

LAUDERDALE CITY COUNCIL MEETING AGENDA
7:30 P.M. TUESDAY, MARCH 27, 2018
LAUDERDALE CITY HALL, 1891 WALNUT STREET

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 THE MEETING TO ORDER**
2. **ROLL CALL**
3. **APPROVALS**
 - a. Agenda
 - b. Minutes of the March 13, 2018 City Council Meeting
 - c. Claims Totaling \$26,019.64
4. **CONSENT**
 - a. February Financial Report
 - b. Street Sweeping Proposal
5. **SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS**
6. **INFORMATIONAL PRESENTATIONS / REPORTS**
 - a. 2017 Audit Report by Abdo, Eick, and Meyers Staff
 - b. City Council Updates
7. **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.

8. **DISCUSSION / ACTION ITEM**
 - a. Post Issuance Debt Compliance Policy
 - b. Proposal for Phase II Subsurface Investigation at 1795 Eustis Street
 - c. Rental Housing Ordinance Revisions
9. **ITEMS REMOVED FROM THE CONSENT AGENDA**
10. **ADDITIONAL ITEMS**
11. **SET AGENDA FOR NEXT MEETING**
 - a. Results of the April 10 Bond Sale for Purchase of 1795 Eustis Street
 - b. Rental Housing Ordinance Revisions
12. **WORK SESSION**
 - a. Opportunity for the Public to Address the City Council

Any member of the public may speak at this time on any item not on the agenda. In consideration for the public attending the meeting, 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 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 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.

b. Community Development Update

13. **ADJOURNMENT**

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

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March 13, 2018

Roll Call

Mayor Gaasch called the Regular City Council meeting to order at 7:30 p.m.

Councilors present: Jeff Dains, Kelly Dolphin, Roxanne Grove, Andi Moffatt, and Mayor Mary Gaasch.

Councilors absent: None.

Staff present: Heather Butkowski, City Administrator; Jim Bownik, Assistant to the City Administrator; and Miles Cline, Deputy City Clerk.

Approvals

Mayor Gaasch asked if there were any additions to the meeting agenda. There being none, Councilor Grove moved and seconded by Councilor Moffatt to approve the agenda. Motion carried unanimously.

Mayor Gaasch asked if there were any changes to the meeting minutes. There being none, Councilor Dolphin moved and seconded by Councilor Grove to approve the minutes of the February 27, 2018, City Council Meeting. Motion carried unanimously.

Mayor Gaasch asked if there were any questions on the claims. There being none, Councilor Moffatt moved and seconded by Councilor Dains to approve the claims totaling \$86,385.49. Motion carried unanimously.

Consent

Councilor Dains moved and seconded by Councilor Grove to approve the Consent Agenda thereby acknowledging the Fourth Quarter/Year End Investment Report. Motion carried unanimously.

Informational Presentations/Reports

A. City Council Updates

Councilor Dains attended the St. Paul Board of Water Commissioners meeting on March 13 where they decided that the land around the Highland Park water tower will remain publicly owned. Councilor Dolphin added that the Comprehensive Plan Open House would take place on March 14 at City Hall. Mayor Gaasch update the Council on discussions of the Mississippi Watershed Management Organization.

Discussion/Action Items

A. Resolution No. 031318A Providing for the Sale of \$1,310,000 General Obligation TIF Bonds, Series 2018A to Purchase 1795 Eustis Street

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

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March 13, 2018

James Lehnhoff of Ehlers and Associates answered Councilor's questions regarding the process and terms of the upcoming bond sale to complete the purchase of 1795 Eustis Street.

Councilor Moffatt moved to adopt Resolution 031318A – A Resolution Providing for the Sale of \$1,310,000 General Obligation TIF Bonds, Series 2018A. The motion was seconded by Councilor Grove and carried unanimously.

B. Engagement of Ehlers and Associates as the Dissemination Agent for Continuing Disclosure Requirements.

Butkowski explained that in advance of the bond sale in April, the City needed to identify someone to be the dissemination agent for ongoing disclosures required by the Securities and Exchange Commission. Ehlers and Associates provided a Letter of Engagement for those services.

Councilor Grove moved to ratify the Letter of Engagement with Ehlers & Associates as presented. The motion was seconded by Councilor Dains and carried unanimously.

C. Agreement for Post Issuance Debt Compliance Policy and Procedures Templates with Ehlers and Associates.

Butkowski also presented an agreement with Ehlers and Associates for post-issuance debt compliance. Once approved, Ehlers staff would send over the necessary policies for adoption at the next meeting.

Councilor Moffatt moved to enter into the Agreement for Post Issuance Debt Compliance Policy and Procedures Templates with Ehlers and Associates. The motion was seconded by Councilor Dains and carried unanimously.

D. Approve Plans and Specifications and Advertisement for Bids of the 2018 Sanitary Sewer Lining Project.

Previously, the Council authorized the city engineer to prepare specifications for the 2018 sanitary sewer lining project. The project costs are in line with the \$100,000 budgeted knowing that about 25% of the project costs will be covered by the inflow and infiltration grant the City received from the Metropolitan Council.

Councilor Grove moved to approve letting of the plans and authorize bidding of the 2018 sanitary sewer lining project. The motion was seconded by Councilor Dolphin and carried unanimously.

LAUDERDALE CITY COUNCIL
MEETING MINUTES
Lauderdale City Hall
1891 Walnut Street
Lauderdale, MN 55113

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March 13, 2018

Set Agenda for Next Meeting

Administrator Butkowski stated that the next council meeting may include Rental Housing Ordinance revisions, adoption of an arbitrage policy, the February Financial Report, and a presentation on the 2017 audit by Abdo, Eick & Meyers.

Work Session

A. Opportunity for the Public to Address the City Council

Mayor Gaasch opened the floor to anyone in attendance that wanted to address the Council. There being no interested parties to speak, Mayor Gaasch closed the floor.

B. Community Development Update

Butkowski informed the Council that the Comprehensive Plan Open House will take place at City Hall on March 14. Butkowski stated that she has a meeting with the Ramsey County Engineer on March 16 to further discuss the jurisdictional transfer of Eustis Street. Next week the City will learn the status of the grant to treat invasive species in the Nature area. The bond rating call has been set for March 27.

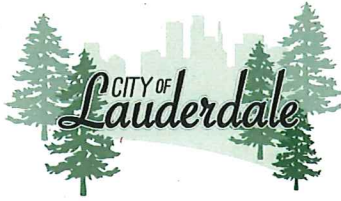
Adjournment

Councilor Dains moved and seconded by Councilor Grove to adjourn the meeting at 7:52 p.m. Motion carried unanimously.

Respectfully submitted,



Miles Cline
Deputy City Clerk



CITY OF LAUDERDALE
LAUDERDALE CITY HALL
1891 WALNUT STREET
LAUDERDALE, MN 55113
651-792-7650
651-631-2066 FAX

Request for Council Action

To: Mayor and City Council
From: City Administrator
Meeting Date: March 27, 2018
Subject: List of Claims

The claims totaling \$26,019.64 are provided for City Council review and approval that includes check numbers 25768 to 25781.

Accounts Payable

Checks by Date - Detail by Check Date

User: miles.cline
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Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
25768	65 707155	Allstream Inc. Fax Line	03/27/2018	51.62
Total for Check Number 25768:				51.62
25769	184 022018 022018	Cintas February Uniforms February Uniforms	03/27/2018	23.26 23.26
Total for Check Number 25769:				46.52
25770	33 022018	City of Falcon Heights February Fire Calls	03/27/2018	686.53
Total for Check Number 25770:				686.53
25771	25 RISK-001912	County of Ramsey Insurance Processing Fee	03/27/2018	25.00
Total for Check Number 25771:				25.00
25772	38 477118 477118 477118	Croix Oil Company Inc. February Fuel February Fuel February Fuel	03/27/2018	142.73 30.59 30.58
Total for Check Number 25772:				203.90
25773	164 3294599	Dalco Enterprises Inc Paper Towels	03/27/2018	130.66
Total for Check Number 25773:				130.66
25774	19 76423 76425 76470	Ehlers and Associates Inc TIF District 1-2 TIF District 1-2 Jan. & Feb. Consulting Services	03/27/2018	6,250.00 2,500.00 1,080.00
Total for Check Number 25774:				9,830.00
25775	60 2277524-02 2277524-02	G & K Services Inc February Uniforms February Uniforms	03/27/2018	22.01 22.02
Total for Check Number 25775:				44.03
25776	31 141926 141926	Kennedy & Graven Chartered February Legal Services TIF District 1-2	03/27/2018	612.00 300.00
Total for Check Number 25776:				912.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
25777	23 INV1032210	Metro Sales Inc Quarterly Copy Charges	03/27/2018	167.76
Total for Check Number 25777:				167.76
25778	91 111216	Suburban Ace Hardware Front Door Keys	03/27/2018	20.94
Total for Check Number 25778:				20.94
25779	162 600	Swanson Haskamp Consulting, LLC Comprehensive Plan Pay 9	03/27/2018	1,477.50
Total for Check Number 25779:				1,477.50
25780	4 17492 17492	The Neighborhood Recycling Company Inc February Revenue Sharing February Recycling Contract	03/27/2018	-91.09 2,442.24
Total for Check Number 25780:				2,351.15
25781	74 582748189 582913566 582913566 582913566 582913566 582913566 582979001	Xcel Energy February Street Lighting 1885 Fulham Street 1885 Fulham Street 1917 Walnut Street 1917 Walnut Street Larpenteur Avenue	03/27/2018	427.88 133.41 88.88 27.35 173.44 59.11
Total for Check Number 25781:				910.07
Total for 3/27/2018:				16,857.68
Report Total (14 checks):				16,857.68

Accounts Payable

Invoice Selection Invoices



User: miles.cline
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Vendor Number	Vendor Name	Invoice Number	Amount	Number of Items
34	AFSCME MN Council 5		\$200.08	1
25	County of Ramsey		\$482.63	3
45	ICMA Retirement Corporation		\$2,290.64	2
46	Internal Revenue Service		\$3,541.29	5
44	Minnesota Department of Revenue		\$637.13	1
43	Public Employees Retirement Association		\$2,010.19	2

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested	
Consent	<u> X </u>
Public Hearing	<u> </u>
Discussion	<u> </u>
Action	<u> </u>
Resolution	<u> </u>
Work Session	<u> </u>

Meeting Date	<u>March 27, 2018</u>
ITEM NUMBER	<u>February Financial Report</u>
STAFF INITIAL	<u>AB</u>
APPROVED BY ADMINISTRATOR	

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Every month I provide the Council with an updated copy of the city's finances. Following are the revenue, expense, and cash balance reports for February 2018. These numbers reflect post audit balances.

OPTIONS:

STAFF RECOMMENDATION:

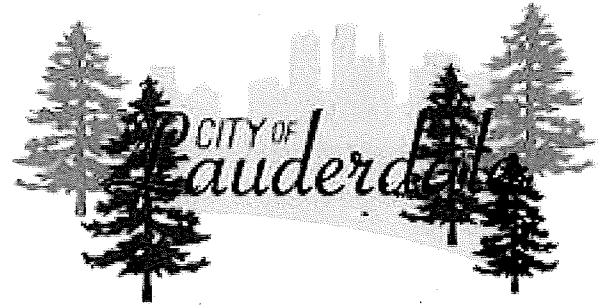
By approving the consent agenda, the Council acknowledges the city's financial report for February 2018.

COUNCIL ACTION:

General Ledger

Cash Balances

User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018



Description	Account	Beg Bal	MTD Debit	MTD Credit	Current Balance
Cash	101-00000-000-10100	-2,502,174.20	141,779.33	138,962.59	-2,499,357.46
Change Fund	101-00000-000-10300	100.00	0.00	0.00	100.00
Cash	226-00000-000-10100	13,340.78	8.45	650.41	12,698.82
Cash	227-00000-000-10100	102,233.93	65.43	4,018.27	98,281.09
Cash	401-00000-000-10100	97,970.45	65.27	0.00	98,035.72
Cash	403-00000-000-10100	439,463.70	292.78	0.00	439,756.48
Cash	404-00000-000-10100	268,948.26	179.18	0.00	269,127.44
Cash	405-00000-000-10100	25,858.42	8.09	13,720.50	12,146.01
Cash	414-00000-000-10100	299,034.66	199.22	0.00	299,233.88
Cash	602-00000-000-10100	1,005,260.75	12,488.88	18,477.51	999,272.12
Cash	603-00000-000-10100	366,658.54	3,917.05	7,877.42	362,698.17
Current Assets		116,695.29	159,003.68	183,706.70	91,992.27
Petty Cash	101-00000-000-10200	300.00	0.00	0.00	300.00
Petty Cash		300.00	0.00	0.00	300.00
Investments - Fair Value Adj	101-00000-000-10410	3,195,364.73	2,106.78	125,000.00	3,072,471.51
Investments		3,195,364.73	2,106.78	125,000.00	3,072,471.51
Grand Total		<u>3,312,360.02</u>	<u>161,110.46</u>	<u>308,706.70</u>	<u>3,164,763.78</u>

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
101	General Fund					
	Revenue					
	Taxes	765,514.00	0.00	0.00	765,514.00	0.00
	Licenses and Permits	30,850.00	2,432.75	12,313.75	18,536.25	39.91
	Intergovernmental Revenues	540,760.00	0.00	0.00	540,760.00	0.00
	Charges for Services	12,300.00	342.80	1,705.30	10,594.70	13.86
	Fines and Forfeits	30,000.00	1,904.50	1,904.50	28,095.50	6.35
	Miscellaneous Revenue	8,500.00	401.57	5,942.84	2,557.16	69.92
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
		<u>1,387,924.00</u>	<u>5,081.62</u>	<u>21,866.39</u>	<u>1,366,057.61</u>	<u>1.58</u>
	Revenue					
	Expense					
	Personal Services	385,550.00	31,445.11	67,892.88	317,657.12	17.61
	Supplies	19,800.00	652.72	1,034.67	18,765.33	5.23
	Other Services and Charges	934,574.00	88,771.63	152,925.83	781,648.17	16.36
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Other Uses	48,000.00	0.00	0.00	48,000.00	0.00
		<u>1,387,924.00</u>	<u>120,869.46</u>	<u>221,853.38</u>	<u>1,166,070.62</u>	<u>15.98</u>
	Expense					
101	General Fund	0.00	-115,787.84	-199,986.99	199,986.99	0.00

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
226	Communications					
	Revenue					
	Taxes	20,000.00	0.00	0.00	20,000.00	0.00
	Miscellaneous Revenue	<u>40.00</u>	<u>8.45</u>	<u>17.02</u>	<u>22.98</u>	<u>42.55</u>
	Revenue	20,040.00	8.45	17.02	20,022.98	0.08
	Expense					
	Personal Services	8,467.00	650.41	1,430.62	7,036.38	16.90
	Supplies	600.00	0.00	600.00	0.00	100.00
	Other Services and Charges	3,200.00	0.00	0.00	3,200.00	0.00
	Capital Outlay	<u>5,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>5,000.00</u>	<u>0.00</u>
	Expense	17,267.00	650.41	2,030.62	15,236.38	11.76
226	Communications	2,773.00	-641.96	-2,013.60	4,786.60	-72.61

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
227	Recycling Revenue					
	Intergovernmental Revenues	5,832.00	0.00	0.00	5,832.00	0.00
	Miscellaneous Revenue	<u>41,460.00</u>	<u>65.43</u>	<u>131.08</u>	<u>41,328.92</u>	<u>0.32</u>
	Revenue	47,292.00	65.43	131.08	47,160.92	0.28
	Expense					
	Personal Services	22,090.00	1,706.89	3,754.72	18,335.28	17.00
	Supplies	0.00	0.00	0.00	0.00	0.00
	Other Services and Charges	31,000.00	2,311.38	2,311.38	28,688.62	7.46
	Capital Outlay	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	53,090.00	4,018.27	6,066.10	47,023.90	11.43
227	Recycling	-5,798.00	-3,952.84	-5,935.02	137.02	102.36

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
401	General Capital Projects					
	Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Miscellaneous Revenue	500.00	65.27	128.19	371.81	25.64
	Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Revenue	500.00	65.27	128.19	371.81	25.64
	Expense					
	Other Services and Charges	0.00	0.00	0.00	0.00	0.00
	Capital Outlay	10,000.00	0.00	0.00	10,000.00	0.00
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	10,000.00	0.00	0.00	10,000.00	0.00
401	General Capital Projects	-9,500.00	65.27	128.19	-9,628.19	-1.35

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
403	Street Capital Projects					
	Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Miscellaneous Revenue	6,000.00	292.78	575.00	5,425.00	9.58
	Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Revenue	6,000.00	292.78	575.00	5,425.00	9.58
	Expense					
	Capital Outlay	40,000.00	0.00	6,376.30	33,623.70	15.94
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	40,000.00	0.00	6,376.30	33,623.70	15.94
403	Street Capital Projects	-34,000.00	292.78	-5,801.30	-28,198.70	17.06

General Ledger

Revenue vs Expense

User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018



Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
404	Park Capital Projects					
	Revenue					
	Miscellaneous Revenue	3,000.00	179.18	351.90	2,648.10	11.73
	Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Revenue	3,000.00	179.18	351.90	2,648.10	11.73
	Expense					
	Supplies	0.00	0.00	0.00	0.00	0.00
	Capital Outlay	25,000.00	0.00	0.00	25,000.00	0.00
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	25,000.00	0.00	0.00	25,000.00	0.00
404	Park Capital Projects	-22,000.00	179.18	351.90	-22,351.90	-1.60

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
405	Rosehill Tax Increment Revenue	0.00	8.09	28.71	-28.71	0.00
	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
	Other Financing Sources					
	Revenue	0.00	8.09	28.71	-28.71	0.00
	Expense					
	Other Services and Charges	0.00	13,720.50	13,720.50	-13,720.50	0.00
	Expense	0.00	13,720.50	13,720.50	-13,720.50	0.00
405	Rosehill Tax Increment	0.00	-13,712.41	-13,691.79	13,691.79	0.00

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
414	Development					
	Revenue					
	Miscellaneous Revenue	1,000.00	199.22	591.26	408.74	59.13
	Other Financing Sources	<u>38,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>38,000.00</u>	<u>0.00</u>
	Revenue	39,000.00	199.22	591.26	38,408.74	1.52
	Expense					
	Other Services and Charges	10,000.00	0.00	0.00	10,000.00	0.00
	Other Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	Expense	10,000.00	0.00	0.00	10,000.00	0.00
414	Development	29,000.00	199.22	591.26	28,408.74	2.04

General Ledger

Revenue vs Expense



User: heather.butkowski
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 Period: 02 - 02
 Fiscal Year: 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
415	Housing Redevelopment					
	Revenue					
	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	0.00	0.00	0.00	0.00	0.00
	Expense					
	Other Services and Charges	0.00	0.00	0.00	0.00	0.00
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Expense	0.00	0.00	0.00	0.00	0.00
415	Housing Redevelopment	0.00	0.00	0.00	0.00	0.00

General Ledger

Revenue vs Expense

User: heather.butkowski
 Printed: 3/12/2018 1:59:48 PM
 Period 02 - 02
 Fiscal Year 2018



Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
416	TIF District No. 1-2					
	Revenue					
	Taxes	0.00	0.00	0.00	0.00	0.00
	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	0.00	0.00	0.00	0.00	0.00
	Expense					
	Other Services and Charges	0.00	0.00	0.00	0.00	0.00
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Expense	0.00	0.00	0.00	0.00	0.00
416	TIF District No. 1-2	0.00	0.00	0.00	0.00	0.00

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 3/12/2018 1:59:48 PM
 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
602	Sanitary Sewer Revenue	0.00	0.00	0.00	0.00	0.00
	Intergovernmental Revenues	272,301.00	11,920.16	14,141.81	258,159.19	5.19
	Charges for Services	10,000.00	665.30	1,312.23	8,687.77	13.12
	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	282,301.00	12,585.46	15,454.04	266,846.96	5.47
	Expense					
	Personal Services	68,643.00	5,215.50	11,321.80	57,321.20	16.49
	Supplies	800.00	61.13	61.13	738.87	7.64
	Other Services and Charges	196,858.00	13,297.46	33,553.66	163,304.34	17.04
	Capital Outlay	100,000.00	0.00	0.00	100,000.00	0.00
	Other Uses	0.00	0.00	0.00	0.00	0.00
	Expense	366,301.00	18,574.09	44,936.59	321,364.41	12.27
602	Sanitary Sewer	-84,000.00	-5,988.63	-29,482.55	-54,517.45	35.10

General Ledger

Revenue vs Expense

User: heather.butkowski
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 Period 02 - 02
 Fiscal Year 2018



Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
603	Storm Water Revenue					
	Intergovernmental Revenues	0.00	0.00	0.00	0.00	0.00
	Charges for Services	100,075.00	3,692.61	6,302.84	93,772.16	6.30
	Miscellaneous Revenue	4,500.00	241.48	475.58	4,024.42	10.57
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	104,575.00	3,934.09	6,778.42	97,796.58	6.48
	Expense					
	Personal Services	59,425.00	4,506.28	9,759.38	49,665.62	16.42
	Supplies	700.00	61.11	61.11	638.89	8.73
	Other Services and Charges	16,950.00	3,327.07	-7,178.25	24,128.25	-42.35
	Capital Outlay	10,000.00	0.00	0.00	10,000.00	0.00
	Other Uses	0.00	0.00	0.00	0.00	0.00
	Expense	87,075.00	7,894.46	2,642.24	84,432.76	3.03
603	Storm Water	17,500.00	-3,960.37	4,136.18	13,363.82	23.64

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 3/12/2018 1:59:48 PM
 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
999	Fund					
	Revenue					
	Taxes	0.00	0.00	0.00	0.00	0.00
	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
	Other Financing Sources	0.00	0.00	0.00	0.00	0.00
	Revenue	0.00	0.00	0.00	0.00	0.00
	Expense					
	Personal Services	0.00	0.00	0.00	0.00	0.00
	Other Services and Charges	0.00	0.00	0.00	0.00	0.00
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	Other Uses	0.00	0.00	0.00	0.00	0.00
	Expense	0.00	0.00	0.00	0.00	0.00
999	Fund	0.00	0.00	0.00	0.00	0.00

General Ledger

Revenue vs Expense



User: heather.butkowski
 Printed: 3/12/2018 1:59:48 PM
 Period 02 - 02
 Fiscal Year 2018

Account Number	Description	Budget	Current Period	YTD Balance	Variance	% Expend/Collect
Revenue Total		1,890,632.00	22,419.59	45,922.01	1,844,709.99	0.0243
Expense Total		1,996,657.00	165,727.19	297,625.73	1,699,031.27	0.1491
Grand Total		-106,025.00	-143,307.60	-251,703.72	145,678.72	2.374

**LAUDERDALE COUNCIL
ACTION FORM**

<p style="text-align: center;">Action Requested</p> <p>Consent <u> X </u></p> <p>Public Hearing <u> </u></p> <p>Discussion <u> </u></p> <p>Action <u> </u></p> <p>Resolution <u> </u></p> <p>Work Session <u> </u></p>	<p>Meeting Date <u>March 27, 2018</u></p> <p>ITEM NUMBER <u>Street Sweeping Quotes</u></p> <p>STAFF INITIAL <u>HB</u></p> <p>APPROVED BY ADMINISTRATOR</p>
---	--

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Staff received a quote from Mike McPhillips, Inc. Similar to last year, staff did not solicit additional quotes as Mike McPhillips has been the only company that consistently meets the City's expectations in terms of quality of sweep and attention to detail. Staff will solicit additional quotes if the Council would like.

OPTIONS:

Approval of Mike McPhillips, Inc. completing the annual street sweepings or direct staff to get additional quotes.

STAFF RECOMMENDATION:

By approving the Consent Agenda, the Council approves contracting with Mike McPhillips, Inc. to perform the 2018 spring and fall street sweeping as presented.

COUNCIL ACTION:

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.792.7650 Fax: 651.631.2066

March 19, 2018

The City of Lauderdale is requesting a quote for the following work:

- In the spring, sweep all city streets, alleys, and city-owned parking lots.
- In the fall, sweep all city streets, alleys, city-owned parking lots, and two county roads: Eustis Street from Roselawn Avenue to Larpenteur Avenue and Roselawn Avenue from the TH280 sound wall to Fulham Street.
- This is approximately 5.5 miles of streets.
- Timing of the sweeps will be coordinated by the Public Works Coordinator. The fall sweeping is expected to occur after the vast majority of the leaves have fallen.

PROCEDURE

1. First day of sweeping must be a Tuesday, Wednesday, or Thursday. No street sweeping shall be done on Mondays (city-wide garbage and recycling collection day).
2. Day 1: sweep streets curb to curb and all paved surfaces of the alleys/parking lots.
3. Day 2: clean up remaining areas not swept.
4. All sweepings must be hauled away at contractor's expense.

CITY TO PROVIDE

1. Posting of "no parking" street signs.
2. Street map of Lauderdale.
3. Daily supervision of areas to be swept.
4. Space to park sweeper overnight at city garage.

CONTRACTOR TO PROVIDE

1. Hydrants for water are available. Contractor must make arrangement with St. Paul Regional Water to purchase the water (they own the local water utility).
2. Affidavit of insurance – prior to start date.
3. Agree to the terms of the City's Service Agreement.
4. *NEW: Estimate of yards of material hauled away.*

Please return the quote by Friday, March 23, 2018. The City reserves the right to accept or reject quotes for any reason.

Company Name Mike McPhillips, Inc. Company Contact Michael Edge

Address 825 Concord Street North

City South St. Paul State MN Zip 55075

Phone 651-451-4030 Fax 651-451-4015 Email mike@mcpPhillipsinc.com

Type of Sweeper and Dump Trucks Used Elgin Pelican sweepers, International & Peterbilt
Dump Trucks

Total not to exceed (including labor): \$ 7,875.00

Cost per additional sweeping, if requested by the City (Hourly rate): \$ 90.00

Signature:  Date: 3/19/2018

CONTACT: David Hinrichs, Public Works Coordinator: 7:00 a.m. - 3:00 p.m., Monday - Friday.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____
Action _____
Resolution _____
Work Session _____

Meeting Date March 27, 2018

ITEM NUMBER Audit Presentation

STAFF INITIAL HB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Andrew Berg of Abdo, Eick, and Meyers will be at the meeting to present the 2017 audited financials. Bound materials are included in your folders. Let staff know if you would like an electronic version for your records.

OPTIONS:

STAFF RECOMMENDATION:

COUNCIL ACTION:

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____ X
Action _____ X
Resolution _____
Work Session _____

Meeting Date March 27, 2018

ITEM NUMBER Post-Issuance Compliance

STAFF INITIAL AB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The Post-Issuance Debt Compliance Policy discussed at the last meeting is ready for adoption.

OPTIONS:

STAFF RECOMMENDATION:

Motion to adopt Post-Issuance Debt Compliance Policy as presented.

COUNCIL ACTION:

City of Lauderdale, Minnesota Post-Issuance Debt Compliance Policy

The City Council (the “Council”) of the City of Lauderdale, Minnesota (the “City”) has chosen, by policy, to take steps to help ensure that all obligations will be in compliance with all applicable federal regulations. This policy may be amended, as necessary, in the future.

Background

The Internal Revenue Service (IRS) is responsible for enforcing compliance with the Internal Revenue Code (the “Code”) and regulations promulgated thereunder (“Treasury Regulations”) governing certain obligations (for example: tax-exempt obligations, Build America Bonds, Recovery Zone Development Bonds and various “Tax Credit” Bonds). The IRS encourages issuers and beneficiaries of these obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations.

Post-Issuance Debt Compliance Policy Objective

The City desires to monitor these obligations to ensure compliance with the Code and Treasury Regulations. To help ensure compliance, the City has developed the following policy (the “Post-Issuance Debt Compliance Policy”). The Post-Issuance Debt Compliance Policy shall apply to the obligations mentioned above, including bonds, notes, loans, lease purchase contracts, lines of credit, commercial paper or any other form of debt that is subject to compliance.

Post-Issuance Debt Compliance Policy

The City Administrator of the City is designated as the City’s agent who is responsible for post-issuance compliance of these obligations.

The City Administrator shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in corresponding procedures (the “Post-Issuance Debt Compliance Procedures”). At a minimum, the Post-Issuance Debt Compliance Procedures for each qualifying obligation will address the following:

1. General post-issuance compliance;
2. Proper and timely use of obligation proceeds and obligation-financed property;
3. Arbitrage yield restriction and rebate;
4. Timely filings and other general requirements;
5. Additional undertakings or activities that support points 1 through 4 above;
6. Maintenance of proper records related to the obligations and the investment of proceeds of obligations;
7. Other requirements that become necessary in the future.

The City Administrator shall apply the Post-Issuance Debt Compliance Procedures to each qualifying obligation and maintain a record of the results. Further, the City Administrator will ensure that the Post-Issuance Debt Compliance Policy and Procedures are updated on a regular and as needed basis.

The City Administrator or any other individuals responsible for assisting the City Administrator in maintaining records needed to ensure post-issuance debt compliance, are authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance.

Most of the provisions of this Post-Issuance Debt Compliance Policy are not applicable to taxable governmental obligations unless there is a reasonable possibility that the City may refund their taxable governmental obligation, in whole or in part, with the proceeds of a tax-exempt governmental obligation. If this refunding possibility exists, then the City Administrator shall treat the taxable governmental obligation as if such issue were an issue of tax-exempt governmental obligations and comply with the requirements of this Post-Issuance Debt Compliance Policy.

Private Activity Bonds

The City may issue tax-exempt obligations that are “private activity” bonds because either (1) the bonds finance a facility that is owned by the City but used by one or more qualified 501(c)(3) organizations, or (2) the bonds are so-called “conduit bonds”, where the proceeds are loaned to a qualified 501(c)(3) organization or another private entity that finances activities eligible for tax-exempt financing under federal law (such as certain manufacturing projects and certain affordable housing projects). Prior to the issuance of either of these types of bonds, the City Administrator shall take steps necessary to ensure that such obligations will remain in compliance with the requirements of this Post-Issuance Debt Compliance Policy.

In a case where compliance activities are reasonably within the control of a private party (i.e., a 501(c)(3) organization or conduit borrower), the City Administrator may determine that all or some portion of compliance responsibilities described in this Post-Issuance Debt Compliance Policy shall be assigned to the relevant party. In the case of conduit bonds, the conduit borrower will be assigned all compliance responsibilities other than those required to be undertaken by the City under federal law. In a case where the City Administrator is concerned about the compliance ability of a private party, the City Administrator may require that a trustee or other independent third party be retained to assist with record keeping for the obligation and/or that the trustee or such third party be responsible for all or some portion of the compliance responsibilities.

The City Administrator is additionally authorized to seek the advice, as necessary, of bond counsel and/or its financial advisor to ensure the City is in compliance with this Post-Issuance Debt Compliance Policy.

Approved by the Lauderdale City Council on March 27, 2018.

Signed: _____ Date: _____
Mayor

Signed: _____ Date: _____
City Administrator-Clerk

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion _____ X _____
Action _____ X _____
Resolution _____
Work Session _____

Meeting Date March 27, 2018

ITEM NUMBER 1795 Eustis St. Phase II

STAFF INITIAL JB

APPROVED BY ADMINISTRATOR

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

Javelin Group completed a Phase I report; the Executive Summary follows. Based on their research they are recommending a Phase II to look more in depth at a couple of items noted on pages 23-24. The cost estimate follows.

OPTIONS:

STAFF RECOMMENDATION:

Motion to hire Javelin Group to complete a Phase II Subsurface Investigation at 1795 Eustis Street.

COUNCIL ACTION:

PHASE I ENVIRONMENTAL
SITE ASSESSMENT

REPORT



FMR. TWIN CITIES CHINESE CHRISTIAN CHURCH
1795 EUSTIS STREET
LAUDERDALE, MINNESOTA 55438

PROJECT NUMBER: 2018-P0108-0110

MARCH 16, 2018

THE
 JAVELIN
GROUP
REAL ESTATE DUE DILIGENCE
CONSULTANTS

**PHASE I
ENVIRONMENTAL SITE ASSESSMENT
REPORT**

SUBJECT PROPERTY

**FORMER TWIN CITIES CHINESE CHRISTIAN CHURCH
1795 EUSTIS STREET
LAUDERDALE, MINNESOTA 55113
JAVELIN PROJECT NO. 2018-P0108-0110**

PREPARED FOR

**CITY OF LAUDERDALE
1891 WALNUT STREET
LAUDERDALE, MN 55113**

PREPARED BY

**THE JAVELIN GROUP, INC.
10125 CROSTOWN CIRCLE, SUITE 107
EDEN PRAIRIE, MN 55344
TEL: 952 380-3668 FAX: 952 380-3669**

MARCH 16, 2018



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APPENDICES

APPENDIX A: FIGURES

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APPENDIX D: PHOTOGRAPHIC DOCUMENTATION

APPENDIX E: ENVIRONMENTAL PROFESSIONAL QUALIFICATIONS

EXECUTIVE SUMMARY



The Javelin Group, Inc. (JAVELIN) was authorized by the City of Lauderdale to perform a Phase I Environmental Site Assessment (ESA) of the subject property, known as the former Twin Cities Chinese Christian Church Site, located at 1795 Eustis Street in the city of Lauderdale, Ramsey County, Minnesota.

This Phase I Environmental Site Assessment was conducted in general accordance with the requirements of ASTM E 1527-13 "STANDARD PRACTICE FOR ENVIRONMENTAL SITE ASSESSMENTS: PHASE I ENVIRONMENTAL SITE ASSESSMENT PROCESS". The purpose of this ESA was to qualify for LANDOWNER LIABILITY PROTECTIONS (LLPs) to Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, i.e. Superfund) liability, and to identify any RECOGNIZED ENVIRONMENTAL CONDITIONS (RECs) associated with the subject property. The Phase I ESA is intended to permit a *User* to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the "landowner liability protections" or "LLPs"): that is, the practice that constitutes "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined at 40 CFR Part 312.

SUBJECT PROPERTY DESCRIPTION

The subject property is comprised of an approximately 1.69-acre irregular-shaped parcel occupied by a one-story + basement 24,183 SF commercial building. Paved driveways and parking areas are located on the west side of the site building. The site building is currently vacant.

SUBJECT PROPERTY HISTORY

Review of historical records identified that the subject property was first developed in the 1910s and occupied by the Lauderdale School. In 1936, the subject property was redeveloped with the existing commercial building and continued to be occupied by the Lauderdale School until the 1960s. From the 1960s to approximately 2015, the subject property was occupied by the Twin Cities Chinese Christian Church. The site building is currently vacant.

FINDINGS, OPINIONS & CONCLUSIONS

Javelin has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of the subject property, known as the former Twin Cities Chinese Christian Church Site, located at 1795 Eustis Street in the City of Lauderdale, Ramsey County, Minnesota. Any exceptions to, or deletions from, this practice are described in Section 1.4 of this report.

HISTORICAL RECOGNIZED ENVIRONMENTAL CONDITIONS

The ASTM E1527-13 standard defines the term "Historical Recognized Environmental Conditions (HRECs)" as "a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction

of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

- This assessment has revealed no evidence of HRECs in connection with the subject property.

RECOGNIZED ENVIRONMENTAL CONDITIONS

The ASTM E1527-13 standard defines the term Recognized Environmental Conditions (RECs) as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

- This assessment has revealed no evidence of RECs in connection with the subject property with the exception of the following:

Former Fuel Oil Underground Storage Tank (UST) - The TCCC Church site (1795 Eustis Street) had a reported release of fuel oil during removal of a fuel oil UST on September 3, 1997. After a remedial investigation and thermal soil treatments were completed, the MPCA issued a site closure letter on June 27, 2000. Although the site has been closed by the MPCA, residual petroleum soil contamination likely remains that will require special handling and disposal if encountered during redevelopment activities. In addition, the petroleum release represents the potential for vapor intrusion into site structures.

CONTROLLED RECOGNIZED ENVIRONMENTAL CONDITIONS (CRECs)

The ASTM E1527-13 standard defines the term Controlled Recognized Environmental Conditions (CRECs) as "a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

- This assessment has revealed no evidence of CRECs in connection with the subject property.

ITEMS OF BUSINESS ENVIRONMENTAL RISK

Items of *business environmental risk* refer to potential environmental concerns that are not classified as *recognized environmental conditions*, but may have a material environmental impact on the business associated with the current or planned use of the subject property.

- The following items of potential *business environmental risk* were identified during this assessment:

Onsite Incinerator - During site reconnaissance, JAVELIN identified a trash incinerator in the basement of the site building. The incinerator ash may contain contaminants that will require landfill disposal.

Asbestos-Containing Building Materials (ACBMs) - Javelin conducted a pre-demolition Asbestos/Hazmat Survey of the site building that identified asbestos-containing materials that will require removal by a licensed asbestos abatement contractor prior to demolition of the site structure. In addition, Javelin identified regulated or special wastes that will require disposal or recycling prior to demolition activities. The results of the pre-demolition asbestos/Hazmat survey are provided in a separate report.

DE MINIMIS CONDITIONS

The ASTM E1527-13 standard defines the term *de minimis conditions* as "a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies."

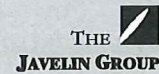
- This assessment identified no *de minimis conditions* in connection with the subject property.

RECOMMENDATIONS

Based on the conclusions of this Phase I Environmental Site Assessment, JAVELIN recommends the following:

- Conduct a Phase II Subsurface Investigation to determine the extent and magnitude of any residual petroleum contamination associated with the former fuel oil UST release and determine the potential for elevated soil vapors that could impact future development.
- Prior to building demolition, identified asbestos-containing materials must be removed by a licensed asbestos abatement contractor and identified regulated wastes/special wastes must be removed and/or recycled in accordance with applicable regulations. Residual ash in the incinerator will require testing to determine appropriate disposal options.

1.0 INTRODUCTION



The Javelin Group, Inc. (Javelin) was authorized by City of Lauderdale to perform a Phase I Environmental Site Assessment (ESA) of the subject property, known as the Twin Cities Chinese Christian Church site, located at 1795 Eustis Street in the city of Lauderdale, Ramsey County, Minnesota. The subject property location is depicted on Figure 1 - Site Location Map in Appendix A of this report.

1.1 PURPOSE

The purpose of this Phase I Environmental Site Assessment (Phase I ESA) is to identify, to the extent feasible, recognized environmental conditions associated with the subject property as defined by the American Society for Testing and Materials (ASTM) Standard Practice E1527-13. The term *recognized environmental conditions* is defined by ASTM “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment”. *De minimis* conditions are not *recognized environmental conditions*.

ASTM E1527-13 also defines the term *controlled recognized environmental conditions* as “a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).”

The Phase I ESA is intended to permit a *User* to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the “landowner liability protections” or “LLPs”): that is, the practice that constitutes “all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice” as defined at 40 CFR Part 312.

1.2 SCOPE OF SERVICES

This Phase I Environmental Site Assessment was conducted in general accordance with the requirements of ASTM E 1527-13 “STANDARD PRACTICE FOR ENVIRONMENTAL SITE ASSESSMENTS: PHASE I ENVIRONMENTAL SITE ASSESSMENT PROCESS”. The Phase I Environmental Site Assessment for the subject property included the following tasks:

- Review of federal, state and local regulatory databases to help identify *recognized environmental conditions* associated with the subject property.
- Review of historic documents including historic aerial photographs, city directories and historic maps, as readily available.
- Review of municipal records including building permits, fire department records, and other historical records readily available.

- ❑ Site reconnaissance to visually and physically observe the subject property and associated improvements for indications of *recognized environmental conditions*.
- ❑ Interviews with owners and local government officials regarding current and historic uses of the subject property and indications of *recognized environmental conditions*.
- ❑ Preparation of a Phase I Environmental Site Assessment report documenting the findings and presenting opinions and conclusions regarding known or suspect environmental conditions.

1.3 LIMITATIONS & ASSUMPTIONS

The following significant assumptions were relied on for this Phase I Environmental Site Assessment:

- ❑ Groundwater Flow Direction – The direction of groundwater flow in the area of the subject property was inferred based on observations of surface topography, proximity of nearby surface water bodies, and review of geological references. However, site-specific groundwater flow conditions may be impacted by geologic anomalies, utility trenches, nearby wells or sumps, local drainage patterns or other factors.
- ❑ Unidentifiable Conditions – This assessment follows the methodologies set forth in the ASTM Standard E 1527-13 protocol. Information obtained from records reviews, interviews and visual observations is assumed reliable. There is a possibility that even with adherence to these methodologies, unidentifiable conditions may exist on the subject property that could not be identified within the scope of the assessment or that were not reasonably identifiable from readily available information.

1.4 DATA GAPS

ASTM E1527-13 defines a data gap as the “lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. The following summarizes data gaps, if any, identified during the site assessment:

- ❑ Access Limitations – None
- ❑ Physical Obstructions to Visual Observations – Approximately four inches of snow covered unplowed exterior surfaces of the subject property during site reconnaissance.
- ❑ Limiting Weather Conditions – None
- ❑ Standard Historical Source Data Failure – None
- ❑ Outstanding FOIA Requests – None

1.5 SPECIAL TERMS AND CONDITIONS

- Authorization – JAVELIN was authorized by the City of Lauderdale on January 26, 2018 to perform this Phase I Environmental Site Assessment. This ESA is being performed as part of the due diligence requirements for the financing of the subject property.
- Right of Entry – Location and site map, right of entry and description of the subject property was provided by the City of Lauderdale (subject property owner).

1.6 USER RELIANCE

This Phase I Environmental Site Assessment was prepared exclusively for the use or benefit of those listed on the Title page of this report. Reliance or use by any other third party without explicit written authorization from JAVELIN will be at the third party's own risk. No warranties or representations, expressed or implied, are made to any such third party.

1.7 USER PROVIDED INFORMATION

As defined by ASTM, the *User* is the party seeking to use ASTM Standard Practice E 1527-13 to complete an environmental site assessment and may include, without limitations, a potential purchaser, tenant, owner, lender, or a property manager. In order to qualify for *landowner liability protections* to CERCLA liability, the "All Appropriate Inquiries" Final Rule (40 CFR Part 312) requires certain tasks outlined below be completed by the *User*. Pursuant to ASTM 1527-13, JAVELIN provided a *User Questionnaire* to assist the *User* in providing information that may be material to identifying *recognized environmental conditions*.

For the purposes of this Phase I Environmental Site Assessment report, the *User* is identified as follows:

- City of Lauderdale

1.7.1 REVIEW TITLE AND JUDICIAL RECORDS FOR ENVIRONMENTAL LIENS AND ACTIVITY AND USE LIMITATIONS (AULS)

In accordance with ASTM E1527-13, JAVELIN requested from the *User* the results of the review of title and/or judicial records for environmental liens or activity and use restrictions filed or recorded against the subject property.

- At the direction of the client, a title search was not included as part of the scope of services. Unless notified otherwise, we assume that the client is evaluating this information outside the context of this report.

1.7.2 ENVIRONMENTAL LIENS AND ACTIVITY AND USE LIMITATIONS (AULS)

In accordance with ASTM E1527-13, JAVELIN requested from the *User* any knowledge of activity and use limitations that are in place or filed or recorded against the subject property.

- The *User* was not aware of any environmental liens or activity and use limitations affecting the subject property.

1.7.3 SPECIALIZED KNOWLEDGE OR EXPERIENCE OF THE USER

In accordance with ASTM E1527-13, JAVELIN requested from the User any specialized knowledge or experience of the User that is material to RECs associated with the subject property.

- The User indicated no specialized knowledge or experience regarding environmental conditions with regard to the subject property.

1.7.4 VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

In accordance with ASTM E1527-13, JAVELIN requested from the User any knowledge or awareness of information that would indicate any reduction in purchase price or fair market value of the subject property due to environmental contamination.

- The User indicated they are not aware of property values being reduced due to the presence of environmental contamination.

1.7.5 COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

In accordance with ASTM E1527-13, JAVELIN requested from the User any commonly known or reasonably ascertainable information within the local community that is material to recognized environmental conditions associated with the subject property.

- The User was not aware of commonly known or reasonable ascertainable information material to recognized environmental conditions associated with the subject property or nearby properties.

1.7.6 OBVIOUS INDICATORS OF CONTAMINATION

In accordance with ASTM E1527-13, JAVELIN requested from the User any knowledge or experience related to the subject property that there are obvious indicators that point to the presence of a release.

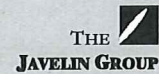
- The User is not aware of any obvious indicators that point to the presence of a release.

1.7.7 OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION

The following information was provided to JAVELIN:

- PROPERTY OWNER: City of Lauderdale
- KEY SITE MANAGER: Ms. Heather Butkowski – City of Lauderdale Administrator
- BUILDING OCCUPANTS: Vacant

2.0 SITE DESCRIPTION



2.1 SUBJECT PROPERTY LOCATION AND LEGAL DESCRIPTION

The subject property is located at the southwest corner of the intersection of Eustis Street and Spring Street in the City of Lauderdale, Ramsey County, Minnesota. The Property Identification Number and legal description for the subject property parcel are as follows:

PROPERTY INFORMATION	
PARCEL ADDRESS:	1795 Eustis Street, Lauderdale, Minnesota 55113
PARCEL IDENTIFICATION NUMBER (PID):	172923330001
LAND ACREAGE:	1.69
CURRENT OWNERSHIP:	City of Lauderdale
PARTIAL LEGAL DESCRIPTION:	SUBJ TO ESMTS & VAC ALLEY ACCRUING LYING BET EXT SL OF LOT 6 & EX NL OF LOT 1 & ALL OF LOTS 1 THRU 6 & 23 THRU LOT 30 BLK 10 LAUDERDALES EAST SIDE ADDITION II

The subject property is located in the NE ¼ of the NE ¼ of the SW ¼ of Section 17 Township 29 North, Range 23 West as depicted on the Saint Paul West, MN USGS (2013) 7.5-minute series topographic map provided as Figure 1 - Site Location Map in Appendix A.

2.2 SUBJECT PROPERTY AND GENERAL VICINITY CHARACTERISTICS

The subject property is located in a single-family residential district of the City of Lauderdale. East-Adjoining Eustis Street and north-adjoining Spring Street provide local street access to the subject property. Regional access is provided by State Highway 280, located approximately 0.12 mile west of the subject property.

2.3 CURRENT USE OF SUBJECT PROPERTY

The subject property is currently occupied by a vacant former school building most recently utilized by the Twin Cities Chinese Christian Church. The remainder of the subject property is comprised of driveways, parking lots, and landscaped areas.

2.4 EXISTING SITE IMPROVEMENTS

The subject property is developed with one (1), vacant commercial building. A general site plan of the subject property is provided as Figure 2 in Appendix A.

EXISTING SITE IMPROVEMENTS	
DEVELOPMENT TYPE:	Commercial
NUMBER OF BUILDINGS:	1
NUMBER OF FLOORS:	2 + basement
DATE OF CONSTRUCTION:	1936
OTHER IMPROVEMENTS:	Paved driveways and parking lots
CURRENT TENANTS:	Vacant
DOMESTIC WATER SOURCE:	City of Lauderdale
SANITARY SEWER SERVICE:	City of Lauderdale
ELECTRIC SERVICE:	CenterPoint Energy
NATURAL GAS SERVICE:	Xcel Energy

2.5 CURRENT USE OF ADJOINING PROPERTIES

Adjoining properties were observed to determine the current land use and assess the potential for RECs that may impact the subject property. Visual reconnaissance of adjoining properties was limited to areas readily observable from the subject property or from public right-of-ways. Properties adjoining the subject property are described below:

CURRENT USE OF ADJOINING PROPERTIES	
NORTH:	Spring Street followed by single-family residential properties
EAST:	Eustis Street followed by single-family residential properties
SOUTH:	Single-family residential properties
WEST:	Malvern Street followed by single-family residential properties

No current activities were observed on adjoining properties that appeared likely to impact the subject property.

3.0 PHYSICAL DESCRIPTION & SETTING



3.1 TOPOGRAPHY

Review of the UNITED STATES GEOLOGICAL SURVEY 7.5-MINUTE TOPOGRAPHIC MAP, SAINT PAUL WEST, MN QUADRANGLE, dated 2013, indicated the following:

- The subject property is located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 17 Township 29 North, Range 23 West.
- Observation of contour lines on the topographic map indicates the subject property elevation ranges from 960 – 970 feet above mean sea level from the northwest to the east side of the site.

3.2 SURFICIAL SOILS

Review of the MINNESOTA GEOLOGICAL SURVEY, GEOLOGIC ATLAS OF RAMSEY COUNTY, MINNESOTA - COUNTY ATLAS SERIES (ATLAS C-7), PLATE 3 OF 10 dated 1992 indicated the following:

- The subject property is underlain by buried coarse meltwater stream sediment associated with the Superior Lobe of the Pleistocene age Wisconsin Glaciation.

3.3 GEOLOGY/HYDROLOGY

Review of the MINNESOTA GEOLOGICAL SURVEY, GEOLOGIC ATLAS OF RAMSEY COUNTY, MINNESOTA - COUNTY ATLAS SERIES (ATLAS C-7), PLATE 3 OF 10 dated 1992 indicated the following:

- The uppermost bedrock formation underlying the subject property is the Middle Ordovician Decorah Shale, a green calcareous shale with thin limestone interbeds.
- The depth to groundwater in the area of the subject property is variable. Water levels in nearby monitoring and domestic wells varied from approximately 10 to 100 feet below surface grade.
- The general surficial ground water flow direction near the subject property is expected to be southwest towards the Mississippi River.

3.4 WETLANDS

Review of the U.S. Department of the Interior National Wetlands Inventory Geotrace Mapping System Map, indicated the following:

- No wetlands were identified on the subject property. Confirmation of wetlands on the subject property would require additional research and/or field delineation, which is outside the scope of this assessment.

3.5 FLOOD ZONE

The HENNEPIN COUNTY FEMA FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 27123C0080G dated June 4, 2010, indicated the following:

- The subject property is located within Zone X, defined as an area outside the 500-year floodplain. Confirmation of floodplain status would require additional research and/or field survey, which is outside the scope of this assessment.

3.6 RADON

Review of the EPA and Minnesota Department of Health Radon Web pages indicated the following:

- The subject property is located within EPA Radon Zone 1. The expected average indoor radon concentration of Radon Zone 1 is greater than 4 pCi/L, which exceeds the EPA Guidance Level of 4 pCi/L. Radon testing would be required to document site radon gas concentrations.

4.0 HISTORICAL LAND USE RECORDS/INTERVIEWS



4.1 HISTORICAL SUMMARY

Review of historical records identified that the subject property was first developed in the 1910s and occupied by the Lauderdale School. In 1936, the subject property was redeveloped with the existing commercial building and continued to be occupied by the Lauderdale School until the 1960s. From the 1960s to approximately 2015, the subject property was occupied by the Twin Cities Chinese Christian Church. The site building is currently vacant.

4.2 HISTORICAL FIRE INSURANCE MAPS/PLAT MAPS

The Sanborn fire insurance and plat map collection available online through the Hennepin County Library was searched for maps covering the area of the subject property. Sanborn Maps for the year 1926, revised 1951 were available to review.

SANBORN/PLAT MAPS	
YEAR(S)	DESCRIPTION/USE
1926, revised 1951	The subject property is depicted as the Lauderdale Public School located southwest of the intersection of Eustis and Spring Streets. With the exception of a building labeled "store" on the north-adjointing property at 1601 Eustis Street, the adjoining properties and surrounding properties beyond are comprised of single-family residential dwellings.

4.3 HISTORICAL TOPOGRAPHIC MAPS

The topographic collection available online was reviewed for maps covering the area of the subject property. Topographic map coverage for the subject property was available for the years 1896-1993.

HISTORIC TOPOGRAPHIC MAPS	
YEAR(S)	DESCRIPTION/USE
1896-1947	The subject property is depicted as developed with one structure and is bound on the north and east by Spring Street and Eustis Street, respectively. Structures are shown to the north of the subject property. A railroad is depicted lying to the west of the subject property in the approximate location of present-day State Highway 280.
1953-1966	The subject property is shown located within the City of Lauderdale in an area shaded a salmon color on the map, indicating dense urban development. A symbol denoting a school is shown on the subject property. With the exception of two churches, no structures are shown on the adjoining properties and surrounding areas.
1969-1993	The subject property and adjoining properties appear to be largely unchanged from the previous map. Interstate Highway 280 is depicted approximately 0.12 miles west of the subject property.

4.4 AERIAL PHOTOGRAPHS

Aerial photographs covering the area of the subject property were obtained for the years 1937, 1940, 1953, 1957, 1974, 1985, 1991, 2006, and 2017 on the U of M MHAPO and Google Earth web pages. Representative aerial photographs are provided in Appendix B.

AERIAL PHOTOGRAPHS	
YEAR(S)	
1937 - 2017	The subject property appears to be developed with the existing site building. The adjoining properties and the surrounding area appears to be developed with predominantly residential properties.

4.5 CITY DIRECTORIES

City Directories were searched for the area of the subject property at the Hennepin County Central Library. City directories were available for the years 1956, 1962, 1967, 1972, 1977, 1982, and 1998.

CITY DIRECTORIES		
ADDRESS	YEAR(S)	DESCRIPTION/USE
1795 EUSTIS STREET	1956, 1962, 1967, and 1972	Lauderdale School
	1977	Chinese Christian Fellowship
	1982	Chinese Christian Church
	1998	Twin City Chinese Christian Church

4.6 LOCAL AGENCY RECORDS REVIEW

A review of local municipal records for the subject property included zoning, building inspection, and fire department files.

4.6.1 ZONING DEPARTMENT

Review of the municipal zoning map identified the following zoning information:

- The subject property is located in an R-1 –Suburban Residential zoning district in the City of Lauderdale.

4.6.2 BUILDING INSPECTION DEPARTMENT

Building permit records for the subject property were reviewed at the City of Lauderdale Building Department. Below is a summary of building permit file information for the subject property.

BUILDING PERMIT RECORDS		
ADDRESS	DATE	DESCRIPTION/USE
1795 EUSTIS STREET	June 24, 1997	City of Lauderdale Permit Application for removal of underground storage tank

4.6.3 FIRE DEPARTMENT

JAVELIN contacted the Falcon Heights Fire Department (FHFD) on March 13, 2018 for information pertaining to reported underground/aboveground storage tanks, chemical storage, and/or HAZMAT spills/ releases at the subject property. FHFD serves the City of Lauderdale.

- The FHFD did not respond to Javelin's request by the time of report completion.

4.6.4 COUNTY PROPERTY RECORD

JAVELIN reviewed the online County Property Information parcel database for information regarding the subject property. The following relevant information was obtained:

COUNTY PROPERTY INFORMATION	
PROPERTY ID:	172923330001
PROPERTY TYPE:	Commercial
HOMESTEAD STATUS:	Non-Homestead
CONSTRUCTION YEAR:	1936
OWNER NAME:	City of Lauderdale

4.6.5 MINNESOTA COUNTY WELL INDEX

The Minnesota Well Index (MWI) was reviewed online via the Minnesota Department of Health website. Review of the MWI database identified the following:

- No water well records for the subject property were identified in the MWI.

4.7 INTERVIEWS

In accordance with ASTM E1527-13, interviews were conducted with property owners, operators, occupants, and regulatory officials, and other people knowledgeable about the subject property, as available. The objective of the interviews was to obtain information regarding *recognized environmental conditions* associated with the subject property. Summary information obtained from the interviews is provided below.

4.7.1 INTERVIEW WITH KEY SITE MANAGER/OWNER

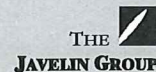
DATE OF INTERVIEW:	March 13, 2018
NAME & TITLE:	Ms. Heather Butkowski – City Administrator
AFFILIATION:	City of Lauderdale
YEARS OF ASSOCIATION:	2
TELEPHONE NUMBER:	651-792-7657
INTERVIEW SUMMARY:	Ms. Butkowski indicated that the City of Lauderdale is in the process of closing on purchasing the subject property and estimated closing to occur in May 2018. She said that to her knowledge, the subject property was utilized as a school and later as a church since construction in the 1930s. Ms. Butkowski was aware of a heating oil tank, incinerator, and the presence of asbestos-containing material (ACM) on the subject property. She was unaware of any wells or septic systems on the subject property.

4.8 PREVIOUS INVESTIGATIONS/ASSESSMENTS

JAVELIN requested copies of previous environmental reports and geotechnical investigations for review.

- No previous reports were available for Javelin to review.

5.0 REGULATORY DATABASE RECORDS REVIEW



JAVELIN reviewed regulatory agency environmental records compiled by Environmental Data Resources, Inc. (EDR) to help identify recognized environmental conditions in connection with the subject property. The EDR report meets the governmental records search requirements of ASTM E 1527-013. The complete database prepared by EDR and a map depicting the location of listed sites relative to the subject property is provided in Appendix C. Results of the environmental database records review are summarized below.

5.1 STANDARD FEDERAL ENVIRONMENTAL RECORDS DATABASE

NPL: NATIONAL PRIORITY LIST – The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program.

- No NPL sites were identified on the subject property.
- One (1) NPL site was identified within 1.0 mile of the subject property. The Vitasyn facility (2010 East Hennepin Avenue) is located approximately 0.96 miles west-southwest of the subject property. The site is located in a down-gradient orientation with respect to estimated groundwater flow direction. Based on distance and orientation, the identified NPL site is not expected to impact the subject property.

PROPOSED NPL: PROPOSED NATIONAL PRIORITY LIST SITES

- No PROPOSED NPL sites were identified on or within 1.0 mile of the subject property.

NPL LIENS – List of filed notices of Superfund Liens

- No NPL LIENS sites were identified for the subject property.

DELISTED NPL: NATIONAL PRIORITY LIST DELETIONS – Database of sites that have been deleted from the NPL where no further response is appropriate.

- No DELISTED NPL sites were identified on or within 1.0 mile of the subject property.

FEDERAL FACILITY: FEDERAL CERCLIS LIST – Database of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the SEMS Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

- No FEDERAL FACILITY sites were identified on or within 0.5 miles of the subject property.

SEMS: SUPERFUND ENTERPRISE MANAGEMENT SYSTEM – SEMS tracks hazardous waste sites, potentially hazardous waste sites, and remedial activities performed in support of EPA's Superfund Program. The list, formerly known as CERCLIS, contains data on potential hazardous waste sites that have been reported to the USEPA pursuant to Section 103 of CERCLA.

- No SEMS sites were identified on or within 0.5 miles of the subject property.

SEMS-ARCHIVE: FEDERAL CERCLIS NO FURTHER REMEDIAL ACTION PLANNED (NFRAP) SITES – Sites listed on this database have been removed from SEMS. NFRAP sites may be sites where, following an initial investigation, no contamination was

found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.

- No SEMS-ARCHIVE sites were identified on the subject property.
- One (1) SEMS-ARCHIVE site was identified within 0.5 mile of the subject property. The American Excelsior facility (3101 Talmadge Avenue SE) is located approximately 0.42 miles southwest of the subject property in a hydraulically down-gradient orientation. Based on this information, the one (1) identified SEMS-ARCHIVE facility is not expected to impact the subject property.

CORRACTS: CORRECTIVE ACTION REPORT – Identifies hazardous waste handlers with RCRA corrective action activity.

- No CORRACTS sites were identified on the subject property.
- Three (3) CORRACTS sites were identified within 1.0 mile of the subject property. The three sites are located at distances ranging from 0.70 to 0.96 miles from the subject property and in down-gradient orientations with respect to estimated groundwater flow direction. Based on distance and orientation, the three (3) identified CORRACTS sites are not expected to impact the subject property.

RCRA-TSDF: RESOURCE CONSERVATION AND RECOVERY ACT - TREATMENT, STORAGE, AND DISPOSAL FACILITIES – Database on facilities that treat, store, and/or dispose of hazardous wastes.

- No RCRA-TSD facilities were identified on or within 0.5 miles of the subject property.

RCRA-LQG: LARGE QUANTITY GENERATORS – Facilities that generate more than 1,000 Kg of hazardous waste per month, or meet other applicable requirements of RCRA.

- No RCRA-LQG sites were identified on the subject property or adjoining properties.

RCRA-SQG: SMALL QUANTITY GENERATORS – Facilities that generate from 100 Kg to 1,000 Kg of hazardous waste per month, or meet other applicable requirements of RCRA.

- No RCRA-SQG sites were identified on or adjoining the subject property.

RCRA-CESQG: CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS – Facilities that generate less than 100 Kg of hazardous waste per month, or less than 1 kg of acutely hazardous waste per month, or meet other applicable requirements of RCRA.

- No RCRA-CESQG sites were identified on or adjoining the subject property.

RCRA-NONGEN: FACILITIES THAT PREVIOUSLY GENERATED HAZARDOUS WASTE:

- No RCRA-NonGen sites were identified on or adjoining the subject property.

US ENG CONTROLS: ENGINEERING CONTROLS SITES LIST – A listing of sites with engineering controls in place to mitigate identified site impacts that typically exceed unrestricted land use criteria.

- No US ENG CONTROLS sites were identified on or within 0.5 mile of the subject property.

US INST CONTROLS: SITES WITH INSTITUTIONAL CONTROLS – A listing of sites with institutional controls in place to mitigate identified site impacts that typically exceed unrestricted land use criteria.

- No US INST CONTROLS sites were identified on or within 0.5 miles of the subject property.

ERNS: EMERGENCY RESPONSE NOTIFICATION SYSTEM – Database that records and stores information on reported releases of oil and hazardous substances.

- No ERNS sites were identified on the subject property.

5.2 STANDARD STATE ENVIRONMENTAL RECORDS DATABASE

MN PLP – Permanent List of Priorities – This list identifies priority state hazardous substance release sites where investigation and cleanup are needed, cleanup is underway, or cleanup has been completed and long-term monitoring or maintenance continues.

- No MN PLP sites were identified on the subject property.
- One (1) MN PLP site was identified within 1.0 mile of the subject property. The Clark Valentine Corporation (2575 & 2576 Doswell Avenue) is located approximately 0.92 miles south and hydraulically side to down-gradient of the subject property. Based on distance and orientation, the one (1) identified MN PLP facility is not expected to impact the subject property.

SHWS: STATE HAZARDOUS WASTE SITES – State hazardous substance release site records that are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list.

- No SHWS sites were identified on the subject property.
- Five (5) SHWS site was identified within 1.0 mile of the subject property. The five sites are approximately 0.34 to 1.0 miles from the subject property and located in side-gradient or down-gradient orientations with respect to estimated groundwater flow direction. Based on distance and orientation, the five (5) identified SHWS facilities are not expected to impact the subject property.

SWF/LF: SOLID WASTE FACILITY INVENTORY/TRANSFER STATIONS – Inventory of solid waste disposal facilities or landfills.

- No SWF/LF sites were identified on the subject property.
- Two (2) SWF/LF sites were identified within 0.5 mile of the subject property. The two sites are located 0.43 miles south-southwest and 0.45 miles northeast of the subject property. Based on the distance of the two (2) SWF/LF sites, they are not expected to impact the subject property.

UNPERM LF: UNPERMITTED LANDFILL – These are reported facilities that have solid waste disposal, yet are not permitted.

- No UNPERM LF sites were identified on or within 0.5 mile of the subject property.

LCP: CLOSED LANDFILL PRIORITY LIST – The Minnesota Legislature enacted a law to manage and clean up the State's closed Mixed Municipal Solid Waste Landfills. Under the

law, the MPCA is required to create and periodically review a priority list of qualified landfills, based on the relative health and environmental risks they present.

- No LCP sites were identified on or within 0.5 mile of the subject property.

LUST: LEAKING UNDERGROUND STORAGE TANK INCIDENT REPORTS – Inventory of reported leaking underground storage tank releases

- One (1) LUST site was identified on the subject property. The TCCC Church site (1795 Eustis Street) had a reported release of fuel oil during tank removal on September 3, 1997. After a remedial investigation and thermal soil treatments were completed, the MPCA closed the site on June 27, 2000. A closed status indicates that the site has been investigated and if necessary, remediated to the satisfaction of the MPCA. Although the site has been closed by the MPCA, the potential remains for residual soil contamination remaining that will require special handling and disposal if encountered during redevelopment activities and the potential for soil vapors to impact site structures. Based on this information, the TCCC Church site is considered a REC to the subject property.
- Twenty-two (22) LUST sites were identified within 0.5 mile of the subject property. The sites range from approximately 0.17 to 0.50 miles from the subject property and all but one of the sites are located in side-gradient or down-gradient orientations with respect to estimated groundwater flow direction. The one up-gradient facility is located approximately 0.45 miles from the subject property. All of the sites have been "closed" by the MPCA. Based on the closed statuses, along with distances and orientations, the twenty-two (22) identified LUST sites are not expected to impact the subject property.

LAST: LEAKING ABOVEGROUND STORAGE TANKS - A listing of leaking aboveground storage tanks.

- No LAST sites were identified on the subject property.
- Six (6) LAST sites were identified within 0.5 miles of the subject property. The six sites are located at distances ranging from 0.26 to 0.46 miles from the subject property and in down-gradient orientations with respect to estimated groundwater flow direction. All six sites of the sites were closed by the MPCA. Based on the closed status, distance, and orientation, the six (6) identified LAST sites are not expected to impact the subject property.

UST: LISTING OF REGULATED UNDERGROUND STORAGE TANKS – Inventory of registered underground storage tanks.

- One (1) UST site was identified on or adjoining the subject property. The TCCC Church site (1795 Eustis Street) has one documented fuel oil UST that was reportedly removed in 1997. During the tank removal, a release was detected that resulted in a leak file being opened by the MPCA. The leak site was closed in 2000 and constitutes a REC to the subject property.
- No UST sites were identified adjoining the subject property.

AST: LISTING OF REGULATED ABOVEGROUND STORAGE TANKS – Inventory of registered aboveground storage tanks.

- ❑ No AST sites were identified on or adjoining the subject property.

MN INST CONTROL: LIST OF INSTITUTIONAL CONTROL SITES – Sites that have an institutional control event.

- ❑ No MN INST CONTROL sites were identified on the subject property.
- ❑ Two (2) MN INST CONTROL sites were identified within 0.5 mile of the subject property. The two sites are located approximately 0.35 miles south (side-gradient) and 0.36 miles south-southwest (down-gradient) of the subject property. Based on distance and orientation, the two (2) identified MN INST CONTROL sites are not expected to impact the subject property.

VIC: VOLUNTARY INVESTIGATION AND CLEANUP PROGRAM – Voluntary Investigation and Cleanup Program list.

- ❑ No VIC sites were identified on the subject property.
- ❑ Sixteen (16) VIC sites were identified within 0.5 mile of the subject property. The sites are located at distances ranging from 0.14 to 0.48 miles from the subject property and are located in side-gradient or down-gradient orientations with respect to estimated groundwater flow direction. Based on distance and orientation, the sixteen (16) identified VIC sites are not expected to impact the subject property.

BROWNFIELDS: PETROLEUM BROWNFIELDS PROGRAM SITES

- ❑ No BROWNFIELDS sites were identified on the subject property.
- ❑ Twenty-one (21) BROWNFIELDS sites were identified within 0.5 mile of the subject property. The sites are located at distances ranging from 0.18 to 0.48 miles from the subject property and are located in side-gradient or down-gradient orientations with respect to estimated groundwater flow direction. Based on distance and orientation, the twenty-one (21) identified BROWNFIELDS sites are not expected to impact the subject property.

5.3 **ADDITIONAL ENVIRONMENTAL RECORD SOURCES**

EDR provides information from approximately 50 additional environmental record sources that are not required by ASTM E 1527-13, and information on standard environmental record sources in which information was provided for distances beyond that required by ASTM E 1527-13. Detailed description of these databases and sites identified are included in the EDR report included in Appendix C. Review of these environmental records identified the following:

- ❑ No additional environmental record sources were identified that would be expected to impact the subject property.

5.4 UNMAPPABLE SITES

Unmappable sites are facilities listed on environmental databases that cannot be plotted with confidence, but can be located by ZIP code or city name. Review of the unmappable sites in the EDR report, cross-referencing addresses and site names, reveals the following:

- No unmappable sites were determined to be located on the subject property or adjoining properties, nor within an ASTM E 1527-13 search radius for a specific database that would be expected to impact the subject property.

6.0 SUBJECT PROPERTY RECONNAISSANCE



6.1 SITE ACCESS

JAVELIN environmental professional, Mr. Brady McLean conducted a reconnaissance of the subject property on February 22, 2018. The reconnaissance consisted of observing the periphery of the subject property from accessible adjacent public thoroughfares. Interior portions of the subject property were systematically traversed to provide an overlapping field of view, wherever possible. Structures present on the property, if any, were observed along with interior accessible common areas, maintenance and HVAC areas, and a representative number of occupant spaces. Photographs were taken of significant features observed and any environmental concerns documented, where possible. Representative photographs are provided in Appendix D.

6.2 CURRENT FACILITY OPERATIONS/NOTEWORTHY TENANTS

The subject property is comprised of an approximately 1.69-acre irregular-shaped parcel occupied by a two-story + basement 24,183 SF office/warehouse commercial building. Paved driveways and parking areas are west side of the site building. The site building is currently vacant.

6.3 SURFACE AREAS

The topography of the subject property is relatively level but slopes away from the site building.

- No surface migration of petroleum releases or hazardous materials onto or off the subject property or adjoining properties was observed during the site reconnaissance.

6.4 HAZARDOUS SUBSTANCES AND PETROLEUM PRODUCTS CONTAINERS

The use, treatment, storage, disposal or generation of hazardous substances and/or petroleum products identified in connection with the use of the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- Limited quantities of cleaning supplies and building maintenance products were noted in storage areas of the site building. These materials were stored properly and do not represent a significant environmental concern provided they continue to be used as designed and are handled in accordance with manufacturer's directions and acceptable practices and regulations.

6.5 UNIDENTIFIED SUBSTANCE CONTAINERS

The presence of open or damaged containers containing unidentified substances suspected of being hazardous substances or petroleum products visually or physically observed or identified from interviews, is described below:

- ❑ No significant open or damaged containers of unidentified substances were observed on the subject property at the time of the site reconnaissance.

6.6 STORAGE TANKS

The presence of aboveground storage tanks (ASTs) or underground storage tanks (USTs) or vent pipes, fill pipes or access ways indicating underground storage tanks identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ Vent/fill piping and a tank level meter associated with the documented 4,000-gallon fuel oil UST was observed in the basement of the site building during the site reconnaissance. The tank was reportedly removed in 1997 and a leak was detected and reported to the MPCA. After investigation and remedial actions were completed, included thermal soil treatments, the site was closed in 2000. The potential remains for residual soil and soil vapor contamination to impact the subject property. Based on this information, the former UST and closed leak site constitutes a REC to the subject property.
- ❑ No petroleum ASTs were identified during the site reconnaissance.

6.7 ODORS

The presence of strong, pungent or noxious odors identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ No strong, pungent or noxious odors indicative of a release of hazardous materials or petroleum products were observed on the subject property at the time of the site reconnaissance.

6.8 POOLS OF LIQUID

The presence of standing pools of non-aqueous liquid identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ No standing pools of liquid indicative of a release of hazardous materials or petroleum products were observed on the subject property at the time of the site reconnaissance.

6.9 DRUMS

The presence of drums with capacities of 55-gallons or greater containing hazardous substances or petroleum products identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ No drums with capacities of 55-gallons or greater containing hazardous substances or petroleum products identified on the subject property

6.10 POLYCHLORINATED BIPHENYLS (PCBS)

The presence of electrical or hydraulic equipment known or likely to contain PCBs identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ Two pole mounted electrical transformers were observed on the west side of the site building. No significant leaks were observed.
- ❑ No other electrical or hydraulic equipment known or likely to contain PCBs was identified on the subject property during site reconnaissance.

6.11 ASBESTOS-CONTAINING BUILDING MATERIALS (ACBMs)

The presence of asbestos-containing building materials, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ Javelin conducted a pre-demolition Asbestos/Hazmat Survey of the site building that identified asbestos-containing materials that will require removal by a licensed asbestos abatement contractor prior to demolition of the site structure. In addition, Javelin identified regulated or special wastes that will require disposal or recycling prior to demolition activities. The results of the pre-demolition asbestos/Hazmat survey are provided in a separate report.

6.12 PITS, PONDS OR LAGOONS

The presence of pits, ponds or lagoons, particularly if associated with waste disposal or waste treatment processes, identified on the subject property or adjoining property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ No pits, ponds, or lagoons associated with waste disposal or treatment processes were observed on the subject property at the time of the site reconnaissance.

6.13 STAINED SOIL, PAVEMENT OR FLOORS

The presence of stained areas identified on the subject property, to the extent visually observed, is described below:

- ❑ No significant interior or exterior stained soil or pavement areas were observed on the subject property at the time of the site reconnaissance. However, paved driveway and parking surfaces were covered with approximately four inches of snow during site reconnaissance, obscuring direct observation of the surfaces.

6.14 STRESSED VEGETATION

The presence of areas of stressed vegetation identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- ❑ No chemically stressed vegetation was observed on the subject property at the time of the site reconnaissance. Winter conditions limited observations.

6.15 SOLID WASTE DUMPING OR SUSPECT FILL MATERIAL

The presence of areas of solid waste dumping or suspect fill material identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- No solid waste dumping or suspect fill material was observed on the subject property at the time of the site reconnaissance. Winter conditions limited observations.

6.16 DRAINS, SUMPS AND WASTEWATER DISCHARGE

The presence of drains, sumps and wastewater discharges into a drain, ditch, or stream identified on or adjacent to the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- Floor drains were observed in the mechanical rooms, kitchen, and bathrooms in the site building during site reconnaissance. No significant staining was observed around the drains.
- No oil water separators or sumps were observed in the site building during site reconnaissance.

6.17 WELLS

The presence of wells (including dry wells, irrigation wells, injection wells or abandoned wells) identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

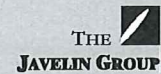
- No wells were observed on the subject property at the time of the site reconnaissance.

6.18 SEPTIC SYSTEMS

The presence of on-site septic systems or cesspools identified on the subject property, to the extent visually or physically observed or identified from interviews, is described below:

- No septic systems were observed on the subject property at the time of the site reconnaissance.

7.0 CONCLUSIONS AND RECOMMENDATIONS



7.1 FINDINGS, OPINIONS & CONCLUSIONS

JAVELIN has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of the subject property, known as the former Twin Cities Chinese Christian Church Site, located at 1795 Eustis Street in the city of Lauderdale, Ramsey County, Minnesota. Any exceptions to, or deletions from, this practice are described in Section 1.4 of this report.

HISTORIC RECOGNIZED ENVIRONMENTAL CONDITIONS (HRECS)

The ASTM E1527-13 standard defines the term “Historical Recognized Environmental Conditions (HRECs)” as “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

- This assessment has revealed no evidence of HRECs in connection with the subject property.

RECOGNIZED ENVIRONMENTAL CONDITIONS

The ASTM E1527-13 standard defines the term Recognized Environmental Conditions (RECs) as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.”

- This assessment has revealed no evidence of RECs in connection with the subject property with the exception of the following:

Former Fuel Oil Underground Storage Tank (UST) - The TCCC Church site (1795 Eustis Street) had a reported release of fuel oil during removal of a fuel oil UST on September 3, 1997. After a remedial investigation and thermal soil treatments were completed, the MPCA issued a site closure letter on June 27, 2000. Although the site has been closed by the MPCA, residual petroleum soil contamination likely remains that will require special handling and disposal if encountered during redevelopment activities. In addition, the petroleum release represents the potential for vapor intrusion into site structures.

CONTROLLED RECOGNIZED ENVIRONMENTAL CONDITIONS (CRECS)

The ASTM E1527-13 standard defines the term Controlled Recognized Environmental Conditions (CRECs) as “a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)”.

- This assessment has revealed no evidence of CRECs in connection with the subject property.

ITEMS OF BUSINESS ENVIRONMENTAL RISK

Items of *business environmental risk* refer to potential environmental concerns that are not classified as *recognized environmental conditions*, but may have a material environmental impact on the business associated with the current or planned use of the subject property.

- The following items of potential *business environmental risk* were identified during this assessment:

Onsite Incinerator – During site reconnaissance, JAVELIN identified a trash incinerator in the basement of the site building. The incinerator ash may contain contaminants that will require landfill disposal.

Asbestos-Containing Building Materials (ACBMs) - Javelin conducted a pre-demolition Asbestos/Hazmat Survey of the site building that identified asbestos-containing materials that will require removal by a licensed asbestos abatement contractor prior to demolition of the site structure. In addition, Javelin identified regulated or special wastes that will require disposal or recycling prior to demolition activities. The results of the pre-demolition asbestos/Hazmat survey are provided in a separate report.

DE MINIMIS CONDITIONS

The ASTM E1527-13 standard defines the term *de minimis conditions* as “ a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.”

- This assessment identified no *de minimis conditions* in connection with the subject property.

7.2 RECOMMENDATIONS

Based on the conclusions of this Phase I Environmental Site Assessment, Javelin recommends the following:

- Conduct a Phase II Subsurface Investigation to determine the extent and magnitude of any residual petroleum contamination associated with the former fuel oil UST release and determine the potential for elevated soil vapors that could impact future development.
- Prior to building demolition, identified asbestos-containing materials must be removed by a licensed asbestos abatement contractor and identified regulated wastes/special wastes must be removed and/or recycled in accordance with applicable regulations. Residual ash in the incinerator will require testing to determine appropriate disposal options.

8.0 ENVIRONMENTAL PROFESSIONAL SIGNATURES



An environmental professional conducted this Phase I Environmental Site Assessment in accordance with ASTM E 1527-13. We declare that, to the best of our professional knowledge and belief, we meet the definition of environmental professional as defined in § 312.10 of 40 CFR 312; and, we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property (Appendix E). We have developed and performed the all-appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

The services performed by JAVELIN on this project have been conducted with that level of care and skill ordinarily exercised by reputable members of the profession, practicing in the same locality, under similar budget and time constraints. No other warranty is expressed or intended.

PREPARED BY:

THE JAVELIN GROUP, INC.

A handwritten signature in black ink that reads "Brad M Cordova".

**BRAD CORDOVA
ENVIRONMENTAL SPECIALIST**

A handwritten signature in black ink that reads "John E. Findley".

**JOHN E. FINDLEY, M.S.
PRINCIPAL ENVIRONMENTAL PROFESSIONAL**

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Tel: 952 380-3668
Fax: 952 380-3669
jfindley@thejavelingroupinc.com

**THE JAVELIN
GROUP, INC.**

PROPOSAL

To: Ms. Heather Butkowski – City Administrator
City of Lauderdale
1891 Walnut Street
Lauderdale, MN 55113

From: Mr. John Findley
The Javelin Group, Inc.

Fax: _____ **Pages:** 3

Phone: _____ **Date:** March 23, 2018

Re: PROPOSAL NO. P2018-0108A
LIMITED PHASE II ASSESSMENT
Twin Cities Chinese Church
Lauderdale, MN

PROJECT SCOPE: Conduct a Limited Phase II Environmental Assessment to assess for residual soil contamination and the presence of soil vapors associated with the former fuel oil underground storage tank for redevelopment activities. The scope of work includes the advancement of 2 soil borings to 12 feet at the location of the former UST for the collection of soil samples for laboratory analysis of diesel range organics (DRO) and BTEX petroleum compounds. Also advance 1 soil vapor probe to a depth of 8' to evaluate for the presence of soil vapors that may represent a vapor intrusion risk to a new development.

COST ESTIMATE:

LIMITED PHASE II ENVIRONMENTAL ASSESSMENT \$ 4,150.00

TOTAL: \$ 4,150.00

TERMS: Services performed by JAVELIN will be invoiced on a lump sum basis, in accordance with above-referenced cost estimate. Payment for services is net 10 days with interest added to unpaid balances at a rate of 1.5% per month.

SCHEDULE: The report will be completed within 2-3 weeks of written authorization.

AUTHORIZATION: The undersigned hereby authorizes The Javelin Group, Inc. to proceed with the services outlined within this proposal and acknowledges the Agreement of General Conditions, which is a part of this proposal.

Authorized By: _____

Client Name: _____ Date: _____

THE
**JAVELIN
GROUP**
REAL ESTATE DUE DILIGENCE

THE JAVELIN GROUP, INC.

AGREEMENT OF GENERAL CONDITIONS

Section 1. SERVICES AND COMPENSATION

- 1.1 The Javelin Group, Inc., (JAVELIN), a Minnesota corporation, shall provide CLIENT the services described in the JAVELIN Proposal or Authorization Agreement attached hereto (the "services") in accordance with the terms thereof and hereof. In the event that these General Conditions are inconsistent with the terms of the attached Proposal or Authorization Agreement, the terms of such Proposal or Authorization Agreement shall govern. CLIENT shall pay for the Services as agreed, and a statement of probable cost made to CLIENT shall not be binding on JAVELIN unless stated as a "not-to-exceed cost". JAVELIN shall provide additional services as requested by CLIENT or as required due to a material increase in the Scope of the Services, and CLIENT will pay for those additional services at the rate shown on the attached Proposal, Authorization Agreement or Schedule of Charges.

Section 2. GENERAL RESPONSIBILITIES

- 2.1 JAVELIN will test samples submitted by CLIENT, or will obtain and test samples as agreed upon by the parties. CLIENT acknowledges that JAVELIN will not sample each increment of the area or object to be tested. CLIENT acknowledges that the results of such testing will indicate actual conditions only of specific increments sampled from which JAVELIN can make certain inferences, but that JAVELIN cannot and does not guarantee that its procedures will produce results representative of the entire area or object from which the incremental sample was taken.
- 2.2 JAVELIN shall not be responsible for the performance of any activity or obligation other than the Services. The performance of the Services by JAVELIN shall not be construed to relieve any third party of their responsibilities.
- 2.3 Insofar as jobsite safety is concerned, JAVELIN is responsible solely for his own and his employees' activities on the jobsite, but shall not be construed to relieve CLIENT, Owner or any third party from their responsibilities for maintaining a safe jobsite. Neither professional activities of JAVELIN, nor the presence of JAVELIN or his employees and subcontractors, shall be construed to imply JAVELIN has any responsibility for methods of work performance, supervision, sequencing of construction, or safety in, on or about the jobsite.
- 2.4 JAVELIN is not responsible for the transportation, handling, storage or disposal of hazardous substances or suspected hazardous substances. It is CLIENT'S responsibility to select lawful disposal sites and arrange for the proper transportation to such sites. CLIENT is advised that, in all cases, prudence and good judgment should be applied in selecting and arranging for lawful disposal of hazardous or suspected hazardous substances.
- 2.5 CLIENT shall provide JAVELIN all information known to CLIENT regarding existing and proposed conditions of the site relevant to the Services.

CLIENT shall immediately notify JAVELIN if any new information or data of which CLIENT becomes aware that materially differs from information previously provided to JAVELIN.

- 2.6 The services performed by JAVELIN are performed as an independent contractor and not as an employee, agent, partner, or joint venture of CLIENT.

Section 3. RIGHT OF ENTRY

- 3.1 CLIENT shall provide JAVELIN right to enter property owned by CLIENT and/or others in order for JAVELIN to fulfill the Services indicated hereunder. CLIENT agrees that any part or parcel of property to which JAVELIN is not provided access will not be subject to claim by CLIENT against JAVELIN under this agreement. CLIENT further understands and agrees that JAVELIN shall not be responsible to pay any costs incurred by CLIENT to correct any damage to the site or sampled materials caused by JAVELIN'S activities.

Section 4. SUBSURFACE STRUCTURES AND UTILITIES

- 4.1 In the performance of the Services indicated hereunder, JAVELIN will take reasonable precautions to avoid damaging buried structures and utilities. CLIENT assumes all liability for claims allegedly arising out of damage to buried structures and utilities that were not called to the attention of JAVELIN, which were not properly located on plans furnished to JAVELIN or which were not properly located by locating companies called to the site by or on behalf of CLIENT to identify such structures and utilities.

Section 5. REPORTS, DRAWINGS AND DOCUMENTS

- 5.1 CLIENT agrees that all original reports, drawings and documents produced by JAVELIN in accordance with this agreement, except documents, which are required to be filed with public agencies, shall remain the property of JAVELIN. CLIENT agrees to be liable and responsible for the use of unsigned reports, drawings or other documents not signed by JAVELIN and waives liability against JAVELIN for their use. Further, CLIENT agrees to waive any claim against JAVELIN and to indemnify, defend and hold harmless JAVELIN from any and all claims arising out of any use, not authorized in writing by JAVELIN, of these reports, drawings and documents by third parties not related to this agreement.
- 5.2 If CLIENT does not pay for the Services as set forth in this agreement, CLIENT shall return to JAVELIN, upon demand, all reports, drawings and documents completed by JAVELIN. Further, such reports, drawings and documents shall not be used by CLIENT for any purpose.

5.3 JAVELIN shall retain all material documents relating to the Services for five years following submission of the report to the CLIENT.

Section 6. SAMPLES

6.1 Samples remaining after the completion of the Services will be discarded by JAVELIN at JAVELIN'S expense unless CLIENT requests in writing within 30 days of the report submission to store or ship the samples to CLIENT. Costs associated with storage or shipment of samples will be charged to CLIENT at cost plus 15%.

Section 7. PAYMENT, INTEREST, AND BREACH

- 7.1 Invoices for the Services shall be issued monthly or at the completion of Services and shall be paid by CLIENT within 10 days of receipt. Invoices not paid within 30 days are subject to interest from the 31st day at a rate of 1.5% per month.
- 7.2 If CLIENT does not pay the invoice within 60 days, then JAVELIN may exercise the option to declare this agreement to be in default and terminate all of its duties hereunder without liability to CLIENT or others. CLIENT shall pay for services completed under this agreement and reasonable termination expenses.
- 7.3 If JAVELIN prevails in a lawsuit against CLIENT to collect fees for services rendered, then CLIENT shall pay all collection expenses, including reasonable attorneys fees.

Section 8. STANDARD OF CARE

8.1 Services performed by JAVELIN under this agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession in the same locality under similar conditions. No other representations express or implied, and no warranty or guarantee is included or intended in the agreement, or in any report, drawing, document, opinion or otherwise.

Section 9. DISPUTES

- 9.1 If JAVELIN prevails in a lawsuit brought by CLIENT, in whole or in part, or is the lawsuit is dismissed, then CLIENT will pay JAVELIN its costs of defense, including, without limitation, reasonable attorneys' fees.
- 9.2 The terms of this agreement shall be governed by the substantive laws, and not the laws of conflicts, of the State of Minnesota.

Section 10. LIEN RIGHTS

- 10.1 JAVELIN hereby gives notice that it retains the right to file a mechanic's and materialman's or other applicable statutory or common law lien against the Client's property in the event of non-payment of invoices. The lien will be prepared and filed in accordance with pertinent laws of the state in which the Site is located.
- 10.2 Any person or company supplying labor or materials for this improvement to your property may file a Lien against your property if that person or company is not paid for the contributions.

10.3 Under Minnesota law, you have the right to pay persons who supplied labor and materials for this improvement directly and deduct this amount from our contract price, or withhold the amount due them from us until 120 days after completion of the improvement unless we give you a Lien Waiver signed by persons who supplied any labor or materials for the improvement and who gave you timely notice.

Section 11. INDEMNIFICATION

- 11.1 JAVELIN agrees to defend, indemnify and hold harmless CLIENT from all claims and reasonable expenses resulting there from, including court costs and reasonable attorneys fees, (arising solely from services performed by JAVELIN). If and to the extent that a subcontractor defends and indemnifies CLIENT, JAVELIN shall have no obligation to provide such indemnification. CLIENT agrees to give JAVELIN prompt notice of any claim or action and shall cooperate with JAVELIN, or its subcontractor, in the defense of such claim.
- 11.2 CLIENT agrees to defend, indemnify and hold harmless JAVELIN and its subcontractors from all claims and reasonable expenses resulting therefrom, including court costs and reasonable attorneys fees, arising from: (1) environmental conditions whose existence or source was not previously disclosed by CLIENT; (2) the condition of the CLIENT'S property; (3) execution of hazardous waste manifests as agents on behalf of the CLIENT; or (4) otherwise arising out of the CLIENT'S acts, omissions or breach of warranty or representation hereunder. JAVELIN agrees to give CLIENT prompt notice of any claim or action and shall cooperate with CLIENT in the defense of such claim.

Section 12. LIMITATION OF LIABILITY

12.1 CLIENT agrees that, to the fullest extent permitted by law, JAVELIN'S total liability to CLIENT for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to this Agreement from any cause or causes, including but not limited to JAVELIN'S negligence, errors, omissions, strict liability, breach of contract or breach of warranty shall not exceed JAVELIN'S charges for the Services. JAVELIN shall not be liable to CLIENT for any special, indirect or consequential damages whatsoever, whether caused or alleged to be caused by JAVELIN'S negligence, errors, omissions, strict liability, breach of contract or warranty, or performance of Services under this agreement.

Section 12. ENTIRE AGREEMENT

12.1 This agreement is the entire agreement between JAVELIN and CLIENT and it supersedes all prior written or oral agreements with respect to Services hereof, including any additional terms and conditions contained in any purchase order, work order, or similar document forwarded to JAVELIN by CLIENT. No amendments or assignment of this Agreement shall be effective unless agreed to in writing by both parties.

**LAUDERDALE COUNCIL
ACTION FORM**

Action Requested

Consent _____
Public Hearing _____
Discussion X _____
Action _____
Resolution _____
Work Session _____

Meeting Date March 27, 2018
ITEM NUMBER Rental Housing Ordinance
STAFF INITIAL HB
APPROVED BY ADMINISTRATOR _____

DESCRIPTION OF ISSUE AND PAST COUNCIL ACTION:

The rental housing ordinance draft was sent to rental property owners a couple of weeks ago. Owners were asked to return comments on the draft by March 20. So far staff received one comment of significance asking for clarification on the background check requirement which staff will address during the meeting.

The draft with revisions by the city attorney was not available by Friday, March 23. We will hopefully have the draft by the time of the meeting. The final draft is still being targeted for adoption on April 10.

STAFF RECOMMENDATION: