



Our Mission is to Provide Quality Public Services in a Fiscally Responsible Manner While Preserving the City's Open Space Character

NOTICE OF MEETING

**City Council Special Meeting
3800 Laverne Avenue North
Wednesday, June 29, 2016
8:00 AM**

- I. Call to Order
- II. Discussion of Library Board Decision with Regard to Joining the Washington County Library System
- III. Adjourn

MEMORANDUM

TO: The Mayor and Members of the City Council

FROM: Kristina Handt, City Administrator
Sarah Sonsalla, City Attorney

DATE: June 28, 2016

RE: Library

In order for the Lake Elmo Public Library to become a branch of the Washington County Library system in 2017, the City is required by state statute to notify the County Auditor by July 1, 2016 that it will be turning over the proceeds of its levy for public library services to the County, effective January 1, 2017.

The Library Board reviewed this matter at its meeting on June 25, 2016. It is recommending that the City turn over the proceeds of its levy on the condition that the County enter into a memorandum of understanding with the City regarding the library services to be provided by the County to the City and the transition of the Lake Elmo Public Library to a branch of the Washington County Library system.

The Library Board is recommending that the City Council adopt the attached "Resolution Regarding Library Services in the City of Lake Elmo" and approve the attached Memorandum of Understanding with the County. The Resolution and the Memorandum of Understanding will then be sent by the City to the County.

It is our understanding from speaking with County staff that if the City's action to turn over the proceeds of the library levy is conditioned upon the County approving the Memorandum of Understanding, the July 1st deadline will not be met. This is because the County Board's next meeting is not until July 5th which is after the July 1st deadline. The County Board is subject to the same three day meeting notice requirements under the Open Meeting Law as the City, which means that it is not possible for the County Board to call a special meeting before July 1st. Therefore, the County will not be able to approve the Memorandum of Understanding and the July 1st deadline will not be met.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”), dated as of this ____ day of June, 2016 (the “Effective Date”) is entered into by and between the City of Lake Elmo (the “City”), a Minnesota municipal corporation, and Washington County, a Minnesota body corporate and politic (the “County”).

RECITALS

WHEREAS, on January 1, 2012, the Lake Elmo City Council established public library service for the City’s residents, pursuant to Minnesota Statutes Section 134.07; and

WHEREAS, upon this establishment, the Library Board was appointed by the City Council which established the Lake Elmo Public Library; and

WHEREAS, the City levies an annual tax on its taxable property for public library service for the library fund that funds the Lake Elmo Public Library; and

WHEREAS, it has been determined by the Library Board that public library service in the City will be expanded if the Lake Elmo Public Library becomes a branch of the Washington County Library System; and

WHEREAS, in order for the Lake Elmo Public Library to become a branch of the Washington County Library System, the City would need to turn over the proceeds of its levy for public library service to Washington County (the “County”); and

WHEREAS, in order for the City to turn over the proceeds of its levy to the County, the City has requested and the County has agreed to enter into this MOU regarding the library services to be provided by the County in the City and the transition of the Lake Elmo Public Library to a branch of the Washington County Library system; and

NOW, THEREFORE, the City and the County agree as follows:

A. Services.

1. The County will operate a full service Washington County Library branch in Lake Elmo in perpetuity.
2. The Lake Elmo Public Library will remain open and continue service during its transition to a Washington County Library branch.
3. The City will provide staff and volunteers to work with the County to ensure uninterrupted service during the transition of the Lake Elmo Public Library to a Washington County Library branch.
4. The County will make every attempt to maintain the current open hours and schedule of the Lake Elmo Public Library branch (which is currently open 48 hours per week), but a minimum of 40 open hours per week must be maintained.
5. The County will purchase and provide a self-check machine for the Lake Elmo Public Library branch.

6. The County must continue to add new books and other materials to the Lake Elmo Public Library branch's collection that reflects the needs and requests of its patrons. The County must also maintain and add to the Lake Elmo Public Library branch's special collections.
7. The County must provide library programs at the Lake Elmo Public Library branch that are consistent with programs provided by the County to other library branches.

B. Building and Utilities.

1. The City will provide space in a facility in which the County will operate a full service branch library in the City of Lake Elmo in perpetuity. The City will rent this space to the County for \$1.00/per month.
2. The City will be the landlord of the entire facility and will be responsible for cleaning the interior and exterior of the building, and maintaining the grounds, including but not limited to snow plowing and lawn maintenance. These services will be provided to the County by the City at no cost to the County.
3. The County will pay for natural gas and electricity costs for its space in the facility, along with all other operating costs (i.e. telephone, internet, etc.).
4. The County will not be required to pay for costs related to staffing or supervision of building space not under control of the County for library purposes.

C. Financing.

1. The City will no longer collect the library levy from City property owners effective January 1, 2017. The County will then be responsible for setting and collecting the library levy for City property owners.

D. Assets.

1. The City will remain the owner of the Lake Elmo Public Library property and fixtures.
2. The City will retain ownership of any City-owned library materials and assets owned by the City prior to the execution of this MOU.

E. Other Provisions.

1. The County will encourage and provide opportunities for the volunteers of the Lake Elmo Public Library, current and future, to be active in the Lake Elmo Public Library branch of the Washington County Library System.
2. The County will hire and retain all current Lake Elmo Public Library staff, and will staff the Lake Elmo Public Library with a full-time director.

3. The County will support the Friends of Lake Elmo Library in its mission which is “to build a partnership between the library and the community to champion quality library services for Lake Elmo residents.”
4. The library shall still be called the “Lake Elmo Public Library.”
5. The City may terminate this MOU at any time and for any reason, including, but not limited to, the scheduled open hours for the Lake Elmo Public Library branch falling below 40 hours per week and the County being in violation of any of the terms of this MOU, by providing the County with written notice. The City will then be responsible for collecting the library levy from City property owners. If the notice is provided before June 1st, this MOU shall terminate on December 31st and the City will begin collecting the library levy from City property owners on January 1st of the following year. If the notice is provided after June 1st, this MOU shall terminate on December 31st of the year following the year of the notice and the City will begin collecting the library levy from City property owners on January 1st of that year.
6. The County may terminate this MOU at any time and for any reason by providing the City with written notice. The City will then be responsible for collecting the library levy from City property owners. If the notice is provided before June 1st, this MOU shall terminate on December 31st and the City will begin collecting the library levy from City property owners on January 1st of the following year. If the notice is provided after June 1st, this MOU shall terminate on December 31st of the year following the year of the notice and the City will begin collecting the library levy from City property owners on January 1st of that year.
7. Upon termination of this MOU, the lease between the County and the City for the Lake Elmo Public Library property shall also terminate. All City-owned library materials and assets owned by the City prior to the execution of this MOU shall be returned by the County to the City.
8. The City and the County shall negotiate in good faith to reach an understanding on the terms and conditions of a lease for the Lake Elmo Public Library property, an agreement regarding the transfer of Lake Elmo Public Library employees to the County, and other agreements regarding the transfer of Lake Elmo Public Library to the Washington County Library System.
9. This MOU shall be effective on January 1, 2017 and be in effect until December 31, 2017. After December 31, 2017, this MOU will continue to be in effect unless terminated by one of the parties in accordance with paragraph 5 or 6 of this MOU.

CITY OF LAKE ELMO

By: _____

Mike Pearson

Its: Mayor

By: _____

Julie Johnson

Its: City Clerk

WASHINGTON COUNTY

By: _____

Its: _____

By: _____

Its: _____

**LAKE ELMO LIBRARY BOARD
WASHINGTON COUNTY
MINNESOTA**

RESOLUTION NO. 2016- _____

A RESOLUTION REGARDING LIBRARY SERVICES IN THE CITY OF LAKE ELMO

WHEREAS, on January 1, 2012, the Lake Elmo City Council established public library service for the City's residents, pursuant to Minnesota Statutes Section 134.07; and

WHEREAS, upon this establishment, the Library Board was appointed by the City Council which established the Lake Elmo Public Library; and

WHEREAS, the City levies an annual tax on its taxable property for public library service for the library fund that funds the Lake Elmo Public Library; and

WHEREAS, it has been determined by the Library Board that public library service in the City will be expanded if the Lake Elmo Public Library becomes a branch of the Washington County Library System; and

WHEREAS, in order for the Lake Elmo Public Library to become a branch of the Washington County Library System in 2017, the City will need to turn over the proceeds of its levy for public library service to Washington County (the "County"); and

WHEREAS, the Library Board is recommending that the City turn over the proceeds of its levy on the condition that the County enter into a memorandum of understanding with the City regarding the library services to be provided by the County in the City and the transition of the Lake Elmo Public Library to a branch of the Washington County Library system; and

NOW, THEREFORE, BE IT RESOLVED, by the Library Board of the City of Lake Elmo as follows:

1. The Library Board hereby recommends to the City Council that the City notify the County that the City will turn over the proceeds of its levy for public library service to the County but only if that County approves and executes the attached Memorandum of Understanding; and
2. The Library Board hereby recommends that the City Council approve and execute the attached Memorandum of Understanding and forward it to the County for its approval and execution.
3. The Library Board hereby recommends that the City Council approve a budget line item in the City's annual budget of \$8,000 to contract with the Friends of Lake Elmo Library to provide library programming and activities.

Passed and duly adopted this _____ day of June, 2016, by the Library Board of the City of Lake Elmo, Minnesota.

Chair

ATTEST:

Julie Johnson, City Clerk

**CITY OF LAKE ELMO
WASHINGTON COUNTY
MINNESOTA**

RESOLUTION NO. 2016- _____

A RESOLUTION REGARDING LIBRARY SERVICES IN THE CITY OF LAKE ELMO

WHEREAS, on January 1, 2012, the Lake Elmo City Council established public library service for the City's residents, pursuant to Minnesota Statutes Section 134.07; and

WHEREAS, upon this establishment, the Library Board was appointed by the City Council which established the Lake Elmo Public Library; and

WHEREAS, the City levies an annual tax on its taxable property for public library service for the library fund that funds the Lake Elmo Public Library; and

WHEREAS, on June 25, 2016, the Library Board adopted a resolution determining that public library service in the City will be expanded if the Lake Elmo Public Library becomes a branch of the Washington County Library System; and

WHEREAS, in order for the Lake Elmo Public Library to become a branch of the Washington County Library System in 2017, the City will need to turn over the proceeds of its levy for public library service to Washington County (the "County"); and

WHEREAS, the Library Board has recommended that the City turn over the proceeds of its levy on the condition that the County enter into a memorandum of understanding with the City regarding the library services to be provided by the County in the City and the transition of the Lake Elmo Public Library to a branch of the Washington County Library system; and

WHEREAS, the Library Board has recommended that the City Council approve the attached Memorandum of Understanding with the County and provide it to the County for its approval and execution; and

WHEREAS, the City will turn over the proceeds of its levy on the condition that the County enter into a memorandum of understanding with the City regarding the library services to be provided by the County in the City and the transition of the Lake Elmo Public Library to a branch of the Washington County Library system; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo as follows:

1. City staff is directed to notify the County that the City will turn over the proceeds of its levy for public library service to the County but only if that County approves and executes the attached Memorandum of Understanding; and
2. The attached Memorandum of Understanding is hereby approved. The Mayor and City Clerk are authorized to execute it. City staff shall forward it to the County for its approval and execution.
3. That in the event that the County approves and executes the attached Memorandum of Understanding and the levy proceeds are turned over to the County, City staff is directed to

negotiate an agreement with the Friends of Lake Elmo Library (the "Friends") for the Friends to provide library programming and activities for the City in an amount of \$8,000.00.

Passed and duly adopted this 29th day of June, 2016, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

From: <eib@aol.com>
Date: March 14, 2016 at 9:59:02 AM CDT
To: <gary.kriesel@co.washington.mn.us>
Subject: Lake Elmo Library

Dear Council,

Following a recent telephone conversation with Council member Julie Fliflet, I thought a letter to you would be helpful to clarify the county's position regarding independent libraries.

First, let me be clear that I am very impressed with the efforts of the numerous volunteers to create an independent library in Lake Elmo. It is clearly a gathering point for residents and provides worthy services. I was happy to attend the grand opening and have enjoyed visits since then.

Secondly, I want to make sure that you understand the direction the County Board has given to county staff regarding the county library system. After a long and in depth process, the County Board has unanimously approved a strategic plan for the county library system. The plan clearly states that the county will not consider additional associate libraries beyond the two that were grandfathered in because they existed before the county created a library system. The goals in the strategic plan are predicated on that guideline along with several other such guidelines. As a result, county staff will only work to advance the strategic plan goals with partners and communities that are in the county's library system. To work with communities or partners that are not paying into the county library taxing system would not be equitable to the communities that are paying taxes for those services. While I know that is disappointing to you, I am sure you can understand that taxpayers in Cottage Grove, Forest Lake, Woodbury and many other communities would not be likely to support having their taxes used in communities that are not willing to share the burden and the benefits of taxation.

In my conversation with Councilmember Fliflet, she expressed the belief that since I had not responded to one email from her over a year ago regarding a desire for Lake Elmo to become an associate that meant I supported the desire to become an associate library. I deeply regret that a non response from me was perceived to be acceptance of associate library status.

At any time the City council decides to rejoin the county library system by rejoining the county's library taxing district, I will do everything in my power to assure that Lake Elmo retains a library facility. With the approval of Washington County's strategic library plan associate status is not an option.

Sincerely,

Gary Kriesel
Washington County Commissioner
District 3

