

2F. Consideration of approving a contract with Mark Holker for the maintenance of city-owned property

Prepared by: City Engineer/Public Works Director	Meeting Date: 3/13/2023	<input checked="" type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Regular Agenda Item
Reviewed by: Community Development Director, Finance Manager	Approved by: City Administrator	

ACTION REQUESTED

Motion to approve a contract with Mark Holker for maintenance of city-owned property as legally described within the agreements.

REFERENCE AND BACKGROUND

In 2021, the City purchased properties for the construction of The Pointes at Cedar project and construction of a new public works facility. Construction activities at The Pointes at Cedar project in 2023 will result in 15 acres that need to be maintained for weed control. Also, construction of the new public works facility isn't expected until 2024 and approximately 40 acres of the property will need to be maintained for weed control in 2023.

It is proposed that no fee be charged for this agreement. The lessee will be responsible for preventing invasive species, weeds, and erosion on parcels 213100153100, 213100151400 and 155230000010. The lessee will be required to work with potential excavators at The Pointes at Cedar project site, and these lease areas are subject to change. No reimbursement would be made for any crop damage occurred from construction and geotechnical testing activities performed at either site.

- I. **Budget Impact:** No budget impact is anticipated from these agreements.
- II. **Staff Workload Impact:** City engineering and community development staff will be involved in managing these sites.
- III. **Comprehensive Plan Impact:** The completion of The Pointes Small Area Plan is consistent with the Monticello 2040 Vision + Plan as identified in the Commercial/Residential Flex District planning. The Pointes is also identified as a future public park in the Parks chapter of the Plan.

STAFF RECOMMENDED ACTION

City staff recommends approval of the contract with Mark Holker.

SUPPORTING DATA

- Maintenance Agreement

MAINTENANCE AGREEMENT

The City of Monticello, 505 Walnut Street, Suite #1, Monticello, MN 55362, hereby enter into a maintenance agreement with Mark Holker, 5420 County Road 37 NE, Monticello, Minnesota 55362, as Lessee and maintenance provider, to perform necessary maintenance activities as described to assist with the restoration of described lands into land suitable for park and recreation purposes.

Approximately 40 acres of cultivated land near School Boulevard #213100153100 and 213100151400

Approximately 15 acres of cultivated land near Cedar Street #155230000010

To have and to hold said premises, unto Lessee as maintenance provider, his heirs, and assigns, subject to the conditions and limitations hereinafter mentioned, for the 2023 growing season, for the sum of \$0.00. The lessee agrees to manage the acreage identified above in a manner to prevent invasive species, weeds, and erosion.

And, in consideration thereof, said Lessee covenants with the Property Owners as follows:

RENT: No rent will be paid for said land as above specified;

PLANTING: A cover crop will be planted according to the best farming practices in its locality and provide all tools, implements, machinery and hired help necessary to that end;

SEED HARVESTING: Lessee will use on said land only the best seed available and will promptly pay all harvesting bills during said term; he will also limit the thatch by either bailing or chopping;

WEEDS: Lessee will keep all land and adjoining fence lines free from weeds, and destroy same before seeds ripen by spraying or otherwise, and will use herbicides to eradicate weeds on tillable land;

PLOWING/TILLAGE: Lessee may use proper and best practice for spring plowing/tillage, and he agrees to perform fall plowing or tillage to prep ground for smooth turf seed bed.

ASSIGNMENT AND SUBLETTING: Lessee will neither assign this agreement nor sublet any part of said land without consent of the Property Owners.

DAMAGE OF COVER CROP: No compensation to be made for crop damage caused by the city or its contractors.

In witness whereof this Maintenance Agreement is executed by the parties as follows:

CITY OF MONTICELLO on this _____ day, of _____, 2023

Rachel Leonard, City Administrator

Matt Leonard, Public Works Director

Mark Holker

Date