

FIRST AMENDMENT TO MANAGEMENT AGREEMENT BETWEEN
CITY OF SAINT PAUL AND WHEEL FUN RENTALS, LLC

This FIRST AMENDMENT to the February 14, 2018 Agreement between the City of Saint Paul, through its Department of Parks and Recreation (“City”) and Wheel Fun Rentals, LLC (“Manager”) is entered into this ____ day of May 2020.

WHEREAS, the City and Manager entered into an Agreement on April 25, 2018 for the management and operation of the Como Minatare Golf Course which terminates on October 31, 2022; and

WHEREAS, that agreement allows for a renewal of an additional five-year term provided Manager directly invest \$200,000 by June 15, 2020. The agreement also requires an onsite manager for 40 hours a week during the operating season; and

WHEREAS, Minnesota’s Emergency Executive Order 20-01 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 and subsequent Executive Orders related to COVID-19 have impacted Manager’s operations; and

WHEREAS, Manager wishes to amend the Agreement to allow for a one-year extension of the \$200,000 investment.

Now, therefore, Manager and City agree to amend as follows:

1. Section 5. Improvement to Managed Area
 - B. Investments. Manager will directly invest \$200,000.00 into the miniature golf course no later than June 15, 2021. As part of the \$200,000.00 investment, Manager will make an initial up-front investment of \$20,000.00 improvements into the Managed Area by May 15, 2018. Managed Area renovations and improvements may include, but are not limited to, miniature golf course concrete, artificial turf, carpet, signage, utilities (electric, gas, water, telephone, internet), lighting, fencing, foliage (e.g. plants, bushes, trees), real or artificial rocks, water features, fencing, buildings, and structures.
2. Section 8. Manager Responsibilities.
 - A. On-site Manager. Manager will provide an on-site manager at Managed Area. Such manager shall be made know to City and will be on-site at the Managed Area for a minimum average number of weekly hours approved by City annually. Manager shall notify City of any changes in staffing of the position.

3. All other terms and conditions of the original Agreement shall remain in full force and effect.
4. COUNTERPARTS: The parties may sign this Amendment in counterparts, each of which constitutes an original, but all of which together constitute one instrument.
5. ELECTRONIC SIGNATURES: The parties agree that the electronic signatures of a party to this Amendment shall be valid as an original signature of such party and shall be effective to bind such party to this Amendment. The parties further agree that any document (including this Amendment and any attachments or exhibits to this Amendment) containing, or to which there is affixed, an electronic signature shall be deemed (i) to be “written” or “in writing,” (ii) to have been signed and (iii) to constitute a record established and maintained in the ordinary course of business and an original written when printed from electronic files. For purposes hereof, “electronic signature” also means a manually signed original signature that is then transmitted by any electronic means, including without limitation a faxed version of an original signature or an electronically scanned and transmitted version (e.g. via PDF) of an original signature. Any party’s failure to produce the original signature of any electronically transmitted signature shall not affect the enforceability of this Amendment.

IN WITNESS WHEREOF, the parties hereto are authorized signatories and have executed this Agreement, the day and year first above written.

For the City of Saint Paul:

For Wheel Fun Rentals

Jaime Rae Tincher
Jaime Rae Tincher (Jul 17, 2020 13:17 CDT)

Mayor’s Office

By *Rodney Knight*
Rodney Knight (Jul 14, 2020 20:17 CDT)

Its _____

michael hahm
michael hahm (Jul 15, 2020 14:23 CDT)

Director, Parks and Recreation


John McCarthy (Jul 15, 2020 17:00 CDT)

Director, Finance

Approved as to Form:

Sarah K. Sullivan

Assistant City Attorney










First Amendment to Wheel Fun Rentals LLC Management Agreement 2018.04.25 to 2022.10.31

Final Audit Report

2020-07-17

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"First Amendment to Wheel Fun Rentals LLC Management Agreement 2018.04.25 to 2022.10.31" History

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Signed document emailed to Sarah Sullivan (sarah.sullivan@ci.stpaul.mn.us), Jaime Rae Tincher (jaime.tincher@ci.stpaul.mn.us), Rodney Knight (wheelfunrentals@msn.com), Tyler McKean (tyler.mckean@ci.stpaul.mn.us), and 3 more

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