



CITY COUNCIL MEETING AGENDA  
TUESDAY OCTOBER 29, 2024

**CITY COUNCIL MEETING TIME: 6:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

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

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. City Council Minutes from the October 15, 2024, Regular City Council Meeting (will be available for approval on 11.19.2024 agenda).
  - b. Approval of Accounts Payable (Batch #1; Checks Numbered 23179-23195 and Batch #2; Checks Numbered 23196-23206).
  - c. Approval to not waive the monetary limits on Tort Liability established by MN Statutes, to the extent of the limits of liability coverage obtained from the LMCIT.
5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
6. Reports of Boards and Committees by Council and Staff.
7. Certification of Delinquent Sewer Service Charges as Special Assessments.
  - a. **RESOLUTION NO. 24-1029-01** – Resolution certifying delinquent sewer service charges.
8. Open/Misc.
9. Adjourn.

# City of Independence

## League of Minnesota Cities Insurance Trust Tort Liability Waiver

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* October 29, 2024

***Discussion:***

Each year the City is required to decide whether to waive the monetary limits on Tort Liability established by MN Statutes, to the extent of the limits of liability coverage obtained from the LMCIT. The City has historically made the determination to not waive the monetary limits based on the direction provided by the City Attorney.

***Requested Action:***

It is recommended that the City Council not waive the monetary limits on Tort Liability established by MN Statutes, to the extent of the limits of liability coverage obtained from the LMCIT.

**ATTACHMENTS:** LMCIT Waiver Form

## LIABILITY COVERAGE WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before their effective date of coverage.  
Email completed form to your city's underwriter, to [pstech@lmc.org](mailto:pstech@lmc.org), or fax to 651.281.1298.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. *The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.* The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

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LMCIT Member Name: \_\_\_\_\_

*Check one:*

- ☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).
- ☐ The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 24-1029-01**

**RESOLUTION CERTIFYING DELINQUENT SEWER SERVICE CHARGE AS  
SPECIAL ASSESSMENTS**

**WHEREAS**, the records of the billing department of the City of Independence lists certain accounts delinquent for the year 2024 (a copy of which is with the City Clerk); and

**WHEREAS**, the consumer has been notified of the delinquent account according to the legal requirement of the law; and

**WHEREAS**, Minnesota Statutes authorizes collection of delinquent accounts by certification to the county tax rolls for collection.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Independence, Minnesota to direct the County Auditor of Hennepin County to place the delinquent accounts, consisting of principal and interest thereon at the rate of 5% of the payable 2025 tax rolls.

*List of Delinquent Accounts*

5574 COUNTY ROAD 11	\$1,289.00
3925 INDEPENDENCE ROAD	\$1,289.00
5275 COUNTY ROAD 11	\$1,289.00
2930 LINDGREN LANE	\$450.41
5065 COUNTY ROAD 11	\$809.00
5080 FERN DR	\$526.00
3690 INDEPENDENCE ROAD	\$1,289.00
4672 S LAKE SARAH DR	\$539.00
5330 SUNSET LANE	\$1,039.00
5215 SUNSET LANE	\$1,039.00
5420 LAKE SARAH HEIGHTS DR	\$1,039.00
4620 S LAKE SARAH DR	\$526.00
5025 FERN DR	\$789.00
5560 LAKE SARAH HEIGHTS DR	\$789.00
2894 LINDGREN LANE	\$789.00
3590 INDEPENDENCE ROAD	\$578.60
	<u>\$14,542.01</u>

This resolution was adopted by the City Council of the City of Independence on this 29<sup>th</sup> day of October 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

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Marvin Johnson, Mayor

ATTEST:

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Mark Kaltsas, City Administrator