

AGENDA
CITY OF LEXINGTON
REGULAR COUNCIL MEETING
SEPTEMBER 17, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE

1. CALL TO ORDER: – Mayor Kurth

- A. Roll Call - Council Members: DeVries, Hughes, Payment, Plasch

2. CITIZENS FORUM

This is a portion of the Council meeting where individuals will be allowed to address the Council on subjects which are not a part of the meeting agenda. Persons wishing to speak may be required to complete a sign-up sheet and give it to a staff person at the meeting. The Council may take action or reply at the time of the statement or may give direction to staff for future action based on the concerns expressed.

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

4. PRESENTATION – Julie Jeppson – Stepping Stone Emergency Housing pp. 1

5. LETTERS AND COMMUNICATIONS:

- A. Council Workshop meeting minutes – September 3, 2015 pp. 2-3
- B. Comcast Twin Cities Update pp. 4-6
- C. Multi- City Residential Recycling Drop-off Day – October 24, 2015 pp. 7
- D. Planning & Zoning meeting minutes – September 8, 2015 pp. 8-10

Consent Agenda:

The Consent Agenda covers routine administrative matters. These items are not discussed, and are approved in their entirety pursuant to the recommendations on the staff reports. A Council Member or citizen may ask that an item be moved from the Consent Agenda to the end of section 7 of the agenda in order to be discussed and receive separate action.

6. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – September 3, 2015 pp. 11-13
- B. Recommendation to Approve Claims and Bills: pp. 14-22
- Check #'s 13402 through 13402
- Check #'s 39941 through 39989
- Check #'s 10521 through 10531

Action Items:

These items are intended primarily for Council discussion and action. It is up to the discretion of the Mayor as to what, if any, public comment will be heard on these items. Persons wishing to speak on discussion items must complete a sign-up sheet and give it to a staff person at the meeting.

7. ACTION ITEMS:

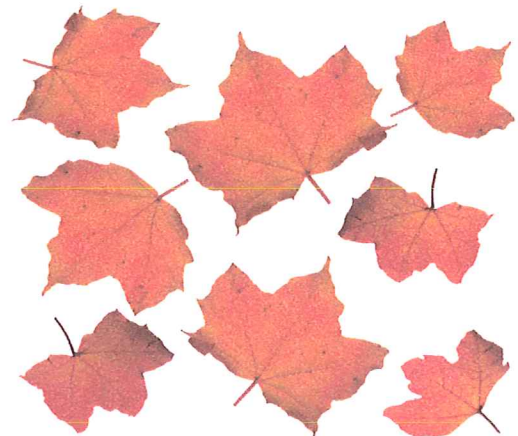
- | | | |
|----|---|-----------|
| A. | DAR - 2015 Constitution Week Proclamation | pp. 23-25 |
| B. | Resolution NO. 15-25 – A Resolution Certifying Proposed Tax Levy Requirements For 2016 To Anoka County For Collection | pp. 26 |
| C. | Resolution NO. 15-26 – A Resolution Canceling the Debt Service Levy For 2016 | pp. 27 |
| D. | Resolution NO. 15-27 – A Resolution Committing Funds For A Future Fire Station | pp. 28 |
| E. | Planning & Zoning recommendation to appoint John O’Neal and Ronald Thorson to the Planning & Zoning Commission | |
| F. | Resolution NO. 15-28 – A Resolution Amending Appointees For 2015 | pp. 29 |
| G. | Recommendation to hire realtor Lou Suski from Gaughn Companies | pp. 30-57 |
| H. | Liquor Store sidewalk repair | pp. 58-61 |

8. MAYOR AND COUNCIL INPUT**9. MOVE TO CONVENE REGULAR COUNCIL MEETING TO CLOSED SESSION****10. CLOSED EXECUTIVE SESSION**

- A. The purpose is to discuss Attorney – Client Privileged Matters

11. MOVE TO RECONVENE REGULAR COUNCIL MEETING**12. ADMINISTRATOR INPUT****13. ADJOURNMENT**

/mv





Stepping Stone Emergency Housing
3300 4th Avenue North
Cronin Building #14
Anoka, MN 55303
763-323-7006 ~ www.steppingstoneeh.org

Tuesday, August 11, 2015

Lexington City Hall
Bill Petracek, City Administrator
9180 Lexington Avenue
Lexington, MN 55014

Subject: Partnership with Stepping Stone to assist the homeless.

Stepping Stone Emergency Housing is the only licensed homeless shelter in Anoka County, serving youth and adults 18 and older. For 2015, we estimate to serve over 600 men and women, which is a 30% increase from 2014. Of these 600 guests, 22% will be coming from Lexington and the surrounding communities of Circle Pines and Blaine.

For our guests, Stepping Stone is a temporary home where we not only provide for their basic needs, but also work collaboratively to get at the root cause of their homelessness. Once this has been determined, we walk along side of our guests, providing them with one-of-kind resources, programs and services with the goal of laying the foundation for self-sufficiency. As one policy maker from MN Department of Housing said, "There is nothing like [Stepping Stone] in the state, and I'd be hard-pressed to find anything like [Stepping Stone] in the country."

I am making a formal request to be on the city's next meeting agenda. During my allotted time I look forward to presenting Stepping Stone's mission and benefit to your community, as well as request support from the City of Lexington to support our mission and benefits. The funds given would be put towards our general operating expenses for the shelter, which ultimately would be used to support our guests so that they will never need to experience homelessness again. Again, during my allotted time, I look forward to sharing with you how our resources are respectfully used.

Kindest regards,

A handwritten signature in blue ink, appearing to read "Julie Jeppson", with a long, sweeping horizontal line extending to the right.

Julie Jeppson
Development Director
763-277-8301 ~ direct
763-354-4709 ~ cell

**CITY OF LEXINGTON
WORKSHOP MINUTES
Thursday, September 3, 2015
Immediately following Council meeting
City Hall**

1. Call to Order: Mayor Kurth at 8:21 pm on August 20, 2015

2. Roll Call: Present: Devries – Hughes – Payment –Plasch.

Also present: Bill Petracek, City Administrator; Tina Northcutt, Finance Director; Jim Coan, Police Chief; Gary Grote, Fire Chief.

3. Discussion Items:

A. 2016 Budget

- A. Glossary of Terms
- B. Part-time Summer Help 2016
- C. 2016 Capital Improvement Plan
- D. Summary Revenue Budget 2016
- E. Summary Expenditure Budget 2016
- F. 2016 Budget – Revenue vs Expenditures
- G. Resolution No. 15-XX Resolution Certifying Proposed Tax Levy Requirements For 2016 to Anoka County For Collection

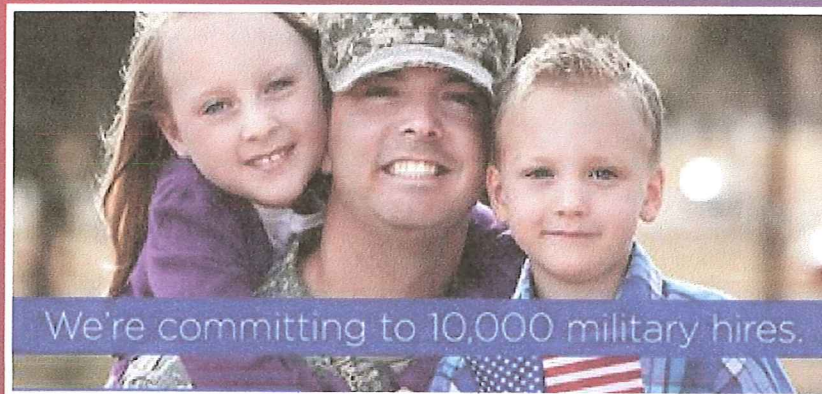
Tina Northcutt, Finance Director, provided an overview of the budgeting process. She added that the \$75,000 transfer from the Liquor Store Fund to the General Fund has been made, which equates to a drop in the overall General Levy increase from 18% to 15.5% for the proposed capital projects for 2016. Discussion ensued.

Northcutt explained that the street sweeper will need to be replaced or repaired, as well. Petracek added that Circle Pines would be willing to provide street sweeping services for \$175/hour. He added that the cost to replace the sweeper with a newer, refurbished model could cost between \$50,000 and \$70,000. Councilmember Hughes stated he would like to see a per hour cost to rent a sweeper from a private street sweeping company. Discussion ensued.

Petracek stated they would provide the cost to repair the existing street sweeper, and a cost per hour to rent a street sweeper from a private company for the next budget workshop.

Northcutt offered an approach to funding a new fire station and reducing the General Levy to 7%. She recommended segregating \$200,000 of fund balance from the General Fund into an investment account, which would be an estimated payment for a new building for the next four

Comcast NBCUniversal Commits to 10,000 Military Hires Over Three Years



Comcast NBCUniversal has announced that the company is committed to hiring 10,000 reservists, veterans and their spouses or domestic partners between 2015 and 2017. The new employees will work in a variety of positions across all levels of the organization, including network engineering, technology, operations, theme parks and resorts, programming, customer service, marketing, human resources, and other careers.

From January 2012 through March 2015, Comcast NBCUniversal has already hired approximately 4,200 veterans, far outpacing the company's goal to hire 2,000 veterans by 2015 as part of its ongoing partnership with the U.S. Chamber of Commerce Foundation's Hiring Our Heroes initiative. It is estimated that between 2012 and 2017, approximately 1 million active-duty service members will have separated from service, and Comcast NBCUniversal is committed to helping them find jobs as they enter the civilian workforce.

As military employees depart their civilian life for training or deployment, there are often concerns connected to the impending leave process, transition to or from the work environment, and family. Comcast NBCUniversal is pleased to announce new enhancements to the company's military leave policies to help ease this transition for our military employees and their families. Some of the enhancements include:

- Granting up to 15 days of annual military leave with full pay to support annual training obligations of drilling reservists and National Guard members.
- Increasing military leave supplemental pay to three years for employees on active duty.
- Providing the option of staying on Comcast NBCUniversal health and welfare plans during deployment, and
- Providing certain financial and job transfer assistance to an employee whose spouse or domestic partner is being called, reassigned, or transferred to active military duty in a different geographic area. ■

Comcast's Sponsors Northeast Youth & Family Services Mayor's Challenge Golf Tournament

Comcast was a proud sponsor of the first-ever Northeast Youth & Family Services Mayors' Golf Challenge at Keller Golf Course, the event raised over \$31,000. "Comcast is thrilled to have been the title sponsor for the inaugural Mayor's Challenge Golf Tournament," said Dan Newham, NYFS Board Member and Director of Human Resources for Comcast in the Twin Cities Region. "One of our guiding principles at Comcast is to be actively involved in the communities we serve, and the first-ever Mayor's Challenge gave us the unique opportunity to help create a truly special event for the organization and the community that will have a lasting impact well into the future." ■



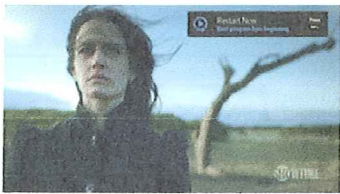
Above: Ramsey County Commissioner Blake Huffman, Roseville Mayor Dan Roe, NYFS Board Member Daniel Newham, Comcast VP of External Affairs Emmett Coleman, NYFS President Jerry Hromatka and NYFS Board Member Jeff Johnson.

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New on X1: A More Intuitive and Navigable User Experience



We are constantly pursuing ways to make the X1 experience as easy-to-navigate and intuitive as possible, and this month, we've made updates focused around making it easier for customers to access the content they want on their own terms.

Here are a few highlights:

Restart Notification

Some of you may have already tested out the Restart Notification — which allows users to quickly and easily restart a program from the beginning. The feature — previously available in Labs — notifies users if a program is available to view from the beginning after tuning to a channel. This feature is now officially moved out of Comcast Labs and will be turned on by default in Preferences. When the notification appears, press Info on the remote to invoke the Mini Info. Then select Restart from the action bar to start the program from the beginning.

Comcast Labs - Kids Zone

You may have seen the news last week about the launch Kids Zone, a new X1 feature that offers a safe destination for kids to independently browse and watch their favorite movies and shows. We're excited to announce that Kids Zone is officially live in Comcast Labs! Every choice in Kids Zone has been approved by Common Sense Media for kids age 12 and under, giving parents peace of mind that their children won't stumble across anything inappropriate.

Comcast Labs - Control Panel

New to Labs this month is "Control Panel" — a quick access point for customers to get to their Xfinity service information and frequently used settings without interrupting whatever they're currently watching. Once on, pressing the left arrow button when viewing full screen video will bring up the Control Panel on the left side of the screen. Right now, the features of Control Panel include Current Time, Weather, MyAccount, Tips and Tricks, and Start Power Saver, which powers off box to conserve energy.

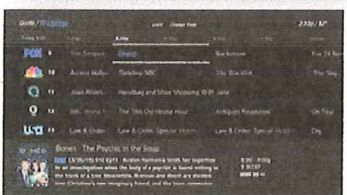
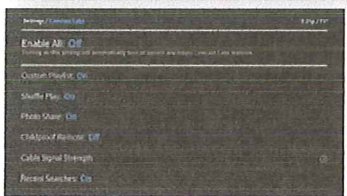
Comcast Labs - Enable All

Many of our customers have discovered the Comcast Labs section of X1 — the place to check out and use some of the new features of the platform before they officially launch. Many features of the platform started out here, and it is the result of great feedback from customers testing beta versions that often inspires us to roll out features permanently to the platform. This month, we've added a new setting within Labs — "Enable All" — that makes it easier for users to opt-in to all Labs updates and automatically turn on new features as they are released. Many customers have told us how much they like being able to try things out during the development phase, so this makes it easier for you to stay looped in.

Video Description Icon added to Linear Info

In line with our efforts to make our products and services more accessible to all, we have added the Video Description Icon to the Grid Guide. The icon signifies Descriptive Video Service is available for the programs that have a secondary audio track with Video Description.

Descriptive Video Service (DVS) is valuable to customers who have low vision, or are vision impaired, and provides audio descriptions of a program's key visual elements. To hear the DVS track, go to Settings > Accessibility Settings, and turn Video Description On. ■



New Voice Remote Hacks: Favorite Movie Quotes & Celebrities That Talk Back

We launched the Xfinity voice remote last month and already, people are pressing the blue microphone button a few dozen times a day to say what they want to watch on the X1 platform. Discovering your favorite shows and movies has never been easier and today we're adding a little extra fun into the search experience as well.

Have a favorite movie quote? So do we...hundreds of them. Now you can do your best Vin Diesel impersonation and say "I am Groot" to find Marvel's *Guardians of the Galaxy*. Sing the title of the catchy, Grammy and Oscar-nominated song "Everything is Awesome" into the remote and discover *The Lego Movie*. We've added lines from titles like *Frozen*, *Despicable Me 2*, and *Pitch Perfect* as well as phrases from all-time classics like *Airplane*, *A Few Good Men*, *Ghostbusters*, *The Godfather*, *Jaws* and *Titanic*.

continued on page 3



MULTI-CITY Residential Recycling Drop-off Day!

CLEAN OUT THE GARAGE...

Multi-City Recycling Day is:

**October 24
8am - Noon**

Located at host city Circle Pines
Public Works facility
760 Civic Heights Drive

This event is open to all
Residents of :
Centerville, Circle Pines and Lexington

ACCEPTABLE ITEMS

FREE ITEMS

- **Automotive Products:**
Antifreeze, oil filters, used oil
- **Batteries:**
Automotive; household and rechargeable
- **Cardboard**
- **Electronics (small items):**
Cell phone; keyboard; mouse; modem; wires, cords, & cables
- **Eye Glasses**
- **Ink Cartridges**
- **Paper Document Shredding**
- **Scrap Metal**

FEE FOR EACH

- **Appliances - \$5**
- **Carpet and Padding - \$5/roll** (rolls 3-4 feet wide and 12—15 feet long, tied)
- **Electronics - \$5 to \$30**
\$5 - Laptop; power supply; printer (small); scanner; radio; typewriter;
CD, VCR or DVD player
\$10 - Computer monitor; copier (small);
TV under 30" (not damaged);
fax machine; stereo components
\$30 - TV 30" or larger; console stereo
- **Fluorescent Bulbs**
\$0.50 - Cost per bulb
\$2 - Broken and larger, specialty bulbs
- **Mattresses - \$10**
- **Small Engine Equip. - \$10**
(gas & oil removed)

WHAT TO BRING

- (1) Proof of Residency
- (2) Event card mailed out to residents
- (3) Either CASH or CHECK

Extra large items may be charged an additional fee. The city reserves the right to refuse any item.

CLEAN OUT THE CUPBOARD...

Also collecting nonperishable items
for the food shelf!



**unapproved
CITY OF LEXINGTON**

**REGULAR PLANNING COMMISSION MEETING MINUTES
September 8, 2015 - 7:00 P.M.
9180 Lexington Avenue, Lexington, MN**

1. CALL TO ORDER

Chairperson Olsson called to order the Regular Planning Commission meeting on September 8, 2015 at 7:01 p.m. Commissioners Present: John Bautch, Mark Vanderbloomer. Also present: John Hughes, Councilmember; Bill Petracek, City Administrator; Kurt Glaser, City Attorney; John O'Neill, Planning Commission applicant; Ronald Thorsen, Planning Commission applicant.

2. CITIZENS FORUM

No citizens were present to address the planning commission

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

Olsson made a motion to approve the agenda as typewritten. The motion was seconded by Bautch. Motion carried unanimously 3-0.

4. LETTERS AND COMMUNICATION

A. Building Permits for August 2015

The Commission had some discussion on building permits.

5. APPROVAL OF PLANNING COMMISSION MINUTES

A. August 11, 2015

Bautch made a motion to approve the August 11, 2015 Planning Commission minutes. The motion was seconded by Vanderbloomer. Motion carried unanimously 3-0.

6. DISCUSSION ITEM:

A. Discuss Planning & Zoning Commission applicants

- John O'Neil
- Ronald Thorson

Chairperson Olsson welcomed Planning & Zoning Commission applicants John O'Neil and Ronald Thorsen. Olsson asked questions of the applicants regarding their qualifications and provided an insight to being Planning Commissioner. Discussion ensued.

Chairperson Olsson made a motion to recommend to the City Council the two applicants John O'Neil and Ronald Thorsen to the Planning & Zoning Commission. The motion was seconded by Bautch. Motion carried 3-0.

B. Discuss revised M-1 & M-2 Zoning Schedule of Uses

The Commission discussed M-1 & M-2 Zoning – Schedule of Uses that had been revised based off of the discussions from the August 11th meeting.

The Commission discussed the definition of a 'Manufactured Home Park' that was supplied by the city attorney. Attorney Glaser explained that he obtained this language from the City of Winona in regards to the rental of units in a park. He stated that this language defeated a challenge at the State Supreme Court level, which is why he chose this wording. Discussion ensued.

Attorney Glaser recommended to the Commission that since there will be new members to the Commission at the next meeting, that they complete the current version of the M-1 and M-2 Zoning - Schedule of Uses and vote to move it to a public hearing. Discussion ensued.

Bautch made a motion to send to a public hearing at the October 13th meeting all definition changes from the M-1 & M-2 Zoning – Schedule of Uses, and all collateral changes made during the process. The motion was seconded by Vanderbloomer. The motion carried 3-0.

C. Discuss Parking Vehicles in front and side yards

The Planning Commission discussed ideas on regulating front and side yard parking.

A motion was made by Olsson to direct the city attorney to draft a proposed parking ordinance based off of the Planning & Zoning Commission's discussion and submit it for review at the October meeting. The motion was seconded by Bautch. Motion carried 3-0.

7. NOTE COUNCIL MINUTES:

- A. August 6, 2015
- B. August 20, 2015

Some discussion on August City Council minutes.

8. PLANNING COMMISSION INPUT

No input from the Commission

9. ADJOURNMENT

A motion to adjourn was made by Olsson at 8:25 pm. The motion was seconded by Vanderbloomer. Motion carried unanimously 3-0.

**CITY OF LEXINGTON
REGULAR COUNCIL MEETING
September 3, 2015 – 7:00 P.M.
9180 LEXINGTON AVENUE**

1. CALL TO ORDER: – Mayor Kurth

A. Roll Call - Council Members: Devries, Hughes, Payment, Plasch

Mayor Kurth called to order the Regular City Council meeting of September 3, 2015 at 7:00 p.m. Councilmember's present: Devries, Hughes, Payment, and Plasch. Also Present: Bill Petracek, City Administrator; Kurt Glaser, City Attorney; Tina Northcutt, Finance Director; Gary Grote, Fire Chief; Steve Winter, City Engineer; Linda Runbeck, State Representative; Roger Chamberlain, State Senator.

2. CITIZENS FORUM

No citizens were present to address the City Council

3. APPROVAL OF AGENDA WITH CHANGES AND CORRECTIONS

A motion was made by Councilmember Devries to approve the agenda as presented. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

**4. REPRESENTATIVE LINDA RUNBECK – LEGISLATIVE SESSION
UPDATE –**

Congressman Linda Runbeck and Senator Roger Chamberlain provided an update on bills that have been passed into laws during the 2015 legislative session that will affect Minnesota municipalities'. Discussion ensued.

5. FIRE DEPARTMENT 2014 ANNUAL REPORT

Gary Grote, Fire Chief, provided an overview of the 2014 Lexington Fire Department Annual Report.

6. INFORMATIONAL REPORTS:

- a. Airport (Councilmember Plasch) – *Plasch explained that there wouldn't be an Airport Commission meeting until November 11th.*
- b. Cable Commission (Councilmember Payment) – *Payment stated that the Cable Commission meeting was cancelled in August. No update.*

- c. City Administrator (Bill Petracek) - *Petracek asked the Council for each of their self- analysis forms for the liquor store operational review process. He stated that the fire station renovation process will begin September 14th.*
- d. Building Inspector – Update - *Ron Wasmund, Inspectron Inc., was present to provide the Council an update on building permits, property maintenance, and the rental housing inspection program. Discussion ensued.*

7. LETTERS AND COMMUNICATIONS:

- A. Council Workshop meeting minutes – August 20, 2015
- B. Minnesota Pollution Control Agency – Green Step City
- C. Public Notice – Closed Executive Session – September 3, 2015
- D. Public Notice – Special Council Workshop meeting – September 3, 2015

Petracek pointed out the letter from Minnesota Pollution Control Agency regarding the City of Lexington being named a Green Step City – Step 1. Discussion ensued.

8. CONSENT ITEMS:

- A. Recommendation to Approve Council Minutes:
Council Meeting – August 20, 2015
- B. Recommendation to Approve Claims and Bills:
 - Check #'s 13399 through 13401
 - Check #'s 39893 through 39940
 - Check #'s 10485 through 10508
 - Check #'s 10509 through 10520
 - Void # 10446

A motion was made by Councilmember Hughes to approve the consent agenda items. The motion was seconded by Councilmember Devries. Motion carried 5-0.

9. ACTION ITEMS:

- A. Recommendation to approve Liquor Store Salary Schedule
Effective August 1, 2015.

A motion was made by Councilmember Devries to approve the liquor store salary schedule effective August 1, 2015. The motion was seconded by Hughes. Motion carried 5-0.

- B. Recommendation to approve Resolution NO. 15-23 A Resolution Declaring
Cost to be Assessed, and Ordering Preparation of Proposed Assessment.

Steve Winter, City Engineer, provided an explanation to Resolution No. 15-23 and No. 15-24 as being the next step in the Flowerfield Road construction process. He added that by approving the two resolutions will allow the City to special assess for the road project. Discussion ensued.

A motion was made by Councilmember Devries to approve Resolution No. 15-23 – A Resolution Declaring Cost to be Assessed, and Ordering Preparation of Proposed Assessment. The motion was seconded by Councilmember Hughes. Motion carried 5-0

- C. Recommendation to approve Resolution NO. 15-24 A Resolution For
Hearing On Proposed Assessment.

A motion was made by Councilmember Hughes to approve Resolution No. 15-24 – A Resolution for Hearing on Proposed Assessment. The motion was seconded by Councilmember Devries. Motion carried 5-0.

10. MOVE TO CONVENE REGULAR COUNCIL MEETING TO CLOSED SESSION.

A motion was made by Councilmember Hughes to convene regular council meeting to closed session at 7:59 p.m. The motion was seconded by Councilmember Devries. Motion carried 5-0.

11. CLOSED EXECUTIVE SESSION

- a. The purpose is to discuss Attorney – Client Privileged Matters

12. MOVE TO RECONVENE REGULAR COUNCIL MEETING

A motion was made by Councilmember Hughes to reconvene into open session at 8:13 p.m. The motion was seconded by Councilmember Payment. Motion carried 5-0.

Attorney Glaser reported to the City Council about the status of Parkview litigation.

13. MAYOR AND COUNCIL INPUT

No input from Mayor or City Council

14. ADJOURNMENT

A motion was made by Councilmember Payment to adjourn the meeting at 8:14 p.m. The motion was seconded by Councilmember Plasch. Motion carried 5-0.

CITY OF LEXINGTON

RECOMMEND FOR APPROVAL OF CLAIMS AND BILLS

The following claims and bills have been presented to the Council for approval at the Council Meeting of September 17, 2015.

(1) Payroll

Checks	13402 through	13402	\$	18,954.76
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VOID:

Automatic Withdrawals

Federal Tax	\$2,271.00	
Social Security	\$1,651.32	
Medicare	\$386.18	
State Tax	<u>\$986.44</u>	
Total	\$5,294.94	\$ 5,294.94

(2) Automatic Data Processing	\$ 415.51
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(3) General and Liquor Payment Recommendations:

Checks	39941 through	39989	\$	217,640.22
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VOID:

(4) ACH and Credit Card Payments for:	\$ -
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(5) Wire Transfer Payment Recommendation: (Bond Payments)

Total Payments and Withdrawals Approval	<u>\$ 242,305.43</u>
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Centennial Lakes Police Payment Recommendations:

Checks	10521 through	10531	\$	<u>7,077.18</u>
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Total Payments	<u>\$ 7,077.18</u>
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VOID:

WEEK 37 BATCH 7637 17 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000002 Total Pages:00000000004 - Page count not applicable for iReports
First No. Last No. Total
Checks: 00000013402 00000013402 00000000001
Vouchers: 00000370001 00000370016 00000000001

Earnings Statement

STLO M9J TOTAL DOCUMENT
CITY OF LEXINGTON
LOCATION 0001

COPY

COPY

27101.91 GROSS
18954.76 NET PAY (INCLUDING ALL DEPOSITS)
2271.00 FEDERAL TAX
1651.32 SOCIAL SECURITY
386.18 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
986.44 STATE TAX
.00 LOCAL TAX
21083.29 DEDUCTIONS
723.68 NET CHECK

STLO COMPANY CODE M9J
CITY OF LEXINGTON
TOTAL DOCUMENT
LOCATION 0001

COPY

COPY

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TEAR HERE

VERIFY DOCUMENT AUTHENTICITY - COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

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ADP, LLC
ONE ADP DRIVE MS-100
AUGUSTA GA 30909

Advice of Debit # 459948754

August 28, 2015

Page 1 of 1

Client Number:
395512

TINA NORTHCUTT
CITY OF LEXINGTON
9180 LEXINGTON AVE N
CIRCLE PINES MN 55014-3625

For Billing inquiries, please contact your ADP A/R team..

For Product/Service inquiries, please contact your Client Service Team.

Current Information National Payroll Week - September 7-11, 2015

ADP, the proud Diamond Sponsor, salutes America's payroll professionals! To learn more, visit www.nationalpayrollweek.com

Current Charges	Autopay II	Company Code 0069-10-M9J	
	Processing Charges for period ending 08/22/2015		
	49 Pays		221.15
	1 New Hires	\$1.00 each	1.00
	1 New Hire Reporting Service	at no charge	
	49 Labor Distribution		19.10
	145 Personnel Reporting Sys Base Chg	at no charge	
	49 Tax Service	\$0.30 each + \$33.05	47.75
	49 ADPiPayStatements	\$0.20 each	9.80
	49 iReports	\$0.08 each	3.92
	49 YTD Download	at no charge	
	1 For Payroll Delivery Only		21.10
	49 24 Hr. Service	at no charge	
	Employee Payment Services for period ending 08/22/2015		
	52 Full Service Direct Deposit	\$0.82 each + \$12.45	55.09
	Management Reports for period ending 08/22/2015		
	1 Inline Monthly Summary		36.60
Total debited			\$415.51

NO PAYMENT REQUIRED. This amount will be debited from your account # XXXXXXXX6090 on 09/04/2015 or the next banking day. When your account is debited, this invoice will be automatically paid in full.

***Check Detail Register©**

September 2015

Check Amt Invoice Comment

10100 4M FUND

Paid Chk# 039941 9/17/2015 ALLIED BLACKTOP COMPANY

E 310-43100-530 Improvements Other Than Bldgs \$25,907.00 21102

E 310-00000-500 Capital Expenditures \$45,793.00 21102

Total ALLIED BLACKTOP COMPANY \$71,700.00

Paid Chk# 039942 9/17/2015 ARCTIC GLACIER ICE

E 609-00000-254 Miscellaneous Purchase \$242.88 404524601

Total ARCTIC GLACIER ICE \$242.88

Paid Chk# 039943 9/17/2015 ARTISAN BEER COMPANY

E 609-00000-252 Beer Purchase \$945.99 3050782

E 609-00000-252 Beer Purchase \$346.70 3052347

Total ARTISAN BEER COMPANY \$1,292.69

Paid Chk# 039944 9/17/2015 BEISSWENGER S

E 101-45200-210 Operating Supplies \$38.24 643490

Total BEISSWENGER S \$38.24

Paid Chk# 039945 9/17/2015 BERNICKS BEVERAGES/VENDING

E 609-00000-252 Beer Purchase (\$32.55) #236391

E 609-00000-254 Miscellaneous Purchase \$20.00 242848

E 609-00000-252 Beer Purchase \$125.27 242849

Total BERNICKS BEVERAGES/VENDING \$112.72

Paid Chk# 039946 9/17/2015 BOOM ISLAND BREWING CO

E 609-00000-252 Beer Purchase \$234.00 4253

Total BOOM ISLAND BREWING CO \$234.00

Paid Chk# 039947 9/17/2015 CAPITOL BEVERAGE SALES

E 609-00000-252 Beer Purchase \$348.00 676710

E 609-00000-252 Beer Purchase \$13,171.61 679807

E 609-00000-252 Beer Purchase \$264.75 682660

E 609-00000-252 Beer Purchase \$14.95 686144

E 609-00000-252 Beer Purchase \$3,821.47 692652

Total CAPITOL BEVERAGE SALES \$17,620.78

Paid Chk# 039948 9/17/2015 CARLOS CREEK WINERY

E 609-00000-253 Wine Purchase \$312.00 11619

Total CARLOS CREEK WINERY \$312.00

Paid Chk# 039949 9/17/2015 CASTLE DANGER BREWING CO

E 609-00000-252 Beer Purchase \$296.00 3268

Total CASTLE DANGER BREWING CO \$296.00

Paid Chk# 039950 9/17/2015 CENTRAL LOCK & SAFE CO. INC.

E 609-00000-401 Repair Buildings \$172.66 21591

Total CENTRAL LOCK & SAFE CO. INC. \$172.66

Paid Chk# 039951 9/17/2015 CHET S SHOES, INC

E 101-43100-210 Operating Supplies \$206.73 31704 SAFETY SHOES - SCHMID

Total CHET S SHOES, INC \$206.73

Paid Chk# 039952 9/17/2015 CLEAR RIVER BEVERAGE COMPANY

E 609-00000-253 Wine Purchase \$1,016.20 207462

Total CLEAR RIVER BEVERAGE COMPANY \$1,016.20

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September 2015

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Paid Chk# 039953	9/17/2015	COCA-COLA BOTTLING CO			
E 609-00000-254	Miscellaneous Purchase		\$324.64	0188303912	
Total	COCA-COLA BOTTLING CO		\$324.64		
Paid Chk# 039954	9/17/2015	COMMERCIAL ASPHALT CO			
E 101-43100-224	Street Maint Materials		\$65.46	NP20603	
Total	COMMERCIAL ASPHALT CO		\$65.46		
Paid Chk# 039955	9/17/2015	DAHLHEIMER DISTRIBUTING			
E 609-00000-252	Beer Purchase		\$13.60	114101	
E 609-00000-252	Beer Purchase		(\$630.40)	114268	
E 609-00000-252	Beer Purchase		\$16,914.39	1168544	
E 609-00000-252	Beer Purchase		\$4,421.65	1168597	
Total	DAHLHEIMER DISTRIBUTING		\$20,719.24		
Paid Chk# 039956	9/17/2015	DAY DISTRIBUTING COMPANY			
E 609-00000-252	Beer Purchase		\$115.00	817938	
Total	DAY DISTRIBUTING COMPANY		\$115.00		
Paid Chk# 039957	9/17/2015	EHLERS & ASSOC.			
E 101-41500-301	Auditing/Acctg Services		\$750.00	68383	CONTINUING DISCLOSURE
Total	EHLERS & ASSOC.		\$750.00		
Paid Chk# 039958	9/17/2015	GOPHER STATE ONE CALL			
E 770-00000-228	Gopher State One Call		\$50.75	146356	
E 730-00000-228	Gopher State One Call		\$50.75	146356	
Total	GOPHER STATE ONE CALL		\$101.50		
Paid Chk# 039959	9/17/2015	HOHENSTEINS INC			
E 609-00000-252	Beer Purchase		\$2,827.60	780694	
E 609-00000-252	Beer Purchase		\$71.00	780749	
Total	HOHENSTEINS INC		\$2,898.60		
Paid Chk# 039960	9/17/2015	HOLIDAY STATIONSTORES			
E 101-43100-212	Gas & Oil		\$132.85		ACCT #012-558-511
E 101-43100-212	Gas & Oil		(\$8.37)		
E 101-42260-212	Gas & Oil		\$43.73		
E 770-00000-212	Gas & Oil		\$166.08		ACCT #012-558-511
E 730-00000-212	Gas & Oil		\$166.06		ACCT #012-558-511
E 651-00000-212	Gas & Oil		\$66.42		ACCT #012-558-511
E 101-45200-212	Gas & Oil		\$132.85		ACCT #012-558-511
Total	HOLIDAY STATIONSTORES		\$699.62		
Paid Chk# 039961	9/17/2015	HOME DEPOT			
E 101-43100-240	Small Tools and Minor Equip		\$36.29	1174300	
Total	HOME DEPOT		\$36.29		
Paid Chk# 039962	9/17/2015	IEH AUTO PARTS LLC			
E 101-43100-210	Operating Supplies		\$11.62	038819044	
E 101-43100-210	Operating Supplies		\$26.06	038819165	
Total	IEH AUTO PARTS LLC		\$37.68		
Paid Chk# 039963	9/17/2015	INDIAN ISLAND WINERY			
E 609-00000-253	Wine Purchase		\$111.84	2665	
Total	INDIAN ISLAND WINERY		\$111.84		
Paid Chk# 039964	9/17/2015	JERRYS LAWN CARE			

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			Check Amt	Invoice	Comment
G 101-12400	Special Assess Rec-Pending		\$75.00		9128 JACKSON AVE
G 101-12400	Special Assess Rec-Pending		\$75.00		9128 JACKSON AVE
Total JERRYS LAWN CARE			\$150.00		
Paid Chk# 039965	9/17/2015	JJ TAYLOR			
E 609-00000-252	Beer Purchase		\$4,263.65	2395531	
E 609-00000-252	Beer Purchase		\$6,188.70	2395552	
Total JJ TAYLOR			\$10,452.35		
Paid Chk# 039966	9/17/2015	JOHNSON BROTHERS LIQUOR			
E 609-00000-253	Wine Purchase		\$4,661.20	5245304	
E 609-00000-251	Liquor Purchase		\$26.00	5245305	
E 609-00000-253	Wine Purchase		\$6,404.20	5246723	
E 609-00000-251	Liquor Purchase		\$1,195.46	5246724	
E 609-00000-251	Liquor Purchase		\$150.61	5250667	
E 609-00000-251	Liquor Purchase		\$1,214.27	5250668	
E 609-00000-253	Wine Purchase		(\$38.48)	539070	
E 609-00000-251	Liquor Purchase		(\$9.25)	539395	
E 609-00000-253	Wine Purchase		(\$5.34)	539396	
E 609-00000-253	Wine Purchase		(\$6.67)	539397	
E 609-00000-253	Wine Purchase		(\$6.67)	539399	
E 609-00000-251	Liquor Purchase		(\$7.36)	539401	
Total JOHNSON BROTHERS LIQUOR			\$13,577.97		
Paid Chk# 039967	9/17/2015	KATH FUEL OIL SERVICE CO			
E 101-43100-210	Operating Supplies		\$1,110.84	525377	
Total KATH FUEL OIL SERVICE CO			\$1,110.84		
Paid Chk# 039968	9/17/2015	KIRVIDA FIRE			
E 101-42260-404	Repair Machinery/Equipment		\$228.72	4978	
Total KIRVIDA FIRE			\$228.72		
Paid Chk# 039969	9/17/2015	LEAGUE OF MN CITIES-FINANCE			
E 101-41300-433	Dues and Subscriptions		\$30.00		MN MAYORS
E 101-41500-433	Dues and Subscriptions		\$2,233.00	221422	2015/2016 MEMBERSHIP
Total LEAGUE OF MN CITIES-FINANCE			\$2,263.00		
Paid Chk# 039970	9/17/2015	M AMUNDSON LLP			
E 609-00000-254	Miscellaneous Purchase		\$3,296.88	202162	
E 609-00000-254	Miscellaneous Purchase		\$3,498.35	202560	
Total M AMUNDSON LLP			\$6,795.23		
Paid Chk# 039971	9/17/2015	MALESKI, MIKE			
E 101-42260-208	Training and Instruction		\$175.00		
Total MALESKI, MIKE			\$175.00		
Paid Chk# 039972	9/17/2015	MET COUNCIL - WASTEWATER			
E 770-00000-389	MWCC Charges		\$7,114.67	0001048305	OCT 2015
Total MET COUNCIL - WASTEWATER			\$7,114.67		
Paid Chk# 039973	9/17/2015	MIDAMERICA ADMINISTRATIVE			
G 101-21716	Other Retirement		\$277.00		SEPTEMBER 2015
G 101-21716	Other Retirement		\$277.00		AUGUST 2015
Total MIDAMERICA ADMINISTRATIVE			\$554.00		
Paid Chk# 039974	9/17/2015	MSA PROFESSIONAL SERVICES			
E 101-41500-303	Engineering Fees		\$2,525.80		GENERAL

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E 651-00000-303	Engineering Fees	\$283.05		NPDES PHASE II MS4
E 310-43100-500	Capital Expenditures	\$362.00		GIS/GPS SOLUTION
E 310-42260-520	Buildings and Structures	\$5,376.07		FIRE STATION EXTERIOR
E 440-00000-303	Engineering Fees	\$5,473.41		FLOWERFIELD RD
G 101-22038	Paster Enterprises Escrow	\$609.00		NORTHWAY SHOPPING CENTER
Total MSA PROFESSIONAL SERVICES		\$14,629.33		
Paid Chk# 039975	9/17/2015	MUNICIPAL EMERGENCY SERVICES		
E 101-42260-215	Shop Supplies	\$373.77	00659491_SN	
E 310-42260-500	Capital Expenditures	\$2,569.46	00661718_SN	HOSE TESTER
E 101-42260-229	Turn Out Gear	\$143.84	00665146_SN	
Total MUNICIPAL EMERGENCY SERVICES		\$3,087.07		
Paid Chk# 039976	9/17/2015	PACE ANALYTICAL		
R 730-37100	Water Sales	\$50.00	15100112139	WATER TEST FEE
Total PACE ANALYTICAL		\$50.00		
Paid Chk# 039977	9/17/2015	PAUSTIS & SONS		
E 609-00000-253	Wine Purchase	\$912.50	8513815-IN	
Total PAUSTIS & SONS		\$912.50		
Paid Chk# 039978	9/17/2015	PEPSI COLA COMPANY		
E 609-00000-254	Miscellaneous Purchase	\$185.85	47917258	
Total PEPSI COLA COMPANY		\$185.85		
Paid Chk# 039979	9/17/2015	PHILLIPS WINE AND SPIRITS INC		
E 609-00000-251	Liquor Purchase	(\$36.14)	219732	
E 609-00000-251	Liquor Purchase	(\$4.66)	219733	
E 609-00000-253	Wine Purchase	\$149.36	2842634	
E 609-00000-253	Wine Purchase	\$2,571.91	2843575	
E 609-00000-251	Liquor Purchase	\$388.57	2846352	
Total PHILLIPS WINE AND SPIRITS INC		\$3,069.04		
Paid Chk# 039980	9/17/2015	RJM DISTRIBUTING		
E 609-00000-252	Beer Purchase	\$109.90	IND008467	
Total RJM DISTRIBUTING		\$109.90		
Paid Chk# 039981	9/17/2015	ROCK GARDENS		
E 101-45200-210	Operating Supplies	\$259.99	46886	SMALL CITY SIGN
Total ROCK GARDENS		\$259.99		
Paid Chk# 039982	9/17/2015	SAINT CROIX VINEYARDS		
E 609-00000-253	Wine Purchase	\$373.00	427	
Total SAINT CROIX VINEYARDS		\$373.00		
Paid Chk# 039983	9/17/2015	SMITH & GLASER, L.L.C.		
E 101-42110-304	Legal Fees	\$7,125.00	201381	AUGUST 2015
E 101-42110-304	Legal Fees	\$9,025.00	201381	JULY 2015
Total SMITH & GLASER, L.L.C.		\$16,150.00		
Paid Chk# 039984	9/17/2015	SOUTHERN WINE & SPIRITS		
E 609-00000-251	Liquor Purchase	\$3,506.41	1320552	
E 609-00000-251	Liquor Purchase	\$1,197.20	1320553	
E 609-00000-253	Wine Purchase	\$242.25	1320554	
E 609-00000-251	Liquor Purchase	\$441.31	1323056	
E 609-00000-253	Wine Purchase	\$313.75	1323057	

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		Check Amt	Invoice	Comment
Total SOUTHERN WINE & SPIRITS		\$5,700.92		
Paid Chk# 039985	9/17/2015 ST PAUL STAMPS WORKS			
E 609-00000-200	Office Supplies	\$43.05	341329	
Total ST PAUL STAMPS WORKS		\$43.05		
Paid Chk# 039986	9/17/2015 TKO WINES INC			
E 609-00000-253	Wine Purchase	\$206.40	1927	
Total TKO WINES INC		\$206.40		
Paid Chk# 039987	9/17/2015 VINZANT, MARY			
E 220-46000-230	Contracted Services	\$132.00		WK ENDING 9/5/15
E 220-46000-230	Contracted Services	\$132.00		WK ENDING 9/12/15
Total VINZANT, MARY		\$264.00		
Paid Chk# 039988	9/17/2015 WILD MOUNTAIN WINERY INC			
E 609-00000-253	Wine Purchase	\$563.88	1263	
Total WILD MOUNTAIN WINERY INC		\$563.88		
Paid Chk# 039989	9/17/2015 WIRTZ BEVERAGE MINNESOTA			
E 609-00000-251	Liquor Purchase	\$6,749.69	1080365682	
E 609-00000-254	Miscellaneous Purchase	\$138.30	1080365683	
E 609-00000-251	Liquor Purchase	\$478.45	1080366331	
E 609-00000-251	Liquor Purchase	\$3,266.30	1080368556	
E 609-00000-251	Liquor Purchase	(\$124.00)	2080086781	
Total WIRTZ BEVERAGE MINNESOTA		\$10,508.74		
10100 4M FUND		\$217,640.22		

Fund Summary**10100 4M FUND**

101 GENERAL FUND	\$25,979.42
220 LOVELL BUILDING	\$264.00
310 CAPITAL PROJECTS	\$80,007.53
440 15 STREET IMPROVEMENTS	\$5,473.41
609 MUNICIPAL LIQUOR FUND	\$97,968.08
651 STORM WATER FUND	\$349.47
730 WATER FUND	\$266.81
770 SEWER FUND	\$7,331.50
	\$217,640.22

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Ck No	Payee	Description	Check Amount	
09/15	09/02/2015	10521	POST BOARD	PEACE LIC FREDERICKSON	90.00	M
09/15	09/10/2015	10522	DELTA DENTAL	OCT DENTAL	1,385.00	
09/15	09/10/2015	10523	EMERGENCY AUTO TECH ,INC	SALES TAX	307.78	
09/15	09/10/2015	10524	FRATTALLONES HARDWARE, INC.	EVIDENCE BAGS	7.46	
09/15	09/10/2015	10525	GARY L FISCHLER & ASSOCIATES, P	PSYCHOLOGICAL TESTING	525.00	
09/15	09/10/2015	10526	HOLIDAY COMPANIES	CAR WASHES	70.71	
09/15	09/10/2015	10527	KEEPRS, INC	UNIFORMS	165.01	
09/15	09/10/2015	10528	NEAL A. NOREN	BLDG MTC HOURS	120.00	
09/15	09/10/2015	10529	TASER INTERNATIONAL	SALES TAX	3,246.24	
09/15	09/10/2015	10530	TOP GREEN	GROUND S MTC	671.98	
09/15	09/10/2015	10531	U.S. HEALTH WORKS MEDICAL	PRE EMP TESTING LF	488.00	
Grand Totals:					7,077.18	

M = Manual Check, V = Void Check

Bill Petracek

From: Joan Moses [tjmoses@comcast.net]
Sent: Tuesday, September 08, 2015 10:47 AM
To: Bill Petracek
Subject: DAR Constitution Week 2015
Attachme *Daughters of the American Revolution encourage placing a* CW 15 SAMPLE PROCLAMATIONS FOR CONSTITUTION WEEK.docx; 0062.htm

Begin *Constitution Week Proclamation on your city agenda.* forwarded message:

From: *Constitution Week* Joan Moses <tjmoses@comcast.net>
Date: *Proclamation* **Subject: Fwd: DAR Constitution Week 2015**
To: *on your city agenda.* August 10, 2015 at 1:00:44 PM CDT
Bill Petracek <bplexington@comcast.net>

From: *Celebrate Constitution Week 2015!* Joan Moses <tjmoses@comcast.net>
Date: **Subject: DAR Constitution Week 2015**
To: August 10, 2015 at 11:30:55 AM CDT
lexingtonmn@comcast.net

This year, my goal is to again achieve 100% participation of Anoka County communities. Thank you for your participation in the past. Please contact me with the scheduled date. Thank you, Joannie Moses

Please honor Constitution Week in the City of Lexington. Constitution Week is September 17 through 23, 2015.

A sample proclamation is attached for Mayor Pitchford to use if he chooses. Thank you very much for handling this, Mr. Petracek. A DAR representative will attend the council meeting to receive if requested, otherwise, I look forward to receiving a signed copy. Contact me with any questions. Have a great day!

Joan Moses

Daughters of the American Revolution

Anoka Chapter and State Constitution Week Chair

651.631.2182

80 17th Avenue SW

New Brighton, MN 55112

tjmoses@comcast.net

2015 CONSTITUTION WEEK PROCLAMATION

WHEREAS: September 17, 2015, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Mark Kurth by virtue of the authority vested in me as Mayor of the City of Lexington, Minnesota do hereby proclaim the week of September 17 through 23 as:

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lexington to be affixed this 17th day of September of the year of our Lord two thousand fifteen.

Signed: Mayor Mark Kurth _____

SEAL Attest _____

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

RESOLUTION NO. 15-25

**RESOLUTION CERTIFYING PROPOSED
TAX LEVY REQUIREMENTS FOR 2016
TO ANOKA COUNTY FOR COLLECTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF LEXINGTON,
MINNESOTA** as follows:

1. That there is hereby levied upon all taxable property in the City of Lexington a direct ad valorem tax in the year 2015 payable in 2016.

General Fund Levy	\$ 1,083,246
Debt Service	\$ <u>80,951</u>
TOTAL	\$ 1,164,197

2. That the Finance Director is hereby instructed to certify the above total proposed levy to the County Auditor of Anoka County, Minnesota.

PASSED and adopted by the Lexington City Council this the 17th day of September, 2015.

Mayor

ATTEST:

City Administrator

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

RESOLUTION NO. 15-26

**RESOLUTION CANCELING THE DEBT SERVICE
LEVY FOR 2016**

WHEREAS, debt service requirements were reviewed during the budget process, and

WHEREAS, it was determined during the process that the only debt service requirement for 2016 is \$80,951.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF LEXINGTON, ANOKA COUNTY, STATE OF
MINNESOTA**, that all other debt service levy's scheduled to be collected in 2016 are hereby cancelled.

PASSED and adopted by the Lexington City Council this the 17th day of September, 2015.

Mayor

ATTEST:

City Administrator

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

RESOLUTION NO. 15-27

A RESOLUTION COMMITTING FUNDS FOR A FUTURE FIRE STATION

WHEREAS, the City of Lexington has approved the Cash and Investments Policy to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow requirements of the City and conforming to all state and local statutes governing the investment of public funds, and

WHEREAS, such policy allows for the pooling of funds giving the ability to consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration; and

WHEREAS, the City of Lexington has approved the Fund Balance/Reserve Policy to have a good balance in its General Fund in order to have sufficient reserves for cash flows to pay operating expenditures when due while the City awaits receipt of its major revenues, and

WHEREAS, such policy allows for fund balances that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority. The committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same type of action is employed to commit those amounts; and

WHEREAS, the City of Lexington, Fire Department is requesting funds be set-aside for a future fire station; and

WHEREAS, the City of Lexington, Finance Director reviews cash and reserve balances for potential investment opportunities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, ANOKA COUNTY, STATE OF MINNESOTA, The City authorizes the Finance Director to make an investment using cash and reserve balances in the amount of \$200,000 for a period of 4 years with all principal and interest being committed for a future fire station.

PASSED and adopted by the Lexington City Council this the 17th day of September, 2015.

Mayor

ATTEST:

City Administrator

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

RESOLUTION NO. 15-28

RESOLUTION AMENDING APPOINTEES FOR 2015

WHEREAS, Lexington City Code authorizes the Mayor to make annual appointments at the first regular meeting in January of each year, and make adjustment from time to time:

WHEREAS, such appointments must be confirmed by the City Council.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

POSITION

APPOINTEE

PLANNING COMMISSION:

Ex-Officio & Board of Appeals/ Adjustments
Members:

Councilmember Hughes

John Bautch (term ends 12/31/15)

Chris Olsson (term ends 12/31/15)

John O'Neil (term ends 12/31/15)

Ronald Thorson (term ends 12/31/17)

Mark VanderBloomer (term ends 12/31/17)

PASSED by the Lexington City Council this the 17th day of September, 2015.

ATTEST:

Mayor

City Administrator

To: Mayor Kurth & City Council
From: Bill Petracek, City Administrator
Date: September 10, 2015
Re: Lovell Building realtor recommendation



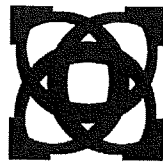
I received two recommendations to pursue proposals from commercial realtors in the area that are very capable of working with the City of Lexington to aggressively market the Lovell Building for redevelopment.

- 1. Marty Fisher – Premier Realty out of Ramsey, MN.**
- 2. Lou Suski & John Chirhart – Gaughan Companies – Forest Lake, Mn.**

I solicited proposals from both realtors' when the City Council adopted the 2015 Strategic Plan, which deemed hiring a commercial realtor to market the Lovell Building as the #3 priority set during the planning process. I have included both proposals in the packet so each Councilmember has an opportunity to review the terms and marketing strategies proposed by each realtor. Both realtor's focus primarily on commercial real estate, and are very adept at knowing how to work with municipalities trying to redevelop aging and/or blighted properties.

After reviewing both proposals and visiting with both realtors, I am recommending the hire of Lou Suski & John Chirhart from Gaughan Companies out of Forest Lake, MN. Mr Suski has been highly recommended by the city attorney, and Mike Ericson, city administrator, City of Centerville as being very aggressive and successful at marketing City owned properties in Centerville.

We will discuss the proposal from Gaughan Companies, as well as the terms and conditions of the proposed contract in greater detail at the City Council meeting.



GAUGHAN

C O M P A N I E S

Commercial Real Estate Solutions Since 1969

Marketing Plan

The Lovell Building
4175 Lovell Road
Lexington, MN

Prepared For

Bill Petracek
City Administrator

The City of Lexington

Presented By

Lou Suski & John Chirhart

September 1, 2015

Gaughan Companies

56 East Broadway, Suite 200, Forest Lake, MN 55025

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- 3. Marketing Plan**
- 4. Professional Biographies**
- 5. Fees for Service**
- 6. Exclusive Commercial Sale Listing Agreement**
- 7. References**
- 8. Market Comps - For Sale and Sold**



1. Executive Summary

PROPERTY OVERVIEW

As with all real estate, a primary component of its value is location. The site's superior location in the fast growing North Metro cannot be underestimated. Located at the Intersection of Lexington Avenue and Lovell Road, this property offers exceptional access to I-35W and is less than 10 minutes north of the I-694 Loop. The property has outstanding redevelopment potential coupled with easy access, tremendous visibility and superior road frontage that developers covet. This property is a prime candidate for a mixed use/multi-family project.

We believe that the North Metro will continue to be a major growth area in the greater Twin Cities area. Priced appropriately, the subject property will generate significant interest and will be well positioned to take advantage of any opportunities that may materialize within the market. Our marketing efforts will be concentrated on mid-size local and regional development firms seeking sites within the greater Twin Cities area.

SALES TEAM

The proposed Sales Team of Lou Suski and John Chirhart bring over 40 years of combined commercial real estate brokerage experience to work for you. They have been involved in over 20 development projects as well as the sale and leasing of hundreds of commercial properties similar in size and type as the Lovell Building. We know the players in this market and understand their process. Our on-going close working relationship with countless business owners, the entire brokerage community and numerous developers also provides us an unprecedented opportunity to more intimately understand the opportunities in the marketplace thereby giving us a greater opportunity to close deals once prospective buyers are identified.

TRACK RECORD

Gaughan Companies closed over 50 commercial transactions during 2014 with approximately one half of those transactions being the sale of property. We worked primarily on behalf of owners in the sale or leasing of their property. Over the last 24 months, the Marketing Team of Lou Suski and John Chirhart completed over two dozen sale transactions with a total economic value in excess of \$20,000,000.00. In addition, Gaughan Companies has been in business for over 45 years and has completed well over 50 development projects as well as numerous sale transactions throughout its history. Our professional biographies are included for your review.



MARKETING EFFORTS

We will work closely with you to fully understand your goals and objectives, allowing us to continually monitor and modify if necessary a plan of action that provides the outcome desired by you, the property owner. By promoting the economic value of this property and sharing the features, benefits and flexibility that the redevelopment of this site provides prospective developers, we will be able to show why this specific property will be their best economic decision. More importantly, we want to work closely with you to fully understand your specific motivations for this site as well as discuss additional tools and incentives that may be implemented to sell the property quickly. A copy of our typical Marketing Plan is attached as Section 3 of this Proposal.

PRICING

We recommend that the property be offered For Sale at \$975,000. This equates to a land value price of \$5.10 per square foot. We arrived at this price by reviewing the active For Sale comps as well as recent Sold Comps. We also took into consideration your desire to have this property redeveloped as soon as possible. This price should prove attractive to local and regional developers alike thereby generating solid activity and still provide some room for negotiation should the need arise.

CONCLUSION

The current demand for multi-family development sites has been very steady over the last three years. Sales prices have continued to rise, albeit slowly. Nevertheless, we firmly believe that the North Metro will be a solid growth area in the Twin Cities as the economy continues to rebound. It is because of this belief that the Gaughan Companies is extremely excited to market this property. We are confident that we will be your best choice to successfully attract a qualified developer that will provide the highest price and quickest sale for your development property.

2. Introduction to Gaughan Companies

Gaughan Companies is among the Twin Cities' premier full-service commercial real estate firms, serving the North Metro area for over 45 years. We provide professional expertise in the following areas:

- Commercial Real Estate Sales
- Landlord Representation/Leasing of Property
- Property Management
- Construction and Maintenance
- Property Development
- Multifamily Housing

Established in 1969, Gaughan Companies has a proven reputation of integrity, dependability and professionalism. Our team provides aggressive and innovative marketing of office, industrial, retail, land and investment properties. We offer superior market knowledge, expert negotiation skill and unparalleled enthusiasm for each assignment we commence.

Gaughan Companies is committed to not only achieve the goals of our clients but surpass their expectations on each assignment we undertake. Our integrated team approach begins with a clear understanding of *your goals and objectives*. It continues with on-going evaluation and thorough analysis of the market resulting in informed and timely information that assists in delivering your desired results.

Our experienced Commercial Sales team of Lou Suski and John Chirhart have proven time and time again their ability to close the deal. We understand that each property has a specific target market and are equipped to customize our marketing efforts identify the most likely prospects so as to sell your property in the shortest time and at the highest price.

We attribute our success to the following factors:

- As exclusive representatives, we are able to focus on your needs and objectives, to assist you in making the right decision and negotiating the best possible outcome for your firm.
- Our experience and expertise enables us to provide comprehensive data regarding market transactions, competitive offerings as well as current trends.
- Our relationships within the commercial real estate industry have allowed us to develop positive working relationships with investors, brokers and institutional buyers. This cooperative approach has established our credibility in the marketplace.
- Our results-based track record helps us meet our clients' objectives by uncovering opportunities and structuring transactions that will provide your firm the greatest value.
- Our knowledge of the market and extensive database will save you money and time in negotiating a sale agreement.



THE COMMITMENT OF VALUE AND SERVICE

Gaughan Companies has developed the tools and systems to bring the highest level of representation to your organization. Each transaction, large or small, includes numerous details and activities which need to be analyzed, negotiated and implemented. The many resources available to Gaughan Companies allow us to access the expertise necessary to provide you, our client, with the greatest value. Our commitment is to place your interests first and to become a partner serving your needs, as an extension of your organization. By adding value throughout the entire transaction and providing the highest quality service, we distinguish ourselves from other commercial real estate firms.

PROFESSIONAL REPRESENTATION

Gaughan Companies will provide maximum exposure of your properties to prospective companies and brokers throughout the region and will pursue every available opportunity in the market. Once a viable prospect has been identified, we will serve as a valuable interface between you and these buyers. However, we will not just be a buffer between you and the prospect but will serve as your fiduciary advocate in all negotiations as well. Buyers and their representatives are experienced, motivated and educated to represent their interests and achieve their goals. Sellers deserve this same level of expertise and experience. We will invest all time, skill and expertise needed to properly control and direct the transaction on your behalf.

OVERVIEW OF REPRESENTATION SERVICES AND PROCESS

As your representative our services will include:

- An in-depth understanding of your objectives for the assigned property.
- Provide real estate market analysis with updates as required to include a survey of competing opportunities for sale coupled with detailed supporting information
- Comparative analysis of alternate offers
- Sale price negotiation
- Letter of Intent and Purchase Agreement document review and negotiation through execution

Throughout the entire transaction process, Gaughan Companies will act as your exclusive representative and single source needed to direct and complete the transaction in a manner through which your interests are truly represented. We trust the above will give you an indication of how our firm will pursue the marketing of your commercial property. An abbreviated version of our standard marketing plan is also attached for your review. We look forward to the opportunity to meet with you and further discuss marketing and leasing strategies for your property.

3. Marketing Plan

Gaughan Companies and its leasing and sales team of Lou Suski and John Chirhart are committed to diligently work this assignment to produce a sale of the property as soon as possible after receipt of this assignment. We do not and will not accept listings that we are either unprepared or unmotivated to service. We value our integrity above all and only pursue assignments upon which we can commit our full resources. Listing assignments, particularly the sale of development sites, typically require a very significant amount of time and effort in the initial two or three months after receiving the listing.

Our Strategies and Services for Commercial Land Sales are aggressive and innovative. We take full advantage of the most advanced technology available in today's fast paced world. Every effort is made to respond to requests for information within 24 hours of their receipt. On-going follow up is equally as important. Timing is critical. In addition, we will physically meet with and show the property to each interested party and work smartly, aggressively and diligently to secure the best offer from every qualified prospect. Specific marketing strategies that we will initiate immediately upon receipt of this assignment are listed below.

Cold Calls - Cold calling is the single, most effective tool in selling commercial property. It is the heart of our marketing program. Successful cold calling demands aggressively seeking out prospects, identifying their needs and encouraging them to take action. Cold calling is the fundamental key to success in marketing commercial real estate and requires the use of skilled sales techniques and a positive method of representing the property. With over 40 years of combined experience in the Twin Cities Commercial Real Estate market, the Sales Team of Lou Suski and John Chirhart know the firms and individuals who are active in the market and will call on them specifically regarding your property.

Marketing Brochure - We will prepare a two page, four color marketing brochure to assist in marketing your property. This brochure will feature an aerial photograph and location map as well as an existing building photo, survey and/or site plan,. This brochure will be used for showings and cold calling as well as prospect and broker mailings. Our materials are designed to project a positive image of your properties and present them in their best light.

Officering Memorandum - We will prepare a comprehensive multi-page Offering Memorandum package with detailed information to provide to those prospects who are most serious about the property. This package will include and Executive Summary highlighting the property attributes and feature property details such as photos, floor plans, boundary surveys, soil borings, wetland delineation, environmental report summaries, real estate tax statements, community information and demographics as well as site plan, aerial photographs and location and area maps.



Prospect Mailings - Property information will be sent directly to targeted prospective buyers throughout the Twin Cities metropolitan market. Our database consists of a comprehensive list of brokers, site selectors, developers and businesses across the Metro as well as throughout Minnesota. It is organized by SIC CODES which enables us to target specific types of prospects for your property.

Constant Contact – Immediately after listing your property information will be sent out via Constant Contact to our list of over 6,000 business owners and decision makers. Our Constant Contact Blasts provide immediate exposure of your property in the market and often generate numerous leads.

Broker Cooperation - We have a policy of open cooperation and maintain continuous contact with other real estate brokers who represent prospective buyers from throughout the metro area. Our goal is to maximize your value through exceptional exposure to the market.

Xceligent – Xceligent is the “multiple listing service” utilized by the Minnesota Commercial Association of Realtors (MNCAR). This is the primary source used by commercial real estate brokers in the Twin Cities market to find properties for the buyers they represent. We will prominently feature your Commercial Property on Xceligent and other associated websites.

Broker Email Blasts - Through our membership in the MCPE, we will send a Broker Email Blast to over 1,200 commercial real estate brokers each month. This Broker Blast will typically include a copy of our marketing brochure and will highlight any incentives as well as the features and benefits of the property.

NorthstarMLS - NorthstarMLS® serves more than 15,000 REALTORS® in Minnesota and Western Wisconsin. This is the primary listing service used by residential REALTORS and provides participating brokers and agents with fast and reliable access to the information services and resources. The NorthstarMLS system facilitated more than 66,000 transactions valued at \$15.2 billion of real estate transaction volume in 2014. Your property will be listed on the Northstar MLS.

Website Advertising - Property availabilities are also promptly listed and promoted on our own website, www.GaughanCompanies.com. In addition, we will submit your property to other commercial property websites such as CoStar, Loopnet, Metro MSP, and other outlets as appropriate.

Signage – For Sale signs are without question a very successful method to promote real estate. We will strategically place attractive and highly visible signage at our cost and expense to effectively catch the attention of potential buyers for your property.



Governmental/Chamber Contacts - We are proud members of many Chamber of Commerce organizations and stay in contact with the city and county groups who promote business development to advise them of the availability and the advantages of your commercial property and to keep informed of any events that may impact your property.

Communication – Timely communication is the key to good owner/broker relationships. In addition to ongoing and often daily communication when working a deal, your primary point of contact agent will regularly communicate with you to keep you updated with the activity and interest level of potential buyers. We will also be happy to attend City Council meetings as needed to present offers, identify objectives and discuss strategy. In addition, we will, when requested, provide a consolidated written report of our marketing efforts.

Marketing Team – The entire staff of Gaughan Companies will work to provide leads and prospects for the property. We have over 50 full-time employees in our Roseville and Forest Lake office focusing on real estate. The following individuals will serve as contact people for your property:

Louis R. Suski - Primary
(612) 238-4402 direct

John Chirhart
(612) 238-4403 direct

Website Advertising



GAUGHAN COMPANIES - REAL ESTATE SOLUTIONS SINCE 1969
www.gaughancompanies.com



MINNESOTA COMMERCIAL PROPERTY EXCHANGE
www.mncar.org



COMMERCIALSOURCE.COM - THE COMMERCIAL REAL ESTATE
MARKETPLACE
www.commercialsource.com



LOOPNET COMMERCIAL REAL ESTATE ONLINE
www.loopnet.com



CoSTAR GROUP REAL ESTATE INFORMATION
www.costar.com



COMMERCIAL INVESTMENT MULTIPLE LISTING SERVICE
www.cimls.com

Member Organizations



MINNESOTA COMMERCIAL ASSOCIATION OF REALTORS
www.mncar.org



MINNESOTA ASSOCIATION OF REALTORS
www.mnrealtor.com



NATIONAL ASSOCIATION OF REALTORS
www.realtor.org



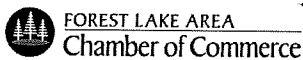
CCIM INSTITUTE - COMMERCIAL INVESTMENT REAL ESTATE
www.ccim.com



NAIOP, THE COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
www.naiop.org



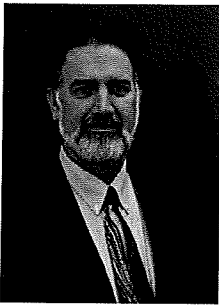
MINNESOTA SHOPPING CENTER ASSOCIATION
www.msca-online.com



FOREST LAKE CHAMBER OF COMMERCE
www.cimls.com



METRO NORTH CHAMBER OF COMMERCE
www.metronorthchamber.org



LOU SUSKI

COMMERCIAL SALES AND LEASING

RESPONSIBILITIES

Drawing on over twenty five years of experience, Lou Suski is a seasoned commercial real estate professional who offers superior skill and expertise in a broad range of real estate services. Throughout his career, Lou has focused on the sales, leasing, marketing and development of high quality commercial properties to include the Carlson Business Center, Plymouth Business Center and Northwest Professional Center in the Twin Cities as well as the Wells Fargo Center and Gateway Business Park in St. Cloud. He has provided tenant and buyer representation services for a wide range of companies spanning the medical, technology, manufacturing and distribution fields. He also facilitates property acquisitions and dispositions of both buildings and land for a wide range of owners, investors and corporations. His expertise provides site selection, sale/lease negotiation, property acquisition, disposition of excess assets, project management and development services.

STRENGTHS

Dynamic, enthusiastic, responsive and resourceful, Lou's extensive experience in the commercial real estate process distinguishes him when representing companies both large and small. A decisive self-starter and creative problem solver, he has compiled a solid record of high achievement and excels at relationship building. His thorough knowledge of the market coupled with an unfailing commitment to understanding client objectives allows him to continually exceed expectations when representing both landlords and tenants alike. Lou has been directly involved in the development of over one million square feet of space and has completed over 900 transactions totaling in excess of seven million square feet. Satisfied clients like Carlson Real Estate Company, St. Paul Properties, ING PrimeVest, Baxter Healthcare, CH Robinson, Iron Mountain, Gold-N-Plump Poultry and Kraft as well as countless smaller companies have relied on Lou's expertise to accomplish their specific real estate objectives.

HISTORY OF SUCCESS

Lou is a 1981 graduate of the United States Air Force Academy and received his Master's Degree from the University of Southern California in 1986. Prior to his career in real estate, he served with distinction for seven years in the United States Marine Corps reaching the rank of Captain. Lou has worked with some of the finest commercial real estate firms in the world including Trammell Crow Company and Cushman and Wakefield. He is a member of the Minnesota Commercial Association of Realtors and the Minnesota Chapter of the National Association of Office and Industrial Parks. He has been sought out to speak numerous times on the Twin Cities Industrial Market and is a member of the White Bear Lake Rotary Club. Lou has been actively involved in youth athletics for two decades and was a founding member of both the Rogers Area Youth Basketball Association and the Rogers Royals Tip-Off Club for which he served as President.



JOHN D. CHIRHART

COMMERCIAL SALES AND LEASING

RESPONSIBILITIES

John Chirhart started his real estate career in 2000. His experience encompasses all aspects of commercial real estate and development. He has an extensive track record of increasing revenues, occupancy and income through responding to client, landlord and investor needs.

John specializes in the leasing and sales of office, industrial and retail properties. His attention to detail and understanding of client's needs have consistently produced exceptional results over a wide variety of projects, leading to repeat transactions and solid relationships.

STRENGTHS

Prior to joining Gaughan Companies, John was a Partner in Capital Growth Real Estate LLC, focused on identifying investment strategies and opportunities to create and enhance value and wealth for his clientele. He started his real estate career as an Associate with Minneapolis-based Griffin Companies where he quickly was promoted to Senior Associate as a top producer with a consistent track record of excellence. Throughout his professional career, he has cultivated a wide variety of relationships and has earned the trust and loyalty of his clients and colleagues.

HISTORY OF SUCCESS

John Chirhart is a past Board Member of the Minnesota Commercial Association of Realtors (MNCAR), as well as being a member of the Minnesota and National Associations of Realtors (MAR & NAR). He also participates in the Building Owners and Managers Association (BOMA), and National Association of Office and Industrial Properties (NAIOP), where he has served on numerous committees. He is a graduate of the University of St. Thomas.

5. Fees for Service

Outlined below is our proposed commission structure.

- Gaughan Companies will aggressively market the property and will perform all of the tasks as outlined in this proposal at no up-front cost to the owners. Upon the lease or sale of the property, we propose a competitive market based fee for our services .
- **Sale Commission** - The Commission upon the Sale of a property will be **Seven percent (7%)** of the gross sale price. Commission shall be reduced to five percent (5%) if there is no Co-broker.
- In the event of a co-brokered sale, Gaughan Companies will share the total commission with the procuring Buyer Representative Broker. Gaughan Companies will use its best efforts to negotiate an equitable split of the commission with the procuring Co-Broker of the property before you sign a purchase agreement. To be recognized as a valid co-broker for the purpose of earning a commission, the outside broker shall either have a Buyer Representation Agreement or will have initially shown the property to the prospective buyer and be recognized by the Buyer as their agent. It is the policy of Gaughan Companies to fully cooperate with outside brokerage firms and we have built a forty-five year reputation on paying commissions in a fair and timely basis.
- Only under special circumstances where the outside co-broker specifically demands in writing an above market fee that is approved in advance by you, the property owner, will the fee be greater. These situations will be discussed with you and approved in writing by prior to proceeding.
- Sales Commissions are paid at Closing.
- A copy of our standard Exclusive Commercial Sale Listing Agreement is attached for your information and review.



6. Exclusive Commercial Sale Listing Agreement

7. References

Mike Ericson

City of Centerville
Administrator
(651) 792-7931 Work
(651) 429-3232 Work
(651) 792-7931 Mobile
MEricson@CENTERVILLEMN.com
1880 Main Street
Centerville, MN 55038

Bridgitte Konrad

City of North Branch
City Administrator

(651) 277-5229 Work
(651) 674-8113 Work
bridgittek@ci.north-branch.mn.us
6408 Elm Street PO Box 910
North Branch, MN 55056-0910

Aaron Parrish

City of Forest Lake
City Administrator

(651) 209-9750 Work
Aaron.Parrish@ci.forest-lake.mn.us
220 Lake Street North
Forest Lake, MN 55025
<http://www.ci.forest-lake.mn.us>

Nancy Hoffman

Chisago County
Economic Development

(651) 674-5664 Work
(651) 674-5664 Mobile
nancy@chisagocounty.org
P.O. Box 815
North Branch, MN 55056

Matt Van Slooten

Carlson Real Estate Company
President

(952) 404-5000 Work
mvanslooten@carlson.com

301 Carlson Parkway
Suite 100
Minnetonka, MN 55305

Kerry T. Koller

Special Assets Coordinator
Central Bank
(651) 256-7239 Work
(715) 222-6517 Mobile
kkoller@centralbnk.com
2104 Hastings Ave.
Newport, MN 55055
www.centralbnk.com

Scott Smith

Investors Real Estate Trust
Commercial Asset Manager
(952) 401-4828 Work
(612) 802-7358 Mobile
ssmith@iret.com
10050 Crosstown Circle
Suite 105
Eden Prairie, MN 55344
www.iret.com

Laurie A. Randall

Sullivan, Cotter and Associates
Growth and Development Officer
(612) 294-3626 Work
(612) 294-3620 Work
(612) 747-1605 Mobile
LaurieRandall@sullivancottter.com
150 Wells Fargo Center
90 South Seventh Street, Suite 3750
Minneapolis, MN 55402

8. For Sale Comps

For Sale Comp Parameters

- 19 For Sale Comps
- Land listed For Sale only. No Buildings listed For Sale.
- 2 acres to 10 acres
- 5 mile radius
- Average Asking Price—\$4.83 PSF

Provided as a separate attachment.

8. Sold Comps - Sold

Sold Comp Parameters

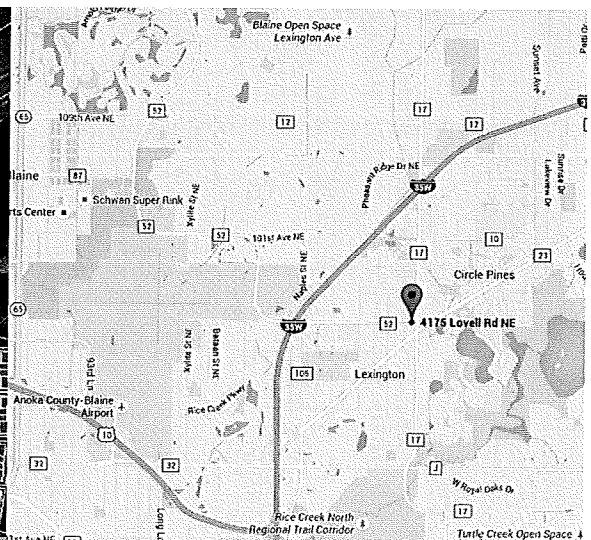
- 18 Sold Comps
- Land only. Some properties included Buildings, however, sale was based on land value for redevelopment.
- Properties sold between 1/1/2010 and 8/31/2015
- 2 acres to 10 acres
- 5 mile radius
- Average Sale Price—\$8.15 PSF

Provided as a separate attachment.



GAUGHAN
COMPANIES

GaughanCompanies.com
A Solid Foundation Since 1969



FOR SALE - DEVELOPMENT LAND

4175 Lovell Road, Lexington, MN 55014

PROPERTY FEATURES

- City Owned 4.39 Acre Lot
- Outstanding Redevelopment Site
- Zoned B1: Commercial - Can be Re-zoned
- Suitable for Office, Retail, Mixed-Use and Multi-Family
- Located at the Corner of Lovell Rd. and Lexington Ave.
- Over 1,000 L.F of Street Frontage
- Traffic Count Over 16,000 VPD
- 1/2 Block North of Lake Drive / HWY 23
- Excellent Freeway Access to Interstate 35W
- Only 10 Minutes North of I-694
- **Development Incentives Available**

LIST PRICE

\$995,000 (\$5.21 PSF)

AVAILABLE AREA

4.39 Acres (191,011 SF)

PROPERTY ID

26.31.23.41.0065

CONTACT

For more information:

Lou Suski

612-238-4402

John Chirhart

612-238-4403

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GAUGHAN
COMPANIES

56 East Broadway, Suite 200
Forest Lake, MN 55025

1935 West County Road B2, Suite 402
Minneapolis, MN 55113

CORFAC
International

**EXCLUSIVE COMMERCIAL
SALE LISTING AGREEMENT**



THIS AGREEMENT ("Agreement") is made this 10th day of August, 2015, by and between Gaughan Enterprises, Inc., d/b/a Gaughan Companies, (hereinafter referred to as "Broker"), and City of Lexington (hereinafter referred to as "Seller").

In consideration of the covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Broker and Seller hereby agree as follows:

1. **PREMISES:** Seller hereby grants to Broker the exclusive rights to market for sale the property known as The Lovell Building, a 4.39 Acre Redevelopment Site located at 4175 Lovell Road, Lexington, MN 55014

PID 26.31.23.41.0065

2. **PRICE:** Broker and Seller mutually agree to list the Property at a purchase price of Nine Hundred Seventy Five Thousand Dollars (\$975,000.00); final pricing will be subject to market conditions at Sellers consent.
3. **TERM:** The term of the Listing Agreement shall be for 12 months and terminate on September 30, 2016 at which time the Agreement shall automatically terminate.
4. **SELLER'S REPRESENTATIONS:** Seller has full legal rights to sell the property, and certifies that as of the date of execution of this Agreement, Seller has not received any notice of building, health or fire code violations, nor the notice of hazardous waste on the Property.
5. **SELLER'S OBLIGATIONS:** It is agreed that Seller shall promptly furnish Broker with complete information concerning any person who during the period of this Agreement makes inquiry to Seller regarding the sale, exchange of the Property with the exclusion of:

Seller hereby agrees to:

- A. Furnish to Buyer an Abstract of Title, or a Registered Property Abstract, certified to date, to include proper searches covering bankruptcies and state and federal judgments and liens, and to execute or cause to be executed a deed of general warranty conveying a marketable title to the Property to the Buyer and any further documents as may be required to consummate the sale to Buyer in accordance with the terms above designated or with the terms to which Seller may hereafter consent.
- B. Furnish to any Buyer, before signing an agreement to sell, a written disclosure of all known wells on the Property and further to provide Buyer

at closing with a Well Disclosure Certificate or certification of no known wells.

- C. Promptly notify Broker of any notices pertaining to the Property which are hereafter received during the term of this Agreement.

NOTICE: THE COMPENSATION RATE FOR THE SALE, LEASE, RENTAL OR MANAGEMENT OF REAL PROPERTY SHALL BE DETERMINED BETWEEN EACH INDIVIDUAL BROKER AND ITS CLIENT.

- 6. **BROKERAGE FEE:** Seller agrees to pay Listing Broker a brokerage fee of Seven Percent 7% of the gross price for which the Property is sold or exchanged. Commission shall be reduced to Five Percent (5%) if there is no Co-Broker. Broker shall have earned a commission upon the occurrence of any of the following conditions:

- A. The sale, contract for sale, exchange, or conveyance of the Property during the period of this Agreement by Broker or any other person, including, but not limited to Seller, or any other agent or broker not a party to this Agreement, in accordance with the price, terms, or exchange as set forth herein or as otherwise consented to by Seller.
- B. If a Buyer is procured, whether by Broker, Seller, or anyone else, who is ready, willing, and able to purchase the Property at the price and terms set forth above and Seller refuses to sell.
- C. If Seller agrees to sell the Property before this contract expires, the Seller refuses to close the sale.
- D. Seller removes Property from the market before expiration of this Listing Agreement.
- E. If Seller grants an option to purchase the Property, Seller shall pay Brokers a sales commission in the percentage provided herein based on the price paid for the option and for any extensions thereof. This commission shall be paid upon receipt by Seller of any such payments. In the event such option is exercised, whether during the terms of this Agreement, or within (12) months thereafter, Seller shall also pay Broker a sales commission on the gross sales price of the Property in accordance with the provisions herein. Notwithstanding the foregoing, to the extent that all or part of the price paid for the option or any extension thereof is applied to the sales price of the Property, then any commission previously paid by Seller to Broker on account of such option payments shall be credited against the commission payable to Broker on account of the exercise of the option.
- F. Seller contributes or conveys the Property or any interest therein to a partnership, joint venture or other business entity during the term of this

Agreement in lieu of sale of the Property during the term of this Agreement.

- G. Seller is a partnership or other business entity and an interest in the partnership or other business entity is transferred, whether by merger, outright purchase or otherwise in lieu of sale of the Property during the term of this Agreement. If within 180 days after the end of this Agreement, Seller sells or agrees to sell the Property to anyone who has made an affirmative showing of interest in the Property by responding to an advertisement or by contacting the Broker or salesperson involved or has been physically shown the Property by the Broker or salesperson. It is understood that Broker shall not seek to enforce collection of a commission under this Paragraph G, unless the name of the prospect is on a written list given to Seller within 72 hours after expiration of this Listing Agreement.

As security for Broker's commission, Seller hereby grants to Broker a security interest in the proceeds from the sale of the Property described herein and any title company or other closer who conducts the closing on the sale or lease of the Property described herein is directed to disburse the Broker's commission provided hereunder to the Broker at the time of closing.

7. **SIGN:** Seller shall permit Broker to erect a marketing sign "For Sale" or other applicable signage related to the marketing of said property. Seller shall remove all other "For Sale" signs from the Property during the period of this Agreement. It is further agreed that Seller shall permit Broker to erect a "Sold" sign on the Property for a period of 30 days following the sale or exchange of the Property by Broker at Broker's option.
8. **DEPOSIT:** Broker is authorized to accept from a Buyer or its representative, a non-interest bearing deposit represented by check or certified funds, and to place said deposit in a federally insured banking or savings institution in Broker's escrow account. Broker shall have no responsibility in case of failure or suspension of said banking or savings institution. In an event of a dispute between Seller and Buyer, Seller understands and agrees that Broker cannot disburse the deposit without the mutual written consent of the Buyer and Seller.
9. **CLOSING SERVICES:** After a purchase agreement for the property is signed, arrangements must be made to close the transaction. Seller understands that Seller may arrange for a qualified closing agent or attorney to conduct the closing or Seller may ask Broker to arrange for the closing. Seller understands that Seller may be required to pay certain closing costs which may effectively reduce the proceeds from the sale. Seller has indicated his/her/its choice for closing services

(Seller) (Seller) Seller wishes to have Broker arrange for closing services.

(Seller) (Seller) Seller shall arrange for closing services.

10. **FORFEITURE OF EARNEST MONEY:** If a Buyer of the Property defaults and, as a result, forfeits the earnest money, Seller will receive Eighty (80%) and Broker will receive Twenty (20%) of the earnest money.
11. **DUAL AGENCY DISCLOSURE:** If a Buyer represented by Broker becomes interested in the Property, a dual agency will be created. This means that Broker will represent both Seller and the Buyer and owes the same duties to the Buyer that Broker owes to Seller. This conflict of interest will prohibit Broker from advocating exclusively on Seller's behalf. Dual agency will limit the level of representation which Broker can provide.

If a dual agency should arise, Seller will need to agree that confidential information about price, terms and motivation will still be kept confidential unless Seller instructs Broker in writing to disclose specific information about Seller. All other information will be shared. Broker cannot act as a dual agent unless both Seller and the Buyer agree to it. By agreeing to a possible dual agency, Seller will be giving up the right to exclusive representation in an in-house transaction. However, if Seller should decide not to agree to a possible dual agency, and Seller wants Broker to represent Seller, Seller may give up the opportunity to lease the Property to purchasers or Buyers represented by Broker.

SELLER'S INSTRUCTIONS TO BROKER

Having read and understood this information about dual agency, Seller now instructs Broker as follows:

 X Seller will agree to a dual agency representation and will consider offers made by tenants represented by Broker.

 Seller will not agree to a dual agency representation and will not consider offers made by tenants represented by Broker.

Seller: (signature)

Broker: (signature)

12. MISCELLANEOUS:

- A. Seller understands that Broker may list other properties during the term of this Listing Agreement which may compete with Seller's property for potential buyers.
- B. This Agreement is binding upon the heirs, successors, and assigns of the parties.
- C. All the representations and covenants of this Agreement shall survive and be enforceable after termination of the Agreement.
- D. This Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties relative to

the provisions herein. No amendment, modification or extensions of this Agreement shall be valid or binding unless made in writing and signed by both Seller and Broker.

E. This contract shall be governed by the laws of the State of Minnesota.

IN WITNESS WHEREOF, the respective parties hereto have caused this Listing Agreement to be executed as of the day and year first above written.

SELLER:

BROKER:

CITY OF LEXINGTON

GAUGHAN ENTERPRISES, INC.

By: _____
Bill Petracek

By: _____
Louis R. Suski

Its: City Administrator

By: Vice President of Sales & Leasing

Date: _____

Date: _____



A Real Estate Services Company
6897 139th Lane NW
Ramsey, MN 55303
763.862.2005 Office
763.862.1925 Fax

August 25, 2015

Mr. Bill Petracek
City Of Lexington
9180 Lexington Avenue
Lexington, Minnesota 55014

Thank you, for the opportunity to provide a brief summary of our idea's regarding the marketing of your property located at 4175 Lovell Road Lexington, MN. The following provides you a brief outline:

Location: 4175 Lovell Road Lexington, MN

Space Type: Old school building approximately 191,011 square feet sitting on approximately 4.39 acres. The property has all utilities to the site and is basically flat with no import export of fill required. The property is located at the intersection of Lexington Avenue and Lovell Road. Currently being used as multi-tenant commercial property.

The existing building to be torn down and a new "development" to be proposed and constructed on the parcel. Leases in place will be dealt with by the City of Lexington.

Target Market: I believe the target market will consist of three main groups:

A retail developer will provide the highest and best use from a tax rate perspective. Secondly, an office developer and thirdly, a medium to high density residential developer such as senior rise, apartments of various types (market rate, senior, work force housing) would present a lesser tax value but still be potential uses for the site.

There are several well respected developers within the metro area and others with a National reach that specialize in the type of product listed above. These developers need to be "reached out to", informed about the site, and advised why this site will be a better return for them versus competing sites. A plan of attack and the attributes of the site should be jointly discussed between Premier and the City of Lexington.

With the discussion in place, the following course of action will be pursued by Premier:

Marketing Materials: Marketing materials will include:

- Ad design for placement in local chamber newsletters, city newsletters within a 10 mile radius of the site.
- A set of color marketing materials for direct mailing and hand-outs to include
 - post-cards and flyers
 - web postings to include, LOOPNET (national), MNCAR (state wide), Premier Commercial Properties website, Commercial Source.com, and City Feet.com.
 - Contact and coordination with City Community Development staff
 - E-mail contact with the brokerage community
 - On-site signage
 - Direct mail to local Chambers of Commerce.
 - Direct mail and telephone contact to prospects.

Market Approach: Utilizing five licensed agents, we will perform a divide and conquer approach to include the following:

- Contact target market developers via cold and warm telemarketing and utilizing existing relationships
- Contact the target end customers / operators to create interest and a back channel to Developers from their potential customers. Further, using third-party marketing lists to track down potential end users or Tenants to create a demand for Developers. These lists will be used as a source of both cold calling and a direct mailing campaign.
- Commercial Broker e-mail contact and communication through e-mails and on-line flyers. This would take place bi-monthly.
- posting on the local and national commercial property exchanges.
- on-site signage
- coordination with City of Lexington staff for additional leads and sources of customer contact...(some leads come through the City).
- contact and exercise of current customer relationships
- contact banking relationships to see if they have users or investors they are working with that they would finance.
- Utilize local Chamber of Commerce (Anoka, Metro North, Minneapolis) membership lists to contact potential Buyers.

I am also pleased to announce that we have been ranked in the List of Top Commercial Real Estate Brokerage firms as published by Minneapolis/St. Paul Business Journal. We have been rated as a Power Broker, several years from COSTAR / Loop.net and we have recently been

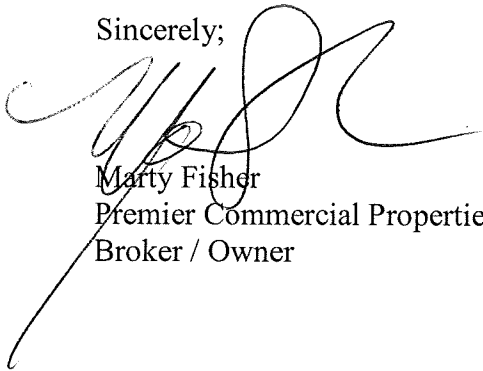
awarded the Five Star overall satisfaction award (only 7% of Brokers in the Twin Cities) from the Twin Cities Business Magazine.

We would work this project diligently and would be asking for a 6% brokerage fee if we sell the property. We would split the fee 50/50 if another Broker is involved in the transaction.

I hope this provides you a good look at our ideas for marketing this project. If you wish, I look forward to discussing this with you in further detail.

You can find us at www.premiercommercialproperties.com.

Sincerely;

A handwritten signature in black ink, appearing to read 'Marty Fisher', with a long, sweeping horizontal line extending to the left.

Marty Fisher
Premier Commercial Properties, Inc.
Broker / Owner

To: Mayor Kurth & City Council
From: Bill Petracek, City Administrator
Date: September 10, 2015
Re: Liquor Store sidewalk repair

Public works and the liquor store staff have deemed the sidewalk on the north side in front of the liquor store (see enclosed illustration) to be unsafe and in desperate need of repair. We had hoped to wait until 2016, but both departments feel that it is too unsafe to wait through the winter to redo the concrete.

At the time the Council packets were being prepared, we only had one quote for the repair work to be done. We will have a second quote at the City Council meeting. The one quote we received from CR Concrete out of Shoreview is in the amount of \$10,520. We will talk in greater detail at the Council meeting.

The funds for the repair work will come out of Fund 609 – Municipal Liquor Fund.

Measure Area

Select Connect the Dot or Freehand above, then draw a polygon on the map. Double Click to end drawing on Connect the Dot mode. Click and Drag to draw in Freehand Mode.

Map Coordinates

Perimeter: 283.41 Feet
Area: 1220.02 Square Feet



*Liquor Store:
North Side of Store.*

Travis Schmid

From: CR Concrete [brian@crconcreteinc.com]
Sent: Thursday, September 10, 2015 3:58 PM
To: LexingtonMNpublicworks@comcast.net
Subject: City of Lexington - Lexington Liquors Sidewalk 9-10-2015
Attachments: City of Lexington - Lexington Liquors Sidewalk 9-10-2015.pdf



Brian A Swanson
President

1000 West County Road E, Suite 150
Shoreview, MN 55126
Phone: 651-775-0086
Fax: 763-712-9852
Email: brian@crconcreteinc.com

CERT / SBE / TGB CERTIFIED



This email has been checked for viruses by Avast antivirus software.
www.avast.com



1000 West County Rd E, Suite 150 • Shoreview, MN 55126
PH (651)-775-0086 • Fax (763)-712-9852
CERT / SBE / TGB CERTIFIED

PROPOSAL

Proposal Submitted To: City of Lexington
9180 Lexington Avenue
Lexington, MN 55014

Date: 9-10-2015
Telephone: 763-784-6849
Email: LexingtonMNpublicworks@comcast.net

Project: Lexington Liquor Store Sidewalk
Project Location: 9271 Lake Drive, Lexington, MN

We hereby submit estimates for all Labor and Materials for concrete work as per plan:

Tear out 1220 sq ft of existing sidewalk. Pour new 117'x 6'x 5" with fibermesh reinforced concrete sidewalk with integral curb and handicapped ramp with truncated domes. Seal with Salt Guard concrete sealer.

Total Labor and Materials for Work Above- \$10,520.00

*Liquor Store:
North Side of Store.*

All temporary services ie: electrical, water, caulking, fill sand, soil corrections if required, concrete testing and inspection costs are to be supplied by owner. This proposal excludes all winter heat and cover charges.

We hereby propose to furnish materials and labor – complete in accordance with above specifications, for the sum of:

Ten thousand five hundred twenty and no/100 ----- Dollars \$ 10,520.00

Payment to be made within 30 days on portion completed (monthly billings) At the end of (30) days from the completion of said work there shall be a (1 ½ %) of the firm price. It is understood by the undersigned that this proposal is a legal notice to owner and that the contractor may file a lien against the above described property within one hundred and twenty days of completion of the work if the contractor is not paid within said one hundred and twenty days.

All materials are guaranteed to be as specified. All work to be completed in a workman like manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance.

Authorized
Signature _____
Brian A. Swanson

NOTE: This proposal may be withdrawn by us if not accepted within 30 days

ACCEPTANCE OF PROPOSAL: The above prices, specifications and Conditions are satisfactory and are hereby accepted. You are authorized to Do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____