

A continuation of the City Council Meeting held Monday, May 4, 2009 was called to order May 18, 2009 at 6:54 p.m. for the purpose of taking care of unfinished business from the May 4, 2009 meeting.

Pledge of Allegiance

ROLL CALL: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher; Lynn Lander, City Administrator; Debbie Lund, City Clerk; Steve Overom, City Attorney

VISITORS: 2

MINUTES

Motion made by Councilor Tafs, seconded by Councilor Geissler to approve the May 4, 2009 City Council Minutes. Motion carried.

PUBLIC DISCUSSION SUMMARY

Mark Bruzek, 205 Bluffs Ridge Ct, Duluth – I am speaking to Resolution 2009-39. We had a discussion with staff and for the most part we don't have a problem with the newest resolution. There are a few things that I did want to point out and we had some clarifications that Mr. Overom helped us with. There are two paragraphs in the newest resolution, paragraph 2.12 and 2.5. The developer's cost for the PUD we are hoping that we can convince you that this should be eliminated. I stated there are a couple of reasons that this should be eliminated, first the paragraph states there are no limits on these expenses, no sunset, no time limit when it comes to an end. There are no stipulations whether these costs will be because of omissions or commissions on our part and the bottom line is we are going to be paying a pretty significant amount of real estate taxes on this and on this development we are utilizing very little of Hermantown's services. There is no sewer and water, the street is a county street, the land itself is going to be owned by us and the utilities maintained. The biggest problem I have is there is no indication of when these attorney and planner fees, etc. stop. We are proposing that we eliminate that paragraph. Secondly, the paragraph that refers to the amount of \$1,000 per acre, Mr. Overom helped us with this quite a bit. The way I read it, it was still kind of vague and he stated no, this is for sale of specific lots from the development. I can live with that because there is essentially less than an acre that is going to be sold. I would like to put a cap on it, I don't think we are going to get anywhere near that cap of \$3,500 originally I wanted to omit it, I changed it to an alternative. I would like to point out that this is a commercial development and not a residential development and this \$1,000 is for park fees. We are a medical/dental type of development and the people coming out of here really don't want to be using any parks. So we are hoping to see a decrease or a cap put on that.

Mr. Overom stated with respect to Section 2.5 that is mandated by ordinance so it is something you would have to change by amending the ordinance. My understanding is there will be four parcels split out so the total would be \$4,000 for park fees.

Councilor Geissler stated the city needs to be consistent with what we have done with other PUD's and maintain that \$1,000 per acre or portion thereof.

Councilor Tafs stated also the expenses that our city takes on for you to develop must be taken care of. Out of the taxes we receive the city does not get as much as you think of those property taxes and we need to recover some of the administrative work.

Mr. Bruzek stated that is fine with me. I don't have a problem with Mr. Overom's or anybody else's fees what I have a problem with is there is no sign of a limit put on this. In five years the city could come back and ask for more fees.

Mr. Overom reported that with this type of project there would be a development agreement and once that is signed and completed then the up front fees are stated at that point. If there are any enforcement actions to obtain compliance with any of the permits then the fees kick in at that time.

Mayor Boucher asked the city attorney if the motion comes forward if it could be approved pending the language for the fees being worked out by the administration and agreed to by both parties.

COUNCIL MEMBERS REPORT

Councilor Geissler – No report

Councilor Koski- No report

Councilor Stauber – Today I had the pleasure of working with Dean Sharpe and a couple of his workers out in the field on an issue I had on a business I own and as I stated earlier it was excellent service.

Councilor Tafs – No report

Mayor Boucher – No report

CITY ADMINISTRATOR REPORT

Lynn Lander, City Administrator – Within your packet is a memorandum dealing with Western Lake Superior Sanitary District upgrades and I ask that you please read that memorandum and we will have discussion on it at your next meeting.

DEPARTMENT HEADS REPORT

Debbie Lund, City Clerk – No report

COMMUNICATIONS

Communications 2009-172 through and including 2009-191 were read and placed on file.

Communication 2009-175 from John Klaers, City Planner/Zoning Director to Lynn Lander, David Salo & Steve Overom regarding Mitigation for Loberg Avenue Wetland Impacts

Communication 2009-178 from Hermantown Amateur Hockey Association to Mayor & City Council regarding Pull Tab Rental

Communication 2009-187 from Lynn Lander, City Administrator to Mayor & City Council regarding WLSSD Upgrades

Communication 2009-191 from Lynn Lander, City Administrator to Mayor & City Council regarding Sales Tax

RESOLUTIONS

2009-39 Resolution Approving Outline Development Plan Proposed By Airbase Road Development, LLC For A Planned Unit Development

Motion made by Councilor Tafs, seconded by Councilor Stauber to adopt Resolution 2009-39, Resolution Approving Outline Development Plan Proposed By Airbase Road Development, LLC For A Planned Unit Development with the amendment of Section 2.12 allowing the city attorney and developer to resolve legal fees. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-41 Resolution Confirming Appointment Of John Mulder As Hermantown City Administrator

Motion made by Councilor Koski, seconded by Councilor Geissler to adopt Resolution 2009-41, Resolution Confirming Appointment Of John Mulder As Hermantown City Administrator. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

2009-42 Resolution Approving The Purchase Of 3.333 Acres Of Wetland Credits From The Statewide Road Wetland Bank For A Cost Not To Exceed \$0.26 Per Square Foot For The Loberg Avenue Project

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-42, Resolution Approving The Purchase Of 3.333 Acres Of Wetland Credits From The Statewide Road Wetland Bank For A Cost Not To Exceed \$0.26 Per Square Foot For The Loberg Avenue Project. Roll Call: Councilors Geissler, Koski, Stauber, Tafs, Mayor Boucher, aye. Motion carried.

CITY ATTORNEY

Steve Overom, City Attorney – No report

Mayor Boucher thanked Adam Miner for running the video equipment.

Motion made by Councilor Tafs, seconded by Councilor Stauber to recess the meeting at 7:22 p.m. Motion carried.

Clerk

ATTEST:

Mayor