

CITY OF HERMANTOWN
CITY COUNCIL MEETING
December 7, 2009
6:42 p.m.

Pledge of Allegiance

ROLL CALL: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher; John Mulder, City Administrator; Debbie Lund, City Clerk; Steve Overom, City Attorney; Arlene Tucker, Finance Director; Mike Anderson, Chief of Police; Dean Sharpe, City Superintendent

VISITORS: 22

MINUTES

Motion made by Councilor Koski, seconded by Councilor Geissler to approve the November 16, 2009 City Council Continuation Minutes. Motion carried.

Motion made by Councilor Koski, seconded by Councilor Tafs to approve the November 20, 2009 Closed Meeting. Motion carried.

PUBLIC DISCUSSION

Shaine Stokke, Adolph Store – I'm glad I went to the pre-agenda meeting on Friday because I learned that the city is in trouble with their current economic situation. This is the news we hear every day as a whole society. I've been listening to the doom and gloom for the last year and a half. I don't want my business to go backward so instead of blaming everything on the recession and just accepting slower business I took a different approach. I hired more employees to offer better service and started advertising in the Hermantown Star and Proctor Journal every week. By doing this my sales have increased greatly. The city has a choice to do the same thing here tonight by opening a liquor license for the Adolph Store. Will a liquor store in Adolph solve the city's economic situation? No, but it is a step in the right direction. I know this because my customers don't buy their alcoholic beverages in Hermantown. How do I know this? I work seven days a week and I have a gift of talking way to much according to my employees and my dad. I don't want to invest hundreds of thousands of dollars into something that is going to fail. I've done my research. My customers go to Pike Lake, Proctor, Superior and Cloquet. What is great about my location is I pull customers from all over the place Midway Road is the gateway into Hermantown. My customers want this and that is why I was able to get 1,000 signatures in two weeks on my petition. Not one person showed up to the public hearing to speak against us, Hermantown Liquor wrote a letter against us getting a license. I read the letter and in the first two paragraphs they say nothing about their sales being hurt all they talked about was their retirement and the value of their liquor license. Is the City of Hermantown not going to let Super Wal-Mart not put a meat market in because it could affect the value of Adolph Store and potentially affect my

retirement? No, they wouldn't because it is a free market. I think competition makes me a better operator and my customers benefit from that. I also wanted to remind the Mayor and Council that I already have the building and main entrance for the liquor store, which is separate from the Adolph Store. Thank you for your time and consideration.

Jad Carlson, 9231 Orchid St., Duluth – I own and operate Smokey's Towing in Duluth Minnesota. We had submitted a proposal to do the towing for the City of Hermantown and I would like to say thank you for allowing us to give you a proposal for the City and we look forward to if we are granted the opportunity to help the people and City of Hermantown. Thank you.

Barb Foster, 5266 Twin Pines Street – I am here to oppose the changing of our zone in our complex to build single-family homes. I bought into a townhome development and that's what I wanted when I bought into it and already before its even changed there is already a single family home next to me. I would rather have it remain as is. They made it sound like some of residents in there are opposed to children and everything else in there and that is not the issue at all. The issue is we bought into a certain look, certain area, certain development and I wouldn't be opposed to single family dwellings in there if it was a large place with lots of streets in it and that, but it is one street basically and I think for resale value my house sits right now, right in the middle and they don't want to build anymore townhomes in there. I will have nothing but single-family homes around me and that isn't what I want.

COUNCIL MEMBERS REPORT

Councilor Geissler – No report

Councilor Koski – We had a very special program on Sunday at the Hermantown Community Building. It was a very special day.

Councilor Stauber – Just a reminder of what happened at 7:41 a.m. on December 7, 1941 and those service members today and yesteryear we ought to be proud and thankful for them.

Councilor Tafs – No report

Mayor Boucher – I would like to congratulate the 171 members of the Hermantown 6th grade class that graduated in the D.A.R.E. Program last week. Officer Vedder did a very good job of instructing them in the curriculum and I know this program is a positive impact on the community.

CITY ADMINISTRATOR REPORT

John Mulder, City Administrator – The Pineview denial by Planning & Zoning will be addressed later on the agenda by resolution.

DEPARTMENT HEADS REPORT

Debbie Lund, City Clerk – No report

Arlene Tucker, Finance Director – No report

Mike Anderson, Chief of Police – We had 91 applications and 58 showed up for the written test. A lot of people scored very well and I'm looking forward to moving on in the process with the oral interviews on December 21st & 22nd.

Dean Sharpe, City Superintendent – No report

COMMUNICATIONS

Communications 2009-479 through and including 2009-512 were read and placed on file.

Communication 2009-479 from John Klaers, City Planner/Zoning Director to Chairman Archambeau & Planning Commissioners regarding Pineview Revised PUD to include Single Family Dwellings

Communication 2009-480 from John Klaers, City Planner/Zoning Director to Chairman Archambeau & Planning Commissioners regarding Proposed Wetland Replacement Plan for Lot 3, Block 2, Jackson Estates 1st Addition

Communication 2009-482 John Klaers, City Planner/Zoning Director to Chairman Archambeau & Planning Commissioners regarding Proposed Preliminary Plat for Jackson Estates 2nd Addition

Communication 2009-484 from John Klaers, City Planner/Zoning Director to RC Boheim, Joan Weyandt, Nick Frohnauer regarding JLG Wetland Replacement Plan for Jackson Estates 2nd Addition

Communication 2009-487 from Cal Rudolph, Citizens to Reclaim Mogie Lake to Wayne Boucher, Mayor regarding Request for Reclamation of Mogie Lake

Communication 2009-488 from Lucas Harju, President, Major League Smallball to John Mulder, City Administrator regarding Old Lights from Fichtner Field

Communication 2009-494 from Michael Anderson, Chief of Police to City Administrator, Mayor & City Council regarding City of Hermantown Towing – 2010/2011 Contract

Communication 2009-500 from John Vigen, Ramsland & Vigen, Inc. to John Mulder, City Administrator regarding Public Sewer Assessment Analysis – Sewer Improvement District No. 432

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Communication 2009-507 from Erika Johnson, Planning & Zoning Coordinator to Mayor Boucher & City Council regarding Recommendation to City Council – Jackson Estates 2nd Addition

Communication 2009-508 from Erika Johnson, Planning & Zoning Coordinator to Mayor Boucher & City Council regarding Recommendation to City Council – Pineview Development

Communication 2009-509 from Erika Johnson, Planning & Zoning Coordinator to Mayor Boucher & City Council regarding Recommendation to City Council – Wetland Replacement Plan for Lot 3, Block 2 Jackson Estates 1st Addition

Communication 2009-510 from Utility Commission to City Council regarding Water & Sewer Rate Increase

Communication 2009-511 from Tim Olsen, Hermantown Amoco to City Council Members regarding Matching any Outside Bids for Wrecker Service

OLD BUSINESS

Councilor Geissler asked if anything has happened with the pond issues in the Forest Ridge Subdivision?

John Mulder City Administrator reported he had a call from MSA the engineering firm on Wednesday of last week wanting to set up a meeting between them, the city and Rudy Luoma. On Friday morning we discussed that and that seemed a prudent way to address this however, Rudy Luoma passed away this week and so I am not sure when that meeting is going to happen with the successors to that. I think that meeting will now happen after the first of the year. We have made some improvements to the catch basin, street and pond so hopefully it will work this winter.

Mayor Boucher asked staff to report at the next meeting on the findings of the study of the feasibility of Hermantown supplying its own water as opposed to purchasing it from the City of Duluth.

NEW BUSINESS

Motion made by Councilor Geissler, seconded by Councilor Koski to direct staff to make the necessary changes in the Ordinance regarding the number of Off Sale Liquor Licenses from 2 to 3. Roll Call: Councilors Geissler, Koski, aye. Councilors Stauber, Tafs, Mayor Boucher, nay. Motion failed.

ACCOUNTS PAYABLE

Vouchers 42258 through and including 42370 in the amount of \$346,476.96 were read.

Motion made by Councilor Stauber, seconded by Councilor Koski to approve general city warrants from November 16, 2009 through November 30, 2009 in the amount of \$346,476.96. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

ORDINANCES

2009-05 An Ordinance Amending Chapter 10 Of The Hermantown Code Of Ordinances By Replacing Section 1060

The Second Reading was held on Ordinance 2009-05, An Ordinance Amending Chapter 10 Of The Hermantown Code Of Ordinances By Replacing Section 1060.

Motion made by Councilor Tafs, seconded by Councilor Geissler to adopt Ordinance 2009-05, An Ordinance Amending Chapter 10 Of The Hermantown Code Of Ordinances By Replacing Section 1060. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-11 An Ordinance Amending Hermantown Code Of Ordinances Section 280 – Fee Schedule

The First Reading was held on Ordinance 2009-11, An Ordinance Amending Hermantown Code Of Ordinances Section 280 – Fee Schedule.

RESOLUTIONS

2009-107 Resolution Authorizing Execution Of A First Amendment To The Lake Superior Drug And Gang Task Force Joint Powers Agreement Providing For The Participation Thereto By Lake County

Motion made by Councilor Koski, seconded by Councilor Stauber to adopt Resolution 2009-107, Resolution Authorizing Execution Of A First Amendment To The Lake Superior Drug And Gang Task Force Joint Powers Agreement Providing For The Participation Thereto By Lake County. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-108 Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement With Smokey's Towing II, Inc. For Wrecker Service And Vehicle Storage For The City Of Hermantown Police Department

Motion made by Councilor Koski, seconded by Councilor Geissler to adopt Resolution 2009-108, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement With Smokey's Towing II, Inc. For Wrecker Service And Vehicle Storage For The City Of Hermantown Police Department. Roll Call: Councilors Geissler, Koski, Tafs, Mayor Boucher, aye. Councilor Stauber, nay. Motion carried.

2009-109 Resolution Amending Fee Schedule For Utilities And Services

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2009-109, Resolution Amending Fee Schedule For Utilities And Services. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-110 Resolution Providing For The issuance, Sale And Delivery Of \$5,515,000 General Obligation Bonds, Series 2009A; Establishing The Terms And Conditions Therefor; Directing Their Execution And Delivery; Creating A Debt Service Account Therefor; And Awarding The Sale Thereof

Motion made by Councilor Koski, seconded by Councilor Stauber to adopt Resolution 2009-110, Resolution Providing For The issuance, Sale And Delivery Of \$5,515,000 General Obligation Bonds, Series 2009A; Establishing The Terms And Conditions Therefor; Directing Their Execution And Delivery; Creating A Debt Service Account Therefor; And Awarding. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

Todd Hagen, Ehlers & Associates gave a presentation with respect to the Bond Issue.

2009-111 Resolution To The Minnesota State Emergency Medical Services Regulatory Board

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-111, Resolution To The Minnesota State Emergency Medical Services Regulatory Board. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-112 Resolution Authorizing Disposal Of Surplus City Property

Motion made by Councilor Geissler, seconded by Councilor Stauber to adopt Resolution 2009-112, Resolution Authorizing Disposal Of Surplus City Property. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, aye. Mayor Boucher, abstain. Motion carried.

2009-113 A Resolution Adopting The Final City Levy For 2010 In The Amount Of \$3,242,642

Motion made by Councilor Stauber, seconded by Councilor Geissler to adopt Resolution 2009-113, A Resolution Adopting The Final City Levy For 2010 In The Amount Of \$3,242,642. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-114 A Resolution Adopting The Final City Budget For 2010 In The Amount Of \$9,711,350

Motion made by Councilor Koski, seconded by Councilor Stauber to adopt Resolution 2009-114, A Resolution Adopting The Final City Budget For 2010 In The Amount Of \$9,711,350. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-115 Resolution Recognizing And Commending Volunteer Firefighters For Their Service To The City Of Hermantown

Motion made by Councilor Stauber, seconded by Councilor Tafs to adopt Resolution 2009-115, Resolution Recognizing And Commending Volunteer Firefighters For Their Service To The City Of Hermantown. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-116 Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Development Agreement With Wal-Mart Stores, Inc.

Motion made by Councilor Tafs, seconded by Councilor Geissler to adopt Resolution 2009-116, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Development Agreement With Wal-Mart Stores, Inc. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-117 Resolution Approving The Wetland Replacement Plan Of Jackson Estates 1st Addition ("Landowner") And Imposing Conditions On Such Approval

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2009-117, Resolution Approving The Wetland Replacement Plan Of Jackson Estates 1st Addition ("Landowner") And Imposing Conditions On Such Approval. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-118 Resolution Remanding Application For Planned Unit Development For The Pineview Subdivision To Planning And Zoning Commission For Further Study And A Report And Recommendation

Motion made by Councilor Koski, seconded by Councilor Stauber to adopt Resolution 2009-118, Resolution Remanding Application For Planned Unit Development For The Pineview Subdivision To Planning And Zoning Commission For Further Study And A Report And Recommendation. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-119 Resolution Approving The Vacation Of Easements (Wal-Mart Stores, Inc.)

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-119, Resolution Approving The Vacation Of Easements (Wal-Mart Stores, Inc.). Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

CITY ATTORNEY

Steve Overom, City Attorney – There will be a resolution for the summary of the Erosion and Sediment Control Ordinance on the December 21, 2009 agenda.

Mayor Boucher announced the schedule of meetings for December.

Mayor Boucher thanked Nathan Gustavsson and Brandon Rankin for running the video equipment.

Motion made by Councilor Stauber, seconded by Councilor Geissler to recess meeting at 7:49 p.m. Motion carried.

Mayor

ATTEST:

Clerk