



## STAFF REPORT

DATE: 04/21/2025

### **Motion**

**TO:** Park Commission

**AGENDA ITEM:** Bob and Holly Kress Donation

**SUBMITTED BY:** Adam Swanepoel, Assistant Public Works Director

**REVIEWED BY:** Marty Powers, Public Works Director

---

### **CORE STRATEGIES:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Vibrant, inclusive, connected community | <input type="checkbox"/> Efficient, reliable, innovative services |
| <input type="checkbox"/> Responsive, transparent, adaptive governance       | <input type="checkbox"/> Balanced Finances now and future         |
| <input type="checkbox"/> Managed Growth                                     | <input type="checkbox"/> Resilient Infrastructure                 |

### **BACKGROUND:**

The city has received a donation of \$1,650 from Bob and Holly Kress, to be used for community improvement within Sunfish Lake Park. The Kress's reached out to city staff requesting to place a park bench in Sunfish Lake Park near the lake.

### **ISSUE BEFORE PARKS COMMISSION:**

Should the Parks Commission accept the donation of \$1650 from Bob and Holly Kress?

### **PROPOSAL DETAILS/ANALYSIS:**

Bob and Holly wish to donate \$1650 to fund an upgraded park improvement in Sunfish Lake Park. It is requested the donation would help purchase a bench to be placed between markers #20 and #19

Parks Commissioners should consider the following when accepting donations:

- (1) Is the gift of lasting value to the community?
- (2) Does it create potential liability issues for the City? That is, will people walk on it, sit on it, or under it? Will construction be inspected, is construction up to current standards (ADA accessible, for example?) Are the materials used acceptable for public construction?
- (3) Will some member of the public find the item offensive; can it be construed as having a religious content, or offending members of a protected class?
- (4) What will the potential annual maintenance cost of the gifted object be? Do the costs outweigh the value of the gift?
- (5) Does the gift carry implied duties that the City must perform? What is the cost of performance of such duties? Does the cost exceed the value of the gift?
- (6) If costs, direct or indirect exceed the value of the gift; acceptance of the gift may still be warranted if a public purpose is being served and all understand the costs as well as the value of the gift.
- (7) Also, does the acceptance of the gift imply that the City will replace the gift when worn out, destroyed by vandals, etc? If the gift is found to be no longer of use in the future, may the City at that time, sell, dismantle or convert to another use?

- (8) All agreements, prohibitions, etc, with respect to the gift should be noted in the minutes or Memorandum of Agreement for future reference.

**FISCAL IMPACT:**

The proposed donation would be placed into the parks general maintenance fund for the purchase of a park bench.

Bob and Holly have requested to have a bench purchased with a plaque that reads, “Relax to the sights, sounds and smells of nature. Bob & Holly Kress”

**OPTIONS:**

- 1) Approve the donation from Bob and Holly Kress and recommend putting the donation towards the purchase of a bench to be placed in Sunfish Lake Park.
- 2) Do not accept the donation from the Bob and Holly Kress

The Parks Commission should identify any agreements or exclusions related to the recommendation.

**RECOMMENDATION:**

Staff recommends the following motion:

“Move to recommend to the City Council to approve the donation from Bob and Holly Kress to purchase a bench, placard and installation materials not to exceed \$1650 and to be placed in Sunfish Lake Park.”

DONATION FORM FOR LAKE ELMO CITY PARKS PUBLIC IMPROVEMENT PROJECTS,  
MEMORIALS, TRIBUTES, WORKS OF ART  
(Including funding proposals for the above purposes)

*DONOR INFORMATION*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Hereby makes a proposal to fund and/or construct a Public Improvement Project, memorial, tribute, or  
work of art consisting of :

The intended purpose of this donation is:

Proposed location:

\_\_\_\_\_

Donation subject to the following restriction (if any):

Condition, Conservation and Maintenance Requirements:

What type of materials will be used in the proposed Project?

What is the intended life span of the Project?

---

What short and long-term maintenance may be required and what is the anticipated cost of such maintenance?

The City of Lake Elmo will make reasonable efforts to accommodate the intended purpose of the donation but reserves the right to utilize, relocate and/or dispose of any item through donated funds as the City of Lake Elmo may deem fit.

This agreement shall not take effect until the City Council of the City of Lake Elmo has specifically accepted this donation.

Donor:

Date:

---

---

Recommended:

---

Department Head

---

Date

Accepted:

---

City Administrator

---

Date

