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•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
• ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
◊ALSO ADMITTED IN NORTH DAKOTA
◻ALSO ADMITTED IN MASSACHUSETTS
◻ALSO ADMITTED IN OKLAHOMA

TO: Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: March 26, 2014
RE: Resolution Approving Agreement with St. Anne's Episcopal Church Relating to Payment for Installation of Automatic Door Openers in Connection with Disability Grant from the State of Minnesota
April 1, 2014 Council Meeting; Agenda Item 8(a)

Section 1. Background. At the December 3, 2013 Council meeting the City Council of Sunfish Lake supported the submission of a grant application for election assistance for individuals with disabilities (EAID) to be used for purchasing automatic door openers for the one and only polling place located at St. Anne's Episcopal Church at 2035 Charlton Road, Sunfish Lake, Minnesota (St. Anne's Church).

The City submitted its grant application to the Office of the Secretary of State of Minnesota for federal funds pursuant to Title II, Section 261 of the Help America Vote Act for the sole purpose of improving access to the Sunfish Lake polling place for persons with disabilities. The grant application submitted by the City of Sunfish Lake was approved by the Office of the Secretary of State of Minnesota. The Disability Grant Contract allows the City of Sunfish Lake to receive grant funds in the amount of \$8,918.21.

As a requirement for receiving the grant funds in the amount of \$8,918.21, the State of Minnesota required that the City of Sunfish Lake enter into a Disability Grant Contract, which contract governs the receipt, expenditure, reimbursement and reporting of such grant funds. The estimated cost of the accessibility project is \$9,749.79. The grant funds equal \$8,918.21. The difference is \$831.58. St. Anne's Church has agreed to pay the difference to the City.

At the March 4, 2014 Council meeting, the Council approved the Disability Grant Contract between the State of Minnesota and City of Sunfish Lake and authorized receipt of the grant funds.

Section 2. Agreement with St. Anne's Church. Glewwe Doors, Inc. provided a quotation for the installation of automatic door openers at St. Anne's Church in the amount of \$9,749.79. St. Anne's Church has confirmed the quote. The grant funds of \$8,918.21 leave a funding gap of \$831.58. St. Anne's Church has committed to fund the gap. The City and St. Anne's Church desire that the automatic door openers and appurtenances as described in the Glewwe Doors, Inc. proposal be installed and that the cost of \$9,749.79 be paid by \$8,918.21 coming from grant money and by \$831.58 coming from payment by St. Anne's Church to the City. St. Anne's Church will pay to the City \$831.58 no later than May 15, 2014. The City will use the \$831.58 for the project.

The City and St. Anne's Church will mutually schedule when the project is installed; provided, however, the parties agree that the project will be installed no later than June 30, 2014. It is anticipated that the project will be installed in the time period from May 15, 2014 to June 15, 2014.

Section 3. Council Action. The Council is asked to consider the attached Resolution Approving an Agreement between the City of Sunfish Lake and St. Anne's Church Relating to Payment for Installation of Automatic Door Openers at St. Anne's Church at the April 1, 2014 City Council meeting.

St. Anne's Church has approved and signed the attached Agreement.

Attachments

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 14-_____

**RESOLUTION APPROVING AN AGREEMENT WITH ST. ANNE'S EPISCOPAL
CHURCH FOR FUNDING RELATING TO THE INSTALLATION OF AUTOMATIC
DOOR OPENERS AT ST. ANNE'S CHURCH**

WHEREAS, at the December 3, 2013 Council meeting the City Council of Sunfish Lake supported the submission of a grant application for election assistance for individuals with disabilities (EAID) to be used for purchasing automatic door openers for the one and only polling place located at St. Anne's Episcopal Church at 2035 Charlton Road, Sunfish Lake, Minnesota (St. Anne's Church).

WHEREAS, the grant application submitted by the City of Sunfish Lake was approved by the Office of the Secretary of State of Minnesota. The Disability Grant Contract allows the City of Sunfish Lake to receive grant funds in the amount of \$8,918.21.

WHEREAS, the estimated cost of the accessibility project is \$9,749.79. The grant funds equal \$8,918.21. The difference is \$831.58. St. Anne's Church has agreed to pay the difference of \$831.58 to the City.

WHEREAS, St. Anne's Church will pay to the City \$831.58 no later than May 15, 2014. The City will use the \$831.58 for the project.

WHEREAS, the City and St. Anne's Church will mutually schedule when the automatic door openers are installed; provided, however, the parties agree that they will be installed no later than June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED, as follows:

- 1.) The Council hereby approves the attached Agreement between the City of Sunfish Lake and St. Anne's Church.
- 2.) The Council authorizes the Mayor and City Clerk to execute the Agreement on behalf of the City.
- 3.) The Council hereby authorizes the receipt of \$831.58 from St. Anne's Church and further authorizes the expenditure of the funds for payment relating to the installation of the automatic door openers in the manner set forth in the Agreement.

Passed this 1st day of April, 2014.

Molly Park, Mayor

ATTEST:

Catherine Iago, City Clerk

AGREEMENT

THIS AGREEMENT (Agreement) is made and entered into this 1st day of April, 2014 by and between the City of Sunfish Lake, a Minnesota municipal corporation (“City”) and St. Anne’s Episcopal Church (“Church”). City and Church hereby agree:

ARTICLE 1 **RECITALS**

WHEREAS, the State of Minnesota Office of the Secretary of State solicited grant proposals from cities for accessibility improvements to polling places in Minnesota to provide accessibility to individuals with disabilities to polling locations.

WHEREAS, there is only one polling place within the City of Sunfish Lake located at St. Anne’s Episcopal Church, 2035 Charlton Road, Sunfish Lake, Minnesota and that location does not currently have automatic door openers to allow for accessibility for individuals with disabilities.

WHEREAS, at the December 3, 2013 Council meeting the City Council of Sunfish Lake supported the submission of a grant application for election assistance for individuals with disabilities (EAID) to be used for purchasing automatic door openers for the one and only polling place located at St. Anne’s Episcopal Church at 2035 Charlton Road, Sunfish Lake, Minnesota.

WHEREAS, the City submitted its grant application to the Office of the Secretary of State of Minnesota for federal funds pursuant to Title II, Section 261 of the Help America Vote Act for the sole purpose of improving access to the Sunfish Lake polling place for persons with disabilities.

WHEREAS, the grant application submitted by the City of Sunfish Lake was approved by the Office of the Secretary of State of Minnesota. The Disability Grant Contract allows the City of Sunfish Lake to receive grant funds in the amount of \$8,918.21.

WHEREAS, Glewwe Doors, Inc. provided a quotation of November 11, 2013 in the amount of \$9,749.79. The grant funds of \$8,918.21 leave a funding gap of \$831.58. By letter dated December 2, 2013, the Church committed to fund the gap.

WHEREAS, the City and Church desire that the automatic door openers and appurtenances as described in the Glewwe Doors, Inc. proposal (the “Project”) be installed and that the cost of \$9,749.79 be paid by \$8,918.21 coming from grant money and by \$831.58 coming from payment by the Church to the City.

ARTICLE 2 **AGREEMENT**

2.1 Disability Grant Contract Administration. The City will administer the Disability Grant Contract (“Contract”) with the State and will comply with the requirement of the Contract. City will use the grant money for the Project.

2.2 Agreement with Installer. The City will enter into an agreement with Glewwwe Doors, Inc. to install and complete the Project no later than June 30, 2014 at a cost payable to Glewwwe Doors, Inc. in the amount of \$9,749.79.

2.3 Permission to Install On Site. Church hereby grants permission for the City and its contractor to enter the Church property and to install and complete the Project on the Church property. Church agrees that it will not remove the automatic door openers unless they become obsolete or are totally damaged. After installation of the automatic door openers, the Church agrees to be responsible for the upkeep, maintenance and repair of the automatic door openers. Church is also responsible to provide the electricity to operate the automatic door openers.

2.4 Cooperation to Schedule Installation. Church and City, through their respective contact persons, will mutually schedule when the Project is installed; provided, however, the parties agree that the Project shall be installed no later than June 30, 2014. It is anticipated that the Project will be installed in the time period from May 15, 2014 to June 15, 2014.

2.5 Payment of \$831.58. To assist in the payment of the Project, Church shall pay to the City \$831.58 no later than May 15, 2014. City will use the \$831.58 for the Project.

2.6 Contact Persons. The contact persons for the Church and City are:

Church: St. Anne's Episcopal Church
Rev. Lydia H. Brown
2035 Charlton Road
Sunfish Lake, MN 55118

City: City of Sunfish Lake
Catherine Iago, City Clerk
7378 Jordon Avenue South
Cottage Grove, Minnesota 55016

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IN WITNESS WHEREOF, the parties have executed this Agreement effective on the date shown above.

CHURCH:
ST. ANNE'S EPISCOPAL CHURCH

By: _____
Rev. Lydia H. Brown
Its: Rector

Dated: _____, 2014

CITY:
CITY OF SUNFISH LAKE

By: _____
Molly Park
Its: Mayor

ATTEST:

Catherine Iago, City Clerk

Dated: April 1, 2014