Agenda

Minnetonka City Council

Regular Meeting, Monday, November 13, 2017

6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Acomb-Wiersum-Bergstedt-Wagner-Ellingson-Allendorf-Schneider
4. Approval of Agenda
5. Approval of Minutes: None
6. Special Matters:
   A. Recognize 2017 Photo Contest Winners
   B. Strategic Branding Update and Implementation Plan
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
   A. Announcement of closed meeting to discuss labor negotiation strategies on November 20, 2017 at 5:30 p.m. in the Lone Lake Conference Room
   B. Resolution certifying the results of the November 7, 2017 Municipal General Election
   C. 2018 fee schedules for consulting engineering services
   D. Public health mutual aid agreement
   E. Resolution ordering the abatement of nuisance conditions existing at 3622 Steele Street

Minnetonka City Council meetings are broadcast live on channel 16.
Replays of this meeting can be seen during the following days and times: Mondays, 6:30 p.m., Wednesdays, 6:30 p.m., Fridays, 12 p.m., Saturdays, 12 p.m. The city’s website also offers video streaming of the council meeting.
For more information, please call 952.939.8200 or visit eminnetonka.com
11. Consent Agenda - Items Requiring Five Votes:
   A. Resolution approving a conditional use permit, with a parking variance, for a vision clinic at 13889 Ridgedale Drive

12. Introduction of Ordinances: None

13. Public Hearings: None

14. Other Business:
   A. Items related to deferred special assessments
      Recommendation: 1) Adopt the ordinance amending section 220.010 of the Minnetonka City Code; and 2) adopt the resolution amending City Council Policy 2.17 (4 votes)
   B. Ordinance amending Section 710 of the city code regarding increases/changes in fees
      Recommendation: Adopt the ordinance (4 votes)
   C. Resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor
      Recommendation: Adopt the resolution (4 votes)
   D. Resolution authorizing the certification of delinquent fire alarm response fees to the Hennepin County Auditor
      Recommendation: Adopt the resolution (4 votes)
   E. Resolution amending council policy 1.1 regarding appointments to joint powers organizations and intergovernmental boards
      Recommendation: Adopt the resolution (4 votes)

15. Appointments and Reappointments:
   A. Resolution designating Alternate Commissioner to the Bassett Creek Watershed Management Commission
      Recommendation: Adopt the resolution

16. Adjournment
City Council Agenda Item #6A
Meeting of November 13, 2017

Brief Description: Recognition of 2017 Photo Contest Winners

Recommended Action: Recognize 2017 Contest Winners

Background

This year’s photo contest, hosted in conjunction with the Minnetonka Fire Department and City Open House, received nearly 150 entries.

The People’s Choice Award winners were chosen by the city’s Facebook fans, with nearly 3,000 total votes cast.

Seven photos received honorable mention, including:

- **Afton Cape’s** photo of a child enjoying the trails at Meadow Park.
- **Chris Murphy’s** photo of Glen Lake Athletic Fields.
- **Elise Chinavare’s** photo of the bridge at Shady Oak Beach.
- **Larry Baill’s** photo of a super moon over Big Willow park.
- **Jesse Wendt’s** photo of a blue heron near a dock.
- **Ralph Dacut’s** photo of a frog hiding in a flower.
- **Marlene Smith’s** photo of a blue heron carrying a fish.

The three photos with the most Facebook votes were awarded first, second and third place:

- Finishing in third with 127 votes was **Steve Olson’s** photo of his dog, Millie Rose, having fun at Libb’s Lake.
- **Samantha Carlson** earned second place with 128 votes for her photo of a dragonfly.
- The photo with the most votes – 188 – was **Andrew Brust’s** image of a family of raccoons.
The Minnetonka Park Board reviewed the top 10 winners after Facebook voting concluded and gave the grand prize – the “Minnetonka Award” – to Larry Baill’s “Super Moon Over Big Willow.”

The winning photos are featured on the city’s social media accounts and displayed at eminnetonka.com.

Congratulations to all the winners!

**Recommendation**

Recognize the 2017 photo contest winners.

Submitted through:

- Geralyn Barone, City Manager
- Perry Vetter, Assistant City Manager

Originated by:

- Kari Spreeman, Communications and Marketing Manager
City of Minnetonka
Annual Photo Contest Results
People’s Choice Awards

Honorable Mentions

Selected by City of Minnetonka Facebook Fans
Honorable Mention

Afton Cape
Honorable Mention

Chris Murphy
Honorable Mention

Elise Chinavare
Honorable Mention

Larry Baill
Honorable Mention

Jesse Wendt
Honorable Mention

Ralph Dacut
Honorable Mention

Marlene Smith
People’s Choice Awards

Third Place

Selected by City of Minnetonka Facebook Fans
Third Place

“Millie Rose Having Fun at Libb’s Lake”

Steve Olson
People’s Choice Awards

*Second Place*
Second Place

“Dragonfly in Flight”

Samantha Carlson
People’s Choice Awards

First Place
First Place

“Treehouse Guests”

Andrew Brust
Minnetonka Award

Selected by Minnetonka Park Board
Minnetonka Award

“Super Moon Over Big Willow”

Larry Baill
Brief Description: Strategic Branding Update and Implementation Plan

Recommended Action: Hear the Strategic Branding Update and Implementation Plan

Background

It has been more than 20 years since the city last updated its logo and reviewed its branding guidelines. While the city’s current look served it well for many years, the guidelines developed in the 1990s have become outdated and obsolete as the need for digital communications have grown and standards have changed.

To ensure staff has the tools they need to create effective and strategic communications, the city embarked on a process to refresh its branding guidelines in the fall of 2016. In January 2017, following an extensive RFP process, the city hired a local independent communications consultant – Deb Garvey – to guide the effort.

After conducting research and analyzing trends, staff is proposing to roll out new branding guidelines and a refreshed City of Minnetonka logo in December 2017.

Three phases

The project included three phases: Research, Creative Brief Development and Logo Design.

First, the consultant reviewed the input gathered from residents in the last five annual community surveys and the 2016 Imagine Minnetonka study. The information gathered from the Housing and Perceptions study conducted in 2014 was also analyzed. To supplement this research, the consultant conducted interviews with business leaders, city council members, city staff and school district representatives.

During the second phase of the project, staff worked with the consultant to review the research and identify characteristics that set Minnetonka apart from surrounding cities. The following words were identified to describe the city’s personality:

Minnetonka’s Personality

- Confident, not boastful
- Innovative and collaborative
- Forward-thinking
- Welcoming and engaging
- Healthy and active
The next step was to update the city’s logo and color schemes to ensure the logo accurately represented the city’s personality.

**Refreshed Logo**

Drawing from the input the consultant received from residents, business leaders and city council, staff worked with a local graphic design artist – Tim Pakkala of RightLight Design – to develop and refine a refreshed concept.

The result is a new logo that builds on the city’s image as an innovative and forward-thinking place to live and work. The new logo is a tribute to the existing logo and includes some of the same elements, but the new mark, colors and font will be easier to use across all communication platforms.

**Brand Manual**

To support the effective use of the refreshed logo, staff developed a Brand Manual featuring a graphic style guide, a writing guide and communications templates that will be available to city staff. This manual will provide the foundation for all communications collateral going forward, and will dramatically improve the city’s efficiency and consistency.

**Implementation**

Staff will start to apply the new logo and branding guidelines to communications materials Tuesday, Dec. 5.

In an effort to minimize cost, staff plans to roll the new logo out over the course of four strategically planned phases, focusing on the most visible and affordable items first.

*Phase One: Dec. 5*

The first phase will coincide with the launch date and include updating the city’s digital platforms such as the website, mass email templates and social media icons. Staff will also update signature business items such as letterhead, business cards and envelopes as part of this phase.

Current letterhead and envelope stock has not been replenished in anticipation of new materials to reduce the potential for waste.

*Phase Two: Quarter 1 2018*

The next phase will focus on materials that are regularly redesigned such as the Minnetonka Memo, the spring/summer Recreation Services brochure and street
engineering project update notices. Because these materials require regular design updates, adding the new logo to these items will not require additional printing costs.

*Phase Three: 2018*

The third phase will occur over the course of 2018 and include updating city vehicles, uniforms and city boundary signs. Vehicle decals and boundary signs will continue to be manufactured internally to limit costs.

*Phase Four: As Needed*

Phase four items, such as city water towers, will be updated as regular maintenance or replacement is necessary.

**Conclusion**

It is more important than ever for the city to produce effective, easy-to-understand communication materials. A refreshed logo and updated branding guidelines will improve efficiency and give staff the tools they need to accomplish the city's goals.

**Recommendation**

Hear the strategic branding update and implementation plan

Submitted through:

- Geralyn Barone, City Manager
- Perry Vetter, Assistant City Manager

Originated by:

- Kari Spreeman, Communications and Marketing Manager
Brief Description: Announcement of closed meeting to discuss labor negotiation strategies on November 20, 2017 at 5:30 p.m. in the Lone Lake Conference Room

Recommended Action: Schedule the closed meeting

Background

The city council annually reviews the wages for all employees, including all collective bargaining unit members, for the purpose of providing direction to administrative staff in labor negotiation strategies. The Minnesota Open Meeting Law, Minnesota Statutes section 13D.03, allows a meeting to be closed for the purpose of discussing labor negotiation strategies.

The required procedure for closing a meeting under section 13D.03 is slightly different than that required to close meetings for other purposes, such as attorney-client privilege or conducting a performance evaluation. For labor negotiation strategies, the council must decide, by majority vote in a public meeting, to hold a closed session for the purpose of considering strategy for labor negotiations. In addition, the time and place of the closed meeting must be announced during the public meeting.

Recommendation

Adopt the motion to schedule a closed meeting on November 20, 2017 at 5:30 p.m. in the Lone Lake Conference Room at city hall, for the purposes of considering labor negotiation strategies with respect to 2018 wages and benefits for all employees, including all collective bargaining unit members, pursuant to Minnesota Statutes section 13D.03.

Submitted through:
   Geralyn Barone, City Manager
   Corrine Heine, City Attorney

Originated by:
   Perry Vetter, Assistant City Manager
City Council Agenda Item #10B
Meeting of November 13, 2017

Brief Description: Resolution certifying the results of the November 7, 2017 Municipal General Election

Recommended Action: Adopt the resolution

Background

A Municipal General Election was held on Tuesday, November 7, 2017 for Mayor, Council Member At Large Seat A, and Council Member At Large Seat B. The results are included in the provided resolution.

There were 7,539 ballots cast in this election for a 21 percent voter turnout. This was the highest voter turnout in our city for a municipal election since 2005 when 26% of the city’s voters turned out to vote.

State law requires the city council certify the results of a municipal general election between the third and tenth day following a municipal general election.

Recommendation

Staff recommends that the city council adopt a resolution to certify the results of the November 7, 2017 Municipal General Election.

Submitted through:
   Geralyn Barone, City Manager
   Perry Vetter, Assistant City Manager

Originated by:
   David Maeda City Clerk
## November 7, 2017 Municipal General Election

<table>
<thead>
<tr>
<th>Ward/Precinct</th>
<th>Registered Voters as of 7 a.m.</th>
<th>Election Day Registrations</th>
<th>7 a.m. + EDR</th>
<th>Accepted Absentee Ballots</th>
<th>Ballots Cast at Polling Place</th>
<th>Total Ballots Cast</th>
<th>Voter Turnout Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>1690</td>
<td>12</td>
<td>1702</td>
<td>68</td>
<td>482</td>
<td>550</td>
<td>32.31%</td>
</tr>
<tr>
<td>1B</td>
<td>1338</td>
<td>8</td>
<td>1346</td>
<td>29</td>
<td>167</td>
<td>196</td>
<td>14.56%</td>
</tr>
<tr>
<td>1C</td>
<td>1554</td>
<td>11</td>
<td>1565</td>
<td>26</td>
<td>242</td>
<td>268</td>
<td>17.12%</td>
</tr>
<tr>
<td>1D</td>
<td>2026</td>
<td>13</td>
<td>2039</td>
<td>80</td>
<td>510</td>
<td>590</td>
<td>28.94%</td>
</tr>
<tr>
<td>1E</td>
<td>1148</td>
<td>5</td>
<td>1153</td>
<td>26</td>
<td>320</td>
<td>346</td>
<td>30.01%</td>
</tr>
<tr>
<td>1F</td>
<td>1627</td>
<td>14</td>
<td>1641</td>
<td>60</td>
<td>349</td>
<td>409</td>
<td>24.92%</td>
</tr>
<tr>
<td>2A</td>
<td>1319</td>
<td>9</td>
<td>1328</td>
<td>58</td>
<td>207</td>
<td>265</td>
<td>19.95%</td>
</tr>
<tr>
<td>2B</td>
<td>1923</td>
<td>8</td>
<td>1931</td>
<td>80</td>
<td>419</td>
<td>499</td>
<td>25.84%</td>
</tr>
<tr>
<td>2C</td>
<td>2032</td>
<td>4</td>
<td>2036</td>
<td>49</td>
<td>367</td>
<td>416</td>
<td>20.43%</td>
</tr>
<tr>
<td>2D</td>
<td>2040</td>
<td>11</td>
<td>2051</td>
<td>74</td>
<td>303</td>
<td>377</td>
<td>18.38%</td>
</tr>
<tr>
<td>2E</td>
<td>1622</td>
<td>6</td>
<td>1628</td>
<td>39</td>
<td>129</td>
<td>168</td>
<td>10.32%</td>
</tr>
<tr>
<td>3A</td>
<td>1314</td>
<td>12</td>
<td>1326</td>
<td>10</td>
<td>234</td>
<td>244</td>
<td>18.40%</td>
</tr>
<tr>
<td>3B</td>
<td>1391</td>
<td>4</td>
<td>1395</td>
<td>34</td>
<td>163</td>
<td>197</td>
<td>14.12%</td>
</tr>
<tr>
<td>3C</td>
<td>1564</td>
<td>3</td>
<td>1567</td>
<td>72</td>
<td>307</td>
<td>379</td>
<td>24.19%</td>
</tr>
<tr>
<td>3D</td>
<td>1745</td>
<td>3</td>
<td>1748</td>
<td>49</td>
<td>237</td>
<td>286</td>
<td>16.36%</td>
</tr>
<tr>
<td>3E</td>
<td>1280</td>
<td>6</td>
<td>1286</td>
<td>31</td>
<td>223</td>
<td>254</td>
<td>19.75%</td>
</tr>
<tr>
<td>3F</td>
<td>2178</td>
<td>3</td>
<td>2181</td>
<td>55</td>
<td>390</td>
<td>445</td>
<td>20.40%</td>
</tr>
<tr>
<td>4A</td>
<td>1131</td>
<td>1</td>
<td>1132</td>
<td>13</td>
<td>116</td>
<td>129</td>
<td>11.40%</td>
</tr>
<tr>
<td>4B</td>
<td>1355</td>
<td>2</td>
<td>1357</td>
<td>16</td>
<td>106</td>
<td>122</td>
<td>8.99%</td>
</tr>
<tr>
<td>4C</td>
<td>1644</td>
<td>4</td>
<td>1648</td>
<td>19</td>
<td>270</td>
<td>289</td>
<td>17.54%</td>
</tr>
<tr>
<td>4D</td>
<td>1713</td>
<td>4</td>
<td>1717</td>
<td>16</td>
<td>224</td>
<td>240</td>
<td>13.98%</td>
</tr>
<tr>
<td>4E</td>
<td>1385</td>
<td>9</td>
<td>1394</td>
<td>45</td>
<td>376</td>
<td>421</td>
<td>30.20%</td>
</tr>
<tr>
<td>4F</td>
<td>1578</td>
<td>9</td>
<td>1587</td>
<td>53</td>
<td>396</td>
<td>449</td>
<td>28.29%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>36597</strong></td>
<td><strong>161</strong></td>
<td><strong>36758</strong></td>
<td><strong>1002</strong></td>
<td><strong>6537</strong></td>
<td><strong>7539</strong></td>
<td><strong>20.51%</strong></td>
</tr>
</tbody>
</table>
RESOLUTION NO. 2017-

RESOLUTION CERTIFYING THE RESULTS OF THE NOVEMBER 7, 2017 MUNICIPAL GENERAL ELECTION

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01. The Minnetonka Municipal General Election was held on November 7, 2017 in accordance with applicable laws.

1.02. The results of the voting were:

   **Mayor**
   Brad Wiersum: 4,719
   Ashwin Patel: 2,079
   Write ins: 23

   **Council Member At Large Seat A**
   Deb Calvert: 4,954
   Brian J Kirk: 1,983
   Write ins: 10

   **Council Member At Large Seat B**
   Patty Acomb: 5,237
   Derrick Banks: 1,376
   Write ins: 20

Section 2. Council Action.

2.01. The Minnetonka City Council declares that the following candidates were elected to the Minnetonka City Council:

   Mayor: Brad Wiersum
   Council Member At Large Seat A: Deb Calvert
   Council Member At Large Seat B: Patty Acomb

Section 3. Authorization.

3.01. The City Clerk is authorized to certify the results of the November 7, 2017 Municipal General Election.
Adopted by the City Council of the City of Minnetonka, Minnesota, on November 13, 2017.

Terry Schneider, Mayor

ATTEST:

_______________________________
David E. Maeda, 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 duly authorized meeting held on November 13, 2017.

_______________________________
David E. Maeda, City Clerk
Brief Description: 2018 fee schedules for consulting engineering services

Recommended Action: Approve the fee schedules

Background

The engineering department solicits proposals from selected consulting engineering firms on a three-year cycle and 2018 is the second year of the current cycle. These firms are chosen to augment staff expertise related to street projects, traffic studies, water resources/environmental engineering, and other areas of need. In addition, they are utilized to accommodate demands during peak periods. Fee schedules are established for the first year of the three-year agreements. Revised fee schedules are to be subsequently negotiated for the second and third years.

The fee schedules for 2018, which is the second year of the current three-year cycle, have been submitted. As council may recall, the consultants’ contracts include a stipulation requiring that the consultants’ average rates not increase by more than 4% per year after the initial contract year of 2017. Each consultant has met this requirement.

In reviewing proposed fee schedules, staff evaluates their appropriateness based on three factors: the percentage of increase for each individual rate, the estimated billing increase based on hours from the previous year, and the comparative rates between consultants for similar positions.

The city presently retains 12 firms in its consulting pool. They are listed below with their respective percentage increases, based on personnel rates that are most typically used on city projects.

<table>
<thead>
<tr>
<th>Consulting Firm</th>
<th>2018 Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>AE2S</td>
<td>2.9%</td>
</tr>
<tr>
<td>American Engineering Testing, Inc.</td>
<td>2.5%</td>
</tr>
<tr>
<td>Barr Engineering Company</td>
<td>3.4%</td>
</tr>
<tr>
<td>Bolton &amp; Menk, Inc.</td>
<td>3.5%</td>
</tr>
<tr>
<td>Hansen Thorp Pellinen Olson, Inc.</td>
<td>3.0%</td>
</tr>
<tr>
<td>In-Control, Inc.</td>
<td>2.4%</td>
</tr>
<tr>
<td>ISG, Inc.</td>
<td>3.2%</td>
</tr>
<tr>
<td>Kjolhaug Environmental Services Co.</td>
<td>3.9%</td>
</tr>
<tr>
<td>Sambatek, Inc.</td>
<td>3.7%</td>
</tr>
<tr>
<td>Short Elliott Hendrickson, Inc.</td>
<td>2.4%</td>
</tr>
<tr>
<td>SRF Consulting Group, Inc.</td>
<td>2.5%</td>
</tr>
<tr>
<td>WSB &amp; Associates, Inc.</td>
<td>2.7%</td>
</tr>
</tbody>
</table>
The increases proposed by the consultants can generally be attributed to step salary increases or promotions for the consultant personnel that provide primary services to the city of Minnetonka. Although the increases vary from firm to firm, the comparative hourly charge out rates are generally consistent.

**Recommendation**

Approve the revised 2018 fee schedules proposed by the city’s general services consulting engineering firms, and authorize the mayor and city manager to execute the Addenda to the Agreements for Professional Services with the following firms:

- AE2S
- American Engineering Testing, Inc.
- Barr Engineering Company
- Bolton & Menk, Inc.
- Hansen Thorp Pellinen Olson, Inc.
- In Control, Inc.
- ISG, Inc.
- Kjolhaug Environmental Services Co.
- Sambatek, Inc.
- Short Elliott Hendrickson, Inc.
- SRF Consulting Group, Inc.
- WSB & Associates, Inc.

Submitted through:
- Geralyn Barone, City Manager
- Will Manchester, P.E., Director of Engineering

Originated by:
- Phil Olson, P.E., Assistant City Engineer
City Council Agenda Item #10D
Meeting of November 13, 2017

Brief Description  Public health mutual aid agreement

Recommendation  Approve the agreement

Background

The city has participated in a mutual aid agreement with other public health and environmental health entities in the twin cities metro area since 2008. The agreement is up for renewal, for the term of January 1, 2018 through December 31, 2022.

Key terms of the agreement include:

- Any party can request assistance from another party. The responding party can choose whether or not it wishes to respond.

- The requesting party is in command of the mutual aid scene. The responding party may withdraw at any time.

- The requesting party must indemnify the responding party for claims from third parties.

- Each party is responsible for damages to its own equipment, where the damage is caused by a party.

- The first eight hours of response services are provided at no charge to the requesting party unless reimbursement is available from a third party. The responding party will charge for time beyond that period, so that reimbursement from FEMA is possible.

Recommendation

Approve the agreement.

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

Originated by:
   John Weinand, Environmental Health Supervisor
   Corrine Heine, City Attorney
MUTUAL AID AGREEMENT
Twin Cities Public Health and Environmental Health Entities in Minnesota

THIS Twin Cities Public Health and Environmental Health Entities In Minnesota Mutual Aid Agreement (“Agreement”) is among the County of Anoka, County of Carver, County of Dakota, County of Hennepin, County of Ramsey, County of Scott, County of Washington, City of Bloomington, City of Brooklyn Park, City of Edina, City of Maplewood, City of Minneapolis, City of Minnetonka, City of St. Paul, City of Richfield, City of Wayzata, and the University of Minnesota (the “Party” or “Parties” depending on context).

WHEREAS, pursuant to Minnesota Statutes Section 471.59, governmental units of the State of Minnesota may jointly and cooperatively exercise powers common to each of the contracting parties; and

WHEREAS, the purpose of this Agreement is to strengthen the preparedness of the public health and environmental health system in Minnesota; and

WHEREAS, emergencies may occur in the future which will require local public health and/or environmental health entities to come to the aid and assistance of other local public health or environmental health entities; and

WHEREAS, the Parties participating in this Agreement have determined that it is in their best interests to assist one another in the event of an emergency, training, drill or exercise; and

WHEREAS, the intent of this Agreement is to make personnel, equipment, and other resources available to governmental units in the event of an emergency, training, drill or exercise.

NOW, THEREFORE, in consideration of the foregoing, the Parties agree as follows:

I. PURPOSE

In certain situations, including but not limited to, natural disasters, public health emergencies, technological hazards, man-made disasters, civil emergencies, community disorders, insurgency or enemy attack, disease outbreaks, or special events, or trainings, drills or exercises in preparation for any of these eventualities, the cooperative use of the personnel, equipment, supplies and/or services of local governmental units is desirable and necessary to preserve and protect the health, safety and welfare of the citizens of the State of Minnesota.

This Agreement only addresses assistance provided by a Participating party in response to a request made by a Requesting party and does not affect the applicability of Minn. Stat. § 12.331, Minn. Stat. § 12.33, or other pertinent laws to other activities that may be undertaken by a political subdivision.
The Parties to this Agreement intend that the Agreement serve as a valid written agreement for mutual aid as required by FEMA in requesting reimbursement for those reasonable eligible costs incurred as a result of a qualifying emergency.

II. DEFINITIONS

For the purposes of this Agreement, the following terms shall be defined as follows:

A. “Party” or “Parties” means one or more governmental unit(s) that is a signatory to this Agreement.

B. “Employee” means those personnel currently working for a Party including, elected and appointed officials, officers and volunteers who are registered with and under the direction and control of that Party as required by Minn. Stat. §12.22, subd. 2a (a).

C. “Participating party” means the local public health, environmental health, or human services authority of a governmental unit that is a Party to this Agreement.

D. “Requesting Official” means the person designated by a Participating party who is responsible for requesting Assistance from the other Participating parties.

E. “Requesting party” means a Participating party that requests assistance from one or more other Participating parties.

F. “Assisting Official” means the person designated by a Participating party who is responsible to determine whether and to what extent that Participating party should provide assistance to a Requesting party.

G. “Assisting party” means a Participating party that provides Assistance to a Requesting party under this Agreement.

H. “Assistance” means Public Health, Environmental Health, Behavioral Health, or Human Services resources, such as personnel, services, equipment, supplies, and facilities.

I. “Incident” means an occurrence, natural or manmade, that requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wild land and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, tornadoes, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response, or special events, or trainings, drills or exercises in preparation for any of these eventualities.
III. **PROVISION OF MUTUAL AID**

A. **Request for Assistance.** Whenever, in the opinion of a Requesting Official, there is a need for Assistance from other Participating parties relating to an Incident, the Requesting Official may, orally or in writing, call upon the Assisting Official of any other Participating party to furnish assistance. The Requesting party, within a reasonable period of time, shall provide each Assisting party with a written confirmation of the need for assistance including details regarding requested resources, timelines/schedules and location(s) for Assistance.

B. **Response to Request.** Upon the oral or written request for Assistance from a Requesting party, the Assisting Official may authorize and direct the Participating party’s personnel to provide assistance to the Requesting party. This decision will be made after considering the needs of the Assisting party and the availability of resources. Once Assistance has been authorized, the Assisting party, within a reasonable period of time, shall provide the Requesting party with a written confirmation of assistance including details regarding the personnel and resources to be provided and when they will be available.

C. **Recall and Release of Assistance.** The Assisting Official may at any time recall such Assistance when in his or her sole discretion or by an order from the governing body of the Assisting party or its designee, it is considered to be in the best interest of the Assisting party to do so. The Requesting party may at any time release an Assisting party or an individual from providing any further Assistance.

D. **State Declared Emergency.** If the State of Minnesota or an authorized state agency declares an emergency, the statutes and administrative rules pertaining to state declared emergencies shall prevail where they conflict with the provisions of this Agreement.

E. **Command and Control.** The Requesting party shall be responsible for command of the Incident for which Assistance is requested. Resources deployed by the Assisting party(s) shall be under the direction and control of the Requesting party until the Assisting Official(s) withdraw assistance; or the Requesting party delegates direction and control of the Incident to the Assisting party(s). If direction and control is delegated, the Requesting party shall transfer command in writing. At a minimum, the writing transferring command shall identify the Assisting party’s scope of authority and Incident objectives. As necessary, it shall also identify pertinent legal and policy restraints, cost considerations, and other pertinent information.

This Agreement does not prevent Participating parties from managing an Incident under a unified incident command structure, as that term, or a similar term, is used and commonly accepted in the industry.
IV. LIABILITY

The liability of the Parties shall be governed by the provisions herein and by Minnesota Statute Section 471.59.

A. For purposes of determining total liability for damages, the Parties are considered a single governmental unit and the total liability for all Parties shall not exceed the limits on governmental liability for a single governmental unit, subject to the limits of liability under Minnesota Statutes Chapter 466 and as set forth in Minnesota Statutes, Section 471.59, subd. la(a) as well as all other applicable laws, rules, and regulations, including common law. Under no circumstances shall a Party be required to pay on behalf of itself and other Parties, any amounts in excess of the limits on liability established in Minnesota Statutes Chapter 466 applicable to any one Party. The statutory limits of liability for some or all of the Parties may not be added together or stacked to increase the maximum amount of liability for any Party.

B. Each Party requesting Assistance shall defend, indemnify and hold harmless each Party providing Assistance, its Employees, officers and elected and appointed officials against any and all claims brought or actions filed against the Party providing Assistance and its Employees for injury to, death of, or damage to the property of any third person or persons, for claims arising from performance hereunder and/or the provision of Assistance in responding to a request for Assistance pursuant to this Agreement.

C. For purposes of Minnesota Statutes Chapter 466, the Employees of the Party providing Assistance are deemed to be employees (as defined in Minn. Stat. § 466.01, subdivision 6) of the Party requesting Assistance, but only for purposes of addressing liability under this Agreement. The Employees of the Party providing Assistance shall not be considered employees of the Party requesting Assistance for any other purpose.

D. Each Participating party agrees to promptly notify the other Participating parties if it knows or becomes aware of any facts or allegations reasonably giving rise to actual or potential liability, claims, causes of action, judgments, damages, losses, costs or expenses, including attorney’s fees, involving or reasonably likely to involve the other Parties, and arising out of acts or omissions related to this Agreement.

E. No Party to this Agreement or any Employee of any Party shall be liable to any other Party or to any other person for failure of any Party to furnish Assistance to any other Party, or for recalling or releasing Assistance as described in this Agreement.
F. If a Party utilizes contractors or agents to provide services or Assistance under this Agreement, the Party shall execute a contract with any such contractor(s) and agent(s) including, to the extent practicable, the following language:

“CONTRACTOR shall defend, indemnify, and hold harmless (insert name of Party/jurisdiction), its officials, officers, agents, volunteers and employees from any liability, claims, causes of action, judgments, damages, losses, costs, or expenses, including reasonable attorney’s fees, resulting directly or indirectly from any act or omission of the CONTRACTOR, a subcontractor, anyone directly or indirectly employed by them, and/or anyone for whose acts and omissions they may be liable in the performance of the services required by this Contract, and against all loss by reason of the failure of the CONTRACTOR to perform fully, in any respect, all obligations under this contract.

In order to protect the CONTRACTOR and those listed above under the indemnification provision, the CONTRACTOR agrees at all times during the term of this Contract, and beyond such term when so required, to have and keep in force the following insurance coverages, in amounts equal at least to the municipal tort liability limits of Minnesota Statutes Chapter 466 or other applicable law as currently in effect or as may be amended from time to time, unless specific dollar limits are otherwise provided herein:

1. Commercial General Liability on an occurrence basis with contractual liability coverage:
   - General Aggregate
     - Products—Completed Operations Aggregate
     - Personal and Advertising Injury
     - Each Occurrence—Combined Bodily Injury and Property Damage

2. Workers’ Compensation and Employer’s Liability:
   - Workers’ Compensation
     - As required by Minnesota law.
   - Employer’s Liability. Bodily injury by:
     - Accident—Each Accident
     - Disease—Policy Limit
     - Disease—Each Employee

3. Professional Liability—Per Claim and Aggregate
The professional liability insurance must be maintained continuously for a period of two years after the termination of this Agreement.

An umbrella or excess policy over primary liability insurance coverages is an acceptable method to provide the required insurance limits.

The above establishes minimum insurance requirements. It is the sole responsibility of the CONTRACTOR to determine the need for and to procure additional insurance which may be needed in connection with this contract. Copies of insurance policies shall be promptly submitted to (insert name of Party/jurisdiction) upon written request.

The CONTRACTOR shall not commence work until it has obtained required insurance. The certificate(s) shall name (insert name of Party/jurisdiction) as the certificate holder and as an additional insured for the liability coverage(s) with respect to operations covered under the Contract.

The CONTRACTOR shall furnish to (insert name of Party/jurisdiction) updated certificates during the term of this Contract as insurance policies expire. If the CONTRACTOR fails to furnish proof of insurance coverages, (insert name of Party/jurisdiction) may withhold payments and/or pursue any other right or remedy allowed under the contract, law, equity, and/or statute. (Insert name of Party/jurisdiction) does not waive any rights or assume any obligations by not strictly enforcing the requirements set forth in this section.

Duty to Notify. The CONTRACTOR shall promptly notify (insert name of Party/jurisdiction) of any claim, action, cause of action or litigation brought against CONTRACTOR, its employees, officers, agents or subcontractors, which arises out of the services contained in this Contract. The CONTRACTOR shall also notify (insert name of Party/jurisdiction) whenever CONTRACTOR has a reasonable basis for believing that CONTRACTOR and/or its employees, officers, agents or subcontractors, and/or (insert name of Party/jurisdiction) might become the subject of a claim, action, cause of action, criminal arrest, criminal charge or litigation arising out of and/or related to the services contained in this Contract. Failure to provide the notices required by this section is a material violation of the terms and conditions of this Contract.”

V. WORKER’S COMPENSATION

Each Party shall be responsible for injuries or death of its own Employees “to the extent required by law”. Each Party will maintain worker’s compensation insurance or self-insurance coverage, covering its own Employees while they are providing assistance
pursuant to this Agreement. Each Party waives the right to sue any other Party for any worker’s compensation benefits paid to its own Employee or their dependents, even if the injuries were caused wholly or partially be the negligence of any other Party or employees.

VI. DAMAGE TO EQUIPMENT, SUPPLIES, FACILITIES

Each Party, to the extent a Party is at fault, shall be responsible for damages to or loss of its equipment, supplies and facilities while acting within the scope of this Agreement.

VII. CHARGES TO THE REQUESTING PARTY

A. No charges will be levied by a Assisting party to this Agreement for Assistance rendered to a Requesting party under the terms of this Agreement unless that Assistance continues for a period of more than eight (8) hours, as measured from the time Assisting party begins to provide Assistance after being specifically directed by the Requesting party to perform a task or tasks, unless the Requesting party is eligible to obtain reimbursement for expenses it incurred during this period from the United States, the State of Minnesota, or any other source. In that event the Requesting party shall take all steps necessary to seek reimbursement to the Assisting party for the actual cost of any Assistance provided during this initial eight (8) hour period including salaries, overtime, materials and supplies, and other necessary expenses.

B. If Assistance provided under this Agreement continues for more than eight (8) hours, the Assisting party shall submit to the Requesting party an itemized bill for the actual cost of any Assistance provided after the initial eight (8) hour period, including salaries, overtime, materials and supplies and other necessary expenses; and the Requesting party shall reimburse the Party providing the Assistance for that amount. Any such reimbursement request must be submitted in writing to the Requesting party no later than ninety (90) days after the last day that the Assisting party provides the assistance.

C. The ability to levy such charges is not contingent upon the availability of federal or state government funds to reimburse the charges.

VIII. DURATION

This Agreement will become effective as to each Party on the later of the date that the Party executes this Agreement or January 1, 2018, and shall terminate December 31, 2022, unless terminated sooner pursuant to section XI herein. Copies of the executed Agreement shall be provided to:

Hennepin County Human Services Public Health Department

Attention: Emergency Preparedness Unit Supervisor

7
IX. MERGER AND MODIFICATION

A. The entire Agreement between the Parties is contained herein and this Agreement supersedes all oral agreements and negotiations between the Parties relating to the subject matter hereof. The matters set forth in the “WHEREAS” clauses at the beginning of this Agreement are by this reference incorporated into and made a part of this Agreement.

B. Any alterations, variations, modifications, or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing as an amendment to this Agreement signed by the Parties hereto.

X. WITHDRAWAL

A. Any Party may withdraw from this Agreement with or without cause by providing thirty (30) days’ prior written notice to the other Parties herein, consistent with XVI herein. Withdrawal shall not discharge any liability incurred by any Party prior to withdrawal. Such liability shall continue until discharged by law or agreement.

C. The terms of Sections II, III, IV, V, VI, XI, and XII shall survive the expiration, termination or withdrawal from this Agreement.

XI. RECORDS – AVAILABILITY/ACCESS

To the extent required by Minnesota Statutes Section 16C.05, Subd. 5 (as may be amended), the Parties agree that the any Party, the State Auditor, the Legislative Auditor or any of their duly authorized representatives, or ultimate funding sources, at any time during normal business hours, and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the other Parties and involve transactions relating to this Agreement. Such materials shall be maintained and such access and rights shall be in force and effect during the period of the Agreement and for six (6) years after its termination or cancellation.

XII. DATA PRIVACY

Each Party, its Employees and subcontractors agree to abide by the provisions of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, the Health
Insurance Portability and Accountability Act and implementing regulations, if applicable, and all other applicable state and federal laws, rules, regulations and orders relating to data privacy or confidentiality, and as any of the same may be amended.

XIII. COMPLIANCE

Parties shall comply with all applicable federal, state and local statutes, regulations, rules and ordinances in force or hereafter enacted.

XIV. EXECUTION

Each Party hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated. This Agreement may be executed in any number of counterparts, each counterpart for all purposes being deemed an original and all such counterparts shall together constitute one and the same agreement.

XV. ADDITIONAL PARTIES AND COUNTERPARTS

A local government unit may become a participant in this Agreement upon execution by its governing body and the consent of all of the Parties as evidenced by formal action of their governing bodies. Each Party, at its sole discretion, may designate and authorize an agent to act on behalf of the Party with respect to granting or withholding approval of the addition of a new Party under this section.

XVI. CONTRACT ADMINISTRATION

In order to coordinate the services so as to accomplish the purposes of this Agreement, each Party shall designate a contact person, and provide written notice to all other Parties of the name and pertinent contact information for that Party’s contact person. Parties shall update this information in writing as needed to maintain current contact information.

XVII. DISTRIBUTION OF PROPERTY

Any property belonging to or acquired by any Party shall remain the property of that Party, until and unless ownership of the property is transferred by sale, donation, or other means memorialized in writing.

A SIGNATURE PAGE FOR EACH PARTY SHALL BE ATTACHED
Brief Description  Resolution ordering the abatement of nuisance conditions existing at 3622 Steele Street

Recommendation  Adopt the resolution

Background

As described in the attached resolution, the property at 3622 Steele Street has been found to be in violation of the diseased tree portion of the city’s nuisance ordinance based on recent inspections by the natural resource staff (Minnetonka City Code, Section 840.020). The violation is the presence of five elm trees dying of Dutch elm disease in the back yard:

- A 54-inch diameter tree;
- A 10.5-inch diameter tree;
- A 7-inch diameter tree;
- A 6.5-inch diameter tree; and
- A 6-inch diameter tree;

The property owner has been provided five written violation notices and two verbal communications and has had ample time to bring the property into compliance (summary table attached).

A final re-inspection will be conducted on November 13, 2017. If the property is brought into compliance, it will be recommended that it be removed from the council agenda.

The resolution describes findings and orders the abatement of the condition noted above. If the resolution is adopted, staff will arrange for abating the nuisance. The city has received a quote from its contractor in the amount of $5570.00 and as provided by the City Code, the property owner will become liable for this cost plus tax. If the fees are not paid, the costs will be recommended for special assessment against the property.

Due to the timing of this abatement action, the costs will be assessed next year, in 2018, with first payment due with the owner’s property taxes beginning 2019. The special assessment will include the cost to abate the nuisance, tax, administrative fees as well as interest. These costs will be assessed against the property over a ten-year period.

Recommendation

Staff recommends the council adopt the enclosed resolution ordering the abatement of the nuisance condition.
Meeting of November 13, 2017

Subject: Resolution ordering the abatement of nuisance conditions existing at 3622 Steele Street

Submitted through:
   Geralyn Barone, City Manager
   Brian Wagstrom, Public Works Director

Originated by:
   Jo Colleran, Natural Resources Manager
   Hannibal Hayes, City Forester
Resolution No. 2017-
Resolution ordering the abatement of nuisance conditions at 3622 Steele Street

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

Section 1. Background.
1.01. The natural resources division/public works department and/or their contractor representative have inspected the following property, on the dates listed:

<table>
<thead>
<tr>
<th>Property</th>
<th>Inspection Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3622 Steele Street</td>
<td>August 2, 2017</td>
</tr>
<tr>
<td></td>
<td>August 3, 2017</td>
</tr>
<tr>
<td></td>
<td>September 7, 2017</td>
</tr>
<tr>
<td></td>
<td>October 6, 2017</td>
</tr>
</tbody>
</table>

1.02. Nuisance conditions were observed on this property at the first inspection of August 2, 2017 and August 3, 2017, two initial Ordinance Violation Notices were mailed on August 2, August 3 and August 7, 2017. On September 7, 2017, the property was inspected again, and another Ordinance Violation Notice was left on site for the owner. A fifth Ordinance Violation Notice was mailed via regular mail and certified mail on October 19, 2017, which included the quote amount from a contractor and the hearing date.

1.03. A written report has been filed detailing the findings of the inspections and these findings have been conveyed to the city council.

Section 2. Findings.
2.01. The city council finds and declares the property listed above to be in violation of Ordinance 840.020 and constitutes a public nuisance due to the presence of five elm trees dying of Dutch elm disease; the first tree is 54-inches in diameter, the second tree is 10.5-inches in diameter, the third tree is 7-inches in diameter, the fourth tree is 6.5-inches in diameter, the fifth tree is 6-inches in diameter.

The property owner has had 102 days to abate the nuisance. The trees were first identified as being infected with Dutch elm disease on August 2, and August 3, 2017 and the required removal date was September 2, 2017.

2.02. It is in the public’s best interest to have these nuisance conditions abated.

Section 3. Council Action.
3.01. The city manager is hereby authorized to abate the Nuisance Conditions on the property listed above using city personnel and equipment or by
private contract.

3.02. The cost of abatement shall be recorded and become the personal responsibility of the owner of record. If unpaid, the clerk shall list such costs for the city council to consider as a special assessment pursuant to Ordinance 845.045.

Adopted by the City Council of the City of Minnetonka, Minnesota, on November 13, 2017.

Brad Wiersum, Mayor

Attest:

David E. Maeda, 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 duly meeting held on November 13, 2017.

David E. Maeda, City Clerk
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Ordinance Violation Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 2, 2017</td>
<td>Initial inspection, staff marked three infected elm trees.</td>
<td>Spoke with the renter and mailed the paperwork to the owner.</td>
</tr>
<tr>
<td>August 3, 2017</td>
<td>Two additional trees originally thought to be on the neighbor’s property were identified to be on this parcel.</td>
<td>Information relating to the two additional trees was mailed to the owner.</td>
</tr>
<tr>
<td>August 7, 2017</td>
<td></td>
<td>Notice relating to all five trees was mailed to the property owner.</td>
</tr>
<tr>
<td>September 2, 2017</td>
<td>Five trees were required to be removed by property owner to be compliant with city code. Property owners have 30 days from first date of inspection.</td>
<td></td>
</tr>
<tr>
<td>September 7, 2017</td>
<td>Second inspection, trees still standing</td>
<td>Fourth notice left at the door for the property owner.</td>
</tr>
<tr>
<td>October 2, 2017</td>
<td>City requested quote from contractor (S&amp;S).</td>
<td></td>
</tr>
<tr>
<td>October 6, 2017</td>
<td>Quote and photos provided by contractor S&amp;S $5,570.00, excluding tax.</td>
<td></td>
</tr>
<tr>
<td>October 19, 2017</td>
<td></td>
<td>Fifth notice sent by regular and certified mail to property owner with price quote and hearing date included. Total amount including tax is $5,975.22.</td>
</tr>
<tr>
<td>October 27, 2017</td>
<td>City staff called the owner and had a conversation about the non-complaint trees. He was interested in signing a voluntary nuisance abatement agreement to have the city remove the trees. The city’s cost would be collected via special assessment in 2019.</td>
<td></td>
</tr>
<tr>
<td>November 6, 2017</td>
<td>The owner has not yet signed the contract.</td>
<td></td>
</tr>
</tbody>
</table>
Diseased elm trees located at 3622 Steele Street
City Council Agenda Item #11A  
Meeting of November 13, 2017

Brief Description  
Resolution approving a conditional use permit, with a parking variance, for a vision clinic at 13889 Ridgedale Drive

Recommendation  
Adopt the resolution approving the request

Background

By ordinance, a medical clinic is a freestanding structure, or in the case of multiple tenant buildings a total occupied space of 2,000 square feet or more, used for patient examination and treatment by physicians, dentists, optometrists, psychologists or other health care professionals and where patients are not lodged overnight.

Proposal

The existing building at 13889 Ridgedale Drive is occupied by a yoga studio and a hair salon. The building’s third space is currently vacant. Bright Eyes Vision clinic is proposing to relocate into the vacant space. The space would consist of area for vision therapy, a vision clinic and a small optic retail space. While some minor interior reconfiguration is proposed, no exterior modifications are proposed for the building at this time. A conditional use permit is required to allow a medical clinic larger than 2,000 square feet in a multiple tenant building.

While additional parking stalls are available offsite, the property’s parking lot has 45 usable parking spaces. The proposal requires a variance to reduce the number of onsite parking stalls from 49 to 45 stalls.

Planning Commission Hearing

The planning commission considered the request on October 26, 2017. The staff report from that meeting is attached and various plans and documents describing the proposed project are attached. At that meeting, a public hearing was opened to take comment and an adjacent property owner and two others associated with the applicant’s project appeared to speak. The adjacent property owner expressed concerns related to the parking demand currently generated by the existing yoga studio. Two applicant representatives addressed some of the parking concerns by noting that: (1) tenants could better identify parking spaces; and (2) additional parking is provided through the existing cross parking easement.

Following the public hearing, the commission asked questions and discussed the proposal. The planning commission confirmed with staff that the required number of parking stalls would be available through onsite parking and additional parking secured
through easements and agreements on adjacent properties. One commissioner commented that she visited the site during a peak parking time and, while the “front” parking lot was crowded, there was still availability in the “rear lot.”

Planning Commission Recommendation

On a 6-0 vote, the commission recommended that the city council approve the proposal. Meeting minutes from that meeting are attached. There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation

Adopt the attached resolution approving a conditional use permit, with a parking variance, for a vision clinic at 13889 Ridgedale Drive

Through: Geralyn Barone, City Manager
         Julie Wischnack, AICP, Community Development Director
         Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner
Brief Description  A conditional use permit for Bright Eyes Vision Clinic, with parking variance, at 13889 Ridgedale Drive

Recommendation  Recommend the city council adopt the resolution approving the request

Background

By ordinance, a medical clinic is a freestanding structure, or in the case of multiple tenant buildings a total occupied space of 2,000 square feet or more, used for patient examination and treatment by physicians, dentists, optometrists, psychologists or other health care professionals and where patients are not lodged overnight.

Within the PID, Planned I-394 District, medical clinics are conditionally permitted uses.

Proposal Summary

The following is intended to summarize the applicant’s proposal. Additional information associated with the proposal can be found in the “Supporting Information” section of this report.

- **Existing Site Conditions.**
  
  The subject property is just over 36,000 square feet in area and is improved with a 10,500 square foot building, which was constructed in 1987. The surrounding parking lot has 45 stalls and is encumbered with a cross access and parking easement.

- **Proposed Use.**
  
  The existing building is occupied by a yoga studio and a hair salon. The building’s third space is currently vacant. Bright Eyes Vision Clinic is proposing to relocate into vacant space. The clinic would generally consist of vision therapy, vision clinic, and a small optic retail space. While some minor interior reconfiguration is proposed, no exterior modifications to the building are proposed at this time.

Staff Analysis

A land use proposal is comprised of many details. In evaluating a proposal staff first reviews these details and then aggregates them into primary questions or issues. The following outlines the primary questions associated with the proposal and staff’s findings:
• **Is the proposed use appropriate?**

Yes. The vision clinic would meet all conditional use permit standards outlined in the zoning ordinance. The standards and staff’s findings can be found in the “Supporting Information” section of this report.

• **Is the requested parking variance reasonable?**

Yes. By ordinance, the property would require 49 spaces. Currently, the property has 45 useable spaces available.

A cross parking agreement was executed when the subject property and the property to the south was subdivided. This agreement provides an additional 20 useable parking stalls. With some reconfiguration of the former truck turnaround, an additional four spaces would become useable site. Additionally, the owner of the subject property has secured an additional 20 parking stalls on an adjacent property to the west.

Since the parking stalls are not located on the subject property, a parking variance is required. Staff supports the variance, as the amount of secured off-site parking far exceeds the ordinance requirements.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit, with parking variance, for Bright Eyes Vision Clinic at 13889 Ridgedale Drive.

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

Project No. 86155.17a

Property 13889 Ridgedale Drive

Applicant Bright Eyes Vision Clinic

Surrounding Northerly: Ridgedale Drive and I394
Land Uses Easterly: retail uses, zoned PID and guided commercial
Southerly: office building, zoned PID and guided office
Westerly: office building, zoned PID and guided office

Planning Guide Plan designation: Commercial
Zoning: PID, Planned I394

Medical Use The property owners and applicant have suggested that the previous use of the tenant space was a medical use and, therefore, a conditional use permit should not be required for the eye clinic. However, the previous tenant was a laser hair removal business. Under current ordinance, this type of business would not be considered a medical use.

PUD In 1985, the city approved a master development agreement for the site, which limited the types of retail tenants to avoid high traffic retail uses. According to the agreement, the following retail types would be allowed:

1. Businesses that feature the provision of service with ancillary retail uses;
2. Retail businesses, which demand a large display area in relation to customer traffic;
3. Culturally-orientated businesses with ancillary retail sales;
4. Other retail uses similar to those above in terms of traffic generation and parking demands.
5. Professional studios.
6. Office for administrative, executive, professional, and research organizations.
The proposed use would contain only a small retail component in which glasses and contacts would be sold. As such, the proposal would be in compliance with the approved master development agreement.

Parking

The existing parking lot has 45 stripped parking stalls. By ordinance, 49 spaces would be required. The following is intended to summarize the parking needs of the site:

<table>
<thead>
<tr>
<th>Tenant</th>
<th>Size</th>
<th>Parking Calculation</th>
<th>Stalls required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core Yoga</td>
<td>3,600 sf</td>
<td>1 stall per 225 sf</td>
<td>16 stalls</td>
</tr>
<tr>
<td>Hair Salon</td>
<td>2,600 sf</td>
<td>1 stall per 250 sf</td>
<td>10 stalls</td>
</tr>
<tr>
<td>Bright Eyes</td>
<td>4,100 sf</td>
<td>1 stall per 175 sf</td>
<td>23 stalls</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>49 stalls</td>
</tr>
</tbody>
</table>

Currently there are more than 45 parking stalls stripped on the property. However, many of the stalls are unusable, particularly four stalls that are stripped within the site’s access drives. The property owner is exploring opportunities to provide additional usable stalls onsite.

The ordinance allows for off-site parking when the following standards are met:

1. reasonable access shall be provided from the off-site parking facilities to the use being served;

   **Finding:** The off-site parking stalls are reasonably accessible from the subject property.

2. the parking shall be within 400 feet of a building entrance of the use being served;

   **Finding:** All off-site parking stalls are within 400 feet of the building entrance.

3. the parking area shall be under the same ownership as the site served, under public ownership or the use of the parking facilities shall be protected by a recordable instrument, acceptable to the city;

   **Finding:** A cross-access and cross-parking easement is recorded with Hennepin County. This easement allows for shared parking between the subject property and the property to the south.
4. failure to provide on-site parking shall not encourage parking on the public streets, other private property or in private driveways or other areas not expressly set aside for such purposes; and

**Finding:** This has been included as a condition of approval.

5. the offsite parking shall be maintained until such time as onsite parking is provided or an alternate off-site parking facility is approved by the city as a meeting the requirements of this ordinance.

**Finding:** The cross parking easement does not have a sunset date. However, the 20 leased parking spaces are set to expire in 2022.

**CUP Standards**

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code §300.31 Subd. 4(d) for hospitals and medical clinics:

1. shall not be adjacent to low density residential areas;
   **Finding:** The property is surrounded by retail and office uses.
2. shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;
Finding: The property has direct access onto Ridgedale Drive, which is classified as a major collector roadway by the comprehensive guide plan.

3. shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

Finding: Unless an unforeseen emergency occurs, the proposed use is not anticipated to generate emergency vehicle traffic. Nonetheless, the only access into the property is not adjacent to a residential use.

4. may be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

Finding: The use occupies a tenant space less than half of the 10,000 square foot threshold. Staff has evaluated the site’s parking needs and found them to be met.

Variance Standard

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

Pyramid of Discretion

This proposal:
Voting Requirement  The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s approval requires an affirmative vote of five members, due to the parking variance.

Motion Options  The planning commission has three options:

1. Concur with staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.

3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Neighborhood Comments  The city sent notices to 28 area property owners and received no comments.

Deadline for Decision  February 2, 2018
Location Map

Bright Eyes Vision Clinic
Address: 13889 Ridgedale Dr
Project No. 86155.17a

This map is for illustrative purposes only.
October 4\textsuperscript{th}, 2017

Dear City of Minnetonka,

I am seeking to move our vision clinic to the adjacent building. Our small private practice has provided optometry services and vision therapy for the last six years in Minnetonka. Examples of services we provide include: eye examinations, contact lens services, optical services and vision therapy.

We do not provide blood work, surgeries or medical procedures in the office. The last tenant (Simply Smooth Medical Spa) in the building provided laser, injections and medical procedures in the same space. The need for a medical use permit was a surprise as the last tenant was much more "medical" in nature and even has "medical" in their name and exterior signage. We were not asked for a medical use permit in the building next door.

I am asking for expedited processing of this request. If there is a delay in starting construction, I will be forced to displace the clinic and patients. This will cause a tremendous disruption for our patients and would certainly be a devastating financial burden. Displacing the clinic and having no revenue for one or more months is not something that our business is likely to survive.

Thank you for your consideration.

Sincerely,

Jill Schultz, OD
Owner and Optometrist
Bright Eyes Vision Clinic
8. Public Hearings

A. A conditional use permit for Bright Eyes Vision Clinic with a parking variance at 13889 Ridgedale Drive.

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

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

Jill Schultz, applicant, stated that she has had a practice since 2003. It would be a typical vision clinic.

The public hearing was opened.

Sandra Steelman, owner of 13911 Ridgedale Drive, stated that she has parking issues with her neighbors. She leases 20 parking spaces to an adjacent building. The yoga studio takes over everything. Her concern is parking because today the yoga customers filled all of its 45 spots from 10:30 a.m. to 1:30 p.m. plus 15 stalls in her parking lot. The yoga studio operates 2 classes of 20 to 25 people at a time from 6 a.m. to 8 p.m. She has tried working with the adjacent property owner and the yoga business’ management, but it does not help.

Terese Reiling, Colliers International, a retail broker on behalf of the landlord, stated that Core Power Yoga customers consume a lot of parking during the class times. The landlord said that there are always empty parking spaces in his lot during the peak times. The landlord said that tenants could police their customers better by putting signs up indicating where to park. Even though customers park in the adjacent lot, there are still open spaces at the proposed site.

Wayne Elam, real estate broker with Commercial Realty Solutions working with the applicant, stated that there is a cross access easement in place for 20 additional parking stalls on the south which makes the total number of stalls far exceed the 49-space required.

No additional testimony was submitted and the hearing was closed.

Thomas explained that the businesses in the area are not deficient according to city code parking requirements, but the businesses are extremely successful. It is a private property issue between the property owners. It would not be reasonable for staff to recommend denial of an eye clinic for a preexisting condition caused
by patrons of a yoga studio. Thomas explained the number of parking stalls in each parking area and private cross parking agreements for the proposed site and adjacent buildings. There are 45 stalls available on the site and 85 stalls available in the general area. The zoning code bases the number of required parking stalls by a building’s square footage, not by the estimated number of people who may visit the building.

Knight learned from Thomas that the proposed building was previously occupied by West Marine.

Calvert visited the site during a peak time and there were still parking stalls available on the south end. Parking was very crowded in the front, but there were spots available in the back. The proposal is 4 stalls short of code requirements in the building’s lot, but 40 stalls have been secured in a cross parking lease agreement. Parking is not an issue in context of this application.

Powers agreed. He applauded Ms. Steelman for expressing her frustration with an unresolved parking issue. He hoped a solution could be found between the property owners. He supports staff’s recommendation.

O’Connell moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with parking variance for Bright Eyes Vision Clinic at 13889 Ridgedale Drive.

Schack, Calvert, Knight, O’Connell, Powers, and Kirk voted yes. Sewall was absent. Motion carried.
Resolution No. 2017-

Resolution approving a conditional use permit, with parking variance, for a medical clinic at 13889 Ridgedale Drive

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

Section 1. Background.

1.01 Bright Eyes Vision Clinic has requested a conditional use permit to operate a vision clinic within an existing building. The proposal includes a parking variance from 49 to 45 parking stalls.

1.02 The property is located at 13889 Ridgedale Drive. It is legally described as follows:

That part of Lot 26, except the North 10 feet taken for highway, FAIRFIELD ACRES, according to the recorded plat thereof, and situated in Hennepin County, Minnesota, that lies south of a line beginning at a point on the east line of said Lot 26, distant 310 feet south of the east and west quarter line of Section 3, Township 117 North, Range 22 West; thence run northwesterly to a point on the west line of Lot 27, said FAIRFIELD ACRES, distant 265 south of said east and west quarter line and said line there terminating; and north of a line beginning at a point on the east line of said Lot 26, a distance of 175.00 feet north of the southeast corner of said Lot 26; thence west at right angles with said east line a distance of 77.65 feet; thence deflecting to the left 30°15'00" a distance of 69.48 feet; thence deflecting to the right 30°15'00" a distance of 60.87 feet to the west line of said Lot 26 and said line there terminating.

1.03 On October 26, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit, with variance.
Section 2. Standards.

2.01 City Code §300.21 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.31 Subd. 4(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. shall not be adjacent to low density residential areas;
2. shall have direct access from the site to a collector or arterial street defined in the comprehensive plan;
3. shall not have emergency vehicle access adjacent to or located across a street from any residential use; and
4. may be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

2.03 By City Code §300.07 Subd.1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.21 Subd.2.

3.02 The proposal meets all but one of the specific conditional use permit standards outlined in City Code §300.31 Subd.4(d).

1. The property is surrounded by retail and office uses;
2. The property has direct access onto Ridgedale Drive, which is classified as a major collector roadway by the comprehensive guide plan;

3. Unless an unforeseen emergency occurs, the proposed use is not anticipated to generate emergency vehicle traffic. Nonetheless, the only access into the property is not adjacent to residential use.

4. The use occupies a tenant space less than half of the 10,000 square foot threshold. Staff has evaluated the site’s parking needs and found them to be generally met.

3.03 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the parking ordinance is to ensure adequate parking is provided to meet anticipated parking demand. Not all of the required parking stalls would be accommodated onsite. However, the property benefits from a parking easement. This easement provides additional parking stalls on the adjacent property to the south. In addition, the property owner has secured additional parking stalls on the adjacent property to the west. The number of onsite and offsite parking stalls far exceed what is required by the ordinance.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The subject property is located in the I-394 regional business corridor. One of the overall themes outlined in the comprehensive plan is to “encourage vitality in the regional business corridors.” The proposal would allow for the occupancy of a currently vacant tenant space.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a. REASONABLENESS and UNIQUE CIRCUMSTANCE: The proposed parking space is reasonable. While the code-required parking would not be onsite, the required amount of parking is provided through an existing parking easement. Additionally, the property owner has secured extra parking spaces on the property to the west until 2022.

   b. CHARACTER OF LOCALITY: The anticipated parking demand from the vision clinic is expected to have a much lesser impact on the neighborhood than other “allowed” or “permitted” uses within the PID, Planned I394 District.
Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. Driveway aisles must have a minimum drivable width of 24 feet. Parking within the drive aisle is not allowed unless the width requirement is maintained.

3. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

4. The city council may reasonably add or revise conditions to address any future unforeseen problems.

5. Any change to the approved use – including an increase total occupancy or total building area occupied – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on November 13, 2017.

_______________________________________
Terry Schneider, Mayor

Attest:

__________________________________________
David E. Maeda, 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 November 13, 2017.

__________________________________
David E. Maeda, City Clerk
City Council Agenda Item #14A  
Meeting of November 13, 2017

**Brief Description:** Items related to deferred special assessments

**Recommended Action:**
1) Adopt the ordinance amending section 220.010 of the Minnetonka City Code
2) Adopt the resolution amending City Council Policy 2.17

**Background**

State law (Minn. Stat. § 435.193) allows a city to adopt an ordinance that allows an owner of homestead property to apply for deferment of special assessments under limited circumstances constituting a hardship, and based on standards and guidelines set forth in the ordinance. Minnetonka’s ordinance allows a hardship deferment based upon retirement due to age or due to permanent and total disability. The city’s ordinance also determines hardship based upon income.

The current ordinance specifies that the person requesting deferment may not have an annual income that exceeds an amount equal to $17,250 and indexed against the consumer price index from January 1, 1991. Under the current ordinance, the annual income limitation for 2017 is $29,920.

Staff proposed that the ordinance be amended so that the income limitation for the deferral program would match that used by the city for affordable housing programs: i.e., 50 percent of the area median income (50% AMI), as determined annually by the Department of Housing and Urban Development (HUD) for the fair market rent area that includes Minneapolis-St. Paul. Using 50% of AMI would be administratively less burdensome, because the 50% AMI is readily available from a HUD publication and does not require staff time to calculate. In addition, by using the 50% AMI, there would be greater consistency between city programs that, while distinct in nature, share the goal of making housing more affordable.

The ordinance was introduced on October 23, 2017. At the meeting, Council Member Wiersum raised a question about the HUD publication, which establishes the 50% AMI for households ranging from one person to eight persons. He questioned whether the ordinance should specify a limit based upon a one-person household, rather than the full range of household sizes, because of the burdens – for staff and the applicant – of verifying income for the entire household.

After further review, staff recommends that the ordinance establish income eligibility based only on the applicant’s income, using 50% AMI for a household of one person. For 2017, the 50% AMI amount for a family of one is $31,650.
The staff recommendation is based upon the following:

- The approach is consistent with the current ordinance and historical practice, under which the city determined a property owner’s eligibility for the initial deferral based upon only the applying owner’s retirement status and income, not that of other persons in the same household. (The ordinance does provide for an additional deferral of up to 5 years, for which the requirements are more strict and the applicant must demonstrate that no other financial resources – such as other household income – are available to the applicant.)

- The approach is less burdensome to administer, both for the city staff and for the applicant, because it does not require the applicant to furnish income verification for multiple persons.

- Historically, applications have been made by applicants from one- or two-person households.

- Determining eligibility based on household income rather than only the applicant’s income is actually more restrictive than the current practice, which disregards other household income. That additional restriction is not needed, because the city has not experienced a high volume of deferral applications.

City Council Policy 2.17 restates the provisions of section 220.010, and amendment of the ordinance requires a corresponding amendment to the policy. The attached resolution amends the policy based on the recommended ordinance.

**Recommendation**

1) Adopt the ordinance amending section 220.010 of the Minnetonka city code, regarding deferred special assessments.
2) Adopt the resolution amending City Council Policy 2.17, regarding deferred special assessments.

Submitted through:
  Geralyn Barone, City Manager
  Merrill King, Finance Director

Originated by:
  Corrine Heine, City Attorney
The City of Minnetonka Ordains:

Section 1. Section 220.010, subdivision 2 of the Minnetonka city code, relating to deferment of special assessments, is amended to read as follows:

2. A person who receives deferment under paragraph subdivision 1 above may not have an annual income that exceeds 50 percent of the average median income for a household of one, as determined annually by the United States department of housing and urban development for the fair market rental area that includes Minneapolis and St. Paul, Minnesota, $17,250 per year, as of January 1, 1991. This amount will be subsequently adjusted annually by the consumer price index for the twin cities area.

Section 2. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction:  October 23, 2017
Date of adoption:
Motion for adoption:

The stricken language is deleted; the underlined language is inserted.
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 meeting held on

David E. Maeda, City Clerk
Resolution No. 2017-

Resolution amending council policy 2.17 on deferment of special assessments and storm sewer charges

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

Section 1. Background.

1.01. City code section 220.010 authorizes the deferment of special assessments and storm sewer charges.

1.02. The council adopted Council Policy 2.17 to provide direction to staff in the interpretation and implementation of section 220.010.

1.03. The council has amended section 220.010, which requires a corresponding amendment to the council policy.

Section 2. Council Action.

2.01. Council Policy 2.17 regarding deferment of special assessments and storm sewer charges is amended as shown on the attached Exhibit A.

Adopted by the City Council of the City of Minnetonka, Minnesota, on .

________________________________________
Terry Schneider, Mayor

Attest:

________________________________________
David E. Maeda, 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 .

____________________________________
David E. Maeda, City Clerk
Policy Number 2.17
Deferment of Special Assessments and Storm Sewer Charges

Purpose of Policy: This policy establishes guidelines for the deferment of special assessments and storm sewer charges authorized by City Code §220.010.

Introduction
Section 220.010 of the city code authorizes the deferment of special assessments and storm sewer charges. This policy establishes the criteria and procedures for implementing that code section. City staff is authorized to grant deferrals that comply with the ordinance and this policy without further action by the city council.

General Requirements
- The property must be classified as homestead and must be owned and occupied by the applicant.
- The applicant must provide the most recent federal income tax return indicating the applicant’s total income or provide a copy of the most recent Minnesota Property Tax Refund Form M-1PR.
- The applicant may not have an annual income that exceeds 50 percent of the average median income for a household of one, as determined annually by the United States Department of Housing and Urban Development for the fair market retail area that includes Minneapolis and St. Paul, Minnesota, $28,843.00 per year, as of March 2012. This amount is subsequently adjusted annually by the consumer price index for the Twin Cities area.
- The maximum deferral period is 15 years with the potential for a one-time five-year hardship extension if:
  - the applicant continues to comply with the basic requirements;
  - the applicant is at least 80 years old, or is the surviving spouse of a person who was at least 80 years old upon death;
  - the owner provides copies of his/her/their federal income tax forms for three years immediately preceding the hardship request;
  - the applicant furnishes a statement of all current assets and the nature of their liquidity, showing that other financial resources are not available for payment of the special assessments;
  - the bond account established for each special assessment levy in question is sufficient to discharge all city obligations incurred from the sale of the bonds;
  - the years allowed for spreading the unpaid amounts at the end of the five-year extension is not fewer than 10 if the property cannot be further divided, or fewer than five if the property is further divisible;
  - the special assessment balance at the end of a five-year extension is not greater than 50 percent of the market value of the property as estimated.
to the end of the five-year extension. Further, the special assessment balance at the end of a five-year extension will not result in annual installments of more than $10,000 based on the remaining years allowed for re-spreading the unpaid amount; and
  o the hardship extension is renewed on an annual basis, no later than September 30 of each year, but is not renewed for more than a total of five years.

- The initial application must be filed within 30 days after the adoption of an assessment roll for a new levy or by September 30th for preexisting levies. The application must be on the forms required by the city.

- The property owner must reapply for the deferment each year no later than September 30th of each year and must provide proof of income with each renewal. City staff will automatically mail the renewal application form to the owner(s).

**Senior Deferrals**
- The applicant must not be employed and must be at least 65 years old.

- The applicant must provide a photo ID issued by a governmental agency to establish age.

**Disabled Deferrals**
- The applicant must not be employed and must provide proof of being retired as a result of permanent and total disability. Acceptable evidence includes a determination of permanent and total disability from the Social Security Administration, the Veteran’s Administration, a private disability insurance company, or other independent entity that provides disability benefits to the applicant. A doctor’s statement alone is insufficient.

**Termination**
- The deferral is automatically terminated when:
  o the time period of the deferral has ended;
  o the owner fails to file a renewal application on time;
  o the owner dies and the spouse is not qualified;
  o the property or any part of it is sold, transferred or subdivided;
  o the property loses its homestead status; or
  o the property owner no longer qualifies for a deferral.

- The unpaid principal and interest that accrued during the deferral period are due when the deferral is terminated. For special assessments, the principal balance and interest will be collected with property taxes over the time remaining in a period of 30 years after the original assessment. For storm sewer charges, the principal balance and interest will be collected on utility bills over the same number of years allowed for payment when originally adopted.

**Report to Council**
Staff must provide an annual report to the city council regarding deferred assessments in the preceding calendar year, including the number of applications submitted, the number granted, and the total outstanding amount of deferred assessments by project. Staff will also periodically examine the income limits and recommend whether there should be a change.

Adopted by Resolution No. 2013-017
Council Meeting of March 25, 2013

Amended by Resolution No. 2017-__
Council Meeting of
City Council Agenda Item #14B  
Meeting of November 13, 2017

Brief Description
Ordinance amending Section 710 of the city code regarding increases/changes in fees

Recommendation
Adopt the ordinance

Background
At the October 23, 2017 meeting, staff proposed changes to Section 710 of the city code regarding increases/changes in certain fees:

- Environmental Health license fees
- Planning application fees
- Liquor licensing fees
- Theatre licensing fees

Fees required by ordinance can be changed by amending Section 710 where these fees are listed.

Summary of Changes
The license fees for environmental health increased between $5 and $20 dollars, depending on the license type (no inquiries have been received based on the notice to licensed establishments regarding the fee adjustments). Also, a new Hazard Analysis Critical Control Plan (HACCP) Plan Review fee is proposed. In some cases, a decrease is proposed for mobile food vendors and micro distilleries (off-sale).

Theatre licensing fees are proposed at a flat rate rather than per seat.

Planning is proposing a new fee for temporary sign permits that is more reasonable than paying the same fee as a permanent sign request. In addition, an increase to preliminary plats (no new public roadways) is proposed.

At the October 23rd meeting, several councilmembers commented on the proposed change to temporary outdoor events, with liquor ($150). Staff has reviewed the process for why the increase was being requested and has determined that this fee should remain at $25 for indoor/outdoor requests for temporary liquor licenses for 2018. However, after researching the process with neighboring cities, it appears that staff needs to explore this item further to determine a more efficient process for events in general, not just the events that involve a liquor license. Staff is proposing to meet with other departments in 2018 to develop a new process for special events such as events held at breweries, fundraising events, races, music festivals and other requested events that may impact parking and public safety. Once that process has been determined, staff will present their findings with a new process and any applicable fee changes at a future council meeting.
Recommendation

Staff recommends the council adopt the ordinance with the proposed fees.

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

Originated by:
  John Weinand, Environmental Health Supervisor
  Kathy Leervig, Community Development Coordinator
Ordinance No. 2018-

An ordinance amending city code section 710.005 regarding certain fees

The City of Minnetonka Ordains:

Section 1. City code section 710.005, paragraphs 3, 9, 10, 13, 15, 16, 29, 31 are amended as follows, to be renumbered alphabetically and the following paragraphs added and renumbered accordingly:

<table>
<thead>
<tr>
<th>para. no.</th>
<th>description</th>
<th>amount</th>
<th>code section</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>body art license</td>
<td>$330.00</td>
<td>820.015</td>
</tr>
<tr>
<td>9.</td>
<td>food establishment licenses</td>
<td></td>
<td>815.020</td>
</tr>
<tr>
<td></td>
<td>Class A: supper clubs, sit-down, drive-in, delivery, take-out restaurants; or similar facility</td>
<td>$820.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class B: mobile food vendor, limited food vendor, mobile food cart, or similar facility</td>
<td>$490.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class C: grocery, meat market, bakery, deli, rental kitchen, limited food service, or similar facility</td>
<td>$655.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class E: limited grocery, retail potentially hazardous foods, bulk foods</td>
<td>$325.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class G: prepackaged, non-perishable, candy, or coffee (no refrigeration needed)</td>
<td>$175.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>additional facilities - more than one of any type or types of any operation listed within the classes</td>
<td>$270.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>school kitchen inspection fee</td>
<td>$690.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>special event food stands</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>first day</td>
<td>$80.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Application received within 5 business days of the event</td>
<td>$120.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>each additional consecutive day</td>
<td>$25.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>maximum - each license</td>
<td>$170.00</td>
<td></td>
</tr>
<tr>
<td>Service Description</td>
<td>Fee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Food Handling Establishment - Day Care Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full Service</td>
<td>$495.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Food Service (less than 6 months)</td>
<td>$165.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Plan Review Fee</td>
<td>$150.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazard Analysis Critical Control Plan (HACCP) Plan Review</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use Applications</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td>325</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit Fees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent or Temporary</td>
<td>$100.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary</td>
<td>$50.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subdivision or Lot Division</td>
<td>400.015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat (No New Public Roadways)</td>
<td>$400.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Liquor Licenses</td>
<td>600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intoxicating Liquor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Sale Microdistillery</td>
<td>$380.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonintoxicating Malt Liquor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Licenses</td>
<td>$740.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Renewal Licenses</td>
<td>$580.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Lodging Establishment License</td>
<td>$210.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plus Per Room</td>
<td>$7.008.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Pool License, Public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor</td>
<td>$425.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor</td>
<td>$425.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Pool, Same Location</td>
<td>$270.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>theater license- indoor motion picture seating capacity/screen</td>
<td>640.015</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>0–300</td>
<td></td>
<td>$240.00</td>
<td></td>
</tr>
<tr>
<td>301–500</td>
<td></td>
<td>$300.00</td>
<td></td>
</tr>
<tr>
<td>501–700</td>
<td></td>
<td>$360.00</td>
<td></td>
</tr>
<tr>
<td>701–1,000</td>
<td></td>
<td>$420.00</td>
<td></td>
</tr>
<tr>
<td>more than 1,000</td>
<td></td>
<td>$480.00</td>
<td></td>
</tr>
</tbody>
</table>

Section 2.  A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3.   This ordinance is effective January 1, 2018.

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

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this ordinance:

The stricken language is deleted; the underlined language is inserted.
Date of introduction: October 23, 2017
Date of adoption: 
Motion for adoption: 
Seconded by: 
Voted in favor of: 
Voted against: 
Abstained: 
Absent: Bergstedt 
Ordinance adopted.

Date of publication: 

CERTIFIED COPY: 

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

______________________________________________ 
David E. Maeda, City Clerk
<table>
<thead>
<tr>
<th>License Category</th>
<th>2017 Fee</th>
<th>Proposed 2018 fee</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental Health Fee Changes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class A license (restaurants)</td>
<td>$820</td>
<td>$830</td>
<td>$10</td>
</tr>
<tr>
<td>Class B license (mobile food vendors)</td>
<td>$490</td>
<td>$250</td>
<td>$240 (decrease)</td>
</tr>
<tr>
<td>Class C license (grocery stores)</td>
<td>$655</td>
<td>$665</td>
<td>$10</td>
</tr>
<tr>
<td>Class E (limited grocery)</td>
<td>$325</td>
<td>$335</td>
<td>$10</td>
</tr>
<tr>
<td>Class G (prepackaged, candy)</td>
<td>$175</td>
<td>$180</td>
<td>$5</td>
</tr>
<tr>
<td>Additional facilities license</td>
<td>$270</td>
<td>$290</td>
<td>$20</td>
</tr>
<tr>
<td>School kitchen Inspection</td>
<td>$690</td>
<td>$700</td>
<td>$10</td>
</tr>
<tr>
<td>Daycare center food license</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full service</td>
<td>$495</td>
<td>$500</td>
<td>$5</td>
</tr>
<tr>
<td>Special Food Event (within 5 business days of event)</td>
<td>NA</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>Temporary Food Service (less than 6 months)</td>
<td>$165</td>
<td>$170</td>
<td>$5</td>
</tr>
<tr>
<td>Hazard Analysis Critical Control Plan (HACCP) Plan Review</td>
<td>NA</td>
<td>$150</td>
<td>$150</td>
</tr>
<tr>
<td>Swimming pool license, public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor pool</td>
<td>$425</td>
<td>$430</td>
<td>$5</td>
</tr>
<tr>
<td>Outdoor pool</td>
<td>$425</td>
<td>$430</td>
<td>$5</td>
</tr>
<tr>
<td>Additional pool, same location</td>
<td>$270</td>
<td>$275</td>
<td>$5</td>
</tr>
<tr>
<td>Lodging establishment license</td>
<td>$210</td>
<td>$220</td>
<td>$10</td>
</tr>
<tr>
<td>Body art</td>
<td>$330</td>
<td>$340</td>
<td>$10</td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat (no new public roadways)</td>
<td>$400</td>
<td>$500</td>
<td>$100</td>
</tr>
<tr>
<td>Temporary Sign permit</td>
<td>NA</td>
<td>$50</td>
<td>$50</td>
</tr>
<tr>
<td><strong>Licensing</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Micro distillery, off-sale</td>
<td>$380</td>
<td>$250</td>
<td>$130 (decrease)</td>
</tr>
<tr>
<td>Non-intoxicating malt beverage (3.2%)</td>
<td>$740</td>
<td>$580</td>
<td>$160 (decrease)</td>
</tr>
<tr>
<td>Theatre</td>
<td>Per seat</td>
<td>$300</td>
<td>varies</td>
</tr>
</tbody>
</table>
Brief Description: Resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor

Recommended Action: Adopt the resolution.

Background

The city council is requested to adopt the attached resolution, which will certify this year’s delinquent utility bills for collection with the 2018 property taxes. Consistent with previous city council actions, staff proposes that the certification of delinquent accounts include an interest rate – this year again, recommended to be 10 percent on the total unpaid balance. The interest is calculated from December 1, 2017, to December 31, 2018. A $50 administrative fee is added to delinquent accounts to cover the additional costs associated with the certification process. Hennepin County charges an additional interest rate and administrative fee prior to final certification.

For comparison, the following table presents the certifications over the last ten years at the time of council action.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Accounts</th>
<th>Amount Certified</th>
<th>Average Certification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>457</td>
<td>$229,904.11</td>
<td>$503.07</td>
</tr>
<tr>
<td>2009</td>
<td>487</td>
<td>$379,783.80</td>
<td>$779.84</td>
</tr>
<tr>
<td>2010</td>
<td>490</td>
<td>$299,409.62</td>
<td>$611.04</td>
</tr>
<tr>
<td>2011</td>
<td>513</td>
<td>$293,312.57</td>
<td>$571.76</td>
</tr>
<tr>
<td>2012</td>
<td>454</td>
<td>$264,001.65</td>
<td>$581.50</td>
</tr>
<tr>
<td>2013</td>
<td>460</td>
<td>$260,366.31</td>
<td>$566.01</td>
</tr>
<tr>
<td>2014</td>
<td>474</td>
<td>$267,103.63</td>
<td>$563.51</td>
</tr>
<tr>
<td>2015</td>
<td>496</td>
<td>$291,055.75</td>
<td>$586.81</td>
</tr>
<tr>
<td>2016</td>
<td>520</td>
<td>$330,915.17</td>
<td>$636.38</td>
</tr>
<tr>
<td>2017</td>
<td>475</td>
<td>$293,798.86</td>
<td>$618.53</td>
</tr>
</tbody>
</table>
A detailed list of properties and delinquent amounts as of November 13, 2017, is available upon request. All accounts to be certified have been notified in writing of the pending certification and have had at least one month already in which to pay the arrears. Any account which pays the certified amount plus city administration costs before November 17, 2017, will be removed from the list prior to filing with Hennepin County. Therefore, the actual numbers of accounts certified to the county are always less than the amounts indicated here. Accounts to be certified must also have been delinquent for three months or longer.

The jump in the amount certified in 2009 from the previous year is partially associated with some accounts certified for Inflow & Infiltration (I&I) surcharges. All residential inspections for the I&I Program have been completed. A general annual increase in the amount certified from year to year likely reflects adopted rate increases. It is notable that over the last two years, the increase in average amount certified per account is less than the rate increase for each of those years.

Although the number of delinquent accounts at this step as a percentage of the total number of accounts (around three percent annually) has remained relatively consistent over time, administration of the notification and certification process is lengthy and manually time-consuming. At the beginning of the annual procedure this year, 815 accounts were notified of the pending certification. There were 887 of these accounts last year and 820 the year before. Based on past years, only around 41 percent of those, e.g. 371 last year, will actually be certified after the city’s utility billing staff has worked with customers to collect arrears. Rough analysis of the delinquent accounts indicate that as many as one-third are “repeat offenders.”

2017 Delinquencies

It appears that the decrease this year in the number of delinquent accounts initially notified is the result of at least two factors. First, the past twelve months has been the first full year that the residential late fee was ten percent of the current late balance per quarter, which the council adopted in 2016. Previously, the late fee was a flat $10 per quarter, and it appears the higher penalty may be successfully serving as an incentive for customers to stay current.

Second, city utility billing staff in Minnetonka as well as those in other peer cities have found that a portion of new ebilling customers forget that they enrolled and thereby fail to recognize their electronic invoices for the first one to three quarters they are on the electronic system. This year, staff delivered targeted paper notifications of first-time delinquencies to new ebilling accountholders to prevent the past due accounts from reaching the certification cost threshold before deadlines.

Finally, the number of accountholders initially notified of pending certification who have now paid their delinquency as of this evening rose this year. Because staff delayed final
certification deadlines after notification by three weeks later than in the past, customers were allowed additional time. Anecdotally, some customers have told staff they were waiting for state property tax refunds, which usually arrive in that interim.

The certification process is labor intensive and costly to the enterprise. Staff will continue to monitor the number of delinquencies requiring such efforts and consider alternatives to assist accountholders into the future.

**Appeals**

In the formal notification of delinquency, customers were apprised of their right to request a hearing before the city council to ask that the delinquent amount on their account not be assessed to their property taxes. At the time of drafting this letter, no property owners have notified the city of their intention to present their case to the city council. Nonetheless, all such customers are still afforded the opportunity to do so this evening.

**Recommendation**

Adopt the resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor.

Submitted through:
Geralyn Barone, City Manager

Originated by:
Merrill King, Finance Director
Resolution No. 2017-

Resolution authorizing the certification of Delinquent Water and Sanitary Sewer Charges to the Hennepin County Auditor

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

Section 1. Background

1.01. The City Council of the City of Minnetonka duly adopted Ordinance No. 1200.030 providing for certification of delinquent water and sanitary sewer charges to the County Auditor for collection pursuant to the provision of Minnesota Statutes 444.075.

Section 2. Findings

2.01 The Finance Department has prepared a list of delinquent charges for water and sanitary sewer services together with the legal description of the premises served, the official copy of which is on file with the City Clerk.

2.02. All parties have been notified by mail of the certification.

2.03. The proposed list of delinquent charges for water and sanitary sewer services, the official copy of which is hereby accepted by the Council, is a true and correct list of delinquent water and sanitary sewer service charges as of November 13, 2017.

Section 3. Authorization

3.01. The City Clerk shall transmit a certified duplicate copy of this resolution and the list of updated delinquent accounts to the County Auditor to be extended on the property tax list of the County, and such delinquent accounts shall be collected and paid over the same manner as other municipal taxes with interest from the date of this resolution at the rate of 10 percent (10%) per annum and including a $50.00 administrative penalty pursuant to the provisions of Minnesota Statutes 444.075.

Adopted by the City Council of the City of Minnetonka, Minnesota on November 13, 2017.

________________________________________
Terry Schneider, Mayor
Attest:

David E. Maeda, 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 November 13, 2017.

________________________________________
David E. Maeda, City Clerk
Brief Description: Resolution authorizing the certification of delinquent fire alarm response fees to the Hennepin County Auditor

Recommended Action: Adopt the resolution

Background
As provided by city ordinance section 915.029, staff annually requests that the city council certify delinquent fire response bills for collection with property taxes. For property taxes collectible in 2018, nine properties have unpaid invoices. Consistent with previous city council actions, it is proposed that the certification of these delinquent accounts include an interest rate – this year again, recommended to be 10 percent on the unpaid balance. The interest is calculated from December 1, 2017, to December 31, 2018. A $50 administrative penalty is added to delinquent accounts to cover the additional costs associated with the certification process.

The following table presents the certifications from November 15, 2016 to November 1, 2017.

<table>
<thead>
<tr>
<th>Number of Accounts Collected</th>
<th>Amount Collected</th>
<th>Unpaid Accounts</th>
<th>Unpaid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>$13,125.00</td>
<td>10</td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

Accounts delinquent three months or longer, are certified. All accounts to be certified have been notified in writing of the pending certification and have had at least two weeks in which to pay the arrears. The detailed list of properties and delinquent amounts is available in the Fire Department.

Recommendation
Adopt the resolution authorizing the certification of fire response fees to the Hennepin County Auditor.

Submitted through: Geralyn Barone, City Manager
Originated by: John Vance, Fire Chief
RESOLUTION NO. 2017-

RESOLUTION AUTHORIZING THE CERTIFICATION OF DELINQUENT FIRE ALARM RESPONSE CHARGES TO THE HENNEPIN COUNTY AUDITOR

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. City Code §915.029 provides for certification of fire alarm response fee charges to the County Auditor for collection pursuant to the provision of MN Statute 366.012 and 415.01.

1.02. The Fire Department has prepared a list of the delinquent charges for the fire alarm response fee, together with the legal descriptions of the premises served, the official copy of which is on file with the City Clerk.

1.03. All parties were notified by mail of the certification on September 19, 2017.

1.04. The proposed list of the delinquent charges for fire alarm response service, the official copy of which is hereby accepted by the Council, is a true and correct list of the delinquent fire alarm response fee charges as of the 13th day of November 2017.

Section 2. Council Action

2.01. The City Clerk must transmit a certified duplicate copy of this resolution and the list of the delinquent accounts to the County Auditor to be extended on the property tax lists of the County, and such delinquent accounts shall be collected and paid over in the same manner as other municipal taxes with an interest rate of ten percent (10%) per annum and including a $50.00 administrative penalty pursuant to the provisions of MN Statute 366.012 and 415.01.

Adopted by the City Council of the City of Minnetonka, Minnesota, on this 13th day of November, 2017.

__________________________________________
Terry Schneider, Mayor
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 duly authorized meeting held on the 13th day of November, 2017.

_________________________________
David E. Maeda, City Clerk
Resolution amending council policy 1.1 regarding appointments to joint powers organizations and intergovernmental boards

Adopt the resolution

Council Policy 1.1 establishes requirements for appointees to joint powers organizations and intergovernmental boards, commissions or committees in which the city participates. The policy requires that appointees to the position of alternate director must be members of the city council or city staff.

Due to the number of organizations and intergovernmental boards, staff finds it may be appropriate in some circumstances to appoint persons other than council members or staff members as an alternate director to an organization, board, commission or committee. A resolution amending Council Policy 1.1 is attached for council consideration.

Adopt the resolution

Submitted through:
  Geralyn Barone, City Manager
  Will Manchester, P.E., Director of Engineering

Originated by:
  Corrine Heine, City Attorney
Resolution No. 2017-

Resolution amending council policy 1.1 regarding appointments to joint powers organizations and intergovernmental boards

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

Section 1. Background.

1.01. Council Policy 1.1 establishes requirements for appointees to joint powers organizations and intergovernmental boards, commissions or committees in which the city participates.

1.02. The policy requires that appointees to the position of alternate director must be members of the city council or city staff.

1.03. The council has determined that it may be appropriate, in some circumstances, to appoint persons other than council members or staff members as an alternate director to an organization, board, commission or committee.

Section 2. Council Action.

2.01. Council Policy 1.1 regarding appointments to joint powers organizations and intergovernmental boards is amended as shown on the attached Exhibit A.

Adopted by the City Council of the City of Minnetonka, Minnesota, on November 13, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, 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 .

_____________________________________________________
David E. Maeda, City Clerk
Policy Number 1.1
Appointments to Joint Powers Organizations
and Intergovernmental Boards

Purpose of Policy: This policy establishes that the city council has the prerogative of appointing one of its members as the primary representative on all joint powers organizations and intergovernmental boards.

Introduction
This directive is applicable to all joint powers organizations and intergovernmental boards, commissions or committees.

City Council Representation
• All appointments to the position of director or voting member must be made by the city council.

• All appointees to the position of director or voting member must be members of the city council unless otherwise authorized by the city council.

• All appointees to the position of alternate director must be members of the city council or appropriate staff, unless otherwise authorized by the city council.

Adopted by Council Motion
Council Meeting of February 23, 1981

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2017-___
Council Meeting of ____________, 2017
City Council Agenda Item #15A
Meeting of November 13, 2017

Brief Description: Resolution designating Alternate Commissioner to the Bassett Creek Watershed Management Commission

Recommended Action: Adopt the resolution

Background

At the meeting of November 13, 2017, I will move to appoint William Monk as alternate commissioner to the Bassett Creek Watershed Management Commission to replace the previous alternate commissioner, Jacob Millner who has moved out of Minnetonka.

Appointments to this commission must be in the form of a resolution, and are in effect until February 2019.

Recommendation

Adopt the attached resolution appointing William Monk as alternate commissioner to the Bassett Creek Watershed Management Commission to serve a term of office beginning November 13, 2017 and ending on February 1, 2019.

Respectfully submitted,

Terry Schneider
Mayor
Resolution No. 2017-

Resolution designating an Alternate Commissioner to the Bassett Creek Watershed Management Commission

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

Section 1. Background.

1.01. A vacancy currently exists on the Bassett Creek Watershed Management Commission for an Alternate Commissioner from the City of Minnetonka.

1.02 William Monk is qualified to serve as the city’s alternate representative on the Bassett Creek Watershed Management Commission.

Section 2. Council Action.

2.01 The city council hereby appoints William Monk as Alternate Commissioner to the Bassett Creek Watershed Management Commission to serve a term of office beginning November 13, 2017 and ending on February 1, 2019.

Adopted by the City Council of the City of Minnetonka, Minnesota, on November 13, 2017.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, 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 duly authorized meeting held on November 13, 2017.

______________________________
David E. Maeda, City Clerk