

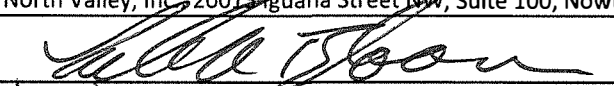
Contractor's Application for Payment

Owner: <u>City of Columbus</u>	Owner's Project No.: _____
Engineer: <u>Kevin Bittner, P.E.</u>	Engineer's Project No.: <u>R16.120887</u>
Contractor: <u>North Valley, Inc.</u>	Other Project No.: _____
Project: <u>Furman Street Improvements</u>	
Contract: _____	
Application No.: <u>2</u>	Application Date: <u>9/30/2021</u>
Application Period: From <u>6/11/2021</u> to <u>9/17/2021</u>	

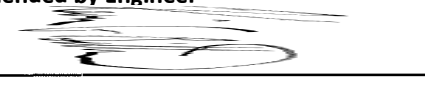
1. Original Contract Price	\$	86,277.39
2. Net change by Change Orders	\$	-
3. Current Contract Price (Line 1 + Line 2)	\$	86,277.39
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	93,464.48
5. Retainage		
a. _____ X \$ 93,464.48 Work Completed	\$	-
b. _____ X \$ - Stored Materials	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	-
6. Amount eligible to date (Line 4 - Line 5.c)	\$	93,464.48
7. Less previous payments (Line 6 from prior application)	\$	49,341.79
8. Amount due this application	\$	44,122.69
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	-

Contractor's Certification
The undersigned Contractor certifies, to the best of its knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective; and
(4) The provisions of M. S. 290.92 have been complied with and that all claims against me by reason of the Contract have been paid or satisfactorily secured.

Contractor: North Valley, Inc., 20015 Iguana Street NW, Suite 100, Nowthen, MN 55330

Signature:  **Date:** 10/4/2021

Name: Leslie A. Bloom **Title:** Vice President

Recommended by Engineer	Approved by Owner
By: <u></u>	By: _____
Name: <u>Kevin Bittner, P.E.</u>	Name: _____
Title: <u>City Engineer</u>	Title: _____
Date: <u>_____</u>	Date: _____
Approved by Funding Agency	
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Columbus	Owner's Project No.:	
Engineer:	Kevin Bittner, P.E.	Engineer's Project No.:	R16.120887
Contractor:	North Valley, Inc.	Contractor's Project No.:	
Project:	Furman Street Improvements		
Contract:			

Application No.: 2 Application Period: From 06/11/21 to 09/17/21 Application Date: 09/30/21

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Item Quantity	Units	Contract Information		Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
				Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
1	MOBILIZATION	1.00	LS	3,156.13	3,156.13	1.00	3,156.13		3,156.13	100%	-
2	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	20.00	LF	6.42	128.40	133.00	853.86		853.86	665%	(725.46)
3	REMOVE BITUMINOUS PAVEMENT	20.00	SY	26.31	526.20	179.00	4,709.49		4,709.49	895%	(4,183.29)
4	BASE GRADING	23.50	RS	242.49	5,698.52	23.87	5,788.24		5,788.24	102%	(89.72)
5	SHOULDER GRADING	23.50	RS	121.33	2,851.26	39.00	4,731.87		4,731.87	166%	(1,880.61)
6	TYPE SP 9.5 WEARING COURSE MIXTURE 1.5" THICK	450.00	TON	75.10	33,795.00	443.81	33,330.13		33,330.13	99%	464.87
7	TYPE SP 12.5 NON WEAR COURSE MIXTURE 2" THICK	600.00	TON	64.73	38,838.00	611.94	39,610.88		39,610.88	102%	(772.88)
8	MAIL BOX SUPPORT	4.00	EA	133.74	534.96	4.00	534.96		534.96	100%	-
9	TRAFFIC CONTROL	1.00	LS	748.92	748.92	1.00	748.92		748.92	100%	-
				Original Contract Totals	\$ 86,277.39		\$ 93,464.48	\$ -	\$ 93,464.48	108%	\$ (7,187.09)
Change Orders											
					-		-		-		-
				Change Order Totals	\$ -		\$ -	\$ -	\$ -		\$ -
Original Contract and Change Orders											
				Project Totals	\$ 86,277.39		\$ 93,464.48	\$ -	\$ 93,464.48	108%	\$ (7,187.09)



Real People. Real Solutions.

7533 Sunwood Drive NW
Suite 206
Ramsey, MN 55303-5119

Ph: (763) 433-2851
Fax: (763) 427-0833
Bolton-Menk.com

MEMORANDUM

Date: October 8, 2021
To: Mayor and City Council
Elizabeth Mursko, City Administrator
From: Kevin F. Bittner, City Engineer *KFB*
Subject: Request for Reduction in Letter of Credit
Thurnbeck Preserve 2nd Addition
Project No.: R16.121196

We are in receipt of the attached request from Mr. Thomas Carlisle, representing Buyback Inc., the developer of the Thurnbeck Preserve 2nd Addition development, for a reduction in the letter of credit (LOC) held on the project. The reduction request is in the amount of \$163,960.00 and is based on the value of constructed improvements on the development. The original amount of the LOC per the Development Agreement is \$1,208,700. This is the second request for reduction in the LOC, leaving a remaining balance of \$241,740 in the LOC.

Mr. Carlisle has submitted a detailed invoice from North Pine Aggregate of the installed improvements to date, which totals \$998,930.70. Based on my review of the invoice and our inspection of the improvements, I am recommending that the requested LOC reduction in the amount of \$163,960.00 be approved.

Please contact me with any questions or comments.

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September 26, 2021

City of Columbus
16319 Kettle River Boulevard
Columbus, MN. 565025

Bolton & Menk, inc.
111 Washington Avenue #650
Minneapolis, Mn. 55401

Elizabeth, Ben and Kevin

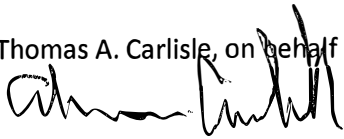
Attached please find articles of incorporation for both Buy Back, Inc. and Sherco Construction, Inc.

Tom is an officer of both corporations and is requesting a letter of credit reduction for Thurnbeck Preserve Second Addition

Reduction of letter of credit requested \$163,960.00 – I believe this should leave us with remaining letter of credit in the amount of \$241,740.00

Please contact me at your earliest convenience of any additional requirements

Thomas A. Carlisle, on behalf of Buyback Inc. and Sherco Construction Inc



CC; Cindy Strand

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**NORTH PINE
AGGREGATE INC.**

Invoice to: Buyback, Inc.
79 Lake St N
Forest Lake, MN 55025

Invoice date: 9/24/21

INVOICE #8

Project Name: Thurnbeck Preserve 2nd Addition
Project No.: 19-044

Billing Period: 1/1/21 to 9/24/21

Item No.	Description	Estimated			Previous Pay Requests		Current Pay Re		
		Bid Qty.	UM	Unit Bid Price	Total Bid Price	Actual Qtys Start to 12/31/20	Amount Billable Start to 12/31/20	Actual Qtys 1/1/21 to 9/24/21	Arr
1	Mobilization	1.00	LS	\$25,000.00	\$25,000.00	1.00	\$25,000.00	-	
2	Rock Construction Entrance	1.00	EACH	\$2,015.00	\$2,015.00	1.00	\$2,015.00	-	
3	Silt Fence	17,735.00	LF	\$1.35	\$23,942.25	16,270.00	\$21,964.50	-	
4	Strip Topsoil (Assumed 1.0', Structural Fill Areas)	20,000.00	CY	\$1.50	\$30,000.00	20,000.00	\$30,000.00	-	
5	Common Excavation	132,025.00	CY	\$1.90	\$250,847.50	132,025.00	\$250,847.50	-	
6	Respread Topsoil	29,000.00	CY	\$1.80	\$52,200.00	29,000.00	\$52,200.00	-	
7	Dewatering	1.00	LS	\$40,000.00	\$40,000.00	1.00	\$40,000.00	-	
8	12" RC Pipe	54.00	LF	\$74.00	\$3,996.00	91.00	\$6,734.00	-	
9	15" RC Pipe	438.00	LF	\$60.00	\$26,280.00	344.00	\$20,640.00	-	
10	24" RC Pipe	104.00	LF	\$72.75	\$7,566.00	96.00	\$6,984.00	-	
11	12" RC Pipe Apron	3.00	EACH	\$1,205.00	\$3,615.00	4.00	\$4,820.00	-	
12	15" RC Pipe Apron	16.00	EACH	\$1,315.00	\$21,040.00	16.00	\$21,040.00	-	
13	24" RC Pipe Apron	2.00	EACH	\$1,815.00	\$3,630.00	2.00	\$3,630.00	-	
14	Temporary Inlet Protection	9.00	EACH	\$230.00	\$2,070.00	10.00	\$2,300.00	-	
15	Wooden Baffle Weir	3.00	EACH	\$3,125.00	\$9,375.00	7.00	\$21,875.00	-	
16	Enkamat 7020 (Pond Overflow)	555.00	SY	\$12.50	\$6,937.50	-	\$0.00	-	

TERMS: Net due upon receipt of billing. A 1.5% per month service charge will be assessed on unpaid bala

An Equal Opportunity Employer

14551 Lake Drive, Forest Lake, MN 55025 o)651-464-6802 f)651-464-8456

Item No.	Description	Estimated			Previous Pay Requests		Current Pay Re		
		Bid Qty.	UM	Unit Bid Price	Total Bid Price	Actual Qtys Start to 12/31/20	Amount Billable Start to 12/31/20	Actual Qtys 1/1/21 to 9/24/21	Arr
17	Rip Rap	65.00	CY	\$110.00	\$7,150.00	171.53	\$18,868.30	-	
18	Subgrade Preparation	20,185.00	SY	\$0.80	\$16,148.00	20,185.00	\$16,148.00	-	
19	6" Gravel Class 5 (Recycled)	5,290.00	TON	\$16.00	\$84,640.00	5,051.00	\$80,816.00	-	
20	2.0" Bituminous Base Course (2019)	13,795.00	SY	\$8.60	\$118,637.00	13,900.00	\$119,540.00	-	
21	1.5" Bituminous Wear Course (2020)	13,795.00	SY	\$7.65	\$105,531.75	-	\$0.00	13,900.00	
22	Saw & Seal Joint	3,080.00	LF	\$2.95	\$9,086.00	-	\$0.00	4,272.00	
23	9.5" Gravel Class 5, Shouldering (Recycled)	3,030.00	TON	\$19.00	\$57,570.00	1,515.00	\$28,785.00	1,461.00	
24	Wood Fiber Blanket	12,860.00	SY	\$1.20	\$15,432.00	6,485.00	\$7,782.00		
25	Seed & Mulch (Does Not Include Wetland Mix)	60.00	ACRE	\$650.00	\$39,000.00	63.50	\$41,275.00	-	
Total from Base Bid:					\$961,709.00		\$823,264.30		

Extra work performed but not quoted:

Trench Borrow (Extra Depth to Generate Suitable Fill Material)	11,630.00	CY	\$1.90	\$22,097.00	11,630.00	\$22,097.00	-	
Construct Turnaround (Includes Culvert, Flared Ends, Subgrade Prep & Gravel)	1.00	LS	\$3,500.00	\$3,500.00	1.00	\$3,500.00	-	
12/17/20 -Cat 323 Excavator (Remove Old Foundation, Lot 4 Blk 1)	4.00	HR	\$185.00	\$740.00	4.00	\$740.00	-	
12/17/20- Cat D6N Dozer (Backfill Old Foundation after removal, Lot 4 Blk 1)	1.50	HR	\$180.00	\$270.00	1.50	\$270.00	-	
Wear Course Increase (2021)	13,900.00	SY	\$0.17	\$2,363.00	-	\$0.00	13,900.00	

Total Extra Work:

\$26,607.00

Total per invoice period:

\$849,871.30

	This Period	To Date
Work Completed	\$149,059.40	\$998,930.70
Less Retainage	\$0.00	\$0.00
Returned Retainage		\$0.00
Subtotal	\$149,059.40	\$998,930.70
Less Previous Paym'ts Rec'd		\$849,871.30
Total Amount Due	\$149,059.40	\$149,059.40

TERMS: Net due upon receipt of billing. A 1.5% per month service charge will be assessed on unpaid bala

An Equal Opportunity Employer

14551 Lake Drive, Forest Lake, MN 55025 o)651-464-6802 f)651-464-8456

Land Use Ordinances Require Ongoing Review

BY JED BURKETT

Among the more expansive and long-lasting powers of municipal governance is regulating the use of private property through zoning and subdivision ordinances. Cities engage with community to create comprehensive plans, setting forth a shared vision for the future. And land use regulations are a tool to implement those plans.

Like any tool, land use ordinances need to be maintained over time, as they can become out of date and inconsistent with developing trends and law. If an ordinance is not clear or not working well, then it may need to be sharpened by amending the ordinance. Cities should periodically review their ordinances to ensure they are consistent with current plans, uses, protections, and law.

A comprehensive plan is a document that sets forth a vision and goals for the city's future. State law encourages all cities to prepare and implement a comprehensive municipal plan. In addition, cities within the seven-county metro area are required to adopt comprehensive plans.

After adopting a new comprehensive plan, cities will typically need to amend their land use ordinances to implement the latest plan. Many cities may need to amend their zoning ordinances related to housing and density, for example, or transportation and parking, particularly when a new and different vision has emerged.

Administration of zoning ordinance is an ongoing process

Zoning ordinance maintenance is a daunting task. Zoning is a method of establishing a land use pattern by regulating the way land is used by landowners. A zoning ordinance typically attempts to list all allowed uses in a zoning district, and if a use is not listed then it is generally prohibited. These lists tend to reflect activity at the time they were written, so they often become out of date as new uses emerge.

For example, when the coffee shop craze took off about 30 years ago, many

cities had to change their zoning ordinances. Coffee was allowed at cafes and restaurants, but a beverage-only business had not been contemplated. Amending ordinances to keep up with new uses can be an ongoing process.



Like any tool, land use ordinances need to be maintained over time, as they can become out of date and inconsistent with developing trends and law.

Another hazard of zoning ordinance administration is that some land uses have protections in federal or state law from adverse or discriminatory zoning decisions. Some uses have federal constitutional rights — adult entertainment businesses, religious institutions, and signs. Others have statutory protections — group homes, manufactured homes, and telecommunications facilities. Cities need to be careful when dealing with these protected uses. Cities should work closely with the city attorney to evaluate related ordinance provisions.

Ensure ordinances comply with Municipal Planning Act

The legal foundation for city land use ordinances in Minnesota is the Municipal Planning Act, which the Legislature amends from time to time. City leaders should make sure their land use ordinances are consistent with the act and with other state and federal laws. A few areas that have been changed over the years and that should be evaluated for consistency are time limits, voting thresholds, and land use fees.


Time limits. In 1995, Minnesota adopted the so-called 60-day rule of Minn. Stat. Sec. 15.99, which says a city must approve or deny a written request related to zoning within 60 days or it is deemed

approved. Timelines should either not be included in land use ordinances or should conform with the 60-day rule.

Voting thresholds. While state law used to require a supermajority (two-thirds) vote of the council to adopt

or amend a zoning ordinance, it now requires only a simple majority of the council to adopt or amend a zoning ordinance with one exception — changing from residential to either commercial or industrial. Cities should remove any outdated supermajority requirements from their land use ordinance provisions.

Land use fees. Cities should make sure their land use fee provisions and practices meet current state standards. Under current law, a city may prescribe fees sufficient to defray the costs incurred in reviewing, investigating, and administering a land use application. The fees must be fair, reasonable, proportionate, and have a nexus to the actual cost of the service. Cities that collect land use fees must adopt management and accounting procedures to ensure fees are maintained and used only for the purpose for which they are collected.

There are other ways in which a city land use ordinance may fall out of harmony with state law. Cities should work closely with their city attorney to review land use ordinances for consistency with current law or practice. Learn more from the LMC information memo at www.lmc.org/landuseupdates. 

Jed Burkett is loss control/land use attorney with the League of Minnesota Cities. Contact: jburkett@lmc.org or (651) 281-1247.

COTTAGE FOOD PRODUCER REGISTRATION



In 2015, the passage of the Cottage Food Law in Minnesota changed sections of legislation under Minnesota Statutes (MS) Section 28A.151 previously known as the "non-potentially hazardous foods section" and "the pickle bill". The Cottage Food Law

(<https://www.revisor.mn.gov/statutes/cite/28A.152>) replaces both of these sections. Additional legislative changes were passed in 2021, with an effective date of August 1, 2021. This included the addition of cottage pet treats, found in MS 25.391.

Key changes on August 1, 2021 included:

- Increasing the sales cap per registered individual to \$78,000.
- Allowing individuals to organize their cottage food business as a business entity recognized by state law.
- Adding pet treats as an allowed cottage food (MS 25.391).
- Requiring all producers to pass an exam prior to registration.
- Requiring all cottage foods and cottage pet treats to be labeled with the statement, "These products are homemade and not subject to state inspection".

Cottage food producers must do the following:

1. Register with the Minnesota Department of Agriculture (MDA) each year before selling food under the cottage food exemption, regardless of the amount of food sold.
 - Tier 1: For gross annual sales of \$5,000 or less, complete an online training and exam each year before registering or renewing.
 - Tier 2: For gross annual sales of \$5,001 - \$78,000, take an approved food safety course once every three years while actively selling cottage food.

2. Prepare and sell only non-potentially hazardous food (such as baked goods, certain jams and jellies) and/or home canned pickles, vegetables, or fruits with a pH of 4.6 or lower and a water activity of 0.85 or less.
3. Label product with your name, address OR cottage food registration number, the date on which the food was produced, the ingredients (including potential allergens for human foods) and the statement, "These products are homemade and not subject to state inspection".
4. Display a clearly legible sign or placard at the point of sale that says, "These products are homemade and not subject to state inspection." If you are selling on the internet, post this statement on your webpage.
5. Deliver food directly to the ultimate consumer. The person who makes the food must be the same person who sells and delivers the food.
6. Sell from a private home, farmers' market, community event, or on the internet. Food cannot be shipped or wholesaled.
7. Check with your local city, county, or township regarding business licensing or sales prohibitions due to zoning requirements.
8. Sell less than \$78,000 in a calendar year. If you sell between \$5,001 and \$78,000 dollars per year, a \$50 fee applies to your registration.

Please be aware that these sales are subject to income tax and may be subject to sales tax. Contact the Minnesota Department of Revenue for more information at 651-556-3000.

Basic Registration Process:

Step 1: Determine if you are eligible to register for this license exemption. This includes verifying the food you plan to make is non-potentially hazardous and that your local city, county, or township does not have home sales prohibitions due to zoning requirements. The [MDA online training \(https://www.mda.state.mn.us/sites/default/files/docs/2021-07/cottagefoodproducertraining_0.pdf\)](https://www.mda.state.mn.us/sites/default/files/docs/2021-07/cottagefoodproducertraining_0.pdf) may be helpful to review to verify eligibility.

Step 2: If you are eligible, complete the training and exam for Cottage Food Producer Registration. Your training and exam requirements will depend on your expected gross annual sales.

- If your sales are expected to be less than \$5,000 per year, take the [MDA Tier 1 training \(https://www.mda.state.mn.us/sites/default/files/docs/2021-07/cottagefoodproducertraining_0.pdf\)](https://www.mda.state.mn.us/sites/default/files/docs/2021-07/cottagefoodproducertraining_0.pdf) and exam.
- If your sales are expected to be more than \$5,000 per year, take the Tier 2 training through the [University of Minnesota Extension Food Safety Program \(https://extension.umn.edu/courses-and-events/cottage-food-producer-food-safety-training\)](https://extension.umn.edu/courses-and-events/cottage-food-producer-food-safety-training) before registering with MDA. This course can be taken online or in-person.

Step 3: Complete the online cottage food producer registration (<https://www.mda.state.mn.us/licensing-inspections/online-licensing-payment-options>) and exam (<https://www2.mda.state.mn.us/webapp/erenewal/apply.jsp>). Choose "Cottage Foods Producer


Registration" from the dropdown menu.

If you do not have access to a computer, you may request a paper application, training, and exam by emailing MDA.CottageFood@state.mn.us (<mailto:MDA.CottageFood@state.mn.us>) or calling 651-201-6062. Leave a detailed message, including your first and last name and mailing address.


Step 4: MDA will send you a registration card in the mail with a unique registration number. Post the registration card in a location visible to customers where you are selling your food. Please allow approximately 3-4 weeks for processing.

You may check the status of your registration at [Licensing Information Search](http://www2.mda.state.mn.us/webapp/lis/default.jsp) (<http://www2.mda.state.mn.us/webapp/lis/default.jsp>). If your registration has been processed, you will be listed and can sell your cottage food items.

APPLY HERE

- >  License Application and Renewal Portal (<https://www2.mda.state.mn.us/webapp/erenewal/apply.jsp>)

FORMS + RESOURCES

- >  Cottage Food Producer Tier 1 Training (https://www.mda.state.mn.us/sites/default/files/docs/2021-07/cottagefoodproducertraining_0.pdf)

CONTACT US

Cottage Food (/cottage-food)
651-201-6081 (tel:651-201-6081)
MDA.CottageFood@state.mn.us (<mailto:MDA.CottageFood@state.mn.us>)

Licensing & Registration (/licensing-registration)

City of Columbus Calendar of Meetings

October 2021

Sunday	Monday	Tuesday	Wed.	Thursday	Friday	Saturday
10	11	12 5:30 pm CC Workshop	13 6:00 pm EDA Mtg 7:00 pm CC Mtg	14	15	16
17	18	19	20 7:00 pm PC Mtg	21	22	23
24	25	26	27 7:00 pm CC Mtg	28	29	30

2021 Workshop Calendar
11-09-2021 5:30 pm
12-07-2021 5:30 pm