

CITY OF HERMANTOWN  
CITY COUNCIL MEETING  
February 2, 2009  
6:30 p.m.

### **Pledge of Allegiance**

**ROLL CALL:** Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher; Lynn Lander, City Administrator; Debbie Lund, City Clerk; Steve Overom, City Attorney; Arlene Tucker, Finance Director; Mike Anderson, Chief of Police

**ABSENT:** Dean Sharpe, City Superintendent

**VISITORS:** 3

### **MINUTES**

Motion made by Councilor Tafs, seconded by Councilor Koski to approve the January 5, 2009 City Council Minutes. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

### **PUBLIC DISCUSSION**

Mike Kopyy, 5124 Beaver Creek Road – I am assuming you all got the letter I wrote and the map. I don't know if there is any more that needs to be said there and the map illustrates the boundaries and how the trail is going through that area. I think it is too bad that in my mind spoiling some of the utilization that we could have gotten out of that piece of property. I guess my main purpose of being here is that, I think we have procedures in place for reasons and I think those procedures were not followed here and I would like to make sure that they are followed in the future. We have had a lot of people do a lot of volunteer work like I've mentioned here and work hard on developing this trail system. We don't get an additional piece of property very often to work with next to the park so when we get that to have it spoiled in this manner its discouraging as volunteers.

Mayor Boucher stated this was discussed at the pre-agenda meeting on Friday and we discovered there was some communication problem in relation to this. Mr. Lander did have some reasons why we proceeded and we do apologize for proceeding a little hastily but there were some reasons with regard to the County.

Mr. Lander stated it is really unfortunate this happened because we would have been happy to build the trails wherever Mr. Kopyy and his assistants wanted the trails to be. We went through a substantial amount of work to get the free conveyance of that property, not the Park Board it was administrative staff that worked on it for over a year and a half period. The purpose of it was to make the parks a better system and we were told right up front with the conveyance that it could not be left as green space so we knew

that we had to develop paths or trails as quickly as we could otherwise it would revert back to the county for sale. By no means was anyone trying to blatantly disregard your procedures we were just trying to keep the land and if I had known you were out there marking a path system I would have put the trail wherever those markings were. I am a little bit surprised because when Dean was to start this it was between the fall and winter when he had the break period before it started snowing and I know he talked to Mr. Klaers so there was a breakdown of communication between several people.

Mr. Kopy asked why staff didn't go to the Park Board before starting on the trails.

Mr. Lander stated the application had pre-listed trails in it already.

Mayor Boucher stated there was a breakdown in communications and I would like to pledge on the city's behalf to work to restore that communication in the future. We will try and work with you and the Park Board in the future on this. I apologize that the efforts that you had were for naught and I appreciate the efforts you put forward.

Councilor Tafs reported that Mike is probably one of the biggest volunteers on our Park Board especially the trail system that he has done a ton of work on and we appreciate that.

## **COUNCIL MEMBERS REPORT**

Councilor Geissler – No report

Councilor Koski – No report

Councilor Stauber – No report

Councilor Tafs – No report

Mayor Boucher – No report

## **CITY ADMINISTRATOR REPORT**

Lynn Lander, City Administrator – I contacted Brad Johnson, School Superintendent and he let me know March 16, 2009 at 5:30 p.m. is a good time for the joint city/school meeting here at the Administration Building. I let Mr. Johnson know the primary purpose of the meeting in our view was for them to present the facilities plan to us.

Within your packet is a proposal from Calibrated Business Consulting about doing a daylong retreat with the Council for the first half and with the department heads and council during the second half of the day.

Wayne and I had a meeting with representatives of the Western Lake Superior Sanitary District. WLSSD is evaluating the potential use of the city's trunk line sewer as one alternative solution to capacity issues at the Pike Lake pump station. WLSSD has to either increase the capacity of the line or find another alternative. WLSSD came to the city and would like to study the potential use of our line as well as look at other construction type activities. WLSSD would like the as-built plans of our three trunk sewer phases.

There is an addition to your agenda with regard to the Member's Co-operative Credit Union for the acquisition of an easement for the Loberg Avenue water and sewer project.

### **DEPARTMENT HEADS REPORT**

Debbie Lund, City Clerk – No report

Arlene Tucker, Finance Director – No report

Mike Anderson, Chief of Police – Mike reviewed the 2008 Archery Deer Season report. There were 158 archery permits issued which was a 19.7% increase over 2007. There were 87 deer harvested for 2008, which was a 123.08% increase.

Dean Sharpe, City Superintendent – Absent

### **COMMUNICATIONS**

Communications 2009-01 through and including 2009-40 were read and placed on file.

Communication 2009-02 from V. Thomas Dock, Pine View Development to David Christensen, St. Louis County; Lynn Lander, City Administrator regarding Converting Lots 7 & 8 to non-buildable taxable status

Communication 2009-04 from Lynn Lander, City Administrator to Hermantown Historical Society regarding Improvements of Old City Hall

Communication 2009-05 from Building Department to City Officials regarding 2008 Building Permits

Communication 2009-12 from Dean Sharpe, City Superintendent to Brandon Kohlts, WLSSD regarding 2008 Inflow & Infiltration Annual Report

Communication 2009-21 from John Klaers, City Planner/Zoning Director to Chairman Archambeau & Planning Commissioners regarding Proposed Re-zoning of Lots 11-24 Collingwood Park 1<sup>st</sup> Addition from R-3 Residential to P-Public

Communication 2009-26 from League of MN Cities to Lynn Lander, City Administrator regarding Tim Wiiret vs. City of Hermantown

Communication 2009-28 from Lynn Lander, City Administrator to Mayor & City Council regarding Wal-Mart Expansion

Communication 2009-29 from Michael Anderson, Chief of Police to Hermantown Council & Mayor Boucher regarding 2008 Archery Deer Season Report

Communication 2009-31 from Michael Kopyy to Mayor & City Council regarding Keene Creek Trails

Communication 2009-37 from JoAnn G. Hannigan, Planning & Zoning Coordinator – Interim to Mayor Boucher & City Council regarding Planning & Zoning Commission Recommendation

Communication 2009-47 from Utility Commission to City Council regarding Water and Sewer Rate Increase

#### **NEW BUSINESS**

Motion made by Councilor Tafs, seconded by Councilor Koski directing the City Administrator to release plans and specifications for the Trunk Line Sewer to WLSSD for their study of planned sewer increases outside of Hermantown. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

Motion made by Councilor Tafs, seconded by Councilor Koski directing the City Administrator to proceed with plans for a team building retreat with Calibrated Business Consulting. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

#### **ACCOUNTS PAYABLE**

Vouchers 40694 through and including 40880 in the amount of \$1,7735,445.77 were read.

Motion made by Councilor Koski, seconded by Councilor Geissler to approve general city warrants in the amount of \$1,735,445.77. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

## **ORDINANCE**

**2009-01**      An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map (Collingwood Park – Rezoning)

The First Reading was held on Ordinance 2009-01, An Ordinance Amending Title 2 Of The Hermantown City Code By Amending The Official Zoning Map (Collingwood Park – Rezoning).

## **RESOLUTIONS**

**2009-09**      Resolution Authorizing The City Administrator And Zoning Director To Issue Letters Extending The 60-Day Rule

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-09, Resolution Authorizing The City Administrator And Zoning Director To Issue Letters Extending The 60-Day Rule. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-10**      Resolution Amending Resolution 92-49, Workplace Accident And Injury Reduction Program (Safety Program)

Motion made by Councilor Stauber, seconded by Councilor Koski to adopt Resolution 2009-10, Resolution Amending Resolution 92-49, Workplace Accident And Injury Reduction Program (Safety Program). Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-11**      Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Zenith Administrator's Inc. (Health Benefit Services)

Motion made by Councilor Geissler, seconded by Councilor Koski to adopt Resolution 2009-11, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Professional Services With Zenith Administrator's Inc. (Health Benefit Services). Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-012**      Resolution Approving County Project SP 69-613-032 County State-Aid Highway No. 13 (Midway Road) Within The City Of Hermantown Corporate Limits

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2009-12, Resolution Approving County Project SP 69-613-032 County State-Aid Highway No. 13 (Midway Road) Within The City Of Hermantown Corporate Limits. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-13**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute and Deliver Memorandum Of Understanding With St. Louis County Sheriff's Office ("SLCSO")

Motion made by Councilor Stauber, seconded by Councilor Tafs to adopt Resolution 2009-13, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Memorandum Of Understanding With St. Louis County Sheriff's Office ("SLCSO"). Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-14**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Memorandums Of Understanding With The Federal Bureau Of Prisons, Federal Prison Camp Duluth, Minnesota, St. Louis County Sheriff's Department, Duluth Police Department And Hermantown Police Department And Other Entities

Motion made by Councilor Geissler, seconded by Councilor Stauber to adopt Resolution 2009-14, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Memorandums Of Understanding With The Federal Bureau Of Prisons, Federal Prison Camp Duluth, Minnesota, St. Louis County Sheriff's Department, Duluth Police Department And Hermantown Police Department And Other Entities. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-15**      Resolution To Adopt An Agreement For The Use Of The City Of Hermantown Athletic Fields For The Years 2008-2009 And 2009-2010 By The School District

Motion made by Councilor Tafs, seconded by Councilor Geissler to table Resolution 2009-15, Resolution To Adopt An Agreement For The Use Of The City Of Hermantown Athletic Fields For the Years 2008-2009 And 2009-2010 By The School District until March 16, 2009. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-16**      Resolution Restating The Cafeteria Plan To Comply With Section 125 Of The Internal Revenue Code With Regard To Health Insurance Benefits

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-16, Resolution Restating The Cafeteria Plan To Comply With Section 125 Of The Internal Revenue Code With Regard To Health Insurance Benefits. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-17**      Resolution Amending Fee Schedule For Utilities And Services

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2009-17, Resolution Amending Fee Schedule For Utilities And Services. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-18**      Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Design Engineering Services With Salo Engineering, Inc. For Water Improvement District No. 313, Sewer Improvement District No. 431 And Street Improvement District No. 515-N (Loberg Avenue) In The Amount Of \$67,514.22

Motion made by Councilor Geissler, seconded by Councilor Stauber to adopt Resolution 2009-18, Resolution Authorizing And Directing Mayor And City Clerk To Execute And Deliver Agreement For Design Engineering Services With Salo Engineering, Inc. For Water Improvement District No. 313, Sewer Improvement District No. 431 And Street Improvement District No. 515-N (Loberg Avenue) In The Amount Of \$67,514.22. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-19**      Resolution Directing The Acquisition Of Easement And Establishing Just Compensation In Connection With The Construction Of Loberg Avenue

Motion made by Councilor Tafs, seconded by Councilor Stauber to adopt Resolution 2009-19, Resolution Directing The Acquisition Of Easement And Establishing Just Compensation In Connection With The Construction Of Loberg Avenue. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**2009-20**      Resolution Receiving Preliminary Engineering Report And Calling Public Hearing For Sewer Improvement District No. 431 And Water Improvement District No. 313 Loberg Avenue

Motion made by Councilor Stauber, seconded by Councilor Geissler to adopt Resolution 2009-20, Resolution Receiving Preliminary Engineering Report And Calling Public Hearing For Sewer Improvement District No. 431 And Water Improvement District No. 313 Loberg Avenue with public hearing scheduled for Monday, March 2, 2009 at 6:30 p.m. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

**CITY ATTORNEY**

Steve Overom, City Attorney – On Projects 431 and 313 in looking at the calendar I think it would be appropriate if you were to call a public hearing for March 2, 2009 on the preliminary report for the special assessment of Loberg Avenue.

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With regard to the open meeting law and your concerns and questions with regard to your attendance at the Duluth Days. What I would advise you is to stay in groups of not more than two so there is not a quorum present. If you happen to be assembled where there is more than two of you do not talk about city business and try to stay in a public spot.

Mayor Boucher announced the schedule of meetings for February.

Mayor Boucher thanked Nathan Gustavson for running the video equipment.

Motion made by Councilor Tafs, seconded by Councilor Koski to recess meeting at 7:10 p.m. Motion carried.

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Clerk

ATTEST:

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Mayor