

CITY OF HERMANTOWN  
CITY COUNCIL MEETING  
September 15, 2008  
6:31 p.m.

**Pledge of Allegiance**

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

**VISITORS:** 17

**MINUTES**

Motion made by Councilor Koski, seconded by Councilor Tafs to approve the August 18, 2008 City Council Continuation Minutes. Motion carried.

Presentation of Volunteer Service Award to Steve Archambeau

Mayor MacDonald stated he would like to recognize Mr. Steve Archambeau who has served our city chairing the Planning & Zoning Commission for the last 26 years and is still chairing that committee. We have had a lot of development in the city and he has done a great job. Steve also serves as a volunteer on the Hermantown Volunteer Fire Department.

Councilor Boucher thanked Steve for his time and I hope he can continue as long as possible.

Councilor Thielen stated he believes the reason Hermantown has seen such controlled and homogenous growth is because of the two people sitting in the audience tonight, that being Steve Archambeau and John Klaers, City Planner/Zoning Director. For Steve to serve for 26 years in the capacity he has is astounding.

Steve Archambeau stated it has been an honor to serve the city. Starting from back when we decided to become a city and all of the discussions and arguments that went on through all of that. A lot of things have happened and as Mr. Thielen says we don't always agree on everything, everybody has a different viewpoint that is what has made this city what it is. I only want to say that, one of the beliefs that I have had ever since I have been on Planning & Zoning is the fact that with everything you gain you lose something. So you want to make sure if we are going to lose something it is something well worth losing and the heritage of this city is one of the things that I have always looked out for. With that I can only say, be careful what you wish for because you may get it.

John Klaers said he has been very fortunate, I don't know how many people in my position would be able to work with the same chairman for the 23 years since I've been here and Steve was here before me. Every year when we elect new officers for Planning & Zoning, not once was there a vote against his nomination for chairman. Nobody could ever do as good a job as he has done for the city for as long as he's done it. I feel very fortunate to have worked with him for all these years; I think when he goes I have to go to.

## **PUBLIC DISCUSSION SUMMARY**

Kristen Olson, 4840 Terrace Circle – I am here to make sure that we are included in the meeting tonight as far as what is going to take place with Timber Ridge Townhomes and the possible connection to Terrace Circle. I want to encourage the Council to continue to consider not to connect to Terrace Circle or Woodridge Drive to the new townhomes and consider allowing a 50-foot tree buffer between the two different types of developments.

Paul Collins, 4844 Terrace Circle – I am here also to speak on the proposed agreement with Timber Ridge Properties. I have read through the proposed agreement that was posted on the Web Site and can tell from that, that much time and effort was put into that document both by the city and the developer. It shows great thought and care was given to the existing residents that adjoin the property and at this time I can find no fault with that document. I support its passage, it does not include the site development plan but I hope that the city would continue to consider the existing neighborhoods as far as buffers and other items that are included in the actual site plan when that comes to this body as well.

Chris Skorseth, Crescent Ridge Development – Mr. Skorseth would like the Council to extend their preliminary plat for ninety days.

## **COUNCIL MEMBERS REPORT**

Councilor Boucher – No report

Councilor Koski – No report

Councilor Tafs – No report

Councilor Thielen – No report

Mayor MacDonald – The Taste of Hermantown will be held on Thursday, October 23 from 5 to 7 p.m. The cost will be \$15.00 per person and will be held at the Public Safety Building and all the proceeds go to the Hermantown Community Fund, which all the money gets granted back out to Hermantown. Many of the area restaurants will be here providing food for the event. I encourage you to come out for a good cause.

Mayor MacDonald read excerpts from two letters from League of Minnesota recognizing Representative Mary Murphy and Senator Tom Bakk as legislators of distinction on their actions and leadership on a wide variety of legislative issues of importance to cities across Minnesota.

### **CITY ADMINISTRATOR REPORT**

Lynn Lander, City Administrator –Chris Skorseth had asked the Council to extend his final plat for 90 days and I know that Steve was going to research if in fact that was allowable because state law determines what can be done. I ask that Steve make a report on that now so you can take the proper action after his report.

Steve Overom, City Attorney – I took a look at the city ordinance and other paperwork with regard to this. The general rule is that the final plat has to be submitted within a year of approval of the preliminary plat and that you can have a six-month extension of time. In this case the preliminary plat was approved by the Planning Commission in January but the development agreement wasn't actually signed until August. So I am viewing the signing of the development agreement as the starting point for the clock on the preliminary plat and extension so this is the proper action to take as proposed.

### **DEPARTMENT HEADS REPORT**

Debbie Lund, City Clerk – No report

Arlene Tucker, Finance Director – No report

Mike Anderson, Chief of Police – No report

### **COMMUNICATIONS**

Communications 2008-356 through and including 2008-399 were read and placed on file.

Communication 2008-364 from Lynn Lander, City Administrator to Marianne Bohren, WLSSD regarding WLSSD Ordinance

Communication 2008-365 from Frances Miller, 4863 Terrace Circle to City Council regarding Timber Ridge and Trailwood Developments

Communication 2008-385 from Erika Johnson, Planning & Zoning Coordinator to Mayor MacDonald & City Council regarding T-Mobile co-locate 5250 Cameron Road

Communication 2008-386 from Erika Johnson, Planning & Zoning Coordinator to Mayor MacDonald & City Council regarding T-Mobile co-locate 5010 Miller Trunk Hwy

Communication 2008-387 from Erika Johnson, Planning & Zoning Coordinator to Mayor MacDonald & City Council regarding Bristol Wetland Replacement Plan

Communication 2008-388 from Salo Engineering, Inc. to City of Hermantown regarding Construction Meeting – Stebner Park Complex

Communication 2008-399 from Arlene Tucker, Finance Director to Mayor, City Council & City Administrator regarding 2009 Tax Levy Impact

## **NEW BUSINESS**

Motion made by Councilor Boucher, seconded by Councilor Thielen to approve the quotation of the League of Minnesota Cities Insurance Trust for Self-Insured Worker's Compensation effective July 12, 2008 through July 12, 2009 in the amount of \$50,406.00. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

Motion made by Councilor Koski, seconded by Councilor Tafs to approve the quotation of the League of Minnesota Cities Insurance Trust for Property, General Liability, Automobile Umbrella Boiler, Bonds and Public Officials Liability insurance in the amount of \$80,848 effective July 12, 2008 through July 12, 2009. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

## **ACCOUNTS PAYABLE**

Vouchers 39787 through and including 39930 in the amount of \$659,325.01 were read.

Motion made by Councilor Boucher, seconded by Councilor Koski to approve general city warrants in the amount of \$659,325.01. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

## **RESOLUTIONS**

**2008-85**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver An Application To Withhold Tax Forfeit Land From Sale Pending Acquisition And To Execute And Deliver An Application For A Free Conveyance Of Such Land For An Authorized Public Use

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2008-85, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver An Application To Withhold Tax Forfeit Land From Sale Pending Acquisition And To Execute And Deliver An Application For A Free Conveyance Of Such Land For An Authorized Public Use. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-86**      Resolution Authorizing And Directing The Mayor And City Clerk To Enter Into An Agreement With The Hermantown Volunteer Fire Department And The Hermantown Volunteer Fire Relief Association

Motion made by Councilor Boucher, seconded by Councilor Koski to adopt Resolution 2008-86, Resolution Authorizing And Directing The Mayor And City Clerk To Enter Into An Agreement With The Hermantown Volunteer Fire Department And The Hermantown Volunteer Fire Relief Association. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-87**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Agreement Between The Hermantown Police Department And Hermantown Community Schools For Police/School Liaison Officer

Motion made by Councilor Tafs, seconded by Councilor Koski to table Resolution 2008-87, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Agreement Between The Hermantown Police Department And Hermantown Community Schools For Police/School Liaison Officer for two weeks. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-88**      Resolution Authorizing The New Section Of Roadway To Be Constructed In 2008/2009 Between Maple Grove Road And Mall Drive To Be Named Loberg Avenue

Motion made by Councilor Tafs, seconded by Councilor Boucher to adopt Resolution 2008-88, Resolution Authorizing The New Section Of Roadway To Be Construction In 2008/2009 Between Maple Grove Road And Mall Drive To Be Named Loberg Avenue. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-89**      Resolution To Adopt The 2009 Proposed City Levy And 2009 General Fund Appropriation Budget, In Addition, Set The Schedule For The Truth In Taxation Hearing

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2008-89, Resolution To Adopt The 2009 Proposed City Levy And 2009 General Fund Appropriation Budget, In Addition, Set The Schedule For The Truth In Taxation Hearing to be held Monday, December 1, 2008 at 6:30 p.m. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-90**      Resolution Authorizing And Directing The City Administrator To Execute And Deliver LMCIT Liability Coverage Waiver Form Whereby The City Does Not Waive The Monetary Limits On Municipal Tort Liability Established By Minnesota Statutes §466.04

Motion made by Councilor Koski, seconded by Councilor Boucher to adopt Resolution 2008-90, Resolution Authorizing And Directing The City Administrator To Execute And Deliver LMCIT Liability Coverage Waiver Form Whereby The City Does Not Waive The Monetary Limits On Municipal Tort Liability Established By Minnesota Statutes §466.04. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-91**      Resolution Allowing Time Extension For The Submission Of A Final Plat By MN Development Group, Inc. To The City Of Hermantown

Motion made by Councilor Boucher, seconded by Councilor Koski to adopt Resolution 2008-91, Resolution Allowing Time Extension For The Submission Of A Final Plat By MN Development Group, Inc. To The City Of Hermantown. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-92**      Resolution Supporting And Encouraging The Reappointment Of Kelly Cooke To The Governor's Council On Minnesota's Coastal Program

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2008-92, Resolution Supporting And Encouraging The Reappointment Of Kelly Cooke To The Governor's Council On Minnesota's Coastal Program. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-93**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Development Agreement With Timber Ridge Properties, LLC

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2008-93, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Development Agreement With Timber Ridge Properties, LLC

Councilor Thielen stated for the record Mr. Burns is shaking his head yes to the 50-foot vegetative buffer.

Councilor Thielen questioned City Attorney Steve Overom about the five issues in the letter from Steve Carlson's attorney, Mr. Burns dated September 15, 2008. Mr. Overom stated the five issues have been addressed in the new agreement handed out this evening

Motion made by Councilor Boucher, seconded by Councilor Tafs to suspend the rules for Mr. Burns and residents to speak to the Timber Ridge Development. Motion carried.

Mr. Burns stated he wanted to agree with Mr. Thielen about the premise from our discussions is that there is a 90 to 100 foot setback with the 50 feet nearest to the homes would be left undisturbed as much possible and then allowed to grow back to its natural state. So there won't be any landscaping or lawns within those 50 feet.

Kristen Olson, 4840 Terrace Circle – I was just hoping that the natural vegetation could remain as much as possible because there are a lot of mature trees there. I appreciate anything that the developer is willing to do to leave the vegetation as natural as possible but I understand that in order to create his development and buildings he is going to have to do some work there. I just appreciate his understanding and that we really do enjoy the woods there on the side of the homes and we would like to keep as much of it as possible.

Mr. Overom reviewed the last few points of the letter and stated they are already in the revised agreement.

Mr. Burns stated the agreement is acceptable as is now written.

Motion made by Councilor Boucher, seconded by Councilor Thielen to reinstate the rules. Motion carried.

Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-94**      Resolution Receiving Proposed Assessment Roll For The Construction Of Sewer Improvement District No. 429 Hermantown Road And Ordering Hearing Thereon

Motion made by Councilor Boucher, seconded by Councilor Tafs to adopt Resolution 2008-94, Resolution Receiving Proposed Assessment Roll For The Construction Of Sewer Improvement District No. 429 Hermantown Road And Ordering Hearing Thereon with public hearing scheduled for Monday, October 20, 2008 at 6:30 p.m. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-95**      Resolution Approving Special Use Permit For T-Mobile Central, LLC To Construct An Antenna And 10' X 20' Equipment Building And Imposing Conditions Thereon (5010 Miller Trunk Hwy)

Motion made by Councilor Tafs, seconded by Councilor Boucher to adopt Resolution 2008-95, Resolution Approving Special Use Permit For T-Mobile Central, LLC To Construct An Antenna And 10' X 20' Equipment Building And Imposing Conditions Thereon. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-96**      Resolution Approving Special Use Permit For T-Mobile Central, LLC To Construct An Antenna And 10' X 20' Equipment Building And Imposing Conditions Thereon (5250 Cameron Road)

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2008-96, Resolution Approving Special Use Permit For T-Mobile Central, LLC To Construct An Antenna And 10' X 20' Equipment Building And Imposing Conditions Thereon. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-97**      Resolution Approving Wetland Replacement Plan Of David Bristol ("Landowner") And Imposing Conditions On Such Approval

Motion made by Councilor Koski, seconded by Councilor Boucher to adopt Resolution 2008-97, Resolution Approving Wetland Replacement Plan Of David Bristol ("Landowner") And Imposing Conditions On Such Approval. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-98**      Resolution Authorizing Execution Of An Agreement With The Minnesota Department Of Public Safety, Office Of Traffic Safety For The Project Entitled "Safe & Sober Communities" During The Period From October 1, 2008 Through September 30, 2009

Motion made by Councilor Koski, seconded by Councilor Boucher to adopt Resolution 2008-98, Resolution Authorizing Execution Of An Agreement With The Minnesota Department Of Public Safety, Office Of Traffic Safety For The Project Entitled "Safe & Sober Communities" During The Period From October 1, 2008 Through September 30, 2009. Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**2008-99**      Resolution Authorizing And Directing The Mayor To Execute Final Compensating Change Order Number One (1) For Sewer Improvement District No. 429 In The Decreased Amount Of (\$4,830.78)

Motion made by Councilor Koski, seconded by Councilor Thielen to adopt Resolution 2008-99, Resolution Authorizing And Directing The Mayor To Execute Final Compensating Change Order Number One (1) For Sewer Improvement District No. 429 In The Decreased Amount Of (\$4,830.78). Roll Call: Councilors Boucher, Koski, Tafs, Thielen, Mayor MacDonald, aye. Motion carried.

**CITY ATTORNEY**

Steve Overom, City Attorney – No report

Mayor MacDonald announced the schedule of meetings for September.

Mayor MacDonald thanked Nathan Gustavsson for running video equipment.

Motion made by Councilor Tafs, seconded by Councilor Thielen to recess meeting at 7:31 p.m. Motion carried.

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Clerk

ATTEST:

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Mayor