Section 1. Section 1105.030 of the Minnetonka City Code, regarding issuance of permit, is amended to read as follows:

A permit may be issued by the city engineer if he/she determines that the applicant has complied with the terms of this ordinance and paid the permit fee. The city engineer may approve the driveway as requested or with stipulated changes that are reasonably necessary for the public safety and welfare. The city engineer may refuse to issue a permit when, in the engineer's judgement, the requested construction would pose an unreasonable hazard to the public. The applicant may appeal a denial by submitting a written request to the director of public works within 10 calendar days after the date of the engineer's denial. The director may affirm, reverse or modify the engineer's decision. The applicant may appeal the director's decision to the city council by submitting a written request to the city clerk within 10 calendar days after the date of the director's decision. The appeal will be placed on the next regular council meeting agenda for consideration. The city council may affirm, reverse or modify the ~~engineer's~~ public works director's decision or, in appropriate cases, approve a variance under section 1105.080. The city council's decision, or a decision of the city engineer or director of public works that is not timely approved, is final.

Section 2. Section 1105.060, subdivision 9 of the Minnetonka City Code, regarding driveways, is amended to read as follows:

9. When an existing garage or driveway on a residential lot is enlarged, reconstructed, improved, or otherwise modified, or when a city improvement project is completed adjacent to the property, the city engineer may require that the driveway be brought into compliance with all provisions of this section 1105.060.

Section 3. Section 1105.060, subdivision 10 of the Minnetonka City Code, regarding driveways, is added to read as follows:

10. The city engineer may deviate from the provisions of this section 1105.060 when the driveway approach request arises from peculiar physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property, as deemed reasonable and appropriate by the city engineer.

Section 4. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Aug. 23, 2021.

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The ~~stricken~~ language is deleted; the single-underlined language is inserted.

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Brad Wiersum, Mayor

Attest:

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Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction:

Date of adoption:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Aug. 23, 2021.

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Becky Koosman, City Clerk



**City Council Agenda Item 13A  
Meeting of August 23, 2021**

**Title:** Temporary on-sale liquor license for Unmapped Brewing, LLC,  
14625 Excelsior Blvd

**Report From:** Fiona Golden, Community Development Coordinator

**Submitted through:** Geralyn Barone, City Manager  
Julie Wischnack, AICP, Community Development Director

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**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

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**Summary Statement**

The city has received an application for a temporary on-sale liquor license from Unmapped Brewing, LLC, for a hop-harvesting event on Sept. 11, 2021, at 14625 Excelsior Blvd. Beer will be sold outside of the licensed premise in the parking lot, which will require the approval of a temporary liquor license.

**Recommended Action**

Hold the public hearing and grant the license.

**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: 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]

Statement: N/A

### **Background**

Unmapped Brewing LLC, is requesting a temporary liquor license for an outdoor hop-harvesting event on Sept. 11, 2021. This is the second year of hosting the harvesting event. On [June 8, 2020](#), council adopted emergency ordinance 2020-13 relating to outdoor dining. Last year, Unmapped Brewing was able to take advantage of their temporary patio expansion, allowing them to host the event without applying for a temporary license.

Unmapped plans to sell tickets to the four-hour event from 11:00 a.m. – 3:00 p.m. The event includes a meet and greet with former Twins player Dan Gladden, who will be providing the hops from his hop farm. A temporary safety fence will surround the expansion of the patio area. Staff at the event will only serve those over 21 years old who are wearing a wristband.

### **Outdoor Activity Including Intoxicating Liquor**

Minnesota State Statute 340A.404 subd 10(c) states that a brewery that manufactures fewer than 3,500 barrels of malt liquor in a year is eligible for a temporary liquor license for social events upon city approval. As part of their conditional use permit, Unmapped Brewing is permitted to host three temporary liquor events per year. On [July 12, 2021](#), council approved two Unmapped Brewing temporary liquor licenses.

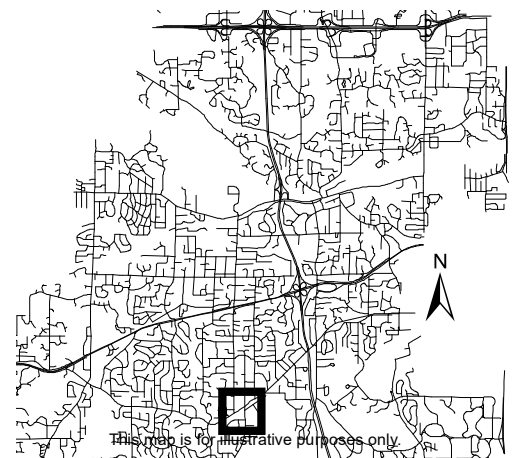
Unmapped Brewing has completed the license applications and provided proof of insurance. Unmapped Brewing notified neighbors within 400 feet of the brewery of the event.

Unmapped has successfully hosted nine temporary liquor events since opening in 2017. Staff has not received any complaints from residents about the events. Staff recommends the council hold the public hearing and grant the temporary liquor license for the event.



### Location Map

Unmapped Brewing  
14625 Excelsior Blvd.



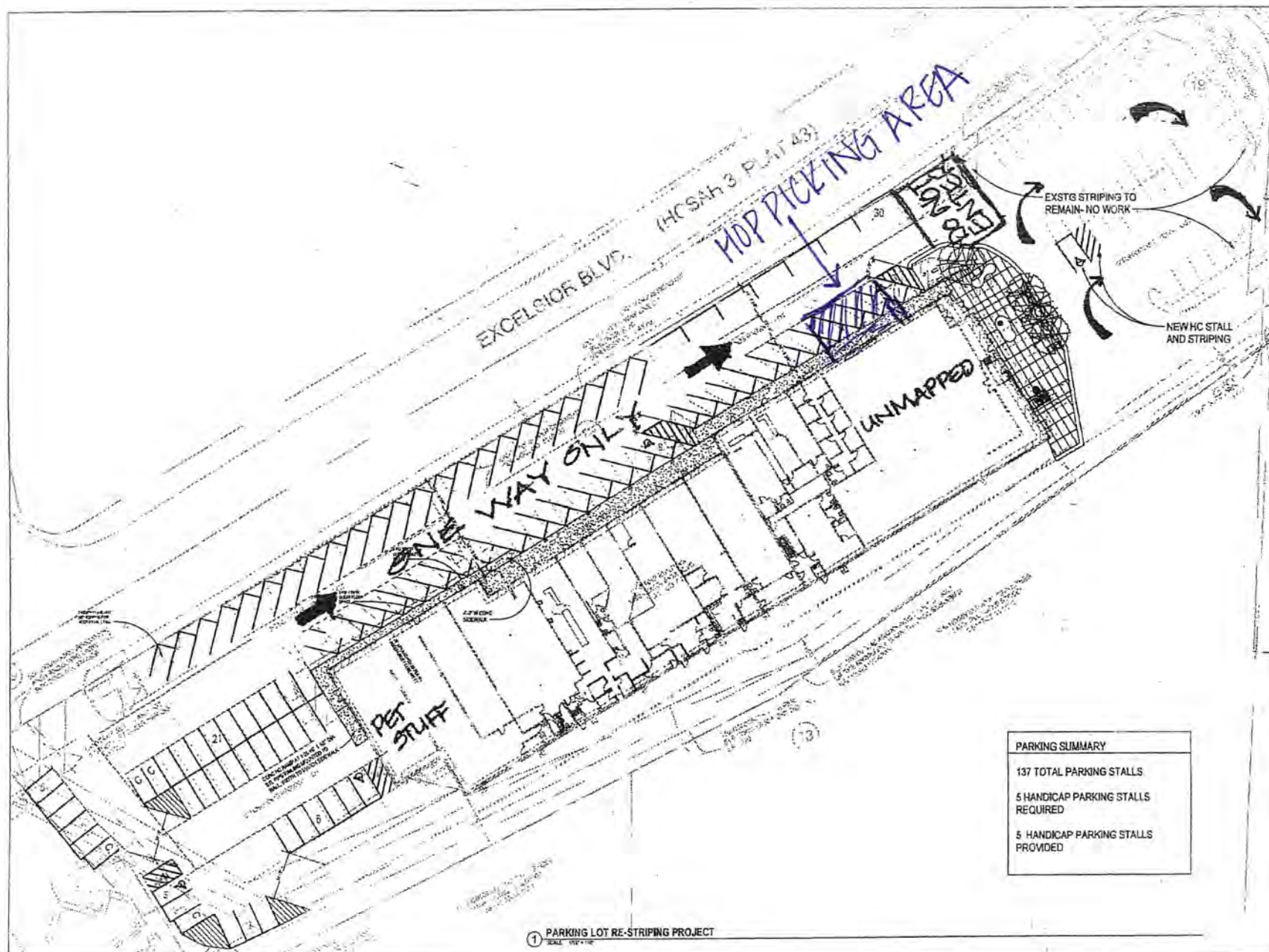
## **Unmapped Annual Hop Picking**

Saturday, September 11

11:00 AM – 3:00 PM

The Unmapped Hop Picking is an annual event featuring fresh hops from Dan Gladden's (former Twins player) hop farm. We pre-sell tickets to the event to manage attendance. This year, we'd like to expand our premises to a few parking spaces adjacent to the building. We will allow attendees to bring beer into this fenced-off space. We will be checking ID's for all participants and providing them with wristbands.





EXCELSIOR BLVD. (HCSAH 3 PLAT 43)

MOP PICKING AREA

PET STUFF

ONE WAY ONLY

UNMAPPED

EXISTG STRIPING TO REMAIN-NO WORK

NEW HC STALL AND STRIPING

PARKING SUMMARY	
137 TOTAL PARKING STALLS	
5 HANDICAP PARKING STALLS REQUIRED	
5 HANDICAP PARKING STALLS PROVIDED	

1 PARKING LOT RE-STRIPING PROJECT

TRUE NORTH INVESTMENTS  
EXCELSIOR BOULEVARD, GLEN LAKE, MN

DATE: 10/15/18  
PROJECT: PARKING LOT RE-STRIPING  
PROJECT NO: 18011

Sheet No:  
Page

A14



## UNMAPPED BREWING CO

August 3, 2021

Dear Neighbor,

This letter is to inform you of a request that we, Unmapped Brewing Co., have made application to the City of Minnetonka for an event at the address of 14625 Excelsior Blvd, Minnetonka, MN, 55345. You are receiving this letter as the city requires us to notify everyone within 400 feet of the address above when we request an outdoor activity includes the serving or sale of liquor as described below:

Name of event: Unmapped Annual Hop Picking Event

Date(s) of event: September 11, 2021

Time of event: 11:00 AM – 3:00 PM

Type of liquor served: Beer

Outdoor activities planned: We will be selling tickets for picking hops in a fenced off area of the parking lot and allowing attendees to consume beer in this space.

This letter serves as your notice that the city will review this application/request at a regular City Council Meeting. The tentative date for the public hearing before the city council is **AUGUST 23, 2021**. The meeting begins at 6:30 p.m. in the Council Chambers of the Minnetonka Community Center at 14600 Minnetonka Boulevard.

**If you have any comments, you may contact Fiona Golden, Community Development Coordinator, City of Minnetonka, at (952) 939-8274 or by e-mail to: [fgolden@eminnetonka.com](mailto:fgolden@eminnetonka.com).**

Most Sincerely,

Megan Park

Founder

Unmapped Brewing Co.



**City Council Agenda Item 14A  
Meeting of August 23, 2021**

**Title:** Resolution amending Minnetonka Firefighters Relief Association lump sum pension benefit

**Report From:** Darin Nelson, Finance Director

**Submitted through:** GERALYN BARONE, City Manager  
JOHN VANCE, Fire Chief

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**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

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**Summary Statement**

The Minnetonka Firefighters Relief Association (MFRA) is requesting an increase in the lump sum service pension payment, from \$8,004 to \$12,000 per year of service. All service pensions are subject to a maximum of 30 years of service. The pension fund can financially support this increase.

**Recommended Action**

Staff recommends that the council adopt the attached resolution approving an amendment to the Minnetonka Firefighters Relief Association (MFRA) By-Laws to increase the lump sum pension benefit to \$12,000 per year of service.

**Strategic Profile Relatability**

- |  |  |
|--|--|
| <input type="checkbox"/> Financial Strength & Operational Excellence | <input checked="" 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 type="checkbox"/> N/A   |  |

Increasing the lump sum pension benefit to more closely match neighboring cities aids in retaining paid-on-call firefighters and ensuring appropriate response staffing.

**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]

The requested pension benefit is not expected to have a budget impact on the General Fund. There is always the possibility of a major market correction that could require future statutory

city contributions. However, the funding percentage is sufficient to guard against modest market corrections.

### **Background**

Under state statute authority (M.S. chapters 26, 356 and 424A), the MFRA was founded in 1972 to pay retirement, disability and survivor benefits to Minnetonka paid-on-call (POC) firefighters. Under law, all benefits must be paid from the relief association's special fund, which consists primarily of State Fire Aid payments and investment earnings.

The receipt of State Fire Aid is contingent upon compliance with financial requirements that are set by state law. Those requirements include a periodic actuarial valuation of the special fund, and a city obligation to contribute to relief associations that are underfunded.

An actuarial valuation determines whether the fund's assets are sufficient to cover the expected pension payouts, based on the ages and years of service of existing members. If the actuarial valuation estimates that the funds are sufficient, the special fund is deemed to be either fully funded or overfunded. If the valuation estimates that there are not adequate funds to pay expected pensions, the special fund is deemed to be underfunded.

When a relief association special fund is underfunded, state law requires the local municipality, to, essentially, make up the difference by municipal contributions to the special fund. This typically occurs when market changes negatively affect the special fund investments. For example, Minnetonka had to contribute \$797,000 of general fund dollars to the relief association over a five year period beginning in 2009. A city is only liable, however, for pension amounts paid pursuant to association by-laws that the city council has ratified. The relief association has authority to increase benefit levels without city council ratification, but the city council is not required to financially back any increases that they have not approved.

On Aug. 10, 2021, the membership of the MFRA adopted an amendment to its by-laws to increase retirement benefits to be paid by its pension fund, which is a required action before formal presentation of the issue to the city council. The relief association is requesting formal approval of the adopted by-laws amendment by the city council.

The MFRA has adopted pension benefit level increases periodically since its establishment. Benefit levels were last increased in 2019 and 2008. State statute allows for a maximum lump sum benefit level of \$15,000 per year of service, if the association has sufficient funding to support the benefit increase. The MFRA does have sufficient funding available to support the \$15,000 lump sum payment per year of service. The current lump sum payment is \$8,004 per year of service. The MFRA's funding percentage at January 1, 2021 at the current lump sum payment of \$8,004 per year of service is 129 percent. The MFRA is requesting a lump sum benefit increase to \$12,000 per year of service. At this requested level, the MFRA pension would be approximately 120 percent funded as of January 1, 2021, which still allows for a buffer if the financial markets experienced a substantial downward turn.

The \$12,000 lump sum payment will also place our paid-on-call firefighters in a similar pension position as our larger neighboring cities. Eden Prairie and Plymouth's associations are at lump sum payments of \$12,400 and \$11,000, respectively. In addition, Minnetonka paid-on-call firefighters receive a deferred compensation package that is similar to a defined contribution pension. Every firefighter receives \$3.70 per hour of service that is deposited into their individual

deferred compensation plans. The city contributes about \$180,000 annually for this additional deferred compensation package.

**Resolution No. 2021-**

**Resolution amending Minnetonka Firefighters Relief Association lump sum pension benefit**

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

Section 1. Background.

- 1.01. The Minnetonka Firefighters Relief Association provides retirement, disability and survivor benefits to the city's paid-on-call firefighters.
- 1.02. The association has approved an amendment to its by-laws, which would increase the lump sum pension benefit from \$8,004 per year of service to \$12,000 per year of service.
- 1.03. Under state law, by-law amendments that affect the amount of pension benefits to be paid must be approved by the city council in order to make those benefits subject to the financial support requirements under Minn. Stat. 424A.02.

Section 2. Council Action.

- 2.01. The city council approves the following amendment to the Minnetonka Firefighters Relief Association By-Laws, effective August 23, 2021 increasing the lump sum benefit to \$12,000 per year of service.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 23, 2021.

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Brad Wiersum, Mayor

Attest:

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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 August 23, 2021.

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Becky Koosman, City Clerk