

AGENDA
CITY COUNCIL
CITY OF WOODLAND



MONDAY, NOVEMBER 10, 2014

7:00 P.M.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

Mayor Doak, Councilors Carlson, Massie, Newberry, and Rich

3. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no special discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from the Consent Agenda and will be considered separately under New Business.

A. Minutes of the October 13, 2014 Regular City Council meeting

4. PUBLIC COMMENT

Individuals may address the City Council about any item not contained on the regular agenda. Comments should be limited to five (5) minutes. The Council may ask questions for clarification purposes, but will take no official action on items discussed with the exception of referral to staff or with the agreement of the Council may be scheduled on the current or future agenda.

5. PUBLIC HEARINGS - NONE

6. NEW BUSINESS

A. Discussion regarding the potential of revising the lake setback for the properties surrounding Lake Marion

B. Resolution No. 37-2014 authorizing execution of an agreement between the City of Woodland and the City of Wayzata for fire protection services.

C. Resolution No. 38-2014 authorizing the transfer of excess funds from the 2014 General Fund Budget to the Street Improvement Fund

7. OLD BUSINESS - NONE

8. MAYOR'S REPORT

9. COUNCIL REPORTS

- A. Newberry – Ordinances, Septic Ordinance, and Inspections
- B. Rich – Roads, Signs, Trees, and Website
- C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD
- D. Massie – Public Safety and Deer Management

10. ACCOUNTS PAYABLE

11. TREASURER'S REPORT

12. ADJOURNMENT

- 15 minutes will be allotted for public comment. If the full 15 minutes is not needed, the Council will continue with the agenda
- The next City Council meeting will be held on December 8, 2014.

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CITY OF WOODLAND



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MINUTES
CITY COUNCIL
CITY OF WOODLAND
OCTOBER 13, 2014



1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

Present: Mayor Doak, Council Members Massie, and Newberry

Excused: Council Members Carlson and Rich

Staff Present: Kathryn McCullum, City Clerk

3. CONSENT AGENDA

- A. Minutes of the September 8, 2014 Regular City Council meeting
- B. Adoption of Resolution No. 36-2014 approving the request for variances and land alteration for Streeter & Associates for the property located at 2400 Cedar Point Drive.

Newberry moved, seconded by Massie to approve the Consent Agenda as presented. Motion carried 3-0.

4. PUBLIC COMMENT - NONE
5. PUBLIC HEARINGS - NONE
6. NEW BUSINESS

- A. Resolution 32-2014 approving the 2015 Lake Minnetonka Communications Commission (LMCC) Budget and the amended Joint Powers Agreement

Mayor Doak presented a brief update on the LMCC organization. He noted that there has been a reduction in staff at the LMCC as a result of significant budget cuts, reflecting fewer member cities. He stated that the organization needs to lower expenditures even further and that may impact the breadth of local programming options. Mayor Doak described the amendments to the Joint Powers Agreement. He noted that the revisions simplify the voting process. Mayor Doak stated that each member city appoints two directors and noted that the number of votes each city is allocated reflects the number of dwellings served by cable in each city.

Mayor Doak explained that the key roll of the LMCC for Woodland has been to act as an intermediary between the City and Mediacom.

Newberry moved, seconded by Massie to adopt Resolution 32-2014 approving the 2015 Lake Minnetonka Communications Commission (LMCC) Budget and the amended Joint Powers Agreement. Motion carried 3-0.

7. OLD BUSINESS - NONE

8. MAYOR'S REPORT

Breezy Point Road Project

Mayor Doak explained that the reason for the overrun on the cost for the Breezy Point Road project was because the scope of the road project was extended on-site to improve drainage and the grade of the pavement. Mayor Doak confirmed that the new level of the road was a maximum of nine inches higher than the original level.

Lake Marion Questionnaire

Mayor Doak said that a questionnaire regarding the lakeshore setback was mailed to residents that abut Lake Marion. He said that in order to understand the issue, it is important to know the history of the request to increase the lake setback.

Mayor Doak explained that the issue began with the subdivision of the 3100 Maplewood Road property. Certain residents who own property on Lake Marion approached the Council and asked it to examine a revision to the current, 50 foot lakeshore setback and the addition of a buffer zone requirement. In subsequent discussion, the Council decided to leave imposition of buffers with the Minnehaha Creek Watershed District which had the technical expertise to define and enforce the requirement. The Council did, however, agree to examine the lakeshore setback requirements for the properties surrounding Lake Marion.

The residents requested a 100' setback from Lake Marion. The Council unanimously agreed that a 75' setback would be more appropriate and consistent with the required setback of homes from Lake Minnetonka. Council Member Massie said that the Kelly family, who recently acquired the property at 3100 Maplewood Road, were concerned that a 75' setback from Lake Marion could diminish the value of the second of the two lots that comprise their property.

Mayor Doak hoped that there could be agreement of all Lake Marion property owners on lakeshore setbacks before the Council took action. He said that staff will work to secure feedback from all property owners who abut the Lake and the setback will be on the November agenda for Council discussion.

Miscellaneous Items

Mayor Doak indicated that several trees will be trimmed in the City to ensure that they don't become a hazard this winter.

Mayor Doak asked the Council members to consider the transfer of a portion of any year-end budget surplus from the 2014 General Fund to the Street Fund before year-end. The Council Members agreed that 2015 would present extraordinary road rehabilitation expenses and approved continuation of the discussion of the transfer at the November Council meeting.

9. COUNCIL REPORTS

- A. Newberry – Ordinances, Septic Ordinance, and Inspections – None
- B. Rich – Roads, Signs, Trees, and Website – None
- C. Carlson – Finance, Enterprise Fund, Intergovernmental Relations, and MCWD - None
- D. Massie – Public Safety and Deer Management

Council Member Massie stated that he met with the deer management company and letters were sent to residents who indicated interest in granting permission to the City to place traps on their properties.

Council Member Massie confirmed that in addition to the Wayzata Fire Department, the Excelsior Fire Department will be covering Woodland during the County Road 101 project road closure.

10. ACCOUNTS PAYABLE

Newberry moved, seconded by Doak to approve the Accounts Payable as presented. Motion carried 3-0.

11. TREASURER'S REPORT

Massie moved, seconded by Newberry to approve the Treasurer's Report as presented. Motion carried 3-0.

12. ADJOURNMENT

Massie moved to adjourn the October 13, 2014 meeting of the Woodland City Council. Motion carried by consensus. The meeting adjourned at 7:31 p.m.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF NOVEMBER 10, 2014

Agenda Item 6. A.
New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathryn McCullum, City Clerk

SUBJECT: Discussion regarding the potential of revising the lake setback for the properties surrounding Lake Marion

Background

In early 2014, the City Council reviewed a subdivision request for the property located at 3100 Maplewood Road. At that time, a few residents addressed the Council and requested that it consider an ordinance revision to change the setback from the Lake Marion Ordinary High Water Level from 50' to 100'.

At the September 8, 2014 meeting, Council discussed the request from residents who live on Lake Marion to consider a lake setback of 100'. At that time, the Council believed that 100' would be inconsistent with that required for Lake Minnetonka and that a change from 50' to 75' may be more consistent. However, the Council Members agreed that additional discussion would need to occur in addition to gathering input from residents who own property on Lake Marion. The Council reviewed a questionnaire that was prepared to be sent to residents which asked for feedback from residents.

Responses from Residents

The questionnaires were mailed on September 29, 2014. The City received four responses as follows:

Should the ordinance be amended to change the structure setback from Lake Marion from 50' to 75'?

3 Yes
1 No

Is your property located directly on the lake?

3 Yes
1 No

Susan Kelly, 3100 Maplewood Road, the attached letter was forwarded to the City Council on October 15, 2014.

In addition to the questionnaire, residents were called so additional input could be obtained. The following are residents' comments:

- Concerned about building activity around the lake.
- Keep the area the way it is.
- The Council should consider adding buffer zones (City of Orono model).
- Some residents live on both Lake Minnetonka and Lake Marion. It only makes sense to have a consistent setback of 75' on both lakes.

Recommendation

Discuss the potential of revising the setback from Lake Marion from 50' to 75'.

Dear City Council Members,

The importance of Lake Marion's health and beauty is of the utmost importance, but the imposition of a 75-foot setback is completely unnecessary. The multitude of existing restrictions such as wetland buffers, bluff setbacks, and the existing 50-foot setback are appropriate for the scale and condition of Lake Marion. The Minnehaha Creek Watershed Department has defined that a 25-foot buffer is an appropriate distance to effectively treat the runoff of water in to the Lake, as well as provide adequate space for essential habitat. The treatment of this 25-foot buffer should be considered of the greatest importance as it directly affects the health and condition of the Lake. The restrictions regarding bluffs and steep slopes appropriately address building erosion concerns and the maintenance of existing topographic conditions. Lastly, the existing 50-foot setback is an appropriate distance for the smaller size of Lake Marion (relative to larger neighboring bodies of water – Lake Minnetonka for example) as it clearly provides an adequate distance to provide the ecological services necessary for the Lake and visual relationship to neighboring residences.

Questions and issues to consider:

- 1) Is the City considering similar setback changes for other bodies of water in Woodland?
- 2) Has the City considered the negative affect on property values and the legal and financial implications associated with that?
- 3) Has the City considered other ordinance changes that would improve the beauty of Lake Marion, such as removing dilapidated structures that are clearly within the existing setbacks?

Sincerely,



Susan C Kelly

CITY COUNCIL
CITY OF WOODLAND
MEETING OF NOVEMBER 10, 2014

Agenda Item 6. B.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Resolution No. 37-2014 authorizing execution of an agreement between the City of Woodland and the City of Wayzata for fire protection services.

Background

The City of Woodland has had an agreement with the City of Wayzata for the provision of fire services for many years. The Fire Protection Agreement is attached and is unchanged from past years.

The annual service charge for fire protection services is based on the percentage of calls in Woodland for the preceding three-year period. The following is a breakdown of calls from June 1, 2011 to May 31, 2014:

Dates	Calls in Woodland	Other Calls	Total Calls
June 1, 2011 – May 31, 2012	16	283	299
June 1, 2012 – May 31, 2013	12	271	287
June 1, 2013 – May 31, 2014	13	267	280
Totals	41 (4.73%)	825 (95.27%)	866

2014 Fire Department Operating Budget	
\$395,885 x 4.73%	<u>\$18,724</u>
Less difference in 2013 budget to actual \$26,719 x 5.27%	<u>-\$1,408</u>
2015 Fire Contract Amount	\$17,316

Previous Budgeted Amounts			
Year	Fire Department Budget	Percent of Woodland Calls	Woodland Annual Expense
2014	\$421,985	5.27%	\$22,239
2013	\$397,528	5.26%	\$20,429
2012	\$388,358	5.25%	\$20,388
2011	\$386,100	6%	\$23,166
2010	\$391,800	6%	\$23,508
2009	\$349,781	6%	\$25,653
2008	\$293,900	6%	\$20,987

Recommendation

Motion to adopt Resolution No. 37-2014 authorizing the execution of an agreement between the City of Woodland and the City of Wayzata for fire protection services.

CITY OF WOODLAND

Meeting Date: November 10, 2014
Motion:

Resolution No. 37-2014
Second:

**RESOLUTION NO. 37-2014 AUTHORIZING EXECUTION OF AN AGREEMENT
BETWEEN THE CITY OF WOODLAND AND THE CITY OF WAYZATA
FOR FIRE PROTECTION SERVICES**

WHEREAS, the City of Woodland has had an agreement with the City of Wayzata for the provision of fire services for many years; and

WHEREAS, the annual service charge for fire protection services is based on the percentage of calls in Woodland for the preceding three-year period; and

WHEREAS, during the term of the agreement, the City of Wayzata shall furnish fire fighting services to the City of Woodland; and

WHEREAS, the City of Wayzata shall provide services during the period beginning midnight, January 1, 2015 and expiring one minute before midnight on December 31, 2015; and

WHEREAS, payments shall be made by the City of Woodland to the City of Wayzata on a biannual basis in January, 2015 and July 2015; and

WHEREAS, the City of Woodland does not maintain a fire department and desires to purchase fire protection services from the City of Wayzata.

THEREFORE BE IT RESOLVED, that the City Council of the City of Woodland hereby adopts Resolution No. 37-2014 authorizing the execution of an agreement between the City of Woodland and the City of Wayzata for fire protection services based upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Council Member Carlson				
Council Member Massie				
Council Member Newberry				
Council Member Rich				

State of Minnesota
County of Hennepin
CITY OF WOODLAND

By: _____
James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on November 10, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 10th day of November, 2014.

Attest: _____
Kathryn A. McCullum, City Clerk

FIRE PROTECTION AGREEMENT
CITY OF WOODLAND

THIS AGREEMENT, made and entered into this _____ day of _____, 2014, by and between the CITY OF WAYZATA, a Minnesota municipal corporation, hereinafter referred to as "Wayzata", and the CITY OF WOODLAND, a Minnesota municipal corporation, hereinafter referred to as "WOODLAND":

WITNESSETH:

WHEREAS, Wayzata maintains a volunteer fire department; and

WHEREAS, Woodland does not maintain a fire department and desires to purchase fire protection from Wayzata;

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto agree as follows:

1. Services to be Rendered. During the term of this agreement, Wayzata shall furnish fire fighting services to the City of Woodland such services shall be substantially the same in extent and quality as those rendered by Wayzata within its own corporate limits and shall utilize the equipment and personnel of Wayzata.
2. Term. Wayzata undertakes to provide such services during the period beginning midnight, January 1, 2015 and expiring at one minute before midnight December 31, 2015, unless extended in accordance with the provisions hereof.
3. Compensation. Woodland agrees to pay to Wayzata and Wayzata agrees to accept as payment for services rendered an annual charge based upon the percentage of calls in Woodland for the preceding three-year period, calculated against the Wayzata Fire Department's operating budget for the contract year.
4. Command Responsibility. The Fire Chief of Wayzata or his deputy shall have the sole and exclusive right and responsibility to prescribe the manner and method of giving the alarm for fire within Woodland, and to prescribe the manner and method of responding to calls and rendering the services contemplated. The said Fire Chief or his deputy shall immediately upon arriving at the scene of any alarm or fire emergency have the sole and exclusive responsibility and authority to direct and control any and all firefighting and emergency operations at such scene or scenes, including the direction of police officers at the scene with respect to traffic control, protection of citizens and other incidents of the emergency.

5. Woodland Not Responsible for Expenses. All expenses of maintaining Wayzata's equipment, apparatus, salaries, insurance premium and any and all other items of expenses connected with the services to be performed by Wayzata under this agreement shall be at the sole expense of Wayzata, and the sole amounts payable from Woodland to Wayzata shall be the amount specified above in paragraph 3.

6. Nature of Wayzata's Undertaking. In no event shall this agreement be construed to fix upon Wayzata any responsibility or liability to Woodland or to third parties which are greater or different in kind than the responsibilities and liabilities borne by Woodland if it were providing such services through its own fire department. Without limiting the generality of the foregoing, the Fire Chief of Wayzata or his deputy will have the sole discretion as to the firefighters and equipment that will answer each alarm, provided that protection will be reasonable considering available firefighters and equipment, and it shall not be a violation of this agreement nor shall Wayzata be held responsible to Woodland or to a third party for any loss which may result in the event Wayzata, in the exercise of reasonable judgment, and absent Wayzata's gross negligence, is unable to respond or to respond promptly or to respond with only limited firefighters and equipment, or is delayed in responding to a call by reason of answering a previous call. Woodland agrees that it will indemnify Wayzata for any judgment rendered against Wayzata or sums paid out by it in settlement, payment or defense of any such claims arising from and relating solely to such claims of improper or inadequate response to calls.

7. Extension. This agreement may be extended for successive terms of one year upon the mutual written assent of both parties entered into prior to the expiration of the then current term.

8. Further Undertakings by Wayzata. Wayzata agrees that it will indemnify Woodland for any judgment rendered against Woodland or sums paid out by it in settlement, payment or defense of any claims arising from or relating to personal injury, property damage or death caused by grossly negligent or intentional acts of Wayzata committed in the course of Wayzata's providing fire services to Woodland. Wayzata agrees to maintain insurance covering its possible exposure to liability under this paragraph 8 in amount and types of coverage described in the Appendix to this agreement.

9. Agents and Employees. No voluntary fire fighter, agent, employee or official of Wayzata shall at any time or in any manner be deemed to be a voluntary fire fighter, agent, employee or official of Woodland by reason of the performance of work or the providing of services for or on behalf of, or within the territorial limits of, the City of Woodland.

10. Assignment. This Agreement may not be assigned by either party hereto without the other's prior written consent.

CITY COUNCIL
CITY OF WOODLAND
MEETING OF NOVEMBER 10, 2014

Agenda Item 6. C.

New Business

TO: Honorable Mayor and Members of the City Council

FROM: Kathyne McCullum, City Clerk

SUBJECT: Resolution No. 38-2014 authorizing the transfer of surplus funds from the 2014 General Fund Budget to the Street Improvement Fund

Background

At the October 13, 2014 meeting, the City Council discussed the potential of moving funds that were not expended from the 2014 General Fund to the Street Improvement Fund.

Transfer of Funds

As Council members know, Breezy Point Road is scheduled for a mill and overlay in 2015. In the last few years, the Council was proactive in placing a considerable amount of funds into the Street Improvement Fund to ensure that the Breezy Point Road mill and overlay project would be fully funded by 2015. Because of the cost of this project, the Street Improvement Fund will be substantially depleted. On October 13, 2014, the Council agreed that excess, unexpended funds from the 2014 General Fund should be placed in the Street Improvement Fund to replenish the Fund so money is available for other road projects that may present themselves in the coming year and/or to save for future projects. The Council requested that the item be placed on the November 10, 2014 meeting agenda for additional discussion.

Staff reviewed this proposal with the City's auditor who said that the Council may authorize the transfer of surplus funds by resolution at this time and the funds may be transferred when the actual amount is determined at year-end. If the attached resolution is approved at this time, the Council will be notified of the exact amount prior to any funds transfer. The projected surplus amount at this time is approximately \$45,000.

NOTE: The City Engineer provided an updated cost estimate for the Breezy Point Road project. The estimated total project cost is approximately \$121,900. A copy of the estimate is attached for Council information.

Recommendation

Adopt Resolution No. 38-2014 authorizing the transfer of surplus funds from the 2014 General Fund Budget to the Street Improvement Fund.

CITY OF WOODLAND

Meeting Date: November 10, 2014
Motion:

Resolution No. 38-2014
Second:

RESOLUTION NO. 38-2014 AUTHORIZING THE TRANSFER OF SURPLUS FUNDS FROM THE 2014 GENERAL FUND BUDGET TO THE STREET IMPROVEMENT FUND

WHEREAS, the City Council has expressed interest in securing additional funds in the Street Improvement Fund; and

WHEREAS, the General Fund will have surplus funds at the end of 2014; and

WHEREAS, Council policy allows for excess funds to be transferred from the General Fund to the Street Improvement Fund; and

WHEREAS, any excess funds that are found and confirmed by the 2014 audit shall be transferred from the General Fund to the Street Improvement fund after the audit is completed.

NOW, THEREFORE, BE IT RESOLVED that the Woodland City Council authorizes the transfer of surplus funds from the 2014 General Fund Budget to the Street Improvement Fund based upon the following vote:

	Yes	No	Abstain	Absent
Mayor Doak				
Council Member Carlson				
Council Member Massie				
Council Member Newberry				
Council Member Rich				

State of Minnesota

County of Hennepin

CITY OF WOODLAND

By: _____
James S. Doak, Mayor

I, Kathryn A. McCullum, duly appointed City Clerk to the Council for the City of Woodland, County of Hennepin, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution or motion with the original minutes of the proceedings of the Woodland City Council, at their meeting held on November 10, 2014, now on file in my office and have found the same to be true and correct copy thereof.

Witness my hand and official seal at Woodland, Minnesota, the 10th day of November, 2014.

Attest: _____
Kathryne A. McCullum, City Clerk



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172
Phone (952) 448-8838 • Fax (952) 448-8805
www.bolton-menk.com

October 31, 2014

City of Woodland
Attn: Kathy McCullum
20225 Cottagewood Road
Deephaven, MN 55331

Re: Breezy Point Road Cost Estimate

Honorable Mayor and City Council:

As requested, we have updated the cost estimate for milling and overlaying Breezy Point Road from Maplewood Road to CR 101. The update accounts for the portion of the road that was reconstructed this fall, the County's work on CR 101, and updated material and construction costs. The proposed scope of work includes the following:

- Mill 1.5 inches of the existing bituminous surface
- Place 1.5 inches of new bituminous
- 150 feet of bituminous curb
- 3, 150 feet of centerline pavement markings

The cost estimate includes an allowance for soft costs and a contingency. Based on the scope of work described above, we estimate a total project cost of approximately \$121,900. A detailed cost estimate has been provided for your review.

Please let me know if you have questions or need additional information.

Sincerely,
BOLTON & MENK, INC.

David P. Martini, P.E.
Principal Engineer

PRELIMINARY PROJECT COST ESTIMATE
BREEZY POINT ROAD MILL AND OVERLAY
CITY OF WOODLAND, MINNESOTA
BMI PROJECT NO. C13.107767
OCTOBER 31, 2014

LS = LUMP SUM
 SY= SQUARE YARD
 LF= LINEAR FOOT

ITEM NO.	BID ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LS	\$4,600	\$4,600
2	TRAFFIC CONTROL	1	LS	\$2,000	\$2,000
3	1-1/2" BITUMINOUS PAVEMENT MILLING	7,800	SY	\$1.80	\$14,040
4	BITUMINOUS OVERLAY	750	TON	\$90	\$67,500
5	BITUMINOUS BERM CURB	150	LF	\$10	\$1,500
6	PAVEMENT MARKING - 4" DOUBLE LINE, YELLOW	3,150	LF	\$1	\$3,150
TOTAL ESTIMATED CONSTRUCTION COST:					\$92,790
CONTINGENCIES (10%):					\$9,707
SOFT COSTS (20%):					\$19,414
TOTAL ESTIMATED PROJECT COST :					\$121,911