

LAUDERDALE CITY COUNCIL MEETING AGENDA
TUESDAY, JUNE 10, 2003
CITY HALL, 7:00 P.M.

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. CALL MEETING TO ORDER AT 7:00 P. M.

2. ROLL:

Councilmembers:

McCloskey _____ Christensen _____
Gill-Gerbig _____ Giannetti _____
Mayor Dains _____

Staff: Getschow _____

3. APPROVAL OF THE AGENDA

4. APPROVAL

- A. Approval of minutes of 5/27/03 City Council Meeting
- B. Approval of claims totaling \$33,179.05
- C. Approval of Pay Request #2 for the 2003 Street and Utility Improvements for S.M. Hentges and Sons in the amount of \$228,495.02

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

FILE

6. **CONSENT**
7. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS**
8. **INFORMATIONAL PRESENTATIONS**
9. **PUBLIC HEARINGS**

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

10. **ACTION**
 - A. 1728 Malvern Hazardous Building Removal Agreement
 - B. Consideration of a Non-Intoxicating Off-Sale Malt Liquor License and Cigarette License for TEK and W, LLC (SuperUSA).
 - C. Approval of City Code Revision to Title 9 (Building Regulations), Chapter 1 (Building Code)
11. **REPORTS**
 - A. MNDOT Highway 280 Reconstruction Project
12. **ITEMS REMOVED FROM THE CONSENT AGENDA**
13. **ADDITIONAL ITEMS**
14. **SET AGENDA FOR NEXT MEETING**
15. **WORK SESSION DISCUSSION**
 - A. County Road Turnbacks Discussion- Ramsey County Commissioner
 - B. Presentation on Falcon Heights – Falcon Heights City Administrator
 - C. 2003 Improvements
 - D. Council meeting schedule for July
16. **ADJOURNMENT**

**Lauderdale City Council
Meeting Minutes
May 27, 2003**

1. Meeting called to order at 7:05 P.M.

2. ROLL

Council present: Christensen, Giannetti, McCloskey, Gill-Gerbig and
Mayor Dains

Staff present: Administrator Getschow

3. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by Christensen, second by Gill-Gerbig to approve the agenda. Motion carried unanimously.

4. APPROVAL

A. Approval of Minutes. Motion by Giannetti, second by McCloskey to approve the minutes of the May 13, 2003 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$173,724.65. Motion by McCloskey, second by Christensen to approve the claims totaling \$173,724.65. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

A. Refuse Task Force Neighborhood Meeting. The Mayor announced that the task force is hosting another neighborhood meeting on Tuesday, June 3, 2003 at 6:30 p.m. regarding organized collection.

8. INFORMATIONAL PRESENTATIONS
9. PUBLIC HEARINGS
10. ACTION

A. Resolution 052703A: A Resolution Providing for the Issuance and Sale of the City's \$990,000 General Obligation Improvement Bonds, Series 2003A.

John Sander, the city's financial consultant from Springsted, provided the Council with the bids that were received for the \$990,000 General Obligation Improvement Bonds, Series 2003A. The successful bidder provided a bid of 3.2003% (true interest cost). This bid was lower than the estimate that the bond consultant assumed. This lower interest will lower the overall interest costs of the bonds and will produce lower assessments. Sander also discussed the factors inherent in the bid process that are contained in the official statement.

Sander stated that Moody's has reassigned a Baa2 bond rating for the City of Lauderdale. In the current environment where many communities are being downgraded, the fact that Lauderdale has maintained its rating is a very positive development.

Motion by Gill-Gerbig, second by Giannetti to adopt Resolution 052703A: A Resolution Providing for the Issuance and Sale of the City's \$990,000 General Obligation Improvement Bonds, Series 2003A and to award the bid to Northland Securities, Inc. Roll: Yes: all. Motion carried.

B. Approval of the Easements for the 2003 Street and Utility Improvements.
The City Administrator stated that three permanent utility easements are needed for two drainage projects that involve the construction of storm sewer pipe running between the alley and the street. The need for these easements originated by the request of the homeowner to mitigate storm water problems. The easements are for the properties at 1909 Malvern Street, 1846 Walnut Street, and 1840 Walnut Street. The City Attorney drafted the agreements based upon descriptions provided by the City Engineer. All of the affected property owners have executed the agreements. The easements can be recorded with the property following City Council approval.

Motion by Christensen, second by McCloskey to approve the permanent utility easement agreements for the 2003 Street and Utility Improvements for 1909 Malvern Street, 1846 Walnut Street, and 1840 Walnut Street. Roll: Yes: all. Motion carried.

B. Resolution 052703A: A Resolution Authorizing the Application for the Livable Communities Demonstration Program. The City Administrator stated that a City Council goal since 2000 has been exploring the redevelopment of the Larpentour Avenue corridor. A grant opportunity has once again arisen through the Metropolitan Council for funding innovative projects under a livable communities guideline. The City last applied for this Livable Communities grant in 2001, but unfortunately we did not receive funding at that time.

This grant project seems applicable because Larpentour Avenue fits in with the concept of Livable Communities that encourages redevelopment that is orientated toward a transit and pedestrian friendly environment in neighborhoods with a mix of residential and commercial uses that are essential to daily life. Funding under this grant could provide for a corridor study and/or development plan, which the Council has discussed at previous meetings. The study could be undertaken with the assistance of the Council and a potentially appointed task force.

Motion by Gill-Gerbig, second by Christensen to approve Resolution 052703B: A Resolution Authorizing Application for the Livable Communities Demonstration Grant Program. Roll: Yes: all. Motion carried.

D. Consideration of a Refuse Hauler License for Armor Waste Systems. The City Administrator stated that it came to staff's attention that J.A.L. Amoco of 2421 Larpentour Avenue had switched refuse haulers. The company chosen was not a licensed refuse hauler with the City of Lauderdale. Therefore, J.A.L. Amoco and Armor Waste Systems were both notified that Armor Waste Systems would need to submit the appropriate material needed to become a licensed hauler within the City. Armor Waste Systems has applied for a license and has completed and returned all necessary forms for Council approval.

Motion by McCloskey, second by Gill-Gerbig to approve a refuse hauler license for Armor Waste Systems. Roll: Yes: all. Motion carried.

11. REPORTS

A. 2000-2003 Street and Utility Improvements Financial Report. The City Administrator gave a report on the current financial status of the overall street and utility improvements. The City is currently in the midst of the last year of a major four-year improvement program. There have been some changes over the past four years, such as the 2002 construction of a sanitary trunk line to eliminate all lift stations in the City, and the changing of the timing and the order of the work for the 2002 and 2003 projects.

Overall, the report by the Administrator addressed the following topics:

1. Current and future fund balances
 2. Project Costs
 3. Special Assessment Revenues
 4. Other Revenues such as grant funds and reimbursements
 5. Bond Issuance Timing and Amounts
 6. Debt Service; and
 7. Investments
-
12. DISCUSSION
 13. ITEMS REMOVED FROM THE CONSENT AGENDA
 14. ADDITIONAL ITEMS
 15. SET AGENDA FOR NEXT MEETING
 1. 2003 Improvements Update and Pay Request
 2. City Code Revision – 2000 Building Code Adoption
 3. Agreement to Demolish 1728 Malvern Street
 4. Work Session: County Road Turnbacks and a Presentation on the Falcon Heights Snelling and Larpentuer Redevelopment
 16. ADJOURNMENT

Motion by McCloskey, second by Gill-Gerbig to adjourn at 7:47 P.M. Ayes: All.

CITY OF LAUDERDALE
Claims for Approval
June 10, 2003 City Council Meeting

<u>Payroll</u>		
06/06/03 Payroll:	Check # 7373-7382	\$9,174.94
06/06/03 Payroll:	EFT: Federal Withholding Taxes/FICA	\$3,270.81
06/06/03 Payroll:	EFT: PERA	\$1,046.72
06/06/03 Payroll:	EFT: ICMA Retirement Fund	\$950.43
<u>Vendor Claims</u>		
06/10/03 Claims:	Check # 16372-16394, 16396-16398	\$18,736.15

Subtotal of Claims From Above	\$33,179.05
SM Hentges & Sons Check # 16395	\$228,495.02

Total Claims for Approval	\$261,674.07
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CITY OF LAUDERDALE

Paid Register

Check Number	Employee Number	Employee Name	Pay Period	Pay Group Description	Check Amount	Check Date	Status
007373	000000011	BOWNIK, JAMES	12	BI-WEEKLY	\$1,409.08	6/6/03	Outstanding
007374	000000014	CHRISTENSEN, CLAY	12	BI-WEEKLY	\$496.89	6/6/03	Outstanding
007375	000000010	DAINS, JEFFREY	12	BI-WEEKLY	\$718.37	6/6/03	Outstanding
007376	000000003	GETSCHOW, RICK	12	BI-WEEKLY	\$1,802.99	6/6/03	Outstanding
007377	000000015	GIANNETTI, MOOSE	12	BI-WEEKLY	\$462.13	6/6/03	Outstanding
007378	000000016	GILL-GERBIG, KAREN	12	BI-WEEKLY	\$496.89	6/6/03	Outstanding
007379	000000002	HINRICHS, DAVID C	12	BI-WEEKLY	\$1,216.06	6/6/03	Outstanding
007380	000000005	HUGHES, JOSEPH A	12	BI-WEEKLY	\$1,167.34	6/6/03	Outstanding
007381	000000102	McCLOSKEY, JEFF	12	BI-WEEKLY	\$496.89	6/6/03	Outstanding
007382	000000037	WALSH, KEVIN	12	BI-WEEKLY	\$908.30	6/6/03	Outstanding
007372		VOID	12		\$0.00	6/6/03	Void
					\$9,174.94		

CITY OF LAUDERDALE
Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name AVENET, LLC				
016372	6/10/03	061003CLAIMS 4805	\$75.00	set up domain name
<i>Search Name AVENET, LLC</i>			<u>\$75.00</u>	
Search Name CARTRIDGECARE INC.				
016373	6/10/03	061003CLAIMS 14259	\$146.97	toner for printer
<i>Search Name CARTRIDGECARE INC.</i>			<u>\$146.97</u>	
Search Name CINTAS				
016374	6/10/03	061003CLAIMS 6/10/03	\$148.92	2/17, 4/21, 5/26, 6/2 pw uniforms
<i>Search Name CINTAS</i>			<u>\$148.92</u>	
Search Name CITY OF FALCON HEIGHTS				
016375	6/10/03	061003CLAIMS 6/10/03	\$11,547.65	03 fire contract base rate
<i>Search Name CITY OF FALCON HEIGHTS</i>			<u>\$11,547.65</u>	
Search Name CITY OF ROSEVILLE				
016376	6/10/03	061003CLAIMS 4074	\$164.08	06/03 technical services
<i>Search Name CITY OF ROSEVILLE</i>			<u>\$164.08</u>	
Search Name EAST HENNEPIN AUTO SERVICE INC				
016377	6/10/03	061003CLAIMS 6/10/03	\$8.67	05/03 truck fuel
016377	6/10/03	061003CLAIMS 6/10/03	\$8.68	05/03 truck fuel
<i>Search Name EAST HENNEPIN AUTO SERVICE INC</i>			<u>\$17.35</u>	
Search Name GLENWOOD INGLEWOOD				
016378	6/10/03	061003CLAIMS 6/10/03	\$46.01	5/31 water delivery
<i>Search Name GLENWOOD INGLEWOOD</i>			<u>\$46.01</u>	
Search Name HOME DEPOT CRC				
016379	6/10/03	061003CLAIMS 1102242	\$24.51	furnace filters
<i>Search Name HOME DEPOT CRC</i>			<u>\$24.51</u>	
Search Name HUGHES & COSTELLO				
016380	6/10/03	061003CLAIMS 6/10/03	\$850.00	06/03 retainer fee
016380	6/10/03	061003CLAIMS 6/10/03	\$75.45	06/03 retainer fee
<i>Search Name HUGHES & COSTELLO</i>			<u>\$925.45</u>	
Search Name INFRASTRUCTURE TECHNOLOGIES				
016381	6/10/03	061003CLAIMS 30754	\$740.00	unplug/clean sanitary sewer
<i>Search Name INFRASTRUCTURE TECHNOLOGIES</i>			<u>\$740.00</u>	
Search Name KENNEDY & GRAVEN				
016382	6/10/03	061003CLAIMS 56376	\$487.50	05/03 legal services
016382	6/10/03	061003CLAIMS 56376	\$735.00	05/03 legal services
016382	6/10/03	061003CLAIMS 56376	\$395.50	05/03 print/process
016382	6/10/03	061003CLAIMS 56376	\$3.22	05/03 print/process
<i>Search Name KENNEDY & GRAVEN</i>			<u>\$1,621.22</u>	
Search Name LEAGUE OF MINNESOTA CITIES				
016383	6/10/03	061003CLAIMS 1-14546	\$590.00	rick/james 03 lmnc conference
<i>Search Name LEAGUE OF MINNESOTA CITIES</i>			<u>\$590.00</u>	
Search Name MN CITY/COUNTY MGMT ASSOC				

CITY OF LAUDERDALE

Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
016384	6/10/03	061003CLAIMS 6/10/03	\$80.00	annual membership dues rick
<i>Search Name MN CITY/COUNTY MGMT ASSOC</i>			\$80.00	
Search Name NAPA AUTO PARTS				
016385	6/10/03	061003CLAIMS 333958	\$14.97	truck supplies
016385	6/10/03	061003CLAIMS 333958	\$6.42	truck supplies
<i>Search Name NAPA AUTO PARTS</i>			\$21.39	
Search Name NORTH SUBURBAN COMMUNICATIONS				
016386	6/10/03	061003CLAIMS cc03023	\$140.30	1q03 internet
016386	6/10/03	061003CLAIMS 03045	\$163.69	03/03 webstream, program
<i>Search Name NORTH SUBURBAN COMMUNICATIONS</i>			\$303.99	
Search Name OFFICE MAX				
016387	6/10/03	061003CLAIMS 6/10/03	\$77.91	general office supplies
<i>Search Name OFFICE MAX</i>			\$77.91	
Search Name PARK HARDWARE HANK				
016388	6/10/03	061003CLAIMS 6/10/03	\$84.58	hardware, keys, weed treatment, cleaning
<i>Search Name PARK HARDWARE HANK</i>			\$84.58	
Search Name PARK SERVICE				
016389	6/10/03	061003CLAIMS 6/10/03	\$56.47	05/03 truck fuel
016389	6/10/03	061003CLAIMS 6/10/03	\$56.48	05/03 truck fuel
<i>Search Name PARK SERVICE</i>			\$112.95	
Search Name QWEST				
016390	6/10/03	061003CLAIMS 6/10/03	\$225.35	06/03 city hall phone
016390	6/10/03	061003CLAIMS 6/10/03	\$29.69	final autodial malvern lift station
<i>Search Name QWEST</i>			\$255.04	
Search Name RAMSEY COUNTY, PROP REC & REV				
016391	6/10/03	061003CLAIMS prrv000286	\$10.00	memo levies, etc
<i>Search Name RAMSEY COUNTY, PROP REC & REV</i>			\$10.00	
Search Name RAPIT PRINTING				
016392	6/10/03	061003CLAIMS	\$79.88	receipt books
<i>Search Name RAPIT PRINTING</i>			\$79.88	
Search Name REHRIG PACIFIC COMPANY				
016393	6/10/03	061003CLAIMS ke55656	\$199.60	20 recycling bins
<i>Search Name REHRIG PACIFIC COMPANY</i>			\$199.60	
Search Name ROTARY CLUB OF ROSEVILLE, MN				
016394	6/10/03	061003CLAIMS 6/10/03	\$265.00	2q03 dues/meetings rick
<i>Search Name ROTARY CLUB OF ROSEVILLE, MN</i>			\$265.00	
Search Name SM HENTGES & SONS				
016395	6/10/03	061003CLAIMS pay req 2	\$228,495.02	'03 street/utility improvements
<i>Search Name SM HENTGES & SONS</i>			\$228,495.02	
Search Name ST PAUL POSTMASTER				
016396	6/10/03	061003CLAIMS 6/10/03	\$300.00	3q03 newsletter postage
<i>Search Name ST PAUL POSTMASTER</i>			\$300.00	

CITY OF LAUDERDALE

06/05/03 3:40 PM

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Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name WAGERS BUSINESS SYSTEMS				
016397	6/10/03	061003CLAIMS crin007334	\$236.25	3q03 copier maintenance
<i>Search Name WAGERS BUSINESS SYSTEMS</i>			<u>\$236.25</u>	
Search Name XCEL ENERGY				
016398	6/10/03	061003CLAIMS 6/10/03	\$97.34	05/03 city hall electric
016398	6/10/03	061003CLAIMS 6/10/03	\$434.35	05/03 street lighting
016398	6/10/03	061003CLAIMS 6/10/03	\$8.36	05/03 park electric
016398	6/10/03	061003CLAIMS 6/10/03	\$20.83	05/03 park gas
016398	6/10/03	061003CLAIMS 6/10/03	\$7.32	05/03 garage electric
016398	6/10/03	061003CLAIMS 6/10/03	\$7.32	05/03 garage electric
016398	6/10/03	061003CLAIMS 6/10/03	\$9.02	05/03 garage gas
016398	6/10/03	061003CLAIMS 6/10/03	\$32.45	05/03 city hall electric
016398	6/10/03	061003CLAIMS 6/10/03	\$9.10	05/03 city hall gas
016398	6/10/03	061003CLAIMS 6/10/03	\$27.29	05/03 city hall gas
016398	6/10/03	061003CLAIMS 6/10/03	\$9.02	05/03 garage gas
<i>Search Name XCEL ENERGY</i>			<u>\$662.40</u>	
Grand Total			<u>\$247,231.17</u>	



Owner: City of Lauderdale, 1891 Walnut St., Lauderdale, MN 55113	Date: June 4, 2003
For Period: 5/3/2003 to 6/4/2003	Request No: 2
Contractor: S. M. Hentges and Sons Inc., 650 Quaker Ave. Ste. 200, P. O. Box 69, Jordan, MN 55352	

CONTRACTOR'S REQUEST FOR PAYMENT
2003 UTILITY AND STREET IMPROVEMENTS
 BRA FILE NO. 532-02-103

SUMMARY

1	Original Contract Amount		\$	<u>1,696,724.39</u>
2	Change Order - Addition	\$	<u>0.00</u>	
3	Change Order - Deduction	\$	<u>0.00</u>	
4	Revised Contract Amount		\$	<u>1,696,724.39</u>
5	Value Completed to Date		\$	<u>317,938.43</u>
6	Material on Hand		\$	<u>0.00</u>
7	Amount Earned		\$	<u>317,938.43</u>
8	Less Retainage 5%		\$	<u>15,896.92</u>
9	Subtotal		\$	<u>302,041.50</u>
10	Less Amount Paid Previously		\$	<u>73,546.48</u>
11	Liquidated damages -		\$	<u>0.00</u>
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>2</u>		\$	<u><u>228,495.02</u></u>

Recommended for Approval by:
BONESTROO, ROSENE, ANDERLIK & ASSOCIATES, INC.

 Approved by Contractor:
S M HENTGES AND SONS INC

 Approved by Owner:
CITY OF LAUDERDALE

 Specified Contract Completion Date:
 October 31, 2003

 Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
PART 1 - STREETS:							
1	MOBILIZATION	LS	1	69081.09		0.5	\$34,540.55
2	TRAFFIC CONTROL	LS	1	7000.00		0.5	\$3,500.00
3	SILT FENCE, REGULAR	LF	400	1.50			\$0.00
4	WOOD FIBER BLANKET	SY	400	3.10			\$0.00
5	HAY BALES	EA	10	8.00			\$0.00
6	SEEDING	AC	0.3	3780.00			\$0.00
7	RECLAIM BITUMINOUS PAVEMENT	SY	22000	0.75	9370	21370	\$16,027.50
8	REMOVE BITUMINOUS PAVEMENT	SY	1900	3.50	100	400	\$1,400.00
9	REMOVE CONCRETE SIDEWALK	SF	3450	0.40		400	\$160.00
10	REMOVE CONCRETE CURB AND GUTTER	LF	30	3.00		30	\$90.00
11	REMOVE CONCRETE PAVEMENT	SF	5400	0.50	435	1500	\$750.00
12	REMOVE FENCE	LF	550	2.00			\$0.00
13	REMOVE CONCRETE STEP	EA	60	50.00	16	16	\$800.00
14	CLEAR AND GRUB	TREE	22	200.00	1	9	\$1,800.00
15	ADJUST MANHOLE CASTING	EA	2	200.00			\$0.00
16	ADJUST VALVE BOX	EA	2	125.00			\$0.00
17	COMMON EXCAVATION (P)	CY	20875	8.19	1800	2000	\$16,380.00
18	EXCAVATION - TRAIL	LF	130	12.00			\$0.00
19	SELECT GRANULAR BORROW (CV)	CY	8500	11.65	740	740	\$8,621.00
20	SUBGRADE EXCAVATION (EV)	CY	1000	7.25			\$0.00
21	GEOTEXTILE FABRIC, TYPE IV	SY	26500	1.00	2216	2216	\$2,216.00
22	4" PERFORATED POLYETHYLENE PIPE	LF	1600	3.75	500	500	\$1,875.00
23	CONNECT DRAIN TILE TO STRUCTURE	EA	32	50.00	10	10	\$500.00
24	AGGREGATE BASE, CLASS 5 (CV)	CY	6400	18.00	493	493	\$8,874.00
25	AGGREGATE BASE, CLASS 5 - TRAIL (CV)	CY	45	21.25			\$0.00
26	BITUMINOUS MATERIAL FOR TACK COAT	GAL	1250	1.50			\$0.00
27	BITUMINOUS BASE COURSE TYPE 31	TN	2800	32.50			\$0.00
28	BITUMINOUS WEAR COURSE TYPE 41	TN	2100	35.50			\$0.00
29	BITUMINOUS WEAR COURSE TYPE 41A - TRAIL	TN	20	62.00			\$0.00
30	BITUMINOUS PATCHING	SY	740	44.75			\$0.00
31	BITUMINOUS DRIVEWAY PATCHING	SY	770	21.50			\$0.00
32	B618 CONCRETE CURB AND GUTTER	LF	13125	7.60			\$0.00
33	CONCRETE STREET PATCHING	SF	150	11.80			\$0.00
34	7" CONCRETE DRIVEWAY PAVEMENT	SF	9400	5.20			\$0.00
35	CONCRETE STEP	EA	60	170.00			\$0.00
36	4" CONCRETE SIDEWALK	SF	3450	3.25			\$0.00
37	PEDESTRIAN CURB RAMP	EA	3	200.00			\$0.00
38	SODDING, LAWN TYPE	SY	15000	1.80			\$0.00
39	STREET NAME SIGN (2 BLADES), INCL POST AND HARDWARE	EA	8	230.00			\$0.00
40	Ditching	LF	360	10.00			\$0.00
	Total PART 1 - STREETS:						\$97,534.05
	PART 1 - STREETS: - Bid Amount Total - \$967,850.09						
PART 2 - ALLEY IMPROVEMENTS:							
41	REMOVE BITUMINOUS PAVEMENT	SY	40	5.00			\$0.00
42	REMOVE CONCRETE PAVEMENT	SF	30	0.75			\$0.00
43	CLEAR AND GRUB	LS	1	1000.00		0.5	\$500.00
44	COMMON EXCAVATION (EV)	CY	1500	10.00			\$0.00
45	MOTOR GRADER WITH OPERATOR	HR	50	100.00			\$0.00
46	FRONT END LOADER WITH OPERATOR	HR	20	105.00			\$0.00
47	SKIDSTEER (BOBCAT) WITH OPERATOR	HR	85	82.00			\$0.00
48	AGGREGATE BASE, CLASS 5	TN	1500	10.50			\$0.00
49	BITUMINOUS MATERIAL FOR TACK COAT	GAL	280	1.50			\$0.00
50	BITUMINOUS BASE COURSE TYPE 31	TN	700	36.00			\$0.00
51	BITUMINOUS WEAR COURSE TYPE 41	TN	530	38.50			\$0.00
	Total PART 2 - ALLEY IMPROVEMENTS:						\$500.00
	PART 2 - ALLEY IMPROVEMENTS: - Bid Amount Total - \$92,067.50						
PART 3 - STORM SEWER:							
52	REMOVE MANHOLE	EA	13	150.00	2	2	\$300.00
53	REMOVE CATCH BASIN	EA	6	150.00	3	3	\$450.00
54	REMOVE REINFORCED CONCRETE PIPE (RCF)	LF	1100	7.00	1227	1247	\$8,729.00
55	REMOVE CORRUGATED METAL PIPE (CMP) AND HDPE PIPE	LF	2200	6.00	47	47	\$282.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
56	BULKHEAD EXISTING STORM SEWER	EA	2	75.00			\$0.00
57	SALVAGE AND REINSTALL CONCRETE PIPE	LF	14	22.00			\$0.00
58	CLEAR AND GRUB	LS	1	1100.00	0.1	0.6	\$660.00
59	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	1000	0.01			\$0.00
60	RESTRICTED TRENCH	LF	282	10.00			\$0.00
61	12" RCP STORM SEWER, CLASS 5	LF	1200	23.00	281	281	\$6,463.00
62	15" RCP STORM SEWER, CLASS 5	LF	560	24.00			\$0.00
63	18" RCP STORM SEWER, CLASS 5	LF	1430	26.00	400	400	\$10,400.00
64	21" RCP STORM SEWER, CLASS 5	LF	535	30.00			\$0.00
65	30" RCP STORM SEWER, CLASS 4	LF	300	47.80	274	294	\$14,053.20
66	12" RCP FLARED END SECTION, INCL TRASH GUARD	EA	1	752.00			\$0.00
67	18" RCP FLARED END SECTION, INCL TRASH GUARD	EA	1	1025.00			\$0.00
68	CLASS III RANDOM RIPRAP	CY	12	75.00			\$0.00
69	2' X 3' CATCH BASIN	EA	9	1112.00	2	2	\$2,224.00
70	SHALLOW CATCH BASIN	EA	3	1024.00	1	1	\$1,024.00
71	6' DIA STORM SEWER CBMH, INC 2' SUMP, R- 4342 CSTG	EA	1	3825.00			\$0.00
72	5' DIA STORM SEWER MH, INCL R-1642-B CSTG AND CONC ADJ RINGS	EA	1	2769.00			\$0.00
73	5' DIA STORM SEWER CBMH, INC R-3067-V, CSTG AND CONC ADJ RINGS	EA	1	2629.00	2	2	\$5,258.00
74	4' DIA STORM SEWER MH, INC 2' SUMP, R- 1642-B CSTG	EA	1	1928.00			\$0.00
75	4' DIA STORM SEWER MH, INCL R-1642-B CSTG	EA	3	1788.00			\$0.00
76	4' DIA STORM SEWER CBMH, INC R-3067-V, CSTG AND CONC ADJ RINGS	EA	27	1788.00	9	9	\$16,092.00
77	4' DIAMETER STRUCTURE OVERDEPTH	LF	2	79.00		2.7	\$213.30
78	CONSTRUCT MH OVER EXISTING PIPE	EA	2	750.00		1	\$750.00
79	CONNECT TO EXISTING STORM SEWER SERVICE	EA	3	500.00			\$0.00
80	CONNECT TO EXISTING CBMH	EA	1	600.00			\$0.00
	Total PART 3 - STORM SEWER:						\$66,898.50
	PART 3 - STORM SEWER: - Bid Amount Total - \$221,054.00						

PART 4 - SANITARY SEWER:

81	BYPASS PUMPING	LS	1	3500.00	0.5	0.5	\$1,750.00
82	REMOVE MANHOLE	EA	13	150.00	6	7	\$1,050.00
83	REMOVE LIFT STATION	LS	1	5000.00			\$0.00
84	REMOVE SANITARY SEWER PIPE	LF	3510	0.01	2038	2188	\$21.88
85	REMOVE FORCEMAIN PIPE	LF	2880	6.00	1064	1064	\$6,384.00
86	REMOVE SANITARY SEWER SERVICE PIPE	LF	4050	1.00	923	923	\$923.00
87	BULKHEAD EXISTING SANITARY SEWER	EA	1	75.00			\$0.00
88	ABANDON MANHOLE	EA	1	175.00			\$0.00
89	CLEAR AND GRUB	LS	1	1100.00			\$0.00
90	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	1500	0.01	10	10	\$0.10
91	4' DIAMETER SANITARY MANHOLES (10' DEEP)	EA	12	1859.00	5	5	\$9,295.00
92	4' DIAMETER SANITARY MANHOLE OVERDEPTH	LF	17.8	78.00	7	7	\$546.00
93	8" PVC SANITARY SEWER, SDR 35, 0'-10' DEEP	LF	437	20.50	340	370	\$7,585.00
94	8" PVC SANITARY SEWER, SDR 35, 10'-12' DEEP	LF	849	22.50	445	496	\$11,160.00
95	8" PVC SANITARY SEWER, SDR 35, 12'-14' DEEP	LF	1192	24.50	207	321	\$7,864.50
96	8" PVC SANITARY SEWER, SDR 35, 14'-16' DEEP	LF	585	26.50	396	396	\$10,494.00
97	8" PVC SANITARY SEWER, SDR 35, 16'-18' DEEP	LF	420	32.50	300	300	\$9,750.00
98	8" PVC SANITARY SEWER, SDR 35, 18'-20' DEEP	LF	235	42.50			\$0.00
99	CORE DRILL CONNECTION TO EXISTING MANHOLE	EA	2	900.00		2	\$1,800.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
100	CONNECT TO EXISTING SANITARY SEWER 8" VCP PIPE	EA	3	430.00	2	3	\$1,290.00
101	CONSTRUCT MANHOLE OVER EXISTING PIPE	EA	3	2169.00	1	1	\$2,169.00
102	8" DIP OUTSIDE DROP INLET PIPE	LF	8.9	378.00	3.8	3.8	\$1,436.40
103	8" DIP SANITARY SEWER	LF	40	24.00	14	14	\$336.00
104	CLOSED CIRCUIT TV INSPECTION	LF	3758	0.70			\$0.00
105	8" X 4" PVC WYE, SDR 26	EA	123	39.00	44	48	\$1,872.00
106	8" X 6" PVC WYE, SDR 26	EA	4	51.00		1	\$51.00
107	8" X 8" PVC WYE, SDR 26	EA	1	105.00		1	\$105.00
108	RECONSTRUCT INVERT	EA	2	300.00		2	\$600.00
109	4" PVC, SDR 26 SERVICE PIPE	LF	4000	12.00	852	852	\$10,224.00
110	6" PVC, SDR 26 SERVICE PIPE	LF	70	13.00			\$0.00
111	4" PVC, SDR 26 RISER PIPE	LF	150	12.00	93	110	\$1,320.00
112	6" PVC, SDR 26 RISER PIPE	LF	10	13.00			\$0.00
113	CONNECT TO EXISTING SEWER SERVICE	EA	125	155.00	40	40	\$6,200.00
114	INSULATION, 3" THICK	SY	7	13.50			\$0.00
	Total PART 4 - SANITARY SEWER:						\$94,226.88
	PART 4 - SANITARY SEWER: - Bid Amount Total - \$245,848.80						
	PART 5 - WATER MAIN:						
115	REMOVE HYDRANT	EA	7	275.00	2	3	\$825.00
116	REMOVE GATE VALVE AND BOX	EA	7	100.00	3	4	\$400.00
117	REMOVE WATER MAIN	LF	6000	5.00	2292	2300	\$11,500.00
118	WATER MAIN TRENCH	LF	5575	8.00	2290	2300	\$18,400.00
119	WATER SERVICE TRENCH	LF	4450	10.00	400	400	\$4,000.00
120	MECHANICAL TRENCH COMPACTION	LF	10025	1.00	2690	2700	\$2,700.00
121	PIPE BEDDING	LF	5575	2.00	2690	2700	\$5,400.00
122	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	2500	0.01			\$0.00
123	BACK HOE WITH OPERATOR	HR	10	150.00			\$0.00
124	INSULATION, 3" THICK	SY	7	4.50	1	1	\$4.50
	Total PART 5 - WATER MAIN:						\$43,229.50
	PART 5 - WATER MAIN: - Bid Amount Total - \$144,456.50						
	PART 6 - WARMING HOUSE DRIVE AND PARKING AREA:						
125	MOBILIZATION	LS	1	500.00			\$0.00
126	SEEDING	AC	0.1	5100.00			\$0.00
127	COMMON EXCAVATION (EV)	CY	25	15.00			\$0.00
128	15" RCP CULVERT, CLASS 5	LF	40	26.00			\$0.00
129	15" RCP FLARED END SECTION, INCL TRASH GUARD	EA	2	621.00			\$0.00
130	AGGREGATE BASE, CLASS 5	TN	80	11.00			\$0.00
131	BITUMINOUS MATERIAL FOR TACK COAT	GAL	20	1.50			\$0.00
132	BITUMINOUS BASE COURSE TYPE 31	TN	45	36.00			\$0.00
133	BITUMINOUS WEAR COURSE TYPE 41	TN	33	38.50			\$0.00
	Total PART 6 - WARMING HOUSE DRIVE AND PARKING AREA:						\$0.00
	PART 6 - WARMING HOUSE DRIVE AND PARKING AREA: - Bid Amount Total - \$7,467.50						
	ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS:						
134	MOBILIZATION	LS	1	2000.00	0.1	1	\$2,000.00
135	CLEAR AND GRUB	TREE	15	200.00		9	\$1,800.00
136	WOOD FIBER BLANKET	SY	400	3.10	355	355	\$1,100.50
137	REMOVE STORM SEWER PIPE	LF	60	10.00		68	\$680.00
138	REMOVE CONCRETE SLAB AND HEADWALL	LS	1	700.00			\$0.00
139	REMOVE AND REPLACE FENCE	LF	50	7.00	90	90	\$630.00
140	COMMON EXCAVATION	LS	1	1000.00		1	\$1,000.00
141	COMMON BORROW (LV)	CY	30	3.00			\$0.00
142	TOPSOIL BORROW (LV)	CY	16	15.00			\$0.00
143	IMPROVED PIPE FOUNDATION, PER 6" INCREMENT	LF	71	4.00			\$0.00
144	RESTRICTED TRENCH	LF	71	15.00			\$0.00
145	CONNECT TO EXISTING STORM MANHOLE	EA	1	750.00		1	\$750.00
146	18" HDPE STORM SEWER	LF	53	33.00		69	\$2,277.00
147	18" RCP STORM SEWER, CLASS 5	LF	8	40.00		18	\$720.00
148	18" RCP FLARED END SECTION, INCL TRASH GUARD	EA	1	1064.00		1	\$1,064.00
149	CLASS III GROUTED RIPRAP	CY	18	90.00		18	\$1,620.00

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
150	4' DIA STORM SEWER MH. INCL R-1642-B CSTG AND CONC ADJ RINGS	EA	1	1908.00		1	\$1,908.00
	Total ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS:						\$15,549.50
	ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS: - Bid Amount Total - \$17,980.00						

Total PART 1 - STREETS:	\$97,534.05
Total PART 2 - ALLEY IMPROVEMENTS:	\$500.00
Total PART 3 - STORM SEWER:	\$66,898.50
Total PART 4 - SANITARY SEWER:	\$94,226.88
Total PART 5 - WATER MAIN:	\$43,229.50
Total PART 6 - WARMING HOUSE DRIVE AND PARKING AREA:	\$0.00
Total ALTERNATE NO. 1 - NATURE AREA DRAINAGE IMPROVEMENTS:	\$15,549.50
Total Work Completed To Date	\$317,938.43

PROJECT PAYMENT STATUS

OWNER CITY OF LAUDERDALE

BRA FILE NO. 532-02-103

CONTRACTOR S M HENTGES AND SONS INC

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	04/01/2003	05/02/03	73,546.48	3,870.87	77,417.35
2	05/03/2003	06/04/03	228,495.02	15,896.92	317,938.43

Material on Hand

Total Payment to Date		\$302,041.50	Original Contract	\$1,696,724.39
Retainage Pay No. 2		15,896.92	Change Orders	
Total Amount Earned		\$317,938.43	Revised Contract	\$1,696,724.39

AGREEMENT

This Agreement is made the _____ day of _____, 2003 by and between the city of Lauderdale, a municipal corporation under the laws of Minnesota (the "City") and IMG Properties, Inc., a Minnesota corporation and Diane Benson, a single person (collectively, the "Owner").

WITNESSETH:

WHEREAS, Diane Benson is the fee owner and contract for deed vendor of that certain property located at 1728 Malvern Street in Lauderdale, Minnesota, which is legally described on Exhibit A attached hereto (the "Property"); and

WHEREAS, IMG Properties, Inc. is the contract for deed vendee of the Property; and

WHEREAS, the Property contains a single family house which the City has determined following inspection thereof to be hazardous to public health and safety and in need of removal from the Property; and

WHEREAS, the Owners agree that the house is hazardous and should be removed from the Property and have requested that the City carry out the demolition of the structure and remediation of hazardous conditions on the Property and have agreed to reimburse the City for the cost thereof and all related expenses; and

WHEREAS, Minn. Stat., section 463.151 allows the City and the Owners to enter into an agreement to accomplish the removal of the hazardous conditions from the Property.

NOW, THEREFORE, based on the mutual covenants and obligations contained herein, the parties agree as follows:

1. The Owners warrant that Diane Benson is the fee owner and contract for deed vendor and that IMG Properties, Inc. is the contract for deed vendee of the Property, that they have full legal authority to take the actions provided for herein, that doing so is not in violation of the terms or conditions of any instrument or agreement of any nature to which any of the Owners is bound or which in any way relates to the Property and that there are no other liens or encumbrances against or interests in the Property except those listed in Exhibit B attached hereto.

2. The Owners agree that the condition of the structure on the Property is hazardous within the meaning of Minnesota Statutes, sections 463.15 et seq. (the "Act") and hereby request that the City take whatever actions the City deems necessary to remove the hazardous structure and conditions on the Property.

Lauderdale City Council Memorandum

Council Meeting Date: June 10, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: 1728 Malvern Street Hazardous Structure
Removal Agreement

BACKGROUND:

At the February 25, 2003 Council meeting, the Council directed staff to begin to go through the proper stages of the Hazardous Building Act for the property at 1728 Malvern Street. Since that meeting, staff completed an exterior inspection of the building and has been in regular contact with the new owners (contract-for-deed holders) of the property regarding this inspection and the City's plan to move ahead with the nuisance abatement process. With the cooperation of the owners, everyone has agreed that an alternative route that does not require a court order could be achieved. This would involve the demolition of the building through a cooperative agreement, a method similar to what the City has done with the removal of large diseased trees. The consensus was for the City Attorney to draft an agreement for the removal of the structure whereby the City manages the demolition process and all costs associated with the demolition of the house are placed on the property tax statement of the property.

The title work that has been completed still shows the fee owner being the original owner. As a result of this, the Attorney recommended that all parties be placed on the agreement and that all parties sign the agreement to avoid any potential problems with not having all interested persons executing the agreement. Therefore, the supposed deed holders will obtain all the necessary signatures for approval. The City will then subsequently record the agreement with the deed of the property.

A draft of the agreement is included in this packet. As of this memo, the affected parties have not returned the signed and notarized agreement for Council approval, but they intend to do so before the meeting. If the agreement has properly been signed, the Council may consider approving the agreement. If not, this item can be tabled until the next Council meeting.

ENCLOSURES:

1. Agreement between the City of Lauderdale and the owners of 1728 Malvern Street to demolish the hazardous structure at 1728 Malvern Street.

COUNCIL ACTION REQUESTED:

Approve an Agreement between the City of Lauderdale and the owners of 1728 Malvern Street to demolish the hazardous structure at 1728 Malvern Street.

3. The City agrees to remove the structure and other hazardous conditions from the Property through the use of city employees or by entering into a contract for the demolition and removal of the structure and remediation of hazardous conditions on the Property. The Owners agree to remove all personal property and any salvage items from the Property prior to commencement of work by the City and agree to cooperate with the City in all regards. The Owners hereby grant a license to the City, and its employees, agents and contractors, for access to the Property for the purpose of carrying out this Agreement. The City shall not be obligated to commence performance under this Agreement until all Owners have executed this Agreement and the Owners have obtained the consent of all owners of record, occupying tenants and lien holders of record.

4. The City agrees to keep an accurate accounting of all of its costs and expenses in removing the hazardous structure and conditions from the Property. The costs and expenses may include but are not limited to the cost of the demolition and removal of the structure, legal and engineering fees and administrative expenses. The Owners agree to reimburse the City for all of the costs and expenses incurred by the City in performing its obligations pursuant to this Agreement. The Owners agree to pay the City for such costs and expenses promptly upon receipt of an invoice from the City detailing the same. If the Owners fail to make payment within 30 days of receipt of the invoice, the Owners hereby consent to allowing the City to obtain a judgment against the Owners or to the City levying a special assessment against the Property. Such assessment shall be levied as a special assessment pursuant to section 463.21 of the Act. The assessment shall be payable in five annual installments and shall bear interest at the rate of 8 percent per annum. The Owners waive the right to contest or appeal the special assessment provided for under this Agreement pursuant to the Act and Minnesota Statutes, Chapter 429 and request that the assessment be levied without notice of hearing or hearing. The Owners also specifically agree that any and all requirements of the Act or Minnesota Statutes, Chapter 429 with which the City does not comply are hereby waived by the Owners.

5. The Owners agree to obtain liability insurance for claims or damages related to personal injury or death or damage to property related to the performance of this Agreement. The Owners agree to cause the City and the City's contractor to be named as an additional insured under said policy and to provide the City with a certificate of insurance. Nothing herein shall be deemed by the Owners or any other party to be a waiver of any immunities, defenses or limitations on liability available to the City under law, including but not limited to the maximum monetary limits established under Minnesota Statutes, chapter 466.

6. The City shall cause its employees, agents and contractors to perform the work contemplated under this Agreement in a workman-like manner but makes no representations to the Owners that all hazardous conditions shall be removed from the Property. Neither the City nor its employees, agents or contractors shall be responsible for damage to trees, shrubs or other improvements on the Property which may occur in the performance of this Agreement. The City makes no representations to the Owners regarding the suitability of the Property for any subsequent use. Nothing herein shall constitute a permit, license or approval for any construction or use of the Property following removal of the hazardous conditions on the Property.

7. The Owners warrant they have not used the Property for the storage of any hazardous materials and are not aware of the use of or storage on the Property of any such materials. Hazardous materials are those defined as such by Minnesota law.

8. The parties agree the City's performance of its obligations under this Agreement does not constitute an acquisition of the Property and that the City shall obtain no interest therein except as relates to the lien of any special assessment levied against the Property. The Owners warrant there are no occupying tenants on the Property. The Owners agree they are not entitled to relocation benefits and waive any such rights or claims thereto. The Owners agree to hold the City harmless and indemnify the City against any claim for relocation benefits made by any person. If the City is required to make any payment for relocation benefits or provide relocation services to any person with regard to the Property, the Owners agree to reimburse the City an amount equal to the City's expenditures for such services or benefits or to allow the City to levy special assessments against the Property as provided under paragraph 4 of this Agreement.

9. Any notice, demand or communication required to be given by one party to any other shall be sufficiently given if in writing and delivered personally or by placement in the United States mail, postage prepaid, and addressed to:

- a) as to the City City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113
Attn: City Administrator

- b) as to IMG Properties: IMG Properties, Inc.
3947 Excelsior Blvd., #112
St. Louis Park, MN 55416
Attn: Douglas Zineke and Andrew Sjolund

- c) as to Diane Benson: Diane Benson
3609 – 37th Avenue, Unit 109
Columbia Heights, MN 55421

or to such other address as any party may designate in writing and forward to the other parties in accordance with this Agreement.

10. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument. This Agreement shall be interpreted under the laws of Minnesota. This Agreement constitutes the entire agreement among the parties and supersedes any other written or oral agreement. This Agreement may only be modified in writing signed by all parties.

11. The covenants, waivers and agreements contained in this Agreement shall bind the Owners and their successors and assigns and shall run with the Property. It is the intent of the parties hereto that this Agreement be in a form which is recordable among the land records of Ramsey County, Minnesota and the Owners agree to make any changes in this Agreement which

may be necessary to effect the recording and filing of this Agreement against the title of the Property.

12. This Agreement shall terminate upon the final payment of any special assessment levied against the Property. The City agrees to execute and deliver such documents, in recordable form, as are necessary to extinguish its rights hereunder upon receipt of such final payment.

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

IMG PROPERTIES, INC.

By _____
Douglas Zineke

By _____
Andrew Sjolund

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by Douglas Zineke and Andrew Sjolund, the _____ and _____, respectively of IMG Properties, Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public

Diane Benson

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2003 by Diane Benson, a single person.

Notary Public

CITY OF LAUDERDALE

By _____
Jeffrey Dains, mayor

By _____
Richard Getschow, administrator-clerk

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2003 by Jeffrey Dains, mayor and Richard Getschow, city administrator-clerk of the city of Lauderdale, Minnesota, on behalf of said city.

Notary Public

The Property is legally described as follows:

[insert legal description before execution]

In addition to the Owners, the following is a list of liens, encumbrances or other interests in the Property:

[list all]

CITY OF LAUDERDALE

MEMORANDUM

TO: Mayor and Council Members
FROM: Kevin Walsh, Deputy Clerk
SUBJECT: Liquor & Cigarette License Application
DATE: June 6, 2003

BACKGROUND

The purpose of this memo is to notify you of a liquor and cigarette license request by Tek Hamment. Mr. Hamment, the Chief Manager of STEK & W, LLC, has recently purchased the SuperUSA store located at 2424 Larpenteur Avenue.

Mr. Hamment is requesting issuance of a new license to cover the remainder of 2003. He has provided the City of Lauderdale with all required information, including worker's compensation and contact forms.

STEK & W, LLC is a Minnesota based company established in 2000. The company has two stores around the metro area in Minneapolis and Bloomington. The name of the two stores is Mega Market. Mr. Hamment does not intend to make any major changes to the store. As Mr. Hamment stated in his letter to the City, he does not plan on changing the way the store is set up, operated, or stuffed. The only changes that will be made will consist of cosmetic changes as needed.

Attached are copies of the application for the 3.2 Liquor & Cigarette license and Mr. Hamment's letter.

COUNCIL ACTION REQUESTED

Consider issuing a liquor and cigarette license to Mr. Tek Hamment.

**CERTIFICATION OF COMPLIANCE
MINNESOTA WORKERS' COMPENSATION LAW**

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance of renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of MSS Chapter 176. The information required is:

- Name of insurance company
- Policy number
- Dates of coverage of the permit to self-insure

This information will be collected by the licensing agency and retained in their files.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or falsely reported. Furthermore, if this information is not provided or falsely stated; it may result in a \$1,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Insurance Company Name: American Family

Insurance Agents Name: Bob Cradke

Policy Number: Pending 22X85294-90

Dates of Coverage: 6/15/03 to 6/15/04

I am not required to have workers' compensation liability coverage because:

- I have no employees
- I am self insured (include permit to self insure)
- I have no employees who are covered by the workers' compensation law (these include: spouse, parent, children and certain farm employees)

I certify that the information provided above is accurate and complete and those valid workers' compensation policy will be kept in effect at all times required by law.

Name: TEK Hamment

Contact: STEK 4 W, LLC

Address: 7391 146 Way W
Apple Valley, MN 55124

Phone: (612) 250-5569

Fax: (952) 448-5162

TEK Hamment
Applicant Signature

06/04/03
Date

The City of Lauderdale

1891 Walnut Street • Lauderdale, Minnesota 55113

Phone: 631-0300 • FAX: 631-2066

Cigarette and 3.2 Off-Sale License Application

3.2 Off-Sale \$ 60.00

Cigarettes \$ 40.00

Total \$ 100.⁰⁰

Company Name: STEK & W, LLC

Business Address: 2424 W Larpenter Ave
Lauderdale, mn 55133

Contact Person: TEK Hamment

Phone: 612-250-5569 FAX: 952-448-5162

Owner: STEK & W, LLC

Address: 7391 146 ways W APPLE VALLEY, mn 55124

Phone: 612-250-5569 FAX: 952-448-5162

Required for Licensure

Social Security Number: _____

MN Business Tax ID #: 509-1947

Compliance with Ordinance No. 6, regulating the sale of non-intoxicating malt liquor and Ordinance No. 8, regulating the sale of tobacco products must be adhered to. A check for the license fee must accompany this application. Licenses issued hereunder are not transferable and must be renewed annually.

STEK&W, LLC
7391 146 Way W
Apple Valley, MN 55124

June 05, 2003

STEK & W, LLC is a Minnesota Company established in March 2000. As a family entity the goal of the company is to run the best run convenience store. We are going to run the current supper USA located at 2424 Iarpenter Avenue without changing the way the store is set up, operate and stuffed. We are working with Ramsy County Health Department to continue the deli side of the business,we will run a clean store with customer service and appearance of the store on the top of our priority. We will do cosmetic change as we go as needed. We are looking forward to work with the city of Louderdale and the Community to give them the best service possible.

We wish to your continued support.

Any question please call 612-250-5569

Tek Hamment
Chief Managed
STEK & W, LLC

A handwritten signature in cursive script that reads "Tek Hamment". The signature is written in black ink and is positioned below the typed name and title.

CERTIFICATE OF LIABILITY INSURANCE

American Family Insurance Company
 American Family Mutual Insurance Company if selection box is not checked.
 6000 American Pky Madison, Wisconsin 53783-0001



Agent's Name, Address and Phone Number (Agt./Dist.)

Insured's Name and Address:

Bob Cradle Insurance Agency (072-053)
8009 Nicollet Ave. S
Bloomington, MN 55420-1229
952.884.1652

STEK & W, L..L.C.
DBA SUPER USA, INC.
2424 W LARPEN TEUR AVE
LAUDERDALE, MN 55113

This certificate is issued as a matter of information only and confers no rights upon the Certificate Holder.
 This certificate does not amend, extend or alter the coverage afforded by the policies listed below.

COVERAGES

This is to certify that policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions, and conditions of such policies.

TYPE OF INSURANCE	POLICY NUMBER	POLICY TYPE		LIMITS OF LIABILITY
		Effective (Mo,Day,Yr)	Expiration (Mo,Day,Yr)	
Homeowners/ Mobilehomeowners Liability				Bodily Injury and Property Damage Each Occurrence
Boatowners Liability				Bodily Injury and Property Damage Each Occurrence
Personal Umbrella Liability				Bodily Injury and Property Damage Each Occurrence
Farm/Ranch Liability				Farm & Personal Liability Each Occurrence Farm Employer's Liability Each Occurrence
Workers Compensation and Employers Liability +	22X-85294-90-0000	6/15/2003	6/15/2004	Statutory ***** Each Accident \$ 100,000 Disease - Each Employee \$ 100,000 Disease - Policy Limit \$ 500,000
General Liability <input type="checkbox"/> Commercial General Liability (occurrence) <input type="checkbox"/> <input type="checkbox"/>				General Aggregate Products - Completed Operations Aggregate Personal and Advertising Injury Each Occurrence Damage to Premises Rented to You Medical Expense (Any One Person)
Businessowners Liability				Each Occurrence + + Aggregate + +
Liquor Liability				Common Cause Limit Aggregate Limit
Automobile Liability <input type="checkbox"/> Any Auto <input type="checkbox"/> All Owned Autos <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> Hired Autos <input type="checkbox"/> Nonowned Autos <input type="checkbox"/>				Bodily Injury - Each Person Bodily Injury - Each Accident Property Damage Bodily Injury & Property Damage Combined
Excess Liability <input type="checkbox"/> Commercial Blanket Excess <input type="checkbox"/>				Each Occurrence/Aggregate

Other (Miscellaneous Coverages)

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS
CONVENIENCE MARKET, LOCATED AT 2424 LARPENTUER
AVE W, LAUDERDALE, MN 55113

+ The individual or partners shown as Insured have not elected to be covered as employees under this policy.
 + + Products-Completed Operations aggregate is equal to each occurrence limit and is included in policy aggregate.

CERTIFICATE HOLDER'S NAME AND ADDRESS

CANCELLATION

Should any of the above described policies be canceled before the expiration date thereof, the company will endeavor to mail *(30 days) written notice to the Certificate Holder named, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives. *10 days unless different number of days shown.
 This certifies coverage on the date of issue only. The above described policies are subject to cancellation in conformity with their terms and by the laws of the state of issue.

DATE ISSUED
6/5/2003

AUTHORIZED REPRESENTATIVE

Lauderdale City Council Memorandum

Council Meeting Date: June 10, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: City Code Revision to Title 9-Building Regulations,
Chapter 1-Building Code

BACKGROUND:

The revised and updated 2003 Minnesota Uniform Building Code has now made it through the final rulemaking process and is now a part of state law. The last update to the Building Code was in 1998 with the adoption of the 1997 Uniform Building Code.

Each time the Code is updated, the City needs to revise its ordinance to achieve compliance with the latest version of the State Building Code. Minnesota Statute 16B.62 states; "The state building code applies state wide and supersedes the building code of any municipality" The statute further states;" All municipalities shall adopt and enforce the state building code with respect to new construction within their jurisdictions".

As is illustrated from the current and proposed chapters of the Code that are included in the packet, the changes in the City Code language are very minor.

ENCLOSURES:

1. Minnesota Dept. of Administration News Release on the new version of the State Building Code
2. Current City Code, Title 9-Building Regulations, Chapter 1-Building Code
3. Proposed City Code, Title 9-Building Regulations, Chapter 1-Building Code

COUNCIL ACTION REQUESTED:

Motion to approve and adopt the revisions Title 9- Building Regulations, Chapter 1-Building Code of the Lauderdale City Code. The City Code revisions will take effect following publication in the Roseville Review.



NEWS RELEASE

For Immediate Release
April 2003

Contact: Jim Schwartz
Communications Officer
651/284-3351

Minnesota has a new State Building Code

(ST. PAUL) – Minnesota has a new State Building Code.

Effective March 31, the 2003 code is the result of more than two years of work by six advisory committees convened by the Building Codes and Standards Division in the Department of Administration. The committees include representatives from local governments, the construction industry and building code officials.

“The new State Building Code includes International Model Codes, which represent a significant change from the previous Uniform Codes,” said Tom Joachim, State Building Official and director of the Building Codes and Standards Division. “The purpose of the code is to provide minimum standards to safeguard life, health, property and the public welfare. Our goal is to have buildings throughout the state safe for all building occupants and emergency responders.

“The committee recommendations form the basis for the new code,” he added. “The Building Codes and Standards Division then reviews their recommendations and begins the process of developing and approving the final code changes. The advisory committees have made solid recommendations that we believe will serve the citizens well. We are committed to providing the code enforcement community with up-to-date codes that provide the minimum standards for safety while striking a balance with their economic viability.”

The building code, which is effective statewide, is updated periodically with advances in materials, techniques, research and knowledge. The last significant update occurred with adoption of the 1997 Uniform Building Code, implemented in 1998.

Changes to the State Building Code include:

- Chapter 1300 – Administration of the State Building Code
- Chapter 1301 – Building Official Certification
- Chapter 1303 – Provisions of the State Building Code
- Chapter 1305 – International Building Code

Chapter 1306 – Special Fire Protection Systems (optional)
Chapter 1309 – International Residential Code
Chapter 1311 – Rehabilitation of Existing Buildings

Other related code:

Chapter 7510 – Minnesota Fire Code

Pending codes:

Chapter 4715 – Minnesota Plumbing Code

Chapter 1346 – International Mechanical Code and International Fuel Gas Code

For information regarding building-related codes:

- Building Codes and Standards Division: www.admin.state.mn.us/buildingcodes
- State Fire Marshal: www.dps.state.mn.us/fmarshal
- Health Department (plumbing): www.health.state.mn.us/divs/eh/plumbing
- Labor and Industry: www.doli.state.mn.us
- Board of Electricity: www.electricity.state.mn.us
- Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design: www.aelslagid.state.mn.us/
- Department of Commerce: www.commerce.state.mn.us

CHAPTER 1
BUILDING CODE

CURRENT

SECTION:

- 9-1-1: State Code Adopted
- 9-1-2: Application; Administration And Enforcement
- 9-1-3: Permits And Fees
- 9-1-4: Violation; Penalty

9-1-1: STATE CODE ADOPTED:

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, is hereby adopted as the building code for this jurisdiction. The code is hereby incorporated in this Chapter as if fully set out herein. (Ord. 9, 5-23-1995, eff. 6-1-1995)

A. Minnesota Rules: The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Minnesota Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Construction Approvals;
4. 1305, Adoption of the 1994 Uniform Building Code including Appendix Chapters;
 - a. 3, Division I, Detention and Correctional Facilities;
 - b. 12, Division II, Sound Transmission Control;
 - c. 29, Minimum Plumbing Fixtures;
5. 1307, Elevators and Related Devices;
6. 1315, Adoption of the 1993 National Electrical Code;
7. 1325, Solar Energy Systems;
8. 1330, Fallout Shelters;
9. 1335, Floodproofing Regulations;
10. 1340, Facilities for the Handicapped;
11. 1346, Adoption of the 1991 Uniform Mechanical Code;
12. 1230, Manufactured Homes;
13. 1360, Prefabricated Buildings;

14. 1365, Snow Loads;
15. 1370, Storm Shelters;
16. 4715, Minnesota Plumbing Code; and
17. 7670, Minnesota Energy Code.

B. Optional Appendices: The following optional appendix chapters of the 1994 Uniform building Code are hereby adopted and incorporated as part of the Building Code for the City:

1. 15, Reroofing;
2. 19, Exposed Residential Concrete;
3. 21, Division II, Membrane Structures; and
4. 33, Excavation and Grading. (Ord. 9, 5-23-1995, eff. 6-1-1995; 1996 Code)

9-1-2: APPLICATION; ADMINISTRATION AND ENFORCEMENT:

A. Minnesota Rule: The application, administration, and enforcement of the code shall be in accordance with Minnesota rule part 1300.2100 and as modified by chapter 1305.

B. Inspections Department: The code enforcement agency of this City is called the Inspections Department.

C. Building Official: A Minnesota certified building official must be appointed by this jurisdiction to administer the Code¹. (Ord. 9, 5-23-1995, eff. 6-1-1995)

9-1-3: PERMITS AND FEES:

A. Authorization: The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, section 16B.62 subdivision 1, and as provided for in chapter 1 of the 1994 Uniform Building Code and Minnesota rule parts 1305.0106 and 1305.0107.

B. Assessment Of Fees: Permit fees shall be assessed for work governed by this Code in accordance with Table Numbers 1-A, 33-A, and 33-B of the Ordinance codified in this Chapter. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, section 16B.70. (Ord. 9, 5-23-1995, eff. 6-1-1995)

9-1-4: VIOLATION; PENALTY:

¹. M.S.A. § 16B.65.

A violation of this Code is a misdemeanor¹. (Ord. 9, 5-23-1995, eff. 6-1-1995)

¹. M.S.A. § 16B.69.

CHAPTER 1
BUILDING CODE

PROPOSED

SECTION:

- 9-1-1: Application; Administration And Enforcement
- 9-1-2: Permits And Fees
- 9-1-3: Violations and Penalties
- 9-1-4: Building Code

9-1-1: APPLICATION; ADMINISTRATION AND ENFORCEMENT:

- A. Minnesota Rule: The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The Code shall be enforced within the extraterritorial limits permitted by Minnesota State Statutes, 16B.62, subdivision 1, when so established by this Code.
- B. Inspections Department: The code enforcement agency of this City is called the Inspections Department.
- C. Building Official: This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

9-1-2: PERMITS AND FEES:

- A. Authorization: The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, section 16B.62 subdivision 1.
- B. Assessment Of Fees: Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality as Table Numbers 1-A, 33-A, and 33-B and as codified in this Chapter. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minnesota Statutes, section 16B.70.

9-1-3: VIOLATION; PENALTY:

A violation of this Code is a misdemeanor (Minnesota Statute 16B.69) and Minnesota Rules, Chapter 1300.

9-1-4: BUILDING CODE:

The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for this Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

- A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:
1. 1300, Administration of the Minnesota State Building Code;
 2. 1301, Building Official Certification;
 3. 1302, State Building Code Construction Approvals;
 4. 1303, Minnesota Provisions;
 5. 1305, Adoption of the 2000 International Building Code;
 6. 1306, Special Fire Protection Systems;
 7. 1307, Elevators and Related Devices.
 8. 1309, Adoption of the 2000 International Residential Code;
 9. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
 10. 1315, Adoption of the 2002 National Electrical Code;
 11. 1325, Solar Energy Systems;
 12. 1330, Fallout Shelters;
 13. 1335, Floodproofing Regulations;
 14. 1341, Minnesota Accessibility Code;
 15. 1346, Adoption of the Minnesota State Mechanical Code;
 16. 1350, Manufactured Homes;
 17. 1360, Prefabricated Structures;
 18. 1361, Industrialized/Modular Buildings;
 19. 1370, Storm Shelters (Manufactured Home Parks);
 20. 4715, Minnesota Plumbing Code
 21. 7670, 7672, 7674, 7676 and 7678, Minnesota Energy Code
- B. Optional Chapters: This municipality may adopt by reference any or all of the following optional chapters of Minnesota Rules: Chapter 1306, Special Fire Protection Systems; and Chapter 1335, Floodproofing Regulations, parts 1335.0600 to 1335.1200.
- C. Optional Appendices: This municipality may adopt by reference appendix chapter K (Grading), of the 2001 Supplements to the International Building Code.

The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this municipality.

1. Chapter 1306, Special Fire Protection Systems
2. Appendix chapter K (Grading), of the 2001 Supplements to the International Building Code.

Lauderdale City Council Memorandum

Council Meeting Date: June 10, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: MNDOT Highway 280 Project

BACKGROUND:

I will provide a brief update at the Council meeting on the status of the 280 project and MNDOT's current position on municipal consent based on a conversation with MNDOT Area Manager Frank Pafko.

Lauderdale City Council Memorandum

Council Meeting Date: June 10, 2003
To: Mayor and City Council
From: Rick Getschow, City Administrator
Agenda Item: Work Session Discussion Items

BACKGROUND:

The following are the items for discussion at the work session that follows the regular meeting:

1. County Road Turnbacks. County Commissioner Weissner and other county staff will be in attendance to discuss the county road turnback situation as requested by the Council. I have once again included below the e-mail language from the County Engineer that summarizes the County position on the issue.

"As far as the county coming up with more funding for the turn back we have not made much progress. As much as we would like to get rid of Fulham, it's cheaper for us to keep it and recycle the pavement every so often than to pay substantial sums as part of a turn back. Given our level of service our responsibility now is the \$56,000 for recycling. Once we look at our list of other responsibilities there is no incentive for the county to spend extra to turn back this street. We can't even afford the maintenance needs we have for this year as it stands right now. I wish I had better news, we seem to be at an impasse. There is no way we can come up with enough money to make a dent.

Please let me know if there is something you need me to do."

As you may recall following our last discussion on this issue, one of items of significance, besides the current condition of the pavement, is how to resolve any drainage problems on this county road if there is not going to be a reconstruction and a turnback.

2. Falcon Heights Presentation on the Southeast Corner Redevelopment.

Heather Worthington, Falcon Heights City Administrator will be in attendance at meeting to provide some background and a brief presentation on their city's redevelopment of an area of Larpenteur Avenue.

3. 2003 Improvements. There may be further follow-up from the recent work session discussions on street improvement issues such as the TCCC fence and the proposal by Walnut Street residents to put an alley through between Malvern and Walnut.

4. Council meeting schedule for July. The Council should discuss the meeting schedule for July based upon the availability of the Mayor and Council members.